

In This Issue #401

- Supreme Court Reaffirms Birthright Citizenship
- Asian Pacific Americans on Birthright Citizenship
- Supreme Court Lets Herridge Contempt Fine Stand
- News and Activities for the Communities

Supreme Court Reaffirms Birthright Citizenship

The image is a composite of two screenshots. The left screenshot shows a Zoom meeting titled "VOLUNTEER AND DEFEND DEMOCRACY | ACLU.ORG/DEMOCRACYDEFENDERS". It features four participants: Michael Popok (Legal AF Podcast & YouTube Channel Founder), Anthony D. Romero (ACLU Executive Director), Cecillia Wang (ACLU National Legal Director), and Deirdre Schifeling (ACLU Chief Political & Advocacy Officer). The right screenshot shows the CourtListener website for the case "Barbara v. Trump (1:25-cv-00244)" in the District Court, D. New Hampshire. The case details include the last updated date (July 2, 2026), assigned to Joseph Normand Lapierre, referred to Andrea K. Johnstone, and the date of last known filing (June 12, 2026). The case is categorized as a Declaratory Judgment and involves the U.S. Government as a defendant.

On July 7, 2026, ACLU hosted a Town Hall covering the Supreme Court's rulings in landmark civil rights cases, particularly the birthright citizenship case, [Barbara v Trump](#). The event was moderated by **Michael Popok**, Legal AF Podcast and YouTube Channel Founder. Watch the ACLU Town Hall video at: <https://www.youtube.com/live/Bd6bqyDnBc0> (1:00:49).

Trump's Executive Order

On his first day back in office, President **Donald Trump** issued an executive order targeting birthright citizenship, aiming to deny citizenship to children born on U.S. soil under certain circumstances — a policy long confined to fringe circles before this administration adopted it.

ACLU's Response

Anthony Romero, ACLU Executive Director, explained the ACLU had anticipated this move for months, having taken Trump's campaign-trail threats to birthright citizenship seriously well before inauguration. The organization did the legal groundwork in advance — research, identifying clients, choosing venue — so that when the order was signed on Martin Luther King Day, a federal holiday, the ACLU filed suit within two hours. **Cecillia Wang**, ACLU National Legal Director, noted the ACLU's opposition actually traces back further, to when it began

pushing back on similar fringe proposals surfacing in state legislatures in the late 2000s and early 2010s.

Oral Argument

Wang argued the case before the Court on April 1, 2026. She described three levels of stakes she carried into arguments: the roughly 250,000 U.S.-born children who could have lost citizenship in the order's first year (some potentially left stateless); the precedent of a president unilaterally reinterpreting the 14th Amendment, raising fears about who might be targeted next; and the historical weight of the citizenship clause, whose legacy includes free Black Americans who fought for it to cover everyone born in the country, not only formerly enslaved people. Notably, she said the argument stayed accessible to ordinary Americans rather than diving into arcane legal history, since the real audience extended beyond the nine justices. Romero, seated a row behind Trump at the argument, described the president growing visibly anxious as questioning began — contradicting reports that he left before Wang's argument concluded.

Supreme Court Ruling

On June 30, 2026, the Court ruled 6-3 to block the order, with five justices ruling on constitutional grounds and Justice **Brett Kavanaugh** concurring on statutory grounds. The panel called it a definitive rebuke of one of Trump's signature first-day initiatives, made more notable because two of Trump's three Supreme Court appointees — Justice **Amy Coney Barrett**, who joined the constitutional majority, and Justice **Brett Kavanaugh**, who supplied the decisive sixth vote on statutory grounds — ruled against him, while his first appointee, Justice **Neil Gorsuch**, dissented.

Broader Advocacy Context

Deirdre Schifeling, ACLU Chief Political & Advocacy Officer, tied the win to a wider organizing push: protests that pressured the administration into pulling ICE agents out of Minneapolis after the killings of protesters; a "Firewall for Freedom" campaign that has helped pass 145 state and local protections since Trump's inauguration (about half related to immigrant rights, including bans on ICE–local police coordination); and polling showing 61% of Americans disapprove of Trump's immigration approach and 66% have little to no confidence in ICE. She also noted a separate, less favorable Supreme Court ruling permitting termination of Temporary Protected Status for 17 countries, affecting more than 1.3 million people, and pointed to the National TPS Alliance's ongoing organizing on that front.

Public Messaging

Romero described a multimillion-dollar ad campaign built around **Bruce Springsteen's** "Born in the USA" (rights granted by Springsteen and his manager **Jon Landau**), targeted at audiences including Fox News viewers and areas like Mar-a-Lago, run during oral arguments and again after the ruling. The strategy paired courtroom litigation with what Romero called the "courts of public opinion," aiming to keep the issue alive with the public through the July 4th period and potentially beyond, depending on whether Trump keeps raising it politically.

Closing Note from Forum

Wang cautioned against reading the win as reason for complacency: rights remain vulnerable, as shown by the fact that a once-fringe policy reached the Supreme Court at all. She pointed to 134 immigration-related lawsuits the ACLU has filed against the Trump administration since his second term began as evidence the broader fight continues, framing the birthright win as proof that collective action can succeed — not as a signal that the underlying threats have subsided.

Closing Note on Supreme Court Decision

The Supreme Court actually reported both a 6-3 and a 5-4 vote because of a narrow split in legal reasoning:

The 5-4 Constitutional Vote: Five justices (Chief Justice John Roberts alongside Justices Sonia Sotomayor, Elena Kagan, Amy Coney Barrett, and Ketanji Brown Jackson) ruled that the executive order violated the Citizenship Clause of the 14th Amendment.

The 6-3 Overall Vote: Justice Brett Kavanaugh agreed that the policy was unlawful and struck down the order, but he did so based on federal statute (immigration laws from the 1950s) rather than the Constitution itself. Because he joined the majority to invalidate the policy, the total vote against the order was 6-3.

This discrepancy is politically and legally significant because constitutional rulings are very difficult to change, whereas Kavanaugh's statutory approach leaves the door open for future Congresses to alter birthright citizenship through legislation.

Read more about this legal analysis at [SCOTUSblog](https://www.scotusblog.com/).

Asian Pacific Americans on Birthright Citizenship



Asian Pacific American (APA) groups are central to the defense of birthright citizenship, anchoring their advocacy in the landmark 1898 Wong Kim Ark Supreme Court case.

Legal Teams and Lawsuits

The Asian Law Caucus (ALC) served as part of the core litigation team alongside the ACLU and the NAACP Legal Defense Fund in *Barbara v Trump*.

ALC explicitly utilized local history involving **Wong Kim Ark** in San Francisco's Chinatown to frame the national debate. They positioned the 2026 legal fight as a direct continuation of the historic 1898 *United States v. Wong Kim Ark* case, reminding the public and the courts that Asian Americans have historically fought for and secured automatic citizenship for all children born on U.S. soil.

ALC spearheaded The American Promise: Defending Birthright Citizenship campaign, uniting more than 200 civil rights, labor, and immigrant advocate organizations nationwide to build a unified front against the policy. ALC also focused on cross-community education, producing multi-lingual Know Your Rights toolkits (available in English, Chinese, Spanish, and Korean) and hosted nationwide digital rallies to explain how the policy threatened not just undocumented families, but also temporary workers, student visa holders, and asylum seekers.

OCA also filed a lawsuit regarding birthright citizenship on behalf of its members, which included pregnant women residing in the U.S. on lawful temporary visas whose future children were threatened with the denial of birthright citizenship under the executive order. Asian Americans Advancing Justice – AAJC and the Washington Lawyers' Committee for Civil Rights and Urban Affairs (WLC) served as the attorney organizations representing OCA. The legal action, titled [OCA – Asian Pacific American Advocates v. Rubio](#), was filed in the U.S. District Court for the District of Columbia.

Following initial filings, AAJC and WLC amended the complaint to proceed as a nationwide class action to protect all immigrant families facing similar threats. The outcome of OCA's lawsuit was entirely decided by the Supreme Court's ruling.

Congressional Asian Pacific American Caucus (CAPAC)

The Congressional Asian Pacific American Caucus (CAPAC) played a leading legislative, public oversight, and political role in defending birthright citizenship against the January 2025 executive order.

CAPAC coordinated closely with the Congressional Black Caucus (CBC) and the Congressional Hispanic Caucus (CHC) to block any legislative attempts to codify changes to birthright citizenship, ensuring that efforts to alter the policy lacked a legislative path forward.

CAPAC Chair Grace Meng co-led a bicameral amicus brief in the landmark case *Barbara v Trump*, filed by the House Litigation Task Force on behalf of 216 House and Senate Democrats. The brief provided the Supreme Court with exhaustive legislative history and intent behind the Fourteenth Amendment, arguing that the executive branch had unconstitutionally usurped Congress's exclusive authority over naturalization and citizenship laws.

CAPAC used its platform to highlight how the executive order targeted legal immigrant communities. They held press conferences and committee hearings emphasizing that the policy directly harmed hundreds of thousands of South Asian and East Asian families caught in decades-long employment-based visa backlogs, whose U.S.-born children would have faced immediate statelessness.

The [CAPAC community statement](#) summarized the victory with a simple, unifying declaration: “If you are born in America, you are American... We are American, we belong here, and we are not going anywhere!”

Additional Asian Pacific American Advocacy

Beyond the core litigation and congressional efforts, APA advocacy extended into the bar community, family legacy, and grassroots organizing.

The National Asian Pacific American Bar Association (NAPABA) led a broad coalition of legal organizations defending birthright citizenship before the Supreme Court, filing supportive briefs and public statements throughout 2026. NAPABA's advocacy drew explicitly on the era of Chinese Exclusion, noting that over 7,000 habeas petitions were filed by Chinese migrants during that period, with several cases reaching the Supreme Court — Wong Kim Ark's among them, and the one that ultimately secured birthright citizenship for all persons born in the United States. NAPABA also built coalition ties with affiliate bar groups, including the National Korean American Bar Association and Chinese American Lawyers associations, reinforcing a pan-Asian legal front.

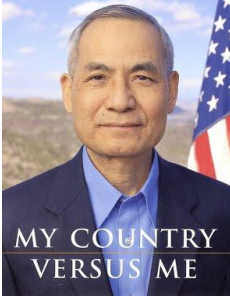
The Wong Kim Ark family itself became an unexpected public face of the movement. **Norman Wong**, the 76-year-old great-grandson of Wong Kim Ark, began giving speeches and interviews starting in January 2025, shortly after Trump's executive order was issued. Following the ruling, Wong told the Associated Press he saw the decision as “an obligation and a duty for every American to care about,” not a personal or ethnic victory, framing it as safeguarding rights “for every American.” His family members echoed this in interviews with the New York Times and Newsweek, with descendant **Sandra Wong** noting the ruling validated a principle her great-grandfather secured 128 years earlier, and describing anticipated celebration in San Francisco's Chinatown.

APIAVote actively defends birthright citizenship by organizing legal advocacy, public education, and coalition efforts to protect the 14th Amendment. Its initiatives include legal advocacy and Supreme Court engagement including filing Amicus briefs, leveraging historical precedent on the landmark 1898 ruling *United States v. Wong Kim Ark*, and mobilizing public rallies outside the Supreme Court during oral arguments, and public education and grassroots awareness including educational webinars, storytelling campaigns highlighting AAPI family testimonies, dissemination of comprehensive timelines and media & community mobilization.

Dozens of Asian Pacific American organizations joined Asian American Legal Defense and Education Fund's (AALDEF) filing an amicus brief to defend birthright citizenship.

Taken together, the *Barbara v Trump* ruling stands as both a constitutional victory and a reminder of a long, often overlooked lineage: Asian Pacific American communities and legal advocates have shaped the meaning of birthright citizenship since Wong Kim Ark first carried that fight to the Supreme Court in 1898. From ACLU's courtroom strategy to the Asian Law Caucus's coalition-building, CAPAC's legislative oversight, NAPABA's bar-wide mobilization, APIAVote's grassroots organizing, and the Wong family's own public advocacy, this decision reflects the sustained work of many organizations and individuals across generations. As Cecillia Wang and others cautioned, the ruling protects a fundamental promise for now — but the fight to defend it, and the coalitions built to do so, will likely be tested again.

Supreme Court Lets Herridge Contempt Fine Stand

	Yanping Chen 陈燕平	
	Docket ID: 1:18-cv-03074 District Court, D. Columbia Date filed: Dec 21, 2018	
	DC Circuit Appeals Court Appellate Case 24-5050	

On July 2, 2026, the Supreme Court declined to block an \$800-per-day contempt fine against journalist **Catherine Herridge**, who has refused to reveal the confidential source or sources behind her 2017 *Fox News* reporting on Dr. **Yanping Chen 陈燕平**, a Chinese American investigated — but never charged — by the FBI. The Court's order gave no explanation, as is typical for emergency applications, but noted that Justice **Brett Kavanaugh** alone would have granted Herridge's request to stay the fine.

Background of the Case

Chen, a naturalized U.S. citizen, founded the University of Management and Technology in Arlington, Virginia, a school that drew significant enrollment from Pentagon and military personnel. Herridge's 2017 reporting examined Chen's alleged ties to the Chinese military and raised questions about whether the school was being used to gather information on U.S. servicemembers on Beijing's behalf. The underlying FBI investigation into Chen lasted six years and resulted in no charges. In 2018, Chen sued the FBI and Justice Department, alleging that a federal official violated the Privacy Act by leaking protected information about her — including

FBI interview summaries, personal photographs, and immigration records — to Herridge. Chen has said the ensuing coverage upended her personal and professional life and exposed her to hate mail and death threats.

When document demands and depositions in Chen's suit failed to identify the leaker, her attorneys subpoenaed Herridge directly. Herridge sat for a deposition but declined to name her source, invoking a qualified reporter's privilege recognized in the D.C. Circuit and other courts. U.S. District Judge **Christopher Cooper** ruled in August 2024 that Chen's need for the information outweighed that privilege, and Herridge was later held in civil contempt, triggering the daily fine once an appeals panel upheld the order. Chief Justice **John Roberts** briefly paused the fine while the full Court considered Herridge's emergency application; SCOTUS's July 2 order lifted that pause.

Herridge's legal team has signaled plans to file a separate, more substantive petition asking the Court to review the underlying ruling — a filing that would be considered independently of the emergency application rejected on July 2.

The Reporters Committee for Freedom of the Press filed an amicus brief on Herridge's behalf, and former Solicitor General **Paul Clement** has since joined her legal team — a sign, as one report put it, that this fight is unlikely to be over.

On July 29, 2024, APA Justice joined Asian American Legal Defense and Education Fund (AALDEF) and a coalition of eleven organizations in filing a 43-page amicus brief with the D.C. Circuit Court of Appeals in support of Dr. Chen, addressing the role of racial prejudice and negative stereotyping of Asian Americans in the government's handling of her case.

The Parallel to Dr. Wen Ho Lee

The Chen case closely mirrors the Dr. **Wen Ho Lee 李文和** case of the late 1990s and early 2000s, a case well known within APA advocacy circles. Lee, a Taiwanese-American scientist at Los Alamos National Laboratory, was publicly suspected of spying for China amid intense media coverage and held in solitary confinement for roughly nine months. He was ultimately never convicted of espionage — pleading guilty only to a single count of mishandling classified data, with the remaining 58 counts dismissed. The federal judge overseeing his case took the unusual step of apologizing to Lee from the bench for his treatment by the government.

Like Chen, Lee subsequently pursued Privacy Act claims against the government, alleging that officials had unlawfully leaked information about him to reporters at multiple outlets, fueling coverage that branded him a spy before any charges were filed. And as in the Herridge dispute, several journalists who covered Lee's case were held in contempt for refusing to identify their government sources; that dispute was ultimately resolved when Lee's case settled, with a group of news organizations contributing to a payment to Lee in exchange for the contempt findings against their reporters being lifted.

The Common Thread

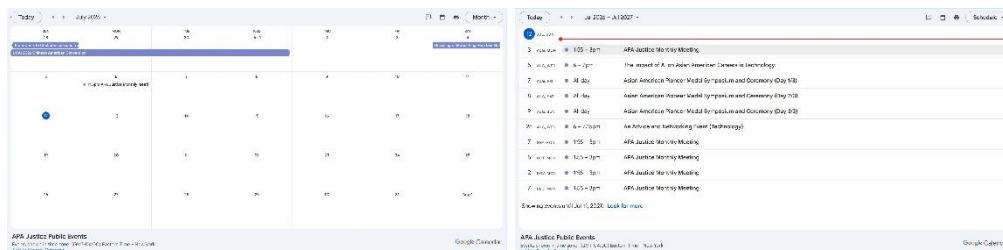
Both cases involve Chinese American scientists whose reputations were damaged by leaked, unverified suspicions of espionage, followed by Privacy Act litigation aimed at identifying the government officials responsible for the leaks — placing reporters in the crossfire between source protection and a plaintiff's right, under federal law, to learn who violated their privacy. Press freedom advocates have raised similar concerns in both instances: that forcing journalists to disclose sources under threat of contempt could deter future whistleblowers from coming forward, particularly in cases touching on national security. At the same time, advocates for Chen and, previously, for Lee have argued that individuals wrongly suspected of disloyalty on the basis of their ethnicity and national origin deserve a real path to accountability — one that depends on knowing who inside the government leaked their information in the first place.

The Herridge case suggests these tensions — between reporter's privilege and the rights of individuals harmed by government leaks, playing out against a backdrop of national-security suspicion toward Chinese American professionals — remain very much unresolved a quarter-century after Dr. Wen Ho Lee's ordeal.

Read the APA Justice summary of Dr. Yanping Chen's case: <https://bit.ly/4wB5Mul>

News and Activities for the Communities

1. APA Justice Community Calendar



Upcoming Events:

2026/08/03 APA Justice Monthly Meeting

2026/08/05 C100: The Impact of AI on Asian American Careers in Technology

2026/08/07-09 AASF: Asian American Pioneer Medal Symposium and Ceremony

2026/08/26 C100: An Advice and Networking Event (Technology)

Visit <https://bit.ly/3XD61qV> for event details.

2. C100: The Impact of AI on Asian American Careers in Technology

WHAT: The Impact of AI on Asian American Careers in Technology

WHEN: August 5, 2026, 6:00-7:00 pm ET

WHERE: Webinar

HOST: Committee of 100

Moderator: **Peter Young**, Chair of the Conversations Initiative and Committee of 100 New York Regional Chair and Board Member

Speakers:

- **Buck Gee**, Executive Advisor, Ascend
- **Deb Liu**, Co-Founder, Ember AI and former CEO, Ancestry.com

DESCRIPTION: With the rapid advancement and implementation of AI in industry and society, one of the issues on the minds of everyone is what the impact will be of AI on careers and, in particular, for careers in technology and for Asian Americans. Where will jobs be lost and will there be job creation? Will the nature of job tasks change and in what way? Will this affect the way one plans your career? Will AI make Asian American Career Ceilings worse or just different?

The panelists are veterans in the technology industry and have either just recently left the industry or have done extensive research work related to Asian American careers in industry. They will use their experience and knowledge to shed light on this challenging topic.

REGISTRATION: <https://c100-8-5-2026.eventbrite.com>

3. C100: An Advice and Networking Event (Technology)

WHAT: An Advice and Networking Event (Technology)

WHEN: August 26, 2026, 6:00-7:15 pm ET

WHERE: Webinar

HOST: Committee of 100

Moderator: **Peter Young**, Chair of the Conversations Initiative and Committee of 100 New York Regional Chair and Board Member

DESCRIPTION: This is the 60th event organized by the Committee of 100 Asian American Career Ceilings Initiative. The virtual event will enable Asian Americans who are in the early to mid-stages of their careers to get valuable advice from experienced and successful Asian Americans in the technology industry.

The event will start with welcoming comments and introduction to the advisors, followed by virtual breakout rooms where the experienced Asian American advisors will host individual breakout rooms that attendees can join. The attendees will have a list of the experienced advisors in advance and will be able to choose which breakout rooms they want to visit to get career advice and to ask questions. The attendees will be able to move from room to room as they wish.

REGISTRATION: <https://c100-8-26-2026.eventbrite.com>

#

APA Justice Task Force is a non-partisan platform to build a sustainable ecosystem that addresses racial profiling concerns and to facilitate, inform, and advocate on selected issues related to justice and fairness for the Asian Pacific American community. For more information, please refer to the APA Justice website at www.apajusticetaskforce.org. We value your feedback. Please send your comments to contact@apajustice.org.

Copyright © 2026 APA Justice, All rights reserved.

You are receiving this email because you opted in or have expressed interest.

Our mailing address is:

APA Justice P.O. Box 1242 McLean, VA 22101 USA

We do not share, sell, rent or trade any of your information with third parties unless you provide explicit consent. [Read our Privacy Policy here.](#)