

The Folly of Repealing Birthright Citizenship

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Washington D.C. - This Sunday, the editorial pages of the *Washington Post* included a [piece](#) [1] penned by journalist George Will on the topic of birthright citizenship. Will highlights a scholar who argues against giving those born in the United States birthright citizenship and characterizes the repeal of a 150 year-old constitutional tenet as "a simple reform." Normally, the idea of stripping those born in America of their right to citizenship has been relegated to the domain of immigration restrictionists and select politicians who try to exploit it for electoral gains. In endorsing this argument, Mr. Will has looked past a whole body of research which examines the dramatic and far-reaching consequences this would have on American society.

The arguments about birthright citizenship revolve around the Fourteenth Amendment of the Constitution, which affirms that all persons born in the United States (and subject to its jurisdiction) have a birthright to citizenship. A repeal of the 14th amendment is sometimes raised as a "cure" to our current broken immigration system, when in reality it takes us further away from the larger conversation that must be had about how we can fairly and efficiently revamp American immigration. Proposing solutions to the symptoms, rather than the root causes of a broken system, do nothing to solve our overall immigration problems and create divisions and dysfunctions in our society at all levels.

In the spirit of balance, the Immigration Policy Center is re-releasing our four-part series originally released in September, 2009 on birthright citizenship entitled: [Made in America, Myths & Facts about Birthright Citizenship](#) [2].

The [series](#) [2] includes:

- *Defining "American" Birthright Citizenship and the Original Understanding of the 14th Amendment* by James C. Ho, a constitutional scholar, examines the historical and legal genesis of birthright citizenship and the unsuccessful legal arguments put forward to abolish it.
- *Debunking Modern Arguments Against Birthright Citizenship* by Elizabeth B. Wydra of the Constitutional Accountability Center who looks at the Reconstructionist context of the Citizenship Clause and shows that Congress clearly meant to provide birthright citizenship to all those born on U.S. soil, regardless of the immigration status of their parents.
- *Policy Arguments in Favor of Retaining America's Birthright Citizenship Law* by Margaret D. Stock, an immigration attorney who provides very practical reasons to avoid tampering with birthright citizenship. The far reaching consequences of such a change would place a burden on all Americans, who would have to document their claim to citizenship. Contrary to the argument of anti-immigrant groups that abolishing birthright citizenship is key to resolving the problem of illegal immigration, Stock recognizes that it would only increase the number of stateless individuals without legal status who reside within the United States.
- *A New Nativism: Anti-Immigration Politics and the Fourteenth Amendment* by Eric Ward of the Center for New Community who provides an African American perspective on

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birthright citizenship and the 14th Amendment, which was passed in the aftermath of the Civil War in response to continued discrimination against African Americans. Ward also examines the motives of the groups at the forefront of current efforts to abolish birthright citizenship and demonstrates their deeply rooted anti-immigrant beliefs and ties to nativist and racist traditions.

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