

The 14th Amendment on Citizenship

– An Exercise in Elementary Logic –

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First, let us recall the 14th amendment with respect to citizenship in its original form (source ChatGPT). Second, a modified version is presented. Differences between the two versions are indicated in boldface.

1. All persons born or naturalized in the United States, **and** subject to the jurisdiction thereof, **are** citizens of the United States and of the state wherein they reside.
2. All persons born or naturalized in the United States **are** subject to the jurisdiction thereof, **and** citizens of the United States and of the state wherein they reside.

Each version considers two sets of people. Set A: All persons born or naturalized in the US. Set B: All persons subject to the jurisdiction of the US. To a person P we assign the value $P_A = \text{true}$ if P is contained in set A. Otherwise, $P_A = \text{false}$. Similarly, $P_B = \text{true}$ if P is contained in B. Otherwise, $P_B = \text{false}$.

According to the original version, P is a citizen of the US if $P_A = \text{true}$ and $P_B = \text{true}$. The constitution does **not** imply that P is a US citizen if one of the following holds:

$(P_A = \text{true}, P_B = \text{false})$, $(P_A = \text{false}, P_B = \text{true})$, $(P_A = \text{false}, P_B = \text{false})$. The modified version adds the relation $P_A = \text{true} \Rightarrow P_B = \text{true}$ so that $(P_A = \text{true}, P_B = \text{false})$ becomes excluded, and US jurisdiction holds worldwide for US citizens. In contrast to the modified version, the original version makes **no** claim about enforcing US law in regions of the world that do not do so. It is not in the constitution, but up to the US legislator to define rules under which a person P keeps or loses US citizenship when leaving US jurisdiction.

Similarly, it is up to the US legislator to define rules under which a person P who has lost its US citizenship by leaving US jurisdiction may re-enter the US. After re-entry $(P_A = \text{true}, P_B = \text{true})$ holds, so that P is again a US citizen according to the constitution. However, this should not prevent the legislator from imposing penalties against performing unauthorized excursions into regions that do not enforce US law.

In conclusion, the modified version cannot substitute for the original.