Using these same data to predict the outcome for 1990 is problematical because of the many more uncertain assumptions that must be made.

The 1980 Apportionment

Table 4 summarizes trial apportionments based on the results of the 1980 Census. The table shows which States would have gained or lost seats if Passel and Woodrow's alien estimates had been subtracted from each State's population. Two scenarios are presented. The first is based on excluding illegals from the population used for apportionment. This results in California and New York each losing a seat, with Georgia and Indiana gaining seats. The second scenario subtracts all aliens, both legal and illegal, from the apportionment population. This results in the following differences from the actual seat allocations made based on the 1980 Census: California (-3), Florida (-1), New York (-2), Alabama (+1), Arkansas (+1), Georgia (+1), Indiana (+1), Missouri (+1), and North Carolina (+1).

The apportionment showing the impact of excluding all aliens from the apportionment population is included because, historically, the issue has been stated in this way. Although the proposals that are pending before the Congress at this writing only address the issue of illegal aliens, another proposal (either by statute or constitutional amendment) would be to exclude all aliens.

Table 4. 1980 Apportionment Based on Various Assumptions About the Impact
of Accounting for the Alien Estimates of Passel and Woodrow

| State | 1980 Apportionment | Seat gains or losses as a result of subtracting: | |
		Illegal aliens	All aliens
Alabama	7		+1
Alaska	1		
Arizona	5		
Arkansas	4		+1
California	45	-1	-3
Colorado	6		
Connecticut	6		
Delaware	1		
Florida	19		-1
Georgia	10	+1	+1
Hawaii	2		
Idaho	2		
Illinois	22		
Indiana	10	+1	+1
Iowa	6		
Kansas	5		
Kentucky	7		
Louisiana	8		
Maine	2		
Maryland	8		
Massachusetts	11		
Michigan	18		
Minnesota	8		
Mississippi	5		
Missouri	9		+1

Table 4. 1980 Apportionment Based on Various Assumptions About the Impact of
Accounting for the Alien Estimates of Passel and Woodrow--Continued

| State | 1980 Apportionment | Seat gains or losses as a result of subtracting: | |
		Illegal aliens	All aliens
Montana	2		
Nebraska	3		
Nevada	2		
New Hampshire	2		
New Jersey	14		
New Mexico	3		
New York	34	-1	-2
North Carolina	11		+1
North Dakota	1		
Ohio	21		
Oklahoma	6		
Oregon	5		
Pennsylvania	23		
Rhode Island	2		
South Carolina	6		
South Dakota	1		
Tennessee	9		
Texas	27		
Utah	3		
Vermont	1		
Virginia	10		
Washington	8		
West Virginia	4		
Wisconsin	9		
Wyoming	1		

SOURCE: Apportionments calculated on the Library of Congress central computer.

The 1990 Apportionment

Attempts to predict which States in 1990 will be affected by excluding the illegal aliens from State populations used to reapportion the House are almost certain to fail because of the assumptions of uncertain probability that must be made. [78] First, the likely population for each State as of April 1, 1990 must be projected. Table 7, for example, is based on three such projections which produce differing results. Second, a set of assumptions must be made about the illegal alien population, including: (1) how many will be counted in the next census; and (2) how they will be distributed among the States.

The first step, choosing a 1990 population projection, poses significant problems.

Caveats About Population Projections

Projecting population is an inexact science. Generally, projections for large geographic units are more likely to be accurate than those for smaller units. To illustrate this, CRS conducted a "test" using projections for predicting a future apportionment for which there are actual results, i.e. population projections issued by the Census Bureau in 1979 that estimated the 1980 population were used.

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[78] The 1990 apportionment examples do not include information about excluding legal aliens in addition to illegal aliens because the issue currently before the Congress and the courts is one of excluding illegal aliens. Table 4, which presents data on excluding aliens from the 1980 apportionment illustrates that excluding all aliens would probably have a much greater impact on apportionment than excluding only illegals.

In 1979, the Bureau issued three separate projections of population for 1980 using three different sets of assumptions. [79] They all projected the same total for the U.S. population, 221,220,100 (5,284,800 less than the actual 226,504,800 census count). Signe Wetrogen, in the introduction to her 1983 Census Bureau projections, writes that "the series B set of State population projections was generally closer to the 1980 decennial data than either the series A or C set of projections." [80] Thus series B was chosen as the test population projection to predict the apportionment after the Census. A comparison of the apportionment results using series B with the actual 1980 apportionment results in the following differences. Five House seats would have switched among ten States. Five States would have each received one fewer seat than they actually received as a result of the 1980 Census: California, Nevada, New Mexico, Texas, and Washington; while five States would each have received one more seat than they actually received from the 1980 Census: Indiana, Maryland, Michigan, New Jersey, and New York.

Wetrogen reports that the "largest differences between these projections and 1980 Census occurred in the Western States, where the series B set of State projections were 6.4 percent lower than the census data. For the Northeast the turnarounds projected in the previous set of projections [series B] did not

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[79]   U.S. Bureau of the Census. Illustrative Projections of State Populations by Age, Race and Sex: 1975 to 2000. Series P-25, No. 796, Mar. 1979.

[80]   U.S. Bureau of the Census. Provisional Projections of the Population of States by Age and Sex: 1980 to 2000. Series P-25, No. 937, Aug. 1983. p. 9. (Although all the projections were off by slightly more than five million persons, the series B projections came closer to the individual State totals than either the Series A and C projections.)

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occur and the projected populations were 1.4 percent higher than the census data." [81]

The 1979 projections illustrate the problematic nature of trying to predict future House apportionments. The apportionment formula is sensitive to minute population shifts. Adding or subtracting a small number of people from a State's population can make a difference in whether or not a seat is assigned to that State. Nevertheless, as imperfect as population projections are, they are a necessary component in the process of anticipating what representation in the House may be after the next reapportionment.

Caveats About Illegal Alien Assumptions in the Apportionment Illustrations

Although estimates exist as to how many illegal aliens were included in the Census counts of each of the States in 1980, as was discussed previously, no information is available about how many illegal aliens are currently residing in each State, or what proportion of them is likely to be counted in the 1990 Census. Because of the unknowables at this writing, it would be preferable to avoid tables that purport to show the impact of excluding illegal aliens from the 1990 Census, even for illustrative purposes, because they are even more speculative than tables based on population projections that are unadjusted to account for the alien population.

Nevertheless, in response to congressional requests to provide such information, Table 7 has been prepared. At the outset, it should be

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[81]   Ibid.

noted that: first, the table uses three different population projections for 1990 which produce different populations for the States; second, it is based on the doubtful assumption that the illegal alien population will be distributed in exactly the same fashion as Passel and Woodrow estimated that it was in 1980; and third, it reports results for illegal alien populations of two million to ten million persons in two million person increments.

Table 7 should be read subject to the following caveats:

(1) The 1990 population projections may be wrong. Even if the projections are substantially right, very small population differences can affect how seats are assigned. [82]

(2) Assuming that the illegal alien population will be distributed among the States in the same proportions that Passel and Woodrow estimated in the 1980 Census may also be wrong. In population forecasting past is not always prologue. This method to distribute the illegal alien population was chosen because no other alternative is available at this time.

(3) The illegal alien populations shown in the table (two million to ten million in two million person increments) are completely arbitrary. There is no way of knowing how many aliens will be counted in the 1990 Census.

Given these caveats, how should the table be read? First, one must keep in mind the illegal alien distribution information contained in Tables 1 and 2. If one accepts the fundamental assumption that the distribution of the illegal alien population in 1990 will mirror the estimate of that distribution in 1980, the likelihood of an individual State being affected by excluding the illegal aliens is dependent on (1) how many such aliens are subtracted, and (2) how close the State is to losing a seat in the House. An example from the 1980 Census can illustrate this point.

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[82]   In 1971, fewer than 300 persons determined whether Connecticut received seven seats, leaving Oklahoma with five seats. Both States received six seats that year.

In 1980, New York's 34th seat in the House was the last seat assigned (seat number 435). Indiana just missed retaining 11 seats in the House. [83] If New York's population had been smaller by 23,063 persons, or if Indiana had been larger by 7,226 persons, Indiana would have had the 435th seat in the House and New York would have had one less seat. According to Passel and Woodrow's estimates, New York had 234,000 illegal aliens in its census count (1.33 percent of New York's total of 17,557,288 persons); Indiana had 8,000 illegal aliens (.15 percent of Indiana's total of 5,490,179 persons). If illegal aliens had been excluded from all the States' populations according to Passel and Woodrow's estimates, New York would have lost enough population, as compared with Indiana's lesser loss, to enable Indiana's 11th seat to "bump up" five positions to number 433; New York's 34th seat would have dropped three positions to 438; thereby causing New York to lose a seat and Indiana to retain its 11th seat.

In the case of California and Georgia, the two other States which would have been affected if the 1980 Census had excluded illegal aliens, the situation is more dramatic. According to Passel and Woodrow's estimates, California had 1,024,000 illegal aliens (4.33 percent of California's 23,668,562 persons); Georgia had 12,000 illegal aliens (.22 percent of Georgia's 5,464,265 persons). Excluding illegal aliens would have lowered California's claim to a 45th seat in the House which stood at 425, to 442; Georgia's 11th seat would have moved up to 435 from 437, causing California to lose and Georgia to gain a seat.

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[83]   Indiana's 11th seat numbered 436 in priority.

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Although California, New York, Georgia and Indiana are the only States that would have actually lost or gained seats as a result of using Passel and Woodrow's estimates to adjust the counts to exclude the illegal alien population, Table 5, below, illustrates that excluding the illegal alien population would have affected the entire sequence of seat assignments.

Table 5. 1980 Census Seat Assignment Rankings Before and After
Adjusting for 2,000,000 Illegal Aliens (Showing Seat Assignments
Numbers 420-440)

Seq-uence	Actual 1980 census assignments			1980 assignments adjusted to exclude illegal aliens		
	State	Seat	Priority	State	Seat	Priority
420	Minnesota	8	5,448,318	New York	33	5,330,721
421	California	44	5,441,408	California	43	5,328,561
422	Tennessee	9	5,410,251	Iowa	6	5,314,756
423	New York	33	5,403,882	Texas	27	5,299,881
424	Texas	27	5,370,157	Michigan	18	5,288,221
425	California	45	5,319,114	Pennsylvania	23	5,272,090
426	Iowa	6	5,319,093	Kansas	5	5,266,221
427	Illinois	22	5,312,349	Ohio	21	5,263,880
428	New Mexico	3	5,307,097	New Mexico	3	5,243,341
429	Michigan	18	5,292,643	Oregon	5	5,250,520
430	Kansas	5	5,284,294	Illinois	22	5,249,301
431	Pennsylvania	23	5,275,404	Colorado	6	5,240,420
432	Colorado	6	5,274,265	Indiana	11	5,227,491
433	Ohio	21	5,268,601	Florida	19	5,223,381
434	Florida	19	5,266,784	California	44	5,206,051
435	New York	34	5,241,565	Georgia	11	5,198,851
- Sequence Number 435 is the Last Seat Assignment Allowed by Law -						
436	Indiana	11	5,234,680	Alabama	8	5,191,900
437	Georgia	11	5,209,972	Missouri	10	5,176,701
438	California	46	5,202,196	New York	34	5,171,551
439	Alabama	8	5,198,313	Texas	28	5,107,091
440	Missouri	10	5,183,441	North Carolina	12	5,104,921

Changing the _sequence_ of assignments affects the States relatively. Thus,

certain State's seat assignments may be altered in their relationship to the

435th seat cutoff point mandated by law. [84] This property expands the number

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[84] 55 Stat. 761. (1941) Sec. 22 (a). Codified in 2 USC 2(a). For a
fuller explanation of the reapportionment process, see: U.S. Library of
Congress. Congressional Research Service. Apportioning Seats in the House of
Representatives: the Method of Equal Proportions. Report No. 88-143 GOV, by
David C. Huckabee. Washington, 1988.

of seats which <u>potentially</u> are affected when evaluating an apportionment scenario because of the very small differences in population which can make a difference in whether a State gains, loses, or retains a seat. The NPA Data Services 1990 projection can serve as an example. Table 6, below sets out the sequence of seat assignments between 420 and 440 using these projections.

Table 6. Projected 1990 Census Seat Assignment Rankings Before and After Adjusting for 2,000,000 Illegal Aliens (Showing Seat Assignment Numbers 420-440), Using NPA Data Service Projections

| Seq-uence | Projected 1990 census assignments | | | 1990 assignments adjusted to exclude illegal aliens | | |
	State	Seat	Priority*	State	Seat	Priority*
420	Michigan	16	5,944,900	Kentucky	7	5,935,890
421	Mississippi	5	5,943,461	Minnesota	8	5,878,941
422	Kentucky	7	5,942,061	*California	47	5,870,891
423	Illinois	20	5,914,551	Tennessee	9	5,861,320
424	Minnesota	8	5,889,630	Louisiana	8	5,857,691
425	New York	31	5,880,312	*Illinois	20	5,846,841
426	Tennessee	9	5,868,390	Wisconsin	9	5,837,631
427	Louisiana	8	5,865,710	Florida	22	5,829,010
428	Florida	22	5,865,301	*New York	31	5,814,550
429	Wisconsin	9	5,847,060	New Jersey	14	5,806,641
430	California	49	5,834,961	Texas	30	5,762,350
431	New Jersey	14	5,833,330	Virginia	11	5,760,431
432	Texas	30	5,824,051	*California	48 -1	5,747,281
433	Virginia	11	5,790,941	Massachusetts	11	5,741,171
434	Massachusetts	11	5,756,430	North Carolina	12	5,718,100
435	North Carolina	12	5,725,061	Pennsylvania	22 +1	5,707,211
- Sequence Number 435 is the Last Seat Assignment Allowed by Law -						
436	California	50	5,834,561	Ohio	20	5,645,591
437	Pennsylvania	22	5,710,000	West Virginia	4	5,636,090
438	New York	32	5,702,301	New York	32	5,629,470
439	Ohio	20	5,650,521	*California	49	5,628,400
440	West Virginia	4	5,640,131	Michigan	17	5,588,384

*   States losing relative priority position due to excluding illegal aliens.
_   States gaining relative priority position due to excluding illegal aliens.
+- States where excluding illegal aliens altered the number of seats assigned are indicated by a "+" or "-" sign, followed by the number of seats the State would gain or lose over no adjustment.

Although only two States, California (-1) and Pennsylvania (+1), would actually have their allocation of seats changed under this scenario, the priority listing of seat assignments would be changed for all States. Table 6 illustrates that adjusting for the illegal alien population would alter priority rankings, i.e. putting some States in a lower position and others in a higher position. Thus, while California and Pennsylvania are the only changes indicated by this example, if the NPA Data Services based projections are not exactly correct (but they are close to being correct) other States on the priority listing near position 435 may be affected instead of, or in addition to, these States.

1990 Apportionment Scenarios

Given the caveats cited above, and the information available to us about the distribution of the illegal alien population, California would be likely (but not certain) to be particularly affected by excluding illegal aliens [85] (because it was estimated to have half the illegal aliens counted in the 1980 Census). Which other States might be affected depends on how many illegal aliens are counted in each State's population, as well as how close a State is to gaining or losing a seat. Thus, there may be a larger number of States which may be potentially affected than is reflected in Table 7 below. [86]

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[85] This assumes that at least as many illegals will be counted in 1990 as were counted in 1980 and that the distribution of the illegal alien population in 1990 will mirror the 1980 distribution. If a very small number of illegals are included in the 1990 Census, it is possible that no States would be affected.

[86] Appendix A illustrates this point by setting out priority listings of House seat assignments for three population projections, side-by-side. By referring to the sequence number above and below number 435 (the last seat assigned in the House), one can see that the potential universe of gainers and
(continued...)

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Table 7 reports the results of trial apportionments based on 1990 population projections produced by the Census Bureau in 1988, NPA Data Services in 1987, and the Bureau of Economic Analysis in 1985. The table presents what the seat assignments would be for each State if each estimate were correct, and then what would happen if various populations of illegal aliens were to be subtracted from the projected apportionment population.

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[86] (...continued)
losers from an illegal alien adjustment is larger than one would assume from the information contained in table 7.

Table 7. 1990 Apportionment Scenarios Assuming Various Estimates of the Illegal Alien Population Are Subtracted From Each State's Population in the Proportion That They Were Estimated to be in 1980: Part 1--Subtraction of 2, 4 and 6 Million Aliens

| | Current 1980 apport. | Projected 1990 apportionment | | | Change in projected 1990 apportionment if illegals are subtracted: | | | | | | | | |
| | | | | | 2,000,000 | | | 4,000,000 | | | 6,000,000 | | |
		Census	NPA Data	BEA	Census	NPA Data	BEA	Census	NPA Data	BEA	Census	NPA Data	BEA
Alabama	7	7	7	7									
Alaska	1	1	1	1									
Arizona	5	7	6	6									
Arkansas	4	4	4	4									
California	45	50	49	49	-1	-1	-1	-2	-2	-3	-3	-4	-4
Colorado	6	6	6	6									
Connecticut	6	6	6	6									
Delaware	1	1	1	1									
Florida	19	22	22	22									
Georgia	10	12	11	11									
Hawaii	2	2	2	2									
Idaho	2	2	2	2									
Illinois	22	20	20	20									
Indiana	10	10	10	10									
Iowa	6	5	5	5									
Kansas	5	4	4	4		+1			+1			+1	
Kentucky	7	7	7	7									
Louisiana	8	8	8	8									
Maine	2	2	2	2									
Maryland	8	8	8	8									

Table 7. 1990 Apportionment Scenarios Assuming Various Estimates of the Illegal Alien Population Are Subtracted From Each State's Population in the Proportion That They Were Estimated to be in 1980--Part 1, Continued

| | Current 1980 apport. | Projected 1990 apportionment | | | Change in projected 1990 apportionment if illegals are subtracted: | | | | | | | | |
| | | | | | 2,000,000 | | | 4,000,000 | | | 6,000,000 | | |
		Census	NPA Data	BEA	Census	NPA Data	BEA	Census	NPA Data	BEA	Census	NPA Data	BEA
Massachusetts	11	10	11	11									
Michigan	18	16	16	16							+1	+1	+1
Minnesota	8	8	8	8									
Mississippi	5	5	5	5									
Missouri	9	9	9	9									
Montana	2	1	2	2				+1			+1		
Nebraska	3	3	3	3									
Nevada	2	2	2	2									
New Hampshire	2	2	2	2									
New Jersey	14	14	14	14									
New Mexico	3	3	3	3									
New York	34	31	31	32							-1		
North Carolina	11	12	12	11						+1			+1
North Dakota	1	1	1	1									
Ohio	21	19	19	19					+1			+1	
Oklahoma	6	6	6	6									
Oregon	5	5	5	5									
Pennsylvania	23	20	21	21	+1	+1		+1	+1	+1	+1	+1	+1
Rhode Island	2	2	2	2									
South Carolina	6	6	6	6									

Table 7. 1990 Apportionment Scenarios Assuming Various Estimates of the Illegal Alien Population Are Subtracted From Each State's Population in the Proportion That They Were Estimated to be in 1980--Part I, Continued

| | Current 1980 apport. | Projected 1990 apportionment | | | Change in projected 1990 apportionment if illegals are subtracted: | | | | | | | | |
| | | | | | 2,000,000 | | | 4,000,000 | | | 6,000,000 | | |
		Census	NPA Data	BEA	Census	NPA Data	BEA	Census	NPA Data	BEA	Census	NPA Data	BEA
South Dakota	1	1	1	1									
Tennessee	9	9	9	9									
Texas	27	31	30	31			-1			-1			-1
Utah	3	3	3	3									
Vermont	1	1	1	1									
Virginia	10	11	11	10									
Washington	8	8	8	8									
West Virginia	4	3	3	3			+1			+1		+1	+1
Wisconsin	9	8	9	9				.			+1		
Wyoming	1	1	1	1									

SOURCES: See notes at end of part II of Table 7.

Table 7. 1990 Apportionment Scenarios Assuming Various Estimates of the Illegal Alien
Population Are Subtracted From Each State's Population in the Proportion That They
Were Estimated to be in 1980: Part 2--Subtraction of 8 and 10 Million Aliens

| | Current 1980 apport. | Projected 1990 apportionment | | | Change in projected 1990 apportionment if illegals are subtracted: | | | | | |
| | | | | | 8,000,000 | | | 10,000,000 | | |
		Census	NPA Data	BEA	Census	NPA Data	BEA	Census	NPA Data	BEA
Alabama	7	7	7	7	+1			+1		
Alaska	1	1	1	1						
Arizona	5	7	6	6						
Arkansas	4	4	4	4						
California	45	50	49	49	-5	-5	-5	-6	-7	-7
Colorado	6	6	6	6						
Connecticut	6	6	6	6						
Delaware	1	1	1	1						
Florida	19	22	22	22	+1			+1		
Georgia	10	12	11	11		+1			+1	+1
Hawaii	2	2	2	2						
Idaho	2	2	2	2						
Illinois	22	20	20	20						
Indiana	10	10	10	10						
Iowa	6	5	5	5						
Kansas	5	4	4	4			+1		+1	+1
Kentucky	7	7	7	7						
Louisiana	8	8	8	8						
Maine	2	2	2	2						
Maryland	8	8	8	8						

Table 7. 1990 Apportionment Scenarios Assuming Various Estimates of the Illegal Alien Population Are Subtracted From Each State's Population·in the Proportion That They Were Estimated to be in 1980: Part 2--Subtraction of 8 and 10 Million Aliens

| | Current 1980 apport. | Projected 1990 apportionment | | | Change in projected 1990 apportionment if aliens are subtracted: | | | | | |
| | | | | | 8,000,000 | | | 10,000,000 | | |
		Census	NPA Data	BEA	Census	NPA Data	BEA	Census	NPA Data	BEA
Massachusetts	11	10	11	11				+1		
Michigan	18	16	16	16	+1	+1	+1	+1	+1	+1
Minnesota	8	8	8	8						
Mississippi	5	5	5	5						
Missouri	9	9	9	9						
Montana	2	1	2	2	+1			+1		
Nebraska	3	3	3	3						
Nevada	2	2	2	2						
New Hampshire	2	2	2	2						
New Jersey	14	14	14	14						
New Mexico	3	3	3	3						
New York	34	31	31	32	-1		-1	-1		-1
North Carolina	11	12	12	11			+1			+1
North Dakota	1	1	1	1						
Ohio	21	19	19	19		+1	+1	+1	+1	+1
Oklahoma	6	6	6	6						
Oregon	5	5	5	5						
Pennsylvania	23	20	21	21	+1	+1	+1	+1	+1	+1
Rhode Island	2	2	2	2						
South Carolina	6	6	6	6					+1	

Table 7. 1990 Apportionment Scenarios Assuming Various Estimates of the Illegal Alien Population Are Subtracted From Each State's Population in the Proportion That They Were Estimated to be in 1980: Part 2--Subtraction of 8 and 10 Million Aliens

| | | Projected 1990 apportionment | | | Change in projected 1990 apportionment if aliens are subtracted: | | | | | |
| | Current 1980 apport. | | | | 8,000,000 | | | 10,000,000 | | |
		Census	NPA Data	BEA	Census	NPA Data	BEA	Census	NPA Data	BEA
South Dakota	1	1	1	1						
Tennessee	9	9	9	9						
Texas	27	31	30	31		-1			-1	-1
Utah	3	3	3	3						
Vermont	1	1	1	1						
Virginia	10	11	11	10						+1
Washington	8	8	8	8			+1			+1
West Virginia	4	3	3	3		+1	+1		+1	+1
Wisconsin	9	8	9	9	+1			+1		
Wyoming	1	1	1	1						

SOURCES: The NPA Data apportionments were computed based on: NPA Data Services, Inc. Regional Economic Projections Series 1986-R-1. Summary Table 2. State Population, Employment, Personal Income, 1970-2010. Jan. 1987. The BEA apportionments were computed based on: U.S. Dept. of Commerce. Bureau of Economic Analysis. Regional Economic Analysis Division. Regional State Projections of Income, Employment, and Population to the Year 2000. Survey of Current Business, v. 65, no. 5, May 1985. p. 48. The Census apportionments were computed based on: U.S. Dept. of Commerce. Bureau of the Census. Commerce News (CB88-48). Three States Likely to Provide Half of U.S. Population Growth into the Next Century. April 1, 1988.

Method: Data on the State-by-State distribution of undocumented immigrants were obtained from: Passel, Jeffrey S. and Karen A. Woodrow. Geographic Distribution of Undocumented Immigrants: Estimates of Undocumented Aliens Counted in the 1980 Census by State. International Migration Review, v. 18, no. 3, Fall 1984. From the information presented, it is possible to compute an estimate of the proportion of the total U.S. population of undocumented aliens living in each State. This proportion is multiplied by various assumptions of the numbers of aliens that may be counted in the 1990 census. The resulting products of the multiplications are subtracted from each State's population. These adjusted populations are used to compute trial apportionments.

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With the exception of the two million illegal alien level which is included in Table 7 because it relates to Passel and Woodrow's 2.04 million estimate for 1980, the other levels--ranging from four million to ten million-- are arbitrary choices. At the two million level, all three population projections (adjusted to exclude illegal aliens) show California receiving one seat less than it would have without this alien exclusion. Two of the three projections (Census and NPA Data Services) show Pennsylvania being benefited by losing one less seat that it would have otherwise. The BEA projections, in addition to indicating California's relative loss of a seat, show Texas not gaining one seat and Kansas and West Virginia not losing a seat that these States would have otherwise gained or lost. As the number of illegal aliens increases (four million, six million, etc.), more States are affected and the magnitude of the seat gains or losses also become larger. However, the likelihood of the Census including 4, o, 8, or 10 million illegal aliens is probably low.

A more conservative approach to assessing the impact of illegal aliens on the 1990 apportionment, not reflected in Table 7, would be to assume that the total number of illegal aliens counted in the 1990 Census will be significantly lower than in 1980, because of the legalization process. One way of examining this alternative is to subtract the total number of I-687 applicants (illegal aliens who were in the country prior to 1982) from Passel and Woodrow's estimates of the number of illegals counted in each State in 1980, and then subtract this number from the Census Bureau 1990 population projections. At this writing, this procedure would allocate fewer than one million illegal aliens among the fifty States. This procedure results in one House seat changing hands. Pennsylvania would retain a seat that it would have otherwise lost, and Minnesota would lose a seat. (Without an illegal alien adjustment in

this example Minnesota's eighth seat was ranked 435 in priority with Pennsylvania's 21st seat ranking 436. With the illegal alien adjustment, Minnesota's eighth seat drops in rank to 436 and Pennsylvania's 21st seat moves up in rank to 435.) Although Passel and Woodrow estimated that both States had very few illegal aliens included in their 1980 census count (9,000 for Minnesota and 7,000 for Pennsylvania), in this illustration a seat shifts between these States because they were near or at the 435th seat in the priority listing.

CONCLUSION

Numerous uncertainties of trying to predict future apportionments have been described in this report, including: that small population differences can make and have made a difference in apportionments; the difficulty of making illegal alien counts or estimates; the problems with using population projections to predict apportionments and the disagreement among projections. The reader should thus be alerted that the trial apportionments discussed in the preceding section should be regarded as illustrative, rather than as predictions of what might happen if illegals are not included in the 1990 apportionment count.

If a decision were made to exclude illegals, a method for doing so that would be fair to all the States would have to be found. Several different methods have been discussed, together with the advantages and disadvantages of each. Only one of the methods (Passel and Woodrow's residual technique for deriving State-level estimates of illegals counted in the census) would not involve changing the census questionnaire. However, Passel and Woodrow's method not only involves many assumptions, but also will be infeasible unless

the INS Alien Registration Program or an equivalent is reinstituted. Moreover, as previously noted, if illegal aliens were excluded from the apportionment population and not similarly excluded from the sub-State populations used for redrawing districts within States, concentrations of illegals within States might affect redistricting in ways that could well be considered unfair i.e. the problem of illegals would be corrected at one level of the process (apportionment), but not at the other (redistricting). Finally, any method would have to be implemented so as to meet the statutory deadlines for reporting the apportionment population and for redistrictings to occur in time for the 1992 House elections.

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APPENDICES

Appendices A and B provide comparative information about the priority listings for apportionment (based on the three different population projections for 1990) used in this report.

Appendix A is a comparative table of priority lists assuming that two million illegal aliens are excluded from the differing population projections by the Commerce Department's Census Bureau, Bureau of Economic Analysis (BEA), and a private company, NPA Data Services, Inc. The table is based on the assumption that the illegal alien population will be distributed proportional to Passel and Woodrow's estimates from the 1980 Census. The differing priority rankings for each of the projections illustrates how the priority rankings are altered by differing population assumptions.

Appendix B gives the adjusted State populations (to exclude two million illegal aliens) used to produce the priority listings in Appendix A.

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Appendix A. Comparative Priority Lists Based on Three Population Projections
for 1990 (State Populations Adjusted to Exclude 2,000,000 Illegal Aliens
Proportional to Passel and Woodrow's Estimates for 1980)*

Census 1990 projections				NPA data 1990 projections				BEA 1990 projections			
Seq.	State	seat	priority	Seq.	State	seat	priority	Seq.	State	seat	priority
51	CA	2	019886812.19	51	CA	2	019301398.50	51	CA	2	019069396.77
52	NY	2	012405198.31	52	NY	2	012537427.27	52	NY	2	012750973.52
53	TX	2	012395440.24	53	TX	2	012018198.77	53	TX	2	012168458.96
54	CA	3	011481655.31	54	CA	3	011143666.58	54	CA	3	011009720.34
55	FL	2	009008115.97	55	FL	2	008858916.44	55	FL	2	008803055.01
56	PA	2	008357860.58	56	PA	2	008673371.62	56	PA	2	008515545.39
57	CA	4	008118757.07	57	IL	2	008058895.84	57	IL	2	008120696.97
58	IL	2	008117161.44	58	CA	4	007879762.93	58	CA	4	007785048.62
59	OH	2	007623600.92	59	OH	2	007781922.12	59	OH	2	007611580.10
60	NY	3	007162143.92	60	NY	3	007238486.34	60	NY	3	007361777.31
61	TX	3	007156510.09	61	TX	3	006938709.65	61	TX	3	007025462.41
62	MI	2	006565769.19	62	MI	2	006517120.24	62	MI	2	006514857.50
63	CA	5	006288761.38	63	CA	5	006103637.34	63	CA	5	006030271.96
64	NJ	2	005559980.52	64	NJ	2	005539191.58	64	NJ	2	005591093.22
65	FL	3	005200837.70	65	NY	4	005118383.24	65	NY	4	005205563.13˙
66	CA	6	005134751.99	66	FL	3	005114697.32	66	FL	3	005082445.71
67	NY	4	005064401.00	67	PA	3	005007572.98	67	TX	4	004967752.56
68	TX	4	005060417.28	68	CA	6	004983598.85	68	CA	6	004923696.27
69	PA	3	004825412.61	69	TX	4	004906409.10	69	PA	3	004916451.97
70	NC	2	004724038.90	70	IL	3	004652805.25	70	IL	3	004688486.15
71	GA	2	004703249.96	71	NC	2	004644560.10	71	NC	2	004580496.22
72	IL	3	004686444.91	72	GA	2	004509431.99	72	GA	2	004462833.66
73	OH	3	004401487.63	73	OH	3	004492894.41	73	OH	3	004394547.41
74	CA	7	004339657.21	74	VA	2	004270783.46	74	MA	2	004378263.69
75	VA	2	004329756.16	75	MA	2	004256924.17	75	CA	7	004161282.58
76	MA	2	004145625.56	76	CA	7	004211909.50	76	VA	2	004152272.36
77	NY	5	003922867.64	77	IN	2	003997486.69	77	NY	5	004032211.35
78	TX	5	003919781.87	78	NY	5	003964682.11	78	IN	2	003955979.53
79	IN	2	003919209.97	79	TX	5	003800487.66	79	TX	5	003848004.10
80	MI	3	003790748.26	80	MI	3	003762660.78	80	MI	3	003761354.38
81	CA	8	003758252.98	81	MO	2	003654893.46	81	MO	2	003655317.73
82	FL	4	003677547.94	82	CA	8	003647620.23	82	CA	8	003603776.03
83	MO	2	003666631.44	83	FL	4	003616637.49	83	FL	4	003593832.15
84	TN	2	003511209.37	84	PA	4	003540889.13	84	PA	4	003476456.84
85	PA	4	003412082.29	85	TN	2	003516512.67	85	WI	2	003475288.34
86	WI	2	003393971.07	86	WI	2	003502441.24	86	TN	2	003456762.15
87	MD	2	003321704.75	87	WA	2	003319583.43	87	WA	2	003351968.92

* The priority listing begins with sequence number 51 because the first first 50 seats
are assigned to the States by the Constitution.

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Appendix A. Comparative Priority Lists Based on Three Population Projections
for 1990 (State Populations Adjusted to Exclude 2,000,000 Illegal Aliens
Proportional to Passel and Woodrow's Estimates for 1980)--Continued

Census 1990 projections				NPA data 1990 projections				BEA 1990 projections		
Seq.	State	seat	priority	Seq.	State	seat	priority	Seq.	State	seat	priority
88	CA	9	003314467.30	88	IL	4	003290030.44	88	IL	4	003315260.65
89	IL	4	003313817.28	89	MD	2	003258772.25	89	NY	6	003292286.67
90	WA	2	003277722.71	90	NY	6	003237149.27	90	LA	2	003287339.36
91	NJ	3	003210055.95	91	CA	9	003216898.39	91	NJ	3	003228018.87
92	NY	6	003203007.90	92	NJ	3	003198053.45	92	CA	9	003178231.45
93	TX	6	003200488.38	93	OH	4	003176956.40	93	MD	2	003161898.62
94	LA	2	003186223.10	94	MN	2	003110138.41	94	TX	6	003141882.08
95	OH	4	003112322.04	95	TX	6	003103085.07	95	MN	2	003116219.53
96	MN	2	003051165.70	96	LA	2	003098895.41	96	OH	4	003107414.56
97	CA	10	002964549.56	97	AL	2	002899562.01	97	AL	2	002847801.80
98	AL	2	002953160.71	98	CA	10	002877281.28	98	CA	10	002842696.52
99	FL	5	002848616.02	99	FL	5	002801434.99	99	FL	5	002783770.06
100	NC	3	002727424.87	100	PA	5	002742760.58	100	NY	7	002782489.90
101	CA	3	002715422.38	101	NY	7	002735890.30	101	PA	5	002692851.55
102	NY	7	002707035.58	102	KY	2	002719886.18	102	KY	2	002665509.67
103	TX	7	002704906.20	103	NC	3	002681537.77	103	MI	4	002659679.43
104	CA	11	002681535.94	104	MI	4	002660603.19	104	TX	7	002655374.84
105	MI	4	002680464.04	105	TX	7	002622585.38	105	NC	3	002644550.48
106	KY	2	002645003.58	106	GA	3	002603521.53	106	GA	3	002576617.97
107	PA	5	002642987.24	107	CA	11	002602598.81	107	CA	11	002571315.72
108	AZ	2	002635952.61	108	AZ	2	002552019.04	108	IL	5	002567989.53
109	IL	5	002566871.50	109	IL	5	002548446.30	109	CO	2	002545442.94
110	SC	2	002506552.07	110	SC	2	002528896.64	110	AZ	2	002528472.38
111	VA	3	002499785.65	111	CO	2	002493753.44	111	MA	3	002527791.48
112	CA	12	002447897.04	112	VA	3	002465737.75	112	SC	2	002445740.89
113	CO	2	002415335.30	113	OH	5	002460859.53	113	OK	2	002439376.93
114	OH	5	002410793.97	114	MA	3	002457736.08	114	NY	8	002409706.68
115	MA	3	002393477.81	115	CA	12	002375837.60	115	OH	5	002406992.66
116	NY	8	002344361.33	116	NY	8	002369350.25	116	VA	3	002397315.34
117	TX	8	002342517.23	117	OK	2	002351554.27	117	CT	2	002396384.84
118	FL	6	002325885.16	118	CT	2	002321997.20	118	CA	12	002347280.17
119	CT	2	002315774.66	119	IN	3	002307949.80	119	TX	8	002299621.81
120	OK	2	002314926.14	120	FL	6	002287362.01	120	IN	3	002283985.63
121	NJ	4	002269852.54	121	TX	8	002271225.32	121	NJ	4	002282554.24
122	IN	3	002262756.72	122	NJ	4	002261365.49	122	FL	6	002272938.65
123	CA	13	002251737.58	123	PA	6	002239454.56	123	PA	6	002198704.00
124	PA	6	002157989.97	124	CA	13	002185452.55	124	CA	13	002159183.53

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Appendix A. Comparative Priority Lists Based on Three Population Projections
for 1990 (State Populations Adjusted to Exclude 2,000,000 Illegal Aliens
Proportional to Passel and Woodrow's Estimates for 1980)--Continued

Census 1990 projections				NPA data 1990 projections				BEA 1990 projections			
Seq.	State	seat	priority	Seq.	State	seat	priority	Seq.	State	seat	priority
125	MO	3	002116930.45	125	MO	3	002110153.53	125	NY	9	002125161.35
126	IL	6	002095841.73	126	NY	9	002089570.33	126	MO	3	002110398.48
127	CA	14	002084702.74	127	IL	6	002080797.62	127	IL	6	002096754.60
128	MI	5	002076278.25	128	MI	5	002060894.11	128	IA	2	002075075.52
129	NY	9	002067532.18	129	TN	3	002030259.35	129	MI	5	002060178.57
130	TX	9	002065905.83	130	IA	2	002024446.67	130	TX	9	002028075.63
131	TN	3	002027197.48	131	CA	14	002023334.76	131	WI	3	002006458.47
132	IA	2	002002243.52	132	WI	3	002022135.21	132	OR	2	001999556.52
133	OH	6	001968404.97	133	OH	6	002009283.32	133	CA	14	001999014.39
134	FL	7	001965731.61	134	OR	2	002008395.35	134	TN	3	001995762.37
135	WI	3	001959509.92	135	TX	9	002003032.28	135	OH	6	001965301.21
136	OR	2	001945816.40	136	FL	7	001933173.61	136	WA	3	001935259.98
137	CA	15	001940752.68	137	WA	3	001916562.21	137	FL	7	001920983.65
138	NC	4	001928580.80	138	NC	4	001896133.72	138	MS	2	001912158.12
139	GA	4	001920093.75	139	PA	7	001892684.42	139	NY	10	001900802.02
140	MD	3	001917786.95	140	CA	15	001883622.19	140	LA	3	001897946.09
141	MS	2	001905794.16	141	MD	3	001881452.86	141	NC	4	001869979.75
142	WA	3	001892393.91	142	MS	2	001876802.78	142	CA	15	001860981.16
143	NY	10	001849256.92	143	NY	10	001868968.44	143	PA	7	001858243.92
144	TX	10	001847802.28	144	GA	4	001840967.90	144	MD	3	001825522.85
145	LA	3	001839566.59	145	MN	3	001795639.08	145	GA	4	001821944.21
146	PA	7	001823834.29	146	TX	10	001791566.47	146	TX	10	001813965.92
147	CA	16	001815408.23	147	LA	3	001789147.93	147	MN	3	001799150.01
148	IL	7	001771309.44	148	CA	16	001761967.55	148	KS	2	001787565.91
149	VA	4	001767615.55	149	KS	2	001759635.19	149	MA	4	001787418.66
150	MN	3	001761591.18	150	IL	7	001758594.85	150	IL	7	001772080.95
151	NJ	5	001758219.99	151	NJ	5	001751645.95	151	NJ	5	001768058.69
152	KS	2	001756453.21	152	VA	4	001743540.04	152	CA	16	001740788.80
153	AR	2	001713885.38	153	MA	4	001737882.01	153	AR	2	001732977.26
154	CA	17	001705280.07	154	AR	2	001736442.09	154	NY	11	001719340.10
155	AL	3	001705007.97	155	OH	7	001698154.24	155	VA	4	001695158.09
156	FL	8	001702373.33	156	NY	11	001690545.55	156	MI	6	001682128.70
157	MI	6	001695274.03	157	MI	6	001682712.93	157	FL	8	001663620.46
158	MA	4	001692444.54	158	FL	8	001674177.28	158	OH	7	001660982.57
159	NY	11	001672715.81	159	AL	3	001674062.75	159	AL	3	001644178.98
160	TX	11	001671400.03	160	CA	17	001655081.26	160	TX	11	001640793.89

Appendix A. Comparative Priority Lists Based on Three Population Projections
for 1990 (State Populations Adjusted to Exclude 2,000,000 Illegal Aliens
Proportional to Passel and Woodrow's Estimates for 1980)--Continued

Census 1990 projections				NPA data 1990 projections				BEA 1990 projections			
Seq.	State	seat	priority	Seq.	State	seat	priority	Seq.	State	seat	priority
161	OH	7	001663605.73	161	PA	8	001639112.61	161	CA	17	001635187.28
162	CA	18	001607753.43	162	IN	4	001631967.10	162	IN	4	001615021.87
163	IN	4	001600010.77	163	TX	11	001620532.82	163	PA	8	001609286.27
164	PA	8	001579486.65	164	KY	3	001570326.87	164	NY	12	001569536.13
165	IL	8	001533998.80	165	CA	18	001560425.54	165	CA	18	001541669.31
166	KY	3	001527093.38	166	NY	12	001543250.41	166	KY	3	001538932.58
167	NY	12	001526974.15	167	IL	8	001522987.64	167	IL	8	001534666.96
168	TX	12	001525773.01	168	MO	4	001492104.00	168	TX	12	001497833.55
169	AZ	3	001521867.81	169	TX	12	001479337.81	169	MO	4	001492277.21
170	CA	19	001520782.55	170	FL	9	001476485.45	170	CO	3	001469612.03
171	FL	9	001501352.02	171	CA	19	001476014.85	171	FL	9	001467175.21
172	MO	4	001496896.01	172	AZ	3	001473408.74	172	AZ	3	001459814.07
173	NC	5	001493872.07	173	OH	8	001470644.55	173	CA	19	001458273.23
174	GA	5	001487298.03	174	NC	5	001468738.67	174	NC	5	001448479.90
175	SC	3	001447158.38	175	SC	3	001460059.02	175	NY	13	001443763.13
176	CA	20	001442740.98	176	PA	9	001445561.32	176	NJ	6	001443613.82
177	OH	8	001440724.66	177	CO	3	001439769.08	177	OH	8	001438452.94
178	NJ	6	001435580.56	178	TN	4	001435610.28	178	MI	7	001421658.13
179	TN	4	001433445.22	179	NJ	6	001430212.88	179	PA	9	001419256.96
180	MI	7	001432767.97	180	WI	4	001429865.65	180	WI	4	001418780.52
181	NY	13	001404611.81	181	GA	5	001426007.42	181	SC	3	001412049.03
182	TX	13	001403506.92	182	MI	7	001422151.90	182	GA	5	001411271.73
183	CO	3	001394494.35	183	NY	13	001419583.79	183	TN	4	001411217.23
184	PA	9	001392976.17	184	CA	20	001400270.61	184	OK	3	001408374.79
185	WI	4	001385582.88	185	WV	2	001380555.25	185	WV	2	001392010.38
186	CA	21	001372320.43	186	TX	13	001360792.75	186	MA	5	001384528.36
187	VA	5	001369188.94	187	OK	3	001357670.36	187	CT	3	001383553.30
188	MD	4	001356080.28	188	WA	4	001355214.26	188	CA	20	001383439.43
189	IL	9	001352859.67	189	VA	5	001350540.14	189	TX	13	001377806.36
190	FL	10	001342850.02	190	MA	5	001346157.44	190	WA	4	001368435.58
191	WA	4	001338124.69	191	IL	9	001343148.74	191	IL	9	001353448.92
192	CT	3	001337013.00	192	CT	3	001340605.58	192	LA	4	001342050.67
193	OK	3	001336523.10	193	CA	21	001331923.05	193	NY	14	001336664.17
194	WV	2	001311400.21	194	MD	4	001330388.20	194	CA	21	001315913.41
195	MA	5	001310961.74	195	FL	10	001320608.68	195	VA	5	001313063.64
196	CA	22	001308456.13	196	NY	14	001314278.46	196	FL	10	001312281.35
197	LA	4	001300770.13	197	OH	9	001296986.47	197	UT	2	001308571.78

Appendix A. Comparative Priority Lists Based on Three Population Projections
for 1990 (State Populations Adjusted to Exclude 2,000,000 Illegal Aliens
Proportional to Passel and Woodrow's Estimates for 1980)--Continued

Census 1990 projections				NPA data 1990 projections				BEA 1990 projections		
Seq.	State	seat	priority	Seq.	State	seat	priority	Seq.	State	seat	priority
198	NY	14	001300417.11	198	PA	10	001292949.30	198	MD	4	001290839.70
199	TX	14	001299394.19	199	CA	22	001269938.73	199	TX	14	001275600.10
200	OH	9	001270599.61	200	MN	4	001269708.68	200	MN	4	001272191.29
201	CA	23	001250273.12	201	LA	4	001265118.75	201	PA	10	001269421.97
202	UT	2	001249881.92	202	IN	5	001264116.12	202	OH	9	001268596.14
203	PA	10	001245915.72	203	TX	14	001259848.57	203	CA	22	001254674.14
204	MN	4	001245633.18	204	UT	2	001254407.40	204	IN	5	001250990.40
205	MI	8	001240813.32	205	MI	8	001231619.54	205	NY	15	001244366.65
206	IN	5	001239362.85	206	NY	15	001223526.69	206	MI	8	001231191.92
207	NC	6	001219741.40	207	CA	23	001213468.48	207	NJ	7	001220076.29
208	FL	11	001214653.53	208	NJ	7	001208750.42	208	IL	10	001210561.47
209	GA	6	001214373.72	209	IL	10	001201348.70	209	CA	23	001198882.66
210	NJ	7	001213286.94	210	NC	6	001199220.06	210	IA	3	001198045.30
211	NY	15	001210622.47	211	FL	11	001194535.48	211	TX	15	001187519.10
212	IL	10	001210034.42	212	AL	4	001183741.23	212	FL	11	001187003.13
213	TX	15	001209670.18	213	TX	15	001172855.22	213	NC	6	001182678.84
214	AL	4	001205622.81	214	PA	11	001169516.64	214	NE	2	C01165029.11
215	CA	24	001197045.36	215	IA	3	001168814.72	215	NY	16	001163998.64
216	MO	5	001159490.52	216	GA	6	001164330.14	216	AL	4	001162610.21
217	IA	3	001155995.73	217	CA	24	001161807.60	217	MO	5	001155912.81
218	CA	25	001148165.59	218	OH	10	001160059.92	218	OR	3	001154444.38
219	NH	2	001144947.28	219	OR	3	001159547.49	219	GA	6	001152298.50
220	OH	10	001136458.80	220	MO	5	001155778.64	220	PA	11	001148235.36
221	NY	16	001132433.84	221	NE	2	001151664.79	221	CA	24	001147842.74
222	TX	16	001131543.05	222	NY	16	001144504.63	222	OH	10	001134666.84
223	PA	11	001126973.16	223	CA	25	001114366.71	223	MA	6	001130462.64
224	OR	3	001123417.52	224	TN	5	001112018.80	224	TX	16	001110822.61
225	NE	2	001120481.38	225	KY	4	001110388.88	225	MS	3	001103984.90
226	VA	6	001117938.05	226	WI	5	001107569.02	226	CA	25	001100972.09
227	TN	5	001110341.75	227	VA	6	001102711.36	227	WI	5	001098982.52
228	FL	12	001108822.28	228	MA	6	001099132.91	228	IL	11	001094994.04
229	CA	26	001103121.79	229	TX	16	001097105.80	229	NY	17	001093386.95
230	MS	3	001100310.67	230	FL	12	001090457.09	230	TN	5	001097124.03
231	IL	11	001094517.31	231	NM	2	001087105.94	231	KY	4	001088189.76
232	MI	9	001094294.40	232	IL	11	001086660.78	232	MI	9	001085809.12
233	KY	4	001079818.18	233	MI	9	001086186.25	233	FL	12	001083581.02
234	AZ	4	001076123.14	234	MS	3	001083572.49	234	NM	2	001078479.24

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Appendix A. Comparative Priority Lists Based on Three Population Projections
for 1990 (State Populations Adjusted to Exclude 2,000,000 Illegal Aliens
Proportional to Passel and Woodrow's Estimates for 1980)--Continued

Census 1990 projections				NPA data 1990 projections				BEA 1990 projections			
Seq.	State	seat	priority		Seq.	State	seat	priority		Seq.	State	seat	priority
235	WI	5	001073267.75		235	NY	17	001075075.52		235	VA	6	001072111.94
236	MA	6	001070395.74		236	CA	26	001070648.88		236	WA	5	001059985.51
237	NY	17	001063736.97		237	PA	12	001067618.10		237	CA	26	001057779.74
238	TX	17	001062900.23		238	WA	5	001049744.32		238	NJ	8	001056616.94
239	CA	27	001061479.48		239	OH	11	001049313.67		239	PA	12	001048191.04
240	NJ	8	001050737.20		240	NJ	8	001046808.46		240	TX	17	001043436.74
241	MD	5	001050415.14		241	AZ	4	001041857.40		241	LA	5	001039547.85
242	WA	5	001036506.79		242	SC	4	001032417.73		242	CO	4	001039172.73
243	NC	7	001030869.56		243	IN	6	001032146.45		243	AZ	4	001032244.52
244	PA	12	001028781.38		244	TX	17	001030552.04		244	KS	3	001032051.56
245	OH	11	001027965.65		245	MD	5	001030514.13		245	NY	18	001030855.08
246	GA	7	001026333.05		246	CA	27	001030232.41		246	OH	11	001026344.76
247	SC	4	001023295.59		247	CO	4	001018070.57		247	IN	6	001021429.35
248	CA	28	001022867.24		248	KS	3	001015925.75		248	CA	27	001017849.07
249	FL	13	001019968.06		249	NY	18	001013590.89		249	AR	3	001000534.80
250	KS	3	001014088.64		250	NC	7	001013525.87		250	MD	5	000999880.01
251	IN	6	001011935.50		251	FL	13	001003074.54		251	IL	12	000999588.56
252	LA	5	001007572.08		252	AR	3	001002535.21		252	NC	7	000999545.99
253	NY	18	001002900.81		253	CA	28	000992756.81		253	SC	4	000998469.53
254	TX	18	001002111.92		254	IL	12	000991981.37		254	FL	13	000996749.48
255	IL	12	000999153.37		255	GA	7	000984038.51		255	OK	4	000995871.46
256	AR	3	000989512.09		256	MN	5	000983511.99		256	MN	5	000985435.01
257	CA	29	000986965.85		257	PA	13	000982065.73		257	TX	18	000983761.57
258	CO	4	000986056.50		258	LA	5	000979956.64		258	CA	28	000980823.93
259	HI	10	000978766.63		259	TX	18	000971613.76		259	CT	4	000978320.01
260	MN	5	000964863.19		260	HI	10	000971514.47		260	NY	19	000975091.32
261	CA	30	000953499.64		261	OK	4	000960018.01		261	GA	7	000973869.92
262	NY	19	000948649.23		262	NY	19	000958761.03		262	MI	10	000971177.16
263	TX	19	000947903.01		263	CA	29	000957912.26		263	PA	13	000964195.44
264	MO	6	000946720.01		264	OH	12	000957888.27		264	MA	7	000955415.24
265	PA	13	000946341.15		265	CT	4	000947951.38		265	CA	29	000946398.21
266	CT	4	000945411.04		266	MO	6	000943689.28		266	MO	6	000943798.82
267	OK	4	000945064.63		267	VA	7	000931961.14		267	OH	12	000936920.62
268	VA	7	000944830.04		268	MA	7	000928936.80		268	NJ	9	000931848.47
269	FL	14	000944306.40		269	FL	14	000928666.05		269	TX	19	000930545.32
270	OH	12	000938400.28		270	CA	30	000925431.21		270	NY	20	000925052.83
271	AL	5	000933871.29		271	NJ	9	000923198.20		271	FL	14	000922810.18

Appendix A. Comparative Priority Lists Based on Three Population Projections
for 1990 (State Populations Adjusted to Exclude 2,000,000 Illegal Aliens
Proportional to Passel and Woodrow's Estimates for 1980)--Continued

Census 1990 projections			NPA data 1990 projections			BEA 1990 projections		
Seq.	State seat	priority	Seq.	State seat	priority	Seq.	State seat	priority
272	NJ	9	000926663.03	272	TX	19	000919054.64	272	IL	13	000919487.67
273	CA	31	000922228.81	273	AL	5	000916921.90	273	CA	30	000914307.57
274	IL	13	000919087.35	274	IL	13	000912490.07	274	VA	7	000906099.91
275	TN	6	000906590.21	275	NY	20	000909560.56	275	AL	5	000900553.88
276	MA	7	000904649.45	276	PA	14	000909215.68	276	WI	6	000897315.44
277	NY	20	000899967.66	277	TN	6	000907959.52	277	PA	14	000892671.01
278	TX	20	000899259.74	278	WI	6	000904326.29	278	TN	6	000892532.00
279	CA	32	000892944.21	279	CA	31	000895080.90	279	CA	31	000884322.07
280	NC	8	000892759.13	280	ME	2	000883600.61	280	TX	20	000882792.79
281	GA	8	000888830.39	281	OH	13	000881128.98	281	NY	21	000879900.77
282	MI	11	000885327.72	282	MI	11	000878767.90	282	MI	11	000878462.79
283	FL	15	000879101.43	283	NC	8	000877739.06	283	NC	8	000865632.13
284	WI	6	000876319.41	284	IN	7	000872322.91	284	WA	6	000865474.51
285	PA	14	000876141.17	285	TX	20	000871891.77	285	IN	7	000863265.31
286	CA	33	000865462.41	286	CA	32	000866658.36	286	OH	13	000861841.54
287	OH	13	000863202.63	287	NY	21	000865164.68	287	FL	15	000859089.55
288	MD	6	000857660.34	288	FL	15	000864541.06	288	CA	32	000856241.18
289	ME	2	000857013.40	289	KY	5	000860103.42	289	IL	14	000851279.68
290	NY	21	000856040.02	290	WA	6	000857112.61	290	LA	6	000848787.23
291	TX	21	000855366.65	291	GA	8	000852202.25	291	IA	4	000847146.03
292	IN	7	000855241.53	292	PA	15	000846433.76	292	ME	2	000845699.69
293	IL	14	000850909.06	293	IL	14	000844801.17	293	GA	8	000843396.00
294	WA	6	000846304.22	294	MD	6	000841411.24	294	KY	5	000842908.06
295	CA	34	000839621.84	295	CA	33	000839985.55	295	TX	21	000839703.45
296	KY	5	000836423.46	296	TX	21	000829334.51	296	NY	22	000838952.43
297	AZ	5	000833561.29	297	IA	4	000826476.89	297	NJ	10	000833470.58
298	NJ	10	000828832.57	298	NJ	10	000825733.54	298	PA	15	000831031.50
299	LA	6	000822679.13	299	NY	22	000824902.12	299	CA	33	000829888.97
300	FL	16	000822324.25	300	OR	4	000819923.97	300	MA	8	000827413.78
301	VA	8	000818246.72	301	OH	14	000815766.46	301	MD	6	000816398.58
302	IA	4	000817412.49	302	CA	34	000814905.66	302	OR	4	000816315.53
303	NY	22	000816202.09	303	FL	16	000808704.26	303	CA	34	000805110.54
304	PA	15	000815643.05	304	VA	8	000807101.93	304	CO	5	000804939.63
305	TX	22	000815560.06	305	AZ	5	000807019.17	305	MN	6	000804604.29
306	CA	35	000815279.81	306	MA	8	000804482.78	306	WV	3	000803677.49
307	MI	12	000808190.21	307	MN	6	000803034.15	307	FL	16	000803604.84
308	NH	2	000807374.50	308	MI	12	000802201.94	308	MI	12	000801923.41

Appendix A. Comparative Priority Lists Based on Three Population Projections
for 1990 (State Populations Adjusted to Exclude 2,000,000 Illegal Aliens
Proportional to Passel and Woodrow's Estimates for 1980)--Continued

Census 1990 projections			NPA data 1990 projections			BEA 1990 projections		
Seq.	State seat	priority	Seq.	State seat	priority	Seq.	State seat	priority
309 HI	2	000806808.82	309 LA	6	000800131.22	309 NY	23	000801646.81
310 MO	7	000800124.39	310 SC	5	000799707.23	310 TX	22	000800625.79
311 OH	14	000799169.90	311 MO	7	000797562.96	311 AZ	5	000799573.07
312 OR	4	000794376.22	312 WV	3	000797063.87	312 OH	14	000797909.77
313 SC	5	000792641.26	313 PA	16	000791766.43	313 MO	7	000797655.54
314 CA	36	000792309.54	314 CA	35	000791280.19	314 IL	15	000792498.27
315 IL	15	000792153.24	315 TX	22	000790739.39	315 VA	8	000784705.45
316 MN	6	000787807.46	316 CO	5	000788593.97	316 HI	2	000782767.19
317 NC	9	000787339.48	317 NY	23	000788221.27	317 CA	35	000781769.05
318 GA	9	000783874.66	318 HI	2	000787504.80	318 MS	4	000780635.28
319 MA	8	000783449.32	319 IL	15	000786467.11	319 PA	16	000777358.94
320 NY	23	000779908.11	320 NH	2	000783403.58	320 SC	5	000773411.07
321 TX	23	000779294.62	321 NC	9	000774093.02	321 OK	5	000771398.61
322 MS	4	000778037.20	322 CA	36	000768986.10	322 NY	24	000767518.37
323 FL	17	000772439.57	323 TN	7	000767365.80	323 TX	23	000765024.43
324 CA	37	000770598.31	324 MS	4	000766201.52	324 NC	9	000763415.71
325 TN	7	000766208.52	325 WI	7	000764295.16	325 CA	36	000759742.93
326 CO	5	000763795.98	326 FL	17	000759645.81	326 WI	7	000758369.91
327 PA	16	000762964.36	327 OH	15	000759437.26	327 CT	5	000757803.32
328 AL	6	000762502.69	328 TX	23	000755577.65	328 NH	2	000757169.92
329 WV	3	000757137.19	329 IN	8	000755453.72	329 UT	3	000755504.20
330 NV	2	000756462.82	330 NY	24	000754664.40	330 FL	17	000754855.73
331 CA	38	000750045.31	331 NV	2	000752715.15	331 TN	7	000754327.17
332 NJ	11	000749707.26	332 GA	9	000751571.68	332 NJ	11	000753902.50
333 NY	24	000746705.15	333 AL	6	000748663.57	333 IN	8	000747609.60
334 TX	24	000746117.78	334 CA	37	000747913.99	334 ID	2	000746704.74
335 OH	15	000743986.70	335 NJ	11	000746904.08	335 GA	9	000743805.29
336 MI	13	000743426.80	336 PA	17	000743735.48	336 NV	2	000743734.89
337 IL	16	000740991.64	337 OK	5	000743626.65	337 OH	15	000742813.59
338 IN	8	000740660.81	338 ID	2	000739280.12	338 IL	16	000741314.39
339 WI	7	000740625.03	339 MI	13	000737918.39	339 CA	37	000738924.10
340 CT	5	000732312.15	340 IL	16	000735672.75	340 MI	13	000737662.19
341 OK	5	000732043.82	341 CT	5	000734279.89	341 NY	25	000736177.77
342 CA	39	000730560.25	342 CA	38	000727966.02	342 AL	6	000735299.14
343 FL	18	000728262.99	343 WA	7	000724392.32	343 TX	24	000732455.12
344 MD	7	000724655.23	344 UT	3	000724232.38	344 WA	7	000731459.42
345 VA	9	000721623.72	345 NY	25	000723848.67	345 PA	17	000730201.99

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Appendix A. Comparative Priority Lists Based on Three Population Projections
for 1990 (State Populations Adjusted to Exclude 2,000,000 Illegal Aliens
Proportional to Passel and Woodrow's Estimates for 1980)--Continued

Census 1990 projections				MPA data 1990 projections				BEA 1990 projections			
Seq.	State	seat	priority	Seq.	State	seat	priority	Seq.	State	seat	priority
346	UT	3	000721619.59	346	TX	24	000723410.52	346	KS	4	000729770.72
347	KS	4	000717069.02	347	KS	4	000718368.05	347	MA	9	000729710.30
348	PA	17	000716680.63	348	FL	18	000716200.92	348	CA	38	000719215.91
349	NY	25	000716214.43	349	VA	9	000711796.94	349	LA	7	000717356.09
350	TX	25	000715651.04	350	MD	7	000711122.24	350	FL	18	000711684.79
351	ID	2	000715592.05	351	OH	16	000710388.64	351	RI	2	000710783.72
352	WA	7	000715257.57	352	MA	9	000709487.06	352	AR	4	000707485.00
353	CA	40	000712062.02	353	CA	39	000709054.54	353	NY	26	000707296.70
354	RI	2	000707248.19	354	AR	4	000708899.51	354	TX	25	000702546.27
355	NC	10	000704217.81	355	KY	6	000702271.47	355	CA	39	000700531.74
356	CA	10	000701118.78	356	PA	18	000701200.51	356	IL	17	000696344.02
357	AR	4	000699690.77	357	RI	2	000696500.16	357	OH	16	000694838.62
358	IL	17	000696040.85	358	NY	26	000695451.29	358	VA	9	000692045.10
359	OH	16	000695935.96	359	TX	25	000693871.00	359	MO	8	000690789.88
360	LA	7	000695290.72	360	NC	10	000692369.82	360	MD	7	000689982.69
361	CA	41	000694477.60	361	CA	40	000691100.85	361	PA	18	000688441.02
362	MO	8	000692927.97	362	IL	17	000691044.61	362	KY	6	000688231.52
363	MA	9	000690937.30	363	MO	8	000690709.70	363	NJ	12	000688215.91
364	FL	19	000688867.85	364	MI	14	000683179.30	364	MI	14	000682942.10
365	MI	14	000688279.09	365	NJ	12	000681827.26	365	NC	10	000682819.74
366	NY	26	000688116.55	366	MN	7	000678687.68	366	CA	40	000682793.86
367	TX	26	000687575.27	367	FL	19	000677458.28	367	NY	27	000680596.60
368	NJ	12	000684386.20	368	LA	7	000676234.26	368	MN	7	000680014.69
369	KY	6	000682936.87	369	CA	41	000674034.07	369	TX	26	000674984.61
370	AZ	6	000680599.92	370	GA	10	000672226.12	370	FL	19	000673186.45
371	CA	42	000677740.67	371	NY	27	000669198.34	371	ME	3	000672629.80
372	PA	18	000675692.96	372	OH	17	000667294.31	372	CA	41	000665932.22
373	MN	7	000665818.79	373	TX	26	000666649.68	373	GA	10	000665279.65
374	TN	8	000663555.97	374	IN	9	000666247.50	374	IN	9	000659329.64
375	NY	27	000662140.48	375	NE	3	000664913.91	375	CO	6	000657230.43
376	CA	43	000661791.62	376	TN	8	000664558.20	376	WI	8	000656767.54
377	TX	27	000661619.63	377	PA	19	000663269.31	377	IL	18	000656519.42
378	NM	3	000661035.55	378	WI	8	000661898.95	378	IA	5	000656196.41
379	IL	18	000656233.59	379	AZ	6	000658928.37	379	NY	28	000655839.31
380	OH	17	000653718.38	380	CA	42	000657789.83	380	TN	8	000653266.42
381	FL	20	000653517.41	381	SC	6	000652958.20	381	AZ	6	000652848.65
382	IN	9	000653201.38	382	IL	18	000651523.09	382	OH	17	000652687.60

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Appendix A. Comparative Priority Lists Based on Three Population Projections
for 1990 (State Populations Adjusted to Exclude 2,000,000 Illegal Aliens
Proportional to Passel and Woodrow's Estimates for 1980)--Continued

Census 1990 projections				MPA data 1990 projections				BEA 1990 projections			
Seq.	State	seat	priority	Seq.	State	seat	priority	Seq.	State	seat	priority
383	SC	6	000647188.85	383	NY	28	000644855.67	383	MA	10	000652672.71
384	NE	3	000646910.17	384	CO	6	000643884.26	384	PA	19	000651200.04
385	CA	44	000646575.97	385	FL	20	000642693.34	385	CA	42	000649883.23
386	VA	10	000645441.64	386	CA	43	000642310.28	386	TX	27	000645504.27
387	AL	7	000644432.35	387	TX	27	000641483.97	387	FL	20	000638640.72
388	WI	8	000641400.02	388	IA	5	000640186.16	388	MI	15	000635784.51
389	MI	15	000640752.97	389	VA	10	000636650.51	389	CA	43	000634589.74
390	PA	19	000639141.58	390	MI	15	000636005.33	390	WA	8	000633462.37
391	NY	28	000638054.55	391	OR	5	000635110.29	391	NJ	13	000633066.50
392	TX	28	000637552.65	392	MA	10	000634584.49	392	NY	29	000632820.15
393	NC	11	000636988.97	393	AL	7	000632736.16	393	OR	5	000632315.21
394	GA	11	000634185.79	394	PA	20	000629232.50	394	SC	6	000631487.48
395	IA	5	000633164.91	395	OH	18	000629131.10	395	OK	6	000629844.31
396	CA	45	000632044.36	396	NM	3	000627640.85	396	TX	28	000625877.99
397	NJ	13	000629543.69	397	CA	44	000627542.53	397	NM	3	000622660.22
398	MD	8	000627742.98	398	WA	8	000627342.09	398	AL	7	000621441.15
399	CO	6	000623636.79	399	NJ	13	000627189.80	399	LA	8	000621248.53
400	FL	21	000621619.06	400	NC	11	000626272.06	400	IL	19	000621005.22
401	IL	19	000620734.85	401	NY	29	000622222.02	401	CA	44	000619999.50
402	WA	8	000619431.16	402	TX	28	000618149.44	402	VA	10	000618983.93
403	CA	46	000618151.54	403	IL	19	000616279.17	403	CT	6	0C0618743.80
404	MA	10	000617993.08	404	MD	8	000615849.86	404	PA	20	000617782.58
405	OH	18	000616331.58	405	CA	45	000613438.69	405	NC	11	000617633.69
406	NY	29	000615659.61	406	FL	21	000611323.32	406	OH	18	000615359.76
407	OR	5	000615321.09	407	MO	9	000609148.65	407	NY	30	000611362.37
408	TX	29	000615175.33	408	GA	11	000608051.40	408	MT	2	000609243.19
409	MO	9	000611104.98	409	OK	6	000607168.60	409	MO	9	000609219.36
410	PA	20	000606342.93	410	NY	30	000601123.61	410	FL	21	000607468.51
411	CA	47	000604856.44	411	CA	46	000599954.84	411	CA	45	000606065.19
412	MS	5	000602664.95	412	CT	6	000599537.00	412	MS	5	000604677.41
413	LA	8	000602139.36	413	PA	21	000598519.51	413	TX	29	000603910.44
414	MI	16	000599369.64	414	TX	29	000596453.15	414	GA	11	000601768.08
415	CT	6	000597930.35	415	IN	10	000595909.85	415	MD	8	000597542.47
416	OK	6	000597711.26	416	MT	2	000595242.47	416	MI	16	000594722.06
417	NY	30	000594783.72	417	OH	19	000595098.46	417	CA	46	000592743.42
418	TX	30	000594315.86	418	MI	16	000594928.62	418	NY	31	000591312.22
419	FL	22	000592690.49	419	KY	7	000593527.69	419	MA	11	000590364.67

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Appendix A. Comparative Priority Lists Based on Three Population Projections
for 1990 (State Populations Adjusted to Exclude 2,000,000 Illegal Aliens
Proportional to Passel and Woodrov's Estimates for 1980)--Continued

Census 1990 projections				MPA data 1990 projections				BEA 1990 projections			
Seq.	State	seat	priority	Seq.	State	seat	priority	Seq.	State	seat	priority
420	CA	48	000592121.13	420	MS	5	000593497.07	420	IN	10	000589722.33
421	IL	20	000588880.78	421	MN	8	000587760.71	421	IL	20	000589137.27
422	TN	9	000585201.31	422	CA	47	000587051.11	422	MN	8	000588909.93
423	IN	10	000584241.05	423	TN	9	000586085.19	423	PA	21	000587628.46
424	VA	11	000583823.92	424	LA	8	000585635.98	424	NJ	14	000586105.36
425	OH	19	000582991.34	425	IL	20	000584653.74	425	TX	30	000583432.94
426	NJ	14	000582843.87	426	WI	9	000583739.96	426	OH	19	000582072.08
427	NC	12	000581488.91	427	FL	22	000582873.88	427	KY	7	000581661.76
428	CA	49	000579911.14	428	NY	31	000581409.25	428	CA	47	000579994.79
429	GA	12	000578929.97	429	NJ	14	000580664.60	429	WI	9	000579214.48
430	KY	7	000577186.96	430	TX	30	000576228.51	430	FL	22	000579198.47
431	PA	21	000576747.18	431	VA	11	000575872.05	431	TN	9	000576126.78
432	MN	8	000576615.92	432	CA	48	000574690.69	432	NY	32	000572535.60
433	NY	31	000575277.28	433	MA	11	000574003.26	433	WV	4	000568285.85
434	AZ	7	000575211.88	434	NC	12	000571705.75	434	CA	48	000567782.94
435	TX	31	000574824.76	435	PA	22	000570665.93	435	KS	5	000565277.90
				-Sequence Number 435 is the Last Seat Assignment Allowed by Law-							
436	MT	2	000568938.10	436	OH	20	000564559.96	436	TX	31	000564298.75
437	CA	50	000568194.62	437	WV	4	000563609.32	437	NC	12	000563820.03
438	FL	23	000566335.38	438	NY	32	000562947.09	438	IL	21	000560381.33
439	WI	9	000565661.60	439	CA	49	000562840.13	439	PA	22	000560281.73
440	MI	17	000563010.06	440	MI	17	000558838.45	440	VA	11	000559892.02
441	IL	21	000560137.36	441	TX	31	000557330.60	441	WA	9	000558661.25
442	MA	11	000558995.77	442	FL	23	000556955.28	442	MI	17	000558644.42
443	AL	8	000558094.72	443	AZ	7	000556896.08	443	CA	49	000556074.83
444	NY	32	000557009.84	444	KS	5	000556445.43	444	CO	7	000555461.06
445	CA	51	000556942.13	445	IL	21	000556116.65	445	NY	33	000554914.89
446	TX	32	000556571.69	446	GA	12	000556072.63	446	FL	23	000553443.30
447	KS	5	000555439.20	447	WA	9	000553263.67	447	OH	20	000552202.05
448	MO	9	000553617.22	448	SC	7	000551850.36	448	AZ	7	000551757.78
449	OH	20	000553074.13	449	CA	50	000551468.51	449	GA	12	000549336.77
450	PA	22	000549906.83	450	AR	5	000549111.13	450	AR	5	000546A015.46
451	SC	7	000546974.38	451	AL	8	000547965.53	451	LA	9	00054,889.66
452	MO	10	000546588.89	452	NY	33	000545621.48	452	TX	32	00054(379.93
453	WA	9	000546286.88	453	PA	23	000545290.18	453	NJ	15	000545634.41
454	CA	52	000546126.64	454	MO	10	000544839.09	454	MO	10	000544902.34
455	NJ	15	000542598.13	455	CO	7	000544181.49	455	CA	50	000544839.89

Appendix A. Comparative Priority Lists Based on Three Population Projections
for 1990 (State Populations Adjusted to Exclude 2,000,000 Illegal Aliens
Proportional to Passel and Woodrow's Estimates for 1980)--Continued

Census 1990 projections			NPA data 1990 projections			BEA 1990 projections		
Seq. State seat	priority		Seq. State seat	priority		Seq. State seat	priority	
456 FL	24	000542224.83	456 MD	9	000543128.48	456 MA	12	000538926.93
457 AR	5	000541978.07	457 NJ	15	000540569.33	457 NY	34	000538346.50
458 NY	33	000539866.96	458 CA	51	000540547.27	458 AL	8	000538183.77
459 TX	33	000539442.29	459 TX	32	000539633.04	459 IA	6	000535782.10
460 CA	53	000535723.32	460 IN	11	000539020.74	460 PA	23	000535367.73
461 WV	4	000535376.89	461 OH	21	000537003.65	461 IL	22	000534302.61
462 NC	13	000534891.96	462 FL	24	000533244.08	462 UT	4	000534222.19
463 IL	22	000534069.99	463 IL	22	000530236.39	463 CA	51	000534049.92
464 VA	12	000532956.07	464 CA	52	000530050.16	464 SC	7	000533704.29
465 GA	13	000532538.07	465 NY	34	000529330.58	465 IN	11	000533423.91
466 LA	9	000531036.95	466 MI	18	000526877.93	466 OK	7	000532315.56
467 MI	18	000530810.96	467 NC	13	000525892.76	467 FL	24	000529881.61
468 IN	11	000528465.91	468 VA	12	000525697.03	468 TX	33	000529564.20
469 CO	7	000527069.25	469 TN	10	000524210.51	469 MD	9	000526982.88
470 OH	21	000526078.45	470 MA	12	000523991.07	470 MI	18	000526694.99
471 CA	54	000525708.90	471 TX	33	000523024.96	471 OH	21	000525248.93
472 PA	23	000525454.17	472 IA	6	000522709.79	472 CA	52	000523678.98
473 NY	34	000523747.86	473 WI	10	000522112.87	473 CT	7	000522933.92
474 TN	10	000523419.94	474 PA	24	000522075.59	474 NY	35	000522738.95
475 TX	34	000523335.88	475 CA	53	000519953.08	475 MN	9	000519369.70
476 FL	25	000520083.79	476 OR	6	000518565.36	476 NC	13	000518638.95
477 IA	6	000516976.97	477 MN	9	000518356.18	477 WI	10	000518065.16
478 CA	55	000516062.03	478 LA	9	000516482.35	478 OR	6	000516283.18
479 IL	23	000510321.55	479 KY	8	000516410.00	479 TN	10	000515303.43
480 MA	12	000510291.16	480 NY	35	000513984.40	480 TX	34	000513752.72
481 UT	4	000510262.15	481 OK	7	000513151.09	481 CA	53	000513703.27
482 NY	35	000508563.54	482 UT	4	000512109.67	482 PA	24	000512575.57
483 MN	9	000508527.40	483 OH	22	000512012.86	483 SD	2	000511238.19
484 TX	35	000508163.50	484 FL	25	000511469.76	484 VA	12	000511109.32
485 NJ	16	000507554.16	485 GA	13	000510592.31	485 IL	23	000510543.82
486 CA	56	000506762.88	486 CA	54	000510233.46	486 NJ	16	000510394.35
487 WI	10	000505943.10	487 ME	3	000510147.00	487 FL	25	000508244.59
488 CT	7	000505343.34	488 SD	2	000507914.79	488 NY	36	000508010.93

Appendix A. Comparative Priority Lists Based on Three Population Projections
for 1990 (State Populations Adjusted to Exclude 2,000,000 Illegal Aliens
Proportional to Passel and Woodrow's Estimates for 1980)--Continued

Census 1990 projections				MPA data 1990 projections				BEA 1990 projections			
Seq.	State	seat	priority	Seq.	State	seat	priority	Seq.	State	seat	priority
489	OK	7	000505158.18	489	TX	34	000507408.73	489	CA	13	000505316.29
490	PA	24	000503084.06	490	CT	7	000506701.21	490	CA	54	000504100.49
491	OR	6	000502407.55	491	IL	23	000506658.42	491	KY	8	000503733.81
492	MI	19	000502096.92	492	NJ	16	000505656.40	492	MD	2	000502894.33
493	OH	22	000501596.09	493	CA	55	000500870.56	493	OH	22	000500805.18
494	SD	2	000500560.88	494	PA	25	000500757.32	494	WA	10	000499681.79
495	KY	8	000499858.52	495	NY	36	000499503.05	495	TX	35	000498858.18
496	FL	26	000499680.33	496	MI	19	000498376.64	496	MI	19	000498203.61
497	AZ	8	000498148.05	497	WA	10	000494854.05	497	MA	13	000495740.63
498	CA	57	000497792.93	498	MO	11	000492825.50	498	CA	55	000494850.13
499	NC	14	000495213.44	499	TX	35	000492698.11	499	NY	37	000494090.18
500	MD	10	000495170.28	500	IN	12	000492056.53	500	MS	6	000493717.02

Source: The priority rankings were computed on the Library of Congress central computer
based on populations in Appendix B.

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Appendix B. Populations Used to Compute Priority Lists in Appendix A
(State Populations Adjusted To Exclude 2,000,000 Illegal Aliens
Proportional to Passel and Woodrow's Estimates for 1980)

State	Census 1990 Projections	NPA Data 1990 Projections	BEA 1990 Projections
Alabama	4,176,400	4,100,600	4,027,400
Alaska	574,800	570,200	563,800
Arizona	3,727,800	3,609,100	3,575,800
Arkansas	2,423,800	2,455,700	2,450,800
California	28,124,200	27,296,300	29,968,200
Colorado	3,415,800	3,526,700	3,599,800
Connecticut	3,275,000	3,283,800	3,839,000
Delaware	665,200	677,100	638,200
Florida	12,739,400	12,528,400	12,449,400
Georgia	6,651,400	6,377,300 ·	6,311,400
Hawaii	1,141,000	1,113,700	1,107,000
Idaho	1,012,000	1,045,500	1,056,000
Illinois	11,479,400	11,397,000	11,484,400
Indiana	5,542,600	5,653,300	5,594,600
Iowa	2,831,600	2,863,000	2,934,600
Kansas	2,484,000	2,488,500	2,528,000
Kentucky	3,740,600	3,846,500	3,769,600
Louisiana	4,506,000	4,382,500	4,649,000
Maine	1,212,000	1,249,600	1,196,000
Maryland	4,697,600	4,608,600	4,471,600
Massachusetts	5,862,800	6,020,200	6,191,800
Michigan	9,285,400	9,216,600	9,213,400
Minnesota	4,315,000	4,398,400	4,407,000
Mississippi	2,695,200	2,654,200	2,704,200
Missouri	5,185,400	5,168,800	5,169,400
Montana	804,600	841,800	861,600
Nebraska	1,584,600	1,628,700	1,647,600
Nevada	1,069,800	1,064,500	1,051,800
New Hampshire	1,141,800	1,107,900	1,070,800
New Jersey	7,863,000	7,833,600	7,907,000

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Appendix B.   Populations Used to Compute Priority Lists in Appendix A
(State Populations Adjusted To Exclude 2,000,000 Illegal Aliens
Proportional to Passel and Woodrow's Estimates for 1980)

State	Census 1990 Projections	NPA Data 1990 Projections	BEA 1990 Projections
New Mexico	1,619,200	1,537,400	1,525,200
New York	17,543,600	17,730,600	18,032,600
North Carolina	6,680,800	6,568,400	6,477,800
North Dakota	659,200	691,800	711,200
Ohio	10,781,400	11,005,300	10,764,400
Oklahoma	3,273,800	3,325,600	3,449,800
Oregon	2,751,800	2,840,300	3,287,800
Pennsylvania	11,819,800	12,266,000	12,042,800
Rhode Island	1,000,200	985,000	1,005,200
South Carolina	3,544,800	3,576,400	3,458,800
South Dakota	707,900	718,300	723,000
Tennessee	4,965,600	4,973,100	4,888,600
Texas	17,529,800	16,996,300	17,208,800
Utah	1,767,600	1,774,000	1,850,600
Vermont	562,000	564,600	566,000
Virginia	6,123,200	6,039,800	5,872,200
Washington	4,635,400	4,694,600	4,740,400
West Virginia	1,854,600	1,952,400	1,968,600
Wisconsin	4,799,800	4,953,200	4,914,800
Wyoming	501,000	543,300	561,000
Total	247,349,700	246,744,500	250,488,800

Should the 1990 census be adjusted to include the uncounted, many of whom are blacks?

BY DAVID RILEY

When the Census Bureau finishes tallying the results of the 1990 census, its final count of 250 million people will be about three million short of the number of people who actually live here. Judging by the last census in 1980, more than half of those not counted will be black, although the U.S. population is only 11 percent black. That means the census is missing a much higher percentage of blacks than whites.

Therein lies a big political problem for the Census Bureau and its parent agency, the Commerce Department.

Already, one high Bureau official has resigned in protest against the Commerce Department's decision not to proceed with preparations for a statistical adjustment of the census that would take into account the underrepresentation of blacks and other minorities in the census count. Since minorities generally vote Democratic, and census counts are used to apportion congressional seats and state legislative districts, some Democrats on Capitol Hill are incensed by what they see as political interference in the national census, which has historically remained above the fray.

But Commerce insists that the Census Bureau stick with the time-honored techniques of mail surveys and personal interviews. "We felt that the traditional and simpler approach (of not adjusting) would be the better one," says Undersecretary of Commerce Robert Ortner, himself a statistician. "I guess I'm a statistical conservative."

Through public outreach, improved automation, and just plain practice, the Census Bureau has made substantial progress in reducing the national undercount to about 1.4 percent in 1980. But the "differential undercount," the fact that the undercount for blacks and other minorities is about 5 percent higher than for whites, has remained constant since 1940. For some segments of the population, the undercount is especially high. For example, the census misses nearly one out of five black men between the ages of 40 and 45.

Critics object that not only does the differential undercount undermine the constitutional right to equal representation, but it also means that areas with large minority populations receive less than their share of $30 billion in federal funds distributed according to census figures. Many state funds are distributed the same way, and planning decisions by governments, such as where to put bus lines or subsidized housing units, are based on census figures. So are planning decisions by the private sector, such as where to locate supermarkets.

The Bureau estimates that the 1980 census missed half a million people in New York City, resulting in the city's loss of a congressional seat and between $26 and $52 million a year in federal and state funds. Detroit officials estimate that the last census missed 46,000 people, resulting in a loss of more than $34 million in federal and state funds. The mayor of Santa Ana, Calif., believes that the census underestimated his city's population by one-third.

New York, Detroit, and 34 other communities filed lawsuits against the Bureau, asking it to adjust the 1980 census figures to correct for the acknowledged undercount. Federal judges in New York and Detroit initially ruled in favor of adjustment. "The Constitution requires no less," wrote one judge. Although appeals courts later overturned both decisions on procedural grounds, one of them noted a "likelihood of success on the merits." More than half of the other cases are still pending.

Estimating the Undercount

The Bureau measures census undercounts by two methods. To measure the national undercount, it uses demographic information, such as birth and death records and estimates of immigration and emigration. But such information is not detailed enough for state and local breakdowns.

The second method involves a post-census survey in which census-takers interview people in representative blocks several months after the census is taken. The Bureau then matches the survey against the census, extrapolating to estimate how many people the census missed at the national, state and local levels. The Bureau argued in 1980 that this method was not precise enough to provide accurate undercount estimates at the state and local levels either, and in 1982 it began an extensive research and testing project to improve the post-census survey.

Barbara Bailar, then-associate director for statistical standards and methodology, was a principal Bureau witness in the 1980 law-suits, arguing that the post-census survey was subject to too many large errors to be a reliable basis for adjustment. But after working on the Bureau's project to improve the survey, she testified at a congressional hearing last March that the Bureau's test censuses in 1986 in Los Angeles and Meridian, Miss., corrected most of the errors that had been the basis of the Bureau's case against adjustment.

Two groups of professional statisticians outside the Census Bureau have been following closely the Bureau's work on adjustment: one from the National Academy of Science and another from the American Statistical Association (ASA). Both groups strongly support continuation of the Bureau's program of laying the groundwork for an adjustment. As president of ASA, Bailar addressed its annual meeting last summer, declaring that "the consensus of the statisticians" who had carefully reviewed the Bureau's work was that an adjustment would improve the accuracy of the 1990 census.

But the Reagan Administration disagreed. Last October 30, Ortner announced that there would be no adjustment of the 1990 census. He said an adjustment was unlikely to improve the count, would arouse suspicions of political tampering with the numbers, and would dilute too many resources from the job of conducting the best possible census.

Under questioning by Rep. Charles Schumer, D-N.Y., at the March hearing, Bureau Director John Keane indicated that the Commerce Department's action had overruled the Bureau's own decision to proceed with laying the groundwork for adjusting the 1990 census. The Department decided both not to adjust and not to conduct the expanded post-census survey necessary for adjustment should a decision be made later to do so. While some in the Bureau had doubts about the adjustment itself, nearly everyone wanted to continue laying the groundwork to make it possible.

The Commerce Department's decision set off a storm of protest:

■ Bailar resigned after 29 years at the Bureau, charging that the Department had made a "political decision" that undermined the Bureau's independence.

●—Rep. Mervyn Dymally, D-Calif., Chairman of the House Subcommittee on Census and Population, denounced the Department for ignoring the differential undercount which "renders the constitutional guarantee of equal representation a hollow promise." Dymally's bill requiring a census adjustment has 60 co-sponsors so far. Sen. Daniel Patrick Moynihan, D-N.Y., a long-time student of the census who first voiced concern about the differential undercount 20 years ago, has introduced the same bill in the Senate.

■ New York City is seriously considering another lawsuit against the Bureau, this time well in advance of the 1990 census, and the U.S. Conference of Mayors is spearheading a coalition effort to get adjustment legislation passed. The coalition includes New York, Los Angeles, Chicago, Miami, Baltimore and Detroit, as well as a variety of organizations.

Statisticians vs. Counters

Within the Census Bureau, the adjustment debate is not between liberals and conservatives or Democrats and Republicans, but between statisticians and field people in charge of running the count itself. It is a split between traditionalists who want to keep the emphasis on the actual count, as in the past, and statisticians who say that statistical models may succeed where the traditional approach has failed at reducing the undercount.

"It has to do with the philosophy of the

census," says Bailar. "Some believe that you should go out and almost touch everybody to be sure they're counted. Others look at the uses to which the census is put, and focus on getting the best numbers possible."

Traditionalists admit that there will inevitably be an undercount in 1990, but they hope that improved outreach efforts will reduce both the overall and the differential undercounts. But their critics argue that the differential undercount could be even worse in 1990 given the increase in undocumented aliens in the country.

They point to groups like the estimated 100,000 people doubled up in overcrowded housing in New York City who would like not to be counted by the census because they don't want to be found out by the housing authorities. Their deep-seated distrust of government hasn't been broken down in the past by the Bureau's outreach efforts or by its assurances about the confidentiality of census information.

"It's never-never land to tell these people that census information is confidential," says Rep. Schumer. "Outreach is not going to do it. . . . It's a very white, middle class way to think."

Critics argue that some programs to improve census coverage waste millions of dollars, and may even, as former Census Bureau Director Vincent Barabba has warned, make the problem of the differential undercount worse, not better.

How could this be? Bailar explained in her March 3 testimony that some coverage improvement programs, such as one counting people in vacation houses, have led to counting people twice. The Bureau estimates that it counted 2.7 million people twice in 1980. Bailar points out that duplication tends to occur in suburban and vacation areas, not in traditionally undercounted areas. Because the Bureau's undercount estimate is a net figure, the duplication makes the undercount appear to be lower than it really is. In an internal memo, one high Bureau official objected to reducing duplication because it would increase the undercount figure, thus likely increasing pressure on the Bureau to adjust for it.

Even the most avid supporters of adjustment admit that it would be an imperfect instrument. But Bailar argues that "adjustment would move the census counts in the

right direction," at the national, state and local levels, while at the block level, "data would be neither improved nor harmed." Five Bureau statisticians, including Statistical Research Division Chief Kirk Wolter, wrote a paper, published in the *ASA Proceedings*, arguing that none of the remaining weaknesses in the adjustment method "are so large as to invalidate the adjustment. The joint effect of the errors . . . is smaller than the error in the original [census]. On this basis we conclude that it is technically feasible to correct the 1990 census for differential coverage."

The Bureau has in fact adjusted its figures for many years, imputing people into housing units when census-takers find evidence that someone lives there but cannot find anyone at home to interview. But Ortner argues that such imputation is based on more specific physical evidence than a large-scale adjustment would be.

He warns that such an adjustment could open a Pandora's box of fiddling with the numbers that would ultimately undermine the credibility of the census. He cites statisticians who oppose adjustment, but Bailar testified that none of them has reviewed the Bureau's recent work on adjustment. Wolter points out that other countries, notably Australia and England, adjust their censuses for undercounts, and Canada is considering whether to adopt the Bureau's approach to adjustment.
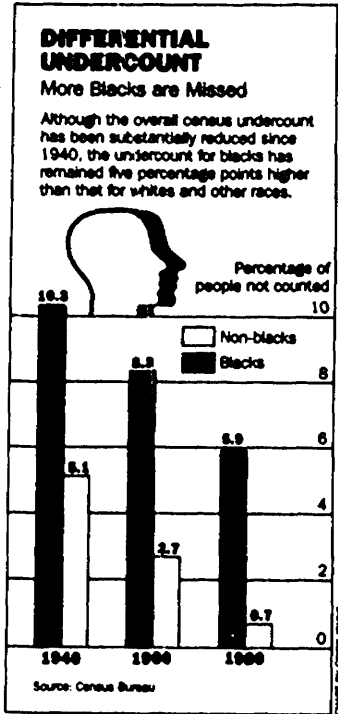
The Commerce Department's decision, if not overturned by the courts or Congress, could hobble the ability of all three branches of government to deal with the undercount problem. Both Congress and a new administration would find it difficult to order an adjustment if the statistical basis for it—the expanded post-census survey—does not exist. The courts would also be hampered when faced with a replay of the Bureau's 1980 arguments against adjustment: We don't have the data to do it.

But the Census Bureau's research on adjustment, and the Commerce Department's decision to cut off that research, could undermine the credibility of the Bureau's arguments the next time around. Bailar testified that the Bureau "barely escaped a court order to adjust" in the last round of lawsuits. This time, she argues, the Bureau "can no longer argue that it does not know how to

adjust accurately, and I believe that new lawsuits will be successful. The question is not whether the 1990 census will be adjusted, but whether it will be adjusted well and on time."

The legislative and executive branches are the most appropriate ones for ordering a nationwide adjustment. If they fail to do so, the resulting lawsuits from cities and states could undermine the credibility of the census, no matter what the courts decide. If the courts rule against adjustments, the hue and cry from aggrieved cities could get so loud that it would damage the public image of the census. If the courts decide to order adjustments, it would be difficult for them to do so on a nationwide basis, and court-ordered adjustments on a local, case-by-case basis could, as the Philadelphia federal judge warned in 1980, sacrifice the national census "to the exact dangers of local manipulation and bias ... that the framers [of the Constitution] sought to avoid." □

DIFFERENTIAL UNDERCOUNT
More Blacks are Missed

Although the overall census undercount has been substantially reduced since 1940, the undercount for blacks has remained five percentage points higher than that for whites and other races.

Percentage of people not counted

Non-blacks
Blacks

16.3
8.2
5.9
5.1
3.7
0.7

1940   1960   1980

Source: Census Bureau

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General   *Washington, D.C. 20530*
June 29, 1988

Rep. William D. Ford
Chairman
Committee on the Post Office and Civil Service
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This provides the views of the Department of Justice on H.R. 3814, "Relating to decennial censuses of population." In principal part, H.R. 3814 would eliminate illegal aliens from the United States census tabulation when apportioning representatives in Congress among the states. For the reasons discussed below, we oppose passage of this bill because it is unconstitutional. If it were passed, we would recommend that the President veto it.

Section two of the Fourteenth Amendment to the Constitution provides that:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

U.S. Const., amend. XIV, sec. 2.[1] This constitutional provision

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[1] Section 2 replaces, in part, the provision in Article I, sec. 2, cl. 3 of the Constitution that provided:

> Representatives . . . shall be apportioned among the several States . . . according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons . . . three fifths of all other Persons.

Although we have not found any cases interpreting the breadth of Article I, the Founding Fathers were aware that the census, and therefore apportionment, would be based on the number of State inhabitants, not of voters. See, e.g., The Federalist Papers, No. 54, at 338 (C. Rossiter, ed.).

is implemented by 13 U.S.C. 141(b).[2] The legislative history
accompanying section 2 of the Fourteenth Amendment makes clear
that Congress intended for all persons, including aliens residing
in this country, to be included in the "whole number of persons
in each State." Id.

The end of the Civil War and the freeing of the slaves meant
an end to apportionment based on the "three fifths" provision of
Article 1. See note 1. The Reconstruction Congress realized
that once readmitted, the former Confederate states would in-
crease their population base by forty percent, adding twelve
Representatives to their pre-war total of eighteen.[3] In an
effort to undermine this growth in political power before these
states were readmitted to the Union, the Thirty-ninth Congress
examined various formulas designed to reduce representation
whenever states, as expected, discriminated against portions of
their male population by excluding them from voting on the basis
of race.

For example, there was significant support in the Thirty-
Ninth Congress for a proposal that representation be based on the
number of male voters over the age of twenty-one. See, e.g.,
Cong. Globe, 39th Cong., 1st Sess. 404 (1866). However, this
proposal met serious resistance from many of the Northern states,
especially in New England. These states had disproportionately
large populations of nonvoters, such as women (large numbers of
men had left their homes to pioneer in the west) and aliens.[4] As

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[2] Section 141(b) provides:

> The tabulation of total population by States
> under [the census] as required for the appor-
> tionment of Representatives in Congress among
> the several States shall be completed within
> 9 months after the census date and reported
> by the Secretary to the President of the
> United States.

[3] G. Zuckerman, A Consideration of the History and Present Status
of Section 2 of the Fourteenth Amendment, 30 Ford. L. Rev. 93, 94
(1961) (Zuckerman).

[4] Zuckerman, supra note 3, at 95. As Sen. Wilson noted:

> How [does this proposal affect] the loyal
> States? It throws out of the basis at least
> two and a half millions of unnaturalized
> foreign-born men and women, and by this we
> lose at least fifteen Representatives . . . .
> In 1860 there were in the loyal States
> 3,856,628 unnaturalized persons of foreign
> birth, and in the rebel States 233,651. I
> estimate that Massachusetts would lose one
> Representative certainly, and probably two,

-2-

Rep. Conkling, one of the original drafters of the Fourteenth
Amendment, noted when defending his amendment to count persons
rather than citizens, "[m]any of the large States now hold their
representation in part by reason of their aliens, and the Legis-
latures and people of these States are to pass upon the amend-
ment. It must be made acceptable to them." Cong. Globe, 39th
Cong., 1st Sess. 359 (1866).

Faced with extensive debate over the amendment's language,
the Republicans became concerned that the measure would not pass
the Senate.[5] They therefore went into caucus, agreeing to be
bound by its decision, and adopted the present language regarding
"persons" rather than "citizens." Notwithstanding the protests
of opponents who bitterly denounced this language as nothing more
than a political compromise designed to ensure passage of the
amendment,[6] the Republicans held the majority and the amendment,
apportioning representation on the basis of the "whole number of
persons" in each state, was passed.

Thus, the Congress that passed the Fourteenth Amendment in
1866 not only recognized that aliens would be counted in the
census but insisted upon their inclusion as part of a compromise
designed to ensure that the amendment would be passed by the
industrial states. They did so notwithstanding their acknowledg-
ment that aliens were not bona fide members of the body politic.
They rejected arguments that representation should be based on
people with permanent ties to the country. They consciously
chose to include aliens to advance their dual concerns: ensuring
passage of the amendment by the northern states and denial to the
South of any additional representation in Congress.[7]

It is noteworthy that the Supreme Court, in analyzing
section 1 of the Fourteenth Amendment, has read the word "person"
to include illegal aliens. "Whatever his status under the immi-
gration laws, an alien is surely a 'person' in any ordinary sense
of that term. Aliens, even aliens whose presence in this country
is unlawful, have long been recognized as 'persons' guaranteed

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[4] (Cont.) by this change; that New York
would lose at least four, Pennsylvania two,
Ohio two; and other States would lose in
their representation.

Cong. Globe, 39th Cong., 1st Sess. 1256 (1866).

[5] Zuckerman, supra note 3, at 105.

[6] Cong. Globe, 39th Cong., 1st Sess. 404, 405 (1866) (statement
of Rep. Lawrence). See also id. at 2939 (statement of Sen.
Hendricks).

[7] See generally Note, Demography and Distrust: Constitutional
Issues of the Federal Census, 94 Harv. L. Rev. 841, 846-48
(1981).

due process of law by the Fifth and Fourteenth Amendments."
Plyler v. Doe, 457 U.S. 202, 210 (1982) (citations omitted),
reh'g denied, 458 U.S. 1131 (1982). It would seem reasonable to
assume that those whom the drafters of the Fourteenth Amendment
intended to include in the word "persons" in section 1 of the
amendment are the same "persons" included by section 2.

We must note that the Reconstruction Congress did not
discuss the issue[8] of illegal aliens when it debated the Four-
teenth Amendment. It was, however, possible to be an illegal
alien in 1866. The United States has had a statute since 1798
governing arrest and exclusion of aliens from hostile countries.
Act of July 6, 1798, ch. 66, 1 Stat. 577 (Act), codified at 50
U.S.C. 21. The President is authorized to arrest, secure and
remove, with the aid of the courts and the federal marshals, any
such aliens he identifies. Moreover, this statutory authority
had been exercised prior to 1866.[9] Thus, although the issue was
not raised in the debate over the Fourteenth Amendment, certain
classes of aliens could be excluded from the United States in
1866 and removed by order of the President if they attempted to
return.[10]

The Department of Justice has advised previous Congresses
considering identical legislation that aliens must be included
within the census for purposes of apportioning congressional

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[8] C. Gordon and H. Rosenfeld, 1 Immigration Law & Procedure, at
1-8 (1985).

[9] Lockington v. Smith, 15 F. Cas. 758 (C.C. Pa. 1817) (No. 8448);
Lockington's Case, Brightly N.P. 269 (Pa. 1813).

[10] Moreover, subsequent Congresses have acknowledged, by their
efforts to exclude aliens from the census, that the Fourteenth
Amendment requires the counting of all aliens. The 71st and 72nd
Congresses debated passage of constitutional amendments that
would have excluded aliens in the count for apportionment of
representatives. See H.R. Rep. 2761, 71st Cong., 3d Sess.
(1931); H.R. Rep. 823, 72d Cong., 1st Sess. (1932). The Senate
legal counsel had earlier issued an opinion concluding that
aliens could not be excluded. 71 Cong. Rec. 1821 (1929). In
1940, a bill to exclude aliens was defeated. See e.g., 86 Cong.
Rec. 4372 (1940) (statement of Rep. Cellar) ("If you want aliens
out, you must amend the Constitution").

Representatives,[11] and has adopted that position in court.[12] We have reexamined this position and continue to believe that it is sound. Accordingly, we find that to the extent that H.R. 3814 would exclude illegal aliens from the census, it is unconstitutional.

The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

Thomas M. Boyd
Acting Assistant Attorney General

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[11] See e.g., Testimony of David A. Strauss, Attorney-Adviser, Office of Legal Counsel, 1980 Census: Counting Illegal Aliens, Hearing on S. 2366 Before the Subcomm. on Energy, Nuclear Proliferation and Federal Services of the Senate Comm. on Governmental Affairs, 96th Cong., 2d Sess., at 95 (1980) (Hearing).

[12] See Memorandum of Points and Authorities in Support of Defendants' Motion to Dismiss the Action or, in the Alternative, for Summary Judgement and in Opposition to Plaintiffs' Application for a Preliminary Injunction, filed in Federation for American Immigration Reform v. Klutznick, 486 F. Supp. 564, 576-77 (D.D.C.) (3-judge court) (FAIR), appeal dismissed, 447 U.S. 916 (1980). The Memorandum is reprinted in the Hearings, supra note 11, at 125. The FAIR court endorsed the government's position in dictum. See 486 F. Supp. at 576-77 (reading section 2 to include all aliens) (dictum).

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