

Rights of People and Citizens: Crossing Borders

By Michael Storm for Toward Anarchy

There is a difference between the rights of people and citizens. This fact is why the language within our governing documents changed between 1789 and 1795. Not only did the language change but, the intent of the rights changed. Where the Founders said People, the State has redubbed rights holders as Citizens. Where the protections of the Bill of Rights were offered to all People, everything following was strictly for Citizens. Many will point to the 14th Amendment but, I think it is clear; the 11th Amendment changed the relationship between People and the State. In this framework, I build an argument for the protected rights of all people, even non-citizens crossing borders.

People Versus Citizens

If you [follow my journal](#) or listen to [my radio show](#), you know I like to look at words and their meanings. I argue that words are used in place and time because they mean one thing and not another. I find this self-evident but, apparently, others do not. The words “PEOPLE” and “CITIZEN” are two words which have different meanings but are often used interchangeably without regard. For example, People of the State of Kansas and Citizens of the State of Kansas.

PEOPLE are natural beings born free; CITIZENS are constructs of the state. The difference between them has been recognized since at least Roman times. While natural free people make up the body politic, only citizens are at liberty to participate in governing the state. Citizens are people afforded the full rights and privileges of the state. This remains true in American law and is reflected in our rights.

Bill of Rights and the 11th Amendment

The Bill of Rights is a document written for people, not even "The People". It is separate from The Constitution, different in its purpose and, completely misunderstood by most. Not once does the Bill of Rights say or even suggest that it protects only citizens. The BOR clearly delineates a separation between people, the state, and the government. Even considering the legal definition of PEOPLE as "the state", the framers were deliberate in what they meant and, the 9th and 10th Amendments are proof.

By the time we get to the 11th Amendment, the purpose of The Bill of Rights is lost. Gone are the people, replaced by citizens. And not only are the people gone but, their legal standing is diminished by shielding the states from Federal suits brought by citizens. Where the Bill of Rights provides a legal ground for individual sovereignty and protection of natural rights for all people within state borders, the 11th Amendment nearly destroys it.

Only Citizens Can Vote

This is all great news for some because it literally means that only citizens can vote. The legal argument for demanding that only citizens be allowed to vote is valid.

The right of CITIZENS of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. -Amendment XV

The 14th Amendment before it confirms all natural born and naturalized citizens of the states are U.S. Citizens. Your vote is mathematically useless and, potentially a violation of non-aggression principles but, that is a journal entry for another time.

Crossing Borders and Immigration

While legally established that only citizens can vote, there is no right to travel. It is believed the right is limited only by private property and so obvious that no codification is necessary. So, the state has a border but, keeping people from traveling across it was not its *raison d'être*.

The people of a state could practice an ideology that people of another state do not. Where these practices do not conflict with the protected rights of the people, they could/would be law. If you found the laws and practices of one state to be abhorrent or unacceptable, you could easily move to another state and still have your basic rights protected. By way of citizenship, the state claims to protect you outside of its borders. That is one of those privileges which non-citizen people cannot claim.

All People Have Rights

There is no time to cover the limitations or lack of certain other rights. Suffice it to say, the problem of codifying rights is inherently limiting. That is why people like me believe it should not be done. We need waste no time defining liberty or rights when there is no authority to give or take them. This is not the same as saying that there are no rules. It is not even the same as saying there would be no state. The difference always lies in voluntary participation.

The Constitution does not presume to stop people from living freely under its protections. If our protected rights are natural, they belong to all people not just citizens. The Constitution does not address the issue of immigration, only naturalization. Naturalization is voluntarily becoming a citizen to participate in government and receive the benefits of citizenship. It was never assumed that everyone should be a citizen, just that the ones who are, get state privileges.

Open Borders for People and Citizens

An argument for closed borders can be found in common defense from a neighboring state with machinations of annexation. Luckily, we are not at war with neighboring states or the people

who want to migrate here. Maybe migrants seeking a better life threaten the status quo? Even if so, they do not threaten the existence of the state. There is no presumption that they are criminals or that they are here for a free ride. Those are unfounded prejudices made moot as can be by nationwide gun ownership and existing law.

The government has no legal or moral standing to interfere with the right of otherwise peaceful people, or citizens, to travel. Borders are imaginary lines and, while they can serve a purpose, stopping immigration across them is not it.