

Citizenship: Consent of the governed

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This discussion of the very controversial concept of citizenship is another in a series of think pieces suggesting what may be desirable amendments to the U.S. Constitution. At present most persons born on U.S. territory are automatically designated citizens. Let's consider making full citizenship a matter of choice. This requires creating a category for those residents who have not yet chosen to become full citizens.

Naturalized citizenship

Many foreign citizens chose to become U.S. citizens through a naturalization process. For naturalization they are required to:

- have been resident in the country for 5 years (3 if married to a U.S. citizen, also of shorter duration for service in the U.S. military),
- be of "good moral character,
- be of "sound mind,"
- have a knowledge of the Constitution, and
- be able to speak and understand English (there are exceptions for the elderly and the disabled).

Should applicants meet the qualifications they are asked to foreswear loyalty to another country and swear loyalty to the United States and its Constitution.

Automatic citizenship

The United States currently offers full citizenship automatically at birth to everyone born on U.S. soil, except the children of enemy aliens and foreign diplomats. Obviously young children can have no concept of our country, its founding ideas, the Constitution, or what will be expected of them as adult citizens. To consider that "consent of the governed" has been obtained through a quirk of birth in the United States of America is a rather strange legal fiction.

Compared to naturalized citizens, automatic citizens have had citizenship imposed on them without their explicit consent. This makes a mockery of our claim to have a government based on the "consent of the governed."

Prospective citizenship

In an effort to make citizenship more truly represent the "consent of the governed," let's create a new category called "Prospective Citizen" for all those who currently qualify for citizenship, but have not registered to vote. When registering to vote the Prospective Citizen will be required to:

- be of "good moral character,"
- be of "sound mind," and

- willingly sign and orally read and concur with the following oath:

I, _____ so solemnly swear (or affirm) that I will support and defend the United States and its Constitution against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without mental reservation or purpose of evasion; and that I will faithfully discharge the duties of a Citizen. So help me God.

Should he consent, he will be considered a citizen of the State in which he registered and a Citizen of the United States of America. The “good moral character” test might well be proof that the Prospective Citizen has not been convicted of a felony in the last 10 years. The “sound mind” test would be the ability to write the names without assistance of the following for his residence location:

- U.S. Senator,
- U.S. Representative,
- State Governor,
- State Senator, and
- State Representative.

A citizen may switch his citizenship to another state by identifying the original state in which he became a citizen and the date.

Both Citizens and Prospective Citizens have equivalent stature in a U.S. court of law and may apply for and receive passports from the U.S. The Prospective Citizen’s passport will be of a different color and clearly identify him as a Prospective Citizen of the United States.

Who can be Prospective Citizens?

- 1) Individuals can become Prospective Citizens by fulfilling the naturalization process. Congress shall by legislation provide for a naturalization process whereby persons may apply and qualify to become Prospective Citizens.
- 2) Individuals also can become Prospective Citizens by being born to a mother who is an American Citizen or Prospective Citizen.
- 3) They can become Prospective Citizens provided their natural father is an American Citizen or Prospective Citizen, provided adequate proofs that he is indeed the father.

Since these changes conflict with the current provisions for citizenship within the Constitution, the following amendment will be necessary.

A Citizenship Amendment

As of the date of ratification of this amendment:

- 1) **All citizens of the United States who are registered to vote in their respective jurisdiction shall be considered Citizens.**
- 2) **Other individuals who were considered to have qualified for citizenship shall be considered Prospective Citizens.**
- 3) **Laws and Constitutional provisions in force at the time shall be assumed to apply to both Citizens or Prospective Citizens except where such assumption conflicts with the intent of this amendment.**

Individuals born after the ratification date may be considered Prospective Citizens provided:

- 1) They are born to a mother who is a United States Citizen or Prospective Citizen, or**
- 2) They are born to a father who is a United States Citizen or Prospective Citizen, upon proofs that the father is indeed the natural father, or**
- 3) They are a child at least 3 years before voting age when they are legally adopted into a family of which at least one parent is a U.S. citizen or Prospective Citizen, or**
- 4) They have met all the rules set in law by Congress for the naturalization of citizens of other countries.**