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Birthright citizenship

By Jennifer Rubin

Sens. David Vitter (R-La.) and Rand Paul (R-Ky.) introduced a [proposal to amend the Constitution](#) "so that children born in the United States are only considered automatic citizens if one parent is a U.S. citizen, one parent is a legal immigrant, or one parent is an active member of the Armed Forces. They could also follow the traditional naturalization process to attain citizenship."

As a preliminary matter, recall that Paul ran as a "constitutional conservative." But that apparently did not mean that he was enamored of maintaining elements of the Constitution that have operated since the Civil War. If mucking around with the 14th Amendment is "constitutional conservatism," then these words have no meaning. There is nothing conservative about a radical constitutional revision, the need for which has yet to be established.

Usually, when a constitutional amendment is proposed -- for example, repealing prohibition or securing voting rights for newly freed slaves -- there is some agreement that there is a problem of such magnitude that the Constitution should be altered. Here, the amendment is offered in search of a problem.

Proponents of repealing birthright citizenship argue that scores (millions, I guess) of illegal immigrants come here to have babies (dubbed "anchor babies"), who can then help their parents establish citizenship. You may recall the cringe-inducing comments of [Sen. Lindsey Graham](#), who posited that "people come here to have babies. They come here to drop a child. It's called 'drop and leave.'" Aside from the grotesque imagery, the problem with this assertion is that it's largely false.

Immigration studies by the [Pew Hispanic Center](#) and [Douglas Massey](#) of the Mexican Migration Project have demonstrated that the drivers for immigration are jobs and family reunification. In fact, roughly 80 percent of immigrant mothers in 2008-2009 had been in the U.S. since 2005, and 90-95 percent were here over a year before having a child. Moreover, a child cannot under federal immigration law help a parent attain citizenship until that child is 21 years old. In sum, pregnant women are not stumbling over the Rio Grande en masse in search of the closest obstetrics wing.

A recent [Migration Policy Institute study](#) suggested that the consequences of declaring that children born in the U.S. to illegal immigrants are themselves illegal would, by 2050, lead to a 44 percent increase in the illegal immigrant population. For those keen on denying jobs to, or deporting, millions of *current* illegal immigrants, this would dramatically increase our woes. And with each generation the number grows larger and larger. Presumably, the grandchild of an "anchor" baby would be an illegal immigrant under the senators' scheme.

In a phone interview on Friday, Dan Griswold of the Cato Institute told me: "The birthright immigration doctrine has served our nation well. We make sure that we don't have second and third generation, marginalized immigrants, as Germany does." He added: "This is part of what makes the U.S. exceptional."

Given the paucity of evidence that birthright immigration is a significant issue, the hurdle of enacting a constitutional amendment, and the negative consequences that would follow from

repeal of birthright citizenship, Griswold doesn't think the Vitter-Rand proposal is going anywhere. Griswold contends that as long as Americans "understand that "anchor baby" immigration is not a "widespread phenomenon," the idea won't get much traction.

And then there is the moral issue. We are talking about children who had no say in their parents' decision-making and/or who can't determine the legal status of their parents. They know no other country than the United States. And Vitter and Rand want to go searching for these children, presumably deny them employment and/or benefits and, I guess, toss them from the country, so that we will dissuade other adults (who exist primarily in Lindsey Graham's imagination) from coming here?

It is this sort of harebrained idea, unreasoned and extreme, that raised concerns about Paul's judgment during the campaign. [Those of us](#) who loudly [criticized him](#), unfortunately, [may turn](#) out to be prescient.