

# THE FLAME

Spreading Truth like Wildfire!

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## NATURAL BORN CITIZEN

What is a natural born Citizen? Why does it matter? Who does it apply to? .

Let us begin with, **What is a natural born Citizen?** The term natural born Citizen was describe by Emmerich de Vattel (Vattel) in his book, *Le Droit des Gens* (“The Law of Nations”). The Law of Nations was published in French in 1758 and translated into English two years later. Vattel was a very influential Swiss diplomat and jurist who lived from 1714 to 1776. One of his goals was to apply natural law to international relationships.

The American Founders were very interested in Vattel because they found his writings were very compatible with their interests, were readable, comprehensive and Vattel publicly supported individual liberty.

Vattel was definitely a known person at the Constitutional Convention. Vattel was mentioned in a speech by Luther Martin of Maryland and he also was mentioned during the ratification debates. James Wilson, at the Pennsylvania ratifying convention, argued about Vattel with an Antifederalist delegate. Charles Cotesworth Pinckney of South Carolina advocated for Vattel in a debate with an Antifederalist. New York Governor George Clinton spoke of Vattel during a speech he gave at the State’s ratifying convention. Yeah, Vattel got around.

Back to the question, What is a natural born Citizen? Read *The Law of Nations*, Chapter XIX, Section 212. Vattel wrote “The natives, or natural-born citizens, are those born in the country, of parents who are citizens. As the society cannot exist and perpetuate itself otherwise than by *the children of the citizens, those children naturally follow the condition of their fathers, and succeed to all their rights.*” Later, Vattel clarified that “it is our extraction, not the place of our birth, that gives us rights.”

What is a natural born Citizen? According to the reading above, and following the use of the plural nouns, Vattel wrote that for a child to be considered a natural born Citizen of a country, that child’s father must be a Citizen of the same country. I say this because, according to Vattel, “those children naturally follow the condition of their fathers”. Which begs the question, did Vattel include or not include Mothers in his definition?

As an example, according to some research I performed, “Women in pre-Revolutionary France could not vote or hold any political office. They were considered “passive” citizens”, forced to rely on men to determine what was best for them in the government. It was the men who defined these categories, and women were forced to accept male domination in the political sphere.”

Generally, all of a female’s rights were under her father’s authority until she married. Once married, then the female’s rights would be taken over by and be in the possession of her husband. Thus, a married woman was without rights, no rights over

herself or any property. Only after the death of a married woman's husband would the woman be allowed ownership over property. Side note, by 1946 women in France won the option to vote. Women in Switzerland were not better off. The first federal vote in which they could take part in was on October 31, 1971. In 1990, the Federal Supreme Court of Switzerland ruled that women finally gained full voting rights.

This history tells me that at the time Vattel wrote *The Law of Nations*, he considered a female to be a passive Citizen because she had no rights and she absolutely was expected to follow the way of her father or husband. This all leads me to the conclusion that Vattel believed for a person to be a natural born Citizen of a country, that at the time of their birth, their father was a Citizen of the same country.

**Why does this matter?** The correct definition of the term natural born Citizen only matters today if the U.S. Constitution matters today. The only place in the U.S. Constitution that these three words come together is in Article II, Section 1, Clause 5. What is written is this, "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, neither shall any person be eligible to the Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States." Note that natural born Citizen came before citizen of the United States.

Therefore, to be eligible, a candidate must be at least 35 years old and has resided in the United States for 14 years. These conditions are straight forward. And I believe that no one alive today was alive at the time of the Adoption of the Constitution, this would mean that a person must also be a natural born Citizen to satisfy all conditions in order to be eligible to the Office of President. This is why the term natural born Citizen is so absolutely important.

**Who does Article II, Section 1, Clause 5 apply to?** Anyone running for the Office of President, that is, every candidate on the ballot. Now we come back to what does it mean to be a natural born Citizen? I personally would like the term to apply to both parents, however, based on a strict reading of the above, it would mean that the father of a candidate for the Office of President must have been a Citizen of the United States at the time the candidate was born. Period.

Look at the candidates running today to become the next President. They keep talking about being born in the United States. They talk about the 14<sup>th</sup> Amendment. Nice, but that is not what matters. When it comes to being eligible for the Office of President, the plain understanding of natural born Citizen is that your father was a Citizen of the United States at the time of your birth. It is not the ground you are born on, it is the Citizenship of your father.

Yeah, then comes the 14<sup>th</sup> Amendment argument. The key part of the 14<sup>th</sup> A is in Section 1. "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." If your parents are not citizens of the US when you are born, then you, as a

new born are not necessarily subject to the jurisdiction of the United States. More likely you are subject to the jurisdiction of the country or countries your parents are from. Additionally, being a "citizen" is not the same thing as being a natural born Citizen. You can be a citizen and still not be a natural born Citizen. Please do not confuse these two very different terms or conditions.

Side note. On February 25, 2004, during the 108<sup>th</sup> Congress, second session, S 2128 was introduced. The short title for S 2128 is Natural Born Citizen Act. The bill was never enacted into law. The purpose of the bill was to define the term 'natural born Citizen' as used in the U.S. Constitution, Article II, Section 1, Clause 5.

Natural Born Citizen Act was to define the constitutional term "natural born citizen," as: (1) any person born in, and subject to the jurisdiction of, the United States; and (2) any person born outside the United States who derives citizenship at birth from U.S. citizen parents, or who is adopted by the age of 18 by U.S. citizen parents who are otherwise eligible to transmit citizenship.

This bill never became law, therefore it has no meaning with respect to the term natural born Citizen. An interesting note, if S 2128 had passed then it would have meant the term in question would have now been defined by a Law. This new Law would have possibly changed what the original definition of the term is. This would mean that a Law had just amended the Constitution. Oh wait, to Amend the U.S. Constitution an Amendment must be proposed and then ratified by 3/4 of the States. That would mean if the Law had been passed, it would have been Un-Constitutional.

What gets me is that people running to become President most likely know they have to take an Oath to become President. The Oath is in Article II, Section 1, Clause 8. It reads, "Before he enters on the Execution of his Office, he shall take the following Oath or Affirmation: – "I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Yet if you do not absolutely know that you are Eligible for the Office of President, including that you are actually a natural born Citizen, then how can you properly be an Oath Taker. You can't, because you actually may be an Oath Breaker.

This article is in no way intended to be negative towards anyone who has run for the Office or is currently running for the Office. If you are not a natural born Citizen this does not mean you are not a good person. But please, show the proper respect for the U.S. Constitution, it is the Contract. Read the Contract, Understand It and Follow It.

Here's a thought. Before a person can run for a federal political office, they must pass a 100 question test on the U.S. Constitution and the passing grade is 76 correct answers. Spread this information, this is your Call To Action. To all you lovers and defenders of Liberty, Freedom, Rights, Individuality and Equality of Opportunity for All, yeah, to all you Patriots out there, may you Be and Stay, Safe and Well. Patriot Out.

## NATURAL BORN CITIZEN - PART 2

What is a natural born Citizen? Why does it matter? Who does it apply to? .

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What is a natural born Citizen? For me, according to the reading above, and following the use of the plural nouns, Vattel wrote that for a child to be considered a natural born Citizen of a country, that child’s father must be a Citizen of the same country. I say this because, according to Vattel, “those children naturally follow the condition of their fathers”. Which begs the question, did Vattel include or not include Mothers in his definition?

As an example, according to some research I performed, “Women in pre-Revolutionary France could not vote or hold any political office. They were considered “passive” citizens”, forced to rely on men to determine what was best for them in the government. It was the men who defined these categories, and women were forced to accept male domination in the political sphere.” Thankfully, this does not apply today.

Generally, all of a female’s rights were under her father's authority until she married. Once married, then the female’s rights would be taken over by and be in the possession of her husband. Thus, a married woman was without rights, no rights over

herself or any property. Only after the death of a married woman's husband would the woman be allowed ownership over property. Side note, by 1946, women in France won the option to vote. Women in Switzerland were not better off. The first federal vote in which they could take part in was on October 31, 1971. In 1990, the Federal Supreme Court of Switzerland ruled that women finally gained full voting rights. Women in the USA finally got the Right to Vote with the ratification of the 19<sup>th</sup> Amendment on August 18, 1920. Looks like the USA lead the way again.

This history tells me that at the time Vattel wrote The Law of Nations, he considered a female to be a passive Citizen because she had no rights and she absolutely was expected to follow the way of her father or husband. This all leads me to the conclusion that Vattel believed for a person to be a natural born Citizen of a country, that at the time of their birth, the person's father was a Citizen of the same country.

**What comes first?** Before we get into a discussion of the only place in the U.S. Constitution that the term natural born Citizen is written, lets get some context. Article I, Section 2, Clause 2, lists all the requirements that must be met to be ELIGIBLE to become a member of the House of Representatives. One must be 25 years old, 7 years a Citizen of the United States and an Inhabitant of the State to be represented.

Article I, Section 3, Clause 3, lists all the requirements that must be met to be ELIGIBLE to become a Senator. One must be 30 years old, 9 years a Citizen of the United States and an Inhabitant of the State to be represented. Five years older and two years more time as a Citizen is required to be a Senator than a House Member.

**What is next?** Article II, Section 1, Clause 5, lists all the requirements that must be met to be ELIGIBLE to become President. "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, neither shall any person be eligible to the Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States."

The first requirement listed is to be a natural born Citizen or a Citizen of the United States, at the time of the Adoption of this Constitution. Given that no one alive today was alive at the time of the Adoption of the Constitution, means, that to be Eligible to the Office of President, a person must be a natural born Citizen, must be at least 35 years old and must have resided in the United States for 14 years. These conditions are all easy to understand.

Note that natural born Citizen comes before Citizen of the United States and that these two terms are separated by an "or" which means they are two different terms and do not have the same meaning. The reason behind this part of Clause 5 is because at the time of the Adoption of the Constitution, no natural born Citizen could be 35 years old. **Why does this matter?** The correct definition of the term natural born Citizen absolutely matters today because it absolutely mattered to those who wrote and ratified the Constitution.

**Next.** Originally, the person receiving the majority of Electoral College votes became President and the person with the second most votes became Vice-President. This changed after the presidential election of 1800 which resulted in a tie vote. The House of Representatives resolved the stalemate by choosing Jefferson. Amendment XII, ratified as of June 15, 1804, required separate elections for the offices of the President and Vice-President. The last sentence of Amendment XII states, “But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.” This means the Presidential requirements listed in Article II, Section 1, Clause 5 also apply to anyone running to become Vice-President.

**Next.** The Amendment XIV argument. The key part of the 14<sup>th</sup> A is in Section 1. “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.” If your parents are not citizens of the US when you are born on U.S. soil, then you, as a new born, are not necessarily subject to the jurisdiction of the United States. More likely you are subject to the jurisdiction of the country or countries your parents are from. Additionally, being a “citizen” is not the same thing as being a natural born Citizen, as described above and below. You can be a citizen and still not be a natural born Citizen. Please do not confuse these two very different terms or conditions.

**Who does Article II, Section 1, Clause 5 apply to?** Anyone running for the Office of President and Vice-President. Therefore, when it comes to being eligible for the Office of President and Vice-President, the plain understanding of natural born Citizen is that your father was a Citizen of the United States at the time of your birth. It is not the ground you are born on, it is the Citizenship of your father. I personally would like the term to apply to both parents. Natural Born Citizen is really about being born to parents who have an allegiance to the U.S. and not a foreign government.

**What gets me?** People running to become President know they have to take an Oath to become President. The Oath is in Article II, Section 1, Clause 8. It reads, “Before he enters on the Execution of his Office, he shall take the following Oath or Affirmation: – “I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

Yet if you do not absolutely know that you are Eligible to the Office of President, including that you are actually a natural born Citizen, then how can you properly be an Oath Taker. You can't, because you actually may be an Oath Breaker.

This article is in no way intended to be negative towards anyone who has run for the Office or is currently running for the Office. If you are not a natural born Citizen this does not mean you are not a good person, it just means you are not ELIGIBLE. Please, show the proper respect for the U.S. Constitution, it is the Contract. Read the Contract, Understand It and Follow It. For those who have learned something from this article, please share it with others. Be safe and well.