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PROFESSOR RACHEL MORAN: A FOUNDATIONAL LATINA/O CIVIL RIGHTS SCHOLAR

by: Kevin R. Johnson*

I. INTRODUCTION

With an illustrious scholarly career, Professor Rachel Moran is a most-deserving Texas A&M University Hagler Fellow. Previously a chaired professor of law and dean of UCLA School of Law, and a chaired professor at the University of California, Berkeley School of Law, she currently is a Distinguished and Chancellor's Professor of Law at the University of California, Irvine School of Law, where she was one of the founding faculty.¹

An influential scholar with an international reputation, Professor Moran has authored foundational scholarship in civil rights, education law and policy, higher education and affirmative action, Latina/o-related law and policy, and legal education.² The contributions to this Issue of the *Texas A&M Law Review* attest to her lasting scholarly impact.³ Professor Moran also is a leader among scholars, having served as president of the Association of American Law Schools and as the American Bar Foundation's inaugural Neukom Fellows Research Chair in Diversity and Law.⁴ Moreover, Professor Moran is a

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* Dean and Mabie-Apallas Professor of Public Interest Law and Chicana/o Studies, University of California, Davis, School of Law. Thanks to Professor Rachel Moran for her inspirational and impactful scholarship as well as her years of support of my work. Thanks also to the *Texas A&M Law Review* and Dean Bobby Ahdieh for soliciting this Commentary and affording me the opportunity to collect my thoughts on Professor Moran's Latina/o civil rights scholarship.

1. Rachel F. Moran, TEX. A&M UNIV. SCH. OF L., <https://law.tamu.edu/faculty-staff/find-people/faculty-profiles/rachel-f-moran> [<https://perma.cc/2TWX-6AWV>].

2. See, e.g., MARK G. YUDOF, DAVID L. KIRP, BETSY LEVIN & RACHEL F. MORAN, EDUCATIONAL POLICY AND THE LAW (4th ed. 2002) (education law and policy); Rachel F. Moran, *Diversity's Distractions Revisited: The Case of Latinx in Higher Education*, 73 S.C. L. REV. 579 (2022) (higher education); Rachel F. Moran, *The Pocketbook Next Time: From Civil Rights to Market Power in the Latinx Community*, 71 AM. U. L. REV. 579 (2021) (civil rights); Rachel F. Moran, *The Three Ages of Modern American Lawyering and the Current Crisis in the Legal Profession and Legal Education*, 58 SANTA CLARA L. REV. 453 (2018) (legal education); Rachel F. Moran, *City on a Hill: The Democratic Promise of Higher Education*, 7 U.C. IRVINE L. REV. 73 (2017) (higher education) [hereinafter Moran, *City on a Hill*]; Rachel F. Moran, *Of Doubt and Diversity: The Future of Affirmative Action in Higher Education*, 67 OHIO ST. L.J. 201 (2006) (affirmative action).

3. See Rachel F. Moran, *Reflecting on the Foundations of Latinx Civil Rights: Looking Back and Looking Forward*, 10 TEX. A&M L. REV. 759 (2023), <https://doi.org/10.37419/LR.V10.I4.13>.

4. Rachel Moran, *supra* note 1.

member of the American Law Institute, as well as a fellow of the Civil Rights Project/*Proyecto Derechos Civiles*.⁵

Professor Moran's extensive and ongoing research on educational access and equity critically analyzes how public schools shape the lives of the nation's most vulnerable students, whether they are children of color, poor, undocumented, or speak a language other than English.⁶ Reflecting her deep and enduring professional commitment to Latina/o civil rights, she currently directs the American Bar Foundation's project on "The Future of Latinos in the United States: Law, Opportunity, and Mobility,"⁷ which ambitiously explores how law and policy will affect the mobility and opportunity of the nation's large and growing Latino population in immigration, education, economic participation, and civic and political engagement.⁸ The project represents a deep, interdisciplinary exploration of Latina/o civil rights,⁹ which, as outlined in Part II of this Commentary, have been the focus of Professor Moran's scholarly career. In certain respects, the project nicely brings together many of her scholarly interests.

My comments consider one aspect of Professor Moran's body of scholarship—her work on Latina/o civil rights. Her writings in this area have been nothing less than foundational, path-breaking, and truly visionary. In essence, Professor Moran has no less than inspired a generation of cutting-edge Latina/o civil rights scholarship.

II. FOUNDATIONAL LATINA/O CIVIL RIGHTS SCHOLARSHIP

When Professor Moran entered the legal academy, there were few Latina/o law professors and even fewer legal scholars who paid much attention to Latina/o civil rights.¹⁰ Her work has characteristically focused on uniquely Latina/o civil rights concerns, such as language and immigration matters, and has enriched the analysis of other civil rights issues long on the scholarly radar screen, such as education and the regulation of marriage and family.¹¹ In short, Professor Moran has had a deep and enduring impact on the study of Latina/o civil rights.

5. *Id.*

6. *Id.*

7. AM. BAR ASS'N, *THE FUTURE OF LATINOS IN THE UNITED STATES: LAW, OPPORTUNITY, AND MOBILITY* 2 (2016), https://www.americanbarfoundation.org/uploads/cms/documents/flp_report_4_august_2016.pdf [<https://perma.cc/Q3Y3-G5TV>] (outlining the broad scope of the project).

8. *Id.* at 5.

9. *See id.* at 1.

10. *See* Kevin R. Johnson & George A. Martínez, *Crossover Dreams: The Roots of LatCrit Theory in Chicana/o Studies Activism and Scholarship*, 53 U. MIA. L. REV. 1143, 1151 (1999) (noting that Professor Moran was one of the first Latina law professors); Rachel F. Moran, *Commentary: The Implications of Being a Society of One*, 20 U.S.F. L. REV. 503 (1986) (recounting experiences of being one of a few Latina/o law professors).

11. *See, e.g.,* Moran, *City on a Hill*, *supra* note 2 (educational access); Rachel F. Moran, *Equal Liberties and English Language Learners: The Special Case of Struc-*

A. Identifying New Latina/o Civil Rights Concerns

In many different areas, Professor Moran's scholarship has focused on race and racial inequality.¹² She is a path-breaking Latina/o civil rights scholar, an accomplishment briefly summarized in this Section of the Commentary.

1. Bilingual Education and Language Regulation

With many Latina/os in the United States being native Spanish speakers (including some monolingual Spanish speakers), bilingual education, and, more generally, issues over the regulation of language, such as the "English-Only" movement,¹³ are of special importance to the greater Latina/o community as it pursues educational opportunities and full integration into U.S. society. Early in her career, Professor Moran wrote two foundational articles on the law of bilingual education.¹⁴

In those articles, Professor Moran argues that limiting access to bilingual education adversely affects Latina/os and their place, status, and future access to opportunity in U.S. society. Put differently, she understands access to bilingual education as a civil rights issue for Latina/os. Both articles treat access to bilingual education as a civil rights matter for Latina/os and contend that such education is critical to ensuring truly meaningful access to educational opportunities for Latina/os.

Professor Moran saw the public debate over access to bilingual education as a place of conflict between Anglos and Latina/os and consid-

tured Immersion Initiatives, 54 *How. L.J.* 397 (2011) (analyzing programs for English language learners); Rachel F. Moran, *Love with a Proper Stranger: What Anti-Miscegenation Laws Can Tell Us About the Meaning of Race, Sex, and Marriage*, 32 *HOFSTRA L. REV.* 1663 (2004) (analyzing the regulation of interracial marriages); Rachel F. Moran, *Foreword—Demography and Distrust: The Latino Challenge to Civil Rights and Immigration Policy in the 1990s and Beyond*, 8 *LA RAZA L.J.* 1 (1995) [hereinafter Moran, *Demography and Distrust*] (identifying Latina/o civil rights concerns with immigration law and enforcement).

12. See, e.g., Devon W. Carbado & Rachel F. Moran, *The Story of Law and American Racial Consciousness—Building a Canon One Case at a Time*, in *RACE LAW STORIES* 1 (Rachel F. Moran & Devon Wayne Carbado eds., 2008); Rachel F. Moran, *Diversity and Its Discontents: The End of Affirmative Action at Boalt Hall*, 88 *CALIF. L. REV.* 2241 (2000).

13. See Steven W. Bender, *Consumer Protection for Latinos: Overcoming Language Fraud and English-Only in the Marketplace*, 45 *AM. U. L. REV.* 1027, 1046–54 (1996) (discussing the emergence of the modern English-Only movement).

14. See Rachel F. Moran, *Bilingual Education as a Status Conflict*, 75 *CALIF. L. REV.* 321 (1987); Rachel F. Moran, *The Politics of Discretion: Federal Intervention in Bilingual Education*, 76 *CALIF. L. REV.* 1249 (1988); see also Rachel F. Moran, *Of Democracy, Devaluation, and Bilingual Education*, 26 *CREIGHTON L. REV.* 255 (1993) (continuing her analysis of the civil rights implications of access to bilingual education). Professor Moran also has written generally on language regulation. See Rachel F. Moran, *Irritation and Intrigue: The Intricacies of Language Rights and Language Policy*, 85 *Nw. U. L. REV.* 790, 792 (1991) (book review).

ered the need for federal intervention to ensure access to bilingual education. Her scholarship details how the denial of bilingual education serves as a proxy to discriminate against Latina/os. Professor Moran's insights influenced my thinking on the subject and led to an article about the discriminatory motivation underlying a California ballot initiative ending bilingual education in the Golden State.¹⁵ That initiative passed overwhelmingly in a racially polarized vote, with Anglos supporting the measure by a wide margin and Latina/os overwhelmingly opposing it.¹⁶

The influence of Professor Moran's scholarly intervention in bilingual education should not be understated. Her much-cited articles helped encourage scholars to analyze the civil rights impacts of language regulation.¹⁷ Professor Moran confronted head-on issues of great importance to the Latina/o community that previously had gone largely unexplored in civil rights scholarship. At the time that she wrote the articles, scholarship had not generally considered issues at the core of the Latina/o civil rights struggle, such as language, immigration, and related issues. Professor Moran's work began a transformation of civil rights scholarship that has resulted in analysis of areas uniquely affecting Latina/os that flourishes in civil rights discussions today.

2. Immigration

Similar to her study of bilingual education, Professor Moran facilitated the emergence of scholarship on the civil rights of Latina/os implicated by the enforcement of U.S. immigration law and policy. In an important civil rights and immigration symposium article,¹⁸ which formally is denominated a "Foreword" to a symposium issue of U.C. Berkeley's *La Raza Law Journal*, she influenced the trajectory of the study of immigration law and policy. In that article, Professor Moran does what she is well-known for—adding serious substantive content

15. See Kevin R. Johnson & George A. Martínez, *Discrimination by Proxy: The Case of Proposition 227 and the Ban on Bilingual Education*, 33 U.C. DAVIS L. REV. 1227 (2000). Subsequently, California voters in 2016 repealed the state ban on bilingual education. See Claudio Sanchez, *Bilingual Education Returns to California. Now What?*, NPR (Nov. 25, 2016, 4:00 AM), <https://www.npr.org/sections/ed/2016/11/25/502904113/bilingual-education-returns-to-california-now-what> [<https://perma.cc/889C-4LC8>].

16. Ramon G. McLeod et al., *Prop. 227 Got Few Latino Votes/Early Polls Had Claimed More Minority Support*, SFGATE (June 5, 1998), <https://www.sfgate.com/education/article/Prop-227-Got-Few-Latino-Votes-Early-polls-had-3004508.php> [<https://perma.cc/B7QL-KXB5>].

17. See, e.g., Christopher David Ruiz Cameron, *How the García Cousins Lost Their Accents: Understanding the Language of Title VII Decisions Approving English-Only Rules as the Product of Racial Dualism, Latino Invisibility, and Legal Indeterminacy*, 85 CALIF. L. REV. 1347 (1997); Juan F. Perea, *Demography and Distrust: An Essay on American Languages, Cultural Pluralism, and Official English*, 77 MINN. L. REV. 269 (1992).

18. See Moran, *Demography and Distrust*, *supra* note 11.

to the discussion of an issue implicating serious Latina/o civil rights concerns. I contributed to this symposium and followed the intellectual trail blazed by Professor Moran.¹⁹

In her contribution to the symposium, Professor Moran identifies the civil rights consequences of immigration law and policy on Latina/os. She wrote the article, and the ones on bilingual education, when the Black/White paradigm dominated civil rights scholarship, and Latina/o civil rights issues were not the subject of much scholarship.²⁰ Considered to be a niche area of limited interest that was not even taught at many law schools at the time, immigration law and policy were generally not considered as raising civil rights concerns. That is the case despite the dramatic impacts of immigration law and policy on Latina/os and the general recognition among Latina/os that it in fact was a pressing civil rights concern.²¹ Professor Moran's article issued a bold scholarly challenge:

Traditional civil rights and immigration models will be tested by burgeoning new populations that reflect in part the growing interdependence of the world economy. To alleviate the strains on the civil rights and immigration paradigms, researchers and policymakers must work to devise creative new approaches to achieve equality of opportunity, particularly for Latinos.²²

Professor Moran no doubt encouraged—I know that it spurred my research—a wave of critical Latina/o scholarship attempting to properly situate Latina/os in the critical study of immigration law and to identify the concrete civil rights consequences of immigration enforcement on Latina/os.²³ This scholarship has become vibrant and meaningful; race and civil rights today are standard lenses through which scholars approach immigration law and policy.²⁴ Professor Moran

19. See Kevin R. Johnson, *Civil Rights and Immigration: Challenges for the Latino Community in the Twenty-First Century*, 8 *LA RAZA L.J.* 42 (1995). Pedro A. Noguera, Dennis J. Aigner, and Jesus G. Roman also contributed to the symposium.

20. See, e.g., Richard Delgado, *Rodrigo's Fifteenth Chronicle: Racial Mixture, Latino Critical Scholarship, and the Black-White Binary*, 75 *TEX. L. REV.* 1181 (1997) (book review); Juan F. Perea, *The Black/White Binary Paradigm of Race: The "Normal Science" of American Racial Thought*, 85 *CALIF. L. REV.* 1213 (1997).

21. See generally Kevin R. Johnson, *Race Matters: Immigration Law and Policy Scholarship, Law in the Ivory Tower, and the Legal Indifference of the Race Critique*, 2000 *U. ILL. L. REV.* 525 (analyzing the salience of race to U.S. immigration law and policy).

22. Moran, *Demography and Distrust*, *supra* note 11, at 24.

23. See, e.g., Raquel E. Aldana, *Introduction: The Subordination and Anti-Subordination Story of the U.S. Immigrant Experience in the 21st Century*, 7 *NEV. L.J.* 713 (2007); Robert S. Chang & Keith Aoki, *Centering the Immigrant in the Inter/National Imagination*, 85 *CALIF. L. REV.* 1395 (1997).

24. See, e.g., Carrie L. Rosenbaum, *Systemic Racism and Immigration Detention*, 44 *SEATTLE U. L. REV.* 1125 (2021) (analyzing the systemic racism influencing the widespread use of immigrant detention by the U.S. government); Rose Cuison Villazor, *The Other Loving: Uncovering the Federal Government's Racial Regulation of Marriage*, 86 *N.Y.U. L. REV.* 1361 (2011) (reviewing how federal immigration and other laws historically regulated interracial marriages).

must be credited with legitimizing and encouraging Latina/o civil rights scholarship on immigration at an important juncture in U.S. history.

Years later, Professor Moran returned to carefully consider the civil rights impacts of immigration regulation. Analyzing President Obama's Deferred Action for Childhood Arrivals ("DACA") policy,²⁵ which provided limited relief from removal to undocumented immigrants brought to this country as children, she insightfully identified how the policy implicates important contemporary Latina/o civil rights concerns.²⁶

Due to Professor Moran's scholarship, many scholars today view immigration as an important issue affecting the place of Latina/os in U.S. society. Immigration law and policy has emerged in national conversations as a major civil rights concern.

3. LatCrit Theory

In a series of foundational articles, Professor Moran produced critical Latina/o scholarship at its earliest stages. Her scholarship helped pave the way for the devotion of scholarly attention to Latina/o civil rights. Indeed, Professor Moran's scholarship was one of the early engines that fueled the scholarly movement known as critical Latina/o (LatCrit) Theory,²⁷ which shed much-needed light on Latina/o civil rights concerns. She actively participated in early LatCrit conferences as well as in other conferences, symposia, and events devoted to Latina/o civil rights.²⁸

Professor Moran elaborates on the distinctive nature of Latina/o civil rights issues in several influential LatCrit articles published in the first LatCrit symposia. In *Neither Black nor White*, she argues that "a Black-White model of race relations accounts for Latinos' limited success in drawing attention to their [civil rights] claims"²⁹ Building on her insight that the Black/White paradigm inhibited the analysis of Latina/o civil rights, Professor Moran in *What if Latinos Really Mattered in the Public Policy Debate?* identifies the adverse policy impacts on Latina/os of the miserly traditional binary conception of civil

25. See Dep't of Homeland Sec. v. Regents of the Univ. of Cal., 140 S. Ct. 1891 (2020) (rejecting as unlawful President Trump's attempted rescission of the DACA policy). See generally MICHAEL A. OLIVAS, PERCHANCE TO DREAM: A LEGAL AND POLITICAL HISTORY OF THE DREAM ACT AND DACA (2020) (analyzing the emergence and evolution of the DACA policy).

26. See Rachel F. Moran, *Dreamers Interrupted: The Case of the Rescission of the Program of Deferred Action for Childhood Arrivals*, 53 U.C. DAVIS L. REV. 1905 (2020).

27. See LATCRIT, <https://latcrit.org/> [HTTPS://PERMA.CC/5562-GA7X].

28. See, e.g., Symposium, *LatCrit Theory: Latinas/os and the Law*, 85 CALIF. L. REV. 1087 (1997); Symposium, *LatCrit Theory: Naming and Launching a New Discourse of Critical Legal Scholarship*, 2 HARV. LATINO L. REV. 1 (1997).

29. See Rachel F. Moran, *Neither Black nor White*, 2 HARV. LATINO L. REV. 61, 68–69 (1997).

rights.³⁰ In these and other articles, Professor Moran helped move forward the scholarly movement known as LatCrit Theory.

B. *Adding Latina/os to the Mainstream Analysis of Civil Rights Concerns*

Throughout her career, Professor Moran's work has in laser-like fashion focused on inequality and opportunity. Besides identifying uniquely Latina/o civil rights issues, she has added the consideration of Latina/os to the discussion of traditional civil rights issues. In this vein, Professor Moran published scholarship looking at developments in educational equity for Latina/os and, consistent with her body of scholarship, looked well beyond the Black/White paradigm of civil rights.³¹ She specifically considered efforts to improve educational opportunities for Latina/os, not only African-Americans, as traditionally had been the focus of scholarly analysis. Professor Moran, for example, questioned whether the promise of the Supreme Court's decision in *Brown v. Board of Education*,³² which held that de jure segregation of African-Americans in the public schools was unconstitutional, had been met for Latina/o students in the Denver Public School District in a major piece of desegregation litigation.³³

Professor Moran's 2003 book, *Interracial Intimacy: The Regulation of Race and Romance*,³⁴ is another example of placing Latina/os in the discussion of traditional race and civil rights issues. The book explored in depth the role of family and private life in producing and reproducing racial stratification and separation in U.S. society.³⁵ Professor Moran specifically turned her critical gaze to race and marriage and, in so doing, analyzed the place of Latina/os in that area in ways that previous scholarship had ignored.³⁶ Much of the scholarship in the field had focused almost exclusively on intermarriage between African-Americans and whites.

As late as the 1960s, states could lawfully punish persons who either had sex with, or married, persons outside of their racial groups.³⁷ In the first truly comprehensive study of the legal regulation of interracial relationships, Professor Moran in *Interracial Intimacy* grappled

30. See Rachel F. Moran, *What if Latinos Really Mattered in the Public Policy Debate?*, 85 CALIF. L. REV. 1315 (1997).

31. See Rachel F. Moran, *Untoward Consequences: The Ironic Legacy of Keyes v. School District No. 1*, 90 DENV. U. L. REV. 1209 (2013) (analyzing Supreme Court decision involving a challenge to segregation of Latina/o students in the public schools).

32. *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954).

33. See Moran, *supra* note 31, at 1222–29.

34. See generally RACHEL F. MORAN, *INTERRACIAL INTIMACY: THE REGULATION OF RACE AND ROMANCE* (2003).

35. *Id.* at 5.

36. *Id.* at 3–5.

37. See *id.* at 6.

with the consequences of that history, directly confronting its profound impacts on not only conceptions of race and identity, but also on fundamental ideas about sex, marriage, and family in U.S. society.³⁸ In reviewing that book, I praised its fresh and insightful analysis.³⁹

In analyzing the regulation of intimate relationships, *Interracial Intimacy* touched on the relatively unknown California Supreme Court decision in *Perez v. Sharp*, which, decades before the U.S. Supreme Court reached the same basic conclusion, found that California's anti-miscegenation law violated the Constitution.⁴⁰ That case involved the marriage of a Mexican-American woman to an African-American man. As is characteristic of her scholarship, Professor Moran incisively analyzes the California Supreme Court's decision, which was the "first and only state high court since Reconstruction to declare a ban on interracial marriage unconstitutional."⁴¹

In *Perez*, the California high court scrutinized California Civil Code section 60, which provided that "[a]ll marriages of *white persons* with negroes, Mongolians, members of the Malay race, or mulattoes are illegal and void."⁴² Relying on the California anti-miscegenation statute, a county clerk refused to issue a marriage license to a Mexican-American/African-American couple.⁴³

Placing the decision in its historical context as a "notable exception" to the historical judicial deference to state anti-miscegenation laws, Professor Moran shows where *Perez* fits on the road to *Loving v. Virginia*,⁴⁴ the 1967 U.S. Supreme Court decision striking down Virginia's anti-miscegenation law as applied to the marriage of a Black man and white woman. By observing that Andrea Perez "was *considered white*,"⁴⁵ Professor Moran injects Latinas/os into the analysis of state anti-miscegenation laws. In so doing, she subtly raised a tantalizing question, namely whether persons of Mexican ancestry are "white."

On the application for the marriage license, Andrea Perez listed her race as "white," while Sylvester Davis was "Negro."⁴⁶ Throughout the litigation, Andrea Perez's claim to a white identity went unexplored.

38. See *id.* at 10–11, 14–15.

39. See Kevin R. Johnson & Kristina L. Burrows, *Struck by Lightning? Interracial Intimacy and Racial Justice*, 25 HUM. RTS. Q. 528 (2003) (reviewing MORAN, *supra* note 34).

40. *Perez v. Sharp*, 198 P.2d 17, 29 (Cal. 1948).

41. MORAN, *supra* note 34, at 84.

42. *Perez*, 198 P.2d at 18 (emphasis added) (quoting then-operative CAL. CIV. CODE § 60).

43. *Id.* at 17–18.

44. *Loving v. Virginia*, 388 U.S. 1 (1967). See generally Rachel F. Moran, *Loving and the Legacy of Unintended Consequences*, 2007 WIS. L. REV. 239 (analyzing *Loving v. Virginia* and its legacy).

45. MORAN, *supra* note 34, at 84 (emphasis added).

46. See *Perez*, 198 P.2d at 18.

However, an educated guess from what can be gleaned from the record in the case, and a general knowledge of Los Angeles, which long has had a substantial population of persons of Mexican ancestry and indeed once was part of Mexico, is that Andrea Perez was Mexican-American, with her Spanish surname being one indicator⁴⁷ and her Catholicism another.⁴⁸

Perez was not the only time that a marriage between a Mexican-American and an African-American was alleged to have violated a state anti-miscegenation law.⁴⁹ But not all courts concluded that Mexican-Americans were white for the purposes of those laws. For example, a California court in a 1931 case ruled that under the California anti-miscegenation law a “Mexican Indian” could marry a Filipino, another non-white.⁵⁰ Similarly, courts in other states occasionally refused to treat persons of Mexican ancestry as white.⁵¹

Under the California anti-miscegenation statute challenged in *Perez*, persons of Mexican ancestry generally had been treated as white. As a result, marriages of persons of Mexican ancestry and Anglos generally had not been subject to the state anti-miscegenation law.⁵² As Professor Moran insightfully explains, there was a historical reason for the treatment of persons of Mexican ancestry as white. Anglo men in nineteenth-century California married into wealthy *ranchero* families.⁵³ Indeed, “[w]ith eligible white women being scarce in the territory, fair-complexioned, upper-class Mexican women were among the most valued marriage partners available.”⁵⁴ After the annexation of the Mexican territories by the United States through war in 1848, white women began moving to California in numbers and white/Mexican intermarriage rates dropped as a result.⁵⁵ Informal social inhibi-

47. See Kevin R. Johnson, “Melting Pot” or “Ring of Fire”?: *Assimilation and the Mexican-American Experience*, 85 CALIF. L. REV. 1259, 1295–96 (1997).

48. See RODOLFO O. DE LA GARZA ET AL., *LATINO VOICES: MEXICAN, PUERTO RICAN, AND CUBAN PERSPECTIVES ON AMERICAN POLITICS* 37 (1992) (“Among Latino [survey] respondents who had a religious affiliation, between 60 and 80 percent were Catholic.”); Anthony M. Stevens-Arroyo, *The Latino Religious Resurgence*, *ANNALS AM. ACAD. POL. & SOC. SCI.*, July 1998, at 163, 172, <https://doi.org/10.1177/0002716298558001013> (summarizing survey data showing that “65 percent of Latinos identify as Catholic”).

49. See, e.g., *Jones v. Lorenzen*, 441 P.2d 986, 988–89 (Okla. 1965) (holding that an Oklahoma anti-miscegenation law prohibited the marriage between a person of Mexican descent and an African-American).

50. See Leti Volpp, *American Mestizo: Filipinos and Antimiscegenation Laws in California*, 33 U.C. DAVIS L. REV. 795, 819 & n.96 (2000) (discussing Petition for Order of Alternative Mandamus, *Visco v. Lampton*, No. C319408 (Super. Ct. L.A. Cnty. June 3, 1931)).

51. See *State v. Pass*, 121 P.2d 882 (Ariz. 1942); *Inland Steel Co. v. Barcena*, 39 N.E.2d 800 (Ind. App. 1942) (en banc).

52. See MORAN, *supra* note 34, at 17.

53. See *id.* at 50–53; TOMÁS ALMAGUER, *RACIAL FAULT LINES: THE HISTORICAL ORIGINS OF WHITE SUPREMACY IN CALIFORNIA* 57–60 (1994).

54. ALMAGUER, *supra* note 53, at 59.

55. Johnson & Burrows, *supra* note 39, at 535.

tions on intermarriage between Anglos and persons of Mexican ancestry emerged over time.

The classification of persons of Mexican ancestry as white under California's anti-miscegenation laws contradicted social reality in California. Mexican-Americans have not generally been treated as the equivalent of whites in California social life, but in fact have suffered a long history of discrimination.⁵⁶ Thus, even when treated as the equivalent of whites under the anti-miscegenation laws, Mexican-Americans were denied the social privileges of whiteness.

In sum, by adding Latina/os to the analysis of the historical efforts of the law to regulate interracial marriage, Professor Moran destabilized the Black/White paradigm of civil rights and enriched the scholarly analysis of state anti-miscegenation laws. She also considered how Latina/os are treated as white under the law while at the same time subject to discrimination in U.S. society.

III. CONCLUSION

Professor Moran has authored path-breaking scholarship on Latina/o civil rights. Her insights fueled a growing body of critical Latina/o scholarship analyzing the civil rights of Latina/os in U.S. society. Professor Moran's scholarship has left a deep and enduring legacy, one that grows as her scholarship continues.

56. *See generally* LAURA E. GÓMEZ, *MANIFEST DESTINIES: THE MAKING OF THE MEXICAN AMERICAN RACE* (2d ed. 2018) (analyzing the racialization of persons of Mexican ancestry in the United States).