

One issue that has occurred is that people when reading the Supreme Court opinion Minor v. Happersett (1874) 21 Wall. 162, 166-168 misread the English above and take the paragraph to mean they are redefining the meaning of “natural born citizen”. When one looks at each sentence and looks at what the Court is actually stating one finds this is not the case. The first sentence of the paragraph states

The Constitution does not, in words, say who shall be natural-born citizens. Resort must be had elsewhere to ascertain that.

Here the Supreme Court states since the Constitution does not define the meaning of natural-born citizen the Court had to go and determine the source of the meaning. Basically, the Court had to go and find the dictionary that defines the meaning.

The second sentence of the paragraph states

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.

The Court says that when we go and look for the definition we find that the people who wrote the Constitution considered that a child born in the country whose parents were citizens is a citizen as well. This type of birth based citizenship has always been the norm and always produces a citizen. This type of citizenship includes both *jus soli* citizenship and *jus sanguinis* citizenship from both parents.

The third sentence goes on to state a specific definition with the words

These were natives, or natural-born citizens, as distinguished from aliens or foreigners.

Here the Court states the births under the specific set of circumstances described before produces “natural-born citizens”, as well as pointing out that others that do not meet this birth condition are consider aliens or foreigners. This is a specific type of citizenship and is also described in Law of Nations which is discussed earlier in this document which history shows was used in the writing of the US Constitution.

In the fourth sentence of the paragraph the Court goes on to describe another type of citizenship with

Some authorities go further and include as citizens children born within the jurisdiction without reference to the citizenship of their parents.

Here the Court states that some authorities (governments, laws, etc.), state that if a child is born in the country that makes the child a citizen. It does not matter if they have one citizen parent or neither of their parents are citizens. In this case just being born in the country makes them a citizen. What we have here is a different type of citizenship based upon birth location or *jus soli*. Under Amendment 14 we have a variation of this type of citizenship. It should also be noted that the US also has *jus sanguinis* citizenship as well.

In the fifth sentence the Court states

As to this class there have been doubts, but never as to the first.

indicating the prior type of citizenship (birth in country only or *jus soli*) discussed in the fourth sentence is questionable. Or in other words the child may or may not have citizenship. The citizenship is questionable if a person is born of foreign parents or just has a single citizen parent. The Court then states that the first type of citizenship described (natural born citizen – sentences 2 and 3) always produces a citizen.

When one considers the other prior Supreme Court rulings that have referenced the meaning of natural born citizen one finds the opinion and history discussed in Minor v. Happersett (1874) is directly in-line

with the prior decisions that have referenced natural born citizenship from 1814 through 1874 as well as the rulings that have occurred since 1874. The importance of this discussion is reinforced by the actions of the website <http://justia.com> and <http://Public.Resource.Org> (PRO), both¹ of whom were found to be altering Supreme Court rulings that reference Minor v. Happersett (1874) and its discussion of citizenship.

1 http://www.americanthinker.com/2011/12/justiagate_natural_born_supreme_court_citations_disappear_comments.html