

Legal Groups Representing Plaintiffs File Supreme Court Brief Supporting Core Constitutional Protection of Birthright Citizenship

Courts have uniformly blocked President Trump's birthright citizenship executive order; Supreme Court arguments set for April 1

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WASHINGTON — Legal organizations representing a class of all babies who would be subject to President Trump's harmful, unconstitutional, and unlawful executive order restricting birthright citizenship filed their Supreme Court [merits brief](#) today outlining the myriad reasons the court should strike down the order once and for all.

The Supreme Court will hear oral argument in the case, *Trump v. Barbara*, on April 1.

The *Barbara* case is a nationwide class action brought by the American Civil Liberties Union, ACLU of New Hampshire, ACLU of Maine, ACLU of Massachusetts, Legal Defense Fund, Asian Law Caucus, and Democracy Defenders Fund.

Courts have repeatedly blocked the Trump administration from implementing the executive order, finding it violates the Constitution, over a century of Supreme Court precedent, and a longstanding federal statute.

Because of the Constitution's birthright citizenship guarantee and federal laws, nearly every child born on U.S. soil is automatically a U.S. citizen, regardless of their parents' status, wealth, or origin.

In their brief filed today, the groups write that, "For generations, all three branches of the U.S. government and the American people have understood, applied, and relied on that constitutional bedrock — embodying our American values of equality and opportunity and contributing to the thriving of our Nation."

Indeed, it has been a fixture of American identity since the nation's founding and was firmly enshrined in the 14th Amendment.

The Trump administration, the brief notes, “is asking for nothing less than a remaking of our Nation’s constitutional foundations.”

The following is comment from the co-counsel team:

“Citizenship by birth and not parentage is one of the most cherished foundation stones in the U.S. Constitution. It has been settled by constitutional amendment since 1868 and by Supreme Court precedent since 1898,” said **ACLU National Legal Director Cecilia Wang, who will argue the case before the Supreme Court.** “The framers of the 14th Amendment were specifically acting to prevent government officials from interfering with native-born Americans’ citizenship and they would be dismayed by what the president is trying to do today.”

“We are proud to stand with this coalition before the Supreme Court to quell the administration’s attempt to resurrect a racialized notion of who gets to be an American citizen,” said **Ashley Burrell, senior counsel at LDF.** “Birthright citizenship was originally established in our Constitution to finally ensure citizenship for all, including Black people who were forced to endure hundreds of years of bondage. The 14th Amendment makes it clear that all children born in this country are entitled to the rights and protections of American citizenship, and we will continue fighting to ensure this is not undermined.”

“Birthright citizenship is what makes every child born here unequivocally American,” said **Aarti Kohli, executive director of Asian Law Caucus.** “Without it, ordinary milestones — getting a Social Security number, a passport, or access to federal programs — become obstacles for the thousands of children who could be born into legal limbo from day one. Asian Americans have fought for this constitutional promise before and won. The Asian Law Caucus is proud to fight for it again before the Supreme Court.”

“Today, DDF and our partners filed a Supreme Court brief defending a basic American principle: birthright citizenship,” said **Tianna Mays, legal director for Democracy Defenders Fund.** “Trump’s executive order is flatly unconstitutional, directly contradicts Supreme Court precedent, and conflicts with federal law, and our brief makes that clear. We look forward to making this argument before the court and are confident they will affirm this basic right, which has stood for over a century.”

“We are continuing to fight this cruel executive order to ensure that every child born in the United States has their right to citizenship protected instead of being relegated to a permanent, multigenerational subclass of people born in the U.S. but who are denied full rights,” said **SangYeob Kim, director of the Immigrants’ Rights Project at the ACLU of New Hampshire.**

“The Trump administration is attempting to destroy our shared values of freedom, opportunity, and dignity for all by treating millions of American babies as second-class citizens. That’s unconstitutional, unlawful, and just plain wrong. The Supreme Court should throw out the administration’s divisive, degrading, and clearly unconstitutional executive order and reaffirm

the principle of birthright citizenship — a bedrock right in the United States and a cornerstone of our democracy,” said **Jessie Rossman, legal director for the ACLU of Massachusetts.**

“The 14th Amendment is clear: babies born in the U.S. are U.S. citizens,” said **Zach Heiden, chief counsel at the ACLU of Maine.** “Today’s brief demonstrates that birthright citizenship is a longstanding American principle that all three branches of government have recognized for nearly two centuries. We hope the Supreme Court will uphold the plain language of the Constitution and stop the president’s attempt to upend one of our nation’s core tenets.”

The brief is [here](#).