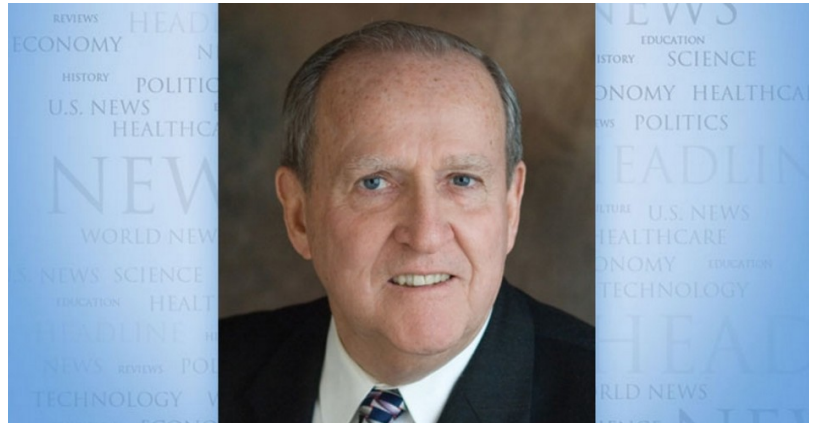




Written by [John F. McManus](#) on November 13, 2018

Ending the Anchor Baby Travesty

President Trump's intention to end the granting of immediate citizenship to infants born in the United States has drawn both a heap of praise and a heap of invective. Defenders of the practice, which has long been known for creating "anchor babies" used by parents, siblings, and other relatives to enter and remain in the United States legally, are outraged. So are Democrat politicians who expect that the new arrivals will eventually vote for Democrat candidates. But Trump has received condemnation for his position even from House Speaker Paul Ryan (R-Wis.), who claims automatic citizenship for newborns is constitutional.



President Trump has claimed that "no other" country awards immediate citizenship to infants born within its borders. He's wrong about that (Canada allows it), but he's correct in claiming that the practice cannot be justified by relying on the 14th Amendment's initial sentence. That portion of the Constitution, added to the nation's supreme law in 1868, states: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States...."

Ignoring the portion that states "and subject to the jurisdiction therefore" is where anchor baby partisans are either ignorant or deceitful. If a lady from France visits the United States and unexpectedly delivers the child she is carrying, should the child (and its mother by extension) be immediately subject to the political jurisdiction of the U.S. as well as to that of France? Of course not! Has France's jurisdiction been cancelled so that her infant is now a U.S. citizen possessing rights and benefits here in America? Again, the answer should be a resounding No. And it's worth noting that if an American touring France delivers a baby while in that country, France does not consider the child to be a citizen of France.

The original meaning of the amendment's widely ignored phrase refers only to territorial jurisdiction under which visiting persons can be prosecuted if they become lawbreakers here in our country. Illinois Senator Lyman Trumbull, a key figure in the adoption of the amendment, explained that "subject to the jurisdiction" referred to owing allegiance to a country. The amendment never intended to confer citizenship on anyone who owed allegiance to another nation.

According to immigration and civil rights attorney Hans Spakovsky of the Meese Center for Legal and Judicial Studies, President Trump "is correct" when he states that the 14th Amendment does not call for instant citizenship for infants born in the United States.

Even the Supreme Court has agreed with the Trump position. The 1872 Slaughter House cases, the 1884 *Elk v. Wilkins* decision, and the 1898 ruling in *U.S. v. Wong Kim Ark* each denied what Paul Ryan now defends.



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In 1924, Congress even passed a measure stating that American Indians and their children were now citizens of the United States. There would never have been any reason for such a law if the 14th Amendment had intended that all newborns within the U.S. were automatic citizens.

In our country, there are unfortunately large numbers of immigrants who have entered our country illegally, many drawn here by expecting “instant citizenship” for their infants born here. Many newborns have indeed been awarded such a status, and their parents have obtained food, clothing, housing, education, and even voting privileges for themselves and others who claim to be family members. These travesties are traceable to misinterpreting the 14th Amendment’s first sentence. But, as we have shown, today’s misinterpretation hasn’t always been accepted.

One egregious consequence of twisting of the 14th Amendment’s meaning is the creation of actual businesses to take advantage of the erroneous meaning of the Amendment. For a price, a pregnant woman from China, Japan, or elsewhere can enter our country and be cared for in a business relationship until her baby is born and becomes an immediate U.S. citizen. Once born, the child’s father — or a person claiming to be so — can enter the United States, gain employment at the possible cost of a job held by a legitimate American citizen, and take advantage of numerous benefits. Relying on the citizenship granted to a newborn, even potential terrorists can claim legitimate status.

Paul Ryan is relying on the decades-long misinterpretation of the 14th Amendment. He has stated, “I’m a believer in following the plain text of the Constitution and I think in this case the 14th Amendment is pretty clear.” He’s wrong, and it’s worth noting that anyone who rises to become speaker of the House of Representatives should know better. Democrats who support the incorrect reading of this amendment have votes in mind. Now they have Paul Ryan as an ally.

CNN’s Chris Cuomo agrees with Ryan. A well-known critic of the president, he realizes that Trump has pointed to an issue that has irritated many Americans and drawn them toward the GOP. Interviewing Democratic Party National Committee Chairman Tom Perez, Cuomo demanded to know why Democrats aren’t attacking Trump for his stand on this issue. Perez had no response, likely because even he knows that Trump is correct.

Trump has indicated he will put an end to the misuse of the 14th Amendment via an executive order. The matter will likely head to the Supreme Court where sanity should prevail. Ending automatic citizenship for newborns is the proper course. The practice that never should have been started should be terminated.

John F. McManus is president emeritus of [The John Birch Society](#).



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