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**The Politics of Exclusion and Incorporation of non-European Populations in 19th Century American Society by Dr. Daniel Estrada**

The challenge of incorporating non-European populations in the 19th century into an American liberal democratic society is this study’s focus while arguing for a model of inclusion. Although other European immigrant groups, such as the Irish, Jews, Italians, etc., have confronted obstacles in being incorporated into American society, only non-European groups have sought and obtained protected status of the 14th Amendment. This paper looks at the case of Mexican Americans while briefly reviewing Native and African Americans experiences. International and American scholars claim that the United State is a liberal democracy beginning with Alexis de Tocqueville. This paper examines this question. Eighteenth and nineteenth century American historical events are reviewed starting with the drafting of the American constitution and US expansionism across the American continent. The development of a democratic government assumes the inclusion and participation of all citizens and a degree of equality. To achieve this inclusion and equality, current political, economic and cultural hegemony must be challenged for inclusion of non-European populations in the US

Rodgers M. Smith, an American Political Scientist, has questioned Tocqueville’s thesis that the United States is a liberal democracy. Smith notes the existence of **ascriptive hierarc**hy, heredity based upper social status, and **inegalitarian ideologies**, ideas promoting inequality, alongside democratic republican ideas. Tocqueville acknowledged that American Democracy would be challenged by incorporating non-European populations specifically African and Native Americans. This issue is described in Chapter Eight Parts 1 through 10 of Volume One in Democracy in America. Tocqueville also addressed colonialism (Welch, 235-264) where European expansionism would spread Enlightenment democratic ideals. These ideas would seed Third World movements towards equality and democratic governance thereby achieving a tentative coexistence between European and non-European populations (Atanassow, 83-96)

While Tocqueville applauds American democracy, he also notes deviations from liberal democratic and republican principles towards **ascriptive hierarchy** and **inegalitarianism** (Smith 549). Incorporating non-European populations in the US has been a struggle for this country1. Tocqueville and his collaborator, Gustave de Beaumont2, observed this problem and described it in their writings. Beaumont, in his novel Marie or Slavery in the US, in particular described the separation of races in a moral society and the conditions of slaves in America. But, Tocqueville believed that the US was beginning as an egalitarian society without inheriting an European aristocracy. He saw the Black slave issues and Native American conflicts as tangents. But, even today, ideas supporting ascriptive hierarchy and inequality plague American democracy. This weakness of American democracy is a point of criticism by critical race theorists today.

This problem is further developed as the US annexes Mexico’s northern territory through several treaties and the Mexican American War (Horsman 1981, 1976, Menchaca and Valencia, Luna, 1999). Reconciling exclusion, resulting from US expansionism, is the greatest struggle for people of color. This struggle is particularly shouldered by Latinos, the largest group of people of color in the US.

**Ascriptive Hierarchy and Inegalitarian Ideologies**

Ascriptive hierarchy, and inegalitarianism are evident when Tocqueville refers to the three races in his writings. This reference is the last chapter, of volume one in Democracy in America, entitled “The Present and Probable Condition of the Three Races that Inhabit the Territory of the United States.” These races are: the White, the Indian and the Negro. Tocqueville writes:

The absolute supremacy of democracy is not all that we meet within America: the inhabitants of the New World may be considered from more than one point of view. In the course of this work my subject has often led me to speak of the Indians and negroes; but I have never been able to stop in order to show what place these two races occupy in the midst of the democratic people whom I was engaged in describing. (Tocqueville, 384)

Tocqueville highlights the role of oppressor as a feature of the white race here (Kennedy, 146).

Amongst these widely differing families of men, the first which attracts attention, the superior in intelligence, in power and in enjoyment is the white or European, the man pre-eminent; and in subordinate grades, the Negro and the Indian. (Tocqueville, 385)

The chapter on the three races explains the anatomy of White supremacy -- its consequences, and its future. Tocqueville describes, with disapproval, the ways in which Whites subordinated Indians and Negroes. Tocqueville thought that ultimately the Indians' encounter, with "grasping" Whites, would be their extinction. He was not alone on these predictions at the time.

Native Americans, who previously controlled the lands of their settlements, went from landowners to tenants upon Euro-Americans’ arrival, according to Tocqueville.

‘The United States give peace to the Cherokee, but for the part they took in the late war, declare them tenants at will, to be removed when the convenience of the States, within whose chartered limits they live, shall require it’? (410)

Justification of the Indian reservation system was the US White population’s demonization of Native Americans who were cited as uncivilized and a threat to White settlers’ security. Yet, Tocqueville points to the Cherokees, a special threat, because they took White statesmen’s advice, and adopted manners, procedures, institutions, and aspirations that Whites viewed as requisites to be "civilized." Regardless, Cherokees were displaced along with other tribes. (Kennedy146, Tocqueville, 400)

Tocqueville's reaction to the racial oppression of Blacks was similar to his reaction to the dispossession of Indians. He viewed both of these instances of racial subordination as blights on American democracy -- moral and political calamities that may eventually threaten the existence of the young republic. (Kennedy, 148). Even at the start of the making of the American Republic, it is obvious that the African slave issue was being discussed at the Constitutional Convention and also through journalistic debates compiled in the Federalist Papers. James Madison argued that in all societies, where slavery exists, though they may be democratic in name, they are in reality aristocratic (Sheehan 622). Madison saw the relevance of slavery to his political theory and to the US political complexion. He was fully prepared-- privately, at least-- to integrate slavery into his analysis of republicanism and American society. Madison's reflections on slavery and republicanism reveal the degree of his intellectual integrity. Racism cannot obscure, for him, a central truth of American politics -- black slaves must be considered people in any modern analysis of governments (622).

Most of the documented discussion of slavery, among the authors of the US Constitution, occurs in The Federalist Papers, particularly in Federalist #54 (Thomas 987). The Federalist Papers’ essays explain the universal meaning of the Declaration of Independence, in its anti-slavery aspects. The discussion around slavery mostly focuses on the question of representation. We know this as the “Three-Fifths Clause.” Using the voice of another (Publius), Madison presents the ambiguous predicament in which the laws placed African Americans. Slaves were both property and persons. Slaves could be bought and sold like animals. Yet, they could also be punished for committing a crime. The Federal Constitution viewed slaves in a mixed mode of persons and property. Madison used this mode of expression to persuade both Northerners and Southerners to accept the compromise in the Constitution.

In The Federalist Papers, there is also a brief but insistent paragraph on the slave trade, described as “unnatural traffic." In reference to the Constitution's forbidding restrictions on the slave trade until 1808, Madison hoped that after that year the states would eventually abolish slavery since the federal government discouraged it. The founders were quite aware of this Constitutional contradiction (988).

The Founders so detested slavery, that they would not permit the words "slave" or "slavery" to be in the document. The "three-fifths clause"-which is often used demagogically today to mean that the founders regarded a Black man as "three-fifths of a man"-- actually weakened the power of slave states. By reducing who could be counted among those being represented, it reduced slave state representation in the House of Representatives. Moreover, the records of the Federal Constitutional Convention present us with eloquent condemnations of slavery but only a few recorded apologies for the practice.

Despite egalitarian ideas espoused in the Declaration of Independence and the US Constitution, Democratic Liberalism and Republicanism have competed with ideas of ascriptive hierarchy and inegalitarianism. This is described in The Federalist Papers and records of the Federal Constitutional Convention. Though American government began without an European Aristocracy, the American leadership’s behavior displayed a postcolonial and post-aristocratic society. Rodgers Smith points out that American government analysts, since Tocqueville, have described the nation as a liberal democratic society where Enlightenment ideas have gained hegemony. However, this belief must be revised according to Smith in order to recognize the inegalitarian ideologies and institutions of ascriptive hierarchy. Smith proposes viewing American political culture as a conflictual and contradictory product of multiple political traditions, rather than as an expression of hegemonic liberal or democratic political ideologies.

**“Militant Manifest Destiny and Inegalitarian Ideologies”**

Smith’s idea of competing political traditions is illustrated in 19th century American politics. The 19th century was a time of major American territorial expansion. In less than a century, US territories extended to the Atlantic and Pacific Oceans. US expansionism was accomplished by displacing Native Americans and Mexicans. “Manifest Destiny” justified these militant actions. Some social scientists consider “Manifest Destiny” to be an ideology influencing Americans’ view of Non-Europeans (Horsman 1981, Menchaca and Valencia).

Manifest Destiny was an idea that the fate, of US settlers, was to expand across North America. It was a common belief in the 19th century US. But there was no consensus on Manifest Destiny among US political leaders. Democratic Party leaders in the 19th century supported a militant version of the idea. But Whig party leaders, like Lincoln and Ulysses S. Grant, rejected militancy. As a US Congressman, Lincoln repeatedly spoke out against the Mexican American War in his Spot Resolutions aimed at President Polk’s aggression towards Mexico. Manifest Destiny had several missions for the American people. One mission was for Americans to promote their virtues and institutions as an exemplary society. Another mission was that the US would redeem and remake the west in the image of agrarian America.

A number of events occurred in the early 19th century facilitating US expansion: the Northwest Ordinance (Horsman, 1989), the Louisiana Purchase, and the signing of the US Constitution. Also there were military, political and economic pressures on the US government to expand. In the mist of this expansionism was the **Indian Removal Act of the 1830s** and the **1848 Treaty of Guadalupe Hidalgo**. Under the Treaty of Paris (1783), ending the American war with Britain, the US was granted the Northwest Territory. This area was north of the Ohio River, south of the Great Lakes, west of the Appalachian Mountains and east of the Mississippi River. Six Midwest states are in this area: Ohio, Indiana, Illinois, Michigan, Wisconsin, and Minnesota. Notably, slavery was prohibited here. This established the Ohio River as the geographic divide between slave and free states from east of the Appalachian Mountains to west of the Mississippi River – extending the Mason-Dixon line. It also set the stage for later political conflicts over slavery at the federal level in the early 19th century until the Civil War.

A close up of a map

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The Louisiana Purchase was the acquisition of the French territory of Louisiana by the United States in 1803. In return for fifteen million dollars, the U.S. acquired a total of 828,000 square miles (2,140,000 km2; 530,000,000 acres). France had controlled the Louisiana territory from 1699 until it was ceded to Spain in 1762. In 1800, Napoleon, then the First Consul of the French Republic, regained ownership of Louisiana as part of a broader project to re-establish a French colonial empire in North America. However, France's failure to put down a revolt in Saint-Domingue, and the prospect of renewed warfare with the United Kingdom, prompted Napoleon to consider selling Louisiana to the United States. Acquisition of Louisiana was a goal of President Jefferson, who was especially eager to gain control of the crucial Mississippi River and port of New Orleans. With the Louisiana Purchase, US territory now extended from the Atlantic to half way across the American Continent from the Gulf of Mexico to the Canadian border. The Louisiana Purchase includes the current states of Arkansas, Missouri, Iowa, Oklahoma, Kansas, and Nebraska. Also included are large portions of North Dakota and South Dakota; the area of Montana, Wyoming, and Colorado east of the Continental Divide. Another part of this purchase was: a portion of Minnesota west of the Mississippi River; the northeastern section of New Mexico; northern portions of Texas; New Orleans and portions of the present state of Louisiana west of the Mississippi River.

While expanding west of the Appalachian Mountains to the Pacific Ocean, the US government confronted several obstacles. The first was the need to create a strong centralized government capable of raising revenue to support a military with a Commander in Chief who had the capacity to defend the borders of the US from the British and other European nations. Also, the US had to engage the Native Americans and Mexicans who occupied the remaining territory extending to the Pacific Ocean. The creation of the US Constitution of 1787, ratified by the original 13 states on June 21 1788, addressed the first obstacle to US expansion.

**Indian removal**

Native Americans were the second obstacle. Initially, it was assumed that Native Americans would adopt the values and culture of Euro-Americans. And in some cases they did. The Cherokee Indians living in northern Alabama and the southern end of Tennessee are an example of a tribe that adopted Euro-American culture and their institutions. However, in 1830 President Andrew Jackson’s “Indian Removal Act” (Bowes) initiated a government sanctioned policy towards Natives. The reservation system was created and many Indians, living on the southeastern side of the US, were removed to areas like Oklahoma and Arkansas. Forced removals included members of the Cherokee, Muscogee (Creek), Seminole,

Chickasaw, and Choctaw nations as well as African slaves. The phrase "Trail of Tears" originates from a description of the removal of many Native American tribes, including the infamous 1838 Cherokee Nation relocation (Thorton). Hundreds of thousands of US southeastern Indians died marching to Oklahoma and Arkansas.

Also, there were groups opposed to Indian removal while American settlers pressured the federal government for Indian removal from the Southeast. Many settlers were encroaching

on Indian lands, while others wanted more land made available to European (“Caucasian white”) settlers. Despite vehement opposition by some, including U.S. Congressman Davy Crockett of

Tennessee and many Whig party members, President Jackson was able to gain Congressional titles in the US Southeastern states. Despite having many Southeastern US Indians displaced and passage of the 1830 Indian Removal Act, authorizing the government to extinguish Indian land

A close up of a map

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relocated to the western side of the Mississippi River, White settlers would soon move into these areas and create more problems for the Indians as Tocqueville had predicted. As Americans expanded westward, advocates of a militant version of Manifest Destiny appeared to dominate the country’s policies. Despite this fact, there were voices of opposition

Noting that removal is where most historical accounts of southern Indians ends, Theda Perdue disagrees and claims that is where the story begins (Perdue). The 1830s Indian Removal policy, to rid the South of Indian nations with communal lands and sovereign powers, fell short. Not only did individual Indians remain, but native communities struggled over the next century to create a place for themselves in the South. Ongoing efforts to expel Indian people from the South and/or obliterate their status as Indians met with little publicized opposition provoked by the removal of the 1830s.

Instead, white southerners used the expulsion of Indians in the Jacksonian era to obscure the continuing presence of native people in the South, to fuse their own lost cause to that of the Indians, and to fortify Jim Crow against the challenges that diversity among non-whites presented (Perdue 3).

For Indians, poverty, isolation, disenfranchisement, intimidation, and racism compounded their terror and threatened to render them powerless. But in struggles that coincided with the civil rights movement, some southern Indians forced a reckoning. Historians, have incorporated Indians into narratives of colonization, slavery, and the expansion of the cotton industry, but after the Jacksonian period, they wonder about scattered, historically disconnected Indian communities. One way of linking those communities to each other and to the broader history of the South is to recognize that removal served to solidify biracial Southern white power long after the Trail of Tears ended. Furthermore, Indian resistance to dispossession and segregation helped loosen Jim Crow on the region.

The most serious New South effort to rid the region of Indians came at the turn of the twentieth century when their presence and their racial ambiguity began to complicate Jim Crow laws (Purdue). Thousands of Indians lived in the South, and they composed an extraordinarily diverse group. Many descendants of Cherokees, Choctaws, Creeks, and Seminoles lived in Indian communities, but others intermarried with whites and blacks and assumed those racial identities. Although some preserved knowledge of Indian ancestry, others concealed family histories. In addition, to the people whose tribes were removed, there were Indian communities that had no history of relations with the United States and were not slated for removal. Some, such as the Tunica-Biloxis and the Chitimachas in Louisiana, had land that the tribes possessed

since before the Louisiana Purchase. The Alabama-Coushattas in Texas, the Catawbas in South Carolina, and the Pamunkeys and Mattaponis in Virginia held state reservations (Perdue 9). But the majority in the South had no common land and no formal relationship with state or federal governments. As states segregated not only schools but also transportation and public facilities, these legislators were presented with a conundrum: **How could they fit a third race into a biracial legal system?**

A militant and aggressive form of Manifest Destiny is clearly illustrated in the relocation of Native Americans. Also, this is the clearest example of exclusion. Rather then allowing Native Americans to adapt to American society and coexist with Euro-Americans, Indians were cast out and forced to live on reservations or they confronted segregation if they chose to remain in the South.

**The Texas revolt of 1836 and the Mexican American War**

The 1836 Texas Revolt and the subsequent Mexican American War are another story of exclusion propelled by another form of militant Manifest Destiny. Between 1835 to 1836, a rebellion of US colonists and Tejanos (Texas Mexicans) engaged in an armed revolt against President Antonio Lopez de Santa Ana’s Mexican centralist government. Although there were other Mexican provinces opposed to the centralist government of Mexico, the Mexican government under President Lopez de Santa Ana believed the US was instigating the Texas insurrection with the goal of annexation. In fact General Andrew Jackson’s interest in adding Texas to the US had its birth after the Florida Treaty (Stenberg 229). Upon becoming President, in 1829, Jackson sent Colonel Anthony Butler as ambassador to Mexico. He subtly suggested the usefulness of covertly employing bribery to induce the Mexican government to sell Texas.

US expansion into Mexico’s northern territories benefited from good timing. Mexico’s 1810 revolution against Spanish colonization, meant that the Mexican government needed time to consolidate its vast territory. Mexico was challenged with the need to quickly unite its extensive lands under a new nation state. Coincidently, economic difficulties of American settlers propelled them into Texas which was under Spanish and then Mexican control. Stephen Austin led a group of American settlers and negotiated rights to settle in Texas with Spain’s Royal territorial governor. Since Mexican independence was ratified by Spain shortly thereafter, Austin later traveled to Mexico City to secure the support of the new country for his right to settle. The establishment of Mexican Texas coincided with the Austin-led settlement, leading to animosity between Mexican authorities and ongoing American settlement in Texas. In 1830, Mexican President, Anastasio Bustamante, outlawed American immigration to Texas. Conflicts soon arose with the Empresarios (white Texas settlers) over slavery which the Texans refused to end, but had been abolished in Mexico in 1829. Angered at the interference of the Mexican government, the Empresarios held the Convention of 1832, which is considered the first formal step in what later became the Texas Revolt (Wikipedia “Republic of Texas”).

On the eve of war, American settlers in Texas outnumbered Mexicans by a large margin. The Mexican government, fearing open rebellion among Anglo subjects, began to step up a military presence in Texas throughout 1834 and early 1835. Mexican President, Antonio Lopez de Santa Ana, revoked the 1824 Mexican Constitution and began consolidating power in the central government under his own leadership. Meanwhile, under Austin’s leadership, Texas Anglos began to organize their own military. Hostilities broke out on October 2, 1835, at the Battle of Gonzalez the first engagement of the Texas Revolt. In November 1835, a provisional government known as the Consultation was established to oppose the Santa Anna regime but stopped short of declaring independence from Mexico. On March 1, 1836 the Convention of 1836 came to order, and the next day independence from Mexico was declared, establishing the Republic of Texas.

Once the Texas Revolt was successful, the US Government, under President James K. Polk, became more aggressive while Mexico desired to retaliate with force. Again voices in the US Congress, such as Whig party Congressman Abraham Lincoln, spoke out against President Polk’s attempts to lead the country into an all out war against Mexico. Lincoln’s protests are documented in a series of “spot resolutions” which he offered in the US Congress on December 22, 1847. The resolutions requested President Polk to tell Congress the exact location (the "spot") upon which blood was spilled on American soil, as Polk had claimed in 1846 when asking Congress to declare war on Mexico.

Whig party members generally did not favor the Mexican War. Whigs were against slavery and they saw the war as an opportunity to expand the number of US slave states However, many Democrats regarded Lincoln’s spot resolutions as unpatriotic and some Whigs cautioned that opposition to the war would hurt the party. Congress never acted on Lincoln’s resolutions. Lincoln, however, was not speaking out against the war itself, but rather against Polk's conduct of it. Polk reported that American soldiers fell on American soil. But, in fact, they had actually fallen on disputed territory, between the Rio Grande and Nueces Rivers (Zinn 149-155). The Mexican American War led not only to US annexation of Texas and Texas statehood, but also annexation of much of Mexico’s northern territory as far west as California. Turning the focus away from Texas to California, this area was most desired by several countries. This land had a long coastline on the Pacific Ocean with several locations for harbors facilitating trade and other commercial activities.

**US and European Designs on California**

During the Spanish colonial era, the Californias, the Baja California peninsula and Alta California, were sparsely settled. After Mexico became independent, it shut down missions and reduced its military presence. In 1842, the US minister in Mexico, Waddy Thompson Jr., suggested Mexico might be willing to cede Alta California to settle debts (Zinn 675). US President John Tyler's administration suggested a tripartite pact that would settle the Oregon boundary dispute and provide for the cession of the port of San Francisco from Mexico. Lord Aberdeen declined to participate but said Britain had no objection to U.S. territorial acquisition there. The British minister in Mexico, Richard Pakenham, wrote in 1841 to Lord Palmerston urging "to establish an English population in the magnificent Territory of Upper California" (Rives 45-46). But by the time the letter reached London, Sir Robert Peel's Tory government, with its “Little England” policy, had come to power and rejected the proposal as expensive and a possiblel source of conflict (48-49). Influential Californios were in favor of annexation either by the US or Britain. California’s last Mexican Governor, Pio Pico favored annexation by Britain. Pico, like many Californios, disagreed with President Santa Ana’s centralization of Mexico’s national government.

Although early California, before the Mexican American war, is often romanticized, what is clear is that Mexico and Spain established governing institutions to maintain this territory. These institutions were the missions, pueblos, presidios and ranchos (Williams 23-35, Robinson). In addition, the Spanish presence in California had already been in existence for more than century. The missions extended from San Diego to Sonoma. Within the mission territories was a definite organized community, although authoritative and patriarchal, there was industry and a degree of material prosperity. This life was based and developed on the theory that in two generations, Christianized Indians would acquire Spanish ideas of civilization, and a capacity for community life. Supporting the missions defense were presidios. Presidios were under military control and were intended to protect mission settlements. The strategic positions occupied by presidios were not well suited for agricultural development, and separate farming communities were required to supply provisions. Presidios were built in areas like San Francisco, Monterey, Santa Barbara and San Diego.

A year after the US Declaration of Independence, Spanish Governor Felipe de Neve founded a civilian community, the Pueblo of San Jose on November 29, 1777. Los Angeles, the second pueblo, was founded in September, 1781. Spanish pueblos were well defined civic units. They were laid out on a standardized plan, with its plaza and official center, its surrounding house lots known as solares3, and its outer ejidos, or commons areas.  Four square leagues of land was typically the extent of California pueblos. A portion of that was held in public ownership for purposes of revenue, and needs of later settlers (Robinson, 33-44). Spanish pueblos had self- governing privileges, and elected their chief magistrates and town councils. The chief magistrates were alcaldes. Alcaldes, not only governed pueblos, but also acted as municipal judges until US settlers replaced them (Williams 26).

Mexico began as an independent nation in 1821. But before Mexican Independence, the 1821 Spanish Constitution entitled California to a legislative assembly. On November 9, 1821, the state’s first legislature was organized.  Subsequent years brought modifications of title, membership and parliamentary regulations. Successors of this body operated until the conquest of California by United States forces.

Another action taken by the Mexican government was the secularization of the missions in 1833. Spain had sought to secularize the missions decades before. But Catholic priests, in charge of the missions, resisted these government policies.

**The Spanish/Mexican Economy and Californio Pueblos**

Before 1848, Indians, Franciscan clergy, soldiers and traders engaged in modes of exchange and production reflecting local and national strategies for economic development. This development during the Spanish and Mexican periods included intensive agriculture, cattle ranching, artisan crafts, and foreign commerce. These economic activities changed California’s landscape. Its native peoples and forms of labor and production continued into the American period. These same forms of production continued to contribute to California’s economic growth even after the 1848 Gold Rush.

Spain’s imperial ministers adhered to an economic doctrine known as mercantilism in contrast to capitalism that relies on the state to develop a national economy hospitable for private business. Mercantilism depended on the economy of the mother country to promote the growth of the nation-state. Colonies would produce goods and raw materials for the mother country and purchase the finished goods it manufactured. Royal monopolies, exclusive contracts, import and export ties, and restricted access to colonial ports protected fledgling home industries. This ensured that the colonial economy worked to the advantage of the mother country, not a rival nation state. These mercantilist beliefs and practices influenced the development of the economy of Spanish California. But during the late eighteenth century, the Spanish Crown became increasingly preoccupied with reducing the expense of its overseas empire. Therefore, Alta California’s economic development and relationships among its missions, presidios, and pueblos bore the imprint of officials seeking to ensure that colonists could feed, clothe, and protect themselves with little royal support (Hackel, 113).

Spain created civilian communities, or pueblos, in San Jose (1777), Los Angeles (1781) and the Villa de Branciforte (1797), near present-day Santa Cruz, as well as several others to reduce the military's dependence on mission farm produce and supply ships. Spain was hoping that inhabitants would produce enough food to feed the region's soldiers. Pueblo economies have received less attention than those of the missions. There is doubt that during the Spanish period, civilian pueblo economies were directed to exclusively provide the military with foodstuffs. San Jose produced large surpluses of grain within several years of its establishment. According to Governor Neve, in 1781, the presidios of San Francisco were fed by the town of San Jose whose harvest was 1,300 fanegas of grain. During the remainder of the eighteenth century, San Jose harvested surplus quantities of beans, wheat, and especially corn. San Jose’s production fell after 1796, probably as a result of the establishment of Mission San Jose which was twenty miles north. This mission gained control of the Indian laborers who had provided labor for the community's agricultural work (117).

Los Angeles statistics for agricultural production are scarce. However, clearly this pueblo sporadically produced impressive amounts of corn. But agricultural production, in Los Angeles, also stagnated after 1800. The lesser known Villa de Branciforte was the least productive of the three towns. Although pueblos sustained themselves and the presidios, after only a few years their surpluses constituted an important supplement to the grain the presidios purchased directly from the missions. After 1790, supply ships no longer needed to carry flour, corn, and beans partly because the pueblos were able to produce these staples (117).

Governor Diego de Borica (1794-1800) criticized Spanish economic policy. He argued that economic development of the towns in Alta California would not happen until pobladores were allowed to market beyond the presidios. The Junta Superior de Real Hacienda, in February 1801, agreed and approved Borica's plan to allow pobladores to sell surplus grain to the San Bias supply ships. The experiment was a success. In 1801, San Jose supplied two ships, Princesa and Conception, with 1,830 arrobas of flour. The town's horse-powered mill turned day and night to fill the order. In July 1801, Los Angeles vecinos also offered to supply wheat to San Bias. The pueblos' opportunities for trade expanded further in 1806, when they began direct trade with the supply ships. After 1810, however, civil war interrupted the San Blas-Alta California shipments, ending this developing market for pueblos' surpluses. (118)

**Mexican Rancheros**

Both Spain and Mexico made numerous land grants in upper California (now known as California and Baja California) from 1785 to 1846. The Spanish Land Concessions were made to retired soldiers inducing them to remain on the frontier.  However, upon the death of recipients, the land reverted back to Spain. The Mexican government later encouraged settlement by issuing much larger land grants to both native-born and naturalized Mexican citizens. The grants were two or more square leagues, or 35 square kilometers (14 sq mi) in size. Unlike Spanish Concessions, Mexican land grants provided permanent, unencumbered ownership rights. When the government secularized the Mission churches in 1833, they required that land be set aside for each Neophyte (Native Indians) family. But the Native Americans were quickly brushed aside by Californios who with the help of those in power acquired the church lands as grants. The Indians instead became virtual slaves of the rancheros. The "rancheros" (ranch owners) patterned themselves after the landed gentry of New Spain, and were primarily devoted to raising cattle and sheep. Their workers included Native Americans who had learned Spanish while living at one of the former Missions. The ranchos were based on access to resources necessary for raising cattle, such as grazing lands and water. Land development, from that time forward, has often followed the boundaries of the ranchos, and many of their names are still in use.

An important development in Mexican politics and economic activity was the Mexican Secularization Act of 1833. Twelve years after independence, Mexico feared that Spain would have continued influence in California through the Catholic missions. As Mexico consolidated its power, more calls for secularization or dismantling of the missions occurred. Implementation of the Secularization Act allowed much of the California Mission land to be taken away and sold or given away in large grants of land called ranchos. Mexico’s independence opened up international trade in California, as opposed to Spain’s mercantilist trade polices (Hackel).

**Treaty of Guadalupe Hidalgo**

Mexico was not able to defend itself with many of its large cities occupied and outnumbered by the US military. The country also faced many internal divisions, including the Caste War of Yucatán. Thus on February 2, 1848, Mexico signed The Treaty of Guadalupe Hidalgo ending the Mexican American War (Reeves 309). With the treaty, the U.S. had undisputed control of Texas. The treaty established the Rio Grande as the U.S.-Mexican border, and ceded to the U. S. the current states of California, Nevada, and Utah, most of New Mexico, Arizona and Colorado, and parts of Texas, Oklahoma, Kansas, and Wyoming. In return, Mexico received $15 million dollars (158) ($434 million today). This was less than half the amount the U.S. had previously offered to Mexico for the land before the war (159). Also, the U.S. agreed to assume $3.25 million ($94 million today) in debts that the Mexican government owed to U.S. citizens.

Articles eight and nine of the treaty were of most concern for Mexicans still living in the territories acquired by the US after the war. These articles addressed citizenship and land (Griswold Del Castillo). Article 8 provided that a person had one year to elect his or her preference for Mexican citizenship. If this was not done, it was understood that this person had elected to become a US citizen by default. Citizenship was to be granted at some future date by congress. The two articles eight and nine also noted that absentee Mexican landholders would have their property "inviolably respected. All others would be maintained and protected in the free enjoyment of their liberty and property. The treaty provisions, regarding citizenship and property, were complicated by legislative and judicial interpretations in the following six decades. Historians like, Richard Griswold Del Castillo, believe that US application of the treaty to the realities of Southwest life violated the spirit of the treaty.

Recent discussion about the Treaty of Guadalupe Hidalgo explains the marginalization of the Mexican and Native American peoples after the US acquired much of Mexico’s northern territories. Law Professor, Guadalupe Luna, has focused on Mexican American exclusion on issues of citizenship and land following court decisions, acts of congress and state legislatures, after the signing of the treaty by Mexico and the US. Luna looks at the incident of Pablo de La Guerra on the question of citizenship and the Fremont v US case to explore issues of Mexican American land ownership. Both are examples of a hierarchy of laws, according to Luna, that sought to exclude Mexican Americans from assimilating within the mainstream culture.

**De LA Guerra Case**

The United States’ acquisition of Mexico’s northern territories placed Mexicans, of mestizo ancestry, in an ambiguous social and legal position. The Pablo de la Guerra incident is one of the earliest examples of this social and legal ambiguity. De la Guerra was a delegate to the 1849 California Constitutional Convention. De la Guerra belonged to a well established family in California, being the nephew of Mariano Vallejo. Despite the history of his family, his connections, and class standing, De La Guerra, confronted litigation that sought to disqualify him from the bench and which culminated in the case, People v. De La Guerra.

The cases’ facts reveal: that De La Guerra was elected to a judgeship in a 1869 judicial election. De La Guerra faced a challenge to his right to that position on the basis that he was not a United States citizen. The allegations relied on legislation passed on April 20, 1863, providing that "no person shall be eligible for the office of District Judge, who shall not have been a citizen of the United States, and a resident of this State for two years" (Luna 702). The challengers argued that the Treaty did not permit citizenship but instead required an Act of Congress. Without such an act of congress, the challengers argued, De La Guerra violated the requirements of the statute.

The court relied on the Treaty of Guadalupe Hidalgo and its Article VIII declaring that the "Treaty was intended to operate directly, and of itself to fix the status of those inhabitants. ..." The court further reasoned that "the political rights are not essential to citizenship" and ultimately ruled that the "respondent is clearly a citizen of the United States." Outside of this ruling, the conquest of the former Mexican provinces recognized its former residents as citizens (Pitt 43-46 Luna 702). Before, during Treaty negotiations, and up to the Treaty's ratification, military and other governmental officials represented citizenship to those residing in conquered territories. Nonetheless, congress changed the substantive and literal meaning of the Treaty of Guadalupe Hidalgo and thus hindered attributes deriving from citizenship.

One other factor bears on the legislative history of the type of legal structures impacting Chicanas/os during this period of time. Scholar Leonard Pitt (54), writes that the Americans "saw the advantage of letting Californios control Californios, but they would not allow the native born a license to govern Yankees (56).

After the Conquest, the army sanctioned a constitutional convention. This move towards democracy unfortunately released the Californios to a tide of gringo hostility. Those elected to serve at the convention included Manuel Dominguez, who although a Mexican mestizo, was recognized by American law as a "half-breed" (45). Despite, such a characterization under American ideology, Mexican law and the Treaty of Guadalupe Hidalgo recognized the indigenous population as Mexican citizens. Dominguez, however, even as a well-established California elite, faced proposed legislation limiting the franchise to "white males." This would have barred him from signing the state's constitution.

During the constitutional convention, in opposing the legislation, De La Guerra argued that "many Californios were dark-skinned, and that to disfranchise them would be tantamount to denying them a part of their citizenship as granted by the Treaty of Guadalupe Hidalgo" (45). Ultimately, the proposed legislation was changed to permit "enfranchising certain Indians." (Luna 703)

**Fremont v. United States**

Fremont v United States is critical because it marks the beginning of the end for Chicana/o land grantees through precedent ultimately contrary to constitutional law, treaty law, international law, and the dictates of the California Land Act of 1851 (703). The Fremont case is the key litigation in which the land grant process and the United States Supreme Court first analyzed the Treaty of Guadalupe Hidalgo. Fremont was an instigator of the U.S./Mexican war conflict who sought confirmation of a purported land grant in an opinion authored by Chief Justice Taney. Fremont v US was the first decision, in which the Supreme Court announced the principles, by which this class of cases was to be decided. Consequently, it remains the most important and the leading case on this branch of the law while exercising a controlling influence on all subsequent decisions of this court.

Fremont v US prevented the legal process and the Treaty of Guadalupe Hidalgo to govern the land grant adjudication process. This placed the burden of proof onto grantees to prove their claim’s validity. Determining the validity of a claim of land ownership involving a land grant from the Mexican period, required a court to consider and apply "the law of nations, the laws, usages, and customs of the Government from which the claim was derived, the principles of equity, and (prior) decisions. Adhering to the above principles to the instant case, required the Supreme Court to follow Mexican law from which the claim derived. Mexican law required grantees to settle and cultivate the land within a one-year period. The conditions attached to the original grantee's claim, moreover, prohibited the original grantee from transferring the land without obtaining the permission of Mexican officials (Luna 704).

The material facts of the original grant indicate Juan Alvarado, the original grantee, did not settle nor cultivate the land within the one- year period. Alvarado also transferred the property to Fremont without the Mexican government’s consent. Finally, Fremont, who claimed ownership of the land grant, lacked documentation as to the purported alienation of the grantee's interest. Applying the law, as intended, therefore, rendered Fremont's claim nothing but unlawful, illegal, and in violation of Mexican land grant procedures and law.

Fremont's lack of proof, evidence, and the invalidity of the original land grant did not preclude the Court from ruling in his favor. The Court reasoned, inter alia, that the above did not bar an American citizen from purchasing property. Evidently, citizenship status permitted certain privileges that allowed skirting the Constitution and falling beyond its intent and design depending on the Court’s whim. It further rendered the Treaty of Guadalupe Hidalgo, meaningless without an act of Congress and/or the consent of the Mexican Republic during its negotiations. Accordingly, the Court's holding privileged Fremont with a gold mine and land of inestimable worth (705).

**Decline of the Pueblo**

Institutions, characterizing California’s politics and economics after US annexation, fell into decline (Camarillo, Pitt, Griswold del Castillo). Historian Albert Camarillo describes this process as the decline of California’s pastoral economy. The pastoral economy’s decline, meant many Mexican rancheros and farmers either sold or lost their property4, decades after the Mexican American War (Camarillo, Robinson, 111-132). These people experienced downward mobility and went from being employers to wage laborers.5 Many Mexican rancheros and farmers became part of the growing number of Mexican unskilled laborers with families living in segregated barrios. Residents, of these barrios, were also disenfranchised. Lacking political representation, Mexican residents’ voices in politics were silenced (Camarillo, Griswold del Castillo).

Public offices, such as alcaldes, were replaced by the position of mayor that were positions rarely held by people of Mexican descent prior to the second half of the 20th century. Representation in California’s legislature changed after the Mexican American war as fewer Mexicans held these offices towards the end of the 19th century (Camarillo, Griswold Del Castillo). As Mexican barrios grew in California cities and counties, such as Los Angeles, this population became more segregated and politically underrepresented. Dr. Griswold del Castillo notes names of Mexican American officials, elected and appointed, in LA County from 1850 to 1860. Subsequently, he describes diminishing numbers of Mexican American elected and appointed officials from LA County by level of office from 1850 to 1879.6 Like most of California, LA County Mexican Americans became more segregated and disenfranchised by the end of the 19th century. (Griswold del Castillo, 1979, 139-159).

Adding to the already segregated barrios were Mexican and Mexican American migrants from Mexico and other US Southwestern states (Camarillo, Griswold Del Castillo, Romo). The rapid industrialization of Los Angeles and the growing citrus industry of Southern California in the early 20th century, created a vast demand for unskilled labor (Romo, Gonzalez). Because of Asian exclusion acts, Mexican workers would fill this demand becoming the ideal disposable labor force. But unionization and labor strikes, in the early 20th century, would be promoted by these low paying and insecure jobs in the agricultural and rail building industries (Wollenberg, Gonzalez).

During the early 20th century Progressive Era reforms established non-partisan and at-large elections in many California cities as well as council manager forms of local governance. Although the reforms were aimed at corruption in local politics, at-large elections would serve to disenfranchise California’s working class and immigrant neighborhoods as well as communities of color, particularly Mexican Americans. (Lindgren, Fraga) In addition, the segregated barrios and political powerlessness of California’s Mexican American population would create the preconditions of the mid-twentieth century Zoot-suit riots and growing Chicano community political protests (Marquez and Jennings, Escobar).

**Changing Political Hegemony**

Following the Second World War, significant challenges to political, economic and cultural hegemony of American institutions occurred within the Mexican American community and other communities of color. The table below summarizes the hegemonic process for the Mexican American community.

**Table

Description automatically generated**

Enforcing the 1965 Voting Rights Act and later the California Voting Rights Act (2002) would advance the process of challenging the prior political hegemony and disenfranchisement of Mexican Americans and other communities of color. Since the implementation of the CVRA, there has been an increase in the number of locally elected Latino Officials (NALEO).

**Conclusion**

A changing hegemony is bringing about a decline in the colonial structure of American society. Tocqueville’s writings on Algeria elaborate on themes first broached in Democracy in America (Atanassow, 85). Key, among these themes, is the clash and mingling of civilizations that colonization brings about, and the subsequent ensuing challenges to coexistence. Tocqueville believed that European colonial expansion would spread democratic enlightenment ideas throughout the world. At the same time, he had little confidence that European colonial empires would endure. According to Dr. Atanassow, Tocqueville envisioned a co-existence between Europeans and non-Europeans.

American democracy appears to be a process that is unravelling as struggles against inequality and white privilege continue. Tocqueville’s assessment of the prospects for the United States as a democratic society par excellence necessitates the integration of racial and cultural differences both as a decisive factor and the most momentous challenge to democracy’s future.

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