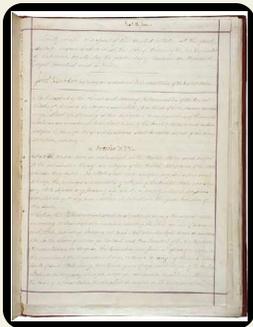




The Facts of **Trump v Barbara**:

The Case of Birthright Citizenship



The [14th Amendment](#), added to the Constitution in 1868, says that anyone "born...in the United States, and subject to the jurisdiction thereof" is a U.S. citizen. For more than 100 years, this has been understood to mean that almost all babies born in the United States are citizens, no matter who their parents are.

On January 20, 2025, the day President Trump began his second term, he signed an [executive order](#) stating that babies born in the U.S. would not be citizens if their parents were undocumented immigrants or were in the country temporarily, such as on a visa.

The order never went into effect. Lawsuits were filed right away, and federal judges blocked the government from enforcing it. Later, after the [Supreme Court ruled that judges could not issue nationwide injunctions](#), one district judge allowed a class-based injunction that protected babies born after February 20, 2025, who would be harmed by the order. That ruling led to this case now before the Supreme Court, which is deciding whether President Donald Trump's January 2025 executive order ending birthright citizenship is constitutional.

The Trump administration argues that the executive order restores the original meaning of the 14th Amendment. According to the government:

- The amendment was written mainly to give citizenship to formerly enslaved people and their children, not to children of undocumented immigrants or temporary visitors.
- To be "subject to the jurisdiction" of the United States, a person must owe full political allegiance to the country.
- Children of undocumented immigrants or short-term visitors owe allegiance to their parents' home countries, not the U.S.
- Undocumented immigrants cannot legally establish a permanent home (called domicile) in the U.S., so their children should not receive automatic citizenship.

The administration also raises policy concerns, saying that birthright citizenship encourages "birth tourism," where people travel to the U.S. only so their children will become citizens.

The challengers argue that the executive order would upend centuries of law and tradition. They say:

- The 14th Amendment adopted a long-standing rule of citizenship based on place of birth, not parent citizenship.
- If the framers wanted to deny citizenship to children of noncitizens, they would have said so clearly.
- Undocumented immigrants live in the U.S. and often intend to stay, meaning they are subject to U.S. laws and courts.
- The executive order would place the citizenship of millions of Americans into doubt, including people whose families have lived in the U.S. for generations.

They also argue that Congress already addressed citizenship rules in federal law, and the president cannot override those laws with an executive order.

The justices are being asked to answer several major questions:

1. What does the [Citizenship Clause](#) of the 14th Amendment mean? Does it give citizenship to almost everyone born in the U.S., or only to children whose parents owe full loyalty to the United States?
2. What does "subject to the jurisdiction thereof" require? Does it mean being under U.S. laws in general, or owing complete political allegiance to the country?
3. Can the president change birthright citizenship through an executive order? Or must changes to citizenship law come from Congress or a constitutional amendment?
4. Does the executive order conflict with federal law? Specifically, does it violate [8 U.S.C. § 1401](#), which grants citizenship to those born in the U.S. and subject to its jurisdiction?

Supreme Court Precedents Used In This Case:

- [Dred Scott v. Sandford](#) (1857) - Held that Black Americans could not be citizens. This decision was later overturned by the 14th Amendment.
- [The Slaughter-House Cases](#) (1873) - Recognized that the 14th Amendment's main purpose was to protect formerly enslaved people, but did not limit citizenship only to them.
- [Elk v. Wilkins](#) (1884) - Discussed the scope of citizenship but did not deny birthright citizenship to children of immigrants.
- [United States v. Wong Kim Ark](#) (1898) - The most important precedent. The Court ruled that a man born in San Francisco to Chinese parents was a U.S. citizen. The Court said the 14th Amendment follows a long-standing rule that birth in the U.S. grants citizenship, with only narrow exceptions (such as children of foreign diplomats).

This case is one of the most important of the 2025–26 term because it could change who is considered a U.S. citizen. Lower federal courts have ruled against the order, but the Trump administration argues that those courts misunderstood the Constitution. A ruling for the Trump administration would end more than a century of settled understanding about who is a citizen. A ruling for the challengers would reaffirm birthright citizenship and limit presidential power over constitutional rights. No matter the outcome, the decision will affect immigration policy, constitutional interpretation, and the meaning of citizenship itself.

To Think and To Do: This case asks whether long-standing rules of citizenship should be read narrowly based on history, or broadly based on how the amendment has been understood for more than a century. Predict how you think the Supreme Court will rule in Trump v. Barbara. Explain which constitutional argument you find more persuasive and why.