

The Supreme Court - December 18, 2020

Today, the Supreme Court of the United States issued the following decision:

Trump v. New York, No. 20-366: In July 2020, the President of the United States issued a memorandum to the Secretary of Commerce (who is tasked with taking the census and reporting the tabulation to the President, who in turn transmits the number of persons in each State to Congress) announcing a policy of excluding from the apportionment base of the 2020 census aliens who are not in a lawful immigration status. Various States brought challenges, claiming that the memorandum was chilling aliens and their families from responding to the census, which in turn was degrading the quality of the census data used to allocate federal funds. The District Court declared the memorandum unlawful and enjoined the Secretary from including in his report to the President the information sought to implement the memorandum. Today, in a *per curiam* opinion, the Court vacated and ordered the case dismissed for lack of jurisdiction, holding that the plaintiffs lacked standing and their claims were not ripe. The Court concluded that any chilling effect from the memorandum dissipated after the conclusion of the census response period, and the suit was too speculative at this time as to the threatened impact of an unlawful apportionment on congressional representation and federal funding. Justice Breyer dissented, joined by Justice Sotomayor and Justice Kagan.

The Court's decision is available [here](#).

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