Volume I: Issue 5

The BEACON *Lite*

A Condensed Curriculum of Constitutional Study

Clause Discussed:

• Article I, Section 2, Clause 2

Concepts Discussed:

• Citizens, Inhabitants, Persons

Article I, Section 2, Clause 2 of the Constitution declares:

> "No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen."

This clause uses double negatives; when it declares "*No* Person shall be a Representative who shall *not* …", the person must meet all the qualifications next listed.

A Representative must therefore be at least 25 years old; seven years a Citizen of the United States; and also be an inhabitant of the State where elected.

Naturalization laws specified a number of years (mostly five) that people must reside in the United States before they could become a Citizen. These years would be in addition to their minimum seven years as a *Citizen*.

Being an inhabitant of the State where elected is among the most important principles within the Constitution. This requirement is a fundamental qualification to maintain State sovereignty within a federal structure. The entire State and federal relationship rests upon the base that each State sends delegates to meet in a Congress of all the States.

Due to the necessity to maintain the federal arrangement, the Constitution, in **Article I, Section 2, Clause 3**, mandates that each State "shall have at Least one Representative".

This is one place where **Article IV, Section 4** and its "guarantee to every State in this Union a *Republican* Form of Government" protections come into play. Without a voice in government, there is no concept of representation.

In the House of Representatives, the States are *proportionally* represented. The number of Representatives allowed to sa State is determined by State population numbers relative to the whole Union.

The Constitution uses the terms *Person, Citizen,* and *Inhabitant* within Clause 2. Different words which relate to people are used when the circumstances warrant.

Citizen is a term which directly relates man to his government. *Citizen* has direct reference to a country; it almost begs the question "Citizen of which country"?

Being that a person must be at least twenty five years of *age* but only seven years as a *Citizen of the United States*, obviously 18+ years of this person's life could be as something other than a *Citizen of the U. S.*

Article II, Section 1, Clause 5 sheds a bit more light on the subject:

> "No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States."

This Clause states that "No Person except a *natural born Citizen*, or a *Citizen of the United States* … shall be eligible to the Office of President".

A natural born Citizen is offered within the clause *as an alternative* to a Citizen of the United States.

A *natural-born Citizen* is one who was born that way — one who has been a Citizen his entire life — a Citizen by birth.

A *Citizen of the United States* can be then understood as one who became a Citizen at some point after birth — a Citizen by the governmental procedure of *naturalization* (to become like a *natural*-born Citizen).

Studying the preceding clauses, one can deduce that under the Constitution, a *Citizen of the United States* was therefore a naturalized foreign-born immigrant.

The noun *Person* is held for discussion last, since it is the term which deals with people and status which is most obscure.

Strictly speaking, *Person* references the:

> "*part* which a *man plays* in society...**a *person* is a *man* considered according to the *rank* he holds in society**, with all the **rights** to which the **place** he holds entitles him, and the **duties** which it imposes."[1]

Understood in relation to acting, from where the derivation of this word comes (*persona*), may make more sense. Although an actor **portrays** the *person* or *character* in a movie or play, seldom does the person actually portray himself.

Use of terms such as *person* allow for a separation of the *part* from the *man*. Which *person* a *man portrays* determines the *part* he is to *play* in society.

As a *man*, he is free unto himself; he has only one cloak, the same everywhere. The mechanism to gain political power over others is to consider men, not as men with unalienable *rights*, but as *persons* with *duties*, *limitations* and revocable *privileges*.

The concept of *person* allows a man to perform multiple functions in society.

The use of words such as *persons* is the smoke: where there is smoke, there is fire. Where there is smoke, one may make a smokescreen; behind which one may hide atrocities. The concept of *person* is what allowed the African native to be held as a *slave* yet in America.

To make definitions of *persons* indirectly involves the ability to define who is not a *person*.

To not be a *person* is at the center of one of the most decisive issues to face Americans today. This is the issue of abortion. The 1972 supreme Court case of **Roe v. Wade** is touched here ever so briefly to drive home the concept that status is of extreme importance.

When laws are consistent, they are all but an impenetrable fortress to collateral attack.

Consistency at law is of utmost importance, from basic underlying premises to minor follow-through regulations. The supreme Court did not here rule that abortion was permitted in principle, *they ruled that the law **as enacted** could not impose criminal sanctions on persons violating its commands* and that the inconsistent Texas statute could not "survive the constitutional attack *made upon it here*".

1. John Bouvier, *Institutes of American Law* (Philadelphia: Robert E. Peterson, 1851), Vol. I, p. 57. (emphasis added).

The ruling the 1972 Court established, that a *fetus* is **not** a *person* (within the 14th Amendment) can be held until proper laws establishing that a *fetus* **is** a *person* (or better yet, a *human being*). Wisconsin's (pre-1972 anti-abortion) law that an *unborn child* is "a human being from the time of conception until it is born alive" was side-noted, and is an excellent example of a properly-constructed premise.

The only abortion-related statement the Court issued was at page 154 of the opinion (with emphasis):

> "We, therefore, conclude that **the right to personal privacy includes the abortion *decision***, but that this right is not unqualified and must be considered against important state interests in regulation."

The abortion **decision** is among one's personal privacy rights; **as are all *decisions***. *Abortion* was merely an adjective within the sentence, telling the subject-matter of the decision. Certainly personal privacy includes various *decisions* — the *mind* is the last place where the government will be able to invade.

A "decision" of abortion, though, **is not the same as *carrying into effect* that decision**! The right to personal privacy was **not** said to extend to the abortion *procedure* (the *action* rather than *thought*). The significance of the phrase "the abortion *decision*" is evidenced by the Court's verbatim re-use of it later.

The Court cannot rule for abortion as a principle any more than it could for slavery. The 1857 Court (Dred Scott v. Sanford, 60 U.S. 393) upheld slavery **as it was then before the court** (without any federal law prohibiting it over State law that allowed it), but did not rule that slavery was *always* permitted in principle.

Once slavery of *persons* was abolished through appropriate law (the 13th Amendment), then the Court would uphold freedom in every case coming before it. The same is true for the issue of abortion: when life is properly supported at law, the criminal ending of it is properly punished. **As in the case of *any* crime** — when law is inconsistent in its attempt to punish crime or the procedures for carrying out that law are not followed — **criminals go free**.

It is important to realize the gravity of principles even unfamiliar and not summarily dismiss them. Personal status yet plays a looming role in out-of-control government behavior.

Definitions have yet an amazing importance in life and in death.

Distributed by: Foundation For Liberty.org
1500 Highway 2
Leavenworth, WA 98826

www.FoundationForLiberty.org
Copyright 2005 by Beacon of Liberty, LLC.
www.BeaconofLiberty.org

