Detaching the Anchor from Anchor Babies

by Phyllis Schlafly January 14, 2011

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It's long overdue for Congress to stop the racket of bringing pregnant women into this country to give birth, receive free medical care, and then call their babies U.S. citizens entitled to all American rights and privileges plus generous handouts. Between 300,000 and 400,000 babies are born to illegal aliens in the United States every year, at least 10 percent of all births.

We have tolerated an entire industry called "birth tourism," offering "birth packages" costing thousands of dollars, to import pregnant women from all over the world, Korea to Turkey (12,000 U.S.-born Turkish babies have been arranged since 2003). An electronic billboard in Mexico, advertising the services of an American doctor, proclaims, "Do you want to have your baby in the U.S?"

The advantages of birthright citizenship are immense. The babies get Medicaid (including birth costs), Temporary Assistance to Needy Families, and food stamps. Obviously, the baby shares his goodies with his family.

As soon as the child becomes an adult, he can legalize his parents, bring into the U.S. a foreign-born spouse and any foreign-born siblings. They all can then bring in their own extended families, a policy called chain migration.

Rep. Steve King (R-IA) has stepped up to this challenge and already has 26 co-sponsors for his bill, H.R. 140, to define citizenship. It states that the "subject to the jurisdiction" phrase in the Fourteenth Amendment means a baby born in the United States only if one parent is a U.S. citizen, or a lawfully-admitted resident alien, or an alien on active duty in the U.S. armed services.

Rep. King is not trying to amend the Constitution. He is simply using the Fourteenth Amendment's Section 5, which gives Congress (not the judiciary, not the executive branch), the power to enforce the citizenship clause.

In 1993, Sen. Harry Reid (D-NV) introduced similar legislation. Bills to limit birthright citizenship to children of U.S. citizens and of aliens who are legal residents have been introduced by other members of Congress every year since.

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The amnesty crowd tries to tell us that the Fourteenth Amendment makes automatic citizens out of "all persons" born in the United States, but they conveniently ignore the rest of the sentence. It's not enough to be "born" in the U.S.; you can claim citizenship only if you are "subject to the jurisdiction thereof."

The Fourteenth Amendment, ratified in 1868, overruled the Dred Scott decision wherein the U.S. Supreme Court declared that African Americans could not be citizens. Those who support court-made law should forever be reminded of Abraham Lincoln's warning that if we accept the supremacy of judges, "the people will have ceased to be their own rulers, having to that extent practically resigned their government into the hands of that eminent tribunal."

The Fourteenth Amendment denied citizenship to American Indians, even though they obviously were "born" in the U.S., because they were subject to the jurisdiction of their tribal governments. Congress did not grant citizenship to American Indians on reservations until 1924, 56 years later.

Babies born in the U.S. to illegal aliens are clearly citizens of their mother's country, so granting U.S. citizenship creates the possibility of dual citizenship, which the United States has never recognized as valid. To become a U.S. citizen,

immigrants are required by our law not only to swear allegiance to the United States but also to absolutely renounce any and all allegiance to the nation from which they came.

There is no ambiguity about the solemn oath that all naturalized Americans must take. "I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen ... so help me God."

Any naturalized U.S. citizen who claims dual citizenship with his native country betrays his solemn oath. If anchor babies have citizenship in their parents' country, they should not have U.S. citizenship.

Terminating the anchor baby racket is very popular with the American people. The Rasmussen poll reports that 58 percent oppose it, while only 33 percent favor it.

Now that state legislatures are flexing their muscles, representatives from 14 states unveiled state legislation to clarify who is and who isn't a citizen in those states. The Arizona bill establishes that state law parallels the definition of citizenship in the Fourteenth Amendment, and that a U.S. citizen is "for the purposes of this statute, a person who owes no allegiance to any foreign sovereignty."

The Arizona bill, introduced by Sen. Russell Pearce and Rep. John Kavanagh, would create two kinds of state birth certificates. One would be for children of citizens and the other for children of illegal aliens.