

Senate Resolution 123

By: Senators Islam Parkes of the 7th, Jones II of the 22nd, Esteves of the 35th, Mangham of the 55th, McLaurin of the 14th and others

A RESOLUTION

- 1 Affirming birthright citizenship as a constitutional right; and for other purposes.
- 2 WHEREAS, the strength of America is and always has been founded in our exceptional
- 3 diversity, which underpins our economy, energizes our culture, and ensures us a vibrant and
- 4 prosperous future; and
- 5 WHEREAS, since our nation's founding, people from every nation on earth, speaking every
- 6 language on earth, have come to America in search of opportunity, worked to build
- 7 prosperity and security for their families, and helped create our communities, our industries,
- 8 and our institutions; and
- 9 WHEREAS, the right to citizenship for the children of those immigrants has helped those
- 10 communities, industries, and institutions flourish generation after generation; and
- 11 WHEREAS, birthright citizenship ensures that our national identity is defined not by blood,
- 12 but by a shared commitment to building our nation together on a foundation of liberty,
- 13 equality, and self-governance; and

14 WHEREAS, the 1844 New York state court case *Lynch v. Clarke* established a legal
15 precedent that persons born in the United States to visiting parents are United States citizens
16 by right of birth; and

17 WHEREAS, in 1868 the Fourteenth Amendment enshrined birthright citizenship in
18 Constitutional law by stating unambiguously that "all persons born or naturalized in the
19 United States, and subject to the jurisdiction thereof, are citizens of the United States and of
20 the State wherein they reside" by right of birth; and

21 WHEREAS, in 1898 in *United States v. Wong Kim Ark*, the Supreme Court reinforced that
22 children born in the United States to immigrant parents are United States citizens by right of
23 birth; and

24 WHEREAS, most living Americans trace their citizenship to an ancestor with foreign-born
25 parents who acquired citizenship by right of birth; and

26 WHEREAS, the Trump Administration's current assault on birthright citizenship is not just
27 unconstitutional but an offense against American values.

28 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that the members of this body
29 reaffirm birthright citizenship as a fundamental right in accordance with the ideals of this
30 nation, the United States Constitution, and more than a century of settled constitutional law.

31 BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed
32 to make appropriate copies of this resolution available for distribution to the public and the
33 press.