

Born in the U.S.A.; when are you a citizen and when not?

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ABSTRACT

In recent years one of the most controversial parts of the U.S. Constitution is Amendment XIV, Section 1, which states in part “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.” The reason this section has become so controversial is because of the problems associated with illegal immigration for the past several years. The U.S. Congress has been unable to, or more aptly put, unwilling to deal with this problem. The reason of course is because it is such a “hot” political problem. Those that want to stem the flow of illegal immigration are instantly labeled as racists or at the least, uncompassionate or uncaring. Those that wish to do nothing about the current situation are labeled as anti-American and soft on crime. There does not seem to be any middle ground on this issue, or at least no one wants to approach any solution that is based on compromise. It is currently a very political issue in which no one wants to take the risk of being politically incorrect or willing to put their job on the line. What really seems to be lost is the purpose of our legislative bodies; they are to serve the will of the people so long as the will of the people does not contravene the U.S. Constitution.

This paper will research the original intent of Amendment XIV, Section 1, federal law in the regulation of immigration, and possible solutions to the existing problem brought on by illegal immigration and even more importantly, the problems that occur because of non-citizens choosing to have their babies delivered in the United States so that the new born child is automatically a U.S. citizen. The research will include practical applications of immigration law, and possible solutions to the current problem that some see as being caused by the wording of Amendment XIV, Section 1. The research will attempt to define what it means to be actually “born” in the U.S.A. and what the critical term of “reside” means as referred to in Amendment XIV, Section 1.

Keywords: U.S. Constitution, naturalized, undocumented alien, citizens, citizenship, reside, original intent, slavery, anchor baby.