

Citizens, Stakeholders, and Civil Rights

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INTRODUCTION AND BACKGROUND

In 1929, leaders of several fraternal organizations in south Texas formed the League of United Latin American Citizens (“LULAC”).¹ They sought to add an element to the existing work of the mutual aid societies, or *mutualistas*, from which they came. The *mutualistas* called for an end to discrimination and served vital functions in the Mexican-American communities of south Texas. Still, they often remained as attached to Mexico as they were to the United States. Leaders of LULAC, however, sought to promote greater incorporation into American society. They believed that the mixed citizenship of the *mutualistas*, which had both Mexican and Mexican-American members, limited their effectiveness to advocate for change through the American political system. Both LULAC’s name and its membership policy deliberately emphasized citizenship—only American citizens could be full members of LULAC. The founders of LULAC believed this gave the group added leverage in seeking to reform American society to accept Mexican-Americans as full and equal citizens. Furthermore, it also put forward a particular identity for the new organization, one its leaders hoped would change common assumptions about Mexican-Americans in American society at large.²

Most early members and virtually all leaders of LULAC came from the small urban Mexican-American middle-class comprised of professionals and entrepreneurs. The group insisted that citizenship entailed responsibilities as well as rights, and suggested that only citizens who lived up to their responsibilities should expect full rights. In addition to pressing for change in American society, LULAC desired to shape Mexicans and Mexican-Americans into upstanding middle-class Americans. The organization sponsored citizenship classes, English lessons, personal hygiene clinics, scholarships, advocated for the benefits of education, and encouraged members to be active citizens engaged not only in their communities but also the American political system. In this regard, LULAC leaders, at times, seemed to blame Mexican-Americans for their low status in American society—if one refused to behave like a good American, one should not expect to be treated as a good American.

In their work to eliminate barriers to full inclusion of Mexican-Americans in U.S. society, LULAC leaders insisted that Mexicans were white, and therefore not

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1. See generally MARIO T. GARCIA, *MEXICAN AMERICANS: LEADERSHIP, IDEOLOGY, AND IDENTITY: 1930-1960* (1989).

2. For the early history and ideology of LULAC, see *id.*; BENJAMIN MARQUEZ, *LULAC: THE EVOLUTION OF A MEXICAN AMERICAN POLITICAL ORGANIZATION* (1993); CRAIG A. KAPLOWITZ, *LULAC, MEXICAN AMERICANS, AND NATIONAL POLICY* 11-35 (2005).

subject to the Jim Crow laws designed to segregate the races. They did not criticize segregation itself, but rather its automatic application to Mexicans. In effect, they argued that Mexican-Americans were just like other white Americans, and deserved equal opportunity to thrive in American society. During LULAC's first decade, its leadership presumed that Mexican-Americans, once freed from Jim Crow discrimination based on the mistaken notion that Mexicans were non-white, would take places in society based on individual merit, with the most successful members of the Mexican-American population joining other American elites.³

LULAC's early activity revolved around assimilationist beliefs, such as the whiteness of Mexican-Americans and the responsibility of citizens to live up to middle-class American standards. Thereafter, the history of LULAC reveals an unexpected trajectory to its civil rights advocacy. Despite the assumptions at its founding, by the 1960s the organization emphasized the differences between Mexican-Americans and other Americans. From its tendency to imply that only citizens deserved the rights and protections of the U.S., LULAC expanded its advocacy to non-citizens, even illegal immigrants. Its leaders did not hold to a static ideology, but developed and articulated their views of American rights and responsibilities in a changing context, and that history illuminates shifting ideas about Mexican-American identity and the rights of Americans. Changes in immigration patterns and in national policy contributed to a more substantive ethnic identity for LULAC, and to increasingly distinct civil rights claims on behalf of Mexican-Americans.

CHANGE IN VISION: LULAC AFTER WWII

World War II and the postwar years challenged LULAC's vision for Mexican-Americans, as the U.S. government instituted immigration programs aimed at developing and helping with the war efforts. Renewed immigration from Mexico changed the socio-cultural context and turned America's attention to the Southwest and immigration issues.⁴ This shift brought LULAC its first national platform in postwar America, and shaped LULAC leaders' developing sense of Mexican-American identity and citizenship. Two examples illuminate the stance that LULAC developed regarding immigrants, citizenship, and advocacy.

First, LULAC opposed efforts to bring temporary workers to America. These efforts, which included official programs such as the Bracero Program, began with a 1942 agreement between the U.S. and Mexican governments to aid with the war effort, as well as the unofficial—i.e., illegal—or extra-legal importation of Mexican workers.⁵ Criticism generally arose out of concern for temporary workers

3. KAPLOWITZ, *supra* note 2, at 18-23; *supra* note 1, at 27-29; RICHARD A. GARCIA, RISE OF THE MEXICAN AMERICAN MIDDLE CLASS: SAN ANTONIO, 1929-1941, at 254-56 (1991).

4. For the most comprehensive consideration of how immigration forced a reconsideration of identity and citizenship among Mexican-Americans generally, see DAVID GUTIERREZ, WALLS AND MIRRORS: MEXICAN AMERICANS, MEXICAN IMMIGRANTS, AND THE POLITICS OF ETHNICITY (1995).

5. For the Bracero Program and related worker immigration issues, see KITTY CALAVITA, INSIDE THE STATE: THE BRACERO PROGRAM, IMMIGRATION, AND THE I.N.S. (1992); RICHARD B. CRAIG, THE BRACERO PROGRAM: INTEREST GROUPS AND FOREIGN POLICY (1971); Manuel Garcia y Griego, *The Importation of Mexican Contract Laborers to the United States, 1942-1964: Antecedents, Operation, and Legacy*, in THE BORDER THAT JOINS: MEXICAN MIGRANTS AND U.S. RESPONSIBILITY (Peter G. Brown &

as a captive labor force; employers rarely treated Braceros according to the protections included in their contracts. But LULAC leaders quickly shifted the focus of their criticism to the effect that Braceros and other temporary workers had on the resident Mexican and Mexican-American population. LULAC complained, both to the courts and directly to the Truman Administration, that the availability of foreign workers in southwestern states forced resident laborers to move to find work, creating migrant worker families.⁶ In addition to other hardships, families moved according to the agricultural seasons rather than the school schedules, and local schools took the opportunity to place migrant children in classrooms separate from other students. LULAC sought redress in the courts by initiating or joining a number of important cases testing the legality of segregation of Mexican and Mexican-American students.⁷

LULAC leaders saw their desire for an educated Mexican-American population threatened by such discrimination. They viewed foreign workers as one contributing cause, as the presence of cheap foreign labor forced Mexican-American families to move in search of work. For this reason they opposed Braceros and other temporary laborers as a threat to the future of the resident Mexican population. Furthermore, foreign workers received labor protections in their contracts that resident workers rarely enjoyed, adding to the resentment. LULAC expressed frustration that foreign workers, who had no commitment to life in the U.S. and thus no potential to become citizens with rights and responsibilities, displaced resident working families. As LULAC national president Raul Cortéz expressed to President Truman, in a letter written with two other LULAC leaders, thousands of resident families would be consigned

to live in slums, in extreme ill-health, in ignorance, and in a squalor that is spiritual as well as physical What does this promise to the coming generations, to the citizens of tomorrow, to the assimilation of a rapidly increasing number of 'Mexicans,' to the Four Freedoms, to the American Way?⁸

Secondly, LULAC's reaction to new immigration legislation is another example of its leaders' view of Mexican-American identity and American citizenship. The proposed Immigration and Naturalization Act of 1952 (popularly

Henry Shue eds., 1983).

6. See correspondence between LULAC leaders and the Truman Administration (Aug. 1949) (on file with author), *available at* whcf-of, box 1232, 407-D Mexican American Agricultural Workers folder, Harry S. Truman Presidential Library, Independence, MO. See also Carolyn Hernandez, LULAC: The History of a Grassroots Organization and Its Influence on Educational Policies, 1929-1983 (1995) (unpublished Ph.D. dissertation, Loyola University Chicago) (on file with author) (tracing legal actions brought by LULAC on behalf of migrant children denied adequate educational opportunities).

7. See *Indep. Sch. Dist. v. Salvatierra*, 33 S.W.2d 790 (Tex. App. 1930), *cert. denied*, 284 U.S. 580 (1931); *Méndez v. Westminster Sch. Dist.*, 64 F. Supp. 544 (S.D. Cal. 1946), *aff'd*, 161 F.2d 774 (9th Cir. 1947); *Delgado v. Bastrop Indep. Sch. Dist.*, Civil Action No. 388, U.S. District Court, 1948 (W.D. Tex., June 15, 1948). See also GUADALUPE SAN MIGUEL, JR., LET ALL OF THEM TAKE HEED: MEXICAN AMERICANS AND THE CAMPAIGN FOR EDUCATIONAL EQUALITY IN TEXAS, 1910-1981 (1987); Hernandez, *supra* note 6, at 64-69.

8. Letter from R.A. Cortéz, Gus C. García, and George I. Sánchez to President Truman (Jan. 27, 1949) (on file with author), *available at* smof-Philleo Nash, box 16 Wetbacks folder; Harry S. Truman Presidential Library, Independence, MO.

known as the McCarran-Walter Act) did not affect Mexican immigration specifically, but made it easier to deport potential threats to national security.⁹ LULAC had long been a strong patriotic voice in support of the American political and economic systems, and harbored no sympathy for communism.¹⁰ However, while supporting the thrust of the legislation, LULAC leaders called for provisions to protect long-term residents in the U.S. and parents of members of the U.S. armed forces “upon the showing of good moral character.”¹¹ They sought to protect those with a vested interest in life in America—long-term residents (even if undocumented) and parents whose children risked their lives for the country.

These two examples suggest that the core issue for LULAC advocacy was not ethnicity (they did not oppose the deportation of some people of Mexican heritage), as one might expect of this Mexican-American organization. Nor was it class (among those covered under LULAC’s advocacy were migrant workers and undocumented immigrants), as one might expect given the history of middle-class, professional cadre of leaders. The key characteristic of identity for LULAC in this era of renewed immigration proved to be a commitment to, or a vested interest in, life in the United States. This was essentially a political, rather than an ethnic- or class-based, definition—stakeholders in the space occupied by the American political and economic system deserved the benefits of life in America. Those without a stake in the long-term success of that system were excludable.

Through the 1950s, as LULAC grappled with increasing immigration, contract labor programs, and legislation, the evidence suggests a shift in the approach taken to define Mexican-Americans relative to other Americans. Whereas in the organization’s first decade, as described above, its spokespeople emphasized the whiteness of Mexicans, by the late 1950s they were willing to acknowledge distinctions between Mexican-Americans and other white Americans. For example, by 1954 LULAC national president Albert Armendáriz recognized that continued immigration would make complete assimilation of the Mexican-heritage population impossible. Rather, he celebrated the cultural uniqueness of Mexican-Americans, albeit in a particularly American way:

Can you truthfully state that it is impossible to be a true American with all your soul, a lover of this great country and its ideals, and at the same time love *frijoles*, and chili and tacos I do not believe so, for America derives its greatness from integrated Americans such as the Irish who wear their Green and dance their beautiful dances on St. Patrick’s Day, the Germans with their resplendent bonfires at Easter-time, the Italian with his pizza and his beautiful songs.¹²

For Armendáriz, Mexican-Americans were culturally distinct, but not threateningly so. They were similarly ethnic as the Irish, Italians, and Germans were ethnic. Furthermore, in an interesting blend of assimilationist and pluralist

9. DAVID M. REIMERS, *STILL THE GOLDEN DOOR: THE THIRD WORLD COMES TO AMERICA* 20-22 (2d ed. 1992); GUTIERREZ, *supra* note 4, at 161.

10. KAPLOWITZ, *supra* note 2, at 51.

11. LULAC NEWS, July 1954, 12-13 (on file with author).

12. LULAC NEWS, May 1954, 3 (on file with author).

argument, they also were white and American as the Irish, Italians, and Germans were white and American. LULAC began to acknowledge differences, a significant shift from its earlier history, but also downplayed those differences as secondary to American identity and a commitment to life in the United States.

The demographic change that resulted from renewed immigration was one of two key changes of the postwar context that reshaped LULAC's approach to American and Mexican-American identity. The other contextual shift was the new policy environment of the civil rights era.¹³ Through the early 1960s, Americans increasingly grew concerned about the persistence of poverty and disadvantage in the thriving post-war economy. Presidents Kennedy and Johnson sought to use the nation's wealth to ameliorate conditions for the poorest Americans through general antipoverty programs—in President Kennedy's famous phrase, "use the rising tide to lift all boats." Programs emerged from President Kennedy's New Frontier and President Johnson's Great Society to provide federal money, insurance, and assistance to local governments and organizations willing to undertake the primary task of planning and carrying out job training programs, affordable housing, and other initiatives tailored to local and regional needs. These initiatives had the common goal of continuing the growth of the American economy while allowing more people to enjoy the benefits.¹⁴ For example, LULAC took advantage of the new federal initiatives by building family housing projects through a low-interest loan guaranteed by the Federal Housing Authority.¹⁵

The general antipoverty approach provided new opportunities and preserved some autonomy for local efforts. In this way, it pleased LULAC leaders who began to fear that national programs might ignore the particular concerns of Mexican-Americans. As national policy began to offer remedies to the disadvantaged and those facing discrimination, LULAC proved more willing to emphasize the distinctive characteristics of Mexicans and Mexican-Americans. In the national environment of the late 1950s and early 1960s, with the Black civil rights movement in the Southeast gaining national attention, LULAC's national leaders feared that the problems of Southwestern Mexican-Americans, who were legally white but still faced significant disadvantages,¹⁶ could get lost in the shuffle.

13. For a fuller treatment of this theme, see Craig A. Kaplowitz, *A Distinct Minority: LULAC, Mexican American Identity, and Presidential Policymaking, 1965-1972*, 15:2 J. POL. HIST. 192 (2003).

14. GARETH DAVIES, *FROM OPPORTUNITY TO ENTITLEMENT: THE TRANSFORMATION AND DECLINE OF GREAT SOCIETY LIBERALISM* (1996); JAMES GIGLIO, *THE PRESIDENCY OF JOHN F. KENNEDY 97-104* (1991); ALLEN J. MATUSOW, *THE UNRAVELING OF AMERICA: A HISTORY OF LIBERALISM IN THE 1960S*, at 97 (1984).

15. KAPLOWITZ, *supra* note 2, at 74-78. Somewhat ironically, LULAC national leaders saw the housing project as a way to gain revenue for the national office, which would free its activities from reliance on dues paid by local councils. The organization, pressing for greater participation in the American political and economic system, sought ways to limit the influence of its rank-and-file members in the process.

16. Statistics for the 1960s, which come primarily from the 1960 census, are estimates based on Spanish surnames. Years of school completed by the Spanish-surnamed averaged 8.1 years, non-Spanish surnamed whites averaged 12 years, and nonwhites averaged 9.7 years; the Spanish-surnamed earned 47 percent of the non-Latino white per capita income while non-whites earned 51 percent; unemployment for Spanish-surnamed urban males was 8.5 percent, for Anglos was 4.5 percent, and for non-whites was 9.1 percent. See LEO GREBLER, JOAN W. MOORE & RALPH C. GUZMAN, *THE MEXICAN-AMERICAN PEOPLE: THE NATION'S SECOND LARGEST MINORITY* 18, 19, 143 (1970).

For example, at the 1963 National LULAC Convention, several Midwestern councils and state offices sought to get LULAC's support for the Birmingham campaign of the Southern Christian Leadership Conference, led by Martin Luther King, Jr. However, the national LULAC leadership would not spend its time or resources on a combined civil rights effort because they feared that the particular needs of Mexican-Americans could be ignored. For example, records from the 1963 national convention reveal the sentiment among national leaders that "money from our treasury shall not be used to aid other organizations" because that money was needed to help solve "our own problems."¹⁷ Joining the larger civil rights struggle, therefore, was not an option because there was the potential that this might divert attention and resources away from the needs of Mexican-Americans.

Such fears seemed on the verge of being realized over the next few years, as the nation passed new civil rights legislation and as national attention focused on the plight of urban Black people of the North. The Civil Rights Act of 1964 proved remarkably successful in ending segregation in public facilities and accommodations throughout the South. However, for Mexican-Americans, who were legally white, technically not subject to Jim Crow legislation and largely located in the Southwest, the most significant element of the Act seemed to be Title VII, which prohibited discrimination in employment.¹⁸ Implementation required action by the Equal Employment Opportunity Commission ("EEOC"), and President Johnson proved slow in appointing commissioners.¹⁹ When he did, none were Mexican-American nor Latino. Alfred J. Hernández, LULAC national president, grew impatient with the Administration, insisting that "we do have gifted people, but we are being denied our fair share in government employment."²⁰ Hernández focused his concern on high-level appointments that could represent the *particular* needs of Mexican-Americans within the policymaking apparatus. He noted that President Johnson had made "outstanding appointments" of Blacks to such positions, implying that the particular needs of Blacks were well represented in federal agencies and offices, while those of Mexican-Americans remained largely invisible.²¹

In addition to the frustrations related to implementing the new legislation, LULAC leaders saw evidence of being ignored in other federal actions. When the Watts neighborhood of Los Angeles exploded in riots in the summer of 1965, igniting race riots across the urban North, the Johnson Administration responded with a crisis management policy of pouring resources into urban Black neighborhoods in hopes of stemming further uprisings.²² Observers noted frustration

17. Minutes, 34th National LULAC Convention (July 1963) (on file with author), folder 3; Minnesota State Report, n.d., folder 2; Minutes, Supreme Council Meeting (Nov. 30, 1963) (on file with author), folder 2; handwritten notes, Resolution #6, folder 3; *all located* in the Andow office files, LULAC papers, Benson Latin American Collection, University of Texas at Austin.

18. For Title VII, see HUGH DAVIS GRAHAM, *THE CIVIL RIGHTS ERA: ORIGINS AND DEVELOPMENT OF NATIONAL POLICY, 1960-1972*, at 145-52 (1990). For LULAC concerns about employment issues, see KAPLOWITZ, *supra* note 2, at 85-96.

19. GRAHAM, *supra* note 18, at 177-80.

20. LULAC NEWS, March 1966, 1; Hernández testimony in *The Mexican American: A New Focus on Opportunity: Testimony Presented at the Cabinet Committee Hearings on Mexican American Affairs* 227-32 (1967) (Washington, D.C.: Government Printing Office).

21. *Id.*

22. JOHN DAVID SKRENTNY, *THE IRONIES OF AFFIRMATIVE ACTION: POLITICS, CULTURE,*

expressed by Mexicans and others in Los Angeles who claimed that employers fired them in order to hire Black youth. Some resented the attention going to the rioters while law-abiding and non-protesting minorities received no attention.²³ Further insult came when the Johnson Administration announced plans for a White House Conference on Civil Rights, to which only African-American groups were invited.²⁴ Mexican-American leaders, including LULAC president Hernández, staged a walkout of an EEOC meeting in Albuquerque to highlight their displeasure with the Administration. They gained a promise of a conference devoted to Mexican-American concerns, but grew additionally frustrated when the White House conference turned into a series of meetings in El Paso—far from the centers of national power, and far off the radar screen of the Washington establishment.²⁵

The cumulative effect was the sense, in a phrase Hernández used often, that Mexican-Americans were “Stepchildren of the Great Society.”²⁶ To avoid losing out in the national effort to remedy disadvantage and discrimination, the demands of LULAC leaders increasingly emphasized the unique problems faced by Mexican-Americans and the need for unique remedies to address those problems. For example, the two top priorities for LULAC leaders when meeting with national government officials included more Mexican-American appointments to high-level policymaking positions and a White House conference devoted to discussing Mexican-American concerns.

These two priorities reflected the belief that Mexican-Americans had unique needs, and that only by having someone familiar with those needs in influential positions would they possibly be addressed. When identifying remedies, leaders generally focused on language, culture, and location. So, for example, job training programs should serve the Spanish-speaking, and federal agencies needed to open offices in the Southwest. In testimony at the El Paso meetings, LULAC’s Carlos Truan recommended “special attention to the culturally-different peoples of the Southwest,” and Alfred Hernández identified a “great need for bilingual and bicultural investigators” within the EEOC, people who would understand the complaints registered by Mexican-Americans.²⁷

By the 1970s, LULAC began to insist on mandated national bilingual education programs and bilingual voting materials.²⁸ The shift from downplaying to emphasizing the differences between Mexican-Americans and other white

AND JUSTICE IN AMERICA chs. 4-5 (1996); GRAHAM, *supra* note 18, at chs. 7-10.

23. N.Y. TIMES, Oct. 17, 1965, 82; U.S. NEWS & WORLD REP., June 6, 1966, 46-48.

24. KAPLOWITZ, *supra* note 2, at 102, 104.

25. *Id.* at 98-120.

26. For one example of Hernández’s use of this phrase, see LULAC NEWS, Mar. 1966, at 1.

27. *The Mexican American: A New Focus on Opportunity: Testimony Presented at the Cabinet Committee Hearings on Mexican American Affairs* 200, 227, 232-33 (1967) (Washington, D.C.: Government Printing Office).

28. In calling for these policies, LULAC leaders had many of the same policy recommendations as leaders of the Chicano movement, but viewed their own goals as distinct from those of the Chicanos. They explicitly opposed the Chicano movement as too radical, too committed to an identity for Mexican-Americans as non-white, and too little committed to the American political and economic system that they had defended since LULAC’s founding. While Chicano nationalism surely influenced some LULAC leaders, and perhaps many younger LULAC members, *Chicanismo* is an insufficient explanation for the shifts in LULAC’s Mexican American identity and policy advocacy in the years prior to the late 1970s. See KAPLOWITZ, *supra* note 2, at 123-30, 169-83.

Americans was complete.

CONCLUSION

LULAC's position through the 1930s and 1940s—years of economic depression and war—was that Mexican-Americans should be treated like other white Americans. Citizens fulfilling their responsibilities should expect to be treated as full equal citizens. A shift began during World War II and continued through the 1950s, an era of renewed immigration from Mexico. LULAC leaders continued to insist that Mexican-Americans were white and should be treated as other white Americans, but also expanded their advocacy to non-citizens who held a stake in the future of American society. They also began to acknowledge cultural differences between Mexican-Americans and other white Americans, albeit through minimizing the impact of culture on American responsibilities and rights. By the end of the 1960s—a decade of substantial changes in the civil rights policy environment—LULAC leaders insisted that the distinct cultural characteristics (primarily language) of Mexican-Americans led to disadvantages that required particular federal remedies. They also argued that Mexican-Americans be treated differently from other white Americans in order to enjoy the same benefits of America's political and economic system. Their story reveals the substantial impact that policy formation and implementation can have on the evolution of ideas about racial identity and citizenship.