

Trump  
v  
CASA

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Brent Skorup

PRESIDENT DONALD TRUMP ENTERED OFFICE IN 2025 PLEDGING TO ACCELERATE DEPORTATIONS OF ILLEGAL IMMIGRANTS AND TO PREVENT MASS IMMIGRATION INTO THE UNITED STATES.

WE WILL BEGIN THE PROCESS OF RETURNING MILLIONS OF CRIMINAL ALIENS BACK TO THE PLACES FROM WHICH THEY CAME.

HE ALSO SIGNED A DAY-ONE EXECUTIVE ORDER TO STOP GRANTING CITIZENSHIP TO US-BORN CHILDREN OF ILLEGAL IMMIGRANTS. HE ENDED A PRACTICE WITH DEEP HISTORICAL ROOTS.

BIRTHRIGHT CITIZENSHIP WAS ADDED TO OUR CONSTITUTION TO REVERSE THE SUPREME COURT'S INFAMOUS 1857 DRED SCOTT DECISION, WHICH DENIED CITIZENSHIP TO ALL BLACK PEOPLE IN THE US—EVEN TO FREEDMEN AND THEIR CHILDREN.

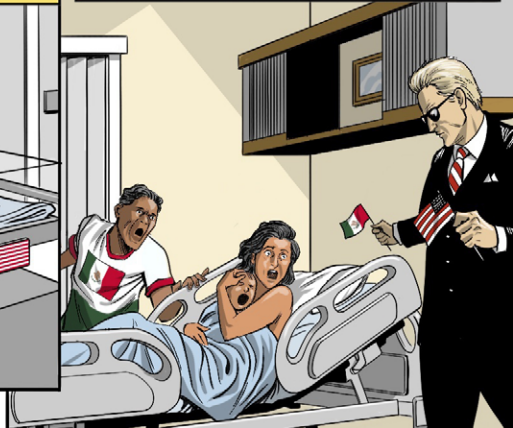
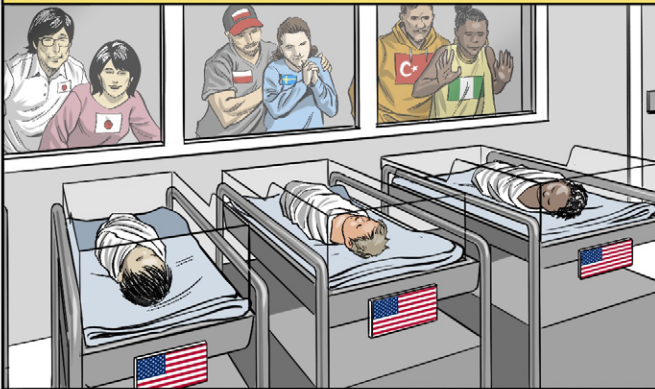
NO LONGER!

THE BIRTHRIGHT CITIZENSHIP CLAUSE, PART OF THE FOURTEENTH AMENDMENT, STATES THAT "ALL PERSONS BORN... IN THE UNITED STATES, AND SUBJECT TO THE JURISDICTION THEREOF, ARE CITIZENS OF THE UNITED STATES."

AND FOR GENERATIONS, US OFFICIALS HAVE RECOGNIZED NEARLY\* EVERY CHILD BORN WITHIN ITS BORDERS—REGARDLESS OF PARENTS' NATIONALITY OR LEGAL STATUS—AS A CITIZEN.

BUT PRESIDENT TRUMP'S EXECUTIVE ORDER ABROGATES THAT LONG-STANDING INTERPRETATION, EXCLUDING CHILDREN BORN TO ILLEGAL IMMIGRANTS.

\*Exceptions include children of foreign diplomats.



MULTIPLE LAWSUITS WERE FILED IMMEDIATELY.

IMMIGRATION LAWYER

ATTORNEYS FOR STATE GOVERNMENTS AND PREGNANT WOMEN RACED TO CHALLENGE THE ORDER...

Federal Courthouse

...CITING LIKELY HARMS.

SORRY, BUT YOUR BABY IS A NONCITIZEN AND CAN'T GET A SOCIAL SECURITY NUMBER...

...OR MEDICAID AND FOOD STAMPS.

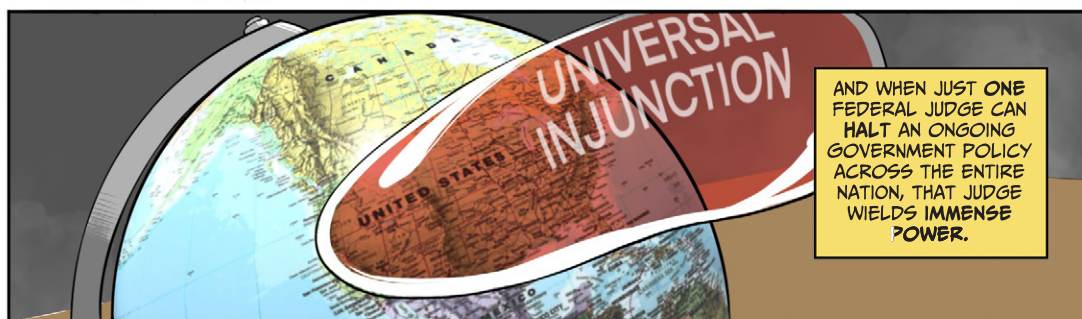
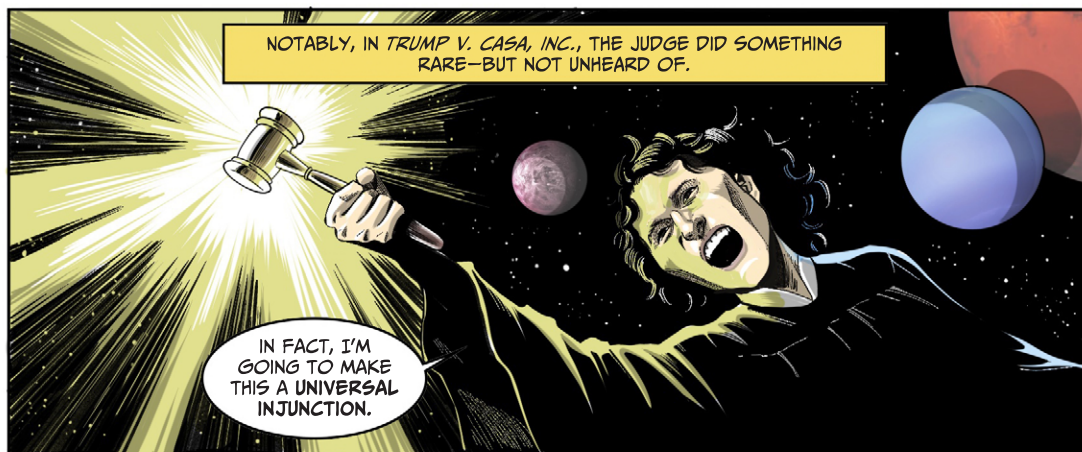
...OR A PASSPORT.

IN SOME RARE CASES, THE ORDER WOULD RENDER A NEWBORN "STATELESS"—A CITIZEN OF NO COUNTRY.

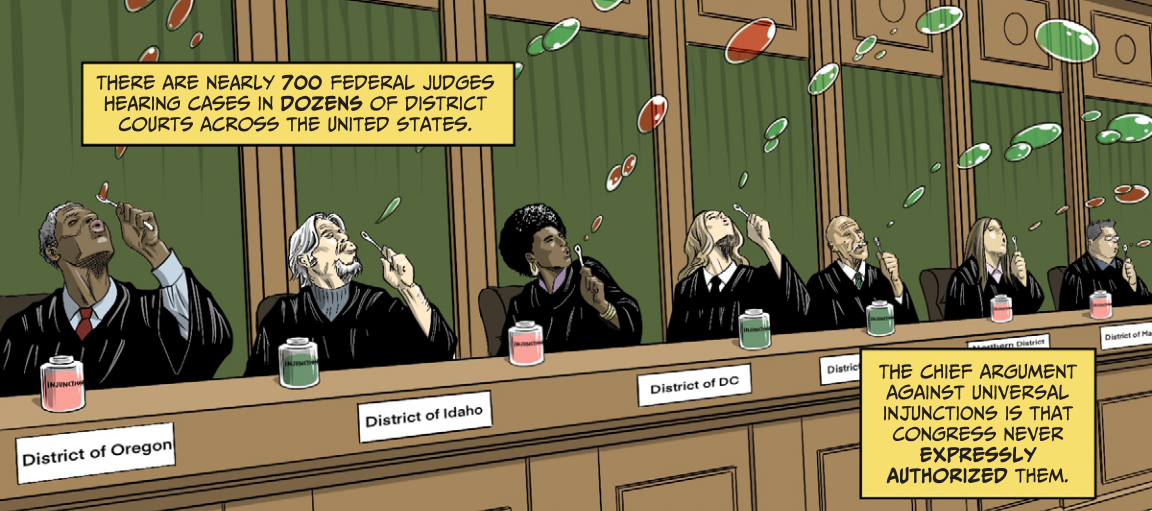
JUST LOOK AT THIS PRECEDENT, YOUR HONOR.

ABOVE ALL, THE CHALLENGERS HIGHLIGHTED BEFORE MANY JUDGES THE BREAK FROM LONG-STANDING INTERPRETATIONS OF THE FOURTEENTH AMENDMENT.





THERE ARE NEARLY 700 FEDERAL JUDGES HEARING CASES IN DOZENS OF DISTRICT COURTS ACROSS THE UNITED STATES.



UNIVERSAL  
INJUNCTION

THAT QUESTION HAS NEW URGENCY. IN THE PAST 20 YEARS, DISTRICT COURTS HAVE VASTLY INCREASED THEIR ISSUANCE OF UNIVERSAL INJUNCTIONS, HALTING SWEEPING FEDERAL POLICIES.

WHETHER UNIVERSAL INJUNCTIONS ARE PROPER HAS BECOME A BITTER DEBATE—EVEN AMONG JUDGES!

WE CANNOT ALLOW THE PRESIDENT TO ENFORCE CLEARLY UNCONSTITUTIONAL POLICIES, ESPECIALLY REGARDING FUNDAMENTAL RIGHTS LIKE BIRTHRIGHT CITIZENSHIP.

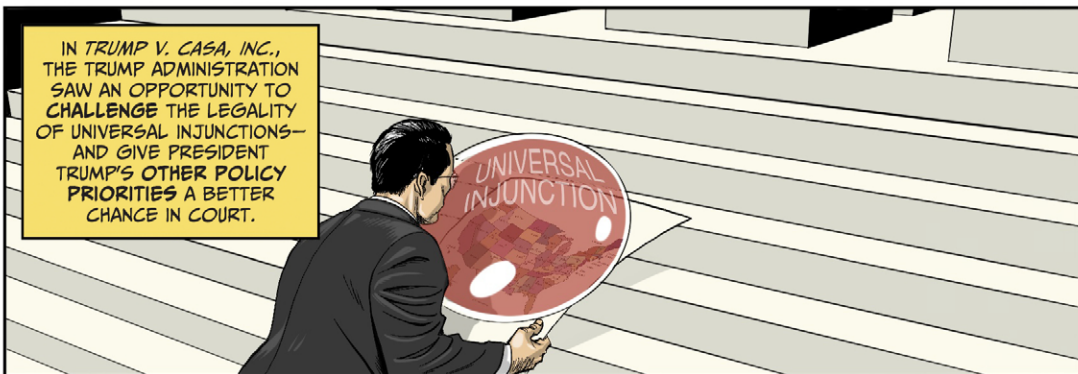
WITHOUT UNIVERSAL INJUNCTIONS, STOPPING AN UNCONSTITUTIONAL PRESIDENTIAL ORDER POTENTIALLY MEANS WAITING YEARS FOR THE SUPREME COURT TO INTERVENE—OR DECIDING HUNDREDS OF SEPARATE CASES!

BUT UNIVERSAL INJUNCTIONS SHORT-CIRCUIT THE NATION'S SYSTEM OF APPELLATE REVIEW, AND THEY IMPROPERLY ALLOW DISTRICT COURT JUDGES TO BECOME SUPERVISORS OF NATIONAL POLICY.

WHEN *TRUMP V. CASA, INC.* REACHES THE SUPREME COURT, IT IS A CASE LESS ABOUT THE POWERS OF THE PRESIDENT AND MORE ABOUT THE POWERS OF JUDGES.



IN *TRUMP V. CASA, INC.*, THE TRUMP ADMINISTRATION SAW AN OPPORTUNITY TO CHALLENGE THE LEGALITY OF UNIVERSAL INJUNCTIONS—AND GIVE PRESIDENT TRUMP'S OTHER POLICY PRIORITIES A BETTER CHANCE IN COURT.

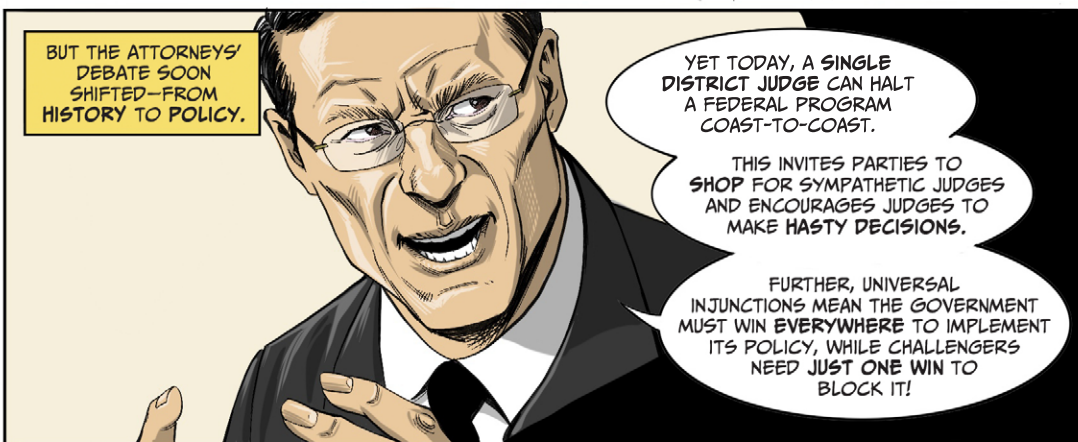


THE COURT'S POWER TO ISSUE INJUNCTIONS COMES FROM THE JUDICIARY ACT OF 1789. BUT THE ACT CONTAINS NO MENTION OF UNIVERSAL INJUNCTIONS.



AT AMERICA'S FOUNDING, COURT DECISIONS BOUND ONLY THE PARTIES BEFORE THEM—NOT OTHER PARTIES WHO HAPPENED TO BE SIMILARLY AFFECTED.

BUT THE ATTORNEYS' DEBATE SOON SHIFTED—FROM HISTORY TO POLICY.



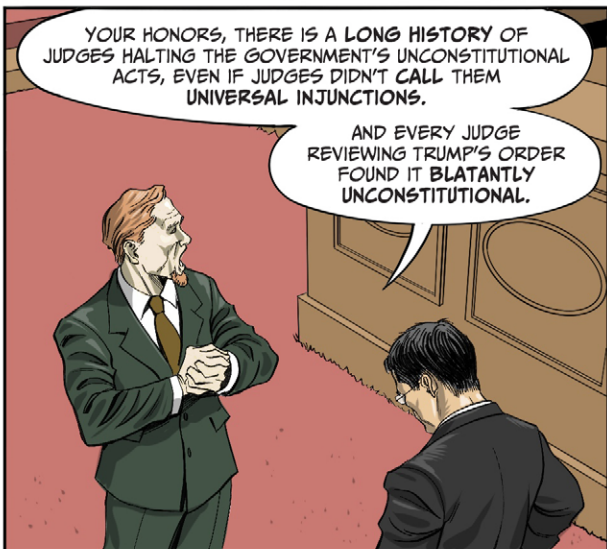
YET TODAY, A SINGLE DISTRICT JUDGE CAN HALT A FEDERAL PROGRAM COAST-TO-COAST.

THIS INVITES PARTIES TO SHOP FOR SYMPATHETIC JUDGES AND ENCOURAGES JUDGES TO MAKE HASTY DECISIONS.

FURTHER, UNIVERSAL INJUNCTIONS MEAN THE GOVERNMENT MUST WIN EVERYWHERE TO IMPLEMENT ITS POLICY, WHILE CHALLENGERS NEED JUST ONE WIN TO BLOCK IT!

YOUR HONORS, THERE IS A LONG HISTORY OF JUDGES HALTING THE GOVERNMENT'S UNCONSTITUTIONAL ACTS, EVEN IF JUDGES DIDN'T CALL THEM UNIVERSAL INJUNCTIONS.

AND EVERY JUDGE REVIEWING TRUMP'S ORDER FOUND IT BLATANTLY UNCONSTITUTIONAL.

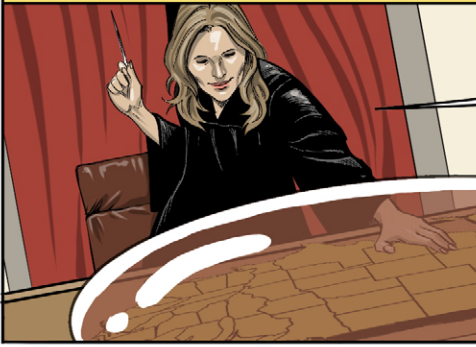


AFFIRM THE INJUNCTION AND SAVE YEARS OF LITIGATION ON A COMMONSENSE ISSUE.

OTHERWISE, STATES FACE CHAOS IMPLEMENTING WELFARE PROGRAMS FOR THESE CHILDREN.

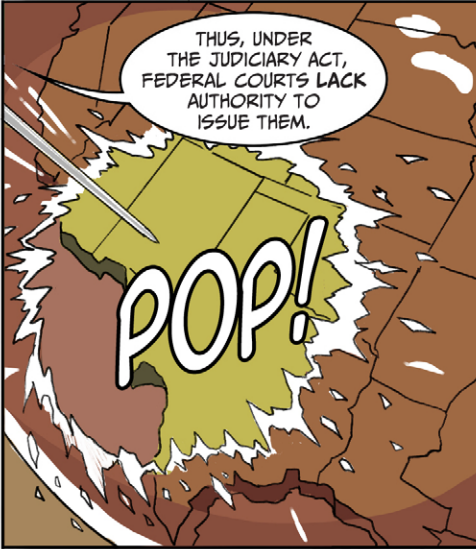


IN JUNE 2025, THE SUPREME COURT RULED 6-3 THAT LOWER COURTS CANNOT ISSUE UNIVERSAL INJUNCTIONS.

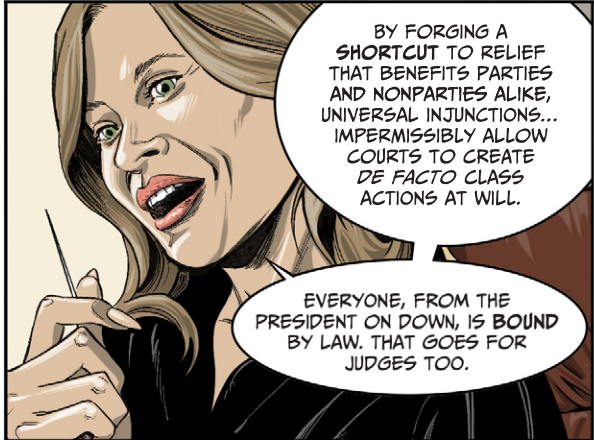


THE JUDICIARY ACT OF 1789 ENDOWED FEDERAL COURTS WITH JURISDICTION OVER "ALL SUITS... IN EQUITY." THOUGH FLEXIBLE, THIS EQUITABLE AUTHORITY IS NOT FREEWHEELING.

NOTHING LIKE A UNIVERSAL INJUNCTION WAS AVAILABLE AT THE FOUNDING, OR FOR THAT MATTER, FOR MORE THAN A CENTURY THEREAFTER.



THUS, UNDER THE JUDICIARY ACT, FEDERAL COURTS LACK AUTHORITY TO ISSUE THEM.



BY FORGING A SHORTCUT TO RELIEF THAT BENEFITS PARTIES AND NONPARTIES ALIKE, UNIVERSAL INJUNCTIONS... IMPERMISSIBLY ALLOW COURTS TO CREATE DE FACTO CLASS ACTIONS AT WILL.

EVERYONE, FROM THE PRESIDENT ON DOWN, IS BOUND BY LAW. THAT GOES FOR JUDGES TOO.

THE COURT'S RULING MEANS THE INJUNCTIONS IN *TRUMP V. CASA, INC.* PROTECT ONLY THE SPECIFIC PARTIES TO THE LAWSUIT, INCLUDING THE PREGNANT WOMEN REPRESENTED BY CASA.

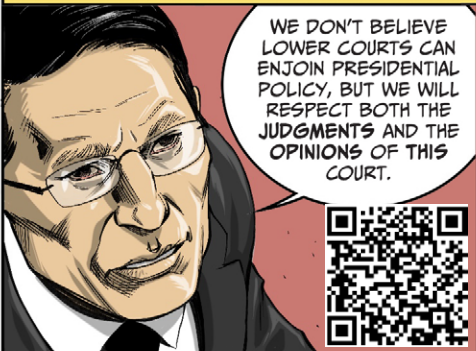


THE DISSIDENTS ISSUED A WARNING, HOWEVER.

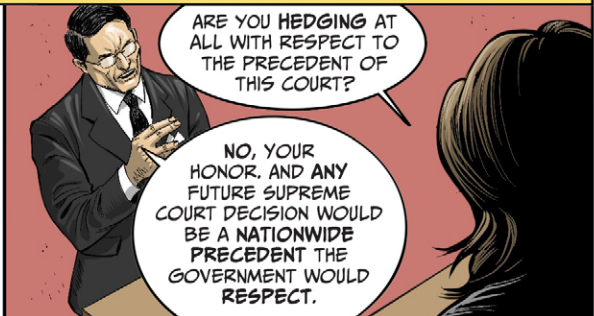
NO RIGHT IS SAFE IN THE NEW LEGAL REGIME THE COURT CREATES.

THESE INJUNCTIONS, AFTER ALL, PROTECT NEWBORNS FROM THE EXCEPTIONAL, IRREPARABLE HARM ASSOCIATED WITH LOSING A FOUNDATIONAL CONSTITUTIONAL RIGHT AND ITS IMMEDIATE BENEFITS.

YET A JUDICIARY UNDER FIRE HAD SECURED A CRUCIAL PROMISE FROM THE EXECUTIVE BRANCH TO RESPECT THE RULE OF LAW.



WE DON'T BELIEVE LOWER COURTS CAN ENJOIN PRESIDENTIAL POLICY, BUT WE WILL RESPECT BOTH THE JUDGMENTS AND THE OPINIONS OF THIS COURT.



ARE YOU HEDGING AT ALL WITH RESPECT TO THE PRECEDENT OF THIS COURT?

NO, YOUR HONOR. AND ANY FUTURE SUPREME COURT DECISION WOULD BE A NATIONWIDE PRECEDENT THE GOVERNMENT WOULD RESPECT.

MAY OUR GOVERNMENT ALWAYS HONOR THAT PROMISE.