FREDERICK WILLIAM DAME

A REPORT ON THE NATURAL BORN CITIZEN FRAUD-AND-TREASON MOVEMENT

In *The Obama Timeline* Don Fredrick communicates information that "WND.com reports on the claim by attorney Leo Donofrio that the text of (25) Supreme Court decisions posted on the Internet at the legal reference site Justia.com have been changed to modify or remove references to the meaning of the term *natural born citizen*."[1]

Mr. Fredrick continues this thrilling exposé by noting that "WND.com quotes Dianna Cotter of the *Portland Civil Rights Examiner*: 'This was done in these specific cases in order to prevent their being found by Internet researchers long before anyone had even begun to look for them, even before Obama would win the Democratic (Party) nomination at the DNC Convention in Denver, Colo., in August '08. This is premeditation and intent to deceive.'"

Don Fredrick exposes the relationship between Tim Stanley, the CEO of *Justia* and Barack Hussein Obama: their initial association was with the movement *Obama for America 2008* and continues in his monthly report that Leo Donofrio documents the fact that "New evidence conclusively establishes that 25 U.S. Supreme Court opinions were sabotaged then republished at Justia.com during the run-up to the '08 election. …Regardless of who you supported in 2008, or whether you agree with the assertion of Minor's [*Minor v. Happersett]* relevance, every American should be outraged that 25 Supreme Court cases were surgically sabotaged and then passed off to the public as if the tampered versions contained the 'Full Text of Case'. This is the very definition of 'Orwellian Fascism'. Its propaganda. And there is no place for it in the United States. The sacrifices for truth and justice which created and have sustained this nation are wantonly debased by the subversive deception emanating from Justia.com. That is a

[1] http://www.colony14.net/id576.html.

fact. The questions which need to be answered now are who ordered it and who carried out the subversive plot.″

Don Fredrick further explains that "the Internet 'scrubbings!" to which Donofrio refers generally involve the deletion of references to *Minor v. Happersett* (1875), in which Chief Justice of the Supreme Court C. J. 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 who were its citizens became themselves, upon their birth, citizens also. These were natives, or natural-born citizens, 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 to the first.'"

A decisive speech took place the United States House of Representatives in 1862. Congressman John Bingham – the 'father of the 14th Amendment – stated, 'All from other lands, who by the terms of [congressional] laws and compliance with their provisions become naturalized, are adopted citizens of the United States; all other persons born within the Republic, *of parents owing allegiance to no other sovereignty* [emphasis 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.'"

Don Fredrick goes on to say that four years later in 1866, Congressman John Bingham "stated, 'Every human being born within the jurisdiction of the United States *of parents not owing allegiance to any foreign sovereignty* [emphasis added] is, in the language of your Constitution itself, a natural born citizen.'"

It is historical fact that other Congressmen never disputed Representative Bingham's definition of natural born citizen. Don Fredrick points out that "Obama supporters – including attorneys filing briefs with the U:S: Supreme Court – have omitted

the words 'of parents' when quoting Bingham's statement, in a shameful and intentional effort to mislead.'"[2]

The cover-up for Barack Hussein Obama's usurpation of the presidency is still being continued by obots and news mis(t)-reporters.[3] The latest example is the following excerpt from an article in the o-so-politically-neutral-source-of-cover-up-for-Barack-Hussein-Obama, *The St. Petersburg Times*,[4] in which Mr. Alex Leary writes:

> "Forget about Photoshopped birth certificates; the activists are not challenging whether Rubio was born in Miami. Rather, they say Rubio is ineligible under Article 2 of the Constitution which says 'no person except a natural born citizen …shall be eligible to the Office of President.' The rub is that 'natural born citizen' was never defined. The birthers rely on writings at the time of the formation of the republic and references in court cases since then to contend that 'natural born' means a person born to U.S. citizens. Rubio was born in 1971 at Cedars of Lebanon Hospital [in Miami, Florida], his office said, but his parents did not become citizens until 1975. …Rubio, whose national ascent has been propelled by a tea party that demands absolute fealty to the Constitution, shrugged off the issue. 'The price of our freedom and our liberty is that people can go out and spend a lot of time on stuff like this,' he said. 'For us, the more important thing is to focus on our job.'"

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[2] http://naturalborncitizen.wordpress.com/2011/03/09/the-house-of-representatives-definition-of-natural-born-citizen-born-of-citizen-parents-in-the-us/

http://naturralborncitizen.wordpress.com/2011/03/06/the-obama-administration-quietly-scrubbed-the-foreign-affairs-manual-in-august-2009-to-expand-the-holding-of-wong-kim-ark/

http://naturalborncitizen.wordpress.com/2011/03/17/irli-got-some-splainin-to-do/

http://www.americanthinker.com/2011/03/obamas_puddles.html

http://obamareleaseyourrecords.blogspot.com/2011/03/scrub-thon-immigration-reform-law.html

http://www.thepostemail.com/2011/08/02/one-georgia-countys-republican-party-stands-up-to-the-probable-usurpation-of-the-presidency/

http://www.law.cornell.edu/supct/html/historics/USSC_CR_0088_0162_ZO.html

http://www.wnd.com/?pageId=358645

[3] The word Mist is German and means in English in the sense that the present author intends: *sh_t*. Of course, to be politically correct, I should have written *dung* or *manure*, which are also descriptive of such so-called *truthful reporting*.

[4] http://www.tampabay.com/news/politics/national/birthers-ask-is-marco-rubio-eligible-to-be-president/1197628.

Mr. Alex Leary! Take heed! If Mr. Rubio shrugs off the issue of his not being a natural born citizen, then he is no better than Barack Hussein Obama, and that is about as low on the human scale of negative, immoral character as one can get. To open your eyes Mr. Leary, you should have the courage to read and view:

- http://obamareleaseyourrecords.blogspot.com/2011/10/wapos-lynne-sladky-probes-rubios.html.
- http://www.scribd.com/doc/11737124/Citizenship-Terms-Used-in-the-US-Constitution-The-5-Terms-Defined-Some-Legal-Reference-to-Same
- http://www.youtube.com/watch?v=QEnaAZrYqQI.

Mr. Alex Leary, I herewith inform you that the historical source of the meaning of *natural born citizen* is in Emmerich de Vattel's 1758 work *Droit des gens; ou, Principes de la loi naturelle appliqués à la conduite et aux affaires des nations et des souverains*, in English:

THE

LAW OF NATIONS

OR

PRINCIPLES OF THE LAW OF NATURE APPLIED TO THE CONDUCT AND AFFAIRS OF NATIONS AND SOVEREIGNS

Therein,

Book One, Chapter 19, paragraph 212 (Of the citizens and natives) says (and it has been accepted as international law since its publication):

"*The citizens are the members of the civil society; bound to this society by certain duties, and subject to its authority, they equally participate in its advantages. The natives, or* ***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. We shall soon see whether, on their coming to the years of discretion, they may renounce their right, and what they owe to the society in which they were born. 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.*"

Take Note Mr. Alex Leary!

"The correct title of Vattel's Book I, Chapter 19, section 212, is "Of the citizens and naturals". It is not "Of citizens and natives" as it was originally translated into English. While other translation errors were corrected in reprints, that 1759 translation error was never corrected in reprints. The error was made by translators in London operating under English law, and was mis-translated in error, or was possibly translated to suit their needs to convey a different meaning to Vattel to the English only reader. In French, as a noun, native is rendered as *originaire* or *indigene*, not as *naturel*. For *naturel* to mean native would need to be used as an adjective. In fact when Vattel defines *natural born citizens* in the second sentence of section 212 after defining general or ordinary citizens in the first sentence, you see that he uses the word *indigenes* for natives along with *Les naturels* in that sentence. He used the word *naturels* to emphasize clearly who he was defining as those who were born in the country of two citizens of the country. Also, when we read Vattel, we must understand that Vattel's use of the word *natives* in 1758 is not to be read with modern day various alternative usages of that word. You must read it in the full context of sentence 2 of section 212 to fully understand what Vattel was defining from natural law, i.e., natural born citizenship of a country. (There is the original French version that you

> can consult if you doubt the facts.[5] Of course, you can surely read and understand French, being the all-knowing media reporter that you are!) Please do not simply look at the title as some have suggested that is all you need to do. Vattel makes it quite clear he is not speaking of natives in this context as someone simply born in a country, but of natural born citizens, those born in the country of two citizens of the country. Our founding Fathers were men of high intellectual abilities, many were conversant in French, the diplomatic language of that time period. Benjamin Franklin had ordered 3 copies of the French Edition of "Le droit des gens," which the deferred to as the authoritative version as to what Vattel wrote and what Vattel meant and intended to elucidate."[6]

It is quite apparent and irrefutable that *The St. Petersburg Times* is into Barack Hussein Obama so deep where the sun does not shine!!! Shame! Shame! Shame! Facts are facts and truth is truth. You should truly get your heads out of the darkness that is Barack Hussein Obama and into the revealing sunlight that is the United States of America and the *Constitution for the United States of America*.[7]

Furthermore, Mr. Alex Leary, The Founding Fathers made reference to Emmerich de Vattel's *Law of Nations* in the *Constitution for the United States of America*. The reference is in Article I, Section 8, Number 9 defining congressional power. Therefore, they knew of the source and meaning of accepted international law.

I also add that you could have acquired more intelligence concerning the *natural born citizen* clause by reading *The Post & Email* where you could have learned that there are at least four Supreme Court Cases that define *natural born citizen*.

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[5] Please see the photograph of the original French for Chapter 19, Section 212, at http://www.birthers.org/img/Vattel.jpg.

[6] http://www.birthers.org/USC/Vattel.html.

[7] http://www.colony14.net/sitebuildercontent/sitebuilderfiles/theconstitutionfortheunitedstatesofamerica.pdf.

IRREFUTABLE AUTHORITY HAS SPOKEN[8]

by John Charlton

Emmerich de Vattel, c/o Online Library of Liberty

"(Oct. 18, 2009) — **The Post & Email** has in several articles mentioned that the Supreme Court of the United States has given the definition of what a "natural born citizen" is. Since being a natural born citizen is an objective qualification and requirement of office for the U.S. President, it is important for all U.S. Citizens to understand what this term means.

Let's cut through all the opinion and speculation, all the "he says", "she says", fluff, and go right to the irrefutable, constitutional authority on all terms and phrases mentioned in the U.S. Constitution: the Supreme Court of the United States.

First, let me note that there are 4 such cases which speak of the notion of "natural born citizenship".

Each of these cases will cite or apply the definition of this term, as given in a book entitled, **The Law of Nations**, written by Emmerich de Vattel, a Swiss-German philosopher of law. In that book, the following definition of a "natural born citizen" appears, in Book I, Chapter 19, § 212, of the English translation of 1797 (p. 110):

§ 212. Citizens and natives.

The citizens are the members of the civil society: bound to this society by certain duties, and subject to its authority, they equally participate in its advantages. **The natives, or 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

[8] http://www.thepostemail.com/2009/10/18/4-supreme-court-cases-define-natural-born-citizen/

children of the citizens, those children naturally follow the condition of their fathers, and succeed to all their rights. . . .

The French original of 1757, on that same passage read thus:

Les naturels, ou indigenes, sont ceux qui sont nés dans le pays de parents citoyens, . . .

The terms "natives" and "natural born citizens" are obviously English terms; used to render the idea conveyed by the French phrase "les naturels, ou indigenes": but both referred to the same category of citizen: one born in the country, of parents who were citizens of that country.

In the political philosophy of Vattel, the term "naturels" refers to citizens who are such by the Law of Nature, that is by the natural circumstances of their birth — which they did not choose; the term "indigenes" is from the Latin, indigenes, which like the English, "indigenous", means "begotten from within" (inde-genes), as in the phrase "the indigenous natives are the peoples who have been born and lived there for generations." Hence the meaning the term, "natural born citizen", or "naturels ou indigenes" is the same: born in the country of two parents who are citizens of that country.

Vattel did not invent the notion "natural born citizen"; he was merely applying the Law of Nature to questions of citizenship. In fact the term first appears in a letter of the future Supreme Court Justice, John Jay, to George Washington during the Constitutional Convention, where the Framers were consulting 3 copies Vattel's book to complete their work (according to the testimony of Benjamin Franklin).

Let take a brief look, now, at each case. For each case I include the link to the full text of the ruling.

The Venus, 12 U.S. 8 Cranch 253 253 (1814)

The first was decided in A.D. 1814, at the beginning of the republic, by men who were intimately associated with the American Revolution. In that year the following men sat on the Supreme Court:

Bushrod Washington, (b. June 5, 1762 — d. Nov. 26, 1829), served Feb. 4, 1799 til Nov. 26, 1829.

John Marshall (b. Sept. 24, 1755 — d. July 6, 1835), served Feb. 4, 1891 til July 6, 1835.

William Johnson (b. Dec. 27, 1771 — d. Aug. 4, 1834), served May 7, 1804, til Aug. 4, 1834.

Henry Brockholst Livingston (b. Nov. 25, 1757 — d. Mar. 18, 1823), served Jan. 20, 1807 til March 18, 1823

Thomas Todd (b. Jan. 23, 1765 — d. Feb. 7, 1826), served May 4, 1807 til Feb. 7, 1826.

Gabriel Duvall (b. Dec. 6, 1752 — d. Mar. 6, 1844), served Nov. 23, 1811 til Jan 14, 1835.

Joseph Story (b. Sept. 18, 1779 — d. Sept. 10, 1845), served Feb. 3, 1812 til Sept. 10, 1845

Nearly all these men either participated in the American Revolution, or their fathers did. **Joseph Story's** father took part in the original Boston Tea Party. **Thomas Todd** served 6 months in the army against the British; and participated in 5 Constitutional Conventions from 1784-1792. During the Revolutionary War, **Henry Brockholst Livingston** was a Lieutenant Colonel in the New York Line and an aide-de-camp to General Benedict Arnold, before the latter's defection to the British. **William Johnson's** father, mother, and elder brother were revolutionaries, who served as statesman, rebel, or nurse/assistant to the line troops, respectively. **John Marshall** was First Lieutenant of the Culpeper Minutemen of Virginia, and then Lieutenant in the Eleventh Virginian Continental Regiment, and a personal friend of General George Washington; and debated for ratification of the U.S. Constitution by the Virginian General Assembly. **Bushrod Washington** was George Washington's nephew and heir.

Being witnesses and heirs of the Revolution, they understood what the Framers of the Constitution had intended.

The Venus case regarded the question whether the cargo of a merchantman, named the Venus, belonging to an American citizen, and being shipped from British territory to America during the War of 1812, could be seized and taken as a prize by an American privateer. But what the case said about citizenship, is what matters here.

WHAT THE VENUS CASE SAYS ON CITIZENSHIP

In the Venus Case, Justice Livingston, who wrote the unanimous decision, quoted the entire §212nd paragraph from the French edition, using his own English, on p. 12 of the ruling:

Vattel, who, though not very full to this point, is more explicit and more satisfactory on it than any other whose work has fallen into my hands, says:

"The citizens are the members of the civil society; bound to this society by certain duties, and subject to its authority, they equally participate in its advantages. **The natives or indigenes are those born in the country of parents who are citizens.** Society not being able to subsist and to perpetuate itself but by the children of the citizens, those children naturally follow the condition of their fathers, and succeed to all their rights.

"The inhabitants, as distinguished from citizens, are strangers who are permitted to settle and stay in the country. Bound by their residence to the society, they are subject to the laws of the state while they reside there, and they are obliged to defend it…

Shanks v. Dupont, 28 U.S. 3 Pet. 242 (1830)

In 16 years later the Supreme Court heard the case regarding the dispute over the inheritance received by two daughters of an American colonist, from South Carolina; one of whom went to England and remained a British subject, the other of whom remained in South Carolina and became an American citizen. At the beginning of the case, **Justice Story**, who gave the ruling, does not cite Vattel per se, but cites the principle of citizenship enshrined in his definition of a "natural born citizen":

Ann Scott was born in South Carolina before the American revolution, and her father adhered to the American cause and remained and was at his death a citizen of South Carolina. There is no dispute that his daughter Ann, at the time of the Revolution and afterwards, remained in South Carolina until December, 1782. Whether she was of age during this time does not appear. If she was, then her birth and residence might be deemed to constitute her by election a citizen of South Carolina. If she was not of age, then she might well be deemed under the circumstances of this case to hold the citizenship of her father, **for children born in a country, continuing while under age in the family of the father, partake of his national character as a citizen of that country.** Her citizenship, then, being *prima facie* established, and indeed this is admitted in the pleadings, has it ever been lost, or was it lost before the death of her father, so that the estate in question was, upon the descent cast, incapable of vesting in her? Upon the facts stated, it appears to us that it was not lost and that she was capable of taking it at the time of the descent cast.

Minor v. Happersett , 88 U.S. 162 (1875)

This case concerned Mrs. Happersett, an original suffragette, who in virtue of the 14th Amendment attempted to register to vote in the State of Missouri, and was refused because she was not a man. The Chief Justice of the Supreme Court in that year, wrote the majority opinion, in which he stated:

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 who were its citizens became themselves, upon their birth, citizens also. These were natives or natural-born citizens**, 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.

United States v. Wong Kim Ark, 169 U.S. 649 (1898)

In this case Wong Kim Ark, the son of 2 resident Chinese aliens, claimed U.S. Citizenship and was vindicated by the court on the basis of the 14th Amendment. In this case the Justice Gray gave the opinion of the court. On p. 168-9 of the record, He cites approvingly the decision in Minor vs. Happersett:

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 who were its citizens, became themselves, upon their birth, citizens also. These were natives, or natural-born citizens**, as distinguished from aliens or foreigners.

On the basis of the 14th Amendment, however, the majority opinion coined a new definition for "native citizen", as anyone who was born in the U.S.A., under the jurisdiction of the United States. The Court gave a novel interpretation to jurisdiction, and thus extended citizenship to all born in the country (excepting those born of ambassadors and foreign armies etc.); but it did not extend the meaning of the term "natural born citizen."

CONCLUSION

Finally it should be noted, that to define a term is to indicate the category or class of things which it signifies. In this sense, **the Supreme Court of the United States has never applied the term "natural born citizen" to any other category than "those born in the country of parents who are citizens thereof".**

Hence every U.S. Citizen must accept this definition or categorical designation, and fulfill his constitutional duties accordingly. No member of Congress, no judge of the Federal Judiciary, no elected or appointed official in Federal or State government has the right to use any other definition; and if he does, he is acting unlawfully, because unconstitutionally."

Mr. Alex Leary, should you not be convinced by now and in order to educate you further, the most recent, solid, legal opinion that cannot be refuted is:

Multiple Instances Of Historical Scholarship Conclusively Establish The Supreme Court's Holding In Minor v. Happersett As Standing Precedent On Citizenship – Obama Not Eligible.[9] (Posted in Uncategorized on October 9, 2011 by naturalborncitizen)

Recently, the New York State Board of Elections was caught trying to amend the US Constitution with an eraser by listing POTUS eligibility as available to any person "born a citizen". (Please review Pixel Patriot's excellent analysis on this issue, "*New York State BOE Web Site Cover Up*".) The Constitution states that only a "natural born Citizen" may be president, a much more stringent requirement than simply being "born a citizen". This effort in New York is part of a much larger effort nationwide to falsely revise history (in this case by scrubbing the very words of our Constitution). The tactic contributes to an insidious pattern of behavior being perpetrated just so Obama will be allowed to occupy the White House despite US Supreme Court precedent which states directly that he is not eligible. (This report assumes Obama was born in Hawaii.)

Other instances of gross intellectual dishonesty documented at this blog include the recent attempt by Justia.com to rewrite American history by scrubbing links in subsequent cases which establish that Minor v. Happersett has been cited multiple times as precedent on citizenship issues *as well as* voting rights.

Another instance of this misleading practice was the revision of a Michigan Law Review article by well-known legal scholar, Professor Lawrence Solum, wherein his original analysis – *that only a person born in the US of citizen parents was beyond*

[9] http://naturalborncitizen.wordpress.com/2011/10/09/multiple-instances-of-historical-scholarship-conclusively-establish-the-supreme-courts-holding-in-minor-v-happersett-as-standing-precedent-on-citizenship-obama-not-eligible/

question eligible for POTUS – was scrubbed to include as eligible those born of only one citizen parent.

The citizenship issue decided in Minor v. Happersett has been documented as precedent by multiple sources of legal scholarship. (See also my previous two reports analyzing Minor v. Happersett, here and here.) Below, I have assembled multiple quotations from various published literature which cogently establish that the Supreme Court issued *two* holdings in Minor; *one on citizenship and the other on voting rights*. That the citizenship issue is precedent, and not dictum, has never been questioned in our national history until now, just as the very words of the Constitution are being scrubbed. My research indicates unequivocally that for over a century before the appearance of Obama, Minor was recognized and cited as precedent on the definition of federal citizenship.

We turn now to an esteemed legal scholar and Government attorney who specialized in citizenship law. He will provide unquestionable clarity on the issue of why Minor v. Happersett is precedent on citizenship as well as voting rights.

FREDERICK VAN DYNE, ASSISTANT SOLICITOR US DEPARTMENT OF STATE

The source in question is Frederick Van Dyne who, while holding the office of Assistant Solicitor for the US Department of State, published analysis that the citizenship decision in Minor v. Happersett was precedent.

Van Dyne argued that persons born of foreign parents on US soil were "native-born citizens" of the US prior to the Civil Rights Act of 1866 and the adoption of the 14th Amendment. But Van Dyne, while discussing the holding in the New York case of *Lynch v. Clark* (not binding on the Federal Courts), failed to endorse that case's opinion that all native-born citizens of foreign parentage were natural-born citizens. In his famous treatise, "Citizenship of the United States" (Lawyers Co-Operative Publishing Co., 1904), Van Dyne only went so far as to state that such persons were "native-born citizens". (See Van Dyne's treatise at pgs. 6-7.)

Where the US Supreme Court in Minor differs from Obama eligibility propaganda is that the former regards being "native-born" as just one element necessary to meeting the natural-born citizen standard of POTUS eligibility, whereas the latter incorrectly argue that it is the *only* element. As you will see below, Van Dyne directly recognized that the US Supreme Court's decision in Minor was precedent on citizenship, and that the holding therein defined natural-born citizens as those born in the US of citizen parents.

In the following passage, Van Dyne argues that previous American cases recognized that persons born on US soil were US citizens regardless of the citizenship of the parents. However, Van Dyne also points out that a statement by the Supreme Court in the Slaughter-House Cases appears to contradict this theory. But Van Dyne's analysis stresses that the contradictory statement in the Slaughter-House Cases is *dictum*.

He then refers to the *"decision"* in Minor v. Happersett on citizenship in order to counter the *"dictum"* from the Slaughter-House Cases. Van Dyne clearly recognized the Minor Court's *decision* on citizenship as precedent which outweighs the *dictum* of the Slaughter-House Cases. In doing so, Van Dyne quotes (see pgs. 12-13) the Minor Court's definition of a natural-born citizen as one born in the US to citizen parents:

3. Children born in United States of alien parentage.—The Federal courts have almost uniformly held that birth in the United States, of itself, confers citizenship. In two cases the courts have used language which has been relied upon in support of a contrary view. These will now be considered.

In delivering the opinion of the court in the *Slaughter-House Cases*, 16 Wall. 73, 21 L. ed. 408, Mr. Justice Miller said: "The phrase, 'subject to the jurisdiction,' was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign states born within the United States."

This has been cited in support of the contention that the children born in this country to aliens are not citizens of the United States. It is to be observed, however, that this is only a *dictum*. The question was not involved in the decision of the case before the court. The classing together of foreign ministers and consuls, when it was at the time well-settled law that consuls, as such, and unless expressly invested with a diplomatic character, are not entitled, by the law of nations, to the privileges and immunities of ambassadors, shows that the statement was not formulated with the same care and exactness as if the case before the court had called for a precise definition of the phrase. And the fact that neither Mr. Justice Miller, nor any of the justices who took part in the decision above referred to, understood the court to be committed to the view that children born in the United States of alien parents were excluded from the operation of the

first sentence of the 14th Amendment, is shown by the unanimous opinion of the court in the case of *Minor* v. *Happersett*, 21 Wall. 162, 22 L. ed. 627, decided but two years later, when all these judges but Chief Justice Chase were still on the bench. The court said: "Allegiance and protection are, in this connection [in relation to citizenship], reciprocal obligations. . . . 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 who were its citizens, became themselves, upon their birth, citizens also. These were natives or natural-born citizens, 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. For the purposes of this case it is not necessary to solve these doubts. It is sufficient for everything we have now to consider that all children born of citizen parents within the jurisdiction are themselves citizens."

The decision in this case was that a woman born of citizen parents within the United States was a citizen of the United States, although not entitled to vote, the elective franchise not being essential to citizenship.

Very rarely, whilst doing research, does one come upon historical evidence that so perfectly establishes the point in question. Examine the last paragraph again:

*"The **decision** in this case was that a woman born of citizen parents within the United States was a citizen of the United States, although not entitled to vote, the elective franchise not being essential to citizenship."* (Emphasis added.)

The "decision" in Minor is <u>twofold</u>:

1) woman are equal citizens to men;

2) voting is not a right of citizenship.

The first point is still good law. This may seem obvious now, but in 1875 it wasn't. Virginia Minor did not accept that citizenship without voting rights was equal citizenship. She argued that women were being treated as "halfway citizens" and she directly petitioned the Court for a determination which stated that women were equal citizens to men.

The Court in Minor, referring directly to Article 2 Section 1, and specifically avoiding the 14th Amendment, held that women, *if born in the US to citizen parents*, were citizens and that their citizenship was equal to men. The Court further stated that this "class" of persons were "natives, or natural-born citizens".

The Court also held that while women were equal citizens to men, the Constitution did not provide a right to vote to anyone, male or female. This part of the holding was later erased by the 19th Amendment, but the citizenship determination remains as good law today. Therefore, the Court's decision in Minor operates against Obama being eligible, since his father was never a US citizen.

Van Dyne examines the Slaughter-House dictum carefully since it is a statement made by the highest court in the nation which contrasts his view that all persons born on US soil are native-born citizens. In classifying the Slaughter-House statement as *dictum*, Van Dyne notes that determining the citizenship of persons born on US soil to alien parents was not an issue before the court in that case. He then points to the "*decision*" on citizenship from Minor to contrast the Slaughter-House dictum, and in doing so Van Dyne makes clear that Virginia Minor's citizenship was an issue directly before the Court in Minor.

Note the following crucial passage from Justice Waite's opinion again, paying particular attention to the punch line:

"[T]he Constitution…provides that 'no person except a natural-born citizen, or a citizen of the United States at the time of the adoption of the Constitution, shall be eligible to the office of President'…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 who were its citizens became themselves, upon their birth, citizens also. These were natives, or natural-born citizens, 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 [88 U.S. 162, 168] parents. As to this class there have been doubts, but never as to the first. For the purposes of this case it is not necessary to solve these doubts. It is sufficient for everything we have now to

consider that all children born of citizen parents within the jurisdiction are themselves citizens. The words 'all children' are certainly as comprehensive, when used in this connection, as 'all persons,' and if females are included in the last they must be in the first. That they are included in the last is not denied. ***In fact the whole argument of the plaintiffs proceeds upon that idea."*** (Emphasis added.)

Current propaganda attempting to sanitize Obama in light of the Supreme Court's precedent in Minor mis-directs that Minor's citizenship was not an issue directly before the Court. But in the passage above, the Court's unanimous opinion clearly states that "the whole argument of the plaintiffs proceeds upon that idea." So, squarely before the Court was the issue of whether women were equal citizens.

Also consider the name of Van Dyne's treatise, "Citizenship In The United States". As to the soundness of Van Dyne's treatise, the following review appears in *The American Journal Of International Law*:

"The author of this work now occupies an important post in the American Consular Service. Three years ago, while holding the position of assistant solicitor of the Department of State, he published a work on citizenship of the United States, a work which was at the time highly commended by competent critics and which those who have since used it have found to be an excellent manual."

Van Dyne stressed that the *decision* in Minor contradicted the earlier *dictum* in the Slaughter-House Cases. And Van Dyne specifically quoted the natural-born citizen definition from Minor (taking no issue with it) just before announcing the Court's "decision" that women born in the US to citizen parents were citizens.

Again, the 14th Amendment was not necessary in determining Virginia Minor's citizenship since the Court was able to rely upon a direct construction of Article 2 Section 1 instead. The Court held that Minor was in the "class" of persons who were designated as natural-born citizens, whereas those whose citizenship faced doubt due to alien parentage required help from the 14th Amendment.

And such help came in 1898 when the Supreme Court held that Wong Kim Ark was a US citizen *under* the 14th Amendment. Since Minor was a natural-born citizen, the 14th Amendment need not be construed. But Wong Kim Ark was *not* in the class of natural-born citizens (previously defined in Minor), and therefore the Supreme Court was forced to directly construe the 14th Amendment to resolve citizenship doubts pertaining to the "class" of persons born in the US to alien parents.

It is crucially important to recognize that Wong Kim Ark's citizenship could not be established without the 14th Amendment since he was not a natural-born citizen. If he had been in that class, the Court would have established his citizenship under Article 2 Section 1 as the court had previously done for Virginia Minor.

THE MINORS' HALFWAY CITIZENSHIP ISSUE

Virginia Minor's briefs (prepared by her husband, attorney Francis Minor) refused to blindly accept lower court holdings which stated that women were equal citizens to men. The Minors argued that if women were not allowed to vote, then their citizenship was not equal to men. The exact wording of Minor's argument stated (see pg. 59):

"There can be no division of citizenship, either of its rights or its duties. There can be no half way citizenship. Woman, as a citizen of the United States, is entitled to all the benefits of that position, and liable to all its obligations, or to none."

Justice Waite spent so much time analyzing Minor's citizenship – and federal citizenship in general - because Virginia Minor directly petitioned the Court to do so. Her "whole argument" depended on it. And since her citizenship was an issue before the Court, it issued a "*decision*" that she was a citizen, whereas the Court's citizenship statement in the Slaughter-House Cases was dictum since no citizenship issue was before the Court in that case. And here we have – literally – *a textbook example* illustrating the difference between dictum and precedent.

The citizenship of Minor, and of all women, is so ingrained in the history of Minor v. Happersett, that multiple sources besides Van Dyne have also documented the citizenship precedent set by the Supreme Court therein. For example, please review "Inventing Citizens, Imagining Gender Justice: The Suffrage Rhetoric of Virginia and Francis Minor", *Quarterly Journal of Speech Vol. 93, No. 4, November 2007, pp. 375-402, by Angela G. Ray & Cindy Koenig Richard.* Note the title, "Inventing Citizens". Indeed, the entire case, as stressed by Justice Waite, revolves around the issue of citizenship. Here are some relevant quotes from this peer-reviewed article:

"In this milieu, woman's rights activists, seeking to fulfill revolutionary promises for themselves, pressed the courts to define the privileges of citizenship as applying to all citizens regardless of sex… The Minor decision… acknowledged women's status as citizens but denied that citizenship entailed voting rights…" (PDF at pg. 2).

"This essay demonstrates the ingenuity, the complexity, and the challenges of litigating a nineteenth-century test case that sought to expand the legal definition and performative parameters of citizenship." (PDF at pg. 3).

"On March 29, the Court's unanimous decision in Minor v. Happersett, written by first-term Chief Justice Morrison R. Waite, accepted that women were citizens but disconnected citizenship from the franchise, supported the authority of states to deny voting rights, and ensured the necessity of a federal amendment for women's enfranchisement. The Minors' rhetoric addressed not only judicial authorities but also women citizens. The arguments that they espoused and performed asked how citizenship should be conceptualized and how it should be enacted." (PDF at pg. 7).

"For the Minors, citizenship could not be partial, and any exclusions from federal citizenship rights had to be made explicit in federal law. The Minors insisted that the definition of citizenship required that its privileges be applied equally and fully. In 1869 Virginia Minor told the Missouri Woman Suffrage Association that if women 'are entitled to two or three privileges [of citizenship], we are entitled to all.' The Minors' argument to the U.S. Supreme Court elaborated this point: 'There can be no half-way citizenship. Woman, as a citizen of the United States, is entitled to all the benefits of that position, and liable to all its obligations, or to none.' " (PDF at pg. 8).

"Inventing Citizens" was published in 2007, one year before Obama's dual nationality at birth problem first came to the general public's attention via the case I brought against the NJ Secretary of State – *Donofrio v. Wells* - which was referred to the full court by Justice Clarence Thomas**.** There does not appear to be even one source which alleges that the citizenship issue from Minor was dictum prior to October 2008. But there are numerous sources which document the citizenship issue as precedent.

For example, the *Oxford Companion To The Supreme Court Of The United States* (2d edition, 2005) has this to say about Minor v. Happersett:

"It is notable for its narrow definition of citizenship 'as conveying the idea of membership of a nation, nothing more'… and for its firm, unanimous rejection of the Fourteenth Amendment as a source either of a substantive federal suffrage right or of a federal limit on state control of the franchise." (Image of text.)

The Oxford Companion makes clear that as late as 2005, Minor is "notable" for *both* its definition of citizenship and voting rights. Both were precedent until the 19th

Amendment nullified the voting rights issue, whereas the citizenship precedent still stands today.

In "The Boundaries of Her Body: The Troubling History of Woman's Rights In America", by Debran Rowland (Sphinx Publishing, 2004), it states that the Supreme Court "held" that women were citizens:

" 'There is no doubt that woman may be citizens', the Court held. " (See pg. 24.)

In "The American Midwest: An Interpretive Encyclopedia", by Richard Sisson, Christian Zacher, Andrew Cayton (Indiana University Press, 2007), the Supreme Court's citizenship holding was also acknowledged:

"On March 29, 1875, a unanimous Supreme Court ruled that states did not violate the Constitution when they denied women the right to vote. Women were citizens of the United States the court found, but voting was not a right of citizenship." (See pg. 1593.)

The tandem issues of citizenship and voting rights were again noted in, "Race, Class and Gender in the United States: an Integrated Study", by Paula S. Rothenburg (Worth Publishers, 6th Edition, 2004):

*"In this case the court **held** that although women were citizens, the right to vote was not a privilege or immunity of national citizenship before adoption of the 14th Amendment, nor did the amendment add suffrage to the privileges and immunities of national citizenship."* (See pg. 485.) (Emphasis added.)

In "American Citizens and Their Government", by Kenneth Wallace Colegrove (Abbington Press, 1921), the author noted that the Supreme Court "decided" women were citizens:

"The court decided that while Mrs. Minor was clearly a citizen of the United States, she was not entitled to vote because the right of suffrage was not necessarily one of the privileges and immunities of citizenship." (See pg. 64.)

Until Obama came along, Minor v. Happersett was always viewed as *the* precedent ruling that women were equal citizens to men. I have not seen any resources that pre-date Obama's 2008 election campaign which state that the Supreme Court's analysis of Virginia Minor's citizenship was dictum and not precedent.

The Supreme Court's analysis in Minor elicited a specific definition of the class of natural-born citizens in order to avoid a tricky interpretation of the meaning of the

14th Amendment's nebulous phrase, "subject to the jurisdiction thereof". Therefore, according to the Supreme Court's definition, Obama is not eligible to be President since the class of natural-born citizens was held to be those born in the US to parents who are citizens. His father was never a US citizen, nor was he ever permanently domiciled here.

That Virginia Minor was not running for President makes no difference at all. By directly construing Article 2 Section 1 in determining that Minor was a citizen prior to the adoption of the 14th Amendment, the Supreme Court held that persons born in the US to parents who are citizens are "natives or natural-born citizens." These are referred to as a "class" of persons separate from the class of persons born to alien parents. The Court in Minor acknowledged that, despite existing doubts, the class born to non-citizen parents *might* be citizens. But they weren't natural-born.

This was confirmed in 1898 by the Supreme Court in Wong Kim Ark, wherein the Court determined that a child born in the US of alien parents (permanently domiciled here) was a US citizen, but that such a person's citizenship is determined by operation of the 14th Amendment.

Had Wong Kim Ark been a natural-born citizen like Virginia Minor, the Supreme Court in Wong Kim Ark could have avoided the 14th Amendment as did the Supreme Court in Minor v. Happersett.

In construing Article 2 Section 1, the Court in Minor exercised proper judicial restraint by not reaching further than necessary to make an expansive landmark interpretation of the 14th Amendment.

The Minor opinion acknowledged that the decision might seem unfair and that the law itself might be unfair, but the Court recognized that their duty was to uphold the law as written, and further stated that if the law was unfair it should be changed. By exercising such restraint, the Court gave birth to a standing definition which conclusively determined the class of natural-born citizens.

OTHER AUTHORITIES ARE RENDERED MOOT BY THE US SUPREME COURT'S DECISION IN MINOR.

In conclusion, I must point out that the holding/definition of a natural-born citizen issued by the Supreme Court in Minor v. Happersett does not mention the Law of Nations or Vattel. I realize there has been a great deal of scholarship unearthed by both sides of this argument. But in Minor we have direct Supreme Court precedent for this issue which renders other sources moot.

Vattel does not make national law. The US Supreme Court and the Congress make national law. Unless the Supreme Court overrules the citizenship precedent stated in Minor v. Happersett, or the Constitution is amended, the case stands as governing national law. This is due to the separation of powers determined by the Constitution itself. It's important to focus on the Supreme Court's holding as opposed to allowing the precedent set therein to be hijacked by those who seek to define this definition as "Vattelist" or "foreign". The US Supreme Court in Minor failed to mention Vattel, so despite any influence he might have had on the framers, the definition stated is to be referred to as the US Supreme Court definition of natural-born citizen, and by no other name.

FUTURE CERT AND PROPHECY?

I have been asked many times over the last three years whether I believe this issue will ever reach a decision on the merits in any federal court. For a long time, I thought the answer was an emphatic "never" since the Supreme Court was twice handed the issue on a silver platter. Both *Donofrio v. Wells*, and the petition I prepared in *Wrotnowski v. Bysiewicz* were referred to the full Court for conference. Nobody knows how many votes, if any, were in favor of reviewing the eligibility of Obama. Regardless, certiorari was refused in both cases.

However, with a recent trial balloon thrown out by the Governor of North Carolina regarding a possible suspension of elections in 2012, the game has changed drastically.

The economy all over the world is scary. Protests are circling the nation. The UN is increasing its interference with national sovereignty. And all currencies could go belly up as the Ponzi scheme of Fiat paper and fractional reserve banking threatens to make the Great Depression seem not so great. And there is a very strong possibility Obama could lose this election. I am very concerned that he will not leave office quietly if the people do not invite him to return and that suspension of the 2012 election might be attempted. This could happen through a national emergency and subsequent martial law.

If Obama were to lose the election and graciously move on, the issue of his eligibility will probably fade away. However, if Obama attempts to suspend the election or otherwise retain the White House after losing in 2012, then the eligibility issue has an exponentially greater chance of being litigated before the DC District Court by Writ of Quo Warranto, and finally ending up in the US Supreme Court.

Unfortunately, I truly believe we are headed for a national moment of intense Constitutional conflict. There are provisions of the Patriot Act and various Executive orders which allow for martial law scenarios to unfold. If there is an emergency (real or imagined), the Obama might invoke such laws to declare martial law, suspend elections, and incarcerate alleged enemies of the state.

If a truly eligible President were operating under any of those dangerous powers, it might be difficult to impeach him. Should Obama avail himself of such draconian measures, the only argument available to remove him may be that he was never eligible to be POTUS. Such a determination would render his entire administration void, which is very different from impeachment. This is why, should the issue ever reach the Supreme Court, it becomes imperative that Justices Kagan and Sotomayor recuse themselves. Their appointments could be nullified if Obama's administration is voided which would cause them to have a personal stake in the outcome. (For a more thorough explanation as to the fallout of voiding a government office, as opposed to removal via impeachment or expulsion, see my previous report on Quo Warranto and comments thereto specifically noting precedent in the Senate.)

Furthermore, I believe there is an unseen force which is already in place, waiting for its moment to take this nation and cash in the change promised by dear leader. You can feel the rhetoric surfacing against those who have worked hard to achieve success and wealth. When you hear the consistent mantra that no person is "better" than any other person sung by the masses as they surround your home, you will know that glorious American ideals of success through hard work are being sacrificed on the altar of redistribution of wealth.

Just ask 789 Chrysler dealers where their franchises went. Their private property was taken and given to others. And a foreign corporation from a socialist nation was gifted an American institution at the cost of $23 billion to the US taxpayer. Fiat paid nothing for Chrysler, not one dime. This was done at the insistence of Obama who demanded that no American company was capable of turning Chrysler around. I didn't see one single protestor on that one.

I pray that Chrysler is not a blueprint of things to come… to your door, and inside your house.

by Leo Donofrio, Esq.

I have gone to the effort of researching this matter for you and other obots so that in the future you will not be leary of the tradition and accepted international legality of the law concerning the *natural born citizen clause* in the *Constitution for the United States of America*.

My final word on this matter to you and all of the other fools called obots is that Barack Hussein knows exactly in what country he was born and that he is not a natural born citizen of the United States of America, and thus, he is not legally eligible serve American patriots as the President of the United States of America. Barack Hussein Obama's whole being is lying to world about this matter and other topics, as well. Evidently, he has convinced you people at the *St. Petersburg Times* to do the same. Indeed, Barack Hussein Obama is a traitor! You are aiding and abetting a traitor!

How does it feel to be an integral, contributing part of the criminal-Barack-Hussein-Obama fraud-and-treason movement?

Patriotic, Steadfast, and True
Frederick William Dame
(A natural born citizen of the United States of America according to the
Constitution for the United States of America.)

October 25, 2011