



# Harris and Gabbard not constitutionally qualified to be president

Not "Natural Born Citizens"

By [Larry Klayman](#)

July 12, 2019



Larry Klayman

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Senator Kamala Devi Harris (D-California) cannot become president unless she is a "natural born Citizen." The U.S. Constitution contains few eligibility criteria for our nation's highest post. But being born to the country is one of them. Since a vice president must be able to succeed to the presidency, Harris could not run as vice president, either.

Article II, Section 1, Clause 5 requires that only a natural born citizen can serve as president. The Constitution clearly distinguishes between a citizen and a "natural born Citizen." There is a special case of citizen who is also natural born. An interesting but often-ignored requirement is that one must also have "been fourteen Years a Resident within the United States." The intent indicates an attempt to ensure allegiance to the United States by a strong connection. This was the result of continued loyalties to the British Crown among Tories and others after the Revolutionary War, where some politicians even suggesting the nation should return to a limited monarchy. The Framers thus wanted to eliminate "family influences" among our presidents.

Some may think of the Fourteenth Amendment. Even if we ignore the requirement that a person born in the country must be "under the jurisdiction thereof," the Constitution clearly recognizes that not all citizens are eligible to be president.

[Incorrect: Harris has never claimed to be African-American. Such a claim is an oxymoron. He is Jamaican. Period.]

Both of Harris's parents were present in the United States under student visas when Harris was born in Oakland, California. They were not U.S. citizens at that time. A student visa requires a non-immigrant intent. That is, one must swear that they have no intent to stay. Harris' parents appear to have lied.

Her father is described as "an African-American from Jamaica." Her mother Shyamala Gopalan was from India and graduated from the University of Delhi at nineteen. Her parents separated a few years after Harris was born and divorced when Harris was seven. Her mother entered the country only 4 years before Harris was born, and her father only 3 years before.

[From Kamala Devi Harris' Birth Certificate (attached).]

FATHER OF CHILD	12A. NAME OF FATHER—FIRST NAME <b>Donald</b>	12B. MIDDLE NAME <b>Jasper</b>	12C. LAST NAME <b>Harris</b>	13. COLOR OR RACE OF FATHER <b>Jamaican</b>
	14. AGE OF FATHER (AT TIME OF THIS BIRTH) <b>26</b> YEARS	15. BIRTHPLACE (STATE OR FOREIGN COUNTRY) <b>Jamaica</b>	16A. PRESENT OR LAST OCCUPATION <b>Student and Teaching Fellow</b>	16B. KIND OF INDUSTRY OR BUSINESS <b>University of Calif.</b>

The same rule of law and legal principles apply to Senators Ted Cruz and Marco Rubio, and I said so during the 2016 Republican presidential primary. Even John McCain in 2008 had to answer challenges to his eligibility to run for president as a natural born citizen. McCain was born at a U.S. military base in Panama in the Canal Zone. Some believe that a military base counts as U.S. soil.

Congresswoman Tulsi Gabbard was born on American Samoa (*not* on a military base). Like McCain's Canal Zone birth, it is doubtful that birth in the American Samoa qualifies Gabbard as a natural born citizen. Her father Mike Gabbard was also born in American Samoa but apparently has no other claim to citizenship. Her mother Carole Porter Gabbard was born in Decatur, Illinois. A respect for our Constitution and the law requires challenging Gabbard's qualifications, the same as anyone else of whatever political party. Their background is irrelevant.

So what is a "natural born citizen?" The phrase is not separately defined in the Constitution, indicating that those who wrote it and ratified it understood it as a term of art with a well-established interpretation (understood by Congress and all thirteen original states).

The U.S. Supreme Court has held that it was "never doubted" that natural born citizens are those born in the U.S. of U.S. citizen parents. *Minor v. Happersett*, 88 US 162, 167 (1875).

The Constitution does not in words say who shall be natural-born citizens. Resort must be had elsewhere to ascertain that. At common law, with the nomenclature of which the framers of the Constitution were familiar, it was never doubted that all children born in a country of parents who were its citizens became themselves, upon their birth, citizens also.

Treatises of the time explained the concept: "The natural born, or native is one who is born in the country, of citizen parents." Morse, Alexander Peter, A Treatise on Citizenship pp. xi (1881). "Under the view of the law of nations, natives, or natural born citizens, are those born in the country, of parents who are citizens." Id. at §7

The framers of our Constitution were students of Swiss jurist and political philosopher Emmerich de Vattel, who wrote the seminal 1758 treatise "The Law of Nations." Vattel defines in Section 212 "The natives, or natural-born citizens, are those born in the country, of parents who are citizens." That is, one must not only be born within the United States, but also to parents who are both U.S. citizens.

Conservative originalist Justice Antonin Scalia made clear that "The Law of Nations" is a definitive guide to help interpret the U.S. Constitution in his concurring opinion in *Arizona v. United States*, 567 U.S. 387 (2012). The U.S. Supreme Court also relied upon Section 212 of Vattel in *The Venus*, 12 U.S. 8 Cranch 253 253 (1814). On October 5, 1789, President George Washington borrowed from the New York Society Library a copy of Vattel's "Law of Nations," as evidenced by his entry in the ledger.

Ever since I founded Judicial Watch in 1994 and later Freedom Watch, which I now run, each time I have to stand in front of the train and yell "stop," the establishment elites of both corrupt political parties, accuse freedom fighters and constitutionalists such as me and some of my client such as Sheriff Joe Arpaio and Dr. Jerome Corsi, as being racists. No, this is about preserving our nation, not about particular individuals abusing the rules at the moment. If we abandon the Constitution, what do we have left?

As I have before, I will take a consistent stand with lawsuits in my home state of Florida to ensure that only candidates who constitutionally qualify appear on the presidential ballot, no matter what their race, religion, ethnicity or national origin.

In 2020 neither Kamala Harris nor Tulsi Gabbard are constitutionally qualified to run for president. This was also true for Marco Rubio and Ted Cruz in 2016, and Barack Obama in 2008 and 2012. It's time that the Constitution be respected!

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# STATE OF CALIFORNIA

## CERTIFICATION OF VITAL RECORD

OFFICE OF CLERK-RECORDER

# COUNTY OF ALAMEDA

OAKLAND, CALIFORNIA

STATE FILE NUMBER	<b>64-295984</b>		<b>CERTIFICATE OF LIVE BIRTH</b>		LOCAL REGISTRATION DISTRICT AND CERTIFICATE NUMBER	<b>601515318</b>	
THIS CHILD	1a. NAME OF CHILD—FIRST NAME <b>KAMALA</b>		1b. MIDDLE NAME <b>AMEND IYER</b>		1c. LAST NAME <b>HARRIS</b>		
	2. SEX <b>Female</b>	3a. THIS BIRTH, SINGLE, TWIN, OR TRIPLET? <b>Single</b>		4a. DATE OF BIRTH—MONTH, DAY, YEAR <b>October 20 1964</b>		4b. HOUR <b>9:28 P.</b>	
PLACE OF BIRTH	5a. PLACE OF BIRTH—NAME OF HOSPITAL <b>Kaiser Foundation Hospital</b>			5b. STREET ADDRESS (GIVE STREET OR RURAL ADDRESS OR LOCATION. DO NOT USE P. O. BOX NUMBERS) <b>280 West MacArthur Blvd.</b>			
	5c. CITY OR TOWN <b>Oakland</b>			5d. COUNTY <b>Alameda</b>			
MOTHER OF CHILD	6a. MAIDEN NAME OF MOTHER—FIRST NAME <b>Gopalan</b>		6b. MIDDLE NAME <b>-</b>		6c. LAST NAME <b>Shyamala</b>		7. COLOR OR RACE OF MOTHER <b>Caucasian</b>
	8. AGE OF MOTHER (AT TIME OF THIS BIRTH) <b>26</b> YEARS		9. BIRTHPLACE (STATE OR FOREIGN COUNTRY) <b>India</b>		10. MAILING ADDRESS OF MOTHER—ALSO DIFFERENT FROM USUAL RESIDENCE—FOR NOTIFICATION OF BIRTH <b>As given below</b>		
USUAL RESIDENCE OF MOTHER (WHERE DOES MOTHER LIVE?)	11a. USUAL RESIDENCE OF MOTHER—STREET ADDRESS (GIVE STREET OR RURAL ADDRESS OR LOCATION) <b>2531 Regent Street</b>				11b. IF INSIDE CORPORATE LIMITS <input checked="" type="checkbox"/> CHECK HERE		
	11c. CITY OR TOWN <b>Berkeley</b>				11d. COUNTY <b>Alameda</b>		
FATHER OF CHILD	12a. NAME OF FATHER—FIRST NAME <b>Donald</b>		12b. MIDDLE NAME <b>Jasper</b>		12c. LAST NAME <b>Harris</b>		13. COLOR OR RACE OF FATHER <b>Jamaican</b>
	14. AGE OF FATHER (AT TIME OF THIS BIRTH) <b>26</b> YEARS		15. BIRTHPLACE (STATE OR FOREIGN COUNTRY) <b>Jamaica</b>		16a. PRESENT OR LAST OCCUPATION <b>Student and Teaching Fellow</b>		
INFORMANT'S CERTIFICATION	I HAVE REVIEWED THE ABOVE STATED INFORMATION AND HEREBY CERTIFY THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE				17a. DATE SIGNED BY INFORMANT <b>October 23 1964</b>		
ATTENDANT'S CERTIFICATION	I HEREBY CERTIFY THAT I ATTENDED THIS BIRTH AND THAT THE CHILD WAS BORN ALIVE AT THE HOUR, DATE AND PLACE STATED ABOVE.				17b. ADDRESS <b>Oakland, California</b>		
REGISTRAR'S CERTIFICATION	19. DATE ON WHICH NAME ADDED BY SUPPLEMENTAL NAME REPORT				20. LOCAL REGISTRAR—SIGNATURE <b>Melissa Wilk</b>		
				21. DATE RECEIVED BY LOCAL REGISTRAR <b>NOV 5 1964</b>			

INFORMATIONAL - NOT A VALID DOCUMENT TO ESTABLISH IDENTITY

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<http://www.acgov.org/auditor/clerk/bdm/Birth.htm> online order

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000017032

Melissa Wilk  
Melissa Wilk  
COUNTY CLERK-RECORDER





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## CERTIFICATION OF VITAL RECORD

OFFICE OF CLERK-RECORDER

# COUNTY OF ALAMEDA

OAKLAND, CALIFORNIA

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DOCUMENT TO ESTABLISH IDENTITY

## 2 AFFIDAVIT TO CORRECT A RECORD

STATE FILE NO. **64-295984** ☒ BIRTH ☐ DEATH ☐ MARRIAGE REGISTRATION DISTRICT NO. **6015** REGISTRAR'S NUMBER **15318**

REGISTRANT INFORMATION: SEE INSTRUCTIONS ON REVERSE

1a. FIRST NAME **KAMALA** 1b. MIDDLE NAME **IYER** 1c. LAST NAME **HARRIS**

2. PLACE OF OCCURRENCE—CITY OR COUNTY **Oakland** 3. DATE OF EVENT **October 20, 1964** 4. DATE ORIGINAL FILED **November 5, 1964**

5. NAME OF FATHER **Donald Jasper Harris** 6. MAIDEN NAME OF MOTHER **Gopalan Shyamala**

7. NUMBER **1B** 8a. FACTS EXACTLY AS STATED ON THE ORIGINAL RECORD **Iyer** 8b. FACTS AS THEY SHOULD HAVE BEEN STATED ON THE ORIGINAL AT THE TIME OF OCCURRENCE **DEVI**

9. WHY IS CHANGE NECESSARY? **To correct middle name of child.**

10. I, THE AFFIANT, HAVING PERSONAL KNOWLEDGE OF THE ABOVE FACTS AND RELATED AS **mother** TO THE REGISTRANT NAMED IN ITEM 1 OF THIS DOCUMENT, DO SOLEMNLY SWEAR THAT THE FACTS LISTED UNDER ITEM 8A, ABOVE, WERE INCORRECTLY STATED AT THE TIME OF THE EVENT, AND TO MAKE THE ORIGINAL RECORD A TRUE STATEMENT OF THE FACTS AS THEY EXISTED AT THE TIME OF OCCURRENCE, THE AMENDMENTS LISTED UNDER ITEM 8B, ABOVE, ARE NECESSARY.

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS **2nd** DAY OF **February** 19 **65**

SIGNATURE AND SEAL OF NOTARY PUBLIC **Wm Mason** SIGNATURE OF AFFIANT **[Signature]** AGE OF AFFIANT **26**

ADDRESS OF AFFIANT—STREET ADDRESS **2531 Regent St., apt 5**

ADDRESS OF AFFIANT—CITY AND STATE **Berkeley - 4, California**

11. I, THE AFFIANT, HAVING PERSONAL KNOWLEDGE OF THE ABOVE FACTS AND RELATED AS **father** TO THE REGISTRANT NAMED IN ITEM 1 OF THIS DOCUMENT, DO SOLEMNLY SWEAR THAT THE FACTS LISTED UNDER ITEM 8A, ABOVE, WERE INCORRECTLY STATED AT THE TIME OF THE EVENT, AND TO MAKE THE ORIGINAL RECORD A TRUE STATEMENT OF THE FACTS AS THEY EXISTED AT THE TIME OF OCCURRENCE, THE AMENDMENTS LISTED UNDER ITEM 8B, ABOVE, ARE NECESSARY.

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SIGNATURE AND SEAL OF NOTARY PUBLIC **Wm Mason** SIGNATURE OF AFFIANT **[Signature]** AGE OF AFFIANT **26**

ADDRESS OF AFFIANT—STREET ADDRESS **2531 Regent St., Berkeley, Cal.**

ADDRESS OF AFFIANT—CITY AND STATE **Berkeley - 4, California**

STATE REGISTRAR **[Signature]** DATE ACCEPTED AND FILED **FEB 18 1965**

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Melissa Wilk  
Melissa Wilk  
COUNTY CLERK-RECORDER

