

THE HONORABLE JUDGE JOHN C. COUGHENOUR

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION**

STATE OF WASHINGTON, *et al.*,

Plaintiffs,

v.

PRESIDENT DONALD TRUMP, *et al.*,

Defendants.

Case No. 2:25-cv-00127

**[PROPOSED] BRIEF OF THE
STATES OF IOWA AND 17 STATES
AS *AMICI CURIAE* IN OPPOSITION
TO PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

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1 *JamesS. Parkhill, Diplomacy in the Modern World: A Reconsideration of the Bases for*
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INTEREST OF AMICI CURIAE

For the past four years, disastrous immigration policies transformed every State into a border state by flooding them with illegal aliens, including criminals convicted of crimes in their home country, violent international gang members, and suspected ISIS terrorists. Illegal immigration imposes significant costs on the States and their people. And creating incentives for illegal immigration puts lives at risk. Allowing virtually anyone born on American soil to claim American citizenship creates incentives for illegal immigration and exacerbates States’ costs. Amici Curiae are the States of Iowa, Alabama, Arkansas, Florida, Idaho, Indiana, Kansas, Louisiana, Missouri, Mississippi, Montana, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Utah and Wyoming which submit this brief in support of Defendants.

The Fourteenth Amendment’s Citizenship Clause provides that “[a]ll 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.” U.S. CONST. amend. XIV, § 1. On his first day in office, President Donald Trump issued an Executive Order setting forth the United States’ interpretation of the Citizenship Clause. Executive Order, “Protecting the Meaning and Value of American Citizenship,” Jan. 20, 2025, <https://perma.cc/K2DG-HAKG>. The Executive Order instructed federal officials not to issue United States citizenship documents—nor accept documents from State or other governments purporting to recognize United States citizenship, when neither of a person’s parents are lawful permanent United States residents. *Id.* As Defendants argued, “That EO is an integral part of President Trump’s recent actions, pursuant to his significant authority in the immigration

1 field, to address this nation’s broken immigration system and the ongoing crisis at the
2 southern border.” Dkt. 36, at 2–3.

3
4 Removing the incentive for illegal aliens to give birth in America will reduce illegal
5 immigration. In turn, this will reduce States’ costs from illegal immigration and births by
6 illegal aliens. Because the Executive Order is constitutional and vital, the Amici States urge
7 the Court to deny a preliminary injunction.

8 **ARGUMENT**

9 **I. The Executive Order Complies with the Original Meaning of the**
10 **Fourteenth Amendment.**

11 Plaintiffs claim that their interpretation of the Citizenship Clause—that citizenship
12 is conferred on all children born in the United States except for limited exceptions, like
13 children of diplomats (Dkt. 10 at 9)—is a “bright-line and nearly universal rule” that has
14 been “continuously and unanimously” approved. *Id.* at 1. That is wrong. Despite Plaintiffs’
15 assertion that the Executive Order “seeks to overrule 150 years of consensus,” *id.* at 15, the
16 original meaning of the Fourteenth Amendment supports the Executive Order’s
17 interpretation of the Constitution.
18

19
20 **A. Plaintiffs’ interpretation is not the settled view.**

21 Plaintiffs are wrong about the universal and unanimous acceptance of their
22 interpretation. Earlier this month in a criminal case, for example, a federal judge observed
23 “just how *unsettled* the term ‘subject to the jurisdiction of the United States’ remains.”
24

1 *United States v. Pahlawan*, 2025 WL 27779, at *6 (E.D. Va. Jan. 3, 2025). As the court
2 explained, “Academic scholars continue to hotly contest the meaning of this phrase within
3 the context of the Fourteenth Amendment and birthright citizenship, as evidenced by a
4 lively and ongoing scholarly debate.” *Id.* (citations omitted).

5
6 Indeed, many scholars who have studied the Fourteenth Amendment have reached
7 the same interpretation reflected by the Executive Order. After carefully examining the
8 text, history, and precedent underlying the Fourteenth Amendment, one scholar concluded,
9 “Nonimmigrant and illegal aliens, however, are not similarly considered part of the
10 American people, are not subject to the complete jurisdiction of the United States, and are
11 therefore not entitled to birthright citizenship under the Constitution.” Amy Swearer,
12 *Subject to the (Complete) Jurisdiction Thereof: Salvaging the Original Meaning of the*
13 *Citizenship Clause*, 24 TEX. REV. L. & POL. 135, 209 (2019). Another scholar reached a
14 similar conclusion: “[T]he problem of the sojourner had to come up frequently, and there
15 is no record of any parent claiming that their children born in the United States were
16 citizens, so on one half the problem, the historical record is clearly against the claim. And
17 as illegality is, if anything, a more serious offense, it seems clear that if that problem had
18 arisen, there is no reason to think that citizenship would have been granted.” Richard A.
19 Epstein, *The Case Against Birthright Citizenship*, CIVITAS INSTITUTE (Jan. 30, 2025). A
20 third scholar agreed: “If one follows the intent of the 1866 Civil Rights Act and Citizenship
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1 Clause, there is a strong constitutional argument that [children of illegal immigrants] could
2 be excluded because the parents have not personally subjected themselves to the
3 jurisdiction of the United States or acquired the requisite temporary or local allegiance by
4 complying with the immigration laws; therefore, they have not maintained a lawful
5 residence or domicile in accordance with the law.” Patrick J. Charles, *Decoding the*
6 *Fourteenth Amendment’s Citizenship Clause: Unlawful Immigrants, Allegiance, Personal*
7 *Subjection, and the Law*, 51 WASHBURN L.J. 211, 252 (2012).

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10 Nor are those the only authorities to conclude that the Fourteenth Amendment aligns
11 with the Executive Order. According to Judge Richard Posner, the Citizenship Clause
12 interpretation that Plaintiffs have advanced “makes no sense.” *Oforji v. Ashcroft*, 354 F.3d
13 609, 621 (7th Cir. 2003) (Posner, J., concurring). Contrary to Plaintiffs’ suggestion (Dkt. 1,
14 at ¶¶ 2, 107), Judge Posner also doubted that a constitutional amendment was necessary to
15 prevent birth in this country from automatically conferring American citizenship. *Oforji*,
16 354 F.3d at 621. “We should not be encouraging foreigners to come to the United States
17 solely to enable them to confer U.S. citizenship on their future children.” *Id.*

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19
20 Plaintiffs’ proffered interpretation of the Citizenship Clause is not settled, much less
21 beyond debate. Indeed, the Clause’s original meaning supports the Executive Order.

22
23 **B. The Fourteenth Amendment’s original meaning is shown by its text and**
24 **early interpretations.**

1 The merits of Plaintiffs’ case turns on interpreting the Citizenship Clause’s phrase
2 “and subject to the jurisdiction thereof.” Plaintiffs’ interpretation renders the phrase
3 superfluous. Plaintiffs’ interpretation is also inconsistent with the Supreme Court’s earliest
4 opinions relating to the Citizenship Clause.
5

6 **1. The Fourteenth Amendment’s text supports the Executive**
7 **Order.**
8

9 Start with the text. In full, the Citizenship Clause provides, “All persons born or
10 naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the
11 United States and of the State wherein they reside.” U.S. CONST. amend. XIV, § 1. Thus,
12 to become a citizen, a person must be (1) born or naturalized in the United States, and (2)
13 subject to the jurisdiction thereof. *See id.*
14

15 The entire Clause must have meaning. “It cannot be presumed that any clause in the
16 constitution is intended to be without effect; and therefore such a construction is
17 inadmissible, unless the words require it.” *Marbury v. Madison*, 5 U.S. 137, 174 (1803).
18 Jurisdiction, then, must be different than location of birth.
19

20 Plaintiffs suggest that “subject to the jurisdiction thereof” means that a person “must
21 comply with U.S. law.” Dkt. 10 at 10. Plaintiffs contend that “[t]he only individuals
22 excluded are those who are *not* in fact subject to the jurisdiction of the United States at
23 birth—the children of diplomats covered by diplomatic immunity and children born to
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1 foreign armies at war against the United States while on United States soil.” *Id.* at 9–10.

2 But Plaintiffs’ interpretation brings two problems into stark relief. *First*, when the
3 Fourteenth Amendment passed, the legal fiction of extraterritoriality meant that diplomats
4 were “not an inhabitant of the country to which he is accredited, but of the country of his
5 origin, and whose sovereign he represents, and within whose territory he, in contemplation
6 of law, always abides.” *Wilson v. Blanco*, 4 N.Y.S. 714 (Super. 1889). “According to the
7 theory, all actions performed by the ambassador were considered, legally, to have occurred
8 in the emissary’s home state within the control of the home state’s laws, police force and
9 judicial system.” James S. Parkhill, *Diplomacy in the Modern World: A Reconsideration*
10 *of the Bases for Diplomatic Immunity in the Era of High-Tech Communications*, 21
11 HASTINGS INT’L & COMP. L. REV. 565, 571-72 (1998); *see also* Swearer, *supra*, at 143 n.14
12 (quoting FRANCIS WHARTON, LL.D., A TREATISE ON THE CONFLICT OF LAWS, OR PRIVATE
13 INTERNATIONAL LAW 56 (1872) (“The house of an ambassador, or minister extraordinary,
14 is regarded as part of the territory which he represents. No matter how long he may stay,
15 therefore, in the country to which he is accredited, his domicil is unchanged. This same
16 rule applies to consuls sent out from the state of their domicil to represent such country in
17 a foreign land.”)).

18 Thus, the children of foreign diplomats in the United States were not born in the
19 United States. Because those children do not satisfy the first part of the Citizenship Clause
20

1 requiring birth in the United States, they cannot be the reason for the “subject to the
2 jurisdiction thereof” language without rendering it redundant. “[T]he Court will avoid a
3 reading which renders some words altogether redundant.” *Gustafson v. Alloyd Co.*, 513
4 U.S. 561, 574 (1995).

5
6 The second problem with Plaintiffs’ theory relates to Native Americans, who are
7 both born in the United States and must comply with U.S. law. *Cf. Denezpi v. United States*,
8 596 U.S. 591, 605 (2022). Under Plaintiffs’ Citizenship Clause interpretation, Native
9 Americans should have American citizenship at birth under the Fourteenth Amendment.
10 But as Plaintiffs admit, “the original understanding for purposes of the Fourteenth
11 Amendment [was] that children born to Native American tribes with their own sovereign
12 status are not subject to the United States’ jurisdiction at birth.” Dkt. 1, ¶ 36 n.2; *see also*
13 Dkt. 10 at 10 n.2. Accordingly, ensuring citizenship for Native Americans required a
14 federal statute. *Id.* (citing 8 U.S.C. § 1401(b)). Because the Citizenship Clause does not
15 apply to Native Americans born in the United States and subject to our country’s laws,
16 Plaintiffs’ interpretation cannot be correct.
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20 Adopting Plaintiffs’ interpretation would not “give effect, if possible, to every
21 clause and word of” the Citizenship Clause. *United States v. Menasche*, 348 U.S. 528, 538–
22 39 (1955). The Court must therefore look beyond Plaintiffs’ interpretation to determine the
23 meaning of the Citizenship Clause.
24

1 Indians born within the territorial limits of the United States,
2 members of, and owing immediate allegiance to, one of the
3 Indiana tribes, (an alien though dependent power,) although in
4 a geographical sense born in the United States, are no more
5 ‘born in the United States and subject to the jurisdiction
6 thereof,’ within the meaning of the first section of the
7 fourteenth amendment, than the children of subjects of any
8 foreign government born within the domain of that
9 government, or the children born within the United States, of
10 ambassadors or other public ministers of foreign nations.

11 *Id.* The Court also approvingly quoted the district court’s decision in the case: “‘Being born
12 a member of ‘an independent political community’-the Chinook-he was not born subject
13 to the jurisdiction of the United States-not born in its allegiance.’” *Id.* at 109 (citation
14 omitted).

15 The Executive Order follows the path charted by *Elk*—it does not recognize
16 citizenship if neither parent is a lawful, permanent resident of the United States. Because
17 at the time of their child’s birth, illegal aliens and birth tourists are members of an
18 independent political community and owe allegiance to their home country to which they
19 are citizens. Under *Elk*, citizenship is not conferred to their children under the Fourteenth

1 Amendment.

2 Consider a not-too-distant hypothetical, in which America’s enemies “landed from
3 [a] submarine in the hours of darkness” and, upon landing “buried their uniforms . . . and
4 proceeded in civilian dress to New York City.” *Ex parte Quirin*, 317 U.S. 1, 21 (1942).
5 Imagine if one had brought a pregnant wife along for the journey, who then gave birth on
6 American soil. While all parties agree about enemy combatants, this type of infiltration is
7 categorically different. Granting citizenship to such a plain-clothes saboteur’s child
8 stresses “subject to the jurisdiction” beyond the breaking point. Those illegal entrants to
9 our country cannot have been guaranteed by the Constitution birthright citizenship rights—
10 such an interpretation of the Fourteenth Amendment is absurd.
11

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14 Similar strong arguments support the concept that birthright citizenship does not
15 naturally follow an invading force. *See, e.g.*, Josh Blackman, *An Interview with Judge*
16 *James C. Ho*, <https://perma.cc/X3FP-ZJ8X> (“No one to my knowledge has ever argued
17 that the children of invading aliens are entitled to birthright citizenship.”). The President
18 has explicitly declared a state of invasion. *See* Executive Order, “Guaranteeing the States
19 Protection Against Invasion,” Jan. 20, 2025, <https://perma.cc/K2DG-HAKG>. And judges
20 too have recognized the status of what is occurring at the southern border as an invasion
21 even before the President’s declaration. *See United States v. Abbott*, 110 F.4th 700, 726–
22
23 27 (5th Cir. 2024) (Ho, J., concurring).
24

1 Plaintiffs heavily rely on a later Supreme Court decision that cannot bear the weight
2 that Plaintiffs thrust upon it. Dkt. 10 at 12–13 (discussing *United States v. Wong Kim Ark*,
3 169 U.S. 649 (1898)). Plaintiffs claim that *Wong Kim Ark* “confirmed that the Fourteenth
4 Amendment guarantees citizenship to the children of immigrants born in the United
5 States.” Dkt. 10 at 12. But *Wong Kim Ark* repeatedly emphasized that its facts involved
6 lawful, permanent United States residents. *Wong Kim Ark*, 169 U.S. at 652, 653, 705. Even
7 its holding stressed the importance of lawful residence: “so long as they are permitted by
8 the United States to reside here.” *Id.* at 694. *Wong Kim Ark* did not address children born
9 to illegal immigrants or birth tourists. Since the Executive Order does not apply to any
10 child of a lawful, permanent immigrant, *Wong Kim Ark* does not control.

11 Another useful contrast can be found where the Supreme Court recognized that a
12 minor daughter living in the United States for nine years did not automatically become a
13 citizen when her father was naturalized because she was in the country illegally. *See*
14 *Kaplan v. Tod*, 267 U.S. 228, 229–30 (1925). The Court cautioned that “[n]aturalization of
15 parents affects minor children only if ‘dwelling in the United States.’” *Id.* at 230. Despite
16 living in the United States for close to a decade, for purposes of jurisdiction she was “at
17 the boundary line and had gained no foothold in the United States.” *Id.* That principle holds
18 true today.

19 The Supreme Court’s earliest decisions establish that the Citizenship Clause did not
20

1 confer citizenship to children born to individuals who were not lawfully and permanently
2 present in the United States. *Wong Kim Ark* is not to the contrary. Accordingly, the Court
3 should find that the Executive Order is consistent with the original meaning of the
4 Fourteenth Amendment. Plaintiffs thus are not likely to prevail on the merits of their case.
5
6 *See Nken v. Holder*, 556 U.S. 418, 434 (2009).

7
8 **II. President Trump’s Executive Order Reduces Harm to the States.**

9 Besides being wrong, Plaintiffs’ Citizenship Clause interpretation will continue to
10 attract illegal immigration and birth tourism. As Chairman of the House Judiciary James
11 Wilson (R-IA) recognized while drafting the Fourteenth Amendment, the Amendment was
12 not to “establish new rights, but to protect and enforce those which belong to every *citizen*.”
13 James Wilson, March 1, 1866. Cong. Globe, 39th Cong., 1st Sess. 39 (1866) 1117 (emphasis
14 added). The costs surrounding these births harm the States in several ways. Contrary to the
15 Plaintiffs’ claims, *see, e.g.*, Dkt. 1, ¶ 5, President Trump’s executive order will reduce harm
16 to the States. Indeed, given the dangers of crossing illegally into the United States, stopping
17 the incentive to try to cross the border will likely save many would-be border crossers’
18 lives. When the Court considers the equities and the public interest, *Nken*, 556 U.S. at 434,
19 these factors weigh against granting a preliminary injunction.
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1 NEWS (Apr. 7, 2008), <https://perma.cc/66JV-9CVB>. Some women even give birth at the
2 border just minutes after illegally crossing. *See, e.g.*, Nathaniel Puente, *Border Patrol*
3 *agents assist with baby's birth near Rio Grande on cold winter night*, KVEO (Feb. 13,
4 2021), <https://bit.ly/40MmH0g>; Karen Kucher, *Woman suspected of illegally crossing into*
5 *U.S. gives birth at Border Patrol office*, LOS ANGELES TIMES (Feb. 19, 2020),
6 <https://perma.cc/YY86-M9YD>.

7
8
9 Attracting illegal aliens to give birth in America imposes significant costs on all
10 States, including Amici States. For example, between 225,000 to 250,000 U.S. births in
11 2023—about 7% of all births in the United States, and more than births in any State besides
12 Texas or California—were to illegal immigrants. Michael Dorgan, *Up to 250,000 Children*
13 *Born to Illegal Migrants in 2023: Preliminary Report*, Fox News, Jan. 25, 2025,
14 <https://perma.cc/P5HW-AYXN>. In Texas and Georgia, “three-fourths of births to illegal
15 immigrants were likely paid for by taxpayers.” Steven A. Camarota *et al.*, *Births to Legal*
16 *and Illegal Immigrants in the U.S.*, CENTER FOR IMMIGRATION STUDIES (Oct. 9, 2018),
17 <https://bit.ly/4jxah3C>. In total, States pay an estimated \$938 million in Medicaid costs for
18 births to illegal aliens. *The Fiscal Burden of Illegal Immigration on United States*
19 *Taxpayers 2023*, FEDERATION FOR AMERICAN IMMIGRATION REFORM (2024), at 47,
20 <https://perma.cc/293X-4DY9>.

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24 States bear many costs associated with births to illegal aliens. For example, Texas

1 estimates that perinatal coverage for illegal aliens through the Children’s Health Insurance
2 Program costs between \$30 million and \$38 million. *AG Paxton: Illegal Immigration Costs*
3 *Texas Taxpayers Over \$850 Million Each Year*, OFFICE OF THE TEXAS ATTORNEY
4 GENERAL (Mar. 31, 2021), <https://perma.cc/3FU5-F3LU>. And because the mother and any
5 other family members accompanying the new baby often stay in the United States, States
6 end up paying for their health care as well. Texas estimates that its people pay as much as
7 \$700 million each year “for public hospital districts to provide uncompensated care for
8 illegal aliens,” and up to \$90 million “to include illegal aliens in the state Emergency
9 Medicaid program.” *Id.* Over the course of their lives, each illegal immigrant in this country
10 imposes an estimated “lifetime fiscal drain (taxes paid minus costs)” of \$68,000.
11 Testimony of Steven A. Camarota, *The Cost of Illegal Immigration to Taxpayers*, “The
12 Impact of Illegal Immigration on Social Services,” Immigration Integrity, Security, and
13 Enforcement Subcommittee of the U.S. House Judiciary Committee, Jan. 11, 2024, at 2,
14 <https://perma.cc/Rssss6VP-GWBE>.

15 And that does not include the costs of every extra crime committed by an illegal
16 immigrant that should not be in the country at all. Some of those crimes have elicited
17 national outrage and bipartisan response. *See, e.g.*, Julia Johnson, *Laken Riley Act Set to*
18 *Become One of First Bills to Hit President Trump’s Desk*, FOX NEWS, Jan. 20, 2025,
19 <https://perma.cc/DX6C-5P4L>; Brianne Pfannenstiel, *Iowa Republicans Get ‘Sarah’s Law’*

1 *Honoring Sarah Root Included in Laken Riley Act*, DES MOINES REGISTER, Jan. 22, 2025,
2 <https://perma.cc/RVS4-5ZPX>.

3
4 The total costs to States from illegal immigration are enormous. When health care
5 costs, public education costs, welfare costs, and other state program costs for illegal aliens
6 and their children are added together, States and their localities pay an estimated \$115
7 billion each year because of illegal immigration. *The Fiscal Burden of Illegal Immigration*
8 *on United States Taxpayers 2023*, *supra*, at 40. For a State such as Iowa, the cost of illegal
9 immigration has been more than a hundred million dollars for decades. Dennis Prouty,
10 *Undocumented Immigrants' Cost to the State*, Iowa Legislative Services Agency Fiscal
11 Services, <https://perma.cc/ALE5-NJZY>. Because Plaintiffs' Citizenship Clause
12 interpretation increases illegal immigration through the incentive of citizenship, it also
13 increases the costs of illegal immigration.
14
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16 Babies born in America to illegal aliens also will impose costs on the States
17 throughout their lives. These babies likely would have been born in a different country but
18 for the incentive of American citizenship. But as American citizens, these children may,
19 for example, participate in state welfare programs (Dkt. 1, ¶¶ 63, 85), receive state
20 healthcare (*id.* at ¶¶ 63, 83), and obtain a driver's license (*id.* at ¶ 65). The States will incur
21 costs from participation in each of these programs. *See Gen. Land Off. v. Biden*, 71 F.4th
22 264, 273 (5th Cir. 2023) (citation omitted) ("at least some illegal aliens who otherwise
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1 would have been prevented from entering Texas will seek driver’s licenses, education, and
2 healthcare from Texas”).

3
4 **B. Plaintiffs’ Citizenship Clause interpretation motivates birth tourism**
5 **and harms the States.**

6 Plaintiffs’ incorrect Citizenship Clause interpretation will also encourage the
7 criminally fraudulent phenomenon of birth tourism. Birth tourism is when pregnant
8 mothers, often affluent, travel from other countries to the United States for the sole purpose
9 of obtaining American citizenship for their babies.
10

11 Birth tourism is booming. Some estimate that 20,000 to 26,000 birth tourists visit
12 the United States each year, with some paying up to \$100,000 to do so. Kevin Berghuis,
13 *Stopping the Practice of Citizenship for Sale*, CENTER FOR IMMIGRATION STUDIES (Aug.
14 10, 2020), <https://bit.ly/40Q3FoL>. China and Russia provide many of the birth tourists
15 visiting the United States. *See, e.g., Iuliia Stashevskia, Mother Russia: South Florida sees*
16 *a boom in ‘birth tourism’*, THE ASSOCIATED PRESS (Mar. 22, 2019), <bit.ly/40rPKox>.
17

18
19 Criminal activity has accompanied birth tourism. Federal prosecutors recently
20 obtained conspiracy and international money laundering convictions against two California
21 residents operating a birth tourism scheme. Amy Taxin, *California pair convicted in*
22 *Chinese birth tourism scheme*, THE ASSOCIATED PRESS (Sept. 13, 2024),
23 <https://bit.ly/4auMai4>. These convictions stemmed from federal indictments of 19
24

1 individuals operating three birth tourism schemes in Southern California. Dan Whitcomb,
2 *U.S. Charges 19 in Chinese ‘Birth Tourism’ Scheme in California*, REUTERS (Jan. 31,
3 2019), <https://bit.ly/4hwT4pn>. Federal prosecutors charged six others for a birth tourism
4 scheme in New York. Anna Schecter and Rich Schapiro, *6 Charged in ‘Birth Tourism’*
5 *Scheme That Cost U.S. Taxpayers Millions*, NBC NEWS (Dec. 2, 2020),
6 <https://perma.cc/TV2E-X53A>.
7

8
9 Birth tourism has harmed the States. State Medicaid programs have been defrauded.
10 *See id.* In other instances, States had to pay outstanding medical bills that birth tourists
11 declined to pay. *See* Committee on Homeland Security and Governmental Affairs Minority
12 Staff Report, *Birth Tourism in the United States*, United States Senate (Dec. 20, 2022), at
13 iii, 23, <https://perma.cc/BS2W-4LA3>. And as already identified by Plaintiffs, *see* Dkt. 1,
14 ¶¶ 63, 65, 83, 85, babies that return to the United States as American citizens may create
15 costs to States from state welfare programs, state healthcare, driver’s licenses. *See Gen.*
16 *Land Off.*, 71 F.4th at 273.
17

18
19 States have been, and will continue to be, harmed by the Citizenship Clause
20 interpretation advanced by Plaintiffs. The equities and public interest strongly weigh
21 against Plaintiffs’ interpretation and the resulting harm to States and the public. Based on
22 these factors and Plaintiffs’ unlikelihood to succeed on the merits, the Court should deny
23 Plaintiffs’ Motion for Preliminary Injunction.
24

25 STATES’ AMICUS BRIEF 18
26 STATE OF IOWA
27 OPPOSING PRELIM. INJUNCTION
1305 E. Walnut St. 2d Floor, Des Moines, IA 50319
CASE NO. 2:25-CV-00127(515) 823-9117

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CONCLUSION

The Court should deny Plaintiffs’ Motion for Preliminary Injunction.

Respectfully submitted,

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February 3, 2025

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STATES’ AMICUS BRIEF **19**
STATE OF IOWA
OPPOSING PRELIM. INJUNCTION
1305 E. Walnut St. 2d Floor, Des Moines, IA 50319
CASE NO. 2:25-CV-00127(515) 823-9117

Silent Majority Foundation
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CERTIFICATION

I certify that this memorandum contains 4,161 words, in compliance with the Local Civil Rules. *See* Local Civil Rule 7(e)(3).