Oblivious to the Absurdity

~the truth about the 14th Amendment

The election of Barack Obama was predicated on an ignorance of fundamental citizenship principles and a misunderstanding of a Supreme Court ruling that took place over one hundred years ago. Without both of those circumstances working in his favor, he could not have even been nominated, much less elected. The misunderstood court ruling was based on the citizenship statement of the 14th Amendment. That statement was a declaratory proclamation all wrapped up in an overly simple ambiguous sentence.

Since its authors could not foresee the future, they didn't realize that its meaning could be understood in very different ways, -ways that would turn out to be extremely significant. Only one way can be the correct way, but the colonial history of the United States led to the wrong way coming to be seen as the American policy regarding citizenship.

The New World territories claimed on behalf of the King of England were never a part of England and its political structure, therefore they were outside of the realm of the acquired rights of the freemen of England. Rights of the colonist went only so far as his Imperial Majesty allowed and there was no recourse to be had because all of his lands in the New World were his personal property. That meant that everyone born on his personal property belonged to the country (colony) of their birth, and all of those colonies belonged to the monarchy.

They were more like serfs who were property of his estate rather than citizens of Britain with the rights of freemen. Under that kind of relationship to the monarchy, one was a Virginian by birth in Virginia, and an American by birth in America, while in England, one was an Englishman by birth in England. Everyone belonged to the realm in which they were born and all those realms belonged to the King, but they were not all equal.

After the American revolution, the former principle of one's connection to their sovereign (being based on birth on his land) switched from pertaining ultimately to the King to pertaining principally to their State, and through it to the government of the Union. Citizens, in effect, belonged to their state by birth within its territory, or so they assumed.

There was no reason to think otherwise. Whether they were citizens due to where they were born or due to the citizen parents they were born to, or both, didn't matter. The difference between the two principles had no real world effect since the results in both cases was citizenship from birth, except in rare cases, such as that of Barack Obama, -one fathered by a non-immigrant alien.

The legal policy of providing citizenship to State-born children of immigrants was not followed in most states, but it was in one, or more, because it was their colonial law, so it continued because it had been the custom for generations. Most Americans didn't know nor have any reason to care about the principles of citizenship, but the federal Department of Foreign Affairs (precursor of the State Department) did, and they followed the custom of most of the world by ascribing citizenship based on that of the father. The national government recognized national citizenship not based on state borders nor federal boundaries, but on patrilineal descent, -as a birthright inheritance from one's father.

That principle didn't change even after the passage of the 14th Amendment, but was eventually stopped in regard to children born to foreign immigrants following a Supreme Court case in 1898. (Wong Kim Ark) The principle of citizenship inherited from one's father was flawless for children born to citizens in their own land, but was terrible for children born to foreigners in a new land that their parents had emigrated to because it made them citizens not of the nation they were born in but of a foreign nation that they had no real-life connection to and might never even visit.

But a consequence of that Court ruling was a misunderstanding of the principle that was actually applied by the 14th Amendment. In the distorted view of the legal executive of the U.S. government, (the Attorney General) it appeared that the U.S. had reinstated what had been the English tradition, but even that tradition was not correctly understood.

That misunderstanding was the result of a lack of awareness that not all who might be born on the land are actually of the land. Some might be of another land, such as children born to foreign ambassadors or foreign visitors who were unable to leave the U.S. before delivery of their baby. The words of the 14th Amendment, as interpreted by the Court, were meant to exclude them, along with Native Americans, from U.S. citizenship even though born in the United States.

The 14th Amendment makes two statements, one is that naturalized citizens are citizens, making that fact a constitutional fact, not just a fact by mere legislation. The other, in the eyes of the court majority, implies a declaration of two facts. One was the fact that Negroes, who had previously been slaves, were now recognized as United States citizens. The other was a declaration of a newly granted constitutional right by which children born in the United States to domiciled foreigners were recognized from birth as native-born American citizens.

That was a declaration stating what had been true already in the eyes of some in the area of state naturalization jurisprudence and had, by the opinion of the court, newly been recognized as a fact federally and constitutionally.

Those who wrote the 14th Amendment aimed it at all states that had supported slavery, which viewed Negroes as sub-human and not worthy of equality and citizenship. It declared them to be citizens by the authority of the federal government and the U.S. Constitution. That declaration was in the face of strong opposition and resentment.

Three decades later, it was accompanied by the concomitant effect of the Supreme Court ruling that the amendment also proclaimed it national policy that children of immigrants are not foreigners but American citizens. That altered the policy of the Immigration and Naturalization Service, as well as the State Department (which controls passports) and the Justice Department (which sues to support the policy of the administration, including the Immigration Service).

The policy of the United States government had always been that the children of immigrants were foreign citizens until their father became naturalized, even after the passage of the 14th Amendment since three decades later Wong Kim Ark had to sue the government through every level of the federal court system, -all the way to the Supreme Court just to be treated as a U.S. citizen. He was denied that right when, as the son of Chinese immigrants, he attempted to re-enter the U.S. after visiting his grandparents in China. No court but the Supreme Court (by two votes) validated his claim that the 14th Amendment applied to children of un-naturalized immigrant parents.

Thanks to his victory, they now are seen as citizens because they are now viewed as being subject to U.S. jurisdiction through their lawful immigrant parents. That's accepted as a philosophical fact due to their parents making the U.S. their permanent home, and by them being born in the U.S. and having no personal connection to the land of their parents' birth.

The words of the 14th Amendment; "ALL persons born in the United States...are citizens of the United States." have come to be erroneously construed to mean something that they don't actually mean. The assumption is that the word "All" means "All persons" born in the United States, when in fact it doesn't. Instead it means "most", or nearly all. By what logic can that be asserted? By the logic intrinsic to the "and" part of the statement, which I omitted. It should read: "All persons born in the United States or naturalized, ***and*** <u>subject to the jurisdiction thereof</u>, are citizens of the United States and of the State wherein they reside."

The middle clause requiring being subject to U.S. jurisdiction is erroneously assumed to exclude only children born to foreign ambassadors in the United States to represent their country.

The use of the words "and subject to..." makes it clear that citizenship is conditional, that the described condition must be met or one is not a citizen. "And" is like a pivot point, determining which side of the scale tilts up or down. Citizenship: Yes? or No? It depends. It depends on whether or not an immigrant-born child is subject to U.S. jurisdiction or not.

The inclusion of this conditional clause implies that some persons are subject and some persons are not subject to U.S. jurisdiction. So "All" really refers to all of those who are subject, and to none of those who are not.

Thus, to say that all persons born in the United States are citizens is false. Completely false actually because the use of the word "All" makes it entirely 100% true or 100% false. One can only say truthfully that *almost* all persons born in the U.S. are citizens, but the conditional requirement must be met first, and not all can meet it.

The group that lacked citizenship but met both requirements were American-born former slaves. The groups that did not were the children of Native Americans, foreign representatives, and foreign visitors, as well as children born to immigrants, because their parents were not subject to U.S. jurisdiction since they remained, in the view of Washington, subject to the authority of their own government.

Just as foreign diplomats, (and formerly, Native Americans) are/were not subject to the full political jurisdiction of the federal government, so also foreign visitors are not subject either because they are even more foreign than the diplomats since they don't even live in the United States. They are just here today and gone tomorrow. How can any sane person think that the U.S. government can draft a foreign tourist into the U.S. military during time of war and force them to face possible death in combat?

The U.S. government assumes no such authority over visitors or else none would visit, and Americans would be subject to the same treatment while visiting disgruntled foreign nations. But in fact no nation on earth assumes such jurisdiction over guests from other nations.

That citizenship statement of the 14th Amendment involves the three "A"s; All...And...Are. You cannot leave out the "and" and have the result be true, although Americans are oblivious to that fact. "All persons...are citizens..." is false. By the plain wording of the 14th Amendment, the conclusion that is inescapable is that "All persons born in the United States" are NOT citizens because some of them are exceptions under the conditional clause. Anyone who does not met the condition is excluded and is therefore not a citizen.

How does one meet the condition? The condition that is viewed as making one fully subject to U.S. jurisdiction is that of being a permanent resident of the United States. All permanent residents are considered to be members of American society and they can be drafted during time of war, and imprisoned for refusing service, therefore any child born to them in the United States is the inheritor of that same responsibility and the subjection that is a part of it.

With residency comes the responsibility of citizens to defend the nation. All those who carry that responsibility are clearly subject to U.S. authority even if they do not view themselves to be so, as was the case of an old Mexican compadre of mine who saved my life. He was sent to the federal penitentiary for refusing to serve during World War II.

He didn't feel that the U.S. government had the right to draft him but the government felt that it did because he was enjoying the benefits of U.S. citizens by residing in the U.S., and therefore had

to share the same responsibilities. So the consequences of permanent residency are very real since it comes with full subjection to U.S. jurisdiction.

Foreign visitors do not share those consequences since they do not enjoy U.S. residency except for a prescribed limited period. Then they must leave. They are not citizens and if one of them has a child before returning home, their child does not fit the description of one who is subject to U.S. jurisdiction because it is under the jurisdiction of its parent(s), and they are not subject.

But the American public, and the U.S. government are oblivious to this common sense fact, and the result is that the same erroneous impression is held by citizenship-hungry foreigners who think the Americans must know what they are doing, when in fact they do not.

The source of the problem is the flawed, ambiguous wording of the 14th Amendment which makes a statement that can be construed to mean different things. One extreme example is a case of a child born in the U.S. to a foreign diplomat & wife or to a foreign visitor who is soon back home after leaving the U.S. Such a child is not a citizen by the 14th Amendment, yet if he returns to the U.S. as an adult and obtains permanent residency, he can claim that to become a citizen he does not have to go through the naturalization process because he is subject to U.S. jurisdiction and was born in the United States, therefore he is a citizen already. There is no logical counter to his argument except to argue that such a case is outside of the amendment's original intent.

So it is clear that the authors of the 14th Amendment sacrificed clarity and non-ambiguity by trading legalese for elegant brevity. That carried a consequence that they could not have imagined, -a very harmful consequence that would later bite the foot of the nation like a scorpion when poor foreigners discovered that those crazy Americans think that "All" persons born in the United States are citizens. And having a relative (child) that is a U.S. citizen could gradually lead to acquiring permission for its relatives to enter and work in the United States as permanent residents.

[Note: since writing the preceding text months ago, text that sounds as if there is no such thing as gender difference, it has dawn on me that when the 14th Amendment was written, women, whether American or immigrant, were not included as persons in anything that required responsibility for the defense of the nation by bearing arms and fighting for the country. That meant that only men were covered by the 14th Amendment as it related to immigrants. That meant that if a foreign woman, an immigrant, wished to become naturalized she could not unless she found a sympathetic naturalization judge. Wives of immigrants couldn't become citizens until their husband (the head of the household) became naturalized. Their citizenship was derived entirely from his.]

So in the light of this simple common sense insight to the 14th Amendment, could it be said that if Barack Obama had been born to his father's Kenyan wife while she was visiting him in Honolulu, he would automatically be an American along with being a Kenyan? Such a conclusion flies in the face of all common sense and has no logical basis to stand on. And yet Americans do stand on it, oblivious to the absurdity of it. That is the result of a misunderstanding that began over 100 years ago and continues strongly to this day.

What can fix this situation? Only a new Supreme Court ruling that makes it clear that the ruling of over 100 years ago (Wong Kim Ark) does not declare that native birth alone bestows citizenship. The idea that it does is so ingrained and universal in the American mind-set that no one in the government will take a sane approach to immigration facts because they're unaware of them or afraid of political fall-out.

Along with the problem of U.S. births to foreigners, is the problem of the presidential eligibility of Barack Obama. It's predicated on the assumption that since he is a U.S. citizen by the constitutional

authority of the 14th Amendment, he is therefore eligible, regardless of the fact that the Constitution requires the President be a natural citizen. But an understanding of the 14th Amendment and the principles involved leads to the realization that on Obama's father's side he has no claim to U.S. citizenship regardless of birth in the U.S. because his father was merely a visiting foreigner and not a permanent resident.

U.S. citizenship could not be passed to Obama from a foreign father nor could it be acquired at birth via the 14th Amendment since the father was strictly a foreign visitor, nor could it have been acquired by the naturalization of an immigrant father since he was neither naturalized nor an immigrant.

Therefore his citizenship only has his mother's as a possible source. But there is a problem with that from the standpoint of presidential eligibility. That is because American women were never constitutionally equal to men, and one result was that their federal citizenship rights were dubious or non-existent by comparison since they were in a legal position similar to children. Fathers had nearly all the rights and wives had very few. That was due to the religious history of the United States.

In the patriarchal Bible-oriented family the father was head of the household and the wife was subservient to him, as it is today in traditional Christian and Islamic families. Therefore citizenship was passed from the father to the children, -not from the mother.

If an American woman had a child by a foreign man and they later divorced or the man abandoned her, then what would be the nationality of her child? To answer that question, a law was passed in 1922 (The Cable Act) which allowed the American citizenship of such women to pass to their children after divorce so that they would not be stateless persons or foreigners only.

That history of citizenship passing from the mother to the child is a history of a change brought about by Congress during the 20th Century. One hundred years ago, before the Cable Act and its successors were written, Barack Obama would not have even been a United States citizen because his mother would have lost her citizenship by marrying a foreigner. During that time (1907-1922) the only way that his father's Kenyan citizenship would not have been his only citizenship would have been by the 14th Amendment.

But the 14th Amendment would not have applied to him since he was not born to a father who was a member of American society by being a legal immigrant. Therefore he would have been a British subject and only a British subject regardless of having been born in the United States.

Understand this: no one who at any time in U.S. history would not have been eligible to be the President, or who would not have even been an American citizen, is eligible to be the President today.

The parameters of eligibility have not changed. Since 1789 no amendment has altered them, weakened them, nor diluted them to include the son of a foreign immigrant, much less a foreign visitor.

In the Constitution's presidential eligibility clause, besides requiring maturity and residency, the constitution's framers first stated a prohibition requiring the exclusion of all citizens who are not born as citizens, who are not, in its words, "natural born citizens". That means that they must be born being citizens as opposed to merely being born *with* citizenship made possible by the will of a couple of justices of the Supreme Court who decided to change the principle of citizenship that the nation had followed for over 100 years, -an opinion that could be reversed and an amendment that could be repealed, just as Prohibition was.

Regardless of their official opinion regarding children of immigrants, the President must be a *natural* citizen by being born of citizens. The only children born of foreigners, who are eligible to be the President are those born after their immigrant parents, (married mother & father, or single / widowed mother) had completed the naturalization process.

That prohibition against all "except a natural born citizen" excludes citizens such as Barack

Obama since he is not a natural citizen by birth, nor even a citizen by the 14th Amendment via inheriting a father's subjection, but is a citizen only because of an ignorant administrative policy adopted by the executive branch around 1900 based on a misunderstanding of the Supreme Court opinion. The misunderstanding was that "All" meant literally all, -except for children of ambassadors.

If Obama had been born in the U.S. to an American father and a foreign mother, then throughout most of U.S. history his mother would have been an American also merely by marrying one.

That patrilineal tradition has not been erased from history, even though 20th century legislation provided new rights for women. But that doesn't erased the past and in that past, going all the way back to long before the Constitution, the nationality of a couple's children was that of the father, and his since wife assumed his citizenship upon marrying him, they all had the same nationality.

The one thing that's certain and has never changed, is the fact that *natural* American citizenship is conferred via American parents and is not the result of any U.S. law, nor clause in the Constitution, nor any amendment to it.

But U.S. citizenship involving a foreign father does not follow Natural Law nor historical federal tradition; -it is by permission, -by force of law or administrative policy that came about as recently as the era of our great-grandparents, making that which is not natural to be legal.

And no one who's citizenship depends on an act of government fits the description of a natural born citizen because natural citizens are citizens naturally via birth to American parents, -not by concession of Congress nor judicial decree, nor an amendment to the Constitution.

Therefore the election of Barack Obama was in violation of the clear prohibition of the Constitution which orders that: "No person except a natural born citizen,...shall be eligible to the Office of the President."

How was his election even possible? It was by the misfeasance and nonfeasance of the nominating committee of the Democrat Party headed by Nancy Pelosi, which struck from their eligibility certification document the previous reference to a candidate being eligible by meeting the requirements of the Constitution.

Going back many years and presidential races, the candidate certification declared the candidate to be constitutionally eligible, but that language was deliberately removed in 2008 in order to avoid making a false claim and signing a perjurous statement.

By that deception, the wool was pulled over the eyes of the party, the entire U.S. media, including opposition media, and many in Congress. But unfortunately, Congress committed its own crime against the Constitution which is evident by the resolution that proclaimed John McCain, born in the Panama Canal zone, to be a natural born citizen via his birth to American citizens.

Therefore if they knew that presidential eligibility hinged on birth to American parents, then they also knew that Obama did not meet the test of the parental citizenship requirement, -more inescapable evidence of misfeasance and nonfeasance committed by both parties while they all remained silent as an ineligible candidate ran for and won the presidency.

They can't now admit the truth because they would look as guilty as they are, and the American people have no way to have the guilty investigate themselves. Who is there to ask the question: "Senator, what did you know and when did you know it?" There's no one. Not in Congress, nor the courts, nor the media. It's entirely up to "We, the People". But when it comes to fidelity to the Constitution, we are completely on our own, no branch of government or the military will support us, nor will the legal establishment nor the media. The Constitution does not serve their agendas, and is even contrary to their world-view. Therefore they oppose it and act against it even as they swear allegiance to it. Hypocrites and cowards all.

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