

The Borders of Citizenship:
The Politics of Race and Metropolitan Space in Silicon Valley

By

Aaron I. Cavin

A dissertation submitted in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy
(History)
in The University of Michigan
2012

Doctoral Committee:

Associate Professor Matthew D. Lassiter, Chair
Professor Margaret R. Somers
Professor Penny Von Eschen
Associate Professor Jesse Hoffnung-Garskof
Associate Professor Scott Kurashige

© Aaron I. Cavin
2012

To Kate

Acknowledgments

This dissertation would not have been possible without the help, support, and encouragement of many, many people. At Willamette University, William Duvall inspired me to study history, and he is still my model of an excellent teacher. Leslie Dunlap taught me the historian's craft and showed me why American history matters. I owe a great deal to Seth Cotlar, Bob Dash, and William Smaldone for their commitment to education and social justice.

I am incredibly lucky to have studied at the University of Michigan, where the History Department has been an outstanding intellectual home. I have had the great fortune to work with faculty who are as amiable as they are brilliant, especially Paulina Alberto, Howard Brick, Kathleen Canning, Jay Cook, Matthew Countryman, Geoff Eley, Mary Kelley, and Marty Pernick. Gina Morantz-Sanchez deserves special mention. From my first visit to Michigan, Gina was an enthusiastic supporter, and over the years she has written many letters of recommendation and offered career advice and encouragement. The fantastic department staff made moving through the program possible and enjoyable, especially due to the deft management and great senses of humor of Kathleen King and Lorna Altstetter.

Michigan provided an unparalleled environment to study metropolitan history, and I thank the members of the Metropolitan History Workshop for their camaraderie and

ideas as this project as developed. Members of the American History Workshop read chapter drafts and provided valuable feedback. Classes, teaching, and social hours were fun thanks to my fellow graduate students, especially Millington Bergeson-Lockwood, Laura Ferguson, Rebecca Grapevine, Andrew Highsmith, Lauren Hirshberg, Clay Howard, Suzi Linsley, Alex Lovit, Elspeth Martini, Pascal Massinon, Drew Meyers, Josh Mound, Ray Patton, Andrew Ross, Anthony Ross, Kithika St. John, and Ronit Stahl. Lily Geismer has been, and continues to be, an excellent mentor who always makes me laugh.

If this dissertation hangs together at all, a lot of the credit is due to my exceptional dissertation committee. Scott Kurashige signed on at a late date and provided valuable advice and suggestions. Margaret Somers, in addition to her first-hand experience in the Santa Clara Valley, brought a deep knowledge of markets, citizenship, and social theory that improved not only this project but also my thinking in general. She may not know it but she also gave me encouragement when I needed it. Working with Penny Von Eschen has profoundly shaped my career, pushing me to explore global connections and to think more critically. Even though I have shifted focus over the years, Penny stuck with the project and it is better because of her insights. Jesse Hoffnung-Garskof has a knack for identifying what's important, in scholarship and in life, and he reminded me to approach research and teaching with joy and curiosity. His willingness to see the best in my scholarship inspired me to try to achieve it. Matt Lassiter pushed me to read, write, and think more than I thought possible, and then he pushed me to reread, rewrite, and rethink. From when he first called me to talk about coming to Michigan, Matt has been an incredible guide to academia, communicating with honesty, clarity, and assurance. It was a bonus that he liked beer and the outdoors. As I have worked and taught with him over

the years, Matt has been a model of committed teaching, scholarship, and service. It's easy to see why there are people who call themselves Lassiterians.

This dissertation required a large amount of research, and for help with that I thank numerous librarians and archivists at the Bancroft Library, Environmental Design Archives, Ethnic Studies Library, and Institute for Government Studies Library at the University of California, Berkeley; the Bentley Library and Hatcher Library at the University of Michigan; the California Historical Society; the California History Center at De Anza College; the California Room at the San José Public Library; the Hoover Institution Archives and Department of Special Collections at Stanford University; History San José; the Japanese American National Library; the Library of Congress; the National Archives and Records Administration in College Park, Maryland, and San Bruno, California; the Santa Clara County Archives; the Santa Clara County Council of Churches; Special Collections at San José State University; and the Sunnyvale Public Library. Jim Reed at History San José, Dunia Noel of Santa Clara County Local Agency Formation Commission, and Michael Bills of the City of San José Planning Department were particularly helpful. Justin Joque, Jen Green, and Karl Longstreth of the University of Michigan's Clark Library patiently showed me how to make maps and visualize spatial and numeric data. The University of Michigan's Interlibrary Loan and 7-FAST acquired, scanned, and uploaded numerous sources.

Visiting these archives would not have been possible without generous funding from the Organization of American History, the American History Association, the Business History Conference, the Immigration and Ethnic History Society, the Institute

for Constitutional History, the Horace Rackham School of Graduate Studies, and the University of Michigan.

I presented parts of this dissertation at several conferences, and I am indebted to audiences and for panelists for their questions and suggestions. For reading pieces of this dissertation at critical moments and providing excellent feedback, I would like to thank Andrew Wiese, Charlotte Brooks, Christopher Niedt, Karyn Lacy, Kevin Kruse, George Sanchez, Victoria Saker Woeste, Jefferson Decker, Eric Avila, Ileana Rodriguez-Silva, Jonathan Warren, and Patrick Ettinger. Risa Goluboff, Avi Soifer, and the participants of the Institute for Constitutional History Summer Research Seminar brought exciting new perspectives to the project. Nari Rhee, Chris Lepe, and the members of the Silicon Valley Research Network provided models of engaged scholarship. Jon C. Teaford helped me resolve organizational dilemmas in the dissertation, and he motivated me with his encouraging attitude and mirth. Jerry Gonzalez, Hillary Jenks, Shelley Lee, Pablo Mitchell, Stephen Pitti, and Renee Romano generously shared their wisdom on teaching, writing, and careers.

I finished this dissertation in North Carolina, where members of the Triangle African American History Colloquium, Ben Waterhouse's Political Economy Reading Group, and the Triangle Legal History Seminar welcomed me. Russell Bither-Terry, Catherine Conner, Sarah Vierra, and Leo Cao were excellent writing companions. Matt Eggers changed how I think about graphics and numeric data.

Many friends welcomed me to their homes when I was researching. My visits to the Bay Area would not have been nearly as great without Jigar Mehta and Annika Dubrall, Kristina Watson and Brock Towler, Karen Schneemann, Stacy Nelson, and

Mike and Jessica Barnett. Kasey Klemm, Lisa Rowland, Sarah Skikne, and Ian Slattery were fantastic roommates. In D.C., Millington and Jen Bergeson-Lockwood put me up repeatedly. In San José, total strangers on CouchSurfing opened up their homes, and for their generosity, optimism, and activism on urban gardening and transportation, I especially thank Amie Frisch, Nick, Jo, and their roommates. Mel Jones and the kind residents of Escher, especially Dan Blim, made my returns to Ann Arbor fun, and Rachel Marten and Kurt Swindler helped me get there. In the Northwest, Kelda Martensen, Michael Olsen, and Ben and Christina Friedle reminded me of the things in life that are the most important—friends, reggae, freedom—and made me regret ever leaving. In North Carolina, Stephanie Grillo, Morgan Jones, Jeannine Lowe, Jordan Carduner, Mathew Palmer, and Torry Bend kept me going with both healthy and unhealthy behaviors. After all this gratitude, I have to say that no thanks are due Zach Anderson and Matt Fargo, who were always trying to distract me with Egyptology or get me to collude in their dreams of world domination.

Finally, I owe my greatest debts to family. Bill Krieger combines three great features in a parent-in-law: a wonderful personality, a love of American history and literature, and a generous supply of cheese and wine. Patti and Dan Martin provided a home away from home, always welcoming me with joy and generosity. The amazing group of friends and family who gather for Thanksgiving should know that dissertating can be painful, but it's nothing compared to playing spoons.

Lise Cavin has expanded my mind and my imagination, and she has taught me to live with compassion and creativity, and in my own way. She's all I could ever want in a sister. One of the nice things about having a brother like Andy Cavin is that you can eat

four donuts in a sitting and he'll still consider you a moderate person. I am unbelievably happy that he joined me at Michigan where we could read books, talk about life, and drink Minneis. A born dungeon master, he has a genius for waylaying me with mischief and tenderness. My parents, Ben and Doreen Cavin, were unfailingly loving. They gave me the support and freedom to chart my own path, and their example reminded me to welcome the surprises I encountered, especially the weird ones. Their confidence in my future made me bold enough to start this project in the first place.

Kate Krieger has been a fabulous companion. I am indebted to Kate for gifts both large and small—help with Excel, research assistance, delicious cakes, unflagging support. During this project, Kate joined me at the tables of the Bancroft Library, indulged my obsessions with architecture and landscapes, and even snapped photos of East San José strip malls. She goes at life with a perfect mixture of social justice, clear thinking, and hedonism. It's a singular blessing that I live with the funniest person I know. She's the love of my life and I dedicate this dissertation to her.

Table of Contents

Dedication.....	ii
Acknowledgements.....	iii
List of Figures.....	x
List of Abbreviations.....	xi
Introduction.....	1
Chapter 1: Heart's Delight.....	44
Chapter 2: Resettlement and Rights.....	107
Chapter 3: Whiteness and Real Estate.....	167
Chapter 4: Sunshine and Shadow in the South Bay.....	203
Chapter 5: The Struggle for the Postwar Barrio.....	245
Chapter 6: Fringe Politics.....	299
Chapter 7: A Natural Distribution of People.....	348
Chapter 8: Poverty Dreams.....	407
Chapter 9: Citizen Initiative.....	451
Chapter 10: The Zoning of Aztlán.....	489
Chapter 11: A Drastic Remedy.....	534
Conclusion.....	587
Bibliography.....	598

List of Figures

Figure 0.1 The San Francisco Bay Area.....	5
Figure 2.1 Children on a porch swing, Sunnyvale, 1945.....	128
Figure 2.2 Mrs. Kai Shimuzu with her lawnmower, San José, 1945.....	133
Figure 4.1 Planning Progress, 1956.....	204
Figure 4.2 Population growth in the Bay Area, 1940 to 2010.....	207
Figure 4.3 Population growth in San José.	208
Figure 4.4 The Land of Sunshine, Fruit, and Flowers.....	227
Figure 4.5 Aerial view of Lockheed, Sunnyvale, California, 1960s.....	229
Figure 4.6 Santa Clara is “Geared for Growth.”.....	231
Figure 5.1 Federally subsidized low-income housing in San José, 1976.....	294
Figure 6.1 Flooded road and farm near Alviso, 1952.....	307
Figure 6.2 San José Annexation, 1850-2011.	320
Figure 7.1 Ladera Site Plan.....	365
Figure 7.2 Enter the Wonderful World of Eichler.	371
Figure 7.3 Fair housing demonstration in Palo Alto.	391
Figure 10.1 Housing value by year of incorporation, 1970.....	508
Figure 10.2 Distribution of owner-occupied housing values, 1970.....	510
Figure 10.3 Large lot zoning, 1967.....	511

List of Abbreviations

ABAG	Association of Bay Area Governments
ACCION!	Alviso Citizens' Committee to Insure Opportunity Now!
ACLU	American Civil Liberties Union
BAHRC	Bay Area Human Relations Clearinghouse
CAOA	California Apartment Owners Association
CFCU	California Federation of Civic Unity
CREA	California Real Estate Association
CRLA	California Rural Legal Assistance
CRU	La Confederacion de la Raza Unida
CSO	Community Services Organization
EOC	Economic Opportunity Commission
EPA	Economic Progress for All
FEPC	Fair Employment Practices Commission
FHA	Fair Housing Administration
HOLC	Home Owners' Loan Corporation
HRC	Human Relations Commission
HUD	Department of Housing and Urban Development
JACL	Japanese American Citizens League
LAFCO	Local Agency Formation Commission
MALDEF	Mexican American Legal Defense and Educational Fund
MAPA	Mexican American Political Association
NAACP	National Association for the Advancement of Colored People
NCDH	National Coalition Against Discrimination in Housing
PAACOH	Palo Alto Area Committee for Open Housing
PAFPC	Palo Alto Fair Play Council
QUEST	Quality Urban Education Study Team
SASSO	Southern Alameda Spanish Speaking Organization
SJUSD	San José Unified School District
SCVMG	Santa Clara Valley Manufacturing Group
THOU	Tropicana-Hillview Organization United
WRA	War Relocation Authority

Introduction

In 1940, San José, California, was a small market town in the midst of the agricultural Santa Clara Valley, a place where people paid attention to the prices of prunes and apricots, where farm owners met in cafes to swap stories about fertilizers, and where farmworkers traded information about who paid the most to pick pears. In subsequent decades, Santa Clara County burgeoned into the fastest growing metropolitan area in the nation. By 1970, San José was the center of a sprawling metropolis of more than a million residents. National media christened the region the Silicon Valley for its high-tech industry, reporting breathlessly on the region's technological brilliance and entrepreneurial spirit, which allegedly heralded the dawn of the computer age and a "New Economy." By publicizing the area's affluence and industrial growth, media hype and political and business boosters made the Valley an icon of American capitalism. By the 1980s, even as deindustrialization and the energy crisis plagued the rest of the national economy, Silicon Valley continued to manufacture millionaires, generating apparently unlimited wealth.

The Valley's economy attracted workers from around the world. Journalists chronicled the stream of computer engineers and scientists who immigrated from Taiwan and China. As Asian immigrants worked in high-tech companies and settled in the suburbs, many observers came to believe that the Valley had become a colorblind society. "Silicon Valley is a meritocracy," Steve Jobs, co-founder of Apple Computer,

once remarked, in which race or class did not matter. “What matters is how smart you are.” *Business Week* lauded the Silicon Valley, the new immigrant gateway for the end of the twentieth century, as “the quintessence of the American dream.” It was a place, allegedly, that had moved beyond the racial and economic divisions of the past, where entrepreneurial capitalism had solved the problems of inequality, where, with hard work, anybody could make it.¹

But the mythology of Silicon Valley concealed persistent divisions of race and class while also erasing history, celebrating certain residents—especially entrepreneurs and Asian engineers who bolstered the meritocratic myth of the American Dream—while obscuring others. The Valley’s prosperity failed to reach all its residents. In fact, growth exacerbated poverty for many locals, particularly Mexican Americans and Japanese Americans who had worked in agriculture. Until the 1960s, Mexican American colonias—semi-rural communities linked to the agricultural economy—stood on the outskirts of San José, and Japanese American farming communities were scattered throughout the Valley. Rapid residential and industrial development displaced poor agricultural communities. In the late 1960s, a new civil rights organization, la Confederacion de la Raza Unida, emerged as the voice of those residents who did not enjoy the postwar promises of suburban prosperity. The organization represented more than sixty of the Valley’s Mexican American organizations, from church groups to school groups. In a 1971 bulletin, the CRU declared,

“We are the people who worked in the fields which have been replaced by homes which are priced beyond our economic reach. We are the people who worked in the fields which have now been replaced by industries which systematically discriminate in their hiring practices.... We are the people who worked in the fields which have now been replaced by expressways and freeways which have

¹ “What Matters Is How Smart You Are,” *Business Week*, August 25, 1997.

forced us to relocate time and again. We are the people who have been caught in the crossfire of rapid urban development and economic growth which has been taking place in this county for the past twenty years.... We are refugees...²

“The Borders of Citizenship” tells the stories of how growth’s “refugees” negotiated, adapted to, and challenged the shifting structure of the metropolis, trying to make a place for the poor in the wealthiest high-tech center in the country.

This dissertation explores the spatial politics of citizenship over the course of the twentieth century, focusing on the second half of the century, a time of rapid metropolitan growth. It tells the stories of local activists, politicians, business owners, and ordinary residents who shaped the political and economic structure of the metropolis. Some later became famous. Cesar Chavez, for example, became the face of the farmworkers’ movement, but he first started organizing in 1952 in a suburban barrio on the outskirts of San José. Some are remembered only obliquely, such as Anita Valtierra, a cannery worker and mother of seven whose struggles for affordable housing in San José eventually brought her to the Supreme Court, where her 1971 case established a national precedent about race and class in suburbia. Most of the Valley’s activists remained unknown outside their communities, but nevertheless shaped the course of metropolitan development. Grace Kubota, for example, who had spent her earliest years in Japanese internment camps during World War II, was a legal aid attorney whose unprecedented lawsuits pinpointed the central dilemma in school desegregation jurisprudence—the ways in which segregated housing markets generated segregated schools.

I use the term “the Valley” to refer to this region. Even before journalists and boosters celebrated the area as the Silicon Valley, residents called it the Valley—meaning

² Confederacion de la Raza Unida, “El Boletín”, October 1971, Newsletter File, Ethnic Studies Library, University of California, Berkeley.

the Santa Clara Valley, or the “Valley of Heart’s Delight,” the region’s nickname in the first half of the twentieth century. Industry journalists first used the term “Silicon Valley” in print in 1971 to refer to the broad region on the southern end of the San Francisco Bay, stretching from the Santa Clara Valley to the San Francisco Peninsula, that had become the center of the nation’s semiconductor industry. By 1975, mainstream news media had picked up the term, and it became common parlance by the late 1970s and early 1980s. To industry observers, the term provided a convenient expression for the place that saw the birth of dozens of semiconductor companies after inventor William Shockley established the first semiconductor laboratory in the town of Mountain View in 1956.³ Even for observers unfamiliar with semiconductor technology, the term made sense because it suggested the processes of economic development that had shaped the region since the 1950s, when companies involved in various kinds of high-tech industry, from aerospace to electronics, established headquarters, laboratories, and manufacturing plants there. To locals and visitors, the evidence of this growth was visible in the built environment. Businesses erected countless research and design laboratories, constructed in a California suburban vernacular on grassy campuses, most famously in Stanford Industrial Park, established in 1951. Firms built modern industrial facilities, such as the massive complex in Sunnyvale that Lockheed Missile and Space moved to in 1957.⁴ Thus long before journalists used the term Silicon Valley, the development of high-tech industry was well underway.

³ Don C. Hoefler, “Silicon Valley, USA,” *Electronic News*, January 11, 1971; “New Markets Are Sought for Miniaturized Computers,” *New York Times*, January 16, 1975; Carl Abbott, *The Metropolitan Frontier: Cities in the Modern American West* (Tucson: University of Arizona Press, 1993), 157–158; Turo Uskali and David Nordfors, “The Role of Journalism in Creating the Metaphor of Silicon Valley” (presented at the Fourth Conference of Innovation Journalism, Stanford University, May 21, 2007).

⁴ John M. Findlay, *Magic Lands: Western Cityscapes and American Culture After 1940* (Berkeley: University of California Press, 1993); Gwendolyn Wright, “The Virtual Architecture of Silicon Valley,” *Journal of Architectural Education* 54, no. 2 (November 2000): 88–94.

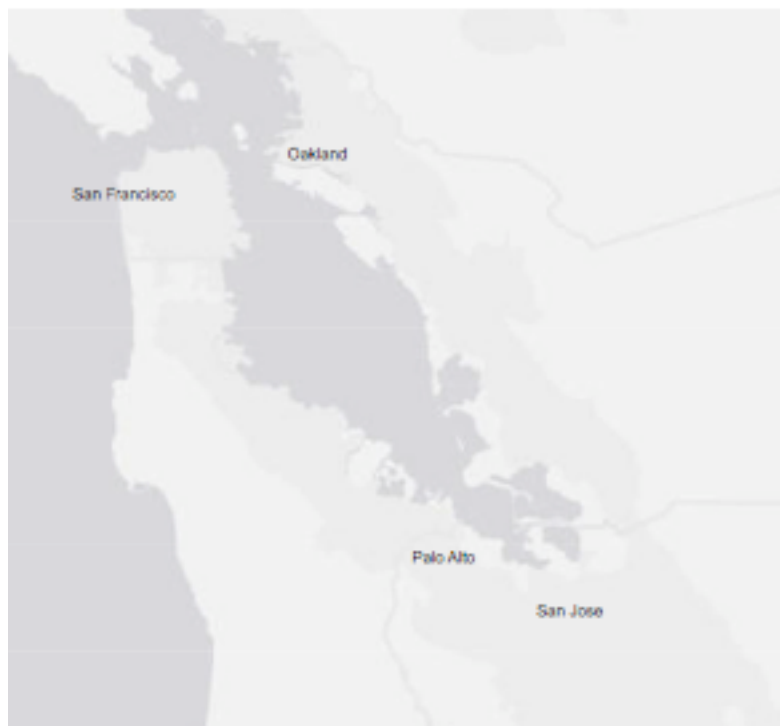


Figure 0.1 The San Francisco Bay Area. The Santa Clara Valley is on the southern end of the Bay, between the Santa Cruz Mountains on the west and the Diablo Range on the east. High-tech industry emerged near Stanford University in Palo Alto and spread throughout the South Bay, which became known as the Silicon Valley. In the second half of the twentieth century, San José grew to be the largest city in the Bay Area.

This dissertation employs race as a primary category of analysis, using the theoretical perspective of racial formation.⁵ Over the course of the twentieth century, not only the people who composed racial groups changed but the racial categories themselves shifted. The Valley's Asian Americans were incredible diverse, including Japanese migrants from the early twentieth century, Chinese Americans born in San José, and computer engineers from Taiwan, China, and India by the end of the century. The Valley's Latinos were a less varied bunch, composed primarily of Mexican migrants and their ancestors, but they too came to the Valley by diverse routes, many migrating during

⁵ Michael Omi and Howard Winant, *Racial Formation in the United States: From the 1960s to the 1990s* (New York: Routledge, 1994).

the Mexican Revolution in the early twentieth century and many more arriving from Texas, Arizona, and elsewhere in the Southwest during the postwar decades. Many, furthermore, had roots in the Santa Clara Valley from when the area had been part of Spain. The Valley's white residents were, in the early twentieth century, primarily recent migrants from Northern Italy who quickly embraced an identity of whiteness. After World War II, hundreds of thousands of white residents moved to the area from Iowa, Illinois, and elsewhere. The region's black population was small but politically active and economically diverse, including many professionals who moved to the region in the 1950s to work in laboratories, universities, and high-tech industries. Such jobs, however, were often in wealthy, white suburbs that excluded African American residents. Accordingly, the region's black population concentrated primarily in the communities of East Palo Alto and East Menlo Park, nearby unincorporated residential areas.⁶

The diversity and intensity of multiracial and multiethnic interactions shaped the Valley's history. The multiracial context of the metropolis shaped the conception, emergence, and implementation of racial zoning, housing covenants, and the home mortgage financing programs of the federal government. Movements for property rights, fair housing, and affordable housing took form in the Valley's multiracial landscapes, as Latinos, Asian Americans, and African Americans sometimes worked together, sometimes fought each other, and often adopted each other's political strategies.

Residents of the Santa Clara Valley formed racial identities by positioning themselves in

⁶ I follow local racial terminology when discussing these racialized populations. In the postwar decades, most Santa Clara County residents and civil rights activists used the terms "Mexican American," "Mexican," and starting in the 1960s "Chicano" interchangeably. I follow this convention except where distinction is necessary to make sense of a particular racial or political project. Regardless of laws defining Mexican Americans as "white," most Santa Clara County Mexican Americans did not self-identify as white; they used the term to describe those people other Southwestern Mexican Americans often called "Anglos." In this ethnic milieu, terminology popular in the social sciences, such as "white Hispanic" lacked social utility.

relation to multiple others. Local government officials devised programs, such as urban renewal projects, through diverse racial comparisons, perceiving Mexican barrios as uniquely blighted. A multiracial perspective, moreover, emphasizes those patterns in the shifting metropolitan landscape that cut across racial distinctions, subsumed them, or incorporated them differentially.

While this dissertation explores the racial diversity of the metropolis, it makes no attempt to provide a comprehensive, comparative analysis of all the racialized groups in the Santa Clara Valley. Such an endeavor would require a sustained focus on a multitude of groups that is outside the scope of this project. Rather, it is an investigation of the mutual interactions and engagements between metropolitan development and racialized populations. This dissertation explores contests over metropolitan space, looking at power where it was contested and examining the different people and groups who contested it at different places and at different times. I make no claims that the civil rights groups and community organizations I examine were necessarily representative of all members of the racial and ethnic groups they claimed to represent. The Japanese American Citizens League, for example, often advocated legal and political strategies that many of the Valley's Japanese Americans did not endorse and occasionally opposed, most famously in the organization's public assent to wartime internment. Neither do I argue that plaintiffs in legal contests over metropolitan space necessarily represented the classes on whose behalf they litigated. Plaintiffs, often assisted by legal aid attorneys, devised legal strategies that mainstream civil rights groups avoided, providing a different perspective of metropolitan racial politics, but a perspective that remained bound by the legal strategies and constitutional discourses through which plaintiffs made claims.

In addition to investigating race, this dissertation uses space as a central analytic, exploring the ways in which space shaped residents' social and political identities. Social relations are constituted spatially.⁷ Residents' movements to change social relations, likewise, were inevitably spatial. The Valley produced a range of spatial politics, from Japanese Americans' efforts to resettle their neighborhoods peacefully after wartime internment to Mexican Americans' struggles for school desegregation. The Valley's residents sought to improve the places in which they lived, enable mobility between different parts of the metropolis, and divorce citizenship rights from their territorial contexts. Many of these projects were obviously spatial—movements for environmental justice, for example, derived from the distribution of industrial pollution and storm runoff among different parts of the metropolis. But even ostensibly non-spatial politics, such as farmworkers' organizing, were embedded in the local geography. Spatial politics, in turn, intertwined with racial politics.

In the first half of the twentieth century, the Valley's legal regime articulated and constituted racial differences through property discourses, making struggles over property the most visible arena of racial politics. Starting in the 1920s, white civic and business leaders harnessed public power to enact a racial geography of the metropolis, instituting racially restrictive covenants on residential real estate and prohibiting Asian immigrants (primarily Japanese) from owning agricultural properties through the Alien Land Laws. Although the Valley's white residents had long sought to establish a geography of white supremacy, earlier racial battles over property happened outside the bounds of normal government—that is, through extralegal violence and private business. Even if the state condoned violence, enforced racial covenants, and structured economic relationships, it

⁷ Henri Lefebvre, *The Production of Space* (New York: Wiley Blackwell, 1992).

did not pervade property relationships and rights in the ways that it came to during the mid-twentieth century, when public power defined property rights through race and citizenship. Beginning in the 1930s and accelerating after 1945, local business and civic leaders implemented federal policies—particularly those governing home mortgages and freeway construction—in such a way that linked geography, race, and citizenship rights, constructing vast landscapes of residential segregation. The Valley’s civil rights organizations, especially the Japanese American Citizens League, challenged the racial property regime, but despite nearly constant challenges, it persisted into the late 1960s. Even after the legal regime no longer tied property rights to race, property remained central to the Valley’s politics and its residents’ understandings of citizenship.

The Valley’s political and legal struggles over property took place within a discourse of markets. Debates about citizenship and civil rights were often debates about how to structure the market, particularly in residential real estate. After 1945, middle-class residents of color espoused a particular kind of market vision that we have come to call “colorblind.” They envisioned a system in which class rather than race would structure the market, and in the Valley this developed into a legal geography of suburban class exclusivity and racial inclusivity. During the postwar decades, the Valley’s liberal organizations and civil rights groups campaigned for this vision, and by the end of the 1960s, most white middle-class residents embraced it.

The incorporation of market discourses into the realms of citizenship grew out of the politics of citizenship itself. The ability to participate in markets has long been a central feature of American citizenship politics, shaping contests over slavery, labor, the

welfare state, and women's rights, to name only a few.⁸ Thus when civil rights organizations and their liberal allies articulated market visions of citizenship, they did not intrude an alien concept into a realm previously ignorant of it nor insulated from it.

If market visions of citizenship have a long history, in the late twentieth century they overlapped with, and found sustenance in, changing configurations of space, race, and class. In the second half of the 20th century, spatial boundaries became the primary means of defining one's relationship to the market. By the 1970s, as exclusionary suburbs proliferated and as the political institutions of the metropolitan area fragmented into multiple units of governance, many of the public goods that residents had come to see as rights of citizenship—public education, most prominently—came to be allocated through market mechanisms. Expensive houses in exclusive suburbs came with well-funded public schools, while low-income houses in central San José did not. By the end of the century, as educated immigrants from Asia streamed into the Valley to work in high-tech industries, they settled in exclusive suburbs—several of which became majority Asian American—buying into a spatially and economically bifurcated citizenship that, earlier, did not exist. As increasingly privatized local jurisdictions provided “public” goods, many wealthy migrants enjoyed the privileges of citizenship regardless of formal citizenship status. To politicians and the media, immigrants' residence in exclusive suburbs appeared to be evidence of assimilation, reinforcing the liberal mythology of immigrant America and justifying the geography of economic exclusion.

⁸ Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore* (Baltimore: Johns Hopkins University Press, 2008); Walter Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market* (Cambridge: Harvard University Press, 2001); Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation* (New York: Cambridge University Press, 1998); Alice Kessler-Harris, *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in 20th-Century America* (Oxford: Oxford University Press, 2001), 13.

The Valley's working-class people articulated a different market vision. Mexican American community activists were the most vocal and the best organized, but they were only part of a broad multiracial movement for economic justice in the Valley. In the 1960s and 1970s, they promoted a vision of metropolitan government that would allow poor people to live in any part of the metropolis and access the public goods that had become increasingly privatized. They proposed new ways of defining the relationships between the state, the market, and citizenship.

The Spatial Politics of Citizenship

In the Santa Clara Valley, Mexican American and Japanese American community activists tried to make metropolitan development more equitable. By investigating that history, this dissertation explores not only the political and social disruptions experienced by racialized communities on the metropolitan fringe but also the ways in which communities were, in Edward Soja's phrase, "seeking spatial justice."⁹ Ideas about justice and space became intertwined as the spatial transformations of suburbanization reshaped citizenship.

As a political concept, citizenship is fraught with contradictions, suggesting inclusion at the same time that it presupposes exclusion. To define some persons as citizens is to separate them from other persons who are not citizens. The process of drawing the borders that identify citizens and distinguish them from their others has been, in American history, a continuous political struggle, in which the categories of race, class, gender, and sexuality have been deployed to bound citizenship. Moreover, there has never been any agreement about what precisely the rights of citizenship are. People have struggled for political, civil, social, and economic rights, trying to define what

⁹ Edward W. Soja, *Seeking Spatial Justice* (Minneapolis: University of Minnesota Press, 2010).

citizenship meant, what rights and responsibilities it entailed, and where to locate its borders.¹⁰

In the Valley, residents articulated their visions of citizenship through competing notions of metropolitan space and they struggled to actualize these visions by rearticulating the borders of citizenship in the social, economic, and juridical structures of metropolitan space. In the Valley, like elsewhere in the nation, the postwar decades were a vibrant era of civil rights organizing. The Valley's residents organized social movements for economic citizenship and civil rights that drew on their particular experiences of the Valley's landscape. In the postwar decades, middle class Mexican Americans and Japanese Americans asserted their rights to participate on equal terms in the residential real estate market. White homeowners, meanwhile, insisted on their rights to control the character of suburban neighborhoods. In the final quarter of the century, when the Valley's housing prices rose more rapidly than anywhere else in the nation—936 percent—residents claimed rights to affordable housing and economic justice. In the Santa Clara Valley, Mexican American and Japanese American residents asserted what David Harvey (after Henri LeFebvre) calls “the right to the city.”¹¹

The Valley's Mexican Americans and Japanese Americans articulated what they believed to be their citizenship rights while other Valley residents, particularly suburban white homeowners, promoted different understandings of citizenship. Within the dominant market logics of the late twentieth century, local residents had competing notions of what constituted equality, what rights were due all residents, and where those

¹⁰ Hannah Rosen, *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South* (Chapel Hill: University of North Carolina Press, 2009); Kessler-Harris, *In Pursuit of Equity*; Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton: Princeton University Press, 2009).

¹¹ David Harvey, “The Right to the City,” *New Left Review* 53 (October 2008): 23–40.

rights were located. State and national constitutions anchored citizenship rights, but popular visions animated expansive understandings of rights.¹² Citizenship is a formal status, but in practice it is rarely something one either has or does not have. Formal citizenship has often not been enough to actually enjoy what Hannah Arendt called the “right to have rights.”¹³ Contrary to Giorgio Agamben, who posits a stark difference between normalized citizenship and bare life, citizenship emerges in local contexts as part of historically situated political processes and negotiations.¹⁴ In his canonical work on citizenship, T.H. Marshall identified a contradiction at the heart of citizenship between political equality and economic inequality—“warring principles,” in his words.¹⁵ This dissertation expands upon Marshall’s insight by analyzing how planners, policymakers, civil rights groups, and ordinary citizens constituted and resolved contests between markets and equality. Metropolitan space fractured what Marshall saw as the three fields of citizenship—political, civil, and economic—and how locals exercised these rights depended upon the spaces in which they operated.

For the Valley’s Mexican American residents, postwar spatial changes generated new political and racial identities rooted in the postwar metropolis. As George Lipsitz

¹² Hendrik Hartog, “The Constitution of Aspiration and ‘The Rights That Belong to Us All,’” *Journal of American History* 74, no. 3 (December 1987): 1013–1034; William E. Forbath, “Why Is This Rights Talk Different from All Other Rights Talk? Demoting the Court and Reimagining the Constitution,” *Stanford Law Review* 46, no. 6 (July 1994): 1771–1805; Mark V. Tushnet, *Taking the Constitution Away from the Courts* (Princeton: Princeton University Press, 1999).

¹³ Hannah Arendt, *The Origins of Totalitarianism* (San Diego: Harcourt, Brace, Jovanovich, 1973).

¹⁴ Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford: Stanford University Press, 1998). Aihwa Ong makes a similar point from an anthropological perspective. Aihwa Ong, *Neoliberalism as Exception: Mutations in Citizenship and Sovereignty* (Durham: Duke University Press, 2006).

¹⁵ T.H. Marshall, *Citizenship and Social Class and Other Essays* (Cambridge: Cambridge University Press, 1950); Margaret R. Somers, “Rights, Relationality, and Membership: Rethinking the Making and Meaning of Citizenship,” *Law and Social Inquiry* 19, no. 1 (1994): 63–112; Margaret R. Somers, *Genealogies of Citizenship: Markets, Statelessness, and the Right to Have Rights* (New York: Cambridge University Press, 2008).

argues, “race is produced by space.”¹⁶ Many Mexican Americans began to see the divisions of metropolitan space as central to what it meant to be Mexican American. Emphasizing the role of metropolitan space reveals that Mexican Americans, from early in the postwar era, developed a civil rights politics from a position of spatial and racial difference. This dissertation offers a counterpoint to studies that emphasize labor, military status, and struggles to enjoy the benefits of whiteness as the primary roots of Mexican American civil rights politics. As the Valley economy boomed after the war, new industries (including nascent high-tech) hired few Mexican Americans.¹⁷ As labor politics shifted, increasing numbers of Mexican Americans began making claims not only as farm laborers or cannery workers but also as homeowners, taxpayers, municipal service users, and barrio residents. While labor history has been instrumental in documenting the possibilities for citizenship and the civil rights struggles of Latinos, many of the struggles for citizenship have taken place outside the workplace. Political identities did not form solely on the shop floor or field. Given the major roles housing and education played in the construction of citizenship, the formation of race, and the creation of wealth, Latinos’ postwar spatial politics remains understudied.¹⁸

¹⁶ George Lipsitz, *How Racism Takes Place* (Philadelphia: Temple University Press, 2011), 5.

¹⁷ Stephen J. Pitti, *The Devil in Silicon Valley: Northern California, Race, and Mexican Americans* (Princeton: Princeton University Press, 2003), 131.

¹⁸ Lorena Oropeza, *¡Raza Sí! ¡Guerra No!: Chicano Protest and Patriotism During the Viet Nam War Era* (Los Angeles: University of California Press, 2005); Vicki L. Ruíz, “Nuestra América: Latino History as United States History,” *Journal of American History* 93, no. 3 (December 2006): 655–672; Zaragoza Vargas, *Labor Rights Are Civil Rights: Mexican American Workers in Twentieth-Century America* (Princeton: Princeton University Press, 2005); Nancy MacLean, *Freedom Is Not Enough: The Opening of the American Work Place* (New York: Russell Sage, 2006); Thomas A. Guglielmo, “Fighting for Caucasian Rights: Mexicans, Mexican Americans, and the Transnational Struggle for Civil Rights in World War II Texas,” *Journal of American History* 92, no. 4 (March 2006): 1212–1238; Neil Foley, *Quest for Equality: The Failed Promise of Black-Brown Solidarity* (Cambridge: Harvard University Press, 2010). It should go without saying that Mexican Americans had genuine political activism, but as Vicki Ruiz has noted, historians have often portrayed Mexican American politics, especially the Chicano movement, with “a rubric of ‘Me, too,’” that positions Mexican Americans as emulators of African American activists. Vicki L. Ruíz, *From Out of the Shadows: Mexican Women in Twentieth-Century America* (New York: Oxford

Space, moreover, shaped discourses of membership. In terms of national belonging, the suburb—and above all the single-family home—became a metonym for the nation, making suburban residence and homeownership a symbol of national citizenship.¹⁹ Space also shaped experiences of citizenship, articulating residents' relationship to the state and distributing the costs and benefits of government. Space, finally, shaped citizenship practices, enabling people to make claims on the state from new subject positions.

The spatial politics of citizenship revolved around property—who could own it, who defined it, and what subsidiary rights it entailed. This is most obvious in the Alien Land Laws, which limited Japanese property ownership from the 1920s through the 1940s. Although scholars ordinarily situate the Alien Land Laws firmly in the agricultural realm, the politics of Japanese property ownership shaped urban and suburban landscapes and imbued Japanese American political culture with a strong concern over property rights that transcended the boundary between rural and urban. The politics of property grounded citizenship struggles—including those over naturalization and immigration—in the legal and mental geography of the Valley. These struggles made symbols of property ownership powerful talismans. Japanese American property ownership—and the economic and social status it signified—threatened what Cecilia Tsu

University Press, 1998), 105. For scholarship that has attended to metropolitan space in Mexican American identity and politics, see Pitti, *The Devil in Silicon Valley*; Matt Garcia, *A World of Its Own: Race, Labor, and Citrus in the Making of Greater Los Angeles, 1900-1970* (Chapel Hill: University of North Carolina Press, 2001); Jerry Gonzalez, "A Place in the Sun: Mexican Americans, Race, and the Suburbanization of Los Angeles, 1940-1980" (Ph.D. dissertation, University of Southern California, 2009); Raúl Villa, *Barrio-Logos: Space and Place in Urban Chicano Literature and Culture* (Austin: University of Texas Press, 2000); Victor M. Valle, *Latino Metropolis* (Minneapolis: University of Minnesota Press, 2000); George J. Sanchez, *Becoming Mexican American: Ethnicity, Culture, and Identity in Chicano Los Angeles, 1900-1945* (New York: Oxford University Press, 1993); George J. Sanchez, "'What's Good for Boyle Heights Is Good for the Jews': Creating Multiracialism on the Eastside During the 1950s," *American Quarterly* 56, no. 3 (September 2004): 633.

¹⁹ Kenneth T. Jackson, *Crabgrass Frontier: The Suburbanization of the United States* (New York: Oxford University Press, 1987).

has called the “family farm ideal” of white independence and permanence, opposed to Asian subservience and transience in migratory farm labor, and hence familial deviance.²⁰

The Japanese American Citizens League’s legal and legislative campaigns helped bring about the end of the Alien Land Laws in 1948. But while the end of the Alien Land Laws allowed Japanese immigrants to own land, the racial restrictions in postwar urban policy prevented non-white ownership of most single-family lots in the metropolis. Just as obviously racial property laws ended, the expansions of the welfare state produced new racial inequalities. As housing policies promoted metropolitan segregation, citizenship rights came to be determined less by the racial barriers of immigration policy than by the racial exclusions built into the postwar state. Metropolitan public policies shaped the settlement, assimilation, political membership, and citizenship practices of Japanese immigrants. For them, the national border overlapped with the racial borders that fragmented the postwar metropolis. Since the federal state delegates power to local jurisdictions, creating boundaries in metropolitan space, the suburbs, too, were “legal borderlands,” locations where laws articulate who is inside and outside the nation.²¹

During the postwar era, the meanings of citizenship changed profoundly. Liberals and civil rights activists passed major legislation in an attempt to end America’s long era of race-based citizenship, particularly in urban and immigration policy. The Hart-Cellars Immigration Act of 1965 ended racial restrictions on immigration while establishing a system of preferences that encouraged immigration from the wealthy and educated. The

²⁰ Cecilia Tsu, “Grown in the ‘Garden of the World’: Race, Gender, and Agriculture in California’s Santa Clara Valley, 1880-1940” (Ph.D. dissertation, Stanford University, 2006).

²¹ Mary L. Dudziak and Leti Volpp, eds., *Legal Borderlands: Law and the Construction of American Borders* (Baltimore: Johns Hopkins University Press, 2006).

Civil Rights Act of 1968, often known as the Fair Housing Act, forbade racial discrimination in housing while protecting economic discrimination. Class-based exclusions replaced overt racial discrimination as central organizing principles in metropolitan structure and citizenship rights.

Remarkably similar in their racial and economic ethos, the acts articulated and elaborated a developing political culture that emphasized free markets, choice, and colorblind economic opportunity. Latino, African American, and Asian American activists were not passive victims in this shift to colorblind politics, but rather helped facilitate it. Middle class people of color saw opportunity in a state that treated all citizens equally without regard to race. Yet most did not want to stop there. If middle-class people of color sought inclusion in the suburban dream, working-class residents challenged that structure at its foundation. They advocated interpretations of the Constitution that would change the economic geography of the metropolis. Suburban voters and their elected and appointed representatives eventually accepted the claims of civil rights activists for equal opportunity, yet rejected more radical demands. The new policies and laws established formal racial neutrality while establishing a more strident and widespread system of economic exclusion.

Because colorblindness, in the years since, has come to be a limiting legal and political construct, many scholars have seen it as the enemy of both the welfare state and civil rights activists, and they have identified its origins in conservative reactions against the New Deal and movements for racial equality. George Lipsitz, for example, has derided colorblind rhetoric as a “cynical” manipulation of civil rights victories that

enabled reactionary whites to maintain white privilege.²² While colorblind rhetoric did limit the judicial remedies for decades of state-sponsored segregation, the origins of this construct lay elsewhere. Before the language of markets and color-blindness came to be associated with conservatism, it enjoyed wide acceptance among the Valley's liberals and civil rights activists. Historians focused on a rightward shift in late-twentieth-century American politics have downplayed the degree to which liberals and civil rights activists originated, disseminated, and institutionalized discourses of colorblindness. When liberals used colorblind language, they were not adopting conservative rhetoric but quite the opposite.²³

Although Lipsitz contends that civil rights victories “changed the names” but not “the game” of racism, there were, in fact, new structures of government, new rules, and new ways of participating. This is not to say that race vanished, for it continued to wield a strong influence in citizenship rights, social movements, and local politics. Colorblindness, moreover, is itself a racial ideology, as Daniel HoSang, among others, has shown.²⁴ The structure of the metropolis continued to imbue suburban residence with material advantages, from well-funded schools to environmental health. Given the history of race-based public policies, this structure perpetuated an investment in white identities that manifested itself in a politics of suburban exclusion and property rights.²⁵ Rather, by exploring the changes brought by new legislation, this dissertation emphasizes the

²² Lipsitz, *How Racism Takes Place*, 21.

²³ See, e.g., David M. Freund, *Colored Property: State Policy and White Racial Politics in Suburban America* (Chicago: University of Chicago Press, 2007); Matthew D. Lassiter, *The Silent Majority: Suburban Politics in the Sunbelt South* (Princeton: Princeton University Press, 2007).

²⁴ Daniel Martinez HoSang, *Racial Propositions: Ballot Initiatives and the Making of Postwar California* (Berkeley: University of California Press, 2010).

²⁵ George Lipsitz, *The Possessive Investment in Whiteness: How White People Profit from Identity Politics* (Philadelphia: Temple University Press, 2006).

intersectionality of race with other features of social experience as the political challenges of civil rights activists generated new legal and political landscapes.

Colorblind rhetoric supported a discourse of meritocracy that Silicon Valley's boosters eagerly endorsed. To combat persistent notions that the New Economy enabled anyone to become a millionaire, scholarship on inequality in Silicon Valley has focused on corporations and labor relations. As scholars have shown, discrimination and management practices have made earning a living in Silicon Valley a precarious prospect for many workers. From non-union electronics assembly jobs to the international developers and engineers recruited under temporary visa programs, Silicon Valley workers have lacked security. Even in management, women and people of color have found upward mobility blocked by a "glass ceiling."²⁶ Scholars have endeavored to locate an activist labor movement in a place that underwent a dramatic industrial transformation yet did not develop the working class activism many scholars expected. This dissertation shifts focus cities and neighborhoods, where local residents confronted the dislocations of rapid suburban development and attempted to shape how the costs and benefits of growth were distributed.

²⁶ Marc Cooper, "Class War @ Silicon Valley: Disposable Workers in the New Economy," *The Nation*, May 27, 1996; Marcia Lynn Douglass, "The Myth of Meritocracy: Race, Class, and Gender in Silicon Valley" (Ph.D. dissertation, University of California, San Diego, 1991); Glenna Matthews, *Silicon Valley, Women, and the California Dream: Gender, Class, and Opportunity in the Twentieth Century* (Stanford: Stanford University Press, 2002); Edward Jang-Woo Park, "Asian Americans in Silicon Valley: Race and Ethnicity in the Post-industrial Economy" (Ph.D. dissertation, University of California, Berkeley, 1992); Nari Rhee, "Searching for Working Class Politics: Labor, Community and Urban Power in Silicon Valley" (University of California, Berkeley, 2007); Johanna Shih, "Ethnic and Gender Inequality in Silicon Valley: Mechanisms of Discrimination, Strategies of Resistance" (Ph.D. dissertation, University of California, Los Angeles, n.d.); Johanna Shih, "Job-Hopping: Social Networks in the Global High-Tech Industry," in *Crossing Borders, Challenging Boundaries: Race, Ethnicity, and Migration* (Lanham, MD: Lexington Books, 2007), 219–241; Ronald T. Takaki, *Strangers from a Different Shore: A History of Asian Americans* (Boston: Little, Brown, 1998), 475–477.

The conventional narrative of postwar political history marginalizes Latino and Asian American politics and citizenship claims, as well as the claims of the poor.²⁷ Yet they were addressing some of the biggest tensions in postwar US political history: the relationship between public policy and the market, the balance of power between local and national governments, the conflicts between majoritarian democracy and minority rights, and the relationships between race and class. They were not the only people addressing these issues, but their political and legal activism produced far-reaching results. The Valley's Latinos and Asian Americans were central actors in postwar political history, responding to, and changing, the spatial structure of the New Deal state, the state's policies of growth and suburbanization, the political culture of liberalism, and new configurations of rights. Latino and Asian American civil rights activists participated in the "rights revolution" of the twentieth century, critiquing the legal exclusions built into the New Deal, particularly its delegation of power to local governments that were often hostile to minority interests. Yet their demands reached even beyond the New Deal, challenging the economic geography of the metropolis and the calculus behind zoning and municipal sovereignty that preserved suburban class privilege. Their demands for economic and civil rights shaped American law and its constructions of race, class, and citizenship. By investigating their struggles, this dissertation enhances our understanding of multiethnic politics in one of the most important sites of capitalist development and political transformation in the last half century.

²⁷ In several popular surveys of political and social history, Latino and Asian American activism is portrayed as a coda to the black freedom struggle. See, for example, Eric Foner, *The Story of American Freedom* (New York: W.W. Norton, 1998), 299–300; William H. Chafe, *The Unfinished Journey: America Since World War II* (New York: Oxford University Press, 2007), 167–169, 343; Bruce J. Schulman, *The Seventies: The Great Shift in American Culture, Society, and Politics* (New York: Free Press, 2001), 64; Alexander Bloom and Wini Breines, eds., *Takin' It to the Streets: A Sixties Reader* (New York: Oxford University Press, 2002), 135.

Racial Diversity on the Metropolitan Fringe

In the postwar years, metropolitan development and agricultural transformation—ordinarily distinct areas of inquiry—went hand in hand.²⁸ In Santa Clara County, rural and urban, fields and factories, agriculture and industry, were not so much distinct worlds as constituent parts of a shared system. Rather than focusing on discreet places, therefore, I explore the processes that joined them.

Unlike urban African American communities, which experienced disinvestment and population loss in the postwar decades, nonwhite hinterland communities in the Santa Clara Valley were located in the path of metropolitan growth. Instead of deindustrialization, Mexican and Japanese American communities on the suburban fringe experienced industrialization; instead of disinvestment, investment; instead of a collapsing fiscal structure, a high tax base; instead of white flight, white settlement; instead of depreciating housing prices, spiraling costs. These processes exacerbated racial and economic inequalities, mirroring the “urban crisis.” In the postwar decades, subdivisions wiped out the agricultural economy without offering alternative jobs and suburban industries did not hire black, Latino, or Asian American employees in large numbers. At the same time, nonwhite residents were increasingly segregated in poor, rundown areas of San José and other communities.

²⁸ Although there is a vibrant subfield on urban and suburban environmental history, little of this work investigates the ways in which agricultural communities engaged with suburban development. For environmental studies of metropolitan development, see William Cronon, *Nature's Metropolis: Chicago and the Great West* (New York: Norton, 1992); Joel A. Tarr, “Urban History and Environmental History in the United States: Complementary and Overlapping Fields,” in *Environmental Problems in European Cities of the 19th and 20th Century*, ed. Christopher Bernhardt (New York: Waxmann, Muenster, 2001), 25–39; Mike Davis, *Ecology of Fear: Los Angeles and the Imagination of Disaster* (New York: Metropolitan Books, 1998); Adam Rome, *The Bulldozer in the Countryside: Suburban Sprawl and the Rise of American Environmentalism* (New York: Cambridge University Press, 2001); Matthew Klinge, *Emerald City: An Environmental History of Seattle* (New Haven: Yale University Press, 2007); Michael Rawson, *Eden on the Charles: The Making of Boston* (Cambridge: Harvard University Press, 2010).

Although the Valley's Mexican American and Japanese American communities were on the edge of the postwar metropolis, they were central to its political economy and racial formation. By negotiating their place in the metropolis, poor, often agricultural, Mexican American and Japanese American people moved into the center of the story of postwar suburbanization. The political and social disruptions experienced by communities on the metropolitan fringe remain enigmatic in current narratives of suburban history. To make sense of these processes, this dissertation inverts the conventional paradigm of suburban development, viewing suburbanization from the fringe rather than the center.

In popular accounts, suburbanization is the story of white families settling unpopulated green space. What columnist David Brooks calls the "great dispersal" of suburbanization is an epilogue in the narrative of Westward movement of white Americans, with the suburbanite in the role of pioneer and exurbia as an extension of "virgin land" and unspoiled frontier wilderness.²⁹ In a 1958 article that portrayed Santa Clara County as the epitome of sprawl, William H. Whyte summed up suburbanization as "countryside... being bulldozed under"—a phrase that suggests a natural landscape void of inhabitants.³⁰ Suburban history, in turn, has echoed, in the words of Andrew Needham and Allen Dieterich-Ward, this "Turnerian framework" in which "the bulldozer marks the beginning of historical time on the crabgrass frontier."³¹ In this view, suburbanization is a story of moving out in which whites are the original suburbanites.

²⁹ David Brooks, "Our Sprawling, Supersize Utopia," *New York Times*, April 4, 2004.

³⁰ William H. Whyte, "Urban Sprawl," *Fortune*, January 1958.

³¹ Andrew Needham and Allen Dieterich-Ward, "Beyond the Metropolis: Metropolitan Growth and Regional Transformation in Postwar America," *Journal of Urban History* 35, no. 7 (2009): 943–969.

Observers have long portrayed suburbanization as “white flight,” a trope that historians continue to employ.³² It is, however, a weak explanatory tool, emphasizing individual decisions to flee racial transition in urban neighborhoods rather than the political economy of metropolitan development, which drew white residents to suburban areas regardless of urban racial patterns.³³ More fundamentally, the trope defines suburbanization as the experiences of white (usually affluent) people.

The Valley’s Mexican American colonias and Japanese American farming communities sat on the outskirts of San José. Composed primarily of single-family homes, they were geographically, architecturally, and functionally suburban, yet the Valley’s white residents did not perceive them as such. Local media fumbled when locating these communities within metropolitan geography, describing them as rural, urban, or “suburban slums,” even within the same articles. Such communities were local examples of racially and economically diverse communities that, as recent scholarship has shown, surrounded American cities, at least until the 1950s.³⁴ Working-class neighborhoods, industrial suburbs, domestic servants’ quarters, and unplanned subdivisions stood on the outskirts of the metropolis. The suburban fringe was not an empty frontier but a conglomeration of homes, neighborhoods, jobs, and cultures. I

³² See, for example, Kevin M. Kruse, *White Flight: Atlanta and the Making of Modern Conservatism* (Princeton: Princeton University Press, 2007); Eric Avila, *Popular Culture in the Age of White Flight: Fear and Fantasy in Suburban Los Angeles* (Berkeley: University of California Press, 2004).

³³ Robert O. Self, *American Babylon: Race and the Struggle for Postwar Oakland* (Princeton: Princeton University Press, 2005), 1–2; Andrew Highsmith, “Demolition Means Progress: Urban Renewal, Local Politics, and State-Sanctioned Ghetto Formation in Flint, Michigan,” *Journal of Urban History* 35, no. 3 (2009): 25–29.

³⁴ Richard Harris and Robert Lewis, “The Geography of North American Cities and Suburbs, 1900-1950: A New Synthesis,” *Journal of Urban History* 27, no. 3 (March 2001): 262–292; Robert Lewis, *Manufacturing Suburbs: Building Work and Home on the Metropolitan Fringe* (Philadelphia: Temple University Press, 2004); Becky M. Nicolaides, *My Blue Heaven: Life and Politics in the Working-Class Suburbs of Los Angeles, 1920-1965* (Chicago: University of Chicago Press, 2002); Andrew Wiese, *Places of Their Own: African American Suburbanization in the Twentieth Century* (Chicago: University of Chicago Press, 2004); Andrew Wiese, “Stubborn Diversity: A Commentary on Middle-Class Influence in Working-Class Suburbs, 1900-1940,” *Journal of Urban History* 27, no. 3 (March 2001): 347–354.

contribute to this research on suburban diversity by explaining how Mexican American and Japanese American communities interacted with the broader metropolitan landscape.

But I also question the clean categorization of different parts of the metropolis into “city” and “suburb.” Such categories were political and cultural constructs that did not objectively describe the social, political, and economic landscape. While several minority communities clustered on the outskirts of San José, several wealthy and white communities existed within city limits, such as the Almaden Valley, that deployed the same legal tools as suburbs, particularly exclusionary zoning, to maintain their suburban character.³⁵ When locals talked about these areas, they often described Almaden as a suburb, a spatial description dependent on assumptions about race, class, and urban form. As suburban scholars have long noted, suburbs are notoriously difficult to define precisely. Researchers have defined them by transportation technology, commuting patterns, architectural landscape, housing density, social characteristics, and ideological visions.³⁶ In this dissertation, I examine both the places of the metropolis as well as the process of metropolitan definition to arrive at a fuller understanding of twentieth-century metropolitan structure, economics, and social organization. The naming of metropolitan spaces was a continual process of redefinition that was inherently political.

Postwar metropolitan development changed the existing land use patterns and the racial cartography of the Santa Clara Valley. Public policies encouraged housing and industrial development in agricultural areas that had been home to the Valley’s Mexican

³⁵ Matthew Lassiter has called such areas “island suburbs.” Lassiter, *The Silent Majority*.

³⁶ For suburban history classics and works that have variously defined suburbs, see Jackson, *Crabgrass Frontier*, 4–5; Dolores Hayden, *Building Suburbia: Green Fields and Urban Growth, 1820-2000* (New York: Vintage Books, 2003), 4–5; Sam Bass Warner, Jr., *Streetcar Suburbs: The Process of Growth in Boston, 1870-1900* (Cambridge: Harvard University Press, 1978); Robert Fishman, *Bourgeois Utopias: The Rise and Fall of Suburbia* (New York: Basic Books, 1987).

and Japanese Americans, a process that displaced established communities and created new urban barrios. The outskirts of San José did eventually host many homogenous landscapes of wealth and whiteness, a contingent process that Mexican American and Japanese American residents contested through political and legal struggles.

With massive residential development for the white middle class in areas that had been home to Mexican Americans and Japanese Americans, it is clear that the movement to the suburbs was not a defensive “flight.” Thus, it is tempting to see white settlement in these areas as offensive. Clearly, the members of the Confederacion de la Raza Unida felt a kind of belonging to the agricultural communities on the metropolitan fringe that were being replaced by housing subdivisions and light industries. Their military terminology, moreover—“caught in the crossfire” and that they were “refugees”—indicates the violence with which they perceived this development. Yet it is more productive to eschew both offensive and defensive portrayals of spatial change in favor of an investigation of processes of negotiation and contest, to understand the ways in which residents asserted rights to certain parts of the metropolis. The Mexican Americans and Japanese Americans who lived in the Valley in 1945 were relative newcomers in a Valley that had hosted Chinese immigrants since the second half of the nineteenth century, white Americans since the region’s incorporation in the United States, and Spaniards, who erected the Santa Clara mission in 1777 at the site of the Tamyen village of So-co-is-uka.

The arrival of capital, industry, subdivisions, and white middle-class residents and tract housing into a diverse metropolitan fringe area disrupted the economies of Mexican American and Japanese American communities. Mexican American and Japanese

American residents found themselves grappling with new industries and sprawling tract housing. Their experiences differed from those documented in most urban histories, which tend to emphasize the disruptive effects of capital's flight from the city rather than those of its arrival in the suburbs. As industries relocated to the suburban fringe, residents of Detroit, St. Louis, Oakland and other cities contended with unemployment and a plummeting tax base.³⁷ Suburban residents, on the other hand, enjoyed public sector resources, particularly quality education and municipal services, provided at low tax rates. Observing such patterns, scholars have portrayed suburbia as something of a golden land.³⁸ Accordingly, scholars have portrayed the settling of nonwhites in the suburbs as a struggle to move out of the inner city and access suburban resources, a key step in upward mobility.³⁹ But in the Valley, Mexican American and Japanese American residents suffered job losses in agriculture and displacement by subdivisions, leading them to see suburban growth as a threat rather than a promise.

In the Valley, residents understood racialized landscapes—Chinatowns, Japantowns, barrios, white neighborhoods—in relation to each other. Public policies, moreover, produced such landscapes with a vision to their others. The multiethnic metropolitan history of Silicon Valley shows that processes of differential racialization

³⁷ Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 1996); Self, *American Babylon*.

³⁸ Thomas J. Sugrue and Kevin M. Kruse, "Introduction," in *The New Suburban History*, ed. Thomas J. Sugrue and Kevin M. Kruse (Chicago: University of Chicago Press, 2006), 6; Xavier De Souza Briggs, *The Geography of Opportunity: Race and Housing Choice in Metropolitan America* (Washington, D.C.: Brookings Institution, 2005).

³⁹ Sheryll Cashin, *The Failures of Integration: How Race and Class Are Undermining the American Dream* (New York: Public Affairs, 2004); Lizabeth Cohen, *A Consumers' Republic: The Politics of Mass Consumption in Postwar America* (New York: Vintage, 2003); Thomas J. Sugrue, *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North* (New York: Random House, 2008).

shaped the political and cultural construction of racialized spaces.⁴⁰ This dissertation thus builds on recent studies of multiracial diversity in metropolitan space.⁴¹ Western historians have long emphasized the racial diversity of the West.⁴² Asian American historians, too, have positioned the diverse spaces of the West—including its cities—as key sites of racial politics.⁴³ This dissertation aims to broaden the dialogue between ethnic studies and urban and suburban history, where a black/white biracial vision of metropolitan space has been resilient.⁴⁴ Self-described urban and suburban historians have tended to marginalize multiracial diversity when explaining the larger trajectories of the postwar metropolis.⁴⁵

⁴⁰ The theory of differential racialization moves beyond binary conceptions of racial difference by emphasizing the ambivalence and plurality of racial formations, as well as the negotiations and positionings among racial groups in a multiracial social order. Avtar Brah, *Cartographies of Desire: Contesting Identities* (London: Routledge, 1996); Richard Delgado and Jean Stefancic, *Critical Race Theory: An Introduction* (New York: New York University Press, 2001), 8; Laura Pulido, *Black, Brown, Yellow, and Left: Radical Activism in Los Angeles* (Berkeley: University of California Press, 2006).

⁴¹ Recently, several scholars of Los Angeles have demonstrated a multiracial approach. See Scott Kurashige, *The Shifting Grounds of Race: Black and Japanese Americans in the Making of Multiethnic Los Angeles* (Princeton: Princeton University Press, 2008); Natalia Molina, *Fit to Be Citizens?: Public Health and Race in Los Angeles, 1879-1939* (Berkeley: University of California Press, 2006); Allison Varzally, *Making a Non-White America: Californians Coloring Outside Ethnic Lines, 1925-1955* (Berkeley: University of California Press, 2008); Mark Wild, *Street Meeting: Multiethnic Neighborhoods in Early Twentieth-Century Los Angeles* (Berkeley: University of California Press, 2008); Hillary Jenks, “‘Home Is Little Tokyo’: Race, Community, and Memory in Twentieth-Century Los Angeles” (Ph.D. dissertation, University of Southern California, 2008); Pulido, *Black, Brown, Yellow, and Left*.

⁴² Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: W.W. Norton & Company, 1987); Richard White, *It's Your Misfortune and None of My Own: A New History of the American West* (Norman: University of Oklahoma Press, 1993); Quintard Taylor, *In Search of the Racial Frontier: African Americans in the West, 1528-1990* (New York: W.W. Norton & Company, 1999).

⁴³ Takaki, *Strangers from a Different Shore*; Ronald Takaki, *A Different Mirror: A History of Multicultural America* (San Francisco: Back Bay Books, 1994); Madeline Yuan-yin Hsu, *Dreaming of Gold, Dreaming of Home: Transnationalism and Migration Between the United States and South China, 1882-1943* (Stanford: Stanford University Press, 2000); Nayan Shah, *Contagious Divides: Epidemics and Race in San Francisco's Chinatown* (Berkeley: University of California Press, 2001).

⁴⁴ For just two of the most important works see Jackson, *Crabgrass Frontier*; Sugrue, *The Origins of the Urban Crisis*.

⁴⁵ In a recent synthesis of postwar metropolitan history, for example, Jon C. Teaford writes that from 1945 to 1975, “race was black and white,” only becoming multiracial after increased Asian and Latin American immigration at the end of the century. Similarly, in Kevin Kruse and Thomas Sugrue’s compilation of new work on suburban history, the only piece on multiracial metropolitan areas is a treatment of recent immigration written by a political scientist. Jon C. Teaford, *The Metropolitan Revolution: The Rise of Post-*

This project connects the literature on rural racial spaces to the postwar expansion of the metropolis to examine the mutual processes of metropolitan formation and racial formation. Suburban space played a key role in Latino and Asian American racial formation, political identities, and social movements. Postwar Latino and Asian American history has revolved around the shifting boundaries of metropolitan space. The most important works linking Mexican American history to spatial transformations, such as Albert Camarillo's seminal work on "barrioization," end before the modern era, when transformations in metropolitan space and citizenship remade the landscape of Chicano politics.⁴⁶ While a few historians of rural Latino and Asian American history note the disruptive encroachment of suburban development, they have tended to treat the structure of the metropolis as a given, a context rather than a question, a conclusion rather than a new chapter in an ongoing contest over racialized space.⁴⁷ A metropolitan approach explains how Latinos and Asian Americans shaped the modern metropolis, and vice versa. As part of a long-standing debate, many scholars have advocated a rural approach to Asian American history, most notably Gary Okihiro, who claimed that the "ascendancy of the urban model and the tyranny of the city" obscured the "rural dimension of Asian American studies," which remained a fallow field, "uncultivated yet rich with possibilities."⁴⁸ Other historians, meanwhile, have emphasized the centrality of

Urban America (New York: Columbia University Press, 2006), 4; Kevin M. Kruse and Thomas J. Sugrue, eds., *The New Suburban History* (Chicago: University of Chicago Press, 2006).

⁴⁶ Albert Camarillo, *Chicanos in a Changing Society: From Mexican Pueblos to American Barrios in Santa Barbara and Southern California, 1848-1930* (Cambridge: Harvard University Press, 1979).

⁴⁷ Timothy J. Lukes and Gary Y. Okihiro, *Japanese Legacy: Farming and Community Life in California's Santa Clara Valley* (Cupertino: California History Center, 1985).

⁴⁸ Gary Y. Okihiro, "Fallow Field: The Rural Dimension of Asian American Studies," in *Frontiers of Asian American Studies: Writing, Research, and Commentary*, ed. Gail M. Nomura et al. (Pullman: Washington State University Press, 1989), 7; Valerie J. Matsumoto, *Farming the Home Place: A Japanese American Community in California, 1919-1982* (Ithaca: Cornell University Press, 1993); Sucheng Chan, *This Bittersweet Soil: The Chinese in California Agriculture, 1860-1910* (Berkeley: University of California

Chinese and Japanese Americans to urban history, particularly in the West.⁴⁹ Yet, what is most striking about both enterprises is the degree to which rural and urban intertwined, from economic relationships to social worlds, from their shared connections in patterns of mobility to their mutual absorption in processes of economic and geographic change.

Sunbelt Growth and Suburban Politics

The Valley's Japanese American and Mexican American residents tried to define what the politics of race, space, markets, and citizenship would mean in the fields where it touched their lives most powerfully—their communities. This dissertation approaches this history with a metropolitan case study, examining the political economy of metropolitan growth; the ways in which the benefits and costs of growth were distributed across the metropolis; the ways in which social movements tried to alter that distribution; and the political culture in which these contests occurred.

In postwar San José, a coalition of businessmen, newspaper publishers, real estate developers, and Chamber of Commerce leaders dominated municipal politics. Like cities across the Sunbelt, San José had a council-manager system of government that insulated political machinery from elections, enabling city leaders to pursue a growth regime while limiting electoral resistance. The growth coalition used city government to annex the areas surrounding San José as part of its strategy of economic development. Annexation served several purposes: it bolstered the local tax base by acquiring land for industrial, commercial, and residential development; it prevented San José from being hemmed in

Press, 1986); Cecilia Tsu, "'Independent of the Unskilled Chinaman': Race, Labor, and Family Farming in California's Santa Clara Valley," *Western Historical Quarterly* 37 (Winter 2006): 475–495; Cecilia Tsu, "Sex, Lies, and Agriculture: Reconstructing Japanese Immigrant Gender Relations in Rural California, 1900-1913," *Pacific Historical Review* 78, no. 2 (May 2009): 171–209.

⁴⁹ Roger Daniels, "Chinese and Japanese as Urban Americans, 1850-1940," *The History Teacher* 25, no. 4 (August 1992): 427–441; Shelley Lee, "The Contradictions of Cosmopolitanism: Consuming the Orient at the Alaska-Yukon-Pacific Exposition and the International Potlatch Festival, 1909-1934," *The Western Historical Quarterly* 38, no. 3 (Autumn 2007): 277.

by other cities, a position in which it might succumb to a declining tax base and disinvestment that its leaders associated with the cities in what later became known as the Rust Belt; annexation strengthened San José's position of dominance over other cities in the county; and it enabled San José leaders to plan on a regional scale. The city extended services for residential, industrial, and commercial developers and annexed distant parcels of land, such as an area in South San José for IBM, to promote municipal expansion. Most scholars have portrayed the postwar decades as an era when the growth regime got its whim, before slow-growth homeowner groups fractured the regime's political power. Yet this period was marked by numerous contests over space, metropolitan development, and municipal structure. Most visibly, Mexican American organizations resisted annexation, urban renewal, and freeway construction, using diverse strategies, from public protest to voter drives, to sway city leaders.⁵⁰

This dissertation approaches political history from the local level. Local actors shaped the construction, implementation, and interpretation of policies that were often designed at other scales of government.⁵¹ In the 1930s, local banks used federal mortgage insurance policies to extend home loans to working-class Italian residents, whom federal

⁵⁰ Philip Tronstine and Terry Christensen, *Movers and Shakers: The Study of Community Power* (New York: St. Martin's Press, 1982); Jessica Tronstine, *Political Monopolies in American Cities: The Rise and Fall of Bosses and Reformers* (Chicago: University of Chicago Press, 2008). Kevin Starr discusses the statewide postwar politics of growth in Kevin Starr, *Golden Dreams: California in an Age of Abundance, 1950-1963* (New York: New York University Press, 2009). The classic text on urban growth politics is Harvey Molotch, "The City as a Growth Machine: Toward a Political Economy of Place," *The American Journal of Sociology* 82, no. 2 (1976): 309–332. Glenna Matthews argues that San José's control of infrastructure enabled it to become the central metropolis. Glenna Matthews, "The Los Angeles of the North: San José's Transition from Fruit Capital to High-Tech Metropolis," *Journal of Urban History* 25 (May 1999): 459–476. On Sunbelt boosters, see James C. Cobb, *The Selling of the South: The Southern Crusade for Industrial Development, 1936-1980* (Baton Rouge: Louisiana State University Press, 1982); Richard M. Bernard and Bradley R. Rice, eds., *Sunbelt Cities: Politics and Growth Since World War II* (Austin: University of Texas Press, 1983); David C. Perry and Alfred J. Watkins, eds., *The Rise of the Sunbelt Cities* (Beverly Hills: Sage, 1977).

⁵¹ Thomas J. Sugrue, "All Politics Is Local: The Persistence of Localism in Twentieth-Century America," in *The Democratic Experiment: New Directions in American Political History*, ed. Meg Jacobs, William J. Novak, and Julian E. Zelizer, 2003, 301–326.

underwriters regarded as financially risky. Civil rights activism, moreover, must be approached from the local level, for activists confronted local institutions, practices, and political cultures in their movements for change.⁵² Mexican American residents tried to use War on Poverty programs to influence unresponsive municipal governments. Activists envisioned types of rights that were local in nature, which they articulated through local terms. Above all, residents called on federal courts to effect changes in local political structures. The first federal challenge to suburban zoning laws came from a local Mexican American organization.

This is a story of very local concerns, focusing on ordinary people who worked for justice in their communities. But it is a local story with national implications. Silicon Valley was a prototypical postwar metropolis, and many of the patterns visible there played out elsewhere. As an agricultural market town that developed into a suburban megalopolis, Silicon Valley faced issues that have been a major aspect of metropolitan development across the country, from Bellevue, Washington, to Reston, Virginia.⁵³ Suburban development in agricultural areas occupied by racialized communities, moreover, was not restricted to the Santa Clara Valley; it was, rather, a national phenomenon, stretching from the colonias of San José to the rural African American communities of Mt. Laurel, New Jersey.⁵⁴ As the flagship of the high-tech economy, Silicon Valley became a model of metropolitan economic development, emulated by

⁵² J. Mills Thornton, *Dividing Lines: Municipal Politics and the Struggle for Civil Rights in Montgomery, Birmingham, and Selma* (Tuscaloosa: University Alabama Press, 2006); Charles M. Payne, *I've Got the Light of Freedom: The Organizing Tradition and the Mississippi Freedom Struggle* (Berkeley: University of California Press, 2007).

⁵³ Joel Garreau, *Edge City: Life on the New Frontier* (New York: Anchor, 1992).

⁵⁴ David Kirp, John Dwyer, and Larry Rosenthal, *Our Town: Race, Housing and the Soul of Suburbia* (New Brunswick: Rutgers University Press, 1996); Wiese, *Places of Their Own*, 5, 32; Charlotte Brooks, *Alien Neighbors, Foreign Friends: Asian Americans, Housing, and the Transformation of Urban California* (Chicago: University of Chicago Press, 2009), 216–218; Self, *American Babylon*, 275.

countless cities, from Austin to Atlanta.⁵⁵ To be sure, its growth distinguished it from the declining industrial behemoths of the Northeast and Midwest, but those urban cores, which historians have come to see as typical of the postwar city, were in fact parts of a national process of metropolitan transformation exemplified by Silicon Valley.

While it exemplified patterns, Silicon Valley's very uniqueness—its rapidity of growth, its incredible racial diversity, its dynamic economy—made it a prominent landscape in modern American history. From *Santa Clara v. Southern Pacific*—the Supreme Court case that established that corporations were people—to facebook, the Valley has been a key site in definitions of American capitalism.⁵⁶ In spite of a popular mythology that the Valley's unsurpassed economic growth promised to make anyone a millionaire, inequalities persisted. The Valley, finally, is important to study because some of the most far-reaching challenges to postwar metropolitan geography—and the laws that sustained it—emerged from its neighborhoods and communities.

A broad metropolitan region circumscribes the boundaries of this local study. Silicon Valley was an “imagined community,” a self-conscious crafting of regional identity that was partly discursive and partly structural, shaped by political boundaries and economic relationships. Yet it was also a region fractured by political, economic, and racial boundaries. Residents struggled to define the region's identity and set its political agenda. From ethnic community organizations to business leaders, from civil rights attorneys to politicians, residents perceived the region as a field of political contest.

Historical forces shaped this regional identity. The area developed a regional identity by the late 19th century when the Santa Clara Valley became known as “the

⁵⁵ Margaret Pugh O'Mara, *Cities of Knowledge: Cold War Science and the Search for the Next Silicon Valley* (Princeton: Princeton University Press, 2005).

⁵⁶ *Santa Clara County v. Southern Pacific Railroad*, 118 U.S. 394 (1886).

Valley of Heart's Delight." While political boundaries marked off the Santa Clara County as the focal point of regional politics, social and financial networks linked Santa Clara County communities to counterparts in southern Alameda and southern San Mateo counties. For the duration of the twentieth century, people worked, socialized, traded, and voted across a broad swath of the South Bay.

In the decades after 1945, every municipality in the South Bay—from farm towns in the Valley to elite retreats in the foothills—became enmeshed in a process of regional metropolitan development. As suburbs mixed residential, office, industrial, and commercial development, oppositional categories like “city/suburb” broke down, confusing observers who tried to specify what exactly this area was. Although San José was by far the largest city in the Valley, it was composed primarily of subdivisions of single-family homes and it lacked the industrial dynamism of its suburban neighbors, particularly Palo Alto and Sunnyvale, which hosted most of the high-tech manufacturers. By the 1970s, San José had developed so many houses and so little industry that it was, according to a Rand researcher, “a bedroom community for its suburbs.”⁵⁷ The county as a whole, stated another Rand study, was “a giant suburb” of San Francisco.⁵⁸ It defied the model of bedroom communities surrounding an urban core devoted to business, leading suburban historian Robert Fishman described it as the “archetypal technoburb.”⁵⁹

Federally funded freeways—the Nimitz Freeway between Oakland and San José and the Bayshore Freeway between San Francisco and San José—promoted suburban growth along their routes, allowing subdivisions to spread across the Santa Clara

⁵⁷ Daniel Alesch and Robert Levine, *Growth in San Jose* (Santa Monica: Rand, 1973), viii.

⁵⁸ Daniel J. Alesch, *Local Government's Ability to Manage Growth in a Metropolitan Context* (Santa Monica: Rand, August 1974), 16.

⁵⁹ Fishman, *Bourgeois Utopias: The Rise and Fall of Suburbia*, 17.

Valley.⁶⁰ As fruit trees gave way to factories, the Santa Clara Valley became synonymous with a high-tech industry engineered and operated by an educated workforce. In the Valley's origins stories, Frederick Terman, Dean of Stanford University's School of Engineering and the purported "Father of Silicon Valley," enjoys a special place in a literature devoted to entrepreneurial genius.⁶¹ Author Tom Wolfe portrayed Robert Noyce, inventor of the silicon microchip and founder of Fairchild Semiconductor and Intel, as Gary Cooper, a heroic cowboy on the "silicon frontier."⁶² For those less taken by heroic portraits, the development of the Valley is still explainable by a distinctive regional identity.⁶³ Geographer AnnaLee Saxenian identified the Valley's success in an open, flexible business culture markedly different from that on the East Coast.⁶⁴ This "ecosystem" of social capital was "ideally situated for growing new firms and for learning from each other both through successes and failures."⁶⁵

Such studies downplay the role of federal military spending in the Valley's development. Rich Karlgaard, publisher of *Forbes*, has alleged, "Valley businesspeople are wild libertarian crazies who want nothing more than to forget the Beltway even

⁶⁰ Alesch, *Local Government's Ability to Manage Growth in a Metropolitan Context* 20.

⁶¹ Michael S. Malone, *The Valley of Heart's Delight: A Silicon Valley Notebook, 1963-2001* (New York: John Wiley & Sons, Inc., 2002); Michael S. Malone, *Betting It All: The Entrepreneurs of Technology* (New York: Wiley, 2001); Michael S. Malone, *Bill & Dave: How Hewlett and Packard Built the World's Greatest Company* (New York: Portfolio, 2007); Robert X. Cringely, *Accidental Empires: How the Boys of Silicon Valley Make Their Millions, Battle Foreign Competition, and Still Can't Get a Date* (New York: HarperBusiness, 1996); James Wallace, *Hard Drive: Bill Gates and the Making of the Microsoft Empire* (New York: HarperBusiness, 1993); David A. Kaplan, *The Silicon Boys: And Their Valley of Dreams* (New York: William Morrow, 2000); Leslie R. Berlin, "Robert Noyce and Fairchild Semiconductor, 1957-1968," *Business History Review* 75, no. 1 (Spring 2001): 63-100.

⁶² Tom Wolfe, "The Tinkerings of Robert Noyce: How the Sun Rose on the Silicon Valley," *Esquire*, December 1983; Tom Wolfe, "Robert Noyce and His Congregation," *Forbes*, August 25, 1997.

⁶³ S.B. Adams, "Regionalism in Stanford's Contribution to the Rise of Silicon Valley," *Enterprise and Society* 4, no. 3 (September 2003).

⁶⁴ AnnaLee Saxenian, *Regional Advantage: Culture and Competition in Silicon Valley and Route 128* (Cambridge: Harvard University Press, 1994).

⁶⁵ Martin Kenney, ed., *Understanding Silicon Valley: The Anatomy of an Entrepreneurial Region* (Stanford: Stanford University Press, 2000), xiv.

exists.”⁶⁶ In spite of that desire, they have benefited immensely from Washington’s largesse. Federal military spending subsidized the spectacular growth of the Silicon Valley, especially Stanford University and surrounding high-tech companies.⁶⁷ NASA contracts totaling more than 600 million dollars per year employed more than 30,000 workers at the massive plant of Lockheed Missile and Space Company in Sunnyvale.⁶⁸ By the late 1960s, the Department of Defense spent more than a billion dollars annually in Santa Clara County, accounting for fully two-thirds of all federal expenditures there.⁶⁹ By the late 1980s, unsurpassed military spending had made metropolitan San José, according to congressional statistics, “the most defense-dependent community in the nation.”⁷⁰

With an economy based on federal investments in suburban development and military industry, Silicon Valley was a dynamic example of Sunbelt growth.⁷¹ In most studies, the combination of a defense-dependent economy and suburban Sunbelt growth is a recipe for political conservatism.⁷² Silicon Valley, however, became a wellspring of a new political culture—racially moderate, pro-business, and culturally liberal—that was so reliably Democratic that political observers John Judis and Ruy Teixeira saw the

⁶⁶ Rich Karlgaard, “A Silicon Valley Operator’s Manuel,” *Wall Street Journal*, April 1, 2005.

⁶⁷ O’Mara, *Cities of Knowledge*.

⁶⁸ United States Commission on Civil Rights, *Hearing Before the United States Commission on Civil Rights: Hearing Held in San Francisco, May 1-3, 1967, and Oakland, California, May 4-6, 1967* (Washington, D.C.: Government Printing Office, 1967), 617–620.

⁶⁹ Alesch, *Local Government’s Ability to Manage Growth in a Metropolitan Context*, 18.

⁷⁰ Mia Gray et al., “New Industrial Cities? The Four Faces of Silicon Valley,” *Review of Radical Political Economics* 30, no. 4 (1998): 7–8.

⁷¹ Ann R. Markusen et al., *The Rise of the Sunbelt: The Military Remapping of Industrial America* (New York: Oxford University Press, 1991); Bruce J. Schulman, *From Cotton Belt to Sunbelt: Federal Policy, Economic Development, and the Transformation of the South, 1938-1980* (New York: Oxford University Press, 1991).

⁷² Schulman, *From Cotton Belt to Sunbelt*; Lisa McGirr, *Suburban Warriors: The Origins of the New American Right* (Princeton: Princeton University Press, 2002).

future of the Democratic Party in places like Silicon Valley.⁷³ By the end of the 20th century, Bill Clinton, Al Gore, and the “New Democrats” adopted Silicon Valley as the poster child of their brand of Democratic politics, marked by an orientation towards the businesses of the “New Economy,” globalization, racial diversity, cultural libertarianism, and meritocracy.⁷⁴

The celebration of capitalist innovation in Silicon Valley was a glaring manifestation of a much wider embrace of markets that was visible throughout late-20th century political culture.⁷⁵ The political thinking that defined the mid-twentieth century—particular the ideology of security that shaped the programs of the welfare state—gave way to what historian Daniel Rodgers has labeled a “revival of market ideology.”⁷⁶ Discourses of business, capitalism, and markets pervaded political discourse in the Valley, as they did throughout the country. The Silicon Valley myth insisted that

⁷³ John B. Judis and Ruy Teixeira, *The Emerging Democratic Majority* (New York: Simon and Schuster, 2004). In spite of recent acknowledgments of the diversity of Sunbelt politics, studies outside of a conservative, pro-business evangelical mode remain few and far between. For new studies that deal with varieties of Sunbelt politics, see Michelle Nickerson and Darren Dochuk, eds., *Sunbelt Rising: The Politics of Space, Place, and Region* (Philadelphia: University of Pennsylvania Press, 2011); N.D.B. Connolly, “Sunbelt Civil Rights: Urban Renewal and the Follies of Desegregation in Greater Miami,” in *Sunbelt Rising: The Politics of Space, Place, and Region*, ed. Michelle Nickerson and Darren Dochuk (Philadelphia: University of Pennsylvania Press, 2011), 164–187; Shana Bernstein, “From the Southwest to the Nation: Interracial Civil Rights Activism in Los Angeles,” in *Sunbelt Rising: The Politics of Space, Place, and Region*, ed. Michelle Nickerson and Darren Dochuk (Philadelphia: University of Pennsylvania Press, 2011), 141–163; Matthew D. Lassiter, “Big Government and Family Values: Political Culture in the Metropolitan Sunbelt,” in *Sunbelt Rising: The Politics of Space, Place, and Region*, ed. Michelle Nickerson and Darren Dochuk (Philadelphia: University of Pennsylvania Press, 2011), 82–109; Daniel Martinez HoSang, “Racial Liberalism and the Rise of the Sunbelt West: The Defeat of Fair Housing on the 1964 California Ballot,” in *Sunbelt Rising: The Politics of Space, Place, and Region*, ed. Michelle Nickerson and Darren Dochuk (Philadelphia: University of Pennsylvania Press, 2011), 188–215; Andrew Needham, “Sunbelt Imperialism: Boosters, Navajos, and Energy Development in the Metropolitan Southwest,” in *Sunbelt Rising: The Politics of Space, Place, and Region*, ed. Michelle Nickerson and Darren Dochuk (Philadelphia: University of Pennsylvania Press, 2011).

⁷⁴ Sara Miles, *How to Hack a Party Line: The Democrats and Silicon Valley* (University of California Press, 2002).

⁷⁵ Thomas Frank, *One Market Under God: Extreme Capitalism, Market Populism, and the End of Economic Democracy* (New York: Doubleday, 2000).

⁷⁶ Jennifer Klein, *For All These Rights: Business, Labor, and the Shaping of America’s Public-Private Welfare State* (Princeton: Princeton University Press, 2003); Daniel T. Rodgers, *Age of Fracture* (Cambridge: Harvard University Press, 2011).

capitalism would solve the problem of inequality. Speaking at San Francisco's Commonwealth Club in 1978, Ronald Reagan critiqued "excessive government" while celebrating the "miracle of capitalism" and the free market system. "The system has never failed once. But we have failed the system every time we lose faith in the magic of the market place."⁷⁷ In the Valley, the distinctions between the government and the market blurred. Discursively, effective city government was like a business while inefficient businesses were said to be like governments. In 1972, the San José Chamber of Commerce published a pamphlet explaining the city's government by comparing it to a corporation, of which the citizens were stockholders.⁷⁸ Likewise, a 1989 advertisement in *Fortune* magazine claimed, "The same kind of innovation that characterizes Silicon Valley business management also applies to government. Public officials say they too have to be lean, creative, and competitive."⁷⁹ San José mayor Tom McEnery carried this to its conclusion, identifying San José as "a start-up company," of which he, as mayor, was the "chief marketer."⁸⁰

In the Silicon Valley, diverse residents—Japanese American homeowners, white residential developers, Mexican American schoolparents—shared the civic language of the market, with its terminologies of choice, opportunity, and property, but they mobilized it for diverse political purposes, from housing desegregation to environmental justice. Even when residents appeared to endorse free-market fundamentalism, the political economy of the metropolis wedded markets to state structures. The Valley's

⁷⁷ "Reagan Speech Cheered in SF," *San Francisco Chronicle*, January 19, 1978.

⁷⁸ "The Problem: The City Government as an Agent of Mis-Planning," *La Malcriada of Santa Clara* 1, no. 1 (June 8, 1973).

⁷⁹ Quoted in Jesus Martinez Saldana, "La Frontera Del Norte," in *Over the Edge: Remapping the American West*, ed. Valerie J. Matsumoto and Blake Allmendinger (Berkeley: University of California Press, 1999), 375.

⁸⁰ Tom McEnery, *The New City State: Change and Renewal in America's Cities* (Niwot, CO: Roberts Rinehart Publishers, 1994), 83, 109.

suburban voters expressed support for a market regime while nonetheless insulating themselves from its vagaries through the governmental structure of the metropolis, which maintained suburban class privilege and economic security at the local level. These ambivalent expressions of market politics challenge historical thinking about the 1970s as the decisive turning point when the welfare state programs of the New Deal era gave way to the free-market landscape of the “Age of Reagan.”⁸¹ To be sure, economists devised free-market policies, businessmen promoted them, and political elites implemented them.⁸² Many workers and consumers, long-distance truckers and “Wal-Mart Moms,” supported a laissez-faire counterrevolution.⁸³ But the politics of markets was fraught with contradictions, and many civil rights activists argued for citizenship rights within the discourse of markets, many politicians spoke in the language of free markets while increasing the power of the state, and both liberal and conservative voters used the power of local government to limit the market’s reach into their own lives.

The Structure of the Dissertation

This dissertation comprises eleven thematic and roughly chronological chapters. Chapter One, “Heart’s Delight,” examines the linked processes of urban development and agricultural transformation in the first half of the twentieth century. Urban development in Santa Clara County relied upon the growth of an expansive agricultural system,

⁸¹ Sean Wilentz, *The Age of Reagan: A History, 1974-2008* (New York: Harper, 2008); Schulman, *The Seventies*; Bruce J. Schulman and Julian E. Zelizer, eds., *Rightward Bound: Making America Conservative in the 1970s* (Cambridge: Harvard University Press, 2008); Judith Stein, *Pivotal Decade: The United States Traded Factories for Finance in the Seventies* (New Haven: Yale University Press, 2010); Jefferson R. Cowie, *Stayin’ Alive: The 1970s and the Last Days of the Working Class* (New York: New Press, 2010).

⁸² Rodgers, *Age of Fracture*; Kim Phillips-Fein, *Invisible Hands: The Making of the Conservative Movement from the New Deal to Reagan* (New York: W. W. Norton & Co, 2009); David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2005); Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (New York: Metropolitan Books, 2007).

⁸³ Bethany Moreton, *To Serve God and Wal-Mart: The Making of Christian Free Enterprise* (Cambridge: Harvard University Press, 2009); Shane Hamilton, *Trucking Country: The Road to America’s Wal-Mart Economy* (Princeton: Princeton University Press, 2008).

intertwining rural and urban political, economic, and social fields. The ownership of agricultural and residential property became a flashpoint for racial conflict. The politics of property grounded citizenship struggles—including those over naturalization and immigration—in the legal and mental geography of the Valley. As successive waves of migrants settled in the Valley, they became subject to property regimes inflected by their unique racializations and positions within the Valley’s racial imaginary.

The discourse of Japanese racial difference reached its height during World War II, when the federal government removed Japanese Americans to internment camps. But after the war, this changed. Chapter Two, “Resettlement and Rights,” explores how Japanese American civil rights groups and federal agencies launched a public relations campaign to change this racialization. When Japanese Americans returned from internment, they promoted an image of Japanese Americans as “just another racial minority.” Accompanying this shift, the Valley’s Japanese American residents embraced a civil rights politics grounded in symbols of the postwar welfare state, particularly suburban single-family homes.

As Japanese Americans tried to resettle in their old communities, new public policies reordered metropolitan space, encouraging suburban housing development in areas that had been home to the Valley’s Mexican and Japanese Americans. Chapter Three, “Whiteness and Real Estate,” analyzes how these policies generated new forms of racial segregation. Instead of the diverse racial discourses that had created the Valley’s distinct Chinatowns, Japantowns, and barrios, new federal policies defined all nonwhite races as equal risks to federally insured mortgages.

The federal programs that promoted high-tech growth and suburbanization also generated profound inequality. Chapter Four, “Sunshine and Shadow in the South Bay,” examines the ways in which residential and industrial development in agricultural areas produced racialized poverty in “suburban slums.” As more Mexican American residents migrated to the area, the barrio became the central image of suburban poverty, while Japanese American neighborhoods receded in the local spatial imagination.

With postwar development, San José jettisoned its old identity as an agricultural market town and reimagined itself as an affluent city of the future. City leaders became increasingly concerned about the landscapes of urban poverty. Chapter Five, “The Struggle for the Postwar Barrio,” examines the struggles over the Valley’s barrios as they were gradually incorporated into urban governments, programs, and procedures. City and county officials used highway construction and urban renewal programs to erase what they saw as “blight.” Community members sought other solutions to neighborhood poverty. In the 1950s, Mexican American residents, led by Cesar Chavez and the Community Services Organization, altered the local electoral and political landscape. In the 1960s, as San José annexed suburban barrios, community members endeavored to control the direction of growth through the local implementation of the programs of the War on Poverty.

While San José annexed most suburban barrios, Mexican Americans in the suburb of Alviso launched a movement for municipal independence, a movement examined in Chapter Six, “Fringe Politics.” Alvisans’ struggles with San José revolved around the distribution of the environmental costs of residential and industrial development. Suburban growth generated environmental problems, such as flooding, that

disproportionately affected neighborhoods inhabited by Mexican Americans. Their efforts to alleviate environmental problems were central to their civil rights activism. Mexican American activists articulated an early critique of suburban growth in the language of environmental justice.

Chapter Seven, “A Natural Distribution of People,” analyzes the politics of fair housing in the Silicon Valley. Civil rights groups joined with liberals to put a legal challenge to racial discrimination in the housing market at the center of the political agenda. They succeeded in outlawing a number of discriminatory practices through fair housing legislation. They popularized the notion that nonwhite Californians had rights to acquire property because of their economic status, establishing a political culture and legal structure of market-based suburban exclusivity. Economic identities became central to legal, political, and constitutional visions. The politics of fair housing were about not only race but also what class of Mexican, Asian, and African Americans would be allowed to buy homes in suburbia. Even as they sought to create a market for housing in which race was not a barrier, liberals embraced economic exclusion. It came to seem “natural” for suburbs to have a modicum of racial diversity while growing ever more economically exclusive.

As fair housing did little to alter the structures of exclusion that segregated the metropolis, working class activists insisted the real issue was not fair housing but affordable housing, not racial discrimination but economic discrimination. Chapters Eight and Nine examine how activists challenged the laws that prohibited affordable housing. Chapter Eight, “Poverty Dreams,” deals with the efforts of a Mexican American organization in Union City to develop affordable housing, a project that brought them

into the center of the federal government's ambivalent efforts to desegregate suburban America. Chapter Nine, "Citizen Initiative," tells the story of the residents who faced the most severe obstacles in adapting to the new suburban housing market, focusing on the efforts of Anita Valtierra to secure public housing in San José. She became the lead plaintiff in a case that eventually rose to the Supreme Court. The lawsuit proposed an interpretation of race, class, and space that threatened the economic exclusivity and political sovereignty of suburban America. The Supreme Court, however, ruled that, while racial exclusion was unconstitutional, economic exclusion was legitimate, establishing that wealth could purchase class exclusivity in politically sovereign suburban jurisdictions.

Chapters Ten and Eleven examine the politics of the Confederacion de la Raza Unida (CRU), which employed novel political and legal strategies in its search for spatial justice. Chapter Ten, "The Zoning of Aztlán," explores how, in the absence of federal support, struggles for affordable housing shifted to the local level, where they were encountered movements for environmental preservation and growth controls. The CRU sought regional solutions to inequality, attracting unlikely allies in the Valley's powerful high-tech manufacturing firms. Chapter Eleven, "A Drastic Remedy," examines the CRU's efforts to desegregate schools in San José by changing the city's zoning policies. This unique challenge failed in the district court. The eventual result was limited busing and the nation's first voucher program, which further solidified market approaches to urban problems and reinforced the links between citizenship and metropolitan geography.

The Conclusion discusses the ways in which new immigration interacted with the metropolitan terrain. In the 1980s and 1990s, the Valley's exclusive suburbs finally saw

demographic change. Yet it was not the change working-class activists had anticipated. Silicon Valley's global high-tech economy attracted a skilled workforce from around the world, particularly Asia. The Hart-Cellars Immigration Action of 1965 ended the United States' long era of racial restrictions on immigration while establishing a system of preferences that encouraged immigration from the wealthy and educated. This change in immigration policy—remarkably similar to the new urban policy in its emphasis on class status and its formal racial neutrality—mapped onto the local spatial and racial terrain. Although a few middle-class Chinese American and Japanese American families had lived in suburban Silicon Valley, the first time Asians settled in the suburbs in large numbers was after the arrival of high-tech migrants from Taiwan. This changed the politics of race in the suburbs. Of the few Asian American majority cities in the continental United States, almost all are in suburban Silicon Valley. For many suburbanites, this racial diversity in the suburbs legitimated suburban economic exclusions.

Chapter 1

Heart's Delight

In August of 1912, the cover of *Sunset* magazine held a dazzling image of the Santa Clara Valley, or, as the magazine labeled it in the interior articles, “The Valley of Heart’s Delight” or alternatively “The Delectable Valley,” source of prunes, walnuts, and apricots consumed all over the world.¹ Published by the Southern Pacific Railroad, which handed out the magazine free to all its passengers to promote travel on its lines, *Sunset* was known for its covers of exceptional beauty. This cover, painted by William H. Bull, the first commercial artist employed by the Southern Pacific to create promotional materials, is an idyllic image of spring, picturing two white children meandering hand in hand through a glorious field of flowers. At first, it appears to be a garden, but the fields are too expansive to be a garden, and behind the children, several figures in straw hats hunch over as they gather flowers, the pose of stoop labor usually associated in the Valley with Chinese and Japanese field workers. It is, indeed, a vast farm, and the exertion of the laborers emphasizes the idleness of the children. The images of bucolic childhood run throughout the magazine; inside, a photograph portrays a white girl in a white dress, her hair pulled back by a white ribbon, plucking from a low branch an orange, alone among apparently endless rows of citrus trees. “What better place to spend

¹ G. von Vieregg, “Santa Clara: The Delectable Valley,” *Sunset*, August 1912; E. Alexander Powell, “The Valley of Heart’s Delight,” *Sunset*, August 1912.

one's Golden Age," reads the caption, "than in a scented orange orchard, in the Valley of Heart's Delight!"²

According to the accompanying article, by war correspondent and travel writer E. Alexander Powell, the Santa Clara Valley promised a degree of independence, health, and wealth—even luxury—that could not be found in the East. "My income is so modest," Powell quoted a San José man, "that it wouldn't permit of much more than an existence in New York; out here it gives me everything that heart could desire. I have a Japanese who acts as cook, butler, valet, housemaid, laundress, gardener and general factotum for a consideration of forty dollars a month."³ The food was abundant and delicious, the climate was pleasant year-round, the landscape was more scenic than any painting in a museum, and the women, of course, were beautiful. Where land was cheap and yields were high, even the "hardy frontiersmen," Powell added jokingly, "who rough it in this portion of the West do their shopping by automobile or street-car."⁴

The Santa Clara Valley thus promised that recurring dream of prosperity and salvation in the West, where the Jeffersonian ideal of small farms and republican government could finally come to fruition. Yet, even as *Sunset* peddled stories of white self-sufficiency on family farms, that ideal was in crisis. The Valley was fraught with tensions over racial diversity, mass migration, urban development, and economic change. As early as 1871, single-tax proponent Henry George had lamented the decline of the white family farm in California, a victim of monopolizing land barons who imported Chinese "coolies" to work the fields. The land policies that enabled the decline of the farm had also precluded the establishment in the West of urban centers different from

² Powell, "The Valley of Heart's Delight," 121.

³ *Ibid.*, 213.

⁴ *Ibid.*, 123.

those in the East. “Here was an opportunity,” George declared in San Francisco, “to build up a great city, in which tenement houses and blind alleys would be unknown; in which there would be less poverty, suffering, crime and social and political corruption than in any city of our time.... This magnificent opportunity has been thrown.”⁵ His despair did little to stem the decline of the family farm or the increase in inequality. Forty years later, when this issue of *Sunset* was published, California was engulfed in a wave of anti-Japanese aggression, particularly in the Santa Clara Valley.

The stories, paintings, and photographs in *Sunset*, therefore, are notable not only for what they portray but also for what they conceal. In their dewy-eyed idealization of white childhood, the images attempt to smooth over the racial and economic tensions dividing the Valley.⁶ Apparently the source of the world’s prunes is a handful of small family farms; the institutions of large-scale agrarian capitalism and its attendant packinghouses, canneries, fertilizer manufacturers, equipment industries, and farm laborers are nowhere to be seen. At the time, San José boasted, according to a Chamber of Commerce pamphlet, the “Largest fruit cannery in the world; Largest fruit packing house in the world; Largest fruit drying ground in the world.”⁷ Yet the few laborers behind the children on the cover are the only indication in the following article and its dozens of photographs and paintings that the production of fruit and flowers in the Valley is work.

⁵ Henry George, *Our Land and Land Policy: Speeches, Lectures, and Miscellaneous Writings* (Ithaca: Cornell University Press, 2009).

⁶ The images invoke what Laura Wexler has called “domestic sentimentalism,” a mode of portraiture common in the early twentieth century that facilitated the establishment and maintenance of racial hierarchies and racist programs. Laura Wexler, *Tender Violence: Domestic Visions in an Age of U.S. Imperialism* (Chapel Hill: University of North Carolina Press, 2000), 11, 105.

⁷ San Jose Chamber of Commerce, “San José (San Hosay): Santa Clara County, California”, 1907, 32, Americana Collection, Library of Congress, Washington, DC.

Enjoying fertile soil, mild weather year round, and abundant summer sunshine, the Santa Clara Valley produced fruits and vegetables in such massive quantities it earned yet another nickname, “the Garden of the World.” While farmers in New York and Pennsylvania had to endure late frosts and early snows, the growing season in San José was 254 days of the year; on the southern edge of the Valley, it was 316 days.⁸ And a global garden drew a global labor force. As the Valley developed into a major agricultural center, migrant labor rushed in.

In the first half of the twentieth century, the Valley’s market towns, intertwined economically and socially with the surrounding agrarian landscape, developed urban economies and housing markets tied to agricultural fortunes and agricultural labor. Indeed, Powell noted that downtown San José possessed four times as many shops as most towns of its size because “the local merchants depend on the trade of the rural, rather than of the urban population.”⁹ Chinese, Japanese, and Mexican farmworkers did their shopping in the city, creating ethnic economies that served as focal points for community and that provided alternative employment opportunities. They also found housing in the city, or in semi-suburban residential districts, fashioning a complex racial landscape of urban Chinatowns, Japanese enclaves, scattered peripheral barrios, Italian and Portuguese immigrant neighborhoods, and white residential and business districts. This geography was the product of the agricultural economy, urban real estate, and racial thinking.

In conventional approaches, the political and cultural construction of racialized spaces—Chinatowns, Japantowns, barrios, white neighborhoods—are usually treated

⁸ Margaret Clark, *Health in the Mexican-American Culture: A Community Study* (Berkeley: University of California Press, 1959), 8.

⁹ Powell, “The Valley of Heart’s Delight,” 123.

separately.¹⁰ Yet they emerged in relation to each other. Likewise, urban development and agricultural transformation—ordinarily distinct areas of inquiry—went hand in hand. This chapter thus builds on work exploring the relationships between cities and their agricultural hinterlands.¹¹ Yet, with few exceptions, such work has had little dialogue with ethnic studies.¹² Meanwhile, much work in Asian American history emphasizes either rural or urban experiences.¹³ Rather than focusing on discreet places, this chapter explores the processes that joined them. In Santa Clara County, at least, rural and urban, fields and factories, agriculture and industry, were not so much distinct worlds as constituent parts of a shared system.

A juridical regime of racialized property rights structured this system. The laws governing property and contract intersected with racialized citizenship and naturalization laws—particularly in the Alien Land Laws—constituting racial difference and inequality. The Alien Land Laws limited Japanese property ownership, not only in agricultural areas but also in urban and suburban areas; moreover, the laws influenced Japanese property rights politics, which extended far beyond the fields, infusing citizenship struggles more broadly. Furthermore, racially restrictive covenants and racial municipal planning functioned through discourses of property rights.

¹⁰ Recently, several scholars of Los Angeles have demonstrated a multiracial approach. See Kurashige, *The Shifting Grounds of Race*; Molina, *Fit to Be Citizens?*; Varzally, *Making a Non-White America*; Wild, *Street Meeting: Multiethnic Neighborhoods in Early Twentieth-Century Los Angeles*; Jenks, “Home Is Little Tokyo.”

¹¹ Cronon, *Nature’s Metropolis: Chicago and the Great West*; Needham and Dieterich-Ward, “Beyond the Metropolis: Metropolitan Growth and Regional Transformation in Postwar America.”

¹² One exception is Matt García, *A World of Its Own: Race, Labor, and Citrus in the Making of Greater Los Angeles, 1900-1970* (Chapel Hill: University of North Carolina Press, 2001).

¹³ For rural studies, see Matsumoto, *Farming the Home Place*; Chan, *This Bittersweet Soil*; Tsu, “Independent of the Unskilled Chinaman”; Tsu, “Sex, Lies, and Agriculture”; Okihiro, “Fallow Field,” 7. For urban studies, see Daniels, “Chinese and Japanese as Urban Americans, 1850-1940”; Lee, “The Contradictions of Cosmopolitanism.”

Yet, like any potent discourse, the language of property had diverse manifestations. As successive waves of migrants settled in the Valley, they became subject to property regimes inflected by their unique racializations and positions within the Valley's racial imaginary. The mutability of racialized property discourses became clear when Chinese migrants to the Santa Clara Valley encountered its legal power—and its extralegal violence.

The Rise and Fall of Chinatown

Chinese workers came to California in the mid-nineteenth century for the Gold Rush, afterward working on railroad lines and eventually moving to San Francisco and other cities for trade, commerce, and manufacturing. They also moved to the surrounding countryside, taking up farm labor as California's agricultural economy shifted from vast wheat fields and cattle pasture to the production of vegetables and fruits, which required not only extensive irrigation systems but also much more human labor.¹⁴ In the Santa Clara Valley, the wide grasslands that had fed herds of cattle transitioned to orchards and gardens by the late nineteenth century.¹⁵

Chinese migrants in the Valley found a niche in labor-intensive farmwork, particularly strawberry cultivation and onion seed harvesting. Planting strawberries in the fields around Alviso, a small port town north of San José, Chinese farmers quickly dominated the Valley's strawberry business.¹⁶ White farmers avoided these crops, portraying their cultivation as work fit only for women, children, and Asians. "Of course," explained a 1901 article in the *Palo Alto Times*, "any white man could take the same land and net nearly as much as the Chinamen do, even hiring white help. Few white

¹⁴ Chan, *This Bittersweet Soil*.

¹⁵ Pitti, *The Devil in Silicon Valley*, 32–50, 80.

¹⁶ Tsu, "Independent of the Unskilled Chinaman," 484.

men care to do it, however, as the work is very exacting. There is always difficulty in securing white men who will perform the work, and many land owners, therefore, lease their land.”¹⁷

Chinese workers were essential for the Santa Clara County agricultural economy—not merely for their labor but for its price. In 1876, a San José farmer hired thirty white men and sixty-five Chinese men to gather fruit and pick hops. “About three-fourths of the whole amount of wages goes to the white man and one-fourth to the Chinese,” he told the Chinese Commission at San Francisco. “If we had to rely on white labor, we would be compelled to close and abandon business.”¹⁸ White workers who resented competition from low-wage Chinese labor attempted to excluded Chinese migrants from the state, but many business and civic leaders opposed these efforts. The *San José Mercury* opposed banning Chinese immigration, stating in an editorial: “He is too industrious; he never begs; he would rather work; he is the most orderly and methodical of all workers.... He is the worker we have in California today; drive him from our shores (if that is possible) and you put back the industry of the state 20 years.”¹⁹

Yet if many white landowners employed Chinese as laborers, they rejected them as neighbors. Throughout California, white city officials and voters required that Chinese live in segregated sections of the city, which soon came to be known as Chinatowns. Although many scholars have traced racial segregation to efforts in Eastern cities to restrict African Americans during the First Great Migration, the first racially segregated residential district emerged in San Francisco’s Chinatown.²⁰ In 1885, San Francisco

¹⁷ Quoted in *Ibid.*, 485.

¹⁸ “Effort to Stop Immigration Is Nothing New,” *San Jose Mercury News*, October 31, 1994.

¹⁹ *Ibid.*

²⁰ Shah, *Contagious Divides*; Brooks, *Alien Neighbors, Foreign Friends*, 11.

Board of Supervisors decried Chinatown as “the rankest outgrowth of human degradation that can be found upon this continent.”²¹ The supervisors endeavored to remove all the Chinese from San Francisco, but, unable to exclude the Chinese entirely, they settled for restricting the Chinese to a small section of the city. In 1890 San Francisco passed the Bingham Ordinance, “the nation’s first racial residential zoning law,” according to historian Charlotte Brooks, requiring all Chinese to reside within certain neighborhood boundaries, allowing them 60 days to leave their current neighborhoods or else be removed from the city.²² Although the law was soon overturned in the case of *In Re Lee Sing*, city officials, real estate professionals, white residents, and landowners continued to restrict Chinese residence to Chinatown.²³

At the other end of the Bay, San José’s first Chinatown developed near the intersection of San Fernando and Market Street, on the edge of the small town, a few blocks from the central business district. In Santa Clara County, farmers discouraged Chinese residence outside of Chinatown.²⁴ It came to be a labor reserve for the surrounding farms, where Chinese farmhands subsisted during the off season by working as cooks, domestics, contractors, barbers, construction workers, sales, and clam diggers in the nearby Bay.²⁵ White men owned the properties on which Chinese residents lived and worked.²⁶ They demanded high rents from Chinese tenants while maintaining the

²¹ Brooks, *Alien Neighbors, Foreign Friends*, 24.

²² *Ibid.*; Shah, *Contagious Divides*, 71; Charles J. McClain, “In Re Lee Sing: The First Residential Segregation Case,” *Western Legal History* 3, no. 2 (Summer-Fall 1990): 179–96.

²³ *In Re Lee Sing*, 43 F. 359 (ND Cal 1890).

²⁴ Tsu, “Independent of the Unskilled Chinaman,” 489.

²⁵ *Ibid.*, 491.

²⁶ Kenneth Chow, “The History of the Chinese in Santa Clara County,” in *Chinese Argonauts: An Anthology of the Chinese Contributions to the Historical Development of Santa Clara County* (Cupertino: Foothill Community College, 1971), 10.

residents and commercial establishments as little as possible.²⁷ Chinatown's location on the outer edge of San José suited the white population and, according to a report by the San José Real Estate Board, "there were only occasional mutterings of dissatisfaction among the white population in regard to this location."²⁸

But by 1880s, when Santa Clara County's population had grown to 35,146 people, the location of the county's 2,695 Chinese residents had become a problem.²⁹ As San José grew, it came up against Chinatown, which was now, fretted local businessmen, "nearly in the heart of the business district," blocking downtown's expansion.³⁰ Driven by a mission to modernize the city and promote growth, San José's white civic and business leaders sought a means to disperse Chinatown.³¹ City Council declared Chinatown to be a public nuisance in March 1887.³² Yet the local government lacked a legal mechanism for acquiring the properties or evicting its residents.

On May 4, 1887, nearly five years to the day after Congress passed the Chinese Exclusion Act, arsonists set fire to Chinatown.³³ Built from wood, Chinatown was susceptible to fire, and had a 10,000-gallon water tank in case fire broke out. Residents rushed to the tank only to find it dry—emptied by the arsonists.³⁴ Thousands of white San Joseans gathered at the intersection of San Fernando and Market Street to watch

²⁷ "When Santa Clara County Was Young," *San Jose News*, October 29, 1926.

²⁸ Committee of San Jose Realty Board, "The Oriental and Property Values in San Jose: A Problem in City Planning and Expansion", October 17, 1924, Box 37, Folder 407, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

²⁹ Matthews, *Silicon Valley, Women, and the California Dream*, 18.

³⁰ Committee of San Jose Realty Board, "The Oriental and Property Values in San Jose: A Problem in City Planning and Expansion."

³¹ David Gawrosch, "Chinatown Fire," in *Chinese Argonauts: An Anthology of the Chinese Contributions to the Historical Development of Santa Clara County* (Cupertino: Foothill Community College, 1971), 98.

³² Matthews, *Silicon Valley, Women, and the California Dream*, 21.

³³ *Ibid.*, 21; "An Act to Execute Certain Treaty Stipulations Relating to the Chinese", May 6, 1882, RG 11, Enrolled Acts and Resolutions of Congress, 1789-1996; General Records of the United States Government, National Archives.

³⁴ Gawrosch, "Chinatown Fire," 99.

Chinatown burn.³⁵ As flames engulfed homes and shops, many of the onlookers laughed. *Mercury* reporters chuckled at the “ridiculous” behavior of the terrified residents as they fled; a particular delight was observing a “woman fleeing with two small children tucked one under each arm.” Lest readers find it callous to mock a mother’s efforts to save her children, the *Mercury* reporters assured that, in their opinion, “none of them had been endangered by the flames.”³⁶ When the flames subsided, white residents viewed the wreckage with pleasure. “Chinatown itself had gone,” wrote the *San José News*, “and everyone was glad of it.”³⁷ Decades later, San José realtors recalled “a feeling of satisfaction at its destruction.”³⁸

In many ways, modern San José began with the burning of Chinatown, a blaze that forged the burgeoning town’s civic identity. White residents continued to celebrate the event for half a century. “Today is Anniversary of Chinatown’s Destruction,” ran a 1923 headline in the *San José Mercury*.³⁹ It was a spectacle of white supremacy, the first uncontested demonstration of white power over urban space, a power endorsed by the city’s officials, condoned by its judiciary, and enforced, if necessary, by violence. Symbolizing modern San José’s birth in the flames of Chinatown, the city’s new, grand city hall was erected in Chinatown’s ashes—with the stipulation, inserted by the city council into the contract, that the builder employ no Chinese laborers.⁴⁰

Chinese San Joseans looked for new homes. City officials, with the vocal backing of San José voters, refused to permit construction of a new Chinatown near San Fernando

³⁵ “Today Is Anniversary of Chinatown’s Destruction,” *San Jose Mercury*, May 4, 1923.

³⁶ *Ibid.*

³⁷ “When Santa Clara County Was Young.”

³⁸ Committee of San Jose Realty Board, “The Oriental and Property Values in San Jose: A Problem in City Planning and Expansion.”

³⁹ “Today Is Anniversary of Chinatown’s Destruction.”

⁴⁰ Chow, “The History of the Chinese in Santa Clara County,” 11.

and Market.⁴¹ Civic and business leaders quickly grabbed land in the Chinatown area. Within two months, business leaders, led by San José's mayor, C. W. Breyfogle, chartered, built, and opened Garden City National Bank in the heart of the former Chinatown. Breyfogle used the bank to support homebuying in a new subdivision, also known as Garden City, which Breyfogle owned along with the president of the city's Board of Trade and the owner of a downtown department store.⁴² Although most farm and industry owners relied on Chinese labor, many white residents who neither traded with nor employed Chinese residents hoped that the Chinese would leave the area altogether. White laborers and farmworkers resented Chinese economic competition while urban reformers endeavored to rid the city of those racial groups they saw as impediments to the city's growth. Thus there was an uproar when, on June 6, a month after Chinatown's destruction, a man named John Heinlen—a German immigrant and major landowner in San José, Fresno, and Bakersfield—announced he would rebuild Chinatown. Heinlen's statement was greeted by a storm of protests. Led by mayor Breyfogle and other white luminaries, a crowd of 1,500 people gathered at the intersection of Fifth and Jackson Streets, where Heinlen proposed locating the new Chinatown. The protestors formed an organization calling itself the Home Protective Group, insisting on deporting the Chinese, with the slogan "The Chinese Must Go."⁴³

Yet there was little they could do to stop Heinlen from developing a new residential and commercial district in a different part of town. Thumbing his nose at city officials, Heinlen enlisted for his development the architect who had designed San José's

⁴¹ Committee of San Jose Realty Board, "The Oriental and Property Values in San Jose: A Problem in City Planning and Expansion."

⁴² "Breyfogle Recalls S.J. Land Rush," *San Jose News*, May 17, 1974.

⁴³ Chow, "The History of the Chinese in Santa Clara County," 10.

new city hall.⁴⁴ He presented a design of fireproof brick—“what might be called,” according to San José realtors, “a modern Chinatown.”⁴⁵ At a cost of \$30,000, however, Heinlen would not build it before receiving from the Chinese \$3,300 up front and a pledge to rent space in the new development.⁴⁶ The Chinese lost \$100,000 in the fire, yet members of the Chinese business community retained enough money to meet Heinlen’s requirement.⁴⁷ Heinlen hired Chinese laborers to do the work, paying them \$1.25 a day.⁴⁸ In homage to its developer, the new Chinatown came to be known as Heinlenville.

Today, many San Joseans remember Heinlen as a selfless benefactor.⁴⁹ At the time, however, most regarded him as a cunning capitalist. Regardless of whether he was motivated by concern for the Chinese people, his investment paid off handsomely.⁵⁰ Collecting roughly \$2,400 a month on Chinatown rents, Heinlen recouped his investment in less than two years.⁵¹ He continued to rent to the Chinese for the next four decades, profiting from their residential segregation. San José realtors eyed Heinlen enviously, for he was the sole owner of Chinatown properties; accordingly, noted jealous realtors, “the

⁴⁴ Matthews, *Silicon Valley, Women, and the California Dream*, 21.

⁴⁵ Committee of San Jose Realty Board, “The Oriental and Property Values in San Jose: A Problem in City Planning and Expansion.”

⁴⁶ Chow, “The History of the Chinese in Santa Clara County,” 10.

⁴⁷ “When Santa Clara County Was Young.”

⁴⁸ Chow, “The History of the Chinese in Santa Clara County,” 10. There were two other Chinatowns besides Heinlen’s, both much smaller and built by Chinese entrepreneurs; both ended after their leaders died or left the United States.

⁴⁹ Connie Yu, *Chinatown, San Jose, USA* (San Jose: San Jose Historical Museum, 1992); Jessica Yu, *Home Base: A Chinatown Called Heinlenville* (American Film Foundation, 1991); Darlene Chan, “San Jose’s Old Chinatown, Heinlenville, 1850-1930: A Historical Study” (Ed.D. Dissertation, University of San Francisco, 1994).

⁵⁰ This indicates a longer history of landowners profiting from segregated real estate markets that Beryl Satter, among others, has found in more recent decades. Beryl Satter, *Family Properties: Race, Real Estate, and the Exploitation of Black Urban America* (New York: Metropolitan Books, 2009).

⁵¹ Chow, “The History of the Chinese in Santa Clara County,” 12.

property in the Oriental district pays very well as the district is restricted and these people are willing to pay good rentals.”⁵²

The line between Chinatown and neighboring white districts was a clear one. “The village was surrounded by a fence, patrolled by a white man named ‘Charley’,” remembered John Young, a Chinese American who had grown up in Heinlerville. “Charley was armed with a revolver and a rifle. I remember that we kids were a little frightened of him.” In addition to monitoring the gaslights, Charley locked the gates leading to and from Chinatown. Charley was there, Young was told, “to protect us from vandals,” yet he also served to keep Chinese residents in Chinatown and away from white neighborhoods and businesses.⁵³

By the 1920s, a discourse had developed that normalized the repeated displacement of the Chinese. As San José’s population continued to grow, Chinatown again found itself in the path of the city’s development. As white residents looked to remove the Chinese once again, they fashioned a legend, told and retold in smoky bars and Sunday picnics, that narrated the Chinese experience in San José. According to the legend, the first Chinese man came to San José in 1852. A remarkably unobservant fellow, he did not notice when locals tied his queue to the tail of a horse. When the horse started to buck and run, the Chinese man feared for his life. Surrounding whites laughed at the spectacle, until a satisfied white man cut off the Chinese man’s queue, shaming him but saving his life. The man from China, seeing he was not wanted, left.⁵⁴

⁵² Committee of San Jose Realty Board, “The Oriental and Property Values in San Jose: A Problem in City Planning and Expansion.”

⁵³ *San Jose Mercury News*, March 11, 1987.

⁵⁴ “When Santa Clara County Was Young.”

Whether real or imagined—and it was probably imagined—the legend speaks volumes about white attitudes toward the Chinese. Although they dislike the Chinese, white residents refrain from murder. Virtuously, a nameless white San Joséan rescues the Chinese man. The threat of death is thus converted into humor, a spectacle to laugh at. Like the repeated image of the Chinese woman spiriting children from the flames in the 1887 fire—something, *Mercury* reporters insisted in the 1920s, “everyone remember[ed]” fondly—the legend hinges on a humorous Chinese response to fear. Yet, while not threatening death, whites’ message is clear: leave. And the queueless man does. His departure removes him from San José just as effectively as if he had been killed, but it leaves whites in a position of moral superiority, in the role of savior. The Chinese man leaves of his own volition. The legend echoes the repeated narration of events of the 1887 fire—the arsonists as good-natured jokester, the Chinese the unsuspecting victims, Heinlen offering salvation—but, in the legend, there is no place for the Chinese in San José.

The legend indicates the desires of white residents and the tensions of urban development in the 1920s. Local realtors and civic leaders were in the midst of debates about how to effectively segregate the city. Many wanted Chinatown out of the way. Chinatown had been destroyed and relocated before—why not again? And, even as the Chinese population, after decades of Chinese exclusion, was in decline, the Japanese population was on the rise.

Japanese Migrants and the Making of the Oriental District

According to San José realtors, who monitored the area closely, the racial makeup of Chinatown began to change around 1900. The Chinese were growing fewer; Japanese

migrants increasingly did the jobs they had done. In the racially segregated city, Japanese migrants found homes and opened businesses in what became known to whites as “the Oriental district,” since it included both Chinese and Japanese residents, but to most Japanese the neighborhood was known as Nihonmachi: Japan town. “There were many vacancies on one side of Chinatown,” explained the realtors, “and the Japanese by taking over part of these and by addition of other buildings, have created a Japanese town directly connected with Chinatown.”⁵⁵

Although a commercial center in its own right, Nihonmachi’s primary reason for existence was, like the original Chinatown, as a labor reserve for the surrounding countryside.⁵⁶ Most Japanese migrants to the Santa Clara Valley were farmers, working in the Valley’s agricultural fields. Japanese workers had started coming to California in the second half of the 19th century. Emigration from Japan had been punishable by death until the Meiji Restoration in 1868, and was officially legalized in 1885, coinciding with Chinese exclusion in the United States and the resultant demand for farm labor.⁵⁷ Soon, steam ships were carrying Japanese migrants across the Pacific, many of them from the newly conquered territory of Hawaii.⁵⁸ Japanese farmers arrived in Santa Clara County by 1890, when the Census counted twenty-seven residents.⁵⁹ Soon the city of San José had among the highest percentage of Japanese immigrants in California.⁶⁰ Most arrived in

⁵⁵ Committee of San Jose Realty Board, “The Oriental and Property Values in San Jose: A Problem in City Planning and Expansion.”

⁵⁶ Lukes and Okihiro, *Japanese Legacy*, 115.

⁵⁷ Yamato Ichihashi, *Japanese Immigration: Its Status in California* (San Francisco: Marshall Press, 1915), 3.

⁵⁸ Edwin E. Ferguson, “The California Alien Land Law and the Fourteenth Amendment,” *California Law Review* 35, no. 1 (March 1947): 64.

⁵⁹ Tsu, “Sex, Lies, and Agriculture,” 179.

⁶⁰ Ichihashi, *Japanese Immigration: Its Status in California*, 20.

Santa Clara County in the first decades of twentieth century, their numbers increasing from 284 in 1900 to 2,299 in 1910.⁶¹

By 1908, the Federal Immigration Commission found Japanese migrants working at nearly every ranch in the county, digging ditches, planting trees, plowing fields, and picking fruit. While most Japanese migrants began as farm laborers, many soon settled down, renting farms from white landowners, primarily through cash leases but many as sharecroppers. Some even bought farms of their own. Although Santa Clara Valley was renowned for deciduous tree fruits, the Japanese who owned or leased land tended, like the Chinese before them, to cultivate labor intensive crops, particularly berries and spinach, and later flowers. Orchard fruits demanded capital, and often years of waiting, commitments impossible for farmers operating on a share and lease basis.⁶²

Migrant laborers became permanent tenants and growers. Facing discrimination from white farmers and residents, Japanese farmers clustered in several small communities throughout the Valley. The first clusters emerged in northern Santa Clara County in the farm towns of Alviso and Agnew. Tom Foon Chew, a Chinese American capitalist who operated the Bayside Cannery in Alviso, had employed Chinese workers, but, after Chinese immigration was limited, Chew began to draw from a racially diverse workforce, including Filipinos, whites, and, increasingly, Japanese. Japanese workers soon occupied a variety of labor niches in Alviso, from seasonal fruit pickers in the orchards to cannery managers. Many worked in pear, raspberry, and especially strawberry fields. There were cash tenants as well as sharecroppers. Japanese women often found work at the cannery, where the fastest among them earned more than one

⁶¹ Tsu, "Sex, Lies, and Agriculture," 179–180.

⁶² *Ibid.*, 181–182.

dollar per day. A variety of community institutions sprang up for the Japanese workers, including a Japanese-language school and a Japanese-language store.⁶³

Soon clusters emerged elsewhere in the county. Small clusters emerged in Cupertino, Saratoga, Los Gatos, southwest San José, near Campbell, and South San José, around Coyote. Larger colonies sprang up in Santa Clara and Milpitas. Even larger were the Japanese communities in Mountain View, Agnew, and Nihonmachi in San José. Alviso and Berryessa were among the more populated agricultural districts. The most populous of all was a cluster of farms along Trimble Road in east San José. Almost all were semi-rural, near municipalities but outside of city limits.⁶⁴

These clusters generally served as the focal points of community, and social life varied within and among clusters. Since most Japanese farmers and laborers associated primarily with others in their own vicinity, no cohesive regional Japanese community emerged before World War II. “Even Nihonmachi,” explain scholars Timothy Lukes and Gary Okihiro, “by 1910 clearly the most dominant center of Japanese commercial and cultural life in the valley, was not the point of reference for farmers in the outlying areas.... [V]isits to Nihonmachi were rare and generally the province of men.”⁶⁵

After the arrival of Japanese migrants in large numbers, white Californians responded with a rash of anti-Japanese nativism. San José Congressman Everis A. Hayes led the legislative battle against the Japanese in the House of Representatives. Born in Wisconsin and educated as a lawyer, Hayes made a small fortune in iron mining in Michigan before moving to San José in 1887 to acquire further mining interests, as well as a fruit orchard. Along with his brother Jay Hayes, he purchased the *San José Herald* in

⁶³ Lukes and Okihiro, *Japanese Legacy*, 62–66.

⁶⁴ *Ibid.*, 64.

⁶⁵ *Ibid.*, 63.

1900 and shortly thereafter the *San José Mercury*, uniting them into one paper, the *San José Mercury Herald*. As publishers of what was now the largest paper between San Francisco and Los Angeles, Hayes was well positioned to launch his political career, becoming active in Republican Party politics and winning a seat in the House of Representatives in 1905.⁶⁶

A well-dressed, dark-bearded man, Hayes was known for his emphatic pronouncements. White Californians, he said, needed legislation “to protect them from an insidious conquest of Orientals, which, unless prevented by law, will overwhelm them.”⁶⁷ He introduced a Japanese Exclusion Bill in Congress in 1905, claiming, “I think I speak conservatively when I say that these bills voice the desire of at least 95 percent of the people of my district.”⁶⁸ While Americans might admire the “plucky little island nation” for its recent victory over the Russians, Hayes insisted that those who knew the Japanese felt differently. “A close acquaintance shows one that unblushing lying is so universal among the Japanese as to be one of the leading national traits... The vast majority of the Japanese people do not understand the meaning of the word ‘morality,’ but are given up to the practice of licentiousness more generally than any nation in the world justly making any pretense to civilization.”⁶⁹ Although he focused his vitriol against Japanese, he opposed all immigration from Asia, and in 1911 introduced legislation to prohibit immigration of “Japanese, Koreans, Tartars, Malays, Afghans, East Indians, Lascars, Hindus, and all other persons of the Mongolian or Asiatic race, and all persons of

⁶⁶ Eugene T. Sawyers, *History of Santa Clara County, California* (Los Angeles: Historic Record Company, 1922), 320.

⁶⁷ E. A. Hayes, “The Treaty-making Power of the Government and the Japanese Question: Speech of Everis A. Hayes, of California, in the House of Representatives” (Washington, D.C., January 23, 1907), 14.

⁶⁸ E. A. Hayes, “Japanese Exclusion: Speech of Hon. E. A. Hayes, of California, in the House of Representatives” (Washington, D.C., March 13, 1906), 3.

⁶⁹ *Ibid.*, 4.

Chinese, Japanese, Korean, Tartar, Malayan, Afghan, East Indian, Lascar, Hindu, or other Mongolian extraction.”⁷⁰

This zeal made Hayes a favorite character in the *Los Angeles Times*, which delighted in mocking the publisher of another paper, particularly one who allied with laborers over employers. The *Times* opposed Japanese exclusion, noting that the more immigrants came, the cheaper their labor would be. Meanwhile, Hayes vowed that, on his San José orchard, “I’d rather have every prune rot than employ Japanese.” The *Times* reported on his “harangue” to the Japanese-Korean Exclusion League in San Francisco: “‘If we are going to have war with Japan,’ shouted Demagogue Hayes, with arms cutting the air like a windmill gone crazy in a tempest, ‘let’s have it right away! We’re ready, they ain’t!’” The *Times* concluded, “It is needless, perhaps, to point out the patent fact that E.A. Hayes is not only a rank and disgusting demagogue, but is also an unmitigated ass.”⁷¹

Despite the *Times*’ mockery, Hayes persisted in his attempts at Japanese exclusion, meeting with President Theodore Roosevelt to ask his support in passing anti-Asian legislation.⁷² A Japanese Exclusion Act on the Chinese model was an insult that Japan, with pretensions to world power, would not suffer. Agitation by Hayes and other exclusionists—including those in San Francisco who segregated the Japanese school population, provoking a diplomatic uproar—spurred American and Japanese diplomats to negotiate. The result became known as the “Gentlemen’s Agreement” of 1907-1908, in

⁷⁰ “A ‘Blanket’ Exclusion,” *New York Times*, April 18, 1911.

⁷¹ “Hayes the Hypocrite,” *Los Angeles Times*, September 16, 1906.

⁷² “President on Jap Exclusion,” *Los Angeles Times*, November 25, 1907.

which the government of Japan agreed to prevent the emigration of Japanese laborers and, in return, American diplomats promised to prevent exclusionary legislation.⁷³

At the state level, however, legislators who could not control federal immigration policy could nonetheless enact statutes that, many hoped, would make life difficult enough on Japanese migrants that they would choose not to come. Passed by the state legislature in 1913, California's Alien Land Law limited agricultural land ownership to American citizens. According to the California Constitution, the only people eligible for citizenship were "free white men," and, after the Civil War, those born in Africa and their descendents. Only these people, plus foreign nationals granted rights by treaty, would be permitted to acquire agricultural land; aliens ineligible to citizenship could lease land for terms of no more than three years. California Attorney General Ulysses S. Webb, who helped author the act, explained, "The fundamental basis of all legislation upon this subject... is race undesirability. It is unimportant and foreign to the question under discussion whether a particular race is inferior. The simple and single question is, is the race desirable." The law "seeks to limit their presence by curtailing their privileges which they may enjoy here; for they will not come in large numbers and long abide with us if they may not acquire land. And it seeks to limit the numbers who will come by limiting the opportunities for their activity here when they arrive."⁷⁴

The law was a rebuke to Japanese Californians, for whom independent farming offered one of the few opportunities for upward mobility. Life for farm laborers was austere. They often lived in barracks at packinghouses. Many of these barracks charged

⁷³ Roger Daniels, *The Politics of Prejudice: The Anti-Japanese Movement in California and the Struggle for Japanese Exclusion* (Berkeley: University of California Press, 1962), 41–45.

⁷⁴ United States Department of Interior, *People in Motion: The Postwar Adjustment of the Evacuated Japanese Americans* (Washington, D.C.: Government Printing Office, 1947), 37.

exorbitant rents; in Milpitas, an unincorporated area northeast of San José, workers sometimes paid more for lodging than they earned in wages.⁷⁵ If possible, they preferred to purchase farms. Japanese Californians resisted and contested the law, finding ways, in spite of the legislation, to purchase farms. Many purchased land in the names of their children—who, if born in the United States received birthright citizenship—and acted as guardians of their dependent children’s properties. The story of Hirokichi Inouye offers a good example. Inouye arrived in San José in 1900, finding seasonal employment on the 400-acre Hume Ranch in Los Gatos, where the orchards grew mostly prunes and apricots. In the wintertime, Inouye left the countryside of the city, working in San Francisco. After several years of this migration he landed a permanent position at the Hume Ranch, rising to the level of foreman of Japanese crews in 1910. He and his family lived in bunkhouses on the ranch.⁷⁶ When the ranch subdivided in 1919, Inouye sought to buy a section. Prevented by the Alien Land Law from buying it in his own name, Inouye purchased 14 acres in the names of his children, Kaoru, Tatsuru, and Tohru.⁷⁷ Thanks to similar practices, Japanese agricultural landholdings grew from 300,474 acres in 1914 to 458,056 acres in 1920. While most of this acreage was leased (through cash rent or sharecropping), the acreage of Japanese owned land more than doubled from 31,828 in 1914 to 74,769 in 1920, most of it during the agricultural boom years of World War I.⁷⁸

Japanese farmers’ practice of purchasing property in the names of their children infuriated many white farmers. To prevent Japanese farmers from evading the Alien Land Law, anti-Japanese farmers and politicians proposed stricter legislation through the

⁷⁵ Lukes and Okihiro, *Japanese Legacy*, 67.

⁷⁶ *Ibid.*, 68.

⁷⁷ *Ibid.*, 68.

⁷⁸ Yuji Ichioka, “Japanese Immigrant Response to the 1920 California Alien Land Law,” *Agricultural History* 58, no. 2 (April 1984): 162.

initiative process, landing a constitutional amendment on the ballot in 1920. Whereas the 1913 law had allowed short-term leasing, the 1920 law prohibited aliens from leasing land. Designed to close loopholes, the initiative stated that if an alien ineligible to citizenship purchased land in the name of their child, the state would presume they did so with the intent to bypass the alien land law. Furthermore, the initiative forbade aliens ineligible to citizenship from being guardians of land.⁷⁹ Nor could aliens ineligible to citizenship buy or sell stock in companies that owned or leased agricultural land. Properties in violation of the law were subject to escheat. Whites hoped that these provisions would prevent the practices of farmers like Hirokichi Inouye.

1920 was a dramatic year for American politics. Retiring president Woodrow Wilson was vastly unpopular, after years of American involvement in Europe's "Great War." Communist revolution in Russia fed a Red Scare back in the United States, heightened by widespread labor unrest. Politicians had furious debates about whether to join the United States to a "League of Nations." These manifold tensions were condensed into the presidential election between two Ohio newspapermen, Warren G. Harding and James M. Cox.

Yet, as their fellow Americans debated these issues, Californians had other concerns. "The most keenly contested issue of the recent election in California," according to Elwood Mead, "was over the action which should be taken on the initiative amendment prohibiting the selling or leasing of land to Japanese. Compared to this, interest as to who was to be president, or whether America would belong to the League of

⁷⁹ The Supreme Court of California later invalidated the guardianship rule in *Estate of Tetsubmi Yano*, 188 Cal. 645 (1922).

Nations was vague and remote.”⁸⁰ Professor of Rural Institutions at the University of California, Mead was a progressive water engineer. He worked to develop irrigation projects with a zeal that brought him to the head of the Bureau of Reclamation. For his work in New Deal water control and irrigation projects, Lake Mead later would be named for him.⁸¹

As a self-proclaimed friend of the white farmer, Mead adamantly opposed Japanese land ownership, which, in his view, threatened the white farmers’ way of life. He saw even the migration of Japanese to California—where the 1907 Gentlemen’s Agreement and the 1913 Alien Land Law should have communicated to the Japanese that they “were not wanted”—as treachery; their efforts to evade the Alien Land Law portended “disaster,” indeed, threatened “white civilization” itself.⁸² In California, the imperious Japanese, cried Mead, “have shown the same spirit as in Korea and China.”⁸³ The 1920 initiative would end this “invasion.”⁸⁴ “Yet, when these evasions became so notorious and the economic struggle so severe that white farmers sought to amend the law as to end these aggressions, the Japanese used their thirty-nine associations and all of their influence to create sympathy for a sensitive, diffident people who were only seeking to contribute to this nation’s wealth. Nothing could be more misleading.”⁸⁵ Racial liberals and other opponents of the 1920 act were being had. “There is danger,” Mead warned, “that this nation will be misled by catch phrases like ‘Race Equality,’ ‘Uplifting Asia’

⁸⁰ Elwood Mead, “The Japanese Land Problem in California,” *Annals of the American Academy of Political and Social Science* 93 (January 1921): 51.

⁸¹ Daniel T. Rodgers, *Atlantic Crossings: Social Politics in a Progressive Age* (Cambridge: Harvard University Press, 2000), 345–352.

⁸² Mead, “The Japanese Land Problem in California,” 54.

⁸³ *Ibid.*

⁸⁴ *Ibid.*, 51.

⁸⁵ *Ibid.*, 54.

and ‘Personal Liberty.’”⁸⁶ Yet opposition to the Japanese, Mead insisted, was not racist. “The objection to the Japanese is that with their coming Anglo-Saxon culture came in direct conflict with a Mongolian one. They can not live side by side and neither will give way to the other without a conflict.”⁸⁷

In the 1920 voters’ pamphlet, an argument in favor of the statute stated that its “primary purpose is to prohibit Orientals who cannot become American citizens from controlling our rich agricultural lands,” that “Orientals, largely Japanese, are fast securing control of the richest irrigated lands in the state,” and that “control of these rich lands means in time control of the products and control of the markets.”⁸⁸ Such arguments were persuasive to California voters. Statewide, voters favored the 1920 Alien Land Law at a ratio of three to one. In Santa Clara 18,854 voted for it to 7,826 against; in San Mateo, the votes were 7,213 to 2,393. It passed in every single county, from Alameda to Yuba.⁸⁹

Mead saw anti-Japanese legislation as the expression of a grand “farmers’ movement.”⁹⁰ Some city dwellers opposed the legislation, although not in a spirit of racial brotherhood. The San Francisco Chamber of Commerce opposed the initiative on the grounds that it would “drive the Japs into town to compete with the townspeople.” Yet farmers, claimed Mead, were unified. “There was practically no division of opinion among country people who have to compete with the Japs. They worked and voted for the amendment. The white farm laborer does not like to work with them and still less to work for them.”⁹¹

⁸⁶ Ibid.

⁸⁷ Ibid., 55.

⁸⁸ *Fujii V. State of California*, 38 Cal.2d 718, 736 (California Supreme Court 1952).

⁸⁹ “Study of Vote Cast in 1920 on Alien Land Law”, n.d., Box 37, Folder 415, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

⁹⁰ Mead, “The Japanese Land Problem in California,” 51.

⁹¹ Ibid.

Although the law did not name the Japanese, they were its targets and they suffered its primary impact. “Of course, gentlemen, there is no use in fooling ourselves,” said attorney Albert H. Elliot, counsel of the Japanese Association of America, a predominantly Issei organization based in Northern California, to a convention of lawyers about the law. The alien land laws were passed not to protect farmlands from a vague group of aliens ineligible to citizenship, but for preventing the Japanese from owning land. “Of course the Japanese were not mentioned in the act. Whenever we want to do anything very drastic, we never mention the fellow we are going to hit.”⁹²

Drastic it was. The 1920 Alien Land Law posed a severe obstacle to Japanese land ownership. Although its proponents complained that it was enforced insufficiently, the acreage of farms owned by Japanese, in the years following its passage, dropped by almost half.⁹³ The escheat provisions, meanwhile, were applied ruthlessly, even to the point of splitting families. California launched escheat proceedings against the property of a “Mrs. Roy K. Hirata,” an American citizen and mother of three, because, in violation of the law, her Japanese-born husband lived on the land and helped farm it. To save the land for his wife and children, Roy Hirata left.⁹⁴

⁹² Albert H. Elliot, “Present Status of Alien Land Law in California”, n.d., Box 17, Folder 14, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

⁹³ Ichioka, “Japanese Immigrant Response to the 1920 California Alien Land Law,” 170. Scholars, too, have often portrayed the acts as ineffective. Roger Daniels claimed the law was merely “an ineffective irritant” that “in no wise significantly affected land tenure.” Carey McWilliams, similarly, asserted that the law was “blithely ignored.” Ichioka, however, demonstrates that the law’s “enactment and enforcement, coupled with the post-World War I slump in agriculture, caused a sharp drop in Japanese agriculture during the twenties.” Daniels, *The Politics of Prejudice: The Anti-Japanese Movement in California and the Struggle for Japanese Exclusion*, 88; Carey McWilliams, *Prejudice: Japanese-Americans, Symbol of Racial Intolerance* (Boston: Little, Brown, 1944), 65; Ichioka, “Japanese Immigrant Response to the 1920 California Alien Land Law,” 177. Economic historian Masao Suzuki also finds that the law severely stunted Japanese agriculture. Masao Suzuki, “Important or Impotent? Taking Another Look at the 1920 California Alien Land Law,” *Journal of Economic History* 64, no. 1 (2004): 125–143.

⁹⁴ *Fujii V. California*, 38:64–65.

Japanese Californians challenged the Alien Land Law in court. Many Japanese farmers hoped to evade the 1920 law by entering into sharecropping contracts. But in September of 1920, Ulysses S. Webb, California's nativist attorney general who had helped write the original Alien Land Law, declared that sharecropping was a violation of the law. In an emergency meeting on October 11, 1921, the Japanese Association of America decided to raise \$25,000 for litigation to test the various provisions of the law, beginning with the proscription on sharecropping.⁹⁵ Two days later they initiated the case that, when it reached the Supreme Court in 1923, became known as *Webb v. O'Brien*.⁹⁶

A farmer named J.J. O'Brien, who owned ten acres of land in the Santa Clara Valley, sought to hire a Japanese alien named J. Inouye to plant, cultivate, and harvest strawberries, raspberries, loganberries, and vegetables. As payment, Inouye would receive half the crops harvested each year for four years, as well as housing, tools, a tractor, horses and feed. O'Brien and Inouye drafted a contract that they felt was legal under the 1920 Alien Land Law, giving Inouye no rights to the land, offering no tenancy agreement, and defining the crops received by Inouye not as share but as pay.⁹⁷

To the local district attorney, C.C. Coolidge, the contract appeared perfectly legal. "I have always felt," he said, "that landowners or proprietors have a right under the law to enter into crop-leasing contracts with aliens." Accordingly, he declined to prosecute O'Brien and Inouye. Coolidge's decision did not please Attorney General Webb. If recalcitrant district attorneys failed to implement his decrees on the Alien Land Law, Webb feared, then Japanese aliens could violate the law with impunity. To prevent that

⁹⁵ Ichioka, "Japanese Immigrant Response to the 1920 California Alien Land Law," 165.

⁹⁶ *Webb V. O'Brien*, 263 U.S. 313 (1923).

⁹⁷ *O'Brien V. Webb*, 279 F. 117 (1921).

from happening, Webb vowed to prosecute such cases himself. Accordingly, he brought suit against O'Brien in federal district court.⁹⁸

The district court's decision, however, satisfied no one. The district court ruled the Alien Land Law was constitutional; the only question before it was whether Inouye and O'Brien's contract violated it. Citing a legion of cases establishing precedent, the opinion concluded that a sharecropping contract conferred no interest in the land sufficient enough to be considered a leasing arrangement, let alone ownership or possession. O'Brien and Inouye, therefore, had not violated the law.⁹⁹

The ruling, ostensibly in favor of O'Brien and Inouye, nevertheless disappointed the attorneys and members of the Japanese Association of America, who had hoped the court would find the Alien Land Law unconstitutional. The Supreme Court had found similar laws unconstitutional when, although ostensibly race-neutral, they actually targeted a specific race, most famously in the Court's decision that San Francisco's proscription of Chinese laundries violated the Equal Protection Clause of the Fourteenth Amendment.¹⁰⁰

Webb was equally distraught. While he welcomed the court's validation of the 1920 law, he feared that the decision permitted Japanese aliens to evade it. "[T]he decision..." he warned, "will enable the Japanese alien, through a technicality of the law, to enjoy the possession of California agricultural land and defeat the intent and purpose of the alien land law."¹⁰¹ Webb appealed the case to the Supreme Court.

⁹⁸ "Will Fight Land Law," *Los Angeles Times*, December 22, 1921.

⁹⁹ *O'Brien V. Webb*.

¹⁰⁰ *Yick Wo V. Hopkins*, 118 U.S. 356 (1886).

¹⁰¹ "Will Fight Land Law."

After oral arguments in April of 1923, the Supreme Court handed down its opinion on *Webb v. O'Brien* in November of that year. It was the same day the court released its opinion on *Frick v. Webb*, the case that tested, as part of the Japanese Association's legal strategy, the constitutionality of the Alien Land Law's proscription of Japanese ownership of shares in land companies.¹⁰² Both decisions were written by Supreme Court Justice Pierce Butler, the conservative judge whose consistent opposition to New Deal legislation would later lead him to be named one of the "Four Horsemen of Reaction." Already his opposition to Progressive Era legislation had earned him a reputation as a staunch defender of the liberty of contract.¹⁰³ The contract between O'Brien and Inouye, hoped the Japanese Association attorneys, was precisely the kind that Butler and many of his fellow justices would find protected by the Fourteenth Amendment. Butler surprised them, writing that, in this case, the Alien Land Law could supercede O'Brien and Inouye's contract. The court was willing to grant that the contract "[did] not amount to a leasing or to a transfer of an interest in real property, and that it includes the elements of a contract of employment." However, explained Butler, "[W]e are of opinion that it is more than a contract of employment." Although the language said otherwise, the real purpose of the contract was to give Inouye sufficient interest in O'Brien's agricultural land that it violated the Alien Land Law.¹⁰⁴ Furthermore, Butler dismissed the charge that the racial bias in the law offended the Constitution. "Racial distinctions," he wrote, "may furnish legitimate grounds for classifications under some

¹⁰² *Frick v. Webb*, 263 U.S. 326 (1923).

¹⁰³ Peter Irons, *A People's History of the Supreme Court* (New York: Penguin, 1999), 264, 286.

¹⁰⁴ *Webb v. O'Brien*.

conditions of social or governmental necessities.”¹⁰⁵ Racial animus, in this case, trumped property rights, even those of white property holders.

The decision came just seven days after the Supreme Court handed down its decisions in *Porterfield v. Webb* and *Terrace v. Thompson*, the cases in which the Supreme Court upheld the alien land laws of both California and Washington State.¹⁰⁶ Both opinions were written by Justice Butler, as was the opinion in *Frick v. Webb*, in which the court ruled that it was constitutional to prohibit Japanese ownership of shares in land companies.¹⁰⁷ Within the space of one week, Justice Butler dispatched four opinions that together soundly defeated all challenges to the Alien Land Law.

In spite of the judicial rulings, Japanese families continued to find ways to use, and even purchase, land. Even in the 1920s, upwardly mobile families continued to buy and lease orchards.¹⁰⁸ Through middlemen—often white, but sometimes Nisei or Hawaiian—Japanese farmers leased lands by putting up all the cash (and without access to proper bank loans, it was cash), performing all the labor, and paying the nominal white landowner a fee.¹⁰⁹ To avoid prosecution, the white landowner usually hired the Japanese farmer as an “employee” or “manager”, not a lessee or sharecropper. White landowners and Japanese farmers also had unspoken agreements through which they could sharecrop. Land companies (many of which were organized by the Japanese Association of America

¹⁰⁵ Ibid.

¹⁰⁶ *Porterfield v. Webb*, 263 U.S. 225 (1923); *Terrace V. Thompson*, 263 U.S. 197 (1923). The Court later changed direction in *Oyama v. California* (1948), in which the majority neither overturned *Porterfield* nor invalidated the 1913 and 1920 Alien Land Laws but found that their application was unconstitutional; four justices, in a concurring opinion, found the Alien Land Laws violated the 14th Amendment and called for reversing *Porterfield* outright. See *Oyama v. California*, 332 U.S. 633 (1948).

¹⁰⁷ *Frick v. Webb*.

¹⁰⁸ Lukes and Okihiro, *Japanese Legacy*, 67; Robert Higgs, “Landless by Law: Japanese Immigrants in California Agriculture to 1941,” *Journal of Economic History* 38 (1978): 475–495.

¹⁰⁹ Nisei is a Japanese term meaning “second generation” Japanese Americans, or American citizens whose parents migrated from Japan. Issei means “first generation,” or Japanese Americans born in Japan.

and its legal counsel, Albert Elliot) were also successful at evading the law by requiring that all owners of their stock be citizens, leasing farmland from white landowners, and hiring Japanese farmers as agricultural “employees.” These practices continued through the prewar years, declining only in the 1930s when there were more Nisei farmers.¹¹⁰

Facing obstacles to farming, many Nisei sought to move off the farm and develop alternative career paths. For many Nisei, there was little incentive to go into farming, and many sought white-collar employment. The Nisei trend away from farming worried many Issei leaders, who hoped to maintain a hold on their economic niche. To maintain Japanese agricultural prowess, Issei leaders launched a “back-to-the-farm” movement, sending farmers’ sons to classes to learn how to work with soil and plant crops. In San José, the program trained thirty-three young Japanese men.¹¹¹

Regardless of their economic niche, upwardly mobile Japanese residents came into conflict with whites. Entertaining a version of “the American dream” inflected by their particular concerns about family life, homeownership, and prosperity, Japanese residents disrupted white visions of domestic landscapes. Everis Hayes, in his fulminations against Japanese migrants, claimed that, in the Japanese language, “There is no word corresponding to our word ‘home,’ because there is nothing in the Japanese domestic life corresponding to the home as we know it.”¹¹² For Hayes, Japanese deviation from norms of the home and family justified fierce retaliation. He declared on the floor of the House of Representatives, “When the laborer with American ideals—with a home to maintain, a family to support, and children to educate—sees his job taken by a

¹¹⁰ Ichioka, “Japanese Immigrant Response to the 1920 California Alien Land Law.”

¹¹¹ Eiichiro Azuma, *Between Two Empires: Race, History, and Transnationalism in Japanese America* (New York: Oxford University Press, 2005), 115.

¹¹² Hayes, “Japanese Exclusion: Speech of Hon. E. A. Hayes, of California, in the House of Representatives,” 4.

man wholly alien in race, with no family ties or responsibilities, and who, by the laws of our country, can never be admitted to the responsibilities of citizenship, he would not be worthy of the name of freeman if he did not fight for his home, his wife, and his children with every weapon at his command.”¹¹³ The gender imbalance in the Japanese community served, for Hayes, to confirm this deviance. Santa Clara County’s early Japanese population was skewed, with as many as four men for every woman.¹¹⁴ Although the Gentlemen’s Agreement prohibited the migration of male Japanese laborers, it allowed, under certain circumstances, the migration of Japanese women. For many resident Japanese men—most of whom were in their 20s and 30s—marrying was a primary goal.

Yet bringing a bride from Japan was expensive. The Japanese consulate, as part of the negotiations of the Gentlemen’s Agreement, had agreed to scrutinize visa applications for wives and brides. In addition to a variety of fees, the consulate required that Japanese men in the United States provide evidence of a bank account containing at least 800 dollars or other liquid assets, a substantial sum, before they would be allowed to bring over wives or brides from Japan.¹¹⁵ Beyond Japanese consular requirements and transportation from Japan, a marriage and the requirements of family life—particularly, moving out of farm barracks and into a house of one’s own—required further wealth. Marriage and family life were thus part of the class fissures within the Japanese community—and eventually with the white community.¹¹⁶

Japanese Americans in Urban Space

¹¹³ Hayes, “The Treaty-making Power of the Government and the Japanese Question: Speech of Everis A. Hayes, of California, in the House of Representatives,” 15.

¹¹⁴ Tsu, “Sex, Lies, and Agriculture,” 184.

¹¹⁵ Daniels, “Chinese and Japanese as Urban Americans, 1850-1940,” 434-435.

¹¹⁶ Tsu, “Sex, Lies, and Agriculture.”

In Santa Clara County, farmlands were intertwined with the Valley's market towns and the early suburban retreats of San Francisco's well to do. Thus the issue of property and land ownership, vital as it was for farmers, entailed, in addition to concerns over agricultural rent prices or produce markets, a fear that Japanese land tenancy was changing the racial landscape of American towns. As male Japanese residents of means married, had children, and built or bought houses, they formed part of an emerging Japanese American middle class. When these Japanese families moved into the peripheral zones between strawberry fields and residential and commercial districts, whites worried that they were "invading" not only farms but also neighborhoods, homes, and schools. At a meeting where white farmers debated the Alien Land Law, Elwood Mead recalled that a farmer—a father and a family man—worried about his property because the nearby homes had all been purchased by Japanese; in the local school, previously all white, now "all the children in that school except mine and those of one other farmer are Japanese." When a Japanese family moved across the street from his house, he decided to sell. However, "No white man will buy for none will go into a Japanese neighborhood."¹¹⁷ Similarly, Everis Hayes warned that Japanese residents would lead to white flight. "[M]ost Americans," Hayes stated, "do not care to live in a neighborhood where a large percentage of the population is Japanese." This was causing a disruption of urban real estate. "When a crowd of Japanese," he claimed, "rent a house in the residence portion of [San Francisco] at once there is a great fall in the price of real estate—in some cases as much as 50 per cent—and an exodus from the neighborhood begins."¹¹⁸ Orientals, concluded Hayes, were "destroying or rendering wholly uncongenial the homes which

¹¹⁷ Mead, "The Japanese Land Problem in California," 52.

¹¹⁸ Hayes, "The Treaty-making Power of the Government and the Japanese Question: Speech of Everis A. Hayes, of California, in the House of Representatives," 14.

they fondly hope to hand down to their children with all the holy influences around them that now pervade the American home.”¹¹⁹

Scholars have focused, justifiably, on the impact of the Alien Land Laws on the agricultural practices of Japanese migrants. Less well known, yet no less significant, is that the laws also gave a tool to white homeowners and real estate agents in their struggles to exclude Japanese residents from urban and suburban neighborhoods.¹²⁰ Under the headline “Fight Japs as Homeowners,” the *Los Angeles Times* reported that white residents of an exclusive section of Sacramento brought suit against Shimami Okamura, a Japanese alien, for buying a home in their neighborhood. They enlisted their state senator, J.M. Inman—the director of the California Asiatic Exclusion League¹²¹—in their battle against Okamura. Inman was convinced that “no alien ineligible to citizenship has a right to own residential property.” He derived this understanding from Act 129, Paragraph 5, of the Alien Land Law, which read that “any real property” acquired by aliens ineligible to citizenship shall escheat to the state. Inman acknowledged that the treaty between the United States and Japan enabled Japanese aliens to lease land, but “nowhere in the treaty is there a provision for ‘owning’ land for any purpose.” While the treaty allowed Japanese to own “houses” it did not enable them to own the land upon which the house sat. Attorney General Webb also took the position that Japanese aliens could not buy residential property, promising “vigorous prosecution” of Japanese aliens who tried, including Okamura.¹²²

¹¹⁹ Ibid.

¹²⁰ Kurashige, *The Shifting Grounds of Race*; Brooks, *Alien Neighbors, Foreign Friends*.

¹²¹ Sidney Lewis Gulick, *Should Congress Enact Special Laws Affecting Japanese?* (New York: National Committee on American Japanese Relations, 1922), 15.

¹²² “Fight Japs as Homeowners,” *Los Angeles Times*, February 28, 1920.

Webb prosecuted such cases around the state. When the San Francisco Real Estate Board and the Apartment House Owners' and Managers' Association hoped the Alien Land Laws could be used to prevent Japanese aliens from purchasing urban real estate, Webb offered to help.¹²³ He even prosecuted the leasing of residential and commercial land to Japanese until the California Supreme Court ruled in 1925 that leasing did not violate the Alien Land Law.¹²⁴ Nevertheless, Webb insisted as late as 1930 that the Alien Land Law prohibited Japanese from acquiring title.¹²⁵

While Webb was particularly adamant in his opposition to Japanese residential ownership, he was not alone in his understanding of the law. Even Albert Elliot, attorney for the Japanese Association of America, confessed uncertainty on the matter. While most white authorities, Webb excluded, believed that the Japanese could buy land in an incorporated city, Elliot suspected this was a misreading of the law, which allowed only the leasing of urban land.¹²⁶

The courts did not help resolve this legal uncertainty. Indeed, jurisprudence was remarkably unclear on whether or not aliens ineligible to citizenship could own residential real estate. Because of this uncertainty, many Issei, to be on the safe side, acted as if the Alien Land Law applied to residential real estate; they therefore conducted their residential dealings like their agricultural ones, buying properties in the names of their children.¹²⁷ In Los Angeles, for example, a Japanese alien named T. Saiki bought a residential property. He evidently believed he was not entitled to own such property, for he quickly transferred the title to his son, Mori Saiki, who was born in the United States,

¹²³ Brooks, *Alien Neighbors, Foreign Friends*, 58.

¹²⁴ "Anti-Japanese Law Modified," *Los Angeles Times*, February 28, 1925.

¹²⁵ "Rights of Japs," *Los Angeles Times*, July 21, 1930.

¹²⁶ Elliot, "Present Status of Alien Land Law in California."

¹²⁷ Brooks, *Alien Neighbors, Foreign Friends*, 58.

apparently to evade the proscriptions of the Alien Land Law. When the seller failed to convey the deed to the Saikis, they sued. The case, *Saiki v. Hammock*, reached the state Supreme Court in 1929. While finding that the transfer was legitimate according to the provisions of the 1913 Alien Land Law, which governed at the time the transaction occurred, the court noted that the deed concerned “residential property, which T. Saiki as an ineligible alien is not entitled to hold or possess.”¹²⁸

White landowners often assumed that Japanese aliens could not purchase residential properties, and many judges agreed. In *Takeuchi v. Schmuck*, the state Supreme Court ruled that an American citizen of “alien blood” had no right to recover a deposit she had put down on a residential property because the money had come from her alien father, Haruko Takeuchi. The court ruled that this was an “illegal conspiracy,” a brazen attempt to evade the Alien Land Law. A.F. Schmuck, the landowner who refused to refund Takeuchi’s deposit, admitted under cross-examination that he “knew it was against the law for the father to buy the property.”¹²⁹

These state court decisions seem to contravene federal jurisprudence, such as *Terrace v. Thompson*, in which the U.S. Supreme Court, while ruling that Washington state’s Anti-Alien Land Law was constitutional, noted that treaty rights enabled Japanese aliens to “own or lease houses.”¹³⁰ But the Supreme Court’s decisions were not consistent. In *Webb v. O’Brien*, Supreme Court Justice Butler drew a distinction between two types of property when he commented that Japanese aliens legally could “own”

¹²⁸ *Saiki v. Hammock*, 207 Cal. 90 (1929).

¹²⁹ *Takeuchi v. Schmuck*, 206 Cal. 782 (1929).

¹³⁰ *Terrace v. Thompson*.

houses and “lease” residential land, thus suggesting that they could not own residential land, only the house sitting thereon.¹³¹

Until the 1952 case of *Masaoka v. California* settled the issue, urban residential properties owned by Japanese aliens were potentially subject to escheat, leading banking, title, and lending officers to avoid such properties.¹³² The Alien Land Law made it difficult for Asians to participate in the urban economy, severely restricting access to loans, mortgages, title insurance, and other financial services.¹³³ The law had created a closed market, and placed Asians outside of it.

The nativism of Webb, the opposition of white homeowners, the legal indeterminacy of residential ownership, and the limitations on residential financial services served to make Japanese Californians acutely conscious of the racial landscape. Indeed, Japanese residents had consistently determined their social position in relation to other racial groups. After the state legislature passed the 1913 act, the editors of *Nichibei Shimbun*, San Francisco’s leading Japanese American newspaper, said the law was the “height of discriminatory treatment.” Reflecting their racial vision, the editors complained of the slight that they were “accorded worse treatment than people of third-rate southern and eastern European nations living in the United States.”¹³⁴ When in 1923 Supreme Court approved of the 1920 Alien Land Law, editors of San Francisco’s *Shin Sekai* wrote that Japanese “have fallen to a lot worse than Mexicans, Armenians, Poles, and Negroes.”¹³⁵ Everis Hayes, San José’s nativist Congressman, often likened Japanese

¹³¹ *Webb v. O’Brien*.

¹³² *Masaoka v. California*, 39 Cal.2d 883 (1952).

¹³³ Ichioka, “Japanese Immigrant Response to the 1920 California Alien Land Law”; Greg Robinson and Toni Robinson, “Korematsu and Beyond: Japanese Americans and the Origins of Strict Scrutiny,” *Law and Contemporary Problems* 68, no. 29 (Spring 2005): 29–55.

¹³⁴ Quoted in Ichioka, “Japanese Immigrant Response to the 1920 California Alien Land Law,” 159.

¹³⁵ Quoted in *Ibid.*, 168.

migrants in California to African Americans in the South, primarily because the white residents of both regions detested their nonwhite neighbors. Hayes warned Immigration Commissioner John W. Jenks of a “gigantic race problem, as ugly and dangerous as the Negro question in the South.”¹³⁶ In the House of Representatives, Hayes asked for help from “our brothers of the South” in keeping California white.¹³⁷

Many Japanese Californians sought to rise in the racial hierarchy by positioning the Japanese race in relation to other races. In his work on behalf of the Japanese Association of America, Albert Elliot attempted to reposition his clients within the racial hierarchy of American immigration law. Is it not unfair, he asked to a group of California attorneys, that the United States must admit to citizenship an African “savage,” but must exclude a civilized Japanese “prince”?¹³⁸

Like middle class African Americans elsewhere in the nation, Issei leaders responded to white racism with a movement for racial uplift, hoping to reform Japanese laborers through education, moral guidance, and middle-class ideology.¹³⁹ Yet, if Japanese leaders hoped that material and cultural advancement of Japanese laborers into disciplined bourgeois family men would ameliorate white racism, they were mistaken.

In a 1925 article titled “The Oriental Invasion,” sociology professor R.D. McKenzie attributed anti-Japanese sentiment in part to the spatial distribution of race. McKenzie compared Japanese residential patterns with those of the Chinese, finding

¹³⁶ “Warn Jenks of Brown Peril,” *Los Angeles Times*, August 17, 1907.

¹³⁷ Hayes, “The Treaty-making Power of the Government and the Japanese Question: Speech of Everis A. Hayes, of California, in the House of Representatives,” 16.

¹³⁸ Elliot, “Present Status of Alien Land Law in California.”

¹³⁹ Azuma, *Between Two Empires: Race, History, and Transnationalism in Japanese America*, 35–60, 187–207. On African American uplift, see Kevin K. Gaines, *Uplifting the Race: Black Leadership, Politics, and Culture in the Twentieth Century* (Chapel Hill: University of North Carolina Press, 1996); Michele Mitchell, *Righteous Propagation: African Americans and the Politics of Racial Destiny After Reconstruction* (Chapel Hill: University of North Carolina Press, 2004); Deborah Gray White, *Too Heavy a Load: Black Women in Defense of Themselves, 1894-1994* (New York: W.W. Norton, 1999).

striking differences. Unlike the Chinese, who settled densely in Chinatown, Japanese farmers concentrated in the fertile areas on the peripheries of the city. This position on the edge of the city made Japanese farmers exceedingly visible. “The Japanese population engaged in truck-gardening seems much larger than it would if huddled together in a few blocks in the center of the city, as the Chinese are. Moreover,” explained McKenzie, “the leading highways radiating from the large cities pass through or by these fertile garden spots cultivated by Japanese. This enables a large number of whites to view the colored invader at work....”¹⁴⁰

Yet, even more threatening than Japanese farm location were the aspirations of Japanese American homeowners, particularly their residential location. McKenzie wrote,

The Chinatown is as a rule a receding community. There is but little tendency to extend its boundaries or for the individual Chinese families to move into white neighborhoods. Most Japanese communities, on the other hand, are of the bursting type. Population increase constantly forces the local community to extend its boundaries, pushing out the inhabitants who occupy the fringe. But far more important is the fact that the upper economic and social classes of the Japanese are unwilling to live in the quarters occupied by Japanese coolie labor. Ever since the passing of the ‘Gentleman’s Agreement’ in 1907, the type of Japanese male immigrants coming to this country has been of the higher economic and cultural level. This type of person is unwilling to live in the slum quarters of an American city; consequently, he is making continual efforts to find a home in a white residential section which corresponds to his own economic status. Americans have adopted the attitude that people of another color are all of the same social status, and they therefore object to the intrusion into their neighborhood of a cultured Japanese family, just as keenly as they would to that of a coolie family. This tendency on the part of the Japanese to distribute territorially in the city is quite as great a source of irritation as is the competitive occupational relation assumed by the group.¹⁴¹

To many white residents of Santa Clara Valley, the breakdown in racial segregation was alarming. J.B. Clayton, the vice president of the California Real Estate Association (CREA) and a realtor from San José, worried that the town’s “Jap Town and

¹⁴⁰ R.D. McKenzie, “The Oriental Invasion,” *Journal of Applied Sociology* x, no. 2 (December 1925): 127.

¹⁴¹ *Ibid.*, 127–8.

China Town [are] not zoned and the Japs are spreading.” There was, he fretted, “No color line,” and there needed to be one. Racially restricted sections of the city, wrote Clayton, “Should be zoned by law.”¹⁴² It is striking that the vice president of one of the most politically powerful organizations in the state advocated a policy that the Supreme Court had found unconstitutional in its 1917 decision in *Buchanan v. Warley*.¹⁴³ In a letter to CREA president Harry B. Allen, in which he expressed his unhappiness that in San José “the Japanese... have spred [sic] out over a considerable area and are now within one block of one of our best residential districts,” Clayton wrote, “I believe that [CREA] would do a wonderful work if they could appoint a commissioner to work with the State of California to place the various nationalities and people of African descent, even though citizens of the United States, in segregated areas.”¹⁴⁴ While racial zoning remained illegal, CREA members, realtors, and others soon found other ways to hold the color line.

The Survey of Race Relations

The tensions around Chinese and Japanese residents are visible most clearly in the results of a 1920s survey by Eliot Grinnell Mears. A professor at Stanford University—first of Economics, then, after the opening of the university’s business school, of Geography and International Trade—Mears led a group of scholars in a massive project to investigate race relations along the Pacific Coast. The scholars collected data on all aspects of the relationships between whites and “Orientals,” especially Chinese and Japanese—residential patterns, spending habits, occupational statuses, educational practices, propensities for physical and mental labor—in not only the West Coast states

¹⁴² J.B. Clayton, “California Real Estate Association Questionnaire”, n.d., Box 20, Folder 16, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

¹⁴³ *Buchanan v. Warley*, 245 U.S. 60 (1917).

¹⁴⁴ J.B. Clayton to Harry B. Allen, March 1, 1927, Box 20, Folder 17, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

of California, Oregon, and Washington, but also in western Canada, Northern Mexico, and the American territories in the Pacific, including Hawaii.

The survey results Mears received from San José indicate an incredible diversity of racial attitudes among white residents. Mears sent out more than a thousand questionnaires to white San José residents to ascertain “Public Opinion of the Oriental in San José.” The questionnaires were distributed among the Rotary Club, Kiwanis Club, Lions Club, YMCA, Women’s Christian Temperance Union, a variety of churches, and many other local organizations; four hundred were returned.¹⁴⁵ Respondents revealed a variety of beliefs. One unsigned response expressed a universal dislike for Orientals, stating, “They smell, they are not sanitary, they are not my race or color.”¹⁴⁶ A respondent named F.F. Jeffers, when asked if he would mind living in close proximity to a Chinese or Japanese family, said, “Yes.” When asked why, he replied simply, “I don’t like their company—smells, etc.” Another question asked, “How do you feel about the Oriental children being in school with your children?” Jeffers replied, “[B]etter segregate them.”¹⁴⁷ When asked, “What motives underlie opposition to Orientals here?” a respondent named J.R. Jewett answered, “True Americanism.”¹⁴⁸

Yet a respondent named Will L. Chandler used the same terms to express his belief in racial integration: “It’s the American idea.”¹⁴⁹ Indeed, there was no unanimity of racial attitudes. Respondent A.L. Solon expressed a “friendly feeling” toward the Chinese

¹⁴⁵ “Public Opinion of the Oriental in San Jose, California”, n.d., 1, Box 31, Folder 327, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

¹⁴⁶ Unsigned, “Public Opinion of the Oriental in San Jose - Questionnaire”, n.d., Box 17, Folder 8, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

¹⁴⁷ F.F. Jeffers, “Public Opinion of the Oriental in San Jose - Questionnaire”, n.d., Box 17, Folder 8, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

¹⁴⁸ J.R. Jewett, “Public Opinion of the Oriental in San Jose - Questionnaire”, n.d., Box 17, Folder 8, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

¹⁴⁹ Will L. Chandler, “Public Opinion of the Oriental in San Jose - Questionnaire”, n.d., Box 17, Folder 8, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

but retained a “strong objection” to any “Oriental children being in school with [his] children.”¹⁵⁰ H.B. Reilly, similarly, stated that he “would prefer segregation” but nevertheless endorsed a “special effort being made toward good-will and understanding.”¹⁵¹ Many white residents who refused to live next door to a Chinese or Japanese family expressed a willingness to send their children to the same schools.¹⁵² Other white residents would accept a Chinese or Japanese neighbor, yet insisted that schools remain segregated. Many white residents expressed a willingness to accept a Chinese or Japanese neighbor as long as Orientals remained in the minority. Howard M. Cornell, a Christian minister, explained that he “would prefer a majority of white neighbors,” but a few Orientals were fine.¹⁵³

Many white residents also expressed comfort with non-white neighbors as long as they were members of the same social and economic class. Asked whether he would live next door to Chinese or Japanese residents, a San José resident responded, “I might.... It would depend entirely upon what class of Oriental. I wouldn’t care to live next door to some Americans.”¹⁵⁴ A similar response came from William Allen, who lived on Hanchett Avenue in western San José, a street of well-kept, single-family homes inhabited by high-income businessmen, professionals, and executives and their families, all of whom were white.¹⁵⁵ Yet he was open to Chinese or Japanese neighbors. “Some of

¹⁵⁰ A.L. Solon, “Public Opinion of the Oriental in San Jose- Questionnaire”, n.d., Box 17, Folder 8, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

¹⁵¹ H.B. Reilly, “Public Opinion of the Oriental in San Jose- Questionnaire”, n.d., Box 17, Folder 8, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

¹⁵² Mrs. C. Wealy, “Public Opinion of the Oriental in San Jose- Questionnaire”, n.d.

¹⁵³ Howard M. Cornell, “Public Opinion of the Oriental in San Jose- Questionnaire”, n.d., Box 17, Folder 8, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

¹⁵⁴ Unsigned, “Public Opinion of the Oriental in San Jose- Questionnaire.”

¹⁵⁵ “Area Descriptions”, 1937, B-3, Box 38, Folder: San Jose, Cal. Master File, Security Map and Area Description, RG 195, Records of the Federal Home Loan Bank Board, Home Owners Loan Corporation, Records Relating to the City Survey File, 1935-1940, National Archives II.

them I would prefer to white families.”¹⁵⁶ An even more discerning response came from the neighborhood around Bellarmine Preparatory School, the Catholic institution where the children of San José’s aristocracy were educated. The school was situated on Emory Street, which to the west was the address of some of the fanciest homes in San José; to the east of the school, Emory ran into the tracks of the Southern Pacific, which were lined with rundown multi-family homes inhabited by unskilled laborers, Italian factory workers, artisans, and railroad men.¹⁵⁷ L.M. Terwilliger, who lived across the street from the elite school, was asked if he would mind living next door to Orientals. “No,” he responded, “if they were cultured, educated, and intelligent. Yes, if they were ignorant or shiftless.”¹⁵⁸

In a summary of 122 of the questionnaires, one of Mears’ researchers reported, “I find that 47 are heartily opposed to the Oriental in every way, 39 are lukewarm and passive, neither knowing or caring much about them, while 36 are much interested and ready to help them in every way and feel they are not a menace but may possibly be a real contributing force to our country.”¹⁵⁹ Local practices reflected this diversity. In 1908, there were 20 to 30 Japanese American children in Alviso and Agnew, two farming communities on the northern outskirts of San José, facing different problems in each community. While Agnew public schools denied admission to Japanese American children, Alviso public schools welcomed them.¹⁶⁰ In San José, civic leaders segregated Japanese American children by creating a special school district that encompassed

¹⁵⁶ William Allen, “Public Opinion of the Oriental in San Jose - Questionnaire”, n.d., Box 17, Folder 8, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

¹⁵⁷ “Area Descriptions,” A-1, B-2, C-3, D-2.

¹⁵⁸ L.M. Terwilliger, “Public Opinion of the Oriental in San Jose- Questionnaire”, n.d., Box 17, Folder 8, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

¹⁵⁹ “Public Opinion of the Oriental in San Jose, California.”

¹⁶⁰ Lukes and Okihiro, *Japanese Legacy*, 65.

Japantown. They did this to evade the U.S.-Japan treaty, which guaranteed that school districts would not segregate their Japanese students in separate schools. If the Japanese students had their own school district, reasoned local politicians, the San José school district could not be held responsible for their segregation.

Yet, if white residents entertained various opinions about Chinese and Japanese residents as neighbors or classmates, realtors were much more unified. In 1924, members of the San José Realty Board provided a detailed response to Mears' questions about how Chinese and Japanese residential districts affected property values. Realtors W.F. Henning, H.T. Reynolds, W.L. Atkinson wrote that the Chinese and Japanese residential and business district was "A Problem in City Planning and Expansion."¹⁶¹ The realtors explained that "the Chinese and Japanese are in their present location because there seems always to be a demand, by the white population, that this element be segregated."¹⁶²

San José realtors, like their counterparts around the nation, saw segregation as a modern, progressive practice designed to reduce conflict and ensure happiness.¹⁶³ "We think," they said, "that under the wise system of segregation which has been carried out here that there has been very little friction or conflict."¹⁶⁴ Segregation, moreover, was not imposed from above but was desired by all residents. The real estate agents reported, "[S]egregation of the Orientals, Chinese and Japanese, is both compulsory and

¹⁶¹ Committee of San Jose Realty Board, "The Oriental and Property Values in San Jose: A Problem in City Planning and Expansion."

¹⁶² Ibid.

¹⁶³ For discussions of racial segregation as part of progressive politics, see Freund, *Colored Property*; Robert M. Fogelson, *Bourgeois Nightmares: Suburbia, 1870-1930* (New Haven: Yale University Press, 2007); Michael McGerr, *A Fierce Discontent: The Rise and Fall of the Progressive Movement in America, 1870-1920* (New York: Free Press, 2005).

¹⁶⁴ Committee of San Jose Realty Board, "The Oriental and Property Values in San Jose: A Problem in City Planning and Expansion."

voluntary.”¹⁶⁵ While this might seem contradictory, they explained, “[I]t is mutually agreed that the segregation serves the best interests of both factions. The Orientals themselves have their own business and methods to pursue, and their own lives to live, and they desire to follow this course as free from friction as possible and they know that too close proximity breeds friction in nearly every case.”¹⁶⁶ Segregation offered advantages to the Chinese and Japanese population; they could be found “in a district where groups of them can readily be sought and hired as laborers, and by being in a community by themselves they have their own stores and amusements, and we may say that they have their own social and cultural life.”¹⁶⁷ Asked if segregation caused any disadvantages, the realtors were sanguine: “We cannot think of any disadvantages to the Orientals of such segregation.”¹⁶⁸

Yet, if segregation was a wise system, the presence of a large Chinese and Japanese residential and commercial district posed other problems. Realtors, businessmen, and civil leaders worried that proximity to the Oriental District lowered the value of adjacent property. Between Chinatown and the downtown business district stood a no-man’s-land of empty lots, seedy hotels, and the often illicit businesses that thrived in such conditions. “People will not approach it with first-class residential improvements so its is left of the settlement, if at all, of the less particular class and those who seek cheap property.”¹⁶⁹

If segregation was important for downtown businesses, it was vital for residential districts. This was true not primarily because of the importance of maintaining land

¹⁶⁵ Ibid.

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

values but rather because of the social values segregation embodied. According to Mears, whites often worried about the “destructive” effect that Chinese or Japanese proximity might have on land values downtown; “[B]ut business men,” noted Mears, “are far more concerned about safeguarding their homes than their offices.”¹⁷⁰ According to the San José real estate agents, white residents uniformly objected to Chinese and Japanese neighbors. “There is a general feeling,” they detected, “that any mixture in a social way is impossible; that there is nothing in common; that there is no basis whatever for any co-mingling between whites and Orientals; that there is danger of moral contamination in a close proximity.”¹⁷¹

In their questionnaires, many white residents reported different attitudes toward Japanese than Chinese residents. Some found Japanese workers to be “sly” while others reported them trustworthy. Mr. Rainwater, of the San José Chamber of Commerce, singled out the Japanese as a commendable race. Aside from a penchant for gambling, he found them to be good residents. They contributed to the city charities and community chest, yet never fell back on charity themselves, for they were thrifty and looked after their own. Moreover, thanks to immigration legislation, only able-bodied Japanese could enter the country, reducing the likelihood of vagrants or welfare cases.¹⁷²

Yet, where many residents were inclined to draw distinctions, San José real estate agents lumped Chinese and Japanese residents together. Both Japanese and Chinese Americans, they reported, threatened property values equally, and white neighbors and

¹⁷⁰ Eliot Grinnell Mears, *Resident Orientals on the American Pacific Coast* (Chicago: University of Chicago Press, 1928), 351.

¹⁷¹ Committee of San Jose Realty Board, “The Oriental and Property Values in San Jose: A Problem in City Planning and Expansion.”

¹⁷² K.L. Emerson, “The Disposition of Surplus Earnings of Orientals in America”, n.d., Box 31, Folder 334, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

landlords similarly avoided them as threats.¹⁷³ According to the realtors, Chinatown was no longer in a good location for the city of San José. Urban growth had generated a demand for expansion, and, as in 1887, Chinatown was in the way. “Development of land contiguous to Chinatown into a good class of residential sites is being retarded by the proximity of the Oriental District. The city needs this district for its normal expansion and it is thought that there will be a growing dissatisfaction as this need increases.”¹⁷⁴ The real estate agents reported that, in their opinion, whites were not alone in this feeling. Chinese and Japanese residents also recognized the necessity of urban change. “We think,” said the real estate agents, “that up to this time this district has been satisfactory to the Oriental group but that the time is rapidly approaching when they, following the usual course, will be glad for a removal to prevent friction which will develop and increase as the white population is forced into closer proximity to them through the necessity of expansion of the city.”¹⁷⁵ Like the Chinese visitor with his queue cut off, like the Chinese woman fleeing the flames of Chinatown with her children, it was time, once again, for the Orientals to move on.

The Covenant Plan

Through racial surveys, local racial knowledge and spatial technologies of racial control in places like San José filtered up to national organizations, such as the U.S. Chamber of Commerce, that promoted racially restrictive covenants. Californians had long used covenants to organize space, particularly to segregate Chinese residents. Multiracial thinking pervaded the development of racial ordering mechanisms. The

¹⁷³ Committee of San Jose Realty Board, “The Oriental and Property Values in San Jose: A Problem in City Planning and Expansion.”

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

California Real Estate Association derived its understandings of urban environments in this multiracial milieu, as did urban sociologists like Robert Park. This history suggests an alternative trajectory of covenant development and diffusion, which historians have usually seen as a response to the Great Migration of African Americans to the urban North.¹⁷⁶

When Mears began his massive project, critics feared that such an exhaustive set of racial data might be put to nefarious uses, yet Mears insisted that his work was purely scholastic. He engaged with Robert E. Park—the University of Chicago professor regarded as the expert on urban racial and demographic patterns and founder of the Chicago school of urban sociology—to publish the data.¹⁷⁷ “The Survey,” Mears maintained, “seeks to impose no program, advocates no specific policy, and champions no special interest. It aims to find the facts, and all the facts, and plans to make them accessible to the public.”

Yet in his private correspondence, Mears’ views emerge more clearly. He corresponded with Alfred Bettman, the Ohio attorney who had, with the encouragement of President Herbert Hoover and the United States Chamber of Commerce, drafted and promoted zoning as a tool of modern city planning, a tool he successfully defended before the Supreme Court in the landmark case of *Euclid v. Ambler* in 1926.¹⁷⁸ In a letter to Mears, barely six months after winning the *Euclid* case, Bettman complained that the

¹⁷⁶ Clement E. Vose, *Caucasians Only: The Supreme Court, the NAACP, and the Restrictive Covenant Cases* (Berkeley: University of California Press, 1959); Fogelson, *Bourgeois Nightmares: Suburbia, 1870-1930*.

¹⁷⁷ On Park and the survey, see Henry Yu, *Thinking Orientals: Migration, Contact, and Exoticism in Modern America* (New York: Oxford University Press, 2001).

¹⁷⁸ *Village of Euclid, Ohio v. Ambler Realty Co.*, 272 U.S. 365 (1926); Edward M. Bassett, *Model Laws for Planning Cities, Counties, and States: Including Zoning, Subdivision Regulation, and Protection of Official Map* (Cambridge: Harvard University Press, 1935); Alfred Bettman, *City and Regional Planning Papers*, ed. Arthur C. Comey (Cambridge: Harvard University Press, 1946).

Court was not going far enough in its embrace of modern planning methods, which, Bettman pointed out, made Mears' survey all the more necessary. "There was no doubt," groused Bettman, "that the Supreme Court of the United States had time and again ruled adversely upon the right of segregation."¹⁷⁹ Yet there were surely other mechanisms that would be constitutionally permissible—such as "separate but equal" zoning—to ensure this "right." Mears was precisely the person who could devise such mechanisms; he had data on the segregation practices of nearly every city in the Pacific states. He knew which cities had segregated their populations effectively; he knew their mechanisms of operation; he knew how courts had ruled on these procedures. He should use his data to advance the cause of racial segregation.

Much of this data Mears had received from Harry B. Allen, president of the politically powerful California Real Estate Association. In 1927, at Mears' request, Allen sent out questionnaires to the president of every local real estate board in the state. More than two thirds of the respondents professed employing a variety of practices to segregate residential districts, including provisions to segregate Chinese, Japanese, and Mexican residents. They did this not through city ordinance, which was illegal. As one CREA member from Palo Alto said that local realtors maintained the color line "as a practice among the brokers to segregate as far as possible the above nationalities [Chinese, Japanese, Negro, Mexican] into certain sections in order to prevent the depreciation of properties in other sections."¹⁸⁰ There was no ordinance, but it was effective; the practice, explained a Palo Alto realtor, "should be handled by agreement among brokers to

¹⁷⁹ Alfred Bettman to Eliot G. Mears, May 24, 1927, Box 20, Folder 17, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

¹⁸⁰ (illegible) Smith, Jr., "California Real Estate Association Questionnaire", n.d., Box 20, Folder 16, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

segregate colored people.”¹⁸¹ Mears divined that official racial laws would not work, “but districts restricted for the use of Caucasians only are made possible by means of deed restrictions in all new subdivisions, an agreement between the real estate operators, or an agreement between property owners.”¹⁸² Local realtors had explained to Mears what would become the primary mechanism for segregation during the next two decades: the racially restrictive real estate covenant.

In California, white homeowners had used—and litigated—racial covenants since the late nineteenth century.¹⁸³ The first covenant case to reach federal courts came from California, aimed at Chinese segregation. The 1892 case of *Gandolfo v. Hartman* asked whether a court could enforce a discriminatory contract made by private individuals as part of a property deed. “It is... understood,” read the deed in question, “and agreed by and between the parties hereto, their heirs and assigns, that the party of the first part shall never, without the consent of the party of the second part, his heirs or assigns, rent any of the buildings or ground owned by said party of the first, and fronting on said East Main street, to a Chinaman or Chinamen.”¹⁸⁴ When one party, Hartman, violated this covenant by leasing property to two Chinese men, the other party, Steward, sued him.

The judge, however, sided with Hartman. “It would be a very narrow construction” of the Fourteenth Amendment “to hold that, while state and municipal legislatures are forbidden to discriminate against the Chinese in their legislation, a citizen of the state may lawfully do so by contract, which the courts may enforce. Such a view is,

¹⁸¹ “Segregation”, circa 1927, Box 20, Folder 16, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

¹⁸² Mears, *Resident Orientals on the American Pacific Coast*, 352.

¹⁸³ Michael Jones-Correa, “The Origins and Diffusion of Racial Restrictive Covenants,” *Political Science Quarterly* 115, no. 4 (Winter, -2001 2000): 541–568; Brooks, *Alien Neighbors, Foreign Friends*, 248.

¹⁸⁴ *Gandolfo v. Hartman*, 49 F. 181 (1892); Brooks, *Alien Neighbors, Foreign Friends*, 248.

I think, entirely inadmissible. Any result inhibited by the constitution can no more be accomplished by contract of individual citizens than by legislation, and the courts should no more enforce the one than the other. This would seem to be very clear.”¹⁸⁵ Yet, while this seemed clear to the judge, it was less clear to landowners and realtors. California real estate agents continued to use racially restrictive covenants, which a state court later found, without reference to the *Gandolfo* case, to be constitutional.¹⁸⁶

Racially restrictive covenants often named the races of those they sought to exclude. Yet in a racially diverse area, it became too cumbersome to specify proscriptions on each excluded race—African Americans, Chinese, Japanese, Filipinos, Mexicans, Indians, Hindus, and so on. Accordingly, covenants defined exclusions through the negative category of non-white. A 1920s deed by the Peninsula Improvement Company of Palo Alto specified that single-family residential houses shall not “be, at any time, occupied or used by any person other than those of the Caucasian race, provided, however, that the foregoing restriction shall not be construed to prohibit the keeping of domestic servants of any race.”¹⁸⁷ This blanket restriction worked in an area with racial diversity.

California realtors had experience with covenants, as they explained in their correspondence with CREA president Harry Allen, which he in turn passed along to Mears. F.R. Peake, president of the Berkeley Realty Board, noted the threat of Chinese and Japanese residents. Unlike whites, Chinese and Japanese residents lived in “rabbit-

¹⁸⁵ *Gandolfo v. Hartman*.

¹⁸⁶ *Los Angeles Investment Company v. Gary*, 181 Cal. 680 (1919).

¹⁸⁷ Peninsula Improvement Company, “Deed”, n.d., Box 20, Folder 16, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

like warrens.’¹⁸⁸ In a letter to Allen, Peake wrote that he and other Bay Area realtors had been working to segregate the city by covenant restrictions. By the late 1920s, this policy had achieved such a degree of formality that Peake referred to it, capitalized, as “the Covenant Plan.”¹⁸⁹

Based on his data, Mears proposed a set of segregationist practices to John Ihlder, president of the United States Chamber of Commerce. After carefully studying the data, Mears explained in a letter to Ihlder, he resolved that the best way to segregate Asians, Mexicans, and others was through covenant and deed restrictions, combined with the concerted action of realtors. Although the Supreme Court had found it unconstitutional for a city to establish official racial zones, the Court found it constitutional, in its unanimous 1926 decision in *Corrigan v. Buckley*, for government officials to enforce racially restrictive covenants.¹⁹⁰ “Thus,” concluded Mears, “by the covenant plan areas of land may be made restricted territory along racial lines, and therefore a degree of segregation of races for residential purposes may be accomplished.”¹⁹¹

In accordance with the covenant plan, brokers, realtors, and homeowners patrolled the color line. Housing professionals enacted covenants throughout San José and Santa Clara County, and by the 1920s, covenants had become the dominant form of racial restriction, used not only to encumber the deeds of private homes but also the deeds of entire subdivisions. In 1927, the journal of the California Real Estate Association praised San José for its effective segregation. San José, it noted, “had foresight enough to provide subdivision restrictions and community agreements of owners to maintain an ‘All

¹⁸⁸ F.R. Peake to Harry B. Allen, February 25, 1927, Box 20, Folder 17, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

¹⁸⁹ Ibid.

¹⁹⁰ *Corrigan v. Buckley*, 271 U.S. 323 (1926).

¹⁹¹ Mears, *Resident Orientals on the American Pacific Coast*, 348.

Caucasian' district where colored races cannot encroach on territory already settled or being settled by the white race."¹⁹²

Mears' Survey of Race Relations reveals the important connections—and differences—between prejudice and policy in Santa Clara County's urban landscapes. Many white San José residents expressed an adamant desire to segregate Chinese, Japanese, and Mexican Americans. Others did not. Yet realtors, brokers, and city officials sought to cover the residential districts, especially in newly developed subdivisions, with racial restrictions. These practices would shape the racial landscape for the Santa Clara County's next migrants, Mexican Americans.

Barrios

Spanish settlement began in what is now San José in 1777. With the United States' takeover of California in 1848, Anglos arrived en masse, and within a few decades, only five Spanish-surnamed families remained within San José city limits.¹⁹³ A colony of Californios continued to work at the New Almaden mercury mines, but by the turn of the century, with the ore depleting and thus fewer jobs, they had largely gone.¹⁹⁴

Although California had been part of Mexico, it was not until the 1920s that Mexicans returned to San José in large numbers, thanks to a combination of factors, including a transformation in the Valley's agricultural system. While Chinese and Japanese workers had come to the Santa Clara Valley for agricultural work, the type of agricultural work changed. In the early decades of the twentieth century, fruit orchards replaced fields of vegetables. In 1890 only 10 percent of valley farmland had been fruit

¹⁹² Serena B. Preusser, "Color Question in California Reveals Many Problems," *California Real Estate* 7, no. 10 (July 1927): 35.

¹⁹³ Clark, *Health in the Mexican-American Culture*, 9.

¹⁹⁴ Pitti, *The Devil in Silicon Valley*, 51–77.

trees; by 1930 it was 65 percent.¹⁹⁵ With new methods of processing, packing, and transporting tree fruits, Santa Clara County enjoyed an agricultural boom. Peaches were canned; apricots were dried. And, above all, plums were set under the hot sun until they transformed into the Valley's unglamorous but profitable cash crop: prunes. Local residents boasted that they came from "The Prune Capital of the World!" Indeed, by 1930, one third to one half of the world's prunes came from Santa Clara County.¹⁹⁶ By the late 1930s, fully three-quarters of the Valley's planted acreage was devoted to prunes and apricots. At the time, the county contained 6,543 farms with 11,363,600 fruit and nut trees, nearly seven million of which were prune and two million were apricot, the remainder being peach, pear, cherry, plum, apple, olive, fig, lemon, and walnut.¹⁹⁷ Off the fields, 75 to 80 percent of manufacturing directly or indirectly involved processing agricultural products; within the metro area there were 32 fruit and vegetable canneries, 30 dried fruit packing plants, many small evaporators and dehydrators.¹⁹⁸ Surveying the scene in 1938, a federal official stood amazed, gazing at "one of the largest fruit canning and packing centers in the world."¹⁹⁹

The new orchard agriculture and the host of processing industries required vast amounts of labor. As with previous eras in the Valley's agricultural history, a migrant farming group stepped in to supply it. The Chinese Exclusion Act prevented the

¹⁹⁵ Ibid., 80.

¹⁹⁶ Matthews, *Silicon Valley, Women, and the California Dream*, 18.

¹⁹⁷ T.H. Bowden, *Report of a Survey in San Jose, California* (Washington, D.C.: Division of Research and Statistics, Home Owners' Loan Corporation, September 18, 1937), 7, Box 38, Folder: Survey of San Jose, Cal #1, RG 195, Records of the Federal Home Loan Bank Board, Home Owners Loan Corporation, Records Relating to the City Survey File, 1935-1940, National Archives II.

¹⁹⁸ Ibid., 5.

¹⁹⁹ Division of Research and Statistics, "Summary: Survey of San Jose, California", January 27, 1938, 1, Box 38, Folder: Survey of San Jose, Cal #1, RG 195, Records of the Federal Home Loan Bank Board, Home Owners Loan Corporation, Records Relating to the City Survey File, 1935-1940, National Archives II.

migration of Chinese laborers, and the Gentlemen's Agreement limited the migration of Japanese ones. The 1924 Immigration Act severely limited immigration from Southern and Eastern Europe and stopped all immigration of those ineligible to citizenship, thus excluding almost all Asian immigration. Everis Hayes, who had campaigned so avidly for the exclusion of all Asians lost his congressional seat in 1918, but he had shaped the anti-immigration bills that Congress passed soon thereafter.

While it curbed immigration from elsewhere, the 1924 act still allowed migration from the Western Hemisphere, enabling the migration of Mexicans. In the decades following the Mexican revolution against dictator Porfirio Diaz, over one million Mexicans came to the United States.²⁰⁰ They found passage on the new railroads connecting border towns to all points north. They went to Chicago, finding work in the city's bustling steel mills and meatpacking houses.²⁰¹ They went to Detroit to labor in the sprawling automobile factories.²⁰² Mexicans established strong communities in Los Angeles, San Antonio, Denver, and other cities, worrying a researcher on the Survey of Race Relations, who reported to Mears that Mexicans "have gravitated to urban centers. Invariably they have colonized and their quarters have become the eye-sores of the communities."²⁰³

While these cities drew Mexicans, so did the fields of California, from the San Joaquin Valley to Santa Clara. The experiences of Mexican migrants in agricultural towns differed from the experiences of those who migrated to those cities, like Los

²⁰⁰ Pitti, *The Devil in Silicon Valley*, 80.

²⁰¹ Gabriela F. Arredondo, "Navigating Ethno-Racial Currents: Mexicans in Chicago, 1919-1939," *Journal of Urban History* 30, no. 3 (March 2004): 406-410.

²⁰² Zaragosa Vargas, *Proletarians of the North: A History of Mexican Workers in Detroit and the Midwest, 1917-1933* (Berkeley: University of California Press, 1993).

²⁰³ S. Bryan, "Mexican Immigrants in the United States", n.d., Box 20, Folder 3, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

Angeles or San Antonio, where they were demographically numerous enough to exert political power.²⁰⁴ In the Santa Clara Valley, Mexican migrants grew increasingly numerous yet lacked the concentration necessary to engage effectively local political institutions.

Local white workers, many associated with the American Federal of Labor, identified Mexican workers as the most recent in a history of unwelcome migrants, from the “Chinese menace” in the 19th century to the Japanese “yellow peril” in the early 20th, that threatened to depress wages to “Oriental levels.”²⁰⁵ San Jose Congressman Arthur M. Free, a member of the House Immigration Committee, contended that California needed “Mexican labor for harvesting crops and doing work under desert suns that white men could not be found to do.”²⁰⁶

Yet, if their labor was necessary, their residence was not necessarily welcome. W.K. Roberts, Justice of the Peace in Sunnyvale, an unincorporated community northwest of San José devoted to agricultural industries, protested that Mexican immigration was ruining the Valley’s “Edenic” conditions. Mexican immigrants, he complained, “form colonies, and when they do the white people move out.... I want to put in my plea for the white man against any colored race.”²⁰⁷ An adamant white supremacist who had worked for the International Colonization Society to promote African American emigration to Liberia, Roberts situated Mexican immigrants in relation to the Valley’s earlier migrants, likening Mexican immigration to the “Mongolian

²⁰⁴ Pitti, *The Devil in Silicon Valley*, 82.

²⁰⁵ *Ibid.*, 87.

²⁰⁶ *Ibid.*, 86.

²⁰⁷ *Ibid.*, 88.

problem” and the “Negro problem.”²⁰⁸ While resident whites had perceived Japanese migrants as a threat to agricultural property, they now perceived Mexicans as a threat to residential property. “Nothing will so effectively kill the real estate market,” warned a white resident, “as the importation of a lot of cheap and poorly paid labor.”²⁰⁹

Yet real estate agents and city officials had developed methods of segregating the city through covenants and deed restrictions. This major wave of Mexican migration, then, arrived after covenants and deed restrictions were established practice. White realtors and civic leaders deployed racially restricted covenants and deeds to prevent Mexican Americans from moving into existing white neighborhoods and new subdivisions.²¹⁰ A host of subdivisions sprang up in south and west San José from 1920 to 1945, all restricted to whites.²¹¹ Within the city, there was only one barrio, a small community that had been established by Puerto Ricans during World War I, when many had migrated from Hawaii, where they had been cutting sugar cane, to work in the city’s canning industry during the wartime boom. Because the barrio predated the era of covenants and deed restrictions, it emerged within the city limits, just east of Chinatown, on a few small blocks.

Some Mexicans entered the Puerto Rican barrio in the 1920s, but there was scarcely room for them. Most Mexicans settled in nearby colonias—semi-rural communities tied to the agricultural economy. Since half of the county’s fruit processing plants were located in the city of San José, where real estate practices largely restricted Mexican residence, Mexicans found homes just outside of city limits, often separated

²⁰⁸ W.K. Roberts, “An African Canaan for American Negroes: Information on Liberia for Intending Negro Emigrants”, 1896; W.K. Roberts, *The Mongolian Problem in America* (San Francisco, 1906).

²⁰⁹ Pitti, *The Devil in Silicon Valley*, 88.

²¹⁰ Preusser, “Color Question in California Reveals Many Problems.”

²¹¹ Pitti, *The Devil in Silicon Valley*, 89.

from white neighborhoods only by small streams, dry creek beds, or the railroad tracks²¹² As a representative from the federal government's Home Owners' Loan Corporation reported in the 1930s, the area's largest Mexican neighborhood "lies on the outside of the city limits" where land lacked "the protection afforded by zoning or deed restriction."²¹³

Thus the first Mexican barrios emerged in the Valley in the 1920s.²¹⁴ They were typically rural, lacking sidewalks and sewers—"no different," according to one resident, than the farm towns of the Central Valley, communities of "shabby shacks and old houses with outside privies in the back." Cesar Chavez remembered it as "an isolated but crowded barrio where many farm workers lived... just two unpaved dead-end streets running into Jackson [Street] and bordered on three sides by fields, and pastures."²¹⁵ Thanks to real estate practices, there was a shortage of housing; migrants slept a dozen to a room and pitched tents in yards.²¹⁶

Elsewhere in California, Mexicans had formed large barrios—in the Central Valley, there were whole towns of Mexicans—but not in Santa Clara. "Here," remembered resident Joaquin Andrade, "it was people living everywhere, but out in the middle of nowhere someplace."²¹⁷ Chicano novelist Jose Villarreal, who grew up the children of migrant farmworkers in these decades, recalled seeing small groups of migrants "scattered throughout the far reaches of the Valley," many living in tents on small farms.²¹⁸

²¹² Division of Research and Statistics, "Summary: Survey of San Jose, California," 1.

²¹³ "Area Descriptions," D-10.

²¹⁴ Pitti, *The Devil in Silicon Valley*, 89.

²¹⁵ *Ibid.*, 90-91; Jacques Levy, *Cesar Chavez: Autobiography of La Causa* (New York: W.W. Norton & Company, 1975), 50.

²¹⁶ Pitti, *The Devil in Silicon Valley*, 92.

²¹⁷ *Ibid.*, 90.

²¹⁸ *Ibid.*, 89.

Indeed, many Mexicans found it difficult to establish a permanent presence at all. As migratory farmworkers, most followed the crops, picking peas in the Imperial Valley in February, apricots in the Santa Clara Valley in June, grapes in Fresno in August.²¹⁹ During the Depression, Mexican nationals could not obtain welfare assistance, and thus had little reason to put down roots in the community.²²⁰ Even Mexican Americans who were citizens faced obstacles to obtaining government relief because of their migratory residence patterns. The ethnic Italian and Portuguese women who worked in the canneries did not welcome competition from Mexican laborers, and the owners of the canneries—also often Italians like the powerful Del Monte family—established residency requirements to limit Mexican employment. In 1930, only 3 percent of the county’s cannery workers were Mexican Americans. Mexican residents established a strong foothold only when they succeeded in obtaining year round work in the canneries during World War II, when the ethnic Italian and Portuguese women obtained more lucrative work in war-related occupations.²²¹

Like Chinatown and Nihonmachi, Santa Clara Valley’s first barrios were products of both the agricultural economy and prewar urban real estate. The first barrios balanced the needs of growers—a dependable labor force—with the needs of homeowners and real estate interests—property values and segregated neighborhoods. Yet the barrios functioned differently from either the Chinese or the Japanese centers. Alien land laws did not apply to Mexican migrants. As legally white people, Mexican migrants were eligible for citizenship, and thus could purchase county lands. Because of the timing of Mexican settlement, there were new ways of controlling race in the urban landscape, and

²¹⁹ *Ibid.*, 82.

²²⁰ *Ibid.*, 108.

²²¹ *Ibid.*, 87.

white realtors, homeowners, and politicians largely excluded Mexicans from San José city limits. Yet, in the peripheral zones between farm and city they could build houses and communities, establishing a particularly suburban pattern that would have widespread repercussions in the postwar era.

Prewar agricultural and urban real estate practices created a spatial configuration common in prewar California and across the Southwest: the white city surrounded by suburban (semi-rural, peripherally urban) Mexican American barrios. By World War II, barrios surrounded San José, the majority running along the city's eastern front: Mayfair, Little Egypt, Sunset, the Vollmer Tract, McCreery, Los Calles, San Antonio. Others had names that reflected the hard luck of their inhabitants: El Piojo, "the louse," El Pozole, "the stew," and, most famously, Sal Si Puedes—"leave if you can"—so named because of the mud that made its streets impassable in the rain, but to many of its residents the name reflected the poor prospects of leaving the neighborhood, due both to segregation and to poverty.²²² All except one of the barrios were outside of city limits, unincorporated and under county jurisdiction, yet positioned right on the city border. Other barrios emerged on county lands on the outskirts of several towns across the valley. They were small, distinct, and tied to agricultural work.

Conclusion

Chinatown, meanwhile, had declined. Orientals, stated the San José real estate agents in 1924, "practice vices peculiar to their own people, and some peculiar to all people, which are a source of danger and contamination and especially so when

²²² Ramona Madrid Sarinana and Antonio Soto, "Ramona Madrid Sarinana", July 1985, 3, Box 2, Migration Life Histories, Anthony Soto Papers, M0763, Department of Special Collections, Stanford University Libraries, Stanford, California.

[practiced] in close proximity to the white population.”²²³ Along with city officials, real estate agents worked to restrict such vices—especially drugs, gambling, and prostitution—to the Oriental district. Chinatown became a vice district. By the early 1920s, the small neighborhood hosted seven gambling parlors.²²⁴ In the summer of 1923, merchants threw up sandbags in front of their buildings to guard against gunshots on North Sixth Street. Chinese gunmen were everywhere, and Chinatown was patrolled by sheriff’s deputies. An organization known as the Hip Sing Tong had established headquarters in San José, and a rival group in Stockton wanted to kill them. The big event happened when two cars of gunmen, armed with automatic rifles and shotguns, drove through Chinatown firing on buildings occupied by Hop Sing leaders. Deputies did not halt the attackers, yet they prevented San José’s Chinese from firing back at the Stockton cars; and although deputies were on the street, none was injured during the shootings.²²⁵ It is impossible to know if the sheriff’s department colluded with the attackers in an effort to rid the city of Chinese, but city officials pointed to the dramatic raids as a reason why Chinatown needed to be cleaned up. The city cracked down on San José’s gambling dens and worked to cut off money into Chinatown.²²⁶ Nihonmachi, too, had become associated with vice, in part because the city directed steered vice into it, and by 1920, San José had seven Japanese gambling parlors.²²⁷ To rid the city of crime and vice, the city razed part

²²³ Committee of San Jose Realty Board, “The Oriental and Property Values in San Jose: A Problem in City Planning and Expansion.”

²²⁴ “Statement Relating to Oriental Gambling in Northern California”, n.d., Box 37, Folder 410, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

²²⁵ Chow, “The History of the Chinese in Santa Clara County,” 14.

²²⁶ *Ibid.*, 15.

²²⁷ “Statement Relating to Oriental Gambling in Northern California.”

of Chinatown. “Chinatown razing,” stated the *Mercury*, “will wend some of ‘pioneers’ to county almshouse.”²²⁸ Most of Heinlenville was wiped out in 1932.²²⁹

Yet, just north of the razed Chinatown, Nihonmachi remained. Because of exclusion the number of Chinese residents dwindled so that by 1940, there were only 555 in Santa Clara County.²³⁰ The population of Japanese Americans, on the other hand, grew from 284 in 1900 to 4,049 by 1940.²³¹ Over the first half of the twentieth century, Japanese American farmers, in the face of tremendous obstacles, had made real progress. In 1912, Japanese Americans owned four farms in the county totaling some 90 acres, and were tenants on 34 farms totaling 904 acres. In 1942, 106 Japanese Americans owned farms in the county totaling 1,983 acres, while 209 were tenants on 10,481 acres. According to 1940 census, there were 286 tenants, 63 full owners, 23 part owners, and 18 managers.²³² Although the ratio between tenants and owners was much less than it would have been without restrictive legislation, the absolute growth of owners was an achievement. Eliot Mears boasted that his Survey of Race Relations had two main findings, on which, he stated, there was “universal agreement; namely, that the nineteenth-century hostility toward the Chinese has given way to a tolerant, kindly feeling; furthermore, the prejudice against the Japanese, most marked from 1905 to 1925, has either practically disappeared or is quiescent.”²³³ Nevertheless, the Valley’s property regime maintained boundaries around Japanese American residence.

²²⁸ “Chinatown Razing Will Wend Some of ‘pioneers’ to County Almshouse,” *San Jose Mercury*, December 18, 1931.

²²⁹ Chow, “The History of the Chinese in Santa Clara County,” 15.

²³⁰ Matthews, *Silicon Valley, Women, and the California Dream*, 21.

²³¹ *Ibid.*, 22.

²³² Lukes and Okihiro, *Japanese Legacy*, 61.

²³³ Mears, *Resident Orientals on the American Pacific Coast*, 404.

San José realtors worked to implement the covenant plan and segregate the city. While such actions were praiseworthy, according to CREA, they did not ensure segregation and they were not easy. Enacting covenants over entire neighborhoods and subdivisions required a great deal of effort. San José realtors, in reply to a CREA solicitation, “recommend zoning by law” both to ensure long-term segregation and to put the burden of imposing it onto the government.²³⁴ Although the Supreme Court had ruled racial zoning unconstitutional in 1917, Santa Clara County realtors, for at least the next decade, continued to urge strict racial zoning codes to segregate whites from Mexican, African, and Asian Americans. The people patrolling the color line sought a more effective mechanism, not reliant upon individual brokers or the whim of homeowners—too many of whom expressed, in the realtors’ opinions, a careless attitude toward racial mixture—but directed and enforced by government power and the rule of law.

This, then, was the racial landscape of San José and Santa Clara County on the precipice of World War II. It was about to change utterly. The war marked the beginning of a dizzying revolution in racial thinking, public policy, and civil rights. In the postwar years, new policy apparatuses—apparatuses that, as realtors had hoped, did not require that homeowners consciously discriminate and applied across the board—segregated the metropolis on a massive scale. The racial landscape of diversity and fluidity became subject to a new order striking in its monolithic magnitude. White supremacy, and a political culture in which one did not have to apologize for racism, gave way to an emergent racial liberalism. Perceptions of agricultural crisis, too, would change, as the persistent lamentation of the passing of the mythic farmer, from Henry George to Elwood Mead, came to be understood in distinctly postwar ways. Yet, the articulation of the

²³⁴ “Segregation.”

politics of race and property through a language of crisis endured long after people abandoned the farm. As the Valley's residents continued to fight over property, race, and space, they remade the shape of the metropolis. It would be a metropolis unrecognizable to residents of the early 20th century.

Chapter 2

Resettlement and Rights

In 1945, Yoshihiro Uchida, freshly discharged from the army, returned to San José, where he had gone to college. He sought work, but faced rampant discrimination. After eventually securing employment, he tried to purchase a new car, but was put on a waiting list while white buyers drove cars off the lots. Finally, he attempted to buy a house, but he confronted racially restrictive covenants in the Santa Clara Valley's developing suburbs, discovering that the only housing he could purchase was in the north side of San José, in Japantown. It was the final straw. "You sacrifice everything," he said later in an interview. "You go to war.... And then you're told, "You can't live in this area because you're not white." Uchida, who had previously given little thought to the area's ethnic political organizations, realized, he said, "how important it is to be involved in the community as well as in politics."¹

Experiences like Uchida's were common in the Santa Clara Valley. World War II gave the Valley's Japanese Americans not only new languages through which to articulate citizenship claims, it had also altered their relationship to urban geography. Japanese aliens were racially ineligible to citizenship and thus lacked land rights under law. Japanese internment was the ultimate expression of the Valley's prewar racial

¹ Yoshihiro Uchida, interview by Alexander Yamato, February 20, 1998, 438–454, REgenerations Oral History Project: Rebuilding Japanese American Families, Communities, and Civil Rights in the Resettlement Era: San Jose Region; Volume IV, Japanese American National Museum.

politics. Postwar resettlement marked a shift to a new racial and property regime. Like Uchida, many Japanese Americans asserted their rights to housing, jobs, and consumption on the grounds of their status as veterans, a status that, they felt, legitimated their membership in the American nation. While it was new for Nisei to claim citizenship through military service, what was even more significant—and shared with Japanese Americans who did not serve in the military—was that their claims were rooted in the symbols of the postwar welfare state. Japanese Americans demanded citizenship rights through the specific idioms of the postwar era. And, like Uchida, when unable to enjoy what they felt were their rights as citizens, they entered the local political ring.

War and its aftermath transformed the Valley's racial and economic landscape, and with it the politics of race and space. In the Valley, as in cities around the country, and especially in California, the war increased military investment, industrialization, and mass migration.² The war also marked a revolution in racial thinking. Scholars have argued that World War II precipitated a rupture in racial practices—in part due to the ripple effects on the home front generated by a war against the racial fascism embodied in Nazi ideology; in part due to the wartime service of Latinos, African Americans, and Asian Americans; and in part due to the increased economic and political power the urban wartime economy offered to people of color—leading to increased civil rights

² Gerald D. Nash, *The American West Transformed: The Impact of the Second World War* (Bloomington: Indiana University Press, 1985); Gerald D. Nash, *World War II and the West: Reshaping the Economy* (Lincoln: University of Nebraska Press, 1990); Roger W. Lotchin, *Fortress California, 1910-1961: From Warfare to Welfare* (New York: Oxford University Press, 1992); Roger W. Lotchin, ed., *The Way We Really Were: The Golden State in the Second Great War* (Urbana: University of Illinois Press, 2000); Roger W. Lotchin, *The Bad City in the Good War: San Francisco, Los Angeles, Oakland, and San Diego* (Bloomington: Indiana University Press, 2003); Marilynn S. Johnson, *The Second Gold Rush: Oakland and the East Bay in World War II* (Berkeley: University of California Press, 1993).

politics in cities around the country.³ While this rupture may have been widespread—even global, as sociologist Howard Winant has argued⁴—it had to be constituted in specific places by the actions of local people. In their struggles to secure citizenship, ordinary people like Yoshihiro Uchida made the civil rights revolution that transformed the metropolis.

For the residents of the Santa Clara Valley, foremost among the changes brought by the war and its aftermath were the wartime internment and postwar resettlement of the Valley's Japanese American residents. In early 1942, President Franklin Roosevelt signed Executive Order 9066, authorizing the military to declare areas from which its leaders could exclude whomever they saw fit. The head of the Western Defense Command, General John L. DeWitt, thereupon issued a series of proclamations that identified the Pacific Coast as a military zone, established curfews, and eventually decreed that all Japanese Americans, both aliens and citizens, were required to relocate from the West Coast. To critics who questioned why he would relocate American citizens, DeWitt replied that citizenship was merely “a scrap of paper,” and it could not change the fact that “a Jap’s a Jap.”⁵

In many respects, internment was a continuation of prewar struggles over race and space. California's traditional anti-Japanese politicians and interest groups, including the Native Sons of the Golden West and agricultural organizations, demanded internment and

³ George Lipsitz, *Rainbow at Midnight: Labor and Culture in the 1940s* (Urbana: University of Illinois Press, 1994); Sugrue, *Sweet Land of Liberty*; Luis Alvarez, *The Power of the Zoot: Youth Culture and Resistance During World War II* (Berkeley: University of California Press, 2008); Kevin Allen Leonard, *The Battle for Los Angeles: Racial Ideology and World War II* (Santa Fe: University of New Mexico Press, 2006).

⁴ Howard Winant, *The World Is a Ghetto: Race and Democracy Since World War II* (New York: Basic Books, 2002); Howard Winant, *The New Politics of Race: Globalism, Difference, Justice* (Minneapolis: University of Minnesota Press, 2004).

⁵ Kevin Starr, *Embattled Dreams: California in War and Peace, 1940-1950* (New York: Oxford University Press, 2002), 95.

deportation.⁶ Yet, if it echoed previous displacements, the evacuation of Japanese Americans was new in its approach and its scale, “the largest single forced migration in American history,” according to University of California economist Paul S. Taylor, vocal opponent of Japanese internment, and husband of photographer Dorothea Lange, who used her camera to document internment.⁷ The army evacuated more than 110,000 Japanese Americans who lived in the five western states, more than two-thirds of them American citizens, to what were officially called Relocation Centers, but commonly known as internment camps, across the interior and mountain West.

While internment, in addition to devastating lives and appropriating property, altered the racial landscape during the war, it was resettlement that shaped the racial politics of the postwar years. Yet, compared to the vast literature on internment,⁸ resettlement has received relatively little scholarly attention.⁹ Internment, as George Sanchez has argued, reflected the prewar logic of race and space, and it drew upon the state’s expertise in displacing racialized populations, from urban renewal projects to the “repatriation” to Mexico of American citizens of Mexican descent during the Great

⁶ Ferguson, “The California Alien Land Law and the Fourteenth Amendment,” 72; “Japs’ Ouster Demand Rises; Telegrams Swamp Olson Demanding Removal of All Nipponese from State,” *Los Angeles Times*, February 27, 1942.

⁷ McWilliams, *Prejudice*, 106.

⁸ McWilliams, *Prejudice*; Morton Grodzins, *Americans Betrayed: Politics and the Japanese Evacuation* (Chicago: University of Chicago Press, 1949); Leonard Bloom and Ruth Riemer, *Removal and Return: The Socio-Economic Effects of the War on Japanese Americans* (Berkeley: University of California Press, 1949); Allen Bosworth, *America’s Concentration Camps* (New York: W.W. Norton, 1967); Audrie Girdner and Anne Loftis, *The Great Betrayal: The Evacuation of the Japanese-Americans During World War II* (London: Macmillan, 1969); Roger Daniels, *Concentration Camps USA: Japanese Americans and World War II* (New York: Holt, Rinehart, and Winston, Inc., 1972); Greg Robinson, *By Order of the President: FDR and the Internment of Japanese Americans* (Cambridge: Harvard University Press, 2003); Lawson Fusao Inada, ed., *Only What We Could Carry: The Japanese American Internment Experience* (Berkeley: Heyday Books, 2000).

⁹ Arthur A. Hansen, “Resettlement: A Neglected Link in Japanese America’s Narrative Chain,” in *REgenerations Oral History Project: Rebuilding Japanese American Families, Communities, and Civil Rights in the Resettlement Era: San Jose Region*, vol. IV (Los Angeles: Japanese American National Museum, 2000), xix–xxx; Kurashige, *The Shifting Grounds of Race*, 158–185; Brooks, *Alien Neighbors, Foreign Friends*, 159–193.

Depression.¹⁰ Resettlement, on the other hand, reflected an emerging logic of racial liberalism in the postwar era.

The racial discourses of resettlement promoted an individualist, domestic minority vision of Japanese Americans at the dawn of the postwar era.¹¹ The War Relocation Authority (WRA), the federal agency in charge of internment, and the Japanese American Citizens League (JACL), the foremost Japanese American civil rights organization, were the primary institutions that worked to facilitate resettlement. Because discourses of alienage had served to limit Japanese American property ownership and economic opportunity, and because these discourses had supported internment, they became the primary target of JACL and WRA in postwar resettlement. Property, already symbolic of a power hierarchy, came to represent integration into the mainstream of modern American life. Similarly, the presumption, so common before the war among the Valley's white residents, that Japanese Americans exhibited deviant gender roles and family structures had legitimized white supremacy; accordingly, the JACL and WRA aimed to exhibit Japanese Americans conforming to the norms of middle-class male breadwinners and nuclear families associated with white Americans. JACL and WRA discourse thus paralleled the uplift ideologies that historians have noted among Chinese American and black leaders in the early 20th century.¹²

Images were crucial for this effort. The WRA and JACL sought to make assimilation visible. Both groups thought considerably about images and their use in

¹⁰ George J. Sanchez, "Population Removals in Times of Crisis: Mexican Repatriation and Slum Clearance in the (Last) Great Depression" (Keynote Presentation, Eisenberg Institute for Historical Study, University of Michigan, Ann Arbor, Fall 2009).

¹¹ This emphasis on the domestic racial liberalism of resettlement differs from other approaches that have positioned this racial transformation as part of a foreign racial discourse during the Cold War. See, e.g., Brooks, *Alien Neighbors, Foreign Friends*.

¹² Shah, *Contagious Divides*; Gaines, *Uplifting the Race*; Mitchell, *Righteous Propagation*.

public relations. Above all, this meant photographs, of which WRA photographers took thousands. Echoing the coverage of textual accounts, compared to the many books dealing with photography of internment,¹³ the photography of resettlement has received little study.¹⁴ Yet the photographs of the WRA are critical documents, revealing the federal government's involvement in a public relations campaign that emphasized Japanese integration and assimilation during a period that shaped significantly the metropolitan politics of race in postwar California.

By emphasizing integration and assimilation, the WRA encouraged a new racial discourse in the Valley. With such anti-Japanese politicians as Everis Hayes, the Valley's prewar white residents had defined Japanese residents by their inability to assimilate.¹⁵ The WRA, moreover, suggested that what prevented that assimilation for Japanese Americans was the same thing that prevented assimilation for other Americans of color, a shift in the Valley's racial thinking. As Japanese Americans dislodged the discourses of alienage that had legitimated their exclusion, they became, in Charlotte Brook's words, "equally unequal" rather than uniquely so.¹⁶ The overlapping racial geographies created by resettlement encouraged this change in racial discourses. As Japanese Americans returned to the Valley, they dealt with the legal tools of segregation, particularly racially restrictive covenants, in new ways. Resettlement forced them to rearticulate their racial

¹³ Maisie Conrat and Richard Conrat, *Executive Order 9066: The Internment of 110,000 Japanese Americans* (Cambridge: MIT Press, 1972); Mamoru Inouye, *The Heart Mountain Story: Photographs by Hansel Mieth and Otto Hagel of the World War II Internment of Japanese Americans* (1997) (Los Gatos: M. Inouye, 1997); Linda Gordon and Gary Y. Okihiro, eds., *Impounded: Dorothea Lange and the Censored Images of Japanese American Internment* (New York: W.W. Norton, 2006).

¹⁴ Lane Hirabayashi, *Japanese-American Resettlement Through the Lens: Hikaru Iwasaki and the WRA's Photographic Section, 1943-1945* (Boulder: University Press of Colorado, 2009).

¹⁵ As Scott Kurashige has written, the WRA's suggestion that "Nisei were even potentially capable of assimilation represented a paradigm shift in racial discourse." Kurashige, *The Shifting Grounds of Race*, 182-183.

¹⁶ Brooks, *Alien Neighbors, Foreign Friends*, 192.

identities in relation to the Valley's other racialized groups. This spurred a new civil rights politics and an active legal campaign to overturn the mechanisms of racial segregation.

The JACL's legal campaign called on the federal government to abandon practices that precluded Japanese American access to homeownership, an essential precursor to assimilation and integration according to "American" standards of work, family, and home life. In this regard, the JACL promoted a form of "integration," Kurashige argues, that was alien to most Japanese Americans and, at least in Los Angeles, largely unwelcome.¹⁷ In the Santa Clara Valley, however, the local branches of the WRA and JACL promoted a form of integration concerned with economic opportunity that most Valley residents could benefit from. Although the JACL may not have been representative of the Valley's ordinary Japanese Americans, its metropolitan civil rights program appears to have been welcome.

Yet, like their national counterparts, the local JACL and WRA also manifested a brand of racial liberalism that made full citizenship conditional on proper family structures and Americanism, especially pronounced in the JACL's decision to emphasize the outstanding military record of Nisei veterans as a means of currying favor with white voters, media, and politicians. According to the JACL, battle proved Japanese Americans' loyalty to the United States and demonstrated that they deserved full citizenship. As with the WRA's images of assimilation, for the Valley's veterans and the JACL, "full citizenship" connoted the American Dream of property rights and homeownership. The politics of Japanese American citizenship in the Valley, already infused with concerns over urban space and property rights, increasingly incorporated the

¹⁷ Kurashige, *The Shifting Grounds of Race*, 159.

symbols of the postwar welfare state, consumption, and modern nuclear family life, manifested above all in the single-family home.

Race and Relocation

In 1942, Norman Mineta, then a boy of ten, wore his Cub Scout uniform when he reported to the authorities for internment. “If anyone noticed the irony of that,” he later wrote, “no one said anything about it.” Having grown up in San José, the son of a prosperous insurance agent, Mineta, like most Santa Clara County Japanese Americans, was interned at Heart Mountain Relocation Center in Wyoming.¹⁸ “Heart Mountain is a ruggedly beautiful site,” conceded Mineta. But for a boy and his family forced to abandon their business, friends, even their dog, “it was isolated and harsh: blazing hot in the summer and biting cold in the winter.” Living in crowded, shoddy barracks with no privacy, summed up Mineta, “Our life in camp became an endless ordeal.”¹⁹

While several Japanese Americans tried to avoid relocation—such as San Leandro resident Fred Korematsu, whose legal challenge to internment later went to the Supreme Court²⁰—the leading organizations, particularly the Japanese American Citizens League, urged Japanese Americans to submit to military directives. “I don’t like the word ‘evacuation,’” Fred Tayama, a JACL leader in Los Angeles, told a reporter; “it would be better to say cooperation, because we all want to cooperate with the government.”²¹

¹⁸ Lukes and Okihiro, *Japanese Legacy*, 120.

¹⁹ Norman Y. Mineta, “Japanese American Resettlement: A Personal Story,” in *Japanese American Resettlement Through the Lens: Hikaru Iwasaki and the WRA’s Photographic Section, 1943-1945*, ed. Lane Hirabayashi (Boulder: University Press of Colorado, 2009).

²⁰ *Korematsu v. United States*, 323 US 214 (1944).

²¹ “Little Tokyo Prepares to Dispose of Stocks; Section Busy with Many Tasks Before Time Arrives to Make It Another Deserted Village,” *Los Angeles Times*, March 5, 1942.

Other than the American Civil Liberties Union and the Quakers, few California organizations spoke out against internment.²² “Throughout the western area,” noted pollster George Gallup, “there is almost unanimous public approval of the army’s action in evacuating the Japanese from the coast and sending them to detention camps.” According to Gallup’s poll, 97 percent of westerners approved; only 2 percent did not.²³ Santa Clara Valley civic organizations voiced their approval of internment, such as the San José Knights of the Round Table, who adopted a resolution commending General DeWitt for his “firm” stand.²⁴

The local newspapers expressed their support for Japanese internment. In an editorial, the *Palo Alto Times* argued that any potential enemy must be removed. Of course, the editors conceded, not every Japanese American was an enemy. “But the impossibility of sifting for a certainty the ‘chaff from the wheat’ makes it necessary for the entire Japanese population to be moved.”²⁵ The *San José Mercury Herald*—which, under Everis Hayes’s leadership, had long exhibited an anti-Japanese bent—warned of “enemies within our gates,” but counseled against vigilantes.²⁶ Less than two weeks later, arsonists set fire to San José’s Japanese Buddhist temple on N. Fifth Street.²⁷

In making these arguments, the newspapers drew on a racial language in which Japanese Americans were always foreign, and even inhuman. In Sacramento, an anti-Japanese group calling itself the Home Front Commandos published a 1943 pamphlet

²² Starr, *Embattled Dreams: California in War and Peace, 1940-1950*, 94.

²³ George Gallup, “West Coast Voters Greatly Interested in Jap Resident Problem; Divided on Steps to Take After War” (Public Opinion News Service, December 30, 1942), Institute for Governmental Studies Library, University of California, Berkeley.

²⁴ “San Jose Group Backs Gen. DeWitt Statement on Nisei,” *Pacific Citizen*, May 6, 1943.

²⁵ *Palo Alto Times*, March 16, 1942.

²⁶ Lukes and Okihiro, *Japanese Legacy*, 116.

²⁷ *Ibid.*, 117.

titled “Slap the Jap” that said, “No Jap is now fit to associate with human beings.”²⁸ The Home Front Commandos advocated sending all Japanese Americans to Japan, declaring, “Deport the Japs.”²⁹ Race, in this understanding, circumscribed citizenship: “Any good man can become an American citizen, but a Jap is and always will be a Stabber-in-the-Back gangster; rebel. After the war, ship them back to their Rising Sun Empire.”³⁰

As much as the public supported it, internment could not continue indefinitely, and discussions of when and how to resettle the incarcerated Japanese Americans began almost immediately. In December of 1942, the American Institute of Public Opinion conducted a survey of what George Gallup called the “Jap Resident Problem.” “One of the burning public questions,” wrote Gallup, was whether Japanese American evacuees would “be permitted to return” to their homes along the Pacific Coast.³¹ In California, Oregon, Washington, Nevada, and Arizona, 31 percent of respondents said they opposed “allowing any of the former Japanese residents to return, whether they are citizens or not.” Another 24 percent would allow only citizens to return. Only 29 percent said they would allow all of the Japanese American evacuees back. Of those who thought no Japanese should be allowed to return, two thirds thought they should be deported to Japan.³² In San José, a survey of students at San José State College found 55 percent opposed to the return of Nisei citizens.³³ The surveys indicated that while there was substantial disagreement about Japanese American residents, the white population largely denied that Japanese Americans had any right to residence in the area of their choice.

²⁸ Home Front Commandos, Inc., “Slap the Jap”, n.d., Carton 29, Folder 601, American Civil Liberties Union - Northern California Papers, California Historical Society.

²⁹ McWilliams, *Prejudice*, 237.

³⁰ *Ibid.*

³¹ Gallup, “West Coast Voters Greatly Interested in Jap Resident Problem; Divided on Steps to Take After War.”

³² *Ibid.*

³³ “San Jose Students Oppose Nisei Return,” *Pacific Citizen*, December 23, 1944.

The newspapers reiterated their support for Japanese internment. “Shall the Japanese return?” asked an editorial in the *Palo Alto Times*.³⁴ The American Civil Liberties Union advocated that relocated Japanese Americans be allowed to return to their homes. ACLU attorney A.L. Wirin said that removal was based on racial prejudice. “The group’s position,” derided the editors of the *Palo Alto Times*, “is taken automatically in pursuance of its policy of championing the ‘rights’ of whatever minority is being suppressed.” That the editors put “rights” in quotes indicates their belief that Japanese Americans, whether citizens or not, lacked rights. The *Palo Alto Times* wrote, “The Japanese should be barred from this coast for the duration. We cannot afford to take chances when the life of the nation is at stake.”³⁵

The Northern California Peace Officers Association protested Japanese Americans returning to the Pacific coast, even if they were American soldiers. “We as officers of the law,” declared the association’s public statement, “have become well acquainted with the Japanese, both alien and native born, and are familiar with their life and customs. They are intelligent and absorb knowledge quickly, but they are suave and equally deceptive, the Pearl Harbor episode being an example of their racial duplicity.”³⁶

With newspapers, police, and citizens declaring that the Japanese should not be allowed to return, it was only a matter of time before local governments joined them, passing resolutions to discourage resettlement. In 1943, the city council of Morgan Hill, an agricultural town south of San José, voiced unanimous opposition to Japanese resettlement there. The *San José Mercury Herald* reported that Morgan Hill “is opposed to the relocation of Japanese and... no Japanese laborers are wanted here.” The following

³⁴ “Shall the Japanese Return?,” *Palo Alto Times*, June 22, 1943.

³⁵ *Ibid.*

³⁶ *Ibid.*

month, both San Jose city council and the Santa Clara County Board of Supervisors voted to oppose the return of Japanese Americans to the area.³⁷

Many Japanese Americans, recognizing this hostility, did not want to return either. Many internees feared the obstacles of resettlement—getting jobs, finding housing, dealing with white resentment.³⁸ One author wrote in the *Heart Mountain Sentinel*, “Californians need not exert themselves to prevent the return of evacuees. Evacuees know when they are not wanted. They are not looking back. Their eyes are projected eastward.... California is foreign, and always will be to the evacuees.”³⁹ Evacuees should move elsewhere; “they will find a better and true friend on the rockbound Atlantic, on the rolling plains of the expansive Midwest, and on the hills and dales of the stretching Alleghenies.”⁴⁰ According to a survey in the *San Francisco Chronicle*, of the 97,717 evacuees from California, 50,000 were determined not to return to the state; 40 percent were undecided; 10 percent hoped to return but were afraid of the consequences.⁴¹

Local government resolutions, while expressing white attitudes, had no legal force, and, after the war, many Japanese Americans did return to the West Coast.⁴² Returnees faced death threats, arson, and drive-by shootings, from Seattle to Orange County. A self-proclaimed vigilante group in Salinas, southwest of San José, worked “to prevent the return of any Japanese.”⁴³ Hearst columnist “Aunt” Elsie Robinson, beloved

³⁷ “Two Council Members Oppose San Jose Anti-Evacuee Move,” *Pacific Citizen*, June 17, 1943.

³⁸ McWilliams, *Prejudice*, 171.

³⁹ *Ibid.*, 277.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² Some Japanese Americans returned earlier. In August 6, 1942, “mixed marriage families composed of Caucasian husbands, who are citizens of the United States, Japanese wives and their mixed blood children” became eligible for release and residence in the Western Defense Command area. *Ibid.*, 162.

⁴³ *Ibid.*, 244.

in the Bay Area for her edifying articles for children,⁴⁴ vowed that she would “cut the throats” of any evacuees who returned to the West Coast.⁴⁵ Whites’ animosity, noted a report by the National Opinion Research Center, with some understatement, “suggest a difficult future for Japanese in this country.”⁴⁶

Many Japanese Americans returning to the Santa Clara Valley received death threats. Eiichi Sakauye returned to his San José pear orchard to face threats from nearby ranchers. The foreman at the neighboring Redwine Farm informed him “that he and his family were not wanted and that it would be healthier for them to leave California.” One day he found a printed placard in his mailbox that read, “Send all Japs back to Japan.” It was signed, “Compliments of every rancher this side of the Bayshore Highway you bastards.”⁴⁷

The first attacks against Japanese Americans in Santa Clara County took place at the North San José home of Suyekichi and Misao Takeda and their children Joe, Bill, Herbert, Edward, and Beverly Takeda and Sue Matsumura, 7-months pregnant at the time. At midnight on March 6, of 1945, several men drove a dark sedan through the rain to the home. They cut the telephone wires, poured gasoline under the house, and set fire to it. Sue, asleep in a side room, woke to the smell of gasoline; she roused her brother Joe, who was asleep in a front room. He looked out the window and saw flames creeping up the side of the house. “Fire!” he yelled. The family members rushed out of the house. From the sedan, gunmen fired on the family. “One shot went over the head of my sister,

⁴⁴ Sam G. Riley, ed., “Robinson, Elsinore Justina,” *Biographical Dictionary of American Newspaper Columnists* (Westport: Greenwood Press, 1995), 268.

⁴⁵ McWilliams, *Prejudice*, 244.

⁴⁶ National Opinion Research Center, *Attitudes Toward the Japanese in Our Midst* (University of Denver, 1947), 2, Institute for Governmental Studies Library, University of California, Berkeley.

⁴⁷ “West Coast Incident, Number 102”, 1945, Carton 28, Folder 591, American Civil Liberties Union - Northern California Papers, California Historical Society.

Beverly,” Joe later related to a reporter. “Another narrowly missed Edward.”⁴⁸ Bullets smashed through the front window and lodged into the walls.⁴⁹ The sedan sped away, and the family survived the attack. “We expected something unpleasant,” said Joe, “but we didn’t anticipate this.”⁵⁰

The attack on the Takedas signaled a wave of violence in Santa Clara County, and along the Pacific Coast. While hostility expressed itself in the workplace and the streets,⁵¹ most violence targeted Japanese Americans at their homes, particularly with arson.⁵² Arsonists also frequently targeted hostels being used by returning Japanese Americans. In Watsonville, one night at 2:10 am, an arsonist shot a flare into a Buddhist Temple being used as a hostel. (It missed and landed in a neighboring shrubbery.)⁵³ In San Francisco, a lantern and bottles were thrown through window of Buddhist Hostel where 150 Japanese Americans were staying.⁵⁴ Arsonists struck homes. The San José home of R. Saito was burned to the ground.⁵⁵ In Pescadero, in western San Mateo County, arson destroyed the home of the son of Mitsugoro Morimoto.⁵⁶

The Santa Clara County Sheriff did little to stop the violence. Born in the city of Santa Clara, Sheriff William F. Emig came from a family that had long participated in anti-Japanese organizations, including the founding of the Santa Clara parlor of the

⁴⁸ “Night-Riders Attack Returned Evacuee Family on San Jose Farm with Fire, Gunshots,” *Pacific Citizen*, March 10, 1945.

⁴⁹ “West Coast Incidents Involving Persons of Japanese Ancestry - IV”, 1945, Carton 28, Folder 591, American Civil Liberties Union - Northern California Papers, California Historical Society; *San Jose Mercury*, March 7, 1945.

⁵⁰ “Night-Riders Attack Returned Evacuee Family on San Jose Farm with Fire, Gunshots.”

⁵¹ “West Coast Incidents Involving Persons of Japanese Ancestry - IV.”

⁵² “West Coast Incident - I”, September 25, 1945, Carton 28, Folder 591, American Civil Liberties Union - Northern California Papers, California Historical Society.

⁵³ “West Coast Incident - II”, October 5, 1945, Carton 28, Folder 591, American Civil Liberties Union - Northern California Papers, California Historical Society.

⁵⁴ “West Coast Incident - I.”

⁵⁵ *Ibid.*

⁵⁶ “West Coast Incidents Involving Persons of Japanese Ancestry - IV.”

Native Sons of the Golden West.⁵⁷ When the Saito home was burned to the ground the night before the Saito family returned from Heart Mountain, Sheriff Emig pronounced the fire “accidental.”⁵⁸ He used the same word repeatedly, reporting on “accidental” fires at the homes of returned Japanese Americans all over Santa Clara County.⁵⁹ He even described three bullets fired into the home of War Relocation Authority Officer James Edmiston, who had received death threats for his role in assisting the returnees, as “accidental.”⁶⁰ Perhaps, suggested the Sheriff, a stray hunter’s bullets happened to strike Edmiston’s window. Edmiston disagreed, pointing out that the ballistics evidence indicated the shots were intentionally fired from the street, at close range, into his front window.⁶¹ The Sheriff discounted this evidence, stating that ballistics were “useless.”⁶²

In the wake of fifteen shootings and other violence condoned by the sheriff’s department, Interior secretary Harold L. Ickes found it necessary to call on law enforcement personnel to protect Japanese Americans. He denounced violence as “planned terrorism by hoodlums.”⁶³ The label of “terrorism” indicated that, to Ickes and other officials, attacks on Japanese Americans returning to their homes were not random but rather political: violence intended to uphold the social and spatial order, which was threatened by resettlement. The ACLU embraced the label and tried to prevent terrorism by offering a \$1000 reward that led to conviction of terrorists. Indicating a lack of confidence in local authorities, military intelligence officials began investigations of

⁵⁷ Native Sons of the Golden West, “Native Sons of the Golden West Charter for Santa Clara Parlor No. 100”, 1902, Santa Clara City Library.

⁵⁸ “West Coast Incident - I.”

⁵⁹ “Fire Destroys Evacuee’s Home Near San Jose,” *Pacific Citizen*, November 3, 1945.

⁶⁰ “West Coast Incidents - III”, 1945, Carton 28, Folder 591, American Civil Liberties Union - Northern California Papers, California Historical Society.

⁶¹ “Report on James Edmiston Incident”, June 25, 1945, Carton 28, Folder 591, American Civil Liberties Union - Northern California Papers, California Historical Society.

⁶² *Ibid.*

⁶³ “Ickes Assails ‘Terrorism’ Against Nisei,” *The Washington Post*, May 14, 1945.

suspicious fires at the homes of returned Japanese Americans⁶⁴ and the FBI was called in to look at the attack on Edmiston,⁶⁵ which WRA assistant national director Robert B. Cozzens, dismissing the sheriff's conclusion that it was accidental, regarded a "flagrant" attack on the WRA.⁶⁶

The local press condemned the attacks. The *Palo Alto Times*—the newspaper that had endorsed internment by mocking Japanese citizens' alleged "rights"—denounced the attack on the Takedas. "If some Japanese Americans, upon returning from the war relocation center were to set a house aflame and fire shots into anyone's domicile or indulge in kindred forms of violence, the populace would arise in wrath and demand the tracking down of the miscreant and the utmost in their punishment," stated an editorial. "The same sorts of acts are just as criminal, just as dangerous and reprehensible, and just as deserving of full penalties when committed by white Americans."⁶⁷

When, weeks after the Takeda attack, the Santa Clara County sheriff's department still had not arrested anyone, reporters' questions compelled the department to insist it was working on it. "We can't settle this case in five minutes," said Deputy Sheriff Jack Gibbons; "This is a delicate situation." To impatient citizens, accustomed to Sheriff Emig's habit of pronouncing all fires "accidental," Gibbons assured, "This definitely is an arson case. We intend to use all our resources to solve it. Six or seven of these people are United States citizens and when I took my oath of office, I promised to protect the property of all United States citizens."⁶⁸

⁶⁴ "Army Officials Investigate San Jose Fire," *Pacific Citizen*, April 12, 1945.

⁶⁵ "Terrorist Fires into Home of WRA Official in San Jose," *Pacific Citizen*, June 30, 1945.

⁶⁶ Robert B. Cozzens, "The Future of America's Japanese", October 9, 1945, 84, Japanese-American Relocation Reviewed: Volume II, The Internment, Appendix D, p. 81-90, Bancroft Library, University of California, Berkeley.

⁶⁷ "Stern Measures Required," *Pacific Citizen*, March 24, 1945.

⁶⁸ "San Jose Police Seek Arsonists in Takeda Case," *Pacific Citizen*, March 17, 1945.

The WRA and Public Relations

Even before the war ended, WRA officials had worried about resettlement. WRA director Dillon S. Myers, with encouragement from Franklin Roosevelt, endeavored to resettle “loyal” Japanese Americans as soon as possible. It was important to both men that Japanese Americans avoid forming “Little Tokyos” and assimilate with white society. The WRA’s approach to Japanese American residency thus differed from the federal government’s approach to African American neighborhoods at the time. While the federal government made no affirmative efforts to desegregate black ghettos and disperse their residents, it promoted dispersion for Japanese Americans. The difference emerged from the institutional structure of the WRA. Unlike the Federal Housing Administration, which was accountable to white Americans and their expectations of segregated neighborhoods, the WRA was responsible only to the Secretary of the Interior, Harold L. Ickes, a proponent of civil rights who had opposed internment in the first place. By 1945, the WRA’s overriding mission was to resettle successfully Japanese Americans, a goal that was in tension with the FHA’s policies of segregation.

In addition to other agencies working at cross-purposes, widespread and virulent anti-Japanese racism made resettlement particularly difficult.⁶⁹ To soothe white resentment and ease resettlement, the WRA tried to shape the public’s perception of Japanese Americans. The WRA’s Photographic Section, known by its acronym as WRAPS, was its main tool. WRAPS commissioned and released to the public a series of photographs, a continuation of the agency’s efforts to influence public opinion of internment, when the photographic section hired Ansel Adams, so skilled at rendering the stark beauty of the mountain West, to train his camera on Japanese internment in

⁶⁹ United States Department of Interior, *People in Motion*, 31.

ruggedly spectacular settings like Manzanar in eastern California. WRAPS released these to showcase the “loyalty” of interned Japanese Americans.⁷⁰

The WRA’s use of photography was, in Lane Ryo Hirabayashi’s words, “a public relations campaign.”⁷¹ To unsympathetic California congressmen Clair Engle, Leroy Johnson, and Jack Anderson it was “propaganda favoring the Japanese people.” (Engle explained that the media was capable of addressing “the merit or lack of merit of the Japanese as a racial group.”)⁷² The WRA generated more than 17,000 photos from 1942 to 1945.⁷³ The agency exhibited a heavy-handed editorial style, releasing Adams’ photographs, in which there was no barbed wire and Japanese Americans were likely to be shown smiling, surrounded by mountain majesty; yet the WRA impounded the photographs of Dorothea Lange, who had documented conditions in the camps and assembly centers in a much more disturbing light.⁷⁴ The WRA had forbidden Lange from recording on film the barbed wire, bayoneted guards, and watchtowers that surrounded internees, but even her photos of ordinary living arrangements—such as the horse stables at Tanforan Race Track-cum-Assembly Center in San Bruno, on the San Francisco Peninsula, where the WRA quartered Japanese Americans for several months before transporting them to interment camps in the interior—revealed how bleak and humiliating internment could be.⁷⁵

⁷⁰ Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2005), 179; Ansel Adams, *Born Free and Equal: Photographs of the Loyal Japanese Americans at Manzanar Relocation Center* (New York: US Camera, 1944).

⁷¹ Hirabayashi, *Japanese-American Resettlement Through the Lens*.

⁷² “Three California Legislators Oppose WRA’s ‘Propaganda,’” *Pacific Citizen*, May 26, 1945.

⁷³ Hirabayashi, *Japanese-American Resettlement Through the Lens*.

⁷⁴ Gordon and Okihiro, *Impounded: Dorothea Lange and the Censored Images of Japanese American Internment*.

⁷⁵ Dorothea Lange, “Volume 65, Section H, WRA No. C-630”, June 16, 1942, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, Series 15: Assembly Center and Segregation, Bancroft Library, University of California, Berkeley; Dorothea Lange, “Volume 65, Section

As with the photography of internment, the WRA used photography of resettlement for public relations purposes, and with the same editorial scrutiny. In its resettlement photographs, WRAPS portrayed resettlement within a discourse of Americanism and cultural narratives of assimilation. Since violence against returnees was legitimized by discourses that portrayed Japanese Americans as alien, WRAPS photographs emphasized American identities and exhibited Japanese American assimilation. WRAPS instructed photographers to use the images to tell a story, preferably one of optimism, integration, and success. WRAPS editors reviewed the photographs, impounded those that were unacceptable, and released those they deemed most likely to influence public opinion. Along with each photograph, a WRA writer added a caption to narrate the images and convey the appropriate meaning to the public.

The WRAPS photographer sent to cover resettlement in San José was a remarkable young man named Hikaru Iwasaki. For Iwasaki, the project was a homecoming. A photographer for the San José High School newspaper and yearbook, Iwasaki was interned during his senior year of high school. Starting in 1943, when he was just nineteen, the WRA hired him as a resettlement photographer. Over the next two years, Iwasaki took 1,300 photographs of Japanese Americans as they left the internment camps and tried to reenter their old lives. Always accompanied by a white WRA staff member who monitored his work and apparently wrote the captions to his photographs, Iwasaki traveled across the country compiling an arresting set of photographs.⁷⁶ Those that WRAPS saw fit to release portray resettlement as a joy—men and women are

H, WRA No. C-631", June 16, 1942, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, Series 15: Assembly Center and Segregation, Bancroft Library, University of California, Berkeley.

⁷⁶ "After Internment," *Denver Post*, May 31, 2009.

dressed nicely in proper American fashions, always smiling, holding babies, shaking hands. Iwasaki had a particular knack at capturing his subjects at the moment of laughter.

Iwasaki's photographs for the WRA reflect an emergent logic of racial liberalism. They emphatically portray Asians as Americans. Especially important for this project were symbols of the home. Iwasaki repeatedly posed families in suburban houses—standing on lawns and driveways, sitting together on living room sofas, chatting in comfortable bedrooms, admiring modern consumer goods. The suburban home provided symbols of Americanization and integration, gesturing to the achievement of the American dream and assimilation into mainstream society.

Yet not all his photographs conveyed an easy return to the Santa Clara Valley. Some seem to ask to be seen as propaganda, the subjects posed awkwardly and artificially, parodies of resettlement. Others contain dissonance that invites the viewer to rethink the image, as in a photograph of a USO official awarding gold stars to obviously grieving mothers whose sons had been killed in the US Army.⁷⁷ For these photos, the WRA's captions, already disconcertingly chipper, diverge so far from what they purport to describe that they sound absurd. A set of photographs of newly freed Heart Mountain internees arriving at the Sunnyvale train station reveals the anxiety of many Japanese American men and women. Instead of the usual smiling faces, we see furrowed brows; instead of the careful poses, we see backs turned to us, walkers caught in movement, passengers casting around worried looks; instead of sharp contrasts, we see a wash of

⁷⁷ Hikaru Iwasaki, "Volume 53, Section F, WRA No. I-865", April 21, 1945, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, BANC PIC 1967.014-PIC, Bancroft Library, University of California, Berkeley.

gray, adding to the melancholy of the scene.⁷⁸ “Home again and happy!” reads the jarring caption.⁷⁹

For returnees to Santa Clara County, however, homes were scarce, and Iwasaki documented the difficulties of Japanese American families finding housing. While the WRA captions sought to put a positive spin on the situation, it is clear that housing was extraordinarily difficult to come by. WRA editors, who tried to choose exemplary scenes, settled for multiple families crowded into single houses, camping on ranches, and one family living out of a floral packing shed.⁸⁰ Iwasaki photographed the return of George Yamasaki and his family to Sunnyvale, California. After leaving their internment center in Heart Mountain, Wyoming, the Yamasakis could not find housing. Tsunekichi Sasao invited them to share his home with him, part of which he had leased during internment to Sunnyvale department store owner Mike Kirkish and his family.⁸¹ Thus there were three families on the property, two Japanese American and one white. A series of WRA photographs depicts this as a joyful racial reunion. According to the caption of one

⁷⁸ Hikaru Iwasaki, “Volume 80, Section K, WRA No. 154”, July 9, 1945, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, BANC PIC 1967.014-PIC, Bancroft Library, University of California, Berkeley; Hikaru Iwasaki, “Volume 80, Section K, WRA No. 155”, July 9, 1945, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, BANC PIC 1967.014-PIC, Bancroft Library, University of California, Berkeley; Hikaru Iwasaki, “Volume 80, Section K, WRA No. 156”, July 9, 1945, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, BANC PIC 1967.014-PIC, Bancroft Library, University of California, Berkeley; Hikaru Iwasaki, “Volume 80, Section K, WRA No. 158”, July 9, 1945, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, BANC PIC 1967.014-PIC, Bancroft Library, University of California, Berkeley; Hikaru Iwasaki, “Volume 80, Section K, WRA No. 160”, July 9, 1945, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, BANC PIC 1967.014-PIC, Bancroft Library, University of California, Berkeley.

⁷⁹ Iwasaki, “Volume 80, Section K, WRA No. 160.”

⁸⁰ Hikaru Iwasaki, “Volume 79, Section K, WRA No. 105”, July 14, 1945, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, BANC PIC 1967.014-PIC, Bancroft Library, University of California, Berkeley; Hikaru Iwasaki, “Volume 80, Section K, WRA No. 126”, July 6, 1945, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, BANC PIC 1967.014-PIC, Bancroft Library, University of California, Berkeley.

⁸¹ Hikaru Iwasaki, “Volume 79, Section K, WRA No. 100”, July 10, 1945, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, BANC PIC 1967.014-PIC, Bancroft Library, University of California, Berkeley.

photograph, “[I]t is a happy arrangement, for the youngsters, Niseis and Caucasians, are firm friends and playmates.”⁸²

A particularly striking photograph portrays the two boys, one Japanese American and one white, playing on a front porch swing that resembles a covered wagon. “These two youngsters,” reads the caption, “did not cross the plains in a covered wagon during the wild Indian warpath days, but they are happy kids swinging in the modern hammock version of the Prairie schooner on the front veranda of the Tsunekichi Sasao home near Sunnyvale, California.”⁸³ This caption renarrates Japanese immigration, mingling images of modern suburbia with a nationalist historical memory of covered wagons and pioneers



Figure 2.1 Children on a porch swing, Sunnyvale, 1945. The War Relocation Authority used photos like this to facilitate Japanese American resettlement. Photo by Hikaru Iwasaki. Bancroft Library, University of California, Berkeley.

⁸² Hikaru Iwasaki, “Volume 79, Section K, WRA No. 101”, July 10, 1945, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, BANC PIC 1967.014-PIC, Bancroft Library, University of California, Berkeley; Iwasaki, “Volume 79, Section K, WRA No. 100.”

⁸³ Hikaru Iwasaki, “Volume 79, Section K, WRA No. 99”, July 10, 1945, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, BANC PIC 1967.014-PIC, Bancroft Library, University of California, Berkeley.

The inclusion of Japanese Americans within the pioneer experience is a radical departure from the usual narrative of overland migration, told so often in California that Joan Didion refers to it as simply “the crossing story.”⁸⁴ In the Californian version of the heroic narrative of westward migration, the difficulties faced on the way—lost trails and dead oxen, Indian attacks and the circling of wagons, starvation and sickness—are prelude to the crossing the Sierra Nevada Mountain Range, the climax of the frontier narrative, the dangerous last struggle before California, the promised paradise.

The gory travails endured by the Donner Party lent themselves to the most sensationalistic version of the crossing story. It is a morally ambiguous tale at best. A letter twelve-year-old Donner Party survivor Virginia Reed wrote to her cousin in 1847 indicates the limited nature of any moral to be drawn from it: “Oh, Mary, I have not wrote you half of the trouble we’ve had, but I have wrote you enough to let you know what trouble is. But thank God, we are the only family that did not eat human flesh.”⁸⁵ For others, however, the meaning was more expansive, especially after the bleak stories had been distilled into myth. Jack London, for example, in *Valley of the Moon*, called on the crossing story to rationalize white entitlements in California. “I tell you, Saxon,” says Billy, the all-American protagonist, to his companion, appropriately named Saxon Brown, “when a woman walks across the plains like your mother done, an’ a man an’ wife gets massacred by the Indians like my grandfather an’ mother done, the government does owe them something.”⁸⁶

As a discourse linking pioneering and entitlement, the crossing story served to legitimize white supremacy in California. This was true in the Santa Clara Valley, where

⁸⁴ Joan Didion, *Where I Was From* (New York: Vintage, 2004).

⁸⁵ *Ibid.*, 75.

⁸⁶ *Ibid.*, 80.

the crossing story made whites native to the Valley, most obviously in such organizations as the Native Sons of the Golden West that premised their existence on the rightful place in Californian society due the white settlers. After her ordeal with the Donner Party, Virginia Reed and her family, along with two orphaned Donner children, settled in San José, where her stepfather, James F. Reed, became a real estate developer, bestowing the family names—Martha, Virginia, Margaret, William, Keyes, Reed—on the streets he developed. There, the settlers could join the California Pioneer’s Society and participate in the parades of Pioneer Days, where they could watch floats representing the crossing story, such as the 1877 festival’s “On an Emigrant Train,” pulled by an ox that, to make the parade seem “realistic,” dropped dead.⁸⁷

The ritual retelling of the harrowing overland journey was a performance about race and entitlement. By including Japanese Americans within the crossing narrative, the WRA photographs assert legitimacy for Japanese Americans in the destination of the journey, Edenic California, now represented as modern suburbia. The images mingle the resettlers with the settlers, the immigrants with the emigrants. The newer migrations are incorporated like tributaries into the great stream of westward migration. The travails of internment are followed by a new suburban paradise.

The Photographs of Charles Mace

The domestic leitmotif pervaded photographs for Japanese Americans as well as the white public. While the WRA intended Iwasaki’s photographs primarily for white audiences, the agency deployed another photographer, Charles E. Mace, especially for public relations photographs for Japanese Americans. His photographs of the famous 442nd Regimental Combat Team of Japanese American soldiers aimed to persuade

⁸⁷ Sawyers, *History of Santa Clara County, California*, chap. 23.

Japanese American men to enlist in the military. When the WRA sought to encourage Japanese Americans to relocate from the West Coast to other parts of the country, the agency sent Mace around the Midwest to record photographs of happy, successful Japanese Americans.⁸⁸

In the Santa Clara Valley, Mace took photographs to calm Japanese Americans who were worried about returning home. Since the lack of housing caused such anxiety for returnees, Mace chronicled the process of searching for, finding, and inhabiting houses. For many Japanese Americans, the process began at a hostel in Japantown operated by San José's Council for Civic Unity. Mace produced a series of photos depicting Japanese Americans who had returned to San Jose and were staying at the Council for Civic Unity hostel until they found a new home. A couple meets the manager of the hostel; women set the communal table with nice dishes and silverware; parents pose happily with their children on the lawn in front of the hostel.⁸⁹ Mace populated his images of the small building, which hosted as many as 80 people, with symbols of the home and family.⁹⁰

After leaving the hostel, Mace photographed those families that were able to return to their old homes or find new ones. All homes are described by the captions as "attractive": "Sumi Iwata and her sister Ethel," reads one caption, "relax on the porch of

⁸⁸ Nancy Nakano Conner, "From Internment to Indiana: Japanese Americans, the War Relocation Authority, the Disciples of Christ, and Citizen Committees in Indianapolis," *Indiana Magazine of History* 102, no. 2 (June 2006): 102–104.

⁸⁹ Charles E. Mace, "Volume 46, Section E, WRA No. H-743", June 11, 1945, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, Series 12: Relocation: New Homes, etc., Bancroft Library, University of California, Berkeley; Charles E. Mace, "Volume 46, Section E, WRA No. H-744", June 11, 1945, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, Series 12: Relocation: New Homes, etc., Bancroft Library, University of California, Berkeley; Charles E. Mace, "Volume 46, Section E, WRA No. H-746", June 12, 1945, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, Series 12: Relocation: New Homes, etc., Bancroft Library, University of California, Berkeley.

⁹⁰ "Two Thousand Have Returned from Camps to San Jose Area," *Pacific Citizen*, August 18, 1945.

their attractive home at Mountain View.”⁹¹ Mace posed James K. Dobashi with his family and mother “on the porch of his attractive of home” in the heart of Nihonmachi.⁹² Mace downplayed overcrowding, which was a serious problem for families. When he found three families sharing a Nihonmachi house, he posed them on the lawn.⁹³

Like Iwasaki, Mace drew on the images of home consumer goods to symbolize integration, security, and success. Mace captured images of Japanese American families shopping in a household appliance store, children peering into glass cases.⁹⁴ In another photograph, a radiant Mrs. Kai Shimuzi poses with a lawnmower behind her home on the north side of Japantown, smiling, as if she has just finished cutting the grass while wearing a light dress, silk stockings, and shiny Mary Janes.⁹⁵

⁹¹ Charles E. Mace, “Volume 45, Section E, WRA No. H-616”, January 18, 1945, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, Series 12: Relocation: New Homes, etc., Bancroft Library, University of California, Berkeley.

⁹² Charles E. Mace, “Volume 46, Section E, WRA No. H-742”, June 11, 1945, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, Series 12: Relocation: New Homes, etc., Bancroft Library, University of California, Berkeley.

⁹³ Charles E. Mace, “Volume 46, Section E, WRA No. H-749”, June 12, 1945, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, Series 12: Relocation: New Homes, etc., Bancroft Library, University of California, Berkeley.

⁹⁴ Charles E. Mace, “Volume 46, Section E, WRA No. H-741”, June 11, 1945, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, Series 12: Relocation: New Homes, etc., Bancroft Library, University of California, Berkeley.

⁹⁵ Charles E. Mace, “Volume 46, Section E, WRA No. H-739”, June 11, 1945, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, Series 12: Relocation: New Homes, etc., Bancroft Library, University of California, Berkeley.



Figure 2.2 Mrs. Kai Shimuzi with her lawnmower, San José, 1945. Photograph by Charles Mace. Bancroft Library, University of California, Berkeley.

The captions of Mace's photographs emphasized that relationships with white residents were good. "Mr. Kawakami [the manager of the hostel] says community acceptance is good in San Jose, and neighbors and merchants are friendly and helpful."⁹⁶ The caption for the photograph of the Dobashis, who were preparing to reopen their market, claims, "The market is well known in the neighborhood and had among its patrons many Caucasians."⁹⁷

⁹⁶ Mace, "Volume 46, Section E, WRA No. H-742."

⁹⁷ Charles E. Mace, "Volume 46, Section E, WRA No. H-750", June 12, 1945, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, Series 12: Relocation: New Homes, etc., Bancroft Library, University of California, Berkeley.

The emphasis on positive white attitudes countered the well-known stories of violence and discrimination against returnees. A few weeks before Mace took his photo of the Dobashis, with its racially harmonious caption, Harry Dobashi had applied for a job at the California Packing Corporation but was rejected because, said the cannery manager, the cannery's white workers refused to work with Japanese Americans.⁹⁸ The media covered the story, and the War Manpower Commission publicly rebuked the "prejudice" of San José's white workers.⁹⁹

The most unsettling story that Mace's photographs attempted to counteract was the attack on the Takedas, the family that suffered the first attack on Japanese Americans returning to the Santa Clara Valley. The shooting and arson had been covered extensively in the media, especially in the *Pacific Citizen*, the weekly newspaper of the Japanese American Citizens League (JACL). One member of the Takeda family, Thelma Takeda, worked as a secretary in the JACL's national headquarters, and the attack on her family was well known.

In an important series of photographs, Mace documented the Takeda family at their house. The captions insist that the violence suffered by the Takeda family was unusual. One caption reports eldest son Joe Takeda—the owner of the Takeda home, evidently to evade the restrictions imposed by the Alien Land Law—affirming, stiffly, "I am speaking for all the members of my family when I say that we are satisfied that the attempt to burn and shoot up our home was the work of individual thugs and that it does

⁹⁸ "WRA Urged to Break Down Anti-Nisei Feeling of Workers," *Pacific Citizen*, May 26, 1945.

⁹⁹ *Ibid.*

not in any way reflect the feelings of people of Santa Clara County and San Jose against our family or any other returning evacuee.”¹⁰⁰

“Convinced that the incident does not in any way reflect the public sentiment of the community, Joe determined to go ahead as though nothing had happened.”¹⁰¹ The captions insist that, like brave Joe, Japanese Americans should not be cowed by rumors of violence. “The family were victims of shooting incidents by hoodlums... but they have not allowed it to alter their determination to stay right on in their own home and enjoy the rights and privileges of other citizens of the United States.”¹⁰² The caption writer, of course, cannot leave the house without mentioning, “The Takeda home is very attractive and modern....”¹⁰³

By the time Mace visited the Takeda home, Su Matsumura had given birth to a baby, Shirley, the first baby to returned internees in the area. Mace portrayed Matsumura and Shirley as a suburban Madonna and Child. Matsumura, posed on comfortable couch next to a large living room radio, cradles her baby in her arms. The caption: “Another American citizen has arrived at the home of Joe Takeda since night-riding hoodlums set fire to his house and sent five 32-caliber slugs crashing through the dwelling while the family slept.” The baby rested in “peaceful serenity,” according to the caption, perfectly safe and secure.¹⁰⁴

¹⁰⁰ Charles E. Mace, “Volume 46, Section E, WRA No. H-747”, June 12, 1945, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, Series 12: Relocation: New Homes, etc., Bancroft Library, University of California, Berkeley.

¹⁰¹ Mace, “Volume 46, Section E, WRA No. H-746.”

¹⁰² Charles E. Mace, “Volume 46, Section E, WRA No. H-748”, June 12, 1945, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, Series 12: Relocation: New Homes, etc., Bancroft Library, University of California, Berkeley.

¹⁰³ Mace, “Volume 46, Section E, WRA No. H-746.”

¹⁰⁴ Mace, “Volume 46, Section E, WRA No. H-747.”

Iwasaki also dealt with the Takeda family, yet in his photograph, he avoided the house altogether. Instead, he took a portrait of Thelma Takeda, the daughter who was not living at the house when it was attacked. She returned from the JACL's Salt Lake City headquarters in the summer of 1945 to attend classes at San José State University, the first Nisei student to return. In the unusual image, Thelma sits on the lawn outside of a campus building; positioned in the bottom right corner of the image, she is dwarfed by the background, from which she looks separated. She holds her books—perhaps Iwasaki's mistake in posing the shot, but one that adds to the sense of estrangement in the portrait—upside down.¹⁰⁵

The Local WRA and the Housing Shortage

Rosy photographs belied the harsh reality of resettlement. Japanese Americans, having suffered incredible economic losses, returned to the Santa Clara Valley without homes and without jobs, facing resistance in acquiring those basic necessities. While the WRA's Photographic Section attempted to ease resettlement on the cultural front, it was the local office of the WRA that undertook the hands-on work of helping evacuees reenter civil society. In March of 1945, the WRA established an office in San José headed by former newspaperman¹⁰⁶ James E. Edmiston.

As head of the local WRA office, Edmiston's primary role was to assist returned evacuees in securing housing and employment and to investigate charges of discrimination and harassment. Edmiston sought to house resettlers by engaging local civic and business organizations. In the agricultural parts of the county, farmworker

¹⁰⁵ Hikaru Iwasaki, "Volume 79, Section K, WRA No. 89", July 12, 1945, War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement, Series 16: Resettlement, Bancroft Library, University of California, Berkeley.

¹⁰⁶ Lukes and Okihiro, *Japanese Legacy*, 120.

housing provided an option. Edmiston induced a local cooperative growers' association to purchase 400 prefabricated housing units in order to house farmworkers and their families.¹⁰⁷ For those without housing available through employment, Edmiston brought together representatives from the Council for Civic Unity (CCU) and the local JACL to operate a hostel program for returnees who had no housing.¹⁰⁸

The CCU established the hostel in the old Japanese Buddhist church in Nihonmachi, the same one that Mace had photographed; lacking other housing, many of the guests stayed for months.¹⁰⁹ A multiracial organization organized primarily by white women, the CCU had ties to the churches and liberal groups.¹¹⁰ Along with the JACL, the CCU emerged as the local organization most devoted to helping to resettle, in the words of Evelyn Settles, chair of the organization's hostel committee, the "thousands of worthy citizens who were so rudely displaced."¹¹¹

Resettlement was especially difficult because of the economic losses suffered by Japanese Americans. Evacuees had lost years of income.¹¹² Many Japanese Americans lost their homes and possessions. "People thought they'd seen the last of the Japanese forever," said Edmiston. "It was open season and they took everything."¹¹³ When they were evacuated, many Japanese Americans left their property in the hands of others who agreed to guard it. One result, said Edmiston, was "the bilking of the evacuees by persons taking advantage of their position."¹¹⁴ As late as 1947, Japanese American farmers still

¹⁰⁷ United States Department of Interior, *People in Motion*, 173.

¹⁰⁸ "Seek Housing For Evacuees in San Jose," *Pacific Citizen*, March 17, 1945.

¹⁰⁹ "Two Thousand Have Returned from Camps to San Jose Area."

¹¹⁰ "San Jose Group Sets Up Plan to Aid Evacuees," *Pacific Citizen*, January 27, 1945.

¹¹¹ Gary Y. Okihiro, "The Japanese in America," ed. Brian Niiya, *Japanese American History: An A-to-Z Reference from 1868 to the Present* (New York: Japanese American National Museum, 1993), 20.

¹¹² United States Department of Interior, *People in Motion*, 51.

¹¹³ Lukes and Okihiro, *Japanese Legacy*, 122.

¹¹⁴ "WRA Staff Will Be Enlarged for San Jose Area," *Pacific Citizen*, April 28, 1945.

waited to recover possessions that whites had agreed to watch for them. Harry and John Araki filed suit to recover “plows, tractors, a spray rig, 1100 field trays, 500 lug boxes, two black horses, ladders and other equipment” that they had left in the care of R.A. and M.P. Col, who had reneged on their agreement to relinquish the property when the Arakis returned.¹¹⁵ Even many of the possessions left in the care of the government were lost. The WRA acknowledged that massive amounts of evacuee property was pilfered, vandalized, and otherwise destroyed while in government warehouses.¹¹⁶ “Some lost everything they had,” admitted a WRA report; “many lost most of what they had.”¹¹⁷

Evacuees who had been leasing farms or commercial properties had lost the leases to others.¹¹⁸ While tenants fared worse, property owners also suffered losses. Unable to make mortgage payments and property taxes, many evacuees lost their houses and farms.¹¹⁹ Those who owned property outright, or who had rented it generally were able to retake control of their properties, but often not in the condition they left it. Sam Uchiyama and his brothers Katsuzo and Shigaru had been orchardists near Los Gatos; when evacuated, they stored their families’ belongs in their house, which they boarded up with two by six planks to prevent intruders. When Sam returned to San José, he reported to the WRA, and Edmiston drove him to check on his possessions. “Not only were the household goods gone,” reported Edmiston, “but the house in which they had been stored was gone.”¹²⁰

¹¹⁵ “San Jose Pair Ask Return of Farm Equipment,” *Pacific Citizen*, March 1, 1947.

¹¹⁶ United States Department of Interior, *People in Motion*, 52.

¹¹⁷ *Ibid.*, 51.

¹¹⁸ *Ibid.*, 52.

¹¹⁹ *Ibid.*, 55.

¹²⁰ Lukes and Okihiro, *Japanese Legacy*, 122.

For returnees, acknowledged a JACL report, “Housing is the biggest problem.”¹²¹ Japanese Americans sought to find housing during one of the country’s most severe housing shortages. The need for manpower in wartime industries drew migrants into cities where there was not enough housing to go around. The shortage was particularly severe in the South Bay, where thousands of new jobs brought migrants into a housing market that was already cramped before the war began.¹²² As the San José district WRA office reported to Gila River Relocation Center director Douglas M. Todd: “Jobs available but housing desperate.”¹²³ Military investments in new weapons industries, particularly in the northern part of Santa Clara County, drew migrants from around the country. The agricultural industries that dominated the Santa Clara Valley’s economy expanded their production of canned and dried foods, required by the military to feed the millions of soldiers fighting in both the Atlantic and Pacific theaters. Many also converted to the production of war material. Canneries that had operated seasonally began manufacturing military goods year-round. Food Machinery Corporation, for example, stopped producing insecticide pumps for orchards and churned out amphibious landing crafts and armored personnel carriers.¹²⁴ The Navy established the Moffett Naval Air Station between Mountain View and Sunnyvale. After the war, furthermore,

¹²¹ JACL National Headquarters to Associated Members, “JACL Resettlement Program,” Memo, April 26, 1943, 2, Box 48, JACL National Bulletins 1943, 2 of 2, Series 14, Japanese American Citizens League History Collection, Japanese American National Library.

¹²² John H. Fahey to Corwin A. Fergus, “Special Summary Survey of San José, California,” Memorandum, January 28, 1938, Box 38, Folder: Survey of San Jose, Cal #1, RG 195, Records of the Federal Home Loan Bank Board, Home Owners Loan Corporation, Records Relating to the City Survey File, 1935-1940, National Archives II.

¹²³ War Relocation Authority, *A History of Relocation at the Gila River Relocation Center*, 1945, 314, Bancroft Library, University of California, Berkeley.

¹²⁴ Matthews, *Silicon Valley, Women, and the California Dream*, 4.

thousands of discharged veterans moved to the South Bay.¹²⁵ Yet, during the war, no new housing was being built. The result was a crushing housing shortage.

The housing shortage was exacerbated by an increase in the area's Japanese American population. By 1947, only 60 percent of evacuees had returned to the state, leaving most areas—including Los Angeles's Little Tokyo—with smaller Japanese American communities. The Santa Clara Valley, on the other hand, experienced a population boom.¹²⁶ As Japanese Americans left relocation centers, they flooded into the valley; as early as June of 1945, Santa Clara County led all California counties in the number of returned evacuees.¹²⁷ As Santa Clara County welcomed its new residents, the Japanese American population, 3,773 before the war, mushroomed to 6,250 in 1946; only Los Angeles, the traditional capital of Japanese America, and Chicago, where many evacuees moved during the war to escape internment, housed more Japanese Americans.¹²⁸ Because of the large numbers of returnees, and the complexity of their problems, the WRA expanded the San José office, hiring a property expert.¹²⁹

Not only did most former residents return to the Santa Clara Valley, but so did thousands of Japanese Americans who had resided before the war in the Imperial Valley and the central coast valleys, where local whites fiercely opposed resettlement. Although the Santa Clara Valley had seen plenty of attacks on resettlers, other areas saw more, such as the Central Valley, where there had been 20 shootings of Japanese Americans

¹²⁵ United States Department of Interior, *People in Motion*, 173.

¹²⁶ *Ibid.*, 82.

¹²⁷ "Santa Clara County Leads in Number of Returned Evacuees," *Pacific Citizen*, June 30, 1945.

¹²⁸ United States Department of Interior, *People in Motion*, 65, 112, 145, 158.

¹²⁹ "WRA Staff Will Be Enlarged for San Jose Area."

homes.¹³⁰ According to a War Agency Liquidation Unit report, the Santa Clara Valley was “more favorable than in any other section of the west.”¹³¹

In the Santa Clara Valley, there was less animosity in part because of the racially divided agricultural system, in which Japanese American farmers focused on labor-intensive berries and vegetables while white farmers focused on tree fruits. There were also economic incentives for cooperation. Many of the white farm owners were glad to see Japanese Americans return because they had had difficulty hiring sufficient farmworkers.¹³²

The situation was also due to the hard work of local institutions, especially the CCU, the JACL, and the WRA office. Edmiston helped make Santa Clara County a unique destination for resettlers. An outspoken critic of internment, Edmiston quickly forged a friendship with the JACL, opining that evacuation was not a military necessity—“it was a tragic and terrible mistake.”¹³³ He also earned the trust of his superiors, who saddled local relocation officers with the combined duties, according to a WRA report, of “law offices, realty companies [and] service agencies.”¹³⁴ The report noted the differences between relocation officers: “While they may have been guided by relatively the same basic policies the personality complex of a relocation officer determined our esteem of the office, and generally the functions that we could anticipate. In our minds Relocation Officer James Edmiston, of the San Jose office, towered far above the considerations we held about the others.”¹³⁵ In the *Pacific Citizen*, the JACL credited

¹³⁰ United States Department of Interior, *People in Motion*, 62.

¹³¹ *Ibid.*, 66.

¹³² *Ibid.*, 61.

¹³³ “San Jose WRA Head Thanks Evacuees for Cooperation,” *Pacific Citizen*, June 1, 1946.

¹³⁴ War Relocation Authority, *A History of Relocation at the Gila River Relocation Center*, 280.

¹³⁵ *Ibid.*

Edmiston “with accomplishing the most successful relocation program of the WRA offices.”¹³⁶ The San José office was the last district office of the WRA. When it closed May 4, 1946, it had helped resettle a higher percentage of evacuees than any other office.¹³⁷ The sanguine Edmiston—who, after all, had been attacked by gunmen—said, “We didn’t expect the relocation process to go along quite as smoothly as it has.”¹³⁸ With the closing of the WRA, the local JACL held a dinner in Edmiston’s honor.¹³⁹

Yet, in spite of the work of the local WRA and civic organizations, housing remained hard to come by. Japanese Americans experienced the housing shortage particularly hard. The WRA, now renamed the War Agency Liquidation Unit, studied the problem of Japanese Americans resettlement, holding hearings and in 1947 releasing a report, *People in Motion*. For resettlers, observed the report, “the shortage of housing has been a national problem of crisis proportions.”¹⁴⁰ In the Bay Area, the shortage was “desperate.”¹⁴¹ One resettler, Katie Hironaka, who was born in Cupertino, lived in a barn with her family and in-laws until she found housing.¹⁴² Her parents lived in the Japanese church for several months. Unable to find housing in the smaller Bay Area cities, such as Redwood City, resettlers flocked to urban centers.¹⁴³ The Oakland International Institute, an immigrant aid organization, tried to help resettlers find housing around the Bay Area. “I receive telephone calls daily from persons who are frantically trying to find a place to live,” reported an International Institute worker who had talked with five families who

¹³⁶ “San Jose WRA Head Thanks Evacuees for Cooperation.”

¹³⁷ “San Jose WRA Aided 6400 of Returnees,” *Pacific Citizen*, May 11, 1946.

¹³⁸ Lukes and Okihiko, *Japanese Legacy*, 123.

¹³⁹ “San Jose WRA Aided 6400 of Returnees.”

¹⁴⁰ United States Department of Interior, *People in Motion*, 166.

¹⁴¹ *Ibid.*, 178.

¹⁴² Katie T. Hironaka, interview by Barbara K. Uchiyama, December 5, 1997, 101, REgenerations Oral History Project: Rebuilding Japanese American Families, Communities, and Civil Rights in the Resettlement Era: San Jose Region; Volume IV, Japanese American National Museum.

¹⁴³ United States Department of Interior, *People in Motion*, 178.

shared a five-room house, a family of six who shared a single room, and a family of three living in a kitchen.¹⁴⁴

The New Little Tokyo

The JACL worried about urban racial segregation. Like the WRA's attempts to shape public perception of Japanese Americans and resettlement, the JACL had initiated its own public relations campaign. The JACL distributed a list of suggestions to facilitate a smooth transition back home. The organization urged resettlers to be at once "inconspicuous" as well as highly visible. It encouraged performing an assimilated American identity whenever possible—befriend whites, celebrate white war heroes, and, above all, integrate: "Integration in the neighborhood and community is a mandate of public relations."¹⁴⁵ Editorials in Japanese American newspapers urged returnees to avoid forming "Little Tokyo" neighborhoods that made them "disgustingly conspicuous."¹⁴⁶ Residential segregation not only highlighted the visibility of internees but also reinforced their image of difference. Residential segregation maintained and reproduced racial animosity. The spatial form of the segregated city reinforced the discourses that portrayed Japanese Americans as alien. As Eliot Mears had concluded in his survey of race relations between whites and Orientals, "Segregation is the cause and also the result of prejudice and ignorance."¹⁴⁷ The WRAPS's insistent focus on images of the home reflected the degree to which housing was scarce, the images of families relaxing on porches intended to assuage returnees anxiety; the WRAPS's focus on integration,

¹⁴⁴ Ibid.

¹⁴⁵ Joe Grant Masaoka, "National JACL Public Relations Program", April 27, 1944, 7, Box 48, JACL National Bulletins 1943, 1 of 2, Series 14, Japanese American Citizens League History Collection, Japanese American National Library.

¹⁴⁶ McWilliams, *Prejudice*, 169.

¹⁴⁷ Mears, *Resident Orientals on the American Pacific Coast*, 357.

likewise, reflected the degree to which segregation continued. “[G]iven the present housing shortage,” noted Carey McWilliams, “evacuees have been forced to obtain housing in the same neighborhoods.”¹⁴⁸

The housing shortage created a new racial geography in postwar California cities. White residents appropriated many of the Japanese American properties in outlying areas. In urban neighborhoods, on the other hand, the wartime internment of Japanese Americans opened up housing opportunities that were not restricted by race. The Valley’s other nonwhite residents—particularly Filipinos, Mexican Americans, and African Americans—rushed to claim these properties. When Japanese Americans returned, they encountered a Japantown that was much more racially diverse, and more crowded. “[D]espite the great increase in population,” noted the WALU report, “the Japanese, and other minority groups who are kept out of the ‘acceptable’ areas, must continue to congregate despite their increased numbers in the same cramped space they had before The Evacuation.”¹⁴⁹ On May 1, 1947, Mike Masaoka, National Legislative Director of the JACL Anti-Discrimination Committee, testified before the Presidential Committee on Civil Rights, “We persons of Japanese ancestry know the meaning of a housing shortage. We were evicted from our homes and now that we are permitted to return, we find that our former accommodations are occupied by members of other minority groups. We cannot purchase or rent housing in other areas because of restrictive covenants that apply not only to us but to several others. Thus, we are forced to either evict the present occupants or to crowd in in what few facilities there are. In either case, we are not

¹⁴⁸ McWilliams, *Prejudice*, 169.

¹⁴⁹ United States Department of Interior, *People in Motion*, 178–179.

improving community relations but creating race tensions that may, unless something is done to relieve the situation, break out into ugly sores.”¹⁵⁰

Because of segregation, most Japanese returned to Japantown, on the north end of San José, separated from the downtown business district by a belt of industry and parks. Japantown, however, looked different from before. While the Japanese were interned, the racial geography of the Valley changed. Mexicans, African Americans, and Filipinos, who had migrated to the area to work in wartime industries as well as farms and canneries, were, like Japanese Americans, excluded from most neighborhoods and took up residence in the abandoned Japantown, which soon housed a majority of Filipino and black residents.¹⁵¹ Residential changes in turn affected the demographics of schools. Before the war, Orchard Elementary School, just north of Nihonmachi, had enrolled only Japanese students. With the Japanese American children interned, and the neighborhood demography changing, Orchard school enrolled Mexican American children.¹⁵²

Japanese, Mexican, and African Americans increasingly lived in the same social world, and not without tension. This is reflected in the ACLU’s reports on anti-Japanese crimes during the resettlement era. For example, one report notes that four local boys—“two Negro brothers, aged 13 and 14, and two Mexican brothers, aged 10 and 9”—tried to rob San José’s Japanese Methodist Church, located in Nihonmachi.¹⁵³ The ACLU reported this as an anti-Japanese crime, yet what it demonstrates more than racial bigotry is a social world in which black, Mexican, and Japanese Americans lived in the same

¹⁵⁰ Ibid., 259.

¹⁵¹ Aiko (Kato) Kitaji, interview by Karen Matsuoka, August 9, 1998, 261, REgenerations Oral History Project: Rebuilding Japanese American Families, Communities, and Civil Rights in the Resettlement Era: San Jose Region; Volume IV, Bancroft Library, University of California, Berkeley.

¹⁵² Lukes and Okihiro, *Japanese Legacy*, 120.

¹⁵³ “Additional Incidents”, May 1945, Carton 28, Folder 591, American Civil Liberties Union - Northern California Papers, California Historical Society.

communities and formed casual relationships in ways that were rare before World War II. Another report documented an attack by five Mexican Americans, who, driving by, noticed Harry Taketa and his family on the porch of their San José home. Calling them “Japs,” the Mexican Americans attacked the family, who rushed inside their house, locked the door, and called the authorities.¹⁵⁴ While this incident exhibited obvious racial animosity, it, too, was more likely to occur because Japanese Americans and Mexican Americans now lived in the same neighborhoods.

When the internees returned to Nihonmachi, they also faced conflicts with the Filipinos who had settled in the neighborhood. The war had already brought out tensions between Filipinos and Japanese Americans. After the Japanese attack on Manila, there was a string of shootings in Santa Clara County, including Filipinos who shot Mrs. N. Nakao, the 50-year-old wife of a San José rancher.¹⁵⁵ After the war, tension continued. San José resident Shigitaki Onichi, for example, had recently returned from internment to his house in Nihonmachi. He sought to spruce the place up and make it feel like home again. He was planting a tree in his front yard when he was accosted by a Filipino sailor, who told him to “get out.”¹⁵⁶ Early the next morning, Onichi found that someone had battered his house with beer bottles.¹⁵⁷ Similarly, shopkeeper Yoshinaga Taketa returned from internment to his Nihonmachi store. To buy goods, he went to the store across the street, now owned by Filipinos. The owners told him, “We don’t want any of your business.” That night, someone broke the front window of his store.¹⁵⁸ Random as such

¹⁵⁴ “West Coast Incidents - III.”

¹⁵⁵ Ernest Besig to Norman Thomas, July 20, 1942, Carton 28, Folder 592, American Civil Liberties Union - Northern California Papers, California Historical Society.

¹⁵⁶ “West Coast Incidents Involving Persons of Japanese Ancestry - IV.”

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

acts might seem, they demonstrated the tensions that accompanied resettlement in Japantown, now marked by the overlapping geographies of Japanese, Mexican, Filipino, and African American commercial and residential districts.

The JACL and Civil Rights

The new spatial forms reshaped the politics of the JACL, which shifted to a focus on using legislation and litigation to achieve full citizenship, defined by civil rights, economic security, and access to the consumer goods of the postwar welfare state. This became a new focus in part because war and internment had changed the political goals and strategies of Japanese Californians. Although JACL leaders expressed their disapproval for evacuation, they nevertheless cooperated with the federal government during internment, urging Japanese Americans to submit peacefully to their relocation.¹⁵⁹ The organization had also promoted military service, encouraging Japanese American men to enlist during the war. Now the organization wanted full citizenship. As JACL leader Saburo Kido had said to General Tom Clark in 1942, “It has been our premise that the more we cooperate with you gentlemen, the more in turn you will cooperate with us.”¹⁶⁰ “Reciprocal cooperation” became the assumed policy of the JACL, and after the war Kido and other leaders expected the government to extend full citizenship to Japanese Americans. At the same time, Kido and other JACL members realized that challenges to race-based laws were necessary—internment, after all, had been based on racial classification.

The shift also reflected the political tensions within the organization. JACL leaders apprehended that they needed to act aggressively in civil rights to appease their

¹⁵⁹ Kurashige, *The Shifting Grounds of Race*, 122–131.

¹⁶⁰ Deborah K. Lim, “Research Paper in Response to the JACL’s Resolution #7” (Japanese American Citizens League, 1990).

members and the wider Japanese American community, many of whom disdained the organization for cooperating with the federal government. Between the bombing of Pearl Harbor and the evacuation in early 1942, more than 14,000 Japanese Americans joined the JACL, tripling its membership from 7,000 to 21,000. The organization added 16 local chapters for a total of 66 as Nisei sought to join an organization “whose loyalty and character,” according to a WRA report, “were unquestionably American.”¹⁶¹ It was also one of the few remaining Japanese American organizations; since its leaders were Nisei, they had been spared the arrests that took the Issei leadership of the major associations.

Subsequently, the federal government dealt with the leaders of the JACL as representatives of the Japanese American community. Young and inexperienced, they were scarcely prepared to speak on behalf of all Japanese Americans. Many Japanese Americans came to see the JACL as complicit in the evacuation, and many noted that Nisei leaders had risen to power with the incarceration of the old Issei leadership.¹⁶² With relocation, mass support for the organization vanished. Its membership shrank to 2,000, and its leaders were attacked in the camps.¹⁶³

But during internment, the JACL transformed. Its members and leaders, many of them radicalized by relocation, debated how their organization should respond to the government’s racial policies. While the JACL backed military service with a discourse of patriotism, they also devised their postwar platform of civil rights and economic security gained through political action. During resettlement, as the JACL launched their legislative and litigation campaigns, members returned to the organization. By the end of 1947, there were 7,000 members, the same as 1941. With Japanese American populations

¹⁶¹ United States Department of Interior, *People in Motion*, 206.

¹⁶² *Ibid.*, 207.

¹⁶³ *Ibid.*

now in Chicago, Denver, New York, DC, Philadelphia, Cleveland, Detroit, and elsewhere, the JACL established chapters nationwide and became a national organization.¹⁶⁴

Following the war, then, the JACL launched an aggressive political and legal campaign for civil rights. The JACL aimed to change policies that limited the rights of Issei as well as Nisei, engaging the issues unique to Japanese Americans (such as the Alien Land Law) along with issues shared with other racial groups (such as restrictive covenants). Both foci reflected an expanded vision of citizenship. Immigration and naturalization laws limited economic prospects, particularly in employment. In many states, citizenship was required for a host of jobs, including lawyers, architects, barbers, certified public accountants, dentists, funeral directors, physicians, and teachers. Because Japanese aliens were racially ineligible to citizenship, they were barred from these occupations.¹⁶⁵ Citizenship laws also limited commercial and residential options, especially after the abrogation of the US-Japan treaty, which had conferred commercial and residential privileges on Japanese aliens in the United States.¹⁶⁶ After the abrogation of the treaty, the California legislature enacted a law requiring citizenship for commercial fishing. Owners of commercial establishments, assuming that it violated the Alien Land Law to lease any property to aliens ineligible to citizenship, canceled leases held by Issei.

To address these issues, the JACL worked with both legislation and litigation. In 1946, the JACL established an Anti-Discrimination Committee to campaign for legislation, particularly to end the Alien Land Law and to enable Japanese naturalization. The first major test of the organization's postwar political strategies came with

¹⁶⁴ Ibid., 210.

¹⁶⁵ Ibid., 33–34.

¹⁶⁶ Ibid., 34.

California's Proposition 15.¹⁶⁷ Introduced by state senators Hugh M. Burns of Fresno and Jack B. Tenney of Los Angeles—who had also introduced legislation in 1946 to have all people of Japanese descent deported, including American citizens and war veterans—Proposition 15 sought to amend and enhance the Alien Land Law.¹⁶⁸

Proponents of the proposition emphasized Japanese Americans' racial foreignness. In their argument in favor, printed in the voters' pamphlet, Tenney and Burns made no attempt at racial neutrality. They accused Japanese aliens of "subterfuge," likening Japanese aliens who bought property to traitorous saboteurs, associated with Imperial Japan and Pearl Harbor.¹⁶⁹ In a letter to the editor of the *Oakland Tribune*, H.J. McClatchy, executive secretary of the California Joint Immigration Committee, headquartered in San Francisco, urged voters to support restrictions on Japanese land ownership. McClatchy linked Japanese farming efforts to the recent war, asking, "Are we already forgetting the Marines' bodies hanging on the barbed wire at Tarawa Atoll?" Because Japanese aliens had evaded the Alien Land Law, the law needed strengthening. If restrictions failed to pass, McClatchy warned, "The end of white ownership of California's rich farm lands will follow."¹⁷⁰ E.E. Grant, one of the state senators who had designed the Alien Land Law, joined McClatchy in this effort to sway the public. In a letter to the editor of the *San Francisco Chronicle*, Grant wrote, with a revealing slip, "The Japanese Alien Land act is in danger."¹⁷¹

¹⁶⁷ Ibid., 32.

¹⁶⁸ Ibid., 41. Tenney and Burns worried that legislative amendments to the Alien Land Law passed during the war might not be constitutional since the original act was created through the initiative process; they therefore sought to validate the amendments by popular vote.

¹⁶⁹ Secretary of State, "Proposed Amendments to the Constitution" (California State Printing Office, 1946), 14, Institute for Governmental Studies Library, University of California, Berkeley.

¹⁷⁰ H.J. McClatchy, "Alien Land Ownership," *Oakland Tribune*, September 6, 1946.

¹⁷¹ E.E. Grant, "Letter to the Editor," *San Francisco Chronicle*, September 14, 1946.

The JACL took the opposite approach, emphasizing the essential Americanness of Japanese immigrants who were being subjected to un-American racial discrimination. In his argument against the proposition in the voters' pamphlet, Joe Grant Masaoka, Regional Representative of the JACL, claimed, "Proponents ask in effect to make race discrimination constitutional."¹⁷² He also insisted that the relatively small population of remaining Issei, many of them women and almost all elderly, "can hardly be deemed a 'threat.'" Above all, opponents emphasized that Japanese Americans had served the United States military in the recent war. "The outstanding war record of 25,000 Japanese-Americans," argued Joe Grant Masaoka, "has earned the right to fair play and decent treatment for themselves and their families. The 442d Regimental Combat Team of Japanese-Americans was our most decorated task force."¹⁷³ The JACL circulated a letter veteran Aikira Iwamura had written to the Los Angeles Daily News. He had returned from the war to find the state of California filing escheat proceedings on his farm. The service of Nisei servicemen proved that, he wrote, "Americanism is in the heart."¹⁷⁴ In San José, the *Mercury Herald's* lead editorial the week before the election recommended a no vote on Proposition 15, asserting that the initiative was "patently aimed at the Japanese" whose "valiant services" in war deserve better.¹⁷⁵

The ACLU voiced its disapproval of the proposition, but there were disagreements within the organization about how much effort to devote to defeating it. Ernest Besig, in particular, saw a political fight as a waste of time and resources. Director and founder of the Northern California branch of the ACLU, Besig had challenged the

¹⁷² Secretary of State, "Proposed Amendments to the Constitution," 15.

¹⁷³ *Ibid.*, 15.

¹⁷⁴ United States Department of Interior, *People in Motion*, 44.

¹⁷⁵ "San Jose Newspaper Criticizes Ambiguity of Land Law Proposal," *Pacific Citizen*, November 2, 1946.

constitutionality of Japanese internment as the attorney of San Leandro resident and American citizen Fred Korematsu.¹⁷⁶ In the case, *Korematsu v. United States*, the Supreme Court ruled that internment of American citizens of Japanese descent was constitutionally permissible in times of emergency.¹⁷⁷ In spite of that loss, Besig was confident that the courts would soon find the Alien Land Law unconstitutional.¹⁷⁸ Nevertheless, he spoke out against the proposed law. At one of his speeches before the Commonwealth Club, San Francisco's meeting of elites, a club member noted the irony of racial laws, remarking, "[I]f the Japanese are not considered assimilable people, why do we try to pass laws to avoid assimilation?"¹⁷⁹

With the ACLU largely bowing out, the JACL led the political fight. The JACL Anti-Discrimination Committee worked aggressively against the proposition, distributing more than 250,000 pamphlets.¹⁸⁰ To get the pamphlets in the hands of voters at last minute election rallies, the organization hired pilots to fly leaflets from JACL headquarters to distant parts of California.¹⁸¹ The JACL also advertised on the radio and in multiple newspapers.¹⁸² "For the first time," said JACL Anti-Discrimination Committee director Mike Masaoka, "Nisei citizens organized, financed, and carried on an important political fight in California."¹⁸³

¹⁷⁶ Peter Irons, *Justice at War: The Story of the Japanese American Internment Cases* (Berkeley: University of California Press, 1993).

¹⁷⁷ *Korematsu v. United States*.

¹⁷⁸ Ernest Besig to A.A. Heist, August 30, 1945, Carton 29, Folder 605, American Civil Liberties Union - Northern California Papers, California Historical Society.

¹⁷⁹ "Commonwealth Club Minutes, Section on Immigration and Americanization", August 7, 1946, 2, Carton 29, Folder 605, American Civil Liberties Union - Northern California Papers, California Historical Society.

¹⁸⁰ "California Voters Repudiate Alien Land Law," *Pacific Citizen*, November 9, 1945.

¹⁸¹ "Pamphlets Flown to Voters by Nisei," *Pacific Citizen*, November 9, 1945.

¹⁸² "California Voters Repudiate Alien Land Law."

¹⁸³ "People's Mandate Has Upset 50 Years of Anti-Orientalism in California, Says Masaoka," *Pacific Citizen*, November 9, 1945.

The campaign generated widespread support, including in the media. For the first time in California, almost all the state's papers opposed legislation aimed at the Japanese, except the Central Valley papers owned by the McClatchy family, the *Sacramento Union*, and the *Oakland Tribune*. Most labor groups, including the CIO, AFL, and Railway Brotherhood, voiced their opposition, as did many church and civil liberty groups. The only major supporters were the state's Chamber of Commerce and the Native Sons of the Golden West.¹⁸⁴

Proposition 15 was voted down, 797,067 to 1,143,780.¹⁸⁵ While rural counties had supported it, the proposition passed in only one urban county, San Diego. In the 1920 initiative vote, the Alien Land Law passed in every county in California. By the postwar era, a split had developed between the rural and urban counties. This shift was pronounced in Santa Clara County, which had long hosted vocal anti-Japanese agriculturalists and politicians. In Santa Clara County, 15,152 residents voted for Proposition 15 and 33,727 voted against. To urban and suburban residents, like those of the Valley, the discourses of "yellow peril" and Japanese alienage no longer made common sense. White Californians increasingly perceived Japanese Americans as another racial minority, one that posed no special threat; urban and suburban residents had no reason to fear Japanese competition in the agricultural economy and housing covenants protected white neighborhoods from any racial infiltration.

Mike Masaoka hailed the victory. "The election results," he pronounced, "prove that most Californians feel that Japanese Americans and their Issei parents have earned

¹⁸⁴ "California Voters Repudiate Alien Land Law."

¹⁸⁵ *Progressive News*, January 8, 1947.

the right to justice and fair treatment.”¹⁸⁶ Masaoka entertained an expansive interpretation of the meaning of the vote. “The unprecedented action of California voters in rejecting Proposition 15,” he declared, “may well presage a new era which will be free of discriminatory legislation for persons of Japanese ancestry, not only in California, but throughout the nation.”¹⁸⁷ Like Masaoka, the *Pacific Citizen* reported that the vote was a “resounding repudiation of legislative racism in California.”¹⁸⁸ Saburo Kido hailed the election as “a promising sign for the future of race relations in California.”¹⁸⁹ “[T]he attitude of the voters,” claimed Kido, “has progressed from the anti-Orientalism of the 1920s” to a belief in equality. An editorial in the *Pacific Citizen* asserted that the historic vote “marks the end of four decades of political scapegoatism directed against the state’s residents of Japanese ancestry.” “the rejection of Proposition 15 by a plurality of more than 250,000 proves that these racist statutes no longer represent public policy.”¹⁹⁰

For all the celebration of the vote, “racist public policy” remained in full effect; the failure of Proposition 15 did not in any way repeal the Alien Land Law or judicially enforced covenants. Before the war, political opposition and legal indeterminacy had already made it difficult for Japanese Californians to own or lease residential and commercial properties. With the abrogation of the U.S.-Japan Treaty in 1940, Japanese Californian ownership and use of residential and commercial properties was even less secure.¹⁹¹ “It will be noted,” announced Robert Kenney, Attorney General of California,

¹⁸⁶ “People’s Mandate Has Upset 50 Years of Anti-Orientalism in California, Says Masaoka.”

¹⁸⁷ *Ibid.*

¹⁸⁸ “California Voters Repudiate Alien Land Law.”

¹⁸⁹ “Defeat of Proposition 15 Shows Opposition of Voters to Race-Baiting Legislation,” *Pacific Citizen*, November 9, 1945.

¹⁹⁰ “Proposition 15,” *Pacific Citizen*, November 9, 1945.

¹⁹¹ United States Department of State, “Notice of Termination of Treaty of 1911 With Japan” in *Department of State Bulletin*, vol. 1 (Washington, D.C.: Office of Public Communication, Bureau of Public Affairs, 1939), 81.

to the California Land Title Association in 1944, “that the right to own land, for any purpose, is nowhere reserved.... The escheat program now in progress is directed primarily at agricultural lands, at least for the present. This does not mean, however, that ownership of land for other uses and purposes will not be made the subject of scrutiny and action later on.”¹⁹² The attorney general began prosecution of Japanese-owned commercial establishments, and many observers expected him to challenge residential real estate next.¹⁹³ If he did so, noted one California attorney, “those without homes to return to would be unable to buy or lease houses in which to live... For all practical purposes the alien's right to live in the state would be meaningless.”¹⁹⁴ During World War II, with increasing anti-Japanese racism, California passed more legislation aimed at preventing Japanese from owning land and facilitating the prosecution of those who tried.¹⁹⁵ Bolstered by new legislation and anti-Japanese attorneys general, the state entered into escheat proceedings. Indeed, the state conducted more escheat proceedings in the five years after 1942 than in the preceding fifteen.¹⁹⁶

The result of one of these escheat cases, after the war, was *Oyama v. California*. Kajiro Oyama, an Issei farmer, had paid for two parcels of agricultural land but titled it in the name of his son, Fred, an American citizen. The state brought escheat proceedings against Oyama, and five days before Proposition 15 was voted down, a state trial court

¹⁹² Quoted in Dudley O. McGovney, “The Anti-Japanese Land Laws of California and Ten Other States,” *California Law Review* 35, no. 1 (March 1947): 27.

¹⁹³ *Palermo v. Stockton Theatres*, 32 Cal.2d 53 (California Supreme Court 1948).

¹⁹⁴ Ferguson, “The California Alien Land Law and the Fourteenth Amendment,” 89.

¹⁹⁵ McGovney, “The Anti-Japanese Land Laws of California and Ten Other States,” 31.

¹⁹⁶ Robinson and Robinson, “Korematsu and Beyond: Japanese Americans and the Origins of Strict Scrutiny,” 36.

ruled that Kajiro's gift of the land to his son was an attempt to evade the Alien Land Law, and hence a violation of it, ordering the land escheated to the state.¹⁹⁷

With the help of the ACLU and JACL, Oyama appealed the case to the California Supreme Court, which affirmed the lower court's decision, and from there to the U.S. Supreme Court. In their appeal, the attorneys observed, "The statute, in its present form by prohibiting an ineligible alien from even 'occupying' land, deprives him of the right to live in his home—or any home."¹⁹⁸ In his concurring opinion in the 1948 case, Supreme Court Justice Hugo Black noted that the broad language of the Alien Land Law prevented aliens ineligible to citizenship from purchasing "real property." Treaty rights had enabled Japanese aliens to purchase residential properties, but as of 1940, the treaty had been abrogated. "Since the abrogation of this treaty," reasoned Justice Black, "it is doubtful whether Japanese aliens in California may own or rent a home or a business." He concluded, "It would therefore appear to be a crime for an alien of Japanese ancestry to own a home in California, at least if the land around it is suitable for cultivation."¹⁹⁹ That included most of the areas surrounding cities and their developing suburbs, especially in the Santa Clara Valley.

In its majority decision in *Oyama*, the Supreme Court did not invalidate the 1913 and 1920 Alien Land Laws but found that their application to citizen children was unconstitutional; four justices, including Black, in a concurring opinion, contended that the Alien Land Laws violated the 14th Amendment. Following this precedent, California

¹⁹⁷ *People v. Oyama*, 29 Cal. 2d 164 (1946).

¹⁹⁸ United States Department of Interior, *People in Motion*, 45.

¹⁹⁹ *Oyama v. California*.

state courts, in the cases of *Fujii v. California* and *Masaoka v. California*, dismantled much of the law.²⁰⁰ These decisions effectively rendered the law inoperable.

The JACL's Legal Challenge to Covenants

The political and legal battles over the Alien Land Law succeeded in defining Japanese Americans as Americans. No longer did the political discourse emphasize invading alien races but rather American racial minorities. As American racial minorities, however, Japanese Americans faced many obstacles to equality. The most pressing for the JACL were those concerning property and housing. In spite of the *Oyama* victory, the racial landscape of metropolis remained segregated. The JACL began an ambitious legal attack on metropolitan racial segregation.

A manifestation of the JACL's embrace of the discourses of civil rights and property rights, the lawsuits signified an expansion of the organization's political and legal interests, confined previously to a focus on narrower legislation. The JACL's legal strategy emphasized that Nisei were American citizens deprived of the rights of citizenship because of their race. This emphasis shifted the focus from ineligible aliens, to whom few rights applied, to an American minority, due the constitutional protections of the 14th amendment.

As "another minority" the JACL found common cause with other people of color. The lawsuits marked a new interest in interracial cooperation for the JACL. As Joe Grant Masaoka remarked in a JACL public relations memo, "We who have been the scapegoat for Pearl Harbor can ill afford to be prejudiced toward others like Mexicans, Jews, and Negroes."²⁰¹ The *Pacific Citizen*, the JACL's San Francisco-based newspaper, began

²⁰⁰ *Fujii v. California*; Masaoka, "National JACL Public Relations Program."

²⁰¹ Masaoka, "National JACL Public Relations Program," 6.

covering the civil rights struggles of Mexicans and African Americans.²⁰² The paper urged its readers to be “friends” of Mexican Americans, who faced similar problems. “A comparison is inevitable” between Japanese Americans and Mexican Americans, stated one article, entreating readers to offer sympathy and assistance to their less fortunate brothers. “Nisei,” continued the article, “if you think you’ve had it tough, read Carey McWilliams’ new book, *North From Mexico*.”²⁰³ To the interracial committees that became increasingly common in the postwar years, the JACL regularly sent representatives. Local JACL chapters, moreover, sponsored events with other civil rights groups.²⁰⁴ In Los Angeles, the JACL joined the Community Services Organization and Mexican American civic groups in their celebration of Mexican Independence day.²⁰⁵

The interracial interests of the JACL did not stop at fetes. The organization supported, with *amici curiae*, the lawsuits of other civil rights groups, particularly the NAACP and ACLU, and private litigants, notably in the case of *Mendez v. Westminster*. In December of 1946, the organization established the JACL Legal Fund “to protect the civil and property rights” of not only Japanese Americans but also “other racial minorities.” As JACL national secretary Mike Masaoka noted, “The filing of briefs *amici curiae* in behalf of other minorities is a departure from traditional JACL policy and marks a growing awareness on the part of JACL leadership of the common interests of all racial minority groups.”²⁰⁶

²⁰² “The Mexican Problem,” *Pacific Citizen*, April 10, 1948.

²⁰³ “The Mexican Americans,” *Pacific Citizen*, January 15, 1949.

²⁰⁴ Toni Robinson and Greg Robinson, “The Limits of Interracial Coalitions: *Mendez v. Westminster* Reexamined,” in *Racial Transformations: Latinos and Asians Remaking the United States*, ed. Nicholas De Genova (Durham: Duke University Press, 2006), 98–99.

²⁰⁵ “JACL to Help in Observance of Mexican Fete,” *Pacific Citizen*, September 8, 1951.

²⁰⁶ “JACL Establishes Defense Fund for Civil Rights Cases,” *Pacific Citizen*, December 7, 1946.

With a focus on not only immigration and naturalization law but also segregated schools and restrictive covenants, the JACL Legal Fund indicated the increasing influence of metropolitan space on Japanese American politics. Urban issues shaped the JACL's concerns as well as its strategies, its political goals and its conceptualization of rights, indeed, even its new understanding of race, in which Japanese Americans were not so much a unique group as just another racial minority. Even the JACL's challenges to policies most associated with Japanese aliens were inflected with urban concerns and rendered through urban struggles. Mike Masaoka, for example, challenged California's Alien Land Law with a lawsuit asking whether he and his four brothers, all American citizens, had violated the law by giving their elderly mother, a Japanese alien, an unimproved city lot for the building of a house.²⁰⁷

The issue most influenced by urban concerns, and the one most linked to other racial groups and civil rights organizations, was the litigation of racially restrictive covenants. To JACL strategists, it appeared that restrictive covenants were the primary cause of their urban problems.²⁰⁸ "Since [Japanese Americans] had to resettle," explained JACL attorneys, "and their former residences were occupied by other people, it would seem to follow that they would disperse in the community at large, and the Little Tokyo would not reappear. This might have happened had not a potent and powerful force worked against it. That force was the race restrictive covenant."²⁰⁹ When Japanese Americans returned, they found that cities were "almost completely blanketed with

²⁰⁷ *Masaoka v. California*.

²⁰⁸ Japanese American Citizens League, "Amicus Curiae Brief to the Supreme Court of the United States, October Term, 1947, No. 290, for Hurd Vs. Hodge", 1947, 5, Box 7, Folder "Housing, 1952-53, 58," Japanese American Citizens League History Collection, Japanese American National Library.

²⁰⁹ *Ibid.*

restrictive covenants.”²¹⁰ Realtors deployed restrictive covenants in an attempt to close all San Francisco suburbs to nonwhites, including Japanese Americans.²¹¹ The JACL newspaper noted that in San Mateo County covenants not only affected tracts: “there are whole towns where persons of non-white ancestry cannot live.”²¹²

Led by legal counsel A.L. Wirin, the JACL joined the NAACP, ACLU, and other organizations in fighting restrictive covenants through the courts. Born in Russia, Wirin migrated to the United States as a child, settling in Boston’s Jewish ghetto. He attended Harvard University and Boston University Law School, and after graduating moved to New York to work with the American Civil Liberties Union, a relationship that he continued for the rest of his life.²¹³ Brash and principled, Wirin earned both respect and hatred as a civil liberties lawyer. In the 1930s, Wirin moved to California to assist Mexican American farmworkers in their struggle for labor rights, whereupon he was “kidnapped, beaten, robbed, threatened with death, and dumped in the desert” by growers.²¹⁴ He soon began defending Japanese Americans who were fighting internment and resisting the draft. His commitment to civil liberties earned him a lifetime of dismissals; the CIO, which he worked for in the 1930s, fired him in 1942 for representing Japanese American draft resisters. The JACL, in turn, later fired him for defending communists in the 1950s, while labor leader and communist Elizabeth Gurley Flynn praised him as one of the last “vigorous” defenders of free speech.²¹⁵

²¹⁰ Ibid., 8.

²¹¹ Ibid.

²¹² “Restrictive Covenants,” *Pacific Citizen*, May 8, 1948.

²¹³ Brian Niiya, ed., “Abraham Lincoln Wirin,” *Japanese American History: An A-to-Z Reference from 1868 to the Present* (New York: Japanese American National Museum, 1993), 350–351.

²¹⁴ Gilbert G. Gonzalez, *Mexican Consuls and Labor Organizing: Imperial Politics in the American Southwest* (Austin: University of Texas Press, 1999), 181.

²¹⁵ Senate Fact-Finding Subcommittee on Un-American Activities, *Communist Activities in California: The Eleventh Report of the Senate Fact-Finding Subcommittee on Un-American Activities*, 1961.

In the JACL's amicus briefs in the covenant cases, Wirin collaborated with Loren Miller, a colleague at the ACLU who also worked with the NAACP. Raised in Kansas, Miller moved to Los Angeles in the 1930s to edit the *California Eagle*, the black community's most popular weekly newspaper, and to practice law. A fierce critic of housing segregation, he litigated over 100 racial covenant cases by the late 1940s. The absolute power of covenants began to crack in the 1944 case of *Fairchild v. Raines*, when the California Supreme Court ruled that, while racially restrictive covenants were acceptable legal tools, judges must use their discretion when deciding when and how to enforce them.²¹⁶ Wirin and Miller continued the legal challenge to restrictive covenants in the briefs they filed for the JACL, ACLU, and NAACP for the Supreme Court, especially with the case of *Hurd v. Hodge*.

Historians have tended to place covenants and alien land laws in separate categories, the first impacting African Americans and the second Japanese immigrants. But the JACL and ACLU saw restrictive covenants and state alien land laws as interconnected problems: race-based legal practices intended to control space for the benefit of whites. The JACL made this connection in an amicus brief for *Hurd v. Hodge*. "Couple this experience [of restrictive covenants]," the JACL attorneys wrote, "with the restrictions placed by the Alien Land Laws and we see a picture of an integral part of our national population driven from desirable areas and pushed into cramped and overcrowded ghettos."²¹⁷ The ACLU, likewise, saw ostensibly agricultural Alien Land Laws as interconnected with urban problems. In a letter to Besig, A.A. Heist, director of the Southern California branch of the ACLU, linked the Alien Land Law with covenants,

²¹⁶ *Fairchild v. Raines*, 24 Cal. 2d 818 (1944).

²¹⁷ Japanese American Citizens League, "Amicus Curiae Brief to the Supreme Court of the United States, October Term, 1947, No. 290, for *Hurd Vs. Hodge*," 8.

for both concerned the control of race and space. “We think that the Supreme Court will outlaw restrictive covenants,” wrote Heist, “but if Proposition 15 passes the racebaiters will be encouraged to keep up the fight in other fields.”²¹⁸

The JACL and ACLU recognized that segregation was due both to policies premised on foreignness—such as the Alien Land Law—as well as those directed against domestic racialized groups—as in restrictive covenants.²¹⁹ Accordingly, JACL attorneys situated their argument within the discursive strand of racial liberalism, casing Japanese as Americans, no different from other Americans but for the color of their skin. In their amicus brief for *Hurd v. Hodge*, JACL attorneys argued that restrictive covenants contributed to an “enforced ‘ghettoizing’” of Japanese Americans into “Little Tokyos.”²²⁰ With language saturated with symbols of American identity, from patriotic language to heroic veterans, the JACL indicted the courts as un-American for enforcing Nazi-like covenants. “Though having fought for this country in the war for the ideal of ridding the world of the pernicious doctrine of the ‘Master Race’, the returning American veteran of Japanese ancestry finds that theory more prevalent in this country than ever before. But an even greater blow is for him to find an official arm of his government, the very courts themselves, aiding in and making possible the further spread and growth of this cancer.”²²¹

The amicus brief argued that the racialization of Japanese Americans was tied to urban geography. In *Korematsu*, noted the brief, the Supreme Court had justified the

²¹⁸ A.A. Heist to Ernest Besig, October 4, 1946, 2, Carton 29, Folder 605, American Civil Liberties Union-Northern California Papers, California Historical Society.

²¹⁹ Ibid.

²²⁰ Japanese American Citizens League, “Amicus Curiae Brief to the Supreme Court of the United States, October Term, 1947, No. 290, for *Hurd Vs. Hodge*.”

²²¹ Ibid., 5.

evacuation of American citizens of Japanese descent in part on the charge that they were “unassimilated.”²²² “If those charges be true,” contended the brief, “they can to a great extent be attributed to the presence of the restrictive covenant.... Were the Japanese not forced, by reason of race restrictive covenants, to live in definite areas, they would presumably have lived normal lives throughout the area and consequently the ‘clannishness’ which General DeWitt found so inimical to national safety would not have existed.”²²³ Indeed, as Justice Murphy had pointed out in his dissent in *Korematsu*, “To the extent that assimilation is a problem, it is largely the result of certain social customs and laws” that governed residential options.²²⁴

The JACL’s efforts were successful when, on May 3, 1948, the Supreme Court, joining *Hurd* with *Shelley v. Kraemer*, which was decided the same day, ruled that racial covenants were unenforceable.²²⁵ Yet the victory was not as clear-cut as it seemed. In his majority opinion in *Shelley v. Kraemer*, Chief Justice Vinson emphasized that covenants themselves were not illegal, writing, “[S]o long as the purposes of those agreements are effectuated by voluntary adherence to their terms it would appear that... the provisions of the [Fourteenth] amendment have not been violated.”²²⁶ Thus, even after the United States Supreme Court ruled restrictive covenants unenforceable, local realtors, homeowners, and developers continued to use them throughout the 1950s. “Proponents of

²²² *Korematsu v. United States*.

²²³ Japanese American Citizens League, “Amicus Curiae Brief to the Supreme Court of the United States, October Term, 1947, No. 290, for *Hurd vs. Hodge*,” 4.

²²⁴ *Korematsu v. United States*. Justice Stone made a similar point in his opinion in *Hirabayashi*: “[S]ocial, economic and political conditions... have in large measure prevented their assimilation... The restrictions, both practical and legal, affecting the privileges and opportunities afforded to persons of Japanese extraction residing in the United States, have been sources of irritation and may well have tended to increase their isolation...”

²²⁵ *Hurd v. Hodge*, 334 U.S. 24 (1948); *Shelley v. Kraemer*, 334 U.S. 1 (1948). Because it relied on 14th Amendment protections and applied to the states, *Shelley* has become the better known case. *Hurd*, because it dealt with covenants in the District of Columbia, which was not subject to the 14th Amendment, was decided based on federal statute, the Civil Rights Act of 1866.

²²⁶ *Shelley v. Kraemer*.

segregation,” warned civil rights attorney Loren Miller less than a month after the decision, “are already engaging in vigorous campaigns to induce property owners to abide by the terms of existing restrictive covenants and, indeed, to enter into new agreements of like character with provisions for damages against violators.”²²⁷ *Shelley* determined that courts could not oust from a property a buyer whose race violated the covenant; yet it was an open question whether the court could enforce the penalties for breaching a racially restrictive covenant. Real estate professionals and homeowners argued that, while the courts were unable to expel non-white buyers, they could still enforce the terms of the contract on sellers, particularly by making them liable for damages for breach of contract.

The provisions for damages created a financial penalty for sellers that was severe enough—or threatening enough—that it maintained segregated neighborhoods. Again, the JACL joined the NAACP and ACLU in fighting covenants, filing amici briefs in the 1953 case of *Barrows v. Jackson*, the California case that determined the issue.²²⁸ The Supreme Court (this time with Chief Justice Vinson in dissent) ruled that courts could not enforce a suit for damages against a covenantor for breach of the covenant. It was “a terribly important case,” said ACLU attorney Fred Okrand, who litigated it with Loren Miller and who had worked with the JACL on the *Korematsu* and *Oyama* cases. “Had we lost *Barrows v. Jackson*,” said Okrand, “*Shelley v. Kraemer* would have been kind of a Pyrrhic victory.”²²⁹ *Barrows* ensured that covenants, finally, were unenforceable.

Conclusion

²²⁷ Loren Miller, “A Right Secured,” *The Nation*, May 29, 1948.

²²⁸ *Barrows v. Jackson*, 346 US 249 (1953).

²²⁹ Fred Okrand, “Forty Years Defending the Constitution,” interview by Michael Balter, 1982, 261, Department of Special Collections, Charles E. Young Research Library, University of California, Los Angeles.

Not everyone, however, shared Okrand's evaluation. To Miller, *Barrows* marked "the final chapter" in the covenant cases, but just one part of the long story of state power in shaping racialized markets.²³⁰ As segregation deepened, many civil rights activists increasingly came to see *Shelley* as a pyrrhic victory. The failure of the case to undo residential segregation lay in the fact that covenants were only one part of a system of policies that encouraged segregation.

In the years following World War II, Japanese Americans had entered into a new relationship with urban space and political institutions, a relationship that informed a civil rights politics involving both legal and legislative programs. Yoshihiro Uchida, like other San José Nisei, had not originally been involved in local politics. Years later, Uchida was asked if he had joined Evelyn Settles and the CCU in their effort to challenge racial discrimination. "No," he replied, "they were around, but I was trying to make a living and didn't get a chance to get involved with that."²³¹ He soon found, however, that racial discrimination was preventing him from making a living. "I think a lot of this," he said, "repealing the Alien Land Law and getting citizenship—was very important." With those political victories, he could "hold [his] head as an American citizen. I think the JACL should be credited with a lot of that."²³²

But when, in 1956, Uchida sought to buy a tract home, he learned he did not qualify for a federally insured loan.²³³ As covenants lost their legal power, federal housing programs emerged that created a mortgage market limited to whites only. If the changes wrought by war and its immediate aftermath had suffused the politics of

²³⁰ Loren Miller, "The Law and Discrimination in Housing," *Lawyers Guild Review* 20 (1960): 125.

²³¹ Uchida, interview, 439.

²³² *Ibid.*, 451.

²³³ *Ibid.*, 441.

Japanese American citizenship with concerns over homeownership and consumption, the subsequent explosion of housing development transformed the Valley's racial landscape yet again.

Chapter 3

Whiteness and Real Estate

The JACL worked to redefine Japanese Americans as just another American racial minority, a position from which the organization attacked the public policies that limited Japanese American property rights and spatial mobility. But as civil rights activists pushed for a vision of civil rights grounded in the symbols of Americanism and suburbia, federal housing policies defined race as risk, throwing the full economic weight of the federal government behind separate housing markets, suburban exclusion, and metropolitan segregation. At the center of the Valley's suburban growth was a transformation in the political construction of property markets, beginning in the 1930s with temporary programs aimed to ease the Depression's mortgage crisis, and continuing after the war with permanent programs that facilitated mortgage lending and established mortgage markets. Housing policies, in turn, combined with other postwar growth policies—particularly in transportation and federal technology investment—to create a new geography in the South Bay.

This shift recast the politics of race in the Santa Clara Valley. In a nation as large and diverse as the United States, the politics of race varied city by city, even neighborhood by neighborhood. Before the war, in the neighborhoods of San José and the south Bay Area, Mexican Americans and Japanese Americans occupied particular spatial

niches that varied due to their unique histories of racialization. But, beginning with the Home Owners' Loan Corporation and continuing with the Federal Housing Administration, federal policies imposed a uniform rule on a complex and dynamic racial order.

Instead of a multifaceted system, in which racially restrictive covenants, municipal boundaries, Alien Land Laws, and violence had applied in myriad ways to various immigrant groups, federal policies redefined urban space in terms of whiteness and nonwhiteness. And while the previous system had been established with public assertions of white supremacy and anti-Asian and anti-Mexican discourse, the new system redefined nonwhiteness as merely an actuarial risk. Anti-Asiatic screeds vanished from public discourse; instead, people spoke of “neighborhood stability” and “common welfare.” The thousands of Japanese Americans who lived in Santa Clara County no longer threatened the foundations of white society; rather, they threatened property values.

This was a momentous shift. Its history, however, is not well understood. Some scholars have argued that federal housing policies were designed in—and for—the cities of the North and Midwest, cities organized around a sharp divide between black and white. When the policies were applied to cities elsewhere, where the population was more racially diverse, they imposed an alien racial order.¹ True enough, the creators of the new system hailed from northern cities, primarily Chicago, with different racial landscapes from the West, and they constructed their policies within bureaucracies in Washington, D.C. Yet they scarcely thought in black and white. They drew on research of racially diverse residential areas to formulate the new system. The process of

¹ See, for example, Brooks, *Alien Neighbors, Foreign Friends*, 70–85.

implementing federal housing policies, moreover, involved federal agents in an analysis of myriad local racial geographies. Researchers for the Home Owners' Loan Corporation and the Federal Housing Administration investigated immigrants of all colors and quarreled over shifts in the boundaries of whiteness itself. Indeed, the construction and implementation of federal housing policies was a project much more complex than the black and white terms in which it is often understood.

As the voluminous literature on whiteness has demonstrated, the history of American racial thinking is fantastically complex.² In San José in the 1920s, local residents responded to Eliot Mears' Survey of Race Relations with a table listing 39 distinct races: Armenian, Bulgarian, Canadian, Chinese, "Czecho-Slovak," Dane, Dutch, English, French, French-Canadian, Finn, German, Greek, Hindu, Hungarian, "Indian (American)," Irish, Italian, Japanese, "Jew-German," "Jew-Russian," Korean, Mexican, "Mulatto," Negro, Norwegian, Portuguese, Filipino, Pole, "Roumanian," Russian, "Croatian (Jugo-Slav)," "Scotch," "Scotch-Irish," Spanish, Syrian, Swedish, Turk, and Welsh.³ The survey form asked respondents to arrange these 39 races according to one's feeling toward them. Another questionnaire asked respondents to indicate on a chart the appropriate "social distance" between whites and Greeks, Italians, Portuguese, Canadians, Swiss, Mexicans, Armenians, Japanese, Chinese, and Filipinos.⁴ Was it acceptable, asked the form, for whites to have Canadian neighbors, or for whites to work

² Noel Ignatiev, *How the Irish Became White* (New York: Routledge, 1995); Karen Brodtkin, *How Jews Became White Folks: And What That Says About Race in America* (New Brunswick: Rutgers University Press, 1998); Matthew Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge: Harvard University Press, 1998); David R. Roediger, *Working Toward Whiteness: How America's Immigrants Became White* (New York: Basic Books, 2005).

³ "A Race-Relations History", n.d., Box 20, Folder 3, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

⁴ "A Social Distance Chart", n.d., Box 20, Folder 3, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

with Greeks? A survey of race and education in the Valley chronicled the experiences of students of the Japanese, Chinese, Spanish, Mexican, Portuguese English, Canadian, Scandinavian, and “Irish-Spanish” races and asked teachers to rank them in a hierarchy of scholastic aptitude.⁵

This complex system required the Valley’s residents to master a vast amount of racial knowledge. Yet, even as Mears sought to organize this knowledge into a definitive statement on race relations, the system itself was changing. By the 1930s, the intricate categorization of European immigrant groups as distinct races was losing its salience, and by the 1940s it was largely supplanted by a schema in which all European races were considered whites.⁶ In this shifting racial milieu, HOLC’s racial thinking cast foreign nationalities as separate races. The early FHA adopted the older racial thinking of nationality as race, ranking European immigrant groups according to racial desirability.⁷ Yet, even at its inception, FHA displayed dissatisfaction with a strict hierarchy of immigrant groups. Instead, its originators balanced the risk to neighborhood stability posed by white immigrant groups against the understanding that it was temporary, for white immigrant groups would eventually assimilate. Mexicans, Chinese, and Japanese migrants, on the other hand, would not. FHA introduced a white/nonwhite divide into mortgage risk assessment that ultimately proved more significant than its temporary embrace of the hierarchy of nationalities.

⁵ William C. Allen, “Statement Regarding Schools in the Vicinity of San Jose in the Midst of a Large Foreign Population”, May 9, 1925, 2, Box 31, Folder 328, Survey of Race Relations Records, Hoover Institution Archives, Stanford University.

⁶ As Thomas Guglielmo has argued, however, the multiplicity of racial thinking should not obscure the fact that throughout the era, the state identified most European immigrant groups as legally white for purposes of citizenship. Thomas A. Guglielmo, *White on Arrival: Italians, Race, Color, and Power in Chicago, 1890-1945* (New York: Oxford University Press, 2003).

⁷ Jennifer Light, “Nationality and Neighborhood Risk at the Origins of FHA Underwriting,” *Journal of Urban History* 36, no. 5 (2010): 634–671.

The important distinctions that realtors, planners, and homeowners had drawn between Japanese, Chinese, and Mexican residents were in tension with federal policies that redefined nonwhiteness and specified its actuarial threat to housing markets. If federal housing policies changed the racial, political, and economic geography of the postwar Valley, they did so through the contested interactions between the national thinking of racial liberalism and local racial geographies. Mid-century racial liberalism aggregated diverse groups into the monolithic category of “nonwhite minorities.” All the Valley’s nonwhite minorities, furthermore, posed equal threats to “neighborhood stability.” Nevertheless, the Valley’s racial regimes persisted in the ways in which local political and economic institutions interpreted federal policies.

Racial Thinking in The Home Owners Loan Corporation

Federal involvement in home mortgage financing emerged from the economic upheavals of the Great Depression, upheavals that had led to a crisis in the housing industry. In 1932 and 1933, lenders foreclosed upon 500,000 homes.⁸ By spring of 1933, as Kenneth Jackson has written, “half of all home mortgages in the United States were technically in default, and when foreclosures reached the astronomical rate of more than a thousand per day, the home-financing system was drifting toward complete collapse.”⁹ Politicians, government officials, bankers, real estate professionals, homebuilders, and homeowners looked to the federal government to avert catastrophe. In response, Congress passed the Home Owners Loan Act, which President Franklin Roosevelt signed into law in June 1933. The act created a new government agency, the Home Owners’ Loan Corporation (HOLC), intended to protect homeowners from foreclosure by

⁸ Louis Hyman, *Debtor Nation: A History of America in Red Ink* (Princeton: Princeton University Press, 2011), 49.

⁹ Jackson, *Crabgrass Frontier*, 193.

refinancing homes. The National Housing Act of 1934, which created the Federal Housing Administration (FHA), soon followed.

HOLC introduced a novel financial device into the practice of home financing: the long-term, low-interest, fully amortizing mortgage. This differed from the common home mortgage loans at the time. In San José, the typical loan required a homebuyer to make a down payment of 50 percent. Loan periods were regularly five or ten years, although it was not uncommon to be required to renew the loan annually, and the loans were not amortized. Interest rates were seven percent.¹⁰ Such loans required that homebuyers finance much of the cost of the house themselves, a requirement that put homeownership out of reach of most residents.

When, as in cities around the country, many of these loans went into default during the depression, HOLC refinanced homes to lower interest rates and extend repayment periods up to 20 years. But intervening in the mortgage market exposed the federal government to risk. To mitigate risk, HOLC drew on real estate appraisal professionals such as Homer Hoyt. Hoyt was a leader in the new science of monitoring risk, developed by lenders and real estate professionals, that required detailed analysis of real estate markets. The Federal Housing Administration hired Hoyt as Principal Housing Economist of their Division of Economics and Statistics, the division in charge of researching, measuring, evaluating, and appraising urban real estate markets. In this position, Hoyt instituted his research methods and theories of real estate appraisal into the practices of FHA. He explained these methods and theories in a book he wrote for the

¹⁰ Division of Research and Statistics, "Summary: Survey of San Jose California", September 15, 1937, 7, Box 38, Folder: Survey of San Jose, Cal #1, RG 195, Records of the Federal Home Loan Bank Board, Home Owners Loan Corporation, Records Relating to the City Survey File, 1935-1940, National Archives II.

FHA in 1939, *The Structure and Growth of Residential Neighborhoods in American Cities*, the definitive guide to the federal government's methods of researching and analyzing urban economies for home financing.

To Hoyt, two factors above all determined the value of property: structure and demography, each distinct yet influencing the other. Based on his analysis of historical property values in Chicago, Hoyt theorized that neighborhoods tended toward decline; as housing stock aged, it became inhabited by working class and immigrant residents. Eventually, such neighborhoods became slums. To Hoyt, the demographic characteristics of a neighborhood played a primary role in this process of growth and decline. Theories of infiltration and urban change were common understanding among real estate professionals. Textbooks on the appraisal of real estate advised practitioners to assess the racial character of a neighborhood.¹¹

Because of his interest in demographic change, Hoyt found race to be a persistent problem in American cities. His concern, however, went beyond black and white. Hoyt insisted that his work applied to multiracial cities. Hoyt urged readers to remember that, "Though we discuss nonwhite races as a whole, the preponderant presence of Negroes in such populations of northern and southern cities and the mixture of Mexicans, Chinese, Japanese, and Negroes in certain western and southwestern cities, should be kept in mind throughout."¹² Hoyt thus rendered the diverse peoples of different regions into the uniform category "nonwhite races as a whole." It was a critical maneuver. To Hoyt,

¹¹ Jackson, *Crabgrass Frontier*, 198; Amy E. Hillier, "Redlining and the Home Owners' Loan Corporation," *Journal of Urban History* 29, no. 4 (May 2003): 413.

¹² Homer Hoyt, *The Structure and Growth of Residential Neighborhoods in American Cities* (Washington, D.C.: Government Printing Office, 1939), 63.

individual racializations mattered less than their subsumption under a larger category of nonwhiteness.

Hoyt applied this understanding of whiteness to immigrant groups. Given the massive migration of the world's peoples into American cities in the early twentieth century, especially in Hoyt's adopted hometown of Chicago, it is hardly surprising that he investigated how immigrants affected urban property markets. What is significant is his imposition of the white/nonwhite schema upon diverse immigrant populations. Hoyt distinguished between white and nonwhite immigrant groups, the latter being inassimilable. In his historical analysis of land values in Chicago, Hoyt referred to Greeks, Russian Jews, Poles and others as "races," and he indicated that their entrance into neighborhoods occupied by native-born whites could cause declines in land values. Yet for the European races, exclusion was temporary; "Except in the case of Negroes and Mexicans, however, these racial and national barriers disappear when the individuals in the foreign nationality groups rise in the economic scale or conform to American standards of living."¹³ Hoyt clarified this point later in his writing for FHA. Whereas Russians, Greeks, Poles, Germans, Slovaks, Czechs, Turks, Swedes, and Norwegians would, over time, become Americanized, diffusing among the general white population, Mexicans, Chinese, Japanese, Indians, and blacks would not. "In a country settled largely by the white race," observed Hoyt, "such members of other races, of course, have not been absorbed."¹⁴

The results of such segregation were apparent. "No statistical demonstration is required," stated Hoyt, "to prove the existence of Harlem in New York, the 'Black Belt'

¹³ Homer Hoyt, *One Hundred Years of Land Values in Chicago: The Relationship of the Growth of Chicago to the Rise of Its Land Values* (Chicago: University of Chicago Press, 1933), 314.

¹⁴ Hoyt, *The Structure and Growth of Residential Neighborhoods in American Cities*, 62.

in Chicago, or the Chinese quarter in San Francisco. It is a mere truism to enunciate that colored people tend to live in segregated districts of American cities....”¹⁵ Such segregation was necessary, he felt, to ensure stability in land values and to protect sectors of white residents from economic decline. Where segregation had broken down, land values declined. “It is in the twilight zone,” wrote Hoyt, “where members of different races live together that racial mixtures tend to have a depressing effect upon land values.”¹⁶ “Therefore,” explained Hoyt, “the exact extent of the concentration or dispersion of nonwhite peoples in American cities, the pattern of the nonwhite area and its relation to other neighborhoods, and the housing characteristics of solid and mixed racial blocks are significantly in the study of the structure of the American city.”¹⁷

Hoyt helped devise what became “the Standard Technique” for analyzing residential districts’ structure and growth.¹⁸ The technique included the creation of detailed maps that addressed, among other things, the age of residential structures, mortgage status, and race of occupants.¹⁹ Following this technique, HOLC created residential security maps to assess and communicate the security of lending in cities around the country. The maps offer a dramatic portrait of residential real estate from the perspective of professional and governmental real estate analysts, who encoded the maps with their racial and economic biases.

HOLC applied these appraisal techniques to San José’s home-financing market. The information for HOLC’s analysis came from San José real estate professionals and members of the city building commission, many of whom had also assisted Eliot Mears

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid., 125.

¹⁹ Ibid., 129–130.

in his Survey of Race Relations. W.L. Atkinson, for example, had been a member of the San José Realty Board when he reported to Mears that Chinatown was a blight upon the city's real estate values, stating that the Chinese and Japanese must be segregated and, if possible, removed from the city.²⁰ By the time HOLC conducted its survey of San José, Atkinson worked for the city's building commission, where he provided HOLC with information on the structural and demographic characteristics of every neighborhood in San José.²¹ The information supplied by Atkinson and other San José real estate professionals and city officials—whose racial and economic biases shaped their understanding of San José real estate—was then organized into HOLC's categories.

To grade the neighborhoods of San José, HOLC agents analyzed a number of factors. Some were structural, considering both the dwellings—the quality and architectural style of the buildings themselves—and the neighborhood in which they were located—whether streets were paved and lighted, whether the transportation infrastructure was adequate, whether schools were near, and whether industrial uses were permitted within the area.²² Other factors were demographic. With an eye to separating residents of different social statuses, they asked whether zoning laws prevented multiple-family dwellings, which threatened social “homogeneity.”²³ To preserve racial segregation, they asked whether deed restrictions “protected” a neighborhood's housing from racial “infiltration.” Indeed, as T.H. Bowden, the HOLC field agent who surveyed San Jose, reported frankly, “Close attention was paid to racial concentrations when

²⁰ Committee of San Jose Realty Board, “The Oriental and Property Values in San Jose: A Problem in City Planning and Expansion.”

²¹ “Area Descriptions.”

²² T.H. Bowden, “Introduction to Area Descriptions and Security Area Map”, 1937, 2-3, Box 38, Folder: San Jose, Cal. Master File, Security Map and Area Description, RG 195, Records of the Federal Home Loan Bank Board, Home Owners Loan Corporation, Records Relating to the City Survey File, 1935-1940, National Archives II.

²³ *Ibid.*, 1.

setting up and grading the areas shown upon the Security Map.²⁴ Those neighborhoods with “Orientals,” “Negroes,” or “Mexicans” were deemed to be “problem areas.”²⁵ Those neighborhoods that were solidly white, on the other hand, had the chance to be labeled as good investments.

HOLC rewarded those neighborhoods of the highest quality with a grade of “A,” colored it green on their map, and labeled it a sound investment. To receive a grade of “A,” a neighborhood had to pass a variety of tests: it had to be fully residential, comprised of single-family homes rather than apartments; its homes had to be “protected by deed restrictions” to ensure racial homogeneity; they had to be priced high enough to ensure economic homogeneity; and they had to be inhabited by those that owned them—a neighborhood of renters was not an “A” neighborhood.²⁶ Yet homogeneity alone was not enough—it had to be made “apparent,” in uniform design and architecture, maintenance, and visible whiteness.²⁷ The finest neighborhood in San Jose, ranked as A-1, was a “[h]omogenous neighborhood of high income population and substantial homes” adjacent to the city’s rose garden. Resident men worked as professionals, executives, businessmen, and bankers.²⁸ Nearby, neighborhood A-2—home, according to the HOLC

²⁴ Bowden, *Report of a Survey in San Jose, California*, 13.

²⁵ *Ibid.*

²⁶ HOLC defined the area based on “the economic stability of the population; the restrictions, zoning and the protections set up to maintain the neighborhood as a uniform residential section the appeal to home owners and percentage of home ownership; the up-to-dateness and soundness of construction; the homogeneity of the area and uniformity of the social status of the people; and the absence of detrimental influences.” “Standards Used in Construction of the Security Area Map of San Jose, California, and Explanation of Gradings”, 1937, 10, Box 38, Folder: San Jose, Cal. Master File, Security Map and Area Description, RG 195, Records of the Federal Home Loan Bank Board, Home Owners Loan Corporation, Records Relating to the City Survey File, 1935-1940, National Archives II.

²⁷ *Ibid.*, 9.

²⁸ “Area Descriptions,” A-1.

surveyors, to “retired capitalists”—was also “tops.” Throughout, it was “zoned single-family residential and... also protected by deed restrictions.”²⁹

HOLC labeled “B” and colored blue those areas that were good, but not quite as good as green. Still neighborhoods of single-family homes, uniformly white, and economically homogenous, blue neighborhoods were ordinarily lower on the social scale.³⁰ Neighborhoods received “B” grades also when, as in the case of neighborhood B-4, they were in too close “proximity to... inharmonious racial elements.”³¹ Although B-4 housed professionals, executives, and their families in expensive homes, it was colored blue because of the races of residents in neighboring districts. Were the area “differently located,” noted the surveyors, it might have been green.³²

HOLC signaled a shift with those neighborhoods that it ranked “C” and colored yellow on residential security maps. These neighborhoods were marked by “expiring restrictions, [and] infiltration of lower-grade population.”³³ Many had fine homes but were too socially heterogeneous or too close to lower-income or nonwhite populations. One neighborhood received a grade of C because “Infiltration of foreign elements [was] a threat.”³⁴ Just north of the district, past automobile camps and chicken ranches, lived many “low-class Italians, Portuguese, Slavs and some Mexicans,” a specter that “puts a blight upon... this area.”³⁵

No neighborhoods in the green or blue categories had any nonwhite residents, and only one in the yellow category did, an otherwise pleasant district where surveyors noted

²⁹ Ibid., A-2.

³⁰ Bowden, “Introduction to Area Descriptions and Security Area Map,” 10.

³¹ “Area Descriptions,” B-4.

³² Ibid.

³³ Bowden, “Introduction to Area Descriptions and Security Area Map,” 10.

³⁴ “Area Descriptions,” C-7.

³⁵ Ibid.

a “trace” of Mexican residents.³⁶ All other neighborhoods with Mexicans and all with Asian or African Americans were colored red and assigned a grade of D. Most neighborhoods with residents surveyors perceived as “foreign” also received a grade of D. A neighborhood of single-family homes surrounded by well-kept garden plots received a D grade because 20 percent of the population was of Portuguese descent, an “inharmonious racial concentration,” even though 80 percent of the residents were homeowners.³⁷

The issue of foreignness points to a difference between HOLC’s racial imaginary and the lived experience of race in San José. HOLC’s categories encoded a set of understandings in which Italian, Portuguese, Puerto Rican, Mexican, Japanese, and Chinese Americans were all considered foreign, regardless of nativity or citizenship, a classification that was more racial than national. Bowden, the HOLC field agent, noted with some alarm that, when considered together, half of San José’s residents were either foreign-born or American-born of foreign parentage. He lumped these two categories into one novel construction, asserting that the city had a “large foreign and semi-foreign population.” Implying that American citizens inherited the foreign traits of their peasant ancestors, Bowden wrote that the “foreign” population threatened the stability of the city’s residential values.³⁸

In San José, however, there were sharp differences between these ostensibly “foreign” groups. Japanese residents faced fierce discrimination while Italians had largely passed into the white mainstream. HOLC forms, however, did not allow a space to draw distinctions between these groups. The form asked surveyors to place residents who were

³⁶ Ibid., C-4.

³⁷ Ibid., D-1.

³⁸ Bowden, “Introduction to Area Descriptions and Security Area Map,” 3.

not members of the white norm into one of two categories: “foreign-born,” after which the agent was to specify the nationality of the foreigners; or “Negro,” to which the agent would answer “yes” or “no.” In San José, the majority of those listed under “foreign-born” were in fact American-born but perceived as racially other. Thus HOLC listed third-generation Italian Americans as “foreign-born” as well as third-generation Chinese Americans. In San José, where the black population had been relatively small, white real estate officials had long been more preoccupied with limiting Chinese, Japanese, and Mexican residential districts than African American ones, and they had little use for the HOLC form’s “Negro” category.

The racial imaginary encoded in HOLC’s forms encountered particular trouble when it came to the racial classification of Italians. In its report on San José, HOLC worried about “this large foreign and semi-foreign population” of Italians. 16.7 percent of the city’s residents were foreign born, primarily from Italy; another 34 percent were Americans of foreign parentage, again primarily from Italy.³⁹ HOLC especially worried about the geography of Italian residence. Unlike black residents, who were few, unlike Chinese and Japanese residents, who were well segregated, and unlike Mexican Americans, who were largely excluded from the city limits, Italians were populous and spread out in many of the city’s neighborhoods.

Italians have a long history in California—indeed, many migrated to the area during Spanish rule—but mass migration began in the late nineteenth century. As the separate kingdoms of Italy unified in 1870, the new nation-state underwent an economic transformation. The northern region industrialized, displacing many agricultural workers, who left Italy to look for work across the Americas. The need for labor in California was

³⁹ Bowden, *Report of a Survey in San Jose, California*, 12–13.

great after Chinese exclusion, drawing Italians to the state to work in agriculture and industry. San Francisco became the capital of Italian California, as it had been for the Chinese, as Italians settled in the North Beach area, adjacent to Chinatown. In the agricultural lands of the South Bay, Italian migrants worked in agriculture, canning and packing fruit, and founding some of the major food processing firms, such as Del Monte and Di Fiore.⁴⁰

In much of the country, Italians occupied a racial position that was outside the normal boundaries of whiteness. Indeed, Theodore Roosevelt had reportedly joked that he divided the human race into “two great classes—white men and dagoes.”⁴¹ In California, however, the racial fault line lay not between Italians and other European immigrants but between European immigrants and Asian ones. The Native Sons of the Golden West, a major nativist organization founded in San Francisco in 1875, provides a good example. Unlike on the East Coast, where nativist organizations aimed their aggression at Southern and Eastern Europeans, the Native Sons allowed anyone of European ancestry to join, but did not allow any members of “Asiatic races.”⁴² In the Santa Clara Valley, Native Sons “parlors,” as the local chapters were called, included many Italians.⁴³ The parlors also included California’s politicians, from mayors to governors, state legislators to federal congressmen, men who did not shy from joining an organization that also welcomed working-class Italians.⁴⁴ Among the Native Sons’ main activities was working to pass Chinese, Japanese, and Korean exclusion laws, and they

⁴⁰ “DiFiore Cherry Packers”, 1904, Ar buckle Collection, CaliforniaRoom, San Jose State University Library Special Collections and Archives.

⁴¹ J. Anthony Lukas, *Big Trouble* (New York: Touchstone, 1997), 395.

⁴² Mears, *Resident Orientals on the American Pacific Coast*, 370.

⁴³ Native Sons of the Golden West, “Native Sons of the Golden West Charter for Santa Clara Parlor No. 100”; “Barbecue for Santa Clara County Native Sons and Daughters of the Golden West”, 1922, Santa Clara City Library.

⁴⁴ Brooks, *Alien Neighbors, Foreign Friends*, 20.

had been stalwart proponents of the Alien Land Laws.⁴⁵ They had little, however, to say about the southern European immigration that so alarmed East Coast nativists.⁴⁶ Thus, while in the East, Italians were the objects of nativist derision, in the West Italians were the nativists.

Historians Charlotte Brooks and Nayan Shah contend that it was precisely the large population of Chinese and Japanese immigrants in California that “whitened” Italians.⁴⁷ Perceiving Asian immigration to be the more dire threat, white Californians of British, Irish, and German stock welcomed Italians into the great white race. Meanwhile, in Detroit, New York, and Philadelphia, racial arbiters continued to look on Italians and other eastern and southern European immigrants as somehow less than white. It was only with successive great migrations of African Americans to the urban North—and accompanying civil rights activism—that distinctions between white and black became, according to Matthew Frye Jacobson, “*the racial issue of American political discourse.*”⁴⁸ As Italian, Polish, Irish, and other ethnic Americans confronted the national system of Jim Crow—and their place within it—“[r]acial differences *within* the white community lost their privilege.”⁴⁹

It was, however, this national system of race—a system that established a connection between color and citizenship long before the great migrations and civil rights activism of the twentieth century—that, contends Thomas Guglielmo, demonstrates that

⁴⁵ Mears, *Resident Orientals on the American Pacific Coast*, 119.

⁴⁶ Italians were not alone in undergoing a social transformation due to anti-Asian racism. Anti-Chinese and anti-Japanese fervor also helped ingratiate Jews in white society. Jewish Congressman Julius Kahn of San Francisco often joined his fellow Congressman San José exclusionist Everis Hayes at nativist functions, such as the rousing speeches the two men gave at their joint appearances before the Japanese-Korean Exclusion League in San Francisco. “Hayes the Hypocrite.”

⁴⁷ Brooks, *Alien Neighbors, Foreign Friends*, 20; Shah, *Contagious Divides*, 166.

⁴⁸ Jacobson, *Whiteness of a Different Color*, 95.

⁴⁹ *Ibid.*

Italians were “white on arrival.”⁵⁰ In his analysis of Italian Chicago, Guglielmo argues that although Italian immigrants were considered to be members of a non-Caucasian race—the “Italian race”—they were nevertheless colored white. While Italians suffered discrimination from their racial designation as Italians, they nonetheless enjoyed the many privileges of whiteness, for the state, almost without exception, classified Italians as white.

In San Jose, Italians achieved a degree of social status that was unusual by HOLC’s standards. While Jacobson claims that black migration to the West produced, as it had in the North, “an entirely new racial alchemy,” the political battles around Chinese exclusion, Japanese land ownership, and urban segregation had already situated Italians on the white side of the Bay Area’s racial landscape.⁵¹ In the South Bay, restrictive covenants did not bar Italians or other white European races. (They did, however, apply to Mexicans, who although classified as legally white were commonly considered nonwhite.)

Italians retained ethnic institutions but, like the JACL, clothed them in symbols of Americana, particularly in San José’s largest Italian organization, the Loyal Italo-American Club. Organized in 1919 with five members, the Loyal Italo-American Club grew rapidly, welcoming one thousand attendees to its annual picnic in 1920 and registering 600 men on its rolls by 1922.⁵² The club celebrated Columbus Day in 1919 by feting not Italian heritage but rather American soldiers recently returned from war in

⁵⁰ Guglielmo, *White on Arrival*.

⁵¹ Jacobson, *Whiteness of a Different Color*, 95; Michael Kazin, *Barons of Labor: The San Francisco Building Trades and Union Power in the Progressive Era* (Urbana: University of Illinois Press, 1987), 20, 137, 146.

⁵² Sawyers, *History of Santa Clara County, California*. Club membership was restricted to males only, which accounts for the differences between the numbers attending club functions and the numbers actually registered as members.

Europe. In its program for the event, written in Italian as well as English, Italian and American flags waved side by side.⁵³ San José's white elites applauded the club for its goal of cultivating in the city's Italians "a respect and admiration for American institutions" and "Love for American ideals."⁵⁴ To its members, however, the club promised that it existed "solely for the purpose of advancing and elevating the Italians of this county and of the country in general."⁵⁵ The club would help Italians so "[t]hat we may obtain JUSTICE and EQUALITY in this, our adopted Country."⁵⁶

By the 1930s, Santa Clara Valley Italians enjoyed many of the privileges of whiteness and mingled easily with non-Italian business and civic leaders. In San José, they headed prominent churches, civic groups, and industries; they occupied major positions at the eminent Catholic college in the area, Santa Clara University; they ran the prestigious parochial high schools. In short, many Italians had not only passed into the broad middle class; they had entered the ruling elite.

The social status of San José Italians conflicted with HOLC assumptions. In HOLC's racial thinking, Italian neighborhoods were bad investments, and they would likely decline into even worse neighborhoods. In San José, HOLC gave most Italian neighborhoods D ratings. Even a neighborhood of nice single-family homes "occupied quite largely by third generation American-born Italians, many of whom are of the junior executive and professional type" received a C grade from HOLC because it was considered at danger of infiltration from neighboring districts of "inharmonious racial

⁵³ Loyal Italo American Club, "Souvenir Program, Grand Reception and Dance Under the Auspices of Loyal Italo American Club", 1919, History San Jose.

⁵⁴ Sawyers, *History of Santa Clara County, California*.

⁵⁵ Loyal Italo American Club, "Souvenir Program, Grand Reception and Dance Under the Auspices of Loyal Italo American Club."

⁵⁶ *Ibid.*

elements.”⁵⁷ The Italian race, especially those of poor Sicilian heritage, declared Bowden, “constitutes San José’s greatest racial problem.”⁵⁸

In San José, however, lending agencies did not totally shy away from Italian neighborhoods. In his report, Bowden noted, with some surprise, that, although it might seem unusual to his HOLC supervisors in the East, “In California, Italians, as a race, are not deemed to be a detrimental influence to a neighborhood.”⁵⁹ Particularly important for the racial geography of the city, Italians ran the largest bank in town—The Bank of America, only a few years earlier known as the Bank of Italy. The bank was founded by Amadeo Giannini, born in San José to immigrants from the northern Italian city of Genoa, who saw the need for financial services for Italians, who were largely ignored or rejected by other financial institutions. Catering to the large population of northern Italian migrants in San Francisco, the bank grew rapidly, and Giannini quickly became the number one financier on the West coast. He opened several branches in his hometown of San José, and by the 1930s, Bank of America branches, noted HOLC agent Bowden, “very largely dominate the banking situation in San José.”⁶⁰

As a Bank of America officer explained to Bowden, the bank preferred to lend in green, blue, and many yellow areas. But it was willing to offer mortgages even in several areas that HOLC colored red. The neighborhood known on the HOLC map as D-4 was one of these. With 75 percent Italian residents, primarily factory workers and laborers, D-

⁵⁷ “Area Descriptions,” C-6.

⁵⁸ Bowden, *Report of a Survey in San Jose, California*, 13.

⁵⁹ *Ibid.*

⁶⁰ “Appendix to San Jose, California, Survey Report”, 1937, 19-a, Box 38, Folder: Survey of San Jose, Cal #1, RG 195, Records of the Federal Home Loan Bank Board, Home Owners Loan Corporation, Records Relating to the City Survey File, 1935-1940, National Archives II.

4 fit HOLC's description of a bad investment.⁶¹ Yet Bank of America considered the area fit for investment.

Not all red neighborhoods, however, received this consideration. "We will lend upon modified terms in any of the areas," explained the bank officer, "but in some of the 'red' areas, the terms which we offer are practically prohibitive."⁶² Exorbitant terms "applie[d] particularly" to two whole neighborhoods and part of a third.⁶³ The first was neighborhood D-3, "originally known as 'Chinatown,'" noted the HOLC surveyors, but now inhabited primarily by Japanese and African American residents; indeed, it "contain[ed] the largest concentration of these races in the city."⁶⁴ The second was neighborhood D-10, home to chicken ranchers, laborers, farm hands, and mechanics. "From a racial standpoint," cautioned the HOLC surveyors, "this area is extremely undesirable." It was dominated by Italians and Portuguese residents but also faced an "infiltration" of Mexicans. While most Mexicans lived outside of city limits, D-10 "contain[ed] the largest concentration of Mexicans in the community."⁶⁵ The third was neighborhood D-11, known as "Italian Town." Yet Bank of America avoided only the western section of this neighborhood, a Sicilian "slum" known for brothels and crime.⁶⁶

In short, the Bank of America—the former Bank of Italy—discounted HOLC advice against lending in working-class Italian neighborhoods. Although the HOLC perceived Italian neighborhoods as racially undesirable, the bank considered them

⁶¹ "Area Descriptions," D-4.

⁶² "Appendix to San Jose, California, Survey Report," 19-a.

⁶³ *Ibid.*

⁶⁴ "Area Descriptions," D-3.

⁶⁵ *Ibid.*, D-10.

⁶⁶ *Ibid.*, D-11.

potentially sound. Instead, the bank singled out the residential districts inhabited by Japanese, Mexican, and African Americans, plus the city's red light district.

Other banks were not so generous with mortgage loans in Italian neighborhoods. The Anglo California National Bank—in spite of the name, not run by white Anglo Saxon Protestants but rather Herbert Mortimer, a Jew of Bavarian heritage⁶⁷—avoided most Italian districts. “I am personally not very keen about making loans in this community,” said William H. Pabst, the Vice President and manager of the San José branch of Anglo Bank. “Racial conditions,” he explained, “are not conducive to stability in residential lending....”⁶⁸ When his bank did make loans on residential properties, the maximum percentage of appraisal lent was 50 percent, lent at 6 percent interest for a period of one year.⁶⁹ C. H. Johnson, secretary manager of Nucleus Building and Loan Association, which also held few mortgages, said, “San José, like every other community, has its drawbacks. Its large and varied foreign population makes it a veritable ‘melting pot.’”⁷⁰

Neither Anglo nor Nucleus owned many residential mortgages. The Bank of America, on the other hand, held over three million dollars in residential mortgages, more than all other banks combined and more than any of San José's savings and loan associations.⁷¹ Such sums offered working-class Italians upward mobility and the opportunity to participate in the city's economic life, helping sustain property values in neighborhoods like D-4, where Bank of America offered loans even though HOLC gave

⁶⁷ “Finished Fleishhacker,” *Time Magazine*, November 7, 1938; Bailey Millard, “Aaron Fleishhacker,” in *The San Francisco Bay Region*, vol. 3 (The American Historical Society, 1924), 240–242.

⁶⁸ “Appendix to San Jose, California, Survey Report,” 17–a.

⁶⁹ *Ibid.*, 18–a.

⁷⁰ *Ibid.*, 35–a.

⁷¹ Division of Research and Statistics, “Summary: Survey of San Jose California,” 5.

it a D grade, noting “a majority of [banks] refuse to entertain loan applications” there.⁷² Even Italian laborers and factory workers could aspire to homeownership, as in neighborhood D-2, where 50 percent of the residents were homeowners.⁷³ As the largest lender in town, the San José bank functioned as an extraordinarily powerful ethnic financial institution, facilitating access to capital for Italian Americans and enabling their integration into San José’s urban economy.

The lending patterns of San José’s mortgage institutions suggest the limits of HOLC’s racial thinking and also the importance of local racial imaginaries and economic institutions. Although Italians were excluded from the HOLC’s conception of whiteness, they nonetheless had access to the financial capital denied other inhabitants of red areas because of the Bank of America. When the federal government offered lending guidelines, financial institutions applied them to the local racial regime. Urban scholar Amy Hillier has argued that there is little evidence that HOLC maps “actually impacted residential mortgage patterns.... Coloring areas red based on their housing and demographic characteristics may have reflected racial prejudice on the part of HOLC, but it does not constitute redlining unless lenders actually used the maps to decide where to make loans and what types of loans to make.”⁷⁴ Indeed, in San José, financial institutions based their lending decisions on the application of common ecological theories of urban

⁷² “Area Descriptions,” D-4.

⁷³ *Ibid.*, D-2. This is not to say that Italians became homeowners due solely to the credit provided by the Bank of America. It is to say, rather, that access to credit offered by the Bank of America facilitated the process for San José’s Italians. In many cities, many immigrant groups owned homes at higher rates than American-born whites, in part due to ethnic institutions and savings banks. See Stephan Thernstrom, *Poverty and Progress: Social Mobility in a Nineteenth Century City* (Cambridge: Harvard University Press, 1964), 201; Olivier Zunz, *The Changing Face of Inequality: Urbanization, Industrial Development, and Immigrants in Detroit, 1880-1920* (Chicago: University of Chicago Press, 1982), 156; Arnold Hirsch, *Making the Second Ghetto: Race and Housing in Chicago, 1940-1960* (Chicago: University of Chicago Press, 1983), 187–192; Roediger, *Working Toward Whiteness*, 157–161. See also Hoyt, *One Hundred Years of Land Values in Chicago*, 442.

⁷⁴ Hillier, “Redlining and the Home Owners’ Loan Corporation,” 396.

change to the local real estate industry, filtered through their local racial understanding. Before HOLC conducted its surveys, financial institutions already redlined certain neighborhoods. The maps thus offer a window into the racial imaginary of San José's real estate and mortgage industry, when its professionals came together to produce a picture of the city. Real estate and lending professionals provided much of the basic information that HOLC processed into its maps. When HOLC in turn furnished the maps to the lenders, they replied, unsurprisingly, that it was largely accurate. "The Security Area Map of San José," confirmed Urban A. Sontheimer, vice president of the General Building and Loan Association, when shown the map by HOLC officials, "seems to depict the situation quite clearly."⁷⁵ It was, after all, a visual statement of their practices.

On a deeper level, though, HOLC transformed the relationship between the federal government and the mortgage market, and it redefined the relationship between nonwhite people and single-family housing, a process much larger than the HOLC maps. HOLC did not merely institutionalize widespread racial beliefs; it created a new kind of racialized housing market, provided new ways of participating in that market, and limited who could access it based upon racial identities and economic capacities.

The Federal Housing Administration and Segregation

With HOLC, the federal government constructed a new kind of housing market. But it was only a temporary program. The National Housing Act of 1934, on the other hand, established institutions that have shaped the housing market ever since. A policy with multiple purposes—to stabilize the mortgage market, to increase access to financing, and, not least, to increase employment during the Depression—the housing act created the Federal Housing Administration, an agency whose actions would transform the

⁷⁵ "Appendix to San Jose, California, Survey Report," 29-a.

metropolitan landscape. HOLC showed that the long-term low-interest fully amortizing loan was economically and politically feasible. FHA applied this innovation beyond the depression's foreclosure crisis to the full housing market.

FHA enabled banks to make loans more affordable for postwar suburban residents. FHA reduced the down payment required to purchase a house to 10 percent and lengthened the repayment period to 30 years, making homeownership as cheap as, or often cheaper than, renting.⁷⁶ The policy led to a boom in homebuilding and mortgage lending, as FHA increased the purchasing power of homebuyers and as builders rushed to fill the demand for single-family homes. “Not surprisingly,” stated Kenneth Jackson, “the middle-class suburban family with the new house and the long-term, fixed rate, FHA-insured mortgage became a symbol, and perhaps a stereotype, of the American way of life.”⁷⁷

That “middle-class suburban family,” however, was almost always white. San José's Japanese and Mexican American families tried to take part of that “American way of life,” but FHA policies prevented them from participating in the postwar credit expansion and limited their ability to buy suburban homes. Although FHA insured millions of mortgages in the postwar decades, few of them went to nonwhite homebuyers.⁷⁸ Together, the FHA and Veterans Administration (VA)—a federal agency created as part of the GI Bill that facilitated credit for veterans—financed more than 60 percent of the houses built in the postwar Bay Area, almost all of them sold to white buyers in segregated neighborhoods.⁷⁹ By encouraging suburban homeownership for

⁷⁶ Jackson, *Crabgrass Frontier*, 204.

⁷⁷ *Ibid.*, 206.

⁷⁸ *Ibid.*, 205.

⁷⁹ United States Commission on Civil Rights, *Housing* (Washington, D.C., 1961), 63.

whites only, the FHA remade the Santa Clara Valley's racial landscape, segregating the area on a scale never before seen.

The FHA had an impact far larger than the HOLC, due in part to the permanence of the program. But the FHA was also more demanding, as well more able to induce private actors to comply with its demands. While HOLC qualified its cautions against lending in red areas, FHA adamantly discouraged lending in red areas. While HOLC and FHA used a similar ranking system, FHA underwriting manuals, unlike HOLC maps, were revised regularly and distributed widely. And while HOLC was advisory, FHA created incentives to follow its standards and procedures. FHA guaranteed to purchase approved loans in a secondary mortgage market, which the federal government established. Federal policy thus insured lenders against losses, a guarantee that made FHA mortgages—and their certain profits for lenders—very appealing. Mortgage lenders who desired federal insurance complied with federal requirements.

In San José, FHA's inducements quickly brought lenders into its embrace. Banks, although protesting that they were not interested in lending under the government's terms, stated that they were compelled to offer FHA loans to compete with building and loan associations, which were "permitted," complained a Bank of America official, "to give more liberal terms under the law than we are."⁸⁰ Because of their liberal terms, mortgages from savings and loan associations were in high demand, resulting in savings and loan associations, as a group, holding just over half of all residential mortgages in San José.⁸¹ San José banks, observed an HOLC official, were "aggressively soliciting

⁸⁰ "Appendix to San Jose, California, Survey Report," 20-a.

⁸¹ Division of Research and Statistics, "Summary: Survey of San Jose, California," 4.

mortgage business.”⁸² To increase their share of the market, they were willing to offer FHA-insured mortgage loans.

Ostensibly designed to minimize risk, FHA lending standards reflected pernicious racism. FHA policies reflected many of the same biases and assumptions that infused HOLC, not least because of links between the two agencies. HOLC shared the information it gathered with FHA. John H. Fahey, chairman of FHLBB, head of the HOLC, and co-founder of the U.S. Chamber of Commerce, communicated the results of the San José survey with Corwin A. Fergus, director of FHLBB’s Division of Research and Statistics.⁸³ Fergus, in turn, shared the results with Ernest Fisher, who, as director of FHA’s Economics and Statistics Division, requested that he “be permitted to cooperate with him [Fergus] in the exchange of information gathered by their respective divisions.”⁸⁴ A dense web of personal connections and institutional relationships connected the FHA to the HOLC.

As the agencies shared personal links they also shared ideas, and the FHA adopted the HOLC’s position that racial diversity posed a threat to stable property values. To limit risk to lenders, the FHA’s underwriting manual, used by agents to gauge the suitability of a home or subdivision for FHA financing, insisted on segregated neighborhoods. Before covenants were ruled unenforceable, the FHA encouraged them, and for a long period even required them. The FHA created and distributed a model covenant that developers and builders could use.⁸⁵ “Recorded restrictive covenants,” stated the manual, “should strengthen and supplement zoning ordinances and to be really

⁸² Ibid.

⁸³ Fahey to Fergus, “Special Summary Survey of San José, California.”

⁸⁴ Hillier, “Redlining and the Home Owners’ Loan Corporation,” 403–404.

⁸⁵ Miller, “A Right Secured.”

effective should include the provisions listed below,” including prohibitions on multifamily dwellings and the “Prohibition of the occupancy of properties except by the race for which they are intended.”⁸⁶ FHA’s role in popularizing covenants led one critic to describe the agency as “a sort of ‘Typhoid Mary’ for racial covenants.”⁸⁷

In the Santa Clara Valley, FHA supported the development of segregated subdivisions, requiring developers to restrict housing to whites only. “Since the advent of FHA loans for housing developments,” according to a postwar San José study, “almost all such developments have incorporated general, overall, standardized restrictive covenants.”⁸⁸ The study continued, “All the subdivisions opened within the last five or six years have written restrictions barring property from occupancy or use by all non-Caucasians except those who are working as domestics in the area.”⁸⁹ Like the leaders of the JACL, many of the Santa Clara Valley’s Mexican Americans articulated a right to housing based upon veteran status. Because of covenants, new postwar housing developments for veterans were unavailable to San José’s Mexican Americans, “who,” according to a survey in 1947, “wonder what kind of country this is that they fought for, when they are refused a house because of their race when they return to their home communities.”⁹⁰

⁸⁶ Federal Housing Administration, *Underwriting Manual: Underwriting and Valuation Procedure Under Title II of the National Housing Act With Revisions to February, 1938* (Washington, D.C.: Government Printing Office, 1938), pt. Part II, Section 9, Rating of Location.

⁸⁷ United States Commission on Civil Rights, *Housing*, 62.

⁸⁸ “Racial Prejudices in San Jose, California: As Observed by a College Class in Race Relations”, 1948 1947, 26, Carton 4, Folder 17, California Federation for Civic Unity Records, BANC MSS C-A 274, Bancroft Library, University of California, Berkeley.

⁸⁹ *Ibid.*, 25–26.

⁹⁰ *Ibid.*, 29. “Proceedings of Eighth Annual Convention – Nineteen-Fifty Forward” (California Federation of Civic Unity, November 6, 1953), 7, Box 70, Folder 42, NAACP papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley. *Ibid.*

For Japanese and Mexican Americans in the South Bay, *Shelley v. Kraemer* offered some hope of housing desegregation. Shortly before the Supreme Court decision, a lower court had enjoined a Mexican American homebuyer from occupying his new house in Alameda County because the deed declared, “No person or persons of the Mexican race, or other than the Caucasian race, shall use or occupy any building” except as domestic servants. But after the *Shelley v. Kraemer* decision, a California appellate court reversed the lower court’s ruling.⁹¹

Yet, local Japanese and Mexican Americans found that the victory over covenants did not offer the housing opportunities they had hoped for. Even after racial covenants became unenforceable, FHA policies perpetuated segregation. FHA announced it would comply with *Shelley* by February 15, 1950, after which it would not insure mortgages on racially restricted properties, yet it continued to finance subdivision development even when it knew developers would sell homes only to white buyers. In the 1950s, Japanese Americans reported to the local JACL that they were refused FHA financing and homes in FHA-financed subdivisions.⁹²

Locals’ anecdotal evidence was corroborated by civil rights commission investigations in the Bay Area, which revealed a pattern of FHA discrimination. From 1950 to 1958, the FHA and the VA financed more than 200,000 of the 325,000 new homes built in the Bay Area. Nearly all these homes went to white buyers. 1,500 nonwhite buyers were able to buy FHA financed homes but only in explicitly segregated neighborhoods. Fewer than 50 nonwhites were able to buy FHA-financed homes in white

⁹¹ *Matthews v. Andrade*, 198 P.2d 66 (Cal. Dist. Ct. App. 1948); *Spanish Speaking Peoples* (US Commission on Civil Rights, February 5, 1964), 43–44, Box 15, Folder 9, Ernesto Galarza Papers, M0224, Department of Special Collections, Stanford University Libraries, Stanford, California.

⁹² Fred Aoyama to Haruo Ishimaru, October 5, 1952, Box 7, Folder “Housing, 1952-53, 58,” Japanese American Citizens League History Collection, Japanese American National Library.

neighborhoods.⁹³ The figures indicated that Asian and African Americans were unable to obtain FHA-insured mortgages in the 1950s. Because Mexican Americans were classified legally as white, they would have been included under the statistics as white buyers. Still, like Asian and African Americans, few Mexican Americans were able to purchase homes in FHA-financed subdivisions during the 1950s, as other sources demonstrate.

The decennial census collected data on home ownership that specified not only white and nonwhite ownership but also broke down “white” into categories of whites with Spanish surnames and whites without. In the census tracts in which a majority of the homes were built between the 1940s and 1960s, miniscule numbers of residents had Spanish surnames.⁹⁴ Throughout the 1960s, as a Santa Clara County report noted, “most of the new tracts are all-white,” excluding Asian, Mexican, and African Americans. Except for the subdivisions around Palo Alto and in the western foothills built by the Eichler company, which sold homes to wealthy nonwhite buyers; and besides a few “pocket ghettos” of Asian, Mexican, and African American communities now abutting suburban development, as in East Palo Alto and East San José, “the suburbs,” concluded the report, “are almost totally white.”⁹⁵

Although FHA underwriting manuals did not specify Mexican Americans as a particular credit risk, FHA’s blanket encouragement of racial segregation applied to Mexican Americans. Homer Hoyt himself had defined Mexicans as nonwhite,

⁹³ US Commission for Civil Rights, “USCCR—Overall Statement—draft”, January 27, 1960, Carton 7, Folder 53, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

⁹⁴ U.S. Bureau of the Census, *1960 Census*, n.d., www.socialexplorer.com.

⁹⁵ “Proposal for a Metropolitan Bay Area Housing Development Corporation”, n.d., Box 73, Folder 32, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

inassimilable, and thus threats to property values. Likewise, local white officials, lenders, and builders clearly thought of Mexican Americans as nonwhite, a racialization that limited Mexican American access federally insured credit markets. The Valley's lenders, builders, real estate professionals, and city officials had insisted on Asian and Mexican American segregation during Mears' Survey of Race Relations, the establishment of covenants, the collection of HOLC data, the creation of city plans, the enactment of zoning codes, and more. These same men were the ones who shaped the local implementation of FHA policies, at least in its early years. There is little reason to assume that the racial biases they brought with them to those other practices suddenly vanished when they implemented FHA policies. On the contrary, given the corroborating evidence from the JACL's housing investigation, Civil Rights Commission, local political records, and census data, there is every reason to believe that anti-Asian and anti-Mexican thinking continued under the FHA.

Developers who refused to sell homes to nonwhite buyers continued to obtain FHA financing until 1958, when the California Supreme Court ruled it was unconstitutional.⁹⁶ Loren Miller worked on the case, *Ming v. Horgan*, for four years.⁹⁷ The federal government, he noted, subsidized developers who did something that the federal government itself was not permitted to do: build segregated housing projects. FHA and VA financing—and the planning and inspection upon which financing was contingent—constituted state action, Miller argued, asserting that “when one dips one's

⁹⁶ *Ming v. Horgan*, 3 Race Relations Law Reporter 693 (Cal. Super. Ct., Sacramento County 1958).

⁹⁷ “What the Branches Are Doing,” *The Crisis*, September 1958, 416.

hand into the Federal Treasury, a little democracy necessarily clings to whatever is withdrawn.”⁹⁸ The court agreed with Miller, prompting similar lawsuits in other states.⁹⁹

In 1962, President Kennedy issued an executive order prohibiting discrimination in federally assisted housing and encouraging “equal opportunity in housing.”¹⁰⁰ But even then discrimination continued, for implementation of the federal government’s “open housing” policy depended on locals who were not interested in enforcing it. Regardless of FHA’s national policy, local directors of the decentralized organization bore the responsibility for implementing it. “Obviously,” noted the US Commission on Civil Rights, “implementation of this policy varies with local conditions and the vigor with which the local Director tries to carry it out.”¹⁰¹ In the Bay Area, the regional director, Jack Tuggle, condoned discrimination by developers. In 1967, the US Civil Rights Commission accused the Bay Area FHA of “dragging its heels.”¹⁰² Tuggle countered that “too vigorous equal housing effort by FHA could be harmful” to the financial interests of homebuilders, who, in Tuggle’s opinion, were FHA’s primary constituency.¹⁰³ Likewise, the Cal-Vet program, a state-level version of the federal Veterans Administration, continued to insure segregated developments even after FHA discontinued the practice, and was doing so well into the 1960s.¹⁰⁴

In 1965, looking back on more than 20 years of fighting housing segregation, Loren Miller observed, “The all-white suburbs, some of them great cities in themselves, that ring our cities are eloquent witnesses to the efficacy of governmental sanction and

⁹⁸ United States Commission on Civil Rights, *Housing*, 60.

⁹⁹ “Calif. Judge Rules FHA Builders’ Bias Illegal,” *Jet*, July 17, 1958, 8.

¹⁰⁰ John F. Kennedy, “Executive Order 11063”, November 20, 1962.

¹⁰¹ United States Commission on Civil Rights, *Housing*, 62.

¹⁰² United States Commission on Civil Rights, *Hearing Before the United States Commission on Civil Rights: Hearing Held in San Francisco, May 1-3, 1967, and Oakland, California, May 4-6, 1967*, 143.

¹⁰³ Richard Harwood, “Civil Rights Commission Is Put on Trial in West,” *Washington Post*, May 3, 1967.

¹⁰⁴ US Commission on Civil Rights, *With Liberty and Justice for All*, 1959, 32.

support of exclusionary policies.”¹⁰⁵ By insisting that mortgages be restricted to racially homogenous neighborhoods, federal housing policies segregated the metropolis on a massive scale. The HOLC’s cartographic project provided a map of how growth would occur, where federal money would be invested, and where races would be restricted. The maps signaled that western and southern San Jose would be reserved for white homeowners while the Eastside and north downtown would house Mexican and Japanese Americans and other nonwhite groups. FHA fulfilled this vision by subsidizing the growth of single-family homes in racially restricted subdivisions across the Valley, producing a sprawling suburban landscape.

As public policies created the great white cities of the suburban South Bay, they also contributed to nonwhite suburban zones. Chinese Americans had contended with a century of anti-Chinese discourse that racialized Chinese as threatening and inassimilable, especially with the language of the “Yellow Peril.” Such discourses had limited citizenship, most obviously in the Chinese Exclusion Act of 1887. Wartime exigencies prompted the end of Chinese exclusion in 1943, providing an avenue for those born in China to become American citizens. Mid-century liberals, similarly, rejected the language of alienage that had adhered to Chinese Americans and incorporated them, like Japanese Americans, within the status of domestic racial minorities.¹⁰⁶

Thus Chinese Americans, like Japanese Americans, saw a dramatic transformation of citizenship rights and practices in the postwar years. But, now as

¹⁰⁵ Loren Miller, “The Protest Against Housing Segregation,” *The Annals of the American Academy of Political and Social Science* 357, no. 1 (1965): 75.

¹⁰⁶ Ngai, *Impossible Subjects*; Shah, *Contagious Divides*; Lucy E. Salyer, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (Chapel Hill: University of North Carolina Press, 1995); Erika Lee, *At America’s Gates: Chinese Immigration During the Exclusion Era, 1882-1943* (Chapel Hill: University of North Carolina Press, 2003).

minority citizens, Chinese Americans still dealt with exclusionary geography. By 1940, San Francisco's Chinese American population was even more highly concentrated than it had been in 1890, with Chinese Americans occupying 99 percent of the dwelling units in one San Francisco census tract. According to a 1939 housing survey, 4,787 of the 4,858 Chinese American-occupied dwellings in San Francisco were in Chinatown.¹⁰⁷ This trend increased after the war. In 1950, 94 percent of Chinese Americans lived in urban centers, and there were more Chinese in San Francisco's Chinatown in 1950 than there were in 1940.¹⁰⁸ The rise in population reflected a tiny increase in immigration after the repeal of the Chinese Exclusion Act, but it primarily revealed the limited residential options outside of Chinatown.¹⁰⁹

After racially restrictive covenants were ruled unenforceable, many Chinese Americans departed San Francisco's Chinatown, moving mostly into neighboring districts. But many wanted to leave the city altogether. Middle-class Chinese Americans (almost all born in the United States and primarily small business owners) left San Francisco for the suburbs. Longtime Chinese American families considered themselves "Americanized" and wanted to assimilate into suburban living.¹¹⁰ They found, however, that most suburban neighborhoods remained closed them. In the suburbs, they remained segregated in Asian American or mixed race neighborhoods.¹¹¹ Such racial districts

¹⁰⁷ Brooks, *Alien Neighbors, Foreign Friends*, 13.

¹⁰⁸ Rose Hum Lee, "The Recent Immigrant Chinese Families of the San Francisco-Oakland Area," *Marriage and Family Living* 18, no. 1 (February 1956): 16.

¹⁰⁹ The repeal of the Chinese Exclusion Act allowed annually only 105 Chinese nationals to become citizens, 25 percent of which were reserved for already resident Chinese. Rose Hum Lee, "The Decline of Chinatowns in the United States," *The American Journal of Sociology* 54, no. 5 (March 1949): 432.

¹¹⁰ Rose Hum Lee, "The Established Chinese Families of the San Francisco Bay Area," *The Midwest Sociologist* 20, no. 1 (December 1957): 20. See also Cindy I-Fen Cheng, "Out of Chinatown and into the Suburbs: Chinese Americans and the Politics of Cultural Citizenship in Early Cold War America," *American Quarterly* 58, no. 4 (December 2006): 1067.

¹¹¹ Lee, "The Established Chinese Families of the San Francisco Bay Area," 20.

testified that even in the suburbanizing San Mateo and Santa Clara Counties, the trend was toward increased residential segregation.

Conclusion

For the Valley's Japanese Americans, postwar policies brought dramatic changes. Discourses of foreignness had positioned Japanese Americans within the political space of alienage. In the prewar years, the perception of Asian American foreignness had limited Asian Americans' citizenship. San Francisco's Chinese residents, according to Nayan Shah, could only achieve citizenship by assimilating the values of the white middle class. If discourse painted the Chinese as a society of "queer domesticity" marked by irregular families and an abundance of bachelors and prostitutes, then the Chinese had to show that they could "rise" to nuclear families, white middle class consumption patterns, and sanitary living conditions.¹¹² Citizenship, contends Shah, rested on respectable domesticity.¹¹³ After World War II, however, the perception of foreignness, contends Charlotte Brooks, "created unique opportunities" for Asian Americans, whether of Japanese, Chinese, Filipino, Korean, Indian descent, enabling them to desegregate the suburbs.¹¹⁴ As whites sought to win hearts and minds in cold war Asia, white attitudes toward Asian Americans shifted, enabling Asian Americans to end their historical patterns of segregation fairly early in postwar America.¹¹⁵ In this narrative, foreign events shaped the citizenship rights of a uniquely racialized community.

¹¹² Shah, *Contagious Divides*.

¹¹³ Cindy I-Fen Cheng, likewise, argues that the discourse of "suburbanization as Americanization" influenced Chinese American desegregation in cold war California. Cheng, "Out of Chinatown and into the Suburbs," 1068.

¹¹⁴ Charlotte Brooks, "Sing Sheng Vs. Southwood: Residential Integration in Cold War California," *Pacific Historical Review* 73, no. 3 (2004): 494.

¹¹⁵ Brooks, *Alien Neighbors, Foreign Friends*.

Yet, what is striking about Japanese American experiences in the postwar South Bay is how, in spite of markedly different racializations from African or Mexican Americans, many similar patterns appear. Postwar suburbanization led to greater segregation for Asian Americans, as it did for African and Mexican Americans. Regardless of attitudinal shifts towards Asian migrants, whether due to discourses of suburban domesticity, Americanization, or cold war foreign policies, the changes in overall patterns of metropolitan segregation was small. Many of the Japanese Americans who did move to the suburbs remained in segregated neighborhoods, such as east central San Mateo. In spite of the struggles of the JACL, ACLU, and other groups, financial agencies, the housing industry, realtors, developers, and homeowners remained reluctant to desegregate white neighborhoods. “To talk about the fact that we’re making headway,” said NAACP regional secretary Tarea Hall Pittman, “is just to bury your head in the sand. In my lifetime, I have seen segregation and discrimination spread across California. It’s a creeping paralysis.”¹¹⁶

Postwar housing policies promoted segregation, but they were not omnipotent. Several nonwhite people did move into previously all-white neighborhoods. In San José, for example, Katie Hironaka bought a house in 1950 just outside of Japantown in an Italian neighborhood, where she felt welcomed by her neighbors.¹¹⁷ The JACL, Community Services Organization (the primary Mexican American civil rights organization in the Valley), and the NAACP worked to open up neighborhoods and place

¹¹⁶ “Tarea Pittman, Newspaper Clipping”, n.d., Carton 7, Folder 17, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

¹¹⁷ Hironaka, interview, 107.

Japanese, Chinese, Mexican, and African American families in homes.¹¹⁸ And they had successes. A San José study noted, “Some single families of minority peoples (of long standing usually) are scattered throughout San José—a Negro family in Willow Glen, one in the Alameda, several Mexican families in the area of Naglee Park, are examples.”¹¹⁹ Yet, while it is impressive that these families crossed the color line, their limited number underscore the pervasiveness of segregation. Although some white residents accepted their Japanese American neighbors, as in Katie Hironaka’s experience, policies and practices maintained residential segregation.

¹¹⁸ Mas Satow to Akiji Yoshimura, May 22, 1958, Box 7, Folder “Housing, 1952-53, 58,” Japanese American Citizens League History Collection, Japanese American National Library; Akiji Yoshimura to Palo Alto Area Committee for Open Housing, May 27, 1958, Box 7, Folder “Housing, 1952-53, 58,” Japanese American Citizens League History Collection, Japanese American National Library.

¹¹⁹ “Racial Prejudices in San Jose, California,” 24.

Chapter 4

Sunshine and Shadow in the South Bay

In the early morning, as the sun crested the Diablo range to shine down on the orchards of the Santa Clara Valley, Joe Ruscigno sat on his bulldozer. It was 1952, and springtime. Although he was a farmer, Ruscigno was not planting; he was uprooting. Piled high near his bulldozer was his former livelihood, a mound of dead prune trees. “Guess I’ve pulled out 150 acres of trees since the first of the year,” he related to a reporter from the *San Francisco Chronicle*. “Some beautiful orchards, too. Sort of hated to see those trees come out, but what can you do?” Born and raised in the Valley, Ruscigno had been a farmer all his life. “But the subdivisions were coming in all around us,” he explained, “and when they made me a good offer I sold out. Couldn’t afford not to, at the price I got.”¹ As the Valley’s orchards became suburbs, experiences such as Ruscigno’s became increasingly common—so common, in fact, that the image of bulldozers in the groves came to symbolize the postwar transformation.

The name for this transformation was “progress.” The word appeared frequently in public discourse. When a faction of San José’s elite, composed primarily of developers and business interests, formed a group to guide postwar industrial growth, they called themselves the “Progress Committee.”² San José jettisoned its identity as an agricultural

¹ “Santa Clara County—Scene of the Big Boom,” *San Francisco Chronicle*, May 11, 1952.

² Trounstine and Christensen, *Movers and Shakers*.

market town and reimagined itself as an affluent city of the future, the new urban center of the nascent Silicon Valley, christening itself the “City of Progress.”³ The newspaper bolstered the re-branding campaign. In early 1956, the *San José Mercury* published a special supplement, titled, “Metropolitan San José – Progress Town U.S.A.”⁴ When the Santa Clara County Planning Department released a report on development, it printed on the opening page a photograph, by now cliché: a bulldozer ramming through prune trees. The department titled the report *Planning Progress*.⁵



Figure 4.1 Planning Progress, 1956.

Mexican American and Japanese American agricultural workers fit uneasily into this narrative of progress. Along with rapid postwar growth came widespread Mexican

³ “City of Progress,” *San Jose Mercury*, January 20, 1957.

⁴ “Metropolitan San Jose - Progress Town U.S.A.,” *San Jose Mercury*, January 15, 1956.

⁵ Karl J. Belser, *Planning Progress 1956* (San Jose: County of Santa Clara Planning Commission, July 1956), California Room, San Jose Public Library.

American poverty. Mexican Americans who worked as farm laborers or in associated industries faced unemployment. By the mid-1950s, it was clear to contemporary observers that Mexican Americans had not shared in the Valley's newfound prosperity. Postwar growth produced new forms of racialized poverty. The two engines of growth—suburbanization and manufacturing—displaced fruit and vegetable canneries and the farms that supplied them. The Mexican American labor force was concentrated in farm and cannery work. While new jobs in homebuilding and electronics manufacturing often paid higher wages than old jobs in agribusiness, few Mexican Americans found employment in those sectors—not because they lacked the requisite cultural knowledge but because race-based employment practices excluded them from high-wage labor. The federal programs that promoted high-tech growth and suburbanization also generated new forms of profound inequality.

Suburban Growth

FHA financing generated a profusion of suburban subdivisions. The urban centers of the Bay Area—San Francisco, Oakland, and Berkeley—added hundreds of thousands of residents during the war.⁶ After the war, however, their populations declined. Population growth concentrated in suburban and rural areas, particularly the south Bay Area. Residents of Alameda County, the large county that stretched along the East Bay, had clustered in the northern part of the county in Oakland and Berkeley, but after the war the rural southern part of the county added thousands of residents. San Mateo County, south of San Francisco, received hundreds of thousands of suburbanites. The largest increase in the nine-county Bay Area occurred in Santa Clara County. In the

⁶ Contra Costa County, just north of Alameda, saw the largest wartime increase, due to expansive wartime shipyards. The main shipbuilding city, Richmond, reached its peak population of about 120,000 in 1945 and declined thereafter.

1940s, the population of Santa Clara County nearly doubled. In the 1950s, it more than doubled. By the mid-1950s, more than 4,000 new residents moved to Santa Clara County each month.⁷ In the mid-1960s, Santa Clara County's population had surpassed San Francisco's and by 1970 it rivaled Alameda's. 290,547 people lived in Santa Clara County in 1950, 642,365 in 1960, and 1,065,313 by 1970. By 1980, Santa Clara County was by far the most populous county in the Bay Area, with nearly twice the population of San Francisco. Residential subdivisions spread across the Valley, providing suburban homes for people with jobs in San Francisco and the developing high-tech industry headquartered in Palo Alto and Sunnyvale.⁸

Santa Clara County received more FHA-financed housing than any other Bay Area county. And at the center of it was San José. In the postwar era, the city embarked on a meteoric rise. With a population of 68,457 in 1940, San José was a tenth the size of San Francisco. But by century's end, with nearly one million residents, San José was the largest city in Northern California, more than twice the size of Oakland, and one of the largest cities in the nation.⁹ San José expanded city limits to annex much of the surrounding area, growing in area from 17 square miles in 1950 to 137 square miles in 1969.¹⁰ As it expanded, it encompassed much of the new suburban development. Although a ring of wealthy suburbs emerged around San José, much of the Valley's

⁷ Belser, *Planning Progress 1956*, 2.

⁸ U.S. Bureau of the Census, *1950 Census, Santa Clara County*, n.d., census.abag.ca.gov; U.S. Bureau of the Census, *1960 Census, Santa Clara County*, n.d., census.abag.ca.gov; U.S. Bureau of the Census, *1970 Census, Santa Clara County*, n.d., census.abag.ca.gov; U.S. Bureau of the Census, *1980 Census, Santa Clara County*, n.d., census.abag.ca.gov.

⁹ U.S. Bureau of the Census, *1940 Census, San Jose*, n.d., census.abag.ca.gov; U.S. Bureau of the Census, *2000 Census, San Jose*, n.d., census.abag.ca.gov; U.S. Bureau of the Census, *2000 Census, Oakland*, n.d., census.abag.ca.gov.

¹⁰ "Annexations by Year", 2011, City of San Jose Planning Division.

suburban development took place within San José city limits, giving much of the “central city” the design and aesthetic of middle-class suburbia.

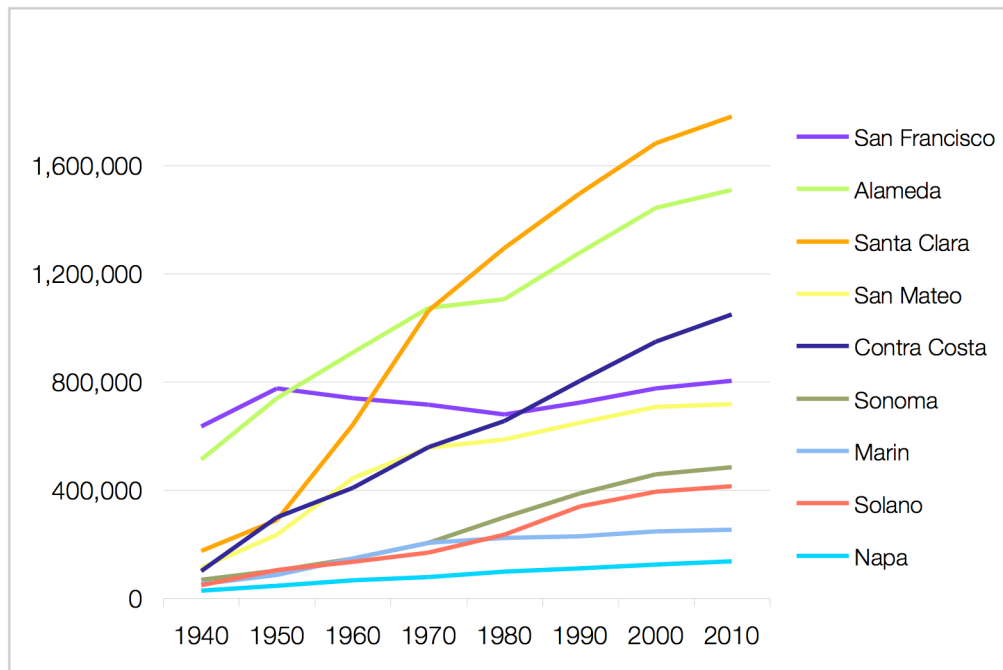


Figure 4.2 Population growth in Bay Area, 1940-2010.

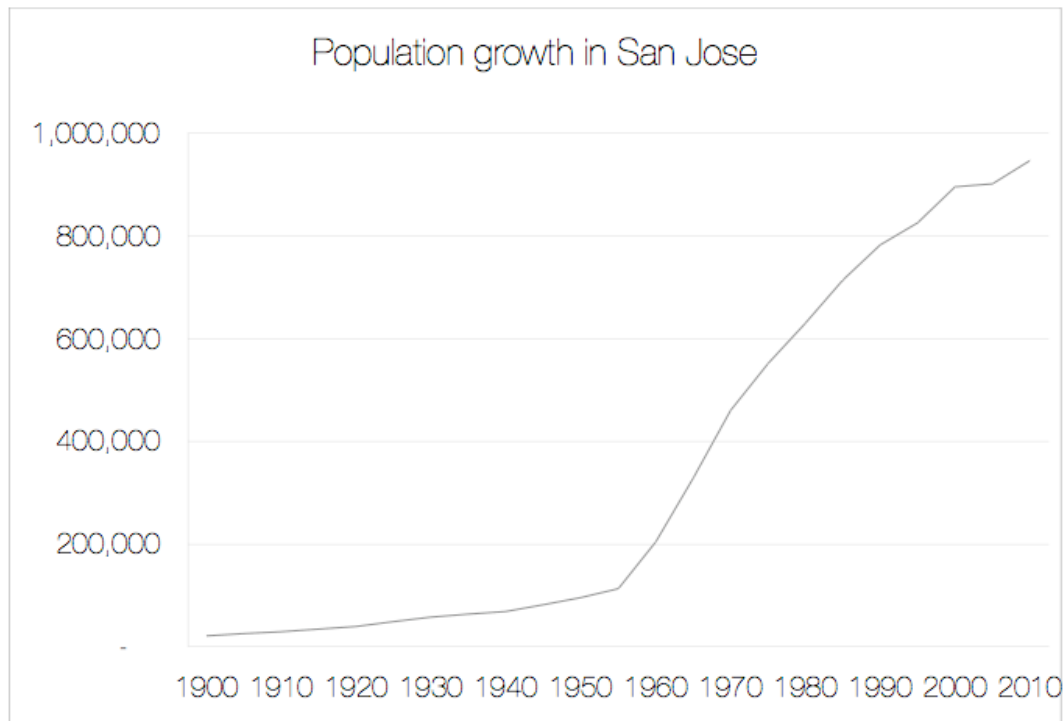


Figure 4.3 Population growth in San José. At the center of Santa Clara County was San José, which became one of the largest cities in the nation.

Neither City, Nor Suburb, Nor Country

Suburban development changed the agricultural region. HOLC surveyors had commented on the agrarian character of San José, where civilization and nature intertwined, economically and geographically. “The city,” reported T. H. Bowden, “might literally be said to have been carved from a forest of fruit trees, as most of the residential sections were orchards prior to being subdivided, and many of the original trees still ornament the gardens of the invading residences.”¹¹

“Orchards and fields in many localities are giving way to suburban residential tracts,” observed a public health researcher in San José in 1956. “Farms and pastures have been transformed into housing subdivisions occupied by urban workers who

¹¹ Bowden, *Report of a Survey in San Jose, California*, 2.

commute to their jobs in factories and offices in San Francisco and East Bay cities. Perhaps the whole face of the valley will soon be changed.”¹²

Changed it was. In 1952, Santa Clara County was the “scene of the big boom.” The *San Francisco Chronicle* reported, “The most common sound heard in the Santa Clara Valley this spring is not the call of the meadowlark in the tall grass among the orchards but the roar of the bulldozer ripping up rows of fruit trees and the rhythmic sound of the pounding hammer. The orchards of the nation’s fruit bowl are giving way to houses and factories.”¹³ From 1935 to 1957, over 70,000 acres of orchard went out of production.¹⁴ Nearly half of that loss took place between 1949 and 1954, when suburban development ate up 46 square miles of farmland.¹⁵ In five years, there arose a new urban area larger than Manhattan. By 1959, one acre of farmland went out of production every 90 minutes, lost to residential and industrial development.¹⁶ Makers of street maps admitted that the county was growing so fast, their maps, only five months after printing, were obsolete.¹⁷

This staggering growth was “business as usual,” according to the County Planning Commission. In its 1956 report *Planning Progress*, the commission

“Hammer in hand, the county went noisily about the job of transforming itself from a rural to a metropolitan community. Bulldozers leveled orchards for thousands of homesites. The steel webbing of new factories spread over former hay fields. Acres of asphalt marked the parking areas of new suburban shopping centers. Service stations sprang up like mushrooms along our major

¹² Clark, *Health in the Mexican-American Culture*, 9.

¹³ “Santa Clara County—Scene of the Big Boom.”

¹⁴ Roy Hitchcock, “Taking the Pulse of the Prune,” *California Farmer*, September 14, 1957.

¹⁵ “The Indispensable Man at Harvest Time,” *San Jose Mercury*, August 28, 1955.

¹⁶ George S. Roche and Joe W. Santana, “Santa Clara County Narrative for DE 4595”, December 3, 1959, Box 46, Folder 11, Ernesto Galarza Papers, M0224, Department of Special Collections, Stanford University Libraries, Stanford, California.

¹⁷ “County Grows Too Fast for Mapmakers,” *Palo Alto Times*, September 12, 1952.

thoroughfares. Fleets of ready-mix trucks disgorged concrete into the foundation forms of every kind of building—in every part of the county.”¹⁸

The commission acknowledged the diverse interpretations of this progress:

“Old residents view the county’s frenzied growth with mixed emotions. Some see this growth as ‘progress’, a condition implying speculative opportunity or reflected economic benefits. The farmer views with alarm the disappearance of the county’s farmlands under the onslaught of urbanization. The suburbanite sees his ‘country living’ threatened by the spread of the solid city.... Some are glad for the boom in the building industry. Others look at our sprawling, rubber stamp subdivisions and wonder if these are ‘the slums of tomorrow.’”¹⁹

One of those critics was William H. Whyte. In an influential 1958 article, Whyte portrayed Santa Clara County as the epitome of a new urban form he identified as “sprawl”—“vast, smog-filled deserts that are neither city, suburb, nor country.”²⁰ Having recently published *The Organization Man*, a stark investigation of the ways in which bureaucratic corporate life crushed American individualism, a loss of place reflected in the “packaged communities” of suburbia, Whyte was the leading critic of suburban development.²¹ Like his contemporaries, Whyte situated sprawl within the narrative of progress, and also like his contemporaries he saw the development of suburban homes as a symbol of progress, perhaps *the* symbol, for it was the most visible manifestation of the era’s prosperity and rampant consumption, the evidence that so many people had achieved the American Dream. Nevertheless, he could not help but mark the term with a touch of irony. “You can’t stop progress, they say,” wrote Whyte, “yet much more of this

¹⁸ Belser, *Planning Progress 1956*, 1.

¹⁹ *Ibid.*, 2.

²⁰ Whyte, “Urban Sprawl.” Other writers had used the term before Whyte, but with less impact on national discourse. See, for example, “The Decentralized City,” *New York Times*, November 17, 1948.

²¹ William H. Whyte, *The Organization Man* (New York: Simon & Schuster, 1956), 10. On Whyte and the critique of sprawl see Rome, *The Bulldozer in the Countryside: Suburban Sprawl and the Rise of American Environmentalism*, 119–152.

kind of progress and we shall have the paradox of prosperity lowering our real standard of living.”²²

Particularly worrisome to Whyte was the depletion of the county’s prime soils, paved over for parking lots, ranch homes, driveways, strip malls, and roads. Of all the Class I farmland in the Bay Area, 70 percent of it had been in Santa Clara County.²³ “In a maze of signs and neon lights,” mourned Whyte, “the unspoiled country had almost disappeared.” Developed areas scattered across the Valley. The United States Department of Agriculture reported that, although much of the land remained undeveloped, development had occurred in almost all agricultural areas, indicating a sprawling pattern of growth.²⁴ According to one estimate in 1954, there was at least one subdivision per mile, spread across 200 square miles of the county.²⁵

Whyte put his hopes in an alliance of farmers and legislators. Farmers joined with agricultural representatives to enact legislation that would protect farmland from development. They sought tax abatements for farmers who abutted subdivisions. Tract homes raised tax assessments on adjacent orchards, but orchards did not provide the massive profits of developments. Without tax abatements, farmers argued, they would be taxed out of business.²⁶ They also urged the county to enact greenbelt policies, defining the limits of growth and allowing agriculture a sphere of influence. County planners implemented an agricultural greenbelt program, zoning 1,000 acres for preservation by 1954.²⁷ Yet these measures had only minimal success in curbing sprawl. They applied

²² Whyte, “Urban Sprawl,” 124.

²³ *Ibid.*, 126.

²⁴ United States Department of Agriculture, “Urban Expansion: Will It Ever Stop?,” in *Land: The 1958 Yearbook of Agriculture* (Washington, D.C.: United States Department of Agriculture, 1958), 515.

²⁵ *Ibid.*

²⁶ Whyte, “Urban Sprawl.”

²⁷ Belser, *Planning Progress 1956*, 45.

only to unincorporated county land, and city governments continued to expand through annexation of farmland, overriding any non-urban growth controls. Sunnyvale annexed a swath of the Dana Greenbelt, a 550-acre tract south of the city, incorporating the farmers in the booming suburb.²⁸

As land prices skyrocketed, farmers sold out. First went the small farmers, who often were unable to keep up with rising tax assessments. Then went the large landholders, who were often more tempted by the high prices they could command.²⁹ Hoping to profit from the postwar suburban land rush, real estate professionals, homebuilders, and land speculators bought thousands of acres of farmland, offering to buy properties for a dozen times what the farmers had paid. While many of the sales were private, they occasionally reached the public record in the probate court. For example, after the death of Carl Wesley Haman, a prominent Santa Clara fruit grower and civic leader, the local probate court offered his orchard for sale. The 41.44-acre lot fetched \$287,000 from a Palo Alto subdivider and builder.³⁰ Land that had been valued at \$300 to \$400 an acre now sold for \$7,000 an acre.

Suburbanization produced many problems for farmers; it raised taxes, increased storm runoff, and disrupted the agricultural economy. But, reported Whyte, “the suburbanites felt *they* were the injured parties; they didn’t like to be wakened by tractors early in the morning and they objected vigorously to the use of sprays and smudge pots.”³¹ Suburban growth generated a clash between farmers and homeowners, who sought to impose a residential order on agricultural space. Across the Valley, new

²⁸ Ibid.

²⁹ United States Department of Agriculture, “Urban Expansion: Will It Ever Stop?,” 510.

³⁰ “41.44 Acres Bring Price of \$287,000,” *San Jose Mercury*, September 17, 1955.

³¹ Whyte, “Urban Sprawl,” 126–128.

residents fought with farmers, planners, agency officials, and elected representatives in battles to determine if the Valley would be a place of work or a place of residence, which suburbanites associated with single-family homes instead of farm labor barracks, permanent families instead of migratory labor, middle-class instead of working-class, homogenous whiteness instead of the racial diversity of the Valley's farm workers.

Stephen C. Smith, an agricultural economist at the University of California, Berkeley, defined this in 1959 as “the rural-urban fringe problem.” As suburbanization extended into farming areas, new residents deployed the traditional tools of local government, such as zoning and subdivision regulations, to “protect” their investments in their houses. The result was “a contest within the fringe between economic groups attempting to segregate themselves from other economic groups. At times, these differences are straightforward with the issues plainly stated while at other times they are hidden—or thought to be hidden—behind the guise of standards of public health, welfare, or amenity values.”³² In Santa Clara County, suburban residents opted for the latter, articulating their demands in a language of local control and public welfare.

A flashpoint of these conflicts was the farm labor camp. Farm labor camps, although common in the past, mingled uneasily with developing suburban neighborhoods. In Saratoga, for example, farmer Walter Seagraves sought to build a labor camp in the summer of 1955, alarming nearby homeowners.³³ The Santa Clara County Board of Supervisors had passed a zoning law intended to ensure that development conformed to suburban subdivision standards—or so they thought. The law retained an exception for farmlands.

³² Stephen C. Smith, “The Rural-Urban Fringe Problem,” *California Agriculture* 13, no. 2 (February 1959): 2.

³³ “Saratogans to Protest Farm Labor Camp,” *San Jose Mercury*, July 27, 1955.

A hundred Saratogan residents protested at the Board of Supervisors' meeting, urging the supervisors to close the loophole that allowed farm development that did not conform to suburban standards. The residents contended that farm labor buildings would lower property values and draw an "undesirable element" into the residential area. This "undesirable element" was Mexican farmworkers; yet the residents denied that they sought to exclude farmworkers because of their race. "We don't want to put this on a racial basis," group spokesman Donald A. Miner insisted, "because it isn't racial at all."³⁴ Rather, it was about maintaining suburban residential character and upholding property values.

The residents hired a lawyer and demanded that Seagraves' farm property be subdivided.³⁵ Responding to Saratogan complaints, County Counsel Spencer Williams decided that farm labor buildings were not acceptable in residential Saratoga.³⁶ Facing community pressure and a cowed Board of Supervisors, Seagraves abandoned the plan to build the labor camp, assuring the Board of Supervisors that he would follow subdivision regulations on his Saratoga property.³⁷

The tensions between suburban housing and agriculture extended into the schools. Suburban residents no longer consented to organize the school year around agricultural seasons and labor demands. Protests were particularly common in south San José, where high-end subdivisions of sprawling ranch homes with two-car garages were springing up between orchards and (actual) ranches. In 1957, 99 parents from south San José's Almaden School submitted a petition to the San José Unified School District Board of

³⁴ Ibid.

³⁵ "Saratoga Residents Win Labor Camp Ban Fight," *San Jose Mercury*, August 9, 1955.

³⁶ Ibid.

³⁷ Ibid.

Education requesting that it discontinue the practice of delaying the fall school opening for a week because of the fruit harvest. The parents said they “resent losing several days of our Christmas holiday to make up the lost school time.” Suburban school parents comprised a growing voting bloc, and the orchardists a declining one, as the parents pointed out. “The orchardists,” noted the petitioners, “represent a quite small minority of the parents of our school.”³⁸ The board, however, sided with the orchardists. While the board was attuned to the new suburban majority, federal laws prohibited the children of migrant workers from being in the fields when school was in session.³⁹ Although the Almaden petitioners portrayed the issue as a fissure between suburban schoolparents and orchardists, their plea revealed the fissure between white suburban professionals and the predominately Mexican American migrant workers whose children accompanied them. The following year, the state extended the school year by five days, to 175 days per year, further exacerbating tensions between growers, who wanted school to start no earlier than September, and schoolparents, who anticipated August schooldays.⁴⁰

If the labor requirements of growers caused problems with suburban residents, so did the byproducts of agricultural industries. HOLC surveyors had noted that agricultural processing factories mingled with homes. “The business and industry of the city, which is practically all based upon agriculture, is widely scattered and, in many districts, interspersed with residential structures.”⁴¹ This arrangement was no longer acceptable in the postwar years. Canneries and packinghouses did not fit in easily with the new subdivisions. A resident from a new housing development in Berryessa complained to the

³⁸ “Urbanite Vs. Rancher On Opening of School,” *San Jose Mercury*, June 7, 1957.

³⁹ *Ibid.*

⁴⁰ “City Schools Eye Next Year Calendar—Fruit Industry Asks Later Start,” *San Jose Mercury*, March 6, 1958.

⁴¹ Bowden, *Report of a Survey in San Jose, California*, 4.

Board of Supervisors that residents of his neighborhood could smell the unpleasant odors from a nearby meatpacking and tallow company. “We want real action taken immediately and this cleaned up,” he threatened, “otherwise we will do our best to do some cleaning up in the next election.”⁴²

Such threats indicated the shifting political regime, of which the growing power of suburban voters was just a part. While the suburban majority lost occasional battles, as in the petition over the Almaden school year, it gradually changed the face of South Bay politics. The growers who had long dominated the political scene gradually lost power to builders, title officers, and real estate and insurance professionals. The shift was foreseen—and encouraged—by a cadre of political and business leaders who in 1943 began to meet regularly to advocate for their vision of the postwar economy, a vision of rapid suburban and industrial growth. They called themselves the “Progress Committee.” To promote their position, they wielded the Valley’s most influential voice: the newspaper.

Trees Don’t Read Newspapers

Agricultural news had been the priority of the newspaper, and it was what locals wanted to read.⁴³ The *Mercury Herald* had a regular column called “Let’s Grow it!” about home vegetable gardens and fruit trees. Into the postwar years, the paper had a Sunday insert called “Ranch Home, Garden,” in which readers could “view pictures of local prize-winning livestock,” monitor the prices of wholesale prunes, and keep up on “the latest in fruit dehydrator technology.”⁴⁴ In 1940 the *Mercury Herald* ran a special

⁴² Megan Lynn Alpers, “Valley of Heart’s Delight: Orchards to Hard Drives in the San Jose Mercury News” (MA Thesis, San Jose State University, 2010), 36.

⁴³ *Ibid.*, 32.

⁴⁴ *Ibid.*, 38.

issue on the city's 16,000 cannery workers titled, "They Can."⁴⁵ When the cannery workers struck five years later, so invested was the *Mercury Herald* in the agricultural economy that it reacted with the overwrought front-page headline, "Cannery strike threatens all California."⁴⁶ The newspaper identified with agricultural interests and it identified the Valley with agriculture. "There's a growing awareness," reported the *Mercury* proudly, "among the grocery merchants around the nation that the slogan 'Produced in Santa Clara Valley' is a trademark denoting high quality fruits and vegetables."⁴⁷

But, in the 1950s, news coverage changed. Everis Hayes, the vituperative Asian exclusionist who published the newspaper, died. His children had little interest in operating the paper and they offered it for sale. In 1952, the Ridder family—owners of a growing empire of newspapers, including the *St. Paul Dispatch*, *Duluth Herald*, *Manhattan's Journal of Commerce*, and much of the *Seattle Times*—acquired the *San Jose Evening News* and morning *Mercury* from the Hayes family, sending scion Joseph B. Ridder to manage the new acquisition.⁴⁸

Ridder immediately became a political powerbroker. In fact, most civic leaders, businessmen, and politicians considered not the mayor nor the city manager but Ridder to be the city's most powerful man. One well-connected individual informed journalist Philip Trounstine and political scientist Terry Christensen, who conducted a study of power in San José, that Joe Ridder ruled San José. "I can recall going out there to the newspaper," said the informant, "and it was like going to see the king. He'd have

⁴⁵ "They Can," *San Jose Mercury Herald*, August 2, 1940.

⁴⁶ "Cannery Strike Threatens All California," *San Jose Mercury Herald*, October 4, 1945.

⁴⁷ "Valley Produces Quality Fruits, Vegetables," *San Jose Mercury*, January 15, 1956.

⁴⁸ "The Ridders Buy Again," *Time*, August 4, 1952.

congressmen backed up for two hours because he was running late. If he got behind something in the community, he could make it go.”⁴⁹

The *San José Mercury*, with Ridder at its helm, became a mouthpiece of growth interests in the postwar decades. The paper had long advocated for San José, but it had never so forthrightly endorsed housing development, especially when it came at the expense of agricultural interests. When the paper considered population trends in 1944, it had asked, “Just how many people can be accommodated in that bright, new ‘Greater San José’ of the postwar era?” It predicted 137,180, max.⁵⁰ The paper could not help crowing in 1947 when the city was acknowledged as a member of the “‘Big City’ class.”⁵¹ Yet the publishers remained skeptical of massive development of agricultural lands. Hayes, after all, had been an orchardist, and he had devoted himself to protecting the mythic farm ideal from threats.

After the Ridder family acquired the *Mercury*, the paper underwent a rapid metamorphosis. As publisher, Joe Ridder enthusiastically supported suburbanization. Editorials tilted heavily toward boosterism. Articles reported favorable on new freeways, housing subdivisions, utilities extensions, and annexations.⁵² When Ridder was asked why he was so committed to uprooting orchards for tract homes, he replied, “Trees don’t read newspapers.”⁵³ The paper began publication in 1955 with a celebratory look back on the previous year of suburbanization: “1954—A Year of Amazing Growth in County.” The article contained six large aerial photographs of houses beyond houses, reveling in

⁴⁹ Trounstine and Christensen, *Movers and Shakers*, 64–65.

⁵⁰ “137,000 S.J. Population Foreseen,” *San Jose Mercury News*, June 25, 1944.

⁵¹ *San Jose Mercury*, January 20, 1947.

⁵² Trounstine and Christensen, *Movers and Shakers*, 131–132.

⁵³ “The Problem: The City Government as an Agent of Mis-Planning,” *La Malcriada of Santa Clara* 1, no. 1 (June 8, 1973).

the “bountiful growth” of subdivisions. “Figures on industrial expansion, population increase and general economic gains are not only impressive—they are fantastic.”⁵⁴ The 25,000 new county residents in 1953 and the 31,400 new residents in 1954 had made the area’s growth a “legend.”⁵⁵ The paper celebrated the Valley’s new residents: “They are young. They are ambitious ‘doers’ of our own pioneering heritage and cream of the crop from elsewhere. They are people who own their own homes, solid citizens, men and women with brain and brawn sociologists like to call ‘America’s finest.’”⁵⁶

The men, reported the *Mercury*, worked in the Valley’s burgeoning industries, building cars, machines, and electrical components. “Not everyone works in an industrial plant, however,” reminded the *Mercury*. “Women and children need homes, and families spend money to get them.” Such statements disregarded the women that had worked in canneries for decades, promoting instead the suburban ideal of nuclear families with breadwinning fathers, stay-at-home mothers, and children in single-family homes. Residential construction had become a primary industry in the valley, totaling \$84 million in 1954, almost 40 percent of which was in unincorporated county territories. That year, 35,000 people found jobs in residential construction, building 8,300 homes in the county. Industrial and commercial construction reached \$48 million. To support this building boom, banks lent \$202,152,243, much of it financed by the federal and state governments, through FHA, Cal-Vet, and other programs.⁵⁷

For many years, the *Mercury* refused to acknowledge that suburban growth contributed to agricultural decline. A headline from 1956 asked, “Farms Disappearing?”

⁵⁴ “1954—A Year of Amazing Growth in County,” *San Jose Mercury News*, January 3, 1955.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

Not Around This Busy Area!” The paper reported that Charles Boyd, a member of the Santa Clara County Farm Bureau who spoke at the Kiwanis “Farm-City Week,” said that “there is a trend for industrial workers to go back to the farm, also a growing if unrealized yearning of thousands of city folk to own a farm.”⁵⁸ The paper tried to have it both ways, endorsing a vision of suburban and industrial growth while insisting that the farm economy was not threatened.

When San José christened itself the “City of Progress,” the paper bolstered the re-branding campaign.⁵⁹ In early 1956, the *San José Mercury* released a special supplement, titled, “Metropolitan San José – Progress Town U.S.A.”⁶⁰ The paper paid lip service to the “irreplaceable asset” of farmland.⁶¹ Yet its sympathy was now with San José growth interests and developers. The paper reported that San José had annexed the lower Almaden area “in which the city hopes to encourage high class residential developments.”⁶² It reported that in the first half of the 1950s, 99 square miles of Alameda, just to the north, converted to subdivisions.⁶³

This massive influx increased demand for the *San José Mercury* and *News*, which by then enjoyed a monopoly on the regional news market. Over the next decade, daily circulation more than doubled, from 72,000 in 1952 to 153,606 in 1964, at which point Ridder took out a double-page ad in the *New York Times*. Printed in huge type was the question: “What Evening Newspaper Leads the Nation in Total Advertising Linage?”⁶⁴ And on the opposite page: “What Morning Newspaper Ranks Sixth in the Nation in Total

⁵⁸ “Farms Disappearing? Not Around This Busy Area!,” *San Jose Mercury*, November 21, 1956.

⁵⁹ “City of Progress.”

⁶⁰ “Metropolitan San Jose - Progress Town U.S.A.”

⁶¹ “Greenbelts Protect Irreplaceable Asset,” *San Jose Mercury*, January 15, 1956.

⁶² *Ibid.*

⁶³ “Alameda Area Converts to Subdivisions,” *San Jose Mercury*, January 15, 1956.

⁶⁴ “Display Ad 52,” *New York Times*, April 23, 1964.

Advertising Linage?”⁶⁵ The answer? The *San José News* and the *San José Mercury*. “Morning and evening... coming and going... *Only* The News and The Mercury reach the right people at the right time in San José’s \$1,500,000,000 metropolitan market.”⁶⁶ Although the dramatic increase in circulation was due largely to circumstances beyond Ridder’s control, he nevertheless claimed credit for it. “I’ve done everything to get the population here,” he said in 1964, “and new industry too.”⁶⁷ The *New York Times* ad was, in part, boasting by Joe Ridder; as publisher of the most profitable paper in the Bay Area and one of the most profitable in the country, he had bested his brothers at the family business. (In 1952, his brother Herman “Hank” Ridder had become publisher of the *Long Beach Independent* and *Press Telegram* and another brother, Bernard J. “Ben” Ridder, was then publisher of the *St. Paul Dispatch* and *Pioneer*.) Yet Ridder was also counting on the advantage of surprise as New Yorkers read the answer—San José?—to induce nationwide clients to advertise in his paper. It succeeded. With more advertisers than it could handle, the paper turned away ads. “We don’t have newspapers here,” quipped circulation manager Arvey Drown. “We’ve got catalogues.”⁶⁸

With the changing dynamic, the *San José Mercury* and *News* gradually abandoned the agricultural reportage that had been a staple of its pages. *San José Mercury* columnist Dorothy Thompson, in a move that would have been unthinkable just a few years previously, began criticizing farm subsidies as parasites that ate away at taxpayers’ pocketbooks. “The subsidy,” wrote Thompson, “is contributed by the taxpayer-consumers. Yet the people, having paid the farmers, cannot even get back some of their

⁶⁵ “Display Ad 53,” *New York Times*, April 23, 1964.

⁶⁶ *Ibid.*

⁶⁷ “A Plum in the Valley,” *Time*, May 8, 1964.

⁶⁸ *Ibid.*

money by lower food prices. The program has produced preposterous inequities.”⁶⁹ It was these taxpayers and consumers who were now the readers of the *San José Mercury* and *News*.

In 1960, the farm news section was reduced to one or two pages on Sundays.⁷⁰ In its place, the paper expanded coverage of high tech news, especially after the development of Stanford Industrial Park.⁷¹ A handful of journalists objected to the change, but they were lonely voices crying in the suburban wilderness. In 1965, Frank Freeman, the *Mercury*'s columnist on local affairs, reminded the paper's readers that Santa Clara County did in fact have an agricultural economy. “Subdivisions notwithstanding,” he wrote in his regular column, “this county is among the 25 most important counties in agricultural production in the United States.”⁷² He pointed out that the county's farmers still grew \$70 million worth of produce; including canning, drying, and packing, crops still accounted for \$200 million of the county's economy. Nevertheless, it had long been obvious that the agricultural system was declining. In 1956, the county had grown \$101 million of produce, with canneries producing an additional \$150 million; thus, in real dollars, Freeman's figures indicated a steep reduction in the agricultural economy.⁷³ It was the breakneck growth of the Valley that had compelled Freeman to insist that agriculture remained a major industry; that fact was

⁶⁹ Dorothy Thompson, “Farm Price Program Real Mess,” *San Jose Mercury News*, April 7, 1950; Alpers, “Valley of Heart's Delight,” 37.

⁷⁰ Alpers, “Valley of Heart's Delight,” 40.

⁷¹ *Ibid.*, 41.

⁷² Frank Freeman, “Agriculture's Still S.C. County's Biggest Industry,” *San Jose Mercury News*, April 4, 1965.

⁷³ “Farms Disappearing? Not Around This Busy Area!”.

no longer obvious to the casual observer or newsreader. After 1976, with both the farm section and the farm editor gone, agricultural reporting was little more than a novelty.⁷⁴

Agriculture and Industry

The agricultural turnaround came in the mid-1950s. World War II had increased agricultural production and employment. The war brought increased investment in the canning and packing, and with it, more residents. Canneries operated day and night. With labor shortages in the fields and packinghouses, employers advertised in the newspapers. To pressure women to join the workforce, the advertisements equated cannery operations with military maneuvers. “Food,” declared one ad, “will win the war.”⁷⁵ Packing prunes was a patriotic duty.

The wartime expansion of the agricultural industry continued into the postwar years. Indeed, for more than ten years after the war ended, the agricultural economy continued to grow, in spite of suburbanization. Subdivisions did not automatically wipe out the old economy. There was a period of coexistence, due largely to more intensive land use and improvements in agricultural technologies and farming methods.⁷⁶ Food processing, packaging, freezing, and canning boomed during the 1950s. In the late summer of 1950, the Barron-Gray Packing Company opened a 125,000-square-foot cannery, the largest in the state, at its giant packing, canning, and warehousing complex on Fifth and Martha Streets in San José, hiring 3,000 new employees to work in it.⁷⁷ Along with the boom came more regular employment not only in food products but also in secondary industries, such as the manufacturing of fertilizer and packaging materials.

⁷⁴ Alpers, “Valley of Heart’s Delight,” 44–45.

⁷⁵ “Your Help Is Needed!,” *San Jose News*, August 10, 1942.

⁷⁶ “The Indispensable Man at Harvest Time.”

⁷⁷ “Nearly 3000 Will Be Working Soon on Colorful Pack,” *San Jose Mercury News*, August 3, 1950.

In the mid-1950s, agriculture and its associated industries—canning, fruit and vegetable packing, fruit drying, frozen food, and wineries, as well as the support industries of irrigation, fertilizers, and farm equipment—still dominated the economy. Santa Clara Valley led the world’s food preservation industry.⁷⁸ “Agriculture and industry are synonymous words in the Santa Clara Valley,” reported the *San José Mercury* in 1955, when food processing employed 31 percent of the county’s manufacturing workforce.⁷⁹ In 1960, the Valley’s fruit processing industry remained the nation’s largest, with 85 canneries, 23 dried fruit plants, 25 frozen food operations, and 85 fresh fruit and vegetable packers.⁸⁰

Job opportunities encouraged a massive migration of laborers, primarily Mexican Americans who migrated to San José from elsewhere in California and the Southwest.⁸¹ Regular employment enabled Mexican Americans, many of whom had been migrants, to settle in San José in larger numbers than ever before. Most residents of the barrio of Sal Si Puedes, for example, moved there in the 1940s from elsewhere in the Southwest.⁸² They moved there not to work in the developing aerospace industries but in agriculture and agricultural industry; a quarter of Sal Si Puedes’ men and women worked in orchards and a fifth worked in canning.⁸³ Another fifth worked in construction, an occupation that grew exponentially due to the increase in suburban building. In the 1950s, the Spanish-surnamed population of San José doubled to 77,755.⁸⁴

⁷⁸ “Valley Leads World’s Food Preservation Industry,” *San Jose Mercury*, January 15, 1956.

⁷⁹ “Agriculture,” *San Jose Mercury*, January 15, 1956.

⁸⁰ Alpers, “Valley of Heart’s Delight,” 16.

⁸¹ “The Indispensable Man at Harvest Time.”

⁸² Clark, *Health in the Mexican-American Culture*, 49–51.

⁸³ *Ibid.*, 74.

⁸⁴ *The Spanish-American Community of the San Francisco Bay Area* (US Commission on Civil Rights, April 28, 1967), 3.

And then the economy changed. 1956 was the most profitable year for agricultural industries in Santa Clara County.⁸⁵ The agricultural economy reached its peak and began a steep decline.⁸⁶ By May 1957, county farm income dropped below \$100 million.⁸⁷

Emerging at the center of the Valley economy was high-tech industry. A Redwood City pamphlet provided a characteristic depiction of the region's modernization. "Thirty years ago, this was an agricultural and suburban commuting area. Today, food processing is still a substantial industry—but the Peninsula's future is now tied to the space age, much of the economy is based on electronics, computers and instruments, missiles, missile-launching devices, solid fuels and linear accelerators."⁸⁸ The economy of manufacturing and research and development facilities that had become so dominant by the 1960s and 1970s, when the region came to be known as Silicon Valley, had its origins in the war and early postwar years, the product of avid locals, military geography, and federal investments.

The Progress Committee, meeting in the offices of the San José Chamber of Commerce, devised a public relations plan to recruit industrial development. City and county booster materials, especially those by the Chamber of Commerce, echoed the newspaper. For decades, the growth agendas of local municipal governments had emphasized agriculture. In a 1904 pamphlet, the San José Chamber of Commerce had promoted the city as a wonderland of orchards, "the Valley of Heart's Delight,"

⁸⁵ "Farms Disappearing? Not Around This Busy Area!"; Carroll K. Hurd, "SC Farm Income Drops to \$98,268,345," *San Jose Mercury*, May 12, 1957.

⁸⁶ Belser, *Planning Progress 1956*, 3.

⁸⁷ Hurd, "SC Farm Income Drops to \$98,268,345."

⁸⁸ Port of Redwood City, "Port of Redwood City", n.d., Box 130, Folder: San Mateo County Development, Pete McCloskey Papers, Hoover Institution Archives, Stanford University.

advertising agricultural opportunities and clarifying the pronunciation of the city (“San Hosay”).⁸⁹ This continued through the first part of the century. In a 1940 pamphlet, the Chamber declared San Jose “the land of sunshine, fruit, and flowers.”⁹⁰ It accompanied another pamphlet on “The California Prune,” the engaging story of the brave men who first planted the prune in the Santa Clara Valley. The significant facts the Chamber thought fit to mention concerned agriculture—land area, annual rainfall. Once again, the Chamber found it necessary to explain that it was pronounced San “Ho-say.”⁹¹ The marketing of agriculture continued into the 1950s. In 1953, the Chamber released a postcard illustrating the dates and locations of blossoming almond and cherry trees, intended to lure tourists to the Valley. The Chamber depicted the Valley with a map printed over an image of a orchard in full flower, captioned, “Beautiful Santa Clara Valley in Blossom Time.” The postcard noted with pride that the Valley produced 100 million prunes each year, over one third of the world’s annual production.⁹² It would be the last time prunes received such attention in the Chamber’s promotional materials.

⁸⁹ San Jose Chamber of Commerce, “San José (San Hosay): Santa Clara County, California.”

⁹⁰ San Jose Chamber of Commerce, “The Land of Sunshine, Fruit, and Flowers”, 1940, History San Jose.

⁹¹ San Jose Chamber of Commerce, “The California Prune”, 1950, History San Jose.

⁹² Greater San Jose Chamber of Commerce, “Blossomtime Tours: Santa Clara Valley Blossom Routes”, 1953, Santa Clara City Library.



Figure 4.4. The Land of Sunshine, Fruit, and Flowers, circa 1940. History San José.

Between 1950 and 1965, the San José Chamber spent \$1,000,000 publicizing San José, a public relations blitz subsidized by city and county funds.⁹³ While the earlier pamphlets and advertisements continued to define the city by agriculture, later materials reimagined San José’s identity as a home of industry, open for business. The Chamber produced color brochures, declaring that the Valley enjoyed “FAVORABLE CLIMATE,” “UNLIMITED INDUSTRIAL SITES,” “CO-OPERATIVE LABOR,” and “ABUNDANT POWER.”⁹⁴ In its special issue on “Progress Town,” the *Mercury* gave credit to the San José Chamber of Commerce for enabling growth, a friendly sort of praise considering that Ridder met regularly with the leaders of the Chamber to plan suburban and industrial development strategies. In an article exhibiting the boosterism for which Ridder’s paper became known, the *Mercury* reported, “San José Chamber of Commerce, increasingly a dominant force in Santa Clara County growth because it has long since left behind its restrictive limitation of serving only the City of San José, is not

⁹³ Trounstine and Christensen, *Movers and Shakers*, 92.

⁹⁴ “Santa Clara County—Scene of the Big Boom.”

content to let ‘natural resources’ of land availability, good labor supply, key transportation services and growth potential ‘pull’ new industries here. Active contact with potential industrial neighbors is kept up to date with personal visits, servicing requests for technical information, location of possible plant sites and a nationwide advertising campaign that has proven highly effective.’⁹⁵

San José was soon home to the multi-million dollar industrial plants of IBM, International Minerals and Chemicals, and General Electric; nearby cities welcomed Westinghouse, DuPont, Kaiser Aluminum, Pittsburgh-Des Moines Steel, Monsanto Chemical, Levi Strauss, Owens-Illinois Glass, and Owens Corning Fiberglass.⁹⁶ Lockheed established a guided missile plant on a giant complex near Sunnyvale; nearby, General Motors built a factory; Ford Motor Company opened an assembly plant in Milpitas, churning out 540 cars per day.⁹⁷ The Valley’s longtime corporations also expanded production, such as Food Machinery Corporation, which invested millions in new chemical and industrial production facilities—a trend it had begun during the war when it made armored personnel carriers—and changed its name to FMC.⁹⁸ In 1947, the *New York Times*, reporting on IBM and the many other companies that were building factories in San José, declared that the West was the rising industrial center of the nation.⁹⁹ By the end of the decade, companies established 55 new factories, and during the first half of the 1950s, they built 149 more.¹⁰⁰ In addition, during the decade after the war, companies expanded 564 factories.¹⁰¹ In 1956, the largest plants—IBM, Lockheed,

⁹⁵ “Chamber Vital to Growth in Valley Areas,” *San Jose Mercury*, January 15, 1956.

⁹⁶ “Santa Clara County—Scene of the Big Boom.”

⁹⁷ Belser, *Planning Progress 1956*, 1.

⁹⁸ “Santa Clara County—Scene of the Big Boom.”

⁹⁹ “Eastern Industry Going Westward,” *New York Times*, March 2, 1947.

¹⁰⁰ Belser, *Planning Progress 1956*, 2.

¹⁰¹ *Ibid.*

Ford, and GM—employed 3,000 to 5,000 workers; county planners hoped that those workers, with their families and consumer demands, could bring an additional 100,000 residents to the county.¹⁰² By the 1960s, those numbers had skyrocketed and Lockheed regularly employed more than 30,000 employees at its Bay Area Complex.¹⁰³



Figure 4.5 Aerial view of Lockheed, Sunnyvale, California, 1960s. Sunnyvale Public Library.

¹⁰² Ibid., 1.

¹⁰³ United States Commission on Civil Rights, *Hearing Before the United States Commission on Civil Rights: Hearing Held in San Francisco, May 1-3, 1967, and Oakland, California, May 4-6, 1967*, 617–620.

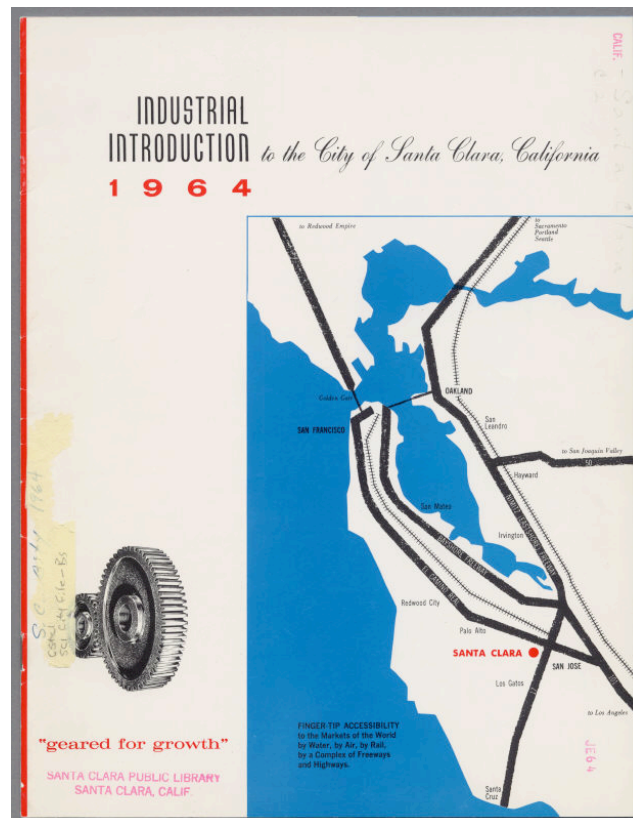
Year	New Plants	Value	Plant Expansions	Value
1944-1949	55	27,650,000	123	11,938,775
1950-1955	149	144,016,965	441	42,679,233
Total	204	171,666,965	564	54,618,008

Table 4.1 Postwar Industrial Development in Santa Clara County

While San José’s boosterism stood out, the majority of the cities in the South Bay and on the Peninsula jettisoned their agricultural past and embraced their suburban light-industrial future. The city of Santa Clara, for example, in 1949 published a brochure boasting that the town was “known as the Prune Center of the World.”¹⁰⁴ In an accompanying map of the Valley, Santa Clara is depicted as a heart, situated in the middle of orchards. The text emphasizes the ample government infrastructure that enables the delivery of water to crops. Fifteen years later, Santa Clara released another pamphlet. Gone were the pretty images of flowering trees. In the map, the city is portrayed not as a heart but as a gear, with the slogan, “Geared for Growth.” Between 1944 and 1962, businesses invested \$290 million in new plants, turning Santa Clara County into “the industrial colossus of the Bay Area.” Companies considering locating there could find not only an “adequate unskilled labor pool” but also a “large skilled labor market, oriented towards technical and scientific needs.” The pamphlet’s map portrayed Santa Clara, positioned at the crossroads of rails and freeways, as “the hub of a great western market,” stretching from the Pacific Ocean to St. Louis. The pamphlet also

¹⁰⁴ Santa Clara Chamber of Commerce, “Santa Clara: The Heart of Santa Clara Valley”, 1949, Irving Cabral Collection, Santa Clara City Library.

included a map from the city's general plan that emphasized the vast amount of land devoted to industry, research and development, and distribution. When the pamphlet boasted of the area's water infrastructure, it meant not water for crops but water for manufacturing processes, industrial effluent, and sewage. "We in Santa Clara," stated Howard Kingston, president of the Chamber, "have created an atmosphere for industry that is designed to help each and every firm tell a profit story." Those firms included steel and fiberglass producers, and, in accompanying photographs, the blank factories of the Container Corporation of America, firms that located in the area due to the major effort, Kingston explained, "to improve our industrial image through the aggressive efforts and cooperation of the City Hall, the Chamber of Commerce, and the Citizens' Industrial Committee."¹⁰⁵



¹⁰⁵ Santa Clara Chamber of Commerce, "Industrial Introduction to the City of Santa Clara", 1964, Santa Clara City Library.

Figure 4.6. Santa Clara is “Geared for Growth.” Santa Clara City Library.

With a decline in farmwork, thousands of Mexican American residents struggled for wages. The competition for jobs, moreover, was fierce, due in part to the Bracero Program, the federal program that permitted Mexican nationals to work in the United States as temporary guest workers. Growers often preferred hiring braceros, and politicians insisted that braceros or other imported laborers were absolutely required.¹⁰⁶ They worked for lower wages; they had few other opportunities, and were thus a dependable labor force; and, not least, they did not try to unionize, unlike the Valley’s increasingly adamant farmworker organizers, such as Ernesto Galarza.¹⁰⁷ Growers’ excessive dependence on imported labor led Edward F. Hayes, chief of the Farm Placement Service, to claim, “Santa Clara County is one of the worst” counties in the state in abusing the bracero system.¹⁰⁸

There were new occupational sectors, but they provided limited opportunities. Construction companies employed many Mexican Americans but confined them to low-paying positions. Many of the trade unions involved in construction excluded Mexican Americans altogether. Organized labor had long been antagonistic to Asians and Mexican Americans in San José. In the 1950s, few unions retained policies expressly forbidding nonwhite members, but most tacitly practiced whites only policies.¹⁰⁹ “The unions were

¹⁰⁶ “Santa Clara, Salinas Valleys Agreed: Mexican Farm Labor Is a Must,” *San Jose Evening News*, July 14, 1955.

¹⁰⁷ Pitti, *The Devil in Silicon Valley*, 144–147.

¹⁰⁸ “State and Federal Officials ‘Caught in the Middle’ On Harvest Labor Controversy,” *San Jose Evening News*, July 15, 1955; “Mexican Labor Termed Vital to Agriculture,” *San Jose Mercury*, November 28, 1959.

¹⁰⁹ Nazar Hajinian et al., “Interracial Prejudices in San Jose, California”, 1950, 34–35, Carton 4, Folder 15, California Federation for Civic Unity Records, BANC MSS C-A 274, Bancroft Library, University of California, Berkeley.

basically white guilds,” said San José teacher and activist Randal Jimenez.¹¹⁰ Many manufacturing and technology companies also refused to hire Mexican Americans while others, due to internal policies or union pressures, limited them to low-paying positions.¹¹¹

Suburban Slums

In 1957, the *San José News* published a series of articles on former farmworkers, an expose of poverty in the colonias on the outskirts of San José. Accompanying the articles were photographs of run-down houses, tents, and shacks, illustrating the “unhappy” and “unwholesome” houses inhabited by Mexican Americans.¹¹² There was nothing new about Mexican American farmworkers living in meager shelters. In 1947, a field worker for the California Labor Federation noted that farm laborers lived in boxcars, tents, and “so-called wooden cabins.”¹¹³ What was new was that such dilapidated buildings might exist in the suburbs. Their existence challenged the suburban ideal. Most of the Valley’s postwar residents were not used to seeing such poverty. What had been a rural problem, out of sight, was now inescapably visible.

Observers wrestled to fit such images into their mental maps of the metropolis. The newspaper, too, faced difficulty locating them, describing the same landscape

¹¹⁰ “Randal Jimenez Oral History”, n.d., 31, Series I, Box 5, Folder 22, Chicano Oral History Project, San Jose State University Library Special Collections and Archives.

¹¹¹ Archie J. Mooney and John Condon, “Apprentices in Minority Groups”, May 22, 1952, Box 16, San Francisco Field Office, Special Assistant for Racial Relations: Records of the Intergroup Relations Branch, 1936-1963, RG 196, National Archives Pacific Region.

¹¹² Carl Heintze, “An Unhappy Shelter,” *San Jose News*, June 14, 1957; “Tent A Common Home for Many” (San Jose News, June 1957), Box 46, Folder 12, Ernesto Galarza Papers, M0224, Department of Special Collections, Stanford University Libraries, Stanford, California; Carl Heintze, “Migrant Housing: Few Persons Seem to Care About Problem” (San Jose News, June 1957), Box 46, Folder 12, Ernesto Galarza Papers, M0224, Department of Special Collections, Stanford University Libraries, Stanford, California.

¹¹³ Charles P. Scully to California Public Utilities Commission, November 21, 1947, Box 49, Folder 7, Ernesto Galarza Papers, M0224, Department of Special Collections, Stanford University Libraries, Stanford, California.

sometimes as rural, other times urban, and still other times suburban—even within the same article. As the newspaper struggled to define a suburban landscape that also contained poor Mexican Americans, it joined words in ways that seemed so strange they had to be marked off with scare quotes. One article, for example, reported that Mexican American farmworkers “have left the fields to live on the fringes of the county’s growing suburban growth in the ‘rural slums.’”¹¹⁴ Meanwhile, a photograph of a shack, surrounded by dirt, with a knocked over broken tricycle in front, was captioned ominously, “It’s becoming a city problem, now.” Such shacks, in and around San José, exemplified the housing that Mexican Americans were “forced to live in after leaving the fields for a ‘settled’ existence in suburban slums.”¹¹⁵ Perhaps, implied the paper, “suburb” was a misnomer for such landscapes.

The paper reported that, “on the fringes of the valley’s mushrooming boundaries,” Mexican Americans were living in tents.¹¹⁶ The paper presented such poverty as exceptional to the American trend toward suburban prosperity and happiness. Reporting on a particularly extreme example—a family of fourteen living “like a dozen sardines in a collapsing can” in a one-room shack without sanitation—the paper portrayed this kind of poverty as un-suburban and un-American. “This is a scene, not from war-ravaged Europe or Korea or the poverty-stricken back streets of South America. It existed a few months ago not far from your own back door.”¹¹⁷ Poor Mexican Americans were aberrations in the suburbs, their unemployment “peculiar.”¹¹⁸

¹¹⁴ Carl Heintze, “Migrants Settling Down in the Slum Areas,” *San Jose News*, June 11, 1957.

¹¹⁵ *Ibid.*

¹¹⁶ “Tent A Common Home for Many.”

¹¹⁷ Heintze, “Migrants Settling Down in the Slum Areas.”

¹¹⁸ *Ibid.*

The newspaper situated Mexican American poverty within the changing economy of the Valley. “[F]arm workers find agriculture here is shrinking as orchards and fields give way to houses, industry is growing, but has little use for their unskilled hands, and they are thrown into stagnant unemployment in suburban slums.”¹¹⁹ Although the news coverage offered a sympathetic portrait of Mexican Americans, it ultimately blamed them for their poverty. Mexican Americans, implied the paper, were unable to adapt to the changing economy. This failure to adapt was the root cause of their economic woes. They were lost, “trying to find their way into industrial and urban society.”¹²⁰

White readers formed their understandings of Mexican Americans on the reportage of barrio poverty. The spatial imaginary articulated in the media shaped Mexican American racial formation. “There is a tendency” among whites, noted a researcher in 1955, “to base judgments of the Spanish-speaking community as a whole on the few obviously substandard areas in San José. Mexican-American families who live in well-built homes with lawns and gardens, those who deprive themselves of comforts to send their children through high school and sometimes through college, those who brave drenching rains on winter nights in order to study English at night school—these people, they believe, are ‘exceptions.’”¹²¹ The Valley’s Mexican Americans, meanwhile, realized that media portraits shaped whites’ racial thinking. They critiqued the English language press for discussing Mexican Americans only in sensational stories on crime, delinquency, poor housing, and social problems. For news, local Mexican Americans relied on Spanish-language media, which, by the mid-1950s, included two local Spanish-language papers and three radio stations that read the news. In those media outlets, they

¹¹⁹ “Little Chance Seen for Unionizing Migrants,” *San Jose News*, June 14, 1957.

¹²⁰ Heintze, “An Unhappy Shelter.”

¹²¹ Clark, *Health in the Mexican-American Culture*, 42.

found extensive coverage of life and events in the barrios, coverage that did not frame Mexican Americans as problems.¹²²

Barrios played such a powerful role in defining Mexican American racial identities in part because of their location. Positioned on the city's boundaries, barrios were conspicuous, racially differentiated from the subdivisions rising around them. Suburban growth brought white observers into a realm of semi-rural poverty that had previously been if not hidden at least distant enough to be ignored. With suburban development, no longer was the Valley's Mexican American population an agricultural group out of sight but an all too visible testament to metropolitan poverty.

Yet, while location gave barrios a unique visibility, so did the sheer numerical growth of the Mexican American population. During the 1950s, the Mexican American population in Santa Clara County doubled, reaching 77,755 by 1960.¹²³ The majority of these residents lived outside of San José city limits in unincorporated county territory.¹²⁴ The prewar colonias—distinct clusters of a few hundred inhabitants—were replaced by a new landscape of Mexican American barrios, a landscape growing most rapidly in the areas through which white suburban residents commuted for work, between south valley suburbs and north valley job centers.

Gardening and Growth

As Mexican Americans became the primary urban problem, the Valley's Japanese American neighborhoods receded in white residents' mental geography. Although Japanese Americans were also displaced by many of the agricultural and suburban

¹²² Ibid., 25–27.

¹²³ *The Spanish-American Community of the San Francisco Bay Area* (US Commission on Civil Rights, April 28, 1967), 3, Box 15, Folder 9, Ernesto Galarza Papers, M0224, Department of Special Collections, Stanford University Libraries, Stanford, California.

¹²⁴ U.S. Bureau of the Census, *1960 Census*.

changes, there were not newspaper exposes on the Asian problem. Area newspapers, which had written so histrionically about Asian residents in the past, dropped the subject.

The roots of this difference went back to the resettlement era. After internment, Japanese American business owners largely succeeded in reestablishing their branch of the local ethnic economy. By 1947, 40 of the 53 prewar Japanese businesses were able to reopen in Japantown.¹²⁵ For farmers, however, the postwar years brought dramatic changes. A wartime boom in demand made farming more profitable, but it also made agricultural land more valuable. Land prices rose even higher because of federal investments during the war—in factories, airfields, and food contracts—and the postwar building boom. Japanese owners who had lost land during internment faced a difficult adjustment to the postwar land market. A Japanese American farmer who, when he was interned, owned 20 acres in Berryessa was advised by a lawyer in 1942 that he should sell—there was a risk his land would be confiscated and he would get nothing. He sold the land for \$650 an acre, including his house. When he returned, he hoped to buy back his farm, but the price, at \$1500 an acre, had nearly tripled.¹²⁶

Japanese American farmers adapted to the new economy by focusing on nurseries and gardening, which required less land and more labor.¹²⁷ Harry Ueno, for example, who had been a grocer before the war, arrived in San José after internment absolutely broke. He worked as a farmhand and strawberry sharecropper before operating a small fruit farm in Sunnyvale and then purchasing a seven-acre farm within San José city

¹²⁵ Hansen, “Resettlement: A Neglected Link in Japanese America’s Narrative Chain,” xxvi.

¹²⁶ United States Department of Interior, *People in Motion*, 53.

¹²⁷ Lukes and Okihiro, *Japanese Legacy*, 126.

limits.¹²⁸ Many of the plots purchased by people like Ueno were located in the path of suburban development.

Hatsu Kanemoto witnessed the transition. Born in San José in 1916, she grew up sharecropping along with her eleven siblings and her parents in the Trimble Road farming area, northeast of San José.¹²⁹ When World War II began, she and her husband decided to relocate voluntarily rather than be interned. After several difficult years in the remote mountain West, she returned to farming in the Valley. The Kanemotos leased land for several years but faced repeated displacements as the farmers from whom they were leasing sold their lands for subdivisions. “All this land around here—this was all orchard when we came here. Little by little all the big orchards and everything became subdivisions. We did not own any land. We leased the land for farming from the *hakujin* [white] owners, and they eventually sold the land for subdivisions.”¹³⁰

The Kanemotos adapted to the changing land market by turning to gardening. Gardening required far less land than farming and the Kanemotos could concentrate on valuable produce. In 1953, after saving money, the Kanemotos purchased their own property to garden and build a house.¹³¹ As she and fellow Japanese returnees bought garden plots, all from the same landowner, they began a semi-residential Japanese area in the fields and farms on the outskirts of San José.¹³²

¹²⁸ Harry Y. Ueno, interview by Wendy Ng, May 23, 1998, 471–472, REgenerations Oral History Project: Rebuilding Japanese American Families, Communities, and Civil Rights in the Resettlement Era: San Jose Region; Volume IV, Japanese American National Museum.

¹²⁹ Hatsu Kanemoto, interview by Karen Matsuoka, March 9, 1998, 129, REgenerations Oral History Project: Rebuilding Japanese American Families, Communities, and Civil Rights in the Resettlement Era: San Jose Region; Volume IV, Bancroft Library, University of California, Berkeley.

¹³⁰ *Ibid.*, 152.

¹³¹ *Ibid.*

¹³² *Ibid.*, 153–4.

Some Japanese Americans had been able to maintain ownership of their land during internment, and others were able to purchase larger plots of farmland with money they had saved. When growth came, these landowners were able to profit handsomely by selling their land for subdivisions.¹³³ Kanemoto's brother, for example, had purchased land near Highway 101 in an area that became incredibly valuable.¹³⁴ But most Japanese American farmers made due with smaller plots, often ten-acre strips, and continued gardening while subdivisions surrounded them.¹³⁵

Economically, the decline of farm economy hit the Valley's Japanese Americans similarly to Mexican Americans. As with Mexican Americans, most of the Valley's Japanese Americans were unable to obtain jobs in the early high tech industries. Kanemoto had not graduated from high school; her husband had a high school diploma but lacked the requisite education for employment in developing industries.¹³⁶ And even if they had the education, most firms did not hire Japanese Americans. Their children, on the other hand, attended college, studied electrical engineering, and found work in high-tech industries. After the federal government required defense contractors to comply with federal regulations for equal opportunity employment in 1961, Lockheed became the first Valley technology company to open its doors to Japanese Americans, followed soon by Hewlett Packard.¹³⁷

The truck gardens continued to exist into the 1960s. Japanese American truck gardens had a different kind of visibility and a different spatial meaning than Mexican

¹³³ Ibid., 170.

¹³⁴ Ibid., 157.

¹³⁵ Ibid., 168.

¹³⁶ Ibid., 157.

¹³⁷ By the mid-1960s, Lockheed regularly employed 600 to 700 Asian Americans in its Bay Area Complex. Ibid., 157–159, 165; United States Commission on Civil Rights, *Hearing Before the United States Commission on Civil Rights: Hearing Held in San Francisco, May 1-3, 1967, and Oakland, California, May 4-6, 1967*, 620.

American barrios. Location played a role, as it had for Mexican Americans. Scattered around the outskirts of the metropolis, the truck gardens were near subdivisions but not clustered enough to stand out as distinctly racialized spaces. Areas that were clustered were subject to displacement. The Trimble Road area where Kanemoto grew up had been the largest Japanese American farming community in the Valley.¹³⁸ In the early postwar years it remained a focal point of Japanese American economy thanks to an Issei produce cooperative.¹³⁹ But gradually, as area farms sold to industrial developers, the area became a predominately light industrial landscape. “I wouldn’t recognize it now,” said Kanemoto, decades later.¹⁴⁰

Many displaced farmers moved to San José’s urban Japantown. In 1950, almost all Japanese Americans within San José city limits lived within the same north central section surrounding the small commercial Japantown.¹⁴¹ Crowding was the norm. It was not uncommon, according to one study of race relations in San José, for seven Japanese Americans to share a single bedroom.¹⁴² Between 1950 and 1960, the urban Japanese population more than tripled.¹⁴³ The development of orchards displaced many farmers, but the urban economy also drew Japanese Americans into the city. Japanese Americans could enter careers that had previously been closed to them, particularly in services and professions. There was also more housing available. Ethnic Italian families, who had long shared parts of Japantown and dominated the area just north of it, largely abandoned the

¹³⁸ Lukes and Okihiro, *Japanese Legacy*, 64–67.

¹³⁹ Eiichi Sakauye, interview by Joe Yasutake, October 25, 1997, 387, REgenerations Oral History Project: Rebuilding Japanese American Families, Communities, and Civil Rights in the Resettlement Era: San Jose Region; Volume IV, Bancroft Library, University of California, Berkeley.

¹⁴⁰ Kanemoto, interview, 165.

¹⁴¹ Hajinian et al., “Interracial Prejudices in San Jose, California,” 30.

¹⁴² “Racial Prejudices in San Jose, California,” 27–28.

¹⁴³ U.S. Bureau of the Census, *1950 Census*, n.d., www.socialexplorer.com; U.S. Bureau of the Census, *1960 Census*.

neighborhood, moving to newer housing developments on the suburban fringe, enticed by FHA-insured mortgages. There had never been so many houses within city limits available to Japanese Americans, who had long been contained within a small and overcrowded neighborhood. The availability of older houses, particularly in the area just north of Japantown, contributed to the concentration of Japanese Americans in the area in the postwar decades.¹⁴⁴

The urban community had a different kind of visibility than suburban barrios, in part because the district housed many racial groups besides Japanese Americans. African Americans, Filipinos, and Mexican Americans had moved into the district during Japanese internment and, after the war, many remained. A postwar race relations survey portrayed the area as a mixed race district.¹⁴⁵ This pattern of racial mixture continued in the postwar decades. Many of the African Americans employed at IBM and Lockheed moved to the east side of Japantown.¹⁴⁶ The migration of black homeowners and professionals endowed the larger district with a middle-class public representation.¹⁴⁷ A rapidly increasing number of Mexican Americans also called the area home.¹⁴⁸

In addition to the mixed demographics, Japantown had a different visibility because of its urban location. In the first half of the twentieth century, the “Oriental District” had been in the middle of the city, adjacent to the major businesses, where it was a visible problem for white real estate agents and city officials. But with suburban development, white residents no longer dealt regularly with an urban Asian population.

¹⁴⁴ Carey & Co., Inc., *San Jose Japantown Historic Context and Reconnaissance Survey; Appendix A: Historic Context Statement* (San Jose, October 10, 2006), 29–30.

¹⁴⁵ “Racial Prejudices in San Jose, California,” 23–24.

¹⁴⁶ Carey & Co., Inc., *San Jose Japantown Historic Context and Reconnaissance Survey; Appendix A: Historic Context Statement*, 31.

¹⁴⁷ Hajinian et al., “Interracial Prejudices in San Jose, California,” 20.

¹⁴⁸ U.S. Bureau of the Census, *1960 Census*.

Japantown grew, but few white residents had reason to pass through it. The county's main job centers were no longer downtown but in suburban Sunnyvale, Santa Clara, and Palo Alto.

Japantown's visibility differed also because of the role of the JACL in maintaining the neighborhood's public image. The JACL shaped the representation of Japantown, portraying it as a good neighborhood of upstanding families.¹⁴⁹ The organization controlled the contacts that surveyors used to collect information on the Japanese American community. The JACL provided surveyors with connections to families that the JACL chose to represent Japantown. Accordingly, surveyors reported that the neighborhood's residents did not rely on county welfare services and valued education. Surveyors compared the community favorably to the Mexican American barrios, which lacked control over public representations.¹⁵⁰

Finally, Japantown's public image differed because the Japanese American community remained relatively small. When whites had perceived Japanese and Chinese residents as major urban threats, they were a significant percentage of the city's population. But as the Valley experienced its rapid suburban boom, the white population grew exponentially while immigration laws prevented any large-scale migration from Japan.

Outside of San José's Japantown, many Japanese Americans lived in new segregated districts within the developing suburbs. In San Mateo County, which had long been more suburban in character than agricultural Santa Clara County, segregation within suburbs was pronounced. One of the few suburban neighborhoods open to nonwhite

¹⁴⁹ Hajinian et al., "Interracial Prejudices in San Jose, California," 30.

¹⁵⁰ "Racial Prejudices in San Jose, California," 9-10.

homebuyers was in east central San Mateo.¹⁵¹ Japanese Americans arrived in the neighborhood after World War II. According to a 1951 survey, nearly 90 percent of the men worked as gardeners.¹⁵² Since most of the peninsula's subdivisions were racially restricted, Chinese, Filipino, Puerto Rican, Japanese, and African Americans lived in the diverse neighborhood.¹⁵³ Nearly half of the county's Japanese and Chinese Americans lived in this one neighborhood, as well as a substantial portion of the county's black population. The city of San Carlos, on the other hand, just two miles south, was, in 1950, 99.9 percent white.¹⁵⁴ In 1960, it remained so; in a rapidly developing suburb of more than 20,000 people, there were only two black residents, nine Japanese residents, and six Chinese residents.¹⁵⁵ By 1960, the Japanese population of San Mateo County had increased by just over two thousand residents over the 1950 number; the majority of them moved to San Mateo, nearly tripling that city's Japanese population.¹⁵⁶ These spaces were not generally perceived as "Japanese" spaces, in part because they also housed the county's largest black populations. East Palo Alto, for example, was home to many Japanese Americans, yet the black population was so much larger that it dominated the public perceptions of the area.

Conclusion

Rapid growth generated problems for Mexican Americans and Japanese Americans linked to the agricultural economy. The spatial manifestations of growth—the

¹⁵¹ "San Mateo and Its Minority Citizens: A Partial Blueprint for Progress", 1951, 4-5, Carton 4, Folder 18, California Federation for Civic Unity Records, BANC MSS C-A 274, Bancroft Library, University of California, Berkeley.

¹⁵² *Ibid.*, 6.

¹⁵³ *Ibid.*, 2.

¹⁵⁴ U.S. Bureau of the Census, *1950 Census, San Mateo County*, n.d., census.abag.ca.gov.

¹⁵⁵ U.S. Bureau of the Census, *1960 Census, San Mateo County*, n.d., census.abag.ca.gov.

¹⁵⁶ U.S. Bureau of the Census, *1950 Census, San Mateo County*; U.S. Bureau of the Census, *1960 Census, San Mateo County*.

profusion of white subdivisions, the visible spaces of Mexican American poverty—changed local understandings of race and space. Local media portrayed the barrio as a problem, and as we will see in the next chapter, politicians drew on that portrayal to implement urban programs while barrio residents pursued political organizing.

Chapter 5

The Struggle for the Postwar Barrio

In 1952, Cesar Chavez hosted the first meeting of San José's Community Services Organization (CSO). Chavez is now remembered as one of the foremost Mexican American organizers, whose leadership of the farmworker movement made him a civil rights icon. But in 1952, he was a young man with a wife and four kids, unknown outside of Sal Si Puedes, the suburban barrio where he lived while working irregularly as the economy shifted from agriculture to suburban industry.

Attendees at the first CSO meeting discussed the many problems faced by the residents of Sal Si Puedes, particularly the environmental issues: the polluted creek running through the neighborhood that carried the waste from a packinghouse, a health risk especially for children who played in the creek; frequent flooding; open cesspools that spread amoebic dysentery. They resolved to organize in order to exercise political power and change conditions in their community, launching a voter drive in the barrio. For the next 10 years, Chavez worked through the CSO, organizing barrios around California to achieve their goals through county and municipal politics.¹

Many Mexican Americans in San José found themselves drawn to the CSO because of its focus on barrio problems and metropolitan political power. One barrio

¹ Cesar Chavez, "The Organizer's Tale," *Ramparts*, July 1966; Levy, *Cesar Chavez: Autobiography of La Causa*, 97–98; Fred Ross, *Conquering Goliath: Cesar Chavez at the Beginning* (Keene, CA: El Taller Grafico, 1989), 3.

resident explained that he became involved in the CSO because it promised to bring “gas, sewers, storm drains and paved streets” to the barrio.² These concerns reflect barrio residents’ precarious position on the edge of the metropolis.

To be sure, when the CSO began, many barrio residents were already working on problems of metropolitan inequality, especially through the Catholic Church, whose local priest was active in struggles for social and economic justice. What they found with the CSO was an effective structure, a political program that had already achieved notable success in Southern California, an organization tied to the funding and power of Saul Alinsky’s Industrial Areas Foundation and a network of labor councils and Mexican American politicians. For barrio residents concerned with the problems of growth, the CSO provided an effective political vehicle.

The CSO represented one response to the “suburban slums” that accompanied rapid growth. But civic leaders and government officials also tried to solve the problem of poverty in the suburbs. If Chavez read in the landscape an opportunity for political power, many other San Joséans read it as an embarrassing contradiction. San Jose had jettisoned its old identity as an agricultural market town and reimagined itself as an affluent city of the future, the new urban center of the nascent Silicon Valley. But images of decrepit barrio shanties, disseminated by the news media and government reports, threatened to destroy the city’s carefully cultivated image of affluence. The media had difficulty locating Mexican American poverty, which it rendered as an expression of both rural and urban crises.

² Fred Ross, “The Saga of Sal Si Puedes”, n.d., 3, Box 70, Folder 42, NAACP papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

When confronted with such public testaments of poverty, politicians wrung their hands, furrowed their brows, and spoke of their surprise at poverty in progressive San José. In 1964, the *Mercury* published another report on Mexican American poverty, framing it as paradoxical “Poverty in State of Plenty.” Governor Pat Brown visited Mexican American families for a first-hand look at the problem, expressing “shock” at the poverty. “I think it’s pretty bad,” Brown said of poor housing for Mexican Americans. “We just rendered an economic report saying that things are rosy. Maybe they’re not as rosy as I thought.”³ Accompanying the article was a photograph that emphasized the paradox, captioned, “In ‘Prosperous’ California,” of Brown at the porch of a poor Mexican American family’s shanty.⁴

City and county officials targeted barrios with new programs funded by the War on Poverty. In Santa Clara County, the War on Poverty altered the balance of power between local governments and Mexican American organizations. After President Lyndon Johnson declared an “unconditional war on poverty in America” in his 1964 state of the union address, Congress passed legislation providing a number of new grant-in-aid programs, from job training to youth programs, intended to curb poverty.⁵ While the federal government funded the programs, local governments proposed and administered them. The terms of the Economic Opportunity Act of 1964 required local governments to obtain “maximum feasible participation” of poor residents themselves, precipitating a struggle over the structure of power in the Valley. Urban programs began a new phase of Mexican American political development and civil rights history.

³ “Poverty in State of Plenty: Gov. Brown Expresses Shock,” *San Jose Mercury*, March 8, 1964.

⁴ “In ‘Prosperous’ California,” *San Jose Mercury*, March 8, 1964.

⁵ Lyndon B. Johnson, “Annual Message to the Congress on the State of the Union”, January 8, 1964, <http://www.lbjlib.utexas.edu/johnson/archives.hom/speeches.hom/640108.asp>.

The politics of new urban programs were as much cultural as structural. The ways in which local governments implemented federal urban programs reveal the political construction of Mexican American metropolitan poverty in the emerging Silicon Valley. In 1965, a white teacher who, as part of a War on Poverty program, visited the homes of Mexican American students in east San José told a journalist, “It is just unbelievable to see where some of these children live. You wouldn’t believe there are places like that. Shocking!”⁶

City planners insisted that poverty was anachronistic in the modernizing Santa Clara Valley, framing racial inequality in a discourse of exceptionalism that cast Mexican Americans as held back by their cultural deficiencies. By analyzing how Mexican Americans failed to fit into the prevailing culture of affluence, planners and War on Poverty bureaucrats reinforced a sense of Mexican American difference from “mainstream” society, rearticulating racial understandings at a critical moment when the Valley’s diverse populations adapted to life in the sprawling new metropolis. The discourse of white suburban affluence and Mexican American deficiency enabled planners, politicians, and the public to naturalize white suburban privilege and racial and spatial inequality. By identifying Mexican American neighborhoods as “blighted,” planners legitimized programs of demolition, urban renewal, and highway construction through barrios.

The discourses of blight and crisis supported demolition, but they also lent themselves equally to other social interpretations and policy aims. Mexican American community activists depicted the barrio crisis as a problem not of minority culture but white culture, sustained by racist political and economic structures. Redevelopment, they

⁶ “The Difference Shoes Make!,” *San Jose Mercury*, August 4, 1965.

argued, should not focus on eliminating blight but on providing economic opportunities barrio residents. They demanded minority control over War on Poverty programs.

This chapter examines the struggles over the Valley's barrios as they were gradually incorporated into urban governments, programs, and procedures. The changing nature of barrio space shaped Mexican American citizenship practices. The fringe colonia generated a new kind of electoral politics while urban space encouraged institutional politics. By rethinking space in terms of economic "opportunity," struggles over the barrio introduced a new discourse of poverty to the Valley.

As a group organized around place-based ethnic identities, the very existence of the Community Services Organization suggests the impact of suburbanization on racial formation and Mexican American activism. The CSO used metropolitan space as a source of political identity and political power, exhibiting a sensibility in which metropolitan space appeared as a venue for making citizenship claims. The organization reconceived the fringe colonia as a political tool in the context of postwar suburban growth. Metropolitan development encouraged Mexican Americans to make political claims not as farm laborers or cannery workers but as homeowners, taxpayers, municipal service users, and barrio residents.

Approaching postwar Mexican American politics with a spatial perspective uncovers citizenship practices and political concerns—from environmental justice to suburban activism—that appeared simultaneously with postwar suburban development, revealing a long history of metropolitan civil rights activism. For many barrio residents, this sense of spatial justice was inchoate but nonetheless real. As Chavez said, "We thought the only way we could get out of the circle of poverty was to work our way up

and send our kids to college. That's the trap most poor people get themselves into. It's easier for a person to just escape, to get out of poverty, than to change the situation.... We weren't even asking why these conditions existed. We just felt that they shouldn't be like they were."⁷

The expansion of the welfare state—especially in its most visible manifestation, suburban growth—compelled a spatial form of Mexican American civil rights activism. While barrios existed before World War II, new policies rearranged racial residence patterns—most spectacularly in the boom of white suburbs and concentration of Mexican Americans in new urban barrios. The allocation and organization of metropolitan space shaped Mexican American racial identities.

In the Santa Clara Valley, the Mexican American activists with the CSO organized self-consciously as racial minorities in the early postwar years. They joined the JACL, NAACP, and other civil rights organizations in fighting for spatial justice as racial minorities.⁸ The CSO thus differed from contemporaneous groups, such as the League of United Latin American Citizens, who argued for certain rights on Mexican Americans' status as whites.⁹ In certain realms, particularly the courts, white identities could be strategically deployed to further claims to rights. But in the county and urban politics of the 1950s and 1960s, there was little to be gained in claiming whiteness. Santa Clara

⁷ Levy, *Cesar Chavez: Autobiography of La Causa*, 89.

⁸ "San Jose Bias", n.d., Box 6, Folder 3, Fred Ross Papers, Department of Special Collections, Stanford University Libraries, Stanford, California.

⁹ Foley, *Quest for Equality*; Guglielmo, "Fighting for Caucasian Rights: Mexicans, Mexican Americans, and the Transnational Struggle for Civil Rights in World War II Texas."

County Mexican Americans gained more politically by emphasizing the size and unity of a voting bloc.¹⁰

An emphasis on space also reveals the relative insignificance of veteran issues for the Valley's civil rights activists. In the Valley, community members who did not serve in the military did most of the political organizing. When veterans were involved, furthermore, they rarely mentioned military service as a justification for civil rights. When the Valley's Mexican American activists did emphasize veteran status, they did so primarily as a rhetorical strategy in public debate rather than to express actual philosophical commitments to veterans' rights or ideological investments in nationalism. The Valley's most active organizer, Chavez, was a veteran, but his politics had almost nothing to do with his veteran status. He returned from war to raise a family and farm. He did not become politically involved until he encountered the CSO's political project of addressing spatial inequality through community power. Like most of the Valley's Mexican American activists, he based his citizenship claims not on the rights due veterans but on broad notions of community justice.

The burst in Mexican American political activity after World War II had more to do with the urbanization of the Mexican American population than with veterans' self esteem. Regardless of any confidence it might have offered, the war produced structural changes in Mexican American political geography, bringing hundreds of thousands of Mexican Americans into metropolitan areas.¹¹ The war had provided a similar structural

¹⁰ This differs from incentives to claim nonwhite identities in the workplace. Nancy MacLean has argued that, since whiteness conferred citizenship, there was little incentive for Mexican Americans to embrace a nonwhite racial politics until the Civil Rights Act of 1965. MacLean, *Freedom Is Not Enough*.

¹¹ This interpretation thus differs from those who assert that World War II precipitated Mexican American civil rights activism because it boosted Mexican American self confidence and emphasized Americanism and citizenship, such as Ruíz, "Nuestra América: Latino History as United States History"; Robinson and Robinson, "The Limits of Interracial Coalitions: Mendez v. Westminster Reexamined."

change for African Americans in the urban North.¹² For Mexican Americans the change was accentuated after the war. Postwar industries provided year round employment for many Mexican Americans who had been migrants. Meanwhile, the expansion of metropolitan boundaries during the postwar boom brought these residents into municipal political structures. Officeholders and political parties saw Mexican Americans as potential voters, particularly at the county level, while city officials feared urban unrest from dispirited barrio residents. Mexican Americans played on these hopes and fears in their attempts to influence public policy.

Postwar spatial policies reshaped political interests and reconstituted institutional configurations in the Valley. Incorporation brought Mexican Americans into an urban political regime with access to federal funds, and by the time of the War on Poverty, they could try to control, or at least influence, the use of those funds. It enabled citizenship claims that were not available in the prewar barrio. Postwar metropolitan changes generated considerable problems for Mexican Americans, particularly by increasing racial inequality and segregation. But the story of the postwar barrio was not a story of declension but change.

If the changing nature of metropolitan space informed Mexican American politics, it also informed officials' poverty and urban renewal programs. War on Poverty programs were spatially organized, targeting specific neighborhoods that manifested the mixture of poverty, disorder, and decline that planners labeled "blight." The definition of blight and its causes was political; it was a discourse of power.¹³ Blight discourses as well as War on Poverty programs defined the Valley's spaces and peoples with what Michael

¹² Sugrue, *Sweet Land of Liberty*.

¹³ Colin Gordon, "Blighting the Way: Urban Renewal, Economic Development, and the Elusive Definition of Blight," *Fordham Urban Law Journal* 31, no. 2 (January 2004): 305–337.

Katz has called “a vocabulary of invidious distinction.”¹⁴ Throughout the United States, public power cleared suburbs of established residents who, due to their race and poverty, did not fit planners’ visions of homogenous white middle class suburbs. Suburban governments took advantage of federal and state “suburban renewal” policies, which reclassified poor semi-rural areas as “blighted,” financed their demolition, and developed new properties in their place.¹⁵

Planners identified blight as Mexican American residents’ inability to adapt to the changing landscapes of the modern metropolis. This definition prevented planners, civic leaders, elected officials, and the white public from asking hard questions about the Valley’s growth. The policies that generated the area’s spectacular growth had produced economic problems for many of the Valley’s Mexican Americans. The federal housing policies that supported suburbanization also produced racial segregation, creating a ring of suburban housing for whites only and concentrating the Valley’s Mexican Americans in urban neighborhoods. The industrialization of the Valley generated thousands of jobs, but most Mexican Americans were unable to find jobs in the new industries, not because of cultural deficiencies or alienation or a lack of skill, but because of rampant discrimination. Yet the discourses of expectation and surprise deflected attention from policy considerations. They enabled the Valley’s planners and civic leaders to continue policies that were detrimental by framing them as progress. They legitimated the direction of the Valley’s growth.

The Medianos of Sal Si Puedes

¹⁴ Michael B. Katz, *The Undeserving Poor: From the War on Poverty to the War on Welfare* (New York: Pantheon Books, 1989), 5.

¹⁵ “Growing Suburbs Battle Slum Blight,” *New York Times*, November 25, 1957.

The San José chapter of the CSO started in Sal Si Puedes. Originally the home to Puerto Ricans who migrated to San José during World War I, Sal Si Puedes became home, over the next few decades, to many Mexican Americans who were excluded from other neighborhoods. Nellie Hurtado, for example, moved to the San José area with her family in the early 1930s, but, she said, “We could find no place to go, no place to live. We went from one friends’ room to another friend’s, and all were living very crowded already. Eventually we left and went across the Bay to Oakland in search of work up there. We could find no place to live that took Mexicans.” Her family finally found a home in Sal Si Puedes. Since the neighborhood welcomed such migrants, historian Stephen Pitti has suggested it could be called “Ven Si Puedes.”¹⁶ During and after World War II, when the Valley experienced new waves of Mexican American migration, the new residents settled in Sal Si Puedes and other barrios on the edge of San José. By 1950, East San José became one of the largest Mexican centers in the state.¹⁷

Geographically and architecturally, it was a suburban community. It was located outside San José city limits, all but two of the dwellings in Sal Si Puedes were single-family homes, and 62 percent of families owned their own homes.¹⁸ Despite a lack of access to federally insured mortgages, many Mexican American families became homeowners by building their own homes, jerrybuilt affairs that often lacked plumbing and electricity. Margaret Clark, a public health researcher who studied the community in the early 1950s, identified the family and home of Armando Gutierrez as a representative example. Along with his wife and four kids, Gutierrez lived in a house he built himself in 1946. By all accounts, it was an ordinary but modest single-family home: three

¹⁶ Pitti, *The Devil in Silicon Valley*, 92.

¹⁷ *Ibid.*, 124.

¹⁸ Clark, *Health in the Mexican-American Culture*, 44, 93.

bedrooms; a bathroom; a kitchen/dining room, floored with linoleum; a living room; and a screened in porch used as a laundry room. The house was connected to electricity, natural gas, city water, telephone service and sewer. The walls were clapboard and the roof asphalt tile, the norm in postwar California suburban architecture. In the backyard, the family kept chickens, grew roses, dahlias, parsley, peppermint, and onion, and played with the family dog. The front of the house boasted an elm tree and a wooden picket fence, the picture of suburban living.¹⁹

While such homes might have implied suburbia, the race and class of the residents indicated to most outsiders that this was not suburbia. Sal Si Puedes was almost entirely Mexican American. In 1955, there were only five non-Mexican American families: three Puerto Rican and two African American families.²⁰ The great majority of residents—82.7 percent—were born in the United States, mostly in California, Texas, or Arizona. Of the 15.9 percent who had been born in Mexico, all were above the age of 30, and mostly in their late 40s. Clark found that only four residents of the neighborhood spoke only English at home. Almost all residents spoke Spanish in the home and most were bilingual.²¹ Education levels in the neighborhood were low. Only 1.1 percent of residents had completed high school; the majority had completed fewer than five years of school. Only half the high school age residents went to school.²² Fred Ross portrayed it as “rough” neighborhood. “It seemed,” said Ross, “that the only way young men left Sal Si Puedes was to go off to jail, the military or the cemetery.”²³

¹⁹ Ibid., 45.

²⁰ Ibid., 46.

²¹ Ibid., 54.

²² Ibid., 63.

²³ Ross, *Conquering Goliath*, 2.

Most residents worked seasonally. According to Clark's tally, 25 percent worked in farm labor; 20 percent worked in the food industry, primarily in canneries and packinghouses; and 20 percent worked in construction.²⁴ Wages and benefits varied dramatically, from the women and children who earned as low as 30 cents per hour in farm labor (and who were excluded from welfare state benefits such as unemployment, social security, and workers' compensation) to the men working in construction who earned as much as \$2.50 an hour.²⁵

Sal Si Puedes also lacked many of the services that defined modern suburban life. The neighborhood was routinely subject to flooding. When it rained, residents moved their cars to higher ground. If it flooded, children, reported the newspaper, were "marooned" on islands, unable to attend classes.²⁶ The environment of the neighborhood generated health problems. In the early 1950s, lack of sewers and poorly managed cesspools led to an outbreak of amoebic dysentery in the area. One hundred and twenty five cases occurred on only two blocks.²⁷

Sal Si Puedes became an emblematic neighborhood for Mexican American politics in San José. From the city's poorest neighborhood came its greatest organizers. From a place that white San Joseans saw as a monument to apathy came the city's most strident civil rights activists. Sal Si Puedes symbolized the barrio for movement activists for it had endured the transitions wrought by suburbanization. Even its name resonated with activists, for in its command—Leave if you can—it implied the barriers and problems residents faced. You could not leave because of poverty, because of racial

²⁴ Clark, *Health in the Mexican-American Culture*, 74.

²⁵ *Ibid.*, 77.

²⁶ Ross, "The Saga of Sal Si Puedes," 1.

²⁷ *Ibid.*, 2.

discrimination, because of flooding and mud.²⁸ The name reflected yearnings for racial, economic, spatial, and environmental justice.

Most families' incomes hovered around the poverty line, but they considered themselves "medianos," people of the middle, neither poor nor rich, better off than migrant farmworkers, worse off than professionals.²⁹ This class position shaped the politics of Sal Si Puedes. Residents articulated a Mexican American populism. "It's not a bad thing to be a mediano," said one resident, the wife of a construction foreman; "each day we live life and each night we sleep sound."³⁰ Residents distinguished themselves from the braceros, who the foreman's wife described as "campesinos, Indios, and tontos"—farmers, Indians, and fools.³¹ "The braceros," she continued, "aren't like the rest of us who came to California to make homes: they don't care about the community."³² She and her neighbors had more sympathy for migrant farmworkers who were US citizens, who they saw as less than middle class but hard working and earnest.³³ Sal Si Puedes residents often envied "la alta sociedad"—the Mexican Americans who had wealth and prestige—but they also saw them as race traitors. "The big shots don't live in the same neighborhoods with us," explained the foreman's wife. "Even if they once lived here, when they've made enough money, they usually move into town or to one of the fashionable suburbs like Cupertino or Saratoga." Such spatial distinctions defined their class and racial identities. "Some of their children," she said, "pretend not to be able to speak Spanish because they are ashamed of being Mexican. Sometimes they won't have

²⁸ Herman E. Gallegos, "Equity and Diversity: Hispanics in the Nonprofit World," interview by Gabrielle Morris, 1988, 13, Regional Oral History Office, Bancroft Library, University of California, Berkeley.

²⁹ Clark, *Health in the Mexican-American Culture*, 52.

³⁰ *Ibid.*, 18.

³¹ *Ibid.*, 16.

³² *Ibid.*

³³ *Ibid.*, 17.

anything to do with their old friends, and sometimes pretend not to be Mexican anymore; they say they are ‘Spanish-Americans.’”³⁴ Similarly, a Mexican American professional from Sal Si Puedes criticized the “people in town who have acquired a little security themselves want to have no connection with poorer Spanish-speaking families; in fact, they don’t even want to be called Mexicans themselves or be associated with their own people.”

It was precisely such Mexican Americans—educated, English-speaking, living in neighborhoods with white middle-class families—that assumed positions of community leadership in the Santa Clara Valley. Whites identified affluent Mexican Americans as leaders of the Mexican American community. Yet most Sal Si Puedes residents rejected these “leaders.”³⁵ There was, for example, Juan de Heras. A doctor, de Heras lived in a subdivision in northern San José; his neighbors were mostly whites, and he often went by “John” rather than “Juan.” As president or director of several civic organizations, such as San José’s Mexican American Chamber of Commerce, de Heras assumed a public persona as a representative for the city’s Mexican Americans. Yet he did not enjoy support from many east side residents. While Sal Si Puedes residents organized for community improvements, de Heras supported the construction of “Spanish Village,” a tourist attraction to romanticize San José’s Spanish past.³⁶ To uplift the poor in Sal Si Puedes, he joined several other men in founding a youth center in the neighborhood; it was necessary, said de Heras’ colleague in the project, Johnny Hernandez, with whom he had also worked on “Spanish Village,” because the youth of Sal Si Puedes “just sat

³⁴ Ibid., 18.

³⁵ Ibid., 20.

³⁶ “S.J. Spanish Village Is Step Closer,” *San Jose Mercury News*, August 4, 1954; “S.J. ‘Spanish Village’ Planners Push Project,” *San Jose Mercury News*, June 17, 1954.

around in cars, sniffing glue, smoking marijuana and planning ways to steal things.”³⁷ Although most residents appreciated de Heras’s philanthropy, they did not see him as a representative of their struggles.

Race, place, and class intertwined in Sal Si Puedes politics. Most residents considered themselves superior to the braceros, who were “Indios” and “did not belong.” They also considered themselves superior, in many ways, to la alta sociedad, who claimed “Spanish” identities. Even though Sal Si Puedes residents made less money, they considered themselves more authentic—proud to be Mexican Americans, hardworking, and dedicated to their community. Although their neighborhood had problems, they bristled when outsiders tried to fix them. Their populism and dissatisfaction would find an expression in the CSO.

Making the CSO

The CSO began in Los Angeles, organized by Fred Ross. Ross was “a tall, lanky Californian,” reported a journalist, “who looked the part of a hero in a cowboy Western—clean-cut, square of jaw, steady of gaze, soft of voice.”³⁸ Born in San Francisco in 1910, Ross worked for a number of government agencies—including a stint at the War Relocation Authority—before joining the American Council of Race Relations and establishing Councils for Civic Unity.³⁹ In 1947, Saul Alinsky hired him to organize Mexican Americans in Los Angeles for the Industrial Areas Foundation. In East Los Angeles in 1947, Ross established the first chapter of the CSO.⁴⁰

³⁷ *San Jose Mercury News*, January 2, 1966.

³⁸ Levy, *Cesar Chavez: Autobiography of La Causa*, 95–96.

³⁹ *Ibid.*, 99–100.

⁴⁰ Ross, *Conquering Goliath*, 145.

Mexican Americans, Ross argued, would never realize justice without becoming involved in municipal and county level electoral politics. Accordingly, he organized voter registration campaigns and citizenship classes, the CSO's foundational strategy to implement change for metropolitan Mexican Americans.⁴¹ In East LA, the new organization registered 50,000 voters, elected the first Mexican American to Los Angeles city council, and won a victory against policy brutality.⁴² Through hundreds of house meetings, he established CSO chapters across metropolitan Los Angeles. These chapters used electoral power to get city services in barrios and fight the segregation of Mexican American pupils in schools.⁴³

In 1952, having accomplished his mission in Southern California, Ross went north to San José, which by then housed the largest Mexican American population outside of Los Angeles. It was there he met Cesar Chavez. Born in Yuma, Arizona, in 1927, Chavez moved to California when he was ten years old.⁴⁴ As migrant farmworkers, the Chavez family picked walnuts and threshed beans near Los Angeles and then migrated to San José to cut and pit apricots, earning, as a family, only thirty cents per day.⁴⁵ In San José, Chavez later recalled, "We had no money at all, and had to live on the outskirts of town under a bridge and dry creek."⁴⁶ After serving in the Navy during World War II, Chavez married, had children, and settled down in the Santa Clara Valley. For a couple years after the war, he and his family sharecropped in the foothills near San

⁴¹ Levy, *Cesar Chavez: Autobiography of La Causa*, 100–101.

⁴² Ross, *Conquering Goliath*, 145.

⁴³ *Ibid.*, 3.

⁴⁴ Richard W. Etulain, ed., *Cesar Chavez: A Brief Biography with Documents* (Boston: Bedford/St. Martin's, 2002), 2–3.

⁴⁵ Randy Shaw, *Beyond the Fields: Cesar Chavez, the UFW, and the Struggle for Justice in the 21st Century* (Berkeley: University of California Press, 2008), 13.

⁴⁶ Studs Terkel, "Cesar Chavez," in *Hard Times: An Oral History of the Great Depression* (New York: New Press, 2000), 53.

José.⁴⁷ Barely able to make ends meet, the family moved into the city, where Chavez picked beans and apricots and worked occasionally at a lumberyard.⁴⁸ He and his family moved to a small home in Sal Si Puedes.

Chavez and Ross turned the CSO into a major organization, organizing 22 CSO chapters.⁴⁹ Over the ten years they organized for the CSO, they registered 500,000 Mexican Americans to vote and helped 50,000 Mexican immigrants acquire citizenship and old-age pensions. With voting power, they pressured representatives to bring modern infrastructure to barrios; limit pollution and improve environmental public health; and curb the damage wrought by urban renewal.⁵⁰

In Sal Si Puedes locals were concerned about cannery waste in the streams in the neighborhood, how environmental waste affected children, health problems around flooding. Although they did not use the term “environmental justice,” Mexican American residents voiced a critique of the racial geography of environmental hazards in the 1950s. At the first general meeting of the organization, said Ross, “Every rat, mosquito, cesspool, traffic hazard and flooded road in Sal Si Puedes was enumerated and denounced.”⁵¹ Ross promised the assembled crowd that registration in Los Angeles had brought to the barrio streetlights, paved roads, traffic signals, and medical care.⁵² Spatial inequality motivated many Mexican Americans to join the CSO. They were concerned with uneven development, the different experiences in different parts of the metropolis generated by postwar public policies.

⁴⁷ Levy, *Cesar Chavez: Autobiography of La Causa*, 88.

⁴⁸ *Ibid.*

⁴⁹ Ross, *Conquering Goliath*, 145.

⁵⁰ *Ibid.*, 4.

⁵¹ Ross, “The Saga of Sal Si Puedes,” 8.

⁵² *Ibid.*, 8–9.

Herman Gallegos became the first president of the San José CSO. Only 22 years old at the time, he had recently graduated from San José State College and joined the Child Welfare Services Santa Clara County Welfare Department.⁵³ He had paid for college by working in a gas station in Sal Si Puedes.⁵⁴ Chavez became the first vice president of the chapter. The rest of the leadership was split among laborers, professionals, and shopkeepers, and 600 to 700 people showed up for meetings.⁵⁵

CSO members embraced a large vision of postwar welfare state, to which they laid claim based upon their rights as taxpayers and residents. Unlike earlier Chicano civil rights organizations, the CSO emphasized identities based upon place—neighborhoods, cities, the Santa Clara Valley—rather than transnational connections to ancestral Mexican homelands.⁵⁶ “I pay taxes too,” said a Bay Area CSO member to justify demands for neighborhood improvement.⁵⁷

Unlike LULAC or the GI Forum, the CSO did not base civil rights struggles on any claims to whiteness. San José’s Mexican Americans organized the CSO, said Gallegos to a journalist, “because we realized, as a minority group, we were never going to get anything on a silver platter and that any changes would have to be initiated by us to show we are ready and want integration.”⁵⁸ Gallegos, Chavez, Ross, and the members emphasized that the CSO existed to help Mexican Americans deal with racial inequality related to spatial inequality.

⁵³ Gallegos, “Equity and Diversity,” xiv.

⁵⁴ *Ibid.*, 12.

⁵⁵ *Ibid.*, 20.

⁵⁶ Pitti, *The Devil in Silicon Valley*.

⁵⁷ *Ibid.*, 157.

⁵⁸ *San Jose Mercury*, May 24, 1954.

In the CSO's vision, rights depended on community strength and democracy. Ross situated CSO politics within multiracial organizing of the era. He compared Mexican American disorganization to the organization he perceived among Japanese and African Americans.⁵⁹ In a meeting at Chavez's house, said Ross, "I contrasted the Spanish-speaking population's tremendous size, its potential for democratic progress and its current disprivileged position, with the significant advances made by the smaller Negro and Japanese-American communities through their strong national organizations. I suggested that a lack of organization might be the root of Spanish-speaking problems."⁶⁰ When the San José chapter was established, only seven or eight percent of the county's Mexican Americans were registered to vote.⁶¹

Mexican Americans used their racial and spatial identities as the basis of political organization. With spatially organized political districts, the new eastside communities represented a new political constituency. Although Mexican Americans were a small portion of the voting population, they aspired to claim a role as a swing vote. Ross, with Chavez as his lead deputy, organized a voter registration drive on the eastside. One resident challenged Ross about the importance of the voter drive; she said, "When you vote you vote for some politician, don't you? You don't vote for paved streets." Ross replied that each time a person registers, the people who decide who gets paved streets watch; and if thousands of residents register, "You'd get action, and quick."⁶²

In its registration drive, CSO members went door-to-door handing out pamphlets in English and Spanish. They convened meetings at Mayfair School, the central barrio

⁵⁹ Levy, *Cesar Chavez: Autobiography of La Causa*, 101.

⁶⁰ Ross, "The Saga of Sal Si Puedes," 6.

⁶¹ Ibid.

⁶² Ross, "The Saga of Sal Si Puedes."

school, to show new voters what happens inside the polling booth and to explain propositions; they held a get-out-the-vote rally at Roosevelt High School. Councilman Edward Roybal of Los Angeles came to San Jose to speak at the rally. CSO members sent out postcards, they telephoned, they canvassed to mothers at the well baby clinic.⁶³ The Spanish-language radio stations publicized the CSO drive.⁶⁴

They worked for 85 days—Chavez took only one day off during that time—registering 6,000 Mexican American voters.⁶⁵ As Ross had predicted, representatives watched; within months *Sal Si Puedes* saw improvements in urban services. After the registration campaign, local governments launched public works projects on the eastside, working on a dike system to mitigate flooding, cleaning up cesspools (that had led to dysentery epidemic), paving roads. Packinghouses were forced to stop dumping in the creek.⁶⁶ The foreman’s wife who had prided herself on her *mediano* status thought that the CSO leaders did not always communicate well. “But they did help us to get our streets paved in Mayfair, so they may not be so bad.”⁶⁷ Unlike the ostensible leaders from outside *Sal Si Puedes*, the CSO knew the community’s problems and tried to solve them.

San José’s civic leaders looked on the new organization with uncertainty. The *San José Mercury News* cautiously welcomed the new group. According to the editors of the paper, the CSO was laudable because it represented Mexican Americans’ desire to jettison their Mexican identities and assimilate into American life. The main function of the CSO was to prove that local Mexican Americans were “worth[y]” of citizenship.⁶⁸

⁶³ Ibid., 14.

⁶⁴ Ibid., 11.

⁶⁵ Levy, *Cesar Chavez: Autobiography of La Causa*, 104.

⁶⁶ Ross, “The Saga of *Sal Si Puedes*,” 16.

⁶⁷ Clark, *Health in the Mexican-American Culture*, 28.

⁶⁸ [CSL STYLE ERROR: reference with no printed form.].

“For those who may question any desire on the part of this minority to better its lot, it is interesting to note that they, themselves, refer to the below-standard area in which many of them are forced to live, as ‘Sal Si Puedes,’ which means ‘Get Out If You Can.’ And it is the most cherished hope to do just that as soon as they can.”⁶⁹ To the newspaper, improvement meant leaving the barrio, not solving injustices or inequality.

The CSO’s Suburban Vision

After they finished organizing the San José chapter of the CSO, Ross and Chavez shifted their attention to the barrios of southern Alameda County. The fastest growing section of the county, southern Alameda experienced rapid suburbanization in the 1950s and 1960s. Housing developments in the area took advantage of access to employment centers not only in Oakland but also in the new manufacturing districts in Santa Clara County. Intermixed with the developments were several older colonias. Ross and Chavez concentrated their organizing on the colonia of Decoto. In the postwar years, Decoto found itself at the eye of Alameda County’s storm of suburban development. Ross laid the groundwork then sent Chavez to organize Decoto. “Decoto was his baptism,” said Ross of Chavez. “It was really there that he proved himself to himself.”⁷⁰

Ross and Chavez’s campaign in Decoto revealed their strategy for political power in the developing suburbs. They emphasized county-level organization to address problems at the appropriate scale of governance, which was usually much larger than individual barrios. As they aspired to wield regional power, Chavez and Ross read the colonia as a tool for political power in the context of rapid suburban development.

⁶⁹ *Ibid.*

⁷⁰ Levy, *Cesar Chavez: Autobiography of La Causa*, 113.

Decoto was a semi-rural Mexican American community. Along with the neighboring colonia of Alvarado, the area was the nation's largest producer of sugar beets and rhubarb. The communities manifested the prevailing land-use patterns of the prewar era: barrios spread widely throughout the agricultural ring that surrounded urban areas. "You know," remembered a longtime resident named Roberto, "I was in Decoto when there wasn't any Decoto—just a big apricot orchard down here and peas up on the hills, with a flock of peapickers' tents scattered around beneath the trees." At first the work was seasonal, but after businessmen erected a packinghouse, many farmworkers built shacks and stayed year-round.⁷¹

In Southern Alameda County, as in Sal Si Puedes, local residents worked through the CSO to solve spatial and environmental problems. These concerns reflected the importance of environmental justice in Mexican American politics in the 1950s. The barrio in Decoto was one of many unincorporated Mexican American communities dotting the area, each experiencing different aspects of suburban formation. County planners located heavily polluting industries near the noxious feedlot operations and Mexican American district in the community of Eden. As an unincorporated area, Eden lacked a municipal power structure intent on racial exclusion, and it was close to the developing industries of three counties—southern Alameda, northern Santa Clara, and, across a bridge over the Bay, southern San Mateo. These features made it an attractive location for settlement, and in the postwar years, many Mexican American and African Americans moved to the area, creating a majority-minority unincorporated suburb, similar to others around the South Bay, such as East Palo Alto.

⁷¹ Fred Ross, "Southeast of Eden", n.d., 7, Box 70, Folder 42, NAACP papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

Spanish-speaking locals jokingly referred to the area as “El Jardin del Eden.” The nickname facetiously compared the poor neighborhood to the splendors of the biblical garden. “We’ve got the smelliest hog ranch in the township right in our own backyard,” said resident Eladio Ramirez in the 1950s. “It comes in kind of handy in a way: most of us are too poor to buy porkchops, so we just pour a little salt on a couple of pieces of bread and let the hog smell seep in between.”⁷² The nickname also suggested that the barrio was as primitive as humanity’s first home in the Garden of Eden. As neighboring cities extended municipal services to expanding subdivisions throughout the 1950s, the county denied plumbing, sewage, and sanitation to barrio homes. Around the Bay Area, county and municipal governments rarely offered the same services to nonwhite communities that they regularly provided for white homeowners, a practice that left thousands of barrio residents without running water, sanitation, trash collection, or paved streets.⁷³ “So,” explained Ramirez, “we use our privies, buy bottled water, and build bridges to our front doors every winter.”⁷⁴ Banks refused to lend money to barrio homeowners for home improvements, and the county encouraged residents to leave the area, allegedly to make way for industry. “But there’s over 2,000 of us living here, mostly Mexican-Americans and Negroes,” noted Ramirez, “and I think that’s the reason underneath the others.”⁷⁵

The lack of services and polluting industries produced persistent health problems in the communities. Tuberculosis plagued Decoto residents. The barrio lacked a doctor.

⁷² Ibid., 1.

⁷³ Municipal governments around the state frequently declined to provide services to Mexican American residential areas. *Mexican-Americans* (US Commission on Civil Rights, August 1966), 26, Box 15, Folder 9, Ernesto Galarza Papers, M0224, Department of Special Collections, Stanford University Libraries, Stanford, California.

⁷⁴ Ross, “Southeast of Eden,” 1.

⁷⁵ Ibid.

This was not a market problem, but a political problem. A doctor from the neighboring suburb of Hayward saw the potential market and tried to acquire a permit to locate a health center in Decoto, but the county planning commission denied his permit and prevented the establishment of the clinic, saying he should avoid the barrio and locate his clinic in a new suburban commercial district. Frustrated Decotoans recognized others were controlling basic issues that affected their lives. A Decoto resident remembered, “I began to realize then, for the first time, that my wife and kids and I, and a lot of other people around here, were being run by someone else that we hadn’t told to run us, just because we were all sitting at home and letting them do it. I didn’t like the way that made me feel.”⁷⁶

The goals of the CSO in Southern Alameda were half-urban and half-rural, organizing for higher wages in the local cannery as well as for more schoolteachers and educational facilities.⁷⁷ When he surveyed the area, Ross found that Mexican Americans throughout several towns faced problems. “Decoto wants a doctor,” he noted, “Alvarado wants flood-control, and Niles wants a playground.”⁷⁸ Each community focused on its own struggles in its own neighborhood, meager efforts that rarely met with success. “But supposing,” suggested Ross to one resident from Russell City, “we set up an organization in a central place like Decoto; and then the most civic-minded Spanish speaking people from all the towns began to come together in that organization. Then the people from Russell City could help Decoto get its doctor, Alvarado its flood-control, Niles its playground. And Niles and Decoto and Alvarado could throw their weight and votes into

⁷⁶ Ibid., 5.

⁷⁷ Ibid.

⁷⁸ Ibid., 2.

the Russell City fight.”⁷⁹ County supervisors, with their wide districts, rarely listened to the demands of a few hundred Mexican Americans. “When there are thousands, instead of just hundreds of votes at stake, the hearing of those Supervisors gets much better all of a sudden.”⁸⁰ In line with Ross’s recommendation, Chavez organized southern Alameda County’s unincorporated barrios into a regional social organization, centered in Decoto, trying to influence the county’s planning decisions.⁸¹ Ross arranged the first CSO meeting in April 1953. Resident Eladio Ramirez at first doubted the potential of the CSO and distrusted Ross, a white out-of-towner. “But that first little get-together sold me,” explained Ramirez; “no promises, just a little hope, backed up by a lot of horse sense—and nothing to lose by trying.”⁸²

As their first action, the Decoto CSO chapter launched a voter registration drive and a campaign to get out Mexican American votes for the upcoming school board election.⁸³ “Some of the politicians and industrialists are worried,” said resident Eladio Ramirez of the Mexican American communities’ new political power. “They know it’s not going to be as easy to push us out of here as it might have been before the CSO came in.”⁸⁴ They could stay because they had, in Ramirez’s words, the “strength” to stand up to county officials who sought to displace them. With this strength, he hoped, they could persuade the county “to get those water and sewer pipes put in,” extending services, finally, to the barrio.⁸⁵ Reflecting later on the CSO’s success in solving environmental and community issues, Chavez said, “It’s unfortunate that power is needed to get

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Ibid.

⁸³ Ibid., 4–5.

⁸⁴ Ibid., 2.

⁸⁵ Ibid.

justice.”⁸⁶ As their political projects demonstrate, Mexican Americans pursued a kind of spatial justice.

In Eden Township, where Mexican Americans lived near African Americans, the CSO worked with black communities. “In the past,” said Eden resident Eladio Ramirez in 1953, “it was the Negroes and a few others who did most of the fighting. Now the Mexican-Americans all over South County are lining up beside them.”⁸⁷ Similarly, in Sal Si Puedes, where a fringe community was becoming increasingly urban, the CSO worked with African Americans. Many other community groups restricted membership to people of certain races, but the CSO constitution had no restrictions.⁸⁸ Although most members were Mexican Americans, African Americans and others joined. The CSO registration drive worked not only on the predominantly Mexican American Eastside but also in the North Side where Mexican Americans were scattered among Japanese Americans, Filipinos, and African Americans.⁸⁹

In rapidly suburbanizing areas like Decoto, the CSO frequently worked with white communities, particularly the residents of the new all-white subdivision of Hillview Crest. When subdivisions were few in Decoto, white suburbanites had to work with the Mexican American community. Moreover, many Anglo newcomers realized common interests with local Mexican Americans, particularly in seeking medical care, transportation safety, services, and educational facilities. “That’s why the Anglo-American people in Hillview Crest, where I live, are getting together with the Mexican-Americans in CSO,” said one white resident. “We need each other.” Both barrio tenants

⁸⁶ Levy, *Cesar Chavez: Autobiography of La Causa*, 110.

⁸⁷ Ross, “Southeast of Eden,” 2.

⁸⁸ Levy, *Cesar Chavez: Autobiography of La Causa*, 123.

⁸⁹ Ross, “The Saga of Sal Si Puedes,” 12.

and Hillview Crest homeowners signed a CSO petition requesting a doctor in Decoto, which they presented at a planning meeting. Together, the unlikely coalition of a Mexican American worker and Anglo housewife made their case to the commission. “[M]edical emergencies occur daily here,” they said, “and many of us must travel clear to Hayward for care. When our kids get broken arms and legs or our wives have babies we don’t care whether we have to go to Decoto Road or ‘B’ street to see the doctor. What we want is a doctor when we want him and where we want him, which is here in Decoto now!”⁹⁰ These multiracial coalitions successfully petitioned for medical services, educational improvements, and transportation upgrades, and they prevented the establishment of more waste storage facilities in Eden, which already housed several nuisance industries.

Barrios and the New Urban Politics

The CSO’s strategies were successful at organizing suburban colonias especially in unincorporated areas. But in the late 1950s and 1960s, the Bay Area witnessed a frenzy of municipal incorporations and annexations so rapid that Robert Self has called it a “land rush.”⁹¹ In 1959, Decoto and Alvarado were incorporated into Union City. San José, carrying out an ambitious program of expansion, annexed Sal Si Puedes and most of city’s suburban colonias in the 1960s. As San José annexed the surrounding barrios, the majority of the county’s Mexican Americans, for the first time, lived in the city. From 1950 to 1970, San José’s Spanish-surname population increased by 621 percent.⁹² Once within urban political structures, CSO tactics were not as successful at directing the path

⁹⁰ Ross, “Southeast of Eden,” 5.

⁹¹ Self, *American Babylon*, 120.

⁹² U.S. Bureau of the Census, *1950 Census, Santa Clara County*; U.S. Bureau of the Census, *1970 Census, Santa Clara County*.

of metropolitan growth. Barrio residents shifted their attention from countywide electoral campaigns to urban institutional politics, particularly War on Poverty programs.

War on Poverty programs became a focal point for urban politics in part because city government was so unresponsive. In San José, at-large elections for city council—and a council-manager system of government in which an unelected city manager effectively controlled municipal government—limited Mexican Americans’ political power. In the thirty years following World War II, every single council member had come from one of San José’s two wealthiest and whitest neighborhoods.⁹³ The city manager, Arthur “Dutch” Hamann, presided over San José for so long that one researcher compared his rule to that of Mayor Richard J. Daley of Chicago, for both exercised “political monopolies” in their respective cities.⁹⁴ Mexican Americans joined labor, civil rights, and homeowner groups in an active movement to redistrict the city, but they would not succeed until 1978.⁹⁵ Local labor organizer Fred Hirsch questioned “how much longer large segments of our population must go unrepresented while we continue to call ourselves a democracy.”⁹⁶

The CSO’s electoral strategies failed to influence municipal government, and, as the CSO floundered, new organizations emerged. The Mexican American Political Association (MAPA) became the organization of choice for local political activists.⁹⁷ In 1964, Mexican American organizations of varied political stripes organized the Mexican-American Civic Council, a nonpartisan political organization, organized to screen,

⁹³ Jessica Trounstine, “Dominant Regimes and the Demise of Urban Democracy,” *The Journal of Politics* 68, no. 4 (November 2006): 879–893.

⁹⁴ Trounstine, *Political Monopolies in American Cities*.

⁹⁵ Committee for Equal Representation by City Council Districts, “San Jose Charter Amendment Petition”, 1965, Box 1, Folder 15, Fred Hirsch Collection, MSS-2007-0701, San Jose State University Library Special Collections and Archives. In 1978, San Jose voters approved district elections to be held in 1980.

⁹⁶ Fred Hirsch, “Minority Representation,” *The Precinct Democrat* 3, no. 4 (April 1964).

⁹⁷ Gallegos, “Equity and Diversity,” 27.

recommend, endorse and support Mexican Americans for elected office, with the goal unifying—and therefore increasing the value—of the Mexican American vote. Among the groups involved in the council were MAPA (which included conservatives, radicals, and moderates), the Mexican Chamber of Commerce (which was dominated by business conservatives), and the GI Forum (which styled itself as moderate).⁹⁸ Emphasizing the community's role as a swing vote, the Mexican-American Civic Council endorsed Democrats as well as Republicans.⁹⁹

The CSO was distinguished by its spatial approach to Mexican American politics. But there was tension within the organization, reflecting longstanding debates among Mexican Americans over whether they should pursue civil rights strategies based on labor organizing or community organizing. Chavez himself grew frustrated with the CSO's urban focus. In 1958, Chavez became the organization's national director, a position in which he tried to develop a focus on the issues of farm laborers, for whom the CSO's strategies were not helpful. Chavez encouraged the CSO to focus on farm laborers, but the other leaders (and most members) supported retaining the organization's focus on metropolitan issues. In 1962, when CSO members voted down Chavez's proposal to start a pilot project for farmworkers, Chavez resigned from the CSO and moved to Delano to organize farmworkers himself.¹⁰⁰

Gallegos, too, moved in a different direction. He became the national president of the CSO in 1960, but soon thereafter the CSO's strength declined. "Less than five years ago this organization was one of the strongest in the Southwest," noted Gallegos in a

⁹⁸ "Dr. De Heras Heads New Civic Council," *San Jose Mercury News*, May 10, 1964.

⁹⁹ "Five Win Endorsement by Council," *San Jose Mercury News*, May 29, 1964; "Council Splits Endorsements," *San Jose Mercury News*, October 19, 1964.

¹⁰⁰ Etulain, *Cesar Chavez*, 7; Shaw, *Beyond the Fields*, 13, 16.

1966 letter to Paul Ylvisaker of the Ford Foundation. But when Chavez left, he took with him many members, including Ross. Alinsky's Industrial Areas Foundation withdrew its funding of the CSO. The result, said Gallegos, was that "the CSO was left without its previous momentum."¹⁰¹ The remaining members shifted from institutional change to direct services to urban residents.¹⁰² Gallegos was dissatisfied with the shift. Along with Ernesto Galarza and Julian Samora, he founded the Southwest Council of La Raza (later the National Council of La Raza) in 1968.

While Chavez and Gallegos moved in new directions, however, most San José barrio residents continued to press for solutions to spatial inequalities. Many of them, like Chavez and Gallegos, became involved in politics through the CSO but now worked through other organizations. Al Pinon, for example, lived in San José's Eastside barrio, rising in the ranks of the CSO until he became the group's president in 1964. From there, he was poised to influence city policy when the federal urban policies of the 1960s, particularly those associated with the War on Poverty, came to San José. Building on his years of barrio politics, he chaired key War on Poverty organizations, channeling development funds to Mexican Americans and the barrio.¹⁰³

In Santa Clara County, the Economic Opportunity Commission became the focal point for Mexican American struggle after the decline of the CSO and the incorporation of suburban barrios into urban structures. Established in December 1964 as part of the War on Poverty, the EOC provided a forum for claims for spatial justice. The EOC was spatially organized, establishing service centers in nine target areas across the county,

¹⁰¹ Herman Gallegos to Paul Ylvisaker, Memo, October 1, 1966, 24-25, Box 15, Folder 7, Ernesto Galarza Papers, M0224, Department of Special Collections, Stanford University Libraries, Stanford, California.

¹⁰² *Ibid.*, 25.

¹⁰³ Al Pinon to Don Edwards, May 25, 1966, Box 73, Folder 10, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

directing residents to organize spatially and to focus their political energies on EOC institutions. In the East Valley Opportunities Center, the service center established in Sal Si Puedes, Luis Juarez noted, “A new sense of community, of joint social action—and its formidable power—is developing.”¹⁰⁴

For all its promise, the EOC channeled political discussions through a remarkably unresponsive bureaucracy. The EOC was directed by Arthur Potts, a New Deal liberal who had worked for the US military operating welfare programs in China and Japan during World War II and the early postwar years. Although the EOC was supposed to involve the poor in its planning decisions, Potts had excluded them. “There was no time,” he said, “to consult the poor.” When local organizations pressured him to include more community members in the direction of the program, he resisted, replying, “I’ve been in this ‘poor business’ for a long time.”¹⁰⁵

The EOC implemented a number of programs, such as Head Start, that served primarily Mexican American residents on the Eastside of San José.¹⁰⁶ Community members designed and proposed a number of other programs, seeking funding from the EOC to implement them. But the EOC was reluctant to cede administrative control or funding to many groups. Fred Albritten, an African American resident, for example, founded the Community Improvement Center in an Eastside garage with several other residents in 1962. The program would provide learning opportunities for women and children, including babysitting for parents while they attended a “mom’s college,” in a neighborhood that was 50 percent Mexican American and 15 percent African

¹⁰⁴ Luis Juarez, “Mexican American Notes,” *San Jose Mercury News*, May 1, 1966.

¹⁰⁵ Interfaith Ad Hoc Committee, “News Release”, March 8, 1966, Box 73, Folder 10, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

¹⁰⁶ *San Jose Mercury*, August 5, 1965.

American—an area that local Congressional Representative Don Edwards in a letter to Sargent Shriver, director of the Office of Economic Opportunity, described as “the core of a rapidly deteriorating ghetto area in San José.”¹⁰⁷ War on Poverty officials hailed the project as “truly grassroots” and “one of the most exciting experiments in the county.”¹⁰⁸

Yet it was too grassroots for local EOC administrators. The program, which, in a reversal of customary practice, would have paid the women participating in the program rather than the professionals administering it, worried Potts.¹⁰⁹ Potts discouraged funding the program, and EOC administrators advised converting it to a more traditional Head Start or Day Care program.¹¹⁰

To community members, such denials were all too common. Al Pinon complained that Potts “emasculated” every program proposed by a Mexican American. Jose Sarzoza, head of the Clifford Rodriguez Post 809 of the American Legion, acknowledged that Potts might have been the “most capable individual administratively,” but his reluctance to work with community groups had turned the EOC into “a one-man show.”¹¹¹ Frustrated by the EOC’s lack of support for grassroots action, a group of residents calling itself the Interfaith Ad-Hoc Committee for Social Justice declared that the EOC under Potts was “solidifying into the same old tired system of welfare colonialism that has

¹⁰⁷ Don Edwards to Sargent Shriver, November 16, 1966, Box 73, Folder 31, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

¹⁰⁸ “Lack of Funds Forces Child Center to Close”, 1966, Box 73, Folder 31, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

¹⁰⁹ Fred Albritten, “A Short History of the War as Viewed from Below”, n.d., Box 73, Folder 31, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

¹¹⁰ Andy Anderson to Don Edwards, May 4, 1967, Box 73, Folder 31, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives; “Conversation with Andy Anderson”, November 28, 1966, Box 73, Folder 31, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives; Fred Albritten to Don Edwards, November 28, 1966, Box 73, Folder 31, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

¹¹¹ “Fire Potts, Demand Mexican Americans,” *San Jose Mercury News*, February 1, 1966.

failed so miserably in the past to get at the root cause of poverty.”¹¹² Isaias Aguilera, head of MAPA, said that the EOC under Potts functioned “without proper concern and adequate involvement of the target people.” Poor and minority groups tried in vain to get assistance from EOC, he said. “Nothing but utter confusion, inactivity, and antagonism exists.”¹¹³ The CSO, GI Forum, ILWU, and the San José Homeowners and Renters Council complained that programs “were adopted without consultation from the poor. It seems that no funds will be made available for new self-help programs emanating from the poor themselves.”¹¹⁴ To activist Jack Brito, it appeared that the purpose of the EOC was not to help the poor but rather to help “the fat pigs get fatter.”¹¹⁵

To make the EOC more responsive, community members endeavored to change its administration. In August of 1965, eight Mexican American organizations of varied political stripes—the CSO, the Santa Clara GI Forums, the Clifford Rodriguez Post 809 of the American Legion, the Mexican American Civic Council, Mexican American Political Association chapters of San José and Gilroy and the Mexican American Chamber of Commerce—presented a petition that demanded that a Mexican American be appointed to a leadership role in the EOC.¹¹⁶ When Potts refused to fill the position, the organizations wired a request for an investigation to Sargent Shriver, Lyndon Johnson, and legislators.¹¹⁷

¹¹² “Mexican American Dispute Chronology”, n.d., Box 72, Folder 16, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

¹¹³ *San Jose Mercury News*, October 5, 1965.

¹¹⁴ *San Jose Mercury News*, March 17, 1966.

¹¹⁵ “Rudolfo Coronado Oral History”, n.d., 23, Series I, Box 5, Folder 15, Chicano Oral History Project, San Jose State University Library Special Collections and Archives.

¹¹⁶ “Skillicorn Averts Showdown on Mexican-American Plea,” *San Jose Mercury News*, August 20, 1965.

¹¹⁷ “Probe Demanded in Poverty Program,” *San Jose Mercury News*, October 15, 1965.

It was the beginning of a battle for control of the EOC, which Don Edwards, in a personal memo, described as a “snow-balling social traged[y].”¹¹⁸ Potts accused Mexican Americans of demanding “special privileges.”¹¹⁹ Dr. Stanley A. Skillicorn—the chairman of the EOC board, and, unlike Potts, a man skilled at public relations—attempted to stall the complaints, assigning a representative of the Taxpayers Association to meet with the Mexican-Americans and hear their complaints. The meetings, predictably, proved fruitless.¹²⁰

“Drastic measures must be taken,” said Pinon, who had become a spokesman for the community groups.¹²¹ On November 18, the eight Mexican American organizations, joined by the Council of Churches, picketed the meeting of the EOC. More than 450 people packed into the auditorium of the County Welfare Building to support the cause.¹²² The County Council for Civic Unity, the Catholic Interracial Committee, the NAACP, the GI Forum, and the Congress of Racial Equality joined the protesters, demanding greater representation for the poor, African Americans, and Mexican Americans.¹²³

The Office of Economic Opportunity (OEO) could not ignore the increasingly public clash and intervened to provide support for the community organizations. Dr. Melvin Mogulof, regional director of the OEO, stated that it was “not only desirable but mandatory that a Spanish-speaking person be employed in a top staff position.”¹²⁴ In November, he ordered the EOC to include a representative of each of the nine target

¹¹⁸ Don Edwards, Memo, n.d., Box 72, Folder 16, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

¹¹⁹ “Freeze Poverty Funds Here, Mexicans Urge,” *San Jose Mercury News*, October 15, 1965.

¹²⁰ Ibid.

¹²¹ “Pickets Due at EOC Meeting,” *San Jose Mercury News*, November 18, 1965.

¹²² “Groups Ask Poverty War Role,” *San Jose Mercury News*, November 19, 1965.

¹²³ *San Jose Mercury News*, November 19, 1965.

¹²⁴ “Probe Demanded in Poverty Program.”

areas.¹²⁵ In December, Mogulof gave the EOC three days to devise a new organizational structure that included three permanent members from the Mexican American groups.¹²⁶ After pressure from Mogulof, the EOC leadership finally agreed to create more representation for the poor and to hire a Mexican American as deputy director of the program.¹²⁷ With support from the regional OEO, community, religious, and civil rights groups reorganized the EOC, amending the organization's bylaws to expand representation of low-income residents from targeted areas and promote more Mexican Americans, African Americans, and other minority groups to positions of influence, at the expense of leadership by the civic, business, and industry leaders.¹²⁸

By February, however, Potts still had not hired a Mexican American in a leadership position, and in fact had fired Sal Si Puedes resident Edgar Cumings, the representation effort's lead advocate within the EOC, for "insubordination." At a press conference, the Mexican American groups stated that Potts had "gone beyond the point of no return" and demanded "immediate dismissal."¹²⁹ With Potts an increasing liability, the EOC board fired Potts.¹³⁰

In response to the reorganization, the county Taxpayers' Association and the Greater San José Chamber of Commerce resigned from the EOC, charging that Mexican Americans were seeking "political ends rather than a real and sincere program designed

¹²⁵ [CSL STYLE ERROR: reference with no printed form.]

¹²⁶ *San Jose Mercury News*, December 13, 1965.

¹²⁷ "City EOC Is Laid to Rest," *San Jose Mercury News*, January 18, 1966; "Fire Potts, Demand Mexican Americans."

¹²⁸ Economic Opportunity Commission Information Office, "Organization and Programs of the Economic Opportunity Commission of Santa Clara County, Inc.," May 16, 1966, Box 73, Folder 10, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

¹²⁹ "Fire Potts, Demand Mexican Americans."

¹³⁰ "Some Important Cultural Differences," *San Jose Mercury*, April 17, 1966.

to aid the poor.”¹³¹ The chamber had been involved with the EOC since its inception, for it intended to be involved in implementing the Economic Opportunity Act on the local level. When community members rewrote the by-laws, chamber president Jay E. Gibson derided them as “politically ambitious opportunists,” alleging that the EOC was no longer subject to “true local community control.”¹³² Congressional representative Charles Gubser labeled it a “well-planned conspiracy.”¹³³ Skillikorn lamented the “takeover” of dissident groups.¹³⁴ Local media chastised Mexican Americans for the coup. The local television station claimed that the effort to expand representation was “silly,” for “doling out flashy titles and fat salaries to people who simply do not qualify for them is foolish.”¹³⁵

Fred Hirsch interpreted the struggle differently. In a letter to Edwards, he wrote, “Mexican-Americans have organized for the first time to do a really remarkable and constructive job of opening the program to involvement of the poor. This most certainly presages change in Santa Clara County politics”—change that made establishment politicians nervous.¹³⁶ In a letter to the *San José Sun*, Hirsch wrote that establishment politicians were “rightly concerned,” for “The very existence of a program to wipe out poverty threatens the status quo.” Urban Mexican Americans had succeeded in “lessening...establishment control,” which threatened the businessmen who ran local

¹³¹ “New Pressure to Oust Potts,” *San Jose Mercury News*, February 1, 1966.

¹³² Jay E. Gibson to Don Edwards, January 19, 1966, Box 73, Folder 10, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

¹³³ Interfaith Ad Hoc Committee, “News Release.”

¹³⁴ Fred Hirsch to Sun, 1966, 3, Box 73, Folder 10, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

¹³⁵ Don McGaffin, “KNTV Editorial”, November 4, 1965, Box 73, Folder 10, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

¹³⁶ Fred Hirsch to Don Edwards, March 7, 1966, Box 73, Folder 10, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

government.¹³⁷ Claude Fernandez, president of Retail Store Employees Union Local 8 of San José, declared, “The War on Poverty is not only a war, it’s a revolution.”¹³⁸

The specter of the politically mobilized poor was particularly worrisome to San José city hall, where officials were not used to poor residents challenging their prerogatives. City officials attempted to restructure dissent with the Model Cities program, begun in 1966 and, like EOC, part of the War on Poverty. Model Cities funded local initiatives to improve conditions in poor neighborhoods. Although the program required participation by the residents of target neighborhoods, city officials interpreted “participation” as narrowly as possible. City manager Ted Tedesco stated that the city structured the program so that the role of community members was not to direct but rather “to provide input and reaction.” Tedesco explained that he and other city officials were trained management professionals. For community members to tell city officials what to do would be “like the patient telling the doctor what he needs.”¹³⁹ Accordingly, the city’s Model Cities contract specified, “Nothing shall prohibit the city from approving, adopting, or implementing any proposal or plan” even if community participants opposed it.¹⁴⁰

City officials used the program to realize their own agendas. San José city council, which had long favored growth and expansion, used the funds for economic development projects.¹⁴¹ In target areas, these projects were often physical improvements. As community activist Randal Jimenez explained, the city used Model

¹³⁷ Hirsch to Sun, 1966, 3.

¹³⁸ “Plight of Mexican-Americans,” *San Jose Mercury News*, February 24, 1966.

¹³⁹ “Model Cities Riding Off into Sunset,” *San Jose Mercury*, March 16, 1973.

¹⁴⁰ “Democratic Deception,” *The Maverick* 1, no. 7 (October 1969).

¹⁴¹ Rufus Browning, Dale Rogers Marshall, and David Tabb, “Implementation and Political Change: Sources of Local Variations in Federal Social Programs,” *Policy Studies* 8, no. 2 (1980): 616–632.

Cities funds to “make sure [the barrio] had sidewalks, that it had toilets, that the housing was upgraded to where the homes had foundations, proper windows, proper insulation, street lights, sewers.”¹⁴² To Leo Rivera, a political activist and employee at Lockheed, these were projects that the city should have done itself. “We used to say,” recalled Rivera later, “why do we have to have the federal government come and bring money to do this when it’s your job to do this thing? And, of course, they always said, well, we don’t have the tax money to do this.”¹⁴³ Model Cities programs, thought Rivera, should have been used to support innovative solutions to barrio poverty.

City officials insisted that they sought solutions to poverty, yet they resisted using funds to support social programs proposed by barrio residents. Instead, they favored programs in which empowering the poor was subsidiary to economic development goals.¹⁴⁴ The best funded of the city’s Model Cities programs was Economic Progress for All, Inc (EPA). Unlike many proposals, which emphasized the needs of workers, EPA focused on business owners. “EPA’s prime concern,” praised the *Mercury*, “is business development, not job development.” To promote business, EPA purchased five acres of land on the eastside for an industrial park, an action in line with city leaders vision of high-tech economic growth.¹⁴⁵ Juan Vigil, director of EPA, equated economic development with social improvement for barrio residents. “The business of America is people,” said Vigil. “Progress in an economic sense means the upgrading of human dignity.”¹⁴⁶

¹⁴² “Randal Jimenez Oral History,” 30.

¹⁴³ “Eliodoro G. Rivera Oral History”, n.d., 12–14, Series I, Box 6, Folder 32, Chicano Oral History Project, San Jose State University Library Special Collections and Archives.

¹⁴⁴ Browning, Marshall, and Tabb, “Implementation and Political Change,” 620.

¹⁴⁵ “Elements of Good, Bad in Model Cities Program,” *San Jose Mercury*, March 15, 1973.

¹⁴⁶ Paul Stamp, “EPA Means Business,” *Viva* 2, no. 9 (December 5, 1971).

To San José officials, Model Cities program leaders like Juan Vigil were essential, for Mexican Americans in positions of leadership conveyed legitimacy on city policies. City Manager Hamann distributed agency positions as political patronage for supportive minority leaders. In 1964, Hamann hired Luis G. Juarez, who had studied public health at San José State University and social welfare at UC Berkeley, as a special assistant on blight and Director of Community Development.¹⁴⁷ Simultaneously, the pro-growth *Mercury* hired Juarez to write a regular column on Mexican American affairs, in which he often promoted the city's economic development agenda as in the best interest of Mexican Americans.¹⁴⁸ Like Juarez, several Mexican American leaders identified more with the city and its growth programs than with the barrio residents they ostensibly represented. After directing EPA, Juan Vigil joined San José's housing task force and eventually worked in the San José Redevelopment Agency and Office of Economic Development. When city manager Hamann faced a vote of confidence election, Juan de Heras and the Mexican Chamber of Commerce joined Forward San José—the city's redevelopment group, led by downtown property owners—to support Hamann.¹⁴⁹

City officials sought to use the Model Cities program to channel political conflict from city hall to Model Cities leaders.¹⁵⁰ Mexican American program leaders had to balance the demands of barrio residents with the limitations imposed by city hall. Thus the program altered barrio politics, increasing political tension between Mexican Americans while also cultivating Mexican American leadership. One of Model Cities most lasting results was empowering a cadre of Mexican American professionals who

¹⁴⁷ Joseph A. Rodriguez, "Ethnicity in the Horizontal City: Mexican Americans and the Chicano Movement in San Jose, California," *Journal of Urban History* 21, no. 5 (July 1995): 605.

¹⁴⁸ *San Jose Mercury News*, September 19, 1965.

¹⁴⁹ *San Jose Mercury*, March 30, 1962.

¹⁵⁰ Browning, Marshall, and Tabb, "Implementation and Political Change," 620–621.

gradually took control of programs. Numerous Mexican American civil rights activists credited EOC and Model Cities with training them in administration, management, and the workings of city hall.¹⁵¹ The War on Poverty programs, said Juarez, developed “a new caliber of local political leaders.”¹⁵²

Suburban Blight and Mexican American Difference

San José began its Model Cities program in Mayfair, an area that had been, like nearby Sal Si Puedes, a suburban colonia, but that became, after it was annexed, the heart of the city’s eastside barrio. A community of single-family homes and small yards, Mayfair looked different, wrote Hamann, from “the traditional image of a ‘slum.’”¹⁵³ In the 600-acre area, there were only two apartment complexes with more than fifteen units.¹⁵⁴ To Hamann, it had a “suburban, almost semi-rural, atmosphere.”¹⁵⁵ Indeed, the Mexican American community of Mayfair seemed to be the achievement of the goal of suburban integration, “the minority in suburbia.”¹⁵⁶ But, insisted Hamann, Mexican Americans there faced even more problems than in a traditional slum. Because of Mayfair’s suburban location, design, and infrastructure, residents were not within walking distance of services and amenities, nor did they have access to public transportation. “Clearly,” concluded Hamann, “those elements of suburban living which

¹⁵¹ “Charley Laustenau Oral History”, n.d., 66, Series I, Box 5, Folder 24, Chicano Oral History Project, San Jose State University Library Special Collections and Archives; “Vicente Perez Oral History”, n.d., Series I, Box 6, Folder 30, Chicano Oral History Project, San Jose State University Library Special Collections and Archives; “Jose Villa Oral History”, n.d., Series I, Box 6, Folder 39, Chicano Oral History Project, San Jose State University Library Special Collections and Archives.

¹⁵² Juarez, “Mexican American Notes.”

¹⁵³ A.P. Hamann, “Application to the Department of Housing and Urban Development for a Grant to Plan a Comprehensive City Demonstration Program”, May 1, 1967, 19, RG 207, Entry 97, Assistant Secretary for Planning and Development: Model Cities Reports, 1966-1973, Box 19, National Archives II.

¹⁵⁴ *Ibid.*, 29.

¹⁵⁵ *Ibid.*, 1.

¹⁵⁶ *Ibid.*, 29.

are accepted as an advantage by the mobile middle-class suburbanite, work against the suburban poor in Mayfair.”¹⁵⁷

In local governments across the South Bay, planners were confounded by suburban poverty. In San Mateo County—which, with suburbanization and high-tech industrialization was now one of the ten wealthiest counties in the nation—planners could not account for the presence of the “minority suburbs” of East Palo Alto and East San Mateo, unincorporated residential districts with majority black populations and high poverty rates.¹⁵⁸ Their existence, so close to wealthy white suburbs, was a “paradox.”¹⁵⁹ In Union City, which applied for Model Cities funding to address blight in Decoto and Alvarado, city manager John Geoghegan resolved this paradox by explaining that Union City, because of its Mexican American population, was not “a typical suburban community.”¹⁶⁰

To explain metropolitan geography, planners drew on discourses of racial difference that defined poor Mexican Americans in suburbia as exceptions. In 1966, the *Mercury* published a special series on Mexican Americans, addressing “Why our Mexican-Americans Live ‘Apart.’” The *Mercury* explained the Mexican Americans, unlike European immigrant groups, chose to “remain aloof” in their own communities;

¹⁵⁷ *Ibid.*, 2.

¹⁵⁸ “Application to the Department of Housing and Urban Development for a Grant to Plan a Comprehensive Model Cities Program”, April 15, 1968, II, 1, RG 207, Entry 97, Assistant Secretary for Planning and Development: Model Cities Reports, 1966-1973, Box 19, Folder CA 28 San Mateo County, National Archives II.

¹⁵⁹ “Application to the Department of Housing and Urban Development for a Grant to Plan a Comprehensive Model Cities Program - San Mateo County”, April 18, 1967, II, 1, RG 207, Entry 97, Assistant Secretary for Planning and Development: Model Cities Reports, 1966-1973, Box 19, Folder CA 27 San Mateo, National Archives II.

¹⁶⁰ John K. Geoghegan, “Application for Planning Grant, Model Cities Program, City of Union City”, 1968, II, 4, RG 207, Entry 97, Assistant Secretary for Planning and Development: Model Cities Reports, 1966-1973, Box 17, Folder CA 18 Union City, National Archives II.

unlike African Americans, they did not seek integration.¹⁶¹ Mexican American culture was so utterly foreign that whites “can’t begin to conceive of this way of life.” Whereas San José’s white residents, inspired by the Protestant ethic, strove for success, Mexican Americans resigned themselves to poverty.¹⁶²

Mexican American professionals perpetuated these stereotypes. In a 1962 study prepared for the US Commission on Civil Rights, sociologist Julian Samora explained that Mexican American poverty was largely a result of values and traditions. Mexican Americans, he wrote, were fatalistic and politically apathetic, and they had no “commitment to progress.”¹⁶³ Samora acknowledged that his portrait of racial difference was “over-simplified,” yet its simplicity is precisely what made it valuable for policymakers, who distilled it still further, basing public policies on questionable assumptions about Mexican American culture and attitudes.¹⁶⁴ In San José, Mexican American professionals were ready to corroborate these assumptions. Lino M. Lopez, a human relations expert who worked for the mayor of Denver before coming to San José to study eastside residents’ problems adapting to suburban living, confirmed that San José’s Mexican American residents were culturally predisposed toward poverty.¹⁶⁵ Other Mexican American residents tried to counter these stereotypes. Al Pinon, for example, contended that there was a wide diversity of Mexican American experience, depending

¹⁶¹ “Why Our Mexican-Americans Live ‘Apart’,” *San Jose Mercury*, April 17, 1966.

¹⁶² “Some Important Cultural Differences.”

¹⁶³ Julian Samora, “The Spanish-Speaking People of the United States, Part I”, 1962, I-11, Box 123, Folder 9, Julian Samora Papers, Nettie Lee Benson Latin American Collection, University of Texas, Austin.

¹⁶⁴ Julian Samora and Eleanor B. Rubin, “The Spanish Speaking People in the United States”, 1962, Box 15, Folder 9, Ernesto Galarza Papers, M0224, Department of Special Collections, Stanford University Libraries, Stanford, California.

¹⁶⁵ “Mexican Citizen Project Starts,” *San Jose Mercury*, January 11, 1964; “Faith in His Mission - Help for Mexican Americans,” *San Jose Mercury*, January 31, 1964; “Changes in Cultural Patterns,” *San Jose Mercury*, April 17, 1966.

on language, education, and class status.¹⁶⁶ Nevertheless, the *Mercury* reported that “the average taxpayer... tends to lump all Mexican-Americans together as people living off the county.”¹⁶⁷

Drawing on discourses of racial difference, Geoghegan claimed that growth had exacerbated poverty because Mexican Americans were unprepared to make a living in the modern suburb. The causes for Mexican poverty, according to Geoghegan, were largely cultural. Geoghegan explained that Mexican Americans lacked the Anglo-American drive for economic success. This limited their assimilation, leading Geoghegan to question “whether a reasonable level of economic wellbeing can be achieved by the Mexican-Americans while preserving their cultural values.”¹⁶⁸

San José, likewise, drew on narratives of Mexican American difference to identify Model Cities neighborhoods. In a 1968 report to HUD, the San José Planning Department laid out its definition of blight and its causes. Neighborhoods that were blighted, wrote the planners, were those with substandard housing. But what caused this blight in a city growing so rapidly in population and prosperity? Part of it, asserted the planners, was that some housing was located in areas with mixed land uses, inadequate services, pollution, and general “defects.”¹⁶⁹ But even more important were social factors, for those, claimed the planners, were the root causes of blight.

“Physical deterioration, or blight, and deterioration of individual opportunity, hope, self-esteem, and general human welfare are inter-related phenomena. It is the basic premise of this element of the study that the hopelessness, despair, and general alienation of the disadvantaged are reflected in their regard for and

¹⁶⁶ “4 Categories of Mexican Americans,” *San Jose Mercury*, April 17, 1966.

¹⁶⁷ “Organization Studies Woes of Mexican-Americans,” *San Jose Mercury*, July 11, 1962.

¹⁶⁸ Geoghegan, “Application for Planning Grant, Model Cities Program, City of Union City,” I, 2.

¹⁶⁹ San Jose City Planning Department, “Neighborhood Analyses for San Jose, California”, November 1968, 6, RG 21, US District of Northern California, *Valtierra v. Housing Authority of San Jose*, Civil 52076, Folder 2, National Archives Pacific Region.

treatment of housing. They are so demoralized by their general situation and so poor and powerless that they do little to improve their immediate environment. In fact, they take out their frustration and alienation on their surroundings, thereby causing blight.... [T]he consumers of blight are also the producers of blight.”¹⁷⁰

Thus, reasoned the planners, if they could identify the social and economic characteristics of the people who lived in blighted neighborhoods, those findings would indicate the qualities in people that produced blight.¹⁷¹ In this way, the planners reasoned that these demographic characteristics were the “causes of blight.”¹⁷² In the report, the planners correlated statistics that indicated “social breakdown with the statistics indicating physical deterioration of housing.”¹⁷³ To planners, the mere presence of “minorities” in a neighborhood indicated “social pathology.”¹⁷⁴

With their study, planners sought “to determine which characteristics of the disadvantaged caused blight more than others.”¹⁷⁵ But when they crunched the numbers and carried out multiple regression analyses, they found that the number one factor in determining “blight” was the age of housing. The characteristics of poor Mexican Americans, comparatively, were more or less irrelevant.¹⁷⁶ Accordingly, their predictions about which neighborhoods were blighted (and why) were way off. They found that neighborhoods with majority white populations had twice the level of blight than they had predicted. Mexican American neighborhoods, on the other hand, had less blight than predicted, often half.¹⁷⁷

¹⁷⁰ Ibid., 6.

¹⁷¹ Ibid.

¹⁷² Ibid.

¹⁷³ Ibid.

¹⁷⁴ Ibid., 5–6.

¹⁷⁵ Ibid., 6.

¹⁷⁶ Ibid., 7.

¹⁷⁷ Ibid.

But the planners did not let these facts dissuade them from their assumptions about race and blight. Like the newspaper, which had framed Mexican American poverty as exceptional to the standard of affluence in San José, the planners framed white blight as exceptional to the rule of Mexican American poverty. In white neighborhoods, asserted the planners, blight was not caused by characteristics of the residents but by “special problems.”¹⁷⁸ Similarly, Mexican American neighborhoods that were not as blighted as expected were exceptions.¹⁷⁹ In spite of the evidence, the planners continued with their proposals to use federal funding to redevelop Mexican American neighborhoods.¹⁸⁰

When the statistics forced the planners to look beyond their assumptions to actual conditions, they were surprised that Mexican American neighborhoods were not as bad as they assumed. In this they were not alone. Indeed, running parallel to the discourse on Mexican American’s lack of progress was a discourse of surprise that San José’s Mexican American residents were actually good homeowners who kept up their houses and neighborhoods beautifully, adorning their porches and yards with flowers and fruit trees. They were hardworking, tightly knit families who simply lacked cash.¹⁸¹ Although this discourse seemed to suggest that Mexican Americans were not a blight upon the city, it was still based on the assumption that Mexican Americans were urban problems, the expectation that Mexican American residents led to neighborhood decline.

Through their construction of knowledge about race and urban change, planners produced the disadvantaged Mexican American as a social and political subject that

¹⁷⁸ Ibid., 8.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid., 9.

¹⁸¹ Bowden, *Report of a Survey in San Jose, California*; Clark, *Health in the Mexican-American Culture*; “San Jose’s Barrio,” *San Jose Mercury*, March 30, 1978.

causes blight. By identifying poor Mexican Americans as both the “consumers” and the “producers” of blight, planners avoided any discussion of the structural conditions that shaped the Valley’s racial and economic geography. The definition elided the developmental policies that had generated and concentrated poverty. It absolved from any guilt the governmental actors who helped create this landscape, as well as the white families who benefited from it.

Urban Renewal and the Transformation of the Barrio

City planners sought to take advantage of federal urban redevelopment funds to combat blight, a project that drew on narratives of racialized suburban space. In 1957, as the *Mercury* published sensational stories on Mexican American poverty, a group of businessmen and civic leaders pressured the city to combat urban decline. Forming an organization that they called, with echoes of the progress narrative, “Forward San José,” they persuaded the city to create a redevelopment agency.¹⁸² To maintain the central business district as the center of property wealth, sales, and business—and to recapture suburbanizing capital, retail, and office occupancy—they planned to modernize the infrastructure and architecture of downtown commerce, bringing order to a landscape that appeared to them to be increasingly chaotic.¹⁸³

While redevelopment plans were in part responses to the declining power of the central business district within the postwar metropolis, they extended far beyond downtown. Indeed, the degree to which redevelopment plans focused on barrios indicated that the definitions of “decline” and “blight” were inevitably racial. Planners’ definition of “economic and social decay” had less to do with how cities actually functioned than

¹⁸² San Jose City Planning Commission, *Master Plan of the City of San Jose* (San Jose: City of San Jose, January 1958), 88, Institute for Governmental Studies, University of California, Berkeley.

¹⁸³ *Ibid.*, 87.

with planners' social and economic biases.¹⁸⁴ Planners defined blight in terms of race and racial practices. A cause of blight, they declared, were properties and neighborhoods that had insufficiently controlled occupancy restrictions.¹⁸⁵ They also identified mixed uses of land as a cause of blight, yet the mixture of land uses had its roots in racialized planning practices since the 1930s, when local governments zoned parts of the Mexican American neighborhoods for industry and other "incompatible uses."¹⁸⁶ Planners were also concerned with overoccupancy, but this was generally a problem restricted to poorer families, especially Mexican Americans and others limited to certain housing districts or who worked in agriculture. Planners' definitions reveal that defining blight was about imposing order on what they saw as an unruly landscape.

"Each segment of the city," stated the city planning commission in San José's 1958 master plan, "has a natural cycle of growth—obsolescence and decay—and then renewal."¹⁸⁷ To planners, who mapped creeping blight in San José, barrios matched their definition of obsolescence and decay.¹⁸⁸ To planners, an urban renewal program was necessary to prevent blight from spreading from low-income neighborhoods. "The continued spread of slums and blight," warned city planners, "must be arrested and removed so that the vast private investment in our city will remain sound and continue to expand."¹⁸⁹ When possible, the renewal agency would resurrect declining areas. If revival was not possible, they pledged "to clear and rebuild areas that economically are not worth saving."¹⁹⁰ They designated the most severely blighted areas subject to clearance and

¹⁸⁴ Ibid., 91.

¹⁸⁵ Ibid., 90.

¹⁸⁶ Bowden, "Introduction to Area Descriptions and Security Area Map," 2.

¹⁸⁷ San Jose City Planning Commission, *Master Plan of the City of San Jose*, 89.

¹⁸⁸ Ibid., 88.

¹⁸⁹ Ibid., 94–95.

¹⁹⁰ Ibid., 89.

redevelopment and the less severely blighted areas subject to rehabilitation and spot clearance of offending buildings.¹⁹¹

When planners sought to arrest blight, federal transportation programs offered an attractive funding source for demolition. This tendency was apparent in Union City, a new southern Alameda suburb that had absorbed the barrios of Decoto and Alvarado. As city officials said blithely, surveying the route of transportation projects scheduled to pass through the barrios of Decoto, “Upon completion of the Foothill Freeway and the Bay Area Rapid Transit District line, Union City should contain very little in the way of substandard housing.”¹⁹²

In San José, municipal planners joined their state and county colleagues in directing three interstate highways and an expressway through the eastside barrios.¹⁹³ Highways 280 and 680 were designed to link residents in the subdivisions of southern Santa Clara County to industrial jobs in the northern part of the county; their construction involved, according to a Mexican American legal aid group, “bulldozing... entire neighborhoods with high concentrations of Spanish-speaking people.”¹⁹⁴ A San José resident named Inocencio, who moved from Mexico to Sal Si Puedes in the 1950s, reported to a journalist that he had to move when construction of Highway 280 began, for it was erected directly over his home. Highways 680, 280, and the Capitol Expressway

¹⁹¹ Ibid., 94.

¹⁹² Geoghegan, “Application for Planning Grant, Model Cities Program, City of Union City,” III D, 11.

¹⁹³ “Housing for Freeway Displace-ees”, n.d., Box 5, Folder 19, Fred Ross Papers, Department of Special Collections, Stanford University Libraries, Stanford, California.

¹⁹⁴ Centro Legal Para Accion Comunal, “Funding Proposal, #76-1573”, 1976, Box 91, Folder 657, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

converged on Sal Si Puedes in a frenzy of interchanges. After their construction, all that remained of the neighborhood was one small block of houses.¹⁹⁵

As freeway construction demolished many of the prewar barrios, their former residents moved into a new mega-barrio on the Eastside. Appropriately, given the area's history, freeways served as the boundary lines marking off the barrio from neighboring tracts for whites, physically and symbolically.¹⁹⁶ It was in this section of San José that the city housing authority located three quarters of federally financed public housing projects.¹⁹⁷ Established in 1966, in part to house those displaced by freeway construction,¹⁹⁸ the San José Housing Authority housed primarily Mexican Americans, placing them in public housing in the area of the city already most highly populated by Mexican Americans.¹⁹⁹ As the Eastside of San José became predominately Mexican American, many nearby white homeowners "began a flight," according to Hamann, abandoning their homes to be repossessed by FHA and VA.²⁰⁰

¹⁹⁵ "San Jose's Barrio."

¹⁹⁶ "Sofia Mendoza Oral History", March 2, 1988, Chicano Oral History Collection, San Jose State University Library Special Collections and Archives; Ernesto Galarza, "The Burning Light: Action and Organizing in the Mexican Community in California," interview by Gabrielle Morris and Timothy Beard, 1982, Regional Oral History Office, Bancroft Library, University of California, Berkeley; "San Jose's Barrio"; Pitti, *The Devil in Silicon Valley*; David N. Pellow and Lisa Sun-Hee Park, *The Silicon Valley of Dreams: Environmental Justice, Immigrant Workers, and the High-Tech Global Economy* (New York: New York University Press, 2002), 64.

¹⁹⁷ Grace Kubota and Stephen Manley, "Opening Brief of Appellants", n.d., Ybarra v. San Jose, Northern District of California, 276-98-009, RG 276, Box 27, National Archives Pacific Region.

¹⁹⁸ "Housing for Freeway Displace-ees."

¹⁹⁹ Hamann, "Application to the Department of Housing and Urban Development for a Grant to Plan a Comprehensive City Demonstration Program," 35.

²⁰⁰ *Ibid.*, 33.

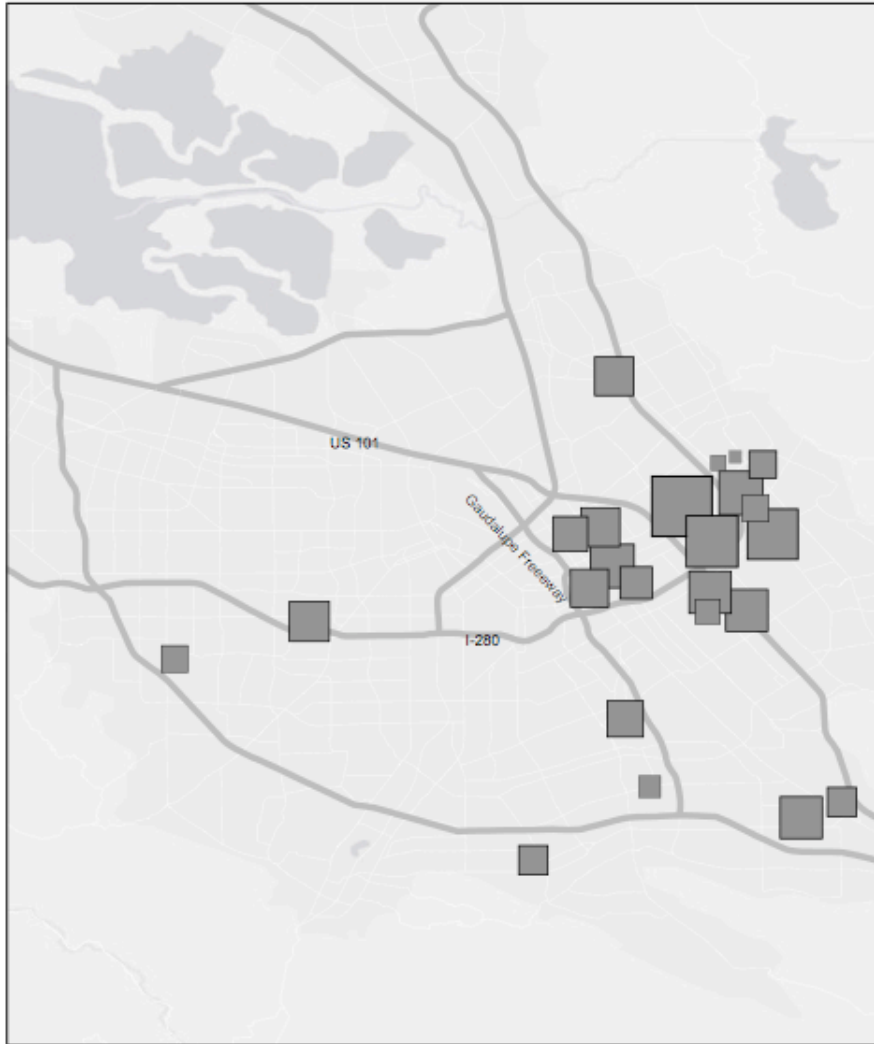


Figure 5.1 Federally subsidized low-income housing in San José, 1976. The size of squares is proportional to the number of units in each housing project, the smallest with 18 and the largest with 400. Housing projects were clustered on the east side of the city, especially east of Highway 101 and in the area surrounded by Highway 101, the Guadalupe Freeway, and Interstate 280.

The CSO actively challenged these policies, and when possible tried to shape their implementation. In 1959, the CSO organized a meeting with Olney Smith, the head of San José's Urban Redevelopment Agency. Smith had stonewalled local Mexican American residents who had asked to see the city's redevelopment plans. But when the

CSO pressured city council, city council directed Smith to meet with the CSO.²⁰¹ Similarly, the CSO organized residents to demand housing for people displaced by freeway construction. The CSO organized a meeting of 130 people with the Jack R. Schonborn, the regional director of the Public Housing Administration.²⁰² Critiquing the practice of concentrating public housing on the Eastside, CSO members asked if the housing could not be concentrated within one neighborhood but scattered in small projects.

Yet the CSO was not successful. By the 1960s the CSO was less powerful than it had been, and the problems it faced were larger. Speaking years later, Gallegos admitted that he and other CSO leaders were unprepared for “the magnitude of the problems” that they faced. “The growth of San Jose happened so rapidly,” he said. “It was just incredible.”²⁰³ The problems the CSO was grappling with, said Gallegos, “were exacerbated by the sudden growth.”²⁰⁴ The eastside colonias became subject to a series of policies and processes—annexation, freeway construction, urban renewal, increased segregation—that were larger than local CSO chapters could deal with effectively.

The barrio of the late 1960s was a far cry from the earlier barrio. In 1955, Sal Si Puedes had been a small community of 422 people.²⁰⁵ After the neighborhood was destroyed, those residents moved to a district of tens of thousands Mexican Americans. Lamenting the transformation, Gallegos said, “What used to be a very small neighborhood is now...quite blighted.... While we were there, there was a sense of

²⁰¹ Louis Zarate, “Santa Clara County Education Classes”, June 23, 1959, Box 5, Folder 3, Fred Ross Papers, Department of Special Collections, Stanford University Libraries, Stanford, California.

²⁰² “Housing for Freeway Displace-ees.”

²⁰³ Gallegos, “Equity and Diversity,” 17.

²⁰⁴ *Ibid.*, 17–18.

²⁰⁵ Clark, *Health in the Mexican-American Culture*, 46.

community.”²⁰⁶ The residents of Sal Si Puedes had been rural people, close to the orchards in the Valley; then they had been suburban residents, positioned on the city’s periphery; then, as San José annexed Sal Si Puedes, they became urban dwellers; and finally, with the changes wrought by freeway construction and public housing, they were residents of the area of San José that planners and the media began to call “inner-city.”²⁰⁷ Their position within the metropolis had altered drastically during the postwar decades. But they had barely moved.

Conclusion

Unemployment and underemployment exacerbated the problems created by the spatial transformations. At the county level, median household incomes rose swiftly throughout this time, but for Mexican Americans they decreased. The gap between whites and Mexican Americans widened not only relatively but absolutely. Poverty concentrated in certain neighborhoods. In Santa Clara County, between 1959 and 1965, annual median household incomes increased from \$7,417 to \$8,662. In the predominantly Mexican American barrio of Mayfair, meanwhile, median incomes declined from \$5,720 to \$5,432.²⁰⁸

A 1973 Rand corporation study commissioned by the city of San José determined that over the 1960s racial segregation increased and poverty worsened in Chicano neighborhoods.²⁰⁹ Longtime residents as well as newcomers faced declining job prospects, lower earnings, and worse educational outcomes. Even in a period of rapid

²⁰⁶ Gallegos, “Equity and Diversity,” 17.

²⁰⁷ “San Jose’s Barrio.”

²⁰⁸ Hamann, “Application to the Department of Housing and Urban Development for a Grant to Plan a Comprehensive City Demonstration Program,” 15.

²⁰⁹ Alesch and Levine, *Growth in San Jose*, vii.

economic growth and federal urban programs, inequality increased.²¹⁰ To the Rand researchers, this startling finding had national implications. “The San José metropolitan area,” they wrote, “is a prototype of American suburbs—a set of suburbs without a real central core city in the eastern sense.... The social issues frequently collected under the rubric, ‘the urban problem,’ are rapidly becoming urban/suburban problems, and the San José analysis tends to bear this out.”²¹¹ Many residents were disillusioned with urban programs after redevelopment. “They tore up all Chicano neighborhoods,” lamented community activist Humberto Garza. “In retrospect, I think that the main intent [of War on Poverty programs] was not to help people, but to help the city get more money so they could put those highways through.”²¹²

The remaking of the barrio was one of the signal transformations of postwar space. But its history was forgotten, its facts reinterpreted. In the collective memory of most San José residents—most of whom arrived in the 1950s and 1960s—the barrio became an atavism. In 1978, the *San José Mercury News* published a special report on San Jose’s barrio. “To outsiders,” stated the article, “‘barrio’ spells mystery, even fear. To them it is a place where deprived minorities lurk behind dilapidated buildings, where street gangs prowl the darkened alleys, drug dealers push their products on corners and police travel only in pairs.” It is a place “where a part of Mexico lives on, surrounded by the ever-expanding metropolis of San José.”²¹³ The barrio, in this portrayal, is alien to the modern metropolis around it; it is the product of a previous age, its origins shrouded in

²¹⁰ Ibid., 16–17.

²¹¹ Ibid., 21.

²¹² “Humberto Garza Oral History”, n.d., 15, Series I, Box 5, Folder 17, Chicano Oral History Project, San Jose State University Library Special Collections and Archives.

²¹³ “San Jose’s Barrio.”

mystery. The culture of the barrio—“a part of Mexico”—is likewise portrayed as self-contained and foreign to the surrounding city.

The paper conceded, “[M]ost of that perception is fantasy, created by movies, television, newspapers, and fertile imaginations.”²¹⁴ Yet, the perception of barrio difference—the litany of mysterious minorities, dilapidated buildings, street gangs, and so on—was created, in the first place, by the stark fact of segregation. Working in concert, a host of public policies, from home financing to freeway construction, had created a new metropolitan form, concentrating whites in one part of that geography and Mexican Americans in another. The postwar barrio—with its origins not in old folkways but in postwar policies; with a culture derived not from ancient Mexico but from the postwar United States—was not an exception to that modern metropolis; it was one of its principle manifestations.

²¹⁴ Ibid.

Chapter 6

Fringe Politics

As San José annexed barrios on its fringes, it incorporated Mexican American residents, like those who lived in Sal Si Puedes, into urban governmental structures. “There’s only one exception to that story,” recalled Ernesto Galarza, the farm labor organizer, Chicano activist, and scholar who lived and worked in the Valley.¹ That exception was Alviso, a working-class and agricultural town bordering San José. In the 1960s and 1970s, Alviso became a hub of Mexican American struggles for metropolitan political power, a place where residents organized grassroots social movements to challenge suburban growth policies.

Alviso found itself at the center of a fierce battle over municipal consolidation with neighboring San José. Alviso was an incorporated city, one of the oldest in California, protecting it from outright annexation. Nevertheless, San José civic and business elites coveted Alviso’s territory as a location for profitable but hazardous land uses. San José aimed to consolidate with Alviso in order to transfer political control over Alvisan land use to San José, enabling San José planners to locate waste treatment and industrial plants in a poor racialized community on the suburban fringe, while insulating

¹ Ernesto Galarza, “The Burning Light: Action and Organizing in the Mexican Community in California,” interview by Gabrielle Morris and Timothy Beard, 1982, 45, Regional Oral History Office, Bancroft Library, University of California, Berkeley.

white communities from environmental threats.² By appropriating racialized suburban space for industrialization and environmental waste, San José's planners and civic leaders ensured metropolitan growth and a high tax base while developing an image of the city as clean, modern, and high-tech.

Among the many benefits postwar suburbanization conferred upon the white middle class was the ability to enjoy the environmental amenities of suburban living while channeling their environmental costs to non-white communities.³ Metropolitan development entailed environmental racism, the unequal distribution of environmental hazards along racial lines. Such a distribution is a manifestation not necessarily, nor even primarily, of individual acts of bias but rather of the larger structures of class and white privilege.⁴ In the context of widespread racial segregation, the spatial distribution of environmental problems was inevitably racial, exempting whites from the environmental dangers that attended the development of the metropolis, particularly flooding, subsidence, garbage disposal, and sewage processing.

For Mexican American activists in Alviso, debates over flooding and other environmental inequalities revealed a critique of the racial inequalities of suburbanization. Struggles for environmental justice, as Laura Pulido has noted, are often

² Throughout the Southwest, Sunbelt and South, rapidly expanding cities with majority-white populations annexed surrounding territories rapidly yet often avoided annexing non-white communities on their fringes. This often denied excluded populations the environmental amenities enjoyed by included residents. Less acknowledged is that municipal consolidation perpetuated environmental racism just as much as municipal exclusion. Trounstine, *Political Monopolies in American Cities*.

³ Robert D. Bullard, *Dumping in Dixie: Race, Class, and Environmental Quality* (Boulder: Westview Press, 1990); Klinge, *Emerald City: An Environmental History of Seattle*; David Naguib Pellow and Robert J. Brulle, eds., *Power, Justice, and the Environment: A Critical Appraisal of the Environmental Justice Movement* (Boston: MIT Press, 2005); Andrew Hurley, *Environmental Inequalities: Class, Race, and Industrial Pollution in Gary, Indiana, 1945-1980* (Chapel Hill: University of North Carolina Press, 1995); Laura Pulido, *Environmentalism and Economic Justice: Two Chicano Struggles in the Southwest* (Tucson: University of Arizona Press, 1996).

⁴ Laura Pulido, "Rethinking Environmental Racism: White Privilege and Urban Development in Southern California," *Annals of the Association of American Geographers* 90, no. 1 (March 2000): 12-40.

about not only alleviating environmental problems but also “changing the power relationships in which they are embedded.”⁵ In Alviso, battles over environmental nuisances were among the primary arenas of political struggle, reflecting the political constituencies produced by postwar metropolitan growth. Environmental concerns animated larger struggles over social structure.

Mexican Americans endeavored to actualize their vision of environmental and economic justice through the political structure of the metropolis. Mexican American Alvisans aspired to suburban municipal autonomy, seeking political power in local governance. Alviso’s status as an incorporated municipality enabled its residents to make citizenship claims on the grounds of suburban independence, a rare subject position for the Valley’s Mexican Americans. The battle over municipal consolidation reinforced this political identity.

Metropolitan Migrations

Alviso sits on the southernmost tip of the San Francisco Bay, the narrow strip of land where the Santa Clara Valley sinks into the water. A salty wind rips across the marshlands surrounding the community. To the west, the dark forested hills of the coast range rise steeply; to the east, the dry, grassy flanks of the Diablo Mountain Range dominate the horizon. Here, the land meets the sea; creeks that spring from opposite sides of the Valley race here and run together in a maze of winding streams.

With an area of nearly fourteen square miles, postwar Alviso was one of the county’s larger municipalities, yet its population was small. Fewer than 700 people lived in the city in the 1940s, primarily whites of Portuguese and Italian heritage as well as

⁵ Pulido, *Environmentalism and Economic Justice*, 155.

small numbers of Japanese American farmers.⁶ A historic port city, Alviso had welcomed an array of economic activities that were prohibited or unprofitable elsewhere, from Chinese canneries in the early twentieth century to taxi dance halls frequented by Filipino farmworkers in the 1930s.⁷ By the 1960s, such industries had vanished and most of Alviso's land was devoted to agriculture and salt evaporators.⁸

Mexican Americans had often worked in Alviso during harvest season, returning after work to *colonias* around the Valley. As postwar suburban growth began to destroy older *colonias*, seasonal employment in Alviso gave way to year-round living as displaced Mexican Americans moved to Alviso. Families settled and soon brought their relatives and friends. The migration doubled Alviso's population, and by the mid-1960s, Mexican Americans made up 68 percent of the city's residents while non-Hispanic whites dropped to 31 percent.⁹ Unlike other municipalities on the outskirts of San José, Alviso did not exclude Mexican Americans, and housing was cheap. Although a primary reason for the low cost of housing was Alviso's hazardous environment, marked by frequent flooding and substantial amounts of industrial and residential waste, most Mexican Americans had few other options. Affordable housing was critical to personal and

⁶ U.S. Bureau of the Census, *Census of Population: 1950: Characteristics of the Population*, vol. II (Washington, D.C.: Government Printing Office, 1950), 19.

⁷ Tsu, "Independent of the Unskilled Chinaman"; Lukes and Okihiro, *Japanese Legacy*; Paul Anthony Phillips, "The Port of Unrealized Dreams: Alviso, California, to 1900" (MA Thesis, San Jose State University, 1998); "Winter Comes so Alviso Filipino Dancing Ceases," *San Jose Herald*, December 20, 1937.

⁸ Robert Jordan, "Application to the Department for Housing and Urban Development for a Grant to Plan a Comprehensive City Demonstration Program", May 1, 1967, II, 16, RG 207, Entry 97, Assistant Secretary for Planning and Development: Model Cities Reports, 1966-1973, Box 19, Folder CA 29 Alviso, National Archives II; "Winter Comes so Alviso Filipino Dancing Ceases"; U.S. Bureau of the Census, *Census of Population: 1950: Characteristics of the Population*, II:5-18.

⁹ Ernesto Galarza, "Alviso: The Crisis of a Barrio" (Mexican-American Community Services Agency, August 15, 1973), Chicano Studies Library, University of California, Berkeley; "Covenant and Betrayal," *San Jose Mercury News*, March 28, 1993; Jordan, "Application to the Department for Housing and Urban Development for a Grant to Plan a Comprehensive City Demonstration Program," 2, 19.

community survival, and it was available in the unimproved neighborhoods of Alviso.¹⁰ “Among the homeowners,” according to a report by the Mexican-American Community Services Agency, “the economic attractions of low land costs have outweighed the inconveniences of flooding, dumping, unpaved streets and the lack of other public amenities.”¹¹

Although they were often poor, many Mexican American residents were small landowners and homeowners. When freeway rights-of-way and suburban tract development threatened their modest homes, many Mexican Americans transported their houses to Alviso.¹² The cost of moving a dwelling, sometimes in pieces, was far lower than the cost of building a new home from scratch. The town’s architecture reflected this scavenger approach. Single-room shacks dotted the fields; displaced and reassembled bungalows sprang up along the roads into town; a handful of old Victorians presided over dirt streets; laborer’s barracks clustered next to farms and orchards. The city did not strictly enforce building codes, and many homes, marked by haphazard remodels and improvised roofing materials, manifested the do-it-yourself ethos of their owners. Yet careful repainting and landscaping indicated the care that residents put into their new dwellings.¹³

On the semi-rural, semi-urban edge of Santa Clara County’s booming economic center, Mexican American Alvisans occupied a liminal space between rural and urban. Most residents worked in agriculture, and their economic lives followed the rhythms of seasonal harvests and canning. A typical resident might spend the year picking

¹⁰ Galarza, “Alviso: The Crisis of a Barrio,” 5.

¹¹ *Ibid.*, 17.

¹² Jordan, “Application to the Department for Housing and Urban Development for a Grant to Plan a Comprehensive City Demonstration Program,” sec. III, 7.

¹³ Galarza, “Alviso: The Crisis of a Barrio,” 4.

strawberries in spring, cherries in summer, and pears in the fall. At the same time, the dramatic changes of the postwar years, especially suburban growth, shaped the lives of Alvisans. In postwar Alviso, urban and rural worlds intertwined, generating a new kind of politics.

Like Mexican Americans elsewhere in the Valley, Alvisan Mexican Americans had pursued civil rights primarily by organizing as farmworkers. The scholar and activist Ernesto Galarza took a special interest in Alviso. He worked tirelessly in the 1950s to improve the conditions of Mexican Americans in Santa Clara County, which he did by improving labor relations, especially through the National Farm Labor Union.¹⁴ He advocated higher payments for farm work; he supported higher prices for agricultural products; he held growers accountable for contracts with workers; and he fought the use of the Bracero program to recruit more farmworkers to Santa Clara County, fearing the accompanying drop in wages that migrant farmworkers might bring with them.¹⁵ He chaired the agricultural workers' committee of the county Central Labor Council.¹⁶ Galarza's focus on farm labor organizing was appropriate when Alviso was a community deeply invested in agricultural production, but he would soon discover that the domain of civil rights struggles was changing.

Flooding and Finance

In addition to absorbing Mexican Americans displaced by metropolitan development, Alviso also absorbed the environmental consequences generated by neighboring suburban growth. Flooding threatened the many new suburban communities

¹⁴ Pitti, *The Devil in Silicon Valley*, 136–141.

¹⁵ See, for example, Ernesto Galarza to Governor Edmund “Pat” Brown, March 12, 1959, Box 46, Folder 11, Ernesto Galarza Papers, M0224, Department of Special Collections, Stanford University Libraries, Stanford, California.

¹⁶ “Mexican American Role in SC County a Topic,” *San Jose Mercury*, October 10, 1964.

that hugged the Bay, yet it threatened them unequally. Like most natural disasters, Alviso's flooding was more disastrous than natural; humans produced the problem through policies that allocated spaces to particular racial and economic groups, across which they distributed unequally the costs and benefits of suburban development.¹⁷ This was a two-step process. First, the asphalt of suburban tracts, shopping malls, and parking lots altered the Valley's patterns of drainage, concentrating into a small number of aqueducts great quantities of water, water that had previously flowed through hundreds of small streams and filtered into the ground.¹⁸ Storm runoff thus became a problem in postwar Santa Clara Valley in a way that it previously was not. Second, suburban growth produced subsidence—the sinking of land—by accelerating the pumping of groundwater. In the years after WWII, Alviso, already perched on the edge of the Bay, sank six feet. The agricultural economy had demanded massive quantities of water, but the postwar transformation of land uses in the Valley—from agricultural to residential and industrial—dramatically increased the need.¹⁹ United States Geological Survey records show that agricultural pumping reached its maximum by 1950, declining sharply thereafter; meanwhile, municipal and industrial pumping rose six-fold between 1945 and 1970. By the mid-1960s groundwater withdrawal for residential and industrial uses

¹⁷ The devastation of Hurricane Katrina emphasized this point, as numerous scholars have noted. See, e.g., Chester Hartman and Squires, eds., *There Is No Such Thing as a Natural Disaster: Race, Class, and Hurricane Katrina* (New York: Routledge, 2006); Neil Smith, "There's No Such Thing as a Natural Disaster," *Social Science Research Council*, June 11, 2006, <http://understandingkatrina.ssrc.org/Smith/>.

¹⁸ Bill Zanker to Don Edwards, February 11, 1966, Box 72, Folder 3, Don Edwards Congressional Papers, MSS-1995-001, San Jose State University Library Special Collections and Archives.

¹⁹ HOLC noted this subsidence when it conducted its survey of the San José area. "A *settling* of the land under the area is in process and is particularly acute in nearby Alviso." At this point, subsidence was still minimal. Fahey to Fergus, "Special Summary Survey of San José, California."

dwarfed agricultural usage.²⁰ As the aquifer emptied out, the ground sank beneath Alvisans' feet, below the level of the Bay. In short, as the postwar suburbs built up, Alviso went down.²¹

None of this, however, was unique to Alviso. Subsidence and drainage overflow were the common predicaments of most suburban communities along the Bay Shore, such as neighboring Sunnyvale. Like Alviso, Sunnyvale had been largely agricultural until the 1950s, when its population doubled, doubled again, and then doubled yet again, as tens of thousands of white residents bought homes in its racially restricted subdivisions.²² In Sunnyvale, as in Alviso, the combination of drainage patterns and subsidence provoked flooding, most spectacularly a deluge on Christmas of 1955 that, equitably, swamped Sunnyvale homeowners and Alviso residents alike.²³ Government agencies responded rapidly. The Santa Clara County Flood Control and Water District, with the assistance of the Army Corps of Engineers, built a system of levies and dikes in Sunnyvale, protecting its new, all-white subdivisions from flood.²⁴

²⁰ Joseph F. Poland, "Case History No. 9.14. Santa Clara Valley, California, USA," in *Guidebook to Studies of Land Subsidence Due to Ground-water Withdrawal*, ed. Joseph F. Poland (Paris: UNESCO, 1984), 281.

²¹ *Ibid.*, 283. Other places sank, too—downtown San José, for example, dropped by as much as 14 feet, but it remained above sea level.

²² U.S. Bureau of the Census, *1960 Census of Population and Housing* (Washington, D.C.: Government Printing Office, 1961).

²³ Zanker to Edwards, February 11, 1966.

²⁴ Andrew Trice, *Review of Economic Aspects of the Corps of Engineers' Draft Report on Coyote Creek*, March 22, 1971, Box 84, Folder 140, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.



Figure 6.1 Flooded road and farm near Alviso, 1952. San José Public Library.

Government agencies responded differently to circumstances in Alviso. In spite of vociferous pleading from Alvisan officials, the town received no new flood protections. The agencies that financed flood control were unable to imagine Alviso as a potentially valuable suburb—it was too poor and too Mexican American. Engineers built levies and dikes to the Sunnyvale border, and then stopped, allowing water to run freely through Alviso.²⁵ Alviso flooded again in 1958 and 1963, to depths of five feet, and for up to seventeen days.²⁶ When the chief engineer of the Santa Clara County Flood Control and Water District met with Army Corps engineers to request flood control in Alviso, they told him “strictly off the record” that “the cost of the project would be high in relation to

²⁵ US Army Corps of Engineers to Don Edwards, February 28, 1966, Box 72, Folder 3, Don Edwards Congressional Papers, MSS-1995-001, San Jose State University Library Special Collections and Archives. Lloyd C. Fowler to Milo S. Lacy, September 20, 1965, Box 72, Folder 3, Don Edwards Congressional Papers, MSS-1995-001, San Jose State University Library Special Collections and Archives.

²⁶ US Army Corps of Engineers to Edwards, February 28, 1966.

the benefits.”²⁷ Government officials were willing to let Alviso’s population absorb the floods created by upriver development. The benefits to upriver subdivisions—almost exclusively upper income and white—were high; the costs—the routine flooding of poor Mexican American communities—were low.

Flood risk created a catch-22 for a poor Mexican American community like Alviso. Government agencies refused to invest funds there due to flood risk but also refused to alleviate the risk of flood because the area lacked investments.²⁸ This cyclical reasoning prevented the infusion of federal funds into Alviso that other suburbs enjoyed, particularly mortgage financing through the Federal Housing Administration.²⁹ FHA financing subsidized the suburban dream, enabling the widespread development of single-family homes across the United States.³⁰ Many Alvisans, including major landowner William Zanker, wanted the city to participate in that dream. Zanker’s economic position empowered him within the city’s government, in which he served as chair of the planning commission. “We must have FHA financing,” wrote Zanker in a 1966 letter to Governor Edmund “Pat” Brown, “if it [Alviso] is to prosper.” The FHA conceded that, even if the flood risk were reduced, it still would not insure mortgages there, because the housing stock—and the community—was so poor. Instead, FHA agents recommended that Alviso’s government “raze most of the structures in this community,” and rebuild it through an urban renewal program, hopefully attracting

²⁷ Bill Zanker to Don Edwards, June 17, 1966, Box 72, Folder 3, Don Edwards Congressional Papers, MSS-1995-001, San Jose State University Library Special Collections and Archives.

²⁸ William Slocomb to Don Edwards, March 28, 1966, Box 72, Folder 3, Don Edwards Congressional Papers, MSS-1995-001, San Jose State University Library Special Collections and Archives.

²⁹ Garland Oliver and Bill Zanker to Don Edwards, March 17, 1966, Box 72, Folder 3, Don Edwards Congressional Papers, MSS-1995-001, San Jose State University Library Special Collections and Archives; Jordan, “Application to the Department for Housing and Urban Development for a Grant to Plan a Comprehensive City Demonstration Program.”

³⁰ Jackson, *Crabgrass Frontier*, 190–218.

middle-class residents. Santa Clara County Flood Control and Water District shied from spending money to lower flood danger if the FHA refused to finance the area. To many Alvisans, this seemed callous. Zanker and Mayor Garland Oliver complained to their Congressional Representative, Don Edwards: “We feel that it is very unfair for the FHA to state that they will not insure any new developments until such time as the City goes under an area-wide urban renewal program.” Neighboring cities, Zanker and Oliver pointed out, received FHA funds without urban renewal requirements, but in Alviso, FHA refused to provide even rehabilitation loans.³¹

There were several luckier cities that Zanker and Oliver could point to. Around the Bay, planners and corporate builders filled in marshlands, at great public and private expense, to create an inhabitable shoreline—for airports, industry, and residences—separating the earth from the sea. Not far from Alviso on the southwest edge of the Bay, real estate mogul T. Jack Foster orchestrated the development of the community he named grandly after himself, Foster City. In 1953, Foster’s company began construction on the new development, intended to house 35,000 residents, a modern suburb whose fiscal infrastructure would be supported by light industry. Although it was built on landfill in the Bay marsh—precarious conditions that stalled all investment in Alviso—Foster City enjoyed access to public financing denied to Alviso, and within twelve years the community was valued at \$650 million.³²

³¹ Bill Zanker to Edmund Brown, January 10, 1966, Box 72, Folder 3, DEP; William Slocomb to Don Edwards, March 28, 1966, Box 72, Folder 3, DEP; Garland Oliver and Bill Zanker to Don Edwards, March 17, 1966, Box 72, Folder 3, DEP; Frank J. Pendergast to City Council of Alviso, August 17, 1965, Box 72, Folder 3, DEP; “‘Lost’ Letter Ordered Alviso Urban Redevelopment” (San Jose Mercury, n.d.), Box 72, Folder 3, Don Edwards Congressional Papers, MSS-1995-001, San Jose State University Library Special Collections and Archives; Bill Zanker to Edmund Brown, December 27, 1965, Box 72, Folder 3, DEP and Archives; Oliver and Zanker to Edwards, March 17, 1966.

³² “How To Build a \$650 Million City... in Twelve Years,” *Security Title Date Down* 3, no. 3 (Fall 1965): 39.

The Leslie Salt Company, which used the Bay tidelands for salt evaporation ponds, noticed Foster's success. The company had vast landholdings in the Peninsula and South Bay counties, including Alviso, where it owned a third of the city's total acreage.³³ Realizing that developing residential subdivisions yielded higher returns than waiting for brine to evaporate, the company embarked on an ambitious program of planned community development. In 1959, the company persuaded Redwood City, just northwest of Alviso, to annex 1,500 acres of its property, christened Redwood Shores, to be developed by its new subsidiary, Leslie Properties, Inc., on the Foster City model of high-end residential development and light industry framed by scenic Bay parklands. Envisioning its very own Foster City, with 60,000 projected residents and a windfall of tax revenues, Redwood City's city council authorized \$65 million in bond sales to support the necessary improvements for the area, especially such flood control measures as levy reinforcement and enhanced storm drainage systems. In an additional inducement to Leslie Properties, Redwood City committed to paying for parks, a fire station, and other necessary services.³⁴ When Alviso's city council invited Leslie Salt Company to develop a similar project in Alviso, the company, according to city manager Robert Jordan, "unequivocally stated that it does not intend to develop the Alviso lands in the foreseeable future."³⁵ Alviso could not match the financial inducements offered by

³³ Jordan, "Application to the Department for Housing and Urban Development for a Grant to Plan a Comprehensive City Demonstration Program," sec. II, 16.

³⁴ Demonstrating the necessity of FHA financing for such projects, Leslie Properties nearly went bankrupt when, in 1969, FHA temporarily suspended home loan guarantees in the development, citing earthquake concerns. After it was convinced earthquakes were not any more a threat in Redwood Shores than in other Bay Area developments, FHA reinstated mortgage guarantees, but by then Leslie could no longer afford the project and sold out to Mobil Oil, also in the Bay Area development game. "Redwood Shores", April 1999, Local History Collection, Redwood City Public Library, <http://www.redwoodcity.org/library/info/localhistoryroom.html>.

³⁵ Jordan, "Application to the Department for Housing and Urban Development for a Grant to Plan a Comprehensive City Demonstration Program," sec. II, 16.

Redwood City, and the company was certainly not going to pay for flood control improvements by itself.

The Politics of Progress

In a number of interlocking ways, metropolitan growth in the Santa Clara Valley increased Mexican American Alvisans' exposure to environmental risks. The development of racially restricted subdivisions displaced Mexican Americans, who generally relocated into areas subject to environmental hazards. Suburban water use generated subsidence that impacted Mexican Americans differently from whites, especially as government agencies protected these subdivisions from flooding. One San José city council member claimed Alviso was plagued with "pestilence," an exaggeration, to be sure, but only a slight one in a community that faced epidemics of tuberculosis and other maladies.³⁶ In 1960, nearly half the population lived below the poverty line; there were no doctors; streets went unpaved.³⁷ In 1966, city manager Jordan reported that 70 percent of Alviso families earned less than \$5,000; with an average family size of five people, per capita income was less than \$1,000.³⁸ These families lived in housing that, to Jordan, were of such low quality—his office classified 44.7 percent as substandard in 1966—he described them as "shanties."³⁹

To many observers, it appeared that the city had been left behind, standing still while neighboring suburbs progressed. "Alviso," wrote Jordan, "is an underdeveloped

³⁶ "Alvisans Ponder Citywide Election," *San Jose Mercury*, April 4, 1973; Jordan, "Application to the Department for Housing and Urban Development for a Grant to Plan a Comprehensive City Demonstration Program."

³⁷ U.S. Bureau of the Census, *1960 Census of Population and Housing*.

³⁸ Jordan, "Application to the Department for Housing and Urban Development for a Grant to Plan a Comprehensive City Demonstration Program," pt. II, 3.

³⁹ *Ibid.*, pt. III, 5, 7–8.

community in the middle of the dynamic and progressive San Francisco Bay Area.”⁴⁰ The *San José Mercury* wrote that Alviso was “left by progress’s wayside.”⁴¹ The *San Francisco Chronicle* claimed Alviso was “[t]he only valley community completely unaffected by Santa Clara County’s boom” in development.⁴² Although the *Chronicle* noted the frequent flooding caused by subsidence, it nevertheless maintained that Alviso was “completely unaffected” by suburban growth.⁴³ The media described Alvisans as if they were a Stone Age people recently discovered in the middle of the modern suburbs. “Whenever a heavy rain coincides with a high tide,” scoffed the *Chronicle*, “the principal mode of transportation is by rowboat.”⁴⁴

“The citizens of Alviso are actively seeking solutions to their problems,” wrote Jordan in an application for federal funding. “Each of the two population segments of the town, ‘Anglo’ and Mexican-American, however, considers its problems the most important, and the two groups have disagreed both on priorities and on solutions.” To Jordan, it appeared unlikely that the two groups would come to any consensus; Mexican Americans prioritized “social problems,” he wrote, while white Alvisans advocated development. It was white Alvisans who controlled the local government, often with good intentions but rarely asking for input from the city’s Mexican American residents. Led by Zanker and Robert Gross, another larger landowner, the landowning class pursued development. In 1965, Zanker and the municipal planning commission submitted a master plan to guide future development. The plan advocated increased residential

⁴⁰ Ibid., pt. I, 2.

⁴¹ *San Jose Mercury*, June 15, 1967.

⁴² “Santa Clara County—Scene of the Big Boom.”

⁴³ Ibid.

⁴⁴ Ibid.

construction, rehabilitation of dormant salt pond evaporators, and construction of a shipping port and a commercial waterfront.⁴⁵

But there was a stark contrast between municipal objectives and capacities. Industrial and commercial development required improved infrastructure, which the city could not afford. Several developers considered projects on Alviso's waterfront but none would proceed without municipal subsidies. Del Webb, the construction tycoon famous for his planned communities in Sun City, Arizona, and Las Vegas, proposed a giant marina redevelopment, with space for retail, commercial, and industrial activity, into which Webb would invest \$20 million. Yet he insisted that the city exercise its powers of eminent domain to clear the current waterfront, relocate inhabitants, deed the cleared lands to the redevelopment project, and reduce tax rates for new business, all of which was far beyond the capacity of a city that could not even afford to pave roads.⁴⁶

To pro-growth Alvisans, the main symbol of modernity and progress was the vastly expanding metropolis just to the south, San José. Alviso, stated the planning commission, was “dependen[t] upon decisions beyond its control”—decisions made in neighboring San José.⁴⁷ Alviso lacked the resources to implement the planning commission's development plan. To regain control over the city's development, local leaders promoted consolidation with San José, whose massive sprawl indicated its success in promoting growth. As Jordan had noted, “Some citizens, mainly the large land owners, favor solving the city's problems through consolidation with San José, which

⁴⁵ Jordan, “Application to the Department for Housing and Urban Development for a Grant to Plan a Comprehensive City Demonstration Program,” 8; Alviso Planning Commission, “Master Plan for the City of Alviso”, October 18, 1965, 12, Institute for Governmental Studies Library, University of California, Berkeley.

⁴⁶ “Del Webb of Almaden,” *San Jose Mercury*, October 25, 1963.

⁴⁷ Alviso Planning Commission, “Master Plan for the City of Alviso,” 5.

would allow a city with a much larger tax base to solve those problems requiring large expenditures of funds.”⁴⁸ City revenues could support physical improvement, which would make Alviso fit for FHA mortgage insurance. If FHA financing required joining with San José, whose stringent building codes would probably displace the poor Mexican American community, then so be it.⁴⁹

When landowners discussed consolidation with San José, they adopted the rhetoric of metropolitan modernity. In an advertisement urging consolidation with San José, Gross wrote, “Join with those of us who are tired of wallowing in the mud, are tired of having our children play in the streets... are tired of seeing all of our neighboring areas making great strides forward while we just stand still. SUPPORT PROGRESS.”⁵⁰ For Gross, progress meant a charming “waterfront village,” aimed at tourists, that he could develop with help from the taxpayers of San José.⁵¹

In Gross’s vision, the “great strides” of neighboring areas had little to do with the “standing still” of Alviso. But an emerging group of dissatisfied Mexican American residents had a different response to the conditions that plagued Alviso. They saw their poverty as a product of their neighboring suburbs’ prosperity. By channeling resources into certain communities, they argued, postwar development produced hardship in others. These Alvisans advocated a change in the spatial distribution of growth’s costs and

⁴⁸ Jordan, “Application to the Department for Housing and Urban Development for a Grant to Plan a Comprehensive City Demonstration Program,” pt. VIII, 3.

⁴⁹ Galarza, “Alviso: The Crisis of a Barrio,” 30. Strictly speaking, consolidation rather than annexation was the issue. Consolidation concerns the joining of two independent municipalities; annexation, on the other hand, concerns the expansion of a municipal boundary to take in, and assert control over, unincorporated land. When discussing the issue, however, residents, politicians, and journalists were far less precise. Most referred to the consolidation as “annexation;” hence, opponents were “against annexation,” or “disannexationists.” Such language, while technically incorrect, reflects common perceptions of the issue and of the unequal power dynamic between the two municipalities.

⁵⁰ “Covenant and Betrayal.”

⁵¹ “Endless Studies and More Debate on Future Directions for Alviso,” *East San Jose Sun*, June 16, 1976.

benefits. As an Alvisan health and social services agency claimed, “The people of Alviso... are no longer satisfied with being evicted by ‘growth’ and ‘progress.’”⁵² For this group “progress” had meant hardship, and Gross’s development vision would certainly bring more of it. Progress had meant displacement to Santa Clara Valley Mexican Americans, many of whom had been displaced by suburban development, freeway construction, and urban renewal, and they were tired of their repetitive exodus. “I can’t see any progress,” said Alvisan Gudelia Villagomez, “only fear.”⁵³

Mexican American Alvisans particularly feared the ways in which San José codes, zoning, and regulation would affect their lives. In Alviso, housing was cheap, a major reason why many people moved there in the first place. The lack of building codes—and poor enforcement of those codes that existed—kept housing affordable. If San José regulations extended to Alviso, residents feared they would be subject to stringent requirements that specified how many bathrooms each dwelling was required to have, how far a house must be setback from the street, and how wide a driveway must be to accommodate cars. Those that did not meet code would be removed.⁵⁴ “We’ve sacrificed hard to get what we have,” explained Gudelia Villagomez. “We’ve worked hard, and we’re not going to let San José tear down our houses.”⁵⁵ Consolidation leaders tried to assuage these fears by promising that although San Jose would require that new construction would comply with San José codes and requirements, existing structures

⁵² Alviso Family Health Center, Inc., “New Town in Alviso, California”, March 2, 1971, Box 84, Folder 113, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

⁵³ “Alvisans Fear They Will Lose Their Homes,” *San Francisco Monitor*, July 13, 1972.

⁵⁴ Ernesto Galarza, “Boletín Informativo Especial, No. 3”, February 2, 1968, Box 54, Folder 2, Ernesto Galarza Papers, M0224, Department of Special Collections, Stanford University Libraries, Stanford, California.

⁵⁵ “Alvisans Fear They Will Lose Their Homes.”

would be given a five-year grace period.⁵⁶ For most Alvisans, however, a grace period would only delay their eventual displacement.

Therefore, while they recognized that they had little control over upstream development, most Mexican American Alvisans nevertheless opposed consolidation with San José. In the mid-1960s, several Mexican American Alvisans organized a group called ACCION!—Alviso Citizens’ Committee to Insure Opportunity Now!—under the leadership of a young and politically savvy landscape gardener named Eduardo Resendez.⁵⁷ Instead of ceding control to San José, ACCION! advocated democratic home rule supported by the resources of the federal government. Resendez sought assistance from Alviso’s congressional representative, Don Edwards, detailing the problems faced by Alvisans: half the population over age 25 had less than 8 years of education; one third of the housing was deteriorated or dilapidated; fire protection was minimal. The city government could do little to ameliorate this situation, for it had issued bonds to the fullest extent and had no more resources upon which to draw.⁵⁸ Such poverty did not dim the hopes of Resendez and ACCION!: “Alviso has the potential of being the Cinderella City of Santa Clara County, of moving from mudhole of the South Bay and the butt of everyone’s jokes, to the showcase city of our area and shining example of cooperation between the federal and our municipal government, the EOC [Economic Opportunity Commission], and concerned local citizens and groups.”⁵⁹ Resendez adopted the notion of progress through development, but with an outcome different from that imagined by

⁵⁶ “City Weights Promises in Alviso Annex Try,” *San Jose Mercury*, May 31, 1967.

⁵⁷ Eduardo Resendez to Don Edwards, March 18, 1966, Box 72, Folder 3, Don Edwards Congressional Papers, MSS-1995-001, San Jose State University Library Special Collections and Archives.

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

Gross: Alviso deserved economic development, but economic development had to serve Alvisans.

The attempt by Resendez and ACCION! to establish connections with the federal government signaled an alternative vision of political power in Alviso. They sought local control over city government, but they understood local control was not enough. At the federal level, they saw opportunities that were unavailable at the county or municipal level. The profusion of federal funds in social programs in the late 1960s offered resources unmatched by their own poor municipality, especially for health care and housing, which Alviso could not fund through its small tax base. In addition to ACCION!, the Community Services Organization, which had proposed the idea of Model Cities funding in the first place, also hoped for funding for health, education, and human services programs.⁶⁰ Although Zanker, Oliver, and other Alviso civic leaders also realized that local control was not enough—the master plan, for example, indicated that they felt they had little control over the fundamental direction of their community—they sought different solutions. Mexican American activists tended to demand policies that differed from those desired by the landowning class. Rather than a marina, they requested health care. They hoped to alleviate poverty in Alviso not by pushing the poor somewhere else but by improving opportunities in Alviso. They sought to provide decent housing affordable for current residents rather than middle and upper class housing that would require razing the current neighborhoods.⁶¹

⁶⁰ Jordan, “Application to the Department for Housing and Urban Development for a Grant to Plan a Comprehensive City Demonstration Program,” pt. IV, 1.

⁶¹ Galarza, “Alviso: The Crisis of a Barrio,” 30.

In 1967, Mexican American Alvisans called on Ernesto Galarza for advice about how to pursue these policies.⁶² This was a wakeup call for Galarza. He had spent much of his life focused on farm labor as the fundamental arena in which to fight for Mexican American rights; he realized that the community was becoming an increasingly important arena for political struggle.⁶³ Mexican Americans in Alviso organized a movement seeking neither better wages for farm labor nor influence over agricultural hiring practices—causes for which Galarza had long organized. Instead, they were concerned with community governance: raising taxes, maintaining roads, minimizing housing code enforcement, and expanding municipal services. After meeting with Alvisan activists, Galarza identified their “issues” as “rezoning, code enforcement, assistance to the present residents to avoid relocation, [and] economic development that would tend to stabilize rather than disperse the present community.”⁶⁴ Enforcing housing codes threatened poor families whose houses were not up to standard, and rezoning threatened to turn residential areas into industrial ones.

Galarza responded by publishing a Spanish-language bulletin to inform and rally Alviso’s Mexican American residents, carrying the message that growth policies enriched many of the valley’s white residents but impoverished the Mexican Americans of Alviso.⁶⁵ He also trained Alvisans in direct action techniques and political leadership. Together, Resendez, Galarza, and the activists of ACCION! advanced a Mexican American political identity informed by an analysis of the spatial distribution of growth’s benefits and costs, an identity articulated through a language of municipal autonomy.

⁶² Galarza, “The Burning Light,” 46.

⁶³ *Ibid.*, 73.

⁶⁴ Galarza, “Alviso: The Crisis of a Barrio,” 10.

⁶⁵ “Boletín Informativo Especial, No. 1”, January 15, 1968, Box 54, Folder 2, Ernesto Galarza Papers, M0224, Department of Special Collections, Stanford University Libraries, Stanford, California.

The Consolidation Campaign

Although Mexican American Alvisans rarely specified their vision of a just metropolis, their analysis of unjust regional development led them to pursue municipal independence. But they were not the only ones with a metropolitan vision. San José civic and business leaders had a clear understanding of metropolitan development, an understanding that animated their visions of growth. They sought to transform San José from a sleepy agricultural town into a major metropolis, a project that required expansive growth policies. Civic leaders' economic and political power was augmented by postwar state and federal laws—from those facilitating annexation to those subsidizing freeway construction and the relocation of displaced.

Central to the city's growth policy was a rapid program of annexation. In the postwar decades, San José's city leaders, driven by concerns over how postwar growth might affect the economic and political capacities of the city, launched an ambitious program of suburban annexation. San José hoped to capture the new residents—and with them, the tax base—created by postwar suburbanization. City planners also hoped to avoid being strangled by a suburban noose that would limit San José's growth. In its first act to fulfill its annexation plan, the city annexed a strip of land, scarcely a hundred feet across, that brought San Jose to the border of Alviso. At this spot, the city built a sewage treatment plant, which it used as a platform for further annexation, extending municipal services at cheap rates to outlying areas.⁶⁶

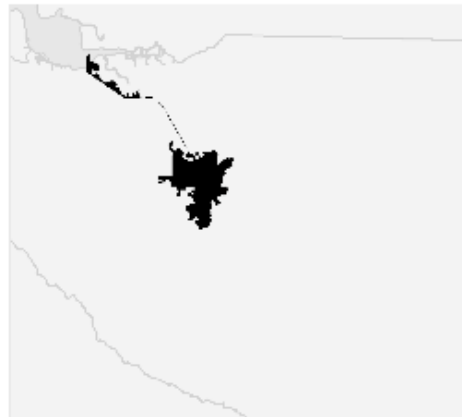
⁶⁶ Carlos Cavanagh, "Urban Expansion and Physical Planning in San Jose, California: A Case Study" (MA Thesis, University of California, Berkeley, 1953); Trounstine, *Political Monopolies in American Cities*, 59.



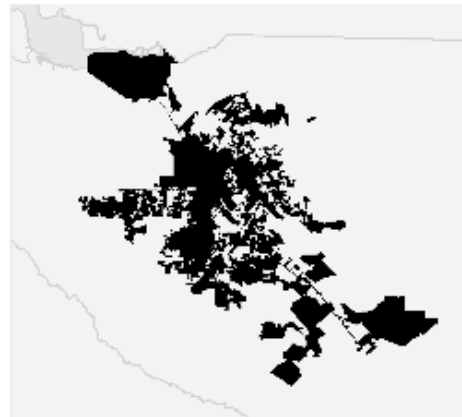
San Jose city boundaries, 1850



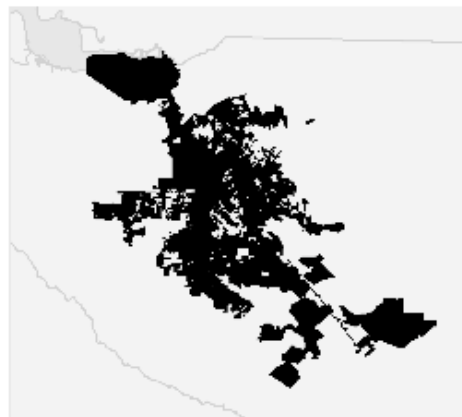
City boundaries, 1929. Note the narrow strip annexation; at its north end, the city built its waste processing plant.



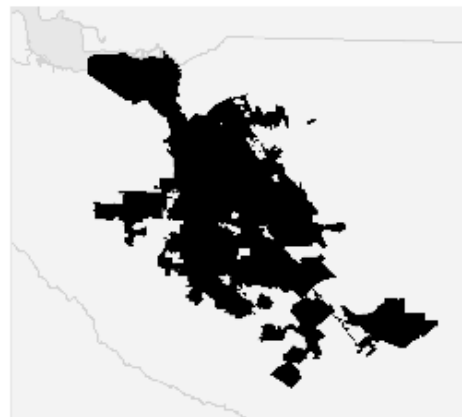
City boundaries, 1949. In its first hundred years, San Jose remained relatively compact.



City boundaries, 1969. The postwar period saw rapid growth. "Dutch" Hamann, city manager from 1950 to 1969, annexed aggressively.



City boundaries 1979. State policy and voter resistance limited further expansion in the 1970s.



City boundaries, 2011. Since the 1980s, the city has pursued an in-fill policy, annexing islands it bypassed earlier.

Figure 6.2 San José annexation, 1850-2011.

San José city manager Dutch Hamann conducted the annexation program so aggressively that his staff came to be known as “Dutch’s Panzer division.”⁶⁷ Between 1945 and 1970, the city approved over 1,400 annexations, many of them strip annexations to capture a subdivision or commercial center, growing from 15 square miles to 135 square miles.⁶⁸ As Hamann’s aids cajoled (and occasionally coerced) outlying residents to join the city—even going door-to-door in new subdivisions—the city expanded its land area by 900 percent.⁶⁹

Alviso was the crown jewel of potential annexations. But strictly speaking, consolidation rather than annexation was the issue. Consolidation concerns the joining of two independent municipalities; annexation, on the other hand, concerns the expansion of a municipal boundary to take in, and assert control over, unincorporated land. When discussing the issue, however, residents, politicians, and journalists were far less precise. Most referred to the consolidation as “annexation;” hence, opponents were “against annexation,” or “disannexationists.” Such language, while technically incorrect, reflected common perceptions of the issue and of the unequal power dynamic between the two municipalities.

Alviso’s open land offered room for new industry and its poverty made it an attractive location for waste processing and storage facilities. San José planners needed these sites because the city’s industrial and commercial development had not matched its explosive increase in housing. While its leaders prided themselves on the postwar population boom, San José’s government lacked revenue sources other than residential

⁶⁷ Trounstine and Christensen, *Movers and Shakers*, 93.

⁶⁸ “Annexations by Year”; “City Size by Year”, 2011, City of San Jose Planning Division.

⁶⁹ Matthews, “The Los Angeles of the North: San José’s Transition from Fruit Capital to High-Tech Metropolis”; Matthews, *Silicon Valley, Women, and the California Dream*, 7.

property taxes, which created an unbalanced fiscal structure. Leaders sought to attract industry to increase the tax base and support municipal government, industry that was then clustered in the northeastern suburbs of Palo Alto, Mountain View, and Santa Clara. By capturing valuable industrial land on the urban fringe, San José leaders hoped to tap into some of the dynamism of the emerging Silicon Valley without altering the middle-class residential districts that had come to dominate the city's existing landscape.⁷⁰

Alviso's cheap land also made it attractive for waste disposal, the need for which had increased along with San José's population. San José had already located its sewage plant as far as possible from downtown, on an outcropping of land adjacent to Alviso city limits. The plant required great quantities of chlorine, which San José shipped by rail on a track that crossed Alviso's boundaries. Alvisan residents, therefore, in addition to dealing with the quotidian nuisances and stench of a sewage plant also dealt with serious risks, particularly chemical spills and sewage leaks. San José council members sought political control over Alviso in order to limit the city's liability for chemical disasters. "Suppose Alviso wasn't in the city, and we had an accident there," said Joe Colla, a San José city council member. Alviso would certainly sue San José: "Alviso could come to us and bring us to our knees."⁷¹ San José civic leaders were interested in Alviso because they wanted to control a space where they could offload the unpleasant consequences of urban development, particularly pollution, industry, and sewage; these could be displaced onto a neighboring Mexican American population—perceived as poor and politically marginal—with few costs imposed on white affluent residents in San José.

⁷⁰ San Jose City Planning Commission, *Master Plan of the City of San Jose*, 50.

⁷¹ "Covenant and Betrayal."

With Alviso's port, landlocked San José could finally have access to the sea. As early as 1895, San José business and political leaders inspected the Alviso Slough to evaluate its worthiness as a deep-water port, which would, in the words of the secretary of the San José Board of Trade, "thus afford San José the advantages of ocean traffic enjoyed by San Francisco."⁷² In the 1930s, the San José Chamber of Commerce was so certain of this eventuality that it released a promotional pamphlet that declared, "The San José Deep Water Port, to be built by the city, with the assistance of the Federal Government, will save the shippers of this territory hundreds of thousands of dollars annually...."⁷³ By the middle of the century, they attempted to make this dream a reality. San José planners laid out the goal of a Port of San José in Alviso in their Master Plan of 1958—three years before their first attempt to consolidate with Alviso, and ten years before they finally did. "There has always been some enthusiasm for the development of Alviso as a port," explained the Master Plan. "The existence of deep water shipping facilities would make the area more attractive to industries and shippers."⁷⁴ In 1967, San José city council member Joseph Pace claimed that annexing Alviso would be "the key to a deep water port" for San José.⁷⁵

San José planners also intended to relocate the city's airport to Alviso. The San José airport, located close to downtown, functioned perfectly well when San José was an agricultural market town. But now it was a city, with subdivisions springing up around an airport that was handling more air traffic than the planners every hoped for. Residents

⁷² "Trip on Alviso Channel," *San Francisco Call*, August 30, 1895.

⁷³ San Jose Chamber of Commerce Publicity Department, "Santa Clara County, California", circa 1937, 29, Box 38, Folder: Survey of San Jose, Cal #1, RG 195, Records of the Federal Home Loan Bank Board, Home Owners Loan Corporation, Records Relating to the City Survey File, 1935-1940, National Archives II.

⁷⁴ San Jose City Planning Commission, *Master Plan of the City of San Jose*, 50.

⁷⁵ "SJ Moves Ahead on Pact for Alviso Consolidation," *San Jose Mercury*, June 6, 1967.

complained. City planners, therefore, eagerly sought a way to move the airport out of downtown, and into Alviso, shifting the noise and the pollution away from new residences.⁷⁶

Consolidation, however, faced several obstacles. The first was San José's voters. Consolidation was controversial within San José, and the struggle over it revealed fractures within the San José city council and the weakening of the long-dominant growth machine in city politics. Civic leaders' drive to expand the city was not universally shared, and homeowners increasingly rejected the growth-oriented business elite that had governed San José since the 1940s. In 1962, homeowners elected to city council Virginia Shaffer, a conservative Republican in favor of slow growth and limited government spending.⁷⁷ When the issue came before city council, six members voted in favor of consolidating with Alviso and only Shaffer opposed it. Owing Alviso, she claimed, would not benefit San José homeowners and taxpayers.⁷⁸ In response to homeowners who worried about the cost of the project, Council member Pace said, "I'm not denying it will cost some money but it has an awful lot of promise."⁷⁹ The idea of progress, providing universal benefits, papered over a diversity of interests even among progress's intended beneficiaries.

The *San José Mercury*—virtually a mouthpiece of development interests—attempted to persuade the public. It printed frequent pro-consolidation articles and editorials, presenting consolidation as beneficial for Alvisans as well as San José

⁷⁶ "S.J. Abandons Plan for Super Airport," *San Jose Mercury*, October 11, 1975.

⁷⁷ Trounstine and Christensen, *Movers and Shakers*, 99. Contrary to popular narratives of environmentalism and growth, the first San José city council member in favor of slow growth was not a liberal environmentalist but a conservative Republican representing homeowner interests.

⁷⁸ "SJ Moves Ahead on Pact for Alviso Consolidation."

⁷⁹ *Ibid.*

residents. “In the long run,” asserted the editor, “consolidation of these two communities is in the best interests of the citizens of both. As part of San José, Alviso would have access to a tax base large enough to ensure its waterfront development, including, perhaps, even the long-dormant Port San José project. San José, for its part, would have direct access to and the ability to plan for the future development of this area.”⁸⁰ In this everybody-wins scenario, the paper presented the goals of Alvisans as identical to those of San José civic leaders, ignoring the increasingly vocal demands of Alvisans themselves. The editorial transformed what San José’s city council had long desired into what ordinary Alvisans wanted.

Council member Pace borrowed this narrative to portray annexation as an act of generosity. Denying charges that annexation was an expression of a callous and imperious city council, council member Pace said San José should annex Alviso out of “compassion for people living in poverty.”⁸¹ Galarza rejected this in his anti-annexation bulletin to Spanish-speaking Alvisans, claiming, “El verdadero objeto era ‘business’ pero para despistar le pusieron ‘social welfare’”—the true objective of consolidation was business but to obscure that, San José City Hall called it “social welfare.”⁸²

In its annexation drive, San José had annexed, with little fuss, a number of unincorporated Mexican barrios throughout the valley.⁸³ Yet acquiring an independent municipality was more complicated. Consolidation required that Alvisans approve the union by majority vote. Already, Alvisans had voted on the issue twice, in 1961 and

⁸⁰ “Alviso Consolidation Still Good Idea,” *San Jose Mercury*, May 26, 1967.

⁸¹ “SJ Moves Ahead on Pact for Alviso Consolidation.”

⁸² “Boletín Informativo Especial, No. 2”, January 22, 1968, Box 54, Folder 2, Ernesto Galarza Papers, M0224, Department of Special Collections, Stanford University Libraries, Stanford, California.

⁸³ *Ibid.*

1962, rejecting consolidation both times.⁸⁴ San José's leaders did not intend to lose the consolidation vote again. In an effort directed largely from the city manager's office, San José deployed a number of strategies to reverse widespread disapproval of consolidation and to persuade Alvisans to vote for it. The effort began with the Alviso Improvement Corporation (AIC), an organization of major landowners. The city manager drafted a contract with the AIC, enumerating San José's commitments and offering \$550,000 for infrastructural improvements, several times Alviso's budget.⁸⁵

To sweeten the deal for landowners, Hamann promised lower tax rates. For the majority of Alvisans, the tax break was minimal, for their modest homes were assessed at low values. The wealthiest, however, stood to save thousands of dollars in taxes. Galarza pointed out that the total value of real estate owned by a few large landowners whom he identified as Alviso's wealthy in 1967 was \$3,463,730; the majority of the residents together owned less than \$200,000. According to San José's tax formula, Galarza calculated, one Mexican American resident, whose case Galarza found to be illustrative, owned a property valued at \$1,560; the man could expect a tax cut of \$1.87. Meanwhile, a wealthier landowner, whose property was worth \$141,510, would receive \$169.81.⁸⁶ In a city where five people owned 70 percent of the property and half of voters owned none, tax breaks would accrue to the wealthy.⁸⁷

The tax rate, of course, was not the only fiscal concern of Alviso landowners, but how taxes were spent—and who decided. The political organizing of the Mexican

⁸⁴ Trounstine and Christensen, *Movers and Shakers*, 94.

⁸⁵ "City Weights Promises in Alviso Annex Try."

⁸⁶ Ernesto Galarza, "Boletín Informativo Especial, No. 4", February 14, 1968, Box 54, Folder 2, Ernesto Galarza Papers, M0224, Department of Special Collections, Stanford University Libraries, Stanford, California.

⁸⁷ Harold Martinez, "Club Riviera," *El Eccentrico*, March 5, 1965.

American community threatened the power of the white landowners who had long controlled political affairs in Alviso. Although Alviso's population had been racially diverse throughout its history, Anglo politicians had dominated city politics. Before the 1950s, a variety of racially discriminatory laws (such as poll taxes and voter language requirements) had limited the political effectiveness of nonwhites in Alviso. This concentrated political power in a small white landowning class. Tony Santos, a major residential and commercial landlord of Portuguese heritage, had been police chief, city council member, and mayor of Alviso during the middle decades of the century. "My brother and I ran this town," he boasted in 1993, looking back on his time in Alviso politics. "I'm not afraid to tell anyone."⁸⁸ But by the 1960s, Mexican Americans outnumbered Alviso's white population, and as legal changes enabled greater political organization, many white Alvisans saw Mexican American voters—and their emerging leader, Eduardo Resendez—as a credible threat to the city order. According to Alviso activist Savas Alvarez, white leaders thought, "Here comes this Mexican [Resendez] challenging us. We might lose our handle here. Maybe we ought to push for this annexation. At least the Mexicans won't be telling us what to do."⁸⁹ In 1968, two-thirds of Alvisans were Mexican American, while only one-fifth of San Joseans were; consolidation would ensure a Mexican American minority.⁹⁰

At times, the Hamann's consolidation campaign veered into illegal territory. An assistant to the city manager communicated to Alviso's unpaid firemen that they would be guaranteed jobs in the San José Fire Department without having to pass civil service examinations, but threatened that if any spoke out against consolidation they would have

⁸⁸ "Covenant and Betrayal."

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*

“very little chance of getting a job.” Galarza reported that the assistant offered him a job in city government if he spoke in favor of consolidation, an offer he refused. One Alvisan alleged that Santos offered him \$100 to speak out in favor of consolidation, a charge Santos did not deny.⁹¹

Many of Hamann’s promises, however, addressed the concerns of many Alvisan residents. San José’s contract with the Alviso Improvement Corporation promised Alvisans community services, flood control, and jobs. Hamann wrote letters to half of Alviso’s paid employees, giving his “personal guarantee the City of San Jose will hire you as a Civil Service employee in the same type of work [in which] you are now engaged without the loss of a single day's wages.”⁹²

These promises swayed a bare majority of Alvisan voters. In spite of organizing by Resendez, Galarza, and others, on voting day, in January of 1968, voters approved consolidation by the slim margin of nine votes. Anti-consolidation activists rejected the vote, contending that consolidation carried due to fraud, bribery, and illegal voters—voters who did not reside in Alviso but who were brought in to swing the vote. Indeed, plaintiffs proved several of these allegations in a subsequent trial, suggesting that without corruption, consolidation might not have passed. Yet, while the vote revealed the impact of political manipulation, it also revealed a deeply divided community, pessimistic about alternative routes to development. Consolidation's most enthusiastic proponents may have been the wealthy, who stood to benefit from new tax breaks, yet Mexican Americans had long sought jobs and community services, and many saw consolidation as

⁹¹ *Jesus Canales Et Al. v. City of Alviso*, 3 Cal. 3d 118, 125, 134 (1970).

⁹² *Canales v. Alviso*.

an opportunity to secure them. For some, the vision of suburban progress was appealing, and it seemed as if consolidation with San José might make that vision a reality.⁹³

For other Alvisans, however, the consolidation struggle strengthened their belief in municipal autonomy. The debate over consolidation was a turning point for the community's identity formation and politics. The postwar years had brought a range of programs and policies that encouraged Mexican Americans to redefine their political identities in terms of their communities and neighborhoods rather than fields and farms. Alvisans identified their political issues as suburban formation and the adverse and inequitable impacts of development.⁹⁴ When confronted with annexation, this supported a discourse of Mexican American community power and autonomy on the suburban fringe. "The Mexicans," explained Galarza, "were comparatively recent comers to the town but they readily identified themselves with a tradition of municipal autonomy of more than a century."⁹⁵ They fought for local control, explaining their metropolitan politics in the language of freedom. Pam Valera, of the Alviso Ad Hoc Committee, a grassroots group against annexation, called the struggle against the annexation a "battle for independence."⁹⁶ Mexican and suburban identities became intertwined as residents challenged their annexation by marching on San José city hall chanting "Viva Alviso!"⁹⁷ Residents, especially Mexican American elders, connected their status as Mexican American suburbanites to the Southwest's centuries of conquest. "To them," noted

⁹³ *Ibid.*

⁹⁴ In a similar way, the Black Panther Party in West Oakland developed a metropolitan analysis of inequality, more so than white suburban homeowners. See Self, *American Babylon*.

⁹⁵ Galarza, "Alviso: The Crisis of a Barrio," 18.

⁹⁶ Pam Valera to Sig Sanchez, August 16, 1973, Folder: ADM; Boards and Commissions; Local agency formation commission; cities—San José; detach—Alviso #1, Records of the Santa Clara County Local Agency Formation Commission.

⁹⁷ "Alvisans End City Hall Sit-in," *San Jose Mercury*, August 1, 1973.

Galarza, “Alviso is the final refuge for a people whose history is one of unceasing displacement, migration, and relocation.”⁹⁸

To San José, Alviso offered very real material benefits; yet for Mexican Americans in Alviso and throughout the Valley, Alviso came to be a symbol, representing a lost future—however unlikely—of suburban autonomy and political power. The impact of the annexation battle stretched beyond the actual residents involved, for it organized the valley’s Mexican Americans, many of whom had never been to Alviso, around a vision of metropolitan civil rights. In civil rights marches for the subsequent decades Alviso served as a rallying point that indicated the alternative possibilities Mexican Americans might have enjoyed. Sporadic movements to “Free Alviso” continued for decades after consolidation. While Alviso may not have flourished as an independent municipality, Mexican American activists felt that they had something to lose with Alviso’s annexation.⁹⁹

With consolidation, Alvisans followed a path trod by many residents of the valley’s Mexican American communities who were increasingly subjected to San José’s political authority. San José had annexed unincorporated Mexican barrios throughout the Valley, but had displaced many residents, and rarely improved living conditions for those who remained.¹⁰⁰ In 1952, for example, a flood devastated the Mayfair district, a Mexican American community in the Eastern Santa Clara Valley that San José had annexed. Although this created a public health calamity, city officials did little to prevent

⁹⁸ Galarza, “Alviso: The Crisis of a Barrio,” 13.

⁹⁹ “Alviso Shall Rise Again,” *San Jose Mercury*, September 10, 1979; Ernest Escalante to Autumn Arias, July 30, 1998, Folder: Alviso, Records of the Santa Clara County Local Agency Formation Commission; Ernest Escalante to Autumn Arias, January 27, 1999, Folder: Alviso, Records of the Santa Clara County Local Agency Formation Commission.

¹⁰⁰ “Boletín Informativo Especial, No. 2.”

future disasters, and the community flooded again in 1955, 1958, and 1962. It was not until 1979 that the Santa Clara Valley Water District filed an application to protect the 4,000 homes in the area from further damage, and it was not until 2006 that the flood protection plan was finally completed.¹⁰¹ San José planners declined to provide Mayfair with municipal services, paved streets, or streetlights even as they extended these same services to new subdivisions where a majority of residents were white.¹⁰²

Alvisans activists were resolved to avoid that fate: “And here was the City of San José,” remembered Galarza, “which has swept in territories and enlarged itself to the point where it has become almost the nucleus of one of these horrendous metropolitan complexes. And we stood up and said no! You can do what you want elsewhere, but you're not going to do it in Alviso.”¹⁰³ Unlike residents of other Mexican-American communities that had been annexed by San José, Alvisans managed to extract some concessions from the city. As an incorporated community, Alviso differed from most valley barrios, enjoying a legal status that conferred political power upon its residents. The laws governing municipal consolidation gave Alviso’s citizens a mechanism to negotiate; their political power, albeit limited, derived from their suburban status. To secure support in the consolidation vote, San José promised residents clean drinking water, minimal flood protections, and other benefits, promises the city made legally binding in its contract with the AIC.¹⁰⁴ Compared to other *colonias* in the Santa Clara Valley, Alviso won substantial promises for improvements.

Poverty and the Vagaries of Nature

¹⁰¹ Trounstine, *Political Monopolies in American Cities*, 165.

¹⁰² Pitti, *The Devil in Silicon Valley*; Trounstine, *Political Monopolies in American Cities*.

¹⁰³ Galarza, “The Burning Light,” 65.

¹⁰⁴ See, e.g., “SJ Moves Ahead on Pact for Alviso Consolidation.”

Much of the development that San José and the white Alvisan landowners sought never materialized, infuriating those Alvisans who genuinely wanted growth, particularly Robert Gross.¹⁰⁵ The deep-water port could not be developed, largely because the scope of the dredging necessary ran aground against a host of new environmental laws enacted to protect wetlands, wildlife, and the Bay shore in the early 1970s. New legislation prevented even the dredging of the old marina, which became so silted that boats could only maneuver in and out during high tide. In addition, the port became less important for the city of San José. The new industries were less reliant upon water shipping than San José officials had anticipated, in part because high-tech products lacked the bulk of other industries and in part because the profusion of the highway system enabled cheap and easy transportation around the Bay.¹⁰⁶ For a century, San José civic leaders had dreamed of a major port in Alviso. Now, at the dock, as the tide rolled away, boats' hulls sank into mud.¹⁰⁷

Neither could San José planners build an airport in Alviso. The cost, which would cut into the general fund, discouraged a new city council, elected in a homeowners' revolt against the expanding city over precisely such issues as unending annexations and expensive capital projects. This revolt came too late to block annexation, but it did block the plans of pro-annexationists. Furthermore, objections from potential neighbors,

¹⁰⁵ Robert W. Gross, "Press Release", August 15, 1973, Folder: ADM; Boards and Commissions; Local agency formation commission; cities—San José; detach—Alviso #1, Records of the Santa Clara County Local Agency Formation Commission; "Hearing Today for Alvisans," *San Jose Mercury*, September 5, 1973; "Alviso Marina Mud Angers Boat Owners," *San Jose Mercury*, November 8, 1974.

¹⁰⁶ Alesch, *Local Government's Ability to Manage Growth in a Metropolitan Context*, 20.

¹⁰⁷ "Alviso Marina Mud Angers Boat Owners."

especially the by now well-organized Alvisan Mexican American community, made relocation impossible.¹⁰⁸

But while San José promoted little commercial development, it expanded sanitation facilities, transforming Alviso into a massive storage area for San José's waste.¹⁰⁹ Although Gross realized little profit from enabling the city of San José to expand its nuisance industries, other major landowners did. Tony Santos sold land to the city for a massive landfill, which eventually produced so much pollution that, in 1986, the Environmental Protection Agency declared it a Superfund site.¹¹⁰ Bill Zanker sold his property to the city of San José for 1.5 million dollars and settled in neighboring Sunnyvale, whose FHA financing and flood control he had long coveted.¹¹¹ With Zanker's land, the sewage plant mushroomed to 1,764 acres, its capacity quadrupling.¹¹² This was instrumental for San José's growth; such a massive plant enabled the city to reconfigure itself as the capital of Silicon Valley, able to process—and profit from—the municipal waste of the whole region, including, above all, the industrial effluent of high tech industries. The plant grew to serve 24 cities, roughly a quarter of the nine-county Bay Area, including those of the emerging Silicon Valley.¹¹³ San José anchored its metropolitan growth in Alviso. The city could not have become what it is today—the center of population, metropolitan services, and industrial development with a clean

¹⁰⁸ "S.J. Abandons Plan for Super Airport"; Jack Ybarra, *President's Report*, March 19, 1972, 3, Box 2, Confederacion de la Raza Unida, Anthony Soto Papers, M0763, Department of Special Collections, Stanford University Libraries, Stanford, California.

¹⁰⁹ "Rules and Regulations," *Federal Register* 51, no. 111 (June 10, 1986): 21054–21077.

¹¹⁰ *Ibid.*

¹¹¹ "Covenant and Betrayal."

¹¹² *Ibid.*

¹¹³ "Alviso Report - Minutes of the San Jose City Council", August 13, 1973, 14, Folder: ADM; Boards and Commissions; Local agency formation commission; cities—San José; detach—Alviso #1, Records of the Santa Clara County Local Agency Formation Commission. Nari Rhee documents the use of redevelopment programs to transfer wealth from communities on the fringe of San José, including Alviso, into downtown real estate. Rhee, "Searching for Working Class Politics," 152–157.

modern image in one of the largest metropolitan areas in the nation and its primary high-tech manufacturing center—without Alviso.¹¹⁴

Alviso's land generated considerable wealth, but in the decades after consolidation, the median income in Alviso remained scarcely more than half of that of San José.¹¹⁵ In the early 1970s, median family income barely crested the poverty line, and as the unemployment rate rose to 27 percent, one-third of the population remained mired in poverty.¹¹⁶ Aside from locating hazardous industries in Alviso, San José invested little in the community. The priest of the local Catholic church was furious when the city bought expensive furnishings and oil paintings to decorate the offices in the sewage plant while, he pointed out, "we're told there's NO MONEY to repair our streets, to keep the dikes in repair; water remains from past rains, the children walk to school in the mud."¹¹⁷ The sitting water produced a population explosion for frogs. "If you drove down State Street, your car would skid, there were so many frogs," remembered Ruben Orozco, a community activist.¹¹⁸ The potholes in their streets became so bad that Alvisans, lacking an appropriate terrestrial term, described them as "moon-like."¹¹⁹ In the absence of an effective government, in March 1973 residents briefly set up a makeshift tollbooth on the road, collecting change from passing cars for a repair fund. Charging 25 cents per car,

¹¹⁴ In this way, San José is similar to Phoenix, which developed as the modern metropolitan center of the Southwest by drawing its energy resources from, and transferring its energy waste to, nearby Native American communities. See Andrew Needham, "Power Lines: Urban Space, Energy Development and the Making of the Modern Southwest" (Ph.D. dissertation, University of Michigan, 2006).

¹¹⁵ "Covenant and Betrayal."

¹¹⁶ Alviso Family Health Center, Inc., "New Town in Alviso, California."

¹¹⁷ Lawrence Goode to Friends of Alviso, March 11, 1973, RG 5, Box 1139, Folder 6, Mexican American Legal Defense and Educational Fund Records, Department of Special Collections, Stanford University Libraries, Stanford, California.

¹¹⁸ "Covenant and Betrayal."

¹¹⁹ "Alvisans Protest 'Moon-like' Street Craters," *San Jose Mercury*, March 7, 1973.

they collected 367 dollars in three days.¹²⁰ Amid the ensuing flurry of embarrassing media coverage, San José City Council promised Alvisans street repairs, for which the city received nearly \$700,000 from the federal government. Residents had sought federal assistance since Resendez contacted Representative Don Edwards a decade earlier, and finally it seemed that the money would come. Once out of the media spotlight, however, the city diverted the funds to white middle class neighborhoods elsewhere in San José, an action for which the Office of Revenue Sharing later charged the city government with “a discriminatory practice against the residents of Alviso,” threatening to withhold future funds.¹²¹ After consolidation, the municipal government’s first public expense was not improved healthcare facilities, flood protections, or improved housing options. Significantly, the first act of San José City Council was to destroy Alviso City Hall, demolishing the building that Resendez had hoped one day to occupy.¹²²

Residents’ fears that San José would fail to provide decent housing came true. The city extended stringent building requirements into Alviso.¹²³ As Franklin Brown of the city building department admitted in 1979, “Almost no one has been capable of meeting those requirements.” Alvisan Juan Del Rio managed to meet building requirements by propping his new house—the only one built in the decade after incorporation—seven feet off the ground on stilts. “Other than this one instance,” Brown noted, “there has been no work of any kind.” Policies limited home rehabilitations, improvements, and repairs, effectively preventing decent housing in Alviso. Mortgage

¹²⁰ “Covenant and Betrayal.”

¹²¹ “San José Community Block Grant”, 1980 1979, RG 6, Box 32, Folder 12, Mexican American Legal Defense and Educational Fund Records, Department of Special Collections, Stanford University Libraries, Stanford, California; Frank M. Garcia to Fred Gonzales, Jr., April 25, 1979, RG 6, Box 41, folder 5, Mexican American Legal Defense and Educational Fund Records, Department of Special Collections, Stanford University Libraries, Stanford, California.

¹²² “Alviso Index,” *San Jose Mercury News*, March 28, 1993.

¹²³ “Committee to Probe Alviso Housing Policies,” *San Jose Mercury*, June 14, 1978.

and home improvement lenders avoided the community. As the vice president of a San José bank put it, “There’s such a thing as upgrading too much for the neighborhood you’re in.”¹²⁴

Finally, predictably, the creek flooded again. A decade and a half after consolidation, San José officials had not erected promised flood protections for the people that still lived in Alviso, even as city government invested heavily in its waste management and industry. The flood devastated the community. Reflecting decades of misunderstanding the relationships between growth, policy, and poverty, the newspaper explained the flood as a calamity that unfortunately harmed Alvisans, who had not prepared for it. “There is always more we could do to prepare for the vagaries of Nature,” editorialized the *San José Mercury*. Floodwaters in Alviso, however, were not “vagaries”—rather, they were the planned result of decades of discriminatory policies that channeled environmental disaster into a certain community. “Yet our species,” continued the *Mercury*, “pays little heed to inevitable disaster, daring instead like swimmers in the undertow.”¹²⁵ The suffering caused by inevitable disaster, then, was as much the responsibility of people as nature. But not particular people—in the paper’s explanation, the species as a whole was culpable. In the flooding of Alviso, however, particular people were at fault, and other people did try to avert this disaster. To obscure these distinctions makes disaster a problem of human nature rather than of politics. Alvisans had organized to make sure that a disaster like this, which was entirely expected, did not cause unnecessary human suffering.

¹²⁴ “Flood-control Regulation Forces Alvisans to Build on Stilts,” *San Jose Mercury*, August 5, 1979.

¹²⁵ “Nature and Human Nature,” *San Jose Mercury*, March 6, 1983.

Disaster, of course, can occur in the wealthiest of communities. But, the paper continued, “The modest and hardy souls who reside in the flood plain of North San José cannot be likened to the stylish people of Malibu, who choose to build their lavish cliff homes at the edge of a fickle ocean.” The *Mercury* hinted that perhaps there was more to this story than humans ignoring danger—particularly, economic stratification—but it boiled class down to a style choice: modest versus stylish. “Given unlimited options, perhaps many of the 1,700 residents of Alviso and the 3,000 in Mobileparks West would live elsewhere.”¹²⁶ Options, however, need not be unlimited to be beneficial; even limited options would be an improvement over no options.

The *Mercury* absolved planners from any guilt about not doing more to prevent flooding. “Had more been done, fewer might have suffered. Perhaps. But not certainly,” maintained the *Mercury*. “Who can predict with certainty where Nature will have her way?”¹²⁷ The rhetoric was misleading, for one *could* have predicted where flooding would cause suffering—public policy had channeled disaster away from white communities and onto Alviso for decades. There were political reasons that flooding was the rule rather than the exception in Mexican American communities. Thus it was dissembling when the paper hypothetically asked, “How much can we spend to forestall the inevitable? Could any amount of money have saved 5-year-old Desi Naeve from a rampaging Babb Creek?”¹²⁸ While flooding of some kind was likely inevitable, regardless of how well the water district planned, it need not so consistently strike poor Mexican American communities. The issue was not flooding, but who must deal with it, and with what resources. The drowned boy, Desi Naeve, was the child of unemployed

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Ibid.

Alvisans who faced foreclosure. “The child, swept away,” waxed the *Mercury*, “is a painful symbol to us of the dangers with which we gamble.”¹²⁹ Or he could have been a symbol of the dangers that the affluent had managed to allocate to the poor, and of what the city was willing to let wash away in the flood. Rather than the vagaries of nature, he more appropriately symbolized the structural violence of policies predicated on racial and economic inequality. The paper reinterpreted suffering as a natural problem, not a political problem; as an act of nature, not of structural violence; as something that the city could not have prevented.

“Yet in the face of such agony, something decent about our collective condition emerged,” wrote the *Mercury*. “Eighteen-year-old Kelli Anderson, touched deeply by the plight of the Naeves, offered up her heart and her checkbook, touching us all as well. Nature could not be contained last week. But neither could she triumph over human nature.”¹³⁰ The *Mercury* used the symbol of Naeve to congratulate itself and its readers, propping up the image of the middle class, inherently good people because they helped out after a predictable catastrophe. And it remains a question what condition is collective to Desi Naeve, who lived a short life as the poor child of unemployed and soon-to-be homeless parents, as well as Kelli Anderson, checkbook in hand.

San José, Capital of Silicon Valley

After the flood, Alvisans protested. Relations between Alvisans and San José City Hall had become so tense, that many Alvisans suspected the city of trying to use the flood to wipe out Alviso.¹³¹ And, indeed, while San José leaders coveted Alviso’s land, they did not want its people. In 1973, when considering development projects for the territory,

¹²⁹ Ibid.

¹³⁰ Ibid.

¹³¹ “Alvisans Say SJ Tried to Drown Community in ’83 Flood,” *San Jose Mercury News*, March 28, 1993.

San José city council rejected those that would require the city to re-house displaced residents. “I think if we asked the people in Alviso to move out, we’d have opposition,” said councilwoman Susie Wilson. “There’s no place for them to move in San José.”¹³² City Hall increasingly looked on Alvisans as a burden, and the feeling was mutual. Resilient if nothing else, Alvisans continued a movement for independence, newly supported by San José homeowners who perceived no benefit in San José’s continued and costly expansion. Active homeowner groups pressured city council to disannex Alviso, and fearing a grassroots revolt, council members considered it. “I’m ready to concede that we made a mistake,” admitted council member Janet Gray Hayes at a 1973 debate on the topic. “Can we really afford Alviso for the next 10 years? And is it really a viable part of San José?”¹³³

Although council members paid lip service to disannexation, they did nothing to facilitate it. In 1973, while San José was still fighting Resendez’s legal challenge to consolidation in the California Supreme Court, homeowners pressured city council to concede the case, a free and simple way for the city to abandon Alviso. City council stalled, however, agreeing to consider concession but only after commissioning a study on it. By the time the study was released, some months later, San José had won the case and concession was no longer an option.¹³⁴ Disannexation, then, would require an initiative, brought by petition and approved by majority vote. City council allowed this to proceed, but only under certain conditions, particularly that an independent Alviso would cede the area now occupied by the waste treatment facilities and their roads, rails, and

¹³² “Alviso Extravaganza Just Wouldn’t Be Fair,” *East San Jose Sun*, March 19, 1975.

¹³³ “Covenant and Betrayal.”

¹³⁴ “Council Favors Freeing Alviso,” *San Jose News*, August 14, 1973.

pipelines.¹³⁵ That is, in exchange for independence, Alvisans would have to surrender the one part of their economy that was profitable.¹³⁶ Even then, the likelihood of a successful disannexation initiative was slim. Although pressure groups of homeowners were influential with the council, they would not likely persuade the majority of San José voters to support, or even care about, disannexation. Most middle-class San José homeowners lacked a metropolitan vision; their politics was based overwhelmingly on neighborhood affairs. San José-based business leaders, on the other hand, had a precise metropolitan growth vision, had formulated policies to pursue it, and had the means to carry it out. Even if disannexationists persuaded San José voters to support them, the political jurisdiction of Alviso would have to be created anew—a prohibitive barrier that required going through an extensive and expensive political process that required approval from regional and state commissions, as well as environmental reviews due to its location on the Bay tidelands.¹³⁷ Thus San José city council members could represent themselves as aligned with their voters while nonetheless maintaining the interests of growth and business development.

Whether stalling or fearing revolt from Alvisans as well as San Joseans, City Hall was reluctant to release the study it had commissioned. On July 30, 1973, Alvisans marched the six miles from downtown Alviso to San José City Hall to demand the long-awaited report. City Manager Ted Tedesco refused. So Alvisans refused to leave until they had it. They took the mayor's gavel and declared the "Provisional Revolutionary City Council of Alviso." Under pressure, Tedesco released the report a week later.¹³⁸

¹³⁵ Ibid.

¹³⁶ "Alviso Report - Minutes of the San Jose City Council," 14.

¹³⁷ "Free Alviso Movement Faces Tidelands, Services Hurdles," *San Jose News*, September 6, 1973.

¹³⁸ "Covenant and Betrayal."

The report laid out San José’s vision for Alviso, a vision that had been implicit in policy but that had never been stated so clearly: a landscape without residents who would demand social services and with ample industry to generate taxes for San José homeowners. Current residents should be removed and “land should be converted over a period of time to industrial, agricultural and public uses. Public uses could include open space, land fill and expansion of the sewage treatment facilities”—hardly the exhaustive list of “public uses” Alvisans might have proposed.¹³⁹ For “the several hundred families,” continued the report, “caught in a situation not of their own making where living conditions and amenities are poor, where unemployment is high and where safety from flooding is not assured,” the city encouraged moving elsewhere so that “through a process of attrition” the land eventually could be free of people.¹⁴⁰ The area would offer large sites to industries that were unavailable elsewhere in the County, drawing in high tech manufacturers that would increase city revenue.¹⁴¹ San José needed industry in Alviso, according to a *Mercury* editorial, to “help homeowners shoulder the property tax load.”¹⁴²

The city planning commission channeled industrial development into Alviso, and limited residential uses other than mobile homes. The city designated an enormous 4,667 acres of this land, and a smaller southern parcel, as “blighted,” due to its low property values, recreating it as a redevelopment area, with incentives for industrial location. Most of this area was zoned as agricultural land, which lawmakers had never intended to be

¹³⁹ San Jose City Planning Commission, *Alviso Background and Recommendations Report* (San Jose: City of San Jose, August 1973), 5–6, Folder: ADM; Boards and Commissions; Local agency formation commission; cities—San José; detach—Alviso #1, Records of the Santa Clara County Local Agency Formation Commission.

¹⁴⁰ *Ibid.*, 6.

¹⁴¹ *Ibid.*, 6–7.

¹⁴² “SJ Should Stick with Master Plan,” *San Jose Mercury*, May 25, 1978.

subject to laws governing blight and redevelopment. After San José's audacious designation of agricultural land as blighted, California legislators closed this loophole.¹⁴³ They named the redevelopment area Rincon de los Esteros, after the original Mexican land grant given to Ignacio Alviso.

As the area put 870 acres into industrial use between 1983 and 1991, San José's share of Santa Clara County's high-tech employment increased from 13 percent in 1981 to 28 percent in 1990.¹⁴⁴ Cisco, Intel, Lucent, Netscape and IBM located plants there.¹⁴⁵ Property values soared, and along with them the property taxes San José diverted from the area into the San José Redevelopment Agency. The redevelopment areas specifically generated tax income for further redevelopment projects, which the city used to rebuild its downtown. In a memo, the planning commissioner advised planners to "direct the bulk of new economic development" into the area so that "sufficient revenues can be generated to finance committed capital improvements and Downtown revitalization."¹⁴⁶ The city's industrial redevelopment projects (dominated by the Rincon de los Esteros plants) contributed \$390 million in taxes to the redevelopment agency in 1980s, \$80 million per year in the 1990s, and \$100 million per year from 2000 to 2005, generating roughly two billion dollars for San José after consolidation.¹⁴⁷ Meanwhile, per capita

¹⁴³ Rhee, "Searching for Working Class Politics," 152.

¹⁴⁴ *Ibid.*, 154.

¹⁴⁵ Jay Claiborne, "Rebuilding Downtown San Jose: A Redevelopment Success Story," *Places*, January 15, 2003, 9.

¹⁴⁶ Gary J. Schoennauer to Honorable Planning Commission, "Overview Analysis and Comments Concerning the 1981 General Plan Annual Review", October 5, 1981, Box 3, Folder 50, League of Women Voters, San Jose/Santa Clara Chapter Records, San Jose State University Library Special Collections and Archives. See also San Jose City Planning Commission, *1981 Annual Review: The General Plan, List of Potential Land Use/Transportation Diagram and Text Amendments* (San Jose: City of San Jose, August 10, 1981).

¹⁴⁷ Tom McEnery, *The New City State: Change and Renewal in America's Cities* (Niwt, CO: Roberts Rinehart Publishers, 1994), 147. Quoted in Rhee, "Searching for Working Class Politics," 155–156.

income actually declined in Alviso, in spite of industrial development.¹⁴⁸ In 1989, per capita income was less than \$9,000.¹⁴⁹

The surge of redevelopment funds provided the resources for San José to reinvent itself in the 1980s and 1990s. Long mocked as the epitome of sprawl, San José was the “the nation’s largest suburb,” according to urban historian Kenneth Jackson.¹⁵⁰ “For San Franciscans,” who, acknowledged one urban planner, looked down on San José’s mediocrity, “it was not even a place; it was a joke.”¹⁵¹ But that changed with redevelopment funds. Director of redevelopment Frank Taylor—dubbed the “Great Blight Hope” by the newspaper—used the revenue to cast San José as a “real city,” the urban center of Silicon Valley.¹⁵² According to anthropologists Renato Rosaldo and William V. Flores, Taylor and downtown redevelopers sought to create “symbols of major metropolitan status in the realms of high culture (a civic light opera, an art museum, and a symphony orchestra) and popular culture (a hockey team, the Sharks, and a baseball team, the Giants).”¹⁵³ The city built a convention center, named after mayor and downtown property financier Tom McEnery, sleek hotels, and high-rise office buildings for Adobe Systems and other technological corporations. Such policies, suggest Rosaldo and Flores, reveal San José’s “envy of San Francisco.”¹⁵⁴

¹⁴⁸ “San José Community Block Grant.”

¹⁴⁹ “Covenant and Betrayal.” The reasons for declining income were diverse, including the departure of higher-income Alvisans and persistent unemployment.

¹⁵⁰ Jackson, *Crabgrass Frontier*, 256.

¹⁵¹ Claiborne, “Rebuilding Downtown San Jose: A Redevelopment Success Story,” 8.

¹⁵² “Watch This Space: Redevelopment Director Frank Taylor, San José’s Great Blight Hope, Is Betting That Downtown Can Be Dapper,” *San Jose Mercury News*, April 20, 1986.; quoted in Rhee, “Searching for Working Class Politics.”

¹⁵³ Renato Rosaldo and William V. Flores, “Identity, Conflict, and Evolving Latino Communities: Cultural Citizenship in San José, California,” in *Latino Cultural Citizenship: Claiming Identity, Space, and Rights*, ed. William V. Flores and Rina Benmayor (Boston: Beacon Press, 1997), 91.

¹⁵⁴ *Ibid.*

Yet while many of these projects represented a longing for a generic metropolitan status, they also indicated a specific identity San José crafted for itself. Redevelopment celebrated the technological mythology of Silicon Valley with the giant Tech Museum of Innovation, designed, according to a Palo Alto real estate developer involved in the project, to be “an architectural statement for the center and for the city.”¹⁵⁵ Just as consolidation with San José proved to be a critical turning point for Mexican American identity formation, the revenues generated from Alvisan industry proved to be instrumental for San José’s identity. Before Alviso, San José was a rapidly expanding metropolis, but it was not much of a city. After Alviso, San José transformed itself from a sprawling conurbation of houses into the headquarters of high-tech industry, renaming itself “The Capital of Silicon Valley,” planning for and managing the infrastructure of the region’s manufacturing, governing from a new, glittering, urban skyline.

Conclusion

The rapid development of one of the nation’s most productive agricultural regions into the sprawling, suburban center of its high-tech economy was a dramatic spatial transformation, producing new social groups, political identities, and interests. Viewing this transformation from the fringe rather than the center emphasizes processes that should be considered central to the history of race and rights in the metropolis. Just as it changed the landscape, suburbanization changed racial identities, producing political conflict over racialized spaces and encouraging civil rights activists to see spatial struggles as racial ones. The changes in Mexican American racial formation that led to a new Mexican American politics in the latter half of the twentieth century owed a large part of their inspiration to struggles with suburbanization. Although Alviso’s Mexican

¹⁵⁵ “Promise of the Technology Center,” *Los Angeles Times*, June 14, 1985.

American activists rarely defined their vision of a just metropolis, their opposition to inequitable suburban expansion suggests an inchoate but real argument for equitable metropolitan development. At the center of this was a critique of environmental racism and the political geography that sustained it. The suburbanization of the Santa Clara Valley produced environmental disasters in Alviso, a relationship recognized by Mexican American Alvisans. They tied that recognition to a racial critique of unequal growth, grounded in their status as a Mexican American community on the suburban fringe. Although in conventional narratives, white suburban middle-class liberals are usually portrayed as the first critics of sprawl, in Alviso Mexican American activists articulated an early critique of sprawl in the language of environmental justice.¹⁵⁶

San José transformed itself into the capital of Silicon Valley by exploiting the political geography of race, environmental hazards, and economic benefits. Metropolitan boundaries and public policies ensured that affluence would be contained within racial boundaries, as Mexican Americans in what could have been prime suburban land—land that did, in fact, produce massive wealth once appropriated by San José—remained unable to benefit from it. Government agencies channeled the environmental consequences of suburban formation onto Alviso. San José officials located giant waste facilities in Alviso, which solidified San José’s position as the center of Santa Clara Valley. San José planners developed industry, which solved fiscal problems for city government and generated sufficient redevelopment funds to remake San José’s

¹⁵⁶ Cf. Rome, *The Bulldozer in the Countryside: Suburban Sprawl and the Rise of American Environmentalism*; Amy Scott, “Remaking Urban in the American West: Urban Environmentalism, Lifestyle Liberalism, and Hip Capitalism in Boulder, Colorado, 1950-2000,” in *The Political Legacies of the American West*, ed. Jeff Roche (Lawrence: University of Kansas Press, 2008); Louise Nelson Dyble, “Revolt Against Sprawl: Transportation and the Origins of the Marin County Growth-Control Regime,” *Journal of Urban History* 34, no. 1 (2007): 38–66.

downtown into the image of a major metropolis. Repeatedly, growth exacerbated inequality and often impoverished Mexican Americans on the suburban fringe.

Decades later, Silicon Valley Latinos still suffer disproportionately from environmental racism.¹⁵⁷ Although popularly perceived as a “clean” industry, high-tech manufacturing uses toxic materials and generates toxic waste, and, in fact, Silicon Valley is home to the highest concentration of Superfund sites in the nation.¹⁵⁸ Most of these are located in districts with low white populations.¹⁵⁹ The combination of high-tech manufacturing, waste disposal, and energy development has turned Alviso itself into a Superfund site.¹⁶⁰

The expansion of suburban landscapes, governments, and infrastructures into predominantly Latino areas was not unique to Alviso and San José. A growing body of research reveals that it was quite common in the postwar era, not only for Latinos but also for African Americans, Asian Americans, and Native Americans. From California to Connecticut, developing suburbs used various programs, such as federal urban renewal programs implemented in the suburbs, to eradicate or displace often long-established nonwhite poor communities.¹⁶¹ Alviso is like many of these communities, yet its residents fought their displacement with unusual tenacity, trying to save their community from what many saw as the destructive forces of suburbanization. Their struggle was only

¹⁵⁷ Lisa Sun-Hee Park and David N. Pellow, “Racial Formation, Environmental Racism, and the Emergence of Silicon Valley,” *Ethnicities* 4, no. 3 (2004): 403–424.

¹⁵⁸ Chris Benner, *Growing Together or Drifting Apart? Working Families and Business in the New Economy* (San Jose: Working Partnerships and Economic Policy Institute, 1998), 63.

¹⁵⁹ Park and Pellow, “Racial Formation, Environmental Racism, and the Emergence of Silicon Valley.”

¹⁶⁰ Benner, *Growing Together or Drifting Apart? Working Families and Business in the New Economy*, 64. According to the Silicon Valley Toxics Coalition, the entire community north of Highway 237 is now designated as a Superfund site.

¹⁶¹ See, for example, “Growing Suburbs Battle Slum Blight”; Wiese, *Places of Their Own*.

beginning. “What happens after you save a barrio?” asked Ernesto Galarza in 1974. “It’s still a bad place to live in.... If you stop there you haven’t gone very far.”¹⁶²

¹⁶² Mario Barrera and Geraldo Vialpando, *Action Research: In Defense of the Barrio* (Los Angeles: Aztlán Publications, 1974), 13.

Chapter 7

A Natural Distribution of People

In the autumn of 1963, the members of the California Apartment Owners Association (CAOA) gathered at the El Cortez Hotel in San Diego for their annual convention. It was an important moment. The California legislature had recently passed the Rumford Fair Housing Act, named for its sponsor, African American Assemblyman Byron Rumford of Richmond. The act, which prohibited racial discrimination in the sale or rental of housing, was not popular with CAOA. Along with the politically powerful California Real Estate Association (CREA), CAOA had fought the act vigorously in the legislature and, now that it had passed, vowed to repeal it.

Addressing them at the convention was an unlikely guest: Edward Howden, liberal chief of the state Division of Fair Employment Practices. He was there to try to change their minds. In an address to the convention, Howden criticized CAOA's partner, CREA, which had recently released a statement explaining its opposition to the Rumford Act. What Howden found particularly objectionable was that CREA had the gall to say it opposed the Rumford Act because of property rights. "[W]hen the gentlemen [of CREA] speak of the property rights 'of every person,'" chided Howden, "they mean every white

person,” for racial barriers prevented nonwhites from obtaining property.¹ Yet property rights, he insisted, also belonged to nonwhites, for whom the Rumford Act was “their only chance—their only source of hope—that some day, maybe, they too will be permitted to exercise that right, called inalienable by Article One of the California State Constitution, of acquiring and possessing property.”²

Howden explained that the Rumford Act would preserve property rights by providing “a truly free and open market in housing as in other major commodities in our American economy.”³ Howden assured them that a free market in housing would not lead to blockbusting, racial turnover of neighborhoods, or even large-scale racial change. “Under the Rumford Act, a natural distribution of people, according to their economic, cultural, and educational status, will gradually take place.”⁴ Dividing the metropolis on grounds of race, he argued, created an unnatural distribution of people. Dividing it on economic grounds, however, was natural.

What happened next is well known. CAO A ignored Howden’s pleas, and along with CREA sponsored an initiative that not only repealed the Rumford Act but also amended California’s constitution to prohibit any fair housing legislation in the future. Known as Proposition 14, the 1964 initiative passed in a landslide popular vote. Yet when the Supreme Court considered the issue, in the 1967 case of *Mulkey v. Reitman*, the Court found Proposition 14 to be unconstitutional. Proposition 14, opined the Court, had

¹ Edward Howden, *Address to 1963 State Convention of Cal Apartment Owners’ Association* (El Cortez Hotel, San Diego, October 1, 1963), 12, Carton 58, Folder 2, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

² *Ibid.*, 11–12.

³ *Ibid.*, 11.

⁴ *Ibid.*, 15.

made racial discrimination a constitutional right in California, which did not square with the Fourteenth Amendment's guarantee of equal protection.

Although the policy impact of Proposition 14 was short-lived, historians have seen it as a turning point in American political history. According to many historians, the overwhelming popular opposition to the Rumford Act indicated the decline of racial liberalism and the rise of political conservatism. In conventional narratives, this moment is a key turning point in the rise of the right in California and the nation, as grassroots conservatives rejected liberal attempts to regulate the private housing market.

Such narratives, however, elide the changing conceptions of citizenship rights that Howden expressed in his speech to CAO. The allegedly "natural distribution of people" that Howden envisioned did not previously exist. It was, in fact, a new way of thinking about California's metropolitan landscapes. California's fair housing campaigns were a prominent forum for the suggestion that artificial racial barriers had been removed from the suburban real estate market and the metropolitan landscape. Yet that interpretation belied the significance of the change. The suburban housing market had to be reimagined, both in its supposedly natural form and as obstructed by artificial racial barriers.

California liberals, like Howden, had put a legal challenge to racial discrimination in the housing market at the center of the political agenda. They succeeded in outlawing a number of discriminatory practices through fair housing legislation. They popularized the notion that nonwhite Californians had rights to acquire property because of their economic status, establishing a political culture and legal structure of market-based suburban exclusivity. Economic identities became central to legal, political, and constitutional visions. The politics of fair housing were about not only race but also what

class of Mexican, Asian, and African Americans would be allowed to buy homes in suburbia. Even as they sought to create a market for housing in which race was not a barrier, liberals embraced economic exclusion. It came to seem “natural” for suburbs to have a modicum of racial diversity while growing ever more economically exclusive. It was a dramatic new development in the history of the American metropolis.

While the battle over fair housing was a statewide issue, the South Bay held a place of prominence. With a large population of active liberal voters and legislators, Palo Alto earned a reputation as a stronghold of political agitation against Proposition 14. Observers perceived Palo Alto—and, increasingly, Santa Clara County more broadly—as the liberal pole in California politics, opposite Orange County’s conservatism. The epicenter of the South Bay’s burgeoning high-tech industry, Palo Alto offered an alternative model for thinking about race, class, space, and citizenship. A political culture of meritocracy and color-blindness shaped residents’ thinking about fair housing, neighborhoods, race, and class that had a profound effect on the politics of citizenship and suburban space.

A Right to Discriminate?

Many historians claim the vote on Proposition 14 was a manifestation of prejudice that precipitated an electoral realignment in American politics. “The racial overtones of Proposition 14,” argues Becky Nicolaides, “not only redefined the politics of housing but also dislodged traditional partisan loyalties.”⁵ By alienating the white working-class homeowners who had been the party’s base, fair housing battles devastated the Democratic Party. White homeowners’ support for Proposition 14, according to Nicolaides, was a mixture of “veiled racism,” conservatism, anticommunism, and a

⁵ Nicolaides, *My Blue Heaven*, 313.

general fear of outsiders, but it was also a “defensive” maneuver to protect their most precious assets: their homes.⁶ In a related vein, Mark Brilliant argues, “a sizable majority of the state’s voters viewed [Rumford] as a step too far. With Prop 14, they served notice about just how much civil rights they would tolerate.”⁷ Liberal support for unpopular fair housing laws provoked mass desertion from the Democratic Party, enabling Reagan to trounce liberal Pat Brown in the gubernatorial election. As the GOP captured the former voters from the splintered Democratic Party, white racial backlash led to conservative ascendancy.⁸

Not all historians, however, have been satisfied with the backlash argument.⁹ Daniel HoSang rejects the implication that Proposition 14 was about individual feelings of bias or racial tolerance, emphasizing that the rights claims made by proponents of Proposition 14 solidified white political identities, something shared by political liberals and conservatives. HoSang argues that the Proposition 14 campaign defined homeowners’ rights, especially regarding race. “If before the election,” claims HoSang, “the large majority of elected officials were unwilling to assert that a right to discriminate existed, in the wake of Proposition 14’s overwhelming passage, they eagerly embraced this position.”¹⁰

⁶ Ibid., 307–315.

⁷ Mark Brilliant, *The Color of America Has Changed: How Racial Diversity Shaped Civil Rights Reform in California, 1941-1978* (New York: Oxford University Press, 2010), 191. Although Lisa McGirr downplays the role of race and Rumford in conservative ascendancy, she nevertheless argues that the “white backlash” embedded in the battle over fair housing—particularly in voters’ rejection of the Rumford Act—enabled the rise of the conservative movement, from grassroots organizing, through the nomination of Barry Goldwater for president, to the election of Ronald Reagan as governor. McGirr, *Suburban Warriors*, 133, 185, 199, 204–205.

⁸ Ibid., 190–226.

⁹ Robert Self argues that the language of “backlash” misses the point; the critical issue is that resistance “took the form of rights-based counter claims” in which homeowners asserted “traditional” rights to protect white privilege. Self, *American Babylon*, 268.

¹⁰ HoSang, *Racial Propositions*, 88.

But while some Californians claimed a “right to discriminate,” such claims rapidly vanished as a part of mainstream political discourse, where their foothold was rather tenuous to begin with.¹¹ When Reagan alleged that fair housing laws infringed upon “a basic human right,” he took pains to emphasize that his “disagreement with this act” should not be taken “as an endorsement of bigotry. I oppose the Rumford Act for the same reason I oppose restrictive covenants.” Both, said Reagan, infringed upon property rights.¹²

For most Californians, rights to discriminate were beside the point. Metropolitan space ensured segregation without requiring individual acts of discrimination by homeowners. For Scott Kurashige, the importance of the Proposition 14 campaign lay not in its promotion of a right to discriminate but rather in its “popularization of a putatively nonracialist discourse to defend housing segregation.”¹³ This was a “new” racism, argues Kurashige, of “‘color-blind’ neoconservatism rooted in this post-Shelley, post-Brown logic of structural inequality without bigotry.”¹⁴ But while colorblind discourse lent itself to conservative policy stances, it also supported the policy stances of liberals when it came to suburban space. In many ways, the battles over fair housing were less about conservatism and more about the ways in which liberalism accommodated itself to suburban landscapes of individualism and exclusivity.¹⁵

Regardless of the feelings of those who voted for Proposition 14—whether the vote signified an expression of bigotry, a defense of privilege, or an ideological

¹¹ “Town Hall Hears Sharp Housing Law Debate,” *Los Angeles Times*, February 12, 1964.

¹² “Reagan Denounces Open Housing Laws as Rights Violation,” *New York Times*, September 27, 1967.

¹³ Kurashige, *The Shifting Grounds of Race*, 261–2.

¹⁴ *Ibid.*, 264.

¹⁵ This chapter thus contributes to the claims made by Lily Geismer, who has argued that, in Massachusetts, the story of fair housing reveals the limits of liberalism to address structural inequalities and to promote structural change. Lily D. Geismer, “Don’t Blame Us: Grassroots Liberalism in Massachusetts, 1960-1990” (Ph.D. dissertation, University of Michigan, 2010).

opposition to state intervention—the subsequent history of California suburbs conformed to the fair housing program of moderate racial inclusion, something that most Californians—including those who voted for Proposition 14—eventually supported. That conservatives and liberals both shared this understanding signified a shift in social, spatial, and political identities. Communities, as legal scholar Richard Schragger has argued, are not given but rather are “products of contested political norms, arising simultaneously with the borders that define them.”¹⁶ The definition of community is a political-legal act. The fair housing campaigns envisioned a new kind of suburban community, defined legally by racial inclusion and economic exclusivity. Fair housing legislation gave this community form, as it constituted a new suburban real estate market, and with it, a new citizen-subject.

To HoSang, the Proposition 14 campaign revealed Californian voters’ “deep material and ideological investments in political whiteness.”¹⁷ But more than shoring up political whiteness, fair housing politics generated a political subjectivity around suburban economic privilege. Although this identity involved whiteness, it went beyond it. Political liberals and conservatives, proponents and opponents of Proposition 14, together promoted a political identity whose understandings of class, property, and choice disavowed the role of the state in creating suburban housing markets.

This chapter traces the invention, elaboration, and constitutionalization of the discourse that people have rights to housing in suburban neighborhoods based on economic qualifications. From the 1940s to the 1970s, fair housing activists changed state and national law, they constitutionalized a right to fair housing, and they defined what

¹⁶ Richard C. Schragger, “The Limits of Localism,” *Michigan Law Review* 100, no. 2 (November 2001): 375.

¹⁷ HoSang, *Racial Propositions*, 54.

that right entailed. Their impact on spatial thinking was equally extensive—they defined what was “fair”; they portrayed racial barriers as “artificial”; they legitimated class exclusion as “natural”; and they promoted an understanding of citizenship in which a free market in the commodity of suburban housing was a right. These changes enabled small numbers of middle-class people of color to move into formerly all-white suburban areas.

According to fair housing activists’ own statements, this was their goal. While the fair housing struggle has generally been seen as a failure leading to a rise of conservatism, it was, on its own terms, a success. That does not mean it succeeded in providing suburban housing opportunity for the majority of working-class people of color. But that was never its goal. Its agenda was limited to providing an opportunity for middle- and upper-class nonwhite homebuyers to consume housing in the suburban real estate market. If fair housing was a failure, the failure was not in racial backlash, but in fair housing advocates’ endorsement of an economically segregated metropolitan order. To be sure, many fair housing proponents also desired affordable housing. But the people who articulated the public positions of the fair housing movement defined affordable housing as an issue separate from housing discrimination. Indeed, most sought to preserve suburban privilege. For all the despair over Proposition 13, scholars have largely overlooked the minimalism of the Rumford Act in the first place. The Rumford Act strengthened desegregation efforts and it did make it easier to fight racial discrimination in housing. At the same time, it barely made a dent in racial residence patterns, for it did little to undermine the larger structures of metropolitan segregation. The legal, political, and constitutional successes of the Valley’s fair housing activists mark the limits of their brand of suburban liberalism.

The Changing Politics of Real Estate

The target of fair housing legislation was the real estate industry. Real estate agents, brokers, builders, and developers had done their best to maintain segregation in California housing.¹⁸ The Code of Ethics of the National Association of Real Estate Boards stated, “A realtor should never be instrumental in introducing into a neighborhood a character of property or occupance, members of any race or nationality, or individuals whose presence will clearly be detrimental to property values in that neighborhood.”¹⁹ The California Real Estate Association adopted this code of ethics, and around the Bay Area, local realty boards followed suit. Local real estate boards refused to sell homes to nonwhites or to integrate nonwhites into white neighborhoods; San José agents had a policy to maintain racial homogeneity.²⁰

Real estate agents showed Mexican American buyers homes only in Mexican American communities and discouraged them from living in white areas.²¹ With Asian Americans it was similar. In postwar San José, real estate agents refused to show homes to Asian Americans, such as one who was showing homes in a new subdivision when a Chinese family appeared. The agent “simply had to ignore the Chinese family while he showed the property to Caucasians who drove up.”²² A War Relocation Authority commission had observed that real estate agents refused to sell properties to Japanese Americans in postwar suburbs, outside of segregated areas.²³ While real estate agents generally sold homes to nonwhites as long as they were in segregated neighborhoods, in

¹⁸ United States Commission on Civil Rights, *Housing*.

¹⁹ “Article 34, Part III of the Code of Ethics Adopted by CREA and NAREB”, 1951, 4, Carton 71, Folder 9, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

²⁰ “Racial Prejudices in San Jose, California,” 25.

²¹ Samora and Rubin, “The Spanish Speaking People in the United States,” 8.

²² Hajinian et al., “Interracial Prejudices in San Jose, California,” 32.

²³ United States Department of Interior, *People in Motion*.

postwar San José realtors often refused to show homes to Japanese Americans, regardless of the location.²⁴ In addition to realtors, suburban tract developers regularly rejected Japanese American buyers.²⁵ As a San José race relations study acknowledged, “It is legally true that minority races can legally buy where they may not live.”²⁶

Although common in the postwar decades, these practices became increasingly controversial. When the residents of the suburb South San Francisco voted to exclude Chinese American Sing Sheng, it was in papers around the country and the world.²⁷ Shortly thereafter a similar case came to San José, revealing the changing public sentiment and mobilizing the community on behalf of fair housing.

The case began in 1952, when Sam Yoshihara, a Purple Heart veteran of the 442nd Infantry Regiment who worked in a San José produce market, made an offer on a single-family home on Thornton Way, a suburban area southwest of downtown San José. Neighboring homeowners protested, circulating a petition that explained their opposition. “Not because of any feeling of discrimination for people other than the white Caucasian race,” read the petition, “but rather under the laws of our country that a man has a right to protect his property and his home, we... protest the selling of the home on Thornton Way to anyone who is not a member of the white Caucasian race.”²⁸ The protestors insisted they were not bigots, but they feared that a Japanese American homeowner on their block

²⁴ Haruo Ishimaru to Masao Satow, “Sam Yoshihara Housing Situation in San José”, October 13, 1952, Box 7, Folder “Housing, 1952-53, 58,” Japanese American Citizens League History Collection, Japanese American National Library.

²⁵ Frank Chuman to Haruo Ishimaru, April 9, 1953, Box 7, Folder “Housing, 1952-53, 58,” Japanese American Citizens League History Collection, Japanese American National Library.

²⁶ “Racial Prejudices in San Jose, California,” 29.

²⁷ Brooks, “Sing Sheng Vs. Southwood: Residential Integration in Cold War California.”

²⁸ “Protests from Neighbors Doesn’t Bother San Jose Veteran Buying New Home,” *Pacific Citizen*, October 10, 1952.

would lower their property values.²⁹ The protesters submitted the petition to Ray Hoefler, the owner of the real estate agency that brokered the deal. Hoefler, in turn, fired the real estate agent who made the sale.

When Haruo Ishimaru read about the case in the newspaper, he immediately became involved. Northern California JACL regional director, Ishimaru participated in a number of multiracial and liberal organizations on the Peninsula and South Bay; over the course of the 1950s, he would serve as an officer or board member of the Mid-Peninsula Council for Civic Unity, the Japanese Chamber of Commerce, and other organizations. With a special interest in housing, Ishimaru would later serve the JACL as director of the organization's housing commission.³⁰ It was an interest won with hard experience, for Ishimaru himself faced frequent housing discrimination. In the 1950s, as his family grew and his position as district manager of West Coast Life Insurance brought him to different cities around the Bay, Ishimaru purchased five houses: two in San Francisco, two in San Mateo County, and one in Santa Clara County. To secure each one took determination, for he faced frequent rejection because of his race.³¹ Surveying San José during the Yoshihara affair, he wrote, "certain tracts are virtually closed to Japanese Americans and other minority people."³²

Under Ishimaru's leadership, the regional JACL did its best to stage manage such cases to promote fair housing. Ishimaru quickly recognized that Yoshihara's was an important case for the JACL. Worried that the organization was too associated with fund

²⁹ "Medal of Honor Winner, Veteran and Civic Groups Support Yoshihara," *Pacific Citizen*, October 17, 1952.

³⁰ US Commission on Civil Rights, *Hearings Before the United States Commission on Civil Rights. Hearings Held in Los Angeles, California, January 25, 1960, January 26, 1960; San Francisco, California, January 27, 1960, January 28, 1960* (Washington, D.C.: Government Printing Office, 1960), 781.

³¹ *Ibid.*, 778.

³² Haruo Ishimaru to Wayne Kanemoto and Akira Shimoguchi, 1952, Box 7, Folder "Housing, 1952-53, 58," Japanese American Citizens League History Collection, Japanese American National Library.

drives, Ishimaru believed that the JACL could capitalize on Yoshihara's case to demonstrate that it was actively promoting the interests of ordinary Japanese Americans. "Quite frankly," he wrote to national JACL leader Masao Satow, "I believe that the JACL ought to capitalize public relations-wise through some of these episodes."³³

To Ishimaru, the Yoshihara case was a perfect case around which to organize a public relations campaign. The case, as Ishimaru wrote to Satow, was "a matter of major interest in San José." It took top headlines away from Dwight Eisenhower, who was enjoying tickertape parades in the Bay Area during his campaign for president. In addition to the case's publicity, Yoshihara, as a veteran, was a particularly charismatic character. In a letter to Yoshihara offering the JACL's assistance, Ishimaru wrote, "We believe that Nisei veterans such as you merit every consideration in the demonstration of American democracy and equality."³⁴

Ishimaru organized the JACL's campaign for Yoshihara. He requested that JACL president George Inagaki "make a public statement deploring such situations and reaffirming that JACL will continue to combat all such cases regardless of whether the person is a JACL member or not."³⁵ He also requested that Saburo Kido, editor of the *Pacific Citizen*, publish editorials and articles to publicize the Yoshihara case. Kido complied, giving Yoshihara the *Pacific Citizen*, including a photograph of Yoshihara standing in front of the suburban home he hoped to purchase. Inagaki, likewise, made the requisite declarations: "As more Nisei begin to buy property in different neighborhoods, the more discrimination we shall face. The National JACL stands ready to give its utmost

³³ Ishimaru to Satow, "Sam Yoshihara Housing Situation in San José."

³⁴ Haruo Ishimaru to Sam Yoshihara, October 9, 1952, Box 7, Folder "Housing, 1952-53, 58," Japanese American Citizens League History Collection, Japanese American National Library.

³⁵ Ishimaru to Satow, "Sam Yoshihara Housing Situation in San José," 1.

assistance to any who face discrimination because of his racial background.”³⁶ JACL press releases, public statements, and news articles emphasized Yoshihara’s military record. “As American citizens,” declared Yoshihara in a JACL press release, “I believe that we Nisei proved our right to equality during the last war.”³⁷

Although Ishimaru could not request that the *San José News* and *Mercury* publish favorable editorials on Yoshihara, they did nonetheless.³⁸ Like the JACL, the *San José News* editorial emphasized Yoshihara’s veteran status. The editors expressed their desire to avoid the negative publicity that accompanied white residents’ protest against Chinese American Sing Sheng in South San Francisco.³⁹ The paper reserved special praise for Vivian Gardner, a white Thornton Way resident who refused to sign the petition against Yoshihara. “My property values,” said Gardner, “aren’t as important as my principles. I would welcome the Yoshihara family as neighbors.”⁴⁰

Ishimaru thanked Charles Goodman, the *San José News* city desk editor, for the sympathetic coverage. “The newspapers,” wrote Ishimaru, “continue to be the greatest medium of mass communication and education, and we are sincerely gratified at this example of your good efforts to uphold the rights of the minorities, especially in the case of Sam Yoshihara who, by his sacrifices in the last World War, has so fully proved his rights as American citizen.”⁴¹ Ishimaru also wrote to the editor of the *San José News*, thanking him, on behalf of all minority groups, for the paper’s “sympathetic coverage” of

³⁶ “National JACL Stands Ready to Assist Even Non-members (like Yoshihara) Who Are Discriminated Because of Race,” *Pacific Citizen*, October 17, 1952.

³⁷ Japanese American Citizens League, “Press Release”, October 11, 1952, Box 7, Folder “Housing, 1952-53, 58,” Japanese American Citizens League History Collection, Japanese American National Library.

³⁸ “Guest Editorials,” *Pacific Citizen*, October 17, 1952.

³⁹ “Case of Sam Yoshihara,” *San Jose News*, October 9, 1952.

⁴⁰ “Protests from Neighbors Doesn’t Bother San Jose Veteran Buying New Home.”

⁴¹ Haruo Ishimaru and Charles Goodman, October 11, 1952, Box 7, Folder “Housing, 1952-53, 58,” Japanese American Citizens League History Collection, Japanese American National Library.

Yoshihara. The paper's stance against racial discrimination, he claimed, would further not only the cause of civil rights but also the nation's cold war struggle. "We believe," wrote Ishimaru, "that this is the best weapon we have to fight Communism, not only here at home but in the chaotic countries of Asia. Democracy is not merely a word or an ideal. It is a way of life, and the eyes of not only America but of the entire world are on San José and we are proud that the world's faith in American principles of equality has been vindicated."⁴²

By emphasizing Yoshihara's veteran status, the JACL campaign drew support from the local veterans' organizations. The local chapter of the Veterans of Foreign Wars declared that a veteran like Yoshihara deserved to buy the house. The local post of Disabled American Veterans also declared their support for Yoshihara.⁴³

Facing public censure, the residents who had protested Yoshihara revoked their petition.⁴⁴ To Inagaki, the public relations campaign was a tremendous success. "We feel," stated Inagaki, "that the Sam Yoshihara incident is another example of how organized minority groups can stop discrimination if caught in time. It goes to show that if we, Japanese Americans, are organized, we can bring pressure to bear strong enough to topple the ugly head of racial discrimination."⁴⁵ A *Pacific Citizen* editorial asserted that Yoshihara's public support—unimaginable even a few years earlier—indicated that "prejudices [were] disappearing."⁴⁶ The *San José Mercury*, likewise, praised the locals

⁴² Haruo Ishimaru to Editor of San Jose News, October 11, 1952, Box 7, Folder "Housing, 1952-53, 58," Japanese American Citizens League History Collection, Japanese American National Library.

⁴³ "Medal of Honor Winner, Veteran and Civic Groups Support Yoshihara."

⁴⁴ "Thornton Way Residents Withdraw Protest Selling House to Nisei," *Pacific Citizen*, October 17, 1952.

⁴⁵ "National JACL Stands Ready to Assist Even Non-members (like Yoshihara) Who Are Discriminated Because of Race."

⁴⁶ "Prejudices Disappearing," *Pacific Citizen*, October 17, 1952.

who supported Yoshihara. “In this there is hope that some day race prejudice will disappear.”⁴⁷

Subsequent events bolstered the papers’ optimism. In a reversal of real estate practices—albeit one dependent on public relations—local developers no longer fired salesmen when neighbors protested but rather fired agents who attracted negative publicity by refusing to sell homes to nowhites. Three months after the Yoshihara affair, when a Mexican American veteran complained to the press that a salesman for a new Santa Clara County subdivision rejected him because of his race, the tract developers quickly fired the salesman and announced that they would not deny homes to buyers because of their race.⁴⁸ The following month, the *Pacific Citizen* reported, Sam Yoshihara purchased a home on Cypress Ave, three-bedroom stucco, “without a word of protest from neighbors.”⁴⁹

The Palo Alto Housing Industry and Open Occupancy Policy

The JACL emphasized Yoshihara’s veteran status because it symbolized his Americanism. It was the same strategy the organization had used to fight housing covenants and alien land laws. Images of nuclear families in suburban homes challenged the discourses of alienage and family deviance that had legitimated the restrictions on Japanese American property ownership. Japanese Americans had been shown to be assimilable to the family structures and suburban residence of postwar American life.

But the terms of inclusion changed as the 1950s wore on. Americanism ceased to be the determining factor, replaced by an ethos of nondiscrimination and suburban exclusivity. Palo Alto, a hub for fair housing organizations, embodied this ethos, and, in

⁴⁷ “Airing of Prejudice,” *San Jose Mercury*, October 11, 1952.

⁴⁸ “Tract Developers Refute Discrimination Complaint,” *San Jose Mercury*, January 20, 1953.

⁴⁹ “San Jose Vet Purchases Home - Without Protest,” *Pacific Citizen*, February 6, 1953.

political rhetoric and media coverage, came to represent it. On the northern border of Santa Clara County, adjacent to San Mateo County, Palo Alto was located midway between the older suburbs of the peninsula and the developing suburbs in Santa Clara County. At the epicenter of developing high tech and suburban growth, the city housed Stanford University, where prominent liberals enjoyed access to resources and prestige that enabled them to communicate a fair housing message statewide.

Liberals who were attached to the university shaped the city's fair housing politics. None, perhaps, was more prominent than Wallace Stegner, novelist and historian of the American West. Stegner arrived in Palo Alto, hired as a professor in creative writing at Stanford, in 1945. He had recently published *One Nation*, a testament against racial inequality and discrimination in America.⁵⁰ The book propelled him into the spotlight as a liberal critic, and in Palo Alto he joined the board of the local ACLU.⁵¹

When Stegner arrived in Palo Alto, the town was suffering from a severe housing shortage, an obstacle in Wallace and his wife Mary's path to homeownership. The Stegners joined the Peninsula Housing Association, a cooperative that planned a development near campus. The Stegners became very involved in the association; Mary served on the board, and, at Wallace's urging, the association adopted the name Ladera, Spanish for "hillside," for the development.⁵² The development—400 houses, according to the plan—would be built on 235 acres of foothills behind Stanford, overlooking the San Francisco Bay and the orchards of Santa Clara Valley.⁵³

⁵⁰ Wallace Stegner, *One Nation* (Boston: Houghton Mifflin Company, 1945).

⁵¹ Jackson J. Benson, *Wallace Stegner: His Life and Times* (New York: Viking, 1996), 152.

⁵² *Ibid.*, 195.

⁵³ Wallace Stegner, "Four Hundred Families Plan a House," *The Magazine of the Year*, April 1947, 64.

Founded in 1944 by Stanford professors, the association envisioned a development that differed from the projects rising in suburbs across the Peninsula and South Bay. Although partly a practical response to the housing shortage, the project was distinctly utopian. Ladera would be a true community, wrote Stegner in a paean to the project, built with “the spirit that used to animate barn raisings when democracy was younger and simpler.”⁵⁴

To Stegner, postwar suburban development was monstrously bland; the best a young family could hope for was to live in an “overpriced cheesebox.”⁵⁵ Stegner refused that lifestyle; in Ladera he and fellow members of the association would find “not jerry-built boxes, but the kind of houses they have dreamed of.”⁵⁶ Neither would Stegner tolerate a motley conglomeration of houses. “There is no chance,” he insisted, “that in Ladera, Cape Cod cottages will sit uneasily cheek by jowl with Spanish stuccos. All houses will be designed in the same key... in the style best called ‘Contemporary Californian.’”⁵⁷ The association hired architects Garrett Eckbo, John Funk, and Joseph Allen Stein—promoters of California modernism—to design the project.⁵⁸ Stegner dreamed of horse stables, tennis courts, and a swimming pool. Ladera was to be a model of suburban development: an authentic community of modern single-family homes on large lots, averaging a third of an acre, nestled on cul-de-sacs and curving streets surrounded by greenery.⁵⁹

⁵⁴ Ibid., 66.

⁵⁵ Ibid., 63.

⁵⁶ Ibid., 66.

⁵⁷ Ibid., 64–65.

⁵⁸ Garrett Eckbo, “Ladera Site Plan”, 1947, Garrett Eckbo Collection, UC Berkeley, Environmental Design Archives; Garrett Eckbo, “Ladera Preliminary Landscape Plan”, 1947, Garrett Eckbo Collection, UC Berkeley, Environmental Design Archives.

⁵⁹ Stegner, “Four Hundred Families Plan a House,” 65.



Figure 7.1. Ladera Site Plan. The plan exhibits Stegner’s vision of suburban development, with California modern homes on gracefully arcing lanes shaded by trees, circling the community’s civic and social center. UC Berkeley Environmental Design Archives.

The development ran aground on race. The association sought federal financing for the development, but federal regulations required that the development adopt racial occupancy restrictions. Stegner and other members refused to participate in a project that discriminated on the grounds of race, and the project collapsed. The Stegners purchased property in the nearby hills, building their own modern home in the idyllic area that would soon become the town of Los Altos Hills. (Although the Stegners had maintained their sense of purity, their town maintained its own exclusive restrictions, making it one

of the wealthiest and whitest suburbs in the Bay Area. As of 1960, Los Altos Hills had a total of five black residents.)⁶⁰

Although the Peninsula Housing Association backed out of Ladera, the architects continued with the development, building phase one of the project, after which they passed it off to Eichler Homes.⁶¹ Founded by Joseph Eichler in 1947, Eichler Homes embodied the housing philosophy of postwar Palo Alto: single-family homes, modern design, and suburban community. The company acquired a reputation as the most racially progressive builder in the Bay Area. Eichler built for people like the Stegners: professionals and academics affiliated with Stanford University for whom fair housing was an ethos. In its first dozen years, Eichler Homes built 6,000 houses in the Bay Area, mostly in San Mateo County and northern Santa Clara County.⁶²

Eichler developments skirted the racial restrictions that frustrated the Peninsula Housing Association's vision for Ladera. Partly this was due to timing. After 1950, the FHA and VA no longer required racial restrictions. Shortly after this policy change, Eichler Homes, which relied on FHA and VA financing for almost all of its housing, made its first sale to a person of color, selling a Palo Alto home to an Asian American family. The first sale to a black family would not come until 1954, when Edward Eichler, Joseph Eichler's son and heir to the family business, received a call from a West Indian woman inquiring about housing in a new subdivision in Palo Alto. She worked as a nurse and her husband was an African American chemist teaching at Stanford. When she asked if the houses in the development were available to black families, Edward replied that "the issue had never come up and I would like to talk to my father about it." He asked his

⁶⁰ Benson, *Wallace Stegner*, 153; U.S. Bureau of the Census, *1960 Census, Santa Clara County*.

⁶¹ Eckbo, "Ladera Site Plan."

⁶² US Commission on Civil Rights, *Hearings Before the United States Commission on Civil Rights*, 510.

father, who gruffly replied that he could not care less what race of persons bought his homes.⁶³

Gradually, Eichler Homes developed an official position on race and home sales. In 1956 or 1957, the company adopted an “open occupancy policy,” a policy to sell homes to buyers regardless of race. Many questioned the wisdom of the decision; realtors said it would never work; competing companies tried to use this policy against the Eichlers, warning white prospective homebuyers to avoid Eichler developments. But in spite of the fear of the policy, Eichler Homes continued to build homes and in fact grew ever more profitable. Eichler, it seemed, had successfully defied the conventional wisdom of postwar suburban real estate.⁶⁴

Several factors contributed to the company’s ability to adopt profitably an open occupancy policy. First, their clientele—primarily white professors and other highly educated professionals affiliated with Stanford University or nearby high-tech industries—were disproportionately agreeable to open occupancy neighborhoods. To be sure, not all residents of Eichler neighborhoods welcomed the policy. When Eichler sold the first home to an Asian buyer, recalled Edward Eichler, “There were some people in the neighborhood who got a little upset but it was nothing of any great proportion.” When the first black family inspected a home, white neighbors in the cul-de-sac complained to Eichler. “A few people called,” said Edward; “a few talked to me with a bit of hostility. They were disturbed about property values, but they were a bit defensive in disclaiming prejudice.” Aside from sporadic complaints, however, most white residents

⁶³ Edward P. Eichler, *Race and Housing: An Interview with Edward P. Eichler, President, Eichler Homes, Inc.* (Santa Barbara: Center for the Study of Democratic Institutions, 1964).

⁶⁴ *Ibid.*

accommodated racial integration.⁶⁵ Many Eichler residents endorsed a racially liberal ethos. When a Chinese American chemist working at Stanford had difficulty getting a realtor to sell him a house in Palo Alto, the public rebuke of the realtors was such that the *Daily Palo Alto Times* declared “Anti-Chinese attitude not popular here.”⁶⁶ The public outcry, wrote the paper, was “heartening evidence that this kind of discrimination is on its way out.”⁶⁷

But even with a local culture leaning toward open occupancy, there were still formidable obstacles to such a policy, particularly among developers. As William J. Levitt, the nation's largest homebuilder, said “[A]ny homebuilder who chooses to operate on an open occupancy basis, where it is not customary or required by law, runs the grave risk of losing business to his competitor who chooses to discriminate.”⁶⁸ But in Palo Alto, there were few competitors. The Palo Alto area had a booming housing market, which Eichler dominated. The company had risen quickly, and by 1956, Edward Eichler estimated that Eichler Homes was building more than 80 percent of new housing in Palo Alto. By the time the company had established an open occupancy policy, it had a near monopoly on new construction in Palo Alto. “[I]n a sense,” said Edward Eichler, “Eichler Homes has been in a position to be able to pass its own local fair housing law because we could affect enough of the market.” According to Eichler, the point of a fair housing law was a market issue, to make it so that builders did not have to compete around fair

⁶⁵ Ibid.

⁶⁶ Brooks, “Sing Sheng Vs. Southwood: Residential Integration in Cold War California,” 488.

⁶⁷ Ibid., 490.

⁶⁸ Quoted in Walter Mondale, “Interference with Civil Rights,” in *Congressional Record*, vol. 114, 1968, S3421.

housing. By being the biggest player in Palo Alto, Eichler had effectively made fair housing an issue on which builders did not have to compete.⁶⁹

Joseph and Edward Eichler explained their success in moderate capitalist terms. “We feel that our policy has been successful,” said Joseph, “because we have never operated as crusaders.”⁷⁰ Builders who were perceived as crusaders had far less success. Modern Community Developers, a company founded to provide integrated housing in Santa Clara County, faced incredible obstacles. When the company proposed an integrated development, local officials increased subdivision regulations, building codes, and requirements and even threatened condemnation proceedings against the company to thwart the integrated subdivision.⁷¹

Eichler, on the other hand, sought to integrate as quietly as possible. The company never advertised its policy and would only discuss it with clients if asked about it specifically. “We would try to establish a clear policy that everybody in the company understood but we would seek the least amount of publicity possible outside the organization. We would treat it as a business decision, not as a solution of social problems.” The company’s public reluctance to discuss open housing differed from its vocal positions within industry forums. In 1958, Joseph Eichler asked the homebuilders’ association to change its policy of not selling homes to nonwhites; when the association refused, Eichler resigned from the group.⁷² With consumers, however, the company remained quiet. As Edward Eichler explained, “We were not identified as builders who

⁶⁹ Eichler, *Race and Housing*.

⁷⁰ US Commission on Civil Rights, *Hearings Before the United States Commission on Civil Rights*, 512.

⁷¹ *Ibid.*, 578.

⁷² *Ibid.*, 578, 704.

were trying to solve the race problem first and build houses second.”⁷³ After his testimony before the US Civil Rights Commission, Joseph Eichler received praise from the commissioners; “[I]t is fortunate,” said one, when a business decision “is moral and also profitable.”⁷⁴

Most importantly, Eichler Homes was able to establish an open occupancy policy because the class of people for whom the company developed homes. Although the developments were racially inclusive, they were economically exclusive. Brochures for a hillside development in San Mateo played on this exclusivity. “Your neighbors,” stated the brochure to potential buyers, “are doctors, engineers, lawyers, architects, executives, businessmen, teachers, etc.”⁷⁵ With photographs of families relaxing and entertaining in modern homes, the brochure emphasized California lifestyle and “luxury,” “ideal suburban living.” The draw of modern luxurious living overrode the fact that a couple middle-class nonwhite families lived in the subdivision, too.

⁷³ Eichler, *Race and Housing*.

⁷⁴ US Commission on Civil Rights, *Hearings Before the United States Commission on Civil Rights*, 512.

⁷⁵ “Enter the Wonderful World of Eichler” (Eichler Homes publicity brochure, n.d.).

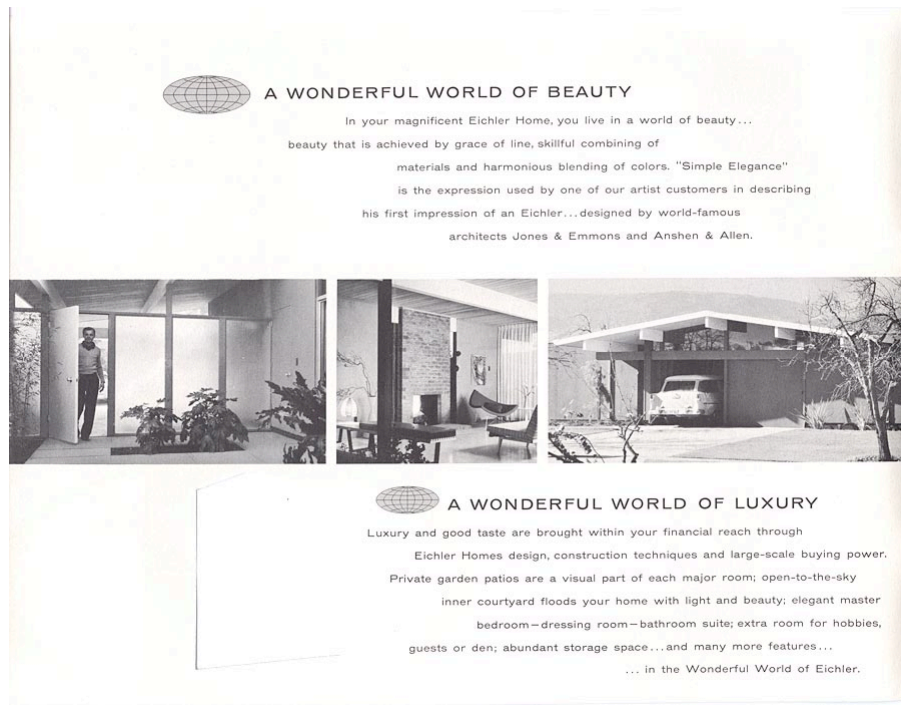


Figure 7.2. Enter the Wonderful World of Eichler.

As Joseph Eichler said in his testimony before the Civil Rights Commission at its San Francisco hearings in 1960, “We offer our houses for sale to anybody of good character who is financially qualified to purchase one of them.”⁷⁶ The first Asian American Eichler homebuyer bought an expensive home; that first black residents were professionals buying an expensive home. Such prices ensured that, although developments were available to people of color, few would actually live there. In the three years between the adoption of the open occupancy policy and the civil rights commission hearings, most Eichler houses sold for more than \$20,000. “Very few Negroes can afford to pay \$20,000 or more for a house,” noted Eichler.⁷⁷

⁷⁶ US Commission on Civil Rights, *Hearings Before the United States Commission on Civil Rights*, 511.

⁷⁷ *Ibid.*, 512.

Such prices put Eichler homes out of reach of most of the area's black, Asian, and Mexican American residents. Palo Alto, like most of the surrounding suburbs, was fairly wealthy and overwhelmingly white. But right across the county line stood East Palo Alto and East Menlo Park, unincorporated areas where almost all African Americans in the area lived. East Menlo Park had the highest concentration of black residents in San Mateo and Santa Clara counties; nearly 75 percent of the residents were black. Unemployment was 11 percent; nearly half of nonwhite households made less than \$4,000 per year; 90 percent made less than \$8,000. Meanwhile in West Menlo Park—a nearly all-white area separated from East Menlo Park by a highway—69.5 percent of white households made more than \$10,000 per year. Even in East Palo Alto, which housed many African Americans and Asian Americans working at Stanford, half of nonwhite households made less than \$6,000 per year. Most nearby Mexican Americans, likewise, could not afford Eichler homes. Just east of Palo Alto, more than half of Spanish-surname residents made less than \$4,000 per year.⁷⁸

Eichler's open occupancy policy, therefore, was "open" in only a limited sense. The language of "open occupancy" was a cultural construction that fostered a discourse of openness by obscuring the barriers of class. It was a fiction that did little to reduce metropolitan segregation on a large scale. Edward Eichler stated that the subdivision with the highest percentage of black families had eight.⁷⁹

For some people of color, of course, Eichler Homes provided access to the suburban dream. Lillian Pang, a Hawaiian of Chinese heritage, moved to the South Bay when her husband, an electrical engineer, got a job at Lenkurt Electric, an early

⁷⁸ U.S. Bureau of the Census, *1960 Census*.

⁷⁹ Eichler, *Race and Housing*.

technology company contributing to the region's development into the Silicon Valley. With her husband and five children, Pang moved into an Eichler home in Sunnyvale in 1960. Nearly fifty years later, she said Eichler homes helped "people like me to achieve the American Dream of owning our own homes."⁸⁰ The West Coast NAACP endorsed Eichler's example. In her testimony before the Civil Rights Commission, Tarea Hall Pittman, the acting regional secretary of the NAACP, declared that Eichler's open housing policy was "the most important action taken by a builder or developer to assure democratic housing practices in the West."⁸¹

If Pittman was right, it was partly because Eichler's was one of the only actions. Many other corporations and institutions shaped the South Bay's housing market, and precious few of them even tried to make things equal for nonwhites. For most homebuyers of color in Palo Alto, it was still difficult to purchase homes. In northern Santa Clara County and Southern San Mateo County, there were over 600 licensed realty brokers and salesmen, but only three treated minority buyers equally.⁸² One of these three, Lee B. Spivack, a white realtor, decided in the late 1950s to sell houses regardless of race. News spread quickly, and within a few years the majority of his clients were black and Asian American. Like Eichler, he maintained class exclusions, finding housing for wealthy or educated black and Asian buyers, especially people affiliated with Stanford. Nevertheless, his actions were not popular. While Eichler Homes had little trouble with homeowners, real estate institutions remained reluctant to change. As John Hannah, chairman of the Civil Rights Commission, said at the San Francisco Hearings of 1960, "Mr. Spivack, am I correct in inferring that you are not exactly 'loved' by some of

⁸⁰ Sunnyvale Public Library, "Sunnyvale Voices - Eichler Homes", 2007, Sunnyvale Public Library.

⁸¹ US Commission on Civil Rights, *Hearings Before the United States Commission on Civil Rights*, 705.

⁸² *Ibid.*, 640.

your colleagues in the real estate business?” Spivak replied, “That is the understatement of the day, Mr. Hannah.”⁸³

The diverse participants in Palo Alto’s real estate industry—from Wallace Stegner to Lee Spivack, from housing developers like Eichler Homes to homebuyers like Lillian Pang—crafted a new discourse of race, class, and space that defined “open housing” as the solution to metropolitan segregation. Eichler’s policy, said Pittman, had removed the “artificial barriers” of racial occupancy standards.⁸⁴ By defining racial barriers as artificial, the discourse implied that economic barriers were natural, a legitimate way of organizing space.

Open Housing and Neighborhood Character

If the actions by Eichler and Spivack were rare within the real estate industry, South Bay residents increasingly promoted fair housing through community organizations. Fair housing advocates framed housing as a commodity and open housing as access to the market in which that commodity was sold, a discourse that identified civil rights as consumer rights. In a pamphlet on the housing market, San Francisco’s Council for Civil Unity declared, “It would be an affront to human dignity for any one group of Americans to be restricted to wearing only hand-me-down clothing or to eating the leftovers of others’ food. Like food and clothing, housing is an essential of life, yet many non white American families have no choice but second-hand homes.”⁸⁵

Civil rights groups used this language, too. In fact, they had pioneered it. Loren Miller, in particular, had articulated a free market position in which housing was a commodity. In 1948, Miller had praised the Supreme Court’s decision in *Shelley v.*

⁸³ Ibid., 664.

⁸⁴ Ibid., 705.

⁸⁵ US Commission on Civil Rights, *With Liberty and Justice for All*, 534.

Kraemer because it reshaped the relationship between race, property, and prices, allowing nonwhites to access “the open housing market.”⁸⁶ Over the years, Miller elaborated this discourse into a discourse of freedom. In 1960, Miller wrote, “No man is free in a free enterprise economy unless he has free access to the market place.”⁸⁷ Others quickly adopted the language of free markets. Julian Samora drew on it to explain Mexican American segregation. “Housing,” wrote Samora, “appears to be the only commodity in the American market which is not freely available to minority groups.”⁸⁸ Tarea Hall Pittman said, “The one commodity that is not for sale to Negroes in California is housing.”⁸⁹ The US Commission on Civil Rights, in its 1959 survey of Bay Area housing, lamented, “Housing seems to be the one commodity in the American market that is not freely available on equal terms to everyone who can afford to pay.”⁹⁰ By framing housing as a commodity, civil rights activists made a free market argument for housing. Their discourse helped to naturalize suburban housing markets.

Palo Alto fair housing organizations promoted this discourse. The Palo Alto Fair Play Council (PAFPC), like Eichler Homes, advertised housing “for financially qualified Negroes.”⁹¹ Most prominent was the Palo Alto Area Committee for Open Housing (PAACOH). Organized in 1958 by community members and local clergy (many of whom were affiliated with the Santa Clara County Council of Churches), PAACOH promoted open housing by obtaining signatures to open housing covenants and education campaigns. The point of the open housing statement was to state collectively how people

⁸⁶ Miller, “A Right Secured,” 599.

⁸⁷ Miller, “The Law and Discrimination in Housing,” 124.

⁸⁸ Julian Samora, “The Spanish-Speaking People of the United States, Part II”, 1962, III-D-2, Box 124, Folder 1, Julian Samora Papers, Nettie Lee Benson Latin American Collection, University of Texas, Austin.

⁸⁹ “Tarea Pittman, Newspaper Clipping.”

⁹⁰ US Commission on Civil Rights, *With Liberty and Justice for All*.

⁹¹ US Commission on Civil Rights, *Hearings Before the United States Commission on Civil Rights*, 638.

feel. According to PAACOH, the solution to housing segregation was consciousness raising, changing individual attitudes, and public declarations. As its first action, PAACOH coordinated sermons on “Race Relations Sunday” in 1958 when ministers encouraged parishioners to sign open housing pledges. By May, 1,500 Palo Altans had signed, their names published in an ad in the *Palo Alto Times*. By December, on Human Rights Day, PAACOH published another ad with over 1800 signatures.⁹²

Civil rights groups supported PAACOH. The JACL contributed money to PAACOH to support fair housing in Palo Alto.⁹³ Akiji Yoshimura, chairman of the JACL, wrote to PAACOH in 1958 that the 25 JACL chapters in the West “heartily commend and support” PAACOH’s open housing covenants and educational campaigns.⁹⁴

PAACOH’s open housing discourse paralleled that of Eichler Homes. An informational sheet from 1959 explained that PAACOH’s “main objective is non-discriminatory open housing.”⁹⁵ Open housing “simply means that you recognize the rights of Negroes, Chinese, Japanese and other minority groups to live in any neighborhood.” Yet PAACOH maintained that not just any minority homebuyer could live in any neighborhood, for open housing depended on class. PAACOH assured white homeowners that open housing would not bring about economic integration. “[T]he character of the neighborhood itself tends to attract families of similar circumstances.” Given that most people of color did not make enough to live in most Palo Alto

⁹² Palo Alto Area Committee for Open Housing, “Paacoh”, 1959, 1, Carton 7, Folder 17, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

⁹³ Satow to Yoshimura, May 22, 1958.

⁹⁴ Yoshimura to Palo Alto Area Committee for Open Housing, May 27, 1958.

⁹⁵ Palo Alto Area Committee for Open Housing, “Paacoh,” 2.

neighborhoods, PAACOH reassured residents that open housing would not cause neighborhoods to be “overrun... with minority families.”⁹⁶

Although PAACOH acknowledged that open occupancy would result in minimal desegregation, the organization promoted a shift in racial, economic, and spatial identities. According to PAACOH, economic position broke down the former barriers between different races, putting them in the same social position. Suburban space made that new group identity possible. A “normal distribution” of the races, claimed PAACOH, was not one in which the different races clustered together but rather one in which people separated geographically according to ability to pay. PAACOH explained, “An increasing number of skilled and highly educated Negroes want the same benefits for their families as their white counterparts.”⁹⁷ PAACOH legitimized racial inclusion by redefining the identity of the proper suburban resident.

This discourse spread around California. In an open letter, the Los Angeles County Commission on Human Relations reassured white suburban voters that nonwhite suburbanites were really, in spite of outward appearances, just like them. “Orientals, Mexican-Americans, Negroes and other minority group families want to move into your neighborhood for exactly the same reasons you moved there. If it is a pleasant area, with good schools, shopping, transportation, churches, and well-kept homes, they want these things for themselves and their children.”⁹⁸ With this suburban image, the Human Relations Commission said that people of different races were basically the same, as long as they shared the same class status. Fair housing groups worked to transform group

⁹⁶ Ibid., 3.

⁹⁷ Palo Alto Area Committee for Open Housing, “Paacoh.”

⁹⁸ Los Angeles County Commission on Human Relations, “An Open Letter to an American Community”, November 26, 1963, Carton 58, Folder 4, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

affiliations, and along with them political and social identities, promoting a vision of group membership across racial lines but within class lines. “It is not necessarily true that minority group people necessarily feel more comfortable ‘with their own kind.’ Actually, minority group persons, like anyone else, have more in common with other people of their own educational level, income, and profession, than they do with other members of their minority group.... Also, because the costs of homes in any area acts as a screening factor, it is safe to assume that the minority group family which can afford to buy in your neighborhood is of the same socio-economic level as the families which already live there.”⁹⁹ This vision of fair housing—housing as commodity in economically segregated suburban neighborhoods—informed legislation.

Legislation for the Middle Class

At a 1956 conference at Camp Saratoga, in the foothills of the South Bay, members of the Bay Area’s many civil rights organizations came together to discuss the legislative possibilities for ending housing discrimination. The conference, sponsored by the Bay Area Human Relations Clearinghouse (BAHRC), a coordinating organization for the region’s civil rights groups, was the brainchild of Earl Raab, a Jewish intellectual who authored books with Seymore Martin Lipset, wrote for *Commentary*, and directed San Francisco’s Jewish Community Relations Council.¹⁰⁰ The conference brought together members of the ACLU, American Friends Service Committee, JACL, San Francisco Urban League, NAACP, and other organizations.¹⁰¹ The members agreed that housing

⁹⁹ Ibid.

¹⁰⁰ Earl Raab to Tarea Hall Pittman, October 15, 1956, Carton 3, Folder 1, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

¹⁰¹ Earl Raab to Members of the BAHRC, September 3, 1958, Carton 3, Folder 1, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley; Bay Area Human Relations Clearinghouse to All Californians interested in the advancement of civil rights and human relations,

discrimination was the most important issue facing nonwhite Californians. If they suffered from employment discrimination, they could call the FEPC; for housing discrimination, however, there was no remedy.¹⁰² With presentations by attorney Franklin Williams, regional secretary of the NAACP, and keynote remarks to be made by Assemblyman Byron Rumford, the conference promoted legislation to ensure fair housing.¹⁰³

The 1950s was a period of foment for civil rights groups seeking to end housing discrimination. As early as 1953, the CSO joined with the NAACP, JACL, CFCU, and other groups to plan strategies to fight housing discrimination.¹⁰⁴ To protect Mexican Americans from housing discrimination, the CSO had worked on community organizing and public relations campaigns, similar to the JACL. Yet CSO members gradually realized that the CSO could not solve all their problems at the local level. “We realized...,” said Herman Gallegos, “that if you really wanted to end... residential housing discrimination, you had to get fair-housing legislation.... [W]e began to realize that to deal effectively with those problems, we had to get involved in public policy.”¹⁰⁵ The JACL made a similar transition. In a statement before the US Civil Rights Commission, Haruo Ishimaru said, “there ought to be legislation making it illegal for real estate agents to refuse to show homes to persons of minority groups.”¹⁰⁶ Civil rights and

October 1956, Carton 3, Folder 1, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

¹⁰² Earl Raab to Franklin Williams, October 15, 1956, Carton 3, Folder 1, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

¹⁰³ Bay Area Human Relations Clearinghouse, “Tentative Program”, October 1956, Carton 3, Folder 1, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley; Franklin Williams to Earl Raab, November 7, 1956, Carton 3, Folder 1, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

¹⁰⁴ “Proceedings of Eighth Annual Convention – Nineteen-Fifty Forward.”

¹⁰⁵ Gallegos, “Equity and Diversity,” 17–18.

¹⁰⁶ US Commission on Civil Rights, *Hearings Before the United States Commission on Civil Rights*, 779.

faith-based groups came together in an interracial coalition to support housing legislation. Gallegos and the leaders of the CSO met with the leaders of Jewish groups, black civil rights organizations, trade unions, white liberals, and more to frame housing policy. “It was that coalition,” said Gallegos, “that brought about the fair housing legislation.”¹⁰⁷

Although it was the most famous piece of fair housing legislation, the Rumford Act was only the latest of a string of legislation beginning in the late 1950s intended to curb housing discrimination. In 1959, following the Republican Party’s loss of power in state government, the California Congress passed the Unruh Civil Rights Act, which prohibited discrimination by business establishments, including, as courts interpreted it, realtors and real estate developments. Legislators quickly followed this with the Hawkins Civil Rights Act, which prohibiting discrimination in publicly assisted housing.

The acts were significant accomplishments for civil rights advocates. Enforcement, however, was a major obstacle. The Unruh and Hawkins Acts relied on private lawsuits for enforcement. The offended person had to hire and pay an attorney during a judicial process that ordinarily took more than year, involving expensive investigations, pre-trial procedures, hearings and trials, at a personal cost of \$250 to \$2500. If the lawsuit was successful, the plaintiff usually did not get to move into the desired home or apartment, which, in all likelihood, was no longer on the market. Instead, the plaintiff received a monetary settlement, a minimal amount—\$250 to \$500—that often failed to meet the cost of litigation, let alone compensate for the time and effort expended.¹⁰⁸

¹⁰⁷ Gallegos, “Equity and Diversity,” 18.

¹⁰⁸ Malcolm Burnstein, “How Fair Is ‘Fair Housing?’,” *The Liberal Democrat* (February 1963): 8. Unruh provided minimum damages of \$250 and Hawkins \$500, but plaintiffs rarely received more than the minimum.

Entailing a process that was too expensive for the majority of California's nonwhite residents, the Unruh and Hawkins Acts primarily benefited minority professionals. As liberal journalist Malcolm Burnstein noted, "To consider it a practical possibility that the average ghetto-dweller, usually discriminated against economically as well as in the realm of housing, can undertake the expense of such a proceeding is a delusion. Perhaps a few Negro doctors and lawyers can afford to get themselves assimilated into the white community this way, but they have the easiest time of it and the most adequate housing even without the law."¹⁰⁹

The Unruh and Hawkins acts thus did little to change California's racial geography.¹¹⁰ Governor Brown created a high-profile Advisory Committee on Housing Problems to study the situation. The committee reported that the requirement that victims enforce the act through private litigation was a substantial burden.¹¹¹ In addition, the committee noted that Unruh and Hawkins Acts did not apply to the majority of housing discrimination: the private transactions that maintained segregation in apartments and houses. Liberals and Democrats responded by attacking these personal acts of discrimination, which they saw as deforming the private market.

The 1962 election enabled a stronger fair housing bill. Democrats and liberals increased their control over house, and civil rights supporter Pat Brown was re-elected as governor. Assemblyman Byron Rumford introduced what came to be known, after him, as the Rumford Act.¹¹² Like many liberals, Rumford wanted to shift the onus of enforcing

¹⁰⁹ Ibid., 12.

¹¹⁰ Ibid., 7.

¹¹¹ Governor's Advisory Committee on Housing Problems, *Housing in California*, January 1963, 67, Carton 57, Folder 69, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

¹¹² There had been previous scattered attempts at strong fair housing legislation, including Assembly Bill 3979 of 1957, which would have endowed the state with greater enforcement powers, and bills introduced

the law to the state. Instead of costly court proceedings, he proposed that a state commission handle the cases rather than the courts.¹¹³ The Rumford Act passed the legislature on June 21, 1963.¹¹⁴ The act extended coverage to more kinds of real estate transactions and it empowered the state's Fair Employment Practices Commission to enforce the law.¹¹⁵

Burnstein described it as “an important, but far from radical, step toward an end to racial barriers.”¹¹⁶ As with Hawkins and Unruh, Rumford primarily helped middle class African Americans. At the urging of Mexican American civil rights groups, the commission appointed a Mexican American member, Louis Garcia of MAPA, an attorney from San Francisco. His presence was intended to encourage Mexican Americans who faced housing discrimination to bring their complaints to the commission. Most complaints, however, came from African Americans. In the first year, most complaints came from middle class African American apartment seekers in metropolitan counties. No complaint was filed in 38 California counties. In its newsletter, the Fair Employment Practices Commission offered an example of a typical plaintiff under the act: “He is a Negro under 45 years of age. He and his wife both work as professionals or semi-professionals. Both are more highly educated than the average citizen and usually have one or more degrees. The family is small and its income is above

earlier by Rumford himself. Thomas W. Casstevens, *The Politics of Housing and Race Relations: California's Rumford Act and Proposition 14* (Berkeley: Institute for Governmental Studies, June 1967), 2-3, Institute for Governmental Studies Library, University of California, Berkeley.

¹¹³ *Ibid.*, 13.

¹¹⁴ A majority of Republicans supported the bill in assembly; no Democrats in assembly voted against it. In the senate, two Democrats voted against it, and no Republicans voted for it. *Ibid.*, 38.

¹¹⁵ The enacted version of the bill was much narrower than that which Rumford introduced into the assembly. The bill was subject to compromise and negotiation to appease conservative Democrats, such as Luther Gibson, chair of the Government Efficiency Committee, which handled the bill and was known as “the graveyard of almost all civil-rights legislation reaching the Senate.” The well-publicized defeat in Berkeley of a local fair housing act also intimidated legislators advocating a stronger bill. “The Election and the New Legislature,” *The Liberal Democrat* (December 1962): 4.

¹¹⁶ Malcolm Burnstein, “Danger for the New Housing Law,” *The Liberal Democrat* (September 1963): 7.

that of most middle-class households.”¹¹⁷ As researcher Thomas Casstevens noted, “Thus, in practice, the Rumford Act chiefly assisted the middle-class Negro.”¹¹⁸

Several government reports noted that the Rumford Act did not begin to address the larger structures shaping metropolitan racial patterns. Above all, suburban zoning and land use regulations shaped California’s racial geography. In a staff report on fair housing, Lester A. McMillan, chairman of the State Assembly Committee on Governmental Efficiency and Economy, noted that racial discrimination was not the only cause of suburban segregation; “The sheer cost [of suburban housing] is often prohibitive to Negroes and others. The price of housing in the suburbs and the land use regulations there have tended to reduce the movement of poorer persons, both black and white.”¹¹⁹

In a memo, Marshall Kaplan, report coordinator for the state housing commission, acknowledged the importance of suburbia’s economic geography. “Too often,” wrote Kaplan, “the proponents of anti-discrimination legislation forget the fact that even if all the artificial walls (built by fear and prejudice) come tumbling down, the low income of the minority family would preclude freedom of choice with respect to housing.”¹²⁰ People with annual incomes under \$7,000 could not afford most new housing. FHA funding went to people with higher incomes; indeed only 16 percent of homebuyers receiving FHA financing had incomes lower than \$7,000. Only 4 percent of nonwhite individuals had incomes over \$7,000 (86 percent had incomes less than \$5,000). “Thus,” concluded Kaplan, “even without the practices of discrimination, most nonwhites would be

¹¹⁷ Fair Employment Practices Commission, *Fair Practices News*, no. 16 (February 1964); Casstevens, *The Politics of Housing and Race Relations*, 47.

¹¹⁸ Casstevens, *The Politics of Housing and Race Relations*, 47.

¹¹⁹ Lester A. McMillan, *Fair Housing in California: A Staff Report to the Assembly Committee on Governmental Efficiency and Economy*, June 1967, 10, Box 674, Pete McCloskey Papers, Hoover Institution Archives, Stanford University.

¹²⁰ Marshall Kaplan, “Housing Choice—the Wider Horizon”, circa 1963, Carton 58, Folder 24, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

excluded from the new housing market.” Kaplan pointed out that segregated landscape was about much more than individual acts of race discrimination by bigoted homeowners or real estate agents. In the growing suburbs, “price alone would exclude most minority households.”¹²¹

Kaplan acknowledged that housing affordable to nonwhite homebuyers was necessary for genuine racial desegregation, but the commission failed to propose any policies to make that a reality.¹²² Instead, the commission adopted a rhetoric of choice and markets that absolved the state of responsibility. “California’s disadvantaged housing consumers—faced with the choice of housing so limited that it is no choice at all—have one thing in common: low income.”¹²³ The problem was simply that “market processes” had “faltered or failed” these consumers.

In a speech to the FEPC, Mosk declared that housing legislation should enable “a rich variety of communities, with freedom of movement from one to another for all races, cultures, income groups, ages, colors, religions and types that have contributed to the creation and maintenance of this great country of ours.”¹²⁴ Yet, although Mosk mentioned housing for all income groups, he articulated no plan, free market or otherwise, to confer upon low-income persons the “freedom of movement” he lauded. The Rumford Act, certainly, would not provide that freedom. As researcher John Denton contended, “[T]he Rumford Act, of itself, will not provide housing for anyone. Economic force—purchasing power—alone will provide housing.”¹²⁵

¹²¹ Ibid., 1.

¹²² Ibid., 2.

¹²³ Governor’s Advisory Committee on Housing Problems, *Housing in California*, 5.

¹²⁴ Stanley Mosk, “Speech to California Committee for Fair Practices”, April 15, 1961, 6, Carton 7, Folder 17, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

¹²⁵ John H. Denton, ed., *Race and Property* (Berkeley: Diablo Press, 1964), 13.

The Right to Real Estate

After passage of the Rumford Act, the California Real Estate Association (CREA) and the California Apartment Owners' Association (CAOA) launched an initiative to repeal the new law. L.H. Wilson, president of CREA, said that CREA had fought the Rumford Act "every step of the way" and would not take it "lying down."¹²⁶ To direct the effort, CREA and CAOA formed a coalition, the Committee for Home Protection, a move both to organize their strategies together and distance their organization names from the struggle. The committee sponsored Proposition 14, an amendment to the California constitution that would not merely repeal the Rumford Act; it would prevent the state from ever passing fair housing legislation.

The Proposition 14 campaign presented the initiative as "an affirmation of traditional property rights."¹²⁷ John T. O'Neill, president of CAOA, rejected any suggestion that civil rights and property rights could be in conflict; there were, he contended, no rights other than property rights.¹²⁸ He declared, "*Your ownership of property, is the basis of all you are, all you have, and all you can hope to achieve. Therefore protect your property as though your life depended on it. It does!*"¹²⁹ Along with the Sacramento Real Estate Boards and the State Associations' Committee of the National Association of Real Estate Boards, CREA published a "Property Owners Bill of Rights" that called for a "crusade for freedom" on behalf of the homeowner, the "forgotten man" of American politics. "Militant minorities have organized and vocalized

¹²⁶ "California Law on Bias Assailed," *New York Times*, July 20, 1963.

¹²⁷ California Real Estate Association, Sacramento Real Estate Boards, and State Associations Committee of the National Association of Real Estate Boards, "Property Owners Bill of Rights!", 1963, 63, Carton 58, Folder 1, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

¹²⁸ McMillan, *Fair Housing in California: A Staff Report to the Assembly Committee on Governmental Efficiency and Economy*, sec. Appendix L.

¹²⁹ *Ibid.*

for equal rights, until ‘equal rights’ have almost become ‘special privileges,’ and this forgotten man lies neglected. He is the great, patient, passive majority, the working majority that pays for expensive government.”¹³⁰

It was hardly surprising that the campaign portrayed Proposition 14 as a property rights bill. Less well known is that Proposition 14 opponents also portrayed their cause with a discourse of property rights. State fair housing officials made property rights arguments in favor of fair housing. In 1963, Milton G. Gordon, recently appointed California Real Estate Commissioner, urged support for Rumford, especially from real estate industry and CREA.¹³¹ The issue, Gordon noted, was usually framed as civil rights versus property rights. But the right to dispose of property, he contended, meant little without the right to acquire property in the first place.¹³² Government was obligated, argued Gordon, to remove racial restrictions to property acquisition. The opportunity to consume housing came to be discussed in the most hyperbolic terms. Edward Howden, chief of the state Division of Fair Employment Practices, likened the Rumford Act to the Emancipation Proclamation, equating property in self to property in suburban real estate.¹³³ This was not simply an attempt to coopt the discourse of property rights. Rather, fair housing property rights arguments had been made for more than two decades.

The housing battle, said Gordon, was “a conflict of two cherished rights: the right to sell or lease real estate to whomever we please and the right to equal access to any real

¹³⁰ California Real Estate Association, Sacramento Real Estate Boards, and State Associations Committee of the National Association of Real Estate Boards, “Property Owners Bill of Rights!”.

¹³¹ Milton G. Gordon, “Commissioner Speaks on Fair Housing Issue,” *Real Estate Bulletin* (December 1963): 633–634.

¹³² Milton G. Gordon, “What Are the Obligations of Government to Resolve Such Conflicts as Exist in This Area (property Rights and Civil Rights)”, November 22, 1963, 6, Carton 71, Folder 9, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

¹³³ “S.J. Rights Board Lauded,” *San Jose Mercury*, October 23, 1963.

estate placed on the market.”¹³⁴ Free market rhetoric infused fair housing arguments. “The purpose of housing legislation and judicial decrees,” claimed California’s liberal attorney general, Stanley Mosk, “is to put all housing onto the open competitive market.”¹³⁵ Howden predicted, “when the free market becomes a commonplace in housing, most of those who once feared it will be asking why we waited so long.”¹³⁶ As with the property rights argument, fair housing proponents’ embrace of the free market was not new; it drew on decades of free market thinking in fair housing discourse.

With proponents and opponents alike embracing free market rhetoric, the major voices in the debate showed an incredible capacity to ignore the ways in which the state already regulated the housing market and limited homeowners’ property rights, primarily through zoning. Because of such regulations, suburban housing was unaffordable to most nonwhite Californians. The discourse of property rights, especially in its histrionic manifestations, disavowed the role of the state in shaping the housing market. In a pamphlet, Proposition 14 organizers said that the Rumford Act was akin to “Red fascism” or “Big-Brother government” because it limited private property rights.¹³⁷ Reed Robbins, regional vice president of CREA, said that with bills like Rumford, “Freedom will be relegated to the history books.”¹³⁸ In the voters’ guide, CAO and the Committee for Home Protection wrote that the Rumford Act amounted to a “seizure of private property.”¹³⁹ Proposition 14, they claimed, would require the state to “remain neutral” as

¹³⁴ Milton Gordon, “Preface,” in *Race and Property*, ed. John H. Denton (Berkeley: Diablo Press, 1964), 1.

¹³⁵ Mosk, “Speech to California Committee for Fair Practices,” 5.

¹³⁶ Howden, *Address to 1963 State Convention of Cal Apartment Owners’ Association*, 15.

¹³⁷ Casstevens, *The Politics of Housing and Race Relations*, 64.

¹³⁸ McMillan, *Fair Housing in California: A Staff Report to the Assembly Committee on Governmental Efficiency and Economy*, sec. Appendix K.

¹³⁹ Secretary of State, “Proposed Amendments to the Constitution” (California State Printing Office, 1964), Institute for Governmental Studies Library, University of California, Berkeley.

if it were somehow not involved in regulating the housing market.¹⁴⁰ The rhetoric implied that homeowners had lost, allegedly for the first time, absolute property rights, ignoring the myriad ways government shaped the housing market.

Few people noted that in all the talk about property rights, the government's long history of involvement had been erased. In a letter to a constituent in wealthy Portola Valley, San Mateo Representative Pete McCloskey contended that zoning limited property rights far more than fair housing legislation. "Would you not agree," he wrote, "that this is a very small restriction to place on one's property rights, far less intrusive, for example, than say the one-acre zoning law or a 50 foot sideyard setback?"¹⁴¹ John A. Buggs, executive director of the Los Angeles County Commission on Human Relations, found the property rights framing particularly problematic. Despite statements to the contrary, property owners had not been, for a long time, the sole judges of their property—"that was settled," wrote Buggs, "when the first zoning law was passed in this State." Just as a homeowner could not turn his suburban residence into a pig farm, neither could he construct a multiple-residence building in a neighborhood zoned for single-family homes. Just as a pig farm or multiple residences would harm "the general welfare" of the suburban community, argued Buggs, so would racial discrimination; there was no reason why racial discrimination should be exempt from the land use regulations that promoted community welfare.¹⁴² It was an argument against racial discrimination that insisted on the sanctity of suburban character and zoning, which it posited as an aspect of the suburban dream.

¹⁴⁰ Ibid., 18.

¹⁴¹ Pete McCloskey to Marian Setterfield, May 1, 1968, Box 78, Folder: "LEGIS: Judiciary, S2516 Open Housing Bill – ANTI," Pete McCloskey Papers, Hoover Institution Archives, Stanford University.

¹⁴² John A. Buggs, "The Real Issue in Real Estate", October 24, 1963, 1, Carton 58, Folder 4, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

CREA and CAO A were able to disavow the role of the state in the housing market by positioning the debate within the individual realm of emotions. Under the Rumford Act, said Reed Robbins, an individual who refused to sell his home to another could be prosecuted, but not for the refusal itself. “His crime,” said Robbins, “is what thoughts were in his mind when he refused.”¹⁴³ Because of the Rumford Act, owners had to defend themselves against lawsuits for “unlawful thoughts.”¹⁴⁴ By framing the issue as a matter of feelings rather than laws, CREA obscured the role of law and economic structures in the metropolitan landscape.

Framing fair housing legislation as an attack on “unlawful thoughts” served CREA and CAO A’s argument that morality could neither be legislated nor enforced by law. Many fair housing proponents rejected this suggestion. In a letter to the editor of the *Mercury*, San José residents Alfred H. Sporer and Ruth A. Sporer carried that argument to its logical conclusion: “Shouldn’t we abolish laws against stealing until we convert thieves in their hearts?”¹⁴⁵ But fair housing organizations, rather than CREA, made this suggestion, fair housing proponents accepted it. CREA and CAO A had merely borrowed the language of fair housing liberalism, which positioned segregation as a problem of individual feelings rather than the legal structure of the metropolis and which sought to change hearts and minds. “Integrated housing,” insisted a PAACOH pamphlet, five years before the Proposition 14 campaign, “is generally blocked by social rather than legal barriers.”¹⁴⁶ Only by ignoring the legal economic barriers that made most Palo Alto

¹⁴³ Reed Robbins, “A Critical Analysis of Anti-Discrimination Housing Laws,” in *Race and Property*, ed. John H. Denton (Berkeley: Diablo Press, 1964), 90.

¹⁴⁴ Secretary of State, “Proposed Amendments to the Constitution,” 19.

¹⁴⁵ “Heat Hasn’t Deserted ‘14’,” *San Jose Mercury*, November 12, 1964.

¹⁴⁶ Palo Alto Area Committee for Open Housing, “Paacoh,” 1.

neighborhoods unaffordable for most homebuyers of color could fair housing activists accept PAACOH's statement as true.

This emphasis on individual feelings of racism backfired when fair housing activists attempted to portray CREA and CAO A as agents of bigotry. Californians for Fair Housing tried to discredit the pro-14 camp by calling them racists.¹⁴⁷ "We must resist bigotry in California," declared an anti-Proposition 14 ad by the *Sunnyvale Standard*.¹⁴⁸ But the Yes on 14 campaign deployed people of color as supporters of the act to reassure white voters that they could still be modern and inclusive while supporting Proposition 14.¹⁴⁹ The tactic suggested how much racial discourse had changed since the open avowals of white supremacy in the prewar decades. In the 1960s, CAO A and CREA found it necessary to disavow racism, bigotry, and discrimination for political legitimacy. In the summer of 1963, CREA adopted a new policy stating that realtors merely served homebuyers and sellers as mediators, no more, no less; they were not responsible for any seller's acts of discrimination.¹⁵⁰

Local real estate industry organizations stated similar policies. The San José Real Estate Board declared that it opposed discrimination, but it disclaimed any responsibility for sellers' attitudes. Likewise, the Santa Clara County Contractors and Home Builders Association asserted that segregation was "not in the best interest of the city of San José."¹⁵¹ The Santa Clara County Apartment and Rental Property Owners Association stated, "We oppose discrimination in any form." (Yet the association's commitment was

¹⁴⁷ Casstevens, *The Politics of Housing and Race Relations*, 64.

¹⁴⁸ "We Must Resist Bigotry in California," *San Francisco Examiner*, January 7, 1964.

¹⁴⁹ Kurashige, *The Shifting Grounds of Race*, 263.

¹⁵⁰ National Association of Real Estate Boards, "Statement of Policy," in *Race and Property*, ed. John H. Denton (Berkeley: Diablo Press, 1964), 143–144.

¹⁵¹ Mid-Peninsula Council for Civic Unity, "Newsletter, Vol. 9", January 1961, 3, Carton 73, Folder 27, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

debatable, considering it also added, “There are plenty of places for members of minority races to live but some want to go where they are not acceptable.”)¹⁵²



Figure 7.3. Fair housing demonstration in Palo Alto. San Francisco Public Library.

Citizen pressure played a crucial role in shaping local fair housing politics. Palo Alto and several other South Bay suburbs saw fair housing demonstration, some with thousands of citizens.¹⁵³ In San José, one thousand residents joined a fair housing and civil rights march organized by the CSO, NAACP, and MAPA, timed to coincide with the March on Washington for Jobs and Freedom.¹⁵⁴ Local activists persuaded San José City Council to make a rejection of racial discrimination part of the San José municipal

¹⁵² Mid-Peninsula Council for Civic Unity, “Newsletter, Vol. 11”, November 1962, 4, Carton 73, Folder 27, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

¹⁵³ Mid-Peninsula Council for Civic Unity, “Newsletter”, February 1964, Carton 73, Folder 27, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley; Mid-Peninsula Council for Civic Unity, “Rally to Keep Integration”, October 1963, Carton 73, Folder 27, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

¹⁵⁴ Herbert G. Ruffin, “Uninvited Neighbors: Black Life and the Racial Quest for Freedom in the Santa Clara Valley, 1777-1968” (Ph.D. dissertation, The Claremont Graduate University, 2007), 382-383.

code.¹⁵⁵ In Palo Alto, 2,000 citizens signed an advertisement in the newspaper opposing Proposition 14. The Santa Clara County Council of Churches did likewise.¹⁵⁶

Many of these demonstrations were aimed at local real estate boards. At an inter-faith Conference on Religion and Race in Sunnyvale, 500 Catholic, Protestant, and Jewish clergy and laypeople, representing nearly every church and synagogue in Santa Clara County and southern San Mateo County, urged real estate boards to oppose Proposition 14 and support fair housing legislation.¹⁵⁷ The Santa Clara Valley Council for Civic Unity, San José Women's International League for Peace and Freedom, and the San José Human Relations Commission sent letters and telegrams to the San José Real Estate Board, urging the organization to oppose Proposition 14.¹⁵⁸ The Santa Clara Valley Council for Civic Unity encouraged homebuyers to patronize only those realtors who opposed Proposition 14.¹⁵⁹

When the several Midpeninsula Boards of Realtors met to decide their stand on Proposition 14, the *Palo Alto Times* urged them to support fair housing. In an editorial, the *Times* wrote that the laudable intent of fair housing laws was “that people of whatever race, creed or color should be able to buy or rent any available housing which they can afford.” The paper assured the Midpeninsula real estate boards that the thousands of local residents who had signed open housing pledges would support them, as would the

¹⁵⁵ City of San Jose, “Excerpt of San Jose Municipal Code”, March 24, 1964, Carton 72, Folder 39, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

¹⁵⁶ “Civic Leaders and Organizations Supporting the Rumford Law And/or Opposing the Initiative”, January 2, 1964, Carton 58, Folder 5, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

¹⁵⁷ “Race Issues Probe Planned,” *San Jose Mercury*, October 26, 1963; “County Churches Push Plan for Fair Housing,” *San Jose Mercury*, October 31, 1963.

¹⁵⁸ “S.J. Realty Bd. Votes for Rumford Act Repeal,” *San Jose Mercury*, November 1, 1963.

¹⁵⁹ Mid-Peninsula Council for Civic Unity, “Newsletter.”

churches, civic leaders, and civil rights groups.¹⁶⁰ Many local real estate boards responded to citizen pressure by opposing Proposition 14.¹⁶¹

The campaign against Proposition 14 popularized the open occupancy discourse in which racial barriers were artificial while economic barriers were legitimate. The campaign took a discourse that had developed among fair housing organizations and disseminated it, printed it in pamphlets and advertisements, and repeated it.

An Education in Minority Housing

The vote was a landslide victory for CREA and CAO. Voters supported Proposition 14 two to one statewide. The proposition carried 57 of the state's 58 counties and 361 of its 393 cities.¹⁶² The largest opposition to the initiative came from the South Bay, particularly Santa Clara County, where voters approved the bill but only narrowly.¹⁶³ Of the 32 cities where a majority of voters opposed Proposition 14, four were in Santa Clara County and two were in San Mateo County. Of the four cities larger than 25,000 that opposed Proposition 14, two—Palo Alto and Menlo Park—were in Santa Clara or San Mateo counties; the other two were Berkeley and Compton.¹⁶⁴ Residents from the Palo Alto area had contributed \$65,000 to oppose Proposition 14 and more than 2,000 residents had volunteered to go door-to-door to persuade neighbors to vote no. As a result, no city in Santa Clara County voted less than 42 percent against Proposition 14.¹⁶⁵

¹⁶⁰ "The Realtors' Big Opportunity," *Palo Alto Times*, November 21, 1963.

¹⁶¹ Raymond E. Wolfinger and Fred I. Greenstein, "The Repeal of Fair Housing in California: An Analysis of Referendum Voting," *The American Political Science Review* 62, no. 3 (September 1968): 762.

¹⁶² Casstevens, *The Politics of Housing and Race Relations*, 69–70.

¹⁶³ "Final County Election Tally," *San Jose Mercury*, November 9, 1964.

¹⁶⁴ Casstevens, *The Politics of Housing and Race Relations*, 69–70.

¹⁶⁵ Wolfinger and Greenstein, "The Repeal of Fair Housing in California," 762.

In the wake of Proposition 14's passage, the *San José Mercury* wrote that those who favored Proposition 14 would now be subject to acute scrutiny. CREA, CAO, and many others had insisted that they opposed discrimination; they merely opposed Rumford because they felt that the best way to attack discrimination was not through legislation but through voluntary efforts and education. Thus they were now "honor bound to end their own discriminatory practices." If they did not, they risked "being branded hypocrites." They were "in a put-up-or-shut-up position": if they really opposed discrimination, now they had to prove it.¹⁶⁶ In winning the vote, suggested the paper, CREA and CAO had lost any right to discriminate. "By their behavior," wrote Harry Ferrell, the *Mercury's* political journalist, of members the real estate industry, "they will let the State of California know whether they are truly the guardians of constitutional liberties that they have claimed to be, or whether they are the bigots that their no-on-14 foes said they were."¹⁶⁷ If CREA and CAO were right, then minority citizens should not have any trouble finding housing where they want. "On the other hand, if the immediate future brings a spate of 'hate' incidents, if respectable Negroes are snubbed, petitioned-against, and turned away from the homes they want, it can only be concluded that the yes-on-14 people were either wrong or insincere."¹⁶⁸

The *Mercury* argued that the campaign against Proposition 14 had an educational effect, engendering a cultural change in racial thinking. "[I]f the campaign just ended did nothing else," wrote Ferrell, "it provided California with an education in the troubles of Negroes and other minority group members, in their legitimate quest for good housing of their choice. All of us have had a post-graduate course in the subject of minority

¹⁶⁶ "It's Put-Up-or-Shut-Up Now," *San Jose Mercury*, November 10, 1964.

¹⁶⁷ Harry Ferrell, "After 14: Put Up - Or Else," *San Jose Mercury*, November 8, 1964.

¹⁶⁸ *Ibid.*

housing.”¹⁶⁹ Respected clergy, of all denominations, had supported fair housing, and the *Mercury* agreed that their position was morally right.¹⁷⁰ “Thus among people of good will there should not be much punch left in old-fashioned notions that it is somehow degrading or humiliating to sell, rent or live next door to a Negro, no matter how fine a citizen he may be.”¹⁷¹

In letters to the editor of the *San José Mercury*, disappointed locals said the vote reflected racism and bigotry, tarnishing California’s liberal reputation. Maxine Makepeace Clarke, a white woman who had grown up in the South, wrote that she had moved to California in 1952 to get away from “sickness of segregation.” “After the South, it was like a Garden of Eden to me, a Utopia where people could know and accept each other as people without artificial, discriminatory barriers.”¹⁷² But with the vote on Proposition 14 California had succumbed to the sickness. Santa Clara homeowner C.M. Larsen wrote, “For myself, knowing that Negroes and Jews and Catholics and Mexican-Americans and Japanese-Americans and others will be discriminated against, I am determined that, when and if I rent or sell my home, I will discriminate in favor of minority groups.”¹⁷³ Like other liberal proponents of fair housing, these letter writers reduced the issue to individual actions in a market in which race was the only “artificial” barrier.

Fulfilling the *Mercury*’s claim, CREA president Art S. Leitch invited Proposition 14 opponents to join him in a voluntary effort to ensure equal housing opportunity. In San José, H.A. Vollenweider, president of San Jose Real Estate Board, pledged its support to

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

¹⁷¹ Ibid.

¹⁷² “Vote on ‘14’: The Reaction,” *San Jose Mercury*, November 9, 1964.

¹⁷³ “Heat Hasn’t Deserted ‘14’.”

end racial discrimination in housing. “The controversy over Proposition 14.” Said Vollenweider, “has given the people of California the opportunity to examine this problem. We are confident they will voluntarily get on with the job of insuring better housing opportunity for all now that the threat of intimidation is removed.”¹⁷⁴ As the *Mercury* had predicted, fair housing politics committed the real estate organizations to an anti-discrimination stance, at least publicly.

Proposition 14 had a limited impact on state policy. In 1966, in the case of *Reitman v. Mulkey*, the California Supreme Court ruled Proposition 14 unconstitutional, followed by the US Supreme Court in 1967. The Supreme Court case constitutionalized the discourses that emerged from the battle. Before the court, fair housing proponents articulated those ideas that had become central to fair housing discourse. In an amicus brief, Mosk drew on property rights discourse, asserting that Proposition 14 aimed to protect only “one aspect of property rights, the right to sell, lease, or rent real property. It was enacted at the expense of an equally important aspect of property rights, the right to acquire and possess real property.”¹⁷⁵

CREA and CAO, meanwhile, found themselves arguing that the primary reason for residential segregation was not racial bigotry but economic inequality. Nonwhites in California were significantly poorer than whites, hindering their ability to buy suburban homes, as the Governor’s housing commission had noted. But, replied fair housing proponents in an amicus brief, “even where non-whites have the income to purchase homes, they are often deprived of the opportunity of doing so due to the erection of

¹⁷⁴ “Realtors Call for Volunteer Effort on Equal Housing,” *San Jose Mercury*, November 8, 1964.

¹⁷⁵ Stanley Mosk, “Brief of the State of California as Amicus Curiae”, 1967, 11, *Reitman v. Mulkey*, Law Library, Library of Congress, Washington, DC.

discriminatory barriers.”¹⁷⁶ A state study had determined that with the Rumford Act, nonwhite households who made more than \$7,000 a year would buy, as a group, twice as many homes.¹⁷⁷ But only 4 percent of California’s nonwhite households made that much.¹⁷⁸ The sphere of fair housing had shrunk to a small number of people.

In the majority opinion, the Supreme Court adopted the liberal position on housing discrimination, identifying Proposition 14 as a governmental endorsement of individual practices of racial bigotry. After Proposition 14, wrote Justice Byron White, “The right to discriminate is now one of the basic policies of the State.” That right, moreover, was now “immune from legislative, executive, or judicial regulation at any level of the state government.”¹⁷⁹ In a concurring opinion, William O. Douglas alleged that Proposition 14 effectively delegated zoning decisions to residents and real estate institutions. Douglas noted that control over housing markets was a spatial practice, making housing a commodity of unique importance in American government. Although the law prohibited the state from creating residential districts based upon race, Proposition 14 permitted residents and real estate institutions to practice racial zoning.¹⁸⁰

Free—If They Have the Money

As the Supreme Court found Proposition 14 unconstitutional, fair housing legislation spread from California. By 1967, 22 states and 84 cities had adopted fair housing acts. The US Congress took up the issue, passing in 1968 the Fair Housing Act,

¹⁷⁶ “Brief for the State of New York as Amicus Curiae”, 1967, 7–8, *Reitman v. Mulkey*, Law Library, Library of Congress, Washington, DC.

¹⁷⁷ *Ibid.*, 8.

¹⁷⁸ Kaplan, “Housing Choice—the Wider Horizon.”

¹⁷⁹ *Reitman v. Mulkey*, 387 U.S. 369 (1967).

¹⁸⁰ *Ibid.* (Douglas, W.O., concurring).

which prohibited discrimination on the basis of race, color, religion, sex, and national origin in the sale or rental of housing.

Walter Mondale led the bill through the Senate. He adopted the discourse of fair housing that had developed over the previous decades. The act, he assured in a Senate speech, would not generate “a deluge of Negroes into white neighborhoods.... The number of Negroes in previously all-white areas of the city is regulated strictly by their ability pay.”¹⁸¹ The fundamental purpose of the legislation, he insisted, was to enable middle-class people of color to purchase homes. The Senate adopted the market based thinking of the fair housing activists. The goal of liberal fair housing law was to structure the market in such a way that business people—landlords, real estate agents, homebuilders, and others—would have no incentive to discriminate racially. Mondale reified the “laws” of the market as if the state had not structured the market. “We readily admit that fair housing by itself will not move a single Negro into the suburbs—the laws of economics will determine that.”¹⁸² Mondale assured that “the laws of supply and demand will take care of who moves into what house in which neighborhood.” Yet nonwhite Americans would know “that they are free—if they have the money and the desire—to move where they will.”¹⁸³ That Mondale could so easily make a statement like “free—if they have the money” indicated how much had changed in the way people thought about race, class, markets, housing, and freedom.

At the local level, of course, many homeowners objected to the Fair Housing Act. Still resistant to fair housing, many San Mateo County residents wrote to their US Representative, Pete McCloskey. A former Deputy District Attorney for Alameda

¹⁸¹ Mondale, “Interference with Civil Rights.”

¹⁸² *Ibid.*, 3422.

¹⁸³ *Ibid.*

County, McCloskey had spent twelve years practicing law in Palo Alto, occasionally lecturing on legal ethics at Santa Clara University and Stanford, when he decided to run for Congress. Running as a moderate Republican, McCloskey was elected in a special election after the death of the incumbent representative, J. Arthur Younger. He quickly earned a reputation as one of the GOP's foremost liberals. McCloskey supported Rockefeller in the 1968 Republican primary; he was the first representative to call for Nixon's impeachment and the first to call for the repeal of the Tonkin Gulf Resolution; he co-chaired the first Earth Day in 1970; and he co-authored the Endangered Species Act. In 1972, he ran against Nixon in the Republican primary, portraying himself as the representative of true Republicanism.

One of the first major bills he voted on was the Fair Housing Act. In April of 1968, McCloskey released a statement explaining his support for the fair housing bill. "Outside of California," he asserted, "one of the gravest of our national problems is the continued discrimination against the minority races" in the sale and rental of housing. He reassured his constituents that "the federal fair housing law will not materially affect Californians since the law expressly does not apply in states where the state law provides substantially similar remedies to the aggrieved individual."¹⁸⁴

Despite his attempts to assuage constituents, McCloskey's support for the Fair Housing Act put him in a tricky situation with his district's real estate professionals, who were organized and politically powerful. He met with them frequently, they donated to his campaign, and they wrote to him often. When he was running for office, he met with

¹⁸⁴ Pete McCloskey, "Statement Regarding Fair Housing Bill (HR 2516)", April 9, 1968, Box 78, Folder: "LEGIS: Judiciary, S2516 Open Housing Bill – ANTI," Pete McCloskey Papers, Hoover Institution Archives, Stanford University.

the San Mateo-Burlingame Board of Realtors, who asked him if he would support fair housing legislation. At that point, he said he would not.¹⁸⁵

His support also put him in a tricky situation with his constituents. Many of his constituents were not pleased with this policy stance; one wrote to McCloskey that he was “horrified” that McCloskey said he would support the Fair Housing Act.¹⁸⁶ At a fundraising banquet in March of 1968, at which dinner was \$100 per plate, McCloskey discussed fair housing legislation with Lee S. Marks, a real estate appraiser from San Mateo who corresponded with him frequently. McCloskey admitted to Marks that he had received many letters and telegrams about the Fair Housing Act. They opposed the act at a ratio of eight to one.¹⁸⁷

The letters made the usual arguments about property rights.¹⁸⁸ Some made blatantly racist arguments; for instance, Charles Vogel of San Mateo asserted that many nonwhites were “not yet sufficiently developed” to be citizens, let alone developed enough to live in his suburban neighborhood.¹⁸⁹ Most letter writers perceived fair housing legislation as a threat, describing it as “blackmail” and “robbery” and comparing civil rights activists to criminals and even Hitler.¹⁹⁰ Said a constituent from Burlingame, “The negro is certainly insulting the white man and his neighborhood by the attempt to

¹⁸⁵ A.L. Leavitt to Pete McCloskey, April 18, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University.

¹⁸⁶ Mason W. Franklin to Pete McCloskey, April 2, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University.

¹⁸⁷ Lee S. Marks to Pete McCloskey, April 3, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University.

¹⁸⁸ Mrs. Stanley N. Swenson to Pete McCloskey, March 31, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University.

¹⁸⁹ Charles Vogel to Pete McCloskey, April 10, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University.

¹⁹⁰ Mel McCarn to Pete McCloskey, April 7, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University; Lee S. Marks to Pete McCloskey, April 23, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University.

purchase and move into a white area. A move such as this, under threat of legal reprisals, is an insult of such magnitude that it cannot be condoned by any white property owner.”¹⁹¹ Marks, referring to a front page story in the *San Mateo Times*—an article about three black men who broke into an elderly white couple’s home in Redwood City, raped the woman, and stole meat, vegetables, and a turntable—wrote, “I wonder how proud the members of congress feel about this first result of the Civil Rights bill.”¹⁹²

Laced with white supremacy, the letters revealed a sense of victimization and frustration. Many of the letters accused McCloskey of not representing his constituents and going against the will of the people, particularly white people.¹⁹³ “You are a white representative from a predominately white district and should think and act like a white representative should.”¹⁹⁴ One disgruntled constituent wrote to McCloskey that fair housing legislation was “fascist,” the result of a “mobocracy” of Nazis, Socialists, and Marxists, all combined.¹⁹⁵ David Magowan, Jr., of San Mateo, wrote, “It was and *still* is my impression that you are *supposed* to be the representative, not the gauleiter, of the

¹⁹¹ Charles Douglas to Pete McCloskey, April 2, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University.

¹⁹² Lee S. Marks to Pete McCloskey, May 6, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University.

¹⁹³ John G. Saffery to Pete McCloskey, April 26, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University; C.L. Stimson to Pete McCloskey, April 19, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University; *ibid.*; Eleanor J. Wes to Pete McCloskey, April 10, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University; Dana C. Payne to Pete McCloskey, May 20, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University; Curtis C. Clarkson to Pete McCloskey, March 6, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University; Curtis C. Clarkson to Pete McCloskey, April 8, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University; Ralph W. Plæ to Pete McCloskey, April 22, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University.

¹⁹⁴ Douglas to McCloskey, April 2, 1968.

¹⁹⁵ Parker Wetzel to Pete McCloskey, April 2, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University.

people of the 11th district.”¹⁹⁶ Fair housing legislation challenged these white homeowners’ understanding of democracy, premised on the rule of a white majority.

Perceiving themselves as victims of fair housing legislation, letter writers advanced a populist argument to restore the balance of power. Herman G. Thielscher of Menlo Park said that homeowners “do not have a Martin King to propagandize their plight and can only look to their representatives to take care of their needs.”¹⁹⁷ One homeowner wrote, “The middle class will take to the streets—then we will really have something to worry about won’t we?”¹⁹⁸ A. L. Leavitt, a real estate broker from San Mateo, wrote to McCloskey, “Perhaps the property owners of this nation, who have so much at stake, should commence demonstrating as a means to intimidate congressional votes in their favor.”¹⁹⁹

The populist position was also an economic one that, according to letter writers, distinguished voters from representatives like McCloskey. A letter from Henry A. Wiesman emphasized the economic dimensions of suburban fair housing. Wiesman complained to McCloskey that the Fair Housing Act would cost him thousands in lost property values. “When this area is integrated,” he wrote, “it will become a slum area like East Palo Alto and we will lose 6 to 7000 dollars of our hard earned money.” Class served as a barrier. “YOU can afford to be generous as YOU live on a large estate surrounded by acres of land and no one of the minority group except the well educated professional class could afford to purchase property in YOUR area.” “You are a

¹⁹⁶ David Magowan, Jr. to Pete McCloskey, April 15, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University.

¹⁹⁷ Herman G. Thielscher to Pete McCloskey, April 8, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University.

¹⁹⁸ Wies to McCloskey, April 10, 1968.

¹⁹⁹ Leavitt to McCloskey, April 18, 1968.

hypocrite when YOU recommend ‘YOU AND JIM INTEGRATE’ but not ME. Until you sell your plush home and move to an integrated neighborhood YOU are in no position to recommend that WE be subject to that environment.’²⁰⁰

Many constituents threatened McCloskey with losing their votes at the primary or general election.²⁰¹ John G O’Hara, a Burlingame business executive, wrote, “I think you will find that the greater majority of voters in your district agree with us and you can rest assured that any elected official who does vote for any bill of this type will be vigorously opposed for re-election!”²⁰² Several threatened to switch their party affiliation.²⁰³ Surveying his letters, McCloskey joked dryly, “My vote was not one of political expediency.”²⁰⁴

In spite of the vehement letters, McCloskey’s fair housing stance was not a major risk in his district’s evolving political culture. McCloskey believed that if his constituents truly understood the act, they would support it.²⁰⁵ His vote, he claimed, was not necessarily against the will of his constituents. Although the county as a whole had supported Proposition 14, southern San Mateo County had voted against the initiative 2 to 1. Moreover, many people had changed their minds since the 1964 vote. Even Ronald

²⁰⁰ Henry A. Wiesman to Pete McCloskey, April 21, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University.

²⁰¹ Harmon J. Hallett to Pete McCloskey, April 9, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University; John A. Laird to Pete McCloskey, April 22, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University; LaRae Boak to Pete McCloskey, April 11, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University; Franklin to McCloskey, April 2, 1968; Hugh H. Smith to Pete McCloskey, March 5, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University.

²⁰² John G. O’Hara to Pete McCloskey, April 11, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University.

²⁰³ Smith to McCloskey, March 5, 1968.

²⁰⁴ Pete McCloskey to A.L. Leavitt, April 18, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University.

²⁰⁵ Pete McCloskey to Dana C. Payne, May 31, 1968, Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill – ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University.

Reagan, who had supported Proposition 14, had come to endorse fair housing.²⁰⁶ Many people wrote in protest to McCloskey, but most of his constituents observed the Fair Housing Act in silence; after all, it would not affect them. Most accepted the goals of fair housing legislation as common sense. Despite the threats, McCloskey won the primary, and, in the 1968 election, he won 79.4 percent of the vote, while San Mateo County favored Humphrey for president. His moderate Republicanism was popular in the area. He was reelected to the next seven congresses, remaining in Congress until 1983, when he ran unsuccessfully for the US Senate. Over the next decades, no serious movements surfaced to repeal the act. In fact, Congress eventually strengthened it.²⁰⁷ Fair housing came to be accepted in political culture, policy, and law.

Conclusion

Fair housing groups continued to monitor racial discrimination in housing, and throughout the 1970s, they continued to find instances of racial discrimination, primarily in apartment rentals. But the context of fair housing politics had changed. A 1955 study of white attitudes in Bay Area suburbs found that while many whites would accept one or two nonwhite families of their same economic status in their neighborhoods, few whites were comfortable living in neighborhoods with more than five nonwhite families, and about half would not buy a house in a neighborhood with a single nonwhite family.²⁰⁸ By the end of the 1960s, this had shifted slightly but significantly. Most white residents were then willing to live in a neighborhood with a few nonwhite families of similar economic

²⁰⁶ Pete McCloskey to David Magowan, Jr., May 23, 1968, Box 78, Folder: "LEGIS: Judiciary, S2516 Open Housing Bill – ANTI," Pete McCloskey Papers, Hoover Institution Archives, Stanford University.

²⁰⁷ On the other hand, the Adequate Housing Act, which would have provided more affordable housing in metropolitan areas, went nowhere. Charles M. Lamb, *Housing Segregation in Suburban America Since 1960: Presidential and Judicial Politics* (New York: Cambridge University Press, 2005), 181–188.

²⁰⁸ Davis McEntire, "A Study of Racial Attitudes in Neighborhoods Infiltrated by Non-Whites", 1955, Box 70, Folder 4, NAACP papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

and educational status. As a constituent wrote to McCloskey, “at least in this area I have observed that those [people of color] who move into better areas are fairly well received and liked.”²⁰⁹ While that may seem meager, it reflected a significant shift in group identities and their relationship to metropolitan space.

After the Proposition 14 vote, Mary Davey and Elizabeth “Jing” Lyman, the wife of Stanford professor (and later provost and president) Richard Lyman, founded the Mid-Peninsula Citizens for Fair Housing. Liberals from Palo Alto and Los Altos Hills, Davey and Lyman worked for open housing. Lyman recalled residents responding, “I have nothing against a black family living next door, but I don’t want a complex of them.”²¹⁰ Such responses reflected the economic assumptions that had come to dominate fair housing discussions. A nuclear family next door—presumably, in these neighborhoods, a well-educated, professional family—was acceptable, while an apartment complex threatened the image of suburban exclusivity.

By insisting on economic qualifications for suburban residence, the Valley’s white middle-class suburban voters, who increasingly supported liberal political causes, were able to support the moral claims of civil rights activists—especially their attack on residential segregation—without forfeiting the privileges of suburban exclusivity that had come to be central to their conceptions of citizenship. Fair housing, as it developed in the suburban South Bay, was a peculiarly exclusionary program of civil rights, legitimizing new forms of metropolitan segregation. Fair housing politics were suffused with a consumer and commodity logic. Fair housing activists articulated a faith in the market as

²⁰⁹ L.M. Edwards to Pete McCloskey, n.d., Box 78, Folder: “LEGIS: Judiciary, S2516 Open Housing Bill—ANTI,” Pete McCloskey Papers, Hoover Institution Archives, Stanford University.

²¹⁰ Elizabeth Lyman, “Affidavit in Support of Motion for Summary Judgment”, October 28, 1969, 135, *Hayes v. San Mateo*, Law Library, Library of Congress, Washington, DC.

solution to housing inequality. As the next chapters show, working-class residents articulated an alternative vision, challenging both the racial as well as the economic structures of exclusion in the metropolis.

Chapter 8

Poverty Dreams

The American Dream, for many, is summed up in six words: a nice home in the suburbs. Many make this a reality, but many do not—or, rather, cannot. “Too often the poor can *only* dream,” said Ignacio Lopez, special assistant to the secretary of Housing and Urban Development; “their dreams seem beyond reach.” Lopez was speaking at the 1973 groundbreaking ceremony for a new low-income housing project, Villa Las Robles, for the Mexican American community of Union City, California, a working-class suburb situated between San José and Oakland. A mariachi band entertained the many dignitaries—government representatives, civil rights organizers, and religious leaders, including a priest who blessed a shoebox of dirt from the project site—who attended the celebration. Over abundant Mexican food, they praised the hard work of the local Mexican American community that made the project possible. Edward Rutledge, the former director of the National Coalition Against Discrimination in Housing, said in English and Spanish that the locals, by “refusing to let their dream die,” had won a victory not only for themselves but also “for people all over our land.”¹ The poor, said Lopez, quoting Cervantes, were like “*un ave sin rumbo, un pajarito sin nido*”—a bird

¹ “SASSO Project Breaks Ground,” *Trends in Housing* 17, no. 2 (April 1973): 4.

without a destination, a bird without a nest. In Union City, however, thanks to the hard work of Mexican American housing activists, Villa Los Robles would be that nest.²

Situated in southern Alameda County, Union City was a new municipality, incorporated during the suburban land rush of the 1950s. Formerly an agricultural area with small residential and market districts, Union City saw a massive increase in population after incorporation, as developers rushed in to cater to the suburban boom. While most of its previous residents had been Mexican American, almost all of the residents buying homes in the new subdivisions were white.

As the suburbs grew into the barrios, long-term residents fought displacement by demanding affordable housing in a lawsuit that generated a landmark decision in the law of zoning, raising hopes—and fears—from California to New Jersey. The case—*SASSO v. Union City*—challenged the laws that had insulated suburbs from economic critiques since the Supreme Court’s 1926 *Euclid* decision. Suburban governments had used economic exclusivity to preserve white privilege, but with *SASSO* white privilege strained and mutated. The court hinted that class could no longer operate as a mechanism to preserve white privilege and that white middle-class residents had to share their suburban dreams with poor people of color.

The movement for affordable housing in Union City demonstrates that local Chicano activists and local governments were central actors in the history of affordable housing in the suburbs. Christopher Bonastia argues that the institutional home of the Department of Housing and Urban Development limited meaningful suburban

² Ibid.

desegregation.³ Yet local voters and local governments, regardless of HUD's institutional home, determined the scope of federal housing programs. Chicano organizations, moreover, challenged the rules that limited HUD.

Two Societies, Side by Side

Union City was a small town that incorporated in 1959, out of two semi-rural Mexican American communities, Decoto and Alvarado, separated by three miles of agricultural land. When the neighboring city of Hayward indicated its desire to annex the communities, a coalition led by the owner of a large nursery and the managers of a nearby steel factory and a sugar processing plant protested, filing for incorporation as a separate municipality. Local voters approved incorporation, electing the incorporation leaders to city council, where they appointed as the city's first mayor nursery owner Tom Kitayama. The first Japanese American to hold public office in California, Kitayama encouraged rapid industrial and residential growth.⁴ In the decade after incorporation, the population tripled, as new residents arrived from both Oakland and San José.⁵ Southern Alameda was the fastest growing part of the county. Like its neighbors Hayward and Fremont, Union City grew extremely rapidly, more rapidly than Alameda County as a whole.⁶ With rapid suburbanization, the Mexican American share of Union City's population declined from 80 percent to 35 percent by 1968.⁷

Decoto was the first community that Cesar Chavez had organized independently.

The CSO had worked with white suburban residents for spatial justice. The coalition only

³ Christopher Bonastia, *Knocking on the Door: The Federal Government's Attempt to Desegregate the Suburbs* (Princeton: Princeton University Press, 2006).

⁴ "Endorsements by Review," *The Daily Review*, April 9, 1962; Timothy Swenson, *Union City* (San Francisco: Arcadia Publishing, 2008), 7, 99.

⁵ "US Court Refuses to Stop Zone Vote," *Trends in Housing* 8, no. 5 (July 1969): 2.

⁶ Geoghegan, "Application for Planning Grant, Model Cities Program, City of Union City," II, 1.

⁷ *Ibid.*, I, 1.

held, however, while whites were in the minority. Soon whites outnumbered Mexican Americans, as developers created new subdivisions, with thousands of homes, catering to middle-class white homebuyers. Anglo newcomers saw no need to work with the CSO or other barrio political organizations, shifting the local politics of power and accommodation on the rural-urban fringe.

In Union City, Mexican American and white residents shared, for a brief period in the 1950s and 1960s, a common ground, where diverse residents sought similar solutions to similar problems. In spite of racial and economic differences, white and Mexican American residents organized to bring the promises of the postwar welfare state to Union City. This became difficult, however, after Union City became a majority white suburb. Whereas civic power had been, for Mexican American residents in the 1950s, a genuine possibility, by the 1970s it was not.

Subdivisions and industrial tracts clustered around Decoto, while Alvarado remained relatively rural.⁸ John Geoghegan, city manager of Union City, stated that as a result of suburbanization around Decoto, “two societies, one Mexican and one Anglo, reside side by side with great disparity of economic well-being and cultural differences between them.”⁹ The landscape was sharply segregated. In 1960, the census tract with the highest percentage of Spanish-surname residents in the Bay Area was adjacent to a census tract that was 99.5 percent whites without Spanish surnames. In 1970, the census tract covering old Decoto remained 85.6 percent Mexican American.¹⁰ “Union City is a community of contrasts,” stated Geoghegan; “the two older neighborhoods of Alvarado and Decoto with deteriorated buildings, obsolete commercial facilities and pock-marked

⁸ Ibid., sec. I, p. 1.

⁹ Ibid., I, 2.

¹⁰ U.S. Bureau of the Census, *1970 Census*, n.d., www.socialexplorer.com.

streets without curbs, gutters, and sidewalks in contrast to newly developed subdivisions and an industrial park with high physical standards.”¹¹

The average income in Decoto was half that of nearby suburban tracts with majority white populations, and unemployment was five times as high, in part a legacy of agricultural and industrial change.¹² As elsewhere in the South Bay, suburbanization built over agricultural land that had provided employment for the Mexican American community. Union City’s government encouraged the replacement of farms with houses. In 1962, the city council created a master plan that placed all agricultural land into a holding category, later to be rezoned for residential use, primarily single-family homes, upon developers’ request.¹³ Mexican Americans in Union City had disproportionately low education levels, they lacked job-training opportunities, and they held the lowest paying jobs.¹⁴ Most of the area’s Mexican Americans had worked in agriculture.¹⁵ Job opportunities were declining in agriculture while new industries had little use for Mexican Americans who had low education levels. Although the area saw a suburbanization of light industry, the unemployment rate increased from 15 percent in 1960 to 20 percent in 1967.¹⁶ Many of the new industrial companies discriminated against Mexican Americans in their hiring practices.¹⁷

Decoto and Alvarado were neighborhoods of single-family homes, most of them in disrepair and several built by hand.¹⁸ A 1966 survey by the Economic Opportunity

¹¹ Geoghegan, “Application for Planning Grant, Model Cities Program, City of Union City,” III F, 1.

¹² U.S. Bureau of the Census, *1970 Census*.

¹³ “Brief for Appellants”, n.d., 7, Subseries b, Box 15, Folder 6, Ernesto Galarza Papers, M0224, Department of Special Collections, Stanford University Libraries, Stanford, California.

¹⁴ *Ibid.*

¹⁵ Geoghegan, “Application for Planning Grant, Model Cities Program, City of Union City,” II, 4.

¹⁶ *Ibid.*, III, 1.

¹⁷ *Ibid.*, III, 6.

¹⁸ *Ibid.*, I, 3.

Agency found that no residents of Decoto or Alvarado had moved there since incorporation; most had lived there since 1945 or earlier.¹⁹ Already by 1960, 40 percent of barrio housing was dilapidated or deteriorated, a condition unlikely to improve as Mexican American incomes declined and as repair and rehabilitation prices increased.²⁰ Surveying the barrio, officials noted that 150 occupied units were “so seriously deteriorated that they should be demolished immediately, and up to 500 units will require condemnation within the next few years.” While city planners considered demolishing the deteriorated structures in an urban renewal program, they were hampered by an inability to construct affordable housing in the city in which to relocate displaced residents. Neither could they enforce housing codes in the barrios, they admitted, “because of the absence of any suitable low rent relocation housing within the city.”²¹ Facing such housing pressures, families survived as best they could. An extended family of seventeen, children, parents, and grandparents lived in a two-bedroom house. A family of eleven lived in a three-room shack. Families of five lived in cars.²²

City leaders realized they faced a crisis. After only five years of guiding development according to the 1962 master plan, the problems of the plan were evident. Poverty and inequality had increased. “[T]he residents of both Decoto and Alvarado,” stated Geoghegan, “are being by-passed economically, socially, and culturally as participants in the American Dream.”²³ According to Geoghegan, part of Mexican American culture was a high degree of apathy and a disinterest in political participation

¹⁹ Ibid., III D, 3.

²⁰ “US Court Refuses to Stop Zone Vote,” 2.

²¹ “Brief for Appellants,” 6.

²² “SASSO Loses Its Fight to Rezone Land in Union City,” *Prensa Libre*, August 13, 1970.; “Union City, Calif.’s Poor, Chicanos Demand Rights,” *Trends in Housing* 14, no. 5 (1970): 3.

²³ Geoghegan, “Application for Planning Grant, Model Cities Program, City of Union City,” I, 2.

or economic improvement. It was an assumption contradicted by local Mexican American organizations, particularly the Southern Alameda Spanish Speaking Organization (SASSO). It quickly became the most prominent community organization in Union City. Its meetings, which provided free babysitting to make them accessible, drew huge crowds.²⁴

SASSO emerged from the fastest growing part of the county, where Mexican Americans felt the problems of suburbanization most acutely. The spatial changes wrought by suburban growth informed SASSO activists goals, methods, and citizenship claims. SASSO launched programs to improve almost every aspect of barrio life. With the local school district, SASSO worked on a community school project; SASSO joined the University of California Berkeley's Stiles Hall Project to empower poor students to attend college; along with the Bay Area International Institute, SASSO developed a family stabilization program; it sponsored an economic development project and a loan and management information referral service to empower barrio business enterprises.²⁵

With the rapidly changing real estate market, SASSO's most challenging program was housing. In 1968, SASSO sponsored a housing project, to improve housing conditions in the barrio and to provide a wider range of housing opportunities for Mexican Americans. SASSO hoped to build hundreds of units, mostly multifamily apartments, outside the barrio with assistance from federal government. They also sought a leased housing program from the Department of Housing and Urban Development. To avoid the associations of urban high-rise "ghettoes in the sky," SASSO designed the project as an attractive, multifamily apartment complex in the current low-rise suburban

²⁴ Ibid., III C, 3–4.

²⁵ Ibid., III C, 4.

style. Furthermore, the housing would not be public, but private—the government would not be the landlord, but would assist the nonprofit with financing and rent subsidies.

But land was hard to come by. During the rapid suburbanization of Union City in the 1950s and 1960s, most available land had been built over with single-family homes. SASSO found a suitable spot, the Tamarack Knolls, located adjacent to the city boundary, and in 1968 asked the city to annex the unincorporated area. In a foreshadowing of the troubles SASSO would face, the city denied the application after white residents living adjacent to Tamarack Knolls protested the proposed annexation at a public hearing.²⁶

SASSO then obtained an option on another plot of land, 23.4 acres on which to build 280 units of federally subsidized housing. This pastoral land would become the site of a battle over exclusionary zoning in the suburbs. SASSO asked the city to rezone the parcel for multifamily development, which it did. City leaders were increasingly worried about what they saw as “blight” and slum conditions that had developed in the barrios. A new, clean multifamily complex offered a solution, especially if it meant an infusion of more federal building funds into the community. If residents left the barrio, moreover, the city could enact an urban renewal program and redevelop the area.

A local homeowners group, however, became worried. SASSO’s parcel was adjacent to a new white subdivision, Westview Estates, built in 1967. A warehousing district separated old Decoto and Westview Estates; SASSO’s proposed project threatened to erase that distance, bringing Mexican Americans into an area defined by suburban exclusivity. Westview Estates homeowners, opposing the proposed project, pressured city council to reconsider the zoning by appointing a new commission to look

²⁶ “Brief for Appellants,” 15–16.

at it, which city council did. When city council bowed to homeowner pressure and appointed a majority of Westview Estates residents to the commission, SASSO and the Decoto Residents Association identified the commission as a sham. SASSO returned to city council, pointing out the apparent conflicts of interest of the commissioners, and demanded that they not rely on an obviously biased recommendation. Instead, SASSO urged the council simply to approve the rezoning, according to city rules, as they had in the first place. Unable to argue with SASSO's logic, city council agreed, de-commissioned the commission, and again approved SASSO's zoning request.

While jettisoning the commission made sense to SASSO, it infuriated Westview residents. Westview homeowner Gene Doty, active in fighting the SASSO project, felt that the city council was not representing the public interest. "Where is the city council's concern for *us*?" asked Doty.²⁷ Doty expressed a feeling of abandonment by the city council's decision, declaring that the council gave special privileges to the minority in spite of majority wishes. He sought to override the zoning decision with a voter referendum, organizing homeowners into a group he called Citizens Committee for Referendum. With a referendum, the public would get to vote on whether to allow SASSO's low-income housing development to be built. The July 29, 1969 referendum was the first one, of any kind, in Union City's history. Prior to this, no zoning decision by council was ever challenged.²⁸

To many in SASSO, the homeowner movement against the housing project seemed racially motivated. Nearly every resident of Westview Estates was white, with

²⁷ Self, *American Babylon*, 277.

²⁸ "Brief for Appellants," 10, 12.

only 2.4 percent Spanish surnamed.²⁹ And, in fact, many Westview residents acknowledged their racial motivations. Although local Mexican Americans had organized the project and were its intended beneficiaries, many Westview residents expressed a fear of black neighbors that the project might bring. One resident said the SASSO project “would consist of 75% black, 25% Mexican-American residents”; with this kind of element in the community, “black boys would be chasing after” white girls. Furthermore, the project was unfair, the resident said, since “niggers... got to drive Cadillacs and other fancy cars, which whites couldn’t afford, by living in slum housing like the project SASSO was proposing”; for these reasons, the resident said, he would vote against the project. Another Westview homeowner worried, “if we allow this type of housing near our neighborhood, we will not be able to walk in the streets safely, we will end up being shot at.” A Westview Estates housewife reported that her neighbor said, “I seen what happens when you get a bunch of low class people together. The niggers will start moving in and before you know it we’ll have another West Oakland.”³⁰

Although these fantasies relied on a racial imagination of nonwhite others known for violence and unwelcome sexual mixture, such characters signified little without their setting: the suburbs. Explicitly racialized as white spaces, the suburbs embodied a set of assumptions about class, safety, and security that were threatened by low-income housing. Westview residents feared that low-income housing in the suburbs would transport violence from its ordinary circumstances—here pictured as the African American residential district of West Oakland known for the devastation of urban renewal and the Black Panthers—to a setting in which it was anomalous: the white,

²⁹ Ibid., 10.

³⁰ Ibid., 11.

middle class subdivisions of Union City. Westview residents portrayed their response to low-income housing as defensive, but it legitimated an offensive against the established residents of the community. SASSO intended the project for current residents, and even then it would house only a fraction of the thousands of Mexican American residents who had long made the area their home. The three referendum leaders—all Anglo Westview residents—had lived in Union City for 16, 18, and 19 months.³¹ They called upon tropes of race, class, and suburban space not only to limit the possibility of a future of diversity in the suburbs but also to erase the reality of its past.

It was not obvious or natural that Westview residents would identify local poor Mexican Americans as invaders or invoke a language of defense. This ideology of white suburban defensiveness was an assertion of rights over space, a claim based on ideas about who belonged in the suburbs and who did not. Westview homeowners constructed an image of the suburban boundary in their minds, a mental map of race and space in which the SASSO project, although a project for long term locals, could only be imagined as an external invasion. They excluded local Mexican Americans from the suburb's civic identity, defining them outside of the body politic. In many ways, the political economy of suburban formation fed this ideology. Zoning law equated the interests of homeowners with those of the public, requiring class homogenization to “protect” property values and neighborhood character, lending legal authority to homeowners' language of defense.

In the referendum, voters overwhelmingly rejected the SASSO project. They did so largely along racial lines, as barrio voters supported the project while Westview

³¹ Ibid., 8.

residents voted 81 percent against it.³² “In my opinion,” asserted a Catholic priest who was active in the campaign, “the single most important factor motivating the defeat of the rezoning laws of the Baker Road tract property was the racial and ethnic prejudice of the voters.”³³ Leaders of the referendum effort insisted race played no part, articulating an understanding of racism that ignored structural privilege—the policies that limited Mexican American housing opportunities, that channeled wealth into Westview Estates—maintaining that because they lacked internal feelings of bigotry, the housing problem had nothing to do with race. This understanding of racism denied responsibility for suburban racial inequalities. After the win, Doty publicly committed himself to working with SASSO to solve the city’s housing problems. “Now we’re going to show them that we’re not the racists they said we were,” said Doty.³⁴ While the shared language of anti-racism implied a political compromise, Doty and Westview residents continued to work against low-income housing options. Although they rejected any implication of racial prejudice, the organizers of the referendum refused to apologize for the class bias evident in their politics. To them it was not only natural, it was necessary that suburban areas be homogenous along class lines. Their rights as homeowners—safety, financial security, property values—depended upon exclusion.

Regardless of motive, to SASSO it seemed unfair that one group of citizens could vote to exclude another group of citizens. The electorate did not vote when Westview residents acquired mortgages insured by the federal government, yet when poor Mexican Americans sought to acquire federal funding for housing, the neighbors had to approve. The Citizens Committee for Referendum had published a statement in opposition to the

³² Ibid., 12.

³³ Ibid.

³⁴ Self, *American Babylon*, 277.

SASSO project, declaring, “As citizens, taxpayers and voters we are entitled to have the very best in planning and development for Union City.”³⁵ By implication, poor Mexican Americans—even if citizens, taxpayers, and voters—were not so entitled. SASSO, therefore, sued. They sought a court order to proceed with the rezoning.³⁶ Their case—the first federal case to challenge exclusionary zoning practices—became a landmark in efforts nationwide to build affordable housing in the suburbs.

Zoning and Property

In American law, zoning is an exercise of the police power of the state, deployed to ensure the public welfare. Although the power belongs to the state, it is delegated in practice to local units of government to exercise through their legislative bodies. A comprehensive zoning plan identifies all land areas in the municipality and specifies for what land use they would be compatible. Zoning is the means through which cities and suburbs separate dirty factories from quaint houses—and quaint houses from sprawling mansions.

Almost every city in the United States has a zoning plan—Houston is the only major city without one—and homeowners and city governments defend their right to zone with such conviction that you might think locating retail districts outside of residential neighborhoods was a practice celebrated by the Founding Fathers.³⁷ But zoning—the most ubiquitous land-use planning mechanism in the United States, organizing development from sea to shining sea—originated in Germany, coming to America only in the early decades of the twentieth century.

³⁵ Citizens Committee for Referendum, “Statement in Opposition to proposed rezoning ordinance” quoted in “Brief for Appellants.”

³⁶ “US Court Refuses to Stop Zone Vote,” 2.; SASSO first brought suit to prevent the referendum but failed.

³⁷ Lawrence M. Friedman, *A History of American Law*, 3rd ed. (New York: Touchstone, 2005), 555.

Germans used zoning along with a variety of city planning tools as a way of providing decent housing for the working classes in industrializing cities. Social progressives in the United States, trying to solve American urban problems of class and industrialization, looked to Germany and other European countries for potential solutions. Most European city planning schemes failed to make it across the Atlantic, but zoning did, and, according to historian Daniel Rodgers, “thrived.”³⁸ In the US, however, planners used it differently than in Germany. Without the other German planning laws, notes Rodgers, “zoning in America was for property’s promotion.”³⁹ Business found it useful for keeping unseemly elements in their place. The first citywide zoning plan was New York City in 1916, designed by businessmen. Although guided by the German model, New York’s zoning proponents and planners established a series of outlying districts exclusively for residential use, which was an innovation on the German model.⁴⁰

Racial segregation was part of American zoning from the beginning.⁴¹ Although New York City enacted the first comprehensive plan, the structure of American zoning came from Californian efforts to prevent the Chinese from leaving Chinatown to “invade” white areas.⁴² In 1890 San Francisco passed the Bingham Ordinance, “the nation’s first racial residential zoning law,” according to historian Charlotte Brooks, requiring all Chinese to reside within certain neighborhood boundaries, allowing them 60 days to leave their current neighborhoods or else be removed from the city.⁴³ Although the law was soon overturned in the case of *In Re Lee Sing*, segregationists sought more

³⁸ Rodgers, *Atlantic Crossings*, 184.

³⁹ *Ibid.*, 186–187.

⁴⁰ *Ibid.*, 186.

⁴¹ McGerr, *A Fierce Discontent: The Rise and Fall of the Progressive Movement in America, 1870-1920*, 183.

⁴² Rodgers, *Atlantic Crossings*, 186.

⁴³ Brooks, *Alien Neighbors, Foreign Friends*, 24.; Shah, *Contagious Divides*, 71.

subtle and effective means of segregation.⁴⁴ Segregation was not an atavism, but the modern system of organizing American cities, the most advanced system Americans could think of.

The American working class was complicit in the use of land-use law to segregate groups. Turn-of-the-century San Francisco was famous for its union activism and working class power, power the city's workers used not to change zoning laws that raised housing prices out of reach of workers but instead to demand Chinese segregation.⁴⁵ While the early twentieth century American working class organized for a variety of rights, flaring up in massive general strikes, there was not an organized movement from below against exclusionary zoning. Segregation of Chinese residents enabled the incorporation of diverse European immigrant groups into a stable white working class identity, an alchemy that was, according to Nayan Shah, "crucial to union solidarity."⁴⁶ Racial animosity helps explain, perhaps, why white workers left that battle to be waged by the NAACP.⁴⁷

After New York implemented its zoning plan in 1916, cities around the country adopted the legal procedure.⁴⁸ Zoning became a "realtor's asset," appealing because it raised property values for landowners, granting investments in land a guaranteed return, secure from potentially damaging land-uses in neighboring parcels.⁴⁹ Many of zoning's chief proponents, however, worried that it might not be constitutional. While it benefited some landowners, it harmed others, particularly industrial users, taking value from their

⁴⁴ *In Re Lee Sing*.

⁴⁵ Kazin, *Barons of Labor*, 20, 37, 146.

⁴⁶ Shah, *Contagious Divides*, 166; Brooks, *Alien Neighbors, Foreign Friends*, 19–20.

⁴⁷ Rodgers, *Atlantic Crossings*, 177–206.

⁴⁸ *Ibid.*, 187.

⁴⁹ *Ibid.*, 186.

land in a manner American courts, reluctant to use public power to take private property, had long disfavored. But in a remarkable turnaround, starting with the Massachusetts Supreme Court in 1920, courts upheld, according to Daniel Rodgers, “sweeping zoning regulations: residential use districts that barred every form of commercial enterprise, that excluded apartment houses, that regulated the placement of garages on one’s private lot, that set down at a stroke the legal structure of the modern, class-segregated bedroom suburb.”⁵⁰

The first major Supreme Court test of zoning came in 1926 with the case of *Village of Euclid v. Ambler Realty Co.* The district court ruled the practice unconstitutional, noting that the landowner, who envisioned an industrial use for his land, suffered a loss of the use of his property by the zoning act. A further objectionable function of zoning, noted the judge, “is to classify the population and segregate them according to their income or situation in life.” By segregating the populace, zoning, against the intentions of American law and society, would further “class tendencies.”⁵¹

But the Supreme Court disagreed. Zoning, it found, was a constitutional power, yet not for the reasons that its early proponents, Progressives who envisioned zoning used for public, democratic purposes, primarily housing the working class.⁵² Rather, the Supreme Court decided the case on the grounds that working class housing harmed the rights and aspirations of middle class homeowners:

With particular reference to apartment houses, it is pointed out that the development of detached house sections is greatly retarded by the coming of apartment houses, which has sometimes resulted in destroying the entire section for private house purposes; that in such sections very often the apartment house is a mere parasite, constructed in order to take advantage of the open spaces and

⁵⁰ Ibid., 206.

⁵¹ Quoted in Cashin, *The Failures of Integration*, 107.

⁵² Rodgers, *Atlantic Crossings*, 206.

attractive surroundings created by the residential character of the district. Moreover, the coming of one apartment house is followed by others, interfering by their height and bulk with the free circulation of air and monopolizing the rays of the sun which otherwise would fall upon the smaller homes, and bringing, as their necessary accompaniments, the disturbing noises incident to increased traffic and business, and the occupation, by means of moving and parked automobiles, of larger portions of the streets, thus detracting from their safety and depriving children of the privilege of quiet and open spaces for play, enjoyed by those in more favored localities—until, finally, the residential character of the neighborhood and its desirability as a place of detached residences are utterly destroyed. Under these circumstances, apartment houses, which in a different environment would be not only entirely unobjectionable but highly desirable, come very near to being nuisances.”⁵³

Zoning was in many ways an unlikely public power, liable to offend the American judicial sensibility that had long limited the capacity of government to impinge upon rights of property. Its proponents, however, framed this expansion of public power as a right of private property. In many decisions, the Supreme Court that ruled on *Euclid* embraced private property, especially in its business and corporate manifestations, rejecting the power of government to interfere in property. Yet in *Euclid* this court enabled a local government to take three quarters of the value of a corporation’s land. “But exclusionary zoning,” explains legal scholar Sheryll Cashin, “was a government regulation that six typically anti-government, pro-property Supreme Court justices could relate to. Only now the interests of a particular type of property owner—single-family home owners—were being exalted over the needs and expectations of everyone else.”⁵⁴ Like the residents of Westview Estates, the Court imagined housing for those of modest means as invaders in suburban spaces that belonged, rightfully, to the middle class, for whom apartments were “parasites.”

⁵³ *Village of Euclid, Ohio v. Ambler Realty Co.*

⁵⁴ Cashin, *The Failures of Integration*, 106–107.

The Court applied to the case a due process logic that said that the law was constitutional unless it bore no reasonable relationship to public health, safety, or welfare.⁵⁵ In the following decades, challenges to zoning, as in *Euclid*, tended to come from individual property owners who felt that zoning ordinances impinged upon their uses of their property, thus constituting a taking of property without due process of law. By the 1970s, when SASSO's case entered the federal circuit, the Supreme Court had not heard a zoning case since 1928, leaving lower courts to follow its example in *Euclid*, an encouragement to uphold zoning laws as constitutional according to due process.

SASSO v. Union City was the first federal case to consider the responsibilities of a suburban community to an identified class of residents. To be sure, at the state and local level, where the police power of zoning was exercised, there was frequent litigation over zoning. But *SASSO* provided a 14th amendment avenue of challenging zoning at the federal level. *SASSO* provided the federal courts with an opportunity to depart from the *Euclid* precedent, for instead of presenting a case in which zoning deprived a landowner of property by limiting land uses, *SASSO* proposed a different—and potentially groundbreaking—claim: zoning deprived a class of citizens the equal protection of the laws.

The Poor Cannot Be Excluded

A case with the potential to challenge suburban exclusionary zoning drew the attention of lawyers from around the country. The National Coalition Against Discrimination in Housing contacted SASSO and joined their case. The only national group focused exclusively on legal cases that dealt with civil rights and housing, NCDH formed in 1950 to combat a variety of discriminatory practices, such as realtor

⁵⁵ *Village of Euclid, Ohio v. Ambler Realty Co.*

discrimination. Although they had success with gradually chipping away at the legal structure of housing segregation within the city, the segregation of jobs, schools, and housing was actually increasing, but on a metropolitan level, due to the proliferation of legal mechanisms suburbs deployed to exclude the nonwhite and poor. In 1969, NCDH decided to launch an assault on these mechanisms, sending lawyers from their New York Headquarters to suburbs around the nation, in a program, they said, “aimed at leveling the suburban zoning wall and all other racial and economic barriers resulting from the misuses of local government power.” NCDH lawyers selected cases based on their ability to set precedents limiting exclusionary practices, such as large-lot zoning ordinances and building codes that precluded the development of affordable housing, with the goal of “overturning institutionalized systems of exclusion.” NCDH declared, “Litigation challenging use of the zoning power and other restrictive devices by local governments to keep housing starts down and people out is the new frontier of the open housing movement.”⁵⁶

Together NCDH and SASSO brought the Union City case to the Federal District Court. *SASSO v. Union City* posed two questions: “Is the result of zoning by referendum discriminatory? Are local zoning laws unconstitutional if they effectively bar poor residents from living in a community?”⁵⁷ With excitement, both barrio residents and New York lawyers wondered how the court would respond. Would the court break down the wall of suburban exclusionary zoning? Would it treat with suspicion policies based on class status? Or would it affirm the precedent established by *Euclid* and maintain the status quo?

⁵⁶ “Land-use Case Roundup,” *Trends in Housing* 16, no. 1 (Summer 1972): 1.

⁵⁷ “The Walled Suburbs Learn About the Domino Theory,” *The Bergen Record (New Jersey)*, April 1, 1970.

SASSO and NCDH lawyers began their argument on due process grounds. Zoning functioned to protect the public welfare but only when it went through the “procedural safeguards” of the legislative process. The referendum process, they argued, destroyed these procedural safeguards and subjected zoning decisions “to the bias, caprice and self-interest of the voter.”⁵⁸ Zoning by referendum, therefore, violated the due process rights of SASSO, the property owner, by arbitrarily and unreasonably limiting the uses of their land.

The court disagreed. The zoning legislation in Union City was not, on its face, unreasonable or arbitrary. Zoning is a community decision, and the community decided to limit multi-family residential development because it failed to promote the “public interest.” SASSO argued that the “public interest” being advocated was racially biased, but the District Court contended, “[T]here is no more reason to find that [rejection of rezoning] was done on the ground of invidious racial discrimination any more than on perfectly legitimate environmental grounds which are always and necessarily involved in zoning issues.” Seeing no constitutional problem posed by the zoning referendum, the District Court ruled against SASSO.⁵⁹

SASSO and NCDH were disappointed but not discouraged. They appealed the case, bringing it before the Court of Appeals for the Ninth Circuit, which they hoped would rule more favorably. Before the Ninth Circuit panel of judges, SASSO and NCDH argued that both the motive and the effect of the zoning referendum were to limit the housing options of poor Mexican Americans. The judges of the Ninth Circuit rejected the first part of this argument even more firmly than the District Court. To consider the

⁵⁸ *Southern Alameda Spanish Speaking Organization v. Union City*, 424 F.2d 291 (9th Circuit 1970).

⁵⁹ *Ibid.*

motive of voters, chastised the court, was inconsequential for their case—but to investigate the motives was far worse: it was “an intolerable invasion of the privacy” required to protect the franchise. People vote; they often vote according to their own personal whims or reasons, and if racism is one of those, so be it. The court had no business investigating the various motives of voters.⁶⁰

SASSO’s “equal protection contentions, however, reach beyond purpose,” noted the Circuit Court.⁶¹ Regardless of the motive, the effect of the referendum, according to SASSO, was “to deny decent housing and an integrated environment to low-income residents of Union City.”⁶² If the result of the zoning by referendum was discriminatory, then it was indeed unconstitutional. In several cases, NCDH, the NAACP, and multitudes of fair housing activists had devoted enormous energy trying to prove that racial prejudice motivated municipal land use plans. Case after case, that was what played in court, where judges always wanted to see the smoking gun of racial discrimination. NCDH had already established a crucial precedent in the case of *Daily v. City of Lawton, Oklahoma*.⁶³ In that case, the Court of Appeals for the 10th Circuit ruled that a community whose zoning laws cast out the poor must prove a non-discriminatory reason for doing so.⁶⁴ In *SASSO*, the court said that such proof was irrelevant. Guesswork into people’s heads was beside the point. What mattered were the consequences of land use policy. The Ninth Circuit ruling on *SASSO* “went a step beyond *Lawton*,” rejoiced NCDH.⁶⁵ “The Court of Appeals held that city government must insure that zoning and planning do not

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid.

⁶³ *Daily v. City of Lawton, Oklahoma*, 425 F.2d 1037 (10th cir. 1970).

⁶⁴ ““Court Makes Suburb House Low-Incomers,” *Chicago Daily Defender*, August 22, 1970.

⁶⁵ “Land-use Case Roundup,” 2.

have the *effect* of depriving minorities and the poor of equal housing opportunities, thus broadening the equal protection implications of a town's zoning pattern by taking into account the impact of zoning actions, regardless of motive and purpose.⁶⁶ This was the first time a federal court ruled that plaintiffs could challenge a discriminatory zoning law without proving a racially discriminatory motive. Although courts had considered "racially disparate impact" in other domains—particularly in employment discrimination case law, in which impact rather than intent was central to affirmative action jurisprudence—courts had, until *SASSO*, generally denied the importance of racially disparate impacts in housing. "You have only to show the effect of the zoning law," said Richard Bellman, one of the *SASSO* attorneys for NCDH. "That's the precedent we were looking for, and we're very excited about it."⁶⁷ To Bellman, this virtually assured that municipalities around the country would be required to build more low-income housing.

"Surely," explained the court, "if the environmental benefits of land use planning are to be enjoyed by a city and the quality of life of its residents is accordingly to be improved, the poor cannot be excluded from enjoyment of the benefits. Given the recognized importance of equal opportunities in housing, it may well be, as matter of law, that it is the responsibility of a city and its planning officials to see that the city's plan as initiated or as it develops accommodates the needs of its low-income families, who usually—if not always—are members of minority groups."⁶⁸ Although a race-based organization brought the case and argued it largely on racial grounds, *SASSO*, NCDH, and amici briefs filed by the Urban League and others insisted that economic discrimination was just as repugnant as racial discrimination. It was these economic

⁶⁶ *Ibid.*

⁶⁷ "The Walled Suburbs Learn About the Domino Theory."

⁶⁸ *SASSO v. Union City*.

arguments that the Ninth Circuit found most persuasive. “Certainly, racial discrimination was a factor in the decision,” noted a contemporary law review, “but the relief granted was to a class of indigents, not to a racial minority. In view of Supreme Court precedents, this is a significant expansion of the equal protection clause.”⁶⁹ The Supreme Court had applied the equal protection clause in cases of “economic discrimination” only in cases involving “fundamental” rights, such as the franchise.⁷⁰

By challenging class-based restrictions, the ruling struck at the heart of the *Euclid* tradition and the class-based arguments of white suburban opponents of affordable housing, suggesting that housing was a fundamental right. Indeed, the court indicated the significance of housing in the ongoing struggle against racial discrimination, citing major Supreme Court decisions that indicated that the state had a special interest in the provision of housing.⁷¹ Congress, moreover, had declared it exceedingly important that the nation house all Americans, including those with low incomes.

The court, however, did not rule solely on economic grounds. It extended the suspect classification principle to cover class exclusion not by equating “poor” with “nonwhite,” but by correlating them. Since there was a high correlation, reasoned the court, between being Mexican American and being poor in Union City; since poverty prevented Mexican Americans from enjoying the same access to suburban housing as their white neighbors; since city policy structured the housing market in such a way that poor Mexican Americans could not find housing; and since discrimination was such a

⁶⁹ Wiley E. Mayne, Jr., “The Responsibility of Local Zoning Authorities to Non-Resident Indigents,” *Stanford Law Review* 23, no. 4 (April 1971): 774.

⁷⁰ *Harper v. Virginia*, 383 U.S. 663 (1966); Mayne, Jr., “The Responsibility of Local Zoning Authorities to Non-Resident Indigents,” 786.

⁷¹ For example, *Shelley v. Kraemer*, *Jones v. Mayer*, 392 U.S. 409 (1968); *Block v. Hirsch*, 256 U.S. 135 (1921); *Buchanan v. Warley*.

serious problem that the court, according to precedent, should find a means of correcting it; then class exclusion could not be maintained. Ruling on economic rather than racial grounds achieved the goal of anti-discrimination policy, and if it affected a larger class of persons (all Union City's poor, not just Mexican Americans), so be it.⁷² Economic discrimination, furthermore, was obvious. SASSO and NCDH provided ample evidence that racial prejudice motivated zoning policy, yet it wasn't, in the judge's eyes, enough. But with economic exclusion, there need not be a search for hidden motives—the intent of the law was discriminatory on its face.

By ruling on equal protection rather than due process grounds, the court departed from the *Euclid* standard. For 50 years, federal courts had ruled based upon the due process rights of landowners, but in *SASSO* the court ruled on the equal opportunity rights of non-landowners. Although SASSO had brought the case as a potential landowner frustrated by municipal zoning, the aggrieved party, in the ruling, was not the individual who wanted to build but could not, but a vague group of poor residents. The ruling gestured to the rights of these residents, implying—but not establishing—a right to housing.

In several major decisions, the Supreme Court indicated that the state had a special interest in the provision of housing.⁷³ Nevertheless, the Supreme Court had not clarified if housing was a fundamental right, on par with the franchise. Thus, for the poor Mexican Americans of Union City, the National Coalition Against Discrimination in Housing, and affordable housing activists around the country, the time after the *SASSO* decision was an exciting one, when it looked as if the federal courts were establishing

⁷² Mayne, Jr., “The Responsibility of Local Zoning Authorities to Non-Resident Indigents.”

⁷³ See, for example, *Buchanan v. Warley*; *Shelley v. Kraemer*.

precedents that one day might support a Supreme Court ruling, establishing equal housing opportunity as a right for all. With this case, confirmed the *Wall Street Journal*, NCDH “won a significant victory.”⁷⁴

While affordable housing advocates celebrated, suburbanites fretted. Zoning law had never been subject to much judicial scrutiny. From Petaluma to Paterson, suburban zoning authorities rarely worried that a federal judge would examine their municipal zoning plans. Especially when the majority of voters consistently favored stricter zoning, which preserved property values and maintained suburban character, they had little reason to worry. Thus, when a federal judge declared that suburban zoning plans must not force out poor residents, communities nationwide looked to Union City. “Union City, so little known it doesn’t even rate mention in the auto club directory,” marveled a suburban newspaper in New Jersey, “may become the Birmingham of the legal fight to declare suburban zoning unconstitutional.”⁷⁵ But while Birmingham, to readers in New Jersey, signified a fight for civil rights against an unwilling South, *SASSO* brought the civil rights challenge home. In the role of villain was not a bigoted redneck with a fire hose but the rather liberal mainstream of America—a California suburb. Its implications, therefore, were far more personal. Of course, the case applied directly only to Union City. “But the nation’s suburbs are advised to listen carefully,” cautioned the paper. “They may be next.”⁷⁶

The *Christian Science Monitor* covered the story on its front page. Noting that a “white suburban noose” choked the nonwhite poor of the city, the *Monitor* predicted, “The Union City, California, suit may well become a landmark case in this legal effort to

⁷⁴ “Keep Out,” *Wall Street Journal*, November 27, 1970.

⁷⁵ “The Walled Suburbs Learn About the Domino Theory.”

⁷⁶ *Ibid.*

cut the noose.”⁷⁷ The metaphor of the noose, however, failed to represent accurately the issue raised by the case. The case emerged from a spatial formation in which a poor nonwhite community occupied suburban land before a white middle class community did. When newcomers enacted zoning laws that displaced long-time poor residents, SASSO sued. By the 1970s, this longer history had been erased from popular memory, enabling the media to portray SASSO’s struggle according to the common discourse of white suburbs and black inner cities. National news agencies could not imagine Mexican Americans as suburban residents with a right to stay where they had been living; they could only imagine them as inner city natives wanting to flee to the suburbs. Suburban Mexican American rights, in this discourse, were framed as inner city residents wanting out, not as displaced persons.

Although it had been erased from suburban discourse, Union City represented a common trend in postwar America. As the case revealed, Union City retained many nonwhite poor citizens, residents most suburbs had already displaced or excluded. To eradicate established communities, suburbs used federally funded suburban renewal programs, federally financed mortgages, private capital of developers, and local powers, particularly zoning. “On Long Island alone,” according to historian Andrew Wiese, “Rockville Centre, Glen Cove, Long Beach, Freeport, Roslyn, Hempstead, Inwood, Huntington, Manhassat, and Port Washington initiated urban renewal programs aimed at older black neighborhoods.”⁷⁸ The pattern was similar in all New York suburbs, from New Jersey to Connecticut. Thus when government officials and affordable housing activists discussed “opening” Suffolk County suburbs to the nonwhite poor in the late

⁷⁷ “Housing,” *Christian Science Monitor*, April 25, 1970.

⁷⁸ Wiese, *Places of Their Own*, 105.

1970s, they revealed a significant amnesia: the county had displaced poor black communities only twenty years previously.⁷⁹ Riverhead, the county seat of Suffolk County, had in 1957 a community of “descendents of... former slaves”: “500 Negroes in some thirty wretched buildings that lack toilets and tubs. Some of the ‘apartments’ are converted duck brooders.”⁸⁰ The municipality sought private and public funds to clear this area in order to rebuild it according to a more “suburban” image. These programs were so successful that they transformed the image of the suburban fringe. In Nassau County, home of Levittown, the archetype of postwar suburbia, municipal government displaced established black communities with suburban renewal.⁸¹ “By the mid-1950s,” argues Wiese, “‘suburbia’ had become a spatial metaphor for whiteness itself.”⁸² Suburban renewal was essential for this signification.

In the Bay Area, one legal researcher surveyed local governments to ascertain their reaction to the SASSO decision. City governments welcomed the case, asserting that it applied to all suburbs. Affluent suburbs, however, regarded the ruling with indifference, considering the case unrelated to them; since they had no poor to provide for, the case changed nothing.⁸³ By the time of the SASSO decision, most suburbs had already displaced nonwhite, poor residents; the decision came two decades too late. Only where poor suburban nonwhite communities hung on would the case have major effects, as in Mt. Laurel, New Jersey, where attorneys drew on the decision to support their famous affordable housing case in the state Supreme Court.⁸⁴ Since the responsibility to

⁷⁹ “Nassau and Suffolk Counties Moving Slowly to Eliminate Their Slums,” *New York Times*, November 27, 1957; “Suffolk County Resists Public Housing Projects,” *New York Times*, April 25, 1977.

⁸⁰ “Growing Suburbs Battle Slum Blight.”

⁸¹ “Nassau and Suffolk Counties Moving Slowly to Eliminate Their Slums.”

⁸² Wiese, *Places of Their Own*, 109.

⁸³ Mayne, Jr., “The Responsibility of Local Zoning Authorities to Non-Resident Indigents.”

⁸⁴ Kirp, Dwyer, and Rosenthal, *Our Town: Race, Housing and the Soul of Suburbia*.

supply housing, according to the decision, stopped at the city limits, the case would only apply to other suburbs if the courts extended the responsibility doctrine to the nonresident poor. If a court found that suburbs, as constituents in metropolitan areas, had an obligation to all the people of the metropolis, regardless of their residence, then the case would be far reaching indeed.

Regardless of its veracity, the media portrayal of the SASSO case spoke to the anxiety it produced in suburbs that had already excluded, successfully, the poor. The *New York Times* chronicled the concern of a suburban man they described as “a successful Suffolk County lawyer who went into the Deep South to struggle for the civil rights of blacks before it became fashionable to do so.” “It’s a terrible tragedy,” he said:

Poor people certainly need decent places to live. I understand it is social necessity. But the terrible dilemma is that if we provide for the honest, working poor, we must accept the leavening of undesirables who can simply pollute the community... For all the nice suburbanites like me who go to New York City and cringe at the fall of night, who go to matinees instead of evening performances, the thought that we may one day have to start cringing at home is just unacceptable.⁸⁵

HUD and SASSO

Housing and Urban Development Undersecretary Richard C. Van Dusen learned of the *SASSO* case while it was pending in the district court, on remand from the Court of Appeals. A liberal who supported open housing and suburban desegregation, Van Dusen discussed the case with the National Committee Against Discrimination in Housing and the Urban League, including them in discussions about strategy in *SASSO*. He noted that the Court of Appeals decision contained “a very strong statement of fair housing principles relating directly to our Department’s concern for Open Communities.” Van

⁸⁵ “Suffolk County Resists Public Housing Projects.”

Dusen instructed his counsel to find out how HUD “might take advantage of this case in furtherance of our Open Communities objectives.”⁸⁶ The legal issues raised in the case were so important that he felt compelled to submit an amicus brief even before a finding of fact.⁸⁷ SASSO could become important precedent, and the legal issues it raised were germane to HUD’s administration of the housing policy.⁸⁸ HUD even sent a copy of the opinion to all local housing authorities, local public agencies and city demonstration agencies.⁸⁹

The case came at a pivotal time in metropolitan law and politics, especially for housing desegregation. The major provider of affordable housing in the United States was the Department of Housing and Urban Development. Historically the primary force for segregation in the American metropolis,⁹⁰ HUD embarked, in 1969, on a brief, turbulent pursuit of desegregation. New HUD Secretary George Romney urged the racial and economic integration of the suburbs. Increased segregation, warned Romney, would cause “the most potentially explosive situation that our nation faces.”⁹¹ To address this threat, Romney advocated the construction of federally assisted low-income housing

⁸⁶ Richard C. Van Dusen to Sherman Unger, Memo, May 7, 1970, Box 41, Folder 6c 1-13, Office of the Under Secretary: Subject Files of Richard C. Van Dusen, 1969-1972, RG 207, National Archives II.

⁸⁷ Sherman Unger to William D. Ruckelshaus, “Southern Alameda Spanish Speaking Organization, Et Al, v. City of Union City, California, Et Al., USCD, ND Calif, Civil No. 51590”, June 15, 1970, Box 41, Folder 6c 1-13, Office of the Under Secretary: Subject Files of Richard C. Van Dusen, 1969-1972, RG 207, National Archives II.

⁸⁸ George Lefcoe to Richard C. Van Dusen, “What Makes SASSO Interesting,” Memo, May 19, 1970, Box 41, Folder 6c 1-13, Office of the Under Secretary: Subject Files of Richard C. Van Dusen, 1969-1972, RG 207, National Archives II.

⁸⁹ Norman C. Roettger to All Local Housing Authorities, Local Public Agencies, and City Demonstration Agencies, Memo, November 4, 1970, Box 41, Folder 6c 1-13, Office of the Under Secretary: Subject Files of Richard C. Van Dusen, 1969-1972, RG 207, National Archives II; HUD to All Local Housing Authorities, Local Public Agencies, and City Demonstration Agencies, “Southern Alameda Spanish Speaking Organization (SASSO), Et Al. v. City of Union City, Et Al,” Notice, November 30, 1970, Box 41, Folder 6c 1-13, Office of the Under Secretary: Subject Files of Richard C. Van Dusen, 1969-1972, RG 207, National Archives II.

⁹⁰ Jackson, *Crabgrass Frontier*; Sugrue, *The Origins of the Urban Crisis*; Freund, *Colored Property*.

⁹¹ Lamb, *Housing Segregation in Suburban America*, 60.

throughout the suburbs. HUD thinking, in this regard, paralleled the US Commission on Civil Rights, which noted in a 1971 report, “The harsh facts of housing economics suggest that *racial* integration cannot be achieved unless *economic* integration is also achieved.”⁹² The assumption underlying HUD’s program was that economic segregation, although perhaps innocent by itself, was part of a system of metropolitan segregation; and thus when it reinforced racial segregation, it shared some of the guilt. When HUD officials endeavored to locate affordable housing throughout the metropolis, they did so primarily to provide housing opportunity for poor people of color. The implication, however, was far more expansive, indicating that the poor as well as the rich had, in the words of the Civil Rights Commission, “the right to be a part of our neighborhood and community, the right to be exposed to the cultures and ideas that make our nation great, the right to live near where we work.”⁹³

The 1968 Fair Housing Act urged HUD to pursue suburban desegregation, giving the agency a substantial power—the power over the purse strings—to encourage suburbs to cooperate. Romney introduced the Open Communities program, which threatened to cut federal funding to municipalities if they refused to provide low- and moderate-income housing. The program was attacked on multiple fronts. Suburbs resisted. Politicians balked. But, crucially, HUD officials had their eyes on the courts. Through local land use laws, voters had opposed the provision of meaningful levels of affordable housing.⁹⁴

⁹² US Commission on Civil Rights, *The Federal Civil Rights Enforcement Effort: Seven Months Later* (Washington, D.C.: Government Printing Office, 1971), 6.

⁹³ Lamb, *Housing Segregation in Suburban America*, 60.

⁹⁴ Christopher Bonastia contends that if HUD had not inhabited such a “weak institutional home” it may have been more insulated from political backlash and thus more able to pursue suburban desegregation. Bonastia, *Knocking on the Door*, 160. Nixon declared a moratorium on all housing subsidies in 1973, which, he argues, “essentially closed an unparalleled window of opportunity for the implementation of aggressive, race-conscious policies on housing discrimination.” *Ibid.*, 134–135. Yet Bonastia overlooks the importance of law, which HUD saw as both an opportunity and a challenge.

HUD officials perceived such land use laws as the primary obstacle to their open communities goals, and they looked to the courts to rule such laws unconstitutional.

Led primarily by Van Dusen, a cohort of liberal HUD officials sought to use federal power to desegregate suburban housing—an objective for which the *SASSO* case was instrumental.⁹⁵ According to an Open Communities director, *SASSO* was not just another “run-of-the-mill discrimination case;” rather, it “flagged perhaps the single most important issue which local land use controls pose for the administration of the federal housing programs.”⁹⁶ HUD officials saw a broad expansion of rights in *SASSO*.⁹⁷ According to HUD attorneys, the Ninth Circuit opinion suggested an application of the “fundamental interest” principle to housing and the “suspect classification” principle to the poor.⁹⁸ Suburbs could not proscribe civil rights claims by resorting to the old-standby of the reasonable use of the police power. A fear of crowded schools or clogged streets was insufficient.⁹⁹ The Fair Housing Act, according to HUD’s draft amicus brief, was not merely a negative prohibition against discrimination; it was an “affirmative mandate” requiring suburban housing desegregation.¹⁰⁰ Such mandates were “unreasonably

⁹⁵ Richard C. Van Dusen to Sherman Unger, Memo, May 8, 1970, Box 41, Folder 6c 1-13, Office of the Under Secretary: Subject Files of Richard C. Van Dusen, 1969-1972, RG 207, National Archives II.

⁹⁶ Lefcoe to Van Dusen, “What Makes *SASSO* Interesting,” 2.

⁹⁷ Said the draft memorandum: “As recent cases demonstrate, the equal protection clause has undergone changes which broaden its scope of protection for minority groups. The old cases arising out of economic regulation and taxation sustained a statutory classification if it could be said to serve any constitutionally permissible objective. The new equal protection test places the burden of proof on the government after a prima facie showing by the plaintiff of deprivation or exclusion. At the same time, it escalates that burden by requiring the law under attack to be proved not merely convenient or reasonable, but necessitated by a compelling and over-riding government purpose.” Bill Dockser to Richard C. Van Dusen, “Memorandum on Behalf of the Secretary of the Department of Housing and Urban Development, as Amicus Curiae,” Memo, June 19, 1970, 4, Box 41, Folder 6c 1-13, Office of the Under Secretary: Subject Files of Richard C. Van Dusen, 1969-1972, RG 207, National Archives II.

⁹⁸ *Ibid.*, 5.

⁹⁹ *Ibid.*, 7–8.

¹⁰⁰ Bill Dockser to Richard C. Van Dusen, “The Interest of the United States in the Issue Presented to the District Court by the Ninth Circuit,” Memo, July 1, 1970, Box 41, Folder 6c 1-13, Office of the Under Secretary: Subject Files of Richard C. Van Dusen, 1969-1972, RG 207, National Archives II.

hindered by state action” in exclusionary zoning.¹⁰¹ Discriminations based on poverty violated the equal protection clause, “whether or not race or national origin is involved.”¹⁰² HUD thus sought to use *SASSO* to expand suburban desegregation, often at the expense of local autonomy.

Left Without a Remedy

In the midst of the nationwide excitement—or fear—about the meaning of the apparently precedent-setting case, it was easy to overlook the fact that the court did not in fact rule in favor of *SASSO*. The court failed to establish firm conditions upon which equal protection claims would be granted, concluding that Union City’s zoning practices “may be”—but were not necessarily—violating the equal protection rights of poor residents. Union City ought not limit housing options for one class of residents. “It may be,” the court hedged, “as matter of fact, that Union City’s plan, as it has emerged from the referendum, fails in this respect [providing an option for poor residents].”¹⁰³ The ruling, however, failed to direct Union City in how to provide housing for all residents, and it left open the possibility that the *SASSO* project might still be prohibited if the suburb had already provided enough housing. The court refrained from the implication that exclusionary zoning by referendum was an unconstitutional practice. It also implied that each city’s zoning codes would have to be evaluated individually. Although the details and legal mechanisms had yet to be determined, *SASSO* and NCDH lawyers were nevertheless thrilled that the circuit court established that, somehow, suburbs must house their poorest citizens. The decision may have been a procedural loss, but it was an ideological victory.

¹⁰¹ *Ibid.*, 3.

¹⁰² *Ibid.*, 5.

¹⁰³ *SASSO v. Union City*.

The Ninth Circuit remanded the case to District Court Judge William T. Sweigert, who released his decision on July 31. A liberal Republican who had worked for recently retired Supreme Court Chief Justice Earl Warren when he was governor of California, Sweigert followed the Ninth Circuit's equal protection decision, but he placed it on a timeline. Sweigert affirmed that the present housing situation of the Mexican American poor was so bad—the available housing so deteriorated, the options so limited, the barrio so congested, and the prices so high—that if Union City failed to do ameliorate the situation, its inaction would violate the equal protection clause of the Fourteenth Amendment. The failure to act, in the context of such poverty, was as harmful as an intentional discrimination. Sweigert allowed the suburb ten months to design and implement an appropriate housing plan, and city council had report its progress to the court every three months. If the city council was unable to devise a plan, Sweigert said, he would devise one for them, and it might not be multi-family zoning; he would consider public housing, urban renewal, or any action the judge determined would solve the suburb's housing crisis and ensure that it meet its responsibility to the poor.

Like the Ninth Circuit judges, Sweigert directed Union City to accommodate the housing needs of its low income residents, on the one hand, while also saying, on the other, that the zoning practices were not discriminatory. This ambivalent decision reflected the fragility of the rights of the poor within constitutional law. While municipalities were required to provide for poor residents, there was nothing wrong with the mechanisms that prohibited them from doing exactly that. The decision endorsed a goal without removing the structural barriers that precluded its achievement. To NCDH lawyers, this created an unconstitutional double standard, for although the court ruled that

zoning practices themselves were not discriminatory, their effect remained discriminatory against poor Mexican Americans. In public, Bellman, SASSO's NCDH attorney, praised the victories of the case. In private, however, Bellman was far more caustic; the case, he wrote to George Lefcoe, HUD's Open Communities project director, was "an example of the total inability of the courts to deal with and understand racism in this country."¹⁰⁴ When Lefcoe hailed the case as a "significant victory," Bellman replied that it was "another Brown II," the 1955 Supreme Court case that had directed school districts to desegregate, in its infamously contradictory order, "with all deliberate speed."¹⁰⁵ Judge Sweigert retained jurisdiction over the case, and in that position, wrote Bellman, "He has gone along totally with the City and the white bigots who now have a political majority."¹⁰⁶ In the findings of fact, Sweigert ruled that Union City was not guilty of discrimination. But, as Lefcoe pointed out to Van Dusen, "the only way that the affirmative burden [Sweigert] imposes has ever been invoked until now, in such cases as those concerning schools and employment, is to compensate for past discrimination. Affirmative action has been expressly ordered only when necessary to make amends."¹⁰⁷ In the absence of a finding of discrimination, worried Lefcoe, it would be difficult for Sweigert to override the city's planning authority. Lefcoe captured the problem with the ruling in a letter to Van Dusen. "Imagine how simple it would be," he wrote sardonically, "just to strike down zoning decisions case-by-case when the planning criteria are satisfied."¹⁰⁸ Sweigert's findings handicapped SASSO. "The findings of fact," wrote

¹⁰⁴ Richard F. Bellman to George Lefcoe, August 7, 1970, Box 41, Folder 6c 1-13, Office of the Under Secretary: Subject Files of Richard C. Van Dusen, 1969-1972, RG 207, National Archives II.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ George Lefcoe to Richard C. Van Dusen, August 18, 1970, Box 41, Folder 6c 1-13, Office of the Under Secretary: Subject Files of Richard C. Van Dusen, 1969-1972, RG 207, National Archives II.

¹⁰⁸ Ibid.

Bellman to Lefcoe, “are an insult to every Mexican-American living in Union City and I personally do not believe the Court has provided us with any meaningful remedy.”¹⁰⁹

In spite of this ambivalence, the federal ruling established a crucial precedent, albeit one pending appeal. Zoning was not just a tool to stabilize or increase the wealth of homeowners; it was also a tool to provide the benefits of land use planning to poor residents. In the *SASSO v. Union City* case, a federal court, for the first time, ordered a suburb to provide housing for all its residents, regardless of income.¹¹⁰ Such precedents were what NCDH lawyers had been fighting for. “But the poor Chicano residents of Union City cannot be housed by precedent,” said Rutledge, director of NCDH. In spite of the progress they were making, they nevertheless had hoped that the court would have gone further. “The time is long past,” reprimanded Rutledge, “for prompt judicial enforcement of the right of the poor and minority citizen in America to decent housing in a location of his choice.”¹¹¹

Without a clear direction, progress stalled in Union City. The district court declined to devise a housing plan for the suburb, instructing the zoning authority, the city council, to do so. In the absence of clear judicial direction, the plan would be the result of negotiation between the interested parties: city council, SASSO, and the homeowners of Westview Estates. By allowing Union City broad authority to devise and implement a remedy, Sweigert ensured that the process would be a grueling struggle. “This is, from a moderate point of view, most unfortunate,” wrote Lefcoe to Van Dusen. “I had hoped we could learn from the school cases to avoid that route if at all possible.”¹¹² Judicial

¹⁰⁹ Bellman to Lefcoe, August 7, 1970.

¹¹⁰ “Court Makes Suburb House Low-Incomers.”

¹¹¹ “SASSO Loses Its Fight to Rezone Land in Union City.”

¹¹² Lefcoe to Van Dusen, August 18, 1970.

restraint compelled a political compromise, a compromise more difficult to reach in the confusion caused by the court's negative instructions—how, precisely, to “not exclude” poor residents from housing opportunities was open to debate. In spite of the judicial timeline, the debate proceeded slowly—so slowly, in fact, that it jeopardized the project.

The way that NCDH lawyers argued the case contributed to the problem. They portrayed barrio residents as suffering victims, an attempt to cultivate sympathy among both the courts and the public. They appealed to the city's sense of “responsibility” to alleviate this suffering. “Because the land [in Union City] is now financially attractive to developers,” said NCDH lawyer Rutledge, “these long term residents find themselves being deprived by the new white Anglo majority of access to Federal housing programs which could meet their needs.”¹¹³ While he hinted that the underlying problem was political—that power had shifted to a “new white Anglo majority”—he proposed a solution based upon sentiment, casting Mexican American residents as “deprived” NCDH lawyers marshaled statistics and anecdotes in order to shame the city. The federal judges adopted this language in their rulings, granting the project on the grounds that the city had a “responsibility” to accommodate the needs of residents were less able to fend for themselves. But sympathy was not rights, and appeals to sympathy reflected the precarious position of Union City's Mexican Americans. Their earlier community organizations, such as the Community Services Organization, had waned. Lacking the political power to shape policy in conventionally democratic ways, Mexican Americans pinned their hopes on the condescension of homeowners.

Homeowners were reluctant to provide affordable housing, especially multifamily housing outside the barrio, let alone low-income housing financed by the federal

¹¹³ “Housing in Union City.”

government. Many preferred that the city continue in its current direction—gradually displacing the poor in favor of the middle class. Speaking on behalf of these homeowners, one councilmember said, “We are running out of land to be developed and there is a need for single-family residential, therefore, I would like to move that the PUD [Planned Unit Development] be stricken from our zoning laws.”¹¹⁴ Since the court had not disqualified the suburb’s zoning plans, there was little pressure to change them. The Chicano poor lacked the political power to force the city council to adopt a plan if it was opposed by a majority of white homeowners.

Voicing the frustration of barrio residents, Ramon Rodriguez, the former executive director of SASSO, bitterly said, “the lack of social awareness of the suburbanite” was “our greatest obstacle. The suburbanite has found an ideal way of life for himself and thinks everything is just dandy. He thinks one should work real hard and buy a tract home.”¹¹⁵ The white suburbanites’ social awareness, however, was greater than Rodriguez gave them credit for. It was not so much a lack of social awareness that proved to be the obstacle for SASSO, but rather a social awareness that privileged the rights of suburban homeowners over those of the barrio poor.

Thus, even after the judicial decision, the city council balked. Before long, SASSO and Union City returned to court, seeking Judge Sweigert’s authority, as SASSO lawyers found it impossible to push the city to follow through on a housing plan. The city council had approved, reluctantly, a plan to provide housing financed by HUD’s Section 235 program, a program aimed not at low income but middle income residents. Section

¹¹⁴ The PUD was the regulatory framework that allowed SASSO to construct a mixed-income project exempted from regular zoning laws. “Minutes of City Council Meeting, Union City”, October 19, 1970, Subseries b, Box 15, Folder 6, Ernesto Galarza Papers, M0224, Department of Special Collections, Stanford University Libraries, Stanford, California.

¹¹⁵ “Union City, Calif.’s Poor, Chicanos Demand Rights,” 3.

235 was the only program the city had considered, although HUD agents noted the program was not designed for the poor, a fact city council admitted in spite of its obligation to provide housing for poor residents. They hoped that Section 235, as a compromise program, would satisfy barrio activists by providing federal assistance while accommodating the fears of Westview Estates residents by restricting it to middle income residents. Furthermore, despite the dramatic housing needs of barrio residents—thousands of Mexican Americans living in units deteriorated enough to be condemned—city council proposed only two units of Section 235 housing. After homeowner protests, city council repealed even that modest plan.¹¹⁶

SASSO, therefore, proposed a plan to Sweigert; if he failed to approve it, SASSO lawyers said, they would “be left remediless and Union City’s poor will either have to remain in the deteriorated housing they now occupy or will be forced to leave the city.”¹¹⁷ The court order required the suburb to report regularly on its progress, but the reports showed that “city officials have done absolutely nothing towards meeting the housing needs of the poor of Union City.”¹¹⁸ For their part, city council blamed the lack of progress on SASSO, which had not proposed any new projects after Union City had denied their original proposal for 280 units of affordable housing near Westview Estates. This revealed, claimed the council’s somewhat petulant report, that SASSO, in fact, did not want to solve the housing crisis but rather sought to stir up trouble and assault the rights of the homeowner majority. “This effort to discredit SASSO,” replied SASSO lawyers, “was first used by the white residents of Westview Estates in their referendum

¹¹⁶ “Plaintiffs’ Motion for Further Relief in Conformity with the Final Order Entered October 19, 1970”, n.d., 3, Subseries b, Box 15, Folder 6, Ernesto Galarza Papers, M0224, Department of Special Collections, Stanford University Libraries, Stanford, California.

¹¹⁷ *Ibid.*, 2.

¹¹⁸ *Ibid.*, 4.

campaign to block construction of desperately needed housing and now apparently is an official policy adopted by city officials.”¹¹⁹ What determined policy was that the ideology of white homeowners.

In spite of the dissatisfaction NCDH, HUD, and SASSO had with many of Judge Sweigert’s decisions, appealing to his authority proved helpful. With judicial oversight, SASSO and Union City finally settled their lawsuit in 1971. Union City agreed to rezone eleven acres of the project site for a maximum of 140 units of low- and moderate-income housing; the other 12.4 acres would be reserved for single-family dwellings.¹²⁰ For many members of SASSO, this was a loss. They could build only half of the dwellings they originally had intended. Instead of serving primarily low-income residents, the complex would now accommodate moderate-income residents. The designation of more than half their project area for single-family homes, moreover, insulted the activists who campaigned for housing due in large part to the over-development of single-family homes. Nevertheless, the legal battle and city negotiations had become so expensive that SASSO found it necessary to allocate this land for higher-income development.¹²¹ In exchange for these concessions, however, affordable housing activists acquired more housing outside of the SASSO project area. The city consented to build, in traditional barrio areas, 200 low-income public housing units and 34 low-income private housing units. It committed, furthermore, to ensure that two developers currently proposing subdivisions of 2,089 units would allocate 10 percent of their units to low and moderate income.¹²²

¹¹⁹ *Ibid.*, 9.

¹²⁰ “Chicanos Settle a Rezoning Fight,” *New York Times*, April 23, 1971.

¹²¹ “SASSO Project Breaks Ground,” 4.

¹²² “Chicanos Settle a Rezoning Fight.”

After concluding negotiations, SASSO contracted with designers, developers, and financiers, a process it completed in 1973. Just before their groundbreaking ceremony to build Villa Las Robles, President Richard Nixon announced a moratorium on spending in all HUD programs. Villa Las Robles barely made it in before the moratorium. The other projects promised by Union City were not so lucky, and most affordable housing in Union City—the dream of SASSO—fell victim to spending politics at the national level. Too often the poor can only dream.

Explosive Suburban Integration

What proved to be more powerful than the dreams of the poor were the nightmares of the suburban homeowners, nightmares in which the poor threatened their property values, safety, and lifestyles, merely by their presence. A homeowner rebellion against Romney and Van Dusen's actions prompted the HUD moratorium, and it also quelled Van Dusen's support for SASSO. From the beginning, there were disagreements within the agency over the wisdom of seeking a judicial remedy to economic segregation. When it came to housing, argued HUD legal counsel Sherman Unger, HUD should respect majority rule and not urge the Court to impose a right against the majority. By moving against the "right" of suburban voters to determine their land use policies, HUD would find itself in a precarious position. "HUD stands to gain nothing," predicted Unger, "by pioneering against this time honored democratic right."¹²³

Meanwhile, Romney haunted Capitol Hill, trying to persuade legislators to further suburban desegregation in the legislative arena. This provoked a massive political reaction. Republican political strategist Kevin Phillips led the attack. As Special Assistant

¹²³ Sherman Unger to Richard C. Van Dusen, "SASSO v. Union City, CA-9," Memo, May 1970, 2, Box 41, Folder 6c 1-13, Office of the Under Secretary: Subject Files of Richard C. Van Dusen, 1969-1972, RG 207, National Archives II.

to US Attorney General Mitchell, Phillips was in a position to monitor HUD's legal activities, but it was a position he would soon leave to work full-time as a political columnist. In an op-ed in the *Los Angeles Times*, Phillips wrote, "[T]he HUD secretary is proposing the federally engineered and federally subsidized racial integration of American suburbia." The problem, said Phillips, was political. Romney and Van Dusen were "tinkering with explosive suburban integration plans that could blow the Nixon-Agnew vote base to shreds."¹²⁴ Romney's plans were "aimed at the new, developing suburbs largely populated by Middle Americans—the plumbers and insurance salesman—who put Richard Nixon in the White House."¹²⁵ Nixon's political support resided in the suburbs, and he could not afford to alienate suburban voters.¹²⁶ Phillips denied that Nixon had approved Romney's legislative appeals. Nixon, he wrote, "does not share Romney's desire to harass suburbia." Romney, a liberal renegade, had acted without Nixon's knowledge.

A desegregation fiasco in Warren, Michigan, revealed the anger of suburban voters. HUD cut off urban renewal funds to the nearly all-white Detroit suburb to cajole the municipality into constructing racially inclusive affordable housing.¹²⁷ When he visited Warren to negotiate, Romney was greeted by a raging protest, and, fearing for his safety, he was escorted away by police.¹²⁸ After the protest, Romney relented, insisting that he had never been in favor of "forced integration."¹²⁹ Testifying before Congress, he

¹²⁴ Kevin P. Phillips, "HUD Is Building a Bomb," *Los Angeles Times*, June 19, 1970.

¹²⁵ Ibid.

¹²⁶ Matthew D. Lassiter, "Suburban Strategies: The Volatile Center in Postwar Political Culture," in *The Democratic Experiment: New Directions in American Political History*, ed. Meg Jacobs, William Novak, and Julian E. Zelizer (Princeton: Princeton University Press, 2003); Lassiter, *The Silent Majority*.

¹²⁷ Bonastia, *Knocking on the Door*, 106.

¹²⁸ "Michiganites Jeer Romney Over Suburbs' Integration," *New York Times*, July 29, 1970.

¹²⁹ "Blue Collar Workers of Warren, a Detroit Suburb, Fight to Keep Negroes Out," *New York Times*, August 17, 1970.

backpedaled on his commitments to suburban desegregation, reassuring politicians that suburbs could still exclude low-income housing.¹³⁰ Amidst political unrest from the grassroots, local municipalities, politicians, and the president, HUD dropped, at the last minute, its plan to file an amicus brief in the *SASSO* case.¹³¹ Westview Estates homeowners were precisely the members of Nixon's coalition that HUD's suburban desegregation policies were offending.

In Union City, homeowners deployed exclusionary zoning to maintain their privileges. The city council, on its own, never opposed *SASSO* plans. In fact, when possible it favored them.¹³² City officials commissioned the housing study, they accepted its recommendations for affordable housing outside the barrio, they supported plans for federal financing, and they sought solutions to the housing crisis of the barrio. White homeowners, however, did not. In the face of a homeowner revolt against changes to the suburbs zoning plans, city council found itself unable to meet its Constitutional responsibilities to its own low-income residents. Homeowners determined policy. They saw their property values as dependent upon exclusion; they saw their public interest as the city's public interest; they saw minority rights as special privileges. Since *Euclid*, law identified homeowners as the "public," assuming that what's good for the homeowners' association is what's good for America.

Although power relations in Union City were certainly unequal, there were shared cultural ideas—particularly sympathy and responsibility—that functioned to mediate

¹³⁰ "Romney Bars Urban Plan Proposed by Nixon Panel," *New York Times*, August 27, 1970.

¹³¹ National Committee Against Discrimination in Housing, "News from NCDH: *SASSO* v. Union City, Calif. Decision", n.d., 3, Box 41, Folder 6c 1-13, Office of the Under Secretary: Subject Files of Richard C. Van Dusen, 1969-1972, RG 207, National Archives II.

¹³² Don Edwards to Manuel Garcia, September 23, 1970, Box 83, Folder 85, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

conflict. Activists used these ideas in an attempt to secure affordable housing in Union City. But while people often act upon sympathy even if it goes against their self-interest, SASSO and NCDH pitted responsibility against rights. To white homeowners, homogenous neighborhoods were a right of citizenship. Thus, for Union City's Mexican American residents, the rhetoric of responsibility was a fragile basis upon which to rest a claim of citizenship.

That predicament revealed how much the political situation had changed since Cesar Chavez and Fred Ross came to Decoto and Alvarado to organize barrio residents in the 1950s. It is easy to overlook the 1950s period of organizing and compromise; it is even easy to write it off as a momentary aberration. But to do so would be a mistake, for it was during this time that barrio residents had their greatest achievements—improvements in transportation, infrastructure, education, old-age insurance, and medicine. It was during this time that residents organized to ensure that public power served the will of a diverse population. After this time, as white suburban homeowner became the majority, politics dealt not with the mutual interests of barrio and subdivision residents but with the city's "responsibility" for poorer Mexican Americans, leaving barrio residents to rely upon white condescension for the fulfillment of their rights, a prospect never assured and always circumscribed.

To establish firmer ground upon which to pursue what they saw as their constitutional rights, SASSO and other civil rights activists would have to take their case to the Supreme Court. The Supreme Court, as Romney acknowledged in his congressional testimony, had "not made a clear decision" on the constitutionality of

economic segregation.¹³³ Yet, over the previous decade, its expansive interpretations of the equal protection clause had enlarged the constitutional rights the poor might claim. As Harvard law professor Frank Michelman argued in 1969, the Supreme Court appeared to be on the cusp of including economic discrimination within the field of suspect classifications, a result that would enable the poor to achieve economic rights through the Fourteenth Amendment.¹³⁴ Indeed, the key insight of the SASSO plaintiffs was that spatial inequality, although often discussed as if it were the result of natural market forces, was in fact the creation of local government laws.

At the time it was decided, *SASSO v. Union City* was the most serious challenge to exclusionary zoning in the United States. As a federal case, it hinted at the possibility of a nationwide expansion of economic rights. It came close to destabilizing the class-based principles that were endorsed in *Euclid* and that maintained white privilege in the aftermath of an onslaught of civil rights litigation. Debates over the case—within HUD, within the federal courts, and within Union City—reflected the countervailing political pressure coming from both determined civil rights activists and revanchist suburban voters. The case hinted at thorny questions. How much control should local voters have over zoning? Did constitutional rights for the poor threaten democratic governance? Is class a protected category? The Supreme Court soon answered these questions in a case that originated in San José.

¹³³ “Romney Bars Urban Plan Proposed by Nixon Panel.”

¹³⁴ Frank I. Michelman, “The Supreme Court Term - Foreword: On Protecting the Poor Through the Fourteenth Amendment,” *Harvard Law Review* 83, no. 7 (1969).

Chapter 9

Citizen Initiative

In 1968, Anita Valtierra lived in a one-bedroom apartment in San José with her seven children. Without room for dressers, she and her children kept their clothing in stacked cardboard boxes. The kitchen was so small that the children ate in shifts.¹ The tiny apartment was the only place Valtierra could afford to rent. In San José, housing prices were skyrocketing. Although Valtierra qualified for publicly funded low-income housing, there was none available; she had been on the city’s waiting list—along with thousands of others hoping to land a spot in one of the city’s few subsidized apartments—for more than a year.² California law restricted local governments’ ability to construct subsidized housing by requiring voter approval for all publicly funded projects. Suburban voters, who were concerned with property values and the impact of low-income populations on schools and taxes, generally did not approve low-income housing in their jurisdictions.

Along with several other women, Valtierra brought a lawsuit that challenged the legal requirement of voter approval of public housing. The case—*James v. Valtierra*—

¹ Diane V. Delevett, “Complaint for Declaratory and Injunctive Relief, Three Judge Court Requested”, August 27, 1969, 3, RG 21, US District of Northern California, Valtierra v. Housing Authority of San Jose, Civil 52076, Folder 1, National Archives Pacific Region.

² “Exhibit H, Affidavit of Tyr V. Johnson”, August 24, 1969, 1, RG 21, US District of Northern California, Valtierra v. Housing Authority of San Jose, Civil 52076, Folder 1, National Archives Pacific Region.

eventually rose to the Supreme Court.³ The case raised a number of questions: Did the poor have a right to housing? Did the Fourteenth Amendment prohibit not only racial but also economic discrimination in housing? Did a law that classified the citizenry on the basis of wealth demand exacting judicial scrutiny? Did the right of taxpayers to determine how taxes were spent deny the poor equal protection of the laws? Racial segregation in housing had been outlawed recently, but did that mean that economic segregation—widespread in San José—was unconstitutional as well?

This chapter investigates how a diverse group of actors—from civil rights activists to homeowner groups, lawyers to Supreme Court Justices—tried to answer these questions. The case revealed the collision of two visions of constitutional rights. Those opposed to low-income housing based their claim on their rights as voters, taxpayers, and homeowners. Valtierra and her companions based their claim on their rights as citizens and as mothers to equal protection. Activists on both sides of the issue interpreted the Constitution as supporting their claims.

The political, legislative, and legal victories of the civil rights movement were in profound tension with suburbanization and the political cultures it produced. *James v. Valtierra* reconciled those tensions by defining class exclusion as distinct from racial exclusion. Many scholars, lawyers, and activists have asserted that the shift to class segregation in the 1970s was merely a smokescreen for hiding racial prejudice, a more “subtle” way to discriminate.⁴ But Valtierra and her co-plaintiffs made no such claim. Their argument was not that the burden of a nominally class-based law happened to fall on racial minorities; their point was that class exclusion itself was unconstitutional.

³ *James v. Valtierra*, 402 U.S. 137 (1971).

⁴ See, for example, Lamb, *Housing Segregation in Suburban America*.

Valtierra and her co-plaintiffs proposed an interpretation of race, class, and space that threatened the economic exclusivity and political sovereignty of suburban America. By tying race, class, and space together, Valtierra made a radical challenge not only to white privilege but also to class privilege.

The *SASSO* case was a critical victory for low-income housing. But “the most important breakthrough on suburban zoning,” according to the *Wall Street Journal*, was *James v. Valtierra*.⁵ After *SASSO*, housing activists were optimistic that the Supreme Court would decide that poor residents enjoyed a right to affordable housing. The case was part of the legal project of establishing economic rights in constitutional interpretations, coming at a critical time for rethinking the legal and economic structure of the metropolis. In 1969, Harvard law professor Frank Michelman famously argued for using the Fourteenth Amendment to further economic rights and economic citizenship.⁶ Shortly thereafter, Michelman worked on behalf of the *Valtierra* case.

At this doctrinal crossroads, the Supreme Court decided against Valtierra, deferring to local voters in their land use decisions. A constitutional vision of suburban sovereignty and taxpayer rights stymied expansive interpretations of the equal protection clause. Valtierra’s opponents—primarily suburban homeowners and their elected officials—articulated a sense of suburban citizenship, premised on their voting rights as taxpayers and homeowners. Suburban resistance to affordable housing desegregation was animated by a sense of suburban entitlements, taxpayer sovereignty, and class privilege, all of which were embodied in the political geography of the metropolis. By establishing that wealth could purchase class exclusivity in politically sovereign suburban

⁵ “Keep Out.”

⁶ Michelman, “The Supreme Court Term - Foreword: On Protecting the Poor Through the Fourteenth Amendment.”

jurisdictions, *James v. Valtierra* showcased the triumph of a political culture that celebrated suburban exclusivity as a right of citizenship, a right earned through middle-class homeownership.

By approaching *James v. Valtierra* with a case study, this chapter focuses not on the development of legal doctrine but rather how local residents imagined the U.S. Constitution.⁷ Anita Valtierra and other poor women used the spaces of the Constitution to make citizenship claims upon the state. Since they were not beholden to the CSO or other social movement organizations, the plaintiffs made claims of spatial justice on their own terms. They insisted that there was something illegitimate in a system that limited poor mothers' housing options so much that they had to split up their families. They perceived the requirement of voter approval of public housing projects as an unjust exercise of public power. There must be a remedy, they claimed, to these injuries; their legal aid attorneys identified the Constitution as the guarantor of that remedy, aspiring to make Valtierra and her co-plaintiffs' sense of rights into a constitutional claim. By doing so, Valtierra's attorneys translated personal, specific experiences into a universal assertion of economic rights.

San José's contest over suburban public housing reveals the multiplicity of residents' visions of economic rights and the contingency of legal and political struggles. As those visions moved between the local and the national, the Supreme Court and President Nixon attempted to adjudicate those claims and specify their impact on policy. By exploring those moments of interpretive possibility, this chapter differs from

⁷ Hartog, "The Constitution of Aspiration and 'The Rights That Belong to Us All'"; Tushnet, *Taking the Constitution Away from the Courts*; Cass R. Sunstein, *The Partial Constitution* (Cambridge: Harvard University Press, 1993); Forbath, "Why Is This Rights Talk Different from All Other Rights Talk? Demoting the Court and Reimagining the Constitution."

approaches that confine their focus to Supreme Court doctrine or elite politics, approaches for which local actors are merely inputs in evolving jurisprudence. Constitutional scholar Cass Sunstein, for example, argues that the election of Richard Nixon as president in 1968—and specifically Nixon’s appointment of conservative judges—stopped short a burgeoning movement for economic rights.⁸ Political scientist Charles Lamb supports this argument in his work on suburban desegregation. Judges, he argues, represent the political ideology of the presidents who appointed them, and thus we can mark a profound shift in judicial interpretations of the Constitution with Nixon’s judicial appointees. The Warren Court, which had expanded civil rights through a liberal interpretation of the Constitution, gave way to the Burger Court, which limited them.⁹ The reality, however, is more complicated, at least in *James v. Valtierra*, in which Harry Blackmun, a new Nixon appointee, sided with Valtierra. Hugo Black, on the other hand, an FDR appointee, opposed Valtierra. Nixon himself articulated a position on *Valtierra* that was consistent with fair housing liberalism.

The late 1960s and early 1970s was a moment of contingency in racial, economic, and political thinking during which *Valtierra* blurred distinctions between public and private, race and class, and states and markets. Federal housing programs, since their inception, had benefited the white middle class more than other social groups.¹⁰ Unlike the popularity enjoyed by home mortgage financing programs, there had never been widespread political support for government-subsidized affordable housing.¹¹ Public

⁸ Cass R. Sunstein, “Why Does the American Constitution Lack Social and Economic Guarantees?,” *Syracuse Law Review* 56, no. 1 (2005).

⁹ Lamb, *Housing Segregation in Suburban America*.

¹⁰ Cohen, *A Consumers’ Republic*.

¹¹ Leonard Freedman, *Public Housing: The Politics of Poverty* (New York: Holt, Rinehart, and Winston, Inc., 1969); Jackson, *Crabgrass Frontier*.

housing, in fact, was like many liberal goals that seemed to be on the precipice of success during the New Deal and World War II only to confront an increasingly conservative postwar politics.¹² In Los Angeles, for example, a broad wartime coalition of labor, left, religious, and civil rights groups advocated suburban affordable housing, but their vision of modern public housing fell victim to the postwar Red Scare.¹³ Labor and left groups that had advocated structural changes to political economy abandoned them, albeit often reluctantly, in the postwar years.¹⁴ The NAACP and other civil rights organizations shifted focus from the concerns of the working class to prioritize the concerns of the black middle class.¹⁵ Fair housing struggles of the 1960s, which sought to open up suburban areas for nonwhite middle-class professionals, reveal how much civil rights housing goals had narrowed.¹⁶ Fair housing proponents' emphasis on economic status and the sanctity of suburban neighborhoods had excluded affordable housing from the agenda.

Furthermore, while discrimination in employment and education received fairly expansive constitutional remedies, suburban housing desegregation proceeded on a different constitutional track. Civil rights law evolved in such a way that colorblindness became the solution to discrimination, but judicial remedies based on colorblindness were inadequate to deal with the tangled realities of economic and racial inequality.¹⁷ Thus when grassroots civil rights groups and legal aid services made constitutional claims on

¹² Alan Brinkley, *The End of Reform: New Deal Liberalism in Recession and War* (New York: Knopf, 1995).

¹³ Don Parson, "The Decline of Public Housing and the Politics of the Red Scare: The Significance of the Los Angeles Public Housing War," *Journal of Urban History* 33, no. 3 (March 2007): 400–417.

¹⁴ Sugrue, *Sweet Land of Liberty*.

¹⁵ *Ibid.*; Risa L. Goluboff, *The Lost Promise of Civil Rights* (Cambridge: Harvard University Press, 2007).

¹⁶ HoSang, *Racial Propositions*.

¹⁷ Matthew D. Lassiter, "De jure/De Facto Segregation: The Long Shadow of a National Myth," in *The Myth of Southern Exceptionalism*, ed. Matthew D. Lassiter and Joseph Crespino (New York: Oxford University Press, 2009), 25–48.

grounds of class in 1960s and 1970s, they confronted a jurisprudence that had already begun to see class stratification as legitimate and natural.

Yet there was, by the 1970s, a new context for ideas about rights and citizenship. The late 1960s and 1970s unleashed a plethora of litigation over exclusionary zoning.¹⁸ Suburban expansion, the urban crisis, and the civil rights movement put forth new ideas of citizenship, rights, and metropolitan space that, earlier, were not even on the table. In spite of the fracturing of the civil rights-labor-left coalition, working-class civil rights activists continued to assert their constitutional visions and to shape urban and suburban policy. They sought an alternative to the class-segregated metropolis. Political compromises in the early postwar years did not determine the outcome of these later struggles. From the point of view of Anita Valtierra, who, like many other Mexican American women had never enjoyed many welfare state benefits, the opportunities for government assistance had not even existed in the early postwar years.

The opponents of public housing, likewise, drew on new constitutional visions. In the 1950s, the movement against public housing relied on Red Scare tactics, tarring public housing as communist. By the 1970s, however, such tactics had evaporated. In their place, opponents of public housing expressed their opposition within a discourse of liberalism that endorsed racial equality, meritocracy, and class privilege. While Americans had long asserted rights to local self-government, San José residents' assertion that local sovereignty followed from homeowner and taxpayer rights was new. That such rights could insulate vast metropolitan areas from Fourteenth Amendment challenges was also new.

¹⁸ See Richard F. Babcock and Fred P. Bosselman, *Exclusionary Zoning: Land Use Regulation and Housing in the 1970s* (New York: Praeger, 1973).

The Housing Crisis

Born in New Mexico in 1924, Anita Valtierra moved to San José and worked in the canneries. Valtierra worked in a cannery during the summer months, earning \$360 per month. On top of that, she received a welfare supplement to reach \$516 per month. For most of the year, however, she earned far less. Like other workers in the California food processing industry, she faced seasonal unemployment.¹⁹ During the months when she was not working at the cannery, she received welfare assistance totaling \$335 per month.²⁰

It was not enough to afford housing in San José, where prices were rising rapidly. High-tech industrial growth attracted residents with high income levels, increasing upward pressure on an already strained housing market. By 1966, the average home was selling at a price between \$25,000 and \$30,000.²¹ According to a 1968 county study, an annual income of \$14,000 per year was necessary to buy a new FHA-insured home, and \$13,000 per year to buy a used home. Meanwhile, most county residents earned far less than that, and 40,000 households—including Valtierra's—earned less than 4,000 per year. Low-income households had little chance to access FHA-insured housing.²²

The prices of rentals had also skyrocketed. Between 1964 and 1969, rents for studio apartments had increased by 78 percent; for one-bedroom apartments, they had

¹⁹ Vicki L. Ruíz, *Cannery Women, Cannery Lives: Mexican Women, Unionization, and the California Food Processing Industry, 1930-1950* (Albuquerque: University of New Mexico Press, 1987); Matthews, *Silicon Valley, Women, and the California Dream*.

²⁰ “Exhibit A, Affidavit of Anita G. Valtierra”, August 16, 1969, RG 21, US District of Northern California, Valtierra v. Housing Authority of San Jose, Civil 52076, Folder 1, National Archives Pacific Region.

²¹ Department of Housing and Urban Development, *Analysis of the San Jose, California, Housing Market* (Washington, D.C.: Federal Housing Administration, September 1967), 25, California Room, San Jose Public Library.

²² “Affidavit of Franklin Miles Lockfeld”, November 19, 1969, 2, RG 21, US District of Northern California, Valtierra v. Housing Authority of San Jose, Civil 52076, Folder 1, National Archives Pacific Region.

increased by 52 percent; for two-bedrooms by 41 percent; and for three-bedrooms by 27 percent.²³ With such high rents, the county's low-income households were spending a large share of their income on housing. As R. Kenneth Bell of the Council of Churches noted, Mexican American families on the Eastside of San José were "living in abominable structures yet paying premium rent."²⁴ Mexican Americans disproportionately found shelter in overcrowded, dilapidated housing.²⁵

The shortage of affordable housing was so severe that politicians, planners, and media labeled it a "crisis."²⁶ In a 1969 report, Don Edwards, the area's congressional representative, released a report titled, "The Crisis We Face: Housing for Low Income Families in San José."²⁷ Based on a six-month study and 100 interviews, the report criticized the San José housing situation.²⁸ "People in my Congressional District," said Edwards, "literally cannot find a roof to put over their heads. Some are forced to live in shacks, cars, and even creekbeds."²⁹ The report declared that the lack of adequate low-income housing was San José's "most vicious social ill."³⁰

²³ Ibid., 3.

²⁴ Don Edwards, "The Crisis We Face: Housing for Low Income Families in San Jose", December 1969, Box 46, Folder 3, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

²⁵ Hamann, "Application to the Department of Housing and Urban Development for a Grant to Plan a Comprehensive City Demonstration Program"; Jordan, "Application to the Department for Housing and Urban Development for a Grant to Plan a Comprehensive City Demonstration Program"; Geoghegan, "Application for Planning Grant, Model Cities Program, City of Union City"; Galarza, "Alviso: The Crisis of a Barrio"; Human Relations Commissions of City of San Jose, County of Santa Clara, and City of Palo Alto, *A Tri-Commission Report: Public Hearings on Housing Patterns, Zoning Laws, and Segregated Schools in Santa Clara County* (San Jose: Human Relations Commission of San Jose, May 1976), California Room, San Jose Public Library.

²⁶ "San Jose Housing Crisis," *San Jose Maverick* 1, no. 7 (October 1969); Edwards, "The Crisis We Face"; "Edwards Raps SJ Housing," *San Jose Mercury*, December 6, 1969; "Housing Crisis in Santa Clara County, Survey Shows," *San Jose News*, January 8, 1970.

²⁷ Edwards, "The Crisis We Face."

²⁸ "Report Raps Housing for San Jose Poor," *San Jose Mercury*, December 7, 1969.

²⁹ "Release Housing Funds," *San Jose Post Record*, February 25, 1970.

³⁰ "Report Raps Housing for San Jose Poor."

Edwards was an unlikely advocate for affordable housing. Born in San José, Edwards grew up in a wealthy family, an avid golfer and a Young Republican. He attended Stanford for college and law school, and, after serving in the Navy during World War II, he followed in his father's footsteps and went into the title insurance business. As founder and president of the Valley Title Company, Edwards made a small fortune off of the Valley's real estate boom. But, growing frustrated with the political positions of the Republican Party, he left the GOP and became a Democrat. He entered politics and in 1962 he was elected to Congress, the first Democrat to represent Santa Clara County since the 1930s.

In Congress, Edwards worked for affordable housing. Along with Edward Roybal and John Conyers, Edwards had co-sponsored the Adequate Housing Act in 1967, which, if it had passed, would have provided more low-income housing. Even absent the Adequate Housing Act, there were federal government programs that, in theory, could ameliorate this crisis and construct affordable housing. The Housing Act of 1949 promised "a decent home and a suitable living environment for every American family."³¹ The act—which also included programs for slum clearance, mortgage insurance, and more—authorized 810,000 units of low-rent public housing to be built in six years.³² But 20 years later, only two thirds had been built.³³

The structure of the legislation militated against achieving its goals. The legislation required that projects be operated locally, delegating decision making powers, and the attendant conflict, to the local level. Hostile interest groups—homebuilders,

³¹ *Housing Act of 1949*, 1949.

³² *The Housing Yearbook, 1963* (Washington, D.C.: The National Housing Conference, 1963), 71; *Article XXXIV - Public Housing - Background Study* (San Francisco: California Constitution Revision Commission, June 1968), 2, Institute for Governmental Studies Library, University of California, Berkeley.

³³ Edwards, "The Crisis We Face."

realtors, saving and loan leagues—were especially good at limiting public housing construction. Composed of both national umbrella organizations as well as local units, housing industry groups pressured federal legislators and local housing authorities, reaching congressional representatives in Washington or in their home districts.³⁴ As political scientist Leonard Freedman wrote in 1969, “If one were to undertake a simulation exercise designed to uncover all the possible points at which a program might encounter opposition, something very much like the public housing struggle would emerge.”³⁵

In California, a major institutional barrier to public housing came with Article 34 of the state constitution. The result of Proposition 10, a 1950 ballot initiative, Article 34 required that all publicly funded low-income housing projects be subject to automatic prior referendum, a vote of the people within the city or county where public housing would be built. Unsurprisingly, the California Real Estate Association was behind the initiative. CREA produced and distributed 1,500,000 pamphlets and sent a sixteen-page booklet to every newspaper in the state to urge them to support the initiative.³⁶ CREA advertised on billboards, in windows, over radios, and on TV ads. Members of the California Savings and Loan League mailed CREA’s campaign pamphlet to their investors. Real estate agents distributed CREA pamphlets door-to-door and sent Proposition 10 materials to their clients.³⁷ The state Chamber of Commerce joined CREA

³⁴ Freedman, *Public Housing*, 11.

³⁵ *Ibid.*, 5.

³⁶ Quoted in *Ibid.*, 74–75.

³⁷ Quoted in *Ibid.*

in supporting Proposition 10, urging voters to “stop the ever-increasing trend toward the socialization of housing.”³⁸

Labor organizations opposed the proposition, as did civil rights organizations.³⁹ Franklin Williams, regional secretary of the NAACP, warned that it was a convenient vehicle for racism: “Proposition #10 means that any community that does not want Negroes or Japanese or Jews to live there would prevent them from living in such communities in publicly supported housing.”⁴⁰ Opponents claimed that the construction of publicly subsidized housing was not a matter for ordinary voters but rather for “expert judgment” by specialists under the public housing authority. Since such officials were themselves subject to citizen pressure, there was no need for an automatic prior referendum.⁴¹ The proposition passed narrowly, by only 1.5 percent of the more than three million votes cast.⁴² It lost in most counties, but it won in several developing suburban counties, particularly Alameda, Orange, and Los Angeles, where voters approved it by a margin of 150,000 votes.⁴³

Article 34 put the brakes on California’s public housing program. In 1969, 20 years after the Housing Act promised a place for everyone, there was no public housing in San José or Santa Clara County. The only low-income housing in Santa Clara County was through a new leasing program, part of the Housing and Urban Development Act of

³⁸ California State Chamber of Commerce, “Recommendations on State Ballot Measures,” *California: Magazine of the Pacific* xl, no. 10 (October 1950).

³⁹ “Weekly News Letter from California State Federation of Labor”, April 26, 1950, Box 49, Folder 9, Ernesto Galarza Papers, M0224, Department of Special Collections, Stanford University Libraries, Stanford, California.

⁴⁰ Franklin Williams, “Proposition 10”, n.d., Carton 3, Folder 12, NAACP Papers, Region I, BANC MSS 78/180 c, Bancroft Library, University of California, Berkeley.

⁴¹ *Article XXXIV - Public Housing - Background Study*, 10–11.

⁴² John A. Busterud and Larry L. Sipes, *Report of the Article XXXIV Committee* (San Francisco: California Constitution Revision Commission, December 1968), 1, Institute for Governmental Studies Library, University of California, Berkeley.

⁴³ “Statement of Vote”, 1950, 30, Institute for Governmental Studies Library, University of California, Berkeley.

1965, which authorized local housing authorities to utilize vacancies in the private housing market by leasing units from property owners and making them available to low-income families at rents normally charged for public housing. The housing authority paid the landlord a market-rate rent and absorbed the difference between what it paid and what it received from the renter. California courts found that Article 34 did not apply to this kind of housing.⁴⁴

To implement the leasing program, San Jose city council created a Housing Authority in 1966.⁴⁵ The Housing Authority began leasing units, especially entire buildings owned by private developers, which the authority leased for elderly housing. If it were not for leased housing, San José would have lacked almost all subsidized low-income housing.⁴⁶

Leased units, however, did not begin to cover the need. Many of the naturally low-income units had been destroyed by freeway construction and urban renewal. Nationally, urban renewal destroyed 400,000 low- and very low-income units, but only 20,000 units were built to replace them. In San José, the pattern was similar. From 1962 to 1969, freeways destroyed 1,119 units and urban renewal destroyed 681 units. The city built only 108 replacement units, all devoted to elderly housing. Countywide, half of the units that had been built served the elderly; the rest focused on moderate income households. There was very little housing for the poor.⁴⁷

⁴⁴ *Article XXXIV - Public Housing - Background Study*, 6.

⁴⁵ City Council of San Jose, "Resolution No. 28614: Resolution of the Council of the City of San Jose Declaring the Need for a Housing Authority in the City of San Jose, California", January 17, 1966, RG 21, US District of Northern California, *Valtierra v. Housing Authority of San Jose*, Civil 52076, Folder 1, National Archives Pacific Region.

⁴⁶ *Article XXXIV - Public Housing - Background Study*, 6.

⁴⁷ Edwards, "The Crisis We Face."

In San José, 729 families had recently applied for the leased housing program, but no apartments could be found.⁴⁸ The situation was no better elsewhere in the county. In Sunnyvale, voter opposition to public housing limited the city to 77 units of leased housing. Sunnyvale conducted a rehabilitation program that decreased the availability of low-income housing by displacing low-income families and raising rents on rehabilitated structures.⁴⁹ The county housing authority was no longer taking applications; it had an official waiting list of 500 families, plus the names of an additional 3,000 families that would apply for public housing if it were taking applications.⁵⁰

According to a County Planning Department study, there was a shortage of at least 20,000 affordable housing units, and likely more. The county planning department estimated that 19,500 households in San José alone were eligible for affordable housing, plus an additional 29,000 in the rest of the county.⁵¹ This shortage, asserted the planning department, entrenched ghettos and segregation, sharpening the “contrasts between affluence and poverty”—and between whites and Mexican Americans—as the poor became concentrated on the Valley floor while the wealthy retreated to subdivisions in the foothills.⁵² “Because of the housing situation,” stated Franklin Miles Lockfeld, Senior Planner of the Santa Clara County Planning Department, “economic segregation has occurred.”⁵³

⁴⁸ Ibid.

⁴⁹ “Sunnyvale Won’t Increase Role in Promoting Low Cost Housing,” *San Jose Mercury*, March 3, 1970.

⁵⁰ Don Edwards to Victor Calvo, July 23, 1970, Box 84, Folder 98, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

⁵¹ “Affidavit of Franklin Miles Lockfeld,” 3.

⁵² “Housing Crisis in Santa Clara County, Survey Shows.”

⁵³ “Affidavit of Franklin Miles Lockfeld,” 4.

Edwards worried that the Santa Clara Valley was succumbing to “the classic ghetto effect of slum housing and low income concentrations in certain areas.”⁵⁴ In a letter to George Romney, secretary of HUD, Edwards warned, “The housing situation in San José is explosive.”⁵⁵ And the culprit, claimed Edwards, was Article 34. The prohibition against public housing threatened to “destroy the entire city.” Only by developing “adequate housing for all, dispersed throughout the valley,” declared Edwards in his housing report, “can we escape the huge slums which dominate the central cores of the older cities.”⁵⁶

In 1968, in a referendum required by Article 34, San José residents voted on a proposal to build low-income housing.⁵⁷ The housing would not be high-rise housing projects, the kind of mammoth concentrations of poverty that had brought public housing such ill repute. Rather, they were to be small duplexes or apartments, no more than four units per building, scattered throughout the city so that no spatial concentration of poverty was possible, designed to resemble “regular” modern suburban development.⁵⁸ This was, according to San José housing authority planners, an enlightened approach to designing and providing affordable housing, and the city housing authority, planning department, and many local politicians threw their support behind the proposal. In the voters’ guide, county planners cast the proposal as a program for voters’ low-income neighbors who could not afford housing as home prices escalated in Silicon Valley. “The

⁵⁴ Edwards, “The Crisis We Face.”

⁵⁵ Don Edwards to George Romney, November 25, 1969, Box 84, Folder 98, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

⁵⁶ Edwards, “The Crisis We Face.”

⁵⁷ “Sample Ballot: General Ballot—9th Congressional, 13th Senatorial, 24th Assembly District, Tuesday, November 5, 1968”, n.d., Series I, Box 6, Folder “Consolidated General Election—Nov. 5, 1968—Sample Ballots (3 of 3),” Registrar of Voters Records, Santa Clara County Archives.

⁵⁸ Walter Rector et al., “Argument in Favor of Measure B”, 1968, Series I, Box 6, Folder “Consolidated General Election—Nov. 5, 1968—County, Municipal, and School Elections,” Registrar of Voters Records, Santa Clara County Archives.

inflation we have learned to live with and call ‘prosperity,’” they contended, “has literally lifted the roof from their heads.”⁵⁹

Although planners liked scattered affordable housing development, the specter of “projects” in suburban neighborhoods generated considerable opposition from homeowners. Councilmember Virginia Shaffer, generally a spokesperson for homeowner interests, opposed the measure. She appealed to taxpayers, portraying affordable housing as a giveaway to the indolent; the projects, she said to her constituents, would be built with “*your* Federal tax money.”⁶⁰ Moreover, the scattered projects threatened the quality of life in suburban neighborhoods. Critics charged that Shaffer and other opponents of suburban affordable housing opposed it because of racial prejudices, a charge Shaffer denied. “This has nothing to do with color,” she said. “People oppose public housing because too often it means there will be piles of garbage, trash, knee-high grass and undisciplined children in a neighborhood where other people are trying to meet their payments. Of course, it’s true many of these people who take public housing are wonderful people just having a bad time temporarily, but there are others who drag the whole neighborhood down. If they moved into an area where they can’t compete and see that other families have color television and bikes for their kids, it just makes it more uncomfortable for them.”⁶¹ Denying any racial discrimination, Shaffer defended suburban exclusivity as a legitimate aspiration of middle-class homeowners and taxpayers. The discourse with which she explained economic geography expressed a sense of entitlement to middle-class landscapes, casting the poor as strangers in the

⁵⁹ Ibid.

⁶⁰ Virginia C. Shaffer, “Argument Against Measure B”, 1968, Series I, Box 6, Folder “Consolidated General Election—Nov. 5, 1968—County, Municipal, and School Elections,” Registrar of Voters Records, Santa Clara County Archives. Emphasis added.

⁶¹ “Housing Officials Await Ruling on Referendum,” *Los Angeles Times*, August 3, 1970.

suburbs. In the 1968 vote, San José voters rejected the proposal, 54 to 46 percent, prohibiting the construction of government-subsidized affordable housing in San José.⁶²

Legal Radicals

Valtierra enlisted the help of California Rural Legal Assistance (CRLA), an organization founded in 1966 as part of the War on Poverty. Originally intended to provide free legal services for farmworkers, CRLA quickly became involved in cases far from the fields. With a mission to empower poor clients to fight for economic justice, CRLA endeavored to help not only poor individual clients but also the poor as a class, bringing it into struggles over voting rights, welfare, industrial employment, school lunches, consumer fraud, health programs, and environmental protection. By taking on Valtierra's case, CRLA entered the volatile realm of affordable housing in the suburbs.⁶³

Valtierra's CRLA attorney was Diane Delevett, a 27-year-old attorney who had recently completed her law degree at Stanford University. An active promoter of civil rights, Delevett had spent the summer of 1964 in Mississippi working to prevent violence against southern civil rights activists.⁶⁴ Delevett perceived that Valtierra's case could be used to attack the governmental structure that proscribed the rights of the poor. She connected Valtierra's case with two other women—Angie Duarte and Dorether Anderson—who were frustrated by lack of affordable housing and filed a lawsuit against Article 34—*Valtierra v. San José*—in August of 1969.⁶⁵

⁶² Edwards, "The Crisis We Face."

⁶³ Michael Bennett and Cruz Reynoso, "California Rural Legal Assistance (CRLA): Survival of a Poverty Law Practice," *Chicano Law Review* 1, no. 1 (1972): 1–79; *Castro v. California*, 2 C.3d 223 (1970); *Rivera v. Division of Industrial Welfare*, 265 Cal. App. 2d (576 1968); *In Re Judge Gerald S. Chargin*, 2 C.2d 617 (1970); *Romero v. Hodgson*, 319 F.Supp. 1201 (N.D. Cal. 1970); *Damico v. California*, 389 U.S. 416 (1967).

⁶⁴ Dorothy Height, *Open Wide The Freedom Gates* (New York: PublicAffairs, 2005), 168.

⁶⁵ *Valtierra v. San Jose*, 313 F.Supp. 1 (N.D. Cal. 1970).

The following month, a nearly identical case was filed in neighboring San Mateo County. Gussie Hayes, an African American mother of four, went to the Legal Aid Society of San Mateo County to complain about the terrible conditions in the house she rented. Her attorney, Lois P. Sheinfeld, channeled her frustration with housing conditions into a lawsuit against Article 34. The district court consolidated the case—*Hayes v. San Mateo*—with *Valtierra*.⁶⁶

The plaintiffs were all women, heads of household, and mothers. A racially diverse group, two of the plaintiffs were Mexican American, two were white, and three were black. Regardless of their racial backgrounds, the plaintiffs made similar complaints. For them, public housing meant, above all, being able to provide for their children. Anita Valtierra began her affidavit with her status as a mother. Before she moved into her one-bedroom apartment, she was on the emergency housing waiting list. “At that time,” she testified, “I had all my children living in various homes of friends and relatives. The only way that I could reunite my family was to accept this tiny apartment.”⁶⁷ Because she spent such a high percentage of her income on housing, she was often unable to buy her children clothing and other necessary items.⁶⁸ For Valtierra, public housing promised not just a place to live but also the opportunity to unite her family and provide for her children.

Angie Duarte had a similar experience. “I have always had a hard time finding a home for my family that I could afford,” stated Duarte. As a cashier and waitress, Duarte earned \$270 per month, plus a welfare supplement that brought her monthly income to \$443. It was not enough to rent an apartment for a family of five. But when she tried to

⁶⁶ “Civil Docket”, 1969, 163, *Hayes v. San Mateo*, Law Library, Library of Congress, Washington, DC.

⁶⁷ “Exhibit A, Affidavit of Anita G. Valtierra.”

⁶⁸ *Ibid.*

rent smaller apartments, landlords refused to rent to a family with four children. Distraught, she sent two of her children to live with their grandmother in Arizona while she located an apartment. After she moved into a two-bedroom apartment, she brought back her children, but was a reunion fraught with tension. “I live in fear,” said Duarte, “that I will be evicted when the landlord finds out that there are actually four children living in the apartment.” With public housing, Duarte imagined being able to provide better for her family. “With lower rent I would have enough to buy my children more clothing and other necessities that I cannot now afford.”⁶⁹

Dorether Anderson lived in a three-bedroom apartment with her eight children.⁷⁰ It was, she testified, “infested with cockroaches.”⁷¹ She had been looking for other housing for eight years, but, as a maid, she made only \$50 to \$75 each month, plus a welfare supplement, which did not enable her to afford a suitable apartment. When the local housing authority was created, she applied immediately, but had never been referred to a home. She spent the next three years on the waiting list for a leased apartment from the housing authority.⁷²

The San Mateo County plaintiffs—Gussie Hayes, Iota Weatherwax, JoAnne Brown, and Shirley Mae Luke—expressed similar complaints. Hayes lived with her children in a three-bedroom house without working sewage. She could not afford a place for her family on her monthly income of 418 dollars. She had asked her sister to take care

⁶⁹ “Exhibit C, Affidavit of Angie Duarte”, August 16, 1969, 1, RG 21, US District of Northern California, Valtierra v. Housing Authority of San Jose, Civil 52076, Folder 1, National Archives Pacific Region.

⁷⁰ Diane V. Delevett, “Request for Admissions”, October 31, 1968, 2, RG 21, US District of Northern California, Valtierra v. Housing Authority of San Jose, Civil 52076, Folder 1, National Archives Pacific Region.

⁷¹ “Exhibit B, Affidavit of Dorether Anderson”, August 16, 1969, RG 21, US District of Northern California, Valtierra v. Housing Authority of San Jose, Civil 52076, Folder 1, National Archives Pacific Region.

⁷² Delevett, “Complaint for Declaratory and Injunctive Relief, Three Judge Court Requested,” 4.

of one of her daughters. “If I had public housing,” claimed Hayes, “I would be able to have my daughter back and be able to live with my family in a clean and safe house.”⁷³

Several housing authorities supported the plaintiffs. Housing authorities around the state had long opposed Article 34 because it limited their ability to construct housing. Fergus P. Cambern, director of Fresno’s housing authority, said that no new public housing had been built in his district in 15 years, and there were 1,000 families on the waiting list.⁷⁴ Harry E. Zollinger, director of Sacramento’s housing authority, said, “Article 34 has made it almost impossible for us to fulfill the need [for low income housing]... because Article 34 requires a political campaign and low-income families are not attractive political candidates.”⁷⁵

In 1968, the state legislature convened the Constitution Revision Commission to simplify the notoriously complex state constitution, evaluate constitutional amendments, and make recommendations on which to retain and which to jettison. The committee convened to examine Article 34 Committee found that few organizations supported the amendment. The main organizations favoring retention of article were CREA, the California Savings and Loan League, and the Apartment House Associations Consolidated. Favoring deletion of the article were many of the state’s human relations commissions, housing authorities, labor organizations, and legal aid societies.⁷⁶ To the commission, Article 34 was illogical. If the principle of Article 34 was sound, asked the

⁷³ Gussie Hayes, “Affidavit”, September 29, 1969, 105, Hayes v. San Mateo, Law Library, Library of Congress, Washington, DC.

⁷⁴ “Exhibit D, Affidavit of Fergus P. Cambern”, August 25, 1969, RG 21, US District of Northern California, Valtierra v. Housing Authority of San Jose, Civil 52076, Folder 1, National Archives Pacific Region.

⁷⁵ “Exhibit E, Affidavit of Harry E. Zollinger”, August 19, 1969, RG 21, US District of Northern California, Valtierra v. Housing Authority of San Jose, Civil 52076, Folder 1, National Archives Pacific Region.

⁷⁶ Busterud and Sipes, *Report of the Article XXXIV Committee*, 5–6.

Constitution Revision Commission, “should there be a referendum on each proposed new school or airport or freeway or park? Should the neighborhood vote on whether to have a new police or fire station, hospital, library or post office?”⁷⁷ The committee recommended deleting the article from the constitution.

But if Article 34 was not popular among housing authorities, a legal challenge to Article 34 was nevertheless a daring move. Article 34’s validity had never been tested. The case would involve questioning local governments’ land use policies, challenging the prerogatives of suburban voters, and, perhaps, arguing that economic segregation was unconstitutional. Mainstream civil rights groups, such as the NAACP, shied away from such cases, preferring proven legal strategies to quixotic quests. The local lawyers who took up those quests were often renegades with tense relationships with national legal organizations. From New Rochelle to Mt. Laurel, local attorneys—sometimes working alone, often with community legal aid organizations—devised radical and creative legal strategies to attack suburban segregation.⁷⁸ The attorneys working for Valtierra and Hayes were all young attorneys working for legal aid societies.

Delevett maintained this reputation for local legal radicalism. Delevett asserted that the state law requiring popular approval of government-subsidized affordable housing projects was unconstitutional. Delevett argued that Article 34, by singling out low-income people for different treatment, manifested economic discrimination on its face.⁷⁹ It exhibited an “invidious classification,” forbidden by the Equal Protection

⁷⁷ *Article XXXIV - Public Housing - Background Study*, 11–12.

⁷⁸ Sugrue, *Sweet Land of Liberty*; Kirp, Dwyer, and Rosenthal, *Our Town: Race, Housing and the Soul of Suburbia*.

⁷⁹ Diane V. Delevett, “Memorandum of Points and Authorities in Support of Complaint for Declaratory and Injunctive Relief”, n.d., 9–10, RG 21, US District of Northern California, *Valtierra v. Housing Authority of San Jose*, Civil 52076, Folder 1, National Archives Pacific Region.

Clause of the Fourteenth Amendment. The Supreme Court had found that wealth and race were “highly suspect” and demanded “a more exacting judicial scrutiny.”⁸⁰ The court had recently ruled, “Lines drawn on the basis of wealth or property, like those of race, are traditionally disfavored.”⁸¹ Article 34 appeared to violate this, for it applied specifically to “low-income persons”—“persons... who lack the amount of income which is necessary... to enable them, without financial assistance to live in decent, safe and sanitary dwellings, without overcrowding.” As a result, Article 34 had excluded the poor from most of California’s suburbs.⁸²

Article 34, Delevett asserted, singled out the poor to bear a burden not faced by other classes. “Article 34,” stated Delevett, “makes poor people second-class citizens in their pursuit of suitable living accommodations. Only the poor are required to pass a popularity contest before they can receive federal assistance for housing.”⁸³ Publicly funded projects that benefited the middle class—such as suburban housing developments financed by federal mortgage and lending programs—faced no such obstacle. Federal programs—particularly the Federal Housing Administration (FHA), the Federal National Mortgage Association (FNMA), and the Veterans Administration (VA)—assisted middle-class residents in their pursuit of housing.⁸⁴ California homebuyers had benefited from more than 15 billion dollars in mortgage insurance programs. “Not one cent of these huge amounts,” said Delevett, “had to be approved by any government agency except

⁸⁰ *Ibid.*, 9.

⁸¹ *Harper v. Virginia*.

⁸² Delevett, “Memorandum of Points and Authorities in Support of Complaint for Declaratory and Injunctive Relief,” 10.

⁸³ “San Jose Housing Crisis.”

⁸⁴ Delevett, “Memorandum of Points and Authorities in Support of Complaint for Declaratory and Injunctive Relief,” 11.

FHA itself.”⁸⁵ There was no referendum every time a suburban homebuyer applied for a loan from the Federal Housing Administration. Yet voters could prevent the development of federally financed housing for the poor, effectively excluding the poor from entire cities and counties.⁸⁶

Delevett made a critique of the housing market a part of her argument. The private sector had not provided adequate low-income housing and it was not going to.⁸⁷ Codes and zoning made it near impossible to do so. The problem was not only that the government had failed to provide adequate housing; the problem, rather, was that the government policies actively prevented housing for low-income people.

San José city council expressed sympathy for Valtierra and the other plaintiffs,⁸⁸ but rejected Delevett’s arguments.⁸⁹ City attorneys Ferdinand P. Palla and Richard W. Marston denied that Article 34 created an invidious classification. Although Delevett had claimed that the federal government subsidized housing in several ways, “there is only one type of public housing in California.”⁹⁰ To Marston, low-income public housing was the only kind of public housing, not middle-income housing, no matter how much it was subsidized by the federal government. If title to the housing remained in private hands, it was not public housing.

⁸⁵ Ibid.

⁸⁶ Delevett, “Memorandum of Points and Authorities in Support of Complaint for Declaratory and Injunctive Relief.”

⁸⁷ “Exhibit H, Affidavit of Tyr V. Johnson,” 1.

⁸⁸ Ferdinand P. Palla and Richard W. Marston, “Memorandum of Points and Authorities in Support of Motion to Deny Application to Convene Three-judge Court and to Dismiss Complaint”, n.d., 4-5, RG 21, US District of Northern California, Valtierra v. Housing Authority of San Jose, Civil 52076, Folder 1, National Archives Pacific Region.

⁸⁹ Ibid., 3.

⁹⁰ Richard W. Marston, “Supplemental Memorandum in Support of Motion to Dismiss”, November 17, 1969, 2, RG 21, US District of Northern California, Valtierra v. Housing Authority of San Jose, Civil 52076, Folder 1, National Archives Pacific Region.

Furthermore, Article 34 was an expression of democracy. Article 34 made public housing “a political question for the electorate to decide. Such is the very essence of democratic government.”⁹¹ Taxpayers had to pay for low-income housing projects and deserved to say if and how they would exist. For the court to decide otherwise would be “taking away from the people their right to suffrage.”⁹² It was an argument that articulated a taxpayer understanding of rights and insisted upon municipal sovereignty.

San José attorneys argued that local governments could participate in federal programs on whatever terms they chose.⁹³ They argued, in addition, that referendum procedures were not subject to constitutional scrutiny. “By definition,” claimed attorney Robert S. Sturges, “any law or legislative act which depends upon a favorable vote of a majority of the electorate for its validity cannot be invalid.”⁹⁴ Sturges implied that minorities enjoyed no rights, only privileges bestowed upon them by the majority.

In their decision, a 3-judge District Court panel sided with Valtierra, finding that Article 34 allowed the majority to trample on the rights of the minority. In the ruling, Circuit Judge Oliver D. Hamlin and District Judges Robert F. Peckham and Gerald S. Levin found that Article 34’s application to only “low-income persons” brought it under the Supreme Court’s censure. The judges wrote, “It is no longer a permissible legislative objective to contain or exclude persons simply because they are poor.”⁹⁵ Moreover, stated the court, the impact of the law fell upon the people most likely to be poor: Latinos and

⁹¹ *Ibid.*, 3.

⁹² *Ibid.*, 3–4.

⁹³ Robert S. Sturges, “Notice of Motion to Dismiss Complaint; Memorandum of Points and Authorities to Dismiss Complaint”, November 6, 1969, 2, RG 21, US District of Northern California, Valtierra v. Housing Authority of San Jose, Civil 52076, Folder 1, National Archives Pacific Region.

⁹⁴ *Ibid.*, 3.

⁹⁵ *Valtierra v. San Jose*.

African Americans, especially those heading single-parent households like Valtierra and her companions.

Public reaction to the case was enormous. As the city of San José appealed the decision to the Supreme Court, national media—*Time* magazine, the *Christian Science Monitor*, the *Wall Street Journal*, the *Washington Post* and more—covered the story.⁹⁶ Although the case was ostensibly about a narrow referendum clause, it was perceived broadly to be about whether or not suburbs could exclude the poor and nonwhites. Most observers expected the Supreme Court to rule that citizens enjoyed a right to housing, including a right to affordable housing in the suburbs. “Housing experts,” noted *Time*, “believe that the court eventually will rule that all communities must provide living space for the poor.”⁹⁷ As the widespread public interest attests, observers saw a lot at stake in *Valtierra*, which was widely held to be about more than Article 34, testing the justice—or injustice—of economic segregation itself.

Without support from any major civil rights organizations, Valtierra, her fellow plaintiffs, and their legal aid attorneys had won the case at the district court. After the local attorneys’ victory—and widespread publicity—armies of liberal attorneys, civil rights groups, law professors and others came to contribute. An amicus brief written by eminent law professors Frank Michelman and Fred Bossleman listed more than 30 national civil rights, labor, and housing industry groups, including the AFL-CIO, the NAACP, the National Association of Home Builders, the National Committee Against Discrimination in Housing, the National Tenants Organization, and the National Urban

⁹⁶ “Color Zoning White,” *Time Magazine*, September 7, 1970; “Housing”; “The Supreme Court and Low Income Housing,” *The Washington Post*, May 2, 1971; “Keep Out.”

⁹⁷ “Color Zoning White.”

League.⁹⁸ Renowned liberal Archibald Cox, Harvard law professor and former United States Solicitor General, took over the role of the plaintiff's attorney and ushered Delevett out the door.

Devotion to Democracy, Not to Bias

To Supreme Court Justice Harry Blackmun, the district court's decision made sense. Appointed by President Nixon, Blackmun was a newcomer, still in his first term on the Supreme Court. A Republican, Blackmun had been recommended by Chief Justice Warren Burger, a close friend. In *Valtierra*, Blackmun revealed an early willingness to diverge from Burger, Nixon, and Republican orthodoxy.⁹⁹ It was the first major case on which the two men—known as the “Minnesota Twins” because of the Minnesota natives’ similar voting record—disagreed.¹⁰⁰

“My inclination,” wrote Blackmun in a preargument memo, “is definitely to affirm.” Article 34, he felt, was “a thinly veiled attempt to avoid the availability of low-income housing.”¹⁰¹ To Blackmun, *Valtierra* appeared to be supported by a string of recent Supreme Court rulings.¹⁰² Only two years previously, the court had found unconstitutional a fair housing referendum procedure in Akron, Ohio.¹⁰³ In the 1940s, the court found that California could not prevent the poor from migrating to the state, a

⁹⁸ Fred P. Bosselman and Frank I. Michelman, “Motion for Leave to File a Brief as Amici Curiae”, October 1970, James v. Valtierra, Law Library, Library of Congress, Washington, DC.

⁹⁹ Linda Greenhouse, *Becoming Justice Blackmun: Harry Blackmun's Supreme Court Journey* (New York: Times Books, 2005), 68–69, 186.

¹⁰⁰ *Oakland Post*, May 12, 1971.

¹⁰¹ Harry A. Blackmun, “No. 154 - James v. Valtierra, No. 226 – Shaffer v. Valtierra”, March 2, 1971, 2, Box 126, Folder 70-154, 70-226, Harry A. Blackmun Papers, Manuscripts Division, Library of Congress, Washington, DC.

¹⁰² Harry A. Blackmun, “No. 154 – James v. Valtierra, No. 226 – Shaffer v. Valtierra”, April 14, 1971, Box 126, Folder 70-154, 70-226, Harry A. Blackmun Papers, Manuscripts Division, Library of Congress, Washington, DC.

¹⁰³ *Hunter v. Erickson*, 393 U.S. 385 (1969).

decision it had recently expanded upon in a case that said that state welfare policies could not place a burden on poor citizens' right to migrate.¹⁰⁴

In their amicus brief on behalf of the NAACP and many other civil rights, labor, and housing organizations, Michelman and Bosselman situated the case within that tradition of Fourteenth Amendment jurisprudence. The Court usually applied a rationality test to zoning and land use decisions, deferring to local governments if their policies appeared to be rational. But Bosselman and Michelman argued that the Court should apply a compelling state interest to Article 34. The standards for scrutiny were higher for two reasons. First, housing, they argued, was “a basic need,” one whose location determined other benefits of citizenship, such as schools, that residents enjoyed.¹⁰⁵ Second, Article 34, they argued, singled out the poor, creating a structural bias against the poor and their interests within the political system.¹⁰⁶ “A more explicit purpose to discriminate against the poor,” they contended, “can hardly be conceived.”¹⁰⁷ Furthermore, the application of the law adversely affected minority groups.¹⁰⁸ They rejected the suggestion that Article 34 was an innocent expression of voting rights, assailing San José council member Shaffer and the San José attorneys for proposing “that you can smuggle any discrimination, no matter how invidious, right past the Equal Protection clause merely by wrapping it in the mantle of a popular vote.”¹⁰⁹

Bosselman and Michelman also addressed the architectural and spatial conflicts over public housing in suburban San José. Although Shaffer had explained that she

¹⁰⁴ *Edwards v. California*, 314 US 160 (1941); *Shapiro v. Thompson*, 394 U.S. 618 (1969).

¹⁰⁵ Bosselman and Michelman, “Motion for Leave to File a Brief as Amici Curiae,” 37.

¹⁰⁶ *Ibid.*, 17.

¹⁰⁷ *Ibid.*, 12.

¹⁰⁸ *Ibid.*, 33.

¹⁰⁹ *Ibid.*, 32.

opposed public housing because it was “institutional” and “mammoth,” San José’s public housing would have been not massive high-rise projects but small, inconspicuous apartments. Moreover, Bosselman and Michelman noted, the language of Article 34 was not directed against any of the architectural features that Shaffer object to; rather it applied only to housing for low-income people, regardless of its style or proportions, and it did not forbid mammoth high rises for people of middle income. In fact, Article 34 encouraged the development of high-rise projects because it functioned to prevent public housing from being built outside of small areas already inhabited by low-income (and usually nonwhite) residents. Article 34 enabled middle and upper class communities to exclude the poor, effectively maintaining segregation.¹¹⁰

At oral arguments on March 3 and 4, 1971, Archibald Cox, the distinguished liberal attorney who had taken over the case when it rose to the Supreme Court, continued the line of reasoning started by Delevett. California law, he observed, did not merely allow local voters to decide whether to construct low-income housing; it required them to make this decision. Meanwhile, federally subsidized middle- and upper-income housing faced no such obstacles. “Article 34,” declared Cox magisterially, “builds its unique bias against the poor into the very structure of the political system.”¹¹¹

Chief Justice Burger questioned Cox’s interpretation. “Mr. Cox?” he asked. Didn’t the community have a right to vote on a low-income housing project because it “will not pay its fair share of tax in the minds and eyes of the small homeowner?” Cox

¹¹⁰ As the National Commission on Urban Problems had claimed, “Suburbanites and middle-class residents who criticize the huge projects in the central city and who, at the same time, oppose any projects in their neighborhoods, should realize that their refusal to permit the diffusion of public housing is a major factor in creating the concentration they deplore.” *Ibid.*, 20–21.

¹¹¹ *Oral Argument, James v. Valtierra*, 402 U.S. 137 (1971), 1971, <http://oyez.org/cases/1970-1979/1970/1970-154>.

replied that of the many projects exempted from tax rolls—from highways to hospitals—only low-income housing was subject to automatic prior referendum. This limited the citizenship rights of low-income people, putting them into a different relationship with their government than other people. When low-income Americans sought government assistance, they were told, said Cox, “You don’t stand the way merchants do when they want improved streets, you don’t stand the way the public does when they want the superhighways, or parents do when they want schools. You have to get over this additional higher burden. And it does seem to me that that’s”—he paused and chuckled—“just wrong.”¹¹²

Unpersuaded, Burger maintained that low-income housing differed from other public projects in that highways and schools served everyone, whereas low-income housing served only the poor. Cox replied that public housing did serve everyone, just as much as federal mortgage insurance, or unemployment insurance, or old-age insurance or a number of government programs. By specifying that the poor would receive unequal treatment, Article 34, asserted Cox, “puts a brand on the poor that is just as offensive as the brand of race.”¹¹³

Donald C. Atkinson, attorney for the city of San José, rejected Cox’s claims. “What really is involved here,” he claimed, “is the voting rights of the majority.” Low rent housing was not a fundamental right upon which the majority, through government, could not intrude. The Supreme Court had found economic distinctions suspect only when they concerned fundamental rights, such as the right to vote. “And unless the court here,” cautioned Atkinson, “is willing to extend its test of fundamentally guaranteed

¹¹² Ibid.

¹¹³ Ibid.

rights to low rent housing, I think it would be extremely dangerous to uphold the district court in this area.”¹¹⁴

Finally, the court heard arguments from Moses Lasky, the strident attorney for San José city council member Virginia Shaffer, who hired him personally because she felt that Atkinson—a reserved man who, she feared, sympathized with the plaintiffs—would not defend the city adequately. Lasky conceded that Article 34 disfavored the poor, but, he contended, there was nothing constitutionally wrong with that. “The Fourteenth Amendment,” insisted Lasky, “directs its thrust against racial discrimination,” not economic discrimination.¹¹⁵

After the arguments, at the justices’ private conference, Chief Justice Burger scoffed at Cox’s contentions. To Burger, Cox appeared to be saying that “too much democracy violates the Equal Protection Clause.” Article 34, said Burger, was a vibrant part of California’s populist tradition.¹¹⁶ Blackmun, on the other hand, was uncomfortable with such a claim. As Blackmun’s law clerk Daniel Edelman observed, “The malapportioned legislature and the poll tax may have been fine old democratic traditions, but they violated equal protection.”¹¹⁷

But Blackmun was in the minority. In a 5-3 decision, the Supreme Court reversed the district court, finding that Article 34 was not unconstitutional.¹¹⁸ The opinion, written by Hugo Black, established the legitimacy of class exclusion, reasoning that since there

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Harry A. Blackmun, “154, 226”, n.d., Box 126, Folder 70-154, 70-226, Harry A. Blackmun Papers, Manuscripts Division, Library of Congress, Washington, DC.

¹¹⁷ Daniel B. Edelman to Harry A. Blackmun, “Nos. 154 and 226, James v. Valtierra; Shaffer v. Valtierra, Black, Proposed Opinion,” Memo, March 25, 1971, 2, Box 126, Folder 70-154, 70-226, Harry A. Blackmun Papers, Manuscripts Division, Library of Congress, Washington, DC.

¹¹⁸ Having worked previously with Cox and Warren Christopher, another of the attorneys for Valtierra, William O. Douglas did not participate in the case. See “High Court Rules Voters May Block Housing for Poor,” *New York Times*, April 27, 1971.

was no evidence of racial discrimination, there was no unconstitutional action. A vote on whether to exclude affordable housing reflected a “devotion to democracy, not to bias, discrimination, or prejudice.” Suburban voters were sovereign within their jurisdiction. The Court could affirm *Valtierra* only by reading in the Fourteenth Amendment a prohibition against economic discrimination, “and this,” stated Black, “we decline to do.”¹¹⁹ Black did not explain why the Court diverged from previous precedents that indicated that the Equal Protection Clause prohibited distinctions based on class, nor did he explain why the Court would view such distinctions with a striking indulgence.

Justice Thurgood Marshall dissented. Marshall, like Cox, found support in a string of cases that had suggested that discrimination on the basis of wealth was unconstitutional.¹²⁰ “It is far too late in the day,” wrote Marshall, “to contend that the Fourteenth Amendment prohibits only racial discrimination; and to me, singling out the poor to bear a burden not placed on any other class of citizens tramples the values that the Fourteenth Amendment was designed to protect.”¹²¹

Choice and Opportunity in Housing

The *Valtierra* ruling could have been interpreted narrowly, understood to apply only to public referendum procedures. Reeling from the loss, civil rights attorneys and activists aimed for such an interpretation. They tried to limit the scope of the decision, contending that the case concerned only one state’s voting policies, ignoring larger issues of class, housing, and suburban geography.¹²² But in popular understanding, those larger issues were precisely what the case was about. After the case, citizens from suburbs

¹¹⁹ *James v. Valtierra*.

¹²⁰ *Douglas v. California*, 372 U.S. 353 (1963); *Harper v. Virginia*; *Shapiro v. Thompson*.

¹²¹ *James v. Valtierra*.

¹²² “The Equal Protection Clause and Exclusionary Zoning After *Valtierra* and *Dandridge*,” *The Yale Law Journal* 81, no. 1 (November 1971): 61–86.

around the country wrote letters to Justice Black, praising him for his decision. The poor, wrote one homeowner, “don’t have a right to destroy our living standard.”¹²³ Suburban residents were entitled to a certain lifestyle, which required excluding the poor. Said another, “People spend life-savings to have nice homes, only be to crowded out by trashy shanties and persons willfully disregarding all dignity.”¹²⁴ Suburbanites had earned their exclusivity—affordable housing threatened their right to a nice home in the suburbs. As Republican strategist Kevin Phillips wrote, “most Americans know that the poor are not going to be housed in suburbia until they, and not the federal government, can arrange and afford it.”¹²⁵

Richard Nixon condensed these feelings into a major policy statement on “Equal Housing Opportunity,” in which he offered his interpretation of the *Valtierra* decision, working aggressively to shape public understanding of the case and define its implications. As a genre of public political communication, the presidential statement—as opposed to, say, an inaugural address or a campaign speech—is a restrained form of speech, lacking in rhetorical flourish. Even so, Nixon’s statement on equal housing opportunity was a monument to abstraction and pedantry, deliberately obscuring racial and economic segregation, the government’s role in promoting it, and the struggles of civil rights activists to end it. “These problems,” said Nixon, “are human, they are economic, they are social—and they pose a problem of the first magnitude to the community of the metropolitan area that tries to meet them in way most nearly fair to all

¹²³ Unsigned to Hugo L. Black, n.d., Box 423, Folder: Nos. 154 and 226, Hugo L. Black Papers, Manuscripts Division, Library of Congress, Washington, DC.

¹²⁴ Mrs. E.J. King to Hugo L. Black, May 5, 1971, Box 423, Folder: Nos. 154 and 226, Hugo L. Black Papers, Manuscripts Division, Library of Congress, Washington, DC.

¹²⁵ Such claims disavowed the long role of the federal government in subsidizing middle-class suburban homeownership. Phillips, “HUD Is Building a Bomb.”

those affected.”¹²⁶ That vague “problems... pose a problem” of an undefined nature to an unidentified community is a claim so nebulous that a speechwriter would not waste words on it unless its point was to conceal.

Nixon explained that his role was merely to enforce housing laws, enforcement which was, he insisted, always “vigorous.” Yet the law, he contended, was full of “complexities.” The Fair Housing Act of 1968 committed the government to promote “fair housing” but left the term “undefined,” “vague,” and “rather imprecise.” With imprecision, the public had “become confused,” and some people had come to intertwine fair housing with “economic integration.” To clear up matters, Nixon would define the terms: “By ‘equal housing opportunity,’” said Nixon, “I mean the achievement of a condition in which individuals of similar income levels in the same housing market area have a like range of housing choices available to them regardless of their race, color, religion, or national origin.”¹²⁷

It was the logical conclusion of liberal fair housing discourse. Indeed, Nixon’s opposition to suburban economic desegregation was not essentially different from Walter Mondale’s arguments *for* fair housing less than three years previously. A few months before the *Valtierra* decision, at a White House interview, Nixon had echoed Mondale’s fair housing speeches, saying, “We are going to open up opportunities for all Americans to move into housing—any housing that they’re able to afford.” Nixon insisted that he supported desegregation but the “forced integration of the suburbs” would be

¹²⁶ Richard M. Nixon, “Statement About Federal Policies Relative to Equal Housing Opportunity,” in *Public Papers of the Presidents: Richard M. Nixon* (Washington, D.C., 1971).

¹²⁷ *Ibid.*

“counterproductive, and not in the interest of better race relations.”¹²⁸ His goal, rather, was “stable and orderly community development.” He would not destabilize suburban neighborhoods, he pledged, again echoing Mondale, “with a flood of low-income families.”¹²⁹

The language of choice, individualism, and opportunity infused Nixon’s statement. His goal was to enable Americans to have “free choice” in their living arrangements, to promote “free and open communities.” Nixon avoided the term segregation, preferring to say “residential separation by race” “when it is involuntary” or “involuntary racial separation.” The euphemism relied on the language of choice and voluntary action to explain metropolitan geography. “To some extent,” said Nixon, “the persistence of racially separate housing patterns reflects the free choice of individuals and families in both the majority and minority communities.”¹³⁰

The opposite of choice was “force.” The government encouraged “voluntary efforts” to desegregate the suburbs, but “impos[ition]” of a program would be “fiat.” Nixon obscured the federal government’s history of fiat in metropolitan landscapes. Rather than stating that the federal government was guilty of promoting segregation, he said the federal government was “not blameless” in housing “shortages” that led to the “impairment of equal housing opportunity.” Moreover, federal policies merely “reflected” what the “public” desired. Indeed, in Nixon’s interpretation, the federal government was noticeably “limited.” HUD, he said, “builds no housing, develops no land use plans, clears no slums, and constructs no sewers.” It was “dependent on local

¹²⁸ “Excerpts Form Transcript of Correspondents’ Interview with Nixon at White House,” *New York Times*, January 6, 1971.

¹²⁹ Nixon, “Statement About Federal Policies Relative to Equal Housing Opportunity.”

¹³⁰ *Ibid.*

initiative”; projects are “locally planned and... locally executed.” HUD yielded to “local authorities,” who understood conditions “local in nature.”¹³¹

The problem, Nixon said, with “unequal housing opportunity” was that minority citizens were “locked... in deteriorating central cities” where they were “ill-housed and crowded.” The formulation redefined the problem of segregation as a problem of the cities, which were deteriorated and crowded, lacking the space and newness of the suburbs. Yet the solution was not low-income housing in the suburbs. Misguided social engineers, he said, endeavored “to scatter the poor among the more affluent,” to use suburban low-income housing as “a means of moving poor people out of the inner city.” The framing denied the agency of the poor.

Nixon said that *Valtierra* distinguished between illegal racial discrimination and legal economic segregation. He insisted that the issues of race and class, regardless of how much they overlapped, must be considered separately. The case established that while racial discrimination was unconstitutional, class discrimination was constitutional. On the other hand, the recent decision of *Kennedy Park Homes Association v. City of Lackawanna* showed that cities cannot use zoning as a subterfuge for racial discrimination.¹³² “In short,” said Nixon, comparing *Valtierra* with *Lackawanna*, “the one case did not present evidence of racially discriminatory intent; the other did.” Nixon’s interpretation insisted that there be a smoking gun of bigotry; without that, there was no discrimination.¹³³

The distinction was a tenet of fair housing liberals. Although *Valtierra* and her co-plaintiffs made an argument based on class, liberals rarely addressed class as the primary

¹³¹ Ibid.

¹³² *Kennedy Park Homes Association v. City of Lackawanna, New York*, 436 F.2d 108 (2nd Cir. 1970).

¹³³ Nixon, “Statement About Federal Policies Relative to Equal Housing Opportunity.”

issue, but only as a subterfuge for racial discrimination. In an affidavit on behalf of the plaintiffs, Palo Alto fair housing activist Andrew H. Field, for example, asserted that segregation remained a problem in San Mateo and Santa Clara counties because of racial bigotry. “[R]acial discrimination is not stated as the reason for a refusal to rent or sell housing to members of racial minorities,” acknowledged Field; however, “Refusals ostensibly based on economic or other grounds are, upon investigation, actually based upon racial discrimination.”¹³⁴ Unlike the plaintiffs’ claims—which argued that economic discrimination was wrong not because it was a subterfuge for racial discrimination but because it was wrong in and of itself—Field’s approach depended on proving that racial discrimination was at the heart of exclusion. If, in his investigations, he found that an exclusionary decision was made on economic grounds, it was acceptable. Nixon’s statement existed within this realm of fair housing liberalism.

Conclusion

Interpreted narrowly, the *Valtierra* plaintiffs merely asserted that local governments’ housing authorities should handle decisions about affordable housing. The National Housing Act delegated the authority to construct affordable housing to local governments, few of whom were truly interested in promoting the housing rights of the poor, and whose decisions were still subject to the democratic process. Even had *Valtierra* won, housing decisions would still be subject to a political system weighted heavily against the interests of the poor.¹³⁵ Housing authority officials were beholden to the electorate, and often shared their views on public housing. Even in states that did not require voter approval, public housing, as the California Article 34 commission noted,

¹³⁴ Andrew H. Field, “Declaration of Attorney in Support of Motion for Summary Judgment”, October 28, 1969, 132–133, *Hayes v. San Mateo*, Law Library, Library of Congress, Washington, DC.

¹³⁵ Freedman, *Public Housing*.

“has failed to deal with low income groups, engendered an atmosphere endemic to racial segregation, created ghetto-like environments for the poor, has been administered insensitively, has been plagued by the diseconomies of governmental inefficiency, disenfranchised many thousands of low income families, and reinforced the separation of low income and minority groups from the rest of the community.”¹³⁶ In many ways, the limited reach of affordable housing was built into New Deal programs, which had never challenged metropolitan governments’ land use prerogatives.

In terms of broader constitutional visions, however, the case was critical. Just as the media perceived it to be a referendum on suburban exclusivity, *James v. Valtierra* marked the incorporation into the Constitution of a political culture that had been coalescing in America’s suburbs. The Court ruled that wealth, unlike race, was not a suspect classification, even if racial and class status were intertwined, as they were in San José. Moreover, unlike the previous cases—which concerned “fundamental” rights, such as legal counsel, voting, and travel—*Valtierra* concerned housing, which the court did not accept as a fundamental right. The Constitution that *Valtierra* had envisioned—one that guaranteed rights to housing, one that prohibited not only racial but also economic segregation—was superceded by the Constitution of taxpayers and homeowners, guaranteeing economic segregation based on suburban middle-class preferences. The spatially fragmented and politically exclusive nature of local governance left public housing to the whim of a reluctant, and increasingly vocal, majority.

Valtierra not only justified but also constitutionalized suburban economic exclusion. One of HUD’s legal counsel wrote approvingly that *James v. Valtierra* affirmed that “not all classifications based on wealth can be made suspect without

¹³⁶ Busterud and Sipes, *Report of the Article XXXIV Committee*, 8.

surrendering our aspirations for consumer sovereignty and social mobility.”¹³⁷ As legal scholar Stephen Loffredo argued, “*Valtierra* guaranteed that money could continue to buy a residence in a neighborhood that excludes the poor.”¹³⁸ *Valtierra* became a crucial precedent to support suburban governments in excluding low-income housing in suburbs around the country.¹³⁹ “In the absence of racial motivation,” explained legal scholar Richard Briffault, “there was no basis for challenging the local land use policy.”¹⁴⁰ Yet Valley residents continued to challenge land use policies in a number of creative ways in their search for spatial justice.

¹³⁷ George Lefcoe, “The Public Housing Referendum Case, Zoning, and the Supreme Court,” *California Law Review* 59, no. 6 (November 1971): 1384–1458.

¹³⁸ Stephen Loffredo, “Poverty, Democracy, and Constitutional Law,” *University of Pennsylvania Law Review* 141, no. 4 (April 1993): 1354, n. 540.

¹³⁹ *Arlington Heights v. Metropolitan Housing Corp.*, 429 U.S. 252 (1977); *Eastlake v. Forest City Enterprises*, 426 US 688 (1976). The case remains important in the Supreme Court’s thinking. See *City of Cuyahoga Falls v. Buckeye Community Hope Foundation*, 538 US 188 (2003); “High Court Sounds Skeptical on Colorado’s Antigay Measure,” *Philadelphia Inquirer*, October 11, 1995; “U.S. Justices Hear, And Also Debate, A Gay Rights Case,” *New York Times*, October 11, 1995.

¹⁴⁰ Richard Briffault, “Our Localism: Part I—The Structure of Local Government Law,” *Columbia Law Review* 90, no. 1 (January 1990): 105.

Chapter 10

The Zoning of Aztlán

In 1971, Jack Ybarra initiated a lawsuit against the town of Los Altos Hills, an affluent suburb in the western foothills of Santa Clara County.¹ Ybarra hoped to build low-income housing in Los Altos Hills, alleging that exclusionary zoning practices forced poor Mexican Americans out of their historic communities and into urban ghettos. “Why can’t the poor live in the Almaden Valley or on the West Side and see the mountains instead of looking out on a bar or gas station?” he asked.² Ybarra claimed that poor Chicanos deserved to enjoy beauty and dignity. When the officials of Los Altos Hills objected that its strict land use regulations preserved the environment, Ybarra contended that environmental preservation should benefit all of the Valley’s residents. “[I]f they’re interested in preserving the foothills for a certain class of people,” he said, “then the conservationists are our enemies, too.”³

Ybarra was the president of La Confederacion de la Raza Unida, a coalition of around 60 of the Valley’s Mexican American political, civic, religious, and educational organizations, representing more than 200,000 Mexican Americans. Los Altos Hills was one of the most tightly regulated municipalities in the Bay Area, where regulations required that all housing be single-family homes on at least one-acre lots. Such strict

¹ *Ybarra v. Town of Los Altos Hills*, 503 F.2d 250 (1974).

² “Scatter Low-Cost Housing,” *San Jose Mercury News*, September 10, 1970.

³ *San Jose Mercury*, December 21, 1970.

zoning policies set a floor in housing prices that rendered housing in Los Altos Hills unavailable to almost all local Mexican Americans. In fact, Los Altos Hills was the wealthiest community in Santa Clara County, with the highest median incomes and the most expensive houses. Its population was just less than 7,000, 96 percent of whom were non-Spanish surnamed whites.⁴

The CRU lawsuit was just one example of the ways in which Chicano activists challenged the economic inequalities of metropolitan Silicon Valley. The CRU claimed a form of regional citizenship beyond the municipal community. Reinforced by decisions like *James v. Valtierra*, the legal geography of the metropolis bounded rights at municipal boundaries. Since metropolitan regions were fragmented into multiple jurisdictions, it would be nearly impossible for city dwellers to press for affordable housing in the suburbs through conventional electoral means. Chicano activists devised political and legal strategies to undermine the assumptions behind the mythology of free markets existing within natural municipal boundaries. Ybarra made a radical challenge to zoning itself, a challenge that avoided the issues of referenda that proved to be the plaintiffs' downfall in *SASSO* and *Valtierra*.

This chapter examines the relationships between Chicano activism, metropolitan fragmentation, and suburban economic regulation, issues that overlapped in the Santa Clara Valley during the late 1960s and 1970s. While these issues may appear unrelated, they were in fact interconnected. Chicano activists called on symbols and narratives of indigeneity to challenge metropolitan political economy, segregated landscapes, unresponsive political institutions, and unequal opportunities. This chapter connects these

⁴ Social Planning Council of Santa Clara County, Inc. and Santa Clara County Planning Department, "Profile '70: A Socio-Economic Data Book for Santa Clara County", 1973, Local History Collection, Sunnyvale Public Library.

struggles over metropolitan political and economic institutions to the larger issues of imperialism, colonization, and migration in Chicano history. While several historians have emphasized how Chicanos deployed borderlands symbols to challenge police brutality, cultural condescension, and American war power, I ground this in the local history of urban and suburban politics.⁵ Ostensibly race-neutral economic issues like zoning became a major field of Chicano politics in Santa Clara County.

In the 1950s, suburban governments proliferated in a flurry of municipal incorporations. Between 1952 and 1957, seven new cities incorporated in Santa Clara County, nearly doubling the county's number of municipalities. Almost all of the Valley's new cities were affluent suburbs that immediately adopted stringent economic regulations within their boundaries. Voters in these communities took advantage of a relatively new mechanism for preserving suburban character known as "growth controls." These regulations controlled the location, quality, and tempo of development in a municipality, redistributing the costs of development among a municipality's residents and developers, who in turn passed them on to future residents. In the Santa Clara Valley, these policies generally regulated residential development but sometimes they also regulated commercial or industrial development.

In the 1970s, growth controls moved to the center of political debate. Land use regulations generated many opponents. Low-income residents, particularly renters, faced increasingly unaffordable housing in the Silicon Valley, which became the most expensive housing market in the nation. Developers resented the restrictions on development and the lengthy environmental reviews that cut into their profit margins.

⁵ See, for example, Oropeza, *¡Raza Sí! ¡Guerra No!: Chicano Protest and Patriotism During the Viet Nam War Era*.

Many business owners, particularly national high-tech corporations that drew on a national and global workforce, encountered difficulty luring talented employees to such an expensive region. By raising the cost of living, regulations pressured corporations to pay higher wages and salaries to their employees, which was particularly a problem in low-wage electronics assembly.

For residents of highly regulated communities, on the other hand, regulations provided a structure of preserving suburban privilege. These regulations preserved excellent suburban amenities at low taxes, as their residents self-consciously aimed to exclude the problems, poverty, and people they associated with urban San José. Even voters who had promoted the inviolability of property rights during the Proposition 14 campaign insisted on restricting property rights in their communities. Even voters who endorsed economic deregulation at the national level—a volatile issue during the 1970s—demanded economic regulation in their municipalities. Planning itself had largely been the domain of growth-oriented bureaucrats in San José city hall; now it was a language embraced by grassroots suburban activists, who repurposed it to stop growth.

Although historians have portrayed the 1970s as a moment of deregulatory fervor when voters lost faith in the government, suburban voters continued to believe in the idea that the government could and should manage the economy to maintain suburban stability, suburban prosperity, and suburban consumer power.⁶ To be sure, public support for land use regulations had little to do with any affection for the idea of “government”; in the Valley, local governments enjoyed far more political support than distant Washington bureaucrats. Local land use regulations indicated a kind of “capture” of the regulatory apparatus. Strict regulations raised prices to such a degree that only the

⁶ See, for example, Hamilton, *Trucking Country*.

affluent could afford to live within a municipality and thus participate in its democratic processes.⁷ Indeed, some scholars, noting this, have suggested that local government has in effect become privatized; discourses of local control, environmentalism, or managing growth merely serve to obscure the transformation of formerly public goods into private ones.⁸

Noting the ways in which growth controls preserved social privilege, many historians have seen them as examples of suburban conservative insincerity. According to historian Mike Davis, the slow growth movement, had its origins not in any genuine concern for the environment but rather a concern for property values.⁹ To Davis, the proliferation of growth controls in Southern California was ironic: “How conservative homeowners in the age of Reagan came to advocate a structural reform implying massive regulation of one of the most sacred marketplaces (land development) is a story that has certain fascinations.”¹⁰

Recent historians have challenged this cynical view.¹¹ Adam Rome, for example, identifies growth controls as a genuine reaction to the environmental changes wrought by suburbanization. What looked like progress in 1945—the bulldozing of hillsides for tract housing—looked like destruction in 1970.¹² The history of liberal suburban environmentalists suggests that the 1970s and 1980s saw not only a conservative

⁷ On industry acquiring the regulatory apparatus, see George J. Stigler, “The Theory of Economic Regulation,” *The Bell Journal of Economics and Management Science* 2, no. 1 (Spring 1971): 3–21.

⁸ Richard Briffault, “Our Localism: Part II—Localism and Legal Theory,” *Columbia Law Review* 90, no. 2 (March 1990): 346–454; Richard C. Schragger, “Consuming Government,” *Michigan Law Review* 101, no. 6 (May 2003): 1824–1857.

⁹ Mike Davis, *City of Quartz: Excavating the Future in Los Angeles* (London: Verso, 1990), 159.

¹⁰ *Ibid.*, 188.

¹¹ Dyble, “Revolt Against Sprawl: Transportation and the Origins of the Marin County Growth-Control Regime”; Scott, “Remaking Urban in the American West: Urban Environmentalism, Lifestyle Liberalism, and Hip Capitalism in Boulder, Colorado, 1950-2000.”

¹² Rome, *The Bulldozer in the Countryside: Suburban Sprawl and the Rise of American Environmentalism*

backlash against the New Deal but also a liberal one. In his study of the Northeast Corridor, Peter Siskind argues that growth controls “at once emerged from and sought to recast post-New Deal growth liberalism; their politics cannot be confined in the simple categories of backlash, antistatism, or conservatism that dominate our understanding of suburban politics.”¹³ In the 1970s, argues Lily Geismer, liberalism jettisoned its postwar drive for growth and embraced a new focus on quality of life—an anti-sprawl, slow-growth mentality that preserved open space, especially in exclusive suburbs, but did little to challenge the market-based individualism and racial and economic exclusivity that defined suburban landscapes.¹⁴

In the 1970s, the Valley’s white suburban residents articulated a critique of growth that differed from Mexican Americans’ argument that suburban growth had limited housing and employment opportunities. Suburban residents marshaled a call for open space in order to preserve views. The discourse of growth controls reimagined the working Valley as a fallow Eden where one did not labor in the fruit trees but rather gazed at them. Growth controls erased the history of civil rights struggle to invent a past of languid contentment. The CRU and other Chicano organizations drew on the history of Mexican American residency in the Valley to challenge this perspective, asserting a claim to suburban space based on indigeneity.

A Hideous Sea of San José

In the 1960s and 1970s, as San José and Santa Clara County grew rapidly, national media portrayed the region as the worst example of suburban sprawl in the

¹³ Peter Siskind, “Suburban Growth and Its Discontents: The Logic and Limits of Reform on the Postwar Northeast Corridor,” in *The New Suburban History*, ed. Kevin M. Kruse and Thomas J. Sugrue (Chicago: University of Chicago Press, 2006), 163.

¹⁴ Geismer, “Don’t Blame Us: Grassroots Liberalism in Massachusetts, 1960-1990.”

United States. Local residents bemoaned the sprawling landscape, articulating their critique with a language of greed and an aesthetic of suburban development that identified the problem of growth as a problem of ugliness. The political economy of beauty obscured the Valley's earlier history as an agricultural region, transforming economy into scenery.

Sunnyvale resident and writer Yvonne Jacobson, in a paean to the Valley that was lost, asked her readers, "Can you imagine eight million trees—the largest orchard the world has ever seen—blooming in spring?"¹⁵ As early as 1956, county planning director Karl Belser declared that the planning department aimed for the "preservation of scenic beauty." The county worked to establish undeveloped areas that would provide visual "relief." It embarked on a "scenic roads" project, an attempt to limit "unsightly development" on the sides of highways and to landscape them for "visual amenity."¹⁶ At the 1965 White House Conference on Natural Beauty, Belser argued that counties and local jurisdictions should establish open spaces for the gaze of suburban residents, asserting "one of the objectives of local administration shall be to have natural beauty prevail."¹⁷

In a 1963 letter to the editor of the *Mercury*, a disgruntled resident complained that the county's approach to suburban development "might be symbolized... by an octopus clutching a dollar in each tentacle while he gobbles up orchards and excretes subdivisions."¹⁸ It was a symbol with history. The Southern Pacific Railroad, which

¹⁵ Yvonne Jacobson, *Passing Farms, Enduring Values: California's Santa Clara Valley* (Los Altos, CA: William Kaufmann, Inc., 1984), 18.

¹⁶ Belser, *Planning Progress 1956*, 12.

¹⁷ *Beauty for America: Proceedings of the White House Conference on Natural Beauty* (Washington, D.C.: Government Printing Office, 1965), 292.

¹⁸ Mrs. Frank Dunno, "Octopus 'Our' Symbol?," *San Jose Mercury*, November 8, 1963.

Frank Norris had famously rendered as an octopus, had been the dominant corporation in the economy of an earlier era, and it was in a legal battle between the Southern Pacific and Santa Clara County that the Supreme Court declared that corporations were people.¹⁹ Now, residents perceived suburban development as the dominant force, the new octopus. Even the county used the octopus metaphor, bemoaning the “octopus-like coils of city annexations in Santa Clara County.”²⁰

After Karl Belser resigned from his position as Santa Clara County’s planning director in 1967, he began a career as an urban critic, using San José as his chief example of “slurban” America.²¹ Greedy developers, he wrote in a *New York Times* piece, had brought the Santa Clara Valley to “flagrant ruination.” The Valley had succumbed to the “cancer” of suburbanization but elsewhere in the country there was still time to check growth.²² In a scolding 1973 report on land use in California, Ralph Nader singled out San José as the worst of the worst.²³ The *Christian Science Monitor* described San José, then the fastest growing city in the nation, as “a nonstop succession of housing developments, computer firms, and shopping centers.”²⁴ *Newsweek* identified San José as the archetypical “Boom Town,” whose “disastrous” growth served as a “dire warning” to other rapidly growing cities.²⁵ Journalist Leonard Downie, Jr., used it as the prime example of misguided sprawl in his 1974 book *Mortgage on America*, part of which was originally published in the *Washington Post* under the headline “A Misplanned

¹⁹ Frank Norris, *The Octopus: A Story of California* (New York: Doubleday, Page, 1901); *Santa Clara County v. Southern Pacific Railroad*.

²⁰ Belser, *Planning Progress* 1956, 57.

²¹ Karl J. Belser, “The Making of Slurban America,” *Cry California*, Fall 1970.

²² “Idyllic Valley Now Urban Anthill, Planner Charges,” *New York Times*, September 7, 1970.

²³ Robert C. Fellmeth, *Politics of Land: Ralph Nader’s Study Group Report on Land Use in California* (New York: Grossman, 1973), 352–401.

²⁴ “Urban Sprawl Brings Mixed Blessings to California Mayor,” *Christian Science Monitor*, March 26, 1981.

²⁵ “Boom Town,” *Newsweek*, September 14, 1970.

Suburb.”²⁶ For Downie, San José was notable for the “mustard-colored haze” that hung over the town. His description of the county reads like the circle of hell reserved for bad planners:

“Automobiles push and shove through crowded concrete corridors of stores, service stations, car lots and taco stands. Isolated groves of the last surviving fruit trees fight asphyxiation from the polluted air and strangulation by the surrounding homes, shopping centers, factories and freeways. The houses huddle together, back to back and side to side, in cities of subdivisions without open spaces, parks or even sidewalks. Many homes just 10 years old slouch in ready-built slums, their gravel roofs leaking, concrete slab foundations cracked, flimsy veneer doors and walls warped, stick fences rotting and sparse dirt yards alternately flooding and heaving. This is Santa Clara County, California, a jigsaw puzzle of intertwined suburbs beginning 40 miles southeast of San Francisco.”²⁷

Growth had so ruined the environment, suggested Downie, that “the most scenic spots left in the valley may be the carefully tended and regularly watered greenery along the shoulders of the county’s many freeways.”²⁸

Even literary heavyweights chimed in. “I think it’s one of the ugliest places I’ve ever visited,” said Norman Mailer of the Valley’s landscape. “It’s abominable.”²⁹ Wallace Stegner, who lived in Los Altos Hills, attached this ugliness to a moral narrative of decline, as the Valley transformed from “Eden” to a concrete jungle.³⁰ His books increasingly bemoaned the transformation of the Valley, especially his 1967 novel *All the Little Live Things*.³¹ In an article, he wrote, “The orchards that used to be a spring garden of bloom down the long trough of Santa Clara Valley have gone under so fast that a person absent for five years could return and think himself in another country.... The

²⁶ Leonard Downie, Jr., *Mortgage on America* (New York: Praeger, 1974), 105–133; “A Misplanned Suburb,” *Washington Post*, December 30, 1973.

²⁷ “A Misplanned Suburb.”

²⁸ *Ibid.*

²⁹ Robert Dawson and Gray Brechin, *Farewell, Promised Land: Waking from the California Dream* (Berkeley: University of California Press, 1999), 149.

³⁰ Wallace Stegner, “Introduction,” in *Passing Farms, Enduring Values: California’s Santa Clara Valley* (Los Altos, CA: William Kaufmann, Inc., 1984), x–xi.

³¹ Wallace Stegner, *All the Little Live Things* (New York: Penguin, 1967).

once-lovely coast hills reaching down the Peninsula below San Francisco have been crusted with houses in half a lifetime, the hilltops flattened, whole hills carried off to fill the bay, the creeks turned into concrete storm drains.’³²

By the mid-1970s, San José was enough of a symbol that *Chicago Tribune* columnist Michael Kilian could use it as a joke: “Must America,” he asked, “be turned into a hideous sea of San José, Californias?” When the *Seattle Times* critiqued the suburbs sprawling along the Puget Sound, it wrote, “Do you know the way to San José? It’s simple: annex more, plan less density and develop, develop, develop.”³³ As a columnist for the *San José Mercury* grumbled, “To cite San José as the epitome of cancerous urban growth [has become] fashionable.”³⁴

To local and national critics, greed lay at the heart of this metropolitan transformation. Development enriched local government officials. A Stanford study found that four of the five members of the San Jose planning commission had financial interests in the development boom: one was a realtor, one a general building contractor, another an electrical contractor, and another president of San José Merchants Association, a growth booster.³⁵ City manager Dutch Hamann openly admitted he speculated in real estate in and around the city.³⁶

By identifying the cause of rapid growth as the greed of local officials, residents imagined that a turnover in local government would solve the problem. In the 1970s, Valley residents aimed to arrest growth through city politics. In the 1950s, farmers had

³² Wallace Stegner, “The Clouded Skies of Lotus Land,” *St. Louis Post Dispatch*, September 26, 1965.

³³ James B. Weatherby and Stephanie L. Witt, *The Urban West: Managing Growth and Decline* (Westport: Praeger, 1994), 37–38.

³⁴ Harry Ferrell, “Sour Grapes from the Windy City,” *San Jose Mercury*, October 16, 1975.

³⁵ Stanford Environmental Law Society, *San Jose: Sprawling City* (Stanford, 1971).

³⁶ “A Mislanned Suburb.”

tried unsuccessfully to preserve farmland through county level greenbelt zones, a project that failed when cities annexed greenbelts and opened them for development. The county planning department despaired that growth was unstoppable. In a 1958 report, the department stated, “We are a wagon train, besieged by the whooping Indians of urbanization, and waiting prayerfully for the U.S. Cavalry.”³⁷ Unlike the Valley’s earlier movement for growth control, the 1970s movement had its base not among farmers but among homeowners, particularly in new subdivisions on the fringe of San José.

San José voters increasingly rejected the growth-oriented business elite that had governed the city since the 1940s, the “growth machine,” composed of developers, financiers, and newspapers. In 1962, voters elected to city council Virginia Shaffer, the first candidate to openly oppose growth interests.³⁸ She was not a liberal environmentalist but a conservative Republican representing homeowners. Homeowners elected politicians who pledged to preserve residents’ quality of life. A 1974 survey of voter attitudes for Janet Gray Hayes’ mayoral campaign found that San José voters felt that the city’s biggest problems were overpopulation, transportation, land use planning, zoning, and pollution. Nearly two thirds of San José voters believed that local government should curtail growth even if resulted in increased unemployment.³⁹ Although most city council members had business interests in real estate, and although developers continued to fund election campaigns, politicians distanced themselves from developers.⁴⁰

³⁷ Quoted in Michael Friedly, “This Brief Eden: A History of Landscape Change in California’s Santa Clara Valley” (Ph.D. dissertation, Duke University, 2000), 3.

³⁸ Trounstine and Christensen, *Movers and Shakers*, 99.

³⁹ Diridon Research Corporation, “A Survey of Voter Attitudes in the City of San José”, August 26, 1974, Box 1, Folder 20, Janet Gray Hayes Papers, MSS-2002-01, San Jose State University Library Special Collections and Archives.

⁴⁰ “Forerunner”, March 1973, Box 88, Folder 405, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

San José residents' concern for slow growth put them at odds with their long serving city manager Dutch Hamann, who saw his job as a promoter of growth. "They say San José is going to become another Los Angeles," Hamann once said of his critics. "Believe me, I'm going to do the best in my power to make that come true."⁴¹ City council came to see Hamann as a liability. In 1969, facing pressure from city council, Hamann resigned, bringing his nineteen-year tenure to a close. City council hired a new city manager, Thomas Fletcher, in favor of growth controls.

Extremely anxious that he would be fired if he did not arrest rapid growth according to citizens' wishes, Fletcher hired consultants from the Rand Corporation to research, evaluate, and propose growth control policies.⁴² The consultants, however, reported that there was little Fletcher could do. "San José," declared Rand researcher Robert Levine, "cannot manage its growth because the real decisions that affect San José and all other American cities are taken elsewhere—mostly in Washington."⁴³ Local officials made rapid development easier but they did not at all control it. They largely accommodated the pressures of growth that followed from federal investments in suburban homeownership, decentralized industry, and highway development—in effect, a national urban policy that promoted suburban sprawl. The rapid growth of the Santa Clara Valley was a heightened version of a process underway in large suburban areas across the country.⁴⁴ Furthermore, a tax system that required municipalities to compete against each other for tax revenues encouraged development.⁴⁵ By expanding the city and

⁴¹ Stanford Environmental Law Society, *San Jose: Sprawling City*, 17.

⁴² Alesch, *Local Government's Ability to Manage Growth in a Metropolitan Context*, 1.

⁴³ Robert A. Levine, "San Jose, the Urban Crisis, and the Feds" (presented at the U.S. Conference of Mayors, San Jose, 1972), 1.

⁴⁴ Alesch, *Local Government's Ability to Manage Growth in a Metropolitan Context*, 49.

⁴⁵ Alesch and Levine, *Growth in San Jose*, viii.

annexing much of the Valley, San José's leaders, particularly Hamann, had not ruined the city but saved it from the problems of urban decline, disinvestment, and declining tax revenues that had plagued cities prevented from growing, such as Newark, New Jersey.

San José, in fact, had higher housing densities—and hence less sprawl—than many of the surrounding suburbs. Many nearby municipalities were composed almost entirely of low-density housing developments yet neither residents nor media critics pointed to these suburbs as examples of hellish sprawl. Locals ridiculed San José not for its low-density housing but rather for its low-income housing, which had replaced scenic vistas.⁴⁶

Land Use Regulations

By defining the problem of growth as an aesthetic issue associated with low-income housing, growth controls accentuated low-density suburban development. Most growth controls were notoriously bad at protecting the environment. The Bay Area's land use regulations did little to direct development in environmentally conscious ways; if they protected the natural environment in certain communities, they allowed sprawl free reign elsewhere, even in sensitive wetlands and scarce agricultural lands. Slow growth regulations merely led to greater sprawl, energy consumption, and air pollution.⁴⁷ Although journalist Bernard Frieden termed this “the environmental protection hustle,” it was not a cynical manipulation of growth for hidden greed but rather the logical result of a coherent ideology of suburban privilege that insisted on beauty as an aspect of the suburban dream.⁴⁸

⁴⁶ Laurence Dougharty et al., *Municipal Service Pricing: Impact on Urban Development and Finance Summary and Overview* (Santa Monica: Rand, November 1975), 25.

⁴⁷ Bernard J. Frieden, “The New Regulation Comes to Suburbia,” *Public Interest* 55 (Spring 1979): 15–27.

⁴⁸ Bernard J. Frieden, *The Environmental Protection Hustle* (Boston: MIT Press, 1979).

Growth controls took several forms. The first (and most widespread and effective) drew on the oldest of municipal land use regulations: zoning. In the 1970s, many municipalities reduced the maximum density of housing per acre. In San José, for example, changes to zoning reduced residential density in many parts of the city from 12 to 18 housing units per acre to 6 to 8 units. Municipalities also marked off urban growth boundaries, beyond which no new development would be permitted. New policies required housing developers to prepare thorough environmental impact reports, specifying how building would impact storm runoff, for example, or open space, only permitting building if there would be no environmental impacts or if developers paid for environmental offsets.⁴⁹ In the most extreme form, municipalities declared moratoria on all building until certain conditions could met—usually in terms of infrastructure or services, such as sewers and schools. In 1973, for example, San José voters passed Measure B, which prevented building until there was adequate school space for the children of potential residents. Intended to limit overcrowding in schools, Measure B

⁴⁹ Santa Clara County Planning Policy Committee, *Zoning and Housing* (San Jose: Santa Clara County Planning Department, 1970); Santa Clara County Planning Policy Committee, “Urban Development/Open Space Plan for Santa Clara County, 1973-1978” (Santa Clara County Planning Department, n.d.), Box 4, Folder 96, League of Women Voters, San Jose/Santa Clara Chapter Records, San Jose State University Library Special Collections and Archives; Santa Clara County Planning Policy Committee, “The Housing Situation: 1969” (Santa Clara County Planning Department, 1969), RG 21, US District of Northern California, *Valtierra v. Housing Authority of San Jose*, Civil 52076, Folder 2, National Archives Pacific Region; Social Planning Council of Santa Clara County, Inc. and Santa Clara County Planning Department, “Profile ’70: A Socio-Economic Data Book for Santa Clara County”; San Jose City Planning Commission, *Master Plan of the City of San Jose*; Schoennauer to Honorable Planning Commission, “Overview Analysis and Comments Concerning the 1981 General Plan Annual Review”; San Jose City Planning Commission, *1981 Annual Review: The General Plan, List of Potential Land Use/Transportation Diagram and Text Amendments*; “General Plan Amendment Report, 1981 Annual Review, Text Amendments, Number 139”, 1981, Box 3, Folder 50, League of Women Voters, San Jose/Santa Clara Chapter Records, San Jose State University Library Special Collections and Archives; San Jose City Planning Commission, *Conforming Zoning Ordinance and Management Task Force Report* (San Jose: City of San Jose, July 16, 1981), Box 4, Folder 94, League of Women Voters, San Jose/Santa Clara Chapter Records, San Jose State University Library Special Collections and Archives.

required developers to seek permission to build not only from municipal planning agencies but also from school boards.⁵⁰

In the 1970s, the South Bay Area became known for the widespread use of stringent growth controls. As the region's famous orchards were bulldozed for massive subdivisions, suburban residents rushed to enact land use regulations. A number of localities in the suburban Bay Area instituted land use controls to slow, impede, or stop growth. This was a nationwide phenomena in the 70s, but it was especially pronounced in the Bay Area. In 1972 only one Bay Area city had an explicit growth control system. In 1975, 31 did.⁵¹

Land use regulations led to spiraling housing prices.⁵² By the end of the decade, housing prices had risen to the highest in the nation, roughly twice the national average. The Bay Area became the nation's most expensive housing market.⁵³ According to one study, new land use regulations increased housing prices in San José from 1967 to 1976 by at least 20 to 30 percent. One San José builder's prices increased 121.3 percent, with 43.4 percent of the increase attributable to growth management policies.⁵⁴

Growth controls contributed to higher housing prices in part because they limited supply and created scarcities. Zoning for lower densities limited the numbers of housing units per acre, exacerbating scarcity. But the growth controls of the 1970s went beyond

⁵⁰ Kenneth T. Rosen and Lawrence F. Katz, "Growth Management and Land Use Controls: The San Francisco Bay Area Experience," *Real Estate Economics* 9, no. 4 (December 1981): 332–333.

⁵¹ *Ibid.*, 333.

⁵² David E. Dowall and John D. Landis, "Land-Use Controls and Housing Costs: An Examination of San Francisco Bay Area Communities," *Journal of the American Real Estate and Urban Economics Association* 10, no. 1 (Spring 1982): 67–93; Rosen and Katz, "Growth Management and Land Use Controls: The San Francisco Bay Area Experience."

⁵³ Rosen and Katz, "Growth Management and Land Use Controls: The San Francisco Bay Area Experience," 322.

⁵⁴ Urban Land Institute and Gruen and Gruen and Associates, *The Effects of Regulation on Housing Costs: Two Case Studies* (Washington, D.C.: Urban Land Institute, 1977).

that. Many growth regulations shifted the costs of development from local governments to consumers. In the past, when developers had built subdivisions, local governments had paid for the necessary infrastructure—sewers, streets, storm drains, water lines—required to serve the new houses. In the 1970s, local governments began to shift the costs of these requirements onto private developers. They, in turn, passed the cost on to the consumer.⁵⁵ New regulations required developers to dedicate private land to public schools and parks, another cost that developers passed on to consumers.⁵⁶ Local governments increasingly insisted on certain design standards—that houses, for example, had to be set back a minimum distance from the street—which also raised housing prices.⁵⁷

Many of these regulations—particularly environmental impact assessments, frequent revisions of design standards, and negotiations over whether the local government or developer would pay for a new road or traffic lights—slowed development so much that low- and mid-income housing developments were generally not profitable. A permitting process that used to take a couple months now took years, encouraging developers to build higher priced housing.⁵⁸ The restructuring of the suburban housing market encouraged developers to pursue high-income developments.⁵⁹

Growth controls were also informative. Highly regulated housing markets acquired reputations as exclusive, thus raising their prices even more. Growth controls communicated that a town was wealthy and often homogeneous, which was reflected in the price people were willing to pay to live there. In Los Altos Hills, although the

⁵⁵ Rosen and Katz, “Growth Management and Land Use Controls: The San Francisco Bay Area Experience,” 328.

⁵⁶ *Ibid.*, 330.

⁵⁷ *Ibid.*, 329.

⁵⁸ *Ibid.*, 331.

⁵⁹ Dowall and Landis, “Land-Use Controls and Housing Costs: An Examination of San Francisco Bay Area Communities,” 70.

environmental and economic impact of the CRU's proposed development would have been small, residents worried that it would "shatter the town's very exclusive image."⁶⁰

Land use regulations were popular in the suburban Bay Area, at least in part, because the suburbs provided a set of institutional arrangements (legal, political, and economic) through which residents could use regulatory authority to improve consumer purchasing power. Some regulations were passed by city councils, but many were initiated through citizen initiative and popular vote. Suburban voters demanded an almost endless profusion of land use regulations. Local politicians made land regulations a centerpiece of their visions of the suburban good life, preserving the quality of life, citizenship benefits, and access to the American dream that constituents had come to expect of their government; and which, in the economic doldrums of the 1970s and 1980s, citizens could not count on federal regulations to provide. For example, San José councilmember Jerry Estruth argued that in a time of "fiscal austerity," growth controls and high property values would generate the revenue necessary for maintaining comfortable lifestyles.⁶¹

Whether committed environmentalists or not, many suburban voters saw land use regulations as economic common sense. A homeowner in western San José, at a city council meeting where growth controls in his neighborhood were being debated, said, "I realize that high density homes are necessary." But in his own neighborhood he supported limiting development to large lot estates that would be far out of his price range. Discussing a proposed project, he said, "I personally feel even though I personally

⁶⁰ [CSL STYLE ERROR: reference with no printed form.].

⁶¹ "Partial Transcript of Public Hearing on 1981 General Plan Amendments", November 19, 1981, Box 3, Folder 50, League of Women Voters, San Jose/Santa Clara Chapter Records, San Jose State University Library Special Collections and Archives.

will never be able to own one of those homes, that it can do nothing but enhance my property....”⁶² Similarly, a 1978 article in the local newspaper, the *San José Mercury*, celebrated the price increase created by growth control regulations because they maximized purchasing power. The *Mercury* told readers not to worry about the increase in housing prices, for it was “a source of tremendous enrichment” to residents who already owned homes. Inflated housing prices increased their wealth and borrowing power, and in the future they could purchase even larger houses that they would never have been able to afford on their incomes from work.⁶³ Regulations made the most expensive consumer good even more expensive—and that, assured the *Mercury*, was a good thing.

Municipal Incorporation and Privilege

Absent any authority that could propose and implement policies at the regional level, the collection of local governments in Santa Clara County could do little to control growth. They could only control growth within municipal boundaries. The institutional structure of metropolitan fragmentation ensured that growth control would fail except in exclusive enclaves.⁶⁴ And that led to a system that disadvantaged the poor.

Neighboring suburbs incorporated and enacted their own versions of growth controls, creating a political “balkanization” across the Valley.⁶⁵ In 1900, there were five municipal governments in Santa Clara County, each separated by rural areas. Between 1900 and 1950, three more were added. Then, between 1950 and 1960, residents

⁶² Ibid.

⁶³ “Homeowners Can Profit from Inflated Real Estate,” *San Jose Mercury*, June 4, 1978.

⁶⁴ Alesch, *Local Government’s Ability to Manage Growth in a Metropolitan Context*, 74–83.

⁶⁵ Daniel J. Alesch, *An Outline for Rand Urban Policy Research in the San Jose Metropolitan Area* (Santa Monica: Rand, August 1972), 7.

incorporated seven new municipal governments.⁶⁶ All but one incorporated self consciously as elite alternatives to the low-income housing development associated with San José.⁶⁷ There were fiscal incentives for suburbs to incorporate, exclude others, and provide excellent services for their residents at low tax rates.⁶⁸ By the 1970s, smaller exclusive suburbs such as Los Altos Hills had assessed valuations per capita several times higher than poorer municipalities such as San José or Milpitas, a racially diverse working-class suburb just northeast of San José that was the one municipality that had incorporated in the 1950s not for suburban exclusivity but rather to capture a GM plant.⁶⁹ This assertion of power over vast spaces established economic exclusivity and distributed services across jurisdictions according to ability to pay, engendering a form of citizenship in which residents consumed rights.

⁶⁶ Alesch, *Local Government's Ability to Manage Growth in a Metropolitan Context*, 32.

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*, 42.

⁶⁹ *Ibid.*, 39.

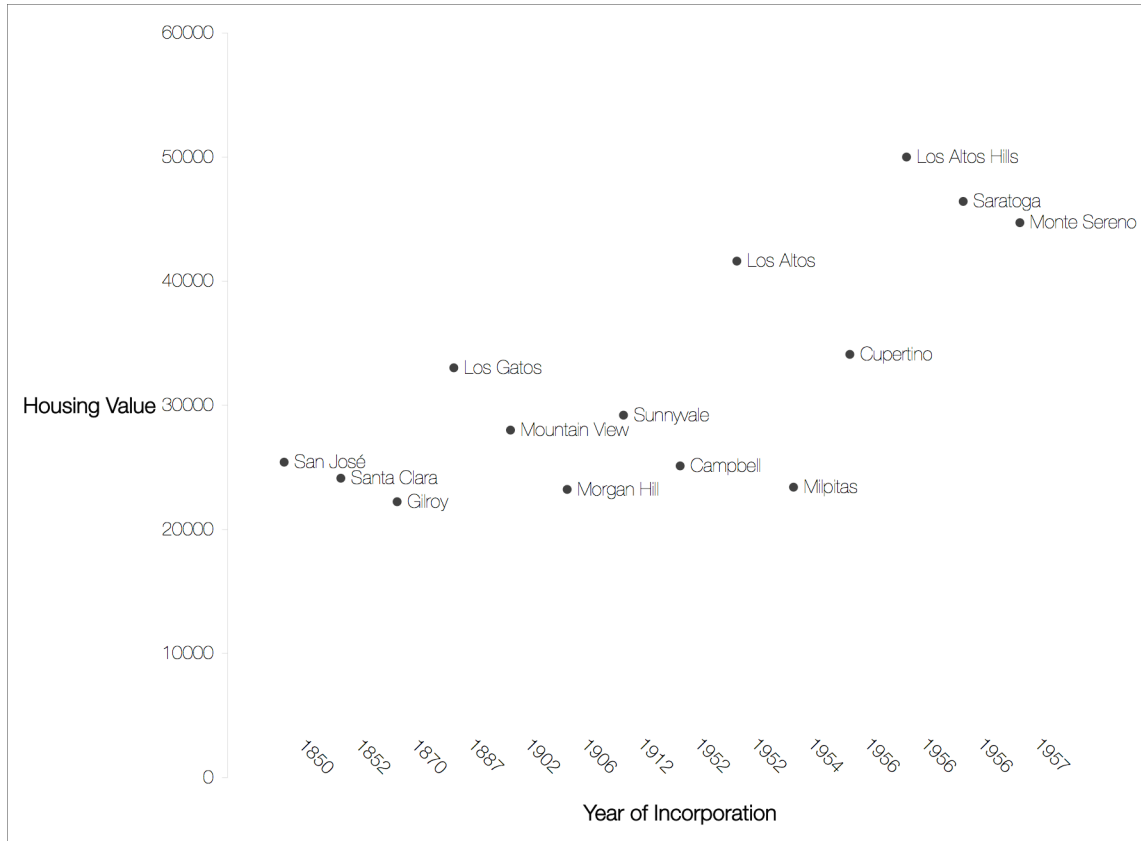


Figure 10.1 Housing value by year if incorporation, 1970. Several cities incorporated in the 1950s and immediately passed exclusionary zoning laws. The outlier is Milpitas, which incorporated for an industrial plant.

Los Altos Hills was the most extreme example of this pattern. In early 1982, 250 men and women gathered at the Fremont Hills Country Club to celebrate the 25th anniversary of the founding of Los Altos Hills. They danced and drank at the sold-out banquet not only to commemorate their history, but also to partake in what made their community special in the first place: the abundance of land and wealth epitomized by the club's Olympic-size pools, its seventeen acres of golf, tennis, and regal horses. "Dedicated to Rural Living" read the anniversary banners.⁷⁰

⁷⁰ "Los Altos Hills Marks Its 25th (clipping)", n.d., Box 657, Folder "A. 3 Los Altos," Pete McCloskey Papers, Hoover Institution Archives, Stanford University.

The town's residents had originally come together in the mid-1950s to incorporate in a conscious effort to avoid what they saw as the onslaught of subdivisions rapidly encroaching from San José.⁷¹ After incorporation, the new municipal government immediately erected legal barriers to preclude subdivisions in Los Altos Hills, legislating that any new house could not be built on a lot of less than an acre, nor could any dwelling house more than one family. "That's why we were dedicated," said Irma Goldsmith, a resident who had been active in the incorporation campaign. "We can look out our windows and see our kids playing with their pet horses."⁷² Goldsmith linked her citizenship rights with a governmental structure that preserved spatial privileges for a select few.

From its inception, the town limited commercial growth, preferring to keep the community exclusively residential. The town regulated all economic activity, evicting a small business that predated the municipality in order to ensure a total residential landscape.⁷³ Residents had to leave town to earn their paychecks or visit a bank. Rather than despoiling its charming atmosphere, the town purchased its services from neighboring cities. In spite of residents' will to imagine their community as rural, they clearly understood it as part of a region, a larger constellation of communities from which they could extract resources and income while preventing those communities from encroaching upon them.

Although ostensibly intended to preserve a rural feel, the all-residential, one-acre lot size zoning produced a landscape of sprawling houses, eating up the area's farmland.

⁷¹ "Chicano Suit Challenges Los Altos Hills Zoning," *San Jose Mercury News*, December 16, 1970.

⁷² "Los Altos Hills Marks Its 25th (clipping)."

⁷³ "La Raza Homes in Los Altos Hills?," *San Jose Mercury*, October 5, 1972; *Town of Los Altos Hills v. Adobe Creek Properties, Inc.*, 32 Cal.App.3d 488 (1973).

At the 25th anniversary celebration, residents made plans to bury a time capsule, included in which was a bottle of apricot brandy—“It will represent the apricot orchards that used to be,” said Goldsmith.⁷⁴ Residents had removed from Los Altos Hills any true rural uses, creating instead an exclusive, elite suburb. The town was also overwhelmingly white, and in a region where race and class coincided, the exclusive zoning measures taken in the community would keep it that way. “Rural living” thus signified a host of associations, a metonym for wealth, whiteness, and spatial privilege.

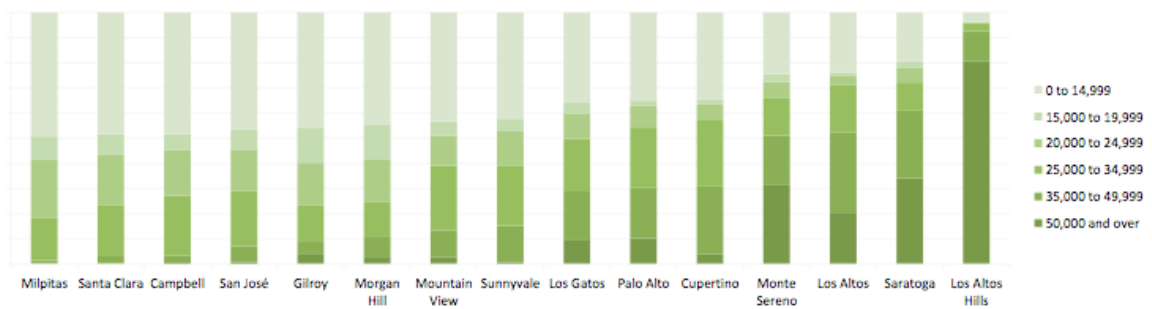


Figure 10.2 Distribution of owner-occupied housing values, 1970. Los Altos Hills, on the far right, had the highest housing values in the county.

⁷⁴ “Los Altos Hills Marks Its 25th (clipping).”

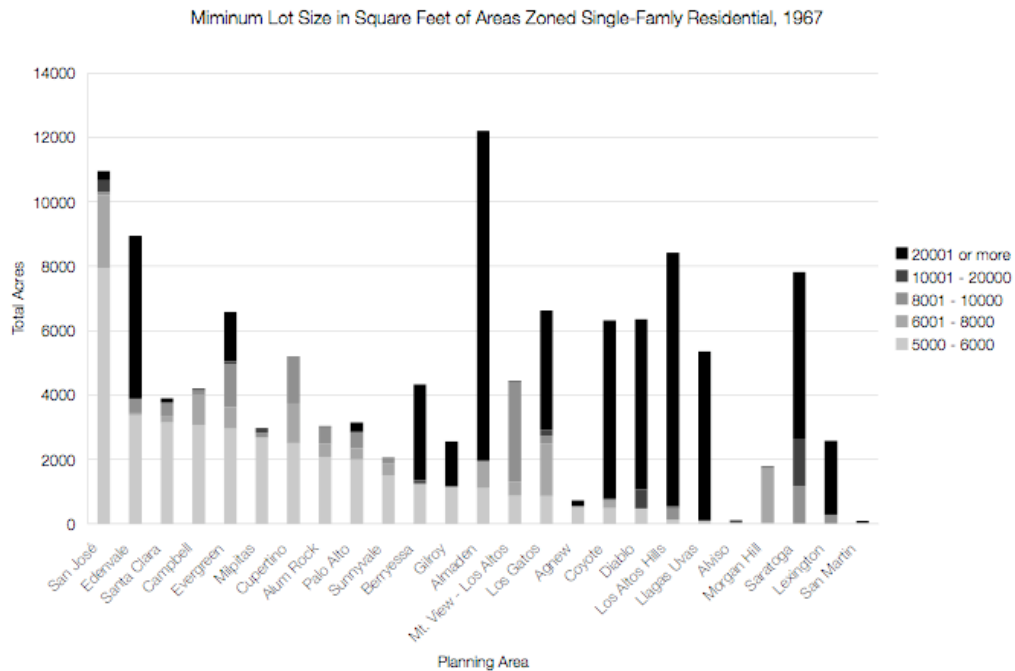


Figure 10.3 Large lot zoning, 1967. Almaden, in southern San José, Los Altos Hills, and other suburban areas practiced almost exclusively large-lot zoning.

Indigenous to the Suburbs

Los Altos Hills had dealt with few challenges to its prerogatives until the Confederacion de la Raza Unida sued the town. The CRU staked a claim as a group indigenous to the suburbs. The CRU was part of a tradition of attempts to unify the Valley’s Mexican American activists. But it departed from the strategies and political visions of the CSO and earlier groups. The CSO had sought spatial justice and critiqued unequal suburban development. Yet the organization did not, for the most part, critique segregation itself. Not long after they met, Chavez said to Ross, “Do you think that we like our kids to grow up in this neighborhood?... Sure we want out, but where can we rent outside of the Eastside?... I guess our best bet is to work with what we’ve got and fix up

where we are.”⁷⁵ At this point, Chavez accepted segregation as a given; he wanted to end the inequalities associated with it. Model Cities maintained the focus on neighborhood improvement. In the Santa Clara Valley, as elsewhere in the Southwest, Mexican Americans did not always see the racial concentrations of barrios as a problem. As David Gutiérrez, among others, has shown, segregation enabled certain kinds of community formation.⁷⁶ When Ernesto Galarza championed Alvisan independence, he argued for the “defense” of the barrio from processes of metropolitan development that were destroying ethnic community. The leaders of the CRU, on the other hand, saw segregation as a major problem facing the Valley’s Mexican Americans. While the CRU accepted voluntary racial concentration, and while neither the CSO nor Galarza had endorsed segregation, the CRU’s political and legal emphasis on attacking laws that perpetuated segregation represented a shift in political thinking about metropolitan space.

The CRU emerged from a battle over San José’s past. When the city of San José staged a parade celebrate to commemorate the city’s Spanish past, it sparked a new stage of organizing and activism. The parade, known officially as the Fiesta de las Rosas, came to be called the “Fiasco de las Rosas.”⁷⁷ The Fiesta was an old tradition in San José, founded in the 1920s by the white residents of San José as a way to remember and romanticize and imagine a Spanish fantasy past. It had not taken place for decades, but in 1969, several white San Joseans revived the event. In the postwar decades, the city had become much larger and more racially diverse. The fiesta functioned to make sense of the racial changes affecting the city, a way to see the massive, suburban growth as a

⁷⁵ Ross, “The Saga of Sal Si Puedes,” 2–3.

⁷⁶ David G. Gutiérrez, *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity* (Berkeley: University of California Press, 1995), 21–34.

⁷⁷ Frank Arnold, “‘Fiesta’ Fails,” *The Maverick* 1, no. 5 (July 1969): 3.

continued manifestation of something more charming and romantic, something not just like every other sprawling city in the country, but something simultaneously local and exotic, something distinctive. It was an effort to translate the increasing diversity of the metropolis into terms less threatening, into memories of whiteness and racial order.

The parade planners intended to revive the fiesta to commemorate California's bicentennial as a Spanish state. From its inception, the parade played on the tensions of one city under two different nations. While the parade commemorated the foreign past of San José, it domesticated it, as well. Presiding over the mythological historical reenactment would be a television cowboy, Lorne Greene, star of "Bonanza." The theme was "heritage," a tool for telling the population its identity, the story of itself, giving this conglomeration of different people a backstory, explaining who they were by drawing on certain forms of historical memory.⁷⁸

Racial discourses were central to the Fiesta. The last time the parade was held, the racial visions that animated it went largely unquestioned. But not in 1969. Mexican American civil rights activists criticized this staging of racial hierarchy, objecting that the fiesta emphasized the Spanish past and glorified the Spanish conquistador.⁷⁹ "The conquistador was a racist invader," wrote Dionisio J. Macedo in a pamphlet explaining Chicanos' opposition. "He slaughtered and subjugated the Indian.... You may as well ask the Jews to celebrate Hitler's birthday."⁸⁰ Macedo continued, "This fiesta is an overt racist act. It is a further extension of white supremacy. It is a derogatory, exclusionary,

⁷⁸ Bob Baskett to Dear Friend, 1969, Box 3, Fiesta de las Rosas, Anthony Soto Papers, M0763, Department of Special Collections, Stanford University Libraries, Stanford, California.

⁷⁹ "The Peon and the Charro", 1969, Box 2, Confederacion de la Raza Unida, Anthony Soto Papers, M0763, Department of Special Collections, Stanford University Libraries, Stanford, California.

⁸⁰ Dionisio J. Macedo, "Rational for Opposition to La Fiesta De Las Rosas", 1969, Box 3, Fiesta de las Rosas, Anthony Soto Papers, M0763, Department of Special Collections, Stanford University Libraries, Stanford, California.

brutally stupid affair.”⁸¹ The Fiesta provided a forum for Mexican Americans to articulate a racial identity as the descendents of Indians, legitimating a claim to the land.⁸² Spokesman Jack Ybarra declared that Spanish conquistadors and early Californian settlers were “the agents of oppression in the subjugation of our Indian ancestors.”⁸³

Chicano groups worked to oppose the Fiesta, enlisting the support of many of the Valley’s more moderate institutions, including the Catholic Church. Unable to change it or prevent it, they announced that they would protest it.⁸⁴ When Chicanos protested the parade, police cracked down with rampant violence.⁸⁵ “This was an education in democracy,” said one of the protesters after the violence. “From now on you know—if

⁸¹ Ibid.

⁸² “Mexican-American Move to Halt Rose Fiesta”, 1969, Box 3, Fiesta de las Rosas, Anthony Soto Papers, M0763, Department of Special Collections, Stanford University Libraries, Stanford, California.

⁸³ A.V. Krebs, Jr., “100 Chicanos and Police Clash at San Jose Fete,” *National Catholic Reporter*, June 11, 1969.

⁸⁴ “Rudolfo Coronado Oral History,” 16; Jorge T. Acevedo to Ron James, February 25, 1969, Box 2, Confederacion de la Raza Unida, Anthony Soto Papers, M0763, Department of Special Collections, Stanford University Libraries, Stanford, California; Jorge T. Acevedo, “Fiesta De Las Rosas”, March 4, 1969, Box 2, Confederacion de la Raza Unida, Anthony Soto Papers, M0763, Department of Special Collections, Stanford University Libraries, Stanford, California; “Action of La Raza Unida in Santa Clara County”, May 1969, Box 2, Confederacion de la Raza Unida, Anthony Soto Papers, M0763, Department of Special Collections, Stanford University Libraries, Stanford, California; United People Arriba, “The Mercury News Lies!”, 1969, Box 1, Folder 36, Fred Hirsch Collection, MSS-2007-0701, San Jose State University Library Special Collections and Archives; “20 Seized in Parade Violence,” *San Francisco Chronicle*, June 2, 1969; Roberto A. Cervantes to Community Organizations, April 30, 1969, Box 2, Confederacion de la Raza Unida, Anthony Soto Papers, M0763, Department of Special Collections, Stanford University Libraries, Stanford, California; “28 Catholic Priests Oppose Fiesta: ‘Fraudulent Celebration’,” *San Jose Mercury*, May 22, 1969; “We, the Undersigned Catholic Priests of Santa Clara County,” *San Jose Mercury*, May 26, 1969; Robert W. Hogan to Joseph T. McGucken, May 29, 1969, Box 3, Fiesta de las Rosas, Anthony Soto Papers, M0763, Department of Special Collections, Stanford University Libraries, Stanford, California; La Raza Unida Organizing Committee, “Notice of a Press Conference”, May 16, 1969, Box 2, Confederacion de la Raza Unida, Anthony Soto Papers, M0763, Department of Special Collections, Stanford University Libraries, Stanford, California.

⁸⁵ “Fiesta Yankee Style,” *The Peninsula Observer*, June 16, 1969; “Two Eyewitness Accounts of San José Fiesta Parade,” *The Monitor*, June 5, 1969; “Grand Floral Parade Highlights Fiesta,” *San Jose Mercury*, June 2, 1969; “Disturbance Quickly Quelled,” *San Jose Mercury*, June 2, 1969; “Mercury Fiesta Coverage”, June 2, 1969, Box 3, Fiesta de las Rosas, Anthony Soto Papers, M0763, Department of Special Collections, Stanford University Libraries, Stanford, California; “Fiesta Militants Heading for Trial,” *San Jose Mercury*, July 3, 1969; “Minor Violence Mars Fiesta Parade,” *East San Jose Sun*, June 4, 1969; “Handful of Militants Attempt to Disrupt Parade,” *East San Jose Sun*, June 4, 1969; “Linda Peralta-Conway Oral History”, n.d., Series I, Box 5, Folder 29, Chicano Oral History Project, San Jose State University Library Special Collections and Archives; “Frances Palacios Oral History”, n.d., Series I, Box 5, Folder 28, Chicano Oral History Project, San Jose State University Library Special Collections and Archives.

you want to live in a democracy, you'll have to fight for it." He continued, "Today we're feeling low. But some day we will have a fiesta—when we have housing, when our children are graduating from college, when we have a Chicano mayor, when we have justice."⁸⁶

The fiesta spurred the uniting force behind a coalition of Mexican American organizations.⁸⁷ The thirty organizations that opposed the fiesta coalesced into the CRU. They were soon joined by most of the other Mexican American groups in the Valley, including those that had endorsed the Fiesta de las Rosas, including MAPA and the Comisión Honorífica, who objected to the spectacle of police beating peaceful Chicano protesters. The clash over the fiesta, wrote Frank Arnold of the *Maverick* "created something the city fathers surely didn't desire—the beginnings of a united front among the many Chicano and Mexican-American groups in the county."⁸⁸ Reflecting on the development years later, CRU activist described the formation of the organization with a sense of awe. "What transpired after this was—and it was the most beautiful thing that ever happened—because then there was another thing that was born... it was the Confederacion de la Raza Unida."⁸⁹

The CRU brought almost all the Valley's Mexican American organizations into one confederation. They articulated a political goal of union. A flier by the nascent CRU said the Fiesta had provoked divisions. "Today the Anglo business class creates division and friction between groups of Mexican Americans.... But brotherliness will win out!

⁸⁶ "Fiesta Yankee Style."

⁸⁷ Arnold, "'Fiesta' Fails."

⁸⁸ Ibid.

⁸⁹ "Rudolfo Coronado Oral History," 19.

United we shall succeed!”⁹⁰ CRU organizers emphasized a shared Mexican heritage in their efforts at unification. In 1969, the CRU sponsored a Mexican Independence Day event attended by 700 people, at which they telephoned in Mexican president Gustavo Diaz Ordaz shouting, from the balcony of the national palace, “Viva Mexico!”⁹¹

Jack Ybarra became the head of CRU. Like many activists in urban and suburban politics, Ybarra had roots in farmwork, having been an organizer for the National Farmworkers Association in the Bay Area in 1966.⁹² He was involved in a minor way in the *Valtierra* case, serving the defendant City Council members.⁹³ Ybarra had a reputation as a firebrand. He had served as an adviser and spokesman for the Tropicana-Hillview Organization United (THOU), a group dedicated to working for solutions to San José’s housing problems. In 1968, THOU made a political splash when it announced that it would erect a tent on the lawn of City Hall to publicize the housing shortage in eastside neighborhoods. When Ybarra led an all night prayer vigil in front of Mayor Ron James’ home, it was a step too far for members, who fired him.⁹⁴ In response, 25 members left in protest of Ybarra’s firing and THOU’s election of a white spokesperson, forming their own group, Mexican-Americans Against Poverty, and electing Ybarra as their chair.⁹⁵

Soon thereafter Ybarra became a spokesperson against the Fiesta de las Rosas and rose to the presidency of the CRU. After the fiesta, the CRU embarked on an ambitious

⁹⁰ “The Peon and the Charro.”

⁹¹ “Mexican Americans Sound Call for Unity,” *San Jose Mercury*, September 17, 1969.

⁹² Students for a Democratic Society, *SDS Regional Newsletter* 1, no. 6 (February 6, 1966).

⁹³ Isaias M. Ybarra, “Affidavit of Service”, September 6, 1969, RG 21, US District of Northern California, *Valtierra v. Housing Authority of San Jose*, Civil 52076, Folder 1, National Archives Pacific Region; Diane V. Delevett, “Affidavit of Counsel in Support of Motion”, October 21, 1969, RG 21, US District of Northern California, *Valtierra v. Housing Authority of San Jose*, Civil 52076, Folder 1, National Archives Pacific Region.

⁹⁴ “Thou Tells Ybarra: Get Thee Out,” *San Jose Mercury News*, August 9, 1968.

⁹⁵ “Mexican Americans Split from THOU Group,” *San Jose Mercury News*, August 12, 1968; “The ‘U’ Is Dropped Off THOU,” *San Jose Mercury News*, August 13, 1968.

project of spatial justice, focused on developing affordable housing, regional government, and transportation policies. This involved a critique of the direction of metropolitan growth. In March 1972, Ybarra spoke before the State Department Advisory Council subcommittee on the environment, arguing that sprawl had destroyed agriculture and along with it Chicanos' jobs. The development of subdivisions, he said, "displaced the Mexican-American not only from his employment, but from his home." SCC's economic growth has come at the direct expense, he said, "of thousands of its poorest and most defenseless citizens."⁹⁶

By identifying suburban Silicon Valley as "home," Ybarra embraced a politics of indigeneity that marked CRU discourse. The late 1960s and early 1970s saw the genesis of a new political discourse in metropolitan San José, a discourse that employed symbols of the California borderlands to address the very local concerns of community-based social movements. The CRU challenged exclusionary zoning with a politics of indigeneity, reconfiguring Chicanos' relationship to suburban space. One CRU bulletin announced, "We are indigenous to the land. We are part of Aztlán."⁹⁷

The metropolitan Chicano discourse is most evident in the Tiburcio Vásquez Institute for Responsive Government, a community advocacy organization that Ybarra and Chicano politician Al Garza formed in 1972. The Tiburcio Vásquez Institute for Responsive Government pursued policy solutions to the problems of suburban growth, focusing on zoning, regional government, housing policy, education, and transportation. What is striking is that a policy organization devoted to the seemingly pedestrian issues of zoning and transportation policies was named after a nineteenth-century bandit.

⁹⁶ *San Jose Mercury*, March 11, 1972.

⁹⁷ Confederacion de la Raza Unida, "El Boletin," 2.

Tiburcio Vásquez was a California outlaw. Born in 1835, he began a life of crime in his teens, stealing cattle, spending time in San Quentin, escaping from San Quentin, being captured and returning to San Quentin, serving his sentence, and, after his release, stealing cattle again. He was tracked down by a posse, tried for murder, and hanged in 1875 in San José. Like his bandit colleague Joaquin Murrieta, he was something of a celebrity—thousands of people came to San José to see him and get his autograph while he awaited his trial—and the major national papers covered his story. According to the *Chicago Daily Tribune*, “Never was there such a variety of crimes crowded into the brief span of twenty years of a single life.” In the *Tribune*’s racial understanding, Vásquez had “the cunning of the Mexican, the cruelty of the Spaniard, and the intrepidity of the Californian. He joined the delicacy of a woman to the ferocity of a wolf.”⁹⁸

His legend grew after his death. In time, he became celebrated as something of a hero to California Mexican Americans, a man who resisted the imposition of white American rule over Mexican California. Vásquez aided in the construction of this identity, portraying his acts of banditry as the execution of vengeance and justice. Interviewed in jail before his execution, he said he sought California’s return to Mexico. He explained that, after California was acquired by the United States, “A spirit of hatred and revenge took possession of me. I had numerous fights in defense of what I believed to be my rights and those of my countrymen.... I believed we were unjustly deprived of the social rights that belonged to us.”⁹⁹ Writer Carey McWilliams drew on this narrative when he claimed that California’s “bandit period”—the first few decades after US

⁹⁸ *Chicago Daily Tribune*, March 20, 1875.

⁹⁹ *Los Angeles Star*, May 16, 1874.

takeover of California—“represented a kind of organized resistance to American rule.”¹⁰⁰ In a time of highway robberies and murders, of the confiscation of Mexican properties and the swindling of Mexican landholders, of widespread lynching of Mexican Americans—most of whom were not bandits—continuous violence signified “the Mexican-American war had been resumed in California.”¹⁰¹

Yet violence did gradually diminish, and the celebrity of Vásquez along with it. Until nearly one hundred years after his death: the 1970s saw a surge of interest in Vásquez. A Chicano student group at the University of California, Santa Barbara, issued a calendar that proudly proclaimed “Viva Vásquez.”¹⁰² His face showed up in artwork from the Royal Chicano Air Force, a Sacramento-based art collective.¹⁰³ El Teatro Campesino did a play about him—“the American melodrama of Tiburcio Vásquez, notorious California bandit”¹⁰⁴—advertised with an image of Vásquez’s face and the banner “Wanted! Tiburcio Vásquez Rides Again...”¹⁰⁵ In San José, a historical guide remembered Vásquez as a “clever and gallant Robin Hood type of bandit.”¹⁰⁶ The legend of Vásquez was resurrected.

In each of these representations, Vásquez’s image was deployed for different purposes. In the calendar, he was paired with Genaro Vazquez, a 1960s revolutionary in

¹⁰⁰ Carey McWilliams, *Southern California: An Island on the Land* (Salt Lake City: Peregrine Smith, 1946), 59–60.

¹⁰¹ *Ibid.*, 61.

¹⁰² Francisco X. Camplis, *Viva Vasquez: Tiburcio 1852 - Genaro 1972*, 1972, California Ethnic and Multicultural Archives, Department of Special Collections, Donald Davidson Library, University of California, Santa Barbara.

¹⁰³ Esteban Villa, *Pluma Roja Series*, ca. early 1970s, California Ethnic and Multicultural Archives, Department of Special Collections, Donald Davidson Library, University of California, Santa Barbara.

¹⁰⁴ El Teatro Campesino, “Bandido!”, 1981, El Teatro Campesino Archives, California Ethnic and Multicultural Archives, Department of Special Collections, Donald Davidson Library, University of California, Santa Barbara.

¹⁰⁵ El Teatro Campesino, “Wanted”, 1981, El Teatro Campesino Archives, California Ethnic and Multicultural Archives, Department of Special Collections, Donald Davidson Library, University of California, Santa Barbara.

¹⁰⁶ Agnes Solari and Margaret Zaro, *San Jose’s St. Joseph’s* (San Jose: Mastergraphics, 1975), 16.

Mexico, linking the California borderlands to Latin American socialist revolution. The Teatro Campesino production was a celebration of romance and banditry—the climax comes when Vásquez, soon to be betrayed by a friend with whose wife Vásquez had struck up an affair, robs a whole town. But in San José, Chicano activists called on the century-old figure of Vásquez and repurposed it for “responsive government”—perhaps the most surprising of any of these uses, since Vásquez, as an outlaw, had worked most assiduously to elude the government for years.

Ybarra and Garza called on the Vásquez image to bear an authentic Mexican identity, one that asserted that Mexicans were native to San José and that white Americans were foreigners, suggesting that the local racial hierarchy—and specifically the ways in which it shaped land use and governance—was unnatural and unjust. The image reasserted the wholeness of the Mexican nation as a way of dealing with the traumas generated by suburbanization and modernization, which had caused such massive racial and economic dislocations.¹⁰⁷ The Vásquez image called on the past to make sense of these dislocations; moreover, it asserted a vision of justice, and galvanized activists through the striking character of the heroic bandit. As a patriot of the “imagined community” of Aztlán, the symbol of Vásquez helped create and reproduce a politically active Mexican American community.¹⁰⁸

The Chicano movement called for reimagining spaces not as American but Chicano. In 1973, San José graffiti artists spraypainted a wall “Aztlán—Love it or leave

¹⁰⁷ In her work on the sensational literature of the US-Mexican war, Shelley Streeby notes that the symbol of fellow bandit Joaquín Murrieta shows up throughout the twentieth century in *corridos*, murals, poetry, and politics, asserting the unity of the Mexican nation that had been split by the treaties of 1848, portraying California as authentically Mexican, and resisting the imposition of American imperialism and power. Shelley Streeby, *American Sensations: Class, Empire, and the Production of Popular Culture* (Berkeley: University of California Press, 2002), 274.

¹⁰⁸ The term comes from Benedict Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism* (New York: Verso, 1991).

it!”¹⁰⁹ Such claims asserted the authenticity and legitimacy of Mexican American political claims by inverting the common nationalist invective that had been used against Mexican immigrants—“America: love it or leave it”—to suggest that white Americans were in fact foreigners. The Chicano movement (and much Chicano writing) also called for reimagining the nation’s past; it was no longer a tale of peaceful westward expansion but of violence and colonization.¹¹⁰ The symbol of the bandit called attention to the continued history of violence in the American West. By deploying the symbol for a policy advocacy group, Ybarra, Garza, and other activists asserted that the public policies associated with the development of the Valley were part of the historical process of disfranchisement, exploitation, colonization and violence.

Borderlands symbols and national metaphors came to pervade the political discourse of local government in the 1970s. Activists repeatedly portrayed Mexican Americans as “refugees in their own valley,” displaced by racially and economically exclusionary housing development and transportation infrastructure, and excluded from the decision-making processes of local government.¹¹¹ Ybarra described zoning laws as “the Berlin Wall that keeps poor people from whatever area of the city they wish to live in.”¹¹²

The CRU incorporated this language into its public pronouncements. Like Tiburcio Vásquez, they would fight for their rights; yet unlike him, they would fight not with guns but with policy. “We are now armed! We have la Confederacion de la Raza

¹⁰⁹ “Aztlán—love It or Leave It,” *La Malcriada of Santa Clara* 1, no. 1 (June 8, 1973).

¹¹⁰ See, for example, Rodolfo Acuna, *Occupied America: A History of Chicanos* (Upper Saddle River, NJ: Pearson Education, 1999); Limerick, *The Legacy of Conquest: The Unbroken Past of the American West*.

¹¹¹ “Chicanos ‘Refugees’ In Their Own Valley,” *San Jose Mercury*, November 7, 1971; *San Jose Mercury*, January 21, 1972.

¹¹² “Chicano Lawsuit Upheld on Housing Imbalance,” *San Jose Mercury*, December 20, 1974.

Unida.” The CRU identified its members as the original residents of the Valley, the people who had lived and worked in the fields and canneries before subdivisions, high-tech industry, freeways, and exclusionary zoning had displaced them. Mexican Americans, said the CRU, had been “caught in the crossfire” of metropolitan development. This language resonated because it so clearly reflected American systems of spatial control and racial domination. In a landscape of dramatic inequalities between white suburbs and Mexican American barrios, spatial boundaries marked the limits of citizenship. Borderlands symbols suggested that Mexican Americans deserved full citizenship rights.¹¹³

This marked a political transformation in the Valley. The assertion of a borderlands political identity in metropolitan space represented a shift in Mexican Americans’ transnational imagination. Linking local struggles to transnational social fields was not new, but it had functioned differently in previous decades. Since 1848, Santa Clara Valley Mexican Americans had articulated allegiance to Mexico. In a world of circular migrations, back and forth across the border, many migrants kept alive a “Mexican” national identity through *fiestas patrias* and Independence Day celebrations. In San José, these events, organized by the Comisión Honorífica Mexicana, an organization sponsored by the local Mexican consulate, drew thousands with parades, music, dancing, speeches, and beauty pageants, all to chants of “Viva Mexico!”¹¹⁴ Transnational imaginaries bolstered domestic social organization.¹¹⁵ And there was little

¹¹³ Confederacion de la Raza Unida, “El Boletin.”

¹¹⁴ Clark, *Health in the Mexican-American Culture*, 30; “Fiesta Hails Independence of Mexico,” *San Jose Mercury*, September 18, 1960; “Mexican Freedom Feted Here,” *San Jose Mercury*, September 19, 1960; “3,000 Attend Independence Celebration,” *San Jose Mercury*, September 19, 1960.

¹¹⁵ This imaginary conformed to Nina Glick Schiller’s definition of transnationalism as “the processes by which immigrants build social fields that link together their country of origin and their country of settlement.” Nina Glick Schiller, Linda Basch, and Cristina Blanc-Szanton, “Transnationalism: A New

need to worry that Mexican national identities prevented full American citizenship. Of the migrants who chose to stay in the United States, many did not become citizens because, as historian Stephen Pitti claims, “race trumped citizenship in defining social position. White residents of the Valley had long discriminated against ethnic Mexicans regardless of nativity, and many Mexicanos knew that becoming Mexican American would make little difference in their search for permanent work, decent housing, and higher wages.”¹¹⁶

After the civil rights victories of the 1960s, race was no longer supposed to trump citizenship; Valley Chicanos expected that citizenship should trump race. Yet the policies of local government continued to disfranchise and displace local Chicanos. The language of refugees, Aztlán, and Tiburcio Vásquez called attention to racialized displacement and the unfulfilled promise of citizenship. While this discourse suggested that there was something illegitimate about American government, it did so to demand rights and inclusion. This borderlands imagination helped organize communities to challenge local political borders.

CRU activists challenged the borders of the metropolis by making claims not only as citizens but also as members of a transnational racial group. They reinterpreted metropolitan space as part of the US-Mexican borderlands, in which suburban borders were similar to national borders. In the Silicon Valley, at least, Chicano politics was about the ancestral homeland of Aztlán but also about zoning; struggles for affordable housing in the suburbs were defined as struggles of a transnational Raza. The policies that that created the modern suburban utopia reproduced historical inequalities, and not

Analytic Framework for Understanding Migration,” *Annals of the New York Academy of Sciences* 645 (July 1992): 1.

¹¹⁶ Pitti, *The Devil in Silicon Valley*, 110.

even Silicon Valley, the emblem of 1970s modernity, could escape its past. From the new urban barrios, past the microelectronics manufacturing plants, and on the freeways crossing the metropolis, Tiburcio Vásquez rode again.

The CRU and Affordable Housing

The politics of Aztlán and indigeneity established a claim to suburban space, enabling the CRU to make a unique critique of exclusionary zoning. The organization articulated a “right to the suburb,” an argument for spatial justice, based on history. Ybarra made a spatial argument against exclusionary zoning, arguing that large-lot zoning not only excluded poor people from certain neighborhoods; when it was practiced on a municipal scale, it forced poor people out of entire cities. If several neighboring cities all practiced exclusionary zoning, it displaced poor people from an entire region.¹¹⁷

Ybarra and the CRU launched an ambitious legal and political campaign to force suburbs to provide affordable housing. The CRU challenged zoning laws in many of the region’s cities, from the major metropolis of San José—which had zoned the outlying areas for large-lot zoning and exclusive residential developments—to the exclusive suburbs of the western hills, particularly Los Gatos, Saratoga, Monte Sereno, and Los Altos, among the region’s wealthiest suburbs. Ybarra alleged that these municipalities’ zoning laws were “exclusionary and discriminatory,” violating the spatial rights of racial minorities and the poor.

The CRU began the program in 1970, when Ybarra attacked “exclusionary zoning” manifest in the housing plan of Saratoga, a wealthy suburb in the western foothills that had incorporated in 1956. Speaking before the city planning commission, Ybarra noted that the city’s general plan provided only upper income housing. A

¹¹⁷ “May File ‘Ghetto’ Test Suit,” *San Jose Mercury News*, September 12, 1970.

proposed development would sell homes for a minimum of 75,000 dollars. Even the few multi-family dwellings allowed in the housing plan were luxury rentals, out of the reach of the area's lower income families. "It is apparent," stated Ybarra, "that there is only one economic class in Saratoga—the upper class."¹¹⁸

A new state law, however, required general plans to provide housing for all economic segments. As Saratoga revised its general plan to conform to state law, Ybarra saw a valuable opportunity to pressure the city to embrace mixed-income housing. At the public meetings surrounding the general plan revision, he articulated his ideas to both city council as well as the public, accusing Saratoga city council of intentionally excluding the poor.¹¹⁹ In particular, Ybarra accused Saratoga of forcing out fifteen low-income Mexican American families. The families lived at the Galeb Camp, a small collection of farmworker housing near the tracks of the Southern Pacific, surrounded by prune and apricot orchards.¹²⁰ The city had recently sent them eviction notices, ostensibly because of health code infractions. Whether the city excluded poor Mexican Americans by zoning or by health codes, the result, contended Ybarra, was the same: it turned them into "refugees."¹²¹

CRU threatened to sue Saratoga to hold up highway funds because the city provided no housing for poor residents like those being evicted from the Galeb Camp. Before the Saratoga City Council, Ybarra requested "safe, decent and adequate housing for low-income minority residents."¹²² Facing a lawsuit and embarrassing public scrutiny, Saratoga relented. The city promised to help locate low-income housing for the fifteen

¹¹⁸ "Saratoga Housing Plan Hit," *San Jose Mercury News*, July 17, 1970.

¹¹⁹ *San Jose Mercury News*, August 3, 1971.

¹²⁰ "Property at Azule Crossing Had Early Start as Orchard," *Saratoga News*, December 22, 1999.

¹²¹ [CSL STYLE ERROR: reference with no printed form.].

¹²² "La Raza Unida Plans Suit Against Saratoga," *San Jose Mercury News*, August 6, 1971.

displaced families of the Galeb properties. Although this was a minimal concession, Ybarra praised it as an important step, lauding Saragota as “the first city in the county to realize that zoning should recognize human rights.”¹²³

The CRU enjoyed similar modest successes in pressuring municipalities to provide low-income housing.¹²⁴ But when the organization challenged Los Altos Hills, it faced stiff opposition. Observing the town’s one-acre minimum lot size zoning policy, Ybarra declared, “Mexican American families who once lived in this area have been forced out of the city by zoning policies which have made it economically impossible for these families to remain there.”¹²⁵

City officials denied that class had anything to do with their zoning. “We incorporated to maintain the rural-type living as far as it is possible,” said Mayor Walter Benson. “This calls for the preservation of open space to help in the prevention of the pollution of our air, land and water by seeing to it that we do not overpopulate our area.”¹²⁶ But the town’s environmental preservation measures also preserved class privilege, a fact that residents had joked about in the past, but now denied. In 1956, before the town had settled on the name Los Altos Hills, one resident proposed calling their community “Los Statos Quos.” “Today,” noted the *Mercury*, “that doesn’t sound as funny as it did 14 years ago.”¹²⁷

¹²³ “La Raza Leader Lauds Saratoga,” *San Jose Mercury*, August 21, 1971.

¹²⁴ Don Edwards to Aristo Gonzalez, May 26, 1970, Box 83, Folder 85, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives; “M.H. Sued for Looks At Documents,” *San Jose Mercury News*, July 8, 1970; “Chicano Bid for Plans Rejected,” *San Jose Mercury News*, July 28, 1970; *San Jose Mercury*, March 31, 1971; Ybarra, *President’s Report*; John Burns to Don Edwards, July 17, 1970, Box 84, Folder 98, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

¹²⁵ “One-Acre Zoning Draws Criticism,” *San Jose Mercury News*, December 16, 1970.

¹²⁶ [CSL STYLE ERROR: reference with no printed form.].

¹²⁷ *Ibid.*

The CRU applied for a building permit for a low-income housing development in Los Altos Hills. The proposed project was a multi-family housing development on six-and-a-half acres of land on the outer edge of the town.¹²⁸ The 200-unit apartment complex would accommodate up to 800 persons in two-story, wood-framed units.¹²⁹ When the town predictably refused, the organization followed with a lawsuit.¹³⁰ CRU alleged that Los Altos Hills' zoning ordinance violated Section 65302 of the California Government Code, which required towns to adopt housing plans that "make adequate provision for the housing needs of all economic segments of the community."

At the three-day trial in November 1972, the CRU attorneys, Grace Kubota and Steven Manley of Community Legal Services in San José, argued that the town's laws were discriminatory, making it an enclave for white wealthy families.¹³¹ Los Altos Hills lawyer Robert Anderson replied that large-lot zoning preserved the town's "rural" atmosphere. Furthermore, he argued, the town's infrastructure could not meet the demands of an apartment complex.¹³² City officials made a defense based on their way of life, contending that the town could not provide the services that the poor would require.¹³³ Mader testified that the town's environment could not support apartment complexes, but under cross-examination by Manley he admitted that the project posed no obvious environmental threat.¹³⁴

The town's officials also made an argument for exclusivity based on a unique variant of regionalism. "We consider ourselves a part of the total county," said town

¹²⁸ "Chicano Suit Challenges Los Altos Hills Zoning."

¹²⁹ *San Jose Mercury*, November 22, 1972.

¹³⁰ *San Jose Mercury*, December 4, 1972.

¹³¹ *San Jose Mercury*, November 21, 1972.

¹³² *Ibid.*

¹³³ "One-Acre Zoning Draws Criticism."

¹³⁴ [CSL STYLE ERROR: reference with no printed form.]

manager Murl Fritschle, “and feel that we fulfill a small portion of the total housing need, namely single family residential. We don’t believe we should have to supply the whole range of other zones found throughout the county.”¹³⁵ Town planner George Mader, likewise, testified that single purpose communities like Los Altos Hills were vital to the region’s total housing situation, and if they changed it would be “detrimental” to the whole region.¹³⁶

Judge Stanley Wiegel rejected Los Altos Hill’s arguments about infrastructure and environmentalism, contending that whether the town’s zoning laws discriminated against the poor was the “pivotal question” in the case. When Manley suggested that race and class intersected for the Valley’s Mexican Americans, Wiegel replied, “Race has got nothing to do with this case.”¹³⁷ When Anderson objected that the zoning law was “not discrimination on its face,” Wiegel replied, “I think it is.”¹³⁸ But economic discrimination, observed Wiegel, was legal. In his April 1973 decision, Wiegel upheld Los Altos Hills’ zoning law. That poor people could not live in certain areas was, he said, “an unpleasant fact of life.”¹³⁹ Although Los Altos Hills’ zoning law discriminated against the poor, it did so, wrote Wiegel, to the poor of all “races, colors and creeds.”¹⁴⁰

The CRU vowed to appeal.¹⁴¹ “We never expected to win at this stage,” admitted Ybarra.¹⁴² Neither was he optimistic about the Ninth Circuit. “We expect we will have to take it to the Supreme Court,” he said.¹⁴³ As predicted, when Ybarra, Kubota, and

¹³⁵ [CSL STYLE ERROR: reference with no printed form.].

¹³⁶ *San Jose Mercury News*, November 24, 1972.

¹³⁷ *Ibid.*

¹³⁸ *Ibid.*

¹³⁹ *Ibid.*

¹⁴⁰ *San Jose Mercury*, April 9, 1973.

¹⁴¹ *San Jose Mercury*, April 7, 1973.

¹⁴² *Ibid.*

¹⁴³ *Ibid.*

Manley appealed to the case to the Ninth Circuit, the appellate judges upheld the district ruling. But they decided the case on different grounds. They determined that Los Altos Hills had only to show that its zoning law had “a rational relationship to the government’s interest.” It had done so by noting that the one-acre zoning preserved the town’s “rural environment.”¹⁴⁴

It was true, agreed the court, that Ybarra and the CRU plaintiffs could not live in Los Altos Hills because of economic regulations. Yet the court contended that low-income housing was available elsewhere in the county. Because housing was available elsewhere in the metropolitan area, individual municipalities, reasoned the court, could discriminate economically with or without a compelling interest.¹⁴⁵ “We believe,” stated the Ninth Circuit judges, “that the section requires a town to provide housing for its residents but does not require it to provide housing for non-residents, even though the non-residents may live in the broader urban community of which the town is a part.”¹⁴⁶

Ybarra v. Los Altos Hills struck at the heart of suburban exclusivity. Whereas *Valtierra* concerned the right to vote about public housing projects, *Ybarra* attacked suburban zoning itself. It highlighted the fantasy that a town’s residents could determine land use regulations impartially, for the broader public welfare. It revealed the fiction that suburban municipalities were independent units, a vision of isolated communities that did not fit the modern metropolis that functioned on a regional scale.¹⁴⁷

¹⁴⁴ “Hills City Zoning Upheld by Court,” *San Jose Mercury*, September 12, 1974.

¹⁴⁵ *Ybarra v. Los Altos Hills*.

¹⁴⁶ *Ibid.*

¹⁴⁷ For legal musings on the impact of the case, see Robert C. Ellickson, “Suburban Growth Controls: An Economic and Legal Analysis,” *Yale Law Journal* 86, no. 3 (January 1977): 385–511; Gregory R. Weiher, “Public Policy and Patterns of Residential Segregation,” *The Western Political Quarterly* 42, no. 4 (December 1989): 651–677.

The CRU hoped to appeal the case to the Supreme Court, “But that’s very expensive and we don’t have the money.”¹⁴⁸ By the town’s 50th anniversary, Los Altos Hills was, according to *Forbes*, among the nation’s “Most Expensive Zip Codes,” with median home values of 3,000,000 dollars. With such residents as David Packard (founder of Hewlett-Packard), Jerry Yang (founder of Yahoo!), and Carly Fiorina (CEO of Hewlett-Packard), Los Altos Hills had the highest median income in the country.¹⁴⁹

Regional Government

The CRU was involved in nearly all aspects of Valley politics, from building firms hiring practices to schools.¹⁵⁰ But its focus was on working for spatial justice in the region, a project that led it into working with regional governmental structures. As a representative of the Tiburcio Vasquez Institute, Ybarra worked with the political institutions of regional government, particularly the Association of Bay Area Governments (ABAG), to develop regional housing and transportation policies.¹⁵¹

The CRU’s main allies at the regional level were developers and corporations. Most of the Valley’s developers detested the profusion of land use regulations, and resented that the region’s voters, politicians, and media had cast them as villains. Developers allied with other opponents of growth controls, particularly low-income and civil rights groups like the CRU, attempting to craft an identity as selfless promoters of the rights of the poor. Developers encouraged cities to implement land use policies that addressed the region’s low-income housing shortage. Richard Harkness of Starlite Homes

¹⁴⁸ *San Jose Mercury*, April 10, 1975.

¹⁴⁹ “Most Expensive Zip Codes,” *Forbes*, September 13, 2007.

¹⁵⁰ *San Jose Mercury*, November 11, 1969; “La Raza Demands Minority Hiring Plan for Renewal Projects,” *San Jose Mercury*, October 17, 1969.

¹⁵¹ “Seminar on Regional Housing Planning Problems and Approaches”, July 7, 1972, Housing 1967–1977, 94 01104, Institute for Governmental Studies Library, University of California, Berkeley.

said that developers would be amenable to municipal policies that required developers to devote a portion of their housing units, probably not more than five percent, to low-income housing.¹⁵² Although not a radical move for affordability, developers' willingness to build affordable housing was a change in Valley politics. Developers, however, remained subject to local governments and had little ability to sway their zoning or development decisions. It was much easier for planning boards to extract concessions from developers rather than the other way around. By the 1970s, developers competed aggressively to develop housing, while municipalities did not compete for new residential developments.

To address the imbalance of power, the Santa Clara Valley Manufacturing Group (SCVMG) worked assiduously to develop regional housing and transportation policies.¹⁵³ After David Packard founded the organization in 1977, the SCVMG immediately became the regional power elite, supplanting the San José Chamber of Commerce.¹⁵⁴ By 1980, the group represented 65 member companies with 160,000 employees, chaired by the president of Lockheed, the county's largest employer. General Electric, Syntex, IBM, Bank of America, Ford Aerospace, Varian Associates, American Microsystems, National Semiconductor, Owens Corning Fiberglass, GTE Sylvania all joined. The group met regularly with city and county executives to shape local policies on transportation, housing, employment, and taxation.¹⁵⁵

¹⁵² "Scatter Low-Cost Housing."

¹⁵³ Now known as the Silicon Valley Manufacturing Group, the organization is composed of 180 employers representing 225,000 employees. Carl Guardino to Blanca Alvarado, July 21, 2003, Silicon Valley Manufacturing Group, San Jose, California.

¹⁵⁴ Trounstine and Christensen, *Movers and Shakers*, 54.

¹⁵⁵ *Ibid.*, 145.

As one of its first actions, SCVMG created a Jobs/Housing Task Force to devise strategies for helping the Valley's manufacturing companies attract talented workers from outside the region who were deterred by high housing costs.¹⁵⁶ The task force urged local governments to increase their housing density and convert vacant lands that were zoned for industrial usage to residential usage. Sensing that the most politically acceptable land-use option was single-family homes, the SCVMG promoted bungalows on small lots, a suburban design option that would enable workers to achieve a receding "American Dream."¹⁵⁷

The SCVMG easily obtained local government approval for zoning for industry, but they faced resistance on proposals for housing and transportation for their workers. Growth controls made housing development more difficult, and local zoning and planning boards resisted rezoning areas for residential development.¹⁵⁸ After the passage of Proposition 13 in 1978, which limited tax revenues from residential real estate, local governments had little incentive to develop more subdivisions. None wanted to develop low-income housing.¹⁵⁹

The SCVMG successfully persuaded the city of San José to build low-cost housing for high-tech employees, rewarding the city with a new Hewlett-Packard plant.¹⁶⁰ But countywide, the organization had little success swaying local governments

¹⁵⁶ Gene Endicott and Richard Villacres, *Creating Quality Neighborhoods: Housing Solutions for Silicon Valley* (Santa Clara Valley Manufacturing Group, 1995), IGSL 95 00607, Institute for Governmental Studies Library, University of California, Berkeley.

¹⁵⁷ *Ibid.*, 14.

¹⁵⁸ Trounstine and Christensen, *Movers and Shakers*, 174–5.

¹⁵⁹ *Ibid.*, 177.

¹⁶⁰ Endicott and Villacres, *Creating Quality Neighborhoods: Housing Solutions for Silicon Valley*, 13–15.

to develop more low-cost housing. From 1976 to 2001, metropolitan San José saw the highest housing cost increase in the nation—936 percent.¹⁶¹

Municipal governments' zoning prerogatives remained immune from most grassroots challenges. By cultivating a politics of indigeneity, the CRU successfully pressured several municipal governments to provide more social services and affordable housing, but it failed to enact any legal reforms on those grounds. Courts distanced themselves from the expansive economic interpretations of the Fourteenth Amendment that SASSO and Valtierra had proposed. Yet at the same time, federal courts continued to desegregate schools on Fourteenth Amendment grounds. Perceiving these divergent jurisprudential trajectories, Ybarra and the CRU brought forth a unique challenge to school desegregation in San José, discussed in the next chapter.

¹⁶¹ Brian Doherty, "Do You Know the Cost of San Jose? The High Cost of Low Growth," *Reason* 34, no. 10 (March 2003): 12–13.

Chapter 11

A Drastic Remedy

In 1971, Jose Vasquez filed a desegregation lawsuit against the San José Unified School district on behalf of his son David and the city's Chicano children. "We were the first people here," he said. "Someone else owned the land we worked; when the railroads came, we didn't benefit. We never have. Then Silicon Valley came, and we never shared in the prosperity. Why? Our kids are coming out of school and they can't read; they can't get a job in Silicon Valley, and the schools don't give a damn."¹ Vasquez linked education and Silicon Valley jobs; he saw education as a means of achieving the Silicon Valley dream of opportunity.

To Vasquez, a school desegregation lawsuit offered a way of advancing economic equality and opportunity. Yet other local residents articulated other visions of education. In the 1970s, the Valley saw a burst of political activity that rethought the relationship between education, space, and economics. Schools emerged at the center of notions of meritocracy, in which education offered a ticket to equality and upward mobility, a path through which individual citizens could prove their worth independent of their communities or histories. Schools influenced metropolitan political economy, reshaping the residential real estate market. And schools inspired social movement activity in ways they had not previously.

¹ "Integration Plan Disputed on the Coast," *New York Times*, October 13, 1985.

In each manifestation, the politics of schools was inevitably spatial. As schools, municipalities, and housing markets became intertwined in new ways, a variety of the Valley's residents—activists, local government officials, educational reformers, and schoolparents—debated the proper relationship between markets, geography, and education. In addition to Vasquez's lawsuit, Jack Ybarra led an educational lawsuit on behalf of the Confederacion de la Raza Unida, arguing that the problem was not in the schools but in the structure of society, specifically the social and political geography of the metropolis. He argued for restructuring the residential real estate market to enable the poor to participate in suburban markets that promised equal opportunity in education. Meanwhile, educational reformers, inspired by economist Milton Friedman, advocated school vouchers through a language that portrayed education as a commodity, instituting the nation's first voucher program in the Eastside school district of Alum Rock.

Valley residents articulated and debated educational goals and rights within a contested discourse of choice. Ybarra and the CRU argued for the rights of Chicanos and the poor to choose housing in areas with good schools, a vision of choice that aspired to restructure the housing market in such a way that poor people would have comparable choice and power to the wealthy. It was an idiom of opportunity, freedom, and choice that supported a rights-based claim to economic integration of the suburbs. Educational reformers argued for a school choice system, in which parents could choose schools as they would other products in the consumer marketplace. The school district emphasized magnet schools and choice. The city and county planning departments emphasized homeowners' right to choose to live in an economically segregated neighborhood. Real

estate institutions established the homebuyers' choice of housing markets as a dominant feature of the political economy of real estate in the Valley.

Fanatical Adherence to Neighborhood Schools

In 1971, Jose Vasquez initiated the burst in educational politics with the lawsuit of *Diaz v. San José*. The lead plaintiffs were Arnulfo and Socorro Diaz, the parents of San José schoolchildren Fernando, Miguel, and Juan, but Vasquez played the primary role in the case. A veteran of World War II and the Korean War, Vasquez was a leader in the Confederacion de la Raza Unida. Vasquez believed that segregation limited the mobility of Chicanos. "I went to a segregated school," he stated. "I know the effect it can have on a child."² He brought this lawsuit, he said, to provide opportunities for his son that he never had.

As with *Valtierra*, *SASSO*, and other area civil rights litigation, the case started out with local legal services, and without major civil rights support. Community Legal Services took on the case, led by attorney Stephen M. Kociol.³ Kociol identified the school district as the target of the lawsuit. By the late 1960s, after countless annexations, the city of San José covered more than 140 square miles. Instead of a large citywide school district, the city had multiple smaller districts, each serving a part of San José. The largest, San José Unified School District (SJUSD), stretched 16 miles north to south, passing through the poor schools of the downtown barrio to the wealthy schools of suburban south San José.⁴ 78.8 percent of the district's Spanish-surnamed school-age

² Ibid.

³ Stephen M. Kociol to Morris J. Baller, May 5, 1978, RG 5, Box 1141, Folder 11, Mexican American Legal Defense and Educational Fund Records, M0673, Department of Special Collections, Stanford University Libraries, Stanford, California.

⁴ "Appeal to 9th Circuit, *Diaz v. San Jose*, No. 76-2148", n.d., 2, RG 5, Box 1141, Folder 11, Mexican American Legal Defense and Educational Fund Records, M0673, Department of Special Collections, Stanford University Libraries, Stanford, California.

children lived in the northern part of the district; the southern schools contained only 0.07 percent Spanish-surnamed students.⁵ The combination of housing and education policies produced a separate and unequal school system. Children at downtown and Eastside schools lacked the same facilities as children at south San José. A study of earthquake safety in the early 1970s revealed that of seventeen San José schools in serious risk of damage during an earthquake, all seventeen were located in Eastside Chicano neighborhoods.

Reflecting the legal strategies of the time, Kociol and the legal services attorneys aimed to prove that the school district had knowingly and intentionally segregated students by race. Drawing from the developing jurisprudence of race, as well as popular racial understandings in American politics, the plaintiffs were working within a framework that would soon reveal its limitations. In mainstream and legal racial discourse, racism meant malicious, biased acts—distinct, identifiable acts of discrimination. For an act to be racist, it had to be intentionally so. Moreover, discrimination had to be practiced by a particular unit of government for litigation to bear upon it, namely the school board, which had become the focus of desegregation litigation since the 1950s. The patterns of segregation that were perceived as *de facto* had to be revealed to be, in fact, *de jure*.

Because of this discourse, Kociol's legal arguments revolved around the board's knowledge of segregation and what its public actions might reveal about its private motives. The plaintiffs' attorneys tried to show that the board, even if it had not issued any racist pronouncements of a policy to segregate Mexican American students, had an intentional, if secret, practice of segregating students. The board members were,

⁵ Ibid., 5.

presumably, reasonable people who could foresee the likely results of their actions. If, when presented with evidence that the district's policies would likely maintain or worsen racial separation, the board chose, nevertheless, to continue those policies, it could be presumed to have acted with segregatory intent.

Kociol argued that district policies maintained segregation. The SJUSD school board built schools on sites it knew to be inhabited by one ethnic group. It gerrymandered attendance boundaries. When unsafe schools required rebuilding, the district rebuilt them in segregated neighborhoods. It used double sessions at over-capacity schools and left other schools under capacity to maintain segregation. It transported students to maintain segregated schools but not to desegregate them. It allowed selective transfers of white students, in one case even outside the district, to avoid attending non-white schools. Nor did these segregatory practices apply only to students, for the district also assigned faculty and staff on the basis of race. The district repeatedly evaded state orders to implement desegregation policies according to state guidelines.

The district constructed schools in ways that ensured they would be segregated, primarily by locating them in segregated neighborhoods and by matching the attendance boundaries to the racial geography. From 1965 to 1968, the district constructed nine new schools, none of them populated by a diverse student body.⁶ Williams School, for example, opened in 1968 with barely 2 percent Spanish-surnamed enrollment.⁷ These demographics were not accidental; the district knew that the locations and attendance boundaries would result in segregated schools. State law required that school boards, when making decisions about where to locate new schools or how to draw the boundaries

⁶ Ibid., 7.

⁷ *Diaz v. San Jose Unified School District*, 412 F Supp, 317 (ND Cal 1976).

of attendance areas, consider how these decisions would affect racial concentration in schools, even providing a checklist to improve ethnic balance. Although aware of these rules, SJUSD disregarded them. State agencies repeatedly contacted the San José board, warning them that schools, in violation of state law, were segregated. The board ignored these warnings. With full knowledge that its neighborhood school policy posed an obstacle to desegregation, the board continued to construct schools in neighborhoods that would be segregated, and it never considered a plan to alleviate segregation.⁸

Just as the board built new schools that were segregated, it also demolished old schools in ways that perpetuated segregation. The Field Act—a California law that required schools to pass minimum earthquake safety tests—required the demolition and reconstruction of thirteen schools that failed to meet safety requirements. These schools were located in segregated neighborhoods, but when they were rebuilt they could be located in mixed areas, presenting an opportunity to desegregate schools. School closures, moreover, presented opportunities to reduce racial imbalance by temporarily reassigning students to integrated schools. Northern schools were demolished, but instead of using that as an opportunity to mix up the patterns, the district continued to send kids to segregated schools. For example, the district demolished two northern junior high schools—one of which was one of the few moderately desegregated schools in the district—and reassigned students to schools that were more segregated, increasing racial segregation, creating two new separate feeder systems: one set of schools fed Mexican American students to a Mexican American high school, and one sent white students to white high schools.⁹

⁸ *Ibid.*, 412:328.

⁹ *Diaz v. San Jose Unified School District*, 518 F. Supp 622, 634 (ND Cal 1981).

Meanwhile, the board created a task force to discuss how to rebuild the schools; the task force considered several proposals that would place schools in new locations or redraw attendance boundaries, actions that would reduce segregation. Responding to state pressure, the San Jose board assured the state that it would use this opportunity to rebuild schools in a way that would reduce segregation, by, for example, rebuilding Washington and Gardner Schools (overwhelmingly Mexican American and operating over capacity) in new locations, or at least redrawing attendance boundaries.¹⁰ Yet in the end the Board chose to disregard much of the work of its task force and to rebuild most of the schools where they had been previously, with the same attendance boundaries. Although the board rebuilt two schools on new sites, the attendance boundaries remained the same and the schools remained segregated.¹¹ In fact, at nine of the twelve schools rebuilt, segregation increased.¹²

A group of Mexican American parents persuaded the U.S. District Court to issue a temporary restraining order on the development of eleven schools. After only one month, however, the District Court lifted the restraining order.¹³ The District Court judge predicted that the plaintiffs in this case did not have sufficient grounds to stop construction of the schools, yet he nonetheless warned the school board that it was being watched, admonishing the board that if the parents were right—if the rebuilt schools remained ethnically imbalanced—busing might be required.

The district used busing widely, but not for integration. When schools with large Mexican American populations were closed, the district bused those students to other

¹⁰ *Diaz v. San Jose Unified School District*, 733 F.2d 660, 669 (1985).

¹¹ *Diaz I*, 412:331.

¹² “Appeal to 9th Circuit, *Diaz v. San Jose*, No. 76-2148,” 7.

¹³ *Diaz I*, 412:311–2.

schools with large Mexican American populations, rather than closer schools with large white populations.¹⁴ White school parents even opposed permitting Mexican American students to be bused to majority-white schools. Wilson Junior High School (79.6 percent Spanish-speaking) was closed and the students had to be transferred elsewhere. The board considered transferring them to Markham Junior High, 7.2 percent Latino. Yet Markham parents protested the busing of students to Markham school, persuading the board to bus children to another school with a high Spanish-speaking population.¹⁵ In the 1973 to 1974 school year, 10,431 of the district's 36,000 students rode buses each day.¹⁶ Most white parents acquiesced to busing as long as it was not used to desegregate schools.¹⁷

The district claimed it had a neighborhood school policy. Yet, it departed from this policy to maintain segregation. Even when desegregation might have been easy—when for example Mexican American neighborhoods abutted white ones—the school board assigned pupils in segregatory ways. Washington School, for example, was 78.4 percent Spanish-surnamed. It was so overcrowded that students attended double sessions. Yet, just one mile away, Riverglen School, overwhelmingly white, was operating under capacity. Similarly, Gardner School, where 9 of 10 students were Mexican American, was situated just two miles from Lincoln Glen School, which was overwhelmingly white, and, like Riverglen, operating under capacity.¹⁸ But when schools with majority white populations were operating over capacity, the board responded differently. At Pioneer High School in southern San Jose, the nearly all-white student body faced double

¹⁴ “Appeal to 9th Circuit, *Diaz v. San Jose*, No. 76-2148,” 10.

¹⁵ *Ibid.*, 10–11.

¹⁶ *Diaz v. San Jose*, 733:670.

¹⁷ *Diaz I*, 412:322.

¹⁸ *Diaz v. San Jose*, 733:669.

sessions because of over enrollment. While the board condoned double sessions for schools with Mexican American majorities, the board declared that double sessions at Pioneer would impede students' learning, transferring students to even whiter Leland High School, even though the board could have chosen to transfer them to San José High, which was racially diverse and operating under capacity.¹⁹

The board drew attendance boundaries ways that ensured segregation. The attendance area for Washington included the Little Orchard neighborhood, which was almost entirely Mexican American. Although physically closer to Riverglen School, which was overwhelmingly white, children from this neighborhood were required to attend Washington School, which had 78.4 percent Spanish-surnamed students.²⁰ That is, Mexican American children had to travel further to attend a school that was already over crowded, even though they lived nearby a school that was operating under capacity. Although parents proposed reassigning children to the under capacity school, or redrawing attendance boundaries to solve the crowding problem, the board refused.²¹

The board exempted some white students from regular attendance procedures in a way that maintained segregation. In one revealing case, the board allowed white students to transfer outside of the district. At a 1974 school board meeting, Anglo parents complained that their children were in double sessions at Muir and Bret Harte Junior High Schools. The parents demanded that this end. Ordinarily in such a circumstance, the district reassigned those students to another district school. The parents, however, petitioned to have their children transferred out of the district to a wealthy suburban district rather than to the prospective schools within the district, which had high Mexican

¹⁹ *Diaz I*, 412:323.

²⁰ "Appeal to 9th Circuit, *Diaz v. San Jose*, No. 76-2148," 7.

²¹ *Diaz v. San Jose*, 733:669.

American populations. The board approved the parents' request. Upon reviewing this decision, however, the board's legal counsel advised that it would look bad, if it came up in court, to depart from a neighborhood school policy only when it maintained segregation. Caught between pressure from parents and legal directives, the board rescinded the inter-district transfer plan.²²

This careful balance between school parent demands and legal imperatives typified San José Unified School District's actions. Although an internal audit in 1962 noted that segregation might pose legal problems for the district, the district continued to segregate.²³ In 1962, the Board of Education of the San José Unified School District recognized ethnic imbalance in its schools and committed itself to alleviating it. The Board passed a resolution in 1963 stating, "segregation of racial and ethnic minority group children... contains inherent educational disadvantages for minority group children, which in turn are a root cause of social evils affecting the entire community life." It committed itself to making a "comprehensive study... with the aim of overcoming the evils produced by such school segregation." The board's study, released in 1964, confirmed its 1962 statement that schools were segregated, segregation that, the board acknowledged, was "potentially aggravated by the drawing of school boundaries."

State law required the board to reduce ethnic imbalance in its schools. In the 1963 case of *Jackson v. Pasadena City School District*, the California Supreme Court held that school districts had some responsibility to promote desegregation, even if the school board itself had not segregated its schools. If residential segregation had produced segregated schools, school districts might be responsible for taking "corrective

²² Ibid.

²³ *Diaz v. San Jose*.

measures.” Although the court refrained from specifying the degree of responsibility a school board had, the ruling emphasized that students’ right to equal opportunity in education was so important that districts should act affirmatively to correct ethnic imbalance “regardless of its cause.”²⁴ The California Supreme Court later affirmed this holding in *Crawford v. Board of Education of the City of Los Angeles*, stating “school boards in this state bear a constitutional obligation to attempt to alleviate school desegregation regardless of its cause.”²⁵

The San José board acknowledged it had failed to meet state guidelines in a 1966 report to the State Department of Education, the California agency responsible for providing additional funding to local districts and holding them accountable to state standards. The State Board of Education had pressured the San José Unified School District Board to alter its neighborhood school policy and integrate students, even in schools subject to “*de facto* segregation.” In June of 1966 a consultant from the State Office of Compensatory Education suggested the district try busing. In April of 1967, the State Board of Education, which set educational policy for the state of California, informed the district it was required by state law to desegregate regardless of cause. The State Department of Education in June of 1968 reminded SJUSD that it had to desegregate. In 1968, the State Department of Education advised the Board that 41 of its 50 schools were racially imbalanced by state standards.²⁶

In 1968 the Santa Clara County Office of Education issued a report that stated, “school districts have a legal obligation to take reasonable affirmative steps to prevent the

²⁴ *Jackson v. Pasadena City School District*, 59 Cal. 2d 876 (1963).

²⁵ *Crawford v. Board of Education of the City of Los Angeles*, 17 Cal.3d 280 (1976).

²⁶ Robert F. Peckham, “Opinion”, December 31, 1975, *Diaz v. San Jose*, Northern District of California, C-71-2130; Box 4, Folder 97, League of Women Voters, San Jose/Santa Clara Chapter Records, San Jose State University Library Special Collections and Archives.

segregation of students in schools by race, *regardless* of the cause of segregation, and to consider the ethnic composition of a school in determining its attendance boundaries.²⁷ The report recommended two-way busing, revision in curriculum, staff, training and community relations.

This report led Superintendent Downing to send a letter in 1969 to the Board of Education directing that a citizens' committee be created to study the problem of segregation and recommend solutions. In fact, SJUSD had said it would form a citizens committee since 1966 but it had still not done so. "The school system," Downing directed the board, "must reinforce its efforts to provide for all students high quality integrated education. The district must avail itself of every avenue of approach in order to achieve this objective." Under pressure, SJUSD finally created the Quality Urban Education Study Team (QUEST) in 1969.

QUEST's leaders distributed a leaflet to introduce parents to the goals and functions of QUEST. Although the leaflet said nothing substantive about desegregation, many white parents reacted with alarm, barraging the board offices with phone calls. "You're not going to bus my child anywhere!" parents yelled at the chairperson of QUEST, Aaron Harris. "Who are you people on the committee?" "Are you from Berkeley?" "What is the problem?"²⁸ To sooth the public, QUEST held several public meetings, yet each meeting further inflamed parents' anger. The tension reached its peak on February 5, 1970, at a meeting at which QUEST delivered a progress report to the board. 1,500 parents flooded the meeting room, the majority opposed to QUEST. The progress report was fairly bland: QUEST had established a Student Advisory Committee,

²⁷ Santa Clara County Office of Education, *Improving Ethnic Balance and Intergroup Relations* (San Jose: Santa Clara County Office of Education, 1968).

²⁸ *Diaz v. San Jose*, 733:674.

with representative students from the junior and senior high schools; the Demographic Task Force did not recommend busing; they did recommend getting an intergroup relations specialist to help them deal with conflicts. In spite of the report's limited recommendations, parents responded with so much anger that Harris labeled the meeting "a disaster."²⁹ Parents demanded changes in QUEST's functions and leadership.

In response to parents' demands, the board altered QUEST's mandate, directing its members to discontinue efforts to desegregate schools—QUEST's official function—and instead to focus on improving instructional programs. "A racially balanced school," stated the board, "is not necessarily an integrated one and does not necessarily provide a quality education."³⁰ The board reassured parents that busing was not being considered, pledging that it "would not voluntarily adopt a program which it had reason to believe the community had not participated in or would not support."³¹

Many of QUEST's original members, who had joined the committee to design a desegregation plan, objected to their new assignments, and many resigned.³² Above all, the change alienated Mexican American parents. Many Mexican American parents had not fully trusted QUEST in the first place. The school board had shown little respect for Mexican Americans in the past, and white parents dominated the committee. When white parents railed against desegregation at QUEST's meeting, many Mexican American parents concluded that the committee was unlikely to be responsive to their concerns. Mexican American support for QUEST largely evaporated.³³

²⁹ Ibid.

³⁰ Ibid., 733:673.

³¹ Ibid.

³² Ibid., 733:674.

³³ Ibid.

To soothe white parents' anger, the board changed the structure of QUEST, opening membership to anyone. New members were allowed to work on the subcommittee of their choice, and most chose site location, demographics, and magnet schools committees. The new direction of the Site Location Task Force reveals the importance of the membership change. The task force was the school board's response to the state department of education, which had repeatedly directed the board to use site location to desegregate schools. With a flood of new members, the task force became controlled by people who opposed desegregation, denied that segregation was a problem, and exhibited, in Harris's opinion, "an almost fanatical adherence to the so-called 'neighborhood school concept.'" One new member, who took over a leadership position, justified the change in direction of the task force; QUEST, he contended, existed to do what the community wanted it to; if the community opposed desegregation, then QUEST must not cross the community.³⁴

The reconstituted committee soon voted to suspend QUEST's activities. The school board accepted this suspension—"happily," Harris thought.³⁵ Board members had admitted privately to Harris that they wanted to dissolve QUEST. With an upcoming election, in which the board needed widespread community support to vote for an educational bond, the unpopular program, perceived as pursuing integration in defiance of parents' wishes, was a liability.³⁶ If voters believed the money raised by the bond would support busing or other unwelcome actions, the bond would never pass. QUEST's new executive board agreed to suspend the committee before the tax and bond election.³⁷

³⁴ Ibid.

³⁵ Ibid., 733:673.

³⁶ Ibid.

³⁷ Ibid., 733:674.

In public statements about the election, the board made a carrot and stick argument for passing the bond. If the public voted for the bond, the board assured voters, the money would not be used to bus. But if the public voted against it, the board would have no choice but to end the neighborhood school policy and use busing to relieve overcrowded schools, particularly busing between downtown and the suburban south, a claim surely intended to provoke racial and economic fears.³⁸ Regardless of the board's statements, the bond failed. The board did not follow through on its threat to bus students.³⁹

Before suspension, QUEST members prepared a final report, recommending several modest policy changes, particularly magnet schools, education parks, open enrolment, and voluntary busing.⁴⁰ Although far from radical changes to school policy, the board, nevertheless, treated them cautiously. Before considering the recommendations, the board opened them for a further round of citizen review. For Harris, this final action revealed that the board never intended to pursue desegregation. He said, "A citizens' report submitted to other citizens who will perhaps re-study and submit a report is a kind of buck-passing, repetitive cop-out that only a Board committed to maintaining the status quo can, in good conscience, do."⁴¹ In the end, the Board rejected even these modest suggestions.⁴² It never took action on any QUEST proposal.⁴³

The board, however, was constrained by citizen pressure. Among its few actions to facilitate desegregation, the board had purposefully sought involvement from parents

³⁸ *Diaz III*, 518:638.

³⁹ *Diaz v. San Jose*, 733:675.

⁴⁰ *Ibid.*, 733:673.

⁴¹ *Ibid.*, 733:674.

⁴² *Ibid.*

⁴³ "Appeal to 9th Circuit, *Diaz v. San Jose*, No. 76-2148," 7.

who supported desegregation, staffing QUEST with members like Harris and another vocal opponent of segregation, Mary K. McCreath.⁴⁴ McCreath later testified that segregatory decisions were made to appease white schoolparents.⁴⁵ “Even if the present school board,” she testified, “were to adopt a plan of forced integration, it could not be carried out in the face of an opposition constituting 55 percent of the community—let alone 82 percent. Plans adopted and laws passed can soon be repealed, and subsequent elections would install men in office intending just that. In addition, any plan would require bond issues to be passed by voters who oppose the plan.”⁴⁶ According to QUEST members—both those for and against desegregation—public opposition would prevent any serious challenges to neighborhood schools. The debacle over QUEST revealed that the parents who opposed desegregation were vocal enough to cow the school board. The board’s reluctance to offend these parents indicated that it would not pursue desegregation willingly. It was a system that would not budge unless forced from some higher authority.

Beyond Control

In *Diaz v. San José*, legal aid attorney Stephen Kociol pointed to several board actions that revealed a segregatory intent. The board’s response, for example, to state policies regarding school locations and attendance areas revealed their intent to segregate Mexican American students. State policies required that school districts locate new schools in locations that promoted desegregation; policies also required that districts redraw attendance areas when possible to include diverse neighborhoods, and therefore diverse student bodies. To appease state requirements, the district said that it would

⁴⁴ *Diaz III*, 518:639–640.

⁴⁵ “Appeal to 9th Circuit, *Diaz v. San Jose*, No. 76-2148,” 9.

⁴⁶ *Diaz v. San Jose*, 733:679.

rebuild demolished schools in different locations, that it would redraw attendance areas according to state guidelines, and that it would enact policies that desegregated schools, but it did none of these things.⁴⁷ The district had created a citizens' committee to work towards integration, yet the board's actions ensured that QUEST would be singularly ineffective.

Kociol claimed that California's educational agencies had perceived SJUSD's recalcitrance. The state agencies charged with overseeing SJUSD sent repeated letters to blister the board for failing to act in accord with state regulations. The gap between the district's statements and its actions revealed that SJUSD had no intention of desegregating schools. Statements to the contrary were, at best, inadequate without action; at worst, they were deceitful. District superintendent Knight attempted to reassure state overseers, stating that although the district had missed many opportunities to desegregate through school location, it could, if necessary, bus students. At the same time, however, Knight assured his constituents that the district would never bus. Indeed, in 1963, the board had passed a resolution pledging that it would not use busing for integration.⁴⁸ The board tried to maintain the appearance that it was upholding the law while also assuring voters that it would not alter the status quo. To Kociol, such equivocations revealed the board's segregatory intent.

Michael di Leonardi, the school district's attorney, rejected Kociol's line of argument. He reframed the case as an issue of neighborhood schools. Kociol's scrutinizing of board motives was misguided, argued di Leonardi; it took little investigating to realize that the board had an explicit policy of neighborhood schools. Di

⁴⁷ *Ibid.*, 733:672–673.

⁴⁸ *Diaz I*, 412:324.

Leonardi admitted that schools were racially imbalanced, but insisted that was the result not of racist intent but of the ways in which a neutral neighborhood school policy mapped onto the racial geography of the metropolis. Since World War II, Mexican Americans had become concentrated in northern downtown and east San José, while the southern area had become very white.⁴⁹ “This racial demographic pattern...,” claimed di Leonardi, “is obviously not the result of statutory mandate, but is caused by a force outside the powers of the California state government, i.e., the resident’s discretion in the choice of location for their homes.”⁵⁰ Because the school district did not segregate the neighborhoods, it was not responsible for neighborhood school segregation. “To conclude that *de jure* segregation exists in the San José Unified School District would require the Court to hold the School District responsible for social conditions and racial demographic patterns which are far beyond its control, and for which a school district has never been deemed accountable.”⁵¹

Federal cases filed in Santa Clara County went to one of two judges in the local federal district court. One was Gerald Sanford Levin, recently appointed to the position by President Nixon, and not known as a friend to civil rights plaintiffs. The other was Robert Peckham. A 1945 graduate of Stanford Law School, Peckham had been a private attorney in Palo Alto and Sunnyvale before joining the Northern District of California as an assistant United States Attorney in 1948. A dedicated Democrat, Peckham was active in the state’s Democratic Party, for which he was rewarded in 1959 when Governor Edmund “Pat” Brown named him a judge on Santa Clara County’s Superior Court. He

⁴⁹ Michael di Leonardi, “Appellee’s Brief, Diaz v. San Jose, No. 76-2148”, n.d., 4, RG 5, Box 1141, Folder 11, Mexican American Legal Defense and Educational Fund Records, M0673, Department of Special Collections, Stanford University Libraries, Stanford, California.

⁵⁰ *Ibid.*, 20.

⁵¹ *Ibid.*, 35.

served there until Lyndon Johnson appointed him as a federal judge in the Northern District of California in 1966.

The *Diaz* plaintiffs got Peckham. “So they were very excited,” remembered civil rights attorney Edward Steinman, who advised the *Diaz* plaintiffs and who was then in the process of arguing *Lau v. Nichols*, the landmark bilingual education case.⁵² “They thought, Oh, my god, we got Peckham.”⁵³ Peckham had a reputation as a liberal and had presided over a number of civil rights cases. He had been on the three-judge panel that ruled in favor of Anita Valtierra in her quest for low-income public housing.⁵⁴ He ruled in favor of La Raza Unida in their attempt to prevent the state from demolishing a Chicano neighborhood for a freeway in Southern Alameda County.⁵⁵ And now he would handle San José’s desegregation case.

Judge Peckham, however, did not rule as civil rights activists had expected. He acknowledged that schools were racially imbalanced. “But,” he wrote in his 1976 opinion, “while this Court is aware of the evidence suggesting that ethnic imbalance can be harmful to the education of minority group children, this Court does not believe that such imbalance alone constitutes a violation of plaintiff’s civil rights.”⁵⁶ Peckham sided with the school district, finding that it did not itself create ethnic imbalance in the schools, nor did it exhibit racism. “The evidence,” determined Peckham, “shows that defendant School District has adhered to a ‘neighborhood school policy,’ with the result

⁵² *Lau v. Nichols*, 414 U.S. 563 (1974).

⁵³ Edward Steinman, “Clerking for and Practicing Before Judge Peckham: Draft and Desegregation Cases and the IQ Test,” interview by Leah M. McGarrigle, 1995, 279, Regional Oral History Office, Bancroft Library, University of California, Berkeley.

⁵⁴ *Valtierra v. San Jose*.

⁵⁵ *La Raza Unida v. Volpe*, 337 F.Supp. 221 (N.D. Cal. 1971).

⁵⁶ Robert F. Peckham, “Order”, n.d., 1, *Diaz v San Jose*; No C-71 2130 RFP, Northern District of California, National Archives Pacific Region.

that ethnic composition of the schools merely reflects residential patterns.⁵⁷ The plaintiffs had not proven that the school board had enacted *de jure* segregation. The school district had not violated the equal protection clause of the Constitution because it followed a policy of neighborhood schools; if the neighborhoods were segregated, the district was not to blame.⁵⁸

“Everybody was shocked,” said Steinman, the civil rights attorney who was assisting the *Diaz* plaintiffs.⁵⁹ He had also been Peckham’s law clerk, and the two met regularly to discuss civil rights law. During *Diaz*, Peckham had called Steinman several times to debate the law—in particular, whether the plaintiffs had to prove the district’s intent to segregate or whether segregatory effects were sufficient. Steinman noted that in *Brown v. Board of Education* there was language that said the effect of segregation was the primary problem. Peckham replied that the Supreme Court was moving away from this position, pointing to a recent decision in which the new Chief Justice appointed by President Nixon, William Rehnquist, hinted that purpose was necessary and that there must be a finding of *de jure* segregation.⁶⁰ Peckham feared siding with the plaintiffs only to be reversed by a higher court.⁶¹ Peckham had been reversed in *Valtierra* and had found it humiliating. He was now observing the Rehnquist Court to see how it would handle school desegregation cases.⁶² Thus in his ruling he wrote that the case law on school desegregation was in flux, although nearly a decade of state Supreme Court rulings

⁵⁷ *Ibid.*, 2.

⁵⁸ Peckham, “Order.”

⁵⁹ Steinman, “Clerking for and Practicing Before Judge Peckham,” 281.

⁶⁰ *Jefferson v. Hackney*, 406 U.S. 535 (1972); Steinman, “Clerking for and Practicing Before Judge Peckham,” 279.

⁶¹ Steinman, “Clerking for and Practicing Before Judge Peckham,” 280.

⁶² Peckham correctly guessed the leanings of the Supreme Court, which articulated a doctrine of intent in *Arlington Heights v. Metropolitan Housing Corp.*

supported the plaintiff's contention that San José Unified School District had an obligation to desegregate schools regardless of cause.

But Peckham's reluctance to side with the plaintiffs went beyond jurisprudence. At the moment, Superior Court Judge Alfred Gitelson faced massive public opposition—opposition that prevented his reelection—for his ruling in *Crawford v. Los Angeles*, the Los Angeles school desegregation case that had mandated busing.⁶³ Peckham feared a similar manifestation of public outrage in San José if he sided with the plaintiffs. It was not that he feared losing an election; as a federal judge, he was appointed for life. And while he was protecting his pride from the humiliation of a reversal, there were other reasons for siding with the school district. He had grown up in the area and saw San José in a different light than he saw many other civil rights issues. He had indicated to Steinman that federal courts did not exist to meddle with school districts, especially in places like San José, so moderate, so modern, so far from the South. A finding of segregation would be an insult to Santa Clara County, and it would subject its residents to a busing program that was sure to provoke discord and possibly even violence. According to Steinman, Peckham refused to be “the judge to do this to Santa Clara County.”⁶⁴ He had expressed his support for civil rights. But, as one of his former colleagues explained, “He wanted change without tearing the social fabric.”⁶⁵ A massive desegregation plan threatened to tear it asunder.

Exclusionary Zoning is Redundant

⁶³ *Crawford v. Board of Education*; Nicolaides, *My Blue Heaven*, 396.

⁶⁴ Steinman, “Clerking for and Practicing Before Judge Peckham,” 281.

⁶⁵ Wayne D. Brazil, Jordan Eth, and Thelton E. Henderson, “In Memory of Chief Judge Robert F. Peckham,” *Hastings Law Journal* 44 (July 1993): 980.

Jack Ybarra, head of the Confederacion de la Raza Unida, publicly spoke against Peckham's ruling, but privately felt that the *Diaz* case was misguided. In Ybarra's opinion, the legal aid attorneys had failed to address the central cause of educational segregation in San José—economic segregation in the market for real estate. By focusing on the alleged bigotry of the school board, the attorneys in *Diaz* ignored the structure of metropolitan education. Regardless of the school board, the legal geography of the metropolis encouraged educational segregation and sustained white class privilege. In that context, the neighborhood school policy perpetuated segregation even without any official racial bigotry. Ybarra advocated looking more broadly at the metropolitan landscape in which the school board operated, including the other political and economic institutions with which it dealt.

Jose Vasquez, the activist behind the *Diaz* lawsuit, had been an important member of the CRU since its inception, first as labor chairman of the organization, then as president, and then, when Ybarra became president, as vice president, and he and Ybarra had worked together closely. Ybarra supported Vasquez's lawsuit in *Diaz*, yet he believed it did not go far enough. If successful, *Diaz* would result in busing, which Ybarra saw as a limited solution. "[W]e recognized," Ybarra said in a 1972 speech to the member organizations of the Confederacion de la Raza Unida, "that busing Chicano children in order to integrate the schools was only a half-hearted effort in achieving quality education for all children.... [T]he resolution to segregated schools would come only with integrated neighborhoods."⁶⁶

Ybarra pursued this broad vision of school desegregation in the 1971 case of *Ybarra v. San José*. Since he had no children in the school system, he filed the case on

⁶⁶ Ybarra, *President's Report*, 1.

behalf of the six children of Rosamaria Peralez. Addressing the central unresolved tension in school desegregation litigation—the relationship between schools and housing—Ybarra endeavored to use the case to promote both equal education and affordable housing. He demanded that the city and county desegregate housing in order to desegregate schools. To Ybarra, busing addressed only the symptoms of the problem; he sought to address the root cause. Unlike busing cases, which sought to assist minority plaintiffs in crossing borders, Ybarra envisioned a legal solution that would not merely cross economic and racial borders but erase them.

The lead attorney for the case was Grace Kubota, a recent graduate of Santa Clara University Law School. Kubota gained an early appreciation of the importance of civil rights law and the Constitution, an appreciation cultivated by her family history. Her father, Guntaro Kubota, was born in Japan and studied law before migrating to the United States. After a number of odd jobs across the Pacific Coast, he moved to Cupertino, where he taught Japanese language to Nisei students. One of Guntaro's students was Gloria Kasano, a bright young woman who had been born in Santa Clara County and who became fond of her Issei teacher. They married in 1937, and, with the assistance of Gloria's father, a nursery foreman, established a small blackberry farm. They had their first child, Grace, only six months before the bombing of Pearl Harbor.⁶⁷

In 1942, the army gathered the Kubotas together with 17,000 other Japanese Americans at Santa Anita racetrack, turned into a temporary assembly center where families slept in stables. When, after several months, the army opened Heart Mountain Relocation Center, Gloria and the baby Grace traveled there by train. A raw compound of

⁶⁷ Gloria Kubota, "Gloria Kubota Interview," interview by Frank Abe and Frank Chin., August 28, 1993, Frank Abe Collection, Densho Digital Archive.

barracks surrounded by buffalo grass, sagebrush, and barbed wire, Heart Mountain was 740 acres of unforgiving high Wyoming desert, freezing in the winter and blistering in the summer. “It was awful,” Gloria later recalled of her first impressions of the site, “a windy, desolate place.” Guntaro followed shortly thereafter.⁶⁸

At Heart Mountain, Guntaro gravitated toward another internee, Frank Emi. Born in Los Angeles, Emi had gone to Heart Mountain reluctantly.⁶⁹ When the military demanded that the internees register for the draft, Emi balked. Stunned that the US government would require Japanese Americans to fight—and possibly to die—for the country that had deprived them of citizenship rights and that continued to incarcerate their wives and children, Emi, along with Guntaro Kubota and five other internees, organized the Fair Play Committee.⁷⁰ Devoted to securing Japanese American rights, members of the Fair Play Committee vowed that they would not fight until the US government restored their constitutional rights.

As a Japanese alien, Guntaro was not required to register for the draft, but he supported Emi and the others for the sake, he said, of his children, now including another baby, Gordon, born at Heart Mountain. Guntaro translated FPC materials into Japanese and served as a liaison between the group and other Issei. Along with Emi and the other leaders, Guntaro spent the next several months writing bulletins, giving speeches, and organizing meetings. Gloria typed the bulletins and performed clerical services for the group. The group persuaded some 400 men to resist registering for the draft—men who earned the nickname “no no boy” for answering in the negative to two questions on what

⁶⁸ Ibid.

⁶⁹ “Frank Emi, Defiant World War II Internee, Dies at 94,” *New York Times*, December 18, 2010.

⁷⁰ Enlisting as soldiers, however, was precisely the tactic that Mike Masaoka and JACL leaders had advocated and requested the US government to allow. Ngai, *Impossible Subjects*, 182.

was officially called the “Application for Leave Clearance” but more commonly known as the loyalty questionnaire: question 27—“Are you willing to serve in the armed forces of the United States on combat duty, wherever ordered?”—and question 28—“Will you swear unqualified allegiance to the United States of America and faithfully defend the United States from any or all attack by foreign or domestic forces, and forswear any form of allegiance or obedience to the Japanese emperor, or any foreign government, power or organization?”⁷¹

Instead of restoring their civil rights, the federal government—determining that Guntaro Kubota, Emi, and the other leaders had counseled their fellow internees to resist the draft—imprisoned them.⁷² In their cell in Leavenworth Penitentiary, Kubota reportedly said to Emi, “If I don’t ever do anything else in my life, this will be the proudest thing I ever did because I had a part in your fight for a principle.”⁷³ After Grace and her mother were released from Heart Mountain and Guntaro from prison, the family returned to the Santa Clara Valley, first to Los Gatos and then to Saratoga, where they bought farmland and Guntaro worked as a landscaper. Growing up, Grace Kubota frequently heard the story of her father’s struggle for justice. Her father—who had buried his legal books in the soil at his farm to hide them before internment⁷⁴—exhibited an expansive vision of the American Constitution, inspiring Grace to become a lawyer.⁷⁵

Along with Edward Newman and Stephen Manley, the Community Legal Services attorney who had contributed to a number of critical Santa Clara County cases—

⁷¹ Ibid., 181–185.

⁷² Eric L. Muller, *Free to Die for Their Country: The Story of the Japanese American Draft Resisters in World War II* (Chicago: University of Chicago Press, 2001), 120.

⁷³ Okihiro, “The Japanese in America,” 19.

⁷⁴ Frank Chin, *Born in the USA: A Story of Japanese America, 1889-1947* (Lanham, MD: Rowman & Littlefield, 2002), 214.

⁷⁵ Grace Kubota Ybarra, “Grace Kubota Ybarra Interview,” interview by Frank Abe and Frank Chin,, August 28, 1993, Frank Abe Collection, Densho Digital Archive.

including *Canales v. Alviso* and *Valtierra v. San José*—Kubota formed the law firm of Kubota, Manley & Newman to argue civil rights cases. Like Ybarra, she had been involved with the CRU since its inception in 1969. When she became the lead attorney in *Ybarra v. San José*, she had been practicing law for only two years.

Kubota's legal approach in *Ybarra v. San José* revealed both her admiration for constitutional law as well as her critique of legal doctrines that maintain inequality. This tension inspired a new approach to the substantial jurisprudence on school desegregation. In the case of *Ybarra v. San José*, Kubota and Ybarra sought to end school segregation by changing the land use policies that shaped housing markets. The attorneys in *Diaz* had taken residential segregation for granted, focusing their legal attack on the school board. Kubota, on the other hand, saw residential segregation as contingent and contested, focusing on the city and county governments.

Kubota, Newman, and Manley claimed that the city discriminated in its land use policies and that these policies produced ethnic imbalance in schools. They argued that zoning laws served to segregate the community by class; class was tied to race; thus zoning produced segregated neighborhoods. The city had established zones that allowed low-cost housing to be built only in the predominately Chicano Eastside, not in the predominately white neighborhoods of south San José, while approving large subdivisions in the south for only upper income homes. If the city were to zone differently, they argued, it could create heterogeneous neighborhoods and end segregation in schools.⁷⁶

Historically, school segregation was not an unintentional byproduct of San José's zoning plans, but one of its original goals. San José's first master plan, designed in the

⁷⁶ Kubota and Manley, "Opening Brief of Appellants," 9.

1950s, organized neighborhoods around schools and specified that race and nationality should define them.⁷⁷ The city planning department worked closely with the city's school districts, designing neighborhoods around elementary schools.⁷⁸ The plan assured homeowners that city planning would not threaten their housing values, stating in capital letters that the city would maintain large lot zoning in the suburban parts of the municipality, an effort to maintain neighborhood "character."⁷⁹ The city structured neighborhoods in such a way that it produced and reproduced inequality. Through its zoning plans, city planning buttressed segregation in public education.

Kubota and Manley claimed that land use policies, not the actions of the school board, however recalcitrant, that were the primary cause of segregated schools.⁸⁰ Thus civil rights activists should target not the school board but the city and county agencies that perpetuated inequitable land use regulations. Kubota's approach suggested that conventional desegregation jurisprudence—the path claimed by San José officials and by Judge Peckham in *Diaz*—was flawed. In Kubota's interpretation of the Constitution, the equal protection mandate was expansive; courts had narrowed it, incorrectly, to a focus on school boards. "Certainly," Kubota and Manley alleged, "where the education of children is at issue, the equal protection mandate of the Constitution applies far beyond school boards."⁸¹ The Fourteenth Amendment mentions nothing about school boards; rather, it declares that no *state* shall deprive people of equal protection of the laws. If officials acting in the capacity of the state—particularly in the state's capacity to zone, which is delegated to local officials—have, through their actions, deprived a class of

⁷⁷ San Jose City Planning Commission, *Master Plan of the City of San Jose*, 70, 97.

⁷⁸ *Ibid.*, 97.

⁷⁹ *Ibid.*, 65.

⁸⁰ Ybarra, *President's Report*, 1.

⁸¹ Kubota and Manley, "Opening Brief of Appellants," 11.

citizens of equal protection, then there is clearly a case of “state action,” according to that doctrine of Fourteenth Amendment jurisprudence.⁸²

Kubota and Manley argued that the city of San José had enacted a system of zoning, permitting, and variances that established and maintained patterns of economic and racial segregation. Since schools served segregated neighborhoods, the city’s zoning and permitting policies had created ethnically imbalanced schools, denying Chicano children the right to equal opportunity in education.⁸³ The economic requirements of new housing developments limited their racial diversity. The city planning commission, for example, had recently approved the T.J. Martin Project, a subdivision soon to be built in southern San José’s exclusive Almaden Valley. The development would include 105 single-family houses, priced between \$32,000 and \$38,000, and 300 townhouses, priced from \$26,000 to \$36,000, on 101 grassy acres near the foothills of the Santa Cruz Mountains. Such prices were out of reach for almost all of the city’s nonwhite families, ensuring that the development would likely be all white. In the Almaden Planning Area, the zone where the T.J. Martin development was to be built, there was no federally financed affordable housing.⁸⁴ Meanwhile, the San José Housing Authority located three quarters of federally assisted affordable housing on the East Side, contributing to the concentration of Mexican American students in East Side schools.⁸⁵ Thus any children who lived in the T.J. Martin project would attend schools that were nearly 100 percent white; the current Spanish-surnamed population of schools in the area ranged from 0.4 percent to 5.2 percent.

⁸² Ibid., 1. Supreme Court Justice Thurgood Marshall made a similar argument in his dissent in *Milliken v. Bradley*, 418 U.S. 717 (1974).

⁸³ Kubota and Manley, “Opening Brief of Appellants,” 5–6, 11.

⁸⁴ Ibid., 4.

⁸⁵ Ibid., 5.

The city had the legal power to control its socio-economic profile.⁸⁶ Kubota and Manley noted that a recent study by the county's Planning Policy Committee—an intergovernmental organization made up of municipal, county, and special-use district representatives—acknowledged that lot size influenced the price of a home. Since municipal zoning determined lot size, zoning laws shaped price patterns.⁸⁷ The large lot zoning in Edenvale and Almaden planning areas raised the price of real estate by thousands of dollars.⁸⁸ Most of the city's people of color could not afford the lots in Edenvale and Almaden, let alone the houses that would be built upon them.⁸⁹ Kubota implied that the city should enact zoning policies that required developers to construct housing wide variety of housing prices, a practice that would enable racial diversity.⁹⁰ Kubota, Manley, and Ybarra sought to restructure the market through public policy.

A challenge to zoning law was a radical departure from most school desegregation strategies. Kubota and Manley emphasized the discriminatory actions of local governments rather than school boards. They proposed that economic regulations could perpetuate educational discrimination, calling attention to the role of the state in structuring real estate markets. They moved beyond the intent doctrine to look at effects. They insisted on the rights of poor people to affordable housing in all sections of the metropolis. Their pursuit of spatial justice blurred distinctions between de facto and de jure segregation.

In her legal arguments, Kubota focused on precise rights to equal opportunity in education. In public, however, she and Ybarra articulated a broader understanding of

⁸⁶ Ibid., 14.

⁸⁷ Santa Clara County Planning Policy Committee, *Zoning and Housing*.

⁸⁸ Ibid., 42.

⁸⁹ Kubota and Manley, "Opening Brief of Appellants," 15.

⁹⁰ Ibid., 3–4.

rights. Acknowledging that the point of the lawsuit was not only to desegregate schools but also to desegregate neighborhoods, Ybarra described the lawsuit as “an effort to open up the exclusive Almaden Valley to minority and poor people.”⁹¹ Ybarra and Kubota aspired to structure the suburban real estate market in such a way that the poor could participate in it and enjoy the citizenship benefits that such participation entailed. “Our main thrust,” said Kubota, “was to force developers to build houses low-income or working poor people could afford.”⁹² Kubota and Ybarra aimed to empower the poor through a transformation of economic geography. Spatial boundaries should not delimit different classes of citizenship. To Ybarra and Kubota, equal opportunity in education presupposed the right of Chicanos and the poor to live in neighborhoods that offered the best public education. Ybarra declared, “We are going to destroy, once and for all, the Berlin Wall that keeps poor people from whatever area of the city they wish to live in.”⁹³ According to Kubota and Ybarra, the case was never about schools or children as such. Schools were merely a means to an end. The end was a just metropolis, and affordable housing was central to that goal.

The Ninth Circuit ruling in *SASSO v. Union City* had offered hope to civil rights activists that suburban housing exclusion could be challenged constitutionally at the federal level. The Supreme Court’s opinion in *James v. Valtierra* foreclosed that hope. The evolving housing case law discouraged civil rights litigants. But if civil rights litigants fared poorly in housing cases, they had more success in school desegregation cases. Compared to their limited actions in housing desegregation, courts had provided expansive remedies for school desegregation. In spite of the legal obstacles, therefore,

⁹¹ Ybarra, *President’s Report*, 1.

⁹² *San Jose Mercury*, March 1, 1972.

⁹³ “Chicano Lawsuit Upheld on Housing Imbalance.”

housing activists continued to see opportunities to work through the law to achieve substantive desegregation. Ybarra and Kubota devised a unique legal strategy for linking housing and educational desegregation, linking a domain upon which courts said they could not intrude—the housing market—to a domain that courts had said they could—school districts.

Kubota and Manley argued that racial and economic identities were intertwined.⁹⁴ In court, they presented maps that indicated that “economic and ethnic segregation are co-existent and coterminous.”⁹⁵ The overlap affected schoolchildren. Every elementary school with a majority Mexican American population qualified for Compensatory Education funding because of socio-economic scale.⁹⁶ Kubota and Ybarra’s discourse reflected this overlap, as they referred to the plaintiffs as “minority and poor,” and they often used “Chicano” and “poor” interchangeably. Like Gussie Hayes and Anita Valtierra, Ybarra and Kubota saw multiple identities affecting social position, that their social position was defined by the intersection of multiple social and legal categories. Moreover, they implied an understanding of unconstitutional racial segregation that went beyond official acts of bigotry to include white privilege and class privilege.

To the city and county defendants, the case posed significant questions: Does the Fourteenth Amendment require balanced housing patterns? If so, is the county—as a critical level of government for zoning on a metropolitan scale—responsible for balancing housing patterns? Santa Clara County officials balked at this.⁹⁷ The city and

⁹⁴ Kubota and Manley, “Opening Brief of Appellants,” 15.

⁹⁵ *Ibid.*, 16.

⁹⁶ Jose Villa, *Research, Planning, and Training in Bilingual Education* (San Jose: San Jose Unified School District, n.d.), Box 88, Folder 405, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

⁹⁷ “Brief for Appellees”, n.d., 2, *Ybarra v. San Jose*, Northern District of California, 276-98-009, RG 276, Box 27, National Archives Pacific Region.

county contended that even if their zoning ordinances and building policies had segregated neighborhoods and therefore schools, they were “helpless to correct the situation,” for no legal remedy existed.⁹⁸ According to the defendant city and county officials, the case pitted the rights of Chicanos to seek equal educational opportunity against the rights of landowners. In their defense, county officials gave a spirited defense of zoning.⁹⁹ Their argument, however, extended beyond zoning’s usefulness as a planning tool to zoning’s ability to protect the property and market rights of homeowners and developers. They argued for the right of zoning neighborhoods solely for homes for middle class and wealth residents because it followed from the property rights of developers. To maximize the value of their properties, developers required zoning tools that made areas exclusive.

By dividing a municipality or county into zones, land use policies necessarily excluded other uses, whether low-income housing or industry. Thus, said the county’s attorney, “the term ‘exclusionary zoning’ is redundant.”¹⁰⁰ Of course, the attorney conceded, the city and county could not zone out an entire class of citizens; but they had not done so, for the county provided opportunities for high-density housing development within its boundaries, primarily on the Eastside, enabling the poor to live in the county.¹⁰¹ Such zones had to remain separate from middle class zones, for desegregated housing infringed upon the rights of developers, and perhaps even middle class homeowners.¹⁰² The state could not force developers to lose money on their investments.¹⁰³ Zoning land

⁹⁸ Kubota and Manley, “Opening Brief of Appellants,” 17.

⁹⁹ “Brief for Appellees,” 4–7.

¹⁰⁰ *Ibid.*, 7.

¹⁰¹ *Ibid.*, 20.

¹⁰² *Ibid.*

¹⁰³ *Ibid.*, 12.

to require low-income housing development would deprive current landowners of their property by limiting its resale value and development potential.¹⁰⁴

The attorney admitted that zoning laws necessarily disadvantaged some groups, but that they nevertheless protected “the reasonable aspirations of homeowners.”¹⁰⁵ Landowners enjoyed the right to realize the full value of their purchase by separating it from low-income housing. The state, he argued, must maintain the availability of the homogenous class district as a consumer product. Homeowners had a reasonable right to live in a district surround by other members of their own class. The poor and minority buyers could buy houses in their own zone—their own separate, but equal, market for housing.¹⁰⁶

As with *Diaz v. San Jose*, the case went before District Court Judge Robert Peckham, returning the issue of desegregation to the judge. “In the present case,” Peckham claimed, “plaintiffs seek a more drastic remedy than was sought in *Diaz*, for here we have serious questions of taking without due process.” By reframing the struggle over zoning as a takings issue, Peckham identified middle class homeowners and developers as victims. To desegregate housing would infringe upon the rights of landowners. “For a court to even consider such a remedy, there must be a clear showing of *de jure* segregation.”¹⁰⁷ To decide if there was evidence of *de jure* segregation, Peckham looked at his own decision in *Diaz*, in which he found that there was not, and decided then that *Ybarra*, too, should be dismissed.¹⁰⁸ Although Kubota and Ybarra had

¹⁰⁴ *Ibid.*, 14–15.

¹⁰⁵ Lefcoe, “The Public Housing Referendum Case, Zoning, and the Supreme Court,” 1409.

¹⁰⁶ “Brief for Appellees,” 20.

¹⁰⁷ Robert F. Peckham, “Opinion and Order”, February 23, 1972, 2, *Ybarra v. San Jose*, Northern District of California, 276-98-009, RG 276, Box 27, National Archives Pacific Region.

¹⁰⁸ *Ibid.*, 3.

purposefully tried to move beyond the school board as the agent of discrimination, Peckham insisted that for the state to remedy segregation, it must be practiced “by the school board,” ignoring the role of the state in creating housing markets. Peckham acknowledged that San José schools were ethnically unbalanced, and that housing patterns played a major role in school demographics.¹⁰⁹ Yet neither the city nor the county had any obligation to allay school segregation, whether by changing their zoning ordinances or by any other means.

“I was not surprised,” Ybarra commented, “that the courts find it very hard to support poor people when they ask for justice.”¹¹⁰ Ybarra and Peralez appealed the case. The US Court of Appeals for the Ninth Circuit reversed Peckham’s dismissal. Yet the court’s decision to remand the case to Peckham was ambivalent, ruling neither for nor against Ybarra. Rather, the ruling left the case open. In a decision fraught with caveats, the Ninth Circuit said, “We are not prepared to hold at this stage of the proceeding that relief is necessarily precluded because the injury complained of in this case, segregated schools, is one step removed from the cause, ethnically imbalanced and economically imbalanced neighborhoods.”¹¹¹ Even if school authorities had not discriminated, the court might nevertheless solve the problem of school segregation “if segregation in the schools resulted from the acts of other state agencies.” The Ninth Circuit judges noted that the actions of the state in segregating housing had played a role in school segregation in the District Court’s decision in *Milliken v. Bradley*.¹¹² Zoning ordinances, likewise,

¹⁰⁹ Ibid.

¹¹⁰ *San Jose Mercury*, March 1, 1972.

¹¹¹ *Ybarra v. City of San Jose*, 503 F.2d 1041 (9th Cir. 1974).

¹¹² *Milliken v. Bradley*. The court of appeals, however, did “not [rely] at all” on evidence of housing segregation to reach their decision, so that when the case reached the Supreme Court, its justices did not examine the relationship between housing patterns and school segregation. Nevertheless, in his concurring opinion, Potter Stewart conceded that if the *Milliken* plaintiffs had demonstrated that “state officials had

contributed to school segregation in *Swann v. Charlotte-Mecklenburg Board of Education*.¹¹³ Even if it were not up to the school board to remedy such segregation, it was still possible for other state agencies to do so. Indeed, the Ninth Circuit pointed out that in a variety of contexts, courts of appeal had found racially discriminatory state land use actions violated the Equal Protection Clause of the Constitution.¹¹⁴

Ybarra was elated by the Ninth Circuit's decision. But on remand, Peckham dismantled the case on procedural grounds. He dismissed the city of San José and county of Santa Clara as defendants, stating that the US District Court lacked jurisdiction to evaluate their zoning and planning decisions. Peckham also removed as plaintiffs Ybarra and the CRU, contending that they lacked standing.¹¹⁵ Peckham's procedural dismantling of the case effectively crushed the legal effort to link schools and housing. By the mid-1970s, the CRU was perpetually short on funds and decided not to pursue a legal strategy that appeared less and less promising.

Consumers of Education

As Vasquez and Ybarra worked through the courts, other strategies for changing the structure of education came through federal programming. While Vasquez sought to desegregate schools through busing, and while Ybarra aimed to alter residential geography, new programs and policies offered more financial resources to underfunded school systems, particularly at the district level. If Mexican American students suffered

contributed to the separation of the races... by purposeful, racially discriminatory use of state housing or zoning laws" then the court might have ruled differently.

¹¹³ *Swann v. Charlotte-Mecklenburg Board of Education*, 402 US 1 (1971).

¹¹⁴ The Ninth Circuit pointed to *United Farmworkers of Florida Housing Project, Inc. v. City of Delray Beach*, 493 F.2d 799 (5th Cir. 1974); *Kennedy Park Homes Association v. City of Lackawanna, New York*; *Dailey v. Lawton*; *SASSO v. Union City*.

¹¹⁵ "Judge Dismisses Two From Suit," *San Jose Mercury*, May 11, 1976.

from limited resources within the SJUSD, those differences paled compared to the differences between districts.

Santa Clara County had 36 elementary school districts, eight high school districts, and two unified districts. The profusion of districts was a product of the area's history. Before 1953, when a city annexed territory, that territory's school district would be dismantled and incorporated into the larger urban district. This provoked resistance among semi-rural and suburban school-parents who disliked losing local control over schools to a metropolitan district. It also prompted concern among urban residents in cities like San José, where white cities annexed Mexican American neighborhoods, the norm in Eastside districts. So at the behest of San José's state assembly representative, the California legislature removed this burden to annexation: under new requirements, a city could annex surrounding territory, yet that territory would retain its own school district.¹¹⁶ The result was that by the early 70s, children even within the same city had scattered into several separate school districts.

Since each of the county's separate school districts relied on local property taxes, there were vast funding inequalities between them. The poorest was the school district of Alum Rock, on the Eastside of San José, that was majority Mexican American. Alum Rock scraped by on \$5,131 assessed valuation per child. The wealthiest district was Montebello, in the western foothill suburbs of Los Altos Hills and Monte Sereno, where children enjoyed \$63,364 assessed valuation per child.¹¹⁷ Even within the same high school district, different elementary school districts had unequal resources. Northeast of

¹¹⁶ Matthews, "The Los Angeles of the North: San José's Transition from Fruit Capital to High-Tech Metropolis," 471–472.

¹¹⁷ Glen W. Vance, "School District Organization in the Metropolitan Area of Santa Clara County, California" (Ed.D. Dissertation, University of Arizona, 1966), 140.

San José in Santa Clara High School District, industries clustered in Santa Clara Elementary School District, which had three times the resources as neighboring Jefferson Elementary School District.¹¹⁸ The inequalities in tax bases led to unequal tax burdens. The poorest districts had the highest tax rates while wealthiest districts had lowest.¹¹⁹

Residents of the poorer districts, school officials, and education reformers increasingly saw this distribution of wealth as unjust. Children's education and life prospects appeared to hinge on arbitrary or capricious decisions far beyond their control—whether a large high-tech company happened to locate in their school district, for example, or whether they happened to live in an area with valuable real estate. These circumstances threatened beliefs in meritocracy that undergirded visions of education in the Valley.

Noting these inequalities, educational reformer Glen Vance argued unsuccessfully that Santa Clara County should adopt a metropolitan district, which would equalize funding across the different parts of the metropolis.¹²⁰ A related, and more successful, effort came out of the 1971 Southern California case *Serrano v. Priest*, which alleged that unequal school financing was unconstitutional. The California Supreme Court declared that education, as a prerequisite to such rights as voting, was “crucial to participation in, and the functioning of, a democracy.” Education was “so important that the state has made it compulsory—not only in the requirement of attendance but also by assignment to a particular district and school.”¹²¹ The court ruled that California's system of school

¹¹⁸ Ibid., 143.

¹¹⁹ Ibid. There were a couple exceptions, notably Palo Alto, which had a high tax base and a relatively high tax rate. With a political culture that emphasized excellent education, most Palo Altans consistently supported taxing themselves heavily in order to maintain not merely sufficient but outstanding schools.

¹²⁰ Ibid., xiv.

¹²¹ *Serrano v. Priest*, 5 Cal. 3d 584 (1971).

finance was unconstitutional. “Potentially,” *Time* said, the decision “is the most far-reaching court ruling on schooling since *Brown v Board of Education*.”¹²² It was part of a nationwide effort equalize school financing, informally coordinated by the Lawyers’ Committee for Civil Rights Under Law, that led to similar lawsuits in 20 states.¹²³ As in California, several of these lawsuits succeeded at the state level, but the 1973 Supreme Court decision in *San Antonio v. Rodriguez* stymied equalization efforts at the national level.¹²⁴ In California, the requirements of the *Serrano* decision would not be implemented until 1980, and even then local legal aid groups had to monitor districts to ensure enforcement.¹²⁵

Long before any equalization policies would be implemented, local school districts developed alternative programs for extra funding, often with the aid of the federal government. Frank Fiscalini, the powerful superintendent of East Side Union High School District, said, “The schools can’t control where students live, but they can control the school environment.”¹²⁶ In 1966, Fiscalini proposed an “Educational Park” in his district, a complex including a theater, museum, sports facilities, and counseling services that would draw in students from multiple neighborhoods, an attempt to counter what Fiscalini saw as *de facto* segregation in his district. “We are moving ahead of a developing problem,” said Fiscalini, “and not waiting to attack a problem with remedial or after-the-fact solutions.”¹²⁷ The *San José Mercury*, keen on liberal solutions that

¹²² “Education: Dividing the Cake,” *Time Magazine*, September 13, 1971.

¹²³ Kenneth L. Karst, “*Serrano v. Priest*: A State Court’s Responsibilities and Opportunities in the Development of Federal Constitutional Law,” *California Law Review* 60, no. 3 (May 1972): 721; “Court Upholds State on School Financing,” *New York Times*, January 19, 1972.

¹²⁴ *San Antonio v. Rodriguez*, 411 U.S. 1 (1973).

¹²⁵ Centro Legal Para Accion Comunal, “Funding Proposal, #76-1573.”

¹²⁶ “Bold New High School Concept for Eastside,” *San Jose Mercury*, August 10, 1966.

¹²⁷ Frank Fiscalini to Don Edwards, September 15, 1966, Box 73, Folder 7, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

brought federal funding while not restructuring local power relations, praised the project as a “bold new... concept.”¹²⁸

The most widely known and controversial program emerged in Alum Rock, the county’s poorest school district and one of the poorest in the state.¹²⁹ In 1972, Alum Rock School District implemented the nation’s first voucher program. The Alum Rock experiment established a system of mini-schools within existing schools that offered unique curricula or approaches. Parents received information on the schools and chose which one their children would attend. Suffused with market discourses, the voucher program enabled parents to “buy” their children’s public education. Parents received educational vouchers that they redeemed at the school of their choice. The schools exchanged the vouchers for public financing.¹³⁰

Alum Rock was a largely Mexican American community, clustered around Alum Rock Avenue, a strip that ran several miles east from downtown San José. The area had been a suburban colonia dependent on fruit orchards until San José partially annexed the area in the 1960s during the city’s burst of annexations. The area had many shops owned by Mexican Americans but none of the industry that dominated the economies of northern Santa Clara County. Most of its residents lived in modest one-story single-family houses that, like many suburban colonias, stood on unpaved streets without sidewalks or lighting. Further east, in the hills of the Diablo Range, new developments for affluent white families looked down upon the Alum Rock neighborhoods.¹³¹

¹²⁸ “Bold New High School Concept for Eastside”; “‘Educational Park’ Worth Study,” *San Jose Mercury*, August 12, 1966.

¹²⁹ Daniel Weiler, *A Public School Voucher Demonstration: The First Year at Alum Rock* (Santa Monica: Rand, June 1974), 26.

¹³⁰ *Ibid.*, 30; “Parents ‘Buy’ Their Child’s Education,” *San Francisco Sunday Examiner and Chronicle*, May 21, 1972.

¹³¹ Weiler, *A Public School Voucher Demonstration: The First Year at Alum Rock*, 15.

Alum Rock School District had long served the Eastside barrios, including the neighborhood of Sal Si Puedes.¹³² In the late 1960s, Alum Rock district shifted from a majority white to majority Mexican American district. By the early 1970s, 53 percent of the district's 15,000 students were Mexican American, 12 percent were black, and 35 percent were white or other. Most of the Mexican American and black students attended schools in the western portion of the district, on the flatland, while most white students attended schools in the eastern part of the district, in the foothills.¹³³

The program was the idea of economist Milton Friedman. In 1955, Friedman published an article on "The Role of Government in Education" that argued that, although governments might finance and compel schooling, there was little reason why governments needed to administer schooling. In the United States, the government routinely financed programs administered by private industry.¹³⁴ Friedman's proposal generated interest among market-minded educational reformers but received no policy support until the Nixon administration endorsed it and directed the Office of Economic Opportunity to finance an experiment.¹³⁵ Several communities developed initiatives, but in most school districts school superintendents and teachers' organizations blocked their implementation. Only in Alum Rock did all parties eventually accept a voucher plan.¹³⁶

Parents were willing to try the voucher system because it promised educational

¹³² Clark, *Health in the Mexican-American Culture*.

¹³³ Weiler, *A Public School Voucher Demonstration: The First Year at Alum Rock*, 18–20.

¹³⁴ Milton Friedman, "The Role of Government in Education," in *Economics and the Public Interest*, ed. Robert A. Solo (New Brunswick: Rutgers University Press, 1955), 123–144.

¹³⁵ Milton Friedman, "Free to Choose," *Wall Street Journal*, June 9, 2005.

¹³⁶ Milton Friedman and Rose D. Friedman, *Free to Choose: A Personal Statement* (San Diego: Harcourt, 1980), 172.

opportunities that were lacking in their poor district. Teachers welcomed more control over curriculum and superintendents embraced a substantial infusion of federal funds.¹³⁷

The plan, which would run for three years, was the result of compromise. Teachers and superintendents insisted on guarantees that no schools would be closed and that no teachers or superintendents would lose their jobs during the three-year period, regardless of students' choices in schools. School superintendents demanded that each mini-school receive the same funding, prohibiting contributions from business or parents, and that the school district face no competition from private schools. Because of these compromises, Friedman nearly disowned the plan, calling it "severely hobbled" by political constraints and lacking in incentives for teacher and superintendent performance.¹³⁸ Nevertheless, he saw it as a modestly successful experiment that expanded parents' freedom to choose.

The people who ran Alum Rock's voucher program embraced market models of education. Joel Levin, director of the Alum Rock Voucher Project, explained that the experiment implemented "a market system of education with an objective evaluation report which provides the consumers (parents) with accurate information on the products from which they must choose."¹³⁹ Levin argued that the project gave teachers "'ownership' of their minischools which can best be compared to the proprietary feeling and commitment to success of the owner of a small neighborhood store."¹⁴⁰ Educational

¹³⁷ Weiler, *A Public School Voucher Demonstration: The First Year at Alum Rock*, vi.

¹³⁸ Friedman and Friedman, *Free to Choose: A Personal Statement*, 172.

¹³⁹ Joel M. Levin, "Alum Rock After Two Years: You, Dear Reader, Have a Choice," *Phi Delta Kappan* 56, no. 3 (November 1974): 202.

¹⁴⁰ Jim Warren, "Alum Rock Voucher Project," *Educational Researcher* 5, no. 3 (March 1976): 14.

researcher Jim Warren said Alum Rock empowered parents to “exercise their rights as consumers of education.”¹⁴¹

Ybarra resisted what he saw as the privatization of education with Alum Rock’s voucher program, declaring it a “crisis in education” for Mexican Americans.¹⁴² But most participants in the program perceived it positively. According to surveys, the vast majority of parents supported the program. While support was high across the board, Mexican American parents expressed the most enthusiasm. More than 80 percent of Mexican American parents expected the program to help their children. When surveyed again after the first year, 72 percent of Mexican American parents said the voucher program had offered their children a better education.¹⁴³ But this had little to do with the ostensibly consumer-choice systems that vouchers offered. Rather, parents said they appreciated being able to send their children to a well-funded neighborhood school that offered more curricular options, including bilingual education, and smaller class sizes.¹⁴⁴ Indeed, bilingual education programs were by far the most popular curricular options that Mexican Americans accessed through the voucher program.¹⁴⁵

As the survey results suggested, the program had expanded certain choices, but it was hardly the free-market takeover that its proponents had envisioned. Researchers for the Rand corporation, hired to evaluate the program, acknowledged that the experiment’s original aim—to turn a public monopoly on education into a free-market system based on parental choice—had not been fulfilled.¹⁴⁶ Rather, the program was above all a more

¹⁴¹ Ibid., 14–15.

¹⁴² “School Crisis Declared,” *San Jose Mercury News*, April 21, 1971.

¹⁴³ Weiler, *A Public School Voucher Demonstration: The First Year at Alum Rock*, 117.

¹⁴⁴ Ibid., 125.

¹⁴⁵ Ibid., 178.

¹⁴⁶ “Alum Rock Voucher Program Didn’t Work As Planned,” *San Jose Mercury News*, September 9, 1976.

flexible and better-funded public school system for Alum Rock. Children, parents, and teachers—who had prevented the program from adopting more market features—liked it.¹⁴⁷ After the experiment ended, the district decided to continue the program without millions of dollars coming from the federal government.¹⁴⁸

An Alarming Departure

As the Alum Rock program continued at the local level, Vasquez's desegregation litigation gained publicity. Peckham's ruling in *Ybarra v. San José* was greeted with a profound silence from mainstream civil rights groups. Peckham's opinion in *Diaz*, on the other hand, alarmed civil rights groups. Fearing that Peckham's decision would quash school desegregation efforts throughout the Ninth Circuit, the Mexican American Legal Defense and Education Fund (MALDEF) joined the struggle. Founded in Texas less than a decade earlier, MALDEF had quickly become the most prominent organization devoted to Mexican American civil rights law. MALDEF had a more conventional approach than Ybarra and Kubota. As practical lawyers dedicated to winning cases on conventional grounds, they embraced the legal categories that the *Ybarra* case questioned. While Kubota sought to reveal the connections between different processes in the metropolitan landscape, MALDEF's attorneys honed in solely on schools. Where Kubota had made a novel critique of white privilege and economic exclusion, MALDEF preferred to pursue safe and familiar litigations strategies. Their overriding objective was to prove the school district's actions constituted de jure segregation.

This approach, while not as sweeping as Ybarra's, was nevertheless designed to protect Mexican American civil rights. MALDEF's attorneys saw serious constitutional

¹⁴⁷ Warren, "Alum Rock Voucher Project," 13.

¹⁴⁸ "Alum Rock Revives Voucher Idea, Minus Federal Cash," *San Jose Mercury News*, September 9, 1976.

issues at stake in *Diaz v. San José*. In a letter to Thomas M. Keeling, an attorney in the Education section of Civil Rights Division of the Department of Justice, MALDEF attorney Morris J. Baller asserted that *Diaz v. San José* was a critical case, especially since it would be, on appeal, the first impression in the Ninth Circuit of recent Supreme Court rulings that the neighborhood school policy was not inviolable.¹⁴⁹ A neighborhood school policy, in fact, might be a tool to perpetuate segregation. But Peckham's opinion suggested, to MALDEF, an "alarming departure" from that precedent.¹⁵⁰ Given the contemporary composition of the Supreme Court, MALDEF lawyers worried that that principle might be overturned. Peckham's opinion was thus "a particularly dangerous precedent."¹⁵¹ Peckham found that the school district's actions in school construction and site selection, school replacement, the use of portables and double sessions, transportation, rejection of integrative policy recommendations and state directives, and faculty and staff assignment had resulted in segregation. Although the district knowingly pursued policies that perpetuated segregation, its actions could be attributed to a neighborhood school policy and were thus legal. "If adopted on appeal, this defense would effectively insulate virtually all school districts in the Ninth Circuit from meaningful scrutiny by federal courts of their segregatory practices."¹⁵²

In their appeal to the Ninth Circuit, MALDEF's attorneys pointed out that Judge Peckham had asserted that the central issue in the case was whether the "neighborhood school system is itself constitutional when engrafted on to racially segregated

¹⁴⁹ *Keyes v. School District No. 1, Denver, Colorado*, 413 US 189 (1973); *Swann v. Charlotte-Mecklenburg Board of Education*.

¹⁵⁰ Morris J. Baller to Thomas M. Keeling, November 11, 1977, RG 5, Box 1141, Folder 11, Mexican American Legal Defense and Educational Fund Records, M0673, Department of Special Collections, Stanford University Libraries, Stanford, California.

¹⁵¹ *Ibid.*

¹⁵² *Ibid.*

neighborhoods.”¹⁵³ To MALDEF, the neighborhood school policy was not neutral but rather a clear demonstration of *de jure* segregation. The school board, moreover, applied the neighborhood school policy inconsistently. The goal of the neighborhood school policy was to ensure that schools were within walking distance of students’ homes. But each day, the district bused more than 10,000 students—nearly a third of the district.¹⁵⁴ The burden of busing, moreover, fell more often on Chicano students. This pattern of “one-way busing” perpetuated segregation.¹⁵⁵ “The result of busing here,” asserted MALDEF, “is to keep Anglos in Anglo schools and minorities in minority schools. This is clearly not a racially neutral policy.”¹⁵⁶ School authorities had “effectively produced a dual school system.”¹⁵⁷

The SJUSD board knew that the district was racially imbalanced; they could have remedied this imbalance—for example, by redrawing attendance boundaries or rebuilding schools—yet they chose not to. The district’s actions had the foreseeable and avoidable result of maintaining and, often, increasing racial imbalance. Such actions constituted *de jure* segregation.¹⁵⁸ Given that demography, the school board knew when it built schools that they would be segregated, and would remain so because of the board’s neighborhood school policy. Although the school board did not create the policies that segregated neighborhoods, the board’s actions solidified racial boundaries.¹⁵⁹ “A neighborhood school policy,” in the context of residential segregation, they argued, “cannot be racially

¹⁵³ *Diaz I*.

¹⁵⁴ “Appeal to 9th Circuit, *Diaz v. San Jose*, No. 76-2148,” 33.

¹⁵⁵ *Ibid.*, 33–34.

¹⁵⁶ *Ibid.*, 33.

¹⁵⁷ *Ibid.*, 26.

¹⁵⁸ *Ibid.*, 14–15.

¹⁵⁹ Community Legal Services, “Appellants’ Reply Brief”, n.d., 6, *Diaz v. San Jose*, No. 76-2148; RG 5, Box 1141, Folder 11, Mexican American Legal Defense and Educational Fund Records, M0673, Department of Special Collections, Stanford University Libraries, Stanford, California.

neutral.”¹⁶⁰ The neighborhood school policy was, in fact, “a smokescreen for intentional segregation.”¹⁶¹ Although the school district claimed it had no control over larger social forces that created racial neighborhoods, the school board made choices about how to respond to that fact. The choices they made not merely perpetuated but increased racial imbalance.¹⁶²

On May 17, 1984, 30 years to the day after the Supreme Court issued its landmark ruling in *Brown v. Board of Education*, the Ninth Circuit Court of Appeals finally ruled on *Diaz v. San José*. Around the country, politicians, journalists, educators, and activists were commemorating the *Brown* decision. “Anniversaries of Supreme Court decisions don’t usually inspire celebration,” noted a *New York Times* editorial. “But nothing less is in order this week, the 30th anniversary of the decision by which the Court struck down its own colossally wrong acceptance of ‘separate but equal’ treatment for blacks and whites in the preceding half century.”¹⁶³ Linda Brown Smith, who, as a black third grader attending segregated schools in Topeka, Kansas, became the lead plaintiff in the landmark case, embarked on a national tour. She spoke in Washington, DC, at a commemorative dinner held by the NAACP;¹⁶⁴ she discussed the legacy of the case on “Good Morning, America”;¹⁶⁵ she appeared at a 30th anniversary banquet in Los Angeles, thrown by Allan Weinstein of the Center for Study of Democratic Institutions.¹⁶⁶

Linda Chavez, Reagan’s appointment to chair the US Commission of Civil Rights, who opposed busing and affirmative action, also attended the anniversary

¹⁶⁰ Ibid., 8.

¹⁶¹ Ibid.

¹⁶² Ibid., 9.

¹⁶³ “The Enduring Promise of ‘Brown’,” *New York Times*, May 17, 1984.

¹⁶⁴ “Unfinished Business,” *Washington Post*, May 18, 1984.

¹⁶⁵ Ibid.

¹⁶⁶ Aurelio Jose Barrera, “Allen Weinstein and Linda Brown-Smith,” *Los Angeles Times*, May 14, 1984.

banquet; for her it revealed how far the country had come.¹⁶⁷ Meanwhile, Brown Smith said she was “dismayed at school integration today.”¹⁶⁸ Thus while events marked the anniversary that the *New York Times* called “a living monument, a cause for celebration,” many activists, like Brown Smith, noted that the struggle for integration was still incomplete.¹⁶⁹ The courts, they argued, must continue to push for equal education.

In San José, on this day, while around the country people celebrated or debated, George Smith, the attorney for the San José Unified School District, thought the courts were going to far. He was “shocked,” he said, by the Ninth Circuit’s decision.¹⁷⁰ the appellate court ruled that San Jose had “intentionally maintained segregated schools.”¹⁷¹ According to the Ninth Circuit opinion, the neighborhood school policy itself was motivated by segregative intent.¹⁷² In spite of explicit direction, the board failed to comply with state requirements, on the grounds that it had a neighborhood school policy. “The Board’s stubborn adherence to this policy,” concluded the Ninth Circuit, “in the face of clearly established state law holding desegregation to be a matter of overriding educational importance suggests that the Board was motivated, at least in part, by a desire to avoid desegregation rather than a sincere commitment to the educational benefits of neighborhood schools.” “The board understood the statutory obligation to conduct studies and formulate alternate plans designed toward reducing ethnic imbalance.” However, “the board has never directed its staff to formulate alternative criteria for student assignment or to prepare a plan.” According to the opinion, “Despite the Board’s

¹⁶⁷ “Brown v. Board of Education: Uneven Results 30 Years Later,” *New York Times*, May 17, 1984.

¹⁶⁸ “Unfinished Business.”

¹⁶⁹ “The Enduring Promise of ‘Brown’.”

¹⁷⁰ “San Jose Told to Integrate Schools,” *Los Angeles Times*, May 18, 1984.

¹⁷¹ “School Desegregation Suit in San Jose: L.A. Case May Be a Parallel,” *Los Angeles Times*, December 1, 1985.

¹⁷² *Diaz v. San Jose*, 733:672.

awareness of the problem of ethnic imbalance and its duty to alleviate it, the Board chose alternatives that perpetuated or intensified segregation and rejected numerous unusual opportunities to reduce segregation that became available throughout the years.”¹⁷³

The district appealed the ruling, arguing that the decision would destroy neighborhood schools, but the Supreme Court declined to hear an appeal.¹⁷⁴ The Circuit Court sent the case to Peckham to implement a desegregation plan.¹⁷⁵ Peckham declared he would follow the Ninth Circuit’s decision and order a desegregation plan for the district’s 30,000 students. Both the plaintiffs and the district proposed plans. While the plaintiffs advocated mandatory busing, Ken Yamasaki, director of the district’s desegregation office, insisted that a moderate, voluntary plan was best, for it would “keep more white students” in the schools.¹⁷⁶ The overriding goal of the district’s proposal was to prevent white flight by avoiding massive busing and focusing on magnet schools that would draw students to desegregate.¹⁷⁷ The district aimed to “entice” white students to desegregate by investing in enriched curricula and after school programs at 20 schools with a predominately Latino enrollment.¹⁷⁸ Instead of forcing students to attend certain schools in order to maintain rigid demographic quotas, the program would offer students “choice.” “In the east,” recalled Superintendent Linda Murray, “busing became the standard method of desegregation. But it was causing a lot of anxiety, angst and white flight.” San José Unified School District intended to avoid that fate. “[T]he district,”

¹⁷³ *Diaz v. San Jose*.

¹⁷⁴ “High Court Refuses to Alter San Jose Integration Order,” *Los Angeles Times*, April 30, 1985; “San Jose School Desegregation Ruling Stands,” *Los Angeles Times*, April 29, 1985.

¹⁷⁵ *Diaz v. San Jose*.

¹⁷⁶ “School Desegregation Suit in San Jose.”

¹⁷⁷ “Judge Backs San Jose On Desegregation Plan,” *New York Times*, January 2, 1986.

¹⁷⁸ “Integration Plan Disputed on the Coast.”

Murray said, “was advised to look at choice, and desegregation through strategically placed choice programs.”¹⁷⁹

Choices, however, would be structured; the district also proposed closing schools it did not foresee white students voluntarily choosing. This included 122-year-old San José High School, which had the highest Latino enrollment. Students from the surrounding downtown neighborhoods would be bused to more ethnically balanced schools. Latino parents chafed at the indication that desegregation would be carried out at their children’s expense. Cynthia Rice, the plaintiffs’ attorney from the Legal Aid Society, objected that the district’s plan placed the burden of integration on Latino families, calling the district’s plan “too little, too late.”¹⁸⁰

Peckham devised a compromise plan, drawing heavily from the district’s proposal.¹⁸¹ Desegregation would be voluntary, but Peckham warned that if magnet programs failed to achieve a racial balance, a mandatory plan might be necessary.¹⁸² The district agreed to carry out the plan, but with some reluctance. The district’s new superintendent, Ramon Cortines, who had arrived from Pasadena where he oversaw that district’s famous desegregation plan, was critical of the San José plan. “We’re still trying to find a ‘60s remedy to an education problem,” he said. “I can make this work, but I have a difficult time understanding what the civil rights movement is after.” To Cortines, the plan did nothing to improve education.¹⁸³ Moreover, the district—which had filed for bankruptcy in 1983, after falling revenues due to California’s Tax Revolt—lacked sufficient funds to implement a major desegregation program, which it expected to cost

¹⁷⁹ Mary Spicuzza, “Faith No More,” *Metro*, June 7, 2001.

¹⁸⁰ “Integration Plan Disputed on the Coast”; “School Desegregation Suit in San Jose.”

¹⁸¹ *Diaz v. San Jose Unified School District*, 633 F. Supp 808 (1985).

¹⁸² “San Jose Ordered to Speed School Desegregation,” *Los Angeles Times*, January 2, 1986.

¹⁸³ “School Desegregation Suit in San Jose.”

30 million dollars over five years, in addition to paying the plaintiffs' attorney fees since 1971.¹⁸⁴ The price tag turned out to be far higher, but the federal government assisted the district; starting in 1986, the district received federal funds to pay for its desegregation plan, receiving \$367 million over the next fifteen years, most of which went to magnet programs.¹⁸⁵

Arnulfo and Socorro Diaz sued the school district in 1971, but it was not until 1986 that busing began.¹⁸⁶ The Diaz children had long since left the schools. Jose Vasquez's son had also graduated; Vasquez now had grandchildren in the San José schools. "From the first day I went to school, I went to segregated schools," said Vasquez. "My grandkids are third generation Americans and they're going to a school heavily imbalanced in favor of Hispanics... I want desegregation. I have a very strong commitment to the cause of upward mobility for the Hispanic people."¹⁸⁷

Conclusion

The district had rejected the findings and claims of *Diaz*, but not with a defense of school segregation. On the contrary, district attorneys articulated a strong position against it. Rather they denied responsibility for it. The litigation strategy of Community Legal Services and MALDEF in *Diaz* was to show that the district's rejection of segregation was mendacious and that the district was, in fact, in favor of segregation. Yet, while the district did enact segregatory policies, a focus on district actions alone nevertheless misses much of the larger meaning of the cases. The district acknowledged segregation but denied responsibility, claiming that segregation was out of its hands, the result of the

¹⁸⁴ Ibid.

¹⁸⁵ Spicuzza, "Faith No More."

¹⁸⁶ *Diaz v. San Jose Unified School District*, 861 F.2d 591 (1988).

¹⁸⁷ "San Jose School Busing Begins 15 Years After Integration Suit," *Los Angeles Times*, September 8, 1986.

housing market. But never did the district suggest there was a problem with the housing market. In fact, it defended zoning and other state powers that shaped the housing market. And that is what Ybarra challenged. The structure of metropolitan space made it possible to segregate students without conscious racism on the part of the district. The San José Unified School District relied on this system—a system that Ybarra threatened to upend.

Although most San Joseans insisted that metropolitan segregation was merely the natural result of thousands of individual choices in a free market, *Ybarra v. San José* drew attention to the ways that local governments shaped the housing market. The case emphasized that segregated schools were not the inevitable result of thousands of individual housing decisions, but rather of urban policies. Thus the segregated geography of the city was not inevitable. Ybarra and Kubota articulated an alternate vision of urban geography and educational justice. Their case, “drastic” as it was, reveals a moment of opportunity in which the structure of the metropolis might have been reshaped.

These radical opportunities were articulated in Ybarra and Kubota’s legal approach. Unlike other cases, which took metropolitan geography for granted, Ybarra and Kubota saw it as the problem itself. Rather than limiting their attention to the symptoms of metropolitan segregation (segregated schools), they attacked the root cause itself—the legal structure of the housing market. It was this they sought to change. Ybarra and Kubota problematized the juridical divide between schools and housing. By calling on Fourteenth Amendment protections, they indicated an understanding of the Constitution in which housing and schools were intertwined. They exhibited an expansive constitutional rights-based consciousness, the belief that there had to be a remedy for what they were experiencing, even if segregation was not the fault of the school district.

Their sense of justice stretched beyond the boundaries of the school district, beyond even the edges of the city—it was about how poor people, primarily Mexican Americans but not entirely, could participate as free citizens in the American metropolis, and in American democracy.

The educational struggles of Santa Clara County indicated the political, social, legal shift to the legitimacy of market thinking—particularly discourses of choice—in public education. Activists challenged this, as in *Serrano*, but in spite of those challenges, schools became increasingly defined by market logics and a more limited definition of choice than proposed by Ybarra and Kubota. The Valley’s schools were a key site of this struggle, and of the role of space in social differentiation. The link between schools and housing markets reinforced this differentiation, and suggested a further commodification of citizenship and local government.

After *Serrano*, although schools were supposed to receive equal funding, the local economic geography ensured that inequalities persisted. When schools faced cutbacks during the recent financial crisis, Silicon Valley parents raised massive amounts of money for their local schools. Cupertino, home of Apple Computers, saw a massive drop in tax revenues, pushing the district to lay off 110 teachers. In response, Cupertino parents organized a fund drive, asking each household to donate \$375 to the schools and persuading local businesses to donate profits. Within days, the parents had raised \$1.6 million.¹⁸⁸ Not every school district, of course, can rely on parents supplementing public sources with millions of dollars.

In a system that allocated the rights of citizenship spatially, a separate market for housing invariably created separate schools. Privileges accrued to certain spaces,

¹⁸⁸ “Parents Stepping in to Help Raise More Money for Schools,” *USA Today*, May 10, 2010.

privileges that were forefront in the minds of parents when they decided which neighborhoods to move in to raise their children. One could enjoy the privileges of citizenship—such as good schools—by buying into the right neighborhood, the right housing market segment. In this process, many features of citizenship which people commonly held to be “rights” were transformed into consumer products.

Unequal educational opportunities shaped the residential real estate market. In Santa Clara County, affluent families were willing to spend incredible sums to access good school districts, adding hundreds of thousands of dollars to home prices in already wealthy communities.¹⁸⁹ “Don’t buy cheap; buy good schools,” *Money* magazine recently advised house-hunting parents.¹⁹⁰ One parent looking for a home in the Bay Area in 2005 said he needed to buy a home in an exclusive subdivision to access supposedly “public” education. “The last thing you want to do,” he said, “is pay a premium for schools and have them deteriorate.”¹⁹¹

¹⁸⁹ Peter Boyle, “Jesus in the Classroom,” *New Yorker*, March 21, 2005.

¹⁹⁰ “House Rules,” *Money*, June 2008.

¹⁹¹ “Educated Buyers: Test Scores, School Ratings Drive Decisions as Much as Floor Plans and City Services,” *San Francisco Chronicle*, February 5, 2004.

Conclusion

When San José voters elected Norman Mineta as mayor in 1971, journalists declared that it heralded a new age of race relations. National media reported that Mineta, who had spent World War II in an internment camp, was the first Asian American elected mayor of a mainland American city. *The Nation* portrayed Mineta's election as America's redemption for the crime of internment.¹ To Harry Farrell, the San José *Mercury's* political writer, that national media would emphasize Mineta's Asianness only indicated how far San José had come; "here at home, Mineta's origin was a virtual non-issue."² Mineta's election proved that the Valley, asserted Farrell, was "becoming oblivious to race difference."³ But when Mineta's racial difference identified him with international economic connections, the local media highlighted it. In Mineta's 1973 reelection campaign, the local radio endorsed Mineta for his Japaneseness, with which he connected to businesses in Japan "to bring more of the right kind of industry to San José."⁴

The idea that race no longer mattered, and that, therefore, society was meritocratic, indicated the intersection of three of the major shifts that I chart in this

¹ "San Jose's New Mayor," *The Nation* 212, no. 18 (May 3, 1971): 549.

² Harry Farrell, "California Becoming Oblivious to Race Difference in Election," *San Jose Mercury*, April 20, 1971.

³ *Ibid.*

⁴ "KLIV Editorial", October 21, 1973, Box 88, Folder 405, Don Edwards Congressional Papers, MSS-1995-01, San Jose State University Library Special Collections and Archives.

dissertation—white Valley residents’ accommodation of a degree of racial difference within an individualist framework; suburban governments’ simultaneous enactment of land use regulations that were more expansive and economically exclusionary than any enacted previously; and residents’ and jurists’ dismissal of the claim that class discrimination through local land-use law constituted an illegitimate exercise of state power. I have endeavored to reveal the contingency of this outcome and to emphasize that many local groups contested both racial and economic exclusions. The Valley’s liberals and civil rights activists articulated a vision of metropolitan free markets in a colorblind discourse that was inherently racial, legitimating a trend toward increasing economic exclusion. State policies, especially at the local level, perpetuated an exclusionary geography. The political and legal contests over race, class, and metropolitan space rearticulated the borders of citizenship. Space shaped residents’ experiences of citizenship and the discourses of membership and inclusion. Space altered the positions from which residents could make claims upon the state, and it influenced the effectiveness of those claims.

This dissertation began with an investigation of racial interactions on the urban-rural fringe. In the first half of the twentieth century, the development of legal mechanisms for municipal racial control enabled planners, civic leaders, and real estate professionals to exercise greater control over the metropolitan landscape. Urban real estate interests and agricultural practices generated a racial geography in which scattered Japanese American farming communities and Mexican American colonias surrounded a mostly white city. From the 1920s to the 1940s, real estate practices and covenants limited Mexican Americans’ ability to live within San José. Since most Mexican

Americans worked in agriculture and its associated industries, they established a series of barrios on the outskirts of the city.

After World War II, federal, state, and local policies changed this geography. Homebuilders developed federally financed subdivisions of single-family homes for whites in areas that had provided jobs and homes for racially diverse communities. Led by San José, Valley cities annexed aggressively to capture high-end residential, commercial, and industrial growth. Almost all of the cities in Santa Clara County, including San José, zoned much of their area for single-family homes on large lots. Planners directed highways through barrios and conducted urban renewal programs that displaced nonwhite residents, especially Mexican Americans. In the late 1960s, housing authority officials took advantage of public housing programs to lease private housing for low-income residents, which increased the concentration of Mexican Americans in East San José.

Boosters and civic leaders insisted that economic growth would lead to “progress,” a modernization program that they shared with their counterparts across the country but that they inflected with their local program of high-tech industrial development. The *San José Mercury* reported that even Nikita Khrushchev, who visited San José in 1959, saw a promising future in the area’s high-tech economy. The Soviet Premier had tangled with then Vice President Nixon in the exchange that became known as the “kitchen debates.” When he visited the IBM factory in San José, Khrushchev reportedly remarked that the Valley’s version of capitalism had managed to achieve the communist goal of ending inequality.⁵

⁵ “IBM’s Plant Collared Nikita,” *San Jose Mercury*, October 16, 1963.

But industrialization increased inequality. At the height of the Valley's postwar growth, incomes declined for Mexican Americans. If the Valley's rapid residential development made it an extreme example of national processes of suburbanization, the simultaneous development of high-tech industry exacerbated the problems facing poor residents, especially by raising the cost of housing at a time of increasing unemployment. The meritocratic discourse of high-tech, meanwhile, made inequalities harder to challenge.

Over the postwar decades, real estate and development practices, migration and settlement patterns, and civil rights politics changed the mental geography of race in the Valley. Chinatown and Japantown had formed the nucleus of San José's segregated nonwhite neighborhoods. But immigration restrictions limited large increases in the city's Asian population while the postwar years saw a dramatic increase in Mexican American settlement. As a result, suburban barrios on the eastern edge of San José became the postwar Valley's largest segregated nonwhite area. The visible poverty of barrios generated a discourse of suburban crisis that amplified the racial difference of Mexican Americans while downplaying Japanese American poverty in the local racial imaginary.

The racial geography of metropolitan development inspired a profusion of Mexican American social movement organizations that aimed to address metropolitan inequalities. These groups attacked environmental inequalities, the ways in which pollution, flooding, and disease disproportionately affected low-income Mexican American communities. Mexican Americans organized for a voice in policy decisions, using diverse strategies. When most of the Valley's Mexican Americans lived in unincorporated barrios, the CSO aimed to develop a Mexican American voting bloc with

which it could influence county policymakers. After annexation, Mexican Americans worked through War on Poverty institutions to coordinate the flow of federal funding and determine its uses. When San José campaigned to consolidate with neighboring Alviso, Mexican American residents in ACCION! worked with Ernesto Galarza to push for independence. Several organizations and residents developed legal strategies in attempts to achieve their visions of citizenship. SASSO, the Confederacion de la Raza Unida, and Anita Valtierra and her co-plaintiffs, with the help of California Rural Legal Assistance, initiated lawsuits for affordable housing in the Valley's expensive housing market. The CRU collaborated with regional institutions, such as the Association of Bay Area Governments, to push for rights on a regional scale, and Jack Ybarra led the organization in challenging class exclusions in most of Santa Clara County's exclusive suburbs in the western foothills. Both political and legal strategies aimed to achieve democracy in metropolitan politics.

At the same time Japanese Americans participated in a racial distinction that later commentators would call the model minority. Starting with resettlement from World War II, the War Relocation Agency and Japanese American Citizens League collaborated to support images of hardworking Japanese nuclear families in single-family homes. In the 1950s and 1960s, the JACL deployed this image to open up the Valley's residential subdivisions to Japanese American homebuyers.

This individualistic image of fair housing contributed to one of the signal political shifts of the era, the simultaneous expansion of local governments' regulatory power combined with the erasure of the state in residents' imagination of metropolitan space. To be sure, residents debated zoning, growth controls, and taxes, which were central features

of local politics. But to many voters and politicians, local governments' economic regulation of vast spaces came to seem natural in ways that it previously was not. In spite of popular free market rhetoric, the power of local government increased in the late twentieth century.

Voters and politicians could overlook this development in part because of the history of metropolitan racial and spatial politics, particularly the ways in which locals came to see government regulation of racialized space as a unique deformation of the ostensibly free market. Fair housing liberals and civil rights activists elaborated a discourse of open housing that concealed the degree to which local government policies and economic inequality would perpetuate segregation. Fair housing politics at first obscured the state's role in class discrimination and then accepted economic exclusion as a tradeoff for racial inclusion. Fair housing legislation relied upon assurances that class segregation would remain acceptable. From Palo Alto fair housing organizations to Walter Mondale's fair housing campaign in Congress, liberals promoted a colorblind politics that conservatives later adopted and that Richard Nixon, among others, made federal policy.

In its first decade, fair housing legislation enabled only minimal desegregation. The primary beneficiaries of fair housing policy in the Valley were professionals, researchers, and scientists affiliated with Stanford University and high-tech businesses. Increasingly, with changes in immigration law, this meant educated migrants from China and Taiwan and later India. The Hart-Cellars Immigration Action of 1965 ended the United States' long era of racial restrictions on immigration while establishing a system of preferences that encouraged immigration from the wealthy and educated. Silicon

Valley's global high-tech economy attracted a skilled workforce from around the world, particularly from China and Taiwan. In the 1970s, the number of Asians or Pacific Islanders in Santa Clara County tripled, and in the 1980s it more than doubled again. By 2000, Santa Clara County was a "majority-minority" county, with 430,095 Asian residents.⁶

Immigration policy's emphasis on class status and formal racial neutrality—remarkably similar to simultaneous changes in urban policy—mapped onto the local spatial and racial geography. Although a few middle-class Chinese American and Japanese American families had lived in the more exclusive parts of the Valley, the first time Asians settled in the suburbs in large numbers was after the arrival of high-tech migrants from Taiwan. These migrants shifted many Valley suburbs from white majorities to Asian American majorities or pluralities. Cupertino, a suburb just west of San José and home of Apple Computers, was the most dramatic example of this regional trend. In 1970, Cupertino was more than 96 percent white. Soon thereafter, the Asian population surged, and by 2010, 63.3 percent of Cupertino's population was Asian.⁷ In 1988, a real estate analyst claimed that suburban Cupertino was becoming a "reverse ghetto."⁸

Divisions within the Valley's Asian population underscore the links between immigration policy and racial geography. Thousands of refugees from Vietnam moved to the area in the 1970s and 1980s, but these new residents, immigrating outside of the

⁶ U.S. Bureau of the Census, *1980 Census, Santa Clara County*, n.d., census.abag.ca.gov; U.S. Bureau of the Census, *1990 Census, Santa Clara County*, n.d., census.abag.ca.gov; U.S. Bureau of the Census, *2000 Census, Santa Clara County*, n.d., census.abag.ca.gov.

⁷ U.S. Bureau of the Census, *1970 Census, Cupertino*, n.d., census.abag.ca.gov; U.S. Bureau of the Census, *2010 Census, Cupertino*, n.d., census.abag.ca.gov.

⁸ "Cupertino Draws Asian Immigrants."

preference system of the 1965 act, were rarely engineers or scientists. They moved primarily to urban neighborhoods in San José and worked in retail and small business, and by the late 1980s owned nearly 40 percent of the retail businesses in downtown San José.⁹ Vietnamese migrants lived and opened stores in neighborhoods that had been mostly Mexican American, such as East San José's Tropicana neighborhood, where Jack Ybarra had been a neighborhood organizer in the late 1960s. In 1992, when 62 percent of the county's Chinese American households owned their own homes, only 18 percent of Vietnamese households did.¹⁰

Valley boosters rarely mentioned the Vietnamese population but regularly emphasized suburban Chinese success. Asian settlement in the suburbs bolstered the liberal myth of immigrant America that anyone could make it if they tried hard enough, evident in model minority discourse that portrayed Asians as hardworking, law-abiding, thrifty, education-revering people who had successfully adapted to American society. Asian success reinforced the Valley's ethos of meritocracy while legitimating suburban economic exclusions. This racialization had its roots in the postwar racial politics of fair housing and resettlement.

Many of Cupertino's Asian residents promoted the model minority image, explaining that they were "family-oriented," "bright and hard-working." Many said they were drawn to Cupertino because of the excellent schools. When asked to explain why he moved to Cupertino, Warren Chen, a production manager at Compound Semiconductor,

⁹ Ronald T. Takaki, *Strangers from a Different Shore: A History of Asian Americans* (Boston: Little, Brown, 1998), 460. Many Vietnamese refugees were ethnically Chinese, but local statisticians categorized them as Vietnamese for census purposes, a decision influenced by San José's Vietnamese community leaders who were eager to accentuate the size and political power of the community. See "Torn Between Worlds," *San Jose Mercury News*, April 14, 1996.

¹⁰ "Asians Altering Area Home Market," *San Jose Mercury News*, December 28, 1992.

who moved to the United States from Taiwan in 1985, replied, “Cupertino has a good school rating.”¹¹

Many white residents welcomed their new Asian neighbors. When Debbie Bonfield, a white resident who was raised in Cupertino, enrolled her son in the local Montessori school, she learned that 28 of his 30 classmates were Asian or of Asian descent. “My son’s going to be a minority,” she boasted; that Asian parents had also chosen the school indicated to her that it must be excellent.¹² Yet other white residents perceived a threat in the increasing Asian population in Cupertino’s schools. Monta Vista High School in Cupertino became a center of racial tension. As high-achieving Asian students outpaced white students, white parents became increasingly angry. The Monta Vista PTA president complained, “White kids are thought of as the dumb kids.” Smart Asians functioned to make white students look like underdogs. One student who “rose up to the challenge” of Asian classmates said, “My parents never let me think that because I’m Caucasian, I’m not going to succeed.”¹³

These interpretations of Asian academic prowess normalized white class privilege by disavowing it. The emphasis on meritocratic education likewise obscured the role of immigration policies that privileged professional migrants while creating disfavored migrant stream of low-wage workers, primarily from Mexico and the Philippines. Immigration and education became the latest fields in which Valley residents elaborated a discourse of colorblindness, free markets, and meritocracy that relied upon overlooking the changing forms of state power. To boosters, politicians, and business leaders, Silicon Valley exemplified the free market transition of the late 20th century.

¹¹ “Cupertino Draws Asian Immigrants,” *San Jose Mercury News*, February 21, 1988.

¹² *Ibid.*

¹³ “The New White Flight,” *Wall Street Journal*, November 19, 2005.

Although scholars tend to portray the late twentieth century as a time of deregulation, the power of state increased, especially in the field of land use regulations implemented by local governments. By the late 20th century, Santa Clara County contained 15 cities, all of which enacted land use regulations to increase municipal revenue and limit municipal expenditures on welfare. In a county larger than the state of Rhode Island, county and local governments controlled an area of well over one thousand square miles, precious few of which, thanks in large part to land use regulations, contained low-income housing.

There were many community groups, civil rights activists, and residents who tried to emphasize the state's action in maintaining metropolitan structures of inequality. The Valley's residents, legal aid societies, and civil rights organizations initiated several lawsuits that challenged the economic inequalities of local government and land use law. These lawsuits garnered national publicity and widespread support. Many were successful in lower courts, hinting at possibilities for establishing a legal structure that guaranteed metropolitan equality. But in the end, the Supreme Court's interpretation of the Constitution allowed local governments broad powers of economic exclusion. The decision that overt class discrimination did not constitute bias was itself a racial position.

By the end of the century, class segregation had come to seem natural, an operation of the free market that had little to do with state power. Yet it was a new way of governing the metropolis. Neighborhoods had long been economically distinct, but the Valley's vast metropolitan landscape of economic segregation, backed by legal geography, was new.¹⁴ If this shift was pronounced in the Silicon Valley, it was

¹⁴ As economist William Fischel notes, "The puzzle about the desire of suburbs to exclude the poor is that it does not exist as much in other societies, and it does not seem to have occurred very much in earlier days in

nevertheless a nationwide phenomenon. The percentage of Americans living in single-income communities has doubled since 1970, due in part to such decisions as the Supreme Court's in the *Valtierra* case.¹⁵

In the late 1970s, a local radio station took to announcing that it was broadcasting from “Silicon Valley, World Headquarters of the 21st Century.” Echoing Walter Benjamin's famous description of Paris as the “Capital of the Nineteenth Century,” the appellation signaled Valley resident's late-twentieth century sense that they were the architects of a new economic and cultural sensibility; that they had invented new ways of consuming and communicating; that here they had birthed a new form of capitalism, which would spread to the rest of the country. Yet not all residents were sanguine about that prospect. In 1980, one local said to a journalist that there were problems in paradise. “If this area has that much influence on our ideologies and our philosophies and our way of life, God help us.”¹⁶

the United States. Neighborhood segregation by income is common throughout the world, and it was common even in the nineteenth century in the United States; but deliberate attempts to exclude low-income people from the entire community seems to have arisen in the latter half of this century in the United States.” William A. Fischel, *The Economics of Zoning Laws: A Property Rights Approach to American Land Use Controls* (Baltimore: Johns Hopkins University Press, 1985), 333; Rachel Dwyer, “Expanding Homes and Increasing Inequalities: U.S. Housing Development and the Residential Segregation of the Affluent,” *Social Problems* 54, no. 1 (2007): 23–46; Douglas Massey, “The Age of Extremes: Concentrated Affluence and Poverty in the Twenty-First Century,” *Demography* 3, no. 4 (November 1996): 395–412.

¹⁵ Lisa McGirr, “The New Suburban Poverty,” *New York Times*, March 19, 2012.

¹⁶ Haynes Johnson, “The Perils of Paradise,” *Washington Post*, October 19, 1980.

Bibliography

Archival and Manuscript Collections

- Bancroft Library, University of California, Berkeley
California Federation for Civic Unity Records
NAACP Papers, Region I
War Relocation Authority Photographs of Japanese-American Evacuation and Resettlement
- Benson Latin American Collection, University of Texas, Austin
Julian Samora Papers
- California Historical Society, San Francisco, California
American Civil Liberties Union—Northern California Papers
- City of San José Planning Division
- Davidson Library, Department of Special Collections, University of California, Santa Barbara
California Ethnic and Multicultural Archives
Teatro Campesino Archives
- Environmental Design Archives, University of California, Berkeley
Garrett Eckbo Collection
- Ethnic Studies Library, University of California, Berkeley
Newsletter File
- History San José
- Hoover Institution Archives, Stanford University, Stanford, California
Pete McCloskey Papers
Survey of Race Relations Records
- Institute for Governmental Studies Library, University of California, Berkeley
- Japanese American National Library
Japanese American Citizens League History Collection

Library of Congress, Washington, D.C.

Americana Division

Law Library

Manuscripts Division

Hugo L. Black Papers

Harry A. Blackmun Papers

National Archives Pacific Region, San Bruno, California

Record Group 21, Records of the U.S. District Courts

Record Group 196, Records of the Public Housing Administration

Record Group 207, Records of the Department of Housing and Urban
Development

Record Group 276, Records of the U.S. Courts of Appeals

National Archives and Records Administration, College Park, Maryland

Record Group 195, Records of the Federal Home Loan Bank Board

Record Group 207, Records of the Department of Housing and Urban
Development

San José Public Library, San José, California

California Room

Arbuckle Collection

San José State University Library Special Collections and Archives, San José, California

Don Edwards Congressional Papers

Janet Gray Hayes Papers

Fred Hirsch Collection

League of Women Voters, San Jose/Santa Clara Chapter Records

Santa Clara City Library, Santa Clara, California

Santa Clara County Agencies, San José, California

Records of the Santa Clara County Local Agency Formation Commission

Santa Clara County Archives

Registrar of Voters Records

Stanford University Libraries, Department of Special Collections, Stanford, California

Anthony Soto Papers

Ernesto Galarza Papers

Mexican American Legal Defense and Educational Fund Records

Fred Ross Papers

Sunnyvale Public Library

Local History Collection

Newspapers and Periodicals

The Bergen Record
California: Magazine of the Pacific
California Farmer
Chicago Daily Defender
Chicago Daily Tribune
Christian Science Monitor
The Crisis
Cry California
The Daily Review
Denver Post
East San José Sun
El Eccentrico
Electronic News
Esquire
Fair Practices News
Forbes
Fortune
Jet
The Liberal Democrat
Los Angeles Star
Los Angeles Times
La Malcriada of Santa Clara
The Maverick
Metro
Money
The Monitor
The Nation
National Catholic Reporter
Newsweek
New Yorker
New York Times
Oakland Post
Oakland Tribune
Pacific Citizen
Palo Alto Times
The Peninsula Observer
Phi Delta Kappan
Philadelphia Inquirer
Places
The Precinct Democrat
Prensa Libre
Progressive News
Ramparts
Real Estate Bulletin

San Francisco Call
San Francisco Chronicle
San Francisco Monitor
San Francisco Sunday Examiner
San José Herald
San José Mercury
San José Mercury Herald
San José Mercury News
San José News
San José Post Record
Saratoga News
Security Title Date Down
St. Louis Post Dispatch
Sunset
Time
Trends in Housing
USA Today
Viva
Wall Street Journal
Washington Post

Electronic Documents and Web Pages

census.abag.ca.gov
www.lbjlib.utexas.edu/johnson/archives.hom/speeches.hom/640108.asp
www.oyez.org/cases/1970-1979/1970/1970-154
www.redwoodcity.org/library/info/localhistoryroom.html
www.sociaexplorer.com

Oral Histories and Interviews

Frank Abe Collection, Densho Digital Archive

Kubota, Gloria. Interview by Frank Abe and Frank Chin, August 28, 1993.

Kubota Ybarra, Grace. Interview by Frank Abe and Frank Chin, August 28, 1993.

Bancroft Library, Regional Oral History Office, University of California, Berkeley

Galarza, Ernesto, interview by Gabrielle Morris and Timothy Beard, 1982.

Gallegos, Herman E., interview by Gabrielle Morris, 1988.

Steinman, Edward, interview by Leah M. McGarrigle, 1995.

Chicano Oral History Collection, San José State University Library Special Collections
and Archives

Coronado, Rudolfo, Oral History

Garza, Humberto, Oral History

Jimenez, Randal, Oral History

Laustenau, Charley, Oral History

Mendoza, Sofia, Oral History
Palacios, Frances, Oral History
Peralta-Conway, Linda, Oral History
Perez, Vicente, Oral History
Rivera, Eliodoro G., Oral History
Villa, Jose, Oral History

REgenerations Oral History Project, Japanese American National Museum
Hironaka, Katie T. Interview by Barbara K. Uchiyama, December 5, 1997.
Kanemoto, Hatsu. Interview by Karen Matsuoka, March 9, 1998.
Kitaji, Aiko (Kato). Interview by Karen Matsuoka, August 9, 1998.
Sakauye, Eiichi. Interview by Joe Yasutake, October 25, 1997.
Ueno, Harry Y. Interview by Wendy Ng, May 23, 1998.
Uchida, Yoshihiro. Interview by Alexander Yamato, February 20, 1998.

Department of Special Collections, Charles E. Young Research Library, University of
California, Los Angeles
Okrand, Fred. Interview by Michael Balter, 1982.

Legal Cases

Arlington Heights v. Metropolitan Housing Corp., 429 U.S. 252 (1977)
Barrows v. Jackson, 346 US 249 (1953)
Block v. Hirsch, 256 U.S. 135 (1921)
Buchanan v. Warley, 245 U.S. 60 (1917)
Canales v. City of Alviso, 3 Cal. 3d 118 (1970)
Castro v. California, 2 C.3d 223 (1970)
Corrigan v. Buckley, 271 U.S. 323 (1926)
Crawford v. Board of Education of the City of Los Angeles, 17 Cal.3d 280 (1976)
Cuyahoga Falls v. Buckeye Community Hope Foundation, 538 US 188 (2003)
Dailey v. City of Lawton, Oklahoma, 425 F.2d 1037 (10th cir. 1970)
Damico v. California, 389 U.S. 416 (1967)
Diaz v. San Jose Unified School District, 412 F Supp (ND Cal 1976)
Diaz v. San Jose Unified School District, 518 F. Supp 622 (ND Cal 1981)
Diaz v. San Jose Unified School District, 733 F.2d 660 (1985)
Diaz v. San Jose Unified School District, 633 F. Supp 808 (1985)
Diaz v. San Jose Unified School District, 861 F.2d 591 (1988)
Douglas v. California, 372 U.S. 353 (1963)
Eastlake v. Forest City Enterprises, 426 US 688 (1976)
Edwards v. California, 314 US 160 (1941)
Estate of Tetsubmi Yano, 188 Cal. 645 (1922)
Euclid v. Ambler Realty Co., 272 U.S. 365 (1926)
Fairchild v. Raines, 24 Cal. 2d 818 (1944)
Frick v. Webb, 263 U.S. 326 (1923)
Fujii v. State of California, 38 Cal.2d 718 (California Supreme Court 1952)
Gandolfo v. Hartman, 49 F. 181 (1892)

Harper v. Virginia, 383 U.S. 663 (1966)
Hunter v. Erickson, 393 U.S. 385 (1969)
Hurd v. Hodge, 334 U.S. 24 (1948)
In Re Judge Gerald S. Chargin, 2 C.2d 617 (1970)
In Re Lee Sing, 43 F. 359 (ND Cal 1890)
Jackson v. Pasadena City School District, 59 Cal. 2d 876 (1963)
James v. Valtierra, 402 U.S. 137 (1971)
Jefferson v. Hackney, 406 U.S. 535 (1972)
Jones v. Mayer, 392 U.S. 409 (1968)
Kennedy Park Homes Association v. City of Lackawanna, New York, 436 F.2d 108 (2nd Cir. 1970)
Keyes v. School District No. 1, Denver, Colorado, 413 US 189 (1973)
Korematsu v. United States, 323 US 214 (1944)
La Raza Unida v. Volpe, 337 F.Supp. 221 (N.D. Cal. 1971)
Lau v. Nichols, 414 U.S. 563 (1974)
Los Altos Hills v. Adobe Creek Properties, Inc., 32 Cal.App.3d 488 (1973)
Los Angeles Investment Company v. Gary, 181 Cal. 680 (1919)
Masaoka v. California, 39 Cal.2d 883 (1952)
Matthews v. Andrade, 198 P.2d 66 (Cal. Dist. Ct. App. 1948)
Milliken v. Bradley, 418 U.S. 717 (1974)
Ming v. Horgan, 3 Race Relations Law Reporter 693 (Cal. Super. Ct., Sacramento County 1958)
O'Brien v. Webb, 279 F. 117 (1921)
Oyama v. California, 332 U.S. 633 (1948)
Palermo v. Stockton Theatres, 32 Cal.2d 53 (California Supreme Court 1948)
People v. Oyama, 29 Cal. 2d 164 (1946)
Porterfield v. Webb, 263 U.S. 225 (1923)
Reitman v. Mulkey, 387 U.S. 369 (1967)
Rivera v. Division of Industrial Welfare, 265 Cal. App. 2d (576 1968)
Romero v. Hodgson, 319 F.Supp. 1201 (N.D. Cal. 1970)
Saiki v. Hammock, 207 Cal. 90 (1929)
San Antonio v. Rodriguez, 411 U.S. 1 (1973)
Santa Clara County v. Southern Pacific Railroad, 118 U.S. 394 (1886)
Serrano v. Priest, 5 Cal. 3d 584 (1971)
Shapiro v. Thompson, 394 U.S. 618 (1969)
Shelley v. Kraemer, 334 U.S. 1 (1948)
Southern Alameda Spanish Speaking Organization v. Union City, 424 F.2d 291 (9th Circuit 1970)
Swann v. Charlotte-Mecklenburg Board of Education, 402 US 1 (1971)
Takeuchi v. Schmuck, 206 Cal. 782 (1929)
Terrace v. Thompson, 263 U.S. 197 (1923)
United Farmworkers of Florida Housing Project, Inc. v. City of Delray Beach, 493 F.2d 799 (5th Cir. 1974)
Valtierra v. San Jose, 313 F.Supp. 1 (N.D. Cal. 1970)
Webb v. O'Brien, 263 U.S. 313 (1923)
Ybarra v. City of San Jose, 503 F.2d 1041 (9th Cir. 1974)

Ybarra v. Town of Los Altos Hills, 503 F.2d 250 (1974)
Yick Wo v. Hopkins, 118 U.S. 356 (1886)

Government Publications, Reports, and Pamphlets

Beauty for America: Proceedings of the White House Conference on Natural Beauty. Washington, D.C.: Government Printing Office, 1965.

Congressional Record

Department of State Bulletin

Federal Housing Administration. *Underwriting Manual: Underwriting and Valuation Procedure Under Title II of the National Housing Act With Revisions to February, 1938*. Washington, D.C.: Government Printing Office, 1938.

Federal Register

National Housing Conference, *The Housing Yearbook, 1963*. Washington, D.C.: The National Housing Conference, 1963.

Public Papers of the Presidents: Richard M. Nixon. Washington, D.C., 1971.

San Jose City Planning Commission. *1981 Annual Review: The General Plan, List of Potential Land Use/Transportation Diagram and Text Amendments*. San Jose: City of San Jose, 1981.

Santa Clara County Office of Education. *Improving Ethnic Balance and Intergroup Relations*. San Jose: Santa Clara County Office of Education, 1968.

Santa Clara County Planning Policy Committee. *Zoning and Housing*. San Jose: Santa Clara County Planning Department, 1970.

U.S. Bureau of the Census. *1960 Census of Population and Housing*. Washington, D.C.: Government Printing Office, 1961.

———. *Census of Population: 1950: Characteristics of the Population*. Vol. II. Washington, D.C.: Government Printing Office, 1950.

United States Commission on Civil Rights. *Hearing Before the United States Commission on Civil Rights: Hearing Held in San Francisco, May 1-3, 1967, and Oakland, California, May 4-6, 1967*. Washington, D.C.: Government Printing Office, 1967.

———. *Hearings Before the United States Commission on Civil Rights. Hearings Held in Los Angeles, California, January 25, 1960, January 26, 1960; San Francisco, California, January 27, 1960, January 28, 1960*. Washington, D.C.: Government Printing Office, 1960.

———. *The Federal Civil Rights Enforcement Effort: Seven Months Later*. Washington, D.C.: Government Printing Office, 1971.

———. *Housing*. Washington, D.C., 1961.

———. *With Liberty and Justice for All*, 1959.

United States Department of Agriculture. *Land: The 1958 Yearbook of Agriculture*. Washington, D.C.: United States Department of Agriculture, 1958.

United States Department of Interior. *People in Motion: The Postwar Adjustment of the Evacuated Japanese Americans*. Washington, D.C.: Government Printing Office, 1947.

Dissertations, Theses, and Unpublished Articles

- Alpers, Megan Lynn. "Valley of Heart's Delight: Orchards to Hard Drives in the San Jose Mercury News." MA Thesis, San Jose State University, 2010.
- Cavanagh, Carlos. "Urban Expansion and Physical Planning in San Jose, California: A Case Study." MA Thesis, University of California, Berkeley, 1953.
- Chan, Darlene. "San Jose's Old Chinatown, Heinlenville, 1850-1930: A Historical Study." Ed.D. Dissertation, University of San Francisco, 1994.
- Douglass, Marcia Lynn. "The Myth of Meritocracy: Race, Class, and Gender in Silicon Valley." Ph.D. dissertation, University of California, San Diego, 1991.
- Friedly, Michael. "This Brief Eden: A History of Landscape Change in California's Santa Clara Valley." Ph.D. dissertation, Duke University, 2000.
- Geismer, Lily D. "Don't Blame Us: Grassroots Liberalism in Massachusetts, 1960-1990." Ph.D. dissertation, University of Michigan, 2010.
- Gonzalez, Jerry. "A Place in the Sun: Mexican Americans, Race, and the Suburbanization of Los Angeles, 1940-1980." Ph.D. dissertation, University of Southern California, 2009.
- Jenks, Hillary. "'Home Is Little Tokyo': Race, Community, and Memory in Twentieth-Century Los Angeles." Ph.D. dissertation, University of Southern California, 2008.
- Lim, Deborah K. "Research Paper in Response to the JACL's Resolution #7." Japanese American Citizens League, 1990.
- Park, Edward Jang-Woo. "Asian Americans in Silicon Valley: Race and Ethnicity in the Post-industrial Economy." Ph.D. dissertation, University of California, Berkeley, 1992.
- Phillips, Paul Anthony. "The Port of Unrealized Dreams: Alviso, California, to 1900." MA Thesis, San Jose State University, 1998.
- Rhee, Nari. "Searching for Working Class Politics: Labor, Community and Urban Power in Silicon Valley." Ph.D. dissertation, University of California, Berkeley, 2007.
- Ruffin, Herbert G. "Uninvited Neighbors: Black Life and the Racial Quest for Freedom in the Santa Clara Valley, 1777-1968." Ph.D. dissertation, The Claremont Graduate University, 2007.
- Shih, Johanna. "Ethnic and Gender Inequality in Silicon Valley: Mechanisms of Discrimination, Strategies of Resistance." Ph.D. dissertation, University of California, Los Angeles, 2001.
- Tsu, Cecilia. "Grown in the 'Garden of the World': Race, Gender, and Agriculture in California's Santa Clara Valley, 1880-1940." Ph.D. dissertation, Stanford University, 2006.
- Vance, Glen W. "School District Organization in the Metropolitan Area of Santa Clara County, California." Ed.D. Dissertation, University of Arizona, 1966.

Books, Articles, Pamphlets, and Reports

- Abbott, Carl. *The Metropolitan Frontier: Cities in the Modern American West*. Tucson: University of Arizona Press, 1993.
- Acuna, Rodolfo. *Occupied America: A History of Chicanos*. Upper Saddle River, NJ: Pearson Education, 1999.

- Adams, Ansel. *Born Free and Equal: Photographs of the Loyal Japanese Americans at Manzanar Relocation Center*. New York: US Camera, 1944.
- Adams, S.B. "Regionalism in Stanford's Contribution to the Rise of Silicon Valley." *Enterprise and Society* 4, no. 3 (September 2003).
- Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life*. Stanford: Stanford University Press, 1998.
- Alesch, Daniel J. *An Outline for Rand Urban Policy Research in the San Jose Metropolitan Area*. Santa Monica: Rand, August 1972.
- . *Local Government's Ability to Manage Growth in a Metropolitan Context*. Santa Monica: Rand, August 1974.
- Alesch, Daniel, and Robert Levine. *Growth in San Jose*. Santa Monica: Rand, 1973.
- Alvarez, Luis. *The Power of the Zoot: Youth Culture and Resistance During World War II*. Berkeley: University of California Press, 2008.
- Anderson, Benedict. *Imagined Communities: Reflections on the Origins and Spread of Nationalism*. New York: Verso, 1991.
- Arendt, Hannah. *The Origins of Totalitarianism*. San Diego: Harcourt, Brace, Jovanovich, 1973.
- Arredondo, Gabriela F. "Navigating Ethno-Racial Currents: Mexicans in Chicago, 1919-1939." *Journal of Urban History* 30, no. 3 (March 2004): 399-427.
- Avila, Eric. *Popular Culture in the Age of White Flight: Fear and Fantasy in Suburban Los Angeles*. Berkeley: University of California Press, 2004.
- Azuma, Eiichiro. *Between Two Empires: Race, History, and Transnationalism in Japanese America*. New York: Oxford University Press, 2005.
- Babcock, Richard F., and Fred P. Bosselman. *Exclusionary Zoning: Land Use Regulation and Housing in the 1970s*. New York: Praeger, 1973.
- Barrera, Mario, and Geraldo Vialpando. *Action Research: In Defense of the Barrio*. Los Angeles: Aztlán Publications, 1974.
- Bassett, Edward M. *Model Laws for Planning Cities, Counties, and States: Including Zoning, Subdivision Regulation, and Protection of Official Map*. Cambridge: Harvard University Press, 1935.
- Benner, Chris. *Growing Together or Drifting Apart? Working Families and Business in the New Economy*. San Jose: Working Partnerships and Economic Policy Institute, 1998.
- Bennett, Michael, and Cruz Reynoso. "California Rural Legal Assistance (CRLA): Survival of a Poverty Law Practice." *Chicano Law Review* 1, no. 1 (1972): 1-79.
- Benson, Jackson J. *Wallace Stegner: His Life and Times*. New York: Viking, 1996.
- Berlin, Leslie R. "Robert Noyce and Fairchild Semiconductor, 1957-1968." *Business History Review* 75, no. 1 (Spring 2001): 63-100.
- Bernard, Richard M., and Bradley R. Rice, eds. *Sunbelt Cities: Politics and Growth Since World War II*. Austin: University of Texas Press, 1983.
- Bernstein, Shana. "From the Southwest to the Nation: Interracial Civil Rights Activism in Los Angeles." In *Sunbelt Rising: The Politics of Space, Place, and Region*, edited by Michelle Nickerson and Darren Dochuk, 141-163. Philadelphia: University of Pennsylvania Press, 2011.
- Bettman, Alfred. *City and Regional Planning Papers*. Edited by Arthur C. Comey. Cambridge: Harvard University Press, 1946.

- Bloom, Alexander, and Wini Breines, eds. *Takin' It to the Streets: A Sixties Reader*. New York: Oxford University Press, 2002.
- Bloom, Leonard, and Ruth Riemer. *Removal and Return: The Socio-Economic Effects of the War on Japanese Americans*. Berkeley: University of California Press, 1949.
- Bonastia, Christopher. *Knocking on the Door: The Federal Government's Attempt to Desegregate the Suburbs*. Princeton: Princeton University Press, 2006.
- Bosworth, Allen. *America's Concentration Camps*. New York: W.W. Norton, 1967.
- Brah, Avtar. *Cartographies of Desire: Contesting Identities*. London: Routledge, 1996.
- Brazil, Wayne D., Jordan Eth, and Thelton E. Henderson. "In Memory of Chief Judge Robert F. Peckham." *Hastings Law Journal* 44 (July 1993): 973–989.
- Briffault, Richard. "Our Localism: Part I--The Structure of Local Government Law." *Columbia Law Review* 90, no. 1 (January 1990): 1–115.
- . "Our Localism: Part II--Localism and Legal Theory." *Columbia Law Review* 90, no. 2 (March 1990): 346–454.
- Brilliant, Mark. *The Color of America Has Changed: How Racial Diversity Shaped Civil Rights Reform in California, 1941-1978*. New York: Oxford University Press, 2010.
- Brinkley, Alan. *The End of Reform: New Deal Liberalism in Recession and War*. New York: Knopf, 1995.
- Brodkin, Karen. *How Jews Became White Folks: And What That Says About Race in America*. New Brunswick: Rutgers University Press, 1998.
- Brooks, Charlotte. *Alien Neighbors, Foreign Friends: Asian Americans, Housing, and the Transformation of Urban California*. Chicago: University of Chicago Press, 2009.
- . "Sing Sheng Vs. Southwood: Residential Integration in Cold War California." *Pacific Historical Review* 73, no. 3 (2004): 463–494.
- Browning, Rufus, Dale Rogers Marshall, and David Tabb. "Implementation and Political Change: Sources of Local Variations in Federal Social Programs." *Policy Studies* 8, no. 2 (1980): 616–632.
- Bullard, Robert D. *Dumping in Dixie: Race, Class, and Environmental Quality*. Boulder: Westview Press, 1990.
- Camarillo, Albert. *Chicanos in a Changing Society: From Mexican Pueblos to American Barrios in Santa Barbara and Southern California, 1848-1930*. Cambridge: Harvard University Press, 1979.
- Canaday, Margot. *The Straight State: Sexuality and Citizenship in Twentieth-Century America*. Princeton: Princeton University Press, 2009.
- Cashin, Sheryll. *The Failures of Integration: How Race and Class Are Undermining the American Dream*. New York: Public Affairs, 2004.
- Chafe, William H. *The Unfinished Journey: America Since World War II*. New York: Oxford University Press, 2007.
- Chan, Sucheng. *This Bittersweet Soil: The Chinese in California Agriculture, 1860-1910*. Berkeley: University of California Press, 1986.
- Cheng, Cindy I-Fen. "Out of Chinatown and into the Suburbs: Chinese Americans and the Politics of Cultural Citizenship in Early Cold War America." *American Quarterly* 58, no. 4 (December 2006): 1067.
- Chin, Frank. *Born in the USA: A Story of Japanese America, 1889-1947*. Lanham, MD: Rowman & Littlefield, 2002.

- Chow, Kenneth. "The History of the Chinese in Santa Clara County." In *Chinese Argonauts: An Anthology of the Chinese Contributions to the Historical Development of Santa Clara County*. Cupertino: Foothill Community College, 1971.
- Clark, Margaret. *Health in the Mexican-American Culture: A Community Study*. Berkeley: University of California Press, 1959.
- Cobb, James C. *The Selling of the South: The Southern Crusade for Industrial Development, 1936-1980*. Baton Rouge: Louisiana State University Press, 1982.
- Cohen, Lizabeth. *A Consumers' Republic: The Politics of Mass Consumption in Postwar America*. New York: Vintage, 2003.
- Conner, Nancy Nakano. "From Internment to Indiana: Japanese Americans, the War Relocation Authority, the Disciples of Christ, and Citizen Committees in Indianapolis." *Indiana Magazine of History* 102, no. 2 (June 2006): 89–116.
- Connolly, N.D.B. "Sunbelt Civil Rights: Urban Renewal and the Follies of Desegregation in Greater Miami." In *Sunbelt Rising: The Politics of Space, Place, and Region*, edited by Michelle Nickerson and Darren Dochuk, 164–187. Philadelphia: University of Pennsylvania Press, 2011.
- Conrat, Maisie, and Richard Conrat. *Executive Order 9066: The Internment of 110,000 Japanese Americans*. Cambridge: MIT Press, 1972.
- Cowie, Jefferson R. *Stayin' Alive: The 1970s and the Last Days of the Working Class*. New York: New Press, 2010.
- Cringely, Robert X. *Accidental Empires: How the Boys of Silicon Valley Make Their Millions, Battle Foreign Competition, and Still Can't Get a Date*. New York: HarperBusiness, 1996.
- Cronon, William. *Nature's Metropolis: Chicago and the Great West*. New York: Norton, 1992.
- Daniels, Roger. "Chinese and Japanese as Urban Americans, 1850-1940." *The History Teacher* 25, no. 4 (August 1992): 427–441.
- . *Concentration Camps USA: Japanese Americans and World War II*. New York: Holt, Rinehart, and Winston, Inc., 1972.
- . *The Politics of Prejudice: The Anti-Japanese Movement in California and the Struggle for Japanese Exclusion*. Berkeley: University of California Press, 1962.
- Davis, Mike. *City of Quartz: Excavating the Future in Los Angeles*. London: Verso, 1990.
- . *Ecology of Fear: Los Angeles and the Imagination of Disaster*. New York: Metropolitan Books, 1998.
- Dawson, Robert, and Gray Brechin. *Farewell, Promised Land: Waking from the California Dream*. Berkeley: University of California Press, 1999.
- Delgado, Richard, and Jean Stefancic. *Critical Race Theory: An Introduction*. New York: New York University Press, 2001.
- Denton, John H., ed. *Race and Property*. Berkeley: Diablo Press, 1964.
- Didion, Joan. *Where I Was From*. New York: Vintage, 2004.
- Doherty, Brian. "Do You Know the Cost of San Jose? The High Cost of Low Growth." *Reason* 34, no. 10 (March 2003): 12–13.
- Dougharty, Laurence, Charles Chew, Isao Kobashi, Elizabeth Rolph, Gerald Sumner, Sandra Tapella, Judith Webb, and Benjamin Zycher. *Municipal Service Pricing:*

- Impact on Urban Development and Finance Summary and Overview*. Santa Monica: Rand, November 1975.
- Dowall, David E., and John D. Landis. "Land-Use Controls and Housing Costs: An Examination of San Francisco Bay Area Communities." *Journal of the American Real Estate and Urban Economics Association* 10, no. 1 (Spring 1982): 67–93.
- Downie, Jr., Leonard. *Mortgage on America*. New York: Praeger, 1974.
- Dudziak, Mary L., and Leti Volpp, eds. *Legal Borderlands: Law and the Construction of American Borders*. Baltimore: Johns Hopkins University Press, 2006.
- Dyble, Louise Nelson. "Revolt Against Sprawl: Transportation and the Origins of the Marin County Growth-Control Regime." *Journal of Urban History* 34, no. 1 (2007): 38–66.
- Eichler, Edward P. *Race and Housing: An Interview with Edward P. Eichler, President, Eichler Homes, Inc.* Santa Barbara: Center for the Study of Democratic Institutions, 1964.
- Ellickson, Robert C. "Suburban Growth Controls: An Economic and Legal Analysis." *Yale Law Journal* 86, no. 3 (January 1977): 385–511.
- Etulain, Richard W., ed. *Cesar Chavez: A Brief Biography with Documents*. Boston: Bedford/St. Martin's, 2002.
- Fellmeth, Robert C. *Politics of Land: Ralph Nader's Study Group Report on Land Use in California*. New York: Grossman, 1973.
- Ferguson, Edwin E. "The California Alien Land Law and the Fourteenth Amendment." *California Law Review* 35, no. 1 (March 1947): 61–90.
- Findlay, John M. *Magic Lands: Western Cityscapes and American Culture After 1940*. Berkeley: University of California Press, 1993.
- Fishman, Robert. *Bourgeois Utopias: The Rise and Fall of Suburbia*. New York: Basic Books, 1987.
- Fogelson, Robert M. *Bourgeois Nightmares: Suburbia, 1870-1930*. New Haven: Yale University Press, 2007.
- Foley, Neil. *Quest for Equality: The Failed Promise of Black-Brown Solidarity*. Cambridge: Harvard University Press, 2010.
- Foner, Eric. *The Story of American Freedom*. New York: W.W. Norton, 1998.
- Forbath, William E. "Why Is This Rights Talk Different from All Other Rights Talk? Demoting the Court and Reimagining the Constitution." *Stanford Law Review* 46, no. 6 (July 1994): 1771–1805.
- Frank, Thomas. *One Market Under God: Extreme Capitalism, Market Populism, and the End of Economic Democracy*. New York: Doubleday, 2000.
- Freedman, Leonard. *Public Housing: The Politics of Poverty*. New York: Holt, Rinehart, and Winston, Inc., 1969.
- Freund, David M. *Colored Property: State Policy and White Racial Politics in Suburban America*. Chicago: University of Chicago Press, 2007.
- Frieden, Bernard J. *The Environmental Protection Hustle*. Boston: MIT Press, 1979.
- . "The New Regulation Comes to Suburbia." *Public Interest* 55 (Spring 1979): 15–27.
- Friedman, Lawrence M. *A History of American Law*. 3rd ed. New York: Touchstone, 2005.

- Friedman, Milton, and Rose D. Friedman. *Free to Choose: A Personal Statement*. San Diego: Harcourt, 1980.
- Friedman, Milton. "The Role of Government in Education." In *Economics and the Public Interest*, edited by Robert A. Solo, 123–144. New Brunswick: Rutgers University Press, 1955.
- Gaines, Kevin K. *Uplifting the Race: Black Leadership, Politics, and Culture in the Twentieth Century*. Chapel Hill: University of North Carolina Press, 1996.
- García, Matt. *A World of Its Own: Race, Labor, and Citrus in the Making of Greater Los Angeles, 1900-1970*. Chapel Hill: University of North Carolina Press, 2001.
- Garreau, Joel. *Edge City: Life on the New Frontier*. New York: Anchor, 1992.
- Gawrosch, David. "Chinatown Fire." In *Chinese Argonauts: An Anthology of the Chinese Contributions to the Historical Development of Santa Clara County*. Cupertino: Foothill Community College, 1971.
- George, Henry. *Our Land and Land Policy: Speeches, Lectures, and Miscellaneous Writings*. Ithaca: Cornell University Press, 2009.
- Girdner, Audrie, and Anne Loftis. *The Great Betrayal: The Evacuation of the Japanese-Americans During World War II*. London: Macmillan, 1969.
- Glick Schiller, Nina, Linda Basch, and Cristina Blanc-Szanton. "Transnationalism: A New Analytic Framework for Understanding Migration." *Annals of the New York Academy of Sciences* 645 (July 1992): 1–24.
- Goluboff, Risa L. *The Lost Promise of Civil Rights*. Cambridge: Harvard University Press, 2007.
- Gonzalez, Gilbert G. *Mexican Consuls and Labor Organizing: Imperial Politics in the American Southwest*. Austin: University of Texas Press, 1999.
- Gordon, Colin. "Blighting the Way: Urban Renewal, Economic Development, and the Elusive Definition of Blight." *Fordham Urban Law Journal* 31, no. 2 (January 2004): 305–337.
- Gordon, Linda, and Gary Y. Okihiro, eds. *Impounded: Dorothea Lange and the Censored Images of Japanese American Internment*. New York: W.W. Norton, 2006.
- Gordon, Milton. "Preface." In *Race and Property*, edited by John H. Denton. Berkeley: Diablo Press, 1964.
- Gray, Mia, Elyse Golob, Ann R. Markusen, and Sam Ock Park. "New Industrial Cities? The Four Faces of Silicon Valley." *Review of Radical Political Economics* 30, no. 4 (1998): 1–28.
- Greenhouse, Linda. *Becoming Justice Blackmun: Harry Blackmun's Supreme Court Journey*. New York: Times Books, 2005.
- Grodzins, Morton. *Americans Betrayed: Politics and the Japanese Evacuation*. Chicago: University of Chicago Press, 1949.
- Guglielmo, Thomas A. "Fighting for Caucasian Rights: Mexicans, Mexican Americans, and the Transnational Struggle for Civil Rights in World War II Texas." *Journal of American History* 92, no. 4 (March 2006): 1212–1238.
- . *White on Arrival: Italians, Race, Color, and Power in Chicago, 1890-1945*. New York: Oxford University Press, 2003.
- Gulick, Sidney Lewis. *Should Congress Enact Special Laws Affecting Japanese?* New York: National Committee on American Japanese Relations, 1922.

- Gutiérrez, David G. *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity*. Berkeley: University of California Press, 1995.
- Hamilton, Shane. *Trucking Country: The Road to America's Wal-Mart Economy*. Princeton: Princeton University Press, 2008.
- Hansen, Arthur A. "Resettlement: A Neglected Link in Japanese America's Narrative Chain." In *REgenerations Oral History Project: Rebuilding Japanese American Families, Communities, and Civil Rights in the Resettlement Era: San Jose Region*, IV: xix–xxx. Los Angeles: Japanese American National Museum, 2000.
- Harris, Richard, and Robert Lewis. "The Geography of North American Cities and Suburbs, 1900-1950: A New Synthesis." *Journal of Urban History* 27, no. 3 (March 2001): 262–292.
- Hartman, Chester, and Squires, eds. *There Is No Such Thing as a Natural Disaster: Race, Class, and Hurricane Katrina*. New York: Routledge, 2006.
- Hartog, Hendrik. "The Constitution of Aspiration and 'The Rights That Belong to Us All'." *Journal of American History* 74, no. 3 (December 1987): 1013–1034.
- Harvey, David. *A Brief History of Neoliberalism*. Oxford: Oxford University Press, 2005.
- . "The Right to the City." *New Left Review* 53 (October 2008): 23–40.
- Hayden, Dolores. *Building Suburbia: Green Fields and Urban Growth, 1820-2000*. New York: Vintage Books, 2003.
- Height, Dorothy. *Open Wide The Freedom Gates*. New York: PublicAffairs, 2005.
- Higgs, Robert. "Landless by Law: Japanese Immigrants in California Agriculture to 1941." *Journal of Economic History* 38 (1978): 475–495.
- Highsmith, Andrew. "Demolition Means Progress: Urban Renewal, Local Politics, and State-Sanctioned Ghetto Formation in Flint, Michigan." *Journal of Urban History* 35, no. 3 (2009): 348–368.
- Hillier, Amy E. "Redlining and the Home Owners' Loan Corporation." *Journal of Urban History* 29, no. 4 (May 2003): 394–420.
- Hirabayashi, Lane. *Japanese-American Resettlement Through the Lens: Hikaru Iwasaki and the WRA's Photographic Section, 1943-1945*. Boulder: University Press of Colorado, 2009.
- Hirsch, Arnold. *Making the Second Ghetto: Race and Housing in Chicago, 1940-1960*. Chicago: University of Chicago Press, 1983.
- HoSang, Daniel Martinez. "Racial Liberalism and the Rise of the Sunbelt West: The Defeat of Fair Housing on the 1964 California Ballot." In *Sunbelt Rising: The Politics of Space, Place, and Region*, edited by Michelle Nickerson and Darren Dochuk, 188–215. Philadelphia: University of Pennsylvania Press, 2011.
- . *Racial Propositions: Ballot Initiatives and the Making of Postwar California*. Berkeley: University of California Press, 2010.
- Hoyt, Homer. *One Hundred Years of Land Values in Chicago: The Relationship of the Growth of Chicago to the Rise of Its Land Values*. Chicago: University of Chicago Press, 1933.
- . *The Structure and Growth of Residential Neighborhoods in American Cities*. Washington, D.C.: Government Printing Office, 1939.
- Hsu, Madeline Yuan-yin. *Dreaming of Gold, Dreaming of Home: Transnationalism and Migration Between the United States and South China, 1882-1943*. Stanford: Stanford University Press, 2000.

- Hurley, Andrew. *Environmental Inequalities: Class, Race, and Industrial Pollution in Gary, Indiana, 1945-1980*. Chapel Hill: University of North Carolina Press, 1995.
- Hyman, Louis. *Debtor Nation: A History of America in Red Ink*. Princeton: Princeton University Press, 2011.
- Ichihashi, Yamato. *Japanese Immigration: Its Status in California*. San Francisco: Marshall Press, 1915.
- Ichioaka, Yuji. "Japanese Immigrant Response to the 1920 California Alien Land Law." *Agricultural History* 58, no. 2 (April 1984): 157–178.
- Ignatiev, Noel. *How the Irish Became White*. New York: Routledge, 1995.
- Inada, Lawson Fusao, ed. *Only What We Could Carry: The Japanese American Internment Experience*. Berkeley: Heyday Books, 2000.
- Inouye, Mamoru. *The Heart Mountain Story: Photographs by Hansel Mieth and Otto Hagel of the World War II Internment of Japanese Americans (1997)*. Los Gatos: M. Inouye, 1997.
- Irons, Peter. *A People's History of the Supreme Court*. New York: Penguin, 1999.
- . *Justice at War: The Story of the Japanese American Internment Cases*. Berkeley: University of California Press, 1993.
- Jackson, Kenneth T. *Crabgrass Frontier: The Suburbanization of the United States*. New York: Oxford University Press, 1987.
- Jacobson, Matthew Frye. *Whiteness of a Different Color: European Immigrants and the Alchemy of Race*. Cambridge: Harvard University Press, 1998.
- Jacobson, Yvonne. *Passing Farms, Enduring Values: California's Santa Clara Valley*. Los Altos, CA: William Kaufmann, Inc., 1984.
- Johnson, Marilyn S. *The Second Gold Rush: Oakland and the East Bay in World War II*. Berkeley: University of California Press, 1993.
- Johnson, Walter. *Soul by Soul: Life Inside the Antebellum Slave Market*. Cambridge: Harvard University Press, 2001.
- Jones-Correa, Michael. "The Origins and Diffusion of Racial Restrictive Covenants." *Political Science Quarterly* 115, no. 4 (Winter, -2001 2000): 541–568.
- Judis, John B., and Ruy Teixeira. *The Emerging Democratic Majority*. New York: Simon and Schuster, 2004.
- Kaplan, David A. *The Silicon Boys: And Their Valley of Dreams*. New York: William Morrow, 2000.
- Karst, Kenneth L. "Serrano V. Priest: A State Court's Responsibilities and Opportunities in the Development of Federal Constitutional Law." *California Law Review* 60, no. 3 (May 1972): 720–756.
- Katz, Michael B. *The Undeserving Poor: From the War on Poverty to the War on Welfare*. New York: Pantheon Books, 1989.
- Kazin, Michael. *Barons of Labor: The San Francisco Building Trades and Union Power in the Progressive Era*. Urbana: University of Illinois Press, 1987.
- Kenney, Martin, ed. *Understanding Silicon Valley: The Anatomy of an Entrepreneurial Region*. Stanford: Stanford University Press, 2000.
- Kessler-Harris, Alice. *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in 20th-Century America*. Oxford: Oxford University Press, 2001.
- Kirp, David, John Dwyer, and Larry Rosenthal. *Our Town: Race, Housing and the Soul of Suburbia*. New Brunswick: Rutgers University Press, 1996.

- Klein, Jennifer. *For All These Rights: Business, Labor, and the Shaping of America's Public-Private Welfare State*. Princeton: Princeton University Press, 2003.
- Klein, Naomi. *The Shock Doctrine: The Rise of Disaster Capitalism*. New York: Metropolitan Books, 2007.
- Klingle, Matthew. *Emerald City: An Environmental History of Seattle*. New Haven: Yale University Press, 2007.
- Kruse, Kevin M., and Thomas J. Sugrue, eds. *The New Suburban History*. Chicago: University of Chicago Press, 2006.
- Kruse, Kevin M. *White Flight: Atlanta and the Making of Modern Conservatism*. Princeton: Princeton University Press, 2007.
- Kurashige, Scott. *The Shifting Grounds of Race: Black and Japanese Americans in the Making of Multiethnic Los Angeles*. Princeton: Princeton University Press, 2008.
- Lamb, Charles M. *Housing Segregation in Suburban America Since 1960: Presidential and Judicial Politics*. New York: Cambridge University Press, 2005.
- Lassiter, Matthew D. "Big Government and Family Values: Political Culture in the Metropolitan Sunbelt." In *Sunbelt Rising: The Politics of Space, Place, and Region*, edited by Michelle Nickerson and Darren Dochuk, 82–109. Philadelphia: University of Pennsylvania Press, 2011.
- . "De jure/De Facto Segregation: The Long Shadow of a National Myth." In *The Myth of Southern Exceptionalism*, edited by Matthew D. Lassiter and Joseph Crespino, 25–48. New York: Oxford University Press, 2009.
- . "Suburban Strategies: The Volatile Center in Postwar Political Culture." In *The Democratic Experiment: New Directions in American Political History*, edited by Meg Jacobs, William Novak, and Julian E. Zelizer. Princeton: Princeton University Press, 2003.
- . *The Silent Majority: Suburban Politics in the Sunbelt South*. Princeton: Princeton University Press, 2007.
- Lee, Erika. *At America's Gates: Chinese Immigration During the Exclusion Era, 1882-1943*. Chapel Hill: University of North Carolina Press, 2003.
- Lee, Rose Hum. "The Decline of Chinatowns in the United States." *The American Journal of Sociology* 54, no. 5 (March 1949): 422–432.
- . "The Established Chinese Families of the San Francisco Bay Area." *The Midwest Sociologist* 20, no. 1 (December 1957): 19–25.
- . "The Recent Immigrant Chinese Families of the San Francisco-Oakland Area." *Marriage and Family Living* 18, no. 1 (February 1956): 14–24.
- Lee, Shelley. "The Contradictions of Cosmopolitanism: Consuming the Orient at the Alaska-Yukon-Pacific Exposition and the International Potlatch Festival, 1909-1934." *The Western Historical Quarterly* 38, no. 3 (Autumn 2007): 277.
- Lefcoe, George. "The Public Housing Referendum Case, Zoning, and the Supreme Court." *California Law Review* 59, no. 6 (November 1971): 1384–1458.
- Lefebvre, Henri. *The Production of Space*. New York: Wiley Blackwell, 1992.
- Leonard, Kevin Allen. *The Battle for Los Angeles: Racial Ideology and World War II*. Santa Fe: University of New Mexico Press, 2006.
- Levy, Jacques. *Cesar Chavez: Autobiography of La Causa*. New York: W.W. Norton & Company, 1975.

- Lewis, Robert. *Manufacturing Suburbs: Building Work and Home on the Metropolitan Fringe*. Philadelphia: Temple University Press, 2004.
- Light, Jennifer. "Nationality and Neighborhood Risk at the Origins of FHA Underwriting." *Journal of Urban History* 36, no. 5 (2010): 634–671.
- Limerick, Patricia Nelson. *The Legacy of Conquest: The Unbroken Past of the American West*. New York: W.W. Norton & Company, 1987.
- Lipsitz, George. *How Racism Takes Place*. Philadelphia: Temple University Press, 2011.
- . *Rainbow at Midnight: Labor and Culture in the 1940s*. Urbana: University of Illinois Press, 1994.
- . *The Possessive Investment in Whiteness: How White People Profit from Identity Politics*. Philadelphia: Temple University Press, 2006.
- Loffredo, Stephen. "Poverty, Democracy, and Constitutional Law." *University of Pennsylvania Law Review* 141, no. 4 (April 1993): 1277–1389.
- Lotchin, Roger W. *Fortress California, 1910-1961: From Warfare to Welfare*. New York: Oxford University Press, 1992.
- . *The Bad City in the Good War: San Francisco, Los Angeles, Oakland, and San Diego*. Bloomington: Indiana University Press, 2003.
- Lotchin, Roger W., ed. *The Way We Really Were: The Golden State in the Second Great War*. Urbana: University of Illinois Press, 2000.
- Lukas, J. Anthony. *Big Trouble*. New York: Touchstone, 1997.
- Lukes, Timothy J., and Gary Y. Okihiro. *Japanese Legacy: Farming and Community Life in California's Santa Clara Valley*. Cupertino: California History Center, 1985.
- MacLean, Nancy. *Freedom Is Not Enough: The Opening of the American Work Place*. New York: Russell Sage, 2006.
- Malone, Michael S. *Betting It All: The Entrepreneurs of Technology*. New York: Wiley, 2001.
- . *Bill & Dave: How Hewlett and Packard Built the World's Greatest Company*. New York: Portfolio, 2007.
- . *The Valley of Heart's Delight: A Silicon Valley Notebook, 1963-2001*. New York: John Wiley & Sons, Inc., 2002.
- Markusen, Ann R., Peter Hall, Scott Campbell, and Sabina Deitrick. *The Rise of the Gumbelt: The Military Remapping of Industrial America*. New York: Oxford University Press, 1991.
- Marshall, T.H. *Citizenship and Social Class and Other Essays*. Cambridge: Cambridge University Press, 1950.
- Matsumoto, Valerie J. *Farming the Home Place: A Japanese American Community in California, 1919-1982*. Ithaca: Cornell University Press, 1993.
- Matthews, Glenna. *Silicon Valley, Women, and the California Dream: Gender, Class, and Opportunity in the Twentieth Century*. Stanford: Stanford University Press, 2002.
- . "The Los Angeles of the North: San José's Transition from Fruit Capital to High-Tech Metropolis." *Journal of Urban History* 25 (May 1999): 459–476.
- Mayne, Jr., Wiley E. "The Responsibility of Local Zoning Authorities to Non-Resident Indigents." *Stanford Law Review* 23, no. 4 (April 1971): 774–498.
- McClain, Charles J. "In Re Lee Sing: The First Residential Segregation Case." *Western Legal History* 3, no. 2 (Summer-Fall 1990): 179–96.

- McEnery, Tom. *The New City State: Change and Renewal in America's Cities*. Niwot, CO: Roberts Rinehart Publishers, 1994.
- McGerr, Michael. *A Fierce Discontent: The Rise and Fall of the Progressive Movement in America, 1870-1920*. New York: Free Press, 2005.
- McGirr, Lisa. *Suburban Warriors: The Origins of the New American Right*. Princeton: Princeton University Press, 2002.
- McGovney, Dudley O. "The Anti-Japanese Land Laws of California and Ten Other States." *California Law Review* 35, no. 1 (March 1947): 7–60.
- McKenzie, R.D. "The Oriental Invasion." *Journal of Applied Sociology* x, no. 2 (December 1925).
- McWilliams, Carey. *Prejudice: Japanese-Americans, Symbol of Racial Intolerance*. Boston: Little, Brown, 1944.
- . *Southern California: An Island on the Land*. Salt Lake City: Peregrine Smith, 1946.
- Mead, Elwood. "The Japanese Land Problem in California." *Annals of the American Academy of Political and Social Science* 93 (January 1921): 51–55.
- Mears, Eliot Grinnell. *Resident Orientals on the American Pacific Coast*. Chicago: University of Chicago Press, 1928.
- Michelman, Frank I. "The Supreme Court Term - Foreword: On Protecting the Poor Through the Fourteenth Amendment." *Harvard Law Review* 83, no. 7 (1969).
- Miles, Sara. *How to Hack a Party Line: The Democrats and Silicon Valley*. University of California Press, 2002.
- Miller, Loren. "The Law and Discrimination in Housing." *Lawyers Guild Review* 20 (1960): 123–136.
- . "The Protest Against Housing Segregation." *The Annals of the American Academy of Political and Social Science* 357, no. 1 (1965): 73–79.
- Mineta, Norman Y. "Japanese American Resettlement: A Personal Story." In *Japanese American Resettlement Through the Lens: Hikaru Iwasaki and the WRA's Photographic Section, 1943-1945*, edited by Lane Hirabayashi. Boulder: University Press of Colorado, 2009.
- Mitchell, Michele. *Righteous Propagation: African Americans and the Politics of Racial Destiny After Reconstruction*. Chapel Hill: University of North Carolina Press, 2004.
- Molina, Natalia. *Fit to Be Citizens?: Public Health and Race in Los Angeles, 1879-1939*. Berkeley: University of California Press, 2006.
- Molotch, Harvey. "The City as a Growth Machine: Toward a Political Economy of Place." *The American Journal of Sociology* 82, no. 2 (1976): 309–332.
- Moreton, Bethany. *To Serve God and Wal-Mart: The Making of Christian Free Enterprise*. Cambridge: Harvard University Press, 2009.
- Muller, Eric L. *Free to Die for Their Country: The Story of the Japanese American Draft Resisters in World War II*. Chicago: University of Chicago Press, 2001.
- Nash, Gerald D. *The American West Transformed: The Impact of the Second World War*. Bloomington: Indiana University Press, 1985.
- . *World War II and the West: Reshaping the Economy*. Lincoln: University of Nebraska Press, 1990.

- Needham, Andrew, and Allen Dieterich-Ward. "Beyond the Metropolis: Metropolitan Growth and Regional Transformation in Postwar America." *Journal of Urban History* 35, no. 7 (2009): 943–969.
- Needham, Andrew. "Power Lines: Urban Space, Energy Development and the Making of the Modern Southwest". Ph.D. dissertation, University of Michigan, 2006.
- . "Sunbelt Imperialism: Boosters, Navajos, and Energy Development in the Metropolitan Southwest." In *Sunbelt Rising: The Politics of Space, Place, and Region*, edited by Michelle Nickerson and Darren Dochuk. Philadelphia: University of Pennsylvania Press, 2011.
- Ngai, Mae M. *Impossible Subjects: Illegal Aliens and the Making of Modern America*. Princeton: Princeton University Press, 2005.
- Nickerson, Michelle, and Darren Dochuk, eds. *Sunbelt Rising: The Politics of Space, Place, and Region*. Philadelphia: University of Pennsylvania Press, 2011.
- Nicolaides, Becky M. *My Blue Heaven: Life and Politics in the Working-Class Suburbs of Los Angeles, 1920-1965*. Chicago: University of Chicago Press, 2002.
- Niiya, Brian, ed. *Japanese American History: An A-to-Z Reference from 1868 to the Present*. New York: Japanese American National Museum, 1993.
- Norris, Frank. *The Octopus: A Story of California*. New York: Doubleday, Page, 1901.
- O'Mara, Margaret Pugh. *Cities of Knowledge: Cold War Science and the Search for the Next Silicon Valley*. Princeton: Princeton University Press, 2005.
- Okiihiro, Gary Y. "Fallow Field: The Rural Dimension of Asian American Studies." In *Frontiers of Asian American Studies: Writing, Research, and Commentary*, edited by Gail M. Nomura, Russell Endo, Stephen H. Sumida, and Russell C. Leong. Pullman: Washington State University Press, 1989.
- . "The Japanese in America." Edited by Brian Niiya. *Japanese American History: An A-to-Z Reference from 1868 to the Present*. New York: Japanese American National Museum, 1993.
- Omi, Michael, and Howard Winant. *Racial Formation in the United States: From the 1960s to the 1990s*. New York: Routledge, 1994.
- Ong, Aihwa. *Neoliberalism as Exception: Mutations in Citizenship and Sovereignty*. Durham: Duke University Press, 2006.
- Oropeza, Lorena. *¡Raza Sí! ¡Guerra No!: Chicano Protest and Patriotism During the Viet Nam War Era*. Los Angeles: University of California Press, 2005.
- "Parents Stepping in to Help Raise More Money for Schools." *USA Today*, May 10, 2010.
- Park, Lisa Sun-Hee, and David N. Pellow. "Racial Formation, Environmental Racism, and the Emergence of Silicon Valley." *Ethnicities* 4, no. 3 (2004): 403–424.
- Parson, Don. "The Decline of Public Housing and the Politics of the Red Scare: The Significance of the Los Angeles Public Housing War." *Journal of Urban History* 33, no. 3 (March 2007): 400–417.
- Payne, Charles M. *I've Got the Light of Freedom: The Organizing Tradition and the Mississippi Freedom Struggle*. Berkeley: University of California Press, 2007.
- Pellow, David N., and Lisa Sun-Hee Park. *The Silicon Valley of Dreams: Environmental Justice, Immigrant Workers, and the High-Tech Global Economy*. New York: New York University Press, 2002.

- Pellow, David Naguib, and Robert J. Brulle, eds. *Power, Justice, and the Environment: A Critical Appraisal of the Environmental Justice Movement*. Boston: MIT Press, 2005.
- Perry, David C., and Alfred J. Watkins, eds. *The Rise of the Sunbelt Cities*. Beverly Hills: Sage, 1977.
- Phillips-Fein, Kim. *Invisible Hands: The Making of the Conservative Movement from the New Deal to Reagan*. New York: W.W. Norton & Co, 2009.
- Pitti, Stephen J. *The Devil in Silicon Valley: Northern California, Race, and Mexican Americans*. Princeton: Princeton University Press, 2003.
- Preusser, Serena B. "Color Question in California Reveals Many Problems." *California Real Estate* 7, no. 10 (July 1927): 35.
- Pulido, Laura. *Black, Brown, Yellow, and Left: Radical Activism in Los Angeles*. Berkeley: University of California Press, 2006.
- . *Environmentalism and Economic Justice: Two Chicano Struggles in the Southwest*. Tucson: University of Arizona Press, 1996.
- . "Rethinking Environmental Racism: White Privilege and Urban Development in Southern California." *Annals of the Association of American Geographers* 90, no. 1 (March 2000): 12–40.
- Rawson, Michael. *Eden on the Charles: The Making of Boston*. Cambridge: Harvard University Press, 2010.
- Reilly, H.B. "Public Opinion of the Oriental in San Jose - Questionnaire", n.d. Box 17, Folder 8, Survey of Race Relations Records. Hoover Institution Archives, Stanford University.
- Riley, Sam G., ed. *Biographical Dictionary of American Newspaper Columnists*. Westport: Greenwood Press, 1995.
- Robbins, Reed. "A Critical Analysis of Anti-Discrimination Housing Laws." In *Race and Property*, edited by John H. Denton. Berkeley: Diablo Press, 1964.
- Roberts, W.K. "An African Canaan for American Negroes: Information on Liberia for Intending Negro Emigrants", 1896.
- . *The Mongolian Problem in America*. San Francisco, 1906.
- Robinson, Greg. *By Order of the President: FDR and the Internment of Japanese Americans*. Cambridge: Harvard University Press, 2003.
- Robinson, Greg, and Toni Robinson. "Korematsu and Beyond: Japanese Americans and the Origins of Strict Scrutiny." *Law and Contemporary Problems* 68, no. 29 (Spring 2005): 29–55.
- Robinson, Toni, and Greg Robinson. "The Limits of Interracial Coalitions: Mendez V. Westminster Reexamined." In *Racial Transformations: Latinos and Asians Remaking the United States*, edited by Nicholas De Genova, 93–119. Durham: Duke University Press, 2006.
- Rockman, Seth. *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore*. Baltimore: Johns Hopkins University Press, 2008.
- Rodgers, Daniel T. *Age of Fracture*. Cambridge: Harvard University Press, 2011.
- . *Atlantic Crossings: Social Politics in a Progressive Age*. Cambridge: Harvard University Press, 2000.

- Rodriguez, Joseph A. "Ethnicity in the Horizontal City: Mexican Americans and the Chicano Movement in San Jose, California." *Journal of Urban History* 21, no. 5 (July 1995): 597–621.
- Roediger, David R. *Working Toward Whiteness: How America's Immigrants Became White*. New York: Basic Books, 2005.
- Rome, Adam. *The Bulldozer in the Countryside: Suburban Sprawl and the Rise of American Environmentalism*. New York: Cambridge University Press, 2001.
- Rosaldo, Renato, and William V. Flores. "Identity, Conflict, and Evolving Latino Communities: Cultural Citizenship in San José, California." In *Latino Cultural Citizenship: Claiming Identity, Space, and Rights*, edited by William V. Flores and Rina Benmayor. Boston: Beacon Press, 1997.
- Rosen, Hannah. *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South*. Chapel Hill: University of North Carolina Press, 2009.
- Rosen, Kenneth T., and Lawrence F. Katz. "Growth Management and Land Use Controls: The San Francisco Bay Area Experience." *Real Estate Economics* 9, no. 4 (December 1981): 321–344.
- Ross, Fred. *Conquering Goliath: Cesar Chavez at the Beginning*. Keene, CA: El Taller Grafico, 1989.
- Ruíz, Vicki L. *Cannery Women, Cannery Lives: Mexican Women, Unionization, and the California Food Processing Industry, 1930-1950*. Albuquerque: University of New Mexico Press, 1987.
- . *From Out of the Shadows: Mexican Women in Twentieth-Century America*. New York: Oxford University Press, 1998.
- . "Nuestra América: Latino History as United States History." *Journal of American History* 93, no. 3 (December 2006): 655–672.
- Salyer, Lucy E. *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law*. Chapel Hill: University of North Carolina Press, 1995.
- Sanchez, George J. *Becoming Mexican American: Ethnicity, Culture, and Identity in Chicano Los Angeles, 1900-1945*. New York: Oxford University Press, 1993.
- . "Population Removals in Times of Crisis: Mexican Repatriation and Slum Clearance in the (Last) Great Depression". Keynote Presentation, Eisenberg Institute for Historical Study, University of Michigan, Ann Arbor, Fall 2009.
- . "'What's Good for Boyle Heights Is Good for the Jews': Creating Multiracialism on the Eastside During the 1950s." *American Quarterly* 56, no. 3 (September 2004): 633.
- Satter, Beryl. *Family Properties: Race, Real Estate, and the Exploitation of Black Urban America*. New York: Metropolitan Books, 2009.
- Sawyers, Eugene T. *History of Santa Clara County, California*. Los Angeles: Historic Record Company, 1922.
- Saxenian, AnnaLee. *Regional Advantage: Culture and Competition in Silicon Valley and Route 128*. Cambridge: Harvard University Press, 1994.
- Schragger, Richard C. "Consuming Government." *Michigan Law Review* 101, no. 6 (May 2003): 1824–1857.
- . "The Limits of Localism." *Michigan Law Review* 100, no. 2 (November 2001): 371–472.

- Schulman, Bruce J. *From Cotton Belt to Sunbelt: Federal Policy, Economic Development, and the Transformation of the South, 1938-1980*. New York: Oxford University Press, 1991.
- . *The Seventies: The Great Shift in American Culture, Society, and Politics*. New York: Free Press, 2001.
- Schulman, Bruce J., and Julian E. Zelizer, eds. *Rightward Bound: Making America Conservative in the 1970s*. Cambridge: Harvard University Press, 2008.
- Scott, Amy. "Remaking Urban in the American West: Urban Environmentalism, Lifestyle Liberalism, and Hip Capitalism in Boulder, Colorado, 1950-2000." In *The Political Legacies of the American West*, edited by Jeff Roche. Lawrence: University of Kansas Press, 2008.
- Self, Robert O. *American Babylon: Race and the Struggle for Postwar Oakland*. Princeton: Princeton University Press, 2005.
- Shah, Nayan. *Contagious Divides: Epidemics and Race in San Francisco's Chinatown*. Berkeley: University of California Press, 2001.
- Shaw, Randy. *Beyond the Fields: Cesar Chavez, the UFW, and the Struggle for Justice in the 21st Century*. Berkeley: University of California Press, 2008.
- Shih, Johanna. "Job-Hopping: Social Networks in the Global High-Tech Industry." In *Crossing Borders, Challenging Boundaries: Race, Ethnicity, and Migration*, 219–241. Lanham, MD: Lexington Books, 2007.
- Siskind, Peter. "Suburban Growth and Its Discontents: The Logic and Limits of Reform on the Postwar Northeast Corridor." In *The New Suburban History*, edited by Kevin M. Kruse and Thomas J. Sugrue, 161–182. Chicago: University of Chicago Press, 2006.
- Smith, Neil. "There's No Such Thing as a Natural Disaster." *Social Science Research Council*, June 11, 2006. <http://understandingkatrina.ssrc.org/Smith/>.
- Smith, Stephen C. "The Rural-Urban Fringe Problem." *California Agriculture* 13, no. 2 (February 1959): 2.
- Soja, Edward W. *Seeking Spatial Justice*. Minneapolis: University of Minnesota Press, 2010.
- Solari, Agnes, and Margaret Zaro. *San Jose's St. Joseph's*. San Jose: Mastergraphics, 1975.
- Somers, Margaret R. *Genealogies of Citizenship: Markets, Statelessness, and the Right to Have Rights*. New York: Cambridge University Press, 2008.
- . "Rights, Relationality, and Membership: Rethinking the Making and Meaning of Citizenship." *Law and Social Inquiry* 19, no. 1 (1994): 63–112.
- De Souza Briggs, Xavier. *The Geography of Opportunity: Race and Housing Choice in Metropolitan America*. Washington, D.C.: Brookings Institution, 2005.
- Stanford Environmental Law Society. *San Jose: Sprawling City*. Stanford, 1971.
- Stanley, Amy Dru. *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation*. New York: Cambridge University Press, 1998.
- Starr, Kevin. *Embattled Dreams: California in War and Peace, 1940-1950*. New York: Oxford University Press, 2002.
- . *Golden Dreams: California in an Age of Abundance, 1950-1963*. New York: New York University Press, 2009.
- Stegner, Wallace. *All the Little Live Things*. New York: Penguin, 1967.

- . “Four Hundred Families Plan a House.” *The Magazine of the Year*, April 1947.
- . “Introduction.” In *Passing Farms, Enduring Values: California’s Santa Clara Valley*. Los Altos, CA: William Kaufmann, Inc., 1984.
- . *One Nation*. Boston: Houghton Mifflin Company, 1945.
- Stein, Judith. *Pivotal Decade: The United States Traded Factories for Finance in the Seventies*. New Haven: Yale University Press, 2010.
- Stigler, George J. “The Theory of Economic Regulation.” *The Bell Journal of Economics and Management Science* 2, no. 1 (Spring 1971): 3–21.
- Streeby, Shelley. *American Sensations: Class, Empire, and the Production of Popular Culture*. Berkeley: University of California Press, 2002.
- Sugrue, Thomas J. “All Politics Is Local: The Persistence of Localism in Twentieth-Century America.” In *The Democratic Experiment: New Directions in American Political History*, edited by Meg Jacobs, William J. Novak, and Julian E. Zelizer, 301–326, 2003.
- Sugrue, Thomas J., and Kevin M. Kruse. “Introduction.” In *The New Suburban History*, edited by Thomas J. Sugrue and Kevin M. Kruse. Chicago: University of Chicago Press, 2006.
- Sugrue, Thomas J. *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North*. New York: Random House, 2008.
- . *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit*. Princeton: Princeton University Press, 1996.
- Sunstein, Cass R. *The Partial Constitution*. Cambridge: Harvard University Press, 1993.
- . “Why Does the American Constitution Lack Social and Economic Guarantees?” *Syracuse Law Review* 56, no. 1 (2005).
- Suzuki, Masao. “Important or Impotent? Taking Another Look at the 1920 California Alien Land Law.” *Journal of Economic History* 64, no. 1 (2004): 125–143.
- Swenson, Timothy. *Union City*. San Francisco: Arcadia Publishing, 2008.
- Takaki, Ronald T. *A Different Mirror: A History of Multicultural America*. San Francisco: Back Bay Books, 1994.
- . *Strangers from a Different Shore: A History of Asian Americans*. Boston: Little, Brown, 1998.
- Tarr, Joel A. “Urban History and Environmental History in the United States: Complementary and Overlapping Fields.” In *Environmental Problems in European Cities of the 19th and 20th Century*, edited by Christopher Bernhardt, 25–39. New York: Waxmann, Muenster, 2001.
- Taylor, Quintard. *In Search of the Racial Frontier: African Americans in the West, 1528–1990*. New York: W.W. Norton & Company, 1999.
- Teaford, Jon C. *The Metropolitan Revolution: The Rise of Post-Urban America*. New York: Columbia University Press, 2006.
- Terkel, Studs. *Hard Times: An Oral History of the Great Depression*. New York: New Press, 2000.
- Thernstrom, Stephan. *Poverty and Progress: Social Mobility in a Nineteenth Century City*. Cambridge: Harvard University Press, 1964.
- Thornton, J. Mills. *Dividing Lines: Municipal Politics and the Struggle for Civil Rights in Montgomery, Birmingham, and Selma*. Tuscaloosa: University Alabama Press, 2006.

- Trounstine, Jessica. "Dominant Regimes and the Demise of Urban Democracy." *The Journal of Politics* 68, no. 4 (November 2006): 879–893.
- . *Political Monopolies in American Cities: The Rise and Fall of Bosses and Reformers*. Chicago: University of Chicago Press, 2008.
- Trounstine, Philip, and Terry Christensen. *Movers and Shakers: The Study of Community Power*. New York: St. Martin's Press, 1982.
- Tsu, Cecilia. "'Independent of the Unskilled Chinaman': Race, Labor, and Family Farming in California's Santa Clara Valley." *Western Historical Quarterly* 37 (Winter 2006): 475–495.
- . "Sex, Lies, and Agriculture: Reconstructing Japanese Immigrant Gender Relations in Rural California, 1900-1913." *Pacific Historical Review* 78, no. 2 (May 2009): 171–209.
- Tushnet, Mark V. *Taking the Constitution Away from the Courts*. Princeton: Princeton University Press, 1999.
- Urban Land Institute, and Gruen and Gruen and Associates. *The Effects of Regulation on Housing Costs: Two Case Studies*. Washington, D.C.: Urban Land Institute, 1977.
- Valle, Victor M. *Latino Metropolis*. Minneapolis: University of Minnesota Press, 2000.
- Vargas, Zaragosa. *Labor Rights Are Civil Rights: Mexican American Workers in Twentieth-Century America*. Princeton: Princeton University Press, 2005.
- . *Proletarians of the North: A History of Mexican Workers in Detroit and the Midwest, 1917-1933*. Berkeley: University of California Press, 1993.
- Varzally, Allison. *Making a Non-White America: Californians Coloring Outside Ethnic Lines, 1925-1955*. Berkeley: University of California Press, 2008.
- Villa, Raúl. *Barrio-Logos: Space and Place in Urban Chicano Literature and Culture*. Austin: University of Texas Press, 2000.
- Vose, Clement E. *Caucasians Only: The Supreme Court, the NAACP, and the Restrictive Covenant Cases*. Berkeley: University of California Press, 1959.
- Wallace, James. *Hard Drive: Bill Gates and the Making of the Microsoft Empire*. New York: HarperBusiness, 1993.
- Warner, Jr., Sam Bass. *Streetcar Suburbs: The Process of Growth in Boston, 1870-1900*. Cambridge: Harvard University Press, 1978.
- Warren, Jim. "Alum Rock Voucher Project." *Educational Researcher* 5, no. 3 (March 1976): 13–15.
- Weatherby, James B., and Stephanie L. Witt. *The Urban West: Managing Growth and Decline*. Westport: Praeger, 1994.
- Weiherr, Gregory R. "Public Policy and Patterns of Residential Segregation." *The Western Political Quarterly* 42, no. 4 (December 1989): 651–677.
- Weiler, Daniel. *A Public School Voucher Demonstration: The First Year at Alum Rock*. Santa Monica: Rand, June 1974.
- Wexler, Laura. *Tender Violence: Domestic Visions in an Age of U.S. Imperialism*. Chapel Hill: University of North Carolina Press, 2000.
- White, Deborah Gray. *Too Heavy a Load: Black Women in Defense of Themselves, 1894-1994*. New York: W.W. Norton, 1999.
- White, Richard. *It's Your Misfortune and None of My Own: A New History of the American West*. Norman: University of Oklahoma Press, 1993.
- Whyte, William H. *The Organization Man*. New York: Simon & Schuster, 1956.

- Wiese, Andrew. *Places of Their Own: African American Suburbanization in the Twentieth Century*. Chicago: University of Chicago Press, 2004.
- . “Stubborn Diversity: A Commentary on Middle-Class Influence in Working-Class Suburbs, 1900-1940.” *Journal of Urban History* 27, no. 3 (March 2001): 347–354.
- Wild, Mark. *Street Meeting: Multiethnic Neighborhoods in Early Twentieth-Century Los Angeles*. Berkeley: University of California Press, 2008.
- Wilentz, Sean. *The Age of Reagan: A History, 1974-2008*. New York: Harper, 2008.
- Winant, Howard. *The New Politics of Race: Globalism, Difference, Justice*. Minneapolis: University of Minnesota Press, 2004.
- . *The World Is a Ghetto: Race and Democracy Since World War II*. New York: Basic Books, 2002.
- Wolfinger, Raymond E., and Fred I. Greenstein. “The Repeal of Fair Housing in California: An Analysis of Referendum Voting.” *The American Political Science Review* 62, no. 3 (September 1968): 753–769.
- Wright, Gwendolyn. “The Virtual Architecture of Silicon Valley.” *Journal of Architectural Education* 54, no. 2 (November 2000): 88–94.
- Yu, Connie. *Chinatown, San Jose, USA*. San Jose: San Jose Historical Museum, 1992.
- Yu, Henry. *Thinking Orientals: Migration, Contact, and Exoticism in Modern America*. New York: Oxford University Press, 2001.
- Yu, Jessica. *Home Base: A Chinatown Called Heinlenville*. American Film Foundation, 1991.
- Zunz, Olivier. *The Changing Face of Inequality: Urbanization, Industrial Development, and Immigrants in Detroit, 1880-1920*. Chicago: University of Chicago Press, 1982.