A Timeline of the “Racialization” of United States

NOTE: This timeline must be read in conjunction with the extensive definition of race/racism in the online glossary titled Definitions of Terms and Phrases, which is also available on this site (SlideShare). Do a search with this keyword: “elegantbrain” and then scroll through the documents that come up. (Alternatively, copy this website address into your browser: http://bit.ly/glossterms).

Josh, a three-year old toddler—dressed by, presumably, the parents in the characteristic KKK garb (the style of which was originally inherited, tellingly, from the Spanish Inquisition)—traces an outline of his reflection in the State Patrol trooper’s riot shield at a KKK rally in Gainesville, Georgia as the trooper looks on amused. (The ironies this image so serendipitously captures are self-evident for those even vaguely familiar with the broadest outlines of U.S. history. On a different note, a reminder: for genetic reasons, human beings begin their lives, generally, in the arms of love; but for cultural reasons, as they grow up they are taught to hate.) Photographer: Todd Robertson of Gainesville Times; State Trooper, Allen Campbell.
Introduction

The racialization of United States (meaning almost all aspects of private and public life are permeated by issues of race), has taken different forms; depending upon time period—one can identify at least six:

(i) **Genocidal racism** (Targeted at Native Americans. It is not possible to grab other people’s lands without violating the *Natural Law of Prior Claim* and that in turn requires some form of genocidal racism—and the degree to which it is implemented will depend upon population ratios between the inhabitants and the invading foreign squatters. Simply put, the United States could not have been founded without genocidal racism!).

(ii) **Dominative racism** (E.g. slavery, targeted at African Americans).

(iii) **Juridical racism** (E.g. Jim Crow, targeted at all racial minorities).

(iv) **Aversive racism** (E.g. residential segregation, targeted at all racial minorities. To get a sense of how aversive racism is expressed in daily life today observe which skin color makes you "uncomfortable" when talking to a person in public (but not in private), or when sitting in a cafeteria, or when riding an elevator, or when sitting next to a person on a bus, or when keeping a door open for someone, or when introducing someone to your parents, and so on.).

(v) **Institutional racism** (e.g. “colorblind” racism, targeted at all racial minorities).

(vi) **Internalized racism** (a form of self-loathing or self-hatred among the racially oppressed themselves where they have internalized the racism or ethnicism of the racist/ethnicist majority as a consequence of the power of the mass media against a backdrop of a long history of racial/ethnicist oppression.)

Note also, however, that the common thread binding all these different forms has been what some sociologists term as “whiteness” (referring to the belief in the supremacy of Euro-Americans as “white” people, and it corollary: unjustified entitlement). Today, the dominant forms of racism that hold sway in United States in the post-Civil Rights era (1964 to the present) are aversive racism at the interpersonal level and institutional racism at the societal level—even though racist discrimination in public life is supposedly illegal (unlike in the case of the first three forms that were not only legal but brutally enforced)—coupled with internalized racism among people of color themselves. It is important to observe that in these various incarnations that the racialization of U.S. political economy has been manifest, law has always been used in support of these incarnations (and this holds true even today in the post-Civil Rights era). That is, from the perspective of race, law has never been neutral in United States; it has a long history of being used against racial minorities to exploit/oppress them.
The racialization of U.S. political economy has been legitimated through law from the very beginning of the founding of United States as a European colonial intrusion in the Americas—the drivers of this legislation have been, depending upon time period, surplus appropriation and/or the congenital sense of entitlement rooted in the ideology of anglo-whiteness. (Note: In the post-Civil Rights era—1964 to the present—the gimmick that conservatives have relied upon to maintain the status quo, a racialized society in which the ideology of anglo-whiteness dominates, has been color-blind racism based on the notion of “color-blindness,” a euphemistically-dubbed bogus concept which essentially argues that you cannot vanquish racial discrimination by invoking race since there is no such thing as institutionalized racism in the post-Civil Rights era.) A brief chronology of relevant determinative legislation and court decisions would include:

Around 1660/1661 (exact year unknown): The Virginia House of Burgesses moves to legislatively recognize the legality of enslaving Africans in the newly established colony.

1662: Virginia legislatively adopts the doctrine of Partus sequitur ventrem (from Roman civil law) establishing the rule that if a mother was an enslaved person then so were all her children.

1680-1682: Virginia adopts the “slaved codes” (rules governing the conduct of the enslaved) that would be the template for slave codes to come in other states.

1790: The Naturalization Act of 1790 is passed by the First Congress restricting citizenship by naturalization only to foreigners of good character who are “free white persons;” Everyone else was excluded.

1793: Fugitive Slave Act passed by Congress (mandated the capture and return of escaped slaves from anywhere in the country) in support of the “Fugitive Slave Clause” of the U.S. Constitution.

1823: The infamous Johnson v. M’Intosh [McIntosh] case is decided by the Supreme Court in which it establishes the bogus principle of “Doctrine of Discovery” (which held that all Native American lands belonged to the Federal government as the representative of the European colonists who had “discovered” these lands—regardless of the fact that the original inhabitants, Native Americans, were still living there.)

1830: Indian [Native American] Removal Act passed by Congress—
leads to the infamous ethnic cleansing of 1838-39 known as the "Trail of Tears."

1850: California legislates the Indenture Act (euphemistically titled An Act for the Government and Protection of the Indian) that allows for the semi-enslavement of Native American children for a period up to the age of eighteen.

1850: Fugitive Slave Act adopted by Congress (it strengthened the original 1793 Act).

1851: Congress adopts the Appropriation Bill for Indian Affairs that mandates the transfer of Native Americans on to reservations on an unprecedented scale.

1854: California Supreme Court decides The People of the State of California v. George W. Hall, an appealed murder case, ruling that Chinese Americans and Immigrants could not testify against Euro-Americans. (This case involved the murder of a Chinese American by a Euro-American—the decision would effectively legitimize Euro-American race riots targeting Americans.)

1857: Supreme Court issues its Dred Scott v. Sandford decision which rules that African Americans were not U.S. citizens.

1862: Congress passes the Homestead Act that further disposessed Native Americans of their lands to allow settlement (at almost no cost) to outsiders—at about 160 acres (65 hectares) a piece.

1870: The Naturalization Act of 1870 updates the exclusionary provisions of previous legislation to now also include African Americans, besides Euro-Americans, but all others are excluded.

1871: Indian [Native American] Appropriation Act passed by Congress that strips the Native Americans of claims to any form of sovereignty.

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your attention to the long and sordid U.S. history of the brutal murders of people in public, by violent Euro-American mobs hell bent on blood-thirsty rampages, from the late 1700s to the 1960s. (In fact, the lynchings at times served as mass entertainment for Euro-Americans.) Needless to say, many of those murdered (but not all) were members of racial minorities—in the U.S. South, it was very often African Americans. It should also be noted that at election time this form of terrorism was used in support of the return to power in the South of the former slave-holding class—at that time represented by the Democratic Party—following the period of Reconstruction (the brief post-Civil War interregnum, 1873-1877, when there was a meaningful effort made, under the direction of the self-named “Radical Republicans” in Congress, to return to the freed enslaved African Americans their human/civil rights—as their birthright as human beings and as citizens of the United States). Once back in power, they quickly erected the semi-fascist political economic system that came to be known as Jim Crow, and which would later necessitate the launch of the Civil Rights Movement in the 1950s. ¶ Hypodescent here refers to what is also known as the “one drop rule” whereby any person with a colored an-
that required signing treaties with them; henceforth they were no longer an “independent nation, tribe, or power,” but mere wards of the Federal government.

1876: The Court issues its decision in United States v. Reese stating that the 15th Amendment that had granted voting rights to all males in United States regardless of their color, or whether they had been former slaves, etc. did not automatically confer the right to vote. Through this judicial skulduggery, the Court opened the sluice-gates of racially-motivated voter-suppression of minority voters that would only be closed via the 1965 Voting Rights Act.

1879: A federally-funded off-boarding school is established in Pennsylvania by the “Indian fighter” Captain Henry Richardson Pratt in Carlisle, Pennsylvania, known as the United States Indian Training and Industrial School, that would be the model for many other similar schools established for Native American children and to which Congress would mandate compulsory attendance—very often, understandably, against the most trenchant and heart-wrenching wishes of their parents. The primary purpose of the schools was to forcibly “civilize” the Native Americans; in the words of Pratt “kill the Indian, save the man” (implying the complete erasure of their entire culture: language, religion, child-rearing practices, clothing, cuisine, and so on).

1882: The Chinese Exclusion Act is adopted by Congress prohibiting Chinese immigration and retained Chinese exclusion from U.S. citizenship for those who were already living in United States.

1896: In its Plessy v. Ferguson decision, the Court agrees with the plaintiff that racial segregation was permissible under Jim Crow; it rationalized its decision on the basis of the bogus doctrine of “separate but
equal” that would eventually be shown to be a constitutionally false doctrine in the 1954 *Brown v. Board of Education of Topeka* case. (In practice, of course, social amenities and services, including schools, hospitals, etc., were never equal but they were certainly separate.)

1923: In *United States v. Thind* the Supreme Court defines who a “white” person is and proceeds to overturn the lower court’s ruling that Bhagat Singh Thind, an East Asian from India, could be classified as “white” for naturalization purposes.

1924: Virginia passes the *Racial Integrity Act* that creates only two racial classifications: “white” and “colored” and establishes the principle of *hypo-descent*; it would be a template for similar legislation adopted by other states.

1924: The *Immigration Act of 1924* is legislated that specifically added Arabs and other Asians (East Indians, Japanese, Vietnamese, etc.) to the exclusionary provisions of earlier legislation, such as the *Immigration Act of 1917*, regarding immigration and citizenship—that is they were barred from immigrating to the United States or being eligible for citizenship. (Note: the *1965 Immigration and Nationality Act*, adopted in the wake of the Civil Rights Movement, swept away all race-based restrictions of earlier legislation on immigration and citizenship.)

1927: In *Gong Lum v. Rice*, the Supreme Court moved to undermine the intent of the 14th Amendment by stating that children of racial minorities (in this case a Chinese American, Martha Lum) could be excluded on racial grounds from schools designated by their localities for Euro-Americans.

1934: As in an earlier effort (the 1922 *Dyer Anti-Lynching Bill*), the U.S. Senate fails to pass the *Wagner-Constigan Anti-Lynching Bill* because of opposition from some conservative Senators (the murder by lynch-mobs of persons of color, and some Euro-Americans too, would continue without fear of prosecution).

1944: The Supreme Court issues its decision in *Korematsu v. United States* siding with the government in its blatantly racist and unconstitutional strategy of rounding up thousands of Japanese American citizens and immigrants and imprisoning them in concentration camps—
popularly supported by the Euro-American citizenry, especially on the West Coast—during the Second World War; note, however, that this fate did not befall Italian Americans or German Americans whose ancestral countries were also at war with United States. (Question to ponder: who among the masses would have opposed a decision, if it had been made, to simply murder the Japanese Americans after they had been rounded up?)

1974: The Supreme Court decides the Miliken v. Bradley case; its decision begins the process of reversing the intent of the 1954 Brown v. Board of Education of Topeka case to desegregate public schooling, by stating that the creation of segregated school districts was legal so long as the intent was not deliberate segregation. The decision reflected the ongoing process of Euro-American flight from inner cities to what were effectively white suburbs, in part to escape school integration efforts in the cities.

1978: The Supreme Court, in its decision in the University of California Regents v. Bakke sides with the Euro-American plaintiff Alan P. Bakke that he was a victim of an affirmative action policy aimed at encouraging the enrollment of historically discriminated applicants. (In other words, Bakke argued that he was a victim of something called “reverse discrimination” and the Court tragically agreed with him, even though reverse discrimination can only apply in circumstances where there is at least relative equality of power among those involved.)

1977: The Supreme Court, in its Village of Arlington Heights v. Metropolitan Housing Development Corp. decision sides with the village in preventing the construction of an apartment complex in an area zoned for single-family houses that would have allowed families of different races/ethnicities to move in. The Court based its decision on the argument that an intention to racially discriminate had not been proven in the decision to maintain the zoning.

1987: In McCleskey v. Kemp decision the Supreme Court rules that in the absence of proof of intention to discriminate, demonstration by means of bona fide research that there was a severe racial bias (against racial minorities) in who got the death-penalty in murder cases was irrelevant! (Obviously, the Court in its eternal wisdom failed to recognize that those who engage in racial discrimination of any kind, overtly or subconsciously, do not always announce their intention to discriminate. The Court, however, would recognize this fact in a different case, involving residential segregation, in its 2015 Texas Department of Housing v. Inclusive Communities Project, Inc. decision—not surprisingly, among the dissenting Justices was Clarence Thomas.)

1988: The Supreme Court in Wards Cove Packing Co. v. Atonio sides with the packing company stating that the company was not guilty of discriminating against minority workers (in this instance mainly Alaskan Native Americans) because it was not intentional; its how the labor market worked.

plaintiff. Without a doubt, he has firmly secured himself a seat in that pantheon of misguided right-wing African American luminaries (others include Ward Connerly, Stanley Crouch, Alan Keyes, Colin Powell, Condoleezza Rice, Shelby Steele, and so on) who while personally reaping the benefits accruing from the legacy of the struggles of countless people in the Civil Rights Movement, hypocritically turned their backs on carrying that struggle forward. And as if that has not been enough, they have actively championed (probably unknowingly through their ignorance of the difference between structural or institutional racism and interpersonal aversive racism—if not racial/ethnic “self-hate,” a universal byproduct of a long history of marginalization and oppression confronting any group of people, and/or simply crass Uncle Tomist opportunism) the maintenance of institutional racism and a deeper level of surplus appropriation by the bourgeoisie.
1988: The decision in *Patterson v. McLean Credit Union* case is issued by the Supreme Court in favor of the employer, the credit union, whom the petitioner, Brenda Patterson, had accused of racial harassment, lack of promotion, and eventually her firing from her job. The Court’s outrageous reasoning was that even if an employer engages in discriminatory conduct there is no remedy for it under existing law because an employee could choose to terminate her employment and find a job elsewhere.

1989: In the *City of Richmond v. J.A. Croson Co.* the Supreme Court’s decision overturns the city’s affirmative action policy of attempting to increase the representation of businesses owned by racial minorities within the total universe of businesses awarded contracts by the city (over fifty percent of whose population comprised African Americans) by setting aside a percentage of the awards for that purpose. Its spurious reasoning was that “To accept Richmond’s claim that past societal discrimination alone can serve as the basis for rigid racial preferences would be to open the door to competing claims for “remedial relief” for every disadvantaged group. The dream of a Nation of equal citizens in a society where race is irrelevant to personal opportunity and achievement would be lost in a mosaic of shifting preferences based on inherently unmeasurable claims of past wrongs.” In other words, the Court recycled the myth of building a color-blind society by ignoring race in a circumstance where affirmative action for Euro-Americans has always been (and continues to be) the rule ever since European colonial settlement began in United States.

2005: The U.S. Senate issues an apology for not passing anti-lynching laws (e.g. the 1922 *Dyer Anti-Lynching Bill*) when it had the opportunity to do so in the 1920s and 30s (however, quite a few of the conservatives were unwilling to avail themselves of even this most modest of opportunities decades later—after all words are cheap—to indicate their abhorrence of racism).

2006: Supreme Court decides the combined cases of *Parents Involved in Community Schools v. Seattle School District No. 1*, and *Meredith v. Jefferson County Board of Education* in support of Euro-American conservative opposition to voluntary (repeat, voluntary) school desegregation/integration initiatives in public schools.

2013: The Supreme Court decides the *Shelby County v. Holder* case, siding with those conservatives intending to weaken the *1965 Voting Rights Act*. 
MATERIALS FOR FURTHER READING

If you would like to explore further the themes/issues presented in this chronology, you are encouraged to consult some of the materials listed below.


NOTE: This document is part of a larger document titled *Race, Class, and Law in a Capitalist Democracy* (also available on www.slideshare.net at this address: http://bit.ly/classrace)

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