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## A closer look at the 14th Amendment

**By: Jill Aho**

**Posted: 8/20/07**

The 14th Amendment ended the days of the second-class citizen in the United States, at least that was the idea.

With immigration and citizenship at the top of politicians' priorities, how to secure America's borders and deal with illegal immigrants are two issues currently being debated. It makes sense this topic is one of the themes that will be discussed and researched at the Wayne Morse Center for Law and Politics this year.

Garrett Epps, one of two resident scholars at the center, will continue his research into birthright citizenship, and the ongoing debate about the 14th Amendment. In "Democracy Reborn: The Fourteenth Amendment and the Fight for Equal Rights in Post-Civil War America," Epps reconstructed the adoption and framing of the 14th Amendment.

He said he believes it is the most important amendment because it gives citizenship to every person born in the U.S., which means children of illegal immigrants who are born here are also citizens.

"The writers of the 14th Amendment were well aware they would make citizens out of those with odd circumstances," Epps said. "They had seen in a very vivid way how having subordinate populations demeans democracy."

Some reform advocates would do away with this as they look for ways to punish illegal immigrants.

"The result would be those people would have no citizenship at all," Epps said.

Epps said America is not experiencing something new. The U.S. Census Bureau estimates that in 2005, 12.4 percent of the population was foreign born, which includes legal and illegal immigrants. Compared to 13.2 percent in 1860, Epps said, "We have had these big spikes in immigration in the past."

American fear and misunderstanding fuel the outcry for immigration reform. People believe immigrants take jobs away from citizens, but Epps said the facts don't support that assumption.

"It's a very old story," Epps said. "Each wave of immigration, each stream, has been hailed as the end of the nation. It always turns out not to be the end of the country."

Epps predicts immigration reform will be a hot topic on the Republican side of the 2008 elections. After proposed legislation died on the Senate floor earlier this year, the topic will undoubtedly resurface with a new president. A crack down on the southern border has, in Epps' opinion, caused illegal Mexican immigrants to spread out.

"As we make the border harder to cross, we create a larger population of people who are here permanently and illegally," Epps said.

Epps compared the current way of dealing with illegal immigration to the story of Persian ruler Xerxes' attempt to invade Greece.

In one version, Xerxes had assembled a large army and when they came to the strait Hellespont, he sent his ships into the channel to form a bridge for the army to cross. A storm destroyed the bridge before the army had crossed and Xerxes ordered his men to whip the sea.

"What we're doing right now is about as useful as whipping the sea," Epps said.

Epps said immigration in the U.S. should reflect the principles that underlie any good system. First, Epps said, there should be equality.

"The 14th Amendment provides equal protection for everyone within our borders. We don't have the option of saying, 'we're going to take all your rights away,'" he said.

Second, immigration legislation should be built on the idea of strengthening families, rather than ripping them apart, Epps said.

Third, Epps believes new immigrants should learn to speak English.

"There should be good outcomes, not punitive ones," he said.

Epps has taught constitutional law and creative writing since 1992. Before going to law school, he was a reporter at the Washington Post.

He is organizing a symposium on immigration and citizenship scheduled for Jan. 25, 2008.

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