

Hey Democrats, Here's A Way To Stop Ted Cruz!

I discovered today that TheAtlantic.com had blocked me from posting comments. Why? I had responded negatively (but politely and factually) to an article that claimed Senator Ted Cruz (R-TX) is a natural born citizen eligible to serve as president. Author David A. Graham, wanting to “nip those birther questions in the bud right now,” wrote, “Helpfully, the Congressional Research Service gathered all of the information relevant to Cruz’s case a few years ago, at the height (nadir?) of Obama birtherism. In short, the Constitution says that the president must be a natural-born citizen. ‘The weight of scholarly legal and historical opinion appears to support the notion that ‘natural born Citizen’ means one who is entitled under the Constitution or laws of the United States to U.S. citizenship ‘at birth’ or ‘by birth,’ including any child born ‘in’ the United States, the children of United States citizens born abroad, and those born abroad of one citizen parents [sic; parent] who has met U.S. residency requirements,’ the CRS’s Jack Maskell wrote. So in short: Cruz is a citizen; Cruz is not naturalized; therefore Cruz is a natural-born citizen, and in any case his mother is a citizen.”

Graham is wrong because Maskell is wrong. Maskell’s incorrect claims and conclusions were meant *only to defend Obama*, not to establish the truth about the meaning of the term “natural born citizen.” Graham’s own statements even work against Cruz. Cruz was born in Canada to a Cuban father and an American mother. He was a Canadian citizen by birth, based on the laws in Canada. If, as Graham claims, Cruz did not become a naturalized U.S. citizen, he remained a Canadian citizen. That Cruz, on May 14, 2014 denounced his Canadian citizenship is irrelevant because that action *does not change the facts as they existed at the moment of his birth*.

Even *if* one considers Cruz a U.S. citizen by virtue of his mother’s citizenship, that does not make him a “natural born citizen.” The two terms do *not* mean the same thing—regardless of what Graham and Maskell claim. Graham should explain why, if the fact that Cruz’s mother was an American makes him a U.S. citizen even though he was not born in the United States, why does the fact that Obama’s father was a Kenyan not make him a Kenyan citizen even though or if he was not born in Kenya? By arguing, “His mother was an American, therefore he is an American,” one is also arguing, “His father was a Kenyan, therefore he is a Kenyan.” Graham cannot make one such claim without making the other.

The Atlantic’s David Graham may believe that merely quoting an attorney who was called upon by Congress *for the sole purpose of defending Obama* is sufficient “research,” but history proves both Graham and Maskell wrong. As I have noted several times in *The Obama Timeline* (theobamatimeline.com), on the floor of the U.S. House of Representatives in 1862, Congressman John Bingham—the “father of the 14th Amendment”—stated, “All from other lands, who by the terms of laws and a compliance with their provisions become naturalized, are adopted citizens of the United States; all other persons born within the Republic, *of parents* [note the plural] *owing allegiance to no other sovereignty* [italics added], are natural born citizens. Gentleman can find no exception to this statement touching natural-born citizens except what is said in the

Constitution relating to Indians.” In 1866 Bingham stated, “Every human being born within the jurisdiction of the United States *of parents* [plural again] *not owing allegiance to any foreign sovereignty* [italics added] is, in the language of your Constitution itself, a natural born citizen.” Bingham’s definition was never disputed by other Congressmen. Obama supporters—including attorneys filing briefs with the U.S. Supreme Court—have conveniently omitted the words “of parents” when quoting Bingham’s statement, in a shameful and intentional effort to mislead.

In the 1885 U.S. Supreme Court case *Minor v. Happersett*, Chief Justice Morrison Waite wrote, “The Constitution does not, in words, say who shall be natural-born citizens. Resort must be had elsewhere to ascertain that. At common-law, with the nomenclature of which the framers of the Constitution were familiar, it was never doubted that all children born in a country *of parents* [plural] *who were its citizens* [italics added] became themselves, upon their birth, citizens also. These were natives, or *natural-born citizens* [italics added], as distinguished from aliens or foreigners. Some authorities go further and include as citizens children born within the jurisdiction without reference to the citizenship of their parents. As to this class there have been doubts, but never as to the first.”

That is, there was agreement by all legal scholars in 1885 that the term natural born citizen meant “born in the United States to two U.S.-citizen parents.” A *minority* argued that the citizenship of the parents was immaterial. *Without justification, Obama supporters eagerly accept the less common interpretation.* The Supreme Court has *never* ruled on the meaning of the term natural born citizen. (In addition to *Minor v. Happersett*, the cases *Shanks v. Dupont*, *United States v. Ward*, *Keith v. United State*, and *United States v. Wong Kim Ark*, are worth reviewing. Wong is often misinterpreted by Obama supporters, who wrongly infer the term natural born citizen in places where the Court references only the generic term citizen. All natural born citizens are citizens, but not all citizens are natural born citizens, just as all trees are plants, but not all plants are trees.)

Additionally, Article II, Section 1, Clause 5 of the U.S. Constitution reads:

“No Person except a natural born Citizen, *or a Citizen of the United States, at the time of the Adoption of this Constitution* [italics added], shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.” Note the highlighted “grandfather clause.” That text was made necessary after the term “born citizen” was changed to read “natural born citizen.” An earlier draft of the document read as follows:

“No Person except a Born Citizen shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.”

“Born Citizen” means born on U.S. soil—without regard to the citizenship of one’s parents. John Jay then wrote George Washington and asked that all presidents be required

to be *natural born citizens*—that is, born on U.S. soil to two U.S. citizen parents. But simply making that change (“born” to “natural born”) would have been inadequate:

“No Person except a natural born Citizen shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.”

The problem with that text is that neither George Washington nor John Adams *nor anyone else* was yet a 35-year-old natural born citizen. Those potential presidents who were born on U.S. soil (such as George Washington, who was born in Virginia) obviously could not have had U.S. citizen parents at the time of their births. (Washington’s parents were citizens of Great Britain, as were the majority of the residents of the 13 colonies). In other words, it would be 35 years before anyone could serve as president! To allow for that problem, the final version read:

“No Person except a natural born Citizen, *or a Citizen of the United States, at the time of the Adoption of this Constitution* [emphasis added], shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.”

The “grandfather clause” is essentially a loophole that means, “We can’t go without a president for decades while we wait for every newborn natural born citizen to reach age 35, so we will *temporarily* allow individuals who are *not* natural born citizens to serve as president, as long as they were on this soil and U.S. citizens in 1789 when this document was adopted.” (Arguably, one might change that to July 4, 1776.)

Considering all of the above, it is clear that the U.S. Constitution prohibits Obama, Senator Marco Rubio (R-FL), Louisiana Governor Bobby Jindal, Ted Cruz (R-TX), and South Carolina Governor Nikki Haley from serving as president or vice president. Like George Washington, they are not natural born citizens. But Washington had the grandfather clause; *they do not*.

Obama is actually the nation’s second illegal president. The first illegal president was Chester A. Arthur, who hid from the public the fact that his father was not a U.S. citizen at Chester’s birth. Arthur even went so far as to burn his father’s documents—something that certainly would not have been necessary if his father’s citizenship was irrelevant. Regardless of where Obama was born, his father was not a U.S. citizen (if one assumes his father was the drunken Kenyan communist he claims was his father). Obama is therefore not a natural born citizen. Marco Rubio was born in Florida to Cuban citizen parents; he is a U.S. citizen but he is not a natural born citizen. Bobby Jindal was born in the United States to Indian citizen parents; he is a U.S. citizen but he is not a natural born citizen. Ted Cruz was born in Canada to an American mother and a Cuban father; he is a U.S. citizen but he is not a natural born citizen of the United States. Nikki Haley was born on U.S. soil to two citizens of India; she is a U.S citizen but she is not a natural born citizen of the United States.

One problem for Obama supporters, of course, is that although they will do everything in their power to destroy Ted Cruz, Marco Rubio, Bobby Jindal, or Nikki Haley if they run for president or vice president, their ammunition *cannot* include charging that Cruz, Rubio, Jindal, and Haley are not natural born citizens—even though they are not! That ammunition would necessarily also expose Obama as an illegal occupant of the White House. The sad truth is that Obama was able to get elected because Democrats and Republicans in Congress either did not care that he was ineligible, or they were totally ignorant of the meaning of the term natural born citizen. The mainstream media, eager to help Obama get elected, chose to ignore or ridicule the issue. (Almost no one in the media likely ever heard of Congressman John Bingham, *Minor v. Happersett*, or the “grandfather clause” of Article II, Section, Clause 5 of the U.S. Constitution.) If Americans believe the presidency should not be limited to persons born on U.S. soil to two U.S. citizen parents, the proper course of action is to amend the U.S. Constitution—*not to ignore it*. But inasmuch as many legislators seem to care little about the First, Second, Fourth, Fifth, and Tenth Amendments to the Constitution, it may be expecting too much to ask that they care about the purpose of the “grandfather clause.”

Some might argue that the Democrats would be wise to now turn against Obama and help to expose his forged birth certificate and Selective Service registration form. He would be removed from office, leaving them free to say, “On second thought, the ‘birthers’ were right. Obama is *not* a natural born citizen—and neither are Cruz, Rubio, Jindal, and Haley!” Such an action by the Democrats would remove those four threats from any future presidential GOP ticket. If the reality is that Obama’s father was his communist mentor in Hawaii, Frank Marshall Davis, that helps the Democrats even more because Obama would then actually be a natural born citizen. (Obama might merely be a fraud and a con man, rather than an illegally serving fraud and con man.) The Democrats would then be even more free to point out that Cruz, Rubio, Jindal, and Haley are not eligible to serve. Yes, Obama’s legacy would be further destroyed in the process, but his legacy isn’t looking too good at the moment anyway.

Come on, Democrats, I dare you!

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