THE UNITED NATIONS OF AMERICA

The origin of an error that may doom the future.

We go through life thinking we know things that one day we find out were flat-out wrong. Such is the history of discovery, as new things are learned and old beliefs are found to be false. Life is rife with ideas and "urban legends" and assumptions that are the product of an original error passed along from person to person and generation to generation.

One such false idea is the notion that the United States lost the war in Vietnam. The truth is that the war had ended some 18 months before North Vietnam invaded the sleeping South and conquered it, the United States having been long gone from the country.

Another such false idea is that the United States was founded as a union of the 13 former colonies, when in actuality, there were only 12. That's because only 12 of the new nations of the Americas established the nation by the ratification of the revolutionary charter known as the Constitution of the United States of America. [Rhode Island only joined after the new government was already formed.]

It could have alternatively been called the Constitution of the United Nations of America, because the term "state" was synonymous with nation, and the 13 separate sovereign republics of the Americas were each a distinct nation unto itself, -with its own legislature, governor, courts, and constitution.

If the founders had gone with the term "nations" instead of "states" then the name of the new union would have been The United Nations of America, or UNA, instead of USA, -or as we may rightfully be described in the near future, -the USSA, meaning the United Socialist States of America.

What is driving us toward such a destiny? It is an error whose origin dates back to the end of the 19th Century. It emerged following a Supreme Court ruling involving one individual, an American who the government had declared to be a foreigner.

Why would the State Department, Justice Department, and the Immigration Board have declared an American to be a foreigner? Because of who his parents were. They were not Americans, and therefore *he* was not an American either even though born in America.

When, in 1898, the case of Wong Kim Ark, son of Chinese immigrants, reached all the way to the Supreme Court of the United States, the policy of the government was, and had been since its establishment in 1788, that foreigners only obtained U.S. Citizenship in one of four ways.

Either one was an adult male who fulfilled the terms of the naturalization process and thereby was granted citizenship in the state into which one had immigrated, (and thereby was viewed as also a citizen of the Union) or one obtained citizenship when one's father, or husband had become naturalized. Foreign-born children and wives did not, and could not naturalized as citizens. Their citizenship was 100% dependent on that of the father/husband.

The forth means by which a foreigner could obtain citizenship in a state (and thereby the union) was by marrying an American man. That automatically resulted in a foreign women becoming an American, like her husband. She took his name, his family, his status, and his nationality. They thereby were one.

That was the policy of the federal government from its establishment, as well as that of most of the states, with at least one exception; Virginia. Its constitution granted citizenship to children of its immigrants. They were not natural citizens because they were not born to citizens, but were assumed to be eventual adult Americans like their citizen-born peers and so Virginia felt it to be right and fair that they not be second-class members of society simply due to being "sons of the soil" rather than sons of blood inheritance.

But that was not the view of the federal government, nor its policy. And nothing changed that for over 100 years, until the Supreme Court issued an opinion of the court that the 14th Amendment declares such children to be American citizens in plain and simply language.

Well, its language is plain all right, but its plainness is far from simple. Instead it is inherently ambiguous. The fact that one of the possible

meanings was in full violation of the policy of the federal government since its inception lead to the executive branch ignoring that meaning until the court handed down an opinion that overturned not only the century-old policy but also the previous rulings of the court itself.

That 180 degree reversal was possible because of the ambiguous wording of the 14th Amendment. The court voted by a majority to choose the meaning that suited them, and made the most fair and practical sense of the words of the amendment. But instead of basing their ruling on established policy, along with the clearly stated meaning attached to it by its authors, as well as previous court rulings, they based it instead on American principle and ideals.

The narrow, restrictive policy of the past was replaced by a broader and more inclusive policy that accepted and processed the reality of the massive influx of immigrants that had begun a decade or more earlier. It embraced the spirit of American inclusiveness inscribed in the base of the Statue of Liberty; "Give me your tired, your poor, the wretched refuse of your teeming shores, send them, your tempest tossed to me. I lift my lamp beside the golden door."

Some strongly protest that binding opinion of the court but they do so not because of the opinion itself, but because of the miscontruence of the meaning of the words of the 14th Amendment by an Attorney General who had to decipher what they meant along with what the court meant. Unfortunately, our future may be doomed because they ignorantly choose the wrong interpretation of what was meant.

The 14th Amendment citizenship clause reads: "All persons born in the United States, or naturalized, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside." Those words bear a ring of constitutional elegance and simplicity, but what they embody is a complex set of alternate possibilities, with no guidepost as to which is the correct one. We are now living in the swamp resulting from picking the wrong one. The consequence of that error has been magnified a million fold since it first emerged from the Justice Department following the Wong Kim Ark opinion.

The Attorney General is tasked with the job of interpreting the legal significance of Supreme Court rulings, and the AG that interpreted that opinion made a gigantic error of monumental proportions, though it may have seemed of national insignificance at the time, because at the time there was no such thing as illegal immigration as we know it today.

The error that resulted from his misunderstanding was the view that all children of all foreigners, except those with diplomatic immunity, were U.S. citizens at birth. To make that error he had to fundamentally not understand two important things: the meaning of "subject to" and the meaning of "jurisdiction".

I've exhaustively explained the meaning of those two terms in dozens of ways in multiple expositions, so I'll only give the short version here.

From a photo of an old dispatch from 1901, I typed-out its poor-quality text, which contains this quote;

"It has been almost uniformly held by our federal courts that birth within the dominions and jurisdiction of the United States confers citizenship irrespective of the nationality of the parents."

What has been "almost uniformly held" is clearly an opinion, -an opinion that was uniformly erroneous because its terms were undefined. Evidence of that fact is seen in the ambiguous use of the word "jurisdiction". Is it referred to in the geographical sense, -being a U.S. controlled area within which an alien-born child enters the world?

The 14th Amendment does not connect jurisdiction to birth location in it *citizenship* statement. But it does so in its accompanying *equality* statement, which concludes with: " ...nor deny to any person within its jurisdiction equal protection of the law."

The Attorney General of that era confused the two uses and meanings of jurisdiction, -one relating to geography and the system of law enforcement that rules over it, and the other relating to the nature and extent of federal authority.

One cannot be "within" i.e., inside of federal authority, nor can one be subject to a geographical area. One can be *within* a jurisdiction and yet not *subject* to the authority present within it. Renegades and outlaws were within some jurisdiction or other, but not subject to the lawful authorities (jurisdiction) of that jurisdiction (territory).

Federal jurisdiction does not end at the water's edge, -it follows all Americans wherever they go on Earth. They remain subject to the jurisdiction of the United States, including taxes, even though they are far outside of its jurisdictional boundaries.

The 14th Amendment could and should have used the word "authority" as in "subject to the authority thereof" instead of "the jurisdiction thereof", but even that would unavoidably result in another ambiguity, the second one that has resulted in the error that plagues us today. That ambiguity is in the meaning of the type of authority that a child must be born subject to.

What is the far boundary of that authority? Does it merely mean "*most* authority"? Or "*all* authority?" By failing to understand that the authors of the amendment meant all authority, -not merely some, it was erroneously assumed that everyone is subject to federal authority and therefore everyone born in the U.S. is a citizen.

But, two generations following the great Civil War, and six generations following the Revolutionary War, there was widespread ignorance as to what full subjection meant. It didn't occur to the insulated elite lawyers in the Justice Department that it referred to the absolute federal authority to conscript male members of American society and send them to their death in war.

Only men so subject were fully subject to the jurisdiction of the United States. That subjection was only lifted due to age, or infirmity or hardship.

With that understanding in mind, which men are not subject? Answer: men who are in the country illegally and are not subject to the federal authority, as well as men who are merely visiting the United States for whatever reason or are representing their foreign government.

Women were not subject to the federal authority because the male citizenry would not and did not hold them responsible for national defense. They were subject to their husband or father. That was the way it was until women gained the right to vote, then many things had to change beside just that. And they did change. But the Amendment and its meaning did not change, and has never been altered by any subsequent amendment.

The impact of the Wong Kim Ark opinion was to alter the view that male foreigners were not subject to American jurisdiction, -being exempt from it. After that, the policy of the government shifted to one of now considering them just as responsible for national defense as natural citizens of the nation (as it had historically been in Britain).

Since America had become their country, and their children were granted citizenship, they were therefore equally subject to the full authority of Washington D.C. They could be conscripted into the military and if they resisted they would be sent to the federal penitentiary for the duration of the war. That's the way it was, as I learned from an old Mexican national who was my host in Baja California, Mexico who suffered that fate during WWII.

Today that reality is forgotten or unknown by most people inside and outside of government. But it is not unknown in some branches of the executive branch, because they deal with Selective Service registration, and they know that by U.S. Law, children of immigrants, -as members of U.S. Society even though not born here, must register in case of being called to serve in the national defense.

Equally telling is the oath of Allegiance and Renunciation that naturalizing-foreigners must take in order to become U.S. citizens. The oath was written for men of military age and requires swearing to bear arms and defend the United States and its Constitution. Clearly the subjection it requires was not written in ages past having in mind old men and old women, nor even young women, and especially not pregnant women.

Today we face the tragic situation of millions of foreigners flooding into cities and towns, congesting the living space and taking the jobs that were once filled by citizens, including minorities, as well as exploding the city and state budgets due to greatly increased education, welfare, law enforce-

ment and medical costs. And why else are they here? Because of the warped belief that mere birth on U.S. soil confers U.S. citizenship via the 14th Amendment according to a Supreme Court opinion which was then incorrectly interpreted by an Attorney General who left an indelible mark on the country from which it will never be able to escape.

That damage will never be undone, nor cease being done because it would be politically unwise to make enemies of tens of millions of voters. And that is the long-term inevitable consequence of one seemingly small misunderstanding of ambiguous language.

To correct that error is legally possible but politically impossible. Consequently, the numbers of those dependent on government largess have grown so immense that it may be politically impossible to rein in the massive amount of federal borrowing that has the nation on track to fiscal ruin.

Once a single party secures a secure majority of the voters, it can stay in power indefinitely, as happened in Mexico at the beginning of the 20th century when the PRI revolutionary party came to power and remained there for four generations. The nation was just as much a one-party state as the Soviet Union, or China, or Cuba.

Is that where we are heading? -to where Hugo Chavez hopes to take Venezuela? The November election may provide an answer. Will our future as a country be that of a meritocracy or a marxitocracy? The future is in the balance more than ever before and we may be very close to the tipping point. The only question is; "which way will we tip?"

No. 33.] DEPARTMENT OF STATE
Washington Aug. 8, 1901

Sir: I enclose herewith copy of a dispatch from the consul-general
of the United States at Rome requesting instructions in regard to issuing passports to minors residing in Italy and born in the United State of alien parents, the particular case in point being that of a minor, Francesco Guarino, to whom a passport was issued by you against the representations of the consul-general.

The question raised by the consul-general is, in his own words, as follows:

Can a minor residing temporarily or permanently abroad, but born in the United States of alien parents who have never been naturalized nor intimated their intentions of becoming naturalized, be considered an American citizen? And is such minor entitled to an American passport?

The position of the Department is that birth in the United States, irrespective of the nationality of the parents, confers American citizenship; that no act of the parent can deprive the child of the status thus acquired, and that consequently such children, even though taken abroad by their parents, are entitled to be treated as citizens of the United States.

In view of the decisions of our Federal courts, there can be no doubt of the correctness of this position. It has been **almost** uniformly held by our federal courts that birth within the dominions and jurisdiction of the United States confers citizenship irrespective of the nationality of the parents.

The question was squarely presented to the Supreme Court in 1897 in the case of Wong Kim Ark, who was born in the United States of parents who were subjects of the Emperor of China. In 1890, when he was 17 years of age, he went to China for a visit, returned to the United States, and remained here until 1894, when he again went to China for a visit. He returned to the United States in 1895, but the collector of customs at San Francisco denied his application for admission on the ground that he was *not* a citizen of the United States. Upon habeas corpus the United States district court ordered him to be discharged on the ground that he *was* a citizen...

(emphasis added)

"When I use a word," Humpty Dumpty said, in rather a scornful tone, "it means just what I choose it to mean -- neither more nor less." Mr. Dumpty, meet the U.S. federal government. It holds the same philosophy when it comes to the meaning of "jurisdiction".

By Adrien Nash June 2012 obama--nation.com