

Educational Brief

Allegiance, Treason, and Armed Resistance in the United States

Purpose and Scope

This document explains **how U.S. law defines treason**, how **allegiance** determines who can commit it, and how **other criminal offenses** apply when individuals—citizens or non-citizens—take up arms or otherwise act against the United States, its military, or its lawful authority.

It is intended for **civic education**, legal literacy, and constitutional understanding. It does **not** advocate violence or unlawful conduct.

I. Treason Under the U.S. Constitution

Constitutional Definition

Article III, Section 3 of the U.S. Constitution defines treason **narrowly**:

Treason against the United States shall consist only in
(1) **levying war against them**, or
(2) **adhering to their enemies, giving them aid and comfort**.

This narrow definition was intentional. The Framers sought to prevent abuse of “treason” as a political weapon.

Key Elements Required

To convict someone of treason, the government must prove:

1. **Allegiance to the United States**, and
2. **Levying war** against the U.S. or giving **aid and comfort** to its enemies, and
3. Strict evidentiary standards (including witnesses or confession in open court).

II. Allegiance: Who Owes It and Why It Matters

Citizens

- U.S. citizens owe **permanent allegiance** to the United States.

- If a citizen takes up arms against the U.S. or materially aids its enemies, treason may apply **in theory**—though prosecutions are rare.
- **Should they be rare?**
- **US argues for accountability, especially when our service members are threatened by armed civilians or militias. We feel that such citizens put US at risk.**

Foreign Nationals Outside the U.S.

- Foreign nationals **with no presence or allegiance** to the United States **cannot commit treason**.
- They owe no duty of loyalty; therefore, they cannot legally “betray” the U.S.
- Such individuals are treated under **international law** or **war-related statutes**, not treason law.
- First borns are considered US citizens, though their parents, and families may have allegiance elsewhere, narrowing their support for the USA.

Foreign Nationals Residing in the U.S.

- Foreign nationals **domiciled or residing** in the United States owe a **temporary, local allegiance**.
- U.S. courts have long recognized that this limited allegiance can, in extreme cases, support a treason charge if the person:
 - Levies war against the U.S., or
 - Adheres to U.S. enemies and gives them aid and comfort.

This principle is often summarized from early case law as “**temporary allegiance while under U.S. protection**.”

Is becoming armed and threatening US citizens (military included) an act of war?

III. Armed Resistance and the Law

Taking Up Arms Against the U.S. or Its Military

Regardless of immigration status, **armed resistance** against U.S. military forces or federal authority is **unlawful**.

However, the **legal label** depends on status and conduct:

- **Citizens or resident aliens:**

- Potential exposure to treason (rare),
- Plus other serious crimes (seditious conspiracy, insurrection, terrorism-related offenses).
- **Non-resident foreign nationals:**
 - Not treason, but may be charged with:
 - Espionage,
 - Terrorism offenses,
 - Material support to designated groups,
 - War crimes (if applicable),
 - Federal weapons and conspiracy crimes.

IV. Treason vs. Espionage vs. Other Crimes

Treason

- Requires allegiance.
- Requires levying war or aiding enemies.
- Extremely narrow and rarely charged.

Espionage

- Does **not** require allegiance.
- Covers spying, intelligence gathering, sabotage, or assistance to foreign powers.
- Most common charge used against foreign agents.

Other Applicable Offenses

Depending on conduct, prosecutors may use:

- Seditious conspiracy,
- Insurrection or rebellion statutes,
- Terrorism-related laws,
- Firearms and explosives offenses,
- Conspiracy and material-support laws.

These statutes are often **easier to prove** than treason and carry severe penalties.

V. Illegal Immigration Is Not the Same as Treason

- **Illegal presence** in the United States is a **civil or criminal immigration violation**, not treason.
- Advocacy for immigration policy changes, even if controversial, is **protected speech** unless it crosses into criminal conduct.
- Only **acts involving violence, armed resistance, or direct support for enemies** trigger the serious national-security statutes discussed above.

VI. Key Takeaways (Plain-Language Summary)

- **Treason charges have been rare and tightly defined.**
- **Allegiance is the threshold issue**—you cannot betray a country you do not owe loyalty to.
- **Foreign nationals generally do not commit treason**, but may commit **espionage or terrorism-related crimes**. ←
- **Resident aliens can owe temporary allegiance** and, in extreme cases, could be prosecuted for treason.
- **Armed resistance against U.S. forces is illegal for everyone, regardless of status.**
- **Most cases are prosecuted under non-treason statutes because they are clearer and more effective.**

Educational Note

Understanding these distinctions matters because misuse of the word “**treason**” can undermine constitutional protections, escalate rhetoric, and obscure how the law actually works. The U.S. legal system deliberately separates **political disagreement, immigration enforcement, and armed hostilities** into distinct legal categories.

Word to the wise:

Do not cross the military boundaries of US citizens, our allegiance is to the USA.