

Naturalization and Military Service

GRADES 9-12



Overview

This activity is geared toward participants in grades 9-12. The estimated amount of time to deliver this lesson is 75 minutes.

The laws concerning naturalization and the military in the United States have fluctuated for more than two centuries. Certain groups, most significantly Puerto Ricans, Filipinos, and Guamanians, have had unique statuses within United States naturalization law, especially in the early 20th century. Changing military agreements meant shifting laws for these groups for many years.

In this lesson, participants will use a series of court cases to draw conclusions about U.S. naturalization policy and understand the discriminatory policies established to keep certain groups from becoming citizens.



Objective

Participants will be able to discuss the way that the government's fluctuating naturalization policies affected certain groups' access to United States citizenship.



Materials

- Copies of "Significant Naturalization Court Cases"
- Copies of "Timeline of Naturalization Laws"
- Copies of "INVESTIGATION: Naturalization Worksheet"
- Chart Paper
- Markers



Inquiry

Discuss the following questions with participants:

- What does it mean to be a *citizen*?
- What rights and responsibilities come with being a citizen of the United States?
- Why would someone want to become a citizen of the United States?
- Do you know anyone who has gone through (or is going through) the process to become a citizen of the United States? What was it like?

Share background content on the rights and responsibilities of a citizen and ways to become naturalized. Pose the following question:

- Why is military service one of the ways to become a citizen?



Investigation

Participants will work in seven different groups. Each group will receive a copy of the Significant Naturalization Court Cases and Timeline of Naturalization Laws. Assign each group one court case. Tell participants that some people may have assumed that military service would qualify them for naturalization, but it was often more complicated, especially for certain ethnic and racial groups. The groups will use the Naturalization Worksheet to respond to the following questions:

- Who was the petitioner in your case? What was their background?
- What did the court decide?
- What legislation did the court base their decision on?

Present court cases in chronological order (*In re Knight*, *In re Bessho* . . .). Record the verdict of each case on chart paper. Discuss the following questions as a group:

- Which court case represented the biggest shift in naturalization policy? What legislation did the judge base his ruling on in this case?
- What legislation had the greatest effect on the naturalization eligibility of Puerto Ricans? Filipinos? Other Asian immigrants?
- What relationship did the military have to naturalization during this time period?



Activity

Timeline Analysis

Participants will use the Timeline of Naturalization Laws to discuss the United States' immigration and naturalization policy in the pre and postwar years.

- In 1935, on the eve of World War II, which groups were eligible for naturalization? What processes did they need to use?
- In the years after World War II ended in 1945, what was being done to alleviate racial restrictions on immigration and naturalization?
- How might the changes to immigration law after World War II have affected the enlistment of foreign nationals, such as Filipinos, into the military?

Military Naturalization Today

Ask participants to research the current military naturalization process and respond to the following questions:

- Who is eligible for naturalization through military service?
- What steps does a person need to take to become naturalized through military service?
- Why would someone today want to use military service to access the naturalization process?



Lesson Connection

To engage further with our Timeline of U.S. Federal and U.S. Navy Policy Impacting Service and Citizenship, see our lesson: **Analyzing Timeline**.



Background

Rights and Responsibilities of a United States Citizen

Citizens of the United States must obey federal, state and local laws. They must pay taxes, including federal, state, local, Social Security, property and sales taxes. Citizens also must serve on a jury when summoned. Almost all male citizens must register for the selective service, also known as the draft. The draft can lead to involuntary military service.

While it is not mandatory, citizens of the United States have the right to vote, run for office and apply for a passport. Citizens also have the right to a fair, speedy trial, the freedom of expression and worship and the ability to extend citizenship to family members living abroad.

How to Become a Citizen

There are two ways to become a citizen of the United States: by birth or through naturalization. To be a citizen at birth, you must be born in the United States or in a territory of the U.S. or have a parent who was a citizen at the time of your birth. *Naturalization* is the process by which a citizen of a foreign country becomes a citizen of a new country.

To become a citizen of the United States through naturalization, you must meet certain criteria. The most common are to be married to a U.S. citizen, reside permanently in the U.S. for at least five years, or serve in the U.S. military. However, there are additional criteria for who is eligible to be naturalized through military service. These criteria have changed throughout the years.



Additional Resources/References

Current Policies on Naturalization through Military Service:

<https://www.uscis.gov/military/naturalization-through-military-service>

Major United States Naturalization Policies:

<https://www.archives.gov/files/research/naturalization/420-major-immigration-laws.pdf>

Early U.S. Naturalization Policies:

<https://socialwelfare.library.vcu.edu/federal/naturalization-process-in-u-s-early-history/>



**NATIONAL
ENDOWMENT
FOR THE
HUMANITIES**

Full Muster: Inclusive Histories on Historic Naval Ships has been made possible in part by a major grant from the National Endowment for the Humanities: Democracy demands wisdom.

Any views, findings, conclusions, or recommendations expressed in this resource do not necessarily represent those of the National Endowment for the Humanities.

Documents and Images

Significant Naturalization Court Cases

In re Knight (1909)

- Knight was born on a British ship to a white, English father and a Chinese-Japanese mother. He enlisted in the U.S. Navy in 1882 and fought in the Spanish-American War, winning a medal for his service at the Battle of Manila Bay. He was living in China when he enlisted, and first came to the United States in August 1892. He petitioned for citizenship in the United States when he was 43 years old, and met all of the qualifications laid out by the original Naturalization Act in 1894: he served in the Navy for over five years and was honorably discharged. The decision in his case read as follows:

“...He had served honorably since his enlistment until his application for citizenship, when he was 43 years old. Held, that petitioner was not a free “white person,” and was therefore not entitled to naturalization, under [amendment of 1875], providing that the act shall apply to aliens being free white persons and those of African nativity and descent, and [the Chinese Exclusion Act], prohibiting the admission of Chinese to citizenship.”

In re Bessho (1910)

- Namyo Bessho was a Japanese national who served in the U.S. Navy and received an honorable discharge. He argued that he satisfied all of the stipulations required by the naturalization act on July 28, 1894: he was over 21, served in the Navy for over five years, and was honorably discharged. The decision in his case read as follows:

“In view of the provision of Immigration Act [establishing the Bureau of Immigration and Naturalization], repealing related sections, but omitting from such repeal, as amended [in 1875], which limits the privilege of naturalization to free white persons and persons of African nativity or descent, such section must be held to limit and control [1894 Act], authorizing the naturalization of “any alien” 21 years or more of age who has served in the United States navy or marine corps as therein provided, and an alien of the Japanese race is not entitled to naturalization thereunder.”

In re Rallos (1917)

- Penaro Rallos was half Spanish and half Filipino and was a Filipino national. He had resided in the United States for more than two years when he petitioned for citizenship. He had received an honorable discharge from the military. The decision in his case was as follows:

“Though [Naturalization Act of 1906] provides that the applicable provisions of the naturalization laws shall apply to and be held to authorize the admission to citizenship of “all persons,” not citizens, who owe permanent allegiance to the United States and become residents of any state or organized territory, it is limited by [Immigration Act of 1917], and

[Chinese Exclusion Act], restricting naturalization to free white persons and persons of African nativity or descent, these being ‘applicable provisions of the naturalization laws.’”

In re Bautista (1917)

- Engracio Bautista was born on the island of Luzon in the Philippines in 1888, and was of half Spanish, half Filipino descent. The Philippines became a territory of the United States in 1898, but no laws had been passed regarding the citizenship status of Filipino nationals. Bautista enlisted in the U.S. Navy in December 1908, received an honorable discharge in 1912, and reenlisted in March 1913. When he petitioned for citizenship, Bautista was serving his third enlistment, having resided in the United States for more than eight years. He argued that he had the right to naturalize due to the 1906 Naturalization Act. The decision in his case was as follows:

“Under [Naturalization Act of 1906], providing that all the applicable provisions of the naturalization laws shall apply to and authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States and who may become residents of any state or organized territory with certain modifications, when read in the light of the debates in Congress showing that it was for the declared benefit of the inhabitants of Porto Rico and the Philippine Islands, a native Filipino of the Malay race is entitled to naturalization notwithstanding [1875 amendment], providing that the provisions of that title respecting naturalization shall apply to free white persons and aliens of African nativity or descent, as [1875 amendment] is to that extent amended by the Act of 1906.”

In re Para (1919)

- This case involved two petitioners. One was Zasuichi Narasaki, a Japanese man, and the other was Gerónimo Para, an Indigenous South American. They argued that their service in the Navy qualified them for naturalization. The decision in the case was as follows:

“[Naturalization Act of 1906], as amended by [Alien Naturalization Act], relative to the naturalization of “any alien,” Porto Rican, or Filipino, serving in the army, navy, etc., merely provides more expeditious and favorable terms of admission for such persons than before existed and does not extend the right of naturalization to aliens other than free white persons, aliens of African nativity, and persons of African descent, specified in [1875 amendment]. . .providing that nothing therein shall repeal or enlarge [1875 amendment], except as specified in [Alien Naturalization Act] and under the limitations therein defined.”

In re En Sk Song (1921)

- This case concerned two petitioners, En Sk Song and Simeon Ogbac Mascarenas. En Sk Song was Korean-born and a Japanese national, but served in the U.S. Army during World War I. He received an honorable discharge. Mascarenas was born in the Philippines and had served three years in the Navy when he submitted his petition for naturalization, although he was still in the service. The decision was as follows:

“The use of the term “any alien” in the several provisions of naturalization in [Naturalization Act of 1906] as added by [Alien Naturalization Act of 1918], is not intended to enlarge the right to naturalization, as restricted by [1875 amendment], to “free white persons” and persons of African nativity or descent, except in the specific cases of native-born Filipinos and Porto Ricans therein mentioned, and a native Korean is not eligible for naturalization, even though he served in the army during the recent World War.”

Toyota v United States (1925)

- Hidemitsu Toyota was a Japanese national who enlisted in the U.S. Coast Guard in November 1913. In May 1923, he was honorably discharged from the Coast Guard for the last time, but had several honorable discharges and recommendations for reenlistment throughout his ten years in the service. On May 14, 1921, he filed a petition for naturalization in Massachusetts and was granted a certificate of naturalization. However, this case was brought on the grounds that the certificate was illegally procured. The decision was as follows:

“A person of the Japanese race, born in Japan, may not legally be naturalized under the seventh subdivision of [Naturalization Act of 1906], as amended by [Alien Naturalization Act].”

Timeline of Naturalization Laws

1790

- The Naturalization Act of 1790 states that any free white person who has lived in the United States for two years may become a citizen, along with any of their children under the age of 21.

1875

- Shortly after the end of the Civil War, Congress expands the right to become a naturalized citizen from only “free white persons” to include “aliens of African nativity, and to persons of African descent.”

1887

- The Dawes Act grants American citizenship only to those Native Americans who agreed to divide reservation land into individual plots.

1888

- The Chinese Exclusion Act bans almost all migration to the U.S. from China. Chinese nationals had served as stewards in the Asiatic fleet of the U.S. Navy in the 19th century.

1894

- Statute 124 states that those who serve in the Navy or Marines and are honorably discharged do not have to submit a declaration and need only one year of residency to naturalize.

1898

- In the Treaty of Paris, the United States acquires the territory of the Philippines from Spain for \$20 million, along with Guam and Puerto Rico.
- In *United States v. Wong Kim Ark*, the Supreme Court upholds birthright citizenship for Americans of Asian descent born in the United States. There was no policy that limited their service in the U.S. Navy.

1899

- President McKinley gives the island of Guam to the Navy. From this point until 1950, Guamanians live under a military dictatorship. The complete legislative, executive and judicial life of the island is controlled by Naval Governors.

1900

- The Foraker Act ended the Spanish citizenship of island-born Puerto Ricans, but did not give them American citizenship.

1901

- By Executive Order, President William McKinley allows 500 Filipino nationals to serve, primarily as stewards and messmen in the Navy. Prior to this, it was common for other Asian sailors (Chinese and Japanese) to serve in these ratings.

1906

- The Naturalization Act of 1906 states that any alien over the age of 21 who has received an honorable discharge from the U.S. military may apply to be a citizen. The 1875 restrictions on citizenship hold. The act also creates the Bureau of Immigration and Naturalization Act, which gives Puerto Ricans a path to naturalization.

1914

- The Naval Service Appropriations Act allows Puerto Rican sailors to use their time in service in the Navy, Coast Guard, or Marines to count towards residency in the naturalization process.

1917

- Congress establishes an “Asiatic Barred Zone”, preventing people from the majority of Asian countries from migrating to or becoming a citizen of the United States. It also added a literacy test to bar immigrants from Mexico and the Mediterranean from naturalizing.
- Jones-Shafroth Act collectively naturalizes Puerto Ricans residing on the island (and gave them the opportunity to decline U.S. citizenship). However, the law maintained the island’s unincorporated territorial status.

1918

- The Alien Naturalization Act of 1918 permits aliens in the U.S. military to file for citizenship after three years of service -- it explicitly references Filipinos and Puerto Ricans. Other immigrants of Asian descent are still prohibited by previous legislation and precedent. Filipinos can only serve in the Navy, Marines, or Navy Auxiliary to naturalize.

1919

- H.R. 5007 offers citizenship to Indigenous World War I veterans, but their applications are often held up by a confusing bureaucratic process.
- The Navy suspended the enlistment of Black sailors amid high racial tension throughout the country, despite their service in World War I. The Navy increases recruitment of Filipinos and other East Asians as stewards.

1924

- The Immigration Act of 1924, aka the Johnson Reed Act, created a quota system favoring immigration from Northwestern Europe and permanently excluding all aliens ineligible for citizenship. Japanese immigration is banned altogether.
- Congress passes the Indian Citizenship Act, extending American citizenship to all indigenous people.

1932

- The Navy resumes recruiting Black Americans to serve as stewards. This is largely driven by changing political conditions in the Philippines.

1935

- The Alien Veteran Naturalization Act of 1935 grants immigrant veterans of World War I not already permitted to naturalize -- namely Asian immigrants -- the opportunity to apply for citizenship.

1940

- The Nationality Act of 1940 provides clarification of what groups are eligible for birthright and naturalized citizenship. Birthright citizenship is extended to all people born in a state or Alaska, Hawaii, the U.S. Virgin Islands, or Puerto Rico. Naturalization is limited to people of European, African, and Native American descent, as well as Filipinos who have served in the military for three years with a discharge under honorable conditions.

1943

- The Chinese Exclusion Act is repealed. A quota of about 105 Chinese visas a year is put into place.

1946

- The Luce-Celler Bill of 1946 lifts barriers to immigration for South Asians and Filipinos (even without military service).

1950

- The Organic Act of Guam grants American citizenship to all current residents of Guam and their children.

1952

- The Immigration and Nationality Act of 1952 ends racial barriers to citizenship, allowing Asians to immigrate and naturalize, but keeps their quotas very low.

1965

- The Immigration and Nationality Act of 1965 ends the existing quota system that favored immigration from Northwestern Europe in favor of a preference system for relatives of U.S. citizens and permanent residents, people with special skills and refugees.

1968

- H.R. 15147 amended the Immigration and Naturalization Act of 1952 to provide for naturalization of those who served active-duty service in the Armed Services of the U.S. during the Vietnam and Korean hostilities designated by executive order by the President.

