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Baptism by Fire: Race, Military Service, and U.S. Citizenship Policy, 1918–1935

Lucy E. Salyer

Sgt.-Maj. Tokutaro Nishimura Slocum returned from the world war with a distinguished record of military service that most American men would have embraced with pride. Though Slocum, as a native of Japan, could have claimed exemption from military service, he enlisted in the army at his adopted hometown of Minot, North Dakota, and served in the 328th Infantry, part of the Eighty-second, or All-American, Division made famous by Sgt. Alvin C. York. He was involved in the legendary battles at Meuse-Argonne and St. Mihiel and, like many other World War I soldiers, suffered throughout his life from being gassed. He returned home to continue his study of law at Columbia University, but first he sought to fulfill his lifelong wish to become an American citizen. Accompanied by two boyhood friends from Minot as his witnesses, Tokie Slocum appeared at the office of Robert Coleman, the chief examiner of naturalization at St. Paul, Minnesota, in early January 1921 to apply for citizenship under the Act of May 9, 1918, which offered naturalization to any alien who had served in the armed forces during the war. Coleman conceded that Slocum had “an excellent character and an excellent army record,” but he informed Slocum that the Bureau of Naturalization believed him ineligible for citizenship under Section 2169 of the Revised Statutes, which limited naturalization to those who were “white” or of African descent. According to Coleman, Slocum “burst into tears” and exclaimed, “I know what you mean; you mean that I am yellow. I may be yellow in face, but I am not yellow at heart.”¹

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¹ Act of May 9, 1918, ch. 69, sec. 1, 40 Stat. 542; Act of July 14, 1870, ch. 255, sec. 7, 16 Stat. 254. The 1870 law was codified as Title XXX, Section 2169, of the U.S. Revised Statutes, and officials used “Section 2169” as a shorthand reference to the law and the racial prerequisite for naturalization. Robert Coleman to the Commis-

Slocum's frustrated outburst captures the multifaceted meanings of citizenship during World War I, when loyalty to the nation vied with race as the quintessential criterion of membership in the American polity. The eligibility of Asians for naturalization had not yet been determined by the U.S. Supreme Court, though the consensus in the federal courts was that they were not "white" and thus were excluded from citizenship under the naturalization law of 1870. Such determinations often rested on the presumption that Asians would remain always "yellow at heart," that they would not, and could not, assimilate; physical markers and phenotypes—being "yellow in face"—were thought to mirror an alien interior impervious to americanizing influences.² Yet the strong link forged between military service and citizenship during World War I undermined the assumptions of racial nativism. In the hyperpatriotic atmosphere of the war, in which all were called to demonstrate their "unqualified loyalty," military service became the ultimate test of a man's Americanness and a compelling organizing principle for U.S. citizenship policy. Asian soldiers who underwent the "baptism of fire," proving they were not "yellow," fit into the war-era narrative of sacrifice and valor. Their claims to the reward of citizenship exposed fundamental tensions in American citizenship policy that judges and administrative officials struggled to reconcile, with conflicting results.

This article explores the influence of two concepts of membership—one based on martial, or militaristic, patriotism and the other on racial nativism—that came to dominate legal and social definitions of citizenship by the 1920s.³ I argue that the warrior ideal of citizenship, propagated by the U.S. government to mobilize and assure soldiers' allegiance, outlasted the war. Veterans' groups, particularly the newly formed American Legion, championed it for their own strategic and ideological reasons. Racial nativism also peaked after the war as the Immigration Act of 1924 perfected the exclusion of all Asians. By the 1920s, martial patriotism and racial nativism had made being "yellow"—the term referred both to the refusal to serve in the military and to the racially constructed category—grounds for exclusion from citizenship. Yet Asian veterans ultimately succeeded in their fight for citizenship when they secured the passage of the Nye-Lea Act in 1935, with the vital support of the American Legion. The powerful appeal of militaristic patriotism provided an unexpected opening for Asians who fought in the world war and supplied the only successful argument for their naturalization before the racial prerequisite for citizenship

sioner of Naturalization, Jan. 18, 1921, file 106799/926, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service, RG 85 (National Archives, Washington, D.C.). The biographical information on Tokutaro Slocum is derived from Bill Hosokawa, *JACL in Quest of Justice* (New York, 1982), 42–43; Harry N. Naka, "The Naturalization of Japanese War Veterans of the American World War Forces" (M.A. thesis, University of California, Berkeley, 1935), 72–73; and "Slocum, Tokutaro 'Tokie' Nishimura," in *Japanese American History: An A-to-Z Reference from 1868 to the Present*, ed. Brian Niiya (New York, 1993), 312.

² Leti Volpp, "'Obnoxious to Their Very Nature': Asian Americans and Constitutional Citizenship," *Citizenship Studies*, 5 (Feb. 2001), 57–71; Charles J. McClain, "Tortuous Path, Elusive Goal: The Asian Quest for American Citizenship," *Asian Law Journal*, 2 (May 1995), 33–60. On the racial prerequisite, see Ian F. Haney López, *White by Law: The Legal Construction of Race* (New York, 1996).

³ The concept of martial patriotism is drawn from Cecilia Elizabeth O'Leary, *To Die For: The Paradox of American Citizenship* (Princeton, 1999), esp. 29–30, 36, 55, 192–93. See also Linda K. Kerber, *No Constitutional Right to Be Ladies: Women and the Obligations of Citizenship* (New York, 1998), 221–302.

was repealed in 1952.⁴ The story of the Asian veterans and the dilemma they provoked for citizenship policy reveals that racist definitions of citizenship remained contested and could be dislodged when other ideals of citizenship—in particular, the warrior ideal—better served strategic and ideological needs.

The experience of Asian Americans during World War I has received little attention in the scholarly literature of the war, nor is it featured prominently in most histories of Asian America.⁵ Understandably, historians studying Asian Americans during that period focus on the growth of racial nativism and the flurry of anti-Asian legislation and judicial opinions in the 1920s. World War II, rather than World War I, has provided the dramatic center in the narrative of Asian Americans, citizenship, and civil rights. But the story of the World War I Asian veterans' struggle for citizenship reveals the complex intersections between war, race, and citizenship in the inter-war period and provides insight into the dilemma Japanese Americans faced in responding to the World War II internment.

War perhaps inevitably brings questions of loyalty and membership to the foreground as the nation seeks to draw sharper lines between “us” and the enemy and to marshal a national allegiance for which people are willing to die. In the history of the United States, war has often been critical to nation building and particularly to the expansion of civil and political membership. The historian Gary Gerstle has argued that “wars provided opportunities . . . to transform millions of Americans whose loyalty was uncertain into ardent patriots.” In his history of American citizenship, Rogers M. Smith has pointed out that the most liberal, inclusive policies on citizenship have followed on the heels of major wars: the American Revolution, the Civil War, and World War II.⁶

As the exclusion of World War I from Smith's list suggests, most historians have not viewed that war as making the polity more inclusive. From John Higham's classic study of American nativism to recent accounts of American nationalism by Gerstle and Cecilia Elizabeth O'Leary, the World War I era has been better known for intolerance and repression than for open-armed embrace of a multiethnic or multiracial America. In those narratives, the patriotic hyperbole of the war nurtured a nativism that resulted in the most restrictive immigration policies in the nation's history. So, too, the war appeared to deepen racial divisions, despite the avid hopes of African American leaders that loyal black military service would win the reward of a more meaningful citizenship.⁷

⁴ Immigration Act of 1924, ch. 190, 43 Stat. 153 (1924); Nye-Lea Act, ch. 290, 49 Stat. 397 (1935); Act of June 27, 1952, tit. 3, ch. 2, sec. 311, 66 Stat. 163, 239 (1952).

⁵ The most detailed account of the Asian veterans' quest for naturalization is a 1935 master's thesis: Naka, “Naturalization of Japanese War Veterans.” See also a fine thesis that uses Oregon as a case study: Lauren Elizabeth Cole, “Qualified to Be an American Soldier (Citizen?): Military Service, Naturalization, and Race in World War One” (M.A. thesis, University of Oregon, 2000).

⁶ Benedict R. o'G. Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism* (London, 1983), 7; Gary Gerstle, *American Crucible: Race and Nation in the Twentieth Century* (Princeton, 2001), 9; Rogers M. Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven, 1997), 16.

⁷ John Higham, *Strangers in the Land: Patterns of American Nativism, 1860–1925* (New Brunswick, 1963), 194–330; Gerstle, *American Crucible*, 83–95; O'Leary, *To Die For*, 7, 220–45; David M. Kennedy, *Over Here: The First World War and American Society* (New York, 1980), 45–92, 279–95; William G. Jordan, *Black Newspapers and America's War for Democracy, 1914–1920* (Chapel Hill, 2001); Steven A. Reich, “Soldiers of Democracy: Black

Yet, other recent scholarship on Europe and the United States during World War I emphasizes the opportunities that martial ideals of citizenship afforded to women and minority ethnic groups in renegotiating their position within the polity. Nicoletta F. Gullace, for example, has argued that the high premium placed on service to the state during the war provided the opening British suffragists sought to disassociate gender from citizenship and to obtain the right to vote by demonstrating their own militant patriotism and blood sacrifice. The historians Nancy Gentile Ford and Christopher M. Sterba have similarly argued that in the United States World War I allowed various ethnic groups to reconstruct themselves as “all Americans” or “good Americans,” particularly through their military service. Far from seeing the war as a time of darkness and retreat for ethnic Americans, those historians emphasized that immigrants often served willingly and enthusiastically in the U.S. armed forces and found the military to be “inclusive, participatory, and respectful in the way it handled immigrant soldiers,” leading Sterba to conclude that “the wartime state, long understood as an engine driving political repression and xenophobic hysteria, also acted in ways that made America a much more democratic country for new immigrants to live in.” The resurgence of nativism in the 1920s, Sterba argued, did not diminish the self-confidence and assertiveness that Italians and Jews gained from knowing “they had ‘done their bit’ at home and overseas” nor dislodge their sense of being incorporated into the nation.⁸

This study contributes to the growing debate on the impact of war and military service on membership in the polity but from the perspective of the racialized alien soldier who sought not just figurative citizenship—the sense of belonging and the respect of fellow citizens—but literal, juridical citizenship. Historians, in discussing war and citizenship, have tended to focus on those who were already citizens—women and African Americans, in particular—but sought, in Judith N. Shklar’s words, to improve their relative standing in the American polity.⁹ Less known, however, is how militaristic patriotism shaped U.S. citizenship law during and after World War I, by defining who could become an American citizen and on what terms.

The martial concept of citizenship during World War I undoubtedly had a disciplinary edge, but for the Asian soldiers, it also had liberating potential. The government infused military service with such importance that it became a path to citizenship for those, whatever their race, who were willing to play for high stakes. But racial lines were not erased in the policies on military service and citizenship.

Texans and the Fight for Citizenship,” *Journal of American History*, 83 (March 1996), 1478–1504; Bernard C. Nalty, *Strength for the Fight: A History of Black Americans in the Military* (New York, 1986), 107–30.

⁸ Nicoletta F. Gullace, *“The Blood of Our Sons”: Men, Women, and the Renegotiation of British Citizenship during the Great War* (New York, 2002). See also Melissa K. Stockdale, “My Death for the Motherland Is Happiness: Women, Patriotism, and Soldiering in Russia’s Great War, 1914–1917,” *American Historical Review*, 109 (Feb. 2004), 78–116. Nancy Gentile Ford, *Americans All! Foreign-Born Soldiers in World War I* (College Station, 2001); Christopher M. Sterba, *Good Americans: Italian and Jewish Immigrants during the First World War* (New York, 2003), 85, 211.

⁹ Judith N. Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge, Mass., 1991), 1–3, 7–9; Susan Zeiger, *In Uncle Sam’s Service: Women Workers with the American Expeditionary Force, 1917–1919* (Ithaca, 1999), esp. 137–74; Kerber, *No Constitutional Right to Be Ladies*, 221–302; James Burk, “Citizenship Status and Military Service: The Quest for Inclusion by Minorities and Conscientious Objectors,” *Armed Forces and Society*, 21 (Summer 1995), 503–29.

The government not only allowed, but actively courted and cajoled, European alien soldiers to become American citizens; Asian soldiers had to make their own case for citizenship again and again. Finally, while military service ushered Asian American veterans over the threshold into the American polity, allowing them to claim at least nominal U.S. citizenship, it did not bring full and complete membership, nor did it lead immediately to a broader reconsideration of the racial basis of American citizenship. Just as Asian Americans born in the United States were treated, in Mae M. Ngai's words, as "alien citizens," so, too, naturalized Asian American veterans gained formal citizenship but "remained alien in the eyes of the nation."¹⁰ European ethnic soldiers may have emerged from World War I with their citizenship and pride intact, but Asian American soldiers' citizenship remained unstable and would require repeated blood sacrifice by the World War II generation to demonstrate they were American "at heart."

The Citizen Soldier

After the declaration of war on April 6, 1917, the United States confronted the herculean task of quickly raising and training a modern national army with the capability of fighting abroad. Although war fever had been mounting, resistance to military service remained, and officials could not take for granted widespread compliance with efforts to raise an army. Not surprisingly, officials valorized military service as the supreme obligation of citizens—and of aliens. Aliens had served in earlier wars, but in World War I they became particular targets of military recruitment. After several decades of heavy immigration, approximately one of every six Americans was of foreign birth. The government could not overlook them as potential recruits, and it turned to the powerful rhetoric of militaristic patriotism and the disciplinary force of the law to obtain their services. Furthermore, in earlier wars the U.S. government had offered alien soldiers the possibility of citizenship as a reward for service, but it had appeared to care little whether the soldier accepted the offer. In World War I the government did not leave the soldier to make up his own mind but rather encouraged and at times even demanded that the alien soldier become one-hundred-percent American. In speeches, posters, and most important, in law, the U.S. government made military service the foundation of American citizenship, seeking to turn American citizens into soldiers, and alien soldiers into American citizens.¹¹

The Selective Draft Act of 1917 required all men, whether alien or citizen, aged 21 to 30—by 1918 the requirement extended to those aged 18 to 45—to register with the Selective Service System. Almost 24 million men registered, of whom approximately 16 percent were noncitizens. Under the provisions of the act, only aliens who had declared their intention to become citizens were liable to be drafted. So-called

¹⁰ Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, 2004), 8.

¹¹ Jeannette Keith, "The Politics of Southern Draft Resistance: Class, Race, and Conscription in the Rural South," *Journal of American History*, 87 (March 2001), 1335–61; "Your Government of the United States: Making New Americans," *World's Work*, 32 (May 1916), 30–31; John Whiteclay Chambers II, *To Raise an Army: The Draft Comes to Modern America* (New York, 1987), 205–37; James B. Jacobs and Leslie Anne Hayes, "Aliens in the U.S. Armed Forces: A Historico-Legal Analysis," *Armed Forces and Society*, 7 (Winter 1981), 194–95.

nondeclarant aliens and alien enemies—that is, nationals of the enemy belligerents—were exempt from the draft, at least so the law said.¹² In the first draft of 1917, almost half a million men were inducted, 123,277 of whom were aliens; 76,545 of those had not declared their intent to become citizens or were enemy aliens and thus technically exempt from conscription.¹³ More aliens—both declarants and non-declarants—were drafted as the war progressed and the military's manpower needs increased.

As aliens poured into the armed forces, many willingly and some reluctantly, they came under intense pressure to become citizens. In May 1918 Congress provided for the immediate naturalization of alien soldiers, dispensing with the normal requirements of naturalization. Soldiers needed only to demonstrate they were on active duty and present the testimony of two superior officers to their loyalty. In part, the law was an instrumental response to a diplomatic crisis that erupted as other countries objected to the conscription of their nationals. Soldier naturalizations solved the problem by converting conscripted aliens into citizen soldiers. The law served ideological as well as pragmatic purposes, however, as it reinforced the principles of martial citizenship as a mechanism of nation building. Gratified by the enthusiastic compliance of many aliens with the draft, congressional supporters trumpeted soldier naturalization as a just reward for loyal service and as a means not only to recognize but also to foster the allegiance of both the alien soldiers and their ethnic communities. As early as 1914, reformers had seized on universal military training as a method of americanizing the foreign-born and building a common national identity. With the war, the view of military service as a method of Americanization became mainstream and a leading rationale for the recruitment and naturalization of alien soldiers.¹⁴

The federal agency most invested in the project of making soldiers into citizens was the Bureau of Naturalization, with Deputy Commissioner Raymond Fowler Crist leading the effort. Echoing the complaint of Rep. John W. Rainey that “we have been naturalizing citizens, not nationalizing them,” the Bureau of Naturalization argued on the eve of war that “genuine citizenship is primarily a state of inward feeling” and sought ways to inculcate a sense of Americanism in both aliens and citizens. The alien soldier who “entered our service to make the ‘supreme sacrifice’ for democracy” provided the bureau’s ideal model of citizenship in the war era. Military service offered both an ironclad test of whether someone had undergone the internal transformation necessary to become a true American and a nationalizing experience that could dissolve ethnic ties. The “regimen of the military” took the alien soldier “bodily, mentally and spiritually out of the foreign environment,” explained the bureau; it returned him to his family “an American in all the senses.” The task of

¹² Selective Draft Act of 1917, ch. 15, sec. 2 and 5, 40 Stat. 76 (1917). Percentages were derived from Jacobs and Hayes, “Aliens in the U.S. Armed Forces,” 192–93; and Chambers, *To Raise an Army*, 211, 227.

¹³ U.S. Congress, Senate, Committee on Immigration, *Amending the Naturalization Laws*, 65 Cong., 2 sess., April 12, 1918, p. 6.

¹⁴ Act of May 9, 1918; Ford, *Americans All!*, 54–64; Michael Pearlman, *To Make Democracy Safe for America: Patricians and Preparedness in the Progressive Era* (Urbana, 1984), 121, 128–29, 150–54; Chambers, *To Raise an Army*, 92–97.

“making these young heroes citizens in law, as they already are in heart,” was gratifying. Soldier naturalizations took precedence over all other work as the Bureau of Naturalization threw itself into the immense task of naturalizing thousands of men before they embarked for Europe.¹⁵

If the naturalization law of 1918 extended a warm welcome to aliens who, according to Sen. Thomas W. Hardwick of the Senate Committee on Immigration, stood “ready to serve the country of their adoption” and “are pleading for American citizenship,” other policies prepared stiff consequences for aliens who refused to serve. Not all alien soldiers fought willingly or enthusiastically, and a growing number petitioned the secretary of war and the federal courts to be released from military service. Congress in the Act of July 9, 1918, offered a stern compromise to declarant aliens: Those who wished to be exempt from military service were allowed to withdraw their declarations of intent to become U.S. citizens, but they would be forever barred from citizenship. With almost as much zeal as it devoted to naturalizing soldiers, the Bureau of Naturalization cooperated with local draft boards to locate thousands of “foreigners who have been slacking out.” Even those aliens who served in the military but refused citizenship were suspect, their names and reasons for retaining their foreign nationality carefully noted by the bureau. One soldier, Rudolf Mook, complained that he had been accosted by a mob of forty men who had tarred and beat him until he agreed to naturalize.¹⁶

Unlike Mook, most of the thousands of soldiers who responded to the call to naturalize did so willingly and gratefully. The number of total naturalizations jumped 60 percent in 1918 from the previous years, due largely to the mass camp naturalizations. From 1918 to 1920, 244,300 soldiers became naturalized citizens. Some wrote to the bureau to express their appreciation for the privilege. One former soldier wrote, “I wish to acknowledge with great pleasure the receipt of my certificate of naturalization as an American citizen. I am proud of it. It means much to me. I realize the high privilege that has been conferred upon me.” He closed, “Thanking you again from the bottom of my heart.”¹⁷

The bureau’s intense campaign to naturalize soldiers focused on aliens of European background. In the government poster preaching ethnic inclusion and diversity, the names on the “honor roll” included “O’Brien,” “Levy,” “Kowalski,” and “Andrassi” as

¹⁵ *Congressional Record*, 65 Cong., 2 sess., May 3, 1918, p. 6018; U.S. Department of Labor, *Annual Report of the Commissioner of Naturalization to the Secretary of Labor, 1917* (Washington, 1917), 34; U.S. Department of Labor, *Annual Report of the Commissioner of Naturalization to the Secretary of Labor, 1918* (Washington, 1918), 30–33, 38–39; U.S. Department of Labor, *Annual Report of the Commissioner of Naturalization to the Secretary of Labor, 1919* (Washington, 1919), 20–23, 31, 37.

¹⁶ Committee on Immigration, *Amending the Naturalization Laws*, 6; Act of July 9, 1918, sec. 4, 40 Stat. 845; Ford, *Americans All!*, 56–57; U.S. Congress, Senate, Committee on Immigration, *Naturalization of Residents in the United States*, 65 Cong., 2 sess., April 11, 1918, p. 8; “Alphabetical List of Alien Soldiers Stationed at U.S. Army Camps in Arizona and California who Refused to Become Citizens of United States,” file 3912, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service; Letter of W. D. Beaufort, Netherlands Legation, Oct. 4, 1918, file 3924/1, *ibid.*

¹⁷ Department of Labor, *Annual Report of the Commissioner of Naturalization . . . , 1918*, table 8, p. 16; Department of Labor, *Annual Report of the Commissioner of Naturalization to the Secretary of Labor, 1920* (Washington, 1920), table 8, p. 20; Louis V. Dorang to Richard K. Campbell, March 26, 1919, file 3920, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service.

"Americans All!"—conspicuously absent were names reflecting Chinese, Japanese, or Filipino descent.¹⁸ Yet Asian men also responded enthusiastically to the call to serve. As the Bureau of Naturalization was soon to discover, the logic of the soldier naturalization law and the impassioned rhetoric that it reflected and encouraged reached men not originally contemplated by Congress. When non-European soldiers sought their just reward of citizenship for their loyal service, they challenged the racial taxonomy of citizenship and prompted a minor crisis within the federal courts and the Bureau of Naturalization as officials confronted fundamental contradictions in their policies.

The exact numbers and circumstances of Asian men in military service are difficult to determine. Despite their ineligibility to become citizens and their additional exemption from military service by treaty, the Selective Service classified 1,313 Chinese and 983 Japanese as "class I" aliens, eligible for the draft. Some were drafted and an unknown number volunteered. The greatest concentration of Asian soldiers in the armed forces occurred in Hawai'i, where Japanese, Filipinos, and Chinese made up much of the population. In Hawai'i, the government published posters in Hawaiian, Chinese, Japanese, and Portuguese, informing all men of their legal duty to register for the draft. The Japanese-language newspaper *Nippu Jiji* printed a copy of the poster every day of the week leading to registration day, July 31, 1917, and featured articles on the widespread Japanese compliance with the law. Though National Guard units in Hawai'i initially discouraged Hawaiian-born Japanese from joining, Japanese and American-born Japanese constituted 40 percent of the men who registered for the draft there, and 838 noncitizen Japanese were eventually drafted into a segregated unit.¹⁹ On the mainland, Asian men who enlisted or were drafted were typically dispersed throughout the armed forces, being too few to constitute segregated companies. Some were already in the armed forces when the United States entered the war, typically serving in very limited capacities as "mess boys" or stewards in the U.S. Navy or the coast guard.

While some reported they had been tricked by Selective Service boards into waiving their exemption from service, most Asian men apparently joined the armed forces in the same rush of enthusiasm stirring other Americans and alien residents and with the added hope that demonstrations of loyal wartime service would be a path to social acceptance and incorporation. Well before the war, the Japanese Association of America—a key political organization for first-generation Japanese immigrants, or Issei, that had strong connections to the Japanese consul—had told Issei that the best way to counter arguments about the inability of Japanese to assimilate was to show just how "American" Japanese could be. Kiichi Kanzaki, general secretary of the Japanese Association of America and a fervent proponent of assimilation, viewed the war

¹⁸ Howard Chandler Christy, *Americans All! Victory Liberty Loan*, [1919], poster (Prints and Photographs Division, Library of Congress, Washington, D.C.).

¹⁹ U.S. Provost Marshal's Bureau, *Second Report of the Provost Marshal General to the Secretary of War on the Operations of the Selective Service System to December 20, 1918* (Washington, 1918), 400; *Honolulu Daily Nippu Jiji*, July 17–31, 1917, p. 1; Ralph S. Kuykendall, *Hawaii in the World War* (Honolulu, 1928), 34, 41–42; Ernest K. Wakukawa, *A History of the Japanese People in Hawaii* (Honolulu, 1938), 204–6.



As this 1917 poster with Chinese text reveals, the territory of Hawai'i actively recruited Asian American men, aliens as well as citizens, to register for the draft during World War I. *Courtesy Library of Congress, Prints & Photographs Division, LC-USZC4-7562.*

as “a fair opportunity to test the true attitude of the Japanese toward America” and to dislodge the “theory that the Japanese are so unshakably devoted and faithful to their country that they will never become loyal American citizens.” In Hawai'i and on the mainland, Chinese and Japanese leaders threw their support behind war relief efforts. Advertisements for war bonds were printed in a multitude of languages, including Japanese, Chinese, Korean, and Tagalog, a Filipino language, urging all to “own shares in the country that protects you.” Such appeals drew men such as Easurk Emsen Charr, a native of Korea, to serve in the military. Charr enlisted in the Army Medical Corps, and remembered his “grand and glorious feeling . . . that I was now an American soldier . . . going to war alongside the Yankees. . . . When I was all dressed up in my uniform, I looked and felt like a real American soldier. And wasn't I proud of myself!” Asian men's hopes that military service would lead to inclusion in the American polity were encouraged by Japanese immigrant newspapers which, according to Harry N. Naka, “popularly heralded that enlistment in the armed forces of the United States alone would be a open ‘sesame’ to all privileges of citizenship regardless of race restrictions.”²⁰

²⁰ Kiichi Kanzaki, “American-Born Japanese Loyal to United States,” *San Francisco Chronicle*, Jan. 15, 1918, p. 19; Yuji Ichioka, *The Issei* (New York, 1988), 156–64, 185–96; Kuykendall, *Hawaii in the World War*, 97, 152–53, 165, 261, 309–10, 315. And see *ibid.*, illustration opposite p. 324. Easurk Emsen Charr, *The Golden Mountain: The Autobiography of a Korean Immigrant, 1895–1960* (Urbana, 1996), 180, 182; Naka, “Naturalization of Japanese War Veterans,” 41.

The “privileges of citizenship” that Asian men hoped to obtain through their loyal service ranged from the material to the political to the symbolic. Chinese and other Asians had been barred from citizenship on the grounds that American politics and culture would remain perennially foreign to them; indeed, Asians had become, in American rhetoric, anti-citizens, embodying values and characteristics antithetical to those of the ideal American citizen. The conferring of citizenship thus meant not only a shift in nationality but also the potential dismantling of the racial and cultural stereotypes that kept Asians on the literal and figurative boundaries of American society. The symbolic value of being recognized as members, with the capacity to declare allegiance to the United States, gave citizenship a powerful allure. The political and material benefits of citizenship were also substantial. In the early twentieth century, citizenship admitted one into the political arena. It could also determine whether one could own land, obtain jobs in the civil service or on public works, hunt or possess firearms, procure business licenses, or gain entrance into the professions. In the military, citizenship meant the possibility of an officer’s commission and a material increase in pay.²¹ Increasingly, ineligibility for citizenship became the legal rationale for denying Asians a range of social and economic privileges. A 1931 cartoon by Henry Kiyama aptly captures the diverse meanings of citizenship for the Japanese men who served in the military. Having vanquished the German enemy, the Japanese soldier, “Charlie,” returns home to collect his due reward: the conferring of citizenship with the corollary rights to run for president, buy land, marry a white woman, and build a home—“all rights,” Mae Ngai notes, “that state or national laws denied to Japanese in the United States.”²²

With high hopes, then, Asian men serving in the U.S. armed forces began to apply for naturalization as early as July 1918, but the Bureau of Naturalization paid little attention to their efforts until federal district court judge Horace W. Vaughan of Honolulu made a startling announcement. On December 4, 1918, the press reported, he said he would naturalize “Japanese, Chinese and Korean” soldiers. Vaughan’s statements grabbed the attention of administrative officials since the number of potential Asian applicants in Hawai‘i was significant. Judge Vaughan’s declaration in favor of Asian soldiers probably came as a surprise to officials. As the U.S. district attorney in Honolulu in 1916, Vaughan had successfully opposed the natu-

²¹ On the relational definition in which “citizen” is defined in opposition to “noncitizen,” see Evelyn Nakano Glenn, *Unequal Freedom: How Race and Gender Shaped American Citizenship and Labor* (Cambridge, Mass., 2002), 20. See also Matthew Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge, Mass., 1998), 73–75. For references to legislation that discriminated against aliens, see *Patsone v. Pennsylvania*, 232 U.S. 138 (1914); *Terrace v. Thompson*, 263 U.S. 197 (1923); and *Ohio v. Deckerbach*, 274 U.S. 392 (1927). “Pay under General Order No. 34—Japanese,” in U.S. Department of the Treasury, *Decision of the Comptroller of the Treasury*, vol. XXVII (Washington, 1921), 770; “Japanese—Certificates of Naturalization as Affecting Pay Status in Army, Navy, or Marine Corps,” in U.S. General Accounting Office, *Decisions of the Comptroller of the United States*, vol. I (Washington, 1922), 95; R. J. Kilton to Department of Labor, Dec. 23, 1918, file 106799/926, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service.

²² “The Great War in Europe,” reprinted in Mae M. Ngai, “The Architecture of Race in American Immigration Law: A Reexamination of the Immigration Act of 1924,” *Journal of American History*, 86 (June 1999), 82–83. Even if naturalized, “Charlie” could not have become president, as the office is limited to those born in the United States.

ralization petition of Takao Ozawa before the U.S. district court, arguing that since Japanese were not “white,” they were not eligible for naturalization.²³ After his appointment by Woodrow Wilson to the federal district court the same year, Vaughan had ruled that Filipinos were also racially barred from naturalization, thus throwing their membership in the Hawaiian National Guard into question. On the heels of the war, however, Vaughan apparently underwent a change of heart, moved by the rhetoric of militaristic patriotism. In 1919, explicitly reversing his earlier decision on Filipino naturalization, Vaughan advocated a liberal interpretation of the 1918 soldier naturalization act:

Aliens of all races, those within section 2169 and those without, Caucasians and Orientals, Japanese, Chinese and Koreans, had been drafted; and those who had not claimed exemption were in service, and were about to be sent abroad to fight for us. Was it not as much our duty to extend the protection which citizenship only would afford to the Orientals in our service as it was to extend it to others? We had drafted them into our service and they had thought enough of us to be willing to serve, to risk their lives in our service. Was Congress unwilling to grant citizenship to those among them found to possess the qualifications required of others? I hope it is not improper to say that I do not believe Congress was so illiberal.²⁴

Vaughan’s struggle to reconcile the conflicting dictates of U.S. citizenship policy would be played out in other courts, within the administrative offices of the Bureau of Naturalization, and in the press. Though the racial prerequisite assumed nonwhites could not become American in heart and in deed, the rhetoric of military naturalization suggested all who experienced the “baptism” of “Fire, Shot, and Shell on the battle field, and privations of Soldiers in defense of our Flag” became, as the bureau itself said, citizens in spirit with the right to become citizens in law. Narratives of how battle transformed aliens into Americans most often featured European ethnics, but a *New York Times* article focused on a “Gassed Chinaman Who Would Not Leave His Post.” Sing Kee operated the message center in the village of Mont Notre Dame in August 1918 while under heavy attack by the German army, which was firing shells at the rate of thirty per minute. One by one, his comrades fell, and Sing Kee was gassed. Yet Sing Kee continued to run the message center single-handedly for twenty-four hours until help arrived. In recognition of his “courage and endurance,” Sing Kee was awarded the Distinguished Service Cross. He was one of several soldiers from the Seventy-seventh Division whom the *New York Times* dubbed “cosmopolitan heroes.” In the opinion of one of their commanding officers, Maj. Holland S. Duell, “in spirit

²³ *In re Takao Ozawa*, no. 274, March 25, 1916, U.S. District Court for the Territory of Hawaii, reprinted in Transcript of Record, *Ozawa v. United States*, docket No. 2888, Circuit Court of Appeals for the Ninth Circuit, 1917, file 1696/19, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service. On Horace W. Vaughan’s politics and career, see “Vaughan, Horace Worth,” *Handbook of Texas Online* <<http://www.tsha.utexas.edu/handbook/online/articles/view/VV/fva23.html>> (Dec. 17, 2003). On Vaughan’s decision to admit Asian soldiers to citizenship, see U.S. District Attorney S. Huber to Commissioner of Naturalization, Dec. 5, 1918, file 106799/926, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service; and “Japanese in Army Entitled to Citizenship,” *Honolulu Star Bulletin*, Dec. 4, 1918, clipping, *ibid*.

²⁴ *In re Tatsushi Saito*, July 12, 1919, unreported decision of U.S. District Court of Territory of Hawaii, p. 24, reprinted in Appellant’s Brief, *Toyota v. United States*, 268 U.S. 402 (1925).

and loyalty, in courage and efficiency, they were all Americans." Pleading their cases in letters to the Bureau of Naturalization and elected officials, Asian soldiers used the martial rhetoric of the day as they called on the government to honor the bargain of citizenship for service. S. Yamagata, for example, complained to Deputy Commissioner of Naturalization Crist, "I did not refuse to die for the country," but "I . . . was refused [naturalization] . . . simply because I was a Japanese." He pointedly framed his rhetorical question: "Mr. Crist, do you not think this is a great injustice done to a man who, so willingly responded to the country where he resided more than ten years and felt it was his duty to serve in the army just as the other boys did."²⁵

In the face of such claims, the Bureau of Naturalization waffled between race and military service, admitting to one judge that "the Bureau has had no little difficulty in getting the proper response" to the question of whether Asian soldiers should be allowed to naturalize. When Vaughan announced his intention to naturalize Asian soldiers, the U.S. attorney, S. Huber, quickly notified the commissioner of naturalization, alarmed that "Japanese, Chinese, Koreans, and Hindus now in the military service" might flock to the court to be naturalized. Indeed, Asian soldiers did move quickly, anxious to secure their citizenship before their discharge from the service. A committee of Japanese hired the attorney J. B. Lightfoot to represent approximately 350 Japanese soldiers who desired to pursue naturalization. In developing a response to the crisis in Hawai'i, the bureau's two top administrators, Commissioner Richard Campbell and Deputy Commissioner Raymond Crist, split sharply on both policy and legal grounds.²⁶

The legal dispute centered on how to construe Subdivision 7 of the 1918 statute, which expedited naturalization for "*any alien*" who served in the military. Judges and administrators differed over whether the law was to be interpreted literally as extending a right to *all* alien soldiers, regardless of race. Subdivision 7 also explicitly granted the privilege of naturalization to Filipinos who served in the U.S. Navy or Marine Corps. Section 2 of the act proved crucial in determining whether the racial prerequisite still applied to alien soldiers. That section provided: "Nothing in this act shall repeal or in any way enlarge section 2169 [the racial prerequisite] . . . except as specified in the seventh subdivision of this act." The question became: Whom did Subdivision 7 exempt from the racial prerequisite? Just Filipinos serving in two specified branches of the armed forces? Or all who served in the military during the war?²⁷

At first, Commissioner Richard Campbell instructed his naturalization examiners that Asians did not fall under the 1918 act, as he believed "the words 'any alien' are used in the sense of any alien who can otherwise meet the requirement of the law."

²⁵ Christian H. Dorang to the President, Jan. 10, 1935, file 20/60, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service; Department of Labor, *Annual Report of the Commissioner of Naturalization . . . 1919*, 37; "Cosmopolitan Heroes," *New York Times*, May 14, 1919, p. 49; "77th Artillery's Exploits on Whole American Front," *ibid.*, p. 1; S. Yamagata to Raymond F. Crist, Feb. 13, 1919, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service. See also Richard M. Sato to Campbell, Feb. 8, 1919, *ibid.*

²⁶ Commissioner of Naturalization to Hon. John F. Ellison, March 4, 1919, file 106799/926, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service; Huber to Commissioner of Naturalization, Dec. 5, 1918, Jan. 13, 1919, *ibid.*

²⁷ Act of May 9, 1918.

Before the war, Campbell had committed his agency to maintaining the racial boundaries of citizenship, urging the Department of Justice to set up test cases to contest the racial “fitness” of not only Chinese and Japanese but also Turks, Asian Indians, Syrians, and others he relegated to the “yellow race.”²⁸ Applying the same rationale, Campbell thought it clear that Asian soldiers did not fall within the purview of the 1918 act, and he instructed William Ragsdale, the special examiner sent by the bureau to oversee the naturalization of soldiers, to refuse to examine any Asian soldier who petitioned for naturalization. Ragsdale complied with the instructions, but when Saichi Shimadao, the first soldier to test the law, applied for citizenship in January 1919, Judge Vaughan naturalized him over the objections of the U.S. district attorney. In the next two weeks, Vaughan naturalized “a Hindu, . . . a Filipino, . . . more than 100 Japanese, . . . and several Koreans,” traveling to Schofield Barracks to administer the oath to scores of soldiers at a time. As rapidly as Vaughan naturalized the soldiers, Ragsdale and District Attorney Huber prepared “bills of cancellation,” the legal mechanism for rescinding the grant of citizenship, on the grounds that the soldiers were not legally qualified for naturalization.²⁹

The looming showdown between Judge Vaughan and the Bureau of Naturalization never happened, however, as the bureau backed down, on the recommendation of the deputy commissioner, Raymond Crist. Crist wrote a lengthy memo to the commissioner on January 22, 1919, detailing his argument that the Asian soldiers *were* entitled to naturalization under the 1918 act. Crist rested his argument on both the literal language of the law and a belief that Congress intended to “make eligible for citizenship any alien who could be prevailed upon during its greatest national crisis to enter the military or naval service of the United States.” As the deputy commissioner of naturalization and the probable author of the bill, Crist had been actively involved in the legislative hearings and debates. Thus Crist could—and did—claim superior knowledge of the reach of the act and congressional intent. Crist argued that Section 2, which provided that “nothing in this act shall repeal or in any way enlarge section 2169 of the Revised Statutes, except as specified in the 7th subdivision of this act,” should be interpreted as relaxing the racial bar for all who served in the military “*during the present war.*” After the war, the racial prerequisite would continue to apply in full force. Crist added “it was known that there were Chinese, Japanese, Hindus, Filipinos, American Indians, and others ineligible ordinarily to naturalization” in the army. If Congress had intended to bar such soldiers from the 1918 act, Crist concluded, it would have said so explicitly rather than opting for the general, inclusive language of “any alien.”³⁰

²⁸ Commissioner of Naturalization to Charles R. Beattie, July 30, 1909, file 19783/25, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service; Marian L. Smith, “Race, Nationality, and Reality: INS Administration of Racial Provisions in U.S. Immigration Law since 1898, Part 1-3,” *Prologue*, 34 (Summer 2002), 91–104.

²⁹ William Ragsdale to Commissioner of Naturalization, Jan. 17, 1919, file 106799/926, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service; U.S. Attorney, Honolulu, to Attorney General, Jan. 30, 1919, *ibid.*

³⁰ Raymond F. Crist, memorandum for the commissioner, Jan. 22, 1919, file 106799/926, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service. For Crist’s testimony, as a representative of the Bureau of Naturalization, on the intent and reach of the bill, see Com-

Crist's representation of the legislative debates was disingenuous, as the issue of whether the act would apply to Asians had arisen several times during the hearings. In an exchange about an earlier version of the bill with the chairman of the House Committee on Immigration and Naturalization, John Burnett, Crist himself had reassured representatives and senators that it would not:

MR. CRIST: The Chinese could not be naturalized, because by a specific act of Congress they are excluded.

THE CHAIRMAN: But would not the scope of this provision embrace those very people, not merely the Japanese and Chinese, but all the Asiatics?

MR. CRIST: . . . There is this provision: ". . . nothing in this act shall repeal or in any way enlarge section 2169 of the Revised Statutes." That sections says that this chapter shall be extended only to free white persons and to aliens of African nativity.

THE CHAIRMAN: That probably guards it.

MR. CRIST: That guards it. . . . *We do not desire to extend or enlarge the present naturalization laws to include those excluded now by law from naturalization.*³¹

Committee reports and the debates in the House of Representatives further suggest that key congressional leaders thought the law would exempt only Filipinos in the U.S. Navy and Marine Corps from the racial bar. But after the war Crist downplayed congressional opposition to Asian soldier naturalization and stressed the sweeping enthusiasm for rewarding the loyal service of all alien soldiers. Firmly wedded to the logic of martial citizenship, Crist warned "to construe this statute adversely to the soldier because of his nationality, race or creed is to repudiate those upon whom the Nation has leaned and depended to sustain the fundamentals upon which its national life exists."³²

Finally, Crist emphasized the dangers to the Bureau of Naturalization if it overstepped its jurisdictional boundaries and challenged the courts' interpretation of naturalization laws. Indeed, in 1909 the bureau had encountered significant criticism for its aggressive efforts to deny naturalization applications to East Indians, Japanese, and others deemed to be racially ineligible for citizenship. After organizations and individuals complained about the bureau's actions, the secretary of commerce and labor instructed the commissioner that it was up to the courts, not the bureau, to determine who was racially eligible under the law. Accordingly, Crist recounted, it had become department policy "to not object to naturalization on grounds of nation-

mittee on Immigration, *Naturalization of Residents in the United States*, April 11, 1918, pp. 3–27; U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, *Amendments to the Naturalization Laws*, 65 Cong., 2 sess., March 14, 1918, pp. 2–80; and *Congressional Record*, 65 Cong., 2 sess., May 3, 1918, p. 5999.

³¹ Committee on Immigration and Naturalization, *Amendments to the Naturalization Laws*, March 14, 1918, pp. 9–10. Emphasis added.

³² Committee on Immigration, *Amending the Naturalization Laws*, 9; U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, *To Amend the Naturalization Laws*, 65 Cong., 2 sess., April 20, 1918, p. 1; *Congressional Record*, 65 Cong., 2 sess., May 3, 1918, pp. 6000, 6001, 6003; Crist, memorandum for the commissioner, Jan. 22, 1919.

ality.” The most the bureau could do was to raise the question of a petitioner’s race and eligibility for the court to decide. Crist recommended, based on this precedent and the desire to avoid a confrontation with the U.S. district court in Hawai‘i, that Ragsdale hold the preliminary examinations and allow the federal judges to determine the eligibility of the soldiers for naturalization.³³

Though he continued to oppose the naturalization of Asian soldiers on racial grounds, Commissioner Campbell was persuaded by Crist’s jurisdictional argument and cabled Ragsdale on January 28, instructing him to drop the cancellation proceedings. But that did not end the “very embarrassing” situation in Hawai‘i; indeed, the issue gained more nationwide attention and caused more trouble for the bureau. The U.S. attorney in Honolulu warned the attorney general on January 30, 1919, that “there is a feeling of very grave apprehension here” about the potential effect of a rising number of Japanese American voters. The *Honolulu Pacific Commercial Advertiser* painted an alarmist scenario of what might happen as Japanese soldiers entered through the “doorway to citizenship.” “It is not beyond the bounds of possibility,” the paper warned, that “our legislature may have a preponderance of Japanese representatives and senators. Honolulu may have a Japanese police force.”³⁴ Letters from field officers in St. Louis, Denver, and St. Paul poured into the bureau, expressing confusion about the bureau’s stance in the wake of its earlier instructions that Asian soldiers were not eligible and reporting a growing number of Asian veterans seeking naturalization at their offices. The commissioner general of immigration also wrote a cautionary letter to Campbell, stressing that the naturalization of Asian veterans raised “a very serious and far reaching question from an immigration point of view.” In the face of such criticism and confusion, the commissioner scrambled to clarify the bureau’s position. In a circular letter to chief examiners on March 15, he wrote that the bureau did *not* agree with Crist’s interpretation of the law but had “simply [concluded] that the case of any such alien . . . should be permitted to go to a hearing for a judicial ruling.”³⁵ Crist and Campbell continued to disagree, but for the time being, the issue passed from their hands into the judicial domain.

But the courts, like the administrators, disagreed over the interpretation of the 1918 act. The published decisions of federal courts suggest that the weight of judicial opinion ran against the naturalization of Asian soldiers, as the judges saw the racial prerequisite for citizenship as too firmly rooted in American law to be construed

³³ Smith, “Race, Nationality, and Reality”; Crist to Secretary of Labor, March 14, 1921, file 106799/926, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service; Crist, memorandum for the commissioner, Jan. 22, 1919, p. 6.

³⁴ Campbell to Ragsdale, Jan. 28, 1919, file 106799/926, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service; U.S. Attorney to Attorney General, Jan. 30, 1919, *ibid.*; *Pacific Commercial Advertiser*, Jan. 20, 1919, quoted in Wakukawa, *History of the Japanese People in Hawaii*, 313–14.

³⁵ Paul Armstrong to Commissioner of Naturalization, Feb. 15, 1919, file 106799/926, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service; M. K. Bevington to Commissioner of Naturalization, Feb. 19, 1919, *ibid.*; Smith to Commissioner of Naturalization, March 3, 1919, *ibid.*; Anthony Caminetti to Campbell, March 10, 1919, *ibid.*; James Farrell to Commissioner of Naturalization, March 4, 1919, *ibid.*; Bureau of Naturalization to All Chief Examiners, March 15, 1919, *ibid.*; Richard Campbell, “Memorandum,” April 2, 1919, *ibid.*

away without a more explicit indication of Congress's intention to eliminate it.³⁶ But the bureau's records reveal that the majority of courts actually ruled in favor of the men. Judge Vaughan was responsible for most of the naturalizations of Asian soldiers, but federal and state courts in diverse regions—Washington, D.C., Boston, San Francisco, Los Angeles, Philadelphia, Louisiana—also admitted them into citizenship as a just reward for their service. The federal district court judge Maurice T. Dooling of San Francisco bestowed citizenship on Moo Foo Yan, a Chinese native who had served in the army for eighteen months, "a portion of which time was spent in active campaigning in the Argonne and in Belgium," despite Dooling's concession that the meaning of the Act of May 9, 1918, "is not very clear." He concluded that "as the language is broad enough to cover such a case, and as I believe that any doubt as to the meaning of the law should be resolved in favor of those whom the Government thought fit to take into active military or naval service during the late war," he would admit any Asian veteran who had served in the war. While officials of the Bureau of Naturalization believed such judicial sentiments were beginning to ebb by 1920 in favor of a more restrictive approach, the success of a petition continued to depend a great deal on the disposition of the local judge. By 1921, however, the resurging nativist movement would make ending the naturalization of Asian soldiers part of its broader agenda and would push for a legal resolution barring them from citizenship.³⁷

The Perils of Being Yellow

Though the country celebrated the war's end on Armistice Day in 1918, the battle at home over citizenship policy escalated in the 1920s, resulting in a victory for both racial nativism and militaristic patriotism and a defeat for Asian veterans. The nativism that rebounded after the war targeted the so-called new immigrants from southern and eastern Europe as particularly undesirable, but Asians in the United States faced more onerous and sweeping exclusion, both as immigrants and as potential citizens. In the chaotic atmosphere of labor strikes, race riots, and the Red Scare of 1919–1920, nativist organizations in the West focused their animosity on Asians, particularly Japanese, forming the Japanese Exclusion League to lobby for state and federal legislation. The group included traditional opponents of Asian immigration—the California State Federation of Labor, the Grange, and the Native Sons of the Golden West—and a new participant, the American Legion. The legion had been founded by war veterans, in part to "foster and perpetuate a one-hundred per-

³⁶ *In re Para*, 269 F. 643 (S.D.N.Y. 1919), 647. See also *In re En Sk Song*, 271 F. 23 (S.D.Cal. 1921); *In re Charr*, 273 F. 207 (W.D.Mo. 1921); *In re Dong Chong*, 278 F. 546 (W.D.Wash. 1923); *Sato v. Hall*, 191 Cal. 510 (1923).

³⁷ In an undated memorandum the Bureau of Naturalization reported that 218 Japanese had been naturalized in over twenty different courts, while only 14 had been denied by nine courts. See "Memorandum of Japanese Naturalized and denied Naturalization under the Acts of May 9, 1918 and July 19, 1919," file 106799/926, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service. *In re Moo Foo Yan*, no. 3747, U.S. District Court for the Northern District of California, Equity Casefiles (1919), Records of the District Courts of the United States, RG 21 (National Archives, San Francisco, Calif.).

cent Americanism,” and became a leading—and very effective—force in the attacks on immigration and radicalism.³⁸

The exclusionists resurrected well-rehearsed arguments that centered on the inherent and indelible racial difference of the Japanese, and they created a new sense of urgency that Japanese were posed to overrun the West, and possibly the nation, through their economic success as well as the military might of their native country. Framing the anti-Asian movement as one of national defense—racially, culturally, and militarily—the Japanese Exclusion League secured the passage of alien land laws in several western states, forbidding aliens “ineligible for citizenship”—that is, Asians—to own or lease land. The league achieved ultimate success with the exclusion of all Asians in the Immigration Act of 1924. Exclusionists continued to advocate even more stringent measures, including a constitutional amendment to deny birthright citizenship to people of Asian descent born in the United States as a concession of the “practical impossibility of making dependable American citizens of Japanese . . . even if born under our flag.”³⁹

In early 1921, as the Japanese Exclusion League sought to block all paths to citizenship to Asians, the Asian veterans came under its scrutiny. Sen. James D. Phelan, a leader of the organization, initiated a small furor in the Bureau of Naturalization when he fired off a letter to Commissioner Campbell on February 1, sparked by his discovery that “a great many Japanese” had been naturalized under the Act of May 9, 1918. Phelan and his cohort protested vigorously against “these irregularly naturalized Japanese.” Rather than viewing the Asian soldiers’ military service as laudable, the league interpreted it as a devious way to circumvent the carefully constructed legal borders to citizenship and its rights. In a week-long exposé of the dangers posed by Japanese Americans in Hawai‘i, published in the *San Francisco Examiner*, the journalist Joseph Timmons scoffed that “absurd attempts have been made to prove the loyalty to America of Hawaiian Japanese by pointing to [the] . . . pitiable few” Japanese soldiers who served in the armed forces. Timmons denigrated their service, declaring “none of them volunteered; they were in the National Guard and had no choice, or they were drafted. Some of the drafted men did not claim exemption as alien-born because they did not know they had that right.” Timmons warned that “these Japanese soldiers in American khaki” would be an entering wedge in evading the policies achieved by the Japanese Exclusion League. Timmons estimated that at least half the Japanese soldiers naturalized in Hawai‘i under the wartime act had left for California and posed the danger of “crowd[ing] our ex-service men off our land,” a prediction that Phelan also made as he raised the alarm that the new citizens were

³⁸ William Pencak, *For God and Country: The American Legion, 1919–1941* (Boston, 1989), 48, 256–62.

³⁹ McClatchy, *The Oriental Question* [Sacramento, 1923]; *San Francisco Examiner*, March 26, 1921, p. 4; V. S. McClatchy, “Japanese in the Melting Pot: Can They Assimilate and Make Good Citizens?,” *Annals of the American Academy of Political and Social Science*, 93 (Jan. 1921), 29–34; V. S. McClatchy, “American Citizenship for Japanese,” memo, April 16, 1921, p. 4, file 106799/926, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service; Roger Daniels, *The Politics of Prejudice* (New York, 1973), 81–105; Gary Y. Okihiro, *Cane Fires: The Anti-Japanese Movement in Hawaii, 1865–1945* (Philadelphia, 1991), 82–162.

organizing land corporations to bypass the state's alien land act.⁴⁰ Phelan badgered the federal district court judges in California about their decisions in favor of Asian soldiers and introduced legislation to prohibit the veterans' naturalization.⁴¹ Influential members of the league also pressured the Bureau of Naturalization to cancel the certificates of the soldiers; in response, the secretary of labor, over Crist's objections, issued instructions on February 7, 1921, that "every effort should be made to have some case carried to the Supreme Court for ultimate decision."⁴²

As plans developed to challenge the citizenship of the Asian veterans, nativists obtained an important legal victory in *Ozawa v. United States*, which the Supreme Court decided in 1922. Ozawa had done everything in his power to demonstrate that he had assimilated and was a worthy candidate for American citizenship: He had lived in the United States for over twenty years, attended the University of California, educated his children in public schools, spoken English at home, and been a devout Christian. The Court set aside the issue of individual assimilation as irrelevant to the racial definition of citizenship. Japanese were not white and thus ineligible to become American citizens. A few months later, the Court ruled that Bhagat Singh Thind, a soldier in the U.S. Army during World War I, also failed to meet the racial test for citizenship, as natives of India were not "white." (The Court did not specifically address the applicability of the 1918 Act to Thind.) In the *Ozawa* and *Thind* cases, the Supreme Court both reflected and helped spur the hardening of racial classifications in citizenship, casting Asians as inherently unassimilable into the body politic.⁴³

Given the Supreme Court's rejection of assimilationist models for Asians, observers recognized there was little likelihood it would find that battle had transformed Asian veterans into American citizens. Exclusionists, emboldened by the *Ozawa* decision, refused to recognize the citizenship rights of naturalized Asian veterans. The attorney general of Hawai'i issued an opinion that the territory would not recognize such individuals as citizens nor allow them to exercise any of the rights of citizenship. When Ichizo Sato, one of the first Japanese soldiers to be naturalized by Judge Vaughan, tried to register to vote in California, the Sacramento county clerk denied him as a "member of the yellow race." The state supreme court upheld the clerk's

⁴⁰ James D. Phelan to Campbell, Feb. 1, 1921, file 106799/926, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service; John Thomas Taylor to James A. Davis, American Legion, May 3, 1921, *ibid.*; Joseph Timmons, "Hawaii Is Vast Incubator of 'American-Born' Japs," *San Francisco Examiner*, March 23, 1921; Phelan to William Wilson, Feb. 15, 1921, file 106799/926, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service.

⁴¹ Maurice T. Dooling to Phelan, Oct. 15, 1920, box 21, Papers of James D. Phelan (Bancroft Library, University of California, Berkeley); Benjamin Bledsoe to Phelan, Feb. 18, 1921, file 106799/926, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service. The legislation was withdrawn under pressure from other senators worried about damaging relations with Japan. Naka, "Naturalization of Japanese War Veterans," 53–55.

⁴² William B. Wilson, "Memorandum for the Commissioner of Naturalization. In re Naturalization of Japanese and Chinese," Feb. 7, 1921, file 106799/926, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service; Phelan to Secretary of Labor, Feb. 15, 1921, *ibid.* For Crist's objections to the test case, see Crist to Secretary of Labor, March 14, April 21, May 11, 1921, *ibid.*

⁴³ *Ozawa v. United States*, 260 U.S. 178 (1922), 197; *United States v. Bhagat Singh Thind*, 261 U.S. 204 (1923), 209; Yuji Ichioka, "The Early Japanese Quest for Citizenship: The Background for the 1922 *Ozawa* Case," *Amerasia Journal*, 4 (no. 2, 1977), 1–22; Ngai, *Impossible Subjects*, 42–48.

actions, ruling that Asian soldiers did not fall within the 1918 act. Raymond Crist, who had become commissioner of naturalization in 1923, attempted to counter such efforts. In his first annual report to the secretary of labor, Crist conceded that the *Ozawa* case raised “grave doubts as to the title to citizenship held by those of Asiatic origin who honorably served this country in time of need.” Crist urged that Congress pass legislation explicitly allowing the veterans to become citizens as a “badge of honor” to those who had “offered themselves to this country.” Under Crist’s leadership, the Bureau of Naturalization continued to recognize naturalized Asian veterans as citizens “until such time as an adverse decision is rendered by the Supreme Court.”⁴⁴

That time approached on May 25, 1925, when the Supreme Court issued its decision in *Toyota v. United States*, providing the capstone to the nativists’ carefully constructed legal barrier against Asians and Asian Americans. The applicant, Hidemitsu Toyota, was a thirty-three-year-old native of Odawara, Japan, who had served in the U.S. Coast Guard for approximately ten years. Initially granted citizenship by the federal district court judge James M. Morton Jr. in Boston on May 16, 1921, Toyota became the unfortunate target of the test case devised by the Department of Justice. In 1923 Judge James A. Lowell canceled his certificate of naturalization on the grounds of racial ineligibility, and Toyota’s appeal eventually reached the Supreme Court.⁴⁵

In deciding Toyota’s appeal, the Supreme Court rejected a liberal reading of the language in the Act of May 9, 1918, which stated that *any* alien soldier, regardless of race or color, could be naturalized, noting that “it has long been the national policy to maintain the distinction of color and race.” In light of that history of racist policies, the Court cautioned, “radical change is not lightly to be deemed to have been intended.” The Court devoted the bulk of its opinion to the eligibility of Filipinos for naturalization, a question not directly before the Court, but related to the problematic interpretation of Section 2 of the act. Section 2 had specified that nothing in the act enlarged or repealed the racial prerequisite, *except* as provided in Subdivision 7. The Court ruled that Section 2 of the soldier naturalization act had intended to allow only Filipinos to escape the racial bar if they served in the navy or marines. As colonial subjects owing allegiance to the United States, Filipinos were deemed to be neither citizens nor aliens, but rather American “nationals.” The statute exempted Filipinos, the Court held, in recognition of their special status as nationals with obligations to the United States. Having rejected Toyota’s legal arguments, the Court

⁴⁴ *Opinions of the Attorney General of Hawaii*, Jan. 1, 1922 to June 30, 1924, p. 281, cited in Wakukawa, *History of the Japanese People in Hawaii*, 315; *Sato v. Hall*, 191 Cal. 510 (1923); U.S. Department of Labor, *Annual Report of the Commissioner of Naturalization*, 1923 (Washington, 1923), 28; Crist to Commissioner General of Immigration, Jan. 13, 1925, file 106799/926, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service.

⁴⁵ Hidemitsu Toyota, petition for Naturalization, no. 58600, vol. 236, p. 75, line 17 (microfilm: M1464, roll 208) (U.S. Naturalization Service, Boston); *In re Hidemitsu Toyota*, Naturalization Docket, no. 45, U.S. District Court for the District of Massachusetts, Records of the District Courts of the United States, RG 21 (National Archives, Waltham, Mass.); Bureau of Naturalization to Chief Examiner, Boston, June 11, 1921, file 106799/926, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service; Campbell to Secretary of Labor, Aug. 17, 1921, *ibid*.

appeared equally unmoved by his attorney's appeal to equity when he argued that the government was unfairly dangling citizenship "as a tempting bait in time of this country's need" and then "snatching it away again when the need has passed." The decision in *Toyota*, like that in *Ozawa* and *Thind*, revealed that no degree of assimilation or blood sacrifice could overcome the legal bar of being yellow.⁴⁶

Brothers in Arms

Given the resurgence of racial nativism and the string of laws and court cases upholding race as a criterion for membership in the polity, the Court's decision in the *Toyota* case comes as no surprise. What is surprising, in retrospect, is the ensuing movement to secure legislation exempting alien soldiers from the racial prerequisite and allowing for their naturalization. The campaign drew support not only from alien veterans, new ethnic organizations (in particular, the Japanese American Citizens League, or JACL), and internationalists seeking to ameliorate discrimination against Asians, but also from groups, such as the American Legion, the Veterans of Foreign Wars (VFW), and the California Joint Immigration Committee (the successor to the Japanese Exclusion League), that were simultaneously lobbying for exclusionary and nativist legislation. The proponents of alien soldier naturalization accomplished their goal with little fanfare in 1935. The success of that drive and the odd allies it created reveal the continuing strength of the military service rationale for citizenship.

Indeed, well after the war ended and the soldiers returned home, the ideal of military service as the fundamental entrée into citizenship and its benefits remained compelling. The war-era rage against slackers carried over into a postwar determination that citizenship should not be bestowed on those who had refused to serve or who professed to be peace advocates. The Bureau of Naturalization continued to ask aliens seeking naturalization if they would be willing to bear arms, making the query question 22 on its preliminary application in 1923. The American Legion also perpetuated the link between military service and citizenship, actively supporting the naturalization of alien soldiers and backing the successive postwar laws that extended the time for veterans to take advantage of the privilege. In contrast, the American Legion expressed particular bitterness against the "alien slacker and, at its first organizational meeting in the United States, proposed a resolution to deport all aliens who had refused to serve in the military."⁴⁷

Statutes and judicial decisions espoused the same militaristic patriotism in their delineation of the terms of citizenship. The Act of July 9, 1918, had allowed an alien to withdraw his declaration of intent to become a citizen and to claim exemption

⁴⁶ *Toyota v. United States*, 268 U.S. 402 (1925), 412. On Filipinos' ambiguous citizenship status, see Ngai, *Impossible Subjects*, 96–101; Christina Burnett and Burke Marshall, "Between the Foreign and the Domestic: The Doctrine of Territorial Incorporation, Invented and Redefined," in *Foreign in a Domestic Sense: Puerto Rico, American Expansion, and the Constitution*, ed. Christina Burnett and Burke Marshall (Durham, 2001), 1–38.

⁴⁷ Dorothy Dunbar Bromley, "The Pacifist Bogey," *Harper's Monthly Magazine*, 61 (Oct. 1930), 554; Raymond Moley Jr., *The American Legion Story* (Westport, 1966), 63, 68–70, 92–93. The influence of militaristic patriotism can also be seen in the growing willingness of state courts to uphold the constitutionality of state pensions for veterans, a marked departure from earlier views that national service could not be rewarded at the state level. Susan M. Sterett, *Public Pensions: Gender and Civic Service in the States, 1850–1937* (Ithaca, 2003), 53–74.

from the draft, but it forever barred such aliens from American citizenship. One federal district court case concerned a Norwegian who had surrendered his declaration of intention to become a U.S. citizen in the hope of avoiding the draft, but whom the local draft board inducted anyway. The war ended before he left training camp, and within the year, he applied for expedited naturalization as a veteran of the war. Judge Jeremiah Neterer could barely contain his disdain, holding that Loen “failed to meet the test” of citizenship as he had refused to demonstrate his “loyalty to our flag and his willingness to defend it.” “Citizenship,” opined Judge Neterer, is “made of sterner stuff.” While the 1918 act had barred from future citizenship only those who surrendered a previous declaration of intent, many federal judges embraced the spirit behind the act to deny naturalization to *all* aliens who had claimed their lawful exemption from the draft. Judges reasoned that any alien who had avoided the draft was not “attached to the principles of the Constitution” as required under the general naturalization act. Scornfully referring to such aliens as “fairweather friends” and “military ‘slacker’ candidates,” judges from 1920 to 1928 denied 31,147 applicants naturalization for failure to serve in the armed forces during the war.⁴⁸

The link between military service and citizenship was so strong that over ten years after the war, it was used to deny naturalization to a fifty-two-year-old Hungarian woman who refused to bear arms in defense of the country. The Women’s Auxiliary of the American Legion had targeted Rosika Schwimmer, a renowned radical suffragist and international peace advocate, as particularly objectionable for her stance against militarism. Schwimmer admitted she had reservations about the required oath that she would “support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same.” Describing herself as an “uncompromising pacifist,” Schwimmer declared she was “willing to do everything that an American citizen has to do except fighting.” As with aliens who had claimed exemption from the draft, Schwimmer’s petition for naturalization was denied on the grounds that she was “not attached to the principles of the Constitution.” The Supreme Court upheld the bar to naturalization, noting that the “duty of citizens by force of arms to defend our government against all enemies whenever necessity arises is a fundamental principle of the Constitution.” While admitting that a fifty-two-year-old woman would not be required to bear arms, the Court imagined the influence her pacifism might have on other citizens’ willingness to fulfill their military obligation. With the *Schwimmer* case, militaristic patriotism appeared to reach new heights in its impact on naturalization policy. Thereafter, the willingness to bear arms became a more serious criterion for citizenship, marking pacifists and con-

⁴⁸ *In re Loen*, 262 F. 166 (W.D.Wash. 1919), 167–68; Henry B. Hazard, “Attachment to the Principles of the Constitution’ as Judicially Construed in Certain Naturalization Cases in the United States,” *American Journal of International Law*, 23 (Oct. 1929), 785; *In re Shanin*, 278 F. 739 (D.Mass. 1922), 740–41; *In re Bevelacqua*, 295 F. 862 (D.Mass. 1924). Eventually, judges grudgingly offered aliens who had claimed an exemption a compromise: they extended the waiting period for citizenship, with the five-year residency period beginning with the official end of the war in 1921. *In re Linder*, 292 F. 1001 (S.D.Cal. 1923), 1002; *In re Bevelacqua*, 864; *In re Tomarchio*, 264 F. 400 (E.D.Mo., 1920). Other judges upheld the right to naturalization of aliens who had claimed exemption. See, for example, *In re Naturalization of Aliens Who Claimed Exemption from the Draft or from Military Service*, 1 F. 2d 594 (E.D.Wisc. 1924).

scientious objectors as unworthy of American citizenship, regardless of their other worthy characteristics or even their noncombat participation during war. Citizenship, the Supreme Court said in 1931, required “unqualified allegiance to the Nation.” Even if the applicant—as a woman or man physically unable—would never actually bear arms, the Court insisted he or she endorse the principle of martial citizenship.⁴⁹

In line with the emphasis on military service as a criterion for citizenship and Commissioner Crist’s unwavering support of the Asian veterans’ cause, the Bureau of Naturalization decided not to initiate cancellation proceedings after the *Toyota* decision. In its view, the naturalized Asian veteran remained “not only a *de facto* citizen, but a *de jure* citizen” as long as he retained the naturalization certificate. But the naturalized veterans remained citizens on paper only and could not exercise the rights of citizenship without fear of being challenged. Crist again recommended remedial legislation and in the meantime ward off efforts, when they arose, to strip the veterans of their citizenship.⁵⁰

While the bureau’s policy gave nonwhite veterans a temporary reprieve, the ultimate success of the legislative campaign would require time, the concerted efforts of energetic individuals, and the support of crucial organizations. Tokutaro “Tokie” Nishimura Slocum was particularly active and instrumental in galvanizing support for the legislation. Slocum had come to the United States from Japan when he was ten and had been raised by a white family in North Dakota. He saw himself as thoroughly American and would be remembered as a “firebrand orator” who lectured Japanese Americans about the need to abandon “hyphenated Americanism” and demonstrate their complete loyalty to the United States. After his initial rejection for naturalization in St. Paul, Slocum eventually acquired citizenship, only to have it threatened by the *Toyota* decision. Alarmed by the opinion, Slocum worked tirelessly on the issue of Asian veteran citizenship, writing endless letters and enlisting the aid of key individuals and organizations.⁵¹

Slocum helped build bridges between groups unaccustomed to working together: the JACL, the so-called pro-quota movement, and the American Legion. All of the organizations arose in the postwar environment of growing nativism, antiradicalism, and hyperpatriotism. Founded in 1930, the JACL was composed only of Nisei, second-generation Japanese Americans, who were citizens by virtue of their birth in the United States and sought to obtain their “proper recognition” as loyal American citi-

⁴⁹ Bromley, “Pacifist Bogy,” 555; *United States v. Schwimmer*, 279 U.S. 644 (1929), 648, 650, 652. On Rosika Schwimmer, see Beth S. Wenger, “Radical Politics in a Reactionary Age: The Unmaking of Rosika Schwimmer, 1914–1930,” *Journal of Women’s History*, 2 (Fall 1990), 66–99; Kerber, *No Constitutional Right to Be Ladies*, 247–48. On petitioners with histories of noncombat service, see *United States v. MacIntosh*, 283 U.S. 605, 625 (1931); *United States v. Bland*, 283 U.S. 636 (1931).

⁵⁰ William U. Handy to Commissioner of Naturalization, Aug. 10, 1927, file 16/24, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service; Thomas B. Shoemaker to Handy, Aug. 17, 1927, *ibid.*; “Summary of administrative policy on non-white veteran naturalization,” file 20/60, *ibid.* The government apparently instituted cancellation proceedings against only six Asian veterans. U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, *Permit Certain Resident Oriental Veterans in Armed Forces of United States during the World War to Apply for Citizenship*, 74 Cong., 1 sess., April 23, 1935, pp. 21–27.

⁵¹ Hosokawa, *JACL in Quest of Justice*, 39–41, esp. 39. For more on Slocum’s efforts, see Naka, “Naturalization of Japanese War Veterans.”



Tokie Slocum stands in front of the headquarters of the Japanese American Citizens League, Los Angeles, 1942. After leading the successful fight to secure citizenship for Asian veterans of World War I, Slocum advocated compliance with the government's internment program during World War II and provided the government with information on Japanese and Japanese Americans suspected of disloyalty. *Courtesy War Relocation Authority, National Archives.*

zens. Conscious of the relentless discourse about the inability of Japanese to assimilate, JACL members were anxious to prove themselves true Americans. While the JACL encouraged Nisei to study their Japanese heritage and educate other Americans about Japan, the winner of the JACL's oratorical contest in 1936 summed up the dominant

philosophy of the organization: "Our ideas, customs, mode of thinking, our whole psychology is simply American. Physically we may be Japanese, but culturally we are Americans. We simply are not capable of fitting into a Japanese society, so we are destined to remain here." The JACL also aimed to counteract the discriminatory efforts of anti-Asian groups and to bolster Japanese American political power by encouraging Nisei to vote. Japanese had long viewed the racial prerequisite for citizenship as particularly humiliating and its elimination as more vital than immigration reform. The fight for Asian veterans' naturalization was one of the JACL's first forays into lobbying. The JACL endorsed the resolution to provide Asian veterans American citizenship, in part, to assure veterans their due reward for service but also to further its broader agenda of demonstrating that Japanese *could* pledge their allegiance to the United States and make the ultimate sacrifice.⁵²

A second group of supporters included clergy, businessmen, and intellectuals who sought to build better relations with Japan, in part by replacing the exclusion codified in the Immigration Act of 1924 with a quota for Japanese immigrants. Immigration reform was the central objective of such groups as the Federal Council of Churches of Christ, the San Francisco Chamber of Commerce, and the Institute of Pacific Relations, but their leaders also championed the cause of the Asian veterans. They saw veterans' naturalization as not only just but also strategically advantageous in establishing more amicable relations with Japan. Soon after the *Toyota* decision, Sidney Gulick, one of the best-known clergymen in the movement, warned of the damage that had been done to Japan-U.S. relations. He quoted Japanese newspapers' assertion that the United States had "forsaken her honor as a law-abiding nation" by its "insolent attitude" in deceiving the veterans. Perhaps because their views on immigration provoked angry opposition by California exclusionists—whom the JACL and Slocum could not afford to antagonize—those in the pro-quota movement played a behind-the-scenes role in the legislative effort. Wallace Alexander, the prominent leader of the San Francisco Chamber of Commerce, provided crucial financial support for the lobbying efforts of the JACL and Slocum. Rep. Caroline O'Day, a fervent New Deal Democrat from New York State who supported liberalizing immigration laws, also threw her quiet support behind Slocum.⁵³

⁵² Hosokawa, *JACL in Quest of Justice*, 20–56. For the 1936 speech, see *ibid.*, 91. Yuji Ichioka, "A Study in Dualism: James Yoshinori Sakamoto and the *Japanese American Courier*, 1928–1942," *Amerasia*, 13 (1986–1987), 49–81. Not all Nisei embraced such an overwhelmingly assimilationist stance. See, for example, Lon Kurashige, "The Problem of Biculturalism: Japanese American Identity and Festival before World War II," *Journal of American History*, 86 (March 2000), 1632–54.

⁵³ Sidney Gulick, "Men without a Country," *New York Times*, July 12, 1925, sec. 8, p. 12; Elizabeth M. Richardson to Sen. John Downey Works, July 28, 1925, file 106799/926, entry 26, Administrative Files Relating to Naturalization, 1906–40, Records of the Immigration and Naturalization Service; Crist to George W. Wickersham, March 19, 1927, *ibid.*; Naka, "Naturalization of Japanese War Veterans," 125. On the pro-quota movement and Japan's sensitivity to anti-Japanese legislation and allegations of the racial inferiority of its people, see Izumi Hirobe, *Japanese Pride, American Prejudice: Modifying the Exclusion Clause of the 1924 Immigration Act* (Stanford, 2001), esp. 21–38, 61–62. On Caroline O'Day, see "O'Day, Caroline Love Goodwin," *Biographical Directory of the United States Congress* <<http://bioguide.congress.gov/scripts/biodisplay.pl?index=O000033>> (April 14, 2004); and Eleanor Roosevelt Papers, "Who was Caroline O'Day?," *Teaching Eleanor Roosevelt*, ed. Allida Black et al., 2003 <<http://www.nps.gov/elro/what-is-vk/q-and-a/oday-caroline.htm>> (April 14, 2004). For her support of Slocum, see "Citizens' League Victory in Veterans' Fight Told," *Pacific Citizen*, Sept. 2, 1935, p. 1.

The support of the JACL and the pro-quota movement for the Asian naturalization legislation seems predictable, given their organizational goals. But why did the American Legion, committed to exclusion and initially opposed to Asian soldier naturalization, eventually give the measure crucial support? The legion did not explain its about-face on the issue directly, but its publications and conference proceedings suggest that by the early 1930s the legion's first priority was to gain proper recognition for veterans and to secure their due benefits. In the face of the growing opposition to military spending spawned by both the peace movement and the economic ravages of the Great Depression, the American Legion had a clear ideological and pragmatic stake in keeping militaristic patriotism alive. Tokie Slocum's ability to mobilize the rhetoric of martial citizenship—and, just as crucial, his success in divorcing the issue of Asian immigration from that of Asian veteran naturalization—allowed the legion to embrace Asian veterans as brothers-in-arms and fellow citizens.

After its founding in 1919, the American Legion quickly became one of the most powerful lobbying groups of the twentieth century, continually reminding the nation of the “unestimable debt of gratitude” owed to veterans as it sought legislation providing for a veterans' bureau, health care for veterans, disability payments, and more. By the early 1930s, however, the legion was on the defensive, as its very success brought criticism from both the Left and the Right. Decrying the rising influence of pacifists, whom he described as “locusts,” the writer Rupert Hughes noted bitterly that “the soldier at war . . . is hailed as the savior of his country, the one true citizen.” After the war, however, “the savior of each war has become the bore, the pest, of the peace. He has been costly because of so many wounds, and disabilities and the expense of pensions and hospitalization.” The veterans' programs were costly, averaging 20 percent of the federal budget throughout the 1920s; the demands for the prepayment of the veterans' bonus in 1932 threatened greater pressure on already burdened federal finances. As the country slipped deeper into the Great Depression, Congress responded in 1933 with drastic cuts in spending, slashing veterans' benefits 40 percent. In its fight to defend benefits, the legion issued a call “for full ranks and united action . . . to man the firing line in Washington, to keep up the defenses and carry the fight into the enemy's lines throughout the country.” The legion tirelessly invoked the rhetoric of martial citizenship, emphasizing the blood sacrifices of its members. “Is the man who calls us ‘gold diggers’ one of the boys who dug trenches in France?” queried the *Ohio Legion News*.⁵⁴

In this embattled context, American Legion leaders probably felt they had much in common with Asian veterans, who, despite their perceived racial differences, shared the legion's martial patriotism. Slocum's appeals to the veterans' organizations were persuasive in part because he was one of their own, a member of the VFW and the American Legion. By the late 1920s, Asian veterans had begun to establish their own local posts within the legion and the VFW, which gave them an institutional as

⁵⁴ Pencak, *For God and Country*, xii, 116–22, 171–207; Rupert Hughes, “The False Equation: No Army=No War,” *American Legion Monthly*, 13 (Oct. 1932), 12–13; “The Year Ahead,” *ibid.* (Nov. 1932), 28; “The Voice of the Legion,” *ibid.* (Dec. 1932), 38.



Within a decade of World War I, Asian American veterans began to establish their own posts of the American Legion and the Veterans of Foreign Wars. In 1944 the photographer James Wong Howe documented Cathay Post no. 384 in San Francisco, calling it "Chinatown's American Legion." *Courtesy Bancroft Library, University of California, Berkeley.*

well as an ideological connection to the powerful veterans' organizations.⁵⁵ The *American Legion Weekly Bulletin*, published in Los Angeles, acknowledged that the formation of the posts might spark a "mixture of feelings" but stressed "these Japanese boys are just veterans like the rest of us. They went through the same hardships, were served the same chow and wore the same uniform and they speak the language of the veteran just like all the gang. They took the obligation and they are now Legionnaires." Reflecting a similar view of Asian veterans as comrades-in-arms, in 1934 several key posts of the American Legion and the VFW adopted a resolution supporting the naturalization of Asian veterans. The national assemblies of both veterans' groups voted to adopt the resolution in October 1934. The American Legion post in Great Barrington, Massachusetts, spelled out the rationale for its stance: "it is poor patriotism and sportsmanship to use citizenship as a lure in time of war and then permit it to be cheapened by Indian-giving tactics after the war is over." Slocum's commanding officer from the war emphasized that Asian veterans had passed the ultimate test in demonstrating their Americanness: "My friend, Slocum, is as good an American as I am, and has offered to prove it with his own blood—and I know of no other final proof."⁵⁶

If militaristic patriotism allowed Asian veterans to transcend the racial boundaries in naturalization policy, it did not erase the color line in the law of immigration and

⁵⁵ The Cathay Post of the American Legion in San Francisco was formed in 1930 by Chinese Americans and the Commodore Perry Post in Los Angeles in 1935 by Japanese Americans. Chinese American veterans established the Kau-Tom Post in Honolulu by 1928. For information on the post and for similar praise of the "common Legion spirit" uniting veterans of Chinese, Japanese, Hawaiian, and European descent, see "Pacific Americanism," *American Legion Monthly*, 5 (Nov. 1928), 34.

⁵⁶ The *American Legion Weekly Bulletin* story is reprinted in "The Voice of the Legion: California's Japanese Post," *American Legion Monthly*, 19 (July 1935), 36. The resolution by the Massachusetts American Legion post is quoted in Naka, "Naturalization of Japanese War Veterans," 124. G. Edward Buxton to Taylor, March 6, 1935, in Committee on Immigration and Naturalization, *Permit Certain Resident Oriental Veterans . . . to Apply for Citizenship*, 7–8.

citizenship. The Nye-Lea bill, which provided for the naturalization of Asian veterans, could not pass without the support of the veterans' organizations and key constituents in California, especially the California Joint Immigration Committee. Proponents of the Nye-Lea bill thus took great care to limit its reach to Asian veterans and to separate veterans' naturalization from the more inflammatory issue of Asian immigration. The model resolution made the distinction clear, saying "this petition does not raise any issue of immigration whatsoever as it applies only to those American veterans of Oriental birth who served honorably during the World War and who are now residing in the United States or its Territories." To reassure any doubters, Slocum asked Clarence R. Lea, a representative from California with a record of support for Japanese exclusion, to introduce the bill in the House. (Sen. Gerald Nye, from Slocum's home state of North Dakota, introduced the bill in the Senate.) During the hearings before the House Committee on Immigration and Naturalization, Slocum and witnesses from the American Legion and the VFW emphasized the small number of Asians affected. Slocum announced, "I speak in behalf of a few hundred orientals." Veterans' organizations had little difficulty separating the two issues. In the year when the American Legion endorsed the resolution for naturalization of nonwhite veterans, it adopted a resolution reiterating its support for Asian exclusion. Martial patriotism and racial nativism sat side by side in the legion's proceedings and policies, with little effort or concern to resolve the contradictions that they posed.⁵⁷

On June 24, 1935, the Nye-Lea Act passed both houses of Congress without debate or opposition. In a joyful ceremony, Slocum received the pen President Franklin D. Roosevelt used to sign the act into law and, soon thereafter, the first Americanism Medal presented by the VFW. Not only Japanese, but also Filipinos, Koreans, Chinese, and Asian Indians would take advantage of the opportunity to naturalize before the period specified in the law expired. Slocum's historical legacy would be a troubled one, however. He would be remembered less as a pioneer in securing civil rights for Asians than as a collaborator who, in his own words, went "over the top" again in World War II, aiding naval intelligence and the Federal Bureau of Investigation in apprehending Issei and Nisei suspected of disloyalty.⁵⁸

Like Slocum, the Nye-Lea Act that he championed left an ambiguous heritage. On the one hand, the act challenged the racial prerequisite and its underlying assumptions. The House Committee on Immigration and Naturalization appeared to sum

⁵⁷ Naka, "Naturalization of Japanese War Veterans," 98–108, 133–35, 150; Committee on Immigration and Naturalization, *Permit Certain Resident Oriental Veterans . . . to Apply for Citizenship*, 10; *Proceedings of the Sixteenth National Convention of the American Legion, Miami, Florida, October 22–25, 1934*, 74 Cong., 1 sess., H. Doc. 47 (1935), 81–82.

⁵⁸ "Citizens' League Victory in Veterans' Fight Told," 1; "This Month's Mason of Mark," *New York Masonic Outlook*, Oct. 1937, in Biographic Files, "Slocum, Tokutaro," *Pacific Citizen Archives* (Japanese American National Museum, Los Angeles, Calif.). On Tokutaro Slocum's collaboration with the Federal Bureau of Investigation, see U.S. Congress, House of Representatives, Select Committee Investigating National Defense Migration, *National Defense Migration, Part 31: Los Angeles and San Francisco Hearings: Problems of Evacuation of Enemy Aliens and Others from Prohibited Military Zones*, 77 Cong., 2 sess., March 6, 7, 12, 1942, p. 11716; U.S. Congress, Senate, Subcommittee of the Committee on Military Affairs, *War Relocation Centers*, 78 Cong., 1 sess., Jan. 20, 27, 28, 1943, pp. 121–26; Michi Weglyn, *Years of Infamy: The Untold Story of America's Concentration Camps* (New York, 1976), 132–33.

up the dominant sentiment in favor of the bill when it argued that the legislation was “simply a measure of justice” to people who “are today very largely *products of the environments of the United States*, and qualified to serve this country acceptably in peace, as citizens, as they did in war, as aliens.” The committee noted that if Asian war veterans visited their native countries now, they would no longer fit in, so altered had they become by their American experiences. Such a rationale undermined the long-held belief, used to justify Asian exclusion from immigration and naturalization, that Asian immigrants would never assimilate. For Easurk Charr, a Korean-born veteran of the war who had long sought naturalization, the act brought a welcome sense of belonging to the national family. He particularly cherished his camaraderie with his fellow legionnaires and repeatedly expressed his gratitude to “my big brother,” the American Legion, which he saw as decisive in helping him to become a citizen. The fight of Asian veterans also appeared to influence future soldier naturalization policies. When the nation again went to war in 1941, Congress explicitly extended expedited naturalization to all alien soldiers, regardless of race.⁵⁹

On the other hand, any hope or expectation that military service would be the entering wedge for a broader assault on racial nativism and the exclusionary legislation it spawned was not met, at least in the short term. Like African American veterans, Asian veterans who belonged to veterans’ organizations appear to have been segregated into their own posts. So, too, Asian veterans found that a change in nationality did not necessarily bring with it the social rights of citizenship, nor did it mean their allegiance would remain unquestioned.⁶⁰ When World War II broke out, Japan was the archenemy of the United States, rather than an ally as in World War I, and racial nativism, especially evident in the internment of Japanese and Japanese Americans, resumed with a vengeance.

Military service by Japanese Americans once again became a key issue in debates over their loyalty and their status as citizens in the United States. Italian and German aliens, though legally alien enemies, were allowed to enlist in the armed forces after an investigation, but Nisei, though born in the United States and American citizens, were categorically excluded from military service at the beginning of the war, a policy that indicated their suspect status in the polity. Eventually, the government allowed Nisei to volunteer for the segregated 442nd Regimental Combat Team and the 100th Infantry Battalion; by 1944 it drafted them into service, at times directly from the internment camps.⁶¹

The Japanese American community divided bitterly over whether to support the government’s recruitment of its young men, their arguments shaped in part by the long struggle culminating with the Nye-Lea Act and the ideology of martial citizen-

⁵⁹ U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, *Naturalization of Certain Alien Veterans of World War*, 74 Cong., 1 sess., April 26, 1935, p. 3. Emphasis added. Charr, *Golden Mountain*, 276–87, 297–98, 301, esp. 278; Second War Powers Act, tit. X, 56 Stat. 176 (1942).

⁶⁰ On the different aspects of citizenship and their relative rights, see the classic work by T. H. Marshall, “Citizenship and Social Class,” in *Class, Citizenship, and Social Development*, by T. H. Marshall (New York, 1964), 65–122; Shklar, *American Citizenship*, 1–5; and Glenn, *Unequal Freedom*, 18–55.

⁶¹ Eric L. Muller, *Free to Die for Their Country: The Story of the Japanese American Draft Resisters in World War II* (Chicago, 2001), 41–63.



One Japanese American veteran of World War I reported to the Santa Anita assembly center for relocation in 1942 sharply dressed in his uniform and wearing an American Legion hat, invoking martial citizenship to refute racialized definitions of membership in the polity. *Photograph by Clem Albers. Courtesy War Relocation Authority, National Archives.*

ship. The JACL not only supported but lobbied for the drafting of Nisei, arguing that “somewhere, on the field of battle, in a baptism of blood, we and our comrades must prove to all who question that we are ready and willing to die for the one country we know and pledge allegiance to.”⁶² Other Nisei and Issei objected, though they also framed their disagreement within the rhetoric of militaristic patriotism. Over three hundred Nisei resisted the draft, declaring their willingness to serve only when they were treated as full citizens. Some veterans of World War I wondered how their allegiance, already demonstrated on the battlefield, could be questioned. Joseph Kurihara, a Hawaiian-born World War I veteran, scoffed that “responsible government officials . . . told us to be loyal and that to enjoy our rights as American citizens we must be ready to die for the country. . . . Have [the veterans] not proven their loyalty already?” Thoroughly disillusioned by the internment, Kurihara renounced his native-born citizenship and defiantly declared his intention to become “a Jap 100 percent.” But for the JACL, the lesson of Nye-Lea was that in the end only military service and blood sacrifice had succeeded in eroding the racial barriers to political membership. It would use the much-heralded heroics of the 442nd Regimental Combat Team and the 100th Infantry Battalion to construct a dominant narrative of Japanese

⁶² Mike Masaoka, leader of the Japanese American Citizens League, quoted *ibid.*, 42–43.

Americans as “200% Americans” and to dispel suspicions of Japanese Americans’ loyalty. But the JACL’s strategy for inclusion rested precariously on glorification of military ideals, and even then the ultimate sacrifice—death in combat—could not dispel the persistent tensions between martial and racist citizenship ideals.⁶³

⁶³ Dorothy Swaine Thomas and Richard S. Nishimoto, *The Spoilage* (Berkeley, 1946), 369; Muller, *Free to Die for Their Country*, 4, 179, 197–98; Hosakawa, *JACL in Quest of Justice*, 192–94, 197–200; Ngai, *Impossible Subjects*, 182–86, 197.