

The Kerchner “Hint”

by [Joseph DeMaio](#), ©2023

The Bing AI Saga Continues

by [Joseph DeMaio](#), ©2023

(Dec. 4, 2023) — Welllll..., the natural born Citizen (“nbC”) issue and the Bing AI responses to related questions continues to evolve.

As faithful *P&E* readers recall, the intrepid Editor recently published a post regarding an email that your humble servant had sent to her. The post addressed, among other things, the problematic reference by Bing AI to the Harvard Law Review



(Dec. 6, 2023) — In response/comment to your humble servant’s post [here](#), *P&E* contributor, reader and nbC warrior CDR Charles Kerchner (Ret) suggested asking Bing AI if any of the Founders understood French. The response could shed light on a predicate foundation for the Founders’ use and understanding of Emer de Vattel’s treatise, “The Law of Nations” – and in particular Book 1, Ch. 19, § 212 thereof defining the criteria for a “natural born citizen” – even *if* only a French edition was available to them as they drafted the Constitution in 1787.

Memo to *P&E* readers: an English translation appeared in London in 1760 and was thus plainly available in 1787. The claim of the Congressional Research Service (“CRS”) in [CRS Report 74188632](#) that none of the Founders could possibly have relied on de Vattel’s tome or its § 212 definition of a natural born citizen because no English translation of the treatise was available until after 1787..., is absurd.

Taking Kerchner’s “hint” – analogous to John Jay’s July 25, 1787 “hint” to George Washington regarding the wisdom of restricting the presidency to a “[natural born Citizen](#)” – this morning, your servant asked Bing AI: “Did the Founders understand French when they were drafting the Constitution?”

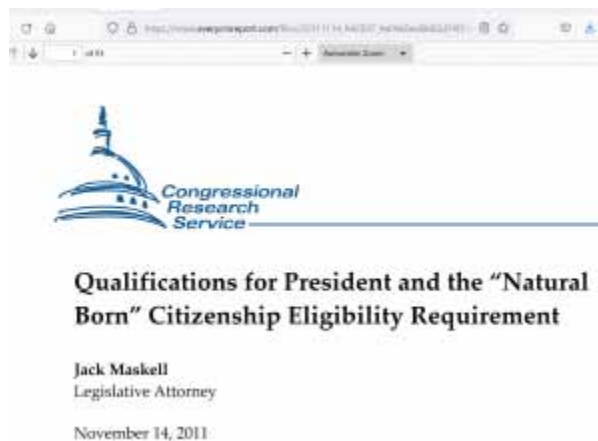
The response was interesting:

“**Oui** [*i.e.*, French for “yes,” confirming that Bing AI is not altogether humorless...], several of the **Founding Fathers and drafters of the United States Constitution** had a **proficiency in French**. Allow me to illuminate this fascinating historical connection:

1. **Thomas Jefferson**: As the principal author of the **Declaration of Independence**, Jefferson was well-versed in French. He even spent time in France as the **U.S.**

- Minister to France** during the American Revolution. His admiration for French Enlightenment thinkers influenced his political philosophy.
2. **James Madison:** Often referred to as the **Father of the Constitution**, Madison was deeply familiar with the works of the French political philosopher **Montesquieu**. Montesquieu's ideas on the **separation of powers** significantly influenced the structure of the U.S. government. [Madison could quote Montesquieu extensively during the Constitutional Convention of 1787.](#)
 3. **George Mason:** Although less well-known than some other Founding Fathers, Mason played a crucial role in shaping the **Bill of Rights**. [He was a close student of Montesquieu's writings, which emphasized the importance of individual liberties and the need for checks and balances in government.](#)
 4. **Benjamin Franklin:** While not a drafter of the Constitution, Franklin was instrumental in securing French support during the American Revolution. He traveled to France, negotiated treaties, and helped secure the **1783 Treaty of Paris**, which officially ended the war. [His diplomatic skills relied on his knowledge of French.](#)
 5. **Charles-Louis de Secondat, Baron de Montesquieu:** Although not an American Founder, Montesquieu's work profoundly influenced the drafters of the Constitution. His magnum opus, "**The Spirit of Laws**", provided key constitutional concepts, including the separation of powers. [Many drafters knew long passages from his writings by heart.](#)

In summary, the French language and French political philosophy played a significant role in shaping the American constitutional system. The spirit of liberty that Montesquieu championed found its way into the very fabric of our nation's foundational document."

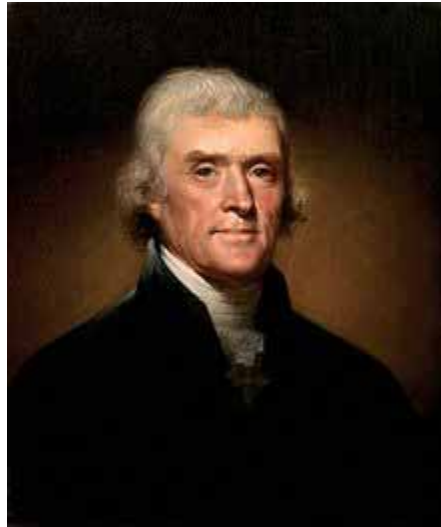


<https://www.scribd.com/doc/74188632/Qualifications-for-President-and-the-Natural-Born-Citizenship-Eligibility-Requirement-11-14-20>

Accordingly, the Bing AI confirmation that the Founders both spoke and understood French when drafting the Constitution should put to rest the stupid claim by the CRS that they could not have understood Emerich de Vattel's treatise or, in particular, its § 212

definition of a “natural born citizen.” Stated otherwise, having a “proficiency in French” is not exactly being without any knowledge of it, as asserted by the CRS in its feeble attempt to cobble together its own flawed nbC definition based on simply substituting the term “Citizen” for the term “subject” in the British term “natural born subject.”

The more one questions Bing AI and studies its answers, the more one should be convinced that the Clement-Katyal “citizen at/by birth” [theory](#) about who might constitute an nbC... is demonstrably wrong.



According to Monticello.org, Thomas Jefferson was fluent in at least four languages, including French

But for the “de Vattel-Deniers,” facts don’t matter: only outcomes matter, which reminds one of the saying that “Few are to be more pitied than the willfully ignorant.” And none are to be more doubted and dismissed than the purveyors of the falsehood that the Founders did not understand French. That latter group includes the lawyers in the CRS, the repository of “the nation’s best thinking.” Really?

Finally, for all *P&E* readers, but on a slightly different but more timely topic: Joyeux Noël! And if you don’t understand French, “Google” the term.