# Article II Facts



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## 1. Constitutional Convention – "Citizen" v "Natural Born Citizen":

When developing a new U.S. Constitution for the United States of America, Alexander Hamilton submitted a suggested draft on June 18, 1787. In addition, he also submitted to the framers a proposal for the qualification requirements in Article II as to the necessary Citizenship status for the office of President and Commander in Chief of the Military.

Alexander Hamilton's suggested presidential eligibility clause:

> *No person shall be eligible to the office of President of the United States unless he be now a Citizen of one of the States, or hereafter be born a Citizen of the United States*.

Many of the founders and framers expressed fear of foreign influence on the person who would in the future serve as President of the United States since this particular office was singularly and uniquely powerful under the proposed new Constitution. This question of foreign influence was elevated when John Jay considered the additional power granted to the Presidency during times of war, that is when he serves as Commander in Chief of the military. Jay felt strongly that whoever served as President and Commander In Chief during times of war must owe their sole allegiance to and only to the United States.

Because this fear of foreign influence on a future President and Commander in Chief was strongly felt, Jay took it upon himself to draft a letter to General George Washington, the presiding officer of the Constitutional Convention, recommending/hinting that the framers should strengthen the Citizenship requirements for the office of the President.


John Jay was an avid reader and proponent of natural law and particularly Vattel's codification of natural law and the Law of Nations. In his letter to Washington he said that the Citizenship requirement for the office of the commander of our armies should contain a "strong check" against foreign influence and he recommended to Washington that the command of the military be open only to a "natural born Citizen". Thus Jay did not agree that simply being a "born Citizen" was sufficient enough protection from foreign influence in the singular most powerful office in the new form of government. Rather, Jay wanted to make sure the President and Commander In Chief owed his allegiance solely to the United States of America. He wanted another adjective added to the eligibility clause, i.e., 'natural'. And that word 'natural' goes to the Citizenship status of one's parents via natural law.

Below is the relevant change to Hamilton's proposed language detailed in Jay's letter written to George Washington dated 25 July 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*.

See a transcription of Jay's letter to Washington at this link.

Upon receiving Jay's letter, General Washington passed on the recommendation to the convention where it was adopted in the final draft. Thus Article II, Section 1, Clause 5 of the U.S. Constitution, the fundamental law of our nation reads:

Article II, Section 1, Clause 5 of U.S. Constitution as adopted 17 September 1787:

> *No Person except a natural born Citizen, or a Citizen of the United States, at the time ofthe 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*.

There you have the crux of the issue now before the nation and the answer.

Hamilton's suggested presidential citizenship eligibility requirement was that a Citizen simply had to be 'born a Citizen' of the USA, i.e., a Citizen by Birth. But that citizenship status was overwhelmingly rejected by the framers as insufficient. Instead of allowing any person "born a citizen" to be President and Commander of the military, the framers chose to adopt the more stringent requirement recommended by John Jay, i.e., requiring the Citizen to be a "natural born Citizen", to block any chance of future Presidents owing allegiance to other foreign nations or claims on their allegiance at birth from becoming President and Commander of the Military.. Therefore, the President of the United States must be a "natural born citizen" with unity of citizenship and sole allegiance to the United States at birth. [SOURCE CREDIT]

*So why do we keep hearing about the President only needing to be "born a citizen"? Well, let's start with the fallacy of the 14th amendment trumping Article II -*

**2. The Fourteenth Amendment to the United States Constitution was adopted 9 July 1868:**

> *All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws*.

The intent and purpose of the (14th) amendment was to provide equal citizenship to all Americans either born on U.S. soil or naturalized therein and subject to the jurisdiction thereof. It does not grant "natural born Citizen" status. It only confers "citizen" status, as that is the exact word used by the Amendment itself and that is the same word that appears in Article I, II, III, and IV of the Constitution. It just conveys the status of "citizen," and as we learned from how the Framers handled the Naturalization Acts of 1790 and 1795, being a "citizen" does not necessarily mean that one is a "natural born Citizen."

The Fourteenth Amendment only tells us who may become members of the community called the United States, i.e., those born on U.S. soil or naturalized and subject to the jurisdiction thereof are U.S. citizens. The amendment was needed because under Scott v. Sandford, 60 U.S. 393 (1856), slaves and their descendents, whether free or not, were not considered as being members of that community even though born on U.S. soil and unlike the American Indians subject to the jurisdiction thereof. But the amendment only allowed these slaves and their descendents to become a member of the U.S. community by making them U.S. citizens. Once those persons or anybody else (e.g. Wong Kim Ark) so became a member of the U.S. community (became a U.S. citizen by birth on U.S. soil or through naturalization), then that person could join with another U.S. citizen and procreate a child on U.S. soil who would then be an Article II

"natural born Citizen."

Hence, during the Founding, the original citizens created the new Constitutional Republic. Through Article II's grandfather clause, they were allowed to be President. Their posterity would be the "natural born Citizens" who would perpetuate the new nation and its values. These "natural born Citizens," born after the adoption of the Constitution, would be the future Presidents.

Subsequently, a "natural born Citizen" was created by someone first becoming a member of the United States (a U.S. citizen) by birth on its soil to a mother and father who were U.S. citizens or if not so born then through naturalization, and then joining with another similarly created U.S. citizen to procreate a child on U.S. soil. The product of that union would be an Article II "natural born Citizen."

After the Fourteenth Amendment, it became sufficient to be a citizen if one were merely born on U.S. soil or naturalized and subject to the jurisdiction of the U.S. That U.S. citizen would then procreate with another similarly created U.S citizen and produce a "natural born Citizen."

As we can see, becoming a U.S. citizen is only the first step in the process of creating a "natural born Citizen." The second step is the two U.S citizens procreating a child on U.S. soil. It is these "natural born Citizens" who can someday be President or Vice President of the United States. Stated differently, a President must be a second generation American citizen by both U.S. citizen parents. A Senator or Representative can be a first generation American citizen by naturalization or birth. It is the extra generation carried by a President which assures the American people that he/she is born with attachment and allegiance only to the United States. [SOURCE CREDIT]

*Now, let's take a look at the Godfather of the 14th amendment and see what he had to say about "born a citizen" vs "natural born citizen" –*

**3. Rep. John Bingham, Principal Framer of the Fourteenth Amendment of the U.S. Constitution.**

During a debate (see pg. 2791) regarding a certain Dr. Houard, who had been incarcerated in Spain, the issue was raised on the floor of the House of Representatives as to whether the man was a US citizen. Representative Bingham (of Ohio), stated on the floor:

> *As to the question of citizenship I am willing to resolve all doubts in favor of a citizen of the United States. That Dr. Houard is a natural-born citizen of the United States there is not room for the shadow of a doubt. He was born of naturalized parents within the jurisdiction of the United States, and by the express words of the Constitution, as amended to-day, he is declared to all the world to be a citizen of the United States by birth*. (The term "to-day", as used by Bingham, means "to date". Obviously, the Constitution had not been amended on April 25, 1872.)

Notice that Bingham declares Houard to be a "natural-born citizen" by citing two factors – born of citizen parents in the US.

John Bingham, aka "father of the 14th Amendment", was an abolitionist congressman from Ohio who prosecuted Lincoln's assassins. Ten years earlier, he stated on the House floor:

> *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*. - (Cong. Globe, 37th, 2nd Sess., 1639 (1862))

Then in 1866, Bingham also stated on the House floor:

> *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....* - (Cong. Globe, 39th, 1st Sess., 1291 (1866))

According to Justice Black, Bingham's words uttered on the floor of the House are the most reliable source.

Bingham made three statements, none of them challenged on the Floor, which indicate that a natural born citizen is a person born on US soil to parents who were US citizens. [SOURCE CREDIT]

*And of course we've all heard the Supreme Court has never ruled on or defined what a "natural born citizen" is, but that is a folly –*

**4. Supreme Court cases that cite "natural born Citizen" as one born on U.S. soil to citizen parents:**

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

> *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*.

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

> *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*.

Dred Scott v. Sandford, 60 U.S. 393 (1857)

> *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 society cannot perpetuate itself otherwise than by the children of the citizens, those children naturally follow the condition of their parents, and succeed to all their rights.' Again: 'I say, to be of the country, it is necessary to be born of a person who is a citizen; for if he be born there of a foreigner, it will be only the place of his birth, and not his country*. . . .

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

> *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*.

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

> *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*.

Perkins v. Elg, 307 U.S. 325 (1939),

> was a decision by the Supreme Court of the United States that a child born in the United States to naturalized parents on U.S. soil is a natural born citizen and that the child's natural born citizenship is not lost if the child is taken to and raised in the country of the parents' origin, provided that upon attaining the age of majority, the child elects to retain U.S. citizenship "and to return to the United States to assume its duties." Not only did the court rule that she did not lose her native born Citizenship but it upheld the lower courts decision that she is a "natural born Citizen of the United States" because she was born in the USA to two naturalized U.S. Citizens.
>
> "But the Secretary of State, according to the allegation of the bill of complaint, had refused to issue a passport to Miss Elg 'solely on the ground that she had lost her native born American citizenship.' The court below, properly recognizing the existence of an actual controversy with the defendants [307 U.S. 325, 350] (Aetna Life Ins. Co. v. Haworth, 300 U.S. 227 , 57 S.Ct. 461, 108 A.L.R. 1000), declared Miss Elg 'to be a natural born citizen of the United States' (99 F.2d 414) and we think that the decree should include the Secretary of State as well as the other defendants. The decree in that sense would in no way interfere with the exercise of the Secretary's discretion with respect to the issue of a passport but would simply preclude the denial of a passport on the sole ground that Miss Elg had lost her American citizenship."

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”. [SOURCE CREDIT]

*Let’s take a look at the numerous attempts congress has made over the years to change the definition of Article II even though any educated American knows that to change the constitution in any shape or form a constitutional amendment is required. -*

**5. Attempts to redefine or amend Article II “natural born Citizen” Clause of the U.S. Constitution:**

The effort to remove the natural-born citizen requirement from the U.S. Constitution actually began in 1975 – when Democrat House Rep. Jonathon B. Bingham, [NY-22] introduced a constitutional amendment under H.J.R. 33: which called for the outright removal of the natural-born requirement for president found in Article II of the U.S. Constitution – “*Provides that a citizen of the United States otherwise eligible to hold the Office of President shall not be ineligible because such citizen is not a natural born citizen*.”

Bingham’s first attempt failed and he resurrected H.J.R. 33: in 1977 under H.J.R. 38:, again failing to gain support from members of congress. Bingham was a Yale Law grad and member of the secret society Skull and Bones, later a lecturer at Columbia Law and thick as thieves with the United Nations via his membership in the Council on Foreign Relations.

Bingham’s work lay dormant for twenty-six years when it was resurrected again in 2003 as Democrat members of Congress made no less than eight (8) attempts in twenty-two (22) months, to either eliminate the natural-born requirement, or redefine natural-born to accommodate Barack Hussein Obama II in advance of his rise to power. The evidence is right in the congressional record…

1. On June 11, 2003 Democrat House member Vic Snyder [AR-2] introduced H.J.R 59: in the 108th Congress – “*Constitutional Amendment – Makes a person who has been a citizen of the United States for at least 35 years and who has been a resident within the United States for at least 14 years eligible to hold the office of President or Vice President*.” – Co-Sponsors: Rep Conyers, John, Jr. [MI-14]; Rep Delahunt, William D. [MA-10]; Rep Frank, Barney [MA-4]; Rep Issa, Darrell E. [CA-49]; Rep LaHood, Ray [IL-18]; Rep Shays, Christopher [CT-4].

2. On September 3, 2003, Rep. John Conyers [MI] introduced H.J.R. 67: – “*Constitutional Amendment – Makes a person who has been a citizen of the United States for at least 20 years eligible to hold the office of President*.” – Co-Sponsor Rep Sherman, Brad [CA-27]

3. On February 25, 2004, Republican Senator Don Nickles [OK] attempted to counter the growing Democrat onslaught aimed at removing the natural-born citizen requirement for president in S.2128: – “*Natural Born Citizen Act* – Defines the constitutional term “natural born citizen,” to establish eligibility for the Office of

President" – also getting the definition of natural born citizen wrong. – Co-sponsors Sen Inhofe, James M. [OK]; Sen Landrieu, Mary L. [LA]

4. On September 15, 2004 – as Barack Obama was about to be introduced as the new messiah of the Democrat Party at the DNC convention, Rep. Dana Rohrabacher [CA-46] introduced H.J.R. 104: – "*Constitutional Amendment – "Makes eligible for the Office of the President non-native born persons who have held U.S. citizenship for at least 20 years and who are otherwise eligible to hold such Office*." – No co-sponsors.

5. Again on January 4, 2005, Rep John Conyers [MI] introduced H.J.R. 2: to the 109th Congress – "*Constitutional Amendment – Makes a person who has been a citizen of the United States for at least 20 years eligible to hold the Office of President*." – Co-Sponsor Rep Sherman, Brad [CA-27]

6. Rep Dana Rohrabacher [CA-46] tries again on February 1, 2005 in H.J.R. 15: – "*Constitutional Amendment – Makes eligible for the Office of the President non-native born persons who have held U.S. citizenship for at least 20 years and who are otherwise eligible to hold such Office*." – No Co-Sponsor

7. On April 14, 2005, Rep Vic Snyder [AR-2] tries yet again with H.J.R. 42: – "*Constitutional Amendment – Makes a person who has been a citizen of the United States for at least 35 years and who has been a resident within the United States for at least 14 years eligible to hold the office of President or Vice President*." – Co-Sponsor Rep Shays, Christopher [CT-4]

8. All of these efforts failing in committee and the 2008 presidential election looming with an unconstitutional candidate leading the DNC ticket, Democrat Senator Claire McCaskill, [MO] tries to attach the alteration to a military bill in S.2678: on February 28, 2008 – "*Children of Military Families Natural Born Citizen Act – Declares that the term "natural born Citizen" in article II, section 1, clause 5 of the Constitution, dealing with the criteria for election to President of the United States, includes any person born to any U.S. citizen while serving in the active or reserve components of the U.S. armed forces*." – Co-Sponsors DNC Presidential candidate Sen Clinton, Hillary Rodham [NY]; DNC Presidential candidate Sen Obama, Barack [IL]; Sen Menendez, Robert [NJ]; Sen Coburn, Tom [OK] – (This was the first effort to also assure that GOP Presidential candidate Sen. John McCain [AZ] would be cleared to run against the DNC primary victor.)

From June 11, 2003 to February 28, 2008, there had been eight (8) different congressional attempts to alter Article II – Section I – Clause V – natural born citizen requirements for president in the U.S. Constitution, all of them failing in committee — All of it taking placing during Barack Obama's rise to political power and preceding the November 2008 presidential election.

In politics, there are no coincidences… not of this magnitude.

Finally on April 10, 2008, unable to alter or remove the natural born citizen requirement to clear the way for Barack Obama, the U.S. Senate acts to shift focus before the election, introducing and passing S.R.511: – declaring Sen. John McCain a "natural born citizen" eligible to run for and hold the office of president. There was never any honest doubt about McCain, the son of a U.S. Navy Commander. The Sponsor of the resolution is Democrat Senator Claire McCaskill, [MO]

S.R.511 States that John Sidney McCain, III, is a "natural born Citizen" under Article II, Section 1, of the Constitution of the United States. S.R511 passed by a 99-0 unanimous consent of the Senate, with only John McCain not voting. The basis was – "*Whereas John Sidney McCain, III, was born to American citizens;*" – a condition not met by Barack Hussein Obama II. – Co-Sponsors DNC Presidential candidate Sen Clinton, Hillary Rodham [NY]; DNC Presidential candidate Sen Obama, Barack [IL]; Sen Leahy, Patrick J. [VT]; Sen Webb, Jim [VA]; Sen Coburn, Tom [OK] (They had made certain that John McCain would run against Barack Obama)

However, in the McCain resolution is also this language – "*Whereas the Constitution of the United States requires that, to be eligible for the Office of the President, a person must be a `natural born Citizen' of the United States; – Whereas the term `natural born Citizen', as that term appears in Article II, Section 1, is not defined in the Constitution of the United States;*"

The U.S. Constitution is not a dictionary. The definition of "is" is not in the constitution either. Yet this is the text that would later be issued in Congressional Research Service talking points memos distributed to members of congress, to protect an individual that all members of congress know and understand to be an "unconstitutional" resident of the people's White House – Barack Hussein Obama II.

Once again, as the political left was unable to alter the U.S. Constitution by way of legitimate constitutional process, they resorted to altering the constitution via precedent setting, in short, knowingly electing and getting away with seating an unconstitutional president in order to alter Article II requirements for the office via breaking those constitutional requirements.

The press would not ask any questions and the American people were already too ill-informed of their constitution to know or too distracted by daily life to care. The press would provide the cover, swearing to the lies of an unconstitutional administration put in power by criminal actors focused only on their lofty political agenda of forever altering the American form of government.

The people would be caught up in a steady diet of daily assaults on their individual freedom and liberty and overlook the most obvious constitutional crisis in American history, the seating of an unconstitutional and anti-American president. [SOURCE CREDIT]

**6. Citizenship Status of the Presidents of the United States and Their Eligibility Under Article II, Section 1, Clause 5 -**

**Click Here to View Citizenship Status**

*As you can see our past presidents eligible after the grandfather clause of Article II, Section 1, Clause 5 were all born on U.S. soil to Citizen parents.*

**7. Thirteen Presidential/Vice Presidential "Eligibility" Bills Introduced in State General Assembly's between 2009 & 2011**

*Then we have the 13 eligibility bills introduced between 2009 and 2011 by Republican's in their respective state general assemblies. Two made it to a Governor's desk for signature – New Hampshire's Governor signed HB1245 into law and Arizona's Governor, who was the Secretary of the State Board of Elections in 2008, vetoed HB295/529 – with the rest dying in committee,*

**Click Here to View the 13 Eligibility Bills**

*So there you have the facts of this roaring debate in a nutshell. The people are dismissed as clueless while the congress, the media, the current crop of presidential contenders, the Republican and Democrat Parties and the legal system are all living in a fantasy land. The people are 100 percent correct, and the people have every intention of showing those who continue to obfuscate this extremely serious constitutional crisis the door.*

**SOURCE CREDITS:**

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2. The Fourteenth Amendment - Attorney Mario Apuzzo www.Puzo1.blogspot.com

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4. Supreme Court Cases - John Charlton www.ThePostEmail.com

5. Attempts to Amend Article II - J.B. Williams www.NewsWithViews.com

6. Citizenship Under Article II - Navy CDR Charles Kerchner(Ret) www.ProtectOurLiberty.org

7. Thirteen Eligibility" Bills - Art2SuperPAC www.Art2SuperPAC.com

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