

Making Citizens: The Case for Patriotic Assimilation

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Citizens by birth or choice, of a common country, that country has the right to concentrate your affections. The name of AMERICAN, which belongs to you, in your national capacity, must always exalt the just pride of Patriotism, more than any appellation derived from local discriminations.

—George Washington

By the very nature of the principles upon which it is established, the United States—more than any other nation in history—beckons to its shores the downtrodden, the persecuted, and all those “yearning to breathe free.” With only a very few exceptions, America has always welcomed immigrants who come to this country honestly, with their work ethic and appreciation of liberty, seeking the promises and opportunities of the American Dream.

At the same time, there is also the legitimate concern that large numbers and concentrations of foreigners, and the ideas and influences they bring with them to this nation, exacerbate the risk of factional and sectional conflict and potentially undermine the civic culture, republican institutions, and national identity vital for free government in the United States.

The long-standing resolution of this seemingly irreconcilable conflict, and the key to America’s uniquely successful immigration story, lies in a deliberate and self-confident policy of patriotic assimilation—welcoming newcomers while insisting that they learn and embrace America’s civic culture and political institutions, thereby forming one nation from many peoples.

While there are many differences of opinion when it comes to the overall number of immigrants and the process by which they come to this country, the one point on which there has always been widespread, bipartisan agreement is that those who come here should become Americans.

The overwhelming result of this assimilation policy, throughout the course of American history, has been a strengthening of our social capital, a continuing expansion of our general economy, and the constant renewal of our national purpose. America has been good for immigrants, and immigrants have been good for America. And so, as the issue is debated once again, it is imperative to revive the very policy that makes American immigration work, and get back to the hard and noble task of making citizens.

A SECOND LAND OF PROMISE

The American Revolution and its experiment in republican government gave fresh meaning to the concept of the New World as an escape from the Old. Thomas Paine, himself a recent immigrant when he wrote *Common Sense* in 1776, called America “the asylum for the persecuted lovers of civil and religious liberty from every part of Europe.” The thought of America as a political refuge was nothing new to the people of New England; their Puritan ancestors had emigrated to escape religious persecution. Now political asylum was part of the very idea of the nation. George Washington wrote in 1785, “let the poor, the needy and oppressed

of the Earth, and those who want Land, resort to the fertile plains of our western country, the Second Land of Promise, and there dwell in peace, fulfilling the first and great commandment."

The Founders expected and welcomed a large influx of immigration. "Those who live under arbitrary power do nevertheless approve of Liberty, and wish for it," Benjamin Franklin wrote John Jay from Paris in 1777.

[T]hey almost despair of recovering it in Europe; they read the translations of our separate colony constitutions with rapture; and there are such numbers everywhere, who talk of removing to America, with their families and fortunes, as soon as peace and our independence shall be established, that 'tis generally believed we shall have a prodigious addition of strength, wealth, and arts from the emigrations of Europe.

Indeed, the Declaration of Independence cited as one of its grievances against George III that "He has endeavored to prevent the population of these States; for that purpose, obstructing the laws for naturalization of foreigners, [and] refusing to pass others to encourage their migration hither."

There was also an expectation that the best immigrants would add to the moral capital of the growing country, bringing with them the attributes necessary for the workings of free government. America promised advantages to those "who are determined to be sober, industrious and virtuous members of Society," Washington told a Dutch correspondent in 1788. "And it must not be concealed," he added, "that a knowledge that these are the general characteristics of your compatriots would be a principal reason to consider their advent as a valuable acquisition to our infant settlements."

Economic freedom and the prospect of prosperity would also be a great inducement, adding population and material wealth to the new nation. While many of those who initially immigrated were indentured ser-

vants or redemptioners, there were increasing numbers of skilled workers and artisans in the mix as well. Alexander Hamilton, in his 1791 Report on Manufactures, pointed out that businessmen are reluctant to move from one country to the next unless "by very apparent and proximate advantages." He believed that the new nation, because of better prices, cheaper materials, lower taxes and regulations, and greater personal independence, would soon become a haven for the many entrepreneurs and capitalists of the world. Merchants and manufacturers, he predicted, would most likely "flock from Europe to the United States to pursue their own trades or professions, if they were once made sensible of the advantages they would enjoy, and were inspired with an assurance of encouragement and employment."

The annual flow of newcomers to the young republic was roughly one-quarter of 1 percent of the population. Official records were not kept until 1820, but estimates put total immigration from 1783 to 1815 at about 250,000 at a time when population increased from a little over 2 million to 8.5 million. Annual arrivals after the Treaty of Versailles averaged 6,000, increasing to 10,000 in the late 1790s. Immigration began declining with the Napoleonic Wars, coming almost to a stop with the War of 1812.

"Providence has been pleased to give this one connected country to one united people," John Jay wrote in *Federalist* No. 2.

A people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs, and who, by their joint counsels, arms, and efforts, fighting side by side throughout a long and bloody war, have nobly established their general liberty and independence.

True enough, as most of the immigrants were Protestants from northern and western Europe; but by the standards of the time, they were a multicultural lot.

The first and most plentiful European immigrants were English. Then came the Dutch, the Swedes, the Welsh, and the French Huguenots, followed by significant numbers of German Palatines and Scotch-Irish. From the beginning, different peoples were added to the core English heritage, making the nation a cultural patchwork of languages, manners, and traditions. There was even some immigration of free blacks from the West Indies in the 18th century, though most blacks arrived here as slaves. By 1790, when the first census was taken, only 60 percent of the free population was English-derivative, mostly second- or third-generation immigrants; 40 percent were of non-English ancestry.

A NEW THEORY OF CITIZENSHIP

Prior to the American Revolution, the dominant view of allegiance stemmed from the system of feudalism that had developed in medieval Europe, based on the idea of absolute fealty to the reigning sovereign. “Natural allegiance is such as is due from all men born within the king’s dominions immediately upon their birth,” wrote William Blackstone in his *Commentaries on the Laws of England*. “For, immediately upon their birth, they are under the king’s protection.... Natural allegiance is therefore a debt of gratitude; which cannot be forfeited, canceled, or altered, by any change of time, place, or circumstance....” All of the native-born inhabitants of the realm were automatically part of a perpetual relationship of allegiance between king and subject, analogous to the relationship between parent and child. And once a subject—they were not citizens, after all, but subject to the will of the absolute ruler—always a subject.

The understanding of allegiance developed by the American Founders took a very different starting point. Rather than assuming the ground of civic obligation to be some ancient claim of divine right or absolute power, their argument begins with equal natural rights and consent, as stated in the Declaration of Independence: “We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these

are Life, Liberty and the Pursuit of Happiness.” All are equal in that each possesses fundamental rights that exist by nature. Legitimate government is instituted to secure fundamental rights, deriving its just powers from the consent of the governed. “The mass of mankind has not been born with saddles on their backs,” as Jefferson later put it, “nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God.” This new ground of civic obligation creates not sovereigns and subjects but equal citizens who rule and are ruled in turn. It is the requirement of consent and the practical goal of self-government that creates the moral conditions of citizenship.

The importance of religious liberty for this argument, in both theory and practice, cannot be overemphasized. In the old world, religious differences were at best tolerated, and minority religions were often persecuted. The Founders sought to address the conflict between the claims of church and state—and prevent the resulting religious battles that had bloodied the European continent—by removing entirely the authority of the church from the authority of the government. This doctrinal separation does not mean that religion is subordinate to politics, as some claim; indeed, it allows and encourages a certain mixing of religion and politics. But it does mean that the legitimacy of the United States does not depend on the truth of any particular religious denomination (hence no established church) and that individuals can worship freely according to the dictates of their consciences (free exercise). In terms of civic obligation, American liberty means that rights, privileges, duties, and responsibilities extend to all citizens regardless of religious differences.

Naturalization—the idea of the foreigner becoming an equal citizen *as if by nature*, based on reciprocal and voluntary consent of the immigrant and the citizens of the welcoming nation—is entirely consistent with and follows logically from the political theory of the American Founding. Individuals have a natural right to emigrate from their homeland, but that does not entail a right to immigrate to this country without the consent

of the American people as expressed through the laws of the United States. But with that consent, the concept of naturalization works differently than it does in other countries: While an alien can immigrate to France or Germany but never become truly French or German, an alien of any ethnic heritage or racial background can immigrate to the United States and become, in every sense of the term, an American. Such a transformation is possible in America because the very openness of liberty to diverse backgrounds and differences of opinion, including religious opinions, stems from (and allows an emphasis on) the commonly held political principles that make free government possible in the first place.

Just after he became the first President of the United States, as part of a series of messages to various religious denominations, George Washington wrote an especially beautiful letter to the Hebrew Congregation at Newport, Rhode Island. In it, he explained—to one of the most persecuted minorities and immigrant groups in history—the distinctive American understanding of the relationship between liberty and citizenship:

The citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy—a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship.

It is now no more that toleration is spoken of as if it were the indulgence of one class of people that another enjoyed the exercise of their inherent natural rights, for, happily, the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens in giving it on all occasions their effectual support.

The implication of this new theory of citizenship is, indeed, revolutionary: All citizens, native as well as naturalized, possess civil and religious liberty as

a matter of inherent natural right, and the only requirement for the protection of those rights is good citizenship and fidelity to American constitutional government.

REVOLUTIONARY AND CONFEDERATION POLICY

During the American Revolution, there was some concern about foreigners in high military positions. Washington, among others, was worried about the many foreigners—like the Marquis de Lafayette of France, Baron von Steuben of Germany, and Count Pulaski of Poland—in the officer corps, not because they were inferior or untrustworthy, but because they might weaken morale and cohesiveness among the other soldiers.

Washington required all officers to subscribe to an oath renouncing allegiance to King George III and pledging their fidelity not to George Washington but to the United States. Soldiers of the Continental Army, whether native or immigrant, swore “to be true to the United States of America and to serve them honestly and faithfully.” Most of the new state constitutions included elaborate oaths that tied allegiance to and provided a summary of the basic constitutional principles animating American constitutionalism.

Under the Articles of Confederation, the question of citizenship and the naturalization of immigrants remained with the individual states. Pennsylvania allowed any foreigner of “good character” who took an oath of allegiance to the state to acquire property and, after one year’s residency, become a citizen entitled to “all the rights of a natural born subject of this state.” New York followed Pennsylvania’s model and added a requirement for foreigners to renounce all allegiance to any foreign prince. Maryland’s naturalization law required a declaration of “belief in the Christian religion” and an oath of allegiance. In South Carolina, full naturalization required at least two years of residency and a special act of the legislature.

Georgia’s laws were the most cautious toward immigrants. During the Revolution, one measure required a

certificate from the circuit or county judge from where they last resided to prove “their Attachment to the liberties or Independence of the United States of America, And also of his or their Honesty, Probity and Industry.” If approved, immigrants were declared free citizens of the state. This was later changed to require seven years of residency and a special act of the state legislature. In a further sign of trepidation, Georgia law considered any citizen under age 16 who spent three years studying abroad to be an alien resident upon return to America.

While varying in specifics, colonial policies reflected many common assumptions. Immigrants were expected to swear allegiance to their new home. Usually, they were required to disavow previous political attachments. Colonies sometimes required proof of good character, and most held it to be a general qualification. Nearly every colony required a period of residency for citizenship.

The only group that was opposed was made up of convicted felons being transported *en masse* from England. Such malcontents, Rufus King warned from London, could never be useful citizens, as their “principles and habits would be pernicious to the order and industry of our people.” The Continental Congress, acting under the Articles of Confederation, recommended local legislation to stem the tide in 1788. Even then, the practice continued, leading Franklin to propose that every English ship arriving in an American port be obliged to carry back to Britain at least one felon for every 50 tons of goods delivered. “The felons she planted among us have produced such an amazing increase,” he commented in the *Pennsylvania Gazette*, “that we are now enabled to make ample remittance in the same commodity.”

IMMIGRATION AND THE CONSTITUTION

The lack of a uniform naturalization law was one of the many weaknesses of the Articles of Confederation, so it is not surprising that there was no objection to giving this additional power to Congress. James Madison saw to its inclusion in Article I, Section 8 of the new Constitution: “Congress shall have the power...to establish

an uniform Rule of Naturalization.” In *Federalist* No. 32, Alexander Hamilton argued that the power to establish “an uniform rule of naturalization...must necessarily be exclusive; because if each State had power to prescribe a distinct rule, there could not be a uniform rule.” Congress legislated an exclusive rule in 1795, and the Supreme Court confirmed it in 1817 (*Chirac v. Lessee*).

At the Constitutional Convention, there was a lively and illuminating debate about the eligibility of foreign immigrants for federal office. Elbridge Gerry wanted to restrict membership to those born in the United States, while Gouverneur Morris and Charles Pinckney advocated a qualifying period of at least 14 years before eligibility. George Mason was all for “opening a wide door for emigrants; but did not choose to let foreigners and adventurers make law for and govern us.” Indeed, were it not for the many immigrants who had acquired great merit in the Revolution, he, too, would have been “for restraining the eligibility into the Senate to natives.”

Other, more numerous delegates vigorously criticized this position. Scottish-born James Wilson knew from experience “the discouragement and mortification [immigrants] must feel from the degrading discrimination now proposed.” Franklin opposed such illiberality and argued that when a foreigner gives a preference to America, “it is a proof of attachment which ought to excite our confidence and affection.” Madison wanted to maintain the “character of liberality” of the state governments and “to invite foreigners of merit and republican principles among us,” while West Indies-born Hamilton spoke of attracting respectable Europeans who would “be on a level with the First Citizens.” In the end, these views prevailed, and the Constitution required a reasonable period of citizenship for immigrants who aspired to the federal legislature: seven years for the House and nine years for the Senate. This was intended to assure that legislators are “thoroughly weaned from the prepossessions and habits incident to foreign birth and education,” Madison later wrote in *The Federalist*.

The one explicit limitation of the potential rights of immigrants was that only those who were native-

born or at least a resident at the time of the adoption of the Constitution could become President of the United States. The Continental Congress, at the behest of Thomas Jefferson and John Adams, had promulgated a decree of not employing any but native-born citizens as consuls in foreign countries. John Jay, then Superintendent of Foreign Affairs, wrote to Washington during the Constitutional Convention urging that it would be “wise & seasonable to provide a strong check to the admission of Foreigners into the administration of our national Government; and to declare expressly that the Command in chief of the American army shall not be given to, nor devolve on, any but a natural born Citizen.” The phrase, as Justice Joseph Story later explained in his *Commentaries on the Constitution*, is not anti-immigrant but anti-tyrant, as it “cuts off all chances for ambitious foreigners, who might otherwise be intriguing for the office.”

It was not until after the passage of the Fourteenth Amendment, in the aftermath of the Civil War, that the Constitution (overturning in part *Dred Scott v. Sanford*) clarified and guaranteed the citizenship status of former slaves by determining that “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside.” This created two conditions for citizenship: being born or naturalized in the United States and being subject to the jurisdiction of the United States, which was understood at the time to mean, quoting then-Chairman of the Senate Judiciary Committee Lyman Trumbull, “not owing allegiance to anybody else [but] subject to the complete jurisdiction of the United States.” It was in 1898 (in *United States v. Wong Kim Ark*, reversing the Court’s own previous interpretation) that the Supreme Court reinterpreted this clause incorrectly to mean that persons born in the United States are automatically U.S. citizens, regardless of the jurisdictional requirement.

THE FIRST NATURALIZATION LAWS

The first naturalization law passed by Congress in 1790 was short and to the point: Any “free white per-

son” having resided within the limits and under the jurisdiction of the United States for two years could apply in any common-law court of record and, proving to be “a person of good character” and taking an oath to support the Constitution of the United States, become a United States citizen. Setting aside the objectionable reference to “free white person,” a categorization entangled with the much larger controversy over slavery in the United States, this is an amazingly inclusive policy. Indeed, the only absolute prohibition on migration made during the Founding era became effective January 1, 1808, when, at the first possible moment allowed by Article I, Section 9 of the Constitution, Congress outlawed the slave trade.

Nevertheless, it would be incorrect to conclude that the formal policy at the time was one of “open” immigration. Until the mid-nineteenth century, immigration levels remained relatively low, and since the matter was dealt with by states and localities (mostly busy port cities like New York), the particulars of immigration were of little federal concern. What was of great interest, and became the focus of the first congressional debate, was naturalization and the conditions under which aliens could become Americans.

The 1790 law established three core requirements of naturalization: residency, good character, and allegiance. The legislative debate focused mostly on residency. “There is no doubt,” as Representative Madison explained, “we may, and ought to require residence as an essential.” Madison didn’t want to exclude good candidates for citizenship, but he didn’t want to give away the privilege either. Residency is “absolutely requisite,” said Theodore Sedgwick of Massachusetts, as the immigrants’ “prejudice or education, acquired under monarchical and aristocratic governments, may deprive them of the zest for pure republicanism.” Such residency must be long enough, Michael Jenifer Stone of Maryland explained, to assure “first, that [the immigrant] should have an opportunity of knowing the circumstances of our Government, and in consequence thereof, shall have admitted the truth of the principles we hold. Second, that he shall have acquired a taste for

this kind of government." For the time being, they settled this point with a two-year residency requirement.

In 1795, Congress extended the residency requirement to five years and clarified and underscored the requirements of character and allegiance. In the law, particular emphasis was placed repeatedly on an oath of citizenship. The applicant must declare on oath not only "that he will support the Constitution of the United States," but also "that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, State or sovereignty whatever." This language is at the core of the Oath of Renunciation and Allegiance still taken by all new citizens. The 1795 law also required that, during the time of residency (or "probation," as some called it), the applicant must have "behaved as a man of a good character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same." These remain requirements for citizenship in the United States.

On these points, there was widespread support among all parties. Representative Sedgwick thought such a policy would "check the admission of foreigners in such numbers as might be dangerous to our political institutions" but "not exclude such meritorious individuals as might be willing to serve the apprenticeship which might qualify them to assume the character and discharge the duties of American citizens." William Giles of Virginia thought it would "prevent those poisonous communications from Europe, of which the gentlemen were so much afraid." While recognizing that mere professions of allegiance are inherently imperfect, Madison nevertheless concluded that he "would not wish to have a citizen who refused such an oath." Besides, he opined, "what can be more reasonable than [that immigrants] should be forced to renounce everything contrary to the spirit of the Constitution."

In the end, the debate made clear that the real concern, as well as the long-term solution, was educating citizens, both naturalized and native-born. John Page of Virginia thought "nothing more desirable than to

see good order, public virtue and true morality, constituting the character of citizens of the United States; for without morality, and indeed a general sense of religion, a republican government cannot flourish, nay, cannot long exist." He trusted "that a Constitution much admired, and with such wholesome laws, will be an inducement to many good men to become citizens, and that, should bad men come amongst us they will be discountenanced by the more virtuous class of citizens, and if necessary be punished by the laws." Page "hoped that good schools would soon be spread over all the States, and hence that good sense and virtue will be so generally diffused amongst us, that emigrants will be unable to corrupt our manners."

As long as that "good sense and virtue" remained strong among the American people, the democratic process would mitigate the potential influence of foreign principles on domestic opinion. Once immigrants' "habits as well as interests become assimilated to our own," Fisher Ames of Virginia noted, "we may leave them to cherish or to renounce their imported prejudices and follies as they may choose. The danger of their diffusing them among our own citizens, is to be prevented by public opinion, if we may leave error and prejudice to stand or fall before truth and freedom of inquiry."

EARLY MISGIVINGS

The Founders' enthusiasm for immigration, however, like their optimism for republican government, was tempered by the lessons of experience. We know from *The Federalist* that they were acutely aware of the many problems that had faced the "pretty republics" of ancient history. One of those problems, it turns out, was immigration and the easy extension of citizenship. "Among other instances, it is known that hardly anything contributed more to the downfall of Rome than her precipitate communication of the privileges of citizenship to the inhabitants of Italy at large," Hamilton observed in 1802. "And how terribly was Syracuse scourged by perpetual seditions, when, after the overthrow of the tyrants, a great number of

foreigners were suddenly admitted to the rights of citizenship?"

Yet the concerns they had were never translated into general restrictions. The challenge was to correct the faults of earlier regimes and provide a republican remedy to the diseases most incident to republican government. "The bosom of America is open to receive not only the opulent and respectable stranger," Washington wrote in reply to a group of Irish immigrants, "but the oppressed and persecuted of all Nations and Religions; whom we shall welcome to a participation of all our rights and privileges if, by decency and propriety of conduct, they appear to merit the enjoyment."

One problem intrinsic to immigration is that it has the potential of exposing public opinion to foreign influence and inviting outside attempts to manipulate American politics. "Foreign influence is truly the Grecian horse to a republic," Hamilton thought. "We cannot be too careful to exclude its entrance." A free people must be "constantly awake" to "the insidious wiles of foreign influence," Washington advised in his Farewell Address; outside influence in the nation's governance "is sufficient to lead it astray from its duty and its interest." The result of "plunging us into the broils of the European nations," Jefferson predicted, would be the breakup of the Union.

Both the possibility of foreign influence and its prevention dominated foreign policy debates of the 1790s. Federalists feared the rise of Jacobinism and the spread of the radical political ideas that underlay the French Revolution. Republicans were suspicious of royalist immigrants—the "fugitive nobility"—fleeing the collapse of the *ancien régime*. In 1798, during John Adams's presidency, the publication of the correspondence of the "XYZ" affair led Congress to increase the residency requirement from five to 14 years, a step Hamilton later referred to as "a temporary measure adopted under peculiar circumstances."

At the same time, Congress also passed the infamous Alien and Sedition Acts, which Republicans thought unwarranted and unconstitutional. The less notorious Alien Act, which authorized the President

to order out of the United States all alien residents regarded as dangerous to the public peace and safety or suspected of "treasonable or secret" leanings, expired in 1800 without ever having been enforced. Nevertheless, the Alien Act was not without effect, causing protests among various ethnic groups, especially the Irish. When he was elected President in 1800, due in no small part to the immigrant vote, Jefferson wanted to get rid of the residency requirement completely. Congress, believing residency was still a key element of naturalization, lowered the requirement to the previous length of five years, where it has remained ever since.

THE DEEPER PROBLEM

At root was a more profound concern. What Hamilton ultimately feared was not the bribery and direct pressure usually associated with foreign influence, but the possibility of foreign opinions coming "under the patronage of our passions, under the auspices of national prejudice and partiality." The deeper problem, in the Founders' view, was that by injecting foreign ideas, manners, and habits into the public consciousness, immigration would undermine the cohesiveness and sense of community that they believed to be vital to the success of popular government.

There were two solutions to this dilemma: restriction or assimilation. Based on their own experience and deep convictions, and consistent with the principles of American constitutionalism, the Founders chose the latter as more conducive to the liberty of republicanism.

Consider the early German immigrants, who by 1790 made up over 8 percent of the nation's population and were the largest non-English ethnic group in America. In Pennsylvania, Germans comprised a full third of the population. Franklin published the first German newspaper, *Philadelphische Zeitung*, there in 1732. By 1753, when Franklin wrote about the community, there were numerous German newspapers and printing houses. Advertisements and street signs were printed in both English and German. Interpreters were needed to translate German legal documents

allowed in colonial courts, and Franklin worried that soon they would be required in the State Assembly “to tell one half of the legislators what the other half say.” Eventually, Franklin feared, there would be so many Germans that “all the advantages we have will, in my opinion, be not able to persevere our language, and even our government will become precarious.”

Yet this did not happen. In 1794, Congress rejected a proposal to translate federal laws into German. Attempts to gain official status for the German language in Pennsylvania schools and courts, as when the new state constitution was debated in 1837, were likewise unsuccessful. German-speaking immigrants eventually accommodated themselves to their new language. So did French-speaking occupants of Louisiana when Congress in 1811 made it a condition of statehood (in legislation signed by James Madison) that all laws, records, and proceedings be promulgated in the language of the laws of the United States. Although later immigration waves established their own ethnic communities, immigrant groups steadily lost their distinctiveness and coherence. Especially with the rise of the public school system in the 1820s and 1830s, the initial linguistic and nationalistic immigrant ties were broken down.

A SETTLEMENT STRATEGY

While the widespread adoption of the English language had much to do with the assimilation of the early generation of immigrants, it is insufficient by itself to explain the development of an independent American nationality. Franklin, for instance, did not advocate the restriction of immigration or criminalization of foreign languages; rather, he advocated diffusion of the immigrants among the many colonies. “All that seems to me necessary is to distribute them more equally, mix them with the English, establish English schools where they are now too thick settled.” He was by no means against the admission of Germans to the United States, but he was concerned about their assimilation. “Not being used to liberty, they know not how to make modest use of it.” What made this

difficult was that the language difference made it “almost impossible to remove any prejudices they may entertain.”

The challenge was not language per se but the larger work of civic formation, of which language was one important element. English immigrants, as Jefferson was wont to point out, shared much more in common with the Americans than language. Except for their monarchical heritage, they differed little from the existing population, and on this point they were already “sufficiently disposed to adopt ours.” At the same time, non-English immigrants—like the Germans, French, and Dutch—did not share the same heritage or traditions with the English, or even with each other. This fact made it more difficult for these immigrants to acquire American dispositions and a familiarity with American political institutions.

Even worse, these immigrants tended to settle together in large groups, preserving for some time their own attachments rather than mixing with the rest of the population. Jefferson thought “they should distribute themselves sparsely among the natives for quicker amalgamation.” Washington also supported the idea of immigrant diversity; by settling in groups, immigrants would “retain the language, habits and principles (good or bad) which they bring with them. Whereas by an intermixture with our people, they, or their descendants, get assimilated to our customs, measures and laws: in a word, soon become one people.”

There was no preference or disdain for one people over another, however, and the Founders applied their concern about foreign concentration to English as well as non-English immigrants. Nor was there any attempt to preserve the leading ethnicity of the population. In 1785, for instance, even though the organized settlement of English immigrants in the western territories would form a buffer between the Indians and the established population, Washington objected on the grounds that they “may bring with them strong prejudices against us, and our form of government, and equally strong attachments to the country and constitution they leave, without the means, being detached

and unmixed with citizens of different sentiments, of having them eradicated.”

CITIZEN-BUILDING

Yet the simple blending of the immigrant population was not sufficient by itself, either. Jefferson expressed this point in his *Notes on the State of Virginia*. On the one hand, his love of liberty urged him to welcome the victims of tyranny. On the other, he was concerned about “[t]he present desire of America...to produce rapid population by as great an importation of foreigners as possible.” Jefferson worried that by granting citizenship too easily to foreigners, the new nation would expose itself to the political principles and character of Europe:

They will bring with them the principles of the governments they leave, imbibed in their early youth; or, if able to throw them off, it will be in exchange for an unbounded licentiousness, passing, as is usual, from one extreme to another. It would be a miracle were they to stop precisely at the point of temperate liberty. These principles, with their language, they will transmit to their children. In proportion to their numbers, they will share with us the legislation. They will infuse into it their spirit, warp and bias its direction, and render it a heterogeneous, incoherent, directed mass.

Jefferson’s political archrival, Federalist Party chief Hamilton, held similar opinions:

The safety of a republic depends essentially on the energy of a common national sentiment; on a uniformity of principles and habits; on the exemption of the citizens from foreign bias and prejudice; and on that love of country which will almost invariably be found to be closely connected with birth, education, and family. The opinion advanced in *Notes on Virginia* is undoubtedly correct, that foreigners will gener-

ally be apt to bring with them attachments to the persons they have left behind; to the country of their nativity; and to its particular customs and manners. They will also entertain opinions on government congenial with those under which they have lived; or if they should be led hither from a preference to ours, how extremely unlikely is it that they will bring with them that temperate love of liberty, so essential to real republicanism?

While recognizing the inevitable—and desirable—diversity of opinion that would result from immigration, the Founders understood that there needed to be a certain uniformity of opinion about America and the fundamental principles of the Revolution. As Hamilton put it, immigration policy should strive “to enable aliens to get rid of foreign and acquire American attachments; to learn the principles and imbibe the spirit of our government; and to admit of a philosophy at least, of their feeling a real interest in our affairs.” Diversity would not assure the degree of unity that would make the assimilation process complete, making a *pluribus* into an *unum*. The only solution to the problem, consistent with our own principles of republican self-government, would be for immigrants to acquire for themselves the qualities and sentiments essential to republicanism, making them into enlightened friends of liberty and partisans in America’s common experiment in self-government.

PATRIOTIC ASSIMILATION

The American theory of citizenship necessitates that the words *immigration* and *assimilation* be linked in our political lexicon and closely connected in terms of public policy: Where there is one, there must be the other.

A policy of *homogeneity*—the complete breaking down of cultural differences to create sameness—demands too much and requires a uniformity that is impracticable, going beyond what is necessary and conducive to free government. Such an unrealistic ideal

makes immigration, in both theory and practice, virtually impossible. *Multiculturalism*, at the other extreme, is unacceptable for the opposite reason: It claims that all cultures (as with all values) are equally valid; there can be nothing substantially in common between Americans because the only thing that unites them is their diversity. By this argument, any idea of citizenship that goes beyond its narrowest technical meaning to imply the existence or formation of a common creed is objectionable because it imposes our values on others. In the end, the very idea of allegiance, especially national or patriotic, is problematic. At best, we are all transnational citizens of the world.

Each of these views—what amounts to cultural determinism, on the one hand, and cultural relativism, on the other—is incompatible with self-government and the rule of law. Both deny the possibility of a people holding common principles despite their cultural differences.

It is *assimilation*—the idea of acquiring certain habits and attitudes while respecting other differences, of becoming similar in crucial but not all respects—that is consistent with the American understanding of both human equality and popular consent, and thus civil and religious liberty. Assimilation has nothing to do with forcing a stifling uniformity of opinions and passions upon immigrants. Nor is it about destroying the ethnic heritages and cultural identities of the various groups and diverse subcultures that have always been part of the American experience. What it does do is appeal to the common principles and mutual understandings that transcend these differences and that bind us together as one people. Indeed, it is the maintenance of what we hold in common that allows for the flourishing of our differences and prevents the American “melting pot” from becoming a boiling cauldron of multiculturalism.

This compatibility in principle, though, portends a certain degree of uncertainty in practice; hence the challenge of immigrant education. This is because the progression from alien to citizen is more a change of mind and heart than a mere activity or replicable skill

set. As a result, assimilation, while it is to be encouraged and promoted, and while certain meaningful elements can and should be required in the naturalization process, ultimately can’t be compelled. It, too, is a matter of consent; in the end, immigrants must choose to become Americans. This point is further strengthened by the fact that while government has certain key responsibilities, many of the more important activities associated with assimilation occur on their own, beyond the reach of the state, as if by some “invisible hand” of American civil society.

It is the responsibility of lawmakers to set the legal parameters and create the best possible conditions for successful immigrant assimilation. The basic components that are necessary for such a policy should be apparent from this analysis of the early understanding of the theory and practice of citizenship and naturalization.

A Meaningful Naturalization Process. Individuals who are not citizens do not have a *right* to American residency or citizenship without the consent of the American people as expressed through the laws of the United States. Through its laws, the people of the United States consent for those who are aliens to join them, under certain conditions, as residents and in many cases as fellow citizens. Congress has the constitutional responsibility both “to establish a uniform rule of naturalization” that sets the terms and conditions of immigration and citizenship and to ensure the fairness and integrity of the legal process by which immigrants enter the country, establish residency, and gain citizenship. Especially for the sake of those who obey the law and follow the rules to enter the country, naturalization laws must be equitably and consistently enforced.

At the same time, this authority should also be seen as an opportunity to make the naturalization process more meaningful, emphasizing the laws’ and the process’s intended role in forming citizens “of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States,” as it

says in the Immigration and Nationality Act. This can be done by emphasizing the educational, ceremonial, and symbolic aspects of naturalization over and above the mere technical efficiencies of the bureaucratic process. A renewed emphasis on the terms of citizenship also demands rethinking and clarifying, both in our political rhetoric and within the law, the limits of citizenship, and that includes addressing the growing problem of “dual allegiance” citizenship and the conditions under which naturalized citizens (and native-born citizens, for that matter) violate those terms and might be expatriated.

An Understanding of the Principles of Free Government. “Every species of government has its specific principles,” Jefferson noted. “Ours perhaps are more peculiar than those of any other in the universe.” Citizenship education occurs primarily at home and through childhood schooling. Without the natural advantage of having been born and raised in this country, immigrants as a matter of public policy must be given a specific education in the history, political ideas, and institutions of the United States. They must know who we are and what we believe as a people and a nation. They must know that legitimate government is grounded in the protection of equal natural rights and the consent of the governed—the principles of the Declaration of Independence—and must understand and appreciate how the Constitution and our institutions of limited government work to protect liberty and the rule of law.

That is why, by law, citizen candidates must demonstrate “a knowledge and understanding of the fundamentals of the history, and the principles and form of government, of the United States.” This knowledge is demonstrated by a history test for new citizens, a test which should be reevaluated and strengthened with this goal in mind; at the same time, immigrants should be prepared for the test with educational materials and classes. The objective, as the great educator Noah Webster put it, is to implant in the mind “the principles of virtue and of liberty and inspire them with just and liberal ideas of government and with

an inviolable attachment to their own country.” History fosters attachment, and attachment—a necessary precondition to sustained civic engagement—fosters patriotism. But as constitutional signer James Wilson reminds us, “Law and liberty cannot rationally become the objects of our *love*, unless they first become the objects of our *knowledge*.”

A Common Language. “The bond of language,” Alexis de Tocqueville observed, “is perhaps the strongest and most lasting that can unite men.” Republican government and ordered liberty—not to mention the articulation of common political principles—require clear communication, mutual deliberation and civic education, and that demands that citizens share one common language. English is that language in the United States. This doesn’t necessarily require that English be the official or exclusive language of the nation, but it does mean that English needs to be the primary and authoritative language, particularly in public and political discourse as well as the laws, records and proceedings of government.

To comprehend the naturalization process, to assimilate into American society, and to become involved in our democracy, immigrants must learn, understand, and be able to communicate in English. Thus, candidates for citizenship must demonstrate “an understanding of the English language, including an ability to read, write and speak words in ordinary usage in the English language.” Rather than encouraging the retention of native languages with programs like bilingual education, there should be incentives and programs to assist immigrants in learning English. The objective should be to build a nation of English speakers: “[T]o preserve a sameness of language throughout our own wide spreading country,” John Marshall noted, “that alone would be an object worthy of public attention.”

Engaged Character-Forming Institutions. America’s principles are the defining characteristic of its national identity, but that identity is sustained by a thriving civil society. From the very beginning, America’s creed and culture have developed together, nourishing each other for their common good. It is not surprising,

then, that candidates for citizenship must show that “they have been and still are of good moral character.” In the law, this condition is defined by that which would preclude a finding of good moral character: as being a habitual drunkard; a gambler or polygamist; convicted of or admitting to a crime of moral turpitude; involved in prostitution, smuggling, or drug trafficking; giving false testimony or failing to support dependents. A healthy and supportive social infrastructure is necessary to maintain and strengthen good character. Thus, one of the best ways to assist immigrants is to strengthen and involve faith-based and private civil society institutions, both directly and indirectly, in the cause of assimilation.

It should be a concern when large numbers of immigrants from the same country, speaking the same foreign language, and with many of the same habits live in enclaves isolated from American society. After all, it is the diffusion of immigrant groups among the population—not the mixing per se but their day-to-day interactions with native American citizens—that makes their political effect less discordant and their assimilation more likely. It is through their neighbors, friends, and fellow countrymen—in local communities, churches, schools, and private organizations, not to mention in the workplace and through simple economic exchanges—that immigrants acquire the habits, practices, and spirit of Americans, strengthening their virtues, their work ethic, and social responsibilities. Civic education in particular is strengthened as immigrants observe and then participate in American political life, seeing equality before the law and consent being translated into local, state, and national policies. In this way, as Washington predicted, immigrants “get assimilated to our customs, measures and laws: in a word, soon become one people.”

Economic Opportunity. While it will come as no surprise that most individuals and families that immigrate to the United States come seeking economic opportunity (“inspired with an assurance of encouragement and employment,” just as Hamilton forecasted), it should not be overlooked that economic opportuni-

ty—stable employment, better household income, job flexibility, property ownership, upward mobility—is also an important factor in the success of immigrant assimilation. The fruits of hard work and entrepreneurship for the sake of improving the conditions of self and family, combined with the opportunities that have long been associated with the pursuit of the American Dream, all good in and of themselves, have the added virtue of harnessing self-interest to bind immigrants to their new home—the proximate cause of their economic liberty—and help to equalize the social differences between immigrants and native citizens.

In this way, commerce provides the initial glue of attachment, even if it remains “the defect of better motives,” to use Madison’s formulation in *Federalist* No. 51. For their sake, and for our own, the best thing we can do for new citizens is to offer them a hand up rather than a handout and make sure that immigrants (especially poor and low-skilled immigrants) are not drawn into the ranks of the underclass by the perverse incentives of the modern welfare state and its policies that discourage self-reliance, family cohesiveness, and financial independence.

National Allegiance. “Citizens by birth or choice, of a common country,” Washington reminds us, “that country has the right to concentrate your affections.” The very word citizen, stemming from the Latin *civis* and the Greek *polis*, is associated with membership and participation in one particular political association, as city-state, polity, or, today, nation. American citizenship is by definition bound to the United States; thus, becoming a citizen of the United States necessarily means primary allegiance to the American political order or regime. Allegiance is the duty that citizens owe to that country which protects and secures their individual freedoms and fundamental rights. In the United States, the allegiance of citizenship stems in particular from a profound attachment and deference not to political leaders or some abstract state, but to the Constitution and the rule of law.

This is seen in the solemn oath of new citizens to “absolutely and entirely renounce and abjure all al-

legiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or a citizen,” to “support and defend the Constitution and laws of the United States of America against all enemies foreign and domestic” and “bear true faith and allegiance to the same.” As the culmination of the naturalization process (the taking of the oath is the moment that the foreigner becomes a citizen), the importance and substantive meaning of these historic words cannot be overestimated. Not only should the oath be promulgated, its meaning taught in the naturalization process, and new citizens held to its pledges, but the concept of allegiance should be promoted as a central part of the public rhetoric of citizenship. “All possess alike liberty of conscience and immunities of citizenship,” to quote Washington again. Yet the United States “requires only that they who live under its protection should demean themselves as good citizens in giving it on all occasions their effectual support.”

MAKING PATRIOTS

By these conditions, an effective naturalization process would aim to create new citizens who would understand the principles of free government, speak a common language, reflect good character and civic virtue, and have a real stake in America’s economic success. As a result, immigrants would become more than mere inhabitants living in isolated communities. They would be *Americans*, drawing their primary national identity from the United States, even as they retained their ancestors’ language and culture. They would become citizens in the fullest sense of the term, owing their allegiance to their new homeland, sharing in the political rights of its people, deserving its protection, entitled to—and celebrating—the privileges and opportunities of free government.

Assimilation is necessarily patriotic in the sense that it fosters not only “that temperate love of liberty, so essential to real republicanism,” to use Hamilton’s phrase, but also a genuine attachment to *this* country and to *these* people. The objective is not “my country,

right or wrong,” but “my country.” That is, for the immigrant to come to regard this nation as *my* country. The goal is an enlightened patriotism based on an understanding of and commitment to America, what it stands for, and who we are as a people.

As well, assimilation is patriotic in that it reflects *our* national self-confidence and is a measure of *our* commitment to America. How can we expect the immigrant to love America if we do not love it ourselves—if we do not strive to make it worthy of affection? Reviving and deepening our understanding of citizenship and strengthening the conditions for civic formation is a way to remind all, native and immigrant alike, why this regime—its principles and laws, its history and statesmen, its meaning and promise—is good and worth defending. It is in this sense that a policy of assimilation demands as much or more from Americans as it does from those who want to become American.

In the end, a confident policy to assimilate immigrants must be understood as part of a larger renewal of our principles, a reaffirmation of what *we* hold to be self-evident. After all, it is not the technical requirement to affirm a peculiar set of historical claims that ties immigrants to America as much as it is our common recognition of transcendent truths that bind us all together and across time to the patriots of 1776.

In 1858, less than three years before the outbreak of civil war and the gravest crisis in our history, Abraham Lincoln contemplated the meaning of citizenship and the natural attachment of a people to the land of their forefathers. But what of those others “whose ancestors have come hither and settled here”? Why should they become attached to some distant past to which they have no native connections?

What Lincoln said then of all those who were not blood descendants of the Founders, which is to say virtually everyone today, speaks to all of us:

If they look back through this history to trace their connection with those days by blood, they find they have none, they cannot carry themselves back into that glorious epoch and make

themselves feel that they are part of us, but when they look through that old Declaration of Independence they find that those old men say that “We hold these truths to be self-evident, that all men are created equal,” and then they feel that that moral sentiment taught in that day evidences their relation to those men, that it is the father of all moral principle in them, and that they have a right to claim it as though they were blood of the blood, and flesh of the flesh of the men who wrote that Declaration, and so they are. That is the electric cord in that Declaration that links the hearts of patriotic and liberty-loving men together, that will link those patriotic hearts as long as the love of freedom exists in the minds of men throughout the world.

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