
THIRD READING

Bill No: AJR 5
Author: Lee (D), Fong (D), Haney (D), Kalra (D), Muratsuchi (D) and Patel (D), et al.
Amended: 6/10/25 in Senate
Vote: 21

SENATE JUDICIARY COMMITTEE: 11-0, 6/24/25

AYES: Umberg, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Wahab, Weber Pierson, Wiener

NO VOTE RECORDED: Niello, Valladares

ASSEMBLY FLOOR: 61-1, 5/19/25 - See last page for vote

SUBJECT: Birthright citizenship

SOURCE: Chinese for Affirmative Action

DIGEST: This resolution sets forth the Senate's opposition to Executive Order No. 14160, which purports to end birthright citizenship in the United States, affirms the Senate's commitment to birthright citizenship, and honors Wong Kim Ark's fight for legal recognition of birthright citizenship under the Fourteenth Amendment to the United States Constitution (U.S. Const.).

ANALYSIS:

Existing constitutional law:

- 1) Provides that the United States Congress has the power to establish a uniform rule of naturalization throughout the United States. (U.S. Const., art. I, § 8, cl. 4.)
- 2) Provides 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. (U.S. Const., 14th amend., § 1.)

This resolution:

1) Declares that:

- a) On January 20, 2025, President Donald J. Trump issued Executive Order No. 14160, entitled “Protecting the Meaning and Value of American Citizenship” (the “Executive Order”), which purports to end birthright citizenship for children born to (1) a mother who is unlawfully present or who is lawfully present in the United States but on a temporary basis, and (2) a father who is neither a citizen nor a lawful permanent resident.
- b) The Constitution has granted birthright citizenship for over 150 years, since birthright citizenship was enshrined in the Citizenship Clause of the Fourteenth Amendment to the United States Constitution, ratified after the Civil War to repudiate the infamous decision of the United States Supreme Court in *Dred Scott v. Sandford* (1857) 60 U.S. 393, which held that Black Americans of African descent could never be United States citizens.
- c) Birthright citizenship impacts every child born in California, regardless of race, color, sex, ability, class, parents’ national origin, parents’ immigration status, or any characteristic, because all persons born in the United States and subject to the jurisdiction thereof are citizens.
- d) Birthright citizenship is especially important in California, where one in four residents is an immigrant and where about one-half of all children in California have at least one immigrant parent.
- e) Denying birthright citizenship for children of certain immigrants could make hundreds of thousands of children ineligible for federal and state benefits and services such as CalWORKs and CalFresh, would damage their educational, economic, and health prospects, and would undermine community safety, political participation, and the economy.
- f) The unconstitutional Executive Order could block these children’s access to United States passports, social security cards, free lunch programs, health care, and federal student aid, and denying these fundamental needs jeopardizes the well-being of these children and harms the broader community, leading to devastating social, political, and economic consequences.
- g) After the Executive Order was announced, California joined 18 other states, the City and County of San Francisco, and the District of Columbia in suing to block the Executive Order on the ground that it violates the Fourteenth Amendment to, and Article I of, the United States Constitution, the Immigration and Nationality Act, and the Administrative Procedure Act.

- h) The Fourteenth Amendment's guarantee of birthright citizenship was affirmed over 125 years ago in the landmark United States Supreme Court decision *United States v. Wong Kim Ark* (1898) 169 U.S. 649, involving San Francisco-born Chinese American Wong Kim Ark.
- i) Wong Kim Ark was born in 1873 at 751 Sacramento Street in Chinatown in the City and County of San Francisco to parents Wong Si Ping and Wee Lee, who owned a grocery store but were unable to naturalize as United States citizens due to prevailing anti-Chinese policies.
- j) In 1895, Wong Kim Ark returned from visiting his family in China and, upon reentry, was denied admission on the false basis that he was not a citizen of the United States and was ordered to be deported under the Chinese Exclusion Acts.
- k) The Chinese Consolidated Benevolent Association in San Francisco hired an attorney to fight Wong Kim Ark's unlawful detention and the case was ultimately decided on March 28, 1898, which held that the Fourteen Amendment to the United States Constitution establishes birthright citizenship, with very few exceptions.
- l) The Supreme Court's opinion in *United States v. Wong Kim Ark* (1898) 169 U.S. 649 extends birthright citizenship to all persons born in the United States, "including all children here born of resident aliens," and excludes only children born to foreign sovereigns or their ministers; children born on foreign public ships; children born to enemies born within and during a hostile occupation of our territory; and children of members of some sovereign Indian tribes.
- m) Wong Kim Ark's legacy and historic fight for justice ensured the United States Constitution's guarantee of birthright citizenship and empowers children born in California to achieve their full potential as Americans to grow up to become whatever they dream, including President of the United States.
- n) The unconstitutional Executive Order ignores over 100 years of precedent and condemns babies to a legal status of statelessness, which will limit their lifetime access to schools, jobs, and medical care and subject them to social isolation, travel restrictions, and exploitation.
- o) The unconstitutional Executive Order is just one of President Trump's draconian attempts to scapegoat and instill fear among immigrants, divide immigrants based on arbitrary distinctions, and roll back constitutional rights.
- p) All residents, regardless of their immigration status, deserve dignity, fair treatment and due process under the law, and the opportunity to thrive in the

United States, and this belief serves as the foundation for state and local sanctuary laws in California, including the California's Values Act of 2017.

2) Resolves the following by the Senate of the State of California:

- a) The Senate hereby opposes the unconstitutional Executive Order purporting to end birthright citizenship as enshrined in the United States Constitution.
- b) The Senate affirms its commitment to birthright citizenship and recognizes and honors Wong Kim Ark's fight to affirm the fundamental right of birthright citizenship under the Fourteenth Amendment to the United States Constitution.
- c) The Secretary of the Senate shall transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of State, to the Secretary of the Treasury, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

Comments

According to the author of this resolution:

Birthright citizenship is rooted in our Constitution. It serves as a bedrock of our American values and has been upheld for over 150 years. The president's attempts to deny birthright citizenship is unconstitutional and undermines the core principles this country was founded upon. California is home to 10.6 million immigrants, with their contributions imprinted in every corner of our society. As we commemorate the legacy of Wong Kim Ark, I'm proud to introduce a state resolution to affirm the legislature's commitment to birthright citizenship and honor Wong Kim Ark's fight for this constitutional right.

This resolution is substantially similar to SR 32 (Wahab, 2025), which is pending on the Senate Floor.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/25/25)

Chinese for Affirmative Action (source)

AAPI Equity Alliance

Alianza

Alliance for Girls

American Community Media
API Equity-LA
AROC Action
ASATA Power
Asian Americans Advancing Justice Southern California
Asian Americans and Pacific Islanders for Civil Empowerment
Asian Law Caucus
Asian Pacific Islander Council of San Francisco
Asian Youth Center
CAIR California
California Community Foundation
California Faculty Association
California Immigrant Policy Center
Cambodia Town Inc.
Catalyst California
Chinese Culture Center of San Francisco
Chinese Progressive Association
CHIRLA
CRLA Foundation
Empowering Pacific Islander Communities
Equal Justice Society
Filipino Migrant Center
Food Empowerment Project
Foundation for Filipina Women's Network
GRACE – End Child Poverty CA
HEAL Food Alliance
Hmong Innovating Politics
Immigrant Legal Resource Center
Immigrants Rising
Inclusive Action
Japanese American Citizens League
Khmer Girls In Action
La Raza Community Center Resource Center
Little Tokyo Service Center
Mixteco/Indigena Community Organizing Project
National Asian Pacific American Families Allied for Substance Awareness and
Harm Reduction
National Pacific Islander Education Network
Nihonmachi Street Fair, Inc.
Pacific Asian Counseling Services

Pacifica Housing 4 All
Pacifica Peace People
Pacifica Progressive Alliance
Pacifica Social Justice
Pacoima Beautiful
PODER
Prevention Institute
San Francisco Japantown Task Force
San Francisco Senior and Disability Action
Search to Involve Pilipino Americans
SEIU California
South Asian Network
South Asian Resource Action Center
Southeast Asian Community Center
Stop AAPI Hate
Thai CDC
The Sikh Coalition
The Transgender District
United Parents and Students
Western Center on Law and Poverty

OPPOSITION: (Verified 6/25/25)

None received

ARGUMENTS IN SUPPORT: According to a coalition of the bill's supporters:

Birthright citizenship is guaranteed by the 14th Amendment of the U.S. Constitution, which says that “all persons” born in the United States are automatically citizens, with the exception of children whose parents are foreign diplomats. Over 125 years ago, Wong Kim Ark and the Chinese Consolidated Benevolent Association of San Francisco fought to ensure that every child born in the United States, regardless of race, color, sex, ability, class, parents’ national origin, and parents’ immigration status, are automatically considered U.S. citizens through the U.S. Constitution.

Ending birthright citizenship for children of immigrants would have devastating consequences in California. The state stands to lose tens of millions of dollars per year in federal funding it would have received if not for the termination of birthright citizenship. Experts estimate that the order would lead to the wrongful denial of citizenship to approximately 150,000 U.S. born citizens every year, including 24,500 children born annually in California; by 2050, the

population of undocumented individuals in the U.S. will more than double. Tens of thousands of babies would find themselves stateless without access to important social programs like CalFresh and CalWORKS, school lunch, and student financial aid. These children will grow up without passports, social security cards, access to jobs, and the right to vote. This would perpetuate racial inequality, make them vulnerable to exploitation, and lead to widespread economic, social, and political marginalization.

Trump's efforts to end birthright citizenship is just one of the many ways his administration has used xenophobic rhetoric and cruel executive actions to wreak havoc on immigrant communities and fuel racial profiling and anti-immigrant harm. The executive order is in opposition to California's values of inclusivity and history of multiracial democracy. Denying basic rights and services to U.S. citizen children based on their parents' immigration status is unconstitutional and creates an undue hardship, perpetuates inequality, and contravenes our nation's values of fairness and justice. We urge our state leaders to send a strong message in affirming birthright citizenship to ensure immigrants know they are welcome and belong in California.

ASSEMBLY FLOOR: 61-1, 5/19/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: DeMaio

NO VOTE RECORDED: Castillo, Chen, Davies, Dixon, Ellis, Flora, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Lackey, Macedo, Papan, Patterson, Sanchez, Ta, Tangipa

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113
6/26/25 9:03:11

**** END ****