

HOUSE JOINT RESOLUTION 47

By Griffey

A RESOLUTION to commend the President of the United States, the Honorable Donald J. Trump, for his leadership and foresight and for his proposal to re-establish the original intent, purpose, and limits of the 14th Amendment to the United States Constitution as it pertains to the citizenship of persons born within the United States and subject to the jurisdiction thereof.

WHEREAS, on April 9, 1866, the United States enacted the Civil Rights Act of 1866, authored by Senator Lyman Trumbull of Illinois, and it became the first federal law to define citizenship and affirm that all citizens are equally protected by the law; and

WHEREAS, the Civil Rights Act of 1866 provided that all people born in the United States who are not subject to any foreign power are entitled to be citizens, without regard to race, color, or previous condition of slavery or involuntary servitude; and

WHEREAS, the 39th Congress, in response to concerns expressed about the constitutionality of the Civil Rights Act of 1866, proposed the Fourteenth Amendment to entrench the principles in the Civil Rights Act within the Constitution to prevent the same from being stricken by the United States Supreme Court or repealed by a future Congress; and

WHEREAS, on July 9, 1868, the Fourteenth Amendment (Amendment XIV) to the United States Constitution was adopted; and

WHEREAS, the first sentence of the first section of the Fourteenth Amendment, known as the "Citizenship Clause," reads: "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"; and

WHEREAS, the "Citizenship Clause" represented Congressional reversal of a portion of the decision in the Supreme Court case *Dred Scott v. Sandford*, which declared that African

Americans were not and could not become citizens of the United States or enjoy any of the privileges and immunities of citizenship; and

WHEREAS, the author of the language of the Citizenship Clause, Senator Jacob M. Howard of Michigan, stated: "This amendment which I have offered is simply declaratory of what I regard as the law of the land already, that every person born within the limits of the United States, and subject to their jurisdiction, is by virtue of natural law a citizen of the United States. This will not, of course, include persons born in the United States who are foreigners, aliens, who belong to the families of ambassadors or foreign ministers accredited to the Government of the United States, but will include every other class of persons"; and

WHEREAS, Senate Judiciary Committee Chairman Lyman Trumbull, participating in the debate regarding the Citizenship Clause, stated that the language "subject to the jurisdiction" of the United States means not owing allegiance to anybody else; and

WHEREAS, Senator Howard additionally stated that the term "jurisdiction" means "the same jurisdiction in extent and quality as applies to every citizen of the United States now" and that the United States possessed "full and complete jurisdiction" over the person described in the amendment; and

WHEREAS, the One Hundred Eleventh General Assembly of the State of Tennessee concludes that being subject to the jurisdiction of the United States as provided in the Fourteenth Amendment requires a status of "full and complete jurisdiction" that does not apply and cannot apply to any alien or foreigner who is in the country illegally; and

WHEREAS, illegal immigration is of major concern to the majority of citizens of the State of Tennessee, as it threatens the security and safety of all United States citizens and legal residents and has become a huge financial burden on state and local taxpayers; and

WHEREAS, on October 30, 2018, the President of the United States, the Honorable Donald J. Trump, publicly espoused his desire to restrict United States citizenship consistent with the original meaning, intent, and language of the Fourteenth Amendment to persons born to those lawfully within the United States and subject to the jurisdiction thereof, and not to any

illegitimate claimant of any right, privilege, or immunity this Country has to offer, sought through a violation of the laws of the United States, and a breach of its sovereignty; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED ELEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that this body hereby honors, commends, and salutes the initiative of the President of the United States, the Honorable Donald J. Trump, to protect the citizens of the United States, to protect the borders of our great nation, and to end the illegitimate, unauthorized, and illegal practice of bestowing citizenship to those born within the boundaries of our great country whose presence constitutes a violation of United States law and breach of the sovereignty of this Nation.

BE IT FURTHER RESOLVED, that appropriate copies of this resolution be transmitted to Governor Bill Lee and to the President of the United States, the Honorable Donald J. Trump.