

Every Tom, Dick, & Harry -But Not My Son?

~the underlying principles
of American citizenship

Human beings process the input from their environment by filtering-out the insignificant elements so their minds can focus on the important things before them. That was true of the authors of the United States Constitution when they set to work in 1787. The important thing before them was the establishment of the skeletal constitution of a new form of government in America, -one that would effectively unite the sovereign 13 States. That task included setting the criteria of eligibility to be the Commander-in-Chief of the United States armed forces.

They were fearful enough about the possibility of foreign loyalty being a hidden character of the Commander-in-Chief that they decided to bar all from future generations who were not 100% American at birth. United States Constitution Article 2, Section 1 reads: "No person except a natural born citizen, or a citizen at the time of the adoption of this Constitution, shall be eligible to the office of the President,..."

But they were magnanimous enough to allow "foreigners" (those not American by birth) and their off-spring to hold every other federal position that would be created as long as they were citizens of sufficient age who had lived in the country for the prescribed number of years.

That seemed to cover the situation to everyone's satisfaction and so the matter was rested. But they forgot about the invisible sector of American society, -the sector that no one sees or thinks about, -the sector that got filtered out of their thinking. That sector was the Americans serving their government abroad by being representatives to foreign nations.

In 1787, the war had been over for a half a decade and America had representatives assigned to and living in many foreign nations. Like all human beings, they were always very interested in news from back home. The most important news that came their way was news of the forming of a new constitution of government.

No doubt they had news of the latest developments on the top of their interests list.

Eventually the Constitution was ratified by the 13 States and the new United States government was formed. Then those foreign representatives, -those veterans of the hardships and dangers and impoverishment of the long revolutionary war, -those top-of-the-shelf educated thinkers, ministers, scholars, and statesmen came to realize something disturbing. It was the fact that every suitable Larry, Moe, and Curly Joe was eligible to the office of the President but their sons, born abroad where they were serving, appeared to be left out of the equation, -not openly and obviously but by a total lack of inclusive language.

That wouldn't sit well with anyone with a sense of justice and fairness and rationality, and so they would have put pen to paper and raised the problem of the oversight with the members of the new Congress elected from their home states, as well as the leadership. They would have insisted that the shortcoming of the Constitution be fixed.

Fixing, -altering, -amending the Constitution was not an easy thing to do and so the first Congress did what it could. The Constitution gave it no authority in the matter of the citizenship of natural Americans, -only over foreigners and their children & wives so it was powerless to simply declare that all children born abroad to Americans are equal in every way to those born at home.

But they did step on the line of the limitation of their authority but declaring that those children were to be "considered as natural born citizens". That sent a loud and clear message to the executive and judicial branches of the federal government which was intended to prevent them from viewing such children as foreigners, -which was especially needed if they were of an ethnic or racial group that was unpopular. Many groups in American society were unwelcome for being undesirably different from the general population of descendants from England, and there was no guarantee that the Immigration Service would not take it upon itself to bar them from being accepted into the country as American citizens, -instead, requiring them to be naturalized.

But the Naturalization Act's wording regarding those foreign-born Americans was meant to prevent that and that was why it was added to that act.

But that was not all it was intended to do. It was also intended to kill two birds with one stone and it was to accomplish that by adding two additional words to the general term of "citizen", and those words were: "natural born".

That was the most that Congress could do to smooth the ruffled feathers of those American patriots serving their nation abroad. The hope and expectation was that the intent would be unmistakable, -understood by all, and would remain in the immigration/ naturalization act in perpetuity.

But the next Congress revised the act, and in doing so they were unaware of the purpose of the inclusion of "natural born", and/or felt those words, -being related solely to presidential eligibility, had no place in a naturalization act and so they removed them.

After all, the nature of their citizenship was not at issue, -rather the fact of their citizenship was the issue that needed to be stated in order to protect them from ignoramuses in charge of the American ports who might consider them to be foreigners.

That was reasonable, but since the members of the 2nd Congress were not the ones freshly aware of the short-coming of the Constitution via letters of protest from Ambassadors and Consuls and diplomats abroad, -such as Thomas Jefferson (France) and John Adams (England) they felt no responsibility to fill-in the crack that children born to Americans abroad fell into by them removing the original language. That seemed to place the nature of their citizenship into question, -as if Congress had the authority to rule on it when it did not. Their citizenship status was not thereby changed, -merely the recognition of it in the political realm was changed by deleting the deliberate mention of it by the 1st Congress.

The issue has been off the radar of Congress ever since because 99% of natural Americans are not born abroad but in America. The unreasonable proclaimers of the "natural born" status of children born to aliens, including those merely

visiting our shores, take the pseudo-righteous position that to not consider them to be eligible to be President would be unacceptable discrimination, and yet not one of them raises their voice to defend the rights of children born of American parents who by circumstance came into this world outside of U.S. borders because their mother and/or father was living or serving their country overseas.

"No!", -their logic argues, they must be viewed as foreigners who have to be naturalized by some statute written by Congress. In what Bizarro world does that make sense to any sane person? If you were an American mother or father whose child was born just over the border or over the ocean, you would not profess that view in a million years. So how can anyone rationally expect and demand that others put stock in it? The U.S. Government does not. It considers them Americans by birth.

The absurdity of the view that American children born to American parents outside of American borders are *not natural* Americans because of where they were born is illuminated by a simple series of questions which are being asked from the time perspective of 1789 (-back when U.S. law still hadn't been written and the oldest natural born citizen of the United States was only 13 years old) and applied to the birth facts of John McCain & Barack Obama.

1. Is John McCain an American citizen? If so, by what? The Constitution? Or by Natural Law?
2. Is Barack Obama a U.S. citizen? If so, by what? The Constitution? Or by Colonial Law?
3. Is Barack Obama a native-born American?
4. Is John McCain a native American?
5. Is John McCain a natural American citizen? If so, by what principle?
6. Is Barack Obama a natural American citizen? If not, why not?
7. If born in French Territory would Barack Obama be a natural American citizen?
8. Can one who is not a natural State citizen be considered a natural Federal citizen due to native-birth alone? If so, by what statute?

The correct answers to these questions reveal the falsity of the belief that Barack Obama is eligible to be President because they expose the false logic by which he is proclaimed to be so. The answers will tie your mind in knots if you mistakenly try to derive conclusions based on man-made law instead of natural principles.

Not until after a Supreme Court ruling in 1898 (Wong Kim Ark) did one who is merely native-born (to immigrant parents) acquired federal citizenship via the allowance of federal law (the 14th Amendment). But natural born citizens (off-spring of American parents) acquire their citizenship without the permission federal law. Their membership in their state and nation preceded the existence of the new government and its laws.

Before the 1898 ruling, the Immigration Service, Justice Dept & State Dept. viewed native-born children of immigrants as foreigners who were citizens only of the nation of the father to whom they were born even though certain states granted them "son of the soil" state citizenship for being native-born.

Ask yourself this question from the time frame of the first decade of the new republic and it will illuminate your mind by the absence of any answer: "By what law am I a citizen of the American nation?"

States would have their own laws by which state citizenship was granted, but that is different from federal citizenship, i.e., United States citizenship.

Only foreigners and those born to them would have an answer. Their American citizenship would be found in a naturalization statute in the law or constitution of the sovereign State to which they emigrated or were born, as well as in the Uniform Naturalization Acts of 1790, 1795, and 1798. [But if born later in the future District of Columbia, or on federal land then they would be federal citizens only and not a citizen of any state.]

Those born to Americans don't have an answer because in the 1790's there was no such thing as "Citizenship Law". Congress was given

no authority to create such law. They did anyway in 1866 following the emancipation of the slaves who needed a nationality and equal protection of the law. The Civil Rights Act of 1866 declared a principle by which their citizenship could be asserted. But because of fears as to its constitutionality it was made a part of the Constitution two years later in the 14th Amendment.

Those who *have* an answer are not eligible to be President, while those *without* an answer are eligible because they are "les indigenes ou les naturels" [from The Law of Nations by E. Vattel] -meaning the natives, i.e., -the indigenous or natural population of the country by the principle of natural law. They alone are natural born and free of any attachments of subjection and allegiance to any foreign power.

Percentage wise, they are almost everyone. But the word "almost" is not almost significant. Instead it is very significant. It means that everyone born in the United States is not a natural citizen. In fact, some of them are not citizens at all by actual United States law, -meaning the 14th Amendment.

So the answer to the question: "By what law am I an American citizen?" is: "None", -unless you're one of the small minority born to one or two foreign parents, -mainly legal immigrants. But if one (or both) of your parents was not an American citizen, -no matter where you were born, then you are not eligible to be the Commander-in-Chief and President of the United States.

But that's not relevant in any real way because 99.99999999% of us will also never be able to be President, unless we're the unconstitutional 2-in-315,000,000 named Barack Hussein Obama or Marco Rubio.

In their cases, avoiding the clear mandate of the Constitution is possible because of the widespread ignorance of and indifference to it. Along with a whole lot of constitutional treason and conspiracy of silence.

by a.r. nash march 2012
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