

“In A Race All Their Own”: The Quest to Make Mexicans Ineligible for U.S. Citizenship

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*This article traces challenges to Mexicans' legal and racial status by various groups, including federal bureaucrats, nativist organizations, and everyday citizens. Early twentieth-century efforts to make Mexicans ineligible for U.S. citizenship, despite provisions in the Treaty of Guadalupe-Hidalgo, focused on the premise that Mexicans were neither “black” nor “white”; interest groups and politicians both strove instead to categorize Mexicans as “Indian.” These efforts intensified after the 1924 Immigration Act and two Supreme Court decisions, *Ozawa v. United States* (1922) and *United States v. Bhagat Singh Thind* (1923), which declared Japanese and Asian Indians ineligible for citizenship because they were not white. Underlying U.S. efforts to resolve Mexican immigration and citizenship issues was the ongoing problem of determining who could be considered white; this concern clashed with positive Mexican understandings of mestizaje.*

What is a White Man? This is a question which will presently begin to worry and perplex all persons with one-half of one per cent or more pigmentation in their skin. None of the existing rules of anthropologists and biologists henceforth count; a person is white if he is recognized by the “man in the street” as white. If he is not so recognized, he is to be considered black or brown or yellow or some other tint which makes it impossible for him to qualify for American citizenship.¹

So began the editorial published by *The Nation* in 1924. The editors were responding to recent Supreme Court decisions and pending cases that pivoted on understandings of race and

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1. Editorial, *The Nation*, March 26, 1924, p. 330.

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citizenship. According to the Naturalization Act of 1790 and its revision in 1870, only those who were deemed white or black could become citizens, so there was much at stake in how one answered “Who is a White Man?”² The Supreme Court had ruled that neither Japanese persons nor Asian Indians were white in *Ozawa v. United States* (1922) and *United States v. Bhagat Singh Thind* (1923). Moreover, since Section 13 of the 1924 Immigration Act restricted immigration to persons eligible for citizenship, an immigrant needed to be from a group considered white not just to naturalize but even to immigrate to the United States.

Particularly after the *Ozawa* and *Thind* rulings, white supremacists saw an opportunity to nullify Mexicans’ eligibility for U.S. citizenship by insisting these landmark citizenship decisions made previous racial designations of Mexicans null and void. The ultimate aim of the proponents was, of course, to shore up the definitional walls of what they saw as the essential distinction between “white” and “non-white” population groups, thereby putting even sharper teeth into the severe racial restrictions on both the naturalization and potential immigration of racially proscribed peoples. In the process, Mexicans were placed into a third, flexible racial category (after those of “black” and “white”) of “non-white.”

This article provides a revealing look into various efforts by state and private actors to render Mexican immigrants ineligible for U.S. citizenship by having them officially categorized as “non-white.” Emphasizing the distinction between formal and informal regimes of race-making in the period in question, I look beyond racial law and formal institutions to explore how both low- and high-level bureaucrats and other functionaries of the state often interpreted and implemented race-making mechanisms from the ground up. While legislation and court rulings may have constituted the legal framework in which race and racial hierarchy were defined, those definitions were always subject to an inherently informal and ad hoc process of human interpretation and intervention that extended the complex process of racialization and racial definition beyond what

2. The Naturalization Act of 1790 limited citizenship to whites. With the passage of the Fourteenth Amendment (1868) and revision of the Naturalization Act in 1870, blacks also became eligible; thus, whiteness was not the only route to citizenship. For the links between whiteness and citizenship in early U.S. history, see Matthew Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge, Mass., 1998).

was formally inscribed in the law.³ By the same token, other functionaries of the state sometimes operated from their own perceived self-interest, points of view, and interpretations of official policy. Consequently, while certain members of Congress, immigration bureaucrats, and lobbying groups were busily trying to shore up even more stringent and exclusionary definitions of race and citizenship, other members of that same government—particularly those in the State Department and, in some cases, within the immigration bureaucracy itself—often worked at cross purposes to these goals.

I use under-utilized archival resources to track challenges to Mexicans' legal and racial status that arose in various arenas, including the federal Bureaus of Immigration and of Naturalization (predecessors of the Immigration and Naturalization Service), West Coast nativist groups such as the California Joint Immigration Committee (CJIC), the American Eugenics Society (AES), and among everyday citizens. The debates raged well into the 1930s, even after the collapse of the U.S. national economy had led to large-scale deportations of Mexicans and Mexican Americans alike. Examining informal moments, such as immigration officers' routine disregard for laws that allowed Mexicans to naturalize and letter-writing campaigns by nativist groups, as well as formal pivotal moments, such as the passage of legislation that affected Mexicans' access to citizenship, results in a fuller sense of how racial classifications form and are practiced.

Tensions over race and citizenship leading up to the 1924 Immigration Act

The question of Mexicans' eligibility for U.S. citizenship has never been straightforward. In the wake of the U.S.-Mexican War, the Treaty of Guadalupe Hidalgo established Mexicans' eligibility in 1848. Citizenship, however, was inextricably linked to whiteness at this time, and the Treaty of Guadalupe Hidalgo never declared Mexicans to be white, just eligible for citizenship. Instead, the treaty preempted the need to discuss race by making U.S. citizenship available to those Mexicans who remained in the annexed

3. For more on common knowledge understandings of race in Supreme Court decisions, see Ian Haney-López, *White by Law: The Legal Construction of Race* (New York, 1996).

territories, basing their eligibility on their nationality, irrespective of race. The failure to link whiteness to citizenship for Mexicans in the Treaty of Guadalupe Hidalgo would become the treaty's Achilles' heel, providing an opening for those who sought to establish Mexicans as ineligible for citizenship for decades to come.

A prominent example of contesting Mexicans' right to U.S. citizenship occurred in 1897 when the Treaty of Guadalupe Hidalgo's provision extending eligibility for citizenship to Mexicans living in lands ceded to the United States was challenged in a Texas federal district court. The case, *In re Rodríguez*, arose when Ricardo Rodríguez, a Mexican who had lived in Texas for more than a decade, sought final approval of his application for naturalization.⁴ Local politicians expressed their opposition to Rodríguez's petition, citing the racial restriction on citizenship that allowed only whites and blacks to naturalize. The efforts against the Rodríguez petition were part of a longer history of attempts to disenfranchise Mexicans in Texas. Eventually, however, federal Judge Thomas Maxey sided with Rodríguez. The judge did not try to argue that Rodríguez was white, and he agreed that Rodríguez could be "classed with the copper-colored or red men. He has dark eyes, straight black hair, and high cheek bones." Yet, Maxey argued, both the constitution of the Texas Republic and the Treaty of Guadalupe Hidalgo either "affirmatively confer[red] the rights of citizenship upon Mexicans, or tacitly recognize[d] in them the right of individual naturalization." Thus, Maxey upheld Rodríguez's and, by extension, all Mexicans' right to citizenship.⁵

As Mexican immigration increased during the 1910s, old questions regarding citizenship and race resurfaced. In the late 1910s the number of Mexican immigrants rose, partly because people were fleeing the Mexican Revolution and also because U.S. programs encouraged Mexicans to immigrate to ease labor shortages created by World War I.⁶ The secondary literature on Mexicans in

4. *In re Rodríguez*, 81 Fed. 337, W.D. Texas, 1897.

5. The ruling was handed down in a lower district court and was therefore not binding in other courts. Nonetheless, it has been hailed as a landmark civil rights case. On *In re Rodríguez*, see Arnoldo De León, *In re Ricardo Rodríguez: An Attempt at Chicano Disenfranchisement in San Antonio, 1896–1897* (San Antonio, Tex., 1979); Haney-López, *White by Law*.

6. On Mexican communities and changing demographics in the Southwest, see David Gutiérrez, *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics*

the United States has focused mainly on the U.S. Southwest because Mexicans have had a larger and longer presence in these areas, but Mexicans were also recruited as laborers to areas like Lincoln, Nebraska, and St. Louis, Missouri, where some eventually sought to become citizens. We can learn much by viewing Mexican immigration outside of more familiar sites, especially in terms of how regional understandings of race and political economy played a role in determining “what is a white man.”

Looking at immigration issues outside of the Southwest is also informative because strong economic factors could drive immigration policy. Proponents of Mexican immigration in the 1910s tended to be large-scale employers, particularly in the agribusiness and railroad industries, who depended on Mexican laborers. These “advocates” did not propose accepting Mexicans as full-fledged members of society. Rather, employers insisted that, because Mexicans were an inferior race, they were well suited for hard labor. Employers argued that Mexicans did not represent a threat to U.S. society because they returned to Mexico when their work was done.⁷ Because they regarded such Mexicans as “birds of passage” who would return to Mexico when their labor was no longer needed, and since Mexican naturalization rates were low in the 1910s, employers did not belabor Mexicans’ racial status.

While economic pressures supported the immigration of Mexicans to the Southwest, the fact remained that citizenship was extended only to whites and blacks, leaving the status of anyone in-between who sought naturalization ambiguous at best. The Bureau of Immigration and Naturalization’s regional officers were required to state an applicant’s color on the naturalization forms. Many of the officers had never come into contact with Mexicans before and were not sure how to categorize them racially.⁸ These

of Identity (Berkeley, 1995), and George J. Sánchez, *Becoming Mexican American: Ethnicity, Culture, and Identity in Chicano Los Angeles, 1900–1945* (New York, 1993).

7. See “Economic Development and Immigration, 1890–1920,” in Gutiérrez, *Walls and Mirrors*, 39–68.

8. In 1891 Congress authorized the creation of the Office of the Superintendent of Immigration (renamed as the Bureau of Immigration in 1895) within the Treasury Department. In 1903 this bureau was transferred to the newly formed Department of Commerce and Labor. On June 27, 1906, Congress expanded and renamed the existing Immigration Bureau to the Bureau of Immigration and Naturalization (34 Stat. 596). In 1913, when the departments of Commerce and Labor divided, the bureaus were separated into the Bureau of Immigration and the Bureau of Naturalization;

officers, like most Americans at the time, understood race within a binary framework: A person was either white or black. In the Midwest and on the East Coast, immigrants in the 1910s were likely to have come from Eastern and Southern Europe. While not always readily accepted, such immigrants were, at the very least, “white on arrival.”⁹ In the immigration officers’ view, Mexicans were perhaps best described as “chocolate.” Where, then, did they fit in the black-white paradigm?

Mexicans had claims to whiteness due to their Spanish ancestry, but they also had indigenous (“Indian”) ancestry, which was neither black nor white. Hence, Bureau staff reasoned, they must not be eligible for citizenship. Particularly when Mexican applicants “looked Indian,” naturalization officers found it difficult to characterize their color as white, and as a result they leaned toward denying them citizenship.¹⁰ As one officer noted in 1916, “The mere fact that [a] man may owe allegiance to Mexico does not relieve him of the requirement that he be either a white man, or an African, as I read the law.”¹¹ Another officer believed a Mexican applicant to be ineligible because “his color would preclude association with whites.” For these bureaucrats, skin color trumped the provisions of the Treaty of Guadalupe Hidalgo and the federal court’s ruling in *In re Rodríguez*.¹²

both remained within the Department of Labor. The two merged to become the Immigration and Naturalization Service (INS) in 1933. In 1940 Congress moved the INS to the Department of Justice (today, under the name of U.S. Citizenship and Immigration Services, it is part of the Department of Homeland Security). For an overview of the early history of immigration and naturalization services, see “U.S. Customs and Border Protection, a Division of Homeland Security,” available online at www.cbp.gov/xp/cgov/toolbox/about/history/ins_history.xml.

9. Thomas A. Guglielmo, *White on Arrival: Italians, Race, Color, and Power in Chicago, 1890–1945* (New York, 2003).

10. Chief Examiner in St. Louis, Mo., to Commissioner of Immigration, June 26, 1916, file #19783/155, Records of the Immigration and Naturalization Service (INS), Record Group 85, National Archives, Washington, D.C. (hereafter RG 85). See also file #55639-617-A, in *ibid*.

11. Chief Examiner in St. Louis, Mo., to Commissioner of Immigration, June 26, 1916, file #19783/155, RG 85.

12. Mexican immigration was mainly comprised of men during this period. Thus, it stands to reason that most of the naturalization petitions concerned male Mexican applicants. Nonetheless, the situation raises the question of how whiteness, masculinity, and citizenship were linked and if denying the petitions of these Mexican men operated to preserve not only whiteness itself, but dominant understandings of whiteness as well. On race, citizenship, and masculinity, see Kevin J. Mumford, *Interzones: Black/White Sex Districts in Chicago and New York in the Early Twentieth Century* (New York,

There were also cases in which naturalization officers considered denying Mexicans citizenship based on perceptions that these applicants were of African descent.¹³ Officers argued that some Mexicans were “mulatto,” a person of mixed white and black ancestry. Ironically, had such an applicant actually been a mulatto, that status would have guaranteed legal eligibility for citizenship. Still, at least some Mexican applicants who had been deemed mulatto by naturalization officers explicitly rejected this label—even though it would have secured their U.S. citizenship. Legal scholar Laura Gómez and historical anthropologist Martha Menchaca have both demonstrated that the legacies of conquest, both Spanish and American, brought with them a racial order that placed whites at the top of the racial hierarchy; thus, Mexicans may have striven to be included in this category.¹⁴ Legal scholar Ian Haney-Lopez has concluded that from 1878 until 1952 there were fifty-two racial prerequisite cases in which the petitioner had to establish his or her eligibility for citizenship. Of these, only one involved an individual who argued that he was black and hence eligible for citizenship. The other fifty-one plaintiffs sued to be declared legally white.¹⁵

The repudiation of mulatto status may have reflected the applicants’ awareness that they were not black or their uncertainty regarding their full family history. Perhaps the applicants knew that citizenship without whiteness was hollow. Historian George Lipsitz has pointed out that, while whiteness may be a created identity, it has real consequences for the distribution of wealth, prestige, and opportunity. To identify with whiteness, as such, “is to remain true to an identity that provides [people] with resources, power, and opportunity.”¹⁶

For their part, naturalization officers may have felt that categorizing Mexicans as white would undermine the meanings, and

1997), and Gail Bederman, *Manliness and Civilization: A Cultural History of Gender and Race in the United States, 1880–1917* (Chicago, 1995).

13. While Mexicans generally view themselves, and are viewed by others, as being descendants of Spaniards and Indians, many also have kinship ties with Africans. The Spanish colonialists brought Africans to Mexico as slaves.

14. Martha Menchaca, *Recovering History, Constructing Race: The Indian, Black, and White Roots of Mexican Americans* (Austin, Tex., 2001); Laura E. Gómez, *Manifest Destinies: The Making of the Mexican American Race* (New York, 2007).

15. Haney-López, *White by Law*, 49.

16. George Lipsitz, *The Possessive Investment in Whiteness: How White People Profit from Identity Politics* (Philadelphia, 1998), vii.

hence the privileges, of whiteness. Legal scholar Cheryl Harris has argued that, “[in] ways so embedded that it is rarely apparent, the set of assumptions, privileges, and benefits that accompany the status of being white have become a valuable asset—one that whites sought to protect and [that] those who passed sought to attain—by fraud if necessary.”¹⁷ Although Harris’s work focuses on African American history, these same issues of guarding the boundaries of whiteness, and of people trying to transgress these boundaries by passing for white, are key to understanding Mexicans’ quest to become full citizens.

Regional officers proposed forwarding the cases of mulatto Mexicans to the Bureau of Naturalization for settlement, but some Mexicans denied them permission to do so.¹⁸ Adding to their own experiences with discrimination in Mexico, Mexicans who had spent even a short time in the United States would have recognized the entrenched and far-reaching discrimination against blacks. Thus, an applicant’s refusal to be labeled a mulatto or “negro” could have been a conscious act to enter the United States closer to the top than the bottom of the racial hierarchy.¹⁹

Questions that arose out of naturalization procedures point toward the larger issue of the criteria people used to define race in the opening decades of the twentieth century. High-level officials within the Bureau of Naturalization who argued against Mexican naturalization turned to various sources of authority, including law, policy, and the historical record, to reinforce their arguments. Most often, they referred to Section 2169 of the U.S. Revised Statutes, which states that “free white persons,” “aliens of African nativity,” and “persons of African descent” are eligible for citizenship.²⁰ Since Mexicans did not fit at either end of this racial

17. Cheryl I. Harris, “Whiteness as Property,” *Harvard Law Review*, 106 (1993), 1713. See also Peggy Pascoe on the property value of whiteness; Peggy Pascoe, “Miscegenation Law, Court Cases, and Ideologies of ‘Race’ in Twentieth-Century America,” *Journal of American History*, 83 (1996), 44.

18. Chief Examiner in St. Louis, Mo., to Commissioner of Immigration, June 26, 1916, file #19783/155, RG 85.

19. Alternatively, these individuals may simply have wanted to avoid entanglement in more bureaucratic red tape. They may also have felt that it was better to go without U.S. citizenship than risk the possibility of deportation if their application were denied.

20. Naturalization Act of July 14, 1870 (amending Section 2169, U.S. Revised Statutes), 16 Stat. 254 (1870).

binary, some officials reasoned the statute did not apply to them. A court clerk in St. Louis, for example, appealed directly to the Secretary of Commerce and Labor for clarification of what Section 2169's reference to "white persons" meant. Specifically, the clerk wondered, did it cover "only those whose color is actually white or does it further include all persons of what is ethnologically known as the white or caucasian race?"²¹ That question would continue to be fervently debated in the next decade.

The 1920s: A new racial order

While the debates of the 1910s over Mexicans' eligibility to naturalize did not culminate in the passage of legislation, they did serve as important precursors to the next decade's contests. The controversy regarding Mexicans' legal and racial status in the 1920s took place in a period of economic and social upheaval during which Americans were intensely worried about immigration. The Immigration Act of 1924, also known as the Johnson-Reed Act, limited the annual number of immigrants from a specific country to 2 percent of the number of people from that same country who were already living in the United States, based on 1890 census data. The law's primary aim was to reduce drastically the large flow of Southern and Eastern Europeans, who were deemed inferior "breeds." The act also prohibited groups ineligible for naturalization from immigrating, specifically Chinese, Japanese, and other Asian groups, whose immigration was already severely limited by earlier efforts to protect the nation from the "yellow peril."

The 1924 Immigration Act did not restrict immigration from countries in the Western Hemisphere. Thus, Latin Americans continued to immigrate freely—providing cheap labor that made possible and profitable an unprecedented expansion in large-scale industry and agriculture. This boon to capitalism did not placate the many Americans who strongly disagreed with the exemption of Mexicans from the new restrictions on immigration. For many critics, Mexican immigrants presented at least as great, if not a

21. James R. Gray, Clerk, U.S. District Court, St. Louis, Mo., to the Secretary of Commerce and Labor, Jan. 1, 1907, file #19783/1-24, box 1572, entry 26, RG 85; Marian L. Smith, "Race, Nationality, and Reality: INS Administration of Racial Provisions in U.S. Immigration and Nationality Law since 1898," *Prologue*, 34 (Summer 2002), 90-105.

greater, threat to the “purity” of the nation as their counterparts from Europe. Even those who supported unrestricted immigration for Mexicans in order to meet the low-wage labor needs of the expanding U.S. economy endorsed the widespread view that Mexicans were a separate, inferior race.

A new racial order was being codified in the United States during the 1920s. The existing binary white-black order seemed hopelessly inadequate for the categorizing of so many newcomers. Two important Supreme Court decisions, *Ozawa v. United States* (1922) and *United States v. Bhagat Singh Thind* (1923), contributed to the idea of a continuum by establishing a third category: non-white.

In *Ozawa v. United States*, the Supreme Court considered the case of Takao Ozawa who had applied for naturalization, with the support of a few close friends, on the grounds that he was white. Ozawa, a resident of Hawai‘i, was born in Japan and had lived in the United States for twenty-eight years. He had attended the University of California at Berkeley. He and his wife sent their children to American schools, they attended a Christian church, and they all spoke English at home. In addition, his skin color was white.²² The U.S. District Attorney for the District of Hawai‘i denied Ozawa’s petition on the grounds that, as a Japanese man, he was not white and therefore not eligible for citizenship. Ozawa, however, did not give up and pursued his case until it eventually reached the Supreme Court.

The Supreme Court also denied Ozawa’s petition. They argued that, according to scientific definitions of race, Ozawa was Mongolian, not Caucasian, and thus not eligible for citizenship. Justice George Sutherland delivered the opinion of the court and addressed the issue of skin color. Sutherland argued that the “color test” was “impractical, as that differ[ed] greatly among persons of the same race, even among Anglo-Saxons, ranging by imperceptible gradations from the fair blond to the swarthy brunette.” Sutherland went on to argue, “The federal and state courts, in an almost unbroken line, have held that the words “white person” were meant to indicate only a person of what is *popularly* known as the Caucasian race.” But, as in many other cases revolving around

22. *Ozawa v. United States*, 260 U.S. 178 (1922). See also Haney-López, *White by Law*, 8–86.

race, Sutherland offered no hard, fast rules when it came to determining who was white. He conceded:

The determination that the words "white person" are synonymous with the words "a person of the Caucasian race" simplifies the problem, although it does not entirely dispose of it. Controversies have arisen and will no doubt arise again in respect of the proper classification of individuals in border line cases. The effect of the conclusion that the words "white person" means a Caucasian is not to establish a sharp line of demarcation between those who are entitled and those who are not entitled to naturalization, but rather a zone of more or less debatable ground outside of which, upon the one hand, are those clearly eligible, and outside of which, upon the other hand, are those clearly ineligible for citizenship. Individual cases falling within this zone must be determined as they arise from time to time by what this court has called, in another connection (*Davidson v. New Orleans*, 96 U.S. 97, 104), "the gradual process of judicial inclusion and exclusion."²³

Thus, the court offered no explicit definition of whiteness but instead described it as a border zone.

The very next year, the Court ruled on another case regarding eligibility for citizenship in *United States v. Bhagat Singh Thind*. Bhagat Singh Thind was born in Punjab, India, and had lived in the United States since 1913. Like Ozawa, he also attended Berkeley. He had served in the U.S. Army during World War I. Unlike Ozawa, according to anthropological definitions of race, Thind, being from India, was considered Caucasian, thus meeting the criteria the Supreme Court had set forth in the *Ozawa* case.

Nonetheless, the Court ruled Thind ineligible for citizenship because he was not Caucasian in the "popular sense of the word." In the *Thind* decision, Sutherland again delivered the opinion of the Court, which stated that "a high-caste Hindu, of full Indian blood, born at Amritsar, Punjab, India," was *not* "a white person within the meaning of section 2169, Revised Statutes."²⁴ Sutherland cited the 1911 *Dictionary of Races or Peoples* to support his ruling. The *Dictionary*, widely considered an authoritative source, was the product of the Dillingham Commission, named after Republican Senator William Dillingham of Vermont. Dillingham had

23. *Ozawa v. United States*; emphasis added in first quote.

24. *U.S. v. Bhagat Singh Thind*, 261 U.S. 204 (1923). The Court's decision addressed the questions of race and of naturalization separately. See also Haney-López, *White by Law*.

headed a congressional task force established in 1907 to evaluate changes in immigration over the previous twenty-five years and to determine the present and future effects of immigration flows on U.S. society.²⁵ Despite acknowledging the authority of the *Dictionary*, however, Sutherland stated that, in discerning the intent of the law (especially Section 2169) in the *Thind* decision, the Court had recourse to more than “the speculations of the ethnologist.”

The case, it seems, rested on twin certainties: the popular understanding of race held by “the common man” and the intent of Congress (as codified in Section 2169). The “words ‘free white persons’ are words of common speech,” Sutherland wrote, “to be interpreted in accordance with the understanding of the common man, synonymous with the word ‘Caucasian’ only as that word is popularly understood.” Thus, while the 1790 naturalization act had restricted citizenship to “free white persons” in an attempt to exclude blacks and American Indians from citizenship, immigration changed the population of the United States, and Supreme Court rulings were fundamental in continuing to expand the category of “non-white” to include racialized newcomers.

These rulings opened the door to contest the right of Mexicans to naturalize. Campaigns and challenges to Mexicans’ right to U.S. citizenship proliferated in the late 1920s. The organizers of these campaigns argued that the *Ozawa* and *Thind* cases had “clearly foreshadowed” that Mexicans should be denied citizenship because they were neither white nor black.²⁶

It was in this context of trying to establish, both legally and in everyday life, the definition of whiteness that many Americans began to question where Mexicans belonged. After 1924 officials in the Bureau of Naturalization (now independent of the Bureau of Immigration) were forced to address the status of Mexicans repeatedly. During the 1910s the Bureau had received occasional interdepartmental inquiries as to whether Mexicans were eligible for U.S. citizenship, but during the 1920s questions arose from within the agency itself. For instance, one junior naturalization officer wrote a

25. The commission issued its recommendations, which included a call for restrictive immigration standards to guard against any further influx of undesirable foreigners, in a forty-one-volume report. See *The Dictionary of Races or Peoples*, vol. 5, available online at library.stanford.edu/depts/dlp/ebrary/dillingham/body.shtml.

26. V. S. McClatchy to Hon. Robe Carl White, Acting Secretary of Labor, Sept. 4, 1929, file #19783/155, RG 85.

twelve-page memo to his supervisors. The memo, which circulated widely within the Bureau before reaching the Commissioner of Naturalization, asked for clarification regarding Mexicans' eligibility for citizenship.²⁷ The junior officer cited three cases in which Indians had been found ineligible. These cases included *United States v. Balsara* (1910), in which it was declared that "American Indians [did] not belong to the white race." In a second case, *In re Burton* (1900), the federal trial court denied the petition of an Indian born in British Columbia because "[n]o provision [had] been made by Congress for the naturalization of Indians or other peoples of color or their descendants, except for Africans." Finally, he cited *In re Camille* (1880), which found that a man whose father was a white Canadian and whose mother was an Indian from British Columbia was not eligible for naturalization because he was half Indian.²⁸

Noting that the Supreme Court had cited *In re Camille* in its *Ozawa* ruling, the officer reasoned that, if "[t]he Supreme Court of the United States having referred to this decision in terms of approval, the racial ineligibility of petitioners for naturalization of Indian blood would seem to *require no further discussion*."²⁹ Interestingly, the logic of this argument bypassed more recent developments regarding Indians much closer to home. The 1924 Citizenship Act had granted citizenship to Native Americans. While on the surface the act seems to suggest that boundaries of citizenship were widening, in practice, it was interpreted then—and remembered now—more as a form of forced assimilation in which citizenship was extended in name only. Furthermore, even before Congress passed the Citizenship Act, many Native Americans had achieved citizenship through treaties, military service, and receipt of allotments (land).³⁰ Clearly, Native Americans could and did acquire

27. Commissioner of Naturalization to the District Director of Birmingham, Ala., Jan. 14, 1930, in *ibid.*

28. Junior naturalization examiner to the District Director of New Orleans, Jan. 12, 1929, in *ibid.* For more on the cases, see *United States v. Balsara*, 180 F. 694 (2nd Cir. 1910), *In re Burton*, 1 Ala. 111 (1900), and *In re Camille*, 6 F. 256 (C.C.D.Or. 1880).

29. Junior naturalization examiner to the District Director of New Orleans, Jan. 12, 1929, p. 3, file #19783/155, RG 85; emphasis added.

30. Marian L. Smith, "The INS and the Singular Status of North American Indians," *American Indian Culture and Research Journal*, 21: 1 (1997), 134–135. Japanese had also received citizenship because of their military service; Lucy E. Salyer, "Baptism by Fire: Race, Military Service, and U.S. Citizenship Policy, 1918–1935," *Journal of American History*, 91 (2004), 847–876.

citizenship. If Native Americans could gain citizenship through an act of politics, why could Mexicans not do the same through the Treaty of Guadalupe Hidalgo? The fact that the junior examiner's memo was widely circulated and made its way all the way up the ranks speaks to how well his assessment resonated within the Bureau of Naturalization.

In addition to inquiries from other government agencies and from its own staff, in the 1920s the Bureau of Naturalization began to receive requests from the public asking whether Mexicans were eligible for citizenship. Mr. Veselle Schaeffer from Dayton, Ohio, inquired whether mestizos (Mexicans of mixed Spanish and Indian race) could be naturalized, highlighting the fact that questions from the general public were not limited to those living in the Southwest. Moreover, the fact that people in the Midwest were becoming more familiar with Mexicans (to the point of using the word "mestizo") shows an expansion of understandings of race beyond a black-white framework. Of course, whether or not mestizos could be naturalized could not be answered within the limits of a black-white framework, since citizenship thus far had been conceived of as limited to those two groups. Where mestizos might fit remained difficult to pin down. Commissioner of Naturalization Raymond Crist answered Mr. Schaeffer that anyone with a preponderance of white or black blood could naturalize.³¹

In the absence of clearly defined institutional guidelines regarding where Mexicans belonged in the racial order, the fight to reposition them lower on the racial hierarchy intensified. The stakes were high. Once firmly categorized as non-white, Mexicans would not only be excluded from applying for citizenship—they would be excluded from immigrating as well, since section 13 of the Immigration Act restricted immigration to persons eligible for citizenship.³²

Strategies for making Mexicans ineligible for citizenship

Some nativist organizations made changing the ground rules for citizenship a top priority. The California Joint Immigration Committee (CJIC) led the campaign to redefine the status quo with respect

31. Commissioner of Naturalization to Veselle Schaeffer, Feb. 26, 1928, file #19783/155, RG 85.

32. The issue of Mexicans' continued right to immigrate comes up various times in internal Bureau discussions. See file #55639-731-A, RG 85.

to Mexicans. The CJIC was an umbrella organization representing some of the most influential interest groups in the state, including the state-level branches of the American Legion, the Federation of Labor, and the Native Sons of the Golden West (NSGW).³³ The CJIC had started out as the Asiatic Exclusion League and had cut its teeth as an influential lobbying group around the issues of Japanese exclusion and Alien Land Laws.³⁴ The CJIC pursued its goals publicly, issuing press releases with headlines such as “Mexican Indians Not Eligible for American Citizenship.”³⁵ Citing the *Ozawa* and *Thind* cases as decisions that applied to the “yellow” and “brown” races, respectively, the CJIC argued that, as members of the “red race,” Mexicans were also excluded from naturalization. The reference to the “red race” was most likely borrowed from the then-popular term for Native Americans, although, like the junior examiner in the Bureau of Naturalization, the CJIC conveniently ignored the fact that Native Americans had been eligible for citizenship since 1924. The bigger point seemed to be that the *Ozawa* and *Thind* rulings had defined particular groups as non-white, and the CJIC was determined that Mexicans should be consigned into that category as well.

One strategy the CJIC used to advance its cause was to pressure Secretary of Labor James Davis, whose department oversaw the Bureaus of Immigration and of Naturalization, to use his influence with Congress to declare Mexicans ineligible to naturalize. Davis was no advocate of unrestricted immigration. He had favored including immigrants from the Western Hemisphere in the 1924 Immigration Act’s quota system. Even after that law passed, Davis continued to argue in the Department of Labor’s annual reports that quotas be applied to countries in the Western Hemisphere. In addition, the Department of Labor sponsored a 1925 study on “racial problems” in Latin America and the West

33. The Native Sons of the Golden West had a long tradition of targeting foreign residents of California. They had led state and local campaigns to restrict Chinese and Japanese and were instrumental in passing the state’s Alien Land Law acts in 1913 and 1920.

34. Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, N.J., 2004), 47.

35. Press release, California Joint Immigration Committee, Oct. 7, 1929, box 518, HR 71 A–F 16.4, Records of the U.S. House of Representatives, Record Group 233, National Archives, Washington, D.C. (hereafter RG 233).

Indies by Princeton economist (and eugenics enthusiast) Robert Foerster.³⁶

Despite Davis's interest in restricting Mexican immigration, he was not, to the disappointment of the CJIC, in favor of denying Mexicans the right to naturalize. In a February 1929 memo to Washington State Representative Albert Johnson, head of the House Committee on Immigration and Naturalization, Davis confirmed that Mexicans were eligible for citizenship, even as he characterized them as racially inferior.³⁷ Less than two weeks later, he carefully expanded that memo and sent it to California Senator Hiram W. Johnson, who chaired the Senate Committee on Immigration. Davis explained that Mexicans previously had not been placed under the quota system because of the need for their unskilled labor. He argued that the time had come to reassess Mexican immigration because it had increased dramatically and had engendered a host of problems, including threats to white job candidates, increased social ills, and heightened disease rates, all in a time of a declining national economy. Davis's proposed solution was to place Mexicans (and Canadians) on a quota system and to allow immigration for seasonal laborers. In rendering his opinion, he carefully considered the position that Mexicans were not eligible for citizenship. He concluded:

It is the view of this Department that native Mexicans cannot be denied permanent admission to the United States because of their ethnological status as a race. The Mexican people are of such a mixed stock and individuals have such a limited knowledge of their racial composition that it would be impossible for the most learned and experienced ethnologist or anthropologist to classify or determine their racial origin. Thus, making an effort to exclude them from admission or citizenship because of their racial status is practically impossible.³⁸

36. Mark Reiser, *By the Sweat of Their Brow: Mexican Immigrant Labor in the United States, 1900–1940* (Westport, Conn., 1976), 206; Robert F. Foerster, *The Racial Problems Involved in Immigration from Latin America and the West Indies to the United States: A Report Submitted to the Secretary of Labor* (Washington, D.C., 1925); James Davis, "One Hundred Years of Immigration," *New York Times*, Feb. 17, 1924. See also Martha Mabie Gardner, *The Qualities of a Citizen: Women, Immigration, and Citizenship, 1870–1965* (Princeton, N.J., 2005).

37. Department of Labor to Albert Johnson, Feb. 14, 1929, box 515, HR 71 A–F 16.1, RG 233.

38. California Joint Immigration Committee to William Doak, Dec. 11, 1931, file #55639-617-A, RG 85.

Vehemently disagreeing, the CJIC pointed out that, although Davis contended it was impossible to classify Mexicans because of their “mixed stock,” he had also stated that out of 15 million Mexicans, 5 to 6 million were of “pure Indian stock” and 7 to 8 million were of “mestizo stock.” The latter observation seemed to support the CJIC’s argument regarding Mexicans’ status as Indians.³⁹ From their viewpoint, if Mexicans were Indian, a fact the Secretary of Labor’s reference to mestizo stock seemed to concede, it was clear that they should not be eligible for naturalization.

Davis’s failure to support the curtailment of naturalization prompted the CJIC to try a different strategy. California State Attorney General Ulysses S. Webb, a long-time advocate of exclusionary immigration policies, created a detailed memo briefing Senator Hiram Johnson on the topic, using Labor Secretary Davis’s argument as a straw man. Webb published this memo in pamphlet form to facilitate its dissemination to various government bodies and top immigration officials.⁴⁰

V. S. McClatchy, an active member of the CJIC, looked for allies aside from the Secretary of Labor. He contacted Paul Armstrong, a high-ranking naturalization officer based in San Francisco, urging him to forward to Attorney General Webb an application for naturalization from a Mexican that would make a suitable test case. Instead of responding directly to McClatchy, however, Armstrong forwarded the letter to the U.S. Commissioner of Naturalization, adding that he, Armstrong, agreed with McClatchy that the time had come for a test case, “especially in view of the decisions of the Supreme Court in the *Thind*, *Ozawa*, and *Toyota* cases.”⁴¹ The Commissioner of Naturalization was unsympathetic; he maintained

39. *Ibid.* It is interesting to note that, because of their Spanish heritage, mestizo Mexicans were considered part white. Yet, at the time, Spain received a quota of only 100 immigrants per year, which implies that they too were considered undesirable immigrants. On the quotas, see *Congressional Record*, 1929, 2 sess., vol. 70, p. 3535.

40. “Memorandum Relative to Communication Dated February 5, 1929, addressed by Secretary of Labor, Honorable James J. Davis, to Senator Hiram W. Johnson, Chairman of the Committee on Immigration, United States Senate,” prepared by U. S. Webb, file #19783/155, RG 85.

41. Paul Armstrong to Commissioner of Naturalization, Sept. 20, 1929, file #19783/155, RG 85. Armstrong did not cite the *Toyota* case, but he was likely referring to *Hidemitsu Toyota v. United States* (268 U.S. 402 1925) in which the United States canceled *Toyota*’s naturalization certificate on the grounds that it was “illegally procured” because he was Japanese.

that the issue of Mexicans' eligibility for naturalization had been settled.⁴²

Each of the main players in this campaign to make Mexicans' ineligible for U.S. citizenship was a CJIC member. Attorney General Webb's name and title were prominently displayed on the CJIC letterhead. Senator Hiram Johnson, a member, knew McClatchy, Webb, and others well and had worked with them to pass legislation advancing their common goals. Moreover, as California's governor from 1911 to 1917, Johnson had signed into law the discriminatory Alien Land Law drafted by Webb, which prevented those ineligible for citizenship from owning or leasing land for more than three years. This law directly affected Asians as they were not eligible for citizenship.⁴³

Another important California-based group supporting a change in the status of Mexicans was the Native Sons of the Golden West (NSGW). Although a member organization within the CJIC, the NSGW also acted independently, applying to this new cause the same skills it had developed to restrict Asian immigration and limit the rights of those Asians already present in the United States. The NSGW pursued every opportunity to gain the attention and support of men in power, including members of Congress, Supreme Court justices, newly elected President Herbert Hoover, and Hoover's newly appointed Secretary of Labor, William Doak.⁴⁴

The NSGW used a three-pronged approach. First, they wanted to ensure that Congress did not overturn existing laws that made Asians ineligible for citizenship. This possibility had been raised as a way to preserve cordial diplomatic relations between the United States and Japan. Since the goal of both the CJIC and the NSGW was to expand the category of excluded aliens to include Mexicans, if the existing legal structure were overturned, the strategy would have foundered. This, in turn, would have jeopardized another NSGW goal, namely reducing immigration from the Philippines.

42. Commissioner of Naturalization to District Director of San Francisco, Oct. 3, 1929, file #19783/155, RG 85.

43. The act had the practical effect of preventing the state's Japanese residents from owning or leasing land for more than three years. For general information about Johnson, see "Johnson, Hiram Warren, (1866–1945)," Biographical Directory of the United States Congress, available online at bioguide.congress.gov/scripts/biodisplay.pl?index=J000140, accessed Feb. 16, 2008.

44. Doak to Native Sons of the Golden West, Oct. 27, 1931, file #55639-617-A, RG 85.

As residents of a U.S. protectorate, Filipinos were considered nationals and thus exempt from the quota system. If Congress were to abolish the “ineligible for citizenship” category, there would be “no logical legal basis for restricting Filipino immigration without racial discrimination, or for cutting down Mexican immigration, without curtailing to the same or greater extent the more desirable immigration from Canada.”⁴⁵ Clearly, the NSGW understood that the legal practices directed at one racialized group could affect another. They also embraced the concept of racial hierarchies, as implied by their search for a strategy that would cut off the flow of Mexicans and Filipinos without restricting Canadians.

The NSGW’s second strategy was, like that of the CJIC, to enlist the support of the Department of Labor. Given the force of Davis’s refusal to consider changing Mexicans’ racial classification, the NSGW may have hoped that, by acting independently of the CJIC, they would be able to apply additional pressure on the Department of Labor. Moreover, the replacement of Davis by William Doak in December 1930 may have raised hopes, given that Doak had been involved in developing deportation campaigns aimed at Mexicans during the early years of the Depression.⁴⁶ But Doak proved resistant to the suggestions put forth by the NSGW. He reminded the group that the Supreme Court made legal decisions, not the Labor Department.⁴⁷ An awareness of the Court’s power underlay the CJIC and the NSGW’s third strategy, which was to continue to pressure U.S. Department of Labor officials to bring a test case before the Supreme Court to settle the issue of race and citizenship.

Eugenics organizations also supported restricting Mexican immigration by pushing forth a test case. Such organizations had played a pivotal role in the passage of the 1924 Immigration Act, thus setting an important precedent for how racial science would influence immigration policy.⁴⁸ Even after the law’s passage, they

45. John T. Reagan, Grand Secretary of the Native Sons of the Golden West, to Doak, Secretary of Labor, Oct. 10, 1931, in *ibid.*

46. Reisler, *By the Sweat of Their Brow*, 230. Doak was replaced by President Franklin D. Roosevelt’s newly appointed Secretary of Labor, Frances Perkins, in March 1933.

47. Doak to Native Sons of the Golden West, Oct. 27, 1931, file #55639-617-A, RG 85; Native Sons of the Golden West to Doak, Nov. 12, 1931, in *ibid.*

48. Jacobson, *Whiteness of a Different Color*, 83–90.

kept at this agenda, shifting their attention from ethnic European groups on the East Coast to Mexican immigrants in the Southwest.

The Committee on Selective Immigration of the American Eugenics Society (AES) proposed an immigration program in 1930 that called for further restrictions on immigration on various fronts. They believed that the 1924 Immigration Act did not go far enough to ensure that “descendants of the colonists and early settlers” would dominate the population, so they proposed that existing quotas be reduced by half. They also proposed that numerical limitations be imposed on immigrants from the Western Hemisphere, a proposal that was clearly meant to reduce Mexican immigration. Furthermore, they supported the deportation of immigrants, a practice that became policy after the onset of the Great Depression.⁴⁹

The AES had long applied eugenic reasoning in its quest to influence immigration policy. The association lent support to the campaign to bring a test case that would conclude that Mexicans were ineligible for citizenship. It published an editorial in *Eugenical News* in 1930 calling for such a test case.⁵⁰ The association was well aware that U.S. immigration control efforts, such as a decline in the issuance of visas and increased border control through the creation of the border patrol in 1924, had already decreased immigration from Mexico. In addition, by 1929 the Depression was already affecting the United States, and fewer Mexicans were attempting to immigrate, given the lack of jobs and racist attempts to scapegoat them for the economic hard times. Nonetheless, the AES argued that, since Mexicans had a “predominating amount of American Indian blood,” bringing a test case forward would “constitute a public service.”⁵¹ While the test case did not come to

49. American Eugenics Society Committee on Selective Immigration, “Immigration Program,” Fifth Annual Report, 1930, file #55639-617-A, RG 85. A group of prominent eugenicists established the first eugenics organization, the American Eugenics Society (AES), in 1921. The AES received the support of leading eugenicists throughout the United States and spread eugenic ideas to the wider public, thus becoming the foremost organization for eugenics education and advocacy in the United States in the 1920s and 1930s. For more on the AES, see Barry Alan Mehler, “A History of the American Eugenics Society, 1921–1940” (Ph.D dissertation, University of Illinois, Urbana-Champaign, 1989).

50. “Mexican Immigration,” *Eugenical News*, 15 (1930), 13.

51. *Ibid.*

fruition, these nativist groups continued to pursue their joint and separate campaigns well into the 1930s.

Mexican immigration on the policy front

The contest over Mexicans' status was fought not just in naturalization cases, but in immigration policy as well. Until the 1910s Mexicans had crossed the U.S.-Mexican border with relative freedom. The passage of the Literacy Act in 1917 increased immigration requirements for the first time for those who entered from Mexico.⁵² The act's imposition of a head tax also proved a financial burden for some Mexican immigrants, and many looked for places to cross the border outside of the supervision of a border checkpoint to avoid paying it.⁵³ Moreover, stereotypes of Mexicans as carriers of disease who threatened both the health of the nation and its charity system (and also as a fertile population ready to overtake the nation) resulted in humiliating medical inspections at border-crossing stations, a practice that made entering the United States still more punishing.⁵⁴ With the creation of the border patrol in 1924, Mexicans experienced even more difficulty crossing the border. A limited budget and understaffing rendered the border patrol generally ineffective during its first years, but its existence signaled that Mexicans were not welcome in the United States, despite their being exempt from the draconian provisions of the 1924 Immigration Act. Border patrol agents played a key role in defining Mexicans as outsiders through their harassment and denigration of Mexicans at checkpoints—even when their papers were in order—or in random stops as they crossed the bridge from Juárez, Mexico, to El Paso, Texas, the largest point of entry.⁵⁵

52. Some black leaders criticized the Literacy Act because they saw the parallels between similar measures that had been imposed to restrict their rights after they had been granted citizenship. David J. Hellwig, "Black Leaders and United States Immigration Policy, 1917–1929," *Journal of Negro History*, 66 (1981), 110–127.

53. On changes in immigration policy, see Sánchez, *Becoming Mexican American*.

54. On increased negative medicalized representations of Mexicans, see Natalia Molina, "Illustrating Cultural Authority: Medicalized Representations of Mexican Communities in Early-Twentieth-Century Los Angeles," *Aztlán: A Journal of Chicano Studies*, 28 (2003), 127–143; Molina, *Fit to Be Citizens? Public Health and Race in Los Angeles, 1879–1939* (Berkeley, 2006); and Alexandra Minna Stern, *Eugenic Nation: Faults and Frontiers of Better Breeding in Modern America* (Berkeley, 2005).

55. Sánchez, *Becoming Mexican American*, 58–59; Kelly Lytle Hernandez, *Migra! A History of the U.S. Border Patrol* (Berkeley, 2010).

Scholars have looked carefully at the many attempts to curtail Mexican immigration, particularly after 1924.⁵⁶ Throughout the 1920s, the strong lobbying power of large-scale employers, as well as diplomatic and trade interests, kept Mexicans from being included in the quota system. Nevertheless, opponents continued to launch attempts to legislate restrictions on Mexican immigration.

One of the most important immigration restrictionists in Congress was Representative John C. Box of Texas. Box was tireless in his efforts to rally anti-Mexican sentiment and to pass severely restrictive immigration legislation. He corresponded with academics, scientists, social workers, educators, and self-identified eugenicists. His basic message was that American employers were aiding the spread of a peonage system by hiring Mexicans, whom they clearly viewed as racially inferior. Box's arguments may have persuaded many of his fellow Americans, but his attempts in 1926 and 1928 to shepherd legislation that would drastically limit Mexican immigration failed.⁵⁷ The need to preserve diplomatic and trade relations with Mexico, as well as the State Department's commitment to protecting American-owned oil properties there, proved more powerful than the strong anti-Mexican sentiment of Box, some of his fellow legislators, and assorted citizen groups. Interestingly, he and his myriad allies vehemently maintained that Mexicans were an inferior race and of "Indian stock." For example, in one congressional hearing on immigration, Box stated, "Practically all those crossing the border [from Mexico] are from Amerind stocks that no longer exist. These were eliminated at the conquest."⁵⁸ Yet, they did not employ the CJIC's strategy of claiming that Mexicans were Indians and therefore not eligible for U.S. citizenship. Instead, they argued that Mexicans should be put on the quota system.

Although restrictionist legislation repeatedly failed to pass, in 1928 the State Department engineered a significant reduction in Mexican immigration by instructing its consular offices in Mexico

56. Camille Guerin-Gonzales, *Mexican Workers and American Dreams: Immigration, Repatriation, and California Farm Labor, 1900–1939* (New Brunswick, N.J., 1994); Gutiérrez, *Walls and Mirrors*; Molina, *Fit to Be Citizens?*; Reisler, *By the Sweat of Their Brow*.

57. On the reasons that the legislation sponsored by J. C. Box and others failed in 1926 and 1928, see "The Politics of Restriction," in Reisler, *By the Sweat of Their Brow*, 198–226.

58. House Committee on Immigration and Naturalization, U.S. Congress, *Hearings before the Committee on Immigration and Naturalization, House of Representatives, Seventieth Congress, First Session, February 21 to April 5, 1928* (Washington, D.C., 1928).

to curtail the number of visas issued. This change in policy was aimed at appeasing restrictionists and impeding future legislation to limit Mexican immigration. In a speech delivered at a 1930 conference on immigration, the head of the State Department's visa office, John Farr Simmons, explained that completely cutting off immigration from Mexico would be a bad foreign relations move and, hence, a poor trade move. On the other hand, the State Department believed Mexicans were likely to become public charges and, given the Depression, wished to discourage their immigration.⁵⁹ Still, he argued that Mexicans did not pose a serious threat, since the federal government could always deport them.⁶⁰ With the consuls scrupulously following the new visa policy, legal immigration from Mexico decreased drastically. According to historian Mark Reisler, from July 1929 (the beginning of the fiscal year) to March 1930, visas issued to Mexicans fell by 75 percent as compared with the average issued during the entire course of the five years prior.⁶¹

By 1930 the flow of Mexican immigrants had decreased dramatically. In 1929, the year following the change in visa policy, Congress approved another deterrent, Public Law 1018, which made crossing into the United States without a visa a misdemeanor with a penalty of up to one year in prison. Moreover, the law provided that anyone who was deported, then re-entered, and was caught would be charged with a felony and would face up to two years in prison.⁶² Lastly, Congress increased funding to the border patrol, adding to both its real and symbolic power.⁶³ This combination of decreased visas, increased penalties, and tighter patrolling

59. "Copy of White House Press Release" regarding Mexican immigration, Sept. 8, 1930, file #387-150.062 Public Charge/799, Visa Division Correspondence Regarding Immigration, 1910-1939, box 38, General Records of the Department of State, Record Group 59, National Archives, Washington, D.C. (hereafter RG 59).

60. John Farr Simmons's Speech, Chief of Visas Officer, State Department at Willington, Mass., conference on immigration (12 pages, handwritten), folder 6, Sen 71 A-F 11, Committee Papers Including Hearings, 71st Congress, box 93, Records of the U.S. Senate, Record Group 46, National Archives, Washington, D.C. (hereafter RG 46). The number of Mexicans deported—mainly for entry without a visa—skyrocketed from 1,751 in 1925 to over 15,000 in 1929. See Ngai, *Impossible Subjects*, 67.

61. Reisler, *By the Sweat of Their Brow*, 215.

62. *Ibid.*, 214-215. The full text of Public Law No. 1018 can be found in file #55639-731-A, RG 85.

63. Lytle Hernandez, *Migra!*

was highly effective in reducing Mexican immigration. Nevertheless, as the next section of this article explains, well into the 1930s restrictionists continued campaigning for a quota to be established for immigrants from Mexico and for an end to their eligibility for citizenship.

The test case

Much as the question of immigration remained unresolved during the 1930s, so too did the question of eligibility for citizenship. Business interests consistently undercut the possibility of a monolithic, race-based approach to the question of Mexican immigration.⁶⁴ Advocates for immigration may have agreed with opponents that Mexicans were of “inferior stock” and “not quite white,” but this shared perception made them no less zealous in ensuring that the immigration door remained wedged open enough to allow a steady flow of low-wage labor to continue.

Two major turning points for Mexicans and Mexican Americans living in the United States occurred during the 1930s. The first was the Depression. The collapse of the U.S. economy triggered a dramatic change in the treatment of Mexicans and Mexican Americans. Their marginal acceptance, which had stemmed from their being a source of cheap labor, disappeared as rapidly as the jobs Mexican laborers had been hired to fill. As jobs disappeared, so did the justification for allowing an open immigration policy with Mexico. Opponents of unrestricted immigration began insisting that Mexicans return home and followed up those demands with

64. Political scientist Kitty Calavita has made this same point with regard to a later period. In *Inside the State*, a study of the INS, Department of Labor, and agricultural growers involved in the Bracero Program, Calavita examined the conflicting agendas of labor and immigration policy. The Bracero Program (1942–1964) was a form of contract labor that U.S. and Mexican officials designed to bring Mexican workers into the United States temporarily. At the program’s end, the workers would be required to return to Mexico. Calavita has noted the following blatant example of the competing agendas of immigration policy and labor demand: At the beginning of the Bracero Program, the INS legalized undocumented farmworkers already working in the United States. This move violated bilateral agreements, but it helped provide a readily available labor pool for growers. Calavita’s example reveals how capitalism’s need for labor could disrupt hegemony, in this case, a plainly visible racial order. See Kitty Calavita, *Inside the State: The Bracero Program, Immigration, and the I.N.S.* (New York, 1992).

political pressure at the local, state, and national levels. These attitudes culminated in repatriation programs that sent large numbers of Mexicans—including American citizens of Mexican descent—to Mexico.⁶⁵ Los Angeles, for example, lost one-third of its Mexican population due to deportation and repatriation programs.⁶⁶

The second major turning point was the rise of second-generation Mexican Americans as a politicized group. Depression-era deportation programs made it clear to the second generation and Mexicans residing in the United States that they could no longer move easily back and forth between countries, nor could they anticipate as much help from the Mexican government in protecting their legal rights while they were living in the United States. They increasingly turned to U.S. institutions, joining unions, demanding their rights as U.S. citizens, and using organizations like the Congress of Spanish Speaking Peoples to channel their voices and give them greater political weight. And, even as their efforts to naturalize were being challenged and their residency status threatened, they immersed themselves in U.S. popular culture, from fashion to dance halls.⁶⁷

Mexican Americans fought on many fronts to continue being classified as white for they knew that whiteness afforded them rights. Historians David Gutiérrez and Neil Foley have written about the large-scale organizing Mexican Americans engaged in through organizations such as the League of United Latin American Citizens (LULAC) in both Texas and California. Unlike most other Mexican organizations in the United States, whose main concern was immigrant mutual aid, LULAC's mission was political. The organization aimed to help naturalized Mexicans and Mexican Americans claim their rights as U.S. citizens. Formed

65. On the effects of the Depression on Mexicans and Mexican Americans in the United States, see Douglas Monroy, *Rebirth: Mexican Los Angeles from the Great Migration to the Great Depression* (Berkeley, 1999); Gutiérrez, *Walls and Mirrors*; Francisco E. Balderrama and Raymond Rodríguez, *Decade of Betrayal: Mexican Repatriation in the 1930s* (Albuquerque, 1995); Guerin-Gonzales, *Mexican Workers and American Dreams*; Molina, *Fit to Be Citizens?*; Sánchez, *Becoming Mexican American*; Vicki Ruiz, *Cannery Women, Cannery Lives: Mexican Women, Unionization, and the California Food Processing Industry, 1930–1950* (Albuquerque, 1987); and Abraham Hoffman, *Unwanted Mexican Americans in the Great Depression: Repatriation Pressures, 1929–1939* (Tucson, Ariz., 1974).

66. Sánchez, *Becoming Mexican American*, 170.

67. See *ibid.*, Part IV, “Ambivalent Americanism.”

in 1929 by Mexicans who had been born or come of age in the United States (including some who had served in the U.S. armed forces during World War I), LULAC pursued an agenda of assimilation, excluding from membership Mexicans who were not U.S. citizens.⁶⁸

When faced with the possibility of losing the few citizenship rights they had, Mexicans fought back. Historian Mario García has told the history of the attempt by the El Paso city registrar and the city health officer to change Mexicans' racial classification from "white" to "colored" in El Paso in 1936. At the time, El Paso had a high infant mortality rate among whites, which would reflect badly on any city, but especially one like El Paso that was working to establish itself as a health resort. Since they believed that Mexicans contributed disproportionately to this high infant mortality rate, they concluded that reclassifying Mexicans as non-white would improve the health statistics. With the help of LULAC, Mexicans and Mexican Americans in the city mounted a campaign against the reclassification and won. Because El Paso city officials had justified the reclassification by citing the precedent set by the U.S. Census to place Mexicans in a racial category of their own, Mexican activists continued their fight and took it to Washington, D.C., where they compelled the U.S. Census Bureau to classify Mexicans as white once again.⁶⁹

Another history-making moment occurred in 1931 in Lemon Grove, located in San Diego County. During the Depression, school officials segregated Mexicans and Mexican Americans into a separate school. Enlisting legal counsel and the help of the Mexican consul, the Mexican community organized and took their fight to the Superior Court of California in San Diego where they won the first school desegregation case.⁷⁰

In addition to legal activism, Mexicans fought discrimination through social and cultural means. Historian Gabriela Arredondo has argued that the Mexican community in Chicago had a

68. Neil Foley, "Becoming Hispanic: Mexican Americans and the Faustian Pact with Whiteness," in Foley, ed., *Reflexiones: New Directions in Mexican American Studies* (Austin, Tex., 1997); Gutiérrez, *Walls and Mirrors*.

69. Mario T. García, "Mexican Americans and the Politics of Citizenship: The Case of El Paso, 1936," *New Mexico Historical Review*, 59 (1984), 187–204.

70. Roberto Alvarez, "The Lemon Grove Incident: The Nation's First Successful Desegregation Court Case," *Journal of San Diego History*, 32 (1986), 116–135.

more ambivalent attitude toward remaining in the United States permanently; thus, Mexicans there tended to turn less to civic participation, preferring instead to unify among themselves to combat discrimination through everyday acts, such as joining sports teams and enjoying local festivals and parades. Arredondo has also described how Mexicans, cognizant of how racial positioning operated, tried to establish themselves as superior to blacks. For example, some Mexicans chose not to shop in black-owned stores. In other cases, Mexican families disregarded their black neighbors, and Mexican children ignored black classmates on the playground.⁷¹ While these tactics may appear abrasive, Mexicans knew that, if classified as “colored,” they faced severe consequences in areas such as housing, school, and employment discrimination, which many already experienced as *de facto* segregation.

As the definition of whiteness continued to be contested in the 1930s, the CJIC, Native Sons of the Golden West, and other nativist groups finally got what they wanted: a test case. In 1935 Judge John Knight of the U.S. District Court in Buffalo, New York, denied three Mexicans’ petitions for naturalization because they had a “strain of Indian blood.”⁷² Knight’s reasoning resonated with what was commonly known as the “one-drop rule,” which defined anyone with even one drop of “black blood” as black. This ruling supported the original decision of naturalization examiner John L. Murff, who had denied the Mexicans’ petitions. Murff believed that “the only genuine Mexican is an Indian” In Knight’s view, Mexicans were “outside the category” of aliens eligible for citizenship because they were neither white nor black. He also noted that, while *In re Rodríguez* had declared Mexicans eligible for citizenship, this ruling was no longer valid, given later Supreme Court rulings, presumably a reference to the *Ozawa* and *Thind* cases.⁷³

71. Gabriela F. Arredondo, *Mexican Chicago: Race, Identity, and Nation, 1916–39* (Urbana, Ill., 2008).

72. “Indian Blood Bars Mexicans as Citizens,” *New York Times*, Dec. 12, 1935.

73. Judge John Knight also cited *Morrison et al. v. People of State of California*, 291 U.S. 82 (1934), 54, S. Ct. 281, which raised the question of Mexicans’ eligibility for citizenship, even though it was a case regarding the Alien Land Law of California, not a naturalization case. On the ruling, see “Indian Blood Bars Mexicans as Citizens.” The ruling is also discussed in Francisco A. Rosales, *¡Pobre Raza! Violence, Justice, and Mobilization among México Lindo Immigrants, 1900–1936* (Austin, Tex., 1999), 127–128, and Dara Orenstein, “Void for Vagueness: Mexicans and the Collapse of Miscegenation Law in California,” *Pacific Historical Review*, 74 (2005), 367–408. Patrick Lukens Espinosa has examined

One of the three denied petitions ruled on by Knight was that of Timoteo Andrade. Andrade had been living in the United States for twenty years when he filed a petition to become a naturalized citizen. He originally came from Lagos, in the Mexican state of Jalisco, a town connected to the United States through rail lines, thus facilitating immigration north. Andrade had lived in El Paso, Texas, for a time but had settled in Buffalo, New York, where he worked as a waiter. He had married Sara de la Cruz, also a Mexican citizen, in El Paso. Together, they had three children, Michael, Maria, and Timoteo, Jr., all born in the United States. He did not need a translator in his naturalization interviews, which demonstrated his fluency in English. Andrade's character witnesses were two white men, one a naturalized citizen, Thomas Harding, originally from England, the other an American named Bernard Malvern. They were both salesmen, and Timoteo Andrade, as a customer, had established a relationship with them over the years. In short, many aspects of his life pointed to ways in which he had become integrated into American life in his twenty years of living in the United States.

Timoteo Andrade's self-description in his declaration of intention to naturalize and the statements by his witnesses speak to the myriad ways in which we understand race as framed by nation, language, heritage, phenotype, history, culture, and desire. He described his physical features as the questions on the form required. He had black hair and brown eyes. His complexion was dark, but his "color" was white. Under race he listed "Spanish," and under nationality he listed "Mexican." When a naturalization examiner asked his witness, Thomas Harding, "What race of people did you consider him to be of?" Harding replied, "Spanish." When the examiner asked the other witness, Bernard Malvern, "Do you know what race he is?" Malvern replied, "I always thought he was Mexican." All of these descriptions spoke to various ways of gauging race.⁷⁴

the case within the context of the Roosevelt Administration's Good Neighbor Policy and the State Department's approaches to policymaking. Patrick Lukens Espinosa, "Mexico, Mexican Americans and the FDR Administration's Racial Classification Policy: Public Policy in Place of Diplomacy" (Ph.D. dissertation, Arizona State University, 1999).

74. Matthew Frye-Jacobson got at this instability of race beautifully in the opening of his book when he replayed and analyzed a passage from Phillip Roth's *Counter-life* (1987) about the contestations over whether Jews constitute a race and who gets to decide that (anthropologists, census makers, or religious leaders, for example). Jacobson, *Whiteness of a Different Color*.

The racial descriptions above allowed a certain degree of fluidity in terms of racial eligibility for citizenship. What Timoteo Andrade said in his naturalization interview, however, did not. After submitting his declaration of intention to naturalize, he underwent a preliminary examination. Here, he told the immigration inspector that he had “Indian blood.” When asked how much, he replied, “Maybe I have seventy-five percent; maybe fifty.”⁷⁵ Because one had to be considered white or black to naturalize, such an answer clearly raised questions about his fitness for citizenship. Knight denied the petition based largely on this testimony.

Timoteo Andrade appealed the denial. With the help of an attorney, Andrade submitted further testimony that showed he was “in error” when he stated that he might have “fifty percent Indian blood” when perhaps he was more like “2 percent” Indian blood. In a follow-up interview, Andrade was frank about why he answered in such a manner. “In Mexico, even if we have full Spanish blood, we say that we have Indian blood, because in Mexico we are all Mexicans,” he explained. “We are proud that we are Mexicans and we don’t like to be told that we have Spanish or French blood,” he clarified.⁷⁶

Timoteo Andrade’s definitions of race were clearly shaped by nation-building projects in Mexico. After the Mexican Revolution, under President Álvaro Obregón (who served from 1920 to 1924), Minister of Public Education José Vasconcelos implemented a cultural education program aimed at refashioning Mexican identity.⁷⁷ This program encouraged Mexicans to adopt a positive national identity centered on Mexico’s mestizo past. The mestizo was a product of Indian and Spanish blood, which together produced a stronger race, *la raza cósmica*, according to Vasconcelos. The goals of the campaign became popularized, especially through the arts and particularly by three famous Mexican muralists, Diego Rivera (1886–1957), José Clemente Orozco (1883–1949), and David Alfaro

75. “In the Matter of the Petition for Citizenship,” Petition 2272-P-24049, National Archives and Records Administration—Northeast Region (New York City; hereafter Petition 2272-P-24049).

76. *Ibid.*

77. An ardent supporter of the Mexican Revolution, José Vasconcelos was also an educator, philosopher, and writer. In one of his most famous works, *La raza cósmica* (1925), he developed the idea that, as a hybrid people, Mexico’s mestizos were, by virtue of their mixed ancestry, uniquely gifted, creative, and civilized.

Siqueiros (1896–1974). Each artist featured images of the Mexican mestizo prominently and proudly in his work.⁷⁸ In seeking a new life, or at least a new job, in the United States, some Mexican immigrants, like Timoteo Andrade, clearly carried with them the concept of *raza cosmica*.

Ralph White, who was not the primary examiner in the interview, jumped in at this point and pressed Timoteo Andrade on his self-identification as an Indian, to which Andrade again replied, “In Mexico, we hold [that] Mexicans, even if have not [*sic*] Indian blood, we are proud that we descended from Indians.” White responded, “That was all right when you were in Mexico, but now [that] you are up here you have no reason to feel that way.” White’s comment signaled that the United States operated under a different racial ideology and that, should he wish to be naturalized, Timoteo Andrade needed to get in line with it.

His mother, Maria Bera Andrade, was also brought in to give testimony on his behalf. Many of the questions directed to her asked about the family lineage—where relatives hailed from and what they looked like, “white” or “Indian.” “[D]escribe the appearance of your father. [D]escribe [your mother’s] complexion, color of eyes and hair. How tall was your father? How tall was your maternal grandfather? Do you know what racial blood [your father] was?” The questions could have come from any stock eugenics textbook of the time that linked race and physiognomy. Maria Andrade traced the family lineage to Spain and told of fair-haired relatives, but, like her son, she could not decouple race and nation and also spoke of being of the Mexican race. She summed it up as follows: “A Spaniard and a Mexican, I think they are about the same as to blood. We all speak Spanish,” which continued to leave the racial definition of Mexican unsettled.⁷⁹

With new testimony to consider, the case was once again brought before Knight. Knight reiterated what he had stated in his original ruling: “[M]en are not white if the strain of the colored blood in them is half or a quarter, or not improbably, even less, *the*

78. Mauricio Tenorio-Trillo, *Mexico at the World’s Fairs: Crafting a Modern Nation* (Berkeley, 1996); Alan Knight, “Racism, Revolution, and Indigenismo: Mexico, 1910–1940,” in Richard Graham, ed., *The Idea of Race in Latin America, 1870–1940* (Austin, Tex., 1990); Helen Delpar, *The Enormous Vogue of Things Mexican: Cultural Relations between the United States and Mexico, 1920–1935* (Tuscaloosa, Ala., 1992).

79. Petition 2272-P-24049.

governing test always being that of common understanding."⁸⁰ That said, Knight reversed his original ruling and granted Timoteo Andrade citizenship.

According to historians Francisco Rosales and Patrick Espinosa, the political landscape played a key role in shaping Knight's decision. The Mexican embassy had protested Knight's original ruling, directing the consulate in New York City to formally appeal the decision.⁸¹ In response, the State Department's Latin American affairs specialist, Sumner Welles, assured the Mexican ambassador in Washington that Knight's ruling would not stand and that Mexicans would be allowed to continue immigrating to the United States and naturalizing. As Rosales has aptly stated, "[i]n this manner, a history-changing event did not take place."⁸²

Beyond the Andrade decision: Making Mexicans white

The fight to make, or keep, Mexicans white continued on various fronts outside the courtroom. The same year the Andrade decision was issued, the U.S. Census Bureau announced that it would reverse its decision to classify Mexicans as a race of their own. For the first and only time, the United States placed Mexicans in a racial category of their own in 1930. Upon reversing its policy, the Census Bureau announced that "persons of Mexican birth or ancestry who were not definitely Indian or of other nonwhite race were returned as white."⁸³

In line with the Census Bureau's racial classifications, the Immigration and Naturalization Service (INS) issued Circular No. 111 in May 1937, instructing officers that Mexicans were to be listed as white and not as a separate race in all INS proceedings.⁸⁴ The circular consisted of two simple paragraphs, which began, "The Census Bureau of the Department of Commerce classifies Mexicans as white and in the interest of uniformity it has been determined to

80. *Ibid.*; emphasis added.

81. "Mexico Protests Ruling: Embassy to Appeal Citizenship Ban at Buffalo for Indian Blood," *New York Times*, Dec. 14, 1935.

82. Espinosa, "Mexico, Mexican Americans and the FDR Administration's Racial Classification Policy," 128; Rosales, *¡Pobre Raza!*.

83. Clara E. Rodriguez, *Changing Race: Latinos, the Census, and the History of Ethnicity in the United States* (New York, 2000), 83–84.

84. The Bureau was reconfigured, as of 1933, as the Immigration and Naturalization Service.

continue this practice in naturalization cases.”⁸⁵ The circular also explicitly ruled out any objections to Mexicans’ eligibility that were based on Section 2169 of the Revised Statutes of the United States.

Despite this restatement of policy, discrepancies in classifying Mexicans continued. Some INS officers and clerks listed Mexicans’ race as white in cases of naturalization but not in cases of immigration registration. This led the INS to issue yet another directive. Circular No. 140, issued in July 1937, stated that, “Whenever the term ‘race’ is used in the case of any person of Mexican descent, handled in the Central Office or in the field, the classification should be ‘white.’ This applies to all forms, cards, circulars, and other papers.” The INS seemed to be trying to cast a net so wide and far-reaching as to preclude any need for further statements regarding the racial status of Mexicans.⁸⁶

These renewed efforts to categorize Mexicans as white prompted criticism from within the INS. Charles Muller, the assistant district director of the New York office of the INS, contended that it was inappropriate to designate Mexicans who were “entirely or preponderantly of Indian extraction” as white.⁸⁷ Muller backed up his argument by referring to Knight’s first ruling.

Some immigration and naturalization personnel, although agreeing with colleagues such as John Murff, favored a more indirect form of resistance to categorizing Mexicans as white. They simply ignored the various departmental circulars, preferring to continue the practice of classifying Mexicans as a separate race, but without drawing attention to themselves. This more passive resistance sparked protest from external sources, including another formal complaint to the INS from the Mexican embassy. Embassy officials also followed up when, despite assurances that immigration officers would comply with the regulations, they continued listing Mexicans as a separate race.⁸⁸ In response, the INS made further bureaucratic changes and issued even more clarifying memos.⁸⁹

85. Circular No. 111, May 15, 1937, file #19783/155, RG 85.

86. Circular No. 140, July 20, 1937, in *ibid.*

87. Charles P. Muller to Immigration and Naturalization Service, Aug. 27, 1937, in *ibid.*

88. See file #19783/155, RG 85, for correspondence directed to the INS in July and August 1937, asking for clarification.

89. Immigration officers found that Circular No. 140 contradicted instructions on INS ship manifest forms and statistical punch cards, where “Mexican” was listed as a separate race. See radiogram, July 30, 1937, file #19783/155, RG 85. Follow-up

LULAC also became involved in the fight to ensure that Mexicans be formally designated as white. During the 1930s LULAC officials wrote to and personally visited immigration officials to protest the continued listing of Mexicans as a separate race even though that practice violated INS policy. Not surprisingly, given their goal of assimilation, LULAC spokespersons shared the racial paradigm favored by many immigration officers: They readily concurred that some Mexicans were of the “Indian or Red Race” but argued that the “majority belong[ed] to the Caucasian or White Race.” Thus, the LULAC officials continued, Mexicans “resented being classified as other than White.”⁹⁰

An INS district director of immigration in El Paso responded to LULAC’s concerns. He argued that it was necessary to keep track of the “racial stock” of aliens to have an accurate picture of immigration. Because the U.S. Census Bureau classified Mexicans as white, the INS had been instructed to do the same “in the interest of uniformity” in naturalization cases. In matters of immigration, however, where there was no edict, Mexicans would continue to be listed, and thought of, as a separate race.⁹¹ When Edward Shaughnessy, the INS deputy commissioner, received word of this response, he quickly dispatched a letter to the El Paso office, informing the district director that Mexicans should be classified as white in *all* areas of INS work; there should be no contradictions between the agendas of the agency’s different operations.

During the 1930s the INS and other government offices also fielded complaints from Mexicans living in the United States who had endured discriminatory treatment not only in immigration procedures at the border and naturalization processes in the states where they had settled, but in nearly all aspects of their daily lives.⁹² The experiences these letter-writers reported reveal that the same ideologies that compelled border personnel to list Mexicans as a separate race when they first entered the country followed

circulars (numbers 145 and 154) and memos were issued with instructions on how to alter the punch cards to permit identifying Mexicans as white. See Sept. 28, 1938, letter, in *ibid.*

90. LULAC in El Paso, Texas, to Department of Labor Director, March 24, 1937, in *ibid.*

91. El Paso District Director G. C. Wilmoth to Modesto Gomez, LULAC Treasurer, July 16, 1937, in *ibid.*

92. Letters of this type that were addressed to other agencies or individual officials usually were forwarded to the INS.

these individuals throughout their lives in the United States. For example, Aurora Davalos, a Mexican woman from San Antonio, Texas, wrote to First Lady Eleanor Roosevelt in 1941, describing the difficulties she and her family faced. She had witnessed her brother being denied access to public places, and yet he was still considering enlisting in the Army, now that the United States stood at the brink of war.⁹³ Davalos questioned what it meant to fight for a country in order to preserve its rights when you yourself were denied those same rights.⁹⁴ Davalos explained that she knew that individuals discriminated, and she had come to terms with this fact by dismissing them as “ignorant, narrow minded people.” But when she learned that the government classified Mexicans “in a race all their own,” she realized that such discrimination was at both the individual and institutional level. Davalos was referring to government forms that asked an applicant to list his or her race as “White,” “Yellow,” “Black,” or “Mexican.”⁹⁵

In the end, none of the Mexican naturalization cases made it to the Supreme Court, and in 1940 the issue became moot. The 1940 Nationality Act extended citizenship “only to white persons, persons of African nativity or descent, and descendants of races indigenous to the Western Hemisphere.”⁹⁶

Conclusion

In my discussion, I have highlighted the many ways in which race has historically been fabricated. At the same time that Italians, Irish, and other European ethnics “became Caucasian,” there was a renewed effort to categorize Mexicans in a race of their own.⁹⁷

93. Aurora Davalos to Eleanor Roosevelt, Oct. 14, 1941, file #19783/155, RG 85.

94. Davalos’s concern was prescient, bringing to mind the “Double V Campaign” of the 1940s, which called for “victory at home, victory abroad,” in reference to civil rights for American blacks who fought in World War II but continued to be denied their civil rights at home.

95. Davalos to Eleanor Roosevelt, Oct. 14, 1941.

96. Nationality Act of 1940 (54 Stat. 1137). Not until the Immigration and Nationality Act of 1952 were all racial qualifications for naturalization removed. Chinese became eligible to naturalize with the repeal of the Chinese Exclusion Act in 1943. Persons from the Philippines and India were not eligible for naturalization until 1946.

97. On how ethnic European groups became white, see Noel Ignatiev, *How the Irish Became White* (New York, 1995); Guglielmo, *White on Arrival*; Jacobson, *Whiteness of a Different Color*; and David Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (London, 1991).

Thus, while the category “white” was malleable enough to include some groups, such as European ethnics, it was more rigid for others, such as Mexicans and Asians, in terms of immigration, and African Americans under Jim Crow segregation. Such shifts serve as a reminder that, although citizenship may have been clearly defined in black and white terms, black and white and “Indian” could be unstable categories.