

## Update - Oregon joins states challenging Trump's birth right citizenship order

January 23, 2025



***Update post at 1:45 p.m. Jan. 23***

A federal judge in Seattle today issued a national temporary restraining order that will prevent federal agencies from stripping people of their rights to citizenship. This lawsuit, brought by Oregon, Washington, Arizona and Illinois challenged President Trump's executive order to deny birthright citizenship in the United States.

The coalition of states cite the 14th Amendment of the U.S. Constitution, which guarantees citizenship to all persons born or naturalized in this country.

***Previous coverage posted Jan.22***

Oregon has joined efforts against President Donald Trump's executive order ending birthright citizenship.

Oregon Attorney General Dan Rayfield said the order violates the 14th amendment of the constitutional right to which all children born in the U.S. are entitled.

## **14TH AMENDMENT**

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws, according to congress.gov.

## **LEGAL ACTION**

Oregon is among 18 states challenging President Donald Trump's order.

"The administration's attempt to sidestep the Fourteenth Amendment is a clear violation of the United States Constitution," Rayfield said in a release. "If allowed to stand, this order would break decades of established law that has helped keep kids healthy and safe. While the President has every right to issue executive orders during his time in office, that power does not extend to instituting policies that infringe on our constitutional rights."

Trump issued the executive order on his first day in office, fulfilling his repeated promise to end birthright citizenship.

Rayfield said the Trump Order is an unlawful action that will harm hundreds of thousands of American children.

The filing is a multi-state lawsuit in the U.S. District Court for the Western District of Washington, seeking to invalidate the executive order and to enjoin any actions taken to implement it.

The birthright citizenship dates back centuries—including to pre-Civil War America.

"Although the Supreme Court's notorious decision in Dred Scott denied birthright citizenship to the descendants of slaves, the post-Civil War United States adopted the Fourteenth Amendment to protect citizenship for children born in the country," the filing states. "The U.S. Supreme Court has twice upheld birthright citizenship, regardless of the immigration status of the baby's parents."

Rayfield said Oregon's filing outlines the harms States will face with what he describes as a "historic shift in constitutional interpretation."

According to the filing, the Trump Order will cause the States to lose federal funding to programs that they administer, such as Medicaid, the Children's Health Insurance Program, and foster care and adoption assistance programs, which all turn at least in part on the immigration status of the resident being served.

"States will also be required—on no notice and at considerable expense—to immediately begin modifying their operation and administration of benefits programs to account for this change, which will require

significant burdens for multiple agencies that operate programs for the benefit of the States' residents," the filing states.

According to the filing, the States should not have to bear these dramatic costs while their case proceeds because the Order is directly inconsistent with the Constitution, the Immigration and Nationality Act, and two U.S. Supreme Court decisions.

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Dan Rayfield, Oregon Attorney General