

The world has changed immensely in the past few hundred years, and the United States has changed along with it. The Constitution was written over 200 years ago and, as per usual, much has changed in the way the world works since then. The 14<sup>th</sup> amendment was ratified in 1868; the first year that celebrated Memorial Day, and the last year public hanging was legal in England. Times were obviously different back then, and the intentions of Amendments to the Constitution have come into question in the present day when considering how these antique clauses affect our modern life. One specific clause in the 14<sup>th</sup> Amendment states: “all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside.” In modern day, this is often the part of the Constitution that is looked at when deciding a verdict on immigration issues. However, post-Civil War reforms focused on injustices to African Americans. The 14<sup>th</sup> Amendment was ratified to protect the rights of native-born African Americans, whose rights were being denied as recently-freed slaves, and was written in a manner to prevent state governments from ever denying citizenship to individuals in this group who were born in the United States. In 1868, the United States had no formal immigration policy and did not limit immigration. Thus, there were no illegal immigrants or “anchor babies” to think about when writing the Amendment. What is an anchor baby? The modern term refers to children who are born in the United States to illegal immigrant parents. They are called “anchor babies” because the common belief—that developed after the 1965 immigration act—is that they pull their families into unjustified U.S. citizenship and keep them in the country like an anchor. The reality is that anchor babies don’t provide many benefits to their parents from the side politicians like to look at. People come into the United States to give birth so their child can have a better life than they would in the country they left behind, not to gain fast and easy citizenship. In fact, there are so many strings attached to the

anchor babies' power to help their parents that many don't receive citizenship or are even sent back to their home country regardless. The power and justification of anchor babies is an entirely separate debate that comes down to single clauses and technicalities, just like the debates over the 14<sup>th</sup> Amendment. Many people say that the 14<sup>th</sup> Amendment allows for birthright citizenship, but does not require it, which is a subtle, but important, point. If the constitution does not require birthright citizenship, Congress might be able to change the law without having to pass a Constitutional amendment, which is an arduous process. The interpretation can make the process of changing this specific law dramatically easier or harder depending on which side is taken as fact. The gist of the argument lies on the fact that the 14<sup>th</sup> Amendment requires people to be born on U.S. soil and be "subject to the jurisdiction thereof" to receive citizenship at birth. Some people interpret the inclusion of "jurisdiction" as requiring mutual consent for citizenship. The person and the United States must agree that the child is eligible for citizenship. If they are here illegally and the United States does not agree their child should be eligible for citizenship, Congress could say no, rendering the 14<sup>th</sup> Amendment inapplicable to these children, without violating the constitution. The moral debate of whether these children should be guaranteed citizenship does not lie within the 14<sup>th</sup> Amendment—there is only room for speculation of what was intended and what can be carried over into modern day. There is no doubt that the amendment was a cornerstone in U.S. policy and placed the 1<sup>st</sup> Amendment into law, but the one debate that cannot be argued is that the nation—and the entire world—has changed immensely since the amendment's ratification. Because we are using antique clauses for modern situations, things are left up to interpretation and speculation. One would not try to send an email through pigeon mail so why are we operating on an antique reform whose relevance is decided through conjecture?