

# Zoom19: Natural Born Citizen - As King of Israel and US President

Source Sheet by Shmuel Veffter

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## LIVE FROM ISRAEL

Special Zoom Study Session  
with Rabbi Shmuel Veffter

### **NATURAL BORN CITIZEN** *as Kings of Israel and Presidents*

What did the authors of the US constitution  
have in mind when they used this term?

Did the Torah's requirements for a King of Israel  
influence their decision about the US President?

**Wednesday August 26, 2020**

Eastern (EDT)..... 12 Noon

Pacific (PDT)..... 9:00 am

London..... 5:00 pm

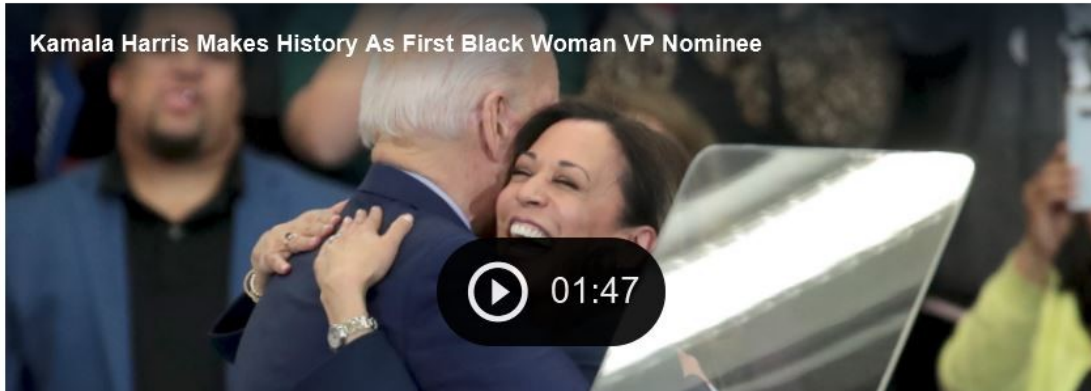
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**JOHN C. EASTMAN**, *PROFESSOR OF LAW, CHAPMAN UNIVERSITY  
AND SENIOR FELLOW, CLAREMONT INSTITUTE*

ON 8/12/20 AT 8:30 AM EDT



The fact that Senator Kamala Harris has just been named the vice presidential running mate for presumptive Democratic presidential nominee Joe Biden has some questioning her eligibility for the position.

The 12th Amendment provides that "no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States."

And Article II of the Constitution specifies that "**[n]o person except a natural born citizen...shall be eligible to the office of President.**"

Her father was (and is) a Jamaican national, her mother was from India, and neither was a naturalized U.S. citizen at the time of Harris' birth in 1964.

That, according to these commentators, makes her not a "natural born citizen"—and therefore ineligible for the office of the president and, hence, ineligible for the office of the vice president.

<https://www.newsweek.com/some-questions-kamala-harris-about-eligibility-opinion-1524483>

# Opinion: Of course Kamala Harris is a citizen. That Newsweek column was a specious distraction

By Michael McGough Senior Editorial Writer Aug. 13, 2020

Kamala Harris was born in the United States and is eligible — in fact, extremely qualified — to be vice president of the United States, and president of the United States. Let's start there.

Newsweek has offered a feeble explanation for a column suggesting that Sen. Kamala Harris might not be a "natural born citizen," denying that the column was "an attempt to ignite a racist conspiracy theory around Kamala Harris' candidacy."

<https://www.latimes.com/opinion/story/2020-08-13/kamala-harris-birthright-citizenship-trump>

## Media Outcry

"Nonsense," runs the counter-commentary. Indeed, *PolitiFact* rated the claim of ineligibility as "Pants on Fire" false, *Snopes* rated it simply "False," and from the other side of the political spectrum, *Conservative Daily News* likewise rated it "False." All three (and numerous others) simply assert that Harris is eligible because she was born in Oakland—and is *therefore* a natural-born citizen from location of birth.

## Newsweek's Apology

Editor's note, 8/14: This op-ed is being used by some as a tool to perpetuate racism and xenophobia. We apologize. The essay, by John Eastman, was intended to explore a minority **legal argument about the definition of who is a "natural-born citizen"** in the United States. But to many readers, the essay inevitably conveyed the ugly message that Senator Kamala Harris, a woman of color and the child of immigrants, was somehow **not truly American**.

The op-ed was never intended to spark or to take part in the **racist lie of Birtherism**, the conspiracy theory aimed at **delegitimizing Barack Obama**, but we should have recognized the potential, even probability, that that could happen. Readers hold us accountable for all that we publish, as they should; we hold ourselves accountable, too. We entirely failed to anticipate the ways in which the essay would be interpreted, distorted and weaponized.

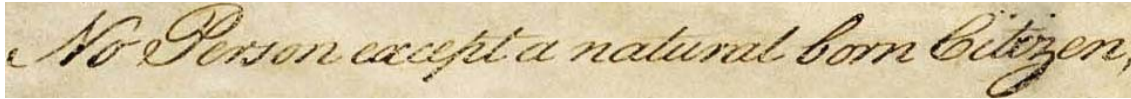
As we said in our earlier note, this essay was an attempt to examine a legal argument about the **difference between "natural born" and "naturalized," the latter being ineligible to hold the office of president**. In the days since the op-ed was published, we saw that it was being shared in forums and social networks notorious for disinformation, conspiracy theories and racist hatred.

All of us at Newsweek are horrified that this op-ed gave rise to a wave of vile Birtherism directed at

Senator Harris. Many readers have **demand**ed that we retract the essay, but we believe in being **transparent** and are therefore allowing it to remain online, with this note attached.



### What Does it Acutally Say in the Constitution and Amendments?



Section 1 of Article Two of the United States Constitution sets forth the eligibility requirements for serving as president of the United States, under clause 5 (emphasis added):

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.<sup>[10]</sup>

[https://en.wikipedia.org/wiki/Natural-born-citizen\\_clause](https://en.wikipedia.org/wiki/Natural-born-citizen_clause)

### Twelfth Amendment

"No person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States."

### Fourteenth Amendment

"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."

### Article One

Under article one, representatives and senators are required to be U.S. citizens, but there is no requirement that they be natural born.



### Why a Natural Born Citizen?

St. George Tucker, an early federal judge, wrote in his 1803 edition of William Blackstone's *Commentaries on the Laws of England*, perhaps the leading authority for the delegates to the Constitutional Convention for the terms used in the Constitution, that the natural-born-citizen clause

is "a happy means of **security against foreign influence**" and that "[t]he **admission of foreigners into our councils, consequently, cannot be too much guarded against.**"<sup>[1]</sup>

In a footnote, Tucker wrote that **naturalized citizens have the same rights as the natural-born except "they are forever incapable of being chosen to the office of president of the United States."**<sup>[43]</sup>

In a speech before the Senate, delegate Charles Cotesworth Pinckney gave the rationale, "**to insure experience and attachment to the country.**"<sup>[44]</sup>

### Summary

1. There is a difference between Citizen and Natural Born Citizen
2. Only Natural Born Citizens can become president if they have at least 14 years residency to ensure (experience in and attachment to the country)
3. An exception was made at the time of the drafting of the constitution which allowed Citizens
4. Someone who is born in the USA but not subject to its jurisdiction is not automatically a citizen. Not everyone born in the USA is a citizen. (eg. Foreign Diplomat's children, children of migrant workers in the early 20th century).
5. There is a fear of foreign influence and/or allegiance and attachment to a foreign power.
6. No naturalized citizen may ever become President.

### QUESTIONS

#### *Is the USA*

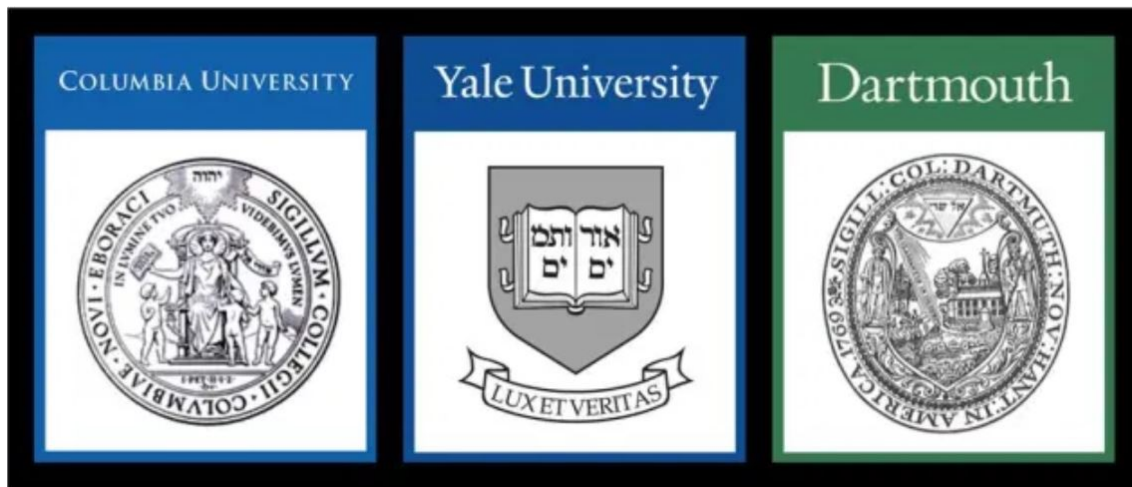
1. Geographic Entity where the citizens choose what they want it to be?
2. An idea that citizens commit to and use the Geographic Entity to implement that idea?

#### *Is the State of ISRAEL*

1. A State of its citizens?
2. A State for Jews?
3. A Jewish State?



### America's Values



New England  
Historical Society

ABOUT US HOME STATES TOPICS

## The Story of How Hebrew Almost Became the Official U.S. Language

Just after the American Revolution, an English essayist named William Gifford reported that some Americans planned to substitute Hebrew as the official language of the United States.

Gifford got the story from an aide to Comte de Rochambeau, Marquis de Chastellux, who had traveled in America in 1780.

“In the rebellion of the Colonies, a member of that state seriously proposed to Congress the putting down of the English language by law, and decreeing the universal adoption of Hebrew in its stead,” Gifford wrote.

There were good reasons to believe his story. For one, some people believed a linguistic separation would follow the political separation of the United States from Great Britain.

For another, the New England Puritans brought with them **a prejudice toward the original Hebrew version of the Old Testament.**

The New England Puritans identified with the Israelites who escaped Pharaoh’s oppression by crossing the sea. **They viewed the Scriptures as the ultimate authority, and they took their laws from the Old Testament.**

William Bradford taught himself Hebrew because he wanted to read the Scriptures in their original language. His gravestone says, in Hebrew, “The Lord is the help of my life.”

And, of course, the Puritans didn’t celebrate Christmas.

As Yale president, Stiles made a course in Hebrew a freshman requirement.

By then, the Hebrew words *Urim and Thummim* (the oracular will of God) were already on the Yale seal, along with the Latin *Lux et Veritas* (light and truth).

Harvard also taught Hebrew since the 1720s, and so did William and Mary in Williamsburg, Va. Columbia College in New York required all teachers to know Hebrew.

<https://www.newenglandhistoricalsociety.com/the-story-of-how-hebrew-almost-became-the-official-u-s-language/>



### Appointing a King in Israel in the Torah

#### Deuteronomy 17:14-15

(14) If (when), after you have entered the land that the LORD your God has assigned to you, and taken possession of it and settled in it, you (say) decide, “**I will set a king over me, as do all the nations about me,**”

(15) you shall be free to **set a king over yourself**, one chosen by the LORD your God.

Be sure to set as king over yourself **one of your own people (from among your brothers)**; you must **not set a foreigner over you, one who is not your brother.**

#### דברים י"ז:י"ד-ט"ו

(יד) כִּי־תָבֹא אֶל־הָאָרֶץ אֲשֶׁר יְהוָה אֱלֹהֶיךָ נָתַן לָךְ וְיָרַשְׁתָּהּ וְיָשַׁבְתָּהּ בָּהּ וְאָמַרְתָּ אֲשִׁימָה עָלַי מֶלֶךְ כַּכֹּל־הַגּוֹיִם אֲשֶׁר סְבִיבֹתַי:

(טו) שׂוֹם תַּשִּׂים עָלֶיךָ מֶלֶךְ אֲשֶׁר יִבְחַר יְהוָה אֱלֹהֶיךָ בּוֹ

מִקְרֹב אַחֶיךָ תַּשִּׂים עָלֶיךָ מֶלֶךְ לֹא תוֹכֵל לָתֵת עָלֶיךָ אִישׁ נָכְרִי אֲשֶׁר לֹא־אַחֶיךָ הוּא:

## Appointing the First King of Israel at the Time of Samuel

### I Samuel 8:4-7

(4) All the elders of Israel assembled and came to Samuel at Ramah, (5) and they said to him, "You have grown old, and your sons have not followed your ways.

Therefore appoint a king **for us**, to govern us like all other nations."

(6) Samuel was displeased that they said "Give us a king to govern us." Samuel prayed to the LORD,

(7) and the LORD replied to Samuel, "Heed the demand of the people in everything they say to you. **For it is not you that they have rejected; it is Me they have rejected as their king.**

### שמואל א ח':ד'-ז'

(ד) וַיִּתְקַבְּצוּ כָּל זְקֵנֵי יִשְׂרָאֵל וַיָּבֹאוּ אֶל-שְׁמוּאֵל הַרְמָתָה: (ה) וַיֹּאמְרוּ אֵלָיו הִנֵּה אַתָּה זָקֵן וּבָנֶיךָ לֹא הִלְכּוּ בְדַרְכֶיךָ

עֲמָהּ שִׁימָה-לָנוּ מֶלֶךְ לְשִׁפְטֵנוּ כְּכָל-הַגּוֹיִם:

(ו) וַיִּרְעַע הַדָּבָר בְּעֵינֵי שְׁמוּאֵל כַּאֲשֶׁר אָמְרוּ תַּנְהֵל-לָנוּ מֶלֶךְ לְשִׁפְטֵנוּ וַיִּתְפַּלֵּל שְׁמוּאֵל אֶל-יְהוָה: (ז) וַיֹּאמֶר יְהוָה אֶל-שְׁמוּאֵל שְׁמַע בְּקוֹל הָעָם לְכָל אֲשֶׁר-יֹאמְרוּ אֵלֶיךָ כִּי לֹא אֶתְּךָ מֵאִסּוּ כִּי-אֶתִּי מֵאִסּוּ מִמֶּלֶךְ עָלֵיהֶם:

(ז) וַיֹּאמֶר יְהוָה אֶל-שְׁמוּאֵל שְׁמַע בְּקוֹל הָעָם לְכָל אֲשֶׁר-יֹאמְרוּ אֵלֶיךָ כִּי לֹא אֶתְּךָ מֵאִסּוּ כִּי-אֶתִּי מֵאִסּוּ מִמֶּלֶךְ עָלֵיהֶם:

### Kli Yakar on Deuteronomy 17:15

Resolving the apparent contradiction between Deuteronomy and I Samuel

#### Kli Yakar on Deuteronomy 17:15

Many discuss doubt about this mitzvah -- is it necessary to have a King or not?

If it's a mitzvah, why was God angry with them when they asked Shmuel for a King?

There are those who say, because they said, "to judge us like all the nations" (ie in the manner how the nations have their king "judge" them.)

Others say, it's not obligatory to have a King, but it's a hint at the future when the Nation came to Shmuel and God allowed it to teach them a lesson.

**But I'll give you my opinion** - God does want them to have a King who will place upon them the fear/awe of a human King so they can learn how to relate to God as King of Kings - and NOT for Judging the People, because they already have fixed courts for that in every town.

#### כלי יקר על דברים י"ז:ט"ו

(א) שום תשים עליך מלך וגו'. רבים אומרים ... הספק הגדול הנופל על מצוה זו, שאם היה רצון ה' שלצדק ימלוך מלך כשיחפצו הם א"כ למה נתרעם עליהם שמואל הנביא... וי"א שהתרעומת היה על שאמרו לשפטינו ככל הגוים שישפוט אותם בנימוסי הגוים.

וי"א שאין פרשה זו מצוה אלא הודעת דברים שהקב"ה מגיד מראשית אחרית שכך יבקשו ישראל לעתיד והתיר להם ה'

(ב) ואומר אני דעתי בקצרה, שהרצון האלהי היה שלצדק ימלוך מלך עליהם כדי להטיל מורא על כולם... ולא לצורך המשפטים שהרי היו בתי דינים קבועים בכל עיר



Therefore it says, when you come to the land and settle it... people will get comfortable and want to live life they way they want... that is the time to ask for a King to reign UPON them, to help give them the fear/awe of the Almighty King and follow HIS ways.

Meaning the appropriate language to use is place UPON us a King...

**However during the days of Samuel they didn't say it that way...** they said GIVE TO US a King... and not PLACE UPON US a King.

They didn't want that kind of King.. they wanted a King like the nations around them who would bribe the population by giving them what they want in order to get them to follow him.

To Judge them like the nations... in their courts you could bribe and buy off the courts and in fact the fear of the People is upon the Judges and the King... lest the people rebel...

So what was so evil in Shmuel's and God's eyes was the expression "Lanu LShafteinu" -- "To us to judge us" (like the nations)

And God said to Shmuel, "listen to them... they aren't disgusted by you... the opposite.. it's to your merit... because they know you can't be bought off, therefore they are asking for a King in place of you who will give them what they want.

Their whole intent is that the human King will nullify My (God's) will to the People's will.

So give them a king but warn them that their King will ultimately treat them as a tyrant and take advantage of them and tax them and subjugate them and take their children as servants and slaves.

And that will be their punishment for not asking properly for a King for the right reason.

So in the end, they will get the King that they deserve... and learn their lesson

that the real reason for asking for a King is to place the fear/awe of God upon them to help them

לכך נאמר כי תבוא אל הארץ וגו', כי לאחר ירושה וישיבה ישמן ישורון ויבעט ואיש הישר בעיניו יעשה כשאין מלך בישראל, ואז ודאי יאמרו השרידים אשר ה' קורא כי עת לעשות לשאול מלך ואמרת אשימה עלי מלך שיהיה מוראו עלי כי כן משמע לשון עלי שיהיה עליון עלי ומושל ורודה בי בחזקת היד

(ג) אבל בימי שמואל לא דברו נכונה, כי אמרו תנה לנו מלך (שמואל א' ח ו) לא אמרו עלינו מלך אלא לנו, כי לא רצו לקבל מרות שיהיה מוראו עלינו אלא יהיה לנו מסור בידינו להקים מלכין ולהעדי מלכין, והיוצא לנו מזה שבעל כרחו יחניף לנו וע"כ אמרו לשפטינו ככל הגוים (שם ח ה) כי עיקר צורך החנופה היא במשפטים וכמנהג ארצות אלו שמקבלים איזה רב על זמן ידוע כדי שלא יהא אימתו עליהם ואדרבה אימתם על הרב, וע"כ הוא מוכרח להחניף להם כדי שלא ידחוהו. וירע הדבר בעיני שמואל כאשר אמרו תנה לנו מלך, כי עיקר האשמה במלת לנו לשפטינו כ"א יהיה לנו ולא עלינו איך יהיה שופטינו. ויאמר ה' אל שמואל שמע בקולם וגו' כי לא אותך מאסו (שם ח ז), כי אדרבה זה שבחך כי אתה מוחזק אצלם שאין אתה מחניף להם ע"כ בקשו במקומך מלך שיחניף להם בהכרח, ובזה מאסו אותי ולא שאלו על פי התורה כי כל חפצם שהמלך יבטל רצוני מפני רצונם. וז"ש ממלוך עליהם, ר"ל בזה מאסו אותי מה שלא רצו שימלוך עליהם המלך. ועתה שמע בקולם אך כי העד תעיד בהם והגדת להם משפט המלך אשר ימלוך עליהם. (שם ח ט) דווקא עליהם ולא להם כי באלה חפצתי נאם ה'. ויאמר זה יהיה משפט המלך אשר ימלוך עליכם (שם ח יא) כי אף אם לא תבחרוהו כ"א לכם מ"מ סופו שבחמה שפוכה ימלוך עליכם ואת בניכם יקח וגו', וזה עונש שלכם על שלא שאלתם כהוגן וזעקתם ביום ההוא מלפני מלככם אשר בחרתם לכם (שם ח יב) ר"ל ולא עליכם ותאמרו דרך וידוי שעלה בידכם הפך ממה שבקשתם. וימאנו העם וגו' ויאמרו לא כי אם מלך יהיה עלינו (שם ח יט), מה שאמרו לא, היינו דרך וידוי אמרו כן לאמר לא נחפוץ מלך עוד בדרך אשר שאלנוהו תחלה לאמר

follow His ways.

There are two ways to run the nation....

1. A King who represents God's Will and leads the people in the proper path, no matter what the people demand.

2. A King who follows the will of the People for his own power and aggrandisement.

תנה לנו מלך. כי אם מלך יהיה עלינו כאשר דבר ה'. וכן נאמר אח"כ כי יספנו על חטאתינו לשאל לנו מלך (שם יב יט) ורצו לומר בתחילה קודם ששמענו העונש. ופי' זה יקר. ומובן שנוי הלשון בין עלינו ללנו ומצד דקדוק רז"ל שאמרו שתהא אימתו עליכם (כתובות יז.) כי עיקר המצוה תלויה בזה. (ד) ומ"ש ויאמר ה' אל שמואל, שמע בקולם וגו' והמלכת להם מלך (שמואל א' ח כב) והל"ל עליהם, לפי שקבלת המורא תלוי במקבלים ולא ה' פעל זאת אלא נתן להם מלך שהיה שוה להם לבלתי רום לבבו מאחיו ע"כ אמר בשעת מעשה להם, אבל מ"מ לישראל לא היה נכון לומר כן כ"א כדבר ה' שאמר ואמרת אשימה עלי מלך כך היה להם לומר.

### Maimonides - RAMBAM - Laws of Kings

#### Mishneh Torah, Kings and Wars 1:1

(1) Israel was enjoined with three Commandments upon entering the Land: to appoint a king, as it says, "you shall set a king over yourselves" (Deut. 17:15); to destroy the descendents of Amalek, as it says "erase the memory of Amalek" (Deut. 25:19); and build the Temple, as it says, "you shall seek His habitation, and there you will come" (Deut. 12:5).

משנה תורה, הלכות מלכים ומלחמות א':א'  
(א) ש'לש מצוות נצטוו ישראל בשעת פניסתן לארץ. למנות להם מלך ש'נאמר (דברים יז טו) "שום תשים עליך מלך". ולהכרית ורעו ש'ל עמלק ש'נאמר (דברים כה יט) "תמחה את זכר עמלק". ולבנות בית הבחירה ש'נאמר (דברים יב ה) "לשכנו תדרשו ובאת שמה":

#### Mishneh Torah, Kings and Wars 1:2-4

(2) ... Now, since the appointment of a king is a Commandment, why did G-d not want (a king) when the people asked Samuel for one?

Because their request was merely due to resentment, and not for the purpose of fulfilling a Commandment. They had rejected Samuel the Prophet, as it says, "as they have forsaken Me...so do they also with you" (I Samuel 8:7).

משנה תורה, הלכות מלכים ומלחמות א':ב'-ד'  
מאחר ש'הקמת מלך מצוה לה' לא רצה הקדוש ברוך הוא כ'ששאלו מלך משמואל.

לפי ששאלו בתרעמת. ולא שאלו לקיים המצוה אלא מפני ש'קצו בשמואל הנביא. ש'נאמר (שמואל א ח ז) "כי לא אתה מאסו כי אתי מאסו" וגו':

(3) a king is not appointed other than by the Court of Seventy (Sanhedrin) and with consent of a Prophet. So was Joshua appointed by Moses our Teacher and his Court, and Saul and David by

(ג) אין מעמידין מלך בתחלה אלא על פי בית דין ש'ל שב'עים זקנים ועל פי נביא. כיהושע ש'מנהו משה רבנו ובית דינו. וכשאויל ודוד ש'מנם שמואל

(4) A convert may not be appointed king, even after many generations, until one has a Jewish mother, as it says, “*You cannot place over yourselves a foreign man, one who is not your brother*” (Deut. 17:15).

(ד) אין מעמידין מלך מקהל גרים אפלו אחר כמה דורות עד שתהיה אמו מישראל. וְנִצְאָמַר (דברים יז טו) "לא תוכל לתת עליך איש נכרי אשר לא אחיך הוא".

This rule is also applicable for any governing Position, and includes a commander in the Army and any officer in the Army<sup>1</sup>*Lit., officers of the fifties or tens.*, or even the one who is merely responsible for the reservoir which irrigates the fields.

ולא למלכות בלבד אלא לכל שררות שבִּישְׂרָאֵל. לא שר צבא ולא שר חמשים או שר עשרה. אפלו ממנה על אמת המים שפחלק ממנה לשדות.

It goes without saying that a convert cannot be appointed Judge or President. All these Positions must be filled by (born) Jews, as it says, “*place upon yourselves a king from those who are close to you*” (ibid.). All official, governing Positions must be filled with those from among our brethren.

ואין צריך לומר דין או נשיא שלא יהא אלא מישראל. וְנִצְאָמַר (דברים יז טו) "מקרב אחיך תשים עליך מלך" כל משימות שאמה משים לא יהו אלא מקרב אחיך:



### Summary

1. The founders of America identified with Israel and its Torah, values and laws
2. Just like Israel, the Founders saw America as an "idea" and "value system" to create a perfected society
3. They also believed that it was about the value system and not geography. Geography was only necessary as a place to build a value-based Godly society
4. They understood that the leader/president/King was primarily responsible to lead the country based on those values and that a "foreigner" could not be trusted to reflect those values.
5. There was a danger of the people dictating to the King, rather than the King standing firm on the American values.
6. Minimally the King would need to be born to a mother who was born and grew up with those values or who chose to adopt those values by naturalization (conversion) in Israel, or possibly two citizen parents in the case of the USA.

# GALILEE



# green



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