

[Barack Hussein Obama II is Still a British Subject](#)

by [Mountain Publius Goat](#) on Wed Jul 08, 2009 8:00 pm

Despite all the O-Bot misinformation postings claiming otherwise, Barack Hussein Obama II is still a British Subject.

Here is the excellent piece by Attorney Apuzzo written on Tuesday, April 7, 2009 in his blog.

http://puzo1.blogspot.com/2009/04/obama-president-of-us-is-currently-also_07.html

Assuming that Obama was born in the United States, he was not only born a dual national of the United States and Great Britain, but at present he continues to be such. Some maintain that American law on citizenship cannot be subjected to any foreign law. But such an argument does not resolve the question of Obama's dual nationality, for each nation has the sovereign right to make its own citizenship laws and one nation cannot deny another nation that right. This point can be better understood when we consider that McCain was born in Panama to U.S. citizen parents and U.S. citizenship law declared him a U.S. citizen even though he was born in Panama and Panamanian law may have declared him a citizen of Panama. Neither Panama nor any other nation questioned the United States' right to pass a law that gave McCain U.S. citizenship by descent from his parents even though he was born in Panama. Great Britain, being a sovereign nation, has the same right as does the United States to pass such citizenship laws. Now let us examine the British law that applies to Obama and his father and which makes Obama a British citizen not only at the time of his birth in 1961 but still today.

The British Nationality Act of 1948 provides in pertinent part as follows:

"4. Subject to the provisions of this section, every person born within the United Kingdom and Colonies after the commencement of this Act shall be a citizen of the United Kingdom and Colonies by birth:

Provided that a person shall not be such a citizen by virtue of this section if at the time of his birth—

(a) his father possesses such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to His Majesty, and is not a citizen of the United Kingdom and Colonies; or

(b) his father is an enemy alien and the birth occurs in a place then under occupation by the enemy.

5.—(1) Subject to the provisions of this section, a person born after the commencement of this Act shall be a citizen of the United Kingdom and Colonies by descent if his father is a citizen of the United Kingdom and Colonies at the time of the birth"

Under the British Nationality Act of 1948, Obama's father became a British citizen under

Section 4 by being born on the soil of an English Colony, Kenya. Under Section 5, when Obama was born in 1961 in Hawaii or some other place, he automatically became a British citizen by descent from his father who was a British citizen under Section 4.

Obama has deflected attention to his British citizenship by focusing the public's attention on his former Kenyan citizenship. Notwithstanding what Obama may lead the public to believe, this British citizenship is not a type of citizenship that he has since lost. Moreover, this citizenship did not expire with Obama's 21st birthday nor is it one that had to be registered in any specified period of time.

Chapter VI, Section 87 of the Kenyan Constitution specifies that: "1. Every person who, having been born in Kenya, is on 11th December, 1963 a citizen of the United Kingdom and Colonies or a British protected person shall become a citizen of Kenya on 12th December, 1963...2. Every person who, having been born outside Kenya. [sic] is on 11th December, 1963 a citizen of the United Kingdom and Colonies or a British protected person shall. [sic] if his father becomes. [sic] . . . a citizen of Kenya by virtue of subsection (1). [sic] become a citizen of Kenya on 12th December. [sic] 1963." These provisions made Obama's father and Obama citizens of Kenya, respectively. But neither Kenya's independence from Great Britain nor the Kenyan Constitution caused Obama to lose his British citizenship with which he was born. Obama concedes that his citizenship converted from British to Kenyan but he adds that he then lost this Kenyan citizenship when he did not confirm it upon reaching the age of 21. There are no known statements from either Obama or his campaign contending that he eventually lost his British citizenship. Rather, the statements have been that his British citizenship converted to Kenyan citizenship when Kenya obtained its independence from Great Britain in 1963 and that he then lost Kenyan citizenship under the Kenyan constitution and laws when he did not renounce U.S. citizenship at age 21. But since Obama never lost his British citizenship, it does not matter that Obama may have lost his Kenyan citizenship as he contends.

Let us now see how Obama did not lose his British citizenship. The Kenyan Constitution which came into effect in 1963 at Article 97 provides the following:

"97. Dual citizenship

1. A person who, upon the attainment of the age of twenty-one years, is a citizen of Kenya and also a citizen of some country other than Kenya shall, subject to subsection (7), cease to be a citizen of Kenya upon the specified date unless he has renounced his citizenship of that other country, taken the oath of allegiance and, in the case of a person who was born outside Kenya made and registered such declaration of his intentions concerning residence as may be prescribed by or under an Act of Parliament."

Hence, while the Kenyan Constitution prohibits dual citizenship for adults, it allows dual citizenship for children. Kenya's Constitution does, however, specify that at age 21, Kenyan citizens who possess citizenship in more than one country automatically lose their Kenyan citizenship unless they formally renounce any non-Kenyan citizenship,

swear an oath of allegiance to Kenya, and in the case of a person who was born outside Kenya made and registered such declaration of his intentions concerning residence as may be prescribed by or under an Act of Parliament. It may be true that Obama did not take any action to preserve his Kenyan citizenship as was required by the Kenyan constitution. But there is no evidence that Obama ever renounced his British citizenship which he originally acquired at his birth under Section 5 of the British Nationality Act of 1948. Whatever his father may have done regarding his Kenyan and/or British citizenship did not affect Obama's British citizenship with which Obama was born. Hence, under the Kenyan Constitution, Obama presumably lost his Kenyan citizenship by not renouncing his U.S. (assuming he was born in the U.S.) and British citizenships, by not taking an oath of allegiance to Kenya, and by not registering his declaration to take up residence in Kenya. But under British law, he did not lose his British citizenship because he never renounced that citizenship.

The fact that Obama still has British citizenship is further supported by the following:

"Under United Kingdom law as it has been since the British Nationality Act, 1948, the acquisition of another nationality by a citizen of the United Kingdom and Colonies, of whatever age, makes no difference whatever to his status as a citizen of the United Kingdom and Colonies, and, therefore, he remains a British subject.

Moreover, it is not possible, under United Kingdom law, for the nationality of a child who is a citizen of the United Kingdom and Colonies to be changed by the decision of his parents. Only the child, when he reaches the age of 21, can renounce his citizenship of the United Kingdom and Colonies if he is then in possession of another nationality, but during the child's minority neither the child nor his parents can do anything to forfeit his birthright of British nationality."

Children Bill [Lords], HC Deb 27 June 1958 vol 590 cc743-830.

"It is now the law that all persons born in the United Kingdom or its Colonies, or in countries which were Colonies at the time when they were born, have British nationality whether they are legitimate or illegitimate. . . .

Also, it is part of our law that children of a British male born abroad can have British nationality."

British Nationality, HC Deb 16 July 1963 vol 681 cc341-3.

Additionally, if one examines the British Nationality Act of 1981, there is nothing there which shows that Obama, once having the British citizenship that he acquired by descent from his father at the time of his birth, automatically lost it at age 21. On the other hand, the act contains provisions concerning "declaration of renunciation" at Section 10, 12, and 13. Not that doing so would make Obama an Article II "natural born Citizen," there is no evidence that Obama ever filed any "declaration of renunciation" of his British citizenship.

What does this mean? Under the Kenyan Constitution, Obama is presumably no longer a Kenyan citizen because he did not renounce at age 21 his British citizenship and his U.S. citizenship (assuming he was born in the U.S.). Obama is still however a British citizen not only under English common law (in the words of Coke and Blackstone, a natural-born subject of the United Kingdom) but also under British citizenship statutes. Neither Kenya's 1963 constitution nor any statute erased the consequences of the British common law and nationality statutes that were in effect at the time of Obama's and his father's birth. Obama's continuing British citizenship is further confirmed by English law which provides that persons born in countries which were Colonies at the time when they were born are still British citizens. Hence, Obama continues to be a British citizen despite Kenya's independence and new constitution.

This all leads to the question of how can Obama be an Article II "natural born Citizen" if he was at birth both a U.S. citizen (assuming he was born in the U.S.) and a British citizen which alone disqualifies him from having that status? But to make matters worse, Obama continues to be a British citizen at a time that he is currently the President of the United States. Can we reasonably conclude that the Founding Fathers, who had just fought a war with Great Britain and who did not want a foreigner to occupy the Office of President, would have allowed a British citizen, who carries that status not only from birth but also to the time he occupies the Office, to be President of the United States and Commander in Chief of its Military? Another question is how can a would-be President and Commander in Chief of the Military with current dual citizenship obtain a security clearance which he would need to access classified U.S. government information needed by him to carry out the sensitive functions of that Office?

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Obama Citizenship Facts:
<http://countryfirst.bravehost.com/phpBB3/viewtopic.php?f=105&t=127>

P.S. Update: <http://www.scribd.com/doc/18352802/Kerchner-v-Obama-Congress-Advertorial-Wash-Times-20090810-pg-89-Obama-is-a-Brit>

"The American people will never knowingly adopt Socialism. But under the name of liberalism they will adopt every fragment of the Socialist program, until one day America will be a Socialist nation without knowing how it happened." Norman Thomas



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