

## A Question for Ted Cruz Supporters

I have a question for those who claim Ted Cruz is a natural born citizen. First, let's examine 8 U.S. Code § 1401 - Nationals and citizens of United States at birth:

“The following shall be nationals and citizens of the United States at birth:

- (a) a person born in the United States, and subject to the jurisdiction thereof;
- (b) a person born in the United States to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe: Provided, That the granting of citizenship under this subsection shall not in any manner impair or otherwise affect the right of such person to tribal or other property;
- (c) a person born outside of the United States and its outlying possessions of parents both of whom are citizens of the United States and one of whom has had a residence in the United States or one of its outlying possessions, prior to the birth of such person;
- (d) a person born outside of the United States and its outlying possessions of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year prior to the birth of such person, and the other of whom is a national, but not a citizen of the United States;
- (e) a person born in an outlying possession of the United States of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year at any time prior to the birth of such person;
- (f) a person of unknown parentage found in the United States while under the age of five years, until shown, prior to his attaining the age of twenty-one years, not to have been born in the United States;
- (g) a person born outside the geographical limits of the United States and its outlying possessions of parents one of whom is an alien, and the other a citizen of the United States who, prior to the birth of such person, was physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years: Provided,

That any periods of honorable service in the Armed Forces of the United States, or periods of employment with the United States Government or with an international organization as that term is defined in section 288 of title 22 by such citizen parent, or any periods during which such citizen parent is physically present abroad as the dependent unmarried son or daughter and a member of the household of a person (A) honorably serving with the Armed Forces of the United States, or (B) employed by the United States Government or an international organization as defined in section 288 of title 22, may be included in order to satisfy the physical-presence requirement of this paragraph. This proviso shall be applicable to persons born on or after

December 24, 1952, to the same extent as if it had become effective in its present form on that date; and

(h) a person born before noon (Eastern Standard Time) May 24, 1934, outside the limits and jurisdiction of the United States of an alien father and a mother who is a citizen of the United States who, prior to the birth of such person, had resided in the United States.”

Pay particular attention to rule (g), which would apply to Ted Cruz.

Is Cruz “a person born outside the geographical limits of the United States and its outlying possessions”? Yes. He was born in Calgary, Canada, not the United States or a U.S. possession like Guam.

Was Cruz born “of parents one of whom is an alien” Yes, his father was, at the time of Ted’s birth, a citizen of Cuba.

Was Cruz’s other parent “a citizen of the United States”? Yes, his mother was reportedly a citizen of the United States (if one assumes she did not at some point become a citizen of Canada—which is suggested by her working in Canada for an extensive period and her name appearing on a Canadian voter list).

Prior to the birth of Ted Cruz, was his mother “physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years”? Yes, that is assumed to be the case.

Because the answers to those questions are yes, Ted Cruz would be considered a *citizen of the United States*, according to 8 U.S. Code § 1401.

But ask this question as well: What if Cruz’s mother had been physically present in the United States for *fewer than five years*? If that had been the case, Cruz would *not* have been considered a U.S. citizen under the statute. Even Cruz supporters must accept that interpretation. The statute is clear: if an individual is born outside the United States to only one U.S. citizen parent and that parent resided in the United States for fewer than five years, that individual is *not* a U.S. citizen.

Now consider that the statute only declares that an individual who satisfies one of the above sets of requirements is a U.S. *citizen*. It does *not* state that he or she is a *natural born citizen*. The statute refers only to “citizen” and not to “natural born citizen.” The statute does *not* declare that an individual like Cruz is a natural born citizen. It makes it clear that he is only considered a generic citizen.

One either has natural born citizen status at birth or one does not. It does not and cannot have anything to do with how long a parent lived in the United States. It is based solely on place of birth and the citizenship of the parents at the moment of birth.

Yet some *still* argue that Cruz is a natural born citizen of the United States simply because his mother was a U.S. citizen. But if the mere fact that Ted Cruz’s mother was a citizen is sufficient

for him to be considered a natural born citizen, that leaves one with the *absurd* scenario in which he would be a natural born citizen *but not a citizen* had his mother lived in the United States only four years! That is precisely why the statute refers only to citizen and not natural born citizen status. It was never intended to impose natural born citizen status on anyone.

Ted Cruz may be a U.S. citizen, but he is *not* a natural born citizen.

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