

Trump



Barbara



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EXECUTIVE ORDER 14160 Protecting the Meaning and Value of American Citizenship

AMERICAN CITIZENSHIP HAS TRADITIONALLY BEEN GUARANTEED AT BIRTH. BUT JUST HOURS AFTER HIS 2025 INAUGURATION, PRESIDENT TRUMP SIGNED EXECUTIVE ORDER 14160: AN ATTEMPT TO PUSH BIRTHRIGHT CITIZENSHIP OUT OF THE LAW AND THE CONSTITUTION...

...BY DECREERING THAT CHILDREN BORN IN THE U.S. TO PARENTS WHO ARE UNLAWFULLY OR TEMPORARILY PRESENT ARE NOT "SUBJECT TO THE JURISDICTION" OF THE UNITED STATES.

ALTHOUGH A JUDGE BLOCKED THE ORDER, TRUMP'S MASS-DEPORTATION CAMPAIGN HAS PRESSED ON.

THE DRAGNET HAS SWEEPED UP U.S. CITIZENS--CHILDREN INCLUDED.

AND THE TRUMP ADMINISTRATION SOUGHT CERTIORARI, WITH AN AUDACIOUS PLAN TO TRANSFORM THE SUPREME COURT'S INTERPRETATION OF THE FOURTEENTH AMENDMENT IN THE CASE *TRUMP V. BARBARA*.

Fourteenth Amendment

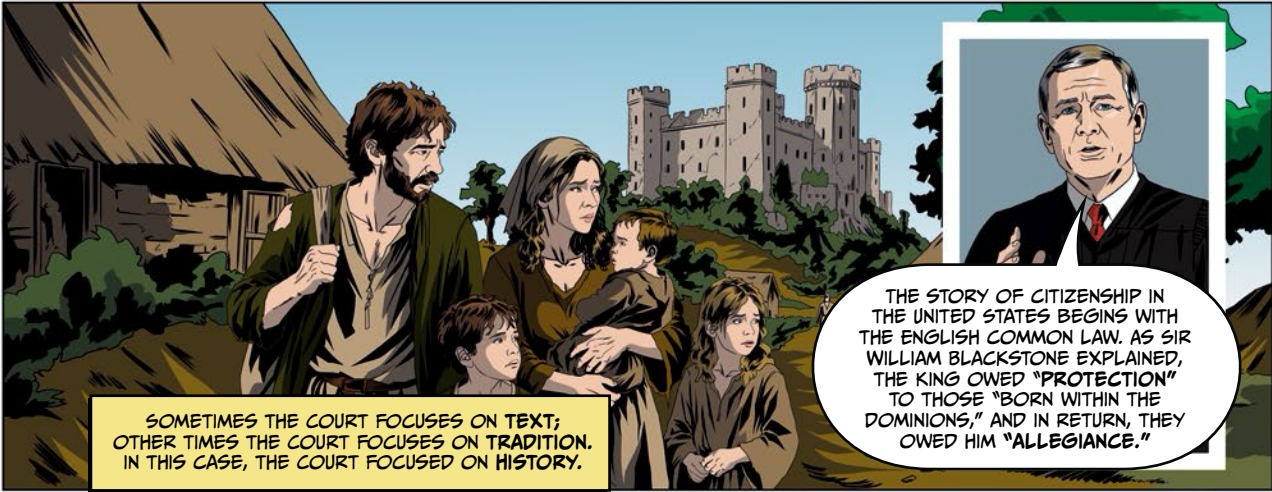
Section 1.

FOR MORE THAN 125 YEARS, COURTS HAVE READ THESE WORDS:

"ALL PERSONS BORN OR NATURALIZED IN THE UNITED STATES, AND SUBJECT TO THE JURISDICTION THEREOF, ARE CITIZENS OF THE UNITED STATES..."

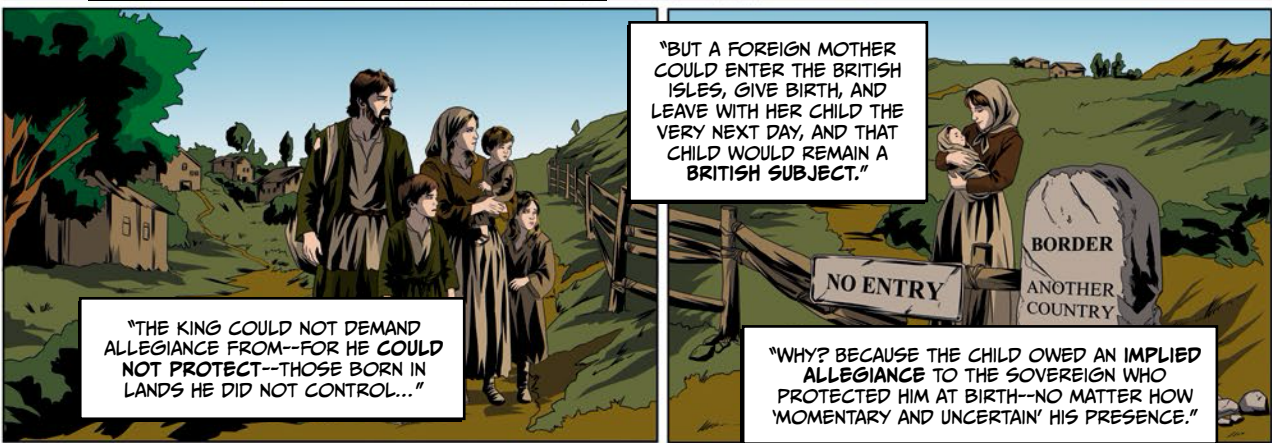
...TO MEAN THAT EVERY CHILD BORN ON U.S. SOIL, WITH NARROW EXCEPTIONS, IS AN AMERICAN CITIZEN.

COULD FIVE WORDS--"SUBJECT TO THE JURISDICTION THEREOF"--LET TRUMP EXCLUDE THESE CHILDREN? TO ANSWER, CHIEF JUSTICE JOHN ROBERTS WENT BACK FOUR CENTURIES AND WALKED THE RULE FORWARD THROUGH TIME.



SOMETIMES THE COURT FOCUSES ON TEXT;
OTHER TIMES THE COURT FOCUSES ON TRADITION.
IN THIS CASE, THE COURT FOCUSED ON HISTORY.

THE STORY OF CITIZENSHIP IN THE UNITED STATES BEGINS WITH THE ENGLISH COMMON LAW. AS SIR WILLIAM BLACKSTONE EXPLAINED, THE KING OWED "PROTECTION" TO THOSE "BORN WITHIN THE DOMINIONS," AND IN RETURN, THEY OWED HIM "ALLEGIANCE."



"THE KING COULD NOT DEMAND ALLEGIANCE FROM--FOR HE COULD NOT PROTECT--THOSE BORN IN LANDS HE DID NOT CONTROL..."

"BUT A FOREIGN MOTHER COULD ENTER THE BRITISH ISLES, GIVE BIRTH, AND LEAVE WITH HER CHILD THE VERY NEXT DAY, AND THAT CHILD WOULD REMAIN A BRITISH SUBJECT."

"WHY? BECAUSE THE CHILD OWED AN IMPLIED ALLEGIANCE TO THE SOVEREIGN WHO PROTECTED HIM AT BIRTH--NO MATTER HOW 'MOMENTARY AND UNCERTAIN' HIS PRESENCE."



"IN A NATION OF IMMIGRANTS--AN 'ASYLUM FOR MANKIND,' IN THOMAS PAINE'S WORDS--THE BROAD SCOPE OF JUS SOLI* TOOK ON PARTICULAR IMPORTANCE."

"SOME HOPED TO STAY ONLY A SHORT TIME, AND OTHERS HOPED NEVER TO LEAVE. NO MATTER THEIR INTENTIONS, THEY COULD BE ASSURED THAT THEIR CHILDREN WOULD BE AMERICAN CITIZENS BY BIRTH ALONE."

*Jus soli: Latin for "right of the soil"--citizenship by place of birth.



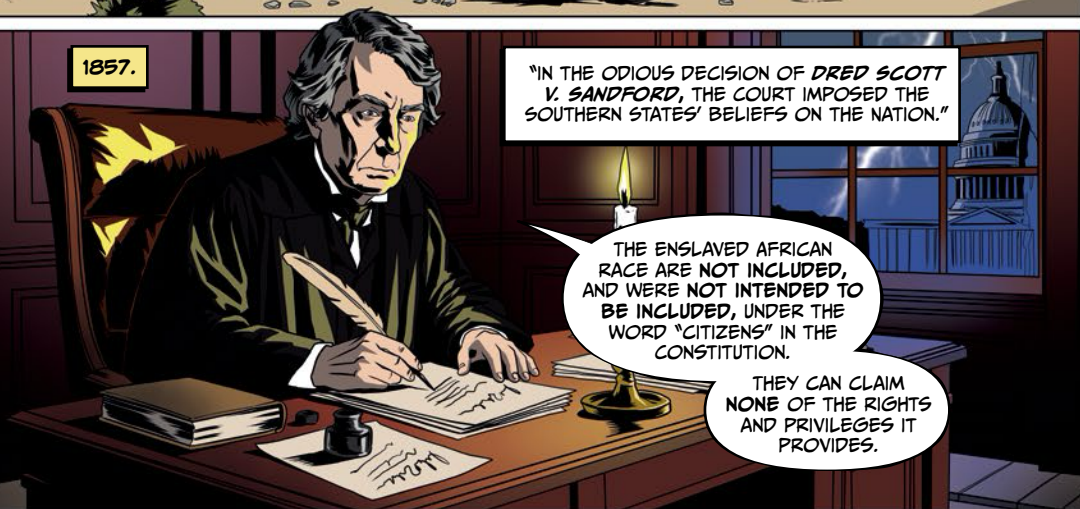
OF COURSE, THERE WILL ALWAYS BE EXCEPTIONS FOR SOME CLASSES OF PEOPLE--FOR INSTANCE, DIPLOMATS AND THEIR FAMILIES ARE TREATED A LITTLE DIFFERENTLY.

"THE COMMON LAW
MADE NO DISTINCTION
ON ACCOUNT OF RACE
OR COLOR. BUT SLAVE
STATES DID."



1857.

"IN THE ODISIOUS DECISION OF *DRED SCOTT V. SANDFORD*, THE COURT IMPOSED THE SOUTHERN STATES' BELIEFS ON THE NATION."



THE ENSLAVED AFRICAN RACE ARE NOT INCLUDED, AND WERE NOT INTENDED TO BE INCLUDED, UNDER THE WORD "CITIZENS" IN THE CONSTITUTION.

THEY CAN CLAIM NONE OF THE RIGHTS AND PRIVILEGES IT PROVIDES.



"DRED SCOTT WAS MET WITH SHOCK."

"ABOLITIONISTS SWORE TO UNDO WHAT THE COURT HAD DONE."

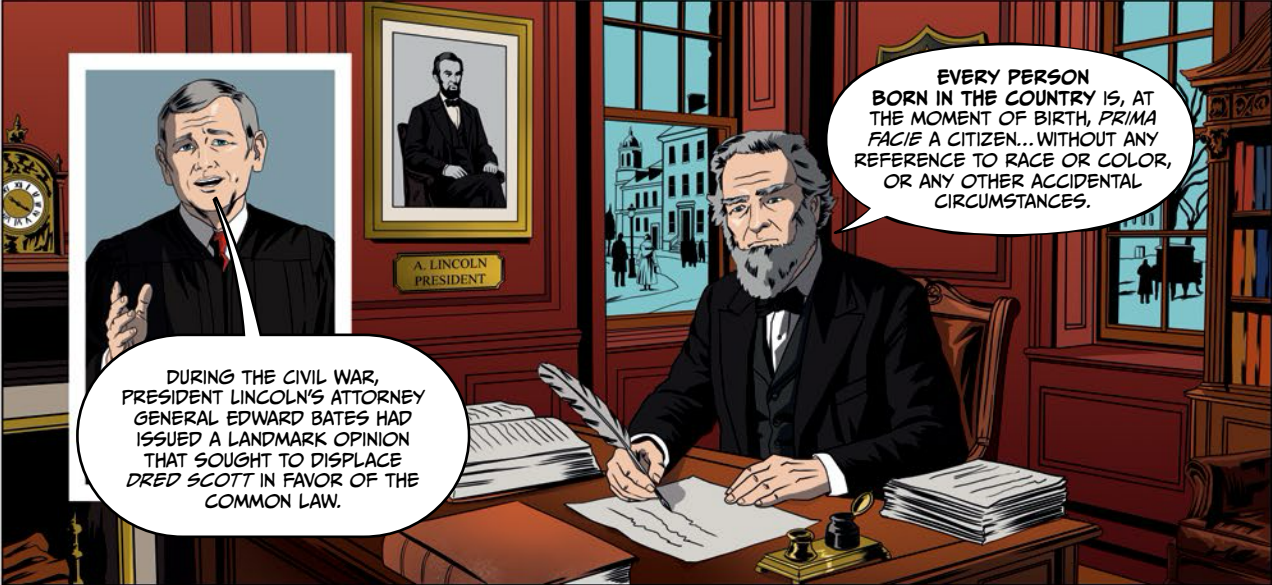


THE CONSTITUTION KNOWS ALL THE HUMAN INHABITANTS OF THIS COUNTRY AS "THE PEOPLE," NO MATTER THEIR COLOR, CLASS, OR CRIME.

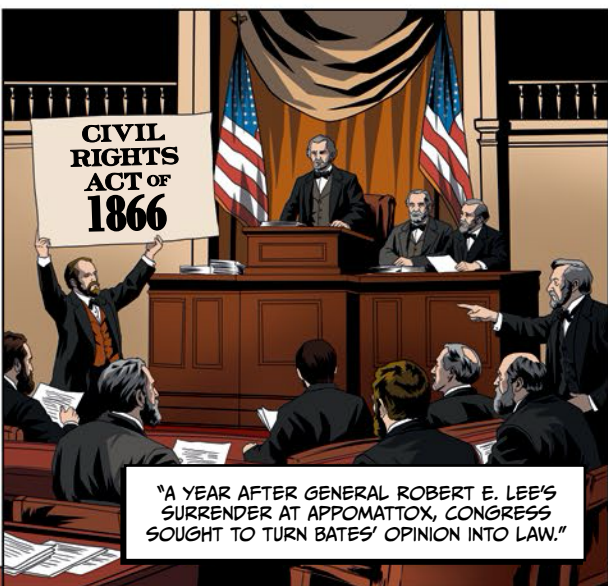
BY BIRTH, WE ARE AMERICAN CITIZENS!



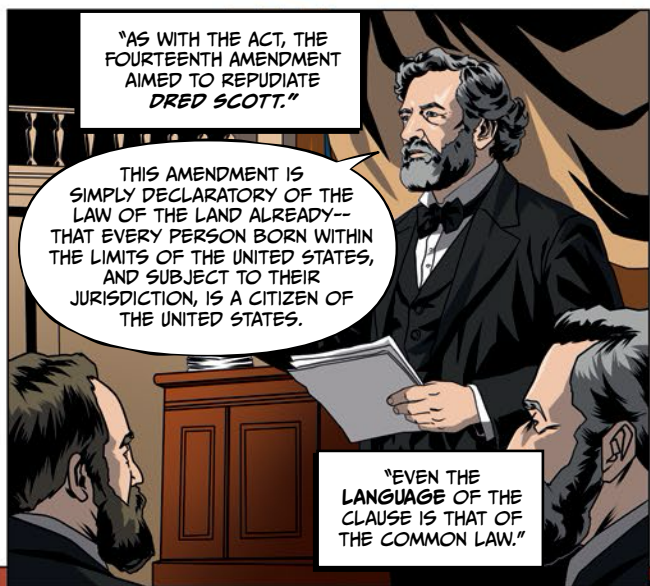
"THE COURT HAD OVERRULED THE COMMON LAW, BUT THE PEOPLE--EVENTUALLY--WOULD OVERRULE THE COURT."



DURING THE CIVIL WAR, PRESIDENT LINCOLN'S ATTORNEY GENERAL EDWARD BATES HAD ISSUED A LANDMARK OPINION THAT SOUGHT TO DISPLACE DRED SCOTT IN FAVOR OF THE COMMON LAW.



"A YEAR AFTER GENERAL ROBERT E. LEE'S SURRENDER AT APPOMATTOX, CONGRESS SOUGHT TO TURN BATES' OPINION INTO LAW."



"AS WITH THE ACT, THE FOURTEENTH AMENDMENT AIMED TO REPUDIATE DRED SCOTT."

THIS AMENDMENT IS SIMPLY DECLARATORY OF THE LAW OF THE LAND ALREADY-- THAT EVERY PERSON BORN WITHIN THE LIMITS OF THE UNITED STATES, AND SUBJECT TO THEIR JURISDICTION, IS A CITIZEN OF THE UNITED STATES.

"EVEN THE LANGUAGE OF THE CLAUSE IS THAT OF THE COMMON LAW."



BUT THE COURT RESTED ITS OPINION IN TRUMP V. BARBARA ON MORE THAN JUST COMMON-LAW AND LEGISLATIVE HISTORY: IT RELIED ON AMERICAN LEGAL HISTORY AS WELL.



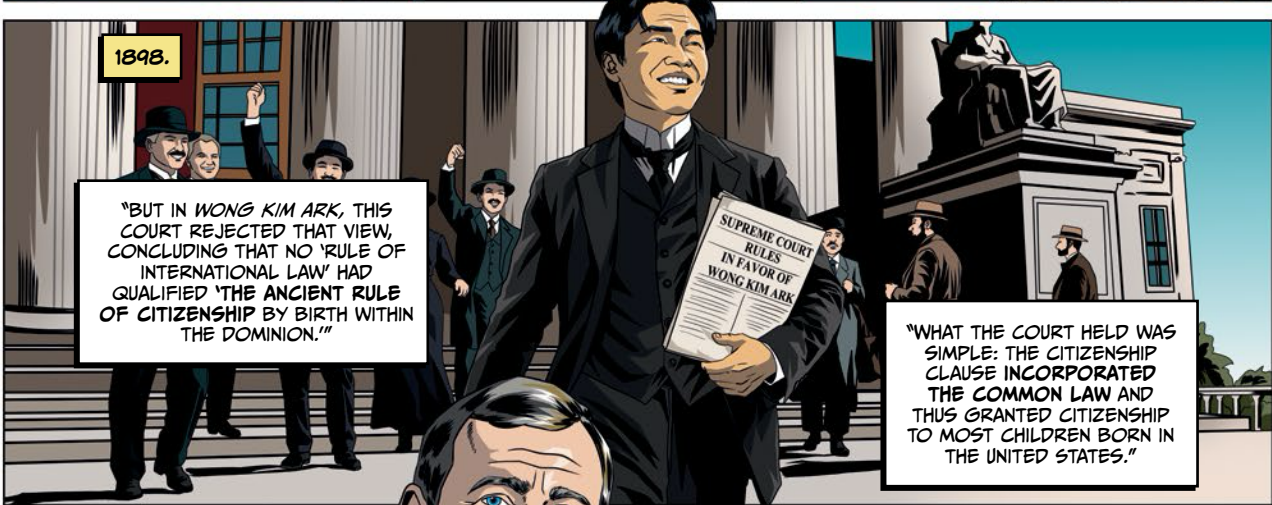
SAN FRANCISCO, 1895.

"OUR PRECEDENT--THE SEMINAL CASE OF *UNITED STATES V. WONG KIM ARK*--CONFIRMS THIS RULE."



WONG KIM ARK WAS BORN IN SAN FRANCISCO. BUT WHEN HE SAILED HOME FROM VISITING FAMILY IN CHINA, THE U.S. GOVERNMENT REFUSED TO LET HIM LAND AND HELD HIM FOR MONTHS ON A SHIP ANCHORED IN THE BAY.

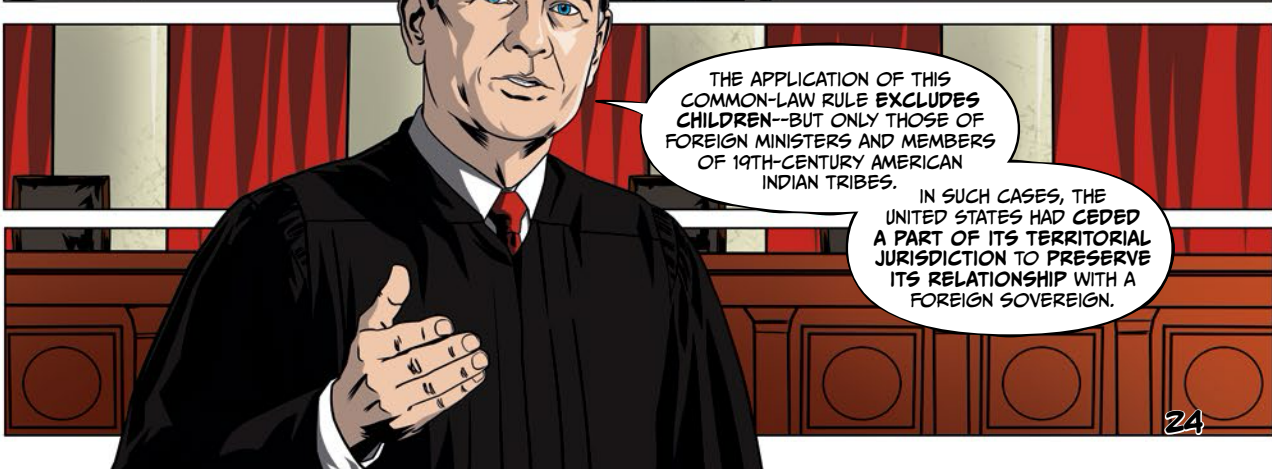
THE GOVERNMENT CLAIMED THAT BECAUSE WONG'S PARENTS OWED ALLEGIANCE TO A FOREIGN POWER, HE WAS NOT "SUBJECT TO THE JURISDICTION" OF THE UNITED STATES--AND THEREFORE, NOT A CITIZEN.



1898.

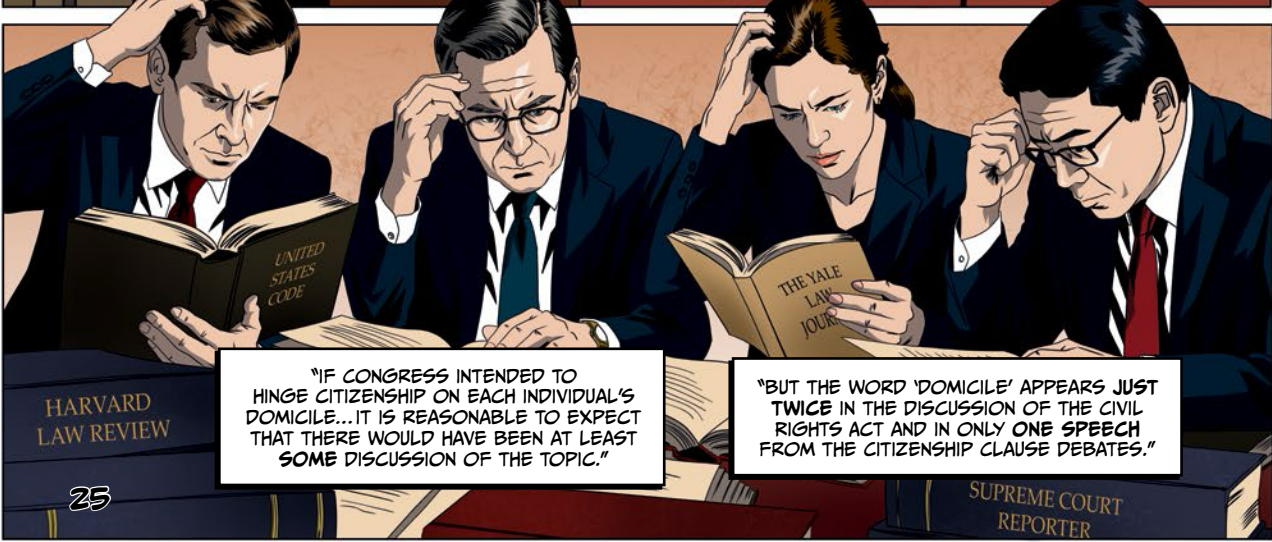
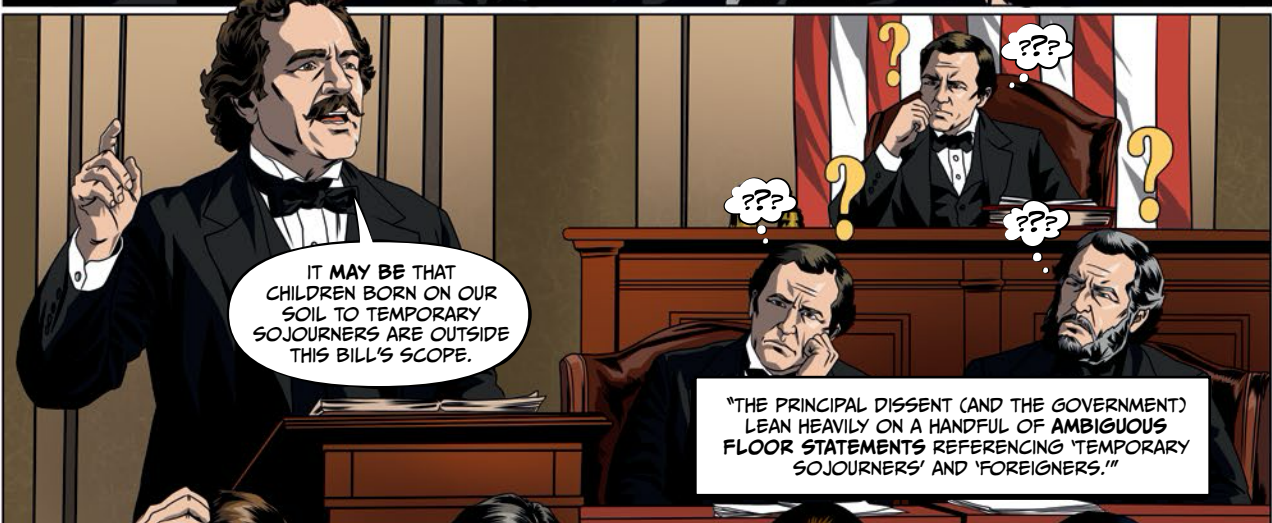
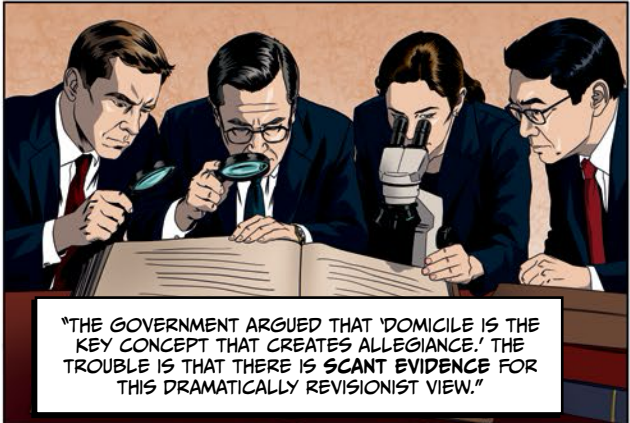
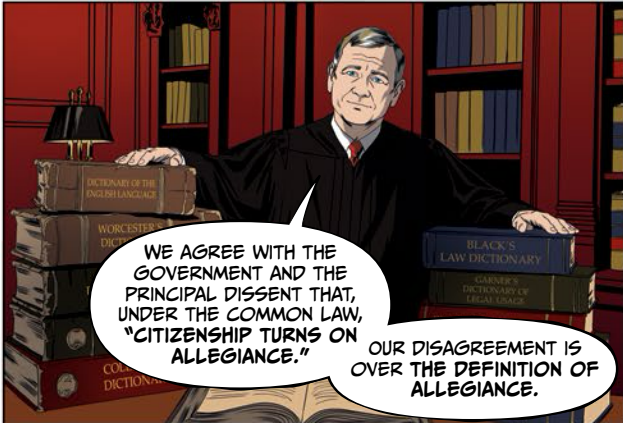
"BUT IN *WONG KIM ARK*, THIS COURT REJECTED THAT VIEW, CONCLUDING THAT NO 'RULE OF INTERNATIONAL LAW' HAD QUALIFIED 'THE ANCIENT RULE OF CITIZENSHIP BY BIRTH WITHIN THE DOMINION.'"

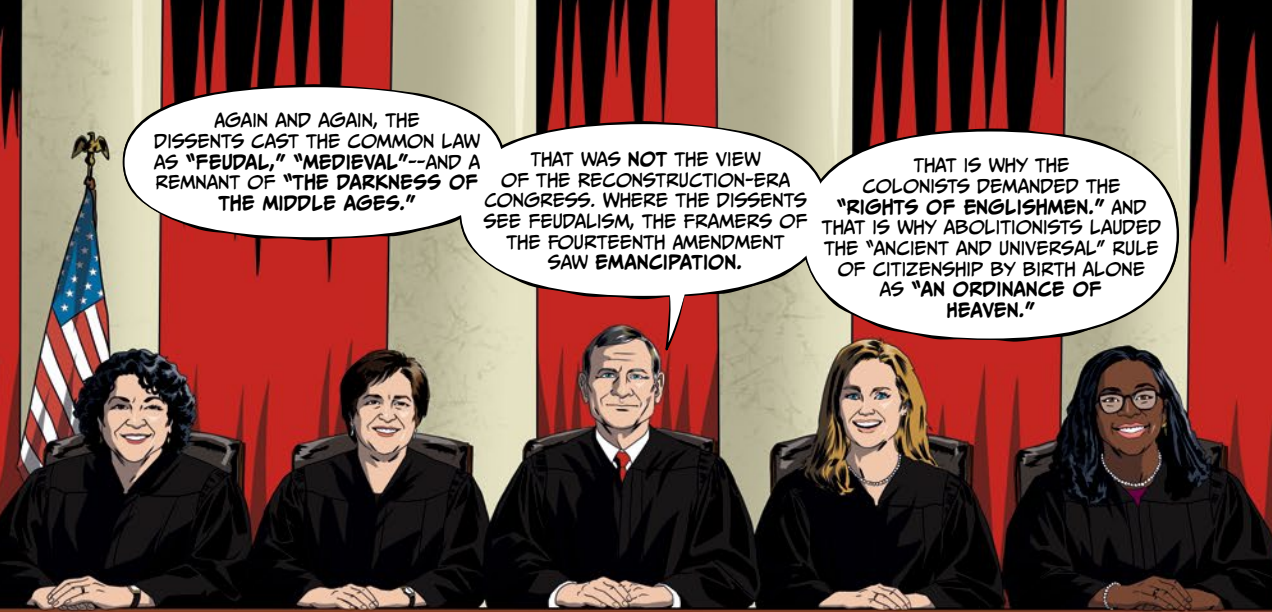
"WHAT THE COURT HELD WAS SIMPLE: THE CITIZENSHIP CLAUSE INCORPORATED THE COMMON LAW AND THUS GRANTED CITIZENSHIP TO MOST CHILDREN BORN IN THE UNITED STATES."



THE APPLICATION OF THIS COMMON-LAW RULE EXCLUDES CHILDREN--BUT ONLY THOSE OF FOREIGN MINISTERS AND MEMBERS OF 19TH-CENTURY AMERICAN INDIAN TRIBES.

IN SUCH CASES, THE UNITED STATES HAD CEDED A PART OF ITS TERRITORIAL JURISDICTION TO PRESERVE ITS RELATIONSHIP WITH A FOREIGN SOVEREIGN.

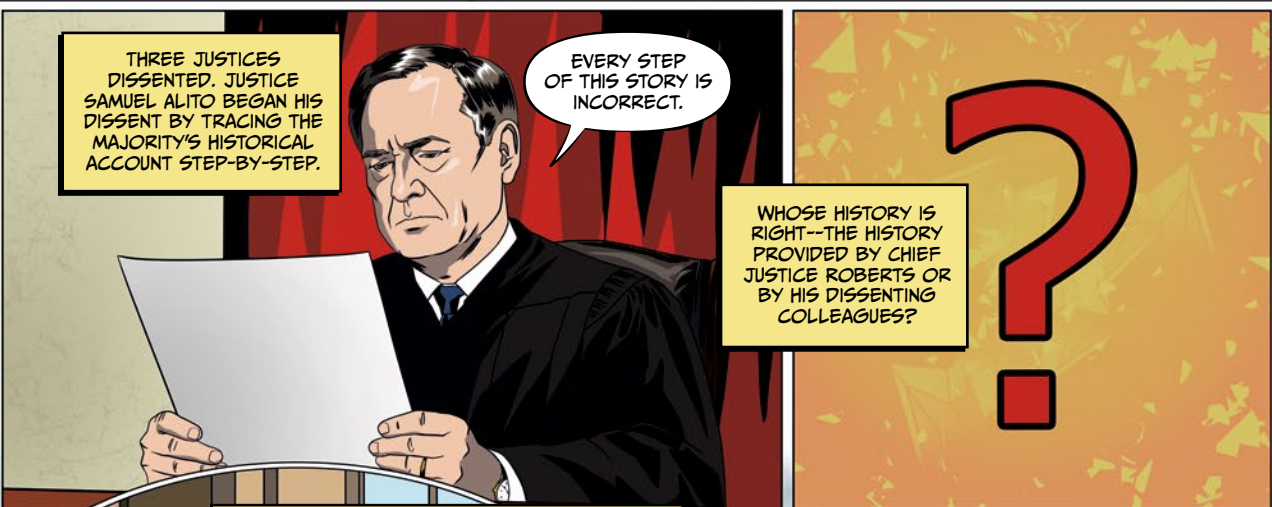




AGAIN AND AGAIN, THE DISSENTS CAST THE COMMON LAW AS "FEUDAL," "MIEVEAL"--AND A REMNANT OF "THE DARKNESS OF THE MIDDLE AGES."

THAT WAS NOT THE VIEW OF THE RECONSTRUCTION-ERA CONGRESS. WHERE THE DISSENTS SEE FEUDALISM, THE FRAMERS OF THE FOURTEENTH AMENDMENT SAW EMANCIPATION.

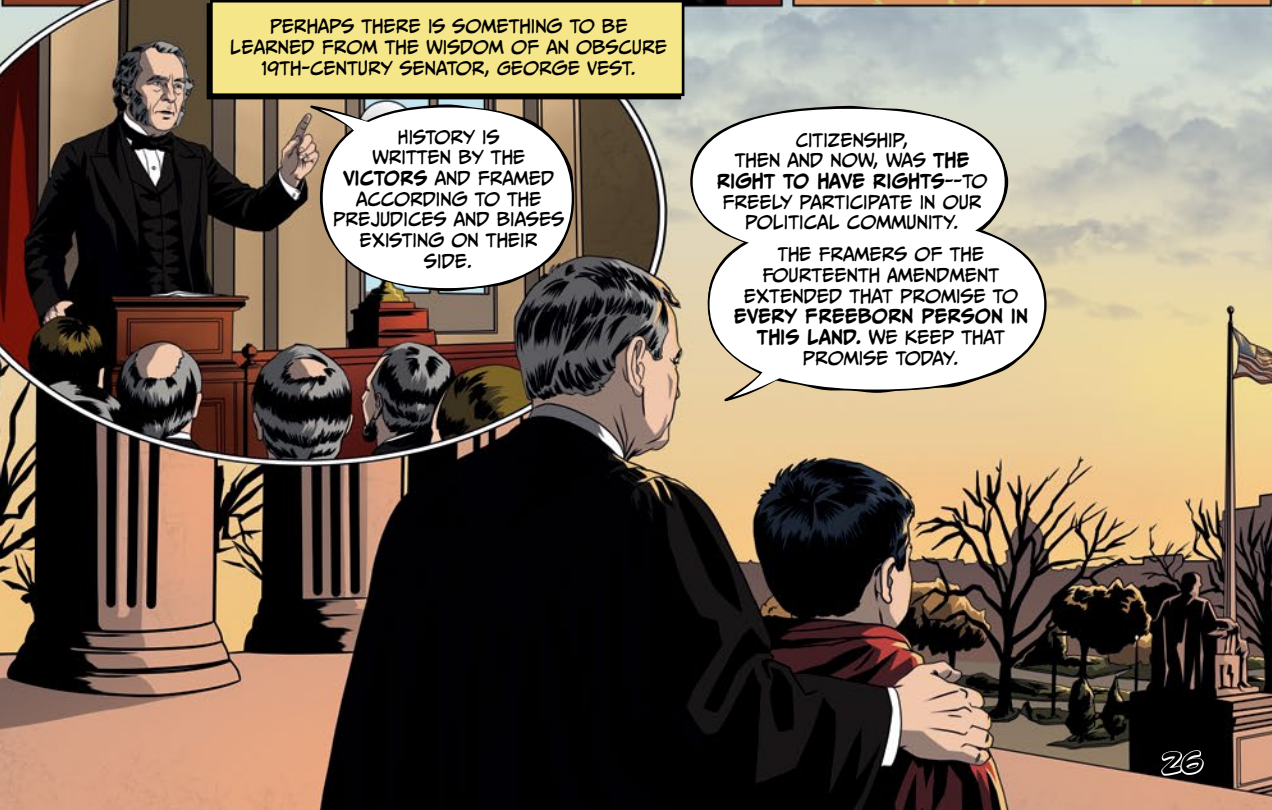
THAT IS WHY THE COLONISTS DEMANDED THE "RIGHTS OF ENGLISHMEN." AND THAT IS WHY ABOLITIONISTS LAUDED THE "ANCIENT AND UNIVERSAL" RULE OF CITIZENSHIP BY BIRTH ALONE AS "AN ORDINANCE OF HEAVEN."



THREE JUSTICES DISSENTED. JUSTICE SAMUEL ALITO BEGAN HIS DISSENT BY TRACING THE MAJORITY'S HISTORICAL ACCOUNT STEP-BY-STEP.

EVERY STEP OF THIS STORY IS INCORRECT.

WHOSE HISTORY IS RIGHT--THE HISTORY PROVIDED BY CHIEF JUSTICE ROBERTS OR BY HIS DISSENTING COLLEAGUES?



PERHAPS THERE IS SOMETHING TO BE LEARNED FROM THE WISDOM OF AN OBSCURE 19TH-CENTURY SENATOR, GEORGE VEST.

HISTORY IS WRITTEN BY THE VICTORS AND FRAMED ACCORDING TO THE PREJUDICES AND BIASES EXISTING ON THEIR SIDE.

CITIZENSHIP, THEN AND NOW, WAS THE RIGHT TO HAVE RIGHTS--TO FREELY PARTICIPATE IN OUR POLITICAL COMMUNITY.

THE FRAMERS OF THE FOURTEENTH AMENDMENT EXTENDED THAT PROMISE TO EVERY FREEBORN PERSON IN THIS LAND. WE KEEP THAT PROMISE TODAY.