



## **Press Release**

FOR IMMEDIATE RELEASE

February 7, 2011

**CONTACT:**

Niki Zupanic, ACLU of Montana Public Policy Director  
(406) 461-5178

[nikiz@aclumontana.org](mailto:nikiz@aclumontana.org)

# **ACLU Of Montana Urges Lawmakers To Reject Knox's Discriminatory Bill To Subvert 14<sup>th</sup> Amendment**

## **Montana Should Not Deny Rights To Some Americans**

HELENA, MT – The American Civil Liberties Union of Montana called on state lawmakers to reject a bill proposed by Rep. James Knox that is intended to deny Americans the fundamental protections of the 14<sup>th</sup> Amendment to the U.S. Constitution. The ACLU made the call after Knox introduced House Bill 392 requiring Montana to deny citizenship to many U.S. citizen babies born in the U.S. to immigrant parents. The bill contradicts the long-standing 14<sup>th</sup> Amendment guarantee that all people born in the U.S. and under its jurisdiction are citizens of the U.S. and the state in which they reside and equal under the law.

If enacted, Knox's bill is unlikely to survive legal scrutiny since the Constitution can only be changed by amendment, not by state or federal statute.

"Montana legislators should not try to subvert the Constitution by declaring some children to be a separate class of people. Citizenship is defined by the Constitution and is not subject to the whims of anti-immigrant politicians," said Niki Zupanic, Public Policy Director for the ACLU of Montana. "The 14<sup>th</sup> Amendment was passed precisely to guard against this type of discrimination, which was pervasive in the 19<sup>th</sup> Century. The very fact that Knox is introducing HB 392 shows just how needed the 14<sup>th</sup> Amendment is today, more than 100 years after its passage."

Adopted in the aftermath of the Civil War, the 14<sup>th</sup> Amendment negated one of the Supreme Court's most infamous rulings, the *Dred Scott* decision of 1857, which held that neither freed slaves nor their descendants could ever become citizens. The Amendment, which conferred the rights of citizenship on all who were born in this country, including freed slaves, was enacted in response to laws passed by the former Confederate states that prevented African Americans from entering professions, owning or leasing land, accessing public accommodations, serving on juries and voting.

In 1898, the U.S. Supreme Court addressed the guarantee of the 14<sup>th</sup> Amendment and affirmed the fundamental principle that children born on American soil are U.S. citizens without regard to their parents' status. In *United States v. Wong Kim Ark*, the Court held that a baby born in San Francisco to Chinese parents who were subjects of China and were prohibited by law from becoming U.S. citizens was a citizen at birth under the 14<sup>th</sup> Amendment. This principle has been the settled law of the land for more than a century.

"Knox's bill is clearly unconstitutional," Zupanic said. "Equality under the law is not dependent on a person's parents. It is guaranteed to every child born in the United States no matter who their parents are or where they came from. This bill flies in the face of the values of equality and fairness that Montanans cherish. Montana lawmakers must stand up for the Constitution and reject this bill."