

What is the Correct Interpretation of the words “natural born Citizen” in Article II, Section 1, Paragraph 5 of the U. S. Constitution?

That question has possibly been around since the last of the U. S. Constitution Framers died. James Madison’s notes taken during the Philadelphia Convention do not provide an answer. Apparently no one at the time realized how vague was this aspect of who could become the President of the United States, thus did not ask the Framers to elaborate on the meaning. If they did the answer was never recorded.

The following is not meant to be an interpretation of the meaning. It is not meant to attack Senator Cruz. It is an attempt to offer something that is in historical documents that may add to understanding what, at one time in the distant past was the meaning of the words “natural born”, that the meaning may well be changing with time, and the danger this portends.

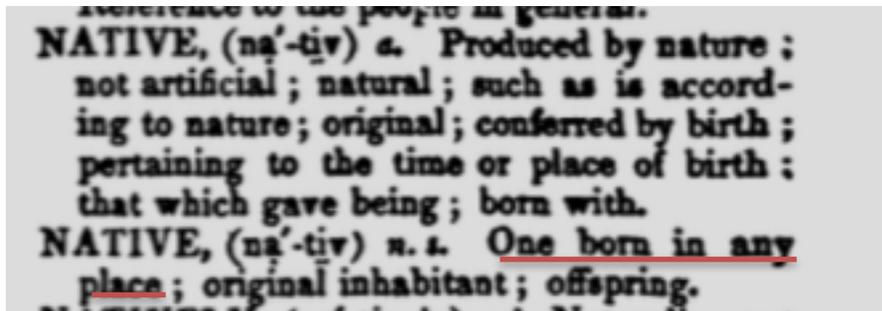
In the John Randolph Tucker and Henry St. George Tucker 1899 2 volumes entitled “The Constitution of the United States, the title page of which is shown in the Appendix, are the following words on page 711:

§ 347. The next clause relates to eligibility to the office of President (the same rules applying to the Vice-President, as we have seen). He must either be a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution. This latter clause was intended to make eligible one who, though not a native, was a citizen at the date of the Constitution, if he had been fourteen years a resident of the United States. It made Hamilton eligible but not Gallatin. Thirty-five years of age is requisite to

Though apparently they were not attempting to interpret the words “natural born” they did so when they stated, “This latter clause was intended to make eligible one who, though not a native, was a citizen ...” (For the entire page see the Appendix.)

So what, in that period in time, did the word “native” mean? For that one must turn to a dictionary of that period of time. The one I have available is by Samuel Johnson and John Walker. This dictionary was published in 1852. (Again, for the cover page see the Appendix.)

They provide the following. (A larger portion of the page is in the Appendix.)



By “One born in any place” they are referring to ‘the place the person is a native of.’ From this meager amount of material I have to think that “natural born” means you are native, and to be “native” you would have to have been born in the country to which “natural born” makes reference.

What I am saying is that the question of the meaning of “natural born” does not have a firm definition in spite of the rhetoric that it has been legally determined, at least not in terms of that in historical documents written near the time the Constitution was drafted. In this case the document is providing a meaning.

Perhaps there will never be a final determination, and therein lies a danger at some future point in time. I say a danger because given what I cited above I do think that in the 1800’s, particularly the first half of that century, “natural born” would have been interpreted as requiring to have been born within the United States. Over time what qualifies one to be a citizen has changed. For example, today a child born in the United States whose parents are illegal aliens is said to be a citizen. Whether or not that interpretation is correct is still another discussion but the point is that this interpretation would not have been accepted too many years ago. Theoretically that child can one day become the President of the United States and the acceptance of such will become more ready as time passes.

My concern is that with the passage of time We the People will accept simply being a citizen as sufficient for an individual to be qualified to be President, no matter how and when that individual became a citizen.

APPENDIX

THE
CONSTITUTION
OF THE
UNITED STATES.

A CRITICAL DISCUSSION OF ITS GENESIS,
DEVELOPMENT, AND INTERPRETATION.

BY
JOHN RANDOLPH TUCKER, LL. D.,
LATE PROFESSOR OF CONSTITUTIONAL AND INTERNATIONAL LAW AND EQUITY,
WASHINGTON AND LEE UNIVERSITY.

EDITED BY
HENRY ST. GEORGE TUCKER,
PROFESSOR OF CONSTITUTIONAL AND INTERNATIONAL LAW AND EQUITY
IN WASHINGTON AND LEE UNIVERSITY.

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§ 346. We proceed to the next clause, which leaves to Congress to determine the time of choosing electors, which is to be done as the legislature of a State may prescribe; and the day for the electors to give their votes, which day must be the same throughout the United States. This seems to allow Congress to fix a different time in the States for choosing electors, though the day they vote must be the same. The practice is to make both the same throughout the United States. It has become universal to appoint electors by the vote of the suffragans in the States, which amounts now to nearly fifteen millions.

§ 347. The next clause relates to eligibility to the office of President (the same rules applying to the Vice-President, as we have seen). He must either be a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution. This latter clause was intended to make eligible one who, though not a native, was a citizen at the date of the Constitution, if he had been fourteen years a resident of the United States. It made Hamilton eligible but not Gallatin. Thirty-five years of age is requisite to eligibility.

§ 348. The disability of the President, and what is to be done in case of it, is next considered. (a) The twelfth amendment provides when a President is not elected, in case the duty of election devolves on the House of Representatives, then the Vice-President shall act as President, as in the case of the death or the constitutional disability of the President. It is probable that in such case the Vice-President would take the office of President, as the Vice-President does in the other cases referred to, and not merely act as President. (b) The President may be removed from office on impeachment.¹ In case of such removal the office devolves upon the Vice-President; that is, he becomes President, and does not merely act as President. (c) In case of the death of the President, the Vice-President takes the

¹ Const. U. S., Art. I, sec. 3, clause 7.

A
DICTIONARY
OF THE
ENGLISH LANGUAGE:

BY
SAMUEL JOHNSON, LL. D.

AND
JOHN WALKER.

WITH
THE PRONUNCIATION GREATLY SIMPLIFIED,

AND
ON AN ENTIRELY NEW PLAN:

AND WITH
THE ADDITION OF SEVERAL THOUSAND WORDS.

BY
R. S. JAMESON, ESQ.

OF LINCOLN'S-INN.

SECOND EDITION, REVISED AND CORRECTED.

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M.DCCC.XXVIII.

NAT

- NARD**, (nãrd) *n. s.* Spikenard; a kind of ointment; an odorous shrub.
- NARRABLE**, (nãr'-rã-bl) *a.* Capable to be told or related.
- To NARRATE**, (nãr'-rãte) *v. a.* To relate; to tell.
- NARRATION**, (nãr-rã'-shun) *n. s.* Account; relation; history.
- NARRATIVE**, (nãr'-rã-tiv) *a.* Relating; giving an account; storytelling; apt to relate things past.
- NARRATIVE**, (nãr'-rã-tiv) *n. s.* A relation; an account; a story.
- NARRATIVELY**, (nãr'-rã-tiv-lë) *ad.* By way of relation.
- NARRATOR**, (nãr-rã-tur) *n. s.* A teller; a relater.
- NARRATORY**, (nãr-rã'-tur-ë) *a.* Giving a relation of things.
- NARROW**, (nãr'-rõ) *a.* Not broad or wide; small; of no great extent; covetous; avaricious; contracted; ungenerous; close; vigilant; attentive.
- To NARROW**, (nãr'-rõ) *v. a.* To diminish with respect to breadth; to contract; to impair in dignity; to contract in sentiment; to confine; to limit.
- NARROWLY**, (nãr'-rõ-lë) *ad.* With little breadth or wideness; contractedly; without extent; closely; vigilantly; nearly; within a little; avariciously; sparingly.
- NARROWNESS**, (nãr'-rõ-në) *n. s.* Want of breadth or wideness; want of extent; want of comprehension; confined state; contractedness; meanness; poverty; want of capacity.
- NASAL**, (nã'-zãl) *a.* Belonging to the nose.

NAV

- NATIONALLY**, (nãsh'-un-ãl-lë) *ad.* With regard to the nation.
- NATIONALNESS**, (nãsh'-un-ãl-në) *n. s.* Reference to the people in general.
- NATIVE**, (nã'-tiv) *a.* Produced by nature; not artificial; natural; such as is according to nature; original; conferred by birth; pertaining to the time or place of birth; that which gave being; born with.
- NATIVE**, (nã'-tiv) *n. s.* One born in any place; original inhabitant; offspring.
- NATIVELY**, (nã'-tiv-lë) *ad.* Naturally; not artificially; originally.
- NATIVENESS**, (nã'-tiv-në) *n. s.* State of being produced by nature.
- NATIVITY**, (nã-tiv'-vë-të) *n. s.* Birth; issue into life; time, place, or manner of birth; state or place of being produced.
- NATURAL**, (nãt'-v-rãl) *a.* Produced or effected by nature; illegitimate, not legal; bestowed by nature; not acquired; not forced; not farfetched; dictated by nature; following the stated course of things; consonant to natural notions; tender; affectionate by nature; unaffected; according to truth and reality: opposed to violent, as, a natural death.
- NATURALIST**, (nãt'-v-rãl-ist) *n. s.* A student in physicks, or natural philosophy.
- NATURALITY**, (nãt'-v-rãl-ë-të) *n. s.* Naturalness.
- NATURALIZATION**, (nãt'-v-rãl-i-zã'-shun) *n. s.* The act of investing aliens with the privileges of native subjects.
- To NATURALIZE**, (nãt'-v-rãl-ize) *v. a.* To adopt into a community; to invest with the privileges of native subjects; to make na-