

Offices of Michael Angelus
Mailing Address
City ST Zip

2 February 2009 Monday

U.S. Senator Maria Cantwell, - (D - WA)
Washington, D.C. Office
511 Dirksen Senate Office Building
Washington, DC 20510
202-224-3441
202-228-0514 - FAX

via Fax: 202-228-0514

Re: U.S. Constitution; FIRST CONGRESS; THIRD CONGRESS

Dear Senator Cantwell:

Your representation as a U.S. Senator is formally requested within this letter. Due to a rapidly growing concern among voters in the State of Washington there appears to be a developing crisis requiring your membership in the U.S. Congress to fully cooperate with the voters and address four questions below. Four documents give rise to the crisis.

In the official copies of the THIRD U.S. Congress (1795) margin notes state "Former act repealed. 1790. ch. 3." referencing the FIRST U.S. Congress (1790).

Document ONE: the actual text of the THIRD CONGRESS in 1795 states,

"...children of citizens [plural, i.e. two parents] 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..." (THIRD CONGRESS Sess. II. Ch.21. 1795, Approved January 29, 1795, pp. 414-415. Document margin note: "How children shall obtain citizenship through their parents" Document margin note: "Former Act repealed 1790 ch.3.") See Attachment A.

Document TWO: the actual text of the FIRST CONGRESS in 1790 states,

*"...children of citizens (NB: plural, i.e. two parents) of the United States...shall be considered as **natural born 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..."* (FIRST CONGRESS Sess. II Ch.4 1790, Approved March 26, 1790, pp. 103-104. Document margin note: "Their children residing here, deemed citizens." Document margin note: "Also, children of citizens born beyond sea, & c. Exceptions.") See Attachment B.

Document THREE: the actual text of the Constitution from the Continental Congress and the Constitutional Convention, 1774-1789, and subsequent official printings, of the Constitution of the United States of American: Article II Section 1 Clause 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..."* See Attachment C.

Document FOUR: the actual text in a letter, dated January 26, 2009, was issued by United States Senator Mark R. Warner. Senator Warner fails to address any laws identifying a **natural born citizen**. Instead Senator Warner solely addresses a law identifying a **citizen**; avoiding the legal term "**natural born citizen**" as so stated under current Constitutional/Congress laws,

*"...the Immigration and Nationality Act (P.L. 82-414) ...states that '...A person born...after April 30, 1900 is a **CITIZEN** (emphasis added) of the United States at birth....'"* See Attachment D.

U.S. Senator Maria Cantwell, - (D - WA)
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Page Two

WE, voters in the State of Washington, witness to these four documents cited, i.e.:

The actual text of the THIRD CONGRESS in 1795

The actual text of the FIRST CONGRESS in 1790

The actual text of the Constitution from the Continental Congress and the Constitutional Convention, 1774-1789

The actual text in a January 26, 2009 letter issued by United States Senator, Mark R. Warner

and we also witness the apparent denial in the current United States Congress to address the phrase "natural born citizen."

THEREFORE, WE formally request a comprehensive answer from your position as Senator to the following four questions:

Question ONE:

As a U.S. Senator, how did you define the term "**NATURAL BORN CITIZEN**" versus "**CITIZENS**" in regard to the 2008 U.S. Presidential election; as so stated in the U.S. Constitution, the FIRST and the THIRD Congress of the United States?

Question TWO:

Are children of citizens (plural) of the United States granted citizenship if one parent is not a citizen of the United States; as the phrase "...children of citizens of the United States..." is so stated in FIRST and THIRD Congress of the United States?

Question THREE:

To be a "**NATURAL BORN CITIZEN**" of the United States is a person required to be a child of "citizens (plural) of the United States" as the phrase "*natural born citizen*" is so stated in the U.S. Constitution, and the FIRST Congress of the United States?

Question FOUR:

On behalf of voters in the State of Washington, will you provide us with comprehensive clarification from United States Senator Mark R. Warner regarding the legal difference between the legal term/phrases "**CITIZEN of the United States**" and "**NATURAL BORN CITIZEN of the United States?**"

In advance, I thank you for your prompt and comprehensive response to these four questions.

Very truly yours,

Michael Angelus

Attachments:

A: Image of original document THIRD CONGRESS Sess. II. Ch.21, 1795, p. 415

B: Image of original document FIRST CONGRESS Sess. II. Ch.3, 1790, p. 104

C: Image of original document Constitution from the Continental Congress and the Constitutional Convention, 1774-1789:

D: United States Senator Mark Warner (Virginia) January 26, 2009 letter to Dr. David Earl-Graef

ATTACHMENT A

DOC ONE: Original document THIRD CONGRESS Sess. II. Ch.21 1795 [page 414-415]

Page 415 Sec.3 below, line 5, "citizens" replaces phrase "natural born citizens"

The THIRD CONGRESS repealed FIRST CONGRESS' use of phrase "natural born citizens" with sole word "citizens"

THIRD CONGRESS. Sess. II. Ch. 21. 1795.

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SEC. 2. *Provided always, and be it further enacted,* That any alien now residing within the limits 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 has 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 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.

How an alien now resident in the U. States shall become a citizen.

SEC. 3. *And be it 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 as 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 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.

How children shall obtain citizenship through their parents.

SEC. 4. *And be it further enacted,* That the act intituled "An act to establish a uniform rule of naturalization," passed the twenty-sixth day of March, one thousand seven hundred and ninety, be, and the same is hereby repealed.

Former act repealed. 1790, ch. 3.

APPROVED, January 29, 1795.

STATUTE II.

CHAP. XXI.—*An Act to amend the act intituled "An act making alterations in the Treasury and War departments."*(a)

Feb. 13, 1795.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of vacancy in the office of Secretary of State, Secretary of the Treasury, or of the Secretary of the department of War, or of any officer of either of the said departments, whose appointment is not in the head thereof, whereby they cannot perform the duties of their said respective offices; it shall be lawful for the President of the United States, in case he shall think it necessary, to authorize any person or persons, at his discretion, to perform the duties of the said respective offices, until a successor be appointed, or such vacancy be filled: *Provided,* That no one vacancy shall be supplied, in manner aforesaid, for a longer term than six months.

Act of May 8, 1792, ch. 37. [Obsolete.] In case of vacancy in the departments, President to fill them.

Proviso.

APPROVED, February 13, 1795.

(a) See note to act of May 8, 1792, chap. 37.

"CITIZENS

Of the United States"

(January 29, 1795)

Current Congressional law pertaining to U.S. Constitutional law (Article II, Section 1 Clause 5) governing the election of the President of the United States in 2008.

ATTACHMENT B

DOC TWO: Original document FIRST CONGRESS Sess. II. Ch.3 1790 [page 103-104]

Page 104: line 7 below, phrase "natural born citizens"

FIRST CONGRESS' in 1790 use of phrase "natural born citizens" was repealed by THIRD CONGRESS in 1795

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FIRST CONGRESS. Sess. II. Ch. 4. 1790.

Their children residing here, deemed citizens.

Also, children of citizens born beyond sea, &c. Exceptions.

ceedings thereon; 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 such naturalization, shall also 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 natural 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 of the state in which such person was proscribed.^(a)

APPROVED, March 26, 1790.

STATUTE II.

March 26, 1790. CHAP. IV.—*An Act making appropriations for the support of government for the year one thousand seven hundred and ninety.*

Appropriations of monies arising from duties, for the civil list.

War department;

Pensions to invalids.

Incidental expenses of Congress.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there be appropriated for the service of the year one thousand seven hundred and ninety, to be paid out of the monies arising from the duties on imports and tonnage, the following sums, to wit: A sum not exceeding one hundred and forty-one thousand, four hundred and ninety-two dollars, and seventy-three cents, for defraying the expenses of the civil list, as estimated by the Secretary of the Treasury, in the statement annexed to his report made to the House of Representatives on the ninth day of January last, including therein the contingencies of the several executive offices which are hereby authorized and granted; and also, a sum not exceeding one hundred and fifty-five thousand, five hundred and thirty-seven dollars, and seventy-two cents, for defraying the expenses of the department of war; and the farther sum of ninety-six thousand, nine hundred and seventy-nine dollars, and seventy-two cents, for paying the pensions which may become due to the invalids, as estimated in the statements accompanying the aforesaid report.

SEC. 2. *And be it further enacted*, That all the expenses arising from, and incident to the sessions of Congress, which may happen in the course of the aforesaid year, agreeably to laws heretofore passed, shall be defrayed out of the monies arising from the aforesaid duties on imports and tonnage.

^(a) The power of naturalization is exclusively in Congress. *Chirac v. Chirac*, 2 Wheat. 259; 4 Cond. Rep. 111.

A naturalized citizen, who in time of peace, returns to his native country for the purpose of trade, but with the intention of returning again to his adopted country, continuing in the former, a year after the war between the two countries, for the purpose of winding up his business, engaging in no new commercial transactions with the enemy, and then returning to his adopted country, has gained a domicile in his native country, and his goods are subject to condemnation. *The Frances*, 8 Cranch, 335; 3 Cond. Rep. 154.

The various acts on the subject of naturalization submit the decision upon the right of aliens to courts of record. They are to receive testimony; to compare it with the law; and to judge on both law and fact. If their judgment is entered on record in legal form, it closes all inquiry, and like other judgments, is complete evidence of its own validity. *Spratt v. Spratt*, 4 Peters, 393.

It need not appear by the record of naturalization, that all the requisites presented by law, for the admission of aliens to the rights of citizenship, have been complied with. *Starke v. The Chesapeake Ins. Comp.*, 7 Cranch, 420; 2 Cond. Rep. 556.

A certificate by a competent court, that an alien has taken the oath prescribed by the act respecting naturalization, raises the presumption that the court was satisfied as to the moral character of the alien, and of his attachment to the principles of the constitution of the United States. The oath when taken, confers the rights of a citizen. It is not necessary that there should be an order of court admitting him to be a citizen.

The children of persons duly naturalized before the 14th of April, 1802, being under age at the time of the naturalization of their parent, were, if dwelling in the United States on the 14th of April, 1802, to be considered as citizens of the United States. *Campbell v. Gordon*, 6 Cranch, 176; 2 Cond. Rep. 342. See also *ex parte Newman*, 2 Gallis' C. C. R. 11; *Peters' C. C. R.* 457.

**"NATURAL BORN
CITIZENS"**

(March 26, 1790)

The term "*natural born citizens*" was repealed five years later and replaced with the sole term "*citizens of the United States*" by the THIRD Congress of the United States.

ATTACHMENT C

DOC THREE: Constitution of the United States of America: Article II Section 1 Clause 5

“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...”

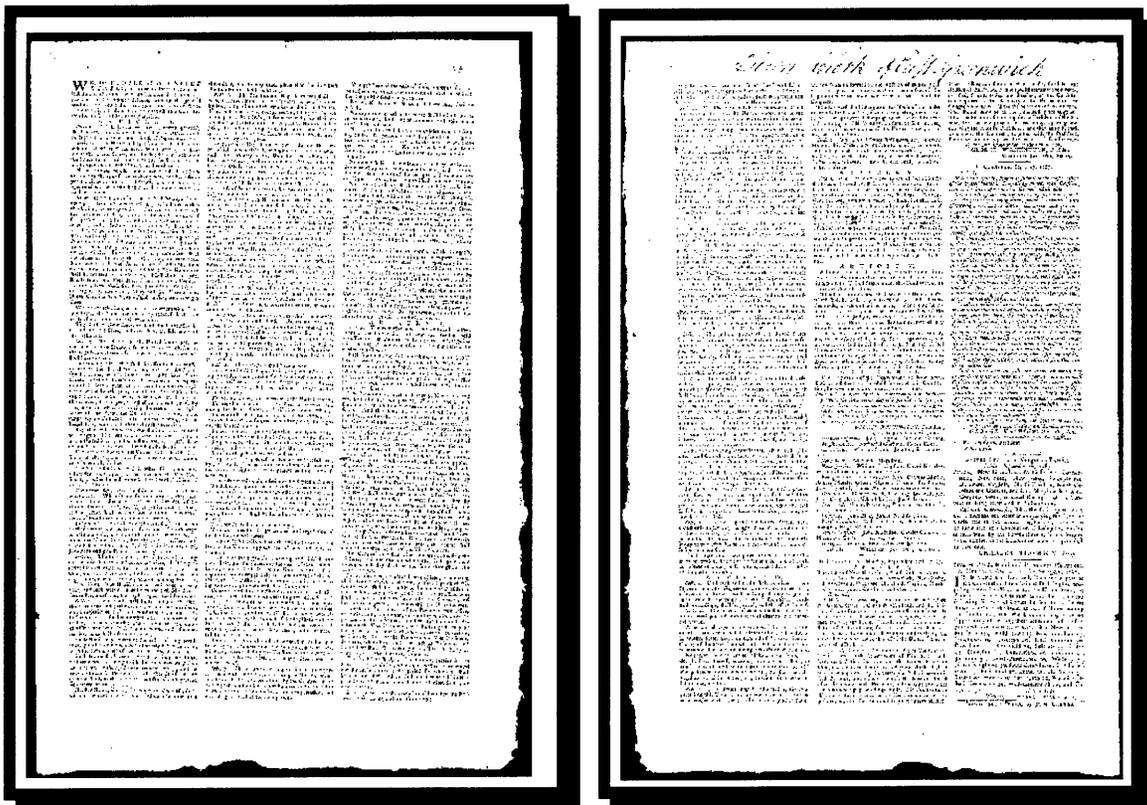
Original image of actual Constitution from the Continental Congress and the Constitutional Convention, 1774-1789:

United 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.
In case of the removal of the President from office, or of his death, resignation, or inability to discharge the

**“NATURAL BORN
CITIZENS
Of the United States”**

(September 17, 1787)

Original image of Constitution of the United States of America via The Library of Congress:



ATTACHMENT D

DOC THREE: US Senator Mark Warner letter to Dr. David Earl-Graef

MARK R. WARNER
VIRGINIA

SUITE SD-840C
DIRKSEN BUILDING
WASHINGTON, DC 20510
(202) 224-2023

United States Senate

WASHINGTON, DC 20510

January 26, 2009

Dr. David Earl-Graef
5431 Ridgelea Estates Dr.
Roanoke, VA 24018

Dear Dr. Earl-Graef,

Thank you for contacting me to share your thoughts on eligibility requirements for individuals elected to the Office of the President of the United States, and specifically regarding the citizenship of President Obama.

As you know, Article II, Section 1, Clause 5, of the United States Constitution states that "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...."

Specifically with respect to President Obama and individuals who were born in Hawaii, on March 18, 1959, an act was passed by Congress (P. L. 86-3) that established Hawaii as the fiftieth state of the Union. Also, prior to the passage of this legislation, the Immigration and Nationality Act (P. L. 82-414) was signed into law in 1952 and states that "...A person born in Hawaii on or after April 30, 1900, is a citizen of the United States at birth...."

It may also interest you to know that on October 31, 2008, Director of the Hawaii State Department of Health confirmed that President Obama's official birth certificate is on record at the department, and shows he was born in Honoiiulu on August 4, 1961.

Thanks again for contacting me. I very much look forward to serving the Commonwealth during the 111th Congress.

Sincerely,



MARK R. WARNER
United States Senator

**"CITIZEN
Of the United States"**

(January 26, 2009)

**"NATURAL BORN
CITIZEN(s) Of the
United States"**

Is ignored or denied by
Senator Mark Warner