

Citizenship for Service:
Substitution, Commutation, and “Green Card Troops”

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On July 4, 2002, President Bush announced that all non-citizens serving in the U.S. armed forces would be immediately eligible for citizenship. His executive order allowed about 15,000 active duty members of the military to apply for expedited citizenship as a reward for their efforts:

Thousands of our men and women in uniform were born in other countries, and now spend each day in honorable service to their adopted land. Many of them are still waiting for the chance to become American citizens because of the waiting period for citizenship. These men and women love our country. They show it in their daily devotion to duty. Out of respect for their brave service in this time of war, I have signed an executive order allowing them an immediate opportunity to petition for citizenship in the United States of America.¹

The announcement was part of his Independence Day speech, and it was simply one of the many points he made that day. Due to a recent Ninth Circuit Court ruling, the fanfare and media's attention were mainly focused on Bush's opinion of the Pledge of Allegiance. On the one hand, this choice was unremarkable because Bush's executive order was simply a repetition of what other Presidents before him had done: in times of war, citizenship can be granted immediately by executive order.² On the other hand, in a time when immigration is a controversial issue – with its defenders and detractors battling about amnesty for undocumented immigrants, Elian Gonzalez, terrorism, H1B visas and profiling, among other issues – it is surprising that the President granting citizenship to thousands of aliens would receive no more attention than his reaffirmation that the phrase “under God” belongs in the Pledge.³ There was very little emphasis (and no debate) by reporters or pundits on the idea of citizenship in exchange for service, and very little public reaction to the announcement.

¹ www.whitehouse.gov/news/releases/2002/07/20020704-3.html

² This is authorized under the Section 329 of the Immigration and Nationality Act (8 U.S.C. 1440).

³ I use the term “alien” in this paper for two reasons: (1) it allows me to make a distinction between immigrants who have not yet naturalized and groups in American society that historically were not considered citizens for reasons of race, and (2) it is the terminology used in government documents, both historical and contemporary. According to the Immigration and Naturalization Act, an alien is “any person not a citizen or national of the United States.”

Less than nine months later, the story has changed. The media is now reporting numerous stories about how citizenship is being granted to the “green card troops” for their heroic efforts (Navarrette 2003). Political leaders are also calling for legislation to simplify the naturalization process and grant greater benefits to these noncitizen soldiers and their families (Bustos 2003; Wilkie 2003).⁴ One reason for the current news interest and focus is that noncitizen U.S. soldiers were some of the first casualties in Operation Iraqi Freedom. For example, Lance Cpl. Jose Gutierrez, who arrived in the U.S. as an illegal immigrant, was the second U.S. serviceman to die in combat, and of the first ten Californians killed in the war, five were noncitizens (Hernandez and Lopez 2003). There appears to be a consensus, at least from the news stories, that the service of these immigrant soldiers is praiseworthy and should be rewarded, and that “there are none worthier of U.S. citizenship” (“Defenders” 2003).

What is not being discussed much is the policy of allowing noncitizens to serve in the military and expediting their application for citizenship. Some liberals have noted the casualty list and disapprove the idea of using members of a disadvantaged group as cannon fodder, but this criticism essentially echoes concerns about the overrepresentation of racial minorities in the military. These critics argue that the government is using poor immigrants’ desires for citizenship to exploit them; for example, Connie Rice, a civil rights attorney, argues that “Especially at a time when the doors for citizenship are closing, this may be one of few routes left. It’s a tough but well-worn path. Is it fair? No.” (Connell & Zamichow 2003).

However, few critics are asking *why* we have noncitizens in our military in the first place (see, for a rare example, Krikorian 2003). In this paper, I want to argue that granting citizenship

⁴ The “Citizenship for America’s Troop Act,” sponsored by Senator Barbara Boxer (D-CA) and Representative Martin Frost (D-TX), would exempt soldiers from paying the \$300 application fee and would allow them take the required citizenship exam abroad (Bustos 2003). Representative Darrell Issa (R-CA) is proposing to grant citizenship to survivors of noncitizen soldiers, even if they are in the country illegally (Wilkie 2003). Given current laws, this legislation really would only change situations where a soldier was married to a temporary visa holder or illegal immigrant.

for military service – a policy as American, at least in heritage, as apple pie – is a combination of substitution and commutation, policies that were abolished in the late 19th and early 20th centuries in this country. Furthermore, in contrast with those two defunct policies, granting citizenship for service will continue for three reasons: (1) noncitizens are outside the bounds of what Americans see as their community, and this policy, particularly in the age of the all-volunteer force, (2) highlights the value of American citizenship, while (3) allowing Americans to be “casual patriots” (Lane 1965).

Brief History of Aliens in the U.S. Military

In addition to principles based on blood (*jus sanguinis*) and birthplace (*jus soli*), citizenship in the United States is now, and has been, rewarded on a principle of *service*, both involuntary and voluntary. Non-citizens have been engaged in American battles since the Colonial period, as both volunteers and conscripts. At the founding of this country, in some states, military service could be substituted by white males for the property requirement to gain one of the rights of citizenship, the eligibility for the vote. However, as the Revolutionary War dragged on, the calls to arms that were based on patriotism and money or land failed to gather enough recruits. As a result, some states’ militias were expanded to include noncitizens, often using state citizenship as an inducement for military service (Chambers 1987, 22, 231). Both the British and the Continental Armies also promised freedom to slaves if they deserted their masters and fought for the King or Colonies, respectively.⁵

⁵ Since whites who were drafted for the Continental Army sometimes sent slaves as substitutes, by 1779, about 15 percent of the army was African American (Fleming 1997). The history of African Americans in the military has been the subject of much scholarship (see, Buckley 2001; Berns 2001; Moskos and Butler 1996; Nalty 1986). The acquisition of citizenship status by African Americans after the Civil War, and the subsequent deprivations of concomitant rights due to racism are an important part of the history of the country, but in this paper I am interested in focusing on non-citizens who were not denied citizenship because of their race, i.e. what was the effect of immigrant status on the relationship between citizenship and military service, independent of racial considerations. Obviously, the denial of citizenship – both its status and its rights – because of race was not limited to African Americans. Native Americans did not gain the

The service of propertyless whites, free blacks, slaves, and even convicted criminals in local self-defense led to greater (or restored) political rights and the right to vote at the local level (Kestnbaum 2000). This reversed the traditional relationship between military service and citizenship: citizenship followed military service rather than the converse. Also, the states and Congress eased the American property requirement to vote in electoral assemblies for soldiers who fought in the Continental Army.⁶

Non-citizens were also recruited after the Revolutionary War, during the War of 1812 and the Mexican War, as well as during peacetime (Jacobs and Hayes 1981). However, inclusion seemed to be determined by expediency and need for soldiers, particularly during wartime labor shortages. In the 1820s, for example, there were many Irish and German soldiers in the peacetime army, but as a result of a nativist backlash, these immigrants were later excluded from state militias and national guards. The desire was to create a “pure American militia,” not one that was Catholic or “ethnic” in any way (Chambers 1987, 38). There was no shortage of soldiers at that time, so political leaders had the luxury of picking and choosing whom they considered “ideal” Americans to fill the ranks. In 1894 – again in peacetime – Congress passed legislation that stated:

In time of peace no person...who is not a citizen of the United States, or who has not made legal declaration of his intention to become a citizen of the United States...shall be enlisted for the first enlistment in the Army.⁷

During the Civil War, the military once again faced a labor shortage, and immigrants – naturalized or not -- were again recruited for the Union Army. When the first national draft was adopted in 1863, all immigrant males who had legally declared their intention to naturalize (“declarant aliens”) were included. The following year, an amendment to the draft law stated that declarant aliens who refused to be conscripted could be deprived of their political rights and

right to citizenship until the 1920s, and different Asian immigrants struggled to naturalize up until the mid-20th century, partially due to judicial indecision about who was White or Caucasian (see Haney-Lopez 1996 and Benn Michaels 1995).

⁶ In general, the property requirement kept the poor from voting (Kerber 1997).

deported. As one Congressman explained, every man should “fight, pay, or emigrate” (Chambers 1987, 59). Tens of thousands of resident aliens were affected by this change because it not only affected declarant aliens, but also any foreign-born males who had voted; by voting, these individuals were assumed by Congress to have implicitly declared their intention to naturalize (Walzer 1970, 107-8). Chambers documents that about a quarter of the Union Army was staffed by foreign-born soldiers (1987, 49).

The first time military service affected naturalization at the *national* level was during the Civil War, with the Act of 17 July 1862 (LeMay and Barkan 1999; Kettner 1978). These “one paper naturalizations” served as an important inducement to recruit aliens to serve in the Union Army. Aliens who served the U.S., received an honorable discharge, and had one year’s residence were to be granted citizenship upon their petition. The legislation allowed these alien veterans to skip the “first papers” that declared their intent to apply for citizenship in the two-step naturalization process; they also would not have to wait the normal five year residency ordinarily required.⁸ The right to naturalize, in other words, served as both reward and incentive to serve in the military. In 1894, the legislation was extended to veterans of the Navy and Marines.

By the turn of the century, there was again strong support for immigrants to serve in the military. During the 1910s and 1920s, some political leaders viewed military training as one method for “Americanizing” immigrants, with the Army serving as a melting pot. According to this view, military training would homogenize the different ethnic groups, and would integrate them into the fabric of American society.

During World War I, immigrants who were not volunteering or being recruited by the draft were the targets of resentment.⁹ As newspaper editorials explained, “Those who are most patriotic and most intelligently loyal are necessarily sacrificed in the defense of the least patriotic and least loyal...” (Chambers 1987, 162) and “The country that is good enough to live in is good

⁷ Act of 1 August 1894.

⁸ For everyone else, declaration of intent was required until the 1952 INA.

enough to fight for” (Chambers 1987, 228). In other words, “good Americans” were dying for free-riding “slackers” and “loafers” (Chambers 1987, 163). One politician combined the idea of fulfilling obligations with Americanization:

We have in this country over two million Jews of military age and many more millions of pacifics [sic] and pacifics [sic] sons of like age, none of whom will volunteer. Compulsory service will make good American citizens of these classes. My ancestors fought in the revolution and rebellion and I can assure you this is the feeling of the intelligent men of this section (Chambers 1987, 163).

Besides the symbolic problem of Americans dying for “parasitic” foreigners in the U.S., there was also a tactical issue at stake: over 15 percent of registrants for the selective service were exempt because of the vast numbers of non-declarant aliens in the country at that time. Plus, since the number of men drafted in a local area was based on total population and not eligible registrants, there was the sense that these “loafers” were also increasing the draft burden for American citizens and declarant aliens.

In the end, roughly one in five wartime draftees during the First World War were foreign-born, and approximately 9 percent were not citizens. The practice begun in the Revolutionary War of granting (state) citizenship for military service in wartime was also continued after WWI¹⁰, and over a hundred thousand aliens were granted American citizenship as a result of their service.¹¹ The Act of 9 May 1918 consolidated the two Civil War bills to cover both military and naval service.¹²

⁹ While they had to register, they were considered exempt because of their noncitizen status.

¹⁰ One practical concern for naturalizing the noncitizen soldiers was that if they were captured, they might otherwise be subject to treatment as traitors by their countries of birth.

¹¹ State citizenships that were granted before the Constitution was signed were made null and void by its ratification. This is one reason why the Marquis de Lafayette received honorary citizenship of the U.S. only in the Summer of 2002. While he had been made a citizen of eight different states following the Revolutionary War, he was never granted American citizenship after the United States was established. He was honored for his service to this country, and is only the 6th individual to receive such an honor.

¹² And, in 1935, Congress finally allowed the naturalization of alien World War I veterans who had been denied the right because of their race (Muller 2001). Previously, courts had upheld *Ozawa* (1922) and *Thind* (1923), saying these cases precluded the right of Asian aliens who were veterans from benefiting from the post-WWI legislation that granted citizenship to aliens and noncitizen nationals.

The practice of expediting citizenship for alien veterans of wars continued past World War II. There seems to be disagreement over exact numbers, but according to the Immigration and Naturalization Service, from 1911 to 1920, 244,300 soldiers were naturalized (“Naturalizations” 1977-8). Between WWI and WWII, there were 80,000 such military naturalizations, and between 1942 and 1947, 121,342 more alien soldiers were naturalized. The practice was repeated during World War II, the Korean War, the Vietnam War, the Persian Gulf Conflict, and the current “War on Terrorism.” Naturalization did not depend on time that was spent in active duty during the war, and it was granted regardless of location where the service took place.¹³

In addition to legislation affecting wartime service, as part of the Immigration and Naturalization Act (section 328), noncitizens who served for three years in the military during peacetime and were honorably discharged could also be naturalized without the usual 5 year tenure requirement. No actual residence or physical presence in the US is required. Many soldiers who did not serve when the U.S. was actively engaged in a war or conflict were thus also able to gain citizenship.

During the Cold War, noncitizens were also explicitly recruited as a result of the 1950 Lodge Act, which provided for the enlistment of aliens for their knowledge of foreign technology, weaponry, languages, and geography. However, numerous questions of loyalty and patriotism were first raised by both sides of the legislative debate. For example, Congressman Allen expressed concern about Nazi and Communist spies: “...in times like these when we hear about all our other departments of the Government having reds and Communists and subversives in

¹³ Reagan passed a similar executive order in 1987 for aliens and non-citizen nationals who served in the Grenada campaign. However, because he restricted its beneficiaries to those individuals who had active-duty service in Grenada, this executive order was voided by the courts.

them, above all, I want to see that the United States Army is 100 percent American.”¹⁴

Congressman Rich elaborated on what it meant to be “100 percent American”:

I want the Chief of Staff of the American Army to see that we educate our own American boys to be in our Army...men whom you can trust, men who are good American citizens, born in America or naturalized American citizens, men that we are going to pay with American dollars, men that are Americans from the top of their head to the soles of their feet...I do not want any foreigners.¹⁵

There is an interesting distinction being made between *naturalized* citizens and the Lodge Act’s beneficiaries, who would be *potential* citizens; the immigrants who had already become citizens did not necessarily act in any patriotic way, other than swear an oath of loyalty at the time of naturalization, but they were considered Americans.¹⁶ In other words, legal citizenship status was seen to have a transformative power, such that immigrants who had naturalized had crossed the boundary to become part of the community; they were Americans from head to toe.

Congressman Abernathy also argued in opposition to the Lodge Act that “American citizenship is something which is coveted around the world. Does not [its supporter] think that we are lowering it to a very ordinary category when we use it as a lure to get spies into the Army of the United States?”¹⁷

¹⁴ Congress, House. Congressman Allen of Illinois speaking against the Enlistment of Aliens in the Regular Army. 81st Cong., 2nd sess., Congressional Record (22 June 1950), 9095.

¹⁵ Congress, House. Congressman Rich of Pennsylvania speaking against the Enlistment of Aliens in the Regular Army. 81st Cong., 2nd sess., Congressional Record (22 June 1950), 9098.

¹⁶ In the oath of enlistment, an enlistee swears to “support and defend the Constitution of the United States against all enemies, foreign and domestic; that [he or she] will bear true faith and allegiance to the same; and that [he or she] will obey the orders of the President of the United States...” Similar language is used in the oath of citizenship, although the citizenship oath mentions service to the U.S. explicitly, while it is assumed in the enlistment oath. The main difference is that in the citizenship oath, the individual renounces all other allegiances to states in which he or she was a former subject or citizen.

¹⁷ Congress, House. Congressman Abernathy of Mississippi speaking against the Enlistment of Aliens in the Regular Army. 81st Cong., 2nd sess., Congressional Record (22 June 1950), 9099.

Proponents of the Lodge Act acknowledged those concerns and used prominent historical examples as heuristics to mitigate those fears. Congressman Short from Georgia explained that he, too, had been taken aback by the legislation at first:

Naturally, one would think of foreign legions, of hired Hessians, and wonder if we have reached such a low level in this country that red-blooded Americans are not any longer willing to face danger and, if necessary, die for their country but would have to depend on foreign mercenaries.¹⁸

However, he concludes his speech with the following history lesson:

George Washington, a British subject, led our American Revolution and Lafayette, a citizen of France, helped him win our independence. We do not have to question the patriotism of any of these foreigners or aliens who are willing to join us because of their comparable political background, because of their love of freedom, because of their devotion to liberty, because of their similar philosophy of life...¹⁹

And if someone is willing to risk his or her life for a country, there is an obvious obligation to reward that sacrifice.²⁰ This exchange of citizenship for service was obvious to some legislators, and problematic to others. Lodge, in defense of his bill, argued that “this proposal is truly one for the benefit of the United States. It is not a ‘hand-out.’ It is no cold-blooded hiring of mercenaries. It is an honorable exchange whereby both parties benefit – and therein, I think, lies its special strength.”²¹ The Lodge Act passed, but partially because an upper limit of 2500 such recruits was established, so as to mollify fears of Communist infiltration.

Overall, through voluntary service and drafts, a large number of noncitizens have become Americans as a result of their service in state militias and the different branches of the U.S. armed forces. The INS’s annual *Statistical Yearbook*, from 1945 to 1999, report that there have been over 260,000 noncitizens whose naturalization was expedited because of military service during times of war and peace. Figure 1 shows the rise and fall of the numbers of naturalizations that

¹⁸ Congress, House. Congressman Short of Georgia speaking for the Enlistment of Aliens in the Regular Army. 81st Cong., 2nd sess., Congressional Record (22 June 1950), 9103.

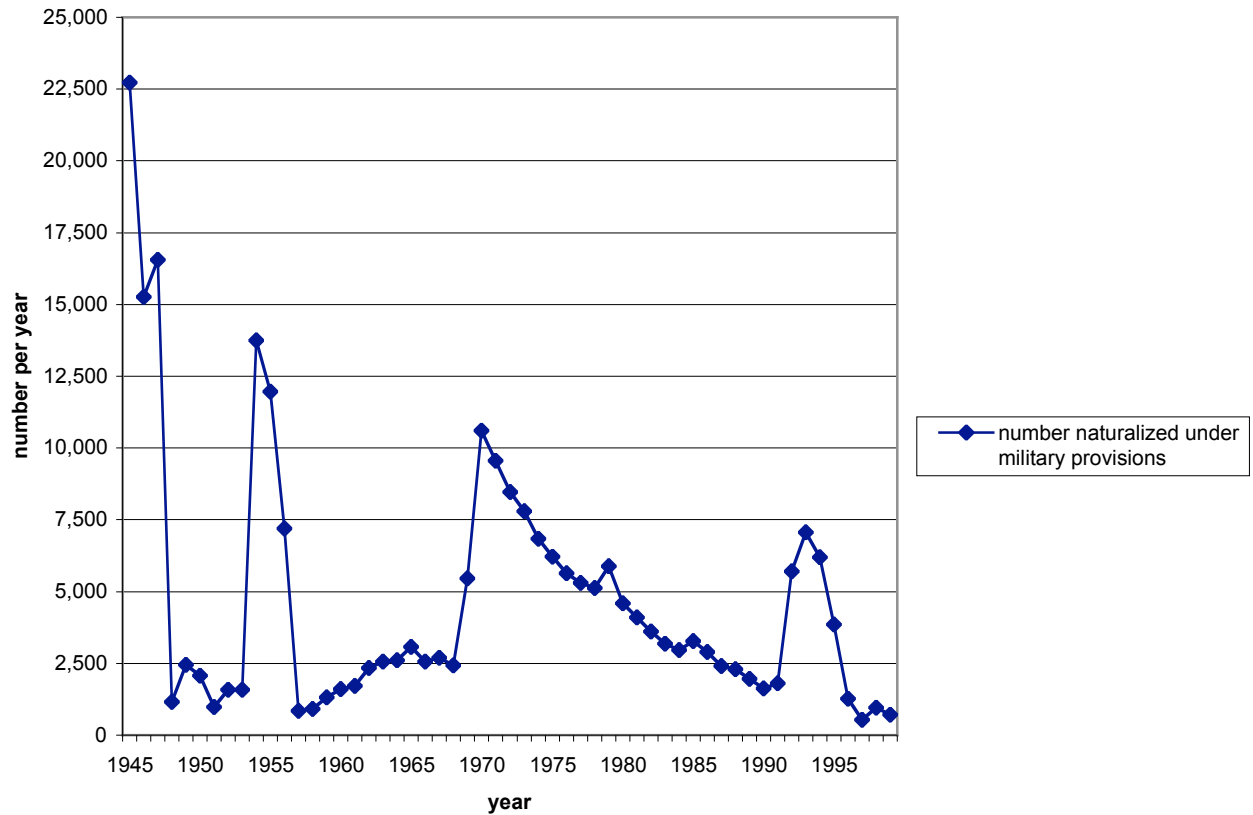
¹⁹ *Ibid.*

²⁰ Race, however, did trump service at many different points in time.

²¹ Congress, Senate. Senator Lodge of Massachusetts speaking for the Enlistment of Aliens in Regular Army. 81st Cong., 1st sess., Congressional Record (10 January 1949), 110.

resulted from these military provisions, with peaks unsurprisingly occurring after wars and conflicts.²²

Figure 1:
Number of Naturalizations Under Military Provisions Per Year, 1945-1995



Very Brief History of Substitution and Commutation in the U.S.

The practice of substitution – in which conscripted men paid others to serve in their place – has existed since the militias were begun in the American colonies. It was usually employed by the middle and upper classes, and the substitutes were often property-less men or second-class citizens (Chambers 1987). During the Revolutionary War, substitutes were used in both the state militias, as well as in the Continental Army. When state drafts were used to supply men to the Continental Army, for example, all states allowed their wealthier citizens to avoid service by

²² A figure showing the *percentage* naturalized under military provisions of total naturalizations

hiring substitutes. In other words, for those who could afford a substitute, conscription did not require *personal* service.

In order to attract soldiers, Congress also offered bounties of cash and land, above and beyond the Continental pay. Therefore, even more than the state militias, the army was composed of those less well-off, including workers – semiskilled, unskilled, and unemployed – and those men with few rights – captured Hessians and British soldiers, indentured servants, and former slaves. As Kestnbaum explains, the wealthy or those with property believed the following:

...military service no longer offered the primary or most powerful expression of their political support. Indeed, the two became almost opposites...For the vast bulk of American society, it was quite possible to maintain that one was the most ardent patriot, willing to do all in support of independence, and at the same time even in public affirm that military service, whether in the army or the militia, was neither necessary nor even the most important contribution that could be made to the Revolutionary cause (2000).

The idea of conscription arose again in the War of 1812, but the national government (particularly Congress) did not want to have to enforce such an unpopular policy. In the war against Mexico, President Polk was able to rely solely on volunteers attracted by cash bounties, and therefore was able to sidestep the question of the constitutionality of a national draft. However, by the Civil War, manpower shortages would drive both the North and the South to draft soldiers.

The Confederacy allowed substitutes in its 1862 Conscription Act, but ended the practice the next year when the price of substitutes had risen to \$600 in gold (Chambers 1987, 46). Instead, it exempted a number of occupations from military service, which, ironically, were restricted to largely the same middle and upper class individuals as the substitution option was. The U.S. government's first national conscription act was passed in 1863, and it, too, allowed substitution; in addition, a new policy of commutation was included, which allowed draftees to pay to avoid service:

looks almost the same as Figure 1.

...any person drafted and notified to appear, may, on or before the day fixed for his appearance, furnish an acceptable substitute to take his place in the draft; or he may pay to such person as the Secretary of War may authorize to receive it, such sum, not exceeding three hundred dollars, as the Secretary may determine...and thereupon such person so furnishing the substitute, or paying the money, shall be discharged from further liability under that draft (Earnhart 1998, 226).

Levi (1997) explains that the practice of buying out of military service had its origins in the feudal obligations of subjects to their lord. Subjects had the option of paying a fee in lieu of fighting; after all, it was believed that the sons of the well-off were not used to harsh living conditions, compared to the poor, so they should be spared the potential greater suffering. Thus, society would benefit if the marketplace allowed people to serve their land best according to their talents, skills, or positions, while also adding to the ruler's coffers.

Besides its feudal origins, Levi also argues that commutation existed in practice, if not in name, since Colonial times, with fines that could be paid in lieu of training in militias, often for conscientious objectors. However, the Civil War was the first time that commutation was explicitly legislated as a policy. It was meant as a more egalitarian alternative to substitution: with the ceiling set at \$300, men too poor to pay for a substitute (which often cost much more) could still avoid service.²³ Nevertheless, anti-draft protesters focused on the commutation clause (rather than substitution), and rallied around the slogan, "The rich man's money against the poor man's blood." Lincoln, who had supported the new policy, asked, "Is an unobjectionable law which allows only the man to escape who can pay a thousand dollars made objectionable by adding a provision that anyone may escape who can pay the smaller sum of three hundred dollars?" (Earnhart 1998, 227).

As a result of draft riots, partisan and regional debates, and military opposition, commutation was abolished after the first two U.S. Civil War drafts.²⁴ In those drafts, there were two to three times as many men who commuted than those who provided substitutes. However,

²³ At that time, \$300 was approximately a worker's annual wages.

the total percentages for all four drafts are about equal for the two options: Levi reports that 9 percent furnished substitutes, while 11 percent commuted (Levi, 97).

The expense of commutation and the burden of finding qualified substitutes often did not fall on the individual draftee. State and local governments often found substitutes or paid bounties for volunteers to replace their own drafted residents; elected officials were willing to increase the public debt in order to provide financial assistance to their voting constituents to buy these substitutes, even when the price rose to \$1000 (Chambers 1987; Levi 1997). In addition, industrialists sometimes would pay the commutation fees to protect their employees.

One of the puzzles that Levi raises is why commutation ended during the Civil War, but substitution did not. She cites a number of reasons that previous scholars have given for the timing differences: expanded franchise, military efficiency, and transaction costs (1997, 102-6). However, using comparative cases including France and Prussia, Levi shows that none of these argument holds outside the single case of the U.S. Instead, she argues that the reason commutation was abolished while substitution remained was a result of class politics and a belief in fairness. Substitution was favored by the upper and middle classes, and it was used primarily in more rural settings. In the more urban and industrialized areas, commutation was visible and it affected the working classes; and, as opposed to the long-standing tradition of substitution that did not affect them, commutation was a new and hated policy that led to riots. Neither substitution nor commutation, however, was included in the next draft.

Substitution, Commutation, and Citizenship for Service

By World War I, neither commutation nor substitution was discussed as an option to be considered in debates over selective service.²⁵ The inegalitarian nature of both policies violated norms of universalism, and citizens would have found repugnant the idea that certain classes of

²⁴ Conscientious objectors could still pay a commutation fee of sorts, contributing to a hospital fund.

people could buy their way out of the obligation to their country. Nevertheless, vestiges of both policies continue in the practice of granting noncitizen soldiers in the U.S. military expedited citizenship for service.

Up until WWI, when there was a draft, noncitizens often served as the substitutes for draftees; substitutes had to be individuals otherwise ineligible for the draft, so this often included minors and non-declarant aliens. As explained in the last section, a substitute could take the place of a single individual, or he could lessen the draft burden of a community. So, even after substitution was abolished, noncitizens who served decreased the chance that a citizen would be drafted. This was a point of contention in debates over selective service in WWI: the inclusion or exclusion of noncitizens, and how to balance questions of their loyalty with the need for them to share the obligations of Americans.

Regardless of whether one thought noncitizens could be loyal or patriotic Americans, and whether one agreed that citizenship was a worthy reward for military service, in times of war, manpower shortages and military expediency made the recruitment and drafting of noncitizens a necessity. And, there was the additional idea that American citizens should not be fighting while resident aliens remained home and enjoyed all the benefits of their adopted home. In 1918, Congressman Rainey of Illinois was particularly eloquent on the need for egalitarianism:

...a great many aliens have taken citizenship papers not because of their desire of becoming Americans, not because they knew of this Government's ideals, not because they appreciated the air of freedom afforded by this land, not because of any particular knowledge of this country's past and destiny, but in many cases because of qualifying for a position of pecuniary advantage they could not otherwise obtain or to avoid certain obligations to their foreign country.

...Our boys left their positions, sacrificed their future, tore themselves away from their mothers and fathers or wives; they placed on the altar of patriotism their all, and offered all for the greater glory and the safety of the Stars and Stripes. But the alien stayed behind...stepping into our boys' position, reaping the harvest while the sower is away. Waxing fat with the riches of this land while our boys, those preeminently entitled to such riches, are spilling their blood on foreign soil. Is there any justice in such condition of affairs?

...any inhabitant of this country enjoying the benefits of the land who would act or speak in such a way as would make one infer that he thinks that this

²⁵ The 1917 draft law prohibited enlistment bounties or substitutes.

war is not his war, that he has no obligation of patriotism and loyalty to the land he has adopted, is not worthy of our companionship as fellow men, is not worthy to tread upon the soil made sacred by the blood of the first foreigners and aliens who came here years ago, has no place beneath the American sky, and should be sent back to the land he came from...²⁶

Since the creation of the All-Volunteer Force in 1973 (Moskos 1988), there is no question of noncitizens taking the place of a citizen draftee. However, selective service registration was reinstated in the 1980s, and for a young American male, the possibility of military service is clearly an obligation of citizenship. Failing to register is a felony. The possibility of being drafted is obviously different from actual service, though, and that possibility is affected by whether the nation needs soldiers.

If one thinks of a substitute as someone paid to serve in the place of an American citizen – rather than a draftee – then a noncitizen in the armed forces is, in essence, a substitute. Immigrants made the difference in recruiting in the late 1990s, as the Army missed its recruiting goals by tens of thousands of soldiers; it would have missed by even more without noncitizens. Chen and Sengupta (2001) note that immigrants, at least in some major metropolitan areas, seem to be more likely to enlist than their native-born peers. For example, in New York City, 40% of Navy recruits, 36% of recruits for the Marines, and 27% of Army recruits were green-card holders. Nationally, about 5% of all recruits for all services are resident aliens. Table 1 shows the total percentages of noncitizens serving in all the armed forces. Over this time period from 1988 to 2001, there have been over 90,000 noncitizens serving in the Army, Navy, Marine Corps, and Air Force.²⁷

²⁶ Congress, House. Congressman Rainey of Illinois speaking for the Naturalization of Aliens in Military Service. 65th Cong., 2nd sess., Congressional Record (3 May 1918), 6018.

²⁷ The data from Table 1 come from correspondence with Lt. Col. James P. Cassella, U.S. Army Defense Press Officer, Office of the Assistant Secretary of Defense (Public Affairs).

Table 1: Non-citizens in the Ranks

Fiscal Year	Percentage of Noncitizens in the Armed Services
2001	4
2000	4
1999	5
1998	5
1997	4
1996	4
1995	4
1994	3
1993	3
1992	3
1991	2
1990	3
1989	2
1988	1

The presence of noncitizens in the military has allowed the army, for example, to get closer to its recruitment goals. While it is doubtful that Congress would have acted to enforce those goals in a way that would have affected the average American, noncitizens are clearly filling empty spaces that are left by a shortfall in citizen soldiers. Noncitizens are not paid *more* monetarily than citizen soldiers, but like substitutes who received bounties in the past for their joining – in addition to their regular pay and training – noncitizens gain the bounty of American citizenship.

During the Revolutionary War, noncitizens were used as substitutes in the state militias and Continental Army so that the young men of the middle and upper classes would not have to fight; the rationale was that everyone could serve the nation in their own way, each according to their best talents. The men and women deployed for Operations Enduring Freedom and Iraqi Freedom were drawn from those on active duty, in the reserves, and in the National Guards. The numbers of noncitizen substitutes in those units helped give the nation the luxury of forgoing a draft to meet its defense needs.

The policy of granting noncitizens citizenship for service is also like commutation. In the past, local governments paid commutation fees to relieve their residents of military service (and these fees were often used to pay bounties to attract soldiers, including substitutes). The commutation fee-cum-bounty is now citizenship, and the national government is now the payer. By granting citizenship to noncitizens for military service, the U.S. is able to approach or reach its goals for the armed forces recruitment without calling for a draft. While the commutation fee is not monetary, as it was in the past, I will argue in the sections to follow that this is one of the reasons that granting citizenship for service is acceptable today.

Despite the similarities noted between the three policies that over time have been used by American citizens to avoid military service, there is little chance that citizenship for service will have the same fate as commutation and substitution. Let us return to some of the “leading suspects” in the demise of these latter two policies that Levi summarizes: expanded franchise, military efficiency, transaction costs, the political clout of the middle classes, and the ideology of universalism (1997, 102-6).

The argument that links the extension of the franchise with the end of commutation explains that the changing political voice of those draftees who were the potential soldiers fueled the desire for more egalitarian policies. While Levi argues that the timing of democratization did not always precede the end of commutation across countries, it was a measure of the growing power of the middle classes. So, the political voice of potential conscripts was related to the end of commutation, if it was not its cause. Noncitizens do not have the voting power to protest their inclusion in selective service, even if they so desired.²⁸

Since the late 1920s, noncitizens have not been allowed to vote in any national or state election (Aylsworth 1931; Raskin 1993). Hayduk (2002) argues voting rights for noncitizens ended in the 1920s at the same time the electoral potential of working class constituencies and 3rd

²⁸ Failure to register for selective service by his 26th birthday can also derail an immigrant’s application for naturalization (Solomon 1999).

party movements were growing. Although there are still some municipalities that allow noncitizens to vote for school board or city council, no state or nationally-elected representative needs to worry about alienating noncitizens by supporting legislation to their detriment. So, while elected officials in the past were willing to add to the public debt in order to pay for substitutes to protect their constituents, noncitizens do not have that political clout. Noncitizens are governed (and counted in redistricting numbers), taxed, and drafted just like citizens, but they are no one's voting constituents.

Another argument presents military efficiency and opposition by military elites as the reason behind the end of commutation. There is also no reason to expect that the military hierarchy would support a change in the current policy concerning noncitizen service: in the recent debate over Representative Charles Rangel's draft proposal (which had only 11 co-sponsors), Secretary of State Rumsfeld made it clear that the all volunteer force was superior to a conscripted force. Besides reluctant soldiers who could earn more as civilians, a draft would lead to wasted money, training troops that would serve the minimum amount of time before leaving. And, in a statement for which he later had to apologize to protesting Vietnam War veterans, Rumsfeld argued that draftees were thrown into battle with little training, "adding no value, no advantage really, to the United States Armed Services over any sustained period of time" (Rhem 2003).

This echoes debates over a standing army from two centuries ago. In 1800, the Secretary of War argued in favor of a regular army rather than a state militia of citizen soldiers: "Making the state militiaman/citizen-soldier 'master of the several branches of the art of war' was akin to drafting the community to build the houses while expelling 'as useless, architects, masons, and carpenters.'" (Cress 1982 quoted in Karsten 2001.) Similarly, during the Civil War, conscripts were viewed as unpatriotic and unreliable in battle (Chambers 1987, 62). Today, military elites do not, in fact, want a conscripted force to replace the All-Volunteer Force now in effect, including the noncitizen volunteers.

A third potential explanation for the end of commutation and substitution focuses on the transaction costs involved: the government had to ensure that appropriate substitutes were found, that draftees and substitutes were complying and fulfilling their contracts, and that the appropriate fees were paid, to name just a few. This reasoning does not explain cross-national differences in timing of these policies, nor would it predict an end to granting citizenship for service. Relatively speaking, it is much cheaper to make information available to noncitizen soldiers about the naturalization process than it is to buy effective recruitment campaigns for volunteers. Not only does the military not process the applications for citizenship, it also does not make a practice of volunteering information to those who could benefit. While there are publications that guide a soldier through the application process, it is up to the individual's own initiative to naturalize. According to "The Soldier's Guide to Citizenship Application," the Department of Defense has partnered with the INS to help "streamline and expedite the handling" of applications ("Soldier's" 2001). However, in an information paper put out on "Enlistment and Commissioning Standards for Immigrants," prepared by Dr. Jane Arabian (N.d.), it explicitly states:

The DoD does not become involved in the citizenship process, does not sponsor individuals for citizenship, not support applications for citizenship or entry into the United States. This is an individual responsibility (2).

Furthermore, military officials acknowledge that while the prospect of citizenship helps woo recruits, "it's not something where we go out and say, 'Here, become citizens.'" (Lt. Bill Davis, a Navy spokesman, quoted in Connell and Zamichow 2003).

Recruitment campaigns, on the other hand, require a great deal of effort, coordination, and money. Enlistment is affected by birthrate, wages/benefits, unemployment, and the ambiguity of military missions (Segal et al. 1999). Yet, despite high unemployment, the anti-military sentiment in the mid 1970s made it difficult to recruit, even after the army lowered its induction standards. According to Padilla and Laner (2002), African Americans were actively recruited only after the US army anticipated a manpower shortage associated with the

implementation of the All Volunteer Force. The problem has continued over time. From 1996 to 2000, the army missed its recruiting goal 3 times (DoD News 2001); by tens of thousands of soldiers, they have been short the number of soldiers they wanted to recruit.

After a study by McKinsey and Rand on why the Army's "Be All That You Can Be" slogan was failing to recruit volunteers, the army has created a Marketing Strategy Office. \$150 million are budgeted per year for the new "Army of One" advertising campaign, and the goal is to recruit 80,000 for the active component, and 160,000 between active, Guard, and Reserve.²⁹

In contrast, noncitizens seem to be getting information about the expedited naturalization process quickly and by word of mouth. The U.S. Embassy and Consulate Offices in Mexico are being inundated with requests to join the military. "Despite 3 separate statements by embassy officials in recent weeks to debunk the rumor, 'the calls keep coming,' said Jim Dickmayer, an embassy spokesman in Mexico City. 'It speaks to the great desire that people have to get into the United States.'" (Connell and Zamichow 2003).

The political power of the majority and an ideology of universalism also contributed to the end of commutation. As democratization increased the voice of those who conscripted, there was a simultaneous ideological push for fairness and equity, over notions of natural right. Levi writes that "Equality before the law and equality of sacrifice increasingly became the standard by which citizens evaluated government" (1997, 105-6). Nevertheless, the political power of the masses will not change the policy affecting noncitizen soldiers. Why would they oppose the policy of granting citizenship for military service, which has a very low potential fiscal impact? The noncitizens would later be eligible for veterans benefits, but so would all other citizen soldiers. They might receive social services that are restricted to citizens, but many rights and privileges extend to all residents, so these noncitizens would be eligible, even if they did not don a uniform (Joppke 2001).

²⁹ As a point of comparison, the government spends about \$26 million a year to maintain the Selective Service System (King 2003).

Plus, the political clout of the median voter also explains why the draft is a moot issue (besides the military efficiency arguments mentioned earlier). Raising taxes may be unpopular, but forcing all young men to bear arms would be catastrophic for most politicians' careers. The possibility of fulfilling one's military obligation has not disappeared, but it is not the absolute duty or "unlimited liability" that it was for young men when the Vietnam War began (Burk 2001).

As for notions of universalism and fairness, the policy on its face seems to benefit immigrants as it speeds up the naturalization process. For example, undocumented immigrants have gained amnesty through military service (Goring 2000). And, as Moskos explains, the immigrant volunteers get a salary and education, as well as citizenship. "It's sort of win-win, unless you get killed." (Quoted in Goldstein and Moreno 2003). The next section explains further why beliefs in equality will not affect the policy of naturalizing noncitizen soldiers.

There are three additional reasons ensuring the longevity of the policy of granting citizenship for military service, and these pertain to notions of community, citizenship, and patriotism. Noncitizens are perceived to be outside the bounds of the national community, so policies that might be unacceptable if they were targeted at American citizens are tolerated (or embraced) if they affect non-Americans. The practice of granting citizenship for service also highlights the value and importance of American citizenship. Finally, allowing noncitizens in our armed forces allows the majority of Americans to remain comfortable, "casual patriots."

Limits of Community. Helman (1997) explains that in the military in Israel, "belonging to this community of warriors is experienced in terms of embeddedness in society, as a criterion of normalcy and as an entitlement that legitimizes participation in the associations of civil society." In the United States, military service does not embed one within society or draw one into the community, but citizenship does. Citizenship defines who belongs to a state, and who is entitled to the benefits associated with full and equal membership (Shklar 1991), and noncitizens are

outside the bounds of community. Dagger (1985) describes this example of moral parochialism at the national level in the following manner:

To say that compatriots take priority is to say that we stand in a special relationship to those men, women, and children who share with us membership in a political community. This relationship is special because it requires us to attend to the needs and interests of our compatriots before we attend to the needs and interests of foreigners. (436)

Peter Brimelow advocates this boundary-drawing in public policies in *Alien Nation*,

...any general moral obligation to minister to strangers is met, and more than matched, by the specific and even stronger moral obligation to protect our own family. And on the political level, the equivalent of the family is the nation-state...(1995).

And, during his 1996 presidential campaign, Pat Buchanan proposed the building of a physical barrier along the entire southern border of the United States (Ogden 1996). The goal of the 3200 kilometer wall was to stop the flow of undocumented immigrants from Mexico into the U.S., where they then took American jobs and social services. These illegal immigrants were not Americans, and in Buchanan's mind, they clearly did not belong to what Hollinger called the "circle of We" (1995).

This exclusion of outsiders or noncitizens is not a recent phenomenon, according to Wiebe, for American history is filled with examples where lines were drawn around ingroup members. "Just as the defenders of the community and the men of power late in the nineteenth century each had denied their enemies a place in the true America, so worried people in the twentieth also separated the legitimate from the illegitimate (Wiebe p. 156, 1980).

It is not clear from the preceding quotes, however, if the line drawn between family members and strangers coincides with legal citizenship. In contrast with countries that have a more circumscribed kinship-based definition of their nation, an "American" is a symbolic protean being. A commonly-touted answer to "who is an American" is an ideological one – anyone who believes in the American Creed and the American Dream is an American (Gleason 1980; Huntington 1981; Aronovici 1920; Hochschild 1981; McClosky and Zaller 1984; Merelman et al.

1998). The emphasis is on self-definition and is touted as a factor in American exceptionalism (Schaar 1981); belief in American rights and freedoms *makes* one an American.

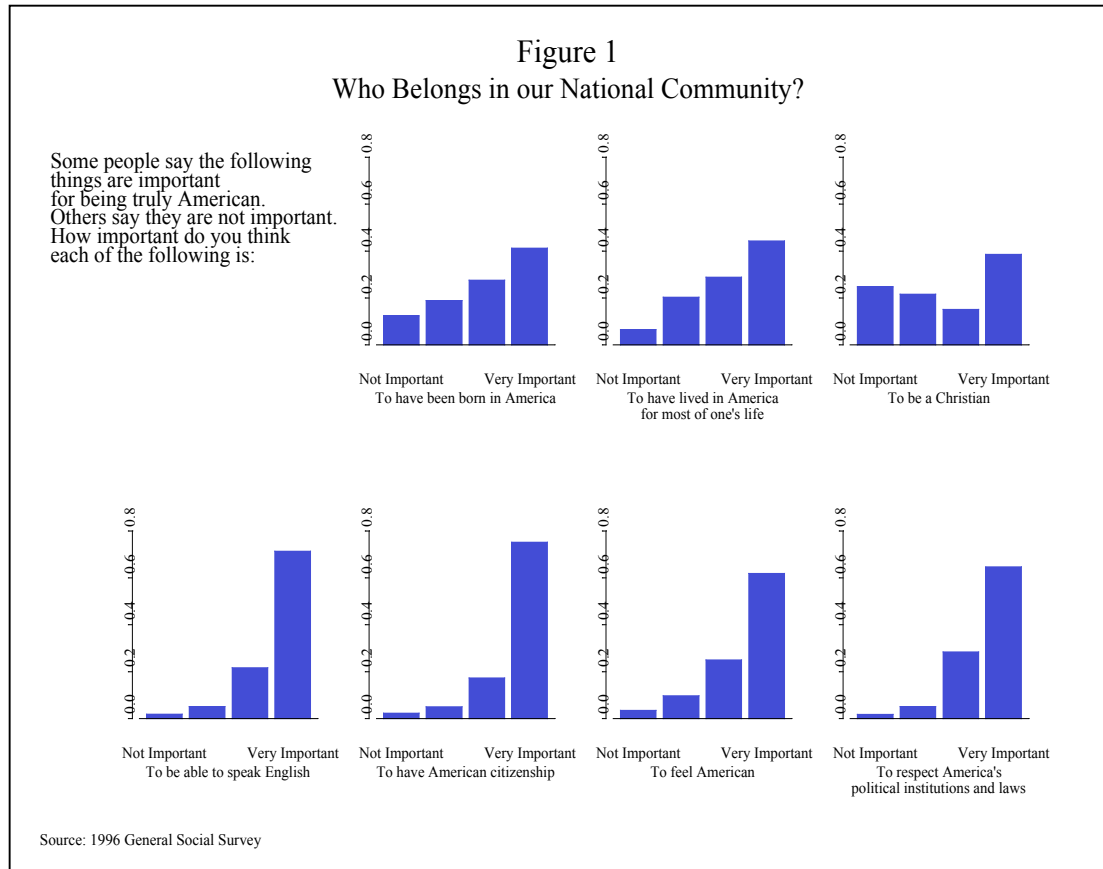
That, at least, is the argument in theory. In practice, ordinary Americans are not so ideological. In the 1996 General Social Survey, a national survey conducted by the National Opinion Research Center (NORC), respondents were asked the following question:

Some people say the following things are important for being truly American. Others say they are not important. How important do you think each of the following is...

- 1) To have been born in America
- 2) To have lived in America for most of one's life
- 3) To be a Christian
- 4) To be able to speak English
- 5) To have American citizenship
- 6) To feel American
- 7) To respect America's political institutions and laws

In defining the content of national identity — and concomitantly who belongs in the ingroup — these questions also provide a measure of where the boundaries of the national community are perceived. Figure 1 shows the responses to how important each of these traits are to being “truly American.”³⁰ The two items that are of particular relevance to questions of immigration and citizenship are those that pertain to birthplace and residency: 69 percent of Americans think that it is “very” or “fairly important” to have been born in the US to be truly American, and 73 percent think that it is “very” or “fairly important” to have lived in the country for most of one’s life to be truly American. In other words, over two-thirds of Americans doubt that immigrants (even naturalized ones) can ever truly be part of the national community; noncitizens are even less likely to be able to “marry into the family,” per se.

The importance of citizenship reflects what Conover et al. (1991) found in their focus groups discussions with ordinary Americans: “What it means to be a *citizen* in America is simply what it means to be an American...” (821, emphasis in original).



Value of Citizenship. Citizenship as a reward for being willing to die for the country highlights the value of American citizenship. It is beyond price, in some way, because these noncitizens are not mercenaries out for economic gain; they are men and women willing to risk their lives for the reward of citizenship. President Bush recently described military service as the “ultimate act of patriotism.” (Connell and Zamichow 2003), and said after he witnessed the swearing in as citizens of two wounded soldiers:

We’ve got an amazing country, where so powerful are the values that we believe that people would be willing to risk their own life and become a citizen after being wounded. It’s an amazing moment. I was really proud of them” (Ibarguen 2003).

³⁰ See Citrin et al. 2001 for a more detailed discussion of these individual items.

His words echo those Congressman Rogers spoke during the debate about naturalizing World War I noncitizen soldiers:

[They are] “men who have shown they have patriotism by volunteering or by declining to claim exemption, as they had a right to do under the draft; men who, in other words, are as worthy of American citizenship as any men in the entire United States.”³¹

The idea of the citizen who has an obligation to fight to defend his community had its origins in the Greek city-state (Benhabib 2002). From the American and French Revolutions, “military service emerged as a hallmark of citizenship and citizenship as the hallmark of a political democracy” (Janowitz 1983). The idea of a standing army was acceptable, even during the Revolutionary War, only because it was made up of citizen soldiers. As Kestnbaum (2000) writes, “...most revolutionaries expected the citizen-soldier to surpass his mercenary, brutalized enemies. Since he fought to preserve his standing as a citizen against those who would mark him as a slave, his pride in civil society would help to make him stronger than his opponents in combat.”

Even poor militiamen wanted to be citizen soldiers, not mercenaries (Shklar 1991, 17), giving credence to the value ascribed to citizenship in 1943 by the Supreme Court in

Schneiderman v U.S.:

...It is safe to assert that nowhere in the world today is the right of citizenship of greater worth to an individual than it is in this country. It would be difficult to exaggerate its value and importance. By many it is regarded as the highest hope of civilized men.

While “Give me liberty or give me death” is memorized by every schoolchild in America, fighting for citizenship is, in some ways, even nobler than protesting taxation without representation. Noncitizens, after all, pay taxes without being able to vote. Instead, they are not asking for monetary compensation for their military service, only the prize of American citizenship.

³¹ Congress, House. Congressman Rogers of Massachusetts speaking for the Naturalization of Aliens in Military Service. 65th Cong., 2nd sess., Congressional Record (3 May 1918), 6014.

This sentiment coincides with the aversion that political and military leaders have to the idea of duty being purchased.³² Even though *all* military recruitment efforts have always involved material inducements, the current recruitment campaigns tend to stress inducements for volunteers to improve themselves (even if practically, that means college tuition, cash enlistment bonuses, and career opportunities) (Padilla and Laner 2002). In trying to answer the question for young people, “How does the Army benefit me as an individual today?” the “Army of One” campaign points out its opportunities. However, one military spokesperson emphasized, “We are not selling money for college. We are selling how the Army strengthens you as an individual.”³³ In this case, a rose by any other name would *not* smell as sweet: money stinks, while “an investment in your future” has a scent of the American Dream.³⁴

Throughout American history, citizen military service has been seen as a device by which excluded segments of society could achieve political legitimacy and rights; noncitizens, too, have tried to prove their worthiness of *becoming* Americans through fighting for the nation. In some ways, the presence of noncitizens in the military adds to the ideological advantages of the immigrant. To Walzer’s list of the various uses of the immigrant – supporting the myth of the American Dream, enhancing communitarian ties, maintaining patriarchy and tradition, and resolving the “problem of consent” – one can add that immigrants add to the myth of the American Patriot. American heroes like Nathan Hale “regret that [they] have but one life to lose for [their] country,” and the “Greatest Generation” embodies duty, honor, courage, service, and love of country simultaneously. Noncitizens who are willing to fight and die for their adopted land highlight for native-born citizens what a privilege it is to be an American. American values

³² One concern about rewarding service with money or goods is that this exchange could be seen as an indication of waning patriotism. Given the shift to an all-volunteer force and diminishing enlistments, are Americans less patriotic?

³³ Louis Caldera, the Secretary of the Army, made this comment at the press conference announcing the new campaign (DoD News 2001).

³⁴ “An investment in your future” is language used in the Army’s recruitment brochure, “Being a Soldier in an Army of One.”

and opportunities must be extraordinary to warrant such a sacrifice for a country that is not even one's homeland.³⁵

Honig's foreigner chooses a new homeland, and thus serves to solve the problem of consent. They are "foreigners whose immigrations to the United States daily reinstall the regime's most beloved self images..."(2001, 76). The foreigner in the military emphasizes the love of country and responsibilities thus entailed for its citizens. That these newcomers are willing to take on the obligations and responsibilities of citizenship before they attain legal status (and standing) affirms the worthiness of the country's loyalty. They are a worthy foil for the "free-riding" immigrants, who are here only to take advantage of the economic opportunities, are not assimilating, and will not be patriotic Americans.³⁶ After all, the foreigner is often Honig's "supercitizen immigrant," earning more than 20 percent of the total number of Medal of Honor given – in every war since the medal was established – by "distinguish[ing] himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty" (Anderson 1996). This is loyalty, "motivated by the entire personality of an agent," not simply rule-driven acts of obligation (Shklar 1998, 41).³⁷

Casual Patriotism. The noncitizen soldiers in the military also allow Americans to be patriots by simply "being American" (McLean 1999). An ad placed by the Department of Homeland Security in the New York Times this April reflects this passive patriotism: the headline reads "You've flown the flag. Now what?" The text below the headline begins as follows:

³⁵ Given awkward semantics, can noncitizens be patriots in America? "Patriot" refers to someone who loves his or her country, so when one speaks of noncitizens in the U.S. being patriots, it is not clear which country he or she loves.

³⁶ See, for example, John Derbyshire. 2002. "Dual Citizen." *National Review*.
www.nationalreview.com/derbyshire/derbyshire042302.asp

³⁷ This coincides, to a certain extent, with Moskos's institution-to-occupation thesis (2001). The institution "is legitimated in terms of values and norms...a purpose transcending self-interest in favor of a presumed higher good" (1). An occupation, on the other hand, is market-driven and self-interest is paramount.

In the months since September 11th, 2001, we have all witnessed a powerful resurgence of the American spirit. But now, in a climate of new threats, it's clear that patriotism alone is not enough...³⁸

This contemporary attitude of patriotism was also noted by Robert Lane in the 1950s. As a result of the interviews that led to *Political Ideology*, Lane gathered evidence of how ordinary citizens viewed citizenship and patriotism (1965). The majority of his subjects felt that they were not good citizens – which encompassed being a “moral man,” a “good family man,” a “good community member,” and a “good member of a political community.” Lane explains this “tension of citizenship” as “a strongly felt demand for an undefined degree of greater participation” (740). In contrast, these same men all felt comfortable describing themselves as patriots. Lane explains there were two dimensions to this patriotism; it is a latent quality, waiting to be revealed in wartime, and it is also an implicit (but not latent) love of country that is assumed unless there is contrary evidence. He argues that it is easy to be a casual patriot if you either do not have to do anything (patriotism in daily life), or if the laws deny you a choice (patriotism via the draft in wartime); patriotism is contingent and ascribed in times of peace.

Thirty years later, and with a national sample instead of the men of Eastport, McLean reports similar findings: in a 1983 New York Times poll, 61% of Americans said that “someone does not actually have to do anything in order to be patriotic – simply ‘loving your country’ is all that is required” (1999, 24).

In other words, Americans are given the freedom to express their love of country without worrying that their words will have to be followed by action. The 1983-7 General Social Survey provides some evidence of Americans’ sense of duty and obligation to the country. A national sample was asked if a number of acts were “a very important obligation, a somewhat important obligation, or not an obligation that a citizen owes to the country.” The list included voting in

³⁸ Perhaps the idea that flying the flag is an effortful act of patriotism should not be so surprising. Just a few days earlier, the *Times* reported a story about how driving a Humvee is seen as patriotic (Hakim 2003).

elections, volunteering some time for community service, serving on a jury if called, reporting a crime that he/she witnessed, being able to speak and understand English, keeping fully informed about news and public issues, and military service (by men and women separately) during both peacetime and when the country is at war. Reporting a crime is considered the most important duty (91% said it was very important). Next in the ranking was “for young men, serving in the military when the country is at war”: 84 percent of Americans thought it was a “very important obligation.” In peacetime, only 33 percent thought military service was a “very important obligation” for men.³⁹

In a more recent national survey comparing the attitudes of military leaders and civilians, almost all respondents said that they were “proud of the men and women who serve in the military.”⁴⁰ A majority of all groups also agreed that “All Americans should be willing to give up their lives to defend our country.” However, over one-fifth of civilian non-veteran leaders and general public non-veterans agreed with the statement, “I would be disappointed if a child of mine joined the military.” Ordinary Americans, it seems, admire duty without wanting to shoulder it themselves (or have their families take on the burden).

Nevertheless, compliance with the draft is surprisingly high, with almost 90 percent of all eligible men 18-25 registered.⁴¹ However, registration is not the same as enlistment. Moskos recently contrasted the 450 of the 750 men in the Princeton class of 1956 who served to the 3 of Princeton’s 1000 graduates from last year who served (Traub 2003). This may simply be an example of what Robert Lane called the contingent role of patriotism. Volunteers, including

³⁹ In comparison, 80% said it was very important to vote, 65% said jury duty was very important, and 83% said speaking English was a very important obligation of citizens.

⁴⁰ The data is from the 1998-99 Triangle Institute for Security Studies Survey on the Military in the Post-Cold War Era. Ole R. Holsti. 2001. “Of Chasms and Convergences: Attitudes and Beliefs of Civilians and Military Elites at the Start of New Millenium.” In Peter D. Feaver and Richard H Kohn, eds. *Soldiers and Civilians: The Civil-Military Gap and American National Security*. Cambridge: MIT Press, pp. 55, 72, 73. The groups in the survey included the following: Military leaders, Active reserve leaders, Civilian veteran leaders, Civilian non-veteran leaders, General public veterans, and General public non-veterans.

⁴¹ Although failing to register is a felony, no one has been prosecuted in over 10 years.

noncitizens, fulfill the obligation to protect one's country in peacetime, and the rest of the population can comfortably feel that they are good patriots, if not good participatory citizens.

Conclusion

Citizenship in the United States is commonly described as membership based on the principles of both *jus soli* (right of birthplace) and *jus sanguinis* (right of blood). However, these two principles only address the question of who is *born* an American, not of how adult foreigners are transformed into adult Americans. In addition to citizenship by birthplace or lineage, citizenship is given by the nation to immigrants who have lived in the country for a prescribed amount of time and have displayed knowledge of the English language and American history.⁴² Applicants for citizenship must also swear an oath of allegiance, but there is no accompanying test of that loyalty. Although the government does selectively open its doors to certain immigrants, the ideology enshrined in American laws concerning naturalization is that once immigrants reside within the nation's borders, no single applicant is worthier than another of becoming an American. The main exceptions to these general rules of naturalization, which concern spouses and children of citizens, simply reemphasize the importance of blood ties.

This paper presents historical evidence that immigrants also become Americans through service. While one tends to assume that rights and responsibilities follow from citizenship, the converse can also be true: the fulfillment of one responsibility – military service – can lead to citizenship. While this has been a historical occurrence for centuries, gaining citizenship for service is not a well-known chapter of the American Immigrant story.

Noncitizens have been fighting on behalf of the United States from the time of the Revolutionary War, and since 1862, over 660,000 alien veterans have become naturalized citizens (Goring 2000). However, longevity alone does not justify a policy, and there is a great deal of ambivalence about the idea of rewarding military service. Schuck, for example, argues that “our

law does not view citizenship as a reward for civic virtue.” (1998, 192).⁴³ Nor does the U.S. accept monetary contributions as service in exchange for legal residence or citizenship, i.e. one cannot explicitly buy one’s way into the country. So how should we think of the exchange of citizenship for service?

I argue that one way to think of this policy – of enlisting noncitizens into the U.S. military and granting them citizenship in return – is by comparing it to substitution and commutation. All three policies had the effect of reducing the draft burden of any given man, or allowing him to steer clear of service altogether. During the Civil War, 1 in 5 conscripted men avoided personal military service; they either paid a commutation fee to the government or they found a substitute to go in their stead. Partially because of the visibility of the numerous beneficiaries of commutation, the lower classes rioted in protest of being drafted to fight a rich man’s war.

What if the numbers of noncitizens in the military were greater than the current levels of about 4 percent? What if 10 or even 25 percent of the military were noncitizen? In many respects, these scenarios are not unrealistic. Krikorian (2003), for example, worries that the numbers will skyrocket from the current state. He points to the recent growth in immigration as a reason why the children of immigrant mothers account for 18% of the school age population and 19% of those younger than school age. However, one does not need to create hypothetical projections to envision this scenario. During the Civil War and during World War I, about 20 to 25 percent of the U.S. soldiers were foreign born (Chambers 1987; Goldstein and Moreno 2003). There is clearly a precedence for a large percentage of our soldiers to be immigrants, but would a repetition be a problem now?

⁴² Since 1795, the period of required residence for naturalization has been at least 5 years.

⁴³ Krikorian (2003) takes a more extreme view that service is a *right* rather than a responsibility, arguing that “newcomers should earn the right to serve in the armed forces by first formalizing their relationship with the United States...”

Is it problematic if different groups are over- and under-represented in the armed forces, relative to their size in the general population? The Army in 2001 was 29% African American and 8% Hispanic, and the “Army of One” campaign has different ads targeted at the general market, the Hispanic market, and the African American community (especially during Black history month). Nationally, Blacks and Hispanics each compose about 15 percent of the population. Men are obviously over-represented, and given the “don’t ask, don’t tell” policy, one imagines that gays and lesbians are under-represented.

Overrepresentation of noncitizens could lead to concerns about the loyalty of troops. The critics of the current policy point to the inclusion of the Goths in the Roman army as the reason for the fall of an empire, and often quote Machiavelli’s admonition to maintain an army of one’s own. The United States frowns upon its own citizens serving in the armies of foreign nations, and service as a high-ranking officer in such an army can be interpreted as an intention to relinquish U.S. citizenship (see Fitzhugh and Hyde 1942 for historical examples). At the same time, non-citizens in this country are required to participate in the draft by law, although there is no American counterpart to the French Foreign Legion (in which foreign nationals can gain French citizenship after 5 years of segregated service) (Schweizer 2003).

One author does think this comparison could be a reality, writing, “[noncitizen soldiers] are also raising sensitive questions about whether the Pentagon is creating a new caste system in the military – in effect, heading toward a foreign legion protecting US citizens.”⁴⁴ Without this base, though, the Army would not have reached its recruitment quotas in 1998. One former officer also explained that new immigrants “sometimes make better soldiers than US teenagers. They value American citizenship much more than people born into it and are much prouder than people given citizenship by birth.”⁴⁵

⁴⁴ Dave Moniz. 1999. “Noncitizens soldiers in US ranks.” ww.newamericans.com/citizen/articles/soldiers.htm

⁴⁵ Lyle Hendrick, a former Special Forces officer, quoted in Moniz 1999.

The relationship between representation and loyalty probably runs in the opposite direction as immigrant critics fear: if noncitizens are joining the military in large numbers, they are probably hoping to prove themselves as community members, rather than attempting to foment revolution. There is historical evidence to support the idea that disadvantaged groups work to prove their loyalty to the nation, their worthiness of being citizens, and their status as equals to the rest of society. This desire to prove one's loyalty was true for African American soldiers who fought in every war or engagement in American history. The Japanese American soldiers who fought in World War II while their families were interned were also men motivated to prove their American-ness and loyalty as citizens. Similarly German immigrants living in the U.S. during WWII were perceived as loyal if their husbands and sons were fighting in the U.S. military; in stark contrast, Canada revoked all naturalizations granted after 1922 to German immigrants (Vagts 1946).

In the end, loyalty is not the main concern raised by the policy of granting citizenship for service. One of the reasons that I presented earlier for why the "green card troops" would long outlast its policy counterparts is also a reason for concern: the active noncitizen soldier highlights the ineffable price of citizenship while allowing the civilian citizen to remain a casual, passive patriot. Walzer (1970, 210) argues that "if the citizen is passive, there is no political community. The truth, however, is that there is a political community within which many citizens live like aliens." Kerber (1997, 851) adds that "All too many American citizens now live like aliens in their own land – passive, sour, anxious, suspicious of civic engagement. It may be that so many of us resent aliens because we are so much like them." I end with these quotes not to assert any relationship between granting citizenship for service and "bowling alone." Instead, as we think of the motivations and interests of the immigrant soldier and the native-born civilian, we need to consider whether granting citizenship for service is any more egalitarian than commutation or substitution.

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