

CHAPTER 3

The Americanization of Whites

In the preceding chapters we saw something of when, why, and how white people were invented. In this chapter and the next, we move from the colonial era into the first one hundred and fifty years of the newly formed United States of America. This section will explore the role of white people as ideology and social structure in organizing the new republic and shaping its citizenry. In this chapter, foundational U.S. law and policy regarding immigration and naturalization are considered. These areas of law are important because they shed light upon those who have been welcomed into the U.S. and permitted (by virtue of federal law) to become full participants, and those who have not. This history continues to influence social interactions in the twenty-first century U.S. that cause some but not others to be seen as American.

Historian Ronald Takaki, in chapter one of his book *A Different Mirror*, lays out the details of what is a familiar experience for him. While being driven in a taxicab Takaki describes what transpired, in part, as follows:

My driver and I chatted about the weather and the tourists. The sky was cloudy, and Virginia Beach was twenty minutes away. The rearview mirror reflected a white man in his forties. "How long have you been in this country?" he asked. "All my life," I replied, wincing. "I was born in the United States." With a strong Southern drawl, he remarked: "I was wondering because your English is excellent!" Then, as I had many times before, I explained: "My grandfather came here from Japan

in the 1880s. My family has been here, in America, for over a hundred years.” He glanced at me in the mirror. Somehow I did not look “American” to him; my eyes and complexion looked foreign.

My spouse’s parents and numerous aunts and uncles came to this country from Italy. For much of U.S. history Italians who were poor (often from southern regions of Italy) and Catholic were viewed as not white, finding themselves “inbetween” people, a status that will be examined in chapter four. David Roediger describes many new immigrants who held this ambiguous “racial” location before succeeding in becoming white (2005: 119-130). The end of World War Two brought about a fracturing of the prevailing systems of racial rule. As a result, in the decades that followed, these Italians began to be seen as white people. Despite heavy Italian accents, these relatives who arrived in the U.S. in the 1960s are not asked with frequency whether they are visiting or how long they have been in the U.S. They largely experience daily life being treated by bankers, taxi drivers, grocery store cashiers, neighbors, and the like as if they are American. Why? What causes Dr. Takaki to often be viewed as a visitor or newcomer to the U.S.? And why do my spouse’s family members experience life as Americans, whether they became citizens or not?

Even words commonly utilized to categorize people reflect a division between Takaki and “American” that does not exist for my spouse’s relatives. Takaki often finds himself labeled an Asian American or Japanese American, but rarely do others refer to him as simply American. My spouse’s relatives refer to themselves as Italians, but most people refer to them as Americans. Only some have actually naturalized and become U.S. citizens, while others retain their Italian citizenship. They become “Italian Americans” to those with whom they interact when there is a festival or holiday that highlights Italian culture, but for little else. Think about the categories that are available to check off on common governmental, education, or medical forms. Ever seen “Italian American”? How about “Asian”? Why the latter but not the former? How do the available categories work to transform Italians who come to the U.S.? How do they work to transform Japanese who come to the U.S.?

You may have noticed that quotation marks no longer appear around the word *white* when referring to the group of people so named. I was intentional about doing so in the prior chapters because it helps to highlight white as a construction, an invention of colonial lawmakers. The quotation marks help alert readers to the fact that the word is a recitation or a quote derived from a published text – in this case, colonial law. I am not discontinuing the use of quotations because white is any less of a creation, but in order to reflect the lived reality that the construction worked to shape. Again, no biological or genetic transformations occurred that constituted white people as a distinct group of humanity, much less a race. However, the sustained imposition and acceptance of this fiction called white people resulted in a culture through shared consequences (via social structure) and shared meanings of group, other, and self (via ideology) that worked to form what began to be seen as a race. It should be recognized that ideology and social structure are in dynamic interaction, shaping experience, perception, and expectation. The white race, however fictitious, began in the nineteenth century to be viewed as denoting a biologically distinct human population marked by common phenotypic traits.³⁴ Indeed, this view is common today despite the fact that no genetic marker has been identified as “white,” and despite the fact that more than 99 percent of all genetic markers are shared across so-called “racial” groups.³⁵

In the previous two chapters we saw the presumption of superiority that attached to “British and other whites,” and the invention of white people as a process with a multitude of influences. The invention was the means by which to divide laborers in the service of a very exploitative capitalism – one increasingly invested in slavery. We also learn from those first laws that white people were presumed to be like the British/Christian, and deserving of rights and privileges from which others can be denied. The package of post-Bacon’s Rebellion laws conferred both material and symbolic advantage to whites. Included as part of the value of whiteness for white men was exclusive marital access to white women.

What became racial restrictions on marriage for whites did not end with the colonial era and the American Revolution in 1776. Generally, restrictions (marriage, voting, segregation in schools, work

and the military) upon those seen as nonwhite became more numerous as the United States expanded. Antimiscegenation laws became more numerous still after the abolition of slavery in the 1860s.

In this chapter, naturalization law and immigration policy are explored in relation to antimiscegenation laws for what they provide to an understanding of whiteness. Racial restrictions on marriage created all sorts of challenges for immigrants who were classified as other-than-white. Antimiscegenation law, naturalization law and immigration policy combined to severely restrict legitimate relationality and economic advancement for those excluded from whiteness.

Naturalization Law – Patterns and Commitments

In 1790, when the Congress of the United States met for the first time to establish the rules and requirements for immigration and naturalization, the human category white had some one hundred years to spread from Virginia and Maryland and become imbedded within law and society throughout the new republic. Immigration law addresses those persons who seek to come legally into the U.S. from another country. Naturalization law provides the process and guidelines by which one who is not born in the U.S. can become a citizen. Congress in 1790 determined that in order to become a naturalized citizen, one had to be white (Act of March 26, 1790, ch.3, Stat. 103).

The requirement of establishing that one was white for the purpose of naturalization was the law of the land until its repeal in 1952 (8 U.S.C. § 1422).³⁶ It literally did not matter that one loved the U.S., knew its history, spoke its language, and even fought its wars, if the individual seeking to naturalize could not establish that he or she was white. The case of Mr. Knight is one such example. Discussing the Knight case, Ian F. Haney Lopez in his study of U.S. naturalization law prerequisite cases, provides:

In 1909, at the age of forty-three, Knight applied for naturalization. He had served in the U.S. Navy for more than a quarter century, receiving a medal in the battle of Manila Bay. Despite his long service to this country...Knight's eligibility to naturalize turned on whether he was a "white person" (1996: 59).

Having a British father and a mother who was half Chinese and half Japanese, it was determined that he was a "half-breed" and therefore, not white (*In re Knight*, 171 F. 299, 300 (E.D.N.Y. 1909)).

Naturalization law, with its requirement that one be white in order to naturalize as a U.S. citizen, was in force for more than one hundred and fifty years. It was modified following the Civil War to include those of African descent (Act of July 14, 1870, ch. 255, § 7, 16 Stat. 254). U.S. naturalization law faced little serious challenge thereafter until World War II when Nazi Germany restricted citizenship to those of the Aryan race, making the U.S. and Germany the only countries with racial restrictions to naturalization (Gordon 1945: 252). The company kept, however, failed to end the requirement of establishing that one is white in order to naturalize as a U.S. citizen.

U.S. naturalization law impacted women differently than men and represents a break from British common law. In England a woman's nationality was unaffected by marriage despite that country's commitment to the common law of coverture. In stark contrast, U.S. law stripped women of their citizenship when they married non-citizen men (act of March 2, 1907, ch. 2534, § 3, 34 Stat. 1228). This termination of women's citizenship was modified in 1922 so that a woman's U.S. citizenship was stripped if she married a non-citizen barred from citizenship because of his race (i.e., not white or not of African descent) (Act of Sept. 22, 1922, ch. 411, § 2, 42 Stat. 1021). These laws that stripped women of their U.S. citizenship were in force until 1931 (Act of March 3, 1931, ch. 442, § 4(a), 46 Stat. 1511).

A consideration of naturalization law in relation to antimiscegenation law reveals the ways in which they combined to work as social control mechanisms and tools of capitalists. This group called "capitalists" is like the plantation elite of the southern colonies, in that they represent the wealthy who exert significant influence over the production and distribution of resources. Naturalization and antimiscegenation law are examined below with an eye toward the patterns that emerge and the commitments that the patterns reveal.

To quickly review antimiscegenation law, it: blocked the social and legal legitimization of a heterosexual relationship between a white and a nonwhite person; worked to direct white women's relationality away from prohibited men and toward white men; and, while the

law restricted both white men and women, enforcement was rarely directed toward white men and their nonwhite partners. On the other hand, naturalization law blocked full inclusion of nonwhites into the national and local community while it, like antiscegenation law, directed women's relational interests away from some men, specifically those who were non-citizens and those excluded from citizenship (i.e., not white), while rendering them more available to others. Antiscegenation law enforced human difference through the constitution of families made separate and distinct, while naturalization law worked to make communities of people separate and distinct. These laws, in combination with immigration policy, interacted to direct and severely restrict inclusion within the economic, familial, social and political life of the new republic.

Like antiscegenation law, women and nonwhite men were the emphasis of control via naturalization law. Rather than facing fines, extended years of service, or banishment, nonwhite men and women faced exclusion from full participation in the country and local community via the denial of citizenship and the rights and privileges it confers. Women who were U.S. citizens faced the termination of their citizenship if they did not make a careful marital choice.

Think about why citizenship matters. What does being a citizen get you? Some of the most obvious include mobility into and within the country, employment factors, and participation in the selection of elected representatives. U.S. citizenship enhances mobility into U.S. borders and movement within it. Citizenship increases the ease of employment versus the difficulties or absolute bars to employment when one is in the country seeking employment on a visa, or when one has neither a valid visa or U.S. citizenship. In order to vote, one must be a U.S. citizen. Voting offers people the opportunity to have their interests and concerns brought to the forefront of law and policy. These most obvious benefits of citizenship reveal that it increases access, mobility, and influence. Full citizenship, however, has been described as involving much more.

The easiest and most obvious value of whiteness resulting from this history of naturalization law is directly linked to the value of citizenship. Most basically, citizenship refers to full membership within the community in which one resides and implies a reciprocal

exchange of rights in and duties to the community. T.H. Marshall describes full citizenship as having three components: civil, political, and social rights (1964). According to Marshall, civil citizenship consists of those rights that enable individual freedom, such as liberty of the person, freedom of speech and religion, intellectual pursuit, the right to contract and to own property, and the right to justice; political citizenship consists of the right to engage in the political process, either as a member of the political body or an elector of those who make up that body; and finally, social citizenship consists of a wide range of rights including a measure of economic welfare and security, to the right to fully participate in the social heritage and to a civilized life as measured by the prevailing social standards (1964: 78). The social rights of citizenship are required for the exercise of both civil and political rights. In other words, adequate economic and basic social resources including security are necessary in order to be able to vote, run for office or experience individual freedom.

Those denied citizenship via naturalization law faced tremendous disadvantage by being denied the formal or statutory rights of citizenship, much less the substantive rights that Marshall's conception of citizenship captures. Purely formal rights of citizenship include access not only into the borders of the U.S. but to the resources within it. For instance, the lack of citizenship rights created limitations for some groups to organize as laborers, own property, compete for jobs, obtain public services and attain the education and training required to advance in the workplace. Noncitizens excluded from citizenship (i.e., non-whites) were prohibited in eleven states from owning land via the so-called Alien Land Acts, beginning with California's in 1913.

Because whiteness was a prerequisite for citizenship, whiteness was given symbolic and material value as synonymous with U.S. citizenship. While exclusion from formal and substantive rights of citizenship created incredible hardship for the nonwhite noncitizens, it worked to increase the value of whiteness beyond the white equals' American framework. Noncitizens excluded from citizenship (i.e., nonwhite) were denied all but low-wage jobs and difficult conditions. Each exclusion and limitation placed upon nonwhites via the white-only requirement in naturalization law created value for whites, white men in particular, including: access to more land at better prices (via the

exclusion of large populations of potential buyers), less competition for skilled jobs, generally more desirable jobs, less competition for advancement within all levels of society, greater access to education and training, and a more influential voice in the body politic.

Much like antimiscegenation law, U.S. naturalization law influenced women's relationality by rendering white male citizens of the U.S. the most "desirable." The 1790 Naturalization Act gave both symbolic and material value to white people. This value was most available to white men and only made secure for white women through white men – in this case, white men who were citizens. In this way, the 1790 Naturalization Act served to advance the commitment to a distinctly white patriarchy. The link between naturalization law and capitalist interests will be explored next with regard to Americans of African, Chinese and Japanese descent.

U.S. Capitalism and White-only Access to Naturalization

Theodore W. Allen, in his detailed historical account *The Invention of the White Race*, does for the human category "white" what Barbara Fields has long called upon us to do: explain race, because race explains nothing. Through the histories Allen tells, he explains the white race as a class concept invented to stabilize and organize Virginia's volatile society by creating "poor white" laborers to manage and oversee bond laborers of African descent. Allen describes the white race that colonists invented as an idea that symbolized cultural and class difference between white laborers on the one hand and African laborers on the other.³⁷

We saw in chapters one and two that the invention of white people created a sharp divide in colonial society that did not previously exist, and so required tremendous legal effort and enforcement to accomplish. These efforts and enforcements worked to form an ideology of human difference that made the divide "make sense." That ideology of difference became the ideology of race, of which "white people" were a principal component. Those chapters revealed the inextricable tie between the emergence of white people and the needs and desires of landholding elite to exploit labor as a means of

growing wealth. The links between whiteness and capitalist interests are again presented in the assertion of the white-only requirement in naturalization law.

The Naturalization Act of 1790 was drawn upon by those who opposed citizenship for those of African descent. The white-only provision within the Act provided support for the argument that the United States had never considered persons of African descent to be citizens. These arguments were waged within a larger context wherein slavery thrived throughout the south and was racialized black. It must be noted that, while slavery has existed in various places all over the planet and throughout history, not one geographic area or time period wherein slavery was enacted shares a critical feature of the system of slavery that was constructed in the U.S. That feature is the rationalization for enslavement that was rooted in the idea of essential human difference and what "race" categories were deployed to represent and capture.

The *racialization* of those who are of their essence to be free (i.e., whites) and those who are of their essence lazy, prone to criminality, and therefore best suited for enslavement (i.e., black Africans) was a construct of North American slavery and remains one of its legacies. Noel Ignatiev captures the point beautifully: "people from Africa were not enslaved because they were black; rather they were defined as black because they were enslaved" (1995: 186). People from Europe were not superior because they were white; rather they were made white because its promise of superiority placated them as low wage workers.

It is important to remember the body of ethnographic and other historical material that covered the period from the first arrival of laborers from Africa in Virginia through Bacon's Rebellion in 1678. This material suggests that Europeans and Africans understood each other as sharing in a mutual humanity, and these laborers united in a shared struggle for greater opportunity and freedom. There is insufficient evidence suggesting that they viewed each other as separate and distinct human groups. The idea of the black African as essentially lazy and prone to criminality was part of the ideological work of post-Bacon's Rebellion enactments.

The conception of white labor in the north took shape in stark contrast to enslaved labor during the antebellum period. The exclusion

of free black people from citizenship worked to render them relatively powerless and to position black people (in both slave and free states) in opposition to white workers, who began to view themselves as "free white labor." The vote was not available to all white men, but in many states depended upon property ownership. David Roediger cites the declining status of black women and men in the early nineteenth century as coinciding with the increased demand for universal suffrage for white men and their identity as "free white men" (1991: 35-36).³⁸

U.S. expansion coincided with white workingmen's notions of themselves as independent "free labor," constructed in opposition to nonwhite men and all women who were viewed as dependent and not free. During this time blacks came to be regarded as anathema to American citizenship – as *anticitizens*, and were driven away from Independence Day parades as "defilers" of the body politic. The noncitizenship status of black Americans was ultimately decided in 1857 when the U.S. Supreme Court ruled in *Dred Scott* that blacks had never been citizens and therefore could never be citizens, finding that even emancipated blacks were not part of "the people" brought into existence via the U.S. Constitution and therefore can claim none of the rights and privileges derived there from (*Dred Scott v. Sandford*, 60 U.S. (19 How.) 393 (1857)).

Black Africans were seen as a potential resource of the rich that could be deployed to advance their interests. As persons of African descent were rendered more powerless, the threat they presented became greater. Persons of African descent were seen as pawns of capitalists, and as such, a continual threat to the freedom of white laborers.³⁹

It was not until the enforcement of post-Civil War amendments that black Americans were afforded formal citizenship. During the brief period of federal Reconstruction, when federal troops and judges were sent to the former slave states, black Americans experienced many of the rights of citizenship. With the onset of a weaker economy, support for black civil rights waned and federal Reconstruction ended, and with it the exercise of formal citizenship for Americans of African descent.⁴⁰

The civil rights laws became nullified by lack of enforcement by local authorities, and practices took hold that drew sharp

divides along lines seen as racial. For example, after 1890, racially segregated residential areas emerged as a result of increased anti-immigrant sentiment and white political action (Delaney 1998: 125-178; Massey and Denton 1993: 30-35). These practices reigned in the era of American apartheid (also referred to as Jim Crow) and were given the constitutional stamp of authority in 1896 by the Supreme Court decision *Plessy v. Ferguson*, 163 U.S. 537 (1896). These events helped ensure that black men and, after 1920, black women would be denied the vote and almost every other experience and expression of citizenship rights until the Civil Rights Movement of the 1950s and 1960s.⁴¹

Black Americans were not the only group excluded from citizenship, rendered as cheap labor, and viewed as peripheral to the opportunities and resources of America with the aid of naturalization law. For much of the late nineteenth and early twentieth centuries, naturalization law, with its white-only requirement, worked to maintain an abundant supply of dependent, cheap labor via the bodies of Chinese and then Japanese laborers. According to Evelyn Nakano Glenn, the noncitizen status of Chinese and Japanese laborers ensured by naturalization law "helped mitigate one potential problem for the (Hawaiian sugar) planters: how to ensure an abundant supply of labor and at the same time retain their (the planters') political dominance despite their small numbers" (2002: 203). The latter was accomplished through disenfranchisement and disenfranchisement was accomplished by the 1790 Naturalization Act.⁴²

Because naturalization was rendered a white-only process, and because exclusion from citizenship worked to supply capitalists with a ready source of cheap labor, it becomes difficult to pull apart the commitment to exploitative capitalism from whiteness. The 1790 Naturalization Act is a statement about who is considered a "real American" and reveals that in the United States, white people are not only the most welcome but the most valued. This does not mean that some white people did not work hard or that they did not face hardships. One does not preclude the other. What laws like the 1790 Naturalization Act reveal is that the playing field upon which people came to the U.S. to labor, have a family, and prosper was anything but

equal, and that a significant determinant of the degree of difficulty one faced turned on whether the person was white or not.

The lines that created greater or lesser ease upon this playing field were determined significantly by ideas about human organization called race, of which white and black served as polar opposites. The social construct called "race" cannot be overemphasized in understanding the organization of U.S. society from its formation. The understanding of whites as superior and blacks stereotyped to a caricature known as "the nigger" seen as lazy, prone to criminality, and unworthy of respect or fair treatment reflected the social divide. Anthropologist Audrey Smedley explains:

Once reified, that is, crystallized and rendered as substantive reality, the folk idea of race assumed an identity and autonomy of its own, aided by the authority of learned opinion. The autonomy of any aspect of culture is, of course, relative. But ideas and ideologies, when institutionalized in people's minds, often develop a fluidity and refractivity that allow them to persist even in drastically altered situations. In this case, the amorphous nature of race meant that the ideology could transcend the sources of its origin, and race classifications could be logically extended to any populations where inequality and a sense of unbridgeable differenced were desirable. Such populations could be identified by color or other physical features, and their relative ranks established accordingly (2007: 225).

While the social polarization of white people and black Africans serves as the "basic ingredients out of which the ideology of race was most visibly generated, it is clear that other peoples also could be racialized and fitted into the scheme. Wherever there were visible physical and/or cultural differences among new immigrants to the United States, the potential for the stigma of racial inferiority could be, and usually was, applied."⁴³

Consistent with the invention of white people in the aftermath of Bacon's Rebellion, where the invention of whites served as the mechanism to divide laborers in the service of capitalism, the two

commitments, whiteness and capitalist exploitation, are revealed as merged in the U.S. context, reflecting two sides of the same coin. This was by no means inevitable. There are many ways to divide and separate people, and many ways to exploit labor. In colonial North America and then the United States, white people have served this purpose.

Immigration and the Making of the "Native American"

The expansion of U.S. land holdings and industrialization worked to fuel capitalist ventures and the demand for cheap labor. President Abraham Lincoln, in his 1863 message to Congress, urged them to establish a system that would encourage immigration, noting that there was a "great deficiency of laborers in every field of industry."⁴⁴ Laborers were sought to work fields and mines, construct the railroad and, as industrialization advanced, work in the factories. China and Ireland provided a ready supply of poor laborers willing to come to toil in the U.S. Immigration laws from the nineteenth century into the twentieth century were shaped by a number of often competing forces, including U.S. expansionism, manifest destiny, nativism, and industrialization. The expansion of U.S. land holdings and the ideology of manifest destiny will be explored in the next chapter.

Prior to 1830, most white immigrants to the U.S. were Protestants from England or other parts of Europe. In the decades that followed, the faces and identities of those new to America changed to include: Catholic immigrants, especially those from Ireland in the face of a potato famine; Mexicans, many of whom were Catholic, who found themselves after the signing of the Treaty of Guadalupe Hidalgo living in the U.S.; and men from China and then Japan who were sought by capitalists on the west coast. In addition, the sheer numbers of those coming to the U.S. rose significantly.⁴⁵

That so many immigrants in this wave were construed as not white, including the Irish, southern Italians, Polish, and Greeks among others, worked to feed the anti-immigrant or nativist sentiment that was being articulated. John Higham defines nativism as extreme opposition to a minority within national borders based upon that minority's foreign

(i.e., un-American) connections (1955: 4-5). Nativism sharpened the understanding of Americans as those who are Anglo-Saxon and Protestant. In fact, white Anglo-Saxon Protestants came to be seen as "native Americans" in opposition to the droves of non-white (many of whom later became white), non-Protestant immigrants who came to the U.S.⁴⁶

Nativism manifested in many ways, but none more clearly than through the passage of immigration exclusion acts, or laws that blocked people from certain countries from legally emigrating to the U.S. These laws are particularly interesting because they reveal who was seen as a threat to American life. Conversely, immigration exclusion acts also help sharpen those seen as American. In addition, immigration exclusion laws reflect the conflict between laborers and capitalists, or those who own and control the mode of production and are always seeking cheap labor. This conflict is most often manifested as competition among workers rather than as exploitation on the part of the latter.

The welcome that the U.S. had historically shown to European immigrants was extended to Chinese in the interest of rapid economic development in the west after gold was discovered in California in 1848. U.S. immigration law admitted only Chinese men. Antimiscegenation laws in places where Chinese populations were sizable included the prohibition of whites marrying Chinese. These laws combined to severely limit the ability of Chinese men in the U.S. to form families, making the primary means of patriarchal authority largely unavailable. These laws also created an underground market in Chinese women's bodies. Chinese prostitution flourished where significant numbers of Chinese male laborers lived and worked, and became a resource for nativists and others to claim that Chinese were heathens.

The ideology of "free labor" that took shape in the antebellum north transformed into the white workingmen's campaign for a "man's wage" by the Progressive era (1890s-1920s). A man's wage was an amount sufficient to support a male laborer and his family at a respectable standard. This idea of an appropriate wage grew out of the reorganization of work and gender roles that occurred in the nineteenth century as a result of industrialization. The mechanization of work drew a wedge between the home, seen as a private realm,

and work, seen as a public realm. Prior to industrialization, the home and the land constituted the location of work with tremendous overlap in work performed by women and men (with the exception of work circumscribed by human reproduction). With the onset of industrialization, work was increasingly performed away from home within a factory and by men. The call for a man's wage had both racial and gender dimensions.⁴⁷

According to Alice Kessler-Harris, a working white woman's wage was viewed as supplemental regardless of her situation and, as such, calculated at a low rate and deemed not necessary for family well-being (1990: 8-9). On the other hand, black, Mexican, and other nonwhite women were viewed as laborers in part because they were excluded from the ideal gender ideology that constructed (white) women as virtuous, having pure morals, and excelling at activities in domesticity, including the rearing and education of children. While white women's wages were justified as lower relative to men, nonwhite women's wages were justified as lower than white women's on the basis that nonwhite people's standard of living was presumed to be lower than that of white Americans. Similarly, a "man's wage" did not apply to nonwhite men who were excluded from such claims to patriarchal authority through the feminization of their work as unfree, the rendering of their work "dirty" and therefore unfit for whites, and the belief by whites that nonwhites could survive on next to nothing.⁴⁸

For example, a 1902 survey of Hawaiian plantations showed that American (white) workers doing equivalent work were paid an average of \$3.82 a day, Portuguese \$2.61, Native Hawaiian \$2.12, and Japanese \$1.63. White overseers were paid 57 percent more than Portuguese overseers and 100 percent more than Japanese. This wage stratification continued in 1915, when another survey was conducted.⁴⁹

Just as nonwhite men were excluded from inclusion within the construct of free labor, they were excluded from newly emerging expressions of patriarchal authority via a "man's wage." The ideal of a man's wage rendered female dependence upon male support a prerequisite in order for men to be real men. Furthermore, exclusion from the gender ideals of masculinity worked to feminize and, as a result, to denigrate nonwhite men.

White workingmen's efforts to advance their position included efforts to exclude nonwhite men as competitors. These efforts manifested not simply in lower wages for Chinese laborers, but taxes and exclusion from buying land and testifying against a white person, among others. Chinese miners were forced to pay a tax pursuant to the 1850 "Foreign Miner's Tax" that was imposed upon those who were not "native" (born in the U.S.) or naturalized citizens. Then, in 1862, the Chinese had to pay a "police tax" of \$2.50 a month. The California Supreme Court, in the 1854 case *People v. Hall*, held that Chinese and all other nonwhite people are prohibited from testifying against whites (4 Cal. 399 (1854)). Some efforts to exclude Chinese often ran counter to the continued demand for cheap labor on the part of capitalists and other large employers, as in the 1862 California law titled, "An Act to Protect Free White Labor Against Competition with Chinese Coolie Labor, and to Discourage the Immigration of the Chinese in the State of California."⁵⁰

It should be noted that each of these taxes and restrictions served to advance the value of whiteness. White workers not only received higher wages but could retain more of them, simply by virtue of their whiteness that gave access to citizenship. Alexander Saxton explains that most of the country suffered significantly during the depression of the mid-1870s due in no small part to the completion of the railroad that left many out of work (1990: 294-296). Economic hardship worked to escalate racial and political tensions that pre-existed the economic downturn and gave a greater voice to nativist sentiment. Railroad strikes on the east coast sought to address cuts in wages and increased workloads. "They erupted into mass insurgency against government seemingly favorable to the interests of industrial entrepreneurs at the expense of working people" (Ibid at 297). There were uprisings in cities across the country, including San Francisco, where demonstrations in support of railroad strikes were taken over by anti-Chinese agitators who killed Chinese in the streets. "Anger at the Central Pacific Railroad was transposed into violence against Chinese, of whom the railroad was reputedly the largest employer."⁵¹

The formula that has been repeated numerous times in U.S. history – economic recession, increased unemployment, and a group of laborers seen as not white and not American who serve as the explanation for other laborers' difficulties – worked in this case to

galvanize anti-Chinese sentiment into national legislation. Congress in 1882 passed the Chinese Exclusion Act (ch. 126, 22 Stat. 58 (1882)).⁵² For the first time, the nation's traditionally open immigration policy was altered, and did so by imposing a restriction upon a single group – Chinese laborers. The demand for cheap labor by manufacturers of consumer goods and entrepreneurs, however, did not cease, and the success of the Chinese in serving as cheap and controllable labor was not lost on them. Chinese laborers had been rendered relatively powerless. They were politically powerless thanks to naturalization law and therefore very much under the control of those for whom they labored. They were rendered largely single via antimiscegenation law and a men-only immigration policy, and therefore excluded from patriarchal authority exercised in and through the family.

For a supply of cheap labor, companies and landowners would next turn to Japan and Mexico. The migration of people from these two countries began to increase significantly by the 1890s. The result, according to Saxton, is that "preserving the West as a white man's country would thus remain for another seventy-five years central to labor organization and working-class politics" (1990: 300). The Chinese Exclusion Act represented this movement's success, as it was endorsed by popular majorities in western states and received bipartisan congressional approval.

The success of those advocating nativist sentiment galvanized opposition to the Japanese laborers who were rendered by laws, much like the Chinese, as cheap and dependent labor. In 1907 a Gentleman's Agreement was entered into with Japan, under which the Japanese government agreed not to issue passports to emigrants to the United States except for certain business and professional men. In exchange, President Theodore Roosevelt pressured San Francisco to rescind the order segregating Japanese American children from white children within schools there. Capitalists turned to the Philippines.⁵³

Broad sweeping exclusion followed. "Concern over these foreign elements led to the organization, by a group of Harvard alumni, of the Immigration Restriction League in 1894. The platform of this and other such organizations aimed to restructure immigration policy solely on racial grounds. As is well known, by 1924, they were eminently successful in lobbying for immigration restrictions."

Congress passed the National Origins Act, or the Johnson-Reid Act of 1924, that resulted in a more complete exclusion of Japanese among other groups. The Act halted "undesirable" immigration by quotas and barred specific groups from the Asia-Pacific Triangle.⁵⁴

Here we see whiteness, in the form of the 1790 Naturalization Act, used as the mechanism to exclude from the U.S. those from Japan, China, the Philippines (then under U.S. control), Laos, Siam (Thailand), Cambodia, Singapore (then a British colony), Korea, Vietnam, Indonesia, Burma (Myanmar), India, Ceylon (Sri Lanka) and Malaysia. Those prohibited from naturalizing via the 1790 Naturalization Act were prevented from immigrating to the U.S. by the National Origins Act of 1924. Because these first restrictions upon immigration to the U.S. focused upon control of people from Asia, they served as the model for future anti-immigrant rhetoric and policy. For example, immigrants thereafter, regardless of their country of origin, were often referred to as "Orientals."⁵⁵

Nativism in the U.S. during the nineteenth century was itself an expression of whiteness combined with class and religious bigotry and fear of degraded working conditions. The movement sharpened the divide between white Anglo-Saxon Protestants, who were seen as native Americans, and all others, who were neither.

Law and Whiteness

Immigration and naturalization law deployed whiteness as the means to more sharply define who was American and who was a "real American" regardless of citizenship, as we will see more clearly in the following chapter. At the same time, they advanced this invented group of humanity called whites by asserting them in law, and as a result, assigning significant meaning and value to whiteness as a matter of national law and policy. This value manifested within the social structure, not only in access to formal citizenship and greater ability to immigrate to the U.S., but through greater access to the political, civil and social rights of citizenship.

White ideology was built from the idea of those deemed sufficiently like the British, and has shaped U.S. history in profound ways. It has constructed "American" as consistent with white. It has worked to

commodify women's bodies in racialized ways: white women as those who must preserve white purity; and nonwhite women as sex slaves, laborers at the bottom rung of the pay scale, and defective women by exclusion from idealized gender roles. Whiteness has centered patriarchal authority and power in the hands of white men.

From the invention of white people in the late eighteenth century, whiteness has served as a tool for supporting the interests of capitalists. Whiteness, through its ideological and social structural influences, has worked to define labor struggles by focusing attention and blame on nonwhites as the cause of poor working conditions or low wages, and away from the capitalists whose policies and practices most significantly impact conditions and wages. Whiteness has promulgated fundamental inequalities that keep the U.S. from fulfilling some of the most fundamental ideals it espouses: equal opportunity and liberty for all.

As Ian F. Haney Lopez explains, "the racial composition of the U.S. citizenry reflects in part the accident of world migration patterns. More than this, however, it reflects the conscious design of U.S. immigration and naturalization laws" (1996: 37). Of course, the racial composition of U.S. citizenry also reflects U.S. expansion and relational patterns. It should be highlighted here that the design of the U.S., reflected in part through immigration, naturalization, and expansion, is significantly guided by an ideology of whiteness, including that white equals American.

I have focused thus far on three areas of law – antimiscegenation, naturalization, and immigration – to explore the creation and meanings of whiteness and to reflect upon the patterns they shape and the commitments they reveal. Each of these areas was transformed legally in the 1950s and 1960s but their footprint has yet to be removed from the landscape of interpersonal relations, political action, the organization of communities, and racial ideas, not the least of which is that "white" constitutes a race.

The everyday experiences of Dr. Ronald Takaki (which reveal he is viewed by many as not American) versus those of my spouse's Italian family members expose that in the twenty-first century U.S., being seen as white continues to impact whether or not one is viewed and treated as American. Dr. Takaki and others of Japanese descent remain outside of the current construct of white, while Italians in the

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U.S. have been folded into it. Because immigration and naturalization law and policy have worked to create a “white equals American” equation, those who are viewed as white are likely to be likewise viewed as American. This history reveals that being seen as American has had little to do with how long one’s family has been in the U.S. or how much one’s family has contributed to the educational, business, military or any other success the U.S. can claim.

So far we have considered a slice of African American, Chinese, and Japanese experience in the U.S. through the lens of naturalization and immigration law, and with attention to whiteness. All three groups have been and remain firmly excluded from the human category called white. They were excluded as a matter of law for purposes of citizenship, and excluded as a matter of everyday social interactions.

The groups to whom we now turn have had a very different experience in relation to whiteness. We will look at a group that was rendered white for the purpose of naturalization and antimiscegenation laws but not white for anything else, and a group that was rendered inbetween people before firmly establishing their status as white – Mexican people who found themselves living in the U.S after the signing of the Treaty of Guadalupe Hidalgo and Irish immigrants of the nineteenth century will be examined for a greater understanding of whiteness, its meanings and workings in U.S. law and society.

Discussion Questions:

1. In what ways did the group of humanity called “whites” determine or shape social, economic, and political institutions and practices?
2. In what ways was whiteness rendered symbolically valuable? In what ways was whiteness rendered materially valuable?
3. Can you identify the footprints of this history in current U.S. society, policy, and/or practices?
4. How has this history worked to shape and organize families and communities today?