

Introduction

Natural Born Citizens issues showing McCain cannot be considered a natural born citizen and eligible for the Presidency from Constitution Convention, Constitution, Congressional Journals & Debates, John Jay Records etc with Source notes at bottom of article.

¹United States Citizenship is acquired either at birth or through naturalization and United States laws governing the acquisition of citizenship at birth embody two legal principal. Naturalization is the “conferring of nationality of a of a State upon a person after birth, by any means whatsoever” (Section 101 (a)(23) INA) or the conferring of citizenship upon a person (Section 310 and 311 INA). Naturalization can be granted automatically or pursuant to an application. Under current law all United States citizens are United States nationals but all United States nationals are not United States citizens.

Jus soli (the law of the soil) where place of birth determines citizenship. This principal is embodied in the Constitution (natural born citizenship) and the 14th Amendment to the United States Constitution, and the various United States citizenship and nationality statutes. Jus sanguinis (the law of the bloodline) where citizenship (but not natural born citizenship) of children is determined by citizenship of one or both of the parents through Statutes that are not embodied in the United States Constitution and is granted through statute and is called “citizenship by decent” or “derivative citizenship.”

In reading the comments of people who have been posting their opinions on the internet about citizenship very few people seem to understand the meaning of the term citizenship in all its details. The meaning of the term depends on the **time frame** you are talking about. Article 2 Section 1 paragraph 5 states “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” **“At the time of the Adoption of the Constitution”** you had **natural born citizens** being born **after** the Constitution was ratified and **citizens of the United States** who were born **before** the Constitution was ratified and **who are now all deceased and have been for at least 150 years.**

Kindly note that at the time of the Adoption of the Constitution everyone who resided in the previous 13 Colonies became a Citizen of the United States and was qualified to run for the office of the Presidency if they satisfied the age and residency requirements. This is how George Washington and other earlier Presidents qualified for the Presidency. These people should not be confused with people who later became Citizens of the United States through the naturalization process or citizens of the United States by process of Jus sanguinis (law of the bloodline). I think everyone has heard of the standard grandfather clause used throughout law. I might add that the Constitution gave Congress only naturalization powers until 14th Amendment under Article 1 Section 8 paragraph 4 Powers of Congress.

In today’s **time frame** you have **natural born citizens** (including children of illegal aliens born in the United States who are natural born citizens) who were born after Constitution was ratified under the jus soli (law of the soil) and who started serving as President around 1840 when they started to have political power which enabled them to run and win Presidential elections. You also have naturalized citizens, citizens who acquired their citizenship by statute under the term jus sanguinis (law of the bloodline) and illegal aliens born outside the United States and legal aliens in the process of naturalization. Except for illegal aliens born outside the United States and aliens in the process of naturalization all **Citizens of the United States** have the same rights under the law except for one right and that right is the right of a **natural born citizen** to be elected President of the United States. **All**

natural born citizens are Citizens of the United States but not all Citizens of the United States are natural born citizens.

George Washington was a **Citizen of the United States at the time of the adoption of the Constitution and most certainly at the time of adoption of the Constitution was a resident** within the United States for more than 14 years and there is nobody alive today that fits into **this category of Citizen of the United States**. George Washington and other people who were born prior to the adoption of the Constitution were called in records of Library of Congress **natural born subjects of Great Britain, natural born subjects of a particular State such as Virginia for George Washington, citizens of the United States or just citizens.** However, in the Colonies instead of a **natural born citizen of the USA or a natural born citizen of a particular State such as Virginia you had natural born subjects of Great Britain. This is expressed very elegantly in Elliott debates in following paragraph.**

Natural Born Citizens, Natural Born Subjects, Native Born Citizens from Library of Congress Records

²Your Constitution only recognizes the highest grade of citizenship that can be conferred. The alien is thus made a native, as it were, and is fully vested with every right and privilege attached to the native, with the exception impressed on the Constitution. Your statutes cannot deprive any particular species of citizens of the right of personal liberty, or the locomotive faculty, because the Constitution does not characterize the citizens of the United States as native and naturalized. Our great family is composed of a class of men forming a single genus, who, to all intents and purposes, are equal, except in the instance specified--that of not being eligible to the presidency of the United States. The only exception to the rule is expressed in the Constitution. If other exceptions had been contemplated by the framers of that instrument, they would also have been expressed. None other having been expressed, he said, it followed that your legislative acts could not make individual exceptions touching the occupation of a citizen.

In Library of Congress records I have found around 75 cases where the term natural or native born citizens is used and I am sure that I can probably find another 50 or so. In the first 40 out of 100 references from the Continental Congress, Elliott Debates and Farrand records Citizens are referred to as citizens of a particular colony 23 times, as citizens of the United States 25 times and just as citizens 7 times. All cases referring to a **natural born citizen** refer to qualifications for Presidency and there are exactly 9. Some are listed as natural-born citizen with hyphen between natural and born and others are listed as just a natural born citizen. Is there any doubt that the term natural born citizen in Constitution refers to a person born in one of the colonies or in today's term one of the 50 States and that the term was in use by the Constitutional Convention and in use in the colonies long before the Declaration of Independence? Obviously the use of the term nature born citizen in the United States Constitution means someone born in one of the 13 Colonies or in today's meaning one of the 50 States **and that this definition can only be extended beyond the 50 States of the USA with an amendment to the Constitution or a Supreme Court decision but I hardly think this is likely because the definition of natural born citizen during the time the 13 Colonies was under British jurisdiction was natural born subjects of Great Britain.**

There are examples of people wanting to run for President but could not run because they were not natural born citizens. They included Franklin D Roosevelt Jr. because he was born in Canada. Also is Included is Barry Goldwater that ran and lost who was born 3 years before Arizona became a State, Arnold Schwarzenegger who is the Governor of California, Jennifer M Granholm who is the Governor of Michigan, Lowell P Weicker Jr. born in Paris and **Senator John McCain who ran in 2004 and is running again even though he was born in the Canal Zone in Panama. Why should any of these people be trusted with their fingers on the nuclear trigger. Kings throughout history put their**

trust in natural born subjects of their empires not in subjects who were not born in their empires and were aliens or mercenaries. Otherwise they would have been overthrown by these mercenaries and aliens and many Kings who put their trust in such people were overthrown.

The 14th amendment seems to classify anyone born in the United States or where the U.S. has jurisdiction as a Citizen but anyone born within one of the 50 States would be a natural born Citizen in today's definition of terms. Of course there were people originally born in one of the Colonies who moved to such areas as Vermont (14th State in 1791), Kentucky (15th State in 1792), Tennessee (16th State 1796) and Ohio (17th State in 1803) and etc. who were either natural born citizens of one of the original colonies after adoption of Constitution or who were citizens of one of the original colonies at time of adoption of Constitution.³ Both groups were eligible to serve as President or Vice President of the United States. Being born in Panama would not classify John McCain to be eligible to serve as either President or Vice President because he would not be a natural born citizen who was born in one of the 50 States after adoption of the Constitution.

⁴The Citizens of every State, going to reside in another State, Shall be entitled to all the rights and privileges of the natural born free Citizens of the State to which they go to reside; and the people of each State Shall have free egress and regress for their persons and property to and from every other State, without hinderance, molestation or imposition of any kind. Provided, that if Merchandize of any sort be imported for purposes of traffick within any State, that the person So importing Shall be liable to the Same impost and duties as the people of the State are by law liable to where Such importations are made, and none other. And provided also that the benefit of this Article Shall extend to the property of the United States, and of any particular State, in the Same manner as to the property of an Individual in any State. (Left original spelling and grammar)

⁵friendship and intercourse between the people of the different States in this Union, the Inhabitants of every State, Paupers Vagabonds and fugitives from Justice excepted going to reside in another State shall be entitled to all the rights and priviledges of the natural born free Citizens of the State to which they go to reside: And the people of each State shall have free Ingress and Egress for their persons and property to and from every other state without hinderance, or imposition of any kind, Provided that if Merchandise be imported into any State. (Left original spelling and grammar)

⁶The original added: "and, in fine, to admit you into the full enjoyment of all rights, liberties, privileges and immunities of free and natural born subjects of these States".

⁷Resolved, N.C.D.2. That our ancestors, who first settled these colonies, were at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural-born subjects, within the realm of England.

⁸ARTICLE III Les consuls et vice consuls respectifs ne pourront être pris que parmi les sujets naturels de la puissance qui les nommera. Tous seront appointés par leur souverain respectif, et ils ne pourront en conséquence faire aucun trafic ou commerce quelconque ni pour leur propre compte, ni pour le compte d'autrui (In French)

Article 3. The respective Consuls and Vice Consuls shall only be taken from among the natural born subjects of the power nominating them. They shall all be appointed by their respective Sovereign, and in Consequence of such appointment they shall not exercise any traffic or commerce whatsoever either on their own account, or on account of any other (Translation from French)

⁹ and to dispense criminal and martial justice: nor are the liberties of natural subjects granted to any person born within the limits of the charter, but as those limits constitute the first colony of Virginia.

The Constitution requires that the President and Vice President shall be a natural born citizen of the USA. In addition any Successors to the President including the Speaker of the House and the President Pro Tempore of the Senate must also be natural born citizens of the USA. Cabinet members are eligible to succeed to the Presidency if natural born by order of when cabinet position they occupy was created. ¹⁰**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.** ¹¹**But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.**

Both letters of John Jay say that his belief was that the Commander in Chief of the Army should not be given to anyone who was not a natural born citizen and that the members of both the House of Representatives and the Senate be natural born citizens. In this day and age when a President has his fingers on vast stocks of nuclear weapons which could destroy the entire world we should be much more careful than John Jay suggests. ¹²**John Jay's letter to George Washington "Permit me to hint, whether it would not 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 Command in Chief of the American army shall not be given to, nor devolve on, any but a natural born Citizen..."**

¹³**Toward the very end of the ratifying convention, on July 25th, Jay himself proposed an amendment barring all except "natural born citizens," who were freeholders as well (with some specified exceptions) from eligibility as President, Vice President, or as members of either house of Congress, a restriction even more severe than that which he had proposed to Washington in July of 1787. However, it never was implemented into Constitution even with freeholders deleted. However again, there was a constitutional amendment passed by both houses and is listed in Journal of the Senate 7 Jul 1798 on page 531 which was further amended and became the 12th amendment to the Constitution and will be discussed later.**

This paragraph is in ratification of Constitution by State of New York. A little bit different than wording of Constitution. ¹⁴**That no persons, except natural-born citizens, or such as were citizens on or before the 4th day of July, 1776, or such as held commissions under the United States during the war, and have at any time since the 4th day of July, 1776, become citizens of one or other of the United States, and who shall be freeholders, shall be eligible to the places of President, Vice-President, or members of either house of the Congress of the United States.**

These two paragraphs are from CSA records. Note similarity of language to U.S. Constitution. ¹⁵**No person except a natural-born citizen of one of the States composing this Confederacy at the time of the election, or a citizen of the Confederate 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 the age of thirty-five years, and been fourteen years a resident within the limits of the Confederate States, as they may exist at the time of his election. The qualifications of the President of the CSA follow.** ¹⁶**No person, except a natural born citizen, or a citizen of one of the States of this Confederacy 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 the age of thirty-five years, and been fourteen years a resident of one of the States of this Confederacy.**

¹⁷**A nobleman, then, may come to the United States marry, purchase lands, and enjoy every other right of a citizen, except that of electing and being elected to office. His children being natural born citizens, will enjoy, by inheritance, his titles, and all the rights of nobility a**

privileged order which he possessed, an idea which ought not, either explicitly or implied, to be admitted.

¹⁸Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the law on the subject of naturalization, as to exclude those from the privileges of natural-born citizens who are or shall be born of parents who have been removed, or shall remove, from the United States, and have taken or shall take the oath of allegiance to the Government in which they so reside, until such person shall become naturalized like other foreigners, agreeably to the laws that now do or hereafter may exist on that subject.

¹⁹That, from and after the termination of the war, in which the United States are now engaged with the United Kingdom of Great Britain and Ireland, (which termination is to be ascertained and taken from the date of a proclamation, to be issued by the President of the United States, declaring the same) all the officers, and three-fourths, at least, of all the persons who shall be employed as seamen or sailors on board any public ship or vessel of the United States, or any ship or vessel owned by citizens of the United States, shall be natural born citizens of the United States, or citizens thereof at the termination of such war, or servants or citizens of the United States, or persons, who, being resident in the United States, shall, at the time of passing this act, have declared their intention to become citizens of the United States, according to the provisions of an act, passed on the 14th day of April, 1802, entitled "An act to establish a uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," and shall have been admitted as such, according to the provisions of said act: Provided, however, That, during the continuance of the war now existing between the united Kingdom of Great Britain and Ireland, and France, no persons, being natives of either of said countries, shall be employed, as officers, mariners, seamen, or sailors, on board the public ships or vessels of the United States, or the ships or vessels of citizens of the United States, unless such persons shall be citizens of the United States at the termination of the war in which the United States are now engaged as aforesaid, or, being resident in the United States, and shall have been admitted as such, according to the provisions of the act before mentioned. And none but ships or vessels navigated according to the provisions of this act, and otherwise qualified according to law, and continuing to be wholly owned by citizens of the United States, shall be denominated and deemed ships or vessels of the United States, entitled to the benefits and privileges appertaining to such ships or vessels.

Sec.--. And be it further enacted, That if any individual now a resident of any one of the States or Territories, and not a citizen of the United States, but, at the time of the passage of this act, shall have filed a declaration of intention as required by the naturalization laws of the United States, and shall become a citizen of the same before the issuing of the patent, as made and provided for in this act, shall be placed upon an equal footing with the native-born citizen of the United States. House Journal 3 Jan 1855 Pages 139,140,141 Deals with granting of public land

Sec. 6. And be it further enacted, That if any free white person now a resident of any one of the States or Territories, and not a citizen of the United States, but, at the time of making such application for the benefit of this act, shall have filed a declaration of intention, as required by the naturalization laws of the United States, and shall become a citizen of the same before the issuance of the patent, as made and provided for in this act, shall be placed upon an equal footing with the native-born citizen of the United States: Provided, That the benefits of this act shall not extend to the children, heirs, or devisees of aliens born out of the United States, who are twenty-one years of age, until they shall have filed their declarations to become citizens of the United States: And provided further, That foreign-born persons, who fail to become citizens within six years from the time they shall enter upon the land, shall lose all rights under this act. And if any person of the age of sixteen years and upwards, born in the United States, shall,

before arriving at the age of twenty-one years, make application for the benefit of this act, he shall be entitled thereto: Provided, however, That no patent shall issue in favor of such applicant before he shall have attained the age of twenty-one years." Deals with granting of public land

The Speaker laid before the House a letter from Jonathan Coleman, addressed to the Congress of the United States, stating that he is a native born American citizen, and has been impressed, and is detained on board the British ship of war called the Mars, and soliciting the interference of Congress in effecting his release. Journal of House of Representatives 1811-1813 date Apr 9, 1812 page 283

Mr. Little presented a petition of James M. Bulgin, stating that he is a native born citizen of the United States, and was impressed into the British service, in which he was compelled to continue for nearly five years, when owing to injuries which he received by an explosion of gun powder, he was discharged, and returned to the United States at the commencement of the late war with Great Britain; that he served on board the public and private armed vessels of the United States during that war; and that owing to the injuries he sustained by the explosion aforesaid, he is now unable to support himself and family, and is reduced to extreme poverty, and praying such relief as may be in the power of Congress to grant. Journal of House of Representatives 26 Nov 1818 1818-1819 page 41

Mr. Montgomery presented a petition of James W. Anderson, of the state of Kentucky, setting forth that he is a native born citizen of the United States, and, at the commencement of the late war with Great Britain, resided in the British province of Upper Canada, and that, in consequence of his attachment to the cause of the United States, he was imprisoned; that he escaped from confinement, and with a considerable amount of property made his way to Detroit, and joined the American army as a volunteer; that shortly afterwards Detroit was surrendered to the enemy, who, in consequence of his having fled from Canada, permitted the Indians to destroy all his property and to abuse his person; that he again escaped from captivity, and joined the forces of the United States as a volunteer, and rendered much service during the war; that his lands in Canada have been confiscated, and that he is now reduced, with a large family, to poverty and distress; and praying for a grant of public land, as an indemnity for his losses, sufferings, and services, or such other relief as Congress may think it just and reasonable to grant. House Journal 1821-1822 page 306 2mar 1822

By Mr. Abbott: A petition of Benjamin Balch, a native-born citizen of the United States, praying an act of incorporation for a national life insurance company: which was referred to the Committee on the Judiciary. House Journal Dec 18, 1845 1845-1846 page 125

Sec. --. And be it further enacted, That if any individual now a resident of any one of the States or Territories, and not a citizen of the United States, but, at the time of the passage of this act, shall have filed a declaration of intention as required by the naturalization laws of the United States, and shall become a citizen of the same before the issuing of the patent, as made and provided for in this act, shall be placed upon an equal footing with the native-born citizen of the United States. Page 141 House journal 3 jan 1855 congress of 1855-1856

Mr. Tracy, presented a petition of Abraham Forbes, stating that he is a native born citizen of the United States, and at the commencement of the late war with Great Britain, resided in Canada, where he was possessed of a valuable real and personal property, which he abandoned, and entered into the military service of the United States, by which he lost all his said property, and praying such relief in the premises as Congress may in their wisdom deem equitable and just. House journal page 153 1818-1820 congress date 20 jun 1820

"Sec. 6. And be it further enacted, That if any free white person now a resident of any one of the States or Territories, and not a citizen of the United States, but, at the time of making such application for the benefit of this act, shall have filed a declaration of intention, as required by the naturalization laws of the United States, and shall become a citizen of the same before the issuance of the patent, as made and provided for in this act, shall be placed upon an equal footing with the native-born citizen of the United States: Provided, That the benefits of this act shall not extend to the children, heirs, or devisees of aliens born out of the United States, who are twenty-one years of age, until they shall have filed their declarations to become citizens of the United States: And provided further, That foreign-born persons, who fail to become citizens within six years from the time they shall enter upon the land, shall lose all rights under this act. And if any person of the age of sixteen years and upwards, born in the United States, shall, before arriving at the age of twenty-one years, make application for the benefit of this act, he shall be entitled thereto: Provided, however, That no patent shall issue in favor of such applicant before he shall have attained the age of twenty-one years." Senate journal 1789-1873 jul 17,1854 page 515

Whereas Dr. John Emilio Houard has, after one years' imprisonment and trial by a military court-martial, been convicted of complicity in an insurrection against the Spanish government in the island of Cuba, and, upon said conviction, has been transported to a penal colony of Spain for the term of eight years, from which conviction, sentence, and punishment he appeals for protection to the Government of the United States; and whereas it appears, first, that said Houard was a native-born citizen of the United States; second, that he never renounced his allegiance as such citizen, but, on the contrary, has claimed to be, and has been, enrolled by the officers of the Government and of the United States as a citizen of the United States; third, that it is not shown by any form of proof that he ever became, by any act, a subject or citizen of the government of Spain; and whereas it further appears that his trial, sentence, and punishment have been in disregard and violation of his undoubted rights as a citizen of the United States under the Constitution and laws thereof, and the treaty of October 27, 1795, between the United States and Spain: Therefore, Resolved, That in the judgment of this House the said John Emilio Houard was and is a citizen of the United States by birth and continued and uninterrupted choice, and as such is entitled to all and every protection from this Government, and, in the opinion of this House, the President should promptly demand his unconditional release and the restoration of his property, which has been confiscated to the use of the Spanish government. House Journal Congress 1871-1872 11 apr 1872 pages 671-672

Mr. Crockett presented a petition of Joseph M. Lynch, a native born citizen of the Cherokee nation of Indians, praying to be indemnified in the amount of his claim against a citizen of the said Indian nation, which he lost by the unlawful and improper interference of Mr. Montgomery, the United States agent stationed in said nation; which petition was referred to the Committee of Claims. House Journal 1833-1834 10 apr 1834 page 517

Resolved, That the President of the United States be requested, so far as in his judgment may be compatible with the public interest, to communicate to this House any information in possession of the Executive respecting the imprisonment, trial, and sentence of John S. Thrasher, in the Island of Cuba, and to his right to claim the protection of the government as a native-born citizen of the United States. House journal 1851-1852 15 Dec 1851 page 89

Whereas Dr. John Emilio Howard has, after one year's imprisonment, and trial by a military court-martial, been convicted of complicity in an insurrection against the Spanish government in the Island of Cuba, and, upon said conviction, has been transported to a penal colony of Spain for the term of eight years, from which conviction, sentence, and punishment he appeals for protection to the Government of the United States. And whereas it appears--1. That said Houard was a native-born citizen of the United States. 2. That he never renounced his allegiance

as such citizen; but, on the contrary, has claimed to be, and has been enrolled by the officers of the Government of the United States as a citizen of the United States. 3. That it is not shown by any form of proof that he ever became, by any act, a subject or citizen of the government of Spain. And whereas it further appears that his trial, sentence, and punishment have been in disregard and violation of his undoubted rights as a citizen of the United States, under the Constitution and laws thereof, and the treaty of October 27, 1795, between the United States and

Spells: Therefore,

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Mr. Wilson presented resolutions of the legislature of Massachusetts in favor of extending the term of residence now required by the naturalization laws, and the appointment of native born citizens of the United States to all offices of the general government; which were referred to the Committee on the Judiciary Senate Journal Feb 18, 1856 page 114

Resolved, That in all those cases where, by reason of rebellion, there is a lapse in the State government, and it becomes the duty of Congress to provide a government for the State, no government can be accepted as "a republican form of government" where a large proportion of native-born citizens, charged with no crime and no failure of duty, is left wholly unrepresented, although compelled to pay taxes; and especially where a particular race is singled out and denied all representation, although compelled to pay taxes; more especially where such race constitutes the majority of the citizens, and where the enfranchised minority has forfeited its rights by rebellion; and more especially still, where by such exclusion the oligarchical enemies of the republic can practically compel it to break faith with national soldiers and national creditors, to whose generosity it was indebted during a period of peril. Senate Journal Dec 4, 1865 page 7

By Mr. Benjamin F. Butler: The remonstrance of N. H. Felt, A. P. Rockwood, and others, native-born citizens of Massachusetts, now residing in Utah, against the passage of certain bills now before Congress purporting to be in aid of the execution of the laws in the Territory of Utah, to the Committee on the Judiciary. House Journal Jan 29, 1874 43th Congress 1st session page 337

"Provided, That any alien, being naturalized between December and the day of election in any year, shall be entitled to vote at the next succeeding election only upon the same conditions as are required by existing laws of native-born citizens who may arrive at the age of twenty-one years between December and the day of election in the same year." House Journal 1856 15 May 1856 page 980

No nation in the tide of time has ever been blessed with so rich and noble an inheritance as we enjoy in the public lands. In administering this important trust, whilst it may be wise to grant portions of them for the improvement of the remainder, yet we should never forget that it is our cardinal policy to reserve these lands, as much as may be, for actual settlers, and this at moderate prices. We shall thus not only best promote the prosperity of the new States and Territories by furnishing them a hardy and independent race of honest and industrious citizens, but shall secure homes for our children and our children's children, as well as for those exiles from foreign shores who may seek in this country to improve their condition and to enjoy the blessings of civil and religious liberty. Such emigrants have done much to promote the growth and prosperity of the country. They have proved faithful both in peace and in war. After

becoming citizens, they are entitled, under the Constitution and laws, to be placed on a perfect equality with native-born citizens; and in this character they should ever be kindly recognized. Senate Executive Proceeding Journal page 218 1855-1858

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Sec. 6. And be it further enacted, That if any individual now a resident of any one of the States or Territories, and not a citizen of the United States, but at the time of making such application for the benefit of this act, shall have filed a declaration of intention, as required by the naturalization laws of the United States, and shall become a citizen of the same before the issuance of the patent, as made and provided for in this act, shall be placed upon an equal footing with the native born citizens of the United States. Senate journal page 699 12 mar 1852

On motion by Mr. Ferry to amend the bill by striking out all after the enacting clause and inserting, That all naturalized citizens of the United States while in foreign states shall be entitled to and shall receive from this government the same protection of person and property that is accorded to native-born citizens.

Sec. 2. And be it further enacted, That whenever the rights of any citizen of the United States, who may be in any foreign country, shall be infringed by the government of that country, it shall be the duty of the President of the United States to extend to the citizen so injured the protection of this government by any necessary means in accordance with the law of nations and the Constitution, treaties, and laws of the United States; Senate Journal 23 Jul 1868 page 731

Amendment s to United States Constitution (12th and 14th)

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1st paragraph below is original wording of 12th amendment to the Constitution. Under final version of 12th Amendment All 4 paragraphs are wording of 12 amendment which was passed and ratified by States. There were many additions and deletions over several years before they came up with final version which added electoral college provision and deleted natural born citizen language for Senators and House of Representatives.

Original wording of the 12th amendment to Constitution.

Resolved by the Senate and House of Representatives of the United States in Congress assembled, 2/3 of both Houses concurring, that following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, and, when ratified by 3/4th of said Legislatures, to be valid, to all intents and purposes as part of said constitution via:.. That (In addition to the other qualifications prescribed the said Constitution) no person shall be eligible as President or Vice President of the United States,
²⁰nor shall any person be a Senator or Representative in the Congress of the United States.

except a natural born citizen. (Note in this original version of 12th Amendment Senators and House of Representatives had to be natural born citizens in line with John Jay's recommendations) or unless he shall have been a resident in the United States at the time of the declaration of independence, and shall have continued to reside within the same or to be employed in its service from that period to the time of his election.

Final version of the 12th Amendment to Constitution.

²¹Amendment 12 - Choosing the President, Vice-President. Ratified 6/15/1804.

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;

The person having the greatest Number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. ²²But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

²³Amendment 14 - Citizenship Rights. Ratified 7/9/1868 which contemplated only two sources of citizenship: birth and naturalization. A person born in one of the 50 States would mean the person was a natural born citizen not just a citizen.

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. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State,

or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article_

States and Territories and Outlying Areas other than the Continental United States

Definitions (7 Fam1121.2-1 paf 86756 pages 2-3

Territory: An area over which the United States exercises sovereignty. The term is so used in Article IV, Section 3 of the United States Constitution, which provides that Congress shall have the "power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States".

Incorporated Territory: The territories to which the Constitution is fully applicable are called "incorporated territories". It has been held that persons born in these territories on or after the date they became part of the United States could claim U.S. citizenship under the 14th Amendment. Section 1891, Rev. Stat., stated that: U.S. Department of State Foreign Affairs Manual Volume 7- Consular Affairs • The Constitution...shall have the same force and effect within all organized Territories and in every Territory hereafter organized as elsewhere in the United States.

Unincorporated Territory or Outlying Possession: An "unincorporated territory" or "outlying possession" is an area over which the Constitution has not been expressly and fully extended by the Congress within the meaning of Article IV, Section 3 of the United States Constitution.

Court Decisions 7 fam 1121.2-2 pdf 86756 pages 3-4

a. In a series of court cases often called the "Insular Cases", the Supreme Court developed the rationale that, absent specific Congressional legislation or treaty provisions—

(1) The Constitution has only limited applicability to U.S. territories; and (2) Inhabitants of territories acquired by the United States acquire U.S. nationality-but not U.S. citizenship.

b. The Court ruled that: (1) Alaska and Hawaii were incorporated territories (Rasmussen v. U.S., 197 U.S. 516 (1905); Hawaii v. Mankichi, 190 U.S. 197(1903); but (2) Puerto Rico and the Philippines, although they had become U.S. territory, were not part of the United States because

Congress had not yet enacted laws incorporating them into the United States or making the Constitution fully applicable to them (Downes v. Bidwell, 182 U.S. 244 (1901); Dorr v. U.S., 195 U.S. 138 (1904)).

c. In Downes, the Court stated that: • The liberality of Congress in legislating the Constitution into all U.S. Department of State Foreign Affairs Manual Volume 7- Consular Affairs 7 FAM 1120 Page 4 of 51 our contiguous territory has undoubtedly fostered the impression that it went there by its own force, but there is nothing in the Constitution itself, and little in the interpretation put upon it, to confirm that impression.

d. In Gonzales v. Williams, 192 U.S. 1 (1904), the Supreme Court referred to its earlier finding that: • The nationality of the inhabitants of territory acquired by conquest or cession becomes that of the government under whose dominion they pass, subject to the right of election on their part to retain their former nationality by removal or otherwise, as may be provided.” (Boyd v. Nebraska ex rel Thayer, 143 U.S. 135 (1892))

The Court held that citizens of Puerto Rico were not aliens even though they had not been granted full U.S. citizenship by act of Congress.

Section 201(e) NA stated how U.S. citizenship could be acquired by birth in outlying possessions. SEC 201. The following shall be nationals and citizens of the United States at birth: (e) A person born in an outlying possession of the United States of parents one of whom is a citizen of the United States who resided in the United States or one of the outlying possessions prior to the birth of such person. 7 Fam 1121.4-1 86756.pdf

Section 301(e) INA (formerly 301(a)(5)) stated how U.S. citizenship could be acquired by birth in outlying possessions.

SEC 301. The following shall be nationals and citizens of the United States at birth: (e) a person born in an outlying possession of the United States of parents, one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year at any time prior to the birth of such person. 7 fam 1121.4-2 86756.pdf

Inhabitants of Territories not mentioned in INA Act of 1952

The United States exercises sovereignty over a few territories besides those mentioned above. Under international law and Supreme Court dicta, inhabitants of those territories, (Midway, Wake, Johnston, and other islands) would be considered non-citizen, U.S. nationals; However, because the INA defines "outlying possessions of the United States" as only American Samoa and Swains Island, there is no current law relating to the nationality of the inhabitants of those territories or persons born there who have not acquired U.S. nationality by other means.

Alaska

Is included in 1940 Naturalization Act Section 101 (d) as part of the United States in a geographic sense effective 90 days after 14 Oct 1940 under definitions Chapter 1.

INA: ACT 304 - PERSONS BORN IN ALASKA ON OR AFTER MARCH 30, 1867

Sec. 304. [8 U.S.C. 1404] A person born in Alaska on or after March 30, 1867, except a noncitizen Indian, is a citizen of the United States at birth. A noncitizen Indian born in Alaska on or after March 30, 1867, and prior to June 2, 1924, is declared to be a citizen of the United States as of June 2, 1924. An Indian born in Alaska on or after June 2, 1924, is a citizen of the United States at birth.

Alaska was an incorporated territories (Rasmussen v. U.S., 197 U.S. 516 (1905); Hawaii v. Mankichi, 190 U.S. 197 (1903) 7 FAM 1121.2-2 b(1) **86756.pdf**

American Samoa

Under 1940 Naturalization Act Section 101 (d) Island is considered part of the United States in a geographic sense. In a Tripartite Convention ratified on February 16, 1900 Great Britain and Germany ceded American Samoa to the United States. Thus, today there are relatively few noncitizen U.S. nationals – primarily in American Samoa – and, as such, the distinction between national and citizen is often blurred or overlooked.

Under the INA Act effective December 24, 1952 the definition of "Outlying possessions of the United States" was restricted to American Samoa and Swains Island.

Section 301(e) INA (formerly 301(a)(5)) stated how U.S. citizenship could be acquired by birth in outlying possessions. SEC 301. The following shall be nationals and citizens of the United States at birth: (e) a person born in an outlying possession of the United States of parents, one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year at any time prior to the birth of such person 7 Fam 1121.4-2 86756.pdf INA Act pages 6 and 7

Commonwealth of the Northern Mariana Islands

Are not included under 1940 Naturalization Act Section 101 (d) as part of the United States in a geographic sense.

These islands, which were part of a U.N. Trusteeship Territory since 1947, became a territory of the United States on November 3, 1986, when The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (Public Law 94-241. 90 Stat.263)("Covenant") of March 24, 1976, entered fully into force. All the islands formerly under the Trusteeship, which was known as the Trust Territory of the Pacific Islands (TTPI), have assumed new political status and the TTPI no longer exists. See 7 FAM 1126 and 7 FAM 1127.

Under the INA Act effective December 24, 1952 the definition of the United States "for nationality purposes" was expanded effective 3 November 1986 to include the Commonwealth of the Northern Mariana Islands. Persons born in this territory on or after December 24, 1952 acquired U.S. citizenship at birth on the same terms as persons born in other parts of the United States. 7fam 1121.4-2 INA Act 86756.pdf

Guam

Is not included in 1940 Naturalization Act Section 101 (d) as part of the United States in a geographic sense. In Treaty of Paris effective 11 Apr 1899 after the Spanish-American War Spain ceded Guam to the United States.

In INA Act effective 24 Dec 1952 United States, "for Nationality purposes" was expanded to add Guam and persons born in this territory on or after December 24, 1952 acquired U.S. Citizenship at birth at birth on the same terms as persons born in other parts of the United States.

7fam1121.4-2 INA Act of 1952

INA: ACT 307 - PERSONS LIVING IN AND BORN IN GUAM

Sec. 307. [8 U.S.C. 1407]

(a) The following persons, and their children born after April 11, 1899, are declared to be citizens of the United States as of August 1, 1950, if they were residing on August 1, 1950, on the island of Guam or other territory over which the United States exercises rights of sovereignty:

(1) All inhabitants of the island of Guam on April 11, 1899, including those temporarily absent from the island on that date, who were Spanish subjects, who after that date continued to reside in Guam or

other territory over which the United States exercises sovereignty, and who have taken no affirmative steps to preserve or acquire foreign nationality; and

(2) All persons born in the island of Guam who resided in Guam on April 11, 1899, including those temporarily absent from the island on that date, who after that date continued to reside in Guam or other territory over which the United States exercises sovereignty, and who have taken no affirmative steps to preserve or acquire foreign nationality.

(b) All persons born in the island of Guam on or after April 11, 1899 (whether before or after August 1, 1950) subject to the jurisdiction of the United States, are hereby declared to be citizens of the United States: Provided, That in the case of any person born before August 1, 1950, he has taken no affirmative steps to preserve or acquire foreign nationality.

(c) Any person hereinbefore described who is a citizen or national of a country other than the United States and desires to retain his present political status shall have made, prior to August 1, 1952, a declaration under oath of such desire, said declaration to be in form and executed in the manner prescribed by regulations. From and after the making of such a declaration any such person shall be held not to be a national of the United States by virtue of this Act.

7 FAM 1124.1 Current Law

a. Persons born in Guam on or after December 24, 1952, acquire U.S. citizenship at birth. Guam is listed as part of the geographical definition of the "United States" in Section 101 (a)(38) INA. Section 301(a) INA provides that a person born in and subject to the jurisdiction of the United States shall be a U.S. citizen. Section 307(b) INA conferred U.S. citizenship upon anyone born in Guam after April 11, 1899. Only those who affirmed or acquired a foreign nationality before August 1, 1950 are not U.S. citizens.

b. The first law to confer U.S. citizenship on the inhabitants of Guam was U.S. Department of the Organic Act of August 1, 1950 (64 Stat. 384)("the Organic Act"), which incorporated Guam into the United States. Section 4 of the Organic Act added Section 206 to the Nationality Act of 1940. The provisions of Section 206 NA for the citizenship of natives and inhabitants of Guam were the same as those in Section 307 INA:

(1) SEC 307: (a) The following persons, and their children born after April 11, 1899, are declared to be citizens of the United States as of August 1, 1950, if they were residing on August 1, 1950, on the island of Guam or other territory over which the United States exercises rights of sovereignty

(2) All inhabitants of the island of Guam on April 11, 1899, including those temporarily absent from the island on that date, who were Spanish subjects, who after that date continued to reside in Guam or other territory over which the United States exercises sovereignty, and who have taken no affirmative steps to preserve or acquire foreign nationality; and

(3) All persons born in the island of Guam who resided in Guam on April 11, 1899, including those absent from the island on that date, who after that date continued to reside in Guam or other territory over which the United States exercises sovereignty, and who have taken no affirmative steps to preserve or acquire foreign nationality.

(a) All persons born in the island of Guam on or after April 11, 1899 (whether before or after August 1, 1950) subject to the jurisdiction of the United States, are hereby declared to be citizens of the United States: Provided, That in the case of any person born before August 1, 1950, he has taken no affirmative steps to preserve or acquire foreign nationality.

(b) Any person hereinbefore described who is a citizen or a national of a country other than the United States and desires to retain his present political status shall have made, prior to August 1, 1952, a declaration under oath of such desire, said declaration to be in form and executed in

the manner prescribed by regulations. From and after the making of such a declaration any such person shall be held not to be a national of the United States by virtue of this Act.

c. Section 307(c) INA protects the foreign nationality of the Guamanian inhabitants who had made timely declaration pursuant to the treaty of cession or to the Organic Act.

d. The phrase "subject to the jurisdiction of the United States" in Section 307(b) INA refers to a condition at the time of birth and does not require residence in Guam or other territory over which the United States had jurisdiction on August 1, 1950, when these provisions originally were enacted as part of the Organic Act. For more information on the meaning of "subject to the jurisdiction of the United States", see 7 FAM 1116.2.

7 FAM 1124.2 Nationality Status Before December 24, 1952. Nothing listed.

7 FAM 1124.2-1 Status of Inhabitants After Annexation and Before August 1, 1950

a. Guam was acquired from Spain on December 10, 1898, as a result of the Spanish-American War. Article IX the Treaty of Paris (30 Stat. 1754), ratified on April 11, 1899, if the civil rights and political status of the native inhabitants of the ceded territory would be determined by Congress.

b. Until the Nationality Act of 1940 was amended by the Organic Act, on August 1, 1950, no law addressed the civil rights and political status of the inhabitants of Guam. The Department held that Spanish subjects, including natives of Guam and natives of the Spanish Peninsula (that is, persons born in Spain), who were residing in Guam at the time of its annexation became nationals, but not citizens, of the United States.

c. The only exceptions were Spanish subjects born in Spain who had kept their allegiance to Spain by making a declaration before October 11, 1900, as provided for in the Treaty of Paris.

7 FAM 1124.2-2 Status Acquired by Birth In Guam After Annexation And Before August 1, 1950

a. Before August 1, 1950, the effective date of the Organic Act, it was held that:

(1) A person born in Guam on or after April 11, 1899, in wedlock to a U.S. national father or out of wedlock to a U.S. national mother became a non-citizen U.S. national at birth.

(2) Children born in Guam to U.S. citizens acquired U.S. citizenship under the conditions that applied to persons born abroad.

(3) Persons born in Guam to aliens did not acquire U.S. nationality at birth.

b. The following provisions of the Nationality Act of 1940 were not retroactive:

(1) Section 201(e) NA, as quoted in 7 FAM 1121.4-1 b, set the terms under which U.S. citizenship could be acquired by birth in Guam from January 13, 1941, until Section 206 NA was added on August

1, 1950, pursuant to Section 4 of the Organic Act.

(2) Section 204(a) NA, as quoted in 7 FAM 1121.4-1 c, governed the acquisition of non-citizen U.S. nationality by birth in Guam.

7 FAM 1124.2-3 Status Acquired by Birth Abroad to Natives or Inhabitants of Guam Who Had Acquired Noncitizen U.S. Nationality

No special law was enacted to address the status of foreign- born children of Guamanians who were not U.S. citizens. The considerations discussed in 7 FAM 1140 apply.

Hawaii

Is included in 1940 Naturalization Act section 101 (d) as part of the United States in a geographic sense effective 90 days after 14 Oct 1940. Definitions Chapter 1, 76 Congress, 3rd Session, Chapter 876, page 1137.

INA: ACT 305 - PERSONS BORN IN HAWAII

Sec. 305. [8 U.S.C. 1405] A person born in Hawaii on or after August 12, 1898, and before April 30, 1900, is declared to be a citizen of the United States as of April 30, 1900. A person born in Hawaii on or after April 30, 1900, is a citizen of the United States at birth. A person who was a citizen of the Republic of Hawaii on August 12, 1898, is declared to be a citizen of the United States as of April 30, 1900.

Hawaii was an incorporated territories (Rasmussen v. U.S., 197 U.S. 516 (1905); Hawaii v. Mankichi, 190 U.S. 197 (1903) 7 fam1121.2-3 b (1) pdf 86756

Hawaii is one of three U.S. States that were independent prior to joining or being annexed by the U.S.—[Vermont Republic](#), 1791;[Republic of Texas](#), 1845; and Hawaii. Of these, Hawaii and Texas were the only ones with formal international diplomatic recognition. The [Kingdom of Hawaii](#) existed from 1810 until 1893 when the monarchy was overthrown by native born Hawaiians of American ancestry.

It was an independent republic from 1894 until 1898, when it was annexed by the United States. It became a territory in 1900, and has been a state since 1959. Despite some opposition in the islands, the Newlands Resolution was passed by the House June 15, 1898, by a vote of 209 to 91, and by the Senate on July 6, 1898, by a vote of 42 to 21, annexing Hawaii as a U.S. territory. Its legality continues to be questioned because it was a United States Government resolution, not a treaty of cession or conquest as is required by international law. Both houses of the American Congress carried the measure with two-thirds majorities.

In 1900, Hawaii was granted self-governance and retained Iolani Palace as the territorial capitol building. Though several attempts were made to achieve statehood, Hawaii remained a territory for sixty years. Plantation owners, such as the [Big Five](#), found territorial status convenient, enabling them to continue importing cheap foreign labor; such immigration was prohibited in various states of the U.S. The power of the plantation owners was finally broken by activist descendants of original immigrant laborers. Because they were born in a U.S. territory, they were legal U.S. citizens. Expecting to gain full voting rights, they actively campaigned for statehood for the Hawaiian Islands.

In March 1959, both houses of Congress passed the [Hawaii Admission Act](#) and U.S. President [Dwight D. Eisenhower](#) signed it into law. (The act excluded [Palmyra Atoll](#), part of the Kingdom and Territory of Hawaii, from the new state.) On June 27 of that year, a referendum was held asking residents of Hawaii to vote on accepting the statehood bill. Hawaii voted at a ratio of 17 to 1 to accept. **There has been criticism, however, of the Statehood plebiscite, because the only choices were to accept the Act or to remain a territory, without addressing the issues of legality surrounding the overthrow.** Despite the criticism, the [United Nations decolonization](#) committee later removed Hawaii from the [United Nations list of Non-Self-Governing Territories.](#)

Certainly, not what the Hawaiians themselves wanted and their complaints about being excluded in the voting process needs to be investigated. I think if the same thing that happened to the Hawaiians happened to the United States we would be just as bitter as the Hawaiians are over this issue. People might find interesting all the notes under the en.wikipedia.org/wiki/Hawaii website dealing with this subject. [Http://en.wikipedia.org/wiki/Hawaii](http://en.wikipedia.org/wiki/Hawaii)

In 1893, the sovereign, independent, internationally recognized, and indigenous government of Hawaii, the Kingdom of Hawaii, was overthrown by a small group of non-Hawaiians, including United States citizens, who were assisted in their efforts by the United States Minister, a United States naval representative, and armed naval forces of the United States. Because of the participation of United States agents and citizens in the overthrow of the Kingdom of Hawaii, in 1993 the United States apologized to Native Hawaiians for the overthrow and the deprivation of the rights of Native Hawaiians to self-determination through Public Law 103–150 ([107 Stat. 1510](#)). Visitors introduced diseases to the formerly isolated islands, and the Hawaiian population plunged precipitously. By 1919, the Native Hawaiian population had declined from an estimated 1,000,000 in 1778 to an alarming 22,600. Congressional findings Title 20, Chapter 70, subchapter 7 part B Section 7512 from [Http://en.wikipedia.org/wiki/Hawaii](http://en.wikipedia.org/wiki/Hawaii)

Native Hawaiians blockade Historic Palace

(CNN) -- A group of native Hawaiians occupied the grounds of the old Hawaiian monarchy's royal residence Wednesday, vowing to stay and do the business of the kingdom's government.

"It is through a greater realm than ours" that the group took this action, said Mahealani Kahau, elected leader of the group, called Hawaiian Kingdom Government. "Today and every day, we will be here to assume our role."

Group members left the palace grounds Wednesday afternoon, but vowed to return Thursday morning, The Honolulu Advertiser reported.

"We'll be here at 6 o'clock in the morning," Kahau told the newspaper.

The group is one of several in Hawaii that reject statehood and seek to return to the constitutional monarchy that effectively ended in 1893 when a group of politicians, businessmen and sugar planters -- aided by the U.S. minister to Hawaii -- overthrew the kingdom's government.

The monarchist groups say that the kingdom was overthrown and annexed into the United States illegally.

Hawaii's office of the attorney general did not immediately return a phone call seeking comment on Wednesday's action.

The staff of Iolani Palace, built in 1882 and now operated as a museum, shut down the building to visitors. The 60 or so protesters occupied the grounds, chaining the gates and stationing guards there to explain to visitors the purpose of the action.

The group later reopened the gates, but remained on the grounds and the building was kept closed.

"It saddens my heart to have to turn away visitors," said palace staff member Cindy Ascencio, who added that although she, too, is a native Hawaiian, she does not understand the actions of the group. Ascencio also said that the group appeared peaceful and she was not concerned about security.

Jose Carrion, a visitor to Hawaii from Puerto Rico, told Honolulu's KHON-TV that he was "disappointed" he wouldn't be able to visit the ornate palace and "learn about the culture of the Hawaiians."

"We wanted to come here precisely because we thought we'd learn something about the history of Hawaii and the last queen and the monarchy," said Carrion, who said he had reservations for the visit. "But we're leaving tomorrow so we won't get to see the palace."

But Carrion also said he "kind of understood" the actions of the group.

Puerto Rico and Hawaii, along with Guam and the Philippines, were annexed into the United States in 1898 after the Spanish-American War. Guam and Puerto Rico remain territories of the United States. The Philippines gained independence after World War II, and Hawaii became the 50th state in 1959.

Although the monarchy was not overthrown until 1893, its fate effectively was sealed six years earlier when the same group that forced the overthrow imposed a new constitution on King David Kalakaua, who was forced to sign it under threat of arms.

The document dramatically reduced the authority of the monarchy and instituted voter requirements that limited voting to wealthy businessmen and Hawaiian landowners, barring 75 percent of the native Hawaiian population and all Asians.

When Queen Lili'uokalani ascended the throne after the death of her brother in 1891, she began work on a new constitution that would have effectively reversed the 1887 document. With the help of John L. Stevens, the U.S. minister to Hawaii, the elite group that had changed the constitution in 1887 opposed the queen's actions.

Two years later, under threat of U.S. troops, she yielded her authority, saying, "Until such time as the Government of the United States shall ... undo the action of its representative and reinstate me in the authority which I claim as the constitutional sovereign of the Hawaiian Islands."

The queen was later imprisoned in Iolani Palace for eight months for her participation in an attempted 1895 revolt, until she relinquished her claim to the throne in return for her release. She died in 1917 at 79.

In 1993, the U.S. Congress approved, and President Clinton signed, an apology to the people of the Hawaiian Islands. The document "acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished to the United States their claims to their inherent sovereignty as a people over their national lands, either through the Kingdom of Hawaii or through a plebiscite or referendum."

Although it was used as a seat of government for decades after the deposition of Lili'uokalani, the palace fell into disrepair. When the last of the government office moved out and into new facilities adjacent to the palace in 1969, restoration work began. It opened to the public in 1978
1 May 2008 www.cnn.com Author Not listed.

Panama Canal Zone

²⁴Current State Department policy reads: "Despite widespread popular belief, U.S. military installations abroad and U.S. diplomatic or consular facilities are not part of the United States

within the meaning of the 14th Amendment. A child born on the premises of such a facility is not subject to the jurisdiction of the United States and does not acquire U.S. citizenship by reason of birth."²⁵ Simply stated "Subject to the jurisdiction of the United States means subject to the laws of the United States."

Since United States military installations abroad are not part of the United States within the meaning of the 14th amendment, John McCain's birth on the premise of such a facility is not subject to the jurisdiction of the United States and he does not acquire United States citizenship by reason of birth or natural born status in the Canal Zone because subject to jurisdiction of the United States means subject to the laws of the United States. John McCain is not the only person in this predicament. In addition to non military children born to father and mother citizen parents throughout the world, you have tens of thousands of children born under the same circumstances during the Cold War on and off military bases in Germany and Japan and throughout the NATO countries and other military pacts which now are nonexistent. Children of 2 Citizen Parents become Citizens of the United States by Statute under the term jus sanguinis or (law of the bloodline) not jus soli (law of the soil). Jus soli is embodied in 14th amendment and various nationality statutes and jus sanguinis is embodied in statutes not the Constitution. Congress passed quite a few naturalization Acts from 1790 until 14th amendment was ratified which included jus sanguinis wording but the Constitution gave only powers of naturalization to Congress. See Article 1 Section 8 paragraph 4. So where did Congress get authority to pass jus sanguinis wording before 14th amendment to Constitution. The first naturalization act in 1790 included jus sanguinis wording and natural born citizenship wording but Congress quickly realized they had no authority for natural born wording and it was deleted in subsequent naturalization acts. Each subsequent naturalization act passed after 1790 Act repealed previous Act until the 1940 Naturalization Act which was itself replaced by Immigration and Naturalization Act of 1952.

The Canal Zone was never ever considered a Territory, Incorporated Territory or an Unincorporated Territory or Outlying Possession or any type of possession by the United States. In fact the Hay Benau-Varilla treaty is known as the treaty that no Panamanian ever signed. All you have to do to read Articles 1, 2, 3 and 14 of Hay-Benau Varilla Treaty and the above State Department document to verify these facts. Use of the land and the land under the water and the exercise of sovereignty AS if the United States were the sovereign does not mean that the United States was the sovereign. There are several meanings of the term Citizens of the United States but you have to look at the time frame when term is and was used. Under Article 2 Section 1 paragraph 5 states "No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of the Constitution, shall be eligible to the office of the 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. Citizens of the United States at the time of the Adoption of the Constitution are all deceased and have been deceased for at least 150 years. The only persons eligible for the Office of the Presidency of the United States today are natural born citizens born after the adoption of the Constitution and who started running for that office around 1840.

The legislative enactment of August 4, 1937, conferred United States citizenship, as of such date, on all persons born in the Canal Zone, after February 25, 1904, and before the 1937 date, whose fathers, mothers, or both were United States citizens at the time of such persons' birth. By the same act, persons born on or after the 1937 date, under the same conditions of parentage, were declared to have similar status at birth. (Note how this has been backdated after the fact.) How can this Act be legal except under the jus sanguinis doctrine (law of the bloodline) when the Canal Zone was leased territory and not part of the United States within the

meaning of the 14th amendment per above paragraph which states that such a child does not acquire citizenship by reason of birth or the doctrine of jus soli (law of the soil)?

The 1940 Nationality Act Chapter 1-Definitions Section 101 (d) states “The term United States when used in a geographic means the Continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Island of the United States.” Section 101 (e) states “The term “outlying possessions” means all territory, other than as specified in subsection (d), over which the United States exercise rights of Sovereignty, except the Canal Zone. Session 76th Congress, 3rd. Chapter 876 page 1137 passed 14 Oct 1940.

Sec. 303. [8 U.S.C. 1403] INA 1952

(a) Any person born in the Canal Zone on or after February 26, 1904, and whether before or after the effective date of this Act, whose father or mother or both at the time of the birth of such person was or is a citizen of the United States, is declared to be a citizen of the United States.

*(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 Act, 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. **How can this Act be legal except under the jus sanguinis (law of the bloodline) doctrine per above State Department document when the Canal Zone was leased territory and not part of the United States within the meaning of the 14th amendment per above paragraph which states that such a child does not acquire citizenship by reason of birth or the doctrine of jus soli (law of the soil)?***

The first legislative enactment of August 4, 1937, conferred United States citizenship, as of such date, on all persons born in the Canal Zone, after February 25, 1904, and before the 1937 date, whose fathers, mothers, or both were United States citizens at the time of such persons' birth. By the same act, persons born on or after the 1937 date, under the same conditions of parentage, were declared to have similar status at birth. Under the Act of October 14, 1940, and the section under discussion, comparable provisions bestow citizenship under identical conditions whether the person was born before or after the effective dates of the respective statutes. **How can this Act be legal except under the jus sanguinis (law of the bloodline) doctrine per above State Department Document when the Canal zone was leased territory and not part of the United States within the meaning of the 14th amendment per above paragraph which states that such a child does not acquire citizenship by reason of birth or the doctrine of jus soli (law of the soil)?**

On July 28, 1904, Controller of the Treasury Robert Tracewell stated, "While the general spirit and purpose of the Constitution is applicable to the zone, that domain is not a part of the United States within the full meaning of the Constitution and laws of the country. This is the substance of an opinion made by the Controller of the Treasury Tracewell today defining the Authority of the Panama Canal Commission regarding disbursements and the relation of the canal zone to the United States. In effect the controller decides that the Commission is amenable except in cases where the act creating the commission specifically provides for its action. The Canal Commission cannot be regarded as a branch or bureau of any of the executive departments. The will and sound discretion of the President and his commission will control, subject only to the general spirit and purpose of the constitution. The local revenues of the zone shall be handled in accordance with such rules as he may authorize. He holds it unnecessary to decide whether those revenues are in a general sense moneys of the United States because they are not such moneys of the United States as are required to be

accounted for to the Treasury Department. The Controller also hold that the commission would have no authority to adopt a system of allotting pay by employees on the Isthmus similar to that in use in the navy. Article in New York Times titled “Not Part of United States. Treasurer Tracewell Defines Panama Canal Zone Status.” Published in New York Times 29 Jul 1904.

1. <http://query.nytimes.com/mem/archive-free/pdf?res=9C06E1DF113BE631A2575AC2A9619C946597D6CF>

Panama Canal Zone. The Republic of Panama, by a Convention that became effective on February 26, 1904, granted the United States sovereignty over an area of about five miles on either side of a canal that was to be built across the Isthmus of Panama to connect the Atlantic and Pacific Oceans. U.S. sovereignty over the Panama Canal Zone ended on October 1, 1979 in accordance with the Panama Canal Treaty. 7Fam 1121.1 b(3) www.state.gov pdf file 86756

This is not true because Panama was never a territory. It had use only of land as if it had sovereignty and a perpetual lease. See interpretation 303.1 United States Citizenship acquired in Canal Zone from www.uscis.gov and actual treaty named Hays Bunau-Varilla Treaty Articles 1, 2 and 3 which is listed below. Also see lease payment schedule agreements under Article 14 of treaty.

Interpretation 303.1 United States citizenship acquired in the Canal Zone; Republic of Panama.

²⁶The Republic of Panama leased the Canal Zone in perpetuity to the United States by treaty ratified February 26, 1904.

The **Hay-Herran Treaty** was a treaty signed on January 22, 1903 Secretary of State John M. Hay United States Dr. Tomás Herrán of Columbia. Had it been ratified, it would have allowed the United States to acquire a renewable 99-year lease on a 6-mile wide strip across Panama (which was then part of Colombia) for \$10 million and an annual payment of \$250,000. It was ratified by the United States Senate but it was not ratified by the Senate of Columbia, and did not go into effect. Many of the politicians and congressmen in Columbia felt that the amount offered by the United States fell short, considering that the United States was willing to pay \$40 million for the New Panama Canal Company. The United States government was not willing to renegotiate the treaty with Colombia or alter the amounts involved and soon gave its support, both political and military, to a planned uprising in Panama, which led to its independence and to the eventual construction of the Panama Canal. http://en.wikipedia.org/wiki/Hay-Herran_Treaty

On November 18, 1903, the United States and the newly independent (since November 3) nation of Panama signed the Hay-Bunau Varilla Treaty. This was a follow-up of the unsuccessful Hay-Herran Treaty, using largely the same terms. However, unlike Colombia, Panama would agree to the terms, which established a Panama Canal Zone that was 10 miles wide.

After the French Canal went bankrupt in a big scandal that rocked France, Bunau-Varilla went to work for its rescue, and after many years and negotiations, including participating indirectly in Panama's independence from Colombia, was appointed Plenipotentiary Ambassador by the new Republic of Panama (1903), with powers to negotiate the terms of a Panama Canal Treaty with the US, then under President Theodore Roosevelt.

Varilla went to Washington, DC and New York City to negotiate the terms with US officials which included, Secretary of State John Hay.

Having received a telegram from the Panamanian government to wait in Washington, DC until the Panamanian delegation arrived to review and sign the treaty, Bunau-Varilla sold out the Panamanians by jumping the gun to save the French investment at all cost, and gave the United States even better clauses than it had originally requested: the ability to act as if the United States held sovereignty when no actual sovereignty existed, a perpetual lease instead of a 99 year lease on a section of Panama, 10 miles wide instead of a 6 miles strip, where the canal would be built, called the Canal Zone; and the right to use troops to intervene in Panama, among many other things. The United States agreed to guarantee Panama's independence and paid US\$10 million, plus an annual fee of \$250,000. The Hay Bunau Varilla treaty was called the "Treaty that no Panamanian ever signed." Bunau-Varilla in essence sold out the Panamanians.

Bunau-Varilla himself owned worthless stock in the failed French company, which was enabled by the treaty he signed to sell its rights to the United States for \$40 million, according to Smithsonian Magazine, March 2004.

For years Panama embattled the United States about the unfair treaty. For years Bunau Varilla was considered a traitor by generations of Panamanians. After the Canal transfer to Panama, his role has been revaluated. Panamanians in general now recognize that Bunau Varilla's role was indeed crucial in convincing the US to choose Panama over Nicaragua for the Canal site. http://www.indopedia.org/Hay-Bunau_Varilla_Treaty.Html

Concluded November 18, 1903; ratification advised by the Senate February 23, 1904; ratified by President February 25, 1904; ratifications exchanged February 26, 1904; proclaimed February 26, 1904. (U.S. Stats., vol. 33.)

The United States of America and the Republic of Panama being desirous to insure the construction of a ship canal across the Isthmus of Panama to connect the Atlantic and Pacific oceans, and the Congress of the United States of America having passed an act approved June 28, 1902, in furtherance of that object, by which the President of the United States is authorized to acquire within a reasonable time the control of the necessary territory of the Republic of Colombia, and the sovereignty of such territory being actually vested in the Republic of Panama, the high contracting parties have resolved for that purpose to conclude a convention and have accordingly appointed as their plenipotentiaries,-

The President of the United States of America, John Hay, Secretary of State, and

The Government of the Republic of Panama, Philippe Bunau-Varilla, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Panama, thereunto specially empowered by said government, who after communicating with each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I The United States guarantees and will maintain the independence of the Republic of Panama.

ARTICLE II The Republic of Panama grants to the United States in perpetuity the use, occupation and control of a zone of land and land under water for the construction maintenance, operation, sanitation and protection of said Canal of the width of ten miles extending to the distance of five miles on each side of the center line of the route of the Canal to be constructed; the said zone beginning in the Caribbean Sea three marine miles from mean low water mark and extending to and across the Isthmus of Panama into the Pacific ocean to a distance of three marine miles from mean low water mark with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities, which are included within the boundaries of the zone above described, shall not be included within this grant. The Republic of Panama further grants to the United States in perpetuity the

use, occupation and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said enterprise. The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the zone above described and in addition thereto the group of small islands in the Bay of Panama, named, Perico, Naos, Culebra and Flamenco. **(Note:No land granted to United States –only use of land.)**

ARTICLE III The Republic of Panama grants to the United States all the rights, power and authority within the zone mentioned and described in [Article II](#) of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said [Article II](#) which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority. (Note the term “if it were the sovereign.”)

ARTICLE IV As rights subsidiary to the above grants the Republic of Panama grants in perpetuity to the United States the right to use the rivers, streams, lakes and other bodies of water within its limits for navigation, the supply of water or water-power or other purposes, so far as the use of said rivers, streams, lakes and bodies of water and the waters thereof may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal.

ARTICLE V The Republic of Panama grants to the United States in perpetuity a monopoly for the construction, maintenance and operation of any system of communication by means of canal or railroad across its territory between the Caribbean Sea and the Pacific ocean.

ARTICLE VI The grants herein contained shall in no manner invalidate the titles or rights of private land holders or owners of private property in the said zone or in or to any of the lands or waters granted to the United States by the provisions of any Article of this treaty, nor shall they interfere with the rights of way over the public roads passing through the said zone or over any of the said lands or waters unless said rights of way or private rights shall conflict with rights herein granted to the United States in which case. the rights of the United States shall be superior. All damages caused to the owners of private lands or private property of any kind by reason of the grants contained in this treaty or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation and protection of the said Canal or of the works of sanitation and protection herein provided for, shall be appraised and settled by a joint Commission appointed by the Governments of the United States and the Republic of Panama, whose decisions as to such damages shall be final and whose awards as to such damages shall be paid solely by the United States. No part of the work on said Canal or the Panama railroad or on any auxiliary works relating thereto and authorized by the terms of this treaty shall be prevented, delayed or impeded by or pending such proceedings to ascertain such damages. The appraisal of said private lands and private property and the assessment of damages to them shall be based upon their value before the date of this convention.

ARTICLE VII The Republic of Panama grants to the United States within the limits of the cities of Panama and Colon and their adjacent harbors and within the territory adjacent thereto the right to acquire by purchase or by the exercise of the right of eminent domain, any lands, buildings,

water rights or other properties necessary and convenient for the construction, maintenance, operation and protection of the Canal and of any works of sanitation, such as the collection and disposition of sewage and the distribution of water in the said cities of Panama and Colon, which in the discretion of the United States may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal and railroad. All such works of sanitation, collection and disposition of sewage and distribution of water in the cities of Panama and Colon shall be made at the expense of the United States, and the Government of the United States, its agents or nominees shall be authorized to impose and collect water rates and sewerage rates which shall be sufficient to provide for the payment of interest and the amortization of the principal of the cost of said works within a period of fifty years and upon the expiration of said term of fifty years the system of sewers and water works shall revert to and become the properties of the cities of Panama and Colon respectively, and the use of the water shall be free to the inhabitants of Panama and Colon, except to the extent that water rates may be necessary for the operation and maintenance of said system of sewers and water.

The Republic of Panama agrees that the cities of Panama and Colon shall comply in perpetuity with the sanitary ordinances whether of a preventive or curative character prescribed by the United States and in case the Government of Panama is unable or fails in its duty to enforce this compliance by the cities of Panama and Colon with the sanitary ordinances of the United States the Republic of Panama grants to the United States the right and authority to enforce the same. The same right and authority are granted to the United States for the maintenance of public order in the cities of Panama and Colon and the territories and harbors adjacent thereto in case the Republic of Panama should not be, in the judgment of the United States, able to maintain such order.

ARTICLE VIII The Republic of Panama grants to the United States all rights which it now has or hereafter may acquire to be property of the New Panama Canal Company and the Panama Railroad Company as a result of the transfer of sovereignty from the Republic of Colombia to the Republic of Panama over the Isthmus of Panama and authorizes the New Panama Canal Company to sell and transfer to the United States its rights, privileges, properties and concessions as well as the Panama Railroad and all the shares or part of the shares of that company; lot the public lands situated outside of the zone described in [Article II](#) of this treaty now included in the concessions to both said enterprises and not required in the construction or operation of the Canal shall revert to the Republic of Panama except any property now owned by or in the possession of said companies within Panama or Colon or the ports or terminals thereof.

ARTICLE IX The United States agrees that the ports at either entrance of the Canal and the waters thereof, and the Republic of Panama agrees that the towns of Panama and Colon shall be free for all time so that there shall not be imposed or collected custom house tolls, tonnage, anchorage, lighthouse, wharf, pilot, or quarantine dues or any other charges or taxes of any kind upon any vessel using or passing through the Canal or belonging to or employed by the United States, directly or indirectly, in connection with the construction, maintenance, operation, sanitation and protection of the main Canal, or auxiliary works, or upon the cargo, officers, crew, or passengers of any such vessels, except such tolls and charges as may be imposed by the United States for the use of the Canal and other works, and except tolls and charges imposed by the Republic of Panama upon merchandise destined to be introduced for the consumption of the rest of the Republic of Panama, and upon vessels touching at the ports of Colon and Panama and which do not cross the Canal.

The Government of the Republic of Panama shall have the right to establish in such ports and in the towns of Panama and Colon such houses and guards as it may deem necessary to collect

duties on importations destined to other portions of Panama and to prevent contraband trade. The United States Shall have the right to make use of the towns and harbors of Panama and Colon as places of anchorage, and for making repairs, for loading, unloading, depositing, or transshipping cargoes either in transit or destined for the service of the Canal and for other works pertaining to the Canal.

ARTICLE X The Republic of Panama agrees that there shall not be imposed any taxes, national, municipal, departmental, or of any other class, upon the Canal, the railways and auxiliary works, tugs and other vessels employed in by service of the Canal, store houses, work shops, offices, quarters for laborers, factories of all kinds, warehouses, wharves, machinery and other works, property, and effects appertaining to the Canal or railroad and auxiliary works, or their officers or employees, situated within the cities of Panama and Colon, and that there shall not be imposed contributions or charges of a personal character of any kind upon officers, employees, laborers, and other individuals in the service of the Canal and railroad and auxiliary works.

ARTICLE XI The United States agrees that the official dispatches of the Government of the Republic of Panama shall be transmitted over any telegraph and telephone lines established for canal purposes and used for public and private business at rates not higher than those required from officials in the service of the United States.

ARTICLE XII The Government of the Republic of Panama shall permit the immigration and free access to the lands and workshops of the Canal and its auxiliary works of all employees and workmen of Whatever nationality under contract to work upon or seeking employment upon or in any wise connected with the said Canal and its auxiliary works, with their respective families, and all such persons shall be free and exempt from the military service of the Republic of Panama.

ARTICLE XIII The United States may import at any time into the said zone and auxiliary lands, free of custom duties, imposts, taxes, or other charges, and without any restrictions, any and all vessels, dredges, engines, cars, machinery, tools, explosives, materials, supplies, and other articles necessary and convenient in the construction, maintenance, operation, sanitation and protection of the Canal and auxiliary works, and all provisions, medicines, clothing, supplies and other things necessary and convenient for the officers, employees, workmen and laborers in the service and employ of the United States and for their families. If any such articles are disposed of for use outside of the zone and auxiliary lands granted to the United States and within the territory of the Republic, they shall be subject to the same import or other duties as like articles imported under the laws of the Republic of Panama.

ARTICLE XIV As the price or compensation for the rights, powers and privileges granted in this convention by the Republic of Panama to the United States, the Government of the United States agrees to pay to the Republic of Panama the sum of ten million dollars (\$10,000,000) in gold coin of the United States on the exchange of the ratification of this convention and also an annual payment during the life of this convention of two hundred and fifty thousand dollars (\$250,000) in like gold coin, beginning nine years after the date aforesaid.

The provisions of this Article shall be in addition to all other benefits assured to the Republic of Panama under this convention.

But no delay or difference opinion under this Article or any other provisions of this treaty shall affect or interrupt the full operation and effect of this convention in all other respects.

ARTICLE XV The joint commission referred to in Article VI shall be established as follows:

The President of the United States shall nominate two persons and the President of the Republic of Panama shall nominate two persons and they shall proceed to a decision; but in case of disagreement of the Commission (by reason of their being equally divided in conclusion) an umpire shall be appointed by tire two Governments who shall render the decision. In the event of the death, absence, or incapacity of a Commissioner or Umpire, or of his omitting, declining or ceasing to act, his place shall be filled by the appointment of another person in the manner above indicated. All decisions by a majority of the Commission or by the Umpire shall be final.

ARTICLE XVI The two Governments shall make adequate provision by future agreement for the pursuit, capture, imprisonment, detention and delivery within said zone and auxiliary lands to the authorities of the Republic of Panama of persons charged with the commitment of crimes, felonies or misdemeanors without said zone and for the pursuit, capture, imprisonment, detention and delivery without said zone to the authorities of the United States of persons charged with the commitment of crimes, felonies and misdemeanors within said zone and auxiliary lands.

ARTICLE XVII The Republic of Panama grants to the United States the use of all the ports of the Republic open to commerce as places of refuge for any vessels employed in the Canal enterprise, and for all vessels passing or bound to pass through the Canal which may be in distress and be driven to seek refuge in said ports. Such vessels shall be exempt from anchorage and tonnage dues on the part of the Republic of Panama.

ARTICLE XVIII The Canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by Section I of Article three of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

ARTICLE XIX The Government of the Republic of Panama shall have the right to transport over the Canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind. The exemption is to be extended to the auxiliary railway for the transportation of persons in the service of the Republic of Panama, or of the police force charged with the preservation of public order outside of said zone, as well as to their baggage, munitions of war and supplies.

ARTICLE XX If by virtue of any existing treaty in relation to the territory of the Isthmus of Panama, whereof the obligations shall descend or be assumed by the Republic of Panama, there may be any privilege or concession in favor the Government or the citizens and subjects of a third power relative to an interoceanic means of communication which in any of its terms may be incompatible with the terms of the present convention, the Republic of Panama agrees to cancel or modify such treaty in due form, for which purpose it shall give to the said third power the requisite notification within the term of four months from the date of the present convention, and in case the existing treaty contains no clause permitting its modification or annulment, the Republic of Panama agrees to procure its modification or annulment in such form that there shall not exist any conflict with the stipulations of the present convention.

ARTICLE XXI The rights and privileges granted by the Republic of Panama to the United States in the preceding Articles are understood to be free of all anterior debts, liens, trusts, or liabilities, or concessions or privileges to other Governments, corporations, syndicates or individuals, and consequently, if there should arise any claims on account of the present concessions and privileges or otherwise, the claimants shall resort to the Government of the Republic of Panama and not to the United States for any indemnity or compromise which may be required.

ARTICLE XXII *The Republic of Panama renounces and grants to the United States the participation to which it might be entitled in the future earnings of the Canal under Article XV of the concessionary contract with Lucien N. B. Wyse now owned by the New Panama Canal Company and any and all other rights or claims of a pecuniary nature arising under or relating to said concession, or arising under or relating to the concessions to the Panama Railroad Company or any extension or modification thereof; and it likewise renounces, confirms and grants to the United States, now and hereafter, all the rights and property reserved in the said concessions which otherwise would belong to Panama at or before the expiration of the terms of ninety-nine years of the concessions granted to or held by the above mentioned party and companies, and all right, title and interest which it now has or many hereafter have, in and to the lands, canal, works, property and rights held by the said companies under said concessions or otherwise, and acquired or to be acquired by the United States from or through the New Panama Canal Company, including any property and rights which might or may in the future either by lapse of time, forfeiture or otherwise, revert to the Republic of Panama, under any contracts or concessions, with said Wyse, the Universal Panama Canal Company, the Panama Railroad Company and the New Panama Canal Company.*

The aforesaid rights and property shall be and are free and released from any present or reversionary interest in or claims of Panama and the title of the United States thereto upon consummation of the contemplated purchase by the United States from the New Panama Canal (company, shall be absolute, so far as concerns the Republic of Panama, excepting always the rights of the Republic specifically secured under this treaty.

ARTICLE XXIII *If it should become necessary at any time to employ armed forces for the safety or protection of the Canal, or of the ships that make use of the same, or the railways and auxiliary works, the United States shall have the right, at all times and in its discretion, to use its police and its land and naval forces or to establish fortifications for these purposes.*

ARTICLE XXIV *No change either in the Government or in the laws and treaties of the Republic of Panama shall, without the consent of the United States, affect any right of the United States under the present convention, or under any treaty stipulation between the two countries that now exists or may hereafter exist touching the subject matter of this convention.*

If the Republic of Panama shall hereafter enter as a constituent into any other Government or into any union or confederation of states, so as to merge her sovereignty or independence in such Government, union or confederation, the rights of the United States under this convention shall not be in any respect lessened or impaired.

ARTICLE XXV *For the better performance of the engagements of this convention and to the end of the efficient protection of the Canal and the preservation of its neutrality, the Government of the Republic of Panama will sell or lease to the United States lands adequate and necessary for naval or coaling stations on the Pacific coast and on the western Caribbean coast of the Republic at certain points to be agreed upon with the President of the United States.*

ARTICLE XXVI *This convention when signed by the Plenipotentiaries of the Contracting Parties shall be ratified by the respective Governments and the ratifications shall be exchanged at Washington at the earliest date possible.*

In faith whereof the respective Plenipotentiaries have signed the present convention in duplicate and have hereunto affixed their respective seals.

Done at the City of Washington the 18th day of November in the year of our Lord nineteen hundred and three.

JOHN HAY [SEAL]

The Avalon Project at Yale Law School.

<http://www.yale.edu/lawweb/Avalon/diplomacy/panama/pan001.htm>

Executive Order 8981 - NAVY HOSPITAL AREA, COCO SOLO, CANAL ZONE

December 17th, 1941

By virtue of the authority vested in me by section 5 of title 2 of the Canal Zone Code, approved June 19, 1934, and as President of the United States, it is ordered as follows:

SECTION 1. Setting apart of reservation; boundaries. The following- described area of land in the Canal Zone is hereby reserved and set apart as, and assigned to the uses and purposes of, a naval reservation, which shall be known as Navy Hospital Area, Coco Solo, and which shall be under the control and jurisdiction of the Secretary of the Navy, subject to the provisions of section 2 of this order:

Beginning at monument marked N. H.-1 on Panama Canal drawing, M-6109-21, which monument is a 2 1/2 inch galvanized iron pipe surrounded by a 12 inch concrete collar, the geographic position of which monument, referred to the Panama-Colon datum of the Canal Zone triangulation system, is in latitude 9 degrees 21' North plus 1100.4 feet and longitude 79 degrees 51' West plus 3934.5 feet from Greenwich. Monument N. H.-1 is 15 feet in a southerly direction from the centerline of the old Cativa Road.

Thence from said initial point, by metes and bounds.

S. 17 degrees 40'30" E., 376.0 feet to monument N. H.-2 which is a 2 1/2 inch galvanized iron pipe surrounded by a 12 inch concrete collar. Monument N. H.-2 is 100 feet from the centerline of the Trans-Isthmian Highway; and on the northerly boundary of the Colon-Cativa Corridor;

Thence along the northerly boundary of the Colon-Cativa Corridor in a generally southwesterly direction through monuments N. H.-3 and N. H.-4 to monument N. H.-5 located on the east bank of the Coco Solo River, (all monuments are similar to the above). From monument N. H.-2 to N. H.-3 the line bears S. 63 degrees 09'45" W., 187.2 feet; from monument N. H.-3 to N. H.-4 the chord of the curve (radius of 5,829.6 feet) is S. 59 degrees 34'45" W., 728.7 feet, and from monument N. H.-4 to monument N. H.-5 the line bears S. 55 degrees 59'45" W., 626.1 feet.

Thence in a generally northerly direction along the East bank of the Coco Solo River to monument N. H.-6, similar to the above. From monument N. H.-5 to N. H.-6 the direct line bears N. 22 degrees 02'30" W., 1,346.8 feet.

N. 55 degrees 03'45" E., 929.2 feet, to monument N. H.-7, similar to the above, which is 15 feet in a southerly direction from the centerline of the old Cativa Road;

Thence in a generally southeasterly direction parallel to and 15 feet from the centerline of the old Cativa Road to the point of beginning. From N. H.-7 to N. H.-1 the direct line bears S. 56 degrees 45'30" E., 1,128.7 feet.

The above-described tract contains an area of 39.4 acres.

The directions of the lines refer to the true meridian.

The survey was made in May, 1941, by the Office Engineering Division, Section of Surveys, The Panama Canal, and is as shown on Panama Canal drawing No. M-6109-21 entitled 'Boundary Map of Navy Hospital Area, Coco Solo, Canal Zone', on file in the Office of the Governor, The Panama Canal, and the Office of the Commandant, 15th Naval District.

SECTION 2. Conditions and limitations. The reservation made by section 1 of this order shall be subject to the following conditions and limitations:

(a) The area comprising this reservation shall continue to be subject to the civil jurisdiction of the Canal Zone Government in conformity with the provisions of the Canal Zone Code as amended and supplemented.

(b) The naval authorities shall bear all the costs of the transfer of such area, including the cost of surveys and of cancelation of any agricultural licenses or other permits which may be in force in the area.

(c) Personnel and equipment of The Panama Canal shall be permitted access to such area to carry out necessary Panama Canal operations in connection with drainage, sanitation, surveys, etc., in the area or vicinity.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

The American Presidency Project John Woolley and Gerhardt Peters University of Santa Barbara <http://www.presidency.ucsb.edu/ws/index.php?pid=60391>

UNITED STATES GOVERNMENT PRINTING OFFICE Washington 1947

Chapter 18 -- Bases in South America and the Caribbean Area, Including Bermuda Page 15 --

"By the end of 1940, work had begun on a new supply depot at Balboa, and on the Farfan Radio Station on the west bank, together with the enlargement of the two inland radio stations at Gatun and Summit. Two net depots were started in December, one at each end of the Canal, and during the same month a third contract was awarded for 1,400 housing units, 1,100 at Coco Solo and the remainder on the west bank at Balboa. The following summer two naval hospitals, one at Coco Solo and the other at Balboa, were begun."

<http://newsbusters.orgcrums/latest-news/q-panamanian-born-john-mccain-natural-born-citizen-united-states-19392>

Building the Navy's Bases in World War II History of the Bureau of Yards and Docks and the Civil Engineer Corps 1940-1946 Volume II UNITED STATES GOVERNMENT PRINTING OFFICE

Coco Solo was a United States Navy submarine base established in 1918 on the Atlantic Ocean (northwest) side of the Panama Canal Zone, near Colón, Panama.

Coco Solo Hospital was constructed in the Summer of 1941 and the area became part of the Panama Canal Zone when Franklin Roosevelt signed Executive Order 8981, Dec 17, 1941 expanding the Canal Zone.

Coco Solo was also home to the Atlantic Side High School, Cristobal Jr Sr High, which in the late 70's was also the High school for Panamanians from Rainbow City.

Also located in Coco Solo was the local Commissary where Zonian's would purchase food and clothing.

U.S. Senator John McCain was born at the Coco Solo base.

U.S. Senator John McCain's Birth Certificate states he was born in Colon, Republic of Panama which was never part of the Panama Canal Zone. (If so, where is the birth certificate? If someone has a copy of the document they should put it on the internet.)

[Http://en.Wikipeda.org/wiki/Coco_solo](http://en.Wikipeda.org/wiki/Coco_solo).

In 1953, Congress passed legislation to specify the status of Americans born in the Canal Zone and to exclude non-Americans born there from citizenship. Title 8, Section 1403 of the United States code grants citizenship to those born in the Canal Zone with one parent who is a United States Citizen. This differs from the provision of the Fourteenth Amendment which grants citizenship to all born in the United States, regardless of parental nationality. (Excuse me but the Canal Zone has never been a territory of the United States. This arrogance is why the Panamanians kicked us out.)

Canal Zone Police

²⁷The Canal Zone had its own police force (Canal Zone police), courts and judges (The U.S. District Court for the Canal Zone). Civil and Criminal jurisdictions were assumed by the Republic of Panama. The "Division of Police and Prisons" was organized on June 2, 1904. As its head, President Roosevelt specially selected George R. Shanton, a Western type of rough-and-ready sheriff. Shanton had been one of the then Colonel Roosevelt's "Rough Riders" in the Spanish-American War.

The *Canal Zone Pilot* from 1908 describes the new Canal Zone Police in an article titled "The Guardians of the Zone", which I quote as follows:

"The Police Department... has jurisdiction over and covers the entire Zone from Cristobal to Ancon and La Boca inclusive, as well as the islands belonging to the Zone.

The headquarters of Zone police is located at Ancon, C.Z., as is also the residence of the Chief of Police, who is also Marshal of the Canal Zone, Warden of the Zone Penitentiary, and Coronor of the Canal Zone is Geo. R. Shanton.

The Chief Clerk of the Department is D. E. McDonald, who is in charge of Police Headquarters during the absence of the Chief of Police. The strength of the force is 200 officers and men, who are about equally distributed throughout the different districts of the Canal Zone, the principal stations being located at Ancon, Las Sabanas, La Boca, Pedro Miguel, Paraiso, Culebra, Empire, Las Cascadas, Bas Obispo, Gorgona, Tabernilla, Bohio, Gatun and Cristobal. Each of the above stations is supplied with a jail, and a majority of them have a number of outposts governed by the main stations being in immediate charge of a lieutenant or sergeant, who is required to report daily to Police Headquarters. All stations and outposts are also immediately connected with Police Headquarters by telegraph and telephone.

The present strength of the force is one chief of police, one chief clerk, six clerks, one first lieutenant, one second lieutenant, twelve sergeants, twenty corporals, 80 first class policeman, all of whom are white, and eighty colored policemen.

The uniform worn by the white officers is khaki, with regulation campaign hat; that worn by the colored officers is khaki, with khaki helmet. The side-arms used are the regulation policeman's club, and regulation 38 Colt pistol.

Nearly all of the first class police officers - corporals, sergeants and lieutenants - are ex-police

officers with good records in the States, or are military men with excellent records and credentials from the United States Army."

The Canal Zone Police uniforms were copied by Shannon from the uniform the "Rough Riders" used in the Spanish-American War. The uniform remained unchanged until 1941.

Philippines

Is not included in 1940 Naturalization Act Section 101 (d) as part of the United States in a geographic sense effective 90 days after 14 Oct 1940 under definitions Chapter 1. In Treaty of Paris effective 11 Apr 1899 after the Spanish-American War Spain ceded the Philippines to the United States and became independent on 4 July 1846.

The Philippines, although they had become U.S. territory, were not part of the United States because Congress had not yet enacted laws incorporating them into the United States or making the Constitution fully applicable to them (Downes v. Bidwell, 182 U.S. 244 (1901); Dorr v. U.S., 195 U.S. 138 (1904)). 7 FAm 1121.2-2 Court Decisions b(2) 86756.PDF

Puerto Rico

Additionally under Section 202 all persons born in Puerto Rico on or after 11 April 1899 or residing in Puerto Rico or other territory subject to the jurisdiction and over which the United States exercises rights of sovereignty are declared to be citizens of the United States. *In Treaty of Paris after the Spanish-American War effective 11 Apr 1899 Spain ceded Puerto Rico to the United States.*

Under the NA (effective January 13, 1941 to December 24, 1952) Puerto Rico came within the definition of "United States" for nationality purposes, but they were not made incorporated territories. 7 fam 1121.4-1 86756.pdf

Under the INA Act effective December 24, 1952 the definition of the United States for nationality purposes was expanded to add Puerto Rico. Persons born in these territories on or after December 24, 1952 acquire U.S. citizenship at birth on the same terms as persons born in other parts of the United States. 7 fam 1121.4-1 86756.pdf pages 6 & 7.

INA: ACT 302 - PERSONS BORN IN PUERTO RICO

Sec. 302. [8 U.S.C. 1402] All persons born in Puerto Rico on or after April 11, 1899, and prior to January 13, 1941, subject to the jurisdiction of the United States, residing on January 13, 1941, in Puerto Rico or other territory over which the United States exercises rights of sovereignty and not citizens of the United States under any other Act, are hereby declared to be citizens of the United States as of January 13, 1941. All persons born in Puerto Rico on or after January 13, 1941, and subject to the jurisdiction of the United States, are citizens of the United States at birth. Immigration Act of 1952

The Court held that citizens of Puerto Rico were not aliens even though they had not been granted full U.S. citizenship by act of Congress. *Gonzales v. Williams* 192 U.S. 1 (1904) Supreme Court 7 Fam 1121.2-2 (d)

Puerto Rico had become a U.S. territory, but was not part of the United States because Congress had not yet enacted laws incorporating them into the United States or making the

Constitution fully applicable to them (Downes v. Bidwell, 182 U.S. 244 (1901); Dorr v. U.S., 195 U.S. 138 (1904)). Court Decisions 7FAM 1121.2-2 b(2) 86756.pdf

Act of April 12, 1900, Effective after the year during which a declaration could be made to preserve Spanish nationality, Congress quickly took steps to define the status of the inhabitants of Puerto Rico. Section 7 of the Act of (31 Stat. 77) stated “That all inhabitants continuing to reside therein who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine, and then resided in Puerto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of Puerto Rico, and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain on or before the eleventh day of April, nineteen hundred, in accordance with the provisions of the treaty.”

Thus, a Spanish subject who resided in Puerto Rico on April 11, 1899, and continued to reside there until April 12, 1900, acquired Puerto Rican citizenship and non-citizen U.S. nationality, unless that person was born in the Spanish peninsula and had declared an intention to keep Spanish nationality. 7 Fam 1122.2-1 Status of Inhabitants of Puerto Rico after April 11, 1899 and before March 2, 1917 86756.pdf pages 8-9.

The Act of March 2, 1917 (39 Stat. 953) granted U.S. citizenship as of that date to all citizens of Puerto Rico and to certain natives of Puerto Rico who had been absent from Puerto Rico on April 11, 1899, but had returned to reside permanently. Section 5 of the Act provided: That all citizens of Puerto Rico, as defined by section seven of the Act of April twelfth, nineteen hundred ... and all natives of Puerto Rico, who were temporarily absent from that island on April eleventh, eighteen hundred and ninety-nine, and have since returned and are permanently residing in that island, and are not citizens of any foreign country, are hereby declared, and shall be deemed and held to be, citizens of the United States: Provided, That any person hereinbefore described may retain his present political status by making a declaration, under oath, of his decision to do so within six months of the taking effect of this Act before the district court in the district in which he resides...

(2) The following persons who did not make the declaration mentioned in Section 5 became U.S. citizens as of March 2, 1917: (a) All citizens of Puerto Rico regardless of their place of residence on March 2, 1917. (b) All natives of Puerto Rico who were not citizens of any foreign country and who were absent from Puerto Rico when the United States acquired it but had returned to Puerto Rico and were residing there on March 17, 1917. 7 Fam 1122.2-3 U.S. Citizenship Granted to citizens of Puerto Rico. Page 11 86756.pdf

a. The Act of March 2, 1917, as originally enacted, did not make any provisions for acquiring U.S. citizenship by birth in Puerto Rico.

b. The first law specifically relating to the acquisition of U.S. citizenship by birth in Puerto Rico was the Act of June 27, 1934 (48 Stat. 1245), which amended the Act of March 2, 1917, and stated, in Section 5b, that: • All persons born in Puerto Rico on or after April 11, 1899 (whether before or after the effective date of this Act) and not citizens, subjects, or nationals of any foreign power, are hereby declared to be citizens of the United States: Provided, That this Act shall not be construed as depriving any person, native of Puerto Rico, of his or her American citizenship heretofore otherwise lawfully acquired by such person; or to extend such citizenship to persons who shall have renounced or lost it under the treaties and/or laws of the United States or who are now residing permanently abroad and are citizens or subjects of a foreign country.....

c. Under this Act, persons born in Puerto Rico after April 10, 1899, who were not U.S. citizens on June 27, 1934, acquired U.S. citizenship on that date unless they: (1) Had acquired a foreign nationality at birth;

e. The Act of June 27, 1934, was intended to confer citizenship only on persons born in Puerto Rico who would otherwise be stateless; thus, acquisition of a foreign nationality in any manner, including by automatic operation of foreign law, would keep a person born in Puerto Rico from

benefiting from the Act of June 27, 1934. 7 Fam 1122.2-4 U.S Citizenship of Persons born in Puerto Rico on or after March 2, 1917, and before January 13, 1941 page12 & 13 86756.pdf

The Nationality Act of 1940, effective January 13, 1941, provided that: SEC 202. All persons born in Puerto Rico on or after April 11, 1899, subject to the jurisdiction of the United States, residing on the effective date of this Act in Puerto Rico or other territory over which the United States exercises rights of sovereignty and not citizens of the United States under any other Act, are hereby declared to be citizens of the United States.

b. To benefit from Section 202, a person did not have to be in Puerto Rico or other U.S. territory on January 13, 1941, as long as the person's residence there or in other U.S. territory continued. In *Puig Jimenez v. Glover*, 255 F.2d 54 (1st Cir., 1958), it was held that a woman born in Puerto Rico in 1922 to Spanish permanent residents of Puerto Rico, who accompanied her parents on a visit to Spain in 1936 and was unable to return to the United States until July 14, 1941, because of the Spanish Civil War, could still be considered a resident of Puerto Rico within the meaning of Section 202, NA and had acquired U.S. citizenship.

c. Puerto Rico came within the 1940 Act's definition of "United States." Persons born there on or after January 13, 1941, acquired U.S. citizenship on the same terms as persons born in other parts of the United States. The current laws are quoted in 7 FAM 1122.1 .

Swain Island

On March 4, 1925, by joint resolution, Congress proclaimed American sovereignty over Swains Island, which had been the private possession of an American family for about 50 years, and made it part of American Samoa. Thus, today there are relatively few noncitizen U.S. nationals – primarily in American Samoa – and, as such, the distinction between national and citizen is often blurred or overlooked.

Under the INA Act effective Dec 24, 1952 the definition of Outlying possessions of the United States was restricted to American Samoa and Swains Island.

Section 301(e) INA (formerly 301(a)(5)) stated how U.S. citizenship could be acquired by birth in outlying possessions. SEC 301 The following shall be nationals and citizens of the United States at birth: (e) a person born in an outlying possession of the United States of parents, one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year at any time prior to the birth of such person 7 Fam 1121.4-2 86756.pdf pages 6 & 7.

Virgin Islands of the United States

(a) The Virgin Islands of the United States, formerly the Danish West Indies, were purchased from Denmark on August 4, 1916. The convention making effective such purchase was ratified and came into force on January 17, 1917.

b. Article 6 of the convention states that: • Danish citizens who remain in the islands may preserve their citizenship in Denmark by making before a court of record, within one year from the date of the exchange of ratifications in this convention, a declaration of their decision to preserve such citizenship; in default of which declaration they shall be held to have renounced it, and to have accepted citizenship in the United States; for children under the age of eighteen years the declaration may be made by their parents or guardians. Such election of Danish Citizenship shall however not, after the lapse of the said term of one year, be a bar to their renunciation of their preserved Danish citizenship and their election of citizenship in the United States and admission to the nationality thereof on the same terms as may be provided according

to the laws of the United States, for other inhabitants of the islands. The civil rights and the political status of the inhabitants of the islands shall be determined by Congress, subject to the stipulations contained in the present Convention

c. Even though the convention referred to "citizenship in the United States" rather than U.S. nationality, it was administratively held that, consistent with the rulings of the Supreme Court in the "Insular Cases" on the status of inhabitants of territories acquired by treaty (see 7 FAM 1121.2-2 a), Danish citizens residing in the U.S. Virgin Islands on January 17, 1917, who did not elect to preserve their Danish citizenship became non-citizen U.S. nationals (3 Hackworth, Digest of International Law 147; 38 Op Atty. Gen. 525 (1936); 3 I. & N. 870 (1950); 6 I. & N. 226 (1954)).

d. Temporary absence from the Virgin Islands at the time of cession did not preclude acquisition of U.S. nationality if the person was otherwise qualified. For instance:

(1) The Department construed "residence" to mean a permanent dwelling place to which the person, when absent, intended to return.

(2) In determining whether someone could be considered an inhabitant of the islands within the meaning of the treaty, the Department required the person to provide proof of being a bona fide resident of the islands before annexation and of having had a definite intention to return.

(3) The Department considered such factors as the temporary nature of the absence (schooling, business trip, and so forth); evidence of a permanent connection to the islands (such as ownership of property, payment of taxes, and/or the presence of family in the islands), and the lack of fixed abode elsewhere.

e. The nationality of the non-Danish residents of the Virgin Islands was not affected by the convention.

f. The Acts of February 25, 1927 (44 Stat. 1234) and June 28, 1932 (47 Stat. 336) granted U.S. citizenship to Virgin Island natives born prior to annexation if they met certain criteria, now codified in Section 306, INA (quoted in 7 FAM 1123.1 b). 7 fam 1123.2-1 Status of Inhabitants after transfer to United States Sovereignty. Pages 16-17 86756.paf

Status Acquired by Birth in the Islands After Annexation but Before February 25, 1927

a. After annexation and before February 25, 1927 persons born to two U.S. nationals in the Virgin Islands acquired non-citizen U.S. nationality.

b. A child born there to two aliens did not acquire U.S. nationality at birth.

c. The status of persons born there, subject to U.S. jurisdiction, on or after January 17, 1917, was altered by the Act of February 25, 1927 as quoted in 7 FAM 1123.2-3. 7 FAM 1123.2-2 page 17 86756.pdf

Laws Granting U.S. Citizenship to Persons Born in the Virgin Islands

a. The first law to govern acquisition of U.S. citizenship by birth in the Virgin Islands was the Act of February 25, 1927 (44 Stat. 1234), which became effective from the date of enactment.

b. Section 3 of that law stated that: All persons born in the Virgin Islands on or after January 17, 1917 (whether before or after the effective date of this Act), and subject to the jurisdiction of the United States, are hereby declared citizens of the United States.

c. The Virgin Islands came within the definition of "United States" given in the Nationality Act of 1940, and Section 201(a) NA applied to persons born in the Virgin islands. For the current law, see 7 FAM 1123.1b . 7 fam 1123.2-3 page 17-18 86756.pdf

Status Acquired by Birth Outside the Islands to Former Danish Residents or Natives of the Islands

a. Children born between January 17, 1917 and February 25, 1927 to someone who became a U.S. citizen under Section 1 of the Act of February 1, 1927, were declared U.S. citizens as of February 25, 1927, regardless of their birthplace. **However, not natural born citizenship because it was not embodied in Constitution and 14th Amendment.**

b. The provisions of Section 1 were the same as those of Section 306(a)(1)-(3) INA (quoted in 7 FAM 1123.1 b). 7 FAM 1123.2-4 page 18 86756.pdf

Is included in 1940 Naturalization Act Section 101 (d) as part of the United States in a geographic sense effective 90 days after 14 Oct 1940 under definitions Chapter 1.

Under the NA (effective January 13, 1941 to December 24, 1952)
(1) U.S. Virgin Islands came within the definition of "United States" for nationality purposes, but they were not made incorporated territories. 7 Fam 1121.4-1 86756.pdf

Section 301(a) INA applies. The Virgin Islands of the United States, formerly the Danish West Indies, were purchased from Denmark pursuant to a Convention ratified on January 17, 1917.

Under the INA Act effective December 24, 1952 the definition of the United States for nationality purposes, was expanded to add Virgin Islands of the United States). Persons born in these territories on or after December 24, 1952 acquire U.S. citizenship at birth on the same terms as persons born in other parts of the United States. **However, natural born citizenship does not apply because it is not embodied in Constitution and 14th amendment.** 7 FAM 1121.4-2 Ina Act 1952 86756.pdf pages 6 & 7.

The Virgin Islands of the United States come within the definition of "United States" given in Section 101(a)(38) INA. A person born there now acquires U.S. citizenship in the same way as one born in any of the 50 States. **However, natural born citizenship does not qualify because it is not embodied in Constitution and 14th amendment.** 7 Fam 1123.1 14-15 86756.pdf

INA: ACT 306 PERSONS LIVING IN AND BORN IN THE VIRGIN ISLANDS – Pertains specifically to the Virgin Island of the United States.

Sec. 306. [8 U.S.C. 1406]

(a) The following persons and their children born subsequent to January 17, 1917, and prior to February 25, 1927, are declared to be citizens of the United States as of February 25, 1927:

(1) All former Danish citizens who, on January 17, 1917, resided in the Virgin Islands of the United States, and were residing in those islands or in the United States or Puerto Rico on February 25, 1927, and who did not make the declaration required to preserve their Danish citizenship by article 6 of the treaty entered into on August 4, 1916, between the United States and Denmark, or who, having made such a declaration have heretofore renounced or may hereafter renounce it by a declaration before a court of record;

(2) All natives of the Virgin Islands of the United States who, on January 17, 1917, resided in those islands, and were residing in those islands or in the United States or Puerto Rico on February 25, 1927, and who were not on February 25, 1927, citizens or subjects of any foreign country;

(3) All natives of the Virgin Islands of the United States who, on January 17, 1917, resided in the

United States, and were residing in those islands on February 25, 1927, and who were not on February 25, 1927, citizens or subjects of any foreign country; and

(4) All natives of the Virgin Islands of the United States who, on June 28, 1932, were residing in continental United States, the Virgin Islands of the United States, Puerto Rico, the Canal Zone, or any other insular possession or territory of the United States, and who, on June 28, 1932, were not citizens or subjects of any foreign country, regardless of their place of residence on January 17, 1917.

(b) All persons born in the Virgin Islands of the United States on or after January 17, 1917, and prior to February 25, 1927, and subject to the jurisdiction of the United States are declared to be citizens of the United States as of February 25, 1927; and all persons born in those islands on or after February 25, 1927, and subject to the jurisdiction of the United States, are declared to be citizens of the United States at birth. **However, natural born citizenship does not apply because it is not embodied in 14th amendment and United States Constitution.** 7 Fam 1123.1 86756.pdf

Washington D.C.

1940 Naturalization Act. For the purposes of Chapter 3 of the Act---

(a)The term "State" includes (except as used in subsection (a) of Section 301), Alaska, Hawaii, the District of Columbia, Puerto Rico, and the Virgin Islands of the United States. (Deals with Courts of Naturalization) This does not make much sense because the District of Washington D.C. is not a State by definition of Constitution because it has neither Senators nor members of the House of Representatives. However land for the district was taken from Maryland and Virginia but territory taken from Virginia was given back to Virginia. 76 Congress, 3rd Session, Chapter 876, Section 102 (a), page 1138.

First Two Colonies

The first charter recites, that Sir Thomas Gates and his fellow adventurers were desirous of dividing themselves into two several colonies and companies. §2. In section 3, the king commends the undertaking; in section 4, gives one hundred miles square to the first colony; and the like quantity in section 5, to the second. This cannot be said to favour any subdivisions of chartered territory. Sections 4 and 5. Every other subject was prohibited from planting, or inhabiting behind either of the two colonies. This prohibition was plainly dictated by the danger apprehended from the establishment of distinct governments. In no part of this charter is provision made for the government of more than two colonies. It was impossible then for the proprietors to institute different governments. A new and separate colony erected by their authority could not have a seal, establish a coin, and convey the franchises of British natives to persons born therein of British subjects, nor designate grantees of land. In short, the charter of 1606 does constantly discountenance divisions of the territory for the purpose of additional provinces. Journals of Continental Congress 20 aug 1782 pages 500-501

The transition is now easy to the charter of 1609. It was granted not to the adventurers, that is, the proprietors only, but to the planters also; not from undue partiality, but from "respect to their great charges, and the hazard of their lives in the discovery and plantation of the country." But the truth is, that the charter enabled the treasurer and company of adventurers and planters of the city of London for the first colony in Virginia only, [S. 5] to plead and be impleaded; [S. 6] to hold lands within the limits of the charter; [S. 7] to distribute lands under a common seal; [S. 8] to have a council resident in England; [S. 17] to search for mines; to [S. 18]encourage emigration from British dominions; [S. 19] to be free from certain subsidies for twenty years; [S. 21] to seize vessels trafficking without license within the precincts of the charter; [S. 23 and 24]

and to dispense criminal and martial justice: nor are the liberties of natural subjects granted to any person born within the limits of the charter, but as those limits constitute the first colony of Virginia. *Journal of Continental Congress aug 20, 1782 page 501*

Virginia Naturalizations, 1657—1776

²⁸Native-born Englishmen or women who came to any of the English colonies did not need to be naturalized, as they were already citizens of the mother country. In its session of March 1657/58, Virginia's General Assembly passed an act setting the conditions for foreigners to become denizens (or subjects) of the colony of Virginia and receive certain specified privileges. Foreigners must have lived in the colony for four years, and were required to take the oath of fidelity in the court of the county where they resided. Children of a foreigner who had taken the oath of fidelity could also take the oath upon arriving at legal age. In the colony of Virginia, denizens were able to purchase, hold, and dispose of land; additionally, they could engage in trade. However, denizens were not allowed to hold public office. The first recording of individual denization in Virginia appears on 1 April 1658. From extant records, it appears that the oath of denization was initiated at the county level and that confirmation was accomplished through action in the General Assembly. Although only Parliament had the right to naturalize aliens, colonial government officials, including those in Virginia, adapted British concepts of naturalization to meet their own needs in their efforts to populate vast areas of unsettled territory. In 1671 the General Assembly passed another naturalization act, requiring that foreigners petition the General Assembly and take an oath of allegiance and supremacy to the crown. Naturalization gained in Virginia did not extend to other colonies. This act gave recipients the right to inherit land and to have all the inherent rights of native-born Englishman. In June 1680, the General Assembly passed a third naturalization act, granting the governor or commander-in-chief of the colony the power to naturalize foreigners, once they had taken an oath of allegiance. In 1705, the General Assembly passed two acts concerning naturalization. On 12 May, an act to naturalize the 148 Huguenots resident at Manakintown was passed. In October 1705 the General Assembly passed a general act for the naturalization of foreigners. This act had three provisions: (1) letters of naturalization could be granted foreigners by the governor or commander-in-chief of the colony; (2) foreigners who applied were required to take an oath appointed by Parliament; and (3) all persons who purchased land from aliens were granted clear title to that land. Not until its session of November 1738 did the General Assembly pass further legislation concerning naturalization. This act provided for the governor or commander-in-chief of the colony to grant letters of naturalization to foreigners on receiving a certificate from a county court clerk confirming that the individual had taken the oath appointed by Parliament. In November 1766, the General Assembly passed its final act of the colonial era concerning the process of naturalization. The provisions of this act confirmed ownership of land descended from or purchased from a foreigner. Not all non-English persons resident in Virginia became naturalized; The 1766 act of naturalization described many aliens as "being ignorant of the modes established for their naturalization." The colonial government did not always enforce the fine points of each law concerning naturalization. Colonial governments adapted laws to the realities of their specific situations.

Great Britain Nationality Laws

²⁹In 1740, Parliament passed the Plantation Act, which enabled foreign-born colonists to win British citizenship: a necessary prerequisite for legal ownership of land as well as for political rights.

The new recruitment invented America as an asylum from religious persecution and political oppression in Europe, with the important proviso that the immigrants had to be Protestants. Colonial laws and prejudices continued to discourage the emigration of Catholic and Jews to

British America, from a fear they would subvert Protestantism and betray the empire to French or Spanish attack. As a land of freedom and opportunity, British America had powerful limits.

³⁰The English legally considered aliens—foreign-born individuals who had not been naturalized. By the seventeenth century, differences between native-born subjects and aliens had become more distinct, and the English people were divided into legal categories: native-born subjects, naturalized subjects, denizens, alien friends, and alien enemies. Incorporating aliens into the community was accomplished in seventeenth-century England by *naturalization*, the granting of all legal rights and privileges of a native-born individual to a foreigner, or *denization*, the act by which a foreigner became a subject of England and received certain privileges. Acts of naturalization, which conferred full rights of citizenship on aliens, could come only through action of Parliament. The crown could only bestow patents of denization that provided limited rights of citizenship.

In 1709 Parliament passed a general act for the naturalization of foreign-born Protestants. Three years later, an enormous response by immigrants from the Palatine area of Germany prompted the act's repeal. In 1740, Parliament passed an act for the naturalization of aliens resident in the American colonies, including but not exclusive to Virginia. This act required that the applicant must have resided a minimum of seven years in any American colony. Applicants took an oath of allegiance and subscribed to the profession of Christianity before a justice in open court. On taking the oath, the applicant submitted a certificate signed by two witnesses that he or she had taken communion in a Protestant congregation; Quakers and Jews were exempt from this requirement. Finally, in 1773, the British Parliament passed an act prohibiting the governments in the American colonies from passing any naturalization acts on their own.

In 1761 Parliament permitted the British army to naturalize those foreign Protestants who had served in the military for two years in the colonies. Americans, however, believing that the colonies should exercise their own control, passed their own naturalization laws until the king nullified them in 1773 and prohibited colonial governors from approving such laws. Writing in the Declaration of Independence, Thomas Jefferson charged the king with obstructing immigration and the naturalization process of foreigners. [Immigrant Experience](http://www.americanforeignrelations.com/BI-IM/Immigrant-Experience.html)
<http://www.americanforeignrelations.com/BI-IM/Immigrant-Experience.html>

Act of 1772

2.4.1 Statutory provisions made in 1350, 1708 and 1730 regarding the acquisition of subject status by children born abroad, were extended in the Act of 1772 which provided that British subject status could be passed to 2 generations born abroad in the legitimate male line,

The 1708 Act

2.2.1 The 1708 "Act for naturalising Foreign Protestants" was passed in the reign of Charles II with the aim of encouraging to this country those Protestant weavers who were fleeing religious persecution in Europe. So many took advantage of it that the national identity was felt to be under attack, and the Act was repealed in 1711.

2.3 Naturalisation by Act of Parliament
2.3.1 Prior to 1708, persons who did not acquire subject status at birth could only acquire it subsequently by means of a special Act of Parliament. Despite the later development of statute law permitting naturalization by administrative grant at the Home Office, this method continued to be used, albeit sparingly. The last private naturalisation measure was enacted in 1975

<http://bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/nationalityinstructions/nisec2gensec/britnatsummaryview=Binary>

from 1772 above

Conclusion

One problem in the United States is the number of people who are non citizens comprising legally and illegally aliens in this country which is at least around 20 million. The number of non citizens which include people that had not completed the naturalization process and actual illegal aliens with no intention of becoming citizens in this country was a problem both to the framers of the Constitution and is and should be a problem today because these people have voted in our elections throughout our history and do vote in our elections today. When I resided in California the registers of voters could not even ask if someone was a citizen when registering to vote. I remember when a Congressman named Bob Doran from one of the most conservative districts in the country was defeated by what he called illegal aliens. He complained long and loud but it did him no good. ³¹**Of the foreign born persons listed in the 1890-1930 census 25% had not been naturalized or filed their first papers. My great grandfather was only 1 of 5 brothers who filed naturalization paper and received citizenship. Of course they all are deceased now.**

³²Persons born in outlying possessions of the United States are considered nationals of the United States. For example, the people of the U.S. territory of American Samoa are U.S. nationals, who, like U.S. citizens, owe allegiance to the United States. American Samoa is an unincorporated and unorganic territory of the United States, meaning that it has not been fully incorporated into the union as one of the States and that Congress has not provided an organic act for it (i.e., an act to organize its government tying it to the U.S. Federal government). Therefore not all provisions of the U.S. Constitution apply to the territory. As a result, American Samoans do not enjoy all the rights of U.S. citizens.

The distinction between citizen and national was pertinent in the late 1800s and the first half of the 1900s when the United States obtained several territories, including American Samoa, Cuba, Guam, the Philippines, Puerto Rico, the Virgin Islands, and the Trust Territory of the Pacific Islands. Because these possessions were not fully incorporated into the United States, persons living there were not accorded the full rights of citizenship. However, with the several political changes in the latter half of the 20th century, citizenship rights were granted to the inhabitants of Puerto Rico, Guam, the Northern Mariana Islands, and the Virgin Islands. In addition, the Philippines was granted full independence in 1946. Cuba had achieved independence from U.S. administration in 1902. Thus, today there are relatively few noncitizen U.S. nationals – primarily in American Samoa – and, as such, the distinction between national and citizen is often blurred or overlooked.

A citizen of the United States is a native-born, foreign-born, or naturalized person who owes allegiance to the United States and who is entitled to its protection.

What this country needs is a national ID system which defines a person as a citizen or as an alien residing in this country legally both to identify persons legally eligible to vote in elections, eligible to obtain drivers licenses and register automobiles, for national security purposes and to cross both ways international borders. The framers of the Constitution were extremely paranoid regarding people that were not Natural Born Citizens but as the debates over 12th amendment to Constitution shows they themselves realized at times they were carrying their paranoid to extremes. But in most cases I reviewed I think their paranoid was justified especially in the case of requiring the President to be a natural born citizen. **This example is all about the loyalty of the Commander of the Army and Navy to the United States and its citizens and his or her soldiers and sailors to their Commander especially during wartime. In this day and age the President has his or her finger on the nuclear trigger that could wipe out entire groups of people or the entire world. We should be extremely careful in this area and consider other areas of fitness for the Office of the Presidency and consider shared consent before use of nuclear weapons by such people as the Senate Pro Tem,**

Speaker of House of Representatives or majority of cabinet members like other countries unless missiles presumably with nuclear weapons are in the air and flying toward the United States.

Another problem for this country is we cannot forget that children born to illegal aliens and non citizens including people who have not completed the naturalized citizenship process are natural born citizens of the State they were born in and eligible to run for the Presidency of the United States. Court decisions involving this concept are emphatic about children born in one of the 50 states being natural born citizens regardless of citizenship status of parents.

Naturalization and Immigration Acts from 1790-1795

³³The first Naturalization Act dated 26 Mar 1790 states “Section 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien, being a free white person, who shall have resided within the limits and under the jurisdiction of the United States for the term of two years, may be admitted to become a citizen thereof, on application to any common law court of record, in any of the States wherein he shall have resided for the term of one year at least, and making proof to the satisfaction of such court, that he is a person of good character, and taking, the oath or affirmation prescribed by law, to support the constitution of the United States, which oath or affirmation such court shall administer; and the clerk of such court shall record such application, and the proceeding thereof; and thereupon such person shall be considered as a citizen of the United States. And the children of such persons so naturalized, dwelling within the United States, being under the age of twenty-one years at the time of naturalization, shall be considered as citizens of the United States. And the children of citizens of the United States, that may be born beyond sea, or out of the limits of the United States, shall be considered as ³⁴natural born citizens: Provided, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States: Provided also, That no person heretofore proscribed by any state, shall be admitted a citizen as aforesaid, except by an act of the legislature in which such person was proscribed.(a)”

The 1st naturalization Act dated 26 Mar 1790 was repealed by Naturalization Act of 29 Jan 1795 Chapter 20 Section 4 in its entirety. Congress had power only to establish rules of naturalization according to Constitution before 14th amendment. ³⁵To Establish an Uniform Rule of Naturalization and uniform Laws on bankruptcies throughout the United States.

³⁶An Act to establish an uniform rule of Naturalization; and to repeal the act heretofore passed on the subject.(a) For carrying into complete effect, the power given by the Constitution, to establish an uniform rule of naturalization throughout the United States. The second Naturalization Act effective 29 Jan 1795 states “Section 1. Be it enacted by the Senate and House of Representatives of the United States of America assembled. That any alien, being a free white person, may be admitted to become a citizen of the United States, or any of them, on the following conditions, and not otherwise: First. He shall have declared on oath or affirmation, before the supreme, superior, district or circuit court of some one of the states, or of the territories northwest or south of the river Ohio, or a circuit or district court of the United states, 3 years, at least, before his admission, that it was bona fide, his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and particularly by name, the prince, potentate, state or sovereignty whereof such alien may, at the time, be a citizen or subject. Secondly. He shall at the time of his application to be admitted, declare on oath or affirmation, before some one of the courts aforesaid, that he has resided in the United States, five years at least, and within the state or territory, where such court is at the time held, one year at least; that he will support the constitution of the United States; and that he doth absolutely and entire renounce and

abjure allegiance and fidelity to every foreign prince, potentate or sovereignty whatever, and particularly by name, the prince, potentate, state or sovereignty, whereof he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

Thirdly. The court admitting such alien, shall be satisfied that he has resided within the limits and under the jurisdiction of the United States five years; and it shall further appear to their satisfaction, that during that time, he has behaved as a man of good moral character, attached to the principals of the constitution of the United States, and well disposed to the good order and happiness of the same.

Fourthly In case the alien applying to be admitted to citizenship shall have born any hereditary title, or been of any of the orders of nobility, in the kingdom or state from which he came, he shall in addition to the above requisites, make an express renunciation of his title or order of nobility, in the court to which his application shall be made; which renunciation shall be recorded in the same court.

Section 2 Provided always, and be it further enacted, That any alien now residing within and under the jurisdiction of the United States, may be admitted to become a citizen, on his declaring on oath or affirmation, in some one, of the courts aforesaid, that he resided two years, at least, within and under the jurisdiction of the same, and one year, at least, within the state or territory where such court is at the time held; that he will support the constitution of the United States; and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and particularly by name, the prince, potentate, state or sovereignty, whereof he was before a citizen or subject; and moreover on its appearing to the satisfaction of the court, that during the said term of two years, he has behaved as a man of good character, attached to the constitution of the United States, and well disposed to the good order and happiness of same; and, where the alien applying for admission to citizenship, shall have born any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his moreover making in the court an express renunciation of his title or order of nobility, before he shall be entitled to such admission; all of which proceedings, required in this proviso to be performed in the court, shall be recorded by the clerk thereof.

Section 3 And it be further enacted, That the children of persons duly naturalized, dwelling within the United States, and being under the age of twenty-one years, at the time of such naturalization; and the children of citizens of the United States, born out of the limits and jurisdiction of the United States, shall be considered citizens of the United States: Provided, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States. Provided Also: That no person heretofore proscribed by any state, or who has been convicted of having joined the army of Great Britain during the late war, shall be admitted a citizen aforesaid, without consent of the legislature of the state in which such person was proscribed.

Section 4 And be it further enacted, That the Act entitled "An Act to establish an uniform rule of naturalization," passed the twenty-sixth day of March, one thousand seven hundred and ninety, be, and the same is hereby repealed.

Note language referring to natural born citizens is not included in this Act of 29 Jan 1795 but act does state that children of citizens born out of the limits and jurisdiction of the United States shall be considered citizens of the United States. However, at this time in 1795 Congress had only naturalization powers and 14th amendment to constitution recognizes only children of citizens born within jurisdictions of the United States as citizens.

³⁷Naturalization Act of 1798 effective 18 Jun 1798

An Act supplementary to and to amend the act, instituted "An act to establish an uniform rule of naturalization; and to repeal the act heretofore passed on that subject.

SECTION 1 Be it enacted by the Senate and House of Representatives in Congress assembled, That no alien shall be admitted to become a citizen of the United States, or of any state, unless in the manner prescribed by the act, instituted "An act to establish an uniform rule of naturalization; and to repeal the act heretofore passed on that subject," he shall have declared his intention to become a

citizen of the United States, five years, at least, before his admission, and shall, at the time of his application to be admitted, declare and prove, to the satisfaction of the court having jurisdiction in the case, that he has resided within the United States fourteen years, at least, and within the state or territory where, or for which such court is at the time held, five years, at least, besides conforming to the other declarations, renunciations and proofs, by the said act required, anything therein to the contrary hereof notwithstanding: Provided, that any alien, who was residing within the limits, and under the jurisdiction of the United States, before the twenty-ninth day of January, one thousand seven hundred and ninety five, may, within one year after the passing of this act—and any alien who shall have made the declaration of his intention to become a citizen of the United States, in conformity to the provisions of the act, intituled “An Act to establish an uniform rule of naturalization and to repeal the Act heretofore passed on that subject the twenty-ninth day of January, one thousand seven hundred ninety five ,may, within four years after having made the declaration aforesaid, be admitted to become a citizen, in the manner prescribed by the said act, upon his making proof that he has resided five years, at least, within the limits, and under the jurisdiction of the United States: And provided also, that no alien, who shall be a native, citizen, denizen or subject of any nation or state with whom the United States shall be at war, at the time of his application, shall be then admitted to become a citizen of the United States.

Section 2 And be it further enacted, That it shall be the duty of the clerk, or other recording officer of the court before whom a declarations has been, or shall be made, by any alien, of his intention to become a citizen of the United States, to certify and transmit to the Secretary of State of the United States, to be there filed and recorded, an abstract of such declaration, in which, when hereby made, shall be a suitable description of name, age, nation, residence , and occupation, for the time being, of the alien; such certificate shall be made in all cases, where the declaration has been or shall be made, before the passing of this act, within three months thereafter; and in all other cases, within two months after declaration shall be received by the court. And in all case hereafter arising, there shall be paid to the clerk, or the recording officer aforesaid, to defray the expense of such abstract and certificate, a fee of two dollars; and the clerk or officer to whom such fee such fee shall be paid or tendered, who shall refuse or neglect to make and certify an abstract as aforesaid, shall forfeit and pay the sum of ten dollars.

Section 3 And be it further enacted, That in all cases of naturalization heretofore permitted or which shall be permitted, under the laws of the United States; a certificate shall be made to, and filed in the office of the Secretary of State, containing a copy of the record respecting the alien and the degree or order of admission by the court before whom the proceedings there to have been, so shall be had: And it shall be the duty of the clerk or other recording officer of such court , to make and transmit such certificate, in all cases which have already occurred, within 3 months after the passing of this act; and in all future cases, within 2 months from and after the naturalization of an alien shall be granted by any court competent thereto: -- And in all future cases there shall be paid to such clerk or recording officer the sum of two dollars, as a fee for such certificate, before the naturalization prayed for, shall be allowed. And the clerk or recording officer , whose duty it shall be , to make and transmit the certificate aforesaid who shall be convicted of a willful neglect therein, shall forfeit and pay sum of ten dollar for each and every offense.

Section 4. And be it further enacted, That all white persons, aliens, (accredited foreign ministers, consuls, or agents, their families and domestics, excepted) who, after the passing of this act, shall continue to reside, or who shall arrive, or come to reside in any port or place within the territory of the United States, shall be reported, if free, and of the age of twenty-one years, by themselves, or being under the age of twenty-one years, or holden in service, by their parent, guardian, master or mistress in whose care they shall be, to the clerk of the district court of the district, if living within ten miles of the port or place, in which their residence or arrival shall be, and otherwise, to the collector of such port or place, or some officer or other person there, or nearest thereto, who shall be authorized by the President of the United States, to register aliens: And report, as aforesaid, shall be made in all cases of residence, within six months from and after the passing of this act, and in all after cases, within forty-eight hours after the first arrival or coming into the territory of the United States, and shall ascertain the sex, place- of birth, age, nation, place of allegiance or citizenship, condition or occupation, and place of actual or intended residence within the United States, of the alien or aliens reported, and by whom the report is made. . . And the clerk of each district court shall, during one year from the passing of this act, make monthly returns to the Department of State, of all aliens registered and returned, as aforesaid, in his office.

Section 5. And be it further enacted, That every alien who shall continue to reside, or who shall arrive, as aforesaid, of whom a report is required as aforesaid, who shall refuse or neglect to make such report, and to receive a certificate thereof, shall forfeit and pay the sum of two dollars; and any justice of

the peace, or other civil magistrate, who has authority to require surety of the peace, shall and may, on complaint to him made thereof cause such alien to be brought before him, there to give surety of the peace and good behaviour during his residence within the United States, or for such term as the justice or other magistrate shall deem reasonable, and until a report and registry of such alien shall be made, and a certificate thereof, received as aforesaid; and in failure of such surety, such alien shall and may be committed to the common gaol, and shall be there held, until the order which the justice or magistrate shall and may reasonably make, in the premises, shall be performed. And every person, whether alien, or other, having the care of any alien or aliens, under the age of twenty-one years, -or of any white alien holden in service, who shall refuse and neglect to make report thereof, as aforesaid, shall forfeit the sum of two dollars, for each and every such minor or servant, monthly, and every month, until a report and registry, and a certificate thereof, shall be had, as aforesaid.

Section 6 And it be further enacted, That in respect to every alien, who shall come to reside within the United States after the passing of this act, the time of the registry of such alien shall be taken to be the time when the term of residence within the limits, and under the jurisdiction of the United States, shall have commenced, in case of an application by such alien to be admitted a citizen of the United States; and a certificate of such registry shall be required, in proof of the term of residence by the court to whom such application shall and may be made.

Section 7. And be it further enacted, That all and singular the penalties established by this act, shall and may be recovered in the name , and to the use of any person, who will inform and sue for the same, before any judge, justice or court, having jurisdiction in such case, and to the amount of such penalty respectively. **(Left original spelling)**

³⁸ Act of 1802 An Act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject.

Section 1 Any alien being a free white person, may be admitted to become a citizen of the United States, or any of them, on the following conditions, and not otherwise,

First, That he shall have declared on oath or affirmation, before the supreme, superior, district or circuit court of some one of the states, or of the territorial districts of the United States, or a circuit or district court of the United States, three years at least before his admission, that it was bona fide his intention to become a citizen of the United States, and to renounce for ever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and particularly by name, the prince, potentate, state or sovereignty whereof such alien may at the time be a citizen or subject.

Secondly, That he shall at the time of his application to be admitted, declare on oath or affirmation, before some one of the courts aforesaid, that he will support the constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever, and particularly by name, the prince, potentate, state or sovereignty whereof he was before a citizen or subject: which proceedings shall be, recorded by the clerk of the court.

Thirdly, That the court admitting such alien shall be satisfied that he has resided within the United States five years at least, and within the state or territory where such court is at the time held, one year at least; and it shall further appear to their satisfaction, that during that time he has behaved as a man of good moral character, attached to the principles of the constitution of the United States, and well disposed to the, good order and happiness of the same: Provided, That the oath of the applicant shall in no case, be allowed to prove his residence.

Fourthly, That in case the alien applying to be admitted to citizenship, shall have borne any hereditary title, or been of any of the orders of nobility, in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility, in the court to which his application shall be made, which renunciation shall be recorded in the said court: Provided, That no alien who shall be a native citizen, denizen or subject of any country, state or sovereign, with whom the United States shall be at war, at the time of his application, shall be then admitted to be a citizen of the United States: Provided also, That any alien who was residing within the limits and under the jurisdiction of the United States, before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof made to someone of the courts aforesaid, that he has resided two years at least, within and under the jurisdiction of the United States, and one year at least immediately preceding his application, within the state or territory where such court is at the time held; and on his declaring on oath or affirmation, that he will support the constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and particularly by name, the prince, potentate, state or sovereignty, whereof he was before a citizen or

subject: And moreover, on its appearing to the satisfaction of the court, that during the said term of two years he has behaved as a man of good moral character, attached to the constitution of the, United States, and well disposed to the good order and happiness of the same; and where the alien applying for admission to citizenship, shall have borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came on his moreover making in the court an express renunciation of his title or order of nobility, before he shall be entitled to such admission: All of which proceedings required in this proviso to be performed in the court, shall be recorded by the clerk thereof: And provided also, That any alien who was residing within the limits and under the jurisdiction of the United States, at any time between the said twenty-ninth day of January, one thousand seven hundred and ninety five, and the eighteenth day of June, one thousand seven hundred and ninety may within two years after the passing of this act, be admitted to become a citizen, without a compliance with the first condition above specified.

Section 2. Provided also, and be it enacted, That in addition to the directions aforesaid, all free white persons, being aliens, who may arrive in the United States after the passing of this act, shall, in order to become citizens of the United states, make registry, and obtain certificates in the following manner, to wit: every person desirous of being naturalized shall, if of the age of twenty –one years, make report of himself ; or if under the age of twenty-one years or held in service, shall be reported by his parents, guardian, master or mistress, to the clerk of the district court of the district where alien or aliens shall arrive, or to some other court of record of the United States, or of either of the territorial districts of the same, or of a particular state; and such report shall ascertain the name , birthplace , age, nation and allegiance of each alien, together with the country whence he or she migrated, and the place of his or her intended settlement: and it shall be the duty of such clerk, on receiving such report, to record the same in his office, and to grant to the person making such report, and to each individual concerned therein, whenever he shall be required, a certificate under his hand and seal of office of such report and registry; and for receiving and registering each report of an individual or family, he shall receive fifty cents; and for each certificate granted pursuant to this act, to an individual or family , fifty cents; and such certificate shall be exhibited to the court by every alien who may arrive in the United States, after the passing of this act, on his application to be naturalized, as evidence of the time of his arrival within the United States.

Section 3. And whereas, doubts have arisen where certain courts record in some states, are included within the description of district or circuit court; Be it further enacted, that every court of record in any individual state, having common law jurisdiction, a seal and clerk or prothonotary, shall be considered as a district court within the meaning of this act; and every alien who may have been naturalized in any such court, shall enjoy, from and after the passing of this act, the same rights and privileges, as if he had been naturalized in a district court of the United States.

Section 4 And it be further enacted, That the children of persons duly naturalized under any of the laws of the United States, or who, previously to the passing of any law on the subject, by the government of the United States, may have become citizens of any one of the said states, under the laws thereof ,being under the age of twenty-one years, at the time of their parents being so naturalized or admitted to the rights of citizenship, shall, if dwelling in the United States , be considered as citizens of the United States, and the children of persons who now are , or have been citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens of the United States: Provided, that the right of citizenship shall not descend to persons whose fathers have never resided within the United States: Provided also, that no person proscribed by any state, or who has been legally convicted of having joined the army of Great Britain, during the late war, shall be admitted a citizen, as aforesaid, without the consent of the legislature of the state in which such person was proscribed.

Section 5. And be it further enacted, That all acts heretofore passed respecting naturalization, be, and the same are hereby repealed. Approved, April 14, 1802. (Left original spelling)

³⁹**Naturalization Act of 1804** An Act in addition to an act instituted “An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject” (a) Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien, being a free white person, who was residing within the limits and under the jurisdiction of the United States, at any time between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the 14th day of April, one thousand eight hundred and two, and who has continued to reside to reside within the same, may be admitted to become a citizen of the United States, without a compliance with the first condition specified in the first section of the act, Intituled “ An act to establish

an uniform rule of naturalization; and to repeal the Acts heretofore passed on that subject.”

Section 2. And be it further enacted, That when any alien who shall have complied with the first condition specified in the first section of the said original act, and who shall have pursued the directions prescribed in the second section of the said act, may die, before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths prescribed by law. Approved, Mar 26, 1804.

⁴⁰Naturalization Act of 1816 Chapter 32 An act relative to evidence in cases of naturalization. (b) Be it enacted by senate and House of Representatives of the United States of America, in Congress assembled, That the certificate of report and registry, required as evidence of the time of arrival in the United States, according to the second section of the act of the fourteenth of April, one thousand eight hundred and two, entitled “ An act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on the subject;” and also a certificate from the proper clerk or prothonotary, of the declaration of intention, made before a court of record, and required as the first condition, according to the first section of said act, shall be exhibited by every alien on his application to be admitted a citizen of the United States, in pursuance of said act, who shall have arrived within the limits, and under the jurisdiction of the United States since the eighteenth day of June, one thousand eight hundred and twelve, and shall each be recited at full length, in the record of the court , admitting such alien; otherwise he shall not be deemed to have complied with the conditions requisite for becoming a citizen of the United States, and any pretended admission of an alien, who shall have arrived within the limits and under the jurisdiction of the United States, since the eighteenth day of June, one thousand eight hundred and twelve, to be a citizen after the promulgation of this act, without such recital of each certificate at full length, shall be of no validity or effect under the act aforesaid.

Section 2. Provided, and be it enacted, That nothing herein contained shall be construed to exclude from admission to citizenship, any free white person who was residing within the limits and under the jurisdiction of the United States at any time between the eighteenth day of June, one thousand seven hundred and ninety eight, and the fourteenth day of April, one thousand eight hundred and two, and who, having to continue to reside therein without having made any declaration of intention before a court of record as aforesaid, may be entitled to become a citizen of the United States according to the act of the twenty-sixth of march, one thousand eight hundred and four, entitled “An act in addition to an act, entitled “An act to establish an uniform rule on naturalization, and to repeal the act heretofore passed on that subject.” Whenever any person without a certificate of such declaration of intention, as aforesaid, shall make application to be admitted a citizen of the United States, it shall be proved to the satisfaction of the court, that the applicant was residing within the limits and under the jurisdiction of the United States, before the fourteenth day of April, one thousand eight hundred and two, and has continued to reside within the same, or he shall not be so admitted. And the residence of the applicant within the limits and under the jurisdiction of the United States for at least five years immediately preceding the time of such application shall be proved by the oath or affirmation of citizens of the United States; which citizens shall be named in the record as witnesses. And such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place or places where the applicant has resided for at least five years, as aforesaid, shall be stated and set forth, together with the names of such citizens in the record of the court admitting the applicant: otherwise the same shall not entitle him to be considered and deemed a citizen of the United States. Approved March 22, 1816

⁴¹Naturalization Act of 1824, Chapter 186 An Act in further addition to “An act to establish an Uniform rule of Naturalization, and to repeal the act heretofore passed on that subject” (b) Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That any alien, being a free white person and a minor, under the age of twenty-one years, who shall have resided in the United States three years next preceding his arriving at the age of twenty-one years, and who shall and who shall have continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he shall have resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of the first section of the act to which this is in addition, 3 years prior to his admission: Provided, Such alien shall make the declaration required therein at the time of his or her admission; and shall further declare, on oath, and prove to the satisfaction to the court, that, for three years next preceding, it has been the bona fide intention of such alien to become a citizen of the United States; and shall, in all other respects, comply with the laws in regard to naturalization.

Section 2. And be it further enacted, That no certificate of citizenship, or naturalization, heretofore obtained from any court of record within the United States, shall be deemed invalid, in consequence of an omission to comply with the requisition of the first section, entitled "An act relative to evidence in cases of naturalization," passed the twenty-second day of March, one thousand eight hundred and sixteen.

Section 3. And it be further enacted, That the declaration required by the first condition specified in the first section of the act, to which this is in addition, shall, if the same has been bona fide made before the clerks of either of the courts in the said condition named, be as valid as if it had been made before the said courts, respectively.

Section 4. And be it further enacted, that a declaration by any alien, being a free white person, of his intended application to be admitted a citizen of the United States, made in the manner and form prescribed in the first condition specified in the first section of the act to which this is in addition, two years before his admission, shall be a sufficient compliance with said condition; anything in the said act, or in any subsequent act, to the contrary notwithstanding. Approved, May 26, 1824.

⁴²**Naturalization Act of 1828, Chapter 116** An Act to amend the acts concerning Naturalization. (a) Be it enacted by the Senate and House of representatives of the United States of America, in Congress assembled, That the second section of the act, entitled "An act to establish a uniform rule of naturalization, and to repeal the acts heretofore passed on the subject," which was passed on the fourteenth day of April, one thousand eight hundred and two, and the first section of the act, entitled "An act relative to evidence in cases of naturalization," passed on the 22 day of March, one thousand eight hundred and sixteen, be, and the same are hereby, repealed.

Section 2. And it be further enacted, That any alien, being a free white person, who was residing within the limits, and under the jurisdiction of the United States, between the fourteenth day of April, one thousand eight hundred and two, and the eighteenth day of June, one thousand eight hundred and twelve, and who has continued to reside within the same, may be admitted to become a citizen of the United States, without having made any previous declaration of his intention to become a citizen: Provided, That whenever any person, without a certificate of such declaration of intension, shall make an application to be admitted a citizen of the United States, it shall be proved to the satisfaction of the court, that the applicant was residing within the limits, and under the jurisdiction of the United States, before the eighteenth day of June, one thousand eight hundred and twelve, and has continued to reside within the same, or he shall not be so admitted: and the residence of the applicant within the limits, and under the jurisdiction of the United States, for at least 5 years immediately preceding the time of such application, shall be proved by the oath or affirmation of citizens of the United States: which citizens shall be named in the record as witnesses; and such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place or places where the applicant has resided for at least five years, as aforesaid, shall be stated and set forth, together with the names of such citizens, in the record of the court admitting applicant; otherwise the same shall not entitle him to be considered and deemed a citizen of the United States. Approved May 24, 1828.

Note all previous Acts of naturalization are repealed. Act of 26 March 1790 repealed by Act 29 January 1795 which was repealed by Act of 14 April 1802 which was repealed by Act of 26 May 26, 1804 which was repealed by Acts 22 Mar 1816, May 26, 1824 and May 24, 1828.

⁴³**1855 Act of Feb 10, 1855. Section 1, 10 Stat. 604**

"All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States."

⁴⁴1878 Section 1993, Revised Statutes of 1878. (Same general provisions as 1855 Act).

(a) The provisions of this Act of 1802 and the Act of 1855 were codified as Section 1993 of the Revised Statutes of 1878. From 1878 to 1934, Section 1993, Revised Stat. Stated that; All Children heretofore or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States but the rights citizenship shall not descend to children whose fathers never resided in the United States.

(b) Section 1993 permitted the transmission of citizenship only by citizen father until it was amended prospectively on May 24, 1934 to permit transmission by United States Citizen mothers.

⁴⁵**1907 Act of March 2, 1907, 59th Congress Session 2 Chapter 2534 pages 1228-1229.**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State shall be authorized, in his discretion, to issue passport to persons not citizens of the United States as follows: Where any person has made a declaration of intention to become such a citizen as provided by law and has resided in the United States for 3 years a passport may be issued entitling him to the protection of the government in any foreign country: Provided, That such passport shall not be valid for more than six months and shall not be renewed, and that such passport shall not entitle the holder to the protection of this government in the country of which he was a citizen prior to making such declaration of intention.

Section 2. That any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, or when he has taken any oath of Allegiance to any foreign state. When any naturalized citizen shall have reside for two years in the foreign state from which he came, or for 5 years in any other foreign state it shall be presumed that he has ceased to become an American citizen, and the place of his general abode shall be deemed his place of residence during said years: Provided, however, That such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United State, under such rules and regulations as the Department of State may prescribe: And provide also, That no American citizen may expatriate himself when this country is at war.

Section 3. That any American woman who marries a foreigner shall take the nationality of her husband. At the termination of the marital relation she may resume her American citizenship, if abroad, by registering within one year with a consul of the United States, or by returning to reside in the United States, or, if residing in the United States at the termination of marital relation, by continuing to reside therein.

Section 4. That any foreign woman who acquires American citizenship by marriage to an American shall be assumed to retain the same after the termination of the marital relation if she continues to reside in the United States, unless she make formal renunciation thereof before a court having jurisdiction to naturalize aliens, or if she reside abroad she may retain her citizenship by registering as such before a United States Consul within one year after the termination of marital relation.

Section 5. That a child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization of or resumption of American citizenship by the parent: Provided, That such naturalization or resumption take place during the minority of such child: And provided further, that the citizenship of such minor child shall begins at the time such minor child begins to reside permanently in the United States.

Section 6. **"That all children born outside the limits of the United States who are citizens thereof in accordance with the provisions of section nineteen hundred and ninety-three of the Revised Statutes of the United States and who continue to reside outside the United States shall, in order to receive the protection of this Government, be required upon reaching the age of eighteen years to record at an American consulate their intention to become residents and remain citizens of the United States and shall be further required to take the oath of allegiance to the United States upon attaining their majority."**

Section 7. That duplicates of any evidence, registration, or other acts required by this Act shall be filed with the Department of State for record.

⁴⁶1924 The Act of June 2, 1924 (43 Stat.253) was the first comprehensive law relating to the citizenship of Native Americans. It provided: That all non citizens Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: Provided, That the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property.

⁴⁷1934 Act of May 24, 1934, 73rd Congress Session 2 Chapter 344 page 797

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1993 is amended to read as follows: “

Section 1993. "Any child hereafter born out of the limits and jurisdiction of the United States, whose father or mother or both at the time of birth of such child is a citizen of the United States, is declared to be a citizen of the United States: but the rights of citizenship shall not descend to any such child unless the citizen father or citizen mother, as the case may be, has resided in the United States previous to the birth of such child. In cases where one of the parents is an alien, the right of citizenship shall not descend unless the child comes to the United States and resides therein for at least five years continuously immediately previous to his eighteenth birthday, and unless, within six months after the child's twenty-first birthday, he or she shall take an oath of allegiance to the United States of America as prescribed by the Bureau of Naturalization."

Section 2. Section 5 of the Act entitled entitled "An Act in reference to the expatriation of citizens and their protection abroad" approved Mar 2, 1907, is amended to read as follow: Section 5. That a child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization of or resumption of American citizenship by the father or mother: Provided, That such naturalization or resumption shall take place during the minority of such child: And provided further, That the citizenship of such minor child shall begin five years after five years after the time such minor child begins to reside permanently in the United States."

Section 3. A citizen of the United States may upon may upon marriage to a foreigner make a formal renunciation of his or her United States citizenship before a court having jurisdiction over naturalization of aliens, but no citizen shall make such renunciation in time of war, and if war shall be declared within one year after renunciation then such renunciation shall be void.

Section 4. Section 2 of the act entitled "An Act relative to the naturalization and citizenship of married women", approved September 22, 1922 is amended as follows: Section 2. That an alien who marries a citizen of the United States, after the passage of this Act, as here amended, or an alien whose husband or wife is naturalized after the passage of this Act , as here amended, shall not become a citizen of the United States by reason of such marriage or naturalization; but, if eligible to citizenship, he or she may be naturalized upon full and complete compliance with all the requirements of the naturalization laws, with the following exceptions: (a) No declaration of intention shall be required. (b) In lieu of the five-year period of residence within the United States and the one-year period of residence period of residence within the State or Territory where the naturalization court is held, he or she shall have resided continually in the United States, Hawaii, Alaska or Porto Rico for at least 3 years immediately preceding the filing of petition.

Section 5. The following Acts and parts of Acts, respectively, are repealed: The Act entitled "An Act providing for the naturalization of the wife and minor Children of insane aliens, making homestead entries under the land laws, of the United States", approved February 24, 1911; subdivision "sixth" of section 4 of the Act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States", approved June 29, 1906; and section 8 of the Act entitled "An Act relative to the naturalization and citizenship of married women", approved September 22, 1922, as said section was added by the Act approved July 3, 1930, entitled "An Act to amend an Act entitled "An Act relative to naturalization and citizenship of married women", approved September 22, 1922." The repeal herein made of Acts and parts of Acts shall not affect any right or privilege or terminate any citizenship acquired under such Acts and parts of Acts before such repeal.

⁴⁸1937 Act. An Act relating to the citizenship of certain classes of persons born in the Canal Zone or the Republic of Panama.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person born in the Canal Zone on or after February 26, 1904, and whether before or after the effective date of this Act, whose father or mother or both at the time of the birth of such person was or is a citizen of the United States is declared to be a citizen of

the United States.

Section 2. Any person born in the Republic of Panama on or after February 26, 1904, and whether before or after the effective date of this Act, 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, is declared to be a citizen of the United States. Approved, August 4, 1937. (backdated)

⁴⁹1940 The Nationality Act of 1940, Section 201, 54 Stat. 1137

"Section 201. The following shall be nationals and citizens of the United States at birth:

"(g) A person born outside the United States and its outlying possessions of parents one of whom is a citizen of the United States who, prior to the birth of such person, has had ten years' residence in the United States or one of its outlying possessions, at least five of which were after attaining the age of sixteen years, the other being an alien: Provided, That in order to retain such citizenship, the child must reside in the United States or its outlying possessions for a period or periods totaling five years between the ages of thirteen and twenty-one years: Provided further, That, if the child has not taken up a residence in the United States or its outlying possessions by the time he reaches the age of sixteen years, or if he resides abroad for such a time that it becomes impossible for him to complete the five years' residence in the United States or its outlying possessions before reaching the age of twenty-one years, his American citizenship shall thereupon cease. (h) The foregoing provisions of subsection (g) concerning retention of citizenship shall apply to a child born abroad subsequent to May 24, 1934."

⁵⁰1952 The Immigration and naturalization Act of June 27, 1952.

"Section 301. (a) The following shall be nationals and citizens of the United States at birth:

"(1) a person born in the United States, and subject to the jurisdiction thereof;

"(7) a person born outside the geographical limits of the United States and its outlying possessions of parents one of whom is an alien, and the other a citizen of the United States, who prior to the birth of such person, was physically present in the United States or its outlying possessions for a period or periods totaling not less than ten years, at least five of which were after attaining the age of fourteen years. (b) Any person who is a national and citizen of the United States at birth under paragraph (7) of subsection (a), shall lose his nationality and citizenship unless he shall come to the United States prior to attaining the age of twenty-three years and shall immediately following any such coming be continuously physically present in the United State(s) for at least five years: Provided, That such physical presence follows the attainment of the age of fourteen years and precedes the age of twenty-eight years. (c) Subsection (b) shall apply to a person born abroad subsequent to May 24, 1934: Provided, however, That nothing contained in this subsection shall be construed to alter or affect the citizenship of any person born abroad subsequent to May 24, 1934, who, prior to the effective date of this Act, has taken up a residence in the United States before attaining the age of sixteen years, and thereafter, whether before or after the effective date of this Act, complies or shall comply with the residence requirements for retention of citizenship specified in subsections (g) and (h) of section 201 of the Nationality Act of 1940, as amended."

⁵¹On Dec 24, 1952 the Immigration and Nationality Act was passed by the Congress. That act itemized the various categories or persons who are citizens at birth.

Sec. 301. [8 U.S.C. 1401] The following shall be nationals and citizens of the United States at birth:

(a) a person born in the United States, and subject to the jurisdiction thereof;

(b) a person born in the United States to a member of an Indian, Eskimo, Aleutian, or other

aboriginal tribe: Provided, That the granting of citizenship under this subsection shall not in any manner impair or otherwise affect the right of such person to tribal or other property;

(c) a person born outside of the United States and its outlying possessions of parents both of whom are citizens of the United States and one of whom has had a residence in the United States or one of its outlying possessions, prior to the birth of such person;

(d) a person born outside of the United States and its outlying possessions of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year prior to the birth of such person, and the other of whom is a national, but not a citizen of the United States;

(e) a person born in an outlying possession of the United States of parents one of whom is a citizen of the United States who has been physically present in the United States or one of its outlying possessions for a continuous period of one year at any time prior to the birth of such person;

(f) a person of unknown parentage found in the United States while under the age of five years, until shown, prior to his attaining the age of twenty-one years, not to have been born in the United States;

(g) a person born outside the geographical limits of the United States and its outlying possessions of parents one of whom is an alien, and the other a citizen of the United States who, prior to the birth of such person, was physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years: Provided, That any periods of honorable service in the Armed Forces of the United States, or periods of employment with the United States Government or with an international organization as that term is defined in section 1 of the International Organizations Immunities Act (59 Stat. 669; 22 U.S.C. 288) by such citizen parent, or any periods during which such citizen parent is physically present abroad as the dependent unmarried son or daughter and a member of the household of a person (A) honorably serving with the Armed Forces of the United States, or (B) employed by the United States Government or an international organization as defined in section 1 of the International Organizations Immunities Act, may be included in order to satisfy the physical-presence requirement of this paragraph. This proviso shall be applicable to persons born on or after December 24, 1952, to the same extent as if it had become effective in its present form on that date; and

(h) a person born before noon (Eastern Standard Time) May 24, 1934, outside the limits and jurisdiction of the United States of an alien father and a mother who is a citizen of the United States who, prior to the birth of such person, had resided in the United States. 302 persons born in Puerto Rico on or after April 11, 1899

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- ¹ Go to 7 Fam 1111.2 Citizenship page 1a & b 1&2, 86755.pdf www.state.gov website under search in upper right corner.
- ² Elliott debates Volume 4 page 460 House of Rep Feb 1813 For the Regulation of Seaman on board the Public Vessels and for the Merchant Service of the United States.
- ³ Article 2 Section 1 paragraph 5 of U.S. Constitution.
- ⁴ [Recommitted from Henry Lanrens.], Journal of Continental Congress 11 Nov 1777, 1st form page 888 A Century of Lawmaking for a New Nation, U.S. Congressional Documents and Debates 1774 -1875.
- ⁵ Journal of Continental Congress 11 Nov 1777, 2nd form page 889 A Century of Lawmaking for a New Nation, U.S. Congressional Documents and Debates 1774 -1875.
- ⁶ Journal of Continental Congress 29 Apr 1778, page 409 A Century of Lawmaking for a New Nation, U.S. Congressional Documents and Debates 1774 -1875.
- ⁷ Journal of Continental Congress 14 Oct 1774 page 68 A Century of Lawmaking for a New Nation. U.S. Congressional Documents and Debates 1774-1875.
- ⁸ Journal of Continental Congress 27 Jul 1781 Article 3 page 794 A Century of Lawmaking for a New Nation. Congressional Documents and Debates 1774-1875. Supposedly from Journal which was Secret. .
- ⁹ Journal of Continental Congress page 501. A Century of Lawmaking for A New Nation Congressional Document and Debate 1774 1875
- ¹⁰ Article 2, Section 1, 5th Paragraph, U.S. Constitution
- ¹¹ 12th Amendment to U.S.; Last Sentence
- ¹² Essay: John Jay and the Constitution-Based on notes of Professor Richard B Morris (1904-1989) and his staff- Originally prepared for Volume 3 of Papers of John Jay-John Jay and Philadelphia Convention paragraph 3
- ¹³ Essay: John Jay and the Constitution-Based on notes of Professor Richard B Morris (1904-1989) and his staff- Originally prepared for 3 Volume of Papers of John Jay- Jay at the Ratifying Convention paragraph 35
- ¹⁴ Elliott's debates for New York page 330 Ratification of Constitution by State of New York.
- ¹⁵ Convention to frame CSA Constitution page 876 date 7 Mar 1861
- ¹⁶ Article 2 Section 1 of Provincial Constitution of CSA page 904
- ¹⁷ History of Congress, House of Representatives page 1046 Jan 1795 3rd Congress 1st complete paragraph 4th sentence Debate on Naturalization Act of 29 Jan 1795
- ¹⁸ House Journal 28 Jan 1839 page 398
- ¹⁹ U.S. Congressional Documents and Debates Journal of House of Representatives 1811-1813 date 9feb 1813 page 668
- ²⁰ Journal of Senate 1789-1873 dated 7 Jul 1798 page 531, 1st version of many versions of the 12th amendment to U.S. Constitution.
- ²¹ The 12th Amendment to the United States Constitution which added Electoral College and deleted natural born citizen requirements for members of Senate and House of Representatives
- ²² Article 2 Section 1 paragraph 5 of U.S. Constitution
- ²³ The 14th Amendment to the United States Constitution
- ²⁴ Go to www.state.gov and insert 86755.pdf in search block top right hand corner of government website. Go to page 6c
- ²⁵ 7Fam 1116.2-1 Subject at Birth to United States Law 86755.pdf page 7a
- ²⁶ <http://www.uscic.gov>. type in Panama Canal Zone in Search and click go and then go down to Ina Interpretation 303.1 United States Citizenship acquired in the Canal Zone Republic of Panama.
- ²⁷ http://en.wikipedia.org/wiki/Panama_Canal_Zone
- ²⁸ Library of Virginia rn9_natural1657.pdf, <http://www.lva.lib.va.us>
- ²⁹ The Settling of North America by Alan Taylor #14 The Atlantic, http://homepage.eircom.net/%257Eodyssey/Quotes/History/American_Colonies.html
- ³⁰ Library of Virginia, Rn9_natural1657.pdf, <http://www.Lva.lib.va.us>
- ³¹ Naturalization records www.archives.gov/genealogy/naturalization/naturalization/
- ³² Citizenship_2004[1].pdf Citizenship in the USA by U.S. Citizenship and Immigration Service
- ³³ A Century of Lawmaking for a new nation. U.S. Congressional Documents and Debates 1774-1875. Statutes at Large pages 103-104 Session Two Chapter 3 Section 1 effective 26 Mar 1790.
- ³⁴ Before 14th amendment Congress had authority only to make rules of naturalization under Article 1 Section 8 line 4 of Constitution and it would take a Supreme Court decision or a Constitutional amendment to define exact meaning of natural born citizen requirement for President and Vice President under Constitution but there are numerous case uses which would have meaning only to someone born in a State of the United States.
- ³⁵ Article 1 Section 8 line 4.

- ³⁶ A Century of law making for a new nation pages 414-415 Statutes at Large 3rd Congress Session 2 Chapter 20 Sections 1-4 effective 29 Jan 1795
- ³⁷ 5th Congress Session 2 Chapter 54 pages 566-569 Statutes at Large A century of Lawmaking for a New Nation
- ³⁸ A Century of Law Making for a New Nation, U.S. Congressional Documents and Debates Statutes At Large 1774 -1875, Naturalization Act of 1802, 7th Congress Session 1 Chapter 28 pages 153-155.
- ³⁹ Eighth Congress Session 1 Chapter 47 pages 292-293, A Century of Lawmaking for a New Nation. U.S. Congressional Documents and Debates and Statutes at Large 1774-1875.
- ⁴⁰ Naturalization Act of 22 Mar 1816 14th Congress Session 1 pages 258-259 Chapter 32, Statutes at Large, A Century of Law Making for a New Nation 1774-1875, U.S. Congressional Documents and Debates.
- ⁴¹ Naturalization Act passed 26 May 1824, 18th Congress Session 1 Chapter 186 page 69, A Century of Law Making for a New Nation 1774-1875, U.S. Congressional Documents, Debates and Statutes at Large.
- ⁴² Naturalization Act approved May 24, 1838 Twentieth Congress Chapter 116 Session 1 pages 310 and 311, A Century of Lawmaking for a New Nation, U.S. Congressional Documents, Debates and Statutes at Large.
- ⁴³ 1855 Act of Feb 10, 1855. Section 1, 10 Stat 604
- ⁴⁴ 1878 Section 1993, Revised Statutes of 1878. 7 Fam 1132.5 United State Department
- ⁴⁵ Act of Mar 2, 1907, 59th Congress Session 2 Chapter 2534 pages 1228-1229
- ⁴⁶ Act of June 2, 1924 (43 Stat. 253), 7 Fam 1116.2-8 b Native Americans and Eskimos.
- ⁴⁷ Act of May 24, 1934, 73rd Congress, Session 2 Chapter 344 pages 797-798
- ⁴⁸ Chapter 563, 75th Congress, 1st Session, 50 Stat. Page 558
- ⁴⁹ The nationality Act of 1940, Section 201, 54 stat.1137
- ⁵⁰ 66 stat. 163,235, U.S. Code Section 1401 (b) (Section 301 of the Act).
- ⁵¹ 1952 Naturalization and Immigration Act www.motherbedford.com/genbook77.htm