

OPINION



Don't Mess With the 14th Amendment

Decisive step would weaken America



"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. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws". -- Section 1 of the 14th Amendment.

BY MARC H. MORIAL

The immigration debate has taken another ugly turn. First, Arizona passed a law, now under federal challenge, granting unprecedented powers to police to stop and demand proof of citizenship from anyone they suspect of being in the country illegally.

Now, two United States Senators, a Congressman and at least 14 states have proposed amending or reinterpreting the 14th Amendment of the Constitution to deny citizenship to U.S. born children of undocumented immigrants.

The 14th amendment effectively overturned the Supreme Court's infamous 1857 Dred Scott decision which ruled that no slave or descendent of a slave could ever be a United States citizen. Since its ratification in 1868, the 14th Amendment's clear statements on birthright citizenship, due process

and equal protection, have formed the basis for a large measure of social and economic reforms.

In fact, the Supreme Court cited the violation of the 14th amendment's "equal protection" clause as a major factor in its 1954 *Brown v Board of Education* decision ending segregation in American schools. The 14th Amendment's most famous "birthright" defense came in 1898, when the Supreme Court, in *United States v. Wong Kim Ark*, upheld the citizenship of a child born in the United States to Chinese immigrant parents who lived in San Francisco but were not legal citizens.

The law is clear: anyone born on American soil, regardless of race or ethnicity is entitled to automatic citizenship. For more than 100 years, that has been a fundamental principle of American democracy.

But recently, anti-immigration forces across the country have claimed that large numbers of illegal immigrants are crossing the border simply to have what they derisively call "anchor babies" – children who automatically qualify for the benefits of United States citizenship.

Despite the fact that this rarely occurs, Sen. David Vitter of Louisiana and Sen. Rand Paul of Kentucky, have introduced legislation that would amend the 14th amendment and deny citizenship to the U.S born

children of immigrants unless at least one parent has permanent resident status, or is a naturalized citizen or is serving in the U.S. military.

Last year, in what appeared to be a mid-term election campaign ploy, a number of conservative Senators said they might call hearings to air their opposition to automatic citizenship for the children of undocumented immigrants. Most observers and scholars think that a push to amend the Constitution is likely to fail given that it would require votes from 67 Senators, 290 Congressmen and ratification by 38 states.

But that has not stopped its supporters. On the first day of the new Congress, Rep. Steve King of Iowa chose what he believes is a less arduous route by introducing legislation that would outlaw birthright citizenship by amending the Immigration and Nationality Act.

While opponents of birthright citizenship contend their intent is to curb illegal immigration, this is clearly another divisive step that would weaken America's tradition and strength as a nation of immigrants.

Our message to anyone attempting to rewrite history and the law for their own political purposes is clear: Don't mess with the 14th Amendment.

Marc H. Morial is the president and chief executive officer of the National Urban League.



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