

[Why Natural Born Citizen Constitution Clause is Important](#)

by [Mountain Publius Goat](#) on Fri Aug 07, 2009 3:51 pm

Why the Natural Born Citizen Clause in the Constitution is Important

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Why the “Natural Born Citizen” Clause of Our Constitution Is Important and Worth Preserving by Mario Apuzzo, Esq.

Article II, Sec. 1, cl. 5 of the Constitution provides in pertinent part: “No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President. . .” In this clause and in Articles I, III, and IV, the Founding Fathers distinguished between "Citizen" and "natural born Citizen." Per the Founders, while Senators and Representatives can be just “citizens,” the President must be a "natural born Citizen." Through this clause, the Founders sought to guarantee that the ideals for which they fought would be faithfully preserved for future generations of Americans. The Founders wanted to assure that the Office of President and Commander in Chief of the Military, a non-collegial and unique and powerful civil and military position, was free of all foreign influence and that its holder has sole and absolute allegiance, loyalty, and attachment to the U.S. The “natural born Citizen” clause was the best way for them to assure this.

That the “natural born Citizen” clause is based on undivided allegiance and loyalty can be seen from how the Founders distinguished between "citizen" and "natural born Citizen." This distinction is based on the law of nations which became part of our national common law. According to that law as explained by E. Vattel in, *The Law of Nations* (1758), Vol.1, Section 212, *Des Citoyens et Naturels*, a "citizen" is a member of the civil society. To become a "citizen" is to enter into society as a member thereof. On the other hand, Vattel wrote that a native or indigenes (written in French as /les naturels/ or /indigenes/) or “natural born Citizen” as the term later became translated from French into English, is a child born in the country of two citizen parents who have already entered into and become members of the society. Vattel also tells us that it is the “natural born Citizen” who will best preserve and perpetuate the society. This definition of the two distinct terms has been adopted by many United States Supreme Court decisions. (The *Venus*, 12 U.S. 253 (1814) and *Minor v. Happersett*, 88 U.S. 162 (1874) to cite just two.) With the presidential qualification question never being involved, neither the 14th Amendment (which covers only "citizens" who are permitted to gain membership in and enter American society by either birth on U.S. soil or by naturalization and being subject to the jurisdiction of the United States), nor Congressional Acts (8 U.S.C. Sec. 1401), nor any case law (e.g. *U.S. v. Wong Kim Ark*, 169 U.S. 649 (1898)) has ever changed the original common law definition of a “natural born Citizen.” This amendment and laws have all dealt with the sole question of whether a particular person was going to be allowed to enter into and be a member of American society and thereby be declared a "citizen." The 14th Amendment did not involve Article II, let alone define what a “natural born Citizen” is. Never having been changed, the original constitutional meaning of a "natural born Citizen" prevails today. We can also see from these definitions that a “citizen” could have more than one allegiance and loyalty (acquiring allegiance from one’s foreign parents or from foreign soil) but a “natural born Citizen” can have only one and that is to America (soil and parents are all united in one nation).

The original definition of "natural born Citizen" gives our Constitutional Republic the best chance of having a President and Commander in Chief of the Military who has sole and absolute allegiance, loyalty, and attachment to the United States. By satisfying all conditions of this definition, all other avenues of acquiring other foreign citizenships and allegiances (jus soli or by the soil and jus sanguinis or by descent) are cut off. Having all other means of acquiring other foreign citizenships or allegiances cut off is unity of citizenship which is what the President must have at the time of birth. Additionally, by requiring the child's parents to be U.S. citizens best assures that those parents most likely will have absorbed American customs and values which, in turn, they will transmit to their child.

The "natural born Citizen" clause serves a critical purpose today and must be enforced in every Presidential election. The President has immense power, both civil and military. The clause assures the American people that their President does not have any conflicting allegiances or loyalties. In our nuclear world, it will avoid having a President who may hesitate to act quickly and decisively in a moment of crisis due to some internal psychological conflict of allegiance or loyalty. It will avoid any foreign nation expecting and pressuring the President to act in their best interest instead of that of America. The clause gives the American people the best chance that they will not be attacked from within through the Office of President. Knowing the President is a "natural born Citizen," the American people will trust their President with their lives. Finally, such a President can expect that the military will give him or her full trust and obedience.

When President Obama was born in 1961, under the British Nationality Act 1948, both his father and he were British subjects/citizens. In 1963, they both became Kenyan citizens. In fact, Mr. Obama's father was never even a legal resident or immigrant of America. Hence, regardless of where Mr. Obama was born or that he may be a United States citizen under the 14th Amendment, he is not an Article II "natural born Citizen" and not eligible to be President. This ineligibility has absolutely nothing to do with his race or class but all to do with his being born with multiple citizenships and allegiances and not satisfying the strict eligibility requirements of Article II. If someone believes that today the "natural born Citizen" clause no longer serves any useful purpose, then the proper way to change or abandon it is by way of constitutional amendment under Article V of the Constitution, not by usurpation.

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Mega Dittos to Mario!

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Goat Ledge: <http://countryfirst.bravehost.com/phpBB3/viewforum.php?f=105>

"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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