Citizenship Beyond All Laws

(unconditional & unwritten citizenship)

Citizenship, like most elements governing the life of a free republic, follows certain laws. In some cases the laws are written, but in others they aren't. In the case of citizenship it's both.

There are the written laws which are commonly known by the segment of the population that has had to deal with them, and there are laws that are completely unknown to nearly all citizens since they're administrative laws. In addition there are laws that are unwritten, Since they were never written, people assume facts not in evidence.

They were never educated about the fundamental unwritten law that undergirds the foundation of our republic. That unwritten law is the law by which they are members of the American nation. They're dependent upon that law even though it's totally unknown to them.

The law that their citizenship is dependent on is not a written law because it was not in the purview of the Congress nor the authors of the Constitution to write such a law.

That's because it's a natural human right and social tradition as old as civilization itself, and therefore didn't need to be written, -just as no law was needed to grant Americans the right to live, or to own property, or to marry or to have and raise their own children.

Children have **an unalienable right** to belong to their parents and to the group in which they are members.

The problem has been, -and remains to this day, that there is a competing unwritten law and it also was a tradition for a very long time in many places in colonial America. Its origin was in a distant place that was unique among the nations of the Western World, -that place was the **British Isles**.

They were unique because they had no land border with any continental nation. Therefore an idea could develop that was uniquely suited to such a kingdom and that idea was "**jus soli**" membership (law of the soil). A philosophy evolved that if the kingdom was the rightful dominion of the king, then those born within his island kingdom were also rightfully his subjects.

Over centuries the thinking of the royal class and the sycophants that supported the monarchy became fuzzy and hegemonic and thus the king's "rightful ownership" of those born in his lands was extended to such a degree that it covered virtually everyone who happened to be born while in his domain unless they were of the royal or exempted diplomatic class of other nations.

Thus, the children born to foreigners merely visiting the King's domain were viewed as belonging to the king and not solely the parents and their nation. The royal government devolved into labeling those alien-born persons by the same description as those who were "**natural born subjects**" of the nation since they had all the rights and life-long responsibilities of its native natural members even though they might be raised by their parents in their own nation and belonged to it via the ancient law of "**jus sanguinis**" (the law of membership by blood).

Clearly, the result was a conflict of rights; -the right of the king to be lord & master of everyone born in his domain, versus the right of parents to own their own children and pass their own natural national membership to them at birth.

That is a **birthright** of all human beings and birthrights are always & only related to blood, not boundaries.

Who is "**the Prince Royal**", aka the Prince of Wales? He is the firstborn of the British monarch and is born with a birthright that only one person possesses, i.e., the right to be king. Look-up the word "**primogeniture**". It is the birthright of the firstborn to inherit the entire estate of the father. A birthright is not something that is connected to where one was born, but to whom one was born and in what order. One of the earliest examples in found in the book of **Genesis** and speaks of how the firstborn son of Isaac was tricked out of his birthright inheritance by his younger brother Jacob.

There is no such thing as citizenship being a birthright based on borders and one's delivery within them. That is just a fantasy based on nothing other than the transplanted idea of jus soli that some colonial governments employed as in Britain. But it is not a "birthright" nor an American principle even though it was an easily implemented practice in a land that also had no borders with European nations.

But the founding fathers created a nation built on new principles, -principles in total opposition to the monarch-oriented traditions that had reigned for a century and a half. And those principles were based on **the Rights of Man**, and not **the Divine Right of Kings**.

The foremost right of man as a member of a civil society is that of being the rightful owner of his own children, -rather than the state being their owner. With one's children being members of their father's household, their status is inherited from the father automatically. They are what he is, for better or for worse.

The first membership status they acquire is a result of their order of birth since that determines how they are treated. The second membership status is in relationship to the father's status in society. The third membership status is in relationship to the government of the father.

Membership in the American family is naturally derived from his membership, via inheritance of his citizenship status, -whether his status is natural or naturalized, but with some legal exceptions, like that which was created by **the 14th Amendment**.

It freed the citizenship status of children born in America to foreigners from being dependent solely on the foreign citizenship of the father to being dependent upon birth in America to a lawful immigrant. That is American jus soli, -*not* British jus soli which didn't care whether or not the parents were immigrants. [emigres were/are subject to most of the responsibilities of the citizen/subjects of the nation while **visitors** are not]

Citizenship via the 14th Amendment affected no one because those who could be affected had already been affected by **the Civil Rights Act of 1866** two years earlier.

All the 14th Amendment citizenship clause did was to put that law above the ability of Congress to rescind. But they were not identical because the Civil Rights Act was different in a very subtle way.

It required, in order to be deemed a citizen from birth in America, (with exceptions like Native Americans) that one not be subject (through their father) to any foreign power, while the 14th Amendment language required that they be subject to American federal jurisdiction. Like two sides of a one coin.

The unstated premise of the 14th Amendment is that permanent American residents who are not subject to any foreign power are subject to the full jurisdiction of American federal authority.

Everyone is subject to some sovereign power so the effect of the 14th Amendment was to tell the U.S. government (in particular the INS and State Department, -as well as foreign governments) that native-born children of lawful immigrants are subject to American authority and not that of their father’s foreign homeland, even if their parents remain subject to the political and legal authority of their homeland.

Therefore they are deemed to be U.S. citizens and not foreigners regardless of being born to foreign citizens.

With American jurisdiction established over such children, American jus soli is effected on their behalf, while natural jus sanguinis is effected in their relation to the homeland of their parents. Therefore they are naturalized-at-birth citizens of the United States and also natural citizens of their father's homeland through their blood connection to him and his citizenship.

So if the father is not naturalized, then his children are born as **dual citizens** via two competing principles. But some foreign governments might not even recognize American naturalization, -as was the case with England, (leading to the War of 1812) -as well as China before a treaty was finally signed. Before then, Chinese that underwent American naturalization were viewed as traitors to the Emperor and would be beheaded if they returned to China. (they belonged to the Emperor)

Before American jus soli citizenship was put into writing in the Civil Rights Act of 1866 and the 14th Amendment, American citizenship, meaning **federal citizenship**, was derived from State citizenship because the state (and colonial) laws, courts and magistrates had always been sovereign in the naturalization process. With the passage of those acts it became a federal matter because of the two reasons behind the authority used to pass those acts.

The Civil Rights Act was passed by Congress with reliance on the constitutional authority of Congress to pass a nation-wide uniform rule of naturalization in order to assure uniformity throughout the union.

But the 14th Amendment was beyond Congress, and its authority was derived from the will of The People to decide what the fundamental laws of the nation are. The People could have passed an amendment that declared that all persons born in America are deemed to be natural citizens, but they passed no such amendment because one was not offered nor passed by Congress. (Such an idea was unthinkable.)

It was not written that way because there was absolutely no reason on earth to interject the issue of presidential eligibility into an amendment that was solely focused on the issue of whether one was a citizen..or an alien, and written primarily in regard to **freed slaves**, and secondarily to children of immigrants.

To have done so would have dragged the other 97% of the American population unnecessarily into the purview of the authority of its statement.

It would have meant that by United States constitutional law American jus soli would have become the controlling authority over who is a natural American citizen and thus who is eligible to be President.

But the necessary words were not added to the amendment and therefore are not a part of its authority. Which words? The words "**natural born**". Those who are made citizens via the 14th Amendment are not described by it as "natural born citizens", nor natural citizens, nor natural Americans, but are simply called "**citizens**" and that was enough.

That was all that any foreigner and the children born to him could have hoped for. It was what they were praying for and it became law three decades later (via a misinterpretation by the Supreme Court regarding its universal application) in the U.S. Government's suit against native-born Wong Kim Ark (in 1898) who was held to be an alien (upon returning from a visit to China) until finally reversed by the high court.

But the citizenship of the other **97%** of Americans was not affected by either of those acts, nor dependent upon them because it was not derived from American nor English nor Roman law. The law by which they were citizens was one that was never written.

One can argue (incorrectly) that it was the unwritten law of jus soli citizenship, as opposed to jus sanguinis citizenship, but what one can't argue is that it is identifiable in the law because it was actually written (since it wasn't).

It was never written because it was derived from a universal principle that was as self-evident as its parent principle, -namely, **the law of natural membership**, -the same law that's seen in the relationships of all natural groups throughout the world, throughout the history of life that exists in social groups. "**As are the parents, -so are the children**.". As it is in nature, so it is in society and in nations.

But if one chooses to assert that the unwritten law (by which they are a natural American) is

based on where they were born, then that belief does not cancel the fact that any citizenship that *is* based on and derived from U.S. law or court ruling, or administrative policy is not natural citizenship but is man-made citizenship.

Artificial, man-made citizenship, including legal citizenship via the 14th Amendment (which can be called "constitutional citizenship") is not natural citizenship in any sane person's vocabulary. That which is natural is not dependent on the machinations and contrivance of legislators and judges to make it so because it is so via natural blood connection.

Thus it can be stated that "natural citizenship" is not "legal citizenship" because it is not derived from law, -even if it were to be jus soli natural citizenship (an oxymoron).

Therefore, anyone who is merely a legal citizen and not a natural citizen is not eligible to be President because their citizenship is not based on the principle that pre-dates the laws and the charter of government that formed the nation.

Their citizenship is by the beneficence of the American people and they have no natural right to it, but obtained it as a gift, even if that gift began at birth. But the citizenship of natural citizens is not a gift because it's an unalienable right that they are born with.

The federal government realizes that fact and that is the reason that the citizenship of the American traitor Anwar al Awlaki (born to Green Card Yemeni parents, whose father was an oil company worker) was not revoked before he was killed in a Predator drone missile strike. The government has no authority by law to take back that which it had no authority to give.

His father was not an immigrant so if the 14th Amendment didn't exist, then Congress would have the authority to over-ride the Civil Rights Act of 1866 and rescind his statutory citizenship, -which would exist by permission of the government.

But if his father was an un-naturalized **immigrant** then it would take an over-ride of the 14th Amendment to rescind his constitutional citizenship.

If his father was an American citizen, then only his own active renunciation of his citizenship would authorize the government to acknowledge his free choice and recognize him as no longer being an American. But he didn't renounce his citizenship and thus he died as an American traitor working to kill Americans.

Barack Obama's case is similar, because not only was his father not subject to the political jurisdiction of the American government since he wasn't an immigrant (-making the 14th Amendment moot in regard to citizenship through a father who remained under the jurisdiction of Britain & Kenya) but American citizenship solely through his mother was purely a thing of modern positive law and not a thing of unwritten natural law nor tradition.

In fact, when the 14th Amendment was written, Stanley Ann Dunham, aka Mrs. Barack Obama, would not have had a legal right for her citizenship to be passed to her child. So one has to ask; "**What is the basis of Barack Obama's citizenship?**" Is its nature a natural nature or a man-made nature? Is it by an unwritten natural law or a written man-made naturalized-citizenship law?

If he had been born in wedlock 1790 to a visiting Cuban gentleman, would he not have been deemed to be solely a subject of the Spanish colony of Cuba just like his father? How could a son of a foreign father who was "subject to a foreign power" (as barred by the Civil Rights Act of 1866), possibly be viewed as a natural member of the American family if his father was only in the U.S. temporarily and never subject to the full jurisdiction of the American government?

These questions can benefit from some further illumination by pointing out the fact that the whole situation of Obama's citizenship would possibly be moot if he had been born to an American male named Stanley Dunham and a Kenyan wife. That would have changed everything from

a historical perspective because throughout much of American history a foreign bride was automatically granted American citizenship as soon as a priest or minister or magistrate or rabbi signed the marriage certificate.

Thus, Jr. would have been born to an American father and American mother. What that fact demonstrates is that if the background of one's citizenship is so dependent on transient legal practices then it clearly cannot be proclaimed to be "natural" since that which is natural does not depend on the caprice of human custom, or laws.

[Even in the post-women's suffrage era, children were assigned the citizenship of their father until numerous nationality act revisions were made through the decades.]

The nature of Barack Obama's citizenship is in sharp contrast to that of John McCain. Clearly they are not citizens by the same principle.

McCain was born in Panama to American parents serving their country there, and was thus also an American citizen via birth to Americans, as was asserted by the legal team of Tribe & Olsen who were charged by the Senate with investigating the nature of his citizenship.

By the natural principle of natural membership (jus sanguinis) he was pronounced to be a natural born citizen of the United States and therefore eligible to be the President. Barack Obama made no objection when the Senate passed resolution 511 declaring that as the view of the Senate.

But no such inquiry was made into his citizenship. He has never been declared to be a natural born citizen by any entity of government within the United States because he is not one and the powers-that-be know it.

They've always known that naturalized citizens and children of non-immigrant foreigners can hold any office in the U.S. government with the one exception of the presidency. But no one cared or had the courage to speak out because to do so would have invited a barrage of condemnation and accusations of racial bigotry.

Silence was the only option for staying out of trouble. Fidelity to the Oath of Allegiance to the Constitution wasn't even on their list of priorities. Congressmen and Senators can pass just about anything that they want as well as ignore anything that they're too timid to address. And ignore it they did.

Populations can make mistakes (such as Prohibition). Governments can make lots of mistakes, -such as slavery, illegitimate and unnecessary wars, concentration camps for citizens, massive and worthless wasteful spending (32,000 Atomic Bombs! -pointless missions to the moon), astonishingly bad fiscal policy (Fanny Mae & Freddie Mack, Solyndra, etc), and colossal violations of basic civil liberty (Wichard v Filburn 1942)

One such colossal mistake was made in 2008 with the presidential election of an ineligible candidate, but that mistake cannot be recognized due to the principle of the nail that sticks up from the floorboard. (It gets hammered.) And so the pervasive silence that attended that election continues to avoid rocking the boat, -just as does the atmosphere of conformity when one moves from one level of school in North Korea, or Saudi Arabia to the next level. Open dissent and individualism are strongly punished and the more one stands-out from the crowd the more one is ostracized.

The silence and unwillingness to upset the apple cart of Obama's presidency is not a light thing but backed by a very powerful force, and that force will not tolerate any challenge to his legitimacy regardless of its basis, -whether or not it is legitimate doesn't matter. It must be squelched.

And so it has been and will continue to be because of a near total lack of courage by those who know the truth but find it as unspeakable as the truth about respected priests who sexually traumatized young boys repeatedly with impunity in America and around the world. It took decades before such victims could find the courage to break the silence because the truth was so unspeakable and unbelievable.

It was the same for the intern that served the desires of President Kennedy (Mimi Alford) It was unthinkable and unspeakable to reveal the truth about his sexual liberties with the young virgin for the 18 months preceding his death, and so it took her half a century to finally reveal the truth in her explosive book "Once Upon A Secret". Camelot was not what it appeared to be and the truth was so unspeakable that it was not spoken until she was 68 years old.

The truth about Barack Obama's citizenship is also unspeakable and that which is unspeakable and unspoken appears to be unbelievable also, especially when it comes without the imprimatur of the ruling elites and the national media establishment, and is opposed by the prestige and authority of the virtuous, honorable, truthful and officially legitimate President of the United States.

[How dare any 16th-17th century theologian (**Martin Luther**) or astronomer (**Galileo**) proclaim that his Holiness the Pope is wrong about anything? How dare anyone openly observe that the Emperor has no cloths? It just doesn't happen because no one is willing to be the nail that gets hammered down.]

In conclusion, Barack Obama is not eligible to be the President of the United States because his citizenship is derived from U.S. law and that makes him a citizen by **other than natural means**. But only natural citizens of the United States are eligible to be President because their citizenship is the only citizenship that is not derived from any law other than natural law.

Even the citizenship of the highest constitutional order, (-above the authority of Congress) -that bestowed by the 14th Amendment, is **man-made citizenship** and only provides citizenship to about 2-3% of the population -unless one concludes that their citizenship is derived instead by the Civil Rights Act of 1866 which preceded it.

All the rest are natural citizens who are: **Americans by birth, -not by borders**.

They are citizens by **the principle of natural membership** which governs all natural groups, (whether animal or human) and not citizens by permission.

They are born being citizens, -born into American citizenship through a blood connection. They are “les indigenes”, i.e., “the natives” of the country. They are “les naturels” -i.e., “the natural members” of American society.

Only natives produce natural natives. Only citizens produce natural citizens. Only Americans produce natural Americans.

All other parents (immigrants) produce man-made non-natural statutory citizens who have foreign parents or simply a foreign father. They consequently have roots in a foreign nation (with its foreign history, foreign law, foreign culture, and foreign tradition) and an unsevered attachment through their parents, or father, to its government and the obligations that come with it.

The founders of our nation wanted and required that the power of the Commander-in-Chief never be entrusted to anyone with foreign attachments by direct blood connection.

Only those who are 100% American by birth and have only American attachments are eligible to command the armed forces of the nation and its thousands of nuclear bombs.

That's the constitutional truth regardless of whether it's recognized or not. Are you able to recognize it?

Article 2, Section 1, Clause 5 of the **United States Constitution** states:
"No person except a natural born citizen...shall be eligible to the office of the President".

Does that sound like it includes a son of a temporary foreign visitor who remained subject to his own foreign government while here under the restrictions of a revocable Visa Card?

Where is a natural principle to be found in such a person's citizenship? Such a citizen is the least natural of all.

by a.r. nash march 2012
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