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Rejecting Universal Injunctions Based on History: How the High Chancery Court of England's Powers Impact U.S. District Courts Today

Trump v. CASA, Inc., 145 S. Ct. 2540 (June 27, 2025)

In *Trump v. CASA, Inc.*, the U.S. Supreme Court addressed whether federal courts have equitable authority to issue universal injunctions under the Judiciary Act of 1789. In a 6-3 decision authored by Justice Barrett, the Supreme Court's conservative majority held that universal injunctions likely exceed the equitable powers granted to federal courts by Congress. The Supreme Court granted the government's applications for partial stays of three preliminary injunctions, limiting them to only the relief necessary for plaintiffs with standing.

On the first day of his second term, President Trump issued Executive Order 14160, which redefined the scope of birthright citizenship. The order specified that individuals born in the United States would not be recognized as an American citizen under two scenarios: (1) if the mother was unlawfully present in the United States and the father was neither a U.S. citizen nor lawful permanent resident at the time of birth; or (2) if the mother's presence was lawful but temporary, and the father lacked legal status at the time of birth.

Numerous lawsuits followed to enjoin implementation and enforcement of Executive Order 14160, filed by a group of pregnant women, immigrants-rights organizations, 22 states, the District of Columbia, and the City of San Francisco. In each case, district courts issued universal injunctions barring enforcement of the order nationwide. The First, Fourth, and Ninth Circuits denied the government's requests to stay the relief. The government then filed emergency applications seeking partial stays, limiting relief to the named plaintiffs. Notably, the applications did not raise—and the

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Supreme Court did not address—the constitutionality of Trump's executive order or whether it violates the Citizenship Clause or Nationality Act.

In a 6-3 ruling, the Supreme Court granted each stay, finding the government likely to succeed on the merits. The majority's analysis focused on historical equity practice and avoided the underlying constitutional questions.

The majority emphasized that the Judiciary Act of 1789 grants federal courts with jurisdiction over "all suits … in equity," but limits federal courts to remedies traditionally available at the time of the act's enactment. Relying on *Grupo Mexicano de Desarrollo, S.A. v. Alliance Bond Fund, Inc.*, 527 U.S. 308 (1999), the Supreme Court reaffirmed a narrow historical view of federal equity jurisdiction that encompasses only the sorts of equitable remedies traditionally accorded by courts of equity at our country's founding.

In other words, "the equity jurisdiction conferred on the federal courts is the same that the High Court of Chancery in England possesses." The chancellor's remedies were typically party specific, and an injunction could not bind one who was not a party to the cause. Likewise, founding-era courts of equity in the United States did not grant injunctions to individuals whose rights were threatened, but only to parties named as plaintiffs and defendants. Universal injunctions, the Supreme Court held, were not historically available, and thus fall outside the scope of federal equitable authority.

The majority noted that universal injunctions were "conspicuously nonexistent" for most of U.S. history and only became common in the 21st century, with over three quarters of the total universal injunctions issued between 1963 and 2023 occurring since 2001. While "equity is flexible," the Supreme Court concluded that universal injunctions lack historical pedigree and exceed judicial authority.

The majority also rejected the argument that universal injunctions have a historical foundation in the "bill of peace" issued by English courts. Both the majority and Justice Alito's concurrence interpreted the bill of peace as evolving into the modern-day class

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action, and identified that as the proper avenue for plaintiffs seeking universal relief, labeling universal injunctions as merely a "class-action workaround."

The majority opinion was accompanied by concurrences from Justice Thomas (joined by Justice Gorsuch), Alito (joined by Justice Thomas), and Justice Kavanaugh. Two dissents followed: one by Justice Sotomayor (joined by Justices Kagan and Jackson), and another by Justice Jackson.

Justice Sotomayor's dissent condemned Executive Order 14160 as patently unconstitutional, asserting that "every conceivable source of law confirms [that] birthright citizenship is the law of the land." She criticized the government's strategy as "gamesmanship," arguing that it avoided a full stay request to sidestep the need to defend the order's constitutionality, which she described as "an impossible task." She accused the majority of "shamefully" playing along and "kneecapping" the Judiciary Branch's authority to stop the Executive Branch from enforcing "even the most unconstitutional policies."

Finally, the dissent emphasized that parties seeking a stay must show they will likely suffer irreparable harm. It "defies logic," Justice Sotomayor wrote, to claim that maintaining "a centuries-long status quo for a few months longer will irreparably injure the Government."

Key Takeaways

- Universal injunctions exceed the federal courts' authority because they lack historical support—such remedies were not recognized in English or early American equity practice at the time of the Judiciary Act of 1789.
- Universal injunctions are not based on the equitable concept of "bills of peace." Rather, that form evolved into class-action suits, which the Supreme Court held as proper avenue for seeking universal relief. Since the time of this ruling, multiple class-action suits have been filed, one of which led to the issuance of a nationwide injunction blocking the executive order on birthright citizenship.

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- The constitutionality of Executive Order 14160 was not addressed: the Supreme Court's decision focused solely on the scope of judicial authority, explicitly avoiding any ruling on whether President Trump's executive order on birthright citizenship violates the Constitution or federal law.

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