

New Model Federalist No. 10 – On Immigration

That being American is civic, not ethnic – That all peoples can be made into U.S. citizens – That expanding lawful immigration is beneficial to the Republic – That the Union’s borders must be secure – That entry ought to be lawful and orderly – That birthright citizenship is inviolable – That the unlawful immigrants now present in these United States ought to be made eligible for citizenship upon payment of a restitution – That immigrants ought either to seek U.S. citizenship or eventually return to their home country – That dual citizenship ought to be discouraged – That those seeking citizenship ought still to be required to learn English – That citizenship ought to be expedited for immigrants who are willing to settle in an area which has economic need for them

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombatant service in the Armed Forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely, without any mental reservation or purpose of evasion; so help me God. —U.S. Naturalization Oath

In our previous essay, we wrote of how our Republic might secure the affection of all its citizens by completing the unfinished work of Union. In this one, we address one of the foremost means by which these United States gain new citizens: the immigration of people from around the world and their naturalization here. Immigration is bound inextricably to citizenship; the one cannot be comprehended without the other. Yet public debate has lately regarded those topics in isolation. It has become fashionable either to decry immigration as the cause of all ills and slam shut the gates to it, or instead to declare unconditional love for all newcomers in such haste as to demand no attendant obligation from them. Both approaches discredit the principles, history, and tradition of these United States. Our Republic ought to welcome those who in earnest desire to make it their home, but it ought also to require from them the full responsibilities of citizenship.

Citizens, we recall, are a source of strength for a republic: they fight in its armies, pay its tax, create and labor in its commercial enterprises, and uphold its reputation abroad. As a greater number of people can, if well employed, do a greater volume of work, it is a matter of simple logic that the more citizens there are who owe allegiance to a republic, the mightier that country becomes.¹ Immigration brings in people from beyond our Republic’s borders; assimilation and naturalization make them into devoted citizens, who give the same pledge to support and defend the Constitution as do members of the armed forces. It is largely in this way that our Union has attained its present stature. Absent contrary evidence, it ought then to be supposed that the same means shall continue to augment these United States’ prosperity and might.

¹ “We are now a mighty nation; we are about thirty millions of people, and we own and inhabit about one-fifteenth part of the dry land of the whole earth. We run our memory back over the pages of history for about eighty-two years and we discover that we were then a very small people in point of numbers, vastly inferior to what we are now, with a vastly less extent of country, with vastly less of everything we deem desirable among men; we look upon that change as exceedingly advantageous to us and to our prosperity, and we fix upon something that happened away back, as in some way or other being connected with this rise of prosperity.” Abraham Lincoln, speech in Chicago, Jul. 10, 1858.

Some opponents of immigration, in search of such evidence, assert that certain peoples, on the basis of their prior nationality, are not suitable to become U.S. citizens. To this, we say that there is no ethnic character to being an American; there is only a civic one.² Nor has it been any other way since the Republic's founding, or else by the logic of blood and soil none but the American Indian would have the right to citizenship here.³ If the Founders had thought their loyalty due to their ethnic kin, they would have had no grounds to revolt against Great Britain: most were Englishmen or Scots, and Britain is home to Scots and Englishmen. Moreover, also present at the founding were a great many black Americans, some of whom as free men joined the battle for independence; and others, though they were held unjustly in bondage, nonetheless toiled and fought to build this Republic, and so had the right, if not yet the title, to citizenship.⁴ Our Union, indeed, was born amid diversity.

In its infancy, our Republic needed to grow so as to stand equal to the powers of Europe. To this end, it opened its doors, and through them came Irishmen, Germans, Italians, Poles, and more.⁵ Many of those new citizens spilled their blood for our Union in the great wars of those times; their effort and industry, together with the labor of those born on U.S. soil, forged our Republic into the mightiest country in the world. Any citizen who bears an Irish, German, Italian, or Polish name thus ought to reflect upon this history before asserting that a Mexican, an Arab, or a Korean has nothing to contribute to these United States; to do so would deny not only his ancestors' legacy, but also the Republic's founding principle that all men are created equal.

To that, our critics may retort that all people are created equal, but all societies are not. It is true that some societies inculcate their members with beliefs that run counter to our founding principles; and this occurrence must be taken seriously, for a Republic based on a civic identity can be eroded if the principles underpinning it are disregarded by its citizens. But we contend that all who in earnest desire to leave those societies and take the obligation of citizenship in the United States, our Republic can mold into good citizens. Furthermore, while immigrants of the first generation will often hold, consciously or not, onto the customs of their home country, their children, raised within our Union, will almost without exception consider themselves first and foremost to be American and instinctively hold dear the founding principles of the Republic.

² "A man wrote me and said: 'You can go to live in France, but you cannot become a Frenchman. You can go to live in Germany or Turkey or Japan, but you cannot become a German, a Turk, or a Japanese. But anyone, from any corner of the Earth, can come to live in America and become an American.' ...This, I believe, is one of the most important sources of America's greatness. We lead the world because, unique among nations, we draw our people – our strength – from every country and every corner of the world." Ronald Reagan, remarks on Jan. 19, 1989.

³ "We have besides these men descended by blood from our ancestors, among us perhaps half our people who are not descendants at all of these men; they are men who have come from Europe themselves, or whose ancestors have come hither and settled here, finding themselves our equals in all things. If they look back through this history to trace their connection with those days by blood, they find they have none...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 evinces 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 men who wrote that Declaration, and so they are." Lincoln, July 10th, 1858.

⁴ "All this native land talk is nonsense. The native land of the American negro is America. His bones, his muscles, his sinews, are all American. His ancestors for two hundred and seventy years have lived, and labored, and died on American soil." Frederick Douglass, "Lessons of the Hour" Speech, Jan. 9, 1894.

⁵ "...let the poor, the needy, and oppressed of the earth...resort to the fertile plains of our western country, to the second land of promise, and there dwell in peace, fulfilling the first and great commandment." George Washington, letter to David Humphreys, July 25th, 1785.

It may, however, be noted that the ability of a country to assimilate immigrants depends on their number. Yet the present quantity of immigrants to the United States cannot be presumed to degrade this ability. Our Union today has a population of three-hundred and thirty million; ten thousand refugees from Syria, or even a hundred thousand from Central America, are thus mere raindrops in the ocean. For our Republic's character to be distorted by immigration, a majority would have to be formed by new arrivals before they could assimilate. Such a shift has little danger of occurring. At present, our Union admits between seven and eight hundred thousand immigrants a year, roughly equivalent to a quarter of one percent of the whole population; were that number to be multiplied by four, so as to be just over three million or one percent of the population, it would even then take a century for immigrants arriving after 2019 to outnumber everyone here today; and by that time, the first of them – or rather, their descendants – would be as well-assimilated as our fellow citizens whose ancestors came to these United States in 1919.

It could instead be claimed that, even if all immigrants become exemplary citizens, our Union has no capacity for them. Yet this is a weak assertion, for our Republic is a vast country, which still holds wide expanses of sparsely populated land, and whose largest cities pale in size to the metropolises of Asia. Nor, as is sometimes claimed, does immigration bring financial hardship. All countries at times face recession, whether they admit immigrants or not; its causes are usually such things as paucity of credit, or overburdening regulation, or rampant speculation, which are errors made by those already resident. Indeed, arrival of new people, if well-regulated, adds both to the demand for goods and to the capacity for producing them, and thereby grows the economy. Moreover, though in certain circumstances a large increase in immigration might prompt a small decrease in wages, any diminishment in pay ought to be attended by a drop in the price of goods, which are produced more cheaply as a result of cheaper labor. If it is not, that is the fault of monopolies, which stifle competition, not of immigrants, who invigorate it.

We note also that, just as the differences between the States give our Union an advantage over its rivals, so too does the diversity of backgrounds among Americans. It multiplies our skills and talents, makes our foes familiar – for we have brought to our side their former citizens – and builds on that great American strength in war, observed with much consternation by our enemies, of being unfamiliar and unpredictable to rivals who themselves are monotone and doctrinaire.

All this we have said in favor of immigration. But we assert also that, for those not born or naturalized in these United States, residency in this Republic is a privilege, not a right; and if immigration is not well regulated, it will be a source of discord that strains our Union. The torch of Rome shone brightly while that empire made citizens of all races and origins, but it faded when Rome admitted whole tribes into the empire's borders without making them Roman. For our Union to long endure, its citizens must have common principles and a common purpose; it may thus be multi-cultural only to the extent that its new citizens can adapt their old customs and forms of organization to the principles of liberty and the purpose of preserving the Republic.⁶

⁶ “Our principle in this matter should be absolutely simple. In the first place, we should insist that if the immigrant who comes here does in good faith become an American and assimilates himself to us, he shall be treated on an exact equality with everyone else, for it is an outrage to discriminate against any such man because of creed, or birthplace, or origin. But this is predicated upon the man's becoming in that very fact an American and nothing but an American. If he tries to keep segregated with men of his own origin and separated from the rest of America, then he isn't doing his part as an American. There can be no divided allegiance here.” Theodore Roosevelt, letter to Richard Hurd, Jan. 3rd, 1919.

Moreover, as there are costs related to the reception and settlement of immigrants, and because a rapid increase in population can cause economic disruption, there must be attendant laws to ensure that immigration occurs in an orderly manner. To flout these laws is to disregard the sovereign will of these United States, to deny tax revenue to our Union's governments at all levels, and to do an injustice to those immigrants who obeyed the law of their adopted country and thereby bore the inconvenience of migrating lawfully. Unlawful immigration is therefore a trespass and nothing but; circumstances may mitigate it, but not negate it.⁷

For those born on the sovereign territory of these United States, however, citizenship is an inviolable right. That certain legislators and officers, at the apex of our government, do now question that right is a fearful step on the dim road to 'illiberal democracy.' Those officers claim that they merely desire not to reward those who cross the Union's borders illegally with the hope of giving birth on its soil; and it is true that such acts are obnoxious, insofar as they from time to time occur. Yet the consequences of revoking the birthright are twofold and sinister.

First, it creates a forsaken class that holds no right of citizenship anywhere. A child, born in the United States to unlawful immigrants, might not be guaranteed citizenship by the country of its parents. That child did not come into being there, but here; that country thus has no more obligation to the child than this Republic has to the parents. Such children would grow and live without citizenship in either country, and their children would suffer the same fate. As citizenship is the foundation of civic rights, every generation born this way would be condemned to abuse. To punish the child for the trespass of the parent is directly contrary to the enlightened character and principles of our Union, whose Founders recognized such an act as shameful long before the 14th Amendment enshrined into law the right to citizenship at birth.⁸

Second, should the 14th Amendment be subjected to arbitrary interpretation,⁹ before long it shall be interpreted so as to exclude from citizenship any persons whom a particular party or officer in government might find objectionable. To accept such action would be to submit to the basest form of tyranny. We shall say no more on the matter, save that the citizens of these United States, which once declared independence from foreign tyranny, ought never to accept tyranny at home; and thus they ought to uphold the right to citizenship at birth on the soil of this Republic, which is and shall always remain free soil.

Having thus established our principles, we now offer several proposals for consideration by the public. First, the current quotas for legal immigration ought to be modestly expanded, and thereafter maintained at a ratio of the whole population, rather than set at a fixed number. We do not presume here to determine the particular quantity – for that is the duty of Congress, after a period of due debate – but, for the sake of illustration, we suggest that annual issuance of legal

⁷ Those who seek asylum ought to declare their wish to do so at the border, not within it. Only in certain instances, such as when they are being closely pursued by those who mean to do them harm, ought exception to be granted.

⁸ The Constitution prohibits bills of attainder, which were once used in England to condemn the descendants of men convicted of crimes. "No Bill of Attainder or ex post facto Law shall be passed." Art. 1, Sec. 9; "...no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted." Art. 3, Sec. 3.

⁹ "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." *U.S. Constitution*, 14th Amendment. The clause "subject to the jurisdiction thereof," which is the object of the current controversy, is meant to exclude only the children of foreign diplomats, who, as official representatives of their country, are immune to certain U.S. laws and thus are outside the jurisdiction of the United States.

permanent resident visas, which today stands at seven hundred thousand, or less than a quarter of one percent of the whole population, be increased to a third of one percent, which in numerical terms relative to the present population would amount to slightly over one million.¹⁰

We further propose that the largest portion of this increase be allocated for employment-based immigration, which at present constitutes but a fifth of permanent residency visas issued.¹¹ We do so because our argument for an expansion of lawful immigration is not one of generosity or pity, nor purely philosophical, but rather one of national interest. These United States coexist in the 21st century with several other great powers, all of which send many of their promising citizens to our Union to be educated. It is absurd and self-defeating that our Republic provides to these individuals its excellent education, only to evict those of them who desire to remain.

The ‘brain drain,’ as the wish of the well-educated to emigrate to America is known, is a boon to our Republic.¹² It is made all the more so by the ability of Americans to assimilate those talented arrivals, make them good citizens, and allow them to prosper in our free market and thereby contribute to the common wealth. If we deny them this opportunity, we forfeit our gain. Moreover, if we, for instance, send a promising Chinese student, whom we have educated, back home against his will, he shall thereafter harbor a feeling of bitterness towards the United States, which before he admired; and by doing so, we shall have compounded our error, in that we not only forfeited his talent, but returned him to a rival nation which may use his skill against us.

In the case of less-educated immigrants, the hard logic of interest still applies. A greater number of people, as we noted above, can do a greater amount of work, whether that work be menial or exalted. The great powers of this century include the giants of China and India, whose multitudes far outnumber the population of these United States; and as they develop in efficiency and modernity, in time their economies shall dwarf our Union’s, unless it narrows the imbalance by continuing to grow.¹³ Our Republic’s workforce cannot compete by bringing in doctors alone, and therefore we propose that new permanent residency visas be allocated to both skilled and unskilled workers, who show merit in relation to their means of livelihood.

Second, any expansion of lawful immigration must be accompanied by sustained efforts to patrol and secure the inhabited and accessible sections of the borders of the United States,¹⁴ and to enforce immigration laws. The United States, as any sovereign country, has the right to guard its borders, and at times close them, and has the obligation to enforce its laws. To suggest otherwise would be to invite anarchy. Thus, we call for vigorous policing of known routes across the Union’s borders so as to prevent unlawful migration, smuggling, and other crimes.

¹⁰ The Immigration and Nationality Act currently permits issuance of 675,000 permanent residency visas per year. The President sets an additional quota for acceptance of refugees, which in 2019 stood at 30,000.

¹¹ Under the Act above referenced, 480,000 immigrants are granted permanent residency out of family preference, 140,000 for reasons of employment, and 55,000 from the diversity visa lottery. This sum does not count refugees.

¹² “For it’s the great life force of each generation of new Americans that guarantees that America’s triumph shall continue unsurpassed into the next century and beyond. Other countries may seek to compete with us; but in one vital area, as a beacon of freedom and opportunity that draws the people of the world, no country on Earth comes close.” Ronald Reagan, Remarks at the Presentation of the Presidential Medal of Freedom, Jan. 19, 1989.

¹³ “Those who plan for a city to make a great empire should contrive with all industry to make it full of inhabitants, for without this abundance of men one will never succeed in making a city great.” Niccolo Machiavelli, *Discourses on Titus Livy*, Bk. 2, Ch. 3.

¹⁴ We presume, for instance, as a matter of good sense, that nobody intends to argue for committing federal funds towards fencing the wilderness of the Alaska-Yukon border. So it ought it to be for other remote wildlands.

Furthermore, for the purpose of managing sudden surges in attempted migration in a just and lawful manner, we propose an expansion of judicial capacity for matters of asylum and deportation. Our Union, as we noted in previous essays, is in need of more judges; and this is especially so for cases related to immigration, which require timely resolution.

Third, unlawful immigrants already present in these United States, so long as they have committed no crimes,¹⁵ ought to be permitted to earn citizenship upon payment of a restitution. As they have violated the law by their manner of entry into this Republic, it is logical that they ought to make amends in some way before they may be admitted to the body politic as citizens; and as unlawful entry imposes costs on the public, it is fitting that this penance be financial. This restitution could take the form of a personal tax, paid over a period of time, both to the federal government and to the government of the State in which the person resides. Until payment is complete, moreover, the person concerned ought not to be eligible to receive public welfare or pension. Such benefits are a privilege bestowed by the body politic upon its members, and as such ought not to be disbursed to those who are in debt to it, until that debt has been cleared.

In this regard, also, the principle of not punishing the child for the trespass of the parent ought to be observed: for those who immigrated unlawfully to these United States as children the restitution ought to be reduced or exempted. Furthermore, lest our proposed policy engender a belief that trespassing the Union's borders is permissible so long as the trespasser can pay the penalty for doing so, it must be entirely clear that this proposal is a practical matter which applies only to the unlawful immigrants living on U.S. soil today, and is not meant to be repeated.

Fourth, all immigrants seeking U.S. citizenship ought to be required to learn the English language, as is the case today. A civic nation, as we mentioned above, can only persevere if its citizens adhere to the principles and institutions that underpin it, which are themselves derived from the history and culture of the country. The most enduring and accessible source available to the immigrant for learning the values, traditions, and legends which comprise this civic culture is his or her fellow Americans – those present, with whom the immigrant may converse, and those past, whose original works the immigrant may read.¹⁶ To tap this source, a common language is necessary; in our Union, that common language is and has been English.

In practical terms, furthermore, new citizens who can associate on neighborly terms with their fellow Americans shall, on the whole, be better informed of their surroundings, have access to more opportunities, and lead a more satisfied and fulfilled existence than those who, by virtue of not sharing in the common language, remain isolated from the majority in their adopted country. Indeed, English, in addition to being the common language of these United States, is at present the foremost language for commerce and exchange around the world. Its instruction may thus distinctly be considered as a public good and an indispensable part of public education.

Fifth, citizenship ought to be expedited for immigrants who choose to reside in locations outside of existing immigrant clusters, if the local government requests their settlement. There are, across these United States, localities which have declined or stagnated in population, or which suffer a shortage of labor or of certain professions necessary for the public good; and these

¹⁵ By which we refer to criminal offenses of a violent or otherwise grave nature; not, for instance, a traffic ticket.

¹⁶ Including, of course, our Republic's founding documents. Any translation, no matter how excellent, loses some of the original meaning; to read the Declaration of Independence and the Constitution in English is thus invaluable.

cities, towns, and counties might determine that the arrival of new residents is very much in their interest. Yet they are often far from the immigrant's imagination, which is usually fixed on New York, or Los Angeles, or other large cities where a multitude of recent immigrants already reside. We thus propose that the federal government, through the several States, keep an annual list of municipalities, whose local authorities have requested the settlement of new immigrants; and that immigrants be informed of these locations on receiving their permanent residence visas, and if they settle in one of those places, and can prove their residence there, they ought then to be compelled to wait only three years before becoming eligible for citizenship, rather than five.

Such a policy has a threefold advantage. It aids the diversion of new immigrants to areas where their economic contribution shall be greatest, thus building prosperity for those localities and for the Union; it hastens the assimilation of immigrants by drawing them away from large clusters that allow new arrivals to fall back on their home country's language and habits; and it gives citizens, through their local governments, some say in the settlement of newcomers, so that they may mitigate their apprehensions and instead seize immigration as an opportunity.

Sixth, foreign citizens residing in our Republic, who do not represent their government or firm in a diplomatic or commercial capacity, ought, after a certain length of residence, to be required either to seek United States citizenship or else return to their home country. No country ought to be expected to give an indefinite right of residence to an individual who does not both contribute to the commonwealth and owe it undivided political loyalty. It is well and good that legal permanent residents pay tax to the Union and their State of residence; but only the oath of citizenship obligates them come to the Republic's defense if required by law, and charges them with the right and responsibility of participating in its governance. Such a commitment is what distinguished the Roman citizen from the person who merely lived in Rome's empire, and it is still this spirit which animates great nations today. Thus, after ample time is given to reflect and prepare, the question of citizenship ought to be put before all foreign residents, either to accept without reservation and become truly American, or to decline and amicably part ways.

Seventh, dual citizenship ought to be discouraged, except for countries closely allied with these United States, whose association with our Republic binds them to its defense.¹⁷ While it is logical for a citizen to owe allegiance to different levels of government – local, state, and federal – when all are under a common head, it is contradictory for an person to owe allegiance to two independent, sovereign entities not bound by treaty. If a treaty exists but is broken, dual citizenship ought to end with it, for then there is no guarantee that the interests of our Union and those of the other country will not come into conflict; and no country can resolve a conflict to its advantage if it cannot be assured of the allegiance of its citizens.¹⁸

In the case of children whose circumstances render dual citizenship necessary, they ought to be recognized as such until reaching adulthood, at which point they ought then to decide with which nation their first allegiance lies. As for individuals whose families span two countries, and

¹⁷ NATO meets this standard; its members are bound by the North Atlantic Treaty to come to each other's aid. Our Republic also has treaties to similar effect with Japan, South Korea, Australia, and the Philippines.

¹⁸ We do not, however, suggest that the government of the United States, pursuant to such a policy, ought to be able to revoke a person's U.S. citizenship without their consent. To do so, as mentioned above in connection to birthright citizenship, opens the door to tyrannical abuse. The prohibition placed on such an act by the 1967 Supreme Court decision in *Afroyim v. Rusk* is thus largely a good one: the evil wrought by enforcement must not exceed the good brought by a law or policy.

who today hold dual citizenship as a means of facilitating travel between them, we propose that, should they choose to renounce their U.S. citizenship in favor of the other country, our Republic instead grant them a visa which enables them to travel to and visit within these United States with relative ease. Our Union ought then to urge other nations to reciprocate, so as to provide for the access of those who choose to renounce their citizenship there in favor of the United States. This, we reason, shall satisfy compassion by allowing close and continuing contact between kin, and thereby encourage individuals to opt for one, undivided citizenship.

All that we therefore advocate for immigration, we do for the sake of obtaining citizens who are staunchly committed to our Republic's well-being and mindful of their duties to it. We welcome immigrants to these United States; we do so with the full expectation that their political commitment to our Republic be singular, and that they leave behind, in accordance with their citizenship oath, any loyalty to foreign governments they may once have held; and we desire that they build their new lives in this land shoulder-to-shoulder with their fellow Americans, and in so doing ensure that our Union ends the 21st century as strongly and proudly as it ended the 20th.

—U.S. Citizen