

The 14th Amendment – Rights Guaranteed
Birthright Citizenship, also known as Jus Soli.
Presented by Albert Torres

The United States of America declared birthright citizenship for USA-born individuals in 1868, as part of the 14th Amendment to the Constitution, which was created in the wake of the Civil War. In addition to granting citizenship to all former slaves in the United States, the 14th Amendment officially established that any child born on U.S. soil (meaning any U.S. State or Territory) was automatically a citizen of the United States.

The Constitution of the United States of America, Analysis and Interpretation (2002, 1671) states the following:

“The citizenship provisions of the 14th Amendment may have been seen as a repudiation of one of the more politically divisive cases of the 19th century. Under common law, free persons born within a state or nation were citizens thereof. In the Dred Scott case, however, Chief Justice Taney, writing for the Court, ruled that this rule did not apply to freed slaves. The Court held that the United States citizenship was enjoyed by only two classes of individuals: (1) white person is born in the United States as descendants of “persons who were, at the time of the adoption of the Constitution, *recognized* as citizens in the several States and [who] became also citizens of this new political body,” the United States of America, and (2) those who have been “born outside of the dominions of the United States,” had migrated thereto and been naturalized therein. Freed slaves fell into neither of these categories.

The Court further held although a state could confer state citizenship upon whomever it chose, it could not make the recipient of such status a citizen of the United States. Thus, the “Negro,” as an enslaved race, was ineligible to attain United States citizenship, either from a State or by virtue of birth in the United States. Even a free man descended from a Negro residing as a free man in one of the States at the date of ratification of the Constitution was held ineligible for citizenship. Congress subsequently repudiated this concept of citizenship, first in Section 1 of the Civil Rights Act of 1866 and then in Section 1 of the 14th Amendment. In doing so, Congress set aside the Dred Scott holding, and restored the traditional precepts of citizenship by birth.”

President Trump’s recent Executive Order rescinding birthright citizenship is based on the phrase “*and subject to the jurisdiction thereof*,” declaring that, if the parents of a child born in the United States are NOT US citizens and in the country illegally, they therefore are NOT under the jurisdiction of the United States, but rather that of their country of origin. Of course this is going to be challenged in the courts, but perhaps that is exactly what President Trump intended all along.

The 14th amendment was intended to apply to those who were enslaved in our country, perhaps never considering that any future President would openly invite the “world” to simply cross our borders and become “permanent squatters.” It is because of President Biden’s callous disregard of his Constitutional Oath to “protect and defend the Constitution of the United States, particularly Article IV, Section. 4, “The United States shall guarantee to every State in this Union a Republican Form of Government, **AND** shall protect each of them against Invasion...”

President Biden personally and publicly initiated the mass invasion of humanity across our borders. Now it will up to the Supreme Court Justices to make the decision.

