

Supreme Court: Birthright citizenship can end in parts of US

BY ABBIE VANSICKLE
NYT News Service

WASHINGTON

The Supreme Court agreed on Friday to allow President Donald Trump to end birthright citizenship in some parts of the country, even as legal challenges to the constitutionality of the move proceed in other regions.

The 6-3 decision, which was written by Justice Amy Coney Barrett and split along ideological lines, is a major victory for Trump, and may allow how citizenship is granted in the United States to be reshaped, even temporarily.

The order will not go into effect for 30 days, the justices said in their opinion, allowing its legality to be contested further.

The justices also did not address the underlying constitutionality of the president’s order to curtail birthright citizenship, potentially leaving that issue for another day.

The court’s ruling also appeared to upend the ability of single federal judges to freeze policies across the country, a powerful tool that has been used frequently in recent years to block policies instituted by Democratic and Republican administrations.

Justices across the ideological spectrum had been critical of these so-called nationwide injunctions, arguing that they encouraged judge-shopping and improperly circumvented the political



TIERNEY L. CROSS NYT

In a 6-3 decision, the Supreme Court agreed on Friday to allow the Trump administration to end birthright citizenship in some parts of the country, even as legal challenges to the constitutionality of the move proceed in other regions.

process by allowing one judge to halt a policy nationwide.

The surprise decision means that an executive order signed by Trump ending the practice of extending citizenship to the children of unauthorized immigrants born in the United States would be set to take effect in 30 days in the 28 states that have not challenged the measure.

The details of how the policy would be implemented were not immediately clear.

The ability of a single federal judge in one part of the country to pause a

policy nationwide has been a major stumbling block for Trump. These so-called nationwide injunctions are controversial judicial tools, and have prompted intense debate over their legality. They have been used to block Democratic and Republican policies.

Federal trial judges have consistently ruled against the Trump administration, stymieing efforts to withhold funds from schools with diversity programs, to relocate transgender women in federal prisons and to remove deportation protections from hundreds of thousands of Venezue-

lan migrants.

The case before the justices arose from an executive order signed by Trump on Jan. 20, the first day of his second term, that appeared to upend the principle known as birthright citizenship, which has been part of the Constitution for more than 150 years.

The announcement prompted immediate legal challenges from 22 Democratic-led states and immigrant advocacy organizations and pregnant women concerned that their children might not automatically be granted citizenship. Within days, a

federal judge in Seattle, John C. Coughenour, temporarily blocked the executive order. In a standing-room-only proceeding, the judge interrupted a Justice Department lawyer to castigate him.

“I’ve been on the bench for four decades. I can’t remember another case where the question presented is as clear as this one is,” Coughenour said, calling Trump’s order “blatantly unconstitutional.”

Federal judges in Maryland and Massachusetts also issued orders pausing the policy. All three judges extended their orders to the entire country, even to states that had not brought legal challenges.

On March 13, the Trump administration filed an emergency application asking the justices to weigh whether such nationwide injunctions were legal.

The Supreme Court has never issued a ruling that squarely addresses nationwide injunctions. But justices across the ideological spectrum have expressed skepticism over them.

In an unusual move, the justices announced that they would hear oral arguments on the emergency application, blocking the executive order from being implemented in the meantime. Emergency requests are generally decided without a hearing.

At a May 15 argument in the case, the Supreme Court wrangled over the Trump administration’s claims that the lower court

judges had exceeded their power.

The justices had two main concerns. Several appeared skeptical that federal judges should be able to freeze executive actions for the entire country, rather than just for parties directly involved in the litigation – the core issue of the case.

But many of the justices also seemed troubled by the practical consequences of allowing the executive order to go into effect, even temporarily and only in some parts of the country. Some of the justices questioned how they might quickly weigh in on the legality of the executive order, which the administration had not asked them to review.

“How would you get the merits of this case to us promptly?” Justice Neil Gorsuch asked a lawyer for the attorney general’s office in New Jersey, one of 22 Democratic-led states that sued over the order.

The underlying question – the legality of birthright citizenship – is a core constitutional one. The practice of automatically granting citizenship to children born on American soil, even if their parents are not citizens, has long been considered a tenet of immigration law. The 14th Amendment, ratified after the Civil War, declared that “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.”

In 1898, the Supreme Court affirmed that right in a landmark case, United States v. Wong Kim Ark. For more than a century, courts have upheld that interpretation.

Iranian official says nuclear facilities ‘seriously damaged’

BY FARNAZ FASSIHI
NYT News Service

Iran’s foreign minister, Abbas Araghchi, said Thursday that the country’s nuclear facilities had sustained “significant and serious damages,” the first official acknowledgment of the extent of the damage caused by U.S. strikes on three nuclear sites.

Araghchi said in an interview with Iran’s state television, “I have to say, the losses have not been small, and our facilities have been seriously damaged.”

Centrifuges at the Fordo uranium enrichment plant in Iran are “no longer operational” after the attack, Rafael Grossi, the head of the United Nations’ nuclear watchdog, said on French radio Thursday.

Inspectors from the watchdog, the International Atomic Energy Agency, have been unable to gain access to the nuclear sites since the strikes. Grossi told Radio France Internationale in an interview that while evaluating the damage from the strikes using satellite images alone was difficult, given the power of the bombs dropped on Fordo and the technical characteristics of the

plant, “we already know that these centrifuges are no longer operational.”

The centrifuges – giant machines that spin at supersonic speeds to enrich uranium – require a high degree of precision and are vulnerable to intense vibrations, he said. “There was no escaping significant physical damage,” Grossi said. “So we can come to a fairly accurate technical conclusion.”

He said, however, that it would be “too much” to assert that Iran’s nuclear program had been “wiped out” after the Israeli and American bombing campaign. Grossi noted that not all of Iran’s nuclear sites had been struck and said Iranian officials had told him that they would take “protective measures” for the uranium they had already enriched.

Still, he said, the nuclear program has definitely suffered “enormous damage.”

He declined to say how far Iran’s nuclear program had been set back. “Perhaps decades, in relation to what? In relation to what type of activity or objectives?” Grossi said when asked about comments made this week by President Donald Trump at a NATO summit in the Nether-

lands.

“It’s true that with these reduced capacities,” he added, “it will be much more difficult for Iran to continue at the same pace as before.”

That assessment painted a much grimmer picture than that laid out earlier Thursday by Iran’s supreme leader, Ayatollah Ali Khamenei, in his first public statement since the U.S. attack.

In a prerecorded video, Khamenei said the attacks on Iran’s nuclear facilities “were unable to do anything important,” adding that Trump’s claims that the strikes “obliterated” the nuclear sites were “exaggerated.”

“The Islamic Republic emerged victorious and delivered a harsh slap to America’s face” he said in a pre-recorded video message, adding that the U.S. “gained no achievements from this war.”

“Should any aggression occur, the enemy will definitely pay a heavy price,” Khamenei said, warning Iran could repeat its attack on U.S. bases in the region in the future.

Araghchi also suggested Iran might stop cooperating with the International Atomic Energy Agency, the United Nations’ nuclear watchdog, and threw into question whether inspectors from

the agency would be allowed to access the country’s nuclear sites. He said Iran would not welcome a visit by the agency’s director, Rafael Grossi, at this time.

On Thursday, Iran’s Guardian Council, which has veto power over legislation in the country, approved a bill passed by hard-liners in parliament that would effectively ban all cooperation with the IAEA in retaliation for the bombing by the United States of the Fordo, Natanz and Isfahan nuclear facilities over the weekend.

While President Masoud Pezeshkian, a moderate, must still decide whether to enact the law, Araghchi said the government would fully cooperate with the law. “Without a doubt, we are obliged to enforce this law,” Araghchi said in the hourlong televised interview. From now on, he added, Iran’s “relationship with the agency will take a different shape.”

Days after the strikes, several key questions about Iran’s nuclear program remain: What happened to the country’s 400 kilograms, or about 880 pounds, of enriched uranium, which would provide enough nuclear fuel for 10 bombs should Iran decide to weaponize

it? Also unanswered: Whether any of Iran’s advanced centrifuges survived the strikes.

These are questions that U.N. inspectors could more definitively answer if they were allowed into the sites. They would also be able to confirm whether Iran was repairing its facilities and reviving its nuclear program, as its officials have said they intend to do.

Analysts say that Iran has little leverage left in any nuclear negotiations with the West, given the setbacks wrought by the U.S. strikes and the days of Israeli attacks on Iranian nuclear infrastructure and the assassination of several top nuclear scientists. So Tehran may be trying to use cooperation with the IAEA as a negotiating card. It also serves Iran, experts say, to keep everyone guessing on its nuclear capabilities in the aftermath of the attacks.

“Iran wants to keep everything in the dark, to make sure they can play the diplomatic game of poker about the extent of the damages to the sites and the fate of the pile of enriched uranium,” said Sina Azodi, an expert on Iran’s nuclear program and an assistant professor of Middle East Politics at George Washington University. “Nobody knows exactly what is going on, there are many conflicting reports, and Iran is using the confusion to its benefit.”

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