

**In the Supreme Court  
of the United States**

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DONALD J. TRUMP, PRESIDENT OF THE  
UNITED STATES, ET AL., APPLICANTS

*v.*

CASA, INC., ET AL.

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DONALD J. TRUMP, PRESIDENT OF THE  
UNITED STATES, ET AL., APPLICANTS

*v.*

STATE OF WASHINGTON, ET AL.

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DONALD J. TRUMP, PRESIDENT OF THE  
UNITED STATES, ET AL., APPLICANTS

*v.*

STATE OF NEW JERSEY, ET AL.

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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 *AMICUS CURIAE* DAVID BOYLE IN SUPPORT OF  
NO PARTY RE 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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David Boyle

*Counsel of Record*

P.O. Box 15143

Long Beach, CA 90815

(734) 904-6132

dbo@boyleslaw.org

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## ***AMICUS CURIAE* STATEMENT OF INTEREST**

The present *amicus curiae*, David Boyle (hereinafter, “Amicus”),<sup>1</sup> thinks children should be treated well. “Jesus said, ‘Let the little children come to me, and do not hinder them, for the kingdom of heaven belongs to such as these.’” *Matthew* 19:14 (NIV). Therefore, stripping them of long-established citizenship rights may not be kind, prudent, or in touch with our laws and traditions. So, Amicus writes this brief, although it is for no party, since this writer is cognizant of additional factors, e.g., whether the Court has some passionate urge to make a “big statement” against nationwide injunctions, regardless of the welfare of innocent children.

### **SUMMARY OF ARGUMENT**

The famed poem “The New Colossus” offers insights on how immigrants, including children, should be treated in the U.S.A. Children’s best interests, lauded by case law and the Bible, are not served by deprivation of citizenship (nor perhaps by the “universal extinction of the universal injunction” that some desire). Children might even be injured or killed by such loss. Stripping youths of citizenship due to an accident of birth, may be wrong, even abusive, though more measured reform of immigration is possible. Finally, some recent holidays or anniversaries remind us that violence either against politicians, or by politicians against innocents such as children, is detestable, and, one hopes, avoidable, by the grace of God.

### **ARGUMENT**

#### **I. EMMA LAZARUS’ “THE NEW COLOSSUS” REMINDS US OF**

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<sup>1</sup> No party or its counsel wrote or helped write this brief, or gave money for the brief, *see* S. Ct. R. 37.

## HOW IMMIGRANTS SHOULD BE TREATED IN AMERICA



(1889 engraving of Emma Lazarus, *available at* <https://en.wikipedia.org/wiki/File:Emmalazarusengraving.jpg> (last checked Mar. 17, 2025, as with all links here))

American poetess Emma Lazarus' 1883 poem "The New Colossus", especially since it has the dignity of being engraved on a bronze plaque inside the Statue of Liberty, is well worth reading or re-reading as an embodiment of national intent and aspiration towards the humane treatment of immigrants:

*Not like the brazen giant of Greek fame,  
With conquering limbs astride from land to land;  
Here at our sea-washed, sunset gates shall stand  
A mighty woman with a torch, whose flame  
Is the imprisoned lightning, and her name  
Mother of Exiles. From her beacon-hand  
Glows world-wide welcome; her mild eyes command  
The air-bridged harbor that twin cities frame.*

*"Keep, ancient lands, your storied pomp!" cries she  
With silent lips. "Give me your tired, your poor,  
Your huddled masses yearning to breathe free,  
The wretched refuse of your teeming shore.  
Send these, the homeless, tempest-tost to me,  
I lift my lamp beside the golden door!"*

*Id.* If not a legal document *per se*, the poem, being honored by its presence inside the Statue of Liberty, is no “small potatoes” either, so to say. (See Percy Bysshe Shelley, *A Defence of Poetry* (1821): “Poets are the unacknowledged legislators of the world.” *Id.*) One could even call Lazarus’ masterwork “America’s Sonnet”, due to its quality and prominence.

In line with this current brief’s being for no party, Amicus shall leave it up to the reader whether “The New Colossus” would support stripping Fourteenth Amendment-protected citizenship from “masses”, Poem, *supra*, of innocent children (very few of whom are children of diplomats or of invading armies) who are born here, through no fault of their own, in America, the greatest country on Earth,

## **II. THE “BEST INTERESTS OF THE CHILD” PROBABLY DO NOT INCLUDE BEING EXCLUDED FROM CITIZENSHIP**

In our country, the best interests of children are highly important. *See, e.g.*, *Prince v. Massachusetts*, 321 U.S. 158 (1944), noting “the general interest in youth’s wellbeing”, *id.* at 166 (Rutledge, J.); *Parham v. J.R.*, 442 U.S. 584 (1979), recognizing “the child’s best interests”, *id.* at 602-03 (Burger, J.) (citation omitted). Amicus is at a loss to see how an infant or child gains anything from losing her or his U.S. citizenship. Ending birthright citizenship can even be seen as systematic governmental child abuse, creating loss for little or no gain.

And the consequences of such loss could be deadly, even more than some forms of gender-transition techniques/therapy for children allegedly are. *Cf., e.g.*, Gustaf Kilander, *Texas child being treated for cancer — and who is a US citizen — is deported to Mexico with undocumented parents*, Mar. 13, 2025, 1:10 p.m., The

Independent, <https://www.the-independent.com/news/world/americas/us-politics/texas-mexico-child-cancer-deportation-b2714565.html>, “So far, the cancer-stricken 10-year-old and her 15-year-old brother, who has a heart condition, haven’t been receiving the care they need in Mexico, their mother said. ‘The authorities have my children’s lives in their hands,’ she tearfully told NBC.” *Id.* —But what if the 10-year-old weren’t even a citizen? How much more difficult, or deadly, might it be for her then? The mind reels at the potential abortion of children’s rights or lives by elimination of birthright citizenship.

*Cf. Prince, supra*, on the danger of “expos[ing] the community or the child to communicable disease or the latter to ill health or death”, 321 U.S. at 166-67 (Rutledge, J.). Also, *cf. Jeremiah 31:15*, “A voice is heard in Ramah, mourning and great weeping, Rachel weeping for her children and refusing to be comforted, because they are no more”, *id.* (internal quotation marks omitted) (NIV); *Matthew 2:16-18*, *see id.* (story of Herod, which largely reiterates previous quote) (NIV). The young are not to be treated like “wretched refuse”, “The New Colossus”, *supra* at 2.

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The recently-passed Ides of March, the 15<sup>th</sup>, is a date which reminds us of the evil of political violence, whether stabbing Julius Caesar to death in the Roman Senate, or attempting to hang former President-of-the-American-Senate Mike Pence, or shooting any President or presidential candidate. “Blessed are the peacemakers, for they will be called children of God.” *Matthew 5:9* (NIV). But the State should not be violent or oppressive to citizens, including little children, either.

There is plenty of room for sensible bipartisan immigration reform, e.g., deportation of violent criminals in a fair way that abides by due process. However, destroying birthright citizenship may be a step too far: throwing out the babies with the bathwater, so to speak. But no one should put babies in a corner.

Two days after the Ides, we have a happier day of note, St. Patrick's Day, today; so, for any believers, may blessed St. Patrick and all the saints preserve us, and the rights of all American children. (Indeed, *cf.* Deepti Hajela, *Here's what you need to know about St. Patrick's Day*, AP, updated Mar. 15, 2025, 4:11 p.m., <https://apnews.com/article/st-patricks-day-34e5e7278243258bee3c2f7005e7b208>, "The spread of St. Patrick's Day celebrations in the U.S. was a way for Irish immigrant communities, who in the 19th century faced discrimination and opposition, to stake that ground [i.e., put down roots in American culture], [Professor Leigh Schmidt] says: 'It's a kind of immigrant Irish way of combating nativist antagonism against them.'" *Id.*)

## CONCLUSION

Amicus sees little reason to grant stays, but if, say, there is some unmasterable craving to make this the moment for a huge "demonstration" against national injunctions, no matter how much damage is caused to helpless infants, the Court may choose to do whatever the Court may do. It could be prudent, though, to weigh carefully whether such a "demonstration" needs to be made at this particular moment (or ever); does the Court's reputation need to "die on that hill", one is tempted to ask? Amicus humbly thanks the Court for its time and consideration.

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Respectfully submitted,

David Boyle  
*Counsel of Record*  
P.O. Box 15143  
Long Beach, CA 90815  
dbo@boyleslaw.org  
(734) 904-6132