

No. 24A884, 24A885, 24A886

IN THE  
**Supreme Court of the United States**

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DONALD J. TRUMP, ET AL., Applicants,  
v.  
CASA, INC., ET AL., Respondents.

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DONALD J. TRUMP, ET AL., Applicants,  
v.  
WASHINGTON, ET AL., Respondents.

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DONALD J. TRUMP, ET AL., Applicants,  
v.  
NEW JERSEY, ET AL., Respondents.

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**On Applications for Partial Stays of the Injunctions Issued by the United States District Courts for the District of Maryland, the Western District of Washington and the District of Massachusetts**

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**Brief of Student Political Research Initiative for New Governance (“SPRING”) and Youth Scholars as *Amici Curiae* in Support of Respondents**

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## INTERESTS OF *AMICI CURIAE*<sup>1</sup>

The **Student Political Research Initiative for New Governance** (“**SPRING**”) was founded in 2022 as a first-of-its-kind non-profit, student-run academic research and advocacy organization consisting of more than 350 researchers. The organization works to bridge the gap between young people and government by publishing academic work, including policy briefs for crucial decision-makers. SPRING has amassed 150,000 page views on its projects, operates chapters in over 20 states, and partners with more than 30 institutions, from UN agencies to leading research labs and think tanks.

SPRING is led by an executive board almost entirely composed of the children of immigrants and its broader membership includes countless fellows who are first-generation U.S. citizens. *See* SPRING, Executive Team, <https://thespringgroup.org/exec>. It relies upon the free exchange of ideas among its leaders and contributors, and fears for the vibrancy of this intellectual community if birthright citizenship is threatened.

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<sup>1</sup> No counsel for any party authored this brief in whole or in part, nor did any person or entity, other than *amici curiae* and its counsel, make a monetary contribution intended to fund the preparation or submission of this brief. Counsel for all parties received notice of intention to file this brief more than ten days before the deadline for a response to the Application.

**Benjamin Wieser** and **Adam Mancini** are undergraduate students at The George Washington University<sup>2</sup> and directors of *The Justice Journal* (“JJ”). See Justice Journal, About JJ, <https://gwjusticejournal.substack.com/about>. **Faiza Ahmed**, also an undergraduate student at the George Washington University, serves as the President of the Pre-Law Student Association, which oversees and funds JJ. The publication features and circulates the contributions of nearly 70 of their fellow students, including many first-generation U.S. citizens. Through the discussion of a vast array of contemporary and controversial legal topics, they seek to amplify perspectives underrepresented in academic and public discourse. As the editors and managers of a publication featuring young scholars, they rely on their ability to engage in a free exchange of ideas with and publish the contributions of first-generation U.S. citizens.

**Anika Kanitkar** is a first-generation U.S.-born citizen whose academic work has centered on amplifying marginalized voices and fostering inclusive discourse. She has contributed to several publications, including *The Justice Journal*, and served in organizations that prioritize the inclusion of diverse scholars, many of whom are first-generation citizens. She is concerned that the Executive Order threatening citizenship by birth would undermine the academic contributions of

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<sup>2</sup> All individual *amici*, as well as counsel, are acting in their personal capacities only and do not represent or necessarily reflect the views of The George Washington University, *The Justice Journal*, Pre-Law Society, or the Phi Alpha Delta Pre-law Fraternity. Each reference to those organizations is for identification purposes only.



first-generation scholars and create an atmosphere of fear and uncertainty that stifles the open exchange of ideas and the essential growth and diversity of academic communities.

**Arik Karim** is a first-generation U.S. citizen, undergraduate student at George Washington University, and co-founder of SPRING. In addition to publications, he has spoken by invitation at United Nations meetings on the topic of youth involvement in the policymaking process. See U.N. Gen'l Assembly, *Summit of the Future: Multilateral Solutions for a Better Tomorrow, Interactive Dialogue 4: The Future Starts Now: enhancing the global system for current and future generations* (Sept. 23, 2024). He is particularly concerned about the threat to youth scholarship from the Trump Administration's rejection of *jus soli* in the Executive Order under review.

**Margaret Nam** is a first-generation U.S. citizen and undergraduate student at The George Washington University and current editor and former writer for *The Justice Journal* ("JJ"). Her past publications seek to raise awareness regarding underrepresented political topics and contribute to the academic field of international affairs. Her current role as an editor relies on the ability to communicate with fellow first-generation students to cultivate a space in which diverse expressions are publishable and available to the public.

**Sofia Ramirez** is an undergraduate student at The George Washington University (GWU), a writer for *The Justice Journal*, a member of the Diversity Equity and Inclusion Board for GWU's chapter of Phi Alpha Delta Pre-law

Fraternity, and a first-generation United States citizen. Her work across these roles includes fostering dialogue that focuses on contentious legal arguments and topics such as international human rights law. She finds her ability to participate in these activities chilled by the Executive Order under review.

**Anusha Trivedi** is a first-generation U.S. citizen and undergraduate student at George Washington University. She writes for *Justice Journal*, contributing to social discourse on various topics relating to law and the legal field, including effects on entertainment. *See e.g.* Anusha Trivedi, *Music Lawsuits and Copyright Infringement*, *Justice Journal* (Feb. 9, 2025). She is currently working on an article concerning the evolution of censorship laws on the film industry, comparing U.S. and other countries' approaches to free speech rights. Her experience as a first-generation U.S. citizen has shaped the way she sees the world, giving her a new perspective and making her more open-minded to views or values that might not fit Western norms.

## SUMMARY OF ARGUMENT

Considering the extensive briefing in these cases and cognizant of the preliminary status, *amici* write for the limited purpose of calling to the Court's attention matters concerning the risk of harm to student-scholars and the significant public interest in securing their ability to make contributions to our society by affirming the preliminary injunctions entered below.

The important role of youth voices, and threats to them, should not be overlooked amid the extreme rhetoric and politicization of immigration that has crystalized around Executive Order 14160 (“Protecting the Meaning and Value of American Citizenship”) (Jan. 20, 2025), 90 Fed. Reg. 8449 (Jan. 29, 2025), which purports to erase the presumption of U.S. citizenship for all persons born in the U.S. In particular, children of immigrants contribute to the public good in countless ways, including through research, publications, and engaging in thoughtful social discourse. They facilitate the free exchange of ideas with those who are not first-generation U.S. citizens, who in turn benefit from the ability to exchange views with people who hold dissimilar perspectives. This can only happen if they are free to speak without fear.

Young people are now living with an undeniable level of uncertainty — in what this country will stand for and in how our system of constitutional democracy and the rule of law will respond (and even hold). When fundamental rights are questioned, they should be able to remain certain that the courts will, at minimum, respond by preserving *status quo ante* rights while the deliberation proceeds.

## ARGUMENT

### I. THE PUBLIC INTEREST REQUIRES A RANGE OF VOICES LIKE THOSE OF *AMICI*, UNHINDERED BY THE THREAT OF HAVING THEIR CITIZENSHIP STATUS QUESTIONED.

In evaluating the final two preliminary injunction factors, the Court considers “the interests of the public at large.” *Trump v. Int’l Refugee Assistance Project*, 582 U.S. 571, 580 (2017).

The public interest requires the intermingling of countless backgrounds and perspectives in government and society. This is not possible when speakers fear that questions about their citizenship status render them vulnerable to removal from the only home they have ever known. This is especially true for *amici* and other young voices in academic settings. “[A]cademic freedom . . . is of transcendent value to all of us . . . . The Nation’s future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth ‘out of a multitude of tongues’ . . . .” *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967) (quoting *United States v. Associated Press*, 52 F.Supp. 362, 372 (D.N.Y. 1943)).

#### A. Youthful scholarship is critical to the functioning of our democracy

The Supreme Court has long recognized the profound public interest in scholarship and the ability of individuals — including students as well as teachers and their hosting institutions — to exchange ideas without undue fear. “Scholarship

cannot flourish in an atmosphere of suspicion and distrust. Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.” *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957).

The engagement of young scholars in academic and public discourse is essential to the longevity and evolution of democratic principles. Students, when free to explore and challenge societal norms, drive innovation and reform. Their research and activism frequently serve as the catalyst for larger movements that influence policy changes. Student-led initiatives shape national conversations and create tangible change. *See e.g.* Romina Rodela & Filip Roumeliotis, *Young People As a Political Subject in the Context of Environmental Governance*, 11 *Humanit. Soc. Sci. Commun.* 938 (2024) (collecting studies finding that “the narrative surrounding climate change and climate action has been greatly influenced by the last wave of youth social movements, who have played a pivotal role in shaping public discourse on that matter”). Young scholars are often the driving forces in undermining entrenched biases and outdated policies, driving institutional reforms that make governance more responsive to societal needs.<sup>3</sup>

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<sup>3</sup> For example, *amicus* SPRING has authored reports and conducted original research on topics concerning juvenile detention, technology, and various youth issues, often for domestic and international policy makers. *See, e.g.*, Varun Mukund, *et al.*, *A Report on Juvenile Solitary Confinement: By the States* (Mar. 1, 2024), available at <https://ssrn.com/abstract=4994635> or <http://dx.doi.org/10.2139/ssrn.4994635>; Oliver Huang, *et al.*, *Recommendations to Combat Child Exploitation in Social Media* (October 4, 2023), available at <https://ssrn.com/abstract=4652240> or <http://dx.doi.org/10.2139/ssrn.4652240>; *see gen’ly*, <https://thespringgroup.org/publications/1> (collecting reports). *The Justice Journal*

The public at large and the great experiment in constitutional democracy require not only young voices but a societal commitment protecting to their rights. See Sarah Medina Camiscoli, *Youth Movement Law: The Case for Interpreting the Constitution with Mobilized Youth*, 26 U. Pa. J. Const. L. 1558, 1565-66 (2024) (arguing that “mobilized youth play an essential role in transforming the present ‘political crisis’ into an opportunity to reimagine American democracy. Without the youth ‘outsider’ critique of constitutional failures and the vision of youth freedom dreams, this moment of political crisis may only worsen.”). Fostering youthful scholarship instills a sense of civic duty within the younger generation, encouraging students to engage in the political process and advocate for policies that represent diverse perspectives. Suppressing these voices not only stifles intellectual progress but also weakens the civic foundations upon which democratic governance rests. This ultimately diminishes the nation's ability to address future challenges with informed and innovative solutions.

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has published works on democratic concerns with specific laws, the rule of law internationally, and contemporary issues that raise specific concerns of the type noted in Part I.B.1, *infra*. See, e.g., Olivia McDowell, *The Broader Implications of Trigger Laws*, Justice Journal, Mar. 14, 2025; Margaret Nam, *The Legality Behind South Korea’s Rise in Media*, Justice Journal, Feb. 20, 2024; Margaret Nam, *The Nordic Governments on Work-Life Balance*, Justice Journal June 14, 2024; Skylar Blumenthal, *Impunity Gaps and Loopholes: The United States and International Justice*, Justice Journal, July 12, 2024; and Afreen Ahmad, *Living Under Occupation: Human Rights in Palestine*, Justice Journal, May 3, 2024; see *gen’ly*, <https://gwjusticejournal.substack.com>.

## **B. Threats to citizenship status chill speech and democratic participation**

The Executive Order under review threatens both citizenship status and the perception of legitimate membership in the community for countless students and others, especially those from racially diverse or minority backgrounds. This threat has an immeasurable chilling effect.

Although specific directives to agencies listed in Section 2 of the Executive Order do not apply retroactively, Section 1 has no such limiter. Executive Order 14160, 90 Fed. Reg. at 8449-50. Rather, it states categorically that “the privilege of United States citizenship does not automatically extend to persons born in the United States” under conditions that had never before been viewed by the executive or the courts as relevant criteria. *Id.*; *see also Casa, Inc. v. Trump*, 2025 U.S. App. LEXIS 4856, \*6 (4th Cir. Feb. 28, 2025) (“For well over a century, the federal government has recognized the birthright citizenship of children born in this country to undocumented or non-permanent immigrants, a practice that was unchallenged until last month.”).

Such a bold statement in an order from the President of the United States has a negative effect. Researchers have long recognized the chilling effect even from mere proposals to end birthright citizenship, and that this chill would fall especially hard on first-generation citizens. The rhetoric of many “[a]dvocates for restricting birthright citizenship . . . obscures the realities of the victims targeted by such efforts: racial minorities who are portrayed as unwelcome ‘invaders’ on American

soil, regardless of their citizenship status.” Ming Hsu Chen, *Colorblind Nationalism and the Limits of Citizenship*, 44 *Cardozo L. Rev.* 945, 984 (2023). It is also well within reason for an individual excluded from the application of Section 2 to fear that some officials might “run with” Section 1 and the thrust and sentiment of the Order, particularly given recognized “mistakes” that occurred during the zealous pursuit of other aspects of President Trump’s agenda. *See e.g. Garcia v. Noem*, Def’s Memo. of Law In Opp. To Pl’s Emerg. Motion for TRO, No. 8:25-CV-951-PX (D.M.D., Mar. 31, 2025), at 5 (Trump Administration representation to the court that “although ICE was aware of his protection from removal to El Salvador, Abrego Garcia was removed to El Salvador because of an administrative error”); Neal Riley, *Boston ICE Arrests Included Many “Collaterals,” Trump “Border Czar” Tom Homan Says*, CBS News, Mar. 26, 2025; Eleanor Pringle, *Musk Appears Alongside Trump to Admit Mistakes Will Happen As DOGE Reforms Government: ‘Nobody Is Going To Bat 1,000’*, *Fortune*, Feb. 12, 2025.

Although non-citizens are entitled to, and many bravely practice, considerable free speech and other rights in ways that enhance our democracy, it cannot be gainsaid that the practical ability to engage in open discourse is heavily dependent on citizenship — and the security that comes from recognition of that status. “The right to have rights’ hinges on membership in a particular community, in practice meaning citizenship of a particular nation-state.” Nathan Lillie, *Labor Organizing and the Law: The Right Not to Have Rights: Posted Worker Acquiescence*



*and the European Union Labor Rights Framework*, 17 *Theoretical Inq. L.* 40 (2016), quoting Hannah Arendt, *The Origins of Totalitarianism* (1976).

This vulnerability has widely recognized real-world effects. For example, “most undocumented workers are reluctant to report abusive or discriminatory employment practices.” *Rivera v. NIBCO, Inc.*, 364 F.3d 1057, 1065 (9th Cir. 2004). Beyond the undocumented, anyone who fears being accused of unlawful presence — which, in the absence of judicial action, must include persons born in the United States who had been universally recognized as citizens before this year — may be chilled. As the Ninth Circuit recognized, “new legal residents or citizens may feel intimidated by the prospect of having their immigration history examined in a public proceeding.” *Id.* The next step is also true: children of immigrants embrace their status and participate actively in the life of the nation. *See, e.g.*, Ming H. Chen and Hunter Knapp, *The Political (Mis)Representation of Immigrants In Voting*, 92 *U. Colo. L. Rev.* 715, 717 (2021) (“While naturalized citizens vote at lower rates than the general population of eligible voters . . . their registration and voting rates rise with each successive generation and by the second generation exceed that of the general voting population.”).

This is one reason we so heavily value citizenship status, and why this Court has made it abundantly clear that citizenship status is sacrosanct. “The very nature of our free government makes it completely incongruous to have a rule of law under which a group of citizens temporarily in office can deprive another group of citizens of their citizenship.” *Afroyim v. Rusk*, 387 U.S. 253, 268 (1967).

A certificate documenting one’s birth within the United States has been a sufficient assurance of U.S. citizenship. *See* Part II, *infra*. That certainty would end with the enforcement or implementation of the Executive Order now subject to preliminary injunctions and ongoing litigation. Granting Petitioner’s Application would throw countless individuals into turmoil and uncertainty. Millions of U.S.-born young people have an immigrant parent, and some may not even know their parents’ immigration status at the time of their birth. *See* Kaiser Family Foundation, *Key Facts on Health Coverage of Immigrants*, Jan. 15, 2025 (“Many individuals live in mixed immigration status families that may include lawfully present immigrants, undocumented immigrants, and/or citizens. A total of 19 million or one in four children living in the U.S. had an immigrant parent as of 2023, and the majority of these children were citizens . . . . About 8.6 million or 12% were citizen children with at least one noncitizen parent.”).

1. *High-profile actions against noncitizen lawful resident scholars contribute to the chilling effect and underscore the importance of citizenship.*

As has been widely reported, the Trump Administration has arrested and is attempting to deport individuals who had enjoyed lawful residency but were not U.S. citizens, in apparent response to their speech activities. *See e.g.* Hank Sanders and Zolan Kanno-Youngs, *D.H.S. Detains a Georgetown University Academic*, N.Y. Times, March 19, 2025 (reporting the detention of Badar Khan Suri, a “postdoctoral

fellow” who was “studying and teaching at Georgetown University” under “a J-1 visa”); Minh Kim, *et al.*, *The U.S. Is Trying to Deport Mahmoud Khalil, a Legal Resident. Here’s What to Know*, N.Y. Times, March 12, 2025 (reporting that “[t]he Trump administration is moving to deport Mahmoud Khalil, a permanent legal resident of the United States who recently graduated from Columbia University and had helped lead high-profile campus protests against Israel’s war in Gaza”).

Importantly, “there are colorable claims that the Executive Branch has violated the law or exercised its otherwise lawful authority in an arbitrary and discriminatory manner” in taking these moves against these non-citizens. *Khalil v. Joyce*, \_\_ F.Supp.3d \_\_, 2025 U.S. Dist. LEXIS 50870 at \*8, 2025 WL 849803 (S.D.N.Y. No. 25-CV-1935 (JMF), Mar. 19, 2025).

Nevertheless, recent events place into the public consciousness a fear that engaging in public discourse can be highly fraught, particularly for anyone without full citizenship.

**II. THIS COURT SHOULD PRESERVE THE *STATUS QUO ANTE*, ALLOWING THE PRELIMINARY INJUNCTION TO REMAIN IN PLACE WHILE THIS LITIGATION RUNS ITS USUAL COURSE.**

The Executive Order under review would work a shocking reversal of settled law and practice, as the courts below recognized. *See e.g.* *Washington v. Trump*, \_\_ F.Supp.3d \_\_, 2025 U.S. Dist. LEXIS 24892, \*12, 2025 WL 415165 (W.D. Wash. Feb. 6, 2025) (noting that “[t]he Government’s interpretation also contravenes longstanding precedent”). *See also United States v. Wong Kim Ark*, 169 U.S. 649,

693 (1898) (finding that “[t]he Fourteenth Amendment affirms the ancient and fundamental rule of citizenship by birth within the territory . . . .”); Walter Dellinger, Assist. A.G., Office of Legal Counsel, *Legislation Denying Citizenship at Birth to Certain Children Born in the United States*, 19 Op. O.L.C. 340, 340-47 (1995) (recognizing that “deny[ing] citizenship to children of illegal aliens” born in the United States would constitute “a change in the law, not a plausible reinterpretation of the Constitution.”).

Such a dramatic change to a precious right should not be effected haphazardly or until the legal arguments have run their full and usual course. It also is impossible to ignore the highly politicized context and the overall state of concern for the rule of law in this country. As it fears for our institutions generally and minority rights in particular, the nation is looking to this Court to provide assurance in the rule of law. *See e.g. Is the Trump Administration's Conflict with Judges a Constitutional Crisis? What to Know*, ABC News, Mar. 21, 2025; Isaac Chotiner, *Why “Constitutional Crisis” Fails to Capture Trump’s Attack on the Rule of Law*, New Yorker, Mar. 20, 2025.

In such circumstances, preservation of the preliminary injunction and the *status quo ante* rights of the parties and first-generation citizens is necessary to demonstrate respect for the rule of law. Amid all this political turmoil, the lower courts are doing the yeoman work of preserving rights and giving the parties opportunities for fair hearings. As Circuit Judge Forrest noted below in her concurrence to denying the government’s emergency request to stay the preliminary

injunction, “[i]t is routine for both executive and legislative policies to be challenged in court, particularly where a new policy is a significant shift from prior understanding and practice.” *Washington v. Trump*, 2025 U.S. App. LEXIS 3983, \*7, 2025 WL 553485 (9th Cir. Wash. Feb. 19, 2025) (Forrest, Cir. J., concurring). What is not routine is the rush to undo expectations of citizenship without due judicial review, and Executive disagreement with the outcome of any stage in those proceedings is not license to implement its view of the constitution before the judiciary properly deliberates and performs its core function.

### CONCLUSION

For the foregoing reasons, this Honorable Court should deny the applications for a stay.

Respectfully submitted,

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