“Sacrifice and Civic Membership: The Case of World War I”
Julie Novkov
University at Albany, SUNY

jnovkov@albany.edu

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The relationship between war and full civic membership has attracted attention among scholars of American political development in recent years. These scholars have noted that, contrary to the impression of wartime as a period for the restriction of civil rights and liberties, wartime is sometimes marked by advances in rights for people of color (Graber 2006, Klinkner and Smith 1999, Dudziak 2000, Kryder 2002). The paradigmatic case for this observation is World War II and the years immediately following it. The advances made by people of color seemed to stem from two aligning forces: a sense that their efforts were crucial to the war effort and a national extension of civic status to secure and reward their wartime loyalty (Klinkner and Smith 1999; Kryder 2002) and the United States’ ideological engagement in international affairs, which required it to hold more firmly to the principles of equality and individual opportunity at home in order to argue effectively for democracy abroad (Dudziak 2000). The other example of rights advances for people of color, particularly African Americans, in the course and wake of war, is the American Civil War and Reconstruction, which featured variations on the two engines of the necessity of black service and sacrifice to achieve military victory and the war’s ideological grounding in egalitarian values.

As feminist researchers have noted, however, both World War II and the Civil War and the periods following them were not moments of civic advance for women. Rather, they were periods in which struggles for women’s rights suffered (Flexner and Fitzpatrick 1996). Elsewhere, I have explored the links between these apparently opposed phenomena, showing that they are related to each other and to an overall pattern in American history of linking certain forms of civic sacrifice with full or fuller civic membership (Novkov 2008b). In short, rights advances for men of color and retrogrades for women’s rights occurred in dynamic relationship to each other: the rights advances were based in a masculinized and heterosexual conception of civic service, and the limits on women’s rights ultimately exerted a braking effect on rights for all people of color.

But what, then, can be said about World War I? At first glance, this conflict seems to undercut the idea that civic sacrifice is related to rights advances (either on a gendered or sexualized basis or otherwise). During the Great War, more than 200,000 (ck#) black men served in the American armed forces, augmented by Mexican Americans, Asian Americans, and Native Americans. Millions more worked in crucial wartime agricultural and manufacturing positions. People of color responded to the government’s call for support through the purchase of Liberty Bonds and Liberty Stamps with mostly unbridled enthusiasm. And many black leaders, even those who had been quite critical of the federal and state governments, encouraged rallying around flag and nation for the duration of combat (Jordan 1995). The reward for these sacrifices, however, was paltry. Black leaders continued to be unable to extract any federal legislation addressing the problem of lynching. Restrictions on immigration from Asia remained on the books, and were tightened drastically in 1924. Both individually and structurally, men of color were repeatedly unable to leverage arguments about civic sacrifice into successful claims to fuller forms of citizenship.

On the other hand, leaders of the woman suffrage movement made the same choice as black leaders to hold back on demands for the ballot during the war, but stepped up their
campaign afterward, to achieve ultimate success in 1920. Votes for women did not usher in a radical advance in full citizenship (as some leaders had hoped), but nonetheless marked a significant change in women’s capacity to define themselves as members of the political sphere. In other areas, women saw progress. Federal mothers’ pensions were established, even if in limited form. Congress attempted, not once but twice, to pass comprehensive legislation regulating child labor, another strong commitment of many suffragists and women’s rights activists. And no less an authority than Justice Sutherland of the United States Supreme Court declared in a majority opinion that the Nineteenth Amendment’s passage demonstrated women’s assumption of full liberal citizenship with access to contract rights on the same terms as men (Adkins v. Children’s Hospital 1923).

Exploring the relationship between these developments, which apparently contradict both each other and a broader trend in US history, can illuminate more fully the relationship among race, gender, sexuality, and civic membership as they interact in moments of national crisis. While World War I is not a perfect mirror image of the Civil War and World War II, it may make sense to think of World War I as reversing the polarities that were in operation in the two other major conflicts. To understand this dynamic, this paper will explore the kinds of claims that men of color and women made for rights based in forms of civic service and sacrifice, how those claims were met by various state actors, and how the rhetorical frameworks adopted initially favored advances for women and disfavored advances for men of color. But ultimately, I will show, the relationship between the responses to both groups contributed to the collapse of the women’s rights movement and underlined a federal commitment to the maintenance of multiple and hierarchic forms of civic membership in the 1920s and afterward.

“Serve Until it Hurts”: Arguments for Civic Membership Based in Military Service

By World War I, laying claim to civic membership through reliance on wartime sacrifice had become a familiar trope in American rhetoric. Black soldiers in the Civil War had argued that their military service entitled them to the basic rights of free men: suffrage, protection for their labor contracts, and the capacity to protect and maintain their families as heads of household. Black newspapers published similar arguments from and on the behalf of servicemen during World War I. These arguments took a variety of forms, some with harder edges than others, but could be found in publications from various standpoints of the early twentieth century black left intellectual leadership. I discuss here a few examples of these claims to show their range and ultimate consistency.

One example of a more radical publication was The Crusader, a monthly magazine edited by Cyril Briggs, who left the Amsterdam News to start the publication in 1918. The Crusader, oriented toward African nationalism and socialism, launched the African Blood Brotherhood, which advocated armed resistance against lynchers and supported Marcus Garvey before Garvey’s public engagement with the Ku Klux Klan and the failure of his Black Star Line in the early 1920s (The Crusader 1987). As a lieutenant wrote for The Crusader,

The colored soldier has learnt that if he would be a full fledged citizen he must serve – serve until it hurts – or kills. For the duration of the war he has put aside his grievances; but he is determined that the new physical liberation of Belgium, Roumania and Serbia will also mean complete economic, political and educational liberation for himself and
his race. The process will be a little different, the results a little different, but the sum totals absolutely the same. He feels that any inhabitant of a country who willingly, nay eagerly, offers himself for the supreme sacrifice in defending that country’s honor, liberty and peace has an inalienable right to share equally in that honor, liberty and the prosperities of battle he has had to fight, the double peace. [McKaine 1919: 3]

In this letter, Lieutenant McKaine touched on several dominant themes: connecting democratic liberation abroad with liberation at home, and calling for these rights as the black soldier’s just due for wartime sacrifice. The letter likewise demonstrates a commitment to full citizenship as encompassing economic, political, and educational rights, a full range of protections for heads of households and those aspiring to be heads of households.

Lieutenant McKaine further relies on the particular civic attachment of blacks to America, but argues that this attachment becomes fully visible only through white men’s military service alongside black soldiers. Through serving with black men, he claims, the white soldier has come to recognize the acculturation and attachment of blacks as “thoroughly Americanized” and “an integral and inseparable part of the Republic” through their commitment to American ideals, principles, and culture (McKaine 1919: 4). This argument about a generations-long process of acculturation distinguished American blacks from immigrant populations, reversing racialized arguments that immigrants were more suited for citizenship once assimilated through the melting pot.

An anonymous sailor writing to *The Crusader* further advanced the argument about the relationship between militarism and citizenship, claiming that participation in the military effort changed the nature of black men themselves and fitted them to take citizenship through their own agency. He argued, “No Colored man who remains one month under military discipline will return to civil life the same man that he was. What Force can do when intelligently applied has never been taught us before – time will prove, I am sure, that we are going to be our own emancipators, we are going to set ourselves free, when the war is over” (Colored Sailor 1918: 1). He invoked Wilson’s call to make the world safe for democracy, demanding its application against lynchers in the south as well as against the Hun in Europe.

As noted, *The Crusader* was a radical voice in a largely conservative moment. The voices whom white elites privileged as spokesmen for black America were voices like that of Robert Moton, inheritor of Booker T. Washington’s legacy both specifically at Tuskegee and more broadly in white society. Moton, who was appointed the president of Tuskegee after Washington’s death in 1915, served as a special emissary to President Wilson for addressing Negro affairs during World War I. (Moton was also the principal speaker at the dedication of the Lincoln Memorial in 1922.) Moton, in writing about blacks’ wartime service, praised the commitment and leadership of educated blacks in enthusiastically encouraging patriotism and service:

The educated Negroes . . . showed themselves as loyal and patriotic as any other Americans, and not only counseled their people to be loyal . . . but they urged their people to raise food, to buy Liberty Bonds, to respond to every other demand of the Government, and to serve along any lines that would help in the struggle that was being waged for humanity . . . . Negroes in their own homes, from the lowliest cabin to the best Negro residence, are vying with their white neighbors and their country in helping our
government in this struggle, by saving food, and practicing every economy [Moton 1918: 209]

Yet even Moton, who would gain infamy for his role in assisting Herbert Hoover to cover up the abandonment of blacks in the Great Mississippi Flood of 1927, saw these wartime sacrifices as a rhetorical opportunity to leverage more rights for blacks. He argued that the war had emphasized the interdependence of all Americans by underlining the strength and contributions of blacks: “My race asks no special favors and deserves no special favors. It simply asks an equal chance on equal terms with other Americans . . . . Give the Negro race responsibility, and in proportion as he has these race responsibilities placed upon him, in like proportion will his experience broaden and his service in all lines reach a higher level of satisfaction” (215). Quoting the words of a colonel who commanded a black regiment, Moton underlined the connection between service and manly responsibility. Moton repeated the colonel’s praise for and confidence in his troops, and his claim that “the proper training and instruction of the Negro soldier is a simple problem – it merely consists in treating him like a man, in a fair and square way, and in developing the valuable military assets he naturally possesses” (213). While Moton stopped short of asking for full civic rights for black men based on military service and did not directly invoke Wilson’s call for democratization, he nonetheless pressed for more status and protection for black men in exchange for their committed service.

As I will discuss below, arguments for greater civic membership and fuller citizenship rights in exchange for wartime service did not come only from African Americans. Other racial minorities sought to leverage their service into citizenship, though often these claims came in the form of non-citizens seeking naturalization after the war. While these arguments were not as specifically targeted toward achieving rights associated with masculinity, the terms of exchange proposed did invoke masculine civic service as the proffer for citizenship.

These issues were particularly salient in California, where older racial rules collided with mobilization efforts. In 1854, the California Supreme Court had identified two legal categories for race, white and non-white, but had placed Chinese, other Asians, and Native Americans in the non-white category (Shenk 2005: 119). Selective Service officials in Washington, however, did not grapple seriously with the more variegated racial terrain of the west in constructing the induction system. The registration cards distributed in 1917 assumed whiteness, instructing only that the lower left hand corner should be torn off if the registrant was “of African descent.” This system presumptively placed Chinese, Japanese, Filipinos, Hawaiians, Pacific Islanders, South Asians, and Native Americans in the white category.

Native Americans in California attempted to link service to citizenship both positively and negatively. Two Indians from southern California’s Rincon reservation reported to the San Diego County draft board and registered for the draft as citizens, despite the superintendent of the Pala Indian School District’s determination that the reservation contained no Indian citizens (Shenk 2005: 135). Still other Indians denied that they were citizens to avoid induction (Id.).

The federal government required Mexican men living within U.S. borders to register for the draft as aliens, but only inducted them if they declared their intentions to seek U.S. citizenship (Id. at 136). Few Mexican laborers took advantage of this offer, mostly preferring to seek exemptions and remain in the United States earning wages during the conflict. Officials and private citizens leveled harsh criticisms against them for this stance, though they simultaneously overlooked a silent flow of Anglo men across the U.S. border into Mexico to avoid being drafted. Anglo masculinity and citizenship being presumed, these men faced less structural loss
of either status or cultural presumptions regarding their inherent and racially embedded masculinity.

The situation of Chinese and Japanese in California was likewise entangled both with racialized assumptions and the long-term impact of legal regulations on Asian immigration. East Asian men fell under the same rule as Mexican immigrants: non-citizens were required to register for the draft, but were not subject to induction unless they declared their intentions to seek citizenship (Shenk 2005: 140). The California board reported, however, that men of Asian descent responded enthusiastically to the initial call for volunteers. Eligibility for induction was confusing, however, as the practical elimination of Chinese immigration in the late nineteenth century meant that most men of Chinese descent of draft-eligible age had been born in the United States and were U.S. citizens in light of the Supreme Court’s ruling in *Wong Kim Ark*. Further, Chinese men were more frequently agricultural laborers without families to support, which made them less likely to qualify for familial exemptions.

Shenk argues that Chinese men were largely constructed as effeminate and weak, whereas Japanese men were viewed as vigorous and manly, both potential legitimate entrants into the class of white citizens and “other” racial threats to whiteness and competitors with whites (Shenk 2005). These racialized stereotypes in both cases reduced to notions of threat, alien-ness, and fear, but would ultimately play out differently in the longer historical stretch. During the World War I era, however, these stereotypes contributed to undercut the capacity for arguments based in civic service to gain traction.

On the whole, the arguments made by and on the behalf of blacks and other men of color resemble those made by freedmen during and after the Civil War as they sought fuller access to the rights and privileges of citizenship. Nonetheless, the passage of time and development of postwar racial hierarchies cast these arguments in a somewhat different light. Then, the struggle was over what emancipation would mean and how freedmen’s status would be defined in the wake of slavery’s collapse. Here, the arguments came after the construction of a Jim Crow edifice that separated political, civil, and social rights from each other and narrowly defined the political and civil rights that constitutional principles protected. They also occurred on a racial terrain in which state actors actively grappled with questions about the status and citizenship prospects for Chinese, Japanese, and Native Americans in connection with civic service.

*Maternalism and Civic Membership: Women’s Rights Advocates and the Search for Citizenship*

Scholars have discussed how women’s groups debated over both effective strategies for achieving suffrage and how these strategies played out with respect to other issues of interest to women’s groups, particularly child labor, prostitution, temperance, and women’s protective labor legislation (see, e.g., Skocpol 1989, Kessler-Harris 1982, Stanley 1998). The major advocates for suffrage agreed, however, as the United States geared up for entry into World War I, to suspend the active campaign for suffrage during the war. Nonetheless, women’s civic membership and service as women in a time of war helped to lay the groundwork for success after the war’s conclusion.

As Gretchen Ritter has explained, the suffrage movement’s potential for radical reform and the judicially imposed limits on this potential were shaped by its adoption of the New Departure framework in light of the failure of suffragists to achieve protection through the transformations of the Reconstruction and post-Reconstruction eras (2006). The New Departure
had sought to convince policymakers and the courts that the fourteenth amendment’s adoption rendered women fully equal as citizens, extending not only suffrage rights, but a broader scope of civic membership (Ritter 2006). The federal courts’ rejection of this approach had two effects: First and most directly, from *Minor v. Happersett* on, the Supreme Court and lower courts consistently read the fourteenth amendment as not implying any suffrage rights for women (or any other class). Second, the Court’s analysis of suffrage and citizenship and the later jurisprudential developments of these concepts began to detach suffrage from additional markers and privileges of citizenship (Id.). These developments left the suffrage movement in a poor political position, weakened through their inability to engage the political sphere directly (because they lacked the vote) and without clear, strong partisan allies (Balkin 2005).

A social history of the women’s suffrage movement in the early twentieth century is beyond the scope of this paper. But it is worth noting that a new generation of American suffragists took inspiration from the more radical British woman suffrage movement after the turn of the century. Alice Paul and Lucy Burns founded the Congressional Union for Woman Suffrage in 1913, which became the National Woman’s Party in 1917. The NWP established itself in the public mind by adopting a significantly more confrontational stance than other suffrage organization, picketing the White House regularly and demanding that President Wilson support extending the vote to women (Flexner and Fitzpatrick 1996). The arguments the NWP made echoed some of the claims of black advocates for equality, pressing the Wilson Administration to recognize the application of its call for liberty and democratization within the borders of the United States. As I shall discuss below, however, Wilson’s response to the suffragists was positive, as he ultimately embraced and supported their cause.

Women directly contributed to the war effort only in limited fashion, primarily as nurses and secondarily as replacement laborers for men serving on the front lines, but to a significantly lesser extent than in World War II. They did, however, argue for expansions of their rights based on civic membership on the general grounds of Wilson’s rhetorical embrace of democracy (Flexner and Fitzpatrick 1996, Siegel 2002). Ultimately, unlike the claims made by and on the behalf of men of color, these arguments met with success.

Why the difference? Klinkner and Smith give two reasons for the lack of racial progress – the shortness of the war and the limited nature of American involvement, which meant that “America in World War I never reached a point where national political leaders consciously saw the military role of blacks as crucial to the success of their cause,” and the lack of any “strong egalitarian movement” that used the war to its rhetorical advantage in seeking inclusion (Klinkner and Smith 1999: PAGE). This explanation, however, begs the question to the extent that wars themselves can catalyze egalitarian movements or at least provide rhetorical heft for such movements. Further, why did women succeed for a time while people of color failed, and was there any relationship between the adamant rejection of advances for people of color and the stalling of the women’s rights movement in the 1920s? We must look more closely at the cultural constructions of race and gender and how these constructions interplayed with wartime mobilization. We must also consider closely how these struggles to achieve recognition through claims invoking the wartime crisis ultimately played out in political and rhetorical spaces.

*Race, Gender, and War: Multiple Formulations of the Obligation to Serve*

From rather different perspectives, Carl Stychin and Cynthia Enloe have argued that citizenship and citizens do not exist as pure abstract concepts; rather, they are both gendered and
sexualized (Stychin 1998, Enloe 2000). While contemporary citizenship denotes a reciprocal relationship of attachment between an individual and a nation-state, the relationship itself rests in gendered and sexualized assumptions about the individual and about the types of obligations the state takes on toward the citizen and vice versa. Likewise, the rights and privileges of the citizen as guaranteed by the state, as well as the state’s capacity to command the citizen, are inherently tied to the gendered and sexualized body that the citizen inhabits (Stychin 1998; Enloe 2000).

The goal of this project is not just to validate this observation, but to track how gendering, racialization, and sexualization played out in conjunction with militarization and citizenship. As these constructions and their relationships shifted over time, they helped to establish the parameters within which controversies over citizenship played out. During the Civil War and early Reconstruction, the framing of masculine wartime service as both honorable and necessary and the links forged between service and masculine rights both helped white military leaders to see the value in soliciting black military service and to recognize and reward this service in terms of the expansion of masculine rights in the wake of war. Male political leaders, in privileging and rewarding this type of service in these terms, undercut claims for the expansion of women’s full citizenship both implicitly and directly by endorsing specifically feminine – and lesser – forms of civic membership, sacrifice, and service for women. They thus faced a far more regressive climate for pressing their claims to citizenship (Novkov 2008b).

As described above, men of color, particularly black men but also some Native American men and men of Asian descent, sought to extract the same bargain through World War I. These arguments, however, faced a different set of state-supported understandings of service and sacrifice that rendered the struggle for rights significantly more difficult. At the same time, women were able to exploit these constructions more effectively, at least for a time. The discussion to follow will first consider the racialized, gendered, and sexualized constructions of service presented in the Liberty Bonds campaign and then will address several court cases in which claims to broader citizenship rights by men of color and women were resolved. Considered together, these examples of state actors’ conceptualizations of citizenship help to explain the impact of embodiment on how claims for broader citizenship played out during and immediately after World War I.

**Liberty Bonds and Stamps and 100% Americanism**

World War I began in Europe in 1914. While the United States initially remained aloof, and Woodrow Wilson gained re-election in part because “he kept us out of the war,” the nation became increasingly invested in the struggle of Britain and France. With the passage of the Income Tax Amendment and the restructuring of federal economic institutions, the government could implement a national economic policy that facilitated unprecedented wartime fundraising and international wartime expenditures. The Liberty Loan program was the centerpiece of this effort.

Secretary of the Treasury William McAdoo acted boldly during this period, first preventing a European run on American securities at the outset of the war and then establishing the loan program to finance the United States’ support and participation (Silber 2007). The United States declared war on Germany in April of 1917, and the Emergency Loan Act passed on April 24, 1917 marked the first attempt to raise funds directly for the war effort. Faced with a disappointing response to this attempt to raise $5 billion through bond sales, McAdoo adopted a
more aggressive stance. Congress authorized a second Liberty Loan at the beginning of October at a higher interest rate (4% versus 3.5%), but the core strategy behind the second Liberty Loan was a strenuous marketing campaign orchestrated by the Treasury Department. McAdoo enlisted the support of movie stars and organized the production and widespread distribution of posters created by some of the nation’s most beloved artists to promote the purchase of Liberty Bonds as patriotic. The posters, with their dramatic envisionings of patriotism and civic membership, provide a fascinating window into the politics of gender, race, and sexuality as connected to the war effort. The posters also suggest that state actors configured civic service not as a generous gift to the state in its time of need, but rather as a test or measure of belonging and attachment to the nation.

The public campaign promoting the sale of Liberty Bonds was vitally important. The bonds raised about seventeen billion dollars to finance the war effort through the bond sales, which took place in four waves (the first $5 billion effort in April 1917, which was disappointing, a second $3 billion loan in October of 1917, the third in April of 1918 for $3 billion, and a final offering of $6 billion in September of 1918). The interest rates varied from 3.5% with the first offering to 4.5% with the third offering. The loan program, which focused on the sale of bonds, was supplemented by a lower investment stamp program, which targeted Americans with fewer economic resources who could not afford to purchase bonds (CITES).

The posters were a crucial element of marketing campaigns both to get young men to register for the draft and to drive investment in Liberty Bonds. Several of the posters presented idealized images of women who represented both the American value of liberty and the fresh, healthy, beautiful, and uniquely American woman of a mature yet brashly optimistic nation. This technique was a specialty of popular artist Howard Chandler Christy, who was already well known for his romantic images of women. Some of these posters encouraged men to register and invoked their inherent masculinity by contrasting it to femininity in doing so. Figures 1-2 are examples:

Figure 1. Howard Chandler Christy, Gee!! I Wish I Were a Man

Figure 2. Howard Chandler Christy, If You Want to Fight! Join the Marines
The first Christy Girl appears to be playing dress up with her brother’s or sweetheart’s uniform, but the poster implies that her inability to fight/be a man is an inherent condition, whereas for actual men, manhood had to be earned by “do[ing] it.” The second poster, less playful, featured a Christy Girl smiling directly at the potential recruit, wearing a fitted uniform but loaded down with military paraphernalia. In the bottom left, the real Marines march away from the observer, massed around an American flag and allied battle standard.

The most recognizable poster to contemporary observers is James Montgomery Flagg’s representation of Uncle Sam sternly advising American men with pointed finger that he wanted them for the Army (Figure 3). This image underlines the requirement that American men register for the draft (sending them to their nearest recruiting station), but frames registration in terms of a desire rather than a requirement. The use of Uncle Sam personifies the nation making the urgent demand, but does so from a position of strength rather than a plea. Christy also created an image of America wanting her best men for military service, but his image (which was produced after Flagg’s iconic design), used gender and desire differently:

Figure 3. James Montgomery Flagg. I Want You.

Figure 4. Howard Chandler Christy. I Want You for the Navy.

The Christy Girl, in contrast to Uncle Sam, has her hands casually in her pockets, her curls escaping playfully from the slightly askew uniform cap she wears. Rather than demanding service, she offers promotion.

These posters privilege military service and suggest that true manhood requires it. The Liberty Bonds campaign, however, suggested that buying bonds was an equivalent contribution to the war effort. Christy made this point explicitly with a poster entitled “Fight or Buy Bonds.” Another artist, Sidney Riesenberg, rendered lending through Liberty Bonds as parallel to fighting in the trenches. For Christy, they were alternatives. For Riesenberg, military service was the
yardstick by which the financial sacrifice of buying war bonds would be measured and found to be acceptable or wanting:

Figure 5. William Chandler Christy, “Fight or Buy Bonds”

These posters both use images of soldiers, but for Christy, as in his military recruitment posters, the foreground is an iconic Christy Girl. Here, however, she is liberty or America personified, rather than someone’s sister or sweetheart. She raises an American flag, echoing the flag carried by the first men in the endless stream of soldiers rolling behind her like the Columbia. Riesenbergs’s darker image presents two soldiers, one in extremis, giving their last full measure in firm determination in the smoke and fire of battle. Surely the American at home can do no less with his hard-earned dollars? The poster implies that he has already contributed, but must, like the soldier, sacrifice all to preserve the idea of America.

But civic sacrifice, while gendered, was not limited to men. The campaign to raise money for the war effort also targeted women and children, and artists reiterated the message that contributing financially was an equivalent form of civic service to serving in the military. This message addressed women and children specifically in the campaign to sell the less expensive war stamps, which might be more within the means of the wife, the working girl, or the frugal child. While posters tended to focus on women or children rather than both simultaneously, the message was that this form of service was particularly appropriate for the class of women and children together. As with the bond campaign targeting more wealthy potential purchasers, however, the stamp campaign framed financial support for the war effort as a form of heroic service and linked it explicitly and closely to the military service of men fighting in Europe. Women and children could not fight in combat, but they could fight through supporting the troops to the fullest extent of their financial abilities. A few examples are works by Haskell Coffin and an anonymous artist:
As with the bond posters, the Joan of Arc poster emphasizes the equivalence between buying war stamps and fighting directly. Women of America can save their country (as well as France) by buying stamps. The choice of a woman warrior, depicted as mailclad and holding a raised sword, her saintliness indicated only by the single shaft of light that illuminates her, underlines the use of wartime contributions as a proxy for military service. The tableau of the two children and the soldier depicts the children in the unusual position of supporting and sustaining the soldier. Is he holding their hands protectively or are they keeping him upright and strong? While the rank insignia of the soldier is blurred, he wears a hat typical of an enlisted man’s in the years just prior to the war. The children, in contrast, are well dressed and probably not of working class origins; the boy wears a dress collar and tie. Another image, not reproduced here, calls for women to support their sons and features a white haired woman in a shirtwaist, her arms spread wide and palms open in a gesture of embrace or possibly invitation. Behind her, the war rages in an indistinguishable fury of smoke and fire, but a bunting of stars and stripes divides and protects her from the carnage. This poster promoted the second Liberty Bond campaign specifically to women.

Immigrants, too, were targeted as potential purchasers of bonds and stamps. The message here was subtly different. Immigrants stood to gain something other than equivalent standing with soldiers or honorary manhood. Rather, they could both earn and prove their attachment to America. This message was not framed, however, in a solely aspirational sense. Instead, it was an obligation for those who had come from other nations. Figures 9 and 10, by an anonymous artist and Christy, demonstrate the call and the reward:
The first poster, which promoted bonds to immigrants, framed contribution to the war effort as a particular duty of immigrants who had benefited from American liberty. The scene foregrounded a ship of European immigrant families experiencing their first inspirational sight of America as an idea personified by the Statue of Liberty. Most of the immigrants gaze at the statue, but the young girl who is the focal point of the poster faces the artist, as do an industriously knitting woman in the background, a man chatting with his female partner, and another man who has collected his bags and prepares to leave the ship. Christy’s poster promises real membership in the polity to those who contribute. A feminine representation of America grasps the flag in one hand and holds the victor’s crown of laurel above a list of now-American names that run the gamut of European immigrants: French, English, Irish, Czech, Hungarian, Greek, Italian, Jewish, Russian, Polish, Norwegian, and Spanish. Names originating outside of Europe and the British Isles are notably absent from the list.

This absence is no accident. None of the bond or stamp posters that I located depicted individuals with visibly Asian, African, Native American, or Latin American physical features. They neither appeared as soldiers nor as visible targets of the Liberty Bond or Liberty Stamp campaigns. The stamps in particular were marketed to lower income Americans as well as to holders of lesser citizenship, particularly women and children, but also to new immigrants. These images, in addition to promoting the stamps and bonds, traced out citizenship and its obligations in specific and embodied terms.

One poster did depict African Americans as active contributors to the war effort (Figure 11). This poster, produced in 1918 and entitled “True Sons of Freedom,” was part of the
Committee on Public Information’s campaign to whip up American patriotism and resentment against the German enemy during the war (Oxford AASC 2009).

Figure 11. Charles Gustrine. 1918. “True Sons of Freedom.”

Charles Gustrine’s striking image celebrates “Colored Men” as “the first Americans who planted our flag on the firing line.” The black soldiers in the poster fight in American uniforms and are shown defeating “Huns” in blue uniforms with the benevolent and paternal figure of Lincoln the emancipator overlooking the scene. The words “Liberty and freedom shall not perish” are presented as a quotation above Lincoln’s signature, but their familiarity is deceptive. Lincoln declared in the Gettysburg Address that the Civil War’s purpose was to prevent “government of the people, by the people, for the people” from perishing, a sentiment that would have been ironic to say the least as applied to African Americans in the 1910s. Earlier patriotic posters had taken up this theme but had heralded World War I as ensuring that liberty alone would not perish. The soldiers depicted were apparently the 369th Infantry Regiment from New York, popularly known as the Harlem Hellfighters (Harris 2003). Despite their presentation in the poster as unambiguously American soldiers, in the war they had difficulty gaining acceptance from white American military leaders, and did much of their fighting with the French army (Id.).

The relationship between liberty and freedom is worth more exploration. The black soldiers were identified as sons of freedom rather than liberty, invoking emancipation from slavery and Reconstruction rather than a lineage stretching back to the American Revolution and its concerns with independent governance. By the 1910s, further, liberty had developed as a central labor right of white men as distinct from women and children through the legal debates over protective labor legislation (Novkov 2001). The black soldiers fight their way up a hill to defeat the whites atop it, but they have not displaced them.

Americans who were not white, or as in the case of some European immigrant groups, who were gaining identification as white, contributed extensively to the war effort. They served in all branches of the armed services, in a wide variety of supportive positions, and in crucial
peacetime industries and agricultural pursuits. Nonetheless, they were largely invisible as targets of mobilization through the public campaign to encourage war bond and stamp purchases as a proxy for military service or as a means of proving worthiness for full citizenship. This omission marked them as outside even of the tenuous ring of belonging that ambiguously encompassed women and immigrants who were on their way to being coded as white.

Taken together, the posters express wartime visions of citizenship and belonging heavily inflected by race, gender, and sexuality. Yet they are not simple, urgent commands to men to engage in masculine sacrifice on the battlefield to prove (or earn) belonging. Rather, battlefield sacrifice is a civic obligation matched by other types of civic obligation – like supporting the war effort through the purchase of bonds and stamps. Heroism takes on many shapes in these images. Women, while clearly gendered as non-corporeal warriors and as one element of what corporeal warriors were expected to protect, were pressed to fulfill their own civic obligations by supporting the war effort. The obligation expressed toward women, however, complicated the gendered nature of obligations pressed upon men. Yes, men should volunteer (or report as required in an orderly fashion), and bearing arms was something that looked ridiculous and amusing for women. Yet men and women equally (though differently) were urged to wage war vicariously through voluntary financial support.

With respect to immigrants, this “voluntary” support took on more of a note of exchange. Yet still, the exchange was offered to those immigrants who had presumptive access to whiteness and racially coded legal access to the mechanisms of naturalization (as will be discussed below). Contributing to the war effort could be a proxy for military service and a marker of one’s 100% Americanism. But the coin of contribution could not buy either substantive citizenship or federally recognized citizenship for members of minority groups, who were not publicly and graphically targeted as potential recruits for the wartime bond sale efforts.

When we turn to how claims raised by members of social movement groups and individuals seeking access to citizenship and/or broader forms of civic belonging, we see how the legal resolutions of these claims underlined some of the themes that played out in the campaign to promote support for World War I. Constructions of gender, race, and sexuality shaped how both state and federal courts would configure candidates for civic membership and how these rights would be allocated – or not – to claimants.

Litigating Voting and Civic Membership

The discussion to follow addresses litigation involving voting, selective service, and aliens’ attempts to leverage claims to citizenship based on their military service. Taken together, they highlight the themes explored earlier in the paper. In the late 1910s and very early 1920s, women had significant success in advancing their claims to citizenship rights, a process driven in part by constructions of white femininity and the performance of citizenship. In the same years, men of color were unable to raise successful rights claims based on masculinized understandings of sacrifice and civic membership.

Why the disconnect? As the analysis below will show, women had an alternative framework that bypassed the rigid exchange framework that men of color had used so effectively during and after the Civil War to promote change. This framework tapped into women’s relationship to the state as it went through significant transitions. Ritter explains how the rise of
progressive visions of social citizenship and maternalism shifted the political framework to favor a new kind of civic membership:

The first four decades of the twentieth century witnessed a major change in the way that gender difference was legally conceptualized and related to civic membership. Central to this shift was the emergence of new understandings about how marriage, labor status, and motherhood affected what the state owed its citizens, and what citizens owed the state. In the early twentieth century, maternalism joined with marital status in grounding women’s civic difference. Further, although gender difference continued to ground civic difference for women, it now became a source of civic inclusion and rights rather than a means of civic exclusion, as it as under the terms of coverture. [Ritter 2006: 80].

This change entailed a long process of transformation, but the passage of the nineteenth amendment was the crucial moment, both as the central goal of the women’s movement and as a symbolic achievement that they expected to leverage to generate deeper substantive change. I discuss a handful of cases decided before and shortly after the passage of the Nineteenth Amendment. Taken together, they show how voting related to women’s civic membership during the war years and immediately afterward and suggest that the momentum that culminated in the extension of suffrage to women built during the war and did not dissipate instantly after the Nineteenth Amendment’s adoption. One could look at the campaign for suffrage and conclude that its achievement marked a simple exchange. Women were allowed the vote, but the vote was granted through the building of a consensus around an expansion of women’s rights that was fully stripped of concrete and transformative potential, rendering it bland and non-threatening enough to garner the necessary supermajoritarian support. Nonetheless, the initial promise of voting rights extended more broadly into civic membership – much as the initial promise of emancipation of American slaves extended more broadly in the years immediately following the Civil War.

In *State v. French* the Ohio Supreme Court considered a conflict between the East Cleveland city charter, which granted the vote to women, and the Ohio constitution, which defined the class of voters as only white male US citizens aged twenty-one or older. The Ohio constitution granted municipalities the authority to adopt their own charters, and the female plaintiff relied upon the charter and this constitutional provision to demand a writ of mandamus ordering the deputy state supervisors and inspectors of elections to allow her to vote. The defendants argued that city charters could not expand the class of electors beyond what the constitution specified, but the plaintiffs argued that the constitutional limit on sex only applied to voting for constitutionally established offices. The court upheld the extension of suffrage, though the justices emphasized that municipalities could not expand women’s civic rights to include voting in statewide elections or exercising official powers that only statewide electors could hold (*State v. French*, 117 N.E. 173, 176 (1917)). The ruling provided a victory for the women of East Cleveland, who could now vote in general municipal elections that potentially addressed issues beyond those like education and juvenile issues, for which women were understood to have particular expertise.¹ The case reflected a growing sense of dissatisfaction with women’s

¹ Unlike suffrage for blacks, woman suffrage was not, prior to the constitution’s amendment, a simple existing or non-existing right. As with blacks, general suffrage rights were extended to women regionally (blacks first got the right to vote in the north and the south and many western states granted voting rights only after constitutional amendment, whereas women first gained general suffrage in the west). But by the end of the nineteenth century,
equivocal civic status, as the dissent criticized the majority for granting women a “half loaf,” a fairly meaningless right that conflicted with the meaning of suffrage as “one of the attributes of sovereignty” (State v. French, dissent, at 181).

Before the passage of the nineteenth amendment, some states had amended their constitutions to extend suffrage to women. Montana did so in 1914. In 1918, a woman, Nellie Sullivan, was elected as the county auditor of Silver Bow county. The (male) losing candidate brought suit, claiming that, as a woman, Sullivan was ineligible to serve. He relied upon Montana’s constitution, which specifically allowed women to serve as county superintendent of schools or in any school district office, but omitted mentioning any other office. Sullivan argued that Montana’s suffrage amendment rendered her eligible for office despite this (earlier) constitutional provision. The court agreed with Sullivan, explaining that, when the suffrage amendment was adopted, “every political distinction based upon the consideration of sex was eliminated from the Constitution and laws of this state” (Rose v. Sullivan, 185 P. 562, 563 (1919)). The court emphasized that the expansion of suffrage did not just allow women to vote, but “place[d] them upon a plane of absolute equality with men, so far as their political rights and privileges are concerned” (Id.). As the momentum built behind suffrage generally, it also developed as an expansive concept linked to broader forms of civic membership.

This momentum likely reached its peak in 1923 when the U.S. Supreme Court ruled against a women’s minimum wage in Adkins v. Children’s Hospital. The case involved a challenge to a provision enacted by the District of Columbia that authorized a three-person board to establish a minimum wage for women that would be sufficient to support them “in good health and to protect their morals” (Adkins v. Children’s Hospital, 261 U.S. 525, 540 (1923)). Prior to this case, while protective labor legislation had produced controversy and both federal and state courts had invalidated many statutes, protective measures specifically addressing women had largely survived scrutiny (Novkov 2001). In Adkins, however, the Court applied the paradigm made famous in Lochner v. New York: the establishment of a minimum wage constituted a violation of female employees’ liberty to negotiate independently with their employers and thus ran afoul of the fourteenth amendment (Adkins at 561-62).

Justice Sutherland, writing for the majority, noted the passage of the nineteenth amendment as evidence that women had achieved equality with men and no longer required the protective hand of the state to balance their side of the scales of labor negotiations (Ritter 2006; Novkov 2001). This change justified departing from earlier rulings that allowed protection for women that would have been denied to men. He explained:

In view of the great-not to say revolutionary- changes which have taken place since that utterance, in the contractual, political, and civil status of women, culminating in the Nineteenth Amendment, it is not unreasonable to say that these differences [between women and men] have now come almost, if not quite, to the vanishing point. In this aspect of the matter, while the physical differences must be recognized in appropriate cases, and legislation fixing hours or conditions of work may properly take them into account, we cannot accept the doctrine that women of mature age, sui juris, require or may be subjected to restrictions upon their liberty of contract which could not lawfully be

many localities had begun to experiment with qualified suffrage for women, allowing them to vote in certain types of elections for which they were thought to have natural interest and expertise. Before the woman suffrage amendment began to gain momentum, women were increasingly gaining the right to vote in school board elections and some cities were experimenting with placing women in control of juvenile justice.
imposed in the case of men under similar circumstances. To do so would be to ignore all the implications to be drawn from the present day trend of legislation, as well as that of common thought and usage, by which woman is accorded emancipation from the old doctrine that she must be given special protection or be subjected to special restraint in her contractual and civil relationships. [Adkins at 552.]

Sutherland allowed that some physical differences might still exist between women and men, but read recent developments culminating in the nineteenth amendment as a trend toward fuller access to the conventional citizenship rights of men, including labor rights. Women no longer needed the collective protection provided through the political process; they could act independently for themselves and exercise the judgment of fully competent workers within the legal framework designed to address masculine labor.

Yet as Ritter and Siegel have discussed, the struggle after suffrage was largely about the meaning of voting. Two cases that can constructively be read together concern primaries in Texas. In Koy v. Schneider, the Texas Supreme Court considered the validity of a 1919 Texas statute granting voting rights to women in primaries. The suit arose when a woman sought to pay a poll tax and receive a receipt entitling her to vote. The majority ruled that the statute was valid, despite women’s not yet having achieved the right to vote in general elections. In ruling in favor of women’s rights, the Court distinguished carefully between parties as political instrumentalities—regulable through statute and configured as “a body of men associated for the purpose of furnishing and maintaining the prevalence of certain political principles or belief”—and governmental instrumentalities, or the formal organs and functions of government as directly established through the constitution (Koy v. Schneider, 218 S.W. 479, 480 (1920)). To the court, the Texas legislature unquestionably had the power to mandate women’s participation in a political organization.

In 1923, the Texas legislature acted to bar blacks from participating in Democratic primaries or becoming a Democrat or Democratic elector. This act attempted to respond to the Supreme Court’s ruling in Quinn v. United States by presenting parties as private political organizations. A black man brought suit in equity in the federal district court in San Antonio, claiming that the statute violated the fourteenth and fifteenth amendments. The court first ruled that its equity jurisdiction could not extend to resolve a political question (construing primary voting as political in nature), but then went on to resolve the question anyway due to its importance. The court found that primary elections were not, in fact, elections but rather mere “nominating devices” (Chandler v. Neff, 298 F. 515, 518 (1924)). As such, they did not fall under the protection of the fourteenth or fifteenth amendments. The court implicitly followed the principle established in Koy of separating primary elections from the sphere of governance, but did so in a way that rendered the right to participate in them as fairly insignificant. Everyone undoubtedly understood that this was a rhetorical smoke screen, as only Democrats won general elections in Texas in the 1920s.

These cases taken together perform a substantive deprivation of rights for blacks while simultaneously rhetorically devaluing the nature of the right that women had obtained. And, of course, black women, who had gained the right to vote in primaries by statute in 1919 were formally disenfranchised by the 1923 Texas statute as well. The U.S. Supreme Court ultimately

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2 While Sutherland is probably best known as one of the conservative Justices excoriated by Franklin D. Roosevelt as one of the Four Horsemen who persistently blocked the New Deal, he was a strong supporter of woman suffrage during his time in the U.S. Senate.
invalidated the statute in *Nixon v. Herndon* in 1927, declaring that the political question doctrine did not bar consideration and that the statute clearly violated the fifteenth amendment. This move, however, triggered more efforts by Texas and other states to maintain the white primary and continued litigation over these efforts. The issue was not settled until *Smith v. Allwright* ended the white primary in 1944.

The cases addressing woman suffrage after the war tie in with the overall tone of the campaign for suffrage. World War I opened in Europe in 1914; as the carnage reached its peak in the Somme and Verdun, Woodrow Wilson sought a second term as president. He delivered a major address at the annual Suffrage Convention in Atlantic City in September 1916 in which he reflected upon how the movement for suffrage fit in with the shifting fortunes of the United States. He described the nation in its early history as developing around legal questions, but noted a shift associated both with the emergence of the postbellum federal constitutional order and the rise of the industrial revolution. As these changes had occurred in the late nineteenth and early twentieth centuries, “the whole nature of our political questions has been altered. They have ceased to be legal questions. They have more and more become social questions, questions with regard to the relations of human beings to one another,—not merely their legal relations, but their moral and spiritual relations to one another” (Wilson 1916).

The rise of these social questions, Wilson claimed, was positively associated with the rise of the suffrage movement, as the woman question at heart was itself a social question. As he fundamentally saw development as progressive, suffrage for women was the next logical step in this upward path:

> It is going to prevail, and that is a very superficial and ignorant view of it which attributes it to mere social unrest. It is not merely because the women are discontented. It is because the women have seen visions of duty, and that is something which we not only cannot resist, but, if we be true Americans, we do not wish to resist. America took its origin in visions of the human spirit, in aspirations for the deepest sort of liberty of the mind and of the heart, and as visions of that sort come up to the sight of those who are spiritually minded in America, America comes more and more into her birthright and into the perfection of her development. [Id].

Women’s duty and responsibility intertwined with the progressive agenda and provided them with a clear framework for rights mobilization ultimately endorsed by elite political actors. Women, in Wilson’s view, would use the ballot to infuse the nation with attention to values and recognition of social issues as fundamentally political problems that could be solved through governmental action.

Both because of the alternative frameworks for belonging and contribution available to women and because of their capacity to engage in wartime civic service through contributions to the war effort, they were able to claim rights advances, in stark contrast to their situation in the wake of both the Civil War and World War II. These frameworks were fundamentally limited, however, as I will discuss in the conclusion. Women remained embodied, and the politics of race and sexuality operated to stall women’s rights advances in the mid 1920s, just as the politics of gender and sexuality had operated to stall minority rights advances at the end of Reconstruction and during the Cold War (Novkov 2008b).
Primarily I will discuss a handful of citizenship cases that show how race and masculinity worked in the context of military service during and after World War I in ways that contributed to limiting claims for citizenship rights based in sacrifice. Before addressing this dynamic, however, a quick review of the controversy over conscription is in order. This controversy, which took place as the United States was mustering its army for war, set the initial framework for what the obligation to serve meant.

One of the first WWI cases on conscription came from Michigan and involved an indictment of six men for distributing a pamphlet entitled “What Socialists Will Do on Registration Day.” The men were convicted of violating a provision of the Conscription Act that rendered advocating draft resistance a crime, and responded by claiming that the act itself was unconstitutional. The court that adjudicated the case appended an edited version of the pamphlet, quoting the most inflammatory language. The pamphlet presented a challenge to the link between military service and masculinity. It described the conscription act as a form of involuntary servitude prohibited by the Constitution and encouraged young men to refuse to enroll. The pamphlet asked, “Will You Cringe Like a Coward or Stand up Like a Man?” advising the men of Detroit that “the hour is at hand when you must either act like a man or forever relinquish your civil and moral right” (United States v. Sugar, 243 F. 423, 441 (E.D. Mich.1917)). The pamphlet went on to describe resisters as “the real men of the day,” those who would “fight to maintain such democratic rights and privileges as have been gained through years of sacrifice” (Id.). The pamphlet almost perfectly reversed the polarity of the connection between military service, manhood, and basic civic rights, claiming that only through resistance could manhood be affirmed and its associated rights maintained.

Needless to say, the district court was unimpressed by this reasoning, and with the constitutional challenges to the draft. In dismissing the claim that compulsory military service constituted a form of involuntary servitude, the court acknowledged that the thirteenth amendment’s scope encompassed more than black slavery, but that military service did not fall within its prohibition. The court reasoned, “There are certain services which may be commanded of every citizen by his government, and obedience enforced thereto. Among these services are labor on the streets or highways and training in the militia” (Id. at 429). The court also identified jury service and enforced assistance in making arrests as forms of service that the state could readily compel without falling afoul of the thirteenth amendment (Id. at 428).

The defendants also claimed that the act was a form of class legislation, challenging its validity under the equal protection clause. While the court did not discuss their claim in specific terms, they highlighted the act’s specific exemptions of certain groups. (While gender comes readily to mind, the challenge appears to have been based in allowing for religious conscientious objection.) The court rejected this claim on the basis that the equal protection clause did not apply to the federal government, and refused to engage the question. The court also repelled attacks based on the federal government’s and president’s authority to institute registration (Id. 430-439).

Other district courts also validated the constitutionality of the act, and ultimately the Supreme Court took up the question, upholding the act in early 1918. Chief Justice White wrote the unanimous opinion, rejecting a similar set of challenges. In upholding the act, the Court developed an analysis of the relationship between service and citizenship that rested upon a more robust vision of national citizenship. The challengers to the statute invoked the original
constitution’s privileging of state citizenship and claimed that Congress’s power to raise armies “could not be exerted so as to cause [national] citizenship to lose its dependent character and dominate state citizenship” (Selective Draft Law Cases, 245 U.S. 366, 377 (1918)). The Court responded to this contention by rooting government and citizenship themselves in the reciprocal obligation of military service: “the very conception of a just government and its duty to the citizen includes the reciprocal obligation of the citizen to render military service in case of need and the right to compel it” (Id. at 378). The Court traced this obligation back not to the fourteenth amendment’s reconfiguration of federal and state power, but rather to English precedents regarding service and the colonial practice of mandated service for England. The Court traced a continuous obligation of military service from independence forward through the antebellum period and Civil War, and then noted that the fourteenth amendment had expanded the national scope of government, “leav[ing] no possible support for the contentions made, if their want of merit was otherwise not so clearly made manifest” (Id. at 389).

The Court closed its analysis by dispensing with the thirteenth amendment claim more quickly than the Detroit district court had. The Supreme Court declared itself “unable to conceive upon what theory the exaction by government from the citizen of the performance of his supreme and noble duty of contributing to the defense of the rights and honor of the nation, as the result of a war declared by the great representative body of the people, can be said to be the imposition of involuntary servitude” (Id. at 390).

The language that the Court used in denying the thirteenth amendment challenge framed military service in heroic terms and linked it to citizenship in a normative sense. But the overall picture was more ambiguous. Both the district court opinion discussed above and the Supreme Court’s ruling framed military service as an obligation that could be compelled by the state, but likened it to service that, while ordinarily performed by men (like manual labor), was not particularly associated with heroic sacrifice. Civic service of this nature was owed to the state and conferred no special status through the fulfillment of that obligation. Further, if there was nothing particularly manly or laudable about fulfilling one’s obligation to serve, the polarity of service could not be effectively rhetorically reversed by socialists seeking to persuade young men that true manliness and civic virtue rested in resisting the call to register.

These cases set the background for three postwar cases that addressed citizenship and its relationship to military service. In all three cases, aliens who had served in the war sought naturalization and were denied on racial grounds. The cases took place in the context of the selective service controversies, but also as federal courts were struggling to adjudicate how racial definitions would play out in implementing federal citizenship laws (see Haney Lopez 1996). The courts used these cases as opportunities to consider carefully the relationship between race, citizenship, and military service. In all of the cases, the judges writing the opinions concluded that citizenship could not be earned through engaging in military service either as a downpayment on citizenship or as a performance of citizenly virtues.

The cases came up in the context of the Naturalization Act of 1906 as amended in 1918, which provided for the naturalization of military veterans. The 1906 Act provided that any alien who enlisted and was or expected to be honorably discharged could gain citizenship without the need for a process of declaration of intent or proof of residency for the required period, but allowed only “free white persons and persons of African nativity or descent” to naturalize. In 1918, Congress allowed native-born Filipinos and Puerto Ricans with three years’ military service to seek immediate naturalization as well (In re Geronimo Para, 269 F. 643, 644 (1919)). Para’s suit, heard jointly with a similar suit by Zasuechi Narasaki, addressed the question of
whether any alien who had served in the military for three years should be eligible for a fast track to citizenship. The court identified Para as a South American Indian and Narasaki as “of Japanese ancestry” (Id.). The court rejected these men’s attempt to expand the circle of eligibility for citizenship through military service, explaining that “if the words ‘any alien’ are to be taken literally, not only would a meaning be given wholly contrary to existing judicial interpretation, but all definitions of [the statute] would be rendered meaningless, and even Chinese who had served in the army could be naturalized” (Id. at 646).

A district court in Missouri, confronted with a Korean native seeking citizenship on the basis of his army service, reached the same conclusion, though the opinion delved more deeply into the problem that race posed. Easurk Charr claimed that he was eligible for naturalization because he was a white person for purposes of the statute. The court relied upon earlier adjudications concerning racial designation that tied race to geography and history:

The words do not mean a person white in color, nor do they designate racial distinction, meaning Caucasian or Indo-European, but are to be construed rather as a geographical term, referring to the peoples who were commonly known in the United States as those inhabiting Europe, and whose descendants, at the time of the passage of the act of 1790... formed the inhabitants of the United States, excluding Africans... In accordance with numerous holdings the term includes, as commonly understood, all European races and those Caucasians belonging to the races around the Mediterranean Sea, whether they are considered as fair whites or dark whites [Petition of Easurk Emsen Charr, 273 F. 207, 209-210 (1921)].

Hearkening back to the founding provided a shorthand both for race and Americanism. The court implicitly resolved the then-current controversy over the whiteness of newer European immigrants, particularly Italians, by declaring Mediterraneans to be presumptively white regardless of their skin color. Yet still, the court could do no better than to sum up its definition by declaring that it fundamentally was about color, explaining that “Generally speaking, ‘free white persons’ includes members of the white or Caucasian race as distinct from the black, red, yellow, and brown races” (Id. at 210).

Whatever whiteness was in its essence, the court was sure that Koreans were not included. The opinion placed Koreans in the “Mongol family” and distinguished them physically and geographically. “Whatever their precise shade of color may be defined to be, they are confessedly not white persons, either in fact or in accordance with common understanding, and they are about as far removed from Europe and the Mediterranean Sea as could well be imagined” (Id.). These factors both independently separated the petitioner from access to the statute’s forbearance unless it could be read to incorporate him as a soldier.

The court closed this door too, however, framing citizenship not as an exchange-based right or as something to be acknowledged in light of the performance of its obligations, but rather as a racially capricious—and limited—reward. The statute did not expand the scope of citizenship. It merely provided a procedural means of lightening the burdens and requirements of demonstrating eligibility and attachment for those already racially eligible who had performed military service for the nation (Id. at 210-11).

Why did the subject’s volunteering for military service not bridge this gap? The court explained that the draft law “clearly did not contemplate the incorporation of those not eligible to citizenship into the land and naval forces of the United States. That such may have been inducted
into the service through voluntary enlistment or inadvertence of draft boards cannot affect the purpose of Congress,” which the court understood as clearly not to expand the racial scope of naturalization (Id. at 213). The court emphasized that its ruling did not reflect any personal reflection upon the individual bringing the suit, and the opinion noted that “it may very well be conceded that [his military] service should be appropriately rewarded” (Id.). But only Congress, not the courts, could make that decision, and citizenship was a matter of statutory determination, not inherent right.

The Supreme Court of California dealt with a related issue in 1923. The case involved a claim by Ichizo Sato, a veteran who sought a writ of mandamus compelling the Sacramento county clerk to register him as a voter. The clerk had declined to do so because of Sato’s race (he was of Japanese descent), which rendered him ineligible to exercise the privileges of citizenship. Sato was understandably infuriated by the clerk’s act – he had been admitted to citizenship by the federal district court in the territory of Hawaii and had presented his certificate of citizenship when he sought to register (Sato v. Hall, 217 P. 520, 521 (Cal. 1923)).

Sato’s argument was that the Hawaii court had definitively settled the question of his citizenship and furthermore had done so on the federal level, shielding the determination from collateral attack by state-level decisionmakers. The California Supreme Court disagreed, claiming that the certificate’s confirmation that Sato was “a member of a yellow race” rendered the grant of citizenship void unless his eligibility for citizenship could be established independently. The court cited the U.S. Supreme Court’s rulings in Yamashita v. Hinkle and Ozawa v. United States, both of which had stripped citizenship from Japanese individuals who had received certificates of naturalization improperly (Id.). The court also asserted that if the certificate itself was void, “no one is obliged to recognize it,” and that state courts and officials were within their rights to question whether a court issuing a naturalization certificate had the appropriate jurisdiction to do so (Id. at 522).

If the certificate was in question, the court continued, it had to conduct its own primary analysis of whether Sato was entitled to naturalization under the prevailing federal statutory regime. This regime limited naturalization to whites and individuals of African nativity or descent as a general rule. Two previous federal court rulings in 1908 and 1894 had denied naturalization to non-white, non-African individuals, even though they had performed military service (Id. at 523). So the only question remaining for the court was whether the expansion of naturalization in relation to military service to incorporate Filipinos and Puerto Ricans indicated a fundamental shift in how naturalization and military service interacted in the context of race. The court found that it did not.

Filipinos and Puerto Ricans, noted the court, had to meet somewhat different and more stringent requirements to trigger the naturalization process than other aliens who were unproblematically defined as white. The statutory language also specifically denied any intention to change the fundamental structure of naturalization law. The court cited both Ozawa and Charr in support of this interpretation. Upon summarizing these cases, the court concluded that the legislative history showed “that Congress did not intend to include within the scope of that act persons not otherwise entitled to citizenship” (Id. at 525). Further, the court asserted that “we cannot believe that it would have changed this policy after the war was over, without mature consideration” (Id.). While the court repeated the Charr court’s observation that Sato’s service should be rewarded, the ruling also followed Charr’s finding that such a reward was only within Congress’s purview to provide (Id.).
These cases did not have to grapple with the questions of racial definition that other federal courts addressed in adjudicating questions of various non-Europeans’ eligibility for citizenship in the existing statutory regime (Haney Lopez 1996). They focused instead on how performance of the obligations of citizenship fit into a statutory regime that allowed this performance to lighten the requirements for acquiring citizenship for those who had the presumptive racial capacity to earn it. In adjudicating these cases, both federal and state courts saw themselves as powerless to acknowledge the performances of citizenship offered by these veterans as appropriate proffers of engagement and attachment. With wartime military service not being singled out both because of the alternative models of progressive citizenly contributions to the state and because of alternative models for wartime civic service (labor and financial support), it could not function as a touchstone for citizenship for those who sought to transcend the group degradation based in racial status.

I have focused on this less familiar line of doctrine in this paper rather than telling the more familiar story of the struggle for black rights in these years. While advocates for African Americans did see modest victories in *Guinn v. United States* in 1915 (which invalidated a grandfather clause in Oklahoma) and *Buchanan v. Warley* in 1917 (which invalidated a Louisville ordinance mandating racial segregation in housing), the overall picture was bleak (see Klarman 2006). William Jordan places an interesting spin on W.E.B. DuBois’s advocacy for cooperating with the war effort, reading it not as an optimistic belief that unconditional support for the war would lead to rewards afterward, but rather as fear of provoking further racially regressive policymaking and semi-private violence if blacks were not perceived as 100% supportive of the war effort (Jordan 1995: 1564). Rather than earning greater civic membership, the best that blacks could hope for was to stave off the further curtailment of their rights.

**World War I and Civic Membership**

The stories of the Civil War and World War II are easy to trace. In both cases, men of color had direct access to masculine conceptions of service that were tightly connected to civic membership by virtue of men of color’s vital participation in the war efforts. Men of color gained access to citizenship itself and to a broader scope for citizenship by invoking their military service; white policymakers extended rights associated with masculinity to these men. Women, on the other hand, struggled upstream against a cultural narrative of civic sacrifice that privileged masculine contributions and provided few options for women to demand expansions of their rights.

The situation in the late 1910s and early 1920s was more ambiguous. In some ways, we can best consider it as a mirror image: women’s rights gained ascendancy and the rights of people of color sank into retrograde. Why, though, were these positions reversed, and what kind of relationship existed between them?

The cultural milieu when the war broke out mattered, and for people of color, the impact of the United States’ racialized forays into imperialism beginning in 1898 should not be underestimated. One must also account for the dominance of progressivism – in progressives’ passion for reform, advancement, and a shift toward social engineering, and in their desire to build a social and political order immersed in their vision of Americanism. For many progressives, this vision was racialized, drawing a line between immigrants who, though alien and untutored, could be transformed into white citizens, and racialized others, for whom both
whiteness and full citizenship remained beyond reach. Victoria Hattam explains the distinction between ethnicity, which linked up rhetorically with the malleable concept of culture and could be compatible with whiteness and being a full American, and race, which linked with biology and innate characteristics and was understood as immutable (Hattam 2007). She argues that this distinction had its modern roots in the political and social struggles of the progressive era (Id.). As the progressives implemented their transformational agenda, women played a crucial role in defining the scope of social interventions, and increasingly blurred the line between social reform and political action, even though they remained largely closed out of the most direct line of access to the political sphere.3

The outbreak of World War I brought these tensions to a head. Both women and the most powerful minority group, African Americans, made conscious and public choices to defer their struggle for greater access to civic rights and more equality until the crisis of the military conflict had passed. The war effort required the contributions of both women and people of color, though in a war of relatively short duration, their participation was not generally seen as particularly vital to the success of the war effort.

Moreover, as a review of the images used to mobilize support for the war demonstrates, in World War I, military service was not the only form of civic sacrifice configured as essential and praise-worthy. Buying bonds and stamps was equated visually and rhetorically with serving as a soldier. Working and fighting to support the war were presented in other contexts as alternative sides of the same coin: demonstrating loyalty and attachment. But unlike the way this coin was configured in other eras of US history, during World War I military service alone could not be proffered as an unparalleled form of civic attachment that nearly inevitably triggered citizenship as its reward. While alien soldiers who had served honorably could apply for citizenship without going through all of the steps regularly prescribed for naturalization, the fundamentally racialized definition of eligibility did not change. In fact, courts uniformly rejected the idea that military service could wash away the stain of color and fit an Asian or South American Indian for citizenship in the United States.

At the same time, women’s contributions to the state through promoting social ordering were valued immediately after the war, and Wilson’s call for democratization abroad underlined the progressive agenda within the boundaries of the United States. Women, and women’s concerns, were at the core of this agenda, and extending suffrage to women resonated in triumphal ideological registers both for democracy and for progressivism.

After suffrage was achieved, the struggle, as Ritter and Siegel have explored, became over what its achievement was to mean (Ritter 2006, Siegel 2002). And at first, the link of suffrage to broader conceptions of citizenship and civic authority spilled over into judicial statements as women’s groups capitalized on their contributions as full partners in war and social reform. But by the late 1920s, the movement had stalled, just as movements for minority equality stalled after Reconstruction and later in the post-World War II era.

The passage of the Cable Act dramatically displayed how race and sexuality provided braking effects upon women’s efforts to achieve full equality. As other scholars have discussed,

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3 Carol Nackenoff’s discussion of white female advocacy on the behalf of Native Americans in this period is highly instructive. Unable to implement policy independently, a highly invested cohort of female lawyers sought to implement their vision of justice for Native Americans through the courts. They simultaneously sought individual empowerment for Native Americans and to reward and encourage Native Americans’ embrace of the mainstream American cultural values and practices that other progressives sought to instill in immigrant populations (Nackenoff 2006).
the Cable Act, passed in 1922, reworked immigration law for married women (see Ritter 2006, Yamin 2009). The act stripped citizenship from American women who married alien men who were ineligible for citizenship, largely targeting the wives and prospective wives of Asians who could not naturalize. Further, any American woman who married an alien and lived outside of the United States for more than two years could lose her citizenship (Id.). Marriage also intertwined with race through the strengthening of anti-miscegenation laws: this period saw broader embraces of one-drop rules for blacks in the south, replacing earlier blood quantum definitions of blackness (Novkov 2008a), and the addition of more racial categories to prohibitions in the west, in particular Filipinos in conjunction with the granting of Philippine independence (Ngai 2004). And black women struggled to access the ballot that the nineteenth amendment granted to women, finding themselves blocked by racial discrimination (CITE).

What kind of citizenship could be gained in this era and how? The wartime pressures combined with the progressive milieu facilitated the incorporation of immigrants who could claim whiteness and who assimilated and adopted American cultural practices. While the concept of ethnic identity as a contrast to racial identity gained traction, immigrants were pressed to show their fitness for citizenship not just through military service but by contributing to the war effort in other ways. Yet citizenship, either as a formal matter or in a substantive sense, was not available as an exchange commodity. Rather, it was extended by the state to those adjudged worthy, and attachment to American values and contributions to the state and civil society were only part of what constituted worthiness. In World War I, largely because of its situation in the progressive moment and after the imperialist conflicts of the turn of the century, masculine service and sacrifice were not the strongest markers of citizenship, and the rhetoric of democracy placed the progressive citizen rather than the soldier at the center of the narrative.

As Skocpol and others have noted, this model progressive citizen could be gendered female. The female model citizen’s gender lifted her up and facilitated the battle for voting rights as democratic rhetoric took on international tones toward the end of the war. But ultimately, voting would not have the radical associative content for which the left wing of the suffrage movement had always fought, and which Alice Paul and the NWP believed would come hand in hand with the implementation of the nineteenth amendment. The female model citizen was implicitly white, and when the real woman was not white, she often had great difficulty gaining access to citizenship or even the appallingly inadequate protections provided to contract laborers (as in the case of Chinese, Filipina, and Mexican women, who struggled within a masculinist conception of contract labor). Even when she was white, her association with men of color posed a specifically gendered threat to her citizenship rights.

As with the serious questions about the scope and significance of citizenship in the post-Civil War and World War II eras, the dynamics of the World War I era push us to think about citizenship as a gateway for greater rights protections and about political movements taking as their goal the achievement of full citizenship for subordinated groups. Citizenship, whether understood as something that a person has or doesn’t have or as a continuum of access to rights and privileges, is deeply conditioned along lines of gender, race, and sexuality.

I have suggested before that thinking about citizenship as a practice rather than a status helps us to see these tensions more vividly (Novkov 2008b). When this model is applied to the World War I era, we see that multiple practices of citizenship emerged, all conditioned by gender and race, but that acting like a citizen could not guarantee access to the legal recognition of citizenship status. An abstract embrace of citizenship as an ideal glosses over these tensions, blinding us to the inability of some to practice citizenship in ways that the American state would
acknowledge as worthy of extending recognition of status – or of expanding the scope of permissible practices for some citizens. The expansion of women’s rights was positive indeed, but ultimately women’s groups’ arguments that the act of voting implied other civic rights and protections foundered against a complicated and divided notion of conditional citizenship. The war and the multiple means of expressing civic support for it thus provided no engine for advancing citizenship for men of color, and only briefly opened a window for women to advance.

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