



Office of the Assistant Attorney General

Washington, D.C. 20530

SEP 22 1989

Honorable Jeff Bingaman
Chairman
Subcommittee on Government
Information and Regulation
United States Senate
Washington, D.C. 20510

Dear Senator Bingaman:

You have requested the views of the Department of Justice concerning the constitutionality of proposed legislation excluding illegal or deportable aliens from the decennial census count. In the past, the Department of Justice has taken the position that section two of the Fourteenth Amendment which provides for "counting the whole number of persons in each State" and the original Apportionment and Census Clauses of Article I section two of the Constitution require that inhabitants of States who are illegal aliens be included in the census count. In our review of this issue to date, we have found no basis for reversing this position.

The Office of Management and Budget has advised this Department that it has no objection to the submission of this report to Congress.

Sincerely,

Carol T. Crawford
Assistant Attorney General