

Trump targets birthright citizenship in renewed attack on 14th Amendment

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President Donald Trump signed two executive orders Thursday renewing his administration's assault on birthright citizenship, barely five weeks after the Supreme Court struck down his first attempt to overturn the citizenship clause of the Fourteenth Amendment.

The principal order directs federal agencies to refuse recognition of US citizenship to broad categories of people born in the United States when neither parent is a citizen. These include children whose parents are accused of belonging to a foreign terrorist organization, working for a foreign government or allegedly entering into a commercial arrangement to obtain citizenship through birth.

The order seeks to transform citizenship from a constitutional right into a conditional privilege determined by the political status, employment or alleged intentions of a person's parents. It establishes the framework for a hereditary caste of people born in the United States whom the government can declare "aliens," seize through the immigration Gestapo, imprison and deport to countries they may never have visited.

"We had a very unfortunate decision in the Supreme Court concerning birthright," Trump complained from the Oval Office. "It was close, a very, very unfortunate decision, so we're making adjustments because it's very unfair for a different reason."

Speaking alongside Trump, fascist White House Deputy Chief of Staff Stephen Miller said the new order would "expand the definition of people who are ineligible for birthright citizenship." He identified "alien enemies," members of foreign terrorist organizations and "large categories of people who lobby and act on behalf of foreign governments."

Miller's invocation of Trump's authority as "commander in chief" was revealing. The president's military authority does not empower him to rewrite a constitutional amendment or determine by decree who is a citizen.

Thursday's order identifies four categories of people whose citizenship the federal government will refuse to recognize.

The most ominous provision targets children when either parent is classified as an "alien enemy," including an alleged member of a State Department-designated Foreign Terrorist Organization or anyone designated by the executive branch as a Specially Designated Global Terrorist.

The historical exception for "alien enemies" applied narrowly to children born to members of a hostile army occupying US territory. Trump transforms this wartime exception into an expansive political category controlled by the executive. An immigrant accused of supporting a designated organization remains subject to arrest and prosecution under US law and is therefore plainly under US jurisdiction. Yet the administration claims an unproven allegation against a parent can be used to deny citizenship to the child.

The child need not have participated in or known about the parent's alleged activity. The order imposes collective and hereditary punishment based on an executive designation.

The policy recalls the Nazi doctrine of *Sippenhaft*, or "kin liability," under which relatives of alleged political enemies were imprisoned regardless of their involvement or knowledge. After the failed July 20, 1944 assassination attempt against Hitler, the Nazis sent relatives of alleged conspirators to concentration camps. By threatening entire families for the actions of one member, the regime sought to terrorize the population and suppress opposition.

The Trump administration has already revived this principle. In June 2025, Immigration and Customs Enforcement (ICE) thugs seized Hayam El Gamal and her five children, including a four-year-old, following the arrest of her husband, Mohamed Sabry Soliman, over an attack on a pro-Israel demonstration in Boulder, Colorado. None was accused of participating, but the White House celebrated their detention and threatened them with collective deportation.

The implications extend far beyond organizations presently listed by the State Department. National Security Presidential Memorandum 7 (NSPM7) directs the federal police and intelligence apparatus to investigate "anti-Americanism," "anti-capitalism" and "anti-Christianity" as potential indications of domestic terrorism. Secretary of State Marco Rubio has also accused Cuba of directing social unrest in the United States and threatened opponents of the US economic war against the island.

The immigration apparatus has already been used as a political police force against opponents of US imperialism and the Gaza genocide. In March 2025, plainclothes ICE agents seized Palestinian activist and lawful permanent resident

Mahmoud Khalil, who had not been charged with a crime. He was imprisoned for 104 days and missed the birth of his child, while Rubio sought his deportation on the grounds that his political activity threatened US foreign policy.

Filipino-American photojournalist and Deferred Action for Childhood Arrivals (DACA) recipient Yaa'kub Ira Vijandre was arrested at gunpoint in October 2025 after the government characterized social media statements opposing mistreatment of prisoners as support for terrorism. His DACA status was revoked, and he remains trapped in the ICE concentration camp system.

The second category covers children when either parent works for a foreign government, including embassy and consular employees.

A longstanding exception exists for children of accredited diplomats possessing genuine immunity because those officials are not fully subject to US law. Trump's order expands it to ordinary embassy and foreign-government employees who can be arrested, prosecuted and sued in the United States. Their employment becomes an inherited political disability imposed upon their children.

The third category targets children whose parents allegedly engaged in "a commercial transaction to purchase or access birthright citizenship," including arrangements to bring a pregnant woman into the country or employ a surrogate to give birth.

This conflicts directly with the June 30 ruling. The majority held that children of temporarily present parents are citizens regardless of how "momentary and uncertain" their parents' presence. Citizenship belongs to the child at birth and is not conditioned on a parent's intentions, purchases or visa statements.

A second order, "Ending Birth Tourism," authorizes visa denial or revocation, permanent exclusion and deportation of people accused of entering the country to give birth. Since 2020, consular officers have already been authorized to deny visitor visas when they believe this is an applicant's primary purpose. The new citizenship order goes further by making the parent's alleged purpose grounds for denying the child citizenship.

"Birth tourism is, by definition, a fraud on the American system," Miller declared, claiming that applicants travel to a "baby mill" to "mint an American citizen." Trump added, "We're cracking down very big. Very big, big crackdowns."

The order does not explain how officials will determine whether a woman is pregnant, her "true purpose" or whether payments for travel, housing or medical care constitute a prohibited transaction. It invites invasive questioning, medical scrutiny and arbitrary exclusion of pregnant women.

Trump claimed "wealthy businesses" had been built around birthright citizenship. In reality, his administration and corporate backers profit from attacks on immigrants. GEO Group and CoreCivic, the two largest private immigration

prison companies, along with their subsidiaries and executives, contributed nearly \$2.8 million to Trump's 2024 campaign and inaugural fund.

Meanwhile, Trump openly sells expedited residency and a pathway to citizenship to the international rich. His "Trump Gold Card" requires a \$15,000 processing fee and a \$1 million financial "gift," while corporations can obtain the benefit for foreign employees for \$2 million. For the oligarchy, residency and eventual citizenship are available for purchase. For workers and their children, citizenship is an undeserved "gift" to be withheld by executive decree.

The fourth category covers people born "in a territory or territorial waters of the United States where citizenship is not conferred by Federal statute." It does not immediately affect Puerto Rico, Guam, the US Virgin Islands or the Northern Mariana Islands, where statutes confer citizenship. Its clearest application is American Samoa and Swains Island, whose people are generally classified as US nationals but not citizens. The order entrenches the colonial, second-class status imposed upon American Samoans.

Trump's orders will face legal challenges, but democratic rights cannot be entrusted to the courts. Although the Supreme Court rejected his first order 6-3, Clarence Thomas, Samuel Alito and Neil Gorsuch endorsed an attempt to revive the central premise of Dred Scott: that the state may designate people born on American soil as outside the political community.

Nor will the Democratic Party defend these rights. The Democrats built the deportation apparatus under Obama and Biden, funded ICE and Customs and Border Protection, backed the persecution of opponents of the Gaza genocide and joined Republicans in expanding the military, police and intelligence agencies now being turned against the population.

The rights enumerated in the Declaration of Independence and Bill of Rights, and those won through the Second American Revolution, the Civil War, will not be defended by a capitalist ruling class turning toward dictatorship and world war.

As the *World Socialist Web Site* wrote following the June ruling: "Protecting the fruits of the American revolutions, which are anchored in the egalitarian principle of birthright citizenship, cannot be left to a bourgeoisie driven by the contradictions of capitalism to embrace increasingly dictatorial forms of rule. Today that historic task must be taken up by the working class under its independent banner."



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