



ALABAMA ATTORNEY GENERAL STEVE MARSHALL AND U.S. REPRESENTATIVE MO BROOKS FILE LAWSUIT AGAINST FEDERAL GOVERNMENT OVER INCLUSION OF ILLEGAL ALIENS IN 2020 CENSUS APPORTIONMENT COUNT

Alabama Expected to Lose One U.S. House Seat and Electoral College Vote if Illegal Aliens Included in Apportionment Count

(MONTGOMERY) – Alabama Attorney General Steve Marshall and U.S. Representative Mo Brooks, R-Alabama, have jointly filed a lawsuit against the federal government over the Census Bureau’s unlawful decision to include illegal aliens in census data used to determine the apportionment of the U.S. House of Representatives and the Electoral College.

“If the U.S. Census Bureau follows through with its plan to include illegal aliens in the 2020 census for purposes of apportionment, Alabama will lose both a seat in the U.S. House of Representatives and a vote in the Electoral College,” said Attorney General Marshall.

“Alabama’s loss will be another state’s gain, as states with a growing illegal alien population will be the beneficiary of this reapportionment. I have joined with Congressman Mo Brooks in filing suit against the federal government to stop the inclusion of illegal aliens in the census’s apportionment population. The Constitution does not permit the dilution of our legal residents’ right to equal representation in this manner.”

“Congressional seats should be apportioned based on the population of American citizens, not illegal aliens,” said U.S. Rep. Mo Brooks. “After all, this is America, not the United Nations. There are roughly fifteen million illegal aliens in America (no one knows for sure the exact number). Roughly fifteen million illegal aliens equals roughly 20 Congressional seats taken from low-illegal alien population states and given to high-illegal alien population states like California. As of today, Alabama likely loses a Congressional seat after the 2020 census if apportionment includes illegal alien counts. The loss of an Alabama Congressional seat will be a huge loss in Alabama’s political influence and will diminish Alabama’s influence in Congress and its importance in presidential elections. I support the equal protection clause of the Fourteenth Amendment to the Constitution and, as such, I join the State of Alabama in seeking to protect the equal protection rights of American citizens by stopping the distribution of Congressional seats based on illegal alien counts. This lawsuit will have significant and enduring effects on Alabama and other states harmed by unconstitutional census methods. Fundamentally, the issue is fair and equal representation for United States citizens. While some stand for illegal aliens, I stand for American citizens.”

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In their lawsuit, Attorney General Marshall and U.S. Rep. Brooks argue the Census Bureau's "Residence Rule," which allows foreign nationals living in the United States to be counted in the census and allocated to the state of their "usual residence" regardless of whether they are legally present in the U.S., violates the Fourteenth Amendment of the U.S. Constitution and the constitutional principal of equal representation:

"The Residence Rule breaches the federal government's constitutional obligation to conduct an 'actual Enumeration' of the number of 'persons in each State.' The phrase 'persons in each State' was understood at both the Founding and in the Reconstruction era to be restricted to aliens who have been lawfully admitted to the body politic constituted by the Constitution. Aliens who are unlawfully present in the United States did not qualify because they are not entitled to political representation. Thus, the actual enumeration of the population cannot include such aliens."

Alabama is not alone in being adversely affected by the Census Bureau's decision to include illegal aliens in the apportionment calculation. Ohio is likely to lose a congressional seat and an electoral vote, and Montana will not gain a congressional seat and an electoral vote it would have acquired if illegal aliens were excluded from the 2020 census and the apportionment base.

The State of Alabama's lawsuit against the U.S. Department of Commerce and the Census Bureau was filed May 21, 2018, in the U.S. District Court for the Northern District of Alabama.

[Link to lawsuit](#)