

US Supreme Court backs dictatorship in ruling on birthright citizenship injunction

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27 June 2025

The US Supreme Court's decision in *Trump v. CASA* marks a new milestone in the collapse of American democracy. In a 6-3 ruling issued Thursday, the far-right majority sided with the Trump administration and stripped federal courts of the power to issue universal injunctions—even in cases where government policies are clearly unconstitutional.

The immediate effect of the decision is to permit the government to prepare to implement Trump's executive order targeting birthright citizenship—one of the most fundamental democratic principles in American law. This principle is enshrined in the Fourteenth Amendment, adopted in the aftermath of the Civil War to guarantee citizenship to all those born in the United States, regardless of race, ancestry or parentage.

But the implications of the ruling go far beyond this specific case. It guts the power of the judiciary to stop unconstitutional actions by the executive. It means that even when a federal court rules that a presidential order violates fundamental rights, the judge would have no power to prohibit the order from being enforced in the future.

The illegality of Trump's birthright citizenship executive order, issued on his first day in office, is clear. As Justice Sonia Sotomayor noted in her dissent, the order "is patently unconstitutional." She notes that by effectively abrogating birthright citizenship, the majority's decision revives the Supreme Court's notorious *Dred Scott* decision, which held that anyone of African ancestry could not be a citizen. After the Civil War, this ruling was overturned by the Fourteenth Amendment.

Several federal district courts have ruled the executive order unconstitutional, prompting the appeal to the Supreme Court. The Trump administration, however, did not argue for the legality of its order. Instead, it argued that nationwide injunctions must be ended—that is, even

though its actions are flagrantly illegal, judges should be stripped of the power to order the Trump administration to stop.

Sotomayor laid out the sweeping implications in her dissent, noting that the court has ruled that "no matter how illegal a law or policy, courts can never simply tell the Executive to stop enforcing it against anyone. Instead, the Government says, it should be able to apply the Citizenship Order (whose legality it does not defend) to everyone except the plaintiffs who filed this lawsuit."

In other words, the Trump administration asserts the right to violate the Constitution at will, tying up any legal challenges in district-by-district, plaintiff-by-plaintiff cases, with confidence that the fascists on the Supreme Court will back it, as it did on Friday.

"No right is safe in the new legal regime the Court creates," Sotomayor warned. The ruling "renders constitutional guarantees meaningful in name only for any individuals who are not parties to a lawsuit."

With this decision, the administration could implement sweeping and unconstitutional executive orders beyond what it has already done—bans on protests and strikes and the arrest of workers, censorship of political opponents and the press, and the stripping of other basic democratic rights—without fear of court orders halting enforcement on a nationwide basis. Rights, in this conception, become privileges available only to the wealthy, and the Constitution becomes a flimsy piece of paper that can be violated with impunity.

The Supreme Court's ruling will also impact other nationwide injunctions that have temporarily blocked some of the Trump administration's most reactionary policies. These include voter ID requirements impacting 19 states; a freeze on \$3 trillion in federal funds; threats to strip \$75 billion from public schools; and the elimination of legal aid for over 25,000 migrant children.

Justice Jackson, in a separate dissent, described the

decision as “an existential threat to the rule of law.” She continued: “If judges must allow the Executive to act unlawfully in some circumstances, as the Court concludes today, executive lawlessness will flourish... Eventually, executive power will become completely uncontrollable, and our beloved constitutional Republic will be no more.”

Jackson added that “what it means to have a system of government that is bounded by law is that everyone is constrained by the law, no exceptions.” The court’s decision, in contrast, creates “a zone of lawlessness within which the Executive has the prerogative to take or leave the law as it wishes...”

In plain language, the Supreme Court has sanctioned dictatorship and executive lawlessness—so says a sitting justice. It has provided the legal architecture for an American version of the Reichstag Fire Decree, used by Hitler to assert unlimited powers. Indeed, the same court that ruled on Friday to permit nationwide enforcement of unconstitutional orders declared last year that the president is immune from criminal prosecution for acts committed in the course of his “official duties.”

The ruling also exposes the role of the Supreme Court as a central mechanism in the establishment of a presidential dictatorship.

As the Court decision itself demonstrates, the turn to dictatorship does not stem from Trump as an individual. Trump articulates, in the most brutal and naked form, the interests of a ruling class that is breaking with all constitutional and legal restraints. Behind Trump and the Supreme Court stands the American financial oligarchy, whose wealth and power are incompatible with democratic norms.

The decision takes place under conditions of ever more blatant presidential criminality. The Trump administration has launched an illegal bombardment of Iran, escalated the mass roundups of immigrants, and has sought to deport student activists opposing the genocide in Gaza. The fascist gang around Trump has responded to the primary election victory of Democratic Socialists of America member Zohran Mamdani for mayor of New York with threats of violence, deportation and the criminalization of political dissent.

There is no meaningful opposition from within the political establishment. Just days before the Supreme Court ruling, the Democratic Party voted with Republicans in Congress to block a resolution to impeach Trump over his bombing of Iran. The Democrats are not opponents of fascism, but collaborators in the drive to dictatorship. They have facilitated every step of the

assault on democratic rights, and they share with Trump a fear and hatred of the working class.

The dismantling of the constitutional order has immense implications for the social and political stability of the United States. The Constitution is what has historically provided the political framework binding together a vast and socially divided country. In tearing it apart, the ruling class is undermining not only the legitimacy of the government but the very institutions through which it has traditionally exercised its rule, including the courts themselves. In doing so, it is making the case for revolution.

There is massive and growing popular opposition to this assault. Just two weeks ago, millions participated in the largest anti-government demonstrations in American history under the slogan “No Kings.” The legacy of the two American revolutions—the War of Independence and the Civil War—remains deeply embedded in the consciousness of the population. With its decision, the Supreme Court has effectively declared: “Yes to Kings.”

The critical issue for workers and youth is to understand the relationship between the assault on democratic rights and the capitalist system itself. The state is not a neutral arbiter, but an instrument of class rule. Its forms are determined by the real economic and social relations in society. As the WSWs warned, Trump’s re-election represents a violent realignment of the state to correspond with the oligarchic social reality.

The defense of democratic rights requires a frontal assault on the wealth and privileges of the ruling class. The mass resistance to dictatorship must become an anti-capitalist, socialist movement. The Socialist Equality Party fights for the expropriation of the financial oligarchy, the transformation of the corporations into publicly owned utilities under workers’ control, and the establishment of a workers’ government based on social equality, internationalism, and genuine democracy.



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