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<http://people.mags.net/tonchen/birthers.htm>

## **DICK'S fairly complete explanation with definition of 'Natural Born Citizen'**

An article from American Thinker, published TODAY, which is USUALLY fairly FACTUAL.

[http://www.americanthinker.com/blog/2016/01/the\\_cruz\\_natural\\_born\\_citizen\\_fake\\_controversy.html](http://www.americanthinker.com/blog/2016/01/the_cruz_natural_born_citizen_fake_controversy.html)

(Unfortunately, **this first case is pure DEMAGOGUERY,**

it contains many **IRRELEVANT facts** and even more **LIES**, in the form of "**Fault by Omission**".

Note that most of the citations are laws or Rulings done AFTER the creation of the Constitution. And, most importantly, it IGNORES Vattel's Law of Nations, published in 1758, the ONLY source of its kind EVER published at that time and used DAILY by the Founders)

January 7, 2016

## **The Cruz natural-born citizen fake controversy**

By [Thomas Lifson](#)

I suppose it was inevitable that we'd have to go one more round on the natural-born citizen subject before the Iowa caucus. Too many members of the mainstream media and Democrats (but I repeat myself) want to yuck it up. They just love throwing it in the face of people who questioned the many anomalies in the digital versions of Obama's birth record. (For the record, it should be noted that the very first person to raise the issue of Obama's birth was a Hillary supporter in Pennsylvania, back in the 2008 presidential nomination race.)

So it was the Washington Post that raised the question in an interview with Donald Trump, and Trump could not resist the bait. Most subsequent media discussions leave out that little fact. MSNBC in particular is having a field day of snark.

Andrew McCarthy of [National Review](#) (who notes that he is a Cruz supporter) does a capable job of summarizing the legal scholarship refuting the entire issue of Cruz's birth in Alberta.

The Constitution's invocation of "natural born citizen" incorporates this principle of citizenship derived from parentage. That this is the original meaning is obvious from [the Naturalization Act of 1790](#). It was enacted by the first Congress, which included several of the framers, and signed into law by President George Washington, who had presided over the constitutional convention. The Act provided that children born outside the United States to American citizens were "natural born" U.S. citizens at birth, "Provided, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States." As we shall see presently, [Congress later changed the law](#), making it easier for one American-citizen parent to pass birthright citizenship to his or her child, regardless of whether the non-American parent ever resided in the United States. But even if the more demanding 1790 law had remained in effect, Cruz would still be a natural born citizen. His mother, Eleanor Elizabeth Darragh Wilson, is an American citizen born in Delaware; his [native-Cuban father](#), Rafael Bienvenido Cruz, was a legal resident of the U.S. for many years before Ted was born.

But for those in a hurry, just see point g of [8 U.S. Code § 1401](#):

(a) a person born in the United States, and subject to the jurisdiction thereof;

(b) a person born in the United States to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe:

Provided

That the granting of citizenship under this subsection shall not in any manner impair or otherwise affect the right of such person to tribal or other property;

(c) a person born outside of the United States and its outlying possessions of [parents both of whom are citizens of the United States](#) and one of whom has had a residence in the United States or one of its outlying possessions, prior to the birth of such person;

(d) a person born outside of the United States and its outlying possessions of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year prior to the birth of such person, and **the other of whom is a national, but not a citizen** of the United States;

(e) a person born in an outlying possession of the United States of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year at any time prior to the birth of such person;

(f) a person of unknown parentage found in the United States while under the age of five years, until shown, prior to his attaining the age of twenty-one years, not to have been born in the United States;

(g) a person born outside the geographical limits of the United States and its outlying possessions of parents one of whom is an alien, and the other a citizen of the United States who, prior to the birth of such person, was physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years:

Provided

That any periods of honorable service in the Armed Forces of the United States, or periods of employment with the United States Government or with an international organization as that term is defined in [section 288 of title 22](#) by such citizen parent, or any periods during which such citizen parent is physically present abroad as the dependent unmarried son or daughter and a member of the household of a person (A) honorably serving with the Armed Forces of the United States, or (B) employed by the United States Government or an international organization as defined in [section 288 of title 22](#), may be included in order to satisfy the physical-presence requirement of this paragraph. This proviso shall be applicable to persons born on or after December 24, 1952, to the same extent as if it had become effective in its present form on that date; and

(h) a person born before noon (Eastern Standard Time) May 24, 1934, outside the limits and jurisdiction of the United States of an alien father and a mother who is a citizen of the United States who, prior to the birth of such person, had resided in the United State

Read more: [http://www.americanthinker.com/blog/2016/01/the\\_cruz\\_natural\\_born\\_citizen\\_fake\\_controversy.html#ixzz3wcjuDcDb](http://www.americanthinker.com/blog/2016/01/the_cruz_natural_born_citizen_fake_controversy.html#ixzz3wcjuDcDb)

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If you want to know some Very DISTURBING [Covered Up FACTS](#) about Ted Cruz and his family.. and [more](#)..

## COMMENT - Posted by Dick Anderson 1-7-2016

[All the above](#) "explanations" are **the work of DEMAGOGUES** - designed to MISLEAD everyone.

**Now, for the TRUTH:** (also, see the [Links at the very front](#))

Note also, that many demagogues also quote **Black's Law Dictionary**, claiming it to be the 'final reference' (or some such) in Legal Definitions, which does not require US Citizen Parents to be a Natural-Born-Citizen.

This too is BALONEY!

Black's was **not even written until 1860** – which is 73 years AFTER the Constitution was Created.

With that said, let's proceed:

It was, and is, well known that **all the Founding Fathers were fully aware of the meaning and definition of a NATURAL BORN CITIZEN** as it was defined in Vattel's "The Law of Nations" - **published in 1758** and translated into English in 1760 (and no other source had ever been printed or was even known to the Founders).

NOTE: While the Constitution does not specifically define these terms, the key to the correct definitions is Vattel's book "The Law of Nations" (which IS referred to in Article I, Section 8 of the Constitution).

Its value and use was documented by George Washington, John Jay, James Madison and Benjamin Franklin.

This treatise was considered the "final word" on all things about all nations during the time of our founding (and still is to this day, by any unbiased scholar), and was used DAILY by the Founding Fathers while they were creating our Constitution.

It was the ONLY treatise ever published up till that time and

As such, **this treatise defines ORIGINAL INTENT** - the ONLY legitimate way to interpret our Constitution or any other generated "paper" (whether it be by a government or not) at any time or any place in the World - **then, now or forever.**

**A Natural-born Citizen is the child of parents that are CITIZENS at the time of the child's birth.**

Book 1, Chapter 19, 212: *"The natives, or natural-born citizens, are those born in the country, of parents who are citizens."*

It does not count that the parents may become naturalized at a later date or that they may have been living here for any amount of time.

**If the parents weren't citizens at the time of the child's birth the child is NOT a Natural Born Citizen – PERIOD.**

This is EXACTLY what the Founders understood when they wrote it into our Constitution. It is the ONLY source they EVER had. They depended heavily on it - DAILY - and made many statements to that effect.

AND, No testimony from any other Founder or delegate of the Constitutional Convention exists that claims any other definition.

Whether we like a man, or not, or want a man for President, or not, is IRRELEVANT.

**We must recognize and follow "The Law".**

Benjamin Franklin had copies of Vattel's 'Law of Nations' and Franklin said (in a letter to Charles W.F. Dumas in December of 1775):

"I am much obliged by the kind present you have made us of your edition of Vattel. It came to us in good season, when the circumstances of a rising state make it necessary frequently to consult the Law of Nations.

Accordingly, "that copy which I kept has been continually in the hands of the members of our congress."

Also, Vattel also deals with this exact issue in Book 1, Chapter 19, 212:

"There are some states in which the sovereign cannot grant to a foreigner all the rights of citizens; for example, that of holding public offices; and where, consequently, he has the power of granting only an imperfect naturalization."

**Pretty obviously, this applies to the United States, as that is EXACTLY what our Founding Fathers inserted into our Constitution.**

**The Supreme Court HAS recognized this definition on at least TWO (2) occasions:**

## *Minor v. Happersett*

The Supreme Court opinion (written by [Chief Justice Morrison Waite](#) in **1875**) observed that "new citizens may be born or they may be created by naturalization" and that the Constitution "does not, in words, say who shall be natural-born citizens." Under the common law, according to the court, "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.**"[12]

## *Plessy v. Ferguson*

Alexander Porter Morse, the lawyer who represented Louisiana in [Plessy v. Ferguson](#),[39] (1896) wrote in the *Albany Law Journal*:

If it was intended that anybody who was a citizen by birth should be eligible, it would only have been necessary to say, "no person, except a native-born citizen"; but the framers thought it wise, in view of the probable influx of European immigration, to provide that **the president should at least be the child of citizens owing allegiance to the United States at the time of his birth.** It may be observed in passing that the current phrase "native-born citizen" is well understood; but it is pleonasm and should be discarded; and the correct designation, "native citizen" should be substituted in all constitutional and statutory enactments, in judicial decisions and in legal discussions where accuracy and precise language are essential to intelligent discussion.[40]

## Rationale

**The purpose of the natural born citizen clause is to protect the nation from foreign influence.** [7]

There was also a perception that a usurper from the European aristocracy could potentially immigrate and buy his way into power.[8]

## Constitutional Convention

The Constitution does not explain the meaning of "natural born".[11]

At the close of the Convention, Hamilton conveyed a paper to James Madison he said delineated the Constitution that he wished had been proposed by the Convention; he had stated its principles during the deliberations. [12] Article IX, section 1 of Hamilton's draft constitution provided:

"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."[13]

On July 25, 1787, John Jay wrote to George Washington, presiding officer of the Convention:

Permit me to hint, whether **it would not 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.**[15]

While the Committee on Detail had originally proposed that the President must be merely a citizen as well as a resident for 21 years, **the Committee of Eleven changed "citizen" to "natural born citizen"** without recorded explanation after receiving Jay's letter. The Convention accepted the change without further recorded debate.[16]

**Every single one of them knew EXACTLY what that meant – and they concurred.**

[http://www.worldlibrary.org/Article.aspx?Title=Natural\\_born\\_citizen\\_of\\_the\\_United\\_States](http://www.worldlibrary.org/Article.aspx?Title=Natural_born_citizen_of_the_United_States)

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Each Citizen should seriously reflect upon whether he is content to live in a Nation of "Rule of Law", which treats all its citizens with the exact same equality,

OR;

If he wishes to take a gamble on a Nation of "Rule by MEN", which changes according to the whims of the men in charge.

In the latter case, it is not a question of "WILL the interpretation of law turn against me?" It is merely a question of "WHEN will the interpretation turn against me?"

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Is Ted Cruz Eligible for the Presidency?

He was born in Canada.

His parents were NOT American Citizens at that time of his birth.

**Also, shortly before he announced his candidacy, he officially renounced his Canadian Citizenship.**

**WHY?**

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For the record:

**Marco Rubio, Nikki Haley, Bobby Jindal** and **Barack Hussein Obama** are **NOT** Natural Born Citizens either.

(Our government has gone astray - they are **PURPOSEFULLY** ignoring The Law ).

Doesn't his make you wonder – **WHY?**

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