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HOW RACE IS MADE IN AMERICA

Immigration, Citizenship,
and the Historical Power of Racial Scripts



THE ENDURING POWER OF RACIAL SCRIPTS

Nikhil Pal Singh argues that the “story of nationhood must be told over and over, because there is nothing natural about the nation or the fashioning of its predominant civic identities. Nations . . . [are] lived primarily through the techniques of narration and representation.”⁶⁵ In the case of Mexican immigration, every new bill introduced on the subject, every hearing, every testimony became a way of telling who was and was not part of the nation. In order to establish whether or not Mexicans “belonged,” it was important to articulate who else did or did not belong. Aligning Mexicans with these groups brought into stark relief their place in the racial order. Anti-immigrationists appropriated America’s usable past, its failed racial experiments, and the specter of the racial other to advance their cause. Supporters of immigration countered with their own scripts of America’s racial past. To discuss Mexican immigration was therefore to reveal where groups stood in the U.S. racial order and to reinforce, justify, and naturalize that order.

This chapter detailed the myriad ways in which opponents of Mexican immigration sought to block, curtail, and control Mexican immigration. The next chapter discusses how they fought this battle on a different front: naturalization. Like their efforts to control Mexican immigration, racial scripts were key in the efforts to deny Mexicans the ability to naturalize. Opponents marshaled legal cases and precedent to extend restrictive measures to Mexicans and exclude Mexicans from U.S. citizenship.

CHAPTER 2

“What Is a White Man?”

The Quest to Make Mexicans Ineligible for U.S. Citizenship

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 an editorial published in *The Nation* in 1924. The editors were responding to recent Supreme Court decisions and pending cases that pivoted on understandings of race and 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 to even 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. They hoped to apply the racial scripts designed for Asians and South Asians to Mexicans. The ultimate aim of the proponents

was, of course, to shore up the definitional walls between what they saw as the essential distinction between white and nonwhite 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 "black" and "white") of "nonwhite."

This chapter 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 nonwhite. Emphasizing the distinction between formal and informal regimes of race making in the period, I look beyond racial laws 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 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 the 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 underutilized archival resources to track challenges to Mexicans' legal and racial status that arose in various arenas, including the federal Bureau of Immigration and Bureau of Naturalization (predecessors of the Immigration and Naturalization Service), West Coast nativist groups such as the California Joint Immigration Committee, the American Eugenics Society, and everyday citizens. The debates raged well into the 1930s, even after the collapse of the U.S. national economy led to large-scale deportations of Mexicans and Mexican Americans. 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. As discussed in chapter 1, in the wake of the U.S. War with Mexico, the Treaty of Guadalupe Hidalgo established Mexicans' eligibility for citizenship in 1848. Citizenship, however, was inextricably linked to whiteness at this time, and the Treaty of Guadalupe Hidalgo never declared Mexicans to be white. Instead the treaty preempted the need to discuss race by making U.S. citizenship available to those Mexicans who remained in the annexed territories, basing their eligibility on their nationality, irrespective of race. The failure to link whiteness to citizenship for Mexicans would become the Treaty's Achilles' heel, providing an opening for those who sought to make Mexicans ineligible for citizenship for decades to come.

A prominent example of contesting Mexicans' right to U.S. citizenship occurred in 1897, when the Treaty'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 partly because U.S. programs encouraged Mexicans to immigrate to ease labor shortages created by World War I.⁶ The secondary literature on Mexicans in the United States has focused mainly on the Southwest because Mexicans have had a larger and longer presence in this area, but Mexicans were also recruited as laborers to Lincoln, Nebraska, St. Louis, Missouri, and elsewhere, and some 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 regional 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 they 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 were "birds of passage" who returned to Mexico when their labor was done.⁷ Because of this and because Mexican naturalization rates were low in the 1910s, employers did not belabor Mexicans' racial status.

While large-scale southwestern employers worked to develop cultural representations of Mexicans as nonthreatening, the Bureau of Immigration and Naturalization's regional officers outside the Southwest did not quite know what to make of them. Many of the officers had never before come into contact with Mexicans and were not sure how to categorize them racially. These 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 or southern Europe. While not always readily accepted, such immigrants were, at the very least, "white on arrival."⁸ In the immigration officers' view, Mexicans were perhaps best described as "chocolate." Where, then, did they fit in the black-white paradigm? More important, since citizenship was extended only to whites and blacks, was a Mexican a white man?

Because Bureau staff were required to state an applicant's color on the naturalization forms, the question was imperative. 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.⁹ 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."¹⁰ Another officer believed a Mexican applicant to be ineligible because "his color would preclude association with whites." For these bureaucrats, skin color and "common sense" trumped the provisions of the Treaty of Guadalupe Hidalgo and the federal court's ruling in *In re Rodriguez*.¹¹

There were also cases in which naturalization officers considered denying Mexicans citizenship based on their perception that the applicants were of African descent.¹² These officers argued that some Mexicans were "mulatto," 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 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; Mexicans may have striven to be included in this category.¹³ 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.¹⁴

The repudiation of mulatto status may have reflected 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."¹⁵

Conceivably Mexicans may have also wanted to disassociate themselves with blacks because of their own internalized racism, as whiteness was also preferred in their home country.

For their part, naturalization officers may have felt that categorizing Mexicans as white would make hollow the meanings, and 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."¹⁶ 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.¹⁷ Given 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.¹⁸

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.¹⁹ Since Mexicans did not fit at either end of this racial 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?"²⁰ 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. As discussed earlier, the Immigration Act of 1924 limited the annual number of immigrants from a specific country to 2 percent of the number of people from that 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. 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 a threat to the "purity" of the nation at least as great as, if not greater than, 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 white-black binary seemed hopelessly inadequate for the categorization 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 of race by establishing a third category: nonwhite. As we shall see, these two cases involving Asians and South Asians, respectively, helped to shape the meaning of *Mexican*, demonstrating that Mexicans are racialized in relation to other groups, in this case Asians, who were (are) seen as nonwhite and foreign.

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.²¹ 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 [color] 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." He 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 race, Sutherland offered no hard and 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."²²

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

The following year the Court ruled on another case regarding eligibility for citizenship, *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, he was considered Caucasian according to anthropological definitions of race, 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, stating 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."²³ 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 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.²⁴ 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 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 nonwhite to include racialized newcomers.

These rulings opened the door to contesting the right of Mexicans to naturalize, and campaigns against 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.²⁵

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 officer wrote a twelve-page memo to his supervisors, which circulated widely within the Bureau before reaching the commissioner of naturalization, asking for clarification regarding Mexicans' eligibility for citizenship.²⁶ The junior officer cited three cases in which Indians had been found ineligible. *United States v. Balsara* (1910) declared that "American Indians [did] not belong to the white race." In *In re Burton* (1900) the federal trial court denied the petition of an Indian born in British Columbia because "no provision [had] been made by Congress for the naturalization of Indians or other peoples of color or their descendants, except for Africans." *In re Camille* (1880) 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.²⁷

Noting that the Supreme Court had cited *In re Camille* in its *Ozawa* ruling, the officer reasoned that, "the 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."²⁸ 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 that Act seems to suggest that boundaries of citizenship were widening, in practice, it was interpreted then—and is remembered now—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 land allotments.²⁹ If Native Americans could gain citizenship through a political act, 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 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. 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. Schaeffer's inquiry also demonstrates a point raised earlier: Mexicans were continually being reinscribed as immigrants, despite their long presence in the United States. 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. In his answer to Schaeffer, Commissioner of Naturalization Raymond Crist explained that anyone with a preponderance of white or black blood could naturalize.³⁰

In the absence of clearly defined institutional guidelines regarding where Mexicans belonged in the racial order, the fight to reposition them lower in the racial hierarchy intensified. The stakes were high: once firmly categorized as nonwhite, 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.³¹

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 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.³² 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.³³ The CJIC pursued its goals publicly, issuing press releases with headlines such as "Mexican Indians Not Eligible for American Citizenship."³⁴ 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, though, 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 nonwhite, and the CJIC was determined that Mexicans should be consigned to that category as well, thus narrowing the scope of the racial script of whiteness.

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 Indies by Princeton economist (and eugenics enthusiast) Robert Foerster.³⁵

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.³⁶ 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 declining national economy. Davis's proposed solution was to place Mexicans (and Canadians) on a quota system and to allow immigration only 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.³⁷

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, five to six million were of "pure Indian stock" and seven to eight million were of "mestizo stock." The latter observation seemed to support the CJIC's argument regarding Mexicans' status as Indians.³⁸ 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 longtime advocate of exclusionary immigration policies, created a detailed memo briefing Senator 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.³⁹

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."⁴⁰ The commissioner was unsympathetic; he maintained that the issue of Mexicans' eligibility for naturalization had been settled.⁴¹

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, also a CJIC 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 Act 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.⁴² These were not simply men with personal prejudices who held influential positions; these were kingmakers who used their positions of power and influence to create and perpetuate a racist infrastructure. Their actions emphasize a key tenet of racial scripts: in addition to shaping how we define, think, and act toward groups, racial scripts serve as a means of embedding racist attitudes into laws, policies, and institutions.

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.⁴³

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: reducing immigration from the Philippines. 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."⁴⁴ 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. 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.⁴⁵ 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.⁴⁶ An awareness of the Court's power underlay the CJIC and the NSGW's third strategy, which was to continue to pressure Department 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. The eugenics movement, prominent during this period, had lent scientific authority to the claim that southern and eastern European immigrants were ruining America's "racial stock." Eugenics 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.⁴⁷ Even after the law's passage, they kept at this agenda, shifting their attention from ethnic European groups on the East Coast to Mexican immigrants in the Southwest.

In 1930 the Committee on Selective Immigration of the American Eugenics Society (AES) proposed 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, and they supported the deportation of immigrants, a practice that became policy after the onset of the Depression.⁴⁸

The AES had long applied eugenic reasoning in its quest to influence immigration policy and now 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.⁴⁹ 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 "predominant amount of American Indian blood," bringing a test case forward would "constitute a public service."⁵⁰ While the test case did not come to fruition, these nativist groups continued to pursue their joint and separate campaigns well into the 1930s.

MEXICAN IMMIGRATION ON THE POLICY FRONT

The strong lobbying power of large-scale employers, as well as diplomatic and trade interests, kept Mexicans from being included in the quota system throughout the 1920s. 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.⁵¹ 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 a congressional hearing to extend quotas to Mexico and other countries in the Western Hemisphere, Box stated, "Practically all those crossing the border [from Mexico] are from Amerind stocks that no longer exist. These were eliminated at the conquest."⁵² Yet they did not employ the CJIC's strategy of claiming that Mexicans were Indians and there-

fore 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 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 bad 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.⁵³ Still, he argued that Mexicans did not pose a serious threat, since the federal government could always deport them.⁵⁴ 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 number issued during the entire course of the prior five years.⁵⁵

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. The law also provided that anyone who was deported, then reentered, and was caught again would be charged with a felony and would face up to two years in prison.⁵⁶ Congress also increased funding to the border patrol, adding to both its real and its symbolic power.⁵⁷ This combination of decreased visas, increased penalties, and tighter patrolling was highly effective in reducing Mexican immigration. Nevertheless 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.⁵⁸ 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 that had stemmed from their being a source of cheap labor disappeared as rapidly as the jobs they 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 political pressure at the local, state, and national levels. These attitudes culminated in repatriation programs that sent large numbers of Mexicans, including U.S. citizens of Mexican descent, to Mexico.⁵⁹ Los Angeles, for example, lost one-third of its Mexican population due to deportation and repatriation programs.⁶⁰

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 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 often 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.⁶¹ Many of these Mexican Americans fought on many fronts to continue being classified as white for they knew that whiteness afforded them rights.

As the definition of whiteness continued to be contested in the 1930s, the CJIC, NSGW, 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.”⁶² Knight's reasoning resonated with what was com-

monly known as the “one-drop rule,” which defined anyone with even one drop of “black blood” as black. This is yet another example of how racial scripts became embedded in the societal infrastructure. This form of nineteenth-century scientific racism continued on well into the twentieth century through the use of such racial definitions, as the same formula for “making race” was extended to Mexicans. Knight's 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 Rodriguez* had declared Mexicans eligible for citizenship, that ruling was no longer valid, given later Supreme Court rulings, presumably a reference to the *Ozawa* and *Thind* cases.⁶³

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. His 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 Andrade, as their 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.

Andrade's self-description in his declaration of intention to naturalize and the statements by his witnesses speak to the myriad ways 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 do 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.⁶⁴

Such racial descriptions allowed a certain degree of fluidity in terms of racial eligibility for citizenship. What Andrade said in his naturalization interview, however, did not. After submitting his declaration of intention to naturalize, he underwent a preliminary examination, in which he told the immigration inspector that he had "Indian blood." When asked how much, he replied, "Maybe I have seventy-five percent; maybe fifty."⁶⁵ 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.

Andrade appealed the denial. With the help of an attorney, he submitted further testimony that showed he was "in error" when he stated that he might have "fifty percent Indian blood" when perhaps it was more like "2 percent." 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."⁶⁶

Although Andrade had moved to the United States twenty years earlier, his definitions of race were clearly shaped by nation-building projects in Mexico, suggesting that even once settled in the United States, he could live in and be affected by a U.S.-Mexican transnational world.⁶⁷ 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.⁶⁸ 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 Siqueiros (1896–1974). Each artist prominently and proudly featured images of the Mexican mestizo in his work.⁶⁹ 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 cósmica*.

Ralph White, who was not the primary examiner in the interview, jumped in at this point and pressed Andrade on his self-identification as an Indian, to which Andrade again replied, "In Mexico, we hold [that] Mexicans, even if [we] have not 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, Andrade needed to get in line with it.

Andrade's 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." "Describe the appearance of your father"; "Describe [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 summarized, "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.⁷⁰

With new testimony to consider, the case was once again brought before Knight, who reiterated what he had stated in his original ruling: "Men are not white if the strain of the colored blood in them is half or a quarter, or not improbably, even less, *the governing test always being that of common understanding.*"⁷¹ That said, Knight reversed his original ruling and granted 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.⁷² 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, "In this manner, a history-changing event did not take place."⁷³

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."⁷⁴

In line with the Census Bureau's racial classifications, the Immigration and Naturalization Service issued Circular No. III in May 1937, instructing officers that Mexicans were to be listed as white and not as a separate race in all INS proceedings.⁷⁵ 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 continue this practice in naturalization cases."⁷⁶ 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, "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.⁷⁷

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.⁷⁸ 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.⁷⁹ In response, the INS made further bureaucratic changes and issued even more clarifying memos.⁸⁰

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 Mexicans "resented being classified as other than White."⁸¹

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.⁸² 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.⁸³ 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

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.⁸⁴ Davalos questioned what it meant to fight for a country in order to preserve its rights when you yourself were denied those same rights.⁸⁵ 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 also existed at the institutional level. She was referring to government forms that asked an applicant to list his or her race as "White," "Yellow," "Black," or "Mexican."⁸⁶ 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."⁸⁷

CONCLUSION

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.⁸⁸ 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.

We have seen how opponents of Mexican immigration tried to control it through immigration and naturalization policy. In the next chapter we will see how, when these options were not available to them, they attempted to overturn what many consider an inalienable right: birthright citizenship. Historically matters of birthright citizenship have been discussed in conjunction with African Americans (the Fourteenth Amendment) and the

Chinese (the 1898 *Wong Kim Ark* Supreme Court decision). In the 1930s Mexicans' (and Asians') right to birthright citizenship began to be debated. In this examination previous racial scripts of who was entitled to citizenship were pivotal in helping people weigh whether or not Mexicans were deserving of citizenship.