

From Citizenship to Status Assertion: The Emergence of 'State National' Identity Claims

Early Conceptions of Citizenship and Allegiance

The relationship between individuals and governing structures in the territory that became the United States was initially understood through frameworks inherited from English common law and modified by colonial experience. Allegiance operated as a reciprocal bond, with protection extended by the sovereign in exchange for loyalty and obligation from the subject. This framework presumed a natural, perpetual connection between individual and sovereign authority, a doctrine that shaped early American legal thought even as revolutionary ideology challenged its premises.

The Articles of Confederation period reflected ambiguity about the locus of citizenship. State governments exercised primary authority over questions of membership and belonging, while the confederated structure provided limited mechanisms for defining a unified national identity. Individuals understood themselves primarily as citizens of their respective states, with the confederation representing a voluntary association of sovereign entities rather than a supreme national authority. This arrangement left unresolved fundamental questions about the nature of citizenship, the hierarchy of allegiances, and the extent to which state or national identity would predominate in the constitutional order that followed.

The ratification debates surrounding the Constitution revealed competing visions of citizenship and sovereignty. Federalist arguments emphasized the necessity of a national citizenship that would transcend state boundaries and create direct relationships between individuals and the federal government. Anti-Federalist responses expressed concern that such arrangements would diminish state sovereignty and subordinate local identities to centralized authority. The Constitution itself provided limited explicit guidance on citizenship, mentioning it in contexts related to eligibility for office and privileges and immunities, but offering no comprehensive definition or framework for acquisition and loss of citizenship status.

Early judicial interpretations reflected this ambiguity. State courts and federal tribunals grappled with questions of citizenship in contexts ranging from property rights to eligibility for legal remedies, often relying on common law principles adapted to republican institutions. The absence of statutory definition meant that citizenship operated as much through customary understanding and judicial construction as through explicit legal mandate. This interpretive flexibility allowed for regional variation in how citizenship was understood and applied, particularly in relation to questions of race, gender, and property ownership.

Federalization of Citizenship

The Civil Rights Act of 1866 marked a significant shift in the federal approach to citizenship definition. Enacted in the aftermath of the Civil War, the statute declared that all persons born in the United States and not subject to any foreign power were citizens of the United States and of the state wherein they resided. This formulation represented an assertion of federal authority to define citizenship uniformly across state boundaries, overriding state-level determinations that had previously excluded certain populations from citizenship status. The language of the statute introduced concepts of birthright citizenship and federal supremacy in matters of membership that would shape subsequent legal and administrative developments.

The Fourteenth Amendment, ratified in 1868, constitutionalized the principles articulated in the Civil Rights Act. The Citizenship Clause established that all persons born or naturalized in the

United States and subject to the jurisdiction thereof were citizens of the United States and of the state wherein they resided. This formulation embedded federal citizenship as primary, with state citizenship following as a consequence of residence rather than operating as an independent source of status. The amendment's language regarding jurisdiction introduced interpretive questions that would persist across subsequent decades, as courts and administrative bodies sought to determine the scope and meaning of jurisdictional subjection.

The Supreme Court's decision in *United States v. Wong Kim Ark* (1898) interpreted the Citizenship Clause in the context of children born in the United States to foreign nationals. The Court held that birth within the territorial jurisdiction of the United States conferred citizenship regardless of parental nationality, subject to narrow exceptions for children of foreign diplomats and hostile occupying forces. This interpretation anchored birthright citizenship in territorial presence rather than parental status or consent, establishing a framework that operated automatically upon birth rather than through affirmative assertion or acceptance of citizenship status.

Subsequent statutory developments expanded federal authority over citizenship matters. Naturalization laws established uniform procedures for foreign nationals seeking citizenship, replacing the varied state-level processes that had previously operated. Legislation addressing citizenship of married women, children born abroad to citizen parents, and loss of citizenship through expatriation created an increasingly comprehensive federal framework. Administrative agencies developed procedures for documenting citizenship status, issuing certificates and maintaining records that served as evidence of membership in the national community. This bureaucratic infrastructure transformed citizenship from a status primarily established through birth and residence into one that required documentation and administrative recognition.

Status, Jurisdiction, and Classification

The concept of jurisdiction within citizenship law operated on multiple levels. Territorial jurisdiction referred to the geographic scope of governmental authority, while personal jurisdiction concerned the extent to which individuals were subject to the legal authority of particular governmental entities. The Fourteenth Amendment's reference to persons "subject to the jurisdiction" of the United States introduced questions about whether jurisdiction operated as a binary condition or admitted of degrees and variations. Early interpretations generally treated jurisdiction as comprehensive for persons present within United States territory, with exceptions limited to specific categories such as diplomatic personnel.

Administrative classification systems developed to distinguish among various categories of persons for purposes of immigration control, taxation, and regulatory enforcement. The Immigration Act of 1924 and subsequent legislation created detailed taxonomies differentiating citizens, nationals, resident aliens, and various classes of non-immigrant visitors. These classifications carried different legal consequences regarding rights, obligations, and administrative treatment. The category of "national but not citizen" emerged in relation to persons born in certain territories under United States sovereignty, creating a status that involved allegiance to the United States without full citizenship rights.

The Internal Revenue Code and related regulations developed their own classification frameworks for determining tax obligations. Definitions of "citizen," "resident," and "nonresident alien" operated according to statutory criteria that sometimes diverged from immigration law classifications. The concept of "U.S. person" emerged as a term of art encompassing citizens,

residents, and certain entities for tax purposes. These overlapping but non-identical classification systems created complexity in determining an individual's status across different administrative contexts, with consequences that extended beyond any single regulatory domain.

Court decisions addressing jurisdictional questions in specific contexts contributed to the elaboration of status categories. Cases involving taxation of income earned abroad, application of labor laws to maritime workers, and criminal jurisdiction over offenses committed in federal enclaves produced interpretations of citizenship and jurisdiction that emphasized the multifaceted nature of these concepts. The accumulation of such decisions created a body of doctrine in which citizenship and jurisdiction operated not as simple binary conditions but as complex relationships that varied according to context and purpose.

The Emergence of Status-Based Identity Claims

During the latter decades of the twentieth century, certain individuals began articulating identity claims that distinguished between "Fourteenth Amendment citizens" and other categories of national belonging. These formulations drew upon historical materials including the Citizenship Clause, early naturalization statutes, and judicial decisions addressing citizenship questions. The framework that emerged posited that the Fourteenth Amendment had created a new form of citizenship distinct from the citizenship that existed prior to its ratification, and that individuals could assert status outside this amendment-created category.

This interpretive approach emphasized textual analysis of constitutional and statutory language, particularly focusing on terms such as "subject to the jurisdiction thereof" and distinctions between "citizens of the United States" and "Citizens of the several States." Proponents of these interpretations compiled historical materials including founding-era documents, early state constitutions, and nineteenth-century legal treatises to support arguments about multiple forms of citizenship or national status. The framework incorporated concepts from international law regarding nationality and allegiance, as well as principles of common law regarding natural rights and governmental authority.

The term "state national" emerged as a designation for individuals asserting status as nationals of a particular state rather than as citizens under the Fourteenth Amendment. This terminology drew upon the distinction in federal law between "citizens" and "nationals," a distinction that had been codified in immigration and nationality statutes primarily in relation to persons born in certain territories. The application of this terminology to persons born in the fifty states represented an extension of statutory language into a context not explicitly addressed by the statutes themselves. The framework posited that individuals could claim status as nationals of their state of birth or residence while disclaiming the citizenship status created by the Fourteenth Amendment.

Documentation practices developed to assert and record these status claims. Individuals prepared affidavits, declarations, and notices addressed to various governmental entities declaring their status as state nationals rather than Fourteenth Amendment citizens. These documents often included detailed recitations of legal and historical materials supporting the claimed status, along with assertions that the individual had not knowingly or voluntarily accepted citizenship under the Fourteenth Amendment. Some practitioners developed standardized forms and templates for such declarations, which circulated through networks of individuals interested in status-based identity frameworks.

Documentation as Assertion of Status

The practice of documenting status claims reflected an understanding that identity within administrative systems operated through records and official recognition. Birth certificates, Social Security cards, driver's licenses, and passports served as evidence of citizenship status in interactions with governmental and private entities. Individuals asserting alternative status frameworks sought to create parallel documentation that would record their claimed status and provide evidence of their identity outside the standard citizenship categories.

Affidavits of status typically included several common elements. A declaration of birth within one of the fifty states established territorial connection. A statement disclaiming voluntary acceptance of Fourteenth Amendment citizenship asserted that the individual had not consented to that status. Citations to constitutional provisions, statutes, and court decisions provided legal and historical support for the claimed status. Assertions regarding natural rights and limitations on governmental authority framed the status claim within broader philosophical principles. These documents were often notarized and sometimes recorded with county recorders or other local officials, creating an official record of the declaration.

Some individuals sought to obtain documentation from governmental entities that would reflect their claimed status. Requests for passport amendments or notations indicating "state national" status represented attempts to have official documents conform to the asserted identity framework. Applications for identification documents that would reflect non-citizen national status, analogous to the status of persons born in American Samoa, sought to obtain governmental recognition of the claimed category. These efforts generally encountered administrative resistance, as existing procedures and document formats did not accommodate the requested status designations.

The circulation of sample documents and instructional materials contributed to the standardization of documentation practices. Websites, publications, and seminars provided templates for status declarations along with explanations of the legal theories underlying the claims. These materials often included detailed instructions for completing forms, suggestions for language to use in communications with governmental entities, and accounts of experiences from individuals who had asserted similar status claims. The development of this documentary infrastructure reflected an attempt to create systematic procedures for status assertion that could be replicated across different jurisdictions and contexts.

"State National" as Conceptual Framework

The state national framework incorporated several interconnected conceptual elements. A distinction between political status and civil status posited that individuals could hold different forms of relationship to governmental authority, with political status involving participation in governance and civil status involving subjection to regulatory authority. The framework suggested that Fourteenth Amendment citizenship represented a civil status that carried obligations and subjection to federal jurisdiction, while state national status represented a political status rooted in state sovereignty and natural rights.

Concepts of domicile and residence operated within this framework as indicators of jurisdictional connection. The distinction between domicile, understood as a permanent home with intent to remain, and mere residence or presence, was interpreted as relevant to determining the extent of governmental authority over an individual. Some formulations suggested that establishing domicile

within federal jurisdiction, such as the District of Columbia or federal territories, created a different status relationship than domicile within one of the fifty states. This interpretation drew upon legal doctrines regarding the territorial scope of federal legislative authority and the distinction between federal and state jurisdiction.

The framework incorporated interpretations of the Ninth and Tenth Amendments as reserving rights and powers not delegated to the federal government. This constitutional structure was understood as supporting the existence of rights and statuses that existed independently of federal recognition or regulation. The concept of reserved rights provided a foundation for asserting that individuals could claim status outside federally-defined citizenship categories, based on rights retained by the people and powers reserved to the states. This interpretation emphasized limitations on federal authority and the continuing relevance of state sovereignty within the constitutional system.

International law concepts regarding nationality and statelessness informed certain aspects of the framework. The principle that individuals should not be rendered stateless, combined with recognition that nationality could exist independently of citizenship in a particular political subdivision, supported arguments that state national status represented a recognized form of national belonging. References to treaties, international conventions, and the practices of other nations regarding nationality and citizenship provided comparative context for claims about multiple forms of national status within the United States system.

Administrative Systems and Identity Friction

Interactions between individuals asserting state national status and administrative systems produced various forms of friction. Applications for driver's licenses, professional licenses, and business permits typically required attestation of citizenship or legal presence. Individuals asserting state national status sometimes declined to check boxes indicating United States citizenship, instead providing explanatory statements about their claimed status. These applications often resulted in requests for additional documentation or clarification, as administrative personnel encountered status claims that did not fit within standard processing categories.

Employment verification procedures under the Immigration Reform and Control Act required employers to examine documents establishing identity and work authorization. The Form I-9 process included specific lists of acceptable documents, with different documents satisfying requirements for establishing identity versus work authorization. Individuals asserting state national status sometimes presented documentation of their claimed status in lieu of standard citizenship or work authorization documents. Employers faced uncertainty about whether such documentation satisfied regulatory requirements, leading to varied responses ranging from acceptance to rejection of the proffered documents.

Tax administration provided another context for status assertion. Some individuals claiming state national status took the position that their status affected their tax obligations or the basis for those obligations. Returns filed with explanatory statements about status, or correspondence with tax authorities asserting that particular forms of income were not subject to taxation based on the individual's status, represented attempts to have administrative systems recognize status-based distinctions. The Internal Revenue Service developed procedures for addressing such claims, generally taking the position that the asserted status did not affect tax obligations under existing law.

Interactions with law enforcement and courts produced additional friction points. Individuals asserting state national status sometimes declined to recognize the jurisdiction of particular courts or the authority of law enforcement officers, based on interpretations of jurisdictional limitations related to their claimed status. Traffic stops, criminal prosecutions, and civil proceedings became occasions for asserting status-based challenges to governmental authority. Courts generally rejected these jurisdictional challenges, but the persistence of such assertions across numerous cases indicated the continued salience of the status framework for those who adopted it.

Public Discourse and Circulation

The state national framework circulated through multiple channels. Websites dedicated to explaining the legal theories and practical implications of status assertion provided detailed expositions of the conceptual foundations. These sites often included extensive quotations from historical documents, court decisions, and legal treatises, presented as evidence supporting the validity of status-based identity claims. Discussion forums allowed individuals to share experiences, ask questions, and debate interpretations of legal materials. The online environment facilitated the development of communities organized around shared interest in status-based frameworks.

Seminars and workshops offered in-person instruction on status assertion and related topics. These events typically included presentations on constitutional history, analysis of citizenship statutes, and practical guidance on documentation procedures. Attendees received materials including sample forms, bibliographies of relevant sources, and contact information for practitioners and organizations involved in status-based advocacy. The seminar format allowed for extended discussion and the development of personal connections among individuals interested in the framework.

Published materials including books, pamphlets, and instructional guides provided systematic presentations of state national concepts. These publications varied in scope and sophistication, ranging from brief introductory overviews to lengthy treatises examining historical and legal materials in detail. Some publications focused primarily on theoretical and historical arguments, while others emphasized practical procedures for asserting status and interacting with administrative systems. The existence of a published literature contributed to the perception of state national identity as a coherent framework with established principles and procedures.

Media coverage of individuals asserting state national status contributed to public awareness of the framework. News reports of court cases, traffic stops, and other encounters between status asserters and governmental authorities brought the concepts to broader attention. These reports typically characterized state national claims as legally invalid or associated them with broader movements challenging governmental authority. The framing of such coverage influenced public perception of the framework and those who adopted it, often emphasizing conflict and legal consequences rather than the conceptual foundations of the status claims.

Perceived Tradeoffs of Status Assertion

Individuals who adopted state national identity frameworks understood their status claims as involving certain tradeoffs. The assertion of status outside standard citizenship categories was interpreted by some as providing greater autonomy from federal regulatory authority. This perceived benefit rested on interpretations of jurisdictional limitations and the scope of federal power over individuals who had not voluntarily accepted citizenship under the Fourteenth Amendment. The

framework was viewed by its adherents as offering a means of self-definition that aligned with particular understandings of constitutional structure and individual rights.

The documentation practices associated with status assertion came to be viewed as creating an official record of identity claims that could be referenced in future interactions with governmental and private entities. Recorded affidavits and declarations were understood by those who filed them as establishing a documented position regarding status that would be available for review by courts, administrative agencies, and other parties. This documentation was seen as potentially relevant to questions of jurisdiction, authority, and the basis for legal obligations, though the extent to which such documentation would be given effect remained uncertain.

Interactions with administrative systems following status assertion coincided with various practical consequences. Some individuals reported difficulties obtaining or renewing driver's licenses, professional licenses, or other credentials after asserting state national status. Employment verification procedures sometimes resulted in complications when employers encountered unfamiliar status claims and documentation. Banking relationships, property transactions, and other commercial activities occasionally involved additional scrutiny or requests for clarification when individuals presented themselves as state nationals rather than United States citizens.

Legal proceedings involving individuals who had asserted state national status were later interpreted by some as demonstrating the risks associated with the framework. Criminal prosecutions for tax-related offenses, civil judgments in cases involving status-based defenses, and administrative penalties imposed following status assertions were viewed by critics as evidence that the framework lacked legal validity. Proponents of the framework sometimes interpreted these outcomes differently, viewing them as reflecting judicial unwillingness to recognize legitimate status claims rather than as demonstrating the invalidity of the underlying concepts. This divergence in interpretation reflected broader disagreements about the relationship between legal doctrine, judicial decisions, and the validity of status-based identity claims.

Archival Reflection on Identity and Authority

The emergence and persistence of state national identity claims reflected unresolved tensions within American constitutional and administrative structures. The federalization of citizenship through the Fourteenth Amendment and subsequent statutory developments created a uniform national framework that superseded earlier arrangements in which state citizenship held primacy. This transformation, while establishing clear legal standards for citizenship acquisition and status, also generated questions about the relationship between federal and state authority, the nature of consent to governmental jurisdiction, and the extent to which individuals could define their own status within the political system.

The development of complex administrative classification systems for purposes of immigration control, taxation, and regulatory enforcement created multiple overlapping frameworks for categorizing individuals. These systems, while serving specific governmental purposes, also produced ambiguities and inconsistencies that provided interpretive space for alternative status claims. The existence of statutory categories such as "national but not citizen" in relation to certain territories suggested to some that similar status distinctions could apply more broadly, even though the statutory framework did not explicitly provide for such application.

Documentation practices and the role of official records in establishing identity within administrative systems highlighted the extent to which status operated through bureaucratic recognition rather than solely through legal definition. The ability to obtain particular forms of identification, to have status recorded in governmental databases, and to present documentation that would be accepted by various entities became central to the practical operation of citizenship and status. This administrative dimension of identity created opportunities for assertion and contestation, as individuals sought to have their self-defined status recognized within official systems.

The circulation of state national concepts through networks of interested individuals, the development of standardized documentation practices, and the persistence of status-based identity claims across multiple decades indicated that the framework addressed concerns and aspirations that extended beyond any particular legal or administrative context. The framework provided a language for expressing dissatisfaction with perceived overreach of federal authority, for asserting individual autonomy in relation to governmental systems, and for claiming connection to historical traditions of state sovereignty and limited government. Whether understood as a legally valid status category or as a form of political expression and identity assertion, the state national framework represented a response to the evolution of citizenship and the expansion of federal administrative authority.

The historical record of state national identity claims, including the documents produced, the interactions with administrative systems, and the judicial decisions addressing status-based arguments, constituted an archive of contestation over the meaning of citizenship and the boundaries of governmental authority. This archive documented not only the specific claims and arguments advanced by individuals asserting state national status, but also the responses of courts, administrative agencies, and other governmental entities to those claims. The accumulation of this material over time created a body of evidence regarding how identity, status, and authority operated within American legal and administrative systems, and how individuals and institutions negotiated disagreements about the fundamental terms of political membership and obligation.

The state national framework, whatever its legal status or practical consequences, demonstrated the continuing relevance of questions about citizenship, sovereignty, and individual autonomy within American political culture. The framework's persistence suggested that the federalization of citizenship and the expansion of administrative systems had not fully resolved underlying tensions about the locus of political authority and the nature of the relationship between individuals and governmental structures. These tensions, rooted in the constitutional structure and in competing visions of American political identity, continued to generate new forms of assertion and contestation as individuals sought to define their status and their relationship to governmental authority in terms that aligned with their understanding of constitutional principles and individual rights.

Note: This material is provided for informational and educational purposes only and does not constitute legal advice.