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Juan Crow: A Discriminatory Past with Contemporary Consequences against Mexican Americans

ALICIA DELANEY

Introduction

In 2008, Justeen Mancha and her mother, who are citizens of the United States and Mexican descent, found themselves in a predicament they will never forget. The two work hard in an onion field and live in a trailer in Georgia, a state riddled with the exploitation of Latinx people and African Americans. One morning, their home was raided by ICE agents armed with guns, asking the women if they were “illegals.” The armed men surrounded the trailer and interrogated Justeen with no warrant or cause for entry, hoping to find an “illegal.” Once the agents got what they needed to prove she and her mother were documented citizens of the United States, they left. Although the agents left the trailer, the trauma lingered, and the memory will never be forgotten. Experiences like that of Justeen and her mother have unfortunately become more common as xenophobia has accelerated in the US, all under the guise of protecting its borders and nationals from immigrants. The disregard for the human rights of immigrants, especially Latinx peoples, is today more blatant and rampant as people are “terrorized and families [are] torn apart all in the name of getting tough on ‘illegals.’ Anyone who looks or sounds ‘foreign’ is a suspect” (Cohen).

Roberto Lovato, a Salvadorian journalist, used stories like that of Justeen and her mother to coin the

term “Juan Crow” to describe the unjust immigration enforcement statutes and analogize them to the Jim Crow laws of the late nineteenth and early twentieth centuries. According to Lovato, Juan Crow refers to “the matrix of laws, social customs, economic institutions, and symbolic systems enabling the physical and psychic isolation needed to control and exploit undocumented immigrants” (21). Even though the term Juan Crow was coined in the twenty-first century, Latinx people have faced a long history of exploitation and racialization that can be traced back to the nineteenth century. This is particularly the case for Mexicans and Mexican Americans, many of whom lived in the Southwest and West territories long before they were integrated into the United States.

This paper will focus on the past and contemporary systemic discrimination of the Mexican and Mexican American communities in Texas and California. I will first discuss how, despite being considered citizens at the federal level since the enactment of the Treaty of Guadalupe Hidalgo in 1848, Mexicans and their descendants were subject to de facto segregation policies, discriminatory economic and social practices at the local and State levels, and numerous acts of violence. They were racialized as “others” in terms of language, customs, and supposed inferior morality. In addition, I will explain the numerous factors that have, in the past and

present, physically and psychologically isolated Mexican Americans and relegated them to a powerless position in US society. Lastly, I will explain how the stigmatization of Latinx people has resulted in the contemporary “Juan Crow” period in which Latinx people are criminalized, incarcerated, and deported in masses and subject to the racist stereotype that they are all “illegal” criminals.

History

On February 2, 1848, the United States and Mexico signed a treaty to end the 2-year Mexican-American War. “By its terms, Mexico ceded 55 percent of its territory, including the present-day states of California, Nevada, Utah, New Mexico, most of Arizona and Colorado, and parts of Oklahoma, Kansas, and Wyoming. Mexico also relinquished all claims to Texas and recognized the Rio Grande as the southern boundary with the United States” (National Archives). After the Mexican-American War and the annexation of Texas, immigration from Mexico into the United States increased, making Mexicans a large part of the United States population. The war’s primary purpose was Western expansion. Yet, it is essential to note that half of their territory was not the only thing Mexico had ceded to America in 1848 after the war, but their power also. While the Treaty of Guadalupe Hidalgo created peace on paper, in reality, the two countries and their inhabitants were pushed further apart.

The Mexican people living in the newly acquired territories were granted citizenship due to the Treaty of Guadalupe-Hidalgo. Nevertheless, they were denied many civil rights. Although Mexicans were deemed “White” according to federal law, they were discriminated against and treated like foreigners. The United States government and criminal justice system were able to get away with

discriminatory practices because Mexicans were legally White, therefore making it not racially charged discrimination if the argument can be made that the group feeling discriminated against is part of the same racial category as the group they are being discriminated by. White Anglo-US Americans were able to sweep Mexican prejudice under the rug. As Rodríguez indicated, “[T]he 1848 Treaty of Guadalupe-Hidalgo...stipulated citizenship for the Spanish-speaking residents in these areas ...one could assume that these Spanish-speaking residents were once considered ‘White’... these Spanish-speaking peoples became citizens of the United States... However, despite these formal pronouncements of citizenship and implied White status, the reality of real citizenship eluded many” (9). The United States has a history of granting citizenship just to turn around and continue treating people as foreigners or less than others. For example, “within a year of ratification, the US government violated the treaty citizenship stipulation and began a process called racialization which gave Mexicans different legal rights based on their race” (Menchaca 56). Again, the United States government got away with discriminating against Mexicans because Mexicans were, in terms of race, federally and legally classified as White. Cobas et al. explain how the racialization of Latinos “refers to their definition as ‘racial’ group and the denigration of their alleged physical and cultural characteristics, such as phenotype...Their racialization also entails their incorporation into a White-created and White-imposed racial hierarchy...with White Americans at the very top and Black Americans at the very bottom (1). Racialization was used to maintain the structure of the racial hierarchy keeping White Anglo Americans at the very top and all other races and ethnicities at the bottom.

Acts of Violence

Violence can be correlated with racially charged discrimination. Although Mexicans were classified as White, they faced violence similarly to African Americans. The lynching of Mexicans and Mexican Americans in Texas has an untapped history rarely discussed in scholarship. Mexican representation and protection did not exist in the criminal justice system after the Mexican-American War. Mexicans were kidnapped from police custody and executed many times, with the kidnappers not subject to any form of punishment. In the United States, legal authorities overlooked and ignored the racially motivated violence against Mexicans because they wanted to keep their White supremacist country intact with racial and political rule. Romaine Scott describes how “[o]ur American moment reveals two contradictory impulses: first, to contain and limit the Latin presence and, second, to categorize and absorb Latins so they fit previous patterns of US incorporation” (187). The desire to retain power and authority in Anglo-Americans’ hands altered the justice mechanisms and led to the “denying the legitimacy of” Mexican-run courts and allowing racially motivated execution of Mexicans. For instance, “Anglo vigilance committees arose in opposition to the predominantly Mexican legal authorities. These committees showed little respect for the legal rights of Mexicans, executing them in disproportionately large numbers. Their actions, therefore, amounted to institutionalized discrimination” (Carrigan and Webb 71-72). Vigilance committees composed of Anglo-Americans took matters into their own hands to execute Mexicans in the United States. The legal authorities who chose to turn their cheek at the murders sent the message that mobs and vigilance committees can, without reason, kill

Mexicans and get away with it.

The validations for the lynchings of Mexicans by mobs were excuses to act on a violent, racist impulse. A majority of the “crimes” that prompted lynchings were day-to-day actions, like “Being a successful Cartman” or things that a person cannot control, like “Being of Mexican descent” (Carrigan and Webb 76). The table’s list of alleged crimes is a long one that shows the hatred Anglos had for Mexicans by showing how these common occurrences serve to justify a brutal murder (see Figure 1).

Lynchings of African Americans in the United States have been an important topic discussed in scholarship when discussing US history and civil rights. Therefore, it seems fitting that the lynching of Mexicans should also be addressed in scholarship when discussing civil rights issues. Mexicans were being lynched out of racial motivation, which is not discussed. As I have mentioned previously, it is a large part of the history of discrimination against Mexicans in the United States. The history of racial violence and intolerance has continued until today, for they are still stigmatized and discriminated against. It is no coincidence that the same states in the South that were ceded to the United States by Mexico are the states that are home to the most lynchings. According to Carrigan and Webb, the states with the most lynchings are Texas, California, Arizona, and New Mexico (see Figure 2).

As shown in the table, the data concerning lynchings in the South and Southwest parts of the United States that researchers were able to get ahold of include all the states ceded to the United States from Mexico. These are areas where there were large groups of Mexicans living there and moving to in the seventeenth

Alleged Crime	Number of Lynching Victims
Murder	301
Theft or Robbery	116
Murder and Robbery	38
Being of Mexican Descent	10
Attempted Murder	9
Cheating at Cards	7
Rape or Sexual Assault	5
Assault	5
Witchcraft	3
Kidnapping	3
Courting a White Woman	2
Taking Away Jobs	2
Rape and Murder	1
Attempted Murder and Robbery	1
Refusing to Join Mob	1
Threatening White Men	1
Being a "Bad Character"	1
Killing a Cow	1
Being a Successful Cartman	1
Miscegenation	1
Refusing to Play the Fiddle	1
Taking White Men to Court	1
Protesting Texas Rangers	1
Serving as a Bill Collector	1
Giving Refugee to Bandits	1
Unknown	83

Figure 1: Alleged Crimes of Victims

Source: Table 4.1 in *How the United States Racializes Latinos: White Hegemony & Its Consequences* (Carrigan and Webb 76).

State	Number of Lynchings
Texas	282
California	188
Arizona	59
New Mexico	49
Colorado	6
Nevada	3
Nebraska	2
Oklahoma	2
Oregon	2
Kentucky	1
Louisiana	1
Montana	1
Wyoming	1

Figure 2: Lynchings of Mexicans by State

Source: Table 4.1 in *How the United States Racializes Latinos: White Hegemony & Its Consequences* (Carrigan and Webb 71).

and eighteenth centuries. Along with quantitative data regarding lynching victims who were Mexican, researchers also found data that specifies the decades in which the most lynchings against Mexicans occurred in the southwestern states listed in the table above. The years that closely followed the Treaty of Guadalupe-Hidalgo, 1851-1860, as well as the annexation of Texas and ceding of territories, were the highest, with 160 lynchings reported. 1871-1880 and 1911-1920 were the second and third highest, with 147 and 124 lynchings reported. Although lynching was the most common form of violence reported against Mexicans, they were also violated and tortured in other ways. Many were shot,

physically mutilated, and burned. Being gunshot was the second most common way of killing Mexicans in the seventeenth and eighteenth centuries. Shootings are also a common present-day form of violence against Mexicans and Latinx people in the South.

Lynching and execution of Mexicans were only some of the acts of violence Mexicans and Mexican Americans faced. Since President Trump's administration, mass shootings of immigrants have increased. One case of a mass shooting involving Latinx people is from 2019 at a garlic festival in California, where Latinx people make up 58 percent of the community (Menchaca 255). A man who supports Trump opened fire with a semi-automatic rifle into a large crowd at the Gilroy Garlic Festival, killed three people and injured fifteen before the police shot him, and then shot himself. Before the shooting, the man, Santino William Legan, made a post to Instagram exclaiming his hate for "mestizos" and how they are infiltrating the community. Another mass shooting happened in the same year, 2019, in El Paso, Texas, in August. The shooter claimed he wanted to shoot as many Mexicans as possible, and he killed 20 people and left many injured as well. This was three months after Trump held a press conference where he emphasized how he wanted border patrol to get tough on migrants coming "illegally." In the press conference, he asked the crowd how to keep migrants from crossing the border, and a person from the audience shouted, "Shoot them," and Trump laughed (Rivas). When the President of the United States laughs at a suggestion to shoot people crossing the border, it can cause people to think that it is something that he agrees with and can be done. And as mentioned previously, a president's words and actions greatly influence the population they govern.

Language

As the population of undocumented immigrants from Latin America and Mexico increased, so did the number of US-born children of immigrants. With this population growing and becoming part of the United States, it is unjust that they are all clumped into one category by the terms "Hispanic" and "Latinx." Their unique histories and cultures make them individuals, yet the United States found it easier to homogenize these groups. Latin America consists of many countries that are unique in their ways; not every country that speaks Spanish is the same. Clumping the countries up into one big group takes away from their individuality.

The stripping of culture, or Americanization, of the Mexicans living in the South, came along with educational segregation. The most common way this was done was by banning the Spanish language at school, forcing young children to speak English. One scenario where we can see this forced assimilation occurred in California in the mid-nineteenth century, just two years after the Treaty of Guadalupe-Hidalgo. Before the Mexican-American War, much of California belonged to Mexico; therefore, Mexicans comprised most of the population. Due to the large number of Mexicans living in California and the recent territory change, the Spanish language was prevalent and the only language used by many. Nevertheless, forced assimilation occurred rapidly. According to Ofelia García, "The language people spoke Spanish, was slowly eradicated from the territory [ceded from Mexico to the US], especially in schools. California became a state in 1850 and five years later, in 1855, English was declared the only language of instruction in schools" (102). This is an example of forced assimilation because most of the Mexican population that

had inhabited the area for hundreds of years spoke only Spanish, making it difficult to pick up and consistently use a new language. In 1998, California passed a proposition called, Proposition 227 to get rid of bilingual education and force English-only in schools. This forced assimilation through language control racializes the Spanish language.

Because of the declaration of English as the language of school instruction, teachers discouraged children from using their first language in class. In addition, teachers also talked poorly about the Spanish language, calling it dirty and making the children feel bad about themselves. Hurtful reprimands “[s]uch as ‘Don’t speak that ugly language, you are an American now...,’ not only reflected a strong belief in Anglo conformity but denigrated the self-esteem of Mexican American children” (Ruiz 24). For most children in “Mexican Schools,” Spanish was the only language they spoke; it was their parents and their culture’s language. Enforcing the no Spanish in-school rule made it difficult for Mexican children growing up in the Southwest. Comments like the one above from teachers telling young Mexican children they need to speak English because they are in America are unfortunately still prevalent today.

The United States is only a part of North America, and Canada and Mexico are also part of the North American continent. In Canada, French and English are the official languages, and in Mexico, Spanish is the official language. There are also other (Latin) American countries where Spanish and other languages are the official languages rather than English. Therefore, the claim that only English should be spoken in America is one of ignorance. In the United States alone, many languages are spoken as it is a heterogeneous country with no official documented language. It is true, however, that English is

one of the most common languages used in the United States, but it is not limited to only English. Thus, not only was it challenging for Mexicans to go about not being able to communicate in their first-learned language, but it was a forceful way of making Mexicans, who became United States citizens from the 1848 Treaty of Guadalupe-Hidalgo, assimilate to the Anglo-American culture of the United States.

Jim Crow & Juan Crow

Mexicans were and are racialized because they are part of an ethnic category. Consequently, they fall victim to discrimination through laws and policies. When discussing the racialization of Mexicans and other Latinx communities in the United States, it is essential to note that Mexicans and Latinx people can fit into any race or multiple races. Still, they are identified based on their ethnic category.

The term Juan Crow emphasizes the similarities between the systemic discrimination of Mexican Americans and African Americans during the Jim Crow era in the late 1800s to early 1900s. The states of the US ceded by Mexico are the states where the Juan Crow laws are most prominent, which is not a coincidence that the Jim Crow laws plagued the same area. Jim Crow laws institutionalized racism against African Americans in the Southern United States by exploiting them, controlling them, and denying them civil rights. A similar form of exploitation and control has and still affects the Mexican Americans living in the United States’ southern region. As Carrigan and Webb argue, “[T]here are important, if not underappreciated, connections between the history of Mexicans and the history of African Americans, and these connections await further scholarly investigation.” (83).

For centuries, like African Americans, Mexicans in the United States have fallen victim to White hegemony that has birthed the institutional discrimination still present today. There is a long history of racially charged violence towards Mexicans in the United States, labor exploitation, and a lack of civil rights. Similar to the discrimination African Americans faced in the southern United States with the Jim Crow laws and segregation, Mexican Americans and other Hispanic/Latinx immigrants in America found themselves segregated and discriminated against under the “Juan Crow Laws.”

Mexico’s Land Act of 1883

Railway systems in the United States led to increased immigration from Mexico to the United States. United States railroad tracks were laid in Mexico through a law that hired surveyors to survey farmland in Mexico. This “led to the appropriation of ranchland owned by thousands of small-scale farmers,” known as Mexico’s Land Act of 1883 (Menchaca 92). The hired corporations got one-eighth of the land they surveyed instead of getting paid and were offered more land to purchase for “a few cents an acre.” Consequently, Mexican farmers lost their land to US railroad corporations. The President of Mexico at the time, Porfirio Díaz, changed Mexico into a political dictatorship and wished to modernize and reorganize Mexico’s land system. Díaz believed only rich people could “make the land productive,” and so he used his political power to strip land from lower-class Mexicans. Díaz also hired judges to be in charge of an appeal court for people to go to in order to fight for their land back. These judges were appointed to ensure the land stayed in the hands of the US corporations for railroads and Mexican higher-ups to make the land productive. This

stripping of land in Mexico urged Mexicans to migrate North to the United States because, without land, they had no source of income (Menchaca 91-92).

Twenty years after the stripping of land, the Mexican Revolution in 1910 pushed Mexicans out of Mexico and into the United States. Between the Mexican Land Act of 1883 and the Mexican Revolution that lasted 10 years from 1910 until 1920, President Díaz’s policies continued to push Mexicans out of Mexico and into Texas. In addition, not only did the lack of land lead to decreased income, but Díaz lowered the minimum wage from “35 centavos to 15 centavos” and triggered a revolution (Menchaca 101).

Segregation Laws

Zoning laws in Texas institutionalized the segregation of Mexican Americans in 1927. County commissioners and other city officials had the authority to draw and redraw county boundaries with a mandatory voting process. Like most authority figures at the time and present day the county commissioners were White, thus upholding the hegemony of Anglo people in the United States. The zoning laws of 1927 also gave commissioners and other county officials the power to assign schools to specific neighborhoods. School assigning policies based on neighborhoods made it easy for the officials to segregate Mexican children from Anglo children.

Education & Segregation

Historically, Mexicans lived in barrios or neighborhoods where they could keep their customs and traditions intact and alive. After the Mexican territories were ceded to the United States, Mexicans continued to live in those same areas. The territory change was merely

a geographical change, so it makes sense that Mexicans would be living in their barrios of Texas. Texas State and local officials used the highly concentrated Mexican areas to their advantage to segregate Mexicans, especially through schools. Consequently, education for Mexican children was not equal to that of their White counterparts in Texas, California, and other states in the Southwest.

One specific inequity between “Mexican” schools and “White” schools was the curriculum. Mexican schools were more vocational, whereas “White” schools were more academic. For example, “Historians Gilbert Gonzalez and Mario Garcia demonstrated that the curricula in ‘Mexican’ schools, which emphasized vocational education, served to funnel youth into the factories and building trades” (Ruiz 25). There is a history of Mexicans being exploited through labor in the South, doing the jobs that Anglo-Americans did not want to do. Anglo-Americans hoped to keep Mexicans in the factories by creating a curriculum that directed Mexican children to acquire labor skills rather than academic skills. Mexicans in the United States often did difficult hands-on work for low pay and very long days; through education, this became more of a regular occurrence causing Mexican Americans to be at a standstill class-wise and economically.

Along with assigning specific neighborhoods to Mexican-only schools, the commissioners were able to redraw school districts with the vote of the citizens living in the areas. Due to the fact that many Mexican Americans lived in areas with a high concentration of Mexican people, those barrios were assigned to Mexican-only schools. Commissioners and local officials were able to use these barrios to force Mexican children into inadequate school buildings.

Mexican children in California were also educated

in very old buildings with limited space. “The ‘new’ two-room facility resembled a barn hastily furnished with second-hand equipment, supplies, and books” (Ruiz 25). Consequently, parents and other family members were outraged at the unfair treatment their children faced when it came to education. They rightfully argued that a school building with only two rooms is too small and that a hastily furnished, barn-looking building with no new supplies is hardly a “new” building for a school. Unfortunately, the commissioners got away with not revealing the whole plan to get and keep votes, therefore furthering the segregation of Mexicans from Anglo people in Texas and California.

Mendez v. Westminster School District

Violence, segregation, and restrictions resulted in legal challenges in the Southwest of the United States. Among those lawsuits was the educational segregation that Mexicans faced in California. In 1947, a Ninth Circuit case challenged the “separate and inferior ‘Mexican Schools’” in California and the Southwest United States (Saenz 67). The parents of nine-year-old Sylvia, Gonzalo, and Felicitas Mendez, along with other enraged parents challenged school segregation in Orange County’s Westminster School District. Mexican and Latinx children were denied entry to their local schools and put into segregated schools for Mexican American students. The Mendez family claimed that their child and all other Mexican American children forced into Mexican-only schools, were being discriminated against based on ancestry and “supposed ‘language deficiency’” rather than racial discrimination (Zinn Education). In comparison to the court case, I will discuss next, both parties in the Mendez case made the argument that “Mexican

Americans are part of the White race and that the case, therefore, raised ‘no question of race discrimination’” (Saenz 69), but *Hernandez v. Texas* was the one to prove that “interracial ethnic discrimination” is very much present (Saenz 72). However, the point of “no question of race discrimination” is contradicted by the fact that there was segregation occurring. Despite Mexicans being classified as “White”, Mexicans in the United States were treated as a racial minority. The lawsuit was successful in all three levels of court it went through, the school district appeal court, district court, and the Ninth Circuit court.

During the time of the case in 1947, “the school districts could reasonably calculate that they could hide what was, in intent and effect, racial discrimination, behind a facade of intra-racial ethnic discrimination, and assume that the courts would find the latter as acceptable or more acceptable than the former,” but racial discrimination is now recognized on the same level as ethnic discrimination (Saenz 71). Its success was the termination of discrimination against Mexican students in public schools based on ancestry and language. Although it did not make it to the highest court in the United States, the Supreme Court, it was the first case to prove that segregation in schools violates the Fourteenth Amendment (Blanco). Mendez’s victory in the case is significant not only for Mexican students in the United States but also for African American students as *Mendez v. Westminster* served as a precursor to the significant case *Brown v. Board of Education* that established school segregation went against the constitution.

Hernandez v. Texas

Another case that paved the way for future success for Mexican Americans was *Hernandez v.*

Texas. Pete Hernandez was a Mexican man indicted by a full-White petit and grand jury for the murder of a man named Joe Espinoza. Hernandez and his legal team argued that his Fourteenth Amendment rights had been violated because he had been indicted by a jury from which Mexicans have been banned. “*Hernandez*, a landmark Supreme Court decision...recognized Mexican Americans as a distinct class with the right to challenge systematic exclusion from juries” (Saenz 67). Before the Hernandez case, courts excluded Mexican Americans and African Americans from being on juries. In order to challenge the courts about not being allowed on juries is racial discrimination, there needed to be evidence. It was difficult to provide evidence to prove racial discrimination when Mexicans in Texas at the time fell under the racial classification of White, making it easier for courts to keep them off juries without pushback. Texas state courts were able to get away previously with banning Mexican Americans from juries until the Supreme Court changed that by ruling that the Fourteenth Amendment applies to distinct classes within the two races, White and Black. That ruling made it so Mexicans on trial in Texas could not be racially discriminated against in the form of a biased jury that did not include fellow Mexicans. In that US Supreme Court case in 1954, the Fourteenth Amendment was granted to Mexican Americans, ensuring they would benefit from the equal protection clause. In this case, though, the state of Texas had argued that Mexicans are White; therefore, the all-White jury did not discriminate. Yet Mexicans were not treated as though they were White; they were treated as others. Once again, it is apparent that Mexicans were legally White on paper but not treated as such. Although the Civil Rights Act was passed in 1964, it took Texas until 1967 to comply with it and apply it to

government facilities. In 1972, all discriminatory laws in Texas, along with the desegregation of public schools and nullification of state laws regarding private businesses, were finally terminated (Menchaca 217).

1954 "Operation Wetback"

In 1954, under President Eisenhower, the Immigration and Naturalization Service (INS) issued a policy called "Operation Wetback" that was put in place to control the "illegal" crossing of the Mexican-United States border. The term "wetback" is a racial slur used since the 1920s to refer to Mexicans who "slipped" through the Mexican-United States border into Texas (Quinney 673). This policy is responsible for the mass deportation of Mexican nationals from the United States. Like other anti-immigration policies, "Operation Wetback" instilled in enforcers to profile people and assume their nationality based on stereotypical phenotypes. These enforcers included Border Patrol agents and local officials who justified their brutal treatment of Mexicans through racial stereotypes that called Mexicans dirty, irresponsible, and disease-bearing (Blakemore). This policy was seen again in 1996 with the Illegal Immigrant Reform and Immigrant Responsibility that increased deportation and "substantially tightened earlier immigration and asylum measures" (Rodriguez and Menjivar 195).

1965 Immigration Act

In 1965, there was a swell of immigrants entering the United States from Latin America. This surge of immigrants from Latin America in the United States occurred due to "the Immigration and Naturalization Services Act of 1965 [which] abolished the national-origin quotas that had been established by the National Origins

Act of 1924" (García 104). The national-origin quotas under President Calvin Coolidge only allowed a certain number of immigrants to receive visas, "two percent of the total number of people of each nationality in the United States as of the 1890 national census" (Office of the Historian). The abolishment of these quotas made it possible for more Latin Americans to come to the United States without being denied. According to the table below, the percentage of people born in Latin America living in the United States increased from 1960 until the 2000s (see Figure 3). On the other hand, the statistics for the Europe-born population residing in the United States decreased as the Latin American-born population increased. During the 1970s, right after the quotas were abolished, the first increase in Latin American-born people in the United States was seen. From there, it continued to increase where in the 2000s, Latin American-born people in the United States accounted for over 50 percent of the foreign-born population in the United States.

Chicano Movement 1965-1975

The term "Chicano" refers to Americans of Mexican descent. The Chicano Movement was a movement that involved the fight for civil rights by Mexican Americans, similar to the Civil Rights Movement that African Americans were involved in around the same period. Challenges to anti-immigration laws and the Chicano Movement led to new census records that included ethnicity, which allowed Mexican Americans and other Latinx peoples another choice beyond the Black and White racial binary. This, however, was used to racialize and push Mexicans and the Latinx population further away from the White race and continue to justify discriminatory practices. The Chicano Movement fought

	1910	1930	1960	1970	1980	1990	2000
Europe	87.4	83.0	75.0	61.7	39.0	22.9	15.8
Asia	1.4	1.9	5.1	8.9	19.3	26.3	26.4
Africa	-	0.1	0.4	0.9	1.5	1.9	2.8
Oceania	0.1	0.1	0.4	0.4	0.6	0.5	0.5
Latin America	2.1	5.5	9.4	19.4	33.1	44.3	51.7

Figure 3: Region of Birth of Foreign-Born Population in the United States, 1910-2000 (in Percentages)
Source: Table 4.1 in *How the United States Racializes Latinos: White Hegemony & Its Consequences* (García 104).

for equality in education and politics as well as better working conditions.

Part of the Chicano Movement involved a student-organized walkout of a Los Angeles high school in 1968. As mentioned previously, the curriculum for Mexican students served to funnel them into vocations rather than providing them with academic education. In Los Angeles at the time, Mexican American students were dropping out frequently due to the language barrier imposed by forced English learning and the lack of Mexican American administrators to help them succeed. The walkout occurred at seven high schools in East Los Angeles, where its students called for educational equality and civil rights. The Mexican American students' demands were rejected, but this large protest paved the way for further Chicano civil rights activists to make changes in the future (Library of Congress).

In the late 1960s, Chicanos also marched and boycotted in protest of the harsh working conditions they experienced working in the fields of Texas and California (Bada and Cárdenas 168). In addition, Black-

Latino coalitions were formed after the assassination of Martin Luther King Jr in an attempt to keep the Civil Rights movement going. African Americans were present during marches and boycotts with Mexican Americans for better field conditions.

Within the Chicano Movement, it is essential to note the critical similarities between the riots, walkouts, boycotts, and protests of Latinx people and those of African Americans around the same period of the Civil Rights Movement. Latinx communities and African Americans allied against their common oppressor through struggles and protests. African Americans were doing the same things to push for civil rights in the South. They know each other's struggles all too well.

Prop 187

Proposition 187 was an anti-immigrant ballot initiative in California in 1994. The proposition made it difficult for unauthorized immigrants to obtain public social services like public education and health services (Rodriguez and Menjivar 194). According to Arellano,

“Prop 187 sought to create an atmosphere of fear and rejection, thereby driving all immigrants out of California. One section would deny public benefits – from public schooling to healthcare and food assistance – to illegal immigrants and their children, whether foreign-born or not” (Arellano). Once the proposition passed, the denial of benefits to people who could not prove they were “legal aliens” or a citizen would immediately take effect. During the time of this initiative, California was struggling economically, and they were using undocumented immigrants as scapegoats. Because there were no set detailed guidelines to determine whom to consider a possible undocumented immigrant, this allowed for racial profiling and the targeting of individuals who “looked foreign.” The United States Supreme Court ruled that Proposition 187 went against the Fourteenth Amendment and its equal protection clause, similar to the case of *Hernandez v. Texas* in 1945 (Library of Congress), which was previously discussed. Although the proposition was eventually found unconstitutional in 1999, it has impacted how Mexicans and other Latinx people are assumed to be undocumented because they look a certain way and speak Spanish. For example, other states, including Arizona, admired California's proposition. They proposed their versions of Proposition 187 to deny services to undocumented immigrants or people who looked “foreign enough” to fit the undocumented immigrant profile.

Present Day

There is, without a doubt, a connection between the vigilante mobs in the 1800s and armed ICE agents in the twenty-first century breaking down doors searching for undocumented people with no warrant or cause. It is still a racially motivated occurrence. In the case of ICE

agents, however, they are employees of the United States government, not just a vigilante group, making it more institutionalized rather than just a hate group.

In 2012, President Barack Obama signed an executive order creating a program known as “Deferred Action for Childhood Arrivals” or DACA. It is a two-year renewal program that allows children brought to the United States “irregularly” at 16 years old and younger to stay in the country without the threat of deportation and obtaining workers' permits. However, this program does not lead to any form of citizenship; therefore, people who are part of DACA have to ensure they renew it on time to avoid the threat of deportation (Boundless).

Throughout President Donald Trump's administration from 2017-2021, Trump focused a lot on minimizing immigration at the Mexico-United States border. Trump built an actual wall that spans at least 400 miles along the border so far, employed more troops to monitor the border, and threatened to cut federal funding to cities that provide sanctuary for undocumented immigrants. In 2019, Trump began processes that expedited the removal of non-Mexican nationals (through PACR, Prompt Asylum Claim Review) and Mexican nationals (through HARP, Humanitarian Asylum Review Process) seeking asylum in the United States (“Trump Immigration”). In 2019, Trump also introduced the Family Fraud Initiative that sought out traffickers posing as families to smuggle children across the Mexico-United States border (“Trump Immigration”). Trump also got strict on the conditions of Temporary Protected Status (TPS), which is only granted to people whose country of origin is in ongoing armed conflict, environmental disaster, epidemic, or other extraordinary conditions. Under TPS, immigrants cannot be removed, can obtain work permits,

and may be able to acquire travel documents (“Temporary Protected Status”).

Since President Joe Biden took office, he attempted to do away with a Trump administration policy that made it so Mexicans would have to wait in Mexico while their claims were processed, but it was reinstated. It is called the Migration Protection Protocols, or “Remain in Mexico policy” (Barrera and Krogstad). President Biden’s proposals and goals include creating more opportunities for visas and citizenship, whereas President Trump’s proposals and objectives were to reduce “illegal” and legal immigration.

Criminalized

Undocumented immigrants in the United States are criminalized. ICE agents raid workplaces, take large groups of undocumented immigrants, and throw them into detention centers and jails based solely on the lack of documentation. Immigrants are often targeted without provoking anyone or anything and without doing anything illegal to call the attention of ICE. What comes along with criminalization is the predisposed assumption that undocumented immigrants are dirty criminals. On top of being assumed criminals, undocumented immigrants are not welcomed with open arms into the United States. The United States continues to grow more hostile towards undocumented immigrants as time passes, and more openly discriminatory government officials influence the country. One reason undocumented immigrants are criminalized in the United States is the assumption that immigrants from Mexico are part of the Mexican drug cartel or are smuggling drugs into the United States. This assumption has led to a more punitive response to immigrants, putting them in jails and detention centers

for long periods. In addition, the tragedy of 9/11 unlocked a greater fear of another terrorist attack, leading to the United States wanting to patrol the border even more so. “Middle Eastern-looking and other dark-skinned persons, including Latinos,” were targeted (Cobas et al. 7). This fear resulted in large numbers of undocumented immigrants being thrown into prisons (Douglas).

2006 Illegal Immigration Relief Act (IIRA)

Pennsylvania passed a relief act in 2006 called the Illegal Immigration Relief Act (IIRA). Per the IIRA, business licenses were suspended for all companies that employed unauthorized migrants, fined landlords who rented to undocumented immigrants, and mandated that transactions be conducted in English. This act subjected legal and illegal immigrants to constant suspicion and scrutiny (Rodriguez and Menjivar 194). People who “looked illegal” based on stereotypical phenotypes became victims of hate crimes and discriminatory profiling. Unfortunately, New Jersey, Texas, and California followed in Pennsylvania’s footsteps.

Over a decade after the Illegal Immigration Relief Act, Mexican, and Latinx people were targeted and stereotyped by the 45th President of the United States. Trump is known for calling undocumented immigrants “illegals,” further stigmatizing the Mexican American and Latin American populations in the United States. Having federally employed agencies going around, busting down doors yelling and searching for “illegals”, and having a President of the United States call undocumented immigrants “illegals”, opens the door for people all over the country to assume all Mexicans and Latinx people are undocumented immigrants, even if they are documented citizens of the United States and regardless

how they obtained their citizenship or how long they have been citizens. There is no specific way a citizen of the United States looks. Therefore, a person's citizenship or immigration status cannot be assumed.

The assumption of immigration status is still present in modern times, as seen in the case of Justeen Mancha and ICE. Similar to how we see Hispanic/Latinx people homogenized by the United States government, documented citizens of Mexican descent are grouped with the stigmatized group of undocumented immigrants from Mexico. Language and assumed immigration statuses were and still are significant factors that fuel this discrimination. Overall, Mexicans who are citizens of the United States are stigmatized because they are considered to be undocumented immigrants and are treated poorly by other citizens as well as state and local authorities.

Not only did former President Trump enact laws and policies to “get tough” on immigrants and separate immigrant families at the border, but he also talked about Mexicans, Latinx people, and immigrants from Central and South cruelly. In other words, under President Donald Trump’s administration, on top of an increase in acts of violence towards Mexicans and Latinx people, the stigmatization grew as well. Hate speech by a president has so much impact and influence on a population. Trump has published many offensive tweets about Mexicans and Mexico before and during his presidency. For example, in June of 2013, he tweeted, “Sadly, the overwhelming amount of violent crime in our major cities is committed by Blacks and Hispanics - a tough subject-must be discussed.” In July 2015, he tweeted, “El Chapo and the Mexican drug cartels use the border unimpeded like it was a vacuum cleaner, sucking drugs and death right

into the US.” According to FBI statistics from 2013, White people accounted for the most crimes in the United States. With the second tweet, Trump is inferring that the only people who cross the border are criminals and are part of Mexican drug cartels. However, many people crossing the Mexico-US border are immigrants from South and Central America looking to escape the violence in their home countries and seeking asylum in the United States.

Immigration status discriminates against Mexicans and Latinx people in general when it comes to jobs, housing, and other fundamental human rights. It also incorrectly and unfairly deems them to be criminals. This unjust treatment can be traced back to 1915 when “courts gave broad judicial deference to the anti-immigrant sentiment of local communities and the underlying assumption that immigrants were predisposed to criminal behavior” (Romero II 156), resulting in work restrictions and a lack thereof of job opportunities for immigrants in the United States. On the local and State levels, when jobs had to do with public works, immigrants were taken off the table as potential employees. These struggles are similar to those faced by ex-cons trying to reintegrate back into society. The reputation and pre-conceived assumptions of Mexicans and Latinx people make it difficult to find jobs or find a person/place comfortable to rent them a house.

Although there are federal laws and regulations concerning immigration and immigrants, states and local governments have a certain amount of autonomy to create policies they find to be more fitting. This causes some discrepancies as laws can change from state to state, and rules can differ from those established by the federal government. This is particularly the case in southern states that are riddled with xenophobia and

people who are under the impression that all migrants are undocumented. Because nothing is being done about it at the federal level, numerous states have been able to pass their anti-immigration laws. As Mendoza indicates,

The overall strategy these local and state governments have followed has been centered on enforcement, hence the mantras of 'enforcement first' and 'attrition through enforcement.' These laws are therefore not designed to try to reform or repair the current immigration system. Instead, they are aimed at obtaining better and more efficient enforcement of the current one. They also recognize the difficulty of rounding up and deporting 10-12 million undocumented immigrants, so along with bringing stricter enforcement, these laws are also designed to try to make the day-to-day lives of undocumented immigrants so miserable that they begin to self-deport (17).

Conclusions

Despite being considered citizens at the federal level since the enactment of the Treaty of Guadalupe Hidalgo in 1848, Mexicans and their descendants were subject to segregation policies, discrimination through economic and social practices at the local and State levels, and numerous acts of violence and supposed inferiority. But this determined inferiority started long before the Mexican-American War and the Treaty of Guadalupe-Hidalgo. "From its beginnings in the 1600s, the White racial frame has insisted that 'Americans of color' are not only inferior biologically and intellectually but also uncivilized, dangerous, and foreign to the

'American way of life.'" (Cobas et al. 7). Throughout this paper, I have identified how Anglo Americans have pushed Mexican Americans and the Latinx population in the United States out of the White racial frame and into a category of others and less than others. This has been seen through the most common term used to describe undocumented immigrants from Mexico and Latin America and even documented citizens of Mexican and Latin American descent, "illegal". Cobas et al. emphasize how the term "'Illegal,'[is] an epithet meaning 'foreign and dangerous,'[and] has become a regular part of the United States' vernacular, but only in reference to Latin American immigrants" (7). The use of this derogatory term has created barriers and challenges for immigrants of Latin-American descent in the form of discriminatory laws, policies, and practices and prohibited them from climbing the racial or social hierarchy of the United States dominated by Anglo Americans. I also described small and large wins for these communities through court cases and nullifications of discriminatory laws and policies during the 1800s, 1900s, and early 2000s.

Given all this information regarding the discriminatory past reappearing in contemporary times, it is crucial to notice how the discrimination against Mexican Americans and the Latinx population in the United States has not gone away; it has only changed its appearance. Cases like those of Justeen Mancha should be avoided in the United States. With a better understanding of history, I hope for my readers to be more aware of the rampant xenophobic discourses and practices surrounding them. It is important to know and understand the history of the discrimination against Mexicans to better understand the present-day discrimination that the same group continues to face at the hands of lawmakers and White supremacists.

Works Cited

@realDonaldTrump. "Sadly, the overwhelming amount of violent crime in our major cities is committed by blacks and Hispanics - a tough subject-must be discussed." *Twitter*, 5, June, 2013, 4:05 a.m., twitter.com/realDonaldTrump/status/342190428675796992.

@realDonaldTrump. "El Chapo and the Mexican drug cartels use the border unimpeded like it was a vacuum cleaner, sucking drugs and death right into the U.S.." *Twitter*, 13, July, 2015, 6:47 a.m., twitter.com/realdonaldtrump/status/620545104525307904?lang=bn

"A Latinx Resource Guide: Civil Rights Cases and Events in the United States: 1994 California's Proposition 187." *Library of Congress*. Library of Congress Legal. guides.loc.gov

"A Latinx Resource Guide: Civil Rights Cases and Events in the United States: 1946: Mendez v. Westminster." *Library of Congress*. Library of Congress Legal. guides.loc.gov

"A Latinx Resource Guide: Civil Rights Cases and Events in the United States: 1968: East Los Angeles Walkouts." *Library of Congress*. Library of Congress Legal.guides.loc.gov/latinx-civil-rights/east-la-walkouts.

"April 14, 1947: Mendez v. Westminster Court Ruling." Zinn Education Project. Zinn Education Project. www.zinnproject.org/news/tdih/mendez-v-westminster/

Arellano, Gustavo (2014-09-18). "Republicans used California's 'Juan Crow' law as a model for other states. Now

it's dead, and so is the far-right". *The Guardian*. Guardian News and Media Limited.

Bada, Xóchitl, and Cárdenas, Gilberto. "Blacks, Latinos, and the Immigration Debate: Conflict and Cooperation in Two Global Cities.", *How the United States Racializes Latinos: White Hegemony and Its Consequences*, edited by Cobas, José A., et al, New York, Routledge, 2016. pp. 166-182.

Blakemore, Erin. "The Largest Mass Deportation in American History". *HISTORY*. A&E Television Networks. June 18, 2019 www.history.com

Blanco, Maria. "Before *Brown*, there was Mendez: The Lasting Impact of Mendez v. Westminster in the Struggle for Desegregation". *Immigration Policy Center*. American Immigration Council. March 2010 (pp. 1-5)

Carrigan, William D., and Webb, Clive. "Repression and Resistance: The Lynching of Persons of Mexican Origin in the United States, 1848-1928.", *How the United States Racializes Latinos: White Hegemony and Its Consequences*, edited by Cobas, José A., et al, New York, Routledge, 2016. pp. 68-86.

Cohen, J. Richard. "Meet 'Juan Crow'." *HuffPost*. www.huffpost.com/entry/meet-juan-crow_b_107071 Accessed 15 November 2022

Cooper, James. "The United States, Mexico, and the War on Drugs in the Trump Administration." *Willamette Journal of International Law and Dispute Resolution*, vol. 25, no. 2, 2018, pp. 234-301. JSTOR, www.jstor.org/sta-

ble/26787265.

Douglas, Karen Manges, and Rogelio Sáenz. "The Criminalization of Immigrants & the Immigration-Industrial Complex." *Daedalus*, vol. 142, no. 3, 2013, pp. 199–227. JSTOR, www.jstor.org/stable/43297260.

García, Ofelia. "Racializing the Language Practices of U.S. Latinos: Impact on Their Education.", *How the United States Racializes Latinos: White Hegemony and Its Consequences*, edited by Cobas, José A., et al, New York, Routledge, 2016. pp. 101-115.

Guardino, Peter. "Gender, Soldiering, and Citizenship in the Mexican-American War of 1846-1848." *The American Historical Review*. Vol. 119, No. 1, February 2014, pp. 23-46.

Hana E. Brown, et al. "The Racialization of Latino Immigrants in New Destinations: Criminality, Ascription, and Countermobilization." *RSF: The Russell Sage Foundation Journal of the Social Sciences*, vol. 4, no. 5, 2018, pp. 118–40. JSTOR, doi.org/10.7758/rsf.2018.4.5.06.

"Immigration Policies Under Barack Obama". *Boundless*. Boundless Legal. www.boundless.com

Krogstad, Jens Manuel, and Ana Gonzalez-Barrera. "Key Facts about U.S. Immigration Policies and Biden's Proposed Changes." *Pew Research Center*, Pew Research Center, 11 Jan. 2022, www.pewresearch.org

Lovato, Roberto. "Juan Crow in Georgia". *The Nation*, 2008, pp.20-24. [www.thenation.com/article/archive/juan-](http://www.thenation.com/article/archive/juan-crow-georgia/)

[crow-georgia/](http://www.thenation.com/article/archive/juan-crow-georgia/)

Mendoza Jorge, José. "Doing Away with Juan Crow: Two Standards for Just Immigration Reform". *APA Newsletter on Hispanic/Latino Issues in Philosophy*, Vol. 15, No.1, 2015, pp. 14-20.

Millan, Claudia (2013). *Latining America: Black-Brown Passages and the Coloring of Latino/a Studies* (PDF). Athens, Georgia & London: The University of Georgia Press. p. 191. Retrieved 7 October 2020.

Milan, Claudia. *Latining America Black-Brown Passages and the Coloring of Latino/a Studies*. Georgia, University of Georgia Press, 2013.

Menchaca, Martha. *The Mexican American Experience in Texas: Citizenship, Segregation, and the Struggle for Equality*. Texas, University of Texas Press, 11 January 2022.

Pierce, Jason E. "The Politics of Whiteness and Western Expansion, 1848–80." *Making the White Man's West: Whiteness and the Creation of the American West*, University Press of Colorado, 2016, pp. 123–50. JSTOR, www.jstor.org/stable/j.ctt19jcg63.11.

Quinney, Kimber M. "Teaching the History of the Cold War through the Lens of Immigration." *The History Teacher*, vol. 51, no. 4, 2018, pp. 661–96. JSTOR, www.jstor.org/stable/26646460.

Rivas, Anthony. "Trump's language about Mexican immigrants under scrutiny in wake of El Paso shooting." *ABC*

News. abcnews.go.com

Rodriguez, Nestor P., and Menjívar, Cecilia “Central American Immigrants and Racialization in a Post-Civil Rights Era.”, *How the United States Racializes Latinos: White Hegemony and Its Consequences*, edited by Cobas, José A., et al, New York, Routledge, 2016. Pp. 183-199.

Romaine, Scott, and Greeson, Jennifer Rae. *Keywords for Southern Studies*. Athens, Georgia, The University of Georgia Press. P.187.

Romero II, Tom I. “Observations on History, Law, and the Rise of the New Jim Crow in State-Level Immigration Law and Policy for Latinos”. *American Quarterly*, Vol. 66, No. 1, March 2014, pp. 153-160

Ruiz, Vicki L. “South by Southwest: Mexican Americans and Segregated Schooling, 1900-1950”. *OAH Magazine of History*, Vol. 15, No. 2, Winter, 2001, pp. 23-27 www.jstor-Saenz,

Thomas A. “Mendez and the Legacy of Brown: A Latino Civil Rights Lawyer’s Assessment.” *Berkeley Journal of African-American Law & Policy*, Vol. 6, No. 2, pp. 194-201. DOI: <https://doi.org/10.15779/Z380G77>

Schildkraut, Deborah J. “The Rise and Fall of Political Engagement among Latinos: The Role of Identity and Perceptions of Discrimination.” *Political Behavior*, vol. 27, no. 3, 2005, pp. 285–312. JSTOR, <http://www.jstor.org/stable/4500197>.

“Temporary Protected Status.” *U.S. Citizenship and Immi-*

gration Services. U.S. Department of Homeland Security. www.uscis.gov/humanitarian/temporary-protected-status.

“The Immigration Act of 1924 (The Johnson-Reed Act).” *The Office of the Historian*. Foreign Service Institute. history.state.gov/milestones/1921-1936/immigration-act.

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Adquirí mi conocimiento como persona bilingüe por medio de la escuela; aprendí español en la escuela, mientras que aprendí inglés en casa y en la escuela también. Tomé clases de español desde sexto grado hasta universidad en Bridgewater State University, de donde me gradué recientemente con una especialización en Español y concentraciones en Justicia Criminal y en Estudios de Latinoamérica y el Caribe. Como persona bilingüe, cada vez que yo veo a alguien que tiene dificultad comunicándose con alguien que no entiende español, yo trato de ayudar y traducir, especialmente en mis trabajos. Para mantener mi conocimiento de los dos idiomas, yo hablo con mi familia en casa en inglés y hablo con la familia de mi novio en español en su casa. Además, yo leo libros, escucho música, y veo la televisión en español a veces para mantener mi conocimiento.