

Lesson 28 Article 1, Section 8

The powers given to congress – Part IV (Naturalization and bankruptcy)

Provision 85

The people of the states empower Congress to establish a uniform system of rules for the naturalization.

Is this a proper power held by the federal government? Of course it is. Just as a sovereign nation can regulate commerce with other nations, it should also be able to regulate the people who enter and exit as well as goods. It is a plenary right of a nation to list who can and who cannot become a citizen of that nation.

It has often been said that we are a nation of immigrants. Immigration was promoted for a very long time. The Founders realized that farmland is worthless without a farmer. Standing timber is nothing without loggers. They knew an honest, hardworking populace is a nation's greatest resource. (Question 1)

And who did we encourage to immigrate here? The best and brightest? No.

*"Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tossed to me,
I lift my lamp beside the golden door!"*

They came – by the millions; Those who just wanted a chance to succeed. Just a chance. We read all about them in The 5,000 Year Leap. They got jobs, learned English (or made sure their children did), integrated themselves into American society and, generally, succeeded *beyond* their dreams. Along with them, America succeeded also.

The more people, our government reasoned, the more resources, the more successes.

It worked that way for a long time. But in the past 50 years or so, there has been the resurrection of an old disaster theory, the Malthusian Complex. Stated by economist Robert Malthus in the late 1700's, it predicts that a population when uncontrolled expands exponentially, not mathematically; it will outstrip the ability to provide the food necessary to sustain it. This is the theory driving population control. Limit the growth of population to keep the species fed. The latest incarnation of Malthusian thinking came about with the prediction of the coming ice age – which turned into global warming. Weather will cause famines everywhere. How can we insure that ivy league graduates will have enough to eat?

In the past, the greatest tools used by the Malthusians to control over-population are abortion, war, and genocide. Currently, they've added UN Agenda 21 to the mix – because mankind is seen as a loathsome plague to the planet.

Our Founders had a better idea. They knew that a free market could provide and distribute food until population found its natural level. Do you think it purely coincidental that the countries with the most hunger and poverty are the countries with the worst governments? From the anarchy of places like Somalia to the tyranny of Congo and Zimbabwe. Corrupt and inept government causes more poverty and hunger than Malthusian math ever could.

Expatriation. The ability to change a person's citizenship; to divest from your native land and become naturalized in another country. (Question 2) The Founders felt that expatriation was one of the unalienable rights. (Question 2)

Briton refused to acknowledge this right. In fact, one of the complaints listed against King George III in the Declaration of Independence was for “obstructing the laws for naturalization.”

In fact, in 1807 Briton needed sailors for its war against Napoleon in France. They began boarding American ships to “impress,” or press into service American crewmen. The British justified this since they refused to recognize any Englishman's right to become an American. This led to the War of 1812. Briton did not change its law concerning expatriation until 1870.

Naturalization, the process and procedure for becoming a citizen of a country other than the one you were born in. Is naturalization a proper power held by the federal government? Of course, how chaotic would it be if every state or town had the right to set up its own rules for naturalization?

The requirements for naturalization are:

Must be at least 18 years old.

Prove you entered this country LEGALLY.

Must have lived in the US for at least five years (three, if married to an American)

Be of good moral character: and provide at least two witnesses who will testify to this.

No adulterers, gamblers, drunkards, polygamists, or murderers allowed. Additionally, if you were in jail for over 179 days during your 5 years in the US, you're SOL.

Demonstrate knowledge of American history and the form of government.

Prove the ability to read and write English. (waived if prevented by physical handicap)

(Question 3)

The applicant fills out a declaration of intent and files it with USCIS (used to be USINS). After a USCIS employee has let the paperwork sit in his IN box for several months, the applicant will be called in for an interview – to assess whether the above requirements have been met. If successful, the paperwork is forwarded to a court, where it sits in someone's IN box for several months. Finally, the applicant is called in to take an oath before the judge. (Question 4) (The oath can be found on page 414)

Once the oath has been taken, the applicant now has all of the rights of a native-born citizen. Except one: they still cannot run for president or vice president.

No need to tell you that illegal aliens have been, and continue to be, a major problem in this country. No one knows how many millions are already here with more arriving every day. As of 2009, there were 706,886 full-time police officers in the US. Even if every one were to be assigned to rounding up illegal aliens, how long would it take, if there are over 30 million of them? Not to mention, building a case so district attorneys could try and convict? Then would come the logistical nightmare of getting them all deported to their native land. How long would it take? What would it cost?

Instead of thinking the problem through, congress and presidents have just thrown up their hands and offered blanket amnesties to all illegals currently in the country. Amnesty has been offered by congress **seven** times – just since 1986! Amnesty may “solve” the problem for a day, but what about tomorrow? And the day after?

Without solid control of our borders, how can we (as a nation) be expected to weed out the adulterers, gamblers, drunkards, polygamists, and murderers? We still forbid certain fruits and vegetables from entering the country, but not people? Why do our tax dollars fund things like welfare, WIC, Social Security, and food stamps for non-citizens?

Enforce the laws against hiring illegal aliens and end handouts. In short, take away the incentives and see if the problem doesn't cure itself.

Citizenship can be forfeited.

Congress has provided eleven ways a person can lose his citizenship.

Being naturalized in another country
Taking an oath of allegiance to a foreign country.
Serving in the armed forces of another country.
Accepting public office in another country.
Voting in a foreign country.
Formally renouncing American citizenship.
Conviction and discharge from the armed services for desertion in time of war.
Conviction of treason or attempted forceful overthrow of the US.
Fleeing the US to evade military service.
Residence in homeland for three years, or five years in any country.
(naturalized citizens only).

(Question 6)

Of these eleven ways, only four have been tested in court.

Yes, you can lose citizenship for voting in or serving in the military of a foreign nation.

No, you cannot automatically lose citizenship for desertion in time of war.

No, you cannot automatically lose citizenship for evading military service in time of war. Because, being absent, you cannot receive “due process.” (Question 7)

Provision 86

The people of the states empower Congress to establish a uniform system of laws on bankruptcy throughout the United States.

Bankruptcy is the legal status of a person unable to repay debts. Or, put another way, a person whose debts exceed the value of his assets. (Question 8)

Bankruptcy has been punished in a number of ways over the years: the ancient Greeks, while having no formal bankruptcy law, determined that a debtor and his family could be held in slavery until the value of the debt is paid. Romans took an even more aggressive approach; body parts could be amputated until the creditor was satisfied (the slavery option was also available). Briton pioneered the debtor's prison. But they found a more satisfying conclusion by confiscating all a debtor's property and distributing it among his creditors.

It sounds like a transaction between a debtor and his creditors only – should the government get involved? Why would this be a federal issue?

Madison declared that it's a federal issue because it involves the regulation of commerce. Additionally, federal control would prevent a debtor from absconding to another state with his assets. (Question 9)

Congress has, for some reason, been reluctant to codify federal bankruptcy laws (a severe case of congressional CYA?). The first national bankruptcy act was passed in 1800, then repealed three years later. They tried again (38 years later!), passed in 1841 and repealed just two years afterward. It only took 24 years for them to try again, in 1867 but that effort was also repealed in just two years. Another 18 years passed before the National Bankruptcy Act of 1898 took effect. Which **hasn't** been repealed! It's been amended to beat the band, but has not yet been repealed. Progress.

One liberating feature, beginning with the 1841 law, concerns the voluntary declaration of bankruptcy; a person or corporation can declare themselves bankrupt BEFORE the creditors arrive

with torches and pitchforks. To help insure that multiple declarations are not fraudulent, bankruptcies are limited to one every six years.

Different types of bankruptcy “protection” were introduced in 1978.

Chapter XI, filed by a corporation delays foreclosure until the company has a chance to re-organize and make plans to pay its debts. This prevents creditors from taking immediate legal action. (Question 10)

Chapter XIII can be filed by a wage earning individual who wants to pay his debts but needs more time than creditors will allow. The wages can be garnished (handed over to the court) and scheduled payments made to the creditors until the debts are paid off. (Question 11)

Chapter VII can be utilized by either individuals or corporations. The debtor's assets taken by the court and sold to pay the creditors on a proportional basis. Certain allowances are made for personal possessions. After the assets are liquidated, the court issues an order declaring the debtor to be free and clear of any further obligations. (Question 12)

Never spend your money before you have earned it.

[Thomas Jefferson](#)