

## **WHO FIGHTS**

### ***Substitution, Commutation, and “Green Card Troops”***<sup>1</sup>

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#### **Abstract**

In discussions of political obligation, it is commonly assumed that duties *follow* from citizenship. However, the performance of a duty by aliens can *lead* to citizenship status in at least one critical case: service by noncitizen soldiers. While politicians and pundits recently have called citizenship a just reward for bearing arms and these “green card troops” another example of immigrant entrepreneurship in the United States, there is a good deal of ideological ambivalence about the policy. A clear discussion of its merits is crucial, particularly because in upending the traditionally accepted relationship between obligation and membership in a community, it gives new meaning to citizenship; it also forces a choice between our egalitarian and civic republican values. In this essay, I provide a theoretical framework for evaluating the policy normatively, as well as a political analysis of why—regardless of one’s normative stance—the practice of granting citizenship for military service is likely to continue into the future.

**Keywords:** Citizenship, Obligation, Military Service, Commutation, Substitution

Military service is perceived as an obligation of U.S. citizenship, at least for men.<sup>2</sup> Nonetheless, aliens serve and have always served in the nation’s armed forces, effectively allowing citizens to evade their military duties.<sup>3</sup> In return for this service, the United States has, since before the Revolutionary War and in every war since, offered citizenship as a reward to noncitizen soldiers. Numerous news stories in the last few years have covered these “green card troops” (Navarrette 2003), in part because some of the first casualties of Operation Iraqi Freedom were noncitizen U.S. soldiers (Branch-Brioso 2003).<sup>4</sup> But, there has been little discussion about the general practice of including noncitizens in our armed forces—over 33,000 of whom were serving as of May 2006—beyond acknowledging that the service of these individual immigrant soldiers is admirable and should be rewarded (Barker and Batalova, 2007; *San Diego Union-Tribune* 2003). A clear discussion of the policy’s

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merits is crucial, though, particularly because it upends the traditionally accepted relationship between obligations and citizenship arising from principles based on birthplace (*jus soli*) and blood (*jus sanguinis*); understanding why alien soldiers are allowed to join our political community provides a new perspective on U.S. citizenship. Furthermore, systematic analysis of this policy also forces us to acknowledge that we are (and have been) making an implicit choice between our egalitarian and civic republican values in continuing to grant citizenship for military service. In this essay, I provide a theoretical framework for evaluating this policy normatively, as well as a political analysis of why—regardless of one’s normative stance—the practice of granting citizenship for military service is likely to continue into the future.

What is the merit of a policy that allows noncitizens to serve in the military and expedites their application for citizenship?<sup>5</sup> Some liberals dislike the policy, arguing that the government exploits poor immigrants’ desires for citizenship (Connell and Zamichow, 2003), while some conservatives also dislike the policy, contending that military service should be a right reserved for citizens only (Krikorian 2003). However, this policy is one of the few avenues by which immigrants can speed up the naturalization process, something favored by liberal immigration advocates; and fighting for the United States would be anathema to a “free-riding” immigrant, and therefore something favored by conservative immigration foes. In other words, there is a good deal of ambivalence among ideological elites about this policy, and the public discussion is only a cursory and occasional one, spurred by pictures of wounded alien soldiers being granted citizenship in hospital beds.

How should we think of this policy of citizenship for service, or *jus meritum*? Elsewhere (Wong and Cho, 2006), I have argued that *jus meritum* is as ingrained as *jus soli* and *jus sanguinis* as a basis for granting citizenship in U.S. history. Here I want to provide a framework for deciding how we should think of the policy as it exists today in the United States, irrespective of its long pedigree. Economics and ideology often provide perspective, but, in this case, a cost-benefit calculation would not address the intangible and value-laden consequences of a policy affecting the symbolic nature of citizenship, nor is it clear how we should judge whether it is efficacious or not. And, since there are liberals and conservatives both for *and* against this policy of granting citizenship in exchange for military service, how else can we judge it as good or bad practice in modern U.S. politics? Another method for evaluating this policy is by asking the following question: what other policies in U.S. history are most similar to that of granting citizenship for military service? What do our core values and historical antecedents say about those policies, and, by induction, can they clarify how we should think about *jus meritum*?

In this essay, I will show that the practice of granting citizenship for service is normatively indistinguishable from the policies of substitution and commutation, which our society eventually rejected on egalitarian grounds. This comparison will allow us to determine if granting citizenship to alien soldiers is consistent with core values in our society, such as egalitarianism and civic republicanism.<sup>6</sup> Of course, this leaves us with a puzzle: Why does *jus meritum* exist if substitution and commutation have disappeared? I argue that while these three policies are *normatively* similar, they are *politically* distinct. Therefore, I also offer a political analysis providing several practical and political reasons why the longevity of the practice of granting citizenship to alien soldiers is likely ensured, at least for the near future.

I first begin with an overview of *citizenship for service* as a policy.

## A BRIEF HISTORY OF ALIENS IN THE U.S. MILITARY

In addition to *jus sanguinis* and *jus soli*, citizenship in the United States has long been rewarded on a principle of *service*, thus reversing the traditional relationship of citizenship leading to obligations. Noncitizens have fought in American battles since the colonial period, and during the Revolutionary War, some states’ militias were expanded to include aliens, often using state citizenship as an inducement for military service (Chambers 1987, pp. 22, 231). Alien soldiers 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).

When the first national draft was adopted during the Civil War in 1863, all immigrant males who had legally declared their intention to naturalize (“declarant aliens”) were included (Chambers 1987, p. 59). Chambers documents that, as a result, about one-quarter of the Union Army was staffed by foreign-born soldiers (Chambers 1987, p. 49). The first time that military service affected naturalization at the national level was also during the Civil War, with the Act of July 17, 1862 (LeMay and Barkan, 1999; Kettner 1978). The application process for immigrants was expedited as a result of service in the army, with the residency requirement reduced from five years to one.<sup>7</sup>

The practice of granting citizenship to alien soldiers was repeated during World Wars I and II, the Korean War, the Vietnam War, the 1991 Gulf War, and the current “War on Terrorism.” Hundreds of thousands of aliens became U.S. citizens as a result. For example, the Immigration and Naturalization Service (INS) reports that, from 1911 to 1920, 244,300 soldiers were naturalized (*INS Reporter* 1977–1978). Between World War I and World War II, there were 80,000 such military naturalizations, and between 1942 and 1947, 121,342 more alien soldiers became U.S. citizens.

Besides 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 five-year tenure requirement. No actual residence or physical presence in the United States was required. Many soldiers who did not serve when the nation was actively engaged in a war or conflict were thus also able to gain citizenship.

The INS’s annual *Statistical Yearbooks* from 1945 to 1999 report that there was a total of over 260,000 noncitizens with military service–expedited naturalizations during times of war and peace combined. While it is not clear exactly how many aliens gained citizenship—national and state—by serving in the armed forces over the course of American history, the number is likely over a million, and the span of time that the policy covers extends from before the nation existed to the current day.

## A BRIEF HISTORY OF SUBSTITUTION AND COMMUTATION IN THE UNITED STATES

There are no *contemporary* policy avenues with which I can contrast and evaluate the granting of citizenship for military service. Immediately following the events of September 11, 2001, the Department of Justice offered to expedite the naturalization process for anyone willing to come forth with information. However, because of its minimal scope and scale in the face of an emergency, this policy is not comparable to citizenship for military service. Therefore, in order to judge the merit of granting

citizenship for military service, I adopt the following theoretical strategy: I assess the policy of expediting naturalization for “green card troops” by comparing it to *historical* examples that are similar in their goals and substance. I identified two such policies—*substitution* and *commutation*—that fulfilled these requirements, as they, too, specifically concerned military service in times of war. My strategy requires first explaining what these two long-used policies of substitution and commutation entailed, a task I turn to next.

The practice of *substitution*, in which conscripted men paid others to serve in their place, has existed since the militias emerged in the American colonies. The middle and upper classes were the main employers of substitutes, and these substitutes were often propertyless men or second-class citizens (Chambers 1987). During the Revolutionary War, both the state militias and the Continental Army used substitutes. When states issued drafts to supply men to the Continental Army, for example, all states allowed their wealthier citizens to avoid service by hiring substitutes. In other words, for those who could afford a substitute, conscription did not require *personal* service.

The Continental Congress also had to offer bounties of cash and land to attract recruits. Therefore, even more than in the state militias, poor men, indentured servants, and former slaves filled the ranks of the army. 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 (Kestnbaum 2000, pp. 22–23).

In other words, citizenship could still be linked tightly to service, but not necessarily to only one kind of service.

In the war against Mexico, President Polk relied solely on volunteers attracted by cash bounties, and therefore sidestepped 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; the free market for labor had driven the price of substitutes to \$600 in gold (Chambers 1987, p. 46). Instead, the Confederate government then exempted a number of occupations from military service, which, ironically, were restricted to largely the same middle- and upper-class individuals who could afford to find and pay for substitutes in the first place.

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:

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, p. 226).

Levi (1997) explains that the practice of buying out of military service had its origins in feudalism: subjects could pay a fee to their lord instead of fighting. It was believed that the wealthy would suffer more from harsh living conditions, compared to the poor, so subjects should be allowed to serve society (and their lords) best according to their talents, skills, or positions.

Levi also points out that commutation existed in the United States in practice, if not in name, since colonial times, with fines that could be paid, often by conscientious objectors, in place of training in militias. However, the Civil War was the first time that Congress wrote commutation into law. Originally, its proponents considered it 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.<sup>8</sup>

The expense of commutation and the burden of finding qualified substitutes did not always fall on the individual draftee. State and local governments often found substitutes or paid bounties for volunteers to replace their own drafted residents. Elected politicians were willing to expend public funds in order to provide financial assistance to their voting constituents to buy these substitutes, even when the going price rose to \$1000 (Chambers 1987; Levi 1997). In addition, industrialists sometimes would pay commutation fees to protect their employees and thus their businesses. In the Civil War, as in the Revolutionary War, military service was only *one* of the ways to serve one’s country.

Despite the fact that substitutes during the Civil War were often paid much more than the commutation fee, antidraft protesters focused on the commutation clause (rather than substitution) rallying around the slogan, “The rich man’s war and the poor man’s fight.” Lincoln, who had supported the new policy, was perplexed and 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, p. 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 in 1863.<sup>9</sup> In those drafts, from two to three times as many men commuted as those who provided substitutes. However, the total percentages for all four drafts were about equal for the two options: Levi reports that 9% furnished substitutes to go in their stead, while 11% paid a commutation fee (Levi 1997, p. 97).<sup>10</sup> In other words, during the Civil War, one in five conscripted men avoided personal military service via either commutation or substitution.

By World War I, members of Congress discussed neither commutation nor substitution as an option to be considered in debates over selective service.<sup>11</sup> Progressives thought that the inequalitarian nature of both policies violated norms of universalism, and citizens more generally found repugnant the idea that certain classes of people could buy their way out of their obligation to their country. Since then, the tone of discussion regarding military service—as a special obligation of citizens that is to be borne directly and distributed *equally*—has not changed. The argument that wealthier Americans have different types of responsibilities or duties to the nation than do poorer Americans would still be taboo in congressional debates today; “from each according to his abilities” is no longer an acceptable justification for class differences in military labor.<sup>12</sup> Also, no one currently would argue that some kinds of nonmilitary service—such as contributing money or joining AmeriCorps—deserve equal meritorious status to that of bearing arms as a qualification for citizenship.<sup>13</sup>

## SUBSTITUTION, COMMUTATION, AND CITIZENSHIP FOR SERVICE

What would it mean for commutation and substitution to be comparable to the policy of granting citizenship to alien soldiers? I argue that there are two criteria to be met: (1) the chance that a citizen will have to serve in the military should be reduced, and (2) an alien should be paid a fee or bounty to serve—either directly as a substitute or indirectly—as a soldier in lieu of the citizen (or community) that paid a commutation fee.

### Diminished Service Burden for Citizens

The presence of alien soldiers in the U.S. armed forces definitely reduces the service burden of citizens. During the Revolutionary War, noncitizens were used as substitutes in the state militias and the 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, including by *not* fighting. This practice continued over time, and, up until World War I, noncitizens often served as the substitutes for draftees. Since substitutes had to be individuals otherwise ineligible for the draft, this often included minors and nondeclarant aliens.

As explained above, a substitute could take the place of a single individual; he also could lessen the draft burden of an entire community, diminishing the probability that any given man would have to serve. The number of men drafted in an area was based on the total population (not just the eligible citizens and declarant aliens), so each substitute or volunteer reduced the number of draftees needed. Therefore, even after substitution was abolished, the noncitizens who served still decreased the chance that a citizen would be drafted.

Since the creation of the All-Volunteer Force in 1973, there is no question of noncitizens taking the place of a citizen draftee, and no single individual bears the burden of making the calculation about whether to opt out of serving (Moskos 1988). However, selective service registration was reinstated in the 1980s, and, for a young American male, availability for military service is clearly an obligation of citizenship, even if none have been called upon to fulfill this duty. Failing to register, after all, 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.

Immigrant soldiers made a difference in meeting staffing demands by the armed forces in the late 1990s. While the army still missed its recruiting goals by tens of thousands of soldiers, it would have missed them by even more without noncitizen volunteers. Chen and Sengupta (2001) note that immigrants seem to be more likely to enlist than are their native-born peers, at least in some cities. For example, in New York City in 2001, 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; during the time period from 1988 to 2001, over 90,000 noncitizens served in the army, navy, marines, and air force.<sup>14</sup>

The men and women deployed for Operations Enduring Freedom and Iraqi Freedom have been drawn from those on active duty, in the reserves, and in the National Guard. Many of them have had their service extended involuntarily, and having three tours of duty is not uncommon. As such, the number of noncitizen “substitutes” in those units helped to furnish the nation with the luxury of forgoing a draft to meet its defense needs. While it is doubtful that the Congress would have acted to enforce recruitment goals in a way that would have affected the average American, noncitizens are clearly filling empty spaces left by a shortfall in citizen soldiers.

## Aliens are Paid to Serve in Lieu of Citizens

If one thinks of a *substitute* as someone serving in the place of a U.S. citizen—rather than just a draftee—then a noncitizen in the armed forces is, in essence, a substitute. Currently, many of the armed forces are understaffed and cannot meet their recruitment quotas. In place of citizen volunteers, alien soldiers are paid the normal salary and benefits, and, in addition, they receive a bounty, much as the soldiers recruited in the Revolutionary War received bounties; in this case, rather than gaining the right to vote without meeting the property requirement, for example, noncitizen soldiers gain the right to apply for citizenship immediately.<sup>15</sup>

Americans are averse to the idea of paying for mercenaries, of course, but while the payment that “substitute” alien soldiers receive today is not a cash payment, it would be difficult to dispute that they are receiving a bounty, much as their historical predecessors did.<sup>16</sup> 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 speaking, that means college tuition, cash enlistment bonuses, and career opportunities) (Padilla and Laner, 2002). In trying to answer for young people the question, “How does the army benefit me as an individual today?” the “Army of One” campaign points out its opportunities. However, as one military spokesperson has emphasized, “We are not selling money for college. We are selling how the army strengthens you as an individual.”<sup>17</sup> 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.<sup>18</sup>

Whatever the form of the payment, U.S. legislators have long acknowledged that if someone were willing to risk his or her life for the country, then there might be an obligation to reward that sacrifice.<sup>19</sup> Senator Henry Cabot Lodge, for example, argued in 1949 that the policy of granting citizenship to alien soldiers “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” (U.S. Congress, Senate 1949). The ability to naturalize immediately is not a monetary payment, and one could argue that it is priceless; even though many potential immigrants today have the means and desire to purchase the opportunity to naturalize, it is impossible to buy automatic legal residence and citizenship in the United States. Under normal civilian circumstances, the monetary, emotional, and social costs of residing in the United States for at least five years and preparing for the citizenship test are also not negligible. Therefore, while today alien soldiers do not receive a cash sum for serving as “substitutes,” they are paid a bounty that is worth a great deal.

While *individuals* no longer pay commutation fees, the role that *communities* once played in commutation and substitution still exists. 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 United States is able to approach or reach its armed forces recruitment goals without calling for a draft.

The analysis presented in this section suggests that granting citizenship to alien soldiers for their service is comparable to the policies of commutation and substitution. All three policies decreased the chance that an American citizen would have to serve in the armed forces, and, for all three, a bounty was paid. In the case of commutation, a citizen paid the federal government, which in turn would often offer

rewards to recruit replacement soldiers, many of whom were noncitizens. For both the practice of substitution and the granting of citizenship to alien soldiers, the replacement soldier was paid a bounty—monetary or otherwise—in addition to his regular pay and benefits. In other words, given its similarity to commutation and substitution in substance and nature, we can judge the merit of granting citizenship for service by comparison. Given this framework for evaluating the policy, one is forced to acknowledge the inegalitarian nature of *jus meritum*, where the service warranting citizenship is military. While it is unsurprising that noncitizens and citizens are treated unequally in the normal course of politics (Walzer 1998), the inequality perpetuated by *jus meritum* is both between types of citizens—whereby those alien soldiers who naturalized had to shoulder an obligation of citizenship that other citizens did not—and between aspiring citizens, only some of whom had to risk their lives in service to the United States in order to attain their goal.

Of course, one could argue that other values can override egalitarian ones, thus justifying the policy; in addition to egalitarianism, *jus meritum* could be judged on utilitarian or civic republican grounds. Both native-born citizens and alien soldiers benefit, respectively, from not having to serve or by becoming immediately eligible for naturalization. Furthermore, by shouldering military duties, the alien is actively engaged in his or her community, and the native-born Americans who do not serve are free to take on other nonmilitary civic responsibilities. Of course, these same utilitarian and republican values could be said to justify the continuation of commutation and substitution as well.

However, if citizenship for military service is similar to commutation and substitution, then why does the former still exist while the latter two have disappeared? I argue that despite their *normative* similarity, they are *politically* distinct. A discussion of why only *jus meritum* continues today is needed because its survival provides insight into current notions of citizenship and patriotism. Granting citizenship for military service is unlikely to be discarded as a policy for the following reasons: (1) the practical and political reasons that ended commutation and substitution do not apply to citizenship for military service; (2) the latter policy highlights the importance of U.S. citizenship to the nation's citizens (as well as to an international audience) in a way that *jus soli* and *jus sanguinis* do not; and (3) the policy allows Americans to continue comfortably as “casual patriots” (Lane 1965). I explain these reasons in more detail in the following sections.

## LONGEVITY OF CITIZENSHIP FOR SERVICE

Despite the similarities noted between the three policies that over time have been used by U.S. citizens to avoid military service, there is little chance that citizenship for service will have the same fate as commutation and substitution. In particular, the practical and political conditions that led to the end of substitution and commutation do not apply to the policy of granting citizenship to alien soldiers. Furthermore, there are two additional reasons why the policy would be difficult to rescind: it gives a unique meaning to citizenship, and it allows Americans to be able to embrace a casual patriotism.

This examination of reasons for the longevity of citizenship for *service* will show how *jus meritum* puts in stark contrast citizenship as *status* and citizenship as *reward* and how these different conceptions may lead to correspondingly different performances of citizen duties. I will also articulate some of the ways that other core ideologies (like civic republicanism or utilitarianism) would lead some to preserve



the policy of granting citizenship for service in spite of the preceding analysis regarding how inequalitarian the practice is.

So, why did commutation and substitution end in the United States? Levi proposes five reasons for the demise of these two policies: expanded franchise, military efficiency, transaction costs, the political clout of the middle classes, and the ideology of universalism (Levi 1997, pp. 102–106). The first argument links the extension of the franchise with the end of commutation and explains that the changing political voice of those draftees who were 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 not its immediate cause. Noncitizens, however, do not have the voting power to protest their inclusion in selective service, even if they so desired. Failure to register for selective service by his twenty-sixth birthday can also derail an immigrant's application for naturalization (Solomon 1999).

Since the late 1920s, noncitizens have not been allowed to vote in any national or state election (Aylsworth 1931; Raskin 1993). Hayduk (2002) notes that voting rights for noncitizens ended in the 1920s, when the electoral potential of working-class constituencies and third-party movements was growing. Although there are still some municipalities that allow noncitizens to vote for the school board or city council, no nationally or state-elected representative needs to worry about losing noncitizen votes by supporting legislation that harms them. 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 not members of the electorate. Thus, even if egalitarian beliefs led to the end of commutation and substitution, citizenship for service shows how bounded this egalitarianism is: it applies only to those with the franchise, not to noncitizens.

A second 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 given (1) the need for large numbers of soldiers, and (2) public opposition to a draft. In the debate over Representative Charles Rangel's 2003 draft proposal (which had only eleven cosponsors) at the start of the War on Terror, then U.S. Secretary of Defense Donald Rumsfeld made it clear that the all-volunteer force was superior to a conscripted force. In addition to reluctant soldiers who could earn more as civilians, a draft would lead to wasted money by training troops who 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" (Department of Defense 2003).

This echoes debates over a standing army from two centuries ago. In 1800, Secretary of War James McHenry 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; cited in Karsten 2001, p. 147). Similarly, during the Civil War, conscripts were viewed as unpatriotic and unreliable in battle (Chambers 1987, p. 62). Today, military elites do not, in fact, want a conscripted force to replace the now all-volunteer force. In this case, so long as citizens value an effective military, utilitarian values

could easily lead one to support the idea of a volunteer army—including the noncitizen volunteers—despite egalitarian reservations.

A third potential explanation for the persistence of citizenship for service focuses on the transaction costs involved: when it came to the two older policies, 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 of the burdens involved in administering these policies. This explanation, however, would not predict an end to granting citizenship for service. Relatively speaking, it is much cheaper to make information available to noncitizen potential soldiers, by linking the naturalization process to military service—often via word of mouth—than it is to fund 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 from it. 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 (DoD) has partnered with the Immigration and Naturalization Service (INS) to help “streamline and expedite the handling” of applications (*Soldier's Guide to Citizenship Application* 2001). However, according to an information paper put out on *Enlistment and Commissioning Standards for Immigrants*, prepared by Dr. Jane Arabian:

The DoD does not become involved in the citizenship process, does not sponsor individuals for citizenship, does not support applications for citizenship or entry into the United States. This is an individual responsibility (Arabian n.d., p. 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, cited 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, unemployment, and the ambiguity of military missions (Segal et al., 1999), as well as public perceptions of the military. For example, despite high unemployment, the antimilitary 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 U.S. 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 three times (Caldera 2001), by tens of thousands of soldiers.

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 created a Marketing Strategy Office: \$150 million is budgeted per year for the “Army of One” advertising campaign, with the goal of recruiting 80,000 for the active component and another 80,000 for the active guard and reserve.<sup>20</sup>

In contrast, noncitizens seem to be getting information about the expedited naturalization process quickly, via word of mouth. The U.S. Embassy and Consulate Offices in Mexico were inundated with requests to join the military at the onset of the fighting in Iraq. “Despite three 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).<sup>21</sup> Thus, aliens, who see citizenship as the reward at the end of a dynamic process of engagement, benefit from *jus*

*meritum*, by satisfying civic republican values of greater civic participation, as do Americans born with their status as citizens, who may not wish to perform the obligation of military service, by satisfying utilitarian priorities.<sup>22</sup>

The final practical considerations that Levi argues contributed to the end of commutation and substitution—the political power of the majority and an ideology of universalism—will not affect the granting of citizenship to alien soldiers. As democratization increased the voice of those who were conscripted, there was a simultaneous push for fairness and equity over notions of natural right. Levi writes, “Equality before the law and equality of sacrifice increasingly became the standard by which citizens evaluated government” (Levi 1997, pp. 105–106). Nevertheless, the political power of the masses will not change the current policy affecting noncitizen soldiers. Why would they oppose the policy of granting citizenship for military service, which has a very low potential fiscal impact, often a primary concern of the public in relation to immigration and immigrants? The noncitizens would later be eligible for veterans’ benefits, but so would all other citizen soldiers. They might receive social services normally restricted to citizens—thereby increasing the number of people with whom the state’s “social welfare pie” would have to be shared—but many rights and privileges extend to all residents, so, for those benefits, noncitizens would be eligible, even if they did not don a uniform (Joppke 2001).

The political clout of the median voter also explains why the draft is a moot issue (aside from the military efficiency arguments mentioned above). Raising taxes may be unpopular, but forcing all young men (and perhaps women) to bear arms would be catastrophic for most politicians’ careers because of the public distaste for a military draft. Again, the egalitarianism that ended commutation and substitution is bounded, such that it will not affect noncitizens and the policy of granting citizenship for service; we are, after all, used to leaving noncitizens out of normative considerations of fairness. 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).

Levi makes a compelling argument that notions of universalism and fairness led to the demise of commutation and substitution, but granting citizenship to green card troops seems, on its face, a fair policy: it benefits any immigrant willing to serve, as it speeds up an otherwise long and elaborate naturalization process. For example, even undocumented immigrants have gained amnesty and citizenship 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” (Goldstein and Moreno, 2003). If one thinks of maximizing benefits, one could argue that the number of alien soldiers who can benefit by becoming citizens quickly will almost always exceed the number of alien soldiers who die from their service.<sup>23</sup> In other words, like civic republicans, utilitarians can like *jus meritum*, even if egalitarians cannot. Of course, there are other ways to explain why citizenship for service still exists, beyond the reasons for which commutation and substitution ended. The next section explains further why concerns about equality will not affect the policy of naturalizing noncitizen soldiers.

## THE APPEAL OF CITIZENSHIP FOR MILITARY SERVICE

Here I propose two additional reasons that ensure the longevity of the policy of granting citizenship for military service, despite its normative similarity to commutation and substitution; these pertain to current notions of *citizenship* and *patriotism*.

The practice of granting citizenship for service highlights the value and importance of U.S. citizenship. And including noncitizens in our armed forces allows the majority of Americans to remain comfortable, “casual patriots.”

### Meaning of *Citizenship*

Citizenship is the quality that defines who belongs to a state, and who is entitled to the benefits associated with full and equal membership (Shklar 1991). 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). Helman explains that for the military in Israel, for example, “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” (Helman 1997, p. 306). Janowitz argues that, from the American and French Revolutions, “military service emerged as a hallmark of citizenship and citizenship as the hallmark of a political democracy” (Janowitz 1975, p. 435). The idea of a standing army was acceptable to Americans rebelling against the oppression of the British military rule during the Revolutionary War, only because it was made up of citizen soldiers. As Royster 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 (Royster 1979, p. 39, cited in Kestnbaum 2000, p. 17).

Even poor militiamen wanted to be citizen soldiers, not mercenaries (Shklar 1991, p. 17), giving credence to the value ascribed to citizenship in 1943 by the Supreme Court in *Schneiderman v. United States*:

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.

Since the end of the draft in the United States, however, military service no longer embeds one within society; citizenship alone does. In other words, a native-born adult American is a full member of the political community, regardless of whether he or she has served in the military.<sup>24</sup> Principles of *jus soli* and *jus sanguinis* ensure that individuals born on U.S. soil or of American parents are automatically community members.

Ironically, while the end of the draft decoupled military obligation from citizenship, *jus meritum* ensures that the link between the two remains. Because citizenship can be a reward for military service, the link is not abandoned, only transformed, and it is the alien soldier who helps to maintain that connection between citizenship and duty.

The military service of aliens also imbues the citizenship of native-born Americans with even greater worth. Citizenship is beyond price, because noncitizen soldiers are not mercenaries out for economic gain; they are men and women willing to risk their lives for the reward of citizenship. President Bush described military service as the “ultimate act of patriotism” (Connell and Zamichow, 2003) and, after he witnessed the swearing in as citizens of two wounded soldiers, he explained:

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).

His words echo those of Congressman Rogers 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 (U.S. Congress, House 1918).

While “Give me liberty or give me death” is memorized by every schoolchild in the United States, fighting for citizenship is, in some ways, even nobler than protesting taxation without representation. Noncitizen soldiers, after all, pay taxes without being able to vote. They do not ask for exceptional monetary compensation for their military service, but only for the prize of U.S. citizenship.

Throughout American history, citizen military service has been seen as a device by which excluded segments of society could achieve political legitimacy. Noncitizens, too, have tried to prove their worthiness of *becoming* Americans through fighting for the nation, thus enhancing the image of U.S. citizenship as a goal worth risking death in order to attain. In some ways, the presence of noncitizens in the military adds to Walzer’s (1996) list of the various “uses” of the immigrant, which include supporting the myth of the American Dream, enhancing communitarian ties, and maintaining tradition. Immigrant soldiers, naturalized or not, only 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 and opportunities must be extraordinary to warrant such a sacrifice for a country that is not even one’s homeland.<sup>25</sup>

Honig also discusses how the immigrant highlights the qualities of citizenship. As foreigners choose a new homeland, these immigrants “to the United States daily reinstall the regime’s most beloved self images” (Honig 2001, p. 76). The foreigner in the military further emphasizes the love of country and the responsibilities thus entailed for its citizens. That these aliens are willing to take on the obligations and responsibilities of citizenship *before* they attain legal status (and standing) affirms the worthiness of the native citizens’ loyalty. Such newcomers are admirable foils 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 (Derbyshire 2002). After all, the immigrant soldier is often Honig’s “supercitizen immigrant,” earning more than 20% of the total number of Medals of Honor given—in every war since the medal was established—through distinguishing himself “conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty” (Anderson 1996; Department of the Army 2002). This is loyalty “motivated by the entire personality of an agent,” not simply rule-driven acts of obligation (Shklar 1998, p. 41).

*Jus meritum* highlights for Americans—in a way that *jus soli* and *jus sanguinis* do not—that citizenship is a reward with great worth. People are willing to risk their

lives in order to attain this reward, which native-born individuals have as a matter of blood or birthright—what Carens (1987) calls *luck*. This added value and meaning is unique to the policy of granting citizenship for military service; neither commutation nor substitution could serve as such reminders to Americans of the value of their political membership.

### Casual Patriotism

The noncitizen soldiers in the military also allow Americans to be patriots by simply “being American” (McLean 1999). The headline of an ad placed by the Department of Homeland Security in the *New York Times* in April 2003 reflects this passive patriotism: “You’ve flown the flag. Now what?” The text below the headline reads:

In the months since September 11<sup>th</sup>, 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.<sup>26</sup>

This contemporary understanding of patriotism as easy symbolic displays rather than difficult service was also noted by Robert Lane in the 1950s. As a result of the interviews that led to his classic book *Political Ideology*, Lane gathered evidence about how ordinary citizens viewed citizenship and patriotism. The majority of his subjects felt that they were *not* “good citizens”—a concept that 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” (Lane 1965, p. 740).<sup>27</sup>

In contrast, these same men all felt comfortable describing themselves as *patriots*. Lane explains that 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 to exist unless contrary evidence arises. He argues that it is easy to be a casual patriot if individuals either do not have to do anything (patriotism in daily life) or if the laws deny them 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” (McLean 1999, p. 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 1983–1987 General Social Survey (GSS) 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 elections, volunteering some time for community service, serving on a jury if called, reporting a crime that he or 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 was 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,” which 84% of Americans thought was a “very important obligation.” In peacetime, only 33% thought that military service was a “very important obligation” for men.<sup>28</sup>

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.”<sup>29</sup> 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 nonveteran leaders and general public nonveterans agreed with the statement “I would be disappointed if a child of mine joined the military.” Many ordinary Americans, it seems, admire soldiers’ duty without wanting to shoulder it themselves (or have their families bear the burden).

Despite evidence of the comfort that native-born citizens feel with casual patriotism, compliance with selective service registration is surprisingly high, with almost 90% of all eligible men from eighteen to twenty-five registered.<sup>30</sup> Of course, registration is not the same as enlistment. Moskos recently contrasted the 450 out of 750 men in the Princeton class of 1956 who served to the 3 out of 1000 of the Princeton class of 2003 who served (Traub 2003). This may simply be an example of what Robert Lane called the “contingent role” of patriotism. Volunteers, including aliens via *jus meritum*, fulfill the obligation to protect the country in peacetime, and the rest of the population can comfortably feel that they are good patriots, if not good participatory citizens.

As a result of *jus meritum*, native-born U.S. citizens can take solace in times of war from the comfort of their own homes. They can reappraise the circumstances in which they were born, recognizing that the citizenship fate granted them fortuitously at birth is a boon that others might fight (literally) to achieve. And, they can nod in modest acknowledgment and recognition when political leaders speak of the enduring spirit and inevitable triumph of U.S. patriotism. So, while citizenship for service may violate egalitarian norms, civic republican and utilitarian values are sustained even as native-born Americans’ feelings of citizenship and patriotism are enhanced.

## CONCLUSION

Aliens 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—at least theoretically—about the idea of rewarding military service with citizenship. Schuck, for example, argues that “our law does not view citizenship as a reward for civic virtue” (Schuck 1998, p. 192). Nor does the United States accept monetary contributions in exchange for legal residence or citizenship (i.e., one cannot explicitly buy one’s way into the country). The egalitarian ideology enshrined in U.S. laws concerning naturalization is that once immigrants reside within the nation’s borders, no single applicant is worthier than another of *becoming* American. So how should we think of the exchange of citizenship for military service?

I have provided a framework for evaluating the merit of this policy—of enlisting noncitizens into the U.S. military and granting them citizenship in return—by comparing it to substitution and commutation. All three policies had the effect of reducing the draft burden of any given man, even to the point of allowing him to steer clear of military service altogether. And just as commutation and substitution were egalitarian policies that enabled wealthier men to avoid combat at the expense of poorer men, granting alien soldiers citizenship for military service is also egalitarian.

Another way to arrive at a judgment about this policy is to ask how we would feel if it changed. What if the numbers of noncitizens in the military were greater than the current levels of about 4%? What if 10% or even 25% 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 levels. 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 both the Civil War and World War I, from about 20% to 25% of the U.S. soldiers were foreign-born (Chambers 1987; Goldstein and Moreno, 2003). There clearly is a precedent for a war in which a large percentage of our soldiers were immigrants. Would a repetition be problematic today?

Is it problematic if different groups are over- and underrepresented 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 make up about 15% of the population. Men are obviously overrepresented, and, given the “don’t ask, don’t tell” policy, one surmises that gays and lesbians are underrepresented.

Overrepresentation of noncitizens, in particular, could lead to concerns about the loyalty of troops. 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 they 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 (Fitzhugh and Hyde, 1942). At the same time, noncitizens in this country are required to participate in the draft by law, although there is no U.S. counterpart to the French Foreign Legion (in which foreign nationals can gain French citizenship after five years of segregated service) (Schweizer 2003).

One author does think this comparison could be a reality: “[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 U.S. citizens” (Moniz 1999). Without these green card troops, 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.”<sup>31</sup>

The relationship between representation and loyalty probably runs in the opposite direction to that which immigrant critics fear: if noncitizens are joining the military in large numbers, they are probably hoping to prove themselves as community members, not 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 U.S. 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 their loyalty as citizens. Similarly, German immigrants living in the United States during World War II were perceived as loyal if their husbands and sons were fighting in the U.S. military.<sup>32</sup>



In the end, loyalty is not a general problem raised by the policy of granting citizenship for service. One of the reasons that I presented earlier to explain why the green card troops would long outlast its policy counterparts is a more pressing cause for concern: the active noncitizen soldier highlights the ineffable price of citizenship while allowing today's civilian citizen to remain a casual, passive patriot. Walzer 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" (Walzer 1970, p. 210). Kerber adds, "All too many American citizens now live like aliens in their own land. . . . It may be that so many of us resent aliens because we are so much like them" (Kerber 1997, p. 851). I end with these quotes not to assert any relationship between granting citizenship for military service and a decline in civic and political engagement on the part of native-born Americans (Putnam 2001). Instead, as we think of the motivations and interests of the alien soldier and the native-born civilian, we should realize that it is imperative that we decide whether granting citizenship for military service—with its normative and practical implications—is a policy that should be continued.

Legislators as well as the general populace saw commutation and substitution as inequalitarian policies by the beginning of the last century. If our own egalitarian values are paramount, then our support for the practice of granting citizenship for military service should also end, because the three policies are theoretically equivalent. If our utilitarian or civic republican values predominate, however, then the benefits of citizenship for military service should justify its continuation. In addition to this normative analysis, a political analysis indicates that the continued presence of green card troops in our armed services is very likely; practical and political conditions are not ripe for its demise. Furthermore, the symbolic power of the alien soldier bolsters Americans' perceptions of the value of their membership in this particular political community and their own status as patriots.

Contemporary debates about citizenship in the United States have questioned the two main bases of citizenship, *jus soli* and *jus sanguinis*. They do not avoid scrutiny simply because they have served as the primary bases of citizenship over the course of U.S. history. Theorists and pundits have asked, for example, whether birthright citizenship is justified for the children of undocumented immigrants (Schuck and Smith, 1985), while the Supreme Court has wrangled with the citizenship claims of adult children born abroad to American fathers and foreign mothers who were unmarried (*Nguyen v. INS* 2001). *Jus meritum* should not slip under the radar of our analysis simply because ideological elites do not stake out clear positions, while the press focuses on personal stories rather than the policy as a whole. Citizenship for military service merits a close study, particularly because it reverses the usual flow of duties following from citizenship. It portrays citizenship as a reward of great value, rather than as a fixed characteristic or trait with which one is born and which generates obligations to the state. We recognize that these obligations are difficult and that we often fall short of the requirements of "good citizenship"; therefore, when immigrants fulfill these extraordinary demands, we feel that they deserve this special, intangible reward of citizenship. I have shown here, however, that granting citizenship for *military* service is normatively similar to inequalitarian policies now disavowed—and thus may be similarly normatively suspect. In the end, policymakers need to decide whether utilitarian or republican ends justify inequalitarian means.

Is there a satisfactory solution possible for egalitarians? One could imagine *jus meritum* justifying citizenship via future policies that are constructed to satisfy our civic republican desires *without* violating our norms of equality. After all, citizenship

could serve as a reward for *non*military service, where immigrants' civic engagement does not relieve native-born Americans of their own responsibilities.<sup>33</sup>

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## NOTES

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2. More accurately, all young males in the United States must register with the Selective Service, regardless of citizenship status; women, whether citizens or not, are exempt from registering. While the issue of requiring women to register is of growing relevance—with the rising numbers of women in the armed services generally, as well as those that see combat—this topic is beyond the scope of this article.
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."

For the first half of the nation's history, African Americans were not considered citizens, yet they also served in the military; their history of service has been the subject of much recent scholarship (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 due to racism are an important (and much larger) part of the history of the country and its armed forces, but in this article I focus only on alien soldiers.
4. Since September 11, 2001, over eighty noncitizen military personnel killed in the line of duty have been awarded posthumous citizenship (Barker and Batalova, 2007).
5. In times of war, citizenship can be granted immediately by executive order. This is authorized under the Section 329 of the Immigration and Nationality Act (8 U.S.C. 1440).
6. By *civic republicanism*, I mean "an ideology of active citizenship" (Schildkraut 2005, p. 43), with its emphasis on political participation, civic engagement, and the obligations of membership in a political community.
7. In 1894, the legislation was extended to veterans of the navy and marines. In all cases, an honorable discharge is required.
8. At that time, \$300 was approximately a worker's annual wages.
9. Conscientious objectors could still pay a commutation fee of sorts, contributing to a hospital fund.
10. One of the puzzles that Levi raises is why commutation ended during the Civil War, but substitution did not (Levi 1997, pp. 102–106). 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.
11. The 1917 draft law prohibited enlistment bounties or substitutes.
12. Of course, practice does not always match theory; one reason for the Vietnam War protests was that exemptions from the draft led to racial inequality in who actually served in combat. Furthermore, some political leaders who oppose the current Iraq war have pointed out that more members of Congress might have doubts about maintaining or

- increasing the number of troops abroad if they had sons or daughters engaged in the fighting. Only a very small number of representatives and senators have family in the armed services.
13. Members of Congress have on occasion debated the idea of requiring national service—whether military or not—as an *obligation* of citizenship (as opposed to a *qualification*). The most recent incarnation proposed in January 2007, the Universal National Service Act of 2007, would require Americans of age eighteen to forty-two to serve in times of peace and war.
  14. These data come from correspondence with Lt. Col. James P. Cassella, U.S. Army Defense Press Officer, Office of the Assistant Secretary of Defense (Public Affairs).
  15. In general, the property requirement kept the poor from voting (Kerber 1997).
  16. 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, political leaders and pundits worry whether Americans are now less patriotic.
  17. Louis Caldera, Secretary of the Army, made this comment at the press conference announcing the new campaign (Caldera 2001).
  18. “An investment in your future” is language used in the U.S. army’s recruitment brochure, “Being a Soldier in an Army of One.”
  19. Race, however, did trump service at many different points in time. For example, only in 1935 did Congress finally allow the naturalization of alien World War I veterans who had been denied that 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-World War I legislation that granted citizenship to aliens and noncitizen nationals.
  20. As a point of comparison, the government spends about \$26 million a year to maintain the Selective Service System (King 2003).
  21. Noncitizens who apply need to be legal permanent residents in the United States. However, policy analysts have recently proposed the idea of recruiting noncitizen soldiers from abroad (Boot and O’Hanlon, 2006). This idea is not unprecedented; the 1950 Lodge Act provided for the recruitment and enlistment of aliens from abroad for their knowledge of foreign technology, weaponry, languages, and geography.
  22. Noncitizens have lower attrition rates than citizen soldiers, which is another possible source of cost savings (O’Neil and Senturk, 2004).
  23. This calculation does not even take into account the number of native-born citizens who can take comfort in the fact that military manpower—including alien soldiers—has not reached such a low point that a draft is needed. In addition, Public Law 101-249 grants posthumous citizenship to active-duty military personnel who died in combat, and the National Defense Authorization Act extends immigration benefits to immediate family members of those granted posthumous citizenship.
  24. There are, of course, exceptions, including ex-felons who are denied the right to vote by a number of states.
  25. Given awkward semantics, it is difficult to determine if noncitizens can be patriots in America. *Patriot* refers to someone who loves his or her country, so when one speaks of noncitizens in the United States being *patriots*, it is not clear which country he or she loves.
  26. 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).
  27. This high standard for “good citizenship” may also explain why Americans are willing to reward those immigrants who seem likely to live up to that standard with membership in their national community.
  28. 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.
  29. The data are from the 1998–1999 Triangle Institute for Security Studies Survey on the Military in the Post-Cold War Era (Holsti 2001). 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 nonveterans.
  30. Although failing to register is a felony, no one has been prosecuted in over ten years. However, failure to register makes one ineligible for federal student aid, job training, and federal jobs.

31. Lyle Hendrick, a former Special Forces officer, cited in Moniz (1999).
32. In stark contrast, Canada revoked all naturalizations granted after 1922 to German immigrants (Vagts 1946).
33. The idea of nonmilitary service as a *requirement* for naturalization has already been proposed elsewhere. Chancellor Gordon Brown suggested that immigrants should do community work before they could be granted U.K. citizenship, in an attempt to promote acculturation (*BBC News* 2007).

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