



FOR IMMEDIATE RELEASE

Contact:

Veena Iyer, Executive Director, Immigrant Law Center of Minnesota
veena.iyer@ilcm.org (651) 641-1011

Executive Order Cannot Rewrite the Constitution: All Must Be Counted in the Census

July 21, 2020—President Trump's latest executive order attempts to create a class of non-persons within the United States, excluding undocumented immigrants from being counted as part of the population of states. The Supreme Court said the president could not require a citizenship question on the census. This attempted end run around that decision is equally illegal.

The Constitution requires a census and mandates that Congressional representation be apportioned be based on the census count. When the Constitution was written, that count excluded "Indians not taxed" and required that enslaved persons be counted as three-fifths of a person. More than a century ago, the country abolished slavery and the 14th Amendment guaranteed equal protection of all persons.

"Today, the president has ordered the creation of a new class of non-persons," said Veena Iyer, executive director of the Immigrant Law Center of Minnesota. "His order excluding undocumented immigrants from the apportionment base is immoral, impossible, and unconstitutional.

"This order is immoral because it expresses the same racist denial of personhood that underlies this administration's immigration policies. It is impossible because the census—which serves as the basis for Congressional apportionment—has no category and no count for 'undocumented' persons, and so no way to exclude them. It is unconstitutional because denying the personhood of anyone in this country flies in the face of the Constitution itself and the 14th Amendment guarantee of equal protection to all persons in the United States. This order cannot stand."