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The Trojan Horse of the 21st Century: Immigrants, Foreign Campaign Contributions, and International Politics

KOSTAS A. POULAKIDAS*

INTRODUCTION

Immigrants' use of political and economic resources to influence the policies of their new homeland, in favor of their ancestral homeland, is nothing new.[1] This is especially true for open democracies such as the United States.[2] For years, ethnic groups, largely composed of first or second generation immigrants, have legally contributed millions of dollars into political systems.[3] The influence of the foreign campaign contribution scandals of the 1996 and 1998 elections have brought this growing trend to the forefront of American politics.[4] The globalization of national interest is forcing elected legislators to craft prohibitions on foreign influence in campaigns, in order to maintain national security interest, while delineating the terms of legally acceptable campaign donations of citizens and noncitizens alike.[5]

This trend will continue to expand as economic globalization moves people across borders. The blending of ideas, opinions, and loyalties results in conflict between ethnic interest groups and national policymaking. The exchange of citizenship does not necessarily change an immigrant's loyalty to his or her homeland.[6] Immigrants' loyalties to their homelands provide a legal opportunity

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1. Tom Hamburger & Greg Gordon, *U.S. Foreign Policy is Target of a World of Political Donors: Millions Linked to Other Countries*, STAR-TRIB. (Minneapolis-St. Paul), Mar. 16, 1997, at 21A, *available in* 1997 WL 7558362.

2. *See id.*

3. *See id.*

4. Note, *"Foreign" Campaign Contributions and the First Amendment*, 110 HARV. L. REV. 1886, 1903 (1997).

5. Bruce D. Brown, *Alien Donors: The Participation of Non-Citizens in the U.S. Campaign Finance System*, 15 YALE L. & POL'Y REV. 503, 513 (1997).

6. *See* Hamburger & Gordon, *supra* note 1.

for distant nations both to influence politicians in other countries and to create favorable policies in those countries. In essence, immigrants become a type of foreign operative influencing another nation's foreign and domestic policies through campaign contributions. The pivotal issue becomes whether a foreign government intended to influence another country's policy through normal diplomatic channels or through domestic "interests sympathetic to those foreign governments."[7]

This Trend Paper will examine the use of campaign contributions by immigrants and noncitizens. Part I establishes that the use of campaign contributions by those with foreign interests is not a new development in open democracies. Part II reviews the importance of campaign contributions as a means for those without a political voice to express their opinions within a representative democracy. Part III examines how the globalization of political and economic interests results in foreign influence of domestic policies. Part IV evaluates the role of immigrants in international power politics. The Paper concludes with the realization that for an open democracy to survive foreign influence, the accountability of its elected officials must be scrutinized.

I. A TREND TOWARD POLITICAL ACCOUNTABILITY OR RESTRICTING RIGHTS

Laws in the United States that limit foreign campaign contributions have been described as "a formal, public opportunity for the people of a state through their lawmaking organs to decide whether foreign participation in their elections should be permitted or prohibited."[8] However, immigrants admitted for "permanent residence are exempt from these restraints and are thus free to fund U.S. political campaigns."[9]

Senator Lloyd Bentsen, in his fight to preserve the political voice of immigrants in the United States, asserted that:

> There are many resident immigrants in the United States who have lived here for years and who spend most of their adult lives in this country; they pay American taxes and for all

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7. *Id.* (quoting Ellen Miller). In the United States, an estimated twenty million Americans contribute to political campaigns. FRANK J. SORAUF, INSIDE CAMPAIGN FINANCE 1 (1992).

8. Brown, *supra* note 5, at 503 (citing Lori Fisler Damrosch, *Politics Across Borders: Nonintervention and Nonforcible Influence over Domestic Affairs*, 83 AM. J. INT'L L. 1, 21 (1989)).

9. *Id.*

> intents and purposes are citizens of the United States except perhaps in the strictest legal sense of the word.[10]

Immigrants should not be prevented from contributing to the candidate of their choice simply due to their immigrant status.[11] After all, citizens are just as able to front foreign contributions as are legal noncitizens.[12] Legislators cannot use the recent scandals of foreign money involvement with political campaigns as a reason to restrict noncitizens from the political process.[13] Rather, politicians need to enact safeguards promoting their own accountability in a world of globalized interests.

The recent past has seen the development of a growing trend toward political accountability. During the 1960s, Congress battled with the issue of limiting how much influence foreign governments had on U.S. policy "through techniques outside normal diplomatic channels."[14] The United States responded to these concerns by passing the 1966 Foreign Agents Registration Act that provided additional domestic safeguards against foreign influence.[15] However, these safeguards had their limits. The 1972 Nixon campaign took advantage of these limits "by raising funds directly from foreign sources, a practice that came to light during the Watergate investigation."[16] Regardless of the impact on the public's perception of political accountability, the financial power of foreign countries continued throughout the 1980s as highlighted by accusations that the Marcos government in the Philippines was attempting to circumvent U.S. law by financing presidential elections.[17]

Current U.S. law prevents foreign nations from contributing to federal, state, or local elections.[18] Additionally, "foreign nationals" have been defined to include foreign governments, political parties, corporations, and individuals.[19]

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10. *Id.* at 512 (citing 120 CONG. REC. S4715 (1974) (statement of Sen. Bentsen)).

11. *Id.*

12. *Id.* at 507.

13. *See id.*

14. *Id.* at 509 (quoting Damrosch, *supra* note 8, at 22). These past concerns are similar to today's concerns that foreign money would infiltrate into the financing of political campaigns and prejudice a country's lawmakers against the best interests of the people they represent. *See id.* at 510.

15. *Id.*

16. *Id.*; *see* SORAUF, *supra* note 7, at 7-9.

17. Brown, *supra* note 5, at 504.

18. Note, *supra* note 4, at 1888.

19. *Id.* 2 U.S.C. § 441e(a) (1994) provides that:

> It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with an election to any political office or

However, "[p]ermanent resident aliens are specifically excluded from the definition and are allowed to make both contributions and expenditures."[20] Despite this exclusion, Congress has primarily pursued two approaches in attempting to ban contributions from resident aliens.[21]

The first approach is to "ban contributions from all those ineligible to vote in federal elections."[22] The Campaign Finance Reform Act of 1997 proposed to amend the current law, which prevents foreign nations from contributing to political campaigns, as well as prohibits "contributions from individuals not qualified to vote in federal elections."[23] In effect, this measure prevents contributions from resident aliens since "only citizens are eligible to vote in federal elections."[24]

The second method of limiting foreign influence "is to broaden the definition of 'foreign national' to include resident aliens."[25] This is reflected in the Campaign Finance Reform and Disclosure Act of 1997 which expands the definition of a foreign national. This legislation broadens the definition of foreign national to include "not only non-citizens who have not been admitted for permanent residence, but also non-citizens who are permanent residents," thereby banning contributions from resident aliens.[26]

A growing number of campaign finance reform bills attempt to limit foreign

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> in connection with any primary election, convention, or caucus held to select candidates for any political office.

2 U.S.C. § 441e(b)(2) (1994) defines a foreign national as "an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence."

20. 2 U.S.C. § 441e(b)(2); Note, *supra* note 4, at 1888.

21. Jessica S. Horrocks, Note, *Campaigns, Contributions and Citizenship: The First Amendment Right of Resident Aliens to Finance Federal Elections*, 38 B.C. L. REV. 771, 773 (1997).

22. *Id.*

23. *Id.* at 773-74. Considered the largest criminal campaign finance violation in Congressional history, Congressman Jay Kim (CA-R) pled guilty and was convicted for accepting $230,000 in illegal foreign and corporate campaign contributions. *Republicans Have Real "Convictions" When it Comes to Campaign Finance Abuses* (last modified Mar. 19, 1998) <http:www.house.gov/democrats/outrage/or980319.html>. Congressman Kim was allowed to continue his term and subcommittee chairmanship by wearing a court-ordered electronic monitoring device. *Id.*

24. Horrocks, *supra* note 21, at 774.

25. *Id.* at 773.

26. *Id.* at 774. The U.S. Supreme Court determined in *Buckley v. Valeo*, 424 U.S. 1 (1976) (per curiam), that the federal Election Campaign Act of 1971:

> limited individual political contributions to $1,000 to any single candidate per election, with an overall annual limitation of $25,000 by any contributor. In addition, the Act restricted independent expenditures "relative to a clearly identified candidate" by individuals and groups to $1,000 per year. The Court held that the contribution limitation did not violate the First Amendment, but that the independent expenditure ceiling did unconstitutionally inhibit political speech.

Horrocks, *supra* note 21, at 775; *see* SORAUF, *supra* note 7, at 11-12.

influence on elections. Some ban contributions from noncitizens by "simply delet[ing] the current law's reference to permanent resident aliens" while "[o]ther bills outlaw contributions by anyone not eligible to vote."[27] A few bills prohibit any political participation by anyone not eligible to vote; others prohibit noncitizens from participating in the contribution "decisions of those allowed to spend money on local, state, and federal elections, and would require candidates to verify that no donations from noncitizens had been accepted."[28] Limitations have also been proposed on "corporations that are more than half foreign-owned or foreign-controlled from making contributions or expenditures through [subsidiaries]."[29] The result that these legislative proposals share is that "an entire class of persons or business organizations" would be limited from contributing to campaigns and, subsequently, challenge the principle that campaign contributions constitute protected speech within a democracy.[30] What the legislature fails to address is the political accountability of its own legislators.

II. INTEGRATING IMMIGRANTS INTO THE DEMOCRATIC PROCESS: PROTECTING A NEW VOICE

Two legal principles are evident when granting U.S. citizenship. Under the first principle, "law of the soil," citizenship is provided to those born within the borders of the United States, with the exception of children born to foreign diplomats or to parents who have never lived in the country from which they claim their citizenship.[31] The second principle, "law of the blood," provides citizenship to those with a parent from the United States.[32] Within the United States Constitution, the citizenship clause of the Fourteenth Amendment states: "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."[33] These rights accompanying citizenship are likewise extended to those with green cards who are subsequently allowed to make campaign

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27. Note, *supra* note 4, at 1890.

28. *Id.*

29. *Id.*

30. *Id.*

31. *Dual Citizenship a Dubious Deal*, TAMPA TRIB., Jan. 2, 1997, at 9, *available in* 1997 WL 7027525.

32. *Id.* "Citizenship is also extended automatically to any orphan found in the United States under the age of 5 whose parents cannot be identified." *Id.*

33. U.S. CONST. amend. XIV, § 1.

contributions.[34]

Since noncitizen immigrants are unable to vote, campaign contributions are the most effective means available to voice their concerns on the government actions that affect their lives.[35] When government policies affect resident noncitizens, donations serve as the means for noncitizen immigrants to inform candidates and the public of their opinions while helping to elect those who share their viewpoints.[36]

The emergence of immigrants as a growing political force can be illustrated through the growing participation of Asian Americans in the 1996 U.S. election, where a record 75,000 Asian Americans registered to vote.[37] One catalyst causing this increase in "unprecedented citizenship and voter registration drives" is recent legislation that has been detrimental to the interests of immigrants who have not registered to vote, or who have not yet applied for citizenship.[38] For example, "some of the harshest provisions" of the 1996 welfare reform and immigration laws impact immigrants the most severely, affecting approximately 785,000 noncitizen immigrants, particularly seniors, who stand to "lose safety-net benefits, including Medicare, Medicaid, Supplemental Security Income (SSI), and food stamps."[39] The reaction of campaign-contributing noncitizens and voting immigrants may cause legislators to reevaluate their legislative decisionmaking process in light of the globalization of economic and political interests.

The power of ethnic constituency groups is felt at every level of political decision making. For instance, of the Asian Pacific Americans who participated in the vote on California's controversial Proposition 209, which limited public benefits to noncitizens, an estimated seventy to eighty percent of Asians voted against Proposition 209; of these, approximately thirty-three percent were first time voters.[40] Moreover, the increase in ethnic constituency involvement has a greater impact than just affecting policy issues and subsequent law. The

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34. *Supplement on Indonesia, Nothing Can Hold Back Lippo*, EUROMONEY MAG., Apr. 15, 1997, at 182, *available in* 1997 WL 8526065 [hereinafter *Supplement on Indonesia*].

35. Horrocks, *supra* note 21, at 804.

36. *See id.*

37. Senator Daniel K. Akaka, Asian Americans and the Political Fundraising Investigation, Statement in the United States Senate (Mar. 21, 1997), *available in* 1997 WL 4430891.

38. *1996 Year in Review: Triumphs and Tribulations*, ASIAN WEEK, Jan. 2, 1997, *available in* 1997 WL 11561821.

39. *Id.*

40. *1996 Year in Review: Triumphs and Tribulations*, *supra* note 38. Nevertheless, Proposition 209 passed by a narrow 54 to 46 percent margin. *Id.* This indicates that political participation does not necessarily amount to political control.

spillover effect of more immigrant involvement in the election process results in the election of more candidates with close ties to various immigrant communities.[41] In turn, the election of more political officials sympathetic to immigrants results in more political appointments of individuals with ethnic backgrounds who are supportive of minority and immigration policies, such as affirmative action.[42]

In 1996, Gary Locke became the first Asian American to be elected governor outside of Hawaii, proving that Asian Americans are gaining a political presence in the United States.[43] Following his victory, Governor-elect Locke, at a press conference near where his Chinese grandfather worked as a house-boy, stated that "[t]his is a testament to the democracy in this country that ethnic groups have contributed to the prosperity of this country, that more people of varying ethnic origins are attaining higher office and participating in this system of this great land."[44]

III. GLOBALIZATION: INJECTING FOREIGN INFLUENCE INTO THE LOCAL DEMOCRATIC PROCESS

Within a political arena, the struggle for power is a continual use of political influence to further interests and subsequently gain additional power.[45] In a global environment, where the interrelationship of interests magnifies the reach and impact of power, this quest intensifies. Political candidates, especially in the United States, understand the financial and political power that ethnic groups can provide a campaign.[46] To this end, political campaigns develop strategies to attract ethnic groups.[47] The 1996 South Dakota Senatorial candidates illustrated the power of ethnic politics on national security.[48] The incumbent Republican senator "received more than $100,000 from Indian-Americans supporting his efforts to restrict U.S. arms exports to Pakistan, India's historic enemy. Pakistani-Americans countered by giving $145,000 to

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41. *See id.*; *see also* Marjorie Valbrun, *Caribbean Immigrants' Political Moves Stir Tensions*, WALL ST. J., June 30, 1998, at A20.

42. *1996 Year in Review: Triumphs and Tribulations*, *supra* note 38.

43. Locke was elected governor of the state of Washington. *Id.*

44. *Id.*

45. *See* HANS J. MORGENTHAU, POLITICS AMONG NATIONS: THE STRUGGLE FOR POWER AND PEACE (1993); *see also* SEYMOUR MARTIN LIPSET, POLITICAL MAN: THE SOCIAL BASES OF POLITICS (1981).

46. *See* Hamburger & Gordon, *supra* note 1.

47. *Id.*

48. *Id.*

[his] successful" Democratic opponent.[49] This illustrates the undeniable power of foreign ethnic influence, particularly in a country where Congressional incumbents win the vast majority of the time.[50] Considering the May 1998 nuclear tests by India,[51] the implications of such ethnic influence over U.S. policymakers should be scrutinized, especially where these powerful groups are committing acts that potentially threaten U.S. national security and carry global ramifications.

Despite legislative attempts to restrict foreign influence in elections, loopholes exist in the campaign-finance system that continue to allow contributions from "individuals and corporations either directly linked or sympathetic to foreign countries."[52] Although most of these donations are legal, critics contend that their large presence in elections shows that a nation's policymaking at both the national and local levels is, "in a sense, up for sale to powerful bidders."[53]

> [N]on-citizen campaign contributors' intervention in state legislative races changes the definition of the political community and distorts the character of the campaign process. Non-citizen campaign contributors' special interests can dramatically change the nature of campaign appeals. Their intervention potentially changes the outcome of elections and damages the relationship of loyalty that ought to exist between residents and their officials.[54]

The U.S. Supreme Court has equated the contribution of "money in politics with associational activities and speech freedoms" protected by the First Amendment.[55] However, "[i]t seems quite fanciful to believe that these expenditures will go unnoticed by candidates, and hence will not exert any corrupting influence, or that these expenditures are totally uncoordinated since

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49. *Id.*

50. SORAUF, *supra* note 7, at 85.

51. These tests prompted neighboring Pakistan to respond by conducting five of its own nuclear tests despite efforts by the United States to thwart the escalation of tensions in the region. *See Shaken New World: Pakistan Nuclear Tests, Following India's, Alter the Global Landscape*, WALL ST. J., May 29, 1998, at A1.

52. Hamburger & Gordon, *supra* note 1.

53. *Id.*; *see* SORAUF, *supra* note 7, at 163-64.

54. Brown, *supra* note 5, at 548 (quoting Brief of National Voting Rights Institute, at 19-20 (January 2, 1996) (in defense of Oregon's Measure 6)).

55. *Id.* at 530; Buckley v. Valeo, 424 U.S. 1 (1976).

often candidates and committees share political consultants."[56] The political reality behind the public policies promoting free speech is that "expenditures of significant sums cannot only unduly influence the outcome of elections but can also influence the views of candidates themselves. Otherwise the expenditures would not be made."[57]

Ethnic organizations contribute "tens of millions of dollars annually to influence foreign policy."[58] The pro-Israel lobby has a network of forty-five political action committees (PACs)—each allowed to donate $1,000 to a single political candidate—and thousands of individual donors who are allowed to donate to sympathetic candidates.[59] In recent years, Nigerian political groups have donated over $120,000 to the Congressional Black Caucus.[60] Also, Fortune 500 companies have formed special lobbying groups to encourage Congress to grant Most Favored Nation trade status to China.[61]

In addition to individual donations made by corporate directors and their families, "[f]oreign-owned corporations contribute millions of dollars in 'soft-money' to the national political parties each year; one Canadian firm alone gave $1.9 million to Republicans and Democrats" in the 1996 election.[62] Within the United States, these contributions are legal, provided that the companies have a U.S. subsidiary that generates income.[63] Furthermore, current election law does not include contributions made by private foundations.[64]

Since the 1996 presidential election, the investigation into the Chinese plan to "launch[] an ambitious effort to participate illegally in the U.S. political process, . . . might have been among the signs of the plot at work."[65] Illegality was the initial thought; however, investigators were left with only a "broad

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56. Horrocks, *supra* note 21, at 807 n.353 (quoting Debra Burke, *Twenty Years After the Federal Election Campaign Act Amendments of 1974: Look Who's Running Now*, DICK. L. REV. 357, 369 (1995)).

57. *Id.* (quoting Burke, *supra* note 57, at 369).

58. Hamburger & Gordon, *supra* note 1.

59. *Id.*; *see* SORAUF, *supra* note 7, at 168-69.

60. Hamburger & Gordon, *supra* note 1.

61. *Id.*

62. *Id.* "Soft money contributions" refers to expenditures spent independent of a specific campaign, such as donations to the Democratic or Republican National Committees, newspaper advertisements or non-monetary donations. *See* Buckley v. Valeo, 424 U.S. 1, 20, n.20 (1976). For a recent review of proposed soft money reform measures, see Note, *Soft Money: The Current Rules and the Case for Reform*, 111 HARV. L. REV. 1323 (1998).

63. Hamburger & Gordon, *supra* note 1.

64. *Id.*

65. Alan C. Miller, A *Partisan Tangle over China-Linked Donors; Politics: Where Republicans See a Broad Attempt to Sway U.S. Policy, Democrats See Insufficient Evidence*, L.A. TIMES, Feb. 23, 1998, at A1.

array of Chinese efforts designed to influence U.S. policies and elections through, among other means, financing election campaigns," leaving investigators without proof of illegal conduct.[66] Rather, a legal loophole was found and exploited by the Chinese. Other methods of influence include "increasing diplomatic contacts with the . . . public and the media, lobbying Congress and establishing cultural exchanges with Chinese Americans."[67] In sum, the problem with foreign influence is not with campaign contributions or the illegality of donations; rather, the problems stem from a lack of accountability of elected officials.

IV. THE TROJAN HORSE: USING IMMIGRANTS TO INFLUENCE DECISION MAKING

Shared heritage, patriotism, and nationalism establish a common interest that bind ethnic groups together. This is particularly true when ethnic groups are outside their homeland and have the capability of influencing domestic policies in favor of their ancestral home. Foreign nations understand the power of their immigrant and ethnic groups, particularly when these groups are organized, vote, and make campaign donations on their behalf.[68] This raises the question of who controls domestic policy and national security within an open democracy. Legislators who place the interest of their donors over national interests may find it easier to return to their elected positions in subsequent elections; however, they may return to a weakened country due to their decision making. As globalization continues to bring people into democracies that place a high value on the exchange of ideas and opinions, governments will continue to be forced to balance these freedoms against national interests.

A. The Influence of Immigrants Within Foreign States

Contributions to political parties by legal immigrants bring dual allegiances and conflicts of interest to their new home.[69] In 1996, the Mexican Congress voted to allow and encourage dual nationality for the "millions of Mexicans residing in the United States, for the American children of Mexican parents

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66. *Id.*

67. *Id.*

68. *See generally* SORAUF, *supra* note 7, at 241-42 (explaining that one of the modern forms of campaign contributions is by way of private interest groups).

69. *Dual Citizenship a Dubious Deal*, *supra* note 31.

living here, and for Americans of Mexican descent."[70] This policy will grant "many of the rights and privileges of Mexican citizenship to Mexicans who become U.S. citizens."[71] This appears to be a logical step resulting from the globalization of economies and the movement of labor. However, within the context of international politics, immigration may be as valuable politically as it is economically.[72]

This is especially true for the United States, which has seen questionable conflicts of interest regarding U.S. foreign policy toward Taiwan, China, Thailand, and Indonesia.[73] Recent reports that China attempted to finance U.S. political campaigns has renewed fears that foreign money will compromise foreign policy decisions.[74] This has more to do with international power politics than representative democracy. As one observer put it:

> The Chinese [government is] very ambitious. . . . They see themselves as an emerging superpower and want to balance U.S. influence in Asia. To do that, they want to get the support of Chinese business in southeast Asia, the big players in the local economies. They're more than happy to do favors for influential people.[75]

To prevent foreign influence at the most vulnerable level of democracy —public elections—governments must avoid even the perception that their policymaking is for sale.[76] Citizens and noncitizens alike cannot be allowed to secure changes in a nation's policy in exchange for contributions, nor should there be a question as to whether changes in policy were the result of access bought by wealth.[77] How democratic governments are influenced revolves around whether the influence is through a democratic process intended to reflect the concerns of the public or through the acts of a foreign entity wishing to substitute its own interests in place of national interests. A foreign government strategically directing funds into a country is a far greater threat than if the funds come from citizens sympathetic to a foreign

70. *Id.*
71. *Id.*
72. *See id.*
73. *Id.*
74. Hamburger & Gordon, *supra* note 1.
75. *Supplement on Indonesia*, *supra* note 34.
76. *See id.*
77. Horrocks, *supra* note 21, at 803.

government.[78] If a nation's foreign policy is considered "for sale to the highest contributor," it seriously jeopardizes its credibility and independence in the international community.[79] Placing national foreign policy decision making "in the hands of foreign powers, through resident aliens, would be the ultimate blow to national sovereignty."[80]

B. Democratic Process v. National Security

A country's power toward aliens is inherent in sovereignty maintained through international law.[81] When a government is unable to control foreign access to its borders, it subjects itself to the encroachment of a foreign government.[82] International politics and the globalization of economies will continue to protect national sovereignty from foreign influence on national security issues.[83] National policy "toward[] aliens is intricately interwoven with its foreign relations policies, war power, and maintenance of the republic."[84] Nations understand that the advantage gained by undermining a competing nation's strength within the international community can be furthered simply by filling its competitors' borders with its own nationals. Ironically, in a globalizing world, that which makes democracies great—the diverse voices of its citizens and the openness of its elections—also serves those nations wishing to undermine a foreign democracy's economic strength and, in essence, its status within the international community. In effect, immigration can serve as a modern day Trojan Horse.

Globalization has increased immigration, and immigrants with emotional ties to their original homelands continue to impact policies in the countries in which they reside through their participation in the electoral process.[85] Without campaign finance laws ensuring accountability, policy decisions are becoming "defined not by a sense of national interest but by the political influence and

78. Hamburger & Gordon, *supra* note 1.
79. Horrocks, *supra* note 21, at 807-08.
80. *Id.* at 808.
81. *Id.* at 807.
82. *Id.* at 781.
83. *Id.*
84. *Id.* at 785.
85. James M. Wall, *Toward a National Interest: The Fragmenting of Foreign Policy*, CHRISTIAN CENTURY, Dec. 17, 1997, at 1179, *available in* 1997 WL 9385466.

vocal passions of various commercial and ethnic interest groups."[86] Critics in the United States contend that this path results in "less of a foreign policy in a traditional sense of a great power than . . . the stapling together of a series of goals put forth by domestic constituency groups. . . . The result is that American foreign policy is incoherent."[87]

In a global world with limited resources, nations gain power not by overthrowing another country; rather, power is gained by ensuring favorable treatment and economic benefits through that country's legal processes.[88] Such is the nature of politics and power. In an open democracy, campaign contributions may equate to free speech.[89] Realistically, however, in a globalized world, money equals power, control, and influence. As globalization continues to integrate societies, the solution for democratic nations will become more related to the accountability of their elected officials. Representative democracies require all voices to participate in some manner. However, because political campaigns require money, and as the cost of running for public office increases, politicians will continue to listen to those who can finance their campaigns. Until financial and ethical accountability is brought into political campaigns, foreign nations will continue to influence domestic policymaking.

C. Winning Access Is Not the Same As Dictating Policy

Globalization continues to interweave foreign interests with domestic concerns. However, the extent of foreign control over national policy is anything but certain. The American Israel Public Affairs Committee (AIPAC), considered the most powerful U.S. foreign policy lobby, is an example of constituency influence and financial power.[90] AIPAC's past president, Robert Asher, and his family, contributed $418,720 to federal campaigns from 1992 to 1997.[91] Over the last fifteen years, he has helped raise millions of dollars in donations to both political parties in the United States.[92] In the end, AIPAC has been credited with "securing the [three billion dollars in] U.S. aid that Israel

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86. *Id.* (citing Samuel P. Huntington, *The Erosion of American National Interests*, FOREIGN AFF., Sept.-Oct. 1997, at 28).

87. *Id.* (quoting Huntington, *supra* note 86, at 40).

88. *See* MORGENTHAU, *supra* note 45, at 29-30.

89. *See* Horrocks, *supra* note 21, at 788.

90. Hamburger & Gordon, *supra* note 1.

91. *Id.*

92. *Id.*

gets each year."[93]

However, "winning access is not the same as dictating policy."[94] For instance, Israel's inflexibility in dealing with the Palestinians led President Clinton to express "his disapproval of Israeli Prime Minister Benjamin Netanyahu's policies by refusing to see him on his [1997] visit to the [United States]."[95] A few days later, the President met with former Isreali Prime Minister Shimon Peres and Leah Rabin, widow of Itzak Rabin, who symbolize opposition to the Netanyahu administration.[96] This is evidence that there are limits to an organized foreign constituency and its financial power in light of national interests.

Nevertheless, an elected official's autonomy may correlate to his or her reliance on the support of a specific constituency group and the scope of their elected duties. The President's displeasure with Israel was not shared by members of Congress "where Israel's supporters have a large influence because of their financial contributions and concentrated Jewish voting blocs in state and district elections."[97] Members of Congress who have an "ideological or pragmatic commitment to an ethnic cause are less likely to worry about overall foreign-policy strategy. Their focus is on the next election."[98] This makes members of Congress particularly sensitive to the interests of ethnic groups who are concentrated in their districts. However, in contrast to Congress, the President is "charged with developing an overall strategy, not simply collecting ethnic agendas."[99] The President has the political luxury of being elected by a broad spectrum of constituencies that dilute individual influences over the President, thereby allowing the President to focus on the interests of the nation as a whole rather than on those of a few interest groups.

Foreign policy is no different than any other policy in a globalizing world.[100] The integrity of a nation's foreign policy formation is just as important as the integrity of its agriculture or economic policy.[101] The purpose of any national legislature is "to maintain the integrity of the government by preventing . . .

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93. *Id.*
94. Brown, *supra* note 5, at 551.
95. Wall, *supra* note 85.
96. *Id.*
97. *Id.*
98. *Id.*
99. *Id.*
100. Horrocks, *supra* note 21, at 808.
101. *Id.* at 808.

subversion and . . . corruption" in their system of government.[102] National independence and credibility in the international arena are equally called into question when it appears that any domestic policy has been formulated for the benefit of a particular group of contributors. For a government to curb the influence of resident aliens seeking changes in its foreign policies, legislators must also "curb the influence of wealthy citizens seeking changes in domestic policies" regardless of their nationality.[103] Wealth has the potential to corrupt regardless of its origin.

CONCLUSION

Globalization continues to bring foreign ethnic groups and their resources together in new homelands. This has increased the need for nations to prevent improper influence on its elected policymakers by resident aliens.[104] The answer will not be found in more restrictive immigration laws. These limitations do nothing to prevent a foreign state from influencing politicians through its nationals who have immigrated to another country.[105] Moreover, protectionist policies restricting public debate will harm the democratic process more than ensure its legitimacy.

Concerns over foreign influence must be balanced against the need for resident aliens to be heard through campaign contributions.[106] The effort to protect national interest from outside influence must aim at how political candidates raise their money, not on restricting immigrants' access to the democratic process. Many democratic principles will be seriously questioned if campaign contributions by legal aliens are restricted. Rather, Congress must focus both on the accountability of its elected officials and closing the campaign finance loopholes that allow foreign States to influence national decision making.[107]

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102. *Id.* at 782.
103. *Id.*
104. *See id.* at 804.
105. *See Dual Citizenship a Dubious Deal*, *supra* note 31.
106. Horrocks, *supra* note 21, at 804.
107. *See* Note, *supra* note 4, at 1903.