



Written by [Joe Wolverton, II, J.D.](#) on September 4, 2017

Group of Texas GOP Activists Challenge Cruz's Eligibility for Senate

A group of Republican voters in Texas have filed an official challenge to the constitutional eligibility of Senator Ted Cruz (R-Texas; shown) to run for another term.

Calling themselves "Oust Cruz 2018," the GOP voters joined in the effort to preclude the former presidential candidate from serving the Lone Star State in the U.S. Senate and have filed documents with various state officials seeking a ruling on the issue of the Canadian-born Cruz's eligibility.



Ted Cruz is up for re-election in 2018 and the activists of the Oust Cruz 2018 plan to prevent his even appearing on the ballot. Here's how they explain the sitting senator's alleged disqualification:

GOP voters in Texas learned in May 2014, that they were defrauded by Rafael Edward (Ted) Cruz in the 2012 senate race. In short, it became public knowledge that Rafael Edward (Ted) Cruz was a legal citizen of Canada when he ran for U.S. Senate and won in a crazy runoff in 2012. Had Texas voters and campaign donors known that Cruz remained a legal citizen of Canada as of 2012, it is highly unlikely that they would have voted for or contributed to the Cruz for Senate campaign in 2012.

To appear on the 2012 ballot for U.S. Senate in 2012, Cruz had to file an application claiming under oath and penalty of perjury, that he was a legal citizen of the United States, eligible for the office he was seeking and he did. He failed to disclose to Texas election officials, voters and donors that he was in fact, still a legal citizen of Canada at that time and until May 14, 2014.

He must file a similar application again in 2018 to run for reelection to the U.S. Senate, or he cannot appear on the Texas ballot. To date, Sen. Cruz has refused to release any authenticated proof of documented U.S. citizenship.

First, as to the claim that Cruz "remained a legal citizen of Canada as of 2012," the group points out — correctly — that Cruz did not formally denounce his Canadian citizenship until May 14, 2014. As was widely reported, Ted Cruz, through a spokeswoman, "formally gave up his [Canadian] citizenship May 14." Cruz added that he was "pleased to have the process finalized" and that it "makes sense he should be only an American citizen."

The members of Oust Cruz 2018 think it made sense in 2014, but it should have made sense earlier, or Cruz was ineligible to serve as a senator in 2012, two years before Cruz went through the legal process to give up his Canadian citizenship.

Article I, Section 3 of the U.S. Constitution makes it very clear that "No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States and who shall not, when elected, be an inhabitant of that state for which he shall be chosen."

While some Texas political blogs are insisting that "many Cruz fans think this challenge is a personal



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attack against Sen. Ted Cruz,” the plain, impartial fact of the matter is that when it comes to the offices created by the Constitution, the Constitution establishes the qualifications for holding that office. If Ted Cruz was not a “formally” a citizen of the United States in 2012 — as he himself claimed in 2014 — then he was not qualified to hold the office he was seeking.

In his defense, during his presidential campaign, Senator Cruz offered letters from friends at Harvard University School of Law claiming that Cruz is a legal citizen of Canada and the United States regardless of the lack of documentation establishing that opinion.

Perhaps some perspective from the men who drafted the document that created the office Ted Cruz was to fill will be useful.

Our own Founding Fathers, nearly every one of whom was born in some outpost of the British Empire, feared the damage that could come from such divided loyalty. They included the citizenship qualification into every office created under the Constitution in order to avoid what Gouverneur Morris described during the Constitutional Convention as “the danger of admitting strangers into our public councils.”

As Morris contemporary and famed jurist and constitutional scholar of the early republic St. George Tucker explained:

“The admission of foreigners into our councils, consequently, cannot be too much guarded against; their total exclusion from a station to which foreign nations have been accustomed to attach ideas of sovereign power, sacredness of character, and hereditary right, is a measure of the most consummate policy and wisdom.”

The critical consideration for the Founders, then, would be whether there could exist the potential for divided loyalty in a man born of a Cuban father in Canada and whether a man about with such confused credentials should be allowed to sit in the “public councils” of the United States of America.

The Republican Party of Texas, although named as conspirators with Cruz in certifying his 2012 certification of eligibility, has not responded to the letter signed in the name of the “Republican Voters and Campaign Donors of Texas.”

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