**WHO ARE "IMMIGRANTS" TO THE UNITED STATES?**

**or**

**"Are We All Immigrants?"**

**by**

**Judge Edward F. Butler, Sr.**

**June 18, 2016**

**DRAFT**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

A few days ago on the evening news there was a report about demonstrators taking to the streets to demand immigration reform. Many in the crowd were carrying the Mexican flag. Others were burning the U.S. flag. One or more of the demonstrators was carrying a poster that contained the message that "WE ARE ALL IMMIGRANTS." I suspect what this demonstrator meant was "We are all immigrants or are descended from immigrants".

This placard begged the question about whom among us are immigrants? I had never viewed any of my know ancestors as "immigrants", so today I consulted my dictionaries about immigrants and how they and their descendants differ from the early colonists. Here are the definitions I found:

***"Immigrant"*** - "1. A person who migrates to another country, usually for permanent residence".[[1]](#footnote-1) Those settling in Jamestowne in 1607 and in Plymouth in 1620 were traveling to land owned, or at least claimed, by Great Britain, so they were not migrating to "another country". Those who traveled from Spain or the Canary Islands to New Spain were not immigrants. They too were colonists.

***"Immigrate"*** - "1. To come to a country of which one is not a native, usually for permanent residence.[[2]](#footnote-2) The above English and Spanish colonists were technically natives of these new Spanish and English colonies.

**"Immigration"** - "The coming into a country of foreigners for purposes of permanent residence".[[3]](#footnote-3) The English and Spanish colonies were not traveling to a "country of foreigners", but rather were moving to a colony established by their respective countrymen.

***"Colonist"*** - "1. An inhabitant of a colony. . . 3. An inhabitant of the 13 British colonies that became the United States of America".[[4]](#footnote-4) I would add to that definition, the inhabitants of that part of New Spain within the current borders of California, Arizona, New Mexico, Utah, Colorado, Texas and Louisiana, before 1790.[[5]](#footnote-5)

***"Colony"*** - "A dependent political community, consisting of a number of citizens of the same country, who have emigrated therefrom to people another, and remain subject to the mother country.[[6]](#footnote-6) A settlement in a foreign country possessed and cultivated either wholly or partially, by immigrants and their descendants, who have a political connection with and subordination to the mother country, whence they immigrated".[[7]](#footnote-7) Clearly those who founded the British and Spanish colonies were from the same country, and remained as a part of the mother country.

***"Founder"*** - "A person who founds or establishes".[[8]](#footnote-8)

***"Patriot"*** - "A person who loves, supports, and defends his or her country and its interests with devotion".[[9]](#footnote-9)

***"Patriots Day"*** - " The anniversary of the battles of Lexington and Concord (1775)....[[10]](#footnote-10)[Page semi-protected](http://en.wikipedia.org/wiki/Wikipedia:Protection_policy#semi)

***"The Founding Fathers of the United States of America"* -** "Theywere political leaders and statesmen who participated in the [American Revolution](http://en.wikipedia.org/wiki/American_Revolution) by signing the [United States Declaration of Independence](http://en.wikipedia.org/wiki/United_States_Declaration_of_Independence), taking part in the [American Revolutionary War](http://en.wikipedia.org/wiki/American_Revolutionary_War), and establishing the [United States Constitution](http://en.wikipedia.org/wiki/United_States_Constitution). Within the large group known as the "Founding Fathers", there are two key subsets: the Signers of the Declaration of Independence (who signed the United States Declaration of Independence in 1776) and the Framers of the Constitution (who were delegates to the [Constitutional Convention](http://en.wikipedia.org/wiki/Constitutional_Convention_(United_States)) and took part in framing or drafting the proposed Constitution of the United States in 1789). A further subset is the group that signed the [Articles of Confederation](http://en.wikipedia.org/wiki/Articles_of_Confederation). Spanish soldiers like General Bernardo de Galvez, and Spanish militiamen who fought and defeated the British in battles in North America and elsewhere would also be considered "Founding Fathers of the United States of America." Many of them are listed as patriot ancestors of many current members of both the Sons of the American Revolution and the Daughters of the American Revolution.

"Some historians define the "Founding Fathers" to mean a larger group, including not only the Signers and the Framers but also all those who, whether as politicians, jurists, statesmen, soldiers, diplomats, or ordinary citizens, took part in winning American independence and creating the United States of America".[[11]](#footnote-11)

From the above definitions I conclude that any of our ancestors who were native Americans can be eliminated from the term "immigrants." even though his ancestor may have migrated from the Orient thousands of years ago.

Large numbers of Spanish colonists, soldiers and priests began arriving in New Spain during the 16th Century, which is now California, Arizona, New Mexico, Utah, Colorado, Louisiana, Florida and Texas before the British colonial period. Spanish "colonists" continued to arrive throughout the British colonial period and during the American Revolutionary War. Many Spanish soldiers and militiamen fought the British in North America and around the world. They were just as responsible for American independence as the Minuteman in Virginia or New England.

Spain originally laid claim to all the land west of the Mississippi River, "north to the arctic snows". That land was officially granted to Spain by the Treaty ending the French and Indian Wars in 1763. Many Spanish settled in New Orleans, which was at that time part of Spanish Florida. The British with force, removed many French settlers from Arcadia to the coastal region of Louisiana. Those people's descendants are today referred to as "Cajuns".

These Spaniards and Arcadians from New Spain and Spanish Florida fought against the marauding Indians and the French during the American Colonial period and also fought against the British during the American Revolutionary War, along with Spanish soldiers and sailors stationed in Cuba, Mexico, Canary Islands, Mexico and Puerto Rico. The Spanish Militia included Spanish, Canary Islanders, Native Americans, Germans, Negros and Cajuns. Their descendants are certainly patriots and not immigrants. It was they who established the Spanish colonial government; cleared the land; ordained the churches; offered religious guidance to the new settlers; and created industry and commerce. By definition, these colonists were not "immigrants".

Most of the Spanish and French residents of the territory purchased from France in 1803 under the "Louisiana Purchase" became citizens, and should not be considered as immigrant since they had established residence in what is now the United States well before 1790. In 1846, when the Empire of Texas signed a treaty with the United States to become a state, all the residents - most of whom were Hispanic - became citizens, and are considered founders of Texas. It is interesting to look at the list of those who died at the Alamo. About 2/3 of the Alamo defenders had Hispanic names.

All of those who traveled from Great Britain between 1607-1789 were also "colonists". It was both the Spanish and English colonists who carved out of the land civilized colonies where people could live, work, worship and congregate. Each group became the first "citizen soldiers" fighting the marauding Indians and the other nations who sought to displace them. The Spanish established a Spanish colonial government in the south and southwest and the British established British colonial governments in the east. Both cleared the land; ordained the churches; offered religious guidance to the new settlers; and created industry and commerce. By definition, these colonists throughout the continent were not "immigrants".

During the colonial period of the United States groups from other countries also settled here. Huguenots from France and Holland settled in Nieu Amsterdam (current New York), claiming religious freedom. Some Swedes settled in Delaware. Germans settled in large numbers in Pennsylvania. English, Irish, Scottish and Welch citizens continued to arrive, colonizing their areas.

Following the termination of the French and Indian War in 1762, dissatisfaction began to fester with the Crown and with Parliament, while colonial leaders began to work toward a more independent self governance. Committees of Safety sprang up throughout the colonies. In Boston the Tea Party exemplified their outrage with taxes assessed by the Parliament.

Ben Franklin's attempts to establish a colonial militia were immediately quashed. The British attacked founders at Lexington and Concord, followed by the Battle of Bunker Hill. Petitions submitted to the Crown fell on deaf ears. Founders of the United States of America were those who demanded independence; who supported the Declaration of Independence in 1776; and those who defied the British. Those who during the period from 1763 to 1783, were activists before the Declaration of Independence was signed; those who participated in the defeat of the British at Yorktown; and those who continued to fight the British Indian allies until the peace treaty was signed in September 1783; and those who participated in the preparation of the U.S. Constitution and Bill of Rights in 1789, should be referred to as "founders", and their descendants are not "immigrants".

Many of our American Indian, British, Spanish, German, French, Dutch, and Swedish ancestors fought in the American Revolutionary War; signed an Oath of Allegiance; provided labor and/or materials to the war effort; or supported the revolution by serving as a state or local officer. Those who remained loyal to the cause from 1776 to the signing of the US Constitution and Bill of Rights on September 25, 1789 were clearly "Patriots of the United States" and should not be referred to as "immigrants". I would extend that date to April 30, 1790, when George Washington was inaugurated as our first President. Just over a month earlier, the original **United States Naturalization Law of March 26, 1790[[12]](#footnote-12)**  provided the first rules to be followed by the [United States](http://en.wikipedia.org/wiki/United_States) in the granting of national [citizenship](http://en.wikipedia.org/wiki/Citizenship). This law limited [naturalization](http://en.wikipedia.org/wiki/Naturalization) to immigrants who were "free white persons" of "good character. It also provided for citizenship for the children of U.S. citizens born abroad, but specified that the right of citizenship did "not descend to persons whose fathers have never been resident in the United States". It specified that such children "shall be considered as [natural born citizens](http://en.wikipedia.org/wiki/Natural_born_citizen)."

Many of our Negro brothers and sisters descend from either freemen or slaves who were colonists, founders and patriots. Their ancestors worked to build this country from colonial days through the American Revolution. The Sons of the American Revolution has discovered the identities of over 20,000 Negro patriots during the American Revolution. That number would be much larger had better records been kept during colonial times. Those who were imported as slaves in the early to mid 1800s, would properly be counted among the immigrants.

Some historians might argue that the War of 1812 was merely a continuation of the American Revolutionary War, and that those who fought in that war from 1812-1815 should also be called Patriots. Interestingly, about 25% of all men between 16-45 during that war served as soldiers during the war.

Historians tell us that during the American Revolutionary War, about 1/3 were patriots; 1/3 were Loyalists, and 1/3 were uncommitted. At the end of the war, many loyalists either returned to England or moved to Canada. Most of the remaining loyalists and undecided signed an oath of allegiance. They and their descendants conducted their lives as loyal citizens of the United States. Periodically since that date, the United States, by law and international treaty has adopted measures to control immigration and naturalization of aliens. We now have limitations on the total number of immigrants that our country can effectively assimilate each year, and quotas from many countries.

I would estimate that 60%-75% of the Anglo Saxon and Spanish populations of the United States can trace their ancestry back to the colonists, founders or patriots, and should not be referred to as "immigrants.".

Naturally, there have been immigrants from England, Ireland, Scotland, and Wales as well as France, Spain, Germany, The Netherlands and Sweden who arrived in the United States after the American Revolutionary War. Although there were a few French who fought on our behalf, who remained here after the war, many migrated from Quebec or France later. Although many Germans moved to Pennsylvania before 1776 and fought with the colonists, a large number of Germans coming to the US, came to settle in Texas in the mid 1800s. These late comers, may correctly be referred to as "immigrants". Any ancestor arriving at Ellis Island would be considered as an "immigrant".

From the above, clearly those of our ancestors who were here before 1790, and many would argue before 1815 were not considered as immigrants. So, does the mantra "We are all immigrants" apply to all of our ancestors who arrived after 1790, or 1815? To one extent that statement is true. How do we differentiate among that large group of arrivals?

Those from Great Britain and Spain were easily assimilated. Many already had family here. Those immigrating from other countries had to abide by the then existing laws on immigration and naturalization. Many of these newcomers were patriotic and large numbers fought in the War of 1812, Spanish-American War, War with Mexico, Civil War, World Wars I and II, Korea, Vietnam, Grenada, Panama Canal, Bosnia, Iraq and Afghanistan. Other newcomers were patriotic citizens who contributed by serving as elected officials, statesmen, jurists, professionals, authors, artists, educators and religious leaders. The great majority of these immigrants paid their taxes, served on juries, and acted as responsible citizens.

So, what groups in the United States are descended from Immigrants? By definition, "colonists" are not immigrants, nor are their descendants. Clearly, those of us who have ancestors who were "founders" are not immigrants; and those who descend from the "patriots" of our nation are not immigrants. The residents of the large area purchased from France in the Louisiana Purchase, and those who became citizens in Texas in 1846 should not be considered immigrants.

A large number of immigrants came here in a legal fashion. We now have laws controlling immigration into the United States. To immigrate, one must apply and obtain permission. A legal immigrant must show that he is capable of supporting himself or herself and that their family intended to remain in the United States. They paid their taxes to provide for public education, health, defense, and the construction and maintenance of our roads. They purchased hospitalization insurance to cover their families.

Illegal immigrants have jumped the line. Many of those from Latin America and the Orient have no intention of remaining here. Their purpose is to deliver their child in the US so that the child can become an American Citizen, and entitle them to Aid to Dependent Children, the WIC program, food stamps, Medicaid and other social programs for US citizens.[[13]](#footnote-13)

Among the immigrants from Christian and Jewish Europe and Latin America and those from the Orient, other than Muslims, there has been widespread assimilation. They have enlisted and fought in World War I and II, Korea, Vietnam, and the more recent war against terrorism. They have learned to speak English and have accepted our laws and customs, and have become a part of our community. Those migrating from Muslim areas have refused to become assimilated. They continue to speak their native tongues; wear their traditional dress; and live in enclaves. Many even demand that the United States adopt Sharia Law. In parts of London, the police have abdicated their right to enforce the law - and allow the Mullahs to practice Sharia Law. Recently, we have seen where families have murdered their own daughters as "honor killings."

Once an illegal alien's child becomes a citizen, the mother then qualifies for a green card, and after a year, the remainder of the family can legally migrate with green cards of their own. Many come here to work, so they can send money back to Latin America or the Orient to support their families. Many in this latter group pay no income taxes, and in fact those with low incomes get a rebate check from the government because of our tax laws.

Crime rates among illegal aliens is greater than among citizens. Many are involved in the Mexican Cartels and Chinese Tongs that operate in the U.S. Our jails along the Mexican Border are filled with illegal aliens who have committed major crimes. Government figures for years have revealed that it costs about $40,000 to $50,000 per year to incarcerate a prisoner.

Those coming across our borders illegally are incorrect in stating that "We are all immigrants". Most of us descend from those brave souls who carved a nitch from the wilderness and created the most powerful nation in the world. A large number of us have ancestors who were legal immigrants, who fulfilled their obligations to become good citizens.

Our porous borders allow terrorists to come into our country; to bring weapons with them; and plan terrorist attacks. Lack of border enforcement allows criminals access to import hard drugs and weapons; and to commit crimes. Clearly, the immigration laws into our country should be enforced. State law enforcement agencies should be encouraged by the federal government to assist. Our borders should be made secure.

To make our country more secure, we should suspend immigration from all countries where Muslim Terrorists are currently at war, and severely limit immigrants from other Moslem countries with a history of terrorists activities, until such time as local Muslim Clerics condemn terrorism and/or stop advocating terrorism against the United States, and until we get a handle on immigration. Also, care should be taken to exclude the Muslim terrorists in the south of Buddhist Thailand, and the Muslim terrorists on the southern Philippine islands - a Christian nation. We need to establish a system to monitor all foreigners entering the US on visas to insure they are not involved in terrorism. All visas should be monitored, and when the visa expires, we should have the mechanism in place to enforce them and send the alien back home.

As to the 12 million illegal aliens from Mexico and Latin America who are already living and working here, separate arrangements need to be made, especially as to those who came here illegally with their parents while minors, and who have no criminal record.

The clear implication from those posters that state "We Are All Immigrants" is that there is little or no difference between legal immigrants and illegal immigrants. The United States has a positive history with regard to immigrants. Even after controlling the number of legal immigrants from each foreign nation, we still allow more immigrants than any other nation. Those immigrating from non-Muslim countries have assimilated into our culture and have accepted our laws and customs. Muslims want to continue their customs - many of which, like "honor killings" and other otherwise illegal Sharia laws, and treat their women like second class citizens. Many illegal aliens from Latin America and the Orient are involved in illegal cartels which run illegal shipment of drugs, prostitution, and weapons. Others from Latin America are just looking for work. They are Christians who have strong family ties and are otherwise law abiding. How many Islamic terrorists have been smuggled across or under the U.S. border with Mexico? If one that is too many! We need to control our borders and our immigration system.

Many American history books include the exploits of our heroes in the 13 original colonies. More recently, starting with the extensive research Charles Robert Churchill, then president of the Louisiana SAR in his book entitled Bernardo de Galvez, Services To The American Revolution in 1925, many Hispanic researchers have published books listing thousands of Spanish Patriots of the American Revolution, whose descendants live in the U.S.

A large number of heritage and lineage societies in the United States are composed of those who have documented their lineal descent from founders and patriots, including:

Order of the Founders of North America 1492-1692

Society of Colonial Wars

Colonial Dames

Colonial Dames of the XVII Century

Order of the Founders and Patriots of America

Jamestowne Society

Mayflower Descendants

Sons and Daughters of the Founding Fathers of Virginia

First Families of Virginia

First Families of Maryland

Sons of the American Revolution

Daughters of the American Revolution

Children of the American Revolution

Sons of the Revolution

The members of all of the above organizations have provided acceptable documentary proof of their lineal descent from one of our nation's founders and/or patriots. Along with our military, veterans, law enforcement, and certain government agencies, they provide the first line of defense against attacks on the U.S. Constitution and Bill of Rights. You may ask why I would include descendants of our founders and patriots.

**According to the DNA Data Base of Family Tree DNA, of those Americans who have had their DNA tested, \_\_\_\_% of them descend from colonists from Great Britain, and \_\_\_\_\_\_% descend from Spanish colonists.**

Most of the descendants of our founders and patriots have researched and read about their respective ancestors, and the events occurring during their lives. From this research, we have gleaned a fairly complete record of their lives - where they lived, a description of their land, their occupation, with whom they traveled, fought and died, to whom they willed their property, taxes paid, their civil and criminal courts, and local histories. Many of our ancestors wrote a family history, or were covered in the histories recorded by others. Many served this nation as members of its armed forces, elected officials, law enforcement or judiciary. Some wrote history books and lectured at colleges and universities. In summary, we are connected to our national history and revere those who fought for our nation. We have a vested interest in insuring that our path does not veer from that set for us by our founding fathers. Clearly, we are not immigrants.

So, the next time you hear or read about an immigration activists saying "We are a nation of immigrants", you will understand that this is a false premise.

1. Webster's New Unabridged Dictionary, Random House Value Publishing, Inc., 1996. [↑](#footnote-ref-1)
2. Ibid. [↑](#footnote-ref-2)
3. Black's Law Dictionary, Rev. 4th ed., . West Pub. Co.(1968), St. Paul, MN. [↑](#footnote-ref-3)
4. Webster's, Ibid. [↑](#footnote-ref-4)
5. Both the Sons of the American Revolution and the Daughters of the American Revolution recognize the Spanish patriots who assisted the colonists during the American Revolutionary War. [↑](#footnote-ref-5)
6. Black's, Ibid. [↑](#footnote-ref-6)
7. Blacks, Ibid. [↑](#footnote-ref-7)
8. Webster's, Ibid. [↑](#footnote-ref-8)
9. Webster's, Ibid. [↑](#footnote-ref-9)
10. Webster's, Ibid [↑](#footnote-ref-10)
11. From Wikipedia, the free encyclopedia [↑](#footnote-ref-11)
12. 1 [Stat.](http://en.wikipedia.org/wiki/United_States_Statutes_at_Large) [103](http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=001/llsl001.db&recNum=226) [↑](#footnote-ref-12)
13. For years boarding houses in Brownsville, TX and other border cities provide accommodations for expectant mothers who come across the border in their 8th month. Once the baby is born, the mother automatically gets a green card. The baby qualifies for all sorts of benefits for U.S. Citizens, such as Medicaid, food stamps, WIC, etc. [↑](#footnote-ref-13)