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Sen. Kamala Harris (D-CA) TONI SANDYS-POOL/GETTY IMAGES

## Kamala Harris is NOT a “Natural Born Citizen”

Granted, our government's view of the Constitution's citizenship mandate has morphed over the decades to what is now an absolute "birth on the soil no matter the circumstances" view—but that morphing does not appear to have begun until the late 1960s, after Kamala Harris' birth in 1964. The children born on U.S. soil to guest workers from Mexico during the Roaring 1920s were not viewed as citizens, for example, when, in the wake of the Great Depression, their families were repatriated to Mexico. Nor were the children born on U.S. soil to guest workers in the bracero program of the 1950s and early 1960s deemed citizens when that program ended, and their families emigrated back to their home countries.

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So before we so cavalierly accept Senator Harris' eligibility for the office of vice president, we should ask her **a few questions about the status of her parents at the time of her birth.**

Were Harris' parents lawful permanent residents *at the time* of her birth? If so, then under the actual holding of *Wong Kim Ark*, she should be deemed a citizen at birth—that is, a natural-born citizen—and hence eligible. Or were they instead, as seems to be the case, merely temporary visitors, perhaps on student visas issued pursuant to Section 101(15)(F) of Title I of the 1952 Immigration Act?

If the latter were indeed the case, then derivatively from her parents, Harris was *not* subject to the *complete* jurisdiction of the United States at birth, but instead owed her allegiance to a

foreign power or powers—Jamaica, in the case of her father, and India, in the case of her mother—and was therefore not entitled to birthright citizenship under the 14th Amendment as originally understood.

Interestingly, this recitation of the original meaning of the 14th Amendment Citizenship Clause might also call into question Harris' eligibility for her current position as a United States senator. Article I, Section 3 of the Constitution specifies that to be eligible for the office of senator, one must have been "nine Years a Citizen of the United States." If Harris was not a citizen at birth, we would need to know when (if ever) she became a citizen. Her father's [biographical page at Stanford University](#) identifies his citizenship status as follows: "Jamaica (by birth); U.S. (by naturalization)." But there is some dispute over whether he was in fact ever naturalized, and it is also unclear whether Harris' mother ever became a naturalized citizen. If neither was ever naturalized, or at least not naturalized before Harris' 16th birthday (which would have allowed her to obtain citizenship derived from their naturalization under the immigration law, at the time), then she would have had to become naturalized herself in order to be a citizen. That does not appear to have ever happened, yet without it, she could not have been "nine Years a Citizen of the United States" before her election to the U.S. Senate.

I have no doubt that this significant challenge to Harris' constitutional eligibility to the second-highest office in the land will be dismissed out of hand as so much antiquated constitutional tripe. But the concerns about divided allegiance that led our nation's Founders to include the "natural-born citizen" requirement for the office of president and commander-in-chief remain important; indeed, with persistent threats from Russia, China and others to our sovereignty and electoral process, those concerns are perhaps even more important today. It would be an inauspicious start for any campaign for the highest offices in the land to ignore the Constitution's eligibility requirements; how else could we possibly expect the candidates, if elected, to honor their oaths to "faithfully execute the Office of President of the United States, and...to the best of [their] Ability, preserve, protect and defend the Constitution of the United States?"

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