

Nos. 24A884, 24A885, 24A886

IN THE SUPREME COURT OF THE UNITED STATES

DONALD J. TRUMP, et al., *Applicants*
v.
CASA, INC., et al., *Respondents*.

DONALD J. TRUMP, et al., *Applicants*
v.
WASHINGTON, et al., *Respondents*.

DONALD J. TRUMP, et al., *Applicants*
v.
NEW JERSEY, et al., *Respondents*.

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

**BRIEF *AMICUS CURIAE* OF B.A.M.N. (THE COALITION TO DEFEND
AFFIRMATIVE ACTION, INTEGRATION AND IMMIGRANT RIGHTS AND
FIGHT FOR EQUALITY BY ANY MEANS NECESSARY)
IN SUPPORT OF RESPONDENTS**

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April 29, 2025
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TABLE OF AUTHORITIES

CASES

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IDENTITY AND INTEREST OF THE *AMICUS CURIAE*

The Coalition to Defend Affirmative Action, Integration and Immigrant Rights and Fight for Equality By Any Means Necessary (BAMN) is an integrated, youth-led civil rights and immigrant rights organization committed to building the new civil rights movement.

BAMN has a strong interest in the case because the above-titled case will affect the rights of citizenship for all people including all immigrants.

SUMMARY OF ARGUMENT

The application for stay should be denied to prevent the American Catastrophe: Fascism from being enacted in the United States.¹

ARGUMENT

No case before the Supreme Court, now or in the foreseeable future, is more important than this case. This case will settle the question of whether the majority of the Court will continue to act as the enabler of President Donald Trump's plan to make America a fascist nation. If the pro-Trump majority concludes that Donald Trump has the right to amend the Constitution through an executive order, that ridiculous claim will sanction Trump's belief that he, not the Constitution, is the arbiter of law in this country. If the pro-Trump majority decides that only the states and individuals who challenged his obviously unconstitutional executive order

¹ The counsel of record, Shanta Driver, is counsel for BAMN and authored this brief in whole. No entity or person, aside from the *amicus curiae* and its counsel, made any monetary contribution intended to fund the preparation or submission of this brief.

will have the right to a stay while the underlying substantive issues are being adjudicated, then this Court, like the Taney Court that decided *Dred Scott v. Sanford*, 60 U.S. 393 (1857), will bring this nation closer to another Civil War.

This Court's majority has been neither fair nor objective in its ruling on multiple plainly unconstitutional decisions, Trump executive orders, or on the power of the Department of Government Efficiency (DOGE). It is obvious that Trump is getting away with the transformation of the U.S. into a fascist dictatorship, complete with deportations of people who have the clear right to be in the United States, in complete disregard of due-process rights and the ethnic cleansing of millions of people who live in the United States. The people that Trump is already holding in U.S., El Salvadoran and other modern-day concentration camps, make enormous sacrifices to keep cheap food on our tables, to bathe, feed, and provide other excellent care for the elderly and to do the dangerous and filthy jobs that other U.S. workers will not do. Trump has thumbed his nose at the Supreme Court's order that he facilitate the return of Kilmar Abrego Garcia. It is time for this Court to defend the Constitution and stop the American Catastrophe of the fascist transformation of this country.

The question of whether the Fourteenth Amendment's grant of birthright citizenship to everyone born in the United States includes children born to undocumented parents living in the United States was already a

founding principle of this country under the Constitution of 1787. The principle of birthright citizenship was never an issue; it arrived in America with the Pilgrims. The only citizenship issue that appears in the Constitution is the question of naturalization, which gave Congress the “power... to establish an uniform Rule of Naturalization... throughout the United States.” Congress passed the Naturalization Act of 1790 which stated that “free white person(s)... of good character” and two years of presence in the United States could become naturalized citizens of this country. Meanwhile, the practice of awarding citizenship to the *children* of arriving immigrants who could not themselves qualify to become naturalized citizens was always the law of the land.

The reason why the Constitution did not establish a single policy to determine who was a citizen was because that would have required resolving the question of whether the slaves and their children would be counted as citizens.

As a result, the states, not the Federal government, had the right to determine who could become a citizen within the boundaries of their territories. So in certain states like Wisconsin, Native Americans could become citizens of the state, despite the general prohibition against Native Americans receiving citizenship rights. Native Americans, while members of foreign nations, could be granted citizenship by having provision made for their citizenship in the treaties they signed with the United States

government. The children of Native Americans who became citizens of the United States had the right to citizenship at birth.

The children of free black Americans had birthright citizenship in some northern states, where they were recognized as citizens. Challenging that right was impossible until the *Dred Scott* decision, which was supposed to “settle” the wars already breaking out between the abolitionists and the tyrants of slavery in Kansas and elsewhere, but only served to ignite the Civil War.

The *Dred Scott* decision was overturned when the mass power of the liberated black slaves and black Union battalions working in tandem with the hundreds of thousands of white young white soldiers smashed the power of the southern planters and finally opened the road for America to become the democratic, equal and free nation it had professed to be at its founding.

In the wake of the Civil War, millions of Americans had been radicalized by the second American Revolution and were determined to make sure that the war that had cost the lives of hundreds of thousands of Americans would make the plain words of liberty and rights for all persons real. The great Abolitionist Frederick Douglass describes, in his 1866 speech “Reconstruction,” crowds of people demanding that their representatives in Congress stop catering to the pro-Southern President and the former slaveowners and take action, action which resulted directly in the passage of the Reconstruction Amendments:

The members [of Congress] go to Washington fresh from the inspiring presence of the people. In every considerable public meeting, and in almost every conceivable way, whether at court-house, school-house, or cross-roads, in doors and out, the subject has been discussed, and the people have emphatically pronounced in favor of a radical policy. Listening to the doctrines of expediency and compromise with pity, impatience, and disgust, they have everywhere broken into demonstrations of the wildest enthusiasm when a brave word has been spoken in favor of equal rights and impartial suffrage. Radicalism, so far from being odious, is now the popular passport to power. The men most bitterly charged with it go to Congress with the largest majorities, while the timid and doubtful are sent by lean majorities, or else left at home.²

The words of the Fourteenth Amendment were understood by Americans to mean what the words plainly say that all the children born in this country including those of Chinese and Japanese descent were entitled to birthright citizenship.

Under the leadership of Frederick Douglass and the Abolitionist movement in the streets arguing for the ratification of the Fourteenth and Fifteenth Amendments and the Abolitionists elected to Congress, the Constitution was transformed into a beacon of hope for the oppressed throughout the world. The southern slave-owning aristocracy that had kept the United States a land of hypocrisy and lies, steeped in depravity and the blood of countless black people was finally smashed forever.

CONCLUSION

For the above reasons, the application should be denied.

² Frederick Douglass, "Reconstruction," December 1866. Available at: <https://constitutioncenter.org/the-constitution/historic-document-library/detail/frederick-douglass-reconstruction-atlantic-monthly-18>

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Respectfully submitted,

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