Why **Americans Born Abroad** *Are* Eligible To Be President

There are three views regarding the presidential eligibility of Barack Obama and they have overlapping components. His closet-socialist supporters declare that merely being born within the borders of U.S. territory makes him fully eligible for the highest office in the land via the principle that was imposed by the English Kings known as the **Law of the Soil** (Jus Soli). By it, all souls born within his dominion belonged to him as his subjects and owed him their allegiance for life.

That was a national policy that was rejected by the federal government of the United States from its very beginning, -although it remained as the law within the early constitutions of one or more State governments.

Obama's arch opponents argue that that assumption (-that mere place-of-birth determines Presidential eligibility) is not completely true. They assert that one must also be born to American parents. They recognize the U.S. government's long history of following the **Natural Law principle** of ascribing national membership based on **patrilineal descent**, -the citizenship of the father.

That principle is known as **the Law of Blood** (Jus Sanguinis). By it, the off-spring inherit the status and rights of the parents, including membership in the group to which they belong. But they go one step further and claim that to be President one must fulfill the requirements of *both* Jus Soli *and* Jus Sanguinis.

The President therefore would have to be born in the U.S. to American parents. That doesn't sound unreasonable. But which of the two principles is correct?

The only reasonable answer is not based on any law or opinion or interpretation of law, -it's based solely on the only thing on which the whole issue rests, and that is an irrefutably logical principle.

That principle is the natural law of Jus Sanguinis. Add anything to it and the subject immediately becomes unfocused. The sharpest focus possible is needed in this situation, and like a magnifying glass that can't start a fire when its focus point is off, so also, logical arguments can become unfocused when an unrelated element is added which muddies the clear waters of natural logic.

Adding the principle of jus soli to jus sanguinis is just such an added element that muddies the water of the clarity of the natural principle of **birthright citizenship**, -citizenship that's derived solely from the parents alone and no other principle.

The **1790 Uniform Naturalization Act** has led some to the assumption that Congress was deliberately legislating that which they had no authority to legislate; namely a new principle of citizenship which is found nowhere in the Constitution -that of foreign-born American citizenship.

No authority was given to Congress to legislate requirements, limitations, or new definitions regarding natural American citizenship, and they did not do so, contrary to how some view that legislation.

They merely sought to preserve and protect the unalienable rights of Americans born anywhere in the world, -particularly abroad. They not only had the right to do that but also the obligation.

That's why they inserted language into the Act to prevent American children from being lumped in with children of foreigners by denying them their natural right to American citizenship.

The government of the United States, (meaning the executive and judicial branches) was put on notice by Congress that those children were to be afforded all the same rights of citizenship as their natural born parents and their domestic born siblings. That's why they didn't merely write that they were to be "considered as" U.S. citizens, but as "<u>natural born</u> citizens".

They knew exactly what they were writing, but since the nature of that citizenship was irrelevant to a Naturalization Act, it was omitted when it was rewritten five years later. The fact that

Americans born abroad were to be eligible to be President was not germane to immigration policy, nor to immigration officials since it only had relevance to the election of the President.

Some have erroneously concluded that by omitting "natural born" in 1795 they were declassifying such children as natural born citizens when the only purpose was to classify them as "U.S. Citizens" and not foreigners who needed to be naturalized. Congress possesses no right to grant nor rescind natural citizenship.

The first Congress realized that the rights of sons of Americans born abroad, -to Ambassadors & Consuls, Diplomats, etc, had no protection in the Constitution, and so they attempted to provide them with some by requiring the executive branch to recognize them as being American to the fullest extent. Their status as natural born American citizens was not dependent on birthplace but on the citizenship of their American fathers.

Since most already believe that Obama was born in the U.S., adding a requirement of U.S. birth to natural citizenship serves no purpose. Instead it only distracts from his lack of an American father. In our politically correct era, it's mandatory to use the language that natural citizenship requires that both parents be Americans, but that language demonstrates a failure to grasp the reality of the issue.

Under the tradition of **The Divine Right of Kings,** male subjects would be considered to be committing an act akin to treason if they were to foreswear, abjure, reject or renounce their allegiance to their sovereign in order to expatriate themselves and become citizens or subjects of another nation. But wives? They were the property of their husbands.

If he was a subject of the King and a foreign woman married a subject of the King, then she became a subject of the King also because she was under her husband's jurisdiction, just as he was under the King's. And the King of the land where she was born couldn't have cared less. Everything was all about the male, -kind of like it is in Saudi Arabia and patriarchal societies everywhere. Wives are submissive to their husbands and under his protection and jurisdiction in his role as head of the household.

This was the situation in our young republic, one in which wives, like children, were not afforded the honor of being considered legally to be "persons" as mentioned in the Constitution. At that time and for long after, if a foreign woman married an American man, she acquired derivative U.S. citizenship automatically. Therefore it confuses the eligibility issue to state that constitutionally both parents had to be citizens, when the wife, -if not native or natural born, automatically was a U.S. citizen by the mere act of marriage. It was thus impossible for an American husband to be married to a foreign wife.

So in the interest of fidelity to the historical truth, -which is readily grasped by all who aren't shocked that American women once weren't equal to men, the language should be shifted to one that reflects the unvarnished reality that natural born citizens were known and recognized as those citizens who had American fathers, period. No need to mention the nationality of the mother because it was automatically American by marriage or birth.

It also reflects the reality that children born to American women who were married to foreigners would only be considered natural born Americans if their father had became naturalized before their birth.

Until the Supreme Court ventures an opinion, the definition of natural citizenship is not dependent on any opinion offered by any person in any era or any other court, but solely on the principle on which it is based. Either there is a principle and it's inviolable, or there is *no* principle and "natural" can mean anything that people care to read into it. You know which one is preferable and most reasonable.

by a.r. nash http://obama-nation.com