

## Natural Born Citizen For Dummies

At CanadaFreepress.com, J. B. Williams reviewed the 2001 Supreme Court case *Tuan Anh Nguyen v. INS* (Immigration and Naturalization Service) and noted Justice Ruth Bader Ginsberg's comments about nationality.

Ginsberg stated: "Mr. Kneeder, I have a problem with it [Kneeder's argument]. You would surely have a huge statelessness problem if you didn't recognize that the child born abroad to U.S. citizens is a U.S. citizen because, as you point out, in most countries in the world, they go by blood, not by land of birth. ... You call the child born abroad an alien, but in most places in the world that child would *not* be a citizen of the place in which that person is born; isn't that so? ... If Congress went back to the way it was when everything was determined by the father's citizenship, go back to before 1934, suppose Congress accepts your argument or we accept your argument and say plenary power, they can do whatever they damn please, so they say children born abroad of fathers who are U.S. citizens can become U.S. citizens, but not children who are born abroad of U.S. mothers where the father is an alien. That's the way it used to be in the bad old days."

The case involved a child born in Vietnam to a Vietnamese mother and an American father who were not married. At age 6 the boy moved to the United States with his businessman father. At age 22 he was convicted of sexual assault and the INS began proceedings to have him deported. Nguyen considered himself Vietnamese, but his father considered him to be a U.S. citizen. The lawsuit involved the fact that the INS has different rules for such a situation, depending on whether the mother or the father is the U.S. citizen.

In a 5-4 decision the Supreme Court ruled that the INS did not violate the Due Process Clause of the Fifth Amendment to the U.S. Constitution. Ginsberg voted with the minority. The significance of the case is that Ginsberg understands legal precedent with regard to citizenship and parentage, and is aware of the concept of "natural law" that historically considered the bloodline of the *father* to be critical in ascribing citizenship. Ginsberg understands that a child born in Vietnam to a Vietnamese mother and an American father is considered a U.S. citizen. That prompts the question: Might she similarly someday rule that a child born in the United States to an American mother and a father who is a citizen of the British Protectorate of Kenya is considered a British/Kenyan citizen?

If Obama cannot even depend on a liberal member of the Court to rule in his favor, there is little wonder why he is fighting eligibility lawsuits so fiercely. He is not stupid. He knows he is not a natural born citizen, but became president because he correctly estimated that few people understand the term and knew the media would not pursue the issue.

Most Americans do not understand the meanings of the different terms. “Native born” relates to *place* of birth, while “natural born” relates to *parentage* and the “laws of nature”—the family lineage of the father’s bloodline. That is the history of the terms, both in general and legal usage. Obama supporters can scream and shout all day long, “He was born in Hawaii!”—but, true or not, that is irrelevant.

Emerich de Vattel’s *The Law of Nations* (1758) was widely read by and influenced the Founding Fathers of the United States. He wrote, “...natural-born citizens, are those born in the country, of parents who are citizens. As the society cannot exist and perpetuate itself otherwise than by the children of the citizens, those children naturally follow the condition of their fathers, and succeed to all their rights. The society is supposed to desire this, in consequence of what it owes to its own preservation; and it is presumed, as matter of course, that each citizen, on entering into society, reserves to his children the right of becoming members of it. The country of the fathers is therefore that of the children; and these become true citizens merely by their tacit consent. ...I say, that, in order to be of the country, it is necessary that a person be born of a father who is a citizen; for, if he is born there of a foreigner, it will be only the place of his birth, and not his country.”

In other words, because Obama’s father was not a citizen of the United States, Obama is *not* a natural born citizen; he is only a native born citizen (assuming he was born in Hawaii). Obama cannot therefore legally serve as president, because the U.S. Constitution requires that presidents reside in the United States for 14 years, attain age 35, and be natural born citizens of the United States: “No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President...”

Because *no one* could have been a 35-year-old natural born citizen of the United States *when the Constitution was adopted in 1787*, the language had to include “or a citizen of the United States, at the time of the adoption of this Constitution.” Had that exception not been included, *no one* would have been eligible to serve as president!

As the decades passed, of course, natural born citizens attained the age of 35 and the additional language became superfluous. Abraham Lincoln, for example, was at least age 35 when he ran for president and was a natural born citizen by virtue of having been born on U.S. soil to two citizen parents. George Washington was *not* a natural born citizen because his parents were *not* U.S. citizens at the time of his birth. (That would have been impossible, because the United States did not exist at the time of his birth and his parents were British subjects.)

But if George Washington was not a natural born citizen and got to be president, why can’t Obama? The answer is that Washington (and Adams and Jefferson and others) was covered by the *exception* in the rule: “or a citizen of the United States, at the time of the adoption of this Constitution.” Washington was not a natural born citizen, but he was a citizen at the time of the adoption of the Constitution. The exception served a purpose in 1787, but everyone who was covered by that exception is now dead.

Those who argue that it is sufficient to have been born on U.S. soil to be considered a natural born citizen do not understand the history of the term. They should be required to explain *why* the Constitution needed to include that presidential eligibility exception, “or a citizen of the United States, at the time of the adoption of this Constitution...” If natural born citizen means nothing more than having been born on U.S. soil, that language was not necessary. That it was included is further proof that the drafters meant for the term natural born citizen to mean what it had meant historically, in both British law, *The Law of Nations*, and other writings. They did *not* write that a president need be only a “citizen,” or even a “native born citizen;” they wrote that the president must be a “natural born citizen.” (As Obama is wont to say, “Words have meanings.” So do those in the U.S. Constitution.)

Should the U.S. Supreme Court ever be asked to rule on the meaning of natural born citizen and how it applies to presidential eligibility under Article II, Section 1 of the U.S. Constitution, the Justices—tempted or pressured as they might be—cannot ignore history, precedent, and centuries of law. Again, Vattel wrote in *The Law of Nations*, “I say, that, in order to be of the country, it is necessary that a person be born of a father who is a citizen; for, if he is born there of a foreigner, it will be only the place of his birth, and not his country.” What many Americans *believe* to be the meaning of natural born citizen—“Born in the USA”—is actually only the meaning of native born.

If the Supreme Court rules according to the law, it would have no choice but to rule that Obama does *not* meet the eligibility requirements of the presidency. He is *not* a natural born citizen of the United States—regardless of where he was born—because he did not have two U.S. citizen parents and, historically, the father’s citizenship is conveyed to the child.

For that same reason, Louisiana Governor Bobby Jindal cannot be president. At the time of his birth his parents were not both U.S. citizens. The fact that most Americans, most politicians, and virtually everyone in the mainstream media does not understand the law is irrelevant. The Supreme Court can only rule on the basis of law and legal precedent, not the uninformed preferences of the citizenry.

Having said that, the Court likely hopes never to have to address the issue. It may prefer that Obama continue to serve illegally to ruling that he is ineligible to serve as president, mostly because there would be no end of problems as a result of that ruling—not the least of which could be nationwide riots in which large numbers of people might be killed.

Of course, if Obama’s popularity continues to plummet, we may get to the point where an overwhelming number of Americans are eager to “throw the bum out”—in which case one of the many Obama eligibility lawsuits may suddenly find its wheels greased and a date with Supreme Court. If hyperinflation shows up while the unemployment rate remains high, the Court may find itself in a situation where *not* ruling against Obama could result in nationwide riots.

What is more likely is that Obama will remain in office and be defeated in the 2012 election. He may even face a challenge in the 2012 primaries and be defeated. (Don't think that no Democrats are considering that option.)

And if several of the 50 states beef up their laws and demand that all presidential candidates prove they are natural born citizens in order to be placed on the ballot, the issue may rise to the forefront even without a Supreme Court ruling—because Obama *cannot* prove he is a natural born citizen—regardless of whether he finally hands over his long form birth certificate—because that would require documentation showing that his *father* was a U.S citizen. That being impossible, Obama's name would not appear on the ballot.

Can Obama win reelection if his name is not on the ballots of several states? He cannot, because the mere fact that even one state passes such a law and rules him ineligible to run will prompt media coverage. Americans will finally learn the meaning of natural born citizen. And Obama will be out of the White House and on *Celebrity Apprentice*—perhaps with John Edwards, Keith Olbermann, and Gary Coleman.

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