

Naturalized American Citizens and the Presidency - Why Immigrants should be allowed to run for the American Presidency?

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Abstract

The United States of America is undoubtedly the world's most powerful economic and military powerhouse. This position enables political leaders in the United States to have a profound and decisive impact on world affairs as well as domestic affairs – as a result of the presidential system in the United States, the person elected is responsible for the fates of hundreds of millions of their fellow citizens based on their leadership abilities, personality, and determination. On the other hand, the position of President may only be held by a single person for a maximum of two four-year terms and only by a person who was born in the country, according to the United States Constitution. This prevents a significant number of people, particularly first-generation naturalized immigrants, from gaining access to the highest levels of government. Intimately connected to the ideals of democracy, which are regarded as one of the defining characteristics of the American country, are the American people. Therefore, the validity of that specific constitutional record has been questioned for many years since it severely restricts the rights of certain citizens.

Introduction:

The United States Constitution guarantees a three-tiered distribution of authority. According to the Constitution, the legislative branch is represented by Congress, the President represents the administrative branch, and the Supreme Court represents the judicial branch. The President, however, is granted the most significant authority on an individual basis, while power in the other two institutions is more evenly distributed among individuals. The President, who is elected via the democratic process, appoints the members of his cabinet and the Vice President and secretaries. The secretaries of the departments are in charge of their respective departments, and so by extension, sub-departments, delegators, and other offices, which together make up the federal government's administrative structure. That federal government is in charge of the country's military and economic policies, among other things, and it is led by the President of the United States of America. The President is also the Commander-in-Chief of the United States Armed Forces and a representation of the people on a par with Congress. In addition, the President is the chief architect and originator of foreign policy. Comparing the President of the United States to the same office in the parliamentary system of most European countries, the President of the United States has a more significant and significantly more important role, which explains why the American political system is also referred to as the presidential system. Because of the country's history, much is dependent on who is presently in residence at the White House in Washington.

The negotiation abilities, general charm, political intelligence, decisiveness, and engagement of a single individual has an impact on the lives of many people throughout the United States for generations. It is also important to note that America is a country that is very devoted to democracy, to the point that even an unintentional or very slight breach of its norms is regarded as a severe offense or even as a crime in and of itself. Due to these factors, debates over the constitutional provision known as Article Two – which states that only a natural-born citizen may be elected President of the United States – have raged for generations. This particular provision of the founding document, as currently interpreted, denies this right to naturalized citizens, who are almost always first-generation immigrants, and has prompted debate over whether or not it is outdated and in conflict with modern society.

Nation of Immigrants:

America is known as the "Land of Immigrants" for a good reason. Except for Native Americans, the majority of the population is descended from individuals who immigrated to the United States from various

nations throughout the world. Immigration has been and continues to be a significant source of population expansion in the United States. Individuals in the United States are proud of the variety that exists in their culture, and many people believe that it is crucial. These successive waves of immigration undoubtedly contributed to the nation's development as it is now, and millions of individuals are continually selecting America as their new home and becoming citizens via the process of naturalization. By doing so, individuals become eligible to vote and run for public office or apply for a variety of government positions — with the noteworthy exception of one particular position.

Article Two of the Constitution outlines the qualifications for becoming President of the United States, including being a natural-born citizen and a citizen of the United States. As a result of the constitutional provision known as the natural-born-citizen Clause, many qualified and devoted Americans will never get the opportunity to become President. This legislation, which was created during the Constitutional Convention, does for a good reason not represent the requirements of contemporary American society and should be repealed. As a result, one set of people is more privileged than another because they were born in different locations. For example, according to Robert Post in his article 'What is the Constitution's worst provision?' - A naturalized citizen is on an equal footing with a native citizen in all ways, except in terms of eligibility for the presidency. Robert Post (1995) defined formalized euphemism as this one distinction that may have a significant impact on the entire status of and attitude toward naturalized citizens since it places more focus on where they were born rather than what they do. The natural-born-citizen provision is antiquated, and it should be amended to enable naturalized citizens to become President since this would promote justice and equality for all citizens and citizens of other countries.

Article II, § 1, cl. 5:

"No person except a natural born Citizen, or Citizen of the United States at the time of the Adoption of this Constitution, shall be eligible to the Office of President."

Currently, Clause two is in full effect. It is notably devoid of legislative history as well as judicial elaboration. The Clause is highly objectionable because it unmistakably prohibits naturalized citizens from becoming President, even though it contains a number of significant ambiguities, including the question of whether foreign-born children of American citizens qualify as "natural born."

Why was Clause 2 necessary:

It is necessary to consider the context in which such a provision was included in the Constitution at the time of its revision to comprehend why it was necessary. This was not long after the American Revolutionary War (1775–1783) that the French and Indian War began. It was the desire of the American people to maintain their independence from Great Britain and all other European nations. At the time, democracy was not a notion that was as widely accepted throughout the world as it is now; in Europe, for example, the monarchy was still the most popular form of governance. Primarily because the President also serves as the country's Commander-in-Chief, the Framers – the fifty-five representatives from various states who participated in the drafting of the Constitution – wanted to ensure that no wealthy foreign noble or aristocracy would buy his or her way into the position of President. By permitting only natural-born Americans to hold this position, the Framers ensured that the country's leader would be solely devoted to the United States of America. The idea of a foreign prince paying his way into the presidency is no longer a real danger; conversely, a person who is a natural-born citizen may also be disloyal in today's world. At the end of the day, American Electors must prevent unfaithful people from becoming President. The whole system would function equally well if naturalized Americans were permitted to run for President.

The Road to Presidency:

Naturally, changing this law would not automatically cause a random naturalized citizen to become President immediately. First of all, not every immigrant becomes a citizen; the road to American citizenship is not easy, and the further stage to become President would still be more difficult. To be elected, a candidate must complete several steps. With the way the elections are conducted in America, with its bipartisan system and the Electoral College, they would first have to be chosen as a candidate from one of the two major parties, the Republicans or the Democrats, in preliminary elections, since historically the probability of winning the presidential race as an independent or third-party candidate has been close to

zero. Further, the candidate must win in popular elections and obtain enough electoral votes. The electors casting their ballots are usually little more than a formality. Still, this step was also established as an additional safety policy to ensure that a proper candidate attains position and grants each state a voice, especially considering the less populous ones, which might not have gathered enough individual votes from the citizens themselves. Generally, members of minorities stand little chance of being elected, and an immigrant is still less likely to win. History proves this, with every President having been white and Protestant – with three recent exceptions: Barack Obama, an African American, John F. Kennedy, and Joseph Biden, who were Catholic. If a foreign-born person intended to become the President, he or she would have to dedicate their entire life to it and put a tremendous amount of effort into this endeavor. Therefore, the power that comes with the presidency would most likely be appreciated and used wisely. It is also important to note that every new citizen pledges allegiance to America at the end of naturalization.

Who is a natural-born citizen?

Another difficulty comes when attempting to establish who, in reality, qualifies as a natural-born citizen of the United States. A naturalized citizen is a person who has acquired citizenship at some time in their life, which is a very straightforward definition. Although included in the Constitution, the phrase "natural-born citizen" does not have any specific definition. According to the majority of people, it refers to "anyone who was a citizen at the time of their birth," which includes anyone born to at least one American parent or on United States territory, which includes American foreign territories, with the latter being less popular as a stand-alone criterion. A person born to American parents in a foreign country would not be considered a natural-born citizen under this concept and would thus be ineligible to become President of the United States.

This issue has come upon many occasions, most notably during the 2016 presidential elections, when Texas Senator Ted Cruz (born December 22, 1970, in Canada, to American parents) tried to become the Republican nominee for President. In 2008, just before President Obama was elected President, a different but very comparable scenario occurred. Once again, the birth location was at the center of the debate, rather than any of the circumstances over which Obama might have had any meaningful control. If applicants are being considered, it is fair to presume that their behavior, abilities, and credentials should be the primary considerations, rather than their birthplace and whether or not they meet the already vague definition of a natural-born citizen. Naturalized citizens, it should be noted, are permitted to hold a wide range of essential posts in every level of government, ranging from Supreme Court judges to state governors to Speaker of the House. Being from a different nation is by no means a disadvantage; in fact, it may provide a person with an even broader perspective, a deeper understanding, or a proclivity to develop more creative solutions, all of which are not necessarily accessible to an 'insider' with a restricted perspective.

Young Immigrants:

In addition, there is a distinct kind of immigrant: someone who arrived in the United States at a young age and has only ever known life in the United States. Those children may be children who came to the United States with their parents or children adopted from another nation. In such instances, individuals may not even remember their place of origin, much alone speak the language of that country. If they were adopted, they might not even know who their original parents were. They are Americans in every way save their nationality – and as a result, denying them the opportunity to run for President seems to be arbitrary.

Consider the following hypothetical scenario: a married couple relocates to the United States with their infant son to work for a big corporation there. At some point, they will be granted the status of permanent residents and may even be granted naturalization as citizens. The couple then had a second child, a girl, at some time in the future. Later on, the business assigns them to work as representatives in the nation of their origin, and they return to their home country to do so. A few years later, their third kid is born — yet another boy, this time from an overseas mother and father who had obtained American citizenship themselves many years before the birth of their first two children. Although they are all raised by the same family in this hypothetical scenario, each of their offspring is arbitrarily placed in a distinct position regarding the presidential nomination issue. As a naturalized citizen, the eldest son will never be President; but, the second oldest, the daughter, is a natural-born citizen and therefore qualifies for the position.

Regarding the youngest son, depending on how the phrase "natural-born citizen" is defined, he may or may not be eligible to become a citizen. When one brother is disqualified from running for office, but his sister is

allowed to run, it seems to contradict logic. For example, thousands of children born overseas and later adopted by American citizens are banned from running for President by the Child Citizenship Act of 2000. However, they have "automatic" citizenship under the Constitution. In addition, naturalized citizens — such as Henry Kissinger, Madeleine Albright, Arnold Schwarzenegger, and Jennifer Granholm — are not eligible to run for President. The issue of whether the biological offspring of American citizens born overseas may become President and whether American Indians born on U.S. territory qualify as natural-born Americans has even raised some eyebrows (Seymore, 2005).

The Speaker of the House exception?

The presence of the Speaker of the House adds an additional layer of intrigue to the scenario. Suppose the President of the United States of America dies or is otherwise unable to carry out his or her responsibilities. In that case, the Vice President assumes the position of President in his or her absence. Should a comparable scenario arise with regard to the Vice President, however, the Speaker of the House is expected to be in charge of the issue? A naturalized citizen, on the other hand, may hold this specific job, as previously stated. If he or she were a naturalized citizen, it is possible that the Speaker might cede presidential authority to a non-natural-born citizen in this situation. There is no precedent for this, but it may occur, and it is unclear how it would be handled; perhaps the Supreme Court would be required to issue a statement, or the Speaker would be required to carry out presidential duties until the following election, during which he or she would not be permitted to run for office in the traditional manner. If the natural-born-citizens provision were not in effect, there would be no such difficulty to deal with.

The Framers Exception:

The Framers themselves established an exemption to their own law, allowing a naturalized citizen born overseas to be elected President. In Article Two, Section 1, it is stated, as cited by the Washington Post, that 'No individual, except a natural born Citizen, or a Citizen of the United States at the time of the adoption of this Constitution, shall be eligible for the Office of President. Suppose someone was an American citizen at the time the Constitution was being revised, in that case, he or she might become President regardless of whether or not they were naturalized citizens or citizens by birth (Yinger J., Spalding M., 2005). Naturally, this exception no longer applies, but this statement in the Constitution demonstrates that even the Founding Fathers recognized that, in certain circumstances, a naturalized citizen might make an excellent president. They thought it was important to mention this fact in their statement. It is also possible that they could not have anticipated the current conditions, which is why they included the option of changing the Constitution to make it more in line with current requirements.

Attempts to Amend the Clause:

There have been many failed efforts to get the natural-born-citizen provision removed from the Constitution. Two of the more well-known ones were intended to provide permission for Henry Kissinger and Arnold Schwarzenegger to run for President of the United States of America. It was no surprise when the Gallup poll asking Americans to name the man in the world they most admired came out with Kissinger in the first place, beating out President Nixon, who had been at the top of the list for the previous four years, according to an article in Time Magazine from the 1970s. But, since he was born in Germany, respect for Kissinger would never convert into elective prominence for him' (President Kissinger 2004). If he were highly admired, his followers would have no cause to be bothered by the fact that he was born in Europe and would vote for him if allowed to do so. Also under consideration is proving that the Equal Protection Clause of the Fourteenth Amendment — which states that every citizen regardless of national origin, whether naturalized or natural-born, is equally protected by the law — takes precedence over the natural-born citizen clause, on the grounds that denying some citizens the right to run for President is a form of discrimination based on national origin.

Many who oppose allowing naturalized citizens to run for President indeed argue that the Constitution prohibits it — and that amending the Constitution should never be taken lightly, as 'changing the natural-born requirement of Article II for inclusive reasons could be used by others, with less enlightened goals' (Washington Post) (Miller D., 2018). However, although the law may indeed be misapplied, amendments are permitted to alter the law if such a need arises, and this has occurred in the past — for example, an amendment was needed to provide women and African Americans the right to vote, among other things

(Ratcliffe D., 2013). With millions of naturalized citizens already living in the United States, there is unquestionably a pressing need to ensure that all are treated equally, and an amendment may make this a reality. Because naturalization is inextricably linked to immigration, both legal and illegal, this topic may easily be eclipsed by the debate over immigration, both legal and illegal. However, the issue at hand is not so much about immigration as it is about the fair opportunity for all people in our country. Immigrants and their experiences are as varied as the nations from which they originate. Still, once they have obtained legal citizenship in the United States, they are all bound together by a common bond: their love for the United States. Even Melania Trump, the current First Lady of the United States and wife of President Donald Trump, who is well-known for his anti-immigrant sentiments, was born in Slovenia.

Conclusion:

There are a variety of reasons why the natural-born citizen provision should be changed. When some people choose to pursue a political career, it restricts their options by not providing equal opportunities. It also fosters a negative perception of naturalized citizens, based on the premise that they would never be 'good enough' to assume the Head of State's responsibilities, regardless of their actions and achievements. Although it is always necessary to give careful thought to amending the Constitution, it is also essential to modify the laws to keep up with the times. Citizens should be evaluated on the basis of their deeds, rather than their place of birth; no one has control over where they are born, but they do have control over where they live and where their allegiance is. When it comes to the United States of America, it is the latter that should decide whether or not a candidate is eligible to be considered for the presidency.

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