
The Voluntaryist

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"If one takes care of the means, the end will take care of itself."

April 1991

Man Without A Country

by Carl Watner

Clement Vallandigham (1820-1871), a Democratic Congressman from Ohio, was an opponent of both the Confederacy and the Union during the Civil War. In his January 14, 1863 farewell speech to the House of Representatives he predicted that the conquest of the South was impossible, and "[h]e warned those who attempted it that their only trophies would be 'defeat, debt, taxation, [and] sepulchers.'" Vallandigham was right on the last three of his predictions, and there are some in the South that still claim the verdict is not yet in on the first. On May 5, 1863, he was arrested by order of General Ambrose Burnside, Union commander in Ohio, for his "habit of declaring sympathy for the enemy." He was tried before a military court, whose jurisdiction he did not recognize, convicted, and sentenced to imprisonment for the duration of the war. President Lincoln commuted the sentence to one of "banishment to the Confederacy." Although Vallandigham was eventually chosen as the Democratic candidate for governor in the Ohio elections, Lincoln had him delivered across the Confederate lines.

Edward Everett Hale (1822-1909) a clergyman from Boston, Massachusetts, was provoked by Vallandigham's anti-patriotic sentiments, especially when he heard that Vallandigham did not want to live in a country led by Abraham Lincoln. Hale composed a short "political polemical," masquerading as patriotic fiction. By the time his story, "The Man Without a Country," appeared in THE ATLANTIC MONTHLY (December 1863) Vallandigham had already been defeated in the elections. Nevertheless, the article lived on and "quickly became the great and popular artistic embodiment of American patriotic sentiment" and American nationalism.

The plot of "The Man Without a Country" is straightforward. Caught up in Aaron Burr's plot to establish a new state in Louisiana or Mexico, Philip Nolan, the principal character, demonstrates disloyalty to his native country. When asked at his court martial trial whether he has any statement to make, Nolan spurts out, "Damn the United States! I wish I may never hear of the United States again!" Found guilty, Nolan is sentenced to never again hear the name of his native land. In the story, this is accomplished by his being placed on board various naval ships, with instructions that all those who come into contact with him refrain from mentioning the United States in any way.

These opening examples shed some light on the main theme of this issue of THE VOLUNTARYIST, namely citizenship and expatriation. The ties that bind us to our place of birth are not by nature political (though the State does everything in its power to make it so. They are familial, commercial, religious, and ethnic). A person does not usually choose the country in which he becomes a citizen. In the system of nation-states under which we live, simply being born in a political jurisdiction is enough to make one a citizen of that nation-state. In other words, the individual does not and need not consent to his status of "citizen." No burden of proof is placed on the State to prove that its native-born subjects have chosen or accepted citizenship. Conversely, in many countries of the world, a citizen is unable to divest himself of citizenship without the consent of his native government. This was the situation in England until 1870. Even in those countries which do accept unilateral expatriation (that is, the government does not demand that its consent shall be required to divest one's self of its nationality), one must take positive steps to renounce one's citizenship. This entails not only

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Citizenship Papers

by Clark Hanjian

[Editor's Note: The following article is excerpted from the booklet CITIZENSHIP PAPERS, which was originally published in September 1988. This booklet, which also contains a brief essay entitled "Contemporary Anarchism," is available from the author at Box 971, Richmond, Indiana, 47375.]

A few years back, I found that my growing interest in global citizenship included a growing dissatisfaction with any national citizenship. Eventually I decided that I could not continue on my journey in good faith if I were to remain a citizen of any particular nation. Hence, without placing myself before any other government, I renounced my United States citizenship. I chose to be stateless. ...

A. "A NOTE TO THE STATE"

The following "note" is my formal statement of expatriation. On September 1, 1985, I submitted a copy of this letter to the President of the United States, Ronald Reagan, and to the Secretary of State, George Shultz. As one might have expected, neither party issued a response.

[After setting forth his views on the nature of man and the nature of government, the author concludes that "the state blatantly violates each of" his "major premises". He then continues, writing—]

Whereas I apparently do not operate on the same premises as the state does, yet our lives necessarily intersect, I would suggest that I have four possible options for meaningful response to this situation.

First, I could *avoid* the state. This option is certainly attractive. I could easily mind my own business, be self-employed, live in seclusion or with others of a like mind and, most importantly, I could be free of any direct confrontations with the government. In essence, I could lead my own life, periodically dodging tax collectors, and intentionally ignoring what is happening beyond my own little community. The problem is that (except for tax evasion) this is what the majority of people do. This mass avoidance of the state, which is a global phenomenon, is singularly the most significant facilitator of any state's atrocious activities. Indeed, most citizens "avoid" the state by routinizing their relationship with it—even down to the matter of offering financial support! Such social irresponsibility is abhorrent to me. Avoidance of the state is merely quiet ignoble support of its activities. Since I despise the activities of the state, I refuse to offer it my support in any form.

Second, I could work to *overthrow* the state. This option is hardly an effective means. The most I could reasonably hope for would be the adjustment or cessation of various state activities. Any imposition of a new government or no government is unlikely to change anyone's mind or heart. Furthermore, such subversive activity is hardly a means consistent with the end desired. There is clearly no integrity in the compulsion of a new standard which calls for the abolition of compulsion! Consequently, I refuse to participate in such dubious activity.

Third, I could work to *refine* the state. Adin Ballou (whom I credit with helping me to shape these categories) has commented that, "Where there is nothing but dross, there is nothing to refine." Indeed, I have tried to be faithful within the system (e.g., voting, lobbying, writing letters, etc.), but it has become clear

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Man Without A Country

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leaving one's country, but additionally, either choosing to join a different political State or remaining stateless, a status which shall be examined shortly.

After reading the accompanying article, "Citizenship Papers," Kevin Cullinane asked me the following question. "Suppose," he said, "a native-born American were to go to Canada and renounce his citizenship before an American diplomat. Suppose he took on no other nationality, and smuggled himself back into the United States. If he were apprehended by the Immigration and Naturalization Service, where would or could they deport him? Back to his native country (clearly not—for he was already 'illegally' in his native country), Canada, or just where?" The search for the answer to this question led to various "authorities" and books, and ultimately sparked the writing of this article.

Before moving on to discuss a real, non-fictional, account of a man without a country, let me point out that Hale's fictional character, Philip Nolan, was not really such a person. Nolan had never renounced his citizenship, and in no way had expatriated (the voluntary act of abandoning one's country) himself from the United States, the country of his birth. He was not stateless, though the author's choice of a title would lead one to believe he was. A more accurate, though less artistic, description of Nolan's plight would have been "The Man Who Could Never Hear the Name of His Country."

Now let us see how our government has answered Kevin Cullinane's question. Garry Davis, born near Bar Harbor, Maine, served as a bomber pilot during World War II. As a result of his personal experiences and participation in World War II, he became convinced that "exclusive nationality could no longer serve as a guarantee" of fundamental human rights. Consequently, he went to Paris, France, and on May 25, 1948, formally renounced his United States citizenship "before a Vice-Consul in the (American) Embassy on the Champs-Elysee." This was all done legally, in accord with the provisions of the U.S. Nationality Act of 1940. (According to 8 USC 1481 (a)(5), to renounce his citizenship, a United States citizen may appear before a consular officer in a foreign country. He must properly identify himself, fill out several forms provided for the purpose, and surrender his passport. "The form [Certificate of Loss of Nationality of the United States], which becomes the instrument of formal renunciation, is rather simple to complete, and requires very little time.")

As some expatriates have learned, renouncing one's U.S. citizenship in a foreign country does not insure citizenship in the host country, or any other country, for that matter. Since Mr. Davis had not applied for French citizenship nor become a French citizen, he was outside the framework of French law. Although he was considered "persona non grata" by French immigration authorities, they gave him three months to leave the country. Just before the three months were up, Davis sought

asylum at the newly established office of the United Nations in Paris. He remained on the steps of the UN building for 6 days and nights. On the seventh day he was forcibly removed by French police, by the request of the UN Secretariat. He was deposited on French soil, ten yards from the UN building on September 17, 1948. He was permitted to remain in France, and on January 1, 1949, founded the International Registry of World Citizens, which has signed on over 750,000 constituents since its beginning. This, and the World Service Authority organization which he later began, remain his life's work.

In the forty-plus years, since the renunciation of his citizenship, Davis has been incarcerated over twenty times in eight different Western democracies for the "crime" of not possessing valid identity or travel papers. He was imprisoned by the British Home Office for twelve weeks in 1953, "as a menace to the public good." British immigration officials finally arranged for his deportation in collusion with U.S. authorities. "He was forcibly brought into the United States against his will—while aboard the SS Queen Mary docked at New York—by immigration officials." Although they admitted him into the country, Immigration and Naturalization admitted that he escaped fitting into any of the established categories. He was not a U.S. citizen, he was not an immigrant, he was not a returning resident alien, and not a visitor—these being the only four classifications of entering and/or residing in the United States prescribed by law.

The World Service Authority, which was founded in 1954, is the administrative off-shoot of a declaration which Mr. Davis made on September 4, 1953. The declaration calls for a one-world government to protect international citizens from the anarchy caused by the existing institution of nation-states. The World Service Authority began issuing its own passports in June 1954. These differ from national passports in that they recognize the right of the bearer to leave any country, including his own, whereas national passports "connote exclusive state control over the individual." Although not accepted world-wide, the World Service Authority passports have been recognized by numerous countries and are carried by more than 200,000 people.

Without an American passport or visa from U.S. Immigration officials, Garry Davis has used his own World Service Authority documents to exit and enter the United States several times. On January 11, 1957, after his World Passport had been inspected by immigration officials while he was still aboard a KLM plane at Kennedy Airport, he was permitted to enter the United States "without condition." In June 1975, he entered the U.S. again identified only with the World Passport. He departed the U.S. in September 1975, returning in April of the following year. Immigration officials waived their visa requirement, after inspecting his World Service Authority passport. On May 18, 1977, he returned to the United States via Dulles International Airport, having departed from Heathrow Airport, in England. U.S. immigration officials apprehended him, and after two hearings, May 17, 1977, and September 27, 1977 (the last one being before the U.S. Board of Immigration Appeals), Mr. Davis was declared both "an excludable alien," and "a stateless person." Despite this determination, the Immigration and Naturalization Service took no action to deport him.

As a result of these hearings, on July 17, 1979, Davis petitioned the U.S. District Court for the District of Columbia for a writ of habeas corpus. Judge Thomas Flannery denied the request for the writ on December 19, 1979. The issue in Davis' case, according to Flannery, was "whether a native-born American may renounce primary allegiance to the United States and still retain rights to enter and remain in this country without a proper visa." (His answer was that such a person retained no rights to remain in the country.) Davis then appealed this decision (Civil Action No. 79-1874) in May 1980, to the U.S. Court of Appeals and then to the Supreme Court, placing before it a brief during its October 1981 term.

Although the Supreme Court refused to hear his case, Davis presented several questions for review. According to U.S. immigration law (8 USC 1182 (a)(20)), every immigrant to the United States must possess a valid entry document (such as an immigrant visa, reentry permit, or unexpired passport issued by a recognized, foreign government). First, Davis questioned

whether this statute was applicable to "a native-born American who 'expatriated' himself..., thus becoming stateless, and who without acquiring another nationality, desires to return to the United States claiming it [as] his permanent home." Could Congress, on the one hand, confirm the right of expatriation, "while at the same time deny the human exercising that right the corollary human right of freedom of travel and re-entry to his native country?" Davis also questioned whether the enabling statute of 8 USC 1481 (a)(5), which provides for the formal renunciation of U.S. citizenship "at a consular office in a foreign state", was validly constructed, and "if not, can a United States citizen legally 'expatriate' himself according to the construction" of the law? Davis pointed out that for a United States citizen to expatriate himself legally, "he must be both before a diplomatic or consular officer of the United States" and in a foreign state, not inside an American embassy (which is legally considered territorially part of the United States).

As a result, Davis' own renunciation of citizenship was not properly executed (rather than proffering his renunciation on French territory (as required by U.S. law), he was inside the American embassy in Paris). Consequently, it is highly unlikely that any American since 1940, when this statute was passed, has properly expatriated himself according to the law (8 USC 1481 (a)(5)). In his brief, Davis claimed the law has not only been "clumsy and irresponsible," but "deceptive and essentially inoperable."

The deception comes directly (after) the individual has become an alleged expatriate. He is *then* obliged to enter a foreign state. Theoretically and actually he should remain in the U.S. Embassy unless he already possesses another nationality and therefore presumably another passport. For to enter a "foreign state" without "valid" entry papers is as much a "crime" as to enter the United States illegally.

Yet, by permitting the Oath of Renunciation to be taken under the "cover" of an Embassy, away from the eyes of a "foreign state," the U.S. Congress is condoning and even abetting the post facto act of illegal entry.

The construction thus of the statute enabling expatriation is manifestly contradictory, unworkable, and in terms of "foreign" relations, inadmissible.

It might be said that Garry Davis is a man without a country, yet the facts speak otherwise. In February 1982, when the Supreme Court refused to hear his appeal, the Immigration and Naturalization Service was faced with two choices. Since Davis "had no country to which he could be deported," either the INS could have detained him permanently, or done nothing. Unlike other excludable aliens, such as various Cubans and Haitians, which the INS chose to detain permanently because their countries of origin would not accept them back, the INS chose to ignore Garry Davis. In 1984, when he registered to vote in the District of Columbia, Davis signed a statement that he was indeed a U.S. citizen. In 1987, he ran for mayor of Washington, D.C. and received 585 votes. In 1987, he registered with the Federal Election Commission as a candidate for President. "There was no protest from the State Department, the Justice Department, or the Immigration and Naturalization Service." So, even though Davis refuses to obtain and travel on a U.S. passport, his activities reflect his enduring ties to his country of birth, as well as ties

to his government. (One wonders how he is treated by the Internal Revenue Service. Does he have a Social Security Number and pay taxes as an American citizen?)

The problem of statelessness, which Mr. Davis' case typifies, is the result of the way nation-states are organized and operated. Since there is no uniform rule of international law covering the subject of citizenship, every nation determines for itself who shall, and who shall not, be its citizens, and how, if at all, they may renounce their citizenship. According to the law of some states, citizenship depends upon the place of birth, or 'jus soli,' as it is recognized in the common law. According to the law of other states, citizenship depends upon the nationality of one's parents ('jus sanguinis'). In any event, all nation-states look upon citizenship as a legal status "whereby an individual has both the privilege and responsibilities of full membership in the state. The citizen performs certain duties, such as paying taxes, serving in the armed forces, and enjoys certain privileges, such as voting, and when abroad, calling on the services of his country's diplomatic and consular missions." Regardless of how citizenship attaches to a person (by place of birth or blood), once a person has renounced citizenship, there is no obligation under international law for that country to receive back a native-born, but stateless person.

While the Twentieth Century will probably be noted in history books as an era of powerful nation-states, somewhere, in a footnote, it will be observed that more people became stateless during the Twentieth Century than during all the previous centuries combined. As a result of shifting geo-political boundaries after many 20th Century wars, old nations disappeared and new nations were created. Caught in the shuffle were prisoners of war and residents of countries whose governments simply disappeared. The foreign countries in which such people found themselves did not always welcome them. Before the advent of passport and visa requirements (prior to World War I), a stateless person could travel and settle in some countries (like the United States, for example), so long as the local laws (of the place of residence) were obeyed. The lack of proper passport or travel documents was not a dire burden for those seeking political or economic refuge until national restrictions on international travel and settlement made it mandatory to have the proper political documents.

The history of the right of expatriation in both England and the United States is the history of the tangled web of law and politics. Under the English doctrine of perpetual allegiance and the common law, citizenship could not be lost without the consent of the Crown. Until the outbreak of the Revolutionary War, the colonist were considered to be asserting their constitutional rights as "Englishmen." It was not until 1824, that England formally agreed that those who chose to remain and live in the United States at the time of the American Revolution were actual aliens (Americans) and not British citizens.

Many Americans during the late 18th and early 19th centuries "recognized expatriation as an inherent and fundamental right." The Declaration of Independence clearly implied it by referring to the right of people "to dissolve the political bands which ... connected them" to their mother country. As early as 1779, a Virginia citizenship statute embraced "the claim that every man had the right to slough off his allegiance and to discard his citizenship: in order to 'preserve to the citizens of this commonwealth that natural right which all men have of relinquishing the country in which birth or other accident may have thrown them, and seeking subsistence and happiness wheresoever they may be able, or may hope to find them. The act provided a simple public procedure by which a man could renounce his citizen status and exercise 'his natural right of expatriating himself'."

Expatriation was also one of the rights not enumerated but "retained by the people" under the 9th Amendment. During debates in Congress over the Naturalization Act of 1795, the argument was presented that our government's policy of naturalizing aliens necessarily implied its recognition of the right of expatriation. The government's policy was to naturalize aliens who had renounced their birthright citizenship in their country of origin. Their becoming naturalized U.S. citizens did not depend upon them obtaining the consent of the government of the

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country where their primary allegiance had rested. If this were true, the United States government "could not consistently deny that right [of unilateral expatriation] to its own citizens." Thomas Jefferson, Secretary of State in 1793, stated that "our citizens are entirely free to divest themselves of that character by emigration, and other acts manifesting their intention...." The impressment controversy between the United States and Great Britain revolved around the right of expatriation. Were natural-born Britons able to become naturalized American citizens without the consent of the King? If the United States were to deny the policy of unilateral expatriation, it would in effect have upheld the British doctrine "once an Englishman always an Englishman." The United States government claimed that a properly naturalized Englishman was a true citizen of the United States, and consequently not subject to any English military service.

Though there was no known mode of renunciation of citizenship prescribed by our federal laws until 1907, the right of expatriation clearly existed in the absence of any statutory authority. (The right of expatriation was not recognized by Congress until its Law of July 27, 1868.) Whether expatriation took place or not had to be determined on an individual case-by-case basis. Generally, such elements as long residence abroad, nonpossession of property in this country, nonpayment of taxes, nonparticipation in elections, and the failure of any expressed intention to return to the United States were indicative of a true desire to renounce American citizenship. Of course, formal renunciation, as well as acquisition of another nationality, or employment by a foreign sovereign, or enlistment in foreign armed services were weighty pieces of evidence in determining whether or not a person was an American citizen.

The American judicial system "proved to be extremely circumspect in dealing with the issue" of expatriation. Whenever cases involving this question arose, "judges frequently avoided making categorical statements of right, preferring instead to find other less controversial grounds for their decisions." In short, there was tension between universal "natural" law (which recognized the right of expatriation) and the positive law, which for many years did not prescribe any mode for its exercise. The ambiguity rested upon the question of how the right could be exercised without "jeopardizing the safety and security of the [political] community." What would happen to the American state if individuals could divest themselves of American citizenship without leaving the country? The result would be a State with no one upon whom to impose jurisdiction. In such a case, the whole theory of our democratic government would be shown to be bankrupt, for what is a State without people to control?

The problem, as Americans found out during the Civil War, was an explosive and divisive one. If government is said to rest on consent (as ours is), then consent must mean the right to not only join, but also leave the political union. No political government is ever prepared to accept an 'en masse' secession of its people (or territory). "The North had waged four bitter years of war to combat the idea that individual states could withdraw from the Union against the will of the majority," but this left little recourse for the citizen "who considered their government tyrannical or merely uncondusive to the successful pursuit of happiness. The collective expatriation of whole communities from the United States in the form of secession was clearly not tolerable, certainly not within the physical confines of the nation. Yet if the possibility of secession were denied," what options remained for the individual? "How real was the individual's consent to be governed if he could not choose to repudiate his citizenship?"

Federal policy could no more allow states to secede from the Union, than it could allow individuals to "secede," if by so doing they would compromise the territorial integrity of the central government. In other words, the federal government depended upon exercising territorial sovereignty over all of the land within its jurisdiction, even land "owned" by individuals who might choose to withdraw their persons from its jurisdiction. To recognize the right of expatriation in this fashion was to say nothing more than "My country—Love it or leave it!" The right of expatriation was effectively nullified if the only way to abandon

one's allegiance to the State was to leave one's homeland and leave behind whatever real property one owned.

Two of the principal causes of the reluctance of States to historically grant freedom of expatriation have been the desire to maintain large standing armies, and retain large numbers of taxpayers within its borders. The United States today still offers evidence of how it punishes those who attempt to escape its jurisdiction. For example, under the Nationality Act of 1940 (8 USC 1182 (a)(22)) Americans "who have departed from or who have remained outside the United States to avoid ... service in the armed forces in time of war ... or national emergency" are excludable aliens and may not legally return to the United States when they wish (even if they have not renounced their citizenship). (See bibliographic footnotes.) Another example involves Internal Revenue Code Sections 877 and 2107 which were introduced in 1966, and "designed to discourage U.S. citizens from giving up their citizenship and moving abroad to avoid U.S. graduated income (and estate) tax rates on U.S. investment income. To establish the tax avoidance motive, the Secretary of the Treasury must first show that it is reasonable to believe that the expatriate's loss of citizenship would ... result in a substantial tax reduction ... Once this is established, however, the burden of disproving a tax avoidance motive shifts to the expatriate." That the United States Treasury takes these measures quite seriously is evidenced by their prosecution of numerous ex-citizens who have gone so far as to renounce their citizenship and leave the country to escape the long arm of the United States government. Even then, these expatriates are not always successful.

For a few hundred years in world history there was an almost a-political homeland to which all the stateless people of the world could flock. That place was "America," the land of golden opportunity (and solid gold money). In general, the pre-20th Century experience of the American colonists and pioneers demonstrates how insignificant citizenship would be in a free society. No individual state of the union required that a person renounce citizenship before taking up residence or citizenship in another state. Passports, visas, and travel restrictions did not exist, among the states, or even with respect to international travel. One could operate most types of businesses without obtaining a license, build one's home without leave of the government, and educate one's children as one saw fit. One could live an honest, productive life with very little involvement with the federal government.

But all that has changed. Today, as Garry Davis has written, "The very word 'stateless' ... connotes the arrogant assumption that only the state enjoys legitimacy." For all practical purposes, the United States is no longer America. Our country has been invaded and occupied by a political gang that is draining this land of the energies which once made it the most sought-after place on earth to live. The ties that bind voluntarists to a

A state is absolute when it claims the right to a monopoly of all the force within the community, to make war, to make peace, to conscript life, to tax, to establish and disestablish property, to define crime, to punish disobedience, to control education, to supervise the family, to regulate personal habits, and to censor opinions.

The modern state claims all of these powers, and in the matter of theory, there is no real difference in the size of the claim between communists, fascists, and democrats. There are lingering traces in the American constitutional system of the older theory that there are inalienable rights which the government may not absorb. But these rights are not really inalienable for they can be taken away by constitutional amendment. There is no theoretical limit upon the power of ultimate majorities which create the civil government. There are only practical limits. They are restrained by inertia, by prudence, even good will. But ultimately and theoretically they claim absolute authority against all churches, associations, and persons within their jurisdictions.

—Walter Lippman
A PREFACE TO MORALS, 1929 (p. 80).

geographical place, such as America, are spiritual—not political. Thus, voluntaryists are people without a country, because the spirit of the American dream has almost completely vanished from the United States. Wherever that spirit of hard work, of the opportunity to achieve success without interference from others, of doing without rather than asking for a handout, wherever that spirit manifests itself—that will be the true place for voluntaryists. Until that time, voluntaryists remain men and women without a country.

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Jolley vs. Immigration and Naturalization Service (441 F. 2d 1245 (1971)). Jolley, an American citizen, removed himself to Canada during the Viet Nam War in order to evade military service. At the same time, he also renounced his citizenship before an American consul in Toronto. Upon re-entering the United States he was apprehended, and ultimately determined to be an excludable alien by the U.S. Immigration Service. He was ordered to be deported to Canada.

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to me that no government in its right mind—due to the very nature of government!—would seriously consider my requests, desires, or claims. Such calls for decentralization of power, the elimination of "defense" systems, prisons, compulsory taxes, etc., are understandably absurd to those who are invested in the life of the state. Hence, I see no hope for improving that which, at its base, needs to be completely altered.

Fourth, I could *supercede* the state. This option seems to be the most meaningful response to the given conflict. Such an act is defined by individual attentiveness to the welfare of others, not only physically, but also in regard to the nurturance of their freedom and connectedness. To supercede the state is to engage in silent revolution by touching the hearts and minds of individuals. As internal, individual, and spiritual revolutions are waged, external, social, and political revolutions take care of themselves. In essence, to supercede the state is an act of decentralizing power. It is a claiming of one's place and responsibility in the local community. It is a recognition of one's global citizenship.

So what does this mean in regard to the specific actions I may take? Many alternatives have been suggested through the course of history, both in theory and by example. I will continue to experiment with these ideas and new ones. It is important to note, though, that my claiming freedom from the state does not require, either morally or logically, that I first establish some alternative that is acceptable to the state. No matter what options I choose to pursue, whether realistic or idealistic, whether destined to fail or to succeed, I reserve the natural right to be free of association with the state and I reserve the similar right to stumble along on my better instincts.

With all this information as background, I offer the following actions as merely part of my continuing response to the conflict I endure with the state.

1. I claim my natural right to be free of legal association with the state. In other words, I reject my legal right to citizen-

ship in this state, and I reject any of your claims on my allegiance. My commitment is to the global community at large and, specifically, to the local community I live in.

2. I refuse to heed your laws. Please be clear that this does not mean I will seek to violate your laws. When your human laws happen to be consistent with my understanding of divine or natural law, that is a coincidence which I doubt will offend either of us. When there is an inconsistency, though, your laws will have no precedence in guiding my actions.
3. I refuse to pay your taxes (to the extent that I am able to prevent you from stealing from me). I will continue, though, to freely share my resources with others.
4. I refuse to participate in your election of "representatives."
5. I refuse to serve in your military ranks.
6. I refuse to serve in your courts. I will make myself available, though, for mediation processes at the request of all parties involved.
7. I refuse to accept your welfare, social security, unemployment, or other monies.
8. I refuse to call on your police forces, courts, prisons, or military "defense".
9. I request that your government not interfere with the affairs of my life.

Perhaps some may denounce my response as being a bit idealistic. If this is so, I am thankful. Idealism helps us to keep sight of what is desirable and not just of what is probable. Realism, on the other hand, works within the boundaries of the status quo. It is the theoretical foundation which allows things to be left the way they are. Realism says, "This is the best system we have, so we better not tamper with it!" Idealism says, "This may be the best system we have, but there are greater possibilities, so let us experiment!" Indeed, nothing significant was ever accomplished without a bit of idealism. Furthermore, if such idealism is based on a desire for integrity and consistency with principles, then I feel it is all the more justified.

Perhaps some may wonder what I truly hope to accomplish with such actions—especially since these actions may eventually evoke a response which limits my personal freedom. Essentially, I have two aims. *First*, I desire to act with greater personal integrity. My disassociation from the state and its varied activities is merely one instance of my continuing effort to live as consistently as possible with the premises I hold as being true. *Second*, I desire to encourage thought and discussion on the topics of (a) responsible citizenship, (b) our individual and corporate participation in violence, and (c) possibilities for moving towards more cooperative and responsible lifestyles. Such reflection and discussion are at the core of silent revolution. Any hopes I have for significant "social" change are filtered through this necessary step of significant "individual" change. Societies mature only as individuals do.

Conclusion

I hope I have been clear throughout this account that in rejecting my legal right to citizenship, in this my native state, I am not rejecting my social responsibilities to the people I live with. In fact, the very reason I intend to continue residing in my native land is because I feel that this is precisely where my responsibility as a global citizen lies.

I hope it is also clear that I have never given explicit consent to this or any government. The myth of a natural social contract does not imply consent. My birth within the boundaries of this state does not imply consent. Even my attempt to work within the governmental system does not imply consent. While I have previously acknowledged that I was a citizen of this state, I had not done so in order to imply my support for or consent to the existing government but merely to identify myself as a native of this land. I refuse to ignore this distinction anymore. Although I am a native of this land, I am not a citizen of the state which desires to control it.

According to the rules of your game, not only am I guilty of political disobedience but perhaps even "social disobedience." You might even be more concerned with me than you would with a murderer, rapist, or thief. But I am not going to murder, rape, or plunder! I merely disagree with your views, and I refuse to have

them forced upon me. Perhaps, though, this is more threatening to you than the prospects of my murdering or stealing. Indeed, my disobedience pokes at your power base—the very structure which allows you to be wealthy legislators, politicians, lawyers, judges, wardens, generals, lieutenants, etc.

You may seek to establish my guilt on the grounds of the general principle that I disagree with your views. In other words, you may indict me for merely rejecting the institution of government and disavowing any of its claims on my allegiance. Another possibility is that you may seek to establish my guilt on the grounds of some specific result of that general principle. In other words, you may seek to deal with me via some infraction of a specific law (e.g., tax evasion, refusal to participate in the military, trespassing, etc.). A third possibility is that you may have the integrity to let me be. Indeed, whether you decide to punish, imprison, banish, or ignore me, I will continue to be about the business of love as best and as long as I am able.

With all due respect, God's peace be with you.

Sincerely,
Clark Hanjian
September 1, 1985

B. LETTER FROM MR. WHARTON

Prior to 1987, I had no particular interest in whether or not the United States Government recognized my claim of expatriation. They seemed to ignore me, and that was fine.

In 1987, I began considering some plans for international travel. Since I had no interest in carrying a U.S. passport, and even less interest in playing a stowaway, I decided to approach the Department of State in a straightforward manner. Also, since I was now beginning to consider the possibilities of military-related civil disobedience, I figured this would be a good time to find out how the government perceived my status. Was I a United States citizen in their eyes, or not?

On August 17, 1987, I wrote to the State Department's Assistant Secretary for Consular Affairs, Joan Clark. I referred to my 1985 claim and enclosed a copy for her reference. I raised some ideas I had regarding my plans for international travel under the assumption that the U.S. Government recognized my claim.

Here is the response I received.

To: Clark Hanjian
From: William B. Wharton, Director
Office of Citizenship Appeals and Legal Assistance
United States Department of State—Room #300
1425 K Street, NW
Washington, DC 20524
Date: September 11, 1987

Dear Mr. Hanjian,

I refer to your August 17 letter regarding documents to be used by you in future overseas travel.

I have been unable to locate your September 1985 correspondence. However, you should be advised that United States citizens may only renounce their nationality by making formal application to do so at a U.S. consular office in a foreign state, except in time of war. This procedure is pursuant to Section 349(a)(5) of the Immigration and Naturalization Act, and Title 8 of the United States Code, Section 1481 (a)(5) (as amended by Public Law 95-432 of October 19, 1978) which states that a person shall lose United States nationality by making a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state, in such form as may be prescribed by the Secretary of State. I am enclosing for your information our circular M-321 entitled "Loss of United States Citizenship" which is published by the Department of State's Bureau of Consular Affairs.

You should be aware, however, that should you decide to formally renounce your U.S. citizenship regardless of your personal beliefs, you will be considered stateless unless you naturalize as a citizen of another country. If you are stateless, you will not be entitled to a U.S. passport or any other U.S. documentation nor will the Department of State assist you in relocation to a foreign state. Also, you would not be entitled to enter the United

States except as an alien with appropriate documentation under the existing immigration laws. Furthermore, foreign nations are under no obligation to allow anyone to travel or immigrate to their country, nor can the U.S. government force them to do so.

Unless you have formally renounced U.S. citizenship, you are still considered to be a U.S. citizen. As a U.S. citizen, you are entitled to a United States passport when you apply and present acceptable citizenship and identity evidence. For your information, the Department of State does not issue the kind of letters you requested in your letter.

I hope the foregoing information is helpful to you.

Sincerely,
William B. Wharton

Enclosure: M-321 brochure

C. LETTER TO MS. CLARK

Upon receiving Mr. Wharton's letter, I realized that the United States Government was not ready to accept my claim of expatriation as presented.

Furthermore, I realized that it was probably in the best interest of the Department of State to neither accept nor reject my claim. If they accepted my claim, they would be breaking their own laws. If they rejected my claim, and continued to call me a U.S. citizen, they would reduce the meaning of such citizenship to essentially nothing.

Hence, I decided to present my case one more time, but now I would request an explicit written decision indicating whether or not the United States Government recognized my specific claim of expatriation. At this point, I could guess their answer. I merely hoped someone would risk issuing an official decision so I could refer to it in the future as necessary.

After two attempts to attain such a decision from Mr. Wharton, it became clear that I would have to return to his superior. Once again, I addressed the Assistant Secretary for Consular Affairs, Joan Clark.

TO: Joan Clark
Assistant Secretary for Consular Affairs
United States Department of State
2201 C Street, NW
Washington DC 20520
FROM: Clark Hanjian
DATE: January 4, 1988

Dear Ms. Clark,

After several rounds of correspondence with William B. Wharton (to whom you initially referred me), I am compelled to direct my communications back to you. I hope you will be able to deal promptly with my request.



Essentially, what I want is an official determination from the U.S. Government regarding my citizenship status. I have made a clear and specific claim of expatriation, and I want to know whether or not the U.S. Government recognizes this claim.

Mr. Wharton has indicated that his office is not in a position to make such a determination. Consequently, he recommended that I apply for a passport. I am not interested in applying for a passport since such an act implies that I claim or desire U.S. citizenship. Hence, I am returning to you for a decision.

Before you make your determination, let me briefly outline the essential elements of my case:

I. First, A Review of My Position:

- A. In a word, I would be categorized politically as an anarchist, i.e., I am interested in developing community life without government.
- B. In an effort to live with greater integrity as an anarchist, I have chosen to renounce my U.S. citizenship and to refrain from pursuing citizenship in any other country. My intent is to be stateless.
- C. The means by which I declared my expatriation is the enclosed statement entitled, "A Note to the State" (dated September 1, 1985). I submitted copies of this statement to both the President and the Secretary of State of the U.S. Government in September of 1985.
- D. Although the bulk of the aforementioned statement discusses the rationale behind my position, the essence of my declaration, which I affirm again here, is as follows:
 1. I claim my natural right to be free of legal association with the state. In other words, I reject my legal right to citizenship within this state, and I reject any of your claims on my allegiance. My commitment is to the global community at large and, specifically, to the local community I live in.
 2. I refuse to heed your laws.
 3. I refuse to pay your taxes.
 4. I refuse to participate in your election of "representatives."
 5. I refuse to serve in your military ranks.
 6. I refuse to serve in your courts.
 7. I refuse to accept your welfare, social security, unemployment, or other monies.
 8. I refuse to call on your police forces, courts, prisons, or military "defense."
 9. I request that your government not interfere with the affairs of my life.
- E. As far as I am concerned, therefore, this testimony provides sufficient evidence to justify my claim that I am no longer a citizen of the U.S.

II. Second, A Review of the U.S. Government Position as Posited by Mr. Wharton:

- A. Section 349(a) of the Immigration and Nationality Act outlines seven expatriating acts. In order for the U.S. Government to declare that a person has relinquished his or her citizenship, at least one of these acts must be performed by that person with the intent of such relinquishment.
- B. The seven expatriating acts recognized by the U.S. Government are, in brief:
 1. Obtaining citizenship in a foreign state.
 2. Declaring allegiance to a foreign state.
 3. Serving in the armed forces of a foreign state.
 4. Being employed by the government of a foreign state and having obtained citizenship or declared allegiance to such state.
 5. Formally renouncing one's citizenship at a consular office in a foreign state.
 6. Formally renouncing one's citizenship in the U.S. when the U.S. is in a state of war.
 7. Committing an act of treason or one of various similar offenses against the U.S. Government.
- C. As of this date, Mr. Wharton has implied that neither have I "formally" renounced my U.S. citizenship nor have I committed any other expatriating act. Hence, the U.S.

Government appears to continue to recognize me as one of its citizens.

III. Third, A Review of the Disparity of Our Conclusions:

- A. In a nutshell, the U.S. Department of State has claimed *implicitly* that I am a citizen of the United States. I have claimed *explicitly* that I am not a citizen of the United States.
- B. In regard to the seven expatriating acts upon which Mr. Wharton bases his argument, I offer the following considerations:
 1. The first four acts, each of which involve the development of an official relationship with a foreign state, are obviously not applicable to my situation. Since it is my intent to be stateless, I am definitely not pursuing such relationships.
 2. As for treason and similar offenses against the state, some folks would charge me guilty of such acts. Even though I seek the abolition of the U.S. Government (as well as other governments), my commitment to a non-violent process of revolution would probably exclude me from the parameters of "treason" under normal usage. In a broad interpretation, though, such a charge may be valid.
 3. In regard to making a formal renunciation in the U.S. while the U.S. is in a state of war, this option is essentially non-existent. While it is clear to me and a multitude of others that the U.S. is now, and has been for quite some time, in a state of war, the likelihood of the government ever admitting such a fact is nil.
 4. Finally, in regard to the option of making a formal renunciation of citizenship at a U.S. consular office in a foreign state, I have two concerns:

First, the qualification that one must be outside the U.S. in order to declare one's expatriation from the government is a blatant form of self-banishment. This is absurd, for exile is clearly a burden of the government—not the dissenter. Hence, since I chose to renounce my U.S. citizenship, yet I continue to reside and work in my homeland, the implementation of my banishment, if this be deemed necessary, is solely in your hands. To be sure, I will not remove myself from the land and people I feel responsible to.

Second, the qualification of making a "formal" renunciation of citizenship is unacceptable to me. Because of my personal beliefs, I refuse to submit to the bureaucratic formalities of filling out the "proper" form in front of the "proper" person. I have expressed my intent to expatriate more clearly in this letter than any government form would expect. I would even imagine that if I delivered this letter to a U.S. consular office in a foreign state, it would be accepted (in the end) as a meaningful substitute for the "official form." Since I do not intend to visit any such consular office, it is therefore appropriate that I submit this letter to you.

IV. Concluding Remarks

I realize that, as my case stands now, you have no way of verifying that I am who I say I am and that this letter is actually from me. Hence, *I am willing to present myself before a representative of the U.S. Department of State in this country.* I am willing to travel to Boston (or to Washington, if necessary), and I am willing to provide my certified birth certificate, social security card, driver's license, and expired U.S. passport for your inspection. Furthermore, I am willing to affix my signature upon these statements in the presence of your representative as evidence that these statements are, indeed, mine.

My simple goal is to attain a clear determination from the U.S. Government as to whether or not it recognizes my claim of expatriation. I *do not* want more general statements about general situations. I *do* want a specific written decision regarding my particular case.

Of course, I shall expect that the U.S. Government will recognize my claim of expatriation. Why would a participant in a free association be held on the membership roles and offered all the rights of membership even after he or she has explicitly

and vehemently declared dissatisfaction with and, consequently, secession from the association? For the U.S. Government not to recognize my claim of expatriation is foolish. Such a denial reduces the concept of citizenship to merely matters of nativity and residency, and it completely ignores the crucial issues of allegiance and commitment. Of course, it is your prerogative to reject my claim. At this point, I would just like to know your decision.

Whereas I have refused all allegiance to the U.S. Government, and whereas I refuse to cooperate with any agencies of the U.S. Government (except insofar as my wisdom dictates), and whereas I do not consider myself a citizen of the U.S. Government, and whereas I have clearly communicated these and other supporting statements to appropriate officials within the U.S. Government, I ask you, Ms. Clark, to decide whether the U.S. Government will continue to maintain that I am a citizen or whether it will recognize my claim of expatriation.

I would like to have an explicit written statement, signed by you or a similarly appropriate official, declaring how the U.S. Government officially perceives my citizenship status.

Your prompt written response is greatly appreciated.

With all due respect,

Clark Hanjian

Enclosure: "A Note to the State."

Copy: William B. Wharton.

D. LETTER FROM MS. CLARK

After I submitted the above letter and made one additional appeal, Ms. Clark issued this final statement. For all practical purposes, this statement reflects the official position of the United States Government regarding my claim of expatriation.

TO: Clark Hanjian

FROM: Joan M. Clark

Assistant Secretary for Consular Affairs
United States Department of State
2201 C Street, NW
Washington DC 20520

DATE: June 30, 1988

Dear Mr. Hanjian,

This is in response to your May 25 letter regarding U.S. nationality laws.

As stated in our previous correspondence, in order to renounce your citizenship you must file a formal application at a U.S. consular office abroad. Failing this, you are still considered an American citizen under U.S. law.

I regret we are unable to be of further assistance in this matter.

Sincerely yours,

Joan M. Clark

E. THE VERDICT

So, am I a United States citizen?

It seems rather unlikely that the United States Government will ever openly agree to my terms for expatriation. Unless the laws change or unless the courts decide to convict me of some treason-related offense, the U.S. Government will probably always consider me as one of its citizens. It will expect me to live in the way that U.S. citizens are "supposed" to live, and it will intervene when I refuse.

So, am I a United States citizen? According to any reasonable definition of the concept of citizenship, the answer is clearly "No." According to any reasonable standard for the practice of citizenship, the answer is clearly "No." Lawyers and politicians may try to argue otherwise but, in reality, my allegiance does not rest with the United States or any other country. My allegiance rests with the global community and to that extent, therefore, I am a global citizen. ☐

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