



Written by [Raven Clabough](#) on December 28, 2010

## New Congress Poised for Real Immigration Reform

With the 2010 lame suck session now in the past, what many hope will be a more conservative 112th Congress is poised to begin. As House control transitions from Democrat to Republican, a new agenda rests on the table, and includes an entirely different approach to immigration.

Fox News explains:

In a matter of weeks, Congress will go from trying to help young, illegal immigrants become legal to debating whether children born to parents who are in the country illegally should continue to enjoy automatic U.S. citizenship.



Up until a few weeks ago, the 111th Congress was considering Senate Majority Leader Harry Reid's pet legislation, known as the DREAM Act. This measure, which would have provided amnesty to hundreds of thousands of illegal immigrants, was approved by the House on December 8 by a partisan vote of 216-198. The Act faced staunch opposition in the Senate, however, halting it in its tracks.

[Fox News](#) writes:

Democrats ended the year failing for a second time to win passage of the [DREAM Act](#), which would have given hundreds of thousands of young illegal immigrants a chance at legal status. House Republicans will try to fill the immigration reform vacuum left by Democrats with legislation designed to send illegal immigrants packing and deter others from trying to come to the U.S.

Democrats, who will still control the Senate, will be playing defense against harsh immigration enforcement measures, mindful of their need to keep on good footing with Hispanic voters. But a slimmer majority and an eye on 2012 may prevent Senate Democrats from bringing to the floor any sweeping immigration bill, or even a limited one that hints at providing legal status to people in the country legally.

The Republicans are expected to propose cuts in federal spending to cities that do not aggressively identify illegal immigrants and take measures to reduce the number of aliens.

Likewise, according to Fox News,

Legislation to test interpretations of the 14th Amendment as granting citizenship to the children of illegal immigrants will emerge early next session. That is likely to be followed by attempts to force employers to use a still-developing web system, dubbed E-Verify, to check that all of their employees are in the U.S. legally.

Providing legal status to children born to illegal immigrants under the Fourteenth Amendment indicates a serious failure to understand the original intent of the Amendment.



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The [Washington Post](#) explains:

As the Supreme Court held in the Slaughterhouse Cases shortly after the adoption of that amendment, the main purpose “was to establish the citizenship of the negro,” who, while recently freed in the Civil War, “were still not only not citizens, but were incapable of becoming so by anything short of an amendment to the Constitution.”

Furthermore, the wording of the 14th Amendment, which includes “all persons born in the United States,” is at issue.

According to the *Washington Post*,

In 1873, less than five years after the adoption of the 14th Amendment, the Supreme Court addressed the meaning of that citizenship provision by considering the facts surrounding the adoption of the 14th Amendment: “almost too recent to be called history, but which are familiar to us all.” The court concluded, without dissent on this point, that “the phrase, ‘subject to its jurisdiction’ was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign States born within the United States.”

Unfortunately, a quarter century later, the Supreme Court interpreted the Amendment differently in *United States v. Wong Kim Ark*. It disagreed with the earlier decision that children born to aliens in this country did not have birthright citizenship, at least as it pertained to the facts of that case. However, because that case does not address illegal aliens, debate over legislation clarifying the 14th Amendment has been renewed.

Talks of revisiting the 14th Amendment date back to August when Texas Representative Leo Berman introduced a [bill](#) that would prohibit the issuance of a birth certificate to a newborn child of an illegal alien.

Likewise, Republican Senator Lindsey Graham of South Carolina said in August, “Birthright citizenship I think is a mistake. We should change our Constitution and say if you come here illegally and you have a child, that child’s automatically not a citizen.”

Describing “anchor babies,” Graham remarked, “[Pregnant illegal immigrants] come here to drop a child. It’s called ‘drop and leave.’ To have a child in America, they cross the border, they go to the emergency room, have a child, and that child’s automatically an American citizen. That shouldn’t be the case. That attracts people here for all the wrong reasons.”

While the efforts in the 112th Congress may meet the approval of faithful GOP supporters and Tea Party activists, some political experts contend that it may hurt the Republican Party in its bid to acquire the Presidency and Senate in 2012.

President Barack Obama is expected to use his veto power if legislation denying citizenship status to the children of illegal immigrants comes to his desk.

*Photo: Undocumented college student Jorge Herrera, 18, center, of Carson, Calif., rallies with students and Dream Act supporters in Los Angeles, Dec. 18, 2010: AP Images*



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