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Race, Immigration, and Citizenship

from the 1840s to the
1920s

As You Read

- 2.1 How did scientific racism evolve over the twentieth century?
- 2.2 How did scientific racism influence immigration and citizenship policies?
- 2.3 How did legal decisions shape racial categories?
- 2.4 Where did European immigrants fit into the racial hierarchy in the United States?
- 2.5 What forms of structural violence did Native Americans and African Americans confront in the late nineteenth and early twentieth centuries?

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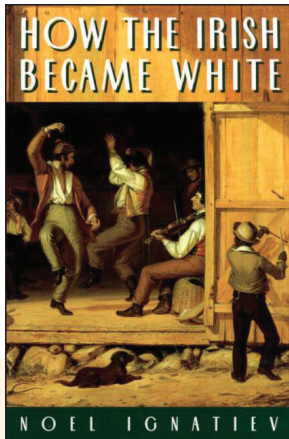
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When the Irish left Ireland for the United States in the eighteenth and nineteenth centuries, they did not think of themselves as whites, or even as Europeans. In the new country, however, they encountered a divide between whites and blacks, and they found it was best to be on the white side of that divide. In this excerpt from *How the Irish Became White*, historian Noel Ignatiev reflects on their experience.

The Irish who emigrated to America in the eighteenth and nineteenth centuries were fleeing caste oppression and a system of landlordism that made the material conditions of the Irish peasant comparable to those of an American slave. They came to a society in which color was important in determining social position. It was not a pattern they were familiar with and they bore no responsibility for it; nevertheless, they adapted to it in short order.

When they first began arriving here in large numbers they were, in the words of Mr. Dooley [a fictional Irish immigrant bartender created by journalist Finley Peter Dunne], given a shovel and told to start digging up the place as if they owned it. On the rail beds and canals they labored for low wages under dangerous conditions; in the South they were occasionally employed where it did not make sense to risk the life of a slave. As they came to the cities, they were crowded into districts that became centers of crime, vice, and disease.

There they commonly found themselves thrown together with free Negroes. Irish-and Afro-Americans fought each other and the police, socialized and occasionally intermarried, and developed a common culture of the lowly. They also both suffered the scorn of those better situated. Along with Jim Crow and Jim Dandy, the drunken, belligerent, and foolish Pat and Bridget were stock characters on the early stage. In antebellum America, it was speculated that if racial amalgamation was ever to take place it would begin between those two groups.

As we know, things turned out otherwise. The outcome was not the inevitable consequence of blind historic forces, still less of biology, but the result of choices made, by the Irish and others, from among available alternatives. To enter the white race was a strategy to secure an advantage in a competitive society.

What did it mean to the Irish to become white in America? It did not mean that they all became rich, or even “middle-class” (however that is defined); to

this day there are plenty of poor Irish. Nor did it mean that they all became the social equals of the Saltonstalls and van Rensselaers; even the marriage of Grace Kelly to the Prince of Monaco and the election of John F. Kennedy as President did not eliminate all barriers to Irish entry into certain exclusive circles. To Irish laborers, to become white meant at first that they could sell themselves piecemeal instead of being sold for life, and later that they could compete for jobs in all spheres instead of being confined to certain work; to Irish entrepreneurs, it meant that they could function outside of a segregated market. To both of these groups it meant that they were citizens of a democratic republic, with the right to elect and be elected, to be tried by a jury of their peers, to live wherever they could afford, and to spend, without racially imposed restrictions, whatever money they managed to acquire. In becoming white the Irish ceased to be Green.

Source: Ignatiev 1995, 2–3.

The idea of race has evolved over time and continues to shape our thinking. It exists because we use and propagate this idea. As discussed in Chapter One, and as we will explore further, race is a historical, social, cultural, and legal construction. Through this exploration, we will begin to see how the racial categories we use today are also contested and in flux.

For race to have meaning, we must constantly give it meaning. Whiteness, together with its associated privileges, is a contested concept; its boundary expands and contracts depending on circumstances. Without the boundary, however, whiteness would be meaningless and would not carry the many social benefits and privileges that it does.

The 1840s through the 1920s is a critical period for analyzing the contested boundary of whiteness. During this time, the United States received millions of immigrants from Europe, Asia, and Mexico. How did these newcomers fit into the racial hierarchy of the United States? And how did the racial policies of this era affect Native Americans and African Americans? This chapter considers the following:

1. How scientific, popular, and legal conceptions of race both worked together and collided at various moments during this period; and
2. How the idea of race continued to develop in the context of European and Asian immigration, the annexation of Mexican territories, the appropriation of Native American lands, and the abolition of slavery in the United States.

THE CONTINUATION OF SCIENTIFIC RACISM

Today, most scientists reject the idea that the world can be divided into racial groups with measurable moral and intellectual differences. In the late nineteenth and early twentieth centuries, however, most scientists and the vast majority of whites concurred that races existed biologically and that whites were the superior racial group. Popular and legal debates over who was and was not white often relied on the purported scientific findings of the time. We will begin our discussion by examining the applications of scientific racism in the late nineteenth and early twentieth centuries.

Measuring Brain Size

When nineteenth-century scientists compared the skulls of blacks to those of whites, they set out to use science to prove what they thought they already knew: that the white race was superior to all others. Nineteenth-century craniometry—the measurement of cranial capacity—provided the first opportunity for scientists to bring massive amounts of data to bear on their ideas of human hierarchy. As discussed in the previous chapter, these data on brain size supposedly provided “scientific” proof of white superiority. Eventually, however, craniometry lost its appeal, and scientists looked for new ways to measure human difference and prove European supremacy. These new methods revolved around measuring intelligence directly (Gould 1996).

Intelligence Testing

In the United States, **intelligence testing**—the attempt to quantify intellectual ability using scientific measures—became popular in the early twentieth century. Such tests were used in attempts to demonstrate the alleged superiority of not only Europeans as a whole but also particular groups of Europeans. When the United States began to receive large numbers of immigrants from southern and eastern Europe, American scientists used intelligence testing to draw distinctions among them (Gould 1996; Brodtkin 1998).

Intelligence tests were not originally designed to find out which races were the most intellectually fit. Instead, the goal was to identify children who needed extra help in school. Alfred Binet (1857–1911), director of the psychology laboratory at the Sorbonne in Paris, dedicated much of his scholarly career to developing ways to measure children’s intellectual ability. It was only when Binet’s test was taken to the United States that it began to be used to determine which groups were innately superior or inferior.

One of the first psychologists to use Binet’s test was H. H. Goddard (1866–1957), who adapted it for use in the Vineland Training School for

intelligence testing

The attempt to quantify intellectual ability using scientific measures

Feeble-Minded Boys and Girls. Goddard firmly believed that feeble-mindedness was inherited, attributing intelligence to a single gene. To provide evidence for his beliefs, Goddard took Binet's test to Ellis Island, where he administered the exam to arriving immigrants who spoke little English. Many received a low score, but instead of questioning the conditions under which he performed the exam, Goddard concluded that immigrants were of low intelligence. He further argued that, given these results, immigration had to be curtailed. Later in his career, Goddard conceded that perhaps what he defined as feeble-mindedness could be cured through education (Gould 1996).

The next prominent psychologist to use intelligence testing was Lewis Terman (1877–1956), a professor of psychology at Stanford University. Terman modified the Binet test, endeavoring to standardize it such that the average person would score 100. This number should sound familiar, as it is still used today as the mean for IQ—the intelligence quotient—in what's known as the Stanford-Binet test. Terman's colleague R. M. Yerkes (1876–1956) carried on Terman's work and developed the Army Mental Tests, which aimed to measure innate intelligence. Yerkes succeeded in convincing the U.S. Army to allow him to administer the tests to all of its recruits. This massive sample of over a million respondents gave significant quantitative weight to the emerging field of intelligence testing (Gould 1996).

Stephen Gould, whose work we discussed in Chapter One, argues that the primary error in intelligence testing is that of reification—making intelligence into a scientific concept by measuring it. Some people know more facts and trivia, are more quick-witted, can calculate sums in their heads faster, and are more eloquent in speech and writing than others. But as Gould contends, intelligence tests are flawed because they can not truly measure this wide range of abilities. Moreover, instead of promoting the idea that each of these skills can be learned and nurtured, intelligence testing implies that they are innate (Gould 1996).



▲ Immigrants arriving at Ellis Island were subjected to not only invasive medical inspections but also intelligence testing.

eugenics The practice of controlled breeding to increase the occurrence of desirable characteristics in a population.

Eugenics

Faulty thinking about intelligence developed into ugly manifestations. In the United States, about 60,000 people who were deemed less intelligent were forcibly sterilized in the early twentieth century (Jacobson 1998). The **eugenics** movement, which had its heyday from about 1900 to 1930, aimed to improve the population through controlled breeding. Eugenacists believed that not only intelligence but also alcoholism, laziness, crime, poverty, and other moral and cultural traits could be inherited. Based on this notion, they advocated sterilizing the biologically unfit as a way of creating a superior breed of people. During this period, many Americans believed the country's population was in decline because of immigration and the high fertility of poor people (Lindsay 1998).

One of the main proponents of eugenics was Madison Grant (1865–1937), a lawyer, historian, and physical anthropologist. In much of his work, including the 1916 book *The Passing of the Great Race*, Grant put forward the idea that Europe could be divided into three races: “Nordics,” “Alpines,” and “Mediterraneans.” He forcefully argued that Nordics were the most fit of the three and that measures should be taken to ensure their racial purity and survival. His ideas made it into the mainstream both through his book and through his position as chairman of the U.S. **v** Committee on Selective Immigration. In that capacity, he advocated **a** reduction in the numbers of Alpines and Mediterraneans admitted into the United States. The views of Madison Grant and other eugenicists played an important role in the development of immigration policy in the 1920s, placing limits on the immigration of “undesirable” groups (Jacobson 1998).

remove the v

advocated for

Madison Grant's ideas that Nordics were the “master race” and that it was incumbent upon the state to ban interracial marriages and sterilize inferior races found a large audience in Germany. Adolf Hitler referred to Grant's book *The Passing of the Great Race* as his “bible,” and the German translation became widely read in the 1930s (Spiro 2008). Hitler put Grant's ideas into practice when he passed the Eugenic Sterilization Law in 1933, which led to the sterilization of 225,000 people in Germany in just three years. Similar to sterilization laws in the United States, this law was intended to improve the population. The Nazis then took these ideas several steps further, first to euthanasia and then to the gas chambers (Smedley 2007).

Nazi extremism caused white Americans as well as many Europeans to question the implications of white supremacist thinking. The experience of World War II led, in 1948, to the signing of the Universal Declaration of Human Rights, which asserts that all humans possess inherent dignity and

Carrie Buck

Carrie Buck (1906–1983) was separated from her mother, Emma, as a young child and was placed in a foster home, where she worked as a domestic servant for most of her childhood. When Carrie was a teenager, her foster parents' nephew raped her. As a result of the rape, Carrie became pregnant. After she gave birth at age seventeen to a girl, Vivian, her foster parents placed Carrie in the Virginia State Colony for Epileptics and Feeble-minded, most likely in an attempt to avoid public shaming of their family. Carrie Buck's mother had previously been placed in this same facility on the grounds of her alleged feeble-mindedness and promiscuity. The colony ordered Carrie sterilized, and although the sterilization was challenged in court in 1925, the ruling was upheld. At the age of twenty-one in 1927, Carrie was sterilized under the authority of the Racial Integrity Act of 1924, part of the state of Virginia's eugenics program. Chief Justice Oliver Wendell Holmes declared that "three generations of imbeciles are enough," referring to the alleged feeble-mindedness of Carrie, her mother, and her six-month-old daughter. Following her sterilization, Carrie Buck was released into the community as a domestic servant.



Carrie and Emma Buck. Carrie was sterilized under Virginia's eugenics program.

VOICES

equality. This declaration in turn influenced the beginnings of the civil rights movement in the United States.

Yet ideas of innate inferiority and superiority have not disappeared. In 1994, psychologist Richard Herrnstein and political scientist Charles Murray published a book titled *The Bell Curve*, which perpetuated the theory that intelligence is hereditary. Despite virulent criticism from academics, the book received a great deal of publicity. Ten years later, in 2004, Frank Miele, senior editor of *Skeptical*, and Vincent Sarich, professor emeritus of anthropology at

Berkeley, argued in their book *Race: The Reality of Human Differences* that races are a biological reality. In addition, they contended that there are real, measurable intellectual differences between racial groups. Esteemed race scholars such as Jonathan Marks have repeatedly pointed out the absurdity of such findings, arguing that Sarich and Miele’s book is “scientifically idiosyncratic and politically reactionary” (Marks 2004, 43).

In 2009, a Harvard PhD candidate named Jason Richwine defended a dissertation in which he argued that Latino immigrants have a substantially lower IQ than the white native-born population of the United States. He further argued that, because of the supposed hereditary nature of IQ, Latino immigration should be limited. According to the leading scholarship on race, however, there is no genetic basis for racial differences (Roberts 2012; Smedley 2007). Latinos are people with roots in Latin America who live in the United States and whose ancestry could include people from any continent. It is thus illogical to argue that they share a genetic ancestry.

pseudoscience Beliefs or practices appearing to be scientific but not based on the scientific method.

Sociologists identify such arguments as examples of **pseudoscience**—beliefs or practices appearing to be scientific but not based on the scientific method. Similar to nineteenth- and early-twentieth-century eugenicists, the authors of the works mentioned earlier mistakenly find that their own group—those of European descent—is intellectually superior to others. While scholars have identified these works as pseudoscientific, attention from popular media outlets can perpetuate the myths and falsehoods they contain.

EXCLUSIONARY IMMIGRATION AND CITIZENSHIP POLICIES

Intense debates on immigration and citizenship in the late-nineteenth and early-twentieth centuries drew on the discourses of scientific racism. From its inception, immigration policy in the United States has been racially

Race-Related U.S. Immigration Laws and Supreme Court Rulings, 1790–1924

1790	1857	1866	1868	1882	1887
Naturalization law grants citizenship to whites born in the United States	<i>Dred Scott v. Sandford</i> rules that free blacks are not U.S. citizens	Civil Rights Act extends birth-right citizenship to blacks	Fourteenth Amendment constitutionalizes the Civil Rights Act of 1866	Chinese Exclusion Act prohibits Chinese laborers from entering the United States	Dawes Act forces Native Americans to give up communal ownership of land

motivated. The first major piece of immigration legislation, the 1882 Chinese Exclusion Act, set the course for biased immigration policy in the twentieth century (Lee 2002).

The Chinese Exclusion Act

The **Chinese Exclusion Act (1882)** was overtly racist in that it targeted one specific group on the basis of race and class: Chinese laborers. It was renewed in 1892, made permanent in 1902, and not repealed until 1943. The act specifically prohibited Chinese laborers from entering the United States while allowing Chinese merchants and teachers to enter. According to the 1890 census, there were 102,620 Chinese men and 3,868 Chinese women present in the country, mostly in California. At the time, most Chinese immigrants were laborers; they were integral to the completion of the Central Pacific Railroad. By 1882, the federal government had succumbed to pressure from white laborers to exclude Chinese immigrants, and Congress issued this first racially exclusive immigration law.

Subsequently, the **Immigration Act of 1917** expanded the Chinese Exclusion Act to deny entry to anyone coming from the “Asiatic Barred Zone,” which included India, Burma, the Malay States, Arabia, and Afghanistan (Calavita 2000; Lee 2002). Between 1917 and 1952, the United States placed strict immigration limits on people from Asia while welcoming those from preferred European countries. The intent behind these laws was to improve the racial composition of the United States.

The Chinese Exclusion Act compelled the federal government to put into place the bureaucratic machinery needed to patrol the borders of the country. As the act excluded specific groups of people from entering the United States, it required that the government establish immigration controls and checks. The act required the creation of an immigration inspection force, one that eventually would evolve into the Border Patrol. It further required the creation of certificates of residence—the

Chinese Exclusion Act (1882) Legislation that denied Chinese laborers entry to the United States.

Immigration Act of 1917 Legislation expanding the 1882 Chinese Exclusion Act and denying entry to the United States for anyone coming from the “Asiatic Barred Zone,” which included India, Burma, the Malay States, Arabia, and Afghanistan.

	1898	1917	1922	1923	1924
	Supreme Court grants citizenship to Asians born in the United States	Immigration Act creates the “Asiatic Barred Zone”	<i>Takao Ozawa v. United States</i> rules that whiteness is defined by Caucasian ancestry	<i>United States v. Bhagat Singh Thind</i> rules that whiteness is not defined by Caucasian ancestry	Johnson-Reed Act establishes national-origin quotas

research focus

Chinese Exclusion and Gatekeeping Ideology

Historian Erika Lee (2002) argues that the 1882 Chinese Exclusion Act helped shape the racialized nature of subsequent U.S. immigration policies. The act made the United States what she calls a “gatekeeping” nation—one that first racialized Chinese immigrants and then others as a permanently alien and inferior class that should be excluded. Specifically, she contends that

Chinese exclusion introduced a “gatekeeping” ideology, politics, law, and culture that transformed the ways in which Americans viewed and thought about race, immigration, and the United States’ identity as a nation of immigration. It legalized and reinforced the need to restrict, exclude, and deport “undesirable” and excludable immigrants. (Lee 2002, 37)

Subsequent to the passage of Chinese exclusion, *nativists*—people who presume the superiority of native-born citizens—directed their ire at other groups, often using the same narratives and discourses used to exclude the Chinese. These nativists were successful in lobbying for more exclusion laws, including the Immigration Acts of 1917 and 1924, which drastically restricted immigration from southern and eastern Europe. This ideology continues into the present day, as current immigration laws prioritize certain immigrants over others.

Once the United States passed selective immigration policies, it became necessary to build a state apparatus and bureaucracy to enforce these laws. The 1892 Geary Act and the 1893 McCreary Amendment required Chinese laborers to register with the federal government and obtain certificates of residence. By 1928, all immigrants were required to secure “immigrant identification cards,” precursors to today’s “green cards.”

Based on her analysis of the the Chinese Exclusion Act and related legislation, Lee contends that gatekeeping ideology “was instrumental in the formation of the nation itself and in articulating a definition of American national identity and belonging” (2002, 41). The legislation thus transformed the United States from a nation of immigrants to one that guarded its gates against foreigners it deemed undesirable.

For Discussion

1. What is the relationship between anti-Chinese sentiment and nativism toward other immigrant groups?
2. What does Lee mean by “gatekeeping”?

Source: Lee 2002

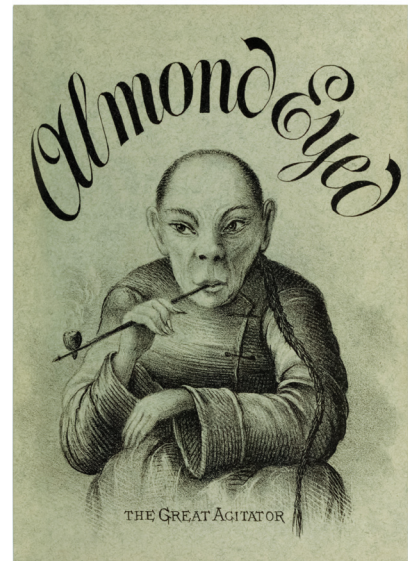
precursors to today’s “green cards”—for Chinese individuals who were permitted to remain in the United States. It was not until 1928 that other immigrants had to carry proof of legal presence. In 1940, these cards were replaced by “alien registration cards,” which continue to be used today (Lee 2002).

The Johnson-Reed Act (Immigration Act of 1924)

The next major piece of immigration legislation, the **Johnson-Reed Act** (or **Immigration Act of 1924**), was also overtly racist in that it was designed to increase the Nordic population in the United States and halt the growth of other groups. The act made passports and visas a requirement for entry to the United States and established national-origin quotas for European immigrants. These quotas dictated the number of immigrants who could enter the United States in any given year. Calculated on the basis of the U.S. population’s composition in 1890, the quotas were applicable only to the European population. Specifically, the law stipulated that the quotas not take into account the following four groups: (1) immigrants from the Western Hemisphere, (2) aliens ineligible for citizenship (i.e., Asians), (3) the descendants of slaves, and (4) Native Americans. By basing national-origin quotas exclusively on the European population at the time, the law made it clear that Africans, Asians, and Native Americans were not considered to be part of the nation (Ngai 2004). It is also remarkable to look back on this legislation from today’s perspective: no restrictions were placed on Mexican immigration.

The Johnson-Reed Act ignored the presence of Asians and Africans in the United States and set a quota of one hundred immigrants per year for immigrants from China, Japan, India, Ethiopia,

Johnson-Reed Act (Immigration Act of 1924) Legislation that made passports and visas a requirement for entry to the United States and established national-origin quotas for European immigrants.



▲ The cover of an 1878 fictional story about the supposed economic and moral threats posed by large-scale Chinese immigration.

Liberia, and South Africa. These restrictionist policies remained in place until after World War II. In 1943, Congress repealed the Chinese Exclusion Act, and in 1946, it extended the right of citizenship to other Asians (Reimers 1981; Ngai 2004). The quotas were revised in the Immigration and Nationality Act of 1952 and then completely revamped in 1965.

Intelligence test proponents and eugenicists influenced the debates surrounding the Johnson-Reed Act. The most radical eugenicists advocated sterilization of people deemed to be inferior. Eugenicists were invited to testify before Congress during these debates, and in their testimonies they made it clear that they believed that Northern Europeans were superior to people from southern and eastern Europe. Harry H. Laughlin, director of the Eugenics Institute, for example, pointed to the Army Mental Tests carried out by Robert Yerkes as evidence of the inferiority of Poles, Italians, Russians, and blacks.

Members of Congress took the ideas of eugenicists into account when they voted to restrict the immigration of people they deemed undesirable immigrants and to promote the immigration of those whom they expected might improve the American stock. The quotas that took effect in 1929 reflect these preferences: Great Britain and Northern Ireland were granted a quota of 65,271 immigrants; Italy, 5,802; Yugoslavia, 845; and most African and Asian countries, 100 (Ngai 2004). Immigration restrictions reflected a clear racial bias in determining who could enter the country. Citizenship restrictions, which we consider next, demonstrated racial biases regarding who could become a full member of society.

Naturalization Law of 1790 The first piece of U.S. legislation on citizenship, stating that only “free white persons” who had lived in the United States for at least two years were eligible.

birthright citizenship Also known as *jus soli*, the concept that citizenship is determined by where one is born, not by the nationality, race, or citizenship of one’s parents.

naturalization The process whereby people become citizens of a country where they were not born.

Birthright Citizenship and Naturalization for Whites Only

One of the first laws passed in the newly formed United States was the **Naturalization Law of 1790**, which granted citizenship to whites born in the United States and limited naturalization to immigrants who were “free white persons.” Whereas **birthright citizenship** refers to gaining citizenship in the country of one’s birth, **naturalization** describes the process whereby people become citizens of a country where they were not born.

Since the inception of the United States, birthright citizenship (also known as *jus soli*) has prevailed as the law of the land, albeit with racial restrictions. Birthright citizenship conveys the idea that citizenship is determined by where one is born, not by the nationality, race, or citizenship of one’s parents. This concept was part of English common law, on which much of U.S. law is based. The 1790 law was explicitly restricted to whites: it was not until

the Civil Rights Act of 1866 that native-born blacks were granted citizenship. In 1868, this act was incorporated into the Constitution in the form of the Fourteenth Amendment, which reads: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state wherein they reside.”

The Fourteenth Amendment granted birthright citizenship to most blacks and whites born in the United States—but only to blacks and whites. Native Americans were not officially granted birthright citizenship until 1924. And it was not until the Nationality Act of 1940 that birthright citizenship became a reality for all people born in the United States (Haney-Lopez 2006).

It was not until 1952 that immigrants of races other than black or white could become U.S. citizens. Throughout the twentieth century, immigrants from China, Japan, Syria, and India applied for citizenship via naturalization and were denied on the basis that they were not white (Haney-Lopez 2006).

DEFINING WHITENESS IN COURT

Between 1878 and 1952, U.S. courts considered fifty-one cases in which a non-citizen contested his denial of citizenship on the basis of his race. In all but one case, the noncitizen claimed that he was in fact white and therefore should be granted citizenship. These petitioners were Native American, Chinese, Hawaiian, Burmese, Japanese, Indian, Syrian, Armenian, Filipino, Korean, Arabian, Mexican, and mixed race. The courts were not consistent in their determinations: one court declared Syrians to be not white, whereas an appeal court ruled that they were. Most of the claims to whiteness were denied, with the exception of those made by Mexicans (1897), Armenians (1909 and 1925), and Syrians (1910 and 1915) (Haney-Lopez 2006).

It was not predetermined which groups would be granted whiteness in the United States. Instead, court decisions played a role in assigning a racial category to each national-origin group in the United States. The assignment of whiteness to Armenians and Italians and nonwhiteness to Japanese, for example, would have enduring effects on their social location in the United States. Pronouncing the Armenians as white

allowed them a prosperous and privileged position in American society. This prosperity then confirmed the common knowledge of their Whiteness, which in turn served to justify the judicial treatment of Armenians as White persons. The opposite occurred with the Japanese. Again, their position in the

U.S. racial schema was initially far from certain: some had been naturalized as “white persons,” but others had been excluded from citizenship. Partly under court authority, however, the non-Whiteness of Japanese immigrants emerged as common knowledge.

(Haney-Lopez 2006, 93)

Prominent court cases denied Japanese and Asian Indians citizenship and, in many cases, stripped them of their land. Japanese and Indian groups would have to wait several decades before being granted all the rights associated with citizenship (Ngai 2004).

Legal scholar Ian Haney-Lopez (2006) argues that social ideas about whiteness influenced both scientific endeavors and legal decisions. In cases of granting or denying citizenship based on race, judges cited both scientific studies and what they called “common knowledge” in their decisions. Haney-Lopez contends that in determining whiteness, judges’ decisions reflected their own unconscious bias and effort to maintain the privileges associated with being white. The fact that whiteness could be contested in court shows that it is not a fixed category; it exists only by virtue of defining some people as nonwhite.

Two of the prerequisite cases that reached the Supreme Court were *Takao Ozawa v. United States* and *United States v. Bhagat Singh Thind*. These two cases stand in stark opposition to each other and make it clear that in a court of law, whiteness is what the judges say it is; that is, whiteness is a legal construct. In *Ozawa*, the court determined that despite Japanese-born Takao Ozawa’s white skin, he was not white because he was not Caucasian. In *Thind*, argued just months later, the Court determined that even though Asian Indians such as Bhagat Singh Thind were Caucasian, they were not white.



▲ Takao Ozawa. In *Takao Ozawa v. United States* (1922), the Court ruled that whiteness is defined by Caucasian ancestry.

Takao Ozawa v. United States (1922)

Takao Ozawa was born in Japan in 1875. At the age of nineteen, he moved to California and studied at the University of California at Berkeley. He met and married another Japanese national living in the United States, and they had children together. In 1914, when he was thirty-nine years old, Ozawa applied for citizenship in Hawaii, where he was living at the time. The U.S. district attorney of Hawaii denied his application for citizenship, stating that because he was not white, he was ineligible for naturalization. Ozawa appealed this decision, and after many years, his case made it all the way to the Supreme Court. One of Ozawa’s major arguments was that his skin color was as light

as that of many whites. Of course, this was also true for many people legally defined as black. The Supreme Court denied his petition on the basis that he was not white, even though his skin color was lighter than that of some people considered to be white. The ruling classified him as not white on the grounds that “white” meant “Caucasian,” and ethnologists had determined that he was not Caucasian (Haney-Lopez 2006).

United States v. Bhagat Singh Thind (1923)

Just three months after the *Ozawa* decision, the Supreme Court reviewed the petition of Bhagat Singh Thind, who arrived in the United States at the age of twenty-one in 1913. In 1920, Thind applied for naturalization on the basis that, as a high-caste Hindu, he was in fact Caucasian and therefore white. The district court granted his petition for naturalization. However, the federal government appealed that decision, and Thind’s case also went to the Supreme Court. Thind’s case was heard less than two months after the *Ozawa* decision, on January 11, 1923. The Supreme Court did not dispute Thind’s argument that, as an Asian Indian, he was “Caucasian,” per the latest scientific evidence. The court wrote, “It may be true that the blond Scandinavian and the brown Hindu have a common ancestor in the dim reaches of antiquity, but the average man knows perfectly well that there are unmistakable and profound differences between them today” (quoted in Haney-Lopez 2006, 63). To follow up on this idea, the Court’s final ruling stated, “What we now hold is that the words ‘free white person’ are words of common speech, to be interpreted in accordance of the common man, synonymous with the word ‘Caucasian’ only as that word is popularly understood” (quoted in Haney-Lopez 2006, 64).

The relationship between common knowledge and law is circular. When judges decided who was legally white, they were subject to the unconscious biases inherent in what is considered common knowledge. At the same time, their decisions reinforced common beliefs about who was white and who was not. Similar processes occurred with identification of the Irish, Italians, and Jews, people who today are nearly universally accepted as white.

HOW THE IRISH, ITALIANS, AND JEWS BECAME WHITE

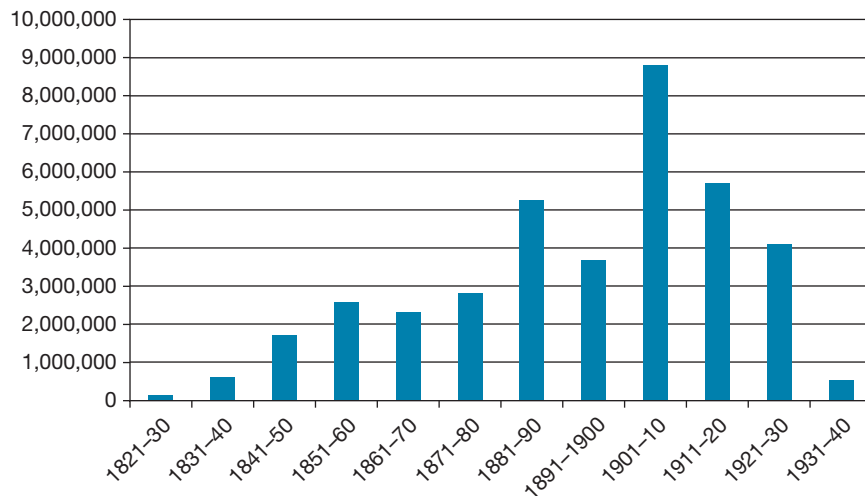
As we saw in the chapter-opening passage, the millions of Irish who came to the United States in the mid-nineteenth century did not think of themselves



▲ Bhagat Singh Thind, denied citizenship because he was not considered white despite his Caucasian ancestry.

FIGURE 2-1.
Immigration to the United
States, 1820–1940

Source: Office of Immigration
Statistics, Department of
Homeland Security.



as “white” when they lived in Ireland. In a context in which everyone is Irish, whiteness has little meaning. However, both the government’s decision to permit the Irish to come to the United States in large numbers and their eventual incorporation into the United States were closely related to their perceived whiteness. How did this perception of the Irish as white come about? The process through which Irish and other Europeans acquired the status of unequivocal whiteness was not as straightforward as one might think.

Relatively few immigrants arrived in the United States between 1790 and the 1830s. By the 1840s, however, hundreds of thousands of immigrants began to arrive, primarily from Ireland and Germany (Figure 2-1). Between 1846 and 1855, over 3 million immigrants came to the United States, including 1,288,307 from Ireland and 975,311 from Germany, most of whom were fleeing deprivation in their home countries. Irish immigration to the United States reached a high point in 1851, at 221,253 for the year. The highest number of German immigrants in one year was recorded in 1882, when 250,630 Germans arrived in the United States. Once German and Irish immigration began to taper off, Italians and Russians (mostly Jews) began to immigrate in large numbers. Italian immigration peaked in 1907, with 258,731 immigrants, and Russian immigration peaked in the same year, with 258,943 immigrants arriving in the United States.

As each of these groups integrated into the United States, they experienced both assimilation, through which Irish, Italians, and Germans became Americans, and racialization, through which Celts, Hebrews, and Mediterraneans

became white (Jacobson 1998). **Assimilation** is a process whereby immigrants lose their ethnic distinctiveness and become part of the mainstream—for example, when an Italian American becomes simply an American. **Racialization** is a process whereby people come to be recognized as part of a racial group, such as when a Mediterranean becomes white (as defined by him- or herself and others).

The Irish

Ireland has a long history of oppression of Irish Catholics by English Protestants. In the eighteenth century, Ireland was governed by the Penal Codes, which denied many rights and privileges to Catholics, including the rights to vote, to attend university, and to own horses worth more than five pounds. Catholics in Ireland were known as Celts or Gaels, and most lived in poverty. Neither Catholics nor Protestants felt united as members of a white race. It was not until Catholics and Protestants immigrated to the United States and saw that whiteness was associated with free wage labor and blackness with slavery that whiteness assumed any real meaning for them. They further learned that blackness was devalued and that whites were entitled to privileges denied to blacks, similar to the privileges denied to Catholics in Ireland (Ignatiev 1995).

When the Irish arrived in the United States, they found a situation in which blacks occupied the lowest rungs of the paid labor force. The Irish joined black Americans in these occupations—as coal heavers, cooks, stewards, millworkers, servants, and waiters—and began to form unions to fight for better wages and working conditions. Because of the prevailing racial hierarchy in the United States, these unions were able to exclude black workers from membership. As such, between 1830 and 1870, the Irish slowly replaced black Americans as workers in these industries. Black workers soon found themselves confined to the occupations of ragpickers, shoe-shiners, chimney sweeps, and itinerant laborers. Over the course of a few decades, Irish immigrants were able to capitalize on their newly found whiteness and control several niches as longshoremen, waiters, millworkers, and factory employees. Insofar as the Irish were able to secure their position in the United States by excluding blacks, many scholars argue that the Irish became white through this process (Ignatiev 1995).

The Italians

As the Irish were establishing their whiteness in relation to blacks in the United States, Italians were just beginning to arrive. Similar to the Irish, the Italians

assimilation A process whereby immigrants lose their ethnic distinctiveness and become part of the mainstream.

racialization A process whereby people come to be recognized as part of a racial group.

> Italian American family sewing garments in their tenement in New York City, 1913.



had no reason to think of themselves as “white” prior to their arrival in the United States. Upon migrating to the United States, Italians often faced discrimination because of both their Catholicism and stereotypes related to their alleged criminality, and they were even lynched on occasion in the U.S. South.

One notable case occurred in 1891 in New Orleans, when eleven Italians were accused of murder and conspiracy following the death of Police Chief David Hennessy. Although acquitted in a jury trial amidst accusations of bribery and corruption, they continued to be held in the jailhouse. A mob of angry townspeople, infuriated by the acquittal and charges of corruption, descended on the jailhouse and lynched the Italian prisoners. In the aftermath of the raid, a local judge, R. H. Marr, pointed out that the community’s rage was in part because the victim was a non-Italian: “Until the killing of Hennessy,” said Marr, “these people had so far as the public knew, confined their operation to their own race” (quoted in Jacobson 1998, 58). Such references to an Italian “race” were common during this time.

Italians who arrived in the United States in the late nineteenth and early twentieth centuries were legally white. At the same time, Italians were often juxtaposed to “Anglo-Saxons” or to members of the “Nordic” race. Matthew Jacobson argues that during this period, one could be both “white *and* racially distinct from other whites” (1998, 6). This is the same contradiction we saw

when examining the Irish. These immigrants were legally entitled to whiteness but were not able to attain all the privileges associated with being white. It was only after the passage of legislation that cut off most immigration from eastern and southern Europe that Italians came to be seen as only culturally, not racially, different from other whites. We see a similar pattern with Jews—mostly those of eastern European descent—who gradually gained acceptance as members of the “white race.”

The Jews

In the early twentieth century, Jewish immigrants from Germany and eastern Europe were concentrated in New York City, where many worked in the garment industry. They encountered numerous forms of **anti-Semitism**, a term that refers to discrimination, hostility, or prejudice against Jews. Just as trade unions organized by the Irish excluded blacks from wage labor in many large cities, the acceptance of anti-Semitism enabled craft unions to exclude Jews from better-paying occupations. As a result, even Jews who were skilled hat-makers, watchmakers, and tailors had no choice but to work as unskilled laborers. Not only were Jews relegated to these low-paying jobs, they often had no choice but to live in cramped housing in slum areas known as ghettos. Further, elite universities routinely barred them from admission. This labor, housing, and educational discrimination has led some scholars to contend that Jews were not viewed as white in this period (Brodkin 1998).

The lynching of Leo Frank, a Jewish man, is one case supporting this argument. In April 1913, Mary Phagan, a fourteen-year-old white girl, was found dead in the basement of the pencil factory that Frank owned. After a long trial, Frank was found guilty of murder and sentenced to death, but owing to the nature of the evidence, the governor commuted his sentence to life in prison. In response, a white mob rampaged the prison and dragged Frank to the outskirts of Atlanta, where they lynched him for the alleged murder and rape of Phagan. Remarkably, Frank’s conviction rested largely on the testimony of Jim Conley, a black janitor at the factory. The fact that Frank was hanged from a tree in a way similar to how African Americans were lynched caused many to ask whether Jews were white. The lynching, combined with the fact that a black man’s testimony formed the basis of the case, indicated that Frank did not benefit from the privileges associated with whiteness in the early twentieth century (Jacobson 1998).

In the aftermath of World War II, as Americans reckoned with the horrors of Nazism and subsequently repudiated the eugenics movement, anti-Semitism lost much of its hold. Whereas Jewish people who grew up in the 1920s and

anti-Semitism

Discrimination, hostility, or prejudice against Jews.

structural violence

Institutional harm or disadvantage inflicted on individuals or social groups.

1930s faced virulent anti-Semitism, it had diminished by the 1950s. Accordingly, whiteness expanded to include Jewish people (Brodin 1998).

STRUCTURAL VIOLENCE AGAINST NATIVE AMERICANS AND AFRICAN AMERICANS

As we have seen, immigrants to the United States contended with race-related discrimination and hardship in the mid-nineteenth and early twentieth centuries. Native-born populations did as well. Native Americans confronted seizures of their lands and forced assimilation, while African Americans faced lynchings and consistent denial of their rights as citizens and as human beings. We can describe these experiences as forms of **structural violence** in that government policies and practices inflicted specific institutional harm on Native Americans and African Americans.

Native Americans: Appropriating Lands, Assimilating Tribes

As discussed in the previous chapter, Indian removal policies beginning in the 1830s displaced Native Americans from their lands. Whites attempted to justify this displacement by arguing that Native Americans had not made appropriate use of the territory (Berger 2009). These policies excluded Native Americans from white society and forced them to relocate to undesirable areas. On the heels of Indian removal, the **1851 Indian Appropriations Act** created reservations for Native Americans and provided funds for relocation to these communal lands.

During what is known as the **Allotment and Assimilation Period** from the 1870s to the 1920s, the oppression of Native Americans intensified, and two-thirds of Native American lands were lost. The **1871 Indian Appropriations Act** declared that the U.S. government would no longer sign treaties with Native American tribes.



▲ The appropriation of Native American lands was enacted through violence. This image depicts settlers murdering the Yuki people in California in 1861.

This act made it easier for the U.S. government to appropriate native lands. The 1887 **Dawes Act** then forced Native Americans to give up their communal lands and to claim individual ownership of plots. Native Americans were allotted a specific amount of land per family, and any remaining land was sold to white settlers. These allotment policies continued until the 1934 **Indian Reorganization Act**, which finally ended them and facilitated tribal self-government to a certain degree.

While the Dawes Act forced native people to give up their lands, a federal program obliged many Native American children to attend strict boarding schools (Noel 2002). These schools required students to renounce their languages and heritage. In the words of Captain Richard Pratt, founder of the Carlisle Indian School in Pennsylvania, the mission of these schools was to “[k]ill the Indian in him and save the man” (quoted in Berger 2009, 629). As Bethany Berger (2009) argues, the forced assimilation of Native Americans enabled whites to further their encroachment on Native American lands.

African Americans and the Struggle for Rights

Native-born blacks, exploited for their labor power by wealthy whites, also struggled to gain and retain fundamental rights. In the *Dred Scott v. Sandford* decision of 1857, the Supreme Court ruled that free blacks were not citizens of the United States. Even after slavery ended in 1865 and blacks were granted the right to vote in 1868, they still faced tremendous barriers to full citizenship (Franklin and Moss 2000).

In 1865, 4 million Africans and their descendants were freed after centuries of enslavement. The end of the Civil War and the abolition of slavery marked the beginning of the **Reconstruction** era (1865–1877), during which the fragmented country attempted to reunite after a devastating war. The status of freed slaves in the United States was a matter of controversy during this time. Many southern states were reluctant to grant former slaves citizenship rights and did not do so until the enactment of the Fourteenth Amendment in 1868, which effectively overturned the *Dred Scott* decision. Newly vested with citizenship and the right to vote, many black men were elected to public office in southern states. The first South Carolina legislature after the Civil War comprised eighty-seven blacks and forty whites. Blacks also were elected at the national level: between 1869 and 1901, there were two black senators and twenty blacks in the House of Representatives. Yet the newly secured rights of blacks would be strongly challenged (Franklin and Moss 2000).

Many whites were unhappy with the rise of blacks to positions of power. In the aftermath of the Civil War, whites began to organize in their own interest

1851 Indian Appropriations Act Legislation that created reservations for Native Americans.

Allotment and Assimilation Period The oppression of Native Americans from the 1870s to the 1920s, when two-thirds of Native American lands were lost and federal boarding schools forced students to assimilate.

1871 Indian Appropriations Act Legislation that declared that the U.S. government would no longer sign treaties with Native American tribes.

Dawes Act (1887) Legislation that forced Native Americans to give up their communal lands and claim individual ownership of their lands.

Indian Reorganization Act (1934) Legislation that ended allotment policies for Native American land.

Reconstruction The period from 1865 to 1877 in the United States, when the country attempted to reunite after the Civil War.

and established a variety of secret orders, including the well-known Ku Klux Klan and the Knights of the White Camellia. Klan members as well as members of other secret orders used intimidation, murder, arson, and bribery to deprive blacks of political equality. Blacks were instructed not to vote and were threatened with beatings and murder if they did so. Whites located polling places far from black communities and blocked roads to keep blacks from voting.

The determination of whites to maintain political power in the South came to a head in the 1890s, when nearly all southern states passed suffrage amendments that effectively disenfranchised blacks. In Mississippi, for example, legislators wrote a suffrage amendment that imposed a poll tax, excluded people who had been convicted of certain crimes, and required literacy tests. These measures prevented most blacks in the state from voting. Other states followed suit, enacting grandfather clauses, poll taxes, and literacy requirements that led to the disenfranchisement of most southern blacks (Franklin and Moss 2000).

Although lynchings occurred across the country and victims included Jews, Italians, Mexicans, and Native Americans, most victims were African Americans in the South. Between 1884 and 1900, there were more than 2,500 lynchings. Another 1,000 people were lynched in the first fifteen years

> Cross burning at Klan members' meeting, circa 1900.



of the twentieth century. In addition to lynching, blacks in both the South and the North faced intimidation and violence at the hands of whites. In the first few decades of the twentieth century, race riots exploded in cities across the country, and blacks bore the brunt of the violence (Pfeifer 2006).

One of many examples of race riots occurred in Springfield, Ohio, in 1904. A mob raided a jail where a black man was being held on charges that he had killed a white police officer. The mob tore the man from his cell, shot him, and hanged him from a telegraph pole. Members of the mob then took their wrath to the black section of town, where they beat many blacks and burned eight buildings to the ground. Similar riots happened in East Saint Louis, Illinois, and in other cities, when white workers protested the influx of black workers from the South (Franklin and Moss 2000).

In addition to outright violence by hate groups and lynch mobs, blacks also faced state-imposed legal segregation (separation of racial groups) and political disenfranchisement. These measures were known collectively as Jim Crow laws, a set of laws in place between 1876 and 1965 that mandated segregation in all public facilities (as we will discuss in Chapter Three). These laws ranged from the segregation of public schools and transportation to the establishment of separate restaurants, drinking fountains, and regiments in the U.S. military. The legal segregation of public schools continued until the Supreme Court declared public school segregation unconstitutional in the 1954 *Brown v. Board of Education* decision. The remaining Jim Crow laws were overturned with the Civil Rights Act of 1964 and the Voting Rights Act of 1965—one hundred years after the abolition of slavery.

CONCLUSION AND DISCUSSION

Since the creation of the United States, whiteness has carried with it undeniable privileges. For Syrians, Mexicans, Armenians, Irish, Jews, and Italians, the importance of being considered white has been a reflection of this privilege. As



▲ Lynching scene in Texas, 1905: A black man, accused of having attacked a white woman, is hanged immediately.

we will discuss in Chapter Seven, Peggy McIntosh describes white privilege as “an invisible package of unearned assets which I can count on cashing in each day, but about which I was ‘meant’ to remain oblivious. White privilege is like an invisible weightless knapsack of special provisions, maps, passports, code-books, visas, clothes, tools and blank checks” (1989, 10).

Nonwhiteness, in contrast, carries burdens. Because of this disparity, fifty people contested their racial status in the courts between 1878 and 1952 (Haney-Lopez 2006) in a personal and collective mission to attain full citizenship. The Japanese community paid close attention to the *Ozawa* case in the hope that Japanese people in the United States would be classified as white and thus be able to attain citizenship. The Indian community watched the *Thind* case just as closely. In a very different way, Irish, Italians, Jews, and other new immigrants discovered the advantages associated with whiteness in the United States. At the same time, Native Americans and African Americans faced hardships associated with the idea of race.

As the histories recounted in this chapter demonstrate, those who have had the power to define whiteness have benefited from its privileges. Whiteness is valuable only as long as some people are not labeled as white, and it is meaningful only if we endow it with meaning.

CHECK YOUR UNDERSTANDING

Key Terms

intelligence testing 38

eugenics 40

pseudoscience 42

Chinese Exclusion Act (1882) 43

Immigration Act of 1917 43

Johnson-Reed Act (1924) 45

Naturalization Law of 1790 46

birthright citizenship 46

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(1934) 55

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2.1 How did scientific racism evolve over the twentieth century? (pp. xx-xx)

- In the late nineteenth and early twentieth centuries, scientists continued their quest to demonstrate the supposed superiority of the white race. To do so, they used craniometry and intelligence testing, and many promoted eugenics.

Review

- » What is the origin of intelligence testing?
- » What were some of the consequences of the eugenics movement?

Critical Thinking

- » What is an example of contesting the boundary of whiteness?
- » Why does Stephen Gould argue that the primary error in intelligence testing is reification (making something abstract more concrete or real)?

2.2 How were U.S. immigration and citizenship policies racially exclusionary? (pp. xx-xx)

- Scientific racism influenced U.S. immigration and citizenship policies in the nineteenth and early twentieth centuries.
- The first major piece of immigration legislation in the United States was the Chinese Exclusion Act of 1882, which barred Chinese immigrants from entering the United States.
- The 1924 Johnson-Reed Act, based on eugenicist ideas, was designed to increase the number of Nordic immigrants to the United States by setting country-specific quotas.
- In 1868, African Americans gained citizenship rights under the Fourteenth Amendment.
- Native Americans did not gain U.S. citizenship rights until 1924.

Review

- » What was the significance of the Chinese Exclusion Act?
- » What changes did the Johnson-Reed Act make to immigration policy?
- » How did the Fourteenth Amendment change who was eligible for citizenship?

Critical Thinking

- » How were eugenicists able to influence immigration quota laws in the early twentieth century?
- » How were nonwhites excluded from citizenship?

2.3 How did legal decisions shape racial categories? (pp. xx-xx)

- In several prominent court cases, plaintiffs argued for their inclusion in the category of whiteness.
- In the contradictory Supreme Court decisions of *Thind* and *Ozawa*, judges drew from their own biases when deciding who was legally white.

Review

- » How has whiteness been legally constructed?
- » Why does the author argue that there is a contradiction between the *Singh* and *Thind* cases?

Critical Thinking

- » What is the significance of the claim that “whiteness is what the court says it is”?

2.4 Where did European immigrants fit into the racial hierarchy in the United States? (pp. xx-xx)

- When European immigrants arrived in the United States, they learned to think of themselves as white.
- The Irish replaced black workers in several industries and then worked to exclude blacks from wage labor.
- Italians faced discrimination as Southern Europeans, yet benefited from their legal status as whites.
- Jewish immigrants were relegated to low-paying jobs and crowded housing yet enjoyed the benefits of citizenship, which were denied to many non-whites.

Review

- » Historically speaking, what are some of the privileges associated with whiteness?
- » What is the difference between racialization and assimilation?

Critical Thinking

- » What can we learn about whiteness by comparing the treatment of Asian Americans to that of European Americans in the early twentieth century?
- » What does it mean to say that the Irish, Italians, and Jews became white?
- » Why would Syrian, Jewish, Italian, and Irish immigrants want to be classified as white?
- » How have the privileges associated with whiteness changed over time?

2.5 What forms of racial and structural violence did Native Americans and African Americans confront in the late nineteenth and early twentieth centuries? (pp. xx-xx)

Summary

- » Native Americans lost two-thirds of their lands as a consequence of allotment acts.
- » White hate groups such as the Ku Klux Klan emerged in opposition to the perceived rise in power of black voters and politicians.

Review

- » What are some differences between the forms of violence that Native Americans and African

Americans faced during the early twentieth century?

Critical Thinking

- » How were Indian boarding schools a form of structural violence?
- » Why do you think lynchings were common during this period?

Talking about Race

Europeans who came to the United States before 1924 arrived during a time when there were few to no restrictions on immigration. Those Europeans subsequently had many options for legalization that are no longer available to today's immigrants. You may be able to use these facts in conversations about contemporary immigration. Many descendants of Europeans believe that their ancestors came to the United States the so-called right way and that immigrants who come today are not law-abiding. Using the historical knowledge you have gained in this chapter, seek out productive conversations about illegal immigration, both today and a century ago.