



KEEP OUR REPUBLIC

Article III Coalition Statement on Naturalized Citizens as Federal Judges

A Member of Congress has introduced a joint resolution calling for an amendment to our Constitution that would require that federal judges, who already must be citizens, also have been born in the United States. A different Member of Congress previously introduced proposed legislation requiring that all American judges be “natural born citizens.” These proposals are evidently responses to recent rulings in immigration and other cases by judges who are naturalized citizens. As retired federal judges appointed nearly equally by Presidents of both parties, we write to express our strong disapproval both of the resolution and of the sentiments and rhetoric that have accompanied them.

The Framers of our Constitution provided in 1787 that the President must be native-born, but they did not extend that requirement to judges or Members of Congress. Naturalized citizens have served as federal judges, including as Justices of our Supreme Court, for more than two centuries, many with great distinction. As a nation of immigrants, we have been enriched immeasurably by their life experience and perspective. The claim that a judge born in another country is less likely than his or her native-born colleagues to adhere faithfully to our nation’s laws is both mean-spirited and unsupported by evidence.

Members of Congress, like the public generally, have a Constitutional right to criticize rulings with which they disagree. Parties who are dissatisfied with the outcome of cases in which they are involved have every right to appeal that outcome to a higher court on the basis that the judge has made an erroneous decision. But attacking judges personally because of their birthplace and heritage is deeply inappropriate. As we celebrate the 250th anniversary of the Declaration of Independence, we also celebrate the Constitution’s broad meaning of being American.*

* The above Statement was issued by the Article III Coalition, whose Judges are listed in the attached Appendix.

“A REPUBLIC, IF WE CAN KEEP IT.”

KeepOurRepublic.org

Keep Our Republic is a 501c3 tax-exempt organization.