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Attorney General Brown Challenges Unconstitutional Executive Order Ending Birthright Citizenship *Maryland and 18 Other States File Suit to Defend Basic Constitutional Rights for All Americans*

BALTIMORE, MD (January 21, 2025) – Attorney General Anthony G. Brown announced today that he and 18 other states are challenging an executive order ending birthright citizenship, which violates the constitutional rights to which all children born in the U.S. are entitled.

“Birthright citizenship is a right enshrined in our Constitution,” **said Attorney General Brown**. “It is a reflection of our country’s ideals, a belief that every baby born on U.S. soil is a member of our great nation and deserves to play a part in its future. Ending birthright citizenship is un-American, and our Office will vigorously challenge this blatantly unconstitutional decision in court.”

An executive order was issued yesterday to end birthright citizenship, in violation of the Fourteenth Amendment of the United States Constitution and Section 1401 of the Immigration and Nationality Act.

To stop this unlawful action that will harm hundreds of thousands of American children, Attorney General Brown is filing suit in the U.S. District Court for the District of Massachusetts, seeking to invalidate the executive order and to stop any actions taken to implement it. The states request immediate relief to prevent the Executive Order from taking effect.

As the [states’ filing](#) today explains, birthright citizenship dates back centuries to pre-Civil War America. Although the Supreme Court’s notorious decision in *Dred Scott* denied birthright citizenship to the descendants of slaves, the post-Civil War United States adopted the Fourteenth Amendment to protect citizenship for children born in the country. Since then, the U.S. Supreme Court has twice upheld birthright citizenship regardless of the immigration status of the baby’s parents.

The individuals who are stripped of their United States citizenship will be denied their most basic rights and will be forced to live under the threat of deportation. These individuals will lose

eligibility for a wide range of federal benefits programs. They will lose their ability to obtain a Social Security number and, as they age, to work lawfully. And they will lose their right to vote, serve on juries, and run for certain offices. Despite the Constitution's guarantee of citizenship, the Executive Order will deprive thousands of children of their ability to fully and fairly be a part of American society as a citizen, with all its benefits and privileges.

The states' filing also makes clear that, in addition to harming hundreds of thousands of residents, yesterday's Order significantly harms the states themselves. Among other harms, this Order will cause the states to lose federal funding for programs they administer, such as Medicaid, the Children's Health Insurance Program, and foster care and adoption assistance programs, which all turn at least in part on the immigration status of the resident being served. States will also be required—with no notice and at their considerable expense—to immediately begin modifying their operation and administration of benefits programs to account for this change. The states' filing asserts that they should not have to bear these dramatic costs while their case proceeds because the Order is inconsistent with the Constitution, the Immigration and Nationality Act, and two U.S. Supreme Court decisions.

States joining Maryland in today's filing include New Jersey, Massachusetts, California, New York, Connecticut, Rhode Island, Michigan, Colorado, Delaware, Nevada, Hawaii, Maine, Minnesota, New Mexico, Vermont, Wisconsin, North Carolina, Washington D.C., and the city of San Francisco.

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