

Dual Allegiances?

American Citizenship and Religious Obligations

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This essay sketches an overview of the historical relationship of American citizenship to those who claim dual allegiances, particularly allegiance to religious traditions, and particularly the three great Abrahamic religious traditions, Judaism, Christianity, and Islam. Rogers M. Smith, Ph.D., is Christopher H. Browne Distinguished Professor of Political Science and was President of the American Political Science Association, 2018-19.

Most political communities historically have had an official religion. As a political scientist, I have argued that this is so for a political reason: little if anything inspires political allegiance as much as a belief that it is a divine obligation.¹ The United States was probably the first nation that did not have an established church; but that was not because doing so was altogether foreign to the American mind. It was because some of the new states, like New Hampshire, Massachusetts and Connecticut, had established Congregationalist churches, while many others, including Virginia, New York, Maryland, and the Carolinas, had established the Anglican or Episcopalian Church, though Maryland had originally been a proprietary colony of the Catholic Lord Baltimore.² Only the Baptists of Rhode Island and the Quakers of Pennsylvania adopted policies of religious freedom. This diversity among the newly independent states meant there could be no agreement on a Church of the United States. Instead, the 1787 Constitution banned religious tests for federal offices, and the First Amendment then banned federal laws respecting the establishment of religion or prohibiting the free exercise thereof.

Those dis-establishmentarian measures also reflected the fact that the religious fervor of the First Great Awakening in the early 18th century had died down by the time of the American Revolution, so that many leading revolutionaries came to favor greater separation of church and state, particularly in those colonies where the Anglican Church raised issues of

competing allegiances to England. Jefferson and Madison led the effort to dis-establish the Anglican church in Virginia in the 1780s, with Madison arguing that believers had an allegiance to God that should not be subordinated to state religious mandates. Nonetheless, the American revolutionaries justified their cause partly in religious terms: even the secular-minded Thomas Paine wrote in “Common Sense” that it appeared to be the plan of Providence for America to become independent, and that the new Americans would be a “brotherhood” of “European Christians.” And for many, this meant Protestant Christians: one of the catalysts of the Revolution was the Quebec Act of 1774, which offended Protestant colonists by granting religious freedom and equal status to Quebec’s Catholics.³ Maryland had already reacted against its Catholic origins by banning Catholics from holding public offices, and Catholics were unpopular in most other areas.

Like most nations until the last third of the 20th century, moreover, the United States was long wary of dual allegiances. From the first naturalization act in 1790 onward, applicants were required to take an oath not only to “support the Constitution: but also to “absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, or sovereign.”⁴ Just as for John Locke, whose “Letter concerning Religious Toleration” was widely read in the colonies, for Americans until well into the 20th century, it remained Catholics who were most suspected of holding dual allegiances inconsistent with American

¹ Rogers M. Smith, *Stories of Peoplehood: The Politics and Morals of Political Membership* (Cambridge University Press, 2003), 66.

² Sydney E. Ahlstrom, *A Religious History of the American People* (Yale University Press, 1972), 99-120.

³ Paul Langston, “‘Tyrant and Oppressor!’ Colonial Press Reaction to the Quebec Act,” *Historical Journal of Massachusetts* 34(1): 1-17.

⁴ Peter Spiro, *Citizenship: What Everyone Needs to Know* (Oxford University Press, 2020), 41.

citizenship. Many revolutionaries actually identified with Jews, seeing themselves as God's new chosen people, a conception that contributed to Yale's inscribing its motto, Light and Truth, in Hebrew as well as Latin on its coat of arms. Admittedly, however, this admiration for Jews was somewhat like the admiration Euro-descended Americans sometimes expressed for Native Americans: they had their virtues but they still needed to assimilate if they were to be acceptable in the new Republic. Throughout the first two-thirds of the 19th century, most Jews appear to have done so, sometimes ceasing to identify as Jewish.

Muslims were rare in the new nation, but also not objects of any particular suspicion or hostility. Muslim slaves from Africa suffered brutal treatment, but primarily because they were slaves, not because they were Muslims. When the U.S. settled disputes over the Barbary pirates via the Treaty of Tripoli in 1797, the Senate overwhelmingly approved and President John Adams endorsed its Article 11. It states: "As the government of the United States of America is not in any sense founded on the Christian Religion,-as it has in itself no character of enmity against the laws, religion or tranquility of Musselmen,-and as the said States never have entered into any war or act of hostility against any Mehomitan nation, it is declared by the parties that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two countries" (the U.S. and what is now Libya).⁵

In those same years, however, Adams and his fellow Federalists were increasing the residency period for naturalization, fearing immigrants from monarchical countries and especially from Catholic monarchical countries, as well as just people who might vote Jeffersonian. The Federalists and their naturalization policies lost out after the election of 1800. However, from the 1830s through the 1850s, the influx of Irish and German Catholic immigrants, in the face of the resurgent Protestantism of the Second Great Awakening, spurred the rise of American nativism, beginning with Samuel F. B. Morse's 1835 screed, "Imminent Dangers to the Free Institutions of the

United States."⁶ It portrayed Catholic immigrants, said to "obey their priests as demigods," as tools of a Jesuit conspiracy to subject America to "Roman Catholic...despotism." In a similar spirit, in May and July of 1844 in Philadelphia, government militia assisted Protestant citizens as they rioted against Catholics who opposed using the Protestant bible in the public schools. The Protestant rioters burned Catholic churches and killed and wounded hundreds.

Nonetheless, these nativist campaigns and the later Know-Nothing Parties of the 1850s failed to change U.S. immigration, naturalization and citizenship policies, apart from ultimately conceding the legitimacy of Catholic parochial schools. But after the Civil War, the Grant Administration had no problem authorizing different Christian denominations to take over relations with particular tribes in order to convert them to Christianity; while the Supreme Court had no trouble overriding the polygamous beliefs and practices of the Church of Jesus Christ of the Latter Day Saints as inconsistent both with American republicanism and civilized religions. Throughout the 19th century, most state and local governments actively aided and accommodated the dominant forms of Christianity and hindered minority religions, without protest from American courts.⁷

With those precedents, it is not surprising that many native-stock Protestant Americans of all classes reacted with renewed hostility to the heightened immigration of Southern and Eastern European Jews and Catholics in the late 19th and early 20th century. Calls for immigration restriction began in the 1890s and ultimately produced the primarily race-based National Origins Quota System from the 1920s through the 1960s.⁸ However, the racial theories used to justify that system often portrayed the Jews and Catholics from these regions as constituting the lower, and untrustworthy, ranks of the white race. The revived Ku Klux Klan of the 1920s, based as much in Indiana as in the South, propagated hatred toward Jews and Catholics as much as toward

⁵ Hector Avalos, "The Treaty of Tripoli and the Myth of a Christian Nation," in Warren J. Blumenfeld, Khyati Y. Joshi, and Ellen E. Fairchild, eds., *Investigating Christian Privilege and Religious Oppression in America* (Brill, 2009).

⁶ Samuel F. B. Morse, *Imminent Dangers to the Free Institutions of the United States through Foreign Immigration* [orig. 1835]. Arno Press, 1969.

⁷ Wesley J. Campbell, "A New Approach to Nineteenth-Century Religious Exemption Cases," *Stanford Law Review* (2011), 63: 973-1004.

⁸ Daniel J. Tichenor, *Dividing Lines: The Politics of Immigration Control in America* (Princeton University Press, 2002).

African-Americans. In the Northeast and other parts of the country, Jews like African-Americans came to be denied housing opportunities through restrictive covenants and faced other forms of discrimination. Though Islam per se was still not an object of special suspicion or enmity, the rise of the African-American Nation of Islam was met with the harsh repressions American whites wielded against most forms of African-American self-assertion.

Much changed with America and the world's response to the revelations of Nazi atrocities in World War II, and America's post-war role in trying to be the world's leader toward democracy, freedom, and human rights against what the U.S. portrayed as totalitarian Communism. Early in the war, in a case arising in Pennsylvania, the Supreme Court upheld the promotion of citizenship through requiring even schoolchildren belonging to dissenting religious groups like the Jehovah's Witnesses to salute the American flag at the start of the school day (*Minersville School District v. Gobitis*, 310 U.S. 586 [1940]). But, pressured by civil liberties advocates that included many Jewish leaders, it soon reversed that ruling, seeing it as licensing denials of free expression and religious bigotry (*West Virginia State Board of Education v. Barnette*, 319 U.S. 624 [1943]). The nation went on to elect its first Catholic President, the ardent Cold Warrior John F. Kennedy, in 1960. The Supreme Court banned mandatory school prayers, always overwhelmingly Protestant, in 1962 and 1963 (*Engel v. Vitale*, 370 U.S. 421 [1962]; *Abington School District v. Schempp*, 374 U.S. 203 [1963]). Congress ended the National Origins Quota System in 1965. And though the naturalization oath has continued to require applicants to renounce foreign allegiances, under the pressure of Supreme Court decisions from 1967 on, the State Department has increasingly indicated that the U.S. does not object to most forms of dual citizenship, following that policy strictly since 1990.⁹ In these same decisions, the Supreme Court has narrowed drastically the actions of dual citizens that constitute renunciations of their American citizenship (see e.g. *Afroyim v. Rusk*, 387 U.S. 253 [1967]; *Vance v. Terrazas*, 444 U.S. 252 [1980]).

Conservative Protestants and Catholics formed a political alliance against secular liberalism in the 1970s, greatly contributing to the political successes of modern conservatism in America from 1980 on. Partly as a result, today the Supreme Court has five

⁹ Spiro, *Citizenship*, 105.

Catholic justices; three Jews; and one Episcopalian who was raised a Catholic.¹⁰ These justices all certainly have their critics, but none are suspected of giving allegiance to anyone other than the United States. In 2000, the Democrats nominated an observant Jew for Vice President, and the Democrats' candidates in 2020 included the Jewish Bernie Sanders and Michael Bloomberg, as well as the Catholic Joe Biden, the Episcopalian Pete Buttigieg, the Congregationalist Amy Klobuchar, the Methodist Elizabeth Warren, and the Hindu Tulsi Gabbard. None of these religious affiliations was a campaign issue.

But it is no secret that since the 9/11 attacks, Muslims have come to be regarded with far greater suspicion and hostility, beginning with a Special Registration initiative aimed at Muslim immigrant men during the Bush administration, led by the now-prominent nativist Kris Kobach, and continuing through the mildly modified "Muslim ban" on immigrants from six nations that President Trump has imposed. Trump's Inaugural Address stated that "the bedrock of our politics will be a total allegiance to the United States" and he has sharply criticized the kinds of notions of cosmopolitan or global citizenship that fostered greater acceptance of dual citizenships in preceding decades, while questioning the allegiances of Muslim members of Congress. At the same time, he has promised that in his administration, "Christian heritage will be cherished, protected, defended, like you've never seen before."¹¹

His administration is pushing for the Supreme Court to rule it is not only constitutionally permissible, it is constitutionally mandatory, for states to fund religious schools on the same basis as secular public ones, in order not to be found guilty of religious discrimination. Christian schools are the chief proponents and will be the chief beneficiaries of any such ruling.¹² And though most conservative

¹⁰ Allyson Escobar, "Why do Catholics make up a majority of the Supreme Court?", *America: The Jesuit Review*, July 18, 2018: <https://www.americamagazine.org/politics-society/2018/07/18/why-do-catholics-make-majority-supreme-court>.

¹¹ Donald Trump, 11th Annual Values Voter Summit Speech, Politico, September 9, 2016: <https://www.politico.com/story/2016/09/full-text-trump-values-voter-summit-remarks-227977>

¹² Erica L. Green, "Religious School Choice Case May Yield Landmark Supreme Court Decision," *New*

Christians now see themselves as great allies of Israel and Jews, in order to fulfill what they see as Biblical prophecies that do not in fact end so well for Jews, the resurgence of white nationalist movements in the Trump era has included a new wave of anti-Semitic incidents.¹³ So issues of dual allegiances, and especially the allegiances and the rights of members of non-Christian religions including Muslims and Jews, are gaining renewed prominence in the current moment, as they have periodically since the nation's inception. These are issues that should be addressed in ways shaped by all the perspectives of the diverse variety of American believers and non-believers, not simply those that have historically most shaped the relationship of American citizenship to what many believers see as higher allegiances.

York Times, January 21, 2020:

<https://www.nytimes.com/2020/01/21/us/politics/supreme-court-religion-school-vouchers.html>.

¹³ Ian Lovett, "Rise in Anti-Semitic Incidents Goes beyond Recent Violent Attacks," *Wall Street Journal*, December 27, 2019:

<https://www.wsj.com/articles/rise-in-anti-semitic-incidents-goes-beyond-recent-violent-attacks-11576611407>.