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-Allen H. Neuharth, Founder, Sept. 15, 1982

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Today's debate: 'Anchor babies'

Should being born in the USA make you a citizen?

Our view:

Bid to alter Constitution is no solution to illegal immigration.

With the economic recovery faltering and midterm elections approaching, simmering anger against illegal immigrants seems to be reaching a new boiling point.

Polls show most Americans back Arizona's controversial new law aimed at arresting undocumented immigrants, and now support is growing for an even more drastic move to deny citizenship to babies born in the U.S. unless their parents are here legally. Several leading Republican lawmakers, including Senate Minority Leader Mitchell McConnell, have called for hearings into the issue.

Any effort to repeal what's known as "birthright citizenship" faces a big obstacle: the 14th Amendment. Ever since the amendment was ratified in 1868, the Constitution has repeatedly been held to confer automatic American citizenship on anyone born in the USA.

The repealers' argument — logical and enticing — is that an amendment written to ensure that the children of slaves received citizenship rights is obsolete in a modern era of illegal immigration, jetliner travel and international tourism. As a solution to the nation's illegal immigration problem, though, it is at best an unworkable distraction, one so fraught with practical difficulties as to make the effort impractical and unwise.

For one thing, amending the Constitution is difficult to do, and deliberately so. It takes a vote of two-thirds of both the House of Representatives and the Senate to propose an amendment, and then three-quarters of the states to ratify it. In today's polarized political environment, it's hard to imagine that happening.

"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."

— 14th Amendment

Some opponents of birthright citizenship say that an amendment isn't necessary, that Congress could do the same thing merely by passing a law to "clarify" the 14th Amendment. But such a law would no doubt be challenged, and birthright citizenship has consistently withstood court tests.

The opponents also tend to give short shrift to the practical difficulties of enforcement. It's not difficult to envision the joy of childbirth being encumbered by bureaucratic red tape. Is it worth inflicting citizenship tests on the parents of all 4.3 million children born in the USA each year in an effort to identify the estimated 8% born to illegal immigrants? And any sort of delivery-based enforcement mechanism would undoubtedly cause some women to avoid hospitals, endangering the health of mother and child.

If babies were really the problem, perhaps it would make more sense to change the 14th Amendment. But charges that "anchor babies" begin a pernicious "chain migration"

ignore the fact that a baby born a citizen here has to wait 21 years before trying to bring in most relatives. The undocumented parents of a U.S.-born baby are still illegal immigrants; they should not be allowed to plead the citizenship of their child to stave off deportation.

The real ways to fight illegal immigration are the same as they've always been: Tighten the border. Make it harder for immigrants to work here illegally. Fix the E-Verify system that lets employers check whether job applicants are here legally. Set up a temporary worker system. And establish a path to legality for undocumented aliens already here who pay taxes and stay out of trouble.

Repealing birthright citizenship is so divisive, and so far down the list of solutions, as to make it an unworthy addition to the national debate on immigration.

Reject birthright citizenship

Opposing view:

Illegal workers use their citizen children as 'claim to remain' in USA.

By Roy Beck

Birthright citizenship is a powerful anchor for keeping illegal workers in a country — and for keeping the jobs they fill out of reach of unemployed legal residents. It is incompatible with a modern age of easy transportation and organized people smuggling. Every developed nation, except the USA and Canada, has rejected citizenship for births to tourists and unlawful foreign residents.

An estimated 4 million U.S. residents have received this type of citizenship. Who's hurt by this? Millions of poor American children live in families suffering from unemployment or depressed wages because an estimated 7 million illegal foreign workers are holding construction, manufacturing, service and transportation jobs.

Anything that slows the decision of illegal workers to go back home prolongs the disadvantage of the 30 million less-educated Americans and legal immigrants who don't have a job and who generally seek work in the same non-agricultural industries where most illegal workers are found.

Birthright citizenship is a major anchor for

illegal workers already here who are led to feel that their birthright citizen children may give them a claim to remain. Note that one of the loudest arguments for giving illegal workers permanent work permits is that it would be wrong to make them go back home if they have U.S. citizen children.

Of course, ending birthright citizenship is not enough. Congress should pass the SAVE Act to impede outlaw businesses from hiring illegal workers, and take other actions to protect legal U.S. workers from an immigration system that is importing hundreds of thousands of working-age immigrants annually during a jobs depression. With unemployment high and wages stagnant in most occupations, we don't have labor shortages and don't need additional foreign labor (or the illegal labor already here).

Scholars make strong arguments on both sides of what the 14th Amendment's birthright citizenship provision means. Only the Supreme Court can say, and it has never ruled about tourists and illegal residents. For now, Congress should leave the Constitution alone and pass legislation (H.R. 1868) that simply clarifies the birthright provision in immigration law — and then see how the court rules.

Roy Beck is executive director of Numbers-USA, an immigration-reduction organization.