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# McCAIN'S CITIZENSHIP ELIGIBILITY FOR PRESIDENT IN QUESTION?

By: Devvy  
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U.S. [Constitution, Art. II, Sec. 1, Clause 5: The Presidency:](#)

"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..."

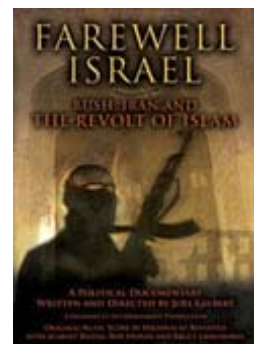
A couple of weeks ago, I began receiving quite a number of emails making this claim:

"The origin of the natural-born citizen clause can be traced to a July 25, 1787, letter from John Jay to George Washington, presiding officer of the Constitutional Convention. John Jay wrote: "Permit me to hint, whether it would be wise and seasonable to provide a strong check to the admission of Foreigners into the administration of our national Government; and to declare expressly that the Commander in Chief of the American army shall not be given to nor devolve on, any but a natural born Citizen." There was no debate, and this qualification for the office of the Presidency was introduced by the drafting Committee of Eleven, and then adopted without discussion by the Constitutional Convention.

Legislation and legal arguments

"The requirements for citizenship and the very definition

**Both McCain and  
Pastor Huckabee  
have the full support  
of the establishment  
and corrupt media;  
both have run their  
campaigns on  
practically no money.**



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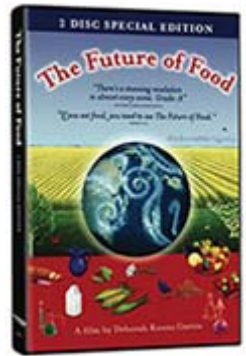
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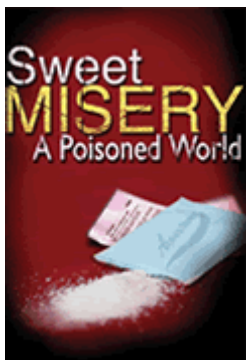
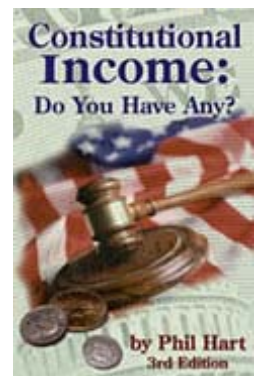
thereof have changed since the Constitution was ratified in 1788. Congress first extended citizenship to children born to U.S. parents overseas on March 26, 1790, under the first naturalization law: "And the children of citizens of the United States that may be born beyond sea, or outside the limits of the United States, shall be considered as natural born citizens." This was addressed by the U.S. Supreme Court in the *Dred Scott* case as a form of naturalization. The *Dred Scott* case, however, was overturned by the Fourteenth Amendment in 1868. The Fourteenth Amendment mentions two types of citizenship: citizenship by birth and citizenship by law (naturalized citizens): "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."



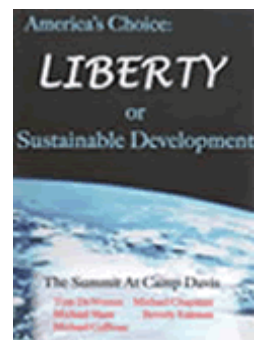
"All persons born in the United States, except those not subject to the jurisdiction of the U.S. government (such as children of foreign diplomats) are citizens by birth. There is some debate over whether other persons with citizenship can also be considered citizens by birth, or whether they should all be considered citizens by law (thus "naturalized"). Current US statutes define certain individuals born overseas as citizens by birth. One side of the argument interprets the Constitution as meaning that a person either is born in the United States or is a naturalized citizen. Thus, to be a "natural born citizen," a person must be born in the United States; otherwise, they are citizens by law and are naturalized. To others, the statute ! that grants citizenship to American children born overseas exempts them from the term "naturalized" and thus, as with the 1790 law, they are to be considered "natural born citizens" eligible for the Presidency. Examples of persons who become citizens at birth (whether "naturalized" or "natural born") would include: birth to Americans overseas, or birth on U.S. soil, territories, or military bases overseas. Children born outside the United States to American parents.



"Three major candidates have sought the Presidency who were born outside the United States: Barry Goldwater (ran in 1964) was born in Arizona while it was still a U.S. territory, George Romney (ran in 1968) was born in Mexico to U.S. parents, and John McCain (ran in 2000 and running in 2008) was born in the Panama Canal Zone to U.S. parents. Barry Goldwater's case among these three is unique in that although Arizona was not a state, it was a fully incorporated territory of the United States, making it debatable whether or not he was born "outside" the United States. The Panama Canal Zone was under United States sovereignty between 1903 and 1979. None of these candidates was elected, so it has never been fully addressed whether children born to Americans overseas are "natural-born citizens" and thus eligible for the Presidency. However, McCain is currently seeking the 2008 Republican nomination for President."



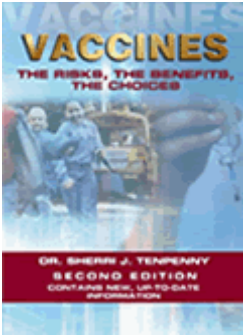
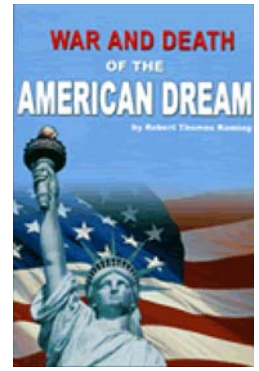
My first reaction was that McCain, born of a parent who was on active military duty outside the country is automatically granted citizenship as if he were born at Walter Reed or a hospital in Terra Haute, Indiana. My husband's children were born in Germany on Army bases leased from the host countries. They automatically became citizens. When you think about it, how practicable would it be for the wife of a sergeant or general to have to catch a plane from Okinawa, Germany or Panama just to



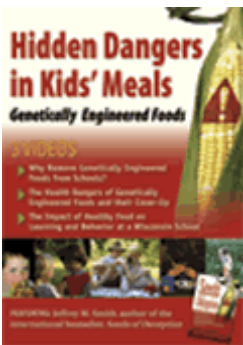
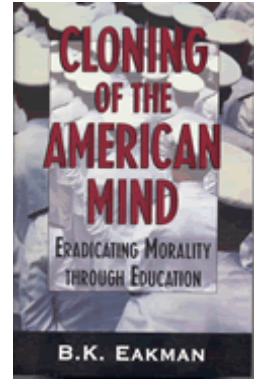


give birth so that child would be 'natural born'? Should a child of active duty military whose parents were born inside the U.S., be penalized for a parent's service to this republic by denying that child the right as an American citizen to run for the highest office in the land?

I am not an attorney, but I have learned a world of knowledge from some of the best legal minds in this country over the past 18 years. As this is such an important question because it would be a tragedy if John McCain were to get the GOP nomination in September, I asked constitutional attorney, [Larry Becraft](#), if he could help me on this issue. He has spent years compiling statutes regarding the word 'citizen,' resident alien, application and so forth. Words have meaning in the legal world and interpretation of some words, shall, may will, have filled books found in law libraries. Larry sent the law passed in 1790 about citizenship; [see pdf file here](#).



The question of citizenship regarding a presidential candidate has come up several times, including 2000 when McCain was running. After doing a thorough search on the Internet, I didn't find any lawsuit challenging McCain's citizenship in 2000. In 2004, the issue was raised again: [U.S. Congress moves to clarify the rules: Just how 'American' must a president be?](#) "His Natural Born Citizen Act would include children born outside the United States to citizen parents or parents able to transfer their citizenship. That would include McCain, whose parents were citizens, as well as an estimated two million others who, according to government figures, have been born to U.S. parents living and working overseas."

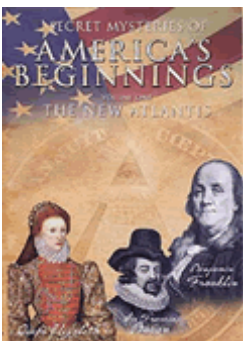


Further research brought me [to this web site](#) which states the following, in part:

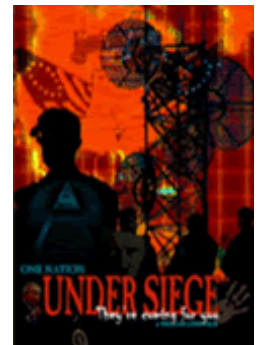


"Who is a natural-born citizen? Who, in other words, is a citizen at birth, such that that person can be a President someday?

"The 14th Amendment defines citizenship this way: "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." But even this does not get specific enough. As usual, the Constitution provides the framework for the law, but it is the law that fills in the gaps.



"Currently, Title 8 of the U.S. Code fills in those gaps. [Section 1401](#) defines the following as people who are "citizens of the United States at birth:"



- "Anyone born inside the United States
- Any Indian or Eskimo born in the United States, provided being a citizen of the U.S. does not impair the person's status as a citizen of the tribe
- Any one born outside the United States, both of whose parents are citizens of the U.S., as long as one parent has lived in the U.S.
- Any one born outside the United States, if one parent is a citizen and lived in the U.S. for at least one year and the other parent is a U.S. national
- Any one born in a U.S. possession, if one parent is a citizen and lived in the U.S. for at least one year
- Any one found in the U.S. under the age of five, whose



parentage cannot be determined, as long as proof of non-citizenship is not provided by age 21

Any one born outside the United States, if one parent is an alien and as long as the other parent is a citizen of the U.S. who lived in the U.S. for at least five years (with military and diplomatic service included in this time)

A final, historical condition: a person born before 5/24/1934 of an alien father and a U.S. citizen mother who has lived in the U.S.

Anyone falling into these categories is considered natural-born, and is eligible to run for President or Vice President. These provisions allow the children of military families to be considered natural-born, for example:

"Many parts of the world have law to provide them with special status, to allow children born in those places to be considered natural-born. This allows families with a long history of working in these areas without ever returning to the U.S. to be considered natural-born. For example, the Panama Canal Zone had been in U.S. possession for a full century, and some families lived there for generations. 8 USC 1403 handles the Zone specifically, stating that anyone born in the Zone on or after 2/26/1904, to at least one citizen-parent, is a natural-born citizen. Similar law is in place to handle the acquisition of territories, such as Puerto Rico, Alaska, and Hawaii."

#### [8 USC 1403 states:](#)

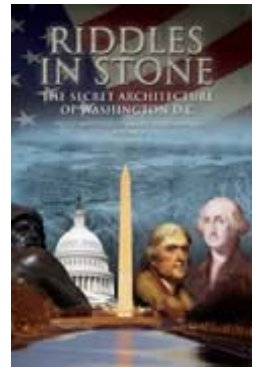
TITLE 8 > CHAPTER 12 > SUBCHAPTER III > Part I > § 1403  
Prev | Next § 1403. Persons born in the Canal Zone or Republic of Panama on or after February 26, 1904

(b) Any person born in the Republic of Panama on or after February 26, 1904, and whether before or after the effective date of this chapter, whose father or mother or both at the time of the birth of such person was or is a citizen of the United States employed by the Government of the United States or by the Panama Railroad Company, or its successor in title, is declared to be a citizen of the United States.

The question has also been raised about whether 'natural born' applies to geographical areas? This from a woman who wishes to remain anonymous:

"Does "natural born" also include all "American citizens" who got/have "automatic" U.S. citizenship status when born outside the geographical boundaries of the country of the United States (because that person's parents had citizenship roots from the 50 States or from the federal zones within the 50 States)? If so, then John McCain and our son, born in England, would qualify as "natural born." (NOTE: I say "from the 50 States" because people born within the territories, such as Puerto Rico, Guam, etc., also are "automatic" citizens of this country. But there are different ways in which "automatic" citizenship is "granted," which you'll see as you keep reading.)

"REMEMBER, we're dealing with TWO different issues here. "Automatic Citizenship upon birth" doesn't also automatically qualify one as the "natural born" requirement of the federal constitution. According to that Supreme Court case, there's the matter of "geography" involved. And also, remember, the "birth



certificate” didn't exist at the time of the adoption of the federal constitution. Also, this country didn't have territories and military bases in other countries, nor “such District (not exceeding ten Miles square): Article I, Section 8. [17]” which is today's federal District of Columbia. The federal constitution at that time was only dealing with 13 States, each which had its own constitution, but which was considered the “country known as the United States.” (In the Declaration of Independence the country was termed to be “the united States,” another issue, but I note it just so the reader realizes there are many side/extended/related issues in all of this.) So I believe that “natural born” in regards to being born within the geographical boundaries of this country would be a correct interpretation by the Supreme Court in its decision.”



The question then arises: **Should a change to Art. II, Sect. 1, Clause 5, have required a constitutional amendment?** I am vehemently against a constitutional amendment to change the citizenship requirement to accommodate one world government advocates like Arnold Schwarzenegger becoming president. Considering what happened with former Secretary of State, Henry Kissinger, who I consider a traitor in the strictest sense, and the line of succession should a president be unable to continue in office, this is a dangerous proposal. One only has to do a bit of research to understand moles are groomed from toddler age to undertake becoming U.S. citizens for the sole purpose of spying and betraying America. Never under estimate your enemies.

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However, we are back to the question raised: John McCain's eligibility to run for president based on citizenship. Larry Becraft said this is an issue that could be challenged legally; please note the word 'could.' How would this get done? A plaintiff has to have standing for one thing. Second, this would have to be done quickly as the clock is ticking. There are many fine legal scholars, i.e., [Jonathan Turley](#)), who could give qualified opinions on this question. There are exceptional constitutional attorneys, i.e., [William J. Olson](#), Dr. [Edwin Vieira](#), and others who could be retained for a legal challenge **if they felt there was a basis for such a lawsuit**. Before one undertakes any lawsuit with such weighty legal questions, there has to be a reality check as to a successful outcome with many factors to consider. It also takes loads of cash. As it stands right now, unless there is a legal challenge, this is a dead issue other than wishful thinking and interesting discussion on the Internet.

**Links:**

**1 - [Swift boating of John McCain: Long Over Due](#)**

2 - Siege Heil: [The Bush-Rove-Schwarzenegger Nazi Nexus](#) and the Destabilization of California

3 - [Henry Kissinger takes heat on MIAs](#)

4 - Henry Kissinger: [This Man Is On The Other Side](#)

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*Devy Kidd authored the booklets, **Why A Bankrupt America and Blind Loyalty**; 2 million copies sold. Devvy appears on radio shows all over the country, ran for Congress and is a highly sought after public speaker. Devvy belongs to no organization.*

*She left the Republican Party in 1996 and has been an independent voter ever since. Devvy isn't left, right or in the middle; she is a constitutionalist who believes in the supreme law of the land, not some political party. Her web site ([www.devy.com](http://www.devy.com)) contains a tremendous amount of information, solutions and a vast Reading Room.*

*Devy's website: [www.devy.com](http://www.devy.com)*

Before you send Devvy e-mail, please take the time to check the FAQ section on her [web site](#). It is filled with answers to frequently asked questions and links to reliable research sources.

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