No. 25-365

In the Supreme Court of the United States

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

Petitioners,

v.

BARBARA, ET AL.,

Respondents.

ON WRIT OF CERTIORARI BEFORE JUDGMENT TO THE U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT

Brief of Coolidge Reagan Foundation as *Amicus Curiae* in Support of Petitioners

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INTERESTS OF *AMICI CURIAE*[1]

Amicus Curiae Coolidge Reagan Foundation is a nonprofit 501(c)(3) corporation established to advance liberty and fair elections. It focuses on the principles of free speech enshrined in the First Amendment of the U.S. Constitution.

SUMMARY OF ARGUMENT

1. This Court generally does not construe constitutional provisions literally according to their plain text. *See, e.g.*, *Comptroller of the Treas. v. Wynne*, 575 U.S. 542, 548 (2015) (Dormant Commerce Clause); *NLRB v. Noel Canning*, 573 U.S. 513, 538 (2014) (Recess Appointments Clause); *Arizona v. United States*, 567 U.S. 387, 394 (2012) (Naturalization Clause); *Polar Tankers, Inc. v. City of Valdez*, 557 U.S. 1, 6 (2009) (Tonnage Clause); *Dep't of Rev. of Mont. v. Ranch*, 511 U.S. 767, 784 (1994) (Fifth Amendment Double Jeopardy Clause); *Lucas v. S.C. Coastal Council*, 505 U.S. 1003, 1016-19 (1992) (Fifth Amendment Takings Clause); *United States v. Ptasynski*, 462 U.S. 74, 86 (1983) (Duties Clause); *Hutchinson v. Proxmire*, 443 U.S. 111, 124 (1979) (Speech and Debate Clause); *U.S. Steel Corp. v. Multistate Tax Comm'n*, 434 U.S. 452, 469 (1978)

[1] Pursuant to S. CT. R. 37.6, *amicus curiae* certifies no counsel for a party authored the brief in whole or part, and no party, counsel for a party, or person other than *amicus*, the Foundation's members, or *amicus*'s counsel made any monetary contributions to fund the preparation or submission of this brief.

(Compacts Clause); *Buckley v. Valeo*, 424 U.S. 1, 13 n.16 (1976) (per curiam) (Presidential Electors Clause); *Reg'l Rail Reorg. Act Cases*, 419 U.S. 102, 158-59 (1974) (Bankruptcy Clause); *Bolling v. Sharpe*, 347 U.S. 497, 500 (1954) (Fifth Amendment Due Process Clause); *Home Bldg. & Loan Ass'n v. Blaisdell*, 290 U.S. 398, 428 (1934) (Contracts Clause); *Legal Tender Cases*, 79 U.S. (12 Wall.) 457, 547 (1870) (Coinage Clause); *see also Am. Ins. Ass'n v. Garamendi*, 539 U.S. 396, 415 (2003) (Treaty Clause); *Blatchford v. Native Village of Noatak*, 501 U.S. 775, 779 (1991) (Eleventh Amendment); *Oregon v. Mitchell*, 400 U.S. 112, 117-18 (1970) (Qualifications Clause); *Katz v. United States*, 389 U.S. 347, 367 (1967) (Harlan, J., concurring) (Fourth Amendment); *Konigsberg v. State Bar of California*, 366 U.S. 36, 49 (1961) (First Amendment); *Cary v. Curtis*, 44 U.S. 236, 245 (1845) (Federal Question Jurisdiction Clause); *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 413 (1819) (Commerce Clause).

Likewise, here, the Court should not adopt a literal interpretation of the Citizenship Clause that causes one of the most important problems of the Twenty-First Century—mass illegal immigration—to be resolved inadvertently, through the unintended application of overbroad language to unanticipated circumstances and a fundamentally different issue than the clause was adopted to address. *See, e.g.*, *United States v. Brewster*, 408 U.S. 501, 516 (1972); *cf. King v. Burwell*, 576 U.S. 473, 485-86 (2015). This Court should instead construe the clause in light of its primary purpose of overturning this Court's ruling in

Dred Scott v. Sanford, 60 U.S. (19 How.) 393 (1856), and ensuring former slaves and their children were recognized as U.S. citizens.

The American people have the sovereign power to define the scope of their political community by determining the composition of the American electorate. *See Foley v. Connelie*, 435 U.S. 291, 295-96 (1978); *see also Bluman v. FEC*, 800 F. Supp. 2d 281, 287 (D.D.C. 2011) (three-judge district court), *summarily aff'd*, 565 U.S. 1104 (2012). Birthright citizenship undermines this prerogative by empowering millions of illegal aliens whose presence violates federal law to change the American electorate by conferring citizenship on their offspring.

2. This Court should refuse to constitutionalize birthright citizenship for illegal aliens to avoid exacerbating the numerous other lines of precedent which have contributed to the illegal immigration crisis. *See, e.g.*, *Plyler v. Doe*, 457 U.S. 202 (1982) (requiring states to provide free public education to illegal aliens' children); *Arizona v. United States*, 567 U.S. 387 (2012) (barring states from adopting state laws concerning illegal aliens which mirror federal laws the Executive refuses to enforce); *Trump v. J.G.G.*, 604 U.S. 670 (2025) (habeas rights for illegal alien gang members); *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) (recognizing right of deportable violent criminal illegal aliens whom no country in the world will accept to be released into American society after six months); *Evenwel v. Abbott*, 578 U.S. 54 (2016) (allowing states to count illegal aliens when

drawing congressional and legislative district lines). This Court should not aggravate the immigration crisis by guaranteeing U.S. citizenship for the children of illegal aliens, thereby both further enhancing the incentives for illegal immigration and creating new barriers to the deportation of illegal aliens.

ARGUMENT

"The number of unauthorized immigrants in the United States reached an all-time high of 14 million in 2023 after two consecutive years of record growth . . . ."[2] Under President Biden:

> [m]ore than 5.7 million illegal aliens from over 160 countries have illegally crossed our border. Mr. Biden has released over 2.6 million of them, a population larger than the entire State of New Mexico, into the United States in violation of our immigration laws. . . . [A]nother 1.7 million known got-aways have entered as well. That is an additional illegal population the size of West Virginia.

[2] Jeffrey S. Passel & Jens Manuel Krongstad, *U.S. Unauthorized Population Reached a Record 14 Million in 2023*, PEW RESEARCH CTR. (Aug. 21, 2025), https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/.

U.S. Subcomm. on Immigration Integrity, Security, and Enforcement, House Judiciary Comm., *Hearing on Terrorist Entry Through the Southwest Border*, 108th Cong., 1st Sess. 1 (Sept. 14, 2023) (statement of Chair McClintock).

The Government has no idea who most of these people are—whether they are merely economic migrants, or violent criminals, terrorists, or radicals from fundamentally different cultures who despise Western values and wish the destruction of the United States. It is absurd to say illegal aliens are not entitled to remain in the United, yet the Constitution demands any children to whom they happen to give birth before justice catches up with them must be irrevocably granted permanent U.S. citizenship. Such absurdity has given rise to the so-called "birth tourism" industry, wherein tens of thousands of pregnant aliens are smuggled into the United States annually to touch base solely for the purpose of commandeering U.S. citizenship for their imminently arriving infants.[3] "Tag" is not a coherent basis for citizenship.

President Barack Obama declared being an American is not about race or bloodline, but rather "our allegiance to an idea"—the principles set forth in the Declaration of Independence of natural rights and

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[3] Amy Taxin, *Woman Gets More Than 3-Year Prison Term for Helping Pregnant Chinese Women Get to US*, ASSOC. PRESS (Jan. 27, 2025), https://apnews.com/article/chinese-pregnant-women-birthright-citizenship-260225bd3eea107762b7d2384b096615.

equality. Pres. Barack Obama, *Inaugural Address by President Barack Obama* (Jan. 21, 2013).[4] It is impossible to define a nation in terms of an idea when citizenship is open to anyone who happens to be born within its boundaries, including the children of foreigners who flagrantly broke American law by sneaking into the country, lack allegiance to our nation, rarely speak our nation's common tongue, seldom know our nation's history, and may staunchly oppose American values.

The Constitution is not a suicide pact. *Kennedy v. Mendoza-Martinez*, 372 U.S. 144, 160 (1963). It does not require us to allow our nation and its electorate to be fundamentally transformed, in direct violation of federal immigration law, by the offspring of unlimited numbers of illegal aliens from different countries, with different languages, norms, customs, and values. This Court must uphold President Donald J. Trump's effort to enforce the Citizenship Clause correctly and coherently.

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[4] https://obamawhitehouse.archives.gov/the-press-office/2013/01/21/inaugural-address-president-barack-obama

I. THIS COURT SHOULD NOT ALLOW ONE OF THE MOST IMPORTANT ISSUES OF THE TWENTY-FIRST CENTURY TO BE RESOLVED AS A MATTER OF CONSTITUTIONAL LAW BY ACCIDENT

The Fourteenth Amendment to the Constitution provides, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States . . . ." U.S. CONST. amend. XIV, § 1. Implementing this provision, federal law states "a person born in the United States, and subject to the jurisdiction thereof" shall be a "national[] and citizen[] of the United States at birth." 8 U.S.C. § 1401(a).

As with numerous other constitutional provisions, this Court should not interpret the Citizenship Clause literally. The Clause was adopted to guarantee citizenship for former slaves and their children. This Court should not construe this provision to inadvertently resolve the fundamentally different challenge of systemic illegal immigration in the face of the modern welfare state more than a century later without any public debate or deliberation. The Court should not grant the millions of illegal aliens whose continued presence in this country violates federal law the constitutional power to change the American political community—the electorate—by conferring citizenship upon their children.

A. This Court Does Not Construe Important Constitutional Provisions Literally

This Court is not bound by a hyper-literal construction of the Citizenship Clause. To the contrary, it has repeatedly rejected plain-meaning constructions of constitutional provisions that would lead to deleterious or unintended consequences. It should do so here.

For example, the Speech and Debate Clause of the U.S. Constitution provides, "[F]or any Speech and Debate in either House," Senators and Representatives "shall not be questioned in any other place." U.S. CONST. art. I, § 6, cl. 1. This Court "has given the Clause a practical rather than a strictly literal reading which would limit the protection to utterances made within the four walls of either Chamber." *Hutchinson v. Proxmire*, 443 U.S. 111, 124 (1979). Moreover, though the clause's plain language protects members only from "be[ing] questioned," this Court has held it not only grants them immunity from prosecution for legislative acts, *see United States v. Johnson*, 383 U.S. 169, 184-85 (1966), but even bars the Government from introducing evidence of such acts against them in otherwise permissible cases, *United States v. Helstoski*, 442 U.S. 477, 487 (1979).

The Court has likewise declined to apply the Constitution's "uniformity" requirements based on their plain meaning. For example, the Duties Clause provides, "[A]ll Duties, Imposts and Excises shall be ***uniform*** throughout the United States." U.S. CONST.

art. I, § 8, cl. 1 (emphasis added). This Court nevertheless held Congress may grant exemptions for products from a certain state based on its "considered judgment with respect to an enormously complex problem." *United States v. Ptasynski*, 462 U.S. 74, 86 (1983). Similarly, Congress may establish "***uniform*** Laws on the subject of Bankruptcies," U.S. CONST. art. I, § 8, cl. 4 (emphasis added). Yet this Court declared Congress may adopt laws governing bankruptcies for railroads "only in a single statutorily defined region." *Reg'l Rail Reorg. Act Cases*, 419 U.S. 102, 158-59 (1974). The Bankruptcy Clause's uniformity requirement purportedly allows Congress to "take into account differences that exist between different parts of the country, and to fashion legislation to resolve geographically isolated problems." *Id.*

In contrast, the Court has enforced constitutional restrictions that appear nowhere in the document's text. The Constitution's grant of authority to Congress to "regulate Commerce . . . among the several States," U.S. CONST. art. I, § 8, cl. 3, "is framed as a positive grant of power to Congress," *Comptroller of the Treas. v. Wynne*, 575 U.S. 542, 548 (2015). Yet this Court "has consistently held this language to contain a further, negative command, known as the dormant Commerce Clause, prohibiting certain state taxation even when Congress has failed to legislative on the subject.'" *Id.* at 548-49 (quoting *Okla. Tax Comm'n v. Jefferson Lines, Inc.*, 514 U.S. 175, 179 (1995)).

The Constitution gives Congress authority over "Naturalization," U.S. CONST. art. I, § 8, cl. 4, which is "a power to confer citizenship," *United States v. Wong Kim Ark*, 169 U.S. 649, 703 (1898). This Court has nevertheless construed this provision as affording Congress broader plenary discretion to regulate immigration into the nation completely independent of any citizenship-related purposes. *See Arizona v. United States*, 567 U.S. 387, 394 (2012). Congress may "***coin*** money," yet this Court has read this provision as giving Congress "complete control over the currency," including authority to issue paper money. *Legal Tender Cases*, 79 U.S. (12 Wall.) 457, 547 (1870).

The Constitution empowers Congress to "make all Laws ***necessary*** and proper for carrying into Execution" other powers the Constitution confers on the Government. U.S. CONST. art. I, § 8, cl. 18 (emphasis added). *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 413 (1819), teaches this provision allows Congress to pass any laws which are "convenient, or useful" to achieving its goals. Whereas the Constitution grants Congress power to "make or alter" rules governing "[t]he Times, Places and Manner" of congressional elections, U.S. CONST. art. I, § 4, cl. 1, it permits Congress only to "determine the Time of chusing the Electors," *id.* art. II, § 1, cl. 4. This Court has nevertheless "recognized broad congressional power to legislate in connection with the elections of the President and Vice President." *Buckley v. Valeo*, 424 U.S. 1, 13 n.16 (1976) (per

curiam) (citing *Burroughs v. United States*, 290 U.S. 534 (1934)).[5]

This Court has similarly refused to give full effect to the Constitution's categorical prohibitions. For example, no state may "pass any . . . Law impairing the Obligation of Contracts." U.S. CONST. art. I, § 10, cl. 1. This Court has cautioned, despite this provision's language, "the prohibition is not an absolute one and is not to be read with literal exactness like a mathematical formula." *Home Bldg. & Loan Ass'n v. Blaisdell*, 290 U.S. 398, 428 (1934). Likewise, "without the Consent of Congress," no state may "enter into any Agreement or Compact with another State." U.S. CONST. art. I, § 10, cl. 3. Yet this Court has declared, "[N]ot all agreements between States are subject to the strictures of the Compact Clause." *U.S. Steel Corp. v. Multistate Tax Comm'n*, 434 U.S. 452, 469 (1978); *see also Virginia v. Tennessee*, 148 U.S. 503, 518 (1893) ("[T]he terms 'compact' or 'agreement' in the Constitution do not apply to every possible compact or agreement between one State and another . . . .").

States are also prohibited from imposing any "Duty of Tonnage" without congressional consent.

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[5] The Constitution provides electors for the U.S. House in each state "shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature." U.S. CONST. art. I, § 2, cl. 1. Yet prior to the Twenty-Sixth Amendment's ratification, *see* U.S. CONST. amend. XXVI, this Court held Congress may require states to treat any citizens who were at least eighteen years old as eligible to vote for federal office. *See Oregon v. Mitchell*, 400 U.S. 112, 117-18 (1970).

U.S. CONST. art. I, § 10, cl. 3. The plain meaning of this phrase refers to a "duty [which] varies according to the internal cubic capacity of a vessel." *Polar Tankers, Inc. v. City of Valdez*, 557 U.S. 1, 6 (2009) (quotation marks omitted). Nevertheless, this Court has "interpreted the language of the Clause in light of its purpose," *id.* at 6, to "forbid[] ***all*** charges, whatever their form, that impose a charge for the privileges of entering, trading in, or lying in a port," *id.* at 9 (emphasis added, quotation marks omitted).

The Court has overlooked the literal text of other Articles, as well. Article II grants the President power "to make Treaties, provided two thirds of the Senate present concur." U.S. CONST. art. II, § 2, cl. 2. Yet this Court has concluded "[t]he President has the authority to make 'executive agreements' with other countries, requiring no ratification by the Senate." *Am. Ins. Ass'n v. Garamendi*, 539 U.S. 396, 415 (2003); *cf. Dames & Moore v. Regan*, 453 U.S. 654, 686 (1981) (congressional-executive agreements).

"The President shall have Power to fill up all Vacancies that ***may happen*** during the Recess of the Senate." U.S. CONST. art. II, § 2, cl. 3 (emphasis added). The Court acknowledged "the most natural meaning of 'happens' as applied to a 'vacancy' . . . is that the vacancy 'happens' when it initially occurs." *NLRB v. Noel Canning*, 573 U.S. 513, 538 (2014). However, based on "the basic purpose of the Clause," historical practice, and "common sense," the Court concluded the President may make recess appointments even for "vacancies that come into

existence while the Senate is in session." *Id.* at 545, 549.

Article III provides "[t]he judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, [and] the Laws of the United States." U.S. CONST. art. III, § 2, cl. 1. Except Congress need not actually authorize federal courts to exercise such jurisdiction. *See Cary v. Curtis*, 44 U.S. 236, 245 (1845).

The Court has departed from the plain text of the Bill of Rights, as well. The First Amendment provides, "Congress shall make no law . . . abridging the freedom of speech." U.S. CONST. amend. I. Yet this Court has refused to construe First Amendment freedoms as "absolutes." *Konigsberg v. State Bar of California*, 366 U.S. 36, 49 (1961). The provision's meaning is not "to be gathered . . . by taking the words and a dictionary." *Gompers v. United States*, 233 U.S. 604, 610 (1914). "Although the First Amendment provides that Congress shall make no law abridging the freedom of speech . . . . [the provision] does not comprehend the right to speak on any subject at any time." *Am. Communs. Ass'n v. Douds*, 339 U.S. 382, 394 (1950).

The Fourth Amendment guarantees the "right of the people to be secure in their persons, houses, papers, and effects." U.S. CONST. amend. IV. "These words connote the idea of tangible things with size, form, and weight, things capable of being searched, seized, or both." *Katz v. United States*, 389 U.S. 347,

365 (1967) (Black, J., dissenting). Yet Justice Harlan's concurrence in *Katz*, which has since been treated as controlling, *see Smith v. Maryland*, 442 U.S. 735, 740 (1979), concluded the amendment applies even outside the textually specified circumstances, whenever a person has a reasonable expectation of privacy. *Katz*, 389 U.S. at 361 (Harlan, J., concurring). It therefore bars the Government from remotely wiretapping conversations made on a public payphone. *Id.* at 359 (majority op.).

The Fifth Amendment's Double Jeopardy Clause provides, "[N]or shall any person be subject for the same offence to be twice put in jeopardy of life or limb." U.S. CONST. amend. V. This Court had no problem concluding it protects against fines and other criminal monetary penalties which jeopardize neither "life" nor "limb." *E.g.*, *Dep't of Rev. of Mont. v. Ranch*, 511 U.S. 767, 784 (1994). The Fifth Amendment's Takings Clause states, "[N]or shall private property be taken for public use, without just compensation." U.S. CONST. amend. V. Yet the Court has applied this provision to so-called regulatory takings, where the Government neither acquires possession of property, occupies it, nor trespasses onto it, but instead adopts regulations which deprive it of economic value, *Lucas v. S.C. Coastal Council*, 505 U.S. 1003, 1016-19 (1992), even temporarily, *see First English Evangelical Lutheran Church v. Cnty. of Los Angeles*, 482 U.S. 304, 318 (1987).

The Court does not even purport to apply the text of the Eleventh Amendment, which states the federal

judicial power "shall not be construed to extend to any suit . . . against one of the United States by Citizens of another State . . . ." U.S. CONST. amend. XI. The Court readily acknowledges it has "understood the Eleventh Amendment to stand not so much for what it says, but for the presupposition . . . which it confirms." *Blatchford v. Native Village of Noatak*, 501 U.S. 775, 779 (1991). "[B]lind reliance upon the text of the Eleventh Amendment is to strain the Constitution and the law to a construction never imagined or dreamed of." *Seminole Tribe v. Florida*, 517 U.S. 44, 69 (1996) (quotation marks omitted). This Court has concluded states enjoy sovereign immunity against suits by their own citizens, *see Hans v. Louisiana*, 134 U.S. 1 (1890), even in their own courts, *Alden v. Maine*, 527 U.S. 706, 730-31 (1999).

Perhaps most notably, Section 1 of the Fourteenth Amendment contains both a Due Process Clause and an Equal Protection Clause which limit the power of state governments in different ways. U.S. CONST. amend. XIV, § 1. This Court has nevertheless held the Fifth Amendment, which contains only a Due Process Clause, *id*. amend. V, imposes both due Process and Equal Protection constraints on the federal government, *Bolling v. Sharpe*, 347 U.S. 497, 500 (1954).

This discussion is not intended to suggest the cases cited above are incorrect or undesirable. To the contrary, it demonstrates this Court has repeatedly

departed from the plain text of the Constitution to reach reasonable, just outcomes.

B. This Court Should Not Construe the Citizenship Clause Literally

Similarly, here, this Court should not succumb to "blind reliance," *Seminole Tribe*, 517 U.S. at 69, on what may be the "most natural meaning," *Canning*, 573 U.S. at 538, of the "literal" words, *Hutchinson*, 443 U.S. at 124; *Blaisdell*, 290 U.S. at 428, of the Citizenship Clause. "This provision is made in a constitution, intended to ensure for ages to come, and, consequently, to be adapted to the various crises of human affairs." *McCulloch*, 17 U.S. at 415. This Court should allow President Trump to address the "enormously complex problem[s]," *Ptasynski*, 462 U.S. at 86, of mass illegal immigration, anchor babies, birth tourism, and the involuntary and illegal modification of the American electorate in a "practical" manner, *Hutchinson*, 443 U.S. at 124, taking into account "the basic purpose of the Clause," history, and "common sense," *Canning*, 573 U.S. at 549, rather than relying primarily on "a dictionary," *Gompers*, 233 U.S. at 610.

1. The undisputed purpose of the Citizenship Clause was to overturn this Court's ruling in *Dred Scott v. Sanford* to ensure former slaves and their children would be recognized as American citizens, *Saenz v. Roe*, 526 U.S. 489, 502 n.15 (1999); *Trump v. CASA, Inc.*, 606 U.S. 831, 879 (2025) (Sotomayor, J., dissenting)—not to guarantee citizenship to children

of illegal aliens from around the world remain in U.S. territory in violation of federal law. The Solicitor General convincingly demonstrates, prior to this Court's ruling in *United States v. Wong Kim Ark*, 169 U.S. 649 (1898), "[c]ontemporary commentators agreed" the "children of temporarily present aliens do not become U.S. citizens by birth here." *Brief for the Petitioners* 25-27 (Jan. 2026). This Court should construe the Citizenship Clause in light of its purpose. *Polar Tankers*, 557 U.S. at 6 ("The Court over the course of many years has consistently interpreted the language of the [Tonnage] Clause in light of its purpose . . . ."); *United States v. Brewster*, 408 U.S. 501, 516 (1972) ("[T]he Speech or Debate Clause must be read broadly to effectuate its purpose . . . ."); *see also Wright v. United States*, 302 U.S. 583, 607 (1938) (Stone, J., concurring) ("The Court has hitherto consistently held that a literal reading of a provision of the Constitution which defeats a purpose evident when the instrument is read as a whole, is not to be favored.").

2. It would be one thing if the nation had ever engaged in solemn constitutional deliberations to decide whether to permanently confer U.S. citizenship on the offspring of illegal aliens regardless of their language, culture, illiteracy, lack of education, poverty, lack of allegiance to the United States and American values, criminal history, support for terrorism or extremism, or other pertinent factors any rational nation would consider before opening its doors to someone. This Court should not allow Respondents to play constitutional "gotcha" by

exploiting the Citizenship Clause's overbroad language to address a national crisis which did not exist a century and a half ago, which that provision was not crafted to address. The modern "major questions" doctrine teaches sweeping language in legal provisions cannot settle crucial, controversial issues either accidentally or by implication. *See King v. Burwell*, 576 U.S. 473, 485-86 (2015) (declining to construe statute in a manner that resolves "a question of deep 'economic and political significance'" which the statute does not "expressly" address) (citing *Utility Air Regulatory Group v. EPA*, 573 U.S. 302, 324 (2014)); *see also Wayman v. Southard*, 23 U.S. (10 Wheat.) 1, 42-43 (1825) (suggesting the legal resolution of "important subjects" must occur as the result of conscious deliberation rather than inadvertently through "general provisions"). This principle should apply with even greater force to the Constitution.

3. This Court should be especially willing to depart from a literal reading of the Citizenship Clause to preserve the American electorate's ability to control its own composition by restricting the availability of citizenship. "A new citizen has become a member of a Nation, part of a people distinct from others." *Foley v. Connelie*, 435 U.S. 291, 295 (1978). This process does not occur in any meaningful sense for infants born to illegal aliens who remain citizens of, and subject to deportation to, foreign countries and are likely to have their own languages, cultures, allegiances, histories, and values.

The sovereign has an "obligation to preserve the basic conception of a political community." *Id.* at 296 (quoting *Sugarman v. Dougall*, 413 U.S. 634, 648 (1973)). "It is fundamental to the definition of our national political community that foreign citizens do not have a constitutional right to participate in, and thus may be excluded from, activities of self-government." *Bluman v. FEC*, 800 F. Supp. 2d 281, 287 (D.D.C. 2011) (three-judge district court), *summarily aff'd*, 565 U.S. 1104 (2012); *see also Bernal v. Fainter*, 467 U.S. 216, 220 (1984). The "exclusion of aliens from basic governmental processes is . . . a necessary consequence of the community's process of self-definition." *Cabell v. Chavez-Salido*, 454 U.S. 432, 439 (1982).

Birthright citizenship enables aliens who have violated federal law and are not legally present in the country to nevertheless change the American political community by conferring citizenship on children who Congress has determined should not have been born here in the first place. Allowing millions of foreign lawbreakers to alter the composition of our nation's electorate undermines the American people's ability to engage in "self-definition," *Cabell*, 454 U.S. at 439, and "democratic self-government," *Bernal*, 467 U.S. at 220. The Citizenship Clause was never intended to constitutionally enshrine such a policy—particularly against the modern backdrop of mass illegal immigration, a pervasive welfare state, and ethnically hyperpolarized electorate. More importantly, fundamental democratic principles dictate against it.

II. THIS COURT SHOULD REVERSE ITS PRECEDENTS EXACERBATING THIS NATION'S ILLEGAL IMMIGRATION CRISIS

This Court does not adjudicate this case in a vacuum, but rather against the backdrop of precedents which create tremendous incentives for illegal immigration while hampering efforts to combat it. This Court should reconsider each of these destructive lines of constitutional doctrine. At the very least, it should refrain from adding to them by constitutionalizing the pernicious doctrine of birthright citizenship.

A. Plyler v. Doe *Requires States to Provide Free Public Education to Children of Illegal Aliens*

Plyler v. Doe, 457 U.S. 202 (1982), imposes a Court-created rule of constitutional law for the benefit of illegal aliens that goes even further than Respondents' limitless view of birthright citizenship. Under *Plyler*, children of illegal aliens who do not qualify for birthright citizenship are nevertheless constitutionally entitled to state-funded public education at no cost to them or their parents.[6] *Cf. Toll v. Moreno*, 458 U.S. 1 (1982) (holding a state may not

[6] This arrangement is often called "free public education," but that phrase obscures the fact public education is not, in fact, free. The American public must pay for teachers, facilities, school meals, computers, books, translators, security guards, psychologists, and the full panoply of other expenses which are only heightened with regard to non-English speaking children raised by illegal aliens willing to violate the law.

refuse to give nonimmigrant aliens the same in-state tuition discounts to which U.S. nationals are entitled). The Constitution should not require the American taxpayer to subsidize illegal aliens.

Plyler rests on a series of factual and legal misstatements as well as faulty, results-oriented reasoning. Starting from the premise "there is no assurance" the Government will actually deport all children of illegal aliens, the Court inexplicably leaps to the conclusion such children have "an inchoate federal permission to remain." *Id.* at 226. Based on this non-existent "inchoate federal permission," the Court concludes it is "most difficult for the State to justify" denying those children a publicly funded education. *Id.* In the Court's view, the possibility illegal aliens and their children may ignore court orders, use fraudulent identification and work papers, lie, hide, flee immigration officials, exploit the government's limited enforcement capacity, and violate federal law for a substantial period of time implicitly entitles them in some sense to not only remain in the country, but receive government benefits as a matter of constitutional law.

Second, *Plyler* fabricated a *sui generis* level of constitutional scrutiny to implement the then-majority's progressive policy preferences rather than established principles of constitutional law. The Court properly acknowledged it could not apply strict scrutiny because public education is not a right, *id.* at 221, and the children of illegal aliens are not a suspect class, *id.* at 223. It did not mention

intermediate scrutiny. Rather, the Court repeatedly insisted it was assessing the "rationality" of the state's exclusion of illegal aliens from public schools. *Id.* at 224 (discussing the Court's effort to "determin[e] the rationality" of the policy); *see also id.* at 220 (claiming it was "difficult to conceive of a rational justification" for denying a free public education to the children of illegal aliens); *id.* at 224 (assessing whether a "sufficient rational basis" for the policy exists).

The opinion systematically misapplied rational basis scrutiny. It began by ignoring the "strong presumption of validity" to which statutes subject to rational basis review are entitled. *Heller v. Doe*, 509 U.S. 312, 319 (1993); *accord FCC v. Beach Communs.*, 508 U.S. 307, 314 (1993); *see also McGowan v. Maryland*, 366 U.S. 420, 425-26 (1961) ("[L]egislatures are presumed to have acted within their constitutional power despite the fact that, in practice, their laws result in some inequality."). It proceeded to mischaracterize the applicable standard of review. The Court declared the state's policy could "hardly be considered rational unless it ***furthers*** some ***substantial*** goal of the State." *Id.* at 224 (emphasis added); *see also id.* at 230 (holding the State cannot deny free public education to the children of illegal aliens unless it shows that the policy "furthers some substantial state interest").

This analysis was flawed in two respects. Rational basis scrutiny requires only a "rational relationship between the disparity of treatment and some

legitimate governmental purpose." *Heller*, 509 U.S. at 320 (emphasis added). The government interest underlying the challenged provision need not rise to the level of "substantial." Moreover, the state need not prove its policy actually furthers its asserted interest, but only that there is a rational reason for believing it might do so. *Plyler* declared, "There is no evidence in the record suggesting that illegal entrants impose any significant burden on the State's economy." *Plyler*, 457 U.S. at 228. But "[a] legislative choice is not subject to courtroom factfinding and may be based on rational speculation unsupported by evidence or empirical data." *Beach Communs.*, 508 U.S.. at 315. A law "must be upheld against equal protection challenge if there is any ***reasonably conceivable*** state of facts that ***could*** provide a rational basis for the classification." *Heller*, 509 U.S. at 320 (emphasis added).

Even if it were true a half century ago that illegal immigration did not harm the American economy, recent events have made it rational to fear some of the millions of illegal aliens which Democrats have allowed to enter the country[7] have contributed to

[7] Lucy Gilder, *How Many Migrants Have Crossed the US Border Illegally?*, BBC (Sept. 29, 2024), https://www.bbc.com/news/articles/c0jp4xqx2z3o; U.S. House Oversight Comm., *Wrap Up: Biden Administration's Policies Have Fueled Worst Border Crisis in U.S. History* (Jan. 17, 2024), https://oversight.house.gov/release/wrap-up-biden-administrations-policies-have-fueled-worst-border-crisis-in-u-s-history/

skyrocketing housing prices,[8] turned our nation's highways into deathtraps,[9] engaged in violent

[8] The most reputable studies focus on overall immigration rather than illegal immigration, but the underlying principles appear comparable. *See* Albert Saiz & Susan M. Wachter, *Immigration and Housing Rents in American Cities*, Working Paper #433 (Mar. 2017), https://realestate.wharton.upenn.edu/wp-content/uploads/2017/03/433.pdf; Abeba Mussa, et al., *How Does Immigration Into the United States Affect the Country's Housing Market*, J. HOUS. ECON., 35:13 (Mar. 2017), https://housingmatters.urban.org/research-summary/how-does-immigration-united-states-affect-countrys-housing-market.

[9] Louis Casiano, *Rubio Pauses Worker Visas for Truck Drivers After Deadly Florida Crash Involving Illegal Immigrant Kills 3*, FOX NEWS (Aug. 21, 2025), https://www.foxnews.com/politics/rubio-pauses-worker-visas-truck-drivers-deadly-florida-turnpike-crash-kills-three; *see* Corey Williams, *Deadly Crash in California Renews Federal Criticism of Immigrant Truck Drivers*, PBS NEWS (Oct. 25, 2025), https://www.pbs.org/newshour/politics/deadly-crash-in-california-renews-federal-criticism-of-immigrant-truck-drivers.

crime,[10] murdered innocent Americans,[11] defrauded the country out of billions of dollars for the benefit of

[10] *See* U.S. Customs and Border Protection, *Criminal Alien Statistics* (Jan. 16, 2026), https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/criminal-alien-statistics; Todd Bensman, *While Illegal Aliens Kill and Rape, Bogus Crime Comparisons Still Blunt Solutions*, CTR. FOR IMMIG. STUD. (July 17, 2024), https://cis.org/Bensman/While-Illegal-Aliens-Kill-and-Rape-Bogus-Crime-Comparisons-Still-Blunt-Solutions; Matt O'Brien, et al., *SCAAP Data Suggest Illegal Aliens Commit Crime at a Much Higher Rate Than Citizens & Lawful Immigrants*, FED'N FOR AM. IMMIG. REFORM (Feb. 3, 2019), https://www.fairus.org/sites/default/files/2019-01/SCAAP-Data-Illegal-Aliens-Have-Higher-Crime-Rate_0.pdf.

[11] *See, e.g.*, Stepheny Price, *Felon Indicted in Train Murder as Attacks Terrorize Commuters in Blue City: Report*, FOX NEWS (Sept. 17, 2025), https://www.foxnews.com/us/felon-indicted-in-train-murder-as-attacks-terrorize-commuters-in-blue-city-report; Rick Rojas, *Migrant Gets Life Sentence for Killing Laken Riley in Case Seized on by Trump*, N.Y. TIMES (Jan. 15, 2025), https://www.nytimes.com/2024/11/20/us/laken-riley-murder-trial-jose-ibarra-guilty.html; Jocelyn Nungaray, *Murder: Illegal Immigration Status of Suspects Confirmed*, FOX 26 HOUSTON (June 21, 2024), https://www.fox26houston.com/news/venezuelan-nationals-face-capital-murder-charges-houston-girls-death-ice-confirms.

foreigners abroad,[12] stole American jobs,[13] depressed wages,[14] undermined the American education system,[15] absorbed billions in various public benefits

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[12] Alex Oliveira, *Minn.'s Somali Social-Service Scammers May Have Stolen $9 Million—Nearly Somalia's Entire Economy*, N.Y. POST (Dec. 21, 2025), https://nypost.com/2025/12/21/us-news/minn-s-social-services-scammers-may-have-stolen-9-billion/; Ernesto Londono, *How Fraud Swamped Minnesota's Social Services System on Tim Walz's Watch*, N.Y. TIMES (Jan. 7, 2026), https://www.nytimes.com/2025/11/29/us/fraud-minnesota-somali.html.

[13] U.S. Comm'n on Civil Rights, *The Impact of Illegal Immigration on the Wages and Employment Opportunities of Black Workers* 2 (Jan. 15, 2010), https://www.usccr.gov/files/pubs/docs/IllegImmig_10-14-10_430pm.pdf.

[14] Alexander Frei, *Cracking Down on Illegal Immigration Would Raise Wages for Lower-Income Americans*, HERITAGE FOUND. (Jan. 28, 2025), https://www.heritage.org/jobs-and-labor/commentary/cracking-down-illegal-immigration-would-raise-wages-lower-income; George J. Borjas, *Yes, Immigration Hurts American Workers*, POLITICO MAG. (Sept./Oct. 2016), https://www.politico.com/magazine/story/2016/09/trump-clinton-immigration-economy-unemployment-jobs-214216/.

[15] *See* Madison Marino Doan, et al., *The Consequences of Unchecked Illegal Immigration on America's Public Schools*, HERITAGE FOUND. (Feb. 28, 2024), http://files.eric.ed.gov/fulltext/ED662169.pdf.

programs,[16] and reallocated political power within our nation.[17]

Likewise, *Plyler* declares denying free public education to the children of illegal aliens is a less effective way of stemming illegal immigration than "prohibiting the employment of illegal aliens." *Plyler*, 457 U.S. at 228-29. But the rational basis test does not require the government to choose "the best means to accomplish [its] purpose." *Mass. Bd. of Retirement v. Murgia*, 427 U.S. 307, 316 (1976). Even if a "superior system" exists, "the Constitution does not require the [government] to draw a perfect line nor even to draw a line superior to some other line it might have drawn." *Armour v. City of Indianapolis*, 566 U.S. 673, 685 (2012). Under rational basis scrutiny, it was up to the State—not the Court—to determine which public school eligibility policies would benefit the State's economy. *See Beach Communs.*, 508 U.S. at 313 ("[E]qual protection is not a license for courts to judge the wisdom, fairness, or logic of legislative choices."). "The problems of government are practical ones and may justify, if they

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[16] Matthew Dickerson & Amelia Kuntzman, *Billions of Government Benefits for Illegal Aliens*, ECON. POL'Y INNOVATION CTR. (Dec. 17, 2024), https://epicforamerica.org/federal-budget/billions-of-government-benefits-for-illegal-aliens/; Jason Richwine, *Welfare Consumption by Illegal Immigrants is Inevitable—as Long as They're Here*, CTR. FOR IMMIGRATION STUD. (Mar. 6, 2025), https://cis.org/Richwine/Welfare-Consumption-Illegal-Immigrants-Inevitable-Long-Theyre-Here.

[17] *See Evenwel v. Abbott*, 578 U.S. 54, 68 (2016).

do not require, rough accommodations—illogical, it may be, and unscientific." *Metro. Theatre Co. v. Chicago*, 228 U.S. 61, 69-70 (1913).

Plyler was based on yet a third error: the notion denying the children of illegal aliens a publicly subsidized education at no cost to them constituted punishment. The *Plyler* Court opined it was "difficult to conceive of a rational justification for ***penalizing***" illegal alien children "for their presence within the United States" since children "have little control" over that status. *Plyler*, 457 U.S. at 220 (emphasis added). The Court described the children of illegal aliens as "victims" of the state's policy, *id.* at 224, and emphasized their "innocen[ce]," *id.* at 224 n.21; *see also id.* at 223 (declaring children of illegal aliens are "not accountable for their disabling status"); *id.* at 226 (reiterating children of illegal aliens are illegally present in the country "through no fault of their own"). The Court added, "[L]egislation directing the onus of a parent's misconduct against his children does not comport with fundamental conceptions of justice." *Id.*

But refusing to spend public resources to educate illegal aliens is not a punishment. In *Kennedy v. Mendoza-Martinez*, 372 U.S. 144 (1963), this Court articulated a multifactor constitutional test for determining whether a governmental policy constitutes a punishment. It requires the Court to consider a range of factors, hardly any of which suggest refusing to publicly subsidize public

education for the children of illegal aliens qualifies as punishment under the Constitution. *Id*. at 168-69.

Denial of public education neither imposes a "restraint" on illegal aliens nor has "historically been regarded as a punishment." *Id*. The eligibility requirements apply regardless of whether a person knowingly violated federal immigration law. *Id*. Perhaps most importantly, a range of non-punitive purposes would be served by denying publicly subsidized education to the children of illegal aliens, including removing incentives for illegal immigration, withholding subsidies from people who should not be here, rendering immigration law more coherent, conserving public resources, and improving the quality of public education by reducing both class sizes and the proportion of non-English-speakers in the student body requiring expensive special services.

Finally, *Plyler* emphasized the "lasting impact" of depriving children of an education. 457 U.S. at 221; *see also id*. at 222 (discussing the "toll" a lack of education takes "on the social, economic, intellectual, and psychological well-being of the individual"). In the *Plyler* Court's view, it is "most difficult" to "reconcile the[se] cost[s]" with the Equal Protection Clause. *Id*. But Equal Protection does not require states to guarantee "the 'American Dream,'" *Nordlinger v. Hahn*, 505 U.S. 1, 17 (1992), to illegal aliens, whether adults or children.

Plyler does not rest on an analysis of the text, structure, original public meaning, drafting debates,

or ratification history of the Equal Protection Clause, but rather the view of several Justices that the children of illegal aliens "should not be left on the streets uneducated." 457 U.S. at 238 (Powell, J., concurring); *id*. at 223 ("By denying these [illegal alien] children a basic education, we deny them the ability to live within the structure of our civic institutions, and foreclose any realistic possibility that they will contribute in even the smallest way to the progress of our Nation."); *id*. at 231 (Blackmun, J., dissenting) ("Like JUSTICE POWELL, I believe that the children involved in this litigation should not be left on the streets uneducated." (quotation marks omitted)); *cf*. *id*. at 242 (Burger, J., dissenting) ("[I]t is senseless for an enlightened society to deprive any children—including illegal aliens—of an elementary education."). *Plyler v. Doe* reflects politically motivated results-oriented jurisprudence. This Court should extirpate this welcoming beacon for illegal aliens who will seek birthright citizenship for future children they have here.

B. *This Court Has Misapplied Preemption to Prevent States from Aiding Federal Enforcement of Immigration Law*

This Court has not only required states to provide certain benefits to illegal aliens, but forbidden them from effectively deterring illegal aliens. In particular, the Court has barred states from enforcing state laws which mirror federal law, even when the Executive Branch cannot or will not implement federal immigration law, opens the border, and releases

illegal aliens and fraudulent asylees into the country. In *Hines v. Davidowitz*, 312 U.S. 52, 67 (1941), this Court invoked field preemption to hold states may not "complement" federal immigration law, even when their enactments are fully consistent with such law. It declared, "Any concurrent state power that may exist is restricted to the narrowest of limits." *Id.* at 68.

The Court took this principle to a harmful extreme in *Arizona v. United States*, 567 U.S. 387 (2012). There Arizona made it a state misdemeanor for aliens to violate certain already-existing federal "proscri[ptions]." *Id.* at 400. The Court declared since Congress had occupied the entire field of alien registration, "even complementary state regulation is impermissible." *Id.* at 401. Preemption doctrine, however, is meant to protect the efficacy of federal law from interference by states. *Arizona* twists the doctrine out of fear that allowing states to enforce legal requirements set forth in federal law would somehow "frustrate federal policies." *Id.* at 402. The Court declared, "Discretion in the enforcement of immigration law embraces immediate human concerns" as well as issues relating to "international relations." *Id.* at 396; *see also id.* at 409 (expressing concern state officials may "harass[]" a removable illegal alien "who federal officials determine should not be removed" and declaring an alien should not be "arrest[ed] . . . for being removable"). In effect, *Arizona* constitutionalizes the President's prerogative to ignore federal immigration law. Federal statutes—not Executive Branch enforcement policies—are the supreme law of the land, U.S. CONST. art. VI, § 2.

States should be permitted to enforce their own legal provisions which mirror such law.

While hindering state efforts to enforce immigration law, the judiciary has aided states wishing to impede such enforcement. Numerous circuits have enjoined federal efforts to withhold federal law enforcement funds for self-proclaimed sanctuary cities whose official policy is to undermine federal immigration enforcement and refuse to assist federal immigration authorities in basic ways. *See, e.g.*, *City & Cnty. of San Francisco v. Barr*, 965 F.3d 753, 761, 764 (9th Cir. 2020); *City of Chicago v. Barr*, 961 F.3d 882, 894, 896, 909 (7th Cir. 2020); *City of Phila. v. Att'y Gen.*, 916 F.3d 276 (3d Cir. 2019); *City of Providence v. Barr*, 954 F.3d 23 (1st Cir. 2020). And in *United States v. California*, 921 F.3d 865 (9th Cir. 2019), *cert. denied*, 590 U.S. 1015 (2020), this Court refused to consider the Government's challenge to the so-called California Values Act, which prohibits law enforcement officials from turning over incarcerated illegal aliens to federal authorities except under certain narrow circumstances. This Court should not bar states from enforcing federal immigration law, bolster state efforts to protect illegal aliens who flout that law, and then insist their children be granted U.S. citizenship.

C. *This Court Has Hindered the Government's Efforts to Detain and Deport Illegal Aliens*

This Court has created an illegal immigration rachet in which Democratic administrations can affirmatively facilitate the importation of millions of illegal aliens, while Republican administrations are hamstrung in their efforts to enforce immigration law. When Democratic administrations allow illegal immigrants to flood the nation—indeed, they incentivize and even fund such mass migration into the nation—justiciability doctrine precludes Americans from suing to enforce our borders.

And once illegal aliens have made their way into the country, this Court has recognized a range of barriers to impede their detention and deportation. Decades before the dawn of the modern illegal immigration crisis, this Court declared the Executive Branch may not deport an alien "alleged to be illegal here" without due process of law. *Japanese Immigrant Case*, 189 U.S. 86, 101 (1903). To the contrary, "aliens who have once passed through our gates . . . illegally[] may be expelled only after proceedings conforming to traditional standards of fairness encompassed in due process of law." *Shaughnessy v. United States* ex rel. *Mezei*, 345 U.S. 206, 212 (1953); *see also Plyler*, 457 U.S. at 210.

Rather than reassessing these sweeping declarations in light of the illegal immigration crisis, this Court has instead built upon them. In *INS v. St. Cyr*, 533 U.S. 289 (2001), this Court allowed a

deportable criminal alien to petition for a writ of habeas corpus for the sole purpose of arguing the Attorney General had discretion to refrain from deporting him. This past year, this Court went on to emphasize illegal alien gang members could petition for habeas relief to obtain an "opportunity to challenge their removal." *Trump v. J.G.G.*, 604 U.S. 670 (2025).

This Court has similarly frustrated the Government's attempts to detain deportable illegal aliens. In *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001), this Court held, when the Government cannot find a country willing to accept deportable violent aliens within six months of a deportation order and there is no reasonable prospect of doing so, then it must generally release them into the United States. Under *Zadvydas*, the very worst of the worst—violent felons who literally no other country in the world are willing to take—are entitled to be released into the United States—***a country in which they are illegally present and have no right to remain***—to victimize more Americans.

Lower courts have latched onto *Zadvydas* as an excuse for grafting ever more elaborate procedural rights for aliens to fight their detention and seek release into our nation. *See, e.g.*, *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 582 (2022) ("[T]he detailed procedural requirements imposed by the Court of Appeals below reach substantially beyond the limitation on detention authority recognized in *Zadvydas*."); *Jennings v. Rodriguez*, 583 U.S. 281, 299

(2018) ("*Zadvydas* represents a notably generous application of the constitutional-avoidance canon, but the Court of Appeals in this case went much further."). *Zadvydas* was "wrong the day it was decided and thus does not warrant '*stare decisis* effect.'" *Arteaga-Martinez*, 596 U.S. at 586 (Thomas, J., concurring) (quoting *Clark v. Martinez*, 543 U.S. 371, 401 (2005) (Thomas, J., dissenting)). This Court should reequilibrate constitutional law to remove artificial barriers to excluding, detaining, and removing illegal aliens. Our deportation system cannot operate at a detailed retail level when illegal immigrants are able to enter at a rate which is orders of magnitude greater.

D. *This Court Has Allowed Political Power to be Allocated Based on Illegal Alien Populations*

Finally, this Court has incentivized certain politicians to enthusiastically support illegal immigration because it artificially enhances the political power of Democratic-leaning areas of states. In *Evenwel v. Abbott*, 578 U.S. 54 (2016), this Court held the Constitution permits states to draw congressional and legislative district lines based on total population, including illegal aliens, rather than U.S. nationals or even all lawfully present individuals.

It went on in *Trump v. New York*, 592 U.S. 125 (2020), to reject the federal government's effort to include a citizenship question on the U.S. census—despite the fact such a question had been included on

earlier versions and is completely valid information for the government to collect. By bolstering the political power of regions with numerous illegal aliens, this Court incentivizes politicians to import even more of them, leading to a self-defeating cycle that fundamentally changes the American electorate, and this nation, at an exponentially growing rate. Granting birthright citizenship to the children of illegal aliens only perverts these bizarre political incentives even further.

CONCLUSION

For these reasons, this Court should REVERSE the judgment of the Court of Appeals.[18]

Respectfully submitted,

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[18] Undersigned counsel presents these arguments as an immigrant himself, whose family in fled soviet oppression in 1978, including the family dog, as published in JANE BERNSTEIN, CHARLOTTE GLYNN, & ANNA DESNITSKAYA, GINA FROM SIBERIA (2018). Counsel lawfully, and gratefully, became a citizen through legal channels in 1986, and submits this brief to encourage this Court to refuse to create backdoor channels to circumvent the naturalization process.