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Executive Director
Arturo Vargas
† Deceased

National Office
1122 W. Washington Blvd., Third Floor
Los Angeles, CA 90015
Tel: (213) 747-7606
Fax: (213) 747-7664

Houston
1314 Texas Avenue, Suite 410
Houston, TX 77002
Tel: (713) 228-6400
Fax (713) 228-0606

Orlando
5950 Lakehurst Drive, Suite 169
Orlando, FL 32819
Tel: (321) 795-3757

New York
55 Broad Street, Suite 9B
New York, NY 10004
Tel: (212) 480-1918
Fax: (212) 480-1697

Washington, DC
600 Pennsylvania Ave., SE Suite 230
Washington, DC 20003
Tel: (202) 546-2536
Fax: (202) 546-4121

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Written Testimony by

Arturo Vargas, Executive Director

**National Association of Latino Elected and Appointed Officials
(NALEO) Educational Fund**

**Before the House Judiciary Committee, Subcommittee on Immigration
and Border Security**

on

Birthright Citizenship

Washington, DC

April 29, 2015

www.naleo.org

Chairman Gowdy and Ranking Member Lofgren, and members of the Subcommittee:

On behalf of the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, I appreciate the opportunity to submit the present testimony in support of maintaining our Constitution's grant of citizenship to all who are born within the United States.

The NALEO Educational Fund is the nation's leading nonprofit organization that facilitates the full participation of Latinos in the American political process, from citizenship to public service. Our Board members and constituency encompass the nation's more than 6,000 Latino elected and appointed officials, and include Republicans, Democrats and Independents. Recognized nationally as a civic engagement pioneer and leader with more than 30 years of experience, the NALEO Educational Fund has guided hundreds of thousands of eligible lawful permanent residents (LPRs) through the naturalization process, and helped hundreds of thousands of Latino U.S. citizens register to vote and take part in elections.

The Citizenship Clause of the Fourteenth Amendment clearly states, "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." This historic testament to our nation's achievement in recognizing the full equality of all people was adopted in the wake of events including the Supreme Court's *Dred Scott* decision, and the then-new State of Texas's attempt to limit the right to vote only to whites. Since its adoption, the Fourteenth Amendment has played an integral role in striking down laws that have aimed to deny fundamental rights to African Americans, Latinos, Asian Americans and Native Americans born in the United States, including voting, owning or leasing land, and accessing public accommodations. It would be contrary to our values as a nation to retreat from this proud tradition of progress toward justice.

An attempt to amend the meaning of the Citizenship Clause would betray fundamental American principles, and undermine peace and prosperity within our borders as well. Preventing the children of undocumented and temporary legal immigrants from receiving citizenship would create a permanent underclass of Americans who share our culture, language, and aspirations, but are unable to contribute fully to our economy and democracy. Some of these members of our society would, through no fault of their own, suffer lifelong stigma and exclusion as stateless individuals. As a result, our nation would experience the serious and dangerous problems which have beset the nations that have pursued similar policies to restrict or end birthright citizenship – the presence of a significant segment of the population with immigrant origins who can never be fully integrated into American society.

Ending recognition of birthright citizenship would also impose significant financial and administrative burdens on our nation's families and on federal, state and local governments. Officials would be forced to expend significant resources creating and administering a new layer of bureaucracy which new parents would need to navigate to establish their children's rights to U.S. citizenship. Such a costly and unnecessary procedure would divert funds from more important government priorities, such as providing for public safety. In addition, this counter-productive proposal and un-American notion is a distraction from the crucial need to develop a framework for comprehensive immigration reform.

Just as the Supreme Court concluded in 1898 that the Fourteenth Amendment had been adopted in an embrace of non-discrimination, and that, "...in clear words and in manifest intent, [it] includes the children born, within the territory of the United States, of all other persons, of whatever race or color," *United States v. Wong Kim Ark*, 169 U.S. 649, 693, Congress must reject the historically racist and xenophobic motivations inspiring attempts to limit access to citizenship. Because many immigrants to the United States today are Latino, this proposal, if adopted, would send an unwelcome message to the Latino community that Members of Congress do not value our contributions to the security and success of the United States. Birthright citizenship reflects deeply-rooted American values that must be preserved.

Thank you for giving us the opportunity to express our strong opposition to any withdrawal of the Constitution's grant of birthright citizenship.