

# Oxford Reference

## The Oxford Encyclopedia of Latinos and Latinas in the United States

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## In Re: Rodriguez.

The legal case known as *In Re: Rodriguez* (1897) considered the eligibility of Mexican migrants for U.S. citizenship, with specific and express deliberations over the racial status of Mexicans. The decision is sometimes characterized as a monumental victory in the history of Chicano and Chicana struggles for civil rights. While there is no doubt that the case signified a landmark in the legal history concerning race, citizenship, and immigration for Mexicans in the United States, the victory achieved by Ricardo Rodríguez in 1897 was riddled with contradictions.

In 1896, Ricardo Rodríguez was thirty-seven years old and had been living and working in San Antonio, Texas, for roughly ten years. Born and raised in Mexico, Rodríguez had migrated to the United States and remained a citizen of Mexico when he filed a petition in the Bexar County court to be naturalized as a U.S. citizen.

Rodríguez's application for citizenship was denied. The naturalization board, represented by a government lawyer, A. J. Evans, charged that Rodríguez was not eligible for naturalization, quite simply, because he was "not a white person." The Naturalization Act of 1790 (which remained in effect until 1952) had imposed a racial criterion for migrants' eligibility for citizenship, restricting naturalization to whites only. The Fourteenth Amendment to the U.S. Constitution, passed in 1868, had extended citizenship to formerly enslaved persons of African descent, but the Texas authorities also affirmed that Ricardo Rodríguez was likewise ineligible because he was "not an African, nor of African descent." Neither white nor black, the government officials judged, the Mexican petitioner had no viable claim to U.S. citizenship.

Mexicans occupied an ambiguous and legally indeterminate status in the racial order of Texas at the end of the nineteenth century. A history of Jim Crow legislation in the state had upheld racial segregation and other forms of discrimination principally in terms of a dominant distinction between "white" and "Negro" (or "colored," which was defined by law to refer to "all persons of mixed blood descended from Negro

ancestry"). Nevertheless, these laws did not expressly deny Mexicans the rights of citizenship. The precise meaning of the "white" racial category, moreover, was left unspecified. Thus, it was possible for whites of "Anglo-Saxon" derivation to sometimes view Mexicans—or at least those Mexicans who could be understood to be "Spanish" or "Hispanic"—as another kind of white people, albeit presumably an inferior kind. This notion of Mexicans as a distinct but lesser category of whites, however, tended to be reserved for only those who were considered to be visibly "white" Mexicans, while the majority of Mexicans could be readily disparaged as mere "Indians," or at best, "half-breeds." In other words, most Mexicans could be rejected as Indians or the degraded products of long histories of racial mixing. Although Mexicans in Texas were commonly the object of white racial contempt and subjected to the full range of material and practical forms of racial oppression as a matter of custom, they were not condemned to a separate and segregated racial condition as a matter of law; there were no legislative or constitutional provisions that made Mexican racial inequality a matter of statute.

## Eligibility for Citizenship

When Rodríguez appealed the rejection of his naturalization application, the case came before the federal circuit court for the San Antonio district, presided by U.S. District Judge Thomas S. Maxey, in May of 1896. Rodríguez explained that his interest in becoming a citizen derived from his long residency in Texas, but acknowledged that he was not knowledgeable of the principles or form of government of the United States. However, James Fisk, a character witness for Rodríguez, affirmed on the basis of his ten-year acquaintance with the applicant that Rodríguez was "a good man, of sound moral character, a hard worker, a peaceful law-abiding citizen."

As prosecuting attorney, Evans asserted that although many Mexicans were white and therefore qualified for naturalization, most Mexicans, including Rodríguez, were Indian and thus racially unfit for citizenship. With regard to Rodríguez, Evans declared, "It is clear...from the appearance of the applicant, that he is one of the six million [Mexican] Indians of unmixed blood." Evans's colleagues, Floyd McGown and T. J. McMinn, presented supporting legal arguments against Rodríguez's eligibility for citizenship. Referring to the California Circuit Court ruling *In Re: Ah Yup* (1878), which declared that Chinese were not white and therefore ineligible to apply for naturalization, they argued that the same exclusion indisputably applied also to Mexicans because it was common knowledge that Mexicans, Indians, and Chinese all belonged to the same basic "Mongolian" racial stock. Countering the potential claim that Mexicans were partly white, the attorneys also invoked the Oregon Circuit Court ruling *In Re: Camille* (1880), which judged a Canadian migrant of white and Indian parentage to be ineligible for naturalization on the basis that "half-breeds" were not white. To further bolster their claim that Rodríguez was really nothing but an Indian after all, they also cited the U.S. Supreme Court decision in *Elk v. Wilkens* (1884), which ruled that even acculturated and de-tribalized Indians remained ineligible for citizenship, as their acculturation did not transform them racially into white people.

The question of Rodríguez's eligibility for citizenship had implications for the citizenship and therefore also the voting rights of all Texas Mexicans. By the end of the nineteenth century, the great majority of Mexicans in Texas were actually migrants who had been born in Mexico. As persons of "foreign" citizenship by birth,

their only prospect of exercising the right to vote was their naturalization as U.S. citizens. Evans and McMinn (a hopeful for ascendancy to the Texas Supreme Court) had been outspoken opponents of Mexicans' right to vote during previous San Antonio elections, and the Rodríguez case became a flashpoint for other Mexicans who readily identified the case as a legal tactic intended to disenfranchise them. A public rally of two hundred Mexican men condemned the case against Rodríguez as a flagrant effort "to prevent Mexicans from becoming by naturalization voting citizens of the United States."

## Grounds for Citizenship

Rodríguez's legal defense was formulated by T. M. Paschal. Notably, Paschal concurred that Rodríguez was an undesirable candidate for naturalization, and could rightly be denied eligibility for citizenship on the basis that he was indeed racially an Indian, and otherwise an ignorant Mexican, illiterate in both English and Spanish. However, the racial prerequisite cases for naturalization simply did not apply to Mexicans, Paschal contended, because the Treaty of Guadalupe Hidalgo of 1848, which ended the U.S. war with Mexico and codified the terms of Mexico's defeat, had extended to Mexicans the same rights and privileges enjoyed by whites, and therefore had treated Mexicans, *de facto*, as virtual "whites." Mexican migrants, he reasoned, had therefore to be granted the right to apply for citizenship as an exception to the racial rule, out of respect for federal law. In the course of argument, of course, the prosecution was thereby required to dispute the Treaty of Guadalupe Hidalgo's legitimate power to naturalize Mexicans as U.S. citizens, in violation of the white supremacist rule that otherwise governed naturalization as the proper expression of the Congress's constitutionally mandated authority over such matters.

For his part, Rodríguez affirmed that he knew nothing of any indigenous culture or traditions, and declared that he was a descendant of neither the indigenous peoples of Mexico, nor the Spanish, nor the Africans; he identified himself racially, quite frankly, to be a "pure-blooded Mexican."

"As to color," Judge Maxey conceded, "[Rodríguez] may be classed with the copper-colored or red men," but since the applicant apparently knew nothing of any indigenous practices or beliefs, the judge concluded, "He is not an Indian." Maxey continued, "If the strict scientific classification of the anthropologist should be adopted...[Rodríguez] would probably not be classed as white." Nonetheless, even before Texas had been admitted to the United States as a state, there was a precedent for granting citizenship to persons of Mexican ancestry. After Texas declared its independence from Mexico and established itself as a republic, the 1836 Constitution recognized Mexican inhabitants of the territory as citizens. Subsequently, when the U.S. Congress admitted Texas to statehood in 1845, U.S. citizenship was extended to all of the formerly independent republic's citizens (including those of Mexican ancestry). Likewise, although Texas never accepted that it was subject to the stipulations of the Treaty of Guadalupe Hidalgo, there again U.S. citizenship had been extended to the Mexican inhabitants of the newly annexed territories. Thus, Maxey concurred with Paschal's defense of Rodríguez. Conceding that this distinctive legal history of "collective acts of naturalization" had "affirmatively confer[red] the rights of citizenship upon Mexicans, or tacitly recognize[d] in them the right of individual naturalization," Maxey concluded that these precedents had established the eligibility for citizenship of "all Mexicans, without discrimination as to color," and ruled on May 3, 1897, that Ricardo Rodríguez was "embraced within the spirit and intent of our laws."

In effect, Maxey judged that Mexicans were not excludable on racial grounds. By implication, this ruling judged that Congress must have intended that Mexicans were “white”—at least within the meaning of the naturalization law, and thus posited the legal fiction that Mexicans were “white” by treaty. Apart from these legal casuistries, the *In Re: Rodriguez* decision became the basis for a special exception made for Mexicans within the U.S. immigration and naturalization regime during the early twentieth century. While immigration laws were passed to impose severely restrictive national-origins quotas on European migrants and an overtly racial exclusion against all “Asiatic” migrants, nativist campaigns to similarly restrict or exclude Mexican migration were repeatedly thwarted by the overwhelming force of employer demand for Mexican migrant labor. In 1929, advising U.S. Representative Albert Johnson (a co-sponsor of the 1924 Immigration Act), U.S. Secretary of Labor James Davis relied upon the same logic that had informed Maxey’s decision regarding Ricardo Rodríguez: referring to the Treaty of Guadalupe Hidalgo, Davis contended that the precedent of a mass naturalization of Mexicans as U.S. citizens during the nineteenth century made it difficult to apply twentieth-century immigration rules of exclusion to Mexicans. Furthermore, reaffirming the notion of Mexican racial indeterminacy, Davis also argued that it would simply be impractical to try to sort Mexicans by official racial criteria for the purposes of immigrant admission or citizenship, because “Mexican people are of such a mixed stock and individuals have such a limited knowledge of their racial composition that it would be impossible for the most learned and experienced ethnologist or anthropologist to classify or determine their racial origin.” In short, the congressman was being advised to look the other way when it came to Mexicans because their labor was in too great a demand to allow the racial obsessions of the immigration restrictionist lobbies to obstruct the requirements of capital accumulation in large-scale agriculture and the other industries in which Mexican migrants had come to play an indispensable role. This incorporation of Mexican labor nonetheless relied precisely upon the racialization of Mexicans in order to secure their subordination as labor. Thus, the U.S. Census Bureau did indeed establish “Mexican” as a distinct racial category in 1930. And then in 1933, the U.S. Supreme Court in *Morrison v. California* called the Rodríguez decision into question, asserting that the eligibility of Mexicans for naturalization as U.S. citizens remained “an unsettled question.”

See also CHICANOS AND CHICANAS; CITIZENSHIP; IMMIGRATION; INDO-LATINO; JIM CROW; MESTIZAJE; MEXICAN-ORIGIN PEOPLE IN THE UNITED STATES; NATIVE AMERICANS/ MEXICANOS; RACE AND RACIALIZATION; TREATY OF GUADALUPE HIDALGO; TEXAS; and UNITED STATES—MEXICAN WAR.

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