

Historical Views of Natural Born Citizen

In his paper, The Presidential Qualification Clause in this Bicentennial Year: The Need to Eliminate the Natural Born Citizen Requirement, J. Michael Medina asks a very important question:

“Who is a Natural Born Citizen?”

In his own words, “The answer to the question above is, quite simply, we don’t know.” It’s fair enough.

However, little by little, his opinion changes: “It was presumed that the English common law of **jus soli** was incorporated into the law of the several former colonies and then into the Constitution. Under the law of **jus soli**, a person born in the United States became at birth a citizen of the United States.”

And Medina also cites the Wong Kim Ark case, which had nothing to do with the presidential eligibility clause. Then he comes back to the presidential eligibility requirement:

“Professor Morse, in a ground-breaking article on the issue, defined the natural born citizen as: ‘one whose citizenship is established by the jurisdiction which the United States already has over the parents of the child, not what is thereafter acquired by choice of residence in this country.’ The definition would include the born-abroad American and clearly constitutes the better view.”

So Medina approves the Morse’s definition of a natural born citizen which involves the child’s parents who are themselves the U.S. citizens.

J. Michael Medina doesn’t stop there, but recalls a historical fact: “When Charles Evans Hughes ran for President, a question was raised concerning his eligibility, as Mr. Hughes was born of foreign parents prior to ratification of the fourteenth amendment, but in the United States. One commentator contended that while Mr. Hughes was native-born, he was not *natural* born.” *

That commentator was BRECKINRIDGE LONG, a prominent DEMOCRAT who worked for a number of years for the State Department and whom FDR appointed ambassador to Italy in 1933.

When Charles Evans Hughes resigned from the **Supreme Court** on June 10, 1916 to be the Republican candidate for President, Long wrote an article entitled: Is Mr. Charles Evans Hughes a “Natural Born Citizen” Within the Meaning of the Constitu-

tion? and published in Chicago Legal News, Vol. 146-148, pp. 220-222;

~quote:

The Constitution of the United States puts a particular qualification upon those who shall become President and Vice-President. For all other offices it requires that they be “*citizens of the United States*,” but for the Presidency and Vice-Presidency it requires that they be “**natural born citizens**.”

The word “natural” means “of the nature of”; “naturally a part of”; “by the laws of nature an integral part of” a system. Following that line of thought, a “natural born” citizen would be one who was naturally, at his birth, a member of the political society; naturally, -a part of the political system into which he was born; -by the laws of nature a citizen of the society into which he was born.

It would mean, further, that no other government had any claim upon him; that his sole allegiance was to the government into which he had been born and that that government was solely, at the time, responsible for his protection.

[Nash’s NOTE: This reflects a view of medieval monarchical Government & subjects, -not a Free Democratic REPUBLIC & CITIZENS who own their government (not the other way around) and are capable of self-defense. Their allegiance is not to the government, nor do they swear to preserve and protect it, but to preserve and protect the Constitution which protects them from the government.]

“Native born” does not mean quite the same thing. He might be born in a country under conditions similar to the conditions under which Mr. Hughes was born, and subsequently become a citizen of that country. In that case, after he became a citizen, he would be a “native born” citizen, but he would not have been a “natural born” citizen”. From the instant of his birth his government would not be solely responsible for his protection. [11]

Long continued:

It must be admitted that a man born on this soil, of alien parents, enjoys a dual nationality and owes a *double* allegiance. A child born under these conditions has a right to elect what nationality he will enjoy, and to which of the two conflicting claims of governmental allegiance he will pay obedience.

Now if, by any possible construction, a person at the instant of birth, and for any period of time thereafter, owes, or may owe, allegiance to any sovereign but the United States, he is not a “natural born” citizen of the United States.

If his sole duty is not to the United States Government, to the exclusion of all other governments, then, he is not a natural born citizen of the United States.” **

Take one more authority. In view of the military draft proposed in 1862, on account of the Civil War, under the head of “aliens,” it was declared by the government at Washington that the following persons were exempt from draft for military service in the armies of the United States:

(1) All foreign born persons who have not been naturalized; (2) All persons born of foreign parents and who have not become citizens. (Papers relating to foreign affairs, 1862, p. 283.) The very year Mr. Hughes was born, the government to which he now pays allegiance officially recognized that it had not the right to call his father to defend the flag and that it had not the right to call him to defend the flag.

The government he now aspires to preside over classed him under the general head of “Aliens” the year he was born and drew a line of distinction between him and “natural born citizens”—between him and those to whom it owed protection, and from whom it had a right to claim protection. [So....] Is Mr. Hughes a “natural born citizen” of the United States? ~end quote~

Nash’s Note: “All persons born of foreign parents and who have not become citizens.” actually means: “**All persons** who were born of foreign parents, -and who have not become citizens.”, -not: “foreign parents who have not become citizens.”

Were it not for the fact that the federal executive branch did not recognize jus soli “native-birth” citizenship, that sentence could imply that it did not include such children since they would not be persons who would “become citizens” in the future, -having been born as citizens; -but they weren’t. They were aliens.

~from Leo Donofrio’s blog: naturalborncitizen.wordpress.com

On April 27th, 2011, David Frum wrote in his blog: “The Long argument did not pass muster. A dozen years later, the Republicans again nominated a candidate with a foreign born parent, Herbert Hoover. (Hoover’s mother was born in the village of Norwich, Ontario, Canada, about 80 km west of Hamilton.) This

time the “native-born” candidate won – and was duly inaugurated. Issue closed. Or so it was assumed until now.”[12]

Mr. Frum conveniently omitted the fact that when Hoover’s mother married his father, she automatically became a U.S. citizen. So when Herbert Hoover was born, both of his parents were the American citizens, and the future president was not just a “native-born” but also a natural born Citizen.

In 1916, former Assistant Secretary of State and Ambassador to Italy, Breckenridge Long, wrote the following in the Chicago Legal News:

“It is not disputed [i.e., claimed] that Mr. Hughes is not a citizen of the United States, but... if he had the right to elect, he must have had something to choose between. He was native born because he was born in this country, and he is now a native born citizen because he is now a citizen of this country; but, had he been a “natural born” citizen, he would *not have had the right to choose* between this country and England; -he would have had nothing to choose between. He would have owed his *sole allegiance* to the government of the United States, and there would have been no possible question, -whether he found himself in the United States or in any other country in the world, that he would be called upon to show allegiance to any Government but that of the United States.”

Recently, I published a report detailing the US State Department’s long standing rule of recognizing dual allegiance. In that report, Secretary of State Lansing informed Senator Lodge that a US citizen (who was not born of citizen parents) – could be forced into foreign military duty -even against the United States. Long maintained that, as to such a citizen, the US had no diplomatic authority to demand his release. Alternatively, Secretary of State Long stressed that if the child had been born of citizen parents, the child would be released to the US since the child would owe no allegiance to the foreign nation.

Leo: -As far as I can tell, neither Jindal nor Rubio is eligible. But if Obama is eligible then these two will be eligible. But none of them truly are eligible. Their eligibility will come from precedent set by Obama. But they aren’t nbc and they ought to step forward and say that they are not. They ought to take “The High Road” of a statesman and call Obama out for

being ineligible, but neither will do that for this country. I don't think either has the stuff to step forward and say, "You know, I'd love to be President and lead this nation but it's not about what I want, it's about national security precedent, and I am simply not eligible, -and neither is Obama." *That* would take a true statesman and there is not a single one in our entire Government. Not one. -Leo Donofrio

March 16, 2011 Pat Goltz Says: As for McCain's being willing to run, don't try to condemn him for not knowing at the time what many of us learned over time since the election, yourself included. In fact, I didn't even know that Obama wasn't constitutionally eligible until after the election, though the issue had been raised beforehand, and I had just barely learned about it.

McCain certainly was not a Panamanian citizen at birth. There is no question in my mind that his loyalty has been undivided in any way, his entire life. It would be ironic if military parents couldn't confer natural-born citizenship on their children, considering that they were willing to put their very lives on the line for the safety of this nation. Such a conclusion would be the height of injustice. Military personnel go where they are told to go.

March 15, 2011 Steve Says:

Would a child born to two 3rd generation American citizens [or George W. & Laura Bush] who have lived their entire lives at 5th and Niagara Street, Niagara Falls, NY be a natural born citizen if he was born at the nearest hospital two miles from home... on the Ontario side of the border, coming home within 24 hours of birth, never to step foot in Canada again?
<http://tinyurl.com/natbornniagra>

Leo: no. [What??? I doubt he still holds that view. I wrote to him and clearly informed him of just where his interpretive logic went off the rails into falsehood.]
<http://naturalborncitizen.wordpress.com/2011/03/12/the-boston-globe-%E2%80%9Cnative-born%E2%80%9D-does-not-equal-%E2%80%9Cnatural-born%E2%80%9D-for-presidential-eligibility/>

* "One commentator contended that while Mr. Hughes was native-born, he was not *natural* born."

"Natural born" is a non-term that should not be used. It creates a false impression that it refers to something that actually exists in the realm of nature, but it does not exist. That is revealed by an identically perverted example: "A pretty young woman" While some women (citizens) are young (born) not all are pretty

(natural) because some are merely average (native-born), and they are not "pretty young" (natural born).

"Pretty young" is a non-term that doesn't exist because pretty does not modify the adjective "young" but the noun "woman" (pretty woman).

So there are "pretty women", "young women" and those who are both. But there are none labeled "pretty young" since it implies something different (rather young) just as "natural born" implies something not about citizenship but about birth, as in modifying the adjective "born" instead of the noun "citizen".

So in reality we have natural citizens, born citizens and those who are both. Only they are eligible to be President. "Born" is from the same realm as the word "natural", namely the natural realm. You have mistakenly placed it in the legal realm by erroneously connecting it to an artificial, contrived, man-made construct known as national borders.

Borders are based on invisible, conceptual, abstract and usually unnatural lines set by conquest or claim. That realm has nothing to do with the natural event of birth.

The only thing that is connected to birth is the mother and her womb. (Nine months prior, a father was involved) Thus, birth and born relate solely to a natural movement from inside of the womb to outside the womb; -from the womb to the world.

That event has no connection to imaginary borders. Its connection to "citizen" is via a recognition that it begins, at a minimum, at the completion of that transient event. Those who are mere legal citizens via permission of human law, acquire citizenship *upon*, or *at* birth and not before, but those who are natural citizens are predestined from conception to be citizens, and the place of their exit from the womb is irrelevant to their political inheritance.

So there are two kinds of born citizens. One natural, and the other artificial via government allowance, permission, or mandate. They are adopted-at-birth citizens.

As for "natural", it modifies the noun "citizen", as in "natural citizen" via *birth* and not via the American fiction of law known as *the doctrine of citizenship equality* which views those who have been natural-ized as now being natural citizens also.

Birth is connected to national membership, -citizenship, -nationality, in the same way that it is connected to family. Family is at the micro end of the spectrum while citizenship is at the macro end, -unless you prefer it to end at membership in the human race rather than just one's nation.

The family analogy is this: Example 1. Suppose that a strange woman entered your home, invited or uninvited, and she was in labor. If she delivers a live baby in your parent's bed, does that make it your natural sibling? Does it make it your *legal* sibling? Or does it have no connection to you at all?

Example 2. If friends of the family (a married couple) are living with you and she also delivers a baby under your roof, is it your natural sibling? Is it your legal sibling?

Note: A legal citizen is to a house what a natural citizen is to a home.

It is neither unless your house recognizes two pertinent things : a. Your guests are permanent residents, making her and her husband and baby quasi-members of the household, resulting in her baby growing up as a member of your family, -as a de facto sibling. And... b. Your house has a firmly established rule that all members of the household, -who were born & raised under its roof, are to be recognized as adopted children of the family if they are not actual natural children.

Example A. relates to tourists, visitors, transient guests without permanent residency who maintain their home elsewhere and are subject to the authority of their own government. Their children, who might by happenstance be delivered from the womb within American borders, are no more connected to American citizens than are their siblings born in their foreign homeland from whence came the parents of both.

Children of strangers, outsiders, -foreigners, are not natural members nor adopted members of the American family because they have a national home, and it is where they will grow up just like their parents who were born and raised there before them.

Being born within foreign borders does not make them less of what their parents are, -which is citizens, natives, natural inhabitants of their homeland, because the children are what the parents are, just as in nature.

Example B. relates to children born to members of American society who are still members of another society and nation because they are not "natural-ized" into Americans yet. But America adopts their children anyway because of the automatic naturalizing author-

ity of the 14th Amendment's citizenship clause. It declares them to be U.S. citizens which follows the assumption that their father is fully subject to the federal authority of Washington as a member of American society co-responsible for the defense of his adopted nation, -in addition to that of his original homeland.

Thus, he is fully subject to two national authorities and duties, as is the latent status of his native-born sons until they reach adulthood. Then they also become subject to both nations, with the land of their birth and residency having primary claim. They are natural citizens of their father's homeland, and adopted citizens of the land that is their home and place of birth.

Before, and without, the 14th Amendment, the federal government did not recognize the native-born minor children of foreigners as American citizens even though some of the States did, so such "sons of the soil" were de facto citizens. They were State citizens, and Americans, but not Citizens of the United States because their roots were foreign since they had no American parents, -meaning also that they did not have United States citizens as parents. So they were viewed as only what their foreign father was (his wife's nationality following his).

** Obama openly acknowledges that he was born as a dual citizen (U.S. -Kenya) but fails to admit what that implies (dual subjection to two nations).

Adrien Nash Sept. 2013

July 23, 2013

Kenya's Senate has passed a law that brings back National Youth Service (NYS) conscription for high school graduates.

Under the law passed unanimously July 18th, the pre-university service will no longer be voluntary. All high school graduates will be required to sign up for the NYS, a program that seeks to give young people vocational training, instill patriotism and empower them to help safeguard the country.

The NYS was established in **1964** to train youths in tasks of national importance, including service in the armed forces, national reconstruction programs and disaster response. For more than 20 years, pre-university stints with the NYS were compulsory for Kenyan high school graduates.

"It was gradually scrapped in the late 1980s and the re-introduction is aimed at addressing security, patriotism and morals," Elachi told Sabahi.

[One subject to two nations is not a natural citizen of either. In 1979 Obama was subject to both NYS conscription in Kenya and U.S. Selective Service registration. Dual obligation = non-natural citizen.]