

18. Given the significant racial and socioeconomic differences that exist between the California electorate and its voters, this problem is also present statewide. See García Bedolla (2005). For a discussion of racial differences in public opinion, see Dawson (2000).

19. These include five cities in Maryland: Takoma Park, Barnesville, Martin's Additions, Somerset, and Chevy Chase. Noncitizens can vote in school board elections in the city of Chicago. Noncitizen parents can vote for and serve on community and school boards under New York state education law so long as they have not been convicted of a felony or voting fraud. As of 1992, there were 56,000 noncitizens registered as parent voters in New York. See Harper-Ho (2000) and Hayduk (2002).

20. They find that Latino applicants are more likely to be denied citizenship on administrative grounds than those from other parts of the world.

21. This is largely because socioeconomic status has been found to be the strongest predictor of political participation, and most immigrants possess low socioeconomic status (see Verba, Schlozman, and Brady, 1995). In a study comparing native born and foreign born voting in New York state, Minnite, Holdaway and Hayduk (2001) find that nativity has a significant negative impact on participation rates across a number of modes of participation.

22. My thanks to Shawn Rosenberg and Molly Patterson for helping me to develop many of the ideas in this section.

23. For an overview of these perspectives, see Benhabib (1996), Cohen (1997), and Gutmann and Thompson (1996).

24. For an overview of the Alinsky approach to organizing within the Industrial Areas Foundation (IAF), see Marquez (2000).

25. This picture does have one very important caveat—given findings in my previous work and that of others that shows native-born hostility toward immigrants in the Latino community, it is important that those power relations not be reproduced within these deliberative contexts. See García Bedolla (2003) and Gutiérrez (1995).

## *Jus Meritum* *Citizenship for Service*

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Cara Wong and Grace Cho

According to scholars of citizenship, there are two main principles that have been used by nations to decide citizenship (and nationality): lineage and land (Aleinikoff and Klusmeyer 2001, Faulks 2000, Heater 1999, Kondo 2001, Shafir 1998). *Jus sanguinis*, or “right of blood,” refers to a law of descent, whereby citizenship is accrued from one’s parents.<sup>1</sup> *Jus soli*, or “right of the soil,” refers to the method of granting citizenship to an individual born in the territory of the state. These two principles are often placed in sharp contrast, with Germany as an exemplar of a nation of descent based on *jus sanguinis*—stressing ethnic origins—and France as a case of a nation based on *jus soli*, or birthright citizenship—representing a more “progressive” attitude toward assimilation (see Brubaker 1992 for an excellent discussion).<sup>2</sup>

Nevertheless, the comparison is exaggerated, as most authors would explain (Brubaker 1998, Faulks 2000); many nations use a combination of both *jus soli* and *jus sanguinis* in determining citizenship. For example, in his comparison of twenty-five nationality laws, Patrick Weil (2001) reported that Australia, Belgium, Canada, France, Germany, Ireland, Lithuania, Mexico, the Netherlands, Portugal, Russia, South Africa, and the United Kingdom all use a combination of the two principles, with a variety of conditions. The other countries all rely on some variation of *jus sanguinis* or *jus soli*.<sup>3</sup> In other words, one or both principles form the bases of citizenship and nationality laws in all nations studied.

Citizenship in the United States is also described—by Weil, Atsushi Kondo, and others—as membership based on the principles of both *jus soli* and *jus sanguinis*. Individuals born in the United States and those with an American parent are legally Americans. Birthright citizenship was established in the Fourteenth Amendment to the Constitu-

tution, and *jus soli* is also part of our colonial heritage inherited from Britain. *Jus sanguinis* was first recognized by Congress when it decided in 1790 that a child born to an American father would automatically acquire U.S. citizenship. Together, they form the bases of who is generally recognized as an American.

However, these two principles only address the question of who is *born* an American, not of how adult foreigners are transformed into adult Americans.<sup>4</sup> Naturalization is an important part of the story of a “nation of immigrants,” a nation that “glows world-wide welcome” according to the Lazarus poem on the Statue of Liberty. Therefore, in addition to citizenship by birthplace or lineage, U.S. citizenship is given 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.<sup>5</sup> Applicants for U.S. 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.<sup>6</sup> The tenure requirement, language proficiency, and civics knowledge are all intended to ensure that immigrants have been socialized and are ready to become informed, able citizens, as “American” as those born of the land or blood (Pickus 1998).

These descriptions of American citizenship have largely ignored one major historical fact: immigrants also become Americans through service, both involuntary and voluntary. In other words, in addition to principles of *jus sanguinis* and *jus soli*, American citizenship is also based on a principle of service (what perhaps could be called “*jus meritum*”). While other nations may also grant citizenship for service, this essay focuses on the United States as a case study of where membership in a nation is granted as a direct result of service by an alien, sometimes with no waiting period needed.<sup>7</sup> The history of noncitizen soldiers in the United States provides clear evidence that, in addition to relying on principles of blood and soil, citizenship is also granted on the basis of service.<sup>8</sup>

This missing part of the story is not only important in adding another category to the study of citizenship. It fundamentally changes how one thinks about the relationship between citizens and their state. Scholars in recent years have worried about the overemphasis in the literature on citizen rights to the exclusion of discussions of citizen responsibilities (Dionne and Drogosz 2003, Etzioni 1993, Janoski 1998,

Janowitz 1983, Nussbaum 1996). The relationship between citizenship and obligations appears anemic, given that military service, voting, and jury duty—three common duties—are, in large part, voluntary or infrequent in the United States. However, if service is also recognized as a guiding principle upon which citizenship is based, we are forced to acknowledge the explicit relationship between acts on behalf of the state and citizenship. In other words, if membership in a political community is not simply automatic and beyond the control of a newborn citizen—depending on where one is born or who one’s parents are—but also the reward for service, then the study of citizenship must incorporate a discussion of obligations. The emphasis of the literature on identity and rights is not therefore simply reflecting a fashionable or normative trend about citizenship; it is misguided, ignoring an empirical reality that comprises a third principle guiding American citizenship.

#### History of Aliens in the U.S. Military: Wartime Service

Because of a demand for labor, noncitizens have been engaged in battles throughout American history as both volunteers and conscripts. At the founding of this country, military service in some states could be substituted by white males for the property requirement to gain one of the rights of citizenship, the eligibility for the vote. Congress also offered bounties of cash and land, above and beyond regular pay, to attract soldiers. Therefore, the Continental Army was initially 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. 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.<sup>9</sup>

The service of propertyless whites, free blacks, slaves, aliens, and convicts in local self-defense led to greater (or restored) political rights and the right to vote at the local level. As Meyer Kestnbaum (2000) explains, “in doing so, [Congress and the separate states] inverted the historical relationship between military service and citizenship that had been affirmed at the outbreak of hostilities. Now, citizenship

flowed from military service, rather than service forming the expression of citizenship" (21).

It had always been assumed that services were owed in exchange for the protection and benefits of the state; the converse, however, was true as well. Along similar lines, the states and Congress eased the American property requirement to vote in electoral assemblies for soldiers who fought in the Continental Army.<sup>10</sup>

After the Revolutionary War, noncitizens were still recruited for military service during peacetime (Jacobs and Hayes 1981). During the War of 1812 and the Mexican War, the service of noncitizens gave the country a volunteer force of sufficient size to avoid drafting soldiers. The idea of conscription arose in the War of 1812 and in the war against Mexico, but the national government did not want to have to enforce such an unpopular policy. The issue was avoided, because enough volunteers—citizen and alien—were attracted by cash bounties.

However, the inclusion of noncitizens in the military was largely 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.

During the Civil War, though, 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 deported. As one congressman explained, every man should "fight, pay, or emigrate" (Chambers 1987, 59); the sentiment was that aliens should not receive the benefits of living in America without bearing part of the burden as well. Tens of thousands of resident aliens were affected by this change, because it applied not only to declarant aliens, but also to 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). Experiencing any of the benefits of citizenship became tied to obligations of that citizenship.

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. The Act of 17 July 1862 allowed 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 period ordinarily required (Kettner 1978).<sup>11</sup> The right to naturalize, in other words, served as both reward and incentive to serve in the military. These "one-paper naturalizations" served as an important inducement to recruit aliens to serve in the Union Army. Aliens who served the U.S. Army, received an honorable discharge, and had one year's residence were to be granted citizenship upon their petition. In 1894 the legislation was extended to veterans of the Navy and Marines.

By 1894, though, the United States was between wars and the demand for soldiers was low. That year, Congress again passed legislation excluding aliens 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" (Act of 1 August 1894). However, while low demand for noncitizen military labor complemented beliefs in excluding aliens, there were growing views about the need for the Americanization and assimilation of immigrants. For example, Israel Zangwill's play, *The Melting Pot*, opened in 1908 and was a resounding success among audiences and politicians. Therefore, at the turn of the century, there again was strong support for immigrants to serve in the military. During the 1910s (and continuing in the 1920s), some political leaders viewed military training as one method for "Americanizing" immigrants, with the armed forces serving as the crucible for the melting pot. According to this view, military training would homogenize the different ethnic groups, and it would integrate them into the fabric of American society.

During World War I, the draft was reinstated to meet the demand for soldiers. Those immigrants who had not yet naturalized were considered exempt from the draft because of their noncitizen status; non-declarant aliens who had not yet filed the paperwork stating their intention to naturalize still had to register, but they would not be called to serve. As a result, immigrants who were not volunteering or being recruited by the draft were the targets of resentment. Besides the symbolic problem of Americans dying for "parasitic" foreigners in the United States, a logistical issue also was at stake: over 15 percent of

registrants for the selective service were exempt because of the vast numbers of nondeclarant aliens in the country at that time. 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 living in their communities (Chambers 1987).

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 enough to fight for" (Chambers 1987, 228). In other words, "good Americans" were dying for free-riding "slackers" and "loafers" (Chambers 1987, 163). One civic leader from Wisconsin combined the idea of fulfilling obligations with the notion of Americanization: "We have in this country over two million Jews of military age, and many more millions of pacifcs [sic] and pacifcs [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).

Furthermore, the additional idea existed that American citizens should not be fighting while resident aliens remained behind in safety and enjoyed all the benefits of their adopted home. In 1918 Congressman John Rainey of Illinois was particularly passionate about what he saw as an unjust imbalance of service:

. . . 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 war is not his war, that he has no obligation of patriotism and loyalty to the land he has adopted, in 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 . . . <sup>12</sup>

Political leaders like Rainey believed that people who enjoyed the rights or benefits of a country's citizenship—regardless of motivation—should also bear the burdens of citizenship, specifically the duty to defend that country.

The debates over selective service in World War I also focused on how to balance questions of noncitizens' loyalty with the need for them to share the obligations of Americans.<sup>13</sup> While there was also disagreement about whether citizenship was a worthy or appropriate reward for military service, in the end, a majority decided that aliens who fought for the U.S. had indeed proven their loyalty and deserved to become citizens. They agreed with the sentiments expressed by Congressman John Rogers during the debate about naturalizing World War I noncitizen soldiers; he argued the following: "[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."<sup>14</sup>

In the end, roughly 20 percent of wartime draftees during World War I 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 World War I.<sup>15</sup> Over a hundred thousand aliens were granted American citizenship as a result of their service. The Act of 9 May 1918 consolidated the two Civil War bills to cover both military and naval service.<sup>16</sup>

The practice of expediting citizenship for alien veterans of wars continued in subsequent wars and military engagements. According to the Immigration and Naturalization Service (now the U.S. Citizenship and Immigration Services under the Department of Homeland Security), from 1911 to 1920, 244,300 soldiers were naturalized ("Naturalizations" 1977–78). Between World Wars I and II, there were 80,000 such military naturalizations, and between 1942 and 1947, 121,342 more alien soldiers were naturalized. The practice was re-

peated during World War II, the Korean War, the Vietnam War, the Persian Gulf Conflict, and the more recent wars in Iraq and Afghanistan (which we will discuss more in this essay's conclusion). In all of these instances, naturalization did not depend on time that was spent in active duty during the war, and it was granted regardless of where the service took place.<sup>17</sup>

### Maintaining the Peace

As mentioned earlier, noncitizens did not *only* serve in the military in times of war; they also joined, when allowed, in peacetime. In addition to their pay, these alien soldiers were also rewarded for their service with easy access to U.S. citizenship. As part of section 328 of the Immigration and Nationality Act (passed in 1952 and amended in 1965 and 1990), noncitizens who served for three years in the military during peacetime and were honorably discharged could also be naturalized without the usual five-year tenure requirement. No actual residence or physical presence in the United States is required. As a result, many soldiers who served in peacetime were also able to gain citizenship.

In addition to enlistment by alien residents, during the cold war, some noncitizens were explicitly recruited to work for the country—from the United States as well as from abroad—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. While the actual numbers of noncitizens affected were small and these debates echoed earlier arguments about granting citizenship for service, the concerns about trust and exchanging citizenship for service were often made more explicit.

Numerous questions of loyalty and patriotism were first raised by both sides of the 1950 legislative debate. For example, Congressman Leo 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 them, above all, I want to see that the United States Army is 100 percent American.”<sup>18</sup> In remarks reminiscent of concerns expressed in the 1820s—and expounded by the Know-Nothings—Congressman Robert 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.”<sup>19</sup>

Note the 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.<sup>20</sup> 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. Military service, in contrast, would not make someone a good citizen in the mind of this one representative. However, this was ultimately a minority position.

Congressman Thomas Abernethy also argued in opposition to the Lodge Act that “American citizenship is something which is coveted around the world. Does not [the bill’s 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?”<sup>21</sup>

Proponents of the Lodge Act acknowledged those concerns and used prominent historical examples as heuristics to mitigate those fears. Congressman Dewey Jackson Short from Missouri 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.”<sup>22</sup> 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.”<sup>23</sup>

In essence, Short implied that if someone is willing to risk his or her life for a country, there is an obligation to reward that sacrifice.<sup>24</sup> This exchange of citizenship for service was obvious to some legislators and problematic to others. Senator Henry Cabot Lodge Jr., 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.”<sup>25</sup> The Lodge Act passed, but partially because an upper limit of 2,500 such recruits was established, so as to mollify fears of a large-scale Communist infiltration of American military forces.

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 annual *Statistical Yearbook* of the Immigration and Naturalization Service reports that from 1945 to 1990 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 resulted from these military provisions, with peaks unsurprisingly occurring after wars and conflicts.<sup>26</sup>

While the proportion of soldiers obtaining citizenship through service may be a small proportion of the total number of naturalizations in any given year, the practice has served the interests of the U.S. military. 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. David Chen and Somini Sengupta (2001) note that immigrants, at least in some major metropolitan areas in recent years, seem to be more likely to enlist than their native-born peers are. For example, in New York City, 40 percent of Navy recruits, 36 percent of recruits for the Marines, and 27 percent of Army recruits were green card holders—levels far higher than the proportion of green card holders among young adults living in the city. Figures on enrollment at the national level indicate that noncitizens accounted for 5 percent of recruits for all services during the late 1990s and increased from 3 percent at the start of the decade. Put another way, from 1988 to 2001 over 90,000 noncitizens served in the Army, Navy, Marine Corps, and Air Force.<sup>27</sup>

How should one think of these percentages? On the one hand, these numbers could be considered relative to the proportion of noncitizens residing in the United States. (less than 7 percent of the population, calculated as the percentage of the foreign-born population who are not naturalized citizens, according to the 2000 Census). In similar ways, the percentage of African Americans in the population (less than 15 percent according to the 2000 Census) could be compared with their percentage in the Army (29 percent in 2001). However, the presence of aliens does not simply raise an issue of under- or over-representation of a group in the nation’s armed forces. Instead, it

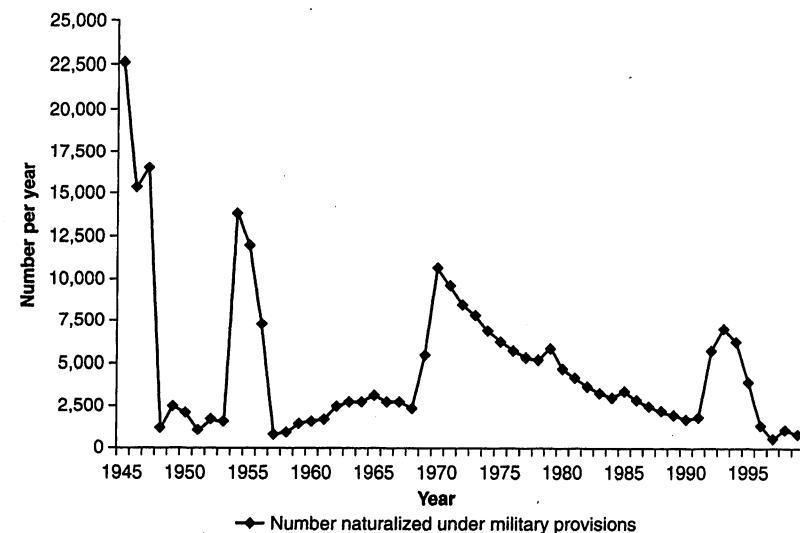


Figure 1 Number of naturalizations under military provisions per year, 1945–1999

should also be clear that aliens have been serving on behalf of the United States for over two centuries, and they were granted citizenship as a result of that service to the nation. Also, given that resident aliens are required to register with the selective service, the role of non-citizens in the military would certainly increase with any wartime draft. With changing demographics and shifts in the structure and composition of the military, it is impossible to predict whether the proportion of noncitizens will increase over time. However, evidence from the recent past indicates that the share of alien soldiers grew steadily during the 1990s and remained stable at the turn of the twenty-first century.

### Conclusion

On July 4, 2002, President George W. Bush announced that all non-citizens serving in the U.S. Armed Forces would be eligible for citizenship immediately. 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.<sup>28</sup>

On the one hand, this announcement in his Independence Day speech was unremarkable because Bush's executive order was simply a repetition of what other presidents before him had done. On the other hand, in a time when immigration is a controversial issue—with its defenders and detractors battling about amnesty for undocumented immigrants, antiterror provisions, H1B visas, and ethnic and religious profiling, among other issues—it is surprising that the fanfare and media's attention were not focused on the president granting citizenship to thousands of aliens. Instead, the focus of stories about the speech was on Bush's opinion of the Pledge of Allegiance and whether the phrase "under God" belonged in it.<sup>29</sup> 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.

Less than nine months later, the story changed. The media began reporting numerous stories about how citizenship was being granted to the "green card troops" for their heroic efforts (Navarrette 2003). Political leaders also began to call for legislation to simplify the naturalization process and grant greater benefits to these noncitizen soldiers and their families (Bustos 2003, Wilkie 2003).<sup>30</sup> One reason for the sudden news interest and focus was that noncitizen U.S. soldiers were some of the first casualties in Operation Iraqi Freedom. For example, Lance Corporal Jose Gutierrez, who arrived in the United States as an illegal immigrant, was the second U.S. serviceman to die in combat, and in the first month of the war, at least seven of the casualties were noncitizens (Sanchez 2003, Weiner 2003). There appeared to be a consensus, at least evident in the news stories, that the service of these immigrant soldiers was praiseworthy and should be rewarded, and that "there are none worthier of U.S. citizenship" ("Defenders" 2003, Ibarguen 2003).

What was not being discussed much was the policy of allowing noncitizens to serve in the military and expediting their application for citizenship. Some liberals noted the casualty list and disapproved the idea of using members of a disadvantaged group as cannon fodder, but this criticism essentially echoed concerns about the overrepresen-

tation of racial minorities in the military. These critics argued that the government was using poor immigrants' desires for citizenship to exploit them; for example, Constance Rice, a civil rights attorney, argued 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 and Zamichow 2003).

In the end, few critics asked *why* we have noncitizens in our military in the first place (see, for a rare example, Krikorian 2003). In this essay, we argue that granting citizenship for military service has been an integral part of American military policy from its founding to the present day. While only about 5 percent of current recruits are noncitizens and about 30,000 resident aliens are now serving in the U.S. military, this expedited process of granting citizenship has affected a large number of Americans in total.<sup>31</sup> The case of aliens in the U.S. military provides compelling support for the argument that *jus meritum* is a third guiding principle—in addition to *jus sanguinis* and *jus soli*—upon which American citizenship is based.

The case of alien soldiers also highlights the fundamental relationship between membership in a political community and the responsibilities of citizens. While it is often assumed that rights and responsibilities follow from citizenship, the converse can also be true: the fulfillment of one responsibility—military service—can lead to citizenship.<sup>32</sup> This policy emphasizes the very real link between citizenship and duties; the relationship is not simply a theoretical or normative one, it is empirical fact.

While scholars bemoan the dominant presence of rights in the citizenship literature, political leaders and pundits note that citizens' sense of duty to their nation is disappearing. Even given the patriotic reaction to the 9/11 events, the idea of a draft is politically infeasible (Holmes 2003, Rangel 2002); voter turnout is consistently low, relative to both other countries and American elections in the past (Blais 2000); and proposals to raise the monetary compensation for jury duty are being debated, in the hope of countering citizens' reluctance to serve (see, for an example, Craig 2004). The fact that aliens who fight on behalf of the United States are immediately eligible for citizenship highlights that, regardless of the literature's focus and concerns that the solitary, unengaged American may see citizenship as a one-way relationship, citizenship and service are inextricably tied together in very tangible ways. These ties have continued for more than two centuries, and they ought to be as much a part of the theoretical discussions as *jus soli* and *jus sanguinis*.

Finally, the notion of citizenship for military service raises questions about whether other types of activities also should qualify. As noted by Karthick Ramakrishnan in this volume, a sizable proportion of noncitizens are engaged in civic volunteerism. Some may argue that acts of service to one's local community should be included in considerations of citizenship. For example, Rodolfo de la Garza and Louis DeSipio propose that permanent residents be allowed to vote; after exercising this right/responsibility for five years—essentially behaving as citizens—they should be allowed to naturalize without meeting some of the current requirements of naturalization (de la Garza and DeSipio 1993, cited in Pickus 1998). Other scholars argue that there is something unique about military service—both from the point of view of political leaders expediting naturalization and from the point of view of public opinion in America—that makes it incomparable to other forms of service or participation (Feaver and Kohn 2001, Hess 2003).

Regardless of whether *jus meritum* is extended to include other forms of public service in the future, recognizing the presence of non-citizen soldiers in the United States should change how we think about the face of the American citizenry. Models of citizenship need to change to acknowledge this third principle of service, especially since it helps balance discussions of rights and responsibilities of citizens. And, as both academics and political leaders debate the merits of public service (see, for example, the chapters in Dionne et al. 2003), they should consider the value of service to individuals. It is not simply a normative ideal to raise the (aggregate) levels of civic engagement, with the goal of ensuring the health of American democracy. For many immigrants, service—via fighting and risking one's life—is worth citizenship.

## Notes

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1. While in the past, some nations followed *patrilinial jus sanguinis* (like Japan), many now have systems of *jus sanguinis a patre et a matre*, allowing children born of either a citizen father or mother to be citizens of a nation (Kondo 2001).

2. "Progressive" is a rather ironic description of the latter, given that feudalism is the origin of *jus soli*. In rebelling against the ideas of the aristocracy, the French Revolutionaries repudiated the idea of individuals being born to the land, automatically beholden to the landowning lords. At the end of the nineteenth century, *jus soli* returned as a principle in France, in addition to *jus sanguinis*.

3. This list includes Austria, Denmark, Estonia, Finland, Greece, Israel, Italy, Latvia, Luxembourg, Spain, and Sweden.

4. Weil also argues that two other factors besides birthplace and bloodline are often ignored in studies of nationality laws: marital status and residence in a country (2001, 17). However, he does not make the categorical distinction that the latter two apply to the naturalization of immigrants, while *jus soli* and *jus sanguinis* apply to citizenship at birth. Both factors usually also require a certain period of time to pass—either as a newlywed or new resident—before an application for citizenship is permitted.

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

6. The exceptions to this rule fall along the lines of *jus sanguinis*, stressing lineage and family ties, although not always *blood* ties. The waiting period for naturalization is shorter for an individual married to an American citizen, and a foreign-born child adopted by American parents automatically becomes a citizen. However, while the foreign-born child of an unmarried American woman is automatically an American, the foreign-born child of an unmarried American man is only eligible for citizenship if the father declares paternity before the child reaches the age of majority (see *Tuan Anh Nguyen v. INS*, 533 U.S. 53 [2001]).

7. We use the term "alien" in this essay for two reasons: (1) it allows us 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."

8. While citizenship has been granted infrequently for service by nonmilitary personnel, we rely here on the example of noncitizen soldiers to make our argument that "citizenship for service" is a regular American practice. As we explain in this essay, the policy of granting citizenship to soldiers precedes the founding of the country, and expedited naturalization for military service—in times of war and peace—has been in place for over a half century.

9. 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 recent scholarship (see Berns 2001, Buckley 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 as a result of racism are an important (and much larger) part of the history of the country, but in this essay we focus only on noncitizens who were not denied citizenship because of their race, i.e., 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 right to citizenship until the 1920s, and different Asian immigrants struggled to naturalize up until the mid-twentieth century, partially as a result of judicial indecision about who was white or Caucasian (Benn Michaels 1995, Haney Lopez 1996). A discussion of the relationship between citizenship and race is beyond the scope of this essay, but is addressed more extensively in other essays in this volume by Kenneth Prewitt, Jane Junn, and Lisa García Bedolla.

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

11. For everyone else, declaration of intent was required until the 1952 Immigration and Nationality Act.

12. 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.

13. Concerns about the loyalty of aliens, civilians as well as soldiers, arose again in World War II (Vagts 1946), particularly for those immigrants from Germany, Italy, and Japan.

14. 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.

15. 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 United States only recently. While he had been made a citizen of eight different states following the Revolutionary War, he was not granted American citizenship in the years immediately following the establishment of the United States. In the summer of 2002, Lafayette was recognized for his service to this country, and is only the sixth individual to receive an honorary citizenship.

16. Despite this legislation, courts upheld in *Takao Ozawa v. United States* (260 U.S. 178 [1922]) and *United States v. Bhagat Singh Thind* (261 U.S. 204 [1923]) that Asian aliens who were veterans were precluded from benefiting from it. 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).

17. President Ronald Reagan passed a similar executive order in 1987 for aliens and noncitizen 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. All

other such orders had extended to all veterans, regardless of location of their wartime service.

18. 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.

19. 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.

20. 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 United States 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.

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

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

23. Ibid.

24. Race, however, did trump service at many different points in time in American history. For example, regardless of their sacrifices, African American soldiers were not treated as equal citizens after their service.

25. 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.

26. A figure showing the percentage naturalized under military provisions of total naturalizations looks almost the same as figure 1.

27. The data on enrollment numbers come from correspondence with Lt. Col. James P. Cassella, U.S. Army defense press officer, Office of the Assistant Secretary of Defense (Public Affairs).

28. [www.whitehouse.gov/news/releases/2002/07/20020704-3.html](http://www.whitehouse.gov/news/releases/2002/07/20020704-3.html)

29. The Ninth Circuit Court had recently ruled that schoolchildren should not have to swear allegiance “under God” every day at school.

30. 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) proposed to grant citizenship to survivors of noncitizen soldiers, even if they were in the country illegally (Wilkie 2003).

31. Indeed, since 1862, over 660,000 alien veterans were granted citizenship, 200,000 of whom were naturalized in 1918 alone (Goring 2000).

32. While this essay focuses on the United States, the practice of granting citizenship for service is not an example of American exceptionalism. Service in the French Foreign Legion, for example, can also lead to French citizenship, although the requirements are not the same as in the United States.

## The Impact Of Dual Nationality on Political Participation

Bruce Cain and Brendan Doherty

Global economic forces and new regional political arrangements are changing our conceptions of citizenship and nationality.<sup>1</sup> More nations now offer opportunities for dual nationality than before. Regional agreements such as the European Union give foreign nationals employment and travel rights that were previously granted to citizens only. So-called "cosmopolitans" go so far as to tout the ideal of borderless societies and question the relevance of national identities altogether. But what are the practical effects of granting individuals multiple nationality rights? Are U.S. citizens with dual nationality, for instance, any different from other citizens in their commitment to civic duties such as voting, or in their willingness to take advantage of opportunities to contact or influence elected officials?

Broadly construed, the cosmopolitan ideal envisions an ever-expanding universe of citizenship rights and responsibilities. Dual nationality is merely a step along the path toward having citizenship rights in every country, or perhaps toward a world where the concept of citizenship loses all meaning. However, the expansion of these opportunities also implies greater responsibilities and costs. It takes time and effort to keep up with the issues of the day in any given country, or to secure an overseas ballot and vote.<sup>2</sup> In short, the dream of expanding nationality potentially runs afoul of the pessimistic predictions of standard political science findings. Previous research has suggested that since political participation is costly, participation rates drop as costs increase. By implication, if dual-nationality U.S. citizens must bear greater costs of being informed and actively participating, then we should expect their participation levels in the United States to be lower than those of traditional single-nationality citizens.

Hence, the basic question in this essay is whether U.S. citizens with dual nationality have similar participation rates as single-nationality