

## Their Words Were Clear

In the daily updates of *The Obama Timeline* I sometimes address Obama's ineligibility to serve as president because he is not a "natural born citizen"—a term that historically has meant *birth on U.S. soil to two U.S. citizen parents*. I recently received an email from an Obama defender who wrote, "...lots of scholars and judges are divided as to the meaning in the minds of the founders when the phrase 'natural born' was used in the Constitution."

They should *not* be divided.

The words of Emerich de Vattel were clear in his 1758 book, *The Law of Nations*:

*"...natural born citizens, are those born in the country, of parents who are citizens."*

Vattel's book was extensively relied upon by the Founding Fathers. (In fact, *The Law of Nations* was one of the books Washington infamously neglected to return to the New York Society Library, the public library located in the same building as his office.)

The words of John Jay—who later became the first Chief Justice of the Supreme Court—were clear when he wrote to George Washington on July 25, 1787:

*"Permit me to hint, whether it would be wise and seasonable to provide a strong check to the admission of Foreigners into the administration of our national Government, and to declare expressly that the Command in chief of the American army shall not be given to, nor devolve on, any but a natural born citizen."*

Jay was aware that the draft of the Constitution required only that the president must be a "born Citizen." He was concerned that a person born in the United States *to non-citizen parents* would be more likely to have "divided loyalties" than someone born in the United States to parents who were also U.S. citizens. In other words, a "natural born citizen" would be further removed ideologically and culturally from the country of his ancestors than a mere citizen. Two days after Washington received Jay's letter, the text of the U.S. Constitution was changed. The requirement that the president be a "born Citizen" (born on U.S. soil) was made more strict. The president must instead be a "natural born Citizen" (born on U.S. soil to two U.S. citizen parents).

The words of David Ramsey, a South Carolina delegate to the Continental Congress and one of the first historians of the United States, were clear when he wrote that natural born citizens *were children born in the United States of citizen parents*, specifically:

*“...those who have been born of citizens since the 4th of July, 1776.”*

James Madison’s words in the U.S. Constitution, in Article II, Section 1, Clause 5 were clear:

*“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.”*

Note the words, “or a Citizen of the United States, at the time of the Adoption of this Constitution.” That “grandfather clause” had to be added when the term “born Citizen” was changed to “natural born Citizen.” Why? *Because there were no 35-year-old natural born citizens in the United States when the Constitution was ratified!* The grandfather clause *serves no purpose* if the president need only be a “born Citizen.” George Washington, for example, was born in Virginia. But at the time of his birth his parents were British citizens. Washington was therefore only a “born Citizen.” He was *not* a “natural born Citizen.” Without the grandfather clause no one could serve as president until 35 years after July 4, 1776. The very existence of the grandfather clause proves that the term natural born citizen means something other than simply born on native soil. If natural born citizen means nothing more than born on native soil, the entire rule could be shortened to: “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.” (To ask an Obama supporter to explain the existence of the grandfather clause is to invite the response, “You’re a racist!”)

The words of the Naturalization Act of 1790 were clear:

*“Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That any Alien being a free white person, who shall have resided within the limits and under the jurisdiction of the United States for the term of two years, may be admitted to become a citizen thereof on application to any common law Court of record in any one of the States wherein he shall have resided for the term of one year at least, and making proof to the satisfaction of such Court that he is a person of good character, and taking the oath or affirmation prescribed by law to support the Constitution of the United States, which Oath or Affirmation such Court shall administer, and the Clerk of such Court shall record such Application, and the proceedings thereon; and thereupon such person shall be considered as a Citizen of the United States. And the children of such person so naturalized, dwelling within the United States, being under the age of twenty one years at the time of such naturalization, shall also be considered as citizens [not natural born*

*citizens] of the United States. **And the children of citizens of the United States** [emphasis added] that may be born beyond Sea, or out of the limits of the United States, shall be considered as natural born Citizens: Provided, that the right of citizenship shall not descend to persons whose fathers have never been resident in the United States: Provided also, that no person heretofore proscribed by any States, shall be admitted a citizen as aforesaid, except by an Act of the Legislature of the State in which such person was proscribed.”*

The words of Congressman John Bingham, the “father of the Fourteenth Amendment,” were clear when he said on the floor of the House of Representatives in 1862:

*“All from other lands, who by the terms of [congressional] 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 owing allegiance to no other sovereignty, 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.”*

Bingham’s words were again clear when he stated in 1866:

*“Every human being born within the jurisdiction of the United States of parents not owing allegiance to any foreign sovereignty is, in the language of your Constitution itself, a natural born citizen.”*

Obama defenders—even in court filings—have deliberately and shamelessly *omitted* the words “of parents” when quoting Bingham.

The words of Chief Justice Morrison Waite were clear when he wrote in the 1885 Supreme Court case *Minor v. Happersett*:

*“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 as to the first.”*

That is, there was agreement by legal scholars in 1885 that the term natural born citizen meant born in the United States to two U.S.-citizen parents. In fact, not only were

children of non-citizen parents *not* natural born citizens, Waite pointed out that there was even doubt as to whether such children were even “generic” citizens of the United States. (That dispute continues today, of course, with many people arguing that the newborn children of parents who illegally cross the border into the United States should not be granted U.S. citizenship. The Fourteenth Amendment was for the purpose of declaring freed slaves to be citizens of the United States. It was certainly not intended to give foreigners an incentive to illegally cross the border.)

The significance of *Minor v. Happersett* is such that Obama defenders at Justia.com have modified and removed references to the case in order to prevent site users from finding the information. Additionally, Wikipedia editors routinely remove references to the historical definition of natural born citizen soon after it is added.

Some Obama defenders have tried to use *United States v. Wong Kim Ark* and the Fourteenth Amendment as evidence that natural born citizen means nothing more than birth on U.S. soil. But they wrongly infer the term *natural born citizen* in places where the Court used only the generic term *citizen*. For the court to rule that Wong Kim Ark was a *citizen* is certainly *not* the same as declaring him a *natural born citizen*. Various other court cases and media articles have similarly been wrongly interpreted. (All automobiles are vehicles, but not all vehicles are automobiles. If a truck license is \$60 and an automobile license is \$30, one cannot argue that the \$30 license also applies to a truck simply because both are vehicles.)

The words of Emerich de Vattel were clear. The words of John Jay were clear. The words of David Ramsey were clear. The words of James Madison were clear. The words of John Bingham were clear. The words of Morrison Waite were clear.

To argue that birth on U.S. soil, regardless of the citizenship of the parents, is sufficient for one to be eligible for the presidency means that Vattel, Jay, Ramsey, Madison, Bingham, and Waite were wrong—as was every individual who ratified the U.S. Constitution. It takes a lot of nerve for people who have not studied the history of the issue to declare that all of those men were wrong. There is more evidence than was provided above to prove the point. I have yet to see any evidence to disprove it. By “evidence” I do not mean the *opinion* of someone living today. By “evidence” I mean something written by someone living at the time of the ratification of the U.S. Constitution that defines natural born citizen as nothing more than born on U.S. soil, without regard for the citizenship of the parents.

When the dispute is between what men *wrote* in 1789 and what some men *believe* in 2014, I will place my confidence in the former, not the latter. Obama supporters are not arguing with *me*. They are arguing with Vattel, Jay, Ramsey, Madison, Bingham, and Waite—and every one of our nation’s Founding Fathers.

I am not a “foaming at the mouth birther,” as more than a few have charged. I have no proof whatsoever as to where Obama was born. But his place of birth is *irrelevant* if he did not have two U.S. citizen parents, and if we believe his stories about his past he did *not*. Stanley Ann Dunham could have given birth to Obama on the floor of the U.S. Senate and he would still *not* be a natural born citizen if his father was not a U.S. citizen.

Of course, Obama may in fact be a natural born citizen if his father was not the drunken Kenyan socialist, and anyone who says “Bush lied to us about WMDs” but somehow believes Obama is incapable of lying to us about his past is a fool (or is himself a liar). Lying politicians are not limited to one side of the aisle. “*But Loretta Fuddy said Obama’s birth certificate is legitimate!*” That argument means we should take the word of a partisan bureaucrat at Hawaii’s Department of Health over those of Vattel, Jay, Ramsey, Madison, Bingham, and Waite, and every one of our nation’s Founding Fathers. (It is worth noting that not one of those men was the sole victim of a mysterious plane crash off the coast of Hawaii. It is also worth noting that after a basic computer class and minimal training on the process of scanning documents, all of those men would conclude that Obama’s “birth certificate” is a computer-generated forgery.)

It is not my “opinion” that the term natural born citizen means “born on U.S. soil to two U.S. citizen parents.” *It is an historical fact that the term meant precisely that when the Constitution was drafted.* People are, of course, free to have the opinion that the rule should perhaps now be changed, but that does *not* change history. Similarly, the word “marriage” has historically meant the union of a man and a woman. That many people today want the word to mean something else does *not* alter the historic meaning of the word. Some judges have decided that the word marriage does now mean something other than what it has always meant. I will not start a war or go on a hunger strike over that development. But it would be dishonest for one to argue that marriage has *always* meant what some people want it to mean *today*. The situation is the same with the term “natural born citizen.” Many mistakenly believe it means the same thing as “born citizen.” If that is what they want in reality, then they should work to have the U.S. Constitution amended—rather than insult others by arbitrarily changing the meaning of words and terms. I may choose to refer to bananas as apples, but that does not make bananas red.

Some may claim that concern over the meaning of “natural born citizen” is nothing more than an argument over semantics. But while many may not wish to argue semantics, for decades the political left has effectively used semantics as a *weapon* in its battle to establish collectivism and destroy individualism. The redefinition of marriage is just one example. Another is the labeling of many demands as “rights.” (There is no such thing as a “right” if it comes at someone else’s expense.) The simple truth is that the political left cannot win if it reveals its true motives, and it hides those motives with semantic gymnastics. The left certainly chose the term “pro-choice” rather than “pro-abortion” for a reason, and “hope and change” was chosen over “bigger government and higher taxes” for a reason.

Like Obama or not, he is *not* legally eligible to serve as president, because he is *not* a

natural born citizen. But the goal in exposing Obama is not simply to educate people about history, it is to prevent the nation from callously disregarding even more of the U.S. Constitution—not just Article II, Section 1, Clause 5. This is not about Obama or race. It is about *the rule of law*. Marco Rubio, Ted Cruz, Bobby Jindal, Rick Santorum, and Nikki Haley should not be allowed to serve as president or vice-president either—unless the Constitution is amended.

Six years into Obama's usurpation of our Oval Office, many people advise, "Get over it. Obama won, legally or not." That advice should not be accepted. Yes, the evil of collectivism is certainly a far greater issue than the identity and citizenship of Obama's father, but that does not mean we do not have room in our minds to engage in battles on several fronts. Demanding that politicians and judges actually follow the U.S. Constitution is not a "diversion" or a wasted effort. Yes, a cowardly Supreme Court—perhaps wanting to avoid nationwide riots—ignored the eligibility issue when it refused to hear *Kerchner v. Obama*. The Supreme Court often ignores the Fourth, Fifth, Ninth, and Tenth Amendments as well—but that does not mean we should quietly accept the loss of our liberties. The words of our Founding Fathers were clear. So are mine: do not give up the fight for liberty.

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