TRANSCENDENT, INVIOLABLE, *A PRIORI* CITIZENSHIP Part I.

The citizenship of those born in America has never been widely understood from the viewpoint of principle, but instead has been viewed from the perspective of concepts of tradition, common law, U.S. Law and supreme court opinions, but that has left a gaping hole in the understanding of its nature.

In that circumstance, understanding the essence of citizenship is equivalent to trying to understand the nature of the orbits of planets when one starts from the wrong assumption, -the assumption that they all, as well as the sun, revolve around the center of the universe, planet Earth. At least one model was created which explained and rationalized that belief, but of course it had flaws for which one could not account when examining it very closely.

So it is also with the nature of citizenship. If one's understanding starts from an erroneous assumption then understanding the truth about the inexplicable details will also be impossible. But if one is unaware of those details, and how they all relate together as a whole, then one can and will remain clear and certain in their ignorance, unaware of any other possibility regarding the subject.

That is the status quo in America because of the non-uniformity of the views of the individual sovereign States that compacted together to form the United States. A few States had quite a different view about citizenship from all of the other States and the central government. The central State in that alternate view was the one that followed "the Virginia model", which of course was the State of Virginia. It was mostly a rural, agrarian plantation-based society, -unlike its northern-eastern fellows.

Europeans who emigrated to the South, were more likely to be agrarian-oriented individuals. They were welcomed as new and motivated additions to the enterprise of growing the size and wealth of the State's population. Not being rootless, upper-class, independently-wealthy impermanent-resident outsiders, they gradually assimilated into the society into which they immersed themselves, having left the old, corrupt societies of Europe for a better and freer life in America.

That was to the advantage of the State because the greater the number of its citizens, the greater its influence and representation in the House of Representatives in Washington D. C. The South needed all of the power in Congress it could obtain because the northern States were not friendly toward the slave-owning southern States since the economic foundation of their society relied on slave labor, -and that became an endemic influence after the invention of the cotton gin which increased the efficiency of slave labor over 1,000 percent.

Since the northern States had limited the South from being able to count every slave as a citizen for representation purposes (allowing them to be counted as only three-fifths of a person) there would be a benefit to the southern States if they could count all of the children of their immigrants as U.S. citizens if they could use the excuse that they were native-born and therefore had some right to citizenship based on the over-thrown system under the dictatorship of the British monarchy.

And so that is what they did, -granting their citizenship to all native-born persons of foreign paternity, -considering them as fellow "sons of the soil", -i.e., "a native-son of Virginia" even though their connection to the State only came with time, maturation, and association with the children and adults who were her natural citizens.

It was assumed, correctly, that their parents were very unlikely to say they'd had enough of America and move back to their foreign homeland, along with their U.S. born children who would subsequently be assimilated into the society of a foreign country, as natural citizens of a foreign nation.

With the ingrained view that alien-fathered native-born children were new State citizens, members of the few States that embraced such a citizenship tradition and law viewed the issue of citizenship through that minority perspective, but without grasping that it was not the view of the majority of the States nor the central government which represented them as a whole. So from the very start, and probably even before the adoption of the U.S. Constitution (under the State Constitutions formulated following the Declaration of Independence) there were competing, alternate views regarding the tradition, the law, and the principle underlying citizenship.

It is because of that confusion (and the resulting ignorant status quo consensus view) that Barack Obama is considered to be an American citizen. He definitely is an American, but he just as definitely is not a U.S. citizen by the laws of the United States.

Although it is assumed that he is, that assumption is like the assumption by the minority of States that all States recognized native-birth citizenship, when in fact they did not. They recognized citizen-birth citizenship and did not allow alien-birth citizenship. They adhered to the principle of *natural* membership which is a major element of Natural Law, -and rejected the notion that membership in the American family was by RIGHT for any persons other than children of American citizens. In other words; foreigners could not father Americans; -aliens could not father citizens. They instead fathered new-born aliens, -like themselves.

So you have a national dichotomy, -a nation split from the before its beginning, -just like with slavery (Free States, and Slave States). Which perspective would eventually predominate in the national public's mind? The answer was determined by one man who had the authority to set the policy of the entire nation, and he did so by adopting a position that was either a gigantic stupid mistake or a gigantic lie, but which was so subtle that no one cared or objected, nor had reason to, -until 2008 when someone ran for the U.S. presidency who not only was not constitutionally qualified, but was not even a citizen of the United States. That fact is known by very few because of what that one man determined for all of the nation, -which then became set like cement as the national policy, -even though it was based on nothing legal.

The man that promulgated the current policy was named John Griggs, and he was the Attorney General of the United States from 1898 to 1901. He went "a bridge too far" by imposing a bastardization of the supreme court opinion in 1898 that children of immigrants are U.S. citizens per the 14th Amendment. His bastardization of their opinion was that not only domestically-born children of *immigrants* are citizens but that domestically-born children of *all* <u>foreigners</u>, -including *non*-immigrants, are U.S. Citizens.

That followed the court's bastardization of the original meaning of the 14th Amendment's citizenship clause regarding who is fully "subject to the jurisdiction" of the United States' central government. For over a century it had been the American policy that only citizens were fully subject to the political authority of the national government in regard to political orders (military conscription for national defense) while foreigners and their off-spring were not, -regardless of where their son's were born since that alone did not make them Americans.

That fact is seen in the 1862 military draft legislation which excluded them from service in the Civil War. But the supreme court majority decided to overthrow the policy of the U.S. Government by jamming a stick in between the spokes of its wheel. That stick was the assertion that all native-born persons are born subject to the full political authority of the U.S. Government simply because they were born within its borders. They could make that assertion because they were all elite, high-society overlords who had not the least real-world comprehension of what that jurisdiction implied (-total loss of liberty, torturous military training and merciless military discipline, followed by exposure to great privation, bodily injury, amputation, blindness, or death in combat).

Are the U.S. born children of transient foreign guests and visitors subject to that jurisdiction? Of course not. No nation on Earth asserts such a jurisdiction over all children born on its soil in disregard of circumstance.

But that is what the court implied by its perversion of the proper usage of the word "jurisdiction", -substituting its territorial meaning in place of its proper authoritarian meaning. That perversion of the original meaning of the words of the 14th Amendment opened the door for the Attorney General to bastardize it even further, which he did, and which became an institutionalized-error that's still the accepted view of native-birth and its relationship to citizenship.

But the bastardization did not stop there. With the rise of Barack Obama, it was extended further to foster the fiction, -the fantasy, that all native-born persons fulfill the requirement of the Constitution for qualifying to be President. That is based on perverting the qualification that the President be "no person except a *natural* born citizen" to mean that "no person except a *native-born* citizen" shall be eligible. With those three delusions accepted, someone was viewed as being eligible to be the President even though he himself had no natural right to citizenship.

What is the political nature of Hong Kong and the nature of its relationship to China? What is the political nature of Quebec and the nature of its relationship to Canada? What is the political nature of Palestinian Israeli citizens and their relationship to the State of Israel? (Are they subject to universal military conscriptions as are Jews? no.) What is the political nature of Native Hawaiians and their relationship to other Hawaiians? Are any of these relationships natural, -are they the product of natural inherited connections? Clearly not.

The differences are analogous to that between the children of natural American citizens and the U.S. born children of non-citizens. Like such alien-born children, Hong Kong is connected to China, is naturally associated with China, and yet it is separate and apart because of 100 years as a British colony. It will never be assimilated into the main body politic of China because its residents are different, -having lived their entire lives under much greater freedom and self-government than the subjects of China have ever known.

While they have proximity and territoriality in common with China, they have a history that is distinctly different, -just as do the native-born children of immigrants to the United States. Their parents have a national history and citizenship that is foreign, and so they may be raised immersed in that history and tradition even if it is antithetical to American values, such as children of Saudi Arabian and similar immigrants who are staunch devotees of Islam and despisers of Western values of individual liberty and democracy.

Like Hong Kong is to China, -like the Natives of Hawaii are to mainland Americans, or French-speaking Quebecois are to English-speaking Canada, there is something different about U.S. born children of immigrants, and it is the result of their history. By that history, and by their origin, they are not natural members of the greater society in which they are situated. They are what the United States government has labeled "foreign stock".

They were so labeled not because of what is innately different about them by birth but due to a difference that pre-dates their conception. That difference is the socio-political mind-set of foreigners compared to. Americans. In today's world, that difference can be imperceptible because all of the Western world, and most of the other nations of the world, have adopted, (to varying degrees) the American example of constitutional democratic republican government in place of monarchical rule or military dictatorship. But it was quite different when America stood alone on the stage of the world as the lone democratic republic on Earth. In that age and that world, Americans were not like men from other nations who were faithful, loyal, and obedient subjects of their King. American men would bow to no King, nor accept their rule as morally and spiritually legitimate.

Immigrant fathers came to America with that lifelong psychological baggage. If they came to America for strictly financial opportunity and not political and religious freedom, then they could not be trusted to act like Americans because they did not think like Americans. They did not have the American spirit of individual liberty coursing through their spiritual veins, and that absence was filled by their foreign-inculcated attitude toward royal and government authority being sovereign over them, rather than the other way around.

So the difference between the sons of Americans and the sons of foreigners was not because of the nature with which they were born, but because of the fathers to whom they were born.

Those men came from very different worlds, and would have a profound influence on the mind-set of their sons. Their influence was to not be assumed to be disloyal if their father had chosen to become an American and divorce his homeland and king.

All Americans were viewed as being equal and equally trusted to serve and defend their country in every capacity that existed, with but one exception; if their father was a foreigner, or was a foreigner when they were born, then for the sake of American national security, such sons could not be assumed to be identical to sons of Americans because of the foreign mind-set of the father who raised them.

That one lone arcane exception to universal equality of citizenship was an insignificant reservation that impacted very few of the high-society elites who ever considered running for President because with only one secret exception, they were all born of American fathers.

For most of American history, American fathers were different from European fathers, and that difference was observed and illuminated by authors such as To-

queville, but such observation was sociological observation, -not legal differentiation between natural citizens and natural-ized citizens.

Legally, they were indistinguishable, their citizenship (being of a single nature) was defined solely by their identical relationship to the governments under which they lived, including city & country governments under which they were citizens, as well as the primary rule over them, their State governments, -through which they possessed membership / citizenship in the nation as a whole (unless born on federal land).

The first child born in the District of Columbia was something that no other person in the Union was. Such a citizen had no State Constitution to defend his constitutional rights under the federal and State Constitutions. All he had was bureaucrats in Washington D.C. , lawyers and the district and supreme court.

His national / federal citizenship was *not* the same as that of *State* citizenship but it *was* not only equal to the *national* citizenship of all State citizens, but was in fact identical.

But what about the men who might seek to serve as President? Was their citizenship no different from that of all others who might seek national office? The answer could not and did not come from the Legal & Political realm, because in that realm all citizens were indistinguishable even though duration of citizenship was taken into account for all but the President.

The question of the nature of the President's citizenship was not a matter of politics but of national security since his office was combined with that of the Command in Chief of the United States Military. He would wear two hats as head of the executive branch (to carry out the law of the land) as well as head of the U.S. Army and Chief Commander of all of the military commanders.

So his power was a serious matter since disobedience to his orders could be treated as treasonous. Therefore his orders must never be slanted in favor of a foreign power and against the Constitution and best interest of the Union, -which theoretically could be the case if born of and raised by a foreigner with foreign allegiance & connections to a king or aristocratic power-center in Europe.

Consequently, it was decided that it didn't matter *where* he was born, but *to whom* he was born. If he was born of an American Ambassador such a Thomas Jefferson (Paris) or John Adams (London) then he would have only allegiance to America and her Constitution because he would be raised by loyal, patriotic parents, but if born of foreigners on U.S. soil, then one could be transported with them back to their foreign country and raised there to be a loyal subject of their King. How could that sort of "citizen" be allowed to wield the power of the Commander-in-Chief since it might be wielded in favor of a foreign monarch or wealthy noble family?

So the President had to be more than simply "a citizen of the United States" which was all that was required to serve as Congressmen, as military officers, and as federal judges. But what exactly must he be required to be or prohibited from being?

The framers of the Constitution could have written that no citizen naturalized after the adoption of the Constitution would be eligible to be President but that would not have put up the road-block that they sought since such wording would have included those native-born sons of impermanent-resident foreign fathers who after a few years took the oath of Allegiance & Renunciation and became State & U.S. Citizens.

Such sons were to be excluded from eligibility but to make that clear required something extra-ordinary. It required bringing in a reference that was not from the realm of Law & Politics since in that realm all citizens would be (and are) legally equal (following the doctrine of citizenship equality).

They had to switch out of that realm and into another realm, -the *sociological* realm in which differences can be acknowledged which cannot be acknowledged in the legal realm because it is founded on a fundamental **fiction of law** that considers that those who have swore a sacred oath of allegiance and renunciation become new *natural* citizens. That's just like the fiction a family might embrace regarding a young or new-born adopted child whom they relate to as being their very own natural child.

The national bond of oneness-unity cannot embrace legal distinctions of separateness and differences, but they can be recognized from a sociological view, and that is what the framers did.

Everything else in the entire Constitution is of a legal nature, -even the definition of treason, but the qualification to be President is not in that realm nor of a

legal nature. It is purely of a sociological nature that recognizes qualitative demographic differences that exist in the real world. The American doctrine of equality had to be set aside for one exception that related to the command of national military power.

That doctrine viewed all citizens as natural citizens, -hence the term: natural-ized, -not citizen-ized. So simply requiring the President to be a natural citizen would have been an ambiguous designation in the real world, and requiring him to be a born citizen was ambiguous also since some would be born of Americans and some born of foreigners ("four States" granted citizenship to everyone born within their borders).

So to avoid ambiguity, they had to resort to using language that conveyed exactly what they required of the President's citizenship and that was done by combining both terms. That would yield either: "one born a natural citizen" or "a natural born citizen".

The choice of words they used was the latter, which avoided the two rejected possibilities of "native-born citizen" and naturalized "natural citizen". Both of those terms include sons of aliens but the framers chose that only sons of Americans be allowed to hold the reins of America's military power, -the power that General Washington had wielded, and then surrendered instead of holding onto it ,-as would have every other ruler on Earth, -none of whom were Americans nor embraced American values of liberty and equality. I've covered all of these points repeatedly though in different words, but the purpose of this exposition is something never covered before, -something newly encountered and it is so simple and silent that it goes totally unrecognized and unknown. It's a fact about the unwritten and unrecognized truth underlying legal reality and what its source actually is.

It's a truth that I've never come across before, and may be totally unknown in today's world. Our entire legal system is founded on it and yet it is unacknowledged and invisible. It's a truth about power, -the power of words spoken in the form of an oath, combined with primal rights and primal moral obligations.

But first we need to be clear about another primal reality, and that is in regard to the nature of legitimate nations. The foundation of nations is the society upon which the nation is formed. Societies exist with or without the additional structure of government & written law which may be built upon them. Within that legal structure of Law & Government there is an allowance for people who are not natural members of the society but wish to join it and be accepted as members. They constitute less than 5% of most nations, -perhaps less than 1-2% with many nations.

They are a creation of the structure of law build upon the foundation of the society which constitutes the nation. The society itself is not a part of that structure but pre-dates it, -existing as a primal entity just like the herds and flocks seen in the rest of nature. Their membership in their group is primal also, transmitted, conveyed, inherited by birth, -by blood connection to parents who are members.

As such, their membership is an element of the fundamental structure of the society and not dependent on the legal structure of government which is built upon it. That structure only deals with the membership of those who are outsiders, aliens, foreigners. They become *legal* members. On the other hand, the native society itself is composed purely of *natural* members because their membership in the society is a natural thing. In the legal structure (built atop the society of natural members) that membership is recognized as *natural* CITIZENSHIP.

It is natural national membership and nothing else. It is not legal membership because the built-up legal structure does not support the foundation which it is built upon and which instead supports it.

Legal members are a creation of the legal structure. Natural members are a creation of the natural foundation. They do not required the acquiescence of the legal structure in order to be members of the society into which they were born as members, rather, the legal structure recognizes that the 97 +/- % of the nation's members are the natural foundation on which it is built and its creator. As such, they do not need the permission of their creation to be members of its foundational society nor the nation it has created.

In Part II we'll explore the obscure references that reveal that truth. They relate to: trans-national migration rights of Native North Americans, citizenship established by oath rather than government permission, and judicial contempt power for which there is no legal basis.

by Adrien Nash Dec. 2013 http://obama--nation.com