

Dual Allegiance is Inconsistent with American Democracy

By John Fonte, Ph.D. | April 19, 2006

The heart of American Democracy is the principle that sovereignty resides in “We the People.” For more than 200 years immigrants seeking American citizenship have taken an oath renouncing prior allegiances and transferring sole political allegiance to the United States. In the political sense, naturalized immigrants have left a previous “people” and joined the “American people.” This is the main reason for America's great immigration success.

The concept of “dual allegiance,” where some Americans have political allegiance to both the U.S. and a foreign state, is inconsistent with the moral foundation of American democracy. Dual allegiance citizens belong to another “we the people” (in the civic, not ethnic sense). Dual allegiance citizens exist in a political space beyond the American constitutional community and as members of another “people,” (i.e., a foreign political community) they have different (and in some cases, competing and conflicting) responsibilities, rights, interests, and commitments. These foreign interests and commitments—of objective practical necessity, as well as moral obligation—dilute their commitment, attachment and allegiance to the United States.

There is a clear distinction between the nominal status of dual citizenship and the active exercise of dual allegiance. Some people are dual citizens for a variety of reasons (*e.g.*, one parent is American, the other is not). The status of dual citizenship per se is not necessarily a problem. However, dual allegiance, in the sense of the active exercise of loyalty and allegiance to a foreign state, is inimical to American democracy.

A naturalized immigrant, the great New Deal lawyer and Supreme Court Justice, Felix Frankfurter, wrote that, “Taking an active part in

the political affairs of a foreign state by voting in a political election involves a political attachment and practical allegiance thereto which is inconsistent with continued allegiance to the United States.” Further Frankfurter stated these actions reveal, “not only, something less than complete and unswerving allegiance to the United States, but also elements of an allegiance to another country in some measure, at least inconsistent with American citizenship.” Vienna-born Justice Felix Frankfurter was right then and his principles are right for the 21st century.

It is sometimes argued that in our globally interdependent world the U.S. should consider new forms of political allegiance. On the contrary, in today’s interconnected post-9/11 world of mass immigration, world-wide terrorism and transnational loyalties, it is more important than ever to insist that new (and native-born) citizens are politically loyal to the United States and only the United States. It is precisely because we want to continue to benefit from legal immigration in the new circumstances of the 21st century that we must be serious about national allegiance.

It is also argued that even if the principle of retaining political loyalty to the “old country” is inconsistent with American democracy, the result is a good thing in practice because immigrant dual citizens



promote “democratic” values in elections in their birth countries. This sounds reasonable but is not necessarily the case.

American dual allegiance citizens involved in foreign politics do not always spread tolerant democratic values. Indeed, sometimes the opposite is the case. Diaspora activists, isolated from the reality of daily experience, are often dogmatic ideologists. Supporters of the IRA, ethnic Balkan nationalists, Meir Kahane, hard-line Latin American exiles of the right and left, Muslim and Hindu extremists—who have either attained, or were born with, American citizenship—come to mind. For example, on April 16, 2004, the *San Francisco Chronicle* reported that Hindu nationalists in the United States were providing funding and ideological support for extremists in India.

Another line of argument is that since our nation advances democratic values, there should be little conflict with American citizens voting in, say, Britain or Canada. But the fact that Britain and Canada are democracies (and close allies) does not alter the moral principle or practical consequences involved. America is a different nation than Britain or Canada. Our constitution, interests, principles,

and culture, while similar to that of Britain, Canada, and other democracies, are neither identical nor interchangeable. American citizens should be loyal to the American constitution, not simply a generic form of democracy detached from the American nation.

What is to be done? As Congress debates immigration policy it could pass legislation addressing dual allegiance that is within the boundaries of Supreme Court interpretations. Specific acts such as voting in foreign elections and serving in foreign governments could be subject to legal sanctions. Exceptions for serving American national security interests could be stipulated. The purpose of such legislation would not be to punish individuals, but to re-affirm and re-establish core norms and principles. The legislation would tell immigrants and native-born alike, “We take the Oath of Allegiance seriously; we welcome immigrants and these are the rules of civic incorporation.”

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