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HOW THE UNITED STATES RACIALIZES LATINOS

WHITE HEGEMONY AND ITS CONSEQUENCES

Edited by

José A. Cobas, Jorge Duany, and Joe R. Feagin



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The editors agree with the goals of colleagues who want to affirm the dignity of women by modifying standard Spanish language terms. However, we do not follow in this book all of their specific language practices.

We observe standard Spanish grammar in respect to grammatical gender. We also adhere to standard Spanish grammar's rules on diacritics. Two exceptions are the names of individuals who do not use diacritics and the titles of existing publications.

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To the late Bernard Farber and Joe Feagin
Eminent scholars, generous friends

José A. Cobas

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CHAPTER 5

Opposite One-Drop Rules Mexican Americans, African Americans, and the Need to Reconceive Turn-of-the-Twentieth-Century Race Relations

Laura E. Gómez

Despite the recognition that the United States today is a multiracial society, scholars and laypeople alike continue to view U.S. history as pivoting around race conceived in binary terms, as almost exclusively about white-over-black subordination. This is the case even though Mexican Americans have been part of U.S. society since 1845, when Texas became a state, and in very significant numbers since 1848, when a peace treaty ending the U.S.-Mexico War gave U.S. citizenship to more than 100,000 Mexicans. The belief that race is historically a matter of white/black relations has been exacerbated by the persistent tendency to see Mexican Americans as an ethnic, rather than a racial, group.¹

Both racial and ethnic boundaries are sociologically significant, but, by invoking race rather than ethnicity to describe the Mexican American experience, I echo sociologists who have identified race as "the most powerful and persistent group boundary in American history, distinguishing, to varying degrees, the experiences of those classified as *nonwhite* from those classified as *white*, with often devastating consequences" (Cornell and Hartmann, 1998:25; emphasis

added). In American society, sociologists have associated race with the quality of assignment (racial group membership is assigned by others, particularly by members of the dominant, white race) and ethnicity with the quality of assertion (ethnic group membership is chosen by members of the ethnic group). As sociologists Edward Telles and Vilma Ortiz have recently noted, however, both the ethnic and racial models described here originated in a black/white model of U.S. society (Telles and Ortiz, 2008:38).

A note on terminology is in order. I use the term "Mexican American" to refer to those people who were mestizo (Indian-African-Spanish) descendants of the Spanish colonizers of indigenous people in present-day Mexico and the United States who lived in the territory ceded by Mexico in 1848. As the reader will see, a substantial number of these persons became American citizens at that time, so it is a term that refers both to a particular ethnoracial group and to citizenship status. I use the term "Euro-American" to refer to the non-Mexican white population of the United States, including the portion that was ceded from Mexico in 1848. Because I will be discussing Mexican Americans' position as at once nonwhite and, yet, white or "off-white" in certain limited contexts, I do not simply refer to Euro-Americans as whites. I use the terms "black" and "African American" interchangeably to refer to Americans of African descent who are not Mexican American or Latino.

MANIFEST DESTINY RECONSIDERED

In this chapter, I call for reconceiving Mexican Americans in racial terms and to do so based on Mexicans' nineteenth-century history in the United States. Scholars typically see the middle to late nineteenth century as a key period in U.S. race relations, and they tend to emphasize the Civil War, the end of slavery, the constitutional amendments aimed at granting equal rights to the former slaves, and Reconstruction as key factors in the evolution of racial dynamics in the twentieth century. That standard story about race in the nineteenth century is flawed because it overlooks events related to Mexican Americans: the American colonization of northern Mexico beginning in 1846, the ceding by Mexico of half its territory to the United States in 1848, and the collective naturalization to American citizenship of 115,000 Mexicans following the war. All of these events occurred within a generation of the Civil War and Reconstruction, and yet virtually all scholars write about these events as representing two unrelated eras. Moreover, in the popular imagination, Manifest Destiny conjures a moment of national triumph before the dark years of conflict over slavery that culminated in the Civil War, exacerbating the tendency to see them as completely separate periods.

How does it change our thinking about U.S. race relations and about race itself to reconceive these nineteenth-century events as central forces that produced the racial order in the early twentieth century and that today continues to exert a powerful effect? Certainly, it results in a more accurate and more complex understanding of race, racial dynamics in the United States, and historic processes of racialization (Gómez, 2007). This approach shifts our gaze

from North/South dynamics to the West and Southwest and to considering the causal links between Manifest Destiny and colonization in the 1830s and 1840s, on the one hand, and the crisis over slavery and the Civil War of the 1860s, on the other. This intellectual move allows us to better understand the dynamics of whiteness, of groups becoming white, and of contingent (or limited) white status as illustrated by the experience of Mexican Americans as well as that of other groups over the course of the nineteenth and twentieth centuries. Finally, reconceiving nineteenth-century race relations in this way leads us to eschew the false dichotomy often presented between racial dynamics in the United States and those in Latin American countries.

For many decades, American sociologists and historians have been taken with the comparison between U.S. and Latin American racial models, often concluding that the more fluid racial categories of Latin America were less pernicious than the more impermeable black/white divide that characterized the United States during slavery, Reconstruction, and the Jim Crow era.² Instead, linking Manifest Destiny and the American colonization of northern Mexico with slavery and the Civil War invites us to take seriously what I have termed the "double colonization" of the American Southwest: This region was colonized twice, first by Spain and then by the United States (Gómez, 2007). Both the Spanish and the American colonial enterprises were grounded in racism—in a system of status inequality built on presumed racial difference. While a central aspect of both the Spanish and American conquests was a racial ideology of white supremacy, the particular variants of the ideology differed under the two regimes (and, as well, varied regionally within them). The American colonizers of the Southwest thus did not start with a clean slate. Instead, a new racial order evolved in the looming shadow of the Spanish-Mexican racial order.

THE FIRST MEXICAN AMERICANS

The United States invaded Mexico in the summer of 1846 in the far northern Mexican region of Nuevo México, establishing a fort in Santa Fé within a matter of months.³ U.S. military forces then moved west to Alta California, while troops at the Texas/Mexico border moved south, eventually taking Mexico City in September 1847. U.S. naval forces simultaneously proceeded to Monterey (in northern Alta California) and to the eastern Mexico seacoast. By late 1847, Mexican and American diplomats were attempting to negotiate an end to the war and eventually did so, in February 1848, with the Treaty of Guadalupe Hidalgo. The peace treaty provided for U.S. indemnification to Mexico for damages from the war in the amount of \$15 million and for Mexico's ceding of roughly half its northern territories to the United States (including the requirement that Mexico relinquish its claim on Texas, which had broken from Mexico in 1836 and was admitted to the Union as a slave state in 1845). The so-called Mexican Cession consisted of 1.3 million square miles, an area 50 percent larger than the Louisiana Purchase of 1804. In order to fathom the massive scale of the Mexican

Cession, consider that, today, 85 million Americans live in states that formerly were Mexican territory.

Yet the peace treaty gave the United States not only land but also people. The ceded lands were home to unknown numbers of Indians from tribes who had never submitted to the Spanish and later Mexican governments, which had attempted to assert political and military authority over the region. Indians in this category very likely numbered in the tens of thousands in 1848. The ceded lands also were home to tens of thousands of Pueblo Indians (in what is now the state of New Mexico) and so-called Mission Indians in California and Texas, both of whom, under Mexican law, had political and social rights as “civilized Indians” (Rosen, 2007:6–7).

Small numbers of Euro-Americans (U.S. citizens and citizens of Canada and European nations) lived in Alta California (especially concentrated in the Monterey trading center) and New Mexico (especially concentrated in the fur-trapping and trading region of the Taos Valley), but Texas was a different story. By the mid-1830s, Euro-Americans outnumbered Mexicans in Tejas, even though it was still under Mexican control (Gómez, 2007:6, 165, n. 23). As historian Richard White has noted, as many as 40 percent of the Euro-Americans in Texas in the ten years before Texas broke away from Mexico were “illegal aliens,” having immigrated to Mexico in violation of laws that required them to become Mexican citizens and Catholics (1991:65). Euro-American immigrants to Mexican Texas took black slaves with them (again in violation of Mexican law), and the number of slaves in Texas increased threefold between 1850 and 1860 (Gómez, 2007:18).

My focus here will be on Mexicans living in the Mexican Cession—people who were ancestrally a mixture of the indigenous, African, and Spanish people who had settled Mexico in the seventeenth and eighteenth centuries (Gómez, 2007; Menchaca, 2001). Mexico’s mid-seventeenth-century population contained roughly equal numbers of those claiming Spanish descent (only a small minority of whom had been born in Spain, even at that time) and those who identified themselves (or were so identified in official records) as black (racially mixed persons, African slaves, and their descendants), but ten times as many mestizos (mixed Indian-Spanish people) and Indians as either of those groups (Menchaca, 2001:61). In a society in which miscegenation was not prohibited and in some respects encouraged, Mexico rapidly became a mestizo society that was a blend of the three racial populations. New Mexico’s eighteenth- and nineteenth-century settler population (which needed to be almost entirely replenished after the Pueblo Revolt of 1680) was recruited mostly from Mexico’s interior and reflected this racially mixed population (Esquibel, 2006:65–69). Moreover, some evidence suggests that persons living in Mexico’s northern territories (Nuevo México, Alta California, Tejas) were much more indigenous and African than Spanish in their origins—precisely because such mestizo settlers had more to gain from the comparatively looser racial order on Mexico’s frontier (Esquibel, 2006:65–69).

An estimated 115,000 such Mexicans lived in the land ceded by Mexico, who, by virtue of the peace treaty in 1848, became the first Mexican Americans.

Consider that, via this one law, as many Mexicans were simultaneously granted American citizenship as people who lived in the fifth-largest U.S. city at the time (New Orleans).⁴ Some 14,000 Mexicans lived in California in 1850, and 25,000 Mexicans lived in Texas, but nearly two-thirds of all Mexicans in the Mexican Cession lived in present-day New Mexico (75,000) (Gómez, 2007:6, 164, n.20; Martínez, 1975; Montejano, 1987:31). Thus, the total number of Mexican Americans who lived in the New Mexico Territory, which Congress created in 1850 when it made California a state, was about the size of the nation’s eighth-largest city (St. Louis, population 78,000) and considerably larger than the ninth- and tenth-largest U.S. cities at the time (Spring Garden, Pennsylvania, at 59,000 and Albany, New York, at 51,000).

The first Mexican Americans were “Americans” by express provision of the peace treaty, which had collectively granted naturalization to these former Mexican citizens. (The treaty also offered Mexicans living in the ceded lands the right to maintain their Mexican citizenship and thereby reject American citizenship; while significant numbers of persons initially did so, many of them eventually adopted U.S. citizenship [Gómez, 2007:43].) As the result of congressional action in 1790, not long after the ratification of the U.S. Constitution, the ability to become an American citizen was restricted to “free white persons.” The 1848 treaty giving citizenship to more than 100,000 Mexicans was the first of several instances in which Mexicans received the benefit of what I have elsewhere termed an “off-white” racial status in law that did not correspond to Mexicans’ otherwise nonwhite racial status. The belief that Mexicans were “but little removed above the Negro” was widespread among both elite and average Americans, and this view was displayed repeatedly in congressional debates, in newspapers, and in efforts to rally some 70,000 volunteers to fight against Mexico in the war (Gómez, 2007:59; Horsman, 1981; Rodríguez, 2007:93–97). Yet the significance of Mexicans’ privilege should be underscored: They were collectively granted federal citizenship at a time when immigrants from Asia (including the Middle East), Africa, and elsewhere could not, under any conditions, become U.S. citizens because they were not considered “free white persons.”⁵

One of the reasons this arrangement was palatable to President James Polk and the Senate (which had to ratify the treaty to make it law) was that, at this time, federal citizenship was inferior to state citizenship. The nature of “citizenship” rights conveyed to Mexicans under the treaty was, at best, legally vague and, at worst, a deliberate attempt to mislead the Mexican negotiators. The Mexicans believed they had protected the rights of Mexican citizens living in the ceded territory to elect American citizenship. What they probably did not understand, however, was the fact noted above—that, in the United States at the time, federal citizenship was inferior to state citizenship.

At mid-nineteenth century, one’s political and civil rights stemmed largely from one’s status as a citizen of New Jersey or Virginia and had very little to do with one’s status as a citizen of the federal republic (Gómez, 2007:43–44). This would begin to change only as a result of the Civil War and the Reconstruction Amendments to the Constitution (particularly the Fourteenth Amendment of 1868), which considerably expanded the notion of federal rights and the idea

that the states were in important ways inferior to the federal government. Substantial numbers of Mexicans in Texas and California held both federal and state citizenship and therefore had access to full political rights. Significantly, however, the evidence shows that some Mexicans were not enfranchised as state citizens in California and Texas because they were deemed “too Indian” or “too African” (Menchaca, 2001).

Recall that two-thirds of the first Mexican Americans lived in New Mexico (where Pueblo Indians also were concentrated), and that in 1850 Congress organized New Mexico (then extending as far west as Las Vegas, Nevada) into a federal territory. The vast majority of the first Mexican Americans thus lived in a contiguous colony of the United States: the federal territory of New Mexico, which Congress did not admit to statehood until 1912. Accordingly, although they had certain rights as persons “white enough” for naturalization under the treaty, at least two-thirds of the first Mexican Americans were severely limited in their political rights and inclusion as full citizens within the United States (Gómez, 2007:44–45). This history of entering the nation as a colonized people (rather than as immigrants) and the history of the vast majority of the first Mexican Americans as second-class citizens living in a contiguous colony have shaped the racialization of Mexican Americans in ways that have yet to be fully understood by scholars.

OPPOSITE ONE-DROP RULES: THE EVOLUTION OF DISTINCT RACIAL LOGICS FOR BLACKS AND MEXICANS

Each time the United States acquired additional territory, the executive and legislative branches vigorously debated whether slavery would be allowed in the new region. For example, the Missouri Compromise of 1819–1820 was crafted to settle the slavery debate in the remainder of the Louisiana Purchase that was not initially carved into states. Under the law, slavery was allowed south of the thirty-sixth parallel but banned north of it. During debates over the annexation of Texas in 1837 and 1844, Congress refused to admit Texas precisely because it was to be a slave state; in 1845, southerners got the upper hand and Texas was finally admitted. Congressional opposition to the U.S. invasion of Mexico, to the formal declaration of war, and to the peace treaty all were focused on the question of slavery, as repeated debates over the Wilmot Proviso showed. That measure specified that slavery would be prohibited in any additional lands taken from Mexico, and it passed the House of Representatives in both 1846 and 1847 (Gómez, 2007:132).

The crisis became most acute with the addition of Mexican territory in 1848, the single largest acquisition of territory by the United States. Congressional debates about whether to allow slavery in the New Mexico and Utah territories (the portion of the Mexican Cession that remained after Congress carved out the states of Texas and California) revealed a federal legislature increasingly fractured on the slavery question. It became unlikely that Congress would act at all, making judicial intervention almost inevitable. The Supreme Court spoke to the question of slavery in the newly acquired territories less than a decade after the end of the war with Mexico. In 1856, in *Dred Scott v. Sandford*, the

Supreme Court ruled that the Missouri Compromise was an unconstitutional exercise of congressional power. This case is also notorious because it ruled that black Americans (whether they were free or enslaved) lacked the basic requisites of federal citizenship, such as being able to file a lawsuit in federal court. In this way, the colonization of Mexico and the Civil War are inextricably linked: The massive addition of Mexican territory interrupted the uneasy truce over slavery that had held sway for decades and that propelled the nation to civil war.

Yet the racial subordination of Mexican Americans (accomplished via colonization) and the subordination of African Americans (accomplished via slavery) are linked in other ways as well. For example, at the turn of the twentieth century, we can trace the evolution of two racial logics, one applying to African Americans and one applying to Mexican Americans. These two racial logics were mutually reinforcing—they worked dialectically to promote the subordination of the other group, as well as the subordination of the group at which each was directed. What I describe as a hard or rigid racial logic applied to blacks: Black status came to be defined by the hypodescent rule, and little movement out of the black category was the result. Under the soft or flexible racial logic, which applied to Mexicans, a kind of reverse one-drop rule emerged: One drop of Spanish blood led in some circumstances to the definition of Mexicans as white by law.

African Americans

We can trace the evolution of the hard racial logic that applied to blacks by examining the Supreme Court’s ruling in *Plessy v. Ferguson* in 1896. *Plessy* is infamous as the opinion that invoked the logic of “separate but equal” as a feature of American constitutional law: Legally segregated facilities for blacks and whites (“separate” schools, trains, theaters, swimming pools, etc.) comported with the Constitution’s equal protection clause (the Fourteenth Amendment), so long as blacks were provided comparable facilities (equal, in a general sense). Not until 1954, in the midst of the modern Civil Rights Movement, did the nation’s highest court reverse itself and thereby require school desegregation in *Brown v. Board of Education*.

Here my focus is on the social context of the case, especially its role as ushering in the hypodescent rule as the dominant American rule of defining black status. Homer Plessy was arrested for riding in the whites-only car of a New Orleans train. Under Louisiana law, the train company was required to have two separate passenger cars, one each for “the white and colored races” (Elliott, 2006:249). It was a crime punishable by fine or imprisonment to ride in the wrong car (subject to significant exceptions for black servants riding with their white employers), and Plessy was arrested, convicted, and sentenced for doing so (Elliott, 2006:249).⁶

Plessy was seven-eighths white and looked white, yet he lived his life as a member of the black community in New Orleans, where he was active in African American civil rights organizations (Elliott, 2006; Harris, 2004). For the civil rights lawyers who filed the litigation as a test of this new breed of Jim Crow legislation (which specifically mandated “equal but separate” accommodations

for the races), Plessy was the perfect client precisely because his racial status was ambiguous (Elliott, 2006:264). His situation underscored both the irrationality and the unworkability of legalized (*de jure*) segregation.

Such laws were irrational because racial definitions were inherently irrational: Was Plessy a black man who looked white, or was he a white man who was part black? In an 1893 letter, one of Plessy's lawyers, Albion Tourgée, argued presciently that scientists had failed to define race with any precision because race was socially constructed rather than biologically meaningful (Elliott, 2006:260). In oral arguments in 1896, Tourgée asked pointedly of the Supreme Court justices, "Who [is] white and who [is] colored? By what rule then shall any tribunal be guided in determining racial character?" (Elliott, 2006:286). Plessy's legal team also argued that such laws were ultimately unworkable because they depended on subjective enforcement by actors, from train conductors to police officers, who necessarily had to engage in on-the-spot judgments about racial status.

Because Plessy looked white, he and his lawyers had to arrange in advance to have him arrested; without such a plan, he would have been allowed to ride in the whites-only car (Elliott, 2006:265). In his biography of Tourgée, historian Mark Elliott notes that the Louisiana railroad companies "were overwhelmingly opposed to the Separate Car Act because of its extra cost and inconvenience," so they were perfectly willing to assist in the constitutional challenge to the law (2006:265). Plessy's lawyers faulted the law because it provided no guidance to those who had to enforce it; it contained no definition of its terms "white" and "colored." They emphasized that individuals could appear white but be black by reputation (especially in Louisiana), as was the case with Plessy. In an argument that fits very well in the contemporary American moment, Plessy's lawyer told the Supreme Court in 1896: "Race-intermixture has proceeded to such an extent [that it is often] impossible of ascertainment [after careful study, much less] ... the casual scrutiny of a busy conductor" (Elliott, 2006:287).

In essence, Plessy's lawyers were arguing that race was socially constructed rather than an inherent quality that mattered on its own terms. But the Supreme Court refused to engage their arguments about the meaning of race, about racial categories, and about the difficulty of assigning persons to racial categories. The Supreme Court's only nod to these issues (which were central in the briefs submitted by Plessy's lawyers) was to acknowledge, in the penultimate paragraph of the opinion, a range of definitions of black status (and, correspondingly, of white status, though the Court did not put it that way). For example, the Court noted a variety of competing definitions of black status and added that these definitions included the idea that "any visible admixture of black blood stamps the person as belonging to the colored race"—the definition that would come to be known as the hypodescent rule (Gómez, 2007:145).

Perhaps disingenuously, the Court said it would leave the question of definitions to the various state and local legislative bodies. Yet the impact of *Plessy* was to lead legislatures to adopt the hypodescent rule, which within a matter of decades evolved into the dominant definition of black status in the United States. This was so because the effect of the decision in *Plessy* was to give the green light to state and local governments to pass Jim Crow laws, the Supreme Court having

ruled that the Fourteenth Amendment prevented no bar to such laws. The result was the proliferation of anti-black segregation statutes across the nation (north and south, east and west) and in virtually every aspect of social life. And with the rise of such statutes came the dire need for a workable definition of "black" and "white": a definition that was easy to understand and easy to apply.

Only an easy definition would work because the management of this apartheid system would work only if individuals could assist, informally, in the process of enforcement (in all senses of the word) of racial categorization. The hypodescent rule under which one drop of black ancestry defines black status was the result and eventually emerged as *the* American rule by about 1930 (Telles, 2004:80). Prior to *Plessy*, however, it was far from inevitable that the one-drop rule would become the dominant U.S. rule. There had been a rich variety of definitions of white and black status for centuries in the United States. The revolutionary generation often defined someone as black only if one or more of the person's grandparents had been black (one-quarter or more black), and census enumerators had between 1850 and 1890 counted blacks, mulattoes, quadroons, and octoroons at various times, attesting both to the prevalence of black/white mixing and to the existence of competing state and local definitions (Gómez, 2007:144).

The hypodescent rule rose to become the dominant U.S. rule for defining black status, but looking closely at how this occurred (and exploring the law's central role in that process) reminds us that the racial order is historically contingent and socially constructed. This was no less so for racial logics directed at African Americans than for racial logics directed at Mexican Americans.

Mexican Americans

A year after the Supreme Court decided *Plessy*, a federal judge in San Antonio, Texas, issued a decision in a case called *In re: Rodríguez*. As a matter of legal precedent, there are vast differences between an opinion issued by the U.S. Supreme Court (like *Plessy*), which controls the law of the entire nation, and an opinion issued by a federal district court (like *Rodríguez*), which controls only the law in the particular jurisdiction out of which it arises (in this case, the Western District of Texas). The trial judge's ruling in *Rodríguez* was not appealed, so there is no appellate ruling in the case; yet it stands as the only reported naturalization case involving the determination of the racial status of a Mexican applicant in the nineteenth century. I compare the two cases here in order to illustrate the interaction between judicial opinions and the social context, and because they occur within a year of each other and allow us to see the contrasting racial logics that applied to blacks and Mexicans at the turn of the twentieth century.

In this case, Ricardo Rodríguez, a Mexican national, sought to become a naturalized U.S. citizen. Typically, naturalization cases occur as run-of-the-mill, little-publicized events (Gómez, 2007:139). Moreover, the case arose at a time when the 2,000-plus-mile U.S.-Mexico border was more symbolic than real. At this time and well into the twentieth century, substantial numbers of Mexican nationals crossed the porous border without any difficulty whatsoever, as did Americans entering Mexico. Procedures to regulate Mexican immigration

across the border did not become institutionalized until the 1940s (Sánchez, 1993:38–62). Prior to that time, Mexicans entered the United States freely and blended into Mexican American communities, in many cases without perceiving naturalization to American citizenship as necessary or desirable.

We know very little about Rodríguez himself or what motivated him to seek U.S. citizenship, but it is clear that this case entered the public spotlight when Euro-Americans organized to block Rodríguez's naturalization application because they believed too many Mexicans were becoming citizens and, specifically, voting in San Antonio elections. Similar sentiments appear to drive the contemporary anti-immigrant movement, except that, today, Mexicans' racial status is not openly touted as a reason for opposing Mexican immigration (it is a barely-below-the-surface subtext). But in 1897 those who opposed the citizenship application filed by Rodríguez could openly talk about race: Only "white" or black immigrants could become naturalized citizens under U.S. law. In the wake of the Civil War, Congress amended the law in 1870 to allow white persons as well as "persons of African nativity or African descent" to become American citizens. Under this law, Asian immigrants to the United States in the nineteenth and twentieth centuries were prevented from becoming citizens (though their American-born children were citizens via the Fourteenth Amendment's establishment of birthright citizenship in 1868).

Rodríguez claimed he was white and therefore eligible to become a U.S. citizen, but some Euro-American politicians intervened to argue that Mexicans were not white and therefore not eligible to naturalize, hoping to stem the rising tide of Mexican American voters in San Antonio. The judge considered whether Rodríguez was white via two commonly relied upon tests, the *common sense test* (sometimes called the ocular test in that it relied on the judge's or other persons' assessment of the applicant's appearance) and the *scientific approach* (under which the judge speculated about how "scientists" would classify the applicant) (Hane López, 1996). In this case, the judge took notice of Rodríguez's "copper-colored or red" complexion and "dark eyes, straight black hair and high cheek bones" to conclude that he was not white in appearance (Rodríguez, 2007:169). He also conceded that anthropologists would probably not conclude that Rodríguez was white: "If the strict scientific classification of the anthropologist should be adopted, he would probably not be classed as white," said the judge (as quoted in Gómez, 2007:141). Either one of these "tests" would have been a sufficient basis for concluding that Rodríguez was ineligible for citizenship, if the judge had wanted to reach that conclusion.

Instead, the judge reached back to nineteenth-century events to decide that Rodríguez was "white enough." His rhetorical strategy was to emphasize the laws that historically gave Mexicans political rights, suggesting that these laws had conferred white status on Mexicans, along with substantive rights. He specifically relied on three legal moments to make his case. First, in 1836, the constitution of the Republic of Texas conferred citizenship on all men except "Africans and their descendants" and "Indians," thereby including Mexicans by default (Gómez, 2007:141). When Congress voted in 1845 to annex Texas as a state, it similarly conferred state citizenship on the Mexicans who were in Texas in 1836. Yet the

judge elided the vigorous debate in the 1830s, 1840s, and 1850s about the racial status of Mexicans. For example, in the context of implementing these two laws, some Mexicans were deemed not white enough (or too Indian or too black) to become Texas citizens (Menchaca, 2001:228). The third law relied upon by the judge was the 1848 grant of collective naturalization to the Mexicans living in the ceded territory as a condition for ending the war with Mexico. (While the treaty itself did not contain racial restrictions on Mexican naturalization, racial prerequisites were included in the constitutions of several states carved out from the Mexican Cession, as well as in the congressional legislation that established New Mexico as a federal territory [Gómez, 2007:141].)

Lurking behind the scenes—and unstated in the opinion—was a social context in which Euro-American elites were bitterly divided over whether Mexicans should be encouraged to immigrate and naturalize. In the last decade of the nineteenth century, an acute labor shortage resulted from federal legislation in 1882 to prohibit Chinese laborers from entering the United States—a shortage that would soon be exacerbated by the 1907–1908 curtailment of Japanese immigration. For the first time, American agricultural, railroad, and other employers were beginning to actively recruit Mexican laborers to come to the United States. Yet white workers who competed with Mexican workers and whites who feared Mexican Americans' political power in towns like San Antonio vigorously opposed both Mexican labor recruitment and Mexican naturalization. Other Euro-Americans wanted the United States to remain attractive for Mexican workers.

Less than two decades after this decision, Congress passed a major immigration bill that consolidated the anti-Chinese efforts into a virtual ban on immigration from any Asian country (creating the so-called Asiatic Barred Zone from which immigrants could not enter the United States) (Ngai, 2004:18). In the same bill, Congress created the first exception for temporary Mexican workers: sojourners who would be allowed into the United States as contract laborers for a limited period of time. Actively recruited by employers and U.S. government agents, tens of thousands of Mexicans entered the United States in the 1920s under the temporary-worker provision. For these workers, naturalization was not an option; the United States invited them only as temporary workers without the option of becoming permanent members of the nation. If the 1917 immigration law permitted some Mexicans the opportunity for short-term economic improvement, it also constituted a huge exception to the naturalization opportunities created by the *Rodríguez* case.

UNMASKING THE REVERSE ONE-DROP RULE AS RACIAL IDEOLOGY

The early twentieth century thus saw the consolidation of opposing ideologies of race that together helped constitute the twentieth-century racial hierarchy that we take for granted today. Without understanding how they worked—and how they worked in tandem—we cannot fully understand U.S. racial dynamics in the twentieth century and beyond. For African Americans, the hypodescent

rule came to define black status in an expansive fashion and, in turn, to signal devastating legal disabilities. For Mexican Americans, the reverse one-drop rule operated to open up white status to Mexicans, and thereby the assumption of some political rights, but it also operated to impose a contingent whiteness. While Mexican Americans were relegated to second-class citizenship in virtually all areas of social and political life, they had access to whiteness in certain legal contexts. In the national order in the early twentieth century, Mexican Americans occupied a middle position as a wedge group, between whites above them and blacks below them. Like other wedge groups (at that time and since then), Mexican Americans were bought off with honorary white status and, to be honest, with the accompanying privileges, and in exchange they became complicit in policing the one-drop rule for African Americans.

The evolution of separate racial ideologies with respect to Mexican Americans and African Americans highlights the complexity and the internal contradictions within white supremacy. Whereas the racial ideology that we most commonly associate with this period of American history resulted in the hardening of the black racial category (under the one-drop rule), an ideology emerged for Mexicans that depended on racial boundaries being flexible and permeable. Sociologists and historians of U.S. race relations often have cited Latin American contexts as illuminating counterexamples to U.S. racial dynamics, but this approach overlooks the ways in which U.S. racial dynamics themselves substantially evolved from Spanish colonial models of race (dynamics that typically have been mislabeled as “ethnic” in the U.S. context). The myopic tendency to view American race relations as only about white-over-black relations and as centered on a North/South axis has obscured the ways in which Latin American-style race relations have existed both historically and as a powerful legacy today within the United States.

Moreover, the unmasking of these processes of racialization as they affected Mexican Americans makes visible the ideological work that labeling these dynamics as “ethnic” accomplished. The formal “white enough to naturalize” status initially afforded by the collective naturalization of Mexicans in 1848 and then consolidated in the *Rodríguez* opinion encouraged Mexican Americans, collectively and individually, to distance themselves from blacks and other nonwhite groups. Indeed, any group or person seeking equality appreciated the extent to which it paid to be perceived as white (or white enough) under the law. For Mexican Americans, that meant distinguishing themselves from blacks, but also from Indians, Chinese, and Japanese, depending on the region.⁷

The silence in American public discourse about the reverse one-drop rule as it has governed Mexican Americans speaks volumes. Talking openly about the way the one-drop rule operated for Mexicans would have exposed the tensions and contradictions in the larger racial order. In this respect, the silence—from the dominant group as well as from Mexican Americans themselves—about the reverse one-drop rule for Mexicans helped perpetuate the subordination of blacks, even as it promoted a state of permanent insecurity as “off-white” for Mexican Americans. Multiple examples show how this insecurity played out to cramp the legally based civil rights strategies of Mexican Americans in the post-World War II period by putting Mexican American plaintiffs in the awkward (and legally

less viable) position of arguing that they faced discrimination in educational and criminal justice contexts—discrimination they could not name as racial for fear of jeopardizing their contingent “white” status.⁸

When, instead of ignoring it, we examine closely the reverse one-drop rule, the American racial system seems far more fluid and malleable than typically portrayed. Instead of a racial system that consists of hard, closed categories (such as the hypodescent rule operating to define who is black), we see the contours of an American racial system in which mobility regularly occurred at both the individual and group levels. It allows us to see with more clarity the movement of other off-white groups into the white category in the early and middle twentieth century. Mexican access to the white category promised an easier path into whiteness for other groups. (For information on Jewish, Irish, and Italian movement into the white category, see Brodtkin [1998] and Jacobson [1998].) Until recently, scholars have tended to describe these patterns in “ethnic” rather than racial terms, and that tendency has prevented us from fully understanding American racial dynamics. Yet these dynamics tell us a great deal about the U.S. racial order; by continuing to uncritically reproduce the standard account of race in the United States as only about white-over-black subordination we may inadvertently reinforce white supremacy.

NOTES

1. Two book-length examples by prominent publishers are Skerry (1993) and Skrentny (2002).
2. For critical reviews of the literature comparing the United States and Latin America, see Telles (2004), Sawyer (2006), and de la Fuente (2001).
3. This summary is based on Gómez (2007:22–25, 41–45).
4. The 1850 U.S. Census showed that New Orleans had 116,375 residents and was the fifth-largest U.S. city, after New York, Baltimore, Boston, and Philadelphia (in order of population).
5. For a discussion of naturalization cases involving the determination of the applicant’s racial status, see Ian Haney López’s (1996) book, *White by Law*.
6. Plessy is commonly referred to as the “plaintiff” in the litigation, but in actuality he was a criminal defendant who was appealing his conviction by challenging the constitutionality of the law he was convicted under.
7. For examples of how this process played out in nineteenth-century New Mexico, where Mexican Americans controlled the territorial legislature, see chapter 3 of *Manifest Destinies: The Making of the Mexican American Race* (Gómez, 2007:81–116).
8. There is a robust literature analyzing these mid-twentieth-century legal strategies and cases. For two recent sources that will lead readers to the full literature, see Olivas (2006) and Haney López and Olivas (2008).

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CHAPTER 6

Racializing the Language
Practices of U.S. Latinos

Impact on Their Education

Ofelia García

All human beings, regardless of race, gender, or ethnicity, use language to communicate. It is perhaps because of our familiarity with language that we often do not recognize its discursive power and how we use it to construct ideologies. This chapter examines how U.S. schools perpetuate educational inequities between U.S. Latinos and others by racializing¹ the ways in which they speak. Bonnie Urciuoli (1996:15) explains the concept of racialization as follows: "[W]hen people are talked about as a race, . . . the emphasis is on natural attributes that hierarchize them." The Spanish language and bilingualism have become markers of being nonwhite, of being "out of place," thus minoritizing the position of U.S. Latinos and excluding them. The objective of the present chapter is to reveal how this racialization has impacted the education of U.S. Latinos through history and continues to do so today.

This chapter reviews the negative characteristics that have been assigned to both U.S. Spanish and bilingualism in the United States, preventing them from being used as a negotiable resource. The insistence on assigning negative static characteristics to a language, instead of acknowledging its use in social negotiations with others, is one way in which many nation-states have constructed imagined² national, ethnic, and linguistic identities, while protecting the legitimacy