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1/27/2016 4 SUPREME COURT CASES DEFINE 4 'NATURAL BORN CITIZEN' (Updated May 25, 2012) >> Four Winds 10 - Truth Winds

"The inhabitants, as distinguished from citizens, are strangers who are permitted to settle and stay in the country. Bound by their residence to the society, they are subject to the laws of the state while they reside there, and they are obliged to defend it...

Shanks v. Dupont, 28 U.S. 3 Pet. 242 242 (1830)

In 16 years later the Supreme Court heard the case regarding the dispute over the inheritance received by two daughters of an American colonist, from South Carolina; one of whom went to England and remained a British subject, the other of whom remained in South Carolina and became an American citizen. At the beginning of the case, **Justice Story**, who gave the ruling, does not cite Vattel per se, but cites the principle of citizenship enshrined in his definition of a "natural born citizen":

Ann Scott was born in South Carolina before the American revolution, and her father adhered to the American cause and remained and was at his death a citizen of South Carolina. There is no dispute that his daughter Ann, at the time of the Revolution and afterwards, remained in South Carolina until December, 1782. Whether she was of age during this time does not appear. If she was, then her birth and residence might be deemed to constitute her by election a citizen of South Carolina. If she was not of age, then she might well be deemed under the circumstances of this case to hold the citizenship of her father, **for children born in a country, continuing while under age in the family of the father, partake of his national character as a citizen of that country.** Her citizenship, then, being *prima facie* established, and indeed this is admitted in the pleadings, has it ever been lost, or was it lost before the death of her father, so that the estate in question was, upon the descent cast, incapable of vesting in her? Upon the facts stated, it appears to us that it was not lost and that she was capable of taking it at the time of the descent cast.

Minor v. Happersett , 88 U.S. 162 (1875)

This case concerned Mrs. Happersett, an original suffragette, who in virtue of the 14th Amendment attempted to register to vote in the State of Missouri, and was refused because she was not a man. The Chief Justice of the Supreme Court in that year, wrote the majority opinion, in which he stated:

The Constitution does not in words say who shall be natural-born citizens. Resort must be had elsewhere to ascertain that. **At common law, with the nomenclature of which the framers of the Constitution were familiar, it was never doubted that all children born in a country of parents who were its citizens became themselves, upon their birth, citizens also. These were natives or natural-born citizens,** as distinguished from aliens or foreigners. Some authorities go further and include as citizens children born within the jurisdiction without reference to the citizenship of their parents.

UPDATE: May 25, 2012

In your above article, which is very good, there is one error that you may wish to correct. In the Minor v. Happersett case, you refer to Mrs. Happersett as though she was the plaintiff. This is incorrect. The plaintiff was Virginia Minor. Happersett was the Registrar of Voters. I would appreciate your acknowledgment of my email. Thank you. Bruce O. Mann Attorney at Law 26875 Calle Hermosa, Ste. 1 Capistrano Beach, CA 92624

United States v. Wong Kim Ark, 169 U.S. 649 (1898)

In this case, Wong Kim Ark, the son of 2 resident Chinese aliens, claimed U.S. Citizenship and was vindicated by the court on the basis of the 14th Amendment. In this case the Justice Gray gave the opinion of the court. On p. 168-9 of the record, He cites approvingly the decision in Minor vs. Happersett:

At common law, with the nomenclature of which the framers of the Constitution were familiar, it was never doubted that **all children, born in a country of parents who were its citizens, became themselves, upon their birth, citizens also. These were natives, or**