

# FROM ONE HILL TO ANOTHER

Corvallis, Montana

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## Legal v. Illegal Immigrants and the 14<sup>th</sup> Amendment!

### *The Untold Story and the Anchor Baby Issue*

By Gary and Joan Carlson

**Q**uestion: What is the 14<sup>th</sup> Amendment to the US Constitution and what does it mean:

**A**nsWER: The Fourteenth Amendment to the U.S. Constitution was adopted on July 9, 1868, as one of the Reconstruction Amendments. The amendment addresses citizenship rights and equal protection of the laws. It was proposed in response to issues related to former slaves following the American Civil War.

**E**xplanation: The 14<sup>th</sup> Amendment was primarily concerned with details of reintegrating the southern states after the Civil War and defining some of the rights of recently freed slaves. The first section of the amendment, however, was to revolutionize federalism. It stated that no state could "deprive any person of life, liberty, or property, without due process of the law; nor deny to any person within its jurisdiction the equal protection of the law." Gradually, the Supreme Court interpreted the amendment to mean that

the guarantee of the Bill of Rights applies to the states, as well as, to the national government.

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**C**onclusion: Therefore, the 14<sup>th</sup> Amendment does not need to be amended or revised - It just needs to be enforced in accordance with its original intent.

When one considers the statements above, discussing today's illegal immigration crisis, the current caravans coming to the United States on the Southern Border, and the question of citizenship for "Anchor Babies", the total story of immigration is often overlooked. How many "legal immigrants" have come annually, what was the process these immigrants had to go through, and what do those framers of the 14<sup>th</sup> Amendment say about so-called "Anchor Babies"?

The immigration issue is a personal story for me because my dad was a 13 year-old legal immigrant from Sweden in 1913. After his family arrived in the United States, even though still a boy, my dad was "farmed out" to help pay for his family's expenses. Everyone had to work because the family did not receive any federal

or state assistance. As an adult my dad flew the American flag every day with a Swedish flag beneath it. When he was in his late 80's, he and my mother (whose family members were legal immigrants from Denmark) visited Sweden and the town where he lived as a boy. Because he still spoke Swedish, my dad was given the "keys to the city" by the local mayor during a small ceremony. It was even written up in the local Swedish newspaper.

**I**nteresting Facts and **N**umbers: Unfortunately, you never see or hear about the following in the news:

- In 1900 over 10 million immigrants came legally to America. Over 500,000 were from Sweden and 150,000 were from Denmark (My mother's parents).
- In 1910, over 13 million immigrants came legally with 660,000 from Sweden and 180,000 from Denmark.
- In 1920 nearly 14 million immigrants came with 620,000 from Sweden and 180,000 plus from Denmark.
- The majority of these immigrants had to go through processing at Ellis Island NY, or Boston, MA. Many were turned away and had to return to their home country for some of the following reasons:

1. No sponsors in America
2. Contagious illnesses
3. Criminal records

Regarding the personal story of my dad, it took his mom and sisters five years to go through the process. Finally, they were able to leave Sweden and board the ship that would take them to America. After several weeks crossing the Atlantic Ocean, they arrived in Boston. From there they traveled overland to South Dakota then headed north to Minnesota where they were finally reunited with his dad and older brother.

Current figures regarding legal immigrants show that, in 2015 the US took in 1.38 million legal immigrants and 1.49 million in 2016. In the same two year period, these statistics represent a larger number of legal immigrants allowed in the United States than those allowed in all other countries combined.

The peak of European immigration to the United States was in 1907 when 1,285,349 people entered the country. By 1910 13.5 million immigrants were living in the US. In 1921 Congress passed the Emergency Quota Act followed by the Immigration Act of 1924. Between 1880 and 1930, 27 million people entered the United States. Twelve million people entered via Ellis Island. Boston was another entry city and on the West Coast the immigration station



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was on Angel Island in San Francisco Bay. For the Japanese the Angel Island Station would be as close as many Japanese would ever get to make America their home.

The day after the attack on Pearl Harbor, President Franklin Roosevelt suspended naturalization proceedings for Italian, German and Japanese immigrants. FDR also required them to register. These immigrants were restricted in mobility and prohibited to have items they could use for sabotage. Of the over 600,000 Italian aliens living in the United States, 1600 who were citizens were interned.

In 1940 there were 264,000 German aliens in the United States. During WWII 10,905 Germans and German-Americans, as well as, Czechs, Hungarians and Romanians were placed in internment camps.

After WWII, President Truman signed the Displaced Person's Act of 1948, which offered thousands entry into the United States. However, millions of refugees from the war were still left to seek refuge elsewhere. President Truman's quote after the war was, "I urge Congress to turn its attention to this world problem in an effort to find ways where we can fulfill our responsibilities to these thousands of homeless and refugees of all faiths."

Naturally, World Wars I and II, plus the Great Depression, played a large part in the history of immigration to the United States. And between 1956 and 1957 38,000 Hungarian refugees from a failed uprising against the Soviet Union were allowed to immigrate to America.

But in 1965, President Lyndon Johnson signed the Hart-Cellar Act into law. The act ushered in far-reaching changes that continue to undergird the current immigration system, and set in motion powerful demographic forces that are still shaping the United States today and will in the decades ahead. The law literally changed the face of America. It ended an immigration-admissions policy based on race and ethnicity, and gave rise to large-scale immigration, both

legal and unauthorized. Prior to its signing, the majority of immigrants came to the United States from European countries. This act ended the quota system for entry into the US. Today's legal immigration numbers still rank the US as number 1 of all other nations of the world in opening its doors to legal immigrants. October 15, 2015 **POLICY BEAT** By Muzaffar Chishti, Faye Hipsman, and Isabel Ball

**The 14th Amendment Explained by the Author:** Interpreting the 14th Amendment correctly on the Anchor Baby Issue is the key to solving the anchor baby question: In 1868 the framer of the 14th Amendment, Senator Jacob Howard (R-MI) explained regarding citizenship at birth, "...the clause in the Amendment is **simply declarative of what I regard as the law of the land already,**" adding, "**This will not, of course, include persons born in the US who are foreigners, aliens, or who belong to the families of ambassadors or foreign ministers.**" (Emphasis added.)

And what was "the Law of the Land" already? The Civil Rights Act of 1866, "guaranteed citizenship to all persons born in the United States, and not subject to any foreign power, excluding Indians not taxed." That automatic birthright clearly would exclude the children of foreign nations. (Ref: Library of Law and Liberty's Mark Pulliam, the 14th Amendment was not intended to include Native Americans who did not owe allegiance to the United States and that; the 14th Amendment does not automatically confer citizenship by default to those born in the US if their parents are not citizens. Later, in U.S. vs Wong Kim Ark (1898), the Supreme Court found that the child of **legal immigrants** was also guaranteed citizenship.

- Considering the national news today filled with stories of caravans approaching the US Southern Border and the President weighing in on the "Anchor Baby" issue", common sense should help us to draw the following conclusions:

- We know there are numbers of legal immigrants wanting to become U.S. citizens.
- The intention of the framers of the 14th Amendment is now and has always been an immigrant friendly nation.
- After the two World Wars the United States rose up to help refugees from many countries.
- While our President is correct to reconsider changing the 14th Amendment, he does not need to revise or have it amended. Yes, Congress can take action to clarify the meaning of the 14th Amendment, but it does not need to be altered.
- The 14th Amendment just needs to be interpreted correctly as it was originally intended to be.
- The Supreme Court could certainly address its meaning, but the 14th Amendment was never intended to provide automatic birthright citizenship to all babies born in the United States. Non-citizens and "illegals" were not included.

Finally and most importantly, the majority of those who came to America legally in the past came as do those who come legally today - they want to be Americans! They love America as did my dad. Yes, it took five long years for him to join his family and begin a new life in the United States. Nothing was handed to him on a silver platter. He had to work hard to obtain his "American Dream." But because of that sacrifice, he understood the value and importance of being an American citizen. And anything obtained too cheaply (illegally) diminishes its value. In memory of my dad and for all those who, like him, came here to **be Americans**, let us never devalue the worth of American citizenship by carelessly and irresponsibly giving it away. 🇺🇸

We trust this *White Hat Express* issue has been helpful to you. God bless you and God bless America!

Gary and Joan



**FYI:**

Gary Carlson, Publisher of the *White Hat Express*\*, is a former Reagan Administration Political Appointee, a retired US Marine Corps Officer, and a former candidate for both the US Senate and the House of Representatives. He also teaches Political Science and the US Constitution at the Community College level.

Joan Carlson, *White Hat Express* Editor, has worked on Capitol Hill in three offices, testified before the Senate Veterans' Affairs Committee, is a freelance writer, and currently owns *Outreach Enterprises*, a desktop publishing and promotional services business in Montana. Both Carlson's have held GOP positions and have been involved in Republican Party activities in four states; California, Minnesota, Montana and Virginia.

The term "**White Hat**" originates from Vietnam where Gary was a member of the 26<sup>th</sup> Marines, and the good guys were referred to as "**White Hats.**"

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