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STATE GOVERNMENT COMMITTEE
CHAIRMAN

MEMORANDUM

TO: All House Members

FROM: Representative Daryl D. Metcalfe
12th Legislative District

DATE: January 25, 2011

RE: Proposed Legislation
14th Amendment Misapplication

A handwritten signature in black ink, appearing to be 'J. J. M.'.

In the context of the debate over illegal immigration, all of us have heard discussions of the citizenship clause of the 14th amendment to the United States Constitution. Many, however, have not taken the time to read the exact language. The clause states as follows:

“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.” (*emphasis added*).

The focus of the discussion is often on the introductory phrase in the clause (“All persons born or naturalized in the United States”) and ignores the qualifier, i.e., “and subject to the jurisdiction thereof.” I believe this has led, over time, to a misapplication of this constitutional provision.

In the near future, I intend to introduce legislation to clarify citizenship in Pennsylvania based on the guarantees of the 14th amendment, including the requirement that a person be “subject to the jurisdiction” of the United States. In the case of a child born in the United States, that would include children with at least one parent who owes no allegiance to any foreign country or a child without citizenship or nationality in any foreign country. I believe this is a fair approach, in that it does not leave a child without a country but, at the same time, recognizes the limitations on birthright citizenship as provided by the 14th amendment.

If you would like to be added as a cosponsor of this legislation, please contact Jessica Smith at 783-1707 or via email at jasmith@pahousegop.com.

DDM/jas