

# Non-citizens and the Constitution

by

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The United States is a unique and special nation among the world of nations. We have a constitution that protects American citizens in ways that most nations do not.

America has a rich heritage that is founded in our [Declaration of Independence](#), the [Constitution of the United States](#), and the [Bill of Rights](#). While the Declaration set the groundwork for the [Constitution](#), the [Bill of Rights](#) solidified the freedom from the tyranny expressed in the [Declaration](#). It is these ten amendments or rights that has formed the basis from which most of our laws affecting the common people come from.

And yet, Congress and the courts, in making and reviewing law, have ignored the one most important clause of these documents.

## The Preamble

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

*Constitution of the United States*

Ignored in the Preamble are two phrases that should govern all law being made and all interpretation of the law when challenged.

1. We the People of the United States
2. . . . to ourselves. . .

The Preamble provides no doubt that the [Constitution](#) is for American citizens and **NOT** for non-citizens. According to the [National Archives](#), the Bill of Rights, “spells out Americans’ rights in relation to their government.”

Like nations around the world, the US allows visitors, students, and workers to enter our country. However, to do so legally, individuals must apply for a visa. There are 25 different types of [visas](#) that the US issues. Each type of visa has its own requirements and restrictions.

Over the past several weeks there have been demonstrations calling for “social justice” for Gaza, the extermination of Israel, making Jewish people responsible for their

actions, and for the release of Mahmoud Kalil who is having his green card revoked and being deported for supporting terrorist organizations.

While there is a slough of free speech cases associated with the First Amendment, there are relatively few cases that address free speech with regard to non-citizens.

Many liberals, leftists, the liberal media, and organizations such as the ACLU believe that the Bill of Rights applies to anyone in the US. However, in 1952 the courts upheld a ruling that the government “[may constitutionally deport resident aliens due to their membership in the Communist Party.](#)” In the 1990s, SOCTUS declared that “the people” referenced by the First Amendment referred to a “[national community.](#)” And in 1999, Justice Scaila held that people unlawfully in the US have no right to “[assert selective enforcement as a defense against deportation.](#)”

It is important to understand that the Supreme Court has not ruled that non-citizens in the US have the right to free speech. Organizations such as the [National Immigrations Law Center](#), [Law & Visas](#), [Majority](#), [ISSS-Univ. of Minnesota](#), and etcetera conveniently ignore the Constitution’s Preamble and jump straight to the First Amendment, also ignoring or misinterpreting the application of “the right of the people.”

Many people believe that the Bill of Rights is applicable to anyone in the US, citizen or not. This is especially true of the First Amendment with regard to free speech and the right to protest. But, what about the rest of the Constitution and Bill of Rights? Do they also apply to non-citizens?

The third, fifth, sixth, seventh, and eighth amendments can and do apply to foreigners or non-citizens because these amendments do not contain the phrase “the right of the people.” In fact the Tenth Amendment reaffirms the “right of the people’ as it applies to other powers of law.

Before delving into this issue, let’s first look at the [Second Amendment](#).

### **Second Amendment**

A well regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.

*Bill of Rights*

We bring up the Second Amendment because the left, liberals, the media, and other organizations while supporting the right of free speech for non-citizens, they are vehemently against the Second Amendment. Both amendments support the “right of the people,” and yet these liberal and anti-gun groups oppose the right granted in by the

Second. How more hypocritical can they get? When it comes to law, you cannot simply choose which ones you will obey or support and those you will not. The call for “justice” that so many liberals espouse is based on selective discrimination. They use terms like equal, equitable, fair or nondiscriminatory, and yet they are so pious and avoiding the law of the land. These people are not Americans even if they were born here. They lack honor, pride in our nation, respect for government, and obfuscate the truth.

Now back to the First Amendment.

### **First Amendment**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

*Bill of Rights*

The first mistake that people make is to nitpick parts of the amendment. They will select religion, or speech, or press, or assemble, and petition. The amendment is not about any single aspect of this sentence but rather about the whole and must be approached as such. It must also be approached in light of the Preamble of the Constitution as it is actually part of the Constitution. Additionally the amendment must be approached grammatically.

Let's look at the amendment, still using the same text but displayed differently:

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*Bill of Rights*

Grammatically the amendment is divided into three separate phrases. In the first phrase, the Biden administration tried to squash Christianity through taxation and Covid mandates to prevent the exercise of religion.

While free speech is apparently free, there are laws prohibiting certain types of speech such as hate speech. Unfortunately, law enforcement has not truly enforced the hate

speech laws except in very specific cases. There is no doubt that hate speech has been taking place on college campus demonstrations and elsewhere.

The right of assembly is the right of the people (Americans) and does not apply to non-citizens. Further, this right is for peaceful assembly and does not apply to demonstrations which harass any selected or protected group, or which cause destruction of any type.

It is common for the left, liberals, agitators, and hate groups to use people's lack of knowledge of our Constitution to use false and inaccurate information to whip up emotions in students and others. This is especially true of students who have not been schooled in democracy, our Constitution, and government and laws.

Most countries have laws that protect their national sovereignty. Such laws prohibit people coming into their country to participate in political uprising or becoming involved in national politics. The US would do well to establish such laws and even better enforce the ones already on the books.

There is one thing that can be easily done at very low cost to help ensure our national security and keep foreigners out of our politics. Congress first needs to identify those actions that are not in our national interest. The State Department then needs to publish those actions and associated punishments as part of every visa application and require a signature of understanding.

Immigrants who come to our nation with the intent of becoming American citizens, tend to know more about our national heritage and history, government and laws, and democracy than our children in school or college. This is a national shame.

### **The First Amendment is for American Citizens Only**

If it was written for all people in our nation, the Preamble would not state "We the people," and would not refer to this phrase in the amendment. As with all rights, there comes obligations. Those who do not honor the obligations, implied or not, should be removed from within the boundaries of the United States of America.