

An Interesting Phenomenon

by [Joseph DeMaio](#), ©2024



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(Jul. 20, 2024) — During the over-the-top successful GOP convention just concluded in Milwaukee, an interesting fact dawned upon your humble servant.

As regular *P&E* readers well know, your servant has for over a decade contended that the Founders meant to include in their newly-minted Constitution a strong restriction on who could – and who could *not* – be eligible to the presidency. The restriction they adopted, in your servant’s view, was the “natural born Citizen” (“nbC”) definition found in § 212, Book 1, Ch. 19 of Swiss attorney, jurist and international law scholar Emer de Vattel’s treatise, “*Le Droit des Gens*,” or “*The Law of Nations*.”

Under that definition, a “natural born citizen” is a person born on the soil of a country to a mother and father *both* of whom are at the time of the birth *already* citizens of that country. Unlike a more relaxed definition claiming that being a “citizen at birth” or a “citizen by birth,” with no need for future naturalization and regardless of either place of birth or unitary U.S. citizenship of both parents suffices, the de Vattel § 212 definition establishes a much higher barrier against the insinuation of “foreign influence” into the presidency. The potential for that insinuation was anathema to the Framers of the Constitution.

All others not fitting the de Vattel § 212 definition were intended to be excluded from the office, save only for the few patriots who, although not “nbC’s,” were “citizens” of the United States when the Constitution was adopted, and covered by the now long-expired “citizen-grandfather” clause in Art. 2, § 1, Cl. 5.

Without boring faithful *P&E* readers, years ago, your servant began his analysis of the issue with regard to Barack Hussein Obama II, who remains, in your servant’s view, a likely usurper of the presidency for both of his two terms as chief executive. And with the exception of an answer to why we are still paying him a former president retirement stipend, he remains a “citizen” of the United States by virtue of the 14th Amendment, but likely *not* a natural born Citizen as contemplated by the Founders.

Over the years, your servant has also addressed the nbC issue in connection with, among others, Senators Ted Cruz and Marco Rubio; former Representative Tulsi Gabbard; former Governor Nikki Haley and, more recently, entrepreneur Vivek Ramaswamy. It was posited (and remains asserted) that there is a high likelihood that none of these people – as with Mr. Obama – are nbC’s under the conceptual template intended by the Framers.

However, as confirmed by speakers at the GOP Milwaukee convention as well as in a wide spectrum of media platforms, each of the named persons – excluding, of course, Monsieur Obama, a Democrat and dyed-in-the-wool anti-Trumper – has been an outspoken supporter of Donald J. Trump and his agenda of making America great again. Indeed, Tulsi Gabbard, who left the Democrat Party to become an Independent, recently excoriated Vice President Kamala Harris – also likely not a natural born Citizen – for [questioning](#) the loyalty and patriotism of Mr. Trump’s choice for Vice President, J.D. Vance.

The interesting phenomenon to be gleaned from these facts is simple: one does not need to be a natural born Citizen to be a patriotic American. Each of the above-named persons – again, of course, excepting Mr. Obama and Ms. Harris – are the kind of American citizens who articulate and display the best in our Republic. Any one of them would be a great candidate for a position in a “47” administration.

Now, we should all sit back and wait to see if the slug at 1600 can survive the growing pressure from within his *own* party to step aside. Those urging him to abandon his Quixote-like effort to get re-elected – Chuck Schumer; Nancy Pelosi; in the background, Barack Obama; and laughably, Representative Adam Schiff – do not care about the octogenarian’s diminished cognitive condition or gathering dementia.

Instead, all they care about is losing the White House, losing the Senate and remaining a greatly-diminished minority in the House after January 20, 2025. If tossing the slug under the bus now and, after he is run over, sweeping him to the curb is needed..., well, so be it. Recall what Vince Foster, President Clinton’s Deputy White House Counsel said in a “suicide” [note](#) found among his papers: “Here [Washington, D.C.], ruining people is considered sport.”

“Brandon bashing” is now the preferred pastime of the Beltway. Let the D’s twist in the wind as Donald Trump’s poll numbers keep skyrocketing..., they brought this on themselves.