Not Your Grandfather's Constitution

Ever since the question of Obama's eligibility to serve as president has come up, his supporters have argued that the term "natural born citizen" means nothing more than having been born on U.S. soil. "Obama was born in Hawaii," they declare, "so he is eligible to serve as president." Needless to say, millions of Americans suspect that Obama was not born in Hawaii but, even if he was, he cannot legally serve as president. Why? *Because the U.S. Constitution says so.*

Article II, Section 1, Clause 5 reads as follows:

> "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; 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."

Highlighted in red is the "grandfather clause." That text supports the argument that "natural born citizen" means something *more* than simply having been born on the nation's soil. If "born on native soil" is sufficient to make one eligible to serve as president (assuming attainment of age 35 and 14 years of residency), then the grandfather clause *serves no purpose.* That is, the text would simply read:

> "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."

A few minutes of thought makes it obvious that the grandfather clause was necessary *because there were no natural born citizens at the time the Constitution was drafted in 1789*. George Washington, for example, was merely a "born citizen" or "native born citizen." He was certainly born on native soil—in Virginia in 1732—but his parents were, of course, not U.S. citizens. They were citizens of Great Britain.

Note that earlier drafts of the Constitution read:

> "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."

The grandfather clause was not included because it was not necessary. The term used was "born citizen," or born on native soil. Because the citizenship of one's parents is irrelevant to the term "born citizen," the grandfather clause was not needed in those earlier drafts.

John Jay then wrote to George Washington and requested that the presidential eligibility requirement be made more strict by prohibiting persons born with "divided loyalties" from serving as president. Although members of Congress needed only to be generic citizens, Jay felt that presidents should be held to a higher standard. His concern was that the president was *also* commander-in-chief of the new nation's armed forces and he engaged in foreign policy. A person with divided loyalties who managed to get elected to the Senate or the House of Representatives would be far less dangerous in that position than if he were president, because his vote would be only one among many in Congress. But as commander-in-chief of the armed forces and director of foreign policy, the president needed to be without divided loyalties. Jay argued that an individual born on U.S. soil *to citizen parents* would be further removed from loyalties to another nation. Washington and others agreed, and James Madison modified the Constitution, changing "born Citizen" to "natural born Citizen."

But that change, of course, caused a problem: *There were no natural born citizens age 35 or older in 1789*. Anyone that age would have been born to parents who were not, at the time of their child's birth, U.S. citizens. Their parents would have been citizens of Great Britain (or France, or Germany, etc.). *No one*, including George Washington, John Adams, Thomas Jefferson, and James Madison, could therefore have served as President of the United States. Unless the nation was to go without a president for decades—while it waited for children to be born to U.S. citizen parents and reach age 35—the text had to be modified. Hence, the "grandfather clause" was added to the presidential eligibility requirement: "or a Citizen of the United States, at the time of the Adoption of this Constitution." The final text read:

> "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; 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."

Washington, Adams, Jefferson, Madison and the other early presidents were, of course, "generic" citizens of the United States as of the nation's founding, and could have served as Senators or members of the House of Representatives, or as Supreme Court Justices. But they were *not* natural born citizens because they were not born to U.S. citizen parents. Hence the need for the grandfather clause.

This is not a "conspiracy theory;" ***this is history***. Regrettably, tens of millions of Americans are ignorant of the nation's history, and much of what was taught in the 1800s is certainly no longer being taught today. When Chester A. Arthur served as president (1881-1885) he knew that Americans understood the meaning of the term natural born citizen, and as a result he went to great lengths to hide from the public the fact that his Irish father William was not a citizen of the United States when he, Chester, was born. Arthur even burned records to cover his past. (Arthur would have had no need to hide his father's citizenship had the term natural born citizen related only to the location of his birth.)

The issue is rather simple. It is as though the Constitution stated, "No person can serve as president unless he owns a *purple car*." Obama's supporters assert, "Obama owns a car, and is therefore eligible." The media recites, "Obama owns a car, and is therefore eligible." Democrats declare, "Obama owns a car, and to claim that he does not is racist." Republicans respond, "We believe Obama when he says he owns a car, and we believe that Marco Rubio and Bobby Jindal also own cars." The Supreme Court shrugs and says, "We're not interested in whether Obama owns a car, or its color." The "birthers" argue, "Obama drives a foreign car." Meanwhile, some of us shout at the top of our lungs, "*But Obama's car is not purple!*"

Obama supporters point to the 14th Amendment and to various court cases to "prove" Obama is eligible to serve as president, but those references relate to *generic* citizens, not *natural born* citizens. (That is, they refer to laws that mention cars, rather than purple cars. A law that says, "All cars must have working brakes," has no bearing on a law that says, "No person can serve as president unless he owns a *purple car*.")

By 2008, of course, few Americans understood the meaning of the term natural born citizen. Most incorrectly believed then, and still believe, it means nothing more than born on U.S. soil. Many in politics and some in the media understood what the term meant, but said nothing: the Democrats and the media, in order to get Obama elected; and the Republicans, in order to avoid being called racists—and because they had their own eligibility problems with John McCain, who was born in Colon, Panama.

Not surprisingly, Obama has vigorously fought eligibility challenges in court, knowing that if the Supreme Court were to rule on the issue of the meaning of natural born citizen it would have to declare him an illegal usurper of the office. (*Note that Obama's court battles have not been to prove he was born in Hawaii; they have been to prevent the courts from ruling on the meaning of the term natural born citizen*.) Lower courts have assisted Obama by doing their best to deny legal challenges, mostly based on technicalities like standing and jurisdiction. The Supreme Court has refused to hear an eligibility case (*Kerchner v. Obama*), because the Justices know they would have to rule against Obama and they fear such a ruling would set off nationwide race riots. But there is no hiding the fact that history supports the interpretation of the term natural born citizen as "born on U.S. soil to two U.S. citizen parents." Facts may oftentimes be problematic, but they are facts nevertheless.

If the grandfather clause is necessary, it proves that Obama is ineligible to serve as president. (It also means that Florida Senator Marco Rubio and Louisiana Governor Bobby Jindal cannot serve as president or vice-president.) If the grandfather clause is not necessary, then James Madison included 16 words in the U.S. Constitution for no reason whatsoever. Either James Madison was an idiot, or Chester A. Arthur and Obama are illegal usurpers of the presidency. If you believe the latter, then you must demand that something be done about it. Contact your state legislators and *insist that Obama's name not be allowed on your state's ballots*. If you are unsuccessful in that effort, then do your

best to ensure that he is defeated on November 6—before he does any more damage to the nation.

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