Resolution on Fourteenth Amendment

Summary
Requests that the United States (US) Congress clarify the Fourteenth amendment regarding citizen status for children of illegal aliens.

Model Resolution

WHEREAS, the Fourteenth Amendment of the United States Constitution 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”; and

WHEREAS, this clause clearly establishes two criteria that must be met before a child born in the United States can be considered a citizen: being born in the United States, and being subject to the jurisdiction of the United States; and

WHEREAS, illegal aliens are not subject to the jurisdiction of the United States and, consequently, neither are their children; and

WHEREAS, to eliminate the present problem of granting citizenship to infants who due to their parents’ illegal status are not subject to the jurisdiction of the United States, Congress needs to clarify that children of illegal aliens inherit the status of their parents and must be recognized as illegal aliens; and

WHEREAS, the current practice of granting citizenship to children of illegal aliens rewards them for violating American law and provides them with a means to avoid the consequences of their unethical and illegal activities.

THEREFORE BE IT RESOLVED that the American Legislative Exchange Council that the Congress of the United States enact legislation clarifying the Fourteenth Amendment of the United States Constitution as denying citizenship status to children of illegal aliens simply by virtue of their being born in the United States.

Adopted by the Criminal Justice Task Force at the States and Nation Policy Summit, December 2007. Approved by the ALEC Board of Directors January 2008.