



Written by [R. Cort Kirkwood](#) on February 11, 2025

Blue States Agreed to Sue Trump Over Order to End Birthright Citizenship

On Day 2 of the Trump administration, 22 states and Washington, D.C., sued the newly inaugurated president in federal court to block his executive order ending birthright citizenship.

The lawfare is no surprise. But now the Heritage Foundation's Oversight Project has found that the states' and Washington, D.C.'s, 23 attorneys general began a conspiracy to file the lawsuit just days after President Donald Trump defeated their candidate, Vice President Kamala Harris.

The project has published a written agreement between the states that governs how the lawsuit will be approached.

The Blue State lawsuit was the second filed to stop Trump from correctly applying the 14th Amendment to the federal Constitution. The [communist-founded American Civil Liberties Union](#) sued Trump on Inauguration Day.



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□SECRET BLUE STATE RESISTANCE AGREEMENT OBTAINED - BIRTHRIGHT CITIZENSHIP□

We have obtained a secret agreement between 22 blue states, DC, and San Francisco, signed beginning on November 8, 2024. This agreement, just 3 days after President Trump's landslide election win,... pic.twitter.com/7AsqgCjlcX

— Oversight Project (@OversightPR) [February 11, 2025](#)

Executive Order

Trump fired the first shot in the legal war when he signed his executive order "Protecting The Meaning And Value Of American Citizenship."

"The privilege of United States citizenship is a priceless and profound gift," Trump wrote, citing the 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."

Noting that the provision protected the birthright citizenship of freed slaves, the [order explained](#) that it was never meant to confer citizenship on the children of illegal aliens:

But the Fourteenth Amendment has never been interpreted to extend citizenship universally to everyone born within the United States. The Fourteenth Amendment has always excluded from birthright citizenship persons who were born in the United States but not "subject to



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the jurisdiction thereof.” Consistent with this understanding, the Congress has further specified through legislation that “a person born in the United States, and subject to the jurisdiction thereof” is a national and citizen of the United States at birth, 8 U.S.C. 1401, generally mirroring the Fourteenth Amendment’s text.

Among the categories of individuals born in the United States and not subject to the jurisdiction thereof, the privilege of United States citizenship does not automatically extend to persons born in the United States: (1) when that person’s mother was unlawfully present in the United States and the father was not a United States citizen or lawful permanent resident at the time of said person’s birth, or (2) when that person’s mother’s presence in the United States at the time of said person’s birth was lawful but temporary (such as, but not limited to, visiting the United States under the auspices of the Visa Waiver Program or visiting on a student, work, or tourist visa) and the father was not a United States citizen or lawful permanent resident at the time of said person’s birth.

The Lawsuit

On January 20, the ACLU sued in New Hampshire’s U.S. District Court, arguing that the order violates the 14th Amendment.

“The Citizenship Clause enshrined in the Constitution the fundamental common law rule of birth by citizenship, whereby all people born in the United States are citizens,” the anti-American [lawfare outfit argued](#):

The term “subject to the jurisdiction” excludes only a few inapplicable categories — today, just the children of foreign diplomats. All other children born in the United States are citizens, no matter the immigration status of their parents.

The Executive Order violates the Fourteenth Amendment’s Citizenship Clause because it denies citizenship to the children of noncitizens who are born in the United States and subject to the jurisdiction of the United States.

The 17-page lawsuit also claimed Trump violated the very law he cited to revoke birthright citizenship, [8 U.S.C. 1401](#), and that he also violated the Administrative Procedure Act by exceeding his powers.

Trump birthright citizenship executive order blocked by third federal judge
<https://t.co/5vcxmGpA5r>

— Fox News Politics (@foxnewspolitics) [February 10, 2025](#)

Then came the 23 far-left attorneys generals. [They argued](#) much the same thing to the federal district court in Seattle; i.e., that anyone born in the United States is subject to its jurisdiction, the mother’s citizenship regardless.

Yesterday, [Judge Joseph LaPlante](#), appointed by President George W. Bush, sided with the far-left ACLU and stayed Trump’s order.

Last week in Maryland, Judge [Deborah Boardman](#), appointed by President Joe Biden, stayed Trump’s order with a nationwide injunction.



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In the Seattle case, [Judge John C. Coughenour](#), appointed by President Ronald Reagan, stayed the order as well. [He wrote](#) that birthright citizenship “is an unequivocal Constitutional right.”

The judges blocked the order on the grounds that the plaintiffs would prevail in their cases when they are litigated.

The matter is likely headed for the U.S. Supreme Court.

Nationwide Conspiracy

The states’ and D.C.’s nationwide attack [began with](#) a “privileged and confidential common interest agreement” that does not mention birthright citizenship.

Yet it’s clearly the pact that began the lawfare. All the hate-Trump attorneys general who sued Trump signed it.

“Despite the mandate from the American People to end the border crisis and return immigration enforcement to the United States, politicians instead acted to frantically preserve their perceived political gains of the Biden Border Crisis,” the Oversight Project wrote on X:

Their top priority was not gas, groceries, public safety, or any other matter of concerns of their citizen constituents, but instead a raw political calculus to ensure that the future children of the illegal aliens that entered during the Biden Border Crisis could turn into voters.

Instead of trying to win back American voters, they seek to create new ones to replace them on the back of the worst border crisis in American history.

The participating rogue states and signatories are:

- Arizona: Daniel Barr
- California: Rob Bonta
- Colorado: Natalie Hanlon Leh
- Connecticut: William Tong
- Delaware: Kathleen Jennings
- Hawaii: Anne Lopez
- Illinois: Brent Stratton
- Maine: Aaron Frey
- Maryland: Anthony Brown
- Massachusetts: Abigail Taylor
- Michigan: Dana Nessel
- Minnesota: Keith Ellison
- Nevada: Aaron Ford
- New Jersey: Angela Cai
- New Mexico: Raul Torrez
- New York: Letitia James
- North Carolina: Daniel Mosteller
- Oregon: Ellen Rosenblum
- Rhode Island: Peter Neronha
- Vermont: Charity Clark
- Washington, D.C.: Brian Schwalb



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- Washington: Rupert Jeffrey
- Wisconsin: Joshua Kaul



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