What is a Natural Born Citizen of the United States?

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The Framers of the United States Constitution specified the following criteria that one must meet in order to be eligible to be President (in Section 1 of Article II):

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.

What is meant by the phrase natural born Citizen in this context? Specifically, what attributes must a United States Citizen have in order to be considered natural born? For a synopsis of this essay, see Synopsis.

First, let us consider some other instances in which the phrase natural born Citizen has been used; of particular interest would be those occurring around the time at which the Constitution was written. Such cases are relatively hard to find; it appears that, before 1788, the phrase natural-born subject was rarely used.

A related phrase that was used much more frequently during the time period we are considering is natural-born subject. For example, this phrase was discussed in William Blackstone's Commentaries on the Laws of England, from which we have (Note: The first edition of Commentaries on the Laws of England, which is quoted here, was published in 1765. This book was based on an earlier work titled An Analysis of the Laws of England by the same author. Both books were based on lectures given by William Blackstone at Oxford, beginning in 1753.):

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 ligeance, or as it is generally called, 
the allegiance of the king; and aliens, fuch as are 
born out of it.

Also, there is the following passage from the same work:

Natural allegiance is fuch as is due from all men 
born within the king's dominions immediately 
upon their birth. For, immediately upon their 
birth, they are under the king's protection; at a 
time too, when (during their infancy) they are 
incapable of protecting themelves.

In 1774, the phrase *natural born citizen* was used in an 
English translation (from the Latin) of the book *Institutio 
Oratoria*, by Marcus Fabius Quintilianus (published in the 
first century A.D.); this was done in Chapter I of Book VIII. 
There have been at least five different English translations of 
this work. The first was by Guthrie in 1756. Since then, there 
have been translations by Patsall (1774), Watson (1856), 
Butler (1920-2) and Russell (2001). Here is Guthrie's 
translation of this chapter:

2
CONCERNING WHAT IS GENERALLY REQUISITE IN
ELOCUTION.

ELOCUTION regards either single Words or
Sentences. It requires single Words to be pure,
periphrastic, ornamented, and fit for our Purpose.
It requires Sentences to be correct, well-placed, and
animated. Now in my first Book, when I touched
upon Grammar, I laid down Rules for the Purity and
Chastity of Language; but there I only cautioned aga
against the Errors of Speaking, and here it is proper
I should recommend to my Reader, that his Style
should be as little foreign or outlandish as possible.
We know many who are Masters of Language, and
yet their Style is rather finical, than pure. Theophrastus,
one of the best Speakers in the World, was
found out to be a Foreigner, by an old Woman of
Athens, who observed his Affectation of a single
Word; and being asked how she found it out, she
said, it was by his OVER-ATTICISM. And Pollio
Asinius, thought that Titus Livius, a Man of wonder-
ful Eloquence, retained in his Style a certain PAT-
vinity. Therefore we ought; if we possibly can, to
bring our Language and Pronunciation to that Puri-
ty, that they may seem to be the Natives of our
Country, and not naturalized into her.

Here is the translation of this chapter by Patsall (from 1774);
in the last sentence, he used the phrase natural born citizen
where Guthrie had written natives. (I do not claim that this is
the first use of the phrase natural born citizen, but it is the
earliest use of which I am aware.)
Chapter I

Of Elocution.

Elocution lies in words, either single or placed together. In regard to the single, we must consider, whether they are pure, clear, ornamental, and fit for producing what we intend they should. In those connected with each other, whether they are correct, properly placed, and figurative. He adds a few things to what he had before said on the purity and correctness of style.

What the Greeks call φωνή, the Latins express by elocutio, elocution. It may be considered in regard to words, either taken separately or collectively. Separately, we are to observe whether they have the function of use, and are clear, productive of ornament, and suitable to what we design to effect. Collectively, whether correct, properly placed, and figurative. I need not say more concerning the purity and correctness of speaking, having already sufficiently discussed those points in my first book, where I treated of grammar.

There, however, I advised only guarding against the faults of style; but here it will not be amiss to observe, that nothing foreign, nor favouring of a provincial turn, should be admitted into it. For we may meet with many, who are not deficient in good language, but rather speak more curiously, than in taste. "It was so an Athenian old woman, having remarked in Theophrastus, the otherwise a person of elegant language, the affected pronunciation of a certain word, called him a stranger; and being asked why she thought him so, answered, "because his accent was rather broad for being truly Attic." Pollio said, that the style of Livy, a man of wonderful eloquence, had a certain * Patavinity in it. Therefore, if possible, every word, and the very tone of voice, should bespeak the natural born citizen of Rome, that the language may be purely Roman, and not so, by a right different from birth and education.
Here is the translation of this same chapter by Watson (from 1856). Instead of the phrase natural born citizen, he used the word natives (Since I have concatenated text from consecutive pages, there are two footnotes that use an asterisk.):

CHAPTER I.

Style depends on the judicious choice of words, and the judicious combination of them. Necessity of studying to speak pure Latin.

1. What the Greeks, then, call ὑπάρξις, we call in Latin elocutio, “elocution.” We judge of it in regard to words taken either singly or in conjunction. In reference to words considered singly, we must take care that they be Latin, intelligible, elegant, and appropriate to that which we wish to express; in regard to words in conjunction, we must see that they be correct, well arranged, and diversified occasionally with figures. 2. What was necessary to be said, however, on the subject of speaking in pure Latin and with correctness, I stated in the first book, when I was treating on grammar. But there I only observed that words should not be impure; here it will not be improper to intimate that they should have nothing provincial or foreign about them; for we may find many authors not deficient in the arts of style, who, we should say, express themselves rather affectedly than in pure Latin; as the Athenian old woman called Theophrastus, a man otherwise of great eloquence, a stranger, from observing his affected use of a single word, and being questioned on the subject, replied that she had discovered him to be a foreigner only from his speaking in a manner too Attic. 3. In Livy, again, a writer of extraordinary elegance, Asinius Pollio thought that a certain Patavinity was discoverable. Let all our words, therefore, and even our tone of voice, if possible, declare us to be natives of this city, that our speech may appear truly Roman, and not merely to have been admitted into citizenship.

* C. 4—6.
† As Tertullian, Apuleius, Capella, Macrobius. Pithonia.
‡ Quintilian relates this anecdote more fully than Cicero, Brut. c. 46, but I know not whence he drew his information. Spalding.

Here is Butler's translation of this chapter (from 1921). Like Guthrie and Watson, he used the word native instead of natural born citizen:
I. What the Greeks call ἀριστοτλος, we in Latin call *eloquentia* or style. Style is revealed both in individual words and in groups of words. As regards the former, we must see that they are Latin, clear, elegant and well-adapted to produce the desired effect. As regards the latter, they must be correct, aptly placed and adorned with suitable figures. I have already, 2 in the portions of the first book dealing with the subject of grammar, said all that is necessary on the way to acquire idiomatic and correct speech. But there my remarks were restricted to the prevention of positive faults, and it is well that I should now point out that our words should have nothing provincial or foreign about them. For you will find that there are a number of writers by no means deficient in style whose language is precious rather than idiomatic. As an illustration of my meaning I would remind you of the story of the old woman at Athens, who, when Theophrastus, a man of no mean eloquence, used one solitary word in an affected way, immediately said that he was a foreigner, and on being asked how she detected it, replied that his language was too Attic for Athens. Again Asinius Pollio held that Livy, for all his astounding eloquence, showed traces of the idiom of Padua. Therefore, if possible, our voice and all our words should be such as to reveal the native of this city, so that our speech may seem to be of genuine Roman origin, and not merely to have been presented with Roman citizenship.

Each of these English translations was based on a different Latin text (there are dozens of different Latin versions of this work by Quintilianus). Since the translations are quite different, we should compare the source texts that were used (as differences in the translations might be the result of differences in the source texts from which the translations were derived). Here is the Latin text (by Rollin) that was used by Patsall. (Note: It is not known which Latin text was used by Guthrie; the title page of his book states: "Translated into English, after the best Latin editions").
CAPUT I.

DE ELOCUTIONE.

spectatur elocutio in verbis aut singulis aut conjunctis. in singulis intendunt ut sint latina, perspicua, ornata, & ad id quod efficere volumus accommodata. in conjunctis ut emendata, ut collocata, ut figurata. de ratione latinè atque emendatè loquendi pauca adiectit iis qua ante dicta sunt.

igitur quam Graeci ϕρό&nuocent Latinè dicimus elocutionem. eam spectamus in verbis, aut singulis, aut conjunctis. in singulis intendunt ut sint latina, perspicua, ornata, & ad id quod efficere volumus accommodata. in conjunctis ut emendata, ut collocata, ut figurata. sed ea quæ de ratione latinè atque emendatè loquendi fuerunt dicenda, in libro primo, cum de grammaticè loqueremur, executi sumus.

Verum illus tantum ne vitiosa essent, praecipimus: hic non alienum est admonere, ut sint quam minime peregrina, & externa. Multos enim
Here is the Latin text (by Spalding) that was used by Watson:

quibus loquendi ratio non desit, invenias; quos euriosè potius loqui dixeris, quam Latinè: quo modo & illa: Attica anus Theophrastum hominem, alioqui disertissimum, annotata unius: affectatione verbi, hospitem dixit: nec alio se id deprehendisse interrogata respondit, quam quod nimium Atticè loqueretur. Et in Tito Livii miræ facundiae viro putat inesse Pollio Asinius quandam à Paravinitatem. Quare, si fieri potest, & verba omnia, & vox, hujus alium urbis oleant: ut oratio Romana planè videatur, non civitate donata.

1. De ratione Latinè di vide Cicer. I. 3. de atque emendatæ loquen-
2. Orat. n. 37. 48.

Id est, quandam phra- tius Pataviun quam Ro-
m, quæ redolebat po-

man. Tum.

I.igitur, quam Graeci intendunt, La-
tine dicimus elocutionem. Eam spectamus verbs aut singulis, aut conjunctis. In singu-
ulis intuendum est ut sint Latina, perspicua, ornata, ad id, quod efficere volumus, ac-
accommodata in conjunctis, ut emendata, ut collocata, ut figurata. Sed ea, quae de ra-
tione Latine atque emendate loquendi fuer-
runt dicenda, in libro primo, cum de gram-
matice loqueremur, executi sumus. Verum illic tantum, ne vitiosæ essent, praecipimus: hic non alienum est admonere, ut sint quam minime peregrina, et externa. Multos enim quibus loquendi ratio non desit, inveniems, quos curiose potius loqui dixeris, quam La-
tine: quomodo et illa Attica anus Theophras-
Finally, here is the Latin text used by Butler:

I. Igitur, quam Graeci *φύσις* vocant, Latine dici-imus elocutionem. Ea spectatur verbis aut singulis aut coniunctis. In singulis intaendum est ut sint Latina, perspicua, ornata, ad id quod efficere volumus accommodata, in coniunctis, ut emendata, ut collo-2 cata, ut figurata. Sed ea, quae de ratione Latine atque emendate loquendi fuerunt dicenda, in libro primo, cum de grammatico loqueremur, executi sumus. Verum illic tantum ne vitiosa essent prae-cepimus; hic non alienum est admonere ut sint quam minime peregrina et externa. Multos enim, quibus loquendi ratio non desit, invenias quos curiose potius loqui dixeris quam Latine, quomodo et illa Attica anus Theophrastum, hominem aloiqui desertis-simum, adnotata unus adfectatione verbi, hospitem dixit nec alio se id deprehendisse interrogata respon-3 dit, quam quod nimium Attice loqueretur. Et in Tito Livio, mirae facundiae viro, putat inesse Pollio Asinius quandam Patavinitatem. Quare, si fieri potest et verba omnia et vox huius alumnem urbis oleant, ut oratio Romana plane videatur, non civitate donata.

Except for some minor differences, these three Latin texts are identical.

Another situation where the phrase *natural born citizen* was used would be in the naturalization acts of Massachusetts. The earliest instance of this (of which I am aware) would be the following act dated February 28, 1785 (See the end of the second paragraph.):
Here is a summary of (what I believe to be) all such naturalization acts of Massachusetts that were passed during the years 1776 through 1790 (The complete text for these acts is given in *The Naturalization Acts of Massachusetts: 1776-1790*):

A Summary of the Naturalization Acts of Massachusetts: 1776-1790

<table>
<thead>
<tr>
<th>Date</th>
<th>Individual(s)</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oct 15 1778</td>
<td>Peter Landais</td>
<td>→ nS w * (nS)</td>
</tr>
<tr>
<td>Jan 26 1782</td>
<td>John Haywood Winslow</td>
<td>→ s w LP (s)</td>
</tr>
<tr>
<td>Feb 2 1782</td>
<td>Nathaniel Fisher</td>
<td>→ s w P (s)</td>
</tr>
<tr>
<td>Apr 17 1782</td>
<td>William Young</td>
<td>→ ls w P (ls)</td>
</tr>
<tr>
<td>May 7 1782</td>
<td>Patrick Merry</td>
<td>→ s w * (s)</td>
</tr>
<tr>
<td>Jun 27 1782</td>
<td>Michael Cunningham &amp; John Prescott</td>
<td>→ nS w * (nS)</td>
</tr>
<tr>
<td>Feb 13 1784</td>
<td>John Gardiner &amp; others</td>
<td>→ fc w PI (fc)</td>
</tr>
<tr>
<td>Mar 23 1784</td>
<td>Thomas Hopkins</td>
<td>→ fc w * (fc)</td>
</tr>
<tr>
<td>Jun 30 1784</td>
<td>Thomas Robison</td>
<td>→ fc w * (fc)</td>
</tr>
<tr>
<td>Feb 28 1785</td>
<td>Nicholas Rousselet &amp; George Smith</td>
<td>→ c w LRP (nbc)</td>
</tr>
<tr>
<td>Nov 22 1785</td>
<td>Paul Beltrimieux</td>
<td>→ fc w * (fc)</td>
</tr>
<tr>
<td>Nov 23 1785</td>
<td>William Bond</td>
<td>→ fc w * (fc)</td>
</tr>
<tr>
<td>Feb 7 1786</td>
<td>Michael Walsh</td>
<td>→ c w LRP (nbc)</td>
</tr>
<tr>
<td>Feb 8 1786</td>
<td>William Erving &amp; John Duballet</td>
<td>→ fc w * (fc)</td>
</tr>
<tr>
<td>Feb 17 1786</td>
<td>James Wakefield &amp; others</td>
<td>→ fc w PI (fc)</td>
</tr>
<tr>
<td>Jun 5 1786</td>
<td>Robert Morris &amp; James Alexander</td>
<td>→ fc w * (fc)</td>
</tr>
<tr>
<td>Jul 7 1786</td>
<td>Jonathan Curson &amp; William Oliver</td>
<td>→ fc w LPI (nbc)</td>
</tr>
<tr>
<td>Mar 2 1787</td>
<td>William Martin &amp; others</td>
<td>→ fc w LPI (nbs)</td>
</tr>
<tr>
<td>May 1 1787</td>
<td>Edward Wyer &amp; others</td>
<td>→ fc w LPI (nbs)</td>
</tr>
<tr>
<td>Jul 2 1787</td>
<td>John Gore</td>
<td>→ fc w * (fc)</td>
</tr>
<tr>
<td>Oct 25 1787</td>
<td>Ann Gardiner</td>
<td>→ fc w PI (fc)</td>
</tr>
<tr>
<td>Oct 29 1787</td>
<td>Bartholomy de Gregoire &amp; others</td>
<td>→ C w LRP (nBC)</td>
</tr>
<tr>
<td>Nov 16 1787</td>
<td>Alexander Moore &amp; others</td>
<td>→ fc w PLI (nbs)</td>
</tr>
<tr>
<td>Jun 19 1788</td>
<td>William Menzies &amp; others</td>
<td>→ fc w LPI (nbs)</td>
</tr>
<tr>
<td>Nov 21 1788</td>
<td>Elisha Bourn &amp; others</td>
<td>→ fc w LPI (nBC)</td>
</tr>
<tr>
<td>Feb 14 1789</td>
<td>James Huyman &amp; others</td>
<td>→ fc w LPI (nbs)</td>
</tr>
<tr>
<td>Jun 22 1789</td>
<td>Nathaniel Skinner &amp; others</td>
<td>→ fc w LPI (nbs)</td>
</tr>
</tbody>
</table>
Mar 6 1790 John Jarvis & others \(\rightarrow\) fc w LPI ( nbs )

**Symbols:**
- \(\rightarrow\) taken to be
- w with
- ( ) of
- → natural c citizen
- L liberties b born C Citizen
- f free s subject
- n immunities
- P privileges
- R rights l liege S Subject
- * everything

**Examples:**
1. On February 28, 1785, Nicholas Rousselet & George Smith were taken to be citizens with liberties, rights and privileges of natural born citizens.
2. On July 2, 1787, John Gore was taken to be a free citizen with (i.e. entitled to) everything of a free citizen.

In each of these acts, the rights of some type of citizen was conferred on the individuals for whom the act was written. As may be seen from this table, the term used for this type of citizen might be any of the following: *natural Subject, subject, free citizen, natural born citizen (or Citizen) or natural born subject.*

In the following two acts of October 15, 1778 and June 27, 1782, the rights of a *natural Subject* were conferred:

**PRIVATE ACT**

**Passed at the Session begun and held at Boston, on the Sixteenth day of September, A.D. 1778.**

[No. 101.]

**AN ACT FOR NATURALIZING PETER LANDAIS ESQUIRE.**

W**H**E**R**E**A**S** Peter Landaia late of St. Mal[*x]o's in the Kingdom of France Esq' has left his native Country and has generously and gallantly taken a Part with the Friends of America in Opposition to the cruel Efforts of Great Britain to subjugate the Inhabitants of these United States to it's Tyrannical Authority —

And Whereas it is just to reward such Persons who have thus voluntarily taken a Part in our Defence and expeditious to encourage such well disposed Foreigners to join themselves to us. —

Be it Enacted by the Council and House of Representatives in General Court assembled and by the Authority of the same

that upon the taking and Subscribing the Oath of Allegiance appointed by an Act made in the Year of our Lord one thousand seven hundred [ & ] seventy seven entitled an “Act for prescribing and establishing an Oath of Fidelity and Allegiance” by the said Peter Landaia he the said Peter Landaia shall from the Time of taking and subscribing said Oath before any two of the Members of the Council of this State be deemed adjudged and taken to be a natural Subject of this State to all Intentions, Constructions and Purposes as if he the said Peter Landaia had been born within this State and had continued and dwelt therein from the Time of his Birth and been here abiding on the fourth Day of July in the Year of our Lord one thousand seven hundred [ & ] seventy six and had at that Time and ever since taken a Part with and been aiding the Inhabitants of this State in Defence of their Liberties —

And be it further Enacted by the Authority aforesaid that if the said Peter Landaia shall take and Subscribe the Oath aforesaid before any two of the Council of this State the Persons from whom he shall take and Subscribe the said Oath shall make return thereof to the Secretary who shall record the same in a Book to be kept among the public Records of this State for the Purpose of Recording the Names of such Foreigners as shall be hereafter naturalized by Acts of this State. — *[Passed October 15]*
In three cases, the rights of a subject were conferred. Here is the earliest example of this from January 26, 1782 (In all examples regarding these naturalization acts of Massachusetts, when I say earliest example, I mean earliest example of which I am aware.):

In one case, the word liege was inserted before subject:
In ten acts, the rights of a free citizen were conferred. Here is the earliest of these from February 13, 1784:

In addition to the act for Nicholas Rousselet and George Smith that was quoted here, there were four other acts through which the rights of a natural born citizen (or natural born Citizen) were conferred. In seven other acts, the rights of a natural born subject were conferred. Here is the earliest example of this (from March 2, 1787):
One year after the Constitution was ratified, the phrase *natural born citizens* was used in the *Naturalization Act of 1790*:

> And the children of citizens of the United States, that may be born beyond the sea, or out of the limits of the United States, shall be considered as natural born citizens: *Provided*....

This Act was superseded by the *Naturalization Act of 1795* in which, in the matching text, the phrase *natural born citizens* was removed:

> ...and the children of citizens of the United States, born out of the limits and jurisdiction of the United States, shall be considered as citizens of the United States: *Provided*....

Ten years after the Constitution was written, the phrase *natural-born citizens* was used in an English translation (from the French) of the book *Le Droit des Gens* by Emer de Vattel. This was done in Section 212 of Book I, Chapter XIX. Here is the original passage written by Vattel and published in 1758:2
In early English-language editions, the French phrase "Les Naturels, ou Indigènes" was translated as "The natives, or indigenes" (in the second sentence of Section 212). The first English edition was published in 1759, in London. (Note: The English editions of this work are titled The Law of Nations.) Here is Section 212 from an English edition that was printed in 1760 (in London).

The citizens are the members of the civil society; bound to this society by certain duties, and subject to its authority, they equally participate in its advantages. The natives, or indigenes, are those born in the country of parents who are citizens. Society not being able to subsist, and perpetuate itself, but by the children of the citizens; those children naturally follow the condition of their fathers, and succeed to all their rights. The society is supposed to desire this; in consequence of what it owes to its own preservation; and it is presumed that each citizen, on entering into society, refers to his children the right of their becoming members. The country of the fathers is then that of the children; and these become true citizens, merely by their tacit consent. We shall soon see, whether on their arriving at the age of reason, they may renounce their right, and what they owe to the society in which they are born. I say, that in order to be of the country, it is necessary that a person be born of a father who is a citizen; for if he is born there of a stranger, it will be only the place of his birth, and not his country.

The first American edition was published in New York, in 1787 (in the year the Constitution was written). Again, the phrase "The natives, or indigenes" was used (In fact, the text of the entire section is identical to that of the 1760 English edition).
Section 212 from an English edition that was printed in 1792 in Dublin. This is nearly identical to the first American edition from 1787, the text is the same, it was printed on the same page numbers, and the lines are broken in the same places. However, there are some minor differences; for example, the size of type used for the section number "212" is larger in the 1792 edition and the spaces between the words of the phrase "to its own" (at the beginning of line 10) are smaller in the 1792 edition.
Here is the same section from an English edition that was printed in 1793, in London. The text of this matches that of the three previous English editions quoted here, with the following exception: in this edition, the phrase "I fay, that in order to be of the country" was changed to "I fay that in order to be in the country". Here, the comma was dropped, the word "or" was inserted, and the word "of" was changed to "in". Perhaps the latter two of these changes were errors. (If so, it is ironic that the title page of this edition states that this was to be "A New Edition, Corrected".)

Here is an English edition that was printed in 1796, in New York. The text of this matches that of the previous English edition quoted here from 1793 (including the phrase "I fay that in order to be in the country"). However, unlike that edition (and unlike all other English editions quoted here), there is a semicolon after the word *indigenes*, rather than a comma. (The title page reads: "First American Edition, Corrected and Revised from the latest London Edition.")
Here is an English edition that was printed in 1797, in London. The phrase **natural-born citizens** was used in place of the word **indigenes**. This was the first edition of *The Law of Nations* (of which I am aware) to use the phrase **natural-born citizens**.\footnote{15}

In this 1797 edition, several changes were made to the text of Section 212. Here is a table of all changes, when compared with the English edition of 1760 that was quoted here:

<table>
<thead>
<tr>
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<tbody>
<tr>
<td><strong>Title:</strong></td>
</tr>
<tr>
<td><strong>Sentence 2:</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Sentence 3:</strong></td>
</tr>
</tbody>
</table>
otherwife than by the children of the citizens,

Sentence 4: • this; in → this, in
• prefumed → prefumed, as matter of course,
• of their becoming members → of becoming members of it

Sentence 5: • is then that → is therefore that
• citizens, merely → citizens merely

Sentence 6: • whether on their arriving at the age of reafon →
• whether, on their coming to the years of deferetion
• they are born → they were born

Sentence 7: • that in → that, in
• ftranger → foreigner

On September 17, 1787, the Constitutional Convention completed the proposed Constitution of the United States. The Convention submitted this to the Continental Congress in two formats: (1) a (handwritten) engrossed copy, and (2) a printed copy. Upon its ratification by nine states, this proposed Constitution became, without alteration, the original United States Constitution. Here are the eligibility criteria for President of the United States, as written on the third page of the original engrossed copy of the Constitution:

Here is a high resolution image of the phrase natural born Citizen, as written in this engrossed copy:

Here are the eligibility criteria for President, from the original printed copy of the Constitution:

The earliest use (of which I am aware) of the phrase natural born citizen in an American newspaper, was on September 19, 1787, two days after the proposed United States Constitution had been completed by the Constitutional Convention. On that day, the proposed Constitution (which contained the phrase natural born Citizen) was published in the following Pennsylvania newspapers: (1) The Pennsylvania Packet, and Daily Advertiser; (2) The Freeman's Journal; Or, The North-American Intelligencer; and (3) The Pennsylvania Gazette. Here are the eligibility criteria for President of the United States, as they were printed in The Pennsylvania Packet, and Daily Advertiser:
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.

Here is the same passage, as printed in *The Freeman's Journal; Or, The North-American Intelligencer*:

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.

Here is the same, from the *The Pennsylvania Gazette*:

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.

The United States Constitution was written at the Constitutional Convention in Philadelphia, during the summer of 1787 (from May 25 through September 17). While the Convention was ongoing, the phrase *natural born Citizen* was discussed in letters exchanged between George Washington and John Jay. At that time, George Washington was in Philadelphia, serving as President of the Constitutional Convention (a position for which he had been elected, unanimously, by the delegates of the Convention, on May 25); John Jay was in New York City, serving as Secretary for Foreign Affairs of the United States under the Articles of Confederation (a position for which he had been elected by the Continental Congress on May 7, 1784). This particular exchange was initiated by Washington, on July 22, 1787, with a letter to Jay, requesting that he forward an enclosed letter to Commodore (John Paul) Jones. Here is a copy of Washington's letter to Jay, as recorded in one of Washington's letterbooks (I do not believe this is in Washington's hand):
Here is a transcript of Washington's letter (as recorded in his letterbook):

**Transcript**

The Honble. John Jay.

Df. Sir,

Will you permit me to give you the trouble of the inclosed for Commodore Jones - It is at his request I do it. I offer best wish to Mrs. Jay and with every sentiments of esteem and regard.

I have the honor to be Df. Sir

Yr very Aff Servat

Philadelphia 
July 1787 
G Washington.

On July 25, 1787, John Jay replied to Washington's letter. In this response, Jay suggested that the Command in Chief of the American army be required to be a *natural born Citizen*. Here is a draft of Jay's letter (I believe this is in Jay's hand.).

22
New York 25 July 1787

Dear Sir

I was this Morning honored with your Excellency's Favor of the 22d Inst: & immediately delivered the Letter it inclosed to Commodore Jones, who being detained by Business, did not go in the french Packet, which sailed Yesterday __

Permit me to hint, not for your opinion but consideration, whether it would newely arvng and Seasonable a strong check to the admission of Foreigners into the administration of our national Govt., and to declare expressly that none but natural born Citizens shall be admitted into our legislatures, our national civil Governt shall be administered only by such others only excepted w. have heretofore been Member of Congres, natural born Citizens, that the Command in Chief of the am. army shall not be given to nor devolve on any but a natural born Citizen. ~
MRS. Jay is obliged by your Attention + affires you of her perfect Esteem

+ Regard - with similar Sentiments, the most cordial + Sincere I remain

D S. Your faithful + Serv.

His ExY Gen. Washington

From this draft, and the transcript I have put forward here, I believe that, initially, Jay had written the following suggestion:

provide that none but natural born Citizens shall be admitted into our legislatures + our national civil Govern[men]t shall be administer[e]d only by natural born Citizens such others only excepted w[ho] have, heretofore been Member of Congrefs + that the Command in Chief of the am[erican] army shall not be given to nor devolve on any but a natural born Citizen.

I believe Jay then modified his suggestion to be as follows:

provide a strong check to the admifion of newly ar[ri]v[i]ng Foreigners into the administration of our national Gov[ernmen]t, and to declare expresly that the Command in Chief of the am[erican] army shall not be given to nor devolve on any but a natural born Citizen.

In the final version of this draft, Jay crossed out the phrase newly arriving.

Here is an image of John Jay's reply to George Washington, along with a transcript of this letter (I believe this is in Jay's hand.)

---
Transcript

New York 25 July 1787

Dear Sir

I was this morning honored with your Excellency's favor of the 22d Inst: & immediately delivered the letter it inclosed to Commodore Jones, who being detained by business, did not go in the French packet, which sailed yesterday.

Permit me to hint, whether it would not be wise & reasonable 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.

Mrs. Jay is obliged by your attention, and assures you of her perfect esteem & regard: with similar sentiments the most cordial and sincere.

I remain, Dear Sir, your faithful friend and serv't

John Jay
On September 2, 1787, George Washington sent a letter to John Jay, requesting that Jay forward another letter to Commodore (John Paul) Jones. Also, in this letter, Washington thanked Jay for the suggestions he had made in his letter. Here is a copy of Washington's letter to Jay, as recorded in one of Washington's letterbooks (I do not believe this is in Washington's hand).\textsuperscript{24}
Here is a transcript of this letter, as recorded in Washington's letterbook:

**Transcript**

The Honble. John Jay.

Dr. Sir,

I avail myself of the polite assurance of your last favor, to trouble you with the enclosed. - If the Commodore should have left New York, you would oblige me by forwarding it by the first good conveyance. __

I regret not having had it in my power to visit New York during the adjournment of the Convention, last Month. - not foreseeing with any precision the period at which it was likely to take place or the length of it, I had put my carriage in the hands of a workman to be repaired and had not the means of moving during the recess but with, or the courtesy of, others. __

I thank you for the hints contained in your letter, and with best wishes for Mrs. Jay, and great affection for yourself. I am Dr. Sir

Yr. Most Obed. Servant -

Philadelphia }    
Sept 2d 1787 }    

G Washington.

Here is an image of the letter George Washington wrote to
John Jay on September 2, 1787, along with a transcript of this letter (I believe this is in Washington's hand):

Transcript


Dear Sir;

I avail myself of the polite assurance of your last, to trouble you with the enclosed. - If the Commodore should have left New York, you would oblige me by forwarding it. -

I regretted exceedingly, not having had it in my power to visit New York during the adjournment of the Convention, last Month. - Not foreseeing the period at which it was likely to be a place, nor the length of it, I had put my Carriage into the hands of a Workman to be repaired, and had not the means of moving during the recess but with great difficulty.

Thank you for the kind care taken in your letter, and with best wishes to you, and great expectations for yourself.

Far - Dear Sir.


Washington
which it was likely to take place, nor the length of it, I had put my Carriage into the hands of a Workman to be repaired, and had not the means of moving during the recefs but with, or on the curtisy of, others.__

I thank you for the hints contained in your letter, and with best wishes for Mf®. Jay, and great Affection for yourself

I am — Dear Sir

Yr. Most Obedt. Servt

The Honble Ge®: Washington

John Jay.

I am not aware of any letters sent by John Jay to George Washington after the letter Jay had written on July 25, 1787, and before September 2, 1787. Thus, I take the beginning of the third paragraph of this letter (of September 2) from Washington, to mean, "I thank you for the hints contained in your letter of July 25, 1787."

On September 6, 1787, John Jay replied to Washington's request of September 2. Here is a draft of Jay's letter to Washington, along with a transcript of this draft (I believe this is in Jay's hand): 26
NYork 6 Sept' 1787

Df Sir

I was yesterday honored with yours of the 2d Inst, inclosing one for Commodore Jones, which was immediately conveyed to him.

New York entertained Hopes of seeing you here, and wish'd for such an occasion of giving you fresh Proofs of my Esteem and Attachment, and would have been exceedingly pleased with that and every occasion of manifesting their Esteem + Attachment would have given them very sincere Satisfaction, for your consenting to take a Seat in the Convention has given your Country fresh Reasons for both.

You will oblige me by putting it in my power to

Yr mo'st ob't Serv

Ady by, Gen. Washington

Transcript
do you any Services which occasions may render to you convenient, and be assured of the constant + perfect Respect + Regard with wh. I am D r + vry hble Serv Your most ob. 

His Ex. Gen. Washington

The letter that John Jay wrote to George Washington on September 6, 1787, was offered for sale in 1895. The following transcript for this letter was printed in the catalog for this sale (The letter was listed as Item 1120.):

The four letters quoted here are the only letters (of which I am aware) that were exchanged between George Washington and John Jay during the Constitutional Convention.

Of all the instances (of which I am aware) in which the phrases natural born Citizen, natural-born citizen or natural-born subject were used around the time at which the Constitution was written, I believe the letter written by John Jay that I have cited here is, by far, the most significant. I believe Jay's letter is the primary reason why the phrase natural born Citizen was included in Section 1 of Article II of the Constitution. Consequently, I take the meanings of this phrase in the Constitution and in Jay's letter to be one and the same. And I believe the correct interpretation of the phrase natural born Citizen, as it was used in the Constitution, must be consistent with the intent and implications of this letter.

First, let us attempt to determine the reason why Jay
proposed that the Commander in Chief of the American army be required to be a natural born Citizen of the United States. In this letter, Jay writes: "Permit me to hint, whether it would not be wise & seasonable to provide a a [sic] strong check to the admission of Foreigners into the administration of our national Government." First, let us determine the meaning of the phrase "the administration of our national Government". One sense of the word administration that is given in Merriam-Webster's Dictionary is "a body of persons who administer". And one sense of the word administer given in this dictionary is "to manage or supervise the execution, use, or conduct of <administer a trust fund>." From this, I take the phrase "the administration of our national Government" to mean "the body of persons in the United States federal government who supervise the execution and conduct of the United States federal government."28

Next, let us determine the meaning of the phrase "a strong check to the admission of Foreigners." Here, I take the word admission to mean "the act or process of admitting"; and I take the word admit to mean "to allow entry (as to a place, fellowship, or privilege) <an open window had admitted rain> <admitted to the club>." In this context, I believe the word check means "one that arrests, limits, or restrains: restraint <against all checks, rebukes, and manners, I must advance — Shakespeare>." Finally, here, I take the word strong to mean "not mild or weak: extreme, intense"; and I take the word mild to mean "moderate in action or effect <a mild sedative>." Consequently, I take the phrase "a strong check to the admission of Foreigners" to mean "a limitation, that is not weak nor moderate, to the act or process of allowing Foreigners entry."

To summarize, here, I believe Jay is suggesting that there be "a limitation, that is not weak nor moderate, to the act or process of allowing Foreigners entry into the body of persons in the United States federal government who supervise the execution and conduct of the government." Consequently, in this letter, I would say that Jay is expressing great concern about Foreigners. Next, we must ask: "Why is Jay quite concerned about Foreigners?"

For this, let us consider two essays that Jay wrote around the time at which he had written his letter to Washington (in which he expressed great concern regarding Foreigners, and proposed that the Commander in Chief of the American army be required to be a natural born Citizen of the United States). In October and November of 1787 (about three months after he had written his letter to Washington), his essay titled Concerning Dangers from Foreign Force and Influence was published in the New York City newspaper Independent Journal. This was published as four installments,
on October 31, 1787, November 3, 1787, November 7, 1787 and November 10, 1787. It was the first of two (Federalist Paper) essays that Jay wrote in support of the United States Constitution. Here, Jay defends the idea that the United States should remain united. He reasons that a divided nation would be less secure from the threat of foreign force and influence. He closes with the following paragraph:

Let candid men judge, then, whether the division of America into any given number of independent sovereignties would tend to secure us against the hostilities and improper interference of foreign nations.

In the first installment of this essay, he writes the following (Here, in the first sentence, the "convention" of which he speaks is the Constitutional Convention. The "Congress of 1774", that he mentions in the second paragraph, is the First Continental Congress, which met from September 5 through October 26, 1774.):

This convention composed of men who possessed the confidence of the people, and many of whom had become highly distinguished by their patriotism, virtue and wisdom, in times which tried the minds and hearts of men, undertook the arduous task. In the mild season of peace, with minds unoccupied by other subjects, they passed many months in cool, uninterrupted, and daily consultation; and finally, without having been awed by power, or influenced by any passions except love for their country, they presented and recommended to the people the plan produced by their joint and very unanimous councils.

Admit, for so is the fact, that this plan is only RECOMMENDED, not imposed, yet let it be remembered that it is neither recommended to BLIND approbation, nor to BLIND reprobation; but to that sedate and candid consideration which the magnitude and importance of the subject demand, and which it certainly ought to receive. But this (as was remarked in the foregoing number of this paper) is more to be wished than expected, that it may be so considered and examined. Experience on a former occasion teaches us not to be too sanguine in such hopes. It is not yet forgotten that well-grounded apprehensions of imminent danger induced the people of America to form the memorable Congress of 1774. That body recommended certain measures to their
constituents, and the event proved their wisdom; yet it is fresh in our memories how soon the press began to teem with pamphlets and weekly papers against those very measures. Not only many of the officers of government, who obeyed the dictates of personal interest, but others, from a mistaken estimate of consequences, or the undue influence of former attachments, or whose ambition aimed at objects which did not correspond with the public good, were indefatigable in their efforts to persuade the people to reject the advice of that patriotic Congress. Many, indeed, were deceived and deluded, but the great majority of the people reasoned and decided judiciously; and happy they are in reflecting that they did so.

In these paragraphs, Jay uses the word influence twice. He writes: (1) "without having been awed by power, or influenced by any passions except love for their country", and (2) "the undue influence of former attachments." In this context, I take the word attachment to mean "the state of being personally attached: fidelity <attachment to a cause>.

The First Continental Congress was held during a period of time when the attachments of most individuals living in the American colonies was shifting away from the Kingdom of Great Britain to what would become an independent United States. Here, I believe the specific former attachment to which Jay is referring is the attachment that American colonists (soon to be Citizens of the United States) had felt, previously, toward the Kingdom of Great Britain. More generally, with the phrase "undue influence of former attachments", I believe Jay is citing one particular form of the foreign influence to which his title (Concerning Dangers from Foreign Force and Influence) refers. This would be the potential influence on those who belong to the United States, from former attachments that they may have had to foreign countries.

The following spring (on March 7, 1788), Jay's essay titled The Powers of the Senate was published in the New York Packet. This was his second Federalist Paper essay. Here, Jay defends the following clause (of Article II, Section 2) of the (proposed) United States Constitution, wherein power is granted to the President of the United States to make treaties: "He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur." Here, the underlying theme of his argument is the subject of influence. He considers various ways that a Senator or the President might be influenced. For each form of influence, he finds that the design of the
Constitution is such that these officials will be influenced to act in a way that promotes the interests of the United States. For example, in the following, he considers the influence of family affections and attachments:

   It will not be in the power of the President and Senate to make any treaties by which they and their families and estates will not be equally bound and affected with the rest of the community; and, having no private interests distinct from that of the nation, they will be under no temptations to neglect the latter.

He closes with the following paragraph wherein he lists various forms of influence, many of which he has considered in this essay (Here, in the first sentence, the phrase their responsibility means "the responsibility of the Senators and the President."):

   With respect to their responsibility, it is difficult to conceive how it could be increased. Every consideration that can influence the human mind, such as honor, oaths, reputations, conscience, the love of country, and family affections and attachments, afford security for their fidelity. In short, as the Constitution has taken the utmost care that they shall be men of talents and integrity, we have reason to be persuaded that the treaties they make will be as advantageous as, all circumstances considered, could be made; and so far as the fear of punishment and disgrace can operate, that motive to good behavior is amply afforded by the article on the subject of impeachments.

Both of Jay's Federalist Papers focus on the issue of influence. From these essays, we may conclude that Jay is greatly concerned with that which may influence an individual. For Jay, of particular concern is foreign influence. Jay believes that such influence is improper. In the first of these two essays, he writes of "the undue influence of former attachments" and the "improper interference of foreign nations." I believe the sense of the word undue that would apply here is "exceeding or violating propriety or fitness: excessive <undue force>"; and, here, I take the word propriety to mean "the quality or state of being proper: appropriateness."

In the second of these two essays, Jay discusses the influences on Senators and the President, that exist as a consequence of the design of the United States Constitution. He believes these particular influences will have a positive impact on the decision making of these officials. Specifically,
he believes these (designed) influences will increase the likelihood that Senators and the President will make decisions that promote the interests of the United States.

Let us return to the question: "Why is Jay quite concerned about Foreigners?" Based upon these essays by Jay, I believe he is concerned about the possibility of a government official being influenced by any former (or present) attachment that they might have to a foreign country. Specifically, he is concerned that a government official might make decisions that do not promote the interests of the United States or are not advantageous to it. I believe Jay wrote his letter to Washington and made the suggestions contained therein to reduce the likelihood of this possibility.

To summarize, I believe Jay proposed (1) that there be "a strong check to the admission of Foreigners into the administration of our national Government", and (2) that "the Command in Chief of the american army shall not be given to, nor devolve on, any but a natural born Citizen", to reduce the likelihood that the affected government officials would make decisions that would not promote the interests of the United States or would not be advantageous to it. Thus, I believe the intent of the requirement that the President of the United States be a natural born Citizen of the United States is as follows:

**Intent.** The intent of the United States constitutional requirement that the President of the United States be a natural born Citizen of the United States is: (1) to reduce the likelihood that a President of the United States would have a former, or present, attachment to a foreign country (because such an attachment could influence one to make decisions that would not promote the interests of the United States); and (2) to increase the likelihood that the interests of any President of the United States will coincide with those of the United States.

With the words of the Constitution in hand along with this supporting letter by John Jay (and our understanding of the intent of the requirement that the President of the United States be a natural born Citizen of the United States), let us attempt to discern the meaning of the phrase natural born Citizen in these (two) contexts.

Let us begin by considering the way John Jay wrote the phrase natural born Citizen in his letter to George Washington. Here is a close-up image of the phrase natural born Citizen as it is written in this letter:
First, here, there is no hyphen in the phrase *natural born Citizen*. This is consistent with the way the phrase *natural born Citizen* is written in the United States Constitution; specifically, as it is written in each of the following documents, the phrase *natural born Citizen* (or *natural born citizen*) does not contain a hyphen: (1) the original engrossed copy of the Constitution, which was completed by the Constitutional Convention on September 17, 1787, and signed that day by George Washington and 38 delegates; (2) the original printed copy of the Constitution, which was printed on September 17 (or 18), 1787, and submitted by the Constitutional Convention to the Continental Congress, along with the original engrossed copy; and (3) the issues, from September 19, 1787, of three newspapers (quoted here) in which the proposed Constitution was printed.

Second, here (in Jay's letter), the word *born* is underlined. Also, in this letter, the only underlined word is *born*.

I believe it is unlikely that the word *born* was underlined by someone (e.g. George Washington) after the letter was received, because this word is underlined in two places within the draft of this letter; from the transcript that I have put forward here, there are two instances of the phrase *natural born Citizens*, both crossed out, for which the word *born* is underlined. Here are close-up images of these instances:

I believe we may compose the meaning of the phrase *natural born Citizen* from the meanings of its three constituent words: *natural*, *born* and *Citizen*.

Before we consider the definitions of the words *natural*, *born*, and *Citizen*, let us attempt to determine the functional role of the words *natural* and *born* in the phrase *natural born Citizen*. In Jay's letter, I believe his proposal, that the Commander in Chief of the American army be required to be a *natural born Citizen*, fulfills his intent. In his letter, he underlined the word *born* (and only that word). This gives us
a clue as to the functional role of this word in this letter. Here, he is stressing the word born by underlining it. For this reason, I believe that of the three words in the phrase natural born Citizen, Jay viewed born as the most critical to fulfill his intent. I believe born is the primary word that functions to fulfill his intent; and since the word natural was not underlined, I believe the word natural plays a secondary or supportive role in fulfilling his intent. Further, I believe any meaning we associate with the words born and natural must be consistent with these claims regarding their functional roles.

First, let us attempt to establish the meaning of the word Citizen in this context. The definition for Citizen given in Merriam-Webster's Dictionary is as follows:

citizen (noun)

1. an inhabitant of a city or town; especially: one entitled to the rights and privileges of a freeman
2. a: a member of a state
   b: a native or naturalized person who owes allegiance to a government and is entitled to protection from it
3. a civilian as distinguished from a specialized servant of the state

In both the United States Constitution and in Jay's letter, I take the phrase natural born Citizen to mean natural born Citizen of the United States. I do not believe Senses 1, 2a or 3 apply to the case we are considering. Sense 1 concerns the inhabitants of a city or town, rather than a nation. The category of individuals to which Sense 2a refers is a superset of the Citizens of the United States, because one may be considered a member of the United States without being a Citizen of the United States; for example, one could be a permanent resident of the United States who is not a Citizen of the United States. Sense 3 describes a category of individuals that is a subset of the Citizens of the United States, because both civilians and specialized servants are Citizens of the United States. Of the senses of the word Citizen given here, I believe it is Sense 2b that applies to the case at hand. That is, in this context, I believe the meaning of the word Citizen is "a native or naturalized person who owes allegiance to a government and is entitled to protection from it."

Next, I would like to establish the meaning of the word born in this context. The definition for born given in Merriam-Webster's Dictionary is as follows:

born (adjective)

1. a: brought forth by or as if by birth
b: native — usually used in combination

<American-born>

c: deriving or resulting from — usually used in combination <poverty-born crime>

2. a: having from birth specified qualities <a born leader>
   b: being in specified circumstances from birth <nobly born> <born to wealth>

3. destined from or as if from birth <born to succeed>

Again, in discerning the meaning of born, we must determine which meanings are consistent with our assertion that this word must be of primary importance in fulfilling Jay's intent. (Note: Because the word born serves this purpose, it cannot be superfluous.)

Sense 3 is not sufficient to serve this function; one who is "destined" to become a Citizen would be someone who was not a Citizen at birth and need not even be a Citizen (yet) at the time at which their eligibility to be President is tested. Clearly, Jay was proposing that, at a minimum, one must be a Citizen of the United States to be President.

Next, let us consider sense 1. Sense 1a is the most frequently used sense of the word born. For example, one might say "a child has been born." In this sense of the word born, all persons are born. So, this cannot be the intended meaning. (Otherwise, the word born would be superfluous.) Regarding senses 1b and 1c, I do not believe either of these are what Jay intended. First, as the definition states, these senses are "usually used in combination" with another word. In the phrase natural born Citizen, the word born is not used in combination with another word; there is no hyphen.

Still, one might be led to think that Jay intended to mean sense 1b ("native") because the word native bears a relation to citizenship; one sense of native is "belonging to a particular place by birth" and when used in this sense it "implies birth or origin in a place or region." Beyond what I have already stated regarding the lack of a hyphen, there are other issues at play here. When one writes the phrase a born X, one usually intends sense 2a (or 2b) rather than 1b. Had Jay meant sense 1b ("native") rather than "from birth", his meaning would not be conveyed so clearly; there would be a greater chance for misunderstanding by the reader. Now, remember, he underlined this word. Therefore, it would have been important to him for there to be little chance for such a misunderstanding. In light of all this, had he meant "native", I believe he would have written the word native in place of the word born.

What remains are senses 2a ("having from birth specified qualities") and 2b ("being in specified circumstances from
In the context of the phrase natural born Citizen, I believe the difference between senses 2a and 2b is insignificant; for either of these, I would say born means "from birth". As we have exhausted all possibilities, I believe in this context, the word born means "from birth".

Before we move on, we should establish what the word from means in the context of senses 2a and 2b for the word born. Two senses of the word from that might apply here are "—used as a function word to indicate the starting or focal point of an activity <called me from a pay phone> <ran a business from her home>" or "—used as a function word to indicate the source, cause, agent, or basis <we conclude from this> <a call from my lawyer> <inherited a love of music from his father> <worked hard from necessity>." I believe both senses apply. Namely, I believe a born Citizen is a person who started being a Citizen at birth and this happened because of the specific circumstances of their birth (e.g. they were born in a particular place).

Beyond this, I believe when one says "it is a requirement that you be a born Citizen", they are saying that you must be a Citizen now, in addition to having become a Citizen at birth (i.e. you must be a Citizen who is a born Citizen).

Significantly, the senses of the word born that apply here use the word from, rather than since; in this context, the word since would likely mean "from a definite past time until now <has stayed there ever since>." The word from indicates a starting point or source, only; it does not imply the quality or circumstance has continued since the starting time. Thus, I do not believe we may conclude that, necessarily, a person who is said to be a born Citizen must have been a Citizen for their entire life through to the present time.

Next, let us attempt to establish the meaning of the word natural in this context. First, I do not believe the word natural is superfluous. I believe the words of the phrase natural born Citizen were chosen carefully by Jay and the words of the Constitution were chosen carefully. One would tend to remove superfluous words, especially in stating the criteria for one to be eligible to the Office of the President.

The word natural can mean many different things. Here is the definition for natural when it is used as an adjective (again from Merriam-Webster's Dictionary):

natural (adjective)

1. based on an inherent sense of right and wrong <natural justice>
2. a: being in accordance with or determined by nature
b: having or constituting a classification based on features existing in nature

3. a: (1) begotten as distinguished from adopted; also: legitimate (2) being a relation by actual consanguinity as distinguished from adoption <natural parents>
b: illegitimate <a natural child>

4. having an essential relation with someone or something: following from the nature of the one in question <his guilt is a natural deduction from the evidence>

5. implanted or being as if implanted by nature: seemingly inborn <a natural talent for art>

6. of or relating to nature as an object of study and research

7. having a specified character by nature <a natural athlete>

8. a: occurring in conformity with the ordinary course of nature: not marvelous or supernatural <natural causes>
b: formulated by human reason alone rather than revelation <natural religion> <natural rights>
c: having a normal or usual character <events followed their natural course>

9. possessing or exhibiting the higher qualities (as kindliness and affection) of human nature <a noble…brother…ever most kind and natural — Shakespeare>

10. a: growing without human care; also: not cultivated <natural prairie unbroken by the plow>
b: existing in or produced by nature: not artificial <natural turf> <natural curiosities>
c: relating to or being natural food

11. a: being in a state of nature without spiritual enlightenment: unregenerate <natural man>
b: living in or as if in a state of nature untouched by the influences of civilization and society

12. a: having a physical or real existence as contrasted with one that is spiritual, intellectual, or fictitious <a corporation is a legal but not a natural person>
b: of, relating to, or operating in the physical as opposed to the spiritual world <natural laws describe phenomena of the physical universe>

13. a: closely resembling an original: true to nature
b: marked by easy simplicity and freedom from artificiality, affectation, or constraint
c: having a form or appearance found in nature

14. a: having neither flats nor sharps <the natural scale of C major>
b: being neither sharp nor flat
c: having the pitch modified by the natural sign

15. of an off-white or beige color
Here is the definition for natural when it is used as a noun:

natural (noun)

1. one born without the usual powers of reason and understanding
2. a: a sign ♮ placed on any degree of the musical staff to nullify the effect of a preceding sharp or flat b: a note or tone affected by the natural sign
3. a result or combination that immediately wins the stake in a game; specifically: a throw of 7 or 11 on the first cast in craps
4. a: one having natural skills, talents, or abilities b: something that is likely to become an immediate success c: one that is obviously suitable for a specific purpose
5. afro

Many of the meanings for natural employ the word nature. Thus, we should consider the definition of that word as well:

nature (noun)

1. a: the inherent character or basic constitution of a person or thing: essence b: disposition, temperament
2. a: a creative and controlling force in the universe b: an inner force or the sum of such forces in an individual
3. a kind or class usually distinguished by fundamental or essential characteristics <documents of a confidential nature> <acts of a ceremonial nature>
4. the physical constitution or drives of an organism; especially: an excretory organ or function —used in phrases like the call of nature
5. a spontaneous attitude (as of generosity)
6. the external world in its entirety
7. a: humankind's original or natural condition b: a simplified mode of life resembling this condition
8. the genetically controlled qualities of an organism
9. natural scenery

I do not believe any sense of the word natural as a noun is what was intended in the phrase natural born Citizen. Of the meanings for natural as an adjective, I believe senses 1, 2b, 3b, 6, 8a, 8b, 9, 10, 11, 12, 13a, 13c, 14 and 15 bear no relation to what one might require of a Citizen to be eligible to the Office of the President.

Of the possible meanings for nature, senses 1a and 8 bear some relation to matters of citizenship: "the inherent character or basic constitution of a person or thing: essence" and "the genetically controlled qualities of an organism."
First, let us consider the notion of *essence*. This is present in sense 1a of nature ("the inherent character or basic constitution of a person or thing: essence") and in sense 4 of *natural* ("having an essential relation with someone or something: following from the nature of the one in question <his guilt is a natural deduction from the evidence>"). I believe with this sense of *natural*, the *natural born Citizens* would be those *born Citizens* who have an essential relation with the United States. Said another way, something about the essence of this particular kind of *born Citizen* (called *natural born Citizens*) would be related to something about the United States. From the time at which the Constitution was ratified to today, *born Citizens* are born in the United States or have at least one parent who was a Citizen of the United States at the time of their child's birth. I believe the attributes of one's parents and one's place of birth are elements of the essence of any person; these are distinguishing characteristics of a person that are permanent. Given this, I believe all *born Citizens* of the United States have an essential relation with the United States. Thus, if the meaning of *natural* were taken to be "having an essential relation with someone or something", it would be superfluous. As mentioned earlier, I do not believe the word *natural* is superfluous in this context. Therefore, in this context, I do not believe the meaning of *natural* is "having an essential relation with someone or something."

Next, let us consider sense 8 of *nature* ("the genetically controlled qualities of an organism"). When we substitute this sense of *nature* into many of the senses of *natural* (specifically, senses 2a, 4, 5 and 7) we are led to the following possible meaning for *natural* in the context of the phrase *natural born Citizen*: "related by blood." And consistent with this meaning, there are senses 3a1 and 3a2 for *natural*: "begotten as distinguished from adopted; also: legitimate" and "being a relation by actual consanguinity as distinguished from adoption <natural parents>." The word *consanguinity* means "the quality or state of being consanguineous" or "a close relation or connection"; *consanguineous* means "of the same blood or origin; specifically: descended from the same ancestor."

Two senses of *natural* remain to be considered: 8c ("having a normal or usual character <events followed their natural course>") and 13b ("marked by easy simplicity and freedom from artificiality, affectation, or constraint"). Regarding sense 13b, It is true that some Citizens acquire citizenship through mechanisms that are more simple and free from constraint than others. But how would one determine whether or not a given means by which individuals acquire citizenship would be sufficiently simple (or free from "artificiality, affectation,
or constraint") to make citizens who had acquired citizenship in that way be eligible to be President? I believe this type of criterion would be too open to interpretation. For this reason, I do not believe one would have intended this meaning in a criterion used to classify Citizens.

So we are left with two possible meanings for natural: "related by blood" and "normal". (Here, I have abbreviated "having a normal or usual character" as "normal"). We may combine these meanings with what I believe to be the meaning of born ("from birth"), to arrive at the possible meanings for the phrase natural born Citizen. If we allow for double meanings (e.g. if we accept the possibility that natural may have been intended to mean "related by blood" and "normal"), then there are 3 possibilities (Here, I have used the mathematical symbol ≡, which means "equivalent to"): 

- natural≡(related by blood) born≡(from birth) Citizen
- natural≡(normal) born≡(from birth) Citizen
- natural≡(related by blood and normal) born≡(from birth) Citizen

As mentioned previously, I believe the word natural plays a secondary (or supportive) role in fulfilling Jay's intent. I do not believe that the meaning "related by blood" fits well with this secondary role. Generally speaking, the notion of being "related by blood" is a primary factor in determining the degree to which a given person would be expected and considered to have an attachment to a given country. Further, one could argue that it is the preponderant factor. I do not believe that, in the context of this letter, Jay would write natural to mean "related by blood", underline the word born, and not underline the word natural. Consequently, I believe the meaning "related by blood" may be eliminated. Thus, for the word natural, we are left with the meaning "having a normal or usual character."

Let us consider the words natural and normal; specifically, let us compare how these words are used. According to Merriam-Webster's Dictionary (within the entry for the word regular):

Synonyms regular, normal, typical, natural mean being of the sort or kind that is expected as usual, ordinary, or average. Regular stresses conformity to a rule, standard, or pattern <the club's regular monthly meeting>. Normal implies lack of deviation from what has been discovered or established as the most usual or expected <normal behavior for a two-year-old>. Typical implies showing all important traits of a type, class, or group and may suggest lack of strong individuality <a typical small town>. Natural
applies to what conforms to a thing's essential
nature, function, or mode of being.<the natural
love of a mother for her child>.

This synonym study states that any of the words regular, normal, typical and natural can be adjectives that mean "being of the sort or kind that is expected as usual, ordinary, or average." Further, the study notes that the particular word (of these four) that one would use in a given situation would depend upon the reason why one has come to this expectation. For example, if one observes a pattern in a given thing, one will expect that thing to continue in the same way, in space or time (regular); if one notices that a particular type of thing has a relatively high frequency of occurrence, one will expect that type to occur ordinarily (normal); if one identifies a given thing as belonging to a particular class, one will expect that thing to exhibit the characteristics of members of that class (typical); and when one has an understanding of the essential nature of a given thing, one will have expectations concerning that thing (natural).

Let us consider the possible meanings for the words usual, ordinary, and average, in this context. The word usual can mean any of the following: "accordant with usage, custom, or habit: normal", "commonly or ordinarily used <followed his usual route>" or "found in ordinary practice or in the ordinary course of events: ordinary." For the word ordinary, I believe the following senses might apply here: "of a kind to be expected in the normal order of events: routine, usual <an ordinary day>" or "of common quality, rank, or ability <an ordinary teenager>." For the word average, I believe the only sense that would apply here would be "not out of the ordinary: common <the average person>." (When used in the phrase "not out of the ordinary", the word ordinary is a noun that means "the regular or customary condition or course of things"). In a number of these senses, we have the following related phrases: "the ordinary course of events", "the normal order of events", "the regular course of things" and "the customary course of things". Regarding these phrases, Merriam-Webster's Learner's Dictionary contains the following (in the entry for the word course): "It's something you would never see in the normal/ordinary course of events. [=if things were happening as they usually happen]." 

Various types of things might be called usual, ordinary or average. These would include things that one might do, or events that might happen. In the context being considered here, we are discussing people (specifically, born Citizens). Generally, one would not use the word usual to denote a person. For example, relatively speaking, one would rarely say "a usual person". Instead, one would say "an average person" (or "a average person"), or most often one would say
"an ordinary person" (or "a ordinary person"). Of the senses for usual, ordinary and average quoted here, the only ones that I believe would apply to people would be "of common quality, rank, or ability <an ordinary teenager>" and "not out of the ordinary: common <the average person>". In both of these senses, there is the word common. I believe the only senses of the word common that might apply here would be "occurring or appearing frequently: familiar <a common sight>" and "of the best known or most frequently seen kind —used especially of plants and animals <the common housefly>". Thus, in place of the phrase "usual, ordinary, or average", we may write the word common, where common means "occurring frequently" or "the most frequently seen kind".

Let us attempt to establish the meaning of the phrase "the sort or kind that is expected as usual, ordinary, or average". Here, I take the word expect to mean "to consider probable or certain <expect to be forgiven> <expect that things will improve>". In place of the phrase, "the sort or kind that is expected as usual, ordinary, or average", we may write, "the sort or kind that is expected as common", or more specifically, "the sort or kind that is expected to occur frequently, or most frequently". The kinds of things that are expected to occur frequently, or most frequently, would be considered likely, probable and expectable. Thus, if something is "the sort or kind that is expected to occur frequently, or most frequently", then it would be an expectable kind. Conversely, if something is an expectable kind, then it would be likely or probable. And it would be expected to occur frequently. So, it would be expected to be common. Consequently, it would be expected to be average (because one sense of the word average is common). So, in place of the phrase "the sort or kind that is expected as usual, ordinary, or average", we may write "an expectable kind". Here, by expectable, I mean probable.

I believe the phrase "an expectable kind" is too general for Jay's intent. For example, I do not believe it was his intent to classify born Citizens by height, weight or eye color. In saying "an expectable kind", we must be more specific; we must ask "With respect to what?" In selecting the particular characteristics to be used to classify born Citizens into various kinds, we should keep in mind Jay's intent, and the belief that the word natural plays a supportive role in fulfilling this intent.

Let us examine the structure of the phrase natural born Citizen. This phrase may be viewed as being the last phrase in the following sequence of phrases: the null phrase, Citizen, born Citizen, and natural born Citizen, where the null phrase is the phrase that contains no words. As has already
been discussed, I believe the word *born* serves as an adjective that denotes a quality of certain *Citizens* (specifically, "from birth"), and the word *natural* denotes a quality of certain *born Citizens* (specifically, "an expectable kind"). As each successive word (*Citizen, born and natural*) is prefixed to the previous phrase, the resulting phrase becomes a more restrictive criterion, and the set of individuals that would satisfy the criterion becomes smaller. The words *Citizen* and *born* each operate by retaining only those individuals that bear a maximally strong relation to the United States; each of these words selects individuals that are considered by the United States as belonging to the United States to a maximal degree. In this regard, I believe the word *natural* is no different. That is, I believe the word *natural* serves to select certain *born Citizens* that are considered by the United States as belonging to the United States to a maximal degree. Thus, I shall qualify the phrase "an expectable kind" as "the particular expectable kind that is considered by the United States as belonging to the United States to a maximal degree".

Next, let us consider the word *conforms* that is used in the synonym study for *regular, normal, typical and natural*. The study states that the word *natural* "applies to what conforms to a thing's essential nature, function, or mode of being." What is meant by the word *conform*? Of the possible senses for this word, in this context, I take *conform* to mean "to be in agreement or harmony." In place of the words *conformity, agreement or harmony*, I shall use the synonym *accord* and the phrase *in accord with*.

Let us return to the phrase *natural born Citizen*. We may combine the following: (1) the synonym study for *regular, normal, typical and natural*; (2) the interpretation of the phrase "the sort or kind that is expected as usual, ordinary, or average" as "the particular expectable kind that is considered by the United States as belonging to the United States to a maximal degree"; and (3) the interpretation of the phrase "conforms to" as "in accord with". From this, we obtain the following interpretation of the phrase *natural born Citizen of the United States*:

**Interpretation.** The *natural born Citizens of the United States* are the born Citizens (of the United States) of the particular expectable kind that is considered by the United States as belonging to the United States to a maximal degree, where here expectations are in accord with the essential nature of the United States.

In this interpretation, there are two opposing constraints. On the one hand, the defining characteristics of a *natural born*
Citizen of the United States must be sufficiently common that it would be expectable (i.e. probable) that a given born Citizen would have such characteristics. At the same time, these characteristics must be sufficiently restrictive so that the natural born Citizens will be only those select born Citizens that are considered as belonging to the United States to as great a degree as possible. But, if these characteristics are too restrictive, then it will not be probable for a born Citizen to have such characteristics. The first of these two constraints (i.e. that natural born Citizens be an expectable kind of born Citizen) is a consequence of the meaning that we have associated with the word natural; the second constraint (i.e. that natural born Citizens must be those born Citizens that belong to the United States to a maximal degree) is a consequence of the reason why the phrase natural born Citizen was used in the United States Constitution, as well as the structure of the phrase natural born Citizen.

In the course of establishing this interpretation of the phrase natural born Citizen of the United States, I have interpreted the meanings of the following words using a dictionary of current American English (i.e. Merriam-Webster's Dictionary): strong, check, admission, foreigner, administration, undue, attachment, natural, born and Citizen. As time passes, the meanings of words in a language change. Consequently, we must verify that the meanings I have associated with these words were possible meanings for these words at the time when the Constitution was written. Also, we must consider any meanings of these words that have been dropped from usage over time; we must confirm that no such meanings apply to the case at hand. For this, I shall use An American Dictionary of the English Language, which was written by Noah Webster and published in 1828; Merriam-Webster's Dictionary, which I have used throughout this essay, is a descendant of this Noah Webster dictionary.32

First, let us consider the way the words strong, check, admission, foreigner, administration, undue, attachment, natural, born and Citizen were used in An American Dictionary of the English Language; from usage, one might discover some meanings that were not listed in the definitions given for these words in An American Dictionary of the English Language or Merriam-Webster's Dictionary. To that end, I have examined the ways these words were used in An American Dictionary of the English Language, across all definitions.33 I have not found any instance where any of these words was used in a way that was not documented in at least one of these two dictionaries.

I shall defer further discussion of the words foreigner and
First, let us consider the words strong, check, admission, administration, undue and attachment. The definitions given for these words in An American Dictionary of the English Language contain meanings that match those that I have associated with these words. For the word strong, there is the following sense: "Having virtues of great efficacy; or having a particular quality in a great degree; as a strong powder or tincture; a strong decoction; strong tea; strong coffee." For the noun check, there is the sense: "A stop; hinderance; rebuff; sudden restraint, or continued restraint; curb; control; government"; and for the word restraint, there is the sense "Limitation; restriction." The definition of the word admission contains the following: "The act or practice of admitting, as the admission of aliens into our country"; and the definition of the word admit contains "to grant entrance." The definition of the word administration contains the following: "The persons collectively, who are entrusted with the execution of laws, and the superintendence of public affairs." For the word undue, there is the sense: "Not right; not legal; improper; as an undue proceeding"; also, this definition (of the word undue) contains "Not agreeable to a rule or standard, or to duty." For the word attachment, there is the sense: "Close adherence or affection; fidelity; regard; any passion or affection that binds a person; as, an attachment to a friend, or to a party."

Next, let us consider the word born. In An American Dictionary of the English Language, the definition for the word fool contains the following: "Some persons are born fools, and are called natural fools; others may become fools by some injury done to the brain." In Merriam-Webster's Dictionary, the phrase born leader is given as an example in the sense of born that I have used here. In these phrases, born fools and born leader, the word born has the same meaning (i.e. "having from birth specified qualities").

Finally, let us consider the word natural. In An American Dictionary of the English Language, the definition for the word brotherly contains the following: "Pertaining to brothers; such as is natural for brothers; becoming brothers; kind; affectionate; as brotherly love." The brotherly love that is described here as "natural for brothers" is analogous to the motherly love that is used as an example in the synonym study for regular, normal, typical and natural given in Merriam-Webster's Dictionary. There are numerous instances where this particular sense of the word natural was used in An American Dictionary of the English Language. Here are three more examples: (1) in the definition for the word circumspection, there is "Caution; attention to all the facts and circumstances of a case, and to the natural or
probable consequences of a measure, with a view to a correct course of conduct, or to avoid danger”; (2) in the definition for the word runt, there is "Any animal small below the natural or usual size of the species”; and (3) in the definition for the word distort, there is "To twist out of natural or regular shape; as, to distort the neck, the limbs or the body; to distort the features.”

Next, we must examine the definitions for the words strong, check, admission, administration, undue, attachment, natural and born, given in An American Dictionary of the English Language, to determine if any senses of these words that are listed there, are not included in Merriam-Webster's Dictionary.

For the words admission, undue and attachment, there are no senses given in An American Dictionary of the English Language that are not in Merriam-Webster's Dictionary.

For the words strong, check and administration, there are senses given in An American Dictionary of the English Language that are not in Merriam-Webster's Dictionary. However, I do not believe any of these senses apply to the case at hand. Specifically, these are as follows: (1) for the word strong, there are the senses "Not of easy digestion; solid; as strong meat" and "Having great force; comprising much in few words"; (2) for the noun check, there are the senses "In falconry, when a hawk forsakes her proper game, to follow rooks, pies, or other fowls, that cross her in her flight" and "The correspondent cipher of a bank note; a corresponding indenture; any counter-register"; and (3) for the word administration, there are the senses "The power, office or commission of an administrator" and "This name is given by the Spaniards, to the staple magazine or warehouse, at Callao, in Peru, where foreign ships must unload."

For the word born, there is "To be born, or born again, is to be regenerated and renewed; to receive spiritual life. John iii.” I do not believe this is the intended meaning of the word born in the phrase natural born Citizen.

For the word natural, there is "Native; vernacular; as one's natural language." In An American Dictionary of the English Language, the meanings for the word vernacular are: "Native; belonging to the country of one's birth. English is our vernacular language. The vernacular idiom is seldom perfectly acquired by foreigners." and "Native; belonging to the person by birth or nature." I believe this particular sense of the word natural ("Native; vernacular; as one’s natural language.") was (and is) used to denote something that belongs to a given person by birth or nature, or something that belongs to the country where one was born. The example
given is "natural language." In addition to that, we might speak of one's natural hair color or ones natural belongings such as birthrights and heritage. In the case at hand, we are discussing natural born Citizens of the United States. While a given Citizen might say that they belong to the United States, and one does use the phrase "Citizen of the United States", one would not refer to the Citizens of the United States as belongings of the United States. Thus, I do not believe this sense of the word natural applies to the case being considered here.

Next, I would like to discuss the way in which the word normal was used in An American Dictionary of the English Language. In this essay, the word normal has played a pivotal role. The only meaning for the word natural that remained after all others (in Merriam-Webster's Dictionary) had been eliminated was "having a normal or usual character." From that point, we considered the synonym study for the words regular, normal, typical and natural. It should be noted, the word normal is not used in the definition for natural that is given in An American Dictionary of the English Language. In fact, Noah Webster did not use the word normal (or normally) in his entire dictionary, outside the definition for normal.34 The definition given for normal in An American Dictionary of the English Language is as follows:

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NOR\'MAL, a. [L. normalis, from norma, a square, a rule.]
1. According to a square or rule; perpendicular; forming a right angle.
2. According to a rule or principle.
3. Relating to rudiments or elements; teaching rudiments or first principles; as normal schools in France.
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Noticeably absent from this definition are the meanings "conforming to a type, standard, or regular pattern" and "occurring naturally <normal immunity>". which are given in Merriam-Webster's Dictionary. It is not that the concepts embodied in these two meanings did not exist in Noah Webster's day. It is only that, for these meanings, other words were used in place of the word normal; these would include usual, regular, ordinary, common, natural, and to a lesser extent, typical. For example, in An American Dictionary of the English Language, the word ordinary is used in the following meaning given for the word natural: "Produced or coming in the ordinary course of things...as a natural death; opposed to violent or premature." To further illustrate this point, consider the following definition of the word preternatural given in An American Dictionary of the English Language (Here, note the use of the words irregular, extraordinary and uncommon):
Today, one might use the word *abnormal* in place of *preternatural*; for example, one would more likely say "an abnormal swelling" or "an abnormal pulse". The word *abnormal* was not listed in *An American Dictionary of the English Language*; *Merriam-Webster's Dictionary* dates the first use of this word to "circa 1836".

Next, let us consider the definition of the word *foreigner* that is given in *An American Dictionary of the English Language*. There is only one sense of the word *foreigner* given in this dictionary; it is as follows: "A person born in a foreign country, or without the country or jurisdiction of which one speaks." Here, I believe the word *without* means "not within", or equivalently, "outside". (Note: In this dictionary, the definitions of the related words *alien* and *stranger* begin, respectively, as follows: "A foreigner; one born in, or belonging to, another country" and "A foreigner; one who belongs to another country."

In this definition of the word *foreigner*, I believe there are two distinct senses given; these are as follows: (1) a *foreigner* is a person who was born in a foreign country, and (2) a *foreigner* is a person who was born outside the country or jurisdiction of which one speaks. These correspond to the two senses given for the word *foreigner* in *Merriam-Webster's Dictionary*, which are as follows: (1) "a person belonging to or owing allegiance to a foreign country", and (2) "chiefly dialect: one not native to a place or community: stranger." I believe these two distinct senses stem from two distinct ways of expressing the membership of an individual, relative to a given country.

I would say that the word *foreigner*, is a derivative of the word *foreign*, that means "a person who is foreign." In *An American Dictionary of the English Language*, there are the following two senses of the word *foreign*: (1) "Belonging to another nation or country", and (2) "Remote; not belonging;
not connected; with to or from." Likewise, in Merriam-Webster's Dictionary, there are the following two senses: (1) "born in, belonging to, or characteristic of some place or country other than the one under consideration", and (2) "not being within the jurisdiction of a political unit (as a state)." So, one may say that a given person is foreign to a given country C if: (1) the person belongs to a (foreign) country F, that is not country C, or (2) the person does not belong to country C. Both senses of the word foreigner given in An American Dictionary of the English Language, and in Merriam-Webster's Dictionary, are based on some sense of the word foreign. Consequently, I believe that all of these different senses of the word foreigner are reasonable.

One might ask "Which of these distinct meanings for the word foreigner would be most applicable in the case of John Jay's use of this word in his letter to Washington (wherein he proposes that the Commander in Chief of the American army be required to be a natural born Citizen of the United States)?" Given Jay's concern regarding individuals' attachments to foreign countries, I believe the sense of the word foreigner that applies here, would be that which is based upon the particular sense of the word foreign, that would categorize a person as being foreign to the United States, if the person belongs to a country that is not the United States. (As noted previously, in this context, by the word foreigner, I believe Jay means "any person who has an attachment to a foreign country.")

Next, I would like to compare the definition of the word Citizen given in Merriam-Webster's Dictionary (which I quoted, previously) with the following definition given in An American Dictionary of the English Language:

CITIZEN, n. civ'izn. [Fr. citoyen ; It. cittadino ; Sp. ciudadano ; Port. cidadam ; from It. citta, Sp. ciudad, a city. See City.]
1. The native of a city, or an inhabitant who
I shall refer to these Senses 1 through 5 as N1 through N5, respectively, (N for "Noah") to distinguish them from those that I quoted previously from *Merriam-Webster's Dictionary*. I shall refer to Senses 1, 2a, 2b and 3 from *Merriam-Webster's Dictionary* as MW1, MW2a, MW2b and MW3, respectively.

The definition of the word *Citizen* has changed, over time. Sense MW3 is new. But as noted previously, it does not apply to the case at hand. Sense N2 has been eliminated. But it, too, does not apply to the case at hand. Senses N1 and N3 have been combined to yield Sense MW1. Sense N4 has become Sense MW2a, and Sense N5 has become Sense MW2b.

Let us examine Senses N4 and N5. I interpret these senses in the following way: in a general sense (from N4), by *Citizens of the United States*, one could mean the *permanent residents of the United States*; in a more specific sense (from N5), one could mean those particular permanent residents who have relatively many privileges (e.g. the right to vote). I believe this is analogous to our use of the word *men*, which in a general sense can mean all humans, but in a specific sense, can mean all *male* humans. In the case of the word *men*, the specific category is a subset of the general category, and therefore, the members of the specific category have all the characteristics of the more general category. I believe this is the case for the word *Citizen*, as well. In particular, the specific category specified by Sense N5 is a subset of the more general category specified by Sense N4, and therefore, all members of this more specific category must be *permanent residents*, as well.

One would not be able to draw the same conclusion from the definition for the word *Citizen* given in *Merriam-Webster's Dictionary*. In Sense MW2a, which I believe was derived
from Sense N4, the word *member* is used in place of the phrase *permanent resident*. When we interpret the United States Constitution, we must be careful to do so using the definitions that were in force when that document was written. Thus, in this case, where a different conclusion would be reached by using *An American Dictionary of the English Language* in place of *Merriam-Webster's Dictionary*, I give precedence to the former. Consequently, I believe the sense of the word *Citizen* that was used in the United States Constitution is Sense N5. So, I believe the *Citizens* to which the United States Constitution refers, were, in the minds of the Framers, *permanent residents*.

Thus, I take the word *Citizen* to mean "a permanent resident who has the privilege of exercising the elective franchise, or the qualifications which enable him to vote for rulers, and to purchase and hold real estate." More generally, we may say that a Citizen of a given society is a type of permanent resident of the society, for whom some specified rights, privileges and immunities have been granted by the society. For the case at hand, we are concerned with the society that is the United States. The rights, privileges and immunities of Citizens of the United States are delineated in the United States Constitution. Therefore, in the phrase *natural born Citizen* (and in all other instances where the word *Citizen* is used in the United States Constitution), I interpret the word *Citizen*, and the phrase *Citizen of the United States*, to mean "a person domiciled in the United States, for whom rights, privileges and immunities are set forth in the United States Constitution".  

Next, let us apply the interpretation given here to establish necessary and sufficient conditions for one to be a *natural born Citizen* of the United States. To that end, let us first determine the meaning of the word *essential* in this context.

I believe the sense of the word *essential* that applies here is the following: "of the utmost importance: basic, indispensable, necessary <an *essential* requirement for admission to college>." Also, from the synonym study for the words *essential, fundamental, vital* and *cardinal* given in *Merriam-Webster's Dictionary* (within the entry for the word *essential*), we have: "essential implies belonging to the very nature of a thing and therefore being incapable of removal without destroying the thing itself or its character <conflict is *essential* in drama>.

What is "the essential nature of the United States?" I believe that, essentially, the United States consists of a particular piece of land called the United States along with a group of people called Citizens of the United States who live there, most of whom have an allegiance to the United States and are
in agreement with the rules stated in the United States Constitution. Remove any of these elements, and I believe it is likely that the United States would cease to exist. Also, in order for the United States to continue to exist over time, it is essential that the population of Citizens be kept at a sufficiently large size for the country to have sufficient economic and military power to defend itself against other countries or organizations that might seek to destroy it. Further, it is essential that the number of individuals in the United States, who are not Citizens of the United States, be limited so that substantial enemy forces cannot enter the United States, organize, and destroy it.

Taken together, this is a substantial part of the essential nature of the United States. Still, I believe there is more. There are certain essential ideals on which the United States was founded. These are clearly stated in phrases such as these: "all men are created equal", "life, liberty and the pursuit of happiness" (The Declaration of Independence, 1776); "a more perfect union" (The Constitution of the United States, 1787); "the land of the free / And the home of the brave" (Lyrics for The Star-Spangled Banner, 1814); "Sweet land of liberty" (My Country, 'Tis of Thee, 1850); "government of the people, by the people, for the people" (Abraham Lincoln, The Gettysburg Address, 1863); "with liberty and justice for all" (The Pledge of Allegiance, 1892); and "Free at last! free at last! Thank God Almighty, we are free at last!" (Martin Luther King, Jr., I Have a Dream, 1963). These are ideals to which the United States has aspired throughout its history.

Next, let us attempt to determine how the United States gauges the degree to which one belongs to the United States. I have compiled the following list of factors that have been used by the United States for this purpose. (Note: The degree to which any of these factors would come into play for a particular individual would depend upon the situation of that individual.):

- The place where one was born.
- The date and time of day on which one was born.
- The country, or countries, of which one was, at birth, subject to the jurisdiction.
- The citizenship of one's parents from the time of one's birth until one's age of majority.
- The country, or succession of countries, of domicile of one's parents from the time of their births until one's age of majority, including any dates on which the country of domicile changed.
- One's country, or succession of countries, of domicile, since birth, including any dates on which one's country of domicile changed.
• One's country, or succession of countries, of residence, since birth, including any dates on which one's country of residence changed.
• Any oaths of allegiance or abjuration that one has taken voluntarily with the intent to declare one's allegiance or lack thereof to a country.
• Any voluntarily actions one has done with the intent to retain citizenship of a country, that resulted in the retention of one's citizenship of that country.
• Any voluntarily actions one has done with the intent to gain or lose citizenship of a country, that resulted in a change in one's citizenship.

Most of these factors are used only in the United States Immigration and Nationality Act, rather than in the United States Constitution. So, it is possible that the use of some of these factors, by the United States, is unconstitutional. Here, I shall consider only those factors for which there is a basis in the United States Constitution.

The following four sentences from the Constitution contain criteria that are used to gauge the degree to which one belongs to the United States:

• No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen. (Article I, Section 2)
• No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen. (Article I, Section 3)
• 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. (Article II, Section 1)
• All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. (Amendment XIV, Section 1)

From these four sentences, we may extract the following six factors (Henceforth, I shall refer to these as Factors US1 through US6):
States:

1. Whether or not one was born in the United States. (US1)
2. Whether or not one is subject to the jurisdiction of the United States. (US2)
3. The number of years one has been a Citizen of the United States. (US3)
4. Whether or not one's place of domicile is in the United States. (US4)
5. The total number of years one has lived in the United States. (US5)
6. Whether or not one is a member of a specified category of Citizens. (US6)

Factors US1 and US2 are used in Amendment XIV, explicitly. Regarding Factor US2, for a child born in the United States, historically (e.g. in the United States Supreme Court decisions for the cases Elk v. Wilkins and United States v. Wong Kim Ark), the degree to which one's parents were considered by the United States as belonging to the United States, at the time at which their child was born, has been the determining factor in establishing whether or not the child is subject to the jurisdiction of the United States, at birth.

Factors US3 and US4 are used in Article I, Sections 2 and 3. Factor US3 is used explicitly in these sections. Factor US4 is a consequence of the use of the word Inhabitant in the eligibility criteria for United States Representatives and Senators. I interpret this requirement as meaning that one's domicile must be in the State in question. Since the United States is the union of its constituent States, at the same time, this requirement necessitates that one's domicile be in the United States. (Note: The way that a given individual's domicile is determined depends upon their age. For a person who has reached the age of majority, their domicile would be the place where they intend to stay permanently, and the place to which they intend to return when absent; for example, for a major [i.e. a person who has reached the age of majority] to be domiciled in the United States, their permanent home must be in the United States, and they must intend to remain in the United States or, if absent, to return. In contrast, generally speaking, the domicile of a minor [i.e. a person who has not reached the age of majority] would be the domicile of their parents. The domicile of a major is a domicile of choice; the domicile of a minor is a domicile of dependency. Finally, one's initial domicile of dependency is referred to as one's domicile of origin.)

Factors US5 and US6 are used explicitly in Article II, Section 1. Factor US5 is a consequence of the use of the word Resident in the eligibility criteria for President of the United States. I believe the word Resident, as used in this section, is
not equivalent to the word Inhabitant, as used in Article I, Sections 2 and 3. Of the senses given for these two words in Noah Webster's *An American Dictionary of the English Language* (from 1828), I believe those that apply to the cases at hand are as follows: a resident is "one who resides or dwells in a place for some time" and an inhabitant is "one who dwells or resides permanently in a place, or who has a fixed residence, as distinguished from an occasional lodger or visitor" and "one who has a legal settlement in a town, city or parish." Thus, inhabitants are permanent dwellers, while residents are dwellers who are not necessarily permanent. According to *An American Dictionary of the English Language*, to reside is "to dwell permanently or for a length of time" and the entry for the word dwell contains the following passage: "Dwell imports a residence of some continuance. We use abide for the resting of a night or an hour; but we never say, he dwelt in a place a day or a night. Dwell may signify a residence for life or for a much shorter period, but not for a day." Thus, while a resident's stay is not necessarily intended to be permanent, to be considered a resident, one must remain for some continuous period of time that is not short. From this, I interpret the phrase "[shall not have] been fourteen Years a Resident within the United States" as "[shall not have] lived in the United States for a total of at least fourteen years". (Note: I do not interpret this eligibility criterion as being a requirement that one has lived in the United States for the past fourteen years, or that one has lived in the United States for a continuous period of fourteen years.)

Next, let us attempt to quantify the notion of an expectable kind. As mentioned previously, here, by expectable, I mean probable. To what degree must one be confident in a given thing to consider it probable? There is no generally accepted threshold for this. However, in many applications, the word probable is taken to mean "a 75 percent chance or more". For example, the National Football League (of the United States) uses the word probable (in injury reports) to indicate that a particular player will be available to play in an upcoming game with a probability of 75 percent. (In this context, the words questionable and doubtful are used for probabilities of 50 percent and 25 percent, respectively.) Separately, in the field of accounting, roughly speaking, an event is considered probable if it is believed to have a 75 percent chance, or greater, of occurring. This conforms with my interpretation of the word, as well; I interpret the word probable to mean "a 75 percent chance or more".

In what follows, I shall use quantifiers such as most and almost all to indicate the percentage of individuals in a given group who would be expected to have a particular characteristic. By these, I shall mean the following:
practically all means "more than 95 percent"; almost all means "from 90 percent to 95 percent"; most means "from 75 percent to 90 percent"; a small proportion means "from 5 percent to 10 percent"; and hardly any means "less than 5 percent". By combining these definitions with the meaning of the word expectable, we obtain the following: a given kind of individual in a given group will be an expectable kind within that group, if and only if most, almost all, or practically all of the individuals in the group are expected to be of that kind.

These quantifiers are nonspecific, by nature. For example, let us consider the quantifier most. Suppose one expects that roughly 88 percent of the individuals of a given group will have a particular characteristic (e.g. blue eyes). And, suppose one expects that roughly 76 percent of the individuals in that group will have a different particular characteristic (e.g. brown hair). In both cases, we could say that most individuals in the group have the characteristic. In some applications, the difference between 76 percent and 88 percent would be inconsequential, so the quantifier most would be adequate, by itself. However, in what is to be discussed here, at times it will be helpful to have a more specific description of one's expectation. Therefore, in what follows, immediately after some uses of a quantifier (such as most), I shall provide a percentage enclosed in parentheses. This should be interpreted as follows: if I state that I expect most (n%) individuals of a group to have a particular characteristic, I mean, I expect "from 75 percent to 90 percent" of the individuals have that characteristic, and, more specifically, I expect the percentage of individuals who have that characteristic to be "in the neighborhood of n%". For example, for the cases described, at the beginning of this paragraph, I would write most (88%) and most (76%), respectively.

Next, let us use Factors US1 through US6, along with our understanding of the essential nature of the United States and the meaning of the term expectable kind, to establish necessary and sufficient conditions for one to be a natural born Citizen of the United States; specifically, let us attempt to find necessary and sufficient conditions for one to be a born Citizen of the United States of the particular expectable kind that is considered by the United States as belonging to the United States to a maximal degree.

Let us consider Factor US4. As discussed previously, I believe that the Citizens to which the United States Constitution refers are, necessarily, permanent residents of the United States, and therefore, domiciled in the United States. A born Citizen is a type of Citizen. So, for one to be a born Citizen, one's place of domicile must be in the United States. Consequently, Factor US4 will be of no use to us here.
Regarding Factor US6, there are two categories of Citizens specified (in Article II, Section 1): (1) *natural born Citizens of the United States* and (2) those who were Citizens of the United States, at the time when the Constitution was adopted. Neither of these categories will be of use to us here; the first category (*natural born Citizens of the United States*) is the category for which we are attempting to establish necessary and sufficient conditions for membership, and the second category is no longer relevant because we would expect that, at the current time, there are no living members of this category.

Next, let us consider expectations that we might have concerning Factors US1 and US2. (Recall, at birth, the determining factor for Factor US2 is the degree to which one's parents were considered by the United States as belonging to the United States, at the time at which their child was born.) To that end, let us partition the entire population of the Earth into two groups: let Group X (X for "external") be the collection of all individuals who were born outside the United States of parents, both of which, were not Citizens of the United States when their child was born; let Group SB be all other people on Earth (S for "soil" and B for "blood").

One would expect that practically all of the people in Group X would never have allegiance to the United States. Their allegiance would likely be to the country in which they were born or to the country (or countries) of which their parents are Citizens. Thus, one would expect that the United States would consider practically all people in Group X as not being born Citizens of the United States. Consequently, one would expect that practically all (99.99%) of the born Citizens of the United States would be members of Group SB.

Let us consider Group SB. To be in this group, one must have been born in the United States, or have at least one parent that was a Citizen of the United States at the time at which their child was born. We may partition this group into two (disjoint) subgroups: Let Group S (S for "soil") be the collection of all individuals who were born in the United States of parents, both of which, were not Citizens of the United States when their child was born; Let Group B (B for "blood") be the collection of all individuals with at least one parent that was a Citizen of the United States when their child was born.

As direct consequences of the essential nature of the United States, one would expect the following two statements to be true: (1) almost all (92.5%) United States Citizens prefer and choose to be in the United States almost all (92.5%) of the time (because of the liberty that Citizens have in the United
States) and (2) almost all (92.5%) people in the United States are Citizens of the United States (because the United States limits the number of individuals in the United States who are not Citizens of the United States).

As a consequence of these two expectations, one would expect the following three statements to be true: (1) for almost all individuals in Group B, both parents will be Citizens of the United States; (2) almost all individuals in Group B will have been born in the United States; and (3) the number of individuals in Group S will be quite small in relation to the number of individuals born in the United States for which both parents are Citizens of the United States. From this, one would expect that most (82.5%) of the individuals in Group SB will have been born in the United States of two parents who were Citizens of the United States.

Now, one would expect that the United States would consider practically all (99.99%) people born in the United States of two parents who were Citizens of the United States, as born Citizens (because practically all people of this type would have allegiance to the United States).

As specified in Section 8 of Article I of the United States Constitution, Congress may establish "an uniform Rule of Naturalization." One of the senses of the word naturalize that are given in Merriam-Webster's Dictionary is as follows: "to confer the rights of a national on; especially: to admit to citizenship." From this, we may say that some individuals might become Citizens of the United States through such a rule of naturalization. I shall refer to those Citizens who were conferred by a naturalization rule as Type NR Citizens of the United States (NR for "naturalization rule"); I shall refer to those Citizens who became a Citizen by some other means as Type NNR Citizens of the United States (NNR for "not naturalization rule").

Might we expect almost all Type NNR Citizens of the United States to be Citizens of the United States, from the time when they became Citizens, through the rest of their lives? I can find no constitutional basis for a major who has obtained United States citizenship by some means other than a naturalization rule, to lose that citizenship as a result of anything short of a voluntary act with intent to do so. (A minor could lose their citizenship in the United States if their domicile [of dependency] is moved outside the United States as a consequence of a change in the domicile of the individual(s) upon whom the minor's domicile is dependent.)

From the interpretation of the word Citizen given here, for a given person to be a Citizen of the United States, since birth, that person must have been domiciled in the United States, since birth. Specifically, the following must
be true: at no time was the person's domicile of dependency or domicile of choice outside all States of the United States. Now, we expect that almost all (92.5%) United States Citizens prefer and choose to be in the United States almost all (92.5%) of the time. So, we would expect that almost all (92.5%) Type NNR Citizens of the United States will choose to remain domiciled in the United States, from the time when they became Citizens, through the rest of their lives. Thus, one would expect almost all (92.5%) Type NNR Citizens of the United States to be United States Citizens, from the time when they became Citizens, through the rest of their lives.

Might we expect almost all Type NR Citizens of the United States to be Citizens of the United States, from the time when they were conferred as Citizens, through the rest of their lives? Section 8 of Article I of the Constitution includes the following statement: "The Congress shall have Power...To establish an uniform Rule of Naturalization". Consequently, it would be within the power of Congress to establish a rule along the following lines: "The citizenship of a Type NR Citizen is conditional; if, after a given Type NR Citizen has been conferred, it is found that they have been dishonest during the process of being conferred, their citizenship can be revoked." Given the benefits of being a United States Citizen, one would expect there to be individuals who lied to the United States during the process of being conferred, because they strongly believed that they would have had little chance of becoming a United States Citizen had they been honest. However, one would expect that almost all individuals would have had no reason to have a strong belief that they would be rejected if they were honest; furthermore, the threat of having one's United States citizenship denied or revoked for being dishonest would be a strong deterrent. Of those few who chose to be dishonest, some will be conferred as Citizens. Later, some who had been dishonest will be caught; and of those, some will have their citizenship revoked. (And, one would expect that any children who had gained United States citizenship as a consequence of their parent being conferred, would lose their citizenship, as well.) On balance, one would expect that hardly any Type NR Citizens of the United States will lose their citizenship in this way. I can find no other constitutional basis for a major Type NR Citizen of the United States to lose their citizenship as a result of anything short of a voluntary act with intent to do so. (A minor who is a Type NR Citizen could lose their citizenship if their domicile of dependency is moved outside the United States.) Now, we expect that almost all (92.5%) United States Citizens prefer and choose to be in the United States almost all (92.5%) of the time. So, we would expect that almost all (92.5%) Type NR Citizens will choose to remain domiciled in the United States, from the time when they were conferred, through the rest of their lives. Thus, one would expect almost
all (92.5%) Type NR Citizens of the United States to be United States Citizens, from the time when they were conferred, through the rest of their lives.

Finally, let us consider Factor US5 (i.e. the total number of years one has lived in the United States). The particular sentence in the Constitution from which this factor was extracted specifies the eligibility criteria for one to be President of the United States. There are three components to this sentence, each of which specifies a different criterion; the first lists two categories of Citizens, the second gives an age limit, and the third is a minimum requirement for the total number of years one has lived in the United States. Since the sentence is structured in this way, the second and third criteria apply to both categories of Citizens that are listed in the first criteria. Specifically, a natural born Citizen is required to be at least 35 years old and have lived a total of at least 14 years in the United States. Let us assume that all natural born Citizens who are at least 35 years old satisfy this requirement. That would imply that this requirement is superfluous. Additionally, after some time, there would be no living members of the second category of Citizens (i.e. those who were Citizens of the United States, at the time when the Constitution was adopted). At that point in the time, the third criteria would become entirely superfluous. In writing the Constitution, I believe one would tend to eliminate a superfluous criterion such as this, especially in stating the requirements for one to be eligible to the Office of the President. Thus, I believe our assumption must be incorrect. That is, I believe that it must be possible to be a natural born Citizen of age 35 years or more who has not lived in the United States for a total of 14 years.

Now, if Factor US5 (i.e. the total number of years one has lived in the United States) was the basis of a necessary condition for one to be a natural born Citizen, then that condition would be either all of one’s life, or, at least, a much larger percentage of one’s life than 14 years out of 35 (because we expect that almost all [92.5%] Citizens of the United States prefer and choose to be in the United States almost all [92.5%] the time). Since we believe there can be natural born Citizens who have lived in the United States for less than 14 years out of 35, this would be a contradiction. Therefore, Factor US5 cannot be used to establish a necessary condition for one to be a natural born Citizen.

Let us summarize the expectations that we have deduced so far (I shall refer to these as E1 through E5): (E1) we expect that practically all (99.99%) born Citizens of the United States will be in Group SB (which are those individuals who were born in the United States, or have at least one parent that was a Citizen of the United States when their child was
(E2) we expect that most (82.5%) of the individuals in Group SB will have been born in the United States of two parents who were Citizens of the United States when their child was born; (E3) we expect the United States to consider as born Citizens, practically all (99.99%) individuals born in the United States of two parents who were Citizens of the United States when their child was born; (E4) we expect that almost all (92.5%) Type NNR Citizens of the United States will be Citizens of the United States from the time when they became Citizens, through the rest of their lives; and (E5) we expect that almost all (92.5%) Type NR Citizens of the United States will be Citizens of the United States from the time when they were conferred as Citizens, through the rest of their lives.

From Expectations E1, E2 and E3, we may deduce the following expectation: (E6) we expect that most (82.5%) born Citizens of the United States will have been born in the United States of two parents who were Citizens of the United States when their child was born. From Expectations E4 and E5, we may deduce the following: (E7) we expect that almost all (92.5%) Citizens of the United States will be Citizens of the United States, from the time they became Citizens of the United States, through the rest of their lives. Let K1 be the kind of born Citizen of the United States that (1) was born in the United States of two parents who were Citizens of the United States when their child was born, and (2) has been a Citizen of the United States, throughout their life. From Expectations E6 and E7, we may deduce the following: (E8) we expect that most (76.3%, i.e. 92.5% of 82.5%) born Citizens of the United States will be of Kind K1.

Kind K1 is an expectable kind of born Citizen, because we expect that most (76.3%) born Citizens will be of this kind. Given the interpretation of natural born Citizen of the United States that I have put forward here, we must now ask "Is it the case that this particular expectable kind of born Citizen (i.e. Kind K1) is considered by the United States as belonging to the United States to a maximal degree?"

For this question, let us revisit Factors US1 through US6 (i.e. the factors that are employed in the United States Constitution to gauge the degree to which one belongs to the United States). We have eliminated Factors US4, US5 and US6 because they are not useful for the case at hand. Of the three remaining factors, each is involved in the definition of Kind K1. With respect to Factors US1 and US3, a born Citizen of Kind K1 will belong to the United States to a maximal degree, because they will have been born in the United States (Factor US1) and been a Citizen of the United States, throughout their life (Factor US3). With respect to Factor US2, or more particularly, with respect to the
determining factor for Factor US2, at birth (i.e. the degree to which one's parents were considered by the United States as belonging to the United States, at the time at which their child was born), a born Citizen of Kind K1 will not necessarily belong to the United States to a maximal degree. Both parents of a born Citizen of Kind K1 will have been Citizens of the United States when their child was born. So, these parents belonged to the United States when their child was born. However, not all Citizens of the United States belong to the United States to the same degree. To gauge the degree to which one's parents belonged to the United States (when their child was born), we could apply Factors US1 through US6 to one's parents. From this, we could define a more restrictive kind of born Citizen (call it Kind K2). But, to ensure that born Citizens of Kind K2 belong to the United States to a maximal degree, in doing this (because of Factor US2), we would need to consider the degree to which one's grandparents belonged to the United States at the time at which one's parents were born. And, for the same reason (i.e. Factor US2), we would then need to consider the status of one's great grandparents, great great grandparents, and so on.

In actuality, we need not do this endlessly. As we incorporated new requirements into the definition of Kind K2, at some point those requirements would become so restrictive that Kind K2 would no longer be an expectable kind. That is, we could no longer say that we would expect most born Citizens to be of Kind K2. Still, a question remains. Can we define a kind of born Citizen (again, call it K2) for which the requirements concerning one's parents would be more restrictive than those of Kind K1, while having Kind K2 be an expectable kind? For example, would it be possible to require that at least one of one's parents were born in the United States? To explore this possibility, let us define K2 to be the kind of born Citizen of the United States that is of Kind K1, and for which at least one parent was born in the United States.

Let us consider to what degree we might expect a Citizen of the United States to have been born in the United States. To that end, let us partition the individuals who were born outside the United States into two disjoint groups: let Group X (again, X for "external") be the collection of all individuals born outside the United States for whom neither parent was a Citizen of the United States when their child was born; let Group P (P for "parent") be the collection of all individuals who were born outside the United States for whom at least one parent was a Citizen of the United States at the time at which their child was born; let Group U (U for "United States") be the collection of all individuals born in the United States of two parents who were Citizens of the United States when their child was born.
Given our expectation that almost all (92.5%) people in the United States are Citizens of the United States, we would expect that almost all people born in the United States will be in Group U. Because of Amendment XIV to the Constitution, one would expect practically all individuals in Group U to be Citizens of the United States, at birth. So, we would expect that almost all Citizens of the United States who were born in the United States will be in Group U.

Given our expectations that almost all (92.5%) Citizens of the United States prefer and choose to be in the United States almost all (92.5%) of the time, and almost all (92.5%) people in the United States are Citizens of the United States, one would expect the size of Group P to be much smaller than the size of Group U. Thus, even if the United States permitted all members of Group P to be Citizens of the United States, the number of Citizens in Group P (all of whom were born outside the United States) would be relatively small compared to the number of Citizens in Group U (all of whom were born inside the United States).

Next, let us consider Group X. One would expect that the United States would permit hardly any such individuals to be Citizens of the United States, at birth (because, being born outside the United States to parents who were not Citizens of the United States, such individuals would not be expected to have allegiance to the United States). However, one would expect that the United States would permit some number of individuals in Group X to become Citizens of the United States through the process called naturalization (which is mentioned in Section 8 of Article I of the United States Constitution). One would expect that, as part of this process, individuals in Group X would be required to reside in the United States for some period of time to develop an attachment to the United States, and to reduce their attachment to the country to which they belonged, previously. Now, it is our belief that the United States will limit the number of individuals in the United States, who are not Citizens of the United States, to be quite small, relative to the number of individuals in the United States who are Citizens of the United States. Thus, one would expect the number of individuals who are permitted to participate in the naturalization process to be quite small relative to the number of individuals in the United States who are Citizens of the United States. Now, given our expectation that almost all (92.5%) people in the United States will be Citizens of the United States, one would expect the number of individuals who have become Citizens of the United States through this naturalization process to be substantially smaller than the size of Group U. So, one would expect the number of Citizens in Group X (all of whom were born outside the United States) to
be relatively small compared to the number of Citizens in Group U (all of whom were born inside the United States).

We may combine these expectations for Groups U, P and X to obtain the following: (1) we would expect that almost all Citizens of the United States who were born in the United States will be in Group U; and (2) we would expect the number of Citizens in Group U to be relatively large compared to the number of Citizens in Group P, plus the number of Citizens in Group X. Therefore, we have the following expectation: (E9) we expect that most (82.5%) Citizens of the United States were born in the United States.

We may combine Expectations E8 (we expect that most [76.3%] born Citizens of the United States will be of Kind K1) and E9 (we expect that most [82.5%] Citizens of the United States were born in the United States) to deduce an expectation concerning the percentage of born Citizens who will be of Kind K2. Both parents of born Citizens of Kind K1 will be Citizens of the United States. The born Citizens of Kind K2 are a subset of those of Kind K1; specifically, they are those born Citizens of Kind K1 that have at least one parent that was born in the United States. We expect that most (82.5%) Citizens of the United States were born in the United States. So, we would expect that at most 17.5 percent of fathers who are Citizens of the United States, and at most 17.5 percent of mothers who are Citizens of the United States, will have been born outside the United States. From this, we would expect that 96.9 percent (i.e. 100% minus 17.5% times 17.5%) of the born Citizens of Kind K1 will be of Kind K2. Thus, we expect that practically all (96.9%) born Citizens of Kind K1 will be of Kind K2.

So, we expect that most (76.3%) born Citizens of the United States will be of Kind K1, and we expect that practically all (96.9%) these will be of Kind K2. Consequently, we expect that 73.9 percent (i.e. 96.9% of 76.3%) of the born Citizens of the United States will be of Kind K2. This percentage is below the 75-percent threshold for something to be expectable. Therefore, Kind K2 is not an expectable kind of born Citizen. Granted, the percentage 73.9 is close to the threshold of 75 percent. However, there are some other factors that have been ignored in this analysis that would have made the expected percentage of born Citizens of Kind K2 even smaller. Among those are the following expectations for which one might be able to establish support: (1) an expectation that, of mothers who are Citizens of the United States, those who were born outside the United States bear more children than those who were born in the United States; and (2) an expectation that individuals will marry members of their own kind (specifically, Citizens of the United States who were born outside the United States will tend to marry
Citizens of the United States who were born outside the United States, and the same could be said of Citizens of the United States who were born in the United States).

As an alternative to Kind K2, another kind of born Citizen of the United States (call it Kind K3) could be proposed that would be a subset of Kind K1. For this, one could employ some combination of Factors US2 through US6 (We have already attempted to use Factor US1 with Kind K2.). We expect that 76.3 percent of the born Citizens of the United States will be of Kind K1. So, in order for any proposed kind (K3) to be an expectable kind, we would need to expect that nearly 99 percent of the born Citizens of Kind K1 would be of Kind K3; otherwise, the expected percentage of born Citizens of Kind K3 would be less than 75 percent. By definition, the parents of born Citizens of Kind K1 were Citizens of the United States when their child was born. Beyond this, one could require that parents were Citizens for some relatively short period of time, immediately before their child was born. But, we would not expect a parent to become a Citizen at the precise time at which their child was born. Hence, we would expect that anyone who was a Citizen when their child was born, must have been (necessarily) a Citizen for some relatively short period of time immediately before their child was born. So, this requirement (of being a Citizen for a relatively short period of time before one's child was born) is already implied by the requirements imposed in the definition of Kind K1. I believe I have exhausted all possibilities; I can find no combination of Factors US2 through US6 to propose a kind (K3) that would be expected to be at least 99 percent of Kind K1. Thus, I believe the natural born Citizens of the United States are the born Citizens of the United States of Kind K1.

Our expectations concerning Kind K1 are in accord with the essential nature of the United States. If we combine this with the interpretation of the phrase natural born Citizen given here, we may say that three necessary and sufficient conditions for a given person to be a natural born Citizen of the United States are as follows (The three conditions given here correspond to Factors US1 through US3, discussed earlier, that are employed in the United States Constitution to gauge the degree to which one belongs to the United States.):

**Necessary and Sufficient Conditions.** A given person is a natural born Citizen of the United States if and only if:

1. The person was born in the United States,
2. Both parents of the person were Citizens of the United States when that person was born, and
3. The person has been a Citizen of the United States, since birth.

(Note: Here, and in the United States Constitution, the phrase Citizen of the United States means a person domiciled in the United States, for whom rights, privileges and immunities are set forth in the United States Constitution.)

Next, let us attempt to determine the meaning of the phrase naturalized Citizen of the United States. I take the phrase naturalized Citizen of the United States to mean "a Citizen of the United States who has been naturalized." Of the senses of the verb naturalize that are given in Merriam-Webster's Dictionary, the one that is related to citizenship would be: "to confer the rights of a national on; especially: to admit to citizenship." The matching sense given in An American Dictionary of the English Language, would be: "To confer on an alien the rights and privileges of a native subject or citizen; to adopt foreigners into a nation or state, and place them in the condition of natural born subjects." From this, I believe that, to naturalize a given individual, is to confer citizenship on that individual.

Next, let us determine the particular category of United States Citizens who we would say have been naturalized. To naturalize a person is to confer citizenship on that person. So, first we must ask "Upon which Citizens of the United States has citizenship been conferred?" The matter of who shall become a Citizen of the United States is determined solely by the United States. Specifically, it is the Citizens of the United States, acting as a whole, who determine which individuals shall become Citizens of the United States. To accomplish this, the United States creates laws by which individuals, or categories of individuals, are granted United States citizenship. For this reason, I would say that each Citizen of the United States has been conferred as a Citizen of the United States.

Next, let us establish what distinguishes the particular Citizens of the United States who we would say were naturalized (when they were conferred as Citizens of the United States) from those who we would say were not naturalized (when they were conferred as Citizens of the United States). I believe that, for any Citizen of the United States who we would say was naturalized, their naturalness, with respect to the United States, must have been a consequence of their having been conferred as a Citizen of the United States.

Let us consider whether it would be reasonable to say that a natural born Citizen of the United States was naturalized?
As discussed previously, I believe the word *natural*, in the phrase *natural born Citizen of the United States*, is an adjective that functions to denote a particular kind of *born Citizen of the United States*; it is used to distinguish those *born Citizens of the United States* who are *natural*, from those who are not. To determine the particular characteristics of *natural born Citizens of the United States*, from which their *naturalness* stems, let us examine the necessary and sufficient conditions that I have put forward here for one to be a *natural born Citizen of the United States*; specifically let us consider the necessary conditions for one to be, at birth, a *natural born Citizen of the United States*. First, any *natural born Citizen of the United States* must, necessarily, have been conferred, at birth, as a Citizen of the United States. The fact that *natural born Citizens of the United States* are conferred, at birth, as Citizens of the United States, *cannot* be a characteristic that distinguishes such individuals (from other *born Citizens of the United States*) as being *natural*, because this characteristic is shared by *all born Citizens of the United States*. The other two necessary characteristics that would be possessed, at birth, by any given person who is a *natural born Citizen of the United States*, are: (1) the person was born in the United States, and (2) both parents of the person were Citizens of the United States when that person was born. Not all *born Citizens of the United States* have both of these characteristics, and all those that do, would, necessarily, have been, at birth, *natural born Citizens of the United States* (because, for any given *born Citizen of the United States* to be, at birth, a *natural born Citizen of the United States*, it is sufficient that they possess these two characteristics). Thus, I believe the *naturalness* of any given *natural born Citizen of the United States* stems from these two characteristics, alone. Consequently, I would *not* say that the *naturalness* of a *natural born Citizen of the United States* is a consequence of their having been conferred as a Citizen of the United States. Therefore, I would say that no *natural born Citizen of the United States* is a *naturalized Citizen of the United States*. To facilitate this discussion, permit me to introduce the notion of *original naturalness with respect to the United States*. I shall say that a given person has *original naturalness with respect to the United States* if (and only if) that person has the following two characteristics: (1) the person was born in the United States, and (2) the parents of the person were Citizens of the United States when that person was born. Here, I use the word *naturalness* because these two characteristics are precisely those that distinguish a person, at birth, as being a *natural born Citizen of the United States*, as opposed to a *born Citizen of the United States* who is not a *natural born Citizen of the United States*. I use the word *original* because this particular kind of *naturalness* pertains...
to a person's origin (i.e. the place and parents of one's birth).

Each person is either born in the United States or born outside the United States. And, any given parent is, when their child is born, either a Citizen of the United States or not a Citizen of the United States. Also, after a given person's birth, no act can change the person's place of birth, or what was the United States citizenship status of the person's parents, when that person was born. Thus, each person will either have original naturalness with respect to the United States, throughout their life, or they will not have original naturalness with respect to the United States, at any time in their life.

From the necessary and sufficient conditions that I have put forward here for one to be a natural born Citizen of the United States, we may say that any person who was, at birth, a natural born Citizen of the United States, necessarily, must have original naturalness with respect to the United States. I believe the converse is true, as well; that is, I believe that any person who has original naturalness with respect to the United States must have been, at birth, a natural born Citizen of the United States. This follows from my belief that all persons who have original naturalness with respect to the United States will be taken, at birth, (by the United States) as being subject to the jurisdiction of the United States. By Amendment XIV to the United States Constitution, such an individual would be, at birth, a Citizen of the United States. Any individual that has original naturalness with respect to the United States, and was, at birth, a Citizen of the United States, would satisfy the sufficient conditions to have been, at birth, a natural born Citizen of the United States. To summarize, we may say that a given person will have been, at birth, a natural born Citizen of the United States if and only if the person has original naturalness with respect to the United States.

Let us return to our attempt at determining the particular category of United States Citizens who we would say have been naturalized. Thus far, we have established that no natural born Citizen of the United States was naturalized. Next, let us consider the Citizens of the United States who are not natural born Citizens of the United States. Of these, there are two types: those that have original naturalness with respect to the United States, and those that do not have original naturalness with respect to the United States. Let us examine the United States citizenship history of the former type. If a given person has original naturalness with respect to the United States, that person would have been, at birth, a natural born Citizen of the United States. If, at some later time T, that person is not a natural born Citizen of the United States, then (by the necessary and sufficient conditions put
forward here for one to be a natural born Citizen of the United States at some point in time after the person's birth and before time T, the person must not have been a Citizen of the United States. (There are two ways by which a natural born Citizen of the United States could lose their United States citizenship: (1) the person acted voluntarily with intent to lose their United States citizenship, or (2) as a minor, the person's domicile of dependency was moved outside the United States. I can find no constitutional basis for a natural born Citizen of the United States to lose their United States citizenship, in any other way.) Now, to be a natural born Citizen of the United States, one must have been, since birth, a Citizen of the United States. So a natural born Citizen of the United States, who has lost their United States citizenship, can never be a natural born Citizen of the United States, at any time thereafter. Such persons continue to have original naturalness with respect to the United States. However, for such a person, I would say that this characteristic has been rendered irrelevant, because it can no longer serve as the basis for the person to be a natural born Citizen of the United States. So, to summarize, we may say that the Citizens of the United States who are not natural born Citizens of the United States are of two distinct types: (1) those that do not have original naturalness with respect to the United States, and (2) those that have an irrelevant original naturalness with respect to the United States.

Although those Citizens of the United States who are not natural born Citizens of the United States, lack, or have an irrelevant, original naturalness with respect to the United States, such individuals do have a form of naturalness. Specifically, they have almost the same rights and privileges as natural born Citizens of the United States. (They do not have the same rights and privileges because one who is not a natural born Citizen of the United States cannot be President of the United States.) I would call this form of naturalness an acquired naturalness with respect to the United States. I would say that this acquired naturalness with respect to the United States is a direct consequence of the fact that United States citizenship has been conferred upon such an individual. By having been conferred as Citizens of the United States, such individuals have gone from a condition of not having original naturalness with respect to the United States, or having an irrelevant original naturalness with respect to the United States, to a condition of having this acquired naturalness with respect to the United States. Thus, for this reason, I believe it is appropriate to speak of all such individuals (i.e. all Citizens of the United States who are not natural born Citizens of the United States) as having been naturalized. And I would say that all Citizens of the United States who are not natural born Citizens of the United States are naturalized Citizens of the United States.39
In what follows, I shall use the phrase *native born Citizen of the United States* to refer to a person who satisfies the following conditions: (1) the person was born in the United States, and (2) the person has been a Citizen of the United States, since birth.

Here, my choice of the word *native* to denote this particular type of *born Citizen* is consistent with the meaning of the word *native*. From *Merriam-Webster's Dictionary*, two senses of the adjective *native* are: "belonging to a particular place by birth <native to Wisconsin>" and "living or growing naturally in a particular region: indigenous". (Also, two senses of the noun *native* are: "one born or reared in a particular place" and "a local resident; especially: a person who has always lived in a place as distinguished from a visitor or a temporary resident".)

We may use the phrase *native born Citizen of the United States* to restate, in the following way, the three necessary and sufficient conditions (given here) for one to be a *natural born Citizen of the United States*: the person is a *native born Citizen of the United States*, born exclusively of *Citizens of the United States*.40

In summary, I believe the *definitions* of the phrases *natural born Citizen of the United States* and *naturalized Citizen of the United States* are as follows;41 42

**Definition.** A *Citizen of the United States* is a person domiciled in the United States, for whom rights, privileges and immunities are set forth in the United States Constitution. A *native born Citizen of the United States* is a person who was born in the United States, and has been, since birth, a *Citizen of the United States*. A *natural born Citizen of the United States* is a *native born Citizen of the United States*, born exclusively of *Citizens of the United States*. A *naturalized Citizen of the United States* is a *Citizen of the United States* who is not a *natural born Citizen of the United States*.

Next, I would like to consider three alternative definitions of the phrase *natural born Citizen of the United States* that result from lines of thought that are different from what I have described thus far. These alternative definitions are as follows (Henceforth, I shall refer to these as Definitions AD1 through AD3.):
The meaning of the phrase *natural born Citizen of the United States* is analogous to, what was, the meaning of the phrase *natural-born subject of the crown of England*, at the time at which the United States Constitution was adopted. (AD1)

- A *natural born Citizen of the United States* is any Citizen of the United States who is *not* a naturalized Citizen of the United States. (AD2)

- A *natural born Citizen of the United States* is any Citizen of the United States who was a Citizen of the United States, *at birth*. (AD3)

First, let us consider Definition AD1. As noted previously, the phrases *natural born citizen* and *natural-born subject* had been used before the Constitution was written, and before Jay wrote his letter to Washington (in which he suggested that the Commander in Chief of the American army be required to be a *natural born Citizen of the United States*). First, the phrase *natural-born subject* had been used in English Law; the meaning of this phrase, in that context, was described in 1765, in Blackstone's *Commentaries on the Laws of England*. Second, in 1774, the phrase *natural born citizen* was used in Patsall's translation of Quintilianus' *Institutio Oratoria*. Finally, as early as 1785, the phrase *natural born citizen* had been used in Massachusetts naturalization acts. One who puts forward Definition AD1 would claim that the meaning of the phrase *natural-born subject*, as it was used in English Law, at the time when the United States Constitution was adopted, may be applied to determine, by analogy, the meaning of the phrase *natural born Citizen*, as it is used in the United States Constitution. Definition AD1 differs from that which I have put forward; specifically, the definition that I have put forward for the phrase *natural born Citizen of the United States* is *not* analogous to, what was, the meaning of the phrase *natural-born subject of the crown of England*, when the United States Constitution was adopted. For example, in English Law (according to Blackstone), generally speaking, the following two types of children would be considered natural-born subjects of the crown of England: (1) a child born in England of aliens of England, and (2) a child born outside England of natural-born subjects of the crown of England.43

I believe this reasoning that arrives at Definition AD1 is erroneous. It is based on an analogy between England and the United States that is materially incomplete, because the eligibility requirements for one to be the Executive of England (i.e. the King or Queen of England) are incongruous with the eligibility requirements for one to be the Executive of the United States (i.e. the President of the United States). Specifically, the President of the United States is drawn freely from the population of *natural born Citizens of the United States*.
States, but the King or Queen of England is not drawn freely from the population of natural-born subjects of the crown of England.44

Next, let us consider Definition AD2. In this definition, the phrase natural born Citizen of the United States is defined in terms of the phrase naturalized Citizen of the United States. Definition AD2 does not define the phrase naturalized Citizen of the United States. The degree to which Definition AD2 differs from that which I have put forward (for the phrase natural born Citizen of the United States) would depend upon the particular definition for the phrase naturalized Citizen of the United States that one uses. If one were to take the definition of the phrase naturalized Citizen of the United States to be the same as that which I have put forward, then Definition AD2 would be equivalent to the definition that I have put forward for the phrase natural born Citizen of the United States. However, if one were to take the definition of the phrase naturalized Citizen of the United States to be "only those Citizens of the United States who were conferred as Citizens of the United States by some act of the United States that is explicitly labeled a naturalization act" (e.g. as opposed to being labeled an amendment or a civil rights act), then Definition AD2 would differ from that which I have put forward; for example, it would consider as natural born Citizens of the United States, all Citizens of the United States who were conferred at birth by Amendment XIV, for whom only one, or neither, parent was a Citizen of the United States when their child was born.

I believe Definition AD2 is intrinsically flawed because it defines the phrase natural born Citizen of the United States in terms of the word naturalized. I see this as illogical because the word naturalized is a derivative of the word natural, which is a constituent word of the phrase natural born Citizen of the United States. (Separately, as it stands, I believe Definition AD2 is incomplete because it fails to define the phrase naturalized Citizen of the United States.)

Finally, let us consider Definition AD3. One who puts forward this definition might cite the phrase natural-born fool, or some analogous phrase, and assert that this phrase means nothing more than the phrase born fool. Indeed, depending upon the specific phrase that has been cited, this might be a reasonable assertion. As noted previously, in Noah Webster's An American Dictionary of the English Language, the definition for the word fool contains the following: "Some persons are born fools, and are called natural fools; others may become fools by some injury done to the brain." Thus, one may say a "natural fool", or a "born fool", but to say a "natural-born fool" would be equivalent to saying a "born-born fool", which in turn would be equivalent to saying
a "born fool". Consequently, I believe the phrase natural-born fool is a redundant phrase that means nothing more than the phrase born fool. Next, one might assert that, in the phrase natural born Citizen of the United States, the phrase natural born Citizen is analogous to the phrase natural-born fool (or the particular phrase that one has cited). In turn, the phrase natural born Citizen of the United States would be taken to mean nothing more than the phrase born Citizen of the United States. Definition AD3 differs from that which I have put forward; for example, it would consider as natural born Citizens of the United States, all born Citizens of the United States who were born outside the United States and conferred as Citizens of the United States, at birth, by the United States Naturalization Act of 1795, or a modern version of the same.

I consider this line of thought that arrives at Definition AD3 to be erroneous. The phrase natural born Citizen of the United States is taken to mean born Citizen of the United States. This would imply that the word natural is superfluous. As noted previously, I do not believe the word natural, as used in the phrase natural born Citizen in the United States Constitution, is superfluous.

So, I believe the lines of thought that I have presented here for these alternative definitions are faulty. For this reason, I believe these alternative definitions are irrelevant.

Next, I would like to compare the definition given here for natural born Citizen of the United States with the definition given for natural-born citizens in the 1797 English edition (titled The Law of Nations) of Emer de Vattel's book Le Droit des Gens. As noted previously, in 1758, Vattel wrote (in Section 212) that "The citizens are the members of the civil society". He went on to say (in Section 219) that "...to settle for ever in a nation, is to become a member of it..." In addition (in Section 212), he identified a specific category of individuals who were "born in the country of parents who are citizens". He referred to these individuals as "Les Naturels, ou Indigènes". (Note: The English text quoted here is from the English translation published in 1760. The French text is from the original edition by Vattel of 1758.)

Later, in creating the 1797 English edition of Vattel's work, an anonymous editor affixed the label natural-born citizens to the specific category of individuals that had been identified by Vattel as being the Naturels or Indigènes.

Vattel's writings are based upon the principles of natural law. In contrast, my work here, and in particular, the definition for natural born Citizen of the United States that I have put forward, was deduced from an understanding of American
English and the essential nature of the United States. Despite this difference in approach, I believe my results are equivalent to those of Vattel and his anonymous editor. Consequently, I believe the anonymous editor who amended Vattel's text with the phrase natural-born citizens would be in agreement with the definition of natural born Citizen of the United States that I have given here.

One might ask "Why do my results match those of Vattel and his anonymous editor?" (Note: The core of the analysis that I have presented in this essay was conceived and written before I had seen Vattel's work.) I believe there are three reasons for this: (1) the phrase natural-born citizens, and in particular, the constituent words natural, born, and citizens, that were chosen by the anonymous editor, are fitting, in that they precisely (i.e. comprehensively, yet minimally) embody the particular concepts of Vattel to which this phrase was meant to refer; (2) what I believe to be the most reasonable interpretation of the meaning of the phrase natural born Citizen, as it is used in the United States Constitution, embodies the principles and methodology employed in deducing natural law (due to my interpretation of the meaning of the word natural), as well as the law itself (due to my interpretation of the meaning of the word Citizen); and (3) generally speaking, the essential nature of the United States, which includes the United States Constitution (and which is used in applying my interpretation of the phrase natural born Citizen of the United States), embodies natural law.45

Permit me to say this another way. The works of Vattel and the Framers of the United States Constitution are constructive. In contrast, my work in this essay is deconstructive. Now, because, generally speaking, the United States Constitution embodies natural law, when one deconstructs the phrase natural born Citizen, as used in the Constitution, to arrive at a reasonable interpretation of this phrase, one arrives at, and regenerates, the concepts of Vattel.

As I have shown here, the definition of the phrase natural born Citizen of the United States that I have put forward in this essay is a relatively direct consequence of American English and the essential nature of the United States, including the United States Constitution. Still, I believe it would be beneficial to have the phrases native born Citizen of the United States and natural born Citizen of the United States defined explicitly in the Constitution in a new amendment (the Natural Born Citizen Amendment). Also, the fact that one must be domiciled in the United States, to be considered a Citizen of the United States, could be stated there, as well. Here is a draft for such an amendment:
Proposed Natural Born Citizen Amendment to the United States Constitution.

No person shall be a Citizen of the United States who is not domiciled, either by choice or dependency, in the United States. A native born Citizen of the United States is a person who was born in the United States, and has been, since birth, a Citizen of the United States. A natural born Citizen of the United States is a native born Citizen of the United States, born exclusively of Citizens of the United States. A naturalized Citizen of the United States is a Citizen of the United States who is not a natural born Citizen of the United States.


8. The complete text and source citations for all the naturalization acts of Massachusetts mentioned in this essay may be found in the following article: The Naturalization Acts of Massachusetts: 1776-1790. Except for the acts pertaining to Michael Cunningham (and John Prescott) and John Gardiner (and others), the acts quoted in this essay are reprints from the
1890's.


16. The images of the eligibility criteria for President, and the phrase *natural born Citizen*, from the original engrossed copy of the United States Constitution, were cropped from images that were retrieved from http://www.archives.gov/exhibits/charters/charters_downloads.html.

17. Images of the original printed copy of the United States Constitution were retrieved from http://www.loc.gov/exhibits/treasures/trt007.html. (Note: At the time at which these images were retrieved from that page, they were labeled there, incorrectly, as *The Report of the Committee of Style*.)


22. For a high resolution image of the draft of the letter from John Jay to George Washington, written on July 25, 1787, see: jtwj25dh.gif (1.2Mb). The images of this draft were retrieved from Columbia University Libraries Digital Program: The Papers of John Jay. Jay Papers ID: 12782. The repository for this document is: Columbia University, Butler Library, Rare Book & Manuscript Division (NNC). (Note: At the time at which these images were retrieved, the abstract for this document contained an error; in the following sentence, the phrase *native-born* should be *natural born*: "Advises that Washington resist having foreigners in the national government, in particular that the commander-in-chief of the army shall be a native-born citizen.")

23. For a high resolution image of the letter from John Jay to George Washington, written on July 25, 1787, see: jtwj25sh.gif (660Kb). The images of this letter were retrieved from Columbia University Libraries
24. For high resolution images of the letterbook copy of the letter from George Washington to John Jay, written on September 2, 1787, see: wtjs2lah.gif (380Kb) and wtjs2lbh.gif (860Kb). The images of this letterbook copy were retrieved from Letterbook 14, p. 138 (Image 144 of 352) and Letterbook 14, p. 139 (Image 145 of 352) of George Washington Papers at the Library of Congress, 1741-1799; Series 2 - Letterbooks.

25. Henkels, Stan. V. Catalogue No. 1372: Important Autograph Letters embracing Letters of all the Presidents of the United States, from Washington down to Wilson.... Philadelphia: Printed by Maurice H. Power, 1925. A reduced facsimile of the letter from George Washington to John Jay, written on September 2, 1787, was printed in this catalog on the unnumbered page that precedes the title page. For a high resolution image of this letter, see: wtjs2sh.gif (350Kb).

26. For a high resolution image of the draft of the letter from John Jay to George Washington, written on September 6, 1787, see: jtws6dh.gif (1.0Mb). The images of this draft were retrieved from Columbia University Libraries Digital Program: The Papers of John Jay. Jay Papers ID: 08423. The repository for this document is: Columbia University, Butler Library, Rare Book & Manuscript Division (NNC).


28. Underlying my approach to interpreting the phrase natural born Citizen of the United States is a belief that Jay's letter and the United States Constitution employ English words in the same way they were used in other written works from that time period. In this analysis, I shall use the following two dictionaries: (1) Merriam-Webster's Online Dictionary (which I shall refer to as Merriam-Webster's Dictionary) and (2) the first edition of An American Dictionary of the English Language, which was written by Noah Webster in the early 1800's and published in 1828. I have selected these particular dictionaries because they are dictionaries of American English, as opposed to British English. More importantly, given that Noah Webster was 28 years old when the United States Constitution was written, I believe his American English would have been that of the time period in question. Also, being a lawyer, he would have been quite familiar with words related to law. I have chosen Merriam-Webster's dictionary because it is a direct descendant of Noah Webster's dictionary. (The rights to Noah Webster's dictionaries were purchased by George and Charles Merriam in 1843, and, since then, their company has produced a sequence of dictionaries of which Noah Webster's An American Dictionary of the English Language is the primordial ancestor.) There is a close relationship between the definitions provided in these two dictionaries. Consequently, from these dictionaries, one may ascertain how the meaning of a particular word may have changed over time. Later in this essay, I shall consider some significant differences between corresponding entries in these two dictionaries. (All definitions quoted here from Merriam-Webster's Online Dictionary were retrieved from http://www.merriam-webster.com/dictionary, on or about November 22, 2008. At that time, Merriam-Webster's Online Dictionary was based on the print version of Merriam-Webster's Collegiate Dictionary, Eleventh Edition.)
29. The Federalist Papers were written by Hamilton, Madison and Jay to build support for the ratification of the proposed United States Constitution. They are available at: http://www.foundingfathers.info/federalistpapers.

30. Based on Jay's concern regarding individuals' attachments to foreign countries, I believe that, by the word Foreigner (in his letter to Washington wherein he proposes that the Commander in Chief of the American army be required to be a natural born Citizen of the United States), Jay means "any person who has an attachment to a foreign country." This meaning is in agreement with the following sense of the word foreigner given in Merriam-Webster's Dictionary: "a person belonging to or owing allegiance to a foreign country."

31. The entry for the word course in the Merriam-Webster's Learner's Dictionary is available at: http://www.learnersdictionary.com/search/course.


33. To search across all definitions in Noah Webster's An American Dictionary of the English Language, the following transcript was used: http://1828.mshaffer.com.

34. The transcript of Noah Webster's An American Dictionary of the English Language, available at http://1828.mshaffer.com, which was used to search across all definitions, contains the following error: the definition for the word short-sightedness uses the word normally in place of the word ordinarily, that was used in the original printed copy of the dictionary.

35. It is my belief that, in the minds of the Framers of the United States Constitution, the word Citizen meant a particular type of individual that is domiciled in the United States. Consequently, I interpret the word Citizen, in the United States Constitution, to mean, among other things, "an individual that is domiciled in the United States". This interpretation calls into question the constitutionality of the current practice of permitting Citizens of the United States to be domiciled outside the United States.

36. For the case Elk v. Wilkins (1884), in the opinion of the Court, Justice Gray wrote: (1) regarding the phrase "subject to the jurisdiction thereof" in Amendment XIV, "...the words relate to the time of birth in the one case, as they do to the time of naturalization in the other" and (2) regarding the matter being decided, "Indians born within the territorial limits of the United States, members of and owing immediate allegiance to one of the Indiana tribes (an alien though dependent power), although in a geographical sense born in the United States, are no more 'born in the United States and subject to the jurisdiction thereof,' within the meaning of the first section of the Fourteenth Amendment, than the children of subjects of any foreign government born within the domain of that government, or the children born within the United States of ambassadors or other public ministers of foreign nations." In dissent, Justice Harlan wrote: "...we are justified in withholding our assent to the doctrine which excludes the plaintiff from the body of citizens of the United States upon the ground that his parents were, when he was born, members of an Indian tribe...". The text of this case may be found at: http://supreme.justia.com/us/112/94/case.html.

37. For the case United States v. Wong Kim Ark (1898), in the opinion of the Court, Justice Gray wrote: "...the Fourteenth Amendment affirms the ancient and fundamental rule of citizenship by birth within the territory, in the allegiance and under the protection of the country, including all children
here born of resident aliens, with the exceptions or qualifications (as old as the rule itself) of children of foreign sovereigns or their ministers, or born on foreign public ships, or of enemies within and during a hostile occupation of part of our territory, and with the single additional exception of children of members of the Indian tribes owing direct allegiance to their several tribes. The Amendment, in clear words and in manifest intent, includes the children born, within the territory of the United States, of all other persons, of whatever race or color, domiciled within the United States. Every citizen or subject of another country, while domiciled here, is within the allegiance and the protection, and consequently subject to the jurisdiction, of the United States." In dissent, regarding the phrase "subject to the jurisdiction thereof" in Amendment XIV, Justice Fuller wrote: "But there were others in respect of whom the exception was needed, namely, the children of aliens, whose parents owed local and temporary allegiance merely, remaining subject to a foreign power by virtue of the tie of permanent allegiance, which they had not severed by formal abjuration or equivalent conduct, and some of whom were not permitted to do so if they would. And it was to prevent the acquisition of citizenship by the children of such aliens merely by birth within the geographical limits of the United States that the words were inserted." The text of this case may be found at: http://supreme.justia.com/us/169/649/case.html.

38. Here, I have stated a scenario whereby a minor child could lose their citizenship in the United States as a consequence of having their domicile of dependency be moved outside the United States. This possibility contradicts the decision of the Supreme Court in the case Perkins v. Elg (1939). In the opinion of the Court, Chief Justice Hughes wrote: "The question is whether the plaintiff, Marie Elizabeth Elg, who was born in the United States of Swedish parents then naturalized here, has lost her citizenship and is subject to deportation because of her removal during minority to Sweden, it appearing that her parents resumed their citizenship in that country but that she returned here on attaining majority with intention to remain and to maintain her citizenship in the United States. Miss Elg was born in Brooklyn, New York, on October 2, 1907. Her parents, who were natives of Sweden, emigrated to the United States sometime prior to 1906, and her father was naturalized here in that year. In 1911, her mother took her to Sweden, where she continued to reside until September 7, 1929. Her father went to Sweden in 1922, and has not since returned to the United States. In November, 1934, he made a statement before an American consul in Sweden that he had voluntarily expatriated himself for the reason that he did not desire to retain the status of an American citizen and wished to preserve his allegiance to Sweden." The Court ruled that Miss Elg had not lost her United States citizenship. In reviewing the opinion of the Court, I find no indication that they considered and dismissed the following notion that I take to be true: in the minds of the Framers of the United States Constitution, persons who are not domiciled in the United States are not to be considered Citizens of the United States. In their decision, the Court considered Miss Elg to be a Citizen of the United States during a period of time when she had been domiciled in a foreign country. Thus, for this reason, alone, I believe the Court's decision was unconstitutional. In their opinion, the Court cited Amendment XIV as the constitutional basis for Miss Elg's United States citizenship. Most often, Amendment XIV is used when considering whether or not a given newborn is to be considered a Citizen of the United States, at birth. However, this amendment applies to anyone who was born or naturalized in the United States, regardless of their age. For example, at the time when this amendment was adopted, one of its primary functions was to ensure that freed slaves (who had been born or naturalized in the United States, and who were, at the time when the amendment was adopted, subject to the jurisdiction of the United States) would be considered Citizens of the United States. I believe that the first sentence of Section 1 of Amendment XIV is equivalent to the following statement. For any given point in time T that is after the time at which Amendment XIV to the United States Constitution was adopted, and for any given person P who was born or naturalized in the United States, the
following is true: if person P is subject to the jurisdiction of the United States at time T, then person P is considered, at time T, to be a Citizen of the United States, and a Citizen of the State in which they reside at time T. I do not believe Miss Elg was subject to the jurisdiction of the United States during the period of time when she was domiciled in a foreign country. Therefore, I do not believe that Amendment XIV may be used as justification for considering her to have been a Citizen of the United States during that period of time. The text of this case may be found at: http://supreme.justia.com/us/307/325/case.html.

39. By the Naturalization Act of 1790, children born outside the United States, of citizens, were to be "considered as natural born citizens." This act was superseded by the Naturalization Act of 1795, by which the phrase natural born was removed from this context. I believe the phrase natural born was removed for the following reason: one cannot say of any individual who is not a natural born Citizen of the United States that they shall be considered as a natural born Citizen of the United States because, unlike natural born Citizens of the United States, those who are not natural born Citizens of the United States may not be the President of the United States. In greater detail, my reasoning is as follows. I do not believe that this statement in the Naturalization Act of 1790 declares that the individuals to whom it refers (i.e. "the children of citizens of the United States, that may be born beyond the sea, or out of the limits of the United States") are to be natural born Citizens of the United States. Instead, in this act, I take the phrase "shall be considered as natural born citizens" to mean "shall have all the rights and privileges of natural born Citizens of the United States." I believe this would be an impossibility, because one particular right of natural born Citizens of the United States derives from the fact that one is a natural born Citizen of the United States. Namely, one who is a natural born Citizen of the United States can be the President of the United States (provided one satisfies all other eligibility requirements). In contrast, one who is not a natural born Citizen of the United States, cannot be the President of the United States.

40. If it were always to be the case that the unions that give birth to human children consisted of exactly two parents, then the phrase "born of Citizens" could be used in place of the phrase "born exclusively of Citizens". However, this need not be the case. It is possible that, at some future time, humans will develop the capability to construct a human zygote of material derived from any number of humans. At the same time, societies may, eventually, permit any number of individuals to form a legal union, that would be analogous to a marriage. And such unions might be permitted to give birth to a child for which each member of the union is a biological and legal parent. Also, human cloning, whereby a child would have only one biological parent, might be permitted as well. I believe there will be substantial resistance to these potential changes from those who feel that they would be immoral or beneficial to no one. Despite that, these possibilities might be realized. To incorporate these possibilities into the analysis that I have given here, we may define Kind K1x (x for "extended") to be the kind of born Citizen of the United States that (1) was born in the United States of parents, all of whom were Citizens of the United States when their child was born, and (2) has been a Citizen of the United States, throughout their life. I believe that, even if these changes were to occur, practically all (99%) such unions would continue to be formed from exactly two people. And, I believe Kind K1 would still be an expectable kind of born Citizen. Since all born Citizens of Kind K1 will also be of Kind K1x, Kind K1x will be an expectable kind of born Citizen, as well. Thus, in the definition of the phrase natural born Citizen of the United States that I have put forward here, I have used the word exclusively to indicate that all individuals of which a given child is born, must be Citizens of the United States, for that child to be considered a natural born Citizen of the United States.

41. As a consequence of the necessary and sufficient conditions that I have
put forward for one to be a **natural born Citizen of the United States**, there can exist Citizens of the United States who were born in the United States, but are **not natural born Citizens of the United States**. By the definition of the phrase **naturalized Citizens of the United States** that I have put forward, such individuals would be called **naturalized Citizens of the United States**. One might say that this possibility would be inconsistent with the meaning of the word **naturalized** as used in the first sentence of Amendment XIV to the United States Constitution, which begins: "All persons born or naturalized in the United States..." One might assert that this sentence implies that the following two sets must be disjoint: (1) the set of persons born in the United States, and (2) the set of persons who were naturalized in the United States. I believe this assertion would be unfounded, because it is not improper or unconventional to use the word **or** in a situation for which the various alternatives that are connected by the conjunction **or**, are not mutually exclusive. Separately, one can imagine counterexamples to this assertion; here are two. First, the child of an ambassador of a foreign country might be born in the United States. Such a child would not be, at birth, subject to the jurisdiction of the United States. Consequently (by Amendment XIV), they would not be a Citizen of the United States, at birth. However, it is possible that such an individual would become a **naturalized Citizen of the United States**, later in life. For a second example, consider a child born in the United States who was subject to the jurisdiction of the United States, at birth. They would be (by Amendment XIV) a Citizen of the United States, at birth. After reaching the age of majority, this person might choose to renounce their citizenship in the United States. Later in life, they might become a **naturalized Citizen of the United States**. (By Section 8 of Article I of the United States Constitution, Congress has the power to establish "an uniform Rule of Naturalization." Consequently, Congress could establish a rule by which any person who had been, previously, a Citizen of the United States, and who had renounced their United States citizenship, could, at some time thereafter, become a **naturalized Citizen of the United States**, if that person so desired. I can find no basis to say that such a rule would be unconstitutional.)

42. The **Civil Rights Act of 1866** (passed by Congress on April 9, 1866) states that "all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States." (A transcript of the **Civil Rights Act of 1866** may be found at: [http://www.supremelaw.org/ref/1866cra/1866.cra.htm](http://www.supremelaw.org/ref/1866cra/1866.cra.htm).) Section 1 of Amendment XIV to the United States Constitution (passed by Congress on June 13, 1866, and ratified on July 9, 1868) states that: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." Given the definition that I have put forward in this essay for the phrase **naturalized Citizen of the United States**, to the extent that the **Civil Rights Act of 1866**, or Section 1 of Amendment XIV, has been applied to confer United States citizenship, at birth or at any time thereafter, on individuals born in the United States for whom at least one parent was **not** a United States Citizen when their child was born, this act, or this amendment, has functioned as a form of **naturalization**. (Here, by the word **naturalization**, I mean "the act of naturalizing." Rightly so, these laws are not labeled as **naturalization acts**, because their effect is more broad; they confer United States citizenship on those who qualify to be **natural born Citizens of the United States**, as well.)

43. From William Blackstone's **Commentaries on the Laws of England** (page 361 of **Book the First: Chapter the Tenth** available at [http://avalon.law.yale.edu/18th_century/blackstone_bk1ch10.asp](http://avalon.law.yale.edu/18th_century/blackstone_bk1ch10.asp)), we have: (1) "...all children, born out of the king's ligeance, whose fathers were natural-born subjets, are now natural-born subjets themselves, to all intents and purpofes, without any exception; unlefs their fai'd fathers were attainted, or banifhed beyond fea, for high treafon; or were then in the fervice of a prince at enmity with Great Britain"; and (2) "THE children of
aliens, born here in England, are, generally speaking, natural-born subjects, and entitled to all the privileges of such."

44. I would like to mention two analogies between the Executives of England and the United States. (Although these are consistent with the line of thought that I have pursued in this essay, I present them here only as observations; in no way are they intended as justifications for the definition that I have put forward for the phrase *natural born Citizen of the United States.*) In his *Commentaries on the Laws of England*, William Blackstone wrote the following regarding the title of King or Queen of England (pages 183-5 of *Book the First: Chapter the Third* available at [http://avalon.law.yale.edu/18th_century/blackstone_bk1ch3.asp](http://avalon.law.yale.edu/18th_century/blackstone_bk1ch3.asp)): (1) "FIRST, it is in general hereditary, or descendible to the next heir, on the death or demise of the last proprietor."; and (2) "The hereditary right, which the laws of England acknowledge, owes its origin to the founders of our constitution, and to them only. It has no relation to, nor depends upon, the civil laws of the Jews, the Greeks, the Romans, or any other nation upon earth: the municipal laws of one society having no connexion with, or influence upon, the fundamental polity of another." First, I believe an analogous statement holds for the eligibility requirements for the President of the United States, and for the way by which the President of the United States is selected. Second, generally speaking, each King or Queen of England is born of a primary center of power in England (i.e. the previous King or Queen). Likewise (by the definition of *natural born Citizen of the United States* that I have put forward here), each President of the United States is born, exclusively, of the primary center of power in the United States (i.e. the Citizens of the United States).

45. I would like to clarify what I mean here by "the principles and methodology employed in deducing natural law." The title of Vattel's book (from 1758) contains the phrase *Principes de la Loi Naturelle*; the complete title is as follows: *Le Droit des Gens. ou Principes de la Loi Naturelle, Appliqués à la conduite & aux affaires des Nations & des Souverains.* I translate this as: "The Right of the People. or Principles of the Natural Law. Applied to the conduct and affairs of Nations and Sovereigns." (Note: This translation differs from the title of the English edition of Vattel's work [from 1760], which is: "The Law of Nations; or Principles of the Law of Nature: Applied to the conduct and affairs of Nations and Sovereigns.") In the phrase *natural law*, I believe the particular sense of the word *natural*, that is being used, would be the sense that pertains to *reason*. In Noah Webster's *An American Dictionary of the English Language*, this sense is as follows: "Discoverable by reason, not revealed; as *natural* religion." The matching sense in *Merriam-Webster's Dictionary* is: "formulated by human reason alone rather than revelation <natural religion> <natural rights>." When I write, "the principles and methodology employed in deducing natural law", primarily, I mean the process called *reasoning*, and more specifically, the process by which one deduces things (in this case, laws) that concern some given type of thing (in this case, nations and sovereigns), from one's understanding of the *essence* of that type of thing.

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