

mental to the definition and government of a State.”<sup>1793</sup> Thus, “governmental entities, when exercising the functions of government, have wider latitude in limiting the participation of noncitizens.”<sup>1794</sup> Teachers, the Court thought, because of the role of public education in inculcating civic values and in preparing children for participation in society as citizens and because of the responsibility and discretion they have in fulfilling that role, perform a task that “go[es] to the heart of representative government.”<sup>1795</sup> The citizenship requirement need only bear a rational relationship to the state interest, and the Court concluded it clearly did so.

Then, in *Cabell v. Chavez-Salido*,<sup>1796</sup> the Court, by a 5-to-4 vote, sustained a state law imposing a citizenship requirement upon all positions designated as “peace officers,” upholding in context that eligibility prerequisite for probation officers. First, the Court held that the extension of the requirement to an enormous range of people who were variously classified as “peace officers” did not reach so far nor was it so broad and haphazard as to belie the claim that the state was attempting to ensure that an important function of government be in the hands of those having a bond of citizenship. “[T]he classifications used need not be precise; there need only be a substantial fit.”<sup>1797</sup> As to the particular positions, the Court held that “they, like the state troopers involved in *Foley*, sufficiently partake of the sovereign’s power to exercise coercive force over the individual that they may be limited to citizens.”<sup>1798</sup>

Thus, the Court so far has drawn a tripartite differentiation with respect to governmental restrictions on aliens. First, it has disapproved the earlier line of cases and now would foreclose attempts by the states to retain certain economic benefits, primarily employment and opportunities for livelihood, exclusively for citizens. Second, when government exercises principally its spending functions, such as those with respect to public employment generally and to eligibility for public benefits, its classifications with an adverse impact on aliens will be strictly scrutinized and usually fail. Third, when government acts in its sovereign capacity—when it acts within its constitutional prerogatives and responsibilities to establish and operate its own government—its decisions with respect to the citizenship qualifications of an appropriately designated class of public office holders will be subject only to traditional rational basis

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<sup>1793</sup> *Ambach v. Norwick*, 441 U.S. 68, 75 (1979).

<sup>1794</sup> 441 U.S. at 75.

<sup>1795</sup> 441 U.S. at 75–80. The quotation, *id.* at 76, is from *Sugarman v. Dougall*, 413 U.S. 634, 647 (1973).

<sup>1796</sup> 454 U.S. 432 (1982).

<sup>1797</sup> 454 U.S. at 442.

<sup>1798</sup> 454 U.S. at 445.