

President Trump's Birthright Citizenship Fight at the Supreme Court - Mark Krikorian

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SUMMARY

The discussion centers on the interpretation of the 14th Amendment regarding birthright citizenship in the U.S., particularly in light of rising illegal immigration and birth tourism. The speaker argues for a reinterpretation that limits citizenship to children born to U.S. citizens or green card holders, suggesting that current practices are unsustainable and lead to complications in immigration policy.

- The 14th Amendment grants citizenship to those born in the U.S., but its interpretation is debated, especially regarding illegal immigrants.*
- An executive order proposes that only children of citizens or green card holders should automatically receive citizenship.*
- Birth tourism is highlighted as a significant issue, with organized efforts bringing foreign mothers to the U.S. to give birth for citizenship benefits.*
- The speaker believes the current system is outdated and unsustainable due to mass illegal immigration.*
- Comparisons are made to other countries like Australia and France, which have different rules for citizenship based on residency and parental status.*
- The discussion emphasizes the need for a debate on immigration policy and the implications of citizenship rules.*
- Philosophically, the speaker argues for a balance of obligations to family, community, and country, suggesting that citizenship should reflect these responsibilities.*
- The conversation touches on the historical context of immigration laws and the founding principles of the U.S. regarding individual rights and community obligations.*

The 14th amendment says everyone born in the United States and subject to the jurisdiction thereof is a citizen. >> That qualifier is the whole issue. It was initially the whole point of the 14th amendment was to make sure newly freed black slaves weren't stripped of their citizenship when the army left the you know the southern states. >> Yeah. Clearly >> that qualifier was for Indians living on reservations because they were not Indians not taxed is what it says elsewhere in the constitution. And actually the legislation that the bill that the amendment was based on says that I don't know why they worded it that way but that's what it refers to basically and as well as supposedly ambassadors. Um >> so so what's the executive order exactly trying to do? executive order uh says that he that the executive branch reinterp or interprets subject to the jurisdiction thereof meaning um only people born to citizens or green card holders that if you're an illegal immigrant or a temporary visa holder that you are not we have not invited you to become part of our community and so any kids you have are not citizens. Now the practical effect of that would be that the pass the social security administration would not issue social security number for a newborn unless they could show that one of the parents at least was a citizen or green card holder and the state department would not issue a passport to

somebody to a kid who couldn't show one of the other.

And the point what it amounts to is that a birth certificate itself would no longer be kind of automatic proof of citizenship. >> What's your take on that? It's a whole lot simpler to just keep it the way it is and the way it's always been. It's your birth certificate. I'm a citizen. Here's the birth certificate. And it's real. You want to check it out? Check it out. But it's real. The problem is we don't live in that world anymore where that's practical and sustainable because mass illegal immigration was not a phenomenon back then. And our estimate is something like 7% of all babies born here in 20 2023 were born to illegal immigrants. Um then you add on to that birth tourism uh coming coming pregnant >> and not just as a kind of oneoff thing.

There are organized um companies, travel agencies >> that market birth tourism. Oh, it's a huge I mean, it's something like our guesstimate is like 25,000 babies a year from China, Russia, Turkey, Nigeria. It's all over the place. China's sort of the one that's gotten in the news where it's a package. You pay one lump sum and you come to the United States, they put you up in like they may have they may own like garden apartments or something and they put you up there. Um, you do the prenatal visits, deliver the baby, it's all covered in one fee. And then while the mom and the baby are kind of recovering, the paperwork goes to social security and the state department. And then when your social security card and your passport arrive for the baby, then you go back to China and they never come back to the United States until, you know, they enroll at the University of California or something like that. The kid does because he's an American citizen now. He's gets a better rate.

>> Oh, that's interesting. So it's like you kind of get your social security, but you but they don't stay. they they got it in their back pocket when the time >> and it's you know for a lot of the people from China it's kind of a insurance policy you know and it's for some people it's kind of a retirement plan cuz then when the kid's 21 he can sponsor his parents cuz he's a citizen and there's no numerical cap for parents of adult of adult citizens. Um so you know by that point you might be if not retired you're close to it or whatever it is and this is a way you can move to the United States anyway. That's outrageous and it's only possible because of our current practices for citizenship. The problem is uh the 14th amendment also says Congress shall make legislation uh I forget the exact word but you know implementing these measures not the president just in an executive order. Now I understand President Ken is fully authorized to interpret the constitution. and he's a branch of government and Congress and the president and Supreme Court all get to have their own interpretations. The final call though is Supreme Court. If there's a dispute, the executive order has been um I don't know what the proper is it enjoined or something. It's been in one way or another it's been frozen.

But I still think I'm still for it because what the president has done is sort of got the ball rolling and got us discussing it and frankly getting the gotten the Democrats to defend uh giving the children of illegal aliens US citizenship, which you know is sort of a good position to put them in and and even to essentially have them defend birth tourism, which is indefensible and nobody's really for that. And yet, you know, so >> well, defending the in the indefensible has become that party stock and trade.

That's for sure. >> The final point on this is that if you change the rules, what you don't want is adult US-born illegal aliens. That's an absurdity in a democracy and it's not sustainable. which is why places that ended

automatic birthright citizenship like Australia, like France, have a kind of statute of limitations built in. In Australia, the kid um if he doesn't have a parent who's a citizen or whatever their version of a green card holder is, uh does not get citizenship automatically at birth. But if the kid lives his entire first 10 years of his life in Australia, then he gets citizenship. France does something similar where you don't get citizenship, you know, if you're not the kid of a par of a citizen or green card holder, but at age 18, you make a choice. You can become a free, you can take French citizenship.

So, the point is it's a kind of statute of limitation so we don't end up with this ridiculous situation of adult illegal aliens born in the United States. >> But we're this is early days now. The point is we have to get to the debate. Get the debate started and the president has at least started this debate. And for that I think uh that's good. >> The the north star for um immigration advocates whether it's Brian Kaplan and Alex Narasta on the far end who who are saying more or less let everybody in with no real filter for their just don't be diseased or absolute murderer.

>> Right. Um but but to cross the spectrum of the Moore team, I think at the highest level there's there's a notion a northstar that is individual liberty beyond government. The government isn't the creator of our rights. It's supposed to be the defender of them. But that fundamentally there's a kind of you could say humanist globalist even ethos that >> it's a right to mobility. >> It's a right to mobility. You know, you know, we have the God didn't create America, but God created the world and he created us. Or maybe you don't believe in God, but regardless, there's a human right to move about the world, to transact with other people as voluntary adults. Um, and as I I believe, at least early in the US, that the that the understanding of the federal government's powers were about naturalization, not residency, that you could come to the country. And >> although states did have it was states had limitations on immigration. The feds didn't. That's because states ran everything and the feds.

>> Yeah. So the states had had had had various levels of restrictions. >> In fact, the first immigration law ever passed was in 1642 in colonial Massachusetts saying uh nobody likely to live off the public become a popper is allowed to enter. And so it was an exclusion. It was an immigration exclusion. Literally the first immigration law pass. But see my point on this I understand what you're saying. >> Let me just let me tee you up. So that that is at the end of the day where where Brian and and >> libertarian libert like open borders libertarian types or or even I think progressives >> would probably fall into the same category. It's a human rights issue.

Mhm. >> What's your north star philosophically, morally for that's filtering your um your policy position, your your belief that we should have less, that we should have these restrictions, we should get to net out migration and then keep it tight and only let in and start from zero. Where what is the guiding principle? The guiding principle is that rather than each of us being a kind of separate dassinated individual in on the planet earth that we are kind of in nested groups of uh responsibility and obligation. In other words, you have what one philosopher called concentric circles of obligation. You're responsible for the well-being of your family first, your community. And community can mean a whole bunch of different kinds of things. Your local community, your church community, whatever that means.

But you're the or the the groupings above the family and then you have a greater obligation to your fellow countrymen because a a nation is a thing is something that is also has creates moral obligations and only after that only beyond that do you have an obligation to humanity as a whole. Uh and so it is that idea that we're not just all separate people running around that we are separate people but we also have part of our humanness is the groups that we belong to. um Aristotle I think it was Aristotle said may have been Plato it's been a long time said that >> one of those Greeks >> one has you know that there are several levels of kind of um organization that you have the family and the clan and then the polist the political community our political community is bigger than just a city now partly for >> technological reasons and all kind of other reasons but that those that we have moral obligations at each of those levels as opposed to all of us just being individuals and having an obligation to every other individual not to you know do him harm or however the libertarians think about it. But there's more to it than that and that >> and the founders by the way on this one.

>> Yeah. But no, but even they it was you know to ourselves and our posterity. It wasn't to ourselves and everybody else. And this is a smaller point on the Constitution thing, but >> the Constitution did say that Congress after 20 years was authorized to prevent the arrival of persons in, you know, for servitude. In other words, the ban on the slave trade was an immigration measure in a sense.

In other words, if Congress had no right to control who came into the United States, then why did the Constitution explicitly give Congress that right? They didn't say slaves, they didn't say property, they said persons. Constitution always says persons. I I meant just that I think the founders conception of individual liberty is is quite libertarian in general. You know, I think uh to be fair, you know, it's the sovereignty of the individual that we're >> endowed by our creator with, you know, inalienable rights.

>> We are endowed by our creator with inalienable rights. But as human beings, we also are members of families and members of other organizations there. It's not just us and the state or even just us and God that there are levels of responsibility in between. And to me that's my main concern. We have a responsibility to our fellow countrymen that's greater than the responsibility to others you know out to foreigners.

And so um everything my opinion everything stems from that. Now, that doesn't necessarily mean you have to have lower immigration. I just that's kind of how I approach the issue. >> If you like this clip, you should check out the full video and all the other great content we've got at Dad Saves America. So, be sure to hit the like button, subscribe, and ring that bell so you won't miss our new stuff as it drops each week.

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