

Born in Canada, Can Ted Cruz Run for President?

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The 'Natural Born Citizen' Issue Just Keeps On Keeping On

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US Sen. Ted Cruz (R-TX), Though Born in Canada, Plans to Run for President of the United States. Andrew Burton/Getty Images



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U.S. Senator Ted Cruz (R-Texas) openly acknowledges that he was born in Canada. He also openly acknowledges that he will run for [President of the United States](#) in 2016. Can he do that?

Cruz's birth certificate, which he delivered to the [Dallas Morning News](#), shows he was born in Calgary, Canada in 1970 to an American-born mother and a Cuban-born father. Four years after his birth, Cruz and his family moved to Houston, Texas, where Ted graduated from high school and went on to graduate from Princeton University and Harvard Law School.

Shortly after releasing his birth certificate, Canadian lawyers told Cruz that because he was born in Canada to an American mother, he had dual Canadian and U.S. citizenship. Stating he was not aware of this, he would renounce his Canadian citizenship in order to clear up any question of his eligibility to run for and serve as President of the United States. But some questions just don't go away.

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The Old 'Natural Born Citizen' Question

As one of the [requirements to serve as president, Article II, Section 1](#) of the [Constitution](#) states only that the president must be a "natural born Citizen" of the United States. Unfortunately, the Constitution fails to expand on the exact definition of "natural born Citizen."

Some people and politicians, usually members of the opposing political party, contend "natural born Citizen" means that only a person born in one of the 50 U.S. States can serve as president. All others need not apply.

Further muddying the Constitutional waters, the Supreme Court has never ruled on the meaning of the natural-born citizenship requirement.

However, in 2011, the non-partisan Congressional Research Service issued a report stating:

"The weight of legal and historical authority indicates that the term 'natural born' citizen would mean a person who is entitled to U.S. citizenship 'by birth' or 'at birth', either by being born 'in' the United States and under its jurisdiction, even those born to foreign parents; or by being born abroad to U.S. citizen-parents; or by being born in other situations meeting legal requirements for U.S. citizenship 'at birth.'"

Since his mother was a U.S. citizen, that interpretation indicates that Cruz would be eligible to run for and serve as president, no matter where he was born.

When Sen. John McCain was born at the Coco Solo Naval Air Station in the Panama Canal Zone in 1936, the Canal Zone was still a U.S. territory and both of his parents were U.S. citizens, thus legitimizing his 2008 presidential run.

In 1964, the candidacy of Republican presidential nominee of Barry Goldwater was questioned. While he was born in Arizona in 1909, Arizona – then a U.S. territory -- did not become a U.S. State until 1912. And in 1968, several lawsuits were filed against the presidential campaign of George Romney, who was born to American parents in Mexico. Both were allowed to run.

At the time of Sen. McCain's campaign, the Senate passed a resolution declaring that "John Sidney McCain, III, is a 'natural born Citizen' under Article II, Section 1, of the Constitution of the United States." Of course, the resolution in no way established a constitutionally-supported binding definition of "natural born citizen."

Cruz's citizenship was not an issue when he ran for and was elected to the U.S. Senate in 2012. The requirements to serve as a Senator, as listed in [Article I, Section 3](#) of the Constitution requires only that Senators have been U.S. citizens for at least 9 years when they are elected, regardless of their citizenship at birth.

Has 'Natural Born Citizen' Ever Been Applied?

While serving as the first female U.S. Secretary of State from 1997 to 2001, Czechoslovakian-born Madeleine Albright was declared ineligible to hold the Secretary of State's traditional position as fourth in the [line of presidential succession](#) and was not told of U.S. nuclear-war plans or launch codes. The same presidential succession restriction applied to German-born Sec. of State Henry Kissinger. There was never any indication that either Albright or Kissinger entertained the idea of running for president.

So, Can Cruz Run?

Should Ted Cruz be nominated, the "natural born citizen" issue will certainly be debated again with great gusto. Some lawsuits may even be filed in attempts to block him from running.

However, given the historical failure of past "natural born citizen" challenges, and the growing consensus among constitutional scholars that a person born abroad, but legally deemed a U.S. citizen at birth, is "natural born" enough, Cruz would be allowed to run and serve if elected.

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