

# “natural born Citizens”

by Alfred Adask

The idea of citizenship is taken for granted by virtually all Americans. Ask anyone if he's a "citizen," and he'll say, "Sure."

However, the idea of citizenship is more complex than most suppose. The reason for the complexity is that, while most of us believe there is a single citizenship for all Americans, there several different "kinds" of citizenship – each of which conveys differing rights and obligations.

## Title to unalienable Rights

Modern American citizenship began on July 4th, 1776 A.D., when the thirteen colonies declared themselves to free and independent States in "The unanimous Declaration of the thirteen united States of America". (Note the *correct* capitalization. This instrument is also incorrectly known as the "Declaration of Independence". Referencing this instrument without proper name or proper capitalization may be self-defeating.)

This 1776 Declaration did not create a "federal" or "national" *government*. It did not create thirteen State governments. Instead, it simultaneously created thirteen sovereign *States* (associations of *people*) that had much in common, but were nevertheless banded into thirteen *separate*

political associations.

Each of those sovereign States (people) later created their own State governments and defined the requirements for their own State Citizenship. Thus, it was possible that total rights and duties afforded to a Citizen of New York might differ significantly from the total of rights and duties afforded to Citizens of Virginia. However, all State Citizens of all of these sovereign States enjoyed the same minimum level of "unalienable Rights" granted by God and recognized in "The unanimous Declaration of the thirteen united States".

That recognition of "unalienable Rights" is crucial since it determined the *character* of the the original thirteen States (people). If you were a member of one of those States, you were declared endowed with "unalienable Rights" which could not be taken or compromised by any earthly government.

Likewise, if you were a member of one of the subsequent States (like Texas) to join the original Union on an "equal footing," you were also recognized as endowed with God-given "unalienable Rights" since that endowment was recognized as part of the "character" of those States (associations of natural people).

However, if you were a mem-

ber of a different kind of state, like the corporate STATE OF TEXAS, your claim to unalienable Rights might be compromised or even invalidated.

God-given "unalienable Rights" are the constitutionalist movement's "Holy Grail". If you can achieve a political status wherein government must recognize your "unalienable Rights," you regain the status of master and force government to work as your federal servant rather than national ruler.

I suspect that "The unanimous Declaration of the thirteen united States of America" constitutes "legal title" to your God-given "unalienable Rights". That is, to claim your "unalienable Rights," you must expressly base your claims on that instrument and perhaps even include a certified facsimile of that Declaration in your case file.

## Increasing confusion

There are so many competing forms of citizenship that it's hard to understand which is most likely to secure your "unalienable Rights". It's even harder to understand how to properly claim the best form of citizenship while avoiding the disabilities of the others.

For example, constitutionalists have long advocated the ad-

vantages of being a "State Citizen" and/or "Citizen of the United States" (Art. 1 Sects. 1 & 2 Federal Constitution). These debates have been confused by the presence of the more recent 14th Amendment's "citizen of the United States" and later "U.S. citizen" and (corporate) "state citizens".

I propose to temporarily increase this confusion by adding another form of citizenship to the debate: "natural born Citizen".

Article 1 Section 2 of the Federal Constitution mandates that every Representative to Congress must be a "Citizen of the United States" for at least seven years and a current "Inhabitant of that State in which he shall be chosen."

Likewise, Article 1 Section 3 mandates that every Senator must be a "Citizen of the United States" for nine years, and a current "Inhabitant of that State for which he shall be chosen."

Thus, originally, both Representatives and Senators had to be "Citizens of the United States". But what, exactly is a "Citizen of the United States"?

At the time the Federal Constitution was adopted in 1788, each of the thirteen States were sovereign associations of people. There was no single "national" political entity and there was no single "national" citizenship. Therefore, I believe the term "Citizen of the United States" (as used in the body of the Constitution) meant a "State Citizen" of any one of the *several* sovereign States.

For example, State Citizens of Virginia and State Citizens of Delaware would both be "Citizens of [one of] the [several] United States" and therefore eligible to run for office as Representative, Senator or President from the State they currently inhabited.

Generally speaking, only the Citizen of Virginia could run for office as a Virginia Representa-

tive or Senator. Likewise, only a Citizen of Delaware could run for office as Delaware Representative or Senator. By virtue of their *State* Citizenship, both Virginia and Delaware Citizens (as well as Citizens of the other eleven States) were classed as "Citizens of the United States".

However, even though a Citizen of Delaware is a "Citizen of the United States," could he run for office as a Virginia Representative or Senator? Probably not. Article 1, Sections 2 and 3 make it clear that candidates must not only be Citizens, they must also be inhabitants of the State in which they are chosen.

Although Citizens of some States might have more or less rights within their particular State, all State Citizens enjoyed the same minimum level of rights as coequal "Citizens of the United States".

What single, common instrument declares the single source of "unalienable Rights" available equally to all Citizens of all States? Answer: "The unanimous Declaration of the thirteen united States of America" (aka, "Declaration of Independence").

Thus, I suspect that all "Citizens of the United States" would be entitled to "unalienable Rights". (Of course, the new-and-improved 14th Amendment "citizens of the United States" would only be entitled to civil rights – a weak illusion of "rights" that essentially subjects the "citizen" to arbitrary government control.)

### A third Citizenship?

While a noisy debate continues over "Citizens of the United States" versus "citizens of the United States", few of us have noticed that Section 1 of Article 2 (Executive Branch) of the Federal Constitution references another form of citizenship when it mandates that:

*"No person except a natural born Citizen, or a Citizen of the United States . . . shall be eligible to the Office of President . . . ."*  
[emph. add.]

Note that "Citizens of the United States" can run for three offices: President, Senator and Representative. But a "natural born Citizen" can only run for President.

Article 2 Section 1 clearly implies a "natural born Citizen" is not a "Citizen of the United States". If the terms were synonymous, why mention both?

As previously explained, I believe "Citizen of the United States" is synonymous for State Citizens. If so, it follows that since a "natural born Citizen" not a "Citizen of the United States," he must not be a *State* Citizen.

If not a State Citizen, where could a "natural born Citizen" live and still be eligible to run for the presidency?

How 'bout a *territory*? Although a person living in the Northwest Territory (which predated the Constitution) would not have been eligible to be a

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Representative or Senator from any of the thirteen sovereign States, perhaps he could still run for the presidency. If so, I postulate that "natural born Citizens" are Americans who live in (inhabit) territories outside of de jure States but are nevertheless entitled to "unalienable Rights".

If natural born Citizens were unattached to any sovereign State, their citizenship – and claim to "unalienable Rights" – would not depend on State Citizenship. This independence from States might be an advantage in a world where the legitimacy and even existence of sovereign States is complex or even doubtful.

I.e., does the State "Texas" still exist? Or has it been supplanted or permanently replaced by the corporate STATE OF TEXAS? I'm not sure.

But even if the State "Texas" still exists, trying to prove your claim to be State Citizen in Texas (and thus, a "Citizen of the United States" entitled to "unalienable Rights") rather than a citizen of the corporate STATE OF TEXAS (and 14th Amendment "citizen of the United States" and/or "U.S. citizen") is a complex and bewildering process. If you don't do it just right, your claim to being a State Citizen may still be interpreted as an admission of citizenship in a corporate state.

### It's only natural

But suppose that, instead of claiming to be a State Citizen, you claimed to be a "natural born Citizen" of the sort found in Art. 2 Sect. 1 of the Federal Constitution. Since the natural born Citizen is found on *territory* rather than in States, questions of your state/State citizenship/Citizenship might be irrelevant.

Since the corporate states (like STATE OF TEXAS) are artificial and not comprised of people, they may be territorial. If so,

that's consistent with the territorial nature of "natural born Citizens".

I wouldn't bet on it, but it even appears possible to be associated with the corporate STATE OF TEXAS and *still* claim to be a "natural born Citizen" entitled to "unalienable Rights". If so, some fascinating possibilities follow.

For example, possessing a drivers license issued by a corporate state, is usually deemed prima facie evidence that you're a 14th Amendment "U.S. citizen" rather than a State Citizen or Citizen of the United States. As a result, those with drivers licenses seem to forfeit their claim to "unalienable Rights".

But what if, in addition to having a drivers license (issued by a *territorial* authority), you also carried evidence that you are a natural born Citizen (someone living in a *territory*)? Perhaps you could still claim your unalienable Rights despite your affiliation with a corporate territorial state.

But even if the corporate STATE OF TEXAS is not a "territory," how can government deny your claim to being a natural born Citizen? The body of the Federal Constitution recognizes just two forms of "capital-C" citizenship: "Citizens of the United States" and "natural born Citizens". The first Citizens are apparently derived from de jure States; the second Citizens seem derived from territories. The

Constitution has not been amended to revoke or alter those forms of citizenship.

Thus, if I claimed to be a natural born Citizen entitled to "unalienable Rights," government would theoretically have to disprove my claim by proving that I'm not living and working in a *territory*.

OK. But if the corporate STATE OF TEXAS is *territorial*, and I claim to be a "natural born Citizen" (presumably also *territorial*), then the only way to refute my claim might be to admit I have a non-territorial citizenship like "Citizen of the United States" and/or State Citizen of Texas. In either case, they might still have to concede that I'm entitled to "unalienable Rights".

I'd call that a big win.

See my point? How can a territorial government assert that I'm a citizen of a territorial/corporate state and still deny that I'm a territorial "natural born Citizen"?

This strategy sounds fairly clever, but it doesn't create a perfect dilemma for government. Assuming the strategy's two underlying territorial premises are valid, the strategy would still have to be implemented very precisely to succeed.

Still, if you enjoy the simple pleasures like watching a judge's blood pressure rise when you goose 'em with a new patriot strategy – Hey – why not?

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### Make a Federal case of it?

So far as I know, “natural born Citizen[s]” are only mentioned in the Federal Constitution. If so, it follows that natural born Citizens may have no political relationship to States, and thus no State (or state) court could determine the validity of a “natural born Citizen” claim. If so, *Federal* adjudication might be available (perhaps *mandated*) for cases where litigants based their defense on a claim of being a natural born Citizen.

Most local municipalities don’t want to litigate their traffic tickets in Federal court. The cost alone is prohibitive. Therefore, municipalities might be reluctant to ticket defendants who claimed to be “natural born Citizens” endowed with unalienable Rights if such cases seemed likely to move into Federal court.

### D.C. citizenship?

But there’s one more fly in our constitutional ointment: Washington D.C.. The Federal Constitution recognizes *three* geographic jurisdictions: de jure States, national Territories and the seat of government called Washington D.C..

Some constitutionalists believe that having a Social Security Card and/or paying income tax etc. are prima facie evidence that you are a “citizen” of Washington D.C.. (“U.S. citizen”?)

If so, government might refute my claim to being a natural born Citizen with presumptions (trickery) to indicate I’m some sort of “citizen-subject” of Washington D.C..

But if I *expressly* denied such citizenship or association with Washington D.C., the government might have to *expressly* prove in court (in *public*) that I am in fact a citizen-subject of Washington D.C..

While government routinely convicts the masses with unstated presumptions, they won’t

usually risk expressly exposing those presumptions in court (public). Can you imagine a prosecutor telling a jury that reason a defendant in Texas had to pay income tax was because he’s really a citizen of distant Washington D.C.? The jurors would know instantly that if that’s why the defendant has to pay income tax, that’s why they have to pay, too. Government can’t afford to publicly expose the presumptions on which they base most regulation.

I don’t contend that claims to being natural born Citizens are bulletproof, but they may create political exposure problems that most prosecutors don’t wish to face. Thus, claiming to be a natural born Citizen might at least win some cases by default.

### Stake your claim

How could you document your status as natural born Citizen (and thereby claim your unalienable Rights)? The question demands more research, but for now, I’d guess that a good start might be proper legal notice published in your local, county and state-wide newspapers and affidavits filed into the offices of your county clerk and perhaps state’s Secretary of State.

For example, suppose I published legal notice in the local newspapers that, “Alfred Norman Adask is a natural born Citizen as per Article 2 Section 1 of the Federal Constitution adopted in 1788 A.D..”

And suppose I filed a notarized affidavit with similar text with the county clerk and perhaps the state and national secretaries of state. What would happen if police asked me for identification and I produced official documents proving I had published legal notice of my status as a “natural born Citizen”? I might still be arrested, but I wonder if I might not also be soon released and the underlying case made to “disappear”.

A “natural born Citizen” defense might work even better if (after I’d published proper legal notice and filed notarized affidavits with the County Clerk) I also sent administrative notices of my claim to the local mayor, city councilmen, and police chief.

Notice to principal is notice to agent. If it can be shown that the police chief (or governor) knew or had reason to know I’m a natural born Citizen entitled to unalienable Rights, it should be arguable that his agent (the police officer) had notice, too. Thus, a police officer’s ignorance of my citizenship might not provide him with his usual good faith immunity protection against suit for false arrest.

One last observation. If you look in *Black’s 7th*, you won’t find “natural born Citizen” but you will find the *hyphenated* term “natural-born citizen”. Don’t confuse the two. The Federal Constitution refers only to the *non-hyphenated* “natural born Citizen”. Therefore, that’s the term you’ll probably want to use. If you used the hyphenated term (“natural-born citizen”), your claim to unalienable Rights might be ineffective.

### Starlight, starbright . . . ?

This article’s speculation on “natural born Citizens” is based more on wishful thinking than research.

Nevertheless, “natural born Citizen” is definitely another class of citizenship recognized in the Federal Constitution. Whether this form of citizenship still exists or has meaningful current application will require further investigation.

I hope some of you will investigate further. If you learn anything more about “natural born Citizens” – pro or con – please forward the information to the AntiShyster.

