

Cities & Citizens; Natural vs Legal

To understand the basis for viewing Barack Obama, Mario Rubio and Ted Cruz as being constitutionally ineligible to serve as President of the United States, one must understand the purpose of the Constitution's disqualification of all citizens who are not "natural born citizens". That purpose was one of pre-emptive avoidance of conflict of allegiance due to having been born and raised by a foreign father, -all of whom owed allegiance to a foreign king. The fact of that purpose is found in the meaning of what a natural born citizen is and is not.

The definition is viewed by most in the legal community through a legal prism which distorts its simple and true meaning by the interference of thoughts and ideas related to law, common law, Supreme court majority opinions, British history and terminology, and "the Divine Right of Kings".

None of those areas of related significance is directly connected to the meaning of what a natural born citizen is because none of them is directly connected to common sense, common language, and natural law. The difference between those two points of reference is as obvious as the difference between "a legal born citizen" and "a natural born citizen". That difference becomes starkly manifest by the answer to a simple, stupid question that you should think about for half a second, -since it leads to a profound follow-up question, and it is: "Do governments have the authority to grant citizenship?"

The obvious answer is "yes", but a thinking mind will then ask: "Do only governments provide citizenship? Is citizenship something that comes only from government and its laws? Or is there another means by which citizenship is acquired?"

If there is no other means, then all citizens are citizens via law, and the law or laws that grant citizenship can be identified and quoted. But if there is another means, that would mean that citizenship is also acquired by a means other than law. That would mean citizenship could exist which is outside of the legal system, beyond it, pre-dating it even and more fundamental than the legal system itself.

If it exists, that form of citizenship would have to have a label, a name, -and that name could be nothing other than natural citizenship. It would be the natural companion to legal citizenship.

Does natural citizenship exist? A similar question is: "Does natural childbirth exist?" Or does all birth come via Cesaerian section (which involves human intervention, -akin to legal intervention)?

If natural citizenship exists, then by definition, it is not legal citizenship because it would not involve the human (legal) interference of government but would instead exist regardless of legal mandate. It would be beyond the law. It would not exist within the legal sphere, but the legal sphere would exist aside from it, co-existent with it and definitely distinguishable from it.

Can we check the books, the codes, the court rulings that cover legal citizenship and find evidence of it? Yes and no. The U.S. Supreme Court in *Minor vs Happersett* (1875) discusses natural citizenship status but there is no evidence of it in statutory nor constitutional law with the two exceptions of the required qualifications for being President found in Article II, Section I, and in the Naturalization Act of 1790. Other than those two, Law only deals with legal citizenship resulting from State law and Naturalization Acts of the federal government, along with court rulings. As a consequence, it's like the wind; you cannot see it but you can feel its force because it is very real.

What would distinguish legal citizenship from natural citizenship; legal citizens from natural citizens? The answer is simple; it is the nature of how citizenship is acquired, -whether it is by legal means or natural means.

Who gets to define what natural citizenship is, and who gets to define what legal citizenship is?

The answer is "no one". Rather, they are defined by the meaning of words. That means that there is a natural and historical divide between the two, and there is no gray area where they overlap. If one assumes that view, then all of the fog of confusion dissipates and the truth is seen in clear terms.

Our founding fathers had no fog of confusion regarding what they meant by the presidential qualifier “natural born citizen” because they understood the three things central to its meaning.

They are, of course, the meaning of the word “Citizen”, the word “natural”, and the legal concept of being a “born citizen”.

Their minds were not fogged by concepts of legal citizenship because they understood it completely and even included it as a form of citizenship that was sufficient to qualify one for the presidency, -but with the limitation that it had to have been acquired before the Constitution was adopted (1788). That meant that all citizens who were 35 years of age and had lived in the British colonies/ American states for 14 years could be President, including naturalized citizens and children domestically born to foreigners, -as long as they were born in a state that granted its citizenship to such children (sons of the soil) or were naturalized before June 21, 1788 when the ninth state ratified it, thereby making it officially adopted.

After the demise of all of those citizens who lived before that date, only natural born citizens would be eligible. That means that instead of 100% of free male American citizens being eligible, only 97-98% would be eligible. They were the sons of Americans.

The sons of foreigners from thenceforth would not be allowed to be President. That hair was split by the meaning of the word “natural”, as opposed to the meaning of “born citizen” because some born as Americans were only legal citizens and not natural citizens, (even though they were citizens from birth) because they were not born to Americans but to foreigners.

In an almost absurd hypothetical situation, if the wife of a foreigner was pregnant with twins, and one was born two days apart from the other, but during the day in between the father completed the naturalization process, then the first child would be born as the son of a foreigner while the second would be born as the son of an American.

The second child, born after naturalization, would be viewed as a natural American while the first would be viewed as a dual-citizen legal American because his American citizenship would be via the

permission of the State government (provided the state in which he was born allowed citizenship for children of foreigners) and not via natural conveyance from a citizen father via traditional patrilineal descent (*jus sanguinis* -the Right of blood).

“The Right of Blood” was ancient and traditional, dating back to the prehistoric times, because it is membership by inherited nature. In a tribe, it is inherited ethnic nature. In a nation-state it is inherited political nature. In some nations they are both the norm, such as Japan. It is a totally natural nation since all of its members are of one ethnic and political nature. Where as a nation such as the now defunct, dismembered Czechoslovakia was an unnatural state because it was comprised of very divergent and disharmonious groups, ethnically, culturally, and religiously. In a strict sense it had no natural citizens because the nation itself was unnatural.

The ancient origin of the membership known as citizenship is seen in the nature of the recognized membership of the isolated entities known as cities. Cities existed separate and far apart from each other, -as mini-kingdoms consisting of local nobility, aristocrats and wealthy families, bureaucrats, scholars, educators, clergy, lawyers, merchants, land-owners, artisans and craftsmen. They comprised the Citizens (or city-zens) of each city-kingdom.

Below them were the unskilled, illiterate peasants, servants, serfs, and slaves. They, if course, were not citizens because they were not qualified to participate in the governance of the city. Only those with the adequate qualities were accepted as fellow citizens, and they were also obligated by the responsibilities of citizenship to participate in the civic exchange of opinion and ideas as to how it was to be governed and defended.

Citizen fathers bore a responsibility to not only defend their own family but to also defend the city, as well as the nation, from attack, conquest and enslavement. That was their foremost responsibility as citi-zens, and it was inherited by their sons who also bore that responsibility when they came of age.

Their daughters never bore that responsibility because their responsibility in life was to bear and raise children and manage the up-keep of the

household. Their existence was bounded by their responsibility to maintain obedience to their father or to their husband. They were thus socially in a class that was neither that of the citizen class nor that of the peasant class, but they were treated as though they were closer to the peasant class.

They did not bear the social responsibilities of the sons of the citizen class and so citizenship did not pass from them to their off-spring. Rather, it passed exclusively from father to child. If the father was a citizen, and he raised his sons properly, then at adulthood they would become new citizens also and would no more belong to the children class. As adult males they shared the rights and obligations of citizens, and sons born to them would inherit latent membership in the citizen class. Before adulthood they were not citizens because they were too young to be responsible for civic duties and military service. Children do not vote, organize, regulate, nor fight. Nor did their mothers.

Stephen Tonchen wrote or quoted the following: "Before, during and after the American Revolution, the English word "citizen" was actively used in England and its colonies to refer to a member (freeman) of a city. There were various ways by which an individual could become a citizen of an English city. The most commonly-used method was apprenticeship. [you had to move from the unskilled class to the skilled class] The ONLY way you could acquire citizenship by birth was to be born of a father who was already a citizen at the time of your birth."

This awareness of the nature of citizenship is in contrast to the nature of what the monarchy called its "subjects". All of the King's subjects who were male held a similar status in regard to their responsibility of defending the nation from invasion, but all persons of any age and gender were viewed as his subjects by virtue of being born to his subjects or being born within his dominion.

Some of his subjects were natural subjects because they were born to subjects, while foreigners and their children were classified as alien subjects. But in time, probably in order to counter discrimination against alien subjects, the term was abandoned in favor of calling all souls born within the King's domain his natural born subjects, just like his actual

natural subjects who had no greater rights than alien subjects.

And thus arose the erroneous conflation of mere "born subject" with true "natural born subject". But out of view of the general public, the government continued to wisely discriminate when it came to the positions of privilege that involved critical positions of national defense and national secrets. They were only offered to sons of citizens and not offered to sons of foreigners even though they were both subjects from birth. Sons of foreigners were subjects of his majesty from birth, but only natural subjects were subjects by birth, i.e., by Right of blood rather than by right of law.

In the colonies, the classification of citizen was not related solely to individual cities, but to the greater entity of the royal colony itself, -the one in which one was born and raised. Sons born to citizens of the colony were the natural citizens of the colony, while sons born to immigrants were foreigners just like their father from whom they inherited a foreign nationality, -with at least one state (Virginia) being an exception and granting them citizenship from birth by law.

So "natural born subject" was a term that did not relate one's attachment to the political entities of the colonies, but solely to the relationship of those living in them to the monarch. They were viewed as his subjects, some being natural subjects and some being alien subjects, but all considered to possess the rights of natural subjects, except if they were born in the New World British territories of the American colonies.

They and the colonies were viewed as being the personal, foreign property of the King and not equal subjects of the British nation. That serf-like status led to abusive treatment that precipitated the revolution. Clearly, not all "natural born subjects" were equal after all because some (in the homeland) were much more "equal" than others (in the colonies).

But all natural born citizens are essentially inherently equal, with the only significant distinguishing quality between them being the extent of one's roots in the nation. Are they first generation or 10th generation? Were one's parents natives or foreigners?

Does it matter? It doesn't matter at all unless you are the one in three hundred and fourteen million who runs for and is elected to the presidency or the Vice-presidency. Then it absolutely matters because the founding fathers split the hair that divides those who are natural citizens from those who are merely legal citizens, -that division being the distinction of being the child of an American or the child of an alien. The United States government draws that distinction by use of the labels "naturalized, native-born, and natural born".

The naturalized citizen has all of the rights and obligations as those who are born in the United States, as do those labeled "native-born" who are granted citizenship from birth via the authority of the 14th Amendment, but they do not have the "privilege" to assume the power of the office of the President of the United States, along with the awesome power of Commander-in-Chief.

Those positions are restricted to the 97% who are the natural citizens of America because only they qualify under the Constitution's restriction: "NO PERSON except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of the President,...".

That means that only American fathers can produce children that qualify, -foreigners cannot because their children are only legal citizens, -not natural citizens.

But even under the erroneous assumption that native-born children of immigrants must be viewed as natural born citizens, Barack Obama still fails to qualify, unlike Marco Rubio and others, because his father was not an immigrant, but was only allowed into the United States on a temporary basis as a Visa card foreign student.