



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 119<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 171

WASHINGTON, TUESDAY, FEBRUARY 25, 2025

No. 37

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. CARTER of Georgia).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
February 25, 2025.

I hereby appoint the Honorable EARL L. "BUDDY" CARTER to act as Speaker pro tempore on this day.

MIKE JOHNSON,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2025, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with time equally allocated between the parties and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

### BIRTHRIGHT CITIZENSHIP

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. MCCLINTOCK) for 5 minutes.

Mr. MCCLINTOCK. Mr. Speaker, our country has just suffered the largest illegal mass migration in history.

Over 4 years, the Democrats opened our borders and allowed an unvetted and largely impoverished population of nearly 8 million to illegally enter our country—a population the size of Washington State.

This illegal mass migration has overwhelmed our public schools, public hos-

pitals, homeless shelters, food banks, and law enforcement, and it is costing American taxpayers \$160 billion a year to support. Worst of all, it has introduced into our country the most violent criminal gangs and offenders on the planet.

It has also brought to a head the fundamental question of whether any person in the world can break into our country, have a baby at taxpayer expense, have that baby declared an American citizen, and then use that as a pretext to remain.

Now, President Trump has issued an executive order challenging that notion for all future births. The Democrats call this a threat to democracy and a constitutional crisis. That is what they call anything they disagree with these days, but it is neither. It is the Constitution functioning as it should.

The President has created a dispute arising from a difference of opinion in interpreting the Constitution. Opponents in this dispute have appealed to the courts, as they should. Now, the courts will resolve this dispute under the terms of our Constitution.

Meanwhile, I have a question for the Democrats: If the 14th Amendment actually confers automatic citizenship to anyone born here, wouldn't it have said all persons born or naturalized in the United States are citizens of the United States? That is simple enough.

That is not what it says. It says: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States."

What does that mean? We know that it means the children of former slaves are citizens. That is its stated purpose and the plain language of the amendment passed, by the way, over the objections of the Democratic Party. We know from the congressional debate that its authors understood it to exclude foreign nationals who are merely passing through the country.

The question of our time is whether those who have illegally entered our country in defiance of our laws and who are subject to deportation under those laws can be considered as having accepted the jurisdiction of the laws that their very presence defies.

The Supreme Court has never considered this question. The closest it came was the Ark decision 127 years ago, but that applied to legal immigrants who had accepted the jurisdiction of the United States by obeying its immigration laws and who had taken up legal, permanent residence subject to a treaty ratified by the Senate.

Does the President have the authority by executive order to clear up this matter as part of his organic constitutional responsibility to take care that the laws be faithfully executed? I don't know. Obama claimed the authority to create a legal residency for DACA beneficiaries out of thin air, so maybe he does. The Court will ultimately rule.

Does the Congress have the authority to clear up this matter by statute? Only if that statute doesn't contradict the Constitution.

Here is the fine point of the matter: If the 14th Amendment does not give automatic birthright citizenship to the children of those here illegally and temporarily, then no law should be necessary to deny them citizenship in the future because no law ever extended that right in the first place. In that case, the President's executive order is merely declaratory of existing law.

Several lower courts have stayed the President's executive order, and no one is screaming that is a constitutional crisis, even though many of us strenuously disagree with those judges just as strenuously as the left disagrees with the President.

Ultimately, though, we have faith in our Constitution, and as the case progresses through the courts, we will get

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H771