

NATIONAL REVIEW

Some question whether the Canada-born freshman senator is eligible for the presidency (hint: he is).

Birthers, it turns out, can be bipartisan. They have a new target — the rapidly rising GOP senator Ted Cruz.

Though he bears all the marks of a Texan — the swagger, the signature twang, and the ever-present cowboy boots — 42-year-old Cruz was born in Calgary, Alberta, to an American mother and a Cuban father. By dint of his mother's citizenship, Cruz was an American citizen at birth. Whether he meets the Constitution's requirement that the president of the United States be a "natural-born citizen," a term the Framers didn't define and for which the nation's courts have yet to offer an interpretation, has become the subject of considerable speculation.

And it involves some of the same people who sparked conflict — and drew charges of racism — by raising questions about the circumstances of President Obama's birth. Donald Trump, for one, says he is impressed by Cruz but hasn't yet looked extensively at his background.

The homepage of the website Birthers.org is currently devoted to making the constitutional case against Cruz's eligibility. He is lauded for representing his state "with a passion not seen in Texas since the Alamo" and cheered for being "one hell of a Senator," but Birthers.org's denizens emphatically conclude that he cannot be president "because the law of Canada made him a citizen of Canada by BIRTH."

On ObamaReleaseYourRecords.com, alongside the latest news about the president's fraudulent birth certificate and his close ties to Islam, anonymous authors blast the media for propagating the "myth" that the Constitution permits a Cruz presidency. "What complete madness to suggest someone born in another country is a 'natural born Citizen' of the United States and eligible to be POTUS," one of them argues. "It is complete rubbish and they know it."

Driven by speculation about Cruz as a possible 2016 presidential candidate, the controversy has migrated from the fringes to the mainstream, causing confusion among some of the senator's most ardent supporters. The Fox News Channel's chief political correspondent, Carl Cameron, informed viewers that the Texas senator is "constitutionally ineligible." On Sean Hannity's radio show, Ann Coulter lamented that Cruz's Canadian origins precluded him from running for president.

After Cruz ignited the Conservative Political Action Conference, many in the audience left expressing disappointment about his Canadian birth and constitutional ineligibility. Coulter [corrected herself](#) after learning that Cruz's mother was an American citizen when he was born, [exclaiming](#) on Twitter, "TED CRUZ CAN RUN FOR PRESIDENT!"

Donald Trump, who in 2011 hounded President Obama to turn over his long-form birth certificate and kept the birther movement in the national news for months, has yet to look into Cruz's eligibility. "I like him," Trump tells National Review Online, but says he has "not studied his situation."

"Obviously, I have everybody calling me wanting my support," he claims. Nonetheless, he considers Cruz's case "very different" from the president's because Cruz "has been very candid and open about his place of birth and his background."

A number of presidential candidates have confronted similar issues — John McCain was born in the Panama Canal

Zone; George Romney was born in Mexico; Barry Goldwater was born in the Arizona territory — but a court has never ruled on whether such candidates are natural-born citizens.

Legal scholars are firm about Cruz's eligibility. "Of course he's eligible," Harvard law professor Alan Dershowitz tells National Review Online. "He's a natural-born, not a naturalized, citizen." Eugene Volokh, a professor at the UCLA School of Law and longtime friend of Cruz, agrees, saying the senator was "a citizen at birth, and thus a natural-born citizen — as opposed to a naturalized citizen, which I understand to mean someone who becomes a citizen after birth."

[Federal law](#) extends citizenship beyond those granted it by the 14th Amendment: It confers the privilege on all those born outside of the United States whose parents are both citizens, provided one of them has been "physically present" in the United States for any period of time, as well as all those born outside of the United States to at least one citizen parent who, after the age of 14, has resided in the United States for at least five years. Cruz's mother, who was born and raised in Delaware, meets the latter requirement, so Cruz himself is undoubtedly an American citizen. No court has ruled what makes a "natural-born citizen," but there appears to be a consensus that the term refers to those who gain American citizenship by birth rather than by naturalization — again, including Texas's junior senator.

Cruz, a constitutional lawyer, is unequivocal on the question. His press secretary, Catherine Frazier, tells National Review Online that, while a 2016 run is far from his mind right now — he's "fully focused on his role representing Texans in the U.S. Senate" — there should be no confusion about his presidential eligibility. "He is a U.S. citizen by birth, having been born in Calgary to an American-born mother," Frazier says.

The Cruz birthers, though, will evidently need more convincing.

— *Eliana Johnson is media editor of National Review Online.*