



Children hoist a flag during a national rally for immigration reform last May. Nearly half of all Americans oppose citizenship for children of illegal residents, despite Fourteenth Amendment guarantees.

to absolutely expel them.” Congress withheld the right only from Native Americans (who were thought to have sovereign status within the United States) and, in keeping with long-standing international practice, foreign nationals on diplomatic missions.

The first notable court challenge was *United States v. Wong Kim Ark*, in 1898. Wong Kim Ark, born in San Francisco to two Chinese parents, had traveled to China on a temporary visit and was denied reentry on the grounds that his parents’ alien status made him a noncitizen. The Supreme Court, in a 6–2 decision, swept aside the government’s argument, holding that the Fourteenth Amendment upheld the “ancient and fundamental rule.” To deny citizenship to children “of citizens or subjects of other countries, would be to deny citizenship to thousands of persons of English, Scotch, Irish, German, or other European parentage, who have always been considered and treated as

citizens of the United States,” the Court added.

In 1982, in a 5–4 decision in *Plyler v. Doe*, the Court ruled that Texas could not deny free public education to undocumented children, and, says Ho, “all nine justices agreed that the Equal Protection Clause protects legal and illegal aliens alike” (emphasis his). More recently, Yaser Hamdi, an alleged Taliban fighter, was deemed by the courts to be “an American citizen” because he had been born in Louisiana, even though “his parents were aliens in the U.S. on temporary work visas.”

Despite the history of judicial affirmation of birthright citizenship, it remains a political football. Pro-immigration members of Congress may allow repeal legislation to be attached to a comprehensive immigration reform package as a way to win votes, assuming that the courts will strike it down anyway. Says Ho: “Stay tuned: *Dred Scott II* could be coming soon to a federal court near you.”

SOCIETY

Disaster History

THE SOURCE: “Rebuilding NOLA” by Witold Rybczynski, in *Wharton Real Estate Review*, Spring 2006.

IN THE LOG OF URBAN DISASTERS over the past 350 years, the flood that devastated New Orleans in 2005 is neither the most deadly nor the most destructive. The number one catastrophe, judged by loss of both life and property, belongs to a man-made event, the destruction and razing of virtually the entire city of Warsaw by Nazi Germany in 1945. But rebuilding New Orleans poses peculiar challenges not present in Warsaw or any of 19 other major cities hit by disasters since

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1666, writes Witold Rybczynski, an urbanism professor at the University of Pennsylvania and a widely published author. Just rebuilding the levees that protect the below-sea-level city, for example, would cost as much as \$30 billion—or about \$200,000 for every household in New Orleans before Hurricane Katrina hit.

Reconstructing New Orleans makes festering urban issues of demographics, economics, and leadership—hardly unique to the Big Easy—painfully visible. New Orleans’s population has been declining

since 1965. Its famous port, considered the hub of its economy, is the smallest regional port, vastly overshadowed by those in South Louisiana and Baton Rouge. Its slow recovery has been blamed on political inertia and lack of leadership.

What will be the extent of “real demand” for rebuilding in the city? Rybczynski asks. How will the city, state, or federal government provide for the poor, given America’s dismal track record in the field? Should rebuilding follow a new model—streets rerouted or areas returned to swampland—or should the old city be reconstructed, house by house? History offers little guidance. Of 20 cities struck by disaster since the 17th

century, only two have been substantially changed in rebuilding, Rotterdam and Skopje, Yugoslavia, now Macedonia. Central Rotterdam was almost entirely destroyed by German bombing in World War II. When it was rebuilt, it was reconfigured to incorporate one of the world’s first pedestrian-only shopping districts. Skopje, hit by an earthquake that left 150,000 of its 200,000 people homeless in 1963, was redesigned by a Japanese architect as part of an international effort.

Normally, however, rebuilding starts immediately in the existing pattern, in part dictated by landownership, street patterns, and other infrastructure issues. New Orleans’s

very modernity makes rebuilding harder. Water, electricity, phone and Internet cables, and other city services need to be in place before residents can return. The list of essential services is surprisingly long, Rybczynski writes. Somebody must restore them, but there is little housing for such workers. Authority is divided, plans are contested.

Judging by the experience of other cities, he writes, it is likely that New Orleans will be as much as 50 percent less populous than before the flood, that rebuilding will require a major federal effort on the scale of the Depression-era Tennessee Valley Authority, and that the entire process will take 10 years.

PRESS & MEDIA

Kitty Genovese, Revised

THE SOURCE: “Nightmare on Austin Street” by Jim Rasenberger, in *American Heritage*, Oct. 2006.

THE STORY APPEARED AT THE bottom of the front page of *The New York Times* on March 27, 1964. It began, “For more than half an hour, 38 respectable, law-abiding citizens in Queens watched a killer stalk and stab a woman in three separate attacks in Kew Gardens.

“Twice the sound of their voices and the sudden glow of their bedroom lights interrupted him and frightened him off. Each time he returned, sought her out and stabbed her again. Not one person telephoned the police during the assault; one witness called after

the woman was dead.”

The killing of Kitty Genovese by a mentally ill machine operator named Winston Moseley led to more than 1,000 books, articles, plays, scripts, and songs—not about the crime, but about the Bad Samaritans, the 38 ordinary Americans who watched their neighbor die.

But the story wasn’t quite true, writes Jim Rasenberger, an author and screenwriter. It *is* true that neighbors should have done more to help Genovese when she was chased and stabbed after returning at 3 AM from her job as a bar manager. And it *is* true that some people, perhaps as many as seven,

saw something of an attack, and a larger number heard her call for help.

Other conclusions and facts, however, were exaggerated or wrong, Rasenberger writes. Moseley didn’t attack her three times, but two. The police got that wrong. Thirty-eight people could not physically have watched the murder because of the geography of the site. After Genovese was first stabbed on the street, she stumbled around the back of a building and into a foyer, out of view and earshot of nearly all potential witnesses. That is where Moseley found her the second time, tried to rape her, stabbed her, and left her to bleed to death. Someone called the police after the first attack.

The story triggered nationwide soul-searching about callous, inhuman New Yorkers who would stand by during a murder because, as one witness explained in the story, “I