

Anchor Babies

Case for Correction By Constitutional Amendment

by Congressman Anthony C. Beilenson

If we as a nation are serious about cracking down on illegal immigration, we must stop rewarding illegal immigrants by granting automatic citizenship to their children who are born in the United States. The only way to make that change is to adopt a Constitutional Amendment limiting birthright citizenship to children of U.S. citizens and legal residents.

As a nation, we have always taken great pride in expanding the rights of groups of people through the years, and the notion of denying an existing right to any class of people — no matter how sensible it may be — is something that goes against our nature as Americans. Furthermore, many of us have such deep respect for the Constitution that we are reluctant to support changing it, except for the most compelling of reasons.

However, the situation we are addressing — the automatic conferring of citizenship on children of people who have entered our country in violation of our laws — is so unfair, and unintended when the Fourteenth Amendment was adopted, that it provides one of those rare, compelling reasons for amending the Constitution.

The Fourteenth Amendment, which states that “all persons born in the United States, and subject

to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside,” was adopted shortly after the Civil War to ensure the benefits and privileges of citizenship for former slaves, which had been denied by the Supreme Court’s disastrous *Dred Scott* decision. Because

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the U.S. did not limit immigration in 1868 when the Fourteenth Amendment was approved — and there were, therefore, no illegal immigrants — the issue of citizenship for children of those here in violation of the law was nonexistent. Thus, the granting of automatic citizenship to these children is a totally inadvertent and unforeseen result of the amendment and the times in which it was adopted.

This grant of citizenship to offspring is one of several factors that make illegal immigration attractive. The primary draw, of course, is jobs, but there is evidence that at least some illegal immigration is for the purpose of gaining citizenship. One survey conducted under the auspices of the University of California, for example, found that of new Hispanic mothers in California border hospitals, 15 percent had crossed the border specifically to give birth. The fact that two-thirds of births in Los Angeles County hospitals are to illegal-immigrant mothers is indication that, for whatever reason, a great number of children are becoming U.S. citizens by virtue of being born to parents who are in the U.S. in violation of our laws.

The most objectionable aspect of granting

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citizenship to those offspring is that it is fundamentally unfair. While millions of people around the world wait patiently—in some cases for many years — to immigrate legally to the U.S., those individuals who manage to circumvent immigration laws are rewarded for it by having their children granted automatic citizenship. It also creates an irrational and unfair system under which one set of children of illegals — those who arrived here with their parents — are treated differently from those who happened to be born in the U.S. This often occurs within the same family.

This unfairness has a lot to do with why most European and Asian countries limit citizenship to the children of citizens or legal residents, and only use place of birth in exceptional circumstances. The United Kingdom, for example, formerly had birthright citizenship until, largely because of immigration pressures, they restricted it in 1981 to now require that one parent be a legal resident.

Granting birthright citizenship in these cases can also end up rewarding parents for being here illegally. For example, although undocumented aliens are not eligible for welfare benefits, their citizen children qualify for Aid to Families with Dependent Children (AFDC) and other benefits granted to citizens. Based on data collected in California for AFDC's "children only" cases, the California Department of Social Services estimated that in fiscal 1994-1995, 193,800 children of illegal immigrants received welfare, at a total cost of \$553 million.

Moreover, under the welfare reform bill recently signed by the President, severe restrictions on eligibility for most government benefits will be placed on *legal* immigrants. That puts us in the ironic, illogical, and unfair position of denying benefits for immigrants who are here legally, while granting them for children of families who are here illegally.

While much of the country is only beginning to realize the impact of illegal immigration, in areas such as Southern California, where people live with the problem day in and day out, there is a great deal of support for changing the provision of birthright citizenship.

Last year I surveyed my Los Angeles area constituents on a number of topics,

and one of the questions I asked was: "Do you support eliminating the automatic granting of citizenship to U.S. born children of illegal immigrants?" The response was overwhelmingly favorable: 83 percent of the respondents supported this proposal, while only 17 percent were opposed. This was not a particularly conservative group since 79 percent of those same respondents supported the ban on assault weapons; 78 percent opposed additional restrictions on abortion; and 64 percent opposed allowing organized prayer in public schools.

Some supporters of the current system have expressed concern that limiting birthright citizenship might unfairly penalize the children of illegal immigrants. But, because every country confers citizenship to the children of their nationals who are born overseas, those children would be treated in exactly the same manner as their older brothers and sisters who were born before their parents came to the United States. Moreover, because the Fourteenth Amendment only sets a floor below which Congress cannot limit citizenship, Congress would still be free to grant citizenship to classes of individuals in particularly unfair or exceptional circumstances.

Virtually everyone agrees that we need to take stronger action to stop illegal immigration, yet we continue to encourage and reward those who immigrate illegally by automatically conferring citizenship on their U.S.-born children. This unreasonable and unfair policy needs to be changed by amending the U.S. Constitution to limit birthright citizenship to the children of U.S. citizens and legal

Critics Say Immigration Firm was Fraudulent

WASHINGTON — Already under scrutiny for an election-year push to naturalize immigrants, the Clinton administration now must answer why it permitted a major citizenship testing outfit to remain open despite evidence of cheating.

The government believes that officials at the Florida-based Naturalization Assistance Services "specifically overlooked or disregarded cheating" by its testing centers, clearing immigrants who couldn't speak English to become citizens, documents state.

Federal officials reported instances in which immigrants who paid money were given answers to their tests. The Immigration and Naturalization Service suspended NAS last December, only to reinstate the outfit days later — even before a scheduled agency hearing into the problems.

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residents.

