Fundamental Constitutional Errors Obama Depends On

The Constitution's presidential eligibility clause and the 14th Amendment's citizenship clause both mean what they say, but don't say what they mean. The result has been people assuming things that are false, -with not just a few people believing the false interpretations, but nearly all believing them. They wrongly assume that they say and mean things that they do not. It's simple to demonstrate that fact by stating the interpretation that those clauses are assumed to say or to mean, which is:

"All native-born citizens, or citizens of the United States at the time of the adoption of this Constitution, are eligible to the office of the President, provided they are 35 years of age and have resided in the United States for 14 years."

One immediately runs into a problem with this imagined version, -the one relied upon by defenders of Barack Obama's eligibility to be President. What it says is that all citizens who met the age and residency requirements could be President, at least for about three generations. That included literally all citizens, whether they were born as citizens or were born as foreigners but became citizens by choice, or were children born to new citizens.

Then eventually when there were no more "citizens at the time of the adoption of this Constitution", only native-born citizens could then be President, thereby limiting the presidency to only those born in the United States, and thenceforth prohibiting all citizens who were foreign-born-&-naturalized, as well as citizens born as Americans but beyond American borders, -such as John McCain.

The imagined assumption would be that naturalized citizens of the Revolution era (who met the age and residency requirements) were immigrant people who knew the awfulness of royal dictatorship, and had suffered the hardships and dangers of the war along with the native citizens and could therefore be trusted to be loyal Americans, as could their sons born to them before the Constitution was adopted in 1788. But later generations of naturalized immigrants could not be assumed to be aware of the price of freedom and the plight of living in its absence, nor assumed to not be loyal at heart to a foreign monarch. So their access to the presidency ended with that Revolutionary War generation.

But this imaginary version of the eligibility clause ("All native-born citizens"...) is worded in reverse of the actual wording. Instead, the Constitution actually states: "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."

So it contains two huge contradictions with the imaginary version. One is a strong and *ex*clusionary prohibition, ("No person except..."; and secondly, a discriminating prohibition against any person who is not a *natural* born citizen.

The imaginary version is open and all-inclusive of all native-born and presently living naturalized citizens. The actual version excludes in perpetuity all citizens except natural citizens, while allowing *legal* citizens (naturalized and derivative) of only that first generation.

A naturalized immigrant who had moved to America by 1773 when the rebellion against the crown was born, would have been living in the United States for 14 years when the Constitution was ratified; and if he arrived at the age of 21 or older to help fight for freedom, he would have been 35 years of age or older in 1789 when the first federal election took place. Clearly, accommodation was made to include that generation of patriotic foreign-born citizens who after 14 years were completely Americanized.

The problem for Obama supporters is that the nature of the eligibility clause is not *in*clusionary but *ex*clusionary. It was not intended to included all native-born citizens or else it would have said that in an inclusionary way, but if it had, as in the imaginary version, (along with naturalized citizens), it could have simply stated; "All citizens shall be eligible ...except the foreign-born citizens not alive when this Constitution was adopted." That would have moved the "except" from referring to natural born citizens only, to referring to foreign-born citizens only.

But since the actual wording of the eligibility clause limits the presidency to only natural born citizens and then-living naturalized citizens and their foreign & native-born alien children (born before their father's naturalization, -which must have occurred before the adoption of the Constitution), it can't be true that the distinction it was drawing by the differentiating words "no person except" was strictly between natural born and naturalized citizens ("citizens of the United States") since it was allowing both.

Instead it had to have been between the natural born and all other types of citizens that would exist after the Constitution was adopted, including those naturalized-at-birth by state law.

Understanding the meaning of the eligibility clause results from drawing conclusions from the sum of the implications that one finds in it. One implication is that "a citizen of the United States" includes all naturalized citizens.

Another implication is derived from the word "**person**", -what it means and what it does not mean, including *not* referring to the class of beings known as humans. Rather it refers to a particular class of humans, which can be discerned easily by process of elimination, -by eliminating a class it could not possibly include, and that is foreigners. "No person" does not mean "No foreigner". Foreigners would not have been and were not even possibly included in its meaning. They were universally, automatically excluded as understood by all. It was a given.

So with foreigners not even being in the picture, the only thing left is CITIZENS. Therefore the meaning of "No person" is in fact "No citizen except a natural born citizen".

If natural born citizens were considered indistinguishable from native-born citizens of foreign paternity, then the eligibility clause would have been worded in a much plainer manner; i.e.;

"No citizen naturalized after the adoption of this Constitution shall be eligible to the office of the President,..." Bingo.

That is much plainer and simpler than the wording chosen, but it was not employed because it was not what they meant.

The inclusion of the provisional second exception allowing all citizens alive before the Constitution was adopted speaks independently that after that point, any citizen who became a citizen by law via naturalization was not eligible to be President.

So, since that is already implied in that segment of the sentence, it cannot possibly be redundantly focused on as the alternative type of citizen that was being prohibited by the "No person except a natural born citizen" language of the first segment. The Constitution avoids redundancy, and interpreting it requires avoiding an assumption of redundancy. Otherwise it would be saying in effect: "No naturalized citizen, nor naturalized citizen of the United States shall be eligible…"

So if it wasn't strictly naturalized citizens that the first segment was intended to exclude, -since they were *in*cluded by the "or" segment, then it had to have been a different type of citizen. What other types were there? There were three:

Native-born sons (of foreigners) who were naturalized at birth by some states, or foreign-born sons who obtained derivative citizenship as children upon their foreign father's naturalization, or native-born sons of foreigners who were born to a non-citizen in a colony or state that did not grant naturalization at birth, -sons who immediately "inherited" by patrilineal descent (jus sanguinis -by right of blood) the new American nature (citizenship) of their father. Whatever he was, they were also since they were a reflection of him, -as was his foreign wife who was naturalized through him.

Those sons were the citizens who were not natural born citizens, and were implicitly excluded, -deliberately, even though their number was minuscule as a percentage of American sons. If elected President, they could pose a serious potential security risk that was avoidable by their exclusion, a risk that existed because there was no telling where they would end up living or who they might be raised to admire and serve. And so they were excluded, -although allowed to serve in every other office in the government.

But they were accepted during the founders' generation as a potential President because no wolf in sheep's clothing would have gotten past the

scrutiny of the founders' generation, and its press. And Congress was expected to vet their constitutional eligibility to serve before the electoral college voted, -or even after. Congress was expected to nullify the election of any candidate it found unqualified to serve, i.e., -too young, not enough years of residency, or not a natural American.

With that distinction being the boundary line between two kinds of citizens, the clause could not then be worded; "All native-born citizens shall be eligible" because some native-born citizens were being prohibited, namely those who were not natural born Americans since they were not born to American fathers but instead to foreign fathers.

A more clearly worded version would read something like this: "Only *natural* citizens, along with *legal* citizens of the United States living when this Constitution was adopted, shall be eligible to the office of the President,..."

Exclusion and discrimination was central to allowing only acceptably loyal and worthy Americans from wielding the power of the President & Commander-in-Chief. Other unstated exclusions encompassed by "No person except..." included persons who weren't educated, English-speaking, faithful in marriage, honest in business, Caucasian, Protestant and male.

Those prohibitions weren't made in writing, but they were written in the consciousness of the founders' generation, -along with the category excluded by deliberate omission; namely native-born sons of foreigners. Such sons could be born in New York or Atlanta, or any major port city, be brought to England, and be raised as a loyal royal-sycophant monarchist in the King's palace or a nobleman's estate. Then in adulthood, return to a land not remembered nor understood, and after 14 years of residence, seek the office of the President. That is precisely what the founders feared could subvert, divide, or subjugate the nation to a foreign power.

Any foreign-born naturalized American can serve in the House of Representatives after living in the United States for seven years, -or in the Senate after nine years, or on the Supreme Court with no residency requirement, but for the office of President, the required residency is not seven nor nine years but is fourteen. Fourteen years residency only for a naturalized American? No. Fourteen years residency for natural born Americans also.

Native-born citizens with foreign fathers are excluded, as are foreign-born natural citizens (having American fathers) if they don't live in America for 14 years. They can fulfill that requirement in time, but native-born Americans with foreign fathers can never fulfill the requirement that they be natural citizens, i.e., -born of an American father. That excludes folks such as Bobby Jindal, Ted Cruz, Marco Rubio and Barack Obama, but allows folks such as John McCain who lived most of his life in the United States, even though he could have lived most of it in Panama or anywhere else. By being a foreign-born, natural born American, one is nevertheless eligible by fulfilling the residency requirement.

Barack Obama met the age and residency requirements, but could not fulfill the first and primary requirement of having been the progeny of an American father, and thereby a natural American.

THE 14TH AMENDMENT

"No persons except..." versus "All persons are..." The presidential eligibility clause and the 14th Amendment use opposite language in their wording because the former is exclusionary in nature for the sake of national security, while the latter is *in*clusionary for the benefit of the vast numbers of children born to a vast number of foreign immigrants who were only slowly assimilated via the naturalization process.

They needed American citizenship and the government needed to included them as being under its jurisdiction, -the jurisdiction that stretched to all of its authority over citizens. And so, after the full weight of the executive branch of the government lost a case in every court up to but excluding the Supreme Court, the 14th Amendment was finally construed to apply to not just naturalized citizens

and freed slaves, but also to native-born children of foreign immigrants via jus soli (by right of soil).

By the court's opinion in 1898 regarding the citizenship of Chinese immigrant-born Wong Kim Ark, those children were all accepted as being American citizens via birth in America. Or so it seemed to everyone, including Attorney General John Griggs who made that the new policy of the United State government. But was that really what the court said and what the amendment meant? The simple answer is "no".

The actual truth is obscure and hidden, overlooked and unrecognized. It's like an invisible ghost that only has a faint outline. What was hidden, and overlooked? It's hidden in plain sight in the words of the 14th Amendment which read: "All persons born in the United States, or naturalized, and subject to the jurisdiction thereof, are citizens of the United States..."

That poor wording is inherently redundant but no one recognizes that fact because they all focus on the first requirement; "born in the United States". That limits its description to no one born outside of the United States except the naturalized, and that focus led to the false assumption that such a domestic birth location results automatically in American citizenship, when that is totally false. The truth is found instead in the second requirement; "subject to the jurisdiction thereof".

What everyone has failed to grasp is the fact that everyone born subject to the jurisdiction of the American government is automatically an American citizen either by law or by nature; as legal citizens or natural citizens; by inheriting citizenship or by being granted citizenship; -regardless of where they are born, (with the exceptions of the American territories of Samoa and Swain's Island). Those born outside the United States to foreign parents are naturally not subject to American jurisdiction and that is a fact so plain that there is no need to say that, nor to say its opposite, which is that most people within the United States are subject to American authority and therefore their children are born as citizens. That also goes without saying, almost, -because “most people” is not all people.

What didn't go without saying, or deciding by the Supreme Court, was whether or not foreigners and their children were fully subject to the American government to the same degree as citizens.

The policy of the United States government from its creation up until it lost all of its court rulings when sued by Mr. Wong who felt that he was an American citizen, (having been born in America to immigrants) -although the government argued that he was not since it was the unchanged policy of the federal government from the beginning that to be subject from birth to the full authority of the federal government required one to be born to an American father. Foreigners, including immigrants and their children born in America, were viewed as being subject to the immigrant's home government since he was its subject and not an American. Prior to that ruling a foreigner’s sons had to personally be naturalized as adults if their father failed to become an American.

But the Supreme Court's decision, without stating so, reversed the government policy 180 degrees. It then had to adjust to the new implication that children born in America to immigrants are fully subject to Washington's authority. If that be so, then it can only be so if they are born to fathers who are subject also because babies and children are not directly subject to government as individuals. Only adults are subject. Minors are not because they are subject solely to their parents.

Native-born children of foreigners are, following that court opinion, also American citizens, which has to therefore mean that they fulfill its second requirement by being born subject to the full authority of Washington, which has to therefore mean that they are subject through their fathers, which has to mean therefore that their fathers are subject to the obligation of citizens even though they aren't citizens. Which means they are, as members of American society, also obligated to help protect the nation via service in the military in times of war if inducted. And so they have been ever since.

And when their children reach adulthood they must register with the Selective Service (even if foreign-born and not Americans) because they, like their fathers, are considered to be fully subject to

the authority of the American government when it comes to their social obligation to defend the country that they have made their home.

Voila! All the disharmony is smoothed and order restored by all children of foreigners becoming Americans and all of their fathers becoming members of the pool of Americans who are obligated to protect their nation's security.

But the 14th Amendment still has a problem, or two; redundancy and ambiguity. The redundancy isn't readily noticeable, but comes to light by realizing that it could have completely left out the mention of birth in the United States and simply required being born subject to the authority of the American government. No U.S. citizen is exempt from subjection to the American government so that could have defined the determinant of who was a citizen from birth, -without any mention of where one was born. *But...*when it was written, foreigners, and their children, were not viewed as being subject to the full authority of the U.S. government.

The ambiguity is in the fact that the term jurisdiction is not expressly defined as meaning authority as opposed to meaning a government administered territory, -as in not being subject to the jurisdiction (authority) because one is outside of the jurisdiction (subject territory).

But more unclear and subtle is the distinction between Civil & Criminal jurisdiction and Political jurisdiction. All people everywhere are subject to civil laws including foreign diplomats, but not all people within the government's jurisdiction are subject to the political jurisdiction or authority by which citizens can be prohibited from doing some things, even outside of the country, such as visiting Cuba, or trading with North Korea or Iran, or helping Hamas. They, unlike an exempted person, are subject to the political jurisdiction which authorizes the government to draft men into the American military.

Only citizens and immigrants are subject to that authority but many fail to perceive the distinction. But that distinction is the point on which Obama's citizenship hangs because the fact that his father was subject to civil authority as a foreign student does not mean that he, and his son through him, were subject to the political authority of the U.S. government. Without that subjection, the 14th Amendment citizenship clause does not apply to him even if born in the United States.

Consequently, he is not a true 14th Amendment citizen, even if the federal government follows a policy that accepts him as being one, which in essence means that the top executive of the government doesn't accept the fact that Obama is not a legitimate citizen of the United States, -with that top executive being Obama himself. The fox guarding the hen house asserts that he is not a fox but a guard dog, and none of the chickens dare argue with him.

Being called an "Indian" does not make a Native American a citizen of India because error doesn't alter reality. And being called a native born citizen does not make one a natural born citizen which one must be in order to be a constitutionally legitimate President. That's something that Barack Obama was born not being able to ever be.

Bear in mind that every citizen with a foreign father is not something other than “a legal citizen” because their citizenship was obtain solely by the authority of law, and not by natural transmission.

No natural citizen obtained legal citizenship at or after their birth because no law exists regarding native-born natural citizenship. Instead, they are born *being* an American, -by nature.

But the native-born sons of foreigners could only obtain state and national citizenship via law. If a state had no such law, which was most, then the children of a foreigner were not citizens of that state nor of the union. They were viewed as foreigners also, (like their father) until he naturalized.

Barack Obama’s father was never a U.S. citizen, nor even an immigrant, so he was not a source of citizenship for his son, but if he had been a naturalized citizen before his son’s birth, then his son would have thereby been born as a natural American citizen, and be eligible to be President. Without such naturalization, no one with a foreign father is eligible to serve as President.

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