



Written by on October 21, 2010

# 1787 Common Sense: Debating Minimum Citizenship Requirements

Some policies, laws, constitutional principles and traditions are about common sense.



On August 9, 1787, Gouverneur Morris, one of the eight delegates to the Constitutional Convention from Pennsylvania, observed regarding minimum citizenship requirements for the United States Senate:

“Every society from a great nation down to a club has a right of declaring conditions on which new members should be admitted.”

This is common sense, common sense that proceeds from an understanding of the fundamental right of parents or heads of households, for instance, to decide who they will or will not let into their homes and on to their property, or who they will or will not permit to teach their children, or whether they will or will not quarter troops ... as a Revolutionary Era example.

What responsible parent wouldn't desire, even demand such rights, such control over the physical security of their property and over the moral, intellectual, and spiritual welfare of their children? What responsible leader over any club, or church, or business, or state would not have similar concerns, duties, and claims to admit whom they will according to what they deem best for the safety, prosperity, solidarity, and perpetuity of their group, organization, or community? Who would call a leader who neglected such things “responsible”?

Educated like the rest of the American Founders in fundamentals and their practical application, Gouverneur Morris, the author of the 1777 Constitution of New York and suspected author of the Preamble to the U.S. Constitution, understood this. What's more, he understood that where there is a right to declare conditions for new membership there is also a right to declare conditions for leadership, conditions that are generally higher still. And as to civic leadership — dealing with positions that delegate power to men so that they might legislate, execute, and judge the law, laws that run the spectrum from liberating man to potentially enslaving him — here the standard arguably ought to be highest of all.

Morris thought so. So in a discussion concerning the qualifications for United States senators, he “moved to insert fourteen instead of four years citizenship” as a minimum qualification. He was concerned about “the danger of admitting strangers into our public Councils.”

## The Founders Discuss It

A discussion ensued in which not a single speaker rose to oppose the principle, though several thought 14 years a citizen too high a standard for the Senate.

Charles Pinckney of South Carolina, the first to respond, seconded the motion, remarking: “As the Senate is to have the power of making treaties and managing our foreign affairs, there is peculiar danger and impropriety in opening its door to those who have foreign attachments.” He noted “the jealousy of the Athenians on this subject who made it death for any stranger to intrude his voice into their Legislative proceedings.”



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James Madison of Virginia, whom history would nickname the “Father of the Constitution,” took to the floor and said he “was not adverse to some restrictions” but thought 14 years too great a number.

Pierce Butler of South Carolina rose to his feet and said he was “decidedly opposed to the admission of foreigners without a long residence in the Country. They bring with them, not only attachments to other Countries; but ideas of Government so distinct from ours that in every point of view they are dangerous.” He acknowledged that if he “had been called into public life within a short time after his coming to America, his foreign habits opinions and attachments would have rendered him an improper agent in public affairs.” He brought to the attention of his fellow delegates “the great strictness observed in Great Britain on this subject.”

Benjamin Franklin of Pennsylvania, like Madison “was not against a reasonable time,” but with Madison said 14 years was too long a test. He stated that he “should be very sorry to see any thing like illiberality inserted in the Constitution. The people in Europe are friendly to this Country. Even in the Country with which we have been lately at war, we have now and had during the war, a great many friends not only among the people at large but in both houses of Parliament. In every other Country in Europe all the people are our friends. We found in the course of the Revolution that many strangers served us faithfully and that many natives took part against their Country. When foreigners after looking about for some other Country in which they can obtain more happiness, give a preference to ours it is a proof of attachment which ought to excite our confidence and affection.”

Edmund Randolph of Virginia agreed with Madison and Franklin that 14 years was too long. He “would go as far as seven years. But no farther.”

James Wilson of Pennsylvania, a signer of the Declaration of Independence, and a Scottish immigrant (1767), raised the biggest objection. He called the large number a “degrading discrimination” that would lead to “discouragement and mortification” among “meritorious foreigners among us.” He noted that on “his removal into Maryland, he found himself, from defect of residence, under certain legal incapacities which never ceased to produce chagrin, though he assuredly did not desire and would not have accepted the offices to which they related. To be appointed to a place may be matter of indifference. To be incapable of being appointed, is a circumstance grating and mortifying.”

Morris then rose again. He said, “The lesson we are taught is that we should be governed as much by our reason, and as little by our feelings as possible. What is the language of Reason on this subject? That we should not be polite at the expense of prudence. There was a moderation in all things. It is said that some tribes of Indians carried their hospitality so far as to offer to strangers their wives and daughters. Was this a proper model for us? He would admit them to his house, he would invite them to his table, would provide for them comfortable lodgings; but would not carry the complaisance so far as, to bed them with his wife. He would let them worship at the same altar, but did not choose to make Priests of them.”

Morris then “ran over the privileges which emigrants would enjoy among us, though they should be deprived of that of being eligible to the great offices of Government; observing that they exceeded the privileges allowed to foreigners in any part of the world; and that as every Society from a great nation down to a club had the right of declaring the conditions on which new members should be admitted, there could be no room for complaint. As to those philosophical gentlemen, those Citizens of the World as they call themselves, He owned he did not wish to see any of them in our public Councils. He would not trust them. The men who can shake off their attachments to their own country can never love any other. These attachments are the wholesome prejudices which uphold all governments. Admit a



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Frenchman into your Senate, and he will study to increase the commerce of France: an Englishman, he will feel an equal bias in favor of that of England.”

He continued, “It has been said that The Legislatures will not choose foreigners, at least improper ones. There was no knowing what Legislatures would do. Some appointments made by them, proved that every thing ought to be apprehended from the cabals practiced on such occasions. He mentioned the case of a foreigner who left this State in disgrace, and worked himself into an appointment from another to Congress.”

Gouverneur Morris won the day. While 14 years a citizens was deemed to high a number as a minimum requirement to serve in the United States Senate, nevertheless the number was increased from four years to nine years. As for members of the House of Representatives, the requirement would be seven years. For President, only a natural-born citizen could serve. There were minimum age requirements as well. For the House, 25 years. For the Senate, 30 years. For the President, 35 years. It is noteworthy in all this debating that though there was disagreement on just how high the minimum requirements for citizenship would be, there was no disagreement on the need for requirements, the need for a standard, the need for the greatest of caution on so high a level of influence and power, for the dangers identified were all too real, all too reasonable, and all too amply provided for in history.

### **Thinking About It, Here and Now**

One thinks of the recent illegal immigration debate in Arizona, or, that is, the illegal immigration debate raging all over the country; and the clear and present danger caused by the removal of standards — or the refusal to enforce the standards that exist — and the growing cost in crime, in social services, in hospital care, in education, in taxes, in political upheaval, in moral anarchy, and further socialist gains as political opportunists cash in on all this. One thinks also of the growing fear, frustration, and anger we see in loyal citizens who love their country and its Constitution but resent their public servants’ refusal to uphold the law, to honor their oath of office, to protect the liberties and property of legal American citizens.

One thinks back, too, on the dangers the Founders foresaw if so high a post as President of the United States was held by a man who was not a natural-born citizen, who might therefore hold and demonstrate loyalties antagonistic to our Constitution, our free enterprise system, and our Judeo-Christian ethic. Were their concerns legitimate or not? And isn’t it interesting that the state that has come the closest — thus far — to passing legislation that would force presidential candidates in the 2012 election to prove their citizenship has been sued (and with success thus far) by that administration that millions of Americans believe has something to hide about the citizenship claims of its chief.

And so, the question remains, comes back to us, haunts us: In that there are minimum legal standards for citizenship in this the greatest country on earth, and even higher legal standards for those who hope to serve in high places in this the greatest government on earth, based on common sense moral and legal principles; shouldn’t they be enforced? What does common sense tell us?

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