

Native Born Not Enough: What the Constitution Requires to Be President

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Our Constitution of the United States requires that the President of United States be a "natural-born Citizen": a citizen not by oath or exception but by nature.

Bottom line, to be a natural-born citizen means that the one in question must fill both of two requirements: first, both of his parents must have been citizens of the United States at the time of his birth; second, he must have been born within the territorial boundaries of one of the 50 States of the United States, or its property.

Anyone who is not a natural-born Citizen, but nonetheless takes the oath of office, in so doing violates not only our Constitution but also his oath of office. Can such a person—who would as his first act violate our Constitution and his oath of office—be trusted to otherwise "preserve, protect and defend the Constitution of the United States"? Lack of good faith in what some consider such a small matter brings in its train injustice in great matters: "He that is faithful in the least," says Jesus Christ, "he is also faithful in much; and he that is unjust in the least, is unjust also in much." (Luke 16:10 GNV)

The office of President is unique in that its requirements are beyond those of any other office of government our Constitution allows or otherwise sets forth. To be sure, a man's citizenship of one of the several States of the Union may qualify him for every other office our Constitution mentions or to which it otherwise alludes—U.S. Congressman and Senator, State legislator, State governor, judicial officer, judge of a federal or State court. But being a citizen of one of the several States of the Union or of a territory of the United States, standing alone, fails to fulfill the two-fold natural-born citizenship requirement of our Constitution for a person to serve as President. This

two-fold requirement for the office of President—also called citizenship by nature—is apparent in the nature of the matter.

This first-principle of sound government requiring that our Presidents be natural born (citizens by nature in every respect) not only arises in the crucible of experience through the gathered sense of centuries, called the laws of nature; but is also rooted deep in the laws of nature's God, called the Bible. Common-law history provides the recorded observations of this principle arising naturally from the nature of the matter; the Bible provides the written record of this principle among God's people.

The Bible puts this first principal of good government clear, requiring that those holding positions of power among us must be from us, by us, and for our benefit.[3] Of note, John Wycliffe, about the year 1375, is said to have written on the flyleaf of his translation of the Bible—the first entire translation of the Bible into English—that he did his translation so that the boy behind the plough may read and that the government of the people, by the people, and for the people shall not perish from the land. Thus also is the reason behind Deuteronomy 17:14–16, requiring that leaders among God's people be both from and by the people, thereby insuring that they will also be for the people. To tolerate anything less is to risk split loyalty in our land's most-powerful office.

Verse 14 requires that only, "from among thy brethren shalt thou make a King over thee: thou shalt not set a stranger over thee which is not thy brother." These words are clear and strong. Simply put, that a man for President was born within the jurisdictional boundaries of one of the 50 states of the Union, or within one of the territories of the United States, or on property of the United States does not, standing alone, qualify him to be President; likewise, that

one or even both of his parents were citizens at the time of his birth, does not, standing alone, qualify him to be President. Rather, both must be true: (1) he must have been born in our country or its possessions (2) to parents (plural) having U.S. citizenship. Thus is his undivided, full affection[4] for our country best insured.

Our Constitution of the United States, says the Supreme Court, is a brief of common-law government, setting forth common-law standards:

The Framers of our Constitution were born and brought up in the atmosphere of the common law, and thought and spoke its vocabulary. . . . [W]hen they came to put their conclusions in the form of fundamental law in a compact draft, they expressed themselves in terms of the common law, confident that they could be shortly and easily understood. *Ex Parte Grossman*, 267 U.S. 87, 108–09 (1925).

In light of our common law, the U.S. Supreme Court has had occasion to examine the meaning of our Constitution's standard "natural-born citizen" and found its definition comprises two-parts: (1) birth in a country (2) of parents who were citizens of that country:

The Constitution does not in words say who shall be natural-born citizens. Resort must be had elsewhere to ascertain that. At common law, with the nomenclature of which the framers of the Constitution were familiar, it was never doubted that all children born in a country of parents who were its citizens became themselves, upon their birth, citizens also. *Minor v. Happerstett*, 88 U.S. 162, 167 (1874).

But what is this "common-law nomenclature" to which the Supreme Court referred? One such source is Emerich de Vattel's *The Law of Nations or the Principles of Natural Law* (1758). In this work, well known by the framers of our Constitution, de Vattel sets forth the common-law definition of natural-born Citizen: "The natives, or

natural-born citizens, are those born in the country, of parents who are citizens." This wording is nearly identical to the Supreme Court holding quoted above and accords with John Locke's *Second Treatise of Civil Government* (1690), also well studied by the framers of our Constitution. When a father, says Locke, is under the law of a civil government and bears children within its territories, the child is also under the law of said civil government. Indeed, the *New Englander and Yale Review*, Vol. 13, of July 1845, also reviewed the common-law definition of "natural-born citizen" as used in the Constitution of the United States. Conclusion? The term natural-born citizen "excludes all persons owing allegiance by birth to foreign states," whether or not such persons were later "naturalized under our laws." In this way, these authors, citing our common-law history stemming from before Magna Carta, and citing Vattel, differentiate between a "natural-born citizen" (a citizen by nature) and a "naturalized citizen" (a citizen by ceremony of oath).

It is well settled, then, that our U.S. Constitution requires that a President must be natural born, which means two things: he must be (A) born to parents who, at the time of his birth, were citizens and (B) born within the territorial boundaries of one of the 50 States of the United States, or its property.

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