

REPORTS & COMMENTARY

REPORTS



**5/9/15 CP of Ohio
State Meeting**
By Don Shrader

While disappointingly few people showed up for the State Meeting on May 9, the positive attitude of those that did attend was most appreciated. The morning session was devoted to reviewing the current status of the Party based upon Senate Bill 193 and determining where to go from here. It was planned that the afternoon would be devoted to discussing the Fair Ballot Access Initiative with others from outside the Party in order to begin generating a broader coalition of proponents and activists. Unfortunately, only Scott Rupert showed for that part of the meeting and he was not there to discuss or support the Fair Ballot Access Initiative (although he would love for it to come to pass in some form) but he was there to garner support for his campaign for Senate as an Independent. He does not want our Party's endorsement, only our people to get involved in his campaign. Each individual within the

Party will need to decide that for himself.

During the morning session, Gale Joy, State Secretary, and Bob Wetter, State Treasurer, both reported contacting the Secretary of State's Office with respect to our current official status and our future reporting requirements since we are no longer considered an officially recognized political party by the State of Ohio. Bob and Gale both reported pretty much the same thing. Officials in the Secretary of State's office stated that currently they do not know the ramifications of the law since no directives have been passed down as a result of the law at this point. Thus, they recommended that we continue filing our reports to the State as we have been doing in the past. (While we intended to that anyhow for the time being, we do have a question in this regard: If we are no longer a recognized Party by the State, why must we file any reports? How do they file/keep reports by a non-entity and for what purpose? [Just a thought which might come to fruition later.]

It was decided by all that we would keep working to build the Party county by county as we have been doing in

the past. Hopefully we can build the Party to the point that if the Fair Ballot Access Initiative does not come about, we will be able to regain and keep ballot access under the current regressive state laws. We are targeting 2018 to 2020. In the meantime, it was agreed that we can run candidates for office as Constitution Party candidates with Constitution Party official endorsement, only they will have to officially file as independents. Those that follow our rules for nomination can proclaim that they are members of the Constitution Party of Ohio as long as they acknowledge that they fully support and uphold our platform and agree to be held accountable by the same once they are elected to office.

We decided that we will also hold a State Party Convention this fall during which time we will elect State Officers, address changes to our Bylaws and Platform in accord with our Party rules, and conduct other business as required. We will hold the Convention once again at the Cherry Valley Lodge in Newark. I just checked with them and the dates when they can best accommodate us are October 9 and 10 – so put it on your calendar now! I am still working out with the Lodge the

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details for the meeting but we will begin training sessions and other activities on Friday afternoon, October 9, have an after dinner event, and then have our official Convention on Saturday, October 10, all day, ending around 4:00 to 5:00 p.m. in time for most people to drive home that evening. We discussed having special speakers during the event including some of the candidates seeking the national Party's nomination for President and Vice President. We discussed the possibility of getting someone like Larry Pratt of Gun Owners of America to be our keynote speaker. In addition, we plan to have some type of gun raffle with the winning tickets being drawn during the State Convention – no, you will not have to be present to win, but hopefully the winners are there. We plan to make this a seminal Party building event and everyone in the State of Ohio who reads this needs to plan to be there. October 9-10 – put it on your calendars now!



**April 24-25, 2015 CP
NATIONAL MEETING in
Pittsburg, PA**

By Don Shrader

The meeting of the Executive Committee was held on Friday, April 24. Training sessions were held at the same time for those not on the Executive Committee. Videos of the training sessions as well as the National Committee Meeting held on Saturday may be available online at the national video page on YouTube.

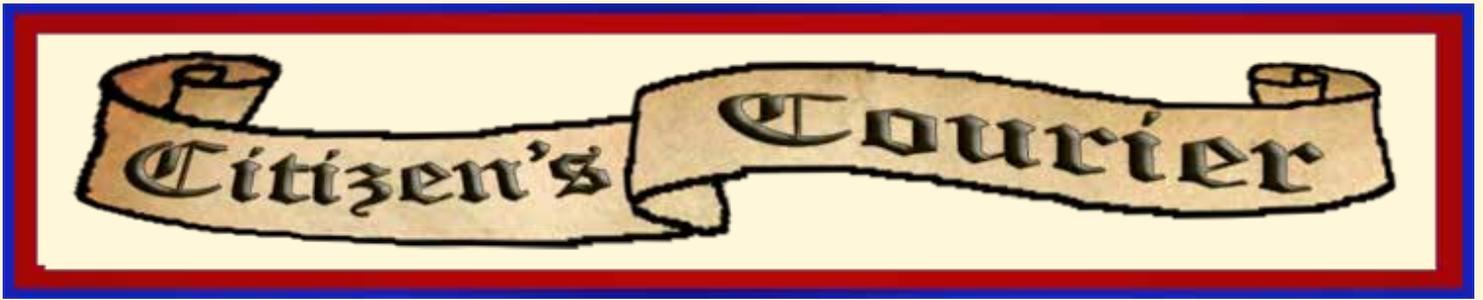
<https://www.youtube.com/channel/Uct4wXHvLxxovFjE2fwofLGg>

Of significance from the Executive Meeting was the fact that Michael Peroutka, Chuck Baldwin, and Les Riley were removed from the Executive Committee in accord with the rule changes passed by the National Committee in Denver last year. It was further noted that Nick Sumbles has moved from Maryland to Louisiana thereby leaving the Eastern Region without a Chairman or Co-Chairman. As such, Jim Clymer (past National Chairman and CP Vice Presidential candidate in 2012) agreed to accept the Eastern Region Chairmanship and was so elected by the Executive Committee. In addition, Joshua Cassity of Alabama was elected as the Co-Chairman of the Southern Region.

Chad Koppe of Illinois met with the Executive Committee to announce his intentions to seek the nomination of the Constitution Party for President. A retired American Airlines pilot, he had

an advantage in that he can fly all over the country free of charge. Mr. Koppe has run (but lost) several times as the Constitution Party candidate for Senate from Illinois in the past.

Judge Thomas Brennan, former Michigan Supreme Court Justice requested that he meet with the Executive Committee to discuss the issues supporting a Constitutional Convention. There was a lot of vitriol from members of the Executive Committee and others when it was leaked that he had requested to meet with the Committee. Those opposed were adamant that the Constitution Party was openly opposed to a Constitutional Convention, therefore why would we invite someone who was for the Convention to speak to us. Personally, I was fine with meeting with him. I must assume he comes in knowing our position and is seeking to change our minds to some degree. Certainly, as a former State Supreme Court Justice, he has some legitimacy to speak on the topic. Why not hear him out? If our position cannot withstand the scrutiny or arguments of those on the other side, then ours is a false position. Actually, no one in the Party has been willing to discuss or concede the views that I have expressed in my article entitled "[A Constitutional Convention to Pass a Balanced Budget Amendment.](#)" I gave



a copy of the article to the Judge but have not heard back from him on it either. In concert with my article, one question that I had for the Judge that remains unanswered, "If those in Government leadership positions do not currently uphold and abide by the Constitution, what makes anyone believe that the time and expense of passing some notional Balanced Budget Amendment will be enforced?" [\(To understand my contention in more detail, please read the article I wrote.\)](#)

National Chairman, Frank Fluckiger's, focus continues to be on ballot access for President in as many states as possible. During Frank's tenure in office as National Chairman, he has accomplished two things in my estimation. 1. He has brought some much needed fiscal discipline to the Party. 2. He has pushed for ballot access and thereby encouraged and pushed states that need to be pushed into achieving ballot access for the last and next election. That being said, my assessment is that while we mouth the words "All politics are local" (and even display such on our national website), our primary focus is still national, not local. While getting our Presidential candidate on the ballot in a state can bring some attention to the Party within that state, what good is it if the state has no party infrastructure in place to later capture any interest

generated by the election? We have proven time and again that this is a futile effort thus, in my view, we have once again proven the definition of insanity to be true.

While the Saturday National Committee Meeting will be on video, there were a couple of items of note to be covered herein. One was an address to the National Committee by Mr. Scott Copeland announcing his intention to seek our nomination for President. (More can be observed regarding Mr. Copeland and his views on www.scottcopelandusa.com.) There were several resolutions presented and passed (which can be read on the National Website once posted), however, one of particular note, based upon current happenings, is the one opposing the Transatlantic Trade & Investment Partnership (TTIP). A Resolution opposing the Trans-Pacific Partnership (TPP) was passed at an earlier National Meeting. Both are attempts by the Obama Administration to expand U.S. involvement in the global economy – Asia and the European Union – by ceding control over various segments of our sovereignty to outside "international partners;" Corporations. This is currently being negotiated in secrecy by the Administration, even keeping parts of the negotiations secret from Congress itself under the

cloak (and dagger) of "National Security."

Finally, it was noted that suitable arrangements have not been able to be negotiated for either Las Vegas or Los Angeles for the National Nominating Convention next spring (Hooray!!) As such, it was voted to change the location to Salt Lake City (where Frank Fluckiger all but guaranteed that we would have 2,000 to 3,000 people in attendance) with the backup in St. Louis (hope springs eternal).



Commentary



Trans-Pacific Partnership Lies

By David Dayen -
5/12/15

1. **40 PERCENT:** The President and his team have repeatedly described TPP as a deal involving nearly 40 percent of global GDP. This tells only part of the story. First of all, the U.S.

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by itself represents 22 percent of global GDP; a bill naming a post office would involve that much. Second, we already have free trade agreements with six TPP partners – Canada, Mexico, Australia, Singapore, Chile and Peru – and between them and us, that's 80 percent of the total GDP in this deal. The vast majority of the rest is represented by Japan, where the average applied tariff is a skinny 1.2 percent...*more at source*

2. JOB CREATION: Saying...the deal would support “an additional 650,000 jobs” is not true. This came from a hypothetical calculation of a report by the Peterson Institute for International Economics, which the Institute itself said was an incorrect way to use their data. “We don't believe that trade agreements change the labor force in the long run,” said Peter Petri, author of the report, in a fact check of the claim. The deal is actually more about building up barriers than taking them down. Much of TPP is devoted to increasing copyright and patent protections for prescription drugs and Hollywood media content...*more at source*

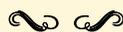
3. EXPORTS ONLY: The Administration constantly discusses trade as solely a question of U.S. exports. A recent Council of Economic Advisors report touts: Exporters pay higher wages, and export industry

growth translates into higher average earnings. The Economic Policy Institute points out that this ignores imports, and therefore the ballooning trade deficit, which weighs down economic growth and wages...*more at source*

4. MOST PROGRESSIVE: Obama has called TPP “the most progressive trade deal in history.” First of all, so did Bill Clinton and Al Gore, when talking about NAFTA in 1993. Second, there's reason to believe TPP doesn't even clear a low bar for progressive trade deals. The Sierra Club...said...the deal is weaker than the landmark “May 10 agreement” for deals with Peru, Panama and Colombia. Rep. Sander Levin, believes that TPP falls short. Even if the chapters were up to par...lack of enforcement of the rules makes them ineffective. The US Trade Rep. has actually claimed the Colombia free trade agreement is positive because only one trade unionist in the country is being murdered every other week...When Obama says violators of TPP will face “meaningful consequences,” based on the Administration's prior enforcement, he's lying.

Source:

http://www.salon.com/2015/05/12/the_10_biggest_lies_youve_been_told_about_the_trans_pacific_partnership/



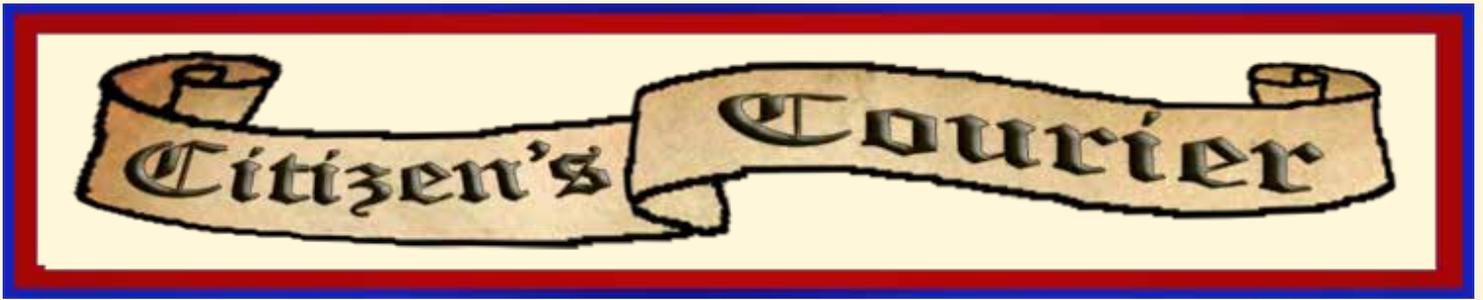
NATURAL BORN CITIZEN

by Don Shrader,
Chairman

Article II, Section 1, of the U.S. Constitution states, “No Person except a natural born Citizen...shall be eligible for the Office of President.

There is certainly a lot of confusion these days regarding what is a “Natural Born Citizen” as stated by the Constitution. This confusion has been heightened by the election of President Obama and now by the candidacy for the Republican nomination for President by Ted Cruz and Marco Rubio. The waters were even muddied somewhat by the candidacies of John McCain and Mitt Romney.

The definition of “natural born” depends upon your definition of “is” or in this case “natural born.” Many of us have been raised (brainwashed) in school to believe that anyone born on U.S. soil is a natural born citizen and therefore eligible to be President. (Even the Cornell University Law School notes “Consensus exists that anyone born on U.S. soil is a “natural born Citizen.”) There are those who purport that the framers of the Constitution left the term “intentionally vague” and up to us to further define. There are those



however that contend otherwise believing that the definition of "natural born" is based upon what is called "natural law" and was the common understanding of the founding fathers. Because of their common understanding of the term based upon the Law of Nations, they most likely saw the term as self-evident and did not foresee the need for further definition within the Constitution itself. This term and precept is used in the Constitution as a precondition only for the Presidency and thereby clearly distinguished it from the requirements for what may be termed *ordinary* citizenship.

The term was codified in the contemporary encyclopedia of that time called "[The Law of Nations](#)" (1758) by Emerich de Vattel. As to this being a recognized source of law by our founding fathers note that the "Law of Nations" is referenced without further comment in Article I, Section 8, of the Constitution: To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations.

According to [Chapter 19, §212](#) of "Law of Nations", "The natives, or natural-born citizens, are those born in the country of parents who are citizens". The concept "Natural born citizen" has been set forth by some to mean that "the term is a twofold

criterion meaning that both parents must be the citizens of, *and* the birth must take place in the concerned country, assuming that the citizenship inherited by this child and the loyalty are never changed ever after. In other words, a *natural born citizen* means *at least a second generation citizen* of the country."

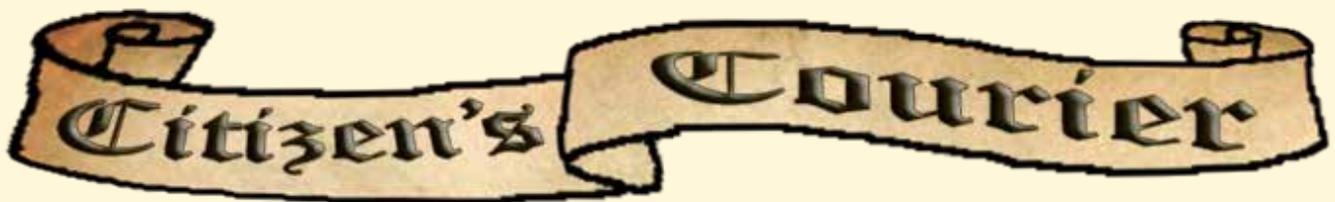
Except for Obama/Soetoro, the Vattel definition had been always applied, the last precedent being the [US Senate resolution 511](#) in 2008 acknowledging Sen. McCain as a natural born citizen supposedly alleviating concern that he did not qualify because he was born in Panama rather than in the Canal Zone. Though not mentioning the Law of Nations specifically in the resolution, the fact that it was proposed and passed in accord with the dictates of such document authenticates the intent of our founders.

Another indication to the meaning of the term may be found in the Supreme Court's side definition of "natural born citizen" as "all children born in a country of parents who were its citizens" (Minor v. Happersett, 88 U.S. 162, 1875). Often "Natural born citizenship" is confused with [§1401 of the US Code "Nationals and citizens of United States at birth"](#). Although the words sound similar, §1401 defines only *ordinary* citizenship including

those defined as anchor babies (i.e. born to legal guests of the country, §1401(a), never mind illegal residents). Anyone can acquire ordinary US citizenship in some point of one's life, so the Framers clearly excluded this kind of citizenship. On the contrary, the Natural Born Citizenship cannot be acquired: it may be only *inherited*.

Prior to 2008, all Presidential contenders officially satisfied the definition of "natural born," demonstrating continuity of the meaning consistent with that of Vattel . (In the past [only one President](#), Chester Arthur, 1881-1885, violated it, hiding and destroying the traces of the British citizenship of his father, discovered only after his death. The carefully hidden violation of Chester Arthur in fact is an additional argument that the Vattel's definition was valid and he was aware of it).

There can be no doubt that the election of President Obama and the lack of any official action by the Congress seeking his official qualifications to be President (as they did with McCain), and the Supreme Court's unwillingness to hear any legal protests regarding Obama's qualifications has altered the Constitutionally of the requirements for President.



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Now there is the question as to the lawful qualifications of Ted Cruz and Marco Rubio to be President. Like McCain and Romney, Cruz was born outside the United States. As for Rubio, he was born in the US in '71; however, his parents didn't become naturalized citizens until '75. According to a March 2015 [commentary](#) by [Neal Katyal](#) & [Paul Clement](#) of the Harvard Law Review, "While some constitutional issues are truly difficult, with framing-era sources either nonexistent or contradictory, here, the relevant materials clearly indicate that a "natural born Citizen" means a citizen from birth with no need to go through naturalization proceedings. The Supreme Court has long recognized that two particularly useful sources in understanding constitutional terms are British common law 3. See *Smith v. Alabama*, 124 U.S. 465, 478 (1888). And enactments of the First Congress. 4. See *Wisconsin v. Pelican Ins. Co.*, 127 U.S. 265, 297 (1888). Both confirm that the original meaning of the phrase "natural born Citizen" includes persons born abroad who are citizens from birth based on the citizenship of a parent."

James Spurgeon in a March 2013 article notes: Title 8 of the U.S. Code, Section 1401 defines the following as citizens of the United States upon birth... or natural-born citizens:

- Anyone born inside the United States. The person must be "subject to the jurisdiction" of the United States. (This would exempt the child of a diplomat, for example, from this provision.)
- Any Indian or Eskimo born in the United States, provided being a citizen of the U.S. does not impair the person's status as a citizen of the tribe
- Anyone born outside the United States, both of whose parents are citizens of the U.S., as long as one parent has lived in the U.S.
- Anyone born outside the United States, if one parent is a citizen and lived in the U.S. for at least one year and the other parent is a U.S. national
- Anyone born in a U.S. possession, if one parent is a citizen and lived in the U.S. for at least one year
- Anyone found in the U.S. under the age of five, whose parentage cannot be determined, as long as proof of non-citizenship is not provided by age 21
- Anyone born outside the United States, if one parent is an alien and as long as the other parent is a citizen of the U.S. who lived in the U.S. for at least five years (with military and diplomatic service included in this time)

By the conditions just laid out, it would appear that Senator Ted Cruz is not eligible to run for president as he would not qualify as a natural-born citizen since only one of the parents was a citizen of the U.S.

However, there still exists one more *historical* clause which will challenge this argument. The clause states, "A person

born before May 24, 1934 of an alien father and a U.S. citizen mother who has lived in the U.S." is a citizen.

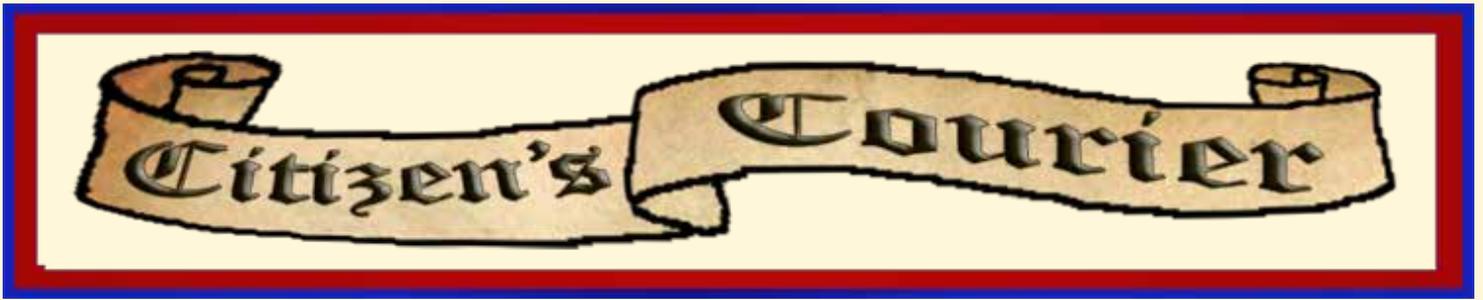
Does this change the argument? If it is grouped with Section 1401 of Title 8 of the US Code, then it would appear so.

Currently, citizenship in the U.S. is governed by the Immigration and Nationality Act of 1952. The most recent changes to statutory law were done by Congress in 2001. So since this most recent debate has circulated around Cruz, I am going to focus on one particular section... birth abroad to one U.S. citizen.

There are a certain set of rules for those born after November 14, 1986, but I'm focusing on the rules at the time of Cruz's birth, which are the rules that were in effect from December 24, 1952 – November 14, 1986. A person born abroad between those dates is a U.S. citizen upon birth if all of the following are true:

1. The person's parents were married at the time of birth;
2. One of the person's parents was a U.S. citizen when the person was born;
3. The citizen parent lived at least ten years in the United States before the child's birth; and
4. A minimum of 5 of these 10 years in the United States were after the citizen parent's 14th birthday.

By these very definitions of the law, it would appear that Cruz is a natural-born citizen and thus meets the qualifications to run for president if he decided to do so. This also does one more thing, as well.



So, as one can see, the debate of this subject will continue without a common resolution. The more liberal one is politically, the more he will see it as open ended and subject to continual revision by some ephemeral consensus of the population at large while others who are more constitutionally conservative will contend that it was a very definite constraint that was of grave importance to our founding fathers.



Point of View

*By Gale Joy,
Secretary CPO*

Vattel makes the distinction in section 215, Book One, "the child follows the condition of the father." He also states, "If he has fixed his abode in a foreign country, he is become a member of another society, at least as a perpetual inhabitant; and his children will be members of it also." By moving to Canada Cruz's father and mother quit this country to live in Canada.

In section 217, Book One, he states, "Children born in of parents in the armies of the state, or in the house of its minister are born in the country because the parents have not quitted its territory and are still under the jurisdiction of the home country." This would apply to McCain. His parents were abroad at the request of the home country.

In section 218, Book One, is the definition of a Settlement. "Settlement is a fixed residence in any place, with an intention of always staying there." This statement shows Cruz's, specifically, and Obama's fathers did not relinquish home settlement and moved here and then moved to Canada. He never, as far as I know, made his intention known to specifically live in the US. That being said, it must be understood then, that he moved to Canada and never relinquished his settlement country in Cuba. I think the same could probably be said of Rubio; however, he did move here and a few years after his son was born he became a citizen. But, I believe, if we follow the same definition, Rubio isn't authorized to be President either.



For the complete online volume of Emmerich De Vattel's "Law of Nations, Book 1," Click link below.

http://www.constitution.org/vattel/vattel_01.htm

