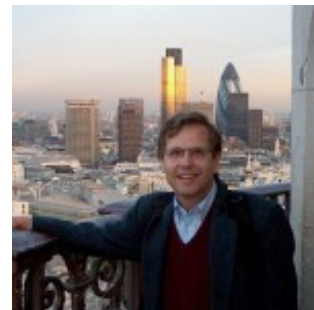


The importance of being “natural born”

The Constitution’s Framers thought deeply about the qualifications for federal office. Those qualifications are in the Constitution for very good reasons. Despite some of the snarky commentary you hear on the subject, it has been entirely appropriate to insist that Barack Obama—or any other candidate for federal office—provide proof that he meets the constitutional requirements for that office.

Indeed, the real discussion over the President’s birth certificate should not be the sanity of the questioners, but the reasons the President didn’t produce his birth certificate long ago, just as you or I would have done.



Among the values the Founders thought central to good republican government was what they called “sympathy” or “fellow-feeling.” The basic idea was that government was a public trust, so lawmakers and officials should feel an identity of interest, rather than a conflict of interest, with the citizenry they served. (For a detailed article on the subject, click [here](#).)

This conclusion was based on historical experience with British and foreign officeholders who lacked the quality of sympathy.

Accordingly, the Constitution mandates that to serve in the House of Representatives a person (1) be at least 25 years old, (2) be a citizen of the United States, (3) have held citizenship for at least seven years, and (4) live at the time of election in the state he is to represent. The last three requirements all were designed to ensure sympathy with those he was to serve. U.S. Const., I-2-2. The age requirement was designed to promote both sympathy and maturity.

The importance of sympathy grew as the importance of the office grew. Thus, Senators must meet more demanding requirements: the minimum age is 30 rather than 25, and the period of citizenship is nine rather than seven years. U.S. Const., I-3-3.

Note that these requirements still are more relaxed than those then imposed for Members of Parliament in Britain, where an MP had to be a natural born subject. A subject was natural born if he was born in Britain or a British territory or, if born abroad, his father was at the time a loyal subject not engaged in treasonous or felonious activities.

Although the American Founders did not require natural-born status for Congress, they did insist that the President have that status. They also imposed a residency requirement of 14 years and a minimum age of 35. U.S. Const. II-1-5.

Again, the residency and natural-born requirements were not arbitrary; they were the product of long historical experience. For example, King Charles II had spent many years in Europe before assuming the British throne, and after doing so he secretly betrayed Britain in exchange for a pension from the King of France. George I had been born in Germany, never learned much English, and remained more German than English during his 14-year reign. Since the American President would largely control foreign policy, it was—and is—uniquely important that he be natural born and have long residence in the U.S. before taking office.

In my view, the states would be wise to prevent future “birther-type” controversies by enacting laws requiring that aspirants for high federal office who wish to appear on the ballot first provide basic proof that they meet the Constitution’s prerequisites.

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