

# The Star-Ledger

## **N.J. sues to block Trump from not counting undocumented immigrants in plan to dole out House seats**

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New Jersey is suing to stop President Donald Trump's plan to not count undocumented immigrants in the process that decides how many representatives each state sends to Congress.

A total of 20 states and several local governments from around the country filed the lawsuit Friday in U.S. District Court for the Southern District of New York.

"The President's plainly illegal action not only dehumanizes members of our community but also seeks to punish states like New Jersey with larger immigrant populations," state Attorney General Gurbir Grewal said in a statement.

The U.S. Constitution says the number of people states send to Congress is based on the "whole number of persons in each State."

On Tuesday, Trump wrote in a memorandum that he could define what a "whole person" was. Since the U.S. doesn't count international tourists during a census, for example, a president should be able to exclude other groups of people, even if they're long-term residents, he said.

"States adopting policies that encourage illegal aliens to enter this country and that hobble Federal efforts to enforce the immigration laws passed by the Congress should not be rewarded with greater representation," Trump wrote.

That rationale was a "blatant disregard of an unambiguous constitutional command," the suing states wrote. No previous president interpreted the Constitution this way, they said, and the change would hurt the federal government's ability to care for everybody within its borders.

It was not immediately clear how Trump would count undocumented immigrants, since the U.S. Supreme Court blocked him from asking residents about their citizenship status on the 2020 Census, which is ongoing.

The almost 8.8 million people recorded in the 2010 Census gave New Jersey a dozen representatives in the House of Representatives. The year Trump was elected, the Pew Research Center estimated that about 5% of the state's population, or 475,000 people, were undocumented.

Each member of Congress represents an average of 747,000 people, according to Pew.

The lawsuit targets Trump, the commerce department and census bureau. Messages left with representatives for each were not immediately returned.

Grewal's office has sued Trump's administration dozens of times, and the federal government sued the state over restrictions on how much information local cops can share with immigration officials.