

The States United: a review of the ethnic, religious and state governing distinctions in the United States, and how these forms of diversity are united in one Nation.

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*E Pluribus Unum – Out of Many, One*

-Inscription on the Great Seal of the United States

The nations of the world are struggling to define national identity and to stake out clear parameters for citizenship in a global context of unprecedented human mobility. In this article I will briefly review the various requirements of nations for citizenship and examine in detail an alternative qualification of citizenship as it has evolved in the United States. In particular I will explore ethnic, religious and governing diversity within the various states of the United States in an attempt to demonstrate the way in which US citizens maintain distinct ethnic, religious and political identities while belonging to one nation.

The organization of land masses into nation states is a relatively modern phenomenon in the world and largely the legacy of the era of colonization from the 16<sup>th</sup> to the 20<sup>th</sup> centuries. While there were great empires, tribal confederations and dynasties prior to the colonial era, the nation state as such had yet to evolve.

When a people belong to a tribe there is no doubt that it is their genetic relationship to the group that determines their membership in that tribe. When a people are organized as subjects in a monarchy, their membership is then determined by the bounds of the land governed by that dynasty. When modern nation states began to emerge, large masses of land with surveyed boundaries, the qualification for membership was determined largely in two ways, either by *jus sanguinis* or by *jus soli*.

*Jus sanguinis*, literally translates from Latin as “right of blood”. A nation following *jus sanguinis* grants citizenship through genetic descent. Most of the nations of Europe with the exception of France and Great Britain, at the end of the 19<sup>th</sup> century,

determined citizenship based on *jus sanguinis*, or by ethnic heritage. Still today a good majority, 84%, of the nations of the world

determine citizenship based at least in part on ethnic identity.<sup>i</sup> This is why one may associate distinctive genetic characteristics with particular national identities.

*Jus soli* is a Latin phrase which literally translates as “right of the soil.” Under *jus soli* a subject is a citizen by virtue of the land in which he or she is born. The use of *jus soli* provided a more liberal qualification of citizenship. Immigrants to *jus soli* nations were enabled to achieve citizenship for their children despite their own ethnic and religious identities. *Jus soli* was something of an experiment in its early form and an outgrowth of a monarchical system that encompassed multiple ethnic regions. Great Britain formally adopted *jus soli* as a naturalization policy between 1765 and 1769 in its common law, though this evolved through a much older tradition of granting subject hood to those born within the bounds of the kingdom.<sup>ii</sup>

By the late 19<sup>th</sup> century and into the 20<sup>th</sup> century several nations began to apply jus soli as their naturalization law.<sup>iii</sup> France applied jus soli in 1889.<sup>iv</sup> The United States applied jus soli with the adoption of the 14<sup>th</sup> Amendment to the US Constitution in 1868 soon after the abolition of slavery. Section One of the 14<sup>th</sup> Amendment reads:

*All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

Prior to the 14<sup>th</sup> Amendment citizenship in the United States was determined by a combination of jus sanguinis, jus soli limited to free white males, and a policy for naturalization which limited the granting of citizenship according to ethnic origin. The US

Congress passed the Naturalization Act in 1790, which used racial criteria limiting citizenship to “free white persons.”<sup>v</sup> For a

history of the origin of European ethnic heritage and birthright citizenship policy in the US, we must look to the original 13 states of the United States, which began as British colonies. Residents of the colonies were primarily of British descent, though residents of Dutch, German, Swedish, African, Scottish, Irish, French and Native American descent all lived in the bounds of the colonies. The full rights of citizenship in the early colonies were granted only to men of European origin. The descendants of African slaves were not given citizenship until the adoption of the 14<sup>th</sup> Amendment in 1868, and Native Americans were not granted citizenship until the Indian Citizenship Act of 1924. Women, were not granted the full privileges of citizenship until 1920. The adoption of the 14<sup>th</sup> Amendment represented a shift in US policy, eliminating jus sanguinis as a qualification of citizenship and enacting a more comprehensive form of jus soli.

The United States is a country of immigrants and so important criteria for citizenship also developed via the process of naturalization. Around 12% of the population of the United States is first generation immigrant.<sup>vi</sup> In fact most Americans have only to look back two or three generations to find immigrants in their own family lineage. The immigration policy in the Naturalization Act of 1790, which limited citizenship to free white persons, was not significantly changed until the Naturalization act of 1870, which broadened the racial limits of citizenship to include Africans.<sup>vii</sup> Other non-European immigrants remained excluded from naturalization until the Immigration act of 1924, which opened immigration to nearly all ethnicities, though limited citizenship to a very small number.<sup>viii</sup> It was not until the adoption of the Magnuson Immigration Act of 1943 that people of all ethnic origins were eligible for naturalization. And it was only in the Immigration Act of 1965 that racial origin was removed entirely as a qualification of naturalization.<sup>ix</sup>

According to US naturalization policy since 1965, US citizenship is determined neither by jus sanguinis or ethnic identity, nor

by religious affiliation. Citizenship through naturalization is contractual. Any citizen of another country in the process of becoming a naturalized citizen of the United States of America must take the “Oath of Renunciation and Allegiance”. This is not a symbolic gesture, but a legally binding verbal contract in which the immigrant states:

*“I hereby declare, on oath...that I will support and defend the Constitution and laws of*

*the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same...so help me God.”*

US Citizenship then, as it has evolved throughout US history, is no longer tied to ethnic identity, nor religious affiliation, nor birthright alone, but is rather tied, among other things, to allegiance to the US constitution.

What is the content of the US Constitution? Exactly what kind of contract are immigrants to the US entering into? The US Constitution is divided into 7 articles and 27 amendments. The first article outlines the details pertaining to the legislative branch of a democratic republic. The second article defines the executive branch of government. The third article explains the judicial branch and the details pertaining to the Supreme Court. The fourth article defines statehood and the way in which the various states in the union are to relate to one another and to the federal government. I will return to this fourth article as it is important for understanding plurality of governments within the federal government and how the states relate to the union. The fifth article deals with the process of amending the Constitution, which is difficult and requires a 2/3 majority vote in both the House of Representatives and the Senate, or a petition from the legislatures of 2/3 of the states of the union. The sixth article defines debts, the supremacy of the Constitution, laws and treaties of the United States above the states and the taking of oaths. It is interesting

to note that this article states clearly that when taking oaths, “No religious test shall ever be required as a qualification to any office

or public trust under the United States.” This statement highlights the centrality of the freedom of religion as a core American value. Finally, the seventh article defines ratification of the Constitution and assumes the context of the original thirteen colonies.

Briefly, the twenty-seven amendments deal with the following in succession. The first ten are also referred to as the Bill of Rights:

1. The freedom of religion, free speech, free press, freedom to petition government for grievances. Adopted in the year 1791;
2. The right to bear arms in well regulated state militias, 1791;
3. The prohibition of soldiers to take up residence in a house without the owner’s consent, 1791;
4. Prohibition of search and seizure of any private property by police, military or government personnel without a warrant of probable cause, 1791;
5. Terms of a fair trial by due process, 1791;
6. Rights of the accused to a speedy trial, impartial jury, favorable defense witnesses, and access to the assistance of counsel for defense, 1791;
7. The right to a trial by jury in civil cases, 1791;
8. Prohibition against excessive fines or bail, no cruel or unusual punishment, 1791;
9. Constitution must not be construed to deny rights, 1791;
10. States and people are sovereign in matters not delegated to the US Constitution, 1791;
11. Judicial limits of the US, 1795;

12. Election process for President and Vice President, 1804;
13. Abolition of slavery, 1865;
14. Right of citizenship by birth within the United States, 1868;
15. Right to vote of all citizens regardless of race, 1870;
16. Power of United States Congress to tax income, 1913;
17. Two senators representing each state to be elected by popular vote, 1913;
18. The abolition of liquor, 1919;
19. Women given the right to vote, 1920;
20. Definition of presidential and congressional terms, 1933;
21. Repeal of the 18<sup>th</sup> Amendment, 1933;
22. President limited to two terms, 1951;
23. Presidential vote for District of Columbia residents, 1961;
24. Failure to pay taxes does not abrogate right to vote, 1964;
25. Presidential disability and succession by Vice President, 1967;
26. Right to vote granted at age 18, 1971;
27. Limits to changes to congressional pay, 1992.

Therefore, when an immigrant is becoming a naturalized citizen of the United States, he or she is entering into a legal contract to uphold and abide by the values and terms of the US Constitution which, to summarize, is a contract to treat all fellow citizens equally regardless of ethnicity, gender, religious affiliation, or difference of public opinion. In addition, the naturalizing citizen is agreeing to participate in a republican form of democratic government as outlined in all of its myriad details, to abide by the rights owed to themselves or anyone they may accuse to a fair trial, and to the protection and respect of the property of others.

Page three of the United States Immigration and Naturalization Services' "A Guide to Naturalization" states, "tolerance for

differences is a responsibility of citizenship". Page 25 of the same guide warns against, "persecution of anyone because of race, religion, national origin, political opinion, or social group." Such behavior is considered a mark of poor moral character and can be used to deny citizenship.

The ethic, then, of the United States is one of respecting both religious and ethnic diversity to the degree that vast differences in ethnic and religious identity are to be treated with equality. Of course, we do not always live up to our ideals. Some of the worst moments of US history saw this most cherished ideal compromised. And still, this ethic of respecting diversity is present in the conscience of the United States from the micro to the macro level. It guides both the way in which individuals in the US understand themselves to be vastly different and yet equal members of the same nation, and it also guides the way in which regional governments, namely states, differ markedly in the particularities of

their governments and yet form one federal entity. There are three Latin words inscribed on the Great Seal of the United States that summarize this ethic that has come to define the United States. They are, “E Pluribus Unum” which translates as, “Out of Many – One”.

I will turn now to the way in which the diverse 50 states come together to form the union. One may wonder why, if there is a centralized government, there is also need for regional state governments. To answer this question I will first briefly review the history of the founding of the United States to illustrate the origin of separate state governments. Then I will examine what brought them together. July 4, 1776 is the date that Americans mark as the birth of the United States as a sovereign nation from Great Britain. It is the date when the Declaration of Independence was forged and signed. The Declaration sparked the Revolutionary War, or the war for independence. In truth independence was not won until 1783, the end of the Revolutionary War, when Britain acknowledged the sovereignty of the 13 colonies or states. The 13 original colonies (Delaware, Pennsylvania,

New Jersey, Georgia, Connecticut, Massachusetts, Maryland, South Carolina, New Hampshire, Virginia, New York, North Carolina and Rhode Island) had become independent states with distinctive constitutions by 1790. The regional governments of the original 13 colonies resulted from distinct charters from Great Britain. The colonies were distinct with regard to demographic particulars, both ethnic and religious, and the varying terrain over which they governed. The northeastern river valleys of New York and New Jersey were populated largely with the descendants of the original Dutch colonists, who were Reformed Christians from the Calvinist movement of Europe. This church came to be known in the late 19<sup>th</sup> Century as the Reformed Church in America.<sup>x</sup> Connecticut, Massachusetts, Rhode Island and New Hampshire, otherwise known as New England, were populated largely with English settlers, most of whom were either Puritan Calvinists or worshipped in the Anglican Church, later becoming the Episcopal Church in America. Pennsylvania had a large population of German immigrants who were primarily Lutheran. In the state of Delaware were many Swedish immigrants who were also primarily Lutheran. Ethnic and religious differences did not correlate with the colonial boundaries. Europeans of different ethnic and religious origin mixed in all of the colonies, though there were majority distinctions.

It was both commercial trade interests and the struggle to gain independence that united the colonies or states via a Continental Congress. It can be argued that initially the state governments saw themselves as forming into separate nations. To this day there is a debate within the United States as to whether the states should be sovereign and organized into a confederation and sharing certain institutions and actions in common, (such as a military for defense, the production of currency, and foreign diplomacy), or whether the states are properly organized in a federation, which is the current form of government in the United States. The difference between a federation and a confederation is that in a federation the component states, while represented in the federal government are bound and subordinate to the federal rulings. In a confederation, the component states participate voluntarily in the union. Had the United States been organized as a confederation, slavery would not have ended until either all of the states in the union agreed

unanimously to amend the constitution, or the dissenting states divided from the union. Many of the progressive changes that have

been made to the naturalization and citizenship policies of the United States would either not have happened in a confederated union, or would have caused the union to divide, decreasing the number of states in the union.

From 1860 to 1865 the United States fought a civil war over this controversy. The Federalists of the northern states won the conflict. Though the federal government supersedes the state governments, it is not separate from the state governments. The federal government as defined by Article One of the US Constitution stipulates that each state in the union has equal representation in the legislative bodies of the US, the House of Representatives and the US Senate.<sup>xi</sup>

The federal government, then, rather than being an oppressive foreign entity, is the unified and collective government of the states, aptly named, the United States.

Today each of the 50 states of the United States has separate regional state governments to provide for particular local needs. While the states do differ in their demographics, just as they have since the founding of the nation, they are not representative of easily defined ethnic or religious populations.

To illustrate the differences among states I will examine the demographics of five states which differ markedly from each other: New York State, one of the 13 original states in the union and the third most populous state; Florida, the first state to be visited by European explorers in 1513 and first colonized by the Spanish; Nebraska, a mid-western state with a very low population and a farming economy; Hawaii, the latest to become a state in 1959 and the only island state; and California, the state with the largest population in the US and the most ethnically and religiously diverse state.

Ethnic Demographics of States	State	White*	African	Latino	Asian	Other	New York	Florida	Nebraska	Hawaii	California
		53%	16%	15%	6%	10%	12%	62%	84%	25%	42%
		16%	18.5%	2.5%			1%	16%	5%	3%	7%
		15%					1%	18.5%	< 1%	9%	37%
		6%					1%	2.5%	1.3%	39%	13%
		10%					1%		1.3%	24%	
		12%					1%		1.3%	1%	
		1%					1%		1.3%	1%	

\* While it is not defined in the above data, the “White” category under Ethnic Demographics of States includes 1% of Arab Americans in New York, 1% Arab Americans in California, and 1% Arab Americans in Florida.

Religious Affiliation State Christian Jewish Muslim Buddhist Other Non-practicing

Religious Affiliation	State	Christian	Jewish	Muslim	Buddhist	Other	Non-practicing
	New York	68%	9%	4%	1%	6%	12%
	Florida	75%	3%	1%	-5%	16%	9%
	Nebraska	90%	<1%	<1%	<1%	<1%	9%
	Hawaii	61%	<1%	<1%	9%	8%	21%
	California	64%	2%	<1%	2%	13%	19%

These demographic tables demonstrate the significant ethnic and religious diversity in each of these states and how the proportions of each ethnic and religious category vary from state to state. The tables also illustrate that while there are ethnic and religious distinctions from one state to the other, such as the relative homogeneity of Nebraska as compared to California, the states are not organized into ethnic or religious groupings per se.

What, then, distinguishes the states from each other? What is the need for smaller regional governments as subsets within the

union? State governments generally manage the public education of children, provide low cost access to post-secondary education, construct and maintain many roadways and highways, conduct law enforcement for public safety, provide for the welfare of the homeless, destitute and disabled residents of the state, and offer a number of programs for the

general well being of their citizens. These social services are more adeptly managed on a regional scale that enables attention to the particularities of the many local populations, terrain and peculiarities of each region.

State constitutions can, however, vary widely from state to state with respect to the particularities of regional government. The Constitution of the United States provides a general framework for individual state constitutions. No state constitution can contradict the US Constitution. The US Constitution always supercedes the state constitutions. Article 6 of the US Constitution reads:

*This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding.*

There have been times in US history when a new amendment to the US Constitution put state constitutions in conflict with the US Government. In 1865 at the end of the Civil War (sometimes referred to as the War Between the States), the US Congress adopted the 13<sup>th</sup> Amendment abolishing slavery in every state. And five years later in 1870 with the adoption of the 15<sup>th</sup> Amendment, freed African slaves were granted the right to vote as full citizens of the United States. Southern states whose constitutions were in conflict with these new amendments were forced to amend their own constitutions or be considered insubordinate to the US government. After the federal government won the war, various southern states amended their constitutions accordingly.

The US Constitution further specifies the powers of the states in relation to the US Government in Article One, section Ten of the US Constitution which prohibits states from keeping troops, forging compacts with other states or foreign governments, engaging in war, entering into treaties, alliances or confederations, printing money, granting credit, or taxing imports or exports. And in Article Four of the US Constitution, states are required to honor the acts, records and judicial proceedings of other states, to recognize the citizenship status of residents of other states, and to deny amnesty to criminals from other states.

The US Constitution provides something of a general framework for state constitutions. As a result, one can find parallels between every state constitution and the US Constitution. Every state, for example, has a clause in its constitution which agrees with the First Amendment to the US Constitution protecting the freedom of religion. The New York State Constitution, Article One, Section Three reads:

*The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this state to all humankind.*<sup>xxiii</sup>

Florida's constitution contains a similar statement, also in Article One, Section Three of its constitution:

*There shall be no law respecting the establishment of religion or prohibiting or penalizing the free exercise thereof. Religious freedom shall not justify practices inconsistent with public morals, peace or safety.*<sup>xxiv</sup> *No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.*

Nebraska's constitution states:

*All persons have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences. No person shall be compelled to attend, erect or support any place of worship against his consent, and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious beliefs; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the Legislature to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.*

One could argue that these are redundancies between the state constitutions and the US Constitution, though there are also particulars in the state constitutions that are necessary for managing regional concerns. The New York State Constitution in Article 14, lists 4 sections dealing with the preservation of natural resources and park land in the state. Florida has a similar clause in Article 2, Section 7 protecting the Everglades and other natural resources, and Article 10 Section 16 contains laws regulating off shore fishing. Particular to Nebraska was the establishment of a State Railroad Commission for the governing of the Union Pacific Transcontinental Railroad, which started in Council Bluffs, Nebraska and ran west across four states to California. The terms of a public office for the governance of this railroad are outlined in Nebraska's constitution. Nebraska is also the original land of the Omaha Indian Tribe. There are five references to Native Americans in the Nebraska Constitution, mostly reminding the state of its non-jurisdiction regarding the bounds of the Omaha, Winnebago and Santee Sioux Indian Reservations, lands held in trust for the native tribes by the US government. Therefore, separate state constitutions that attend to the uniqueness of regional concerns, if not a necessity, are a great utility.

Our world is changing. The population of the world is growing and resources are becoming scarcer. In the coming decades competition for resources will continue to increase, which will likely result in tension and conflict between nations and among provinces and peoples within nations. It is my hope that an examination of the United States governance and citizenship policy can contribute a perspective to the nations of the world, a potential model for keeping peace and unity among nations and among people and provinces within nations, a model wherein citizenship has shifted from ethnic identification to a pledged legal commitment to adhere to a set of civil values. This model of transcending ethnic origin is not unlike the great Ummah (world community) of Islam, where submission to one God, and recognition of God's Prophet Mohammed (peace be upon him) is no longer associated with Arab ethnicity, but now includes members from nearly every ethnic origin and nationality in the world. The model is also similar to Christianity's understanding of the Kingdom of God, a divine realm on earth that encompasses all of God's redeemed humanity.

While it is my hope that the history and evolution of the United States citizenship policy and inter-state relationships can provide a model, an ideal to be upheld, it is also an ideal that the US has not always itself lived up to. Perhaps the model, the ideal is still of value. Let us hope and strive for peace among the nations, and peace within the nations, by God's grace.

i "[Nations Granting Birthright Citizenship](http://www.numbersusa.com/content/learn/issues/birthright-citizenship/nations-granting-birthright-citizenship.html)". <http://www.numbersusa.com/content/learn/issues/birthright-citizenship/nations-granting-birthright-citizenship.html>.

ii [The Avalon Project : Documents in Law, History and Diplomacy](http://www.yale.edu/lawweb/avalon/blackstone/bk1ch10.htm). Yale.edu. <http://www.yale.edu/lawweb/avalon/blackstone/bk1ch10.htm>.

iii There is evidence of ancient republics having existed in Mesopotamia (prior to 3,000 BCE) and India (prior to 600 BCE), predating those of ancient Greece and Rome, usually thought to be the birth place of modern Western republics.

(Jacobsen, Thorkild, "Primitive Democracy in Ancient Mesopotamia". *Journal of Near Eastern Studies*, Vol. 2, No. 3 (Jul., 1943), pp. 159-172).

iv Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge, MA: Harvard University Press, 1992).

v Braziel, Jana Evans. "History of Migration and Immigration Laws in the United States" Spring 2000. <http://www.umass.edu/complit/aclanet/USMigrat.html>

vi <http://www.cis.org/articles/2007/back1007.html>

vii Bolger, Eileen. "Background History of the United States Naturalization Process" <http://www.colorado.gov/dpa/doit/archives/natinfo.htm>

viii Ibid

ix Braziel

x Incidentally, it is this same denomination, the Reformed Church in America that came to Oman in 1893 to establish hospitals and co-educational schools. I, the author of this article, am a Christian of this denomination. My Dutch ancestors the Onderdonks have lived in New York and northern New Jersey since the 1630's.

xi Each state is given two seats in the United States Senate, and a number of seats in the House of Representatives in proportion to the population of that state.

xii 2000 US Census Bureau

xiii 2006 US Census Bureau

xiv Ibid, the 1.3% Other are Native Americans, primarily from the Omaha, Winnebago and Sioux Tribes.

xv 2009 US Census Bureau, 9% Other are Native Hawaiians.

xvi 2006 US Census Bureau

xvii US Census Bureau 2000, summary file 4 and 2000 County Areas cartographic boundary file

xviii Barry A. Kosmin, Ph.D, Ariela Keysar, Ph.D. (2001). "American Religious Identification Survey(Key Findings)". The City University of New York. [http://www.gc.cuny.edu/faculty/research\\_briefs/aris/key\\_findings.htm](http://www.gc.cuny.edu/faculty/research_briefs/aris/key_findings.htm).

xix Pew Forum on Religion & Public Life, Religion and Politics 2008:Florida

xx 2000 State Membership Report. *The Association of Religion Data Archives*.

xxi Gallup Poll 2009

xxii Barry A. Kosmin, Ph.D, Ariela Keysar, Ph.D. (2001). "American Religious Identification Survey(Key Findings)". The City University of New York. p.35 [http://www.gc.cuny.edu/faculty/research\\_briefs/aris/key\\_findings.htm](http://www.gc.cuny.edu/faculty/research_briefs/aris/key_findings.htm). I understand from other data sources that Muslims are now over one percent of California residents.

xxiii Incidentally it is this section of the NYS Constitution that protects the rights of Imam Feisal Abdul Rauf and his Sufi congregation to construct a Mosque in lower New York City.

xxiv It is this clause of Florida's constitution that would have supported law suits and legal battles against Terry Jones had he illegally and offensively pursued his horrendous act against God and against the values of America by burning the Holy Quran. His foolish and hurtful plan was not in any way representative of the sentiments of the great majority of Americans, nor was it supported by any Christian denomination in America.