

# Race and Differential Citizenship in the 20th-century United States: The Advantages of a Relational Approach

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*“First they came for the Latinos, Muslims, women, gays, poor people, intellectuals and scientists. And then it was Wednesday.”*

On January 24, 2017, three days after Donald Trump’s inauguration as the 45<sup>th</sup> president of the United States, the tweet above went viral on Twitter. The quip was a take on the famous lines by Martin Niemöller (1892–1984), the Protestant pastor who emerged as an outspoken public foe of Adolf Hitler and spent the last seven years of Nazi rule in concentration camps.

*First they came for the Socialists, and I did not speak out—  
Because I was not a Socialist.  
Then they came for the Trade Unionists, and I did not speak out—  
Because I was not a Trade Unionist.  
Then they came for the Jews, and I did not speak out—  
Because I was not a Jew.  
Then they came for me—and there was no one left to speak for me.*

The viral tweet captured something about Trump the candidate and foreshadowed Trump the president. He is certainly not unique or unprecedented in his ability to demagogue and attack perceived Others of many stripes. He is only unusual in that rather than taking on targets one by one, he does so all at once. When he first announced his candidacy in 2015, he did so by declaring that Mexican immigrants were rapists and criminals bringing drugs, crime, and disease to the United States; within weeks he was labeling Muslim refugees as potential terrorists that make the “Trojan horse look like peanuts”; he derided women who stood up to him as “pigs,” “dogs,” “slobs,” and “nasty”; and along the way he attacked gays and poor people, scientists and intellectuals.

Trump’s statements are meant to discredit groups so completely as to circumvent any discussion of possible violation of their civil or human rights. But as the author of the tweet suggested, his attacks are in fact ringing changes on a very old tune. Trump’s comments crystallize centuries of inequality that have been built into our system—centuries of settler colonialism, imperialism, genocide, racism, sexism, classism, and homophobia. In the process, they show how structures of inequality work to exclude many different racialized groups, often using the same ammunition.

To really understand how this works requires us to think about race *relationally*. By

relational, I do not mean comparative. A comparative treatment of race compares and contrasts groups, treating them as independent of one another. It also can leave the construction of the categories themselves unexamined, thus reifying them, even if unintentionally. A relational treatment of race, however, recognizes it as a mutually constitutive and socially constructed process; doing so counteracts essentialist notions of race. Furthermore, it attends to how, when, where, and to what extent groups intersect, pushing against the tendency to examine racialized groups in isolation, which limits our understanding. Thinking about race relationally can provide us with a wider lens through which to view the history and understand what is happening now, and it can serve as a valuable tool in our present and future.

The Twitter post cited at the top of this article operates according to a relational logic: it recognizes the ways that the same tools that are used to marginalize, discredit, and stereotype one group can then be applied to the next group that those in power feel needs to be stigmatized. The preservation of power necessitates the continuous marginalization of groups, oftentimes groups that are already vulnerable. Moreover, by linking together groups that are usually discussed separately—Latinos and Muslims, women, gays, and poor people—the author of the tweet recognizes how all their different situations are linked. Fundamentally these are all arguments about who is considered worthwhile, who is considered a Real American with rights that need to be respected—who is considered *us*. And while I will be focusing my examination primarily along the axis of race in this piece, it is important to keep in mind that multiple intersecting subject positions can be caught up in this dynamic.

## 1. Understanding Race Relationally

My work is dedicated to uncovering the connections *among* racialized groups. I use the term “racialized group” (as opposed to speaking in terms of race or ethnicity) to emphasize that race is a socially constructed category. My book, *How Race Is Made in America: Immigration, Citizenship, and the Historical Power of Racial Scripts*, explores how race works relationally through the operation of what I call *racial scripts*. Racial scripts highlight the ways in which the lives of racialized groups affect each other across time and space, even when members of these groups do not directly cross paths.

Examining racial scripts allows three crucial insights. First, it highlights how racialized groups are acted upon by a range of principals, from institutional actors like judges, law enforcement, or public health officials, to ordinary citizens like employers, co-workers, and neighbors. Second, while all groups are racialized, we often do not recognize this shared process, and thus we fail to see their common connections. Examining racial scripts pulls the lens back so that we can see different moments of race-making operating at the same time, affecting different groups simultaneously. Of course, these scripts cannot be automatically transferred from one situation to the next or from one group to another. We must always take into consideration the conditions under which racial scripts emerge—the social structure, the

material conditions, and the historical context—and bear in mind that there is no uniform experience of racialization; it varies according to factors like national origins, immigrant status, skin color, language acquisition, and perception of foreignness. Third, racialized groups put forth their *own* scripts, or *counterscripts*, that offer alternatives or directly challenge dominant racial scripts. Just as racial scripts have a seeming pervasiveness, resistance, too, has a long fetch. The process of racialization in general can be more important than the particular identity of the person experiencing it, and seemingly unlikely antiracist alliances can form when groups recognize a resemblance between others' collective experiences of racialization and their own. Thus, counterscripts do not necessarily have to function at the level of high-profile actions, such as protests or community organizing, but can be encompassed in daily expressions of compassion and solidarity. A theory of counterscripts allows us to see how these practices of resistance, claims for dignity, and downright refusal to take it anymore cut across a range of communities of color, thus once again showing us how those communities are linked.

Racial scripts cannot ever be dismissed as incidental footnotes to history: they are built into institutional structures and practices that form the “scaffolding” of race, like laws and policies. Racial scripts also endure as cultural representations that shape how we see, experience, and imagine race, as well as its discursive element. Cultural representations may or may not rely on stereotypes, but even when they do not, representations often still rely on certain assumptions, conscious or unconscious, some of which have become so commonplace that we think of them simply as “common sense.” The following example illustrates this twofold nature of race as something that is both institutionalized as well as a cultural representation.

In 2011, the Arizona State Senate defeated a bill that challenged the Fourteenth Amendment's provision of automatic citizenship to children born in the United States whose parents are undocumented residents. The legislation was proposed a year after the passage of SB 1070, an Arizona law directed at Mexicans that made it a state crime to be undocumented.<sup>1)</sup> Around the same time that the Arizona legislature was deciding the fate of its Mexican immigrant population, a group of opponents of President Barack Obama, popularly known as “birthers,” questioned his right to be president, based on their erroneous belief that he was not a citizen of the United States. This theory had circulated before Mr. Obama was elected president in 2008, but it increased in its intensity after his election and became a key platform issue for Donald Trump as he tested his strength as a potential presidential candidate.<sup>2)</sup>

These seemingly unrelated stories are very much connected. The same question underlies

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<sup>1)</sup> SB 1070 prompted widespread protests and boycotts. Stephen Ceasar, “Arizona Rejects Bills on Migrants,” *Los Angeles Times*, March 18, 2011; Richard Opiel, “Arizona, Bowing to Business, Softens Stand on Immigration,” *New York Times*, March 19, 2011; Valeria Fernández, “SB 1070 Casts Shadow on Arizona's New Anti-Immigrant Bills,” March 25, 2011.

<sup>2)</sup> James Oliphant and Christi Parsons, “President Moves to End ‘Sideshowes’ over His Birth: the Persistence of ‘Birther’ Theories That He Was Born Outside the U.S. Prompts the Release of His Records,” *Los Angeles Times*, April 28, 2011.

both: Who is entitled to US citizenship? In the case of immigrants, the effort to rescind their right to birthright citizenship clearly signaled that they were not welcome members of US society. In the case of President Obama, questioning his birthplace bypassed any need to discuss his policies or political record and instead challenged his very legitimacy as a leader of the nation. Looking at these two movements together, we are also reminded that matters of birthright citizenship are not limited to one racialized group. In fact, historically, claims to birthright citizenship have encompassed and ideologically connected multiple racialized communities.

Instances like the Arizona legislation and the birther movement arise out of racial scripts that have endured for centuries—scripts that not only shape cultural representations but that are also built into institutional structures and practices. Here, I want to emphasize that I am not just trying to show the roots or the development of contemporary debates or the background to what is “really” important. Instead, I want to show the connections between the scripts in the arc of history and to demonstrate that no matter how discredited racial scripts become in any era, they are always available for use in new rounds of dehumanization and demonization in the next generation or even the next debate. Historian George Lipsitz calls this “the long fetch of history”; each time a racial script is invoked it has a hidden power, because consciously or not, we tend to appreciate the force of past arguments.<sup>3)</sup> If we think of race in comparative and relational terms, we also see how these scripts draw on the experiences of other groups. Despite the passage of time and changes in social and cultural norms, what once served to marginalize and disenfranchise one group can be revived and recycled to marginalize other groups. Again, the point is not just to show the deep roots of this debate, but how the concepts used have long served to maintain a racial hierarchy that goes beyond just one racialized group.

## 2. Birthright Citizenship: From Dred Scott to Wong Kim Ark

In their book, *Racial Formation in the United States from the 1960s–1980s*,<sup>4)</sup> Omi and Winant lay out the way that the racialization process involves both social structures and cultural representations (what they call a “racial project”). Yet, when the average person thinks about race, they usually only think about the cultural representations, not the structures that help give rise to and perpetuate them. Take birthright citizenship for example.

People of all racial backgrounds are eligible for US citizenship; nonetheless the default cultural representation of a US citizen remains white. Americans of non-European ancestry, especially those with darker skin or darker hair, may be asked where they are from. If they

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<sup>3)</sup> George Lipsitz, *Footsteps in the Dark: The Hidden Histories of Popular Music* (Minneapolis: University of Minnesota Press, 2007), Introduction.

<sup>4)</sup> Michael Omi and Howard Winant, *Racial Formation in the United States from the 1960s to the 1980s* (New York: Routledge, 1986), 55.

reply “California” or “New York,” the interrogator may follow up with, “No, where are you *really* from?” Asian Americans are often presumed to be foreign without even this initial question (one Asian American academic has described introducing himself as an English professor and being told in response that his English is very good).

To a great extent this casual equation of US citizenship with whiteness has to do with its dark and complicated institutional past. US citizenship can be attained in one of two ways: by birth or by naturalization. Birthright citizenship is further subdivided into various categories, the broadest of which cover those who are born in the United States (in legal circles, this is referred to as *jus soli*, a Latin term meaning “right of soil”) and those who are born elsewhere but who have at least one parent who is a US citizen (this is referred to as *jus sanguinis*, meaning “right of blood”). The first federal law to address citizenship was the 1790 Naturalization Act (“An act to establish an uniform Rule of Naturalization”), which specified basic criteria—including that applicants must be free and white.

Because subsequent laws governing citizenship developed separately and over time, eligibility criteria were sometimes unclear. This opened the door to legal challenges and judicial interpretations, making courts an important site for testing the parameters of citizenship. In the landmark case of *Dred Scott v. Sandford* (1857), Dred Scott, a slave, sued the widow of his owner for his freedom. The owner had moved Scott across states, including Illinois and the Wisconsin Territory, both of which prohibited slavery. Various precedents held that slaves who lived in free jurisdictions became free. The case made its way up to the Supreme Court. In an infamous decision, Chief Justice Roger Taney, writing for the majority, concluded that blacks were not citizens and thus could not sue in federal court:

The words “people of the United States” and “citizens” are synonymous terms...The question before us is, whether the class of persons described in the plea in abatement [people of African ancestry] compose a portion of this people, and are constituent members of this sovereignty? We think they are not, and that they are not included, and were not intended to be included, under the word “citizens” in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States.<sup>5)</sup>

In short, the *Dred Scott* decision denied citizenship to all blacks, whether free or slave, and whether born in the United States or elsewhere.

(1) *Applying relational reasoning to the legal interpretation of citizenship.*

The *Dred Scott* case is accorded landmark status because it established blacks as unfit for citizenship. It is also, however, a striking example of the relational way in which race is

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<sup>5)</sup> *Scott v. Sandford* (1857) 60 U.S. 393. Paul Finkelman, *Dred Scott v. Sandford: A Brief History with Documents* (Boston: Bedford Books, 1997).

understood in the United States. When we look closely at the decision, we see that the Court established blacks' unsuitability by comparing them to another racialized group, Native Americans. Taney reminded the nation that the 1790 Naturalization Act "confines the right of becoming citizens 'to aliens being free white persons.'" He emphasized that historically, Native Americans had been seen as "free and independent people," and "regarded and treated as foreign Governments," but they also were seen as "uncivilized" and "under subjection to the white race." This made it necessary "to regard them as in a state of pupilage, and to legislate to a certain extent over them and the territory they occup[ied]."<sup>6)</sup> Because Taney categorized Native Americans as foreigners, he argued that theoretically they could be naturalized—and then quickly added that in their "untutored and savage state, no one would have thought of admitting them as citizens in a civilized community." Lastly, "No one supposed then that any Indian would ask for, or was capable of enjoying, the privileges of an American citizen, and the word white was not used with any particular reference to them."<sup>7)</sup> Thus, it was not only blacks who were established as unfit for citizenship under *Dred Scott*, but Native Americans as well. Further, the decision equated citizenship, and with it American identity, with whiteness. It grouped Native Americans and blacks together in the category of "non-white" and in opposition to whiteness and citizenship. The arguments in the *Dred Scott* ruling provide a striking example of how the connection between whiteness and citizenship, first stated formally in the 1790 Naturalization Act, was renewed and reinforced at other points in time and by institutions other than Congress in ways that expanded the category of "non-white" and in the process linked together groups racialized through disparate processes, such as imperialism, immigration, and slavery.

## (2) *Legislating citizenship*

Although over time Congress revised provisions of the 1790 Naturalization Act, the next major Congressional effort to define citizenship did not occur until after the Civil War. The abolition of slavery in 1865 freed blacks but left their citizenship status ambiguous. Congress aimed to resolve this problem by passing the Civil Rights Act of 1866, which imparted citizenship to all people born in the United States, except Native Americans, who were explicitly excluded. With the Supreme Court's ruling in *Dred Scott v. Sandford* in mind, many legislators feared that if this new legislation were legally challenged, it eventually would be declared unconstitutional. To avoid that possibility, Congress proposed the Fourteenth Amendment, which declared any person born or naturalized in the United States to be a US citizen, but once again excluding Native Americans.<sup>8)</sup> Both the Senate and the House of

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<sup>6)</sup> *Scott v. Sandford* (1857) 60 U.S. 393, 403–404.

<sup>7)</sup> *Scott v. Sandford* (1857) 60 U.S. 393, 420. See also Rachel F. Moran and Devon W. Carbado, *Race Law Stories* (New York, NY: Foundation Press, 2008).

<sup>8)</sup> This exclusion was confirmed by the Supreme Court in *Elk v. Wilkins* (1894). Nonetheless, Native Americans eventually gained citizenship through other means, including the Dawes General Allotment Act

Representatives passed the amendment in June 1866, and it was declared officially ratified by the states in July 1868.

The Fourteenth Amendment did not address naturalized citizenship. Existing naturalization provisions were aligned with the new amendment through the 1870 Naturalization Act. This law broadened eligibility specifically to include persons of “African descent” along with free whites, but excluded all other persons. (Legally, at this time, Mexicans qualified as white and thus were eligible for citizenship.) Thus, while the new law granted blacks the right to naturalize, it did not establish equal access to citizenship for all.

### (3) *Interpreting Congressional intent*

The Fourteenth Amendment extended citizenship to anyone born in the United States. However, because the amendment had been proposed in order to formalize blacks’ position in the nation, some interpreted birthright citizenship as extending to blacks only, meaning that no groups other than whites and blacks were eligible for citizenship. This assumption was made clear in *United States v. Wong Kim Ark* (1898) when the Supreme Court addressed the question of birthright citizenship. Wong Kim Ark was born in San Francisco to Chinese parents. As an adult, he visited China. Upon his return to the United States, immigration officials denied him re-entry, citing federal immigration laws that restricted Chinese immigration. Though Wong Kim Ark was US-born, his presumed foreignness as a Chinese man led officials to define his citizenship on the basis of his parents’ nationality (*jus sanguinis*) rather than on the place of his own birth (*jus soli*).<sup>9)</sup> When the case came before the Supreme Court, the majority concurred with Justice Horace Gray that Wong’s citizenship derived from his place of birth. The Court based its decision on a literal interpretation of the Fourteenth Amendment’s provision that “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States.” Approaching the ruling in *Wong Kim Ark* from a comparative and relational perspective, however, provides important additional insight: it shows us that birthright citizenship for Asian Americans was made possible through the widening of an opening—the Fourteenth Amendment—that had been created as a means of providing citizenship to a different non-white group (African Americans).

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(1887), the Indian Naturalization Act of 1890, and the 1924 Indian Citizenship Act. See Michael T. Smith, “The History of Indian Citizenship,” in *The American Indian, Past and Present*, ed. Roger L. Nichols (New York: Wiley, 1981); Marian L. Smith, “The INS and the Singular Status of North American Indians,” *American Indian Culture and Research Journal* 21, no. 1 (1997).

<sup>9)</sup> Erika Lee, *At America’s Gates: Chinese Immigration During the Exclusion Era, 1882–1943* (Chapel Hill: University of North Carolina Press, 2003); “Birthright Citizenship, Immigration, and the U.S. Constitution: The Story of the *United States v. Wong Kim Ark*,” in *Race Law Stories*, ed. Rachel F. Moran and Devon W. Carbado (New York, NY: Foundation Press, 2008); Brook Thomas, “China Men, *United States v. Wong Kim Ark*, and the Question of Citizenship,” *American Quarterly* 50, no. 4 (1998).

### 3. Mexican Americans: Locked out of Citizenship

The issue of birthright citizenship emerged once again during the 1930s. The history of Mexican American children deported during the Depression shows how both the structural forces and cultural representations at work in forging the category of “citizen” locked Mexican Americans out of membership in the United States—thus demonstrating the power of racial scripts and the importance of thinking about race relationally.

The case of Mexicans and citizenship once again demonstrates how laden with different understandings citizenship is, not just legal but also social, moral, and cultural. Mexicans and Mexican Americans could claim a long history in the United States. Much of the US Southwest had once been part of Mexico until it was annexed under the Treaty of Guadalupe Hidalgo at the end of the Mexican-American War (1846–48). For the next six decades, the Mexican population in the United States declined, only to rebound beginning in the 1910s. Fleeing the Mexican revolution, lured by the many opportunities presented by the growth of large-scale farming, and facilitated by the ease of movement resulting from the completion of railroad networks, Mexicans immigrated to Los Angeles in large numbers. By 1930, Los Angeles could claim a Mexican population second in size only to that of Mexico City.<sup>10)</sup> But what was their racial and citizenship status? The Treaty of Guadalupe Hidalgo extended US citizenship to Mexicans living in the ceded territory, making them legally white, something not afforded to any other racialized group at the time. This was seen as a political concession only—while Mexicans were legally citizens many did not consider them full citizens because of their indigenous blood. As a result, Mexicans entered the lower echelons of the US racial hierarchy, legally segregated into different neighborhoods, schools, jobs, and more. (Some have dubbed this system “Juan Crow.”) Critics fought the legal classification of Mexicans as white from the time that the United States incorporated Mexican lands and her peoples, and they would continue to do so for generations, on the basis that Mexicans should be considered neither white nor black but in a “race of their own.”<sup>11)</sup>

As Mexicans continued crossing the border to provide the cheap labor for America’s rapidly expanding industrial agriculture, this racial classification solidified. Critics viewed Mexicans as an even greater threat to national “purity” than their European counterparts, who were subject to strict quotas under the Immigration Act of 1924. (Under the terms of this act, Asians were banned completely from immigrating.) Restrictionist politicians invoked the language of racial superiority as they strove to extend quotas to immigrants from the Americas. Texas Representative John C. Box, for example, argued against Mexican immigration this way:

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<sup>10)</sup> George Sánchez, *Becoming Mexican American: Ethnicity, Culture, and Identity in Chicano Los Angeles, 1900–1945* (New York: Oxford University Press, 1993), 179.

<sup>11)</sup> Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Cambridge: Harvard University Press, 1981); Natalia Molina, *How Race Is Made in America: Immigration, Citizenship, and the Historical Power of Racial Scripts* (Berkeley and Los Angeles: University of California, 2014), Chapter Two.

“For the most part Mexicans are Indians, and very seldom become naturalized. They know little of sanitation, are very low mentally and are generally unhealthy.” These immigration debates often placed Mexican women and children at center stage, holding them up as the symbol for what was wrong with a more open immigration policy with Mexico. Until the mid-twenties, the growth of the Mexican population in the United States had been attributed mainly to immigration. But with the increased arrival of Mexican women, the population of Mexicans in the US began to include more native-born children, as more immigrants married and started families in the United States. As a result, the Mexican family (as opposed to the single, sojourning Mexican male) became the favorite target of those who advocated immigration reform. Portrayals of immigrants as an economic threat or job stealers took a back seat at this time; instead, restrictionists focused on Mexican women as “excessive breeders,” signaling the dangers of an open immigration policy.

With the Depression, the marginal acceptance that had stemmed from being a source of cheap labor evaporated as rapidly as the jobs Mexican laborers had been hired to fill. As jobs disappeared, so also 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, often providing funds for “voluntary” deportation programs called “repatriation.”<sup>12)</sup>

Pioneering studies in Chicano history have provided rich histories of these deportation and repatriation programs; less examined in these histories are the children of those deported, many of whom were American citizens.<sup>13)</sup> The pretext for repatriation was often that Mexicans were overburdening city resources by relying too much on charity and relief programs. Charity was

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<sup>12)</sup> Scholar Marla Ramirez examines the history of the Mexican repatriation program and its influence on the legal and social constructions of US citizenship and Mexican illegality. Ramirez labels this historical moment as *banishment* to differentiate it from *repatriation*, the commonly used terminology. *Repatriation* means the return of non-citizen immigrants to their homeland or *patria*, and often suggests a voluntary return. *Banishment*, in contrast, refers to the *unconstitutional* expulsion of US citizens to another so-called “home country,” usually the ethnic country of origin. Marla Ramirez, “Contested Illegality: Three Generations of Exclusion through Mexican ‘Repatriation’ and the Politics of Immigration Law, 1920–2005” (Dissertation, University of California, Santa Barbara, 2015).

<sup>13)</sup> Abraham Hoffman, “Stimulus to Repatriation: The 1931 Federal Deportation Drive and the Los Angeles Mexican Community,” *Pacific Historical Review* 42, no. 2; *Unwanted Mexican Americans in the Great Depression: Repatriation Pressures, 1929–1939* (Tucson: University of Arizona Press, 1974); Francisco Balderrama, *In Defense of La Raza: The Los Angeles Mexican Consulate and the Mexican Community, 1929–1936* (Tucson: University of Arizona Press, 1982). On studies of children deported, see Francisco E. Balderrama and Raymond Rodríguez, *Decade of Betrayal: Mexican Repatriation in the 1930s* (Albuquerque: University of New Mexico Press, 1995); Natalia Molina, “Deportable Citizens: The Decoupling of Race and Citizenship in the Construction of The ‘Anchor Baby,’” in *Deportation in the Americas: Histories of Exclusion*, ed. Kenyon Zimmer and Cristina Salinas (Arlington, TX: Texas A&M Press, 2018); Yuki Oda, “(Re)Claiming US Citizenship: Mexican American Repatriation in the 1930s and Mexican-Born Children,” in *Rethinking Age and Citizenship*, ed. Richard Marback (Detroit, MI: Wayne State University Press, 2015); Ramirez.

defined broadly for these purposes as assistance in any form from a source funded by taxation. As such, it could involve monetary compensation, but it might also consist of receiving medical care at a city or county hospital, clinic, or sanatorium, even if the patient was referred there by a doctor. In Los Angeles County, receiving assistance from the Bureau of Indigent Relief would clearly qualify as charity, but so did getting care from Rancho de Los Amigos (medical services), Olive View Sanatorium, or the Los Angeles County Hospital. Even seeking aid to bury a family member constituted a form of charity. And when immigrant families were found to have used charity, they were deported, citizen children along with their immigrant parents.

Why was there no outcry? Mexican citizen children were seen as less than fully American, in large part because before they were born their mothers were already vilified by a host of people in authority, including politicians, health officials, and social workers. These authorities' opinions then became institutionalized into laws, policies, and practices that circulated widely as cultural representations in the media, reinforcing the cycle of stigmatization. Though the children were citizens, there was no guaranteed process for them to "become Mexican American" in a cultural or social sense.<sup>14)</sup> They inherited the stigma of illegality imposed on their immigrant parents despite their citizenship status, demonstrating the ways that, generation after generation, race and citizenship are unyoked for Mexican Americans, belying the popular American assimilation myths from the melting pot to colorblindness.<sup>15)</sup>

These deportation case studies show that a child's citizenship was easily trumped by an immigrant parent's "illegal" status, to the extent that the child could not access resources intended for citizens without in effect having her own citizenship revoked through deportation. Various mechanisms were used to enforce and justify this practice: particularly charges of immorality, being a public charge, and delinquency. The upshot was to exclude Mexican Americans and their families from American soil and American identity. Such disregard of these young people's rights would have long-term implications for how race and citizenship continue to be culturally decoupled for Mexican Americans.

The fact that there was no uproar at the time that Mexican Americans were being regularly banished and deported along with their parents at the time strongly suggests that their American citizenship was not readily acknowledged. The 1930s were the first time that the second generation of Mexican Americans, demographically speaking, eclipsed the first generation. Yet, the acquisition of *de jure* citizenship did not readily translate into social citizenship for this new generation. The dramatic growth in the number of US-born Mexican Americans coincided with the most massive deportation of Mexicans seen in the country to date—the second generation arrived on the scene at a time of intense contestation over who was fit to be a citizen. It was not only the rights of adults, many of them immigrants, that were

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<sup>14)</sup> Adrian Burgos et al., "Latino History: An Interchange on Present Realities and Future Prospects," *Journal of American History* 97, no. 2 (2010); Sánchez, *Becoming Mexican American*.

<sup>15)</sup> Eduardo Bonilla-Silva, *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in the United States* (Lanham: Rowman & Littlefield Publishers, 2006).

violated, but also those of US-born children of Mexican descent. By examining the deportation of US-born children we see the ease with which American citizenship can be ignored when the dominant culture does not want to recognize it.

#### 4. Japanese American Internment

One of the less-noted consequences of the erasure of Mexican American birthright citizenship was that the blueprint for that erasure remained available and was used to challenge the rights of Japanese Americans during the Second World War. The similarities between the deportation of Mexicans and the internment of Japanese a decade later demonstrate how racial scripts not only help to inform our understandings of race, but also how they help define acceptable responses to perceived racial crises.

In February of 1942, President Franklin Roosevelt signed Executive Order 9066, under which approximately 120,000 Japanese and Japanese Americans were forcibly removed from their homes and sent to internment camps in the US interior. We cannot simply think of Executive Order 9066 as a remote federal policy imposed from above. It had to be enforced, and many actors, from top municipal officials to neighbors, were complicit in various ways at the local level. A 1944 poll taken in Los Angeles found that 65 percent of respondents not only supported the 1924 Immigration Act's ban on Japanese immigration, but also favored deportation of those presently in the United States.<sup>16)</sup> Two top Los Angeles officials, Mayor Fletcher Bowron and County Supervisor John Anson Ford—both noted liberals who had previously interacted positively with the Japanese community—soon acquiesced to the politics of prejudice and lent their support to the forced removal of Japanese Americans from Los Angeles.

This should not be altogether a surprise. As with Mexican Americans, Japanese exclusion long pre-dated forced removal and internment. In 1907–08 the federal law known as the Gentlemen's Agreement<sup>17)</sup> curtailed immigration of Japanese laborers. (The measure did

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<sup>16)</sup> Brilliant explores the different experiences of African American versus Japanese Americans in the post-war period through an examination of major court cases. Mark Brilliant, *The Color of America Has Changed: How Racial Diversity Shaped Civil Rights Reform in California, 1941–1978* (New York: Oxford University Press, 2010), 28–57.

<sup>17)</sup> The Chinese Exclusion Act provided for an absolute moratorium on the immigration of Chinese workers (a category defined so broadly that it included nearly anyone who attempted to emigrate from China) for a 10-year period (a provision that was renewed in 1892, made permanent in 1902, and not rescinded until 1943). The 1882 Act also denied the possibility of US citizenship to resident Chinese aliens. The Gentlemen's Agreement was a treaty forged between the United States and Japan in 1907 (with an additional provision appended in 1908 to strengthen the agreement) to quell increasing tensions, especially in San Francisco, over the immigration of Japanese workers. The Japanese government agreed to deny passports to laborers bound for the United States, and President Theodore Roosevelt promised to persuade San Francisco city officials to rescind a blatantly discriminatory law aimed at Asian school children in the city.

leave the door open to workers' wives and children;<sup>18)</sup> Japanese were also legally forbidden from marrying whites through anti-miscegenation laws.) Particularly in the Los Angeles area, Japanese settlers were making rapid gains in agriculture. Between 1910 and 1920, the number of Japanese-owned farms tripled and the total acres they farmed increased more than seven times.<sup>19)</sup> Undaunted by the physical challenges associated with working arid land, by 1920, Japanese farmers had tilled (mainly through lease agreements) an estimated 5 percent of the 440,000 acres of land under cultivation in Los Angeles County.<sup>20)</sup> Their success with labor-intensive crops such as fresh berries and celery soon led to charges of monopoly and unfair competition. When the number of Japanese residents in California continued to climb rapidly, state legislators passed the Alien Land Law Acts (one in 1913 and another in 1920), aimed at preventing immigrants from owning land or even leasing land for longer than three years. The land acts would, their supporters hoped, drive out the Japanese. As with the Chinese immigrants who preceded them in the nineteenth century, perceived economic threats were immediately wrapped in racist rhetoric. To rally support for the 1920 land act, for example, one slogan urged, "Keep California White."<sup>21)</sup>

As had happened with the Chinese, another major mechanism for constructing the Japanese as a threat to white Americans was the racially coded language of public health. Through public speeches, municipal forums, and policy formation, public health officials clearly aligned themselves with those who opposed the presence of a Japanese community, adding medical authority to nativist campaigns. In Los Angeles County, health officials were the only county employees who came into repeated contact with the Japanese, thus, their statistics, reports, and interpretations became the official narrative on the Japanese. Los Angeles County's Chief Health Officer, Dr. Pomeroy, contributed articles to newspapers and

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<sup>18)</sup> The agreement also allowed newly married women ("picture brides") whose marriages had been arranged from a distance to join their husbands in the United States. For an analysis of Japanese immigration policy, see Roger Daniels, *The Politics of Prejudice: The Anti-Japanese Movement in California and the Struggle for Japanese Exclusion* (Berkeley: University of California Press, 1977), 58–64.

<sup>19)</sup> Japanese were able to circumvent the laws by purchasing land in the name of their American born children and then holding the land in the name of a corporation, Kevin Leonard, "'Is That What We Fought For?' Japanese Americans and Racism in California: The Impact of World War II," *Western Historical Quarterly* 21, no. 4 (1990): 464.

<sup>20)</sup> John Modell, *The Economics and Politics of Racial Accommodation: The Japanese of Los Angeles, 1900–1942* (Urbana: University of Illinois Press, 1977), 99.

<sup>21)</sup> *Ibid.*, 39. For a history of Japanese in Los Angeles, see Donald Teruo and Nadine Ishitani Hata Hata, "Asian-Pacific Angelenos: Model Minorities and Indispensable Scapegoats," in *20th Century Los Angeles: Power, Promotion, and Social Conflict*, ed. Norman M. Klein and Martin J. Schiesel (Claremont, CA: Regina, 1990); Brian Hayashi, *For the Sake of Our Japanese Brethren: Assimilation, Nationalism, and Protestantism among the Japanese of Los Angeles, 1895–1942* (Stanford, CA: Stanford University Press, 1995); Lon Kurashige, *Japanese American Celebration and Conflict: A History of Ethnic Identity and Festival in Los Angeles, 1934–1990* (Berkeley: University of California Press, 2002); Valerie Matsumoto, *Farming the Home Place: A Japanese American Community in California* (Ithaca, NY: Cornell University Press, 1993).

popular magazines with titles such as “Japanese Evil in California”; these articles further acquainted the average citizen with the county’s “alien problem,” demonstrating the power public health wielded in legitimizing and perpetuating the threat of yellow peril.<sup>22)</sup>

By the time Executive Order 9066 was signed, the script of Japanese “alienness” was firmly in place—enough so that their citizenship could be discounted. The majority of those interned in the camps were Japanese Americans or legal permanent residents. Half of them were children. They spent up to four years incarcerated with no due process of law. These painful experiences were in the shadows for many years, but recent works have begun to chronicle the experiences of children and youth in the camps. These works include *The Children of Topaz: The Story of a Japanese-American Internment Camp*, based on a classroom diary; *City Girls: The Nisei Social World in Los Angeles, 1920–1950*, in which noted historian Valerie Matsumoto examined the lives and friendships of teenage girls in the camps; and the documentary *Children of the Camps* by Satsuki Ina, which looked at the psychological toll of internment.<sup>23)</sup>

Like their Mexican American counterparts, Japanese Americans encountered the denial of civil rights and the hollow promises of citizenship. The fact that few challenged Mexican American deportations in the 1930s only ensured that the same systems would be left in place to use against Japanese and Japanese Americans. The continued conflation of whiteness with citizenship only buttressed the cause.

And even with the end of internment, Japanese Americans were still not accorded the full measure of citizenship. Japanese returning from the camps faced vitriolic words and hateful actions. For example, in 1945 the Sakamoto family, who had three sons in the US military, including one who had died in service during the war, planned to return to their family farm, located on land just north of Sacramento. Just hours before their return, their home was burned down.<sup>24)</sup> For decades the federal government failed to compensate Japanese Americans for the loss of their property and savings during the years of internment. Japanese and Japanese Americans are estimated to have suffered \$400 million in property losses due to the internments. It was not until the Civil Liberties Act of 1988 that Congress finally authorized reparations—which totaled only \$37 million. The long and embattled road to reparations signals how Japanese and Japanese Americans continued to be written out of social membership in the United States even 40 years after the war.

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<sup>22)</sup> Natalia Molina, *Fit to Be Citizens?: Public Health and Race in Los Angeles, 1879–1939* (Berkeley: University of California Press, 2006).

<sup>23)</sup> Michael O. Tunnell and George W. Chilcoat, *The Children of Topaz: The Story of a Japanese-American Internment Camp: Based on a Classroom Diary* (New York: Holiday House, 1996); Satsuki Ina, “Children of the Camps: the Documentary,” (Alexandria, VA: PBS Online); Valerie J. Matsumoto, *City Girls: The Nisei Social World in Los Angeles, 1920–1950* (Oxford; New York: Oxford University Press, 2014).

<sup>24)</sup> “Home Burned Down,” September 20, 1945, newspaper clipping, #55816-461, Immigration and Naturalization Service Records, Record Group 85; National Archives Building, Washington, DC.

At the same time that these racial scripts were being imposed, however, we can see the emergence of counterscripts. In their co-authored article, “Contemporary Peoples/Contested Places,” Sarah Deutsch, George Sánchez, and Gary Y. Okihiro examined how the internment of Japanese and Japanese Americans had a different outcome in more diverse neighborhoods. In the diverse neighborhood of Boyle Heights, comprised of Mexicans, Jews, Japanese, and others, for example, the lived experience of one group dramatically affected the experience of others.<sup>25)</sup> Among ordinary people, friends and neighbors, reactions were mixed. Some people took advantage when Japanese neighbors were forced to sell belongings that they could not take to camp, including cars, furniture, and personal items. Others cared for their Japanese neighbors’ homes, businesses, and other property and returned that property when their neighbors were released from the camps. The local high school lost one-third of its senior class due to internment. An English teacher at the school began a round-robin letter-writing campaign to encourage her students to write to their fellow classmates interned in the camps. In another notable case, a Mexican teenager went to live in the camps to demonstrate solidarity with his friends.

These counterscripts add a different experience to the prevailing ones of racism directed towards the Japanese in the aftermath of Pearl Harbor. Perhaps the difference here is that these folks lived in the same neighborhood, went to the same schools, shared favorite family food, and thus were able to form ties more readily in the face of adversity. Examples such as these are startling reminders that internment had profound reverberations beyond the Japanese community. In this sense, a relational study of race provides an impetus for ceasing to consider the experiences of specific groups the provenance of individual area studies, such as Asian American Studies, and instead centering them squarely in US history where they belong.

## 5. Racial scripts in the time of Trump

The racial scripts that underwrote internment did not disappear, just as they had not disappeared after being used to justify Mexican American deportation in the 1930s. In the United States, we like to think of Japanese internment as an aberration from the past. As early as 1961, *Time* magazine described internment as “an ugly footnote in American history.” Subsequent Supreme Court justices have described the decision as “wrong” (Justice Antonin Scalia); “thoroughly discredited” (Justice Stephen Breyer); and one that “will never again survive scrutiny” (Justice Ruth Bader Ginsburg). But here’s the rub: the ruling still stands. It has never been overturned. One can muster all the moral indignation one likes, but in the end,

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<sup>25)</sup> Sarah Deutsch, George Sánchez, and Gary Y. Okihiro, “Contemporary Peoples/Contested Places,” in *The Oxford History of the American West*, ed. Clyde A. Milner II, Carol A. O’Connor, and Martha A. Sandweiss (New York: Oxford University Press, 1994).

the ruling is still available for people to use as a precedent.<sup>26)</sup>

This fact became eminently clear just a few days after the 2016 presidential election. Carl Higbie, a spokesman for a super PAC that supported Donald Trump, told then-Fox News host Megyn Kelly that the new Trump administration was considering a national registry for Muslims in the United States. Higbie argued that the proposal was legal and would “hold constitutional muster” and went on to point out that there was precedent for singling out groups based on their race and religion: “We did it during World War II with the Japanese...” Kelly interrupted him, exclaiming, “You’re not proposing we go back to the days of internment camps, I hope!” Though Higbie said he was not proposing internment camps, he continued to insist that that episode from American history was an important precedent for the president-elect’s proposal. Kelly was having none of it. “You can’t be citing Japanese internment camps for anything the president-elect is going to do,” she protested.<sup>27)</sup>

Legally, however, Kelly was only partially correct. In 1942, Fred Korematsu, a Japanese American, defied the Executive Order 9066 evacuation orders on the premise that he was a US citizen. He was arrested and convicted for denying the orders and his case, *Korematsu v. United States*, went to the Supreme Court—which ruled that internment was constitutional and justified in a national security crisis. Since then, many have decried this decision, but it has never been formally overturned.

The fact that the ruling justifying Japanese internment still stands and can serve as a precedent for a national Muslim registry highlights what’s at stake in thinking about race as a relational concept. Justice Robert H. Jackson, who wrote a dissent in *Korematsu* and would later serve as the lead prosecutor in the Nuremberg trials, wrote that the decision was a “loaded weapon, ready for the hand of any authority that can bring forward a plausible claim of an urgent need.” This statement is at its heart relational, recognizing the ways in which Japanese internment and later the *Korematsu* case widened the possibilities for mistreatment of other racialized groups.

## Conclusion

In this article, I have offered three snapshots of historical moments and attempted to demonstrate how they are linked. The actors and context may seem to vary widely—until we examine the underlying racial logic underpinning these moments that is revealed when we examine them through the lens of racial scripts. Taken together, these various experiences

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<sup>26)</sup> Matt Ford, “The Return of Korematsu,” *Atlantic*, November 19, 2015.

<sup>27)</sup> Lily Rothman, “Why Citing the Japanese Internment as a ‘Precedent’ for a Muslim Registry is So Alarming,” *Time*, November 17, 2016. Most coverage of the national Muslim registry overlooked that the United States already had one in place for a time, the National Security Entry-Exit Registration System (NSEERS), which was enacted shortly after 9/11 and disproportionately targeted Muslims and Arabs.

highlight the complex processes by which race was made in US history. Understanding the relational nature of race and exposing the links sustained by the use of racial scripts is especially urgent today, as we seem to be living in a time and place where all racialized and marginalized people seem to be under attack at the same time. Take just a one-month period in the year 2017.

In August 2017, various members of far-right groups, many of them white supremacists and neo-Nazis, descended on the college town of Charlottesville, Virginia, for a “Unite the Right” rally. The pretext for the protest was the removal of a statue of Confederate general Robert E. Lee from a local park. Protestors displayed swastikas and other racist symbols and carried weapons, including semi-automatic rifles, and they chanted racist slogans, such as “Jews will not replace us.” The rally descended into violence, with protestors and counter-protestors clashing; ultimately several were hurt and one woman was killed after being struck by a car driven by one of the white supremacist protestors. President Trump responded to the violence by condemning the hatred “on many sides.” He was quickly and widely critiqued for a statement that drew a moral equivalency between neo-Nazis and those who opposed such hatred and violence. Trump denied that was what he was doing and once again doubled down on his statements. Klu Klux Klan leader David Duke tweeted thanks for Trump’s “honesty and courage”; Trump denied any ties to Duke but did not go so far as to condemn white supremacy.

Just a few days later, Joe Arpaio, former sheriff of Maricopa County, was about to face sentencing. Mr. Arpaio, an anti-immigrant hard-liner who served 24 years in office before voters tossed him out in November 2016, had been convicted in July 2017 of criminal contempt of court for disregarding a federal judge’s orders to stop detaining people based solely on the suspicion that they were undocumented (immigration and local law enforcement have separate jurisdictions and duties). Arpaio, who styled himself as “America’s toughest sheriff,” had long been a champion of the anti-immigrant cause. As sheriff, he had ordered the installation of immigrant detention tent camps outside the county’s permanent detention facilities. Inside the tents, where temperatures often reached more than 110 degrees in the Arizona summer, the detainees were shackled and forced to wear prison stripes and pink underwear. Arpaio himself called this make-shift prison, fully surrounded by an electrified fence, a “concentration camp.” The conditions were so inhumane that they have been protested by dozens of civil rights and immigrant-rights groups and have been the subject of an Amnesty International investigation. In addition, in 2012, the Department of Justice initiated a lawsuit against the Maricopa County Sheriff’s Department and Sheriff Arpaio for what the government alleged was a “pattern of unlawful discrimination.”<sup>28)</sup>

Less than two weeks after Charlottesville, and before Arpaio had even been sentenced, Trump pardoned the man he had called “a great American patriot.” The White House released a statement that read in part, “Throughout his time as Sheriff, Arpaio continued his life’s work of protecting the public from the scourges of crime and illegal immigration.” Trump later

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<sup>28)</sup> United States District Court for the District of Arizona, Case # 2:12-cv-00981-LOA.

confirmed the statement, tweeting “I am pleased to inform you that I have just granted a full Pardon to 85 year old American patriot Sheriff Joe Arpaio. He kept Arizona safe!”

Even though these two incidents occurred only days apart, they were largely framed in different ways. The Charlottesville protest, violence, and its aftermath were primarily discussed as a black-white issue, due to its connection to the South and to how we remember our past when it comes to slavery. The pardon of Arpaio, on the other hand, was primarily framed as a Latina/o issue because Arpaio had been a hardliner against immigrants (most of whom were Latino) and because his jurisdiction was in Arizona, a border state with a large Latino population. Yet as before the racial logic was consistent. Again, we see that the underlying racial scripts that connect these events speak to how we continue to equate whiteness with US citizenship and the rights it affords.

In response to the events in Charlottesville and the debates in its aftermath, former Vice President Joe Biden struck a more relational stance:

The giant forward steps we have taken in recent years on civil liberties and civil rights and human rights are being met by a ferocious pushback from the oldest and darkest forces in America.... This is a moment for this nation to declare what the president can't with any clarity, consistency, or conviction: There is no place for these hate groups in America. Hatred of blacks, Jews, immigrants—all who are seen as “the other”—won't be accepted or tolerated or given safe harbor anywhere in this nation.... If it wasn't clear before, it's clear now: We are living through a battle for the soul of this nation.... Joined together, we are more than 300 million strong.... Joined together, we will win this battle for our soul.<sup>29)</sup>

Racial scripts are a tool that we can use to see the ways that we can join together. It helps us highlight the ways not only our histories but also our futures are linked.

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<sup>29)</sup> Joe Biden, ““We Are Living Through a Battle for the Soul of This Nation,”” *The Atlantic*, August 27, 2017.