

Current Events

1.

The Supreme Court has rejected President Donald Trump's attempt to end birthright citizenship in the U.S. by executive order, reaffirming more than a century of legal precedent and national tradition that babies born on American soil are automatically American citizens.

The 6-3 decision is a blow to Trump, who had lobbied the court to uphold his Day 1 order and attended oral arguments in the case, becoming the first sitting president to do so.

Chief Justice John Roberts wrote: "Citizenship, then and now, was the right to have rights -- to freely participate in our political community. The Framers of the Fourteenth Amendment extended that promise to every free-born person in this land. We keep that promise today."

Justices Clarence Thomas, Neil Gorsuch and Samuel Alito dissented from the decision. Thomas and Gorsuch wrote that neither the Constitution nor federal law "guaranteed citizenship to persons who were not domiciled in the United States."

Trump had argued that children born to unlawful immigrants and temporary visitors, like tourists and foreign students, do not qualify for citizenship under terms of the 14th Amendment, which was enacted after the Civil War to address the status of former slaves and their descendants.

Immigrant advocates and civil liberties groups challenging the policy change warned that it would harm hundreds of thousands of children born every year to non-citizen parents and create a bureaucratic nightmare for older Americans, who would no longer be able to prove citizenship simply with a birth certificate.

"The court's decision reaffirms a fundamental American promise -- if you are born here, you are a citizen. A president cannot change the Constitution by executive fiat," said ACLU legal director Cecilia Wang, who argued the case before the court. "Our brave clients and our legal team stand with millions of people around our country who spoke up for one of our most cherished rights. The Constitution's guarantee of birthright citizenship stands strong."

An estimated 255,000 children born every year to non-citizen parents would have lost legal status under the order, according to the Migration Policy Institute. Some may have faced difficulty establishing citizenship in any country, effectively being born as "stateless."

Every lower court to have considered Trump's unprecedented order deemed it unlawful, issuing orders to put it on hold. The high court's decision preserves the status quo.

United States Constitution Amendment XIV (1868)

Section 1:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens on the United States; nor shall any State deprive any person of life, liberty of property without due process of law; nor deny to any person within the jurisdiction the equal protection of the law.

The 14th Amendment, which was ratified in 1868, says all "persons born or naturalized in the U.S. and subject to the jurisdiction thereof" are citizens. Congress later codified the same language in federal citizenship law in 1940.

The administration insisted children born to parents who are not American citizens or legal permanent residents are not "subject to the jurisdiction" of the U.S. because they still owe political "allegiance" to a foreign nation.

The Supreme Court rejected that argument in 1898, when Justice Horace Gray wrote in the landmark *Wong Kim Ark v. U.S.* decision that addressed the status of children born to noncitizens.

"The [14th] Amendment, in clear words and in manifest intent, includes the children born, within the territory of the United States, of all other persons, of whatever race or color, domiciled within the United States."

2: law

a: a person's fixed, permanent, and principal home for legal purposes

b:business : residence

verb

domiciled; domiciling

transitive verb

law: to establish in or provide with a domicile

Domicile traces to Latin *domus*, meaning "home," and English speakers have been using it as a word for "home" since at least the 15th century. In the eyes of the law, a domicile can also be a legal residence, the address from which one registers to vote, licenses a car, and pays income tax. Wealthy people may have several homes in which they live at different times of the year, but only one of their homes can be their official domicile for all legal purposes.

Word of the Week

domicile

noun

/ˈdɑ.mɪ.səl/, /ˈdɑ.mɪ.sɪl/

1: a dwelling place, place of residence, home

The Forward Eagle

is published weekly by the Column Press Co., NYC.

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