The Troubles of a Soldier, a Seaman, and an Officer

Buntaro Kumagai wished to become an American citizen, and believed he was entitled to become one. After all, he had completed a term of service in the US Army, having enlisted as a regular soldier. He presented his petition for naturalization along with a certificate testifying to his service and his honorable discharge.[[1]](#footnote-1) Major legislation passed in 1906 had streamlined and bolstered the process for naturalization, establishing a national fee schedule and process under the new Division of Naturalization, contained within the Department of Commerce’s Federal Bureau of Immigration and Naturalization.[[2]](#footnote-2) To move forward toward naturalization, Kumagai likely had to show that he was familiar with both the English language and the US Constitution, and he had to pay a $5 fee.[[3]](#footnote-3) Having cleared the preliminary hurdles, he presented his case to a federal district court judge in 1908. Apparently not expecting trouble, he represented himself.

The judge hearing Kumagai’s petition was Cornelius Hanford. Hanford had been appointed as the first federal judge for the Washington district of the Ninth Circuit in 1890, though by the time of Kumagai’s case, he was no longer the only judge serving the district. Hanford was tightly networked in the Pacific Northwest business community, particularly among private utility operators and railroad magnates.[[4]](#footnote-4) His racial views were shaped by his experiences as well as western culture; an early life-threatening encounter with Yakimas resisting the white settlement of western Washington appears to have left him with lifelong hostility toward Indians.[[5]](#footnote-5) He had been a significant figure in the conservative law and order Home Guard that had quelled an outbreak of anti-Chinese violence in Seattle that culminated in a temporary declaration of martial law.[[6]](#footnote-6)

Hanford was, however, no great friend of individuals of Asian ancestry. Prior to the Supreme Court’s landmark ruling in *Wong Kim Ark*, he allowed for judicial consideration of a habeas claim filed by a man admittedly born to Chinese parents in San Francisco who had been denied entry, but found that his claim of citizenship based on birth in the United States was not credible, since he could present only Chinese witnesses.[[7]](#footnote-7) He eagerly upheld the exercise of administrative authority to deny entry to the Chinese son of a legally domiciled merchant, despite other courts’ willingness to question such overreaching.[[8]](#footnote-8) At Nonetheless, in clear instances of administrative negligence, prejudice, or malfeasance, he was willing to rule in favor of Chinese men and women claiming birthright citizenship.[[9]](#footnote-9) In his analysis, Kumagai’s petition did not provide evidence of administrative problems or erroneous application of immigration laws. He ruled against the Japanese veteran.

Eugenio Alverto was a resident of the Philippine Islands during the turbulent time of Filipino resistance to Spanish control, the Americans’ engagement in war with Spain, and the subsequent war that the United States entered to subdue its new colonial possession. Alverto enlisted in the U.S. Navy, opting for regular Navy service over service in a newly mustered Insular Force with Filipinos serving in a variety of roles. He was most likely placed in a menial position; the Navy often assigned Filipinos to steward duty. He completed his duty without any problems, and was honorably discharged. Apparently having moved to Pennsylvania, he sought to naturalize in 1912, but ran into a categorical problem. Filipinos had been granted status as U.S. nationals in the wake of the transition of sovereign power to the United States, and therefore, Alverto was not an alien. U.S. nationals, however, were not U.S. citizens. He attempted an end run around this conundrum by claiming that his status as an honorably discharged military veteran entitled him to fast-track naturalization.[[10]](#footnote-10) The court, despite his mixed-race ancestry, denied his right to naturalize on racial grounds.[[11]](#footnote-11)

The individuals most deeply involved in the battle over Asian exclusion from citizenship were almost certainly following both of these cases, but probably were completely unaware of the career trajectory of David Gilmer. Gilmer was black, and had served at the turn of the century with distinction. Originally a member of a North Carolina infantry regiment, he rose to the rank of Captain and temporarily commanded a post in Linao in the Philippines.[[12]](#footnote-12) He was a figure of pride in the black community, writing about his experiences interacting with the Filipinos and portraying himself as an adherent of Booker Washington’s conservative uplift approach. He was entrusted with a commission as an officer in a newly created Filipino army unit, but was subjected to a court martial in 1909. Only the personal intervention of Washington himself prevented his dishonorable discharge, but his military career came to an immediate and ignominious end.[[13]](#footnote-13)

\* \* \*

While one might separate the analysis of how blacks, Chinese, Japanese, and Filipinos experienced the varied racial policies articulated at the turn of the nineteenth century, such a separation neglects the links that helped to establish flexible and legally supported white supremacist statebuilding imperatives. With the Spanish American War won and American troops working determinedly to suppress the Filipinos’ revolution for independence, a debate occurred over the meaning and scope of the white man’s burden and the extent to which the United States should shoulder the responsibility of civic tutelage with the aim of producing free and self-governing citizens, whether in the south or in its new island territories.

Nonwhite members of the US armed forces were, at least at the beginning of the century, liminal figures in this discussion. Like the slaves who emancipated themselves and crossed union lines and the free blacks mostly from the north who volunteered, men of color who served in the army and navy during the period of the Spanish American and Philippine American Wars hoped that their service would leverage their claims for rights, unqualified citizenship, and dignity. For a time, those who fought for American imperialism did secure some advancement. But by the end of the first decade of the twentieth century, rather than their military service enabling them to wrest concessions from the federal government and states on behalf of their races, many found that even the possession of privilege earned through service was becoming tenuous.

Perhaps these bids for recognition were overdetermined for failure. As Klinkner and Smith note, the Spanish American War “was not a war triggered by any pressing military, diplomatic, or economic necessity.”[[14]](#footnote-14) As an imperialist enterprise, the war and the subsequent construction of an American empire encouraged deepening racial hierarchy. Neither the Spanish-American War nor the Philippine-American War posed any existential threat to the United States, and the theme of liberation from Spanish oppression quickly shifted into a theme of racial superiority and the need for exercising tutelage.[[15]](#footnote-15) It is easy to image the blacks, Asians, and Filipinos who served as merely being carried along in a tide of racism that overwhelmed any possibility of claiming manhood, rights, or citizenship in relation to service.

The End of one Era and the Beginning of Another

The end of the nineteenth century saw the shift from the uncertainty of the Waite Court and its willingness to permit federal intervention in clear instances of state neglect to the Fuller Court’s reinterpretation of the state action doctrine to foreclose robust federal action to enforce the vision of Reconstruction legislation and its associated amendments.[[16]](#footnote-16) Federal military and legal enforcement capacity, reduced from the peaks of the Civil War and Reconstruction, also left the problem of coercive and violent black-white interactions behind in favor of addressing other troublesome concerns arising in the west. Interactions with western Native American tribes emphasized pacification and assimilation, sometimes in violent terms.[[17]](#footnote-17) The federal government also invested substantial legal and military resources into policing the Latter Day Saints, whose stubborn investment in maintaining polygamy united the nation against them.[[18]](#footnote-18)

At the same time, ideological conflicts over unions, labor, the regulation of corporations and the accumulation of wealth came to the fore. The scope and nature of the kind of racial equality that the Civil War and Reconstruction had wrought shrank, both in terms of new policymaking and in terms of how present these questions were on the national agenda. Racial anxieties remained and increased, particularly with respect to the new influx of racialized immigrants in the 1880s.

These emerging agendas engaged national attention. While not transformational in any fundamental sense, they fed into the making of a new American state as the great sectional and partisan divide over slavery and emancipation lost its status as the most important political organizing factor. Nonetheless, the development of national capacity for military action and administration ran up against continued tensions relating to state sovereignty and the states’ desire to manage the rights and privileges of citizens. More national coordination and oversight would be needed to achieve imperial ambitions, but these developments took place in the shadow of Reconstruction’s collapse and the reassertion of state sovereignty.

The 1890s into the early 1900s saw the conjunction of two cultural-political forces that shaped the experience of war and which war amplified. The figure of the racialized soldier presented a serious contradiction for all three of these moments. By closely considering the claims these soldiers made for greater civic membership, and some for citizenship, we can see both how they attempted to exploit the opportunities that the national commitment to manhood and empire presented, and how politicians, policymakers, and judges responded to these claims. While these men’s proffers of service were largely accepted, particularly in the early part of this period, decision-makers became increasingly reluctant to reward service with rights, or even to acknowledge rights, as the period continued. This in turn helped to shape the cultural-political moments, reflecting from the strictly military context back out into domestic politics and civil society. Soldiers hoped that their service would enable them to advance their own standing and perhaps that of their racialized brethren and dependents. Instead, they increasingly found themselves redefined in racial terms that cut them off from the rights they sought.

The first cultural-political moment was what Kristin Hoganson identifies as the “fraternal character of late-nineteenth-century American politics.” Culminating in the rise of masculinized jingoism.[[19]](#footnote-19) Post-Civil-War politics valorized veterans and had a “markedly military cast,” and fraternal unity over a shared vision of manly struggle united and engaged disparate groups, particularly within the Republican Party.[[20]](#footnote-20) By the 1890s, though, this unity was fracturing badly. Class increasingly divided and disrupted brotherhood. A powerful women’s movement with cross-national ties supported international arbitration and peace and pressed for greater political incorporation for women. Resurgent white supremacists were regaining the mechanisms of government across the south and were successfully chipping away at black male political incorporation. And a wave of institution-building on the local and state level sought to formalize and rationalize allocations of power and authority in ways that undercut fraternalism.

The genius of jingoism in this environment was that it united simmering concerns about threats to masculinity with a longer tradition of veneration for the military and for militarism as a path to manhood and civic virtue.[[21]](#footnote-21) The stage was set for a romantic drama pitting an enfeebled, feminized empire in decline against a heroic but oppressed people in need of chivalric rescue,[[22]](#footnote-22) a narrative enthusiastically (and lucratively) embraced by major journalistic outlets. The donning of the imperial mantle for America was not only for the betterment of the new territories. Imperialism provided a stage for the development of American manhood, governing authority, and character, a means of maturing and masculinizing as a nation.[[23]](#footnote-23)

The second was the completion of what historian David Blight identifies as a reconciliation agenda around the Civil War that embedded a Lost Cause narrative to reunify the north and south in fraternal terms.[[24]](#footnote-24) While the cultural work of transforming remembrance had been going on practically since the end of the Civil War and had accelerated with the end of Reconstruction, the Spanish-American War marked the sealing of this narrative and its triumph in the north and the south.[[25]](#footnote-25) Ohioan President McKinley traveled across the south to promote the Treaty of Paris and the consequent acquisition of new territories, and in doing so, he reinforced the theme of the war’s having reunited the nation around a common set of goals and a destiny.[[26]](#footnote-26) He presided over parades of Confederate veterans and committed the federal government to care for Confederate graves. Confederate soldiers buried near Washington, DC were exhumed and reinterred in Arlington National Cemetery.[[27]](#footnote-27) Reunionist sentiment, in Blight’s analysis, provided a comforting counterweight to the anxieties around rapid economic and social change, a bulwark from which the American agenda of empire-building could provide common ground.[[28]](#footnote-28) After McKinley’s death, both Roosevelt and Taft continued to attend reconciliation events and produce reconciliation rhetoric themselves, developments that would reach their apogee under Woodrow Wilson’s leadership, to be discussed in the next chapter.[[29]](#footnote-29)

These cultural forces were both intertwined with white supremacy, and operated alongside efforts to institutionalize and implement supremacy in the south. Their rallying and unifying force helped to make it possible for supporters of empire to come together across the sectional divide. The fault lines that divided the nation over the advisability of territorial expansion were thus new, creating assortments of odd bedfellows on both sides. As Riser explains, “Both sections [meaning north and south – and I would add, the west as well] framed the expansion debate as white versus ‘the other’ and each alluded to the ‘White Man’s Burden.’ However . . . it had many meanings and the debate came down to competing views of the burdens of being white.”[[30]](#footnote-30) He rejects the simple explanation that the emerging southern model of “race relations” (a phrase most likely coined in the south in 1901)[[31]](#footnote-31) provided the inspiration for American empire. In considering opposition to empire, he identifies three ideological standpoints that raised deep concern about the “responsibilities and demands” of empire. The first theme identified all nonwhites as burdensome “negroes” who would never achieve the full flowering of western civilization, and for whom freedom would inevitably lead to decline.[[32]](#footnote-32) A second strain of thought, exemplified by white author Mark Twain and black intellectual Kelly Miller, also opposed American imperial expansion, but did so from the standpoint that imperialism itself was morally tainted, and that Americans were doing a poor enough job in governing their own home in an ethical manner.[[33]](#footnote-33) The third, which included Supreme Court Justice John Marshall Harlan, saw imperialism with no clear plan for transition to democratic governance as a danger to the republic.[[34]](#footnote-34)

Had the Spanish-American and Philippine-American Wars not become the sites where these trends collided, perhaps they would have had to be invented (as some suggest the Spanish-American War actually was). As continental domination reached its endpoint and national interest in the plight of freed slaves waned, American attention was engaged by the Cuban struggle for independence. Cubans had sought to throw off Spanish colonial authority between 1868 and 1878, but the treaty that had ended this struggle was never enforced. In the 1890s, a Cuban independence movement arose again under the leadership of José Martí, gaining adherents in the United States through the efforts of patriotic Cuban refugees. Armed struggle broke out again in 1895, with significant financial backing from Cuban expatriates and their American supporters. Spain responded by installing Valeriano Weyler as Captain General, who vowed to crush the rebellion and took harsh measures against suspected supporters.[[35]](#footnote-35)

Weyler’s actions were reported extensively and negatively in the United States media, particularly William Randolph Hearst’s and Joseph Pulitzer’s newspapers, generating strong public sentiment against Spain and its colonial authority and for the Cuban rebels. As tensions increased, the United States established a military presence in Havana to protect American interests and sent its warship, the *USS Maine*, to Havana Harbor in January of 1898. The Maine’s mysterious explosion in mid-February became the rallying cry for intervention, and the United States declared war on Spain in April.[[36]](#footnote-36)

As Cuba moved toward revolt, Spain was also facing rebellion in the Philippines and restiveness in Puerto Rico. Under cross-cutting pressure from activists seeking independence and alliance with the United States, Spain proclaimed Puerto Rican autonomy in late 1897. While Spain attempted to negotiate an end to the struggle in the Philippines through the exile of revolutionary leader Emilio Aguinaldo in late 1897 in exchange for a time table for emancipation of the islands, the struggle continued, and Aguinaldo returned to the Philippines with the support of Commodore George Dewey.[[37]](#footnote-37) The conflict with Spain was short. Congress passed the Teller Amendment, claiming that the United States had no intention to annex Cuba and authorizing the use of military force against Spain. Naval battles and land skirmishes occurred in the Philippines and Guam, but the fighting was more intense and sustained in Cuba and its waters and secondarily in and around Puerto Rico. By August, the United States had defeated Spain’s land forces and navy in both the Philippines and Cuba, and the military campaign ended. Spain and the United States signed a peace treaty in December.[[38]](#footnote-38)

The treaty with Spain left the United States with territory befitting an imperial power. Its experiments with internal expansion and colonialism having been brought to fruition through the “taming” of the west and the digestion of territory seized from Mexico,[[39]](#footnote-39) the United States now stepped on to the international stage as a fully modern international power with which to be reckoned. As a direct result of the war, while Cuba was set on a path to immediate independence, the United States now possessed Puerto Rico, Guam, and the Philippines (in addition to Hawaii, which had been annexed independently in 1898).[[40]](#footnote-40) In contrast to the incorporation of most of the west into the nation, however, the new territories were not placed upon a clear and progressive path toward statehood.

The extracontinental expansion also happened at a time when black citizenship was losing its last vestiges of federal embodiment and support and the United States was rapidly coming to terms with deep anxieties about Asian immigration. The Supreme Court’s ruling in *Plessy v. Ferguson* confirmed the states’ authority to define the scope of and limits on the meaning of citizenship, endorsing the thin vision of equality advanced in 1883 in *Pace v. Alabama*.[[41]](#footnote-41) While the federal courts limited the western states’ capacity to discriminate specifically against Chinese residents, Congress legislated in increasingly restrictive terms to try to prevent Chinese laborers from establishing roots and rights in the United States, and restricted the courts’ ability to intervene in administrative decisions affecting Chinese travelers’ rights to enter or remain in the country.[[42]](#footnote-42)

With the southern states free to develop and implement a constitutionally permissible but stunted form of citizenship geared toward maintaining white supremacy, the struggle over civic belonging that developed at the turn of the century took on a different form than that engaged over emancipation. On the one hand, white supremacists devoted energy into building the white state and maintaining the space for a free regulatory hand to impose racial separation. On the other, national level actors recognized the need to develop a more robust administrative system for handling immigration and determining who was worthy to enter, remain in, and become a part of the United States, all decisions that could not be left to individual states to manage and control. The black or Asian soldier stood on the boundaries of these efforts, presenting the continued argument for citizenship on the basis of service, a right encoded in congressional statutes. These soldiers, while beacons of hope for their communities, were problematic for those responsible for deploying them, supervising them, and mustering them into and out of service. The new American empire relied on their service, but the process of reconfiguring the civic lessons and transformations of the Civil War to privilege unity made them troublesome, even when they were presenting themselves as the champions of empire.

The turn of the century was an important moment for the United States because of the conjunction of processes of race- and nation-making. As Paul Spickard has noted, “Immigration and ethnic identity un U.S. history have been intimately tied to race and slavery, on the one hand, and to colonial expansion across the continent, on the other.”[[43]](#footnote-43) These processes informed and played off against each other explicitly as national political leaders grappled with concerns of citizenship in an acknowledged empire that incorporated individuals explicitly defined as citizens but limited in their exercise of civic membership by formal legal policy.

The colonialism engaged in the course of the Spanish American war was not the first colonial experience for the United States. Earlier encounters with Africans, Native Americans, and Mexicans bore the hallmarks of colonial domination: “military interventions; political transfer of sovereignty; economic domination; and ultimately cultural domination.”[[44]](#footnote-44) The Spanish American war and its less famed aftermath, however, marked a new conception of America itself embraced from within and recognized from without. The poet laureate of British imperialism, Rudyard Kipling, captured this dynamic best, addressing his 1899 poem “The White Man’s Burden” to the United States. He encouraged the nation to join its fellow imperialists in serving their inferiors and guiding them toward the light of civilization, despite the resistance of “your new-caught, sullen peoples, Half-devil and half-child.” The United States, in doing so, would need not only to perform the thankless task of preparing these “silent, sullen peoples” for self-governance, but also to leave behind its “childish days” past of easy conquest and immediate subjugation in favor of a role on the world stage in which the more mature colonial powers would evaluate American manhood with their “cold, edged-with dear-bought wisdom” judgment.[[45]](#footnote-45)

The decision of the United States to embark upon war and empire may appear to have been overdetermined. As historian Hoganson notes, romantic sympathy for Cuba’s struggle, the proximity of Cuba, national elites’ desire to redirect economic anxieties, the yellow press’s coverage of the *Maine*’s explosion, and the rise of social Darwinian and new race science theories about white superiority all contributed to engagement in both wars and the choice to become an imperial power.[[46]](#footnote-46) She notes, however, that the jingoistic fervor that united these disparate agendas and players rested upon gendered rhetoric and played off of the underlying gender politics of the 1890s and early 1900s. In her analysis, gender provided a rhetorical framework that easily encompassed economic, strategic, and emotional justifications for war, but also enabled the building of political coalitions.[[47]](#footnote-47) Jingoes recognized and feared women’s increased participation in the political sphere and saw renewed national emphasis on manly warfare as a corrective as memories of the Civil War and its generation faded and transformed. “Fearing for the future . . . jingoes regarded war as an opportunity to shore up the manly character of American politics. War, they believed, would return the nation to a political order in which strong men governed and homebound women proved their patriotism by raising heroic sons.”[[48]](#footnote-48)

The “martial political ideals”[[49]](#footnote-49) that united the jingoes stood in contrast to other important political streams to which scholars of political development attend carefully. The Progressives’ moment was dawning as the Republican Party’s last efforts to maintain itself through limited black voting were collapsing. Labor struggles raged, with advocates winning victories not only through unionization, but through capturing some state legislatures and securing protective legislation. The tensions between jingoism and isolationism, however, cross-cut many of these more familiar political divides.

But who was to take up this burden, and what was to be the reward for these individuals?

This chapter explores the experiences of three groups of individuals who volunteered to serve, expecting or hoping that their service would produce enhanced status for them, their families, and their demographic group. A handful of Asian immigrants looked to federal policies to extract citizenship as part of a formal, statutory quid pro quo in exchange for military service. At the same time, Blacks sought to build on the legacy of service in the Civil War, hoping that honorable service would establish both their manhood and their equality. They recognized the danger posed by conservative Democrats, who mobilized in the south to use their new freedom from federal oversight to institutionalize and constitutionalize white supremacy, and some played key roles in implementing the American imperial project. Finally, some of America’s new colonial subjects in the Philippines became members of the military, and some hoped that this status would gain them easier access to citizenship. In all these cases, the proffers of service were accepted, but did not produce the desired outcomes for those who served. Rather, these soldiers, either classed as racially undesirable as citizens or viewed as a threat to the emerging variety of white governance structures, were rejected and ignored.

The three groups discussed here had different histories of service and different paths of entry into the US armed forces, but all contributed at least minimally to the Spanish-American War. The Philippine-American War, however, was an important crucible for testing not only these groups’ commitment to service, but also the American state’s ability to mobilize and recognize the men of color who shouldered what most policymakers understood to be the white, western burden of quelling, civilizing, and fitting for democracy America’s new territorial possessions. Over the course of this conflict, all three groups struggled for recognition – Asians and Filipinos for citizenship, and blacks for more rights – and these struggles helped to clarify the limits that race placed upon their claims.

In terms of their percentage in the American armed forces, their numbers were not large. As Figure 1 illustrates, the U.S. Navy, traditionally the branch of the armed services understood to be most welcoming to nonwhites, was a highly white organization when it began reporting racial categories in its annual statistical reports in 1906.

Figure 1. Total and white enlisted Navy personnel, 1906-1916

Yet, within these numbers were interesting patterns. When the Navy first began to report “color” for its enlisted forces, Filipinos had only begun to join. By 1916, the demographics had shifted significantly, as Figure 2 illustrates. Japanese and Chinese numbers consistently declined, blacks fluctuated but overall dropped over time even as overall enlistment rose, but Filipinos played an increasingly significant role.

Figure 2. Enlisted Negroes, Chinese, Japanese, and Filipinos in the United States Navy, 1906-1916

Data on citizenship is likewise interesting, reflecting the Navy’s persistent and successful efforts to rely increasingly on U.S. citizens for naval service. Enhanced recruiting of native-born citizens changed the numbers in the direction that the Navy’s leaders wanted to see, though a few stubborn non-citizens continued to serve throughout the period. Some may have been the Chinese and Japanese represented in Figure 2 who were not eligible to naturalize – although, as this chapter will discuss, some Asian non-citizens did try. Looking first at enlisted men, over time the Navy continued to enlist both native-born citizens and those who had naturalized, but worked to reduce the non-citizens. Citizens of the U.S.’s territorial possessions had an increasingly significant place in the Navy.

Figure 3. Citizenship status of enlisted men in the Navy, 1900-1916

Figure 4. Enlisted men other than native-born citizens

A similar pattern emerges with regard to petty officers. The gradual increase in naturalized POs in no way matched the explosive growth among native born citizens and indeed leveled off and began to decline by the end of the period, and by 1916, only 22 non-citizens (excluding territorial citizens) appeared in the Navy’s count. Even individuals who had declared intent declined absolutely over time, though it should be noted that legislation passed in 1914 made it less important for members of the Navy to declare their intent to naturalize, as will be discussed below.

Figure 5. Citizenship status of petty officers, 1900-1916

Figure 6. Petty officers other than native born, 1900-1916

Top administrators acknowledged the need for these men’s service in some circumstances, but expressed ambivalent or at times negative views about this necessity. The Secretary of the Navy ‘s annual reports nonetheless detailed the Navy’s reliance on non-citizens beyond the separate Insular Force authorized to operate in the new territorial possessions. Secretary Moody remarked in his 1903 report that “it is gratifying to note that the percentage of citizenship in the enlisted force of the Navy is steadily growing.”[[50]](#footnote-50) The fact that the matter of citizenship was important enough to discuss in a separate section in the overview report suggests that, while only 9.3 percent of the petty officers, seamen, landsmen for training, and apprentices were neither native born nor naturalized citizens, the presence of noncitizens was a matter of some concern.[[51]](#footnote-51) The 1904 report described continued success, with the percentage having tipped up to 91 percent; the Secretary commended the new recruiting strategy, with “recruiting, now carried on extensively in the States of the Middle West, brings to the Navy an excellent class of young men. No better material can be found anywhere. If a taste for the service can be developed among this class of our citizens to such a degree that the enlisted personnel can be largely recruited from this source, great advantage to the Navy will result.”[[52]](#footnote-52) Yet despite the interest in building a military force of white citizens, US officials continued to find uses for men of color, at times even soliciting their service particularly.

Chinese, Japanese, and the Struggle for Citizenship Based on Service

As discussed in the previous chapter, Congress had encoded the principle that military service could qualify a veteran for citizenship during the Civil War in the press to increase manpower. The first iteration of this statutory principle appeared in July 1862, allowing for expedited and simplified naturalization of any alien honorably discharged from service in the U.S. military. With minor modifications, this principle remained extant in federal law for decades. The problem, and one with which the federal courts began to grapple actively in the late nineteenth and early twentieth centuries, was how to square this principle against a growing wave of restriction and limitations applied specifically on the basis of race and national origin, primarily targeting the Chinese but affecting other racial and national groups.[[53]](#footnote-53)

Japanese and Chinese nationals and their immediate descendants were only rare participants in the US military during the Civil War and its immediate aftermath. However, both the opening of Japan to the United States in 1853 and a series of agreements that brought the first significant wave of Chinese laborers and merchants to the United States increased the numbers of Japanese and Chinese living in the US in the immediate post Civil War years. Even as the restrictions on migration and various efforts to gain civic status increased, as US international involvement in Asia grew, the armed forces began to confront the advisability of enrolling Asians or individuals of Asian descent as members, grappling with the thorny problem of how to address the implicit connection between service and citizenship. Here the question was not so much about the type of citizenship available, as it was with the larger number of black soldiers, but rather whether citizenship itself could be proffered – or had to be granted to individuals who had served.

The literature on Asian and Asian American military service focuses primarily on World War I and afterward, though Sohoni and Vafa address a few cases contesting exclusion from citizenship prior to World War I. Addressing the Spanish-American and Philippine Wars, however, helps to put the struggle over citizenship into broader context. The larger scale battles over military service in World War I had their roots in the tensions established at the turn of the century. These tensions were indeed shaped by the groundswell of support of Asian exclusion, but also referred to problems over the newly acquired territories and their racialized denizens, the rise of southern white supremacy as a legitimate state model, and the struggles over black incorporation into the military. Unlike black service members, who primarily served in Army units together and sought legitimation and greater civic membership on the basis of many enlisted men’s and officers’ sacrifices, Asian service members were isolated individuals primarily serving in the Navy. Their individual struggles for recognition nonetheless provide an important counterpoint to the black experience.

As discussed in the previous chapter, the Civil War era saw the expansion of citizenship both in formal and informal terms. Emancipation and constitutional change granted at least citizenship in name to many whose citizenship had been contested and sometimes denied at the state level, which largely controlled the matter. Congressional legislation addressing citizenship and rights during Reconstruction and the Thirteenth, Fourteenth, and Fifteenth Amendments clearly addressed the situation of the freedmen and freedwomen, but were written in terms that applied beyond their circumstances, intentionally so. As Congress turned from legislating to suppress unlawful white supremacist violence in the south to limiting the influx of Chinese laborers in the west, the principles of expanding and guaranteeing citizenship collided with the growing demand to remove the Chinese, and by extension, other problematic racial groups, from American soil.

This tension first arose with respect to immigration questions, and after significant debate, the U.S. Supreme Court settled some core principles to manage Chinese individuals’ efforts to enter and remain in the United States. The federal courts came into the picture to address controversies over a rapidly changing constitutional, statutory, and administrative environment regulating citizenship and immigration. These changes began with the Fourteenth Amendment and the ratification of the Burlingame Treaty in 1868 and included the Page Act in 1875, the Angell Treaty’s revisions to the Burlingame Treaty in 1880, and the Chinese Exclusion Act of 1882 and its subsequent amendments, including the 1892 Geary Act, which sharply restricted Chinese immigrants’ ability to maintain their residence by requiring certification.[[54]](#footnote-54) The Alien Contract Labor Law Act of 1885 restricted the practice of American employers’ mass contracting for alien labor but also barred Chinese born abroad from naturalization, a provision extended periodically until rendered permanent in 1904.[[55]](#footnote-55) Congress established the Bureau of Immigration within the Treasury Department in 1891, formally moving the administration of immigration policy to the federal level to accomplish more effectively the policy goal of “provid[ing] for the exclusion of certain categories of undesirables (for example, lunatics, criminals, paupers, and so forth).”[[56]](#footnote-56)

The Chinese and their advocates, including a mix of benevolent associations and business interests who benefited from cheap and docile Chinese labor, resisted the implementation of this statutory regime by filing thousands of legal claims, primarily through *habeas corpus*.[[57]](#footnote-57) In cases decided in 1891 and 1893, the Supreme Court largely legitimized the statutory allocation of authority to determine immigrants’ status to administrative agencies. *Nishimura Ekiu v. United States*, which involved a Japanese woman’s objection to her detention and denial of entry by a customs authority,confirmed the constitutionality of allowing administrative agents to determine aliens’ rights of landing.[[58]](#footnote-58) *Fong Yue Ting* further elucidated and expanded this principle. The majority asserted that, while Chinese laborers were entitled to “the safeguards of the Constitution, and to the protection of the laws, in regard to their rights of person and of property, and to their civil and criminal responsibility,” as long as they resided in the United States, but their status as aliens rendered them “subject to the power of Congress to expel them or to order them to be removed and deported from the country whenever, in its judgment, their removal is necessary or expedient for the public interest.”[[59]](#footnote-59)

Under the Geary Act, Chinese laborers were required to obtain certificates of residence if they wished to remain in the United States. In the spring of 1892, Ny Look, a Chinese laborer, was arrested by a federal marshal in New York because he did not have the required certificate.[[60]](#footnote-60) Ny Look protested his deportation order on the ground that he had been a legal resident of the United States at the time the Geary Act was passed. While he did not make it part of his formal pleadings, Ny Look had an additional reason to object to his deportation: while his arrest proceeded according to the terms of the law, “he had been in the country many years and was in the Union service during the war.”[[61]](#footnote-61)

The judge in the case acknowledged that the marshal acted within his authority in executing the arrest, but found the rest of the mechanism of the act to be problematic. While the sixth section of the act required judges to order deportations in such cases, no provisions were made. Therefore, he ruled that while he was willing to order deportation, he could not do so without any authorizing legislation, and “I find no provision authorizing the United States judge, in such cases, to order the person found without certificate to be imprisoned for an indefinite time, while awaiting deportation, and therefore shall discharge him from immediate custody.”[[62]](#footnote-62)

Ny Look appeared to be no accidental victim of the law. The sixty-five year old appeared in court, having been transported there by cab.[[63]](#footnote-63) When Judge Lacombe asked how Ny Look had been entrapped by the machinery of exclusion, his lawyer, Joseph Choate explained “with a twinkle in his eye, ‘Oh, I suppose the Marshal was walking along the street and, finding him without a certificate, arrested him.’”[[64]](#footnote-64) Choate was at this point deeply involved in the struggles of the Chinese and had represented plaintiffs seeking habeas relief in cases that had reached the U.S. Supreme Court. Ny Look, with his service record and long-term residence, probably seemed like the right person to launch an effective challenge against the certificate requirement.

The tactic appeared to work, at least as far as the media was concerned. Several newspapers covered the case sympathetically. In addition to the *Times’* coverage of the case, the *Los Angeles Times* described Ny Look as “a gray haired celestial, who has been in the country thirty-four years, and who served as cook on board a gunboat and was wounded during the civil war,” characterizing him as the “victim” of the Chinese Exclusion Act.[[65]](#footnote-65) The *Albany Law Journal* likewise published a bitterly satirical account of the controversy, followed with a favorable discussion of Justice Field’s dissent in the Chinese Deportation Cases.[[66]](#footnote-66) Despite the sympathetic coverage, Congress soon acted to close the loophole that Judge Lacombe had identified, advancing a process that would result in the creation of the INS and legislative efforts to empower administrators to make final determinations about the status of Chinese attempting to enter or remain in the country.

Whatever the intentions of Ny Look and his advocates, neither his appeal nor the other appeals brought in these years succeeded in preventing the implementation of an administrative system for controlling entry into and continued residence in the United States that viewed the Chinese, and soon Japanese, Koreans, and other individuals from Asian countries with hostility and suspicion. In 1882, Congress had specifically legislated to bar aliens of Chinese ancestry from naturalization, purporting not only to limit administrative action, but also the courts as well: “hereinafter no state court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.”[[67]](#footnote-67) With the strict limits and regulations in place, for most Chinese seeking entry or hoping to stave off deportation, the challenge was therefore to make the initial showing that they were entitled to be in the United States by fulfilling the administrative requirements established through positive law. Status was part of this – Chinese merchants, diplomats, and students were a favored class, and by extension their families – but Congress and the courts made it clear that the statutory entitlement extended to these individuals was based in preference and plenary power, not rights.

The cases involving military veterans attempted to shift this frame, and thus fell more in with cases in which Chinese (and others) sought to claim birthright citizenship. Nonetheless, even in cases in which rights claims were attempted, Salyer, Ernst, Law, and other scholars show vividly how the administrative machinery of exclusion operated to delimit and collapse rights frameworks by narrowing the scope for judicial review of challenges to orders of deportation and exclusion.[[68]](#footnote-68)

Veterans’ claims complicated this process, which brought the courts into play. As Congress was ramping up exclusion, it was also changing the statutory environment for the naturalization of military personnel, but in the other direction. In 1894, Congress, without addressing the question of race, added service in the Navy and the Marines to service in the Army as qualifying veterans for expedited and simplified consideration for naturalization.[[69]](#footnote-69) The language in the existing statute already implied that military service overrode the usual prerogative driving immigration, directing that any alien with the requisite service record “shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such . . . and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person’s having been honorably discharged from the Service of the United States.”[[70]](#footnote-70) This process brought the courts in directly as the institutional actors responsible for making determinations about these individuals’ fitness for citizenship, and the honorable discharge functioned in effect to supersede the usual inquiry into the morals and fitness of a candidate for citizenship.

Because Ny Look’s claim was a challenge to his failure to comply with the Geary Act’s certificate requirement and not to a denial of access to naturalization, the conflict between these principles did not arise immediately, but it was not long in coming, especially as the United States entered a new era of military engagements. In 1894, Congress did limit military service for aliens by authorizing their service in the army only in times of war, but the Spanish American War and the Philippine War opened up opportunities for enlistment in all branches and subsequent conflicts over what kinds of entitlements honorable service could leverage.[[71]](#footnote-71) The passage of new organizational legislation in 1906 that ceded administrative control to the INS then raised questions about how naturalization for former service members was to proceed.

The courts quickly found that military service posed an exception to the growing insistence upon administrative discretion and management with regard to naturalization. The use of citizenship as an inducement to serve was intended, explicit, and entirely straightforward, and the courts construed it as more right-like. As a New York judge explained in 1908, “Congress probably regarded honorably discharged soldiers as a special class, as to whom precautions generally necessary were not required. This would be natural as to applicants who had actually been in the service of the United States and as to whose good character the officers of the United States had certified.”[[72]](#footnote-72) When William McNabb presented his petition in 1909, submitting paperwork verifying his honorable discharge, an objection was raised that he had no sworn witnesses testifying to his fitness or residence. The district court found that demanding such a showing was “wholly inapplicable to the case of an honorably discharged soldier.”[[73]](#footnote-73) Furthermore, his honorable discharge served as sufficient evidence that he was “of good moral character, attached to the principles of the Constitution of the United States, and is well disposed to the good order and happiness of the same.”[[74]](#footnote-74) The application of this general rule, however, would not turn out to be so straightforward for some veterans.

While few Asians served in the Navy and even fewer in the Army, they were noticed. The *Boston Daily Globe* published a short profile on Buntaro Kumagai, noting his service in Manila as a member of the 22nd U.S. Infantry. He was described as a “full blooded Japanese” but nonetheless “one of the most popular men in the company and a model soldier.” [[75]](#footnote-75) The paper noted approvingly that he had previously served in the Chinese-Japanese war, incurring two wounds and “is anxiously awaiting the opportunity to acquire more in the defence of America, his adopted country.”[[76]](#footnote-76) The story concluded that he spoke good English, “is politeness and good nature personified” – and described him as an American citizen. The historical record does not reveal how controversy emerged over his citizenship status, leading to litigation several years later.

As noted in the introduction, in 1908, Kumagai sought formal naturalization through the process outlined in Section 2166. He apparently did not anticipate any problems, but found himself blocked based solely on his ancestry, which overrode his service. Judge Hanford, in his ruling on Kumagai’s petition, characterized him as an “educated Japanese gentleman” and acknowledged his service. He also noted that “there appears to be no objection to his admission to citizenship on personal grounds.”[[77]](#footnote-77) Nonetheless, Hanford denied his application “on the single ground that Congress has not extended to Japanese people not born within the United States the privilege of becoming adopted citizens of this country.” He explained, “It is the inherent right of every independent nation to determine for itself and according to its own Constitution and laws what persons shall enjoy the rights and privileges of citizenship,” and the Fourteenth Amendment provided only for persons born or naturalized in the United States.[[78]](#footnote-78) While birthright citizenship qualified as a right enforceable through judicial action, the Constitution vested the power of naturalization in Congress’s hands, with the consequence that “aliens cannot demand admission to citizenship as a right. They can only claim the privilege of becoming adopted citizens under the provision of laws enacted by Congress.”[[79]](#footnote-79)

In Hanford’s analysis, because naturalization was a privilege rather than a right, Congress was entitled to limit it, and in general policy over the course of American history, this privilege had been limited to whites, with the “only distinct departure” being that made at the end of the Civil War, “when, in view of the peculiar situation of inhabitants of this country of African descent, the laws were amended so as to permit the naturalization of Africans and aliens of African descent.”[[80]](#footnote-80) He noted the 1862 congressional legislation that offered citizenship to aliens who had served and had been honorably discharged, but interpreted its original intent as encompassing non-citizens of African descent. He cited the language of the 1875 amendment to this act that specified that its provisions “shall apply to aliens being free white persons, and to aliens of African nativity and to persons of African descent.”[[81]](#footnote-81) Hanford read this language as limiting “the privilege of naturalization” only to “those of that race which is predominant in this country,” of which Kumagai was not a member.[[82]](#footnote-82) Despite Kumagai’s military service, he could not earn citizenship, nor could he claim it as a statutory right, and Hanford seemed to see no real difference between his racial antecedents and the Chinese, who were facing increasingly restrictive policies that limited the courts’ capacity to second-guess administrative decision-making. Kumagai’s status was governed by the body of case law that authorized congressional plenary power over immigration and limited the courts’ capacity to activate rights-based frameworks for the Chinese.

Kumagai quickly proved to be no outlier. William Knight had served in the Navy for 27 years, and had been awarded a medal for meritorious service in the battle of Manila Bay when serving on Admiral Dewey’s flagship in 1898. Although he “talk[ed] with an Irish brogue and look[ed] like an American Indian,” he had problematic ancestors: he had been born “on a schooner flying the British flag on the Yellow Sea” to an English father and a half Chinese, half Japanese mother.[[83]](#footnote-83) Although his parents were married, his own citizenship status was uncertain. He sought American citizenship at age 43, but although the district court judge considering his petition acknowledge that “his record in the navy is more than sufficient to meet the requirements of [section 2166 of the naturalization act],” he was denied under section 2169.[[84]](#footnote-84) The judge cited *Kumagai* for the principle that “a person of the Mongolian race . . . cannot be naturalized, even with honorable service in the army or navy,” leaving the only remaining question as to whether Knight, as a person of mixed race, fell under this prohibition, and how this determination was to be made.[[85]](#footnote-85) A previous ruling had found that the child of a white father and Indian mother was held not to be white, and Knight, as “a person, one half-white and one-half of some other race . . . is literally a half-breed.”[[86]](#footnote-86) The judge further doubled down on plenary power, explaining that the political status of naturalization was entirely within Congress’s hands and could be obtained “only in the way in which Congress has provided that it shall be granted, and upon such a showing of facts as Congress has determined must be set forth.” Congress certainly knew that “members of other races would serve in the army and navy of the United States,” and therefore could have incorporated them within the scope of naturalization had the body desired to do so.[[87]](#footnote-87)

The ruling was controversial. A *New York Times* report characterized the ruling as “controversial,” reporting that “the consensus of opinion of those connected with the Naturalization Bureau is that Knight has a good chance of winning his case against the government on appeal.”[[88]](#footnote-88) The newspaper story also noted that Knight had the sympathy of many “about the Federal Building.”[[89]](#footnote-89)

As Knight’s case was reaching its conclusion, Namyo Bessho was also pursuing naturalization on the basis of his service in the Navy. Bessho had not only served in the Navy; he had been a chief steward on naval vessels.[[90]](#footnote-90) Bessho, who had been born in Japan in 1872 and had emigrated in the 1890s, joined the Navy in July of 1898, possibly as part of the patriotic swelling of enlistment driven by the Spanish American War.[[91]](#footnote-91) The Virginia district court hearing his petition denied naturalization to Namyo Bessho in 1909, creating enough of a stir that Portland’s *Oregonian* reported the news.[[92]](#footnote-92) He appealed his denial to a three-judge panel of the Court of Appeals, and was represented by a prominent admiralty attorney.

Bessho’s claim rested upon Section 2166, which Congress had expanded in 1894 to allow any alien who had enlisted in the United States navy or marine corps, served five years, and earned an honorable discharge to petition for citizenship, even without any previous declaration of intention. The legal question for the court was whether this provision was controlled by the same 1875 statute cited in Kumagai’s case, which limited naturalization to free whites and individuals of African descent.[[93]](#footnote-93) Bessho’s attorney argued that the 1894 act superseded the racial limitations of the legislation passed in the 1870s. The court determined that the amendments to the naturalization statute put into place in 1875 “clearly indicate[] that the Congress then intended to exclude all persons of the Mongolian race from the privileges of naturalization laws.”[[94]](#footnote-94) The court also conducted a close reading of legislation passed in 1906 that established the Bureau of Immigration and Naturalization and consolidated the process of managing naturalization. That act, explained the panel, indeed left in place the special consideration extended to navy enlistees, but evinced no intent to expand the racial scope of naturalization beyond whites and those of African nativity.[[95]](#footnote-95) While the simple avenue of petitioning a court for citizenship remained open to one set of aliens with veteran status, individuals like Bessho had no access to this process on racial grounds. Rather than presumed access to expedited naturalization, Bessho’s case raised an entirely different set of questions.

Bessho’s attorney noted that legislation excluding the Chinese did not specifically “prevent other aliens of the Mongolian race from being naturalized,” but the court waved this away as irrelevant. The ruling noted that the whole history of American immigration law from 1802 through 1870 had permitted only free whites to naturalize, and the additional laws passed between 1870 and 1906 excluded from naturalization all but “those of the Caucasian and the African races.”[[96]](#footnote-96) In the context of the time, this outcome was not surprising; the opinion’s author, Nathan Goff, had reversed a district court ruling allowing a Chinese laundry operator to remain in the United States as a merchant rather than be deported as a laborer.[[97]](#footnote-97) Like Kumagai and Knight, Bessho’s identity as a Japanese man trumped his identity as a Navy veteran, even though all acknowledged that he had served the United States honorably during a time of warfare.

The number of individuals of Chinese and Japanese ancestry were so small as not to warrant reporting by the Army, but the Navy’s data shows a steady decline during the early 1900s. The Navy’s reporting does not reveal how many of the individuals identified as Japanese or Chinese were birthright citizens by virtue either of having been born in the United States or by being born in wedlock to a citizen father. The emerging body of case law settled quickly on an interpretation of the conflicting statutes that prioritized the policy of holding the line against Asian citizenship. While courts acknowledged Congress’s plenary power to govern naturalization, they largely turned this concept against individuals of Asian ancestry who had served, insisting that Congress had the authority to include them specifically in legislation authorizing their naturalization but had chosen not to do so.

Mobilization and the Need for Reform

The Civil War experience of massive warfare and national mobilization had transformed the American military establishment, and even after demobilization and return to a “peacetime” footing,[[98]](#footnote-98) the idea that America’s military needs could be met almost completely through state militias was subject to serious questioning. Both America’s new station in the world and the development of other nations’ military capacity pressed toward a more serious commitment to maintaining at least a minimal force and putting into place a plan for rapid augmentation if necessary. The shift toward a more national and rational system, however, would not come easily.

A threshold question was how large a basic defense force the United States needed, and how that force should be recruited and retained. Forward-thinking members of the military were troubled by the demobilization undertaken after the Civil War, and worried about the practical difficulties of raising and training a significant force in the event of a crisis. In 1898, Captain James Parker published the case for creating a stable conscription system, arguing that a planned and trained professional force would be necessary for modern conflicts.[[99]](#footnote-99) He reviewed the system implemented during the Civil War, outlining the perverse incentives created by inducing enlistments through bounties, but separated the abuses of the bounty system from the good produced by conscription itself: it was “delayed too long; . . . it should have been commenced a year or more earlier. It strengthened greatly the military power of the country . . . The drafted men were, as material for soldiers, often superior to those who enlisted for bounty, and only inferior to the patriotic men who volunteered in response to the first calls.”[[100]](#footnote-100) While he advocated leaving organization of regiments to the states, he advised scrapping the bounty system that relied on tempting volunteers to replace conscription in part because of the fiscal irresponsibility as well as the corruption inherent in such systems. Better for the nation’s coffers as well as its spirit would be “patriotic submission to universal subscription.”[[101]](#footnote-101) Mass conscription, however, would not be embraced by Congress until mobilization in preparation for World War I made it a necessity.

Voluntary service remained the order of the day, but the US armed forces could not fulfill all of their needs with white male citizens. The 1894 act discussed above, on which Namyo Bessho based his claim of eligibility for citizenship, adopted a more comprehensive national regulatory environment for enlistment in the Army.[[102]](#footnote-102) The legislation, in addition to establishing a national system, barred alien enlistment during peacetime, but “in emergent times of war or military conflict, all aliens regardless of their immigration status were eligible for enlistment into the Army.”[[103]](#footnote-103) This provision recognized that sudden crises might warrant shifting standards and anticipated the initiation of such crises, even though Congress remained conflicted about the wisdom of wholesale reform.

The debate over mobilization that immediately preceded the Spanish American War revealed a military power in transition, in some ways independently from the political forces operating at the time. Career progressive Army officers from the 1870s on advocated strongly for major reforms, including enlargement and modification of the US land forces, more systematic strategic planning, improved officer education and recruitment, the development of an infrastructure for rapid augmentation of armed forces, and “stronger federal control over the militia,” which still served as the fundamental organizational structure.[[104]](#footnote-104) Congress, however, resisted these changes both because of the expense and anti-militarist sentiment.[[105]](#footnote-105) As war loomed, however, the War Department and Congress both recognized the need for rapid action, though they disagreed on how to proceed.

The Spanish American war is remembered in US history as a war whipped up through popular sentiment. Congress’s reliance on voluntary enlistment to swell the military ranks sufficiently to pursue the war fits into this narrative well. The mobilization for war, however, was anything but smooth, despite fervent expressions of patriotism and desire to serve among the populace. President McKinley, who wanted a diplomatic solution, walked backwards into military conflict, driven largely by the public outcry.[[106]](#footnote-106) Congress’s first appropriation to address the crisis was provided with little guidance and few strings attached; McKinley spent the bulk of the money on bolstering American defense rather than establishing units to launch a war. This action recognized and addressed the debilitated status of the United States’ defensive capacity; in early 1898, the regular Army enrolled only 25,000 men and coastal areas were barely protected by a highly depleted Navy.[[107]](#footnote-107) The nation’s primary military capacity rested in the National Guard, the network of state militias that could theoretically be called into service, but there was no institutional framework to accomplish this, and such a use of the National Guard would be on highly questionable constitutional ground.[[108]](#footnote-108) The crisis with Spain, and the national eagerness to intervene, presented an opportunity for reform that advocates for a more professional standing army were not slow to exploit.

Plans for rationalization and reorganization, however, ran aground against the political shoals of the state militia tradition, bolstered by the hypermasculine environment accompanying mobilization. Iowa Republican and Chair of the House Military Affairs Committee John Hull proposed a bill that would have accomplished both the necessary reorganization and simplification of the state militia regiment system and the establishment of a readily expansible model for recruiting professional soldiers, but the bill was transformed and weakened in committee.[[109]](#footnote-109) The sinking of the Maine provoked a vigorous response from prospective volunteers for military service, but these volunteers wanted to serve in their local militia units under the command of officers they had a hand in selecting, rather than in professionalized units organized and commanded by regular officers hailing from West Point.[[110]](#footnote-110) They reported in droves to the state militias and sought to enroll; many units took them on even before any direction had come from Washington.[[111]](#footnote-111)

While national military experts continued to promote the idea of a regular army organized and administered more centrally to handle foreign conflicts, preserving the state militias/National Guard for home defense, the decentralized model won the day, in part because the inland states resisted, insisting that the militias could be mobilized more readily for immediate military use.[[112]](#footnote-112) Negotiations ensued, and Secretary of War Alger recognized that his planned expansion to reach a capacity of 100,000 men would have to incorporate National Guard troops as the primary mobilization device, allowing volunteers to join state militias but then be federalized to fight Spain. McKinley agreed to call first for National Guard volunteers after a formal declaration by Congress authorizing armed intervention.[[113]](#footnote-113)

On April 22, Congress passed the first Mobilization Act, which authorized National Guard units to volunteer for service.[[114]](#footnote-114) Even this concession, however, was not satisfactory to Guard boosters, because the projected call would mobilize only around half of the militia organizations. States would have to to pick and choose which units, existing or reorganized, would have the opportunity to fight patriotically abroad.[[115]](#footnote-115) President McKinley bowed to the political exigencies both of patriotic fervor and devotion to the militia system and called instead for 125,000 volunteers in his initial call on April 23.[[116]](#footnote-116) This number encompassed almost all of the enlisted men in the National Guard. The War Department’s implementation of the call “Instructed states to give preference to organized militia units in filing their quotas,” which for most state militias, had significant racial implications, since very few states had black militia units ready to receive volunteers. [[117]](#footnote-117)

The states responded enthusiastically to this invitation, using the existing National Guard structure to implement mobilization. Montana, for instance, quickly mobilized its twelve companies and mustered them into federal service on May 9.[[118]](#footnote-118) Other units were either mustered directly or reorganized and then mustered into federal service. Black Civil War veterans who had left the military had volunteered eagerly after the sinking of the Maine, but these proffers of service were largely ignored within the militia system’s structure, as the National Guard units had little desire either to enlist black troops on an integrated basis or to organize new segregated units.[[119]](#footnote-119) The bulk of new black enlistment for service took place under the second call, which was not so dependent upon the state militia system.

Black Volunteerism and Recruitment in the Spanish-American War and Immediate Aftermath

As in the Civil War, politically ambitious blacks believed that military service might prove a means of pushing toward more robust citizenship and civic membership. In contrast to the Civil War, however, a body of black veterans existed, and the political situation in many southern states, while dire, did not appear to be completely irremediable yet. Many hoped that their honorable service during the Civil War would be remembered and that this would leverage their voluntarism into further service, either among veterans themselves seeking to return to arms or among younger men hoping to use the honorable service of the Civil War cohort to leverage their own enlistment on equal terms. The formal declared war, however, was short, and the patriotic moment encouraged more volunteers than the system could successfully organize, train, equip, and send into combat effectively and efficiently. While blacks continued to insist on service as a right, privilege, and duty of able men, their service was initially only reluctantly accepted, and few saw combat against Spain. Black newspapers and pamphleteers raised a storm of protest when black men were purged from the few officers’ positions they held in 1899, leading to their grudging reinstatement in reorganized black regiments.[[120]](#footnote-120)

*Existing Regiments*

The most readily mobilized black soldiers were those already in national military service. From these units came the only blacks who would see combat in the Spanish American War. Four regiments, the 9th and 10th Cavalry, and the 24th and 25th Infantry, were quickly diverted from the west and sent mostly to Tampa to await orders.[[121]](#footnote-121) The shift to Florida was jarring; restive black soldiers chafed under the formal segregation and disrespect they encountered from local businesses and other white soldiers stationed there. On June 6, a major altercation occurred when whites from another regiment used a black toddler for target practice, challenging each other to shoot as close as possible to the child without hitting him.[[122]](#footnote-122) The black troops responded in rage, attacking not only the offending soldiers, but also damaging segregated private businesses. A white Georgia state militia was called in to quell the violence, which it did with ruthless efficiency by attacking the outgunned blacks, some thirty of whom were hospitalized.[[123]](#footnote-123) Shortly afterward, the regiments, supplemented with recently inducted raw recruits, were shipped off to Cuba to engage the Spaniards.[[124]](#footnote-124)

The black troops were critical to the US triumph in Cuba. On June 24, the 24th Infantry, clad in winter weight garments, attacked the entrenched Spaniards at El Caney, mightily impressing their white American counterparts with their fearlessness in their charge up the steep hill.[[125]](#footnote-125) This was but a prelude, however, to their greatest feat. The American commanders believed that securing the heights was the best way to clear a path to Santiago de Cuba and undertook a strategically important but poorly planned attack. On the morning of July 1, the more than 900 black soldiers of the 24th Infantry prepared to assault the heights. By the time San Juan Hill was captured, only around 300 of them would still be alive.[[126]](#footnote-126) When Theodore Roosevelt and his irregulars stormed the hill, they quickly found themselves to be out of their depth. The 10th Cavalry came to their rescue, driving off the Spaniards before the Rough Riders could be wiped out.[[127]](#footnote-127) Over the course of the war against Spain, the 10th Cavalry “suffered a 20 percent casualty rate, and 50 percent of its officers were killed or wounded.”[[128]](#footnote-128)

The black press, as explained more fully below, discussed the heroism of these troops extensively. At first, this narrative had reinforcement in some white newspapers and particularly from white soldiers who had personally witnessed the black units’ stalwart performance under fire.[[129]](#footnote-129) The tide turned quickly, however, as the narrative of black heroism and especially the rescue of white fighters by black cavalry could not withstand the force of triumphal jingoist and reconciliation narratives.

*The Third North Carolina*

North Carolina was an interesting exception to the initial difficulties blacks had in volunteering, as Governor Daniel Russell organized a battalion of black infantrymen in response to the first call.[[130]](#footnote-130) Russell was a Republican, elected as part of an unusual coalition assembled to wrest power from the resurgent Democratic Party in the state. Populists in North Carolina briefly agreed to dial back their racist rhetoric and partner with Republicans in a Fusion electoral effort that enabled the takeover of the state legislature in 1894.[[131]](#footnote-131) This legislature changed rules for voter registration to enable greater black political participation, resulting in an astonishing voting rate of 87% of eligible black men in the 1896 gubernatorial election.[[132]](#footnote-132) Daniel Russell got elected in large part on the strength of the black vote, and he knew it. In making their plea for enrollment, black leaders pointedly asked that the state’s quota be filled with blacks “in accord with their voting population.”[[133]](#footnote-133) Russell had to task an advisor, J.C.L. Harris, for making the case to the War Department allowing him to place this unit in service; Harris collaborated with officials in Washington to gain the authorization.[[134]](#footnote-134)

The battalion received widespread national notice and praise in the black press, which saw the opportunity for black men to prove their civic dedication, manliness, and suitability for full citizenship.[[135]](#footnote-135) Governor Russell supplemented the numbers through the second call, forming a regiment and supplying it with a complement of black officers, including Lieutenant Colonel S.L.A. Taylor as the unit’s second in command.[[136]](#footnote-136) The regiment, much to its frustration, never saw combat during the war, initiating its training in Fort Macon, then in Tennessee, and finally moving to Georgia.[[137]](#footnote-137) The troops faced white hostility and violence in Tennessee and Georgia; at least four men were killed by local whites who were never held accountable by local authorities.[[138]](#footnote-138) By the time they were mustered out in January, the political situation back in North Carolina had transformed drastically.

North Carolina’s eagerness to acknowledge and reward black manhood as reflected in the creation of the Third North Carolina was short lived. Restive Democrats chafed against the political victories earned by the Fusionists, and continued to assert the need for white supremacy in their newspapers. Lieutenant Colonel Young quickly became a lightning rod for criticism in the Democratic press.[[139]](#footnote-139) In Wilmington, about a week after the United States reached an armistice with Spain, Alexander Manly, editor of the black newspaper the *Daily Record*, published a retort to a prominent white woman’s speech calling for lynching black men to protect white women from rape. In his editorial, he dismissed the myth of the black ravening beast and suggested that many interracial liaisons were consensual and rooted in white women’s desires.[[140]](#footnote-140) The Democratic press leapt on his editorial, distributing it vigorously to whip up racial outrage and fear among whites and encourage Populists to abandon reform in favor of shoring up supremacy. The noise level continued to rise in advance of the November election, particularly in Wilmington, where the Fusionists in control of the city government were not up for re-election.[[141]](#footnote-141) Further gasoline on the fire came with the word that the white Second North Carolina rather than the Third would be mustered out before glory could be gained.[[142]](#footnote-142)

The orchestrated planned violence came to a head on November 10, when the leader of the white insurgents, Alfred Moore Waddell, led a mass of mobilized men to the Wilmington Light Infantry’s armory. In addition to Waddell’s irregulars, who dubbed themselves the Red Shirts and the Rough Riders (in homage to Theodore Roosevelt’s sung heroes of San Juan Hill), the WLI itself stood ready to participate, ostensibly as peacekeepers.[[143]](#footnote-143) The WLI, like the Third Regiment, had been mobilized for the Spanish American War, and had likewise been frustrated in their desire to see action. They had been furloughed since September, raising concern among officers about their potential for violence.[[144]](#footnote-144) The irregulars initiated the violence by burning the offices of the *Daily Record*, and about an hour later, “all hell broke loose.”[[145]](#footnote-145)

As word of the rapidly escalating terror spread beyond Wilmington, the governor authorized local officer Walker Taylor to take command of the WLI and the Naval Reserves to restore the peace. Following a prearranged plan, insurgent leader Roger Moore sounded a “riot alarm,” and Taylor quickly declared martial law.[[146]](#footnote-146) In several areas of the city, many blacks had been shot and killed already. The WLI marched into a black residential area of Wilmington and was quickly joined by the Red Shirts and Rough Riders. A WLI member later recalled,” I’ll tell you things are stirred up and I am glad to say I am still living but we have not killed enough negroes—two or three white men were wounded and we have not gotten enough to make up for it.”[[147]](#footnote-147) The WLI had possession of a machine gun mounted on a two-horse wagon, which it deployed. Accounts were somewhat confused, but it appeared to be used both by WLI members and Red Shirts, and was possibly used to slaughter 25 black men in a single city intersection.[[148]](#footnote-148) Not to be outmatched, the Naval Reserves also used their machine gun, and the guns proved particularly useful in subduing the black churches, which were forced to open their doors for searches.[[149]](#footnote-149)

In conjunction with the physical violence, Democrats engineered political violence, forcing Republican members of the city leadership to resign. Black leaders were driven out of town under death threats.[[150]](#footnote-150) Alfred Waddell assumed the position of mayor of Wilmington, which followed the rest of North Carolina into the long thrall of white Democratic rule. The Third North Carolina received word in January 1899 that they were to be mustered out, and returned to Raleigh during the first week of February. Rather than recognizing their service, the new Democratic legislature in North Carolina passed legislation barring blacks from serving in the state guard, eliminating them from the militia.[[151]](#footnote-151) Their vindictiveness even moved them to remove Colonel Young’s name from the cornerstone of a school for the deaf, dumb, and blind, an “institution which he had promoted as a legislator and as a member of its board of directors.”[[152]](#footnote-152)

*Other State Units*

Additional units were organized by states. The Ninth Ohio Battalion and Company L, Sixth Massachusetts were probably not surprising, given these states’ participation in black mobilization for the Civil War. However, Illinois and Kansas had units, and Indiana organized two. From the south came units from Alabama and Virginia in addition to North Carolina.[[153]](#footnote-153) Some men who served in these units went on to join the regular army after the guard units were mustered out; approximately thirty men from Massachusetts’ Company L saw service in the Philippines through this route, and at least four men from Company L received commissions as officers.[[154]](#footnote-154)

Virginia had the advantage of already having a black militia in existence, Richmond’s First Battalion.[[155]](#footnote-155) The First Battalion had worked carefully within the political structure and had managed to secure its own armory in 1894, though in Virginia as elsewhere in the south, political winds were shifting sharply against the remaining empowered black agents by the time the war began.[[156]](#footnote-156) Nonetheless, the Richmond black newspaper, the *Richmond Planet*, vigorously pressed not only for black service, but also for black officers to lead these men.[[157]](#footnote-157) While the First Battalion offered immediately to serve with its officers intact, Governor James Hoge Tyler at first resisted and allowed only white militia units to muster in for national service. After McKinley’s second call, he called up “eight companies of black soldiers with their own elected officers,” a controversial move among whites.[[158]](#footnote-158) He justified his decision in constitutional and moral terms: “If I had taken . . . the officers from these battalions I would have been discriminating against them in violation of the laws of my state, of the united States, and in violation of my oath, and it would have been manifestly a disposition to be unfair and unjust to these officers simply on account of their color.”[[159]](#footnote-159)

The Sixth Virginia Volunteers were mobilized from the black militia battalions and white West Point graduate Richard Croxton was commissioned to lead them, including a cadre of black officers.[[160]](#footnote-160) This proved a poor choice, as he quickly proved to be ineffective and disrespectful, provoking several officers to resign just before a hearing through which he hoped to remove them.[[161]](#footnote-161) New white officers were assigned, but within a month, they resigned, declaring that the black troops were ungovernable. Their resistance was praised in the *Richmond Planet*, which continued to press for black officers as the men were shipped to Georgia. There, tensions escalated to the point that the entire regiment was arrested, disarmed, and confined for twenty days.[[162]](#footnote-162) The *Planet*, seeing no meaningful possibility for the regiment to earn respect or advancement for military service, advocated that it be mustered out, and it was, but not before two privates were killed, one by a conductor enraged by his sitting in a white streetcar.[[163]](#footnote-163)

Alabama also mustered in a black regiment, but unlike the other states that took this action largely for political reasons, Alabama’s choice seemed to be driven by the need to fill the state’s volunteer quota. It was also unlike the other state units mustered in because it had only white commissioned officers.[[164]](#footnote-164) The first initiative for the unit came from progressive black Birmingham Democrat E.E. Carlisle, who mobilized a mass meeting that passed resolutions calling for black service even before Congress had acted; a delegation of black notables met with the Governor, who was then running for his second two-year term and struggling to fend off conservatives within his own party.[[165]](#footnote-165) Johnston hewed to a middle political line by authorizing a black battalion that would enable Alabama to meet its quota, but refused to place existing black officers in positions of leadership in response to a swelling tide of supremacist sentiment.[[166]](#footnote-166) While black militias advocated forcefully to retain their officers, and some militiamen threatened to refuse service, the state refused to compromise and enough volunteers could be found to replace the handful of men who walked away.[[167]](#footnote-167)

Like the Virginia state volunteers, the Alabama battalion ran into problems from racist whites. After hostilities against Spain had mostly concluded, some discussion ensued about mustering out the Third Alabama, but the soldiers argued to remain and were sent to Anniston, where whites from Tennessee, Arkansas, and Kentucky were already stationed. A first confrontation occurred in September, which the black troops’ commander characterized as an “assault” by white soldiers and civilians, leaving “a new, untaught regiment, composed of poor ignorant blacks, in the midst of a howling, frantic mob attacking and abusing them.”[[168]](#footnote-168) While he maintained the order and discipline of his troops, praising them for bearing “abuse and insult with manly patience for discipline’s sake,” the occasional clashes and confrontations ultimately led to a “riot” that pitted the black soldiers against the white regiments. A black corporal was ambushed and killed as he was returning to camp from church, and additional blacks and whites were injured.[[169]](#footnote-169)

The violence triggered a new round of race baiting and fear mongering, and conservative Democrats editorialized in favor of the immediate mustering out of the unit, but it was mustered out on schedule in March 1899. The Alabama legislature, gathered for a special session that fall, reorganized the National Guard to prevent the re-formation of the unit and the Third Alabama’s erstwhile white commander moved on to the Philippines. The soldiers returned home as Alabama’s conservative Democratic elites geared up to develop a new constitution that would secure white supremacy for the foreseeable future.[[170]](#footnote-170)

*The Immunes*

As noted above, mobilization for the war took place in two phases, with the first call for troops largely mobilizing state national guard units. Congress authorized a second call for volunteers in May, which also sought to bolster the Regular Army, which generated problematic competition for officers.[[171]](#footnote-171) The second call had another interesting element to it. The authorizing legislation included a specific directive from Congress to the Secretary of War to “organize an additional volunteer force of not exceeding ten thousand enlisted men possessing immunity from diseases incident to tropical climates.”[[172]](#footnote-172) The concern about disease was warranted. Spanish troops were already facing high rates of infection with yellow fever, and Congress was justifiably concerned that the American troops occupying Cuba would be entering a charnel house.[[173]](#footnote-173) It was widely believed both that having had yellow fever once rendered an individual immune, and that blacks had more natural resistance to the disease than whites, so the statutory language authorizing the recruitment of immunes was plainly racially coded.[[174]](#footnote-174)

General Order No. 60, issued on June 1, established ten segregated infantry regiments. The seventh through tenth were to be composed of Immunes, with largely white officers, but including black chaplains and lieutenants.[[175]](#footnote-175) The Immunes were recruited across a wide swath of the south. The original plan called for recruitment from Missouri, Arkansas, Tennessee, Kentucky, Louisiana, Virginia, and North Carolina.[[176]](#footnote-176) The regiments, however, filled their quotas from across the south; the Tenth had companies from the District of Columbia, Virginia, South Carolina, Georgia, and Florida.[[177]](#footnote-177)

As noted above, the black press, particularly the *Richmond Planet*, pressed for black officers. The U.S. Army proved to be slightly more amenable to these calls than the states that mustered their national guard units into service. President McKinley commissioned one hundred new black officers, albeit none over the rank of second lieutenant.[[178]](#footnote-178) The troops, once assembled, were sent south for training, with the Tenth going to Georgia. Regimental Commander Colonel Lee resigned his commission when he learned that the officers’ mess would be integrated, and was replaced by Colonel Thaddeus Jones, who had served with the Tenth Cavalry and was thus experienced in working with black troops and respected their abilities.[[179]](#footnote-179)

The Tenth’s experiences in Georgia were dismally similar to those of the national guard troops from Alabama and Virginia, although they did not experience an episode of large-scale violence and death triggered by escalating discriminatory actions by local whites and nearby white troops and retaliation on the part of the black soldiers. In one instance, the Tenth was pressed into service to quell potential rebellion from the Sixth Virginia after soldiers from the Sixth Virginia cut down a tree that allegedly had been used in a lynching.[[180]](#footnote-180)

The Seventh and Tenth Immunes were mustered out of service in February and March respectively. They garnered negative attention in the white press for unruliness and violence as they left their encampments; some of them men fired their weapons from the train’s windows as the trains left Macon.[[181]](#footnote-181) They soon found their trains met by police and armed men when they arrived and most of the men returned to their homes in peace.[[182]](#footnote-182) The reporting, however, left the impression that the black troops were incapable of being disciplined into orderly soldiers and thus that black men were unsuited for military service; the *New York Times* characterized the creation of the Immune regiments as a failed experiment.[[183]](#footnote-183) The experience of these troops, however, was not so discouraging to the Army as to prevent another experiment – the formation of the 48th and 49th U.S. Volunteer Infantries.

The Philippine War: Civic Loyalties and Racial Betrayal

As noted above, officials’ belief that blacks were more resistant to yellow fever and other tropical diseases contributed to the decision to mobilize segregated units. Most of the national guard units and volunteer units had been mustered out of service in the late winter and early spring of 1899, but the formal end of the war with Spain did not mark the end of military conflict, as Filipinos resisted the imposition of a new imperial power. In the spring of 1899, the four black regiments in the regular army – the 9th and 10th cavalry and the 24th and 25th infantry – were deployed to the Philippines.[[184]](#footnote-184) On September 9, 1899, President McKinley ordered the creation of two additional regiments, the 48th and 49th U.S. Volunteer Infantries, “the enlisted men thereof to be colored.”[[185]](#footnote-185) They were to be recruited in the same manner as previous Immune regiments. Resisting the overwhelming wave of hostility toward black soldiers and black officers, the War Department did not place an entirely white cadre of officers in command of these regiments, choosing instead to draw from the now slightly enlarged pool of black soldiers who had some experience in command through their service in state units.[[186]](#footnote-186) Prior to the end of the Spanish American War, many of the enlisted Immunes assumed that they might eventually do garrison duty in Cuba, but by the time the 48th and 49th Infantries were created, the need for combat troops in the Philippines was clear.

If the Spanish American War was something of a triumphal comedy for the United States, which garnered a quick and decisive victory with little loss of life, the less well known and celebrated campaign in the Philippines was anything but. The Battle of Manila Bay in May 1898 was a turning point not just in the struggle between Spain and the United States, but for Filipinos as well, as exiled leaders took Spain’s defeat as an opportunity to return to the islands and begin organizing an independent republic.[[187]](#footnote-187) The Americans, however, did not recognize this movement as legitimate or competent; political elites saw the advocates for independence as agitation on the behalf of a handful of idealists to empower people who were “still in a savage state.”[[188]](#footnote-188)The disparate elements in play included “the handful of idealists . . . , insurgent generals . . . , the densely ignorant majority, . . .a wavering, half-educated minority . . . , [and] . . . the friars.”[[189]](#footnote-189) McKinley’s administration also saw the possibility of enhancing US commerce and was concerned that the islands might attract the attention of another great power. Thus, ignoring the independence movement, McKinley demanded that Spain cede the Philippines to the United States, which was incorporated into the Treaty of Paris.[[190]](#footnote-190) Two days before the Senate ratified the treaty, General Emilio Aguinaldo’s troops engaged the Americans near Manila, and in early June, the nascent Filipino government declared war on the United States.[[191]](#footnote-191)

Neither conventional American nor Filipino history significantly highlights this conflict, although it “cost the lives of over 600,000 Filipinos and involved 126,000 American soldiers, three-quarters of the U.S. Army.”[[192]](#footnote-192) The nature of the war itself may be part of the reason for its lack of celebration. For the Americans’ part, the contrast with the Spanish American war was stark. The Spanish were readily painted as villains and incompetent governors, and that war’s rapid prosecution and quick success tied in with a triumphal and exuberant sense of American heroism. On the other hand, Filipino leaders, particularly Aguinaldo, had already invoked the script of legitimate rebellion and the dream of a republic in earlier struggles against Spain, placing American admirers of Cuba’s revolutionary voices in an awkward position. For the Filipinos, Spain was also readily mobilized as an exploitative colonial conqueror whose chains were legitimately broken. Yet in the conflict with the United States, Aguinaldo’s willingness to compromise and collaborate with the Americans and his poor strategic sense made him ill suited to bear the mantle of a Washington, a Toussaint, or even a Robespierre.[[193]](#footnote-193) Aguinaldo furthermore garnered most of his support from provincial elites rather than the masses, which thwarted the possibility of a mass popular uprising.[[194]](#footnote-194)

Further from the US side, however, the continued conflict did not resonate well either with masculine jingoism or reconciliation. The one real rhetorical value of ongoing warfare was the opportunity it provided for more young American men to test their mettle in combat, but the emphasis of imperialists after 1900 was more on the new territories as a school for the development and maturation of political authority.[[195]](#footnote-195) The Spanish-American War’s rapid prosecution and quick victory augmented a fairy tale narrative of national reunification and reconciliation that had no use for a coda involving a bloody civil war and even longer resistance after that war was prematurely pronounced to be at an end.

The war proceeded in three phases. The first was a first period of conventional armed combat between the Americans and the Filipino revolutionaries that extended until November 1899. Afterward ensued a period of vicious guerilla warfare marked by atrocities on both sides until the capture of Aguinaldo in March of 1901 and the surrender of many remaining guerilla leaders over course of the next year. The final and longest phase featured more muted and localized resistance for several years afterward.[[196]](#footnote-196) The conventional view is that the revolution, diminished to resistance, faded away in part due to the elite clientelist and liberal orientation of the original visionaries, who failed to connect with the peasants and gain their full support for political transformation by promising social transformation.[[197]](#footnote-197) Ethnic conflict, petty ambitions, and the Filipinos’ inability to attract powerful allies also played roles.[[198]](#footnote-198) Nonetheless, the official endpoint of the war expounded by Theodore Roosevelt in July 1902 masks both the continued efforts by determined Filipinos to reject US sovereignty and the continued service of all-black regiments tasked with suppressing these efforts, now legally deemed mere “banditry” under US law.[[199]](#footnote-199)

The experiences of the approximately 6000 blacks who served, both officers and enlisted men, were not as readily portrayed as triumphal and heroic as either service in the Civil War to demolish slavery or in the Spanish American War to overthrow the hated Spaniards. Nor did the soldiers themselves always see their service in unambiguous ways. The men who served in the Philippines undoubtedly saw the shift in press coverage of the black troops who had fought in Cuba and many were connected enough to hear of the “violence and lack of recognition” experienced by the troops who had trained for combat but never left the United States.[[200]](#footnote-200) Placed in the peculiar position of visibly carrying Kipling’s “white man’s burden,” both the soldiers themselves and the black press that covered them at times expressed contradictory representations of their service and its connection to full citizenship. Their takes on the war ranged broadly from complete support for the US occupation and expressed plans for democratic tutelage for Filipinos to quiet criticism of both US imperial policy and the continued racism within the US military.[[201]](#footnote-201)

The first black troops arrived in the summer of 1899 and were deployed first in Manila and then in the fall in Northern Luzon where they were employed in an effort to capture Aguinaldo.[[202]](#footnote-202) The war was already underway when they arrived, pursued largely by state volunteer forces, but the War Department hoped that the infusion of new immunes would change the balance of power. White reporters noted that Filipinos encountering black Americans for the first time perceived them as racial cousins of sorts, a perception undoubtedly reinforced by their witnessing of white American racism directed at the new arrivals.[[203]](#footnote-203) Nonetheless, the new arrivals viewed themselves as fully American and embraced their performance of honorable service as a duty. As Corporal William Fulbright explained in a letter to the editor published in the *Manila Times*, “The Stars and Stripes that wave over an American white man wave over the American black man and make him joint heir to the white man’s liberty; hence it is our duty as citizens to protect this country in time of war.”[[204]](#footnote-204) Sergeant Middleton Saddler, fresh from a commendation for exemplary service in the preliminary struggle at El Caney in Cuba, reinforced the troops’ primary commitment to America, declaring in the Indianapolis *Freeman* that “Our oaths of allegiance know neither race, color, nor nation and if such a question should arise it would be disposed of as one of a political nature by a soldier.”[[205]](#footnote-205)

Nonetheless, the vision that some of the black officers had for the future differed subtly from the emerging white consensus about the need for political, social, and cultural tutelage for the United States’ new subjects. Saddler, for instance, expressed respect for the Filipinos, both those collaborating with the occupation and those opposing him in the field. At this early phase of the war, he commented that, while Spain’s influence had “made them treacherous,” they were more civilized warriors than their Cuban counterparts. He further asserted that they could rapidly be transitioned toward legitimate self-rule: “if these people are given home rule under American protection it will finally result in absolute independence.”[[206]](#footnote-206) They also were not slow to call out discrimination and overt racial hostility by their white counterparts, and resented the lack of meaningful effort to suppress this behavior.[[207]](#footnote-207)

Some of the black Americans who served continued to press the narrative of ideal citizenship and manliness in an unambiguous way. Five officers from the Third North Carolina served in the Philippines, having been placed in command positions of other units by the War Department. North Carolina’s David Gilmer was temporarily promoted to Captain, serving as the commandant of a military post at Linao.[[208]](#footnote-208) In his position of leadership, he thwarted an attempt by revolutionaries to ambush a reconnaissance mission by recognizing that their purported guide was in fact a revolutionary agent.[[209]](#footnote-209) Gilmer was vocal about the significance of his service; upon leaving Linao, he delivered a farewell address published in the *Colored American Magazine* celebrating American ideals and advising Filipinos “to judge men according to the deeds of the individual and not by the color of his skin.”[[210]](#footnote-210)

A few soldiers abandoned their commitment to the United States and its chimerical promises of equality entirely. Filipino revolutionaries specifically targeted black troops with propaganda leaflets, encouraging both desertion and defection on racial grounds, stoking the anxieties of white officers.[[211]](#footnote-211) They were connected and sophisticated enough to invoke the showcase lynching of Sam Hose, a notoriously grisly event that took place in April of 1899.[[212]](#footnote-212) The most notable defector was David Fagen, who had enlisted in the 24th Infantry in 1898, was briefly demobilized, and then re-enlisted and arrived in the Philippines in the summer of 1899.[[213]](#footnote-213) While he was promoted to corporal fairly quickly, he experienced some tensions with his white superiors and was assigned many “dirty jobs” as a result.[[214]](#footnote-214) Disenchanted with his white officers, he slipped away and became an officer in the revolutionary army, leading troops effectively against his former regiment in battle at least eight times.[[215]](#footnote-215) His achievements were not unknown in the United States – the white press, including the *New York Times*, reported on him, at times praising his military audacity and skill – but the black press maintained silence.[[216]](#footnote-216)Most sources agree that he was probably ambushed and killed in 1901, although his body was never conclusively identified by US authorities.[[217]](#footnote-217)

At least twenty-nine black soldiers were alleged to have deserted prior to the 1902 formal end of the war, and a smaller number allegedly defected, including three men serving in the 9th Cavalry.[[218]](#footnote-218) A handful of white soldiers defected as well.[[219]](#footnote-219) The 9th Cavalry men joined the Filipino revolutionaries in March of 1901, although the rebellion was struggling by then. They accompanied the Filipinos for four months, during which one died, but the surviving men ultimately returned to the US forces, claiming that the private who had died had deceived them and delivered them into Filipino nationalist hands where they were held against their will.[[220]](#footnote-220) They were nonetheless tried, convicted, and executed, although the usual practice (which was followed with respect to some fifteen white defectors) was for the President to intervene and commute the death sentence.[[221]](#footnote-221)

In 1900, the war shifted from formal military engagement by the Filipinos to guerilla warfare, and any hopes that a shift in domestic American politics would lead to the loss of military resolve abroad were extinguished with the electoral defeat of William Jennings Bryan by McKinley.[[222]](#footnote-222) While direct engagements decreased, skirmishes continued, with revolutionaries occasionally inflicting significant casualties.[[223]](#footnote-223) For instance, in February 1901, around 300 revolutionaries engaged the 49th U.S. Volunteers, resulting in the wounding of three black soldiers, the deaths of thirteen Filipinos, and the wounding of thirty.[[224]](#footnote-224) In another encounter, around 170 revolutionaries attacked a small detachment stationed in a town; approximately twenty black soldiers held them off while two others raced away to bring back reinforcements, completing an eight-mile round trip under attack in an hour and a half. From this encounter, two black officers and two black privates earned recommendations for Medals of Honor.[[225]](#footnote-225) Despite the ongoing violence, the U.S. government sought to shift from an orientation of war and conquest to “an orderly and controlled environment under an American civil government that professed benevolent intentions toward the Filipino people.”[[226]](#footnote-226) The continued exercise of military force was required to maintain this order, though the Filipino revolutionaries were reclassified as brigands and bandits.

Times had changed in other ways, too. While national media did at least initially cover the critical role of black soldiers in significant military engagements in Cuba, no comparable wave of coverage accompanied their participation in the capture of revolutionary leader Aguinaldo in March of 1901. Part of the reason for this blind spot may have been General Frederick Funston’s refusal to acknowledge their role, particularly that of company commander Lieutenant Taylor.[[227]](#footnote-227) As the volunteers brought in as immunes largely cycled out and returned to the United States, the black cavalry regiments shouldered more of the burden of suppressing continuing resistance.[[228]](#footnote-228)

Just prior to this, Congress authorized the creation of the Philippine Scouts, a regular army unit that would incorporate Filipinos and about whom I will have more to say below. Enrollment began in September of 1901.[[229]](#footnote-229) The officers designated to lead the Scouts were Americans, and three blacks received commissions to serve in this capacity.[[230]](#footnote-230) The Scouts, like the black units, were segregated, but they were also divided on ethnic lines as well, and the Army made use of ethnic rivalries and alliances in deploying and stationing these men.[[231]](#footnote-231) Edward Baker was initially appointed at the rank of Second Lieutenant in 1902 and later promoted to First Lieutenant, David Gilmer, who had formerly held the rank of Captain in the 49th Volunteer Infantry, was appointed as a Second Lieutenant in 1903, and George Thompson was appointed as a Second Lieutenant in 1905 and promoted to First Lieutenant in 1907.[[232]](#footnote-232)

These advances, however, were ephemeral. The massive call up for the Spanish American war, coupled with the introduction of modern ships, made service in the Navy far more attractive to whites, and integration in the Navy became increasingly problematic. Blacks were increasingly shunted into support and service roles, and many declined to re-enlist, dropping their numbers to less than 5% of sailors by 1906. In 1912, a Naval parade review with 6000 sailors participating had not one black sailor in the crowd.[[233]](#footnote-233)

When the 25th Infantry returned to the United States from the Philippines in 1906, one battalion was sent to Fort Brown in Texas for further training. Racial conflict broke out almost immediately, and white police engaged in oppressive behavior toward the black soldiers. One night, gunfire erupted, leaving a white man dead and two others wounded, provoking massive national outrage against the black soldiers, though none confessed under intensive police pressure.[[234]](#footnote-234) Brigadier General Ernest Garlington, a South Carolinian who had served as Inspector General in the Philippines and was on the Army’s General Staff, was entrusted with the investigation, and found that the battalion on the whole was guilty.[[235]](#footnote-235) President Theodore Roosevelt ordered the dishonorable discharge of all members of Companies B, C, and D of the 25th Infantry, save those who had been on leave, provoking a controversy.[[236]](#footnote-236) Led by Ohioan Joseph Foraker, the Senate addressed resolutions to Roosevelt and the Secretary of War contesting the evidentiary basis for the investigation’s conclusion that the black soldiers were culpable.[[237]](#footnote-237) Roosevelt angrily justified his decision, citing his public condemnation of lynching as evidence of his racial liberalism. He explained, however, that “In the case of these companies we had to deal with men who . . . were guilty of . . . the worst possible form of lynching – for a lynching is in its essence lawless and murderous vengeance taken by an armed mob for real or fancied wrongs – and who in the second place covered up the crime of lynching by standing with a vicious solidarity to protect the criminals.”[[238]](#footnote-238) The dishonorable discharges stood, drastically limiting the men’s future prospects and cutting them off from access to any veterans’ services, as well as reinforcing negative perceptions about the discipline and reliability of black troops.

The three black men who served as officers for the Scouts also did not fare well in the long run. Lieutenant Baker led a company of the Scouts but had little administrative support and faced disrespect from white officers who served under him. After seven years of service, he was found by an all-white board of military reviewers to be unfit for promotion or reappointment, and retired involuntarily.[[239]](#footnote-239) George Thompson ran into trouble for, among other things, “immorality with native women, allowing enlisted men to violate quarantine, and borrowing money from his first sergeant.” A General Court Martial convicted him and dismissed him from service.[[240]](#footnote-240) And David Gilmer, who had written prolifically about the war in the black press and expressed his solidarity with Booker T. Washington’s positions on racial uplift, found himself before a court martial in 1909.[[241]](#footnote-241) He was accused of conduct unbecoming an officer in connection with alleged negative and false statements he had made about his white second lieutenant, accusing him of showing weakness before the Filipino Scouts.[[242]](#footnote-242) In May of 1910, he was found guilty on all counts and ordered dismissed from the service, but the President, under pressure from Booker T. Washington and other black notables, commuted it to a “reduction of fifteen files in lineal rank.”[[243]](#footnote-243)

*Representing War*

Over time, the complexity and ambiguity of black service increased, though expressions of these standpoints were cautious and perhaps silenced in the press back home. Filipino revolutionaries claimed that in Manila, “more than 400 blacks are detained for their refusal to fight against our troops.”[[244]](#footnote-244) This report provided to Aguinaldo was possibly exaggerated, as the US regimental histories have no corroborating record and neither the white nor the black American press discusses such widespread resistance.[[245]](#footnote-245) Nonetheless, black troops serving in the Philippines certainly knew that politics and culture back in the United States continued the reinforcement and spread of white supremacist ideology, and moreover, they must have been aware of specific acts of violence perpetrated against black units and individual black soldiers with the active participation or quiet acquiescence of state agents.

A shift in the war complicated matters as well, as Aguinaldo reoriented his fighters toward guerilla warfare in November 1899.[[246]](#footnote-246) As the struggle continued, Filipinos themselves acknowledged and at times exploited differences between their black and white colonial masters. Black Sergeant Major John Calloway interviewed elite Filipinos to get their take on the race question, writing stories for the *Richmond Planet*. He presented the Filipinos as recognizing illegitimate white prejudice against the black soldiers and expressing some solidarity with the black soldiers; in Calloway’s report, one Filipino flipped the usual racial script of honor and masculinity: “the affinity of complexion between you and me tells and you execute your duty so much more kindly and manly in dealing with us.”[[247]](#footnote-247) Calloway himself cast blacks as potential uplifters and benign colonizers of the Philippines who might facilitate the Filipinos’ development toward suitability for self rule in a more compassionate and friendly way than the more distant, racist, and brutal whites.[[248]](#footnote-248) This theme was developed and further enhanced by Captain F.H. Crumbley of the 49th Infantry, who envisioned a future of young black missionaries and teachers coming to the Philippines to educate and develop the populace.[[249]](#footnote-249)

These cautious moves toward building racial solidarity did not go unnoticed by more highly ranked white officers. Calloway’s sympathies and nuance ultimately did not serve his career well. While raiding the home of a suspected Filipino undercover agent, military authorities discovered a letter from Calloway to the suspect in which Calloway confessed to being “constantly haunted by the feeling of how wrong morally we Americans are in the present affair with you.”[[250]](#footnote-250) Calloway also advised him that “education for the masses would ultimately bring ‘the day . . . when you will be accorded your rights.’”[[251]](#footnote-251) The letter that damned Calloway in the eyes of his superiors embraced the conservative Booker T. Washington uplift approach that Calloway had previously expressed in his writings for the *Richmond Planet*, but the officials saw only sympathy for the insurrection.[[252]](#footnote-252) Officials further noted with alarm that Calloway had served in defector David Fagen’s former regiment; this was enough for them to convict Calloway, strip him of his rank, jail him, and send him back to the United States for dishonorable discharge.[[253]](#footnote-253) Calloway, in typical clear fashion, objected, and explained that his assurance to the Filipinos that they would eventually be accorded their rights was no call to revolution, but rather, “To elucidate, it bears the same relation that the question at home relates to my people, affects my obligation and duty to the Government through my connections with the Army. That we as a people, in America, have few rights that any one is bound to respect is perfectly plain to every colored man; but does it . . . affect in fealty in the discharge of our duty to the Government – whether citizen or soldier? Not one jot or tittle.”[[254]](#footnote-254)

Despite their engagements with Filipinos and some recognition of the mutual dangers of white supremacy, most black enlisted men and officers maintained their public support for the war, framing it in terms of their duty to the country. One, for instance, wrote a letter to the editor of the *Colored American* expressing his frustration with the black community’s intense debate over the war: “we of the 25th Infantry feel rather discouraged over the fact that the sacrifice of life and health has to be made for a cause so unpopular among our people.”[[255]](#footnote-255) While the troops saw their sacrifice as a duty, they were also performing it for themselves and for the race. Captain H.W. Jackson, reflecting on his early experiences near Manila, expressly rejected racial solidarity with the Filipinos resisting U.S. sovereignty. Upon seeing the placards they were distributing to encourage black officers and enlisted men not to fight, he reported, “we only laugh, for we are U.S. soldiers, and all the enemies of the U.S. government look alike to us, hence we go along with the killing, just as with other people.”[[256]](#footnote-256)

The question of imperialism, however, produced some interesting developments among black thinkers stateside. Some black thinkers saw the new imperial orientation of the United States as a phenomenon upon which they were particularly qualified to comment. Black poet Benjamin Griffith Brawley pointed out the hypocrisy of America’s imperial ambitions in light of the tightening regulations on Chinese in the continental United States: “Ye hoot the yellow Mongol from your land/But forth to regions all his own ye go/To reap the riches of his overflow/And just ye call the working of your hand!”[[257]](#footnote-257) As Chicago essayist and public figure Frank Putnam explained in 1900, “No other American citizen is so vitally interested in the right settlement of the problems growing out of the Spanish-American war as the colored man.”[[258]](#footnote-258) The freedom won in the Civil War was under threat by Southern defiance against the national constitution, resulting in mass disenfranchisement, but also by the plutocratic North’s unwillingness to get involved.[[259]](#footnote-259)

Putnam linked continuing racism in the south definitively to empire and to white supremacy: “The. . . national government . . . denies the fitness of the colored men of Porto Rico, of Cuba and of the Philippines for self-government; asserts by its actions its belief that self-government is the right of only the white race. Through its press it hurls the dastardly epithet of traitor at men who dare demand equal and exact justice for the younger and less fully developed peoples. Its press is silent upon . . . the intention of the Southern States to set the colored man back into political bondage.”[[260]](#footnote-260) But for him, the real culprit was plutocracy, and he advocated that black voters across the nation throw their support to William Jennings Bryan in the upcoming presidential election. He was not alone in this surprising willingness to consider leaving the Republican Party over the question of imperialism. White author Charles Winslow Hall called out the Republicans’ abandonment of blacks in the south to the “hundreds of murders and thousands of minor outrages perpetrated by the Ku-Klux and their nameless imitators” as a “shameful surrender and miscarriage of justice,” and further criticized the party for its failure to “adequately protect or avenge its Afro-American allies who have suffered or fallen in [the service of the Federal Constitution.]”[[261]](#footnote-261)

Arguing against imperialism, however, did not blind black observers to the supremacist elements that opposed American expansion. An editorial from the *Lewiston Journal* reprinted in *The Colored American* noted acidly that “Anti-imperialists who sweat blood because McKinley, in obedience to the Senate, assumes to place the flag in Manila and to defend it there, are silent over the act that Louisiana and Mississippi pass laws that admit the vote to white men who cannot read or write and deny it to black men because they cannot read or write . . . here in this nation the very sins which they wrongfully impute to the Republican party in the Philippines, they cultivate and promote within the body politic of the states of the nation that hate the Negro.”[[262]](#footnote-262) Anti-imperialism may have created strange bedfellows, but black anti-imperialists were quite capable of drawing distinctions among the varieties of anti-imperialism, and recognizing which complaints about the abuses of empire came from an isolationist standpoint that saw no need to disturb the rapidly flowering infrastructure of Jim Crow in the south.

This complexity can be found in white responses to the imperial imperative as well. Some whites joined blacks in questioning the nation’s capacity to serve as an effective tutor to lead less developed people into the light of civilization because of the national failure to establish orderly democratic rule in the south.[[263]](#footnote-263) Imperialism would simply expand the scope for racialized injustice, driven as it was by a desire for economic exploitation in an environment in which neither political party had the necessary will to define and implement a process for transitioning the newly acquired territories to independence.

Opposition to empire came from other ideological perspectives as well, and some isolationists had particularly racialized concerns about the implications of territorial expansion. Notorious racist Senator Ben Tillman delivered an address on the floor of the Senate expressing his love for Rudyard Kipling but explaining that the southern experience with blacks convinced him that functional bi- or multi-racial democracy was impossible without initiating “deterioration and injury to both and the ultimate destruction of the civilization of the higher.”[[264]](#footnote-264) Supreme Court Justices White and Brewer expressed their views that allowing citizenship, self-government, and ultimately statehood for these new “coloreds” would repeat and amplify the error of trying to incorporate blacks in the south as full citizens.[[265]](#footnote-265)

A very different source of opposition to imperialism came from those like Mark Twain and Kelly Miller who supported allowing the newly freed territories to determine and define their own destinies rather than imposing western institutions and values by force.[[266]](#footnote-266) Riser identifies a related position taken by political actors who feared for the long-term health of American democracy if the nation were to hold subordinated colonies without full individual and collective participatory rights in governance on the local and national level.[[267]](#footnote-267) Most of these varied white observers, however, whether in favor of, ambivalent about, or opposed to American empire, seemed not to notice that some of those taking up the burden were not themselves white.

Pulling it All Together: Framing Black Service, Sacrifice, and Governmental Obligation

At the turn of the century, developments in the south proceeded ominously and northern policymakers increasingly signaled their unwillingness to intervene, even to secure partisan advantage. Black soldiers and their advocates hoped that service would help to reignite appreciation for black commitment to American ideals and gratitude to the race for individual blacks’ willingness to participate in exporting these ideals to new territories. These hopes were not fulfilled, and the ideals themselves were stripped of liberative elements both at home and in the Philippines. Efforts to promote and render more visible the worth of black service fell short of achieving inclusion in the emerging imperial narrative, despite their consciousness and vigor.

Black soldiers were celebrated in the pages of *The Colored American Magazine* and other black press outlets, which pressed the standpoint that service entitled black soldiers, and by analogy other members of the race, to fuller citizenship. The May 1900 issue featured a photograph of Company L of the sixth regiment, a celebrated black unit from Massachusetts.[[268]](#footnote-268) In July of 1901, the magazine published a detailed profile of Civil War Colonel William Dupree in response to statements by white delegates to the Alabama constitutional convention about blacks’ unfitness for civic membership and governance.[[269]](#footnote-269) As noted above, the black press generally, regardless of editors’ positions on the question of colonization, celebrated black military successes and sought to publicize black heroics. At least one writer, George L. Kilmer, compared the troops who served in Cuba, Puerto Rico, and the Philippines favorably with those who had served in the Civil War, arguing that they were a more mature, selective, and better trained group of men. He optimistically concluded in February 1901 that they had proved themselves, earning the respect of the army and its officers: “They study the character of the black man and bring out the best that is in him for military purposes. The race now has a chance to show its metal, and it is proof that results justifies the faith of the friends of the colored man that the Government raised additional regiments of blacks for the new army, and has also commissioned colored line officers.”[[270]](#footnote-270) Further, this “schooling” would fit them well for civilian life and advancement for the race.

Black soldiers, especially those in positions of leadership, took their colonial responsibilities seriously and at times situated themselves comfortably as tutors in western norms and values. Long-term veteran Army Chaplain Theophilus Steward, who had served with the Buffalo Soldiers and in Cuba, and later became a professor of history, logic, and French at Wilberforce University, published sequential accounts of his experiences. He described interacting with and ministering to Filipinos, particularly noting practices like extended kinship living, proxy marriage, and the demand of filial subordination.[[271]](#footnote-271) He further reported having addressed the worthies of a town, “set[ting] forth the general advantages of education, and also the importance of learning the English language, emphasizing the liberal intentions of the government, and also mentioning the fact that I had recently seen that the Paris Exposition had decided that America led all the nations in its school-books and methods of primary instruction.”[[272]](#footnote-272) He praised the broad plan for a transition to democratic civil government, but deplored the educational system’s inadequacies, which would not serve to fit the people for effective self rule.[[273]](#footnote-273)

Likewise, a soldier serving in the 25th Infantry published a discussion of the groups of people in the islands. He described five Malay tribes initially descended from the original “Negritos,” though “countless intermingling of Chinese and others have produced all the other tribes,” identifying the Tagalos as a dominant group, “inciting the other tribes to his cause by superstitious teachings and threatenings.”[[274]](#footnote-274) The tenor of his comments was somewhat less critical and dismissive in tone than white observer Marrion Wilcox, who likewise distinguished between the “mass of the natives” and the “clever *mestizos*” who instigated the revolution, though Lemus seemed to hold out somewhat more hope for an eventual transition to Filipino self rule.[[275]](#footnote-275)

Steward wove his description of his own military service into a broader argument about the fitness of blacks for full civic membership based on their accomplishments. Expanding on his serials, he published a book in 1904 entitled *The Colored Regulars in the United States Army*. The book provided an overview of black soldiers’ participation in American wars, but focused most of its attention on the Spanish American War. It was published in 1904.[[276]](#footnote-276) The book described the exploits of “our little army of trained and seasoned soldiers, representative of the skill and daring of the nation,” paralleling their testing of their mettle with that of the nation itself as it emerged from isolation and disdain for foreign affairs.[[277]](#footnote-277) Steward took particular pains to explain the maneuvers and troop placements involved in the Battle of San Juan Hill, painting a rather different picture than the romantic and heroic popular description of the Rough Riders’ charge and victory. In his narrative, drawn from military sources, the Rough Riders owed their success to the Tenth Cavalry’s attack on the Spanish trenches. He also countered the image of the black soldier as a childlike or savage fighter: “He is too often represented as going into action singing like a zany or yelling like a demon, rather than as a man calculating the chances for life and victory.”[[278]](#footnote-278) Steward described the black troops’ service in other battles, quoting liberally from military sources.

By his account, after the critical battle of El Caney in Cuba, a regimental commander addressed the colored troops to commend them for their service. He complimented their bravery and coolness under fire, stating “seldom have troops been called upon to face a severer fire, and never have they acquitted themselves better.”[[279]](#footnote-279) He joined them in mourning the lives lost, describing them as follows:

Being of a race which only thirty-five years ago emerged through a long and bloody war, from a condition of servitude, they in turn engaged in a war which was officially announced to be in the interest of humanity and gave all they had – their lives – that the oppressed might be free, and enjoy the blessings of liberty guaranteed by a stable government. They also died like true soldiers and received a soldier’s burial.[[280]](#footnote-280)

The commander thus situated the black troops as full men with the same interests in liberty and governance as the white soldiers who likewise fought for a rhetorical commitment to imposing and extending American values. The men who died received full equality in exchange for their sacrifice, but the equality was merely the privilege of dying as soldiers unmodified by color and receiving a burial that recognized them as soldiers first without notice of color.

The theme of black troops’ having earned equality through their service ran through Steward’s report. In another incident, he quoted a different officer’s tale about a white cavalryman’s offering his cup to a black corporal who had lost his in battle. The officer “was glad to see that I was not the only man who had come to recognize the justice of certain Constitutional amendments, in the light of the gallant behaviour of the colored troops throughout the battle.”[[281]](#footnote-281) Throughout the book, Steward assembled significant evidence that at least in rhetorical terms, Army officials recognized the worth of the contribution that men of color made on the front lines.

But despite these observations, Steward remarked that the service these troops had performed earned them very little in terms of civic recognition, greater equality, or more access to the rights protected in formal terms by the Constitution. Black soldiers were not promoted to leadership positions in the regular army, even within their own regiments. As Steward relates, “The sum total of permanent advantage secured to the colored regular . . . in that bloody ordeal where brave men gave up their lives for their country’s honor, consists of a few certificates of merit entitling the holders to two dollars per month additional pay as long as they remain in the service.”[[282]](#footnote-282)

As Steward acknowledged bitterly, the celebration of black troops’ success nationally was short-lived. Initially, the troops received praise for their rigorous training, their representation of American values, and their courage in military engagements in Cuba. The national government solicited black troops as immunes, but also used them consciously as part of the imperial agenda, with some whites envisioning them as model citizens in tutelage for the “new-caught sullen people” whom the United States would lead toward the light of democratic self-rule. But as the century turned, white supremacist ideology triumphed across the south and for the most part, white northerners acquiesced, although they would occasionally object to especially gaudy and lawless acts of mass racism.

Did the trajectory of blacks’ experience in the armed forces reflect or drive these dynamics? Perhaps a bit of both. The move to commission black officers in the Philippines was important – it marked a moment of trust in and respect for black leadership, and these officers demonstrated clear awareness of the significance of their roles in their public communications about their commitments and work. Nonetheless, they found themselves under suspicion and surveillance. The trouble that Scouts officers Baker, Thompson, and Gilmer experienced, which resulted in reductions in rank and dismissal from armed service, illustrated the stunted scope of civic and imperial leadership available to black soldier-citizens. They could indeed carry the white man’s burden, but it remained white, without whitening them or their prospects. The masculine vigor that accompanied the work of building governance was racialized masculinity, and left less and less room for its exercise by black men in leadership positions.

Contemporary observers saw the door closing and recognized per Blight that the reimagination of the Civil War as a tragic fratricidal conflict left little room for the independent black citizen-soldier. In 1905, the White House celebrated this frame by appointing simultaneously as aides to the President the grandson of Ulysses S. Grant and the grand-nephew of Robert E. Lee. The editors of the *Colored American Magazine* acknowledged Roosevelt’s expressed desire to complete the reunification of the nation alongside his expressed support (or, as they called it, “propaganda”) for establishing “the Negro’s right to every enjoyment guaranteed by the National Charter to all citizens.”[[283]](#footnote-283) Yet, actions rather than words were the critical measure, and the editors noted that the “free man” had not received equal justice and consideration with “those who fought in support of disunion and treason, and against liberty.”[[284]](#footnote-284)

Probably with only slight hope of success, they recommended that to the scions of Grant and Lee the President add celebrated soldier and officer Charles Young, a West Point graduate who had served at the rank of Captain in the 9th Cavalry, earned distinction in combat and as a leader in the Philippines, and was managing military training at Wilberforce University in Ohio. He would represent “a free man, the product of that terrible struggle . . . In such event, it would appear that the country were not to unite at the expense of a component part of the Union.”[[285]](#footnote-285) While Young was worthy of recognition and honor, the editors knew which way the wind was blowing. Immediately after this item, they turned to a discussion of the alarming popularity of a different kind of remembrance: the theater version of Thomas Dixon’s novel *The Clansman*, which would in a decade be the basis for the film *Birth of A Nation*, inspiring the rebirth of the Ku Klux Klan.

Citizens or Subjects?

A final group offered service, and hoped to achieve greater status in exchange for their sacrifice. These were the Filipinos themselves, some of whom were commanded by the black officers discussed above. Generally, Filipinos, like Puerto Ricans, stood on shifting ground with respect to citizenship and civic rights. The legal status of the new territorial possessions and their inhabitants provoked controversy that ultimately reached the Supreme Court for settlement in a series of cases that remain standing law today.[[286]](#footnote-286) While the geographic territory initially gained through the Spanish-American War shrank over time, the legal distinctions created in this era have persisted, limiting the scope of rights extended to territorial citizens and establishing a formal constitutional framework for the persistence of incomplete citizenship.[[287]](#footnote-287) The question of how to deal with residents of the newly acquired territories, as well as how to handle those who had served, arose quickly, and US officials struggled to make sense of it. While the collection of conflicts that comprised most of the Insular Cases primarily involved taxation and were geographically based in Puerto Rico and Mexico,[[288]](#footnote-288) the principles they established lurked in the background of conflicts over how conflicts over the civic and military incorporation of Filipinos should take place. A significant question for Filipinos who served was whether the legal status of territorial citizen was an unmodified, unified, albeit ambiguous status that applied to all territorial residents. The classification of Filipinos as territorial citizens did not account for the observed racial differences that troubled and perplexed Americans.

As mentioned in the discussion of black troops’ engagement with Filipinos, both white and black Americans saw the residents of the Philippines as descended from different racial types. The modern concept of “Filipino” as an ethnic identity understood as such in the continental United States was an artifact of American imperialism, produced in part by the creation of a peculiar form of territorial citizenship that applied in America’s new possessions after the Spanish American War, but this identity took time to solidify. Racialization, however, was present from the beginning. President McKinley’s Philippine Commission, created in 1899, was tasked with “investigating the islands’ material resources, inhabitants, and commercial potential to evaluate their economic and geopolitical value to the United States,” and the commissioners meticulously catalogued races and tribes through the new science of ethnography.[[289]](#footnote-289) One of the more interesting consequences was an attempt by the United States in 1899 to extend the policy of Chinese exclusion to the Philippines, despite the recognition that they had “enjoyed comparative freedom” in the islands during the last half century of Spanish rule and were contributing productively to the economy.[[290]](#footnote-290)

The residents of the islands provoking the most concern, however, were the tribes, variously classified by perceived racial origins and distance from civilizability. Reflecting the current thinking among administration officials as well as ordinary American observers, an Army chaplain vividly illustrated the ethnographic labors undertaken in his published taxonomy of the “semi-civilized tribes.” He identified and divided them into Negritos (aborigines), Igorrotes (“a splendid race physically”), Tagals (who were like the Igorrotes but cleanlier), Ilocanos (“domesticated natives” appreciated for not giving trouble to the authorities), Tinguianes (believed to be descended from Japanese stock and described as “very intelligent and well formed, many of them being really handsome”), a nameless group presumed to have descended from “Hindoos who deserted from the British Army,” the Pampangos (distinguished by their shrewd businesswomen), Pangasinanes (hardier than the Tagals but less hard working than the Ilocanos), Cagayanes (the “finest race in the islands”), and the Macabebes – who proved to be particularly important in the military context, as we shall see.[[291]](#footnote-291)

Racial and national origin distinctions remained salient in the early imperial period, but American analysts were caught between the imperial impulse to flatten the spectrum and the taxonomic fervor of the new sciences of anthropology and ethnography. Faced with an ethnically, religiously, racially, and economically diverse multicultural society, American policymakers as well as the American public had difficulty grasping how to adapt existing racial frames to accommodate colonialism.[[292]](#footnote-292) The archipelago had a class of “wealthy and literate mestizo elite – many of whom had been educated in Spanish universities,” but analysts and policymakers opted not to separate these classes out in legal or structural terms in Filipinos’ relationship with the mainland, though the “practice of enumeration and classification produced new lines of division in Philippine society.”[[293]](#footnote-293) Outside of the Philippines, however, the existing frames that had gained dominance on the mainland about the dangers of miscegenation and mongrelization proved useful in identifying this population as a threat in need of close supervision and regulation.[[294]](#footnote-294)

Migration had been a concern in congressional debates over how to manage the acquisition and assimilation of the new American territories. While new American subjects did not have some of the criminal procedure protections enshrined in the Bill of Rights, the Treaty of Paris did secure their right to travel within the territorial jurisdiction of the United States.[[295]](#footnote-295) This provision produced some anxiety in the Senate, with one cohort of anti-imperialists raising concerns that migration would threaten the walls being erected to thwart “orientals” and would introduce a new and vexing racial problem into the states. Those promoting American empire assured them that the Treaty did not put the dangerous sorts of Filipinos on a path toward citizenship.[[296]](#footnote-296)

Imperialists and anti-imperialists in Congress and the executive branch found that barring Filipinos from acquiring citizenship was one agenda on which they could all agree, and both the State Department and leading Senators saw no issues with governing the territories under their constitutional powers without concern that those governed would have access to the protections of citizens.[[297]](#footnote-297) A dual logic supported this formulation: first, Congress was exercising its constitutionally granted plenary power to regulate the physical territory itself, and second, the new denizens acquired through conquest were not yet ready to exercise the mature civic tools of self governance.

Despite this assurance, the status of Filipinos remained somewhat murky. Congress clarified the situation modestly in 1902 with the passage of the Philippine Government Act, which followed upon President Roosevelt’s declaration that the “insurrection” was at an end. The act established that residents of the Philippines were indeed citizens of a sort – but citizens of the islands, not of the United States.[[298]](#footnote-298) The legislation identified Filipinos as falling within the category of the “U.S. national,” which entailed allegiance to the United States but did not secure all of the rights of citizens to those who held it.[[299]](#footnote-299) The legislation made no mention of any path to U.S. citizenship.

The Naturalization Act passed in 1906 included a provision that appeared to address the odd situation of the U.S. national, who was neither citizen nor alien under law. The act itself sought to rationalize and routinize the process for naturalization, establishing the Bureau of Immigration and Naturalization and requiring aliens to follow a standard procedure run through certified courts. The Roosevelt Administration pressed for and secured an English competency requirement in section 8.[[300]](#footnote-300) The penultimate section of the act pronounced that the naturalization laws would also “apply to and be held to authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States.”[[301]](#footnote-301) Such individuals faced modified requirements, in particular having no need to renounce allegiance to any foreign sovereigns, since they were under the sovereignty of the United States. The Act in its entirety, however, made no mention of changing any of the racial limitations expressed in other immigration legislation.

This language triggered formal guidance from the Attorney General’s office in 1908 that likely proved shocking to those who saw no risk of Filipino citizenship arising from the archipelago’s acquisition. Charles Bonaparte, a notable progressive and reformer, interpreted section 30 to provide a pathway to citizenship for native Filipinos. He explained that all Filipinos were clearly in the category defined by section 30.[[302]](#footnote-302) Filipinos “are not aliens, for they are not subjects of, and do not owe allegiance to, any foreign sovereignty. They are not citizens yet they ‘owe permanent allegiance to the United States,’ since they owe and can owe it to no other sovereignty.”[[303]](#footnote-303) Under this interpretation, their naturalization would simply proceed under the requirements set forth in the act: a declaration of an intent to becomes a citizen at least two years before applying for naturalization, and the usual good character requirements. Residence in any US insular possession would stand in for the five-year residency requirement; Filipinos would not have to reside in the continental United States to apply for citizenship. Bonaparte’s position, however, appeared to be a fairly significant outlier, as litigation and later legislation would reveal.

By the time this controversy erupted, Filipinos were already serving in both the Army and the Navy. The Army, noting the willingness of the “friendly tribesmen” near Macabebe to assist them as soldiers and scouts, had organized the first company of scouts in September of 1899.[[304]](#footnote-304) The impetus came from Lieutenant Matthew Batson, an officer in the fourth cavalry (Chaplain Miller’s unit); when engaged in scouting work with his troops, he benefited from the assistance of around 100 volunteers and, impressed with their capacity to manage the terrain, requested permission to recruit them formally.[[305]](#footnote-305) The program expanded quickly, and within two years of the first enlistments, more than 5,000 individuals were enrolled.[[306]](#footnote-306) The Macabebes were distinguished because they collaborated with the United States, which exploited a rivalry between them and the neighboring Tagal tribe to encourage their loyalty and service.[[307]](#footnote-307) Army Chaplain Miller described them in racial terms as physically well suited to serve as soldiers: “Fearless and efficient . . .They are very enduring and, going barefoot, can excel the American in mountain climbing and fording rivers . . . they are a well-formed race and present a fine appearance as soldiers. . . The women are very loyal to our government and esteem it a privilege to give their sons and husbands to our army.”[[308]](#footnote-308)

In his first state of the union address, Theodore Roosevelt publicly took the first step toward building a Filipino army unit with the Macabebes, praising them for their “steadfast loyalty” to the United States and describing them as “conspicuous for their courage and devotion to the flag” and recommending that the Secretary of War develop a program to aid or compensate men who were crippled in military service and the families of those who died in action.[[309]](#footnote-309) Both the Army and Congress were quick to pick up the invitation.

In early 1901, Congress both authorized and formalized a broader program, empowering the President to “enlist natives of those islands for service in the Army, to be organized as scouts, with such officers as he shall deem necessary for their proper control, or as troops or companies, as authorized by this Act, for the Regular Army.”[[310]](#footnote-310) While Congress limited the program to no more than twelve thousand Filipinos, the legislation mandated that the pay and allowances for provisional officers would be the same as those established for “like grades in the Regular Army.” The Secretary of War was empowered to set pay, rations, and clothing allowances for enlisted men, but these benefits were not to exceed those provided to the Regular Army.[[311]](#footnote-311) Officers were commissioned to lead the Scout companies, but were designated specifically as officers with the Scouts, prohibited from transferring their status to other assignments and permitted to serve on senior officers’ staff only in the Philippines.[[312]](#footnote-312)

The enlistment of Filipinos in the Army was instrumental in achieving the main U.S. goal of quelling resistance, both through the addition of personnel with contextual knowledge and through the cooptation of at least some of the population to a benevolent assimilationist policy.[[313]](#footnote-313) As the war shifted from conventional to guerilla tactics, the Scouts, with their cultural and geographic knowledge, became critical to tactical success. When they encountered them, they battled the revolutionaries, but they also quelled resistance by destroying food supplies and seizing armaments in regions where the insurgency was strongest.[[314]](#footnote-314) After Roosevelt declared the revolution to be at an end in 1902, the Scouts were also transitioned into policing, taking over to manage internal security in the place of the American troops, which the Army began to draw down.[[315]](#footnote-315)

The presence of Filipinos in the US Army was acknowledged, but like the residents of the islands themselves, these American military personnel were conceptually and administratively separated from the rest of the troops. Black infantry and cavalry units, as described above, were still segregated, but they were within the regular chain of command and governed through the system that managed all Army personnel. President Taft vividly illustrated the unique quality of Filipino separation in his fourth state of the union address, noting that “Our small Army now consists of 83,809 men, excluding the 5,000 Philippine scouts.”[[316]](#footnote-316) Nonetheless, Private José Nísperos became the first Asian to receive a Medal of Honor for his defense and preservation of his Scout unit in 1911 in one of the many battles in the Philippines that took place long after the war was declared to be at an end.[[317]](#footnote-317)

Like the Army, the Navy began relying on Filipinos before any formal program was initiated to solicit their service. U.S. Navy gunboats conducting patrols and inspections, delivering supplies, and assisting local officials quickly began hiring local pilots, mess attendants, musicians, and engine room workers.[[318]](#footnote-318) This informal practice culminated in an executive order by President McKinley in the spring of 1901 authorizing the Secretary of the Navy to establish the “Insular Force,” which would enlist no more than 500 Filipinos to serve as coxswains, seamen, machinists, firemen, coal passers, sutlers, cooks, and mess attendants.[[319]](#footnote-319) The enlistment proceeded somewhat slowly, but by 1906, 285 Filipinos were serving in the Insular Force.

In addition, however, the regular Navy allowed Filipinos to enlist to serve as messmen, an opportunity they pursued enthusiastically.[[320]](#footnote-320) In 1907, the annual report of the Secretary of the Navy expressed concern about filling the needed ranks of bandsmen, cooks, and stewards in light of new limitations on aliens’ service, as individuals serving in these positions “were formerly recruited mainly from aliens who were willing to enlist for the rates of pay allowed.” As Filipinos did not fall under these restrictions, they, along with other insular U.S. nationals, stepped into the breach.. By 1914, approximately six thousand Filipinos were serving in the Navy (not just within the Insular Force), primarily in menial positions for which the Navy was having difficulty recruiting mainland citizens.[[321]](#footnote-321)

In general, Filipinos, whether Scouts or not, did not immediately attempt to migrate to the mainland, but after annexation, they began to migrate to Hawaii and then to the mainland in the 1920s.[[322]](#footnote-322) However, a few men who had served in the Navy sought to exercise what they believed to be their statutory entitlement to become naturalized citizens of particular states and thereby of the United States. They sought citizenship while stationed in the continental United States through their service.[[323]](#footnote-323) Since they had served with honor, they believed they should not be treated as domestic dependents forever locked into a subordinate and ambiguous civic status, but rather as alien soldiers entitled to expedited consideration and elevation to full citizenship.

The first efforts occurred in 1907 in Ohio and California. Commissioners were unsure about how to handle these petitions but ultimately rejected them without conducting full hearings.[[324]](#footnote-324) The individuals involved did not seek formal legal reversal of these determinations. Eugenio Alverto, however, was not so easily dissuaded. He had been born in the Philippines to a “native Philippino woman,” though his grandfather was a Spaniard and his father (also born in the Philippines) was a Spanish subject prior to the Treaty of Paris.[[325]](#footnote-325) After the treaty was signed, he, like other Filipinos, was transformed from a Spanish subject into a citizen of the Philippine Islands, “and as such entitled to the protection of the United States.” He opted, however, to protect rather than being protected, and enlisted in the Navy. By the time of his citizenship hearing in 1912, he had served for seven years, been granted an honorable discharge, and had re-enlisted and was serving a second term.[[326]](#footnote-326) He argued that he was entitled to naturalization under the 1894 Naturalization Act, raising the question of whether he was, like Kumagai, Knight, and Bessho, barred on racial grounds.

The Pennsylvania district court ruled that “however commendable the service of the applicant in the navy,” the racial provision governed, given that there was no evidence that Congress had “intended to extend the benefit of the naturalization laws to those not coming within the racial qualifications.”[[327]](#footnote-327) His service did not matter; the only question was how Congress had exercised its plenary power. Furthermore, the Court placed citizens of the Philippines and of Puerto Rico into a separate category: while they were not US citizens, nor were they aliens. While Congress had passed general legislation allowing citizens of the Philippine Islands and Puerto Rico to have access to the naturalization process, the Naturalization Act of 1906 did not indicate that the racial restrictions would be lifted with regard to these individuals.[[328]](#footnote-328) The court reasoned that, given the other changes that the 1906 legislation made to the structure of immigration, Congress surely would have addressed the racial question if it had intended to allow individuals like Alverto, whom the judge described as “ethnologically speaking, one fourth of the white or Caucasian race and three-fourths of the brown or Malay race,” to become citizens.[[329]](#footnote-329) Rather than his military service leveraging more consideration for himself and other Filipinos, his status as a dependent Filipino citizen erased his military privilege.

In 1914, Congress further amended the 1894 provision allowing naturalization in exchange for aliens’ service. The 1894 legislation had required five years’ service in the Navy and a declaration of intent to become a citizen, but the new law allowed aliens eligible to naturalize under existing laws to petition after only four years of service and allowed petitions even if there had not been any declaration of intention. The new legislation also eliminated the need for proof of residence.[[330]](#footnote-330) The law maintained the rule that an honorable discharge accompanied by a recommendation for re-enlistment would constitute proof of good moral character, and allowed that any court with the authority to naturalize could “immediately naturalize any alien applying under and furnishing the proof prescribed.”[[331]](#footnote-331)

The first cases to produce any records under the new legislation arose in 1915. One involved a Filipino who had enlisted in the Navy and sought to naturalize after twenty months’ service. The court found that he had not served long enough to petition successfully, as the statute required a four-year enlistment and an honorable discharge for eligibility.[[332]](#footnote-332) Monico Lopez, however, did not have that problem. He had been born in the Philippines to mestizo parents in 1878 and had come to the United States “in 1904 with former President Taft,” and was at the time of his petition serving as a messenger in the War Department, a position he had held since 1913.[[333]](#footnote-333) He filed a declaration of intention to naturalize in 1909 and filed his first petition more than two years later. The United States objected, and Lopez represented himself at his hearing, though a local attorney filed an amicus brief on his behalf. Citing a Supreme Court case on the change in sovereignty, the court characterized the Treaty of Paris as causing the Philippines to “ceas[e] to be Spanish . . . [having come] under the complete and absolute sovereignty and dominion of the United States.”[[334]](#footnote-334) Any inhabitant of the Philippines who was at that time a Spanish citizen became a citizen of the Philippines and subject to U.S. sovereignty unless they elected to preserve their Spanish citizenship, and Congress’s subsequent legislation had the “evident intention” of enabling such citizens to become full-fledged US citizens.[[335]](#footnote-335) The court acknowledged that other courts had rejected this line of reasoning, but nonetheless ruled in favor of Lopez.

Without discussing the statutory change, New York’s southern district weighed in on the question in the spring of 1916 in the case of Ricardo Lampitoe. The district judge hearing his petition for citizenship was renowned judicial philosopher and progressive Learned Hand. Judge Hand found that Lampitoe’s petition fell squarely under the rule articulated in *Alverto* and dismissed it quickly. He noted that some cases involving mixed race petitioners might provoke doubt, “but where the Malay blood predominates it would be a perversion of language to say that the descendant is a ‘white person.’ Certainly any white ancestor, no matter how remote, does not make all his descendants white.”[[336]](#footnote-336) Lampitoe, defined as non-white even though he had a Spanish father, was ineligible for naturalization despite his service.[[337]](#footnote-337)

Later in the same year, a Massachusetts district court was likewise unwilling to admit a Filipino veteran under the expedited practice established for those who had served, but analyzed the question differently. Francisco Mallari was born to two Filipino parents and had resided in the islands until enlisting in the navy.[[338]](#footnote-338) He sought citizenship as a veteran, but the court agreed with the *Alverto* court that Mallari’s race disqualified him from proceeding under the military path to naturalization. However, the court noted that if he wished to naturalize, he could simply fulfill the provisions specifically designed to address America’s new subjects, as he was first a Filipino and only secondarily a veteran. Section 30 of the 1906 Naturalization Act, explained the court, was designed to address[[339]](#footnote-339) the problem of “a large class of persons, of various races, who owed allegiance to the United States, but who were incapable of obtaining citizenship here, and were more unfavorably treated by our laws than aliens from foreign countries.”[[340]](#footnote-340) Championed by Senator Foraker, architect of the system of limited civil government implemented in the new American possessions, it particularly addressed Puerto Rico and the Philippines by providing a path to citizenship for these non-alien subjects.

Reading the racial limitation in American immigration law differently from the *Alverto* court, the Massachusetts opinion claimed that the congressional debates evinced an intent “to open American citizenship to citizens of Porto Rico and of the Philippine Islands, and did not have in mind any limitation on that right based on race or nativity.”[[341]](#footnote-341) However, all citizens of the American territories were in the same position, as the court did not recognize “any distinction between citizens of those dependencies in respect to their right to become citizens of the United States.”[[342]](#footnote-342) Mallari’s military status did not distinguish him. He would have to fulfill the same requirements regarding residency and declaration of intent as any other Filipino citizen, but the court saw no racial distinction in the process articulated in Section 30.

The following year, another case arose in the Eastern District of New York. The judge in the case, Thomas Chatfield, had authored the opinion in *In re Knight* in 1909, denying naturalization to a half English, half Chinese-Japanese sailor decorated for valor in the Battle of Manila Bay. The applicant for citizenship, Rallos, was the son of a Spanish father and a Filipino mother; his citizenship status at the time of the Treaty of Paris was unknown.[[343]](#footnote-343) Relying on *Alverto*, Chatfield denied Rallos’ petition, expressing concern that allowing Section 30 to apply to citizens of the Philippines “would mean that Chinese, Japanese, and Malays could become citizens, if they were inhabitants of the Philippine Islands” at the time of the Treaty of Paris and later moved to the United States.[[344]](#footnote-344) To the claim that the 1914 change in rules for military naturalization allowed Rallos to use his honorable discharge as a declaration of intent and testimony to his suitability for citizenship, the opinion retorted that the new legislation simply incorporated older restrictions on naturalization based on race, denying that a non-white Filipino was eligible for naturalization.[[345]](#footnote-345)

When Engracio Bautista sought naturalization in California in 1917, circuit judge William Morrow went back to the statutes and reanalyzed them, noting that the Naturalization Act of 1906 did provide a path to citizenship for Filipinos.[[346]](#footnote-346) Bautista, identified by Morrow as a mestizo, made no declaration of intent, but claimed the right to apply for citizenship under the 1914 appropriation act.[[347]](#footnote-347) Government attorneys opposed his petition on the basis of race, following earlier cases that had denied Filipinos on that basis.[[348]](#footnote-348) Bautista’s argument was straightforward: he had enlisted in the Navy in 1908, was discharged honorably in 1912, and re-enlisted in 1913. His service brought him to the United States on the steamship Logan, and he had been in the United States continuously for more than eight years when he applied for naturalization. The court, upon examination, declared him to be “intelligent, familiar with our form of government, and attached to the principles of the Constitution of the United States.”[[349]](#footnote-349) He claimed “the right as a Filipino owing permanent allegiance to the United States to be admitted as a citizen” based both on the Naturalization Act of 1906 and on his service in the Navy. His service, he claimed, removed any obligation for him previously to have declared his intention to naturalize.[[350]](#footnote-350)

In this case, the court took a line similar to that of the *Mallari* court, but in some respects went further, resulting in a victory for the plaintiff. The ruling read section 30 of the Naturalization Act as an implementation of the Treaty of Paris, allowing Filipinos who took up permanent residence in the United States to move toward full citizenship.[[351]](#footnote-351) Referring as well to the 1908 interpretation of Attorney General Bonaparte, the court found that, despite the existence of the statutory system of Asian exclusion, the Naturalization Act produced an exception for Filipinos. Because the statutory language of section 30 was written “with full knowledge that the Filipino belonged to the Malay or brown race . . . It must therefore have been the purpose of Congress to modify [exclusion] . . . so as to admit to citizenship the Filipino otherwise qualified for citizenship, not withstanding he is not an alien of the white race nor an alien of African nativity or descent.”[[352]](#footnote-352) While the court acknowledged that some district courts had ruled against individuals of native Filipino descent, the judge noted the *Lopez* controversy and noted that both the Supreme Court of the District of Columbia and the Solicitor General had approved Lopez’s eligibility for naturalization.

The key line in the sand for the court was not race, but rather the principle of natural-born citizenship and the nature of national allegiance. Individuals residing in the islands who were subjects of another nation at the time of the treaty maintained their permanent allegiance to these countries, in the court’s, with only temporary allegiance to the United States arising from the change.[[353]](#footnote-353) Filipinos were different: “His allegiance to the Crown of Spain was dissolved by the treaty and his permanent allegiance was transferred to the United States.”[[354]](#footnote-354) This rendered them and only individuals in this circumstance eligible for naturalization as non-aliens with full allegiance to the United States prior to citizenship. The court was careful to specify why it was drawing this distinction. “A Chinese person born in China was a subject of China, and, if residing in the Philippine Islands at the time of the treaty or at the time of the passage of the act of 1902, he owed only a temporary allegiance to the United States.”[[355]](#footnote-355) A brief news item in the *Washington Post* reporting on the case noted that the opinion “applied to Filipinos only and not to those persons born in the Philippines of Japanese or Chinese descent.”[[356]](#footnote-356)

To the objection of the previously legislated color bar, the court simply expressed its belief that Congress had clearly proposed to raise it with respect to Filipinos. In the end, “the petitioner has all the essential and determining qualifications required by the act,” which the court identified as being of age, possessing eligibility for citizenship under the law, having completed his naval service and been recommended for re-enlistment, and “ha[ving] the intelligence to understand and appreciate our form of government.”[[357]](#footnote-357)

The U.S. Supreme Court never had occasion to sort out whether Section 30 of the Naturalization Act of 1906 implied a right to naturalize for Filipinos of ambiguously white or non-white racial heritage. Nor did the Justices confront either the 1894 nor the 1914 statutes extending naturalization rights or privileges to Filipinos in the military prior to World War I. The juxtaposition of solicited service and the confused case outcomes highlights the tensions that the American legal system confronted in dealing with subjects who were also members of the military.

Part of this tension arose from an emergent understanding that, whatever Filipinos were, if they were not descended from “pure” Spaniards or other European wayfarers, they were not white. The exhaustive anthropologic efforts taxonomized the various tribes, classifying them through an ideologically driven racial categorization scheme that mapped onto beliefs about their level of civilization and ultimate capacity to be civilized. But lurking in the background of the question of the Filipino was also the recognition of a non “Negrito” or “Malay” presence: the deeply troubling and unassimilable Chinese and Japanese, who at all costs could not be granted an easy pathway to U.S. citizenship. While policymakers considered the Chinese exclusion laws, at least in modified form, to be a worthwhile export to their new colonial possessions, the concept of birthright citizenship did not travel along with them, and the category of “Filipino” quickly became racialized in a way that rendered all of the archipelago’s residents questionable fodder for U.S. citizenship, regardless of where in the taxonomies of race they might fit.

Conclusion

The turn of the century was rife with possibility and transformation. The direction that this transformation would take was at first uncertain, though it increasingly looked to be set to trend toward a hardening of civic hierarchies and more stringent restrictions on access to citizenship. The rapid descent into war and empire solidified, augmented, and transformed these trends.

In this period, Asians, blacks, and Filipinos (as well as other groups) hoped that their military service would either enable them to become citizens or to extract more recognition as civic members. In a period when many political actors promoted masculine and martial values as central to Americanism, and this discourse transcended partisanship, military service seemed to be a valuable entrée into greater civic belonging. With the initiation of the Spanish-American War, a new generation of American men had the opportunity to test themselves on the battlefield and earn the honor bestowed by valorous service, as the Civil War generation passed. This opportunity further enabled the rallying of the nation around a common agenda that achieved a final dissociation of military service from the division of the Civil War, bringing Americans together to serve as one force facing an external enemy.

Reconciliation and imperialism, strong ideological forces though they were, could not produce a sufficiently unifying framework to accommodate the tensions produced by the acquisition of new territory and the use of non-white troops and sailors to achieve critical missions. Too many contradictions persisted. On the one hand, southerners insisted on a robust conception of federalism to allow them to govern their black denizens as citizens in name only, stripped of social, civil, and political rights. On the other, the federal government expanded and consolidated its authority over immigration and naturalization, with the management of Chinese immigrants playing a significant role in building administrative apparatuses that would function under judicial supervision. And both support for and opposition to imperialism had different frameworks that cross-cut party lines and ideological orientations.

As Riser notes, these struggles were resolved more by compromise than ideological coherence. The Foraker Act, establishing a form of colonial governance for Puerto Rico, embraced these tensions by providing for civil government under territorial status, but not setting out a clear path to statehood in light of the perceived racialized unfitness for self governance of the citizenry. This precedent would shape the debate over the incorporation of the Philippines as well.[[358]](#footnote-358) Ultimately, the *Insular Cases* would put the constitutional seal of affirmation upon these conditional and contradictory forms of civic belonging for the newly acquired citizen-subjects.[[359]](#footnote-359) The debates and compromises over civic incorporation of these people placed them on a different statutory – and ultimately constitutional – standing than white citizens and aspirants to citizenship.

These developments had important implications for veterans’ attempts to gain access to fuller civic membership or citizenship. US courts considering petitions for naturalization for veterans of Japanese or Chinese ancestry concluded that Congress had intended its racial barriers to supersede its use of citizenship as an inducement to volunteer for military service. Over the period between the initiation of the Spanish-American War and the lull between the end of the Philippine-American War and the beginning of World War I, officials managing military recruitment increasingly sought citizens and succeeded in bringing down the numbers of non-citizens, particularly those who had no hope of naturalization independent of military service because of race. While a few individuals of Asian ancestry managed to stay enlisted in the Navy (and to a lesser extent the Army), they were only able to gain citizenship through the exercise of extraordinary discretion. Formal policy identified them as undesirable Asians, a status incompatible with the kind of veteran status that could extract gratitude and legal recognition.

For blacks, citizenship was not a question; by law Africans were the only nonwhite race eligible for naturalization, although in practical terms, this was not an issue. The black press sought to mount narratives of remembrance to counter the overwhelming tide of reconciliation. Stories of black heroism in Cuba and the Philippines and first-person accounts of black soldiers’ participation in colonial management were prevalent, and prominent black thinkers debated the appropriate role for the black community in administering empire. During the Spanish-American War, the white press occasionally acknowledged narratives of black heroism, but these kinds of narratives quickly dropped out of broader reporting and even acknowledged instances of black heroism, as in the Battle for San Juan Hill, were reconfigured to erase black participation.

Black soldiers themselves had nuanced responses to the project of empire. Many eagerly grasped the opportunity for advancement and some served proudly as officers, commanding both black and Filipino troops in the struggle to suppress Filipino resistance. Some cautiously recognized elements of racial solidarity with Filipinos and acknowledged the threat that white supremacy posed to both blacks and Filipinos. Black soldiers occupied a liminal space when they presented themselves as the American champions of civilization and progress, knowing that at home, they were subject to severe and increasing repression. During and in the immediate aftermath of the Spanish-American War, several outbreaks of racialized violence against black troops vividly expressed the resentment that many whites, particularly in the south, felt toward empowered black men representing the epitome of masculine virtue. As the cultural hold of supremacy deepened, black officers found it increasingly difficult to hold onto their positions, and some who had served in command roles in the Philippines found themselves ousted from the Army as the conflict wound down to its end. Ultimately, black veterans, despite their service, were unable to use masculinized conceptions of citizenship to achieve more access to the basic rights afforded full citizens.

Filipinos first entered the American military in the early 1900s in significant numbers as U.S. nationals, though not as citizens. The Scouts, while segregated and administratively separated from the regular U.S. Army, were a fully operational fighting force tasked with engaging in warfare against Filipino revolutionaries. Filipinos were able to enter the U.S. Navy as part of the separate Insular Force or as regular recruits. Serving in the regular Navy for Filipinos, however, largely involved serving in mess halls, in military bands, or as stewards. To some extent, regular Navy recruiters seem to have turned to Filipinos as U.S. nationals to replace forever and unalterably alien Asians in these menial roles. Some Filipinos, nonetheless, sought to extract formal U.S. citizenship as a reward for their service, basing their claim on the legislation that Asians had sought to mobilize to no avail. Their results in court were mixed, with some judges interpreting congressional legislation to exempt them from the bar on non-white naturalization on the basis of their status as U.S. nationals, and others insisting that only whites, regardless of their acceptance of U.S. sovereignty, would be eligible for naturalization as veterans.

In Margaret Somers’ formulation of citizenship as the right to have rights, she rejects the concept of rights as a natural entitlement that can exist independently of political and social attachments. Rather, she argues, inclusion and membership are “ontological preconditions for recognition,” and membership in a polity is an ontological precondition for recognition.[[360]](#footnote-360) The situation of these three groups highlights this conundrum, as all sought to leverage membership and recognition as means of achieving human and citizenship rights. Asians used service to try to leverage membership, but failed to achieve recognition, as their status under the regime of Chinese exclusion proved an unbreachable barrier to membership. Filipinos had more mixed success, but recognition of their membership was hesitant and incomplete; their service was accepted in modified forms that rendered recognition conditional. Filipinos in the Navy particularly were confined to roles that did not compel masculine performance that would resonate strongly with the masculinized conception of American empire. And black soldiers and sailors, while citizens and formal members of the polity, struggled for recognition against a cultural tide that increasingly rendered them invisible.

1. In re Buntaro Kumagai, 163 F. at 923. [↑](#footnote-ref-1)
2. Schneider, “Naturalization and United States Citizenship in Two Periods of Mass Migration: 1894-1930, 1965-2000,” 56. [↑](#footnote-ref-2)
3. Schneider, 57–58. [↑](#footnote-ref-3)
4. Caldbick, “Federal District Judge Cornelius H. Hanford Resigns during Impeachment Investigation on July 22, 1912.” [↑](#footnote-ref-4)
5. Caldbick. The Supreme Court, not known in the early twentieth century for its solicitude for Native Americans, reversed one of his rulings that undercut Yakima fishing rights. United States v. Winans, 198 U.S. [↑](#footnote-ref-5)
6. Newell, “Report of the Governor of Washington Territory to the Secretary of the Interior,” 5–6. [↑](#footnote-ref-6)
7. Gee Fook Sing v. United States, F. 49. [↑](#footnote-ref-7)
8. In re Lee Yee Sing, 85 F. [↑](#footnote-ref-8)
9. In re Tang Tun, 161 F. In this case, Hanford reversed exclusion orders for two of the petitioners, but allowed a third to stand, despite finding that the individual in question, Gang Gong, “may have been jobbed by the inspector.” In re Tang Tun, 161 F. at 623. Hanford would ultimately resign his judgeship under threat of impeachment over a controversial ruling he issued in 1912 stripping citizenship from a naturalized Scandinavian immigrant, Leonard Olsson, because of Olsson’s vocal support for Socialism. Caldbick, “Federal District Judge Cornelius H. Hanford Resigns during Impeachment Investigation on July 22, 1912.” [↑](#footnote-ref-9)
10. In re Alverto, 198 F. [↑](#footnote-ref-10)
11. In re Alverto, 198 F. [↑](#footnote-ref-11)
12. Gatewood, Jr., “North Carolina’s African American Regiment in the Spanish-American War,” 154. [↑](#footnote-ref-12)
13. Marasigan, “African American Soldiers in the Philippine-American War,” 347. [↑](#footnote-ref-13)
14. Klinkner and Smith, *The Unsteady March: The Rise and Decline of Racial Equality in America*, 99. [↑](#footnote-ref-14)
15. Klinkner and Smith, 101–3. [↑](#footnote-ref-15)
16. Brandwein, *Rethinking the Judicial Settlement of Reconstruction*. [↑](#footnote-ref-16)
17. Nackenoff, “Constitutionalizing Terms of Inclusion: Friends of the Indian and Citizenship for Native Americans 1880s-1920s.” [↑](#footnote-ref-17)
18. Novkov, “Making Citizens of Freedmen and Polygamists.” [↑](#footnote-ref-18)
19. Hoganson, *Fighting for American Manhood: How Gender Politics Provoked the Spanish-American and Philippine-American Wars*, 22. [↑](#footnote-ref-19)
20. Hoganson, 25. [↑](#footnote-ref-20)
21. Hoganson, 36–38. [↑](#footnote-ref-21)
22. Hoganson, 46–55. [↑](#footnote-ref-22)
23. Hoganson, 140–55. [↑](#footnote-ref-23)
24. Blight, *Race and Reunion: The Civil War in American Memory*. [↑](#footnote-ref-24)
25. Blight, 343–50. [↑](#footnote-ref-25)
26. Blight, 352. [↑](#footnote-ref-26)
27. Blight, 352. [↑](#footnote-ref-27)
28. Blight, 354–56. [↑](#footnote-ref-28)
29. Blight, *Race and Reunion*, 356–57. [↑](#footnote-ref-29)
30. Riser, “The Burdens of Being White: Empire and Disenfranchisement,” 245. [↑](#footnote-ref-30)
31. Novkov, *Racial Union: Law, Intimacy, and the White State in Alabama, 1865-1954*. [↑](#footnote-ref-31)
32. Riser, “The Burdens of Being White: Empire and Disenfranchisement,” 253–54. [↑](#footnote-ref-32)
33. Riser, 255–56. [↑](#footnote-ref-33)
34. Riser, 256–57. [↑](#footnote-ref-34)
35. Klinkner and Smith, *The Unsteady March: The Rise and Decline of Racial Equality in America*. PAGE CITE [↑](#footnote-ref-35)
36. Klinkner and Smith. [↑](#footnote-ref-36)
37. Klinkner and Smith. [↑](#footnote-ref-37)
38. Klinkner and Smith. [↑](#footnote-ref-38)
39. Bruyneel, *The Third Space of Sovereignty: The Postcolonial Politics of U.S.-Indigenous Relations*. [↑](#footnote-ref-39)
40. Riser, “The Burdens of Being White: Empire and Disenfranchisement”; Klinkner and Smith, *The Unsteady March: The Rise and Decline of Racial Equality in America*. [↑](#footnote-ref-40)
41. Novkov, “Pace v. Alabama: Interracial Love, The Marriage Contract, and the Postbellum Foundations of the Family.” [↑](#footnote-ref-41)
42. Salyer, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law*. [↑](#footnote-ref-42)
43. Spickard, *Almost All Aliens: Immigration, Race, and Colonialism in American HIstory and Identity*, 23. [↑](#footnote-ref-43)
44. Spickard, 24. [↑](#footnote-ref-44)
45. Kipling, “The White Man’s Burden”; Riser, “The Burdens of Being White: Empire and Disenfranchisement”; Spickard, *Almost All Aliens: Immigration, Race, and Colonialism in American HIstory and Identity*, 24. [↑](#footnote-ref-45)
46. Hoganson, *Fighting for American Manhood: How Gender Politics Provoked the Spanish-American and Philippine-American Wars*, 7. [↑](#footnote-ref-46)
47. Hoganson, 7–9. [↑](#footnote-ref-47)
48. Hoganson, 10–11. [↑](#footnote-ref-48)
49. Hoganson, 15. [↑](#footnote-ref-49)
50. Moody, *Annual Reports of the Navy Department 1903*, 8. [↑](#footnote-ref-50)
51. Moody, 8–9. [↑](#footnote-ref-51)
52. Morton, *Annual Reports of the Navy Department 1904*, 11. [↑](#footnote-ref-52)
53. Sohoni and Vafa, “The Fight to Be American,” 119–20. They identify fifteen reported opinions concerning claims brought by Asians seeking naturalization between 1900 and 1952; this chapter discusses five of the cases they discovered decided between 1908 and 1916. See Sohoni and Vafa, 135. [↑](#footnote-ref-53)
54. Salyer, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law*. [↑](#footnote-ref-54)
55. Masanz and Vialet, “History of the INS,” 7. [↑](#footnote-ref-55)
56. Masanz and Vialet, 1. [↑](#footnote-ref-56)
57. Salyer, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law*; Novkov and Nackenoff, “Civic Membership, Family Status, and the Chinese in America, 1870s-1920s.” [↑](#footnote-ref-57)
58. Nishimura Ekiu v. United States, 142 U.S. at 664. [↑](#footnote-ref-58)
59. Fong Yue Ting v. United States, 149 U.S. at 724. [↑](#footnote-ref-59)
60. In re Ny Look, 56 F. at 83. [↑](#footnote-ref-60)
61. “The ‘Ny Look’ Case.” [↑](#footnote-ref-61)
62. In re Ny Look, 56 F. at 83. [↑](#footnote-ref-62)
63. “Ny Look Ordered Deported, At the Same Time Set at Liberty by Judge Lacombe.” [↑](#footnote-ref-63)
64. “Ny Look Ordered Deported, At the Same Time Set at Liberty by Judge Lacombe.” [↑](#footnote-ref-64)
65. Associated Press, “Ny Look: An Aged Celestial Applies for a Certificate in New York.” [↑](#footnote-ref-65)
66. Editors, “Current Topics.” [↑](#footnote-ref-66)
67. Goring, “In Service to America,” 440–41. [↑](#footnote-ref-67)
68. Salyer, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law*; Ernst, *Toqueville’s Nightmare: The Administrative State Emerges in America*; Law, *The Immigration Battle in American Courts*. [↑](#footnote-ref-68)
69. Goring, “In Service to America,” 441. [↑](#footnote-ref-69)
70. Naturalization Act. [↑](#footnote-ref-70)
71. Sohoni and Vafa, “The Fight to Be American,” 127. [↑](#footnote-ref-71)
72. In re Loftus, 165 F. at 1003. [↑](#footnote-ref-72)
73. In re McNabb, 175 F. at 512. [↑](#footnote-ref-73)
74. In re McNabb, 175 F. at 513. [↑](#footnote-ref-74)
75. Editors, “Uncle Sam’s Japanese Soldier.” [↑](#footnote-ref-75)
76. Editors. [↑](#footnote-ref-76)
77. In re Buntaro Kumagai, 163 F. at 923. [↑](#footnote-ref-77)
78. In re Buntaro Kumagai, 163 F. at 923. [↑](#footnote-ref-78)
79. In re Buntaro Kumagai, 163 F. at 923. [↑](#footnote-ref-79)
80. In re Buntaro Kumagai, 163 F. at 923. [↑](#footnote-ref-80)
81. In re Buntaro Kumagai, 163 F. at 924. [↑](#footnote-ref-81)
82. In re Buntaro Kumagai, 163 F. at 924. [↑](#footnote-ref-82)
83. “Navy Man Barred as Citizen.” [↑](#footnote-ref-83)
84. In re Knight, 171 F. [↑](#footnote-ref-84)
85. In re Knight, 171 F. at 300. [↑](#footnote-ref-85)
86. In re Knight, 171 F. at 301. [↑](#footnote-ref-86)
87. In re Knight, 171 F. at 301. [↑](#footnote-ref-87)
88. Editors, “Think Government Can’t Debar Knight.” [↑](#footnote-ref-88)
89. Editors. [↑](#footnote-ref-89)
90. Jessie, “Questions of Citizenship,” 31. [↑](#footnote-ref-90)
91. Adachi, “History Is Made: Namyo Bessho.” [↑](#footnote-ref-91)
92. Jessie, “Questions of Citizenship,” 30. [↑](#footnote-ref-92)
93. Bessho v. United States, 178 F. at 246. [↑](#footnote-ref-93)
94. Bessho v. United States, 178 F. at 246. [↑](#footnote-ref-94)
95. Bessho v. United States, 178 F. at 247–48. [↑](#footnote-ref-95)
96. Bessho v. United States, 178 F. at 248. [↑](#footnote-ref-96)
97. United States v. Yee Gee You, 152 F. [↑](#footnote-ref-97)
98. As noted above, although the United States was not formally at war in the period between the signing of the treaty of Appomattox and the initiation of the Spanish American war, its armed forces engaged in significant military actions in the west to subdue Indian tribes and significant prosecutorial resources were devoted to bringing the Latter Day Saints to heel. The Battle of Little Big Horn took place in 1876; Geronimo was captured in 1886; and the Hawaiian Kingdom was overthrown in 1893. [↑](#footnote-ref-98)
99. Parker, “Should Our Volunteers Be Raised by Conscription?,” 571–72. [↑](#footnote-ref-99)
100. Parker, 579. [↑](#footnote-ref-100)
101. Parker, 284. [↑](#footnote-ref-101)
102. Goring, “In Service to America,” 436. [↑](#footnote-ref-102)
103. Goring, 436. [↑](#footnote-ref-103)
104. Cosmas, “Military Reform After the Spanish-American War: The Army Reorganization Fight of 1898-1999,” 12. [↑](#footnote-ref-104)
105. Cosmas, 12. [↑](#footnote-ref-105)
106. Cosmas, “From Order to Chaos: The War Department, the National Guard, and Military Policy, 1898,” 106. [↑](#footnote-ref-106)
107. Cosmas, 106. [↑](#footnote-ref-107)
108. Cosmas, 106. “Most of those concerned agreed on little more than that the President could summon the state troops into national service only for the three purposes specified in the Constitution: to suppress insurrections, to enforce the laws of the Union, and to repel invasions. Under these circumstances, unless they volunteered in some way, the government could not send National Guardsmen to invade Cuba; and no system existed under which they could volunteer.” [↑](#footnote-ref-108)
109. Cosmas, 108–10. [↑](#footnote-ref-109)
110. Cosmas, 110. [↑](#footnote-ref-110)
111. Cosmas, 113. [↑](#footnote-ref-111)
112. Cosmas, 112–13. [↑](#footnote-ref-112)
113. Cosmas, 116–17. [↑](#footnote-ref-113)
114. Hines, “‘First to Respond to Their Country’s Call’: The First Montana Infantry and the Spanish-American War and Philippine Insurrection, 1898-1899,” 49. [↑](#footnote-ref-114)
115. Cosmas, “From Order to Chaos: The War Department, the National Guard, and Military Policy, 1898,” 118. [↑](#footnote-ref-115)
116. Cosmas, 119. [↑](#footnote-ref-116)
117. Gatewood, Jr., “Alabama’s ‘Negro Soldier Experiment,’ 1898-1899,” 333. [↑](#footnote-ref-117)
118. Hines, “‘First to Respond to Their Country’s Call’: The First Montana Infantry and the Spanish-American War and Philippine Insurrection, 1898-1899,” 49. [↑](#footnote-ref-118)
119. Fletcher, “The Black Volunteers in the Spanish-American War,” April 1974, 48. [↑](#footnote-ref-119)
120. Steward, *The Colored Regulars in the United States Army*, 250–52. [↑](#footnote-ref-120)
121. Edgerton, *Hidden Heroism: Black Soldiers in America’s Wars*, 49. [↑](#footnote-ref-121)
122. Edgerton, 49. [↑](#footnote-ref-122)
123. Edgerton, 49. [↑](#footnote-ref-123)
124. Edgerton, 50. [↑](#footnote-ref-124)
125. Edgerton, 51. [↑](#footnote-ref-125)
126. Amron, “Reinforcing Manliness: Black State Militias, The Spanish-American War, and the Image of the African American Soldier, 1891-1900,” 414. [↑](#footnote-ref-126)
127. Edgerton, *Hidden Heroism: Black Soldiers in America’s Wars*, 51. [↑](#footnote-ref-127)
128. Edgerton, 52–53. [↑](#footnote-ref-128)
129. Amron, “Reinforcing Manliness: Black State Militias, The Spanish-American War, and the Image of the African American Soldier, 1891-1900,” 413–14. [↑](#footnote-ref-129)
130. Fletcher, “The Black Volunteers in the Spanish-American War,” April 1974, 48. [↑](#footnote-ref-130)
131. Kirschenbaum, “‘The Vampire That Hovers Over North Carolina’: Gender, White SUpremacy, and the Wilmington Race Riot of 1898,” 7; Gatewood, Jr., “Alabama’s ‘Negro Soldier Experiment,’ 1898-1899,” 334. [↑](#footnote-ref-131)
132. Kirschenbaum, “‘The Vampire That Hovers Over North Carolina’: Gender, White SUpremacy, and the Wilmington Race Riot of 1898,” 8. [↑](#footnote-ref-132)
133. Gatewood, Jr., “North Carolina’s African American Regiment in the Spanish-American War,” 146. [↑](#footnote-ref-133)
134. Gatewood, Jr., 146. [↑](#footnote-ref-134)
135. Gatewood, Jr., 147. [↑](#footnote-ref-135)
136. Gatewood, Jr., 148. [↑](#footnote-ref-136)
137. Gatewood, Jr., 148–53. [↑](#footnote-ref-137)
138. Gatewood, Jr., 153. [↑](#footnote-ref-138)
139. Gatewood, Jr., 148. [↑](#footnote-ref-139)
140. Kirschenbaum, “‘The Vampire That Hovers Over North Carolina’: Gender, White SUpremacy, and the Wilmington Race Riot of 1898,” 9–10. [↑](#footnote-ref-140)
141. Kirschenbaum, 14. [↑](#footnote-ref-141)
142. Gatewood, Jr., “North Carolina’s African American Regiment in the Spanish-American War,” 149. [↑](#footnote-ref-142)
143. Umfleet, “1898 Wilmington Race Riot Report,” 123–24. [↑](#footnote-ref-143)
144. Umfleet, 123. [↑](#footnote-ref-144)
145. Umfleet, 126–30. [↑](#footnote-ref-145)
146. Umfleet, 136–37. [↑](#footnote-ref-146)
147. Umfleet, 143. [↑](#footnote-ref-147)
148. Umfleet, 144. [↑](#footnote-ref-148)
149. Umfleet, 146–47. [↑](#footnote-ref-149)
150. Umfleet, 150–54. [↑](#footnote-ref-150)
151. Gatewood, Jr., “North Carolina’s African American Regiment in the Spanish-American War,” 153. [↑](#footnote-ref-151)
152. Gatewood, Jr., 154. [↑](#footnote-ref-152)
153. Fletcher, “The Black Volunteers in the Spanish-American War,” 2011, 130. [↑](#footnote-ref-153)
154. Braxton, “Company L in the Spanish American War,” 25. [↑](#footnote-ref-154)
155. Alexander, “No Officers, No Fight!: The Sixth Virginia Volunteers in the Spanish-American War,” 159. [↑](#footnote-ref-155)
156. Alexander, 160–61. [↑](#footnote-ref-156)
157. Alexander, 162. [↑](#footnote-ref-157)
158. Alexander, 162–63. [↑](#footnote-ref-158)
159. Alexander, 162–63. [↑](#footnote-ref-159)
160. Alexander, 163–64. [↑](#footnote-ref-160)
161. Alexander, 165; Cunningham, “‘We Are an Orderly Body of Men’: Virginia’s Black ‘Immunes’ in the Spanish-American War,” 1. [↑](#footnote-ref-161)
162. Alexander, “No Officers, No Fight!: The Sixth Virginia Volunteers in the Spanish-American War,” 168–69. [↑](#footnote-ref-162)
163. Alexander, 169. [↑](#footnote-ref-163)
164. Gatewood, Jr., “Alabama’s ‘Negro Soldier Experiment,’ 1898-1899,” 334–35. [↑](#footnote-ref-164)
165. Gatewood, Jr., 336. [↑](#footnote-ref-165)
166. Gatewood, Jr., 336–37. [↑](#footnote-ref-166)
167. Gatewood, Jr., 339–40. [↑](#footnote-ref-167)
168. Gatewood, Jr., 346. [↑](#footnote-ref-168)
169. Gatewood, Jr., 347. [↑](#footnote-ref-169)
170. Gatewood, Jr., 348–51. [↑](#footnote-ref-170)
171. Cosmas, “From Order to Chaos: The War Department, the National Guard, and Military Policy, 1898,” 120. [↑](#footnote-ref-171)
172. Cunningham, “‘We Are an Orderly Body of Men’: Virginia’s Black ‘Immunes’ in the Spanish-American War,” 1–2. [↑](#footnote-ref-172)
173. Fletcher, “The Black Volunteers in the Spanish-American War,” April 1974, 74. [↑](#footnote-ref-173)
174. Fletcher, 48. The mistaken belief that west and central Africans and their descendants, even those descended from multiple ancestors in the western hemisphere, have natural immunity to yellow fever was remarkably stubborn. Espinosa, “The Question of Racial Immunity to Yellow Fever in History and Historiography.” [↑](#footnote-ref-174)
175. Cunningham, “‘We Are an Orderly Body of Men’: Virginia’s Black ‘Immunes’ in the Spanish-American War,” 2. [↑](#footnote-ref-175)
176. United States War Department, “General Order No. 60,” 148. [↑](#footnote-ref-176)
177. Cunningham, “‘We Are an Orderly Body of Men’: Virginia’s Black ‘Immunes’ in the Spanish-American War,” 2. [↑](#footnote-ref-177)
178. Cunningham, 4–5. [↑](#footnote-ref-178)
179. Cunningham, 7. [↑](#footnote-ref-179)
180. Cunningham, 8. [↑](#footnote-ref-180)
181. Cunningham, 9. [↑](#footnote-ref-181)
182. Cunningham, 9–10. [↑](#footnote-ref-182)
183. Cunningham, 12. [↑](#footnote-ref-183)
184. Edgerton, *Hidden Heroism: Black Soldiers in America’s Wars*, 56. [↑](#footnote-ref-184)
185. Corbin, “Annual Report of the Adjutant General,” 41. [↑](#footnote-ref-185)
186. Cunningham, “‘We Are an Orderly Body of Men’: Virginia’s Black ‘Immunes’ in the Spanish-American War,” 12. [↑](#footnote-ref-186)
187. May, “Why the U.S. Won the Philippine-American War,” 354. [↑](#footnote-ref-187)
188. Wilcox, “The Filipinos’ Vain Hope of Independence,” 22. [↑](#footnote-ref-188)
189. Wilcox, 23. [↑](#footnote-ref-189)
190. May, “Why the U.S. Won the Philippine-American War,” 354–55. [↑](#footnote-ref-190)
191. May, 355. [↑](#footnote-ref-191)
192. Bankoff, “Selective Memory and Collective Forgetting,” 549. [↑](#footnote-ref-192)
193. May, “Why the U.S. Won the Philippine-American War,” 360; Escalante, “Collapse of the Malolos Republic.” [↑](#footnote-ref-193)
194. May, “Why the U.S. Won the Philippine-American War,” 365. [↑](#footnote-ref-194)
195. Hoganson, *Fighting for American Manhood: How Gender Politics Provoked the Spanish-American and Philippine-American Wars*, 150–60. [↑](#footnote-ref-195)
196. May, “Why the U.S. Won the Philippine-American War,” 355. [↑](#footnote-ref-196)
197. May, 369. [↑](#footnote-ref-197)
198. May, 368–70. [↑](#footnote-ref-198)
199. Marasigan, “African American Soldiers in the Philippine-American War,” 24. [↑](#footnote-ref-199)
200. Marasigan, 11–12. [↑](#footnote-ref-200)
201. Marasigan, 31. [↑](#footnote-ref-201)
202. Marasigan, 41–42. [↑](#footnote-ref-202)
203. Marasigan, 46–47. [↑](#footnote-ref-203)
204. Marasigan, 48. [↑](#footnote-ref-204)
205. Marasigan, 54. [↑](#footnote-ref-205)
206. Marasigan, 56. [↑](#footnote-ref-206)
207. Marasigan, 59–61. [↑](#footnote-ref-207)
208. Gatewood, Jr., “North Carolina’s African American Regiment in the Spanish-American War,” 154. [↑](#footnote-ref-208)
209. Marasigan, “African American Soldiers in the Philippine-American War,” 162–63. [↑](#footnote-ref-209)
210. Gatewood, Jr., “North Carolina’s African American Regiment in the Spanish-American War,” 154. [↑](#footnote-ref-210)
211. Edgerton, *Hidden Heroism: Black Soldiers in America’s Wars*, 57. [↑](#footnote-ref-211)
212. Marasigan, “African American Soldiers in the Philippine-American War,” 62. [↑](#footnote-ref-212)
213. Marasigan, 1. [↑](#footnote-ref-213)
214. Robinson and Schubert, “David Fagen,” 74. [↑](#footnote-ref-214)
215. Marasigan, “African American Soldiers in the Philippine-American War,” 1. [↑](#footnote-ref-215)
216. Robinson and Schubert, “David Fagen,” 74–75. [↑](#footnote-ref-216)
217. Robinson and Schubert, 81. [↑](#footnote-ref-217)
218. Marasigan, “African American Soldiers in the Philippine-American War,” 33. [↑](#footnote-ref-218)
219. Robinson and Schubert, “David Fagen,” 78. [↑](#footnote-ref-219)
220. Brown, “White Backlash,” 170. [↑](#footnote-ref-220)
221. Brown, 171. [↑](#footnote-ref-221)
222. Marasigan, “African American Soldiers in the Philippine-American War,” 184–88. [↑](#footnote-ref-222)
223. Marasigan, 193–97. [↑](#footnote-ref-223)
224. Marasigan, 201. [↑](#footnote-ref-224)
225. Marasigan, 204–5. [↑](#footnote-ref-225)
226. Marasigan, 311. [↑](#footnote-ref-226)
227. Marasigan, 316–19. [↑](#footnote-ref-227)
228. Marasigan, 330–35. [↑](#footnote-ref-228)
229. Marasigan, 344. [↑](#footnote-ref-229)
230. Marasigan, 345. [↑](#footnote-ref-230)
231. Marasigan, 346. [↑](#footnote-ref-231)
232. Marasigan, 346–47. [↑](#footnote-ref-232)
233. Edgerton, *Hidden Heroism: Black Soldiers in America’s Wars*, 59–60. [↑](#footnote-ref-233)
234. Edgerton, 60–61. [↑](#footnote-ref-234)
235. Edgerton, 61. [↑](#footnote-ref-235)
236. Edgerton, 61–62. [↑](#footnote-ref-236)
237. Edgerton, 61–62; Roosevelt, “Special Message.” [↑](#footnote-ref-237)
238. Roosevelt, “Special Message.” [↑](#footnote-ref-238)
239. Marasigan, “African American Soldiers in the Philippine-American War,” 347. [↑](#footnote-ref-239)
240. Marasigan, 347. [↑](#footnote-ref-240)
241. Marasigan, 347. [↑](#footnote-ref-241)
242. Bliss, “General Order No. 93,” 1–3. [↑](#footnote-ref-242)
243. Marasigan, “African American Soldiers in the Philippine-American War,” 347; Bliss, “General Order No. 93.” The white lieutenant in question was promoted to first lieutenant and returned to the United States in 1912, ultimately earning an honorable discharge. San Francisco Call, “Mist Prevents Target Practice.” [↑](#footnote-ref-243)
244. Marasigan, “African American Soldiers in the Philippine-American War,” 63. [↑](#footnote-ref-244)
245. Marasigan, 63. [↑](#footnote-ref-245)
246. Marasigan, 73. [↑](#footnote-ref-246)
247. Marasigan, 76. [↑](#footnote-ref-247)
248. Marasigan, 79–80. [↑](#footnote-ref-248)
249. Marasigan, 138–39. [↑](#footnote-ref-249)
250. Brown, “White Backlash,” 167. [↑](#footnote-ref-250)
251. Robinson and Schubert, “David Fagen,” 79. [↑](#footnote-ref-251)
252. Brown, “White Backlash,” 167–68. [↑](#footnote-ref-252)
253. Robinson and Schubert, “David Fagen,” 79. [↑](#footnote-ref-253)
254. Brown, “White Backlash,” 169. [↑](#footnote-ref-254)
255. Marasigan, “African American Soldiers in the Philippine-American War,” 125. [↑](#footnote-ref-255)
256. Jackson, “From Our Friends in the Far East,” 149. [↑](#footnote-ref-256)
257. Brawley, “New Wars,” 290. [↑](#footnote-ref-257)
258. Putnam, “The Negro’s Part in New National Problems,” 69. [↑](#footnote-ref-258)
259. Putnam, 70–71. [↑](#footnote-ref-259)
260. Putnam, 71. [↑](#footnote-ref-260)
261. Hall, “The Old or the New Faith, Which,” 173–74. [↑](#footnote-ref-261)
262. Lewiston Journal, “Negro and Filipino.” [↑](#footnote-ref-262)
263. Riser, “The Burdens of Being White: Empire and Disenfranchisement,” 252. [↑](#footnote-ref-263)
264. Riser, 253. [↑](#footnote-ref-264)
265. Riser, 256. [↑](#footnote-ref-265)
266. Riser, 256–57. [↑](#footnote-ref-266)
267. Riser, 256–57. [↑](#footnote-ref-267)
268. Braxton, “Company L in the Spanish American War.” [↑](#footnote-ref-268)
269. Editors, “Colonel William H. Dupree.” [↑](#footnote-ref-269)
270. Kilmer, “The Negro Soldier,” 256. [↑](#footnote-ref-270)
271. Steward, “Two Years in Luzon: Examining Schools, Etc.” [↑](#footnote-ref-271)
272. Steward, 165–66. [↑](#footnote-ref-272)
273. Steward, “Two Years in Luzon: Preparations for Civil Government.” [↑](#footnote-ref-273)
274. Lemus, “The Philippine Islands, or Opportunities for Colored Americans in the Far East,” 260. [↑](#footnote-ref-274)
275. Wilcox, “The Filipinos’ Vain Hope of Independence,” 399. [↑](#footnote-ref-275)
276. Thus, one year before Thomas Dixon’s *The Clansman*, which inspired the movie “Birth of a Nation.” [↑](#footnote-ref-276)
277. Steward, *The Colored Regulars in the United States Army*, 103. [↑](#footnote-ref-277)
278. Steward, 147. [↑](#footnote-ref-278)
279. Steward, 177. [↑](#footnote-ref-279)
280. Steward, 177–78. [↑](#footnote-ref-280)
281. Steward, 207. [↑](#footnote-ref-281)
282. Steward, 249. [↑](#footnote-ref-282)
283. Editors, “The Way of the World,” 598. [↑](#footnote-ref-283)
284. Editors, 598–99. [↑](#footnote-ref-284)
285. Editors, 599. The editors were not being totally facetious. Roosevelt, who had appointed Young to serve as his Military Attache to Haiti and the Dominican Republic, knew Young well enough to write a flattering introduction to a monograph that Young produced discussing his experiences in Hispaniola. [↑](#footnote-ref-285)
286. Sparrow, *The Insular Cases and the Emergence of American Empire*, 7. [↑](#footnote-ref-286)
287. Sparrow, 216–18. [↑](#footnote-ref-287)
288. Sparrow, 79–142. [↑](#footnote-ref-288)
289. Baldoz, *The Third Asiatic Invasion: Migration and Empire in Filipino America, 1898-1946*, 23. [↑](#footnote-ref-289)
290. Story, “The Problem of the Chinese in the Philippines,” 31. The problems with the Chinese, according to the Philippine Commission’s report issued in 1899, were that “they remit their earnings to China, . . . they practice cheating and deception in trade and business, . . . they intermarry and the halfbreeds are troublesome, . . . the influence of the Chinese is generally degrading, . . . and the Chinese do not bring their wives to the islands.” Story, 32. [↑](#footnote-ref-290)
291. Miller, “The Semi-Civilized Tribes of the Philippine Islands,” 44–52. [↑](#footnote-ref-291)
292. Van Ellis, “Assuming the White Man’s Burden,” 611–12. [↑](#footnote-ref-292)
293. Baldoz, *The Third Asiatic Invasion: Migration and Empire in Filipino America, 1898-1946*, 24. [↑](#footnote-ref-293)
294. Van Ellis, “Assuming the White Man’s Burden,” 612. [↑](#footnote-ref-294)
295. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America*, 100. [↑](#footnote-ref-295)
296. Ngai, 101. [↑](#footnote-ref-296)
297. Van Ellis, “Assuming the White Man’s Burden,” 614. [↑](#footnote-ref-297)
298. Baldoz, *The Third Asiatic Invasion: Migration and Empire in Filipino America, 1898-1946*, 73. [↑](#footnote-ref-298)
299. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America*, 100. [↑](#footnote-ref-299)
300. Naturalization Act of 1906, 599. [↑](#footnote-ref-300)
301. Naturalization Act of 1906, 606. [↑](#footnote-ref-301)
302. Bonaparte, Opinion of the Attorney General, 27 Op. Atty Gen at 12. [↑](#footnote-ref-302)
303. Bonaparte, 27 Op. Atty Gen at 13. [↑](#footnote-ref-303)
304. Army Historical Foundation, “The Philippine Scouts.” [↑](#footnote-ref-304)
305. Parker, “Philippine Scouts and Counter-Insurgency,” 19–21. [↑](#footnote-ref-305)
306. Parker, 25. [↑](#footnote-ref-306)
307. Miller, “The Semi-Civilized Tribes of the Philippine Islands,” 51. [↑](#footnote-ref-307)
308. Miller, 51–52. [↑](#footnote-ref-308)
309. Roosevelt, “First Annual Message.” [↑](#footnote-ref-309)
310. An Act to Increase the Efficiency of the Permanent Military Establishment of the United States, 757. Section 37 authorized the creation of similar units in Puerto Rico. [↑](#footnote-ref-310)
311. An Act to Increase the Efficiency of the Permanent Military Establishment of the United States, 757. [↑](#footnote-ref-311)
312. Parker, “Philippine Scouts and Counter-Insurgency,” 30. [↑](#footnote-ref-312)
313. Parker, 16. [↑](#footnote-ref-313)
314. Parker, 61–62. [↑](#footnote-ref-314)
315. Parker, 65–66. [↑](#footnote-ref-315)
316. Taft, “Fourth Annual Message.” [↑](#footnote-ref-316)
317. War Department, “Medal of Honor Citation, Private Jose Nisperos.” [↑](#footnote-ref-317)
318. Naval History & Heritage Command, “The Insular Force: Adapting to Local Conditions.” [↑](#footnote-ref-318)
319. McKinley, “Executive Order.” [↑](#footnote-ref-319)
320. Naval History & Heritage Command, “The Insular Force: Adapting to Local Conditions.” [↑](#footnote-ref-320)
321. Sohoni, “Fighting to Belong: Asian-American Military Service and American Citizenship,” 67. [↑](#footnote-ref-321)
322. Takaki, *Strangers from a Different Shore: A History of Asian Americans*, 57. [↑](#footnote-ref-322)
323. Baldoz, *The Third Asiatic Invasion: Migration and Empire in Filipino America, 1898-1946*, 75. [↑](#footnote-ref-323)
324. Baldoz, 75. [↑](#footnote-ref-324)
325. In re Alverto, 198 F. at 688–89. [↑](#footnote-ref-325)
326. In re Alverto, 198 F. at 689. [↑](#footnote-ref-326)
327. In re Alverto, 198 F. at 690. [↑](#footnote-ref-327)
328. Naturalization Act of 1906, 606. [↑](#footnote-ref-328)
329. In re Alverto, 198 F. at 690–91. [↑](#footnote-ref-329)
330. Sohoni and Vafa, “The Fight to Be American,” 127. [↑](#footnote-ref-330)
331. An Act Making appropriations for the naval service, 395. [↑](#footnote-ref-331)
332. McClellan, In re Monico Lopez, 1916 Naval Digest at 237. [↑](#footnote-ref-332)
333. McClellan, 1916 Naval Digest at 237. [↑](#footnote-ref-333)
334. McClellan, 1916 Naval Digest at 237–38. [↑](#footnote-ref-334)
335. McClellan, 1916 Naval Digest at 238. [↑](#footnote-ref-335)
336. In re Lampitoe, 232 F. [↑](#footnote-ref-336)
337. Baldoz, *The Third Asiatic Invasion: Migration and Empire in Filipino America, 1898-1946*, 79. [↑](#footnote-ref-337)
338. In re Mallari, 239 F. at 416. [↑](#footnote-ref-338)
339. In re Mallari, 239 F. at 417. [↑](#footnote-ref-339)
340. In re Mallari, 239 F. at 417. [↑](#footnote-ref-340)
341. In re Mallari, 239 F. at 418. [↑](#footnote-ref-341)
342. In re Mallari, 239 F. at 418. [↑](#footnote-ref-342)
343. In re Rallos, 241 F. at 686. [↑](#footnote-ref-343)
344. In re Rallos, 241 F. at 687. [↑](#footnote-ref-344)
345. In re Rallos, 241 F. at 687. [↑](#footnote-ref-345)
346. In re Bautista, 245 F. at 765. [↑](#footnote-ref-346)
347. In re Bautista, 245 F. at 765–66. [↑](#footnote-ref-347)
348. Baldoz, *The Third Asiatic Invasion: Migration and Empire in Filipino America, 1898-1946*, 81. [↑](#footnote-ref-348)
349. In re Bautista, 245 F. at 767. [↑](#footnote-ref-349)
350. In re Bautista, 245 F. at 767. [↑](#footnote-ref-350)
351. In re Bautista, 245 F. at 768. [↑](#footnote-ref-351)
352. In re Bautista, 245 F. at 769. [↑](#footnote-ref-352)
353. In re Bautista, 245 F. at 770. [↑](#footnote-ref-353)
354. In re Bautista, 245 F. at 771. [↑](#footnote-ref-354)
355. In re Bautista, 245 F. at 771. The argument here seemed to presume that the principle of birthright citizenship adopted in *Wong Kim Ark* would not travel beyond the boundaries of the U.S. states. [↑](#footnote-ref-355)
356. Editors, “Filipino Can Be Naturalized.” [↑](#footnote-ref-356)
357. In re Bautista, 245 F. at 772–73. The court also noted that a Maryland district court had reached the same conclusion in a case involving a Puerto Rican citizen. [↑](#footnote-ref-357)
358. Riser, “The Burdens of Being White: Empire and Disenfranchisement,” 262. [↑](#footnote-ref-358)
359. Riser, 264–66. [↑](#footnote-ref-359)
360. Somers, *Genealogies of Citizenship: Markets, Statelessness, and the Right to Have Rights*, 7. [↑](#footnote-ref-360)