

## United States Citizenship via State Citizenship

A great many individuals in the law profession carried with them into their professional careers a misconception that is common in the American public. It's a seemingly small issue that affected almost no one, until that is, Barack Obama was elected President. After that it affects all of us. That misconception is that American citizenship is a federal matter and is governed by federal law. That is inaccurate, but not completely.

While it is true that the issues of naturalization of immigrants and the citizenship of children born to them has been a federal matter ever since the first statute was passed regarding them in 1790, that and the versions that followed it were the only acts passed by Congress in regard to United States citizenship because the federal government lacked the authority to pass anything else. The founding fathers considered natural citizenship to be an unalienable human right. Every child inherits the father's membership in the national group of which he is a member, and law makers have no moral right to legislate nor regulate that natural right. And so Congress was given no authority to do that. But those who are not natural citizens have no moral right to possess American citizenship and so they must be made citizens via naturalization laws, and eventually, a constitutional amendment. Those acts only covered perhaps less than 1-2% of the people born or resident in the United States. What of the other 99%? They were covered by state law.

When the Declaration of Independence was written, and even later after the Articles of Confederation and the Constitution were written, the issue of citizenship was strictly a matter of the sovereign colonies turned independent but unified States. They were the ones with the authority to decide all naturalization matters until that first Naturalization Act was passed. Then state law was superseded by the legislation of the central government.

But the issue of the citizenship of all the other 98-99% of inhabitants remained with the States. They recorded all births and kept all records. There is no such thing as a federal birth certificate. There are only State birth certificates. Some of the states may have had on their books mandates about who is a natural state citizen and by what principle, (or perhaps none of them did), but what is certain is that the central government did not, -because none was needed.

The powers granted to the federal government were restricted and finite, and one that wasn't granted was control over the citizenship of natural born natives of the former colonies. With no authority given in that area, the Constitution limited Congress from passing any laws regarding it. Hence none existed, nor was any ever needed. But with the unionization of the States, their citizens became, by extension, also citizens of the nation and subject to whatever authority the federal government possessed under the limited powers granted by the Constitution.

But 78 years later the 14th Amendment was passed for the benefit of former slaves and children of immigrants, declaring that which was already the policy of most states that had not been a part of "The Confederacy of Slave-Owning States of America". Being ratified as a constitutional amendment meant that it was above and beyond the authority of the Congress and the Supreme Court to nullify or rescind.

And yet, like the issue of women's rights and prohibition, the nation was of two minds. While the amendment declared all to be citizens who were born in the US and were subject to its national jurisdiction, the executive branch assumed that the Congressional legislation that barred Chinese immigrants from being citizens included their children because as the father was, so was the child, even though their children were American born. The absolute universality of the 14th Amendment was only imposed after the U.S. Government lost a case in 1898 in which it attempted to convince the Supreme Court that such a child of immigrants had no right to citizenship. The Court ruled that it was the law of the land via the 14th Amendment that such children are U.S. citizens from birth, -even though they would be natural citizens of their father's homeland, -taking after him and his foreign citizenship, and thus dual-citizens. Dual citizenship was historically viewed by the United

States government as reprehensible in nature, -being a form of national membership bigamy, i.e. belonging to two separate, and potentially competing and hostile husbands.

There has never been any other legislation regarding citizenship except the earlier similarly worded Civil Rights Act of 1866 which was also aimed at assuring that former slaves and children of immigrants were accepted as new citizens of the nation. But if foreigners gave birth in the U.S. and they were not legal immigrants of the state in which they lived, then they, and their child, did not qualify under the Civil Rights Act because it required that such children not be under the jurisdiction of any foreign power. But they were under the jurisdiction of a foreign power if their father was (due to the fact that he and his wife were only in the United States on a temporary basis and weren't registered permanent residents).

Besides those two acts, the judicial rulings handed down over time, as well as immigration and naturalization statutes, were not written to cover children of American citizens, but framed solely to deal with atypical births, -including children born to foreigners.

Hence the belief that Washington (and not the States) is central to citizenship is false. Washington was never given that authority, even by the 14th Amendment. The 14th amendment bestowed the gift of American citizenship to American born children of foreign citizens who had become members of American society, but it did not and could not make them natural born citizens even though it made them born citizens.

Therefore it follows that the belief that citizenship is based solely on place-of-birth is a false belief, even though blindly followed by the INS and State Dept. That is not the legitimate national policy because the nation does not have a policy that is constitutional, especially regarding native-born children of American citizens. A place-of-birth citizenship policy is only connected in law to children of immigrants, and it was they, and former slaves, for whom the 14th Amendment was written, -not the 98% of children born to American citizens.

The children of non-immigrant foreigners are not U.S. citizens via the 14th Amendment nor the Civil Rights Act of 1966 because, as the author of the citizenship clause of the 14th Amendment stated when asked what its requirement of subjection to U.S. jurisdiction meant, answered that it meant what was required by the Civil Rights Act, namely that U.S. born children must not be under the jurisdiction of any foreign power. And yet, all children of non-immigrant foreigners are under the jurisdiction of their father and he's under the jurisdiction of his home government because his citizenship there is still fully active.

While natural American citizens fit the criteria of both of those acts, they are not the subjects of its language and they have never needed to have their citizenship "legitimized" by any legislation because they are citizens by the law that was too fundamental to be written, -by the natural law that underlies the foundations of man-made law.

By "the Law of Nature and Nature's God" we possess certain unalienable rights, and among them are the right to our own children. They are not the property of His Imperial Majesty, nor the central bureaucracy of Washington. They are American citizens because they are born as American citizens, just as they are born as humans, -by inheritance from their parents to whom they belong.

No law is needed for that to be so, anymore than there was ever a need for laws stating that Americans have the right to self defense, to own property, or to wed and divorce, to seek justice, to vote or consume alcohol, or the right to buy (or to not buy) things they need or want (or do not need or want). The rights of the individual and the States are far-reaching and with few limits, and one of those rights is automatic membership in the group/ nation to which the parents belong.

Opposing that view is the erroneous delusion that natural citizenship via birth to citizens is irrelevant, and only the location of one's delivery from their mother's womb is relevant. That view is like believing in the power of magic. That view is being promulgated in the hope that it will legitimize the presidency of Barack Obama who was not born to an American father, which is required in order to be a natural born American. Their deceitful aim is to overthrow the principle of "natural citizenship by birth to American parents" and replace it with

citizenship by the principle that's part of the 14th Amendment formula for assigning citizenship to American-born immigrant children.

The children of unnaturalized immigrants were barred from access to the presidency by the framers of the Constitution. It was reserved solely for the children of citizens, -which excludes the children of any and every mass-murdering tyrant since 1776 who might have happened to be born within U.S. borders, especially if neither their mother nor their father were even a legal permanent resident of the United States. No such child would be eligible to be Commander-in-Chief of all the military might of the nation.

The sons of Fidel Castro, Usama bin Laden, Adolph Hitler, Joseph Stalin, Mao Zedong, and Saddam Hussein could be President under the current brain-dead mis-guided, illegitimate interpretation of the 14th Amendment. The 14th Amendment was not written for nor meant to cover children born to foreign visitors since they aren't subject to the full political jurisdiction of Washington. They can't be forced to take up arms and serve in the U.S. military in defense of the nation. So Mr. Obama is not a citizen either by birth to an American father, nor by birth to a permanent-resident immigrant since his father was not an immigrant but a foreign student.

Birth to an American mother is insufficient to make one a natural citizen since natural citizens are born only to parents who possess citizenship in the same nation, -not one born with the foreign baggage of dual citizenship, -with foreign alienage, with foreign roots through their natural blood-connection to an foreign father. That is an unnatural citizen and requires the consent of the law to become a naturalized citizen, even if that consent is provided automatically at birth.

No one who is only a citizen via written law is eligible to be the President because they have a foreign connection which the Constitution doesn't allow. Only those who are citizens by no written law are eligible to be President because only they are natural born citizens of the United States and are 100% American. Those who are not 100% American can serve in every other office in the land, all the way up to Chief Justice of the Supreme Court, but those who would be President, -those who would be Commander-in-Chief, -like those who hold the keys and codes with which American nuclear weapons can be launched, must be 100% American by birth.

by a.r. nash oct 2011

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