

## [The Constitution, Vattel, and “Natural Born Citizen”: What Our Framers Knew](#)

By Publius Huldah

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We have been visited recently with several very silly articles which assert that Marco Rubio is a “natural born Citizen” within the meaning of Art. II, §1, cl. 5, U.S. Constitution (ratified 1789), and hence is qualified to be President:

Bret Baier (Fox News) asserts that Congress may define (and presumably redefine, from time to time) terms in the Constitution by means of law.

Chet Arthur in American Thinker quips that “the original meaning of ‘natural born citizen’” is determined by reference to “The Heritage Guide to the Constitution” and to the definition of “citizen” at Sec. 1 of the 14th Amendment, ratified 1868.

Human Events claims that anyone born within The United States is a “natural born citizen” eligible to be President.

Jake Walker at Red State purports to show how the term has been used from 1795 to the present. After quoting James Madison on the citizenship requirements imposed by Art. I, §2, cl. 2, to be a member of the House, Walker gleefully quotes a 1795 discussion of “natural born subject” to “prove” that anyone born here is a “natural born citizen”:

“It is an established maxim, received by all political writers, that every person owes a natural allegiance to the government of that country in which he is born. Allegiance is defined to be a tie, that binds the subject to the state, and in consequence of his obedience, he is entitled to protection...”  
[emphasis mine]

“The children of aliens, born in this state, are considered as natural born subjects, and have the same rights with the rest of the citizens.” [emphasis mine]

But “subjects” are not “citizens”; and we fought a war so that we could be transformed from “subjects of the British Crown” to Citizens of a Republic!

The four writers don’t know what they are talking about. But I will tell you the Truth and prove it. We first address Word Definitions.

Word Definitions:

Like clouds, word meanings change throughout time. “Awful” once meant “full of wonder and reverence”; “cute” meant “bowlegged”; “gay” meant “jovial”; and “nice” meant “precise”.

Accordingly, if someone from an earlier time wrote of a “cute gay man”, he was not referring to an adorable homosexual, but to a cheerful bowlegged man.

So! In order to understand the genuine meaning of a text, we must use the definitions the authors used when they wrote it. Otherwise, written texts become as shifting and impermanent as the clouds – blown hither and yon throughout the years by those who unthinkingly read in their own uninformed understandings, or deliberately pervert the text to further their own agenda.

So! Is Our Constitution built on the Rock of Fixed Definitions – those our Framers used? Or are its Words mere clouds to be blown about by Acts of Congress, whims of federal judges, and the idiotic notions of every ignoramus who writes about it?

What Did Our Framers mean by “natural born Citizen”?

Article II, §1, cl. 5, U.S. Constitution, requires the President to be a “natural born Citizen”.

The meaning of this term is not set forth in The Constitution or in The Federalist Papers; and I found no discussion of the meaning in Madison’s Journal of the Federal Convention or in Alexander Hamilton’s notes of the same.

What does this tell us? That they all knew what it meant. We don’t go around defining “pizza”, because every American over the age of four knows what a pizza is.

Our Framers had no need to define “natural born Citizen” in the Constitution, because by the time of the Federal Convention of 1787, a formal definition of the term consistent with the new republican principles<sup>1</sup> already existed in Emer Vattel’s classic, Law of Nations.

And we know that our Framers carefully studied and relied upon Vattel’s work. I’ll prove it.

How Vattel’s Law of Nations got to the Colonies, and its Influence Here:

During 1775, Charles Dumas, an ardent republican [as opposed to a monarchist] living in Europe sent three copies of Vattel’s Law of Nations to Benjamin Franklin. Here is a portion of Franklin’s letter of Dec. 9, 1775 thanking Dumas for the books:

“... 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, (after depositing one in our own public library here, and sending the other to the College of Massachusetts Bay, as you directed,) has been continually in the hands of the members of our Congress, now sitting, who are much pleased with your notes and preface, and have entertained a high and just esteem for their author...” (2nd para) [boldface added]

Vattel’s Law of Nations was thereafter “pounced upon by studious members of Congress, groping their way without the light of precedents.”

Years later, Albert de Lapradelle wrote an introduction to the 1916 ed. of Law of Nations published by the Carnegie Endowment.<sup>2</sup> Lapradelle said the fathers of independence “were in accord with the ideas of Vattel”; they found in Vattel “all their maxims of political liberty”; and:

“From 1776 to 1783, the more the United States progressed, the greater became Vattel’s influence. In 1780 his Law of Nations was a classic, a text book in the universities.”(page xxx) [emphasis added]

In footnote 1 on the same page (xxx), Lapradelle writes:

“... Another copy was presented by Franklin to the Library Company of Philadelphia. Among the records of its Directors is the following minute: “Oct. 10, 1775. Monsieur Dumas having presented the Library with a very late edition of Vattel’s Law of Nature and Nations (in French), the Board direct the secretary to return that gentle-man their thanks.” This copy undoubtedly was used by the members of the Second Continental Congress, which sat in Philadelphia; by the leading men who directed the policy of the United Colonies until the end of the war; and, later, by the men who sat in the Convention of 1787 and drew up the Constitution of the United States, for the library was located in Carpenters’ Hall, where the First Congress deliberated, and within a stone’s throw of the Colonial State House of Pennsylvania, where the Second Congress met, and likewise near where the Constitution was framed ...” [emphasis added]

So! Vattel’s work was “continually in the hands” of Congress in 1775; Members of the Continental Congress “pounced” on Vattel’s work; our Founders used the republican Principles in Vattel’s work to justify our Revolution against a monarchy; by 1780, Vattel’s work was a “classic” taught in our universities; and our Framers used it at the Federal Convention of 1787. <sup>3</sup>

Vattel on “natural born citizens”, “inhabitants”, and “naturalized citizens”:

From our beginning, we were subjects of the British Crown. With the War for Independence, we became citizens.<sup>1</sup> [READ this footnote!] We needed new concepts to fit our new status as citizens. Vattel provided these new republican concepts of “citizenship”. The gist of what Vattel says in Law of Nations, Book I, Ch. XIX, at §§ 212-217, is this:

§ 212: Natural-born citizens are those born in the country of parents who are citizens – it is necessary that they be born of a father who is a citizen. If a person is born there of a foreigner, it will be only the place of his birth, and not his country.

§ 213: Inhabitants, as distinguished from citizens, are foreigners who are permitted to stay in the country. They are subject to the laws of the country while they reside in it. But they do not participate in all the rights of citizens – they enjoy only the advantages which the law or custom gives them. Their children follow the condition of their fathers – they too are inhabitants.

§ 214: A country may grant to a foreigner the quality of citizen – this is naturalization. In some countries, the sovereign cannot grant to a foreigner all the rights of citizens, such as that of holding public office – this is a regulation of the fundamental law. And in England, merely being born in the country naturalizes the children of a foreigner.

§§ 215, 216 & 217: Children born of citizens in a foreign country, at sea, or while overseas in the service of their country, are “citizens”. By the law of nature alone, children follow the condition of their fathers; the place of birth produces no change in this particular.

Do you see? The republican concept of “natural born citizenship” is radically different from the feudal notion of “natural born subjectship.” Under feudalism, merely being born in the domains of the King made one – by birth – a “natural born subject”. But in Vattel’s Model and Our Constitutional Republic, Citizens are “natural born” only if they are born of Citizens.

How Our Framers applied Vattel’s Concept of “natural born citizen” in Our Constitution:

The Federal Convention was in session from May 14, through September 17, 1787. John Jay, who had been a member of the Continental Congress [where they “pounced” on Vattel], sent this letter of July 25, 1787, to George Washington, who presided over the Convention:

“...Permit me to hint, whether it would not be wise & 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...”<sup>4</sup>

According, Art. II, §1, cl. 5 was drafted to read:

“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 that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.” [boldface added]

In § 214, Vattel states that “fundamental law” may withhold from naturalized citizens some of the rights of citizens, such as holding public office. The Constitution is our “fundamental law”; and, following Vattel, Art. II, §1, cl. 5 withholds from naturalized citizens (except for our Founding Generation which was “grandfathered in”) the right to hold the office of President.<sup>5</sup>

Remember! None of our early Presidents were “natural born Citizens”, even though they were all born here. They were all born as subjects of the British Crown. They became naturalized citizens with the Declaration of Independence. That is why it was necessary to provide a grandfather clause for them. But after our Founding Generation was gone, their successors were required to be born as citizens of the United States – not merely born here (as were our Founders), but born as citizens.

And do not forget that the children born here of slaves did not become “citizens” by virtue of being born here. Their parents were slaves; hence (succeeding to the condition of their parents) they were born as slaves. Black people born here did not become citizens until 1868 and the ratification of the 14th Amendment.

So! Do you see? If Our Framers understood that merely being born here were sufficient to confer status as a “natural born citizen”; it would not have been necessary to grandfather in our first generation of Presidents; and all the slaves born here would have been “natural born citizens”. But they were born as non-citizen slaves, because their parents were non-citizen slaves.

David Ramsay's 1789 Dissertation on Citizenship:

David Ramsay was an historian, Founding Father, and member of the Continental Congress [REMEMBER: This is where they "pounced" on Vattel], whose Dissertation On The Manner Of Acquiring The Character And Privileges Of A Citizen Of The United States was published in 1789, just after ratification of our Constitution and the Year the new Government began.

It is an interesting dissertation and only 8 pages long. At the bottom of his page 6, Ramsay states:

"The citizenship of no man could be previous to the declaration of independence, and, as a natural right, belongs to none but those who have been born of citizens since the 4th of July, 1776."  
[modernized spelling & emphasis are mine]

Do you see? Ramsay's Dissertation sets forth the understanding of the Time, formally stated by Vattel and incorporated by our Framers, that a "natural born Citizen" is one who is born of citizens. And we had no "citizens" until July 4, 1776.

Now, let us look at the First Congress.

How the First Congress followed Vattel and our Framers:

Article I, §8, cl. 4 delegates to Congress the power "To establish an uniform Rule of Naturalization".<sup>6</sup> Pursuant to that power, the First Congress passed the Naturalization Act of 1790. Here is the text, which you can find at 1 Stat. at Large, 103:

"SECTION1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien, being a free white person, who shall have resided within the limits and under the jurisdiction of the United States for the term of two years, may be admitted to become a citizen thereof, on application to any common law court of record, in any one of the states wherein he shall have resided for the term of one year at least, and making proof to the satisfaction of such court, that he is a person of good character, and taking the oath or affirmation prescribed by law, to support the constitution of the United States, which oath or affirmation such court shall administer; and the clerk of such court shall record such application, and the proceedings thereon; and thereupon such person shall be considered as a citizen of the United States. And the children of such persons so naturalized, dwelling within the United States, being under the age of twenty-one years at the time of such naturalization, shall also be considered as citizens of the United States. And the children of citizens of the United States, that may be born beyond sea, or out of the limits of the United States, shall be considered as natural born citizens: Provided, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States ... APPROVED, March 26, 1790." <sup>7</sup>

So! This Act of the First Congress implements the Principles set forth in Vattel, embraced by our Framers, and enshrined in Art. II, §1, cl. 5, that:

A "natural born Citizen" is one who is born of parents who are citizens.

Minor children born here of aliens do not become citizens until their parents are naturalized. Thus, they are not "natural born" citizens.

Our Framers rejected the anti-republican and feudal notion that mere location of birth within a Country naturalizes the children of a foreigner. 8

The distinction written into Our Constitution and implemented by the Naturalization Act of 1790 is between someone who is born a citizen, by being born of parents who are already Citizens, and someone who becomes a citizen after birth by naturalization. Only the former are eligible to be President.

So! Original Intent? Or Whatever the People with the Power want it to Mean?

I have proved the original intent of “natural born Citizen” at Art. II, §1, cl. 5 – it is one who is born of parents who are citizens. We may not lawfully change that definition except by Amendment to the Constitution. Section 1 of the 14th Amendment does not change the definition because the 14th Amendment defines “citizens” of the United States (which includes naturalized citizens) and not “natural born Citizen”.

Some Democrats no longer pretend that the glib, handsome & black Obama (who, following the condition of his putative father, was born a subject of the British Crown) is “a natural born Citizen”. They now assert that the Democrat Party has the right to nominate whoever they choose to run for president, including someone who is not qualified for the office. [See pages 3 & 4 of the linked Court Order.]

The school-girlish Establishment Republicans who swoon over the glib, handsome & Hispanic Marco Rubio (who is not a “natural born Citizen”, but only a naturalized citizen) will ultimately destroy our sovereignty. Once we accept that our President need not be a “natural born Citizen”, we will have made a major step towards submission to global government. Because then, anybody can be President. PH.

Endnotes:

1 Monarchies have subjects. Republics are formed by citizens. We broke from a monarchy under which we were subjects; and with our War for Independence, were transformed into citizens!

The common law of England recognizes only subjects of the Crown. England has never had citizens. Her feudal doctrine of “natural born subjects” is set forth in Book I, Ch. 10, of Blackstone’s Commentaries on the Laws of England (I modernized the spelling):

“THE first and most obvious division of the people is into aliens and natural-born subjects. Natural-born subjects are such as are born within the dominions of the crown of England, that is, within the ... allegiance of the king; and aliens, such as are born out of it. Allegiance is the tie ... which binds the subject to the king ...” [emphasis mine]

Under feudalism, people are possessions who belong to the Land in which they were born. So they are “naturally” subject to whoever owns the Land. They were born as subjects to the owner of the land [ultimately, the King] on which they were born.

With our War for Independence, We repudiated the notion of natural born subjects. As Citizens, We ordained and established Our Constitution wherein We created a federal government which was subject to us!

Jake Walker doesn't seem to know the difference between being "a subject of a King" and "a citizen of a Republic", as he equates the feudal concept of "natural born subject" with the Republican concept of "natural born Citizen".

Chet Arthur and Human Events tell us the "original intent" of "natural born Citizen" at Art. II, §1, cl. 5 is given by an Amendment defining "citizen" [not "natural born citizen"] ratified 80 years later!

And Bret Baier seems unaware that the methods for amending the Constitution are set forth in Article V; and that Congress may not amend the Constitution by making a law which redefines terms set forth in the Constitution!

These four amateurs would do well to study Birthright Citizenship and Dual Citizenship: Harbingers of Administrative Tyranny, by Professor Edward J. Erler. Erler addresses the distinctions between "citizenship" and "subjectship"; and the concept of "citizenship" at §1 of the 14th Amendment. He proves that not everyone born here is a "citizen": Only those whose parents are "subject to the jurisdiction of the US" are citizens. Illegal aliens are not "subject to the jurisdiction of the US" – they are invaders whose allegiance is to the Country they left. Foreign diplomats stationed here are not "subject to the jurisdiction of the US". Thus, children born here of these aliens are not citizens!

2 The 1916 ed. of Law of Nations with Lapradelle's introduction is a Google digitized book. If you download it, you get an easily readable text.

3 Many thanks to my friend, David J. Edwards, who provided me with Evidence of Vattel's profound influence on our Founders & Framers.

4 The hyperlink contains another link where you can see Jay's handwritten letter!

5 Note that Art. I, §2, cl. 2, permits naturalized citizens to serve as Representatives; and Art. I, §3, cl. 3, permits them to serve as Senators.

6 "Naturalization" is the process, established by law, by which foreigners become citizens.

7 Note that in §§ 215, 216 & 217, Vattel says that children born of citizens in a foreign country, at sea, or while overseas in the service of their country, are "citizens". He goes on to say that by the law of nature alone, children follow the condition of their fathers; the place of birth produces no change in this particular. But he doesn't expressly say they are "natural born citizens". The italicized words at the end of the 1790 Act correct that and make it clear that children of citizens of the United States are "natural born citizens" wherever they are born.

8 The 14th Amendment doesn't change this one whit! READ Prof. Erler's paper, linked above.

NOTICE! To all who strain to find something I "failed to mention": I didn't quote *Minor v. Happersett* because *Minor* merely paraphrases, in dicta, a portion of the Naturalization Act of 1790, the text of which is set forth above.

And I didn't show why John McCain & Mitt Romney ARE natural born Citizens; and why Marco Rubio & Obama are NOT natural born Citizens. J.B. Williams has already done an excellent job in applying the

Republican Principles set forth by Vattel, and which were embraced by our Founders, Framers, and the First Congress, in his recent paper, Romney, Rubio, McCain And Natural Born Citizen. PH

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“It is an established maxim, received by all political writers, that every person owes a natural allegiance to the government of that country in which he is born. Allegiance is defined to be a tie, **that binds the subject to the state**, and in consequence of **his obedience**, he is entitled to protection...” [emphasis mine]

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### **Word Definitions:**

Like clouds, word meanings change throughout time. “Awful” once meant “full of wonder and reverence”; “cute” meant “bowlegged”; “gay” meant “jovial”; and “nice” meant “precise”.

Accordingly, if someone from an earlier time wrote of a “cute gay man”, he was not referring to an adorable homosexual, but to a cheerful bowlegged man.

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**What Did *Our Framers* mean by “natural born Citizen”?**

Article II, §1, cl. 5, U.S. Constitution, requires the President to be a “natural born Citizen”.

The meaning of this term is not set forth in The Constitution or in The Federalist Papers; and I found no discussion of the meaning in Madison’s Journal of the Federal Convention or in Alexander Hamilton’s notes of the same.

What does this tell us? **That they all knew what it meant.** We don’t go around defining “pizza”, because every American over the age of four knows what a pizza is.

Our Framers had no need to define “natural born Citizen” in the Constitution, because by the time of the Federal Convention of 1787, **a formal definition of the term *consistent with the new republican principles***<sup>1</sup> already existed in Emer Vattel’s classic, *Law of Nations*.

And **we know** that our Framers carefully studied and relied upon Vattel’s work. I’ll prove it.

**How Vattel’s *Law of Nations* got to the Colonies, and its Influence Here:**

During 1775, Charles Dumas, an ardent republican [as opposed to a monarchist] living in Europe sent three copies of Vattel’s *Law of Nations* to Benjamin Franklin. Here is a portion of [Franklin’s letter of Dec. 9, 1775 thanking Dumas](#) for the books:

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So! Vattel’s work was “continually in the hands” of Congress in 1775; Members of the Continental Congress “pounced” on Vattel’s work; our Founders used the republican Principles in Vattel’s work to justify our Revolution against a monarchy; by 1780, Vattel’s work was a “classic” taught in our universities; and our Framers used it at the Federal Convention of 1787. <sup>3</sup>

### **Vattel on “natural born citizens”, “inhabitants”, and “naturalized citizens”:**

From our beginning, we were *subjects* of the British Crown. With the War for Independence, we became *citizens*.<sup>1</sup> [READ this footnote!] We needed new concepts to fit our new status *as citizens*. **Vattel provided these new republican concepts of “citizenship”**. The gist of what Vattel says in [Law of Nations, Book I, Ch. XIX](#), at §§ 212-217, is this:

§ 212: **Natural-born citizens are those born in the country of parents who are citizens** – it is necessary that they be born of a father who is a citizen. If a person is born there of a **foreigner**, it will be only the place of his birth, and not his country.

§ 213: **Inhabitants, as distinguished from citizens, are foreigners who are permitted to stay in the country**. They are subject to the laws of the country while they reside in it. But they do not participate in all the rights of citizens – they enjoy only the advantages which the law or custom gives them. Their children follow the condition of their fathers – they too are *inhabitants*.

§ 214: **A country may grant to a foreigner the quality of citizen – this is naturalization**. In some countries, the sovereign cannot grant to a foreigner all the rights of citizens, such as that of holding public office – this is a regulation of the fundamental law. And *in England, merely being born in the country naturalizes the children of a foreigner*.

§§ 215, 216 & 217: **Children born of citizens in a foreign country, at sea, or while overseas in the service of their country, are “citizens”**. By the law of nature alone, children follow the condition of their fathers; the place of birth produces no change in this particular.

Do you see? The *republican concept* of “natural born citizenship” is radically different from the *feudal notion* of “natural born subjectship.” Under feudalism, merely being born in the domains of the King made one – by birth – a “natural born subject”. But in Vattel’s Model and Our Constitutional Republic, Citizens are “natural born” only if they are **born of Citizens**.

### **How Our Framers applied Vattel’s Concept of “natural born citizen” in Our Constitution:**

The Federal Convention was in session from May 14, through September 17, 1787. [John Jay, who had been a member of the Continental Congress](#) [where they “pounced” on Vattel], sent this [letter of July 25, 1787, to George Washington](#), who presided over the Convention:

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In § 214, Vattel states that “fundamental law” may withhold *from naturalized citizens* some of the rights of citizens, such as holding public office. The Constitution is our “fundamental law”; and, following Vattel, Art. II, §1, cl. 5 withholds *from naturalized citizens* (except for our Founding Generation which was “grandfathered in”) the right to hold the office of President.<sup>5</sup>

Remember! None of our early Presidents were “natural born Citizens”, even though they were all born here. **They were all born as subjects of the British Crown. They became naturalized citizens with the Declaration of Independence.** That is why it was necessary to provide a grandfather clause for them. But after our Founding Generation was gone, their successors were required to be **born as citizens** of the United States – not merely born **here** (as were our Founders), but **born as citizens**.

And do not forget that the children born here of slaves did not become “citizens” by virtue of being born here. Their parents were slaves; hence (succeeding to the condition of their parents) they were **born** as slaves. **Black people born here** did not become citizens until 1868 and the ratification of the 14<sup>th</sup> Amendment.

So! Do you see? If Our Framers understood that merely being born here were sufficient to confer status as a “natural born citizen”; it would not have been necessary to grandfather in our first generation of Presidents; and all the slaves born here would have been “natural born citizens”. **But they were born as non-citizen slaves, because their parents were non-citizen slaves.**

**David Ramsay’s 1789 Dissertation on Citizenship:**

[David Ramsay was an historian, Founding Father, and member of the Continental Congress](#) [REMEMBER: This is where they “pounced” on Vattel], whose [Dissertation On The Manner Of Acquiring The Character And Privileges Of A Citizen Of The United States](#) was published in 1789, just after ratification of our Constitution and the Year the new Government began.

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Do you see? Ramsay’s Dissertation sets forth the understanding of the Time, formally stated by Vattel and incorporated by our Framers, that a “natural born Citizen” is one who is **born of citizens**. And we had no “citizens” until July 4, 1776.

Now, let us look at the First Congress.

#### **How the First Congress followed Vattel and our Framers:**

Article I, §8, cl. 4 delegates to Congress the power “To establish an uniform Rule of Naturalization”.<sup>6</sup> Pursuant to that power, the First Congress passed the Naturalization Act of 1790. Here is the text, which you can find at [1 Stat. at Large, 103](#):

“SECTION1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien, being a free white person, who shall have resided within the limits and under the jurisdiction of the United States for the term of two years, may be admitted to become a citizen thereof, on application to any common law court of record, in any one of the states wherein he shall have resided for the term of one year at least, and making proof to the satisfaction of such court, that he is a person of good character, and taking the oath or affirmation prescribed by law, to support the constitution of the United States, which oath or affirmation such court shall administer; and the clerk of such court shall record such application, and the proceedings thereon; and thereupon such person shall be considered as a citizen of the United States. **And the children of such persons so naturalized, dwelling within the United States, being under the age of twenty-one years at the time of such naturalization, shall also be considered as citizens of the United States. And the children of citizens of the United States, that may be born beyond sea, or out of the limits of the United States, shall be considered as natural born citizens:** Provided, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States ... APPROVED, March 26, 1790.”<sup>7</sup>

So! This Act of the First Congress implements the Principles set forth in Vattel, embraced by our Framers, and enshrined in Art. II, §1, cl. 5, that:

- A “natural born Citizen” is one who is born of parents who are citizens.
- Minor children born here of aliens do not become citizens until their parents are naturalized. Thus, they are not “natural born” citizens.

Our Framers rejected the anti-republican and feudal notion that mere location of birth within a Country ***naturalizes the children of a foreigner.***<sup>8</sup>

The distinction written into Our Constitution and implemented by the Naturalization Act of 1790 is between someone who is **born a citizen, by being born of parents who are already Citizens**, and someone who becomes a citizen after birth by naturalization. Only the former are eligible to be President.

**So! Original Intent? Or Whatever the People with the Power want it to Mean?**

I have proved the original intent of “natural born Citizen” at Art. II, §1, cl. 5 – **it is one who is born of parents who are citizens**. We may not lawfully change that definition except by Amendment to the Constitution. Section 1 of the 14<sup>th</sup> Amendment does not change the definition because the 14<sup>th</sup> Amendment defines “citizens” of the United States (which includes naturalized citizens) and not “natural born Citizen”.

Some Democrats no longer pretend that the glib, handsome & black Obama (who, following the condition of his putative father, was born a subject of the British Crown) is “a natural born Citizen”. They now assert that [the Democrat Party has the right to nominate whoever they choose to run for president, including someone who is not qualified for the office](#). [See pages 3 & 4 of the linked Court Order.]

The school-girlish Establishment Republicans who swoon over the glib, handsome & Hispanic [Marco Rubio](#) (who is not a “natural born Citizen”, but only *a naturalized citizen*) will ultimately destroy our sovereignty. Once we accept that our President need not be a “natural born Citizen”, we will have made a major step towards submission to global government. Because then, **anybody** can be President. PH.

#### Endnotes:

<sup>1</sup> Monarchies have **subjects**. Republics are formed by **citizens**. We broke from a monarchy under which we were *subjects*; and with our War for Independence, were **transformed into citizens!**

The common law of England recognizes only **subjects** of the Crown. England has never had *citizens*. Her feudal doctrine of “natural born **subjects**” is set forth in [Book I, Ch. 10, of Blackstone’s Commentaries on the Laws of England](#) (I modernized the spelling):

“THE first and most obvious division of the people is into aliens and natural-born subjects. **Natural-born subjects are such as are born within the dominions of the crown of England**, that is, within the ... allegiance of the king; and *aliens, such as are born out of it*. Allegiance is the tie ... **which binds the subject to the king ...**” [emphasis mine]

Under feudalism, people are possessions who belong to the Land in which they were born. So they are “naturally” subject to whoever owns the Land. They were ***born as subjects to the owner of the land [ultimately, the King] on which they were born***.

With our War for Independence, We repudiated the notion of **natural born subjects**. **As Citizens**, We ordained and established Our Constitution wherein We **created** a federal government which was subject *to us!*

Jake Walker doesn’t seem to know the difference between being “a subject of a King” and “a citizen of a Republic”, as he equates the feudal concept of “natural born subject” with the Republican concept of “natural born Citizen”.

Chet Arthur and Human Events tell us the “**original intent**” of “natural born Citizen” at Art. II, §1, cl. 5 is given by an Amendment defining “citizen” [not “natural born citizen”] ratified 80 years later!

And Bret Baier seems unaware that the methods for amending the Constitution are set forth in Article V; and that Congress may not amend the Constitution by making a law which redefines terms set forth in the Constitution!

These four amateurs would do well to study [Birthright Citizenship and Dual Citizenship: Harbingers of Administrative Tyranny](#), by Professor Edward J. Erler. Erler addresses the distinctions between “citizenship” and “subjectship”; and the concept of “citizenship” at §1 of the 14<sup>th</sup> Amendment. He proves that not everyone born here is a “citizen”: Only those whose parents are “subject to the jurisdiction of the US” are citizens. Illegal aliens are not “subject to the jurisdiction of the US” – they are **invaders whose allegiance is to the Country they left**. Foreign diplomats stationed here are not “subject to the jurisdiction of the US”. Thus, children born here of these aliens are not citizens!

<sup>2</sup> [The 1916 ed. of \*Law of Nations\* with Lapradelle’s introduction is a Google digitized book](#). If you download it, you get an easily readable text.

<sup>3</sup> Many thanks to my friend, **David J. Edwards**, who provided me with Evidence of Vattel’s profound influence on our Founders & Framers.

<sup>4</sup> The hyperlink contains another link where you can see Jay’s handwritten letter!

<sup>5</sup> Note that Art. I, §2, cl. 2, permits naturalized citizens to serve as Representatives; and Art. I, §3, cl. 3, permits them to serve as Senators.

<sup>6</sup> “Naturalization” is the process, **established by law**, by which foreigners become citizens.

<sup>7</sup> Note that in §§ 215, 216 & 217, Vattel says that **children born of citizens in a foreign country, at sea, or while overseas in the service of their country, are “citizens”**. He goes on to say that by the law of nature alone, children follow the condition of their fathers; the place of birth produces no change in this particular. But he doesn’t expressly say they are “natural born citizens”. The italicized words at the end of the 1790 Act correct that and make it clear that children of citizens of the United States are “natural born citizens” wherever they are born.

<sup>8</sup> The 14<sup>th</sup> Amendment doesn’t change this one whit! READ Prof. Erler’s paper, linked above.

**NOTICE! To all who strain to find something I “failed to mention”:** I didn’t quote *Minor v. Happersett* because *Minor* merely paraphrases, in *dicta*, a portion of the Naturalization Act of 1790, the text of which is set forth above.

And I didn’t show why John McCain & Mitt Romney ARE natural born Citizens; and why Marco Rubio & Obama are NOT natural born Citizens. **J.B. Williams** has already done an excellent job in applying the Republican Principles set forth by Vattel, and which were embraced by our Founders, Framers, and the First Congress, in his recent paper, [Romney, Rubio, McCain And Natural Born Citizen](#). PH

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