

NATURALIZATION: The Key to Understanding Presidential Eligibility

The founders of our nation, -the framers of our Constitution, the elected leaders who comprised our first Congress did a curious thing which has gone unexplained and misunderstood for a very long time.

That Congress was charged by the Constitution with the task of writing a uniform rule of citizen-ization for making the laws of the States harmonious or uniform in at least a minimal way when it came to citizen-izing foreigners and their children. It would answer nationwide the questions of: “how many years did one have to be a resident within the nation before becoming a citizen, and what type of person would be allowed to become a citizen?” (a free white person of good moral character)

The Congress also had to address another issue which the Constitution was not designed to address, and that was the issue of the birth of Americans happening beyond U.S. borders. In order for officers of the state governments, including immigration officers, to be disabused of the notion that American children could be rendered foreigners, aliens, merely due to the happenstance of where they entered the world, -and worse, to be tarred for the rest of their life with the simple and irrelevant fact of that first instant of their existence in this world having occurred outside of America’s sacred and holy borders, -that needed to be addressed as well, and the citizen-ization act of 1790 seemed like a proper place to do it.

And so it was done, and was expected to continue on in perpetuity. But later Congresses were unaware of the impetus for writing what that first Congress wrote, and so they altered it to make it conform in a strict sense with the subject matter of a citizen-ization act.

What did they alter? They altered the words that the framers of the first act wrote into it to protect the right of all sons of American parents to serve their nation in every capacity possible. If they had merely written what all future Congresses had passed, then that right would have been obscured and likely even unrecognized. That could result in such sons being deprived of a birthright that was rightfully theirs as sons of Americans.

The first citizen-ization act dealt first with foreigners who met the residency criteria, the character criteria, and who subsequently took the oath of Allegiance & Renunciation before a magistrate who had the authority to administer oaths. Then, in the words of the act, they were to “be considered as citizens of the United States.”

Next it addressed the children of such citizen-ized foreigners or foreign fathers and declared that, upon their father’s citizen-ization, they “shall be considered as citizens of the United States.” Those chosen words do not mean that they shall be considered *like* citizens but that they in fact *are* citizens, -made so by the rule of law.

But then the act addresses American children born beyond our borders but does so in an unexpected manner. It changes the language used in describing who and what they are. It avoids referring them as “citizens of the United States” but calls them something else, -something organic, -something beyond the authority of law and Congress. It calls them “natural born citizens”.

It should be noted that it also avoided calling them “natural born citizens of the United States”. Why did it avoid that? For two reasons. The first is that by avoiding that, it left the language connected to only one other use of that limited term, and that use was its appearance in the presidential eligibility clause. By its direct connection to the issue of presidential eligibility, the Congress was sending the message to all future Congresses and presidential electors that American sons born abroad are absolutely eligible to serve not only as Congressmen and judges but also as President.

That intent is unavoidably clear because there is no other conceivable purpose or intended effect behind using that term.

The second reason is that in the young federal republic, with State’s rights being supreme, citizenship was first and foremost a state matter, -as was immigration. No one in the nation thought of anyone as being, or not being, a natural born citizen of the

Union nor the federal government. All were or weren't natural born State citizens, so for them to use the term: "natural born citizen of the United States" would have been as strange to their ears as "natural born citizen of North America" would be to ours. It had no conceptual precedence.

To support the common sense basis of this explanation, a simple similar situation can be pointed out, and that is that the Vice-President was also overlooked in the Constitution when it came to his eligibility to serve. It required a constitutional amendment (the 12th) to state that he also must meet the qualifications of the President. Otherwise, he could have been anyone who was not a natural citizen of any State of the Union.

Now, with the background of understanding of the citizenship act of 1790 let's move on to understanding why it was not called the Citizenization Act of 1790. As you are probably aware, it was called the Naturalization Act of 1790. What the heck is behind substituting "Natural" in place of "Citizen"?

Answer: A whole lot of American philosophy regarding the nature of man and the nature of national membership. Those issues are directly related to a similar situation on the personal level. That situation is adoption.

The most extreme adoption situation is adoption at birth or soon after. Adoption at later ages is not the same because the child knows what parents are and that adoptive parents are not natural parents, -but a baby does not. Hence a bond can form at that stage that is identical to a natural bond, and such bonds are treasured and defended by American law in the form of secrecy. Secrecy serves both the mother who gives up her baby for adoption, and the adoptive parents who never need tell their child that it is not their own natural child and they have no biological connection to it.

They never tell their child such a thing unless there is a compelling reason to do so, and the child's original birth certificate is locked away forever, and in its place a new "original" is created which names the adoptive parents as the biological parents. It's a major fiction of law perpetuated to protect human bonds.

There is a similar situation with national bonds. Children born of foreigners, in the United States, are by our law (the 14th Amendment) adopted into the American national family, and treated exactly as if

they are natural citizens just like the children of actual citizens. And there is no difference whatsoever in all of American life. But, -being the President of the United States is not an element of "America life". It is an extremely rare and unique privilege, honor, and sacred trust on which many, if not all, of our lives may depend. No one has an unalienable right to be the leader of their people, but some have the right to seek the leadership because they qualify. In America they qualify by meeting the requirements of the United States Constitution.

It requires that they be "No person except a natural born citizen". That happens to describe about 97% of the nation, so it's not exactly very restrictive. But some want it to be even less restrictive because they are, -or they support, someone who is not a natural American citizen since they had a foreign father or mother, or both, at birth. Such Americans are born ineligible because one can only be a true natural citizen via birth, -not via law, -just as one can't be a natural child via adoption even though they can be one's child from birth by the permission of adoption law.

On both the family scale and the national scale, a child either is or is not a natural child due to its birth circumstance (its parentage, -not the location of its delivery). Both are forms of natural relationships and both come with bonds that are affected by the nature of those to whom they are born. Are they related or unrelated? Are they insiders or outsiders? Are they natives or foreigners? Are they Americans or aliens?

As I stated, it makes no difference (unless you are the one in 300 million who is elected President).

It makes no difference in America because there are no alien citizens here. Nor *alien-born* citizens. Nor adopted citizens. **All citizens are Natural Citizens.**

That sounds like something out of Alice in Wonderland, -akin to a proclamation of the Queen of Hearts, ("All ways are My Ways!") but in fact, it is one of the most fundamental principles of our American republic. It is a contortion of attitude and outlook toward those who are not fully and solely American by birth, and it is established at the fundamental level as an America fiction of law. It is foundational. It's known as **the doctrine of citizenship equivalency**, and by it there are no natural-ized citizens. There are only "natural" citizens.

Foreigners do not go from being foreigners to being "naturalized citizens". Instead, they go from being aliens to being Americans who are natural citizens.

The citizenship they then have is citizenship that they actually do not “have”.

Being as they are no longer aliens but Americans, they, like their natural born American brethren, are thenceforth Americans by nature, -just exactly as if they had been born as an American. Those born *of* Americans are born *as* Americans. They do not *have* United States citizenship anymore than a baby possesses baby-ness, or a human has human-ness. Rather they *are* an American human baby. That is what they are born being, -not what they have.

So it is with “naturalization”. It is a form of membership alchemy. An alchemist’s aim is not to change lead into something equivalent to gold, but to actual gold. And so it is with natural-ization. It changes aliens into Americans, -as if by alchemy, or the magic of the American fiction of law. And that fiction is not an option because it is as fundamental as the Constitution itself.

The nation was founded on certain *principles* (including unalienable rights) and that is one of them. If you’re in a foxhole surrounded by enemies, to them it doesn’t matter that you were naturalized last week while your buddy is a descendant of Mayflower settlers. You are both nothing but Americans. There is no difference.

Nor is there any difference in the United States between such citizens. (unless you seek the position of the presidency) Why not? Because of what is revealed by the use of the word “naturalized”.

Vaporized: changed from solid or liquid into a gas.

Carbonized: changed from organic to pure carbon.

Crystallized: changed from a liquid of dissolved chemical compound into a solid crystal structure.

Naturalized: changed from being unnatural to being natural.

Since only the opposite is literally possible, it’s like a form of magic that occurs in the philosophical realm, but that magic is recognized as a fundamental truth of American life by the Supreme Court. Congress has no authority to tamper with it.

Congress was unaware that it had no authority over the nature of American citizenship for nearly a century. For four generations it passed laws that stripped American citizenship from naturalized citizens who returned home to live in the country of their birth, -or

anywhere else. Finally one of them sued and the issue had to be considered. What the court realized was that citizenship once given, can never be revoked because it is not something that remains as an “it” which the citizen possesses and therefore can be withdrawn, but is instead something that the citizen is. Not all nations limit themselves like that, but the United States does.

That means that Americans do not *have* United States citizenship (unless they are foreign-born, alien-fathered “provisional citizen” youths). Their citizenship is merely membership in the nation, and that membership is *natural* membership, -meaning that they are Americans by nature. “An American” is *who* and *what* they are. Their Americanness is not something that they possess because of having United States citizenship. Rather, their national membership (citizenship) is merely the open, official legal acknowledgement that they are Americans. “Having” citizenship does not make one an American, rather, *being* an American is why one is recognized as an American citizen (a member of the nation).

Does the federal government, -the executive branch, recognize this truth? Who knows what’s in their minds, but it can be noted that after the reorganization of the federal departments into the Department of Homeland Security, the name of the Immigration and Naturalization Service (INS) was changed to the Citizenship and Immigration Service (CIS).

The official recognition of what “naturalization” actually is has perhaps been lost or abandoned since it does not come as naturally to the mind as does the notion of citizenship as being a thing that one possesses, -or doesn’t. What would the bureaucrats answer if asked: “does the government have any right of regulation regarding Americans who were once foreigners but became natural-ized”?

There is a very high probability that they would not know how to answer because no one had ever instructed them in the foundational principles of membership in the American nation.

Another question, one for all Americans, is: Does Congress have the authority to regulate the natural national membership of those born to Americans, or merely the responsibility to recognize and protect it, as seen in the Naturalization Act of 1790?