

The Virgin Islands Consortium

Federal Judge Blocks Trump's Birthright Citizenship Order, Calls It "Blatantly Unconstitutional"

A federal judge in Seattle issues a temporary restraining order blocking President Trump's executive order to deny birthright citizenship, citing violations of the 14th Amendment's Citizenship Clause and setting the stage for further legal battles.

Federal / **Published On January 23, 2025 03:33 PM /**

Staff Consortium **January 23, 2025**



A federal judge in Seattle has issued a temporary restraining order halting the implementation of President Donald Trump's executive order aimed at curtailing birthright citizenship. U.S. District Judge John Coughenour ruled on Thursday that the directive, signed on Trump's first day in office, is "blatantly unconstitutional" and violates the 14th Amendment.

The executive order sought to deny citizenship to children born in the United States if neither parent is a U.S. citizen or lawful permanent resident.

The restraining order, requested by four Democratic-led states—Washington, Arizona, Illinois, and Oregon—blocks enforcement of the order for 14 days while the court considers a preliminary injunction. Judge Coughenour, an appointee of Republican former President Ronald Reagan, harshly criticized the administration's legal defense, saying, "I am having trouble understanding how a member of the bar could state unequivocally that this order is constitutional. It just boggles my mind."

The executive order, if implemented, would deny citizenship to children born after February 19 whose parents are not citizens or lawful permanent residents. These children would face deportation and be barred from accessing Social Security numbers, government benefits, and legal employment opportunities as they age.

According to Democratic attorneys general, the order would strip citizenship from more than 150,000 newborns annually. "Under this order, babies being born today don't count as U.S. citizens," argued Washington Assistant Attorney General Lane Polozola during the hearing.

The 14th Amendment, adopted in 1868, guarantees citizenship to anyone born on U.S. soil. This provision was established to overturn the 1857 Dred Scott decision, which denied constitutional protections to enslaved Black people. Democratic attorneys general emphasized that this understanding of the Citizenship Clause has been reaffirmed over 127 years, including by a Supreme Court ruling that children born in the U.S. to non-citizen parents are entitled to citizenship.

The order has sparked multiple lawsuits from civil rights groups and Democratic attorneys general in 22 states. Meanwhile, 36 Republican members of the U.S. House of Representatives introduced legislation to restrict citizenship to children born to citizens or lawful permanent residents.

Justice Department attorney Brett Shumate defended the order as an "integral part" of Trump's broader immigration policy, aimed at addressing what the administration has described as a crisis at the southern border. Shumate argued that blocking the order would be "wildly inappropriate."

The temporary restraining order remains in place for 14 days, during which the court will decide whether to issue a preliminary injunction.