

Research Packet for the 2025 Incubate.Nationals Topics

1. Is the Trump administration right to oppose birthright citizenship for unauthorized immigrants?
2. Should the U.S. federal government pursue mass deportations?
3. Should the United States leave NATO?
4. Should DOGE be disbanded?
5. Should the Department of Education be shut down?

Topic 1: Is the Trump administration right to oppose birthright citizenship for unauthorized immigrants?

The key term here is “birthright citizenship”. For many decades in the United States, at least since the *Wong Kim Ark* case, the 14th amendment of the Constitution has been understood to create a *jus soli* system of citizenship, as opposed to *jus sanguinis*. *Jus soli* simply means that citizenship is determined by the geography of birth. Those born on American soil are American citizens. *Jus Sanguinis*, on the other hand, is a different test: it looks at the parentage of an individual to determine citizenship. In *jus sanguinis* countries, typically one or more of the individual’s parents must have been citizens for that individual to be considered a citizen under the law.

The Trump administration has staked out a position in the pending birthright citizenship case that the phrase “subject to the jurisdiction” in the 14th Amendment does not extend birthright citizenship to children if their parents are either in the country without legal status or have a temporary form of legal status. The Trump administration’s position would effectively limit birthright citizenship to citizens and Lawful Permanent Residents. The Trump administration argues that the *Wong Kim Ark* case has been misinterpreted, since both of Ark’s parents were legally resident in the United States when Ark was born.

You are encouraged to read about the current litigation over birthright citizenship, the *Wong Kim Ark* decision, and the secondary literature stemming from the *Wong Kim Ark* decision.

The use of the term “right” in the resolution is interesting given that this is a legal topic. Does “right” here refer to right in legal terms, or in moral terms? This question is up to the debaters to hash out. Another question worth considering: is being legally right equivalent to being morally right? Why or why not?

One argument that the negative could make is that President Trump’s position on birthright citizenship seeks to upend decades of legal precedent. Legal precedent is valuable because it

creates a stable “rulebook” for society. Upending legal precedent through a court decision in favor of President Trump’s position on something so important to American politics as the composition of the body politic could have a destabilizing effect and lead to unpredictable consequences down the line by weakening the value of precedent decisions.

One argument that the affirmative could make is that granting birthright citizenship to the children of illegal/undocumented immigrants or those temporarily resident in the United States creates a significant incentive for “birth tourism”, in which people come to the United States for a short period so that their child is born on US soil for birthright citizenship and then leave the country.

This effectively creates alleged “paper citizens” without any cultural connection to the United States of America who nonetheless hold all the rights and privileges (like voting in US elections) of citizens. Arguably, this tears at the fabric of common civic life by cheapening the value of citizenship and reducing the degree to which Americans hold a common culture and values.

Assuming you grant that both arguments have some validity (you are encouraged to dispute this as well!), what is more important here? As we say at Incubate, “the way to winning is weighing.” Weigh which arguments are more important in the debate. The unity of the nation or the stability of our laws? Either way, why? These questions of value are also important to think through as you prepare.

Topic 2: Should the U.S. federal government pursue mass deportations?

A central issue of the 2024 election, according to many observers, was immigration¹ and the Trump-Vance campaign won in large part by tapping into resentment against perceived elevated immigration levels².

Now, what is the exact meaning of “**mass deportations**”? The National Immigration Forum refers to “mass deportations” as “a drastic and sweeping policy aimed at removing the entire undocumented population of the U.S. (currently estimated to be 11 million people). Some proponents have also proposed ending protections of key populations with temporary status and removing them as well, including Temporary Protected Status (TPS) holders, Deferred Action for Childhood Arrivals (DACA) recipients, and various recipients of humanitarian paroles, including those who entered through the CHNV process or have been processed through CBP One at the border.”³

¹<https://abcnews.go.com/Politics/immigration-emerges-key-2024-wedge-issue-trump-vulnerability/story?id=106635907>

² <https://www.theatlantic.com/politics/archive/2024/10/immigration-public-opinion-reversal/680196/>

³ <https://immigrationforum.org/article/mass-deportation-in-the-u-s-explainer/>

Dr. Kevin Roberts, President of the Heritage Foundation, has advocated for mass deportations as an initiative to “ensure that every illegal alien who has invaded our country is detained and deported or leaves quickly on their own accord.”⁴

One argument could be the economic effects of mass deportation. According to some estimates, illegal/undocumented immigrants constitute a significant percentage of the workforce in industries like agriculture, and their deportation could result in significantly higher prices for American consumers and other economic disruptions.

Another argument available is that mass deportations disrupt the lives of illegal/undocumented immigrants, causing significant harm to these individuals. A third argument is that mass deportations will require far more government surveillance of citizens than currently exists, potentially infringing on the privacy rights of American citizens as well.

These arguments could be a helpful place to start.

What ground is available to the other side? First and most obviously, there is the “rule of law” argument. Those who violate the law ought to face consequences. If the state does not seek to enforce this principle, then arguably it has abdicated its principal duty.

Another argument one could make is about crime. Illegal/undocumented immigrants are unvetted, and there are some well-known criminal cases that have become political lightning rods as a result. A third argument is also economic in nature: some estimates indicate that the cost of housing would fall significantly if mass deportations occurred by reducing the demand for housing.

We recommend Googling the terms and arguments provided in this outline to find your own sources, as well as arguments that we haven’t included here. This is a rich topic with a great deal of literature. We encourage you to do your research!

Topic 3: Should the United States leave NATO?

“United States” obviously refers to the United States of America. “NATO” refers to the North Atlantic Treaty Alliance – <https://en.wikipedia.org/wiki/NATO>. The question of whether the United States should “leave NATO” refers to whether the federal government of the United States of America should withdraw the country from NATO.

⁴<https://www.heritage.org/border-security/commentary/heres-how-republicans-should-follow-through-their-tough-talk-immigration>

What does it mean to withdraw from NATO? Article 13 of the NATO treaty enables any member to unilaterally (without the consent of other members) to withdraw by submitting formal notice to the depositary. The depositary for NATO is the United States government. After a 1 year period, the withdrawal will take effect.

What are the domestic considerations involved? Would Congressional consent be required for the President to withdraw the country from NATO? It is likely that the answer is yes.

Arguments in defense of leaving:

1. Sovereignty and autonomy – One might argue that the NATO treaty, especially Article 5 (which requires member states to come to the defense of any other member state that has been attacked), effectively precommits the United States to military action, removing its sovereignty and autonomy to decide whether to intervene in any particular conflict of its own volition.
2. Cost savings – NATO's common funding (direct contributions to collective budgets and programs) imposes costs on each member state.
3. Expansionism – NATO has added 10 new member states to the alliance since the original 12 founding members joined. One might argue that a) this expansionism is perilous for the United States because it adds new defense obligations, requiring the country to intervene in foreign wars when any member state is involved and b) this expansionism is intrinsic to NATO as an institution and cannot be mitigated. Therefore, NATO will inevitably add new member states, sparking conflict with other regional hegemonies (such as Russia) that perceive their neighbors joining NATO as a threat to their sphere of influence. If such a dynamic is inevitable, and we don't want to be dragged into new foreign wars, the only solution is for the United States to leave NATO.

Arguments in defense of remaining:

1. Argue that expansionism is good. NATO is the bulwark of free civilization, and the United States ought to continue leading it. Arguably the "pax Americana" has created great benefits in terms of economic growth, peace, and prosperity around the world. The fact that great powers like Russia and China are increasingly threatening that status does not mean we ought to abandon our international commitments – on the contrary, we ought to redouble our commitment to NATO as a vehicle for American hegemony and the spread of democracy. See the literature in international relations theory on "Democratic Peace Theory" – the idea that democracies are far less likely to go to war with each other than other types of states.

2. Loss of influence – one might argue that without the US present to lead NATO, we will lose influence over allies and adversaries alike in Europe. This could result in adversaries like Russia increasing their degree of control over Europe, ultimately threatening American interests in terms of trade and other areas.
3. Legal and diplomatic fallout – the US leaving NATO would arguably constitute the most significant diplomatic breach since the end of World War 2. This could weaken the legitimacy of mutual defense and non-aggression pacts around the world, ultimately increasing the degree to which states engage in armed conflict against each other. International treaties are unique in that unlike domestic laws, there is no sovereign able to enforce them – they rely purely on their perceived legitimacy and bindingness for enforcement. If the US left NATO, we could end up seriously weakening the status of treaties and alliances in general, with unpredictable consequences for global stability.

Topic 4: Should DOGE be disbanded?

As always, it's important to understand the precise meanings of the terms in the topic.

DOGE (Department of Government Efficiency): Established by President Trump via Executive Order on January 20, 2025, the Department of Government Efficiency (DOGE) is an organization within the Executive Office of the President. Its mission is to modernize federal technology and software to maximize governmental efficiency and productivity. DOGE aims to identify and eliminate waste within federal spending, with a target of cutting \$2 trillion from the federal budget. The organization is scheduled to terminate on July 4, 2026.

Disbanded: According to Merriam-Webster, "disband" is a verb meaning "to break up the organization of: dissolve" or "to break up as an organization: disperse." In this debate, "disbanded" refers to the act of dissolving DOGE before its scheduled termination date, effectively ceasing its operations and nullifying its initiatives.

Background

The Department of Government Efficiency (DOGE) was established by President Trump in early 2025, with Elon Musk appointed as its head. DOGE's mission is to streamline federal operations, reduce redundancy, and optimize the workforce. Since its inception, DOGE has undertaken significant actions, including the dismantling of agencies like USAID, leading to substantial layoffs and restructuring within the federal government.

DOGE operates with a high degree of autonomy, often bypassing traditional oversight mechanisms. Critics argue that its actions undermine democratic accountability and the separation of powers, while supporters claim it is a necessary step toward reducing government inefficiency.

Key Arguments

For Disbanding DOGE:

- Lack of Transparency and Oversight: DOGE's operations are shrouded in secrecy, making it difficult for the public and other branches of government to hold it accountable.
- Potential for Abuse of Power: The concentration of power in DOGE, led by a single individual, raises concerns about unchecked authority and the potential for decisions that may not be in the public interest.
- Impact on Public Services: The dismantling of agencies and mass layoffs could disrupt essential services and negatively affect citizens who rely on them.

Against Disbanding DOGE:

- Government Efficiency: Proponents argue that DOGE is effectively reducing bureaucratic red tape and eliminating wasteful spending, leading to a more efficient government.
- Temporary Nature: DOGE is designed to be a temporary entity, with plans to conclude its operations by July 4, 2026, suggesting that its impact is time-bound and focused.
- Executive Authority: Supporters contend that the President has the mandate to reorganize the executive branch to better serve the nation's interests, and DOGE is an extension of that authority. This would be a counterargument against the argument above a lack of transparency and oversight.

Final comment: Many of these issues of executive authority vs oversight/abuse of power depend in part on what the executive is entitled to. You are encouraged to Google the “unitary executive theory”. Of course, that’s not the entire analysis—whether the President is entitled legally to do something, like establishing DOGE, is a distinct question from whether that thing is advisable, as a policy matter, to do.

Topic 5: “Should the Department of Education be shut down?”

Let's start by defining our terms.

Department of Education: Established in 1980, the U.S. Department of Education is a federal Cabinet-level agency tasked with promoting student achievement and ensuring equal access to education. Its functions include distributing federal funds to schools, enforcing civil rights laws in educational settings, overseeing student financial aid programs, and conducting educational research.

Shut Down: In this context, "shut down" refers to the complete dissolution of the Department of Education, resulting in the elimination of its functions, responsibilities, and organizational structure. This would involve repealing or amending the legislation that established the department and redistributing its duties to other federal agencies, state governments, or eliminating them altogether.

One nuance to note, however, in terms of shutting it down: Agencies like the DOE often enforce existing laws, like Title IX requirements. Firing everyone who works at the DOE and pulling its budget wouldn't change the fact that those laws are on the books and the relevant parties are still required to comply with them. It can be harder to comply with a long list of regulations passed by Congress when the agency responsible for explaining how to understand the law to the relevant parties no longer has any employees. This is currently happening with the Consumer Financial Protection Bureau. Clearly, there are more and less prudent ways of shutting down an agency - how should it be done with DOE, if at all? This is up for debate. Google Russ Vought at the OMB, and what he's attempting to accomplish in the Trump Administration. Also read about what happened to the CFPB and USAID, and follow those legal cases.

Key Arguments for Shutting Down:

Restoration of Local Control: Advocates argue that education is inherently a state and local responsibility. By dissolving the federal department, states and localities would have greater autonomy to tailor educational policies and curricula to their unique demographics, needs, and values, free from federal mandates.

This is basic Constitutional federalism - nowhere does the Constitution specify that the national government ought to take responsibility for the education of students from Alabama to Maine.

Reduction of Bureaucracy: Eliminating the department could streamline government operations by removing a layer of federal oversight, potentially leading to more efficient use of resources and quicker decision-making at the local level.

Financial Savings: The department manages a substantial budget. Proponents suggest that its dissolution could result in significant cost savings, which could be redirected to other priorities or returned to taxpayers.

Encouragement of Innovation: Without federal standardization, states might experiment with novel and diverse educational models, fostering innovation and potentially leading to improved educational outcomes through competition and localized solutions.

Key Arguments against Shutting Down:

Protection of Civil Rights: The department plays a crucial role in enforcing federal civil rights laws in education, ensuring that all students, regardless of background, have equal access to educational opportunities.

Equitable Distribution of Resources: It administers programs like Title I funding for low-income schools and Pell Grants for college students, aiming to reduce disparities and promote equity in education.

Consistency Across States: The department helps maintain national educational standards and collects data to assess and compare educational outcomes, facilitating informed policy decisions and ensuring a baseline quality of education nationwide.

Support for Vulnerable Populations: Programs under the department support students with disabilities and English language learners, providing necessary services that might be inconsistently offered or underfunded at the state level if the department were dissolved.

Closing Thoughts

Below you'll find articles that represent both sides of all five topics. My advice is this: read every single word of every single article. When you do, you will succeed beyond your wildest dreams. Nothing builds skill and confidence like reading as much as possible about the topics you'll soon debate.

You can email me anytime at james@incubatedebate.org

May the Best Argument Win,

James T. Fishback

Founder, Incubate Debate



Is the Trump administration
right to oppose birthright
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Trump wants to end birthright citizenship. Where do other countries stand?

30 minutes ago

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Luis Barrucho

BBC World Service



Getty Images

The US gives automatic citizenship to anyone born in the country, but this principle is not the norm globally

President Donald Trump's **executive order to end birthright citizenship in the US** has **sparked** several **legal challenges** and some **anxiety among immigrant families**.

For nearly **160 years**, the **14th Amendment of the US Constitution** has **established** the principle that **anyone born in the country is a US citizen**.

But as **part of his crackdown on migrant numbers**, Trump is seeking to **deny citizenship** to **children of migrants** who are either in the **country illegally** or on **temporary visas**.

The move appears to have public backing. A **poll by Emerson College suggests many more Americans back Trump than oppose him on this**.

But how does this compare to citizenship laws around the world?

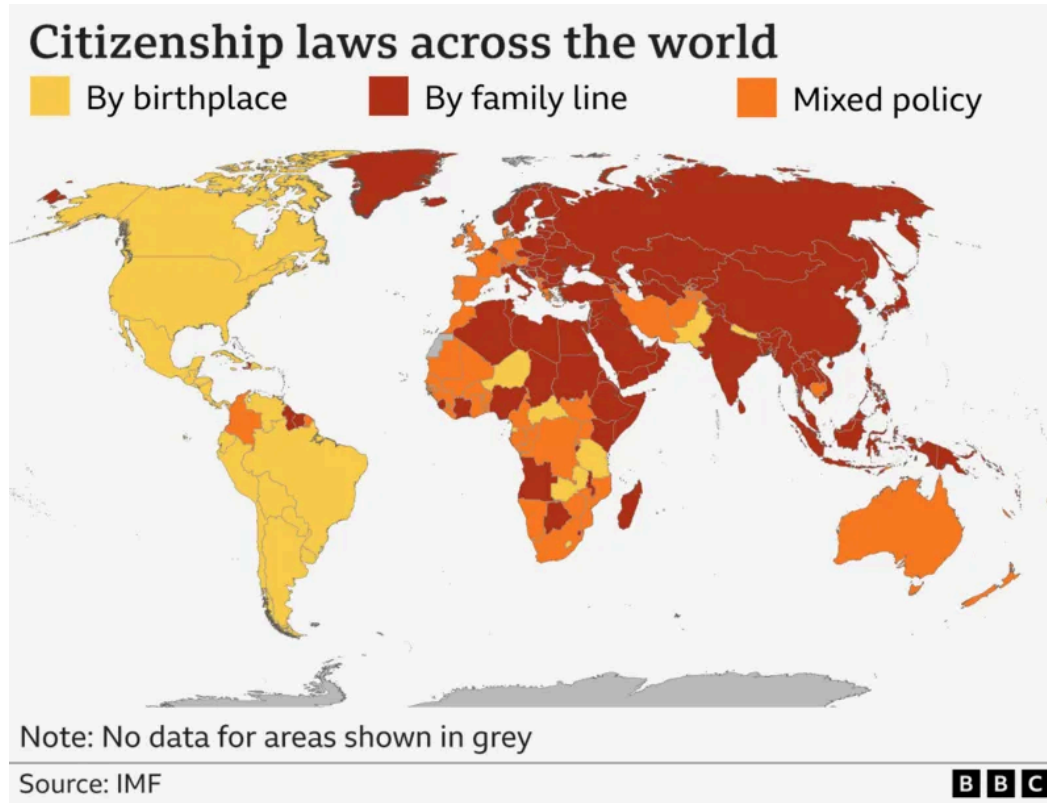
Birthright citizenship worldwide

Birthright citizenship, or jus soli (right of the soil), **is not the norm globally**.

The US is one of about 30 countries - mostly in the Americas - that grant automatic citizenship to anyone born within their borders.

In contrast, many countries in Asia, Europe, and parts of Africa adhere to the *jus sanguinis* (right of blood) principle, where children inherit their nationality from their parents, regardless of their birthplace.

Other countries have a combination of both principles, also granting citizenship to children of permanent residents.



John Skrentny, a sociology professor at the University of California, San Diego, believes that, though birthright citizenship or *jus soli* is common throughout the Americas, "each nation-state had its own unique road to it".

"For example, some involved slaves and former slaves, some did not. History is complicated," he says. In the US, the 14th Amendment was adopted to address the legal status of freed slaves.

However, Mr Skrentny argues that what almost all had in common was "building a nation-state from a former colony".

"They had to be strategic about whom to include and whom to exclude, and how to make the nation-state governable," he explains. "For many, birthright citizenship, based on being born in the territory, made for their state-building goals.

"For some, it encouraged immigration from Europe; for others, it ensured that indigenous populations and former slaves, and their children, would be included as full members, and not left stateless. It was a particular strategy for a particular time, and that time may have passed."

Shifting policies and growing restrictions

In recent years, several countries have revised their citizenship laws, tightening or revoking birthright citizenship due to concerns over immigration, national identity, and so-called "birth tourism" where people visit a country in order to give birth.

India, for example, once granted automatic citizenship to anyone born on its soil. But over time, concerns over illegal immigration, particularly from Bangladesh, led to restrictions.

Since December 2004, a child born in India is only a citizen if both parents are Indian, or if one parent is a citizen and the other is not considered an illegal migrant.

Many African nations, which historically followed jus soli under colonial-era legal systems, later abandoned it after gaining independence. Today, most require at least one parent to be a citizen or a permanent resident.

Citizenship is even more restrictive in most Asian countries, where it is primarily determined by descent, as seen in nations such as China, Malaysia, and Singapore.

Europe has also seen significant changes. Ireland was the last country in the region to allow unrestricted jus soli.

It abolished the policy after a June 2004 poll, when 79% of voters approved a constitutional amendment requiring at least one parent to be a citizen, permanent resident, or legal temporary resident.

The government said change was needed because foreign women were travelling to Ireland to give birth in order to get an EU passport for their babies.



Reuters

Rights groups had feared a constitutional court ruling in the Dominican Republic would strip tens of thousands of citizenship, mostly of Haitian descent

One of the most severe changes occurred in the Dominican Republic, where, in 2010, a constitutional amendment redefined citizenship to exclude children of undocumented migrants.

A 2013 Supreme Court ruling made this retroactive to 1929, stripping tens of thousands - mostly of Haitian descent - of their Dominican nationality. Rights groups warned that this could leave many stateless, as they did not have Haitian papers either.

The move was widely condemned by international humanitarian organisations and the Inter-American Court of Human Rights.

As a result of the public outcry, the Dominican Republic passed a law in 2014 that established a system to grant citizenship to Dominican-born children of immigrants, particularly favouring those of Haitian descent.

Mr Skrentny sees the changes as part of a broader global trend. "We are now in an era of mass migration and easy transportation, even across oceans. Now, individuals also can be strategic about citizenship. That's why we are seeing this debate in the US now."

Legal challenges



President Trump's executive order is already facing legal challenges

Within hours of President Trump's order, various lawsuits were launched by Democratic-run states and cities, civil rights groups and individuals.

Two federal judges have sided with plaintiffs, most recently District Judge Deborah Boardman in Maryland on Wednesday.

She sided with five pregnant women who argued that denying their children citizenship violated the US Constitution.

Most legal scholars agree that President Trump cannot end birthright citizenship with an executive order.

Ultimately this will be decided by the courts, said Saikrishna Prakash, a constitutional expert and University of Virginia Law School professor. "This is not something he can decide on his own."

The order is now on hold as the case makes it through the courts.

It is unclear how the Supreme Court, where conservative justices form a supermajority, would interpret the 14th Amendment if it came to it.

Trump's justice department has argued it only applies to permanent residents. Diplomats, for example, are exempt.

But **others counter that other US laws apply to undocumented migrants** so the **14th Amendment should too**.

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NEWS & COMMENTARY

Trump's Executive Order on Birthright Citizenship, Explained

Yesterday, Trump signed an executive order intended to end birthright citizenship. We break down why that's clearly unconstitutional.



Cody Wofsy, Deputy Director , ACLU Immigrants' Rights Project
Hannah Schoen Steinberg, Staff Attorney, ACLU Immigrants' Rights Project

January 21, 2024

This piece was updated 01/21/2025.

The American Civil Liberties Union and immigrants rights advocates sued the Trump administration on its first day in office after President Trump **signed an executive order** that **seeks to strip certain babies born in the U.S.** of the United States **citizenship** that the **Constitution guarantees to them**.

The lawsuit **charges the Trump administration** with **violating the 14th Amendment** and **federal law**. It was filed on behalf of organizations with members whose children will be denied citizenship under the order, including New Hampshire Indonesian Community Support, League of United Latin American Citizens (LULAC), and Make the Road New York.

At the ACLU, we know that denying citizenship to U.S.-born children is **not only unconstitutional** — it's also a **reckless and ruthless repudiation of American values**. Birthright citizenship is **part of what makes the United States the strong and dynamic nation that it is**. This order seeks to **repeat one of the gravest errors in American history**, by **creating a permanent subclass of people** born in the U.S. who are **denied full rights** as Americans.

We will not let this attack on newborns and future generations of Americans succeed. Below, we detail how the Constitution and decades of legal precedent protects us from this egregious overreach by the Trump administration.

The Constitution Protects Birthright Citizenship

With **extremely limited exceptions**, the **14th Amendment's citizenship clause** provides that all **children born in the U.S. are citizens**. The birthright citizenship rule comes from **English common law** and **dates back centuries**. This rule was **briefly rejected by *Dred Scott v. Sandford*** when the Supreme Court **denied citizenship to the descendants of slaves**. This shameful attempt to deprive natural-born Americans of their rights was later **rectified by the 14th Amendment**, which has **safeguarded birthright citizenship ever since**.

The citizenship clause states: “**All 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**.” Today, there is only one group that is not “subject to the jurisdiction” of the U.S. and thus does not attain birthright citizenship: children born to foreign diplomats who are protected by sovereign immunity and are therefore not “subject to the jurisdiction” of the U.S.

Whether a U.S.-born child's parents are U.S. citizens does not impact whether that child is a citizen. This **principle** was **upheld in *United States v. Wong Kim Ark***, in which the **Supreme Court confirmed more than 100 years ago** that a **child born in the U.S. to Chinese parents**—who at that time were **prohibited from becoming U.S. citizens**—was a **citizen under the 14th Amendment**.

Trump Can't Override the 14th Amendment's Protections

Only constitutional amendments, not executive orders or legislation, can change the Constitution.

That's why scholars have overwhelmingly condemned earlier, failed attempts by some state and federal lawmakers to pass legislation that denies citizenship to the U.S. born-children of undocumented noncitizens as unconstitutional. Because even Congress could not alter the constitutional right of birthright citizenship, a president certainly cannot do so by unilateral executive action.

Birthright Citizenship is Fundamental to American Life

Birthright citizenship has allowed the U.S. to become a vibrant, dynamic nation of people whose families come from every country on earth.

In the past, efforts to limit birthright citizenship, including the Dred Scott decision, resulted in grave injustice. This order will stigmatize and send a message of exclusion not only to children directly impacted by the order, but to many others who will have their citizenship questioned because of their race or who their parents are.

The 14th Amendment ensures that no politician can ever decide who among those born in our country is worthy of citizenship. In the face of the Trump administration's threats, the 14th Amendment's protections continue to safeguard the rights of every person born in this country.

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US immigration

| **Explainer** |

What is US birthright citizenship and what does Trump's executive order do?

Trump signed an order trying to end the right to citizenship for some children born in the US - here's what to know



📷 The Citizenship Clause - alongside a number of related statutes and regulations - establishes the modern basis for birthright citizenship. Photograph: US Embassy Manila/AFP/Getty Images

Alexandra Villarreal

Tue 21 Jan 2025 14.36 CET

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As **part of a sweeping crackdown** on both **undocumented** and **legal immigrants**, Donald Trump signed an **executive order** on Monday trying to **end** the **right to citizenship** for **some children born in the United States**.

In a country where **birthright citizenship regardless of lineage** is a **deeply held value**, the president's **attempt to cut off that right** for future generations could create a **permanent underclass**, through policy change that would **specifically target communities of color**.

His executive order faces **court challenges** from **civil rights organizations**, which have **favorable constitutional language** and over a **century of legal precedent** on their side. The American Civil Liberties Union (ACLU) late on Monday led a group of organizations in **filing a lawsuit** challenging Trump's order.

Here's more on the right to birthright citizenship and its future under the **Trump administration**.

What is birthright citizenship?

When Trump and his allies reference birthright citizenship, they're usually alluding to the legal principle of **jus soli** - which means "**right of the soil**" in Latin. Put simply, it **allows nearly everyone born on US soil to become a US citizen**.

What is the legal basis for birthright citizenship in the US?

As a concept, *jus soli* comes from **English common law**, which held **centuries ago** that people **born in England** were **natural subjects**.

But **unrestricted birthright citizenship in the US** that includes **people of color - not just white Americans** - **derives from the US constitution**. In 1857, the supreme court **ruled that** **Black descendants of enslaved people could not be US citizens**. To right this injustice, just over a decade later, the **US ratified the 14th amendment**.

The **first line** of the 14th amendment reads: "**All 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.**" Known as the Citizenship Clause, this phrase - **alongside a number of related statutes and regulations** - establishes the **modern basis for birthright citizenship**.

What have US courts said about birthright citizenship for the children of immigrants?

Even as the **14th amendment was ratified**, Americans were starting to **turn against immigrants in the US**, especially **Chinese workers**. Soon, Congress had **enacted legislation** to **heavily restrict** further **Chinese migration** and make life difficult for those already stateside.

Wong Kim Ark, a young man born in San Francisco to immigrant parents, went to China to see his family. When he **tried to return home to the US**, he **wasn't allowed into the country** based on **allegations** that he wasn't a **US citizen**.

But the supreme court saw the situation differently. In an **1898 precedential decision** that has **withstood the test of time**, the justices ruled **in favor of Wong Kim Ark's US citizenship claim** even though his parents were **Chinese immigrants unable to naturalize**.

Who is not a US citizen, even if they're born in the US?

There are **exceedingly rare exceptions** to the principle of *jus soli*, where people born in the US are not automatically granted US citizenship.

Until the enactment of a law in **1924**, **Indigenous peoples born in the US were excluded**. In 2021, the **supreme court decided** that people born in American

Samoa's unincorporated territories are not automatically guaranteed birthright citizenship, unless Congress enacts legislation. And the children of foreign diplomats - or, in a more violent scenario, the kids of enemy occupiers - also lack a right to US citizenship by birth.

Do other countries have birthright citizenship like in the US?

In comments criticizing the US's version of birthright citizenship, Trump **has said**: "We have to end it. We're the only country that has it."

In fact, **dozens of countries** have a **right to citizenship** based on **place of birth**. Like the US, most of these countries are **within the western hemisphere**, including **Canada and Mexico**. That said, birthright citizenship is **less common in other regions of the world**.

What does Trump's executive order do?

The **executive order** signed on Monday tries to make it so that **children born in the US**, but **without at least one parent** who is a **lawful permanent resident** or **US citizen**, are **no longer automatically extended US citizenship**.

It also **disallows federal agencies** from **issuing** or **recognizing documentation** **proving US citizenship for such children**.

Notably, the executive order targets **kids born to both unauthorized immigrants** and people **legally in the US on temporary visas**.

Could Trump actually end birthright citizenship?

Maybe - although probably not, and almost definitely not through executive order.

The Citizenship Clause is **part of the US constitution**, the nation's founding document. Generally, **legal scholars strongly suggest** that **neither executive action** nor **legislation** should be able to **supersede the constitution's guarantee of birthright citizenship** for those **born on US soil**.

However, because the legal precedent set by Wong Kim Ark well over a century ago is so fundamental to how birthright citizenship relates to the children of immigrants, **a court battle erupting from Trump's executive order could - in the most extreme scenario - jeopardize the US's understanding of birthright citizenship as we know it**.

In fact, **forcing the supreme court to reinterpret the 14th amendment** is probably **part of the long game** that the Trump administration is playing with its executive order. Yet even with the **White House raring for a fight**, a complete **overhaul of case law** around birthright citizenship **remains improbable**.

The other way to **override** an existing part of the constitution would be to **ratify another amendment**, which would require a level of political support that is unlikely for such a fringe, rightwing issue.

How else could the Trump administration police birthright citizenship?

Even if the administration is **unable to completely undo birthright citizenship** for the children of certain immigrants, **officials have** reportedly been **exploring other ways to tackle the topic**. For instance, they could try to

restrict short-term visas for pregnant travelers, so those travelers couldn’t give birth in the US.

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Breaking Down Trump's Attempt to End Birthright Citizenship

Posted by American Immigration Council Staff | Feb 7,
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By Laila Khan and Raul Pinto

On his first day in office, President Donald Trump issued an executive order aimed at ending birthright citizenship for babies of undocumented immigrants and for people with temporary status in the U.S. Executive Order 14156: Protecting the Meaning and Value of American Citizenship departs from over 125 years of precedent as it sought to abolish the United States' longstanding policy of unrestricted birthplace-based citizenship.

The executive order drew immediate legal challenges from states, immigrant rights groups, and expecting mothers. On January 23, three days after it was issued, Federal District Court Judge John C. Coughenour in Washington State called the order “blatantly unconstitutional” and blocked its implementation for 14 days. On February 5, Federal District Judge Deborah L. Boardman issued a preliminary injunction also stopping implementation of the executive order. The preliminary injunction preserves the status quo until final judgement. As a result, the executive order has indefinitely been blocked until these cases are adjudicated.

What is Birthright Citizenship?

Birthright citizenship is the process by which babies automatically attain citizenship in a state upon birth. Countries throughout the world have adopted birthright citizenship in two forms: ancestry-based citizenship (*jus sanguinis*), which derives citizenship status for a child based on their parents' citizenship, or birthplace-based citizenship (*jus soli*) which derives citizenship status based on the child's place of birth. The United States adopted unrestricted birthplace-based citizenship—like the vast majority of other countries in the western hemisphere—meaning anyone born within U.S. territory is automatically a citizen at birth.

The Fourteenth Amendment

Enacted following the end of the Civil War, the Fourteenth Amendment of the Constitution sought to guarantee certain rights for African Americans and to rectify the Supreme Court's *Dred Scott v. Stanford* decision, which deemed African Americans ineligible for citizenship based on their race. The first sentence of the Fourteenth Amendment states: "All 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." Despite its troubled implementation leading to the adoption of Jim Crow laws,



the goal of this clause in the Amendment was to end the existence of a class of people who were subjected to American law but excluded from American legal rights. Birthplace-based citizenship was used to ensure that those born in the United States, regardless of race, would be citizens, subject to limited exceptions.

Children of undocumented immigrants historically have been protected under the citizenship clause of the Fourteenth Amendment. According to most legal scholars, undocumented immigrants come to the United States for employment, to contribute to the economy, and to live among U.S. society. What makes immigration laws enforceable against them is that they are “subject to the jurisdiction” of the United States. The Fourteenth Amendment became the basis for landmark Supreme Court rulings over the years addressing birthright citizenship because the Citizenship Clause’s line about who was “subject to the jurisdiction” of the United States generated some uncertainty.

The 1898 ruling in *United States v. Wong Kim Ark* finally answered the question whether a child of Chinese immigrants (who were ineligible for citizenship due to the Chinese Exclusion Acts) born on U.S. territory was



eligible for birthright citizenship. The case confirmed the unequivocal precedent that anyone born in the United States, regardless of their parent's immigration status, is a citizen at birth.

Executive Order 14156: “Protecting the Meaning and Value of American Citizenship”

President Trump's executive order drastically diverged from over a century of precedent as it deviated from the United States' longstanding policy of unrestricted birthplace-based citizenship. While the executive order confirmed that the Fourteenth Amendment “rightfully repudiated” the Dred Scott decision, it asserted that the Fourteenth Amendment has “always excluded from birthright citizenship persons who were born in the United States but not subject to the jurisdiction thereof.”

The order outlined two categories of individuals “born in the United States and not subject to the jurisdiction thereof,” that the administration believes should not be U.S. citizens by birth: a child of an undocumented mother and a father who is not a citizen or lawful permanent resident OR a mother who is a temporary visitor and a father who is not a citizen or lawful



permanent resident. The order would have made ancestry a criteria for citizenship – it requires children born on U.S. soil to have at least one parent with U.S. citizenship or a green card to be born a U.S. citizen.

The order directed government agencies in the United States to stop issuing documents recognizing babies falling under these categories as U.S. citizens. One potential impact of the directive would have prohibited the U.S. State Department from issuing U.S. passports to these categories of children. However, the directive also would have prohibited the federal government from recognizing birth certificates issued by state and local governments that qualified the children targeted by the executive order as U.S. citizens, creating confusion and concerns about the impact of this action at the state level.

Legal Action Against the Executive Order

The executive order drew immediate legal challenges with six lawsuits brought by 22 states, immigrant rights groups, and expecting mothers.

According to the lawsuits, the Citizenship Clause secures unrestricted birthplace-based citizenship for all those born on U.S.

territory. This is because in overturning *Dred Scott*, Congress repudiated the concept of deriving birthright citizenship “based in any way on racial, hereditary, or dependent on a parent’s immigration status.” The issue has further been cemented by the Supreme Court precedent in *Wong Kim Ark*. As such, the executive branch does not have the authority to “rewrite or nullify a constitutional amendment.” Nor is the branch “empowered by any other source of law to limit who receives United States citizenship at birth.”

In the lawsuit filed by the states of Washington, Arizona, Illinois and Oregon, Judge Coughenour—nominated to the court by President Ronald Reagan—granted a 14-day restraining order, which blocked implementation of the order, after calling the executive order “blatantly unconstitutional.” On February 5, 2025, Judge Boardman, issued a preliminary injunction in the lawsuit filed by expecting mothers, repeatedly pointing to the Supreme Court’s ruling in *Wong Kim Ark* settling the question of birthright citizenship and stating, “The United States Supreme Court has resoundingly rejected the president’s interpretation of the citizenship clause of the 14th amendment. In fact, no court in the country has ever



endorsed the president's interpretation.

This court will not be the first." This injunction is more permanent than the temporary restraining order as it indefinitely halts the executive order from taking place until the court settles the issue.

President Trump stated during his candidacy that this executive order would be to "discourage future waves" of irregular migration. However, the lawsuits argued that abolishing birthright citizenship will only "impose second-class status" on a group of children born in the United States. Future generations of children would be denied basic healthcare, the right to vote, the right to hold certain jobs, unable to obtain require identification, and more even though they were born in the United States and have never lived anywhere else. The executive order resurrects the notion of a "caste-based system" that targets individuals for disparate treatment based on their parents' citizenship status, and directs the country dangerously back to the "reprehensible conception of hereditary birthright citizenship espoused in Dred Scott."

The legal precedent against ending birthright citizenship is clear and must be

followed by courts as this case works itself through the legal system.

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American Immigration Council Staff

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Birthright Citizenship: A Core Tenet of American Liberty

BY JEREMY L. NEUFELD, RICKY SCHNEIDER

SEPTEMBER 10, 2020

Key Takeaways

- Birthright citizenship is **codified in the U.S. Constitution** and is recognized by **all branches of the federal government** as good law.
- The **legislative history** of the Fourteenth Amendment and **subsequent judicial precedent support** the current interpretation of the Citizenship Clause.
- **Birthright citizenship is important for America and is a good policy**, as it contributes to the effective integration of immigrant communities.

[Find full policy essay here](#)

Birthright citizenship is the constitutional guarantee that a person born on U.S. soil will be a U.S. citizen. The idea of birthright citizenship developed out of the English common-law principle of *jus soli*, literally “right of soil.” In practice, this means that with very few exceptions, anyone who is born on U.S. soil becomes a U.S. citizen at birth.

The Fourteenth Amendment to the U.S. Constitution established what birthright citizenship is in the United States in the aftermath of the Civil War. The amendment’s Citizenship Clause states 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.” And the clause finds its statutory expression in the Immigration and Nationality Act (INA), which echoes the amendment, providing that “a person born in the United States, and subject to the jurisdiction thereof” shall be a national and citizen of the United States at birth. The seminal case on what birthright citizenship in America looks like, *United States v. Wong Kim Ark*, explained the application and scope of the clause — specifically, it explained that the phrase “subject to the jurisdiction thereof” means someone who must obey U.S. law, and hence applies to the children of aliens.

Critics have argued that birthright citizenship is ripe for abuse by encouraging undocumented immigration or “birth tourism.” However, there is no evidence that the system is being widely abused. Some critics have further argued that birthright citizenship is not actually required by the Fourteenth Amendment and could be restricted by Congress or the president without the need for constitutional amendment. This argument runs counter to long-standing precedent and the vast consensus among legal scholars, including originalists.

Birthright citizenship has been the law of the land since at least 1868. And it is good policy, too. Birthright citizenship is important for America. It is a strength, rather than a weakness, of our immigration system, encouraging assimilation by allowing children of immigrants to participate in the life of their country as citizens. This streamlined citizenship system has demonstrable economic benefits for those individuals as well as those born to natives, while also providing the political benefits of quickly integrating new populations into the social and political life of the country.

The Citizenship Clause and the meaning of “subject to the jurisdiction thereof”

The first sentence of the Fourteenth Amendment is the Citizenship Clause, which reads, “All 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.”

The phrase “subject to the jurisdiction” of the U.S. lies at the center of skepticism about the legal basis of birthright citizenship. Some critics of birthright citizenship have claimed that the clause does not apply to those born in the United States to foreign nationals at all, and that birthright citizenship could thus be ended or restricted without constitutional amendment. For instance, Iowa Rep. Steve King, who will leave Congress next year after losing his Republican primary, introduced the Birthright Citizenship Act in an attempt to amend the INA to redefine “subject to the jurisdiction thereof.” The legislation would declare that those who are “subject to the jurisdiction of” the United States under the Fourteenth Amendment must have at least one parent who is a U.S. citizen or a lawful permanent resident.

Michael Anton, a former Trump White House official, has likewise argued that birthright citizenship could be ended without amending the Constitution, suggesting that President Trump redefine “subject to the jurisdiction of” by executive order. Anton argues that simple presence in the United States does not mean that someone is under the jurisdiction of the United States. Furthermore, Anton argues that those born to undocumented parents are not “subject to the jurisdiction of” the United States. His case mirrors that of Hans A. von Spakovsky, who claims that “birthright citizenship has been implemented by executive fiat, not because it is required by federal law or the Constitution.” John Eastman has likewise argued that Kamala Harris is likely not a citizen and ineligible for public office, even though she was born in the United States, because the Fourteenth Amendment doesn’t confer on her — or millions of other Americans — birthright citizenship.

However, the plain language of the Fourteenth Amendment, its history, and long-standing precedent make clear that the clause guarantees what birthright citizenship in America should be. To be “subject to the jurisdiction” is simply to be subject to the authority of the United States government and hence the phrase applies to the children of aliens, regardless of the legal status of their parents.

Legislative history

The Fourteenth Amendment to the U.S. Constitution was ratified in 1868, during the Reconstruction period that followed the Civil War and emancipation. The Citizenship Clause was a corrective to antebellum law, specifically the infamous *Dred Scott* decision, which held that blacks could not have standing to sue in federal court because they could not be U.S. citizens.

Initial drafts of the Fourteenth Amendment did not include the Citizenship Clause. Senator Jacob Howard (R-MI) sponsored the clause’s addition to the amendment. The addition was directly debated in the Senate, with some opposing the language for the precise reason that it would confer citizenship rights on the children of non-U.S. citizens.

Howard explained the clause as “simply declaratory of what I regard as the law of the land already, that every person born within the limits of the United States, and subject to their jurisdiction, is by virtue of natural law and national law a citizen of the United States.” Republican Senator Edgar Cowan of Pennsylvania objected, arguing that citizenship should not be automatically extended, as the proposed amendment would do, to the children of Chinese immigrants or “Gypsies.” According to Cowan, states should have the right to limit citizenship to “my own people, the people of my own blood and lineage, people of the same religion, people of the same beliefs and traditions.” If one state wanted to exclude certain races from citizenship, it should be allowed, Cowan argued. But the text of the proposed Citizenship Clause, Cowan noted, would prevent states from making those restrictions. Unsurprisingly, Cowan would eventually vote against the entire measure.

John Conness of California, himself a naturalized U.S. citizen of Irish birth, responded, stating the Citizenship Clause “relates simply to the children begotten by Chinese parents in California, and it is proposed to declare that they shall be citizens ... I voted for the proposition to declare that the children of all parentage whatever, born in California, should be regarded and treated as citizens of the United States.” Cowan had specifically worried about automatically granting citizenship to the children of those had “trespassed,” indicating that he interpreted the clause as applying to the children of immigrants who entered a state unlawfully, anticipating future concerns over the children of undocumented immigrants. But Conness, rather than implying that Cowan had misinterpreted the amendment, argued that it would not be a common enough problem to make birthright citizenship undesirable.

The language, as proposed by Howard and supported by Conness, was added to the Fourteenth Amendment of the U.S. Constitution. It is important to note that all three senators’ comments on citizenship were premised on a consensus interpretation of what the amendment would do. Nowhere in the record is that interpretation challenged, nor were any claims made that Cowan was misinterpreting the language of the amendment. The proponents and opponents of the amendment voted differently because they disagreed on whether birthright citizenship was desirable, not because they disagreed on how the amendment was to be interpreted. All agreed that it conferred birthright citizenship.

Another area of debate in the Senate centered on the issue of whether the children of American Indians would be considered U.S. citizens. The issue arose when Senator James R. Doolittle, Republican of Wisconsin, proposed amending the language to add “excluding Indians not taxed” to the Citizenship Clause. Illinois Senator Lyman Trumbull’s responded by distinguishing the tribes by jurisdiction, explaining why the language would not be needed. “Can you sue a Navajoe [sic] Indian in court?” he asked. “Are they in any sense subject to the complete jurisdiction of the United States? By no means.” Many of the tribes exercised a form of jurisdiction on their own territory in 1868. Trumbull pointed out that the language as written already excluded Indians not taxed because such Indians were under tribal jurisdiction. Senators accepted Trumbull’s argument and Doolittle’s amendment was voted down.

Senators understood the meaning of the Citizenship Clause as applying to anyone within the U.S., regardless of their parentage, provided they were subject to U.S. law. Diplomats everybody agreed, were not subject to U.S. jurisdiction. There were some disagreements about whether Indians were. But nobody expressed any doubt that the children of immigrants were.

Judicial precedent

Judicial precedents confirm the original meaning of the clause as understood by its authors and contemporaries to the debates — that is, that aliens and their children are subject to the jurisdiction of the United States, meaning that those born in the United States are citizens, regardless of the legal status of the parents.

United States v. Wong Kim Ark, which began in August of 1895 with Wong Kim Ark’s confinement and was finally decided by the Supreme Court in 1898, is the seminal case on the question. Wong Kim Ark was born in San Francisco in 1873 to Chinese parents who were not involved in Chinese diplomacy in any capacity. In 1882, Congress passed the Chinese Exclusion Act, thereby banning all Chinese labor immigrants. The law was the first to ban the immigration of an entire ethnic or national group to the United States.

In 1890, Wong Kim Ark traveled to China on a temporary visit and reentered the United States that same year. After traveling to China during a second temporary visit in 1895, Wong Kim Ark was denied permission to enter the United States under the Chinese Exclusion Act. Wong Kim Ark was detained by the customs collector at the port of San Francisco. Wong Kim Ark filed a writ of habeas corpus with the U.S. District Court for the Northern District of California, alleging that he was being unlawfully confined and deprived of his liberty. The attorney general argued that Wong Kim Ark was not a citizen despite his birth in the United States and could therefore be barred from entering the country under the Chinese Exclusion Act.

District Judge William Morrow considered the question of whether “a person born within the limits of the United States, whose father and mother were both persons of Chinese descent, and subjects of the emperor of China, but, at the time of birth, were both domiciled residents of the United States, is a citizen of the United States, within the meaning of the fourteenth amendment to the constitution.”

Morrow, in making his determination, noted that if the position of the government were to be applied to Wong Kim Ark, “it will inevitably result that thousands of persons of both sexes who have been heretofore considered as citizens of the United States ... will be, for all intents and purpose, denationalized and remanded to a state of alienage.” According to Morrow, the question turned on whether the phrase “subject to the jurisdiction thereof” in the Fourteenth Amendment referred to an alien being subject to the laws of a foreign country where he is present (i.e., virtually anybody present without immunity), or rather only being subject to the political jurisdiction of a country (i.e., including only those aliens without any foreign allegiance). Morrow turned to two earlier cases also decided in the Northern District of California, In re Look Tin Sing and In re Chin King, to answer this question in favor of the former interpretation. Finding commonality between legislative, judicial, and public opinion on the definition, both cases held that “subject to the jurisdiction thereof” meant subject to the laws of the United States and not having absolute political allegiance to only the United States. These holdings meant that the Fourteenth Amendment applied to foreigners who gave birth to children in the United States. Finding no conclusive Supreme Court precedent to the contrary, Morrow agreed with the earlier courts and held that “subject to the jurisdiction thereof” applied to Wong Kim Ark’s parents, thus making him a citizen at birth. Morrow accordingly granted the writ of habeas corpus, ordering the collector of customs at the port of San Francisco to release Wong Kim Ark.

Following an appeal by the government, the Supreme Court took up the case in 1898. The court rejected the government’s argument that Wong Kim Ark was not a citizen of the United States by a 6–2 vote. The majority opinion, authored by Justice Horace Gray, held that “the amendment, in clear words and in manifest intent, includes the children born within the United States of all other persons, of whatever race or color, domiciled within the United States. Every citizen or subject of another country, while domiciled here, is within the allegiance and the protection, and consequently subject to the jurisdiction, of the United States.”

Gray looked to English common law and early U.S. jurisprudence to reach this holding. Gray concluded that these early precedents helped establish the meaning of the jurisdictional language of the Fourteenth Amendment. Gray found that three centuries of English common law and numerous early U.S. legal decisions all found the same definition of jurisdiction and allegiance as it pertained to birthright citizenship. Gray found these “considerations to confirm the view ... that the opening sentence of the fourteenth amendment is throughout affirmative and declaratory, intended to allay doubts and to settle controversies which had arisen, and not to impose any new restrictions on citizenship.” This broad and inclusive interpretation of the Fourteenth Amendment was meant to address nearly everyone born on U.S. soil, with the exclusion of the children of diplomats, and the

unique circumstances surrounding American Indians. Gray reasoned that the **restrictive interpretation of the Fourteenth Amendment** advocated for by the government “would **deny citizenship to thousands of persons of English, Scotch, Irish, German, and other European parentage, who have always been considered and treated as citizens of the United States.**”

Many of the arguments raised in the dissent of Wong Kim Ark, penned by Chief Justice Melville Fuller, have survived as arguments against birthright citizenship. **Fuller argued that the definition of the Fourteenth Amendment required the absolute jurisdiction of the U.S. federal government** over a person to meet the “subject to the jurisdiction thereof” threshold. Fuller argued that **no common-law rule on birthright citizenship existed prior to the Fourteenth Amendment** and argued that **neither the Civil Rights Act of 1866 nor the Fourteenth Amendment provided sufficient clarity on the scope of birthright citizenship.**

Fuller also cited the Slaughterhouse Cases (1873) and Elk v. Wilkins (1884) as further justification for his dissent. Citing these cases remains popular among modern proponents of interpreting birthright citizenship out of the Fourteenth Amendment. Both Morrow of the District Court and Gray of the Supreme Court **weighed and ultimately rejected these arguments.**

The **Slaughterhouse Cases** gave close **consideration** to the **Thirteenth, Fourteenth, and Fifteenth Amendments** in the context of **states’ rights**. In dictum, the Court stated that “**the phrase, ‘subject to the jurisdiction,’ was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign states born within the United States.**” Dictum is an **incidental opinion** by a judge on a matter **not essential to the decision**, and therefore **not binding as precedent**. Noting that this sentence appears as **mere dictum** in the decision, Morrow went on to quote **another section of the Slaughterhouse Cases**, which states that “**it is only necessary that he should be born or naturalized in the United States to be a citizen of the Union.**” This quote seems to **directly contradict the first**, as it more clearly supports the **obvious nature of birthright citizenship.**

Gray also quoted extensively from the **Slaughterhouse Cases** to prove that the sentence, **cherry-picked by Chief Justice Fuller**, did **not fit with the spirit of the decision**, which **did not restrict access to U.S. citizenship**, but rather the **rights that the federal government protected against violations by the states**. Gray also noted that the **imprecise language** of the **sentence** at issue **detracted from any weight** that should be placed on it. In conclusion, both the **District Court and Supreme Court** found that the sentence in the **Slaughterhouse Cases** was **dictum**, not **on point to the holding of the case**, and that “**it was unsupported by any argument, or by any reference to authorities.**”

In **Elk v. Wilkins**, which **denied citizenship to John Elk**, birthright citizenship **skeptics** see **evidence** that citizenship **can be denied to individuals born on U.S. soil** who have **not naturalized**. But Elk was born on an **Indian reservation**, and hence **not subject to U.S. jurisdiction**. For instance, if Elk had killed another Indian, he would not have been tried in U.S. court, but by the tribal authorities. **Nothing comparable can be said for the child of an immigrant born in the United States**, where there is no source of competing jurisdiction. If she commits a crime, for instance, she would be tried under U.S. or state law. **Elk v. Wilkins would be irrelevant.**

The holding in Wong Kim Ark reaches **all foreign nationals, regardless of their immigration status**. This follows because undocumented persons or other foreign nationals who are not diplomats within the United States are **very much subject to its jurisdiction**. This is **supported** by the **basic premise** that we largely **recognize the U.S. government’s authority to deport persons** who are in the United States and do not hold some kind of status. To **argue that undocumented persons are not subject to the jurisdiction of the United States is to say that undocumented persons need not respect any of the laws of this country**. However, **undocumented persons** are in reality **subject to a wide array** of federal laws and regulations, including **taxation, criminal, and immigration laws**. The same logic applies to **criminals who have violated the laws of the country**. We do not say that simply because the criminal has **violated the law that they are not subject to it**; quite the contrary. Instead, criminal statutes are heavily enforced against those who violate them, whether they are citizens of this country or not.

Although the holding in **Wong Kim Ark does not directly address children born to undocumented persons**, any confusion on this issue was addressed in **Plyler v. Doe (1982)**. The Supreme Court in Plyler also **interpreted the relevance of the Fourteenth Amendment**. However, the Court interpreted the Fourteenth Amendment’s **Equal Protection Clause**, rather than the **Citizenship Clause**. The Equal Protection Clause **requires every state to afford equal protection of the laws** “to any person within its jurisdiction.” The Court held in a 5-4 vote that **Texas could not deny free public-school education to undocumented children.**

However, the Citizenship Clause was still **directly relevant to the Court’s holding in Plyler**. Despite the 5-4 decision, all nine justices agreed that the **Equal Protection Clause protects legal and illegal aliens alike**. Importantly, all nine justices reached this conclusion precisely because **illegal aliens are “subject to the jurisdiction” of the U.S.**, no less than legal aliens and U.S. citizens. In the majority opinion, Justice William Brennan explicitly **rejected the contention** that **undocumented persons are not within the jurisdiction of the United States**. Justice Brennan specifically cited the Citizenship Clause and the holding in Wong Kim Ark in reaching this conclusion.

Therefore, when combined with the holding in *Wong Kim Ark*, the holding in *Plyler* confirms that undocumented persons are subject to U.S. jurisdiction under the Citizenship Clause, and therefore their children become United States citizens. These holdings continue to be good law to this day.

Birthright citizenship as policy

While Steve King, Michael Anton, and a few other critics of birthright citizenship have argued that it can be ended by mere legislation or executive action, most correctly recognize that it would require constitutional amendment, and advocate for such an amendment on substance. Such critics include Sens. Lindsey Graham (R-SC), Rand Paul (R-KY), and David Vitter (R-LA). Vitter has filed multiple legislative proposals to amend the Fourteenth Amendment to remove the Citizenship Clause entirely, with Paul signing on as co-sponsor at least once. Senator Majority Leader Mitch McConnell has called for hearings on birthright citizenship in the past.

These opponents believe that the only way to get U.S. citizenship at birth should be via *jus sanguinis* (right of blood), thus covering only children of a qualifying U.S. citizen parent. They believe that eliminating *jus soli* would bring the United States more in line with modern notions of citizenship, deter illegal immigration, and stem “rampant” birth tourism.

However, they overlook substantive benefits to birthright citizenship and overstate the costs. Birthright citizenship is important to America because it prevents the creation of a category of second-class citizens, while also allowing the children of immigrants to assimilate into American society faster and more effectively. Denied full citizenship, children born to immigrant parents in our country would face an artificial and unnecessary barrier to living the American dream. These children, who had no control over the actions of their parents, would nonetheless be held responsible for their parents’ decisions by living the life of a second-class citizen.

Overwhelmingly, Western Hemisphere countries have some form of birthright citizenship, whereas Eastern Hemisphere, or “old world,” countries either do not or have strict limitations in place. This is largely due to the fact that Western Hemisphere countries in the 19th and early parts of the 20th centuries wanted to encourage immigration. Allowing immigrants to move to the country and have their children, at birth, become citizens incentivized rapid incorporation into society.

The success of birthright citizenship in encouraging and facilitating assimilation of immigrant communities is widespread. Denying citizenship to the children of immigrants creates a sense of alienation and is one of the contributing factors to the lack of assimilation in Western European countries such as France and Belgium. Germany has turned increasingly towards birthright citizenship policies as a way to ease some of the tensions the country has experienced as a result of mass migration.

Citizenship and identity are seen as two of the leading factors in increasing the speed at which immigrant communities assimilate. If countries have rules that prohibit immigrants’ children from becoming citizens, this delays or stalls the assimilation process, as those generations lack the ability to meaningfully participate in the nation’s political and social institutions.

A historical hypothetical can help illustrate this point. For example, if the United States had started denying citizenship to the children of undocumented persons at the turn of the century, we would have between 3 and 6 million fewer U.S. citizens today. This would mean that today, the United States would have a significantly larger undocumented population than it already does, and for those 3 to 6 million people, the assimilation process would have been stalled.

In spite of higher levels of illegal immigration than many other European countries, statistics on English language skills, incarceration rates, income, and other metrics among immigrant populations all indicate that the United States is nevertheless much better than European countries at assimilating immigrants. Birthright citizenship in America is an important cause

The specter of birth tourism

On January 24, 2020, the State Department’s Bureau of Consular Affairs published a final rule amending its regulation on the issuance of B category nonimmigrant visas for temporary visitors. The rule, effective immediately, established that consular officers would presume, until the applicant proved affirmatively otherwise, that a pregnant visa applicant who may give birth during the duration of her visa is traveling to the United States for the primary purpose of securing U.S. citizenship for her child. The reasoning for the rule is that the State Department does not believe “birth tourism” is a legitimate activity that falls under the regulatory definitions of business or pleasure and that presuming the birth-tourist intent of pregnant visitors would be necessary to prevent illegitimate travel.

Under the rule, **pregnant women** who would otherwise be granted a **B nonimmigrant visa** must **affirmatively rebut** that presumption by **providing other reasons for travel that the consular officer**, in their **discretion**, **deems credible**. The rule also **codifies a requirement** already being enforced by consular officers that **individuals seeking B nonimmigrant visas** for the **purpose** of **seeking medical treatment in the United States** must provide **specific details** and **documentation** about their treatment and **whether they have the ability to pay all costs associated with said treatment**.

The rule is **in line** with recent **White House statements** calling to **limit or remove birthright citizenship**. Certainly, there is substantial value in U.S. citizenship for one’s child. There could also be **potential benefits for the parent(s)**. Once the **child** reaches the age of **21**, the child could **potentially petition for the parent to join the child in the United States through an I-130 family petition**. These children have been pejoratively referred to by the Trump administration and others as “**anchor babies**.” However, such a benefit is **far off** and there is certainly **no guarantee** that such an opportunity would **ever come to pass**.

There is **very little research** to **support** the idea that this practice is being **widely abused**. Recent investigations indicate that estimates of birth tourism have been **widely overblown**. The latest data indicate that the scale of birth tourism is **statistically indistinguishable from zero**.

Conclusion

Birthright citizenship has been the law of the land since at least 1868. **Any attempt to end it would require a constitutional amendment**. But birthright citizenship is **good on substantive policy grounds, too**. Birthright citizenship is **important to America** because it **generates economic benefits** for those born to aliens as well as those **born to natives**, while also **encouraging assimilation** by **integrating new populations** into the social and political life of the country. And claims that the practice attracts “**birth tourism**” are **unfounded**, relying on **exaggerated estimates**.

Birthright citizenship has come under threat by legal challenges, proposed legislation, and proposed executive orders to define it out of the Citizenship Clause. These efforts will almost **certainly fail on legal grounds**. But a widespread perception that birthright citizenship is illegitimate poses a threat of its own, which can be averted only by understanding the history and benefits of this constitutional principle.

Full essay here

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Article: Debating Birthright Citizenship - Two Perspectives

🕒 Oct 30, 2018



Below are selections from the Federalist Society's Journal, *Engage*: Volume 17, Issue 1, articulating the legal debate over birthright citizenship. We encourage you to read or download the full article on our website by clicking [here](#) or below.

The late Gerald Walpin argues against birthright citizenship:

We start with the **relevant words of the 14th Amendment** ratified on July 9, 1868. It requires that two conditions—not just birth in this country—be present for citizenship to be granted: (i) the baby must be “**born ... in the United States;**” and (ii) when born, the baby **must be “subject to the jurisdiction”** of the United States. A cursory glance at the words themselves makes it clear that those who

argue that mere birth within the United States results in citizenship fail reasonably to address this second requirement.

Two Supreme Court opinions, both issued within the decade after ratification of the 14th Amendment, are particularly relevant to construing the meaning of the Birthright Citizenship provision. Note that, because the meaning of the Birthright Citizenship provision did not determine the outcome in either case, the Court's statements in both decisions are dicta, not binding holdings. But the Justices' words should be considered authoritative insofar as they were expressed by Justices who lived through the enactment of the provision they were construing, and thus were well positioned to comprehend the meaning and intention of the words. These Court-expressed views on the meaning of the Birthright Citizenship provision should also be considered authoritative because the Justices were unanimous in making the statement in one case, and, in the other, the dissenters did not disagree with that particular point.

In the *Slaughterhouse Cases*, the Court wrote that "[t]he phrase, 'subject to its jurisdiction' was intended to exclude from its operation children of ... citizens or subjects of foreign States born within the United States." That is as absolute and complete a statement as can be imagined, and it would deny birthright citizenship to a child born in this country to undocumented immigrants or to a transient alien mother. Then, two years later, in *Minor v. Happersett*, the Court unanimously and expressly recognized the existence of "doubts" that citizenship was automatic for "children born within the jurisdiction without reference to the citizenship of their parents," after noting that citizenship attaches only when the immigrant owes "allegiance" to this country. These two Supreme Court rejections of automatic birthright citizenship for anyone born in this country, without regard to the parents' citizenship status, are supported by facts undoubtedly known to those Justices, and certainly known to us.

David B. Rivkin, Jr. & John C. Yoo argue for birthright citizenship:

While the original Constitution required citizenship for federal office, it never defined it. The 14th Amendment, however, 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." Congress did not draft this language to alter the concept of citizenship, but to affirm

American practice dating from the origins of our Republic. With the exception of a few years before the Civil War, the United States followed the British rule of *jus solis* (citizenship defined by birthplace), rather than the rule of *jus sanguinis* (citizenship defined by that of parents) that prevails in much of continental Europe. As the 18th century English jurist William Blackstone explained: “The children of aliens, born here in England, are generally speaking, natural-born subjects, and entitled to all the privileges of such.”

After the Civil War, congressional Republicans drafted the 14th Amendment to correct one of slavery’s grave distortions of our law. In *Dred Scott v. Sanford*, Chief Justice Roger Taney found that slaves, even though born in the United States, could never become citizens. The 14th Amendment directly overruled *Dred Scott* by declaring that everyone born in the U.S., irrespective of race, were citizens. It also removed from the majoritarian political process the ability to abridge the citizenship of children born to members of disfavored ethnic, religious, or political minorities.

The only way to avoid this straightforward understanding is to misread “subject to the jurisdiction thereof” as an exception that swallows the *jus solis* rule. Some scholars have argued—wrongly—that this language must refer to aliens, who owe allegiance to another nation and not the U.S.



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The Case Against Birthright Citizenship

One of Trump's most daring executive orders now declares that citizenship rights should be denied to children whose mother under current law was "unlawfully present in the United States" or whose presence in the United States was "lawful but temporary," but only if that person's father "was not a United States citizen or lawful permanent resident at the time of said person's birth." That general command was subject to two key qualifications. The first is that it did not take effect until 30 days after the order, which grandfathered out of the E.O. all individuals who became birthright citizens as the children of both illegal aliens and sojourners into the U.S. The E.O. rightly did nothing to undo the current status whereby the children of lawful permanent residents were entitled to obtain the documents needed to certify their citizenship.

As a matter of first principle, it is hard to think of any good reason why legal and illegal conduct should be treated identically. A person who kills without justification or excuse is a murderer, who is properly treated quite differently from someone who kills in self-defense. Indeed, the entire civil and criminal law is organized to suppress illegal conduct and to support legal conduct. But the opposite is true with birthright citizenship, which gives a strong spur for illegal conduct. Therefore, to the uninitiated, it should come as a surprise that the dominant view in the United States, ably expressed by James Ho, now a Fifth Circuit Court judge is that the

history and text of the Fourteenth Amendment require the constitutional protection of birthright citizenship, by arguments from text and history, without asking about the undesirable incentive structures created by these rules. Indeed, that position is so engrained in American legal culture that federal court Judge and Reagan appointee John Coughenour, in a short [opinion](#) written in response to a [complaint](#) filed by the states of Washington, Arizona, Illinois, and Oregon, held that there was a “strong likelihood” that the plaintiffs would win on the merits, citing, without analysis, as his key legal authority [United States v. Wong Kim Ark](#) (1898).

It turns out that he should have looked closer because that decision at no point addressed, either explicitly—the word “illegal” is not used in the opinion—or implicitly, the legal status of the children born in the United States of illegal aliens. Rather, that case dealt explicitly with the common situation where the plaintiff was the child of lawful permanent aliens in the United States who had long engaged in a lawful business and were denied the right to become citizens under the Chinese Exclusion statute. The gist of Justice Horace Gray’s opinion was that their son could not be barred from a return to the United States because, as the child of lawful residents, he consistently held and asserted U.S. citizenship from birth, which was rightly awarded as an incentive for these individuals to strengthen their allegiance to this country. There has been no serious discussion in the judicial and academic literature supporting citizenship for illegal aliens that addresses the obvious perverse incentives of encouraging illegal immigration by allowing the parents to have their new-born children profit from these parental wrongs. The same argument applies to children whose mothers come late in pregnancy (often [called](#), disparagingly, anchor babies, to the United States for the sole purpose of taking advantage of birthright citizens.

On the historical front, there were no restrictions on immigration prior to the Civil War so there is no body of law that deals with it. But the problem of the sojourner had to come up frequently, and there is no record of any parent claiming that their children born in the United States were citizens, so on one half the problem, the historical record is clearly against the claim. And as illegality is, if anything, a more serious offense, it seems clear that if that problem had arisen, there is no reason to think that citizenship would have been granted.

Yet given the weak historical record, the overall understanding of *Wong Kim Ark* depends heavily on the key text of the Citizenship Clause of the Fourteenth Amendment: “All 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.”

That language comes hard on the heels of the [Civil Rights Act](#) of 1866 which opens with this declaration:

That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery . . .

The 1866 Act thus includes foreigners on the list of persons, along with Indians not taxed. Diplomats are on that list. The Fourteenth Amendment contains no enumeration of excluded parties but does contain the phrase “subject to the jurisdiction thereof” that points to a set of unenumerated exclusions. It is widely agreed that this phrase includes diplomats and their families who owe loyalty to their sovereign. But if that were the only class of cases covered, the exception to citizenship language could have been explicit. And it would be odd in the extreme if there were any reversal on foreigners, especially illegal aliens and sojourners, without some explicit notice of the point. Yet the early case law speaks to these issues against the claim of birthright citizenship. Thus, from the outset, it has never been disputed that members of the Indian tribes within the United States did not obtain citizenship of this clause. Thus, *Elk v. Wilkins* (1884) held that the Indian plaintiff was not an American citizen because the Citizenship Clause required that he had to be “not merely subject in some respect or degree to the jurisdiction of the United States, but completely subject to their political jurisdiction and owing them direct and immediate allegiance.” Thereafter, it took [The Citizens Act of 1924](#) to make by statute members of Indian tribes citizens of the United States. Members of Indian tribes occupy a complex position under American law, which followed, according to *Elk* that “an emigrant from any foreign state cannot become a citizen of the United States without a formal renunciation of his old allegiance, and an acceptance by the United States of that renunciation through such form of naturalization as may be required law.” And the same position had also been taken in the well-known [Slaughter-House Cases](#) (1872). Speaking about the Citizenship Clause in the wake of [Dred Scott v. Sandford](#) (1857), they wrote: “That its main purpose was to establish the citizenship of the negro can admit of no doubt. The phrase, ‘subject to its jurisdiction,’ was intended to exclude from its operation

children of ministers, consuls, and citizens or subjects of foreign States born within the United States.” Both cases were cited and distinguished in *Wong Kim Ark*, which is no surprise since the same Supreme Court Justice, Horace Gray, wrote both *Elk* and *Wong Kim Ark*.

At this point, one key analysis turns on the history surrounding using the term citizenship before adopting the Fourteenth Amendment. That term is used in the original Constitution without any explicit definition, so at this, it is widely agreed that the analysis turns on the standard use of that term in the United States and elsewhere, including the English common law. That issue received extensive discussion in *Minor v. Happersett* (1875), where the legal question presented was whether women could be citizens of the United States, which held that “it did not need this amendment to give them that position.” It then concluded on the specific question that citizenship was a matter for states to determine and that, historically, it was common for states to restrict voting rights to male citizenship, a point that was echoed in Section 2 of the Fourteenth Amendment, which refers to “male inhabitants” in dealing with the new rules for the apportionment of representatives in the United States.

Minor also included an extensive general discussion of how any person, male or female, natural or naturalized, acquired the attributes of citizens from the time of the initial ratification in 1787 ratification. It then allegiance and protection are, in this connection, reciprocal obligations.” Neither part of this equation applies to either illegal aliens or to sojourners, so it is no surprise that neither group forms any part of the discussion in *Minor*, which frames, as I have long argued, the meaning of the term “citizen” as it is used in the first two clauses of Section 1 of the Fourteenth Amendment that draws an explicit distinction between citizens and persons, noting that only citizens are entitled to the greater protection of privileges and immunities, which include the right to enter any occupation and to own property, in contrast to the basic rights afforded to all persons namely, to avoid arbitrary loss of life, liberty or property, or be subject to the unequal protection of the laws. The second set of constitutional protections must be given to illegal aliens and sojourners, while the privileges and immunities clause does not. Nor should any of this come as a surprise because the international backdrop to the Constitution, which was far more influential in the period just after the Civil War, contained many maxims of justice, including *ex turpi causa non oritur actio*, “out of dishonorable cause, no action arises”, covers the case where any person uses his or her illegal act to advance the position of his child. No one at the time or now has advanced a coherent explanation as to why birthright citizenship is desirable as a matter of principle. So why assume that it was adopted silently through the back door? Judge Coughenour and the many other judges and justices who will be asked to review this critical issue have their work cut out to confront the many textual and historical challenges to the birthright citizenship claim.

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The case for ending birthright citizenship

The history of the law is misunderstood

Does it make sense to automatically grant citizenship to the children of migrants?
Credit: Getty

14TH AMENDMENT

AMERICAN CONSTITUTION

AMERICAN IMMIGRATION

BIRTH TOURISM

BIRTHRIGHT CITIZENSHIP

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US



Ryan Williams

JANUARY 22, 2025 5 MINS

President Trump's second term thrusts the question of birthright citizenship to the forefront of American politics: should the United States automatically grant citizenship to any child who happens to be born on US soil? Neither the Declaration of Independence nor the Constitution requires doing such a thing. Yet defenders of birthright shut down any debate by framing opposition as cruel and racist — and obviously wrong as a legal matter.

But there is a strong constitutional and moral case for limiting birthright citizenship. It's the argument that led the Trump administration to issue an executive order that defines a new status quo: going forward, children of illegal aliens won't receive recognition of their citizenship by the US Department of State or any other executive agency.

Start with the Constitution. The question of birthright citizenship goes back to the 14th Amendment, one of the three ratified in the immediate wake of the Civil War. The relevant portion reads: "All 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.” The phrase at issue is “and subject to the jurisdiction thereof” (known as the jurisdiction clause). Proponents of birthright maintain that the phrase merely means subject to the laws and courts of the United States.

Yet the debates over the 1866 Civil Rights Act, the legislation that led to the 14th Amendment, as well as the principles of the American founding, suggest a different interpretation.

The 1866 act was meant to secure the full benefits of citizenship for recently freed slaves and their descendants — and all black citizens, for that matter. The law’s proponents were determined to convert it from legislation to constitutional text, thus insulating its protections from change by a future Congress. Hence, the 14th Amendment. This means that the legislative history of the 1866 act can help illuminate what the 14th Amendment was supposed to be all about.

The 1866 legislation’s citizenship clause read: “All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States.” A few months later, when the 14th Amendment was debated, the floor manager, Sen. Jacob Howard, described it as “simply declaratory of what I regard as the law of the land already”, namely, that “every person born within the limits of the United States, and subject to their jurisdiction, is by virtue of natural law and national law a citizen of the United States. This will not, of course, include persons born in the United States who are foreigners, aliens, who belong to the families of ambassadors or foreign ministers.”

By the “law of the land already”, Howard meant the recently passed 1866 Civil Rights Act. The then-chairman of the Senate Judiciary Committee, Lyman

Trumbull, addressing an objection over the absence of the Civil Rights Act's phrase "Indians not taxed" from the 14th Amendment, stated that it was obvious that Indians were not "subject to the jurisdiction" of the United States "in the sense of owing allegiance solely to the United States".

In such language from some of the 14th Amendment's chief proponents, we can discern the outlines of an argument that the jurisdiction clause meant more than merely being subject to the law and courts on US soil. It had to do with a fundamental tenet of citizenship: loyalty or allegiance.

So how did we end up with the children of even illegal aliens receiving automatic citizenship? The US Supreme Court first addressed the meaning of the citizenship clause of the 14th Amendment in an 1898 case. It concerned the fate of Wong Kim Ark, a child of Chinese nationals who were permanent US residents. In a 6-2 decision drafted by Justice Horace Gray, the high court held that the common law was the proper interpretive guide to the US Constitution's text. Since the common law mandated birthright citizenship — *jus soli* as opposed *jus sanguine*, "right of soil" instead of "right of blood" — the child was a citizen under the 14th Amendment.

"American citizenship ... was never based in soil."

To this day, the case remains the controlling precedent for the maximalist position on birthright citizenship, cited by sympathetic judges and law professors on both sides of the aisle. Yet the dissenting opinion, written by Chief Justice Melville Fuller, offers an interpretation of the 14th Amendment's citizenship clause that is more consonant with American principles of just government than Justice Gray's opinion.

Fuller argued that the common law couldn't be the controlling authority, because in separating from the British Crown in 1776, the American colonists had elevated the principles of the Declaration of Independence over the common law. The common law of England contemplated subjects owing perpetual allegiance, rather than citizens of a government based on consent.

Fuller was right. The common law didn't come up at all during the debate over the 14th Amendment. There were no references to Sir Edward Coke or to Blackstone, the eminent English authorities on common law, and the lawmakers were much more comfortable speaking of the interaction between the principles of America and her institutions than they were citing English precedents on *jus soli*.

They believed that the principles of the Declaration would control — and, where necessary, overrule — the common law of England. If human equality is a fact of nature, then nobody may rule another without their consent. All ought to enjoy their liberties and the pursuit of happiness alike. The existence of slavery, the ensuing crisis brought on by the conflicts between these principles and American practice, and the subsequent Civil War are the historical context for the 13th, 14th, and 15th Amendments. American citizenship, defined constitutionally for the first time in the 1860s, was never based in blood. But crucially, it was never based in soil, either.

American citizenship was based on consent. *Wong Kim Ark*, then, should be overturned, and we should have a robust national debate about citizenship, immigration, and national allegiance. Congress is well within its enforcement powers under section 5 of the 14th Amendment to restrict birthright citizenship much more than it does currently.

Let's start with two issues on which we might reach a broad national consensus: illegal immigration and birth tourism. It seems to go against common sense to allow a

million or two immigrants to cross our southern border illegally and then to confer citizenship upon the children they may have here.

SUGGESTED READING

The progressive case against immigration

BY LEE FANG

Children of foreign soldiers born on US soil have always been excluded from birthright citizenship, in the same way as the children of ambassadors and diplomats. It's controversial to call the flood of economic migrants of recent years a slow-moving invasion — but what of the subset of that group that constitute criminals, foreign spies, and terrorists? Does it redound to American national interest or civic health to confer citizenship on any children they may produce on US soil?

Is it prudent, let alone just, to allow wealthy foreigners from China or Russia to purchase birth-tourism packages costing as much as \$100,000 and including a final-trimester hospital stay in Florida or California as well as a fresh US passport for the new babies? Should we be in the business of exporting tens of thousands of newly minted Americans every year, with all the attendant privileges and benefits, to the homelands of our foreign adversaries?

To be sure, the meaning of the 14th Amendment's citizenship clause is contested. The prospects for overturning *Wong Kim Ark* any time soon are remote. But even under the *Wong Kim Ark* precedent, controlling emphasis was placed on the importance of Ark's parents being "permanently domiciled" in the United States. Let's update and apply that precedent to a world transformed by transportation technology in the ensuing 127 years. If you are not a lawful permanent resident, any children you may have in the United States are permanent residents with you, not automatic citizens.

The next step after Trump's executive order will be to get the American people more involved, which means

Congress should debate, openly and with great fanfare, the meaning of the 14th Amendment on the relationship between birth, citizenship, and government by consent. None of these issues is as settled or obvious as defenders of birthright citizenship insist.

Ryan P. Williams is the president of the Claremont Institute and publisher of the *Claremont Review of Books*.
[X RpwWilliams](#)

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John Galt ⌚ 48 minutes ago

And thus we see the essential issue finally brought to light. The question is not and is hardly about immigration it is and always had been about border security. The problem is that the borders must be secured and prevent the illegal aliens from arriving in the first place. Even if it involves deploying the US Military to patrol and secure the border.

That beinh said if you were born on American soil you are an American, that was and always has been a central principle of American citizenship being "give me your tired, your poor, your huddled masses yearning to breathe free". If we start trying to decide who and who doesn't count as a "real American" we will destroy our country and destroy our people "E pluribus unum". What it means to be American is to tolerate those crazy other Americans who hate the fact they are American, it means standing up and fighting for the rights of others to be stupid, fat and lazy, to burn the flag. Not because we agree with it but because we understand that Liberty is not liberty if it only extends to those with whom you agree.

So secure the border, deploy armed forces, use lethal military force if needed to keep out those who seek to undermine our nation, but to those who are born on this soil, they become part of the tradition that was paid for in blood, they have claim to Old Glory, for that was what always was and has made America, America. You could live your whole life among the Parsians and still not be considered French, you could live forever in Saxony and still not fully come to love the order of the Germans, but America was different, the promise of America was simply that if you would be willing to come, if you loved liberty, then American citizenship



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SHORT READS | AUGUST 2015

Repealing Birthright Citizenship: The Unintended Consequences

By [Michael Fix](#)
[Illegal Immigration & Interior Enforcement](#)
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Jonathan Thorne

Every few years, the issue of birthright citizenship flares briefly but brightly, unleashing a wave of news articles, pronouncements by politicians and pundits, and bills to repeal the guarantee of citizenship bestowed on virtually every single baby born on U.S. soil (those born to foreign diplomats being a notable exception). Thanks to Republican presidential candidate Donald Trump **the re-energized debate has turned anew** to the question of whether **birthright citizenship, enshrined** in the Constitution in **1868** with the **14th Amendment** and **endorsed** in **1898** by the **Supreme Court**, would have to be repealed via constitutional amendment or could be undone by act of Congress.

Setting aside the legal and political feasibility—and indeed **most legal experts are clear that repeal would require a constitutional amendment**—there are **deeply important, and troubling, aspects** to this proposal that have received **scant attention**.

The reality is this: **Repealing birthright citizenship would create a self-perpetuating class that would be excluded from social membership for generations.** Working with researchers at Pennsylvania State University, the Migration Policy Institute (MPI) has found that **ending birthright citizenship for U.S. babies with two unauthorized immigrant parents would increase the existing unauthorized population by 4.7 million people by 2050.** Crucially, **1 million** would be the **children of two parents** who themselves **had been born in the United States.** Under a scenario **denying U.S. citizenship to babies with one parent** who is unauthorized, our analysis finds that the **unauthorized population would balloon to 24 million in 2050 from the 11 million today.**

This last finding alone should give pause. Touted by its supporters as a solution to reduce illegal immigration, repeal in fact would have the completely opposite effect.

More crucially, the **idea that the U.S.-born children, grandchildren, great-grandchildren, etc. of people born in the United States would themselves inherit their forefathers' lack of legal status** would have **deep implications** for **social cohesion** and the **strength of the democracy** itself. This perpetuation of **hereditary disadvantage** based on the **legal status of one's ancestors** would be **unprecedented in U.S. immigration law.** It also would be **contrary** to the **American sense of fair play** that has **rejected visiting the sins of the parents** on the **children**, thereby perpetuating the kind of **hereditary disadvantage** as practiced in **many countries in Europe.**

2018 UPDATE: New Estimates of U.S.-Born Children with an Unauthorized Immigrant Parent

In October 2018, based on news reports that President Trump was considering signing an executive order seeking to end birthright citizenship for children born on U.S. soil to unauthorized immigrants, MPI ran new estimates of the U.S.-born children who have at least one parent who is an unauthorized immigrant. Get:

- [U.S. and state-level estimates](#)
- [County-level estimates for top counties](#)

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Related Research

- [The Demographic Impact of Repealing Birthright Citizenship](#)

National Center on Immigrant Integration Policy

The Center is a crossroads of officials, researchers, state agency managers, grassroots local service providers, and seek to understand and respond to challenges and opportunities high rates of immigration create for communities.

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U.S. Immigration Policy Program

MPI's U.S. Immigration Policy Program analyzes U.S. policies and their impact on the economy, as well as the complex demographic, economic, political, foreign policy, and other forces that shape immigration in the country. The program also provides influential thought leadership, policy recommendations, and ways to improve the U.S. immigration system so that it works most effectively in the national interest.

[More Info >](#)

How many children in the United States today have parents who are unauthorized? By our estimate there are **5.1 million of them**, with **4.1 million having U.S. citizenship at birth** and another **100,000 holding a green card**. The remaining **900,000 are themselves unauthorized**.

Repealing birthright citizenship would **double the unauthorized share of the under-18 child population** from its current **2 percent by 2050** under our **most conservative scenario**. The hardest hit? **Mexicans and Central Americans**, who account for nearly **three-quarters of all unauthorized immigrants**. That finding should be a sobering one for both political parties, which have made pursuit of the growing Hispanic vote a priority.

But **beyond issues of politics, equity, and values** lies one of **national self-interest**. Study after study makes clear the **gains to the U.S. economy** and **civic fabric** that result from the **full integration of immigrants into society**—integration that is **well underway by the second generation**. Birthright citizenship has been **crucial** to this **civic and social integration**. Repeal would not only have the **unintended effect of swelling the size of the unauthorized population**, it would also **represent an insurmountable barrier** to this **intergenerational progress** that has been at the **heart** of the **nation's immigration story and success**.

Birthright citizenship is **not what drives illegal immigration**. Surveys have found that **people come for jobs** and to **better their lives**. Where problems arise, such as **birth tourism** by foreigners who come solely to give birth and then leave, **existing policy and law enforcement offer the right solution**.

So why would we alter a hard-fought, 147-year-old constitutional principle that addressed one of the darkest chapters in our history and has served the country so well? We should not: **there is nothing about eliminating birthright citizenship that is in the national interest**.

Michael Fix is President of the Migration Policy Institute, an independent, nonpartisan, nonprofit think tank in Washington, DC dedicated to analysis of the movement of people worldwide.

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Should the U.S. federal
government pursue mass
deportations?

COMMENTARY **Border Security**

Nov 22, 2024

3 min read

Lora Ries
@lora_ries**Director, Border Security and Immigration Center***Lora is Director of Heritage's Border Security and Immigration Center at The Heritage Foundation.*

Illegal migrants of different nationalities arrive at the Rio Grande to cross into the United States in Ciudad Juarez, Mexico on February 19, 2024.

Christian Torres / Anadolu / Getty Images

KEY TAKEAWAYS

Any serious discussion about the monetary cost of deportation

1

must be had in the context of the cost of mass migration.

2

Consider that, from FY2021-FY2024, Congress funded the HHS approximately \$31 billion to provide “culturally and linguistically appropriate services” for aliens.

3

Mass deportation is fiscally responsible, morally just, and politically popular. It is time to give the American people what they want and deserve.

With President Trump poised to fulfil his campaign promise to execute the “largest deportation operation in American history,” open-border advocates are looking to undermine him. The latest straw they’ve grasped on to is the claim that it would **cost the U.S government \$88 billion per year to arrest, detain, process, and remove one million removable aliens.**

This is a wrong-headed approach for two reasons.

First and foremost, **you can’t put a price on the safety and well-being of the American people.** The Left’s attempt to make deportation about money shows how out of touch they are, which is one of the reasons they were beaten so handily by President Trump earlier this month.

The second reason is that **any serious discussion about the monetary cost of deportation must be had in the context of the cost of mass migration,** and that’s not something the Left wants to talk about.

>>> [What Everyone Is Missing in the Argument Over Mass Deportation](#)

Let me explain. While the Left’s \$88 billion figure is merely an estimate, the Right can point to **billions and billions of dollars that the Biden-Harris administration has**

already spent to entice and resettle migrants and give them handouts. States and localities, who are shouldering the bulk of the burden of the open-borders status quo, are also suffering.

Consider, for example, that, from fiscal year 2021 through FY2024, the State Department received approximately \$22 billion for migration and refugee assistance.

These funds were used to: address mass migration operations abroad; deal with the fall-out from the reckless Afghanistan withdrawal, including bringing unvetted Afghans directly to the U.S.; resettle Ukrainians in the U.S.; build processing centers (“Safe Mobility Offices”) in Central America to process and facilitate mass migration to the U.S.; and pay the likes of UNHCR, the International Organization for Migration, and other NGOs, which similarly have facilitated mass migration to the U.S., including by giving pre-paid debit cards to migrants in Central America.

Or consider that, from FY2021-FY2024, Congress funded the Department of Health and Human Services (HHS) approximately \$31 billion to provide “culturally and linguistically appropriate services, including ‘wrap-around’ services,” such as housing, medical, and legal services, for aliens and unaccompanied alien children. Indeed, during the Biden administration, a historic 535,000 unaccompanied children were enticed to cross the border by the statutory promise of immigration benefits and impeached Homeland Security Secretary Alejandro Mayorkas’ public statements that unaccompanied children would not be turned away.

The result was disastrous. As reported in the New York Times, HHS farmed these children out to unvetted sponsors. Today, HHS has reported that it has lost touch with over 300,000 unaccompanied children.

>>> [Rural American Towns Like Logansport, Indiana, Struggle Due to Influx of Aliens](#)

Or consider that, from FY2021-FY2024, FEMA—an agency designed to help American citizens suffering from natural disasters—received \$2.2 billion for shelter and other services for inadmissible aliens.

The above \$55 billion dollars are only a subset of the unknown total spent on Biden-Harris’ open border agenda. There are countless other examples. Numerous

other programmes, agencies, and funds contributed money to the administration's opaque open borders operations. To put it simply, the Biden-Harris administration has been awash in money and used it to achieve terrible results for America.

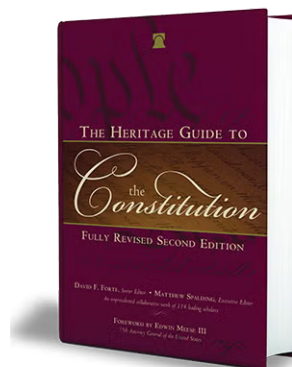
States and localities have also paid dearly to provide shelter, food, medical care, public education, and welfare for the millions who unlawfully entered the US these past four years. New York City has spent over \$5.5 billion during this crisis. Massachusetts has already spent \$1 billion on housing illegal aliens and is expected to pay another \$1.8 billion through 2026. Denver spent \$340 million over 18 months.

These numbers are repeated across the country. And each year these millions of inadmissible aliens stay in the U.S., these costs multiply. Of course, the value of American lives lost to fentanyl poisoning, criminal aliens, and gang members let into the country cannot be quantified.

As President Trump's team fulfils his promise to the American people in the coming days and months, the open-borders Left will make every argument it can to stop them. But in every case, those arguments will fail. Mass deportation is fiscally responsible, morally just, and politically popular. It is time to give the American people what they want and deserve.

This piece originally appeared in The Telegraph

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Do Americans support Trump's mass deportations?

It depends on how polls ask the question.

By [Nathaniel Rakich](#) **538**

January 29, 2025, 10:45 AM



What Americans think about Trump's plans | 538 Politics Podcast What do Americans want from Trump's second term? The crew delves into this question, exploring thermostat public opinion and Trump's strategy of testing the waters on key issues.

Immigration and Customs Enforcement via Reuters

Immigration was one of the top issues that propelled President Donald Trump to the White House in last year's election. Polls showed that [voters trusted Republicans more than Democrats to handle the issue](#), which they consistently ranked as [one of their top concerns](#). And of the [many executive actions](#) that Trump took during his first week in office, the ones cracking down on immigration [were the most popular](#).

This week, Trump started making good on one of his highest-profile and most controversial immigration promises: [deporting millions of immigrants from the U.S.](#) Since Sunday, [U.S. Immigration and Customs Enforcement has arrested thousands of people](#) in Chicago, New York City and elsewhere. At first blush, [Americans seem to approve of deporting undocumented](#)

immigrants, too. But if you dig deeper into the polling, it turns out that support for mass deportations varies a lot depending on how the question is asked, making it tricky to assess how Americans really feel about what Trump is doing — and how they will react to it.

This month, three polls have asked Americans what they think about mass deportations using several different question wordings. While all three found that Americans supported deporting undocumented immigrants in general, support typically plummeted when the question included details of how they would be detained or who would be impacted. The only specific policy that seems to be popular is deporting immigrants who have been convicted of a crime.

For example, a Jan. 9-13 poll from the Associated Press/NORC Center for Public Affairs Research found that American adults favor "deporting all immigrants living in the United States illegally" by 6 percentage points (43 percent to 37 percent). But when the poll asked about "deporting all immigrants living in the United States illegally, even if that means they will be separated from their children who are citizens," respondents opposed it by 27 points (28 percent to 55 percent). Americans also told the AP/NORC that they opposed arresting undocumented immigrants while they are in the hospital by 25 points, while they are at church by 37 points and while they are at school by 46 points.

Question wording greatly affects support for deportations

Support for deporting immigrants under various circumstances, according to a Jan. 9-13 Associated Press/NORC Center for Public Affairs Research poll

POLICY	SUPPORT	OPPOSE	NET
Deporting all immigrants living in the United States illegally	43%	37%	+6
Deporting all immigrants living in the United States illegally, even if that means they will be separated from their children who are citizens	28%	55%	-27
Separating children from their parents when the parents are detained for entering the country illegally	17%	64%	-47
Arresting people who are in the country illegally while they are in the hospital	27%	52%	-25
Arresting children who are in the country illegally while they are at school	18%	64%	-46
Arresting people who are in the country illegally while they are at church	20%	57%	-37
Deporting all immigrants living in the United States illegally who have been convicted of a violent crime	82%	6%	+76
Deporting all immigrants living in the United States legally who have been convicted of a violent crime	68%	16%	+52
Deporting all immigrants living in the United States illegally who have not been convicted of a violent crime	37%	44%	-7

But one policy had near-unanimous support (+76 points, on net) in the AP/NORC poll: **deporting undocumented immigrants who have been convicted of a violent crime**. Americans even favored deporting **legal immigrants who have been convicted of a violent crime by 52 points**. But when the pollster asked about deporting immigrants who are in the country illegally who have *not* been convicted of a violent crime, Americans were marginally opposed (by 7 points).

A [Fabrizio, Lee & Associates/GBAO poll conducted Jan. 9-14 for The Wall Street Journal](#) found a very similar pattern. When that survey simply asked if the U.S. should **"detain and deport millions of undocumented immigrants,"** 52 percent of registered voters were strongly or somewhat in favor, while 45 percent were strongly or somewhat opposed. But it found much higher support (+52 points, on net) for detaining and deporting **"only undocumented immigrants who have been convicted of a crime."** Meanwhile, registered voters opposed detaining and deporting immigrants **"even if they have lived in the U.S. for 10 or more years, pay taxes on earnings, and have no criminal record"** by 44 points.

Convictions are the biggest factor in deportation support

Support for deporting immigrants under various circumstances, according to a Jan. 9-14 Fabrizio, Lee & Associates/GBAO/Wall Street Journal poll

POLICY	SUPPORT	OPPOSE	NET
Detain and deport millions of undocumented immigrants	52%	45%	+7
Detain and deport millions of undocumented immigrants even if it means businesses will face worker shortages	46%	51%	−5
Detain and deport only undocumented immigrants who have been convicted of a crime	74%	22%	+52
Detain and deport undocumented immigrants even if they have lived in the U.S. for 10 or more years, pay taxes on earnings, and have no criminal record	26%	70%	−44
Detain and deport undocumented immigrants even if they have children that were born here and are American citizens	38%	57%	−19

This poll likewise found that Americans get cold feet about deportations when families are at risk of being separated. When asked if the U.S. should "detain and deport undocumented immigrants even if they have children that were born here and are American citizens," registered voters said no by 19 points. Additionally, registered voters opposed detaining and deporting undocumented immigrants "even if it means businesses will face worker shortages," albeit by only 5 points — suggesting fewer Americans are moved by this argument.

Finally, an [Ipsos/Axios survey from Jan. 10-12](#) found even stronger support than the other two polls for deporting undocumented immigrants in general, but every other deportation policy

they asked about was underwater. For instance, according to this poll, Americans supported "deporting immigrants who are in the country illegally" by 34 points — but they opposed "quickly deporting detained immigrants, even if it involves separating families or sending people to countries other than their country of origin" by 28 points. The survey also found that Americans opposed "deporting immigrants that came to the U.S. illegally as children" by 29 points.

Separating families, using the military are unpopular

Support for deporting immigrants under various circumstances, according to a Jan. 10-12 Ipsos/Axios poll

POLICY	SUPPORT	OPPOSE	NET
Deporting immigrants who are in the country illegally	66%	32%	+34
Deporting immigrants who are in the country legally	11%	87%	-76
Using money allocated to the U.S. military to pay for deportation	28%	69%	-41
Using active duty military to find and detain undocumented immigrants in U.S. cities and towns	38%	59%	-21
Quickly deporting detained immigrants, even if it involves separating families or sending people to countries other than their country of origin	34%	62%	-28
Deporting immigrants that came to the U.S. illegally as children	34%	63%	-29

The poll also found Americans staunchly against using the military to conduct immigration raids. They opposed "using active duty military to find and detain undocumented immigrants in U.S. cities and towns" by 21 points and "using money allocated to the U.S. military to pay for deportation" by 41 points. (So far, this hasn't happened, as the raids have been conducted by ICE, which is part of the Department of Homeland Security.)

If Trump wants to stay on the right side of public opinion while keeping his campaign promise to deport immigrants, it's clear what he has to do: deport only those who are convicted of crimes. But the administration could struggle to stick to that narrow mandate given the [quotas they have reportedly issued to ICE](#) (1,200-1,500 arrests per day). Already, there are reports that ICE has [arrested undocumented immigrants with no criminal record](#) and that the raids are [separating families](#). If stories like these become the public image of Trump's deportation efforts, he could soon find that immigration is no longer a political strength for him.

Related Topics

Mass arrests in nationwide US immigration crackdown

27 January 2025

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Watch: Chicago homes and Colorado nightclub raided in immigration crackdown

A nationwide immigration crackdown on Sunday **resulted in the arrest of 956 people**, the **most since Donald Trump returned to power**, according to Immigration and Customs Enforcement (ICE).

A number of federal agencies with newly expanded detention powers were involved in the raids in a number of cities including Chicago, Newark and Miami.

Trump came to power after making mass deportations of undocumented immigrants a central campaign promise.

His predecessor **Joe Biden carried out an average of 311 immigration deportations daily, according to ICE**, mostly individuals who had committed crimes.

Since taking office, **Trump has carried out 21 executive actions to overhaul the US immigration system.**

- Six big immigration changes under Trump - and their impact so far

Tom Homan, Trump's border czar, was in Chicago to oversee the operation there but his federal crackdown has made Democratic leaders unhappy.

Chicago Mayor Brandon Johnson acknowledged the ICE enforcement activity, saying Chicago police were not involved and reminding residents to know their rights.

In Miami on Sunday, federal law enforcement agencies conducted several "immigration enforcement actions," the city's Homeland Security Investigation said on social media.

This included ICE's local office Miami detaining undocumented migrants on various offences.

An unnamed man told **CBS News**, the BBC's US news partner, **that ICE took his wife during on the Miami raids this weekend.**

"It's despicable what they're doing right now," he told CBS. "It's very embarrassing."

- 1,500 active-duty troops headed to US-Mexico border



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Last week, Newark Mayor Ras Baraka said **undocumented residents and citizens - including one military veteran - were detained without a warrant during an ICE raid of a local business.**

"Newark will not stand by idly while people are being unlawfully terrorised," Baraka said.

Immigration advocates have warned that during ICE raids other people, including citizens, could get caught in the cross-fire.

Meanwhile, Homan has repeatedly said that **undocumented people caught up in raids of criminals who are without documentation, will be deported too.**

On Sunday, in an interview with ABC News, Homan said he expected **arrest and deportation numbers to "steadily increase,"** and said the focus right now was **"public safety threats, national security threats".**

The 956 reported arrests on Sunday follow 286 arrests on Saturday, 593 arrests on Friday and 538 arrests on Thursday.

During Joe Biden's four years in office he carried out **1.5 million deportations, according to figures by the Migration Policy Institute.** Those numbers mirror the **deportation numbers in Trump's first term.**

TRUMP'S INAUGURATION



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- VOTERS: 10 Americans give their verdict on week one
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Trump signs order freezing aid to South Africa over land law

MASS DEPORTATIONS VIOLATE U.S. AND INTERNATIONAL LAW



President Donald Trump...credit: Fulton County Sheriff's Department

Mass deportations violate U.S. and international law.
They're also crimes against humanity.

By Dr. Gregory H Stanton
Founding President
Genocide Watch

President Trump's order to arrest and deport millions of undocumented immigrants, including hundreds of thousands of refugees, **violates US obligations under the 1967 Protocol on the Status of Refugees. The US Senate ratified that treaty unanimously in 1968.** 147 nations are States Parties to the treaty.

The US adopted the Refugee Protocol into US law in the **United States Refugee Act of 1980**, passed unanimously by the Senate and signed by President Jimmy Carter, who noted, **"The Refugee Act reflects our long tradition as a haven for people uprooted by persecution and political turmoil."**

The 1967 Protocol and the 1951 Convention on the Status of Refugees

Article 1 defines "refugee" as **any person who is outside the country of his or her nationality owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion**, and who is unable or, owing to such fear is unwilling to return to his or her country.

Refugees seeking asylum who cross borders illegally are not to be considered criminals. Article 31 says states shall not **impose penalties, on account of their illegal entry or presence**, on refugees coming from a territory where their life or freedom was threatened. **They must promptly present themselves to the authorities and show good cause for their illegal entry or presence.**

Article 33, the heart of the Refugee Convention, says: "No **Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened** on account of his race, religion, nationality, membership of a particular social group or political opinion."

Convicted criminals are not eligible to be protected as refugees. Article 1 F denies refugee status to anyone against whom there is evidence of a war crime, crime against humanity, or a serious non-political crime.

However, **Article 32** holds that States Parties **shall not expel a refugee from their territory except in pursuance of a decision reached in accordance with due process of law.** Massive ICE roundups and forced deportations without trials fall far short of that standard.

Refugees who have sought asylum are lawfully present in the US under both US and international law. They are not criminals for entering without visas. So, too, are persons granted Temporary Protected Status (TPS) by Presidential Order. Venezuelans, Haitians, Cubans, Salvadorans, and others fleeing dictatorships or countries controlled by criminal gangs were granted protected status by President Biden.

The US might **invoke Article 9** and **claim that the smuggling of fentanyl by undocumented migrants is a grave and exceptional circumstance that threatens US national security and requires their expulsion.**

The fatal flaw in this rationale is that many of the people being deported are already in the US and pose no more threat to national security than ordinary American citizens. Two-thirds of undocumented immigrants in the US have lived in the US for ten years or more.

Countries expected to resettle deportees are not legally obligated to accept the return of their citizens. They may invoke **Article 4** of the Refugee Protocol and dispute any US “national security” claim in the International Court of Justice.

Refugee Protocol **Article 9** requires a State Party to give one year’s notice to the UN Secretary-General to withdraw from (denounce) the Protocol before the denunciation takes effect.

Mass deportations are crimes against humanity.

At Nuremberg, Nazi leaders were tried for crimes against humanity that included forced deportations of Jews. Today, forced deportations are outlawed by many decisions of the International Criminal Tribunal for the Former Yugoslavia.

In 2002, the International Criminal Court became a permanent world tribunal to try such crimes.

The Rome Statute of the International Criminal Court **Article (7(1)(d))** makes deportation or forcible transfer of a population a crime against humanity.

The Rome Statute defines deportation as “forced displacement of the persons concerned by expulsion or other coercive acts from the area where they are lawfully present, without grounds permitted under international law.”

The US is not a State Party to the Rome Statute. The ICC cannot try US citizens unless they commit a crime against a citizen or on the territory of a country that is a State Party to the ICC.

125 nations are States Parties to the ICC Statute. If the US deports a citizen of El Salvador, the Dominican Republic, Ecuador, Colombia, Guatemala, Afghanistan, Brazil, Bosnia, DR Congo, Nigeria, Ukraine or 114 other ICC States Parties, those countries could ask the ICC Prosecutor to bring charges against a US official who participated in the deportation of their citizens.

There is no immunity in the ICC for crimes against humanity committed by heads of state or government officials. Though it is politically unlikely, even President Trump himself could be charged for these mass deportations and put on trial.

President Trump has now rescinded Temporary Protected Status for Venezuelans and wants to deport 600,000 Venezuelans back into the tyranny run by the Marxist dictator Maduro of Venezuela. President Trump’s Proclamation revoking their Temporary Protected Status was arbitrary and capricious. The ACLU filed a lawsuit February 3 to vacate Trump’s Proclamation. The US Supreme Court should block these deportations because they violate both US and international law.

Universal Jurisdiction

Crimes against humanity, like genocide, torture, and war crimes, are crimes of universal jurisdiction. Like piracy, they can be prosecuted no matter where the crime was committed and regardless of the defendant's nationality. Such crimes constitute peremptory norms (*jus cogens*) and violate duties owed to all of humanity (*erga omnes*.)

Fifteen countries enforce universal jurisdiction in their courts: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Israel, Mexico, Netherlands, Senegal, Spain, Switzerland, and the United Kingdom. The US has universal jurisdiction for torture and genocide.

US officials who order or carry out mass deportations are committing crimes against humanity. In the future, they may travel for business or vacation. If they travel to a country with universal jurisdiction, their identities are verified, and evidence is prepared against them, they could be arrested and charged as soon as they step off their flights in Paris, Barcelona, Mexico City, or Copenhagen. They could be put on trial there for crimes against humanity. It would not be an auspicious way to begin a vacation.

Dr. Gregory H. Stanton is the Founding President of Genocide Watch and the Alliance Against Genocide. He founded the Cambodian Genocide Project. He was a Professor in Genocide Studies at George Mason University and was the James Farmer Professor in Human Rights at the University of Mary Washington. He was a law professor at Washington and Lee University. He wrote the UN Resolutions in the State Department that established the International Criminal Tribunal for Rwanda. He wrote the rules of the Khmer Rouge Tribunal. He holds degrees from Oberlin, Harvard Divinity School, Yale Law School, and a Ph.D. from the University of Chicago.

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Mass deportations violate international law bypdf

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The Fiscal Burden of Illegal Immigration on United States Taxpayers | 2023 Cost Study

March 8, 2023

Report by FAIR Research | March 2023

The following is a summary of our cost study findings. To access our full report, including state-specific information, [click here](#)

Key Highlights

- At the start of 2023, the net cost of illegal immigration for the United States – at the federal, state, and local levels – was **at least \$150.7 billion**.
- FAIR arrived at this number by **subtracting the tax revenue paid by illegal aliens** – just under **\$32 billion** – from the gross **negative economic impact** of illegal immigration, **\$182 billion**.
- In 2017, the estimated net cost of illegal migration was approximately **\$116 billion**. In just 5 years, the cost to Americans has **increased** by nearly **\$35 billion**.
- Illegal immigration **costs each American taxpayer \$1,156 per year** (\$957 after factoring in taxes paid by illegal aliens).
- Each **illegal alien or U.S.-born child** of illegal aliens **costs the U.S. \$8,776 annually**.
- Evidence shows that **tax payments by illegal aliens** cover only around **a sixth of the costs they create** at all levels in this country.
- A **large percentage of illegal aliens** who work in the **underground economy** frequently **avoid paying any income tax** at all.
- Many **illegal aliens** actually **receive a net cash profit** through **refundable tax credit** programs.

Introduction

This cost study report is currently the only comprehensive examination of the financial impact of illegal immigration in the United States. Every day, hundreds of millions of dollars in American

taxpayer money are spent on costs directly associated with illegal immigration. Only a **small fraction of these costs is ever recouped from taxes** paid by illegal aliens, with the rest falling on the shoulders of American citizens and legal immigrants.

Our aim in this report is to show the American people the **fiscal burden of illegal immigration** at every level and across nearly all aspects of life. These costs range from **emergency medical care to in-state tuition**; from **incarcerating illegal aliens in local jails to federal budgets** that pay out **billions in welfare every year**. Because there are **so many different ways that money is spent on illegal aliens** at both the state and local levels, the information in our report is otherwise hard to find (or even intentionally hidden). This report supersedes FAIR's 2017 cost study and highlights **massive increases in spending related to illegal immigration** that were implemented while American citizens deal with an uncertain economy.

The Number of Illegal Immigrants in the US

Estimating the fiscal burden of illegal immigration on the U.S. taxpayer depends on the size and characteristics of the illegal alien population. FAIR defines **"illegal alien"** as **anyone who entered the United States without authorization or anyone who unlawfully remains once his/her authorization has expired**. Unfortunately, the U.S. government has no central database containing information on the citizenship status of everyone lawfully present in the United States.

The overall problem of estimating the illegal alien population is further complicated by the fact that the **majority of available sources on immigration status** rely on **self-reported data**. Given that illegal aliens have a motive to lie about their immigration status in order to avoid discovery, the **accuracy of these statistics is dubious at best**. All of the foregoing issues make it **very difficult** to assess the **current illegal alien population** of the United States.

However, FAIR now estimates that there were at least **15.5 million illegal alien residents** as of the **beginning of 2022**. This estimate takes into account drastic, ongoing increases in illegal immigration under the Biden administration. This estimate also **includes some categories of individuals without legal status**, like **DACA recipients** and **parolees**, who are illegal aliens under law but misleadingly **excluded from many estimates**. For more information on how we reached this figure, refer to the FAIR study "How Many Illegal Aliens Live in the United States?"

The Cost of Illegal Immigration to the United States

At the federal, state, and local levels, taxpayers shell out **approximately \$182 billion to cover the costs incurred from the presence of more than 15.5 million illegal aliens**, and about **5.4 million citizen children of illegal aliens**. That amounts to a cost burden of approximately **\$8,776 per illegal alien/citizen child**. The burden of illegal immigration on U.S. taxpayers is both **staggering and crippling**, with the gross cost **per taxpayer** at **\$1,156 every year**.

Illegal aliens only contribute roughly **\$32 billion in taxes at the state, local, and federal levels**. This means that the net fiscal cost of illegal immigration to taxpayers totals approximately **\$150.7 billion**.

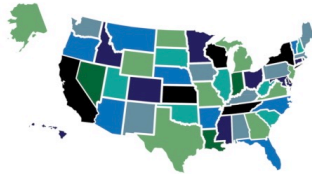
In 2017, FAIR estimated the net cost of illegal immigration at approximately \$116 billion. This means that in just 5 years, the cost of illegal immigration has increased by nearly \$35 billion. This rapid increase is a consequence of the ongoing border crisis and a lack of effective immigration

enforcement. The sections below further break down and explain these numbers at the federal, state, and local levels.

Total Governmental Expenditures on Illegal Aliens



+



=



Total Federal Expenditures
\$66,449,136,000

Total State & Local Expenditures
\$115,608,730,000

Total National Expenditures
\$182,057,865,000

Total Tax Contributions by Illegal Aliens



+



=



Total Federal Taxes Paid
\$16,219,495,000

Total State & Local Taxes Paid
\$15,172,140,000

Total Tax Contributions
\$31,391,635,000

Total Economic Impact of Illegal Immigration



-



=

**\$150.7
BILLION**

Total National Expenditures
\$182,057,865,000

Total Tax Contributions
\$31,391,635,000

Total Burden on Taxpayers
\$150,666,230,000

Federal



Federal Spending

The approximately **\$66.4 billion in federal expenditures** attributable to illegal aliens is staggering, and constitutes an **increase of 45 percent since 2017**. This amounts to roughly **\$3,187 per illegal alien, per year**.

FAIR believes that every concerned American citizen should be asking our government why, **in a time of increasing costs and shrinking resources**, it is spending such **large amounts of money** on **individuals who are not authorized to be in the United States**. This is an especially important question in view of the fact that the taxes paid by illegal aliens offset very little of the enormous costs stemming from their presence in the country.

Federal Education — \$6.6 Billion



Total Federal Medical Expenditures — \$23.1 Billion



Total Federal Justice Enforcement Expenditures — \$25.1 Billion



Total Federal Welfare Programs — \$11.6 Billion



Total Overall Federal Expenditures — \$66.5 Billion



Federal Taxes

Taxes collected from illegal aliens help offset fiscal outlays and therefore **must be included** in any examination of the cost of illegal immigration. However, illegal alien advocates frequently cite the **alleged large tax payments** made by illegal aliens as a **justification for their unlawful presence** and as a reason itself to grant them amnesty. That argument is nothing more than **a red herring**. Such claims **rarely look at the costs associated with illegal immigration**, and instead only focus on the amounts contributed to the economy and paid in taxes.

Most studies **grossly overestimate both** the **taxes** actually collected from illegal aliens and, more importantly, the **net amount of taxes actually paid by them** (i.e., the amount of money collected from illegal aliens and ultimately kept by the federal government). A predominant reason for this is that in recent years, the **United States** has **focused** on **apprehending and removing almost solely criminal aliens** (and since President Biden took office, many criminal aliens are now protected from deportation as well). Because of this, the majority of illegal aliens seeking employment in the United States now live in an environment where they have little fear of deportation even if discovered.

Federal Tax Receipts from Illegal Aliens — \$24.6 Billion



Net Federal Impact of Illegal Aliens — \$50.2 Billion



State and Local



The **total fiscal burden** of illegal immigration on **state taxpayers** has now reached a staggering **\$115.6 billion**, which is **30 percent more than it was in 2017**. The primary reasons for this, aside from a rapid increase in the illegal alien population, are that **a number of states have opted to expand access to state welfare, education, and medical programs to illegal aliens**. These expansions have led to taxpayers paying tens of billions in additional funding to cover these costs.

Concerningly, as will be seen in the following section, the taxes paid by illegal aliens to state and local governments fall far short of making up for the numerous additional state-funded benefits they are receiving. Moreover, with many states set to begin offering even more benefits to illegal aliens, as mentioned previously, these costs are only expected to increase even further.

State and Local Spending

State Educational Expenditures — \$73.3 Billion



State Medical Expenditures — \$18.6 Billion



State Administration of Justice Expenditures — \$21.8 Billion



State Welfare Expenditures — \$2 Billion



State and Local Expenditures — \$115.6 Billion



State and Local Taxes Collected

As with federal costs, **state and local costs are offset** — to some degree — by the **taxes illegal aliens pay**. As noted in the Federal taxes portion of this section, **proponents of illegal immigration argue that the taxes paid by illegal aliens result in a net boon to state and local coffers**. However, this is a spurious argument. Evidence shows that the tax payments made by illegal aliens fall far short of covering the costs of the services they consume.

It is also important to note that **calling illegal alien tax payments a net receipt is a mischaracterization**. The **overall wage depression inflicted on local labor markets** by the presence of **large numbers of illegal aliens** willing to work for less than market rates has far-reaching fiscal implications that are **often not quantified on average balance sheets**. Low-wage workers **generally access more government benefits than higher-paid employees**. Furthermore, illegal aliens also tend to **remit large portions of their earnings back to their home countries**, and thus **less money is incorporated back into local economies** and **less is paid in local sales and excise taxes**. However, because this study looks at the fiscal impacts of illegal immigration, and tax collections are a fiscal offset, we do our best to estimate how much of the fiscal costs borne by taxpayers are reduced by taxes paid by illegal aliens.

Illegal aliens are not typical taxpayers. First, the large percentage of illegal aliens who work in the underground economy avoid paying any income tax at all. Those that do work in the formal economy often receive back more than they pay to the federal government through refundable tax credit programs. Finally, the average earnings of illegal alien households are considerably lower than earnings of legal aliens and native-born workers, thus they typically fall into the lowest tax brackets.

State Taxes Collected — \$15.2 Billion



Net State Impact — \$100.4 Billion



Combined Federal State Cost Tables

Federal and State Fiscal Outlays — \$182 Billion



Federal and State Tax Contributions — \$31.4 Billion



Net Cost of Illegal Immigration — \$150.7 Billion



Cost of Illegal Immigration by State (PDFs)



Notes About this Report

The relationship between immigration and national security


Ali Noorani, President and CEO of National Immigration Forum, and Elizabeth Neumann, former Homeland Security official, argue that the current immigration system undermines national security.



This article was originally published by Stand Together Trust.

Two groups dominate the immigration-policy debate in the United States: those who see immigration as a threat, and those who see it as a humanitarian imperative. Lost in

the discussion are those calling for a sober assessment of the national-security implications of immigration policy.

The National Immigration Forum (Forum) recently launched a new initiative focused on this area, the **Council on National Security and Immigration**  , seeking to bring center-right national-security voices to the debate.

Forum's argument is simple yet cross-cutting: **The current immigration system actually undermines national security**, and a more efficient and effective approach would **improve both our immigration** system and our **national security**. What follows is an edited conversation with Ali Noorani, President and CEO of National Immigration Forum, and Elizabeth Neumann, former Homeland Security official in the Trump Administration and current member of Forum's Council on National Security and Immigration.



Elizabeth Neumann, former Homeland Security official in the Trump Administration and current member of the National Immigration Forum's Council on National Security and Immigration



Ali Noorani, President and CEO of National Immigration Forum

Stand Together Trust: What is the focus and mission of National Immigration Forum?

Noorani: Our mission is to advocate for the value of immigrants and immigration to the nation. The DNA of the organization is coalition building. Over the last several years, we have paid particular attention to engaging center-right, faith, national-security, law-enforcement, and business leaders.

Stand Together Trust: You recently started a Council on National Security and Immigration.

Noorani: We thought the immigration discussion writ large was lacking center-right national-security experts speaking in a constructive way to the needs for immigration reform.

Neumann: There's a lot of misinformation out there about immigration and national security. I **do not believe** that we need to **reduce** or **stop immigration** for national-security reasons. **In fact, being an open and welcoming society will strengthen national security.**

With this initiative, we aim to counteract the narrative that has started to dominate the right — an isolationist, nationalist picture of what the country needs to be.

Stand Together Trust: What does this look like in practice?

Neumann: We bring experienced national-security voices to the table to explain why **immigration and security are complementary**. We think that the federal government can direct resources toward **pressing 21st century threats** and **proactively address vulnerabilities** in our **outdated immigration system**. The longer the government goes without addressing the outdated system, the harder it is for agencies to do their jobs.

For example, **the backlog of asylum cases is huge** — over 1 million. The ability to request asylum is a **legal right** under international treaty — if somebody makes a claim of credible fear, they **have to be processed** through the **asylum system**. A large percentage of people that present and get adjudicated are determined to **not be eligible for asylum**. The **bar is pretty high** to meet the test. From start to finish the process can take a **minimum of three and up to seven years**, in large part because of the **lack of resources**: not enough asylum judges and case officers.

Consider the propaganda the cartels are messaging in Central America: There are opportunities in the U.S., we can get you in, we'll teach you what to say, and it'll be five to seven years before your claim is heard. That's a lot of time to live in the United States.

You can **more than make up the money that you paid the cartel to get you in**, and maybe you're in that small percentage that is granted asylum. And so people take a chance. And it's a **very dangerous chance**, because the **cartels are violent and abuse people on the journey**. They **don't care if you make** it as long as they **get their money**. You're taking a sizable risk.

The situation in Central America is dire. People are **facing economic hardship, gang violence, and natural disasters**. Coming to the United States and claiming asylum seems like a very plausible solution to a very desperate situation. If we could **hire more judges and asylum officers** and reduce that **million-plus backlog**, we could get people answers quickly. And that's **good for those that truly need asylum**. And if you **know you're not eligible**, and the **U.S. will process your claim in months**, you might **not be willing** to spend thousands of dollars to a cartel and take that risk.

Noorani: The role of the council is to equip center-right, national-security experts so they have the tools and data and policy background they need to feel comfortable making these cases, whether to policymakers or to the public. There are a lot of people who come to this issue as national-security experts but not as immigration experts. So we're trying to build that knowledge base.

Neumann: The last time the law was updated was in the 1980s. And since then, lots of court orders have been laid on top of the system. **The system doesn't make a lot of sense if your goal is to promote both economic and national security.**

Part of the problem is that **immigration gets used as a political tool** — to raise money, to try to get votes — instead of addressed as a serious issue that needs good governing.

Stand Together Trust: Are you focused on specific kinds of immigration or all kinds?

Noorani: The council has not zeroed in on one issue to the exclusion of other issues that may come up.

Neumann: That's right.

I will say that what we're seeing on the southern border is of heartbreaking concern. Many unaccompanied children are arriving, and the infrastructure is not there to care for them. We know that the Biden administration is working as hard as they can to build up that infrastructure. But part of the solution is recognizing the root causes that drive people out of Central America.

The number of **displaced persons around the world is increasing**. We're close to **80 million people**. And what we are seeing worldwide is likely to continue. We have

to figure out how we help people when they're displaced. These populations are susceptible to recruitment into human trafficking, gangs, and terrorism. That is the long-term security concern we need to be cognizant of. My hope is that our immigration policies send a signal to the rest of the world about how we perceive and care for those who are vulnerable.

Stand Together Trust: Are you emphasizing that immigration does not threaten national security, or that immigration positively enhances national security?

Neumann: Both, really.

Remember that Trump began running for President shortly after a number of tragic moments. There was the Christmas Day underwear bomber on a plane in 2009, the Boston Marathon bombing in 2013, and other foiled plots. And there was this sense that our screening and vetting is weak; we're letting people in we shouldn't. So the Trump Administration saw this problem, and started implementing executive orders that slowed down the process, targeting the refugee community in particular.

Do we need enhanced vetting? Yes. And is there more to be done? Absolutely. Are we pretty good at it, compared to where we were 10 years ago? We are amazingly good at it. I think we even overcorrected, and we're probably at a point where we need to recalibrate how we determine who goes on a watch list.

Refugees are the most vetted group that comes to the United States. The procedures for vetting them are very well run. The problem is it takes too long to process people. I was in Egypt in 2018, and they were processing people that had applied for refugee status back in 2010. That's too long for people who are displaced. Keeping people in limbo like that creates vulnerability factors that allow them to be susceptible to getting trafficked or recruited into a gang or terrorism. By delaying applicants' processing, you create a national-security problem.

When immigrants come to the United States, whether it's refugees or other types of immigrants and student visas, the data shows they add economic benefit and strengthen our communities.

Noorani: The Forum has pulled together quite a bit of [research](#) on the fiscal and economic impact of immigrants. Suffice it to say that all immigrants, regardless of status, contribute substantially to all levels of society.

Stand Together Trust: How has the wider immigration-reform community responded to your effort?

Neumann: There's always a novelty when a Trump official comes out against something that is associated with Trump. And we have a handful of former Trump officials that are part of this group, along with former Bush officials and a member of Congress. The hardest part about being a moderate in this debate is that the media is interested in the loud voices, the outrage. It's hard to focus the conversation on what we should do. Perhaps the answer is to have these conversations at the negotiating table, not in the media.

Noorani: The movement writ large has seen the Council as a net plus. This is a set of experts and expertise that was missing previously. Their expertise and influence helps shape the debate in a very constructive way.

Stand Together Trust: It sounds like lots of opportunity lies ahead.

Neumann: I'm very grateful that STT has invested in this; there are few groups out there interested in reasoned, moderate approaches.

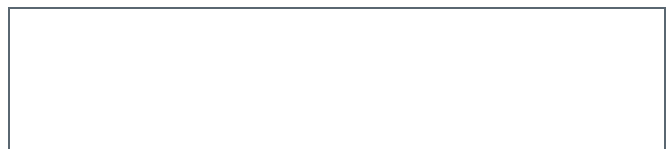
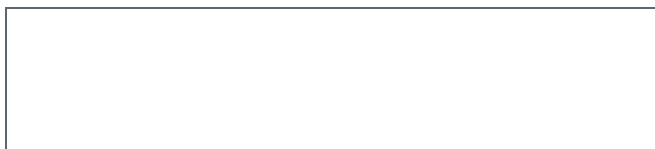
Noorani: We've drawn on the experience of the Institute across a range of issues. It was a real pleasure to work with STT staff to identify the gaps in our strategy, and then get the help to launch big, important efforts.

The National Immigration Forum is supported by [Stand Together Trust](#), which provides funding and strategic capabilities to innovators, scholars, and social entrepreneurs to develop new and better ways to tackle America's biggest problems.

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EXCLUSIVE

IMMIGRATION

Trump says there's 'no price tag' for his mass deportation plan

In an exclusive interview with NBC News, Trump talked about his campaign promise to carry out the largest deportation of immigrants in U.S. history, regardless of cost.



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Nov. 7, 2024, 2:50 PM EST

By Kristen Welker and Alexandra Marquez

President-elect Donald Trump told NBC News on Thursday that one of his first priorities upon taking office in January would be to make the border “strong and powerful.” When questioned about his campaign promise of [mass deportations](#), Trump said his administration would have “no choice” but to carry them out.

Trump said he considers [his sweeping victory](#) over [Vice President Kamala Harris](#) a mandate “to bring common sense” to the country.

"We obviously have to make the border strong and powerful and, and we have to – at the same time, **we want people to come into our country,**" he said. "And you know, I'm not somebody that says, **'No, you can't come in.'** **We want people to come in.**"

As a candidate, Trump had repeatedly vowed to carry out the **"largest deportation effort in American history."** Asked about the cost of his plan, he said, **"It's not a question of a price tag. It's not – really, we have no choice. When people have killed and murdered, when drug lords have destroyed countries, and now they're going to go back to those countries because they're not staying here. There is no price tag."**

It's unclear how many undocumented immigrants there are in the U.S., but acting ICE Director Patrick J. Lechleitner **told NBC News** in July that a **mass deportation effort would be a huge logistical and financial challenge**. Two former Trump administration officials involved in immigration during his first term told NBC News that the effort would require cooperation among a number of federal agencies, including the Justice Department and the Pentagon.

Trump's win included record gains among Latino voters, who Democrats had tried to capture by pointing to **Trump's rhetoric on immigrants** and a pro-Trump comedian's **racist joke about Puerto Rico**.

In Thursday's phone interview, he partially credited his message on immigration as a reason he won the race, saying, "They want to have borders, and they like people coming in, but they have to come in with love for the country. They have to come in legally."

Trump also noted the diverse coalition of voters he attracted, **pointing to gains he made among Latino voters, young voters, women and Asian American voters from 2020**.

"I started to see realignment could happen because the **Democrats are not in line with the thinking of the country,**" the president-elect said. "You can't have defund the police, these kind of things. They don't want to give up and they don't work, and the people understand that."

Trump also spoke about his phone calls with Harris and President Joe Biden since the election.

"Very nice calls, very respectful both ways," Trump said, describing the conversations, adding that Harris "talked about transition, and she said she'd like it to be smooth as can be, which I agree with, of course."

In her concession speech **at Howard University on Wednesday**, Harris said she told Trump, "We will help him and his team with their transition and that we will engage in a peaceful transfer of power."

Biden, [addressing the nation](#) in remarks from the White House on Thursday morning, urged voters to "accept the choice the country made" in re-electing Trump.

Trump also said that he and Biden on the phone agreed to have lunch together "very shortly."

He also said he's spoken to "probably" 70 world leaders since Wednesday morning, including Israeli Prime Minister Benjamin Netanyahu, which the president-elect described as "a very good talk."

Trump also said that he spoken with Ukrainian President Volodymyr Zelenskyy, but didn't divulge details about that conversation.

He added that he had not yet spoken with Russian President Vladimir Putin, but "I think we'll speak."

Over the course of the campaign, Trump promised to end Russia's war with Ukraine if elected, saying in September that he would negotiate a deal "[that's good for both sides](#)."



Kristen Welker

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Alexandra Marquez

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Laura Strickler, Didi Martinez, Chloe Atkins and Julia Ainsley contributed.

INVESTIGATIONS

What we know about Trump's mass deportation plans and ICE raids

Here's what we know so far about ICE enforcement operations in the wake of several immigration-related executive orders Trump signed.

Trump's immigration crackdown begins first week back in office

01:49



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Jan. 21, 2025, 6:23 PM EST / Updated Jan. 22, 2025, 6:05 PM EST

By Julia Ainsley, Didi Martinez and Ken Dilanian

Two days after President Donald Trump signed a raft of executive orders cracking down on immigration, arrests by Immigration and Customs Enforcement officers appear to remain along the lines of “routine operations” and not part of a large scale raid in any one place, a source familiar with operations told NBC News.

Trump's designated border czar, Tom Homan, told Fox News on Wednesday that ICE had conducted 308 arrests across the country.

For comparison, in September of 2024, the latest month for which data is available, ICE arrested 282 migrants per day.

The source said the arrests targeted criminals, but could not say whether migrants without criminal convictions were arrested as "collateral arrests."

The actions come in the days after officials in major cities friendly to migrants, such as Chicago, Denver and Minneapolis, anticipated ICE major raids of immigrant communities.

The Department of Homeland Security said Tuesday it was ending a policy that restricted Immigration and Customs Enforcement agents' ability to arrest undocumented people at or near so-called sensitive locations, including houses of worship, schools and hospitals.

NBC News reported last month that the Trump administration would roll back the restriction, which had been in place since the Obama administration. It was continued during the first Trump administration and expanded by the Biden administration to include areas like domestic violence and disaster relief shelters. The restriction discouraged immigration actions from those areas without approval from supervisors in the interest of public safety.

"Criminals will no longer be able to hide in America's schools and churches to avoid arrest. The Trump Administration will not tie the hands of our brave law enforcement, and instead trusts them to use common sense," DHS said in a statement announcing the decision Tuesday.

Whether and how that will play out in major sanctuary cities like Chicago is yet to be seen.

What Trump's new immigration policies could mean for migrants

05:06



“It’s a lot of rhetoric designed to fear and terrorize people, especially immigrants,” said the Rev. Beth Brown of Lincoln Park Presbyterian Church in Chicago. “If they don’t have a signed judicial warrant, they still cannot enter church buildings or faith community buildings, because it’s not just churches – it’s all houses of worship.”

DHS also **officially reinstated** Migrant Protection Protocols, or what was commonly known as the **“Remain in Mexico” policy**, which had asylum-seekers **wait in Mexico until they were scheduled to appear before immigration judges in the United States.**

Mexican Foreign Minister **Juan Ramón de la Fuente said the United States made the decision** to reinstate Remain in Mexico “unilaterally” and that it was **not part of an agreement with Mexico.**

Mexican President Claudia Sheinbaum told reporters Tuesday that Mexico has its “own migratory policies” and will engage in future discussions with U.S. agencies about the matter.

Will there be ICE raids?

Trump’s border czar, **Tom Homan, told Fox News on Tuesday** that there would be **“targeted enforcement action,”** which is similar to what **ICE already does** throughout the country **every day.** NBC News asked Homan how those operations would be different.

"We have more people assigned to the mission," he said. He declined to say how many people had been assigned.

The [Justice Department issued a memo Tuesday](#) with a series of directives instructing Justice Department officials to significantly overhaul its approach to immigration enforcement and prioritize identifying illegal immigrants and prosecuting immigration violations.

The memo orders the FBI, DEA, ATF, the U.S. Marshals and the Bureau of Prisons to "review their files for identifying information and/or biometric data relating to non-citizens located illegally in the United States."

It also instructs officials to investigate for potential prosecution any state or local officials who resist the enforcement of federal immigration laws, and it directs the Civil Division to examine possible legal action against states or cities with laws barring officials from cooperating with immigration enforcement officers.

There is no precedent for prosecuting state or local officials who are deemed to have resisted federal immigration enforcement.

Where could they be?

While the Trump administration has not said where the first raids will take place, officials familiar with discussions about possible targets say they will be [arresting migrants in major metropolitan cities first](#). Some of the locations under consideration include the Washington, D.C., area, Denver, Los Angeles, Chicago and New York.

What's next for Trump's promises of mass deportation?

The Trump administration is sending [1,500 more troops to the southern border](#), including [helicopter crews](#) and [intelligence analysts](#), Acting Secretary of Defense Robert Salesses said in a statement Wednesday.

"This represents a [60 percent increase in active-duty ground forces](#) since President Trump was sworn in Monday," he said.

Salesses added that the department would be conducting a [military airlift to deport](#) more than [5,000 people detained](#) by Customs and Border Protection in [San Diego, Calif., and El Paso, Texas](#).

It is not clear **what parts of the government the troops will come from or what their aim will be**, according to a defense official and a senior White official.

Trump will most likely have to **secure more funding from Congress to make good on his promises for mass deportations**. He pledged in his inaugural address to deport “millions and millions” of immigrants back to their home countries. But **ICE is already short \$230 million** to fund its current level of deportations, which removed over 230,000 migrants last year.

In **his Day One executive orders**, **Trump declared a national emergency** and ordered the **military to help expand detention space** and **help transport** migrants to use Defense Department funding on deportations.



Julia Ainsley

Julia Ainsley is the homeland security correspondent for NBC News and covers the Department of Homeland Security for the NBC News Investigative Unit.



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SHARE

What we know about unauthorized immigrants living in the U.S.

BY JEFFREY S. PASSEL AND JENS MANUEL KROGSTAD

Note: A data release by the Census Bureau in December 2024 may affect estimates of the size of the unauthorized immigrant population in this blog post. [Read this box to learn more.](#)

The **unauthorized immigrant population in the United States grew to 11.0 million in 2022**, according to new Pew Research Center estimates based on the 2022 American Community Survey, the most recent year available. The increase **from 10.5 million in 2021** reversed a **long-term downward trend from 2007 to 2019**. This is the first sustained increase in the unauthorized immigrant population since the period from **2005 to 2007**.

However, the number of unauthorized immigrants living in the U.S. in 2022 was still **below the peak of 12.2 million in 2007**.

How we did this

Who are unauthorized immigrants?

These new estimates do not reflect events since mid-2022. The U.S. unauthorized immigrant population has likely grown over the past two years, based on several alternative data sources. For example, **encounters with migrants at U.S. borders reached record levels throughout 2022-23**, and the [number of applicants waiting for decisions on asylum claims](#) **increased by about 1 million by the end of 2023**.

In addition, through **December 2023, about 500,000 new immigrants were paroled into the country** through two federal programs – the Cuban, Haitian, Nicaraguan and Venezuelan (CHNV) program and Uniting for Ukraine (U4U). Groups like these have traditionally been considered part of the unauthorized immigrant population, but almost none of them appear in the 2022 estimates.

While these new arrivals probably increased the U.S. unauthorized immigrant population, it remains to be seen how much. New arrivals can’t simply be added to the existing estimate because some unauthorized immigrants leave the country every year, some die

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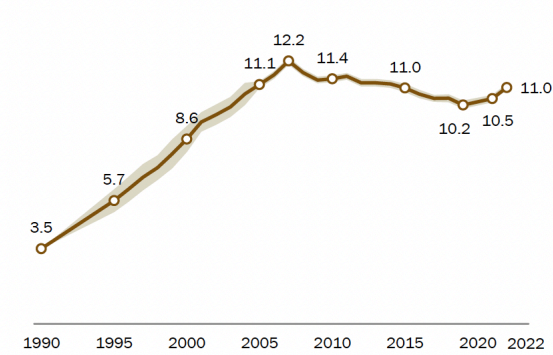
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and some gain lawful status. (For details, read “What has happened with unauthorized migration since July 2022?”)

The number of unauthorized immigrants in the U.S. grew from 2019 to 2022

Unauthorized immigrant population in the U.S., in millions



Note: Shading shows the range of the estimated 90% confidence interval. The data points labeled are 1990, 1995, 2000, 2005, 2007 (peak), 2010, 2015, 2019, 2021 and 2022. Source: Pew Research Center estimates based on augmented U.S. Census Bureau data.

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What has happened with unauthorized migration since July 2022? (+)

Here are key findings about how the U.S. unauthorized immigrant population changed recently:

- **The number of unauthorized immigrants from Mexico dropped to 4.0 million in 2022 from a peak of 6.9 million in 2007.** Mexico has long been, and remains, the most common country of birth for unauthorized immigrants.
- From 2019 to 2022, **the unauthorized immigrant population from nearly every region of the world grew.** The Caribbean, South America, Asia, Europe and sub-Saharan Africa all saw increases.
- **The unauthorized immigrant population grew in six states** from 2019 to 2022 – Florida, Maryland, Massachusetts, New Jersey, New York and Texas. Only California saw a decrease.
- **About 8.3 million U.S. workers in 2022 were unauthorized immigrants,** an increase from 7.4 million in 2019. The 2022 number is essentially the same as previous highs in 2008 and 2011.

Composition of the U.S. immigrant population

Immigrants made up 14.3% of the nation’s population in 2022. That share was slightly higher than in the previous five years but below the record high of 14.8% in 1890.

As of 2022, **unauthorized immigrants represented 3.3% of the total U.S. population and 23% of the foreign-born population.** These shares were lower than the peak values in 2007 but slightly higher than in 2019.

Meanwhile, the lawful immigrant population grew steadily from 24.1 million in 2000 to 36.9 million in 2022. The growth was driven by a rapid increase in the number of naturalized citizens, from 10.7 million to 23.4 million. The number of lawful permanent residents dropped slightly, from 11.9 million to 11.5 million. As a result, in 2022, 49% of all immigrants in the country were naturalized U.S. citizens.

Who lives with unauthorized immigrants?

Unauthorized immigrants live in 6.3 million households that include more than 22 million people. These households represent 4.8% of the 130 million U.S. households.

Here are some facts about these households in 2022:

- In **86% of these households**, either the **householder** or **their spouse** is an **unauthorized immigrant**.
- Almost **70%** of these households are considered “**mixed status**,” meaning that they also contain **lawful immigrants or U.S.-born residents**.
- In only about **5%** of these households, the **unauthorized immigrants are not related to the householder or spouse**. In these cases, they are probably **employees or roommates**.

Of the **22 million people** in households with an unauthorized immigrant, **11 million are U.S. born or lawful immigrants**. They include:

- **1.3 million U.S.-born adults** who are **children** of unauthorized immigrants. (We cannot estimate the total number of U.S.-born adult children of unauthorized immigrants because available data sources only identify those who still live with their unauthorized immigrant parents.)
- **1.4 million other U.S.-born adults** and **3.0 million lawful immigrant adults**.

About **4.4 million U.S.-born children under 18 live with an unauthorized immigrant parent**. They account for about 84% of all minor children living with their unauthorized immigrant parent. Altogether, about **850,000 children under 18 are unauthorized immigrants in 2022**.

The share of households that include an unauthorized immigrant varies across states. In Maine, Mississippi, Montana and West Virginia, fewer than 1% of households include an unauthorized immigrant. Nevada (9%) has the highest share, followed by California, New Jersey and Texas (8% each).

What countries do unauthorized immigrants come from?

The origin countries for unauthorized immigrants have changed since the population peaked in 2007. Here are some highlights of those changes:

Mexico

The **4.0 million unauthorized immigrants from Mexico** living in the U.S. in 2022 was the **lowest number since the 1990s**. And in 2022, Mexico accounted for 37% of the nation’s unauthorized immigrants, by far the **smallest share on record**.

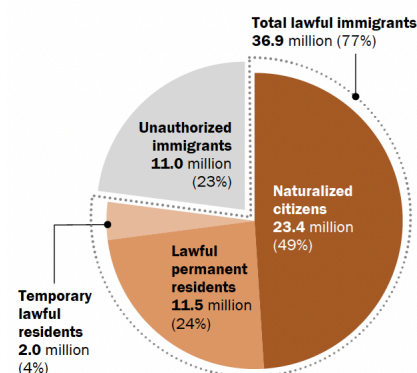
The decrease in unauthorized immigrants from Mexico reflects several factors:

- A broader **decline in migration** from Mexico to the U.S.;
- Some Mexican immigrants returning to Mexico; and
- Expanded **opportunities for lawful immigration** from Mexico and other countries, especially for temporary agricultural workers.

The rest of the world

Unauthorized immigrants were 23% of the U.S. foreign-born population in 2022

Foreign-born population estimates, 2022



Note: These figures differ from published U.S. Census Bureau totals because they are adjusted to account for population undercount. The unauthorized immigrant population includes those with temporary protection from deportation under Deferred Action for Childhood Arrivals (DACA) and Temporary Protected Status (TPS), as well as pending asylum claims.

Source: Pew Research Center estimates based on augmented U.S. Census Bureau data (IPUMS).

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The total number of unauthorized immigrants in the U.S. from countries other than Mexico grew rapidly between 2019 and 2022, from 5.8 million to 6.9 million.

The number of unauthorized immigrants from almost every world region increased. The largest increases were from the Caribbean (300,000) and Europe and Canada (275,000).

One exception was Central America, which had led in growth until 2019 but saw no change after that.

After Mexico, the countries with the largest unauthorized immigrant populations in the U.S. in 2022 were:

- El Salvador (750,000)
- India (725,000)
- Guatemala (675,000)
- Honduras (525,000)

The Northern Triangle

Three Central American countries – El Salvador, Honduras and Guatemala – together represented 1.9 million unauthorized immigrants in the U.S. in 2022, or about 18% of the total. The unauthorized immigrant population from the Northern Triangle grew by about 50% between 2007 and 2019 but did not increase significantly after that.

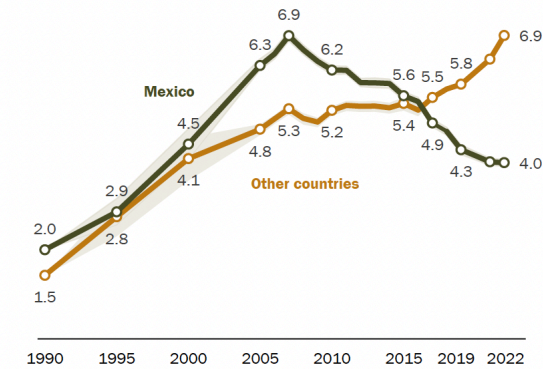
Other origin countries

In 2022, Venezuela was the country of birth for 270,000 U.S. unauthorized immigrants. This population had seen particularly fast growth, from 55,000 in 2007 to 130,000 in 2017. It is poised to grow significantly in the future as new methods of entry to the U.S. are now available to Venezuelans.

Other countries with large numbers of unauthorized immigrants have also seen increases in recent years. Brazil, Canada, Colombia, Ecuador, India, and countries making up the former Soviet Union all experienced growth from 2019 to 2022.

Mexicans have been a minority of unauthorized immigrants since 2017 but are by far the largest group

U.S. unauthorized immigrant population by country of birth, in millions



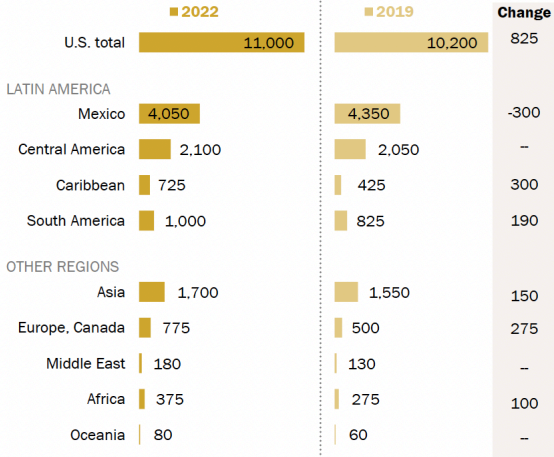
Note: Shading shows the range of the estimated 90% confidence interval. The data points marked are 1990, 1995, 2000, 2005, 2007, 2010, 2015, 2017 (crossover), 2019, 2021 and 2022.

Source: Pew Research Center estimates based on augmented U.S. Census Bureau data.

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The U.S. unauthorized immigrant populations from most world regions grew from 2019 to 2022

U.S. unauthorized immigrant population by region of birth, in thousands



Note: All numbers are rounded. The change column is calculated from unrounded totals. Only statistically significant changes based on 90% confidence intervals are shown; other measured changes are not statistically different from zero. Asia consists of South and East Asia. All Central Asian republics of the former Soviet Union are included in Europe. The Middle East consists of Southwest Asia and North Africa; Africa refers to sub-Saharan Africa. The U.S. total includes a residual (not shown) from other nations.

Source: Pew Research Center estimates based on augmented U.S. Census Bureau data.

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However, other countries with significant unauthorized immigrant populations showed no change, notably China, the Dominican Republic and the Philippines.

Detailed table: [Unauthorized immigrant population by region and selected country of birth \(and margins of error\), 1990-2022](#) (Excel)

Which states do unauthorized immigrants call home?

Most U.S. states’ unauthorized immigrant populations stayed steady from 2019 to 2022. However, six states showed significant growth:

- Florida (+400,000)
- Texas (+85,000)
- New York (+70,000)
- New Jersey (+55,000)
- Massachusetts (+50,000)
- Maryland (+40,000)

California (-120,000) is the only state whose unauthorized immigrant population decreased.

States with the most unauthorized immigrants

The six states with the largest unauthorized immigrant populations in 2022 were:

- California (1.8 million)
- Texas (1.6 million)
- Florida (1.2 million)
- New York (650,000)
- New Jersey (475,000)
- Illinois (400,000)

These states have consistently had the most unauthorized immigrants since at least 1980. However, in 2007,

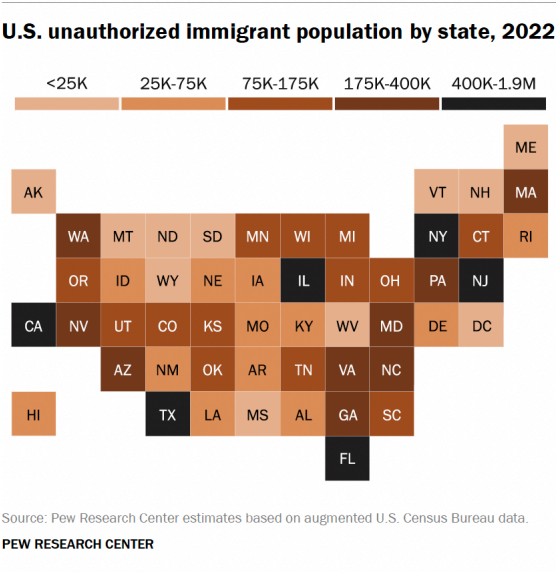
California had 1.2 million more unauthorized immigrants than Texas. Today, with the declining number in California, it has only about 150,000 more. The unauthorized immigrant population has also become considerably less geographically concentrated over time. In 2022, the top six states were home to 56% of the nation’s unauthorized immigrants, down from 80% in 1990.

Detailed table: [Unauthorized immigrant population for states \(and margins of error\), 1990-2022](#) (Excel)

Detailed table: [Unauthorized immigrants and characteristics for states, 2022](#) (Excel)

Unauthorized immigrants in the labor force

The number of unauthorized immigrants in the U.S. workforce grew from 7.4 million in 2019 to 8.3 million in 2022. The 2022 number equals previous highs in 2008 and 2011.



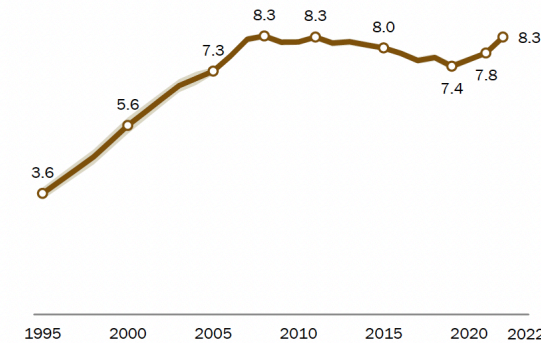
Unauthorized immigrants represent about 4.8% of the U.S. workforce in 2022. This was below the peak of 5.4% in 2007.

Since 2003, unauthorized immigrants have made up 4.4% to 5.4% of all U.S. workers, a relatively narrow range.

The share of the U.S. workforce made up by unauthorized immigrants is higher than their 3.3% share of the total U.S. population. That's because the unauthorized immigrant population includes relatively few children or elderly adults, groups that tend not to be in the labor force.

The number of unauthorized immigrants in the U.S. workforce grew rapidly from 2019 to 2022

Unauthorized immigrants in the U.S. who are working or looking for work, in millions



Note: Shading shows the range of the estimated 90% confidence interval. The data points labeled are 1995, 2000, 2005, 2008 (peak), 2011, 2015, 2019, 2021 and 2022. Source: Pew Research Center estimates based on augmented U.S. Census Bureau data.

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Detailed table: [Unauthorized immigrants in the labor force for states, 2022](#) (Excel)

The share of unauthorized immigrants in the workforce varied across states in 2022. Nevada (9%), Texas (8%), Florida (8%), New Jersey (7%), California (7%) and Maryland (7%) had the highest shares, while fewer than 1% of workers in Maine, Montana, Vermont and West Virginia were unauthorized immigrants.

Note: This is an update of a post originally published Nov. 16, 2023.

Topics [Immigrant Populations](#), [Immigration Issues](#), [Unauthorized Immigration](#)

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What's Wrong With Illegal Immigration?

Illegal Immigration Threatens Our National Sovereignty

Sovereignty is the concept that a **state has authority to govern itself**. The United States has the right to determine its own boundaries and **who is allowed to enter and remain in the country and under what circumstances**. Those who **enter illegally undermine** that **sovereignty** by disregarding our laws. The U.S. immigration system should be built and maintained to **further our national interest**, and **Americans must protect our sovereignty** by enforcing the rules we set and protecting our boundaries.

Illegal Immigration Undermines the Rule of Law

Our country has a system of laws – from the federal down to the state and local levels. We expect those in the United States **to abide by those laws**, whether the law relates to a **person's civil liberties**, **respecting one's property**, or **obeying red lights**. When a law is broken, there should be consequences. Those who **enter illegally or overstay** their time in the United States are **violating our immigration laws** and disrespecting our system of government a clear indication that they **may not abide by other laws**. When the Rule of Law is degraded, **cynicism, corruption, social discontent, and chaos** can ensue.

Illegal Immigration Undercuts Legal Immigration

Millions of people around the world seek to immigrate to the United States; **some have spent years waiting for one of the numerically limited visas to become available**. Those who choose the legal avenue often **pay application fees, undergo medical screenings, submit biometrics and attend an in-person interview**, spending hours ensuring that they have the proper evidence for their application to be adjudicated. Illegal immigration **makes a mockery of their adherence to the rules**, unfairly **"cutting the line"** and requiring the government to **expend its resources on illegal aliens** rather than on those **lawfully seeking admission**.

Illegal Immigration Contributes to Unsustainable Population Growth, Affecting the Environment

Illegal immigration **contributes to population growth**, overwhelming communities by consuming already **limited affordable housing**, **crowding classrooms**, and **increasing the strain on public services** like **food banks**, **transit**, and **social services**. Unrestricted population growth also has a **negative effect on the environment**, **increasing** the strain on our **vital natural resources** and **harming plants and animals**, including **endangered species**. Mass illegal migration is **not environmentally friendly** and has had **severe consequences for various areas**, from trash inundating border communities to devastation of the pristine rainforest of the Darien Gap.

Illegal Immigration Harms American Workers

Illegal immigration also **hurts our workforce** by taking opportunities **from American workers and students**. U.S. workers are harmed or disadvantaged by illegal aliens who will work for **renumeration that is lower than the minimum or prevailing wage**, often **driving down wages for Americans**. Additionally, **illegal aliens accept unsafe working conditions that violate safety regulations**. Illegal immigration's impact on U.S. workers, in turn, **places a toll on the overall U.S. economy**.

Illegal Immigration Threatens Americans' Safety and Well-Being

Illegal immigration impacts Americans individually; it is not a victimless crime. As illegal immigration has **increased**, so has the **trafficking of drugs such as fentanyl**, with drug overdoses killing **100,000 Americans a year**. When illegal aliens are released into American communities without proper vetting, **Americans are increasingly becoming the victims of illegal alien crime** including **hit and runs**, **assault**, and **even murder**.^[1] Illegal alien crimes are **entirely preventable** since the illegal aliens **shouldn't even be in the country in the first place**. In addition, illegal aliens often steal Americans' identities to live, work, and remain in the country.

Illegal Immigration is a Burden on the Taxpayer

The costs of **illegal immigration** to the **taxpayer are numerous**, but the largest costs are the **education of their children**, **emergency medical care**, and **incarceration for those arrested for crimes**. U.S. taxpayer dollars also **support shelter**, **educational benefits**, **welfare** and **tax credits for those in the country illegally**. Despite being ineligible, some illegal aliens also get welfare the same way they get jobs: **with identity documents falsely identifying them as U.S. citizens**, often **obtained through identity theft or forgery**. In addition, if they have **U.S.-born children**, they may collect **welfare assistance in the name of those children**. At the start of 2023, the net cost of illegal immigration for United States taxpayers – at the federal, state, and local levels – **was at least \$150.7 billion**.^[2] This number undoubtedly has continued to grow as mass illegal migration continues.

The Illegal Alien Population is Massive... and Growing

FAIR estimates that at **least 16.8 million illegal aliens resided in the United States as of June 2023**.^[3] Since 2021, the number of illegal aliens crossing the nation's borders has grown significantly. In Fiscal Year 2023, a **record 3.2 million encounters with illegal aliens were recorded at America's borders**. In addition to those arrested, many **illegal aliens** have succeeded in **evading law**

enforcement or Border Patrol, often entering between ports of entry. There were **1,174,385 known gotaways** during the first **two years** of **President Biden's tenure**, not to mention hundreds of thousands of unknown gotaways who avoided law enforcement notice entirely.

In addition to illegal border crossers, a **sizeable portion of illegal aliens** in the U.S. **consists of aliens who have overstayed their visas**. While estimates have varied over the years, recent numbers suggest that visa overstays account for as much as **40 percent of the illegal alien population**.^[4] According to the most recent data provided by the Department of Homeland Security, in Fiscal Year 2022, nearly **854,000 nonimmigrant visitors violated the terms of their visas** and overstayed in the United States.^[5] Over the past four years, the total rate of visa overstays (as a proportion of those expected to depart) has increased, up **from 1.21 percent in Fiscal Year 2019 to 3.67 percent in Fiscal Year 2022**.^[6]

Amnesty is Not the Answer

As millions of illegal aliens are allowed to remain here year after year, pressure rises from immigrant advocates to grant them amnesty. However, this is the **equivalent of pardoning criminals en masse** because it is easier than **locating, arresting and detaining them**. Amnesty, whether by policy or practice, **encourages further illegal immigration** and, by creating new **"legal" immigrants out of illegal ones**, adds dramatically to the **future backlog of relatives abroad who apply for legal admission through chain migration**. Amnesty would also be very costly.^[7]

The Answer Is...

- Deterring illegal immigration by securing the border and detaining those who enter illegally;
- Enforcing existing immigration laws, including detaining those awaiting their asylum decision and using the expedited removal process;
- Encouraging self-deportation, especially by denying public benefits and the ability to work in the U.S.;
- Collaborating with state and local governments to arrest and detain illegal aliens, leveraging law enforcement capabilities at all levels;
- Making the electronic employment verification system, known as E-Verify, mandatory for all employers so that illegal aliens are denied the ability to work;
- Tracking foreigners on temporary visas to assure they leave when required; and
- Immediately removing illegal aliens who have a final order of removal by an immigration judge.

Critical to the success of deterring further illegal immigration and reducing the current illegal alien population is single-minded support by our elected leaders for our immigration authorities in their law enforcement efforts.

Other Resources:

FAIR's Issue Page on Illegal Immigration

The Fiscal Burden of Illegal Immigration on United States Taxpayers

How Many Illegal Aliens Are in the United States?

Examples of Serious Crimes By Illegal Aliens

[1] <https://www.fairus.org/examples-serious-crimes-illegal-aliens>

[2] <https://www.fairus.org/issue/publications-resources/fiscal-burden-illeg...>

[3] <https://www.fairus.org/issue/illegal-immigration/how-many-illegal-alien...>

[4] <https://cis.org/Parsing-Immigration-Policy/Not-Just-BorderJumpers>

[5] https://www.dhs.gov/sites/default/files/2023-07/23_0707_FY22_FY23_CBP_I...

[6] Ibid

[7] <https://www.fairus.org/issue/amnesty/5-reasons-why-amnesty-bad-idea>

Should the United States leave
NATO?

EUROPE

It's Time for the US To Bid Farewell to NATO

NATO, formed in 1949 amidst Cold War tensions, has long relied on US military strength. With Russia's diminished power and Europe's increased economic capacity, it's time for the US to withdraw from NATO. This move would alleviate the burden on American taxpayers, push Europe towards a greater and more healthy sense of self-reliance, and enhance global security through strategic unpredictability.

BY [ALEXANDER COWARD](#)

12.07.2018. BRUSSELS, BELGIUM. Press conference of Donald Trump, President of United States of America, during NATO (North Atlantic Treaty Organization) SUMMIT 2018. © Gints Ivuskans / shutterstock.com



NOVEMBER 25, 2024 04:53 EDT



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In April 1949, as Cold War tensions between the United States and Soviet Union intensified, 12 nations came together to sign the North Atlantic Treaty, giving birth to NATO. The alliance was formed with a clear purpose: to provide collective defense against the looming threat of Soviet expansion. At that time, Europe was still reeling from the devastation of World War II, its economies in shambles and its militaries depleted. The US, triumphant in victory and solidifying its position as a global superpower, took on the mantle of protector, extending its military might across the Atlantic and halfway across Europe.

Fast forward 75 years. The world has changed dramatically, yet NATO persists as a relic of a bygone era. The Soviet Union is no more, replaced by a Russia with a GDP smaller than Italy's. The European Union, along with the United Kingdom, boasts a combined economy nearly ten times the size of Russia's. France and the UK possess their own nuclear deterrents. Yet, inexplicably, US taxpayers continue to foot the bill for Europe's defense.

With Russia weakened, Europe is getting a free ride

Some argue that Russia's actions in recent years, particularly its invasion of Ukraine, justify the US's continued NATO membership. They paint a picture of a resurgent Russian threat, echoing the Cold War narratives of the past. But this comparison falls flat when we examine the facts.

During the Cold War, the US faced off against an empire of comparable might. The Soviet Union's military and economic power posed a genuine threat to both Western Europe and US interests. Today's Russia, however, is a shadow of its former self. With a GDP of about \$2 trillion, it pales in comparison to the combined economic

might of the EU and the UK, which totals more than \$22 trillion.

Moreover, the population demographics tell a similar story. Russia's population is less than 150 million, dwarfed by that of the EU and UK totaling more than 500 million. The combined military spending of the EU and UK stands at \$370 billion, far outstripping Russia's total defense budget of \$130 billion. Yet, despite these advantages, Europe continues to rely on the United States for its security.

Ironically, the US's persistent role in NATO may be making Europe less secure, not more. What matters for European defense isn't raw might, but speed, agility and political will. NATO's cumbersome decision-making process, requiring consensus among 32 members, is ill-suited to respond to modern threats. An army of motivated Polish and German fighters willing to fight and die to protect their freedom is a far greater deterrent to Russia than a US military that is truly awesome in its capabilities, but reliant on the whims of a foot-dragging US Congress for that to translate to the battlefield. The current arrangement doesn't strengthen Europe; it weakens it, leaving the continent less prepared to address threats from Russia and elsewhere.

While US citizens shoulder the burden of NATO's defense spending, Europeans have grown complacent. They've built generous welfare states where they enjoy long vacations, early retirements and universal healthcare. Meanwhile, US workers struggle with rising healthcare costs, minimal paid leave and relentless anxiety about how they will pay the bills.

This disparity is not just a matter of different priorities; it's a direct result of Europe's ability to skimp on defense spending, knowing full well that Uncle Sam will always be there to pick up the slack. It's time to ask: Why should the US taxpayer subsidize Europe's lavish lifestyle?

A new era demands new priorities

Proponents of NATO often point to the US's nuclear umbrella as a critical component of European security. But this argument ignores a

crucial fact: Both the UK and France possess their own nuclear arsenals, which was not the case when NATO was formed. These two European powers have more than enough nuclear capability to deter any potential aggressor. The idea that US nuclear weapons are necessary for European security is a Cold War anachronism that does not stand up to scrutiny.

As we approach 2025, the world faces challenges that were unimaginable when NATO was founded. Climate change, cyber and biological warfare and the rotting minds of our children addicted to social media platforms like TikTok and video games like *Fortnite* are the true existential threats of our time. These are the battles that will define the 21st century and beyond, not a rehash of 20th century geopolitics. If there is a new Cold War between rival superpowers, it exists across the North Pacific, not the North Atlantic.

It's better for the US to leave

Some will argue that leaving NATO is too risky, that it could destabilize Europe and embolden Russia. But this view underestimates Europe's capabilities and overestimates Russia's. By continuing its outdated commitment to NATO, the US is fostering dependency and resentment, preventing Europe from developing the military self-reliance it needs.

Proponents of NATO often point to its invocation of Article 5 after the September 11 attacks as proof of the alliance's value. However, this argument ignores a crucial reality: The response to the attacks would have happened with or without NATO. When faced with acts of aggression that demand a response, the United States has repeatedly demonstrated its ability to rapidly form and provide leadership to coalitions outside of formal alliance structures.

The First Gulf War in 1991 serves as a prime example. In response to Iraq's invasion of Kuwait, the US quickly assembled a coalition of 42 nations, many of whom were not NATO members. This "coalition of the willing" included fighters from countries as diverse as Japan, New

Zealand and Afghanistan. The swift and effective formation of this coalition underscores a fundamental truth: When genuine threats arise, nations band together to address them, which can be easier without the cumbersome framework of an organization like NATO.

Game theory offers another compelling reason for the US to leave: the strategic value of unpredictability. In a world of mass surveillance where concealing actions is increasingly difficult, being predictable can be a significant disadvantage. Consider a poker game where one player always has a pair of kings, while the other has queens or aces with equal probability. Despite each player having the stronger hand half the time, the unpredictable player will on average win more.

This principle applies similarly to military strategy. NATO's rigid structure and well-defined protocols make its responses predictable. By leaving NATO, the US introduces an element of uncertainty that can serve as a more effective deterrent. Potential adversaries would no longer be able to rely on a known command and control structure or anticipate specific responses. This unpredictability can in turn force adversaries to be more cautious, preventing conflicts before they begin.

Moreover, while it is true that $P \implies Q$ does not mean the same as $\neg P \implies \neg Q$, there is often an implicit assumption that it does. By the United States declaring "If there is an attack on a NATO country, there will be an overwhelming response from the United States" it suggests to potential enemies that "If there is an attack on a non-NATO country, the United States will not respond with overwhelming force." This is clearly seen in Ukraine, where Putin is in plain sight employing the principle: "Ukraine not NATO, therefore Ukraine fair game."

The reality on the ground is that the Iron curtain no longer exists and we live in a world with fuzzy borders and hybrid warfare. The correct response to this is illustrated regarding Taiwan. Will America go to war to defend Taiwan? It might. That should be the answer to every question of that form. Will America go to war over a sabotaged undersea cable or gas pipeline? It might. Will it go to war over an act

of terrorism? **It might**. Will America go to war to defend Europe? **It might**. America should go to war when the **American President** and **Congress** decide that it should, not **because** of a **treaty** from **three quarters of a century ago** born of a **different age**. By **withdrawing** from **NATO**, the United States would **put Ukraine** on **equal footing** with not just **Poland** but also **France and Germany**, and be a **masterstroke** of **expanding not contracting American influence**.

In essence, by **stepping away from NATO**, the **US** would **paradoxically enhance global security** by **keeping potential aggressors guessing** about the **nature** and **extent** of **possible responses** to their **actions**.

It's time to go

The time has come for bold leadership. President-elect Donald Trump's landslide victory and Republican control of Congress provide a **unique opportunity to reshape the US's foreign policy**. The **nation** must **seize this moment** to **chart a new course**. **Leaving NATO** will **not only serve the interests of the US taxpayer**, it will also **help Europe** by **teaching it the pride of taking care of its own needs with its own hard work**.

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both the US and Europe to address the real challenges of the 21st century.

And to those reading this in a nice coffee shop in a town square in Europe, I say this: If you want to continue enjoying your wine and your swimming pools, and your relaxed way of life, it's time for you to fight for it — and pay for it — yourself.

[Lee Thompson-Kolar edited this piece.]

The views expressed in this article are the author's own and do not necessarily reflect Fair Observer's editorial policy.

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Jack Gill ⓘ 2 months ago

A good article! I firmly agree that it is unfair for the US taxpayer to keep footing the bill for European security. Every European country should meet the 2% GDP defence spending target, on principle if for no other reason. That said, I don't agree that the US should leave NATO. On the contrary, NATO should expand to include Japan, S.Korea, Australia and New Zealand to ensure global security. As for us easy-living, spoilt Europeans, well, only Americans can change their work culture.

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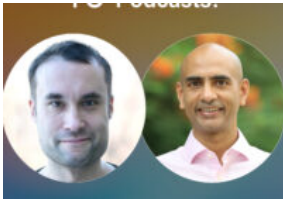
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EUROPE

No Time for Bad Deals: Why the United States will not leave NATO

Alexander Coward's case for a US withdrawal from NATO misses why it's a good deal for Washington. Though there's obviously a need for fairer sharing of the defense burden between the US and its allies, NATO provides the US political predictability, military interoperable allies and influence in European affairs.

BY **MICHAEL RÜHLE**



@MichaelRhle2

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JANUARY 10, 2025 05:15 EDT



No institution lasts forever, and NATO is no exception. If the “transatlantic bargain” no longer makes sense for any of the partners, they will split. But chances are that this transatlantic divorce will be postponed once again, as it has been postponed for decades. Why? Because the juggling with numbers and a generous helping of game theory, as exemplified by Alexander Coward’s piece, “It’s Time for the US To Bid Farewell to NATO,” does not express what is really at stake: that the Allies are better off together than apart.

Yes, Europe’s population is bigger than that of the United States. Yes, Europe’s economic power is roughly on par with the US. Yes, Europeans have been living quite comfortably with the US paying for a large part of the common defense burden. However, the conclusion from this is not for the US to exit NATO, but to reform the Alliance in order to better reflect the imperative of a fairer sharing of the defense burden. If President-elect Donald Trump is now boasting that he has made the Allies increase their defense budgets, he is right: The US’s allies can step up to the plate, even if to some observers that process may look unnervingly slow.

Clearly, NATO cannot thrive on Cold War nostalgia. But those who adhere to the caricature of the alliance as a mere burden-shedding exercise for wily Europeans risk missing the forest for the trees. Unsurprisingly, as a superpower with global security interests and commitments, the US considerably outspends its NATO allies. But it gets more in return than meets the eye. Here are five primary benefits NATO provides the US.

European stability and US influence

First, NATO upholds stability in Europe. Ensuring that a conflict in Europe does not lead once again to global war has been a major goal of US foreign policy since 1945. NATO has served this goal well: It

prevented the Cold War from getting hot and, at the Cold War's end, provided a security home for the new democracies in Central and Eastern Europe. NATO also played an indispensable role in bringing peace to the Balkans after the violent collapse of Yugoslavia in the early 1990s.

Today, with Russia waging a major war against Ukraine using political support from China, soldiers from North Korea and drones from Iran, the US would shoot itself in the foot by disengaging. Europeans understand that the Asia-Pacific region is gaining in importance. However, this does not require kissing NATO goodbye, but to have Europe take a greater share of the dense burden on their own continent. This is exactly what is happening, with most allies agreeing that NATO's initial goal of spending 2% of GDP on defense is no longer the ceiling, but only the floor.

Second, the current arrangement gives the US influence over European security developments. The US and Europe form the world's largest trade and investment relationship. Considering that in addition to the US's security interests, its need to maintain influence on European issues should be a no-brainer.

NATO is the major institutional framework that legitimizes such a role for the US. Through the organization, the US has effectively become a "European power," with a unique voice in European affairs well beyond defense. Without US membership in NATO, a major political and military "transmission belt" would be lost, and US weight in Europe would be much reduced. Washington knows that, even if academic observers often don't.

NATO contains Russia, and its members are reliable allies

Third, NATO helps contain Russia. Russia's current military assertiveness demonstrates that geopolitics did not end with the Cold War. Ukraine was outside the defense perimeter of NATO and the US, so Moscow concluded that attacking that country would carry

little risk. However, Moscow knows that attacking countries within NATO would be an entirely different ballgame.

In terms of sheer numbers, Europe can match Russia in many categories of military equipment as well as in manpower. However, it is the US military and political leadership that makes the crucial difference. This is why Moscow has always sought to push the US out of Europe, and why it is now seeking to keep its war against Ukraine a regional affair, thus avoiding any direct involvement of NATO.

Today, a credible deterrence posture comes with a smaller price tag than the massive military presence that the US maintained in Europe during the Cold War. But a complete bailing out of European security would lead the US's challengers to conclude that Washington no longer has the guts to uphold the liberal order. As a result, Washington's red lines would be tested around the world. If the US wants to remain a global power, it will have to remain a "European power" as well.

Fourth, the countries within NATO are reliable US allies. As former UK Prime Minister Winston Churchill observed during World War II, "There is only one thing worse than fighting with allies, and that is fighting without them." Given the multitude of security challenges, this sentiment still rings true. NATO provides the US with allies that are more militarily capable, more interoperable and more willing to share risks and burdens. In Afghanistan, for example, even though some NATO allies suffered major casualties, none of them quit. Achieving consensus in NATO can be tedious at times, but once allies agree on a certain course of action, they carry it through.

True, coalitions of the willing may be easier to put together. But they also tend to dissolve much more easily, and the US has to provide an even higher percentage of troops and equipment than to NATO-led operations. Whether fighting in Afghanistan, Libya or countering the so-called Islamic State — when the challenge requires a sustained, long-term effort, using NATO, or at least its tried-and-tested procedures, is still the best option.

Moreover, in NATO, Washington finds 31 allies around the same table. They are predisposed to working with the US. Everywhere else in the world, Washington has to work through complicated bilateral relationships without getting as much in return.

Political and military predictability

Fifth, NATO offers political and military predictability. After centuries of war, the organization represented a new way of organizing security. Rather than relying on rapidly changing coalitions of the willing or bilateral security agreements, North America and Europe would enter into a permanent alliance, supported by political consultation and military planning mechanisms. This unique arrangement creates a degree of political predictability and military interoperability that other parts of the world look jealously upon.

By contrast, to argue that an “unpredictable” post-NATO US would be a boon to security and would enhance deterrence appears like pure satire, courtesy of the academic ivory tower. Russia has been unpredictable for some time now, but did this improve its geopolitical position? Did its unpredictability deter the West from supplying Ukraine with weapons and money?

International politics in the nuclear age is not a poker game. If the US left NATO, deterrence would be weakened, not strengthened. Washington may believe that unpredictability is a virtue, yet China, Russia and all those who seek to build a new international order on their own terms would simply read it as: “I no longer care.”

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For all these reasons, reducing NATO to the issue of fair or unfair burden-sharing has it wrong. The US defense budget reflects the military expenditures of a global power. It therefore goes well beyond NATO, which at the highest estimate represents no more than 15% of total US defense spending. A withdrawal from NATO would translate to relatively small savings for the US. However, Washington would lose allies, military bases and the political predictability established through daily multilateral consultations in the NATO framework.

In short, NATO is about much more than money: It is a long-term strategic alliance, which provides tremendous strategic value for the US, Europe and indeed the West at large.

[Lee Thompson-Kolar edited this piece.]

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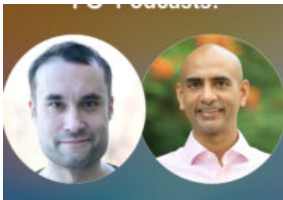
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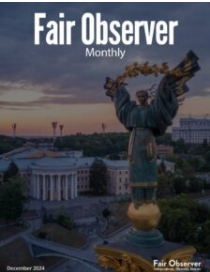
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ABANDONING AN INTERNATIONAL TREATY: THE REASONS THE UNITED STATES MUST ESCAPE NATO'S GRASP

[February 5, 2024](#) | [Jesse Hughes](#) | [Leave a comment](#)



Since the North Atlantic Treaty Organization's (NATO) inception in 1949, the United States has been a key advocate of it's interests. The organization was formed as a defensive pact against the Soviet Union during the Cold War. NATO was once a useful organization that provided strategic benefit to the United States, but it has become clear in the past decade that it is time for the U.S. to leave this alliance.

When NATO was originally formed, it was expected that each member country would contribute at least 2% of its GDP in defense expenditures. While most countries originally met this expectation, it didn't take long for

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the United States to start footing the bill for almost everyone else. According to the latest NATO figures, the United States pays 3.49% of its GDP toward NATO defense. That's almost 0.40% higher than the next country, and the only nation that spends more is Poland at 3.90%.

Of the 30 member nations, only 11 spend the expected 2% or more toward defense, leaving the other 19 under the mark, with Luxembourg spending the least amount at 0.72% of their GDP. According to the same report, the United States spent a total of \$743 billion dollars on defense expenditures directed toward NATO. The other 29 countries spent \$356 billion combined.

The United States is not only footing the bill for most of Europe, but is also being dragged toward a potential third world war by being a part of the organization. The war in Ukraine has stoked tensions in Europe higher than they have been since the Second World War. NATO expansion was a driving factor in prompting Russia to invade. Despite this, many, including U.S. Senator Lindsey Graham, are calling for Ukraine to be admitted into the alliance even while they are in the middle of a war.



Photo by Adam Schultz | Photo provided by Rawpixel

Admitting Ukraine into NATO right now would be a disaster. Article 5 of the NATO treaty stipulates that if one member nation is attacked, all member nations are



required to come to that country's defense. If Ukraine were admitted to NATO right now, the United States would be thrown into a massive conflict with Russia and its allies, something the U.S. must avoid.

The United States spent 50 years avoiding war with Russia in the latter half of the 20th century. It should continue to try and avoid war now, especially with the internal issues the country already faces. According to Pew Research, only 33% of Americans approve of Joe Biden's job as president. Only 16% of Americans trust the government. About one-third of Americans say they aren't proud to be an American and 72% of Americans say they are not willing to fight or die for this country.

These are not promising numbers for a nation that could potentially be on the brink of war. It is clear that our allies across the Atlantic want us to pull their weight, pay for their defense and fight their wars on their behalf. The U.S. simply cannot afford to do that any longer.

NATO once served a purpose, but that purpose died with the collapse of the Soviet Union in the 1990s. The organization has now become a shell of its former self, shifting away from a collective defense pact into just another liability for the United States. So as long as this country remains in this organization, it will continue to take billions of dollars away from its own people towards a people who want to spill the blood of American men instead of the blood of their own. It is long past time the U.S. leaves this rotting organization and prioritizes the interests of the American people.

*Hughes is an opinion writer for the Liberty Champion.
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Commentary

5 consequences of a life without NATO

By **Hans Binnendijk**

Mar 19, 2019



A distinguished fellow at the Atlantic Council considers what international life might be like without NATO. (Emmanuel Dunand/AFP via Getty Images)

Most people retire by age 70. Next month, NATO turns 70. U.S. President Donald Trump has now been joined by Barry Posen, a so-called realist political scientist, in suggesting that it may be time for the alliance to retire as well.

To see if they are correct, let's consider what international life might be like without NATO. There would be at least five set of consequences, all negative.

The most catastrophic impact of NATO's retirement would be the risk of Russian aggression and miscalculation. Without a clear commitment to defend allied territory backed up by an American nuclear deterrent, President Vladimir Putin will certainly see opportunities to seize land he believes is Russian. He has already done this in Georgia and Ukraine. Had they not joined NATO, the Baltic states would probably already be occupied by Russian troops. Certainly Putin would also see an opportunity to seize more of Ukraine without the "shadow" of NATO to protect it.

History teaches us that major wars start when aggressive leaders miscalculate. German leader Adolf Hitler attacked Poland in 1939, believing that after then-British Prime Minister Neville Chamberlain's Munich Agreement, England would be unlikely to respond. North Korea attacked South Korea in 1950 after the United States appeared to remove Seoul from its defensive perimeter. Iraqi leader Saddam Hussein invaded Kuwait in 1990, believing the United States had signaled that it would not respond.

In each case, miscalculation led to larger conflict.

Secondly, NATO's retirement would also decrease American military reach, its political influence and its economic advantage. American bases throughout Europe not only provide for the defense of Europe — they bring the U.S. a continent closer to trouble spots that threaten vital American interests. Fighting the Islamic State group, clearly an American interest, would have been markedly more difficult without permanent U.S. bases in Europe and without the American-built coalition that included every NATO nation. Without NATO, the mutual security interests that underpin both U.S. bases and coalition operations would be undermined.

This extends to the economic realm. U.S. annual trade in goods and services with Europe exceeds \$1 trillion, and U.S. total direct investment in Europe nears \$3 trillion. These economic ties enhance U.S. prosperity and provide American jobs, but they require the degree of security now provided by NATO to endure.

NATO's retirement would thirdly exacerbate divisions within Europe. NATO's glue not only holds European militaries together — it provides the principal forum to discuss and coordinate security issues. The European Union is unlikely to substitute for NATO in this respect because it has no military structure, few capabilities and no superpower leadership to bring divergent views together.

Germany and France already seek a plan B should NATO collapse, but without the United Kingdom in the European Union, an all-European approach is likely to fail. The added insecurity of NATO's collapse would also amplify current populist movements in Europe. The consequence could be renationalization of European militaries, a system that brought conflict to the 19th and early 20th centuries.

The fourth consequences of life without NATO would be global. American bilateral alliances in Asia would each be shaken to their core should NATO fail. America's defense commitments there would become worthless. With China determined to claim a dominant position in Asia, the collapse of NATO would cause America's Asian partners to seek accommodation with China, much as the Philippines is in the process of doing.

Trump's decision to abandon the economic Trans-Pacific Partnership agreement has already given China new advantages in the region. Without credible American security commitments, there would be little to stop China from controlling the South China Sea and probably occupying Taiwan as well. Add to this equation the new footholds that [China is building](#) in central Asia, Africa and Europe: Abandoning NATO would help assure China's competitive success.

The final impact of NATO's retirement would be the near collapse of what has been called the "liberal international order." This order consists of treaties, alliances, agreements, institutions and modes of behavior mostly created by the United States in an effort to safeguard democracies.

This order has kept relative peace in the trans-Atlantic space for seven decades. The Trump administration has begun to unravel elements of this order in the naive notion

that they undercut American sovereignty. The entire European project is built on the edifice of this order. NATO is its principal keystone. Collapsing this edifice would undercut the multiple structures that have brought seven decades of peace and prosperity.

So the answer is clear. Life without NATO would be more dangerous and less prosperous. Russia and China would be the big winners at America's expense. NATO simply can't retire.

Yes, NATO has problems. It needs to be managed. But there is too much left to be done for retirement. And there is too much to lose if NATO fails.

Hans Binnendijk is a distinguished fellow at the Atlantic Council. He previously served as senior director for defense policy on the Clinton administration's National Security Council.

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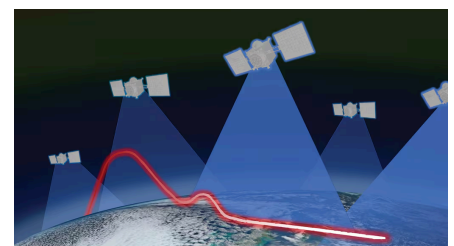
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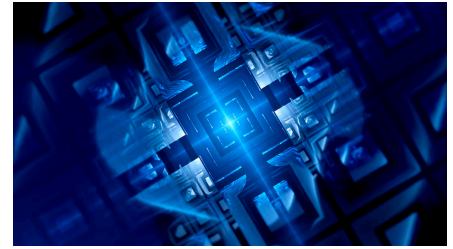
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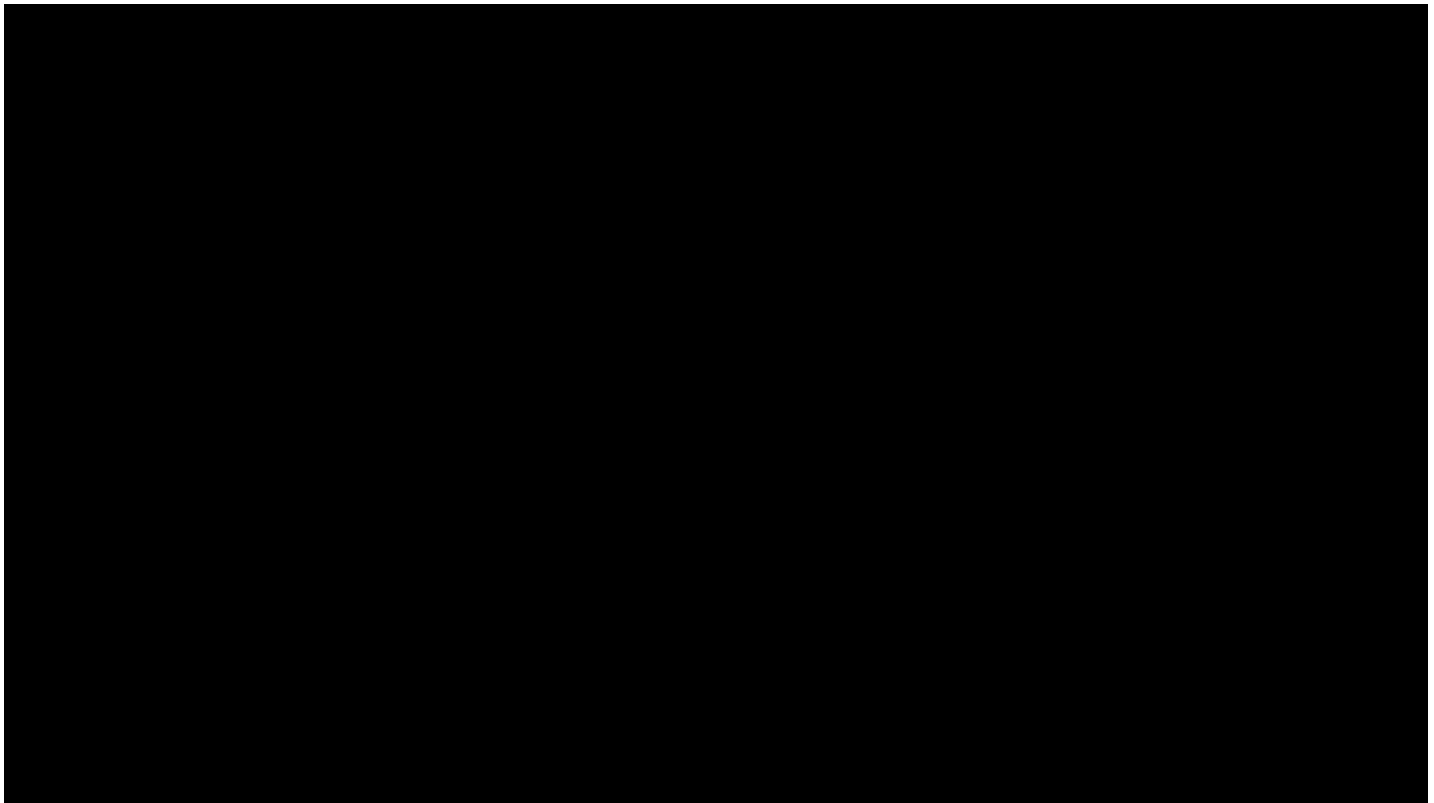


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DECEMBER 8, 2015 10:34AM

U.S. Should Leave NATO Instead of Expanding the Alliance

By Doug Bandow

Is NATO a **military alliance** or **social club**? The "North Atlantic" Treaty Organization just invited Montenegro to join. With 2,080 men under arms, Podgorica is a military nullity.

As I point out on National Interest online: "Adding Montenegro to NATO is like accumulating Facebook Friends. They do little more than allow preening Washington officials to wander the globe gloating how popular the U.S. is."

During the Cold War NATO was viewed as deadly serious. For years war seemed to be a real possibility.

Then the Soviet Union collapsed. The quintessential anti-Soviet alliance no longer had anything to defend or defend against.

As Public Choice economists would predict, institutional instinct took over.

Supporters subordinated the military to the political, and NATO became a geopolitical Welcome Wagon for former Warsaw Pact members.

The good times came to a halt last year with the Ukraine crisis. The Baltic States suddenly looked vulnerable and alliance members remembered Article 5, which committed them to battle against a nuclear-armed power to protect largely indefensible nations. Americans and Europeans were expected to risk nuclear war as an act of international charity.

Proposals to add Georgia and Ukraine would multiply the dangers. Russian aggressiveness, though unjustified, illustrates how important Moscow views its influence in both nations. Nothing in Kiev or Tbilisi is worth a nuclear confrontation.

The problem is not just NATO's recent expansion. Turkey also is undermining U.S. and European security.

Ankara spent years prosecuting a brutal campaign against Kurdish separatists and occupied more than one-third of the Republic of Cyprus. Turkey has turned in an ever more authoritarian and Islamist direction as President Recep Tayyip Erdogan dropped his liberalizing pretensions.

Worse is Ankara's irresponsible shoot-down of the Russian plane. Turkey may have been protecting the illicit oil trade or insurgents in an area dominated by the al-Qaeda-linked al-Nusra Front, or attempting to punish Moscow for backing Syria's President Bashar al-Assad.

The first two undermine American interests. The latter runs against the more fundamental objective of destroying the Islamic State. Nothing justifies allowing Ankara to drag NATO into a war with Russia.

Finally, Europe could, if it was so inclined, defend itself. Why, 70 years after the conclusion of World War II, are Europeans still dependent on America?

Why can't an area with a larger economy and population than the U.S. provide its own soldiers for defense? Why can't an area of such economic prowess, which has around eight times the GDP and three times the population of its only possible antagonist, Russia, deter any threats?

The reason the Europeans don't do so is because they don't want to and don't have to. Some don't believe that Moscow actually poses much of a threat. Others figure only the nations bordering Russia face any risk, and there's little interest in "Old Europe" for confronting Moscow over "New Europe." And almost everyone assumes America will take care of any problems.

Particularly striking is the lack of military effort from those supposedly threatened by the supposed new Hitler to the east. Over the years American officials have pleaded, cajoled, contended, and begged the Europeans to do more.

To no effect. Reported Jan Techau of Carnegie Europe: "while European membership in NATO has nearly doubled since 1990, defense spending by Europeans has gone down by 28 percent since then."

The U.S. should announce that the world has changed since creation of a U.S.-dominated NATO. It was time to refashion the alliance.

One possibility for the future would be a European-run NATO, with America perhaps as an associate member. Another alternative would be a continental defense run alongside the European Union. Maybe there's something else.

But the time for subsidizing, coddling, and reassuring the Europeans is over. American taxpayers finally deserve at least as much consideration as European ones.

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NATO Cannot Survive Without America

If Trump Pulls Out, the Alliance Would Likely Fall Apart

By Hans Binnendijk, R.D. Hooker Jr., and Alexander Vershbow May 13, 2024



A Ukrainian serviceman at a press conference of Ukrainian President Volodymyr Zelensky and NATO Secretary-General Jens Stoltenberg, Kyiv, April 2024
Thomas Peter / Reuters

Last month, NATO, the world's most successful military alliance, celebrated its 75th anniversary. Some fear that it may have been its last anniversary with the United States playing a leading role. Former U.S. President Donald Trump still views the alliance as obsolete. If reelected, he says he would encourage Russian leaders to do "whatever the hell they want" to member states that do not pay what he considers to be enough for defense. A second Trump presidency could have dire implications for European security.

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Trump's defenders argue that he is bluffing to pressure Europe into spending more on defense. But former U.S. officials who worked closely with Trump on NATO during his tenure, including one of us (R.D. Hooker Jr.), are convinced he will withdraw from the alliance if reelected. Trump hugely resents the more moderate advisers who kept him in check during his first term. If he reaches the White House in 2025, the guardrails will be off.

The U.S. Congress is concerned, too. It recently enacted legislation to prohibit a president from withdrawing from NATO unless Congress approves, either by a two-thirds vote in the Senate or an act of both houses of Congress. But Trump could circumvent this prohibition. He has already raised doubts about his willingness to honor NATO's Article 5 mutual defense clause. By withholding funding, recalling U.S. troops and commanders from Europe, and blocking important decisions in the North Atlantic Council (NATO's top deliberative body), Trump can dramatically weaken the alliance without formally leaving it. Even if he does not withdraw American support completely, Trump's current position on NATO and his disinterest in supporting Ukraine, if adopted as national policy, would shatter European confidence in American leadership and military resolve.

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EUROPE, ABANDONED

If Trump is reelected and follows through on his anti-NATO instincts, the first casualty would be Ukraine. Trump has opposed additional military aid to Kyiv and continues to fawn over Russian President Vladimir Putin. NATO Secretary-General Jens Stoltenberg is already trying to Trump-proof aid to Ukraine by coordinating it

under the aegis of the alliance rather than the U.S.-led Ukraine Defense Contact Group. Should the United States weaken or terminate its defense commitment to Europe under Trump, European countries would feel more vulnerable and may become increasingly reluctant to send Ukraine their own vital military supplies. With dramatic aid cuts, Kyiv could be forced to negotiate an unfavorable agreement with Moscow that would leave Ukraine a rump state militarily and economically vulnerable to Russia. Should Ukraine's defenses collapse altogether, brutal repression and forced Russification await some 38 million people.

The disastrous consequences would only start there. A deflated NATO would struggle to mount an effective conventional deterrent against further Russian aggression. Russia is now on a war footing, spending six percent of its GDP on defense, and its authoritarian leader is committed to an ultra-nationalistic mission to consolidate his rule over what he calls the "Russian world," an unspecified geographic space that extends well beyond his country's internationally recognized borders. Moscow could reconstitute its armed forces relatively quickly. After subjugating all of Ukraine, Putin would probably focus on the Baltic states—NATO members covered by the alliance's security umbrella but claimed as historic Russian lands by Putin. Should NATO's conventional deterrence be weakened by the withdrawal of U.S. support, Russia would only be tempted to act more brazenly.

NATO countries collectively now spend two percent of GDP on defense, but, in the absence U.S. support, European armies are still not sufficiently prepared, equipped, and able to fight against a major-power adversary. Europe remains heavily reliant on the United States in several important areas. On its own, it lacks many of the key tools necessary for successful defense, including airlift capabilities, air-to-air refueling, high-altitude air defense, space assets, and operational intelligence—these

are all supplied primarily by the United States. Without American help, NATO would lose much of its military edge over Russia. Europe's defense industry remains badly fragmented, and developing the needed defense capacities to compensate for the loss of American backing could take the remainder of this decade.

A deflated NATO would struggle to mount an effective conventional deterrent against further Russian aggression.

Should the United States abandon NATO, the erosion of nuclear deterrence would severely compound Europe's conventional deterrence problem. Nuclear weapons underpin the United States' commitment to defend its allies and its nuclear capabilities form the bedrock of NATO's

capacity for deterrence. Should Trump close the American nuclear umbrella, Europe would have to rely on less than 600 British and French strategic nuclear warheads, a fraction of Russia's total force of over 5,000 strategic and tactical nuclear warheads. Since Europe has no tactical nuclear weapons, it can hope to deter a Russian tactical nuclear attack only by threatening escalation to the strategic level, a move that Moscow may not find credible. In an attempt to scare Europeans away from backing Ukraine, Russia has on many occasions hinted it might use tactical nuclear weapons. Unlike the United States, France and the United Kingdom have not extended their nuclear deterrent to protect their allies. Should Washington leave Europe to fend for itself, Moscow might calculate that it could successfully resort to nuclear blackmail to capture the territory of NATO member states.

Without U.S. leadership in NATO, cohesion and unity among members would be difficult to maintain. It often requires a strong American voice to bring disparate member states to a consensus. Since NATO's founding, a U.S. general officer has led the organization's command

structure, overseeing the military activities of all NATO member states. It is doubtful that any other country in the alliance could play this role.

NATO without the United States might limp along, but it is more likely that the alliance would collapse altogether. The European Union is not in a position to take NATO's place any time soon, as its military capabilities are limited and more capable of managing regional crises than fighting major wars. Even if a rump NATO survives without strong American involvement, the challenges of divided leadership, inadequate deterrence capabilities, and an assertive adversary would heighten the risk of war with Russia, a major power bent on overturning the liberal international order.

THE FALLOUT

The damage would not be limited to Europe. If Trump wants to withdraw from NATO to punish allies for their inadequate defense spending, why would the United States maintain its commitments to its Asian allies, many of whom currently spend even less than NATO countries? For now, the defense ties between the United States and its allies in Asia, such as Australia, Japan, and South Korea, are growing stronger in the face of Chinese provocations. But a lack of confidence in U.S. commitments may well lead some of these countries to pursue nuclear weapons to offset China's and North Korea's nuclear advantages, undercutting the fragile stability that has prevailed in the region for decades. The withering of U.S. global leadership would also have profoundly negative consequences in the Middle East, where U.S. forces and U.S.-led coalitions are needed to deal with terrorist threats.

The United States' economy might also suffer. Should a breakdown of deterrence trigger a general war with Russia or China, the economic costs would be staggering. Just a few Houthi fighters in Yemen have been able to disrupt

global shipping through their attacks in the Red Sea. Imagine the consequences of a war among major powers. Moreover, trade ties often follow security ties. Last year, two-way transatlantic trade in goods topped \$1.2 trillion. The United States has about \$4 trillion invested in European industry. Some five million Americans work in European-owned industries. The United States has a huge economic stake in maintaining a peaceful Europe.

The United States has been here before. Prior to both world wars, Washington sought neutrality. Neither effort at isolationism worked and only prevented the United States from being able to help deter the aggressors in those wars. Eventually, the United States was pulled into both conflicts. After World War II, having learned the dangers of isolationism, the United States remained engaged and paved the way for the founding of NATO and 75 years of relative peace in Europe. The United States must not forget the painful lessons of the last century. To do so would risk undercutting U.S. global leadership, undermining the Washington-built international order, and making the world safer for authoritarian rule. 🌐

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WORLD NEWS

What happens if Donald Trump pulls America out of NATO?



NEWSROOM FEBRUARY 19, 2024



In the United States, they took Trump's announcement of a possible divorce from NATO very seriously. This is what 'The National Interest' magazine writes: "American alone won't be a Superpower – We might not even survive."

There is no denying that the United States remains the world's mightiest superpower – one with a sizable economy, massive military, and, most notably, a nuclear arsenal that can ensure the destruction of the world if push came to shove. Yet, even as a superpower, the United States can't stand alone.

This should be remembered as former President Donald Trump warned in a campaign speech in South Carolina on Saturday that some U.S. allies weren't paying enough when it came to their national defense obligations. He told how he said as president to an unnamed ally, "You didn't pay? You're delinquent? No, I would not protect you. In fact, I would encourage them to do whatever the hell they want. You gotta pay. You gotta pay your bills."

That statement was met by cheers from attendees.

Yet, NATO Secretary-General Jens Stoltenberg responded with an unusually strong statement saying that Trump was threatening the security of the entire trans-Atlantic alliance.



“Any suggestion that allies will not defend each other undermines all of our security, including that of the U.S., and puts American and European soldiers at increased risk,” Stoltenberg said.

Here is the problem: if the U.S. leaves NATO, then the U.S. won't likely maintain a presence in Europe, Africa, or the Middle East. Many countries might even move closer to Russia or China.

If our allies and partners can't count on us to be there, we will lose access to many military bases around the globe. That might not seem like a big deal since we have a fleet of warships and aircraft that can fly from the continental U.S. to the Middle East and back.

But here is the thing. Our nuclear-powered supercarriers may have unlimited endurance, but the vessels supporting them do not. They need those bases around the world. Without friendly ports, the United States Navy doesn't look so much like a blue water force but rather a green water navy that can only operate closer to America's shores.

Yes, the B-1, B-2, and B-52 can fly around the globe thanks to modern aerial refueling, but the tankers can only support them so far. Without the bases in Europe, Asia, and the Middle East our ability to fly around the world will become that much harder.

The oceans will protect us, like they did in both World Wars. We produce oil, and grow our own food. America can survive without the rest of the world. Except we could lose access to the global markets, and the U.S. could face sanctions from the new superpowers of China and Russia.

The United States has a powerful military – but anyone who is paying attention knows we're having problems meeting recruitment quotas, the U.S. Navy is the smallest it has been since the First World War, and the U.S. Air Force has the fewest planes since any time before World War II.

If that wasn't enough of a concern, just last week, reports circulated that Chinese hackers have been active in U.S. computer networks for half a decade or longer. Beijing could launch a massive cyber attack on the U.S., crippling our economy and leaving us literally in the dark.

The bigger danger is that we may not be able to count on our nukes. A cyber attack could take our land-based missiles offline, some experts have warned. Our bombers couldn't reach targets halfway around the world without support from allies. Our F-35s may be the best in the world but how would they reach any targets as well? That leaves our aging submarine fleet, and it might not be enough to respond to all of our adversaries if we stand alone.

If the United States pulls out of NATO, it is also equally likely that the buyers for American arms will dry up. Europe is already developing a sixth-generation fighter aircraft, so we can expect any F-35 orders to be canceled. The same goes for many of the land-based systems.

In addition to the options from Germany, France, the UK, and Israel, other nations including Poland, Japan, and South Korea are all ramping up their respective arms industries. The days of



the United States as the top supplier of arms could come to an end if we really seek to go it alone.



This isn't just about profits for Lockheed Martin, Northrop Grumman, Boeing, and General Dynamics. It is about the hundreds of thousands of jobs at those companies and their subcontractors. The United States may spend more on its military than any other country, but it isn't enough to keep all those firms afloat. Foreign sales are crucial for those firms.

These are all points to consider when any politician complains that our allies "gotta pay." What do they "gotta" pay that will make any difference to the United States?

If we go it alone, America will be the one that pays more than money, 'The National Interest' stresses.



Should DOGE be
Disbanded?

What is Doge and why is Musk cutting so many jobs?

18 February 2025

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James FitzGerald and Holly Honderich

BBC News, London and Washington DC



Watch: Musk defends government cuts in surprise White House appearance

A new advisory body created by US President Donald Trump and led by the world's richest man has been **tasked with cutting US government jobs and other spending**.

Elon Musk is **leading** this **effort** to **drastically reduce the federal workforce** and weed out what he sees as **taxpayers' money being wasted**.

But his Department of Government Efficiency (Doge) has **encountered legal obstacles**, **allegations of conflicts of interest**, and fears that it will **wreak serious damage**.

Explaining his actions to reporters in the Oval Office, Musk **defended his plans** and **denied the assertion of rival Democrats that he embodied a "hostile takeover"** of government.

Polling suggests **cutting government spending has widespread support**.

What is Doge?

Despite its full name, Doge is not an official government department, which would have had to be established by an act of Congress.

Instead it came into being through one of Trump's presidential executive orders, and operates as an **advisory body** with at least **four employees dedicated to each government agency**.

Part of Doge's mission, says the order, **relates to IT upgrades aimed at boosting efficiency**. **It must finish its work by July 2026**.

Many of Doge's staff appear to be young people with tech backgrounds.

- Who is Musk and what is his net worth?

•

Is Elon Musk a government employee?

Yes. Musk initially said he would perform his role as an **outside volunteer** but the White House later said he was **operating as an unpaid special government employee**.

That designation is officially defined as those **working for the government for 130 days or less in a year**.

To some supporters of this new body, **Doge's outsider status** - as well as its somewhat vague mandate - **will increase its effectiveness**.

"They're a little more **untethered to the bureaucracy** itself and to the systems that slow processes down around here," Republican Senator Kevin Cramer of North Dakota told the BBC. "I think the **lack of parameters is part of what will make them effective**."



Musk was among the attendees at Trump's inauguration

What has Doge done so far?

Its mission, says Musk, is to **save taxpayers' money** and **reduce US national debt**, which stands at \$36tn (£28.9tn).

Initially he said he hoped to save as much as **\$2tn a year**, but later **tempered** this **estimate**.

Musk has said he wants to end the **"tyranny of the bureaucracy"**, what he describes as a **fourth branch of government** working **against Trump's agenda**. Critics of his work see a **simpler ideological motivation at play**.

"They are not going to go into agencies that are doing things they like. **They are going into agencies they disagree with**," Douglas Holtz-Eakin, a **former Republican director** of the Congressional Budget Office (CBO), told Reuters news agency.

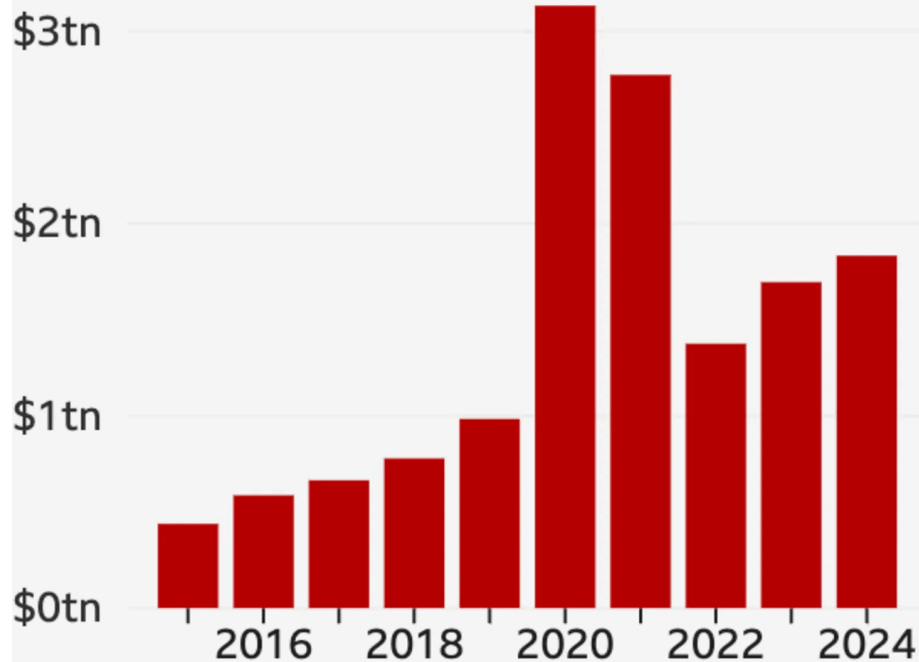
It is **unclear** how much **money** Doge has **managed to save so far**, although its X account gives **regular, celebratory updates on what they say has been cut**. Among its headline-making actions are:

- Doge representatives entering **various departments to monitor spending**. Trump says they have identified **"fraud and abuse"**, without giving evidence
- As part of a war on "woke" policies, Musk said his team had **"saved taxpayers over \$1 billion in crazy DEI [diversity, equity and inclusion] contracts"**
- **Taking an axe to USAID**, America's main foreign aid organisation that funds projects in dozens of countries - which both men call wasteful
- Making a **buyout offer to two million government employees** to try to **slash the size of the federal workforce**
- Attempting to **take control of, and possibly shut down, the Consumer Financial Protection Bureau** (CFPB). This was set up to protect consumers after the 2007-2008 financial crisis - but is accused by Republicans of overreach

US federal budget deficit

Difference between government revenue and spending, trillions

Note: 1tn is one million million



Source: US Treasury Department

Note: data to end of September each year



What do Americans think?

Doge enjoys broad popular support, a poll by the BBC's US partner CBS News has suggested.

This indicated that a majority of Americans - especially Republican voters - supported its work, even if they disagreed over how much influence Musk should have personally.

- Americans weigh up Musk's influence

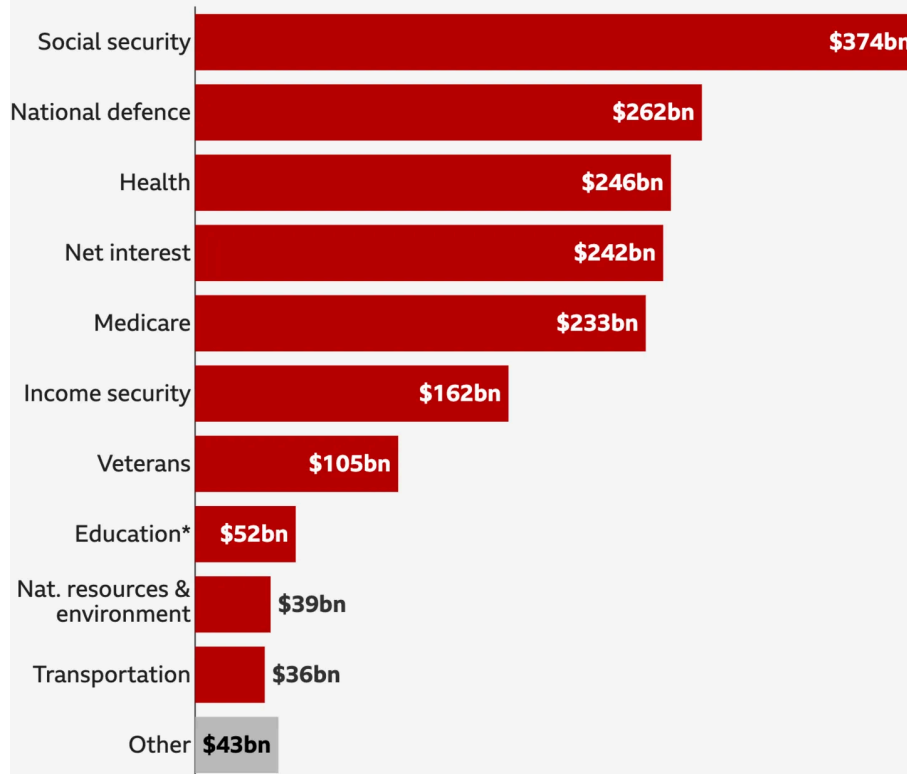
The size of the permanent workforce currently exceeds two million and one of the largest increases was in 2023, partly due to major investment by the Biden administration in infrastructure projects.

David Ditch, a senior analyst at the Economic Policy Innovation Center, a conservative think tank, says Doge's work is needed.

"They're shining a very bright spotlight on various parts of the federal government and they asking, whether it's the American public, whether it's moderate members of the Republican caucus - is this how you want America's tax dollars to be used?"

US Government spending

Spending by category, October to December 2024



Source: US Treasury

Note: *Education, training, employment and social services

BBC

What opposition has Doge faced?

Political opponents and government watchdogs accuse Doge of acting without transparency and spreading misinformation about government spending - and accuse Musk of overstepping his authority as an unelected official.

Critics highlight Musk's potential conflicts of interest, given the billions in contracts his businesses hold with the US government. Trump and Musk deny that any issues will arise.

Multiple groups including unions and state attorneys general have sued Doge and the wider Trump administration over their plans, and Democrats accuse them of tampering with funding approved by Congress that is outside the president's scope. The White House denies that the work has broken any laws.

Several times, the courts have stepped in to halt the cost-cutting moves, at least once blocking Doge directly when a judge stopping the agency from accessing personal data held within US Treasury records.

They have scored some small victories, though. A federal judge in Washington DC ruled that Doge's work can proceed while the litigation plays out.

- 'Dumbstruck' - inside Musk's race to upend government

When speaking to reporters in the Oval Office, Musk said he expected to be scrutinised for his work, but insisted that Americans had voted for "common sense" government reform.

But pundits question whether he can enact his bold pledges.

Elaine Kamark, a senior fellow in governance studies at the Brookings Institution, told the BBC that efforts to **streamline government spending "can be done"**, highlighting her own work for President Bill Clinton in the 1990s.

But she labelled Musk's idea of **slashing a third of government spending "ridiculous"**, since so much of the budget was **mandatory**, including **popular programmes like Social Security and Medicare**.

With additional reporting by Jessica Parker and Cai Pigliucci

Elon Musk US election 2024 Donald Trump

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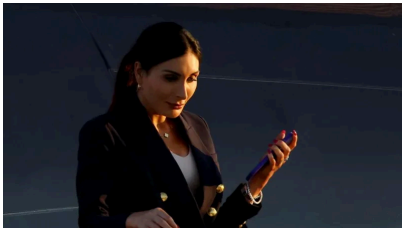
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Six Ways to Understand DOGE and Predict Its Future Behavior

By Alex Nowrasteh and Ryan Bourne

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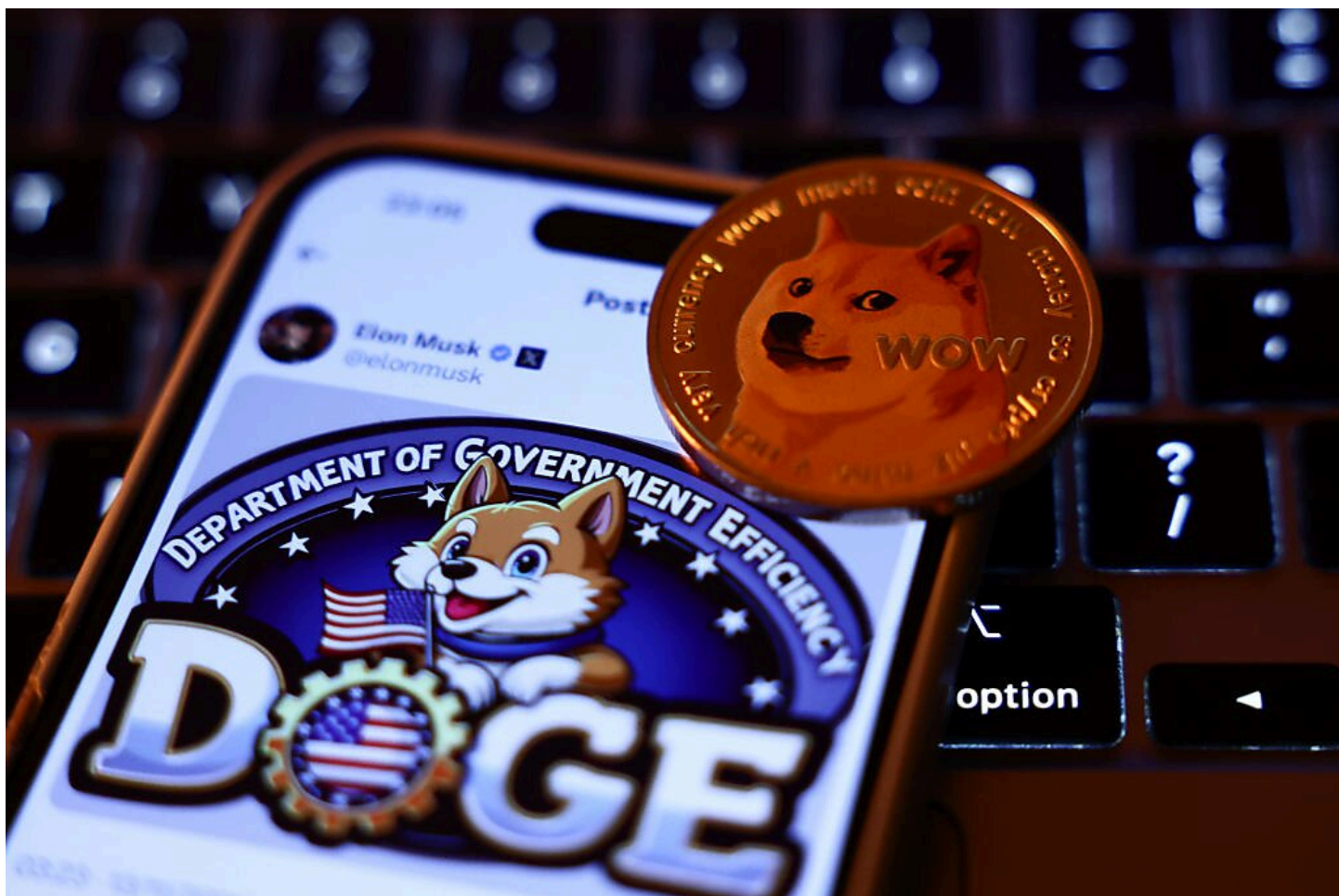
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The Department of Government Efficiency (DOGE) is the **biggest domestic policy news of 2025** so far. Established by **executive order** (EO) on January 20, 2025, and "led" by Elon Musk, DOGE officially occupies the administrative shell of the US Digital Service and was mandated to "implement the President's DOGE Agenda, by **modernizing Federal technology and software to maximize governmental efficiency and productivity.**" However, DOGE's reach clearly extends far beyond this, with an **impact across the federal government that has seemed chaotic.** As a result, observers struggle to develop a **coherent model to explain DOGE's actions and predict its future behavior.**

This is unsurprising given DOGE's changing missions. Upon conception before the election, Musk said DOGE would aim to cut **\$2 trillion in spending** to balance the budget. This was a remit we enthusiastically embraced with our 2024 Cato **report** that detailed where and how to cut that amount and potentially much more depending on willingness to reform entitlements. Musk and his then-partner Vivek Ramaswamy subsequently **wrote** that DOGE would **harness executive actions to reduce the administrative state, cheapen the procurement process, reduce the civil service, and reform other aspects of government, including on the regulatory front.**

DOGE's goals changed somewhat again upon DOGE's creation when Musk revised his stated goal to cut **\$1 trillion of spending.** Then, Trump's **EOs** of January 20th empowered DOGE to **reduce the federal workforce and overhaul the government's technology.** Later EOs focused DOGE on **downsizing the federal workforce,** eliminating **specific small bureaucracies,** and **rescinding or modifying unlawful or burdensome regulations.**

Since its creation, DOGE has pursued aspects of all the above goals, emphasizing publicly ways that it has reduced spending by firing government employees and canceling contracts.



Successfully affecting DOGE's behavior from the outside requires understanding, at least somewhat, its goals and how it functions. This abridged history of its shifting mission doesn't tell us where DOGE is headed, nor does it explain why it has behaved in the way it has to this point. Others have struggled with explaining DOGE. Santi Ruiz, for instance, has many **insightful observations**, but he doesn't have a coherent model or set of models for interpreting its actions. Below are six theoretical models for understanding DOGE's action to date, each with supporting evidence.

1. DOGE is seeking to purge progressive influence within the federal government.

DOGE is systematically eliminating left-leaning personnel, policies, symbols, and government funding for progressive nonprofits and causes within the federal government—and will continue to do so. DOGE's broad exemption of more conservative-leaning security agencies from review except for reevaluating all consulting contracts, its focus on dismantling DEI programs, and its termination of probationary employees hired under the Biden administration are evidence for this. Foreign aid is certainly perceived as progressive-coded, which explains why DOGE initially targeted USAID—an agency known for funding numerous left-leaning nonprofits and international NGOs. DOGE's other recent target is the Department of Education, the source of many insidious progressive DEI programs and other policies that conservatives rightly abhor. It's even going after progressive symbols such as the **Anthony Fauci exhibit** at the National Institutes of Health. He is a popular progressive icon despised by conservatives as the personification of progressive control over the government-funded public health sector. This is primarily a theory of what agencies DOGE decides to prioritize cutting.

2. DOGE is a scaled-up public version of Musk's style of corporate restructuring applied to the federal government.

DOGE is applying Musk's cost-cutting playbook to the federal government by prioritizing workforce reductions. Musk applied such a strategy to Twitter when he acquired it, as explained in Walter Isaacson's excellent **biography** and **elsewhere**. Musk likes to delete steps or people involved in a production process to streamline it, but his **rule of thumb** is, "If you're not adding things back in at least 10 percent of the time, you're clearly not deleting enough." This model explains why the government sought to **rehire** nuclear staff after DOGE fired them. Rather than a failure, rehiring workers is an expected part of Musk's downsizing process.

Federal workforce reductions are necessary, but they will have less of a positive budgetary effect on the federal government than for private firms where payroll costs are often more than 40 percent of revenue for professional services firms. According to our colleague **Chris Edwards**, total compensation for the 3.8 million federal defense and nondefense workers accounts for only **8 percent of spending** (excluding postal employees). The federal government's labor costs are lower than those of private firms because its primary task is transferring money from taxpayers to beneficiaries, which is not a labor-intensive activity, whereas businesses typically make profits by supplying goods and services that are more labor-intensive.



While there are undoubtedly many government employees who can be terminated, broad and indiscriminate layoffs in the absence of broader regulatory reform can prove false economies. Much of federal regulatory activity is enforcement of existing rules, which should be slashed. However, other federal personnel approve permits for private actions like **oil drilling** on federal lands, which are required by statutes implemented through regulations. Firing personnel whose jobs are to approve permits **halts** new drilling activity so long as the underlying laws and regulations are unaffected, thus reducing overall economic efficiency. **Alex Tabarrok** is similarly concerned about the indiscriminate firing of employees at the Food and Drug Administration (FDA), which could **lengthen drug review times**. Personnel cuts may also delay **deregulatory actions** the administration has ordered agencies to pursue. If the personnel cuts were combined with Ramaswamy's DOGE strategy to focus on reducing the regulatory and

administrative state, then across-the-board firings would have been less disruptive to the private economy. As we've noted before, absent reducing the federal government's size and scope, its disparate range of objectives can create inherent efficiencies that staff layoffs *can* exacerbate.

Still, this shouldn't come across as too negative. It's easy to nitpick and ignore the forest for the trees. While the **drilling** example, the FDA, and possible **cuts to workers** tasked with deregulating other sectors of the economy are negative, they are set against many other positive firings at the Departments of Health and Human Services, Education, USAID, and elsewhere. Regardless, the scale and scope of firings are consistent with a Musk-style restructuring that sometimes goes too far, and that can be later corrected with rehiring. This is primarily a theory of how DOGE cuts budgets in the agencies it targets.

3. DOGE is the first step of a public relations campaign to build popular support for spending cuts.

Eliminating **waste, fraud**, and abuse is an often repeated justification for DOGE. Its first target was unpopular **foreign aid** dispensed through USAID. DOGE's early announcements highlighted a cut of \$50 million for "**condoms for Hamas**" that turned out to be contraceptive aid for a province in **Mozambique named Gaza**. Condoms for Hamas would have certainly been ludicrous, actual contraceptive aid for Mozambique somewhat less so. Nevertheless, many Americans will rightly think that is not a priority use of their taxpayer dollars.

Still, DOGE has canceled several small-dollar projects that are just as silly, such as a Peruvian **comic book** about an education superhero that had to feature an LGBTQ+ character to address mental health issues. Often, the money was already spent, but at least it sends the signal there won't be any more spending on these or similar initiatives. DOGE's efforts to reduce spending on more popular programs like Social Security are stopped cold, such as its scrapped proposal to reduce **phone services** for program beneficiaries. The goal of reducing waste, fraud, and abuse is also inconsistent with the administration's firing of **Inspectors General** whose jobs were to monitor federal actions to reduce, among other things, waste, fraud, and abuse.

Still, the focus on ludicrous, silly, and absurd spending on unpopular programs like foreign aid may be the first part of a strategy to push a desperately needed austerity agenda focused on the actual programs eating the budget. As OMB director Russ Vought has **said**:

When families decide to get on a budget, they do not target the largest and immovable items of their spending, like their mortgage, first. They aim to restrain discretionary spending—they eat out less, shop less, and find cheaper ways of entertaining themselves. Then they look at what makes sense for the immovables—how to refinance their debt or make major life changes. Politically, a similar approach is the only way the American people will ever accept major changes to mandatory spending. They are simply not going to buy the notion that their earned entitlements must be tweaked while the federal government is funding Bob Dylan statues in Mozambique or gay pride parades in Prague. This Budget mathematically must include substantial reforms to mandatory spending to achieve balance—although importantly, there are no benefit reductions to Social Security or Medicare beneficiaries—strategically, it will emphasize the discretionary cuts needed to save the country from tyranny.

4. DOGE is an essential component of a Trump administration legal challenge to expand the president's power of impoundment.

DOGE is testing the limits of presidential control over federal spending, potentially setting the stage for court cases and a Supreme Court ruling that increases the president's power of **impoundment**. There are a **staggering number** of

lawsuits filed against the Trump administration's actions and several are challenging DOGE's cuts. Beyond DOGE, OMB Director Russ Vought and President Trump **claim** the Impoundment Control Act of 1974 is unconstitutional and the president has enormous authority to impound spending. Our colleague **Gene Healy** notes that "historically, there's been **little support** for [their] view even among conservative legal heavyweights." Regardless, DOGE could be an important component of a legal strategy to convince the Supreme Court to change its mind on the constitutionality of a broader presidential power over impoundment and to make a head start in cutting spending in case these efforts are successful.

5. DOGE provides political cover for Congress to be even more fiscally irresponsible.

Congressional Republicans could be politically free-riding on DOGE, using it as a way to extend and enhance the 2017 tax cuts without making significant budget cuts—claiming that DOGE will handle federal spending. Cato's Director of Budget and Entitlement Policy **Romina Boccia** noted that, "The House recently passed a **budget resolution** calling for \$4.5 trillion in tax cuts plus \$300 billion in new spending over the coming decade—all balanced out with \$2 trillion in offsetting spending cuts and about \$2.6 trillion in **pixie dust** from assuming their budget will have economic growth taking off like one of SpaceX's rockets." All this is playing out while Congress, other politicians around the country, and **the public** focus on DOGE. Media and political hyperventilation about "**large scale**" and "**massive**" cuts as well as DOGE's own **exaggerations** of the scale of its austerity could certainly help Congress shirk its fiscal responsibility yet again.

6. DOGE is about self-interest and cronyism.

DOGE isn't about cutting government waste—it's about consolidating business power for friends, punishing competitors, and securing lucrative opportunities for DOGE and other tech bro insiders via future government contracts and privileges. This theory, **pushed mainly by progressives**, highlights DOGE operatives gaining access to federal payment systems and procurement contract details, allowing those close to Elon Musk and friends to obtain sensitive information about competitors to his companies.

While DOGE has acted more broadly than in departments or agencies that Musk's businesses are involved with, there have been examples of conflicts of interest. FDA employees reviewing Neuralink, Musk's controversial brain-chip company, were **reportedly fired** (with some later rehired). The FAA, which has clashed with SpaceX over launch delays and environmental reviews, has been another target and Musk has **criticized a competitor of his own company**, Starlink, that provides services to the FAA. The recent image of President Trump doing **marketing for Tesla** on the front lawn of the White House, the controversy about the State Department's apparent plans to **purchase Tesla cybertrucks**, and the Trump administration's intentions to establish a strategic crypto reserve provide further evidence of a culture of crony capitalism, which DOGE is seen as part of.

This theory says that DOGE's other activity is a smokescreen for more self-interested intentions on behalf of its members and backers. The time-limited nature of DOGE and lack of transparency around its leadership and structure is seen as further evidence that something underhand is at play.

Many of the models above help to explain the outwardly chaotic nature of DOGE's actions. Horror at the resulting chaos is one reason why some advocates of smaller government recoil at DOGE. "Cut the government," some of them would say, "but not like this!" To be sure, there are more orderly ways to reduce the size and scope of the federal government and there are legitimate and important legal and constitutional concerns about DOGE. *Still*, any reduction in the size and scope of an organization that spends approximately \$7 trillion annually will be chaotic.



The government was built and expanded over centuries and is a complex bureaucracy of overlapping responsibilities, powers, and controls with its own diverse and evolved internal operations and local tacit knowledge inscrutable to outsiders. Firm bankruptcies and downsizings are often chaotic and disorderly, so Americans should only expect more such chaos from the substantially larger federal government that is involved in virtually every aspect of American life.

It's tricky to make accounting comparisons between the federal government and private firms, but Walmart's operating expenses in 2024 were about \$621 billion—less than one-tenth of the federal government's outlays that year. Walmart would certainly be thrown into chaos if it sought to reduce its costs through bankruptcy proceedings or substantial layoffs. Supporters of smaller government should be tolerant of short-term disruption so long as we think that DOGE can advance the goal of a smaller and less intrusive federal government and that Congress will ultimately do what's necessary to entrench the reforms and savings.

Social science models simplify reality, spotlighting key variables that may shape DOGE's actions in a way that can be tested. The models discussed above clearly simplify the complex endeavor of reforming the largest human organization ever by expenditures—the US federal government. They help explain past decisions and anticipate future moves. The models above try to make sense of DOGE's actions so far. They are not mutually exclusive, yet several can be informative together or alone, while some may only make sense temporarily. Other models not set out here might offer fresh insights, but scholars should try to develop them. Without doing so, one of the biggest policy initiatives of President Trump's second term risks being under-analyzed or misunderstood.

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Elon Musk’s gutting of US agencies is illegal, experts say. How do you muzzle Doge?

World’s richest man has unleashed a flurry moves ranging from compromising Americans’ private data to nearly upending USAid. Where does it stop?



📍 Elon Musk at a Trump campaign event at the Butler Farm Show on 5 October 2024, in Pennsylvania. Photograph: Alex Brandon/AP

 **Ben Makuch**
Mon 10 Feb 2025 11.00 GMT

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In 2022, the Pentagon proudly announced a committee on diversity and inclusion, with a Marine veteran and senior director at Tesla, serving as a member. The same person, who spent nearly six years at Tesla, also helped push Elon Musk to make Juneteenth a company-wide holiday. But Musk is a notorious recipient of lucrative government contracts and changes with the winds of presidential administrations.

Now in 2025, as a “special government employee” heading up the “department of government efficiency” (Doge), Musk is going to war with those kinds of government diversity and inclusion programs and slashing whatever he sees as a “waste” of public coffers.

But legal resistance is mounting, as Doge faces countless lawsuits alleging everything from privacy concerns to free speech violations, which all leads to one important question: is any of this even legal?

Laurence Tribe, one of the nation's leading and preeminent constitutional scholars and a professor emeritus at Harvard Law School, has already argued that much of Trump's blitzkrieg of executive orders on the day of his inauguration disregards the US constitution. He told the Guardian he saw Musk's actions as furthering that culture.

On whether or not Doge and Musk can legally have this much power over an array of government departments, Tribe was emphatic: “NO.”

Musk has applied a buckshot method across the government, offering CIA agents walking papers while appraising the Department of Education - all at the same time.

Tribe said the lack of guardrails being placed on Doge's maverick initiatives, raises “both” questions of illegality and ethical wrongdoing that can be challenged in court. As for Musk's status as a federal contractor (such as his StarLink work with the Pentagon) and now a government employee, Tribe sees it as “absolutely” a legal conflict of interest.

Musk is certainly facing roadblocks: protests at the buildings of USAid - another target of Doge he called a “radical-left political psy op” on X - have brought in hundreds and has attracted broader Democratic backlash. But Doge continues unabated, honoring Trump's campaign promise to rid the federal government of the “woke” Biden-era.

On Wednesday, Senator Bernie Sanders went further, telling CNN: “What Musk is doing is illegal and unconstitutional.”

Sanders explained how outright deleting an agency like USAid, which was itself a creation of Congress, requires congressional approval.

“You can't do it unilaterally,” he said.

But with a Republican supreme court supermajority that almost always sides with the Trump administration, any of these lawsuits that do end up being tested in the highest US court risks rulings in favor of Musk and Doge. Many of these Doge-related lawsuits will go on for months and be heard by benches stacked with Trump appointees from his first presidency. Musk has also begun publicly chastising lower court judges who go against the spirit of the administration.

■ ■ On some level it boils down to the world's richest man... trying to consolidate control over as much of the state apparatus as possible
Ed Ongweso Jr

Doge, nonetheless, will continue to be sued.

It took only minutes after Trump was sworn in for a Maryland-based public interest law firm to file a 30-page lawsuit alleging Musk's Doge should be considered a “federal advisory committee”, which makes it

subject to government transparency laws and public scrutiny, which includes note keeping and meeting records, as required by law.

So far, Musk has reportedly employed a team of very young programmers who brazenly took control of the treasury department payment system,

which gave them access to the addresses, social security numbers and bank account information of Americans.

Tribe says that act alone raises, “serious issues of privacy”. Doge is indeed already facing legal action for that treasury fiasco, with a judge approving a temporary hold on Doge from fully accessing the payment system, while another judge ordered a freeze on the deadline for federal workers to accept a buyout.

Ultimately, the only real guardrails on Musk and Doge will be in the hands of the courts. Even if Doge is found to be violating labor laws, national security statutes or constitutional rights - cases will inevitably be gummed up in the legal process, which could allow enough time for some of these federal workers to relent and take buyouts.

“Obviously what Musk is doing is illegal,” said Ed Ongweso Jr, a senior researcher at Security in Context, an international project of scholars housed at the University of Massachusetts, Amherst. “And on some level it boils down to the world’s richest man - a child of apartheid who surrounds himself with sycophantic phrenologists - trying to consolidate control over as much of the state apparatus as possible.”

Ongweso has been following the rise of the tech-bro class and its cozying up to presidential administrations. Musk’s Doge takeover is the latest iteration.

“For years, both parties have fetishized Silicon Valley to varying degrees, eagerly swallowing the sector’s gibberish about making governance efficient via algorithmic rule via privatization,” he said.

Ongweso pointed out that Musk is a veteran of the mass layoff and knows they come with lawsuits. But it hasn’t stopped him before.

At Tesla’s Fremont, California, plant a Black former employee was awarded \$3.2m in a racial harassment case, while the plant itself has been sued multiple times on racial discrimination and labor law grounds.

“Learning that a key Doge staffer was a skull measuring eugenicist should come as no surprise given the rampant racism (slurs, swastikas, a hanging noose, etc) at Musk’s Fremont Tesla factory,” he said.

And when it comes to laying off workers, Musk has the same recycled playbook.

“He’s been sued for failing to provide advance notice for 2024 mass layoffs at Tesla and for 2022 Twitter layoffs that were a transparent attempt to get out of severance pay,” explained Ongweso.

“It’s obvious lawsuits aren’t a deterrent for the world’s richest man - why would he stop mass layoffs, slashing and burning operations, or recruiting racists when it’s worked out so well for him that he’s now in firm control of America’s administrative state?”

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DOGE Cuts Update: Pete Hegseth Announces \$5.1 Billion DOD Contract Cuts

Published Apr 11, 2025 at 10:12 AM EDT

By [Khaleeda Rahman](#)

National Correspondent



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Defense Secretary [Pete Hegseth](#) has announced that the [Department of Defense](#) (DOD) will cut \$5.1 billion in "wasteful" spending.

In a video on Thursday, Hegseth said he was signing a memo directing the termination of \$5.1 billion in DOD contracts. The cuts include contracts worth \$1.8 billion for consulting services from private firms for the Defense Health Agency and a cloud IT services contract worth \$1.4 billion.

Hegseth said the department was also cutting 11 contracts for "DEI [diversity, equity and inclusion], climate, COVID-19 response and related nonessential services."

He said the department is also pausing over \$500 million in funding to Northwestern University and Cornell University in support of President [Donald Trump](#)'s priorities "to stop federal funding for academic institutions that tolerate antisemitism and support divisive DEI programs."

"If you're keeping score at home, today's cuts bring our running total to nearly \$6 billion in wasteful spending over the first six weeks of the Department of Government Efficiency, DOGE, effort here at the Defense Department," Hegseth said. "Their job is to go out and find the stuff that we can get rid of and then flow back into, drive that back into war fighting capabilities here at the Defense Department."



Defense Secretary Pete Hegseth attends a Cabinet meeting at the White House on April 10 in Washington, D.C. **ANNA MONEYMAKER**

Musk's Update

Elon Musk, who leads DOGE, on Thursday further scaled back the department's savings aims.

During a White House Cabinet meeting, he said he expects \$150 billion in savings in the 2026 fiscal year from the work done by DOGE.

"I'm excited to announce that we anticipate savings in FY26 from reduction of waste and fraud by \$150 billion," Musk said in the meeting. The billionaire added that these cuts "will actually result in better services for the American people and we're going to be spending their tax dollars in a way that is sensible and fair and good."

On the campaign trail last year, he floated cutting \$2 trillion from the federal budget. Earlier this year, Musk backtracked on that amount, but said he was confident that DOGE could find \$1 trillion in savings.

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How Many Jobs Has DOGE Cut So Far?

Tens of thousands of **job losses have been announced** across various federal agencies.

Layoffs are underway at the Department of Health and Human Services (HHS), which initially announced that it would **eliminate 10,000 jobs** as part of a major restructuring plan.

The **Environmental Protection Agency (EPA)** plans to **eliminate its scientific research office** and could fire more than 1,000 scientists and other employees, the Associated Press reported.

The Internal Revenue Service (IRS) also plans to **lose 18,000 employees**, about 20 percent of its workforce. Last month, **Postmaster General Louis DeJoy, who has since resigned**, told **Congress** that the **United States Postal Service (USPS)** would **cut 10,000 workers**.

The Department of Education (ED) has **announced plans to lay off more than 1,300 employees**, while the Department of Veterans Affairs (VA) is planning a **reorganization** that includes **cutting 80,000 jobs**, according to an **internal memo** the AP obtained in March.

The **Pentagon** reportedly plans to **cut its civilian workforce** by about 50,000 to 60,000.

At least **24,000 probationary workers** have been **terminated** since **Trump took office in January**, according to a lawsuit filed by almost **20 states** alleging that the **mass firings are illegal**. In March, **two federal judges ordered 19 federal agencies** to reinstate fired probationary workers.

About **75,000 federal workers have accepted** the **Trump administration's offer to resign** and continue **receiving pay and benefits until September 30**.

How Much Spending Has DOGE Cut So Far?

DOGE said its efforts have **saved the federal government an estimated \$150 billion as of April 8**. Musk initially said his goal was to **trim \$2 trillion from the federal budget**. In January, he backtracked, saying there was a **"good shot"** of **cutting half that amount**.

DOGE said the receipts provided on its website—showing **contract, grant and lease cancellations**—represented about **30 percent of total savings**, meaning the top-line figure is **not yet verifiable**.

THE DEBATE

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According to the Musk Watch DOGE Tracker designed by data analyst Brian Banks, the **verifiable savings** were about \$11.7 billion as of April 1, including actual savings from **verifiable grants** and **contracts** as well as **real estate**.

Is DOGE a Government Agency?

On January 20, his first day back in office, Trump signed an executive order **officially creating DOGE** to **modernize "federal technology and software to maximize governmental efficiency and productivity."**

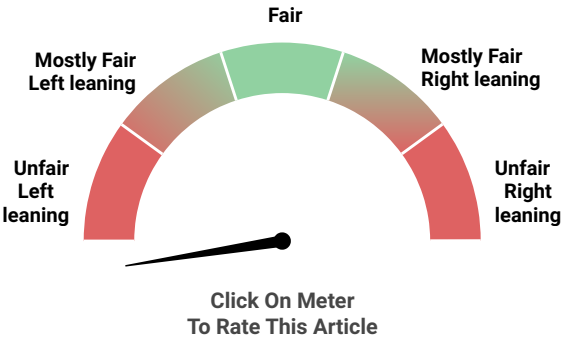
Despite its name, **DOGE is not a government agency** created by an act of Congress, but a **task force that targets waste and fraud in the federal government.**



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Final Cuts Will Eliminate U.S. Aid Agency in All but Name

The staff of U.S.A.I.D. will be reduced to some 15 legally required positions. The agency employed about 10,000 people before the Trump administration entered office.



The cuts are in keeping with the administration's plan to use foreign aid as a tool to further its diplomatic priorities. Tierney L. Cross for The New York Times



By **Karoun Demirjian**, **Stephanie Nolen**, **Michael Crowley** and **Elizabeth Dias**

March 28, 2025

The Trump administration on Friday detailed its plans to put the **U.S. Agency for International Development**, the government's **main agency for distributing foreign aid**, fully under the **State Department** and reduce its staff to **some 15 positions**.

An email to U.S.A.I.D. employees informing them of the impending layoffs, titled "**U.S.A.I.D.'s Final Mission**" and sent just after noon, detailed an **elimination in all but name** that the **administration** had

long **signaled was coming**. It arrived over **protests from lawmakers** who argued that **efforts to downsize the agency were illegal**, and from **staff members and unions who sued to stop them**.

The agency employed about **10,000 people before the Trump administration began reviewing and canceling foreign aid contracts** within days of **President Trump's return to the White House**. By Sept. 2, the email said, "the agency's operations will have been **substantially transferred to State** or **otherwise wound down**."

The cuts are in keeping with the administration's plan to use **foreign aid as a tool** to **further its diplomatic priorities**. This month, recipients of U.S.A.I.D. funds were **asked to justify their value to the administration** through **questionnaires that asked**, among other things, whether their **programs helped to limit illegal immigration or secure rare earth minerals**.

In a statement, Secretary of State Marco Rubio praised the forthcoming cuts.

"We are **reorienting our foreign assistance programs** to align directly with what is **best for the United States and our citizens**," he said, calling U.S.A.I.D. in its previous form "**misguided and fiscally irresponsible**."

Tracking Trump's First 100 Days ›

The Trump administration's previous actions on U.S.A.I.D.

- March 11 Told U.S.A.I.D. employees to shred or burn classified and personal records ›
- March 10 Announced that 83 percent of the programs run by the U.S. Agency for International Development would be canceled ›
- March 2 Placed on leave an acting assistant administrator for the U.S. Agency for International Development who warned that dismantling the agency would cause suffering ›
- Feb. 25 Terminated about 90 percent of U.S. Agency for International Development grants and contracts ›
- Feb. 23 Fired another 2,000 U.S.A.I.D. employees ›

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He pledged that "**essential lifesaving programs**" would be among those **preserved under the State Department**. In plans shared with Congress, however, the administration signaled that the **U.S.A.I.D. programs** it was **ending included one that funded vaccines for children in poor countries**, as well as some funding for **combating malaria**.

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The **email to employees**, which was written by Jeremy Lewin, who is **part** of the **Department of Government Efficiency** and was recently named as one of **two acting deputy administrators for U.S.A.I.D.**, said that all **nonstatutory employees** of the agency would receive **separation notices** with a **final date of July 1 or Sept. 2**. But some employees reported receiving **different dates** on **Friday**, including one **Foreign Service officer** who was told they would have to **depart their post at the end of May**.

Title 5 of the U.S. Code names **only 15 specific employees of U.S.A.I.D.**: one **administrator**, one **deputy administrator**, six **assistant administrators**, four **regional assistant administrators**, one **chief information officer**, one **general counsel** and one **inspector general**. At its peak, the agency counted about **10,000 employees** on its **payroll**, including **contractors**, in the **United States and abroad**.

Terminated employees will be able to **apply to be rehired** by the **State Department**, the email said, through a process that **has not yet been established**. Overseas personnel, it said, would be offered **“safe and fully compensated” return packages** to the **United States**. Employees posted overseas were told they had **72 hours to request their preferred departure date**.

The email was **sent to all U.S.A.I.D. employees** — including those who are **actively responding to the powerful earthquake** that struck **Myanmar** on **Friday**. The email landed around **midnight local time** on the **phones** of **dozens of U.S.A.I.D. employees** **sheltering** in the **street in Bangkok**, the capital of neighboring **Thailand**, as **tremors continued to shake the city**.

Q&A

Hundreds of readers asked about our coverage of the president. Times editors and reporters responded.



You Asked, We Answered: How The Times Is Reporting on the Trump Administration

March 6, 2025

Shortly after the email went out, **employees began receiving formal reduction in force notices**. One shared with The New York Times read: “The **agency is abolishing your competitive area**. You will be **released** from your **competitive level** and will not have an **assignment right to another position in the competitive area**.”

They then received an email encouraging them **“to step away and recharge,”** given the **impact of the day’s announcement**, according to a copy shared with The Times.

The layoffs are a **far more drastic reduction** than the **Trump administration had initially envisioned for U.S.A.I.D.** In February, senior officials at the agency were told that its **work force would be cut to a few hundred employees.** But on Friday, even **some of the workers who had been deemed essential were given their walking papers.**

While the **administration notified lawmakers** of their **intent to pursue the cuts**, Congress has **not approved the reorganization plan**, which Democratic lawmakers have called an **illegal closure** of the **agency.**

Members of the **House and Senate committees** that oversee **foreign affairs** and **associated budgets** were informed about the **reorganization** on **Friday** by the **Trump administration**, which said it would be **completed by July 1.**

In the meantime, **several employees** are **taking issue** with the way the **termination notices were handed out.** Some began circulating a **list of “irregularities”** on Friday, pointing out **clerical errors** and **objecting** that the **notices had not been disseminated** in **accordance** with the **formal reduction in force process.**

To put someone “with **zero meaningful government, foreign policy or development experience in charge of this process is insulting to the career staff around the world with decades of experience,**” Julianne Weis, who was a **senior adviser in the U.S.A.I.D. global health bureau** and also received a **termination letter on Friday**, said of Mr. Lewin. “It’s also **dangerous for America’s global standing, national security and foreign policy.**”

A request for comment sent to U.S.A.I.D. received an automatic reply directing all inquiries to the State Department’s press office.

Amy Schoenfeld Walker contributed reporting.

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A version of this article appears in print on March 29, 2025, Section A, Page 20 of the New York edition with the headline: New Round of Layoffs Will Virtually Eliminate U.S. Foreign Aid Agency. [Order Reprints](#) | [Today’s Paper](#) | [Subscribe](#)

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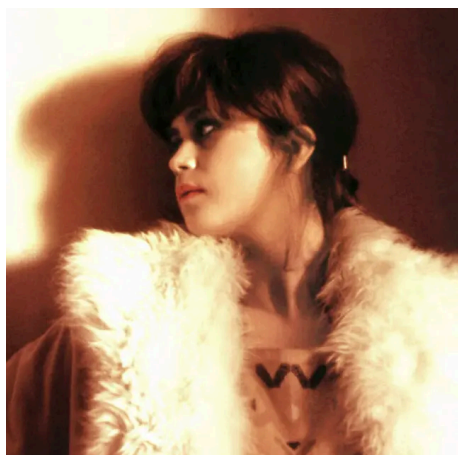
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What Government Leaders Should Know About the Department of Government Efficiency (DOGE)

January 22, 2025



What is the Department of Government Efficiency (DOGE)?

The **Department of Government Efficiency (DOGE)** is a temporary organization established by President Donald Trump in January 2025 through an executive order. Operating under the United States DOGE Service (formerly the U.S. Digital Service), **DOGE is tasked with modernizing federal technology and software to enhance governmental efficiency and productivity.**

Elon Musk has been appointed as a "special government employee" to lead DOGE, providing him with a government email, office space at the White House, and significant authority to downsize the federal government. The organization aims to streamline government operations, reduce wasteful spending, and eliminate unnecessary regulations. However, its establishment and Musk's role have raised concerns regarding access to sensitive information and the potential for overreach.

DOGE is **scheduled to operate until July 4, 2026**, with its headquarters located in the Eisenhower Executive Office Building. The organization comprises a core team of approximately 20 employees, with additional teams embedded within various federal agencies to implement its initiatives.

Opportunities for Local Governments

Streamline
access to federal
support

Technology
modernization

Cost-savings

One of the most promising aspects of DOGE's initiatives is the potential to **streamline access to federal support**. Simplified federal operations could reduce bureaucracy, speeding up the processing of funding requests and ensuring resources reach communities more efficiently.

Another key opportunity lies in **technology modernization**. DOGE's emphasis on upgrading government systems could provide local governments with tools to improve service delivery, from permit processing to emergency response. Enhanced cybersecurity measures would protect sensitive local data, which is increasingly at risk from cyberattacks. Moreover, integrated data systems could enable smarter decision-making by allowing local governments to analyze and share information more effectively.

Finally, DOGE's focus on eliminating inefficiencies could result in significant **cost savings** for local governments. Streamlined federal operations may reduce administrative overhead, freeing up local funds for essential programs.

Challenges for Local Governments

Compliance
burdensUneven
benefits

Overreach

Despite these opportunities, DOGE's initiatives could introduce **compliance burdens** for local governments. Adapting to new federal requirements may require additional administrative work, potentially straining staff capacity, especially in smaller municipalities. Upgrading systems to meet new federal standards could also be costly, placing financial pressure on already tight local budgets.

Another concern is the potential for **uneven benefits**. Not all local governments are equally prepared to implement the changes DOGE envisions. Rural and underserved areas might struggle to adopt new systems, falling behind wealthier or more urban regions. This disparity could exacerbate existing inequities and limit the effectiveness of DOGE's reforms in areas that need them most.

Furthermore, the sheer number of localities across the United States poses a significant challenge to implementing a one-size-fits-all solution. As of July 31, 2019, there were 19,502 incorporated places registered in the country. Of these, 16,410 had populations under 10,000, while 10 of the largest cities had populations exceeding one million. This vast disparity in size and capacity may make it difficult to standardize technology upgrades and operational improvements across local governments. **A solution that works well in a large metropolitan area may be unfeasible for a small town with limited financial and technological resources.** DOGE must carefully consider these variations to avoid unintentionally creating additional burdens for smaller or resource-limited municipalities.

Additionally, the push for standardization could risk **overreach** by limiting the flexibility of local governments to address unique community needs. While streamlined processes are beneficial, they may not always align with the specific challenges faced by individual municipalities. If federal systems are not designed with local variations in mind, they could unintentionally create new complexities instead of solving existing problems.

What Local Leaders Can Do to Prepare for DOGE

Local leaders can take proactive steps to prepare for the changes introduced by DOGE:

- **Conduct a comprehensive assessment:** Evaluate current systems, processes, and resource gaps to identify areas in need of modernization.
- **Invest in training and development:** Build team capacity by providing staff with the skills needed to adapt to new technologies and compliance requirements.
- **Establish communication channels:** Maintain open lines of communication with federal representatives and other local governments to stay informed about updates and share best practices.

- **Leverage partnerships:** Collaborate with private organizations or solutions providers specializing in program administration or data systems to bridge resource gaps and ease transitions.
- **Prioritize local needs:** Advocate for the unique requirements of your community to ensure that new federal initiatives align with local priorities.

By following these steps, local leaders can ensure their communities are ready to embrace the opportunities DOGE offers while effectively managing potential challenges.

The Path Forward

For DOGE to benefit local governments, collaboration and equity must be prioritized. Engaging local leaders and ensuring equitable resource allocation are essential to addressing community challenges effectively.

Simplifying program administration through tools like **FORWARD's program administration solution**, that streamline intake, eligibility, and fund distribution can reduce administrative burdens and improve transparency. Features like real-time dashboards and multilingual access can ensure services reach all residents efficiently.

By fostering collaboration and providing practical solutions, DOGE can help local governments adapt to new standards while continuing to address the unique needs of their communities.

Conclusion

The **Department of Government Efficiency (DOGE)** has the potential to transform local government operations, delivering more efficient, transparent, and impactful services. However, its success will depend on how well it supports local governments in overcoming challenges while leveraging opportunities.

By addressing the specific needs of local communities, offering resources to underfunded municipalities, and fostering collaboration at all levels, DOGE can truly drive meaningful improvements. The initiative's success will not only be measured by cost savings or upgraded technology but by its ability to strengthen the connection between local governments and the people they serve.

Local governments are ready to embrace innovation—but DOGE must ensure that it becomes a partner in progress, rather than a source of additional challenges. With careful planning and collaboration, this department has the potential to deliver on its promises and create a lasting impact on communities across the nation.

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The Legal Challenges to Elon Musk's DOGE, Explained

By Matt Cohen | February 7, 2025



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Ever since President Donald Trump announced in November that he was creating something called the Department of Government Efficiency — cheekily shorthand as DOGE — and it would be run by billionaire Elon Musk, it's **drawn intense skepticism and scrutiny.**

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For starters, a **president can't just create a new federal agency via executive order** — that can only happen through an **act of Congress**. Then **what is DOGE?** In essence, what Trump did is **rename the United States Digital Service** — **created** within the Executive Office of the President under Barack Obama to improve all the federal and executive websites — **into DOGE** and **retooled its mission** to **hunt down fraud and waste within federal agencies**.

Naturally, **chaos and uncertainty ensued**. **What authority does DOGE actually have?** Are attempts to **gain access to sensitive and classified data** from **federal agencies legal?** And what can be done about it?

Can DOGE even exist?

The short answer is: **We don't know yet**. The method of creating DOGE via executive order — and its authority — is the **subject of a trio of lawsuits filed Jan. 20**, the day Trump returned to the White House.

The three lawsuits — one filed by the progressive consumer rights advocacy group **Public Citizen**, another by the pro-democracy organization **Democracy Forward** and a third by public-interest firm **National Security Counselors** — allege that **DOGE shouldn't be considered a federal agency** but rather an **advisory committee**. They argue that **not setting up DOGE as an advisory committee** violates the **Federal Advisory Committee Act of 1972** which, among other requirements, states that **all meetings are public record** and that its **membership be "fairly balanced"** in its **points of view**.

The U.S. Department of Justice (DOJ) **filed a motion to consolidate all three lawsuits**, but

Judge Rules Trump Officials Must Testify in DOGE Data Lawsuit

Federal Judge Blocks DOGE Access to Sensitive Data At Education Department and OPM

New Filing Could Force DOGE to Reveal How It Operates Within Government

otherwise, there's **been no movement**.

DOGE Attacks the Education, Labor and Treasury Departments

In the meantime, **DOGE continues to wreak havoc on the federal workforce**. On Monday, personnel with DOGE **requested sensitive personal information and financial information** from the **Department of the Treasury**. In response, Public Citizen **filed** a lawsuit on behalf of two federal unions and a nonprofit organization to **block DOGE from accessing the requested Treasury information**.

“The scale of the intrusion into individuals’ privacy is **massive and unprecedented**,” the lawsuit said. “**People who must share information with the federal government should not be forced to share information with Elon Musk or his ‘DOGE.’** And federal law says **they do not have to**.”

Until a federal judge rules on a motion for a preliminary injunction, the **DOJ agreed** to **restrict DOGE Treasury access**, save for **two DOGE-affiliated special Treasury employees** who were granted **read-only access to payment records**. Shortly after the agreement was reached, one of the **DOGE-Treasury employees** named in the order **resigned** after **past racist social media posts were discovered**.

A similar **lawsuit** was **filed** Wednesday by Democracy Forward — on behalf of a coalition of more federal unions — **against DOGE** to block access to **Department of Labor (DOL) data**. According to the lawsuit, some **DOL staffers** were ordered to **give**

DOGE access to whatever they asked for, or risk losing their jobs.

“DOGE seeks to gain access to sensitive systems before courts can stop them, dismantle agencies before Congress can assert its prerogatives in the federal budget, and intimidate and threaten employees who stand in their way, worrying about the consequences later,” the lawsuit said.

Both the plaintiffs and the government struck a similar agreement to the one in the Treasury lawsuit, agreeing to block DOGE from accessing DOL data until a federal judge rules on the case, which is expected to come Friday afternoon.

“DOGE’s sweeping campaign to access highly-sensitive information and unilaterally dismantle federal agencies is unlawful and must be stopped,” Skye Perryman, President and CEO of Democracy Forward, said in a statement. “The Court must not allow DOGE to seize control of the highly sensitive, personal data held within the Department of Labor and Bureau of Labor Statistics. We will use every tool available to prevent this hostile takeover of yet another critical federal agency.”

On Friday, Public Citizen filed yet another lawsuit to block DOGE’s efforts to gain access to sensitive Department of Education (ED) data. The lawsuit said that DOGE’s access to information like student loans and financial aid data violates federal law — specifically the Administrative Procedures Act and the Privacy Act.

“The scale of the intrusion into individuals’ privacy is enormous and unprecedented,” the lawsuit said. “The personal data of over 42

million people lives in these systems. These are people who trusted ED with their sensitive personal information when they filled out the FAFSA and applied for federal student loans and grants, in reliance on the agency's rules and other representations.”

NEXT UP

What Happens If Trump Defies Court Orders?

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Should the
Department of
Education be Shut
Down?

Posted March 10, 2025 at 3:45 pm by Hilary Wething

A strong Department of Education is critical to public schools

The **Trump administration** is reportedly preparing an **executive order** aiming to “**abolish**” the **Department of Education**—a prominent demand of far-right activists in recent years. His pick for Secretary of Education—Linda McMahon—is hostile to public schools and supports the privatization of public education.

The **U.S. public education system** needs all sorts of **reforms** to boost its capacity to provide an excellent education to all children. But **public education** is also **why** the **United States** became the **richest country the world has ever seen**, and its future depends on **maintaining** and **strengthening** this system—not tearing it down.

What does the Department of Education do?

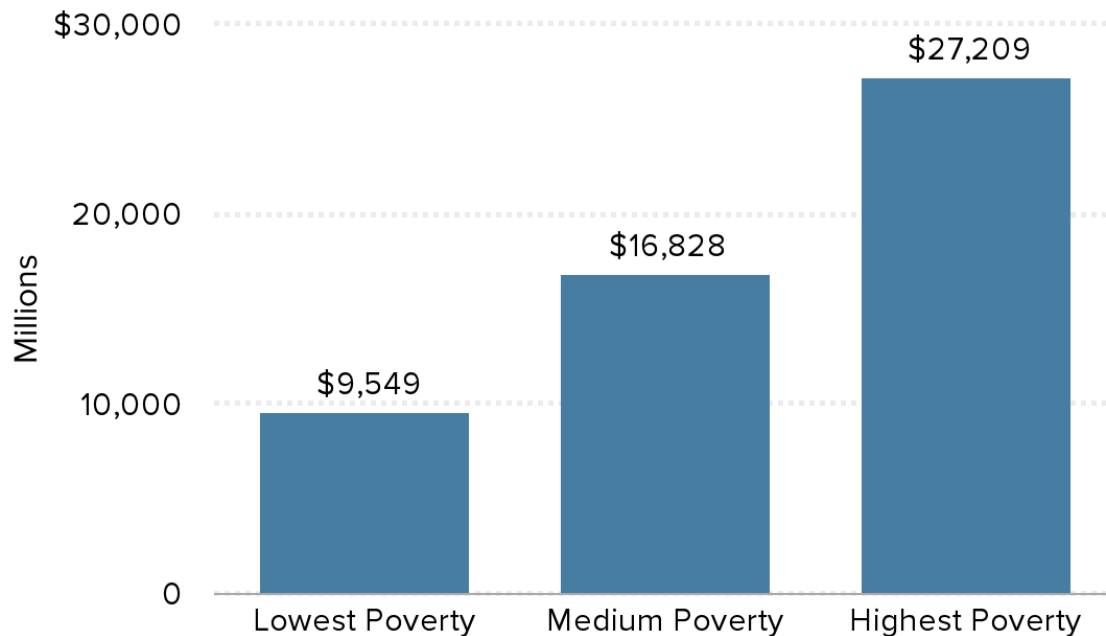
The **Department of Education** (DOE) **accounts** for about **3.5% of the entire federal budget** and provides crucial **funding** for **public K–12 schools**, narrowing some of the huge gaps between needed resources and state and local revenue. Specifically, the **DOE provides funding** for **low-income children** through **Title I funds** and **funding** for **special education** through **IDEA programs**. These resources help **balance the scales of school funding**, as high-poverty districts often get less funding from local sources, which rely heavily on property taxes. The **DOE** also **administers crucial programs**—like **Pell grants and loans**—that make college attendance possible for those who are not rich.

Often, **demands to “abolish” the DOE** are accompanied by vague reassurances that the **money spent** by the DOE will somehow be “**returned to the states.**” But the **vast majority of money** spent by the DOE is exactly **given** to **state and local school systems**. **Figure A** shows that just over **51% of federal funding** goes to the **third of districts** with the **greatest need** (as measured by district poverty), while only 18% goes to the third of districts with the lowest neighborhood poverty. Unless one is entirely confident that a Trump administration-led effort to “return” this money to state and local districts will somehow be as effective in targeting higher-poverty districts, it is a near-guarantee that **any effort to cut or abolish the DOE** will **take money directly out of those districts whose students need it the most.**

FIGURE A

Inequality in public education will worsen without federal funding

Federal funding going to school districts, in millions, by poverty status, 2019



Source: Author's analysis of National Center for Education Statistics, FY 2019.

The DOE has also sought **genuine efficiencies** as one of its **key endeavors**. The DOE in previous administrations has **tightly monitored colleges** that **took federal government resources** and **failed to provide a quality education**. Given the skyrocketing cost of college attendance and the rising importance of having a college degree, the **DOE's efforts** to find these efficiencies should have been **widely praised and built upon**. Instead, however, the Trump administration has blocked these efforts. For example, the **Obama administration's DOE** implemented **two rules** cracking down on **for-profit colleges** that saddled **students** with **debt** but **failed** to provide a **quality education**. These rules sought to **cancel debt** for these ill-served students and **fine** the **colleges**. But the first Trump administration rolled back these rules.

The biggest proponents of abolishing the Department of Education make vague claims about K–12 public schools “indoctrinating” children in “leftist” values. But the **federal government** has almost **no direct sway over what is taught in K–12 public schools**, that is overwhelmingly decided on the ground in local school districts. If parents in these districts (or anybody else) want a curriculum change, they should focus their attention on local decision-makers, not the DOE.

Privatization is not the answer

Nearly 90% of K–12 students attend public schools. A strong research base indicates that these schools would benefit from higher levels of resources, with dollars translating directly into higher test scores and better post-school outcomes for students. Privatization of public schools is not a serious option to make them better—yet privatization is the clear goal of the Trump administration.

Secretary McMahon has a long history of favoring voucher programs, which allow parents to use public taxpayer dollars to send their children to private school or home school. There is no evidence to suggest that private schools or homeschooling could possibly translate these resources into more effective student outcomes than public schools (see evaluations of the evidence [here](#), [here](#), and [here](#)). Further, the majority of students who “take up” vouchers are already attending private school, basically providing a windfall to affluent parents at the expense of public schools.

These voucher programs pose a grave danger to public school budgets in states where right-wing advocates have had early success. In states like Arizona, voucher programs have ended up costing nearly 10 times its projected cost. To the degree that growing voucher programs do entice some parents to send kids to private schools, there are direct fiscal costs to students choosing to remain in public schools (see [our district-level calculator](#) to learn more).

Recent proposals put forward by Republicans, backed by the White House, seek to create a national voucher program in the form of a new tax credit where taxpayers who donate would get 100% of their money back. While most tax credits for charitable causes are structured where part of the contribution is paid by the government and part by the taxpayer, in the case of this national voucher tax credit proposal, the government would pay for all of it. In effect, their effort to privatize education at the national level essentially functions as tax shelters for the wealthy.

Like most of the Trump administration’s efforts, the drive to diminish the DOE shows they have no serious interest in making public institutions work better or more efficiently, they just want them stripped of resources.

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Abolish the Department of Education

The federal government furnishes a relatively tiny amount of K-12 funding—but the feds need relatively little money to exert power.

NOVEMBER 15, 2024 • COMMENTARY

By Neal McCluskey

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This article appeared in the December 2024 issue of *Reason*.

Love or hate the **Project 2025** blueprint for the next conservative president, it has done at least one good thing: revive discussion of ending the U.S. Department of Education. That department has no constitutional business existing. But eliminating the programs it administers, many of which predate the department, is just as important.

In the early 1970s, the National Education Association transformed from a professional association to a labor union and offered its endorsement to a presidential candidate who would support a stand-alone education department. Democrat Jimmy Carter made the promise and was elected in 1976.

The idea was controversial, including on the left. Joseph Califano, Carter's secretary of Health, Education, and Welfare (HEW), **objected** to taking education programs from under the broader welfare roof and saw a standalone department as a threat to higher education's independence. Albert Shanker—the president of the other major teachers union, the American Federation of Teachers—opposed a department as likely ineffectual and a **threat to state and local K-12 control**.

The federal government furnishes a relatively tiny amount of K-12 funding—but the feds need relatively little money to exert power.

In 1979, the department **squeaked by**: 20–19 in the House Rules Committee and 210–206 in the full House. In 1980, Republican Ronald Reagan ran for president pledging to kill it, but there was **little congressional Republican desire** to fight again.

The department became the K-12 controller that Shanker feared, peaking with the No Child Left Behind Act (NCLB) from 2002 to 2015. Though the Constitution gives the federal government no authority to govern education, NCLB required states to have uniform math and reading standards and make "adequate yearly progress" to full proficiency by 2014. In 2010, the department brought the country to the brink of a national curriculum, coercing states to adopt the Common Core standards and associated tests. Only when teachers unions opposed **tying test scores to teacher evaluations** did left and right converge against federal overreach. NCLB was replaced by the **Every Student Succeeds Act** (ESSA), which removed the adequate yearly progress mandate that was the linchpin of federal control, as well as several other prescriptive parts of NCLB.

With around 4,100 employees, the Education Department is **the smallest Cabinet department**. The federal government also furnishes a relatively tiny amount of K-12 funding, averaging only about 8.5 percent of **public school revenues** for the last five decades. But the feds need relatively little money to exert power. A state might spend \$20 billion, but if headlines say it risks even a few million dollars by bucking federal rules, that looks big. So even though the ESSA is a release from NCLB, Washington retains the ability to take greater control.

The achievement impact of federal dollars is hard to isolate, but during the NCLB era, National Assessment of Educational Progress **math and reading scores** generally rose, though they mainly **stagnated** for the **oldest children**. NCLB's obsessive focus on those subjects might have helped spur some improvements.

But education is about more than standardized tests, or reading and math, and NCLB crowded out **many subjects** and instructional approaches. It also likely kneecapped the standards-based reform movement that bore it. The movement originated in **the states**, and it might have been more sustainable had "laboratories of democracy" been able to adjust to their own needs and cultures.

Eliminating the Department of Education would only soften these problems.

The threat of micromanagement would diminish were education in a broader department, like a new HEW (similar to the 2018 Trump administration **proposal** to combine the Education and Labor Departments). That **secretary would have more to do than pull K-12 strings**, and the head of a mere office would command less public attention. But Washington would retain **dangerous spending leverage**, and the Constitution would still be violated.

So yes, end the Department of Education. But don't just merge it with other departments. End all its unconstitutional programs.

ABOUT THE AUTHOR



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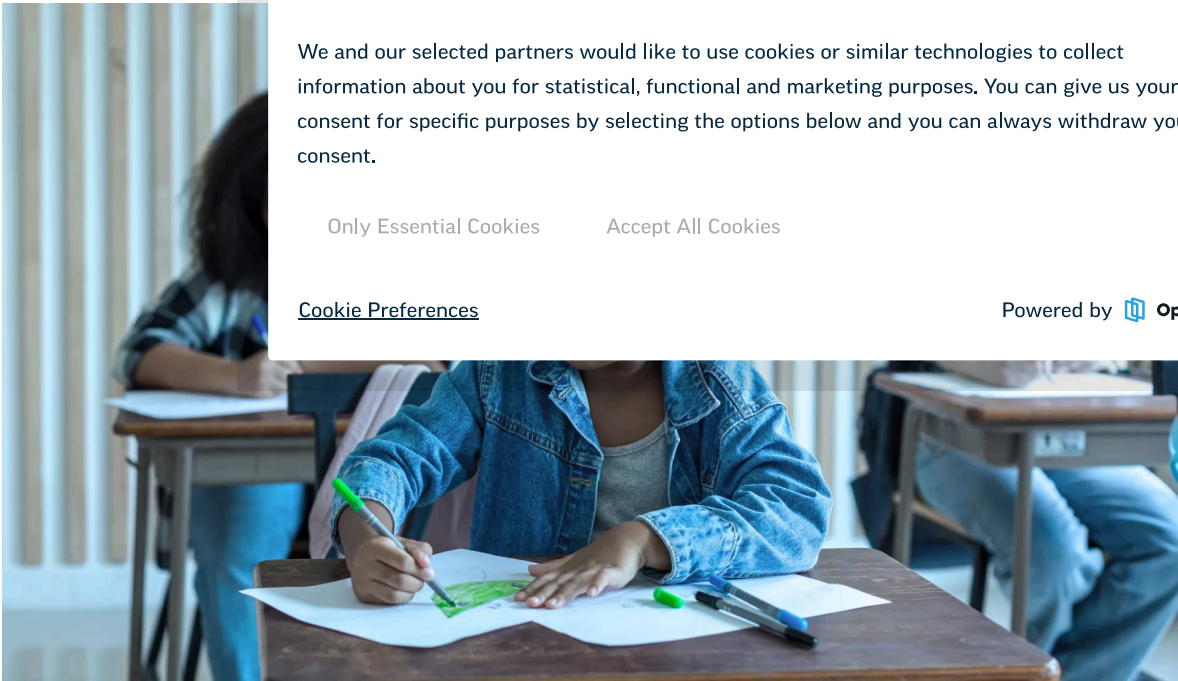
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NEA NEWS

How Dismantling the Department of Education Would Harm Students

Educators and parents will not stand for the destruction of our country's commitment to equal educational opportunities for all students.



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By: Tim Walker, Senior Writer
Published: February 4, 2025



KEY TAKEAWAYS

- 1** The White House is expected soon to issue an executive order to abolish the U.S. Department of Education.
- 2** Stripping the department of its resources and mission would be catastrophic for the millions of students in low-income communities who need educational services and support. Civil rights protections against discrimination based on race, gender, and disability would also be gutted.
- 3** The American people do not support these actions, said NEA President Becky Pringle, and educators, parents and other allies will continue to organize, advocate, and mobilize so that all students have well-resourced schools.

In a widely expected move, President Donald Trump will at any minute issue an executive order—or a series of orders—[aimed at dismantling the U.S. Department of Education \(ED\)](#), while also urging Congress to abolish it outright. Eliminating the department, which was established by President Jimmy Carter and Congress in 1980, due to the advocacy of NEA and others, has been a key focus of Trump’s anti-public education rhetoric, as a candidate and now as president.

Since Inauguration Day, the White House has issued reckless, destructive, and even illegal directives to destabilize public schools and target some of our most vulnerable students. They include stripping schools of critical funding, [launching national school voucher programs](#), providing more funding and less oversight for private charter operators, and [greenlighting Immigration and Customs Enforcement \(ICE\) raids on public schools](#).

The divisive culture war language (“ending radical indoctrination in K-12 schooling”) used by the administration and its allies to justify its actions does not obscure the true aims of Trump’s agenda—and the very real damage these moves will inflict, especially on the millions of low-income students across the country.

Ninety percent of U.S. students and 95% of students with disabilities learn in our [public schools](#). Students across the country benefit from [programs run by the Department of Education](#). Eliminating the department, National Education Association President Becky Pringle said this week, was equivalent to [“giving up on our future.”](#)

“If it became a reality,” Pringle said, “Trump’s power grab would steal resources for our most vulnerable students, explode class sizes, cut job training programs, make higher education more expensive and out of reach for middle class families, take away special education services for students with disabilities, and gut student civil rights protections.”

“Americans did not vote for, and do not support,” she added, “ending the federal government’s commitment to ensuring equal educational opportunities for every child.”

NEW CALLS TO ABOLISH THE EDUCATION DEPARTMENT

Ever since its creation, the Department of Education has faced continued calls from right-wing politicians for its abolishment, but the current White House presents the gravest threat yet.

The plan to close the department was a part of the GOP campaign platform and [was laid out explicitly in Project 2025](#), a policy blueprint published by the Heritage Foundation to guide a second Trump presidency. Indeed, the very first sentence of the education section of the Project 2025 manual is: “Federal education policy should be limited and, ultimately, the federal Department of Education should be eliminated.”



Students across the country benefit from programs run by the U.S. Department of Education. Eliminating the department would be equivalent to “giving up on our future,” said NEA President Becky Pringle.

Doing so, however, requires an act of Congress. And bipartisan support for a strong federal role in ensuring a quality education for all students has in the past defeated these efforts. Just last year, the U.S. House of Representatives considered and rejected an amendment to a bill that sought to eliminate the department. [More than 60 Republican members joined Democrats in turning back the effort.](#) However, [a new bill was introduced in the House last week calling for the elimination of the department by the end of 2026.](#)

While officially closing the doors of the Education Department may prove difficult, dismantling its key functions and stripping its funds is a very real and present danger. [According to reporting in *The Wall Street Journal*,](#) the White House is weighing a series of executive orders that would abolish programs that are not “explicitly in the department’s statute” and transfer other functions to other federal departments—or, in effect, gutting the Education Department without technically closing it.

HOW STUDENTS AND FAMILIES WILL PAY THE PRICE

When the White House talks about dismantling Department of Education programs, it uses phrases such as “back to the states” to obscure the fact that students—especially lower-income students in rural, suburban, and urban communities and students with disabilities—will lose big.

The Department of Education is a critical champion in enforcing federal statutes prohibiting discrimination and ensuring every student has access to an education that will help them reach their full potential. Dismantling it means defunding programs that feed, educate, and protect our most vulnerable and underserved students, and leaving many families fearful and anxious and communities reeling.



Becky Pringle

@neapresident.bsky.social



Trump is prepping an executive order to dismantle the Dept. of Education, directly harming students. It will drain resources from the most vulnerable, skyrocket class sizes, make higher ed more expensive, strip special ed services, and gut student civil rights protections. We won't let this happen.

Feb 4, 2025 at 12:26 AM



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Here are the key programs that would be impacted:

- Title 1, which directs money to schools with high concentrations of students living in poverty and provides supports such as reading specialists and smaller class sizes, could be decimated if, as proposed in Project 2025, it is turned into block grants and handed over to individual states—without any sort of accountability or oversight. According to an [analysis by the Center for American Progress](#), 180,000 teaching positions could be lost, affecting 2.8 million students in low-income communities.
- Roughly 7.5 million students, or 15 percent of the student population, receive special education under the [Individuals with Disabilities Education Act \(IDEA\)](#), which provides \$15 billion to support students with disabilities. This program could be transferred to another agency, making it significantly less likely that students with disabilities receive the services and support they need and deserve.
- Many expect the White House to move the Education Department's Office for Civil Rights to the Department of Justice, a move that would severely weaken its ability to protect students against discrimination based on race, gender, and disability. The absence of strong federal oversight would leave millions of students vulnerable to discrimination, leading to lower levels of motivation and academic achievement and a higher risk of dropping out.
- The Education Department also administers Pell Grants, [federal student loans](#), and loan repayment and forgiveness programs. Thirty percent of U.S. college students rely on these [federal loans to pay their tuition](#). Students and families could lose this support, leading to more students dropping out, fewer choices, and fewer options for families.

'EDUCATORS WON'T BE SILENT'

By stripping the Department of Education of resources and authority, the White House and its allies would be able to turbocharge key tenets of the extremist anti-public education agenda already being implemented at the state level in many parts of the country. Private school vouchers are at the top of this list.

“The intent is clear,” said Pringle. “Starve our public schools of the resources our students need and funnel these resources to discriminatory and unaccountable private schools or tax cuts for billionaires who funded his campaign.”

Tell Congress to Push Back Against Executive Overreach

Congress needs to follow the Constitution and act like what it is: a co-equal branch of government.



[EMAIL YOUR SENATORS](#)

Just last week, Trump signed an executive order designed to drain resources from our public schools through vouchers—a [catastrophic idea](#) that, [when put directly in front of voters, is resoundingly rejected](#).

And according to a recent *Wall Street Journal* poll, more than 60 percent of voters opposed dismantling the Department of Education, with similar majorities supporting prioritizing education funding over tax cuts. Families across the country support strong public schools because they understand students need more opportunities, more resources, and greater protections, not less.

“Educators won’t be silent as anti-public education politicians try to steal opportunities from our students, our families, and our communities across America,” Pringle said. “Together with parents and allies, we will continue to organize, advocate, and mobilize so that all students have well-resourced schools that allow every student to grow into their full brilliance.”

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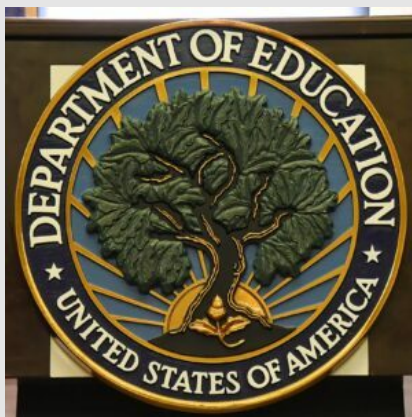
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[IS] OPINIONS Education

ROSENBERG: Abolishing the Department of Education Isn't Radical — It's Long Overdue

Posted to [Education](#) March 27,
2025 by [Steve Rosenberg](#)

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I was honored to stand in the White House recently as President Donald Trump signed an executive order to [abolish the U.S. Department of Education](#). For some, that act [sounds extreme — even dangerous](#). But for those of us who've watched the federal government fail generations of students, this was a [long-overdue course correction](#). The time has come to [return education](#) to the people it actually serves — [students, families, and local communities](#).

States, Not Bureaucrats, Should Lead Education

The United States is a republic, and in a republic, [power flows upward from the people](#) — not [downward from Washington](#). The Tenth Amendment is crystal clear: [powers not delegated to the federal government are reserved for the states and the people](#). Education has always been one of those powers — until 1979, when the Department of Education was created and began centralizing authority over a deeply local issue.

Since then, we've seen [ballooning federal involvement](#) with [dismal results](#). A growing army of bureaucrats in D.C. has dictated what happens in classrooms across all 50 states — and it hasn't worked. The experiment has failed.

Billions Spent, Basics Forgotten

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plummeted. Civic knowledge has eroded. And perhaps the most tragic irony of all: most of today's high school graduates would struggle to read the executive order that just abolished the very institution that failed them.

This isn't a partisan issue — it's a national disgrace. For over 40 years, both parties have promised reform while students continue to fall further behind. The Department of Education has become a monument to inefficiency: all process, no progress.

This Isn't the End — It's a New Beginning

Abolishing the Department of Education does not mean abandoning the critical services many students rely on. Programs like Pell Grants for low-income students and the Office for Civil Rights (OCR), which investigates discrimination in schools, are not being eliminated. They are being relocated to departments better equipped to manage them, where they can operate more efficiently and with greater accountability.

This move is not about destroying public education. It's about decentralizing it — restoring it to states, districts, and parents who understand the unique needs of their communities. A school in rural Iowa does not need the same approach as one in downtown Philadelphia. A federal, one-size-fits-all model ignores that reality and punishes innovation at the local level.

We Are Living Einstein's Definition of Insanity

Albert Einstein once defined insanity as doing the same thing over and over again and expecting different results. That's exactly what we've done in education for decades. New plans, new names, new standards — but always the same top-down control and always the same poor outcomes.

When something doesn't work — not once, not twice, but consistently over generations — it's time to stop tweaking and start over. That's what this executive order does. It doesn't dismantle education; it liberates it.

Critics Are Missing the Point

To those who claim this move is reckless or anti-education, I ask: Where was your outrage when our kids were falling through the cracks? When 13-year-olds couldn't subtract or write a paragraph? When parents were told their concerns didn't matter?

The true radicalism is in pretending that Washington knows best. That model has failed, and defending it is to defend the indefensible. What's truly pro-education is demanding something better — a system that empowers teachers, includes parents, and prioritizes students over systems.

A New Era of Accountability and Hope

This moment is not an end, but a beginning — the start of an educational renaissance driven by local vision, not federal mandates. States will lead. Communities will innovate. And parents will once again be trusted partners, not bystanders.

For too long, we've waited for D.C. to fix what D.C. broke. Now, we're putting that responsibility — and that opportunity — back where it belongs.

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It's time to **stop defending a system that produces failure and start building one that produces freedom, excellence, and real learning.**

This is how we reclaim our schools — and our future.

Author



Steve Rosenberg

Steve Rosenberg is the Philadelphia Regional Director for the North American Values Institute (NAVI) and the Principal of the Team GSD. He's the author of the book: "Make Bold Things Happen: Inspirational Stories From Sports, Business and Life."

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Top 5 Reasons to End the US Department of Education

By Neal McCluskey

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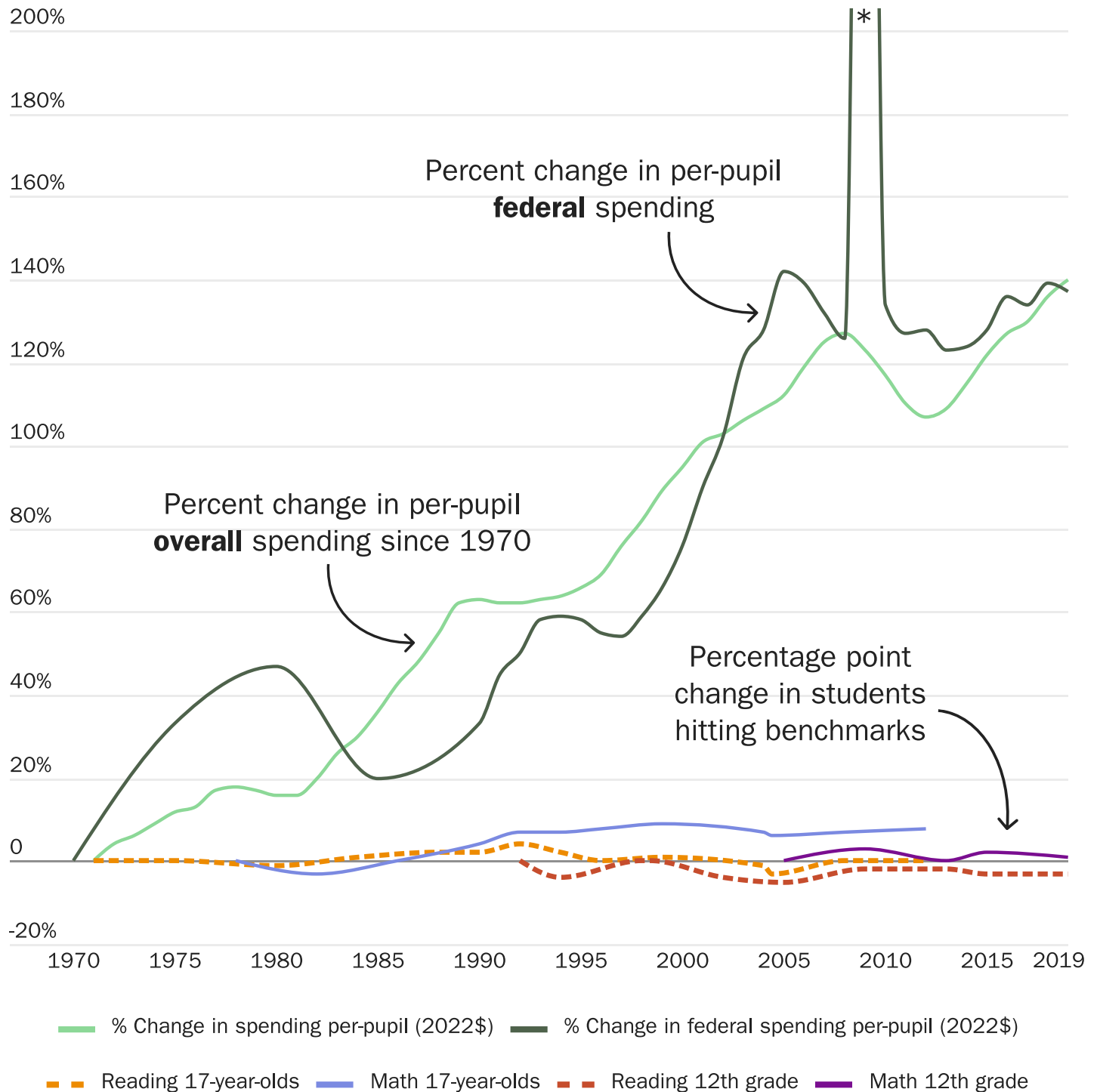
The US Department of Education is in the **Trump administration's crosshairs**. Here are five major reasons it should be:

1. It's **unconstitutional**: Education is nowhere among the specific, enumerated powers given to the federal government. That means the feds have **no authority to govern** in education. Even the big-government administration of Franklin Delano Roosevelt knew that. In 1943, the US Constitution Sesquicentennial Commission, which Roosevelt chaired, **published a document** that included the following: "Q. Where, in the Constitution, is there mention of education? A. There is none; education is a matter reserved for the states."

2. It's **ineffective**: As indicated by the **chart below**, in K-12 education there is no meaningful evidence that the department, or federal spending generally, has improved education outcomes. While **federal spending has risen**, **National Assessment of Educational Progress outcomes have largely stagnated**. Of course, standardized test scores might not be a **great barometer** of how well the education system is working, but it is the feds that **elevated them** under the No Child Left Behind Act, Race to the Top, and Common Core. So by Washington's own measure, it has not been very effective.

Education spending rises while student performance stagnates

Percentage point change in students surpassing “proficient”/“middle-performance” in Math and Reading vs. percent change in per-pupil spending



Sources: Long-Term Trend NAEP: https://www.nationsreportcard.gov/ltr_2012/; “Main” NAEP: <https://nces.ed.gov/nationsreportcard/>; Per-pupil spending: Digest of Education Statistics, Table 236.55, “Total Expenditure,” https://nces.ed.gov/programs/digest/d23/tables/dt23_236.55.asp?current=yes; Federal spending: Digest of Education Statistics, Table 401.10, “On-budget support, Elementary and secondary,” https://nces.ed.gov/programs/digest/d23/tables/dt23_401.10.asp?current=yes; School-aged population: Digest of Education Statistics, Table 101.10, “5 to 17 years old,” https://nces.ed.gov/programs/digest/d23/tables/dt23_101.10.asp?current=yes.
Note: Percent change in federal spending per-pupil reaches 448 percent in 2009.

3. It's **incompetent**: US ED's biggest job is to administer federal student aid programs, especially student loans. But as the Government Accountability Office recently reported, US ED has failed at basic functions like **tracking repayments** for years. Heck, it could not even simplify the form to apply for aid without creating havoc, and it has failed audits for three years in a row.

4. It's **unnecessary**: We had been educating kids for centuries before the department launched in 1980 and leading the world **economically, technologically, and more**. And US ED's own **mission statement** is full of words such as "promote" and "supplement," not "control" or "run." Because states, districts, families, and educators are responsible for education, not Washington.

5. It's **expensive**: Until recently, the **department employed** nearly 4,200 people and cost about \$2.8 billion for salaries and expenses. And that's setting aside all of the money it distributes and programs it runs, which are not about the department itself but tally hundreds of billions of dollars a year, depending on how you account for the huge, murky, unconstitutional student loan programs.

An unconstitutional, ineffective, incompetent, unnecessary, and expensive federal department is not a benefit to the country. It's a mistake that must go away.

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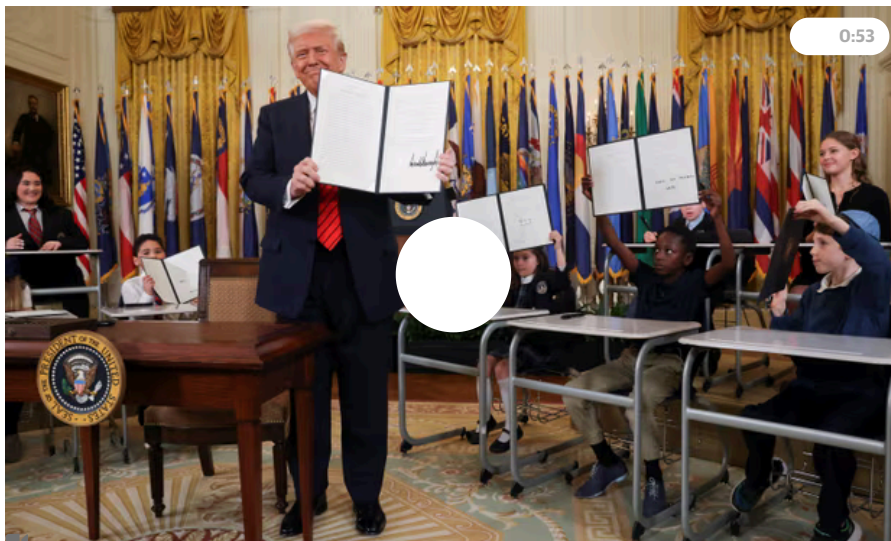
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Trump signs executive order to dismantle US Department of Education

Order calls for teardown of department as Trump seemingly tries to circumvent need to obtain congressional approval

**Hugo Lowell and Rachel Leingang**

Thu 20 Mar 2025 15:35 EDT

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Donald Trump signed an executive order on Thursday that **instructs the US education secretary, Linda McMahon, to start dismantling the Department of Education**, seemingly attempting to **circumvent the need to obtain congressional approval to formally close a federal department**.

The administration may eventually **pursue an effort to get Congress to shut down the agency**, **Trump said** at a signing ceremony at the White House on Thursday, because its budget had more than **doubled in size in recent years** but **national test scores had not improved**.

The federal government **does not mandate curriculum in schools**; that has been the responsibility of **state and local governments**, which provide **90% of the funding to schools**. Nevertheless, at the White House, Trump repeated his campaign promise to **“send education back to the states”**.

The executive order targeting the education department, which has been expected for weeks, directed McMahon to take **all necessary steps to shut down key functionalities**. Trump added at the signing ceremony that he hoped McMahon would be the **last education secretary**.

“My administration will take **all lawful steps** to **shut down the department**. We’re going to shut it down and shut it down as quickly as possible. It’s doing us no good,” Trump said.

McMahon appeared to smile in acknowledgment as she sat in the front row at the signing event in the East Room. Trump spoke from a stage in front of a row of state flags, and flanked on each side by a group of schoolchildren sitting at small desks.

The **bulk of the education department’s budget is made up of federal grant and loan programs**, including the **\$18.4bn Title I program** that provides funding to **high-poverty K-12 schools** and the **\$15.5bn Idea program** that helps cover the **education costs for students with disabilities**.

The White House said those programs, as well as the \$1.6tn federal student loan program, would **not be affected by the order**. It was not immediately clear what spending cuts the administration would be able to achieve without cutting those initiatives.

The move comes after the **administration** has already **taken steps to undercut the department’s authority** by instituting a **round of layoffs** that has **reduced its workforce by nearly half** and cancelled **dozens of grants and contracts**.

The idea of shutting down the education department dates back to efforts by Republicans in the 1980s. But the push has become increasingly mainstream in recent years as pro-Trump grassroots activists took aim at agendas that promoted education standards and more inclusive policies.

Congressman Thomas Massie, a Republican from Kentucky, separately **introduced** a one-sentence bill in January that would **terminate the education department at the end of 2026**. Similar efforts have **failed to get enough votes** to pass in previous years.

The Trump administration’s efforts to shutter the education department have **largely followed the playbook in Project 2025**, the Heritage Foundation’s rightwing manifesto to remake the federal government, which envisions the department as a “**statistics-gathering agency that disseminates information to the states**”.

Democrats on Capitol Hill denounced the executive order and warned it could leave in jeopardy **millions of low-income families**, who rely on **federal funding in schools**.

“Shutting down the Department of Education will **harm millions of children** in our **nation’s public schools**, their **families and hardworking teachers**. **Class sizes will soar, educators will be fired, special education programs will be cut and college will get even more expensive**,” Hakeem Jeffries, the US House minority leader, said in a statement.

The progressive wing of the House Democratic caucus also denounced Trump’s order as an unconstitutional attempt to evade seeking congressional approval to implement his political agenda.

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“The reality is that the **Trump administration** does not have the constitutional power to eliminate the Department of Education without the approval of Congress - however, what they will do is **defund and destabilize the agency** to **manufacture chaos** and push their extremist agenda,” said the Democratic congressman Maxwell Frost.

But without cutting out the department itself, the incoming Trump administration, buoyed by a rightwing backlash to public schools that intensified after the Covid-19 pandemic, could **alter key parts of the department’s budget** and **policies** in ways that would be **felt in schools nationwide**.

Some Republicans support the idea of **sending block grants to states** that aren’t **earmarked for specific programs**, letting states decide whether to **fund low-income students** or **students with disabilities** instead of **requiring them** to fund the programs for those students. Programs that don’t affect students directly, such as those that go toward teacher training, could also be on the chopping block. **Expanding the use and promotion of school vouchers** and **installing “parents’ rights”** policies are also likely.

In late January, **Trump signed executive orders** to **promote school choice**, or the use of public dollars for private education, and to remove **funding from schools accused of “radical indoctrination”**. Trump also revived a “1776 commission” to “promote patriotic education”.

The education department **boasted** that in the first week of the Trump administration it had **“dismantled” diversity, equity and inclusion programs**.

Soon after Trump took over, the department was **loaded with key staffers** tied to a **rightwing thinktank**, the America First Policy Institute, often **referred** to as a **“White House in waiting”**. The thinktank has supported driving out diversity programs and banning books, which the Global Project Against Hate and Extremism documented in a **report** on the institute’s ties to the education department. The policy institute has promoted **installing** Christianity in government, including in schools.

The department ended investigations into book banning and got rid of a book-ban coordinator position last month in a move **announced** by Craig Trainor, the acting assistant secretary for civil rights, who previously held a role at the thinktank.

This article was amended on 20 March 2025. An earlier version incorrectly stated Congressman Massie introduced a separate one-sentence bill on Friday; he introduced it in January.


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November 04, 2024

Republicans Could Abolish the Education Department.
How Might That Work?

Trump and his allies want to dismantle the 45-year-old agency. But doing so would be more complicated than they say.

By Katherine Knott



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The Education Department was created in 1979, and Republicans have sought to eliminate it ever since.

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Former president Donald Trump wants the Education Department gone. A candidate for U.S. Senate suggested throwing the agency “in the trash can.” Another called it “one of the worst monstrosities that’s ever been created.”

Getting rid of the Education Department is hardly a new idea. In fact, Republicans have campaigned on killing the agency since it was created in 1979, arguing the agency’s existence violates the Constitution (because the document doesn’t mention education) and is a prime example of federal bloat and excess. But calls for its demise have increased and intensified in recent years.

Trump and others say the agency has grown too big and interferes in matters best left to local and state authorities. Driving the recent wave of calls is the Biden administration’s efforts to forgive student loans, the botched rollout of the federal financial aid application and the department’s overhaul of Title IX, which added new protections for transgender students. (The new rule is on hold in 26 states following several court rulings.)

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What higher ed should expect with GOP in control of Congress

Speculation swirls over Trump's education secretary

"They're trying to **push gender ideology**, which is just nuts, and all these other things," said Eric Hovde, the GOP Senate candidate in Wisconsin, on a podcast in early October. "They're trying to **social engineer your children**."

But dismantling the department is **more complicated** than the campaign-trail promises suggest, and **few higher education policy experts believe the department's days are actually numbered**.

They point out that even Trump didn't get on board with abolishing the agency during his first term, proposing instead to **merge the Departments of Education and Labor**. But momentum for the idea has **grown since 2016**, and Trump has made it **more of an issue**.

This time around, conservative groups, most notably Project 2025, have offered up some plans about **how to dismantle the department in more detail**, such as moving the **federal student loan programs to the Treasury Department**. (Project 2025, led by the conservative Heritage Foundation, offers a blueprint for overhauling the federal government in Trump's second term.)

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Critics of the idea say that such proposals **need more specifics** that spell out how **exactly the plan would work**, what **programs would stay**, which ones would **go away** and what agencies would take over the department's responsibilities. They also question whether other federal agencies are more equipped than the Education

Department to oversee education programs. More than 4,000 people work for the agency, which has an \$80 billion discretionary budget.

Most analysts expect any effort to break up the department to leave its programs in place, assuming that federal laws related to higher education remain on the books. Proponents argue nothing else would change aside from who is overseeing them. Critics disagree with that notion, arguing that any disruption to the systems, particularly those involved with doling out federal financial aid, would affect students negatively.

More broadly, critics warn that dismantling the Education Department could make it more difficult for students to access federal financial aid, imperil institutions that rely on federal money and make higher education a riskier bet, though that's a worst-case scenario.

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“You could very well end up in a system where college access is blocked off for students who have financial need, and that really would reverse the progress that’s been made over the past decade to create a system that had more open pathways into higher education for anybody who wants them,” said Michelle Dimino, education program director at Third Way, a left-of-center think tank. “That is full-stop terrifying. I think the uncertainty alone would be a detriment to college access.”

Federal Student Loans

Of the many questions and logistics to figure out with breaking up the Education Department, one key issue stands out: What to do with the \$1.7 trillion student loan portfolio and the broader federal

student loan program. The department issues about \$100 billion in student loans a year along with \$30 billion in Pell Grants.

Project 2025 and other proposals say the Treasury Department should take over student loans. Why? Because the agency deals with money and lending.

Editors' Picks

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Republicans Could Abolish the Education Department. How Might That Work?

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Mark Schneider, a nonresident senior fellow at the conservative American Enterprise Institute, said the current setup for student loans—having the Office of Federal Student Aid manage the portfolio—“doesn’t make any sense.” He recently suggested moving student loans to the Treasury as part of a broader opinion piece published in *The 74*, an online news publication, about how to break up the department.

“It’s clear the department hasn’t done a good job with FSA and managing student loans, so something has to be done,” said Schneider, who led the department’s Institute of Education Sciences from 2018 to 2024 and served as commissioner of the National Center for Education Statistics during the George W. Bush administration.

But critics question why Treasury is more suited to managing the student loan program than Federal Student Aid and whether the agency has the capacity to take on the program. Plus, they wonder whether Treasury would also be charged with enforcing the laws related to federal financial aid, or just with distributing the funds.

Right now, the Office of Federal Student Aid, which has fewer than 1,500 employees, serves as the operational arm of the department, carrying out policies related to accountability, reviewing contracts with colleges that allow them access to federal financial aid and enforcing the current laws, among several other responsibilities.

Schneider said he would move FSA “lock, stock and barrel.”

To what extent moving Federal Student Aid to the Treasury Department would affect students is unclear. Dimino at Third Way said that keeping the FSA employees and everything else in place would likely lead to the least disruption for financial aid, but still, “the movement alone would mean sufficient chaos,” she said.

She and other critics point to the 2024–25 FAFSA rollout, which showed how any disruptions to the system can quickly hamper students. Throughout the spring, they faced delays and challenges in finding out how much aid they were eligible for. Some ended up not enrolling in college at all this fall.

“For students, the FAFSA snafu would look quaint compared to what would happen if we dissolved the Education Department,” said Dominique Baker, an associate professor of education and public policy at the University of Delaware.

But Schneider, who acknowledged that his plan was high-level and needs more work to hammer out the finer details, said moving federal student aid to Treasury shouldn’t change anything for students and could make the system “better and more simple.”

“If I thought it would leave students and institutions worse off, I wouldn’t say it,” he said.

Likewise, Neal McCluskey, director of the Center for Education Freedom at the Cato Institute, a libertarian think tank, didn’t expect shifting programs such as student loans to have much effect on students and institutions, especially if Congress were to keep everything else in place.

“You would probably have some slight disruption or trouble as you move from one to the other, although I don’t think that has to be particularly large, and it could be totally seamless,” he said.

McCluskey is among the conservatives who believe the Education Department should never have existed, and should not going forward, because Congress never had the power to create the department in the first place. He wants to see the agency eliminated to rectify the constitutional issues alone.

But he argues the department has also been a pragmatic failure. “I don’t think there’s good evidence that the Department of Education has been net beneficial,” he said.

“In higher ed,” he said, “the federal government’s primary job has been ... college affordability, and I don’t think there’s any evidence that the department has made college more affordable. I think there is evidence that the programs it runs makes college less affordable.”

But even McCluskey, who has advocated for years to get rid of the agency, doesn’t think the department is on the chopping block if Trump wins.

“I certainly don’t see evidence of a very powerful public groundswell to eliminate the Department of Education,” he said. “If there’s another Trump administration, I suspect you’ll see more talk about eliminating some programs and moving some programs [rather] than directly trying to get rid of the Education Department.”

Disruptions Predicted

But if the Republicans did move forward with abolishing the department and move programs to other agencies, Chris Marsicano, an associate professor of educational studies at Davidson College, would expect some level of disruption for colleges and universities.

Sending programs or responsibilities to other agencies could still change how they are run, depending on the agencies’ goals, he said. For example, if the Labor Department assumed responsibility over higher education, that agency might be more focused on how colleges support the workforce and dole out grants accordingly.

But eliminating the Education Department would leave students, educators, schools and colleges without an advocate in the

president's cabinet, and that "could undermine a major function of government," he said.

"Whether it's at the local, state or federal level, education is a major component of what the government does," he said. "The vast majority of children in this country are educated in public schools, and the vast majority of college students go to public universities and community colleges."

Marsicano repeatedly noted that "it's not going to happen."

"It is, politically, an easy win," he said. "People like student loans in theory but hate student debt. People like funding for children but they hate the idea of the federal government telling a local school district what should and should not matter. So it is a low-stakes, somewhat high-benefit attack on the federal government."

But would Republicans have to abolish the Education Department entirely to reduce the federal role in higher education? Baker doesn't think so.

After all, she asked, what's to stop the education secretary, with Trump's approval, from deciding to not enforce the Higher Education Act at all? (The Higher Education Act of 1965 governs federal student aid programs and the federal role in the postsecondary education.)

"No one can know the exact methods that a future Trump administration would take to a higher ed policy," Baker said. "No one should consider that precedent would win the day, that laws have to be followed."

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What does the Department of Education do - and can Trump dismantle it?

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Ana Faguy

BBC News, Washington



Getty Images

President Donald Trump is considering an executive order that would shut down the US Department of Education - a long-cherished goal of conservatives.

The move would deliver on a promise he made on the campaign trail.

Trump plans to end some of the department's programmes, while others would be housed within different parts of the government, according to US media reports.

The Republican president will direct his newly confirmed Education Secretary Linda McMahon to "take all necessary steps to facilitate the closure of the Education Department" based on "the maximum extent appropriate and permitted by law", according to a draft of the order seen by the Wall Street Journal.

Abolishing the department entirely requires an act of Congress, however.

Established in 1979, the Department of Education oversees funding for public schools, administers student loans and runs programmes that help low-income students.

Trump and his allies have accused the agency of "indoctrinating young people with inappropriate racial, sexual, and political material".

In December, he nominated former World Wrestling Entertainment (WWE) CEO and his transition co-chair, Linda McMahon, as his pick for education secretary. The Senate has yet to schedule confirmation proceedings for McMahon.

What does the Department of Education do?

A common misconception is that the Department of Education operates US schools and sets curricula - that responsibility actually belongs to states and local districts.

The agency does oversee student loan programmes and administers Pell grants that help low-income students attend university.

It also helps fund programmes to support students with disabilities and for students living in poverty.

And the department enforces civil rights law designed to prevent race or sex-based discrimination in federally funded schools.

What is its budget and how many people work there?

The department's allocation was \$238bn (£188bn) in fiscal year 2024 - less than 2% of the total federal budget.

The agency says it has about 4,400 employees, the smallest of any cabinet-level department.

Most public funding for US schools comes from state and local governments.

In 2024, the Education Data Initiative estimated that the US spends a total of just over \$857bn on primary and secondary education - the equivalent of \$17,280 per pupil.

Can Trump shut down the department?

On his own, no.

Not only would Trump need congressional approval to get rid of the department, but he would also probably need a supermajority in the US Senate - 60 out of 100 senators.

Republicans have a 53-47 majority in the Senate, so they would need at least seven Democrats to vote to abolish the agency - a political longshot.

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Even in the House of Representatives, Trump would struggle to gain necessary support.

A vote last year to abolish the education department - which was attached as an amendment to another bill - failed to pass as 60 Republicans joined all Democrats in the House to vote no.

Trump has moved to shrink other government departments in recent weeks, despite questions about the legality of those moves.

An earlier draft of Trump's order to dismantle the education department, obtained last month by the Washington Post, acknowledged that **only Congress can get rid of the agency outright**, but executive action could **direct the agency to begin to wind itself down**.

Education department employees are among those who are the **focus of the administration's efforts to shrink the federal workforce**.

Why do Republicans want to abolish it?

The idea of eliminating the education department has been **floated by Republicans** for **nearly as long as it has existed**.

During **Ronald Reagan's 1980 presidential campaign**, he pushed for it to be **dismantled**.

Republicans have historically **pushed against centralising education policy**, believing that it is best left up to **individual states and localities**.

More recently they have accused the **education department of pushing what they describe as "woke" political ideology** on to **children**, including on **gender and race**.

Trump's allies also want to **expand school choice**, which would allow **students and families** to use **public money** to select **private or religious alternatives to public schools**.

Conservatives argue that other education department functions, such as **administering loans**, should be handled instead by the **US Department of Treasury**, and that **civil rights infractions** are the **Department of Justice's domain**.

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