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Attorney General Brown and Coalition of Attorneys General Release Joint Statement on Preliminary Injunction Issued in Birthright Citizenship Case

BALTIMORE, MD (February 13, 2025) – Attorney General Anthony G. Brown today joined the attorneys general of New Jersey, California, Massachusetts, Delaware, Colorado, Connecticut, Hawai‘i, Maine, Michigan, Nevada, New York, Vermont, and the City of San Francisco in releasing the following statement in response to a [preliminary injunction](#) being granted by a federal judge against President Trump’s unconstitutional executive order terminating birthright citizenship.

“President Trump may believe that he is above the law, but today’s preliminary injunction sends a clear message: He is not a king, and he cannot rewrite the Constitution with the stroke of a pen.

“The President and his allies made clear long before he was sworn in that they would pursue this illegal action, and our coalition was prepared to challenge it as soon as President Trump fulfilled this unconstitutional campaign promise on Inauguration Day.

“We immediately stood up for our Constitution, for the rule of law, and for American children across the country who would have been deprived of their constitutional rights – and today we delivered for them. This is not yet over, and we will continue to fight every single step of the way until President Trump is permanently prevented from trampling on the Fourteenth Amendment rights of all Americans.”

President Trump issued an executive order on January 20, 2025, 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 the President’s unlawful action, which would harm hundreds of thousands of American children and their families, including Maryland’s many immigrant communities, the coalition sued in the District of Massachusetts to invalidate the executive order and to enjoin any actions

taken to implement it. The states requested immediate relief to prevent the President's Order from taking effect. The request was granted by Judge Leo Sorokin.

Birthright citizenship dates back centuries—including 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 all children born in this country. As the attorneys general's filings explain, the U.S. Supreme Court has repeatedly confirmed that birthright citizenship does not depend on the immigration status of the baby's parents.

If allowed to stand, this Order—for the first time since the Fourteenth Amendment was adopted in 1868—would mean thousands of babies born each year in Maryland who otherwise would have been citizens will no longer enjoy the privileges and benefits of citizenship.

The children whose citizenship would be stripped by the President's order would lose their most basic rights and would be forced to live under the threat of deportation. They would lose eligibility for a wide range of federal services and programs. They would lose their ability obtain a Social Security number and, as they age, to work lawfully. They would also lose their ability to obtain a passport. And they would lose their right to vote, serve on juries, and run for certain offices. Despite the Constitution's guarantee of citizenship, thousands of American children would—for the first time—lose their ability to fully and fairly be a part of American society as a citizen with all its benefits and privileges.

In addition to harming Maryland's immigrant residents, the President's order would significantly harm the states themselves, too. Among other things, this Order will cause the states to lose federal funding to programs that they administer, such as Medicaid, the Children's Health Insurance Program, and foster care and adoption assistance programs, which all turn in part on the immigration status of the resident being served. States would also be required—at their considerable expense—to immediately begin modifying their operation and administration of benefits programs to account for this change, which would impose significant burdens on multiple agencies that operate programs for the benefit of the states' residents. The states' filings explain that they should not have to bear these dramatic costs while their case proceeds because the Order is directly inconsistent with the Constitution, the Immigration and Nationality Act, and two U.S. Supreme Court decisions.

States that have joined Maryland in this lawsuit include California, Massachusetts, Colorado, Connecticut, Delaware, Hawai'i, Maine, Michigan, Minnesota, Nevada, New Mexico, New Jersey, New York, North Carolina, Rhode Island, Vermont, and Wisconsin, as well as the District of Columbia and the City and County of San Francisco.

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