

Constitutional Treason & An Avatar President

The worst civic crime that a citizen can be guilty of is treason, but treason comes in more than one form. Most treason is bad, but some treason is good, and even patriotic. I speak of treason against the Constitution. How could that possibly be a good thing? It can be but only if the magnitude of the violation is small in comparison to the benefit. I speak of examples such as the Louisiana Purchase.

It was not a constitutional action for the President to buy an amount of land that virtually doubled the size of the territory owned by the United States government, but then the Constitution's author's weren't in the business of allowing for every conceivable and inconceivable future possibility. So such authority was not given to the President. Instead, President Jefferson had to make the strategic decision to be faithful to the limits imposed by an absence of granted authority, or to go where no President had gone before, (all two of them) and do what was clearly in the interest of the nation.

Every since that action, Presidents and Congresses and Supreme Courts have followed that course and chosen to commit treason against the Constitution because, in their view, it was what was best for the nation. But the difference between them and Jefferson is that his action was uncontestably a correct decision with all upside and no downside other than that the territory wasn't free of cost, while the decisions made by all those of the generations that followed him were not so uncontestably beneficial in a way that harms no one and benefits all. Instead they've all involved trade-offs, -the sacrifice of something of value to something else of imagined greater value. The greater good that they believe they've achieved justifies in their minds their treason against the Constitution.

In Service To The General Welfare

It makes sense in their view to make an end-run around the Constitution because they are living,

thinking human beings who can better understand and deal with the present reality than can an old, rather vague bare-bones charter. And so they substitute their wisdom for that of the Constitution and the limits it imposes on them.

It's not a crime to do that and so they do it with impunity all the time. It's for the greater good, the public welfare, or it may instead be for their own good and their own welfare. They don't have to differentiate because they don't have to answer to anyone, -except the President's veto, and rarely a Supreme Court ruling.

Once a public "servant" crosses the line from endorsing only that which is constitutional to that which isn't, they are in uncharted waters, and in time, with repeated violations, they are practically on a one-way street on which there is no going back. They become inured to violating it, and it even becomes business as usual.

They don't have to explain themselves to other public servants of their ilk because they all do the same things. So they are, in effect, a grand club of fellow violators, -fellow traitors, and therefore no one can point his Constitution-defending finger at anyone else because no one has a Constitution-defending finger to point.

Constitutional conservatives are all aware of numerous examples of state & individual rights being trampled by Washington, and citizen rights being trampled by state governments as well, but who knows about the clear violations of statutes actually written in the Constitution, (-not simply some usurpation of authority based on an implied right of government)? They exist and should be noted by all patriots who support and defend the Constitution. Here are a few violations related to the election of the President, beginning with the election of his replacement,...

The Vice-President

As written, the Constitution contained no eligibility requirements for the office of the Vice-President, and that was because there was no such thing

as an elected Vice-President. The office of the Vice-President was originally filled by whichever candidate for the presidency received the second highest number of electoral votes, -as long as one of the candidates received a majority and therefore the position of President didn't have to be decided by the House of Representatives.

Article Two, Section 1: "In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President."

That was altered by the Twelfth Amendment thusly: ", they shall name in their ballots the person voted for as President, and in distinct ballots, the person voted for as Vice-President, and they shall make distinct lists...". So the truth about the office of the Vice-President is that he, or she, is not constitutionally an appendage of the candidate for the presidency. Rather, he's an independent candidate running for an independent office.

That translates into meaning that the President can be from one political party and the Vice-President from the opposing party. The office of Vice-President is not one filled by the choice of the President. It's all up to the electoral college, not up him or the parties. The college could have chosen Obama as President and McCain as Vice-President, or vice versa, or Gore as President and Bush as Vice-President.

So why didn't they? Because our system has devolved into a winner-takes-all competition. The electoral college doesn't really decide as a rule; - they just vote according to their candidate commitment and which ever party wins the presidency will always win the vice-presidency because he's elected just like the president, along party lines. That's the way it works but that isn't the way it must be.

How much more interesting would the contest for the presidency be if someone like Sarah Palin, or any other interesting governor or public figure ran as an independent candidate for the vice-presidency. What would be the public discourse if someone like Ron Paul or Donald Trump ran for the

office of Vice-President, -and won!? But the political structure involved in getting on the election ballots of the states is not geared at all to facilitate such an independent VP candidate. To ever accomplish it would require a large personal fortune. There are many Americans who have such fortunes, but not the goal or desire to spend it just to be the Vice-President. But if one did, it would give him a decent size bully pulpit from which to sound warnings and demand government reform.

Disqualification for the presidency included the three given in the Constitution; 1. No non-natural citizen 2. No one under 35 years of age, and 3. No one who hadn't lived in the United States for 14 years. In addition, there were five social disqualifiers, which were: 1. not educated 2. not English speaking 3. not Protestant 4. not Caucasian 5. not male. Anyone who was described by any of the preceding was outside of the mainstream and viewed as unacceptable as the leader of a people composed of persons having those characteristics.

All of those characteristics are self-evident or easily provable except one, and that was the first and foremost constitutional requirement, namely that the President be American born.

What does that mean? It's ambiguous since it has two possible meanings and only one of them is correct. One possibility is that it means born in America, while the other means born to Americans.

Which one did the authors of the Constitution have in mind? They had in mind the one based on natural law instead of the one based on "the Divine Right of Kings" to be lord of everyone born within their dominion.

That requirement was that the President be the progeny of American citizens and not foreign citizens. It was about the parents to whom one was born, and not about the national boundaries of the land on which they exited the womb. It was, in the final analysis, about that which is natural versus that which is not.

The entire future of our nation could be tied to the meaning of one word, and whether or not the citi-

zens of the nation are willing or able to be made aware of the significance of that word. That word is **natural**.

When Natural Means Natural

From where the nation is today, it can be said that that word is the most important word in the English language because it alone determines the legitimacy of the election and presidency of Barack Obama, and everything that he has signed as President.

There is no precedent, guidebook, or established course of action for the situation in which the country finds itself, -which is having an unconstitutional President but with no constitutional course of action prescribed to be taken in such a case.

Congress, the courts, and state governments view the situation as a case of "it's best to just let the rabid sleeping-dog lie" or to not kick a potential hornets' nest. And so nothing has been nor will be done because the falsehood that the man is constitutionally eligible to be President is adhered to by all voices in all quarters who should be sounding an alarm.

They can escape the responsibility to read and accept the word on which it all rides, or to read it and ignore it. They've all chosen to ignore it, or been forced to do so by malevolent nameless, faceless voices of godless thugs who are experienced in making very scary insinuations about the safety of one's children or spouse.

What makes me think that I'm immune to their threats? Well, I may not be but at least I don't have any children or spouse to worry about. That makes a whole world of difference.

Understanding Two Sources; -One Devolved

To understand the significance of the word "natural" we must look at the two possible sources from which it could have been derived. One is the common meaning of words, and the application of that meaning to the concepts involved in nationhood. The other is rooted in the Anglo-Saxon monarchs' quasi-religion-based philosophy justify-

ing their reign. It began with the assumption that everyone subject to the King's authority would give birth to children who were his subjects also. Then it evolved to the conclusion that everyone born within his dominion was subject to his authority and so they were his natural subjects by birth, in contrast to being subjects by state permission granted to immigrants and the children born to them, inside or outside of his dominion.

It later evolved further to the point of bastardizing the use of the phrase: "natural born subject" to include everyone born within his domain even if they were born to mere visitors whose nationality was naturally inherited by their children as citizens of their own nation.

The reason to start calling everyone born within the realm "a natural born subject" was that there was no difference between the rights, obligations and protections that both types of subjects possessed. The exceptions to that rule were so rare as to not merit consideration. They included the privilege (not the right) of holding a position involving super-sensitive national secrets, and or holding an office critical to national security. Other than those unique and rare exceptions, everyone was equal. So whether you were born to an Englishman or to a foreigner, you belonged to the King's stable of subjects, so why not just simplify things and call everyone "a natural born subject", (even though some of them weren't)? That was the question to which there was no good counter and so it became the practice. Thus the meaning of "natural subject" became bastardized in the common vernacular as well as the government vernacular.

Straight & True; Plain & Simple

The context in which the word "natural" did *not* become bastardized was in the context in which the underlying principles of nationhood were recognized. Those principles were derived from natural law, -meaning the pattern and order of nature. That which is natural in the animal realm is applicable in the human realm because humans are part of the animal realm and thus also a part of nature.

The same pattern of belonging is seen in both realms. Off-spring are the same as their parents and they belong to the parents. They are natural members of their parent's group, having been born into it. So also, children of citizens are citizens also, having been born as citizens thanks to their natural blood-connection to citizen parents.

So in that context, natural means natural. It's English language meaning is all there is to explaining its constitutional meaning. It doesn't have some arcane legal definition dating back centuries to a morally illegitimate feudal human-ownership system of ancient England that was transplanted into the American colonies, -in particular the slave-owning states which were dependent on it in order to claim ownership of the children of slaves. [They otherwise would be free persons since they would not be the property of people who did not purchase them but of those who gave them life.]

That system and tradition was even an element of one or more of the constitutions of slave-owning states. But it was never an element of the federal Constitution nor federal law because national citizenship was derived from state citizenship.

If you were a citizen of a State then you were, by association, also a citizen of the United States. The Constitution and Congress were not concerned with how individual states ascribed citizenship except when it came to those who were foreigners and wished to become citizens.

Congress was not given authority to write any law regarding natural citizenship, and therefore there is no such law, but was empowered by the Constitution to write "an uniform rule of naturalization" but it wasn't given the authority to make citizens out of foreigners or their children. That authority was held by the States.

The rule that the first Congress passed in 1790 limited naturalization to immigrants who were "free white persons" of "good moral character". By that rule, no Indian, or Negro, or slave or indentured servant could become a U.S. citizen. Neither could a single white free European woman become a citizen because she was a citizen of her father's

nation, and under his authority unless she was a spinster or a widowed mother of American-born children.

When cases arose in which one's national citizenship was questioned, the position of the federal government was always that citizenship was inherited from one's father, (and therefore not dependent on where one was born). That was natural citizenship, and by that principle, children of un-naturalized foreigners were foreigners also.

That was the policy of the Immigration Service even following the passage of the 14th Amendment, until the Supreme Court ruled in 1898 that Wong Kim Ark, born to Chinese immigrants in the United States, was not a foreigner but an American based on the 14th Amendment. That decision ushered in the era of ascribing citizenship to those born in the U.S. whether or not they met the full requirement of the amendment.

Made Natural By Political DNA

But some can't accept the obvious because it delegitimizes their idol Barack Obama from being a constitutionally qualified President. They therefore have to pervert the meaning of the word "natural" as it was used in the Constitution: Article II, Section I, "No person except a natural born citizen,...shall be eligible to the office of President,".

Can natural simply mean whatever one wants it to mean (namely "native-born") and someone (like the Supreme Court) has the right and the authority to alter the meaning of English words (such as "marriage") to suit their preference? That's a rhetorical question because the answer is clearly "no", -no one has that right.

The word "natural" has a meaning that's in contrast to its opposite, which is "not natural", meaning not by nature, and hence a thing made by something other than nature, and that something is man. Man-made via the human contrivance of positive law is not nature-made via natural law.

A natural human being is one who is conceived and born human, -as opposed to one who is directly created from the dust of the ground, i.e., a God-made human being. Similarly, one who's a citizen by natural means (inheriting the political DNA of their parents) is also one who is born as a citizen-being just as they are born as a human being.

Such beings are born citizens, but they are not the only born citizens because there are other born citizens who were man-made/ law-made, citizen-beings. Without the citizen-creating-power of man-made law, they would not be citizens. But with it they are deemed citizens from birth by the agreement of the voting natural citizens who created and ratified the law.

By that constitutional amendment they've said in effect "we'll let you be one of us from from the first day of your life even though you have no natural right to be one of us because you were born to those who are not of us but of them, -the others, -the outsiders, -the foreigners."

So they are legally born citizens also but not naturally so. They are not *natural* born citizens, but are instead naturalized born citizens, -made equivalent to "natural" by law.

Original Principles

Humans don't like to be dictated to by nature. They prefer to do the dictating. Humans who become "professionals" and those who some anoint as "experts" or "authorities" like to think of themselves as self-made, and their lives as being strictly self-directed, and their professional world (the Law) as being self-contained and self-created, all the while being unaware of the foundations of the realm in which they practice their professional skills.

But that viewpoint is one held by those who see enough to be certain that they know the forest from front to back but who fail to grasp that they can't see the forest as a whole because they live inside of it and never view it from the outside.

What they can't see is that the trees that they are so familiar with are rooted in a vaster geological

eco-system that is unseen and unknown to them because they only see the trees. But can't see the forest as a whole nor the roots by which the trees are grounded.

So it is with the never-changing realm of natural law. The roots of the legal trees which make up the forest of "the Law" include principles of natural rights. They can't be seen, but when they become rotted by neglect or deliberately cut, then a tree of civil liberty is no longer strongly grounded and a powerful wind can topple that tree. That is how a forest is lost, -how freedom is lost, -one tree, -one civil right at a time.

I live a very short distance from one of the most awesome forests on the face of the earth. The last time I pulled off the highway running through it and took a stroll into its newly configured pathway I was dumbstruck by what I encountered. It was the greatest destruction I've ever seen in my life. It may be the greatest type of destruction anyone's ever seen due to one single living thing.

It was the aftermath of the toppling of a massive giant redwood, -a tree so huge that on its side it was much taller than myself. The result was like a gigantic crime scene, or the result of the crash of a 747 or a train derailment. The forest was strewn with the exploded innards of that and the other huge trees that its massive bulk took down with it. Like an enormous bomb had been detonated from inside the monster. "Shattered" hardly describes it. I think of it now because of the cause of its fall.

The Roots of Fundamental Rights

Giant Coastal Redwoods do not have deep tap roots to securely anchor them, so when the rain continues during a period that allows several feet of water to fall in a short number of days, then the grip of its shallow roots is badly weakened because the soil they are embedded in turns to mush. One powerful gust of wind can spell disaster, -not just for one tree but for many within quite a considerable distance of it since it might be 300 feet tall, -the height of a 30 story skyscraper.

Natural rights are like those roots and the law emanating from them is like the trees. One can't see the roots but they are the source of the law that springs from and is grounded by them. If the tree is slowly separated from its roots by deliberate chipping away, then the tree of civil law grounded by roots of natural rights will gradually come to be grounded by very tenuous root tentacles, and can fall in a strong storm.

The chipping away happens when people forget, misunderstand, or neglect the fundamentals of the laws that they hold as foundational, -and happens even faster when they deliberately ignore those fundamentals.

That is our current state of affairs in too many central areas of American life. When Congress, the executive branch, and the individuals making up the federal courts do not understand fundamental things, or choose to ignore what they know, then we find ourselves living in a forest of trees with badly damaged roots, and no one knows how it will fair when a strong storm blows. A hundred thousand Japanese Americans found out the hard way during World War II when their unalienable rights were leveled by the storm of the attack on Pearl Harbor.

Constitutionally Unqualified to Serve

Another area of constitutional law connected to the presidency that has gone off the tracks is that of succession. Article II, Section I, Clause 6 provides that if the President and Vice-President shall both be unfit for office, then the Congress may by law provide the choice of who will succeed them, "declaring which Officer shall then act as President, and such Officer shall act accordingly...". That declares that the office of the President is to be held by none other than an officer of the U.S. government. That means that the replacement for the head officer of the executive branch must be a substitute office of the executive branch and not someone from the legislative branch. Officers are those who execute the law, not legislate it. While the houses of Congress have leaders who are called officers, they are only officers of their own house and its members, and not of the nation.

Article I, Section 6; "...and no person holding any office under the United States [an officer] shall be a member of either house during his continuance in office."

But what has Congress done throughout much of its history of legislating presidential succession? They've usurp the office of the chief executive by assigning it firstly to the Speaker of the House, and secondarily to the President Pro Tempore of the Senate, and if they are both unable to serve, only then will it fall to an officer of the President's cabinet.

That is a reasonable tiered delegation system but it just happens to be in violation of the Constitution. Oh well, changing the Constitution is too cumbersome so we'll just let it slide. No one is bothered by the violation so everyone just ignored it. Congress is a master at ignoring things, just as they totally ignored the Constitution's prohibition against anyone serving as President who was not born as a natural citizen of the United States.

Misfeasance or Nonfeasance?

Congress has the authority to stop a President-elect dead in his tracks, but they failed to exercise it as is their responsibility. We see this authority in the 20th Amendment, which was ratified in 1933. It reads in part: "if the President elect shall have failed to qualify, then the Vice-President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President,..."

I'm no constitutional scholar but "qualified" seems to imply that Congress has some responsibility to vet the qualification of those elected to those two top offices. But who's ever heard of Congress engaging in such a process? Have they ever? They certainly didn't do so when it was needed the most, -namely in 2008-2009 when a constitutionally unqualified President elect was illegitimately allowed to assume the office for which he did not qualify.

They simply closed their eyes, looked the other way, shirked their responsibility, and pretended that everything was on the up-&-up. Or, equally bad, they simply were just like those who elected them as well as the President elect, -namely, ignorant. But one has to wonder how they could think that a dual citizen, -someone whose primary nationality was foreign, could be logically seen as a natural American.

It was their job to ensure that Barack Obama was 35 years old (check), -had lived in the U.S. for 14 years (check), and was "a natural born citizen" (born of American parents). Two out of three ain't bad? Where does the Constitution say that we only have to follow two out of every three of its statutes?

Obama is to natural citizenship what the Avatar was to the Na'vi of Pandora. Not. One. Of. Them! To be one of them he would have to have been born as one of them. He was not a natural member because he was not born to members.

In the national context, one cannot be a natural citizen without being a natural native of the nation. Simply being born within the country does not make one a native. A perfect example is what happened to Kuwait when the Iraqi army invaded and took over the country.

The nation of Kuwait consisted of her people and their leaders. They inhabited the country of Kuwait, up until an armed mob of Iraqi army thugs invaded their land and plundered it. The nation had to flee the country but they were still a people and their children born in exile were still Kuwaiti by birth. They were members of the nation but they were lacking a country that they could go back to.

If Iraqi invaders had wives who came to live with them in Kuwait, their children were not Kuwaiti simply due to being born there. They were Iraqi. Where they were born was irrelevant, just as with Kuwaiti children. Just as with American children born to American parents.

But that is not true of children of American immigrants. They absolutely must be born in the United States or else they are not citizens. But being citizens does not make them natural citizens because only the children of the native members of the nation are natural citizens.

The Law of Nations

Some illegitimately argue that from before the creation of the United State, citizenship followed the feudal/slavery model based on place of birth and property rights of those who own the land where birth took place. They assert that what "natural" means is "native". Thus a native citizen is a natural citizen.

But they fail to explain just what native is and what it isn't, and they can therefore drive a Mac truck through the loop-hole of the ambiguity that they pretend does not exist. They ignore the fact that only natives can give life to natives, -that mere birth on the native's land does not make one a member of the native group.

They embrace "common law" citizenship as practiced in feudal England and on the slave plantation, while they reject acceptance of the principles of natural law as described by the Swiss philosopher Emmerich de Vattel in his masterful work of 1758 known as "The Law of Nations, -the Principles of Natural Law."

They cling to the belief that citizenship was separate, apart and independent of one's father's citizenship, -claiming it was wholly determined by where one's mother gave birth to them. They postulate that the founding fathers weren't influenced by Vattel's work when they penned the presidency requirement that one be a natural born citizen.

But they were in fact very much influenced by Vattel, -as is shown by Benjamin Franklin and others having and sharing copies of his work, particularly leading up to and during the writing of the Constitution.

While this author is no scholar on American history and can't cite references to their use of and affinity for the Law of Nations and its description of

a nation's citizens as being the natives, or natural inhabitants of a country, as opposed to foreigners, but I can point to one thing that I discovered recently.

I found it in the Constitution itself. It's included in the enumerated powers of Congress in Article 1, Section 8, and reads as follows: "to define and punish Piracy and Felonies committed on the High Seas, and offenses against the Law of Nations."

In having to determine how the United States and Congress would and should relate to other nations, their source for the principles of such relationships was found in Vattel's comprehensive work. So it can reasonably be assumed that they were very familiar with it, along with his common sense observations about the nature of citizenship.

That observation was relied upon by the Supreme Court nine decades later when they had to ascertain what the basis was for citizenship, and they noted his observation that those born in a country to members of that country were members also.

That observation was flawed and ambiguous as a rule or definition because it didn't distinguish whether or not membership was due to being born in their own country or being born to natives of that country. That confused ambiguity still plagues the United States to this day and in very important ways that can't be ignored or overlooked.

Because of a similar ambiguity in the citizenship clause of the 14th Amendment, the confusion has been made even greater. Important false assumptions have resulted from that ambiguity, one of which is the assumption that the amendment's sweeping, almost all-inclusive language covers all citizens and all citizenship. That couldn't be farther from the truth since it covered, and was only meant to cover, those who had no citizenship before it was written as a constitutional amendment version of the Civil Rights Act of the same year, 1866. They were the stateless freed Negro slaves, as well as the children born of immigrant fathers.

It declared them to be citizens if they met two requirements. The first was that they were born within the United States, and the second was that they were subject to the jurisdiction of the United States. So if they were not born in the United States they were not citizens. And if they were not born subject to a father who was subject to the full political authority of Washington, then they were not citizens. It had to be both, not simply the former.

But that fact has been ignored, forgotten, overlooked, and misunderstood by the entire U.S. government. They've taken instead the path of least resistance, least discernment, least wisdom, least adjudication, and least thought. They buried the second requirement under another ambiguity of misunderstood meaning, and by that ambiguity have rendered it essentially meaningless, superfluous, and redundant.

The meaning that's embraced is that the authority of Washington is extended over all persons except representatives of foreign nations, -that view being based on additional forgotten and over-looked realities (namely that all foreign guests of a government are immune from its political authority because they remain, via the Law of Nations, subject to their own government).

Everything has come to be based on views that are dumbed-down versions of dumbed-down earlier views. Everything has been reduced to a factor of 1. No complexity beyond one simple single determinant, -that being the soil on which one exited the womb, not the political nature (nationality) of those who gave you life.

As a consequence, the inmates are currently running the asylum, with citizenship being ascribed to as many as 30,000 babies born monthly to violators of our national borders who have entered the country illegally, representing, according to The Center for Immigration Studies, about 10 percent of all children born in the United States.

There are now around 5,000,000 children assumed to be citizens but whose parents were not and are not subject to the authority of Washington. The reward for their parents' crime is the gift that they desire more than anything to procure for their children, but which they have no natural right to possess.

What would be the attitude of those in power if our southern border were with a nation like North Korea or Pakistan, and all factors were otherwise identical? Would sanity perhaps then reign?

Our immigrant population problem was exacerbated in 2008 by the election to the presidency of one who also was born of a father who was not subject, per the 14th Amendment, to the authority of Washington, and whose son therefore did not fulfill the requirement of subjection since he was instead subject (as stated on his own election website) to the jurisdiction of the British Nationality Act of 1948 along with his father. So now we have not only vast numbers of persons with alien political DNA, but we also have such a person unconstitutionally occupying the office of President and Commander-in-Chief.

No one in authority will dispute that fact because no one will even dare address it. The closest they come is to regurgitate the erroneous assumptions that suffuse the entire government, -those assumptions resulting from ambiguities, forgotten truths, distortions, and outright lies.

But none of those things is a crime and so there will be no end of them as we slide farther and farther away from any semblance of true fidelity to the Constitution that every public official swears insincerely to protect and defend.

by a.r. nash may 2012
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