



STATE OF HAWAI'I
KA MOKU 'ĀINA O HAWAI'I

DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA

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**ATTORNEY GENERAL LOPEZ CHALLENGES UNCONSTITUTIONAL
ORDER PURPORTING TO END BIRTHRIGHT CITIZENSHIP**

*As President Trump Issues Executive Order Purporting to End Birthright
Citizenship, Hawai'i and 17 Other States and the District of Columbia File
Suit to Defend Basic Constitutional Rights for All Americans*

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HONOLULU – Attorney General Anne Lopez today announced that she and 18 other attorneys general are [challenging](#) President Donald Trump's [executive order](#) purporting to end birthright citizenship, which violates the constitutional rights to which all children born in the United States of America are entitled.

“The Fourteenth Amendment to the U.S. Constitution states in its first words that all persons born in the United States are citizens of this nation. These words could not be clearer,” said Attorney General Lopez. “Under our governmental system, the words of the U.S. Constitution are inviolable, and as the Attorney General of Hawai'i, I will defend the rule of law.”

“Hawai'i is on the side of the Constitution and seeks only to enforce its plain words,” said Special Assistant to the Attorney General Dave Day and Solicitor General

Kaliko'onālani Fernandes, who are leading the state's efforts in this matter. "The Department of the Attorney General will stand for the rights of all of its residents."

President Trump yesterday issued an [executive order](#) fulfilling his repeated promise 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 violates the Constitution and will harm hundreds of thousands of American children, Attorney General Lopez is filing suit in the U.S. District Court for the District of Massachusetts, seeking to invalidate the executive order and to enjoin any actions taken to implement it. The attorneys general request immediate relief to prevent the President's Order from taking effect through both a Temporary Restraining Order and a Preliminary Injunction.

As the Attorney General's filing today explains, 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 children born in the country. As the Attorney General's filing also explains, the U.S. Supreme Court has upheld birthright citizenship, regardless of the immigration status of the baby's parents.

If allowed to stand, this Executive Order—for the first time since the Fourteenth Amendment was adopted in 1868—would mean that babies born in Hawai'i who would have been citizens would no longer enjoy the privileges and benefits of citizenship.

The individuals who stand to be stripped of their United States citizenship would lose their most basic rights, and will be forced to live under the threat of deportation. These individuals would lose eligibility for a wide range of federal benefits programs. They would lose their ability obtain a Social Security number and, as they age, to work lawfully. 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 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 duties, benefits, and privileges.

In addition to harming hundreds of thousands of residents, the states' filing explains that President Trump's order significantly harms 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 at least in part on the immigration

status of the resident being served. States will also be required—on no notice and at its considerable expense—to immediately begin modifying their operation and administration of benefits programs to account for this change, which will require significant burdens for multiple agencies that operate programs for the benefit of the States' residents. The Attorney Generals' filing explains 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 U.S. Supreme Court decisions.

States joining Hawai'i in [today's filing](#) include California, Colorado, Connecticut, Delaware, Maine, Maryland, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Rhode Island, Vermont, and Wisconsin, along with the District of Columbia and the City & County of San Francisco.

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