

Civics: A Christian Worldview. Natural-Born Citizenship

Article Reading and Discussion (15-20 minutes)

TEACHER INSTRUCTIONS/KEY

Instructions

1. **Objective:** Students read an article about natural-born citizenship as it applies to several individuals who have run for and/or won the office of U.S. President or Vice President.
2. Hand out a copy of Pages 2 & 3 to each student. (Print front and back if at all possible!)
3. Instruct students to read the article, underline/highlight key facts, and answer in writing the review questions on the second page.
4. When students are finished, discuss **as a class**. Ask for volunteers!

Answer Key

1. When Harris was born, her father was not a U.S. citizen, and her mother was a citizen of India. They weren't even permanent legal residents (they were both in American on temporary student visas). Her mother didn't apply for lawful residence until Kamala was three, and her father didn't begin applying for U.S. citizenship until 2015.
2. Supreme Court Justice Joseph Story's *Commentaries on the Constitution* saying that requiring U.S. President to be natural-born citizens prevents "ambitious foreigners, who might otherwise be intriguing [scheming, plotting] for office" to serve their own nations by influencing American policy and/or laws.
3. Both their parents (or in Paul's case, his father) were citizens of the nation they were citizens of, tracing their citizenship back to the parents/parent.
4. Neither man had two parents who were U.S. citizens, required to make them "natural-born citizens."
5. "Subject to the jurisdiction thereof"—that is, under the authority of.

Evidence Is Clear: Vice President Harris Is Not Constitutionally Eligible to Hold the Office She Now Holds

By Steve Byas – June 21, 2021
The New American

Vice President Kamala Harris is not a natural-born citizen of the United States and is thus ineligible to ever serve as president of the United States, or even to continue in office as vice-president. That is the contention of a lawsuit filed in federal court in California by the Constitution Association, Inc.

The case was filed while Harris was a candidate for vice president, with the argument in the brief with the court asserting that “at the time of the birth of [Kamala] Harris, the Father of Harris was in the United States as a temporary visitor on a student visa and was not otherwise a lawful permanent resident, and was not, and never has been a citizen of the United States.”

Constitution Association (CA) further argues that Harris’s mother, Shymala Gopolin, was a “citizen of India at the time of the birth of Harris, the Mother of Harris was in the United States as a temporary visitor on a student visa and was not otherwise a lawful permanent resident, and was not a citizen of the United States, however, many years after the birth of Harris, the Mother of Harris did apply and was granted United States citizenship.”

...[H]ow can Harris uphold the Constitution if her very holding of an office for which she is ineligible under the Constitution is a violation of her oath?

In the filing, CA noted that there is considerable “confusion” over the meaning of “natural born citizen,” and that the Supreme Court has never adjudicated [judged] the question. Rather than meet CA with constitutional arguments, opponents of the lawsuit have chosen to charge the plaintiffs with racism and being “conspiracy theorists.”

The plaintiffs argue that the Constitution requires the president of the United States (or the vice-president) to be a “natural born citizen.” While the Framers of the Constitution did not define “natural born citizen,” the plaintiffs note that they “clearly required different levels of allegiance” for president and vice president than they required for holding office in the House of Representatives (a minimum of seven years as a U.S. citizen), or in the Senate (a minimum of nine years as a U.S. citizen). There is no “natural born citizen” requirement in the Constitution to hold office in either house of Congress, but there is for president or vice-president.

They quote famed 19th-century Supreme Court Justice Joseph Story, who wrote in his *Commentaries on the Constitution* that the natural-born citizen requirement “cuts off all chances for ambitious foreigners, who might otherwise be intriguing [scheming, secretly plotting] for office; and interprets a barrier against those corrupt interferences of foreign governments.”

...[T]his question arose [about] Senator Barry Goldwater of Arizona, the Republican nominee for president in 1964, who was born in Arizona while it was still a territory, not a state. Mitt Romney’s father, George, was born in Mexico while his parents were Mormon missionaries there, and John McCain was born while his father was stationed in the Panama Canal Zone. But, in all of these cases, it was held that clearly *both* parents of these men were U.S. citizens. Historically, citizenship has been a matter of who one’s parents are (especially the father), *not where one was born*. Bible readers might recall that the Apostle Paul was a Roman citizen because his *father* was a Roman citizen, not because he happened to be born inside the Roman Empire.

Thornier questions have arisen in recent years. While it is not disputed, for example, that Barack Obama’s *mother* was a U.S. citizen, born in Kansas, his *father* was a citizen of Kenya, and only in the United States on a temporary student visa. The dispute on whether President Obama was born in Hawaii or in Kenya is actually irrelevant, *if* only one citizen parent is required to be a “natural born citizen.”

Senator Ted Cruz of Texas finished second to Donald Trump for the 2016 Republican nomination. In Cruz’s case, his mother was a U.S. citizen, but his father, an immigrant from Cuba, was only a permanent legal resident of the United States. And, Cruz was born in Canada while his father was involved there in the oil business....

This is important because the 14th Amendment is often cited as making someone a U.S. citizen simply because that person happens to be born on U.S. soil. Actually, the 14th Amendment says no such thing. It requires that a person be born *under the jurisdiction of the United States* in order to be a U.S. citizen. Some argue that this would make Cruz [and] Obama...constitutionally eligible to serve as president, because they were clearly citizens of the United States at the time of their births. Others argue that only the children of a *citizen father* can be a “natural born citizen,” and thus qualified to be president.

Regardless of who is correct on that argument, the situation with Kamala Harris is quite clear. Neither her mother nor her father was a U.S. citizen at the time of her birth in 1964—*neither was even a permanent legal resident of the United States!* They were in the United States on *temporary student visas*. Kamala Harris’s mother was a citizen of India at the time of Kamala Harris’s birth. She did not even apply for lawful permanent residence in America until 1967, *three years after Harris’s birth*. This means that no logical

interpretation of the 14th Amendment would have Harris’s mother as having placed herself “under the jurisdiction of the United States” at the time of the birth of her daughter, Kamala.

Harris’s father did not even begin the *process* of obtaining U.S. citizenship until May 2015. Furthermore, Jamaican law specifically states that children born outside Jamaica to a Jamaican parent are Jamaican citizens. In blunt terms,...Kamala Harris’s parents [were not] under the jurisdiction of the United States when she was born in 1964.

The most that Kamala Harris could be is a naturalized citizen of the United States, not a natural-born citizen. This makes her ineligible to serve as either president or vice-president of the United States.

Mere birth on U.S. soil is not enough to make Harris eligible. As Dr. John Eastman, a professor of law and dean of the law school at Chapman University, wrote in *Newsweek* magazine last year, “[T]here is some dispute over whether [her father] was in fact ever naturalized, and it is also unclear whether Harris’s mother ever became a naturalized citizen.”

...The evidence is very clear—Harris is not constitutionally eligible to hold the office she now holds, much less any elevation to the presidency itself. Sadly, what is not clear is whether federal judges, including those who sit on the Supreme Court and took an oath to the Constitution of the United States, will have the will to do the right thing. We can only hope.

Questions for Review:

1. What about Kamala Harris’s parents’ status did the Constitution Association state make her ineligible for the Presidency?

2. Sum up in your own words what the quote from Joseph Story (in the seventh paragraph) means:

3. What did Barry Goldwater, Mitt Romney, John McCain, and the Apostle Paul have in common that relates to citizenship (eighth paragraph)?

4. How did Ted Cruz and Barack Obama differ from the above four men?

5. What is the key phrase in the 14th Amendment that is commonly forgotten/left out, as far as who is defined as a “natural-born citizen”? What does that phrase mean?

Source: <https://thenewamerican.com/us/politics/evidence-is-clear-vice-president-harris-is-not-constitutionally-eligible-to-hold-the-office-she-now-holds/>