born, is no badge of lack of allegiance and in no way evidences a voluntary renunciation of nationality and allegiance." [1235]

The *Schneider* equal protection rationale was abandoned in the next case in which the Court held that the Fourteenth Amendment forbade involuntary expatriation of naturalized persons.[1236] But in *Rogers v. Bellei*,[1237] the Court refused to extend this holding to persons statutorily naturalized at birth abroad because one of their parents was a citizen and similarly refused to apply *Schneider*. Thus, one who failed to honor a condition subsequent had his citizenship revoked. "Neither are we persuaded that a condition subsequent in this area impresses one with 'second-class citizenship.' That cliché is too handy and too easy, and, like most clichés, can be misleading. That the condition subsequent may be beneficial is apparent in the light of the conceded fact that citizenship was fully deniable. The proper emphasis is on what the statute permits him to gain from the possible starting point of noncitizenship, not on what he claims to lose from the possible starting point of full citizenship to which he has no constitutional right in the first place. His citizenship, while it lasts, although conditional, is not 'second-class.'" [1238]

It is not clear where the progression of cases has left us in this area. Clearly, naturalized citizens are fully entitled to all the rights and privileges of those who are citizens because of their birth here. But it seems equally clear that with regard to retention of citizenship, naturalized citizens are not in the secure position of citizens born here.[1239]

On another point, the Court has held that, absent a treaty or statute to the contrary, a child born in the United States who is taken during minority to the country of his parents' origin, where his parents resume their former allegiance, does not thereby lose his American citizenship and that it is not necessary for him to make an election and return to the United States.[1240] On still another point, it has been held that naturalization is so far retroactive as

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[1235] Schneider v. Rusk, 377 U.S. 163, 168–69 (1964).

[1236] Afroyim v. Rusk, 387 U.S. 253 (1967).

[1237] 401 U.S. 815 (1971).

[1238] 401 U.S. at 835–36.

[1239] At least, there is a difference so long as *Afroyim* prevents Congress from making expatriation the consequence of certain acts when done by natural born citizens as well.

[1240] Perkins v. Elg, 307 U.S. 325 (1939). The qualifying phrase "absent a treaty or statute . . . " is error now, so long as *Afroyim* remains in effect. But note Rogers v. Bellei, 401 U.S. 815, 832–833 (1971).