



# 22 STATES SUE TO BLOCK TRUMP'S ORDER TO END BIRTHRIGHT CITIZENSHIP - THE EPOCH TIMES

Posted on January 22, 2025 by Tom Ozimek | The Epoch Times



*Photo: President Donald Trump signs an executive order as he attends an indoor Presidential Inauguration parade event at Capital One Arena, Monday, Jan. 20, 2025, in Washington. (AP Photo/Evan Vucci)*

A coalition of 22 state attorneys general and two cities have filed lawsuits seeking to block President Donald Trump's executive order denying citizenship to children born in the United States to illegal immigrants and other non-citizens.

One of the [complaints](#), filed on Jan. 21 at the U.S. District Court in Massachusetts, alleges that Trump's Jan. 20 order to end birthright citizenship violates the Fourteenth Amendment of the U.S. Constitution and Section 1401 of the Immigration and Nationality Act.

"President Trump's attempt to unilaterally end birthright citizenship is a flagrant violation of our Constitution," Platkin said in a [statement](#). "For more than 150 years, our country has followed the same basic rule: babies who are born in this country are American citizens."

In addition to New Jersey, the other states in the suit are California, Colorado, Connecticut, Delaware, Hawaii, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Mexico, New York, North Carolina, Rhode Island, Vermont, Wisconsin, plus the District of Columbia and the City and County of San Francisco.

Four additional states—Arizona, Illinois, Oregon, and Washington—filed a separate complaint in a Seattle court, making essentially the same claim.

Trump's [order](#), issued shortly after he assumed office on Jan. 20, claims that the Fourteenth Amendment's [Citizenship Clause](#) does not universally grant citizenship to everyone born in the United States.

In particular, it argues that the phrase "subject to the jurisdiction thereof" in the citizenship clause excludes children of illegal immigrants and other non-citizens from automatic U.S. citizenship.

The executive order states that children are excluded from automatic citizenship:

"(1) when that person's mother was unlawfully present in the United States and the person's father was not a United States citizen or lawful permanent resident at the time of said person's birth, or (2) when that person's mother's presence in the United States was lawful but temporary, and the person's father was not a United States citizen or lawful permanent resident at the time of said person's birth."

It prescribes that no federal agency shall issue or recognize any document recognizing U.S. citizenship for any such child born after Feb. 19, 2025.



The action fulfills Trump's campaign pledge to end birthright citizenship, while the lawsuit against it represents the expected constitutional challenge.

In both cases, the plaintiffs want the courts to nullify Trump's order and block any steps taken to enforce it. They argue that the Fourteenth Amendment's principle of birthright citizenship, [affirmed](#) by the Supreme Court in *United States v. Wong Kim Ark* (1898), guarantees citizenship to anyone born in the United States regardless of parental status.

Further, in one of the complaints, the plaintiffs note that Congress has [codified](#) this principle in the Immigration and Nationality Act and that the Executive Branch "has long recognized that any attempt to deny citizenship to children based on their parents' citizenship or immigration status would be 'unquestionably unconstitutional.'"

The plaintiffs argue that the president lacks the power to rewrite or nullify a constitutional amendment and that he is not authorized by any law to limit who can obtain U.S. citizenship at birth.

If the order is allowed to stand, children born to parents who are in the United States illegally will "all become deportable, and many will be stateless," the plaintiffs contend, arguing that this would cause them to suffer "immediate and irreparable harm" after Feb. 19.

Such children also will lose access to various federal services and become ineligible to participate in various forms of economic and civic life, such as working, voting, serving on juries, or running for certain types of office, the plaintiffs note.

Further, if the courts uphold Trump's order, the states say, they will have to modify their benefit programs to account for the changes, causing them to incur significant costs.

The White House did not respond to a request for comment on the lawsuit. However, after reporters asked Trump on Monday about potential legal challenges to his order, the president said: "We think we have good ground, but you could be right. You'll find out."

The states' legal challenge follows a [similar lawsuit](#) filed on Jan. 20 by a coalition of groups, including the American Civil Liberties Union (ACLU), State Democracy Defenders Fund, and Legal Defense Fund.