

Immigration and the Meaning of United States Citizenship: Whiteness and Assimilation

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I. INTRODUCTION

At the outset of the twenty-first century, United States immigration policy has become one of the most pressing issues of our time. In recent years, we have witnessed, among other things, calls for dramatically restricting immigration in light of an alleged threat to American national identity, increased border enforcement associated with thousands of deaths on the United States/Mexico border,¹ vigilante activity,² special immigration procedures enacted for the “War on Terror,”³ and mass marches protesting draconian immigration reform in cities across the United States.⁴ Against this background, this essay seeks to explore what immigration and the various issues it raises have to tell us about the meaning of United States citizenship today.

One of the most fundamental connections between immigration

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1. John Pomfret, *An Increasingly Deadly Trail: Tighter Border has Illegal Immigrants Risking More Perilous Routes*, WASH. POST, June 6, 2006, at A01 (“Since 1993, when the Clinton administration began a crackdown on border crossings in San Diego and El Paso, more than 3,500 people have died trying to cross into the United States through desert.”).

2. Dennis Wagner, *Minuteman’s Goal: To Shame Feds Into Action*, USA TODAY, May 25, 2006 (describing “Minuteman Civil Defense Corps” vigilantes which patrol the United States/Mexico border southwest of Tucson, Arizona). Cf. Steven W. Bender, *Direct Democracy and Distrust: The Relationship Between Language Law Rhetoric and the Language Vigilantism Experience*, 2 HARV. LATINO L. REV. 145, 149 (1997) (“In virtually all aspects of everyday life, ‘language vigilantes’ have assumed a duty to police against multiculturalism.”).

3. See Susan M. Akram & Kevin R. Johnson, *Race, Civil Rights, and Immigration Law After September 11, 2001: The Targeting of Arabs and Muslims*, 58 N.Y.U. ANN. SURV. AM. L. 295 (2002); Raquel Aldana, *The September 11 Immigration Detentions and Unconstitutional Executive Legislation*, 29 S. ILL. U. L.J. 5 (2004); Victor C. Romero, *Proxies for Loyalty in Constitutional Immigration Law: Citizenship and Race After September 11*, 52 DEPAUL L. REV. 871 (2003); Natsu Taylor Saito, *Will Force Trump Legality After September 11? American Jurisprudence Confronts the Rule of Law*, 17 GEO. IMMIGR. L.J. 1 (2002).

4. See N.C. Aizenman, *Immigration Debate Wakes a ‘Sleeping Latino Giant,’* WASH. POST, Apr. 6, 2006, at A01 (describing immigration protest marches which attracted “30,000 largely Hispanic protesters in the District last month, about 100,000 in Chicago and as many as 500,000 in Los Angeles”); Oscar Avila & Antonio Olivo, *A Show of Strength; Thousands March to Loop for Immigrants’ Rights*, CHI. TRIB., Mar. 11, 2006, at A1 (describing marches in Chicago).

and citizenship is that immigration policy and debate tells us who is desirable or worthy to be a United States citizen. For much of our nation's history, immigration law required that one be a white person in order to become an American citizen. Current debates over whether to curtail immigration of Mexicans and other Latinos now raise the prospect that whiteness will again become a de facto prerequisite for United States citizenship. This essay argues that one should reject this racialized approach to immigration law and policy in favor of an immigration policy that reflects an ideal of multiculturalism.

II. WHITENESS AS A PREREQUISITE FOR UNITED STATES CITIZENSHIP

In constructing American naturalization laws in 1790, Congress made it a requirement that only "white persons" could become American citizens.⁵ Perhaps surprisingly, this racial requirement of whiteness lasted until 1952.⁶ During the time this law was in force, the courts faced the often difficult question of determining who was white.⁷ Subsequently, Congress promulgated the Immigration Act of 1965.⁸ This Act ended a national origins quota system and outlawed racial considerations from expressly entering into the decision to grant visas.⁹

Thus, for much of our nation's history, immigration law and policy expressly stated that "white persons" were the sort of people that the country wanted or desired as citizens. Accordingly, former presidential candidate Patrick Buchanan could state, in the course of his recent presidential campaign, that the United States is a "European country."¹⁰

III. WHITENESS AND ASSIMILATION

At the present time, there is a grave danger that we may return to the days of the whiteness requirement for citizenship. The prerequisite of whiteness may now be re-established de facto by a demand that one

5. Act of Mar. 26, 1790, Ch. 3, § 1, 1 Stat. 103 (repealed 1952). For more on the history of racial exclusion in the American immigration laws, see JOHN HIGHAM, *STRANGERS IN THE LAND* (2d ed. 1992); RACE AND IMMIGRATION: NEW CHALLENGES FOR AMERICAN DEMOCRACY (Gerald D. Jaynes ed., 2000); Tanya Katerí Hernández, *The Construction of Race and Class Buffers in the Structure of Immigration Controls and Laws*, 76 OR. L. REV. 731, 731-32 (1997).

6. Immigration and Nationality Act of 1952, ch. 2, § 311, 66 Stat. 239 [hereinafter INA] (codified as amended at 8 U.S.C. § 1427 (1988)).

7. See generally IAN F. HANEY LOPEZ, *WHITE BY LAW: THE LEGAL CONSTRUCTION OF RACE* (1996). For more on the analysis of white racial identity, see CRITICAL WHITE STUDIES: LOOKING BEHIND THE MIRROR (Richard Delgado & Jean Stefancic eds., 1997).

8. Pub. L. No. 89-236, 79 Stat. 911 (codified as amended in scattered sections of 8 U.S.C.).

9. See *id.* §§ 1-2, 79 Stat. at 911-12 (codified as amended at INA §§ 201-202, 8 U.S.C. § 1151-52).

10. Bill Ong Hing, *Beyond the Rhetoric of Assimilation and Cultural Pluralism: Addressing the Tension of Separatism and Conflict in an Immigration-Driven Multiracial Society*, 81 CAL. L. REV. 863, 863-64 (1993) (quoting interview with Patrick Buchanan, *This Week with David Brinkley* (ABC television broadcast, Dec. 8, 1991)).

should only allow to become citizens persons who assimilate into the dominant culture. Current debate over the desirability of Mexican immigration raises the issue of assimilation as a condition for American citizenship.

Some scholars now argue that Mexican immigrants constitute a major threat to a cohesive American identity.¹¹ For instance, Samuel Huntington argues that central to the American identity are the “Anglo Protestant Culture,” the “American Creed”—understood as the acceptance of certain political values, and Christianity.¹² Scholars argue that the American people are held together by assimilation to these fundamental American values. According to Huntington, a fundamental problem is that Latinos retain their Hispanic culture, including language, and fail to assimilate and therefore fail to acquire an American identity.¹³ He raises the specter that an increasingly multicultural United States could disintegrate into ethnic conflict and destroy the American way of life. Accordingly, he suggests that immigration from Mexico must be drastically reduced or curtailed.¹⁴

Similarly, former United States presidential candidate Patrick Buchanan, in his new book, *State of Emergency: The Third World Invasion and Conquest of America*,¹⁵ contends that America could disappear because of Mexican/Latino immigration.¹⁶ Indeed, he suggests that Mexico is engaged in an effort to bring about “La Reconquista” to reacquire land lost in the war between the United States and Mexico.¹⁷ Like Huntington, he argues that because Mexicans fail to assimilate into American culture, and instead retain their language and culture, America will cease to be one nation.¹⁸ He calls for “an immediate moratorium on [] immigration,” the deportation and repatriation of Mexicans, and the construction of a “permanent fence” along the entire United States/Mexico border.¹⁹ Once immigration is restarted, preference should be given to those who “speak our English language” and who “come from countries with a history of assimilation in America.”²⁰ Likewise, Peter Brimelow argues that immigration of Mexicans/Latinos

11. See, e.g., SAMUEL P. HUNTINGTON, WHO ARE WE? THE CHALLENGES TO AMERICA'S NATIONAL IDENTITY (2004).

12. *Id.* at 59-80.

13. *Id.* at 221-56.

14. *Id.* at 243.

15. PATRICK J. BUCHANAN, STATE OF EMERGENCY: THE THIRD WORLD INVASION AND CONQUEST OF AMERICA (2006).

16. *Id.* at 7-12.

17. *Id.* at 105-32.

18. *Id.* at 133-37.

19. *Id.* at 250, 254, 268-69; see also Justin C. Glon, “Good Fences Make Good Neighbors”: *National Security and Terrorism – Time to Fence in Our Southern Border*, 15 IND. INT’L & COMP. L. REV. 349 (2005) (calling for the construction of a fence along the United States/Mexico border).

20. BUCHANAN, *supra* note 15, at 251-52.

constitutes a threat to the “cultural homogeneity” of this country.²¹ Brimelow writes: “[T]he American nation has always had a specific ethnic core. And that core has been white.”²² Latinos and other non-white immigrants are a threat to cultural homogeneity because they will not assimilate.²³ To resolve this assimilation problem, Brimelow calls for a drastic reduction of Latino and other non-white immigration and deportation of undocumented persons.²⁴

These are not mere academic treatises of little interest to policy makers and other actors. In the wake of such calls to limit the immigration of Mexicans into the United States, strenuous efforts are now being taken to keep Mexicans out of the country. In October 2006, President George W. Bush signed new legislation authorizing approximately 1.2 billion dollars to be used to construct fences along the United States/Mexico border.²⁵ Mexico’s foreign minister voiced strong objections to the fence, seeing it as “an insult to good neighbors.”²⁶

Similarly, the vigilante group known as the Minuteman Project has started patrolling the United States/Mexico frontier in an effort to stop Mexicans from entering the United States.²⁷ The Minuteman Manifesto states: “The existing border crisis is a dereliction of duty by those entrusted with American security and sovereignty We demand that President Bush (and) members of Congress maintain an orderly queue of entry into our country.”²⁸

These efforts are consistent with other efforts to coerce the assimilation of Mexicans or Latinos. For instance, there is a strong movement to establish English as our nation’s official language.²⁹ At bottom, this amounts to an attack on Latinos.³⁰ Many employers have also adopted “speak English only” rules.³¹ Under these rules, employers can termi-

21. See PETER BRIMELOW, *ALIEN NATION: COMMON SENSE ABOUT AMERICA’S IMMIGRATION DISASTER* 232 (1995).

22. *Id.* at 10.

23. *Id.* at 270.

24. *Id.* at 260-61.

25. Steve Holland, *Bush Signs Bill Paying for New Border Fence*, REUTERS, Oct. 4, 2006, http://mobile.reuters.com/mobile/m/FullArticle/p.spr/CPOL/ntopNews_2006-10-05T025528Z_01_N04413066_RTRUKOC_0_US-USA-IMMIGRATION-BUSH.xml.

26. *Id.*

27. See Wagner, *supra* note 2; see also Richard Delgado, *Locating Latinos in the Field of Civil Rights: Assessing the Neoliberal Case for Radical Exclusion*, 83 TEX. L. REV. 489, 508 (2004) (“In some areas of the Southwest, murderous, Mexican-hating vigilantes, some of whom move to the region expressly because they enjoy the prospect of engaging in human target practice, step in where they believe the border patrol is not doing its job.”).

28. Wagner, *supra* note 2 (quoting the Minuteman Manifesto).

29. See BILL PIATT, *¿ONLY ENGLISH? LAW AND LANGUAGE POLICY IN THE UNITED STATES* (1990); Juan Perea, *Demography and Distrust: An Essay on American Languages, Cultural Pluralism, and Official English*, 77 MINN. L. REV. 269 (1992).

30. See Perea, *supra* note 29, at 369 (“Current official English laws symbolize the rejection of this nation’s Hispanic heritage and culture.”); Antonio J. Califa, *Declaring English the Official Language: Prejudice Spoken Here*, 24 HARV. C.R.-C.L. L. REV. 293, 328 (1989) (“English-Only proponents are worried about a perceived Hispanic threat.”).

31. See Christopher David Ruiz Cameron, *How the García Cousins Lost Their Accents: Under-*

nate Latinos for speaking Spanish.³²

Indeed, it would seem that Latinos are potentially subject to cultural policing for almost every activity. In this regard, the southern part of the United States has recently seen a large influx of Latino immigrants.³³ For instance, in Lawrenceville, Georgia, the seat of Gwinnett County, one resident has said: “There’s a brown face everywhere you look.”³⁴ In response, Gwinnett County commissioners have now outlawed mobile taco stands because they are “too trashy looking.”³⁵ Significantly, such taco stands are viewed as a symbol for “the rise of Hispanics in the US.”³⁶ Other towns seek to ban people from sitting on their front porches—an activity that is allegedly closely identified with Latinos.³⁷ Likewise, concern about Mexican immigration has resulted in states limiting undocumented immigrant eligibility for driver’s licenses.³⁸

Establishing assimilation as a prerequisite to citizenship may constitute a de facto revival of the whiteness standard. To see the connection between making assimilation a requirement for citizenship and whiteness as a prerequisite for citizenship, it is helpful to consider the racial prerequisite cases. In particular, litigants attempted to establish their whiteness by trying to prove that they had assimilated or could assimilate into American culture and society.³⁹

For example, in *Ozawa v. United States*,⁴⁰ Takao Ozawa, a Japanese subject, attempted to prove that he was a white person by establishing that he had assimilated to American culture. In his legal brief, he wrote:

In name, General Benedict Arnold was an American, but at heart he was a traitor. In name, I am not an American, but at heart I am a true American. I set forth the following facts which will sufficiently prove this. (1) I did not report my name, my marriage, or the names of my children to the Japanese Consulate in Honolulu; notwithstanding all Japanese subjects are requested to do so. These matters were reported to the American government. (2) I do not have any connection with any Japanese

standing the Language of Title VII Decisions Approving Speak English Only Rules as the Product of Racial Dualism, Latino Invisibility and Legal Indeterminacy, 85 CAL. L. REV. 1347 (1997).

32. *Id.* at 1351.

33. Brad Knickerbocker & Patrik Jonsson, *As US Nears Milestone, A Rising Mix of Immigrants*, CHRISTIAN SCI. MONITOR, Sept. 19, 2006, at 1 (“Some of the states with the fastest-growing immigration populations lie in the South.”).

34. *Id.*

35. *Id.*

36. Patrik Jonsson, *Backlash Emerges Against Latino Culture*, CHRISTIAN SCI. MONITOR, July 19, 2006, at 3.

37. *Id.*

38. See Kevin R. Johnson, *Driver’s Licenses and Undocumented Immigrants: The Future of Civil Rights Law*, 5 NEV. L.J. 213 (2004); María Pabón López, *More Than A License to Drive: State Restrictions on the Use of Driver’s Licenses by Noncitizens*, 29 S. ILL. U. L.J. 91 (2004).

39. See John Tehranian, *Performing Whiteness: Naturalization Litigation and the Construction of Racial Identity in America*, 109 YALE L.J. 817 (2000) (“[A] petitioner could point to the assimilation of his ethnic group into the core Western European, Christian tradition as evidence of his whiteness.”).

40. 260 U.S. 178 (1927).

churches or schools, or any Japanese organizations here or elsewhere. (3) I am sending my children to an American church and American school in place of a Japanese one. (4) Most of the time I use the American (English) language at home, so that my children cannot speak the Japanese language. (5) I educated myself in American schools for nearly eleven years by supporting myself. (6) I have lived continuously within the United States for over twenty-eight years. (7) I chose as my wife one educated in American schools . . . instead of one educated in Japan. (8) I have steadily prepared to return the kindness which our Uncle Sam has extended me . . . so it is my honest hope to do something good to the United States before I bid a farewell to this world.⁴¹

Beyond this, assimilation as a proxy for whiteness is confirmed by the United States Supreme Court's decision in *United States v. Thind*.⁴² In rejecting an immigrant from India's claim to whiteness and the right to naturalize, the Court explained that Indians were unable to assimilate:

The children of English, French, German, Italian, Scandanavian, and other European parentage, quickly merge into the mass of our population and lose the distinctive hallmarks of their European origin. On the other hand, it cannot be doubted that the children born in this country of Hindu parents would retain indefinitely the clear evidence of their ancestry. It is very far from our thought to suggest the slightest question of racial superiority or inferiority. What we suggest is merely racial difference, and it is of such character and extent that the great body of our people instinctively recognize it and reject the thought of assimilation.⁴³

Lower court cases further confirm a connection between assimilation and whiteness. In *United States v. Cartozian*,⁴⁴ the court considered whether Armenians were white. Connecting assimilation with whiteness, the court held that "it may be confidently affirmed that the Armenians are white persons, and moreover that they readily amalgamate with the European and white races."⁴⁵ Similarly, in *In re Ahmed Hassan*,⁴⁶ the court held that Arabs were not white persons, observing that

it is well known that they are part of the Mohammedan world and that a wide gulf separates their culture from that of the predominantly Christian peoples of Europe. It cannot be expected that as a class they would readily intermarry with our population and be assimilated into our civilization.⁴⁷

Similarly, other racial minority groups have been denied the right to become Americans on the grounds that they would not assimilate into dominant American culture. Following the Civil War, Congress enacted

41. LOPEZ, *supra* note 7, at 80.

42. 261 U.S. 204 (1923); *see also* Tehranian, *supra* note 39, at 835.

43. *Thind*, 261 U.S. at 215.

44. 6 F.2d 919 (D. Or. 1925).

45. *Id.* at 920; *see* Tehranian, *supra* note 39, at 834.

46. 48 F. Supp. 843 (E.D. Mich. 1942).

47. *Id.* at 845. For an interesting modern analysis of the racial identity of Egyptians, see Soheir A. Morsy, *Beyond the Honorary "White" Classification of Egyptians: Societal Identity in Historical Context*, in RACE 175 (Steven Gregory & Roger Sanjek eds., 1994).

the Chinese Exclusion Act, which in effect halted immigration from China.⁴⁸ In turning aside a challenge to the Act, the Supreme Court held that if Congress “considers the presence of foreigners of a different race in this country, who will not assimilate with us, to be dangerous to its peace and security . . . [Congress’s] determination is conclusive upon the judiciary.”⁴⁹

In this regard, anthropologist Renato Rosaldo’s theoretical work on cultural invisibility or transparency is useful in helping to connect the dots between assimilation and whiteness. Rosaldo has observed that dominant cultures see themselves as a “people without culture.”⁵⁰ Assimilation is a process which “strips individuals of their former cultures, enabling them to become American citizens—transparent . . . ‘people without culture.’”⁵¹ Significantly, the idea of cultural transparency suggests another important link between assimilation and whiteness. Critical scholars have observed an analogous transparency phenomenon in the area of race: white persons see themselves as raceless.⁵² This phenomenon is termed “transparency.”⁵³

The identity between assimilation and whiteness is consistent with the views of theorists who contend that racial minorities are unable to assimilate into American culture. At one time, it was thought that racial minorities could assimilate into dominant American culture.⁵⁴ Such a view proved to be mistaken as racial minorities have found it impossible to fully assimilate into American society.⁵⁵

Interestingly, litigants who had to establish their whiteness in non-

48. Act of May 6, 1882, ch. 126, 22 Stat. 58 (1882). For more on the treatment of Chinese immigrants, see RONALD TAKAKI, *STRANGERS FROM A DIFFERENT SHORE: A HISTORY OF ASIAN AMERICANS* (1989); John Hayakawa Torok, *Reconstruction and Racial Nativism: Chinese Immigrants and the Debates on the Thirteenth, Fourteenth, and Fifteenth Amendments and Civil Rights Laws*, 3 *ASIAN L.J.* 55 (1996).

49. *Chae Chan Ping v. United States*, 130 U.S. 581, 606 (1888).

50. RENATO ROSALDO, *CULTURE & TRUTH: THE REMAKING OF CULTURAL ANALYSIS* 199 (1989).

51. *Id.* at 209.

52. See Barbara J. Flagg, “*Was Blind, But Now I See*”: *White Race Consciousness and the Requirement of Discriminatory Intent*, in *A READER ON RACE, CIVIL RIGHTS AND AMERICAN LAW: A MULTIRACIAL APPROACH* 33, 35 (Timothy Davis, Kevin R. Johnson & George A. Martínez eds., 2001) (“There is a profound cognitive dimension to the material and social privilege that attaches to whiteness in this society, in that the white person has an everyday option not to think of herself in racial terms at all.”).

53. Flagg, *supra* note 52 (“I label the tendency for whiteness to vanish from whites’ self-perception the transparency phenomenon.”).

54. See Joe R. Feagin & Clairece Booher Feagin, *Theoretical Perspectives in Race and Ethnic Relations*, in *RACE AND ETHNIC CONFLICT: CONTENDING VIEWS ON PREJUDICE, DISCRIMINATION, AND ETHNOVIOLENCE* 29 (Fred L. Pincus & Howard J. Ehrlich eds., 1994).

55. See MICHAEL OMI & HOWARD WINANT, *RACIAL FORMATION IN THE UNITED STATES: FROM THE 1960S TO THE 1980S* 20 (1986) (With respect to racial minorities, “structural barriers continued to render the immigrant analogy inappropriate and the trajectory of incorporation did not develop as the ethnicity paradigm had envisioned.”); Sylvia R. Lazos Vargas, *Deconstructing Homo[genous] Americanus: The White Ethnic Immigrant Narrative and Its Exclusionary Effect*, 72 *TUL. L. REV.* 1493, 1563 (1998) (“[R]ace, whatever its form, will continue to be a key factor in creating salient . . . boundaries that divide Americans into racial groups and thwart the ability of racialized minorities to assimilate.”).

naturalization contexts also established their whiteness by showing that they had assimilated to white society. As Ariela Gross explains:

White identity for men was determined by political, legal, and social “facts” The ideology of whiteness was created and recreated through a prism of legal as well as social understandings—whether a man had exercised or claimed the legal and political rights of a white man by sitting on a jury, voting, testifying in court, holding property, or forming contracts; whether he held himself out as white and was accepted as white; whether he acted like a gentleman and “passed” in “good society”⁵⁶

Under these circumstances, it would seem that assimilation is a proxy for whiteness. To the extent that ability to assimilate becomes a prerequisite for citizenship, there is a grave risk that whiteness will be reestablished as a prerequisite for American citizenship. Indeed, some critical scholars now attempt to argue that Latinos, like Ozawa, actually do assimilate into American society and culture.⁵⁷ In effect, in an effort to rebut proposals to restrict the immigration of Latinos, they must show the assimilability or whiteness of Latinos.

This effort is ironic in light of the fact that courts have found Mexicans to be white as a matter of law.⁵⁸ Directly on point is *In re Rodriguez*,⁵⁹ where a Texas court addressed whether Mexicans were white within the meaning of the naturalization laws. The court observed that Mexicans would probably be viewed as non-white from the perspective of anthropology. The court recognized that the United States had entered into certain treaties with Mexico.⁶⁰ Those treaties expressly allowed Mexicans to become United States citizens. Given this, the court ruled that Congress intended that Mexicans could become American citizens.⁶¹ Accordingly, the court held that Mexicans were white for purposes of the naturalization laws.⁶²

56. Ariela J. Gross, *Litigating Whiteness: Trials of Racial Determination in the Nineteenth Century South*, 108 YALE L.J. 109, 165 (1998). Significantly, scholars have recently studied how one performs blackness. See, e.g., Frank Cooper, *Against Bipolar Black Masculinity: Intersessionality, Assimilation, Identity Performance, and Heirarchy*, 39 U.C. DAVIS L. REV. 853, 885-86 (2006) (discussing how black men perform blackness or downplay blackness); Angela Onwuachi-Willig, *Undercover Other*, 94 CAL. L. REV. 873, 886 (2006) (“[B]lackness itself is socially defined not only by appearances but also by performance.”).

57. See, e.g., Kevin R. Johnson & Bill Ong Hing, *National Identity in a Multicultural Nation: The Challenge of Immigration Law and Immigrants*, 103 MICH. L. REV. 1347, 1351-52 (2005) (reviewing SAMUEL P. HUNTINGTON, WHO ARE WE? THE CHALLENGES TO AMERICA’S NATIONAL IDENTITY (2004)); Enid Trucios-Haynes, *Civil Rights, Latinos, and Immigration: Cybercascades and Other Distortions in the Immigration Reform Debate*, 44 BRANDEIS L.J. 637, 642 (2006) (“[Latinos] are assimilating largely in the same manner as earlier immigrant groups.”).

58. See generally George A. Martínez, *The Legal Construction of Race: Mexican-Americans and Whiteness*, 2 HARV. LATINO L. REV. 321 (1997). For more on Mexican-Americans and racial identity, see Taunya Lovell Banks, *Mestizaje and the Mexican Mestizo Self: No Hay Sangre Negra, So There is No Blackness*, 15 S. CAL. INTERDISC. L.J. 199 (2006).

59. 81 F. 337 (W.D. Tex. 1897).

60. *Id.* at 350-51.

61. *Id.* at 354.

62. See *id.* at 354-55.

IV. CITIZENSHIP AND MULTICULTURALISM

The establishment of assimilability as a prerequisite to citizenship should be rejected for a number of compelling reasons. At the outset, the whiteness/assimilation standard is inconsistent with modern civil rights sensibilities. This is particularly true since we now live in a world that recognizes freedom from race discrimination as a human right.⁶³

Moreover, at this late date in history, the ideal of assimilationism has been largely rejected in favor of multiculturalism. As sociologist Nathan Glazer has asserted: "We are all multiculturalists now."⁶⁴ Central to the ideal of multiculturalism is the demand to have one's culture and cultural identity appreciated and respected.⁶⁵ This requires respecting the cultural identities of the various minority groups.⁶⁶ To force people to assimilate, then, is to violate multiculturalism's principle that cultures are of equal value.⁶⁷ Given this, one should not construct an immigration policy that is based on the outmoded value of assimilationism.

Beyond this, the assimilation debate is contradictory and incoherent. On the one hand, scholars argue that Latinos will not assimilate and that they are a threat to American identity.⁶⁸ On the other hand, some scholars contend that Latinos have assimilated so well that they should no longer benefit from affirmative action programs.⁶⁹ Under these circumstances, it would seem most unwise to make drastic changes in immigration policy on the basis of claims regarding the assimilability of certain peoples.

V. CONCLUSION

Immigration and the issues it presents have much to tell us about the meaning of United States citizenship. One of the most basic links between immigration and citizenship is that immigration policy and debate sends a message about who is desirable and worthy to be an American citizen. For much of our nation's history, immigration law required that one be a white person in order to become a United States citizen. Current debates over whether to curtail immigration of Mexicans and other Latinos on the ground that they do not assimilate into

63. See International Convention on the Elimination of All Forms of Racial Discrimination, *opened for signature* Dec. 21, 1965, 660 U.N.T.S. 195, 5 I.L.M. 392 (entered into force Jan. 4, 1969, and ratified by the United States, June 24, 1994).

64. NATHAN GLAZER, *WE ARE ALL MULTICULTURALISTS NOW* (1997).

65. Charles Taylor, *The Politics of Recognition*, in *MULTICULTURALISM: EXAMINING THE POLITICS OF RECOGNITION* 25 (Amy Gutman ed., 1994).

66. *Id.* at 25-27.

67. *Id.* at 38.

68. See *supra* notes 11-24 and accompanying text.

69. See John D. Skrentny, *Inventing Race*, 146 *PUB. INT.* 97, 98-99, 109-18 (2002); GEORGE YANCEY, *WHO IS WHITE?: LATINOS, ASIANS, AND THE NEW BLACK/NONBLACK DIVIDE* (2003).

American culture now raise the specter that whiteness will again become a de facto prerequisite for American citizenship. This essay has argued that this racialized approach to immigration law and policy should be rejected in favor of an immigration policy that promotes the ideal of multiculturalism.