

Debunking A *Dredful* Proposition: Why *Jus Soli* Birthright Citizenship is Constitutional



Thesis

A Supreme Court decision which upholds the constitutionality of President Trump's Executive Order 14160, and which results in the future children of undocumented immigrants being denied birthright citizenship, would be reminiscent of *Dred Scott* and, in time, will become an addition to the constitutional anticanon.

14th Amendment Birthright Citizenship Clause

“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...”

Executive Order 14160

“The privilege of United States citizenship is a priceless and profound gift...But the Fourteenth Amendment has never been interpreted to extend citizenship universally to everyone born within the United States. The Fourteenth Amendment has always excluded from birthright citizenship persons who were born in the United States but not “subject to the jurisdiction thereof...”

“Among the categories of individuals born in the United States and not subject to the jurisdiction thereof, the privilege of United States citizenship does not automatically extend to persons born in the United States: (1) when that person’s mother was unlawfully present in the United States and the father was not a United States citizen or lawful permanent resident at the time of said person’s birth, or (2) when that person’s mother’s presence in the United States at the time of said person’s birth was lawful but temporary...and the father was not a United States citizen or lawful permanent resident at the time of said person’s birth.”



Wong Kim Ark

“The question presented by the record is whether a child born in the United States, of parents of Chinese descent, who at the time of his birth are subjects of the emperor of China, but have a permanent domicile and residence in the United States....becomes at the time of his birth a citizen of the United States...”



***Wong Kim Ark* - Originalism**

“The real object of the fourteenth amendment of the constitution, in qualifying the words ‘all persons born in the United States’ by addition ‘and subject to the jurisdiction thereof,’ would appear to have been to exclude...the two classes of cases...[which] had been recognized exceptions to the fundamental rule of citizenship by birth within the country.”



***Wong Kim Ark* - Textualism**

“[I]t is impossible to attribute to the words, ‘subject to the jurisdiction thereof’ (that is to say, of the United States), at the beginning, a less comprehensive meaning than to the words ‘within its jurisdiction’ (that is, of the state), at the end of the same section; or to hold that persons who are indisputably ‘within the jurisdiction’ of the state, are not ‘subject to the jurisdiction’ of the nation.”



Defining the Anti-Canon

1. Poorly reasoned
2. Immoral
3. Historically significant
4. Useful for instruction

Poorly Reasoned



“Political jurisdiction”



“Primary allegiance”

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Donald Trump: "Anchor babies" aren't American citizens

By Reena Flores

August 19, 2015 / 10:44 AM EDT / CBS News

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Bush calls for greater enforcement against 'anchor babies'



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Vicious gangs and gang members are pouring into our Country from South America, and from all over the World. They are being FORCED out of their Countries, in particular Venezuela and Mexico, and DEPOSITED into the Good Ole' USA by the tens of thousands. But here's the "wrinkle." THEY REFUSE TO TAKE THESE CRIMINALS BACK. They think Biden and his Administration are a JOKE! "They go after TRUMP, but they leave us alone. We can do whatever we want," one of them recently stated. Not being able to bring the worst of humanity back to where they came from is a BIG problem for the U.S. Biden will NEVER be able to handle it. This is a COUNTRY DESTROYING EVENT!!! Just think of it — Foreign countries will be sending us their WORST, Gang Members, Murderers, Drug Dealers, Human Traffickers, Terrorists, their Mentally ILL, and even others, sick people, who need large scale medical help, and they have told the World, "WE WILL NEVER TAKE THEM BACK." Biden is destroying our Country

Historically significant



Historically significant

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When asked if he needs to uphold the Constitution, Trump says: 'I don't know'

"I have brilliant lawyers that work for me, and they are going to obviously follow what the Supreme Court said," the president said.



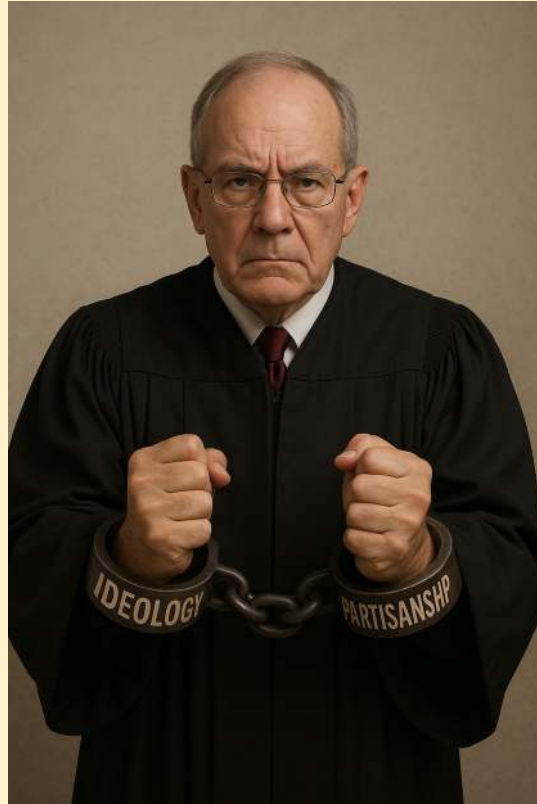
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Useful for instruction



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Conclusion

