



For Immediate Release
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Supreme Court Vacates Case Challenging Trump Administration's Memorandum Excluding Undocumented People from Census Count

In a 6-3 vote today, the U.S. Supreme Court dismissed as premature a case challenging the Trump Administration's memorandum that seeks to remove undocumented people from the 2020 Census count for purposes of congressional reapportionment. The majority of the Supreme Court held that the actions complained of by plaintiffs essentially had not yet occurred and thus the case is not ripe for its review. The Court's dismissal vacates an earlier ruling in which the U.S. District Court for the Southern District of New York barred the Trump Administration's attempt to exclude people without documented immigration status from the Congressional apportionment base.

Last month, the NAACP Legal Defense and Educational Fund, Inc. (LDF) and law firm Milbank LLP filed an amicus brief urging the Supreme Court to affirm the lower court's ruling in *Trump v. New York*. LDF's brief argued that the text, history, and spirit of the Constitution, as well as two centuries of practice, require that *all* people be counted for purposes of apportioning Congressional representatives, regardless of immigration status.

In response to today's decision, LDF Deputy Director of Litigation Leah Aden released the following statement:

"All communities have the right to representation and the government services that flow from that representation. This administration's bid to rob immigrant communities from equal political representation is clear and shameful. We agree with the dissenting justices that this Administration's memorandum is illegal and unconstitutional, and the time is now for the Supreme Court to say so.

"Still, any effort after today to defy the constitutional and statutory mandates that all people be reflected in the apportionment of representatives will be resisted as advocates have successfully done for years under this outgoing administration. It is crucial to remember that Congress has the authority to protect the Census's complete and accurate count and its uses for apportionment and redistricting."

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation's first civil and human rights law organization. LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF's Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to

shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF. Follow LDF on [Twitter](#), [Instagram](#) and [Facebook](#).