



Statement for the Hearing Record

United States House of Representatives Judiciary Committee Subcommittee on Immigration and Border Security

“Birthright Citizenship: Is it the Right Policy for America”

April 29, 2015

Chairman Gowdy, Ranking Member Lofgren, members of the Subcommittee, on behalf of the National Council of Asian Pacific Americans (NCAPA) and our thirty-four national Asian Pacific American organizations, we thank you for the opportunity to submit this statement for inclusion in the record for today’s hearing.

Today’s hearing examines whether birthright citizenship is the right policy for America. It is important to note, however, that birthright citizenship is more than just a policy. The right of citizenship by birth on American soil is a bedrock Constitutional principle. Birthright citizenship is more than the right policy for America, it is enshrined in our Constitution.

Birthright citizenship stems from the citizenship clause, passed after the Civil War with the intention of overruling the notorious Supreme Court decision in *Dred Scott*. The citizenship clause was adopted to foreclose the possibility of an unequal class system of people born in the U.S. The clause rejects the notion that politics or prejudices can determine who born on U.S. soil is a citizen.

Just thirty years after the passage of the citizenship clause, it was affirmed by the Supreme Court in *United States v. Wong Kim Ark*. Wong Kim Ark, born in San Francisco, was the son of Chinese immigrants who spent his entire life in the U.S. After a short visit to China he was denied entry back into the U.S. on the basis that he was not a citizen. The Supreme Court held that the Fourteenth Amendment guaranteed citizenship to all individuals born in this country. The Court stated the citizenship clause was “in clear words and in manifest intent” and that persons, regardless of race or color, were granted citizenship upon birth on U.S. soil. The Court went on to say that Congress has no authority to restrict birthright citizenship.

There was a tremendous wave of backlash against Chinese immigration when the *Wong Kim Ark* case was decided in 1898. The Chinese Exclusion Act had been signed into law, ending the flow of migration of Chinese laborers into the U.S. Similarly, anti-immigrant sentiment is currently

on the rise and the growth of hate groups is well-documented. Throughout history the citizenship clause has stood for the equality of all individuals in the face of prejudice and animosity.

NCAPA urges members of this Committee to turn towards a serious discussion about humane legislative solutions to reform our broken immigration system. Any debate around immigration reform should align with our values of equality and fair treatment and promote the human rights and dignity of all those in our country today.