

Statesman

Editorial: President should leave the Constitution alone and instead find real solutions

November 2, 2018

In this country and with very few exceptions, anyone born on American soil is a U.S. citizen. Birthright citizenship is a bedrock principle of what it means to be an American, established 150 years ago by the 14th Amendment of the Constitution.

President Donald Trump, however, thinks this constitutional protection should not extend to some. Trump announced last week he intends to issue an executive order ending birthright citizenship for the children of parents who are in the country illegally.

This is a promise the president should not keep, not the least because it is an idea doomed to failure: The scholarly consensus is that the president cannot simply rewrite the Constitution by fiat — that would be unconstitutional and certainly would be challenged in the courts, where it would lose. Moreover, Supreme Court rulings have upheld birthright citizenship's long history.

Given the futility of the president's promise, it is understandable why some Americans suspect it is a stunt intended to rally his base and to fan anti-immigrant sentiment. The timing just days before the midterm elections, coinciding with Trump dispatching thousands of military troops to the Texas border to confront migrants seeking refuge, agitates tensions at a time when this country has had enough divisiveness.

Republicans, including our own Texas members of Congress, often are loath to criticize the president when he is wrong or when his rhetoric is divisive or extreme. So, for anyone who values people in public office who put resolving problems over toeing the party line, it was refreshing to hear the reaction last week of House Speaker Paul Ryan.

“Obviously,” Ryan said, Trump doesn't have the authority to end a constitutional right with an executive order.

Ryan went on to say that he agrees with Trump that illegal immigration must be dealt with. He's right, of course. Our current system draws undocumented workers to jobs they can readily find, then forces them to live in the shadows out of fear they could be deported. But we're skeptical that Trump wants to address immigration policy in a thoughtful, fair-minded way. Of late he has been more interested in exploiting fear for political gain and in making problems sound more sinister than they really are, as with his calling the caravan of migrants headed for the Texas border a “national emergency.”

“Criminals and unknown Middle Easterners are mixed in,” Trump tweeted on Oct. 22 about the caravan still hundreds of miles from the U.S. The president later admitted he did not have evidence.

On Thursday, Trump called birthright citizenship a “crazy, lunatic policy.” Again, this cannot be emphasized enough in the face of such blatantly misleading rhetoric: It is a constitutional right. Previously, he falsely claimed that the U.S. is the only country with birthright citizenship. In fact, **at least 30 other countries grant it.**

Nations that don’t extend citizenship to people born there hurt themselves because they create a resentful underclass of young people who are discriminated against by the law, Alex Nowrasteh, an immigration policy analyst with the Cato Institute, told us. Birthright citizenship works, he said, because it guarantees that the children born here to parents without legal status have the best shot at assimilating.

With the midterms around the corner, Trump increasingly rails against illegal immigration and falsely claims Democrats want open borders and thwart attempts to fix a broken system. Noticeably missing from these diatribes is that Republicans control Washington, and Trump himself has sabotaged bipartisan efforts to achieve reform.

“We need less posturing and less rhetoric on this and more solutions,” Texas Sen. John Cornyn, the Republican majority whip, said Tuesday.

We agree. We also need for the party that talks a big game about the rule of law in any discussion about illegal immigration to heed its own advice. The Constitution is the supreme law of the land, and it says that if you’re born here, you’re a citizen. U.S. law also allows those migrants headed for the border to apply for asylum. But Trump wants to unilaterally change that, too. He said Thursday he would sign an executive order to restrict asylum rules. He also suggested U.S. troops could fire on any migrant who throws stones at them. Let that sink in: An American president suggesting it would be defensible for our great military to fire on migrants, including children and their families.

Americans yearn for honest attempts to resolve our problems, not more election-timed fear-mongering or race-baiting or inflammatory rhetoric about problems that do not exist.

Trump campaigned in 2015 on a pledge to fix the country’s immigration system. If he’s really serious about delivering on that three-year-old promise, he should leave the Constitution alone and work with Congress on legislation that balances America’s security needs with the demand for labor filled by immigrant workers. Unless the president can provide evidence that an actual emergency exists, he should pull troops off the border and let border agents do their jobs.