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Look Who's 'Nativist' Now!

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"Nativism in American politics has become so rampant that it is considered scandalous in Republican circles for a judge to acknowledge paying any attention to foreign courts and their legal rulings." -- New York Times editorial, Aug. 3, 2010

The New York Times runs this same smug editorial every few months -- at least I think it's the same editorial -- to vent its spleen at conservatives who object to American judges relying on foreign law to interpret the U.S. Constitution.

But when it comes to anchor babies, *The New York Times* and the entire Democratic establishment plug their ears and hum rather than consider foreign laws on citizenship. (For more on this, see "Mexican immigration law versus U.S. immigration law.")

Needless to say, America is the only developed nation that allows illegal aliens to gain full citizenship for their children merely by dropping them on U.S. soil.

Take Sweden -- one of the left's favorite countries. Not only is there no birthright citizenship, but even the children of legal immigrants cannot become Swedish citizens simply by being born there. At least one parent must be a citizen for birth on Swedish soil to confer citizenship.

(Applicants also have to know the lyrics to at least one ABBA song, which explains why you don't see groups of Mexicans congregating outside Ikea stores.)

Liberals are constantly hectoring Americans to adopt Sweden's generous welfare policies without considering that one reason Sweden's welfare policies haven't

bankrupted the country (yet) is that the Swedes don't grant citizenship to the children of any deadbeat who manages the spectacular feat of giving birth on Swedish soil.

In Britain, only birth to at least one British citizen or the highest class of legal immigrant, a "settled" resident with the right to remain, such as Irish citizens, confers citizenship on a child born in England. And if the British birthright is through the father, he must be married to the mother (probably a relic from Victorian times when marriage was considered an important institution).

Even Canada, the country most similar to the United States, grants citizenship upon birth -- but excludes the noncitizen parents of anchor babies from receiving benefits, such as medical care, schooling and other free stuff given to Canadian citizens.

After MSNBC'S favorite half-black guest, professor Melissa Harris-Lacewell, made the dazzling point last week that "all babies are anchor babies" because "I certainly know my 8-year-old has anchored the heck out of my life," thereby winning this week's witty wordplay contest, she claimed to be stumped on how citizenship could possibly be determined if not by location of birth.

"I want Americans to pause for a moment and ask themselves," Harris-Lacewell said portentously, "on what basis would you determine citizenship, if not based on where a child is born?" (Luckily for Harris-Lacewell, U.S. citizenship is not granted on problem-solving abilities.)

Harris was off and running, babbling: "Do you have to have two parents who are citizens? How about grandparents? How about great-grandparents?"

I don't know -- how does Sweden do it? How about Denmark? Maybe we should check the laws of every other country in the universe -- especially the ones liberals are relentlessly demanding we emulate!

Or is Ms. Lacewell one of those chest-thumping, nationalistic nativists who becomes hysterical when anyone brings up foreign law? Where is *The New York Times* when we need it?

The *Times*' editorial denouncing "nativist" conservatives ended with this little homily: "(Republicans) might want to re-read James Madison's description in the Federalist Papers of the ideal legislator: 'He ought not to be altogether ignorant of the law of nations.'"

Of course, conservatives' objection to judges looking to foreign law is that they're judges, not legislators -- least of all "ideal legislators."

Judges are supposed to be interpreting a constitution and laws written by legislators, not legislating from the bench. Hey, whose turn is it to remind *The New York Times* that the legislative branch of our government is different from the judicial branch?

As the *Times*' own august quote from James Madison indicates, he was referring to "the ideal legislator," not "the ideal Supreme Court justice."

In its haste to call conservatives names, the *Times* not only gave away that they think judges are supposed to be "legislators" -- a point they've been denying for decades -- but also provided a ringing endorsement for ending birthright citizenship.

Not being an easily frightened nativist like Harris-Lacewell, I think we should look at other countries' laws, then adopt the good ones and pass on the bad ones.

For example, let's skip clitorectomies, arranged marriages, dropping walls on homosexuals, honor killings and the rest of the gorgeous tapestry of multiculturalism.

Instead, how about we adopt foreign concepts such as disallowing frivolous lawsuits, having loser-pays tort laws, and requiring that both parents be in the U.S. legally and at least one parent be a citizen, for a child born here to get automatic citizenship?

Or (to paraphrase my favorite newspaper) has nativism in American politics become so rampant that it is considered scandalous in Democratic circles for a legislator to acknowledge paying any attention to foreign countries and their laws? If so, then Democrats might want to re-read James Madison's description in

the Federalist Papers of the ideal legislator: "He ought not to be altogether ignorant of the law of nations."

[Ann Coulter](#) is Legal Affairs Correspondent for HUMAN EVENTS and author of "[High Crimes and Misdemeanors](#)," "[Slander](#)," "[How to Talk to a Liberal \(If You Must\)](#)," "[Godless](#)," "[If Democrats Had Any Brains, They'd Be Republicans](#)" and most recently, [Guilty: Liberal "Victims" and their Assault on America](#).

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