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4 SUPREME COURT CASES DEFINE 4 'NATURAL BORN CITIZEN'(Updated May 25, 2012) &gt;&gt; Four Winds 10 - Truth Winds

## The Venus, 12 U.S. 8 Cranch 253 253 (1814)

The first was decided in A.D. 1814, at the beginning of the republic, by men who were intimately associated with the American Revolution. In that year the following men sat on the Supreme Court:

**Bushrod Washington**, (b. June 5, 1762 — d. Nov. 26, 1829), served Feb. 4, 1799 til Nov. 26, 1829.

**John Marshall** (b. Sept. 24, 1755 — d. July 6, 1835), served Feb. 4, 1891 til July 6, 1835.

**William Johnson** (b. Dec. 27, 1771 — d. Aug. 4, 1834), served May 7, 1804, til Aug. 4, 1834.

**Henry Brockholst Livingston** (b. Nov. 25, 1757 — d. Mar. 18, 1823), served Jan. 20, 1807 til March 18, 1823

**Thomas Todd** (b. Jan. 23, 1765 — d. Feb. 7, 1826), served May 4, 1807 til Feb. 7, 1826.

**Gabriel Duvall** (b. Dec. 6, 1752 — d. Mar. 6, 1844), served Nov. 23, 1811 til Jany 14, 1835.

**Joseph Story** (b. Sept. 18, 1779 — d. Sept. 10, 1845), served Feb. 3, 1812 til Sept. 10, 1845

Nearly all these men either participated in the American Revolution, or their fathers did. **Joseph Story's** father took part in the original Boston Tea Party. **Thomas Todd** served 6 months in the army against the British; and participated in 5 Constitutional Conventions from 1784-1792. During the Revolutionary War, **Henry Brockholst Livingston** was a Lieutenant Colonel in the New York Line and an aide-de-camp to General Benedict Arnold, before the latter's defection to the British. **William Johnson's** father, mother, and elder brother were revolutionaries, who served as statesman, rebel, or nurse/assistant to the line troops, respectively. **John Marshall** was First Lieutenant of the Culpeper Minutement of Virginia, and then Lieutenant in the Eleventh Virginian Continental Regiment, and a personal friend of General George Washington; and debated for ratification of the U.S. Constitution by the Virginian General Assembly. **Bushrod Washington** was George Washington's nephew and heir.

Being witnesses and heirs of the Revolution, they understood what the Framers of the Constitution had intended.

The Venus case regarded the question whether the cargo of a merchantman, named the Venus, belonging to an American citizen, and being shipped from British territory to America during the War of 1812, could be seized and taken as a prize by an American privateer. But what the case said about citizenship, is what matters here.

### WHAT THE VENUS CASE SAYS ON CITIZENSHIP

In the Venus Case, Justice Livingston, who wrote the unanimous decision, quoted the entire §212nd paragraph from the French edition, using his own English, on p. 12 of the ruling:

**Vattel**, who, though not very full to this point, is more explicit and more satisfactory on it than any other whose work has fallen into my hands, says:

"The citizens are the members of the civil society; bound to this society by certain duties, and subject to its authority, they equally participate in its advantages. **The natives or indigenes are those born in the country of parents who are citizens.** Society not being able to subsist and to perpetuate itself but by the children of the citizens, those children naturally follow the condition of their fathers, and succeed to all their rights.