



July 14, 2026

Dear Member of Congress:

I am writing on behalf of First Focus Campaign for Children, a bipartisan organization dedicated to making children and families a greater priority in federal policy and budget decisions, to express our position on the wave of legislation now before Congress concerning birthright citizenship – the Constitution's Citizenship Clause in the Fourteenth Amendment.

We urge you to oppose every bill and resolution that would condition an American child's citizenship on the status, conduct, or paperwork of their parents, and to support the legislation that would protect the constitutional guarantee of the Constitution's Citizenship Clause that has stood since 1868 and was also the practice of our nation's since its founding.

This Is a About the Status and Lives of Babies

This issue is fundamentally about the constitutional rights and protections of babies.

Regardless of one's views are on immigration issues, no infant has crossed a border, overstayed a visa, and failed to file paperwork. They are simply born and under the Constitution, as it has been understood for 158 years, that is the only fact that matters. It is a bright-line clear standard.

Birthright citizenship is not about one's blood. As Justice Barrett pointed out at oral argument in *Trump v. Barbara*, "But they don't focus on the parents. It's the child." Consequently, changing it only impacts one group: BABIES.

Roughly 3.6 million children are born in the United States each year, and every single one of them would be affected by any legislation that seeks to undermine or alter birthright citizenship. By way of the Constitution's provision that has been affirmed by numerous Supreme Court rulings, various federal statutes, and centuries of administrative law and practice, infants born on U.S. soil are automatically citizens.

This is why First Focus on Children, together with the Center for Law and Social Policy and a coalition of pediatricians and child psychologists, filed an amicus brief in *Trump v. Barbara* making the point that the litigation too often skipped past: even for babies who would ultimately be confirmed as citizens under a parentage-based rule, the process of proving it would itself cause serious harm — new paperwork burdens, bureaucratic delay, and a real risk of lapses in health coverage and nutrition support during the most critical period of early development.

As this debate seems to have moved rapidly into the political sphere, we ask that you oppose:

- H.R. 569 / S. 304, the Birthright Citizenship Act of 2025 (Rep. Babin / Sen. Graham)
- H.R. 2337, the PARENT Act of 2025 (Rep. Mills)
- H.R. 4741 / S. 2274, the Constitutional Citizenship Clarification Act of 2025 (Rep. Tenney / Sen. Cotton)
- H.R. 9633, the Birthright Citizenship Clarification Act of 2026 (Rep. McGuire)
- H.R. 9562, the Anchors Away Act (Rep. Ogles)
- S.J. Res. 189, proposing a constitutional amendment to end birthright citizenship (Sen. Paul)
- Any other bill, resolution, or proposed constitutional amendment introduced this Congress with the same purpose

Instead, we ask that you support:

- H. Res. 1038, affirming the House's commitment to defend and uphold the Fourteenth Amendment (Rep. Tlaib)
- H.R. 3368 / S. 646, the Born in the USA Act (Rep. Ramirez / Sen. Rosen)

Nobody Can Explain How Changing Birthright Citizenship Would Actually Work

At First Focus Campaign for Children, we employ a very simple test to legislation and executive actions: "Is it good for the children?"

Changing birthright citizenship would do nothing but subject children to various forms of harm. Depending on the legislation, denying children citizenship would result in statelessness, deportation, the denial of critical benefits and services, exploitation, and harm. Even newborns who are deemed to be citizens would be subjected to paperwork and bureaucratic barriers, unclear standards, and potential delay or denial of benefits and services during the most critical period of a child's life and development as they await work from some unknown bureaucratic agency.

As we have reviewed the various bills to change birthright citizenship, none answer a very simple, fundamental, and practical question: what, exactly, is the standard and process by which this change to "bloodright" would occur? For example, whose status controls — the mother's, the father's or both? What happens with a child conceived through IVF, egg or sperm donation, or surrogacy? What about a child placed for adoption, or a child conceived through rape or in the context of domestic violence, where establishing paternity would require reopening a trauma? Is the test domicile, allegiance, or intent — three different legal concepts that Justices Thomas, Alito, and Gorsuch could not even agree on among themselves? What federal agency makes the determination, on what evidence, using what forms? Would fathers be required to submit to blood or DNA tests before a birth certificate could be issued? And what would an appeal even look like once a birth certificate no longer settles the question?

These are not edge or borderline cases. Roughly one in ten American births nationwide list no father at all on the birth certificate; among mothers under twenty, it is closer to one in three. Every state has a Safe Haven law allowing a parent to surrender a newborn

anonymously, and at least thirteen states issue a “Foundling” birth record with no parental information whatsoever — a practice, codified in federal law since 1940, that assumes citizenship does not depend on identifying anyone’s parents at all. Consider, too, a single mother who dies from maternal mortality complications during or shortly after delivery, with no other parent available to submit any documentation on the baby’s behalf: who files the paperwork for that child, and what happens to the baby if no one does? A parentage-based citizenship test cannot be reconciled with a legal system that, in these ordinary and unremarkable circumstances, is deliberately built to make parentage unknowable.

And because a baby cannot file, cannot testify, cannot produce documents, and cannot explain anyone’s state of mind, every one of these unresolved questions leaves the child — not the parent — in limbo while a bureaucrat somewhere decides. A citizenship determination that depends on evidence and intent rather than the fixed fact of birth is not a determination at all; it is a status that could in principle be reopened years or even generations later. That is not a technical detail. It inverts the entire purpose the Citizenship Clause was written to serve, which was to settle a child’s citizenship permanently, at birth, so that it could never again become a live political question for a future Congress or a future administration to revisit.

And if a President can rewrite the meaning of the Citizenship Clause with one Executive Order, nothing in that theory forecloses a future Executive Order from applying retroactively — meaning that citizenship many adults alive today have spent their entire lives assuming they possess would no longer be as secure as they believe.

Beyond the impact on people, hospitals, state vital records offices, and state Medicaid, CHIP, and SNAP agencies would all be forced to build new compliance systems overnight, with no federal funding attached and no guidance on the standard they are supposed to apply. Members concerned about unfunded federally-imposed mandates should recognize this legislation for what it is: a new, permanent, nationwide verification apparatus imposed on every birth in the country.

The Constitution Has Another Principle at Play Here

The authors of the Citizenship Clause chose “soil,” and not “blood,” as the standard precisely to foreclose the government from every again building a caste system that sorted people by race, national origin, economic status, or the status of one’s parents — exactly what the Reconstruction Congress had just repudiated in overturning *Dred Scott*. A parentage-based citizenship test reopens the door the authors of the Fourteenth Amendment wrote to close. Beyond the Fourteenth Amendment, Article III, Section 3 of the Constitution gives Congress the power to punish treason but expressly forbids “corruption of blood” — the old English practice of extending a parent’s punishment to their children and grandchildren.

James Madison, in Federalist No. 43, described the clause as designed to prevent Congress from extending the consequences of guilt beyond the person who committed it. The Supreme Court has invoked that same principle outside the treason context to strike down laws that punish children for the status or conduct of their parents — in *King v. Smith*; in *Weber v. Aetna Casualty and Surety Co.*, where Justice Powell wrote that penalizing a child for the circumstances of their birth is “illogical and unjust”; and in other cases where the Court consistently have held that legislation directing the consequences of a parent’s conduct against a child does not comport with basic fairness.

Even Justice Alito own dissent in *Trump v. Barbara* concedes the point. He acknowledges that children in these circumstances "are not responsible for their parents' violation of our immigration laws."

A citizenship test keyed to a parent's immigration status, domicile, or intent asks Congress to do by statute exactly what the Framers wrote the Constitution to forbid: punish a child for facts about someone else.

We do not fine the child in a car seat in the back of a car when a parent is caught speeding. But that is exactly what penalizing a baby for their parent(s)' status or actions would do.

What Conservative Policy Already Assumes

There is another important fairness point here, built entirely from positions many supporters of this legislation have already taken elsewhere. Federal law lets states extend CHIP coverage to unborn children through the "from conception to end of pregnancy" (FCEP) option — a provision strongly supported by the pro-life community that is premised on the understanding that the child, once born, is automatically a citizen, with no inquiry into the parents' status. That premise only makes sense if birth itself, not parentage, is what confers citizenship.

We would ask note there are other provisions across federal law built on that same premise. In this Congress as well, the SAVE Act treats a birth certificate as sufficient proof of citizenship. However, the authors of the bills seeking to change birthright citizenship would make birth certificates meaningless. Which is it?

In President Trump's case, he is both a proponent of the SAVE Act and was also the public face of the "birther" movement in 2011, demanded that President Obama release his birth certificate as proof of citizenship — not proof of his parents' domicile, allegiance, or intent. It is difficult to reconcile the premise behind those positions with legislation that says a birth certificate is worthless.

And if the concern driving some of this legislation is genuinely "birth tourism," that is a visa-issuance and consular-enforcement question, not a constitutional one. The State Department already has the authority to scrutinize and deny visas where evidence suggests travel is intended solely to give birth in the United States. If that is the concern, Congress should instead ask Secretary of State Marco Rubio to document whether birth tourism is an actual issue, and what his department is doing about it before Congress moves to rewrite the Constitution and the citizenship status of every American baby to address it.

Wong Kim Ark Already Warned Us Where This Leads

In *United States v. Wong Kim Ark* (1898), the Supreme Court rejected the same parentage-based theory these bills would revive, and Justice Gray's opinion for the Court was explicit about why it could not be limited to the immigrant group targeted at the time. Reading citizenship out of the Fourteenth Amendment for children of foreign parents, the Court warned, would strip citizenship from generations of Americans of English, Scotch, Irish, and German descent who had always been treated as citizens.

The lesson holds today: a rule built to target one community's children cannot, by its own logic, stop there. It reaches every family whose parents cannot produce the paperwork a bureaucrat someday demands.

Protecting Birthright Citizenship Has Overwhelming Public Support

It is worth being clear about what is an actually radical transformation here. Birthright citizenship has been the unbroken rule of American law and practice since its founding and confirmed by the Fourteenth Amendment in 1868 and by the Supreme Court in *Wong Kim Ark* in 1898. Numerous other Supreme Court cases, federal statutes, and decades of administrative law and practice have also affirmed birthright citizenship.

Despite opponents of the Supreme Court decision in *Trump v. Barbara* arguing it may have negative consequences, the fact is the decision preserved exactly what exists today. Legislation to unsettle it — creating a new federal bureaucracy to adjudicate every American birth, retroactively reopening the citizenship of people already living their lives, and discarding a bright-line rule for a case-by-case inquiry into parents' intentions — is the definition of a radical departure from settled law, not a defense of it.

Conservative columnist George Will has written that the Citizenship Clause puts birthright citizenship "above the vicissitudes of politics" and the American people agree. A Quinnipiac University poll conducted June 18-22, 2026, after the Court's decision in *Trump v. Barbara*, found that registered voters believe the Supreme Court was right to keep birthright citizenship in place by a wide 69-27% margin.

Our Request

Since 1997, more than two dozen bills have been introduced in Congress to transform birthright citizenship but have failed because it is the right line to hold. We ask you to hold it again: oppose H.R. 569, S. 304, H.R. 2337, H.R. 4741, S. 2274, H.R. 9633, H.R. 9562, S.J. Res. 189, or any other legislation that undermines birthright citizenship and threatens the health, development, education, safety, and well-being of children.

Again, this issue is about babies. Whether intention or not, the harm that results from these bills are explicitly to newborns born in this country. And since infants cannot lobby you, we are asking on their behalf.

Thank you for your consideration. We are glad to serve as a resource to you and your staff on this issue and are available to discuss further at your convenience.
Sincerely,



Bruce Lesley
President