YES  Currently, the United States grants citizenship automatically to every person born on our soil—including children of legal noncitizens, tourists, and even illegal immigrants. (Children of foreign diplomats are the exception.)

The U.S. has so-called birthright citizenship because the Constitution’s 14th Amendment, ratified in 1868, says citizenship must be granted to “all persons born or naturalized in the United States, and subject to the jurisdiction thereof.”

I argue that “subject to the jurisdiction thereof” does not include illegal immigrants, and I’m not alone. One of the Amendment’s authors, Senator Jacob Howard of Michigan, said it “will not, of course, include persons born in the United States who are foreigners, aliens…”

Aside from any constitutional arguments, I believe giving citizenship based merely on where you are born is bad public policy. Citizenship is about more than that; it is about our proud history, common standards, and willingness to uphold these ideals.

What message does granting citizenship to the children of illegal immigrants send to people waiting to get into the U.S. legally? Foreigners who want to become citizens can wait as long as 18 years. Once someone crosses our borders illegally and gives birth to a child, their entire family is able to cut in line, degrading the legitimacy of our immigration system.

Almost no other country in the world offers birthright citizenship for these reasons. Lawbreakers should not be rewarded through the destructive policy of birthright citizenship.

—Congressman Tom Tancredo
Republican of Colorado

Should the U.S. end birthright citizenship?

Congress is considering a bill that would end the longtime practice of granting citizenship to children of illegal immigrants born in the U.S.

NO  Arguably the world’s most successful nation of immigrants, the U.S. has developed a system that turns ambivalent new arrivals into wholehearted members of our society.

Immigration works only if immigrants feel like full participants in our society, with all the rights, responsibilities, and opportunities enjoyed by others. A key element is birthright citizenship—in practice for whites since the nation’s founding, and codified for all in the 14th Amendment.

Newcomers put down roots and invest all-out in their lives here because they know their children will be guaranteed full membership. And children, knowing they have a secure place and equal opportunities, feel entitled to aspire to the nation’s highest pinacles of success.

The consequences of abolishing birthright citizenship would be disastrous. Think about the millions of children who will be born in coming years to the 11 million illegal immigrants already living on U.S. soil. These young people know no other home, many will never learn the language of their parents, and very few will even consider going back to the Old Country.

Most would remain in the U.S. and become second-class noncitizens with no hope of full participation in our society and little incentive to aspire to mainstream success. Legally marginalized and underequipped, they would become a permanent underclass.

The answer to our immigration problems cannot be to destroy one of our oldest and proudest American traditions—and the secret of our success as a nation of immigrants.

—Tamar Jacoby
The Manhattan Institute