

Donald Trump's threat to abolish birthright citizenship

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Section One of the 14th Amendment to the US Constitution states:

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.

Donald Trump proposes to eliminate birthright citizenship by executive fiat on “day one” of his second administration. This would mean the formal repudiation of the bedrock democratic principle underlying the 13th, 14th and 15th Amendments: that citizenship and the panoply of democratic rights attendant to it are available to all persons born in the United States, and that no branch of government can strip them away.

Alongside the 13th Amendment banning slavery and 15th Amendment guaranteeing voting rights, the three amendments are known together as the “Civil War Amendments,” because they enshrined in law the revolutionary rights won through four years of armed struggle. As Stanford University historian Richard White explains, the authors of the 14th Amendment “sought, as had Lincoln, to make the sentiments of the Declaration of Independence the guiding light of the republic.” The result was an amendment which “enshrined in the Constitution broad principles of equality, the rights of citizens, and principles of natural

rights.”

The birthright citizenship provision of the 14th Amendment was a legal keystone of the revolutionary amendments. It guaranteed that no political institution or branch of government could strip the rights of any individual or group, and that there would be no such thing, under the law, as a “second-class citizen.” In so doing, it explicitly repudiated the Supreme Court’s 1857 decision *Dred Scott v. Sandford*, which explicitly held that people of African ancestry could never become citizens and on that basis deprived them of all rights.

Contrary to the lies of Trump and his accomplices, the 14th Amendment’s universal guarantee of citizenship was specifically intended at the time of its ratification to apply to all of the children of former slaves, as well as of immigrants. In light of these historical facts, Trump’s effort to eliminate birthright citizenship is a counterrevolutionary assault on the rights of the entire population and, without exaggeration, an attempt to undo the outcome of the Civil War.

In an interview with NBC’s Kristen Welker broadcast on Sunday, Trump denounced birthright citizenship as “ridiculous” and reiterated campaign promises to deny citizenship to children born to undocumented parents in the United States. According to a report in Sunday’s *Wall Street Journal*, Trump aides are drafting an executive order “directing federal agencies to require a child to have at least one parent be either a US citizen or legal permanent resident to automatically become a US citizen. It would also stop agencies from issuing passports, Social Security numbers and other welfare benefits to children who don’t meet the new requirement for citizenship.”

The immediate target of Trump’s plans are

undocumented immigrants and their children, but ending birthright citizenship would put the rights of all Americans at risk by fundamentally altering the powers of the executive branch. Not only does Trump's plan to override an amendment to the Constitution via executive order explicitly violate the separation of powers, the Trump administration's ultimate political aim is to arrogate to itself the power to decide, through executive fiat, who is a citizen and who is not.

Trump's far-right advisers are attempting to poison the political soil in the run-up to their counterrevolutionary offensive. "Because you happen to be in this country when your child is born, is not a reason for that child to be a US citizen. It's just silly, and the reliance on it in law is utterly misplaced," said Ken Cuccinelli, Trump's former deputy Department of Homeland Security secretary. In his NBC interview, Trump also threatened to deport US citizens, constructively preventing them from exercising any of their rights. "The only way you don't break up the family is you keep them together and you have to send them all back," he said.

It is likely that such a brazen violation of the Constitution would be delayed in the federal court system. But any lower court decision against the administration would be challenged in the US Supreme Court, which last term placed the president above the law by granting him personal immunity from crimes carried out while in office. The attitude of the far right toward the attack on birthright citizenship was expressed by extreme anti-immigrant politician Mark Krikorian, who told the *Wall Street Journal*: "Force the issue and see what happens."

The immediate impact of denying citizenship to children born to undocumented parents would be disastrous and amount to an immense social crime. Unable to apply for social services, immigrant families and children born in the US would face levels of unprecedented poverty. Children would be deported to their parents' home countries, giving rise to a global diaspora of stateless people. Those who remain would be cut out of the political system entirely and disenfranchised from voting.

What Trump does first to immigrants he will do next to opponents and critics of the US government. Trump's plans to invoke the Insurrection Act or Alien Enemies Act and to deploy federal troops on US soil

would *de jure* transform the United States into a dictatorship. Throughout American history, attacks on immigrants have always gone hand in hand with attacks on the working class and its socialist leadership.

Trump and his advisers are making this connection explicitly. In 2023, Trump said he planned to "deport" people based on left-wing political views, evidently regardless of their citizenship: "I will order my government to deny entry to all communists and all Marxists. But my question is, what are we going to do with the ones that are already here, that grew up here? I think we have to pass a new law for them."

The incoming administration poses an existential threat to the basic democratic rights of masses of people. The Democratic Party, concerned solely with escalating war against American imperialism's targets abroad, will do everything in its power to restrain the mass social anger that will be unleashed by Trump's attacks on immigrants and young American citizens. Democratic Party kingmaker Representative James Clyburn recently suggested that Biden pardon Donald Trump for his role in the coup attempt of January 6, 2021 in order to "clean the slate" for the aspiring dictator.

The working class is the social force capable of uniting across ethnic and national lines and leading the struggle against dictatorship. Workers must begin with the principle that "an injury to one is an injury to all," and that blame for social ills lies not with immigrant workers but with the ruling class. This struggle will require a fight against the source of dictatorship and political reaction: the capitalist system.



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