



Written by [Kelly Holt](#) on January 7, 2011

State Legislators for Legal Immigration Ask Congress to Reconsider Intent of 14th Amendment

State lawmakers, led by State Legislators For Legal Immigration (SLLI) founder Daryl Metcalfe, met in Washington D.C. Jan. 5 to unveil model legislation regarding the 14th Amendment. Joined by constitutional scholars, they held a press conference on the same day as the swearing-in of the 112th Congress.



Metcalfe, a Pennsylvania State Representative, encouraged members of Congress that one of their first actions should be “to uphold their oaths of office to protect the states from illegal alien invasion.” He added,

Today we are here in Washington D.C. to serve Congress with notice that both the *U.S. Constitution and the federal government were created by the states*. [Emphasis added.] Just like any other national policy, America’s immigration laws must protect the lives, liberty and property of American citizens, rather than foreign invaders.

Lawmakers from 40 states have signed onto SLLI, founded in 2007, whose expressed mission is to provide a network of state legislators who are committed to working together in demanding full cooperation among our federal, state and local governments in eliminating all economic attractions and incentives (including, but not limited to: public benefits, welfare, education and employment opportunities) for illegal aliens, as well as securing our borders against unlawful invasion.

Although SLLI’s mission is to eliminate incentives for illegal aliens, its members understand that first, a correct interpretation of the 14th Amendment is necessary, and long overdue. Metcalfe continued,

The purpose of this model legislation is to restore the original intent of the 14th Amendment, which is currently being misapplied and is encouraging illegal aliens to cross and cost American taxpayers **\$113 billion annually**, or nearly **\$1,117 yearly per individual taxpayer**. [Emphasis in original.]

Specifically, the “citizenship clause” found in Sec. 1 is the point at issue. It reads, “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.” Those who believe the Amendment has been misinterpreted refer to the operative phrase, “subject to the jurisdiction thereof.” Scholars present at SLLI’s news conference were ready to address the issue of interpretation.

According to SLLI’s press release,

Due to the historic and Constitutional ramifications that have created the anchor baby status, the Immigration Reform Law Institute (IRLI) has provided expert legal research and analysis to



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ensure that the plain English, straightforward legislative solution meets any and all Constitutional challenges brought against it once enacted by state Legislatures across the nation.

The Immigration Reform Law Institute's Executive Director Michael Hethmon added,

IRLI supported this historic SLLI initiative because we saw a critical need to bring elected state leaders from across the nation together with legal specialists in the Constitutional principles of immigration law.

Historical support can be found in the remarks of U.S. Representative John Bingham (OH), considered one of the fathers of the 14th Amendment. During an 1866 Congressional debate, he observed, "...every human being born within the jurisdiction of the United States of parents not owing allegiance to any foreign sovereignty is, in the language of your Constitution itself, a natural born citizen...."

State and local governments struggle with the increasing burdens added by illegal aliens. Efforts toward nullification and assertion of states' 10th Amendment rights may also begin to play a part in their solutions if Congress will not act. As states move to claim their rights of protection, and of self-government, more legislation can be expected to deal with the problem.

The Aug. 31 issue of *The New American* featured Joe Wolverton II's outstanding study of history on the subject of naturalization, entitled "[Automatic Citizenship](#)," in which he quoted James Madison's admonition:

When we are considering the advantages that may result from an easy mode of naturalization, we ought also to consider the cautions necessary to guard against abuse. It is no doubt very desirable that we should hold out as many inducements as possible for the worthy part of mankind to come and settle amongst us, and throw their fortunes into a common lot with ours. But why is this desirable? Not merely to swell the catalogue of people. No, sir; it is to increase the wealth and strength of the community; and those who acquire the rights of citizenship, without adding to the strength or wealth of the community are not the people we are in want of.



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