



# Migration, Race, and Border Enforcement

*If illicit commerce in such goods as alcohol and drugs did much to structure national borders and their perception in the early twentieth century, then the movement of people would become more salient in subsequent decades. Which people would governments allow to freely enter their territory? Which would they restrict, and which ban outright? The nations of North America began to address these questions in the nineteenth century, when they looked with wariness on the movements of indigenous peoples and fugitive laborers (see Chapter 9) and turned against Asian migration (see Chapter 10). In the twentieth century, national governments became much more involved in regulating movement across their borders. The United States became particularly preoccupied with this question because its robust economy continued to attract migrants, even as these migrants provoked animosity and calls for exclusion. Mexican migrants took central stage in these debates because the porous border expedited their entry, and they provoked intense and often violent racial animosity from many white Americans. Although French-Canadians in the Northeastern United States faced some discrimination and ostracism, migration from Canada attracted comparatively little controversy. The Canadian border thus became nearly invisible for most Americans.*

*This chapter examines the subject of the regulation of Mexican migration to the United States from the 1920s to the early 1990s. The changing patterns of border enforcement had enormous impacts on the lives of Mexican migrants, Mexican Americans, and others living in the borderlands, and raised fundamental social and economic questions. By the twenty-first century, Latinos (of which Mexican-descent people were by far the largest component) had become the largest minority group in the United States and were predicted to be a quarter of the national population by 2050. The border that joined the United States to Latin America, once a lightly populated region far from national centers of power and population, had become a central feature of U.S. and Mexican life.*

 DOCUMENTS

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In the early twentieth century, much of the U.S. population responded to ethnic Mexicans (people of Mexican descent, regardless of their nationality) with great hostility and fear. Document 1 contains portions of a speech by Texas congressman John Box calling for sharp limits on Mexican migration. Box treats Mexicans as a fundamentally different and inferior race and warns of what he sees as the dangers of attempting to incorporate them into American society. At the time, federal law did not ban or limit the entry of Mexican nationals *per se*. Nevertheless, as discussed in Chapter 11, immigration agents could use literacy and public health provisions to exclude particular Mexicans from the United States, and thus the racial animosity so clear in this document often led to intrusive and hostile inspections of Mexicans crossing into the United States. Although Box's views may have been widely shared by Anglo Americans, they did not carry the day. Instead, farmers' associations, railroad companies, and other employers of Mexican labor succeeded in keeping Mexico and the rest of Latin America out of the immigration quota system established in 1924. As it is now, American society was deeply divided on the question of immigration policy and border enforcement.

The U.S. Border Patrol, established in 1924, was charged with enforcing American immigrant laws. In Document 2, longtime agent Clifford Perkins captures some of the challenges that the new bureaucracy faced in doing so. Anglo landowners had little use for the organization, whose early agents were, according to Perkins, prone to wanton violence. In the rich agricultural area of south Texas, hostile farmers dependent on Mexican labor and the overwhelming number of migrants presented the Border Patrol with what seemed like an impossible task.

The advent of the Great Depression in 1929 greatly strengthened anti-Mexican sentiment. Viewing Mexicans (and Mexican Americans) as competitors for scarce jobs, Anglo Americans pressed government agencies to exclude them from the unemployment benefits, relief programs, and employment measures designed to ameliorate the Depression. Employers began to actively discriminate against Mexicans, firing them first, and hiring them last, if at all. In many places in the U.S. Southwest, local governments organized active campaigns of repatriation, or return to Mexico, with some support from the Mexican government. These campaigns pressured many who were unwilling to go, including numerous U.S. citizens of Mexican descent, into Mexico. As a result of these measures and the Depression itself, the 1930s became the only decade since the outbreak of the Mexican Revolution to see a net migration of Mexicans (about 1.6 million) from the United States into Mexico. Document 3 captures some of worker and trade unionist Jesús Pilares's memories of this time. The 1930s deportations, Pilares makes clear from his own experiences, were also tools of labor control that aided employers' efforts to prevent unionization.

In the subsequent decade, the economic recovery caused by the entry of the United States into World War II quickly reversed this pattern. Concerned that labor shortages could hamper the war effort, the U.S. government actively sought Mexican labor. In 1942, the governments of Mexico and the United States struck an agreement, which lasted in different forms until 1964, to bring Mexican workers into the United States under contracts intended to protect their rights to workplace

safety and fair compensation. These agreements, collectively called the "Bracero Program," provoked controversy in both nations. American labor organizations and farm workers, including Mexican Americans, feared that the influx of temporary, non-citizen labor would be used to break strikes and reduce wages for agricultural labor. Some Mexicans saw their government's role in the program as less a defender of Mexican labor and more an enabler of its exploitation. The Bracero Program proved similarly divisive for Mexican Americans. The most prominent Mexican-American civil rights group of the time, the League of United Latin American Citizens (LULAC), formally opposed it. Document 4 is an excerpt from a 1951 report, "The Wetback in the Lower Rio Grande Valley," that key LULAC figures funded and advised. Conducted by two University of Texas sociologists, the report examined the living and working conditions of illegal migrants and their impact on Anglos and Mexican Americans in south Texas. The authors concluded that migrants were exploited precisely because their illegal status limited their contact with the rest of society (including Mexican Americans) and rendered them vulnerable to deportation. Furthermore, the report concluded, their presence weakened the economic position and social status of Mexican Americans. Other Mexican-American civil rights advocates, however, were appalled by the report and furious at LULAC's support for it. They charged that the authors uncritically accepted the worse of anti-Mexican stereotypes and damaged their own cause by repeating them, along with such derogatory terms as "wetback" and "peon." In short, Mexican Americans could not agree on how to deal with continued migration from Mexico. The border that linked the United States and Mexico thus deeply divided American society.

Mexican migrants also had mixed experiences with the Bracero Program, as Document 5, an interview with migrant laborer and former bracero Manuel Padilla suggests. A native of Jalisco, Padilla moved around Mexico in search of work starting in the 1930s. The harsh conditions of the Chihuahua silver mine in which he worked drew him to the Bracero Program, which at first allowed him to find work in the United States relatively easily. In subsequent years, however, the chaos caused by bureaucratic requirements and the sheer numbers of people in search of work led Padilla to cross the border on his own. Regularly returning to his home and family in Juárez, Padilla worked in numerous jobs in the United States for decades, always at risk of imprisonment and deportation. The migration from Mexico, driven by economic forces, proved difficult for either government to regulate or control.

The laws governing Mexican migration changed substantially in 1965, when Congress repealed the 1924 Immigration Act (see Chapter 11). Whereas the old system had aimed at maximizing immigration from western Europe, limiting it from eastern and southern Europe, and banning Asians almost entirely, the new law allowed for migration from across the globe, with preferences for family reunification and those with particular skills and expertise. The 1965 Act changed the patterns of immigration to the U.S. in important ways, particularly in allowing for the dramatic growth of the Asian-American population. Document 6 excerpts President Lyndon B. Johnson's signing statement, which he delivered at the feet of the Statue of Liberty. Johnson celebrates the Act as a reflection of the diverse and egalitarian character of American society.

The 1965 Immigration Act may have marked a new era in immigration to the United States, but it led to few changes on the U.S.-Mexico border. The strong pull of the U.S. economy continued to attract hundreds of thousands of Mexican workers every year, far more than could be admitted legally under the provisions of the 1965 Act. Some Americans resented them for their illegal entry, the lowering effect that they could have on wages and working conditions, and, in many cases, for their race. On the other hand, these migrants were welcomed by their employers, by friends and relatives already in the United States, and by other citizens and residents who saw their struggles in much the same terms as Lyndon Johnson had cast immigration. This border thus remained, paradoxically, both permeable and increasingly policed. Nevertheless, the steady expansion of the Border Patrol and increase in deportations and immigration raids heightened the impact of immigration enforcement on the residents of the U.S. Southwest. In Document 7, novelist Leslie Marmon Silko describes being stopped by the border patrol. Her charges that the force ignored whites and deliberately harassed dark-skinned people, including American citizens, were often voiced by borderland residents, even after the Border Patrol began to recruit large numbers of Hispanic agents. Silko's particular criticism of immigration enforcement emerges from her understanding of native American history, which views national borders as continuations of the conquest of Indian peoples. Even for those who may not be convinced by her argument, her essay underscores the extent to which the enforcement of American immigration law cast a long shadow over race relations in the American southwest.

### 1. U.S. Congressman John Box Warns of Dangers of Mexican Migration, 1928

... During the present session of Congress immigration discussion and legislation will probably center around four important questions:

1. Shall our deportation laws be strengthened, extended, and better enforced?
2. Shall the endless chain of relationship existing between immigrants and their kindred abroad be permitted to start dragging out of Europe tens of thousands of those whom the laws now exclude?
3. Shall we retain in the law the national-origins provision, written into the acts of 1924, making it more accurately and adequately serve the Nation's purpose to keep itself American, or shall they be suspended or repealed at the dictates of certain hyphenated minorities of our population?
4. Shall the quota provisions of the immigration law be made applicable to Mexico, South America, and adjacent islands?

To this last question I shall devote my brief remarks.

The people of the United States have so definitely determined that immigration shall be rigidly held in check that many who would oppose this settled policy dare not openly attack it. The opposition declares itself in sympathy with the policy and then seeks to break down essential parts of the law and opposes any consistent completion of it making it serve the nation's purpose to maintain its distinguishing character and institutions. Declaring that they do not believe that paupers and serfs and peons, the ignorant, the diseased, and the criminal of the world should pour by the tens and hundreds of thousands into the United States as the decades pass, they nevertheless oppose the stopping of that very class from coming out of Mexico and the West Indies into the country at the rate of 75,000, more or less, per year.

Every reason which calls for the exclusion of the most wretched, ignorant, dirty, diseased and degraded people of Europe or Asia demands that the illiterates, unclean, peonized masses moving this way from Mexico be stopped at the border. Few will seriously propose the repeal of the immigration laws during the present Congress, but the efforts of those who understand and support the spirit and purpose of these laws is to complete them and make them more effective by the application of their quota provisions to Mexico and the West Indies, will be assiduously and strenuously opposed.

The admission of a large and increasing number of Mexican peons to engage in all kinds of work is at variance with the American purpose to protect the wages of the working people and maintain their standard of living.

Another purpose of the immigration laws is the protection of American racial stock from further degradation or change through mongrelization. The Mexican peon is a mixture of Mediterranean-blooded Spanish peasant with low-grade Indians who did not fight to extinction but submitted and multiplied as serfs. Into that was fused much negro slave blood. This blend of low-grade Spaniard, peonized Indian, and negro slave mixes with negroes, mulattoes, and other mongrels, and some sorry whites, already here. The prevention of such mongrelization and the degradation it causes is one of the purposes of our laws which the admission of these people will tend to defeat.

## **2. Border Patrol Agent Clifford Perkins Recalls Early Challenges of the Organization, 1978**

Within two years the Border Patrol in the El Paso District was a healthy, coordinated outfit that was beginning to inspire a considerable amount of public confidence. The officers were well trained and disciplined; they could be counted on in any tight spot they encountered; generally, they reflected the efforts expended to set up a model for the nationwide, responsible division of the Immigration Service we hoped the Patrol would become. Walter E. Carr, the District Director in

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Clifford Perkins, *Border Patrol: With the U.S. Immigration Service on the Mexican Boundary, 1910-1954* (El Paso: Texas Western Press, 1978), 100-103, 106-107.

California, had taken almost as active a part in the establishment of the Border Patrol as George Harris, the man probably most responsible for providing the initial impetus necessary to put the new organization into successful operation. As a result, the Patrol in California progressed almost as rapidly as it did in El Paso, and proved to be every bit as deserving of public support. The story in the San Antonio District during the same period, however, was quite different. There, due to politics in and out of the Service, the Patrol's primary accomplishment was to gain a bad reputation practically the entire length of the Rio Grande.

Influence peddling and the spoils system have been more a way of life in Texas than perhaps any other state in the Union, the result, I suspect, of the thousands of miles of onetime practically uninhabited country brought under a semblance of control only by tough, determined ranchers who had little or no help to start with from local or federal law officers. To survive, as well as to protect their property against rustlers, renegades, and raiders from below the border, the successful early settlers had to shoot first and ask questions later. To continue to hold onto what they had acquired with such difficulty, they and their descendants, with the assistance of equally tough hired hands, enlarged and consolidated their islands of rugged individualism into self-sufficient empires, giving, little more than lip service to outside authority.

The first effective law enforcement officers along the Rio Grande were counterparts of these early ranchers: the determined Texas Rangers, who had to be tough to tame the country and its inhabitants. Not surprisingly, growing numbers of federal law enforcement officers who served the expanding population received little help from either local officials or the Rangers; the federals found their efforts often triggered confrontations with landowners long accustomed to being laws unto themselves. Right or wrong, many felt they had the right to keep what they had by whatever means they could. Resorting to less deadly but equally devastating methods of preserving their positions, they turned to circumvention of the laws through pressure, favoritism, and eventually through political corruption. In such a climate, the life of any law officer or organization was apt to be both difficult and short. It was therefore understandable that the district director of the Immigration Service in the San Antonio District was a political appointee instead of an officer who had come up through the ranks, as was the case elsewhere. Also, it followed that he allowed personnel under him to carry on in any way they saw fit, so long as their actions did not interfere with his prerogatives, and that beyond recruiting enough men to bring the Border Patrol up to its authorized strength after funds were appropriated, he did nothing to build an organization. As a consequence, operations were slipshod; the men were disrespectful to their superiors as well as to each other, inefficient in what work they did and careless in their appearance, showing up for duty out of uniform or wearing only parts of it, which was worse.

To clean up the situation in this district, I was transferred to the San Antonio headquarters as Chief Patrol Inspector in June of 1926 and was promoted to Assistant Superintendent of the Border Patrol on my arrival. This was both a substantial advancement and a tremendous challenge, for the San Antonio District extended north to the Texas-Oklahoma state line.

Many early Patrolmen were acquainted with the Texas Rangers and their activities and started to emulate them despite the fact that the Patrol was dealing with the general public, not criminals. It makes a lot of difference whether an officer is in a shoot-out with a bunch of rustlers or winnowing out a small percentage of aliens engaged in unlawful activities. It took considerable indoctrinating to convince some of the inspectors they were not chasing outlaws, and we never did get it out of the heads of all of them, for we had to discharge several for being too rough. A good percentage had not been well trained, so that once in a while conditions arose that became serious before either the sector or district offices were aware of what was going on. Not all of the problems were obvious, and a few would have proved very injurious to the Patrol had there been any publicity. One involved a Mexican arrested as a smuggler, whose case was referred back to our office by the judge when it came to trial because there was no evidence against the man's beyond his confession. During the ensuing investigation it developed that the main confession was all the evidence in the case. Two officers had apprehended him near the river in what happened to be rather suspicious circumstances, had tied his feet together, and had dragged him into the water to conduct an interrogation. Every time they asked and he denied that he was a smuggler, they jerked his feet out from under him. After enough dunkings, they obtained what they considered a satisfactory admission of guilt and took the fellow in.

Opposition to the Border Patrol in the Brownsville Sector was considerable and stemmed from ranchers and farmers in the lower Rio Grande Valley who had benefitted greatly before the Patrol entered the picture by using Mexican wetbacks to plant and harvest their crops. The laborers were paid practically nothing, and such exorbitant prices were charged for food, clothing and other essentials at ranch commissaries that they were usually in debt to their employers by the end of their stay. Inspectors picking up illegal entrants literally by the thousands and sending them back across the line aroused the resentment of the growers, and they were not reluctant to register complaints that would make trouble for the Patrol. To make matters worse, the head of the Republican Party in Texas resided in the Brownsville Sector and made himself accessible to anyone with a real or imaginary complaint to make about Patrol activities.

The Brownsville Sector was by far the best organized in the district when I became assistant superintendent, though that was not saying much. Considering the others, however, it was a good deal, and all the credit went to Chief Patrol Inspector Portus Gay, a longtime resident of Brownsville and former Texas Ranger. In an effort to cope with the wetbacks pouring into the country during the growing season, he kept very few men in the sector office, scattering the better part of his force along the river as far up as Rio Grande City. Their efficiency and reputation were slightly better than elsewhere, but so much feeling existed against them at the time of my first inspection trip, that their morale was shaky or nonexistent, and it showed in their sloppy appearance. The lack of cooperation from residents and the overwhelming numbers of illegal entrants contributed greatly to the men's discouragement. Officers at one station reconciled themselves to their difficult situation by setting a daily quota of wetbacks to be picked up. Once that number had been reached, they quit looking, knowing

inspectors at the ports of entry would be unable to process more out of the country, a procedure involving not much more than putting the aliens back across the river after identifying data were taken.

### 3. Philip Stevenson Describes the Deportation of Jesús Pallares, 1936

On June 29, [1936,] Jesús was deported as an undesirable alien. Jesús Pallares is a skilled miner. He has spent twenty-three of his thirty-nine years in the United States. Born in the state of Chihuahua, Mexico, Jesus joined the Madero revolution at the age of fifteen, fought four years, and mustered out in 1915 with part of his lower jaw missing. He entered the United States legally and obtained work as a miner. As miners' standards went, Jesús did well. He was an exceptional worker. There never was a time when he could not get a job. On the whole he got along with his bosses.

The onset of the depression, 1930, found him working for the Gallup-American Coal Company, a subsidiary of the Guggenheim giant, Kennecott Copper. In 1930 Gallup was unorganized. So when Jesús found himself being paid ... irregularly ... , he kicked—as an individual—and like individual protestors in all depressed coal fields, was promptly fired.

Jobs were scarce now... But after several months of unemployment he obtained work at Madrid, New Mexico. The town is company-owned.

Jesús was elected local union organizer. Jesús and his aides decided to ask the aid of the federal government in enforcing Section 7-a.\* When the company prohibited all union meetings in Madrid, the unionists walked four miles to Cerrillos for meetings, passed resolutions, drew up petitions, framed protests, and sent them to the coal board, ... to the state Labor Commissioner. From the coal board came a promise of a hearing—if the miners would withhold their strike and wait. And wait they did. Not until... February, 1934 did T. S. Hogan, chairman of the Denver District Coal Board, arrive in Madrid for an "impartial" hearing.

... Grievances went unredressed. Union meetings continued to be prohibited. A new coal code went into effect, only to be violated even more flagrantly by the company. They struck. The strike failed. Jesús was marked for riddance.

Under the NRA [National Recovery Administration] he could not be fired for union activity.† He finished work ... in the mine and was assigned a new location. He could make at best sixty-seven cents a day here—and the mine

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Philip Stevenson, "Deporting Jesus," *Nation*, July 18, 1936. As excerpted in *Major Problems in Mexican-American History*, 279–282. Reprinted with permission. For subscription information, call 1-800-333-8536. Portions of each week's *Nation* magazine can be accessed at <http://www.thenation.com>

\*Section 7-A of the 1933 National Industrial Recovery Act (NIRA) guaranteed workers the right to organize and bargain collectively through representatives of their own choosing interference by employers. *Ed.*

†The NRA was one of the two major recovery programs of the Roosevelt administration. Through the NRA, major public works projects were established to increase employment. *Ed.*



was then working only one day a week—while his rent alone amounted to \$3 per week. Yet the boss refused him any better location. Then a fellow worker offered to share his place with Jesús. Jesús asked the superintendent's permission to accept this offer.

"No. Take the place assigned you, or none." ...

... Jesús refused. His fifth child was expected shortly. His savings went for food. Arrears on his rent to the company piled up. He was told to vacate his house or be evicted. He stayed put. The child arrived.

... Jesús was charged with "forcible entry" of his house. The "court" was the company office, the justice of the peace a company employee. Evicted, blacklisted as a miner, Jesús moved to Santa Fe and for the first time in his life went on relief. The family of seven lived in one room, on two cents per meal per person.

... In the fall of 1934 Jesús began organizing for the Liga Obrera de Haba Española (Spanish-speaking Workers League) which concerned itself ... with the problems of the Spanish-American rank and file. In November there had been a few hundred members. By February, 1935, the Liga had grown to some 8,000. Jesús was elected organizer for the whole district, serving without pay and hitchhiking to organize the most remote hamlets on his days off from FERA work.\*

... Jesús ... won the enmity ... of the organized rulers of New Mexico. On April 23, 1935, he was arrested while at work on his FERA job and jailed on deportation charges. After three weeks' confinement, a secret hearing was held in an attempt to prove Jesús active in "communistic" organizations.

... Jesús was held for deportation under \$1,000 bond pending a review of the case. The bond was promptly furnished.

He continued his task of organizing the Liga Obrera.

As a leader in the Liga Obrera, Jesús often accompanied delegations to the local relief office presenting cases of discrimination. Recently, a worker in that office has disclosed ... the methods employed against Jesús "in an effort to create reasons for his deportation"...

Attempts were made by my office to intimidate Pallares by withholding relief and by inventing reasons by which he could be removed from relief jobs which were the only types of employment open to him. He was repeatedly called into my office where threats were made to starve his family in order to involve him in an argument which the relief agency hoped would give rise to violence on his part, which in turn would give sufficient reason for a complaint to the Labor Department. Such violence never took place. Nevertheless a complaint was made to Washington ... that Pallares was a "troublemaker."...

At the hearing on his case before the Labor Department's Board of Review last spring Jesús was represented by an attorney for the American Committee for

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\*The Federal Emergency Relief Administration (FERA), set up in 1933, provided funds for the unemployed in the form of jobs. *Ed.*

the Protection of Foreign Born. Among the papers on file ... two remarkable documents came to light, the existence of which had hitherto been kept secret.

The first was a letter to Secretary of Labor Perkins from Governor Clyde Tingley of New Mexico, urging that Jesús's deportation be "expedited" on the ... grounds that the Liga Obrera was "the New Mexico branch of the Communist organization."...

The second document was a telegram to the Immigration Bureau in Washington ... :

Having trouble with Jesús Pallares on strike in this county. I understand he is under bond on account of the strike at Gallup, New Mexico. He is an alien from Old Mexico. We must act at once to save trouble and maybe lives in this county.

Francisco P. Delgado, Sheriff [of San Miguel County].

In four sentences the telegram managed to utter five deliberate falsehoods. 1. The sheriff's trouble was not with Jesús but with the strikers at the American Metals Company's mine at Terrero, New Mexico. 2. Jesús was not on strike—did not even live in the sheriff's county. 3. Jesús was under bond for deportation, not for strike activity in Gallup or elsewhere. 4. At the time of the death of Gallup's sheriff, Jesús was living 230 miles away in Santa Fe. 5. The deportation of Jesús could not possibly save "trouble and maybe lives" so long as the sheriff insisted on breaking the strike by armed force and violence.

Curiously enough, two truths did creep into the sheriff's wire: first, that Jesús was indubitably "an alien from Old Mexico"; second that ... New Mexico officials and the Bureau of Immigration ... were acting in concert to railroad Jesús out of the country. And they have had their way. Jesús is deported.

#### 4. Report Examines Migrant Labor in South Texas, 1951

*Characteristics of the Wetback.* Although the wetbacks are by no means a homogeneous group in every respect, there are certain attributes that tend to characterize them as a body. Preliminary analysis of our data shows that the wetback is likely to be male and from 18 to 30 years of age. The chances are about even that he is married and has one or more children. Only a few come from those Mexican states bordering on Texas; many came from the central and southern parts of Mexico, especially from the states of Guanajuato, Jalisco, San Luis Potosí, and Michoacán. They are almost invariably, farm laborers in Mexico although many own or rent small parcels of land which is cultivated in their absence by other family members. They come for relatively short periods ranging from three to six months. The peak of the migration is in the Valley cotton picking season which begins about July 1 and usually ends not later than September 1.

Almost all the wetbacks who enter the United States are employed in unskilled jobs. Relatively few achieve positions involving skills unless, of course, they are able to remain unmolested for a period long enough to enable them to learn a skilled occupation through apprenticeship and to master the fundamentals of English. Predominantly their jobs involve arduous, stoop, manual work such as picking cotton and cultivating and harvesting vegetable and citrus crops. Probably their nearest approach to performing skilled work is in irrigation work, which most of them learn in Mexico. Such work is considered unskilled or at most semiskilled in the Valley, however, and is paid for accordingly.

The use of wetback labor on Valley farms has become thoroughly rationalized in the thinking of the Valley farmers. Ample moral and ethical, as well as economic, justification is found for the low wages paid the wetback. Economic justification hinges upon "the many cash expenditures" involved in Valley agriculture including cost of irrigation water, mechanical equipment, and excessive shipping costs. Moral and ethical justification is found in the fact that "he still receives higher wages than in Mexico" and "here he can learn how to do scientific agriculture."

*Impact of the Wetback on the Valley.* This, obviously, is a complex category involving innumerable factors. Here, attention is devoted only to the more important and tangible factors that affect the two major social groupings of the Valley, the Anglo and the Spanish-speaking.

Relations of the Anglo with the wetback are limited to those of an economic nature. The two groups are in contact only in fields or in business; never or almost never do they meet socially except in the case of the few wetback children who attend the public schools. Thus, for the Anglo producer, the wetback is merely a cog in the production machine—serving as a source of cheap labor and returning to Mexico when the need for his labor ceases. The picture is somewhat different for the Anglo businessman who, to be sure, shares in the benefits to be derived from cheap, wetback labor, but, at the same time, loses to the extent that much of the money earned by wetback labor is returned Mexico and not spent locally. This is a factor frequently ignored; or overlooked by the businessman who defends the use of wetback labor.

The entrance of wetback labor into the United States affects the bulk of the Spanish-speaking people in the Valley in various ways. First they must compete with the wetback for jobs. This obviously, applies mainly to the relatively unskilled, semi-skilled and clerical jobs. Most of all, however, it applies to jobs of an agricultural nature, including the harvesting and packing of both fruit and vegetables, their canning and processing, and the picking of cotton. Since the fruit and vegetable seasons reach a peak during the winter months when other agricultural labor is not available elsewhere, many of the local Spanish-speaking people remain in the Valley to compete with the wetbacks. During the cotton picking season, however, there is agricultural work to be had elsewhere and native workers leave the Valley in large numbers. The seasonal migration of native labor from the Valley is generally considered to begin in April, however, with the migrants going first to north Texas and then into the beet fields of

Michigan and other areas. Near the end of July, 1950, a sample census through a number of Valley towns indicated that more than half the local, Spanish-speaking people were temporarily away from the Valley. Local Spanish-speaking residents consider this estimate too low. A labor union in Mission claimed that only about 30 of its winter membership of more than 600 have remained in the Valley through the summer. Although no check was made on the statement, one might well expect that a greater percentage of such a group would migrate than would be true of the general or total population. At any rate almost none of the Valley cotton picking was in 1950 being done by citizen labor. Another random check in the Valley, completed on July 20, showed that practically all workers in the Valley cotton fields were wetbacks, and that the few citizens who were working were women, children, and old people who could not migrate.

Another area in which the influence of the wetback has been enormous is in the retarding effect it has exerted on intergroup relationship, especially those between the Spanish- and English-speaking groups. This is obviously a difficult factor to measure, but its significance is evident on every hand. It is most visible in what might be called the power structure or hierarchy in the Valley, i.e., the subordinate economic and political position of the Spanish-speaking population as compared with that of the non-Spanish-speaking or Anglo. These positions have been buttressed in the past by differences in educational and employment opportunities between the two groups. Justifications or rationalizations for these differences that are current in the Valley include much-worn ideas regarding the difference in the standards of the group, e.g., "the Mexican doesn't want a good house, a variety of foods, and education for his children" and the notion that to pay a Spanish-speaking person more money is merely to increase his indulgence in leisure-time activities and idleness.

It is clear to anyone who makes an objective observation in the Valley that the local Spanish-speaking people have done much during recent years to undermine the above rationalizations. Some of the more tangible evidence for this is found in the increased enrollment of Spanish-speaking children in the higher grades and in a slow but fairly steady response to their demand for a wider range of employment eligibility and a decrease in the historical wage differential that has existed in the Valley.

The importance of the wetback migration on this situation is obvious. The wetback, first of all, is a real caricature of the Valley "Mexican" stereotype. He is illiterate, unable to speak English, and visibly poor. His historical status as a peon on the landed estates of Mexico has done little to establish in him values and attitudes in keeping with those generally believed to characterize a society of individual initiative and free enterprise. And, regardless of whether he is in the Valley a few weeks or a few years, he is able to raise himself but little from this unenviable level. This, of course, reflects back upon the native Spanish-speaking group, since society at large tends to label the entire Spanish-speaking population in terms of those characteristics possessed by a few. Hence the native

Spanish-speaking people in the Valley, with the exception of the few who are accepted in the Anglo society, are classified as "Mexicans" with no differentiation being made between them and the *bona fide* nationals of Mexico.

*Attitudes in the Valley Toward the Wetback.* The attitudes of the Valley people toward the wetback migration vary strikingly from one group to another. Farmers and growers, be they English-, Spanish-, or German-speaking, maintain consistently that wetback labor "has made the Valley" and that Valley agriculture could not long exist should it be prohibited. As indicated in an earlier paragraph, the use of wetback labor has its ethical and moral justifications also. These, in general, revolve around such judgments as "the native people won't work," or "the native people are becoming urbanized—are leaving the farms for the cities," or "the native laborer is not satisfied to remain in one place but wants to travel about and visit other parts of the country."

Attitudes of the local Spanish-speaking people, and especially the laboring class, toward the entrance of wetback labor is in definite contrast to that of the Anglo. The difference, of course, is rooted in the economic competition provided by the wetback and in the social and political problems already mentioned. Citizen labor will not, except where special circumstances force them to do so, work for the same pay and under the same conditions of housing, sanitation, etc., as the wetback. The acceptance of such conditions by the wetback is thus resented by the local Spanish-speaking people, a resentment that is increased by a failure on the part of many elements of the community to differentiate one group from the other. Even so, the attitudes of the local Spanish-speaking people toward the wetback are frequently ambivalent, and especially so among those who have recent and strong ties with Mexico. Then too, the cultural similarity that characterizes the two groups results in a mutual understanding and sympathy.

The total set of Valley conditions which foster identity between the wetback and legal Spanish-speaking residents of the Valley tends to bring the two groups together at various levels as well as to separate them at others. Wetbacks who drift into the towns looking for work always settle or locate in the Spanish-speaking sections of the town where they are able to rent rooms or small houses that frequently have been constructed for this purpose. This physical proximity in living has resulted in the attendance of children of the two groups in the same schools, and in the development of visiting and fraternizing relationships that frequently lead to intermarriage. Thus the attitudes of the native toward the wetback are dual and frequently conflicting, the antagonistic ones deeply rooted in economic competition, and the sympathetic ones in the sharing of many elements of a common culture, and a common set of values and standards. Conflicts imbedded in these attitudes come quickly to the surface if and when the local people are questioned about "why, if you are opposed to the entrance of wetback labor, do you rent them houses and rooms?" Obviously the easiest and most direct response to this question is, "It's business; we make a little money out of it," but some frankly admit that "they are our people and we feel sorry for them when they come to us

without a place to sleep and with nothing to eat." The importance of this mixed situation is generally overlooked by those working towards solutions of attendant problems. Its recognition and effective utilization must come before any satisfactory and permanent solution of the problem can be realized.

### 5. Bracero and Migrant Manuel Padilla Remembers Working Life in Borderlands, 1974

The silver mine where I worked was about 900 meters deep. It had fourteen or fifteen levels. It was very hot down there, and we would work half naked, carrying sacks all day long. At times there was no air. The water would run through the ditches, and it was so hot that it would vaporize. It was dangerous work. My father ruined his life working in the copper mines of Arizona. At the time he was working, the machines that crushed the ores did not have water to settle the dust. He breathed that dust, and after some time his respiratory system was plugged up. He would wake up in the middle of the night choking and yelling. It was terrible. He suffered for seven or eight years and finally committed suicide in 1933.

In 1940 I met a schoolteacher in Los Azules. I invited her to have some ice-cream, and she accepted. At first we were friends, but later we went to a 5 de mayo [national holiday] dance. Within three months we got married and went to Torreón for our honeymoon.

I worked in Los Azules and then in San Francisco del Oro until 1944, when I decided to leave the mine and become a bracero. I went to Juárez, waited for nineteen days, but I could not get a contract. The politicians had decided that the workers should go to Mexico City to get the documentation, so I went to Mexico City with a leave of absence from the mine. In one day I was able to get my contract; there weren't too many people. That year I worked in San Bernardino, California. The following year I had to go to Mexico City once again to get my documents, but this time there were many thousands of people who wanted to go to the United States. Lines would form during the night, because the workers wanted to be ready for the following morning. They would sleep sitting down, covering themselves with their blankets. The people had great need; they were hungry. Many had been waiting around for two months without being able to get into the office. When the doors opened in the morning, there were some who would disrupt the line to create confusion so they themselves could go to the front. I saw someone throw some burning oakum, and that sure made the bunch scatter. Then the mob would form the line again.

Once there was so much confusion that one of the guards started shooting his gun into the crowd. He hit some workers who were blameless. Others soon went after the man with the gun. Then the officials sent for firemen, who came with hoses and shot water at the people to disperse them. It was a real mess,

something terrible. There were some who got killed in the disorder, who were trampled as those in front ran back. Later they brought in some troops, who kept order with their rifles and bayonets.

For three weeks those of us from Chihuahua tried to get in, but we couldn't. We were afraid to be in line because of the tremendous crowding. About thirty or forty of us decided to go to Chihuahua City to see if the governor there could help us with a letter that we could then use to get in. We managed to get the letter, and the group took it to Mexico City, but I stayed behind in Chihuahua for a few days. When I returned to Mexico City, everyone on the list in the governor's letter had left. They had all been called over the loudspeaker and had gotten in. My brother Panchito was among them. I found a friend who gave me a note Panchito had left for me. He wrote that I and others on that list who had not been there when the names were called should contact a certain person to get our cards. The only problem was to get into the office. It was difficult because there were still so many people waiting in line. At noon I decided to go to the back entrance, and I told the guard that my name was on that list, and he let me in. I saw the official, and he signed my card right away, and that year I went to Idaho. In 1946 I got my contract in Aguascalientes, and later on I signed up about three times in Mexicali.

When I worked in the fields as a bracero, at times there were some foremen who were abusive, who would punish or fire you if you defended your rights. Once when I was loading lemons on trucks, the foreman left me to do the job of two people when he took away the other man who was helping me. I got angry and thought to myself, "Does he think I am going to do this alone all day long. He can go to hell! As soon as I have a chance I'm going to the rest room." That's what I did, but he came over and asked, "Why did you leave?" I told him I couldn't work all day long without going to the toilet, but he reported me to the "big foreman." The "big foreman" forgave me, but later I had the same trouble again and I got fired. I said, "The hell with it!"

They sent me someplace else to pick oranges, but there I got into a fight with another bracero who was one of the foreman's favorites. I was with him when he was driving a truck, and I opened the door because it was very hot. We were still in the fields; we had not entered the highway. He told me to shut the door because it would get damaged. I said, "The truck isn't yours. If the door is damaged, let the company buy another one. They have lots of money." He said, "Yes, but I am in command in this truck." I replied, "Well, you may be in command of the truck, but not of the door. I won't close it until we get to the highway." He stopped the truck, and we got into a fistfight. The "field boss" caught us fighting, and since I was new there, the following day they told me to get my things together, and I was sent to another camp nearby where it was very hot and where I didn't like the food. Also, I didn't like the scissors they gave me to do the picking.

I said, "Give me another pair. These are no good. I don't want them."

"Well, we don't have any more. You'll have to wait until the 'field boss' comes."

When he got there, he didn't have anything, so I threw the scissors at him, saying, "This thing is no good. I'm just going to pick with my bare hands." He

got angry and told me to get in the truck, that he was taking me back to the camp.

At the camp I decided to desert my contract. I left without telling anyone. I went to Palo Alto, where I had an aunt. I worked there for about a month and a half, and then I went to Fresno, where I worked until the end of the year. The *migra* caught me and I was sent to Juárez, where my family was now living. I had written to my wife and had told her to move to the border, that possibly things were better there. I told her it would be better for her and the kids to be at the border so I wouldn't have to go all the way to San Francisco del Oro to see them. I spent about three months in Juárez, and then I returned to the United States, hiding from the *migra*. I went to the state of Washington to pick apples. I knew I could earn good money there. After that, that is the way I did it for about ten years. I would return to Juárez at Christmastime, stay until April or May, and then go back to the United States.

I didn't like Juárez because of the climate; it got too hot there. Secondly, you couldn't work [on the American side] without papers because the *migra* patrolled the border all the time. Many from Juárez would work in El Paso with their local crossing cards, but when they were caught, they would lose them. I would head into the interior of the United States, where I had more opportunity to evade the *migra*. There the *migra* was not on top of you all the time. You could work for some time before they would come around. And if you could "escape" when they arrived, then you could stay longer. Also, the jobs around El Paso didn't pay much. If you wanted a factory job, you would have to wait for your turn to come up. If you worked in the fields, you could make about \$2.50 a day maximum at that time. In California you could get a job right away, without having to apply or anything. If you picked fruit, you could work by piece-rate and earn as much as twenty-five or thirty dollars a day. I wasn't about to stay at the border.

Once I did try working in Las Cruces, New Mexico, which is near El Paso. I didn't like it. I worked weeding cotton for three dollars a day. I said to myself, I can earn more than that in one hour picking cherries in California." I lasted two weeks on the job and then went to California. In two months I would earn more than a thousand dollars picking cherries, but I had to work from sunrise until dusk. In some orchards they would let you work as much as you wanted. I would take food and spend the whole day there. There were many good pickers who would earn more than forty-five dollars a day. Since the season was only two months long, we would try hard to earn as much as we could. After cherry picking was over, I would go pick apricots, then peaches, and then pears. I preferred to work in the fields because there it was easier to avoid the *migra*. I felt bad leaving the family at the border all the time. But what could I do? I had to earn money so we could all eat.

In 1946 when I was in the state of Washington, I didn't like it and went on to Idaho, where I thought the *migra* would not bother me. I worked loading potatoes on trucks for two or three weeks, and I earned pretty good money. When I least expected it, two plainclothes officials arrived. I never thought they were immigration inspectors.



"Padilla," one of them said, "come over here!"

I thought, "Who can that be?"

He said, "Do you have papers?"

I answered, "No, I don't have papers. What papers are you talking about?"

He said, "Your papers that allow you to be here. I am an immigration inspector. You'll have to come with us."

I said, "Well, all right."

Soon the farmer came over and paid me with a check. They locked me up for about a week in a nearby town and then took me to Spokane to a big jail, where they kept me for forty-six days. We ate twice a day. It was regular food; it filled us up. I would spend a lot of time playing cards, waiting for my turn to leave. Finally one day they took my group at two in the morning, and we left by plane to El Paso. I was lucky. Imagine, if they had taken us to another part of the border as punishment! When they let me go, I went to my home in Juárez.

Another time I was caught working in *el traque* [on the railroad] in Kansas. I was locked up in Kansas City also about forty-seven days, and from there they took us to San Antonio by train. We were on our way to Laredo, but I was taken off the train with a few others who had lied about their names. I had made mistake when I told them my last name. It was back to jail again, this time in San Antonio for two or three weeks. Then they took us to Laredo. When he crossed the border, the Mexican immigration official gave me a bus ticket saying "Here, take this. We don't want you here. Leave right away." Thief! From there I made my way back to Juárez through Monterrey and Torreón.

I spent two or three weeks in Juárez and re-crossed the border. I worked in Kansas for about a month, and then I was caught again. Back in Juárez I decided Kansas was too cold, so the next time I went to California. This was in 1948 or 1949. I spent about a year in Stockton and then returned to Juárez. I continued doing that for years, working for part of the year and then returning to Mexico in time for Christmas.

## 6. President Lyndon Johnson Signs New Immigration Law, 1965

October 3, 1965

*Mr. Vice President, Mr. Speaker, Mr. Ambassador Goldberg, distinguished Members of the leadership of the Congress, distinguished Governors and mayors, my fellow countrymen:*

This bill that we will sign today is not a revolutionary bill. It does not affect the lives of millions. It will not reshape the structure of our daily lives, or really add importantly to either our wealth or our power.

Yet it is still one of the most important acts of this Congress and of this administration.

For it does repair a very deep and painful flaw in the fabric of American justice. It corrects a cruel and enduring wrong in the conduct of the American Nation. And this measure that we will sign today will really make us truer to ourselves both as a country and as a people. It will strengthen us in a hundred unseen ways.

...

This bill says simply that from this day forth those wishing to immigrate to America shall be admitted on the basis of their skills and their close relationship to those already here.

This is a simple test, and it is a fair test. Those who can contribute most to this country—to its growth, to its strength, to its spirit—will be the first that are admitted to this land.

The fairness of this standard is so self-evident that we may well wonder that it has not always been applied. Yet the fact is that for over four decades the immigration policy of the United States has been twisted and has been distorted by the harsh injustice of the national origins quota system.

Under that system the ability of new immigrants to come to America depended upon the country of their birth. Only 3 countries were allowed to supply 70 percent of all the immigrants.

Families were kept apart because a husband or a wife or a child had been born in the wrong place.

Men of needed skill and talent were denied entrance because they came from southern or eastern Europe or from one of the developing continents.

This system violated the basic principle of American democracy—the principle that values and rewards each man on the basis of his merit as a man.

It has been un-American in the highest sense, because it has been untrue to the faith that brought thousands to these shores even before we were a country.

Today, with my signature, this system is abolished.

We can now believe that it will never again shadow the gate to the American Nation with the twin barriers of prejudice and privilege.

Our beautiful America was built by a nation of strangers. From a hundred different places or more they have poured forth into an empty land, joining and blending in one mighty and irresistible tide.

The land flourished because it was fed from so many sources—because it was nourished by so many cultures and traditions and peoples.

And from this experience, almost unique in the history of nations, has come America's attitude toward the rest of the world. We, because of what we are, feel safer and stronger in a world as varied as the people who make it up—a world where no country rules another and all countries can deal with the basic problems of human dignity and deal with those problems in their own way.

Now, under the monument which has welcomed so many to our shores [the Statue of Liberty], the American Nation returns to the finest of its traditions today.

The days of unlimited immigration are past.

But those who do come will come because of what they are, and not because of the land from which they sprung.

When the earliest settlers poured into a wild continent there was no one to ask them where they came from. The only question was: Were they sturdy enough to make the journey, were they strong enough to clear the land, were they enduring enough to make a home for freedom, and were they brave enough to die for liberty if it became necessary to do so?

And so it has been through all the great and testing moments of American history. Our history this year we see in Viet-Nam. Men there are dying—men named Fernandez and Zajac and Zelinko and Mariano and McCormick.

Neither the enemy who killed them nor the people whose independence they have fought to save ever asked them where they or their parents came from. They were all Americans. It was for free men and for America that they gave their all, they gave their lives and selves.

By eliminating that same question as a test for immigration the Congress proves ourselves worthy of those men and worthy of our own traditions as a Nation.

### **7. Leslie Marmon Silko Condemns Border Enforcement from a Native American Perspective, 1994**

I used to travel the highways of New Mexico and Arizona with a wonderful sensation of absolute freedom as I cruised down the open road and across the vast desert plateaus. On the Laguna Pueblo reservation, where I was raised, the people were patriotic despite the way the U.S. government had treated Native Americans. As proud citizens, we grew up believing the freedom to travel was our inalienable right, a right that some Native Americans had been denied in the early twentieth century. Our cousin old Bill Pratt used to ride his horse three hundred miles overland from Laguna, New Mexico, to Prescott, Arizona, every summer to work as a fire lookout.

In school in the 1950s, we were taught that our right to travel from state to state without special papers or threat of detainment was a right—that citizens under Communist and totalitarian governments did not possess. That wide open highway told us we were U.S. citizens; we were free.

Not so long ago, my companion Gus and I were driving south from Albuquerque, returning to Tucson after a book promotion for the paperback edition of my novel *Almanac of the Dead*. I had settled back and gone to sleep while Gus drove, but I was awakened when I felt the car slowing to a stop. It was nearly midnight on New Mexico State Road 26, a dark, lonely stretch of two-lane highway between Hatch and Deming. When I sat up, I saw the headlights and emergency flashers of six vehicles—Border Patrol cars and a van were blocking both lanes of the highway. Gus stopped the car and rolled down the window to ask what was wrong. But the closest Border Patrolman and his companion did not reply; instead, the first agent ordered us to “step out of the car.” Gus asked why, but his question seemed to set them off. Two more Border Patrol agents

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Leslie Marmon Silko, “The Border Patrol State,” *Nation*, Oct. 26, 1994. Originally published in *Nation*, currently collected in *Yellow Woman and a Beauty of the Spirit* by Leslie Marmon Silko. Copyright © 1994 by Leslie Marmon Silko, reprinted with permission of The Wylie Agency LLC.

immediately approached our car, and one of them snapped, "Are you looking for trouble?" as if he would relish it.

I will never forget that night beside the highway. There was an awful feeling of menace and violence straining to break loose. It was clear that the uniformed men would be only too happy to drag us out of the car if we did not speedily comply with their request (asking a question is tantamount to resistance, it seems). So we stepped out of the car and they motioned for us to stand on the shoulder of the road. The night was very dark, and no other traffic had come down the road since we had been stopped. All I could think about was a book I had read—*Nunca Más*—the official report of a human rights commission that investigated and certified more than twelve thousand "disappearances" during Argentina's "dirty war" in the late 1970s.

The weird anger of these Border Patrolmen made me think about descriptions in the report of Argentine police and military officers who became addicted to interrogation, torture, and the murder that followed. When the military and police ran out of political suspects to torture and kill, they resorted to the random abduction of citizens off the streets. I thought how easy it would be for the Border Patrol to shoot us and leave our bodies and car beside the highway, like so many bodies found in these parts ascribed to drug runners.

Two other Border Patrolmen stood by the white van. The one who had asked if we were looking for trouble ordered his partner to "get the dog," and from the back of the van another patrolman brought a small female German shepherd on a leash. The dog apparently did not heel well enough to suit him, and the handler jerked the leash. They opened the doors of our car and pulled the dog's head into it, but I saw immediately from the expression in her eyes that the dog hated them and that she would not serve them. When she showed no interest in the inside of our car, they brought her around back to the trunk, near where we were standing. They half-dragged her up into the trunk, but still she did not indicate any stowed-away human beings or illegal drugs.

Their mood got uglier; the officers seemed outraged that the dog could not find any contraband, and they dragged her over to us and commanded her to sniff our legs and feet. To my relief, the strange violence the Border Patrol agents had focused on us now seemed shifted to the dog. I no longer felt so strongly that we would be murdered. We exchanged looks—the dog and I. She was afraid of what they might do, just as I was. The dog's handler jerked the leash sharply as she sniffed us, as if to make her perform better, but the dog refused to accuse us; she had an innate dignity that did not permit her to serve the murderous impulses of those men. I can't forget the expression in the dog's eyes; it was as if she were embarrassed to be associated with them. I had a small amount of medicinal marijuana in my purse that night, but she refused to expose me. I am not partial to dogs, but I will always remember the small German shepherd that night.

Unfortunately, what happened to me is an everyday occurrence here now. Since the 1980s, on top of greatly expanding border checkpoints, the Immigration and Naturalization Service and the Border Patrol have implemented policies that interfere with the rights of U.S. citizens to travel freely within our borders. INS agents now patrol all interstate highways and roads that lead to or from the U.S.-Mexico border in Texas, New Mexico, Arizona, and California. Now,

when you drive east from Tucson on Interstate 10 toward El Paso, you encounter an INS check station outside Las Cruces, New Mexico. When you drive north from Las Cruces up Interstate 25, two miles north of the town of Truth or Consequences, the highway is blocked with orange emergency barriers, and all traffic is diverted into a two-lane Border Patrol checkpoint—ninety-five miles north of the U.S.-Mexico border.

I was detained once at Truth or Consequences, despite my and my companion's Arizona driver's licenses. Two men, both Chicanos, were detained at the same time, despite the fact that they too presented ID and spoke English without the thick Texas accents of the Border Patrol agents. While we were stopped, we watched as other vehicles—whose occupants were white—were waved through the checkpoint. White people traveling with brown people, however, can expect to be stopped on suspicion they work with the sanctuary movement, which shelters refugees. White people who appear to be clergy, those who wear ethnic clothing or jewelry, and women with very long hair or very short hair (they could be nuns) are also frequently detained; white men with beards or men with long hair are likely to be detained, too, because Border Patrol agents have profiles of "those sorts" of white people who may help political refugees. (Most of the political refugees from Guatemala and El Salvador are Native American or mestizo because the indigenous people of the Americas have continued to resist efforts by invaders to displace them from their ancestral lands.) Alleged increases in illegal immigration by people of Asian ancestry mean that the Border Patrol now routinely detains anyone who appears to be Asian or part Asian, as well.

Once your car is diverted from the interstate highway into the checkpoint area, you are under the control of the Border Patrol, which in practical terms exercises a power that no highway patrol or city patrolman possesses: they are willing to detain anyone, for no apparent reason. Other law-enforcement officers need a shred of probable cause in order to detain someone. On the books, so does the Border Patrol; but on the road, it's another matter. They'll order you to stop your car and step out; then they'll ask you to open the trunk. If you ask why or request a search warrant, you'll be told that they'll have to have a dog sniff the car before they can request a search warrant, and the dog might not get there for two or three hours. The search warrant might require an hour or two past that. They make it clear that if you force them to obtain a search warrant for the car, they will make you submit to a strip search as well.

Traveling in the open, though, the sense of violation can be even worse. Never mind high-profile cases like that of former Border Patrol agent Michael Elmer, acquitted of murder by claiming self-defense, despite admitting that as an officer he shot an illegal immigrant in the back and then hid the body, which remained undiscovered until another Border Patrolman reported the event. (Last month, Elmer was convicted of reckless endangerment in a separate incident, for shooting at least ten rounds from his M-16 too close to a group of immigrants as they were crossing illegally into No-gales in March 1992.) Never mind that in El Paso, a high school football coach driving a vanload of his players in full uniform was pulled over on the freeway and a Border Patrol agent put a cocked revolver to his head. (The football coach was Mexican-American, as were most of the players in his van; the incident eventually caused a federal

judge to issue a restraining order against the Border Patrol.) We've a mountain of personal experiences like that that never make the newspapers. A history professor at UCLA told me she had been traveling by train from Los Angeles to Albuquerque twice a month doing research. On each of her trips, she had noticed that the Border Patrol agents were at the station in Albuquerque scrutinizing the passengers. Since she is six feet tall and of Irish and German ancestry, she was not particularly concerned. Then one day when she stepped off the train in Albuquerque, two Border Patrolmen accosted her, wanting to know what she was doing, and why she was traveling between Los Angeles and Albuquerque twice a month. She presented identification and an explanation deemed suitable by the agents and was allowed to go about her business.

Just the other day, I mentioned to a friend that I was writing this article and he told me about his seventy-three-year-old father, who is half Chinese and had set out alone by car from Tucson to Albuquerque the week before. His father had become confused by road construction and missed a turnoff from Interstate 10 to Interstate 25; when he turned around and circled back, he missed the turnoff a second time. But when he looped back for yet another try, Border Patrol agents stopped him and forced him to open his trunk. After they satisfied themselves that he was not smuggling Chinese immigrants, they sent him on his way. He was so rattled by the event that he had to be driven home by his daughter.

This is the police state that has developed in the south-western United States since the 1980s. No person, no citizen, is free to travel without the scrutiny of the Border Patrol. In the city of South Tucson, where 80 percent of the respondents were Chicano or Mexicano, a joint research project by the University of Wisconsin and the University of Arizona recently concluded that one out of every five people there had been detained, mistreated verbally or nonverbally, or questioned by INS agents in the past two years.

Manifest Destiny may lack its old grandeur of theft and blood—"lock the door" is what it means now, with racism a trump card to be played again and again, shamelessly, by both major political parties. "Immigration," like "street crime" and "welfare fraud," is a political euphemism that refers to people of color. Politicians and media people talk about "illegal aliens" to dehumanize and demonize undocumented immigrants, who are for the most part people of color. Even in the days of Spanish and Mexican rule, no attempts were made to interfere with the flow of people and goods from south to north and north to south. It is the U.S. government that has continually attempted to sever contact between the tribal people north of the border and those to the south.

Now that the "Iron Curtain" is gone, it is ironic that the U.S. government and its Border Patrol are constructing a steel wall ten feet high to span sections of the border with Mexico. While politicians and multinational corporations extol the virtues of NAFTA and free trade (in goods, not flesh), the ominous curtain is already up in a six-mile section at the border crossing at Mexicali; two miles are being erected but are not yet finished at Naco; and at Nogales, sixty miles south of Tucson, the steel wall has been all rubber-stamped and awaits construction, likely to begin in March. Like the pathetic multimillion-dollar antidrug border

surveillance balloons that were continually deflated by high winds and made only a couple of meager interceptions before they blew away, the fence along the border is a theatrical prop, a bit of pork for contractors. Border entrepreneurs have already used blowtorches to cut passageways through the fence to collect "tolls" and are doing a brisk business. Back in Washington, the INS announces a \$300 million computer contract to modernize its record keeping and Congress passes a crime bill that shunts \$255 million to the INS for 1995, \$181 million earmarked for border control, which is to include seven hundred new partners for the men who stopped Gus and me in our travels, and the history professor, and my friend's father, and as many as they could from South Tucson.

It is no use; borders haven't worked, and they won't work, not now, as the indigenous people of the Americas reassert their kinship and solidarity with one another. A mass migration is already under way; its roots are not simply economic. The Uto-Aztecan languages are spoken as far north as Taos Pueblo near the Colorado border, all the way south to Mexico City. Before the arrival of the Europeans, the indigenous communities throughout this region not only conducted commerce; the people shared cosmologies, and oral narratives about the Maize Mother, the Twin Brothers, and their grandmother, Spider Woman, as well as Quetzalcoatl, the benevolent snake. The great human migration within the Americas cannot be stopped; human beings are natural forces of the earth, just as rivers and winds are natural forces.

Deep down the issue is simple: the so-called Indian Wars from the days of Sitting Bull and Red Cloud have never really ended in the Americas. The Indian people of southern Mexico, of Guatemala, and those left in El Salvador, too, are still fighting for their lives and for their land against the cavalry patrols sent out by the governments of those lands. The Americas are Indian country, and the "Indian problem" is not about to go away.

One evening at sundown, we were stopped in traffic at a railroad crossing in downtown Tucson while a freight train passed us, slowly gaining speed as it headed north to Phoenix. In the twilight I saw the most amazing sight: dozens of human beings, mostly young men, were riding the train; everywhere, on flatcars, inside open boxcars, perched on top of boxcars, hanging off ladders on tank cars and between boxcars. I couldn't count fast enough, but I saw fifty or sixty people headed north. They were dark young men, Indian and mestizo; they were smiling and a few of them waved at us in our cars. I was reminded of the ancient story of Aztlán, told by the Aztecs but known in other Uto-Aztecan communities as well. Aztlán is the beautiful land to the north, the origin place of the Aztec people. I don't remember how or why the people left Aztlán to journey farther south, but the old story says that one day, they will return.

## ESSAYS

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In recent decades, the issue of illegal immigration has dominated the ways that the U.S. media and public perceive the U.S.-Mexico border. In the first essay, Columbia University history professor Mae Ngai explores the origins of the

category "illegal alien." Extensive illegal immigration, she argues, dates to the 1920s, when the U.S. government created a comprehensive system of immigration restrictions that made many migrants "illegal aliens" even as they continued to be a part of American society through their jobs, marriages, and other social relations with American citizens. This system, Ngai shows, had far-reaching consequences for American society and its borders. It required the federal government to police its borders as never before; but despite the creation of the Border Patrol in 1924, distinguishing people who were in the country illegally from citizens and legal migrants could be an impossible job. Many Americans objected to the intrusive policing and summary deportations required to enforce immigration law, and just who was and was not an illegal alien could change with time and how the law was interpreted. Over the 1920s and '30s, Ngai argues, the application of immigration law became much more lenient with Canadians and Europeans—who were more and more often granted legal status—and much more harsh with Mexicans. By the 1930s, she concludes, Mexicans had become the "prototypical illegal aliens," a perception that underscored their highly racial exclusion from American society.

The second essay, by Kelly Lytle-Hernández, a history professor at the University of California-Los Angeles, examines migration regulations in the 1940s and 1950s. Lytle-Hernández shows that the Mexican state was also very interested in regulating the migration of its citizens to the United States. Mexican officials wanted to ensure that powerful agricultural employers in Mexico had access to cheap and abundant labor, and that Mexican nationals in the United States were afforded some kind of legal protection. So Mexico cooperated with measures to restrain migration outside of the legally sanctioned channels of the Bracero Program, aiding in deporting Mexican nationals from the U.S. into the interior of Mexico, where re-entering the United States was more difficult than if they simply been removed to a border town. This cooperation with American authorities provoked deep anger by many migrants. The binational enforcement of immigration restrictions substantially increased the danger of crossing the border, but, despite the public relations claims of Border Patrol authorities, had little impact on the number of Mexicans entering the United States in search of work. The U.S.-Mexico border grew more and more heavily policed, and more and more charged with controversy, but it remained as much of a bridge as a barrier.

## Deportation Policy and the Making and Unmaking of Illegal Aliens

MAE NGAI

In January 1930, officials of the Bureau of Immigration testified about the Border Patrol before a closed session of the House immigration committee. Henry Hull, the commissioner general of immigration, explained that the Border Patrol did



not operate "on the border line" but as far as one hundred miles "back of the line." The Border Patrol, he said, was "a scouting organization and a pursuit organization." Officers operate on roads "without warrants and wherever they find an alien they stop him. If he is illegally in the country, they take him to unit headquarters."

Members of the House committee expressed concern that the Border Patrol, which was not a criminal law enforcement agency and had no statutory authority to execute search warrants, had defined its jurisdiction not just at the border but far into the nation's interior—easily one or two hundred miles but, theoretically, the entire interior. How did the officers know the difference between an alien and a citizen? Indeed, what did it mean that Border Patrol officers could stop, interrogate, and search without a warrant anyone, anywhere, in the United States?

Yet if Congress was uneasy about the Border Patrol's reach, it had nearly assured such an outcome when it passed the Immigration Acts of 1921 and 1924, which for the first time imposed numerical restrictions on immigration. Because illegal entry is a concomitant of restrictive immigration policy, the quota laws stimulated the production of illegal aliens and introduced that problem into the internal spaces of the nation. Although unlawful entry had always resulted from exclusion, in the 1920s illegal immigration achieved mass proportions and deportation assumed a central place in immigration policy. The nature and demands of restriction raised a range of problems for the modern state, which were at once administrative (how should restriction be enforced?), juridical (how is sovereignty defined?), and constitutional (do illegal aliens have rights?).

This [essay] examines the advent of mass illegal immigration and deportation policy under the Immigration Act of 1924. It argues that numerical restriction created a new class of persons within the national body—illegal aliens—whose inclusion in the nation was at once a social reality and a legal impossibility. This contradiction challenged received notions of sovereignty and democracy in several ways. First, the increase in the number of illegal entries created a new emphasis on control of the nation's contiguous land borders, which emphasis had not existed before. This new articulation of state territoriality reconstructed national borders and national space in ways that were both highly visible and problematic. At the same time, as suggested above, the notion of border control obscured the policy's unavoidable slippage into the interior.

Second, the application of the deportation laws gave rise to an oppositional political and legal discourse, which imagined deserving and undeserving illegal immigrants and, concomitantly, just and unjust deportations. These categories were constructed out of modern ideas about social desirability, in particular with regard to crime and sexual morality, and values that esteemed family preservation. Critics argued that deportation was unjust in cases where it separated families or exacted other hardships that were out of proportion to the offense committed. As a result, during the 1930s deportation policy became the object of legal reform to allow for administrative discretion in deportation cases. Just as restriction and deportation "made" illegal aliens, administrative discretion "unmade" illegal aliens.

Rather, the processes of territorial redefinition and administrative enforcement informed divergent paths of immigrant racialization. Europeans and

Canadians tended to be disassociated from the real and imagined category of illegal alien, which facilitated their national and racial assimilation as white American citizens. In contrast, Mexicans emerged as iconic illegal aliens. Illegal status became constitutive of a racialized Mexican identity and of Mexicans' exclusion from the national community and polity.

The illegal immigrant cannot be constituted without deportation—the possibility or threat of deportation, if not the fact. The possibility derives from the actual existence of state machinery to apprehend and deport illegal aliens. The threat remains in the temporal and spatial “lag” that exists between the act of unlawful entry and apprehension or deportation (if, in fact, the illegal alien is ever caught). The many effects of the lag include the psychological and cultural problems associated with “passing” or “living a lie,” community vulnerability and isolation, and the use of undocumented workers as a highly exploited or reserve labor force.

Deportation was not invented in the 1920s, but it was then that it came of age. The nation's borders were “soft” and, for the most part, unguarded. Inspection at arrival sought to identify excludable persons and to deny them admission, but little could be done if they evaded detection and entered the country. Subsequent discovery was commonly the result of being hospitalized or imprisoned, yet no federal law existed mandating the removal of alien public charges from the country.

Few people were actually excluded or deported before the 1920s. Between 1892 and 1907 the Immigration Service deported only a few hundred aliens a year and between 1908 and 1920 an average of two or three thousand a year—mostly aliens removed from asylums, hospitals, and jails. Deportation appears even less significant when one considers that some one million people a year entered the country in the decade preceding World War I. Mere entry without inspection was insufficient grounds for deportation. The statute of limitations on deportation was consistent with the general philosophy of the melting pot: it seemed unconscionable to expel immigrants after they had settled in the country and had begun to assimilate.

The passage of the quota laws marked a turn in both the volume and nature of unlawful entry and in the philosophy and practice of deportation. In general, of course, legislators write laws to include sanctions against their violation. But Congress evinced a wholly different approach toward deportation in the act of 1924 than it had taken previously. The new law eliminated the statute of limitations on deportation for nearly all forms of unlawful entry and provided for the deportation at any time of any person entering after July 1, 1924, without a valid visa or without inspection.

The criminalization of unauthorized entry marked a radical departure from previous immigration policy, which deemed deportation to be a civil, or administrative, procedure.

The Immigration Act of 1924 and its attendant enforcement mechanisms spurred a dramatic increase in the number of deportations. A contemporary observed that the “extensive use of the power to expel” began in 1925 and that deportation quickly became “one of the chief activities of the Immigration

Service in some ... districts." By 1928 the bureau was exhausting its funds for deportations long before the fiscal year ended.

A shift in the principal categories of deportation engendered new ways of thinking about illegal immigration. Legal and illegal status became, in effect, abstract constructions, having less to do with experience than with numbers and paper. One's legal status now rested on being in the right place in the queue—if a country has a quota of  $N$ , immigrant  $N$  is illegal but immigrant  $N + 1$  is legal and having the proper documentation, the prized "proper visa."

The illegal alien that is abstractly defined is something of a specter, a body stripped of individual personage. The mere idea that persons without formal legal status resided in the nation engendered images of great danger. In 1925 the Immigration Service reported with some alarm that 1.4 million immigrants—20 percent of those who had entered the country before 1921—might already be living illegally in the United States. The service conceded that these immigrants had lawfully entered the country, but because it had no record of their admission, it considered them illegal.

Positive law thus constituted undocumented immigrants as criminals, both fulfilling and fueling nativist discourse. Once nativism succeeded in legislating restriction, anti-alien animus shifted its focus to the interior of the nation and the goal of expelling immigrants living illegally in the country. The *Los Angeles Evening Express* alleged there were "several million foreigners" in the country who had "no right to be here." Nativists like Madison Grant, recognizing that deportation was "of great importance," also advocated alien registration "as a necessary prelude to deport on a large scale."

Prohibition supplied an important cache of criminal tropes, the language of smuggling directly yoking illegal immigration to liquor-running. The California Joint Immigration Committee described illegal aliens as "vicious and criminal," comprising "bootleggers, gangsters, and racketeers of large cities." Similarly, Edwin Reeves, a Border Patrol officer in El Paso during the 1920s, recalled, "Every fellow you caught with a load of liquor on his back ... was a wetback." The *National Republic* claimed that two million aliens intent upon illegally entering the United States were massed in Canada, Mexico, and Cuba, on the "waiting lists" of smugglers.

In this story, aliens were not only subjects—that is, the smugglers—they were also the objects, the human goods illegally trafficked across the border. This view that the undocumented immigrant was the least desirable alien of all denotes a new imagining of the nation, which situated the principle of national sovereignty in the foreground. It made state territoriality—not labor needs, not family unification, not freedom from persecution, not assimilation—the engine of immigration policy.

Territoriality was highly unstable, however, precisely because restriction had created illegal immigrants *within* the national body. This was not an entirely new phenomenon—it had existed since Chinese exclusion—but important consequences resulted from the different nature and scale of illegal immigration in the late 1920s. Illegal immigrants now comprised all nationalities and ethnic groups. They were numerous, perhaps even innumerable, and were diffused

throughout the nation, particularly in large cities. An illegal immigrant might now be anyone's neighbor or coworker, possibly one's spouse or parent. Her illegal status might not be known to her social acquaintances and personal intimates. She might not even be aware of her own illegal status, particularly if it resulted from a technical violation of the law. She might, in fact, be a responsible member of society (employed, taxpaying, and notwithstanding her illegal status, law-abiding). Even if she were indigent or uneducated, she might have a family, social ties in a community, and interact with others in ways that arguably established her as a member of society.

The problem of differentiating illegal immigrants from citizens and legal immigrants signaled the danger that restrictionists had imagined—in their view, illegal aliens were an invisible enemy in America's midst. Yet their proposed solutions, such as compulsory alien registration and mass deportations, were problematic exactly because undocumented immigrants *were* so like other Americans. During the interwar period a majority of political opinion opposed alien registration on grounds that it threatened Americans' perceived rights of free movement, association, and privacy. The Immigration Service had through the late 1920s remained reluctant to conduct mass raids, particularly in the North.

Yet, if illegal aliens were so like other Americans, the racial and ethnic diversity of the American population further complicated the problem of differentiation. Writing about the Border Patrol in the Southwest, one author described apprehending aliens "at some distance back from the International line" a "man-sized job." She explained, "To capture an alien who is in the act of crawling through a hole in the fence between Arizona and Mexico is easy compared with apprehending and deporting him after he is hidden in the interior, among others of his own race who are legally in this country. The Border Patrol's capacious definition of its jurisdiction illustrates the nation's borders (the point of exclusion) collapsing into and becoming indistinguishable from the interior (the space of inclusion). But this is not to say that the border was eliminated. Policies of restriction and deportation reconstructed and raised the borders, even as they destabilized them. History and policy also constructed the U.S.-Mexican and U.S.-Canadian borders differently. The processes of defining and policing the border both encoded and generated racial ideas and practices which, in turn, produced different racialized spaces internal to the nation.

Before the 1920s the Immigration Service paid little attention to the nation's land borders because the overwhelming majority of immigrants entering the United States landed at Ellis Island and other seaports. The flow of immigrants into the country had been not only welcome but had been focused at fixed points that rendered land borders invisible. One immigration director described the situation as "equivalent to a circle with locked doors with no connecting wall between them." A small force of the Customs Service and the Chinese Division of the Immigration Service jointly patrolled the Mexican and Canadian borders against illegal entry by Chinese. The Chinese patrol inspector, assigned to horseback detail or inspecting freight cars, occupied the loneliest and bottom-most position in the hierarchy of the service.

Immigration inspectors ignored Mexicans coming into the southwestern United States during the 1900s and 1910s to work in railroad construction, mining, and agriculture. It was not until 1919 that Mexicans entering the United States were required to apply for admission at lawfully designated ports of entry.

Before World War I the U.S.-Canada border was also soft. Throughout the nineteenth century, Canadians circulated freely into the United States: Canadian farmers participated in the settlement of the American West, which movement preceded expansion to the Canadian West; and industry and manufacturing in Michigan and New England drew labor from Canada as well as from Europe.

If both the Mexican and Canadian borders were soft until World War I, the passage of the quota laws in 1921 and 1924 threw the nation's contiguous land borders into sharp relief for immigration authorities.

Indeed, illegal European immigrants entered the United States across both borders. Belgian, Dutch, Swiss, Russian, Bulgarian, Italian, and Polish immigrants enlisted in agricultural labor programs in the Canadian west, only to arrive in Canada and immediately attempt entry into the United States, at points from Ontario to Manitoba. The most heavily traveled route for illegal European immigration was through Mexico.

By the late 1920s surreptitious entry into the United States by Europeans declined. The threat of apprehension and deportation was a deterrent but alternate legal methods also existed for circumventing the quota laws. Europeans could go to Canada and be admitted to United States legally after they had resided in Canada for five years. And, as European immigrants in the United States became naturalized citizens, they could bring relatives over legally as nonquota immigrants. In 1927 over 60 percent of the nonquota immigrants admitted to the United States were from Italy, with the next largest groups coming from Poland, Czechoslovakia, and Greece.

This is not to say that illegal immigration of Europeans and Canadians stopped. In general, the Immigration Service was more concerned with the bureaucratic burden of processing the high volume of legal traffic crossing the U.S.-Canada border in both directions.

The service's work on the Canadian border contrasted to what the commissioner general described as the "high pitch" of its work along the U.S.-Mexico border. During the late twenties the number of illegal Mexican immigrants deported across the southern border skyrocketed—from 1,751 expulsions to 1925 to over 15,000 in 1929. Deportations for entry without a proper visa accounted for most of the increase. Although Mexicans did not face quota restrictions, they nevertheless faced myriad entry requirements, such as the head tax and visa fee, which impelled many to avoid formal admission and inspection.

Mexicans coming to the United States encountered a new kind of border. Notwithstanding the lax immigration procedures before World War I, the United States-Mexico border had had a long history of contestation. After a decade of instability wrought by the Mexican Revolution and World War I, the border as a political marker became basically settled.

During the 1920s, immigration policy rearticulated the U.S.-Mexico border as a cultural and racial boundary, as a creator of illegal immigration. Federal officials self-consciously understood their task as creating a barrier where, in a practical sense, none had existed before. The service instituted new policies—new inspection procedures and the formation of the Border Patrol—that accentuated the difference between the two countries.

Inspection at the Mexican border involved a degrading procedure of bathing, delousing, medical-line inspection, and interrogation. The baths were new and unique to Mexican immigrants, requiring them to be inspected while naked, have their hair shorn, and have their clothing and baggage fumigated. Line inspection, modeled after the practice formerly used at Ellis Island, required immigrants to walk in single file past a medical officer. These procedures were particularly humiliating, even gratuitous, in light of the fact that the Immigration Act of 1924 required prospective immigrants to present a medical certificate to the U.S. consul when applying for a visa, that is, before travel to the United States. Line inspection at Ellis Island was eliminated after 1924, and at El Paso the service exempted all Europeans and Mexicans arriving by first class rail from line inspection, the baths, and the literacy test. Racial presumptions about Mexican laborers, not law, dictated the procedures at the Mexican border.

More than anything else, the formation of the Border Patrol raised the border. The Immigration Service hired former cowboys, skilled workers, and small ranchers as its first patrol officers. Almost all were young, many had military experience, and not a few were associated with the Ku Klux Klan.

The Border Patrol's work assumed the character of criminal pursuit and apprehension, although officially it was charged with enforcing civil, not criminal, laws and was not trained as a criminal enforcement agency. As discussed above, the service interpreted its authorization to apprehend illegal aliens without warrant to apply to anywhere within the interior of the nation. It also seized goods it believed were "obviously contraband or smuggled," a practice that the commissioner general acknowledged had dubious legal sanction. During the Border Patrol's first five years of service, fifteen officers were killed in the line of duty, twelve in the Mexican border districts.

As Border Patrol officers zealously pursued illegal aliens, smugglers, and criminals, the Immigration Service received complaints from white Americans who were interrogated by discourteous patrolmen or arrested without warrant. One citizen protested that the Border Patrol "enacted the role of Jesús James" on public highways. In 1929, in response to such adverse criticism, the service discontinued the "promiscuous halting of traffic" in the border area, acknowledging that it was "dangerous and probably illegal."

Thus patrolmen were trained to act with civility, courtesy, and formality when dealing with Anglo citizens, ranch owners, immigrants arriving from Europe, and "high class people com[ing] in as tourists" from Canada. But the quasi- and extra-legal practices associated with rancher vigilantism and the Texas Rangers suited the needs of the Border Patrol in the Southwest, particularly when it involved patrolling large expanses of uninhabited territory far removed from Washington's bureaucratic oversight. The Border Patrol functioned within

an environment of increased racial hostility against Mexicans; indeed, its activities helped constitute that environment by aggressively apprehending and deporting increasing numbers of Mexicans. The Border Patrol interrogated Mexican laborers on roads and in towns, and it was not uncommon for "sweeps" to apprehend several hundred immigrant at a time. By the early 1930s the Immigration Service was apprehending nearly five times as many suspected illegal aliens in the Mexican border area as it did in the Canadian border area.

Moreover, many Mexicans entered the United States through a variety of means that were not illegal but comprised irregular, unstable categories of lawful admission, making it more difficult to distinguish between those who were lawfully in the country and those who were not. Mexicans living in Mexican border towns who commuted into the United States to work on daily or weekly basis constituted one category of irregular entry. The service counted these commuters as immigrants and collected a one-time head tax from them. It also required them to report to the immigration station once a week for bathing, a hated requirement that gave rise to a local black market in bathing certificates.

Many other Mexicans entered legally as "temporary visitors" to work for an agricultural season and then returned to Mexico.

It was ironic that Mexicans became so associated with illegal immigration because, unlike Europeans, they were not subject to numerical quotas and, unlike Asiatics, they were not excluded as racially ineligible to citizenship. But as numerical restriction assumed primacy in immigration policy, its enforcement aspects—inspection procedures, deportation, the Border Patrol, criminal prosecution, and irregular categories of immigration—created many thousands of illegal Mexican immigrants. The undocumented Mexican laborer who crossed the border to work in the burgeoning industry of commercial agriculture emerged as the prototypical illegal alien.

Mexican immigration abated during the 1930s, owing to the policies of deportation and administrative exclusion, as well as a lack of employment in the United States caused by the Depression. As economic insecurities among Euro-Americans inflamed racial hostility toward Mexicans, efforts to deport and repatriate the latter to Mexico grew. The movement did not distinguish between legal immigrants, illegal immigrants, and American citizens. Mexican Americans and immigrants alike reaped the consequences of racialized foreignness that had been constructed throughout the 1920s.

In addition to the deportation of illegal aliens by the INS, local and state authorities acted in myriad ways during the Depression to restrict the movement of Mexicans and Mexican Americans and to expel them from the country. California towns passed settlement laws that restricted relief to residents in order to deny welfare to unemployed migrant workers. Many towns, including the city of Los Angeles, deployed police at so-called "bum blockades" to keep indigent migrants from entering. In 1936 the governor of Colorado proclaimed martial law in the state's southern counties, giving officers of the Southern Colorado Military District instructions to turn back Mexican workers attempting to enter the state on alleged labor contracts. In El Paso, Anglos demanded that

the International Bridge be closed from 6:00 A.M. to 10:00 A.M. in order to keep local commuters from Juárez from going to work in El Paso. Local relief agencies, wanting "something done" about Mexicans on their rolls, reported lists of Mexicans to immigration authorities or deportation, including citizens and legal residents.

Led by the Los Angeles county relief agencies, local authorities throughout the Southwest and Midwest repatriated over 400,000 Mexicans during the early 1930s. An estimated 60 percent were children or American citizens by native birth; a contemporary observed that the "vast majority" spoke English and that many had been in the United States for at least ten years.

The repatriation movement, then, comprised voluntary departures, formal deportations by the INS, and organized repatriations by local welfare bureaus.

Despite the evident distress experienced by the repatriates and the questionable legality of "repatriating" Mexican Americans with United States citizenship, few objected to the project. In the late 1920s the fledgling Mexican American civil rights movement had supported the Box Bill, on grounds that unchecked Mexican immigration depressed wages and living standards in the Southwest and invited racial antipathy from the Anglo-American population.

Nearly 20 percent of the Mexican population in the United States returned to Mexico during the early years of the Depression. The repatriation of Mexicans was a racial expulsion program exceeded in scale only by the Native American Indian removals of the nineteenth century. But with a population of over 1.4 million, Mexicans were too numerous to be completely removed; moreover, their labor was still needed for farming, mining, and railway maintenance work throughout the Southwest.

In the same time that Mexicans and Mexican Americans were being deported and repatriated during the late 1920s and early 1930s, the volume of deportations of European immigrants also increased. These illegal aliens comprised unauthorized border-crossers, visa violators, and those who engaged lawfully but committed a deportable offense subsequent to entry. Many had already settled in the country and acquired jobs, property, and families. Unlike Mexicans, these Europeans were accepted as members of society. But their inclusion in the nation was a social reality, it was also a legal impossibility. Resolving that contradiction by means of deportation caused hardship and suffering to these immigrants and their families. It struck many as simply unjust.

Testifying before Congress in 1934, Nicholas Grisanti of the Federation of *Italian Societies* in Buffalo, New York, cited a typical case of an unjust deportation. An Italian immigrant lived most of his life in Buffalo. He was married with three small children and was gainfully employed. But, Grisanti explained, "at some previous year he had taken as a boy a half bag of coal from the railroad tracks to help keep his family warm," for which crime he was convicted and given a suspended sentence. Years later, he went to Canada for a summer vacation. The Immigration Service considered his return a "new entry" and ordered him deported, on grounds that he had been convicted of a crime involving moral turpitude before "time of entry." His deportation was thwarted after a public outcry led acting New York Governor Herbert Lehman to pardon the "litttle offense."



In a sense, the protest against unjust deportations stemmed from the fact that European and Canadian immigrants had come face-to-face with a system that had, historically evolved to justify arbitrary and summary treatment of Chinese and other Asian immigrants.

Thus during the late 1920s and early 1930s a critique of deportation policy emerged among social welfare advocates and legal reformers. These reformers did not directly challenge deportation as a prerogative of the nation's sovereign power. But they did search for ways to reconcile conflicting imperatives of national sovereignty and individual rights.

First, they believed deportation policy was applied in arbitrary and unnecessary harsh ways, resulting in great personal hardship to individuals and in the separation of families, with no social benefit. Second, in terms of procedure, they concluded that deportation policy frequently operated in the breach of established traditions of Anglo-American jurisprudence, especially those concerning judicial review and due process. During the late nineteenth and early twentieth century the federal courts generally upheld the summary character of immigration proceedings. By the 1920s aliens had won only a few procedural rights, among them the right to an administrative hearing and the right to counsel. But critics found even these gravely lacking or undermined by the lack of other procedural safeguards, and cited a broad, range of abuses.

Specifically, critics charged, aliens were often "forcibly detained." The Boards of Special Inquiry, which conducted formal deportation hearings, were often one-man tribunals, with the immigration inspector often appearing simultaneously as arresting officer, prosecutor, and judge. The boards operated without rules of evidence, readily admitting hearsay, opinion, anonymous letters, and "confidential information."

Finally, immigrants under warrants of deportation had few avenues of appeal. The Labor Department's Board of Review, which made recommendations to the secretary of labor, had no statutory authority. Judicial review was extremely rare. During the late 1920s and 1930s the courts heard fewer than three hundred writs of habeas corpus in deportation cases and found nearly 70 percent of them in favor of the Immigration Service.

The trend may be discerned from a reading of William Van Vleck's treatise *Administrative Control of Aliens*. The treatise followed several lines of criticism that challenged traditional ideas about female dependency and sexual morality. Van Vleck cited several cases in which the Immigration Service had ordered women deported as LPC because they were without male support, even though the women were employed and self-supporting. In one case, the service deported a woman whose husband became ill with tuberculosis fourteen months after they arrived in the United States on the grounds that she was dependent on her husband—even though she was employed. Van Vleck cited other cases of single mothers supporting their children or living with other relatives, recognizing that the family was a diverse institution that included female-headed households and extended families.

The idea of the family's privacy was connected to its sanctity. One of the most tragic consequences of deportation, Van Vleck argued, was the separation

of families. He pointed out, "If [the deported alien] is a poor man his wife and children have not the money to follow him. Even if they have the money and do follow him, this may mean the expatriation of American citizens."

Van Vleck's views were not isolated but articulated a trend among legal scholars and in the federal courts as well. By the early 1930s the Immigration Service tempered its use of LPC. The trend benefited Europeans and Canadians, who had comprised the vast majority of LPC deportation cases. The deportation of Europeans and Canadians as LPC dropped from a high of nearly two thousand in 1924 to fewer than five hundred in 1932.

The appeal to prevent family separation was particularly effective in areas where European immigrants were numerous and had some political influence. In New York many convicted felons received executive pardons after they served their prison terms in order to prevent their deportation, including the Italian man in Buffalo who stole a half sack of coal when he was a boy. Governor Herbert Lehman granted 110 such pardons during his tenure.

The discourse on unjust deportation referred mostly to European immigrants and only occasionally to Mexicans. Ethnic Mexicans in the United States voiced the same concerns as did Europeans; for example, the Los Angeles Spanish-language newspaper *La Opinión* criticized the deportation of Mexicans who had ten years of residence in the United States, businesses, and families. But Mexicans remained marginalized from the mainstream of immigration discourse. Among Euro-American reformers, references to immigrants of good moral character were usually not racially explicit, but by definition such immigrants were unlikely to be Mexican because "Mexican" had been constructed as a negative racial category. More important, reformers did not call for leniency in cases of unlawful entry, because this was a core component of the system based on numerical restriction, *which none of them directly opposed*. Thus while European immigrants with criminal records could be constructed as "deserving," Mexicans who were apprehended without proper documents had little chance of escaping either the stigma of criminalization or the fate of deportation.

Legislative and administrative reforms operated in ways that fueled racial disparity in deportation practices. In 1929 Congress passed the Registry Act, which legalized the status of "honest law-abiding alien[s] who may be in the country under some merely technical irregularity." The law allowed immigrants to register as permanent residents for a fee of \$20 if they could show they resided in the country continuously since 1921 and were of good moral character. The law did not formally favor Europeans over Mexicans. But of the 115,000 immigrants who registered their prior entries into the country between 1930 and 1940, 80 percent were European or Canadian. According to Berkeley economist Paul S. Taylor, many Mexicans qualified for an adjustment of status under the Registry Act but few knew about it, understood it, or could afford the fee.

During the 1930s and 1940s the Labor Department instituted a series of reforms that addressed, albeit in limited ways, questions of due process in deportation proceedings and established administrative mechanisms whereby certain illegal aliens—mostly Europeans—could legalize their status.

In 1934, the INS discontinued the practice of arresting suspected aliens without warrant at places removed from the actual time and place of entry. It also mandated that the same officer could not conduct the preliminary examination and the final hearing.

A third type of reform concerned the use of administrative discretion to grant relief from deportation for aliens for whom deportation would cause hardship.

The secretary granted waivers by invoking an obscure clause of the Immigration Act of 1917, the Seventh Proviso to Section 3, which stipulated that "aliens returning after a temporary absence to an unrelinquished United States domicile of seven consecutive years may be admitted in the discretion of the Attorney General and under such conditions as he may prescribe." Congress intended the Seventh Proviso as a hardship measure for aliens "who have lived here for a long time" who were temporarily out of the country when the Immigration Act of 1917 was passed and who, for reasons often technical in nature, were excludable upon their return. Perkins's innovation was to use the concept "returning after a temporary absence" to apply to aliens who had not yet departed and to include in its scope illegal aliens. By invoking the Seventh Proviso to waive deportations Perkins reverted to the central principle of pre-1924 immigration policy inherent in the statute of limitations on deportation, the idea that immigrants who have settled in the country should not be expelled.

The process of readjustment of status was known as the "pre-examination" procedure. Since 1933 the INS had granted letters to legal aliens going to Canada for short visits assuring them of reentry, provided that they were first examined and found admissible by immigration inspectors. It began as gesture of courtesy that allowed legal aliens departing temporarily to avoid the necessity of applying for a formal reentry permit. The Canadian authorities also required written assurance that the visitors would not remain in Canada. The practice became known in INS parlance as "pre-examination"—that is, inspection for readmission before departure.

In 1935 pre-examination was extended to illegal immigrants to facilitate their legalization. A formal agreement between the U.S. Department of State and Immigration Service and their Canadian counterparts detailed procedures whereby an immigrant in the United States without a visa could be "pre-examined" for legal admission, leave the country as a "voluntary departure," proceed to the nearest American consul in Canada, obtain a visa for permanent residence, and reenter the United States formally as a legal admission.

The INS thus suspended state territoriality in order to unmake the illegal status of certain immigrants. Although the whole procedure was a bureaucratic arrangement, the INS and State Department would not simply issue new documents granting an alien's legal status. The alien had to cooperate by physically leaving and reentering the country, to enact a voluntary departure and a legal admission. Some aliens failed to understand the necessity of the performance (or could not afford to make the trip to Canada) and wondered why, if it was willing to adjust their status, the INS would not simply leave them alone.

By the early 1940s suspension of deportation and pre-examination were available to aliens with a legally resident alien relative, those with long-term residence in the United States, and "exceptionally meritorious" cases, the latter constituting a general loophole. The expanding grounds for eligibility suggest a policy grounded in the idea that what mattered most was not the immigrant's formal status but his or her presence and ties in the community. This was a remarkable acknowledgement that undercut the premises of restriction and territoriality.

Significantly, however, the privilege of pre-examination became restricted to European immigrants. Asiatics did not qualify, because they were categorically excluded from immigration on grounds of racial ineligibility. Mexicans were not initially excluded. After MacCormack formalized the pre-examination procedure, INS El Paso district director Grover Wilmoth implemented the procedure for Mexican hardship cases, but in 1938 he became stonewalled by the American consul in Juárez, William Blocker, who argued that those applying for visas at Juárez "were of the laboring class, some of them actually on relief." They should, he said, "unquestionably" be denied visas. In fact the INS Board of Special Inquiry had ruled in Canadian pre-examination cases that receipt of relief during the Depression, when no work was available, was not evidence of LPC. Blocker deliberately slowed the work of processing visas for Mexican pre-examination cases to only a handful a month in order to frustrate Wilmoth's efforts to grant relief to Mexican cases.

I found no evidence that Wilmoth's higher-ups in the INS argued with the State Department for a fair application of the policy; rather, the INS seems to have quickly scuttled the program for Mexicans.

The racism of the policy was profound, for it denied, a priori, that deportation could cause hardship for the families of non-Europeans. In stressing family values, moreover, the policy recognized only one kind of family, the intact nuclear family residing in the United States, and ignored transnational families. It failed to recognize that many undocumented male migrants who came to the United States alone in fact maintained family households in their home country and that migration-remittance was another kind of strategy for family subsistence.

For Europeans, however, the policy was clearly a boon. In fact, pre-examination became an official and routine procedure for adjusting the status of Europeans who were not legally present in the United States. By the early 1940s pre-examination was used to help adjust the status of refugees from European fascism who had entered the United States in the 1930s by way of tourist or visitor visas.

Numerical restriction legislated in the 1920s displaced qualitative reasons for inclusion and exclusion with criteria that were at once more abstract and arbitrary—the quota slot and the proper visa. Previously, territoriality had been exercised to exclude people not deemed fit to be part of the nation. In the 1920s qualitative norms of desirability remained in the law as grounds for inclusion and expulsion, but, as we have seen, they were employed in deportation cases less often than was the rule of documentation and, moreover, they were applied

irregularly and with considerable discretion. As qualitative norms receded in importance, territoriality—defining and policing the national space—became both the means and the ends of immigration policy.

However, Americans increasingly believed that deportation, initially imagined for the despised and dangerous classes, was undemocratic and unjust when applied to ordinary immigrants with homes and families in the United States. Hence during the 1930s and early 1940s statutory and administrative reforms attempted to ease the tension between sovereignty and democracy that immigration policy had created. Family values and environmentalist views of delinquency and morality paved the way for reform, while race directed its reach.

Thus it became possible to unmake the illegality of Italian, Polish, and other European illegal immigrants through the power of administrative discretion. Of course, not all illegal European immigrants were legalized, but a rough estimation suggests that between 1925 and 1965 some 200,000 illegal European immigrants who were construed as deserving successfully legalized their status under the Registry Act, through pre-examination, or by suspension of deportation. The formal recognition of their inclusion in the nation created the requisite minimum foundation for acquiring citizenship and contributed to a broader reformation of racial identity taking place, a process that reconstructed the “lower races of Europe” into white ethnic Americans.

By contrast, walking (or wading) across the border emerged as the quintessential act of illegal immigration, the outermost point in a relativist ordering of illegal immigration. The method of Mexicans’ illegal entry could thus be perceived as “criminal” and Mexican immigrants as undeserving of relief. Combined with the construction of Mexicans as migratory agricultural laborers (both legal and illegal) in the 1940s and 1950s, that perception gave powerful sway to the notion that Mexicans had no rightful presence on United States territory, no rightful claim of belonging.

### **The Crimes and Consequences of Illegal Immigration: A Cross-Border Examination of Operation Wetback, 1943–1954**

KELLY LYTLE HERNÁNDEZ

In May of 1954, U.S. Attorney General Herbert Brownell issued an announcement. In the coming months, the U.S. Border Patrol would implement what he called Operation Wetback. As he explained it, Operation Wetback would be an intensive and innovative law enforcement campaign designed to confront the rapidly increasing number of illegal border crossings by Mexican nationals. As promised, during the summer of 1954, eight hundred Border Patrol officers swept through the southwestern United States performing a series of raids, road

blocks, and mass deportations. By the end of the year, Brownell was able to announce that the summer campaign had been a success by contributing to the apprehension and deportation of over one million persons, mostly Mexican nationals, during 1954.

Five decades later, Brownell's public chronicling of Operation Wetback 1954 continues to draw the basic framework for understanding the campaign as an intensive, U.S. law enforcement campaign targeting undocumented Mexican nationals during the summer of 1954. Yet, Brownell's account of Operation Wetback was a decade late and a nation short. It was ten years earlier when the U.S. Border Patrol had begun its aggressive campaign against undocumented Mexican immigration. Raids, mass deportations, and an uncompromising focus on undocumented Mexican immigration had increasingly characterized U.S. Border Patrol work since the early 1940s. Further, Border Patrol efforts and innovations to prevent undocumented Mexican immigration into the United States developed in close collaboration with Mexican officials and law enforcement officers seeking to limit and control unsanctioned migration out of Mexico. Therefore, when it is defined as an innovative, aggressive, and targeted campaign against undocumented Mexican immigration, Operation Wetback is only partially understood if framed as occurring just during the summer of 1954 and only north of the U.S.-Mexico border.

Rooted in archival research conducted in the United States and Mexico, this [essay] digs deep into the history of Operation Wetback to tell a binational story of migration control that began long before 1954 and extended far beyond the U.S.-Mexico border. This binational history of Operation Wetback challenges the generally accepted view of Operation Wetback as a national initiative of U.S. immigration law enforcement. While it is certainly true that the U.S. Border Patrol was the primary police force involved in migration control along the U.S.-Mexico border, the cross-border history of Operation Wetback reveals how Mexican officials actively participated in the imagination and implementation of policing unsanctioned migration along the U.S.-Mexico border. Without denying the dominance of U.S. interests in U.S.-Mexican relations, Mexican officials participated in migration control along its northern border according to Mexico's domestic interests in regulating the international mobility of Mexican laborers. This [essay] therefore, focuses upon Mexican collaboration with the United States Border Patrol to establish a set of law enforcement priorities and practices designed to police the crimes of Mexican laborers who exited Mexico without authorization and entered the United States without sanction.

As a focused police project dedicated to curbing undocumented Mexican immigration, Operation Wetback began as the lesser-known companion of the Bracero Program. The Bracero Program (1942-1964) was a series of agreements between the U.S. and Mexican governments that facilitated the migration of short-term Mexican contract laborers into (and out of) the United States. Known as *braceros*, these laborers generally worked on southwestern farms, and U.S. and Mexican officials closely managed their migration between the United States and Mexico. Yet, beneath the agreement to import *braceros* were commitments to prevent Mexican laborers from surreptitiously crossing into the United

States and to aggressively detect and deport those who had successfully affected illegal entry. At a time when detecting, detaining, and deporting enemy aliens could have emerged as a priority of migration control within the United States, the bilateral promises of the Bracero Program directed the U.S. Border Patrol's attention to policing the southern border and deporting undocumented Mexican nationals. There, along the southern border, the U.S. Border Patrol found the Mexican government to be a critical partner in the design and implementation of migration control strategies.

By the early 1940s, Mexico had several decades of experience in trying to limit and control Mexican emigration to the United States. President Porfirio Díaz (1876-1910) had routinely implored poor Mexicans to not go north and remain in Mexico as laborers of Mexico's modernizing economy. Díaz's ouster in 1910 brought years of revolution and political chaos, but the general political commitment to discourage Mexican emigration continued. The new Mexican Constitution of 1917 allowed its nationals the right to freely enter and exit the national territory, but Section 26 of Article 123 of the Constitution of 1917 required each Mexican to have a labor contract signed by municipal authorities and the consulate of the country where they intended to work. This administrative restriction rendered legal labor migration of Mexican workers to the United States virtually impossible, because U.S. law prohibited offering contracts to foreign laborers before they entered the United States. For poor Mexicans, therefore, labor migration to the United States was often a crime south of the border just as their inability to pay U.S. immigration fees and/or pass literacy exams often forced them to surreptitiously cross the border in violation of U.S. immigration law.

Still, throughout the 1920s, hundreds of thousands of Mexican laborers crossed both legally and illegally into the United States. Mexican newspapers, politicians, and activists all tried to convince them to stay in Mexico. Most often, they warned potential migrants of the humiliations of racial discrimination that awaited them in the United States and reminded them of their duty to participate in the economic development of Mexico by working south of the border. At times, Mexican officials attempted to directly interrupt illegal labor migration to the United States. But, keeping Mexicans in Mexico was a nearly impossible task when confronting poverty in Mexico and agribusiness expansion in the United States.

It was only the onset of the Great Depression that turned Mexican migrants around. In this unique moment of diminished employment opportunities in the United States, more Mexicans returned to Mexico than entered the United States. Mobilization for World War II in the United States and a campaign of rapid industrialization within Mexico, however, once again jumpstarted Mexican immigration to the United States during the early 1940s. In particular, as many U.S. citizens joined the armed services or moved into higher paying industrial jobs, agribusiness-men in the southwestern United States actively recruited laborers from Mexico to work north of the border. At the same time, the Mexican government pursued a program of industrializing its agricultural sector. Land privatization, mechanization, and the export orientation of agricultural

production combined with food shortages and a dramatic rise in the Mexican population to force many Mexican *campesinos* (rural laborers) to seek economic survival through migration. They moved within Mexico and across the U.S.-Mexico border in search of work.

The Mexican government hoped to limit the loss of its citizens and laborers to its northern neighbor. Not only was massive emigration to the United States a shameful exposure of the failure of the Mexican Revolution to provide economic well-being for many of Mexico's citizens, but it also drained the country of one of its greatest natural resources, a cheap and flexible labor supply. The loss of laborers and inability to regulate labor mobility worried many social, political, and economic leaders at a time when Mexico was deeply engaged in a project of modernizing the countryside. Mexican political leaders imagined the Bracero Program as a program of managed migration that offered the Mexican government the opportunity to control the international mobility of poor Mexican *campesinos*. Control, however, was elusive as undocumented migration increased alongside the Bracero Program.

Within weeks of negotiating the Bracero agreement, tens of thousands of unemployed and underemployed Mexicans learned of the opportunity to work in the United States and headed to the recruitment center that had been established in Mexico City. When they arrived, however, many learned that they were not eligible to sign up for the program. Only healthy young men with agricultural experience, but without land, who had secured a written recommendation from local authorities verifying that their labor was not locally needed, were eligible for *bracero* contracts. Many poor Mexicans, who were too young or too old, too sick, or female, were turned away by Mexican authorities. Disappointed by the limits of the Bracero Program, many poor Mexicans headed to the U.S.-Mexico border, where they crossed without the authorization of the Mexican government or the sanction of the U.S. government. Therefore, even though the Bracero Program delivered two million legal temporary Mexican workers to U.S. farms and ranches between 1942 and 1964, an increasingly large number of Mexicans were working illegally outside of Mexico and within the United States during the same years.

Once illegal immigration to the United States grew alongside the Bracero Program, various Mexican interest groups pressured their government representatives to end unsanctioned Mexican migration across the U.S.-Mexico border. Agribusinessmen along Mexico's northern border were particularly vocal in their protests that cotton was rotting in the fields because Mexican laborers chose to cross the border for higher wages rather than work within Mexico. Agribusinessmen in these regions demanded placement of the Mexican military along the border to prevent unsanctioned border crossings into the United States by Mexican cotton pickers. Their protests were joined by the voices of *braceros* working within the United States who resented undocumented emigration because they believed undocumented Mexican workers lowered wages and worsened working conditions while many Mexicans in general resented the loss of citizens and workers to the "colossus" of the north. The Mexican government responded to these demands by improving the enforcement of its own emigration



laws and used the Bracero Program as an opportunity to negotiate the deportation of illegal Mexican labor out of the United States.

Soon after the Bracero Program began, Mexican officials demanded that in exchange for participating in the facilitation of legal immigration through the Bracero Program, the United States needed to improve border control and return to Mexico those who surreptitiously crossed into the United States. These demands for improved control over unsanctioned entry into the United States linked the U.S. Border Patrol directly to the Bracero Program.

To address the mounting problem of illegal immigration alongside the Bracero Program, the U.S. Border Patrol "committed itself to strengthen the Patrol force along the Mexican Border by the means of filling all existing vacancies and detailing approximately 150 Patrol Inspectors from other areas to the Mexican border. The shift of additional Border Patrol officers to the southern border transformed the national organization of the U.S. Border Patrol. Prior to 1943, more U.S. Border Patrol officers worked along the northern border than along the southern. However, the majority of new officers hired after 1943 were assigned to stations along the U. S.-Mexico border. Growth of the Border Patrol budget in 1940 and the shift of personnel in late 1943 almost doubled the number of Border Patrol Inspectors working in the U.S.-Mexico borderlands. After 1943, the Mexican border became the center of operations for the U.S. Border Patrol, but when more officers did not automatically result in higher numbers of deportations, Mexican officials continued to press the United States for results.

On 11 December 1943, the Mexican Embassy in Washington, D. C. wrote to the U.S. Secretary of State requesting that the U.S. government "adopt the measures which may be appropriate to prevent the illegal entry" of Mexican workers not in possession of *bracero* contracts. Mexico requested such assistance because of the law enforcement challenges presented by border policing and because "the economy of Mexico is suffering serious losses through the surreptitious departure of workers."

Within six months of the Mexican Embassy's threat to revise the Bracero Program, the chief supervisor of the U.S. Border Patrol, W. F. Kelly, launched an "intensive drive on Mexican aliens" by deploying "Special Mexican Deportation Parties" throughout the country. The Special Mexican Deportation Parties were small teams of U.S. Border Patrol officers specifically directed to target, apprehend, and deport undocumented Mexican nationals. For example, on 14 June 1944, Kelly ordered the Border Patrol stations in Minnesota and North Dakota to detail officers to Chicago and to perform special raids against Mexican nationals. The next day, Border Patrol officers in McAllen, Texas, completed a drive upon Mexican nationals that resulted in over 6,900 apprehensions.

The 1943 shift in personnel to the southern border and the Special Mexican Deportation Parties of 1944 marked the beginning of the U.S. Border Patrol's intense focus upon Mexican nationals. The new focus and strategies had multiple effects. First, the number of apprehensions of deportable aliens made by U.S. Border Patrol officers in the Mexican border region increased from 11,775 in

1943 to 28,173 in 1944. Operation Wetback, a campaign of aggressively targeting Mexican nationals for interrogation, apprehension, and deportation, had begun.

The U.S. Border Patrol's shift to the Mexican border in 1943 and focus upon Mexican nationals in 1944 created quick results by dramatically increasing the number of Mexican nationals apprehended and deported. But, the problem of increasing the number of deportations without altering the method of deportation was quickly apparent. When the U.S. Border Patrol released deportees at the border, deportees simply and easily re-entered the United States. Therefore, soon after the Special Mexican Deportations began, U.S. and Mexican officials initiated a conversation about how to prevent deportees from easily slipping out of Mexico and into the United States. On 11 January 1945 they reached an agreement whereby the United States Border Patrol would deport Mexican nationals who were residents of Sonora, Sinaloa, and Jalisco through Nogales, Arizona, and residents of eastern and southern Mexican states through El Paso, Texas. For their part, Mexican officials agreed to "accept delivery of the aliens in question through its immigration officials at the ports opposite El Paso and Nogales and to divert them to localities in the Interior." Therefore, rather than just releasing deportees at the border, U.S. Border Patrol officers began to deliver Mexican deportees into the custody of Mexican immigration officials who would forcibly relocate the deportees to points south of the border. After several months of preparation, this practice began in April of 1945.

Whether using trains or planes, the procedure for coordinating deportation into the interior of Mexico was similar. Typically, U.S. Border Patrol officers apprehended undocumented Mexican nationals within the United States and took them to an INS detention center along the California or Texas border. At the detention center, officers determined the method of removal that would be offered to each immigrant. If migrants were residents of an adjacent border area, they would be allowed to simply cross back into Mexico and remain in the border area without further penalty or surveillance. If they were from the interior, however, Border Patrol officers tagged them for a train-lift or air-lift. Residents of northern Mexican states would generally be designated for deportation by train to Monterrey, Torreón, or Chihuahua, while residents of "the balance of Mexico" would be designated to return by plane to central Mexico.

Once all of the necessary information was gathered, the Border Patrol transported deportees by plane, train, or bus to the U.S. border port from where they would be deported. While the Border Patrol released residents of the border areas from U.S. custody at the border, residents of the interior were released into the custody of Mexican officers. At this point, the deportees and the financial responsibility for their detention, supervision, transportation, and care were officially transferred from the United States to Mexico.

The migrants waited until a train was ready to take them south. As they waited, perhaps they would be lectured by a Mexican official that "it was useless for them (returnees) to return to the United States as no demand existed for labor. If they complained about being forcibly removed to the interior of Mexico, an officer of the Mexican Department of Migration may have explained that they

had broken Mexican law by emigrating without the proper documents and were, therefore, in no position to dispute their removal to the interior. When the trains were ready, the guards placed the migrants on board and escorted them to their final destination somewhere farther south of the U.S.-Mexico border.

Cross-border collaboration expanded the possibilities of migration control along the U.S.-Mexico border. Although police practice is defined as a site of state violence, that is limited by the boundaries of the nation-state, the cross-border policing of migrants linked the distinct territories of U.S. and Mexican police authority. At all times, U.S. and Mexican officers respected the limits represented by the border. They disembarked from the buses and exchanged custody of deportees at the line between the two countries. With cross-border collaboration, however, U.S. and Mexican officers were able to transform the line that marked the limits of their jurisdictions into a bridge that linked rather than divided the two distinct systems of migration control. Upon that bridge the consequences for unsanctioned border crossing were merged. No longer were the detentions and dislocations that accompanied migration control isolated within one nation or territory. In the United States, those identified as illegal immigrants were subject to surveillance, detention, and deportation. In Mexico, they would face the disruptions and anxieties of forced dislocation to unfamiliar places. In each location, however, the consequences of having committed the symbiotic crimes of unsanctioned emigration and undocumented immigration were bound together through the collaborative practices of U.S.-Mexican migration control.

Reports regarding the conditions of the lifts and treatment of returnees vary significantly. While Mexican officials participating in the program tended to report that the lifts were conducted "without incident" and that they were "pleased with the arrangement," journalists, migrants, and activists tended to comment less favorably. For example, Frank Ferree was a U.S. veteran and self-declared champion of the Mexican worker who was disturbed by the poor living and working conditions of undocumented Mexican laborers in South Texas. Ferree often accompanied the deportees on the train-lifts to distribute food and medicine and reported that the train-lifts were "indescribable scenes of human misery and tragedy" as poor, and often sick, deportees were forced onto guarded trains and taken to unfamiliar places. Sometimes, he reported, deportees would jump from the moving trains and be half-heartedly shot at by Mexican officers guarding the train-lift.

With a similarly negative story to tell, deportee Juan Silos spoke with a journalist from *El Heraldo de Chihuahua* as he awaited a train-lift in Reynosa, México. Silos complained that Mexican officers had beaten him over the head with an iron rod until his head bled. For years the Mexican press and politicians had warned migrants against going to the United States, where they would be subject to racial discrimination and violence. But, according to Silos, the violence experienced by him and the other deportees within Mexico made him wonder, "why they talk about discrimination towards workers abroad, when here brothers of our own race almost kill us."

While U.S.-Mexico collaboration expanded during the 1940s, the Mexican government continued to fund its own independent campaigns dedicated to

preventing the unsanctioned emigration of Mexican laborers into the United States. In particular, when breakdowns in negotiations for the Bracero Program severed the cross-border negotiations for migration control, Mexico strengthened its own border enforcement.

The captain of the Mexican Border Patrol, Alberto Moreno, worked with what one Mexican newspaper described as a "hand of steel" dedicated to arresting migrant smugglers and undocumented immigrants when they illegally crossed back into Mexico. Chief Patrol Inspector Fletcher Rawls of the U.S. Border Patrol in El Paso, Texas, valued Captain Moreno's work on the southern side of the border. He "is tearing up boats by the bunches (I think shooting up a few) and is cooperating with us very good," explained Rawls to his district director within the Immigration Naturalization Service. "If we can keep this man over there and he continues to receive the backing from Mexico City, he is going to be a big help to us," continued Rawls, who appreciated the expanded possibilities of policing and punishing unsanctioned migration when U.S. and Mexican officers cooperated along the border.

Migrants routinely frustrated U.S. and Mexican officers by using the border as a barrier against U.S. and Mexican immigration law enforcement. The residents of Tampico, a large migrant camp just north of the South Texas border, for example, lived outside the grasp of Mexican authorities, but rushed south to flee the jurisdiction of U.S. officers when the U.S. Border Patrol raided the camp. The establishment of the Mexican Border Patrol, however, limited their ability to exploit the limits that the border placed upon the distinct jurisdictions of U.S. and Mexican law enforcement.

One of the most nagging problems for U.S. Border Patrol officers were cases of "chronic offenders" who were able to escape forced relocation to the interior by claiming residency in a border city. "You'd take them across the river and sometimes they beat you back across," explained Bob Salinger, patrol inspector in charge of the Mission, Texas, station in the early 1950s. Salinger "got fed up" with the "chronic offenders" who "you'd see ... day after day" and "promoted a pair of clippers" to be carried in each Border Patrol car and instructed the officers to shave the heads of "chronic offenders. After they had put migrants through what Salinger described as "a little barbershop for the chronic offenders," he instructed his officers: "You're going to have to take them straight over the river and kick them across after you clip their heads. We can't run them through the camp. Salinger was aware that the "little barbershop" was unsanctioned and unofficial, and consciously pushed the practice underground. But soon his officers became lax in their efforts to conceal the Border Patrol barber shop. When eight chronic offenders broke free of an officer one day and began "thumbing their nose" at him, he re-apprehended them and "decided they needed their heads clipped, so he peeled all of them." He had "made an Apache out of some of them, cut crosses on their heads, just the long-haired ones. One ole boy had a big bushy mustache, he'd shaved off half of it." Salinger believed the officer had done "a good job of it," but when the head-shaven immigrants were processed through the detention center, Chief Patrol Inspector Fletcher Rawls ordered the Mission, Texas, station to stop "peeling" Mexican heads, while he investigated whether or not head shaving violated the civil rights of detainees. When

Mexican newspapers began to expose and condemn the practice, which had also independently emerged in California, Rawls was forced to put distance between the Border Patrol and head peeling. The needed political distance was available just a few feet away. Rawls contacted the head of the Mexican Border Patrol who agreed to pick up the practice of head shaving south of the border until the civil rights issues it presented within the United States could be worked out. Mexican officers conducted head shaving until several years later, when the practice was officially performed at U.S. Border Patrol detention centers for sanitary purposes."

At the same time that U.S. and Mexican officers were working to negotiate the limits that the border placed upon policing and state violence, they fortified the physical divide between the two nations to deepen the dangers that the borderlands presented to unsanctioned migrants. With fences and coordinated surveillance, U.S. and Mexican officers pushed those who dared to cross the border without sanction into the backlands and waters of the border landscape. There, in the backlands and border waters, their deaths were the product of strategies pursued by U.S. and Mexican officials and were a reminder of the most extreme consequence of being policed.

In 1945, U.S. Border Patrol authorities began to recognize a shift in illegal border crossings away from the El Paso, Texas, area to the California border. To confront the rise in illegal crossings across the California border, the Immigration and Naturalization Service delivered "4,500 lineal feet of chain link fencing (10 feet high, woven of No. 6 wire) to the International Boundary and Water Commission at Calexico, California." Although the INS was not erecting a continuous line of fence along the borderline, they hoped that strategic placement of the fence would "compel persons seeking to enter the United States illegally to attempt to go around the ends of the fence." What lay at the end of the fences and canals were desertlands and mountains extremely dangerous to cross without guidance or sufficient water. Therefore, the fences discouraged illegal immigration by exposing undocumented border crossers to the dangers of daytime dehydration and nighttime hypothermia.

The construction of the fence sparked immediate resistance in Mexican border communities. To protect the fence, the governor of Baja California detailed Mexican soldiers to patrol and protect the fence "during its erection." Therefore, although the Mexican government consistently demanded protection for Mexican *braceros* from discrimination and abuse by U.S. employers, Mexican border officials helped the U.S. Border Patrol to erect fences designed to reduce illegal immigration by making border crossings more dangerous for undocumented workers.

When the Calexico fence was completed, many migrants found ways to cut through, over and under the border fence. Others, however, became frustrated by the barricades and risked the march around its edges. For example, after being apprehended by the U.S. Border Patrol while trying to get across the border fence, a Mexican deportee reported to the *Los Angeles Times*: "[N]ext time I will cross over in the desert country. When, with companions, I will take a road through the desert sand where there are no people." He recognized that beyond the fences "it is hard, and, many die on such a road," but he hoped: "[M]aybe my water bottle will last and I will come to some place like San Bernardino, or to Los Angeles, and become lost there, from la migra." Many who shared his dream, however,

perished along the way. On 4 February 1952, for example, an irrigation district employee discovered five dead Mexican males near Superstition Mountain in the Imperial Valley of California. The bodies were found "near small shrubs with a flax straw water bag, two cans of sardines and two loaves of bread." Apparently the men had readied themselves for a long trek through the desert, but had underestimated the ravages of the backlands along the U.S.-Mexico border.

Many of those who did not test the dangers of the deserts chose to cross the border's waterways, such as crossing the All-American Canal in Southern California. As with the Rio Grande in Texas, which was claiming the life of at least one undocumented border crosser each day, the United States Border Patrol and Mexican officers left the All-American relatively unguarded because of the inherent threat it presented to undocumented crossers. On 26 May, 1952, twenty-five-year-old Mario Ramírez stepped into the canal six miles west of Calexico and drowned. Several days later, canal authorities discovered the battered corpse of another young Mexican male that had been entangled in the head gate of the All-American canal for at least one month. He could have been heading north or south, because Mexican policy denied undocumented immigrants who self-deported the right to use the ports of entry forcing deportees to surreptitiously re-enter Mexico as they had entered the United States.

In February of 1950, U.S. Border Patrol Inspector Albert Quillin of South Texas launched a new strategy that would soon form the core of U.S. Border Patrol activities. "At 5 am, Tuesday, February 11" 1950, Quillin convened a detail of twelve border patrolmen with "two buses, one plane, one truck, a carryall and ... nine automobiles" at a "point four miles east of Rio Hondo, Texas." There, the officers set up a miniature immigration station and split into two teams. Each team was given maps of the area and instructions to apprehend as many undocumented immigrants as possible, quickly process them through the temporary immigration station, and then place them on one of the waiting buses that would take deportees directly to the border. That day, about 100 undocumented Mexicans were deported from the Rio Hondo area. The next day, this same detail moved on to Crossroads Gin near Los Fresnos, Texas, and raided farms. By the end of the second day, an additional 561 undocumented Mexicans had been deported. On the third and fourth days, this detail moved into San Benito, Texas, from where they deported 398 Mexicans. Altogether, Quillin's detail apprehended over 1,000 undocumented laborers in four days of work. Word quickly spread regarding Quillin's accomplishments and within two weeks his model was being applied throughout South Texas. Soon, Quillin's model was given a name, "Operation Wetback," coordinated with the lifts that deported Mexicans into the interior of Mexico, and introduced to Border Patrol operations throughout California and Texas.

Along with increased personnel concentrated in the U.S.-Mexico border region and improved equipment ranging from buses to planes, the "Operation Wetback" model allowed the Border Patrol to boost the number of annual apprehensions. Between 1950 and 1953, U.S. Border Patrol apprehensions almost doubled from 459,289 to 827,440. Although the introduction of the "Operation Wetback" model and the rising number of repeat crossers made the jump in apprehension statistics a poor gauge for the overall volume of undocumented Mexican immigration, the raw

increase in the number of apprehensions of undocumented Mexicans caused many in Mexico and the United States to believe that a crisis existed.

For many, the continuing spike in apprehensions along the southern border directly reflected a deepening crisis of unsanctioned border crossings by Mexican nationals and was unrelated to innovations in U.S. and Mexican immigration law enforcement. Another breakdown in Bracero Program negotiations stalled cross-border collaboration in January of 1954, but by spring, U.S. and Mexican officials resumed negotiations to aggressively combat the crisis in undocumented Mexican immigration. In the United States, President Eisenhower appointed retired Army General Swing as the commissioner of the INS. General Swing's appointment was intended to improve the efficiency of immigration law enforcement through militarization of the INS. In Mexico, preparations were made to increase the number of removals to the interior while the Mexican press warned potential migrants of the impending campaign. Officials of the two countries rushed memos and agreements back and forth regarding how they could independently and collaboratively control the flow of undocumented Mexican immigration. In May 1954, officials of each country publicly announced that the U.S. Border Patrol would soon launch Operation Wetback of 1954 as an innovative law enforcement response to the crisis of undocumented Mexican immigration. One month later, U.S. Border Patrol officers erected roadblocks on roads that led to the interior of the United States to prevent undocumented immigrants from escaping apprehension by fleeing inward. On the 17th the officers were organized into dozens of "command units" of twelve men with buses, airplanes, and mobile immigration stations that would allow them to quickly process undocumented Mexican nationals for deportation. Everywhere they went, the officers were chased and photographed by journalists who had come to witness what Brownell had promised would be a spectacular show of U.S. law enforcement, headed by the newly appointed General Swing. The journalists and U.S. Border Patrol officers, however, halted at the border while Mexican deportees were delivered into the custody of Mexican officers, who forcibly relocated them to "areas in the country [Mexico] where work was plentiful. For migrants, the process of deportation continued within Mexico as they were placed on the *S.S. Emancipación* or on one of the trains or planes that had been relocating them to far away places for almost a decade.

While General Joseph Swing is generally credited with designing and launching Operation Wetback as an innovative campaign of U.S. immigration law enforcement, the set of practices employed during the summer of 1954 had begun one decade before Swing's arrival. The focus upon Mexican nationals, mass deportations, removal to the interior of Mexico, and command units were all well-worn tactics within the recent history of migration control along the U.S.-Mexico border.

The publicity campaign of 1954 made an impact far beyond the numbers of apprehensions actually accomplished. After 1954, the long and complicated history of Operation Wetback remained camouflaged behind the public statements and press accounts of that summer. Those statements and accounts tended to limit the story of Operation Wetback to the summer of 1954 and to north of the U.S.-Mexico borderline. This article, however, utilizes U.S. and Mexican sources to retrace the longer history of Operation Wetback and highlight cross-border border dynamics of

migration control that the activities and pronouncements of 1954 obscured. What emerges from a critical analysis of the development of Operation Wetback is not the story that Attorney General Brownell hoped to project about the innovation and success of U.S. law enforcement during the summer of 1954. Rather, cross-border research transforms the typically nation-bound and time-bound narrative of Operation Wetback into an unexpected story of evolving binational efforts at migration control. Those binational efforts, such as the collaborative deportations, coordinated raids, and shared surveillance, linked the crimes of unsanctioned exit from Mexico and illicit entry into the United States and extended their consequences across the U.S.-Mexico border. Although much of the cross-border history of Operation Wetback remains lost in what was never written south of the border, expanding and extending the lens applied to the campaign deepens our understanding of the penalties that migrants paid for their crimes of illegal migration when the boundaries of state violence were stitched together by collaborative police practice.

### FURTHER READING

- Andreas, Peter. *Border Games: Policing the U.S.-Mexico Divide* (2009).
- Balderrama, Francisco, and Raymond Rodríguez. *Decade of Betrayal: Mexican Repatriation in the 1930s* (1995).
- Blanton, Carlos Kevin. "The Citizenship Sacrifice: Mexican Americans, the Saunders Leonard Report, and the Politics of Immigration, 1951-1952." *Western Historical Quarterly* 40 (Autumn 2009): 299-320.
- Bracero History Archive* <http://braceroarchive.org/>
- Calavita, Kitty. *Inside the State: The Bracero Program, Immigration, and the I.N.S.* (1992).
- Castañeda, Antonia, Patricia Hart, Karen Weathermon, and Susan H. Armitage, eds. *Gender on the Borderlands: The Frontiers Reader* (2007).
- Cohen, Deborah. *Braceros: Migrant Citizens and Transnational Subjects in the Postwar United States and Mexico* (2011).
- De Genova, Nicholas and Nathalie Peutz, eds. *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement* (2010).
- Ettinger, Patrick. *Imaginary Lines: Border Enforcement and the Origins of Undocumented Immigration, 1882-1930* (2009).
- Gutiérrez, David G. *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity* (1995).
- . ed. *Between Two Worlds: Mexican Immigrants in the United States* (1996).
- . "Migration, Emergent Ethnicity, and the 'Third Space': The Shifting Politics of Nationalism in Greater Mexico." *Journal of American History* 86 (Sep. 1999): 481-517.
- Hoerder, Dirk, and Nora Faires, eds. *Migrants and Migration in Modern North America* (2011).
- Kang, Deborah S. *The Legal Construction of the Borderlands: The INS, Immigration Law, and Immigrant Rights on the U.S.-Mexico Border* (2012).
- Lytle-Hernández, Kelly. *Migra! A History of the U.S. Border Patrol* (2010).
- Ngai, Mae. *Impossible Subjects: Illegal Aliens and the Making of Modern America* (2004).