

Jus Soli & Jus Sanguinis Citizenship vs. Obama's Legitimacy

Understanding Presidential eligibility: To understand the Constitution's requirement that no one is allowed to serve as President except a natural born citizen it is necessary to understand the fundamentals of citizenship. There are two types of citizenship at birth. One is based on a natural principle while the other is based on a policy. The *natural principle* is that off-spring are the same as their parents and become upon birth the new natural members of their parents' group. That is the principle of natural membership, and it applies to all natural social groups, -including families, clans, tribes, countries and nations.

National membership by *policy* is based on an ancillary fact related to child birth and that is the jurisdiction into which one enters the world. That *policy* has an ancient name known as "jus soli" or *Right of Soil* while the *natural principle* goes by the ancient name of "jus sanguinis" or *Right of Blood*.

In some nations one or both of those are encoded into the law. That is not the case in the United States although it was true in one or more of the founding States of the Union. The United States only recognizes the Right of Blood in its written code of law but only in the context of foreign birth. In regard to domestic birth there is no specific language which recognizes either of the two.

The Constitution does not use either terms in regard to presidential eligibility so we must discern which of the two it refers to by the words "natural born citizen". Is one a natural born citizen by jus soli or by jus sanguinis?

Law can make one a citizen but it must be on some basis. It must pick one or the other, -or...a law can be worded so vaguely or ambiguously that everyone is confused, -or instead everyone may be absolutely certain due to bias, applied logic, or misapplied logic. So to solve the riddle we must dissect the amorphous nature of a very clouded issue. We can do that by asking a series of questions, beginning with: "Can one be a jus soli citizen in more than one nation?"

The obvious answer is "no" because borders do not overlap. They are discreet and so one cannot be born in two countries. Next question is: "Can one be a jus sanguinis citizen of more than one nation?" The obvious answer is "yes" if one's parents are not from the same nation and both of their nations impute citizenship to off-spring of its citizens. The next question is : "Can one be both a jus soli citizen and a

jus sanguinis citizen? The obvious answer is "yes" if one is born either in a nation other than that of the parents, -in a nation which bestows citizenship to children born within its borders (like Canada and the U.S.) or is born in either of those nations but with a parent that was from another nation, -one which bestows citizenship to off-spring of its citizens when born abroad.

The final question is: "Can one be a jus soli citizen and a jus sanguinis citizen in three different nations?" The not so obvious answer is "yes". Ted Cruz is just such a citizen since he was born in Canada (a jus soli Canadian) to an American mother and a Cuban father (jus sanguinis citizenship twice over).

But the answers to those questions do not shed light on what constitutes a natural born citizen, so we must explore what its parameters are. Firstly, natural born citizens are all born being citizens, but confusion does not end there because some are born being citizens by jus soli and the rest (the 97%) are born being citizens by jus sanguinis. So the question then becomes: "Does jus sanguinis produce natural citizenship or does the coincident location of one's exit from the womb produce natural citizenship?"

To answer that we only need consider the natural law principle of natural membership. Does the location of a newborn's exit from it's mother's womb result in it being of the same species as its parents and belonging to their same group as a new member? The answer is obvious. A natural citizen, like a natural member, is not the result of where birth takes place but of what citizenship one inherits as their "political" nature. One's national membership from birth is either the result of natural inheritance or is the result of national law (or policy), -which is a legal determinant, and not a natural determinant.

Being born a citizen can be the result of either but being born a *natural* citizen cannot, because, unlike birth, there is nothing natural about legal citizenship. It is imposed by the will and rules of rulers, and has no basis in natural principle unless they impose a rule that natural citizenship shall be the law of the land.

We have no such law, nor do we have its opposite, hence the confusion. That is nothing new since it dates back many centuries to eras that were so far removed from the fundamental principle of national membership that confusion arose due to the undue influence of the Crown to extend its umbrella of ownership over all persons born within the King's dominion. He and his minions imposed the rule of jus soli on top of jus

sanguinis thereby creating confusion where none had existed before. The resulting confusion has existed ever since, except where it was created. The British eventually renounced *jus soli* as the law of the land but that came only long after the power of the Crown was neutered. Eventually they corrected the bastardization of citizenship principle in a major rewrite of their nationality and naturalization law, but that has not happened in the United States and so confusion still reigns.

But the confusion here is even worse because people have no idea that one cannot be a *jus soli* citizen as well as a foreign *jus sanguinis* citizen and still be a natural citizen when such a birth circumstance results instead in not being a natural citizen of either nation. Just as one cannot be a *jus soli* citizen of one's parents' nation if the parents are of two nations and one was not born in either, so also one cannot be a natural born citizen of one nation while also being a natural born citizen of another nation through parents of different nationalities. Similarly, a mule is not a natural member of either parents' breed of equine because it is not a natural horse-like one parent, nor a natural donkey, like the other. It is unnatural because it is a sterile hybrid. Barack Obama is just such a hybrid citizen as acknowledged by all including himself, but what he has never called himself is a natural born citizen. He has claimed since running for President that he is a native born citizen but native born citizens are not eligible to be President unless they are also natural born citizens, which he is not.

But it is even worse than that because Barack Obama is not even a United States citizen by *jus sanguinis* (since his mother was too young to impart U.S. citizenship to him by law or policy), nor was his father able to *not* impart Kenyan citizenship to him by Kenyan and British law, nor was Obama Jr. able to obtain *jus soli* citizenship since that would require that he be born to a father who was a legal immigrant as mandated by the 14th Amendment, -which his father was not.

So his citizenship is non-existent except as a presumption based on an erroneous policy instituted in 1898 which became the *de facto* law-of-the-land even though it was in fact just an institutionalized error of misinterpretation of the Supreme Court's re-interpretation of the 14th Amendment in that year.

One can argue that Barack Obama absolutely is a U.S. citizen but one cannot argue that they can show exactly where in the U.S. Code that the circumstances of his birth results in U.S. citizenship.

If the "facts" of his birth are as he claims, and he was born somewhere in the United States, then he is not a

U.S. citizen by U.S. law, but he *would* be if his mother had been several months older and he was born abroad, then the Code would cover him and he would be a U.S. citizen. But he is not a citizen by mere location of birth because the 14th Amendment requires more than that, much more, -namely a parent who is potentially subject to the most fundamental obligation of citizenship, -that being the obligation to defend the nation. Immigrant fathers are subject to that obligation but foreign temporary guests are not, and his father was only a temporary guest and not an American nor an immigrant, thus leaving him devoid of citizenship that is based on birth in the United States and full subjection to its government.

As such, he is a charlatan, a fraud, a liar, a counterfeiter, a fake, a usurper, a deceiver and a traitor to the very Constitution that he took a lying oath to protect and defend. That oath was written in part to protect the nation from imposters such as him.

But he is not the only problem since we are also plagued by an entire government, national media, and State governments that silently and complicitly allowed him to be accepted as a candidate, with charisma, charm, and high hopes nullifying any allegiance to the requirement of the Constitution.

It sounds like a conspiracy. It was in fact a perfect storm of ignorance, indifference, biased preference, broad political corruption, and national conspiracy at the highest level of the Democrat party. We now know that he bolstered his irrelevant claim of domestic birth by concocting a 9-layer counterfeit digital abstract image of a Hawaiian birth certificate. It, like the honesty and integrity of union dominated, self-serving political hacks in the U.S. government give one the realization that it is unlikely that one can be overly suspicious about what those in government are willing to do to protect their well-feathered nests and political agendas.

Hopefully the current confluence of government corruption, over-reach, and conspiracy of cover-up will nudge the closed minds of those with no consciousness of what constitutes ineligibility to begin to suspect that perhaps there is something suspicious about Obama's citizenship, along with the self-evident fraudulence of his counterfeit so-called "birth certificate" cyber document. But revelations will have to become much more shocking for that definitely to happen. Knowing what we know now, if Congress does its duty, that will eventually happen, and with all the importance riding on the next election, it needs to happen.

by A.R. Nash June 2013 <http://obama-nation.com>