
Patrick WEIL, *The Sovereign Citizen: Denaturalization and the Origins
of the American Republic*
(Philadelphia, University of Pennsylvania Press, 2013)

Weil, in this fascinating book, describes and explains one of the biggest changes in American Citizenship—from being perceived as provisional, qualified and unsecure, citizenship became a legal status that is almost unconditionally guaranteed. The focus on denaturalization alludes to two other significant historical phenomena: the federalization of immigration and naturalization policy in the United States and the importance of the Supreme Court in shaping the legal status of American citizenship.

In Part I Weil describes and analyzes the beginning of the federalization of naturalization and denaturalization in the United States. The initiation of this transition is seen as closely contingent on three main motivations. The first of these is the desire to halt naturalization abuse—mainly political fraud by naturalized citizens and economic exploitation of welfare provisions designated only for citizens. The second is the personal political strategic moves of specific politicians or the individual personality of those who proposed this change. Lastly, the abovementioned transformation was initiated by inter-departmental power struggles and the consolidation of institutional power in the hands of the specific governmental agencies.

The second part of the book presents the evolution of denaturalization and its reinterpretation as a tool to combat “Un-American” activity—that is, the creation of a conditional citizenship. Although this part seems to suggest that there is some underlying principle behind the denaturalization process (namely, the regulation of national loyalty), many times it is the character and beliefs of individual actors that influence the development of this policy. Among the countless examples cited in the book are the personality and politics of George Wickersham, US Attorney General under President Taft, and the “drunken condition” of US District Judge Cornelius H. Hanford.

Part III of the book describes the judicial struggles that eventually removed the conditionality of American citizenship for naturalized

citizens. From an analytical perspective it follows a path similar to the other chapters of the book. There is no inherent perception of American citizenship that directs the judicial decisions regarding denaturalization, but it is the individual traits and performances of lawyers and judges on the one hand, and the composition of the Court on the other, that shape the eventual ruling. Specifically, it was the extraordinary rulings of the United States Supreme Court, under Chief Justice Earl Warren's leadership, that altered the relationship between the American people and their government.

Weil eloquently describes the legal discrepancy, evident at times, that can arise between the reason for denaturalization and the actual provision that is utilized. Emma Goldman was targeted as an anarchist but the initial attempt to cancel her citizenship was achieved by cancelling the naturalization of her former husband. Herman Kremer was not stripped of his American citizenship because of his un-American beliefs, but because those imply that he was dishonest in his naturalization application. Carl August Vogl was probably denaturalized for his unlawful pro-Nazi sympathies, but the objection to his naturalization was that the oath that he took could not have been valid.

Although the book mainly focuses on the policy of rescinding the naturalization of immigrants, at times it also refers to the revocation of citizenship from native-born citizens. It is my belief that those two policies—revocation of citizenship from native-born citizens and denaturalization—are connected. However, the melding of those policies does not fit the book's argumentation. While they share a similar state action of removing someone from the national community, the abovementioned reasons for denaturalization cannot provide a satisfactory explanation for the expatriation of native-born citizens. For example, it is difficult to argue that the desire to take away citizenship from native-born citizens followed the need to reduce naturalization abuse. Additionally, from an administrative perspective, the state cannot take away citizenship from a native-born person for acquiring American citizenship fraudulently or illegally. If denaturalization as a policy was created and developed primarily in relation to immigration issues there is no reason why denaturalization of immigrants and denaturalization of native-born citizens should follow a similar path.

As Weil himself argues, the book traces “the stories of the engineers of America's denaturalization machinery [...] the journeys of those threatened with loss of citizenship [...] [and] the thirty-year battle of ideas between the Supreme Court justices” [185]. The book offers

detailed and convincing historical evidence for his contingent explanation of the emergence and decline of denaturalization. However, this account leaves little room for the argument that the immense transformation in the perception of citizenship follows a specific American political philosophy. I imagine that the author would concur with this interpretation, but it contradicts the subtitle of the book that suggests that denaturalization is inherently tied to the origins of the American Republic. In contrast to this title, and in my opinion, to the relation of the revocation of citizenship to national and international political philosophies of exclusive national identity, the book suggests that denaturalization as a policy was the accumulation of many separate events which eventually led to a coherent policy.

B E N H E R Z O G