

"NATIVE-BORN" Constitutional Citizens Are Not Eligible To Be President

Governments are charged with the task of fostering social harmony and cohesion and one of the ways in which that is accomplished is through avoiding social inequality such as results when large numbers of people are treated as outsiders. One thing in particular that helps in that regard is the granting of national citizenship to people who are not natural members of the nation, i.e. -foreigners.

Foreigners are not natural members of a nation because they are natural members of the foreign nation to which they belong. But when they become members of a different society and nation then they may be accepted as permanent members if they meet all of the requirements for such acceptance.

Though they become officially recognized as equal new members they are nevertheless not normal members because they are members via an abnormal means, -via a process and not via birth. Only those who are a born to parents who are members are true normal members. They are citizens not by the permission of the government but by birth to members, -by birthright blood inheritance. They are the nations natural members. They are its natural citizens.

Their citizenship is the normal citizenship. They comprise about 97 out of every 100 births. The citizenship of the other 3 percent or so is not the normal, average citizenship. It is instead citizenship by human law, -not by Natural Law. Those born with natural citizenship need no law to make them citizens, and in fact no such law even exists. But there is plenty of law for those who aren't citizens naturally and that law differentiates between people based on the facts of their background.

Some with abnormal backgrounds can become citizens via law, but some cannot. But in reality, all of them become, or don't become, citizens not

by means of law but by means of the administration of law. The law can be administered by faithfully adhering to it, or its administrators can ignore it and adopt a perverted interpretation of what it means.

The factor of flawed human understanding and biased human motive is always at work in something that has become as political as citizenship for immigrants. But there's one more possible factor.

The most common problem with human communication is ambiguity, -when terms have more than one possible meaning. It's not a major problem in normal communication but when it involves government and administration of law there can be an enormous downside. And even worse, when it involves national security and who is allowed to be the Commander-in-Chief, then there's a great need to eliminate the ambiguity and clarify the meaning of confusing terms and confused concepts.

Immigrants come in two types; one is legal and the other is illegal. Not much can be said about illegal immigrants' relationship to the United States government because they have no formal relationship. But legal immigrants do, and it is a very important relationship because they are people who are respectful of and obedient to the authority of the federal government. They are subject to its jurisdiction and they are aware of that fact.

They are aware that they bear all the same national civic responsibilities as citizens (though not the State responsibilities like jury duty and voting). If they are between 18 and 25 and male, they must register with the Selective Service. They can be drafted in a time of war. As such, they are working, tax-paying members of American society. But they are not citizens.

Yet they are humans and humans produce children. What should be the status of their children? Should they be viewed solely as citizens of their parents nation? If they were to be so viewed

and treated then they would grow-up as second-class Americans and that would not be a good situation for them or society. So something was done about it.

Prior to the end of the Civil War, the citizenship of immigrants was dependent on the immigration law as administered by local and state officials of the sovereign states of the union and the Confederacy. If a State granted an immigrant citizenship, then it had to be recognized by all of the other States. Thereby the immigrant was also a citizen of the United States. But with the passage of the 14th Amendment, citizenship then became first and foremost a national issue and a State issue secondarily. The amendment reads:

"All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside".

That provided the children of immigrants civil rights that were protected by the remainder of that clause. And so ever since then, children of immigrants have constitutional citizenship which supersedes Congress and the previous state-granted / federally recognized citizenship.

The two requirements of the amendment are easily understood. One must be born within the United States. That makes one, just like those born to average Americans, a "native-born" citizen. But one is nevertheless not a typical citizen because typical citizens are natural citizens and they are Americans by birth regardless of where in the world they are born. But constitutional citizens, who are citizens at/ from birth, absolutely *must* be born within the United States or they are not citizens at all by the 14th Amendment.

What this differentiates is the distinct difference between being a native-born constitutional citizen and being a native-born natural citizen. The natural citizens are the 97% while the constitutional citizens are the 3%. What difference does it make which citizenship one possesses? Absolutely

nothing if you are among the 99.99999999% of Americans who are never elected President or Vice-President.

But if you are among that elite number, then it makes all the difference in the world because the Constitution has something to say about which type of citizen is eligible to be President. And it says quite clearly that "no person shall be eligible to the office of the President except a natural born citizen".

It can be put another way; "No person who is a constitutional citizen is eligible to be President." It can also be worded: No person who is a "native-born" citizen is eligible to be President. That statement seems a bit confusing since natural citizens are also native born, but one must be aware of the government's definition of "native-born", [and bear in mind that there are more Americans today living outside of the United States than were alive when the nation was founded].

Americans give birth outside of the United States and their children are automatically United States citizens. They aren't dependent on the 14th Amendment which requires birth within the United States. They can be born anywhere in the world, but constitutional citizens can't because they are the children of foreign immigrants and not American parents. They absolutely must be native-born and that is therefore why the U.S. government labeled them "native-born" citizens and differentiated them from natural-born citizens. [In England they were once labeled "alien-born subjects"]

I and others believed this to be true but knew of no confirmation until I discovered the following on the U.S. Government's own CIS/INS web-site: <http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-45104/0-0-0-48575.html>

Interpretation 324.2

Reacquisition of citizenship lost by marriage.

Repatriation

(7) Restoration of citizenship is prospective .

(b) Naturalization . [-second to last stand-alone sentence]: The effect of naturalization under the above statutes was not to erase the previous period

of alienage, but to restore the person to the status if *naturalized*, **native**, or **natural-born** citizen, as determined by her status prior to loss. [born is related to both native and natural, i.e. native-born or natural-born]

The men who support President Obama behind the scenes learned that this web page was made publicly known due to word of it being spread via the internet, and they therefore deliberately hid the page by moving it and giving it a different web address which was unknown to those who tried to find it using the original address where it was located when I first found it. If when you read this and attempt to visit the page, -if you get a message that it cannot be located, take that to mean that it has been moved and hidden again.

There's one more group that needs mentioning because it affects us all in the current situation. While children born to legal immigrants may constitute 3% or less of American native births., there is an even smaller number of births which, by comparison, are very rare. They are an extremely small fraction of the number of births to legal immigrants and are not even within that group though they are also born to foreigners. That is because they are born to foreigners who are not immigrants and have no immigrant relationship with the United States government. They are called "*non-immigrant aliens*" by the U.S. Immigration Service.

They are temporary guests of the government and here via permission granted by a Visa Card, and not a Green Card. They are under the jurisdiction of their home government and international treaties between governments or "The Law of Nations".

Their governments can issue orders to them and they must obey those orders because they are still members of their nation and it is their home. But U.S. immigrants are members of American society and the United States is now their home. Their situation is not a purely black & white one, but instead is purely gray, -unless they become naturalized Americans.

Children born to foreign visitors, tourists, temporary contract workers, entertainers and full-time students are a tiny fraction of a tiny fraction of births to

foreigners, and yet one such child has emerged in American politics and become the President of the United States!

He is the son of a subject of the British Commonwealth and possessed British citizenship status by birth, but he has U.S. citizenship through his American mother thanks to....uhhh...thanks to what? The 14th Amendment? The Nationality Act of 1907? Or the Nationality Act of 1940? Or 1952? Or the Cable Act of 1922? Or some revised version of numerous naturalization laws that came between them or came later?

What did all of those acts deal with? Situations such as children born to foreign fathers. Such situations are not natural from a national citizenship perspective and so they must be dealt with via positive law and the authority of Congress to regulate naturalization matters, -matters which involve foreigners and children born to them if they are "*non-immigrant aliens*".

That category is not subject to U.S. jurisdiction and therefore not covered by the 14th Amendment.

The problem that the American people confront regarding one Barack Obama is that his father was not an American immigrant but merely a British/Kenyan visitor and therefore his son was not born with the 14th Amendment applying to him, unless it applied to him through his mother. The problem there is that the citizenship of American women was vastly inferior to that of American men.

When the 14th Amendment was ratified in 1868, as well as several generations before and after it, the wives of the wealthiest men in American, -women with ancestors tracing back perhaps to the Mayflower, could not vote in most states (or perhaps any state). Their citizenship did not guarantee them the right to vote because they were female. But a dirt poor, illiterate ex-slave had the right to vote as long as he was male. Clearly, not all citizenship was created equal.

So did the unmistakable words of the 14th Amendment not mean what they say? "ALL persons..." -did

that not truly mean "All" in reality? The answer is that for constitutional purposes, women were not viewed as "persons" under the law. Some other people were also not viewed as persons under the law, which principally meant the Constitution, because those people, slaves, were human property instead. Women, similarly, were akin to property in many ways, and like Native Americans, were in a special class.

The citizenship of women has not historically been as sacrosanct as that of men. That is evident in the fact that it was viewed as revocable while that of men was not. It was revocable if an American woman married a foreigner.

The rationale was that the husband was the head of the household and its representative before society and the law. The wife and children were naturally under his jurisdiction, and that logically included the national jurisdiction that he was under via his citizenship. Therefore she was to be viewed as being whatever he was.

If he was a foreign citizen, then so was she because she was subject to him. Similarly, if he was an American and he married a foreign woman, she immediately became a U.S. citizen so that she would be what he was.

If they married abroad, she would enter a country (America) in which she was not born, nor had ever visited, and in which she had no relatives, as a full-fledged citizen thanks to the primacy of male citizenship. That was the law for most of American history up until women finally secured the right to vote. Her proof of citizenship was her marriage license and her husband's birth certificate. She had nothing else and needed nothing else.

Then in 1907 a Nationality Act was passed that stripped American women of their U.S. citizenship upon their marriage to a foreigner. It remained the law of the land until 1922. Eventually American women could keep their citizenship after marrying foreign men, but through various revisions. First it depended on whether or not she moved to his country with him or they lived in the United States, but eventually it didn't matter.

The point of all this is that no one has ever authoritatively clarified a distinction between the actual words of the 14th Amendment and the real-world application of it. In other words, as written, did the 14th Amendment apply to Obama's mother and her citizenship in relationship to him (providing him derivative citizenship), or did it not apply because that was not its original intent and application since it was written with only men (fathers) being at the heart of its second requirement of being subject to U.S. Federal authority?

Babies are not subject to federal authority as required by the amendment so one is forced to extrapolate that it is referring instead to the jurisdiction that the entire family is subject to through the citizenship of the father. With the citizenship of everyone in the family being determined by his, the national authority that he was subject to was that which his newborn child was subject to also.

In the America of today, we would all view his mother as equally covered by the language of the 14th Amendment by being subject to U.S. jurisdiction, -whether it is historically correct or not. Perhaps all would agree that U.S. derivative citizenship (the fourth type of citizenship) was ascribed to her son through his blood-connection to her alone thanks to naturalization statutes passed in the 20th century.

So what would that make him? It would make him a native-born Constitutional Citizen of the United States. And what kind of citizen does the Constitution bar from being the President? It bars every kind of citizenship in existence except one, namely natural born citizenship, the type which requires no law, no amendment, no Supreme Court ruling. All it requires is two simple things, -an American mother and an American father. Barack Obama falls short by one parent, and the most important parent of all, -the father.

In our patriarchal world, one takes after their father when it comes to their relationship to society and government. (assuming that they have a father, -as in a father married to their mother) Just because society has drifted far away from its roots and

historical traditions, does not change the meaning of the law as it was written and passed. And that meaning is the same meaning that we are obligated to follow unless we change it with a constitutional amendment. Otherwise we are following and applying a bastardized perversion of the original foundational law that our government is based on.

If we faithfully follow, support, preserve, and defend the Constitution of the United States then we must acknowledge that the American public was not prevented (by those who knew better), from electing a candidate that was constitutionally forbidden from serving as the Commander-in-Chief, -and whose every act is in violation of the Constitution's authority by occupying a position reserved solely for natural born citizens, -and not constitutional native-born citizens who (like freed slaves for whom the amendment was written) owe their citizenship to the generosity of the natural citizens of America who ratified the 14th Amendment on their behalf.

Being native-born is irrelevant to natural citizens but means everything to constitutional citizens since they are not citizens without it, but even with it they still are not eligible to be the American Commander-in-Chief with full authority over all of America's military and nuclear might. Native-born citizens, (the 2-3 %) have foreign fathers, and as such are ineligible for the top office, -the office at the center of national security, -the office of the President.

They are among the persons our founding fathers included in the meaning of "No person" -as in: "No person except a natural born citizen,...shall be eligible to the office of the President."

by a.r. nash april 2012 <http://h2ooflife.wordpress.com>