

# The Trump nbC Post

by [Joseph DeMaio](#), ©2024



(Jan. 9, 2024) — Well, whatta ya know..., it seems that the “natural born Citizen” (“nbC”) issue may *finally* be getting some renewed traction. The following offering is made as a supplement to the recent one posted on the presidential “eligibility” topic by the intrepid *P&E* Editor [here](#).

As noted there, President Trump has recently posted to his [TruthSocial](#) website a comment referencing an [article](#) by one Paul Ingrassia. Ingrassia holds a law degree from Cornell University Law School and at one time [interned](#) for President Trump’s National Economic Council.

In her recent post, the intrepid *P&E* Editor teasingly posits that, through his own post referencing with approval the Ingrassia article, President Trump may be announcing his endorsement of a true definition of the nbC term as used in the Constitution. That issue is still “unsettled” by any binding decision of the U.S. Supreme Court.

Specifically, he may be signaling his concurrence that for presidential eligibility purposes – and with the caveat that *if* Mr. Ingrassia’s research proves to be correct – a “natural born Citizen” as intended by the Founders is restricted *exclusively* to a person born within the geographic boundaries of the United States to a mother and father *both* of whom are already U.S. citizens themselves. *P&E* reader alert: your servant posits that Mr. Ingrassia is *absolutely* correct.

Mr. Ingrassia's article, first appearing on his Substack site, was reposted by *The Gateway Pundit* website within 24 hours. The latter website is apparently where President Trump first saw the Ingrassia article and determined to comment approvingly. Also worthy of note is the fact that the article is an "equal opportunity" critique of not only Nikki Haley's purported eligibility bona fides, but also those of Vice President Kamala Harris.

These housekeeping points aside, the critical point to be gleaned from President Trump's observation, of course, is that the Ingrassia article's conclusion dovetails *precisely* with what available documentary evidence and objective analysis show and as noted over the years here at *The P&E* by many contributors, including CDR Charles Kerchner (Ret), Robert Laity, the intrepid *P&E* Editor and, humbly, your servant.

The solitary criticism of the article is that it uses the term "natural born citizenship," which your servant contends is a neologism not appearing anywhere in the Constitution or in any U.S. Supreme Court decision thus far. The Constitution speaks of a "natural born *Citizen*" (emphasis added) only. Any attempt to conflate or confuse the neologism and the term in the Constitution should be avoided. The critique of the term is discussed in more detail [here](#) and [here](#).

Neologisms aside, the Ingrassia article plainly supports the conclusion that the Founders intended to adopt a definition of a "natural born Citizen" as being a person born here to two parents, *both* of whom were already U.S. citizens. As contrasted with a definition setting a lower "citizen at/by birth" barrier to the potential for insinuation of "foreign influence" into the presidency, the "two citizen parents" standard sets a much higher barrier.

The lower "citizen at/by birth" standard is advocated by the Congressional Research Service as well as by former U.S. Solicitors General [Paul Clement and Neal Katyal](#). Your servant's criticisms of those documents are strewn across the pages of *The P&E* and are too numerous to list here.

The higher barrier against the potential for insinuation of foreign influence is articulated in the definition set out by Swiss attorney, jurist and legal scholar Emer de Vattel in his 1758 treatise, "*The Law of Nations*," Book 1, Ch. 19, § 212. That treatise – both in the original French and English translation – was available to the Founders and used as a reference source while drafting the Constitution in 1787.

President Trump's TruthSocial-*Gateway Pundit* comment, coming from a person of his stature and influence, will also bring back to a front burner the debate over the "eligibility" issue not only as to Nikki Haley, but as to others with similar potential ineligibility problems, both past, present and future.

#### Twelfth Amendment

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted.—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding those on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. [And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—]The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

<https://constitution.congress.gov/constitution/amendment-12/>

Specifically, while the Ingrassia article tangentially addresses the same eligibility issue burdening Vice President Harris, it does not go into potential remedial steps which might be available. Such steps might include the removal or prohibition on placement of her name on state election ballots for the office of Vice President as being required by the 12<sup>th</sup> Amendment.

Significantly, unlike the ill-reasoned and, frankly, undemocratic tactic of attempting to disqualify President Trump from the Colorado and Maine primary ballots on the bogus claim he was an “insurrectionist” barred under the 14<sup>th</sup> Amendment, both Art. 2, § 1, Cl. 5 and the 12<sup>th</sup> Amendment eligibility provisions are *self-executing*. Translation: they do not require congressional “triggering” legislation to put them into motion. Stated otherwise, the Constitution itself declares, with no further ado, that *only* an nbC can be president or vice-president.

As a sidelight, this “self-executing” issue is part of the pending appeal in the Supreme Court of President Trump’s challenge to the recent Colorado Supreme Court’s affirmation of the state’s Secretary of State to exclude him from that state’s primary ballot. Parenthetically, oral argument in that case (*Trump v. Anderson*, USSC Docket No. 23-719) is now scheduled for Feb. 8, 2024. It will be, to vastly understate the matter, interesting and important.

But back to nbC text.

Thus far relegated to status as “birther nonsense,” or admonitions to “Forget about it, it’s settled” and “Give it a rest,” the issue today takes on added urgency as there are now at least three persons “in the mix” with significant eligibility questions, including sitting Vice President Harris, rumored to be running for re-election.

Finally, President Trump’s post will subject Mr. Ingrassia’s research to additional scrutiny and analysis. If that scrutiny is fair and objective – unlike some past academic

analyses or several products of the Congressional Research Service previously critiqued here at *The P&E* – the Ingrassia article and President Trump’s favorable review of it will have served an important purpose.

That purpose would be initiating a return of the Republic from over a decade of catastrophic “transforming America” back into something the Founders could once again recognize. The “shining city on a hill” can still recover from the errors of misreading and misinterpreting the Constitution and the misquoting of certain federal statutes and Supreme Court decisions.



*“We are five days away from fundamentally transforming the United States of America...”* <https://www.youtube.com/watch?v=KrefKCaV8m4>

Without regard to the results of the upcoming general election in November, President Trump has done the nation a favor by bringing the eligibility issue back to “front and center.” The left, the Democrat Party – which, according to Mark Levin, “hates America” – and the mainstream apparatchiks of the left, will savage the Ingrassia article and “Orange Man Bad’s” approving remarks. You expected something different?

Your humble servant’s advice to Ingrassia – as they say, “The advice is free, and therefore worthless” –: **bring it on**. To reiterate, President Trump’s TruthSocial post and the Ingrassia article have already cast needed light on the issue, not only as to Nikki Haley, but as to Kamala Harris, Vivek Ramaswamy and, of course, Barack Hussein Obama, Jr.

And as to Obama, that delayed light alone is cause for optimism, because if it is shown that he was a common usurper of the presidency for eight years..., the logical question then becomes: why are we still paying him a former president’s retirement benefit of around a quarter million dollars per year? There is no such thing as a former usurper retirement benefit.