

Trump attacks citizenship and voting rights

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1 April 2026

In oral arguments before the Supreme Court Wednesday and in an executive order issued at the White House Tuesday afternoon, the Trump administration pressed ahead with a frontal assault on the democratic rights of the American people.

The Supreme Court heard arguments Wednesday morning on *Trump v. Barbara*, the case triggered by Trump's issuance in January 2025, upon taking office, of an executive order purporting to do away with birthright citizenship.

The order has been challenged repeatedly in court, based on Trump's open defiance of the plain language of the 14th Amendment to the U.S. Constitution, which begins: "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."

For 160 years, this clause has been understood to mean all children born in US territory, except those of foreign diplomats, are citizens. The application of this language to the children of immigrants was upheld by the Supreme Court in its 1898 decision in *United States v. Wong Kim Ark*, which upheld Wong's citizenship rights based on his birth in San Francisco, even though his immigrant parents had been barred from naturalization by the racist Chinese Exclusion Act.

Seeking to overturn birthright citizenship is a major focus of Trump's persecution of immigrants. It would deprive a quarter-million newborns of citizenship each year, and if applied retroactively would nullify the citizenship of millions of people born in the US to immigrant parents.

Trump signaled the importance of the case by attending the first part of oral arguments, when Solicitor General D. John Sauer presented the administration's case and answered questions from the Supreme Court justices. It was the first time any president had attended oral arguments, in what was clearly a heavy-handed effort to bully the court, including the three members appointed by Trump during his first term.

The US president has been denouncing the court on

social media for several weeks, since a 6-3 majority ruled that he did not have legal authority to impose the tariffs he placed on imports last year. The White House clearly expects to lose the birthright citizenship case as well, in a decision that will likely be handed down at the end of June, when the court concludes its current term.

The questions posed by the Supreme Court justices to Sauer and to ACLU legal counsel Cecilia Wang, who argued against the administration and on behalf of citizenship rights for the children of immigrants, documented or undocumented, seemed to confirm White House fears.

The brief filed by the ACLU on behalf of a group of immigrant parents and their children makes a powerful case for the unconstitutionality of Trump's executive order.

It points to the historical roots of the 14th Amendment in English common law, and the discussions in Congress during its adoption, in which the language was drafted to put birthright citizenship "beyond the reach of officials in any branch of government who might seek to overturn or narrow it." The brief declares: "The government is asking for nothing less than a remaking of our nation's constitutional foundations."

Only ultra-right Justice Samuel Alito seemed to favor the arguments made by Sauer, while his co-thinker Clarence Thomas asked one question to begin the hearing and then remained silent for the remaining two hours. Echoing the fascistic "Great Replacement Theory," Alito remarked that there were billions of people who were "one plane ride" away from producing a child who would be an American citizen. This deliberately echoed the administration brief's fantasy of "birth tourism," and Trump's own social media ravings about "Chinese billionaires" giving rise to tens of thousands of new American citizens.

While Sauer praised Alito's remark, saying that the ease of global travel meant that it was a "new world" compared to the era of the 14th Amendment, Chief Justice John Roberts rebuked the notion, saying, "It's a new

world, it is the same Constitution.”

The other seven justices (besides Alito and Thomas) asked questions that emphasized the text of the 14th Amendment and of the *Wong Kim Ark* decision, and questioned the basis for overturning such a well-established legal precedent. There was particular focus on the claim by Sauer that only the children of legal immigrants, not those of temporary visitors or undocumented immigrants, were entitled to citizenship, although there was no distinction between “legal” and “illegal” immigrants at the time the 14th Amendment was adopted.

Whatever the eventual court ruling, there is no reason to think that the Trump administration will abide by it. Trump has demonstrated his contempt for constitutional and legal restraints on executive power ever since entering the White House. And the persecution of immigrants, through mass detentions and deportations and outright state killings of immigrant defenders—as in the murders of Renée Nicole Good and Alex Pretti in Minneapolis, has been the main focus of his domestic policy.

This was demonstrated by the executive order which Trump signed on Tuesday afternoon, purporting to take control of mail-in voting for federal elections. Titled “Ensuring Citizenship Verification and Integrity in Federal Elections,” the order directs the Department of Homeland Security (DHS) and the Social Security Administration to create jointly a master list of all US citizens aged 18 and older and eligible to register to vote. The creation of such a list is unprecedented, and the databases to be used are riddled with errors.

The DHS would then transmit to each state its portion of the master list, and state officials who issued mail ballots to anyone not on the list—or allowed such individuals to register to vote—would be subject to felony prosecution.

The order goes on to direct the U.S. Postal Service to establish uniform regulations for the form of mail ballots to be used by the states, effectively making the USPS the overseer of mail-in voting, rather than merely the conduit by which such ballots are sent from individual voters to the state and local officials who tabulate them.

Trump issued the executive order despite the complete lack of any legal or constitutional authority to regulate the conduct of elections. The Constitution reserves primary authority over elections to the individual states, while allowing Congress to set national rules. The executive branch is given no role to play.

Multiple states immediately announced they would file

suit against Trump’s executive order. State opposition had already torpedoed an administration plan to compel the states to hand over their voter rolls to the Department of Justice, which would “vet” them against databases of felons and undocumented immigrants—again, riddled with errors. So many states refused to cooperate, including several under Republican control, that the plan had to be abandoned.

Instead of relying on the states to turn over voter data to the federal government, the new executive order would have the federal government “push” voter data to the states and require the states to use the federal lists. There is little prospect of this procedure being put into effect in time for the 2026 elections, even if it survives legal challenges.

But that is not really the goal. Trump and his fascist aides are seeking to conjure up the specter of fraudulent voting by masses of “illegal aliens” as a way to discredit the 2026 elections, under conditions where opinion polls suggest a debacle for the Republican Party, including loss of control of Congress and governorships of key states.

The ultimate aim is to rig the elections, through a combination of physical intimidation of voters using troops and armed federal agents, like the ICE Gestapo, and to create systematic disruption of voting in major urban areas, on college campuses and at other locations where opposition to Trump and his policies is concentrated. Or, on the pretext of war, terrorism or some combination of the two, cancel the elections entirely, and entrench Trump as dictator-president without any legal check on executive power.

Such an outcome cannot be prevented through lawsuits or appeals to the congressional Democrats. The defense of democratic rights, including the rights of immigrants and the right to vote, depends on the independent political mobilization of the working class against capitalism and the parties that are the political instruments of the financial oligarchy, the Democrats as well as the Republicans.



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