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### **HBA-DC Issues Statement on the Administration's Birthright Citizenship Comments**

**(Washington, DC – October 30, 2018)** – Birthright citizenship is guaranteed by the 14th Amendment. So the President's claim that he can eliminate birthright citizenship with the stroke of his pen is outrageous. Indeed, only Congress or state legislators can amend the Constitution. Thus, the President's ploy seems merely a guileless attempt to galvanize an anti-immigrant base at the cost of further othering immigrants of our Country. This proposed executive order would be, therefore, unequivocally unconstitutional.

Congress passed the 14th Amendment during the period of Reconstruction after the Civil War to ensure African Americans were allowed full U.S. citizenship. The Amendment guaranteed citizenship to all people born on U.S. soil. It abrogated the shameful 1857 Supreme Court decision *Dred Scott v. Sandford*, which held that descendants of enslaved people could not be U.S. citizens. It also ensured that Roma and Chinese immigrants, who were feeling the brunt of anti-immigrant sentiment at the time, would enjoy the full protection of the law.

Eliminating birthright citizenship would do nothing to solve our immigration issues. Instead, it would likely have the reverse effect. It would increase the size of the undocumented immigrant population, cast a cloud on the futures of thousands of immigrant children, further alienate immigrants, and categorically reject this country's rich immigrant history. The 14th Amendment is not just another immigration policy, it is the glue that reinforces this country's motto: *e pluribus unum*.

Additionally, this change would not just affect undocumented immigrants. Elimination of birthright citizenship would impact everyone in this country. If simply being born in the U.S. and having a U.S. birth certificate were not proof of citizenship, Americans would have to navigate administrative hurdles and complex laws to prove their citizenship. Other than a birth certificate, most Americans do not have government documents that establish U.S. citizenship.

HBA-DC President Richard Rodriguez spoke on the issue and added "this cruel and misguided policy would seek to eliminate what are countless assets to this country. Doctors, engineers, public-interest lawyers (like many of our HBA-DC members), and many other white-collar and blue-collar professionals who are first-generation Americans and children of immigrants—people who are absolute assets to our society—are the type of people this crude policy would wipe away from the fabric of this country. As President George H.W. Bush once said, '[n]early all Americans have ancestors who braved the oceans-liberty-loving risk takers in search of an ideal-the largest voluntary migrations in recorded history. Across the Pacific, across the Atlantic, they came from every point on the compass-many passing beneath the Statue of Liberty-with fear and vision, with sorrow and adventure, fleeing tyranny or terror, seeking haven, and all seeking hope . . . Immigration is not just a link to America's past; it's also a bridge to America's future.'"

A proposition to take away birthright citizenship is not the answer, it is just deeply offensive to the history of the U.S. and the humanity of our Country. As Rep. Carlos Curbelo (R-Fla.) stated today, “what we really need is broad immigration reform that makes our country more secure and reaffirms our wonderful tradition as a nation of immigrants.” As attorneys, we took an oath to uphold the Constitution. As a community, we honor our immigrant heritage. HBA-DC denounces this plan and calls on our members and supporters to do the same.

#### **About the HBA-DC**

The Hispanic Bar Association of the District of Columbia is a nonprofit, nonpartisan, voluntary legal association representing the interests of Hispanic attorneys, judges, law professors, law students, and legal professionals within the greater Washington, D.C. area. Its mission is promoting the professional development of Hispanic lawyers and law students; promoting equal justice and opportunities for all Hispanics; and promoting the appointment of Hispanics to leadership positions in Federal, state, and local governments, in the judiciary, and in other leadership positions. For more information visit <http://www.hbadc.org>.

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