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The Bracero Policy Experiment: U.S.-Mexican Responses to Mexican Labor Migration, 1942-1955

A dissertation submitted in partial satisfaction of the requirements for the degree Doctor of Philosophy in History

by

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To friends and teachers of two decades ago:
Joan Hurley, Jim Murdoch and Peter Winn

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ABBREVIATIONS

AmEmbassy	U.S. Embassy in Mexico City
DOJ	U.S. Department of Justice (Washington)
DOL	U.S. Department of Labor (Washington)
DOS	U.S. Department of State (Washington)
FY	Fiscal year (year ending June 30)
Gobernación	Mexican Ministry of Gobernación (Mexico City)
INS	U.S. Immigration and Naturalization Service (Washington), agency which reports to DOJ.
NAW	National Archives, Washington
NRCSM	National Records Center, Suitland Maryland
P.L.	Public Law
RG	Record Group
SecState	Secretary of State
SRE	Mexican Foreign Ministry (Tlatelolco, Mexico City)
STyPS	Mexican Ministry of Labor and Social Welfare
USES	U.S. Employment Service (Washington), agency which reports to the Bureau of Employment Security of DOL

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ABSTRACT OF THE DISSERTATION

The Bracero Policy Experiment:

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1942-1955

by

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During the bracero program, 1942-1964, the Mexican and U.S. governments sought to regulate Mexican labor migration across their common border through a series of migrant labor agreements. From the standpoint of international relations, broadly speaking there were three phases: wartime cooperation (1942-1947), conflict punctuated by cooperation (1947-1954), and stability (1954-1964). The period of study 1942-1955 is crucial because of changes in basic and implicit rules of governmental behavior (bilateral regimes). During this period--the years of the bracero policy experiment--both governments made powerful initiatives to pursue their interests in

migrant labor matters and to respond effectively to the rising tide of undocumented migration.

The years of bilateral conflict culminated in a dramatic episode in January 1954 in which the U.S. contracted Mexican workers unilaterally and the Mexican government used force unsuccessfully to prevent it. After reaching a new agreement, the two governments cooperated in the mass deportation campaign known as "Operation Wetback" and adopted measures making bracero contracting more attractive to agricultural employers. By 1955 the U.S. and Mexico had effected a mass substitution of undocumented workers with contract laborers and entered a new bilateral regime, which lasted until the demise of the bracero program in 1964.

This study describes the policy responses of both the U.S. and Mexican governments to Mexican labor migration during the period of experimentation leading up to the stable regime of 1955-1964. It examines how each government established and pursued policy objectives, the nature of the differences within and between them, the constraints of domestic public opinion, negotiation process, the planning and execution of unilateral action, and the policy outcomes.

The dissertation seeks to explain these policy responses. It also attempts to suggest why sharp disagree-

ments occurred notwithstanding common objectives: each government desired the recruitment of Mexican laborers under controlled circumstances, the reduction of illegal entries, the avoidance of adverse effects, and cordial bilateral relations.

The principal sources used were the records of the Department of State and the Immigration and Naturalization Service at the National Archives and the Mexico City press.

PREFACE

On August 4, 1942, the governments of Mexico and the United States undertook an implicit experiment. In what would become known as the "bracero program," this unique experiment constituted a joint effort to manage Mexican labor migration between the two countries. During the 22 years that the program was in operation, approximately 4.6 million contracts were issued to Mexican agricultural laborers, or braceros. Moreover, during much of that period--especially the first thirteen years of the program, 1942-1955--a greater number of Mexican workers entered illegally and were expelled by the U.S. than were contracted under the bilateral agreement. These workers --called "wetbacks" because many crossed the border by swimming or wading the Rio Grande--did not have the labor protections afforded contract workers, though occasionally the two governments entered into agreements in order to legalize their status and put them under contract to employers.

The two governments assumed joint responsibility for the administration of the contract labor program and for reducing illegal entries from Mexico to the United States. The program constituted an effort to control mass labor migration jointly--in the words of Ernesto

Galarza, a bilateral attempt to "manage migration." This made it an unusual experiment. Through the vehicle of a migrant labor agreement, extended many times over two decades, until December 31, 1964, the two governments adopted the premise that the existence of common interests made joint efforts to "manage migration" preferable to independent efforts adopted by either country. That premise was severely tested, especially during the decade after World War II. When the last agreement was allowed to lapse by the United States in 1964, it was not the bilateral nature of the program but the controversy over the labor market impact of foreign workers, that led Congress to refuse to extend the statutory authority for the recruitment of migratory farm laborers from Mexico.

The purpose of this study is to describe and explain U.S. and Mexican policy responses to Mexican labor migration during the crucial years, 1942-1955. During the period 1942-1954, notwithstanding the large differences in relative power potential between Mexico and the United States, the participation of the Mexican government was quite active and it was a genuinely bilateral undertaking. During the post war years, especially, there was considerable bilateral conflict over the administration of the program, notwithstanding shared aims and common interests. In 1954 the policy experiment came to an end.

Whereas before that year, the outcome of the experiment remained in doubt, after 1954 no such doubt existed. The final phase of the bracero program, 1955-1964, was not lacking in discord and change, but virtually all of the substantive conflict occurred within the U.S. domestic arena--not between the U.S. and Mexican governments.

Mexican labor migration refers exclusively to Mexican agricultural workers that entered or were legalized under bilateral agreement and to undocumented workers, "wetbacks," or Mexican laborers subject to deportation from the United States.

The present analysis of Mexican and U.S. policy responses addresses the topic at two different levels. One is policy making within each government and its execution. My concern with "policy" regards the content of political objectives, including those considered but not adopted; by "execution" I refer to the interpretation of these broad objectives, the means employed to pursue them, the rationales employed to justify them, and the outcome of the execution of policy. To this end, the present study examines the domestic politics of the bracero program--how it was debated, why it was supported and opposed, and how the domestic political context presented constraints for the United States and Mexican governments. Since the basic concern is with policies, pol-

icy making and execution, the focus is on U.S. and Mexican governmental political actors; to the extent that non governmental actors enter this history, it is because they had a noticeable impact on the policy process.

The other level which this analysis addresses is the interaction between national policy objectives, in each country, and the negotiations (including conversations, ad hoc agreements on specific matters, and joint interpretations) between the two governments. To this end, the study examines each of the bracero negotiations during the period of study: what the positions of the U.S. and Mexican governments were, why they were adopted, how they were defended, how they changed, what was the outcome of the negotiation, and what explains those outcomes.

The history of the negotiations and U.S.-Mexican migrant labor relations, in turn, has two different phases. One is day-to-day affairs: the content of diplomatic exchanges regarding Mexican labor migration, including ad hoc attempts resolve specific disputes and arrive at operating rules for certain types of cases as they arose. This was the most explicit form of communication between the two governments on migrant labor matters and it can be characterized mostly as an endless cohflict within a

set of implicit rules of bilateral behavior regarding migrant labor matters.

The other phase has to do with those implicit rules themselves, i.e., a bilateral "regime." This refers to the unspoken premises regarding what constituted the Mexican and U.S. governmental roles in the bilateral experiment and how each government was expected to pursue, in this context, what it viewed as its national interest regarding Mexican labor migration. I have adapted the term "bilateral regimes," which borrows loosely from the debate on "international regimes" in the field of international relations. I have found this concept useful to organize and interpret U.S. and Mexican governmental behavior as described here, but have made no attempt to enter the theoretical debate regarding the role of international regimes in determining state behavior, and international regime change.[1]

The most interesting moments in the history of the bracero program have to do with changes or attempted changes in bilateral regimes. The stability of the bilateral regime at a given point in time was the result of the degree to which a need for the bilateral program

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[1] In this connection, see the articles included in Krasner, ed., International Regimes. (I will use this abbreviated form of citation for all books and articles. For the complete reference see bibliography.)

was perceived and the relative bargaining power of Mexico and the U.S.; it was also affected by the overall attitude of each government to the functioning of the migrant labor agreement and to the willingness of either or both governments to take unilateral action.

The most abrupt change in a bilateral regime occurred in early 1954 when, after the U.S. initiated unilateral contracting, the Mexican government backed down and re-entered negotiations under conditions of significant disadvantage. Joint cooperation on "Operation Wetback"--the mass deportation campaign of the summer of 1954--was undertaken under this new bilateral regime.

Though the bracero program underwent several transformations during 1942-1955, many of its basic features and operating procedures changed very little if at all. Under the supervision of officials from both governments, Mexican laborers, most of them from Central Mexico, were recruited and screened by Mexican and U.S. government personnel at migration stations in Mexico. Subsequently they were transported, initially at U.S. government expense, to a reception center at one of several U.S. border communities. There they were hired by American farmers or their agents, under contract, generally for six weeks. After employment in the U.S., some of these workers were re-contracted for another short period, others

"skipped" their contracts to work illegally in the United States, but most were returned at employer expense to Mexico. Between March 1947 and January 1954, some Mexican workers who had entered the United States without a contract--"wetbacks"--were given contracts in the U.S. without being obliged to return to Mexico.

On the U.S. side, the agency that had direct responsibility for setting policy and administering the program for most of the 22-year period was the Farm Placement Service of the United States Employment Service (USES) of the Department of Labor (DOL), in Washington. Crucial supporting roles were played by the Department of State (DOS), especially the U.S. Embassy in Mexico, and the Immigration and Naturalization Service (INS) of the Department of Justice (DOJ). Though not directly involved in administration, the Committees of Agriculture of the House of Representatives and the Senate played very significant roles during the life of the program.

On the Mexican side, the agency that played the most direct supervisory role throughout the entire program, responsible for setting policy and administration, was the Secretaria de Relaciones Exteriores (SRE); I refer to this agency as the Foreign Office and to the Secretary of Foreign Relations as the Foreign Minister. Within this department, much of the direct administration was handled

by the Dirección de Asuntos Trabajadores Migratorios, the office of bracero affairs. The Mexican Ambassador in the United States occasionally played a significant role. Of crucial importance in day-to-day administration were Mexican consuls--representatives of the Mexican government under the direction of SRE--and personnel of the Secretaría de Gobernación. Occasionally, the Mexican military commander of the area near Reynosa was also involved indirectly in bracero affairs. During World War II, a role was played by the Secretaría de Trabajo y Previsión Social--the Ministry of Labor and Social Welfare.

During brief moments in the program's history the presidents of the two countries were actively involved in making significant decisions that influenced the course of the bilateral experiment. Otherwise, for the most part it was a bureaucratic sideshow conducted mostly by SRE and DOL with the active participation of DOS and Gobernación. Starting at mid 1954 and into 1955, the role of the latter ministry became much more important and SRE frequently played the junior partner.

The terms of the contract between worker and employer either could be accepted or rejected by these parties, but were not subject to negotiation between them. Those terms, included in a long Individual Work Contract, were determined principally by the migrant labor agreement

then in force, the joint operating instructions agreed by both governments, and whatever understandings--formal or informal, explicit and tacit--that had been reached between the two governments. Within the U.S., the negotiation of formal arrangements was frequently entrusted to the Department of State, although the positions taken by the U.S. were for the most part determined by Department of Labor, and within that Department, by a few key agency heads. Indeed, though occasionally the Assistant Secretary and Under Secretary of Labor intervened in policy matters, for the most part, when the "Department of Labor" is referred to, it actually means USES with support from the Bureau of Employment Security and the Solicitor's Office of the Department. These formal arrangements consisted of the agreements and understandings reached at several conferences organized between the two governments.

Between these formal conferences, many ad hoc agreements on specific matters were arranged. These largely fell to the U.S. Embassy and SRE. There were also cases of individual bargains worked out between Mexican consuls and U.S. agricultural employers, usually in ways which provoked the employer and infuriated the field personnel of the Department of Labor.

Mexican labor migration to the United States was not new in 1942, nor did it disappear when the bilateral program ended in 1964. What distinguishes the 22-year period in between is the abiding faith, not always borne out by the facts, that the two governments could achieve their independent national objectives more readily by acting in concert than by acting separately. The faith that working together was preferable to acting separately was sorely tested in the years after World War II, especially from 1948 to 1954. During these years, the tide of undocumented migration reached unprecedented heights, as exemplified by the more than one million apprehensions of Mexicans subject to deportation by the Border Patrol in fiscal year 1954. Also during this period, the Mexican government used a small contingent of troops to patrol the border to dissuade illegal entries into the Lower Rio Grande Valley of Texas, and pressed the United States to take action against illegal entries. What the Mexican government wanted, as expressed repeatedly in official communications between 1947 and 1951, was a new U.S. law that penalized employers that hired undocumented workers.

Thus began a most difficult period in the bilateral experiment, for instead of adopting such penalties, the U.S. Congress explicitly exempted employers of undocu-

mented workers from any sanctions. (This legal regime was not altered until the adoption of employer sanctions and the repeal of the "Texas proviso" by the Immigration Reform and Control Act of 1986.) For its part, instead of withdrawing from the bilateral program, the Mexican government, adopted a hard line in its administration, and attempted to reform it unilaterally by pressuring employers and U.S. representatives to move in the desired directions. In 1953 the new Eisenhower Administration took the view that something drastic had to be done to stop illegal entries, and after dropping the idea of using troops at the border, embarked upon a course that forced Mexico, in a dramatic setback in January 1954, to accept a different approach.

The period leading up to and including the January 1954 crisis, and its aftermath, constitutes the heart of this study. This was the climactic moment when Mexico and the U.S. independently and together reassessed their role in the program, their policies toward undocumented Mexican labor migration, and their national priorities. The decisions made at this time, the conflict between and within governments, and the deception and rationalization that these entailed on each side of the border is not a pretty sight to behold. But all of this is very revealing both of the limits and the possibilities of bilateral control over Mexican labor migration.

In June, 1954, under a new bilateral regime, the United States and Mexico actively cooperated in a mass deportation campaign known as "Operation Wetback" which mostly resulted in the legalization of the undocumented flow into the United States. Thus ended a most conflictual period of bilateral relations regarding labor flows, and the beginning of a new era of the bracero program--what I term a "stable" bilateral regime.

What characterized the "mature" bracero program was not that it constituted an improvement over the previous one, but that it was stable--it lasted in this form for nearly a decade. However, the "solution" of one problem (illegal entries into the United States from Mexico) created two others. One was the undermining of working conditions of braceros--formally, by reducing labor guarantees and informally, by not enforcing those existing. This made it attractive for growers to shift away from employing undocumented agricultural workers and substituting them with braceros, but it led to a problem of exploitation of the former under conditions indistinguishable from those of the latter. The other problem was the undermining of the working conditions of domestic workers. It was the widespread abuses of the contract

labor program, and the perception that it produced a massive displacement of domestic farm workers, that led to its demise in 1964.

Part of this story has already been told; four works, particularly, come to mind. The classic on the subject, of course, is Ernesto Galarza's Merchants of Labor: the Mexican Bracero Story (1964). The author, a scholar with a wide range of interests and organizer for the National Farm Workers Union in California, largely based his study on his own observations and presents a sharply critical view of the operation of the program, with special emphasis on the period 1951-1960. Richard Craig, in The Bracero Program: Interest Groups and Foreign Policy (1971), provides a succinct analysis of the U.S. domestic politics of the bracero program and of how effectively the Mexican government was able to compete with other interest groups in the United States during 1942-1964. Juan Ramón García's Operation Wetback: the Mass Deportation of Mexican Undocumented Workers in 1954 (1980) is more than a study of that deportation campaign; it offers rich detail on the politics of Mexican labor migration. Peter N. Kirstein's Anglo Over Bracero: A History of the Mexican Worker in the United States from Roosevelt to Nixon (1977) provides a somewhat sketchy and U.S.-focussed discussion of the politics of Mexican labor

migration based on invaluable sources, especially from the Truman Library.

Many other works have been published on the bracero program and undocumented Mexican migration during this period, but from the standpoint of the issues considered here the most significant are these four.[2] Each of these works discusses both Mexican bracero and undocumented migration during the 1940s and 1950s; each considers the Mexican government's role in the program; each examines some aspect of the politics and policies of both governments regarding braceros and undocumented migration. However, significant gaps remain. None of these studies puts labor migration and international relations at the center of their analysis; they do not describe the interaction between the two governments during the program. The sources consulted by these studies limit the possibilities of a detailed examination of the joint as well as independent policy responses of the two governments.

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[2] The other study that most closely parallels the present effort is a Ph.D. dissertation written at the University of Texas at Austin in 1970, by Johnny Mac McCain, titled "Contract Labor as a Factor in United States-Mexican Relations, 1942-1947." Its focus on the early, wartime period of the bracero program, however, limits its usefulness as a point of comparison for the present discussion. As my study makes clear, in part based on McCain, the wartime years were exceptional, not only from the standpoint of the administration of the migrant labor agreement and the relative absence of mass undocumented Mexican labor migration, but also from the standpoint of bilateral cooperation generally.

For these reasons perhaps, though these four studies--and others cited herein--frequently refer to both contract labor and "wetback" migration during this period, I am left with the impression that a satisfactory connection between the policy responses toward braceros and those regarding undocumented Mexican workers has yet to be established.

U.S. and Mexican policy responses to Mexican labor migration during this period have been inadequately described and their motivations frequently misunderstood. U.S. actions in the program generally have been equated with the promotion of grower interests. This dissertation provides documentation to show that this equation is correct during most of the period considered but, significantly, it does not hold at certain points in time. Of special concern to this study is identifying to what extent an autonomous interest of the U.S. government existed to reduce illegal entries, how that state interest was manifested, and what impact it had on negotiations with Mexico and on the operation of the migrant labor program.

Past studies of the bracero program have tended to gloss over the crisis of 1953-1954, and have not taken into account the nature and extent of the conflict between Mexico and the U.S. reflected in the crisis, nor

have they fully assessed the debate within the U.S. government that preceded unilateral action and the debate that erupted in Mexico that followed the attempt by that government to restrain emigration by force. The absence of such discussion in the literature is explicable because the internal records of U.S. agencies, especially the State Department, that provide significant details on these events were not open to the public until recently, and the Mexico City press--the other major source--is so voluminous as to be virtually unmanageable.

Finally, the most significant gap relates to our limited understanding of Mexican government attitudes, objectives, policy choices, actual policies adopted, and their connection to national priorities. The available studies are largely focused on the United States and, generally because of limits on sources, do not have similar detailed consideration to the Mexican politics of emigration.

Significant questions regarding the politics of Mexican labor migration during this period remain. Why did the Mexican government steadfastly oppose undocumented migration? Why did it promote employer penalty legislation and cooperate with the U.S. during "Operation Wetback?" Why did it act unilaterally to bid up wages, subsistence allowances, and similar worker benefits, instead

of holding out for similar provisions until agreement was reached? Once having taken the conflict to the Supreme Court in January 1954, and employed troops and police forces briefly to prevent unauthorized departures, why did the Mexican government re-open negotiations in February 1954? How did the transition from one bilateral regime to another, after February 1954, take effect? And finally, what do these events suggest for the limits to and possibilities of bilateral cooperation on migration control?

In attempting to answer these questions, I have found it helpful to organize events sequentially and to emphasize the trajectory of U.S. and Mexican policy responses to Mexican labor migration and to each other's policies. The course of events, especially in the pull and haul of negotiations, is more explicable when it can be related to other events and situations that occurred at the same time. The sequence of events is important also in that many actions taken by either government were not independent of the context in which they occurred. Some were reactions to situations or actions taken by the other government; some reflected an effort to sustain a position previously adopted.

I have relied principally on the archives of U.S. government agencies for the research of this study; of these, the most useful were the records of the State

Department. I also have relied on the rather extensive coverage that Mexico City newspapers and opinion writers gave to this subject during those years, and to hearings held before the United States Congress.

Even though my purpose has been to describe and explain the motivations of both governments, it is obvious that I have a more complete description of what occurred on the U.S. side of the negotiations, and that these records do not always present an unbiased view of the exchanges, some of them conflictual, between the two governments. Dean Acheson, himself Assistant Secretary of State, Under Secretary and later Secretary of State during the 1940s and early 1950s, made an observation regarding the use of records produced in his Department for later reconstruction of events. "I have never yet read a memorandum of conversation," he wrote, "in which the writer came off second best."[3] I have tried to keep Acheson's perceptive observation in mind while assigning weights to records of statements made in this study.

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[3] Acheson, Present at the Creation, p. 60.

PART I: BEGINNINGS

1 AN AMERICAN-MEXICAN DILEMMA: EARLY MEXICAN LABOR MIGRATION TO THE UNITED STATES

Mexico and the United States have shared a long history of interaction and exchange across their common border. Mexican labor migration is one of the oldest forms of such exchange. Prior to 1942, Mexican migration, whether controlled or not by governmental authorities, had flowed and ebbed into the United States and had ignited controversy both in Mexico and the United States. When the Mexican and U.S. governments reached an agreement that year to administer jointly Mexican labor migration to the U.S., U.S. and Mexican government attitudes and policies toward this movement already had a history. Indeed, the specific form that the bilateral program took in 1942 can be demonstrated to have been as much a response to this history than it was to the specific circumstances of that year which gave rise to the U.S. petition for Mexican agricultural laborers.

It is often assumed that the farm labor shortages wrought by U.S. entry into World War II, and U.S. policy responses to them explain the beginning of the bracero program. These elements do explain the U.S. initiative to facilitate the entry of Mexican workers in 1942, but this explanation omits several other important considerations. These other elements can be found in the history

of Mexican migration to the U.S. and of U.S.-Mexican relations prior to 1942. The beginning of the bilateral experiment that year was facilitated by the widespread perception, based on experience, that the peculiarities of Mexican labor migration to the United States did not make it amenable to control through independent, unilateral efforts by either government. Moreover, an ironic coincidence of dominant views in Mexico and the United States--though based on different values--held that the permanent settlement of Mexicans in the U.S. was not desirable, though temporary migration and employment of workers was considered beneficial to both countries. The bracero program, then, came to be a response to an American and Mexican dilemma: Mexican labor migration to the United States, depending upon the circumstances, was seen as either beneficial or harmful to national interests in both countries.

MIGRATION PATTERNS BEFORE 1942

Mexican settler migration of entire families and unaccompanied individuals into the U.S. Southwest has roots in the colonial period when Texas, New Mexico, Pimeria Alta and Alta California were northern outposts of New Spain. Mexican labor migration--the movement of laborers, mostly young adult males for temporary work in the United States--always accompanied settler migration, though mass

labor migration arose as a distinct phenomenon in the late nineteenth century.

After U.S. acquisition by force of Mexico's northern territories, the movement of Mexican settlers north into this region continued, notwithstanding the new international boundary. Until 1894 there was no attempt by U.S. authorities to control this movement across land borders. Most of the migration found its way to South Texas, much of it into what today is called the Lower Río Grande Valley.[1] During the 1870s and 1880s the trickle of settlers north was accompanied by a growing stream of unaccompanied laborers, principally young adult males, from the central-northern parts of the country--Guanajuato, Jalisco, Michoacán, and the states adjacent to the north.[2] In part it was stimulated by employers, who sent agents into Mexico, or went there on their own, to recruit laborers in the densely populated rural areas of the Central Plateau--mostly Jalisco, Guanajuato, and Michoacán. Labor migration was facilitated also by recruitment of workers from these regions employed in the construction

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[1] Taylor, American-Mexican Frontier, 1971; De León, Tejano Community, pp. 50-136; Corwin, "Early Mexican Labor Migration," pp. 28-29. (For complete references see bibliography.)

[2] Clark, "Mexican Labor in the United States," pp. 466-477; Corwin, "Causes of Mexican Emigration to the United States," p. 603.

of the Mexican north-south lines during the 1880.

An early description (1908) by Labor Department official Victor Clark underscored the importance of recruitment in Mexico and even more so within the United States.

> The progress of the laborer from his home in interior Mexico to his place of work in the United States is therefore in two main stages; first, as a recruit he is taken, or as a free immigrant he works his way to the border. At this point he falls into the hands of the labor agent, who passes him along to his final destination. The first stage of the journey may or may not be paid for by the laborer himself; the second is in practically all cases at the expense of the employer.[3]

Most of these workers were initially employed by the railroad companies of the Southwest, as pick-and-shovel men responsible for the maintenance of the railroad track in the southwestern and western lines. "With the possible exception of agriculture at certain seasons," wrote Clark, "more Mexicans are employed in the United States as railway laborers than at any other occupation. It is from this occupation that they drift into other lines of work."[4]

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[3] Clark, "Mexican Labor in the United States," p. 476. In 1909 it was observed that the recruitment of Mexican laborers was organized. The example cited referred to a company which "undertook to bring a party of 45 Mexicans into the United States" for railroad construction work. U.S. Bureau of Immigration, Annual Report, 1910, p. 123.

[4] Clark, "Mexican Labor in the United States,"

Other types of employers--especially cotton farmers in Texas--found a use for Mexican laborers; cotton growing and harvesting is a labor-intensive activity. Paul Taylor described the well-established pattern of seasonal migration during the 1890s, when Mexicans crossed into South Texas, principally to work in the cotton fields, and even the sugar cane fields in Louisiana.[5] Other parts of the U.S. Southwest also began to demand seasonal labor from Mexico at the turn of the century--the mining areas of southern New Mexico and Arizona, and the rich agricultural valleys of Imperial and San Joaquín, whose potential was just being realized as irrigation projects permitted these areas to be reclaimed from the desert. When rebellion broke out in Mexico in 1910, the flight of Mexicans refugees merged with on-going labor migration, and quickly emerged in the public mind, in Mexico and the United States, as the principal movement of Mexicans to the United States. Ultimately this led to the misconception--prevalent for many years afterward--that mass Mexican migration to the United States was ignited by revolution.

Part of the story regarding the volume of Mexican migration to the United States can be told with the aid

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p. 477.

[5] Taylor, American-Mexican Frontier, p. 102.

of official statistics of entries and departures re[illegible]ed by both Mexican and U.S. border stations. Table 1.[illegible] summarizes these north-bound and south-bound counts. [illegible]re 1.1 and Figure 1.2 present the north-bound and south bound data, respectively, in graph form. It may be observed that, both for north-bound and south-bound data, the information from the U.S. and from Mexico do not coincide exactly, and in some instances diverge considerably. The U.S. and Mexican data are roughly in agreement regarding the volumes and trends of north-bound migration between 1917 and 1942 (Figure 1.1). There is considerable disagreement regarding the magnitude and trend of south-bound flows throughout the period for which we have U.S. data on Mexican immigrants emigrating from the U.S.--1910-1930 (Figure 1.2).

The reasons for these discrepancies are two, principally. First, the two data sets are not identical in concept and reference period: the U.S. data refer to immigrants admitted of "Mexican race" (and excludes non immigrants) during fiscal years; the Mexican data refers to temporary emigrants (see notes, Table 1.1) and returnees or repatriates during calendar years. In both cases Mexican migrants who leave Mexico for the U.S. for casual visits are excluded, but evidently for several years between 1910 and 1942, Mexicans recorded their

Table 1.1
MEXICAN MIGRATION TO THE U.S., 1910-1942
(North-bound and south bound flows, U.S. and Mexican statistics)

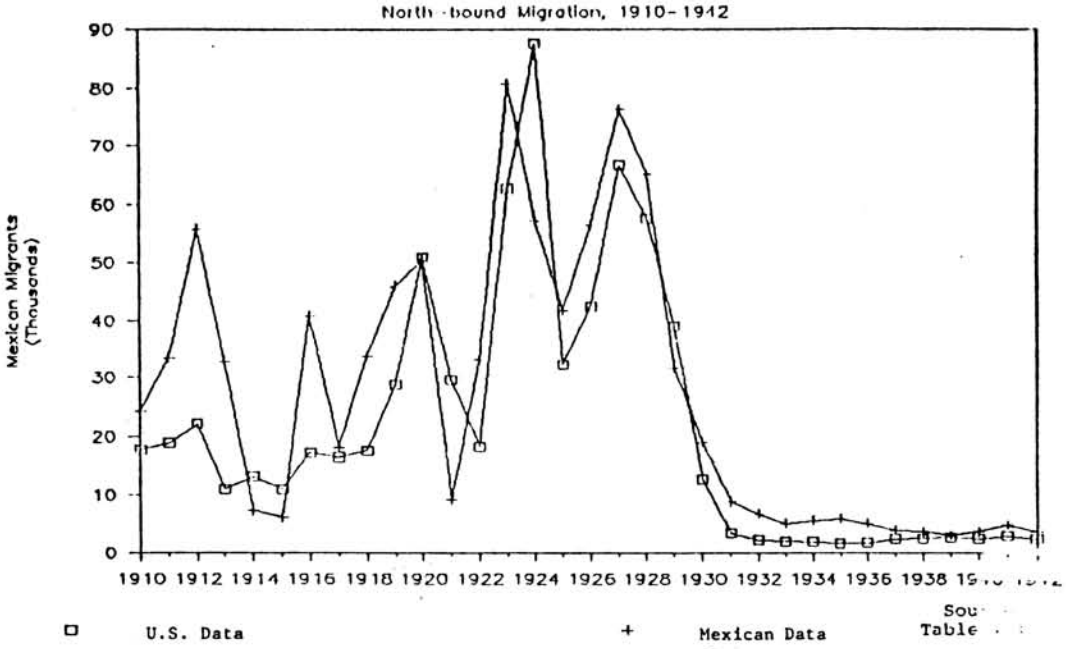
	North-bound migrants		South-bound migrants	
Year	U.S. data	Mexican data	U.S. data	Mexican data
1910	17,760	24,203	210	34,696
1911	18,784	33,384	319	35,305
1912	22,001	55,745	325	55,684
1913	10,954	32,826	910	29,312
1914	13,089	7,295	1,670	8,306
1915	10,993	6,113	573	13,798
1916	17,198	40,859	559	37,612
1917	16,438	18,089	759	92,822
1918	17,602	33,672	25,084	39,563
1919	26,884	46,080	17,793	40,428
1920	51,042	50,569	6,412	64,620
1921	29,603	9,165	5,519	106,242
1922	18,246	33,180	5,770	56,271
1923	62,709	80,793	2,479	85,825
1924	87,648	57,269	2,479	105,834
1925	32,378	41,759	2,875	77,056
1926	42,638	54,534	3,158	69,970
1927	66,766	76,398	2,774	69,604
1928	57,765	65,380	3,873	70,414
1929	38,980	31,686	7,172	69,928
1930	12,703	18,969	6,355	65,570
1931	3,333	8,888	n.d.	124,990
1932	2,171	6,708		80,648
1933	1,934	5,077		36,508
1934	1,801	5,581		20,757
1935	1,560	5,863		18,310
1936	1,716	5,016		14,590
1937	2,347	3,905		10,942
1938	2,502	3,620		11,024
1939	2,640	2,997		15,925
1940	2,313	3,580		12,536
1941	2,824	4,825		6,488
1942	1,378	3,722		6,428

Note: Fiscal years (ending June 30) for U.S. data, calendar year for Mexican data. North-bound migrants, in U.S. data, refer to "immigrants." In Mexican data the term used was "emigrantes temporales." South-bound migrants, in U.S. data, refer to "emigrants." In Mexican data, these referred to as "regresos" prior to 1929 and "repatriados," thereafter. Mexican data refer to the movement of Mexican nationals into or out of the United States or Mexico. U.S. data refer to immigrants whose last residence was Mexico, with the exception of 1931-1942, when the concept referred to was "immigrants of Mexican race."

Sources: North-bound, U.S.: For years 1910-1926: Annual Report of the Commissioner-General of Immigration, 1926, pp. 183, 185; for year 1927, Annual Report, 1927, p. 37; year 1928: Annual Report 1928, p. 40; year 1929: Annual Report 1929, p. 41; year 1930: Annual Report, 1930, p. 54. For years 1931-1942, data cited in Gonzalez Navarro, Poblacion y Sociedad en Mexico, vol. 2, pp. 133-134. North-bound, Mexico: For years 1910-1928, Departamento de Migracion, reproduced by Manuel Gamio, Quantitative Data, p. 20; for years 1929-1938, Secretaria de la Economia Nacional, Direccion General de Estadistica, Anuario Estadistico de los Estados Unidos Mexicanos, 1939, pp. 199, 201; for years 1939-1940, Anuario, 1941, p. 247; years 1941-1942, Anuario, 1943, p. 324. South-bound, U.S.: For years 1910-1926, Annual Report, 1926, pp. 183, for 1927, Annual Report, 1927, p. 37; for 1928, Annual Report 1928, p. 40; for 1929, Annual Report 1929, p. 41; for 1930, Annual Report, 1930, p. 54. South-bound, Mexico: For years 1910-1928, Gamio, Quantitative Estimate, p. 20; for years 1929-1938, Anuario, 1939, pp. 199, 200; for years 1939-1940, Anuario 1941, p. 245; years 1941-1942, Anuario, 1943, p. 323.

Figure 1.1

North-bound Migration, 1910-1942

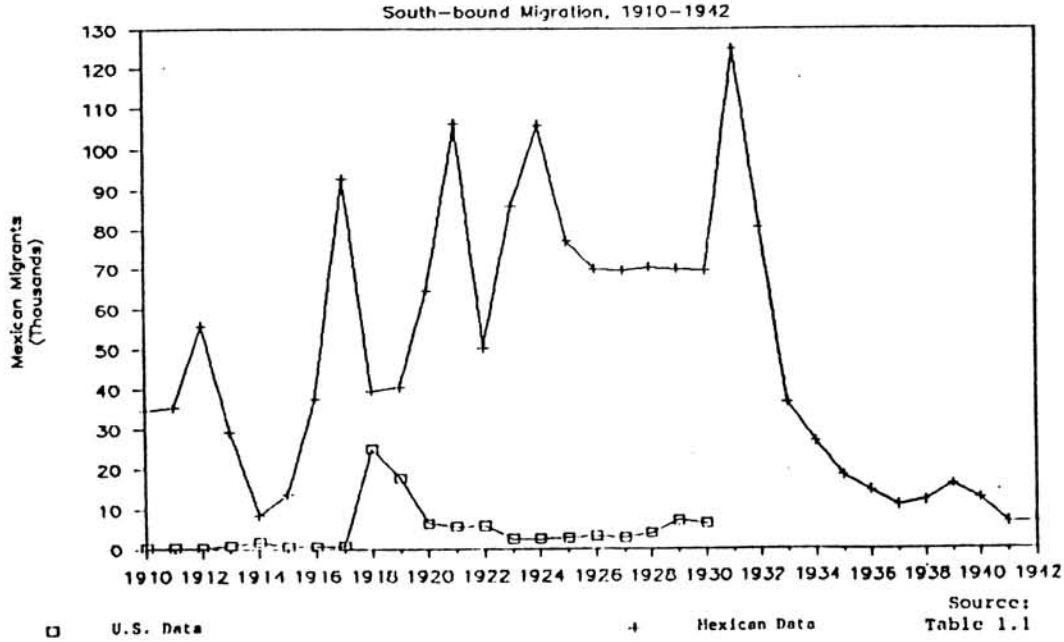


Sou
Table

27

Figure 1.2

South-bound Migration, 1910-1942



Source:
Table 1.1

28

departure with Mexican authorities and entered the U.S. without being admitted as immigrants (e.g., 1912, 191[illegible] 1930-1942). Given the differences in reference perio[illegible]-- fiscal and calendar years--the Mexican data points should be shifted to the right a half year in both Figure 1.1 and 1.2. Such a shift would result in a closer correspondence in the two sets of estimates of north-bound migration during 1922-1930.

The second reason for the difference, of course, is that not all Mexican migrants recorded their departure and entries into either country. Unrecorded north-bound migration we call undocumented migration or illegal entries today; though such migration was recognized as informal or illegal in the teens and twenties (it subjected the illegal entrant to the administrative penalty of deportation), it was not until 1929 that illegal entry became a criminal offense (a misdemeanor) in the United States. Unregulated migration did constitute a significant proportion of the total flow, however. This can be illustrated with the example of the decade of the teens. Between 1910 and 1919, according to U.S. data on Mexican immigrants admitted and departed (north-bound, and south-bound, U.S., Table 1.1) there was a net flow of 125,502 Mexican immigrants. The intercensal increase between 1910 and 1920, however, was 264,503 Mexican-born persons.

The difference between these two numbers indicates that the 1920 census counted at least 139,000 undocumented Mexicans that entered after 1910--a point made by a fact-finding committee in California in 1930.[6] However, the actual magnitude of net undocumented migration between 1910 and 1920 was larger, mainly because net Mexican immigration is equal to the intercensal increase, plus the deaths of Mexican-born in the U.S. during that period, plus the net error in the 1910 and 1920 census enumerations. (The latter two components are unknown.) The same procedure does not yield similar results for the 1920s, however, because the net intercensal increase--155,044--is smaller than the net legal immigration recorded by the U.S. Bureau of Immigration between 1920 and 1929--447,264 Mexican immigrants.[7]

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[6] California, Mexicans in California, p. 19. The procedure employed by the authors is the following: the intercensal increase of Mexican-born was 264,503 and the net flow of Mexican legal immigrants was 125,502. The difference is 139,001. This difference is equal to net illegal entries less deaths of Mexican-born in the U.S. during the interval (including deaths of illegal entrants) less the difference in census coverage. By using 139,000 as an estimate of net illegal entrants the authors made an underestimate and preferred to not estimate deaths or net census error.

[7] The 1930 census recorded 641,462 Mexican-born; the 1920 census 486,418. U.S. Bureau of the Census, Fourteenth Census of the United States, 1920, p. 693; Fifteenth Census of the United States, 1930, p. 225. The net legal immigration between 1920 and 1929 is calculated from Table 1.1., supra.

The explicable gap of U.S. statistics due to unrecorded north-bound undocumented migration is compounded by a serious deficiency in recording exits.[8] As Figure 1.2 shows, according to U.S. data, there were practically no departures recorded from the United States. The peak flow of emigrants occurred in 1918, when, in order to avoid being drafted into the U.S. Army during World War I, large numbers of Mexican legal immigrants returned to Mexico. However, there was a large flow of returnees--not just return visits to Mexico, which these data do not show, but of Mexicans in the United States who stated an intention to reside in Mexico as they re-entered. This can be observed in the Mexican data on south-bound migration (Figure 1.2). The peak return flows of 1920-21 and 1931-32 are historically well documented and correspond to the large repatriations that occurred during the two major economic depressions of the United States during this period.

U.S. and Mexican data largely substantiate the point that, although migration volume fluctuated considerably from year to year, from 1923 to 1929, Mexican north-bound migration was relatively large, with volumes for any given year ranging from about 32,000 to 88,000. The to-

[8] See Taylor, Mexican Labor in the United States: Migration Statistics.

tal number of entries of Mexicans into the United States during the 1920s--documented and undocumented--was indeed much larger than they had been for any comparable period before 1920. Moreover, these numbers are large when we consider that the total number of immigrants allowed into the United States from all of Europe after the 1924 immigration legislation was less than 160,000 annually.

Though Mexican immigration was increasingly perceived to be large during the 1920s, much of it was temporary or seasonal. Estimates of gross flows are imprecise, though an attempt can be made to approximate one. It should be noted that Mexican statistics of south-bound migrants, are the best indicator available of return flows; accordingly, somewhat more than 1,157,000 Mexican nationals returned from the United States during the interval 1910-1929. During that same period a number greater than 419,000 Mexicans entered the United States and were still residing in the country in 1930. The gross flow of entrants--immigrants and illegal entries--during those two decades was thus therefore somewhat more than 1,576,000--an average annual gross flow exceeding 78,000.[9]

[9] This results in an underestimate of the gross flow of entrants, for three reasons: it does not account for Mexicans who returned from the United States and did not record their entry into Mexico with the Mexican migration stations; it does not account for deaths of Mexicans in

The temporary nature of much of Mexican migration to the U.S. can be noted in the rough estimates of return and net flows that can be derived from the above. The same Mexican data cited previously suggests that the yearly average returns of Mexicans in the U.S. was 58,000--about 74 percent of the gross flow of entrants. The average net flow, it may be noted, was somewhat over 20,000 yearly--about 27 percent of the gross flow. Though these estimates are approximate--and that the proportion of net flow to gross flow was actually somewhat larger because deaths and census enumeration are not taken into account, it is clear that the permanent immigration of Mexicans was a small proportion of the total flow--the bulk of "immigrants" returned to Mexico before 1930.[10]

The previous estimates are based on the assumption that the 1930 Mexican-born population was 641,000--as reported by the U.S. census. However, there appears to have been significant error in the count of the Mexican-born in the fifteenth census. Utilizing immigration statistics and previous census data, which recorded the presence of Mexicans who were not necessarily admitted legally into the United States prior to 1920, Louis Bloch estimated that the total number of Mexican immigrants in the United States in 1929 was "undoubtedly in excess of one million."[11] Because the census generally excludes temporary residents, whatever estimate one employed for migrants habitually residing in the United States one would have to add those persons who, because they would have declared their usual residence to be in Mexico, would be excluded from the census by definition. (Bloch's estimate attempted to account for other persons subjectively who might have been excluded for other reasons.)

Where did these migrants leave from in Mexico? A sample of 10,202 immigrants born in Mexico and admitted through U.S.-Mexican land border ports of entry during April, 1924, showed that 79.2 percent came from eight states: Coahuila (with 9.2 percent of the total), Durango (5.8), Guanajuato (10.8), Jalisco (20.0), Michoacán

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the United States during 1910-1929; it does not account for a census undercount of Mexican-born persons in the 1930 U.S. census. Given the degree of uncertainty, particularly regarding the 1930 census undercount, the average annual gross flow during 1910-1929 could have exceeded 100,000.

[10] The proportion would even larger, of course, if we included the mass repatriation of the 1930s in the calculation. As it is, the numbers include the effects of the repatriation during 1921-1922. However, if the return flows of the 1930s were included in the reference period in which we estimate returns, it would combine two effects: temporary migration as a recurring pattern and mass repatriation during the Great Depression.

[11] Bloch, "Facts About Mexican Immigration Before and Since the Quota Restriction Laws," p. 55.

(14.5), Nuevo León (5.8), Sonora (4.1), and Zacatecas (9.0).[12] As may be observed, three of these eight states--Jalisco, Guanajuato and Michoacán--comprised almost half of the total. The remaining states with relatively high proportions of emigrants were from border states or between the border and the central plateau--Zacatecas and Durango. Immigrants from the remaining states and territories provided the remaining 20.8 percent. Manuel Gamio's study of the geographical distribution of 23,846 money orders sent from the United States to Mexico during July and August, 1926, showed a similar pattern: 54.3 percent of the money orders were received in the combined total of Michoacán, Guanajuato and Jalisco, and 26.9 percent in Nuevo León, Durango, Zacatecas, Chihuahua and Coahuila.[13]

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[12] Foerster, The Racial Problems Involved in Immigration from Latin America, p. 51. The sample was of immigrant aliens "of the Mexican race" admitted through the border ports along the border, San Antonio, El Paso and Los Angeles Immigration Districts. The sample total, 10,212, included 10 persons identified as immigrant aliens and born in the State of Texas; the remainder were listed according to Mexican state of birth. The percentages cited above were calculated from the state totals provided in Foerster's table. This table lists 29 Mexican states of origin; it excludes the modern states of Baja California Sur, Morelos, Quintana Roo and Tabasco and lists both Nayarit and Tepic as states.

[13] Gamio, Mexican Immigration to the United States, p. 13. The states are listed in descending order, from Michoacán (20.0 percent) to Coahuila (3.8 percent). In this list I have ignored the Federal District, which received 5.0 percent of the money orders--below Durango

The destinations of Mexican migrants also show geographical concentration. In 1930 about three quarters of the Mexican-born population could be found in two states: Texas (266,240) and California (199,359).[14] Within these states, the presence of Mexicans, as settlers and as temporary migrants, was concentrated in a few regions: the Lower Río Grande Valley in Texas; the San Joaquin Valley in California, and the counties along the border from Cameron County in Texas to San Diego County in California, passing through the states of New Mexico and Arizona. During the decades before the Great Depression, the Mexican immigrant population in California grew much faster than that of Texas, even though growth rates in the latter state were also high. This regional concentration of migration should not make us overlook the extraordinary growth, during the 1920s, of migration from Mexico outside of the border states, principally to Illinois (21,570 Mexican-born censused in 1930), Kansas (11,183), and Indiana (7,612). During that decade, significant numbers of Mexicans could also be found working as far east as Lorain Ohio and Bethlehem Pennsylvania and

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and above Zacatecas in the list. The Federal District's money orders cannot likely be attributed to immigrants sending savings home through this route, but to financial transactions having nothing to do with Mexican workers in the United States.

[14] U.S. Bureau of the Census, Fifteenth Census of the United States, 1930, p. 225.

as far north as Alaska.[15]

Mexicans were employed in menial, dirty jobs, frequently in industries with strong seasonal variations in labor demand. In 1920 they could be found working mostly as maintenance-of-way workers for the steam railroad and as field or ranch hands. Other occupations included miners, quarrymen, copper workers, waiters, waitresses, laundresses.[16] In some areas of employment Mexicans were characterized as "living on a scale below that of their black competitors and rendered amenable to discipline by a tradition of peonage," which accelerated their replacement of black workers in the same occupations, especially in Texas.[17]

The strong variations in labor demand for these industries contributed to making of the Mexicans a highly mobile rural labor force, which migrated within and between the states, particularly in response to different crop timetables: the harvest of navel oranges, walnuts, apricots and other fruits; beans, cantaloupes and winter vegetables; the thinning of sugar beets; the picking of

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[15] McWilliams, North From Mexico, pp. 184, 178; Taylor, Mexican Labor in the United States; Bethlehem Pennsylvania, p. 2.

[16] Fuller, "Occupations of the Mexican-Born" pp. 66-67.

[17] Ibid., p. 66.

cotton. Each of these had a season--often lasting a few weeks--during which labor demand peaked; each season not only varied from crop to crop but from region to region.[18]

By the mid 1920s, Mexican labor was a vital component to the economy of certain industries--particularly agriculture--in the border states. Although their presence was not as crucial elsewhere, Mexican laborers could be found in significant numbers virtually everywhere in the country except in the South and Atlantic coast. This presence, which during that decade achieved national visibility, led to concerted efforts in the United States Congress to restrict that immigration motivated by the attitude that the Mexican ethnic group--seen by some as a distinct racial group--was an undesirable addition to the population of the United States.

U.S. IMMIGRATION POLICIES AND PRACTICES

The United States government was not well prepared to cope with Mexican migration. As a government and a society, the U.S. was accustomed to thinking in terms of the transoceanic immigration of settlers; the arrival of foreigners was equated with the admission of these persons as permanent members of U.S. society, not as seasonal

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[18] Bogardus, The Mexican in the United States, p. 37; Taylor, American-Mexican Frontier, pp. 98-99.

laborers who crossed and recrossed an unpatrolled land border. During the latter part of the nineteenth century, when the flow of Mexican migration was a trickle, Washington ignored it as a minor aberration. During the first decade of the twentieth century Mexican immigration was still a small proportion of the total number of immigrants admitted--the excess of total immigrant arrivals over departures during that decade was about six million; the comparable figure for Mexicans was slightly over 100,000.[19]

The last decades of the nineteenth century were a time when Congress asserted federal control over the admission of aliens, and began to establish the first barriers against immigration, though not from Mexico. Between 1875 and 1910, the U.S. adopted a series of laws excluding certain classes of aliens: contract laborers, convicts, "idiots," "lunatics," "imbeciles," "feeble-minded persons," "paupers," "persons likely to become a public charge," and prostitutes. Also, in 1882 the first

[19] The estimate of net flow of total immigration appears in Easterlin, "Economic and Social Characteristics of the Immigrants," p. 2. The U.S. Census reported 103,410 Mexican-born persons in 1900 and 221,915 in 1910, representing a net increase (reduced by intercensal deaths) of almost 119,000. U.S. Office of the Census, Twelfth Census of the United States, p. clxxiv; U.S. Bureau of the Census, Thirteenth Census of the United States, 1910, p. 781.

Chinese Exclusion Act was passed.[20]

The concerns behind such restrictions reflected both recognizing as valid those fears expressed by organized labor, which viewed foreign workers as a threat to wages and working conditions, and the nativist fears of broader society. In the first decade of the twentieth century, as immigration to the United States reached a historic high of about one million per year, concerns about the lack of assimilability of foreigners began to dominate the U.S. debate. An immigration commission was formed to propose legislation--at that time the concern was mostly over the large number of Japanese, Jews, and eastern and southern Europeans that were entering the country. In 1907, a "Gentlemen's Agreement" was reached with Japan in which the Japanese government restricted the issuance of passports to workers seeking to go to the United States, in exchange for a U.S. commitment to not restrict Japanese immigration explicitly.[21]

In 1917, over President Woodrow Wilson's veto, the Congress passed the first major immigration law. The Immigration Act codified previous legislation excluding certain kinds of undesirable aliens, established a

[20] Divine, American Immigration Policy, pp. 1-25; Bennett, American Immigration Policies, pp. 16-25.

[21] Divine, American Immigration Policy, p. 21.

"barred zone" in Asia and the Pacific from which immigration was virtually shut off, and applied literacy tests to incoming immigrants. (The establishment of the barred zone violated the U.S. commitment to Japan made in 1907.)

At the same time that efforts were being made to restrict immigration from Asia and Europe, an accident of history put the U.S. government in the business of actually recruiting Mexican laborers. The occasion was the agricultural labor shortage of 1917 after U.S. entry into World War I. Almost immediately after the U.S. declared war on Germany (and only three months after Congress had enacted a new head tax and literacy requirement for all nationals entering the United States) the Department of Labor--then the parent agency responsible for administering immigration laws--suspended these requirements for Mexican agricultural laborers. Later these "departmental exceptions" were extended to include maintenance-of-way workers for the railroads and to Canadian farm laborers as well.

Entry into war thus produced a quick about face in the administration of immigration law. Prior to May 1917, agents of the Bureau of Immigration excluded all foreigners who sought entry into the U.S. with a previously-arranged labor contract--the contract labor exclusion was in effect. After May 1917, for Mexican workers

seeking a waiver of the head tax and literacy test only, immigration agents now required a previously-arranged job for temporary admission.

George and Martha Kiser have referred to these "departmental exceptions," which lasted until 1921, well after the end of World War I, as the "first bracero program."[22] Well they might, for these exceptions essentially transformed the Bureau of Immigration into a labor recruiting agency for Southwestern farmers and railroads, because these activities were considered essential for the war effort. During the first bracero program 72,862 Mexican workers were admitted.[23]

This arrangement to recruit Mexican laborers for agriculture and the railroads foreshadowed the contract labor program begun in 1942. As would occur in the World War II program, Mexicans were admitted in an exceptional manner, under conditions of national emergency, for temporary employment. Indeed, the legislative authority for

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[22] Reisler, By the Sweat of their Brow, pp. 24-42; Kiser and Kiser, Mexican Workers in the U.S., pp. 9-12. The quote is from Kiser and Kiser, p. 9.

[23] Reisler, By the Sweat of their Brow, p. 38, cites an annual report of the Bureau of Immigration to the effect that, of these 72,862 workers, by June, 1921, 34,922 had returned to Mexico, 21,400 had "deserted their employment and disappeared," 414 had died, and 494 had been permitted to remain as immigrants. The sum of these numbers is 57,230; there is no explanation what happened to the remainder--15,632 Mexican workers.

their admission--the ninth proviso of the 1917 Act--was the same in both cases (this changed in 1951 when the U.S. adopted a new law, called Public Law 78, to institutionalize the temporary farm labor program). However, the "first" bracero program also differed from the second in several respects. One of those differences was that workers were admitted together with their families.

Another crucial difference was that the World War I program was administered unilaterally. I have found no record that in 1917 the U.S. government attempted to obtain Mexican governmental cooperation to regulate the admission of Mexican workers. Such cooperation was not totally unprecedented; in 1909 Presidents Taft and Díaz had reached an executive agreement which authorized the contracting of one thousand Mexican workers for the sugar beet fields in Colorado and Nebraska.[24]

Notwithstanding the recruitment of Mexican workers by the U.S. government during the war, the postwar years were not a propitious moment politically for Mexican migration to grow. Xenophobic sentiment in the United States was on the rise and found expression in attempts to continue restricting immigration; at first, however, such attempts were directed mostly at southern and eastern European nationalities. The literacy requirement, whose intent it had been to reduce immigration from these "undesirable" national groups, was judged not having accomplished its purpose. In 1921, Congress passed the first quota act, later amended in 1924; each limited the number of immigrants admitted by restricting those nationalities considered undesirable and encouraging others --mainly from northern and western Europe. Immigrants coming from the Americas were exempted from the quota.

Though the possibility of increased Mexican immigration was debated in the Congressional adoption of the quota act of 1921, no one had reason to expect that number to increase as sharply as it did after the restriction of many Europeans. Thus the "problem" of Mexican immigration was not prominent in the debates leading to the 1921 and 1924 Acts. This soon changed, however. The quota acts did not achieve the desired purpose of promoting northern European immigration at the expense of southern and eastern Europeans; what happened instead was that the migration of Mexicans and Filipinos grew sharply. (See Figure 1.1, above.) As a result, Mexican immigration was thrust under the glare of the national political spotlight and its significance began to be debated by political actors largely removed from the U.S. Southwest. The debates in Congress and the agitation by

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[24] Moore, "El problema de la emigración de los braceros mexicanos," p. 5.

restrictionist groups make clear that Mexicans were considered even less desirable than the eastern and southern Europeans whose immigration had been restricted, and considerable pressure was exerted to extend the quota acts to the countries of the New World.[25]

This debate, and the unregulated flow of Mexican migration, encouraged the view that greater control over the entry of foreigners across the land borders of the United States was desirable. In this context, the sixty or so mounted guards on the Mexican border were not enough. In 1924, the Border Patrol was established. Its responsibilities were defined as preventing the illegal entry of aliens and enforcing the departure of aliens subject to deportation; it also had authority to seize contraband brought into the U.S. in violation of Federal laws. In 1925 the immigration service officer force was increased to 450 men assigned to both the Mexican and Canadian borders; this force grew to 767 officers in 1929. In 1925, 22,199 deportable aliens (including non Mexicans) were located; by 1929, this number had grown to 32,711.[26] That the Border Patrol was becoming increas-

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[25] Divine, American Immigration Policy, pp. 52-61; Reisler, By the Sweat of Their Brow, pp. 217-218.

[26] U.S. Bureau of Immigration, Annual Report, 1929, p. 23; Jarnagin, "The Effect of Increased Illegal Mexican Migration," p. 20; Coppock, "History; Border Patrol."

ingly effective at detecting and expelling migrants can be discerned by the howls of protest that immigration raids evinced from farm employers of undocumented Mexicans, especially after 1925.[27]

As deportation raids became commonplace in parts of California and Texas, a battle raged in Washington between those who wanted to shut off the legal avenues for the entry of Mexicans and those who, for various reasons, opposed it. Employers took the lead in the effort to prevent the extension of the quota system to Mexican immigrants; in their opposition to restrictionist bills they were supported by the U.S. Department of State. The former conceded that Mexicans were undesirable members of U.S. society, but questioned the idea that Mexicans even wanted to acquire such a status; they pointed out, as desirable attributes, that Mexicans would perform tasks others refused to do, and that they were prone to return to Mexico when the work was finished. Mexican workers were possessed of a "homing instinct," their defenders in Congress declared. "Like the pigeon," explained a spokesman for the California Farm Bureau Federation, "he goes back to roost."[28]

The State Department pointed out that discriminatory

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[27] Reisler, By the Sweat of their Brow, pp. 60-61.

[28] Ibid., pp. 177-179; quote on p. 178.

legislation against Mexicans would offend the Mexican government and damage relations with that neighbor. It proposed, instead, to limit Mexican immigration administratively, through a more strict application of the exclusions existing in the law against persons "likely to become a public charge." This it did, and in 1929 Mexican immigration dropped sharply.[29]

Although the efforts to restrict Mexican immigration almost succeeded in Congress in 1930, the initiatives were dropped when it became clear that administrative measures were accomplishing their desired purpose and that the Great Depression was driving hundreds of thousands of Mexicans back to Mexico.

But the hostility to the presence of Mexicans did not go away; it found new channels of expression. An internal State Department report prepared in 1950, though based on contemporaneous records of the department, noted:

> The depression and widespread unemployment of the 1930's placed alien Mexican labor in a deplorable situation. Competition of native Americans with Mexicans for jobs at times resulted in physical violence. Instead of being sought after by American employers, Mexican laborers became personae non gratae, and a heavy burden on relief and charity organizations. The county of Los Angeles, California, found it worth while to institute a program of repatriation at its own expense. . .[30]

[29] Ibid., p. 215.

What this statement failed to note was that the personae non gratae status of Mexicans was by no means a new development during the Great Depression; the difference was that whereas employers had defended their presence--out of self interest, of course--when the economy was booming, they refused to lift a finger in their defense when so many people were out of work.

The mass repatriation of Mexicans--the only sustained period in the twentieth century during which there was a large net flow of Mexicans back to Mexico--was caused principally by the economic conditions of the United States, but it was encouraged by U.S. relief agencies and by the Mexican government. Between 1931 and 1934 the County of Los Angeles repatriated 13,000 Mexicans at its own expense; other communities, such as St. Paul, Minnesota, East Chicago, Indiana, Chicago, Denver, Detroit, and Douglas, Arizona, and the states of Ohio and Michigan organized similar, though less ambitious efforts.[31] By 1940, the number of Mexican-born persons in

[30] Hayes, "Mexican Migrant Labor in the United States," p. 3.

[31] Carreras de Velasco, Los mexicanos que devolvió la crisis; Balderrama, In Defense of La Raza, pp. 15-27; Hoffman, Unwanted Mexican Americans in the Great Depression; Kiser and Silverman, "Mexican Repatriation During the Great Depression," pp. 55-63. The previously mentioned DOS study by Hayes states (pp. 4-5): "Welfare

the U.S. had dropped to even less than the number registered in 1920.[32]

During the years before 1942, then, the United States did not adopt a policy regarding Mexican immigration in the same way that it did with respect to immigration as a whole and toward certain countries of Europe and Asia. What occurred, instead, was the evolution of a practice of ad hoc decisions and exceptions which assigned to Mexicans a mostly unarticulated but implicit role in U.S. immigration policy implementation.[33] That

organizations of other United States cities, including Denver, Chicago, and Detroit, also set destitute Mexican laborers by the train-load to the border, whence the Mexican Government provided transportation to the interior."

[32] In 1920, 486,000 Mexican-born persons were counted by the census. U.S. Bureau of the Census, Fourteenth Census of the United States, 1920, p. 693. The 1940 census figure was 377,000. Cited by Reisler, By the Sweat of their Brow, p. 269.

[33] Arthur Corwin has arrived at the questionable conclusion, based on this pattern of exceptions in U.S. immigration policy regarding Mexicans, that "Mexico . . . in de facto fashion, had become entrenched as a most-favored nation in American immigration policy and practice." This line of argument suggests, I think mistakenly, that the exceptional treatment implicitly accorded Mexican immigration reflected a hidden desire or purpose somewhere in the government to promote the presence of Mexican immigrants as permanent residents in the United States. He is correct, in my view, in characterizing U.S. immigration policy regarding Mexicans as one of "ad hoc exemptions," in the sense that that policy tacitly encouraged the admission of Mexicans as laborers--in ways that it did not encourage the presence of most other nationalities--at the same time that it discouraged their presence as settlers, or as full members of society. Corwin, "A Story of ad hoc

practice indicated that Mexicans were desirable as laborers, but not as members of U.S. society; they were welcomed so long as they went about doing the dirty jobs that were so hard to find someone to do so cheaply, but, should they fall upon the misfortune of unemployment or make claims upon the host society they were decidedly unwelcome. Manuel Gamio captured this sentiment accurately when he wrote on the eve of the Great Depression:

> The American government and people, as a whole, are not in favor of Mexican immigration. There is a general belief that if this continues indefinitely it will create difficult problems--economic, racial, and cultural. However, since the agricultural and industrial development of important regions in the United States has been dependent upon Mexican immigration, and since the enterprises of these regions now rely upon Mexican labor, there is a struggle between these interests and the elements hostile to immigration.[34]

For the United States, then, Mexican migration constituted a dilemma. How to encourage the presence of Mexican laborers without admitting them as immigrants and have to cope with them as potential members of society? The Great Depression removed the question without answering it. It was not until 1942, that, from the point of view of many in the United States, the start of the bracero program would resolve this dilemma.

Exemptions," p. 167.

[34] Gamio, Mexican Immigration to the United States, p. 175.

MEXICAN ATTITUDES AND PRACTICES REGARDING EMIGRATION

Like U.S. society and government, which expressed mixed reactions to Mexican immigration, Mexican society and government did not find the emigration of their countrymen to the U.S. an easy matter to contemplate. On both sides of the border this movement provoked uncomfortable questions in the realm of domestic politics and economy, and posed unresolved questions of international relations.

Concomitant with the growth of the Mexican emigrant population in the United States in the late nineteenth century, the consular network of the Mexican government was expanded in the United States. Both the presence of the consulates and their political role underwent change in the first decade of this century when the Mexican colonias in the U.S. became an important source of resistance to the Mexican regime. Many who opposed the Díaz dictatorship, such as the Flores Magón brothers, took their movements north into El Paso and Los Angeles.[35] These activities, felt as a threat by the Díaz regime, became the focus of attention by Díaz-appointed consuls and their agents, who extended the persecution of the opposition at home to the exiled opposition in the United States.

[35] Gómez-Quiñones, Sembradores.

The Mexican press in the United States--and to a lesser extent, the press in Mexico--was critical of these activities by Mexican consular officials, and of their failure to act in defense of the abuses suffered by the Mexican community in what was correctly perceived as a land mostly hostile to Mexican residents. When a Mexican boy in Texas was lynched in 1911, a Laredo Texas newspaper posed the question: "¿Qué han hecho los cónsules en este caso?" The answer the paper provided was: "nada."[36] In an earlier editorial, the same paper had contrasted this inaction with the willingness of the consulates to play the roles of "esbirros de la pasada administración [Díaz] y que con pocas excepciones no eran más que espías del gobierno mexicano y lacayos del gobierno americano."[37]

Juan Gómez-Quiñones has examined the record of the participation of Mexican consulates in expatriate communities in the U.S. after the fall of Díaz and found little change in this regard. Like that of Díaz, the Madero government was chiefly concerned with persecuting "'subversive' elements;" during the brief tenure of Victoriano Huerta the consuls "were seemingly no more active

[36] Quoted in Gómez-Quiñones, "Piedras contra la luna," p. 505.

[37] Ibid.

than others before them in protecting Chicanos against discrimination." The Carranza government "was no more enthusiastic in resolving labor conflict than was the Díaz regime. . ."[38] The political significance of this indifference was that Mexicans were left to their own devices in a region where the subordination of Mexicans to the "Anglo" society had become an established fact, and the treatment accorded Mexican arrivals from across the border was an extension of the treatment that the annexed population had received during the second half of the nineteenth century.[39] Mexicans were the target of racially-motivated violence. They were also the victims of a criminal justice system that ignored the wrongs committed upon them, and of a society indifferent to the restrictions placed upon their access to public services and facilities, to segregation in public schools for their children, and to their receiving lower wages for comparable work paid to workers of other nationalities.[40] Mexican workers were abused by employers who withheld wages, paid in chits redeemable only at a company store,

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[38] Ibid., pp. 509, 511, 514.

[39] Camarillo, Chicanos in a Changing Society.

[40] Paul Taylor, interviewing a "professional" man in the late 1920s obtained the comment regarding the partiality of juries in South Texas that "They would never stick a [white] man for killing a Mexican." American-Mexican Frontier, p. 171.

refused assistance when workers suffered accidents on the job, or were physically ill-treated. By 1911 "there was knowledge and concern by the consulates on the problems arising from migration, job abuses, education, and violence," Gómez-Quiñones has written, "but ineffective [Mexican] government response in their address and solution."[41]

To the extent that the Mexican consulates became sensitive to these problems and gave them high priority in their attention during the latter teens, it seems to have been partially explained by the awareness of the Mexican government that the Mexican community north of the border could be an ally as well as a source of opposition in what was increasingly looking like a situation of war with the United States. "As relations soured between Wilson and Carranza the Mexican government rediscovered its obligations to Chicano and Mexican residents."

> In 1916, consuls were reportedly advising Mexican citizens to prepare for a breakout in hostilities between the two countries. Once again consulates were asking people to register at the Consulates since the government wished figures on the Mexican population. . . .
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> Atrocities against Chicanos in Texas were also rediscovered; and they became an ace for Carranza.[42]

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[41] Gómez-Quiñones, "Piedras contra la luna," p. 505.

[42] Ibid., p. 519.

This temporary interest by the Mexican government in the welfare of its citizens subsided as the crisis with the United States passed. "By 1919, the Carranza government was no longer as concerned over the brutality of the Rangers as it had been; to the community it was still a vital issue."[43]

That presidential attention to the problem of Mexican emigration during the teens should have focused on what today we would call "security issues"--and that such concern should appear opportunistic and cynical to members of Mexican communities--is not surprising. This interpretation, however, is incomplete. It fails to recognize that the decade of the teens marked an evolution of an awareness of the problems of Mexican emigrants in the United States, not just by Mexican consulates but by Mexican public opinion. Mexican political leaders of different walks of life viewed emigration as undesirable, in large part, perhaps, because it was perceived to be a manifestation of the social and political ills of pre-revolutionary Mexico. Emigration thus constituted, from the beginning, a symbol of injustice and backwardness; if the Revolution corrected these Porfirian ills, it was thought, Mexicans would return and others would not be

[43] Ibid., p. 522.

forced by circumstances to go to the United States.[44]

The evolution of this new interpretation of the relationship between emigration and Mexico found expression, at the official level, in the gradual articulation of a coherent set of Mexican policy responses regarding emigration. Reflecting the general societal attitude, the Mexican government consistently expressed the view that emigration was undesirable--that it drained Mexico of needed resources and that it reflected badly on the country. Similarly, it consistently favored the repatriation of Mexicans in the U.S., though at times more actively than others.

Mexico's position on the matter emerged from the 1917 Constitutional Convention, where the drafting of Article 123--generally referred to as Mexico's principal constitutional provision regarding labor--included safeguards for emigrant workers.[45] Popular views in Mexico correctly held that emigrant workers in the United States suffered serious abuses. In the late teens, Mexican border officials were instructed to discourage the departure of workers who did not have labor contracts meeting the

[44] Cardoso, Mexican Emigration to the United States, pp. 55-65, 104; Carreras de Velasco, Los mexicanos que devolvió la crisis, pp. 47-52, 76-84; Gamio, Mexican Immigration, p. 176; Cardoso, "Labor Emigration to the Southwest," pp. 16-28.

[45] Ulloa, La Constitución de 1917, pp. 271-339.

standards of Article 123. The consulates in the United States were directed to become more active in protecting the rights of Mexican citizens, which they did to a limited extent. Throughout the 1920s, the Mexican government exhorted migrants to stay at home, and provided return transportation to others with the hope that after returning, they would stay permanently.[46]

The statements written by two Mexicans knowledgeable of the conditions of Mexican workers at two different points in time expressed what would be, for two decades or more, mere common sense regarding the problem of emigration. One of these statements was written by Los Angeles Consul Eduardo Ruiz in 1921; the other by Manuel Gamio in 1928 or 1929.

Ruiz was commissioned by President Alvaro Obregón in January 1921 to travel throughout the Southwest, address the problems of indigent Mexicans left unemployed as a result of the severe U.S. recession, especially in Arizona, and to recommend and execute solutions to the problems he found. His report concluded with a set of reflections on the overall problem of Mexican emigration to

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[46] Cardoso, Mexican Emigration to the United States, pp. 64, 107, 113-115; Corwin, "Mexican Policy and Ambivalence toward Labor Emigration to the United States," pp. 179-184, 187-188; González Navarro, Población y sociedad, vol. 2, pp. 38-41, 46, 49, 153, 207-210, 224-239.

the United States and specific recommendations for Mexican government policies. These reflections have a timeless quality to them--they were the product of the Ruiz's experiences but they are quite similar in tone and content to Mexican official statements made during the four decades that followed.

One of his most forceful suggestions was that the Mexican government should curb the activities of labor recruiters and other intermediaries of employers seeking workers in Mexico, because of the abuses which so frequently resulted. He recommended "[n]o . . . autorizar en nombre del Gobierno Federal o de alguno de los Estados a Cías. extranjeras que existan o se establezcan para manejar con carácter de intermediarios a los trabajadores Mexicanos . . . pues está probado que . . . estas Cías. tratan a los Mexicanos no solamente con indiferencia criminal sino con injusticia palpable."[47]

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[47] This and other cites from Eduardo Ruiz's report are drawn from "Informe rendido al Ciudadano Presidente de la República sobre la situación de los mexicanos enganchados por la 'Arizona Cotton Growers Association,' de Phoenix, Ariz.," in Archivo General de la Nación, Mexico City, Fondo Obregón-Calles, expediente 407-A-2. My thanks to Saúl Alanis for making a copy of this document available to me. Alanis's references to parts of this report which I cite appear in Alanis Enciso, "La primera gran repatriación," pp. 143-144. A more detailed discussion of Ruiz's report, and the context in which it was produced, can also be found in Hall, "Alvaro Obregón and Mexican Migrant Labor to the United States, 1920-1924."

He recognized, however, that inevitably workers would be contracted by employers and taken to the U.S.; to avoid foreseeable abuses he suggested that the Mexican government adopt a strong supervisory role. To this end he proposed various levels of government intervention, including local and federal levels, and Mexican consulates.

> . . .se hace . . . indispensable que los grupos de trabajadores Mexicanos que vayan al extranjero a prestar [servicios] sean contratados directamente por las compañias respectivas con los Gobernadores de los diferentes Estados y los contratos sean revisados y firmados por los Cónsules de los lugares a donde vayan a trabajar, asi como por los Cónsules de la frontera y previa una revisión minuciosa de dichos contratos por los abogados consultores del Gobierno.[48]

As would be the case of many Mexican observers after him, Ruiz found the idea of a legal contract spelling out the working conditions of Mexican laborers in the United States an indispensable instrument for the protection of the laborer's rights.

He also foresaw the need for a strong supervisory role by the Mexican consulates which would go beyond acting upon requests for assistance and itself would be the result of Mexican government initiative. His recommendation was:

> Establecer en los Estados Unidos una Inspección de carácter especial y bien remunerada para que

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[48] Ibid.

> recorra las jurisdicciones Consulares donde existan campamentos, ranchos, colonias o grupos de Mexicanos trabajadores; cuyo personal informará directamente al Ejecutivo Federal de las condiciones económicas y sociales de nuestros compatriotas, asi como el tratamiento que reciben.[49]

His final, more general recommendations were that the Mexican government take measures to prevent emigration,

> porque, o bien [los mexicanos] son tratados con suma dureza e indiferencia, o si la suerte les es favorable, la patria Mexicana pierde [en] este caso una gran parte de sus hijos que podria serle útil. . . . el Gobierno de México debe de hacer un sacrificio para procurar la repatriación de un gran número de mexicanos que se encuentra en este pais en un verdadero estado de indigencia.[50]

In sum, Ruiz's conception of Mexico's national interest found little positive in emigration to the United States. Rather, that movement seemed to invite abuses, resulted in an undesirable population loss for Mexico, and required Mexican governmental measures to serve as a brake on emigration. To the extent that the movement should be tolerated, the presence of intermediaries should be banned and, though he felt employers could be permitted to recruit workers in Mexico, they should do so only under the watchful supervision of Mexican state and federal agencies, including Mexican con-

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[49] Ibid.

[50] Ibid.

sulates in the United States. For Ruiz, emigration was an unavoidable evil to be ameliorated by vigorous government action; his views had currency among other government officials at the time and during the following three decades.

Like Ruiz, Gamio shared the Mexican government opinion that emigration constituted a potentially great loss of talent and energies for Mexico and that it required a strong supervisory role on the part of the Mexican government. Unlike Ruiz, however, he drew a distinction between temporary and permanent--or settler--emigration.

> The Mexican government does not like to see the emigration, particularly that of a permanent character, become extensive, since this means a step backward in the progress of Mexico and a definite loss in useful energy for the development of the country. However, since it would not be constitutional to forbid emigration to those who wish to go, the government may only prevent as far as possible illegal departures and endeavor to better economic conditions in Mexico in order to decrease the number of those who go to other countries in search of labor.[51]

Gamio stated clearly the Mexican policy dilemma: emigration was viewed as undesirable--indeed, contrary to the national interest--but there were serious obstacles in the path of Mexican government action to prevent it.

In contrast to Ruiz, Gamio suggested that, under certain conditions, emigration might not only be tolera-

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[51] Gamio, Mexican Immigration to the United States, p. 176.

ble but actually advantageous to Mexico. "Mexico . . . benefits economically through the emigration of laborers to the United States," he wrote, "since this emigration acts as a real safety-valve for men out of work." Moreover, migrants sent to Mexico "comparatively large sums of money" which also benefited the country.[52] However, "these benefits pale" before the possibility of a depopulation of Mexico, which is what he foresaw as a distinct possibility of mass permanent emigration to the United States. For Gamio then, an essential condition of the migration flow being in accord with Mexico's interests was the promotion of temporary migration and the discouragement of permanent settlement in the United States. He therefore advanced the suggestion that the fundamental aim should be "the restriction of permanent migration [of Mexicans to the U.S.] and the encouragement of temporary or transient migration."[53]

Ruiz's and Gamio's attitudes were echoed by Mexican public opinion, especially in official circles. Few events left as deep an impression as the painful situation of Mexican workers left stranded in the U.S. during moments of economic downturns, and the concomitant efforts of the Mexican government and others, to repatriate

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[52] Ibid., pp. 178-179.

[53] Ibid., pp. 179, 181.

them. The first such event to have national political impact was the severe recession of 1921, precisely at the time that President Obregón sent Ruiz to Arizona and elsewhere.

Both the presidency and the Secretaría de Relaciones Exteriores (SRE) became quite involved in the mass repatriation of Mexican nationals in 1921 and 1922. Consular officials were authorized to offer free return transportation to the Mexican interior and subsistence to any repatriate who desired it.[54] The government created a new division within the Foreign Ministry, the Departamento de Repatriaciones, to administer these efforts.[55] In March 1921 the Mexican Government made an appropriation to pay for the relief of Mexicans stranded without employment in Arizona.[56] According to Mexican statistics, the number of repatriated Mexicans during 1921 was slightly over 100,000--one-fifth of the Mexican-born population censused in 1920 (see Table 1.1, above). The

[54] Cardoso, "La repatriación de braceros en época de Obregón," pp. 576-95; Cardoso, Mexican Emigration, pp. 99-103; Martínez, Mexican Emigration to the U.S., p. 74.

[55] México, SRE, Un siglo de relaciones internacionales, p. 327.

[56] McWilliams, Ill Fares the Land, pp. 78-79, 117-119. Cited by Hayes, "Mexican Migrant Labor in the United States," p. 3.

program was suspended in 1923.[57]

At the beginning of the Great Depression the Mexican Government again became formally involved in the repatriation of its citizens from the United States. A quasi-official citizen's board, known as the Comité Nacional de Repatriación was created in the fall of 1932, duties on goods obtained in the U.S. were waived for returning migrants, and repatriates were included in the accelerating land distribution program of the revolutionary government.[58]

Mexican officials expressed mixed reactions to repatriation. President Ortiz Rubio (1930-1932) issued a public invitation for emigrants in the United States to assist in the economic reconstruction of Mexico.[59] The consulates provided limited repatriation assistance as part of their overall mandate to protect Mexican citizens abroad. But the Mexican government also expressed the view that the ongoing repatriation was symptomatic of how the migration process benefited the United States at Mexico's expense--both at the time of massive out migration and massive repatriation. As Minister of Foreign Rela-

[57] Martínez, Mexican Emigration, p. 76; Zorrilla, Historia de las relaciones, vol. 2, pp. 373-374.

[58] Carreras de Velasco, Los mexicanos que devolvió la crisis, pp. 73-97.

[59] Ibid., p. 84.

tions Manuel Téllez put it in an official publication reviewing the activities of 1931 and 1932, his government should evaluate its policies with respect to the emigration of Mexican citizens

> . . .con el fin de evitar que este género de dificultades se repita, ya que sería desastroso para nuestra economía nacional el reconocimiento, como sistema aceptado, del precedente de facilitar la salida de nuestros mejores elementos de trabajo cuando encuentran demanda en el extranjero, y a la inversa, recibir forzadamente tales contingentes de trabajo cuando ya no son necesarios en el extranjero y nosotros tampoco estamos económicamente en condiciones de recibirlos.[60]

The point was not that Mexico would not want receive its nationals back willingly--the work of the consulates makes clear that government policy pointed in the opposite direction--but that the migration process was one in which Mexico suffered the costs, both when the U.S. encouraged able Mexican laborers to leave at times of prosperity and when it dumped them back on Mexico in times of depression.

The hostility which accompanied the forced return of some Mexicans was a source of strain in bilateral relations.

> When the WPA [Works Projects Administration] excluded aliens from its unemployment relief in 1937 the Mexican Chargé asserted that a very tense situation resulted from the discharge of Mexicans, and expressed the opinion that about

[60] Quoted in ibid., p. 79.

> 100,000 Mexicans were on WPA rolls. In San Antonio, Mexican citizens were reported to have stoned the local WPA office. An organization entitled United What [sic, White?] Americans in California sought to reserve employment for persons of the "Nordic" race. In July 1939 the California legislature passed the Swing bill to bar aliens from state relief, but this measure was vetoed by Governor Olson. The Mexican Government, according to press reports, decided in 1935 to make available for the colonization of repatriates over four million hectares which had been taken over from foreign concessionaires. In 1939 a plan was announced to expropriate, for this specific purpose, 40,000 acres of American-owned land.[61]

The hostility directed at Mexicans in the U.S. evidently provoked, in this instance, a Mexican government effort to retaliate against American interests in Mexico.

However, it is clear that whatever success the accelerated land distribution program had during the administration of President Lázaro Cárdenas (1934-1940), the distribution of land for repatriates did not have the desired effect of rooting them to Mexican soil. This, and Mexico's general economic difficulties, were invoked to justify an approach which would play down repatriation efforts. In 1938 this policy received some criticism, and support against the deportation of Mexicans legally in the United States.

> The Chief of the Mexican Immigration Department recommended the appropriation of a fund for the defense of Mexicans in the United States. The

[61] Hayes, "Mexican Migrant Labor in the United States," p. 6.

> action of the State of Colorado in 1936 in deporting unemployed Mexicans and ordering that no Mexican beet workers should be admitted caused the Mexican Ambassador to protest and evoked from a leading Mexican newspaper the comment that "the policy of the 'good neighbor' does not prevail in fact, when it is given over to driving Mexicans from the country. . .[These actions] are contrary to the ideals of Pan Americanism."[62]

Mexicans did not miss the implication that U.S. adoption of the Good Neighbor Policy, discussed below, meant not only a renunciation of intervention and interference, but also the plain meaning of the term: to act as "a good neighbor."

At the end of the 1930s, the situation was favorable for a Mexican positive attitude toward the bilateral management of migration flows. During the 1920s, the Mexican government had abandoned hope that exhortation and unilateral efforts might restrain emigration. From this failure, and the abrupt realization in the early 1930s that the U.S. economic depression--unemployment--was causing the return of Mexican citizens, emerged a widely shared view that emigration constituted a "safety valve" for Mexico's economy and polity. This metaphor, which linked conditions at home as both cause and effect of emigration, seemed to symbolize the futility of unilateral efforts to prevent emigration. Indeed, in 1929 the Mexi-

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[62] Ibid., p. 7.

can government had proposed to the United States that they enter into an international agreement for the purpose of jointly controlling the flow of workers to the United States. The proposal had been ill-timed and not acted upon.[63]

At a more basic level, Mexico, both as a society and as a government, was ambivalent about emigration to the United States. This movement constituted a dilemma which the repatriations had only made more evident. The money brought into the country by migrant workers was considered positive for the national economy; yet at times of economic crisis the U.S. could be expected to push those workers back to Mexico. The wages and treatment Mexican workers received in the U.S. reflected anti-Mexican discrimination; yet, despite that, many Mexican workers left because economic and social justice at home were not any better.

Mexico both seemed to need emigration and to suffer by it. These contradictory impulses produced contradictory policies. At the same time that the Mexican government took a definite stand against the departure of permanent emigrants and against illegal entries into the U.S., it tolerated and later promoted temporary legal mi-

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[63] Cardoso, Mexican Emigration to the United States, p. 117.

gration. Even as it took public positions that ever that migration should some day end, it formulated positions in private which suggest that it viewed emigration to be a durable phenomenon. In these ways, it sought to balance public opposition to emigration with the recognition that there was need for it to continue.

In 1942, when the Mexican government received an invitation to enter into an agreement whose purpose was the joint management of labor migration to the United States, its views had been shaped by its past experiences with emigration and the failure of its policies. It also reflected sensitivity to the mass repatriation of the previous decade, to Mexican public opinion, and to the idea that a proper Mexican governmental role entailed a watchful eye on U.S. employers and others who committed abuses against Mexican nationals. The government position was also influenced by Gamio's ideas on the subject. In his book published in the United States in 1930 he proposed that, given the interest of the two countries in reducing the settlement of permanent Mexican immigrants in the U.S. and in promoting the presence of temporary laborers, that this arrangement be formalized in a government-supervised temporary worker program.[64]

[64] Regarding this proposal he wrote: "It should be made clear that the services of the laborer will be utilized only during certain periods of the year, and

A PRICKLY RELATIONSHIP

As has been pointed out, Mexico and the United States have a long history of interaction across their border; they are also two sovereign states of greatly unequal power. It should surprise no one, then, that the history of their relations should be rich and complex, marked by conflict, and that in many of those clashes, the position that has often prevailed has been that of the U.S. government.

Throughout much of the nearly two centuries that as independent states they have shared a common boundary--a boundary that moved south and east at Mexico's expense at

that the laborer will be obliged to return to Mexico after his work is ended. In his part of the contract the employer should be obliged to pay the transportation of the laborer from the frontier to his destination and return. It should be explained that it is as much in the interests of the laborer hinself as for immigration in general to hold strictly to the limitation of temporary residence, and that violation of this provision would result in immediate deportation from the United States and would bar the violator out in the future. The laborer would be informed of the difficulties and penalties attending illegal entry into this country. In the frontier ports of entry identification tickets stamped "temporary labor" would be given out to all the laborers who agree to return to Mexico after the end of their seasonal work. . . . The contracts for temporary labor would be made in the frontier ports of entry, on either side of the frontier, but would be visaed by the authorities of both countries." Gamio, Mexican Immigration to the United States, pp. 182-183. Evidence that Gamio's personal involvement was crucial in the formulation of the Mexican government's position in 1942 is provided by a reference made to an interview with a Mexican official in Tomasek, "Political and Economic Implications," p. 29.

mid-nineteenth century--the political leadership of each country often has been uncomfortable with its neighbor. To nineteenth-century Mexican observers who viewed any contact with the U.S. as inauspicious, it must have seemed fortunate that between Mexico and the United States there lay a vast, practically unpopulated, and uninviting desert.

That desert, however, was not an insurmountable barrier. As Mexicans moved north and Americans--the term frequently used for U.S. nationals--moved west, the two societies collided and their governments tried to get used to the vicissitudes of sharing a common border. It was not migration in the sense that we think of it today which presented the most important challenges, but the consequences of certain movements of persons across the border in both directions: the flight of slaves into Mexico, of indebted peons into the U.S., and of Indians, bandits and others with an armed force on their trail. Particularly troubling to Mexico were the incursions of U.S. military forces into Mexican territory without permission.[65] Mexican migration to the U.S., of individual laborers and settlers who arrived with families, at-

[65] See generally, Vázquez and Meyer, United States and Mexico, pp. 76-84; Schmitt, Mexico and the United States, pp. 73-192; Zorrilla, Historia de las relaciones entre México y los Estados Unidos de América, vol. 1.

tracted far less attention than the spilling of violence across the border, particularly between South Texas and the Mexican Northeast.

During the second half of the nineteenth century, relations between the governments (as opposed to those between the two societies and economies) had relatively little to do with Mexican migration to the United States. It is not difficult to see why. From the vantage point of the United States, immigration from Mexico was small compared to immigration from Europe; moreover, it was far down in the list of concerns that the U.S. had with respect to Mexico, which centered on the latter country's political stability, the intervention of the French at a time the U.S. was preoccupied with the Civil War, and the growing investments of U.S. businesses in Mexican agricultural and mining enterprises. From the vantage point of Mexico, emigration also was unimportant as a concern in U.S.-Mexican relations. The government of Porfirio Diaz, for example, was preoccupied with U.S. efforts to seek concessions from Mexico as a price for recognition; it was also concerned with U.S. military incursions into Mexican territory, and with the need to populate its northern territories as a way of facing the specter of possibly losing additional territory to the avaricious,

land-grabbing "gringos."[66]

When the Revolution broke out in the second decade of the twentieth century, relations took a turn for the worse. The U.S. government quickly expressed its concern over the protection of the lives and property of U.S. citizens in Mexico. But it was not just the violence and breakdown of civil order that disturbed the United States. The revolutionaries were concerned, among other things, with recovering some of the autonomy that Porfirio Díaz had yielded in his attempts to make Mexico a safe haven for foreign capital and business interests. The adoption of Article 27 of the Mexican Constitution in 1917--which expressed the will that subsoil rights could not be alienated by the nation began a long struggle between the Mexicans, foreign oil companies who claimed rights in perpetuity to extract petroleum in certain parts of Mexico, and the home governments of those companies--especially the United States.[67]

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[66] As reflective of the atmosphere of that time we might note that in 1877 a prominent U.S. newspaper published a map of the territories then thought attractive for U.S. annexation: Baja California, Sonora, Chihuahua, Coahuila, part of Nuevo León, Sinaloa, and Durango. Vázquez and Meyer, United States and Mexico, pp. 82-83.

[67] See especially, Blasier, Hovering Giant, pp. 101-116; Meyer, México y los Estados Unidos en el conflicto petrolero; Smith, United States and Revolutionary Nationalism.

The U.S.-Mexican conflict of the teens and twenties was more profound than the struggle over the property rights of U.S. citizens would suggest. At stake was the legitimacy of big-power intervention in the domestic affairs of a less powerful country, and whether a nationalist revolution would be able to carry out certain social reforms without interference. Early in the revolutionary struggle the United States, through the machinations of Henry Lane Wilson, U.S. Ambassador to Mexico, intervened in the succession crisis of 1913 and is held partially responsible for the coup in which Francisco Madero and Pino Suárez lost their lives and Victoriano Huerta came to power.[68] President Woodrow Wilson, who assumed the presidency shortly thereafter, though shocked by the U.S. responsibility for these events, was not moved to self restraint. "In the name of constitutionality and higher morality," Robert Dallek has written, "Wilson . . . tried to impose a solution on Mexico's internal problem."[69] This entailed working to topple Huerta and, in the spring of 1914, the military occupation of the port of Veracruz. Subsequently, there as a "punitive expedition," by which the U.S. military tried to capture Francisco Villa, who

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[68] Vázquez and Meyer, United States and Mexico, p. 108.

[69] Dallek, American Style of Foreign Policy, p. 72.

had raided Columbus, New Mexico, and a deterioration of relations to the point where war seemed imminent. Symptomatic of the poor state of U.S.-Mexican relations in 1917 was that the German government proposed to Carranza a wartime alliance in which Mexico ultimately would get back the northern territories taken by the U.S. during the previous century.[70]

Carranza's and Wilson's departure from the scene, if anything, only intensified and broadened the conflict. For a considerable period the U.S. refused to recognize the government of Alvaro Obregón; the refusal was accompanied by strong pressure on Mexico to alter the meaning of the Mexican Constitution in ways coincident with particular interests of the U.S. and to pay reparations for damages caused by the Revolution to private property owned by U.S. citizens in Mexico. Even Nicaragua was a source of bilateral conflict. There, revolutionists led by Augusto Sandino were supported by the Mexican government, while the United States supported the incumbent regime.

The attempts by the United States to influence Mexican attitudes and behavior through the use of force, refusals of recognition, and other forms of overt pressure backfired. Rather than cowing the Mexicans into submis-

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[70] Katz, Secret War in Mexico, pp. 350-366.

sion, these actions reinforced the resentment of the Mexican population regarding the United States, and engendered a profound distrust of its motives. With few exceptions, the governments of Carranza, Obregón, and Calles adopted a determined attitude in opposition to U.S. pressure and obtained strong Mexican public support for the adoption of principles of non intervention and self determination in foreign affairs; indeed, as is demonstrated by the strong support given later to Cárdenas during the oil expropriation decree, a sure-fire way of gaining popularity in Mexico was to publicly oppose the United States.

Although many Americans may not have been aware of this conflictual history at the time that the U.S. and Mexico arrived at a rapprochement at the outset of World War II, it is probably fair to say that at that time these events were still quite fresh in the memory of many Mexicans. Indeed, as late as 1954--near the conclusion of the events described in the present study--one point on which Mexicans of the political left, right and center could agree on was to stand in opposition of the United States.

This unhappy course of U.S.-Mexican relations took a turn for the better in the late 1920s, when Calvin Coolidge sent Dwight Morrow as ambassador to Mexico with

the instructions to "keep us out of war." Morrow's success, moreover, seems as much attributable to the conciliatory tone he brought to U.S. diplomacy as to the content of his instructions.[71]

Morrow did not know it, but he was the first U.S. emissary of what would later be called the "Good Neighbor Policy," (GNP). The rhetoric of the Good Neighbor Policy came later, and it would exude an innocent warmth and friendliness difficult to accept as genuine among those experienced in the realities of international relations, particularly in light of the historical record. At the time of Morrow's mission, however, the United States government had come to comprehend that, as a practical matter, there were some limits to what it might accomplish--that being bigger and stronger than its neighbors to the south did not mean that the most effective way to achieve its objectives was through the use of force or overt pressure. Morrow exemplified the awareness that practical limits to the big-power diplomacy existed; another U.S. ambassador whose presence represented the slow realization that the projection of U.S. military power had some diplomatic limits was Francis White, sent to Nicaragua twice in the 1920s to extricate U.S. troops from

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[71] Schmitt, Mexico and the United States, pp. 166-168.

there. Two and a half decades later, White was sent as Ambassador to Mexico, and his first major assignment was to negotiate a new migrant labor agreement.[72]

The Good Neighbor Policy received a more coherent articulation, and an expansive rhetoric to accompany it, in the first inaugural address of Franklin Delano Roosevelt in 1933. Quite apart from the rhetoric, the policy did come into being, and after going through a quick metamorphosis, it came to represent a unilateral commitment by the United States to the principles of self-determination and non intervention in the domestic affairs of other countries. Its pronouncement was greeted in Mexico and Latin America with understandable skepticism. Not only had the U.S. interfered in Mexico during the

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[72] White recalled these events as Ambassador to Mexico in August 1953, when he protested in the strongest terms possible, a proposal to employ the U.S. military at the Mexican border to stop the flow of "wetbacks". In making his point he drew the analogy with military intervention in Nicaragua during the twenties, before he arrived there also as Ambassador."It seems to me," he wrote, "that such a policy is just as unimaginative and negative a policy as it was to intervene with troops years ago in some of the Caribbean and Central American Republics. It took me from 1922 to 1926 to get the Marines out of Nicaragua. I was then sent to Spain for a few months, and when I returned, I found the Marines back there and it took from 1927 to 1933 to get them out again in an orderly way. Having lived with that situation for eleven years, I know what such a blunder can entail in the work of the Secretary of State and of the Department." White to Dulles, 14 Aug 53, reproduced in Foreign Relations of the United States 1952-1954, p. 1341.

Revolution, but during the previous three decades, it had sent troops on numerous occasions to various Latin American countries, especially in Central America and the Caribbean.[73] As Bryce Wood noted in his pioneering study of the Good Neighbor Policy, the origins of that policy are complex. In large part, however, the policy was adopted because the use of force was perceived to have been increasingly less effective in serving U.S. interests in Latin America--policy objectives were not being achieved--and the presence of U.S. armed forces in the occupied territories was creating other problems for the United States.[74]

In the beginning the Good Neighbor Policy represented a U.S. commitment to self restraint in the use of force; later formulations incorporated notions of reciprocity between the U.S. and Latin American neighbors. As the policy evolved over time, it went beyond a prohibition on intervention to embracing the broader notion of non interference in the domestic affairs of other countries. (A commitment to not interfere meant that the U.S. restrained itself from exerting economic pressure or making shows of military force to influence the internal affairs of another country.)

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[73] Wood, Making of the Good Neighbor Policy, p. 5.

[74] Ibid., pp. 6-7, 130-135.

For a brief period in the late 1930s, the GNP came to be interpreted by some U.S. officials in a manner essentially compatible with Mexican interpretations of non interference. Accordingly, U.S. officials eschewed the expressing of an official opinion or giving advice to Latin American governments on matters of their domestic concern. The GNP was implemented with considerable imperfections but, as Bryce Wood notes, it was a policy, and not merely a new discourse or the pronouncement of good intentions. During the years 1933-1943, according to Wood, the policy was implemented consistently enough to merit the term "policy;" in Wood's view, the most striking example of the application of this policy was in 1938, when the U.S. employed self-restraint after the Mexican oil expropriation. (It should be noted that the U.S. did exert some pressure on Mexico in response to Cárdenas's decree; the point here is that it did not exert the full weight of pressure that could have been brought to bear on Mexico.) Of some bearing on the U.S. exercise of self-restraint was the perception in the U.S. government, especially Franklin Roosevelt's, that the U.S. might be drawn into war in Europe and that this was, indeed, be a poor time to pick a fight with Mexico over something like the "prompt compensation" to U.S. oil companies.

External limits on the exercise of U.S. power thus went hand-in-hand with the relatively new perception that significant limits existed on the use of force and even pressure as instruments of diplomacy. Not surprisingly, however, the GNP was not justified on the basis of such calculations, but with a flowing rhetoric of neighborliness. "The term 'Monroe Doctrine' fell into disfavor, and 'continental solidarity' took its place."[75] This does not mean that many of the officials from whose mouths this rhetoric flowed did not have good intentions and did not believe this rhetoric--at least in part. But the GNP was the happy product of foreign policy calculations based on objective circumstances that seemed to further justify its application, and a genuine interest by many individuals to effect a positive change in U.S. policy toward Latin American countries.

This confluence of calculations, circumstances and intentions is illustrated by the partial failure--or partial success--of the GNP at its most trying moments. During World War II, Argentina openly collaborated with Nazi Germany, and the U.S. government seemingly faced a conflict of principle and interest. Its forceful pressure on the Argentine government after 1943 to side with

[75] Bryce Wood, Dismantling of the Good Neighbor Policy, p. xi.

the Allies met with determined resistance until such time as the Argentines determined that the German cause was lost.[76]

The impact of this policy in attenuating the Mexican distrust and suspicion of the United States that had built up over previous decades has not been adequately researched. It appears that, as is so often the case in U.S.-Mexican relations, the two government were out of phase and it had a delayed effect. The Mexican government was slow in accepting its validity during that time when the policy was most clearly embraced by the U.S. government, and, when it finally accepted it as a driving principle of the U.S. attitude toward Mexico, the U.S. was beginning to back away from it.

Mexican acceptance of the GNP as real was fostered by the unusual circumstance of close U.S.-Mexican collaboration during World War II. In part due to political realism, but probably encouraged by the Good Neighbor Policy, Mexico took the initiative in 1940 to cooperate unreservedly with U.S. plans for hemispheric defense, in exchange for a general political agreement between the two countries, especially of outstanding claims against Mexico by U.S. oil companies expropriated in 1938.[77] Af-

[76] Ibid., pp. 194-195.

[77] Wood, Making of the Good Neighbor Policy, p. 250.

ter the United States declared war on Japan and Germany in 1941, Mexico followed suit. That declaration of war was a more extraordinary event than is generally recognized: it was the only Mexican declaration of war since the arrival of the modern Mexican state, and perhaps more to the point, Mexican interests were not perceived to be directly involved in the conflict. Mexico's acceptance of a military alliance with the United States would have been unthinkable prior to the GNP and it remained unacceptable later--during the Korean War. Even given the uniqueness of the moment and the political space afforded Mexico by the Good Neighbor Policy, however, these Mexican acts of cooperation during the early 1940s did not go unopposed within the country--Mexican memories of the previous decades of conflict were still fresh.[78]

This was the unique context, then, in which the two governments exchanged diplomatic notes on August 4, 1942, establishing an executive agreement regarding the recruitment, entry, employment and return of Mexican contract laborers. Indeed, though not generally recognized, the bracero program was as much a child of the Good Neighbor Policy as it was of the farm labor shortages perceived to exist in 1942. The bilateral agreement on

[78] Torres, México en la segunda guerra mundial, pp. 65-73.

agricultural workers--and later agreements to cooperate on stemming illegal entries into the United States--outlasted the Policy a good many years. But its negotiation and administration took place in the context of a most important change in the tone and premises of U.S.-Mexican intergovernmental relations.

The paucity of research on the attitudes of Mexican diplomatic and consular personnel toward the United States during the 1940s and 1950s forces us to speculate about the nature of the task that Mexican administrators of the bilateral program faced and what presuppositions they took with them to the negotiating table. One such official--a Mexican vice consul in 1951, later deputy director of the office of bracero affairs in the Ministry of Foreign Affairs starting in 1952, Luis G. Zorrilla, later wrote a book about U.S.-Mexican relations. He summarized a century and a half of the history of these relations with these words:

> . . . es obvio que México ha llevado siempre la peor parte de los atropellos. . . . [Estados Unidos] siempre han querido algo de nosotros: tierras, tránsito, explotación de recursos, braceros, alianza contra sus enemigos, de modo que, en una gran generalización a manera de resumen, puede caracterizarse la actitud de México como defensiva y reivindicatoria.[79]

[79] Zorrilla, Relaciones entre México y los Estados Unidos, vol. 2, p. 566. Two sources that provide some background material on the attitudes of Mexican consuls toward the United States and Mexican emigration are:

The Good Neighbor Policy may have had real meaning, but it had to be balanced by the weight of history.

During the administration of the migrant labor agreements, both Mexican and U.S. officials, then, had to adapt to new circumstances and presuppositions about each other. Mexican officials, accustomed to threats from the U.S. in which national sovereignty itself might be at stake, had to adapt to an on-going relationship of give and take where the central assumption, not always stated but generally recognized, was that both countries benefited from the migrant labor program. U.S. officials had to cope with the problem of addressing certain matters, on a bilateral basis, which had not been previously treated as negotiable but instead handled unilaterally. At the same time, the U.S. had to respond to the temptations and sensitivities that resulted from its new-found status as a superpower and decide whether to continue to adhere to the Good Neighbor Policy principles of non intervention and non interference in the domestic affairs of its neighbors. Though World War II proved to be a catalyst for improved U.S.-Mexican relations, between 1942 and 1954, neither Mexican nor U.S. officials, nor their governments, adapted completely to their new roles.

Ojeda Gómez, "La protección de trabajadores emigrantes," and Garcia and Maciel, "El México de afuera: politicas mexicanas de protección en Estados Unidos," pp. 14-32.

2 AN AUSPICIOUS BEGINNING

During the 22 years that the bracero program lasted, approximately 4.6 million contracts were issued to Mexican workers. Most braceros were not contracted at the beginning of the program, however, but at the end (see Table 2.1 and Figure 2.1). The first year of bracero contracting--which began late in the harvest season, only resulted in about 4,000 workers sent to the United States. During 1943, 1944 and 1945, approximately 50,000 workers were contracted each year according to U.S. data; Mexican data, as the table and figure show, indicate numbers almost twice as large. Though it is not clear whether these differences reflect different counting procedures or different populations, it is evident that the number of braceros sent to the U.S. was relatively small during World War II--when there was ostensibly a farm labor shortage due to the war emergency--as compared to the numbers that entered the U.S. during the 1950s.

The period which this study focuses on--1942-1955--was a period of uneven growth in bracero contracting and uneven politics between the two countries. Both the migration patterns and the bilateral politics stabilized after 1954.

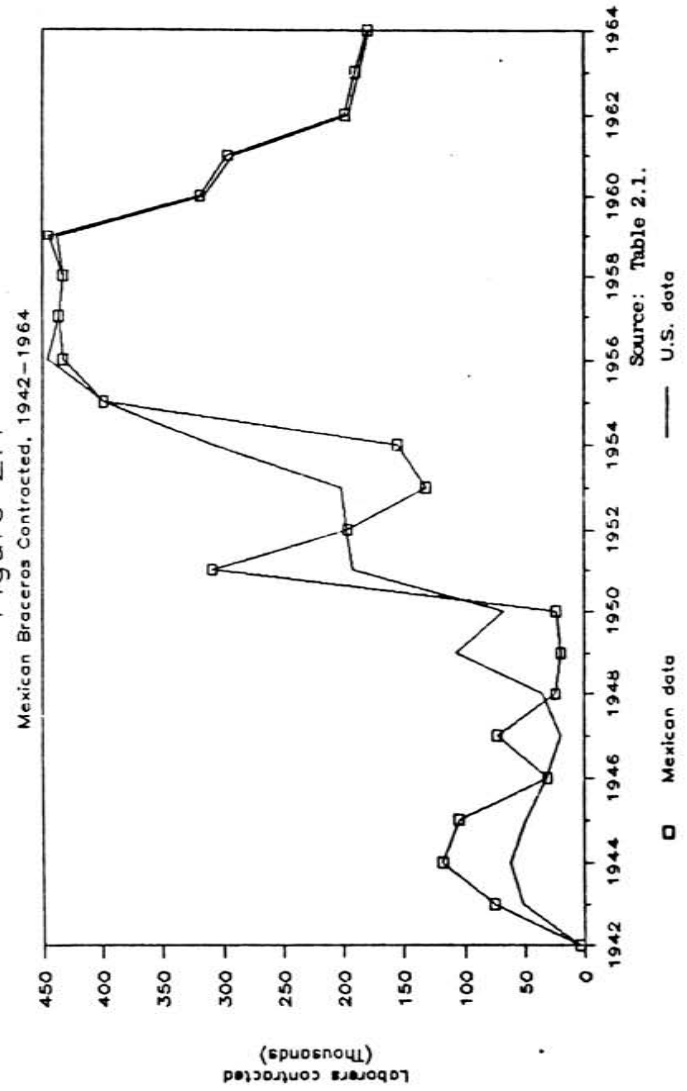
Table 2.1
Mexican Laborers Contracted, 1942-1964

Year	Mexican Contract Laborers Departed, Mexican Data	Contracts Issued to Mexican Workers, U.S. Data
1942	4,152	4,203
1943	75,923	52,098
1944	118,059	62,170
1945	104,641	49,454
1946	31,198	32,043
1947	72,769	19,632
1948	24,320	35,345
1949	19,866	107,000
1950	23,399	67,500
1951	308,878	192,000
1952	195,963	197,100
1953	130,794	201,380
1954	153,975	309,033
1955	398,703	398,650
1956	432,926	445,197
1957	436,049	436,049
1958	432,491	432,857
1959	444,408	437,643
1960	319,412	315,846
1961	296,464	291,420
1962	198,322	194,978
1963	189,528	186,865
1964	179,298	177,736

Note: Both U.S. and Mexican data refer to calendar years.

Sources: Mexican statistics come from the Anuario Estadistico de los Estados Unidos Mexicanos, appropriate years, and unpublished data of the Dirección General de Estadistica, as cited by González Navarro, Población y sociedad, vol. 2, table opposite p. 146. U.S. data come from USES, Department of Labor, as reproduced in Congressional Quarterly, Congress and the Nation, 1945-1964, p. 762.

Figure 2.1
Mexican Braceros Contracted, 1942-1964



The negotiations between Mexico and the United States that began in the spring of 1942 and ended with a farm labor agreement that went into effect on August 4, occurred at the initiative of the U.S. government. This initiative did not come easily; it was the product of an array of conflicting elements and forces within the United States and between it and Mexico.

The first of these--the driving force behind the creation of the Mexican contract labor program--was the felt need in the United States for supplementary agricultural labor. Thus, at the outset, the program was justified within the U.S. as an exceptional measure made necessary by the tight agricultural market resulting from the fact that the country was at war. This argument was challenged by some--organized labor especially--but it did not lose its credibility until well after the end of World War II.

A second circumstance pushed in the opposite direction and had to do with the U.S. political milieu that prevailed as a consequence of the Depression years. The U.S. decision to recruit workers for agriculture had to overcome certain perceptions within the federal government that large agriculturalists, particularly in California, might employ contract laborers in their perennial and well documented battle against agricultural labor or-

ganizing. These views had been forged during the decade of the depression. In part because agricultural wages dropped precipitously during the early 1930s, efforts were made to organize agricultural workers in California. In 1933, and again in 1939, spectacular strikes occurred among cotton workers; other less-known labor strikes occurred in the harvesting of other crops.[1] In 1940, Representative John Tolan initiated a series of hearings aimed at examining the problems of interstate migration under the conditions of the Great Depression and the special and painful circumstances of migratory farm workers received attention. The term "agribusiness" came into widespread use later, but--among some groups in the United States--the sentiment was already there.

A third element was the uneasiness with which the U.S. government approached the proposition of bringing more Mexicans into the country, because of ethnic prejudice and political realism. The memory of the mass repatriations of the previous decade, the widespread hostility directed at Mexican nationals, and the likelihood that Congress would oppose expanded legal immigration of Mexicans were fresh on the minds of some bureaucrats and policy makers. The politically realistic thing to do

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[1] Weber, "The Struggle for Stability and Control in the Cotton Fields of California," chaps. 3 and 7.

seemed to be to admit Mexican workers as non immigrants rather than immigrants. To be sure, the admission of non immigrant workers was not the dominant tradition in U.S. immigration law and practice--the experience of recruiting Mexican and Canadian temporary laborers during World War I had been exceptional. But, by the same token, the present emergency seemed to justify such an exceptional measure, and it would provide a means of resolving a labor shortage without increasing permanent Mexican immigration.

A final element in the confluence of forces leading to the bilateral agreement of 1942 was the peculiar circumstances afforded by the Good Neighbor Policy, the war itself, and a Mexican regime in power disposed--as no past Mexican government had been--to work out cooperative arrangements with the U.S. in exchange for the resolution of pending matters.

A TIGHT U.S. AGRICULTURAL LABOR MARKET

During 1941 and 1942, the economy as a whole and demand for labor generally grew at a phenomenal rate. In California, for example, employment in the shipbuilding and aircraft industries increased, respectively, from 31,000 and 96,000 in 1941 to 274,000 and 236,000 in 1943.[2] Be-

[2] Fisher, The Harvest Labor Market, pp. 122-123; Kirstein, Anglo Over Bracero, p. 12.

tween September 1941 and September 1942, more than 1.6 million persons left agriculture nationwide, nearly 700,000 for the armed forces, and 900,000 for industrial employment.[3] A study prepared by a researcher at the University of California in early 1942 concluded that the 1942 California harvest would be "a disaster" without the assistance of foreign harvest workers, especially Mexicans.[4] Those previously unemployed due to the depression went back to work, and the traditional barriers against the industrial employment of certain groups--women, blacks, nonunion workers, and members of certain ethnic groups, such as Mexicans--disappeared momentarily. The trickle of workers from agriculture to industry of 1941 became a torrent in 1942.

The agricultural labor market of 1942 was thus squeezed between a shrinking agricultural labor supply and an expanding demand for agricultural products. Agricultural wages began to rise, although they remained below industrial levels, and farmers, especially in California, began to compete for labor--when they had been accustomed to a situation in which laborers competed for farm jobs. The informal wage agreements negotiated among

[3] Del Pinal, "Los trabajadores mexicanos en los Estados Unidos," p. 2.

[4] Ibid., p. 6.

growers which in the past had served the purpose of avoiding bidding up the price of labor were no longer applicable. Instead, growers began "stealing" away other grower's workers with the lure of higher wages. Describing this process Lloyd Fisher wrote: "Whether a 'shortage' of agricultural labor had developed by 1943 depends upon the definition given to the term 'shortage' . . . but the labor market had clearly begun to change from a buyer's to a seller's market."[5]

Until 1951, there is little doubt that the agricultural labor market was never as short of workers as it was during World War II. It is surprising, however, that the number of contract workers recruited by the United States was smaller during the war years, taken together, than it would for any comparable period afterwards, when labor shortages were less apparent. According to Mexican statistical sources the number of braceros contracted annually during 1943-1946 was nearly 330,000; according to U.S. sources the number was nearly 196,000. (See Table 2.1 above.) Of the total 4.6 million contracts issued during the 22 years of the program (according to both sources) between 4 and 7 percent occurred during the years 1942-1946. This should not be interpreted to suggest that a genuine labor shortage emerged after the war,

[5] Fisher, The Harvest Labor Market, p. 123.

but rather that large-scale bracero contracting occurred despite the absence of a labor shortage, relative to the tight agricultural labor markets of the war years.

THE WEIGHT OF DOMESTIC FARM LABOR INTERESTS

It is striking to realize that in 1942, relative to what it would be in later years, the initial position of the United States government was somewhat favorable to the interests of domestic farm laborers. It was not sufficiently favorable to those interests to reject entering the contract labor program altogether (which is what organized labor urged the U.S. government to do) but there was a clearly expressed interest in providing protections against the competition of recruited Mexican labor--to a degree not evident again until the concluding years of the bracero program, in the early 1960s. This attitude indirectly supported the cause of Mexican braceros.

The initial position of the U.S. government was worked out in three inter-agency meetings on April 30, May 15 and May 18, 1942, hosted by the War Manpower Commission. The participants were the Immigration and Naturalization Service (INS), the Federal Security Administration, the Board of Economic Warfare, the Department of State (DOS), the Bureau of Agricultural Economics and the Office of Agricultural War Relations of

the Department of Agriculture, the Bureau of Foreign and Domestic Commerce, the War Relocation Authority, the United States Employment Service (USES) of the Department of Labor (DOL), the War Production Board, and the Committee on National Defense Migration of the House of Representatives.[6]

A subcommittee of this group, chaired by the Assistant Secretary of Labor and including representatives of the Office of Agricultural Defense Relations, the War Relocation Authority, the Board of Economic Warfare, and USES met on May 7 to discuss standards that should apply to Mexican agricultural workers brought into the United States.

Their conclusions can be summarized in eight points. First, workers would not be recruited in Mexico except with the certification of need by USES, which would constitute a determination by that agency that the supply of domestic labor for a particular local area was insufficient and that an adequate number of domestic workers could not be obtained from other areas of the United States. Second, the number of laborers recruited would be no greater than the number needed according to the USES certification, and only as agreed to by the Mexican

[6] Hayes, "Mexican Migrant Labor in the United States; Historical Notes on the Bracero Problem," p. 20.

government. Third, recruiting would be undertaken in Mexico only by bonded contractors or employers in accordance with standards required by the Mexican government "unless other methods were agreed to by the Mexican and United States governments." Fourth, the workers recruited in this manner would be inspected at the recruiting point to determine that they met the health standards provided for in the immigration law of the United States. Fifth, those workers found to be inadmissible by the Immigration and Naturalization Service for whatever reasons would be returned to the recruiting point at employer expense. Sixth, a written contract in Spanish was to be provided to prospective Mexican workers, specifying the type of work required, the living standards governing their employment, the wage rate, and the duration of employment. Seventh, the round trip transportation of the worker and his family between the place of recruitment in Mexico and the United States would be at employer expense. Finally, the employer was to make "reasonable provision" for full-time employment.[7]

It would be incorrect to assume that these proposals reflected a willingness on the part of the agency representatives involved to place Mexican labor interests above any other consideration. These guidelines re-

[7] Ibid.

flected an idea of what the Mexican government was likely to accept, based on previous communication on this matter, and was the product of an abiding suspicion that farm employers might recruit too many contract laborers. In this respect, the subcommittee charged with the determination of the standards that would be proposed regarding the admission of Mexican workers made a connection between improved conditions for domestic farm workers and a diminished need for foreign labor. It observed:

> If steps were taken promptly to bring up agricultural wages, to aid the Farm Security Administration in its efforts to provide housing for migratory workers, to secure adequate appropriations for the Employment Service [USES] for its farm placement activities, and to speed passage of the Tolan-Thomas bill regulating the private employment agencies, it might reduce the number of Mexican workers required.[8]

The attitude expressed in the meetings in which these numerous agencies participated clearly indicates that the recruitment of workers in Mexico was a step being taken with some reluctance and with care to assure that it could be justified. Evidently, the federal government was not about to commit itself to bringing in Mexican agricultural laborers without first ascertaining that substantial efforts had been made locally to attract domestic workers for the same jobs. Contract workers, from the very beginning, were supposed to be a complement

[8] Ibid.

to and not a substitute for domestic farm workers. The idea that steps should be taken "to bring up agricultural wages" is illustrative of the extent to which it was felt efforts should be made to attract workers in the United States before recruiting contract laborers in Mexico. None of this assured, of course, that the designers of the bracero policy experiment would actually achieve their objectives, but it is noteworthy that they gave some thought to what those intentions were, and that there was a recognition of a need for some safeguards to protect labor interests.

Another feature notable in the proposals discussed in the spring of 1942 is the bilateral tilt to the farm labor program from the very beginning. If any serious consideration was given at this time to contracting workers unilaterally, I have found no record of it. The importance attached to consulting with Mexico, to the principle of joint determination of the standards that should apply in the recruitment of agricultural laborers, and the recognition of a right by Mexico to set a limit on the number of workers contracted reflect this point. It was, truly, a "bilateral experiment" in the making.

An important consideration leading to the acceptance within certain circles of the U.S. government of the idea that Mexican migration should be controlled was the

political realism of some regarding the hostility with which some Americans viewed the presence of Mexicans and a heightened sensitivity to the experiences of the past decade. The mass repatriations of the 1930s, in the opinion of the Department of State, had caused great expense both to Mexico and the United States, and had "done harm" to their relations.[9] On May 25, 1942 an Assistant Secretary of State wrote, commenting on the proposed recruitment of Mexican braceros:

> We should oppose [the recruitment of Mexican workers] on principle as long as possible . . . we should not even consider any such suggestion unless a plan were worked out under and by which any Mexican workers who do come here, come into the country with a defined job . . . that they are provided with housing facilities, and that provision is made for their return at the conclusion of their employment.
>
> [This] looks to me like the old and classic attempt . . . to get a supply of extremely cheap labor which is left dangling between temporary employment and United States relief.
>
> If the need were really great, and an adequate plan, including the protection of the men, could be worked out . . . but this would have to included adequate enforcement machinery.[10]

Ten years later, these words might have struck some observers as ironic.

The attitude expressed at high levels within the State Department was shared by other governmental actors. The Department of Justice expressed the view, concurring

[9] Ibid.

[10] Ibid.

with State, that the U.S. should avoid a situation which could again produce a mass repatriation of Mexican citizens, as had occurred during the Depression. It also expressed the view that "if sufficient wages were paid" enough labor would be available. A representative of the Department of Labor expressed an opinion opposing the recruitment of such workers "unless all labor in the United States were fully employed" and the "absolute need for such importation" were demonstrated. Congressman John Tolan, Chairman of the House Select Committee on Defense Migration, was opposed to the proposal of recruiting workers in Mexico "except as a last resort, and then only with the full approval of the Mexican Government and under conditions which would insure protection of the workers brought in." The governors of the states of California and Texas wired the federal government opposing the idea of "securing cheap labor." Even a representative of the Department of Agriculture, the agency most likely to be sympathetic to the concerns of farm employers, expressed reservations that "a sudden uncontrolled movement" of laborers might occur under the "pretext of saving a given crop."[11]

The history of the Mexican bracero program is filled

[11] Ibid., p. 25. The text in quotes is itself quoted by Hayes from the pertinent State Department records.

with ironies of this sort and with situations in which we need to look closely not only at what political actors said but also what they did. There is no reason to suppose that in most cases where these reservations were expressed within the federal government of the United States, they were not made in good faith. But the thrust of these opinions, contrary to appearances, did not reflect a move to quash the labor recruitment proposal. These opinions were, rather, an attempt to put up obstacles in the path of the overwhelming push for the recruitment of workers and to soften the blow for domestic farm workers, who, in California, had been locked in battle with growers who had lowered the wages paid during previous years. For these reasons, the U.S. position of the summer of 1942 did not differ substantially from the Mexican government's position of the same moment. Indeed, with the possible exception of the first months of 1951, the positions of the two governments on this issue would never again be so close.

MEXICO'S AMBIVALENCE

To a greater extent than generally recognized, the Mexican government's position regarding the sending of contract laborers to the United States in 1942 was a product of its experiences with emigration and repatriation during the previous two decades. Though Mexico also acted

the part of a weaker power granting a favor to a big power, it had genuine reservations about the emigration of its nationals to the United States--particularly migration that resulted in permanent settlement.

The causes for ambivalence that were most frequently referred to in public debate were perhaps the least important; certainly they were the least persuasive. The view that emigration would drain away needed workers for Mexican employers was expressed during the early stages of Mexican-U.S. consultation on initiating this program. Soon after the sending of workers began, the idea that emigration harmed Mexico's economy emerged in the Mexican press. The governors of two states most severely affected--Guanajuato and Jalisco--sought to prevent it "because of the economic damage it caused."[12] Moisés González Navarro has cited newspaper reports indicating that as bracero emigration increased, agricultural labor shortages appeared in parts of Mexico.[13]

There is little reason to doubt that spot shortages of agricultural labor were felt to occur. However, the notion of a "labor shortage" could not have been any more concrete in Mexico in the early 1940s than it was in the United States of the same years. More importantly, the

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[12] González Navarro, Población y sociedad, p. 215.

[13] Ibid.

argument that these shortages were nationwide and permanent and not just local and temporary is unpersuasive. Then as now, Mexico had a shortage of jobs, not workers. Indeed, it was undoubtedly true that, during the planning for the bilateral agreement, in some circles of the Mexican government bracero emigration was viewed as a safety valve for rural unemployment.

The ambivalence of Mexico, as a government and as a society, about promoting emigration to the United States had more to do with political and symbolic reasons than with economic and material factors. For Mexican political elites, emigration symbolized failure: the failure of the Revolution to provide social justice, the failure of agrarian reform to provide everyone with an adequate parcel of land, the failure of the growing economy to absorb the labor force, the failure of Mexico, as a nation, to provide an attractive place for her children to stay. Mexican workers were only incidentally a labor drain; they were, first and foremost, prodigal sons. These are not reasons to oppose emigration per se, but they were employed to argue that the Mexican government had no business in promoting emigration by recruiting workers to be sent abroad.

The Mexican government accepted the invitation to send its workers to the U.S., however, despite domestic

sensitivity to migration. Among the many reasons for doing so was historical experience. Since the drafting of Article 123 of the Constitution in 1917, the Mexican government had expressed interest in regulating the departure of migratory workers and supervising their recruitment in Mexico. The notions that Mexican workers should enter legally into the United States, that employers should pay their transportation, that working conditions should be spelled out in a labor contract, and that Mexican consulates and migration authorities should play an important supervisory role were all established quite clearly in the minds of Mexican officials during the 1920s. The adoption of the migrant labor agreement in 1942 reflected a faith in the capacity of the U.S. and Mexican governments, acting jointly, to reduce the abuses of labor migration and reap its potential benefits, which, for Mexico, constituted an alternative source of employment and income under controlled conditions.

What facilitated the adoption of the migrant labor agreement in 1942, other than experience and a perceived farm labor shortage, was the context of U.S.-Mexican negotiations at that moment. In effect, the migrant labor agreement was a significant element within a larger package of measures adopted by Mexico as part of its wartime cooperation with the United States, in exchange

for U.S. concessions in areas dear to the hearts of Mexican political elites: a resolution of Mexico's foreign debt and a settlement of the claims arising from the U.S.-owned oil companies that had been nationalized in 1938.[14] Ernesto Hidalgo, Oficial Mayor of the Secretaría de Relaciones Exteriores (SRE) at the time of the initial bracero agreement later wrote that, at that time, the political calculus within the Avila Camacho government was that Mexico either would have to send Mexican men into the battlefields abroad or into the agricultural fields of the United States; that Mexico did not have the luxury of simply ignoring the situation. Though Mexico did eventually send a small contingent of soldiers to the front, it obviously was reluctant to commit troops to the battlefield. As Mexican political elites perceived the national interest, Mexico had much less at stake in this conflict than its neighbor to the north, and should therefore limit its commitment in blood and treasure. Accordingly, Mexico sent an army of agricultural laborers into the United States to help indirectly with the war effort rather than an army to Europe or the Pacific to participate directly in the conflict against Germany and

[14] Centro de Estudios Históricos, Historia general de México, vol. 4, pp. 197-198, 264-265.

Japan.[15]

When in 1942 the Mexican government expressed its willingness to entertain the U.S. proposal, it did so on the basis of a number of conditions.[16] A number of these were mentioned in Manuel Gamio's proposal of 1930 as measures which would likely correct the most serious abuses observed in the migration flow during the 1920s.[17]

First, recruitment would be based on need. The Mexican government did not want Mexican laborers in the United States to displace laborers nor lower their wage level and, just as importantly, it endeavored to avoid the kinds of recriminations that had dominated U.S. public attitudes toward the presence of Mexicans during the Great Depression.

Second, the administration of the program would be intergovernmental, and contract compliance would be enforced by both governments. In Gamio's mind in the late 1920s and that of Mexican government officials in 1942, this was not a process that should be allowed to occur simply on the basis of supply and demand and that nothing and no one should intervene between employer and worker.

[15] Hidalgo, "Aclarando cuentas; los braceros, un triunfo internacional de México," [second in a series], Excélsior, 10 May 47, p. 10.

[16] Galarza, Merchants of Labor, p. 47.

[17] Gamio, Mexican Immigration, pp. 182-183.

Their experience with past migration flows indicated that governmental intervention and protections in this process was essential to prevent serious abuses.

Third, contract workers would not be permitted to remain permanently in the United States; their admission was for a predetermined duration to work at a specific task. In opposing indefinite stays abroad the Mexican government promoted simultaneously its symbolic concerns of emigration and sought to defend an economic interest for Mexican employers.

Two other conditions that Mexico placed on the table derived directly from the provisions of its labor code and Article 123 of the Constitution regarding recruitment of workers in Mexico for employment abroad. One was that workers would receive a written labor contract specifying the conditions of employment. The other was that transportation and subsistence costs for workers, between the recruitment center in Mexico and the work site in the United States would be paid by U.S. employers or the United States government. Finally, though not required by Mexican law, it was a sign of the times that the Mexican government demanded--and obtained--a prohibition of racial discrimination against Mexican laborers. Later, that government banned the employment of contract workers in the state of Texas.

The agreement signed on July 23, 1942 and made effective by an exchange of diplomatic notes on August 4, incorporated all of these elements. It also included guarantees that contract laborers would not be recruited for U.S. military service (a concern that arose from the drafting of Mexican nationals during World War I). The Farm Security Administration of the Department of Agriculture was designated the "employer" of all Mexican contract workers and the farmers that actually employed them were subcontractors to that U.S. government agency. Wages for contract workers were to be at the same level as paid to domestic workers in the same region, but in no case less than thirty cents per hour, U.S. currency; piece rates were set so that the average worker could earn the prevailing hourly wage. In the event that workers were not employed at least 75 percent of the time, exclusive Sundays, they were to be paid a subsistence allowance of $3.00 per day for each day unemployed. Employers were to withhold a portion of the workers wage--later established at 10 percent--which would be deposited as savings for the worker in Mexico. On September 1, 1942, during his annual address to the nation, President Avila Camacho reported that, thanks to the bilateral agreement, there were assurances that Mexican Labor Law

would be complied with.[18]

INTERPRETATIONS OF THE 1942 AGREEMENT

The conditions described above for the recruitment of Mexican laborers, on paper, are quite favorable to the contract worker. This was interpreted initially by U.S. farm employers that the U.S. agencies responsible for negotiating the agreement and designing the program were captives of labor interests and New Deal "do-gooders." The coincidence does not necessarily make the U.S. federal government a tool of labor interests in 1942, any more than the fact that it did reach an agreement to recruit laborers is proof of a tilt toward agricultural interests. There were relatively independent U.S. governmental (or state) interests--security, the war effort, relations with Mexico--in addition to the skepticism with which some policy makers approached the exaggerated claims of farm growers regarding the "labor shortages" they were experiencing.

An important current of thought--inspired, perhaps by the opposition of labor to the program--has held precisely the opposite: that from the very beginning, the migrant labor pact was merely a paper agreement; in practice, these guarantees were systematically violated and ignored. There is some evidence, especially in the later years of the program, to support the impression that there was a large gap between theory and practice in the contract labor program, between the guarantees as indicated in the Individual Work Contract and the conditions actually experienced by workers in the field. Certain Mexican efforts to provide guarantees for contract laborers from the beginning can be characterized as quixotic --they failed demonstrably to grasp the realities of agricultural farm work in the United States. For example, in the 1942 agreement there was the provision that employers were to "furnish housing, sanitation, and medical services identical to those enjoyed by domestic workers in the same localities, and health and accident insurance as provided to domestic workers of the area."[19] As McCain has pointed out, these were "dead letter" issues: U.S. labor legislation did not require farm employers to provide any of these amenities and, in practice, growers did not provide them. Indeed, the labor agreement provided for a contract, to be enforced by the two governments, in which the conditions offered to contract workers, on paper, were substantially better than

[18] McCain, "Contract Labor as a Factor in United States-Mexican Relations," pp. 31-32; González Navarro, Población y sociedad en México, pp. 240-242.

[19] McCain, "Contract Labor as a Factor in United States-Mexican Relations," p. 31.

those that growers afforded domestic workers.

However, it can also be argued that this situation was not uniform throughout the entire twenty-two year history of the program--that a significant deterioration of the protections afforded bracero workers occurred after World War II and again after 1954. Prior to 1954, at least, contract labor protections went beyond merely paper guarantees. This can be observed, in the case of the wartime agreement, in the rather unfavorable reaction to the agreement by growers. The president of the American Farm Bureau expressed the prevalent attitude among agricultural employers accustomed to recruiting Mexican labor under more favorable terms: "Why not just let the growers go into Mexico and get the workers they needed as they had done in the past?"[20] The complaints of many farm organizations and their attempts to change the program are testimony to the fact that some of the requirements and protections provided for in the agreement had to be met--at least at the beginning.

Juan Ramón García has noted that the initial agreement placed the farmers in the uncomfortable position of "defending the importation of laborers while attacking the agreements that made the importation of those workers

[20] Quoted in García, Operation Wetback, p. 26.

possible."[21] This was to be a recurring pattern: supporting the recruitment of Mexican workers in principle and objecting strenuously to the bureaucratic procedures and safeguards that the recruitment program sought to impose.

Other attempts to explain the outcome of the July 1942 negotiations stress wartime advantages and the relatively strong bargaining position that Mexican had at that time.[22] There are a number of indications to suggest this might be true. However, the acceptance by the U.S. of labor guarantees for Mexican contract workers superior to the protections afforded by domestic legislation for domestic agricultural workers is more likely the result of a coincidence of felt interests by the two governments than a reflection of Mexican negotiating strength. Such strength can really be observed only in the anti-discrimination provisions of the agreement. U.S. acceptance of Mexico's right to prohibit the employment of workers where racism was practiced reflected an unwillingness to confront the Mexican government on this delicate issue at this time. Accordingly, Mexico refused

[21] García, Operation Wetback, p. 27.

[22] Craig, The Bracero Program, pp. 43-45; McCain, "Contract Labor as a Factor in United States-Mexican Relations," p. 32; García y Griego, "The Importation of Mexican Contract Laborers to the United States, p. 60.

to certify braceros for employment in the state of Texas --a position justified by reference to the discriminatory treatment suffered by Mexicans in that state in the past. Texas growers, unhappy at having been left out of the program, and Texas citizens, stung by indictment of their state, promoted the creation of the Texas Good Neighbor Commission and lobbied Mexico for a reversal of its position. Mexican policy continued the prohibitions on Texas during World War II and were not lifted until the first postwar agreement, on March 10, 1947.[23]

In 1942 the United States government felt it needed agricultural workers; the Mexican government felt it did not need to send workers abroad. This elementary political fact is a crucial element in Mexico's relatively strong bargaining position in 1942 at the time of the first Migrant Labor Agreement.

But the U.S. need in 1942 to "go with a hand out," as an American observer later lamented, was not the only source of Mexican bargaining power in this area in 1942. The other, less obvious element in the equation was the need for both countries to improve their security positions--the U.S. vis-à-vis Germany and Japan, and Mexico vis-à-vis the United States--and this pushed them to set-

[23] Del Pinal, "Los trabajadores mexicanos," pp. 30-31; Galarza, Merchants of Labor, p. 56; Kirstein, Anglo Over Bracero, p. 71.

tle pending accounts in their bilateral relations.

AN EXCEPTIONAL PROGRAM

The nature of the agreement reached between Mexico and the United States in 1942 was unusual in large part because the United States was engaged in a conflict whose outcome was not perceived to be a foregone conclusion. The agreements reached were, from the point of view of the United States, war measures executed under the authority of emergency legislation which empowered federal agencies to so what would have been unthinkable in peacetime: to enter into contracts with individual foreign workers, and to incur expenses for transportation, housing and subsistence of the same. In legal terms, the "employer" of Mexican contract workers was not the individual grower but the United States federal government.[24]

This had several important implications. As in the case of the unilateral recruitment of Mexican workers during World War I, the labor of these workers was seen as a significant ingredient in a broader program of conducting the war and achieving national security. Moreover, the role and freedom of U.S. employers was contained within narrower limits, precisely because an im-

[24] Hayes, "Mexican Migrant Labor in the United States," p. 17.

portant governmental interest was at stake. Also, the energy and attention that the program received by the U.S. federal bureaucracy was relatively high. Finally, this conception of the importance and role of the program strengthened the Mexican government's bargaining position vis-à-vis the United States.

In some respects, these characteristics make the program of 1942-1946 so unique that some writers have suggested that the program was suspended in 1947, as if no labor agreements existed until 1951, when the program again underwent a transformation.[25] What makes the war years unique, however, is that at no point during its 22-year history was the bilateral program as important to U.S. state interests--even during the Korean War--as it was during World War II.

One example of the peculiarities of the wartime bilateral years is the creation, during those years, of two parallel Mexican contract labor programs: one for agricultural workers, "braceros," another for railroad maintenance-of-way workers, began in 1943.[26] Though similar in operation to the agricultural program, the recruitment of track workers was governed by a separate U.S.-Mexican

[25] See, for example, Wilkie, "Conflicting Interests Within and Between Mexico and the United States," p. 30.

[26] Driscoll, El programa de braceros ferroviarios.

executive agreement and its administration within the United States conducted by a different set of agencies and personnel. Many of its logistical functions, such as defining the specifications and requirements for labor, securing food and transportation facilities, carrying out recruitment and interviewing workers, and issuing individual labor contracts were the responsibility of a quasi-labor agency, the Railroad Retirement Board.[27]

By the time the contracting of railroad contract laborers stopped in 1945, 35 railroads were involved. The majority of these workers worked in Montana, Washington, Oregon, California, Nevada, and southern Arizona. Over half of them worked for the Southern Pacific and the Atchison, Topeka and Santa Fe lines--the same railroads that had been the first employers of mass Mexican labor at the turn of the century. At the peak employment of Mexican track workers in March 1945, the program employed 69,000 workers.[28]

Another feature that made the wartime Mexican labor program exceptional was the willingness of both governments to set aside relatively small differences, override local and particular interests tugging at the program in

[27] Ibid.; McCain, "Contract Labor as a Factor in United States-Mexican Relations," pp. 173-174.

[28] Galarza, Merchants of Labor, p. 54; Kirstein, Anglo Over Bracero, pp. 32-33.

one direction or another, and work together in a relatively cooperative spirit. This does not mean, of course, that the administration of the wartime program was placid and harmonious. Especially evident on the U.S. side, however, was a willingness to go along with a number of Mexican proposals and demands and, when necessary, to push U.S. farmers to swallowing the medicine. Unlike later conflictual years, at no point was the United States willing to wreck the agreement and terminate the bilateral experiment; indeed, on one occasion it took a strong stand against U.S. farmer attempts to obtain unilateral contracting of braceros through Congress.

The instance in which this occurred resulted from Mexico's insistence that contract laborers not be sent to Texas because of ongoing discrimination against Mexicans in the state. Nevertheless, Texas growers wanted labor, and despite the availability of some Mexican workers who filtered into the state without immigration documents or work contracts, they complained loudly to Congress. In early 1943, Congress enacted Public Law 45, which provided authorization and appropriations for the bilateral contracting of Mexican workers. The Act also included a section for a parallel mechanism of admitting workers unilaterally through the Immigration Act of 1917 then in force--much as had occurred during the temporary admis-

sions during World War I.[29]

On May 11, 1943, regulations were issued by the Immigration and Naturalization Service which permitted Mexican laborers waiting at the border without a contract under the bilateral agreement to enter for the purpose of temporary employment for up to one year. According to Johnny Mac McCain, "The INS circulated the instructions to INS officials at all ports of entry, but did not submit them to the State Department prior to or immediately subsequent to their publication."[30] Thereupon followed a confusing situation in which the consulates of the Department of State in Mexico refused to provide Mexicans visas under the unilateral recruitment section of the new legislation and INS admitted about two thousand Mexicans unilaterally, without visas, mostly in the area of El Paso. The Mexican government had consistently opposed efforts by growers to promote the recruitment of Mexican workers outside of the bilateral agreement since the fall of 1942, and on this occasion, the Mexican government protested the action and indicated it would soon denounce the agreement and close the border to the emigration of

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[29] Scruggs, "Texas and the Bracero Program," p. 86.

[30] McCain, "Contract Labor as a Factor in United States-Mexican Relations," p. 133.

Mexican nationals.[31]

McCain has indicated that the announcement that the new regulations would be suspended produced "a flood of telegrams from growers, chambers of commerce, and politicians, protesting the action." A conference chaired by the Assistant Secretary produced, inevitably, the suggestion by one Colonel Taylor that the U.S. should tell Mexico, "without further nonsense" that it insisted in recruiting workers along the border to avoid the costs and difficulties of transporting workers from Mexico City. The DOS stance was, however, that "the jurisdiction of the United States ended at the international boundary; Mexico as a sovereign nation, entitled to make her own decisions, had chosen to meet American demands for manpower assistance under certain conditions, and if those conditions were not met, then Mexico had full right to close the border. If that were the course that Mexico chose, then the United States would get no help from Mexico, which in turn would create additional, undesirable consequences.[32] From the available record it is not known whether any U.S. government official suggested that Mexico might be unable to make good its threat to unilat-

[31] Ibid., pp. 120; 134-136; quote from p. 136.

[32] The first quote, from ibid., p. 136; the second and third, ibid, pp. 139-140.

erally abrogate the agreement and close the border to further departures to the United States.

After considerable discussion with representatives of the Mexican government it was decided to stop the implementation of this section of Public Law 45. On May 28, INS instructed all INS District Directors to stop admitting Mexican nationals under the provision of P.L. 45 under question "unless they present written consent of the Federal Government of Mexico to emigrate for the purpose."[33]

The previous instance suggests that under conditions of World War II--i.e., when there prevailed a bilateral regime favorable to cooperation--a difference in opinion between the two governments could be resolved in a manner favorable to Mexico and against the strongly expressed wishes of farm groups.

Other examples can be found. Especially during the last year of the war, the growing migration of undocumented Mexican workers constituted another source of friction between the two governments. After contract laborers and unilaterally admitted workers were both prohibited from Texas, the U.S. government tacitly acquiesced in the use of "wetback" labor by Texas farmers. An Assistant Commissioner of Immigration later wrote: "At

[33] Quoted in ibid., p. 142.

times, due to manpower shortages and critical need for agricultural production brought on by the war, the Service officers were instructed to defer the apprehension of Mexicans employed on Texas farms." Furthermore, an immigration officer in 1944 "confessed" to State Department officials "that the Service was deporting only those workers not engaged in harvesting perishable crops."[34] The Mexican government protested this in 1944, and thus provoked the U.S. response that Mexico itself was not doing enough to prevent the departure of its nationals who entered illegally into the United States.

In June 1944 the two governments agreed that each would patrol the border to prevent illegal border crossers going north.[35] As viewed from Washington, the Mexican government did not carry out its part of the bargain. For its part, the INS tried to cut costs of expelling the rising number of Mexican illegal entrants by returning them to the nearest Mexican border community. In the case of deportable aliens apprehended in California, that meant that the expulsion was effectuated through Tijuana and Mexicali, two cities virtually cut off from the Mexican interior at this time because of the

[34] Quoted in Scruggs, "The United States, Mexico and the Wetbacks," pp. 152-153.

[35] Scruggs, "The United States, Mexico and the Wetbacks,"pp. 154, 158.

bad roads and nonexistent railroad connections. These expulsions created problems in Mexicali and Tijuana and, in December 1944, the Mexican government closed those two ports to the return of expelled migrants. The U.S. government apparently did not push the matter and redirected the expellees to Cd. Juárez and other towns more accessible to the Mexican interior.[36]

During 1945 and 1946 Mexico and the United States continued to make half-hearted efforts to reduce the number of illegal entries. However, these continued to rise and, perhaps not surprisingly, many of the undocumented migrants were would-be braceros who could not obtain contracts to work legally in the United States, especially in Texas. This, and other considerations, persuaded the Mexican government to lift the ban on legal braceros to Texas in 1947.

One is tempted to conclude that by the end of World War II, the bilateral experiment was so fully launched that it outlived the circumstances that gave rise to it: the wartime emergency, the need for both governments to cooperate on a number of matters for reasons of higher policy, the peculiar problems, ambivalent attitudes, and ambiguous circumstances that marked the years 1942-1945, and which for practical purposes can be extended to in-

[36] Ibid., pp. 154-155.

clude 1946. However, this assigns greater weight to momentum and tradition and less to perceived common interests than is probably warranted.

Though with some reservations, the United States and Mexico viewed this approach to controlling Mexican labor migration as preferable to one in which Mexican workers and their families would be admitted as permanent immigrants. Having tried the bilateral experiment during the war, the two governments were not averse to continuing it in time of peace. Indeed, the unusual circumstances that made the wartime program such a successful experiment were soon ignored. It was not immediately apparent that the bilateral regime established during the war, largely favorable to cooperation with Mexico, could not be sustained by postwar political realities. The beginning had been auspicious--and that seemed reason enough to continue.

PART II: COOPERATION AND CONFLICT, 1947-1951

3 GETTING USED TO PEACETIME LABOR CONTRACTING

The war ended in the Pacific in September 1945, but official recognition that the U.S.-Mexican wartime labor agreement had to end did not come until April 1947, when the U.S. Congress passed Public Law 40. Peter Kirstein suggested that this legislation "was intended to eliminate the foreign labor program," but a more appropriate interpretation might be that it was the wartime labor program that was coming to an end.[1] The 1947 law ended the wartime authority of the Farm Labor Supply Appropriation Act of 1944 and transferred the Farm Placement Service from the Department of Agriculture to the United States Employment Service of the Department of Labor.[2] The farm labor recruitment system paid for by the U.S. taxpayer was extended, then, to the last day of December 1947. Thereafter, the governmental role would be scaled back but government-sponsored recruitment would not end.

As regards the Mexican farm labor program, the years after World War II were ones of transition. However, after 1947, as far as can be determined, the elimination of the program was not seriously entertained. One reason

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[1] Kirstein, Anglo Over Bracero, p. 58. Public Law 40, approved April 28, 1947, provided that the farm labor supply program should be extended to December 31, 1947, and thereafter terminated within 30 days.

[2] Ibid.

for that was the Mexican government's change of attitude toward the labor recruitment program. During the war the attitude expressed in official communications had been one of reluctant acceptance, and, although after the war the government's enthusiasm for bracero migration was restrained, there was a subtle but definite shift from an attitude of weak opposition to conditional acceptance.

A NEW MEXICAN ATTITUDE

On December 1, 1946, Miguel Alemán became Mexico's president and, for the first time, a new Mexican administration confronted the problem of what to do about an existing bilateral migrant labor agreement whose wartime rationalizations no longer applied. It also faced a U.S. government not disposed to continue to assume the commitment of being a party to or enforcer of these labor contracts. Finally, the new Mexican government confronted a situation in which a large number of undocumented Mexican workers--estimated by policy makers to be in the order of 100,000--were present in the United States. Like its predecessor, the Alemán government accepted the commitment of the agricultural migrant labor agreement with the United States. Unlike its predecessor, the new administration did so with a concrete idea of how the bilateral experiment might fit into domestic national priorities.

Some things, of course, remained the same. Even be-

fore the 1942 bilateral agreement, the Mexican government had held fast to a specific coherent view of the consequences of undocumented status in the United States and the relationship between "wetbacks" and braceros. Accordingly, due to their irregular status, "wetbacks" were forced to accept wages lower than those provided for in the contracts of braceros and to suffer ill-treatment under threat of deportation. By contrast, the legal protections afforded contract workers were assumed to work rather well. However, the presence of undocumented workers itself threatened those protections, due to the unfair competition of undocumented workers. The solution to this problem was then to remove the workers through expulsion (and thereby strengthen the situation of contract laborers) or to remove the disability of an irregular immigration status in order to remove the abuses.[3]

Approximately one month after taking office the Alemán administration created the Inter-Departmental Commission in Charge of Affairs Related to the Emigration of Mexican Workers for the purpose of negotiating a new bilateral migrant labor agreement with the United States. The leader of the Mexican side by Alfonso Guerra, Oficial Mayor of the Foreign Ministry continued to play a crucial

[3] An expression of some of these views can be found in Excélsior, 26 Mar 47, p. 10.

role in determining Mexico's policy responses to the emigration of agricultural laborers for the remainder of the Alemán administration. Occasionally, the Mexican delegation relied on the support of Manuel Tello, Under Secretary of Foreign Relations, the other key high-level player on the implementation of Mexican policy toward braceros during the Alemán administration. Also participating in the negotiations were the oficiales mayor of Gobernación and the Ministry of Labor, lesser officials from these two departments and Manuel Aguilar, head of bracero affairs at SRE.

The U.S. delegation was headed by William MacLean, of the Mexican Division of the Department of State, and the person within DOS who probably had most experience with the diplomacy of the bilateral migrant labor program. He was accompanied by Ugo Carusi, Commissioner of the Immigration and Naturalization Service, and other representatives from INS, the Embassy, and the Department of Agriculture.

From the outset, the two groups concentrated on the legalization of undocumented Mexican workers already in the United States. The Mexican government wanted the workers to obtain legal status and receive contracts identical to those afforded contract workers during the war. It also desired a U.S. role in their enforcement.

The Mexicans "insisted virtually on a government-to-government agreement," but "was successfully opposed by the American delegation" because it had been instructed to agree to a substantially diminished U.S. government role or to accept nothing.[4]

After ten days of negotiations ending on February 4, the two governments reached an agreement which was made effective by an exchange of diplomatic notes on March 10. Days later, a supplementary agreement regarding contract laborers in Texas was also entered into force.

Accordingly, the two governments agreed that Mexican laborers in the United States without contracts or whose contracts had expired, would be returned to three Mexican border cities--Mexicali, Ciudad Juárez and Reynosa--so that growers might go there to recruit them under contracts supervised by the Mexican government and take them back legally into the United States. Under the terms of the agreement and work contract, transportation would be paid for by employers from the border to the place of employment and return. The contracts entered into by laborers and employers would be witnessed by representatives of the Immigration and Naturalization Service and

[4] Stafford to SecState, 7 Feb 47, reproduced in Foreign Relations of the United States 1947, p. 825.

Mexican authorities.[5] However, as noted in the exchange of diplomatic notes effectuating the agreement, the United States indicated that "it would not undertake to police the fulfillment of these new contracts to which it was not a party, and that the Mexican workers contracted thereunder would enjoy only the same legal remedies as were available to domestic workers."[6] In practice, these remedies were not much.

Thus began the process of shifting from a wartime government-to-government program to what is sometimes called the employer-to-worker program. Recruitment of workers under the government-to-government arrangement would continue under the April 1943 agreement until the fall of 1947, but legalized workers would be contracted without the governmental guarantees of contract compliance that characterized the wartime program. The March 1947 agreement only provided for the legalization of workers already in the United States subject to deportation. The agreement of April 26, 1943, still in force, was a separate program of recruitment which was due to expire on December 31, 1947.

This agreement introduced a number of important

[5] Ibid.

[6] Hayes, "Mexican Migrant Labor in the United States," p. 114.

innovations, other than a diminished U.S. governmental role and legalization. Also for the first time, Mexico lifted its virtual ban on contract workers in Texas, by targeting employers in that state as the most important single group to participate in the legalization program.[7] As a conciliatory gesture to Texas, the Mexican government agreed to extend the contracting of a limited number of ranch hands for employment in the state, though it was made with the understanding that this action was "to be considered as temporary and . . . not . . . constitute a precedent."[8] Eliminating the exception previously made for Texas--where Mexican contract workers had been banned for reasons of discrimination throughout the war--signified that the Alemán Administration recognized that this policy had not prevented labor migration to that state, and that legalizing them under the terms of the March 10 agreement was preferable to leaving them in undocumented status.

Other provisions of the agreement call to mind the established Mexican view that undocumented migration had adverse effects on the working conditions of contract workers and that permanent emigration was not beneficial

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[7] Kirstein, Anglo Over Bracero, pp. 55-56.

[8] Stafford to SecState, 7 Feb 47, reproduced in Foreign Relations of the United States 1947, p. 826.

to the country. Thus, at the request of the Mexican government, the U.S. agreed to continue the practice of granting immigration visas "to male members of the working class only to those bearing passports specifically approving their emigration" by the Mexican government, "except those with close family ties in the United States." Similarly, the two governments agreed "to impede the illegal crossing of farm workers." The U.S. accepted that it would study the possibility of "punishing employers of illegal crossers." By common agreement, employers who hired illegal entrants would be denied the right of contracting braceros. For its part, the Mexican government agreed "to take steps to prevent the sale of railway and bus tickets to contingents of workers at strategic points."[9]

The principal assumption of the Mexican government in reaching agreement in March 1947, then, was that legalization, even without all of the protections afforded by the wartime agreement, was to be preferred to illegal status.[10] In the words of Foreign Minister Jaime

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[9] Ibid.

[10] ". . . my Government manifests its conformity" with the terms of a note stipulating to the agreement, wrote Torres Bodet to the Embassy on April 2, "considering them as supplementary to the agreement of April 26, 1943, on the understanding that if, in practice, differences of interpretations should arise regarding the application of the above-mentioned

Torres Bodet,

> [e]n efecto, al recibir la correspondiente documentación migratoria, nuestros compatriotas participarán de los beneficios que disfrutan los inmigrantes regulares, obtendrán contratos de trabajo formulados en condiciones satisfactorias y estarán en posibilidad de acudir a las autoridades norteamericanas en defensa de sus derechos, así como a los Consulados Mexicanos en solicitud de protección y de ayuda.
>
> Además, para los servicios de migración de ambos países, constituirá una ventaja fundamental el poder controlar, en la forma que las leyes previenen [sic], a un gran conjunto de inmigración hasta ahora perjudicados por irregularidad de su presencia en los Estados Unidos.[11]

Thus, mass legalization would bring these workers under the control as well as the protective umbrella of both governments. In keeping with the predominant Mexican view of the problem, Torres Bodet's articulation also made it seem that the principal difference between the situation of the legal contract worker and the illegal "wetback" resided in that the former had legal protections and the latter did not.

There were others within and without the Mexican government that were not so sure. In May 1947 Guillermo Martínez wrote a six-part series of opinion columns in the prominent Mexico City daily Excélsior which attacked

agreement of 1943, or the additional clauses above cited, my Government hopes that the text most favorable to the worker will apply." Quoted in Flood to SecState, 2 Apr 47, reproduced in Foreign Relations of the United States 1947, p. 827.

[11] Quoted in El Nacional, 13 Mar 47, p. 8.

the agreement as disadvantageous to Mexico and to Mexican braceros.[12] Martínez had been an official of the Ministry of Labor and Social Welfare involved in the administration of the program during the war. His argument was not that the terms of the bilateral agreement were in themselves disadvantageous, but that the labor guarantees were not properly enforced.

Three days after this series of critical opinion columns, Ernesto Hidalgo, the former Oficial Mayor of SRE who had negotiated the first agreement, initiated a series of articles in reply--also in the editorial pages of Excélsior.[13] And at about the same time, but less obviously a reply to Martínez's criticism of the wartime bracero program, Hidalgo authored a less polemical piece published in Excélsior which provided another argument in favor of the wartime labor program. In sum, this argument was that during the war years bracero migration had provided the country--and especially a particular social stratum in economic need--with about 2 billion pesos in income.[14] Given that the quarreling over the past

[12] Guillermo Martínez D., "Cuentas claras; los braceros," Excélsior, 23 Apr 47, p. I-10.

[13] Ernesto Hidalgo, "Aclarando cuentas; los braceros, un triunfo internacional de México," Excélsior, 9 May 47, p. I-10. Hidalgo's reply also constituted a six-part series.

[14] Excélsior, 19 May 47, p. I-10.

wartime program had everything to do with the propriety of having pursued the recent peacetime agreement, this latter argument expressed by Hidalgo constitutes an important rationale for the postwar contracting of braceros beyond the mere interest in legalizing "wetbacks" already in the United States.

This same idea was reiterated three months later, by the executive committee of the official party--Partido Revolucionario Institucional (PRI). Though basing its argument on a substantially smaller estimate of remittance earnings, 200 million pesos received by the country "during the last few years," in a statement to the press it suggested that, contrary to popular opinion, the emigration of braceros was favorable to the Mexican economy. The issue, then, was not whether the program should continue to have Mexican support, but how to improve the rules utilized in its administration so as to maximize the benefits for the country.[15]

Earlier that year, in a different context, when Mexico faced the problem of meeting its Lend Lease obligations to the United States, it took a stance reminiscent of the wartime view that emigration was not that beneficial to Mexico. The U.S. Ambassador to Mexico, Walter

[15] Novedades, 20 Aug 47, p. 15; Novedades, 25 Aug 47, p. 15.

Thurston, pressed Foreign Minister Torres Bodet regarding Mexico's Lend Lease obligations and Torres observed that "while it was true that some of [the braceros] brought small savings back to Mexico, these in the aggregate were not important and did not offset the loss to Mexico's industry and agriculture resulting from their absence from the country in crucial years."[16]

It is not unusual, of course, for government officials to say one thing in one context and something else in another; in Alemán's Mexico it was fairly common to have government ministers make one argument to a U.S. ambassador and defenders of the government to say something else for Mexican public consumption. And although there can be no doubt that Mexico's foreign economic relations were a major concern for the new administration, it is not entirely clear whether continued bracero migration, at mid 1947, was really that important an economic asset. However, the country was experiencing serious economic problems at the beginning of the Alemán Administration, and the money earned by braceros was welcome.

During the first months of the Alemán administration Mexico faced a worsening balance-of-payments deficit and a shortage of foreign exchange. From January 31 to May

[16] Thurston to Ray, 10 Jan 47, reproduced in Foreign Relations of the United States 1947, p. 747.

31, 1947, Mexico's foreign exchange balance--what it had available to pay for foreign purchases after maintaining a minimum legal reserve and a small deposit in the International Monetary Fund--declined steadily from 116 to 52 million U.S. dollars.[17]

The problem faced by Mexico influenced the attitude that Mexican government officials, including President Alemán, expressed to the U.S. Embassy regarding discussions on economic topics. In the on-going negotiations for an air-transport agreement which would spell out the routes for U.S. and Mexican carriers between the two countries, Mexican government officials stressed the importance of promoting the flow of U.S. tourists to Mexico because of the potential foreign exchange earnings. The Embassy reported that, on its part, the air-transport negotiations were "deliberately timed [to] coincide with keen interest [in] tourist promotion as means [of] increasing dollar balances, an interest publicly and privately displayed by Alemán and key Cabinet officers."[18] Similarly, the government expressed interest in re-negotiating its bilateral trade agreement with the United States so as to diminish imports and correct Mexico's

[17] Bohan to SecState, 16 Jun 47, reproduced in Foreign Relations of the United States 1947, p. 777.

[18] Thurston to SecState, 14 Aug 47, reproduced in Foreign Relations of the United States 1947, pp. 758-759.

balance of trade. Though these negotiations were difficult--the United States was engaged in starting multilateral talks for reducing duties on international trade through a new International Trade Organization--the two governments reached agreement at the end of 1947.[19]

Throughout the bracero program, the Mexican government would have economic incentives engage in the recruitment of Mexican laborers under the auspices of the migrant labor agreement--the question, however, would be, under what terms? During this initial phase of postwar transition, the Mexican government made a notable effort to avoid reaching agreement at any price.

On August 6, 1947, Washington instructed the Embassy to approach the Mexican government for the purpose of arranging for the recruitment of 10,000 additional Mexican agricultural workers for employment as cotton pickers for the season beginning September 1, 1947. The conditions of admission for these recruited workers, as proposed by INS Commissioner Carusi, "would be those applicable to aliens now admitted under contract pursuant to the agreement contained in the exchange of notes" of the previous March--i.e., the less favorable terms under which undocu-

[19] See communications covering April 23 to December 12, 1947, referred to or reproduced in Foreign Relations of the United States 1947, pp. 779-786.

mented workers in the United States were legalized.[20] The Embassy's instructions made clear that the workers requested "are in addition to the so-called 'wetbacks', the recruiting of which will continue; the additional workers requested are not the so-called 'wetbacks'." Then the ironic statement: "Recruiting of 'wetbacks' will continue as long as they are available, but their numbers are not considered sufficient."[21]

The Mexican government balked at the suggestion that the bilateral program might be continued in the post war under terms less favorable than those accorded braceros during World War II. It refused the Embassy's overture, though it expressed willingness to furnish workers if they were "contracted in accordance with the agreement entered into on August 4, 1942, amended in 1943."[22] The Oficial Mayor of the Foreign Ministry refused to accept the argument that an insufficient number of undocumented workers in the U.S. could be found to be legalized and stated that "to his knowledge approximately 130,000 wetbacks are in the United States and that only 3,000 have been processed through the recruiting stations estab-

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[20] SecState to AmEmbassy, 6 Aug 47, reproduced in Foreign Relations of the United States 1947, p. 827.

[21] Ibid.

[22] Geerken to SecState, 25 Aug 47, reproduced in Foreign Relations of the United States 1947, p. 828.

lished in April following the agreement of last March."[23]

> He mentioned that the Ministry had to consider the pressure of public opinion, which would censure recruitment on a wetback basis, depriving workers of the advantages accruing under the 1942 agreement, such as, higher pay, medical attention, and provision for transportation.[24]

Whether the Mexican government sensed that the request for 10,000 cotton pickers gave it the needed leverage to return to the wartime program or just wanted to use it to press its advantage is not altogether clear. However, in the same conversation that SRE refused the U.S. request for recruitment of workers under the terms of the March agreement, it complained that Texas farmers had not cooperated as expected under that agreement. The Mexican government, the Embassy was told, "could not expose itself to justifiable public criticism by acceding to this request, which would only aggravate the border problem and result in further exploitation of Mexican labor, particularly in the State of Texas, where the greatest problem of racial discrimination exists."[25] In any event, if the principal motivation for continuing with the bilateral program was to earn some foreign exchange, it seems that SRE officials, at least, viewed the gain in

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[23] Ibid.

[24] Ibid.

[25] Ibid.

dollars to be more than offset by the problems attending the recruitment of workers under conditions which could be subjected to public criticism.

One of the persistent questions regarding the continuation of the bracero program after 1946 is why the Mexican government sought its continuation. The explanation seems to be economic and political. The Alemán administration was sold on the economic benefits of emigration; to the extent it tolerated the arguments that mass migration to the United States harmed the country economically it did so because the latter was an entrenched view which also helped strengthen the government's hand in negotiations with the United States. Remittances, jobs, foreign exchange: these were the principal advantages of the bilateral agreement for a government bent on administering the country's economic development and conscious that it was doing little in the way of agrarian reform and rural development in the areas from which migrants to the United States left traditionally and from which they would be recruited.[26]

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[26] . . .President Alemán not only has initiated a large scale and very costly program of national improvement involving the construction of highways, irrigation projects, power plants, air fields, and the development of agriculture and industry, but has repeatedly promised his people that he would lower the cost of living. Under all these conditions . . . [the] inflow of dollar exchange assumes special importance in Mexican eyes." Thurston to Lovett, 30 Sep 47, reproduced

A political dimension to Alemán's policies may have been the use of the bracero program to undermine one of the government's most powerful opposition groups: the Sinarquista Party and movement. As Harry Cross and James Sandos have pointed out, this right-wing group was strongest in Guanajuato and Jalisco--also a region of high incidence of emigration to the United States. "While the Mexican government moved to deny the party national juridical existence [toward the end of World War II], it had simultaneously worked to destroy the movement's base by exporting its manpower. . . .Nearly two thirds of the braceros came from areas of Sinarquista activity."[27] It is doubtful that this constituted the principal reason for continuing bracero recruitment under Alemán, but evidently the regional concentration of bracero contracts reinforced that end.

The Mexican government was evidently not oblivious to the criticisms raised in Mexico and the United States against the program, and it was particularly sensitive to the idea that the agreement was disadvantageous to Mexi-

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in Foreign Relations of the United States 1947, pp. 793-794. This argument was made in the context of U.S. efforts to interest Mexico in U.S. companies participating in Mexican petroleum development. It seems likely that what in this case U.S. officials saw as the natural appeal of increased petroleum exports, Mexican officials viewed as a potential reason for continuing the bracero program.

[27] Cross and Sandos, Across the Border, p. 42.

can workers. But the predominant attitude in the government was that employment in the United States represented a significant material benefit to the country, and, though it is not clear how much credence it gave to criticism like that of Guillermo Martínez, evidently the issue was not whether Mexico should participate in the migrant labor program but how to improve its administration. To some within the Mexican government, particularly within SRE, contract compliance may not have been perfect, but the protections afforded by the bilateral agreement and work contract were more than mere legal niceties. This can be noted not only in the public justification of the March 1947 agreement, but also in the Mexican refusal of August 1947 to permit the recruitment of additional workers under the somewhat disadvantageous terms of those who were legalized according to the March 1947 agreement.

A shift of attitude toward the contract labor recruitment system was manifest in the new Mexican government's negotiation of an extension of the program, legalizing part of the flow, creation of a commission to serve as the Mexican legal party to the contracts, and ex post facto explanation, using economic arguments, of the decision reached. It can also be observed in the defense of the program against its critics. However, the Alemán ad-

ministration felt that relations with the U.S. were generally positive, that favorable results could be obtained for Mexico by negotiating with the United States and that the joint administration of bracero migration in the new postwar environment could be made to work to Mexico's advantage and to the benefit of Mexican contract laborers.

This contributed, also, to significant efforts by Mexico to cooperate with the United States, within the limits of what the new administration felt was the national interest. For example, a U.S. attempt early in 1947 to obtain Mexican government permission to participate in the development of the Mexican petroleum industry was rebuffed by Alemán personally, even though he stressed to the U.S. Ambassador that "in any emergency affecting the United States or this hemisphere, Mexico's oil resources would be instantly at [U.S.] disposal."[28] After the outbreak of foot-and-mouth disease in Mexico in 1946, the U.S. closed the border to Mexican exports of cattle. In January 1947 the two governments worked out a cooperative arrangement to control and eradicate the dis-

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[28] Thurston to SecState, 21 Jan 47, reproduced in Foreign Relations of the United States 1947, p. 791. In a meeting eleven months later, Alemán reiterated his argument about Mexican petroleum being available to the U.S. in an emergency. Thurston to SecState, 12 Dec 47, reproduced in ibid, p. 791.

ease and prevent it from threatening U.S. cattle.[29]

In March 1947, President Harry Truman travelled to Mexico and was received warmly. In turn, Miguel Alemán travelled to the United States in April.[30] This exchange of visits between heads of state set a positive tone for the public perception of bilateral relations. The perception of harmony at the highest levels also led to the expectation, by officials in both governments, that when conversations on any matter--braceros, air transport, military cooperation--an appeal could be made to the chief executive of the other side. Truman and Alemán corresponded frequently over a range of bilateral issues.

Several bilateral agreements were reached in a number of areas, which seemed to confirm the new Mexican expectations of bilateral relations.[31] In November 1947, at the time the Mexican government accepted the invitation to negotiate a new labor agreement, it had reason

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[29] Thurston to SecState, 23 Jan 47, reproduced in Foreign Relations of the United States 1947, pp. 811-813. The joint campaign encountered political problems, chiefly because the U.S. position was to insist in the destruction of infected animals and the adverse economic consequences that this had for Mexican owners of farm animals. See, e.g., Zorrilla, Historia de las relaciones entre México y los Estados Unidos de América, vol. II, p. 544.

[30] Zorrilla, Historia de las relaciones entre México y los Estados Unidos de América, vol. II, p. 545.

[31] Ibid., pp. 544-546.

for self confidence in its overall relations with the United States, and this mood would lead to the attitude that Mexico would not have to make important concessions in order to arrive at an acceptable bilateral agreement.

Inertia is an important component in explaining the trajectory of politics; we also find it present here. During the years 1945-1947 Mexican official attitudes toward collaboration with the United States were positive and expressed openly. The wartime alliance, which Mexican public opinion had accepted initially with some reservations, had turned out well. By 1947, not only had the United States earned a fair amount of good will in Mexico, this country's diplomats had acquired the expectation that no difference in bilateral relations would be so great that it could not be ironed out. In the early post-World War II years, then, just as the U.S. was about to begin to abandon the Good Neighbor Policy, Mexico was finally beginning to believe in it.

STRONG SUPPORT FROM AMBIVALENT GROWERS

An internal State Department study of the history of the migrant labor agreements prepared in 1950 noted that "planning for a new program for employing [braceros] in the United States was begun before the end of the old

one."[32] During the spring and early summer of 1947, INS, DOS and several members of Congress received petitions from growers associations that indicated their desire to retain the services of Mexican contract workers employed by them. The problem was to find a formula acceptable to the U.S. government at a time when the recruitment of farm laborers could no longer be justified by wartime emergency and to the Mexican government, which viewed the wartime agreements as the model to follow.

The extensive consultation between farm groups and the U.S. federal government resulted in a conference on July 22, attended by certain members of Congress, Senators, and representatives of INS, DOS and the Department of Agriculture. This may have been the first occasion when plans for recruiting contract laborers under peacetime conditions were discussed formally, with the intention of coordinating a U.S. government response to Southwestern agricultural interests.

> Consideration was given to the transfer of braceros from contracts with the Department of Agriculture for direct employment by growers, under contracts between growers and workers, accompanied by a formal release of the Department of Agriculture from its obligations to provide return transportation to Mexico. When informally approached on the subject, the Government of Mexico indicated that favorable consideration could be given to continued use [of] Mexican labor only in accordance with the agreement of April 26, 1943.[33]

As in the previously cited instance, it can be noted that the Mexican government did not want the separate arrangement negotiated the previous March for the contracting of "wetbacks" in the United States to become the model for future labor recruitment from within Mexico. However, the Department of Agriculture was willing to support a peacetime recruitment system if a direct employer-to-worker arrangement could be agreed upon--along the lines of the agreement for legalizing undocumented workers already in effect.

On September 26, 1947 the Mexican government unilaterally reinstated the ban on contract workers going to Texas and, on October 16, submitted its note terminating the supplementary agreement for legalizing workers in Texas. In explanation, the Mexican government indicated that the stipulations of the general agreement had "not been fulfilled, at least to desired extent" as regarded Mexican workers in Texas; that is, Texas growers continued to employ undocumented workers and, since the March agreement, had participated little at all in the legalization program. A second reason given for terminating the supplementary agreement relating to that State was

[32] Hayes, "Mexican Migrant Labor in the United States," p. 117.

[33] Ibid.

that Mexican hopes "for solving discrimination in Texas" had not been "realized favorably."[34] Efforts by Texas growers and the governor of the state to get Mexico to reverse itself were unsuccessful.

This action complicated U.S. plans to negotiate a postwar program for the recruitment of contract workers from Mexico. "On November 11," Hayes wrote, "the Department of Agriculture still planned to repatriate all Mexican agricultural workers by December 31, unless Mexican consent were obtained for their direct employment by growers."[35]

Toward the end of the year, then, Southwestern agriculturalists were not sure whether there would be peacetime labor recruitment under terms acceptable to both governments and attractive to them. On the one hand, the United States Congress had established unequivocally that, as of January 1, 1948, U.S. government funds could no longer be spent for a government-managed farm labor system. The executive departments were no longer authorized, either, to assume responsibility for upholding labor contracts to which the U.S. government was not a party. On the other hand, though the Mexican government

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[34] Thurston to SecState, 16 Oct 47, reproduced in Foreign Relations of the United States 1947, p. 829.

[35] Ibid.

had demonstrated a willingness to experiment with the employer-to-worker arrangement for the purpose of "drying out the wetbacks," it had shown no disposition to extend this arrangement for recruited workers and even had cancelled the experiment of legalized contract workers for the state of Texas. In the fall of 1947, then, to some growers it seemed that they faced an unfavorable situation: having to rely exclusively on domestic labor and on undocumented workers to cultivate and harvest their crops.

The grower's dilemma was compounded by their distrust of the wartime program whose continuation in modified form they were advocating. During the war they had complained loudly that the contracts included labor protections and established employer obligations that were not made available to domestic agricultural workers. The users of contract labor were actually less upset with the program than these complaints suggest--indeed, one close observer of the program argues, "in spite of periodic complaints about impractical requirements, [employers] seemed relatively well satisfied" with the wartime program.[36] This qualified satisfaction seems to be explained by the fact that they were receiving labor subsi-

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[36] Hawley, "The Politics of the Mexican Labor Issue," p. 98.

dized by the U.S. government and that even during World War II contract enforcement was not stringent. But they distrusted the arrangement--a farmer never knew when he or she might be taken to task for not meeting contractual obligations.

Farmers who might potentially employ braceros set aside their reservations of the bilateral migrant labor program and pushed hard for public acceptance of a labor recruitment system--even one that they considered less than ideal. In this they were helped by the Department of Labor, which, in November 1947, announced that there would be a shortage of domestic agricultural labor for the 1948 harvest season.[37] On December 8, Robert C. Goodwin--the senior DOL official under whose office the bracero program was administered starting in January--was quoted by The New York Times as saying that the demand for farm labor in 1948 "probably would be "'the greatest in peacetime history'."[38] Also in The New York Times, in January 1948, an agricultural representative evoked the specter of a reduction in the food supply in the United States "if foreign labor could not supplement domestic labor."[39] It is doubtful that anything significant would

[37] Kirstein, Anglo Over Bracero, p. 65.

[38] Ibid., p. 65.

[39] Ibid.

have occurred to agricultural production in the United States without the presence of Mexican contract laborers. However, in the public mind, at least, a labor shortage loomed in the spring of 1948 and it looked as if, once again, growers would have to accept a labor pact with Mexico that they did not really like.

Pragmatically, they strongly supported the negotiation of a bilateral agreement, even as they manifested ambivalence about the contract labor system then in force.

THE FIRST POSTWAR AGREEMENT

The unilateral termination of the supplementary agreement applicable to Texas in September merely added to the pressure exerted by growers seeking a solution to their labor problem, which had been building up in Washington since the passage of PL 40 by Congress. That legislation had imposed a December 31 deadline on the employment of Mexican workers recruited from Mexico under the April 1943 agreement.[40] As was noted in a State Department communication to the U.S. Embassy in Mexico City of late October,

> [i]n reply to petitions for assistance [by American growers seeking contract laborers in peacetime] the Immigration Service and the De-

[40] Lovett to AmEmbassy, 27 Oct 47, reproduced in Foreign Relations of the United States 1947, pp. 829-830.

> partment [of State] have indicated that the availability of workers ultimately depends upon the willingness of the Mexican Government to make its nationals available and that that willingness in large part will no doubt depend upon the terms offered and the guarantees which would insure compliance with those terms.[41]

As result of requests by growers and "groups of growers" regarding the recruitment of Mexican farm labor directed at the Immigration and Naturalization Service and the Department of State, the Embassy was instructed to approach the Foreign Ministry to arrange for a conference on "these labor matters" for the purpose of "continuing the supply of workers which may be needed in the coming months or for an even longer period."[42]

The Mexican government accepted the invitation, but attempted to place some conditions prior to beginning negotiations.

> a. Contracting Mexican laborers not to be authorized in states of United States where discriminatory acts against Mexicans have been committed.
>
> b. US Government to adopt necessary administrative or legal measures to prevent movement Mexican workers from one state to another without consent of worker and previous authorization of Mexican Government.
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> c. Basis for contracting to be agreement of April 26, 1943, with necessary amendments offsetting increases cost of living since that date.[43]

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41 Ibid., p. 830.

42 Ibid.

43 Thurston to SecState, 13 Nov 47, reproduced in

The Foreign Ministry also informed the Embassy that Mexican delegates would inquire as to what had become of the recommendation adopted during the previous January-February conversations "whereby US authorities would study possibility adopting legal measures adequately punishing American employers who either contract or utilize Mexican workers who are illegal immigrants."[44]

At State, MacLean rejected the thrust of the Mexican conditions for the conference, though this did not cause the Mexican representatives to cancel plans to hold the conversations anyway. MacLean replied to the Mexican conditional acceptance of the invitation to hold talks that the U.S. government wished to reserve the right to discuss a continuation of the contracting of Mexican laborers "without the limitations suggested in order to be fully informed as to the Mexican attitude regarding Texas, and in order that representatives of both Governments may be free to reach a mutually satisfactory agreement on as comprehensive a basis as possible." Moreover, he deflected the Mexican condition that the agreement of April 1943 form the basis of conversations by indicating that the possibility of adapting that agreement to the current circumstances was "presently under study" and

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Foreign Relations of the United States 1947, p. 831.

44 Ibid.

that "these studies are not completed." MacLean also indicated that the U.S. government had no difficulty with the Mexican proposal for measures to prevent the movement of contract workers from one state to another without their consent and that of the Mexican government.[45]

As Mexico stood at the threshold of negotiating the first postwar migrant labor agreement, it desired to keep the government-to-government structure of the wartime program. The most important issue to be discussed at this conference, at the initiative of the United States, however, was precisely how to effect the transition from a government-to-government to an employer-to-worker contracting arrangement. The Mexicans approached the negotiating table with the expectation that the government-to-government labor agreement of 1943 could be continued, despite the enactment of Public Law 40 the previous spring. The attitude of the Mexican representatives at the meeting, in light of this, is not difficult to comprehend. To some U.S. observers, P.L. 40 had been passed with a note of finality not heard by the Mexicans. "From the beginning they had difficulty in realizing that their workers would deal directly with the employers, and that no agency of the United States Government had the

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[45] Lovett to AmEmbassy, 19 Nov 47, reproduced in Foreign Relations of the United States 1947, p. 832.

funds which were provided during the war for the purpose of contracting Mexican agricultural workers."[46]

The Mexican position on this matter has a different appearance, depending upon whether viewed in the context of what Mexican representatives said they expected to obtain or what realistically could have been expected to occur under the new peacetime conditions. In the former sense, the Mexican position was ingenuous; in the latter, as simply an attempt to press for advantage and see how far that would go.

The U.S. consul in Ciudad Juárez, Stephen Aguirre, later characterized the Mexican strategy in the negotiations as an attempt "'to reach for the moon'."[47]

> Some extravagant ideas (including a suggestion that the United States Constitution be amended in order to accord the same guarantees to workers that the Mexican Constitution included) were suppressed within the Mexican delegation, but others were advanced. Return transportation of "processed workers," or wet backs who had been contracted under the [March] 1947 agreement, constituted a special problem. The Mexican Government wished them to have free transportation by the employers back to their homes or "points of origin" (in many cases far in the interior of Mexico) instead of to the place of recruitment near the border, as the contracts under the agreement provided.[48]

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[46] Hayes, "Mexican Migrant Labor in the United States," p. 118.

[47] Cited in ibid.

[48] Cited in ibid.

The naiveté in the Mexican strategy at this point was to resist the pressures to put the agreement on a postwar footing and to push for changing after the fact the terms obtained for contracts already negotiated. "Inasmuch as the appropriations had been discontinued which had enabled agencies of the Department of Agriculture to undertake contractual obligations with individual Mexican workers," Hayes wrote later, "it was necessary to reach agreement on a form of contract between the Mexican worker and the farmer-employer, or with employers' associations."[49] The notion that this restriction on the U.S. position, imposed by the U.S. Congress, was not negotiable, was accepted reluctantly by the Mexicans.

However, the Mexicans knew that U.S. growers and some members of Congress were anxious to not have the wartime agreement expire without having made arrangements for a substitute contracting of Mexican workers. They pushed boldly for what they could get and, when they did not obtain the concessions evidently expected, they let the conversations end without reaching final agreement. Whether tough negotiators or unrealistic officials that understood inadequately the current context of U.S. politics, the Mexican delegation in El Paso did not accept completely the terms in which the U.S. framed the problem.

[49] Ibid.

In the end, the Mexican government accepted the U.S. condition that contracts would be on an employer-to-worker basis. Though the Mexican delegates well understood that this was a major concession, it is not altogether clear that they, or even the U.S. officials at the meeting, understood just how much the governmental role would be reduced. Government participation was not nonexistent; the terms of the worker-employer contract, after all, were the product of intergovernmental agreement. The U.S. also had the obligation to inform Mexico regarding the conditions of the general agricultural labor market.

But the governmental role was to be scaled back drastically. U.S. officials later interpreted the agreement in the following terms:

> Neither the United States Employment Service nor the United States Immigration and Naturalization Service would actively participate either in the recruitment of workers or in supervision incident to the negotiation of the individual work agreement, or assume any responsibility for assuring compliance with the terms of the agreement, either on the part of the worker or the employer.[50]

This change in the bilateral agreement meant a fundamental alteration in the operation of the labor program.

[50] The text comes from a memorandum directed to Goodwin, USES, cited by Kirstein, Anglo Over Bracero, p. 65.

The Mexicans never were happy with this change, and their dissatisfaction grew in 1947 as they became aware of its full implications. The Mexican government would be unsuccessful in effecting a return to a government-sponsored recruitment system, however, until 1951, after U.S. entry into the Korean conflict.

Though the two delegations did not conclude a post-war labor agreement, they did establish some of the basic elements that would comprise the agreement actually reached early in 1948. Workers accompanied by family members were not to be contracted--thus reaffirming earlier objectives for the employment of unaccompanied males. The contract period was limited to one year and discriminatory acts against Mexican workers were banned. The government representatives agreed that workers were to be provided free lodging and travel expenses.[51] The State Department informed the Embassy that employers were pushing Congress to have the taxpayer pick up some of the cost of transportation.[52]

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[51] Hayes, "Mexican Migrant Labor in the United States," p. 119; Daniels to Thurston, 16 Dec 47, reproduced in Foreign Relations of the United States 1947, p. 833.

[52] "For your own strictly confidential information," the Embassy was informed, "considerable pressure is being brought to bear on certain committees of the Congress to provide funds for the United States Employment Service which it could use to cover transportation costs of workers from recruiting centers

The United States was unable to wrest important concessions from the Mexicans in two significant areas: the Mexican right to declare areas of the U.S. as ineligible to receive braceros because of discrimination, including the particular case of Texas, and the location of the recruitment centers within Mexico.

The ban on sending workers to Texas, it may be recalled, was justified by the Mexicans on the basis that incidents of anti-Mexican discrimination occurred there. The U.S. government took the position during these talks that the practical effect of preventing legal braceros from being employed there had been to encourage the state's farmers to use "wetbacks." Moreover, Texas farmers got the governor to intercede on their behalf.

> Governor Beuford Jester of Texas, as had his predecessor Coke Stevenson, pleaded for the ban's removal and proffered a non-discriminatory plan in which state officials would police communities and investigate employers suspected of discrimination. Mexico responded that only through "prior action" could Texas guarantee proper treatment of Mexican nationals.[53]

Recognizing that it was unlikely to obtain agreement without Mexican authority to declare regions of the U.S.

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in Mexico to the international border, from which point the travel cost would be obligatory on the employer. As this is merely in the proposal stage, it of course should not be communicated to the Mexican Government, but you will recognize that it would simplify the travel problem for both Governments if action were taken along this line." Ibid., p. 834.

[53] Kirstein, Anglo Over Bracero, p. 65.

as ineligible to receive braceros because of discrimination, the U.S. delegation "was insistent that no blacklisting of Texas appear in the agreement itself."[54] Late in 1947, the Mexican government was still able to sustain the position that anti-discrimination proposals were not enough--that it would allow braceros to be sent to Texas only after the state had demonstrated improvement, and that it could get a U.S. delegation, however reluctantly, to accept the explicit mention of the Texas blacklist in the text of the agreement itself.

The location of the recruitment centers had to do with the major element of cost to the employer of the contract labor program--transportation and meals--and, given that "wetbacks" could be persuaded to undergo the trip on their own account, U.S. growers sought to obtain Mexico's agreement to locate the recruitment centers as close to the border itself. The Mexican government, from the time of the negotiation of the first wartime agreement, preferred to have the recruitment centers located near the points of origin of the contracted worker. During World War II they had been located first in Mexico City, then Irapuato (in the state of Guanajuato) and Guadalajara (in Jalisco). The Mexican arguments for locating the centers where they were familiar: unemployment, which bracero emigration was intended to alleviate, was greater in the Mexican interior; border recruitment would precipitate a mass exodus of workers from border towns who would enter illegally into the United States.[55]

The U.S. was unable to budge the Mexican government from this position. The best it was able to obtain was that the Mexican government would be free to locate recruiting centers where it desired, though transportation for workers would be paid for by employers only between the U.S.-Mexican border and points north of a line drawn from coast to coast through Saltillo and Torreón.[56]

The negotiations reached an impasse on the minimum guaranteed wages for contract workers. The Mexican delegates initially asked that Mexican workers be guaranteed they would receive full wages for at least 75 percent of the contract period--the amount provided for during the previous wartime agreement--but the U.S. offered 50 percent. As MacLean explained the matter in a Congressional hearing held days after the El Paso meeting, "[i]n other words, if a [bracero] were up here and, for a reason not attributable to him, he was not given at least 75 percent

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[54] Hayes, "Mexican Migrant Labor in the United States," p. 119.

[55] Kirstein, Anglo Over Bracero, pp. 64-65.

[56] Daniels to Thurston, 16 Dec 47, reproduced in Foreign Relations of the United States 1947, p. 833.

employment, he had to be paid for that 75 percent of the time."[57] The Mexican delegation, though willing to settle for less than 75 percent, expressed the view that 50 percent was insufficient.[58] Further communication between Ambassador Thurston and Foreign Secretary Torres Bodet on this point elicited no change in the Mexican position.

At El Paso, the U.S. delegation explained to the Mexicans

> . . . that the 1943 agreement was a wartime measure of so much importance that the Mexican workers were given guarantees far beyond those available to domestic agricultural workers. With the cessation of hostilities, there is no longer justification for this discrimination, nor is there any fund or appropriation which would permit continuance thereof.[59]

However, the State Department tried to put its proposals in a positive light. "Notwithstanding the above," a DOS communication to be relayed to the Foreign Ministry read, "the El Paso documents still represent considerable preferential treatment for the Mexican workers."

> Domestic agricultural workers do not receive free lodging, have no subsistence guarantee, and usually must cover their own transportation both

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[57] U.S. House of Representatives, Committee on Agriculture, Foreign Agricultural Labor, hearings 15 and 17 Dec 47, p. 53.

[58] Daniels to Thurston, 16 Dec 47, reproduced in Foreign Relations of the United States 1947, p. 834.

[59] Ibid.

> to and from the place of employment. Workers presently being brought in from other countries in the Caribbean region, incidentally, are not receiving transportation. All of these things illustrate the earnest and sincere efforts of the United States Delegation to provide for these workers from Mexico in the best possible manner within the existing framework of laws and customs in the United States.[60]

The message to the Mexicans was clear. The war was over, and with it, the wartime labor program. No amount of remonstrating on the part of the Mexican government could alter that fundamental fact. Peacetime labor contracting would take some getting used to.

The Department of State and the Immigration and Naturalization Service and the United States Employment Service were "under heavy pressure from employers and from members of Congress" for the arrangements partially agreed to in December to be completed and put into effect. "They are particularly interested in the continuance of employment through the present crop cycles of workers in the United States both under the agreement of April 26, 1943, and under the agreement of March 10, 1947. Especially in the southwest, including California, these workers are engaged in the harvesting of important crops, and there will be heavy losses if their services do not continue to be available."[61]

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[60] Ibid.

[61] Ibid., p. 835.

The Mexican delegation accepted the ad interim stay of workers who had been contracted under the 1943 and 1947 agreements, then in force. However, at the close of the conference, the Mexican delegation was instructed not to approve the points they had reached agreement on "until the President of Mexico and the Minister of Foreign Affairs" had approved the text of the agreement.[62] The discussions were continued in Mexico City for two and a half months, during which time many of the points discussed during the December negotiations were re-negotiated. "Mexico appeared to be not anxious to effect an agreement," wrote Robert Hayes, "insisting at this time on recruiting at interior points instead of near the frontier, as desired by the United States employers, and doubts were entertained in the Embassy of the successful operation of the new arrangement."[63] Finally, on February 21, 1948, the Embassy and SRE exchanged notes which put into effect the first postwar labor agreement.

In the summer months of 1948 the United States reopened the discussions and pressed for changes in the agreement reached in February. At issue was border recruiting--desired by American growers and refused by the

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[62] Hayes, "Mexican Migrant Labor in the United States," p. 119.

[63] Ibid.

Mexican government. On August 2 and 3, 1948, negotiations were held in Mexico City which were successful in bringing the terms closer to what farmers wanted but which, even then, would not be entirely satisfactory to them. This dissatisfaction led to the incident at El Paso of October, 1948.

4 UNILATERAL ROAD TO BILATERAL AGREEMENT

In October 1948 the INS at El Paso opened the border to unilateral recruitment, in violation of the bilateral agreement, and within days, the Mexican government abrogated the agreement. A new agreement was not reached until August, 1949. The nine months after the "El Paso incident," during which negotiations continued, constituted the longest period without a formal agreement to govern the migration of agricultural workers until 1964. These months of prolonged negotiation foreshadowed the bilateral conflict that ultimately led to the breakdown of the agreement in 1954, they were immediately followed by a period of greater cooperation, starting in the fall of 1949.

THE INCIDENT AT EL PASO, OCTOBER 1948

In October, 1948, there occurred a series of events which have been dubbed the "El Paso incident." Their importance lies in that they constituted the first public manifestation of bilateral conflict over the administration of the joint migrant labor program and an objective indicator of the new postwar realities to which the U.S. government was responding and which the Mexican government was resisting. Those events have been interpreted differently, depending upon the vantage point of the

observer.

As expressed by Robert Hayes, in an internal State Department study prepared in 1950, these events are described in terms rather favorable to the concerns of the Immigration and Naturalization Service and of U.S. employers. The Mexican Inter-Secretarial Commission responsible for bracero matters agreed to establish a recruitment center at Ciudad Juárez and, on October 8 1948, that decision was communicated to the U.S. Embassy.

> Already large numbers of braceros had congregated there in the hope of getting into the United States in time for the fall harvests. On October 13 a crowd of them attempted to storm the international bridges, and were turned back by immigration officials, although some hundreds were believed to have slipped through. Over 7,000 would-be emigrants were now swamping the recruiting center, and about 70 per cent of them made a dash for it the next day. Immigration and Naturalization Service officials abandoned efforts to exclude them, and paroled them to the Texas State Employment Commission.[1]

This version of the events suggests, then, that INS officials at El Paso were simply overwhelmed by a mob of Mexican workers seeking to enter the United States. The only action out of the ordinary in this version is that the INS "paroled" some of them to the state employment agency responsible for distributing braceros to growers, instead of returning them to Ciudad Juárez.

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[1] Hayes, "Mexican Migrant Labor in the United States," p. 120.

The official Mexican version of these events was not quite so sympathetic to the U.S. Immigration Service. The immediate reaction to events at El Paso was that the INS action had been deliberate and provocative. The official newspaper El Nacional editorialized:

> . . . más de cuatro mil braceros mexicanos cruzaron ilegalmente el Rio [sic] Bravo y se internaron en territorio de Texas, con la tolerancia de las autoridades migratorias de aquel lado. Conforme iban llegando, las patrullas de la frontera los colocaban bajo un arresto "técnico." Al poco tiempo se les trasladó a los centros de contratación y allí se les transportó a los campos algodoneros.
>
> El desarrollo de los hechos, los antecedentes que median y muy particularmente la curiosa actitud de los agentes migratorios americanos, autorizan a sospechar que en el caso ha habido un movimiento para hacer nugatoria la prohibición del Gobierno Mexicano de que los braceros se dirigiesen a las fincas texanas.[2]

A news story published two days later in the same daily stated that "Grover C. Wilmoth, Director de Inmigración en el Distrito de El Paso [fue] el personaje central en un incidente que ha llegado a convertirse en una tempestad internacional. Wilmoth ordenó que se diera el paso libre a los braceros, pero procedió con pleno conocimiento de sus superiores en Washington."[3]

The Mexican government protested the U.S. action and promptly abrogated the 1948 agreement. It closed the recruitment center in Ciudad Juárez and reserved the right to claim damages that this action might have caused to agricultural producers in northern Chihuahua. However, no record of a subsequent claim along these lines was found.[4]

[2] El Nacional, 19 Oct 48, p. 8.

[3] El Nacional, 21 Oct 48, p. 8.

Days later the U.S. government apologized through a diplomatic note delivered to the Mexican Embassy.

> An investigation of the circumstances of this case confirms that the entry of these Mexican nationals was indeed illegal and that they were not, as required by Article 29 of the agreement, immediately deported to Mexico. I deeply regret that these irregularities have occurred.
>
> I am happy to inform you at this time, however, that orders have been issued that the Mexican nationals who entered illegally be promptly returned to Ciudad Juárez. Repatriation of these workers has already commenced.
>
> Orders have already been issued to stop all further illegal or clandestine immigration along the border. . . .
>
> It is my sincere hope that the corrective measures which have been described above and which will be carried out to the best of my Government's ability will be found satisfactory to your Government.[5]

The Mexican view of the incident, as expressed by the Foreign Ministry, was that it would be necessary to negotiate a new agreement in order to continue the recruit-

[4] El Nacional, 21 Oct 48, p. 8; Galarza Merchants of Labor, p. 50.

[5] Diplomatic note, Lovett to de la Colina, 22 Oct 48. Reproduced in Kiser and Kiser, Mexican Workers in the United States, pp. 153-154. Lovett's statement to the press of October 20 was characterized as "conciliatory" by El Nacional, 21 Oct 48, p. 8.

ment of braceros in Mexico.[6]

The contrast between the unilateral contracting of illegally-entered workers by El Paso officials and the formal apology as expressed by the Secretary of State suggests an internal struggle within the U.S. government to define what constituted proper action in relation to the bilateral farm labor program. Indeed, a breach between perceptions and priorities at the highest levels of government and those of low-level bureaucrats directly responsible for program administration constitutes an important element in the explanation of what happened at El Paso. This gap is visible in the jostling that occurred during the months before the incident occurred and in the months afterwards, as government officials attempted to apportion responsibility.

An example of the latter is a January 1949 letter by the Acting Attorney General directed to the Secretary of State attempted to justify the INS action at El Paso in terms of "failures and omissions on the part of Mexican officials," though it would not go so far as to charge "that the Mexican Government has directly violated the Executive Agreement of February 21, 1948."[7] A number of

[6] El Nacional, 26 Oct 48, p. 6.

[7] Acting Attorney General to SecState, 15 Jan 49, quoted by Hayes, "Mexican Migrant Labor in the United States," p. 120.

complaints about the attitude of the Mexican government and the ineptitude of some of its officials were also expressed to justify the action.

> International relations were not improved by charges by a United States Employment Service official that delay in contracting under the agreement had been prolonged by new and unwarranted minimum wage demands by Mexican officials. Delays by Mexican officials in setting up recruiting centers had contributed to the situation. The refusal of the Mexican Government to permit contracting of labor for the state of Texas, where the demand for Mexican labor was insistent, was a contributing factor.[8]

These ex post facto explanations, and the Acting Attorney General's letter previously cited, which also expressed the opinion "that the Commissioner of Immigration and Naturalization used good judgment in an exceedingly difficult situation," leave no doubt as to the attempt to justify an unwarranted action and to relieve some of the actors within the United States government of assuming responsibility for their actions.

As far as the Mexicans were concerned, this incident was illustrative of the quandaries of the bilateral management of the control of migration. On the one hand, if the gathering of Mexican workers forced their way through the El Paso port of entry without encouragement from the U.S. side of the border, then the original Mexican government position that border recruitment was undesir-

[8] Ibid., pp. 70, 120.

able was warranted. On the other hand, if INS and USES officials had indeed orchestrated the mass entry in order to pressure the Mexican government, as appears to have been the case, this constituted a doubly strong argument why Mexican opposition to border recruitment was justified. To optimists, this U.S. violation of the agreement was, it was hoped, an aberration; to pessimists it was symptomatic of the extent to which the U.S. government agencies responsible for bracero administration had become captives of grower interests.[9]

A different interpretation of these events--leaning toward the "pessimist" position--has been offered by Peter Kirstein, based on his reading of a declassified untitled report at the Truman Library which he called the Secret Study. He observed that it described the negotiations on the location of the recruitment centers, which the United States reopened in the summer of 1948, and how, after considerable pressure, the U.S. obtained significant Mexican concessions in August: a recruitment center in Mexicali, and others in the cities of Chihuahua, Monterrey and Culiacán--the latter three between 145 and 600 miles from the border. The Mexican federal government, however, had not consulted with the governor of

[9] Zorrilla, Historia de las relaciones entre México y los Estados Unidos de América, vol. 2, p. 538.

the state of Chihuahua, who refused to allow the establishment of a recruitment center in that capital city. Thus Mexico failed to comply with part of the agreement, which provoked some angry reactions in Washington and discussion in which USES advocated unilateral disruption of the 1948 agreement. Kirstein quoted from the Secret Study:

> The government should immediately give serious consideration to admitting to the United States, Mexican agricultural laborers . . . without regard to the agreement. . . . The agreement should be denounced . . . in as much as the agreement has been found unworkable.[10]

The matter reached the White House--perhaps the first of several occasions when the bracero agreement would require the attention of White House Administrative Assistant David Stowe--but, on September 22, Stowe informed the bureaucracy that Truman "would not support a violation of the agreement or its termination."[11]

Kirstein's interpretation takes some of the spontaneity out of the previously-cited image of a mass of laborers pushing their way despite the valiant efforts of INS guards at El Paso to keep them back. Rather, it suggests that the level of the U.S. government involved directly with the administration of the program--INS and

[10] Kirstein, Anglo Over Bracero, p. 67.

[11] Ibid., p. 68.

USES at El Paso and Washington--advocated this line of action and were opposed by higher levels of the U.S. government.

The El Paso incident is especially relevant to later events in the conduct of the bracero policy experiment. The incident demonstrates that by this time, lower level U.S. officials responsible for the administration of the migrant labor agreement equated the interests of the U.S. government with those of U.S. farm employers.[12] Higher level officials would not necessarily make the same equation, but it would always be present, pushed up from within the bureaucracy, in the formulation of U.S. policy toward the bilateral management of migration. This equation, moreover, constituted the principal source of conflict between the Mexican Foreign Ministry and the United States Employment Service.

The incident suggested that, even without White House support, the U.S. bureaucracy could bring pressure to bear on the Mexican government by admitting workers unilaterally. Whether the Mexican government was favorably disposed or not to permit the emigration of nationals, workers would be willing to cross into the United States. In this sense, the lesson of the El Paso incident was quite different from the interpretation that

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[12] Kirstein, Anglo Over Bracero, p. 74.

U.S. officials gave, in May 1943, to a Mexican threat to prevent the departure of braceros. On both occasions, the bilateral arrangement for the supervision of contract labor migration rested upon the assumption that Mexican cooperation was essential to the admission of agricultural workers, but the 1948 incident showed what any observer of increased illegal entries could have surmised: that the assumption did not hold. Though inherent to any bilateral arrangement, this assumption ignored a fundamental reality: the Mexican government could not control the emigration of its nationals. The incident of October 1948 laid bare, for more than one Mexican political observer, Mexico's vulnerability to certain kinds of pressures at the border as a result of the bilateral agreements.[13]

In other respects, the incident at El Paso was a symptom of U.S. farmer displeasure with the bilateral agreement. Though the February 1948 agreement and later amendments had resulted in significant concessions by the Mexican government when compared to the wartime agreement, from the farmer's perspective, the agreement was costly, too complicated and unworkable. Since the U.S.

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[13] See, e.g., Luis Lara Pardo, "La sangría dolorosa de braceros," Excélsior, 25 Oct 48, p. 10; Zorrilla, Historia de las relaciones entre México y los Estados Unidos de América, vol. 2, p. 538.

taxpayer had paid for much of the administration of the wartime program, Mexico's 1948 concessions were not seen as having benefited the farmer that much. Farmer displeasure with the migrant labor program would be at the basis for the pressure that U.S. negotiators received after 1948 to effect further changes in the bilateral agreement.

PROLONGED NEGOTIATION

After failing to salvage the February 1948 agreement, on November 6 the U.S. government proposed that talks be held to reach a new agreement. The conversations that began on January 17, 1949 lasted an unprecedented four weeks--until February 16. From the perspective of the United States, "One hopeful and one dissident note were sounded at the outset."[14] The hopeful note was that the Mexican representatives wanted the agreement to incorporate the problem of the "wetbacks" by legalizing their status, a point on which there was agreement from the beginning. The Mexican official view was publicly expressed by an editorial writer for the Mexico City newspaper El Universal, when he blamed the hacendado americano as the enemy of legal contracting, and his "allies"--Mexican illegal entrants. Alfonso Guerra, Oficial Mayor of SRE was named by the writer as a source of information on how "wetbacks" "sabotaged" the working conditions of contracted workers.[15] Given this Mexican view of the problem, it is clear why the two governments saw eye-to-eye on the problem of undocumented migration.

[14] Hayes, "Mexican Migrant Labor in the United States," p. 122.

The dissident note was that the Mexicans re-opened the matter of employer-to-worker contracting and proposed a return to the wartime practice by which the U.S. government would be the legal employer and the growers the subcontractors. "Although the American Delegation pointed out that the United States Government no longer had any legal authority for this practice," wrote Hayes, "a considerable part of the time of the conference and of its committees was consumed by discussions on this point."[16] The issue was dropped eventually.

After nearly three weeks of discussions the U.S. delegation was of the opinion that agreement probably would not be reached on all points before concluding the conference. The stumbling block was the location of the contracting centers--at border communities, as the U.S. representatives insisted, or at towns in the interior, as

[15] José Pérez Moreno, "Enemigo de la contratación legal de braceros es el hacendado americano," El Universal, 13 Jan 49, p. 9.

[16] Hayes, "Mexican Migrant Labor in the United States," p. 122.

proposed by the Mexican delegation. A line drawn from Hermosillo through Torreón and to Monterrey was the most northerly to which the Mexican representatives would agree.

> Although in a preparatory conference the United States agencies had decided that such a line might be agreed to after asking for border contracting as a first bargaining position, the representatives of [USES] in the United States Delegation held that in view of concessions made on other points it would be necessary to hold out for border contracting. The Mexican delegation was therefore informed that if they insisted on interior recruiting points it would be necessary to adjourn without agreement. The last days of the conference were consequently devoted to an attempt to reduce points of difference to a minimum but not to produce a final draft agreement.[17]

A review of the published evidence available on the January-February 1949 negotiations fails to turn up American concessions that might explain this USES position. The government which sought to change the status quo during these negotiations was the United States, not Mexico; i.e., the problem was not that the Mexicans were winning too many new points, but that thus far it had resisted U.S. attempts to make even greater changes in the status quo.

Border recruiting was evidently important to USES and to U.S. employers who wanted to reduce the costs of transportation imposed by the agreement. But some uncer-

[17] Ibid., pp. 122-123.

tainty about just how important it was is evident from the previous willingness of the U.S. delegation to settle for more southerly located recruitment centers. The hardening of the U.S. attitude in early 1949 can not explained, however, without considering that, in addition to pressure from employers, the U.S. representatives sensed that Mexico wanted and needed the migrant labor agreement badly enough that they would not allow the migrant labor agreement to fall on this one issue.

The other point on which the two sides could not agree was the blacklisting of Texas employers from receiving braceros on the grounds of discrimination. Unlike the negotiations of the fall of 1947, on this occasion the U.S. representatives prevailed on this issue.

> . . . only on the last day of the conference did the Mexicans agree to waive what they had called a "sovereign right" to ultimate unilateral decision to bar any employer or area. This concession was made possible by a plan submitted to the United States Delegation by the Texas Employment Commission and endorsed by the Governor of Texas, which was approved by the Mexican delegation and written into the draft agreement without specific reference to the state of Texas, thereby becoming applicable to any state. The plan provided that local government heads (when so required) would guarantee that there would be no discrimination against Mexican workers in their communities, and that if any Mexican national complained of discrimination, a local committee would be set up to investigate and to promote community or individual action to insure fulfillment of the community pledge.[18]

[18] Ibid., p. 123.

This plan of action provided the formula which would be retained for the next several years, even though the government would continue to haggle over whether Mexico did or did not have a unilateral right to declare an area as unfit to receive Mexican contract workers on the grounds of ethnic discrimination.

On the last day of the conference, the Mexican delegation made a number of concessions and the twenty points of disagreement that had persisted after four weeks of discussion suddenly were reduced to two: the location of the recruiting points and the payment of repatriation costs of unsatisfactory workers, "which Mexico wanted the employers to pay in full."[19] Thus, when the conference broke up, it appeared that the Mexicans had made significant concessions and that it would only be a matter of time before agreement would be reached.

The discussions continued in early March 1949, but by that point the Mexican government had taken back some of the concessions made the previous month. The points of disagreement at that time had grown to three others: whether Mexico would reserve the right to ultimate unilateral decision of discrimination cases; whether growers had to provide workers with a daily statement of hours worked and wages earned; and whether occupational

[19] Ibid.

insurance should be expanded to include "other injuries resulting in total permanent disability." The United States also added new items to the list of unresolved matters and as negotiations proceeded it appeared that the two governments were drawing further apart.[20]

Evidently, each side was employing hard bargaining tactics. But the pressures, counter pressures and tough statements obscure something more fundamental: despite the potential benefits, as the negotiators understood them, to both sides, the actual basis for agreement was rather weak. The Mexicans were having a difficult time living with the kind of program the Americans could accept in the post war. The Mexican government wanted to turn the clock back to the wartime program; the U.S. government, for its part, felt the present arrangement--even with the changes made after the war--was virtually unworkable. Considerable effort by the U.S. Embassy and SRE narrowed the differences again, such that by April 1949, they were reduced to three: the location of the recruitment centers, the exclusion of workers from areas in which discrimination existed, and whether Mexico should retain the right to decide unilaterally to which areas workers could be sent.[21]

[20] Ibid.

[21] Ibid., p. 124.

"Revisions and counter revisions of these articles occupied the negotiators," wrote Hayes, "and in May the Mexican Foreign Minister agreed to a United States revision provided verbal changes were made to satisfy Mexican public opinion." On the basis of a Mexican concession on the discrimination and unilateral right issues, the United States conceded the interior location of the recruiting centers.[22] Though this point was reached after much hard bargaining, the arrangement suggests unwillingness on the part of the Mexican government to let the migrant labor program fall--a reluctance to recognize that insufficient basis for agreement existed. Instead, the Mexican government attempted to square the circle by focusing on the appearance of the concession and by assuming that its dual posture on the discrimination and unilateral right of action would not be brought out in public. For its part, the U.S. government yielded on the one point it had been willing to trade several months before.

The prospect that agreement was in sight, however, was an illusion. The Mexican position, apparently, had not changed as much as it had at first appeared, and the wrangling continued on the Mexican right to withhold workers on grounds of discrimination. The State Depart-

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[22] Ibid.

ment view at this time was that the Mexican government wanted to employ the bilateral agreement on migrant labor as an instrument to change U.S. attitudes toward Mexicans in general, and that this was an inappropriate use of the instrument. With the support of USES, State sought to include a clause which would make only "systematic" discrimination "by the community" appropriate grounds for cancelling contracts, and assurances that Mexico would not use a single instance of discrimination to condemn a whole area.[23]

The U.S. position of June 1949 was described in these terms:

> Although the draft agreement, even without the "systematic" qualification, represented a gain over the preceding year, when all of Texas had been excluded from legal employment of braceros, the Department of State considered no agreement preferable to one which Mexico would use as a weapon against discrimination in ways likely to stir up trouble. At the end of June the American Embassy thought negotiations might end.[24]

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[23] Testifying before the House Agriculture committee in July, 1949 Robert Goodwin stated: "We were perfectly willing to agree to provisions which would require the employers to give assurance they would in no way discriminate. We were not willing to agree to a provision which would permit the Mexican Government to pull the workers out in cases of isolated discrimination that might be caused by someone over whom neither the public officials of the community nor the employer had any control." U.S. House of Representatives, Importation of Foreign Labor, Hearing Before Subcommittee no. 2 of the Committee on Agriculture, 14 Jul 49, p. 11.

[24] Hayes, "Mexican Migrant Labor in the United States," p. 124.

What finally broke the logjam was a threat of unilateral action by the United States government. In July, 1949, Senator Clinton P. Anderson of New Mexico tossed a firecracker into the debate by introducing a bill, S. 272, which would have permitted the entry of braceros into the United States without Mexican consent. Congressman Antonio Fernández, representing southern New Mexico and sensitive to the same cotton-farming interests that promoted the Anderson bill testified before a House Committee that he hoped that Mexican laborers could be brought into the United States legally "because, if that is not done, we are going to get them anyhow illegally."[25]

It is worth noting, however, that even some groups and agencies who might have been sympathetic to the Anderson bill and its objectives did not support it publicly. Indeed, the Department of State and Labor went on record as opposing it. As Robert Goodwin stated in testimony before the House Agriculture Committee, the principal reason for State opposition was that that department felt it would "cause serious relationship problems with Mexico."

The bill is a one-way proposition; it is a uni-

[25] U.S. House of Representatives, Importation of Foreign Labor, Hearing Before Subcommittee no. 2 of the Committee on Agriculture, 14 Jul 49, p. 21.

> lateral proposition, it would permit Mexicans to come in without any agreement with Mexico, and Mexico objects to that. It is not in line with traditional international relations, and I think the State Department is right in the objections they have put forth.[26]

Upon further questioning, Goodwin admitted that he "personally would like to see" a bill similar to that of Anderson, which was, in that context, being characterized as a bill which would make the recruitment of foreign workers permanent, unlike previous legislation and that under consideration by the Agriculture Committee, which provided authority for the recruitment of Mexican farm workers on a temporary basis.

Though Clinton Anderson's bill was treated warily on Capitol Hill by the executive branch, which was then attempting to close a deal with the Mexicans, the Mexican government evidently read the handwriting on the wall and decided to sign the agreement. It requested a ten-day period to prepare Mexican public opinion. Among the actions taken along these lines was to metaphorically throw up its hands in the face of continued illegal emigration to the United States. "Complejo problema es el de [indo-

[26] Ibid., p. 16. Assistant Secretary of State Ernest Gross sent a letter to the Senate Judiciary Committee, which held hearings on Anderson's bill, which opposed it on the grounds that "it is highly probable that our relations with Mexico would be adversely affected." Quoted in Kirstein, Anglo Over Bracero, p. 74.

cumentados] braceros," an Excélsior article lamented. "Ni la misma Comisión Intersecretarial ha podido resolverlo."[27]

> Se requiere tiempo y una constante campaña de convencimiento que por cierto ya están realizando la CNC y la Secretaría de Gobernación, para que cese la afluencia de campesinos a la frontera.
>
> Es precisamente esa afluencia, con la excesiva oferta [de mano de obra] que implica, la que propicia la emigración clandestina --favorecida por granjeros texanos--; la explotación de compatriotas y hasta la muerte de muchos de ellos.[28]

The deaths of migrants mentioned apparently referred to "wetbacks" who had recently drowned trying to cross the river along the border with Texas. Another action taken, evidently to foster the image of a Mexico negotiating a bracero agreement as it was beleaguered by the emigration of workers without contracts, was to order the Mexican military along the border with the United States to dissuade the emigration of undocumented Mexicans.[29]

On August 1, 1949, an exchange of notes confirmed as

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[27] Excélsior, 22 Jul 49, p. 10.

[28] Ibid.

[29] "Negó terminantemente la Secretaría de la Defensa que hubiera ordenado una concentración de fuerzas militares en la frontera norte del país. 'Lo cierto en este asunto --dijo el Secretario-- es que se han librado órdenes a las guarniciones fronterizas para que trabajen combinadamente en evitar el contrabando en ambas direcciones, e impedir que los trabajadores mexicanos entre ilegalmente en los Estados Unidos'." Editorial, El Universal, 27 Jul 49, p. 9.

an executive agreement the draft and individual work contract signed days earlier.[30] The agreement was quoted in the Mexican press as saying that

> ambos gobiernos reconocen que el tráfico ilegal de trabajadores mexicanos es un elemento perturbador de la ejecución efectiva de un acuerdo para la contratación de trabajadores agrícolas.[31]

The interval between October 18, 1948 and August 1, 1949, was the longest period without bilateral migrant labor contracting. The absence of a legal contracting mechanism, however, did not present inordinate pressure on the U.S. government position during the prolonged negotiations. During the negotiations, Mexico had agreed to allow the re-contracting of workers already in the United States under the February 1948 agreement. A limited contracting of workers that had entered illegally was also permitted through an exchange of memoranda in December 1948 and January 1949. (Table 2.1, discussed above, shows a wide disparity between U.S. and Mexican data on contract workers which may be attributed to the fact that many workers were hired on the U.S. side without passing through the migration stations in Mexico.)

More significantly, however, was the willingness

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[30] Hayes, "Mexican Migrant Labor in the United States," p. 125. The text of the standard work contract was published in Novedades, 30 Jul 49, p. 15.

[31] El Nacional, 2 Aug 49, p. 1.

during this period of the Immigration and Naturalization Service to scale down its enforcement activities in ranch and farm areas during critical times of farm labor employment. Hayes noted, quoting from an August 15, 1949, letter by Willard Kelly, Assistant Commissioner of Immigration, to the Chief of the Division of Mexican Affairs at DOS,

> [D]uring the interim between agreements the Immigration and Naturalization Service adopted a policy in accordance with which it was stated that "to avoid crop losses from time to time, pending arrangements to recruit farm laborers under the agreement with Mexico or during negotiations for such agreements, growers have been permitted to retain needed laborers pending their formal recruitment under the agreement. This has been especially true since last October."[32]

This underscores the problem already evident in October 1948: that Mexico's position had been weakened by the departure of Mexican laborers without contracts and its inability to control the emigration of its nationals. In order to pressure Mexico successfully for an agreement more attractive to the growers, it was of some help that the United States could unilaterally stop enforcing its immigration laws and let the "wetbacks" come in. Kelly did not have to tell the DOS in his communication that this policy was not consistent with the public posture of

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[32] Hayes, "Mexican Migrant Labor in the United States," p. 126.

the U.S. government regarding the control of undocumented immigration.[33]

TRUCE

The bracero pact of August 1, 1949, contained provisions which had been adopted in the previous agreement of February 1948, the most prominent of which was the continuation of the postwar practice of direct contracts between employers and workers and the diminished U.S. governmental role in the administration of the program. The role of the two governments, under this scheme, was limited to negotiating the bilateral agreement, which constituted the terms for the contracts between employers and workers. The United States Employment Service, transferred on August 20, 1949 from the Federal Security Agency to the Department of Labor, was the principal agency responsible for the administration of the program in the United States, and for defining the U.S. government position which it would ask State to transmit to the

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[33] INS actions which permitted some undocumented workers remain in the country without fear of expulsion, as far as can be determined, received no public notice in Mexico. To the contrary, it is somewhat ironic that a Mexico City newspaper published a report, based on a statement of an unidentified Mexican government official who participated in the bracero negotiations, that the two governments were cooperating in preventing illegal entries into the United States. Excélsior, 2 Jun 49, p. 10.

Mexican government.[34]

The agreement contained several innovations, only one of which had been sought by the Mexican government. This was to consolidate the contracting of recruited and legalized workers into one bilateral instrument. Under this arrangement, preference in the contracting process was given to undocumented workers already in the United States as opposed to the recruitment of new workers in Mexico, with the added provision that illegal entrants not contracted be returned to Mexico. Under this arrangement, 87,200 undocumented workers in the U.S. before August 1, 1949, were granted contract status. Furthermore, the U.S. government assumed the obligation of furnishing the Mexican government with statistics on the numbers of undocumented Mexicans present in the United States.[35]

Other innovations of the 1949 agreement were at the initiative of the United States. Prior to that time, the location of the recruitment centers had been at the election of the Mexican government, with the only restriction, adopted in 1948, that they should be north of a line drawn through Saltillo and Monterrey. The innova-

[34] Ibid., p. 127.

[35] Kirstein, Anglo Over Bracero, p. 71; Hayes, "Mexican Migrant Labor in the United States," p. 127.

tion was to have named the location of three recruitment centers (Monterrey, Chihuahua, and Hermosillo) explicitly in the agreement "instead of leaving these to the subsequent, and unilateral decision of the Mexican Government."[36]

The other setback to the Mexican government in the 1949 negotiations was in the manner in which discrimination allegations would be handled subsequently. The agreement did provide that Mexican workers were not to be assigned to localities "'in which Mexicans are discriminated against because of their nationality or race'."[37] However, the determination of the occurrence of discrimination was no longer to be unilateral--a joint investigation would be conducted by the Mexican consulate and USES. If the U.S. and Mexican field representatives disagreed as to whether discrimination had occurred, the agreement provided only vaguely for the dispute to be "taken up through diplomatic channels."[38] A joint procedure also provided for the investigation of alleged noncompliance with contracts on the part of either employers

[36] Hayes, "Mexican Migrant Labor in the United States," p. 127.

[37] Quoted in Ibid., p. 128.

[38] Kirstein, Anglo Over Bracero, p. 71. Quote from Hayes, "Mexican Migrant Labor in the United States," p. 128.

or workers.[39] To an unprecedented extent the 1949 agreement relied implicitly upon common understandings arrived at by the field personnel of the administrators of the program in responding to specific allegations of discrimination and non compliance of contracts. In so doing, it lay the basis for what the U.S. later considered to be Mexican unilateral interpretations of the agreement.

After the long interruption, the recruitment of workers was begun on August 25, in Harlingen, Texas, the first center to be established in the United States for the purpose of recruiting "wetbacks" on a preferential basis. The practice of "drying out the wetbacks," as the procedure was called, was pronounced a success. Looking back on the events of 1949, Hayes wrote that

> . . . the majority of illegal Mexicans in the United States had at last been placed on legal status, earning American wages, no longer depressing United States wage levels, and subject to return to Mexico when their jobs were done. By December about 100,000 Mexican workers were employed under contracts as provided by the new agreement, of whom the greater part consisted of former wet-backs already in the United States. Many of these were earning double their former wages as illegal workers.[40]

The evidence available on the wages received by undocumented and contract workers at about that time casts some

[39] Kirstein, Anglo Over Bracero, p. 72; Hayes, "Mexican Migrant Labor in the United States," p. 128.

[40] Hayes, "Mexican Migrant Labor in the United States," p. 129.

doubt on the assertion that the change in legal status made such a big difference in the economic situation of Mexican agricultural workers, but it is noteworthy that within DOS--as in SRE--there was the view that the legal status of migrant workers made a substantial difference in their actual working conditions.

Despite what it viewed as a setback, the Mexican government made the most of the changes regarding joint determination of discrimination. To the consternation of some officials in Washington, it made frequent use of the sections of the agreement that provided for an investigation of reports of discrimination and for the requiring of bonds guaranteeing employer compliance with the contracts. For a time during November, 1949, 267 orders for workers in twenty-two Texas counties had been disapproved on grounds of discrimination. By the end of that month, USES had received 175 formal complaints of either discrimination or contract non-compliance in Texas, 50 in Arkansas, eight in New Mexico, and four in Louisiana.[41]

The reaction in Washington was that the Mexican government had overreached its authority under the 1949 agreement. The "zeal of the Mexican Government to suppress discrimination and to ensure compliance with con-

[41] Ibid., p. 130.

tracts" had not been expected, and USES "questioned the right of Mexican authorities to approve or disapprove of requests for workers before permitting their contracting, holding that the agreement provided only that Mexico might raise questions concerning requests within five days of receipt."

> The issue was not pressed, however, because the Mexican Ministry had without exception acted with promptness on all requests for clearance of laborers and had notified contracting centers of approval or disapproval by telegram, and because it was considered that Mexican official[s] at contracting centers in any event would probably decline to process laborers without approval by the Ministry.[42]

It is noteworthy that, contrary to what the U.S. government position was later, especially in 1952 and 1953, certain actions taken by Mexican authorities involving holding up contracting were tolerated, in this case, because of practical considerations.

Despite the Ministry's energetic effort to push the discrimination and compliance issue to the limit in the fall of 1949, there were other signs that encouraged U.S. officials to think that the agreement was workable. The joint investigation of discrimination and non-compliance allegations cut both ways. Some investigations resulted in agreement by Mexican consuls and USES officials that the charges were unsubstantiated and the Mexican government "accordingly approved the certification for workers involved."

> In some places discriminatory practices were ended, in order to keep Mexican labor, and restrictions on contracting were lifted. The first instance of the failure of the procedures [under the 1949 agreement] to produce the expected result occurred late in December, and the Mexican Foreign Office consented to delay action on cancellation of contracts in order to allow time for remedial measures to be taken.[43]

Despite the quarreling that occurred between Mexican and U.S. government officials involved in the administration of the program, then, the fall of 1949 was a period of relative cooperativeness and reflected a reasonably close coincidence of governmental interests in the operation of the bilateral agreement.

However, U.S. employers were none too happy with the arrangement. Their complaints were not only with the unexpectedly forceful Mexican efforts to hold up contracting in instances where discrimination or non compliance was alleged, but with the content of the August 1949 agreement itself.

Indeed, on August 17, 1949--barely two weeks after the agreement had been signed--a delegation of growers led by Senator Clinton P. Anderson of New Mexico met with President Truman to communicate their objections regarding the agreement. These were, principally, that border

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[42] Ibid., p. 131.

[43] Ibid.

recruiting was not permitted, that employers "were required to pay for too much transportation," and that the contract guarantees for Mexican workers were superior to what growers had to pay domestic agricultural workers.[44] On August 29, a conference was called at the White House for the purpose of examining the objections raised by some growers. In attendance were representatives of USES, DOS, INS and the executive staff of the President, and growers named to an advisory committee which had been created by the USES to get feedback on the migrant labor program. The employer's committee reported that save one, all complaints were "without basis of fact" and suggested that USES communicate the proper interpretation of the agreement to the petitioning growers through its local offices. The committee also recommended a modification in the agreement which would permit employers to withhold twenty-five dollars from the wages of workers until the termination of their contracts, in order to indemnify employers for forfeiture of the immigration bond that required return to Mexico in the event that the workers absconded. The proposed amendment was discussed in Mexico City later in September, but the Mexican government refused.[45]

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[44] Ibid., pp. 133-134.

[45] Ibid., p. 134.

Employer complaints about the agreement so soon after its completion helped legitimate the Mexican government. It may be recalled that the government privately had expressed concern about how Mexican public opinion would view its concessions in the process of reaching the August agreement. Alfonso Guerra commented to the official newspaper El Nacional on the White House visit of agricultural employers and Senator Anderson by reiterating Mexican government reasons for opposing border recruitment.

> Con respecto a las contrataciones, dijo el señor Guerra, a lo largo de la frontera, repetidas veces se ha manifestado que resultan inconvenientes, por los problemas derivados de las grandes acumulaciones de población en los puntos que eventualmente podrían elegirse para la selección y particularmente porque dicha contratación perjudicará los esfuerzos que nuestro Gobierno viene haciendo para intensificar las labores agrícolas en determinados Estados fronterizos. . . .
>
> Igualmente no se permitirá, de ninguna manera, la contratación de trabajadores agrícolas en la frontera de nuestro país. Los agricultores norteamericanos tratan, se nos dijo, de provocar el éxodo ilegal, con objeto de mantener vigentes expoliaciones sin cuento que perjudican a los nuestros, como sucedió en meses pasados, cuando se registraron éxodos ilegales a los Estados vecinos de la Unión Americana.[46]

According to Ellis Hawley, not too much should be made of these employer complaints about the farm labor program after the 1949 agreement. In some respects, the

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[46] El Nacional, 19 Aug 49, p. 9.

program during the years following World War II was "even more satisfactory than the wartime program." Hawley noted further: "The farm labor investigations in 1950 produced a variety of employer complaints, but there was no support for a return of the wartime system of governmental contracting."[47] Richard Craig adopted a similar interpretation upon examining the content of the agreements of 1948 and 1949 when he noted that "the balanced interest-group milieu of the wartime bracero program became unbalanced by the political weight of agriculture during the immediate postwar period. In fact, the neutral observer might well consider the 1948-1951 program tailor-made to the demands of employers. It was, in many respects, similar to the World War I program, which growers looked back to so fondly in their critique of the wartime agreements."[48]

In the Lower Río Grande Valley, however, no legal system of contracting labor seemed attractive to farm employers. There the growers did not misunderstand the terms of the agreement, they just did not see it in their interest to contract braceros when they could employ "wetbacks" at a lower wage. Indeed, the prevailing wage

[47] Hawley, "The Politics of the Mexican Labor Issue," p. 115, note 5.

[48] Craig, The Bracero Program, pp. 54-55.

in the area was reportedly the lowest in the United States for farm labor: 25 cents per hour and less. The Mexican government let it be known that it would reject requests for workers at less than 40 cents per hour. Illustrative of the relatively close cooperation between the two governments is that in October 1949, the U.S. Employment Service announced that it would recommend no requests at less than the rate demanded by the Mexican government, "on the ground that current rates in the Valley were depressed by the presence of illegal workers, and that without them the minimum prevailing wage would be at least 40 cents per hour."[49] This same position by SRE--that the "prevailing wage" was depressed by the presence of undocumented workers and that a correction needed to be made for that effect--was rejected vehemently later by DOL with the argument that the Department had no authority to fix wages.

With regard to providing contract workers for areas where the employment of undocumented workers was prevalent, however, the two governments faced a recurring problem. Incentives had to be provided for employers to change to bracero labor and doing so involved upsetting the delicate compromises of the agreement in other areas.

[49] Hayes, "Mexican Migrant Labor in the United States," p. 132.

In the case of the Lower Río Grande Valley in the fall of 1949, the incentive for employers took the form of special contracts of six-weeks duration (instead of the four month minimum provided for in the agreement) for legalized "wetbacks." The Mexican government acceded to this proposal as an exception for 1949 only, and the measure was observed to have met with some success. However, other farmers in Texas, outside the Valley, also wanted the exception to apply to them and prevailed upon the State Department to make the request. "Although some apprehension was felt lest the Mexican Government, which had been so cooperative before, might be annoyed by this further request," reported Hayes, "that Government consented to the extension of the six-weeks contract privilege to twenty-three additional Texas counties."[50]

From the standpoint of Mexican interests the program reached a relative low point in the summer of 1950. At that time, Mexico reversed its prohibition of border recruitment of contract laborers and failed to fix a cutoff date for the period of entry of undocumented workers that could be legalized under the program. Kirstein observes:

> The triumph of the open border had been secured. Mexico[,] staunch protagonist of an unprotected international border, consented to recruiting among wetbacks regardless of their date of entry. Although Mexico expressed concern about the total withdrawal of wetback restraint, there was no abrogation; there was no protest note--just a request that publicity of the Mexican-supported open border "be restricted."[51]

In June 1950, U.S. entry into the Korean War gave rise to cries of agricultural labor shortages later in the fall and altered perceptions, and thus the political realities within which the Mexican farm labor program was to operate. Congressional hearings were held in the field that fall "at the urgent request of agricultural producers in several parts of the Nation."[52] Also during that fall, a review of the history of the program, which I have cited extensively here, was prepared by Robert Hayes at the State Department for the U.S. participants at a new labor conference to be held in January 1951. Looking back upon the previous years of the program and in particular the agreement of August 1949, Hayes commented that "while detailed and complex, [the agreement] has proved to have some flexibility, and the Mexican Government has shown a disposition to be accommodating in certain particulars."[53]

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[50] Ibid., pp. 132, 134.

[51] Kirstein, Anglo Over Bracero, p. 76.

[52] U.S. House of Representatives, Committee on Agriculture, Subcommittee on Farm Labor, Farm Labor Investigations, 2 and 4 Oct 50 and 18 Dec 50, p. 1.

[53] Hayes, "Mexican Migrant Labor in the United States," p. 138.

5 A NEW POLITICAL CONTEXT

In the twenty-four months that the August 1949 agreement was in force, the migration of Mexican farm laborers to the United States became increasingly controversial in both Mexico and the United States. U.S. and Mexican public support for the agreement waned and, in the case of the United States, early in 1950 it appeared that the government itself was having second thoughts about the program. These controversies were in many respects quite different--what was at the center of discussion north of the Río Grande was frequently at the periphery of the discussion south of the río Bravo, and vice versa. In the U.S., the fears expressed by organized labor, that contract workers took away domestic farm jobs, or were used as strike breakers, began to receive national attention. In Mexico, though frequently expressed in the coded language of Mexico City newspapers, a heated debate raged over the costs and benefits of emigration to the country and the emigration was lamented as a symptom of what had gone wrong with Mexican agrarian reform and with governmental neglect of the rural sector.

In one important respect these two national debates had a common point of departure: the increasing flow of "wetbacks" into the United States. By 1951, it had be-

come apparent to all that the principal mode of entry to the U.S. of Mexican agricultural laborers was not with a bracero contract. A sense of crisis regarding unsanctioned migration was beginning to impact upon U.S. and Mexican public awareness in 1950 and 1951, and these perceptions contributed significantly to the emergence of a new bilateral consensus which would make the 1949 agreement obsolete.

TWO DIFFERENT VIEWS OF THE "WETBACK PROBLEM"

When some observers tried to summarize the "wetback problem" in early 1951, they pointed to statistics showing a rising number of Mexicans expelled by the Immigration and Naturalization Service. As noted in Table 5.1, INS data show that the combined total of deportations and voluntary departures to Mexico during the 1930s and early 1940s was quite small--5,000 to 10,000 each year. Between 1938 and 1942, moreover, these statistics show a declining trend to about 5,000 each year. However, in the first full year of the bracero program, 1943, the trend reversed and the number of expulsions began to grow again. Expulsions recorded in 1944 exceeded that of any year during the previous decade.

Between 1944 and 1949, the number of expulsions grew at an average geometric rate of 58 percent per annum. Another way to describe this explosive, though uneven,

Table 5.1
DEPORTATIONS AND VOLUNTARY DEPARTURES TO MEXICO, 1936-1950

Year	Expulsions	Increase from Previous Year
1935	9,139	
1936	9,534	395
1937	9,535	1
1938	9,914	379
1939	9,713	-201
1940	8,051	-1,662
1941	6,082	-1,969
1942	5,100	-982
1943	8,860	3,760
1944	29,176	20,316
1945	69,111	39,935
1946	101,478	32,367
1947	199,282	97,804
1948	203,945	4,663
1949	286,678	82,733
1950	563,517	276,839

Note: During 1944-1950, "expulsions" column refers only to totals of three INS districts on Mexican border.

Source: Author's construction, based on INS Division of Research, Education and Information, "Mexican Illegal Migrants in the United States," unpublished report prepared for the President's Commission on Migratory Labor, 31 Jan 51. Attached to copy, Mackey to Van Hecke, 1 Feb 51, NRCSM, INS general and correspondence files, 56313/857. Original source: Reports of Field Operations, Form G-23.

growth is to note that the number of expulsions during the twelve months of 1944 barely exceeded those of an average month during 1949. Moreover, the total number of deportations and voluntary departures almost doubled from 1949 to 1950. By 1950, INS was apprehending half a million undocumented Mexicans in twelve months.

The majority of the undocumented Mexicans caught by the INS were located in South Texas and, more specifically, in the Lower Rio Grande Valley. Table 5.2 summarizes the flow of expellees by INS border district and port of departure; Figure 5.1 condenses this information for selected ports in 1950, in the form of a map. Through the San Antonio District roughly two thirds of the expellees were sent home; the Los Angeles District sent another fifth to nearly one third. The El Paso District showed uneven growth in the expulsions between 1948 and 1950; that expansion was dwarfed by the extraordinary increase in expulsions through other border districts, especially through the ports of Calexico and Hidalgo which, by themselves in 1950, provided 334,000 expulsions--more than half of the total. It is important here to stress that, although most of the expulsions of Mexicans in 1950 originated from South Texas, the return of migrants from California grew more rapidly, as illustrated by the dramatic increase of expellees through

Table 5.2
DEPORTATIONS AND VOLUNTARY DEPARTURES TO MEXICO, BORDER DISTRICTS AND SELECTED PORTS, 1948-1950

District and port	1948 Absolute	%	1949 Absolute	%	1950 Absolute	%
TOTAL, ALL DISTRICTS	203,044	100.0	281,653	100.0	563,545	100.0
Los Angeles District: SUBTOTAL	42,783	21.1	69,325	24.6	172,605	30.6
....San Ysidro, Calif.	14,359	7.1	21,327	7.6	48,114	8.5
....Calexico, Calif.	26,667	13.1	44,415	15.8	114,847	20.4
....Other ports	1,757	0.9	3,583	1.3	9,644	1.7
El Paso District: SUBTOTAL	24,173	11.9	38,461	13.7	32,516	5.8
....El Paso, Texas	20,178	9.9	31,451	11.2	22,992	4.1
....Other ports	3,995	2.0	7,010	2.5	9,524	1.7
San Antonio District: SUBTOTAL	136,088	67.0	173,867	61.7	358,424	63.6
....Laredo, Texas	12,489	6.2	14,798	5.3	17,169	3.0
....Hidalgo, Texas	83,646	41.2	105,654	37.5	219,148	38.9
....Brownsville, Texas	30,878	15.2	35,961	12.8	97,370	17.3
....Other ports	9,075	4.5	17,454	6.2	24,737	4.4

Note: Totals for years 1948-1950 differ slightly from totals in Table 5.1, which is based on same source, for reasons not explained therein. Percentages may not add exactly because of rounding.

Source: Figures adapted from INS Division of Research, Education and Information, "Mexican Illegal Migrants in the United States," unpublished report prepared for the President's Commission on Migratory Labor, 31 Jan 51. Attached to copy, Mackey to Van Hecke, 1 Feb 51, NRCSM, INS general and correspondence files, 56313/857. Original source: Reports of Field Operations, Form G-23.

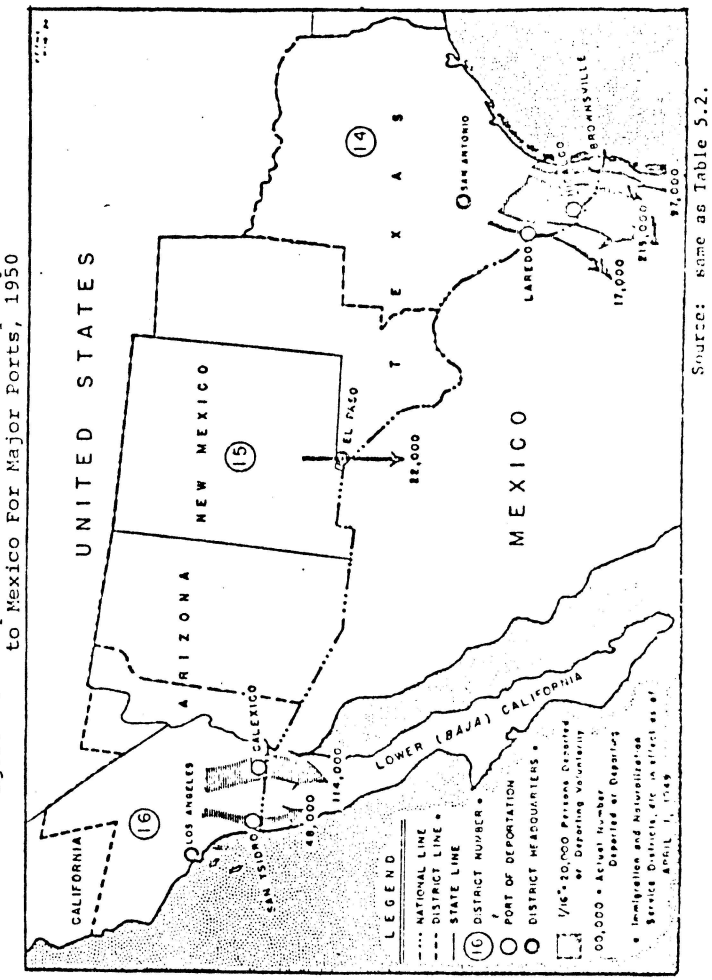

Figure 5.1 Deportations and Voluntary Departures to Mexico For Major Ports, 1950

Source: Same as Table 5.2.

Calexico in 1948-1950. During these three years, then, there was a noticeable shift of migration to and expulsions from the state of California.

In Mexico, these trends were troubling because they indicated that the total flow of undocumented migrants--apprehended and unapprehended--was substantial, and larger than the flow of contract laborers. From the point of view of Mexico City, the "wetback" problem had two principal aspects. These workers were leaving the country without the benefit of a labor contract, and the bracero program, after all, was predicated on the assumption that the terms of the labor contract negotiated by the two governments were crucial to the welfare of the Mexican worker in the United States. This made the second aspect all the more troublesome: while crossing the border illegal or working subsequently in the United States, undocumented workers suffered all manner of vicissitudes, including unconscionable treatment at the hands of officials, labor smugglers, and employers.

Still, they continued to leave--which indicated that conditions in rural Mexico, the origin of most migrants, had to be even worse. These conditions were perceived to be the result of the Mexican government's neglect of agrarian matters in the post-Cárdenas period, in favor of more glamorous policies furthering industrial development. This neglect and these policies were held responsible for the pressures Mexican peasants felt to migrate, notwithstanding the obvious hazards and hardships. These pressures found expression not only in undocumented migration, but in the excessive number of bracero aspirants that showed up for contracting weeks before the recruitment centers in the interior would open, and who roamed the streets and slept in the parks and otherwise constituted a headache for local authorities.

Bracero and "wetback" migration, then, were two sides of the same coin: the symptom of the impoverishment and exploitation of the Mexican campesino at home. The growing number of migrants, mostly undocumented, was interpreted as an indictment of the social and economic policies of the regime and demonstrative of the inability or unwillingness of the Mexican government to do something about it.[1] In a Mexico where Lázaro Cárdenas's land distribution was still a fresh memory, criticisms like these had resonance. They were barely blunted by competing arguments, largely promoted in official statements and Mexico City news columnists, that migrants did not leave so much because they were impoverished at home as because they were seduced from abroad by the almighty

[1] Novedades, 10 Oct 49; El Universal, 1 Jul 50; El Nacional, 29 Sep 50; Excélsior, 2 Jun 51.

dollar.

A prominent example of Mexican perceptions of the problem can be found in the national discussion that followed a public comment by President Alemán regarding what might be done to reduce the migration of workers without contracts. The country's chambers of commerce suggested that the answer was to improve the living standard of peasants. Uncontrolled migration--and by implication migration to the U.S. as a whole--was the consequence of the lack of domestic economic opportunity. But the Mexican organizations did not specify how the government was to achieve such improvements with extant resources and available policy alternatives, other than to give more empnasis to rural development.[2] There is no evidence to suggest that Alemán even considered re-orienting his ambitious program of public investment and improvements for the purpose of aiding in a substantive manner the peasant agriculture of the Bajío and central-north, i.e. the principal regions from which most migrants left.

The Mexican government dealt with criticisms associating "wetback" migration with its anemic rural development policies or, as some called it, the failure of agrarian reform, with expansive rhetoric about the need to create domestic agricultural opportunities and with a

[2] Novedades, 13 May 50.

few measures which, though concrete, were so limited in scope that it is difficult to take them seriously, except as actions taken to placate national public opinion.

Specifically, the government focused on two regions in the northeastern part of the country. One region, whose labor needs received considerable publicity in 1949 and 1950, was the cotton district encompassed by three municipios that included the border agricultural town of Matamoros, Tamaulipas, and areas south and west. Mexican cotton growers, who complained that they could not retain their workers, insisted that they needed 40,000 laborers for the 1950 summer picking season. The government announced a plan to redirect some of the bracero migration there, transporting workers from bracero-sending states in the central-northern region of the country, and expressed an intent to prevent the departure of workers who did not have labor contracts to enter legally into the United States.[3] The plan to attract would-be emigrants to agricultural labor in Tamaulipas was greeted with ap-

[3] Excélsior, 27 Nov 49; El Nacional, 28 May 50; El Nacional, 19 Jun 50; El Universal, 19 Jun 50; González Navarro, Población y sociedad en México, vol. 2, p. 217. The labor needs cited in the text may have been exaggerated. Another source indicated that the Matamoros cotton district needed about 25,000 transient pickers for the season and that in 1950, 60,000 workers showed up from the Mexican interior. INS Division of Research, Education and Information, "Mexican Illegal Migrants in the United States," 31 Jan 51.

plause and discussed with much fanfare. It is doubtful that this attempt to channel migration within the Republic to areas of relative labor shortages actually met with notable success, but it did quiet temporarily the critics apt to argue that domestic opportunities for farm employment did not exist. Moreover, other aspects of the plan provoked a new round of criticism. Gobernación's announced intention to prevent illegal crossings from Tamaulipas to the U.S., especially, drew sharp editorial criticism from El Universal, on the basis that this violated the constitutional right of free transit.[4]

The Mexican government did other things to manifest its interest in the "bracero problem" as one related to domestic employment opportunities, all of them in the northeastern part of the country. In Nuevo Laredo, on the Tamaulipas-Texas border, and in Catemaco, Veracruz, ejido land was ostentatiously distributed by the government for the purpose of "colonizing" the land with would-be braceros. In addition, extensive agricultural help was made available for agricultural production in these two areas: credit, machinery, storage facilities, irrigation, and housing. Efforts to attract Mexicans who might otherwise leave illegally to work in the United States were publicized widely in the Mexican press.

[4] El Universal, 19 Jun 50 and 1 Jul 50.

Miguel Alemán made a public display of his interest in these colonization schemes, and the former ejido was even named after him.[5]

Though the Mexican press made much of these attempts to root footloose braceros to Mexican soil, it is difficult to see how they could have had a measurable impact on undocumented migration from the vast sending region of north-central Mexico. Although these ejidos may have been genuine enterprises for the hundred or so families involved, their establishment was clearly a political symbol of the government's interest in keeping braceros at home and not a serious attempt to restrain emigration by creating more opportunities for peasants in Mexico. As if to recognize this, in his state of the union address on September 1, 1951, Alemán mentioned that he hoped that the large irrigation and agricultural investment projects which had been initiated during his administration and the expanding opportunities for employment in industry would check emigration by improving Mexico's job opportunities in the fields and factories.[6]

The other approach taken by the Mexican government,

[5] Excélsior, 7 Oct 50; El Nacional, 3 Dec 50; González Navarro, Población y sociedad en México, vol. 2, p. 218.

[6] González Navarro, Población y sociedad en México, vol. 2, p. 218.

which had been initiated in 1947, involved the legalization of undocumented workers in the United States via bilateral agreement--"drying out the wetbacks." On July 25, 1950, the third of these agreements was signed by U.S. and Mexican representatives.[7] This is the same arrangement criticized by Kirstein as the "triumph of the open border" and previously mentioned here as a relative low point in the program from the standpoint of Mexican interests.[8] We do not know what was the net impact of this agreement on controlling undocumented migration, but the sharp increase in expulsions--277,000--between 1949 and 1950 suggests little impact of the type desired. By early 1951, then, it appeared that contracting migrants within the United States who had entered illegally was not slowing down the undocumented flow and could be accelerating it.[9]

In the United States, the problem of illegal migration also struck a resonant chord, but the tune was different and more elaborate. The most noticeable part of the problem, as articulated in the news media, was that

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[7] Novedades, 26 Jul 50; El Nacional, 27 Jul 50; Excélsior, 28 Jul 50; The New York Times, 26 Jul 50, p. 23.

[8] Kirstein, Anglo Over Bracero, p. 76. My previous comment referred to is at the end of chapter 4.

[9] U.S. President's Commission on Migratory Labor, Migratory Labor in American Agriculture, p. 53.

the presence of "wetbacks" caused a number of social maladies. Though these assumed ills were manifold, a Presidential Commission on Migratory Labor created in 1950 to study the problem was most distressed by what it perceived to be its farm labor market effects: "severe and adverse pressure on wages in the areas nearest the border," and the "competition for employment and displacement of American workers."[10]

Though indirect, the evidence cited by the Commission would have been persuasive to the typical reader of a commission report. In support of the conclusion that undocumented labor depressed wages, the Commission first noted that such labor was concentrated in two regions, the Lower Río Grande Valley in Texas and the Imperial Valley in California, and then compared farm wages in these sub-state regions with the state as a whole and with the rest of the Southwest. In 1947, wages in the Lower Valley for "chopping cotton" (thinning the rows of cotton plants) were lower than those found in other parts of Texas; moreover, wages tended to rise for cotton chopping at points within Texas more distant from the border. In 1950, the average piece rate for picking cotton in the entire state of Texas was about twice that paid in the Valley; as one moved further west within the state and

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[10] Ibid, p. 70.

outside of it toward California, wages tended to rise. The wage levels of the Imperial Valley presented a picture similar to that of South Texas. The rates for common and hand labor in that region were closer to the state averages of Texas and New Mexico than for the much higher state average for California. "That the wetback traffic has severely depressed farm wages," concluded the Commission, "is unquestionable."[11]

To support the labor displacement argument, the commission pointed to the mass migration of "Texas-Mexicans" (i.e., Chicanos residing in the Lower Río Grande Valley) who, as Mexican "wetbacks" came in, left the region in droves in order to find farm employment in points north and west within the state and elsewhere. The commission heard arguments that labor displacement was not limited to the region most proximate to the border; there was an indirect chain reaction further north, too. Ernesto Galarza, then research director for the National Farm Labor Union testified that displacement "goes on from the Mexican border in successive waves throughout the Southwest, and is created by the fact that long resident families in the border area cannot stand the low wage competition in these areas, so they move a few miles north,

[11] U.S. President's Commission on Migratory Labor, Migratory Labor in American Agriculture. Data cited, pp. 78-80; quote, p. 80.

perhaps fifty or a hundred miles. There, in turn, they displace other workers, and they move farther north; and those in turn displace other families and they move north."[12] The commission proceeded to extrapolate from this to suggest that labor displacement of domestic workers extended to industrial jobs. To this end it relied on unsupported impressions of labor displacement reported by labor union representatives and the observation, whose meaning is not entirely clear, that the INS apprehended "wetbacks" in occupations other than agricultural and in states away from the U.S.-Mexico border.[13]

Critics of undocumented migration also directed their attention to the health problems presented by uncontrolled migration. In an unpublished study directed by Hugh Carter, head of the Division of Research, Education and Information of the Immigration and Naturalization Service for the President's Commission on Migratory Labor--and upon which the commission drew in its report regarding "wetback" migration--a comparison is made between the incidence of certain serious diseases and certain causes of death in Mexico and some California and

[12] Quoted in INS Division of Research, Education and Information, "Mexican Illegal Migrants in the United States," 31 Jan 51.

[13] U.S. President's Commission on Migratory Labor, Migratory Labor in American Agriculture, pp. 80-83.

Texas counties. In Mexico, the chief causes of death in 1938-1942 were diarrhea and entiritis (which accounted for approximately 20 percent of all deaths) and pneumonia (which accounted for about 15 percent).[14] The authors also examined the death rates attributed to these diseases, and discovered that, with the exception of the state of California, these rates were considerably higher for the border states as a whole. They also identified two areas within the U.S. which were assumed to be more likely to have a concentration of "wetbacks": one region in California (a band of counties extending from the southeast California-Mexico border through the San Joaquin Valley[15]) and another in Texas (a band of 28 counties that are on or near the border with Mexico[16]). The 1948 death rate due to pneumonia and other forms of influenza in the selected California counties was 50.4

[14] INS Division of Research, Education and Information, "Mexican Illegal Migrants in the United States," 31 Jan 51. The authors obtained their data from Nathan Whetten's book, Rural Mexico, published in 1948 by the University of Chicago Press.

[15] The region includes the following counties: Fresno, Imperial, Kern, Kinds, Madera, Merced, Riverside, San Bernardino, San Joaquin, Stanislaus, Tulare.

[16] The region includes the following counties: Brewster, Brooks, Cameron, Crockett, Culberson, Dimmit, Duval, Edwards, El Paso, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Kenedy, Kinney, LaSalle, Maverick, Pecos, Presidio, Reeves, Starr, Terrell, Uvalde, Val Verde, Webb, Willacy, Zapata, Zavala.

per hundred thousand persons in the population, as compared to 38.5 for the state as a whole. The 1948 death rate due to diarrhea, entiritis and ulceration of the intestines in the Texas border region was 87.8 per hundred thousand, as compared to 23.4 for the state as a whole.[17] The authors found similar regional differences in death rates caused by tuberculosis, dysentery, and syphilis, all of which underscored the deplorable health and sanitation conditions in these regions.

As in the case of wage depression and labor displacement, the analysis of the impact of undocumented migrants on local health conditions is indirect and suggestive, but less than precise. Obviously, some of this difference in health conditions can be attributed to the presence of undocumented Mexicans, but how much? The authors of the INS report cited above showed some awareness of this when they stated: "In analyzing the statistics on border counties, it is not assumed, of course, that the conditions are the result of wetbacks in the area, but rather that the presence of illegals is a complicating factor."[18] Elsewhere, the report attributed part of the high level of diseases in parts of New Mexico and

[17] INS Division of Research, Education and Information, "Mexican Illegal Migrants in the United States," 31 Jan 51.

[18] Ibid.

Arizona to the presence of Indians. In this regard, the impact of "wetbacks" was indistinguishable from that of Indians and other poor marginal groups. To an unknown extent, these regional differences in mortality and morbidity for serious diseases would have existed even without the presence of "wetbacks," as may be noted in the conditions that existed before 1945--the year that undocumented migration made its first big jump. The consequences of "wetback" migration on Texas border health problems was indistinguishable from others, such as the traditional neglect of the region by state and local public health authorities, of the dire poverty of the local Chicano population, and other contributing factors.

Another problem associated with the presence of undocumented migrants was that of "Communist subversive activity." It was argued that the "wetback" flow provided foreign subversives with an opportunity to mingle with the Mexican farm labor flow and enter illegally into the United States. Convincing evidence to support this allegation, as far as I can determine, was never presented. The allegation is so fantastic and unconnected with real events having to do with migration that it is only reasonable to ascribe to it the only obvious political role that it had: to prey upon the fears of Communism in the country to dramatize the impact of undocumented migra-

tion. Those fears may have been unfounded, but after Joseph McCarthy began his anti-Communist crusade in 1950, Americans seemed to find communists everywhere--even in the State Department. Undocumented migration in the 1950s, as would occur decades later, needed to be anchored to weightier national issues in order to held the attention of the national public.[19]

Underlying this concern and the discussion of the problem is another: the problems of border control and of the rule of law. One manner in which this was reflected was in the manipulation of numbers. As Gladwin Hill put it in a frequently cited series of articles on undocumented migration published in late March 1951, illegal migration was estimated to be a million persons per year. This assertion was based on the INS rule of thumb that the Border Patrol caught one out of every two illegal entrants shortly after they crossed the border. (From this it can be inferred that the one million persons figure is a guess implicitly relating to the gross flow--and not the annual growth--into this population during the year 1950.)[20] The President's Commission on Migratory Labor, which issued its report the last week of

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[19] A discussion of the impact of the fear of Communist influence in government at this time can be found in Acheson, Present at the Creation, pp. 358-367.

[20] The New York Times, 25 Mar 51, p. 1.

March 1951, used more suggestive language to refer to the recent growth of this mass migration. "In its newly achieved proportions," the commission's report said, "it is virtually an invasion."[21]

In the opening article of his series on "wetbacks," timed to coincide with the Commission's report, Gladwin Hill compared the limited governmental attempts to regulate the mass flow of migrants across the border to Prohibition, "when wholesale violation of the laws of the United States was being ignored, tacitly sanctioned or overtly encouraged by a large cross-section of the population."[22] In this view the notion of a rule of law was not merely challenged, it was subverted by popular tolerance of, or participation in, a migration of large dimensions.

The notion that local expediency and economic interest should prevail over national interests in preserving respect for law was especially disturbing from the vantage point of the President's Commission. Farm employers near the border repeatedly testified before the Commission that they had used Mexican labor for years. To the

[21] U.S. President's Commission on Migratory Labor, Migratory Labor in American Agriculture, p. 69.

[22] The New York Times, 25 Mar 51, p. 1. The letter of transmittal of the President's Commission report is dated March 26.

dismay of the Commission, this testimony "implied" that these farmers felt "they had a peculiar right to get Mexican workers."[23] Their notion of such rights, of course, extended to include illegal entrants. A major complaint by farmers was that INS was discriminating against them through selective enforcement of the immigration law by picking their farms to raid and expel workers.[24]

To those observers most likely to adopt the point of view of the U.S. government, the migration of undocumented workers from Mexico was an acute regional problem of national significance. A segment of domestic farm labor--Mexican origin workers in South Texas and south-central California--seemed to bear the brunt of the labor market competition associated with this flow. At best, "wetbacks" constituted a serious public health problem and a depressant of wages and working conditions; at worst, a national security menace.

To the President's Commission and well-informed observers, it was especially troubling that the U.S. government itself was a tacit partner in the creation of the problem. However, the recognition of this by the Commission and by newspapers such as The New York Times had a

[23] U.S. President's Commission on Migratory Labor, Migratory Labor in American Agriculture, pp. 73-74.

[24] U.S. President's Commission on Migratory Labor, Migratory Labor in American Agriculture, p. 83.

peculiar twist. To be sure, the INS did come under scrutiny for selective raids that expelled large numbers of "wetbacks" from some farms and not others. A not inconsiderable number of instances of collusion between Border Patrol officers and southwestern farmers were cited, as were curious instances of Border Patrol officers hesitating to enforce the law.[25] The whiff of scandal was not limited to the INS. In February 1951 The New York Times reported on the employment of "wetbacks" by Frank O'Dwyer, a rancher in the Imperial Valley, and brother to U.S. Ambassador to Mexico William O'Dwyer.[26]

However, the impression left by the public record is that the omissions in immigration law enforcement were exceptional--errant Border Patrol officers or INS District Directors acting on their own, responding to local needs and yielding to momentary temptation, rather than acting upon instructions from Washington. The scandal with the Ambassador's brother was similarly focused on personalities: there is little to indicate that Frank O'Dwyer was anyone more than just one more user of undocumented workers in the Imperial Valley.

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[25] The New York Times, 9 Aug 50; also 28 Mar 51, pp. 31, 34; U.S. President's Commission on Migratory Labor, Migratory Labor in American Agriculture, pp. 75-76.

[26] The New York Times, 14 Feb 51, p. 24; The New York Times, 28 Feb 51, p. 5.

Earlier I noted that during the negotiations for the 1949 agreement, the INS deliberately relaxed its enforcement of immigration laws in order to facilitate grower access to Mexican labor at a time when the Mexican government would not bend to grower demands for a contract labor program they viewed as more workable. One might have expected this to come out in the President's Commission Report or in the muckraking by newspapers on the half-hearted enforcement of immigration laws by the INS, but it did not. However the problem was defined or characterized by officials and editorial writers, the image that came into focus was not one of a U.S. government with conflicting interests--to control access to its territory and observe the rule of law on one hand and to accede to employer pressure for workers on their own terms, on the other. These complexities were well known to close observers of the farm labor problem, but to recognize them publicly, apparently, was not considered appropriate. Rather, it was more appropriate to focus on the "wetback" as a cause of major social ills. As Juan Ramón García put it, "[f]ew recognized that the 'illegal alien' was in reality more a symptom of these problems than a major cause."[27] In this manner U.S. public perceptions and official characterizations of the problem, like those

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[27] García, Operation Wetback, p. xvi.

in Mexico, were based on gross over simplications.

THE STILL-BORN FARM LABOR CONTROVERSIES

Both in Mexico and the United States, there were growing debates regarding the advisability of continuing to promote Mexican migration to the United States, and those debates extended beyond the political significance of the expanding flow of undocumented workers. In both cases, opposition to the flow of contract laborers was rising.

Mexican reactions to the contract labor program were as varied and complex as U.S. reactions to the presence of "wetbacks." One argument that repeatedly found its way into print in Mexico was that agricultural production in some parts of the country suffered because of the lack of workers provoked by bracero emigration.[28] The emigration of workers induced labor shortages in some parts of the country, according to this view, because of the departure of landless peasants, ejidatarios and farmers of small plots (pequeños propietarios) for the allure of high wage income. In this sense, some critics of government-sponsored emigration perceived this outflow of laborers as materially harming the Mexican economy. Other criticisms, as I have pointed out, focused on the exploitation of Mexican workers while in transit in Mexico

[28] La Prensa, 28 Aug 49, p. 11; El Nacional, 29 Sep 50; El Universal, 7 Jun 51.

and while employed in the United States. Many observers were troubled by the apparent inability of the Mexican government either to get a labor agreement on better terms for their countrymen, or to assure the enforcement of the existing agreement.[29]

In response to domestic criticism that Mexican workers were exploited in the United States, Mexican officials made a distinction between legal and illegal flows and identified the latter as the real problem. In order to neutralize criticism that the legal program itself did not work properly, they focused attention on the government's objectives in connection with the farm labor program: to protect the rights of contract workers in the U.S. and to legalize, when possible, those "wetback" workers already in the United States, in order to extend to them the protections of the labor agreement.[30] At times, Mexican government officials manipulated their critics, as when they stole their thunder by themselves criticizing Texas growers for not living up to the bilateral agreement.

Without having reviewed the Mexican government

[29] El Nacional, 27 Nov 49; Novedades, 6 Mar 50; El Universal, 15 Mar 50; Excélsior, 2 Jun 50; El Universal, 8 Sep 50; Excélsior, 15 Feb 51; El Universal, 18 Jun 51.

[30] Excélsior, 23 Feb 50; El Universal, 7 Mar 50; El Nacional, 7 Nov 49. Cf. Excélsior, 18 Oct 49 and El Nacional, 19 Jan 51.

archives on this subject, it is difficult to determine how much of a threat the press criticism of the bracero program represented to government policies and how much it was an asset--or even promoted to some extent by the government itself--so strengthen its hand in negotiating with the U.S. government. Two things seem clear enough. On the one hand, Mexican popular criticism of the program as symptomatic of inadequate attention to the rural sector and unresolved issues of social justice and agrarian reform was genuine. On the other, the Alemán government did not have serious difficulty in containing the controversy within bounds and keeping it from torpedoing Mexican government participation in the bracero program.

The Mexican government ultimately made one point that even its critics had to accept: emigration provided jobs for needy Mexican workers. If emigration was a symptom of inadequate opportunities in rural Mexico, obviously the solution was not to stop the employment of braceros in the United States. The problem was not to curb migration, but to prevent illegal migration and to channel it to legal forms of employment in the United States. The Mexican attitude of 1950 was a reaffirmation of that adopted by the Alemán government in 1947 when it pursued a peacetime program for economic reasons. Though some reverses at the negotiating table and in the execu-

tion of the agreement might be expected, some program was better than no farm labor program; legal migration, in virtually any form was preferable to illegal migration.

In the United States, the winds of domestic politics were blowing even more unfavorably against the contract labor program in early 1950. As in Mexico, the preeminent concern was a symbol; in this case, the plight of domestic migratory farm workers employed in the "factories in the field." Observers were struck by two anomalies. On the one hand, agricultural workers had been excluded from the kinds of New Deal labor protections that had been enacted for industrial workers during the Depression which, at the threshold of the 1950s, were perceived to have been good for labor, acceptable for business, and a net gain for society as a whole. On the other hand, Mexican contract workers had legal guarantees superior to those that U.S. domestic legislation provided for farm labor. Though some agricultural employers complained about this as discrimination against domestic agricultural laborers, labor representatives were more apt to suggest that Mexico was correct in finding unacceptable the situation of U.S. domestic agricultural workers.

The memory of the migratory farm worker of the Great Depression years somehow came back to the public mind

amidst the relative, and somewhat unexpected material well-being of the postwar years. The westward trek of the "Okies"--drought refugees who fled the "dust bowl" area including Oklahoma, Arkansas, Missouri and Texas--immortalized by John Steinbeck's The Grapes of Wrath was evoked in public discussion about the plight of migratory farm labor in general. A more select group of Americans recalled the bloody labor strikes in California agriculture of the 1930s, and the devastating reports produced by the LaFollette and Tolan congressional committees on farm labor conditions in the late 1930s and early 1940s.[31] In the prosperous years following the war, the conscience of the nation was becoming more receptive to the idea that government should do something to alleviate the condition of the less fortunate within the United States.

The principal actor to awaken that conscience was the National Farm Labor Union, AFL. Accomplishing that, actually, was a secondary concern of the union, whose more immediate objective was to unionize farm labor in the West. Ironically, the powerful California farmers that opposed it bitterly were the sons and daughters of the "okies" and "arkies" that had fled to the Salinas

[31] McWilliams, Factories in the Fields, pp. 213-282, 305-325.

Valley and Southern California, and who by 1949 had become successful and prosperous landowners and farm operators. The union chose as its first battle, which ultimately was to serve the purpose of getting national attention, a strike of 800 workers at the DiGiorgio Fruit Corporation, in the Bakersfield area, that began on October 1, 1947, and which, against all odds, lasted until May 9, 1950. The union did not achieve the principal objectives of the strike--recognition as a bargaining representative and modest improvements in wages and working conditions. It did, however, attract the attention of the national press and obtained the sympathy of the public, which saw in the strike a struggling David battling a ruthless Goliath.[32]

Other strike actions occurred in cotton and potatoes in 1949. The president of the NFLU, a participant, later wrote: "Conditions among migratory farm workers were so appalling during the winter of 1949 that the union called upon President Harry S. Truman to name a presidential commission to investigate."[33]

Some sympathy for the union could be found at the level of both state and federal governments. California Governor Earl Warren created a fact-finding group with

[32] Galarza, Farm Workers and, pp. 98-114.

[33] Mitchell, "Little Known Farm History," p. 118.

the unimaginative name of Special Commission to Investigate the Migrant Farm Labor Problem, and Harry Truman established the President's Commission on Migratory Labor, both by early June 1950. The context in which they were created was one in which the nation's press depicted the California farm labor strikes as valiant, though hopeless struggles of a visionary union in the Salinas Valley.

The NFLU did not hesitate, from the very beginning, to point a finger at the Mexican contract labor program as unfair labor competition. In early 1950 the union called upon Truman to abrogate the agreement because Mexican workers had been recruited to work in California for 65 cents an hour for ordinary farm work and $2.50 per hundred pounds for picking cotton. This had occurred, with the California Farm Placement Service certifying that workers were not available at that wage, one month after the union won a strike for a cotton-picking wage of $3 per hundred pounds and after a wage survey had shown that wages were up to $1 per hour for some crops.[34]

However, at this time the focus of the union's arguments was all-encompassing--all admission of foreign labor and recruitment of workers from other localities was seen as a threat. The union complained of the admission of displaced persons from Europe as refugees and the recruitment of domestic workers from "outside the county."[35]

[34] The New York Times, 15 Jan 50, p. 44.

At the time that the Commission was named by Harry Truman on June 3, 1950, sentiment was favorable to decisive federal action on behalf of domestic farm workers, and this could have spelled trouble for the contract labor agreement with Mexico. However, on June 24, North Korea invaded South Korea and, three days later, the United States was at war.[36]

U.S. involvement in the Korean War had some predictable, though indirect, consequences for the domestic attention being paid to migratory farm labor. One was that it pushed all other issues on the national agenda--and migratory farm labor was a new arrival--to the background. In the months that followed U.S. entry into the Korean conflict, there was a general sense of emergency and that some peacetime concerns would have to wait. Another effect of the war was to change the terms of public discussion of the "migrant farm labor problem" from one which focused on the ruthless exploitation of migratory farm labor by predatory agribusiness corporations to one which gave prominence to the potential need

[35] See, e.g., The New York Times, 3 Aug 50, p. 25. In this instance, the county referred to was Tulare, in the San Joaquin Valley of California.

[36] Acheson, Present at the Creation, pp. 402-410.

to increase agricultural production, and what measures, including the recruitment of labor, would be necessary to accomplish wartime economic objectives. Estimates of farm labor demand for the coming months quickly reached astronomical heights--it was asserted that perhaps as many as 500,000 workers would have to be recruited to harvest the cotton crop alone. The Truman Administration may not have entirely forgotten its earlier concern for migratory farm workers, but after June 1950 there was a decisive shift in focus from those which had given rise to the creation of the Presidential Commission to new concerns about agricultural production and worries that unemployment was coming down too fast, which was interpreted as new stimulus for inflation. As Commerce Secretary Charles Sawyer put it in July 1950, it could be necessary once more "to find ways to expand our labor force to permit the increased industrial production and strengthening of the armed forces requested by the President."[37]

By late summer 1950 the country had pushed the problems of farm workers into the background, just as the commissions established to investigate agricultural labor

[37] The New York Times, 3 Aug 50, p. 36. See also parts of the President's war message that discussed implications for domestic economic policy, The New York Times, 27 Jul 50, p. 18.

got started in their work. What they found was deplorable. A farm labor contractor testified before the President's Commission:

> . . . a large proportion of seasonal farm labor in California, Washington and Oregon was obtained by farmers from illicit cut-rate labor contractors who exploited the workers often to the full extent of their pay through rackets ranging from gambling to bootlegging and vice, including "heavy" traffic in narcotics.
>
> . . . the large majority of West Coast growers got their temporary labor from contractors . . . Contractors . . . variously received $1 per man per day worked for simply recruiting labor, or 12 percent of the payroll or crop percentage fees. . .[38]

However, the political context after the outbreak of the Korean conflict was different from that which had preceded it. Significantly, when the President's Commission submitted its report on March 26, 1951, it did not argue for abolishing the contract labor program, despite finding that its record was poor. The Commission limited its recommendations to the argument that the program should not be expanded. The letter of transmittal accompanying the report (and included in the publication) tried to balance the new exigencies of war economy with the original intent of the Commission in the following recommendation: "In the present emergency, first reliance should be placed on using our domestic labor force more effectively. No special measures should be adopted

[38] The New York Times, 12 Aug 50, p. 15.

to increase the number of alien contract laborers beyond the number admitted in 1950."[39]

The Commission, of course, was not ignorant of the fact that just the opposite was occurring. During January and February U.S. negotiators had met with their Mexican counterparts in Mexico City to arrive at an entirely new agreement and two weeks before the Commission concluded its report the agricultural committees of both houses had held hearings on bills to authorize a new contract labor program--bills which would become Public Law 78.

Under the circumstances, this was the best thrust in favor of agricultural labor that the liberal attitude could produce. Even so, rural spokesmen attacked the implication that agricultural employers had exaggerated the need for foreign labor. By way of synthesizing their views, expressed in later hearings before the agricultural committees of Congress, Ellis Hawley observed that such spokesmen "promptly discounted the report as the work of social reformers, urban do-gooders, and union people. Its findings, they claimed, were 'ridiculous', 'quite devoid of justifiable evidence', and illustrative of the 'erroneous' thinking that had once appeared in the

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[39] U.S. President's Commission on Migratory Labor, Migratory Labor in American Agriculture, p. iii.

Farm Security Administration."[40] In any event, the number of contract laborers would increase substantially between 1950 and 1951 and would never decline to the number admitted in 1950 for the remaining years of the program, until 1964. This is indicative of the limited effect of this recommendation of the Commission. Another ill-fated recommendation was that employers of "wetback" laborers should be penalized in order to reduce illegal entries from Mexico.

In 1950, then, the emerging liberal concern about the plight of the domestic farm worker and the concomitant view that contract labor was unfair competition to domestic workers were still born. A decade later, its rebirth would result in a national outcry and a rediscovery of the deplorable conditions suffered by farm workers. That resurgence would prove unstoppable and would lead, in 1964, to the unilateral termination of the contract labor program by the United States. Many of the conditions that produced that result in the early 1960s already existed before the Korean war. In early 1951, however, those same liberal forces were unable to prevent the institutionalization of the contract labor program.

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[40] Hawley, "The Politics of the Mexican Labor Issue," note 9, pp. 115-116.

A SUPERIOR MEXICAN BARGAINING POSITION

The institutionalization of the bracero program was negotiated during the bracero conversations conducted in Mexico City from January 26 to February 3, 1951. Mexico was able to obtain U.S. acceptance of some fundamental changes in the program which, with one notable exception, were implemented in the twelve subsequent months. Though in later years things would be different, in early 1951 things seemed to be going Mexico's way.

One basic reason for this was that U.S. entry into the Korean War had led to the expectation that labor shortages would occur as they had during World War II. Thus the U.S. government position at that time was that the country faced a substantial shortage of farm labor unless it obtained large numbers of Mexican workers, and negotiations with Mexico were the only feasible way to get them. The consequences of U.S. entry into the Korean conflict for domestic agricultural demand, wrote Richard Craig, "proved to be the leverage needed by Mexico. The game of imported labor was soon to be played on Mexican terms or not played at all."[41]

In this instance, what worked to the advantage of the Mexicans worked to the disadvantage of the President's Commission on Migratory Labor. In its report, issued two months after the Mexico City conversations, it made the opposite argument. Looking back to the years following 1945 it observed that domestic farm labor had been underutilized significantly. The number of days of farm work performed per farm laborer each year had declined steadily during the inter-war years. The Commission went back further and examined the employment of farm labor during World War II; on this basis it cast doubt on the assumption that increased utilization of domestic farm labor would be insufficient to meed the needed increase in farm output during the Korean emergency. Looking ahead to the next two years the Commission estimated that a general farm labor shortage was unlikely.[42] After explaining that the decline in farm output in 1950 had been an aberration produced in large part by federal agricultural policies implemented that year, the Commission argued that the expected growth in output during 1951 and 1952 was incorrectly attributed to the outbreak of hostilities in Asia and would merely return the country's agricultural production to the trend already observed before 1950. It thus speculated about the relationship between future farm output and labor needs: "This suggests that even if the emergency is more intense

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[41] Craig, The Bracero Program, p. 69.

[42] U.S. President's Commission on Migratory Labor, Migratory Labor in American Agriculture, p. 30-32.

in 1953 and thereafter, we need anticipate no marked change in the trend of agricultural production."[43] The Commission was probably correct--the farm labor shortages that loomed large in early 1951 were an illusion--but these were accepted as real by both negotiating teams in Mexico City.

The felt need for Mexican laborers strengthened Mexico's hand in the negotiations, but that in itself does not explain the rather favorable outcome of those negotiations from the Mexican government's point of view. The other essential ingredient was that the Mexican negotiators--whose driving force was SRE--chose to press their advantage and to press hard. There was nothing essentially new in what the Foreign Ministry wanted from the labor agreement in 1951 as compared to previous years, except to reverse the several concessions it had made to arrive at the 1948 and 1949 agreements and to push, as it had previously, for a resolution of the problem of undocumented migration. Even to observers not privy to previous negotiations it was obvious that Mexico had never been completely satisfied with the content and implementation of the post World War II bracero agreements.[44]

[43] Ibid., p. 27.

[44] Hawley, "The Politics of the Mexican Labor Issue," p. 99.

Moreover, from Mexico's point of view, the U.S. needed to take serious action to reduce illegal entries so that farm employers could not undermine the conditions of contract laborers by hiring "wetbacks." "In the final analysis," argued Richard Craig, "it was the wetback situation and the national humiliation that it engendered that fostered a more adamant Mexican attitude."[45]

An indication of the changing political context in which the negotiations were conducted is that they were begun with the understanding that the agreement reached would be based, as the Mexican government had wanted since 1947, on a government-to-government program. A change in this direction, of course, required legislation, and the U.S. delegation agreed to recommend its adoption for the purpose of authorizing a U.S. government agency to assume responsibility for bracero contracting. The presence at the negotiations of Allen J. Ellender, chairman of the Senate Committee on Agriculture and Forestry, and William R. Poage, chairman of the House Agriculture Committee, was not accidental. These two legislators were the co-authors of the bills that eventually became Public Law 78. The U.S. and Mexican representatives agreed that, if Congress refused to enact such a government-operated program, the 1949 agreement--ex-

[45] Craig, The Bracero Program, pp. 68-69.

tended by agreement to July 1, 1951 in order to provide time for the desired legislation--would be allowed to lapse.[46]

The two delegations agreed to actions to be taken to curb the migration of undocumented workers, some symbolic, others more substantive. In the forme ategory we may include the agreement that migration authorities of both countries would "redouble their efforts" to prevent illegal entries into the United States.[47] Mention was made that Mexico had adopted legislation that penalized labor smuggling.[48] In the latter category we may include the agreement to penalize employers of "wetbacks" by forbidding them the use of braceros.[49] But the Mexican delegation insisted on more drastic action by the United States--criminal penalties to be legislated by Congress on the employment of undocumented workers.[50] In this the Mexicans would be joined by the President's Commission on Migratory Labor. The Mexican demand that the U.S. legislate and apply penalties against employers of

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[46] El Universal, 3 Feb 51; El Nacional, 5 Feb 51.

[47] El Nacional, 5 Feb 51.

[48] El Universal, 3 Feb 51.

[49] El Nacional, 5 Feb 51; Craig, The Bracero Program, p. 71.

[50] The New York Times, 5 Feb 51, p. 8; El Universal, 3 Feb 51.

undocumented workers would turn out to be the most important and hotly debated Mexican condition on farm labor contracting. In the end, it proved impossible to adopt.

Another condition placed by the Mexican government on further bracero contracting was that the recruitment of such workers take into account its own agricultural labor needs. Thus, contracting would be authorized only for workers whose services were not required in Mexico. This Mexican condition had both a practical and political dimension. In practical terms it referred to a Mexican attempt to coordinate the seasonal fluctuations of labor demand in both countries--which were not entirely complementary--such that braceros leave for the U.S. during those months when they were not needed in Mexico but returned to this country during the rest of the year.[51] Politically, the Mexican reference to the tradeoff between bracero emigration and its domestic agricultural labor needs represented a return to the position Mexico had maintained during World War II: under the circumstances of strong U.S. demand for Mexican agricultural laborers, it would accede to providing such workers, but it desired to make it seem that it was doing so at some cost to the domestic economy. This argument was touted, perhaps, to compensate partially for what both govern-

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[51] El Nacional, 18 Jan 51.

ments knew and much of the public already understood--that there were economic benefits to emigration too, largely in the form of foreign exchange and temporary jobs for part of Mexico's underemployed rural labor force.

Though the mass outpouring of workers to recruitment centers in excess of the number of contracts available would later take the wind out of the sails of this argument, from the point of view of domestic politics, the Mexican condition that bracero contracting take into account domestic labor needs made sense. It conveyed the image of a government prudently husbanding domestic labor resources and exacting a price for what it was providing to the United States. It relied on domestic opposition to the program as a means to sell Mexican contract labor dearly. The stress on domestic labor needs also finessed the issue that the government was promoting emigration--the actual function of the bilateral agreements--and made it appear that the Mexican government wanted to limit that emigration. Finally, it provided a counterweight to criticisms that emigration was a symptom of domestic discontent and the lack of opportunity--that emigration was the result of a labor surplus and a shortage of jobs. The government's argument rested on the opposite assumption--that emigration occurred despite the existence, in

certain parts of the country, of labor shortages. Agreeing to cooperate with the U.S. by permitting the contracting of some braceros and, simultaneously, implying that the promotion of emigration was contrary to the national interest was, during the Alemán administration, good politics.

The political significance that the Mexican government wanted to attach to this position can be illustrated by an editorial published in Excélsior days before the January 1951 negotiations.

> En México no ocurre lo que en otros países en que sobran brazos. Nuestra economía se resiente de falta de ellos. La pésima política agraria de los años pasados ha sido causa de que millares de campesinos abandonen en regiones que antes fueron extraordinariamente productivas, lo cual ha sido factor funesto en la prolongada crisis de abastecimiento. Grandes comarcas del país, próvidas en recursos naturales, no han sido debidamente explotadas por falta de hombres aptos. . . .
>
> La emigración de trabajadores mexicanos debe ser cuidadosamente dirigida y sabiamente encauzada. Porque sería desastroso prodigar energías en el exterior, a sabiendas de que esas energías son indispensables no ya para el progreso de México, sino para siquiera sostener la presente situación, nada bonancible por cierto.[52]

There was some truth to this view, at least insofar as some local agricultural areas were concerned. In these areas, greatly exaggerated by government rhetoric

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[52] Excélsior, 22 Jan 51. See also article in same issue.

but existent nevertheless, bracero workers did not adjust their migration to fit the Mexican domestic agricultural cycle, but the reverse, if they attended to domestic production at all. As one knowledgeable observer put it, "en realidad se ha venido a constituir una clase especial, la de braceros, que al regresar a México lo único que hacen es esperar la siguiente oportunidad para volverse a contratar, esto si no logra quedarse indefinidamente en los Estados Unidos (legal o ilegalmente) o por varios años renovando periódicamente sus contratos."[53] Moreover, there were some instances of skilled Mexican workers preferring to leave as braceros to engaging in their trade--a recurrence of a problem that had been observed during the 1920s.[54] This suggests then that just as a "labor shortage" in the U.S. should be viewed as a relative matter, so should "labor surplus" in Mexico. But what I want to stress is the political dimensions of the view. If emigration caused local shortages of labor then acceding to U.S. requests for contract workers entailed some sacrifices for Mexico--and the U.S. should reciprocate with some concessions at the bargaining table.

[53] Zorrilla, Historia de las relaciones entre México y los Estados Unidos de América, vol. 2, pp. 534-535.

[54] See editorial in El Nacional, 25 Jan 51.

Other matters discussed during the January-February 1951 negotiations, including Mexican conditions upon the contracting of braceros for employment in districts where there was discrimination against Mexicans, bonds that certain employers would be required to post in order to guarantee the protection of bracero labor rights, and other conditions placed upon the labor contracts. Among the latter were that employers would pay for transportation, food and medical attention for braceros, to and from the labor contracting centers in Mexico. The labor contracting centers were to be established at interior points in northern Mexico: Hermosillo, Chihuahua City and Monterrey--a compromise between the U.S. interest in locating them as close to the border as possible and the Mexican interests of having the recruitment centers near the areas where most workers would originate and as far as feasible from the border, where frustrated would-be braceros might leave Mexico without a contract.[55]

The January-February 1951 meetings were a watershed in U.S.-Mexican migrant labor relations. Several ideas discussed and accepted in this bilateral context would have enormous impact later. The origins of Public Law 78 can be found here, as well as the bilateral commitment to

[55] Novedades, 30 Jan 51; El Nacional, 1 Feb 51; El Nacional, 5 Feb 51.

push for sanctions against employers of undocumented workers.

The list of representatives at this meeting identifies most of the cast of important characters would be involved in the program in later years. On the Mexican side, the delegation was headed by Alfonso Guerra, Oficial Mayor of SRE and a most experienced hand in this issue. Accompanying him were Enrique Rodríguez Cano, Oficial Mayor of Gobernación, and the Oficial Mayor of the Ministry of Labor and Social Welfare. Lesser officials included Manuel Aguilar, Director General of Consular Services at SRE and the person who later handled much of the day-to-day policy implementation on the Mexican side during the next twelve months, and Miguel G. Calderón--Consul General of Mexico in San Antonio, Texas--and Aguilar's successor in February 1952. Among lesser Mexican officials present at this meeting was Gustavo Díaz Ordaz, a Senator and representative from the "peasant sector" of the official party; Díaz Ordaz was later Oficial Mayor of Gobernación during the 1954 border crisis and subsequently Minister of Gobernación and President (1964-1970).[56] The Mexican agenda at the meeting, as had been the case throughout the post-World War II period, was not set by Gobernación, nominally in charge of population policy and

[56] El Nacional, 26 Jan 51.

migration matters, but by the Foreign Ministry.

The U.S. representatives also included an exclusive set of officials, most of whom would determine later bracero policy responses and day-to-day implementation. Carl W. Strom, U.S. Consul General in the U.S. Embassy in Mexico City and relatively inexperienced in this area led the delegation. He was accompanied by Richard R. Rubottom, Jr., officer in charge of Mexican affairs at the Department of State; Willard Kelly, Assistant Commissioner of Immigration (INS Central Office); Don Larin, Chief, Farm Placement Service, Department of Labor (an experienced hand at bracero affairs who would remain the official in Washington most responsible for day-to-day management of the program for several years); Daniel Goott, from State; Albert Misler, Solicitor for the Farm Placement Service; Grover C. Wilmoth, INS District Director, El Paso Texas; V. Harwood Blocker, Consul, U.S. Embassy in Mexico City and the Embassy official most intensely involved with the day-to-day management of communication and negotiation with the Foreign Ministry until August 1953; an Assistant Secretary of Labor, Ellender, Senator from the State of Louisiana, and Poage, Representative from the State of Texas, both chairmen of the Agriculture Committees in the two houses of Congress.[57]

[57] Ibid.

6 THE ENACTMENT OF PUBLIC LAW 78

The five and a half months following the high level conversations that ended on February 3, 1951 in Mexico City were among the most critical in the history of the bracero program. In defiance of cross currents adverse to the continued recruitment of contract workers, and facing an adamant take-it-or-leave-it stance from the Mexican government, the United States executive and legislative branches acted in concert so as to institutionalize the bracero policy experiment.

THE INITIAL DEBATE

Upon returning to Washington from the bracero conference in February, Senator Allen J. Ellender began to drum up support for the legislation about to be introduced. In a press conference evidently directed at potential employers of Mexican contract workers, he indicated that his bill was intended to limit the burdens shouldered by employers of braceros who were then participating in the program. The most onerous of these burdens were a repetition of farmers' complaints: under the August 1949 agreement, employers were required to purchase a $25 bond for each worker which was forfeited if the laborer deserted his employment; employers had to pay for transportation to and from Mexico; they were obligated to re-

imburse the U.S. government for the cost of locating workers that had "skipped" their contracts. Moreover, in order to draw attention to the magnitude of the program contemplated, Ellender suggested that, in addition to the 30,000 contract workers then present in the U.S., 85,000 Mexican braceros might be contracted.[1]

Ellender's proposals did not exactly square with the understandings reached in Mexico City, but what he said was music to the ears of agricultural employers of braceros. He proposed to drop the performance bond requirement and to shift the financial burden of locating contract workers who deserted their jobs to the U.S. government. Transportation costs, moreover, would be split two ways: the U.S. would pay for transportation from the migration stations within Mexico to the reception centers in the border, and the employer would pay for the segment between the border and the work site. (Ellender neglected to mention that the worker, of course, paid for his segment of the transportation to the migration sta-

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[1] Ellender's statements are reported in El Nacional, 8 Feb 51. The Senator's use of numbers was not welcome in Mexico; SRE worried that large numbers of workers would show up at the migration stations before recruitment was actually authorized to be started. Ellender, however, was seconded by Assistant Secretary of Labor Robert Creasey, who suggested the number might be 100,000 or more. Excélsior, 2 Mar 51. SRE's comments appear in El Nacional, 8 Feb 51, Excélsior, 13 Feb 51, Excélsior, 15 Feb 51, Novedades, 16 Mar 51.

tion before recruitment actually occurred.) On February 27, Senator Ellender introduced S. 984 as an amendment (Title V) to the Agriculture Act of 1949.[2]

The companion bill introduced in the House of Representatives by Congressman Poage provided for the "'orderly' importation of Mexican labor to help meet the demands of the defense program for added farm production." The Texas representative explained the need for his bill to The New York Times with these words: "The Mexicans are going to cross the river. If you put the whole United States and Mexican armies down there, they'd still come in."

In an odd manifestation of indecision by the Truman Administration, the bill received mild opposition from the higher levels of the executive branch and strong support from lower levels. Robert T. Creasey, Assistant Secretary of Labor on Manpower, objected to the exclusion of the British West Indies and Puerto Ricans from the legalization provisions. Creasey must have forgotten that Puerto Ricans are U.S. citizens; in any event, the thrust of his objection was to push the legislation in a direction of one of the recommendations of the President's Commission on Migratory Labor. (The report was not made public until a month after hearings began on the Ellen-

[2] Craig, The Bracero Program, p. 71.

der-Poage bills.) Creasey submitted to the House Agriculture Committee a Department of Labor bill which would encourage the use of domestic labor.

A less equivocal statement of support came from Robert C. Goodwin, then Assistant to the Secretary of Labor on Manpower. He declared before the House Agriculture Committee that a national farm labor shortage was imminent: a total of 15 million farm laborers would be needed at the summer's peak "and the 8,000,000 needed to reach that total would be hard to get." "Imported" labor, he suggested, would be needed to harvest crops in 19 states.[3] In this he was supported by the Department of Agriculture.[4]

The Agriculture Committees were more receptive to the idea of bringing in additional workers from Mexico than facilitating the greater use of domestic workers available. In the House Committee a question raised by the Labor Department as to whether federal funds could be provided for the transportation of domestic farm laborers, as had been provided during World War II came up during testimony of the Under Secretary of Agriculture. A Representative on the Committee told the Under Secretary that no such bill would pass the House and that the

[3] The New York Times, 9 Mar 51, p. 15.

[4] The New York Times, 27 Apr, p. 16.

Administration should get the word out to farmers that these would have "to scrounge for themselves."[5] "Scrounging for themselves" did not mean, however, that no labor would be recruited for farmers--only that no domestic labor would be recruited. This rebuke afforded Poage the opportunity to characterize his own proposal as a "no subsidy" bill.[6] Thus, before this audience, he created the impression that the government-administered farm labor program would cost the taxpayer nothing--though Ellender, addressing himself to a more restricted audience two months earlier had sold the same proposal with the opposite argument.

In the Senate, Ellender's bill was challenged by organized labor and a few liberal senators: Dennis Chávez, Democrat of New Mexico, Paul Douglas, Democrat of Illinois, Herbert Lehman and Emanuel Cellar, Democrats of New York. Labor's opposition was in a similar vein to that expressed years earlier--contract workers allegedly took away jobs of domestic farm workers. In this instance, the report of the President's Commission on Migratory Labor, which was released as the Poage and Ellender bills

[5] The New York Times, 5 Apr 51.

[6] At this point in the legislative process the Poage bill set an upper limit of $20 per worker as a user fee for the employer to reimburse the federal government for transportation and related costs (though not program administration). The New York Times, 10 Mar 51.

were under consideration, gave greater credence to the opposition of organized labor. Though this opposition did not have much effect on the House, it was successful in putting Ellender on the defensive in the Senate. The New York Times judged that the "legislative road ahead looked rough." Like Poage, Ellender argued that migration would occur--legally or illegally--and that the matter for Congress to decide was not whether it occurred but which legal channels it would make available.[7]

Chávez told the Senate that the adoption of S. 984 would bring back a peonage system to New Mexico and would lower farm labor standards throughout the country. He introduced eleven amendments to the bill, one of which would have made it a felony, punishable by fine or imprisonment, "to bring in a wetback or to harbor him." Senator Lehman expressed the concern that Congress was considering recruiting foreign workers under apparently favorable conditions to the worker, and yet domestic farm laborers did not have legislation which provided them the same protections. He urged a provision which would guarantee migratory farm workers the prevailing wage in the community where he was employed. Ellender replied that that would be tantamount to establishing a minimum wage, "and the Senate had repeatedly refused to establish a

[7] The New York Times, 27 Apr 51, p. 16.

minimum wage for agricultural workers."[8]

Senator Paul Douglas introduced an amendment which Ellender was forced to embrace, though not enthusiastically. This amendment would make it a felony to employ a "wetback," and represented none other than the proposal which the Mexicans had made as one condition for the adoption of a new bilateral agreement upon termination of the current agreement in June. Douglas's amendment would have provided for a fine of up to $2,000 and a maximum on-year prison term, or both, for persons who employed a worker if he knew, had "reasonable grounds to suspect," or failed to make "reasonable inquiry" to determine that the worker had entered illegally into the United States.[9]

Congressman Lloyd M. Bentsen, Jr., of McAllen, Texas spoke out against the amendment alluding to the potentially harmful effects of employer penalties on the hiring of U.S. citizens.

> Many United States citizens of Latin ancestry will be denied employment if this amendment is accepted. Farmers will be afraid to hire them for fear they might be Mexican nationals posing as U.S. citizens. . . . This amendment attempts to shift the burden of enforcement from the federal officers to the farmers.[10]

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[8] The New York Times, 28 Apr 51, p. 17.

[9] The New York Times, 1 May 51, p. 26; Excélsior, 16 Jun 51; The New York Times, 28 Jun 51, p. 23.

[10] Quoted in J. L. Nairn, "Effect of New Alien Labor Bill Analyzed," Valley Evening Monitor, McAllen, Texas,

Lloyd Bentsen Jr.'s observations have an oddly contemporary ring to them, but in 1951, this was not an important reason for opposing employer penalties. Ellender's reluctant embrace of the Douglas amendment, for example, had more to do with the opposition of agricultural interests to such penalties than to its potential effects on the Mexican-origin population in the United States.

Support for the Ellender bill grew in the Senate. That the Senate adopted a unanimous consent agreement, under which limits would be placed on floor debate, was a sign that pro-agriculture forces had regained the offensive.[11] Then Chávez's first amendment, which would have required that the U.S. certify that the supply of domestic workers was exhausted before foreign workers could be recruited, was soundly defeated, 59 to 12. The Senator subsequently withdrew his other ten amendments. Although the bill underwent minor modifications, it passed the Senate floor on May 7, with the Douglas provision which would penalize employers.[12]

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15 Jul 51. Clipping attached to correspondence Consul Benet's correspondence with AmEmbassy, July 1951. NAW, DOS, RG 84, Mexico 1950-52, box 19.

[11] The New York Times, 28 Apr 51.

[12] Novedades, 2 May 51; Excélsior, 17 May 51; Excélsior, 16 Jun 51.

In the House of Representatives, agricultural interests were not so much on the defensive. Congressman Poage observed the adoption of employer penalties by the Senate with some apprehension and, contrary to the understanding reached in Mexico City, acted to oppose them. This he did by persuading the House Rules Committee to bottle up the bill and prevent it from reaching the House floor. In his view, no bill was preferable to one with employer penalties. Astutely, he figured that Mexico could live more easily without employer penalties than U.S. farmers could live with them. As reported in the Mexico City press, his reasoning was that even without such a law, "los patrones norteamericanos podrían aprovechar los servicios de los elementos entrados ilegalmente a su país, pues que el Gobierno mexicano no está en aptitud de impedir la salida clandestina de sus trabajadores."[13] The bill which had been blocked by the House Rules Committee was characterized, by Excélsior, as one intended to curb traffic in "wetbacks."[14]

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[13] Excélsior, 18 May 51.

[14] Ibid. Poage's statement cited in Excélsior did not appear in The New York Times, and the reason this paper gave for the blocking action was different: "The Federal Government would guarantee payment of wages at contracted rates. It was this provision to which the Rules Committee particularly objected, according to reports from the closed meeting." The New York Times, 17 May 51.

This turn of events was viewed as ominous by Mexican government officials. The Foreign Ministry expressed the hope that the U.S. government would not permit the unilateral contracting of illegal entrants--which was the interpretation given to Poage's remarks--and in an unusual display of concern mentioned the Congressman by name:

> . . . es de esperarse que las autoridades norteamericanas, teniendo en cuenta que la contratación de nuestros trabajadores se ha venido realizando por los dos vecinos como un acto de sincera cooperación en beneficio mutuo, este espíritu prevalecerá sobre intereses personalistas, tales como los que parece representar el diputado Poage y que tienden a obtener una mano de obra barata, en detrimento no sólo de los mexicanos, sino también de los trabajadores norteamericanos.[15]

SRE also noted that the Mexican government did have the legal authority to prevent the illegal departure of its citizens, and that it could rely on its migration laws, on "el patriotismo de los trabajadores agrícolas," and on the cooperation of the Confederación Nacional Campesina to prevent an unauthorized exodus.

As SRE was fretting over the sudden willingness of a U.S. Representative to promote the unilateral contracting of Mexican workers, Gobernación was monitoring complaints from municipal authorities in Monterrey, Chihuahua and

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[15] Excélsior, 18 May 51.

Hermosillo, where the three migration stations were located. At mid April, those complaints reached a fever pitch. A flood of workers seeking bracero contracts was inundating these towns; only a trickle was being employed and leaving for the United States. José T. Rocha, the Gobernación official directly responsible for managing bracero contracting, explained that the contracting delays and accumulation of bracero candidates occurred because "los contratadores norteamericanos, hasta los momentos presentes, no han mostrado intenciones de iniciar la contratación del número de trabajadores agrícolas que pidieron, y que fue objeto de discusiones entre funcionarios mexicanos y norteamericanos, hace pocos meses, como se recordará." The number of workers congested in these three cities was large, though some accounts exaggeratedly suggested it might reach 100,000.[16]

The congestion of the localities where migration stations were established was a perennial headache for the Mexican authorities, who viewed it as a major public nuisance.

> Casi ninguno de los aspirantes cuenta con dinero, ni alojamiento, ni alimentación seguros, y significan, por tanto, un lastre considerable para el desenvolvimiento de estas urbes, que ven obstruccionado el funcionamiento normal de los servicios públicos y sufre el feo aspecto que

[16] Novedades, 18 Apr 51; El Nacional, 18 Apr 51.

produce esa población trashumante y miserable.[17] During the day after these news reports appeared in Mexico City, after 4,000 candidates had been considered for a labor contract in Monterrey, the migration station at that city was shut down and the remaining applicants turned away.[18]

In early June, the Mexican government was embarrassed by an agricultural labor strike in the Imperial Valley, where contract workers were employed as strike breakers. The Mexican government requested that it be informed officially regarding the facts of the situation. In its diplomatic note the U.S. Embassy reported that, according to the U.S. Department of Labor, the strike had not yet been recognized by the U.S. government.[19] Ernesto Galarza, vice president of the National Farm Laborers Union, travelled to Mexico City with the object of persuading the Mexican government to request the removal of the contract workers there. The Mexican government

[17] Novedades, 19 Apr 51.

[18] Isidro Terán, in charge of the Monterrey migration station and brother of the governor of Tamaulipas reportedly announced to several thousand candidates who had not received contracts to go home. "'Están creando graves problemas,' explicó. 'Se trata de una situación delicada. Muchos de ellos carecen de dinero para proporcionarse alojamientos y alimentos'." El Nacional, 18 Apr 51. See also, The New York Times, 23, 24 and 28 Apr 51, 2 Jun 51, p. 9.

[19] Excélsior, 7 Jun 51.

accepted the principle that, under the terms of the agreement in force, Mexican contract laborers should be removed from a place where a labor dispute existed, but refused to recognize that such a labor dispute existed in this case. Galarza issued a public statement upon returning to California which was quoted in the Mexico City press: "El resultado práctico de este procedimiento es que los Estados Unidos y México han puesto en obra un sistema internacional para romper huelgas, por medio de un tratado."[20] Days later, Secretary of Labor Maurice Tobin announced that any contract workers used as strike breakers would be repatriated immediately, and Keith Mets, president of the local grower's association, denied that any such workers were being employed in the farms where strikes had occurred.[21]

By June 15, legislation had not yet been adopted in Congress to authorize U.S. government supervision of bracero contracting and penalize employers of undocumented workers. On that date, SRE gave the U.S. Embassy a month's notice that the agreement in force would end on

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[20] Ibid.

[21] El Universal, 10 Jun 51. See also the initial response of SRE, El Universal, 31 May 51. An editorial in Excélsior, 7 Jun 51 gave the issue a local twist when it suggested that the working conditions that prevailed in rural Mexico had to be bad in order to explain why Mexican workers would permit themselves to be employed as strike breakers.

July 15. But the explanation provided in the diplomatic note signed by Acting Foreign Minister Manuel Tello included one unexpected point and excluded another. The note referred to "reports of numerous irregularities" received by SRE regarding the on-going administration of the contract labor program "which not only make apparent the fundamental deficiencies of the International Executive Agreement that is now in force, but also create in certain sectors of public opinion a feeling adverse to this cooperation between Mexico and the United States . . ."

> . . . during recent months there has been an increase in complaints, both on the part of workers and employers, originating in failure to comply with the terms of Individual Work Contracts, these being evidence that the Agreement according to which the contracting is carried out suffers from deficiencies of a fundamental character which it is necessary to correct.
>
> Since these difficulties are well known to your Excellency [U.S. Ambassador O'Dwyer] and have been amply publicized in the press, I consider it superfluous to make further reference to them in the present communication.[22]

In the ciphered language that sometimes appears in diplomatic notes, the meaning of a communication is not always clear to external readers. What had received prominent attention in the Mexico City press recently was not the

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[22] Copy, translation, diplomatic note 612650, Tello to AmEmbassy, 15 Jun 51, attached to despatch 1 from AmEmbassy, 2 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

absence of compliance of labor contracts by employers (though this had been a concern that had led to the January negotiations), but the controversy over undocumented migration and the use of contract laborers as strike breakers.

In a less coded fashion, Tello's note proceeded to state for the record that Mexico's experience with the contract labor program had led it to expect some difficulties and for that reason had insisted in the need for a new system in the January bracero conversations. The missing element, then, was congressional action on one of Mexico's requests: a system which "would involve the participation of an agency of the American Federal Government in the contracting . . ." The Mexican government's faith in this mechanism can be discerned in the expectations that it had: "as a matter of course, this agency would offer the maximum guarantee of compliance with the contractual obligations."[23] Even after P.L. 78 was adopted Tello would have several occasions to reiterate this theme that the migrant labor agreement and recruitment system needed to be reformed.

As the note was received at the U.S. Embassy, a news bulletin was sent to Mexican newspapers which announced that the agreement would expire on July 15, and which explained "que no veía indicios de que la contratación se hiciera--como lo pedía México--por un organismo oficial del Gobierno de Washington."[24] Neither SRE's bulletin nor the diplomatic note made mention of the other condition Mexico had placed on the continuation of the bilateral arrangement--the adoption of penalties on the employers of undocumented workers. What the Mexican government omitted in its communication the U.S. Embassy explicitly included in a public statement made on the same day as Tello's announcement. The Embassy observed that the Mexican government had previously insisted on U.S. enactment of "a special measure to punish American farmers who employ the so-called 'wetbacks'," and, with some poetic license, declared that "[t]he Mexican note contended that sanctions against farmers who employed 'wetbacks' would stop the flow of illegal immigrants across the border . . ."[25]

Even the reader who did not have an opportunity to read the text of SRE's note, however, might have guessed that, in his public statement, Tello was being overly pessimistic of the chances that the agreement might be renewed. The text of the note made public evidently had the purpose of pressuring the U.S. Congress to act while

[23] Ibid.

[24] Excélsior, 16 Jun 51.

[25] The New York Times, 16 Jun 51, p. 7.

time remained. The New York Times reported that "it [was] still considered possible that some sort of labor agreement might be worked out with Mexico . . ." if the Ellender-Poage bills were rushed through.[26] Excélsior also cited an unidentified Mexican opinion that "[e]n caso de que se apresure el trámite de esa iniciativa, se cree posible que se concierte con México un convenio que permita el suministro de braceros mexicanos a los Estados Unidos."[27]

On June 27, the House passed the Poage bill without the Senate's employer penalties, by a vote of 240 in favor and 139 against. The justification cited in the press included both the notion that the bill would help alleviate a farm labor shortage and reduce the "wetback" flow. On June 30, both houses passed the bill, after dropping employer penalties in conference, and after the Senate received assurances from Ellender that he would later push for passage of his own bill which would establish similar penalties. On July 2, it was sent to the White House for Truman's signature.[28]

S. 984 and H.R. 4283, which soon thereafter became

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[26] Editorial, The New York Times, 16 Jun 51.

[27] Excélsior, 16 Jun 51.

[28] El Nacional, 28 Jun 51; The New York Times, 28 Jun 51, p. 23; Excélsior, 1 Jul 51; The New York Times, 1 Jul 51, p. 21; The New York Times, 2 Jul 51, p. 26.

Public Law 78, empowered the Secretary of Labor, pursuant to agreement with the Mexican government, to recruit Mexican workers for agricultural labor. As the law was written, and as it was later construed, the Department of Labor could recruit Mexican agricultural workers as long as an agreement existed with Mexico for that purpose. Most workers, it was understood, would be recruited within Mexico, but the bill also authorized the Department to contract illegal entrants who had resided in the United States for five years, or who had entered originally under legal contract and had remained after it expired. To this end, and in order to receive the braceros authorized to leave migration stations in Mexico, DOL was authorized to establish and operate reception centers in the United States near the border with Mexico, where braceros would be held pending their contracting and departure to points within the United States. The Secretary of Labor was authorized to provide transportation, food and medical care to braceros en route from the migration stations in Mexico to the reception centers in the United States, though employers were to charged a contracting fee whose purpose it was to recover these costs.[29]

From the point of view of the Mexican government,

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[29] Craig, The Bracero Program, pp. 72-73.

the crucial element in P.L. 78 was that the Secretary of Labor was authorized to guarantee employer adherence to contract provisions that related to wages or transportation. The inclusion of this provision shifted the arena of conflict away from one in which Mexican government officials--specifically, the consuls--had to deal with the employers to one in which Labor Department representatives would be the principal actors with which to deal. The Mexicans probably expected DOL to represent employer views forcefully, as they had in the past, but were also prepared for U.S. government positions to be broader and give some weight to friendly relations with Mexico.

Under P.L. 78, farm employers assumed a number of important obligations. They were required to indemnify the United States for any losses suffered by the latter as guarantor of the labor contracts. They were also obligated to reimburse the government for essential expenditures of the program, not to exceed $15 per workers. As Richard Craig has pointed out, farmers were unhappy with this amount initially: It was "hotly contested by proponents and opponents of imported labor, with the former viewing the sum as excessive and the latter deeming it unrealistically small."[30]

Given these requirements, and the intended effect of

[30] Ibid., p. 73.

P.L. 78 to assure greater contract compliance, especially on the part of employers, one could wonder why agricultural interests favored the adoption of the law at all. At the time the bill was undergoing legislative consideration it appeared that, although farmers were not entirely pleased with some of its provisions, they did have something important to gain, namely U.S. government involvement in the recruitment of workers and management of the program. It is uncommon that both growers and the Mexican government felt they each had to gain by a more active role in the program by the U.S. government--each saw the U.S. government lending its support to their aims and interests.

The legislation also provided for the protection of U.S. domestic workers. Braceros could not be made available unless the Secretary of Labor determined and certified

> that (1) sufficient able, willing and qualified domestic workers were not made available to perform a particular type of work when they were needed; (2) employment of braceros did not adversely affect working conditions and wages of [domestic workers] employed in similar tasks; and (3) reasonable efforts had been made by employers to attract [domestic workers] for such employment at wages and standard hours of work comparable to those offered braceros.[31]

These were, in essence, the same promises with which the

[31] Ibid., p. 74.

farm labor program had begun in 1942, though by this time, their intended audience was not as assured by them. A decade earlier, the assurance that the recruitment of Mexican contract workers would not be used to adversely affect the working conditions of domestic workers had been greeted skeptically by U.S. labor groups but unquestioningly by the Mexican government. By 1951 the open and vocal opposition of U.S. labor groups to P.L. 78 made clear that they took these words as little more than rank hypocrisy--no program could be made to function in any way consistent with the stated objective of safeguarding the interests of domestic workers. The Mexican government's attitude reflected it was no longer reassured by guarantees couched in such generalities. Thus, its insistence on the new institutional arrangement reflected the hope that through this reform the program could be made to work well, that compliance could be assured, and that not only would contract laborers not adversely affect working conditions for U.S. domestic workers, but that the presence of undocumented workers in the U.S. would not undermine the labor protections sought for Mexican braceros.

The passage of P.L. 78 was made possible by the unique political context afforded by the Korean War, and by deft management of the politics of agriculture during

the spring of 1951. The argument that additional production was an important element in the war effort was a powerful one; other than the President's Commission on Migratory Labor, no one really dared suggest the contrary. Committee hearings on the Ellender-Poage bills provided ample opportunity for agricultural interests to air their views; opponents were met with sharp questioning and were less successful in getting their message across. The half-hearted attempts by the Truman Administration to influence the process through the President's Commission and with its own bill were neutralized.

> Congress ignored almost completely the proposals of labor groups and liberal congressmen for stringent safeguards and new curbs on the wetback traffic. It paid little attention to the recommendations of the President's Commission on Migratory Labor. And it refused to go along with the proposals of the Department of Labor for the recruitment, transportation, and protection of domestic as well as foreign workers. Such an approach, the farm spokesmen insisted, was impractical, bureaucratic, and unneeded. . . . Consequently the administration bill received little attention during the congressional hearings and was almost totally ignored in the committee reports.[32]

Keeping the attention of Congress focused on the Poage and Ellender bills in the farm labor debates is all the more remarkable considering that growers had adverse publicity that could have derailed the legislative pro-

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[32] Hawley, "The Politics of the Mexican Labor Issue," p. 99.

cess. One source of adverse publicity was the contracting of "wetback" workers by the Imperial Valley Growers Association--which also employed contract workers. The matter was investigated because the National Farm Labor Union alleged that one of the Association's members hired 300 "wetbacks" out of 380 Mexicans employed in his ranch. More than likely this matter would not have appeared in The New York Times had it not been for the fact that the ranch belonged to Frank O'Dwyer--brother of William O'Dwyer, Ambassador to Mexico--and that, technically, the employer of these workers was the Imperial Valley Growers Association.

Under the terms of the 1949 Agreement, if it could be shown that illegal entrants were employed by an employer of contract workers, the right to employ braceros could be revoked.[33] The Department of Labor kept a tight lid on its investigation in this case, however, and its conclusions were never made public.[34] Instead of releasing the results of its investigation, or informing the public of whether sanctions had been applied to the Association upon concluding the investigation, at that point DOL simply announced a "get tough" plan on the hir-

[33] The New York Times, 14 Feb 51.

[34] This matter was covered in several stories of The New York Times: 28 Feb, 25 Mar, 2 May 51.

ing of undocumented workers in general, without reference to any specific employer.[35]

Agricultural interests demonstrated political savvy in fending off proposed penalties against employers that hired undocumented workers at a time when the presence of "wetbacks" was becoming increasingly controversial. The report of the President's Commission and a well-timed series of front-page articles in The New York Times by Gladwin Hill had an impact on public opinion in the spring of 1951.[36] Hill drew from similar data provided to the President's Commission, and reached similar conclusions. The "ceaseless and steadily increasing tide of illegal immigration from Mexico," he wrote, was creating conditions in the Southwest reminiscent of slavery a century earlier, "when systematic exploitation of an underprivileged class of humanity as cheap labor was an accepted part of the American social and economic order."[37]

Early in June the Immigration and Naturalization Service instituted a new procedure to return expelled mi-

[35] The New York Times, 2 May 51, p. 34.

[36] Hill's articles started on March 25 and continued through March 29. Their impact, and that of the commission report, can be seen in the numerous references to them in congressional debate over the Poage and Ellender bills, and on the interest that they raised in the House Judiciary Committee. See The New York Times, 12 Apr 51.

[37] The New York Times, 25 Mar 51, p. 1.

grants to Mexico with the acquiescence of the Mexican government: sending them by air into the interior, in some instances, several hundred miles from the U.S.-Mexico border.[38] This "airlift," as INS called it, drew from the pool of undocumented workers in the Lower Rio Grande Valley and from the Imperial Valley, and sent expellees to Guadalajara, San Luis Potosí, and Durango, "remote from the border, to discourage them from attempting to re-enter the United States."[39] The new procedure had an impact on the Valley. Less than three weeks after it was instituted, a South Texas grand jury held that the practice constituted cruel and unusual punishment for the Mexican workers and that it was unconstitutional. The jurors added in their finding that the airlift was "destroying all good-will created by our good neighbor policy." The local district attorney was asked to send copies of the report to Texas Senators and Representatives.[40]

Whatever neighbors might have been offended by the

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[38] SRE's formal response to the U.S. request was delayed until July, though the airlift began during the previous month. Diplomatic note 615167, SRE to AmEmbassy, 9 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

[39] The New York Times, 2 Jun 51, p. 9; 3 Jun 51, p. 34.

[40] The New York Times, 21 Jun 51, p. 13; Novedades, 21 Jun 51.

transportation of undocumented Mexicans by air to the interior of Mexico, the Mexican government evidently was not one of them. That government viewed this step as a positive act by the United States to deter further illegal migration and strengthen the legal contract worker program. On June 23, an INS investigator in Brownsville accompanied a group of 60 Mexican workers flown to Durango and filed a glowing report of Mexican government cooperation. According to his report, after the plane landed in Durango the men received physical checks by health personnel, and a representative of the governor of the state welcomed them back to Mexico.

> He went on to say that the Governor was making a special personal effort to see that each man received transportation to his home; that the Governor had directed that each man be given ten pesos from the State funds with which to buy food on the journey home; that the Governor was a "bit ashamed that so many of his brothers had left their homes and families and had cast a shadow of disgrace upon the flag of Mexico by sneaking like rats across the border of the United States seeking fabulous wages that are not to be found"--but that this could be forgiven if each would return to his native home to resume the pacific life for which the Republic of Mexico is so famous.
>
> When the speech was over the other [representative of the governor's office] handed each man a ten peso note from the canvas bag, and directed them to board the trucks. . . .The kind treatment at the airport, the speech by the Governor's assistant and the money given to the wetbacks are in direct contrast with my past experiences with the Mexican people. It was, in fact, hard for me to believe my eyes. I believe a good percentage of the wetbacks arriving in Durango by air would heed the advice given them

> by the welcoming committee, provided the actual dispersion by trucks and buses were more closely supervised and, provided further, that they find work upon returning home.[41]

The execution of Mexican government policy may have varied from one area of the country to the other and the response of the State of Durango to receiving the expelled workers may not be typical. However, this particular response constitutes a graphic illustration of Mexican efforts to cooperate with the return of undocumented workers from the United States by air and to dissuade them from further emigration without contracts.

A final series of incidents that occurred during the period when Ellender and Poage were shepherding their bills through Congress is reflective of agricultural political power in Washington, despite adverse publicity. This series, of course, relates to the Imperial Valley strikes by the National Farm Labor Union. The union was able to dramatize the widespread use of "wetback" labor in the Valley--by the same Association which employed contract labor and which included the Ambassador's

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[41] Copy, memo, Charles J. Beechie to Chief Patrol Inspector, 26 Jun 51. NAW, DOS, RG 84, Mexico 1950-52, box 19. A transmittal slip attached to Beechie's report, from J. L. Ohmans to Blocker, includes a handwritten note suggesting Blocker take up Beechie's suggestions with Manuel Aguilar at SRE. Aguilar's reply, as noted by Blocker, was that efforts would be made by the Mexican government to see that the deportees were sent to their homes.

brother. To this end, the union not only initiated the strike, but, as previously noted, Ernesto Galarza made a much publicized trip to Mexico City to persuade the Mexican government to withdraw the contract workers. The union also drew attention to the participation of local police and deputy sheriffs in rounding up "wetbacks" and escorting them through picket lines to work; union members also employed citizen's arrests to apprehend undocumented workers and turn them over to INS.[42]

The NFLU achieved a minor victory when, on June 8, the Secretary of Labor announced that "if" any contract workers were being employed as strikebreakers, they would be removed forthwith. However, it is not at all clear what DOL did to make a determination of that fact. After Galarza's unsuccessful visit to Mexico City, on June 11, the union adopted a resolution calling for Ambassador O'Dwyer's removal and forwarded it to President Truman. The resolution noted the existence of a family relationship between the Ambassador and one of the growers in the valley, and added that the Ambassador had not used his office to facilitate the withdrawal of Mexican contract workers from the area "in accordance with international

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[42] The New York Times, 28 May 51; 31 May 51, p. 41; 1 Jun 51, p. 18.

agreement."[43]

In mid June, the State Department requested that the Mexican government give assurances that it would not object to the removal of contract workers from the location of the strike. The Foreign Ministry responded:

> Esta Secretaría vuelve a reiterar a esa Embajada, como ya lo ha hecho en otras ocasiones, que está absolutamente de acuerdo con las medidas adoptadas por el Secretario de Trabajo de la Unión Americana, en relación con la movilización de trabajadores agrícolas mexicanos, de todos aquellos lugares en que existe el movimiento de huelga, ya que tal conducta coincide plenamente con lo dispuesto en el Artículo 32 del Acuerdo Básico Internacional.[44]

The Mexican response could not have been more emphatic, but it was too late.

On June 25, the union suspended the strike.[45] H. L. Mitchell, president of the union, wired Under Secretary of Labor Michael J. Galvin that the Labor Department's failure to remove the workers from the farms where the union members were employed made later issuance of DOL's order "meaningless," because the harvest had been mostly completed by then.

This episode was a sorry commentary on the bilateral program and on the prospects for the new arrangement

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[43] The New York Times, 9 Jun 51.

[44] Diplomatic note 614022, 23 Jun 51, quoted in copy, despatch 3 from Blocker, 2 Jul 51.

[45] The New York Times, 26 Jun 51, p. 24.

about to begin in July. When both the U.S. and Mexican governments finally acted, the harvest had progressed so far and the strikers so demoralized that it no longer mattered. As a contest between the NFLU and California growers, this one was not unusual; though one might have expected that it might have had significant impact on the broader political arena within which the Ellender and Poage bills were being debated. But it did not. This episode had more impact, ironically, on SRE and DOL (who did not respond with alacrity) than it did on the Washington debate leading the institutionalization of the bilateral program.

MEXICO'S ACCEPTANCE OF PUBLIC LAW 78

Upon passage of P.L. 78, the U.S. Embassy in Mexico City took the initiative in a July 2 diplomatic note to suggest that Mexico should accept it as passed, even though it did not contain penalties against employers that hired undocumented workers or any other measures designed to reduce illegal entries into the United States. In the note it also made reference to the recent order by the Mexican government to prohibit the recontracting of Mexican agricultural laborers in the United States. The note anticipated--incorrectly, it turned out--that Truman

would sign the bill that same day.[46]

The Mexican unofficial response was given to V. Harwood Blocker, an American Consul, and the official at the Embassy principally responsible for day-to-day communications with SRE regarding bracero affairs. The Ministry was less than pleased that the bill did not include employer penalties, and it wanted assurances that the sanctions would not be dropped as a dead issue. Such assurances would be needed before considering recommending that the migration stations be re-opened at Hermosillo, Chihuahua and Monterrey, and that the order prohibiting re-contracting be revoked.[47] Not being satisfied with this response from SRE, Washington suggested that it might be appropriate for Ambassador O'Dwyer to bring up the matter with Acting Secretary of Foreign Affairs Manuel Tello.[48] O'Dwyer sent Tello a note that same day, referring to the "probability that the President will enact this law at an early date" and proposed to hold talks in Mexico City within a week to prepare a

[46] Copy, diplomatic note 52, AmEmbassy to SRE, 2 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

[47] Copy, despatch 2 from Blocker, 2 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

[48] Blocker to files, 2 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

new agreement.[49]

The talks, however, were postponed because Truman did not immediately sign the bill. The diplomatic correspondence between the Embassy and SRE during the next ten hectic days provides a glimpse at how the Mexicans attempted to reconcile what they wanted from the U.S. Congress with what they got and what they might expect to get.

As the Ministry wavered, it communicated indecision in various ways. One example is the halting acceptance of U.S. requests that recruitment under the 1949 agreement be continued beyond June 30 and, later, beyond the expiration of the old agreement, on July 15. To the Embassy's request that the Mexican government revoke the order prohibiting recontracting that it had issued on June 15, the Ministry responded by note on July 3 that it had instructed Mexican consuls in the U.S. to permit recontracting to July 15, per the Agreement, and that the period of such contract extensions be limited to the same date, at which time they would be suspended.[50] That same day the Ministry informed the Embassy that the migration stations at Hermosillo, Chihuahua and Monterrey had been

[49] Copy, diplomatic note 51, O'Dwyer to Tello, 2 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

[50] Diplomatic note 614640, SRE to AmEmbassy, 3 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

ordered opened until the 15th.[51] SRE also revoked its recent instruction prohibiting the recontracting of Mexican laborers. Blocker informed the Department: "American employers are now free to recontract any Mexican laborers eligible for recontracting. They may likewise transfer to an eligible employer, any laborers who may have finished their work before the termination of their contracts."[52]

That there remained some doubt as to Mexico's acceptance of P.L. 78 may be discerned from the informal request of the Embassy that it investigate whether Mexico would "give reasonable assurance that she will enter into a new agreement with the United States for the use of Mexican laborers."[53] On July 5, V. H. Blocker called Richard Rubottom, Officer in Charge of Mexican Affairs at the State Department, to inform him that the Foreign Ministry was still studying P.L. 78 and that next day Manuel Tello had an appointment with the Secretary of Gobernación Adolfo Ruiz Cortines. The purpose of Tello's meeting was to discuss the bill "and reach a decision as to

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[51] Copy, despatch 4A from Blocker, 3 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

[52] Ibid. See also diplomatic note 615166, SRE to AmEmbassy, 9 Jul 51.

[53] Blocker to files, 3 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

whether Mexico considers the legislation acceptable for entering into talks with the United States for a new agreement."[54]

Either indecision about the desirability of accepting P.L. 78, or a predisposition to be a stickler for the formalities of the existing agreement--or both--explain Mexican government reactions to Embassy requests that it reconsider its previous position that contracts not be extended beyond the life of the agreement then in force, to July 15. The problem arose because of demands for contract laborers from the Lower Río Grande Valley. Despite the problems in administering the airlift of "wetbacks" from that part of the country, the effort was meeting with some success. Don Larin, Chief of the Farm Placement Service transmitted an appeal to the Embassy from Senators Connally and Johnson that there would soon be an urgent need for laborers in the valley. Larin stated that "unless the Ministry approves the certifications and thereby permits the employers to obtain legal Mexican help, the farmers will use illegal labor regardless of the great efforts being put forth by the US&INS [sic] to keep them out of the valley."[55]

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[54] Blocker to files, 5 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

[55] Blocker to files, 6 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

The threat by employers to use undocumented workers if contract laborers were unavailable, and its transmission through the offices of two U.S. Senators and a DOL official, was not received sympathetically by the Foreign Ministry. The Embassy request for reconsideration was denied and the Farm Placement Service was requested not to send certifications for contracting on or after July 15.[56]

Though inclined to accept the renewal of the bilateral program, SRE was not entirely satisfied with the bill just passed by Congress because it was incomplete. On July 5 Manuel Tello indicated informally to Blocker that, from his review of the Congressional Record during the debates on S. 984 and H.R. 4283, he felt that "the record contains sufficient information to indicate that efforts will be continued by Congressional leaders to eventually obtain legislation to permit the application of sanctions against persons employing aliens in the United States illegally."[57] Manuel Aguilar, however, was less sanguine. Aguilar noted to Blocker that the AFL and the CIO had just urged Truman to veto the bill. He then asked Blocker whether Truman had held off signing the

[56] Copy, despatch 67, from Blocker, 6 Jul 51. Cf. telegram O'Dwyer to Larin, 6 Jul 51.

[57] Blocker to files, 5 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

bill

> pending the receipt of information as to whether Mexico would be willing to enter into a new Agreement in the light of the Bill as passed by the House and Senate. [Blocker] told him that the Embassy had received no information to this effect but that we had requested, informally, assurances of the Mexican Government as to whether the Bill would be acceptable for Mexico to enter into a new Agreement, simply for the reason that the Department was anxious to complete preparations for holding the talks at as early a date as possible.
>
> During the conversations, Señor Aguilar stated that he hoped the President would veto the Bill as it did not contain everything Mexico had hoped it would, especially with reference to the application of sanctions against persons employing aliens in the United States illegally.[58]

Regarding Tello's meeting with Ruiz Cortines of that day, Aguilar expressed the opinion that he "did not know whether Mexico would make a decision in the matter before the President [Truman] has taken final action on the Bill."[59] Aguilar did indicate, however, that if Truman did not sign the bill before July 15, the three migration stations would be closed and a ban on recontracting reimposed.[60]

Within a span of three days SRE gave contradictory impressions of its attitude with two different actions.

[58] Copy, despatch 66 from Blocker, 6 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

[59] Ibid.

[60] Copy, despatch 10 from Blocker, 6 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

To the Embassy's note of July 2, it replied that it desired to have time to study the bill before agreeing to new conversations the Embassy had proposed for July 9.[61] On July 9, the Foreign Ministry reversed its decision of July 6 that no certifications be authorized for work to commence on or after July 15. SRE's new position was that new certifications could be approved as long as they were presented by July 14.[62] However, on the same day reports appeared in Mexico City newspapers citing an unnamed SRE official to the effect that Mexico had no interest in sending workers to the United States since they were needed at home, and that it was interested in seeing that those farm workers that did obtain employment in the U.S. obtained "full guarantees of receiving equal treatment as those received by domestic workers."[63]

"Rubottom has a hunch that the President will sign the Bill today," Blocker wrote in a memorandum for his files, referring to the principal officer at the State Department responsible for Mexican affairs. In that event, Don Larin and Albert Misler of DOL would be coming

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[61] Diplomatic note 614875, Guerra to O'Dwyer, 6 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

[62] Copy, despatch 69 from Blocker, 9 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

[63] Quote from copy, despatch 72 from Blocker, 10 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

"immediately" to Mexico in an endeavor to arrange for an interim operation of the Monterrey migration station. Essentially, their concern was that the Lower Rio Grande Valley would be "in urgent need of laborers before a new agreement can be arranged."[64]

Rubottom's hunch was close. On July 12, Truman signed the bill into law and, immediately, the Embassy submitted a request to the Ministry for an extension of the 1949 agreement beyond July 15 while negotiations were undertaken for arriving at a new labor agreement. "The United States Government is of the opinion," the request indicated, "that the absence of procedures for the admission of Mexican workers into the United States in a legal manner is a step backward in the handling of this complex problem, and would probably cause an increase in illegal entries of Mexican workers detrimental to the interests of both nations."[65]

Upon receiving the announcement that Truman had signed the bill, the Mexicans communicated their decision to accept it. Mexico would be "pleased," Aguilar informed Blocker, to enter into conversations on July 16. However, the two government had different views on what

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[64] Blocker to files, 10 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

[65] Copy, diplomatic note 62, AmEmbassy to SRE, 12 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

was the appropriate course of action in the absence of an agreement. Aguilar told Blocker that "Mexico could not agree" to the Embassy proposal "that the present contracting stations be permitted to remain in operation until a new agreement is signed."[66]

Mexico's acceptance of P.L. 78 without employer penalties seems to have been facilitated by the fact that Harry Truman delayed action on the bill and, upon signing it, sent a strong message to Congress that he expected supplemental legislation to be enacted shortly. "With this authority [P.L. 78]," the President declared in his legislative message, "it should be possible to reach a new agreement with Mexico."

Truman observed, however, that although the law was a step in the right direction, it was only the first step.

> The really crucial point, which this Act scarcely faces, is the steady stream of illegal immigrants from Mexico, the so-called "Wetbacks," who cross the Río Grande or the western stretches of our long border, in search of employment. . . .
>
> The Act does, it is true, provide that Mexican workers may not legally be brought in unless the Secretary of Labor certifies a real shortage of domestic workers. The Act also provides that Mexican contract labor must not be employed under working conditions less favorable than those prevailing for domestic workers. But these safeguards are rendered impotent so long as illegal immigration continues--so long as illegal workers are in fact used by American employers to take the place of other workers.[67]

He reminded the Congress of the conclusions of the report of the President's Commission on Migratory Labor regarding undocumented workers and the need to adopt strong measures for that purpose.

In the vein of the Commission's recommendations, the President made four specific recommendations to curb illegal entries from Mexico. First, he suggested the enactment of legislation to make it a federal offense to induce an alien to enter the U.S. illegally, to transport, or to conceal him or her. Second, he proposed legislation authorizing the inspection of places of employment by the Immigration and Naturalization Service without a search warrant. Third, he asked for a supplemental appropriation to increase the personnel of the Border Patrol. Finally, he requested a supplemental appropriation for the Farm Placement Service, in order to improve the utilization of U.S. citizens in farm labor. It is noteworthy that, although Truman acknowledged that P.L. 78 represented only part of the commitment to Mexico, he did not mention employer penalties by name nor suggested that the only acceptable progress toward immigration control

[66] Blocker to files, 12 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

[67] Draft message of the President to Congress, attached to copy, diplomatic note 87, AmEmbassy to Tello, 13 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

legislation had to include such penalties. By this point, Truman evidently had abandoned hope that such Congressional action might be forthcoming, but understood that the Mexican government would accept a new arrangement without such penalties if other strong measures to curb undocumented migration were adopted.

A copy of Truman's message was sent to Acting Secretary of Foreign Relations Tello, who nevertheless found it encouraging. The bill signed into law, Tello observed,

> la regresó al Congreso de vuestro país, con un mensaje en el que expresó enfáticamente sus puntos de vista en el sentido de que el tráfico ilegal de trabajadores dentro de los Estados Unidos de América debe ser suprimido por completo, haciendo cuatro recomendaciones específicas a efecto de que se adopte la legislación suplementaria para ese fin. Me he enterado con todo detenimiento del texto del mensaje en cuestión y he encontrado, con verdadera satisfacción, que los puntos de vista del Excelentísimo Señor Presidente Harry S. Truman, coinciden con los de mi Gobierno.[68]

Tello's response did not allude to Truman's omission of any reference to employer penalties. Though the Mexican government had not abandoned its position that such penalties were an essential element to the reduction of undocumented migration, it evidently found Truman's strong message and express commitment to take strong mea-

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[68] Diplomatic note 615687, Tello to O'Dwyer, 13 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

sures against illegal entries encouraging--even if in some form other than employer penalties.

Tello's note of July 13 included an answer to a previous inquiry: yes, Mexico would agree to the contracting of an additional 20,000 workers whose certifications had already been approved; i.e., migration stations could remain open after the 15th to handle contracts approved prior to that date.[69]

Two days after signing P.L. 78 into law, Harry Truman wrote Miguel Alemán:

> I have approved this bill and it has thus become law. With the authority granted by this law I feel confident that we can now give the assurances which your government regarded as essential to a new agreement permitting United States importation of contract workers from Mexico. . . .
>
> There is, however, one aspect of the matter which causes me great concern. . . . the governments of the United States and Mexico must take steps to shut off the stream of Mexican citizens immigrating illegally into the United States. . . .
>
> I have indicated that my approval of the new law on Mexican contract labor was given only because of assurances that the Congress would consider the other needed measures. I am concerned, however, that once the two governments reach a new agreement for the continued importation of contract workers from Mexico, the Congress might not act upon the more basic problem of controlling illegal immigration.[70]

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[69] Copy, telegram O'Dwyer to SecState, 17 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

[70] Truman to Alemán, 14 Jul 51, reproduced in Kiser and Kiser, Mexican Workers in the United States, pp. 155-156.

To reduce the chance that Congress might not act, now that a new bilateral agreement would be reached, Truman proposed that the period of that agreement be limited to six months. "This would allow time for further action by the United States Congress, and if this action were not forthcoming, a further renewal of the agreement could be postponed." Alemán responded favorably.

July, 1951, thus stands as a moment of heightened sensitivity on both Mexican and U.S. sides to cooperate in the bilateral experiment known as the bracero program. Moreover, both governments understood clearly that it was the migration of undocumented workers and their employment by U.S. farmers that constituted the most serious challenge to the program; both governments shared essentially the same perspective that this stream of migrants without contracts was contrary to their interests. If ever a moment propitious for bilateral cooperation existed in the post World War II era, this was it.

PART III: A MODUS OPERANDI, 1951-1953

7 BILATERALISM WITHOUT HARMONY

Mid and late 1951 were moments during which the possibilities for bilateral control of Mexican migration to the United States seemed greatest. After the enactment of P.L. 78, the two governments arrived successfully at a new bilateral agreement, one which permitted all key groups to gain something. Growers obtained an institutionalized arrangement which guaranteed a legal flow of labor at a time that the possibilities of utilizing undocumented workers seemed uncertain. Mexican government officials concerned with the labor guarantees afforded by the agreement found assurances in the new institutional role assumed by the U.S. government that contract compliance could be enforced reasonably well. The one group perceived to have lost--the one political actor which fought P.L. 78 tooth and nail--was organized labor, especially the National Farm Labor Union.

Both governments viewed this arrangement as advancing their interests. Quite apart from their interest in legitimating themselves--the U.S. with respect to farm employers, the Mexican government with respect to Mexican workers--they had high expectations that this arrangement, when completed with additional U.S. legislation, would effect a reduction of illegal entries into the United States. Each hoped that eventually growers who

previously employed undocumented workers would start hiring contract laborers. This perception of beginning a new enterprise on a cooperative footing gave a positive tone to bracero affairs. The successful conclusion of the July negotiations thus became a symbol of that new spirit of bilateralism.

However, although the July 1951 negotiations constituted a high point in the expectations of successful bilateral management of Mexican labor migration, the future of the bracero program was anything but assured. To begin with, neither government was entirely satisfied with the immediate operational circumstances that the agreement produced, especially regarding the location of migration stations. The migration stations at Hermosillo and Monterrey caused some problems for local authorities and Gobernación was having difficulties keeping them open. The U.S. was not satisfied with the other two migration stations--Aguascalientes and Irapuato--because of the inadequate railway facilities. Each government pressured the other to change this compromise arrangement in the opposite direction, with unsatisfactory results for both.

Another reason for bilateral tension in bracero affairs was that the new spirit of cooperation was largely the product of a new attitude at the higher levels of the

U.S. and Mexican governments--the two chief executives, members of the cabinet, assistant secretaries, and director general. At the level of the personnel responsible for implementing the agreement and handling worker-employer disputes, the attitudes were different--as can be noted in the communications between the regional offices of the Department of Labor and the Mexican consulates. At this level, the pull and haul that had previously characterized the bilateral experiment continued, and constantly created problems that had to be resolved at higher levels. In this manner, the program suggested bilateralism without harmony.

A final consideration had to do with the nature of the differences between the two governments at the level of the implementation of the bracero program. These differences were based on genuine perceptions of different interests and not just the product of personality conflicts. Mexico and the United States did not share the same perspective on the nature of some of the complex problems that confronted them, on the appropriate response to these problems, and on what constituted an acceptable working arrangement for the long term. Each side felt itself forced to enter into certain bargains for the sake of compromise and bilateralism which it could not live up to completely.

There was one major area relatively free of bilateral conflict: the measures taken to combat illegal entries into the United States. Not only did the Mexican government cooperate with U.S. efforts to expel migrants by transporting them by air into the interior of Mexico, it also deployed a police force along the border, near Reynosa and Matamoros, to dissuade illegal departures on its own. While the action was modest and, on this occasion, there is no indication that force was actually used by Mexico to prevent departures across the río Bravo, it was of doubtful legality.

FROM LABOR SHORTAGE TO FARM LABOR GLUT

July 1951 afforded the United States government a new opportunity to accomplish an objective that had been frustrated for some time--in part as a result of its own actions. This was the substitution of undocumented workers by legally contracted braceros, especially in the Lower Río Grande Valley--the area of largest concentration of undocumented Mexicans at that time. Because of unusual spring weather, the 1951 harvest was expected to be shorter and more intense; thus, a record number of workers would be needed for a relatively short period of time. It was expected that the cotton picking season would start at about July 10, peak on August 1, and continue at a hectic pace "until the deadline of September

1st." For the first time in years, valley farmers were genuinely worried that not enough laborers would be available.[1]

But their worries were not only the result of an expected sharp rise in the need for workers--the Border Patrol was causing problems for valley farmers as never before. In early June, INS had started to send expelled migrants to the interior of Mexico by air, which cut down on the number of "repeaters," i.e., migrants who entered illegally again shortly after being expelled across the border. Though each of these factors--a sharp rise in labor demand and reduced supply of undocumented workers--may not, by itself, have had a significant impact, it was the combination that frightened some farmers into pushing for more contract laborers. The appearance of the situation may have been more significant that what it really was. The airlift out of Brownsville, for example, was small--240 expellees per day--relative to the number of "wetbacks" crossing the river at that time of year, but yet it was perceived to have some effect. Moreover, the border patrol force of about 100 was increased by another 150 rookie patrolmen at mid July.[2]

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[1] Benet to O'Dwyer, 3 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

[2] Ibid.

Valley growers, then, played into the strategy of the two governments in early July. As the 1949 agreement was about to end, P.L. 78 had not been signed into law, and the Mexican government had agreed to re-open the migration station at Monterrey, Valley farmers and cotton gin cooperatives rushed to file applications for braceros. Benet reported to the Embassy that it was estimated that by July 3 the services of an estimated 50,000 braceros had been requested of the Texas Employment Service. Farmers and cotton gin operators were paying the highest wage ever paid in the Valley for picking cotton--$2.50 per hundredweight--and they were worried that the wage might have to rise to $3.00 or $3.50 "in order to get sufficient labor to pick their crop."[3] "Valley farm groups," reported the Valley Evening Monitor of McAllen, Texas, ". . .wondered just what they would do if [President Truman] vetoes the Ellender bill and if the border patrol is successful in keeping out the wetbacks."[4]

The growers' problems were further exacerbated by joint U.S. and Mexican action to stem the flow of illegal entrants across the river. On July 6, the Embassy commu-

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[3] Ibid.

[4] Valley Evening Monitor, 8 Jul 51, clipping. NAW, DOS, RG 84, Mexico 1950-52, box 19.

nicated to the Foreign Ministry that the U.S. Immigration Service desired to continue the airlift begun on an experimental basis the previous month.[5] SRE raised no objections "provided each deportee signed a statement to the effect that he had no objection to be transported by air."[6] On July 24, the Embassy extended the request to continue the INS airlift during the month of August.

But Mexican cooperation went beyond giving permission for the expulsion of Mexican nationals to the interior by air. U.S. Consul Benet, at Reynosa, reported that the Mexicans had begun an effort to prevent illegal entries into the United States by using "a very limited number of soldiers" of the Mexican Army to patrol the border between Laredo and Brownsville. The commanding officer's "greatest handicap," according to Benet, "is in not having rolling equipment to move his men about rapidly enough to cover sufficient territory to make the operation at all effective." By the lack of "rolling equipment" Benet meant that the Mexican soldiers were on

[5] Copy, diplomatic note 54, AmEmbassy to SRE, 6 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

[6] Copy, despatch 210 from Blocker, 23 Jul 51. The original note from SRE, number 615317, dated 10 July added "evitando así responsabilidades tanto al Gobierno de México como al de Estados Unidos." SRE did not want to be saddled with the responsibility of having permitted the transportation of workers under coercion within Mexican territory.

foot. He did express his belief, however, that the commanding officer of the local garrison, one General Tiburcio Garza Zamora, "will take the necessary steps to use the men at his disposal in the most effective manner possible and that as a result at least some control may be expected in preventing these laborers from crossing the River." He added a Mexican domestic motivation: "The important fact is that unless Mexico does do something to prevent its laborers from leaving the cotton area in Northeastern Mexico, due to the higher wages being offered in the Valley, there is going to be a very severe shortage of laborers needed to pick the cotton in the Reynosa-Matamoros area."[7]

Two days after submitting his report, Benet attended a meeting at the request of the officer in charge of the U.S. Border Patrol at Hidalgo, Texas, to discuss strategy for cooperating in the patrolling of the border. Present at the meeting were General Garza Zamora and Mr. Floresvillar, chief of the Mexican migration service at Reynosa. The Border Patrol representatives informed the Mexican officials that as a result of the additional 150 patrol officers assigned to the Valley, they anticipated

[7] Benet suggested that the Reynosa-Matamoros cotton district would harvest about 250,000 bales and would require not less than 50,000 laborers. Benet to O'Dwyer, 3 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

a large number of expulsions--8,000 to 10,000 daily at the port of Reynosa alone.

> They pointed out that their work would be seriously handicapped and in fact almost futile if effective cooperation could not be obtained from the Mexican authorities in this area, to see that the deportees are immediately removed and sent to interior points, so that they would not be able to recross the border within a matter of a few hours.[8]

"Both the General and the Chief of Immigration [Floresvillar] were quick to realize the seriousness of the problem," informed Benet, "and offered their complete cooperation, explaining, however, that under the present circumstances, they were helpless inasmuch as they did not have any rolling stock at their disposal." General Garza indicated he would telegraph the Secretary of Defense to request additional railway cars to transport expellees from Reynosa to San Luis Potosí, and, that if he obtained it, "he would see to it that the deportees were accompanied by soldiers so they would not be able to leave the train in transit." Both the General and Floresvillar promised to check with their offices in Mexico City to obtain trucks and equipment. Though the U.S. consul was skeptical of the support these requests might receive, Benet conceded that "this is the first time that the local authorities have taken a serious interest in

[8] Benet to O'Dwyer, 6 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

the situation and there is some possibility that their efforts may bear fruit."[9]

Benet's skepticism was unfounded. Three weeks later he reported that the Defense Ministry had supplied General Garza Zamora with a few jeeps "in very good condition" which would form the basis of a patrol unit each. Each patrol unit was to be manned by one Mexican migration official and three soldiers armed with rifles.

> The patrol will work on a twenty-four hour basis. Additional foot soldiers are to be placed at strategic points, especially at railroad and bus stations to detain such laborers who are even suspected of intending to cross the River. Private trucks and buses will be commandeered by the Army and Mexican Immigration Service in picking up picking up these laborers who will be transported, in this immediate area, to the Army Garrison which is located about three miles south of the International bridge at Reynosa. This labor camp will be maintained for Mexican cotton farmers in the area to draw upon for their needs.[10]

Benet was impressed. "[I]t is the first time," he reiterated, "at least in this area, that the Mexican Government has made any serious effort to control the movement of its nationals from crossing the River."

> It is my opinion that apart from the physical effort being made, the physiological [sic] effect of having armed soldiers patrolling the border will further curtail the movement of la-

[9] Ibid.

[10] Benet to O'Dwyer, 27 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

borers to the United States.[11]

Garza Zamora told Benet that he was "determined to make every possible effort to reduce crossings of these laborers, and to use force if necessary." From a Washington source, independent of Benet, came the information that Garza Zamora "has received orders to cooperate to the fullest possible extent of his ability with the American authorities controlling the illegal entry of workers into the Lower Valley."[12] Neither Benet's reports nor other Embassy records, however, indicate any instances where force was actually used by Mexican soldiers or migration agents against their countrymen crossing the river into the United States at this time, though their presence must have been intimidating.

Benet provided additional information to illustrate that it was apparently not just an interest in cooperating with the U.S. that motivated the unusual action of patrolling the border to dissuade laborers leaving for the United States. The consul also transmitted a proposal by the General and Mexican migration officials regarding the handling of most expelled Mexicans who were being dropped off at the international bridge and left to

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[11] Ibid.

[12] Memorandum of conversation by Strom, 11 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

return to Mexico on their own. These officials preferred to have the U.S. Border Patrol "continue across the Bridge and unload the wetbacks at the Army Post;" this would "really amount to assisting Northeastern Mexico in obtaining a supply of cotton pickers." Benet viewed this proposal favorably and reported that he had already discussed the matter with the chief of the Border Patrol at Hidalgo, who in turn tried to get approval from Washington.[13] The Assistant Commissioner of INS responsible for the Border Patrol, Willard Kelly, accepted this idea readily in early August, which pleased the Mexican general and other local officials.[14]

The psychological effects of the airlift on Valley growers were also felt to be important at the INS Central Office in Washington. On July 11 Assistant Commissioner Kelly telephoned Carl Strom--the Embassy official heading the U.S. delegation in the bracero talks about to start--to inform him that the airlift had persuaded Valley growers that INS was determined to get rid of "wetbacks" from the region. However, INS was under the impression that the Mexican authorities planned to rescind permission for the airlift at the end of July--

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[13] Benet to O'Dwyer, 27 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

[14] Benet to AmEmbassy, 2 Aug 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

could that be reversed? Moreover, Durango was not a satisfactory terminus for the flights--it was too easy for the expellees to return to the border. Kelly explained that the geographical focus had changed. The Imperial Valley was not at the moment an important target--INS was concentrating its efforts on the Lower Rio Grande Valley. Kelly informed Strom that "Valley farmers are fighting the airlift tooth and nail." Kelly "hopes that the Mexican Government will cooperate and adjust itself to the changing necessities of the situation so as to give it a maximum chance of success."[15]

Consul Strom brought the matter up with SRE on July 12, expressing the desire to abandon Durango as a terminal point for the airlift.

> In order to fill the planes going to Durango it has been necessary to take many persons there who upon arrival find themselves closer to the border area than to their places of residence. The United States Immigration and Naturalization Service has been under severe attack in the Lower Rio Grande Valley for transporting laborers to points in the interior of Mexico distant from their homes. The officers of that Service believe that the program for transporting illegally entered laborers by air has been highly successful but they wish to eliminate as far as possible features that give rise to criticism of this use of its funds. They believe they will not be able to avoid criticism on account of the use of Durango as a terminal point for

[15] Memorandum of conversation by Strom, 11 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

flights.[16]

Strom's aide-memoire added that it was fairly easy to get to the border from Durango, "and it is reasonable to suppose that a considerable number of persons who are landed at Durango go north again to the United States rather than to their homes." Days later Kelly told the Valley Morning Star (Harlingen, Texas), that the airlift would continue, with six flights going to Guadalajara and two to San Luis Potosí on some days.[17]

To impress Mexican officials with the significance of the airlift, U.S. officials invited General Garza Zamora and Mr. Flores Fuentes, chief of the Mexican migration service at Reynosa, to see the operation at Brownsville. In the airlift were involved not only U.S. but also Mexican officials, one of whom gave a speech to each group of expellees pointing out "the grave mistake which they made in abandoning their families and country to enter the United States illegally, only to be picked up in disgrace and deported back to Mexico." Benet had no doubt that the General and Flores Fuentes would write a favorable and detailed report of what they saw to their

[16] Copy, aide-memoire by Strom, re conversation with Director General of Mexican Consular Service, 12 Jul 51.

[17] The story was published on 18 Jul 51; clipping attached to Benet's correspondence with AmEmbassy, Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

superiors.[18]

Keeping "wetbacks" from crossing the river was one element of the strategy, facilitating valley growers access to contract laborers under the 1949 agreement still in force was another. Upon passage of S. 984 the Embassy in Mexico City successfully pressed SRE to reopen the contracting centers and facilitate the process of obtaining braceros even though the old agreement was scheduled to end on July 15. In one respect, especially, this success stands out: Mexico's acceptance of shorter bracero contracts. The initiative for this came from the Farm Placement Service of DOL. Don Larin submitted to the Embassy a list of employers located in the Lower Río Grande Valley on July 6 who had expressed a need for Mexican cotton pickers under a six-week contract. On July 11 Manuel Aguilar refused such a reduction in the duration of the contract, though he expressed a willingness to approve three month labor contracts.[19] Within a week, however, SRE reversed its position and allowed some workers at the Monterrey migration station to leave with six-week contracts.[20]

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[18] Benet to AmEmbassy, 2 Aug 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

[19] Copy, despatch 112 from Blocker, 11 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

[20] Valley Evening Monitor, 22 Jul 51. Clipping

The strategy to reduce illegal entries and increase the number of braceros in the Lower Río Grande Valley was a resounding success--too much of a success. "I have the honor to report," wrote Edward Benet on July 24, that "the tight labor situation in the Lower Río Grande Valley is easing up gradually as a result of the increased number of Braceros being contracted at Monterrey for the Valley." He added: "Up to this time the farmers have not been doing as badly as one might think, considering all the publicity and rumpus over the shortage of pickers. Actually, the crop is being picked by hook or by crook."[21]

This effusive report actually was an understatement. In the course of the third week of July, DOL increased its staff at the Monterrey station to process 1,500 to 2,000 braceros a day; customs and immigration inspection officials at Hidalgo organized their activities at that port of entry to handle the arrival of large numbers of braceros expeditiously, and the State Department had been able to get the Mexican government to make an exception and allow contracts for six weeks' dura-

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attached to consul Benet's correspondence with AmEmbassy, July 51.

[21] Benet to O'Dwyer, 24 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19. See also clipping attached, from Valley Evening Monitor, McAllen, Texas, 15 Jul 51, whose headline is "Edinburg Area to Pick Cotton, Hook or Crook."

tion. On July 21 Arthur L. Schoenthal, U.S. Employment Service representative at Monterrey was able to tell the Valley Evening Monitor: "There is an adequate labor supply. I feel sure we can meet the Valley's demands."[22] A report from Benet to the Embassy observed that all of the gins in the Valley were working at full capacity. "There has been a steady flow of cotton to the gins and since these gins do not have storage space for loose picked cotton, the amount of cotton now reaching the gins has been in almost capacity quantities."[23]

On July 25, the Valley Morning Star reported that the largest number of approvals from the Monterrey migration station, which had been arranged under the old 1949 agreement while negotiations were underway for a new one, had been sent to the McAllen and Raymondville areas. It also quoted a statement of the immigration chief at Hidalgo who observed that the needs of farmers for harvest hands was "'pretty well' cared for."[24] That same day, the Valley Evening Monitor reported jubilantly that "[a]bout 1,500 braceros from all parts of Mexico jammed

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[22] 18 Jul 51, 22 Jul 51. Clippings attached to Benet's correspondence with AmEmbassy, July, 1951. NAW, DOS, RG 84, Mexico 1950-52, box 19.

[23] Benet to O'Dwyer, 24 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

[24] 25 Jul 51.

the Hidalgo immigration post this morning, eager to get into Valley cotton fields." The report was accompanied by a photograph of hundreds of workers in a group and the caption: "1,500--Count 'em--1,500 ready to pick cotton."[25] Days later, the Monitor reported, "[w]ith bracero cotton pickers pouring across the river at the rate of 500 to 700 a day, the harvesting picture has changed almost over-night with the situation reverse from a week ago when pickers were at a premium." Labor was suddenly plentiful, and the Valley's cotton gins were operating 24 hours a day. "'We are getting the cotton picked faster than we can gin it,' was the composite answer Saturday [July 29] to queries on the labor problem in the Mission-McAllen area."[26]

Without quite planning it that way, the U.S. and Mexican governments organized their activities such that, even without a new agreement under P.L. 78, they transformed a labor shortage into a farm labor glut.

THE AUGUST 1951 AGREEMENT

Two days before President Truman actually signed the bill, the State Department instructed the Embassy to pre-

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[25] 25 Jul 51.

[26] Valley Evening Monitor, 29 Jul 51. The story was based on events that occurred earlier that same day.

pare for the upcoming negotiations.[27] A preliminary draft of the international executive agreement sent by the Department in advance of the negotiations, and submitted to SRE the day after P.L. 78 became law, was a close approximation of what ultimately resulted from the negotiations themselves. Both the draft agreement, and the final version reached, repeated many of the features of the bilateral migrant labor agreements of the previous nine years.

The most outstanding feature of the initial negotiating position, which was maintained in the outcome, was that it provided that the agreement would constitute the exclusive manner in which Mexican workers could be contracted for temporary agricultural employment in the United States. Moreover, the individual work contract negotiated between the two governments--and modifications thereto--was unalterable. "Neither the laborer nor the employer may, singly or jointly," indicated the preliminary draft, "modify in any way the terms of the Individual Work Contract without the consent of the two Governments." The two governments therefore reserved for themselves a monopoly control over the contracting and recontracting of Mexican agricultural laborers, and the

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[27] Telegram 35, Acheson to AmEmbassy, 10 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

terms under which such contracting would occur. From the outset--the draft U.S. position--the mechanism was explicitly bilateral.[28]

The de facto exception to this exclusively bilateral governmental control on labor migration was, of course, the flow of undocumented workers without a contract. In the preliminary draft, the two governments would "acknowledge that the illegal traffic of Mexican Workers is an element which disturbs the effective application of this Agreement for the contracting of Agricultural Workers and for this reason shall apply to the fullest extent the legal provisions which their respective laws may designate and to the extent of their possibilities adopt, in addition, all such resolutions which they may consider more effective toward the suppression of the traffic and illegal entry of Mexican workers . . ."[29] This provision constituted the weakest link in this and subsequent bi-

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[28] "Preliminary Draft of International Executive Agreement," mimeo, 27 pp., undated, with markings "file/7/24/51, FCG." The location of this document in the box suggests that it was prepared at about the same time as the preliminary draft of a standard work contract, 13 pp., dated 12 Jul 51. It was submitted to Manuel Aguilar, Director General of the Consular Service, along with the draft of the standard contract with a cover letter from V. H. Blocker, consul, AmEmbassy, dated 13 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

[29] "Preliminary draft of International Executive Agreement," mimeo, 27 pp. NAW, DOS, RG 84, Mexico 1950-52, box 19.

lateral agreements, since neither government would find the resources or have the political will necessary to act in a concerted fashion to prevent illegal entries into the U.S.--until "Operation Wetback" in 1954.

The U.S. government agreed to inform the Mexican government at least thirty days in advance of the date of the selection of workers of the approximate number which would be required, the date which selection would begin at the migration stations in Mexico, the number of workers to be selected at each station, and the period of time desired that the station remain open for this purpose. Here was included a provision which outlasted the 1951 agreement for many years: the Mexican government, "after the agricultural labor requirements for Mexican agriculture and for the furtherance of Mexican agricultural development have been filled, in harmony with the agricultural cycles of the two countries," would inform the U.S. representatives at the stations of the approximate number of workers it would authorize for each station. The U.S. Employment Service representatives at the stations would "have the right to reject any worker . . . when, in [their] judgment, the worker is not qualified to perform satisfactorily the work for which he is needed." After the workers were selected in Mexico, they were to be transported at U.S. expense to reception centers lo-

cated on the U.S. side of the border, where contracting would occur, "under the equal supervision of officers of the Mexican Consular Service and those depending on the Public Health, Immigration and Employment Services of the United States." Workers already at the reception centers in the U.S. could only be rejected when it was considered that their admission would pose a problem from the point of view of the health, immigration and internal security laws of the U.S., i.e., when the worker was "excludable" under U.S. immigration law.[30]

In order to contract braceros, employers had to meet a number of requirements, the most important of which was to have obtained a "certificate of necessity" from the local Employment Service office which stated that agricultural workers were needed in the region of the contractor, "that resident workers cannot be obtained for that region, and that the wages per hour or by the job which are offered are those which actually prevail there." The determination of the need for such workers and the prevailing wage clauses were crucial provisions in the agreement. Though conceptually straightforward, their application would prove to be fraught with bilateral conflict and difficulty. Other requirements included: obtaining a certificate from corresponding

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[30] Ibid.

federal, state and local authorities to the effect that the lodging and sanitary facilities met minimum standards, written authorization from the INS permitting the entry of the number of workers sought, and a certificate from the Mexican consulate having jurisdiction over the place of employment indicating that no past claims against the employer were pending, including claims of discrimination in the area.[31]

As in previous agreements, certain restrictions applied on the utilization of Mexican contract laborers in the United States. One set of restrictions was that contract workers were not to be used "to displace resident workers, to substitute for them in labor-employer conflicts, nor to abate existing wage rates." The agreement also spoke of the problem of discrimination against Mexicans, also a touchy matter in the years following the 1951 agreement. "Workers shall not be assigned to work in localities in which Mexicans are discriminated against either because of their nationality or descent." The Mexican government assumed the responsibility of communicating, within ten days of reaching this agreement, "in which [areas of the U.S.] it is considered that discrimination against Mexicans exists." The draft further stated that if the government of the United States con-

[31] Ibid.

curred in determining the existence of discrimination, the Employment Service would not issue the "certificates of necessity" authorizing the employers in those regions to contract Mexican workers.[32]

In order to alter their disabling status which prevented them from receiving contract workers, the principal authorities of the community or communities in those regions would supply Mexico with a declaration:

> (a) That acts of discrimination against Mexicans who are temporarily residing or rendering services in the locality will not be committed,
>
> (b) That, in the event the corresponding Consulate report any act of discrimination committed against a Mexican because of his nationality or descent, the principal authority shall have the complaint promptly investigated and will institute the collective or individual measures which may be necessary to comply with the community's obligation.[33]

A mechanism was proposed by which, in the event that acts of discrimination were committed against Mexicans after the above promises were made, the Consulate would request the Employment Service to appoint a representative to effect a joint investigation and render a report on the results within a period of ten days from the date on which the request is made." If the joint investigation revealed that acts of discrimination had in fact occurred, the Employment Service would remove the workers

[32] Ibid.

[33] Ibid.

to another authorized area of employment and, if that were not possible, "it will return them to the Immigration Station from which they came, after their having been paid all compensations of an economic nature to which they may be entitled . . ." An arrangement was proposed to handle cases where the conclusions of the Mexican consulate and USES did not coincide in their joint investigation: the matter would be referred to the Joint International Commission created in this agreement for a final decision.[34]

There was also a provision prohibiting discrimination by the employer against the worker in the matter of working conditions. A joint finding by the consulate and employment service, or the Joint International Commission to that effect would result in an absolute prohibition against further employment of contract workers for said employer, and the transfer of worker in his service to another authorized employer.[35]

The previous arrangement by which employers of undocumented workers would be refused the use of contract workers was again incorporated in the preliminary draft of the agreement. This draft shows a closeness to the Mexican position on this point, in that it proposed an

[34] Ibid.

[35] Ibid.

absolute prohibition against further use of contract workers by such employers.[36] Moreover, the minimum contract period was set at six weeks; the maximum at one year. Recontracting would be permitted, with the consent of the consul, the worker and INS, provided that the stay in the U.S. did not exceed the maximum allowable period.

The enforcement of the agreement was to be the joint and independent responsibility of the Mexican consulates and the U.S. Employment Service. When a complaint was filed by either worker or employer, whether to the local consulate or to USES, it was left up to the judgment of the Mexican consular official to request a preliminary investigation of USES or to propose a joint investigation. This procedure--proposed in the preliminary draft of the agreement and incorporated in the final agreement--required close coordination between the consulates and USES at various points in the handling of the complaint.[37]

Workers were permitted to elect representatives from among members of their own group to discuss matters with

[36] "All the authorizations which may have been granted to them will be cancelled in the event that they, after having obtained these authorizations, should utilize the services of workers who are in the United States illegally, and further authorization will not again be granted to such employers for any reason." Ibid.

[37] Ibid.

employers and the latter were required to recognize them as labor representatives. This provision in the agreement reflected the weight of grower interests, who were willing to make this token concession to the principle of collective bargaining in agriculture, as long as contract workers could not be represented by non contract laborers --e.g., the National Farm Workers Union or a U.S. citizen labor organizer.

It is noteworthy that such a complex negotiation as that conducted in the latter part of July, 1951, did not present insuperable obstacles--little seemed to divide the two governments. The reasons for this boil down to the fact that the U.S. position was quite close to the Mexican position at this time--closer, in fact, than it ever had been since World War II and that it would ever be afterwards. The proximity of the U.S. position to that of Mexican interests is important, because the United States could bring more pressure to bear, directly or indirectly, on the negotiations than its counterpart. But at mid 1951 no such pressure seemed to be exerted--each government felt that its interests were being significantly advanced by the new institutionalized arrangement and what differences there were were easily composed. Ironically, what united the two governments at this point was what would divide them two years later:

undocumented Mexican migration to the United States. This phenomenon was viewed as a joint problem and, more significantly, it was felt that this arrangement--P.L. 78 and the promised congressional action on deterrence of further illegal entries--was the appropriate policy response.

During the early stages of the conversations, Carl W. Strom addressed a personal communication to Alfonso Guerra along these lines. Each country had something to gain from the labor program, suggested the communication. The bilateral arrangement would augment the supply of agricultural labor to the U.S., "so much needed at the present time," and would "furnish remunerative labor to a large number of Mexican citizens who are not employed." There were, moreover, common problems to be solved and common interests to be served. The common problem was undocumented migration, which "has resulted in a wholesale violation of United States Immigration laws with many attendant evils" and which involved a heavy economic loss to Mexico. The common interest was the achievement of a workable agreement which would result in an "orderly, well-regulated program," i.e., a mechanism which took the place of the large-scale undocumented flow.

> The program that has been in operation during the last three years has suffered from a defect

> of a fundamental character. Tens of thousands of Mexican laborers have entered into contracts with thousands of American employers from which numerous disputes concerning compliance have arisen. . . . Both Governments also recognized the disturbing effect of illegally entered workers on a well regulated program. In the exchange of notes at the conclusion of the conversations last January, it was therefore agreed that, until it should become legally possible to impose sanctions on persons who employed illegally entered Mexican laborers, both countries would endeavor by whatever means available to them to suppress the traffic. In carrying out its part of this commitment, the United States Government has since June 1 been returning illegally entered Mexican laborers to the interior of Mexico by air.[38]

There was, however, one matter that held up the discussions--an old and recurring problem--the location of the migration stations in Mexico. The problem appeared deceptively simple: the U.S. wanted stations located relatively close to the U.S. border in order to keep the costs of transporting and feeding recruited workers within the limits of reimbursement placed by P.L. 78 ($15 per worker) and the Mexican government wanted the stations to be situated near the geographical regions where Mexican workers lived so that those rejected for contracting would not be so easily tempted to cross illegally into the United States. The Mexican government had taken advantage of its relatively strong bargaining position to insist that all recruiting be conducted in the

[38] Copy, Strom to Guerra, 24 Jul 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

interior--Irapuato, Guadalajara and Aguascalientes--and that the contracting stations at Monterrey, Chihuahua and Hermosillo be closed because they were too far north. The U.S. government was willing to allow some recruiting in the interior, but expected most of it to come from these three centers.

As Strom's communication to Guerra demonstrates, however, the issues were subtle and complex, in large part because they had a history. He began by recalling the earlier practice of legalizing undocumented laborers in the U.S. by not expelling them to Mexico and instead giving them a contract "in the hope of absorbing them into a legal program." To this end, contracting centers were established at certain border communities: Harlingen, Eagle Pass, Crystal Springs, and others. "It was quickly discovered," according to Strom, "that this merely placed a premium on illegal entry." For this reason both governments "abandoned this idea" and "neither advocates . . . [it] at present."[39]

Another approach had been attempted. At U.S. request, the Mexican government established contracting centers in Mexican communities on the border. "Subsequently, the Mexican Government objected to these locations on grounds that appeared valid to the Govern-

[39] Ibid.

ment of the United States and the latter eventually withdrew its request that contracting take place in these cities." Later, the cities of Hermosillo, Chihuahua, and Monterrey were specified for this purpose; these were the locations agreed upon for contracting centers during the conversations of the previous January and February.[40]

"It is freely admitted," conceded Strom, "that the experience with at least two of these centers has been unfortunate during the last few months." However, serious problems had been associated with the operation with all migration stations in the past, suggesting that it was impractical not to expect some difficulties. Strom proceeded to make his pitch for maintaining centers located in the north.

> Up to the present, the approach has been to solve the problem by shifting the location of the centers. The present approach [proposed by the U.S.] is to determine the causes of the problems and to eliminate them at their source. . . . The problems that arose at Hermosillo and Monterrey in recent months were due to the fact that the officers of the United States Employment Service at those places were not able to move out promptly the laborers who assembled there. Farmers who had asked for laborers failed to come to the contracting centers to get they men they had asked for and they remained at the centers without contracts.[41]

The situation was now different according to Strom, be-

[40] Ibid.

[41] Ibid.

cause the function of the centers located in Mexico was now different. They were no longer contracting centers but migration stations--assembly points where all workers accepted for employment could be transported to the U.S. without substantial delay. An additional change in procedure had been made to "eliminate the possibility of inflated requests for workers" by requiring employers to make a cash payment in advance of fifteen dollars for each worker requested.[42]

Strom concluded his argument by observing that the legislation recently adopted had been promoted with the argument that the migration stations in Mexico would be located in Hermosillo, Chihuahua, and Monterrey, though an allowance had been made for the possibility that about three-eighths of the workers contracted would have to be transported from interior points. "We have now reached a point in our deliberations in which the Mexican Delegation insists that all the recruiting shall take place at interior points while the American Delegation maintains that the bulk of it must take place in the North."[43]

When negotiations concluded on August 2, the stations in Mexico were to be located in Aguascalientes, Guadalajara, Irapuato, Monterrey, Chihuahua "and at such

[42] Ibid.

[43] Ibid.

other places as may be mutually agreed to by the two Governments." Hermosillo was left out. Reception centers were to be established at or near Brownsville, Laredo, El Paso, Nogales, and Calexico.[44]

The concluding tone of the talks was warm and uplifting. Robert Creasey, Assistant Secretary of Labor, declared "[w]e came as friends, and now we leave as friends and as brothers." Alfonso Guerra closed the final plenary session wishing his guests a good return trip and noting, "les manifiesto nuestra mejor voluntad de discutir en todo momento, y en el mismo plano de igualdad en que lo hemos hecho en esta ocasión, cualquier problema que se derive de la aplicación práctica de nuestras respectivas conclusiones."[45] Despite the mutual expressions of praise and fraternal affection, each delegation knew that the difficulties implementing the agreement would be manifold.

COOPERATION AND CONFRONTATION

In the five months following the August 11 exchange of notes which effectuated the first bilateral agreement under Public Law 78, U.S.-Mexican migrant labor relations were marked by efforts to cooperate despite constant

[44] Copy, telegram 61 AmEmbassy to SecState, 3 Aug 51. NAW, DOS, RG 84, Mexico 1950-52, box 19.

[45] Excélsior, 3 Aug 51.

pressures welling up within each government bureaucracy to pressure the other, and notwithstanding incidents of confrontation. At the higher levels within each government there was sufficient political will to compromise, to contain the pressures within their respective bureaucracies, and to make a genuine effort to make bilateralism a success. Had good will been sufficient, what resulted might have been a resounding success; as it was, it can be characterized as the beginning of a modus operandi.

The difficulties began with an October meeting of U.S. and Mexican operational-level officials to work out joint interpretations to the August 1951 agreement--an exercise in negotiating detailed operating procedures within the framework of the basic agreement which the two sides did not characterize as actual negotiations. The transportation bottleneck in getting laborers out of Irapuato and Aguascalientes was a major point of discussion. As if to punctuate U.S. complaints on this score, while the delegates met in Monterrey U.S. Consul at Cd. Juárez, Stephen Aguirre, reported that there had been a delay in the arrival there of farm laborers from Aguascalientes, "due practically entirely to inadequate railway service on the national lines because of insufficient rolling

stock and locomotives."[46] The conference at Monterrey, however, did not try to remedy this specific problem, though U.S. officials did propose that their Mexican counterparts explore the possibility of granting special permits to U.S. bus companies to transport workers.[47]

Hanging like a cloud over the meeting was the matter of ineligible employers and blacklisted communities--the latter for practicing discrimination against Mexicans. The U.S. delegation noted that the ineligible list then in effect contained the names of individuals and associations and areas of the U.S. "without any specific charges or reasons being presented" for putting them on that list. It requested that this be corrected by removing persons or places from the list against whom no specific charges had been made.

> It was agreed that the two Governments would agree upon a list of employers or areas which should be placed upon the ineligible list. If it becomes the desire of either Government to add additional names or present specific charges against employers or areas, no individual, association, or area would be added to the list until the parties were afforded 10 days in which to conduct an investigation into the charges which were presented against the individual, association, or area.

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[46] Aguirre to AmEmbassy, 1 Oct 51. NAW, DOS, RG 84, Mexico 1950-52, box 20.

[47] Copy, "Report of Discussions Between the Delegates from the Governments of Mexico and the United States, Monterrey, N.L., Mexico," 1 Oct 51, 14 pp. NAW, DOS, RG 84, Mexico 1950-52, box 20.

> It was further decided that after the Governments had agreed to an ineligible list and then were unable to complete investigation on charges presented against additional individuals, associations, or areas within the 10 days specified herein, that such individual or association would not be added to the list provided they agreed to abide by any joint determination arrived at by both Governments.[48]

The meeting produced a three-page list of employers ineligible for contracting Mexican braceros in which the Department of Labor concurred with the Mexican prohibition: nine employers in Mississippi, one in Kentucky, one in Indiana, thirteen in California, 39 in Texas, and three in Arkansas.[49] The Mexican list which did not have DOL concurrence was much longer.

The U.S. delegation also brought up a new matter and elaborated on an old one. Regarding the former, it made a request that the program be expanded from its limitation on contracting field hands to include ranch hands. These additional workers would do lambing, shearing and branding, mostly of sheep though similar activities were being considered for goats and cattle. The Mexican representatives successfully resisted this extension of the program by observing that the proposed activities were not contemplated in the definition of agriculture in the

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[48] Ibid.

[49] "List of Employers Ineligible to Contract Mexican Nationals; Department of Labor Concurring," 3 Oct 51, 3 pp. NAW, DOS, RG 84, Mexico 1950-52, box 20.

August agreement. The latter matter was more favorably received. At the request of the U.S., the Mexican delegation "agreed to recommend to the proper authorities" that Mexico increase its enforcement patrols to prevent illegal crossings to the United States along the Calexico-Mexicali fence line.[50]

It should be noted that the request was to increase, not establish such border patrols. The existence of Mexican patrols along that part of the border was noted in a restricted communication from Ben Zweig, U.S. Consul in Nogales, Sonora, to the Embassy. Simultaneous with the meeting in Monterrey, the consul met in his office with officials of INS and USES, and Mexican officials, including Mexican migration service, a vice consul at the consulate in Nogales, Arizona, and the Mayor and Chief of Police of Nogales, Sonora. The purpose of the meeting was to define areas of responsibility and coordinate activities regarding the reception center on the Arizona side of the border and the traffic of Mexican workers through the area. It was agreed, reported Zweig, that "persons arriving without documents and who had not been sent to the border by the United States Employment Service office at Guadalajara would be handled by the municipal authorities of Nogales, Sonora, and induced to leave

[50] Ibid.

the border."[51]

Though the two governments found several areas of cooperation, of which acting to reduce undocumented migration was perhaps the most prominent, the problem of ineligible employers and communities served as the principal irritant in the joint administration of the migrant labor program. Ethnic discrimination was a frequent reason for such blacklisting, but it was not the only one. A letter sent by Blocker to a North Uvalde Texas farmer is illustrative of why the Mexican government blacklisted some employers for reasons other than discrimination. "Sr. Manuel Aguilar of the Mexican Ministry for Foreign Relations," the Blocker wrote, "today informed the Embassy that your name was included in the Mexican list due to the fact that you failed to provide cots for the laborers to sleep on. He stated that the laborers contracted by you were made to sleep on the ground."

> Aguilar added that he understood that you had attempted to remedy the situation by ordering cots from some dealer in the United States, but that the dealer was unable to supply the cots because of the demand for defense purposes.
>
> He refused to remove your name from the list until you have cots available for your workers.[52]

[51] Zweig to AmEmbassy, 4 Oct 51. NAW, DOS, RG 84, Mexico 1950-52, box 20.

[52] Copy, Blocker to C. B. Costa, 9 Oct 51. NAW, DOS, RG 84, Mexico 1950-52, box 20.

The Embassy official then described the procedure to follow: upon correcting the problem, the employer should take up the matter with the Employment Service regional office in Dallas; it, in turn, would bring it up with the Mexican consul at Eagle Pass; he would sent a satisfactory report on the matter and recommend to SRE that the employer be removed from the list.

The frustration that U.S. participants in the program had with Mexico can be illustrated by a letter that Milton Ramsey, Andrews County Judge sent to Blocker at the Embassy, attaching the pledges by local leaders to the Mexican government promising no further discrimination. Ramsey thanked Blocker for his courtesies while he endeavored to get SRE to explain to him what needed to be done to remove his county from the list. He concluded his letter "[t]rusting this affadavit [sic] will be sufficient to keep us off the blacklist and if it doesn't I am at a loss as what to do in order to stay off."[53]

The complexities of utilizing the bracero agreement as a means to effect changes in U.S. community behavior regarding the discrimination against Mexicans is illustrated vividly in the case of the town of Marked Tree, located in Poinsett County, Arkansas. The town had first

[53] Ramsey to Blocker, 4 Oct 51. NAW, DOS, RG 84, Mexico 1950-52, box 20.

been placed on the Mexican ineligible list in 1949 because of alleged discrimination which consisted of signs against Mexicans placed in certain establishments of the town. The community was removed from the list when pledges were given to Mexico that discriminatory acts would not be tolerated. It was again listed in January 1951 because of alleged discriminatory practices. "Pledges were given by the local authorities," Blocker reminded the Department of State in Washington, "who undertook to insure that no discriminatory acts would recur, or to correct them if they did occur, and the town was removed from the list for the second time."[54]

Upon a second recurrence, the Mexican consul at Memphis, Tennessee requested the cancellation of all the contracts of the workers present at that locality. "This Ministry," read the diplomatic note sent to the Embassy,

> discussed the matter directly with Mr. Don Larin, an officer of the Employment Service, who agreed to the requested cancellation and to include Marked Tree once more among the ineligible localities. However, the Regional Office at Dallas, Texas, has refused to effect said cancellation and therefore this Ministry is obliged to inform the Embassy of the foregoing facts and to insist energetically in its desire that the referred to cancellation take place as soon as possible after payment of the contractual obligations to which our workers are entitled.[55]

[54] Despatch 950 from Blocker, 17 Oct 51. NAW, DOS, RG 84, Mexico 1950-52, box 20.

[55] Copy, translation, diplomatic note 622642, SRE to

The diplomatic note communicated the decision of the Mexican government that Marked Tree, Arkansas, was "definitely to be considered as ineligible for the contracting of Mexican agricultural workers."[56] Blocker's view was that there was little hope of getting Marked Tree off the list as the Mexican authorities "feel extremely strong about this case."[57]

The local perception of the problem at Marked Tree was somewhat different. In a conversation with a State Department officials, a Representative of Congress from Arkansas, E. C. Gathings, indicated that the problem was merely that the Mexican migrant laborers in the community "were not receiving the proper attention in local restaurants;" and that "that was not a definite charge of discrimination but that local citizens took precedent over the Mexicans being served."

> Congressman Gathings stated this small community has done everything possible to make everything pleasant for the Mexican workers. The American Legion had set up an additional restaurant in order that they might be given proper service. Despite this, the labor contract for the 1200 workers is being cancelled on October 25.
>
> Mr. Gathings is worried because the employ-

AmEmbassy, 13 Oct 51, attached to copy, despatch 950 from Blocker, 17 Oct 51. NAW, DOS, RG 84, Mexico 1950-52, box 20.

[56] Ibid.

[57] The view was expressed in a telephone conversation with Neal at DOS. Copy, Neal to files, 22 Oct 51. NAW, DOS, RG 84, Mexico 1950-52, box 20.

> ers may have to pay 3/4 of the contract. Too, he regrets the fact that the workers were being withdrawn because the area is in definite need of workers and that the crops were very important in the overall agricultural picture of the United States.[58]

It was the threat of losing Mexican laborers at mid harvest that galvanized the town. A number of "leading citizens" of Marked Tree flew to Washington, and persuaded the Senators and several Congressmen from their state to join them in a meeting with Robert Creasey, Assistant Secretary of Labor. They hoped to get an extension of time from the Mexican government on the cancellation of the contracts and to demonstrate that there was a basis for taking the community off the ineligible list for a third time.

> The citizens of Marked Tree admit that discrimination has been practiced in that town; however, the officials and leading citizens of the town have made every effort to clean up the situation and are determined that every vestige of discrimination will be stamped out. They are reported to have closed up one establishment which allegedly practiced discrimination. Moving pictures favorable to Mexico have also been shown in the Community.[59]

The delegation from Arkansas was able to get the Assistant Secretary to agree to travel to Memphis, Tennessee, in order to call on the Mexican consul and "prove . . .

[58] Copy, memorandum of conversation by Neal, 19 Oct 51. NAW, DOS, RG 84, Mexico 1950-52, box 20.

[59] Blocker to files, 23 Oct 51. NAW, DOS, RG 84, Mexico 1950-52, box 20.

beyond any doubt that discrimination has ended." In order to do that, however, Marked Tree needed an extension of time from the Mexican government in order to present its case in Memphis, a request that the U.S. Embassy in Mexico City hurriedly transmitted to SRE.[60]

"When the Department's request for an additional period of ten days was presented to Sr. Manuel Aguilar, of the Ministry for Foreign Relations, this morning," reported a U.S. Embassy official, "Sr. Aguilar immediately telephoned the Mexican Consul in Memphis to obtain recommendation on the matter." This telephone call was made in the presence of the U.S. Embassy representative.

> The Mexican consul disapproved the granting of any extra time before effecting the cancellation of the contracts of the 1200 Mexican workers concerned. He indicated that to do so would only be granting the extra time needed by the employers to finish out their crops. Sr. Aguilar also seemed very much against granting any additional time. . . . He displayed to the Embassy's representative various photographs taken of restaurants and business establishments in Marked Tree which publicly displayed such signs as "No Mexicans Allowed." He indicated that while these signs probably have since been taken down, the owners of the establishments continue to deny service to persons of Mexican origin or nationality.[61]

At the request of the Embassy official, Aguilar took the matter up personally with Secretary Tello and Dr. Guerra,

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[60] Ibid.

[61] Copy, despatch 1050 from Ailshie, 24 Oct 51. NAW, DOS, RG 84, Mexico 1950-52, box 20.

Oficial Mayor, "who decided that in view of the Department's special interest in this case, and in order to give proof of the Ministry's sincere desire to cooperate fully in the Migrant Labor Program, an additional ten days, counting from today, would be granted before ordering the cancellation of the contracts as heretofore requested." Aguilar made no bones about the fact that this was a "special consideration" granted by the Ministry in a specific case, "and that this decision must not be considered as establishing a precedent for use in any future cases of this sort."[62]

The trouble did not end there. Aguilar pointed out to Blocker at a later point that the Marked Tree case was handled poorly by U.S. authorities in subsequent days. SRE had been led to understand that the Department of Labor would send Assistant Secretary Creasey to meet with the consul in Tennessee and, with this representation in view, the Mexicans also sent one of their high officials --Miguel Calderón. Instead, however, Washington assigned a Mr. MacFarland to the case without informing the Mexican government. In the end, discrimination at Marked Tree was verified and, therefore, the area remained on the ineligible list.[63]

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[62] Ibid.

[63] Copy, memorandum of conversation by Neal, 5 Nov

The case of Marked Tree, Arkansas, is merely illustrative of a by-then established tradition of bickering between Mexican consuls and DOL Employment Service personnel. In the summer and fall of 1951 the sparks were mostly flying between the consulate at Memphis, Tennessee and the Dallas Regional Office of USES.

Even before P.L. 78 was signed into law, SRE complained to the U.S. Embassy that, according to information provided by Angel Cano del Castillo, Mexican consul at Memphis, there was actually no shortage of farm labor in Arkansas, Mississippi, and Tennessee; the problem was that farmers in those states had decided not to pay more than a set rate for picking cotton. In essence, the Mexican consul was second guessing the Dallas regional office's determination of a labor shortage and prevailing wage--not the last time it would occur. The interpretation that the SRE gave to the labor request coming from that region was, accordingly, that

> . . . un grupo de 400 representantes de los agricultores de esos Estados, así como algunos de Texas, se han reunido en la ciudad de Memphis, con objeto de crear una situación ficticia de aparente necesidad de trabajadores extranjeros, propósito que entraña en el fondo, el deseo de desplazar a los trabajadores domésticos ocupando a los nuestros y abatir de este modo los salarios, ya que a los procedentes de México se les paga a razón de Dls. 0.40 por hora.[64]

51. NAW, DOS, RG 84, Mexico 1950-52, box 20.

64 Diplomatic note 614637, SRE to AmEmbassy, 3 Jul

As a result of Cano del Castillo's arguments, then, the Foreign Ministry was taking a position against the employment of Mexican workers because these would displace domestic workers--a position more properly belonging to the Employment Service. In August, the Memphis consulate complained of delays in compliance actions taken by that Service. Robert C. Goodwin, Director of the Bureau of Employment Security, responded in October that his office now had "an adequate compliance staff in the field, and we believe that any similar complaints by the Consuls will be very few in the future." He added a sour note: the field offices of DOL had advised him that "several complaints referred to in the Mexican Government's communication were not entirely substantiated by the facts."[65]

The Mexican government's case against the Dallas regional office of USES was presented in the form of a diplomatic note dated October 25. The note characterized the failings of that office as "a weakening of the policy [of] the Governments of Mexico and the American Union . . ." It further requested that the Department of Labor "kindly order the proper steps to be taken so that the Regional Office of the Placement Service at Dallas,

51. NAW, DOS, RG 84, Mexico 1950-52, box 20.

65 Copy, Goodwin to Neal, 25 Oct 51. NAW, DOS, RG 84, Mexico 1950-52, box 20.

Texas, guide its conduct with strict adherence to the Migratory Workers Agreement and to the Standard Work Contract, which will benefit the harmony which has prevailed up to now in the administration of the program . . ." The note alluded to similar situations in the towns of Marked Tree and Truman, Arkansas, where, after joint investigations had concluded that the work contracts should be cancelled, the regional office refused to carry out that obligation immediately, as provided for in the agreement.[66]

U.S. Consul Ailshie summarized the Ministry's communication to the Embassy by noted that it was "very dissatisfied" with the way the USES regional office was conducting its end of the administration of the program.

> It is alleged that the Dallas Regional Office also declined to accept the cancellation of contracts which Mexican workers had signed with employers who had requested their services prematurely, and who were unable to pay the workers a profitable wage, thereby forcing them to return to Mexico at a serious financial loss. This conduct on the part of the Dallas Regional Office, it is alleged, prevented the work guarantee being made effective, and also deprived the Mexican workers of the right to be returned, without cost to them, to the migratory station where they were originally selected for work in the United States.[67]

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[66] Copy, translation, diplomatic note 623804, SRE to AmEmbassy, 25 Oct 51, attached to copy, despatch 1135 from Ailshie, 31 Oct 51. NAW, DOS, RG 84, Mexico 1950-52, box 20.

[67] Copy, despatch 1135 from Ailshie, 31 Oct 51.

Furthermore, Ailshie observed, it was alleged that the Dallas office had sustained the position that, "notwithstanding these allegedly unacceptable working conditions, the laborers must remain in the employment locality until the termination of their contracts . . ." This explained, SRE, had resulted in many workers deserting their jobs and put them in a position where they could not present claims for the fulfillment of their contracts. Finally, the Dallas USES office was accused of the unilateral cancellation of contracts of Mexican workers employed by a certain employer in Crockett, Texas, "without having given the Mexican Consul at Houston an opportunity to intervene in the claims. It is alleged that the Mexican Consul was advised of the practice of the joint investigation one day after the date set by the Regional Office at Dallas for the investigation."[68]

On October 27, the Foreign Ministry submitted another complaint in the form of a note alleging two other breaches of the agreement by the Dallas office. A Leachville, Arkansas association violated certain terms of the agreements, a joint investigation was conducted, the Mexican consul from Memphis and the Employment Service official concurred on the facts and concluded that a

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NAW, DOS, RG 84, Mexico 1950-52, box 20.

[68] Ibid.

violation had taken place. Since the association had not corrected the violations, the Consul was of the opinion that the contracts should be cancelled. However, the regional office demurred, "but instead gave the contracting Association another opportunity to continue using the services of our workers," a procedure not only contrary to the agreement, but one "which constitutes an arbitrary action . . ." In the other case, involving discrimination at Truman, Arkansas, SRE reminded the Embassy that there had been a joint determination to the effect that discrimination had occurred but, at that date, the regional office still refused to cancel the contracts.[69]

The regional office at Dallas held a similar opinion of the Memphis consulate. One of USES agents, Bill MacFarland, called the Embassy in Mexico City to complain that Cano had been making unjustified complaints. "MacFarland thinks he is most unreasonable in many cases and is liable to embarrass the Mexican Government if he does not desist from making these, so called, unjustified complaints." The DOL officer further suggested that the Embassy propose to SRE that a more reasonable Mexican consul--Dominguez, then at San Antonio, Texas--be dispatched to Arkansas to look over Cano's shoulder.[70]

[69] Copy, translation, diplomatic note 624247, attached to despatch 1187 from Blocker, 8 Nov 51. NAW, DOS, RG 84, Mexico 1950-52, box 20.

In the course of the month of November, USES prepared its own case against Cano del Castillo, claiming he had acted in a "high-handed manner" and taken "unilateral action" in a bracero matter. USES asked the Embassy, through Walter E. Kneeland, the new consul at Reynosa, that the matter be taken up with SRE and "a formal complaint be filed against Mr. Cano del Castillo." One part of USES's complaint had to do with an incident at Forest Hills, in which Cano allegedly encouraged Mexican workers to leave their employment, thus increasing the number of laborers whose departure USES had been expecting to process, between 50 and 75 laborers, to 485, causing "considerable inconvenience to the American Service involved and extreme hardship to the Mexicans who could not be adequately processed, housed, fed and transported to the Reception Centers." The Employment Service's evaluation of the problem was that "[t]his caused much damage to the American employers and has resulted in unjust criticism of the USES."[71] The Employment Service "disapproves thoroughly of the high-handed manner in which Consul Cano del Castillo handled this matter,"

[70] Blocker to files, 9 Nov 51. NAW, DOS, RG 84, Mexico 1950-52, box 20.

[71] Copy, Kneeland to Ailshie, 17 Dec 51. NAW, DOS, RG 84, Mexico 1950-52, box 20.

stated a report to the Embassy, "and is firm in its stand that a complaint against the said Mr. Castillo [sic] is in order."[72]

W. K. Ailshie, consul at the Embassy, forwarded the report to Washington with the comment that "[y]ou will appreciate that I am very reluctant to take this matter up with the Foreign Office. It is a pretty serious thing for us to make formal charges against a Consular Officer of a friendly country."

> I can sympathize with the USES and have no doubt that Mr. Cano may have been difficult and even unreasonable; however, I would want to go a lot further into the facts before I stirred up a hornet's nest in the Foreign Office.[73]

Ailshie added that he had mentioned "casually" to Aguilar that the Employment Service had complaints about Cano del Castillo's activities, but even such indirection obtained an "emphatic" defense of Cano. Aguilar also "made the counter-charge that the USES does not have enough investigators, that the Agreement provides for investigation of all complaints within ten days and that there are now three hundred odd complaints by the braceros which have not been investigated." Ailshie concluded by noting that he had no intention of doing anything further on this

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[72] Kneeland to Ailshie, 17 Dec 51. NAW, DOS, RG 84, Mexico 1950-52, box 20.

[73] Copy, Ailshie to Neal, 20 Dec 51. NAW, DOS, RG 84, Mexico 1950-52, box 20.

matter unless formally instructed by the Department, though he would appreciate something from Washington that he could use with Earl Smith, USES representative in Mexico City, to explain why he was not pushing the complaint.

This, then, was the context in which the Mexican government decided--consciously or through inaction--to postpone indefinitely the exchange of notes ratifying the Joint Interpretations to the 1951 Agreement reached in Monterrey during October. "Notwithstanding daily needling of the Mexican authorities by this Embassy," Blocker informed Washington a month after the Monterrey meetings had adjourned, "the Ministry for Foreign Relations has not as yet seen fit to effect such exchange of notes." An explanation for the delay was finally provided: SRE had some doubts as to the Joint Interpretations recommendations made--specifically, it objected to two sentences in the draft agreement which had relieved the U.S. government of the obligation of paying return transportation for workers that had skipped their contracts when no violation of the contract by the employer had taken place.[74]

The Ministry's reluctance was motivated by actions

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[74] Copy, despatch 1253 from Blocker, 15 Nov 51. NAW, DOS, RG 84, Mexico 1950-52, box 20.

taken by some employers, especially in California, who, at such time that they no longer desired the services of their laborers, persuaded them to accept the termination of their contracts and returned them to the reception centers. In such cases, USES was supposed to conduct a joint investigation with the Mexican consuls to verify that all claims had been settled, but the Employment Service representatives had refused to sign a joint statement of final investigation. "As a consequence, the laborers returned to Mexico without any settlement of their claims." At the Embassy, Blocker derived the conclusion that "these alleged actions on the part of the United States Employment Service are responsible for the Ministry's refusal to exchange diplomatic notes at this time to formalize the acceptance of the drafted Joint Interpretations."[75]

Washington--meaning DOS and DOL--were disturbed and disappointed by the delay in making an official exchange of notes on the Joint Interpretations. "The lawyers at the Labor Department," Neal wrote Blocker,

> . . . point out that their officials in the field are playing by ear, so to speak, in carrying the Agreement, and need reassuring and official word from the Washington office on how to interpret several phases of the Agreement. It is difficult to understand the delay on Mexico's part, especially in view of their prior agreement to the wording. While there may be differences of opinion on some questions not yet discussed, it would seem to be wise to agree on what can be agreed upon, rather than hold up action on everything pending resolution of a difficulty on a side issue.
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> [The DOL solicitor's office] cannot understand how or why the alleged lack of USES cooperation in California should be linked with agreement on the Interpretations and Operating Instructions. What specifically, is Mexico complaining about? What are the facts at issue?[76]

Neal added that he was disconcerted by the spats between the Memphis consulate and Dallas office of the Employment Service. "Jack Ohmans talked with Bill MacFarland, USES man at Dallas, who believes the USES position to be sound and fair. He says Cano is unreasonable and appears to be stirring up trouble among the braceros. Do you think Cano is anxious to get Aguilar's job when the latter turns politician?"[77] It is noteworthy that even DOS officials, relatively sensitive to Mexican attitudes toward the United States, could not think of Cano's behavior as simply a hardline Mexican attitude vis-à-vis the United States in which every ounce of benefit in the agreement for Mexican workers would be obtained to Mexico's advantage; rather, they attempted to make sense of Cano's behavior in terms that would be explicable if the latter

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[75] Ibid.; Blocker to Neal, 10 Dec 51. NAW, DOS, RG 84, Mexico 1950-52, box 20.

[76] Neal to Blocker, 3 Dec 51. NAW, DOS, RG 84, Mexico 1950-52, box 20.

[77] Ibid.

were a U.S. bureaucrat.

As the contracting of braceros wound down at the end of the year and many agricultural workers returned to Mexico, it seemed to be a time to reflect on how well the 1951 Migrant Labor Agreement had gone during its first season. The evaluation given by the Foreign Ministry to the Mexican public was positive.

> El secretario de Relaciones Exteriores, señor Manuel Tello, estima que el actual convenio ha protegido mejor que los anteriores los intereses de nuestros connacionales que van a prestar servicios, como braceros, a los Estados Unidos; pues aun respecto a su cumplimiento, ya que se estima que actualmente trabajan en los Estados Unidos, sujetos al referido contrato internacional, como 150,000 mexicanos y apenas el 2 por ciento de ellos se han quejado de malos tratos o incumplimiento de los contratos individuales, por parte de sus patrones norteamericanos.[78]

Tello probably did not have in mind the complaints reported by consulates when he made this statement, but rather the Mexican press's attacks on the program, on the treatment suffered by braceros at the hands of U.S. farmers, labor foremen, and others, and on the indifference of some Mexican consuls to these problems.

Notwithstanding those complaints of consulates omitted by Tello in his public remarks, it seems that the Mexican government was relatively well satisfied with the contract labor program, even if some of the consul's and

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[78] Undated clipping from an unidentified Mexico City newspaper. NAW, DOS, RG 84, Mexico 1950-52, box 20.

USES personnel had difficulties getting along together. After all, these complaints were the exception and not the rule; to some extent, they seemed to contemporaneous observers to be vestiges of past conflicts originating from before the 1951 agreement and that eventually things would get better. No responsible U.S. official in the State Department seemed to be of the opinion that this less-than-perfect situation would not get any better in the months ahead. The bracero policy experiment was not on the threshold of a new era of harmonious joint administration, but of a gradually deteriorating modus operandi.

8 THE NEGOTIATION OF DISAGREEMENTS

FAILURE TO PUSH FOR EMPLOYER SANCTIONS

Starting in July 1951, the United States and Mexico pursued independent, though parallel paths in seeking U.S. legislation aimed at stemming illegal entries along their common border. The Mexican government maintained that it would not be satisfied until the United States Congress legislated penalties on those who employed undocumented workers. At mid 1951, this view was still supported by many in Mexico and by some in the United States, but the Truman administration no longer viewed such legislation as feasible.

The administration appeared to acquiesce in promoting such legislation by conditioning its support in Congress of extending the contract labor program to the enactment of legislation aimed at deterring further illegal entries. This view was made public in Truman's message to Congress upon signing Public Law 78 and was reiterated in his approval of the supplementary funding for the farm labor program in August 1951. Truman had, furthermore, obtained the consent of Miguel Alemán to limit the August agreement to six months in order to pressure Congress to enact the desired legislation. However, the U.S. administration shrank from pushing on Capitol Hill

the kind of employer sanctions sought by Mexico, even though originally it had agreed, during the bracero talks earlier in January, to seek such legislation as Mexico's condition for a new agreement.

The Truman administration interpreted certain events of mid 1951 to indicate that the Mexican position was unrealistic given Congressional opposition to punishing employers who illegally hired workers. The defeat of the amendment offered by Senator Paul Douglas during the conference committee's handling of P.L. 78 was a strong signal that penalties on employers would not be forthcoming. The White House thus came up with a new strategy: to seek legislation that would penalize persons who smuggled aliens into the United States or furthered their stay in the country by "harboring" them. Although it was not evident to many contemporaneous observers, the administration was retreating in the face of stiff employer opposition against penalties on persons who hired workers that entered illegally; instead, it was training its sights on a more hapless target: traffickers, mainly those that smuggled workers along the U.S.-Mexican border.

To a contemporary observer it is striking that supporters of such legislation in the early 1950s seemed to feel they had to have all or nothing, i.e., no penalties at all or penalties that made such hiring a felony. In

part the credibility of the opponents of Senator Douglas's bill rested upon the excessiveness of the punishment relative to the nature of the offense, but as the debate wore on it became clear that any form of penalties --even fines--were not politically realistic. In any event, the supporters of employer penalties accepted the potential utility, if not political viability, of a demand-focussed strategy which would accomplish the desired objective of reducing illegal migration.

By contrast, the Mexican government was clearly and unequivocally supportive of employer sanctions legislation in the United States. The Mexican government did not see the potential difficulties that the administration of such penalties might pose; rather, it viewed the problem in terms of recalcitrant Congressmen overly concerned with employer sentiment. However, as some critics implied, it may have been easier to promote such legislation from Mexico City than to do it in Washington. In any event, by the fall of 1951 the two governments had set upon different, though compatible objectives. Both governments wanted the U.S. Congress to legislate penalties aimed at deterring illegal entries; one took the view that those penalties should be drastic and take the form of employer sanctions, the other was willing to settle for making it a felony to transport and harbor--but

not necessarily employ--undocumented workers.

It is noteworthy that the government officials involved with bilateral communications on this matter recognized these differences but did not emphasize them in their communication with each other. Implicitly, they agreed to disagree. In an interview with the Mexican press a month after the August 1951 agreement, for example, Ambassador O'Dwyer expressed serious doubts that Congress would make it a felony to employ "wetbacks" in the United States.[1] Though this was the first communication to the Mexican public by a U.S. official that the Truman administration had reservations regarding the feasibility of promoting sanctions on Capitol Hill, diplomatic communications had already indicated that to the Mexican government during the previous two months. That did not stop the Mexican government, particularly SRE, from continuing to press Washington to act upon the sanctions proposal. At higher levels--the Mexican president, for example--there seemed to be more flexibility, evident in the willingness to settle for punitive legislation that curbed illegal migration with less drastic measures, and, more importantly, a willingness to accept the course set the U.S. administration--even if that meant abandonment of the attempt to push for employer sanctions.

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[1] El Universal, 15 Sep 51.

Toward the end of 1951, the Truman administration was concerned about the lack of progress on Capitol Hill regarding the enactment of any form of punitive legislation. In meetings of the Special Farm Labor Committee of the Farm Placement Service of the Department of Labor, David H. Stowe, Administrative Assistant to the President, reviewed the circumstances surrounding the signing of P.L. 78 into law and the subsequent negotiations for the agreement in August. He expressed the belief that the negotiations the previous August had fared well because Miguel Alemán had been assured by Truman that Congress would act favorably, and thus underscored the importance of the obligation of the White House to push actively for punitive legislation in Congress.

> Mr. Stowe explained that the so-called Cellar Bill and the Walter's Bill (H.R. 4055), aimed at the "wetback" problem had not prospered in the House Committee on the Judiciary, and expressed his view that a fresh start should be made in the renewed session of the Congress starting January 8. . . .
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> The final report of the Special Farm Labor Committee contained a general recommendation that the Committee support the revised Walter's Bill in recognition of the seriousness of the immigration problem caused by the "wetbacks."[2]

A copy of an early draft of the revised Walter bill that circulated within the administration in late 1951 confirms that the White House no longer sought penalties

[2] Departmental Instruction 133 to AmEmbassy, 3 Dec 51. NAW, DOS, RG 84, Mexico 1950-52, box 21.

against employers of undocumented workers, but, instead, other deterrents. Walter's bill would have made it a felony, punishable by a fine not exceeding $2,000 or by imprisonment for a term not exceeding five years, or both, for any one of a number of acts committed relating to the entry and continued stay in the United States of an undocumented alien. These acts included: bringing or attempting to bring into the U.S. by any means of transportation such an alien; transporting or attempting to move such an alien within the United States "knowing or having reasonable grounds for believing that entry into the United States was illegal;" "willfully or knowingly" concealing, harboring or shielding from detection of such an alien; and encouraging or inducing "either directly or indirectly" illegal entry into the United States.[3]

This bill finessed the whole problem of penalizing employers by limiting its provisions to sanctions against persons--including a company or association--that induced, encouraged, or solicited any alien admitted to the United States under the Immigration Act or the bilateral agreement, to engage in employment, to accept an offer or to perform employment of any kind "other than in conformity with the provisions made as a condition to his ad-

[3] "A Bill," document attached to Department Instruction 133 to AmEmbassy, 3 Dec 51. NAW, DOS, RG 84, Mexico 1950-52, box 21.

mission." Thus the legislation would have made it a felony to pirate away contract workers from an employer. Evidently this provision, a severely limited form of employer sanctions, was intended to reduce the number of braceros that "skipped" their contracts and to prevent employers from illegally hiring workers that were in the U.S. under contract to another employer.

The legislation provided that the authority to enforce these provisions would be in the hands of those federal officers responsible for the enforcement of immigration and criminal laws. The bill also sought to give INS officers broader powers to search, by authorizing them to enter places of employment to interrogate aliens that "in their belief" may have entered illegally for the purpose of establishing their right to remain in the United States.[4]

The Mexican government did not formally comment on this bill, nor on what it felt should be the support given to it by the White House. However, that each had different expectations, or at least immediate goals, can be noted in the informal reaction provided by Manuel Aguilar at SRE when he was provided with the text of the Walter bill. The proposed legislation, he noted, did "not cover the point of view of Mexico in the matter,"

[4] Ibid.

because it did not provide for sanctions against employers of illegals in the United States. Though the Embassy took care to transmit this reaction promptly to Washington, no further mention was made in Embassy records of this ostensibly fundamental difference of opinion.[5]

During January 1952 representatives of Mexican and U.S. farmer organizations met under the unofficial auspices of the two governments to discuss their more particular concerns and how they might relate the upcoming discussions on the extension by the two governments of the bilateral agreement. These meetings are important because of their quasi-official nature: both governments had observers at the meetings; the two governments were involved in arranging the meetings; and after they ended, the U.S. farm associations had meetings with the Secretary of Agriculture, with Foreign Minister Manuel Tello, and with President Alemán.[6]

The U.S. delegation made a credible presentation of the view that the war emergency had created a labor shortage in agriculture. One representative was cited in U.S. Embassy correspondence as saying that from 1950 to 1951, about 800,000 farm workers "were absorbed by the

[5] Copy, despatch 1418, from Ailshie, 3 Dec 51. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[6] Copy, despatch 1621, from Ailshie, 8 Jan 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

United States industry and armed forces and it is expected that many more will be employed by industry and taken into the armed forces during 1952."[7]

One of the Mexican representatives, Alberto Salinas Ramos, President of the Asociación Nacional de Cosecheros, underscored two points of Mexican interest toward obtaining a new migrant labor agreement with the United States: controls "to prevent the employment of illegals in the United States," and the need for restrictions on the movement of laborers from certain regions in Mexico where there was "a constant demand for agricultural laborers" such as the states of Jalisco and Colima. Salinas proceeded to characterize the absence of employer penalty legislation in the United States as a problem of the absence of control. The "greatest problem facing Mexico" regarding the migrant labor agreement, then, was that there was "no control whatever over the employment of these laborers;" uncontrolled migration, he suggested, disrupted the economy of Mexico. He added that "he would appreciate it if United States farm organizations would recommend to the United States Government the passage of legislation to prevent the employment of illegal labor in the United States."[8]

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[7] Ibid.

[8] Ibid.

The response of U.S. farmers to act against their perceived self interest is an example of the powerful rhetoric that characterized U.S. agriculture throughout this period. R. E. Short, Vice President of the American Farm Bureau replied that "great progress has been made in lowering the number of illegals in the United States; that during 1951 the number of illegals employed in the United States had dropped by fifty percent."[9] The farm representative expressed the view that

> . . . if an agreement could be obtained with Mexico whereby the farmers in the United States could get all the Mexican laborers they need legally, and with dispatch at the time they need them, that the problem of illegals could be better controlled. He pointed out that American farmers want to employ legal labor and most always do so when they can obtain them, and that if Mexico would make it easier for them to obtain farm hands legally and would permit the laborers to be transferred from one place to another within the United States in accordance with harvest needs, he thought that there would be no question of farmers employing illegal labor.[10]

In other words, illegal migration was in large measure the result of Mexican policies which made the program cumbersome from the point of view of farm employers. U.S. employer decisions to hire Mexican workers outside

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[9] No one presented evidence either to support this assertion or to question it. What is useful here is to note the self-evident truth that this assertion carried with it to the meeting's participants.

[10] Copy, despatch 1621, from Ailshie, 8 Jan 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

of the contract labor program, then, were a reluctant act in the face of unreasonable obstacles such as Mexican conditions that workers not be transferred among employers without being returned to Mexico. Mexican reactions to these positions taken by U.S. farmers, however, make clear that the Mexican government did not tolerate the employment of "wetbacks" nor looked favorably upon U.S. farmer proposals that would ease the flow of legal labor under conditions that would be similar to those of undocumented workers.

By mid January it was evident that the punitive legislation sought by Truman had not progressed as had been hoped and the White House faced the prospect that the 1951 migrant labor agreement would expire on February 11 without a new agreement to take its place. On January 22, there was a quick conference call between the U.S. Embassy and the State Department in which Richard Rubottom noted that the Mexican Affairs desk had discussed the matter with David Stowe at the White House "and that, up until now, the President has not altered his position that there will be no new negotiations until the so-called penalty legislation has been passed by the Congress, or at least has reached that stage that its passage can be counted on." However, for reasons that are not made clear in the State Department records, the

Mexicans were nervous about the prospect that the agreement might expire. "Mr. Aguilar made it very clear [to an Embassy representative] that Mexico did not want the agreement to expire and hoped that something could be done to extend the present agreement during the discussions leading to another agreement." Aguilar proposed that the two governments issue a joint statement extending the agreement.[11]

A draft statement was prepared for later release in Mexico City, in the eventuality that such release would be needed. Because it was obviously drafted with White House consent, and because it was not released in this form, it is useful to examine as an illustration of the thinking in the White House regarding its commitment to pursue employer penalty legislation. In it, the President admitted that he had approved the negotiation of a new migrant labor agreement in August of 1951 because he had been given some assurance that Congress would, in all probability, pass legislation "authorizing the application of sanctions against the employers of illegals in the United States." The statement did not, however, reveal that the issue had been finessed.

I am pleased to say that proposed legislation is

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[11] Memorandum of telephone conversation, by Rubottom, 22 Jan 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

> now under consideration by the Congress to obtain a better control over the employment of illegals in the United States. I have reason to believe that the proposed legislation will be passed by Congress in a form so as to permit the application of sanctions against those who traffic in illegal aliens. I believe the proposed legislation will provide the statutory basis for a more permanent and sound agreement with Mexico.[12]

The statement concluded that in view of these positive prospects for legislation and that the United States and Mexico shared a mutual interest in not interrupting the administration of the program, "President Alemán and I have decided to permit an extension of the Migrant Labor Agreement of 1951 until June 30th, 1952, which, it is believed, will permit sufficient time for the Congress to pass the desired legislation. . . "

Manuel Aguilar indicated that the Mexican government would be agreeable to extend the 1951 agreement to June 30 1952, in the event that the U.S. government would assure Mexico that it would make certain administrative changes "to assure a more efficient operation in carrying out the objectives of the Migrant Labor program." What SRE wanted was that USES and INS be given additional personnel "to more properly discharge their duties" as related to the labor program.[13]

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[12] Copy, "Memorandum", Mexico, D.F., 2 Jan 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[13] Copy, despatch 1764 from Ailshie, 24 Jan 52.

> Aguilar mentioned that there are from fifteen to twenty cases of violations which have been jointly investigated and determinations reached thereon, but on which settlement has not been made by the U.S. Employment Service. . . . He stated that if the Migrant Labor Agreement of 1951 is to be extended, the request for extension would have to come from the United States, must be in writing, and must contain the guarantees above noted.[14]

The other group whose views on this matter counted heavily--U.S. farm employers--also expressed the view that the agreement was less than ideal, but for opposite reasons. A meeting of farmers and ranchers in Waco, Texas, on January 17 "denounced" the agreement set to expire on February 11 and passed a number of resolutions which were then transmitted to the Texas Congressional delegation, one of which was that the agreement "should be extended although it is so complex and bound with red-tape it is practically unworkable." The group also expressed its opposition to INS police powers authorized by the revised Walter bill which would permit searching the premises of a work place for undocumented aliens without a search warrant. The Laredo area farmers and ranchers were more sanguine; one Texas employment official was quoted as saying that there was no serious objection to the agreement then in force and expressed the hope that a new agreement could be reached in time to provide needed

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NAW, DOS, RG 84, Mexico 1950-52, box 21.

[14] Ibid.

workers for the onion harvest expected to start on April 1.[15]

Another Texas farm group expressed similar views. William E. Price, the new U.S. consul at Reynosa, communicated to the State Department that there was considerable resistance by employers in the Lower Rio Grande Valley to the labor program as then designed; it can be inferred that the changes Aguilar was promoting would have been most unwelcome. Moreover, as a result of conversations with the managers of the Texas Citrus and Vegetable Growers and Shippers and the Rio Grande Valley Farm Bureau Federation--representatives of farm organizations whose members employed both undocumented and contract workers from Mexico--Price learned that

> there is considerable resentment against the penalty and search and seizure provisions as embodied in the omnibus immigration bill proposed by Congressman Francis E. Walter and that it is the stated intention of these organizations, and other similar organizations in Texas, to use every means available to them to defeat the bill in its present form. The newspapers on the American side of the international border are stating that all the farmers of Texas want is a "simple and workable bracero agreement" and considerable pressure is being brought to bear on the Senators and Representatives of Texas so through them their will may be imposed on

[15] Copy, despatch 39, from James C. Powell, Consul, Nuevo Laredo, quoting from The Laredo Times, Laredo, Texas, 18 Jan 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

Congress.[16]

The notions that these farmers had of what would constitute a "simple and workable" bracero agreement" would have required changes in a direction opposite to that sought by the Mexican government.

On February 5, six days before the 1951 agreement was due to expire, the Kilgore Bill, S. 1851, passed the Senate and was referred to the House. For David Stowe, White House strategist on bracero matters, this was a favorable turn of events. In a communication to the State Department, he indicated that "there was a chance that the House might accept the Senate bill, although it might insist on considering the anti-wetback measures in the omnibus immigration bill." There were, in his view, three hurdles to clear in the House of Representatives: obtaining the consent of Congressman Cellar, chairman of the Judiciary Committee, to proceed with the Senate bill; overcoming the opposition to the bill of Southwestern representatives who would pressure the Judiciary and Rules Committees; and securing its passage in the House "without crippling amendments." Stowe added that there was a slim chance that the legislation might be passed that week, and expressed the hope that word not get out

[16] Copy, despatch 33 from William E. Price, Consul, Reynosa, 4 Feb 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

concerning the intention of the two governments to extend the agreement "since that would take the pressure off the House."[17]

Stowe, however, was engaged in wishful thinking. The Senate passed the Kilgore bill on a Tuesday and, in order for the House to act before the bilateral agreement expired, it would have had to get the bill to the floor by the following Monday, February 11. Within two days of Senate passage, the White House, the State Department, the U.S. Embassy in Mexico City, the Mexican Embassy in Washington, and SRE were all engaged in trying to agree on the proper wording for a statement which would make public their decision to extend the agreement to allow the House of Representatives time to act. The press release transmitted to SRE on Thursday, the seventh, for approval, was not accepted by the Mexican foreign minister because it did not make detailed reference "to the suggested legislation for curbing the entry of illegals into the United States," and because it did not have sufficient "appeal for public consumption." One gathers from the Ministry's commitment to seeking employer sanctions that it was not just the Mexican public reaction that concerned it. Tello wanted a longer press release

[17] Memo of telephone conversation, by Rubottom, 6 Feb 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

to be issued jointly, one that would commit the two governments publicly to the punitive legislation sought in the House. To get the State Department to focus on this problem he noted that the revised press release should be drafted bearing in mind the exchange of communications between Presidents Truman and Alemán the previous July. SRE committed itself to coming up with a new proposed press release sometime Friday the eighth.[18]

After receiving this revised draft, the State Department made a significant change in the wording of the press release. SRE's draft made reference to recommendations made by Truman "that necessary legislation be adopted to punish those giving work to clandestine immigrants." State deleted this and only made a vague reference to the fact that the agreement had been made for a six-month period "to give the Congress of the United States time to express itself concerning the recommendations made by President Harry S. Truman." In this draft of what eventually would be the Mexican press release, no reference was made to penalties against employers of undocumented workers. The final draft of the press release issued by the State Department was even more limited in focus: it constituted a brief (100-word) statement that

[18] Blocker to files, 8 Feb 52, NAW, DOS, RG 84, Mexico 1950-52, box 21.

omitted reference to Truman's past recommendations altogether. The only reference of this vein was to mention that a bill "designed to eliminate the flow of clandestine immigrants into this country was approved by the Senate on February 5, and it will next be taken up by the House of Representatives."[19]

The agreement was thus extended for 90 days by mutual accord of the two governments. By acquiescing to such an extension without even the hope of obtaining penalties on employers of undocumented workers, the Mexican government--probably the chief executive and not SRE--demonstrated that it was more concerned with preventing the expiration of the agreement than with obtaining such penalties as a precondition to reaching a long-term bilateral agreement on migratory labor. Similarly, in the tug of war over the wording of the release it is clear that the Mexican government was not ready to admit publicly that it, too, had finessed the issue of employer sanctions.

At the same time that the negotiation of press re-

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[19] "Boletin para la prensa," undated; "Press release," undated, with hand-written comment "This draft revised by Dept. See approved release attached hereto." "Press release," undated, with handwritten comment "This release approved by Dept. by telephone on Feb. 8, 1952," and "Department of State; For the press," mimeographed press release, no. 101, 9 Feb 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

leases on the extension was going on between Washington and Mexico City, Rafael de la Colina, Mexico's Ambassador to the United States called on the State Department and requested "categorical assurance that President Truman wanted the extension." De la Colina explained that this inquiry was made because of the previous correspondence that had taken place between Truman and Alemán.

> In the Ambassador's presence, Mr. Mann [Deputy Assistant Secretary of State for American Republic Affairs] telephoned Mr. David Stowe at the White House and confirmed President Truman's direct interest in having the agreement extended. Mr. Mann informed the Ambassador that the President was interested in the extension because of three reasons; namely (1) action by the Senate in passing the Kilgore Bill, (2) assurance by Chairman Cellar that the bill in the House of Representatives would be given prompt attention by the Judiciary Committee, and (3) the President was confident the bill would be enacted into law.[20]

This inquiry by the Mexican ambassador suggests not that employer sanctions were at this point crucial to continued Mexican participation in the bracero program, but that it did want assurances that the more modest proposals embodied in the Kilgore and Walter bills had the support of the U.S. chief executive. It seems more likely that, in making this inquiry, de la Colina may have been acting specifically at the request of the Mexican President than expressing the concerns of the SRE officials

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[20] Copy, memorandum of conversation, by Mann, 8 Feb 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

not altogether satisfied with the bill promoted by Truman.[21]

The press release issued by the Foreign Ministry and the shorter one released by the Department made the Sunday papers on February 10.

A well-timed article on the "invasion of 'wetbacks'" appeared on Monday morning's New York Times to give support to the bill now before the House of Representatives. The article cited immigration officers in Los Angeles who "conceded" that the number of arrests varies "in direct proportion to the amount of the illegal traffic." "It has been reliably estimated," the article stated, "that for every 'wetback' caught, anywhere from one to ten others get through undetected."[22]

> Efforts to legislate penalties against employers of "wetbacks," including the current efforts, customarily are met with the argument from some farm quarters that it is impossible to distinguish "wetbacks" from Meixcan-American [sic] citizens. This is considered nonsense by both immigration officers and laymen in the Southwest who have had much contact with "wetbacks."
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> Their view is corroborated in practice by at least one large farm employer . . . [who] has flatly ordered [his] foremen not to hire "wetbacks" and when in doubt simply to demand evidence of citizenship.[23]

Ironically, anyone reading the New York Times at the time the Senate-approved bill was under consideration in the House might have gained the impression that that legislation proposed to apply sanctions against employers of undocumented workers.

Two weeks later, the House passed the bill with an amendment requiring search warrants before an investigation could be carried out anywhere in the U.S., including the area within 25 miles of the U.S.-Mexico border. On the same day, Ambassador de la Colina inquired as to the meaning of the passage of the bill. He was told by a representative of the State Department that it was too early to draw conclusions; in his opinion, a satisfactory bill would emerge from conference but that if it were not satisfactory, "the President would doubtless consider whether he wished to veto it."[24]

On March 12, the State Department advised the Embassy that the Senate-House conference committee on the punitive legislation had made progress and had decided to drop the requirement that INS obtain search warrants before searching a property for illegally-entered aliens.

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[21] The extension of the agreement was made effective by an exchange of diplomatic notes on February 8; diplomatic note 957, AmEmbassy to SRE and diplomatic note 20083, SRE to AmEmbassy. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[22] The New York Times, 11 Feb 52.

[23] The New York Times, 11 Feb 52.

[24] Memorandum of conversation, by Mann, 26 Feb 52; Blocker to files, 26 Feb 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

"The Committee feels that the USINS already has sufficient authority to make searches without warrants."[25] After both houses passed the bill, on March 20, Truman signed it into law. The U.S. Embassy promptly transmitted a copy of the bill to the Mexican government for reaction. The Foreign Minister

> . . . was very pleased with the great effort put forth by President Truman to obtain legislation which would effectively control the "wetback" situation in the United States. While it was realized that the President did not get as strong a law as he desired, Señor Tello felt that the new Migrant Labor Bill signed on March 20, 1952, is as good a law as could be obtained under the circumstances and Mexico felt that it would be satisfactory.[26]

It is clear that the President being referred to in Tello's remarks was Truman, not Alemán. Mexican officialdom evidently perceived that Truman would have preferred to have employer penalties but was not able to push for them. In this manner, the Mexican government abandoned all hope that such sanctions might ever become part of a bilateral program to be continued on a permanent basis. In the same conversation where the Embassy was told of Mexico's acceptance, that government suggested that the agreement then in force be extended

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[25] Blocker to files, 12 Mar 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[26] Telegram 1240 from AmEmbassy 24 Mar 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

"indefinitely to expire when a new accord has been agreed upon and accepted by both Governments." The Embassy added in its communication to the Department: "Mexico is satisfied with the Migrant Labor Agreement of 1951 and does not plan to suggest that any basic changes be made in the clauses thereof other than to incorporate therein the provisions of the new Migrant Labor Law just passed."[27]

CONFLICTING STYLES OF ADMINISTRATION

Early in 1952 Manuel Aguilar announced that he would soon be leaving his post as the official at SRE responsible for consular affairs and bracero matters to run for Congress as a representative (diputado) of a district in Mexico City. Miguel G. Calderón, then Mexican Consul General at San Antonio, Texas, was brought in as his deputy and, by the end of February, was reportedly completely in charge of bracero matters.[28] At about the same time, the Foreign Ministry created a special department for agricultural worker matters--to which Calderón was named head--known as the Dirección de Asuntos de Tra-

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[27] Ibid.

[28] Copy, despatch 1527 from Ailshie, 5 Jan 52; memorandum of conversation by Neal, 26 Feb 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

bajadores Migratorios.[29]

Calderón did not abruptly change Mexican policy on agricultural workers, but Mexican administration of the program underwent subtle, though important changes in style which exacerbated the conflicts already visible in the fall of 1951. It is difficult to attribute these changes entirely to the presence of a new Mexican official at SRE, particularly because many reflect a consistent pattern of reinforcing certain policies that had been evolving over the previous months. However, Calderón's personality, his initial lack of experience in negotiations, and hardline attitude toward USES did frequently influence the direction of day-to-day decisions, and his arrival at the new post coincided with the beginning of a conflictual period in the bilateral management of the program.

One of the evolving elements in the Mexican style of administration which Calderón reinforced at the beginning was to delegate certain responsibilities from Mexico City to the consuls. For example, early in January 1952, Earle Smith USES representative in Mexico City noted that there was a dispute between SRE and the Southern Farm Bureau Casualty Insurance Co. The Foreign Ministry commu-

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[29] SRE to O'Dwyer, 11 Jan 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

nicated to the Embassy that it would do nothing towards lifting the name of the company from the ineligible list until the Mexican consul at Houston cleared the matter.[30]

However, in other respects, Calderón did not want to expand certain powers delegated to the consuls by international agreement. One example had to do with the transfer of workers among employers in the United States without returning them to the contracting stations at the border. The Department of Labor asked the Embassy to inquire whether workers whose contracts had or had not expired, could be so transferred. Calderón referred to Article 27 (b) of the agreement of 1951 which provides for such transfer only "in cases where the transfer involves a change of employer before the expiration of the work period specified in the contract." Calderón indicated to the Embassy "very emphatically" that only in such cases were Mexican consuls authorized to permit such transfers and that this power "is given to the Consuls to act solely in cases of emergency or to meet unusual situations."[31]

Another policy was to refuse requests by the U.S. government to re-contract workers that had been or would

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[30] Copy, Smith to Larin, 3 Jan 52; Blocker to Smith, 5 Jan 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[31] Copy, despatch 1978 from Ailshie, 20 Feb 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

have been, after terminating their second contracts, in the U.S. for more than one year.[32] That Mexican attitude had been expressed for some time, and, despite that, the issue had been brought up repeatedly by the Embassy since November 1951. On February 20, Calderón stated that "under no condition would Mexico agree to extending the total period of contractual service for Mexican laborers beyond one year." His arguments were that it was desirable that Mexican laborers not disrupt their family ties for too long and that they should allow others to take their turn working in the United States. "Mexico," he added, "also wants her laborers to return to this country so that they may apply to Mexican agriculture the experience and learning obtained in the United States." Calderón reiterated that Mexico had never wanted its laborers to leave the country for more than a year at a time, an objective evidently related to Mexico's broader concern that emigration should be temporary and not permanent.[33] SRE's position was that, upon being absent for one year, a Mexican contract worker must return to Mexico

[32] See, e.g., Smith to Blocker, undated, and Blocker's reply, 17 Jan 52: "F.O. refused authorization re-contract these workers since they have been in U.S. more than one year." NAW, DOS, RG 84, Mexico 1950-52, box 21.

[33] Copy, despatch 1979, 20 Feb 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

and reside there for at least six months before permission would be granted to again apply for work in the United States.[34]

An attitude increasingly evident after Calderón took over at SRE was one of open confrontation with USES over what Mexico considered was undermining the authority of the Mexican consuls. An example of this was USES authorizing the recontracting of braceros on January 11, 1952, in El Paso, without first obtaining the permission of the Mexican consulate. Although disturbed by this, SRE tried to demonstrate some flexibility and approved, ex post facto, the recontracting at El Paso to their original employers, with the understanding that USES would guarantee a minimum of three fourths of six weeks' salary (the full six weeks could not be guaranteed given that the agreement was scheduled to expire on February 11).[35]

However, it turned out that the request had been in error--the laborers were to be contracted to California growers rather than recontracted to the original employers. The Mexican representative at the contracting station refused to permit the laborers to be contracted until proper authorization was obtained. On January 15,

[34] O'Dwyer to Bob Coquat, 19 Mar 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[35] Blocker to files, 11 Jan 52; Blocker to files, 12 Jan 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

the Embassy obtained SRE's agreement to authorize the Mexican consul to approve the contracting. However, by that time the workers had been sent to California without the Consul's authorization. A U.S. Embassy representative

> . . . informed the Ministry that Mr. [Joseph] Beeson, American representative at the contracting station in El Paso, Texas, had advised him some days previously that he would turn the workers over to the California growers with or without the consent of the Mexican Government and that Beeson had . . . sent the workers on to California without the authorization of the Mexican Consul.
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> . . . According to the information obtained [later] . . . the workers had been at El Paso for several days and were being fed by the U.S. Employment Service at considerable expense; that Mr. Beeson, feeling that the necessary authorization would eventually be forthcoming, decided to prepare the contracts and send the laborers on to California, and to present the contracts for signature by the Consul after the latter received authorization from Mexico City.[36]

Calderón protested the manner in which this matter was handled. He noted that USES had acted unilaterally and expressed his resentment at the statement allegedly made by Beeson to the effect that he would turn over the laborers to the California employers "with or without the authorization of the Mexican Consul."

A senior USES official prepared a written apology, referring to himself in the third person, which was

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[36] Copy, despatch 1806 from Ailshie, 25 Jan 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

transmitted by the U.S. Embassy: "Mr. Clinite stated that he believes Mr. Calderón a fine gentleman and that no high-handed action was intended in this matter."[37] Blocker noted that the Mexican official at the contracting station "has accepted this statement but says Ministry still holds American authorities had no right to process and turn those workers over to employers without Mexican consul's approval."[38] SRE submitted a diplomatic note, which it was later persuaded to withdraw, but whose translation survives in the records of the Department of State. In it, the Mexican government communicated its decision to close the office occupied by the Mexican representation in the Reception Center in El Paso, and requested that the U.S. government return immediately all of the workers since "the transportation to the State of California was illegal. . ."[39]

The apology received and the diplomatic protest, however, were not enough to communicate Mexican displeasure with the incident. Calderón elaborated in an off-

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[37] Harold M. Clinite to Blocker, 16 Jan 52. (Clinite, Larin's deputy, was Chief, Foreign Labor Division of the Farm Placement Service.) NAW, DOS, RG 84, Mexico 1950-52, box 21.

[38] Note by Blocker, 17 Jan 52, attached to ibid. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[39] Translation, unnumbered diplomatic note, 2 Feb 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

the-record communication (whose record nevertheless survives): Beeson "had never cooperated effectively with the Mexican representatives at the [El Paso] station." He alleged that Beeson had not offered the slightest cooperation to him and others who had previously visited the station, and had "acted as if the Mexicans enjoyed no rights in the operation of the program." Calderón added that "Mexico does not desire to deal with any U.S. representative who is capable of making . . . a statement" such as that allegedly made (that the U.S. representative would proceed with or without Mexican authorization). "According to Calderón, the Mexican representative at the contracting station in El Paso had been instructed to discontinue any further dealings with Mr. Beeson."[40] Later in February, Beeson was "transferred from El Paso, due to the fact that the Mexican representative in El Paso was instructed by his government to discontinue any further dealings with Mr. Beeson."[41]

The Mexican government's response to this incident left a bad taste in the mouths of the U.S. officials most likely to understand and sympathize with the Mexican position. In a communication between Richard Rubottom and

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[40] Copy, despatch 1862 from Blocker, 1 Feb 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[41] Despatch 1909 from Ailshie, 12 Feb 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

V. H. Blocker, "Dick stated that the Department admits that Beeson was wrong in ordering these workers to California without the approval of the Mexican representative."[42]

> [Rubottom] expressed chagrin that Mexican officials have sought to force the United States Government to remove one of its officials through the maneuver of instructing their representative to discontinue dealings at the El Paso contracting station with the U.S. official, thereby virtually making the latter persona non grata and closing the contracting station. He recalled how mindful Mexican officials have been in the past of their national pride and expressed the view that no concern for U.S. views or feelings was demonstrated in this incident. Mr. Rubottom indicated how this matter could have repercussions on Capitol Hill and engender talk of reprisals.[43]

Rubottom added that although Beeson was transferred, which is what the Mexicans wanted, "he did not like the idea of Mexico dictating as to how the U.S. Department of Labor should use its personnel. He mentioned that the USES was also dissatisfied with the work of some of the Mexican representatives in the United States, particularly with reference to their Consul in Memphis, but that it would do no good for our people to take reprisals. This would only make unpleasantness for both sides, and

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[42] Blocker to files, 21 Feb 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[43] Rubottom to files, 21 Feb 52, in essence a memo of conversation with Blocker. NAW, DOS, RG 84, Mexico 1950-52, box 21.

that we should try to live together in harmony."[44]

Days after Rubottom's call, Blocker communicated to Calderón that "the United States Government was sorry that this incident had occurred and that everything would be done to prevent any recurrence." He was further advised that it was hoped that in the future "cases of this sort would not be made the subject of official correspondence," but would be handled unofficially.

> It was pointed out that the bracero program is a joint undertaking and that while differences and misunderstandings in connection with operations will appear from time to time, every effort should be made by the representatives on both sides to work together in the greatest harmony.[45]

Blocker persuaded Calderón to withdraw the diplomatic note of the previous February 2, and the matter was considered closed.[46]

To the Embassy's chagrin, within two weeks a similar problem arose and threatened to erupt into another incident. California employers of braceros whose contracts were about to expire wanted the contracts extended but the Mexican Consul had refused permission, and had further refused to indicate any reason for not extending those contracts. Upon inquiring with Calderón, the Embassy was advised that the employers had apparently cancelled contracts in the past without covering the three-fourths period guaranteed in the agreement and that he would obtain a report as to whether the claims had been settled. The California employers told Earle Smith, of the USES office in Mexico City, that the Consul was wrong and that they "had been assured by Mr. Norton, of the USES regional office in San Francisco that if the Mexican Consul still refused to approve the extensions as requested, he would authorize an extension of the contracts without the Mexican Consul's approval." Blocker informed Smith

> . . . that this sort of thing was exactly what caused the incident at El Paso, which we have just settled after considerable difficulty. He was informed that although the Mexican Consul may be in the wrong, nevertheless the USES should under no condition authorize the extensions of the contracts without the Consul's approval. That the matter should be taken up through the proper channels and submitted for consideration of the Mexican government. . . . Mr. Smith was informed that with regard to the El Paso incident, [Under Secretary of Labor] had requested, not more than two or three weeks ago, that Lic. Calderón be assured that similar incident would not recur and had suggested that we endeavor to have the Foreign Office withdraw its Note of protest in the matter. . .[47]

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[44] Blocker to files, 21 Feb 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[45] Copy, despatch 1985 from Ailshie, 26 Feb 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[46] See also, copy, Blocker to Michael J. Galvin, Under Secretary of Labor, 26 Feb 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[47] Blocker to Culbertson and Ailshie, 11 Mar 52. NAW, DOS, RG 84, Mexico 1950-52, box 21. Markings on Blocker to Culbertson and Ailshie, 11 Mar 52 indicate

Despite further checking, Smith could not assure the Embassy that the San Francisco USES office had not already extended the contracts without Mexican approval. Blocker noted: "Smith was again informed that in the opinion of the Embassy, that was no way to get along with the Mexicans and if that was a sample of the attitude which may be expected from the USES in the future, we will simply be heading for more trouble." He proceeded to give USES another rendition of the Embassy's lecture to SRE of two weeks previous.

> It was pointed out to Mr. Smith that the bracero program is a partnership affair and that it must be operated on a basis of consideration and understanding on both sides and that any misunderstanding on either side should be worked out in a spirit of complete harmony.
>
> It was suggested that the USES should refrain from taking unilateral action in cases of this sort, as such constitutes a violation of the bracero agreement and makes for bad relations with Mexico.[48]

It was later discovered that USES had in fact extended the contracts over the Mexican consul's objections, and an embarrassed Labor Under Secretary Galvin had to call Calderón to apologize.

THE SPRING 1952 NEGOTIATIONS

The passage of the anti-"wetback" trafficking legislation

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that Blocker's superiors at the Embassy were fully in accord with this communication to USES.

[48] Ibid.

by Congress in March was the green light for re-negotiating a new and more permanent agreement on contract workers. At the lower levels, the Mexican government expressed the view that no re-negotiation was necessary--that it was satisfied with the 1951 agreement as it stood, and that it could be extended indefinitely in that form. The Department of Labor, however, only wanted to extend that agreement to June 30, which would provide enough time for representatives to meet and negotiate another agreement. This touched another nerve in Mexico: the 1952 presidential campaign was underway, and the government preferred to avoid public debate on the problem of Mexican migrants in the United States. As discussions were still taking place as to whether or not meet in Miami, Florida, in mid April, SRE offered a counter proposal: the existing bracero agreement scheduled to expire on May 11 could be extended for eleven weeks so as to terminate on July 31--after the July 6 elections.[49]

The Department of Labor, however, rejected the proposal immediately "for budgetary reasons as well as political aspects brought on by user groups. . ." DOL sent a proposed agenda for the Mexican labor conference to be held in Miami. A selection of the items on the agenda

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[49] Telegram, O'Dwyer to SecState, 1 Apr 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

suggests that what was contemplated was a discussion of mostly administrative matters: definitions of what constitute an employer, agriculture, determination of ineligibility; handling and selection of workers at migratory stations; cooperation between the United States and Mexico in operating procedures; wages, 3/4 guarantee; minimum period of contract extensions and transfers; return transportation, extent of obligation of United States and of employers; operating procedures; time limitation for presenting claims; enforcement problems; furloughs; status of workers arrested by State and local police authorities for infractions of laws.[50] The Department wanted changes in the agreement, for two reasons principally: from the standpoint of bureaucratic administration there were areas that left room for improvement, and farm employers wanted to streamline the program and make it more satisfactory to their interests. One of the difficulties in the program that from the U.S. point of view made a meeting necessary was that Mexico had refused to make effective the Joint Interpretations that had been agreed upon in Mexico City and Monterrey the previous October.

Thus began a minuet regarding whether the two governments should meet, and if they did, whether that meeting should be called "negotiations." The Mexican government communicated to the Embassy that the matters suggested to be discussed did not require a full delegation of government officials and could be handled quietly and separately. The Department of Labor--in the person of Under Secretary Michael Galvin--did not accept. He argued that, with respect to farm groups pressuring Washington, there was "a much more highly charged political situation than one might realize." A transcript of a teletype conversation in which Neal transmitted Galvin's views from Washington and Blocker and Culbertson responded with SRE's concerns suggests a new willingness, at high levels of the U.S. government, to pressure Mexico for certain changes.

> Neal:
> [Galvin] considers it essential from our point of view to negotiate. User groups, labor organizations, and social groups expect this and unless done, pressure will be such that the beating will be one from which [we] cannot quickly recover.
>
> As for the Miami meeting, Mike [is] willing to call it Joint Interpretations or whatever they want, but considers negotiations essential. Otherwise public relations and political pressure will be terrific. Unless negotiations conducted immediately, he says he would rather close centers and let [the] whole thing fall. He is assured of administration backing on this position, and considers we would then be much better off as regards the strong pressure groups because it can then be stated that at least we tried. . . .
>
> Culbertson and Blocker:
> . . . The Mexicans refuse to negotiate a new

[50] Copy, memorandum of teletype conversation on April 2, 1952 between Neal, Washington and Blocker, Mexico City. NAW, DOS, RG 84, Mexico 1950-52, box 21.

agreement but they are willing to have meetings for the purpose of clarifying the present Agreement. We cannot see why the present Agreement cannot be extended and thus not meet the problems you seem to have at home. The agenda so far sent down merely involves interpretations of the existing Agreement. I repeat that until we know what Galvin means by negotiations we find ourselves in a difficult position. It is not going to be easy to [get] the Mexicans [to] understand that the political situation in the States is more critical than it is here. Can you throw any more light on Galvin's idea of negotiations?

Neal:
It isn't that he wants to negotiate for an entirely new Agreement, but he feels that certain changes should be made. The present Agreement could be used as a base, of course, but there are new interpretations which he would like to make and changes which would be beneficial to both sides.

Blocker and Culbertson:
. . . The points you are making certainly do not convince us or give us enough ammunition to meet the Mexican's adamant position that they will not negotiate a new agreement at this time. We think Galvin's threat to close down the various centers here is pure tommyrot.

Neal:
He did not mention it as a threat. His idea seems to be that he cannot make a long extension or one beyond June thirty without meeting with the Mexicans and trying to clarify certain points and making a few changes.[51]

The changes Neal referred to that DOL wanted were, as would be discovered later, more substantive and not necessarily perceived by "both sides" to be beneficial.

The urgency with which the Department of Labor was

[51] Ibid. The remainder of the teletype conversation cited comes from this source.

pushing a meeting for the purpose of establishing new ground rules on the administration of the program had its origins in the difficulties its field personnel were having with the Mexican consulates. Illustrative of this is a pointed letter from Ed McDonald, Regional Director of USES in Dallas, to the Mexican consul in Brownsville, regarding a specific case of blacklisting. In his letter, McDonald cited Article 8 of the 1951 agreement in which SRE had agreed to furnish a list of communities in which discrimination existed and, if there was a concurrence by the Department of Labor, workers would not be authorized for employers located there.

> Please be advised that the Mexican Ministry for Foreign Relations has not furnished a list of communities in which there was concurrence by the Secretary of Labor. A list of counties was furnished on September 7, 1951, contrary to Article 8 that communities be listed. In October at a meeting in Monterrey both governments agreed that the ineligible list previously submitted would be disregarded until a joint determination was made by both governments that discrimination did exist in a community and that the boundaries of the community would be defined in each joint determination. This office has not received an official notice from the Consul in Corpus Christi of discriminatory practices in any of the communities in Nueces or San Patricio counties.[52]

Here it can be observed that, independently of the merits of the Mexican allegations of discrimination, an omission

[52] Copy, Mcdonald to Luis Pérez Abreu, Consul, Brownsville, attached to Neal to Blocker, 17 Mar 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

by SRE--not having prepared the list of communities ineligible to receive contract workers--placed it in an untenable position on the issue of blacklisting in the eyes of the many U.S. government officials.

Though SRE agreed reluctantly to the negotiations in Miami, it conveyed informally an exaggerated fear of the domestic political situation which anticipated the reluctance of the Mexican delegation to make any changes in the bilateral agreement at that time. Paul Culbertson, Minister-Counsellor of the Embassy wrote Assistant Secretary Edward Miller a confidential letter communicating those fears.

> As a follow-up to my letter . . . with regard to administration fears of disturbances in the provinces, Dr. Guerra . . . told Blocker Friday last that the authorities are concerned over the possibility of a "military coup." Guerra and Blocker were discussing the bracero meeting in Miami, and Guerra was reiterating Mexico's position that there can be no new bracero agreement at this time; that the administration could not open itself to attack of any sort from Henriquez and Lombardo Toledano; that there was much poverty and suffering throughout the country; that the military talks [separate U.S.-Mexican negotiations on military cooperation] failed because of the administration's weakness to attack and that once elections are out of the way Mexico would be willing to reopen military discussions; that Galvin, who seems to be pushing for a new bracero agreement, failed to understand the delicate political situation here in Mexico; and that Mexico is friendly in all respects to the U.S. but he wanted us to understand their present situation.[53]

[53] Culbertson to Miller, 14 Apr 52. RG 59, Office

Culbertson himself questioned the exaggerated tone of Guerra's comment with a closing observation: "I do not understand Guerra's 'military coup' unless it should come from the lower echelons of the army. I don't know enough about it really, but I'd doubt whether there is a Mexican Sergeant Batista lying around."

Miller thanked him for the letter, noting that the State Department had "heard a great deal" about the political activities of some of the Mexican generals favorable to the opposition and had recently received a telegram which quoted a Mexican general as indicating that he had been recalled to Mexico from a foreign post because the Mexican government feared disorders at the time of the elections.[54]

The discussions that began in Miami on April 16, 1952 were more difficult than had been expected. It is telling that, in addition to Mexican and U.S. official representatives, there were a large number of interested individuals, mostly representatives of farmers and ranchers.[55] Indeed, this list included three pages of names

Files of Asst Secy for Latin American Affairs (Edward G. Miller), 1949-1953.

[54] Copy, Miller to Culbertson, 22 Apr 52. RG 59, Office files of the Asst Secy for Latin American Affairs (Edward G. Miller) (1949-1953).

[55] "List of Attendees, Miami Meeting, April 16, 1952." NAW, DOS, RG 84, Mexico 1950-52, box 21.

of farmers and ranchers and four labor representatives--all from the AFL and the CIO. The issue that first disrupted the meeting was that of blacklisting.[56] On the third and concluding day of meetings, Blocker had this to report to his superiors at the Embassy:

> [Under Secretary of Labor Michael Galvin] feels that the first item on our agenda, that is, "Determination of ineligibility" (blacklisting) is the most disturbing problem affecting the bracero program. . . . Unless Mexico will agree to a joint investigation and determination before "blacklisting," the United States may close the reception centers in Mexico next month. The Mexicans have steadfastly refused to surrender the right of unilateral action with regard to "blacklisting." They feel that this is a sovereign right of Mexico and that the Mexican Government has sole authority to determine whether her nationals may work abroad for persons whom she may have reason to believe mistreat her people.[57]

Blocker added that other items to be disucssed--return transportation, wages, and the location of migratory centers in Mexico--were not expected to present difficulties.

There were several reasons why this matter was difficult to resolve. In essence, for the Mexican government, the issue of declaring as ineligible certain places

[56] Blocker to Culbertson, 17 Apr 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[57] Blocker to Culbertson, 18 Apr 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

or employers was "a matter of principle."[58] But for the United States, what was at stake was not merely the inconvenience of unilateral action by the Mexican government regarding whether contract workers could be sent or not to a particular place--there was also the matter that the Mexicans had agreed to a joint determination of ineligibility during their talks on joint interpretations the previous October.

> In this session of the Miami meeting, Mr. Calderón replied to the statement about the agreed changes at Monterrey by informing the United States, for the first time, that the "Monterrey Joint Interpretations had not been acceptable to the Mexican Government" because of the very same changes now being requested in Article 7.
>
> He continued by stating that the Monterrey agreements had no validity because "Mexico did not have full representation" at the meeting. . . . This information was received by the American delegation with considerable surprise, and with some concern about this possible act of bad faith. Mr. Calderón expressed further disregard for the Monterrey talks by stating that he "did not read the Monterrey Joint Interpretations (October, 1951) until he got on the train" en route to the meeting here in Miami![59]

Calderón's abrasive manner and willingness to set aside the joint interpretations discussed in Monterrey the previous fall had the U.S. delegation fuming about Mexican bad faith. His haughtiness led some in the U.S. delega-

[58] Blocker to Ailshie, 19 Apr 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[59] Copy, Neal to John L. Ohmans, 21 Apr 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

tion to see in Calderón a contempt for the agreement, rather than an articulation of a new position justified in Mexico's unwillingness to ratify the joint interpretations as had been communicated later to the Embassy.

The response of senior officials at the U.S. Embassy was to recast the problem as a matter of principle to the U.S. government in a more fundamental and political sense. They argued for a U.S. position which favored a joint approach to the problem of blacklisting communities or employers, and not a unilateral U.S. position. In an unusual display of personal and institutional preferences, they expressed uneasiness with the program with whose administration they were deeply involved. Ailshie wrote Blocker:

> I am not satisfied that there is a real shortage of labor in the United States which requires us to resort to the importation of foreign workers. . . .
>
> Sooner or later there is going to be a Congressional investigation of this whole matter and I am not sure that the Executive Branch of the Government is in a sound position. I would not be disappointed if the negotiations broke down completely as I feel that sooner or later we will have to get along without Mexican workers.[60]

This reflects an Embassy position contrary to that of U.S. farm employers and of officials in the Labor Depart-

[60] W. K. Ailshie, American Consul General to Blocker, 23 Apr 52. Ailshie added that Paul Culbertson was in agreement with his views. NAW, DOS, RG 84, Mexico 1950-52, box 21.

ment that perceived this program as important to the interests of the United States.

The Miami meetings concluded without agreement on the issue of eligibility and thus, from the U.S. standpoint, were a discussion that produced **stalemate**, not negotiations. For their part, the Mexican delegation maintained that it did not have the authority to negotiate. The frustration of the U.S. delegation led it to "hint indirectly" that the government might let the agreement expire unless they were prepared to give more than they had thus far indicated they would.[61]

At the conclusion of the talks, both governments were in a bind. Department of Labor officials were dissatisfied that a thorny issue for USES had not been resolved--indeed, in their minds, the meeting constituted a step backward to a point where they had been before the Monterrey talks of the previous October. Within days of concluding the talks, the U.S. Embassy was advised "that the White House has taken a very serious view of the Mexican stand on . . . unilateral action on blacklisting." Several high-level U.S. officials were making plans to go to Mexico City: David Stowe and Michael Galvin, among

[61] Blocker to Culbertson, 23 Apr 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

others.[62] The Mexican government was facing the prospect of pressure to change its position at a time when a presidential election campaign was going on--Adolfo Ruiz Cortines was the PRI candidate for President--and when publicity about the bracero problem would be perceived to be quite undesirable. Indeed, to forestall such pressure at such a delicate moment, Culbertson wrote Assistant Secretary of State Miller to request not to press any matters with Mexican government, especially bracero matters, due to political situation in this country at that time.

> We understand that there is some feeling in Washington that now is the time to pressure the Mexicans; that Galvin, supported by Stowe and possibly the President, is prepared to throw over the bracero agreement unless the Mexicans agree to joint determination of discrimination prior to blacklisting; that Galvin has told the American farmers the honeymoon with Mexico is over, etc. We get the impression that there are some folk in the Department who go along with the idea of get tough now, these people being influenced by the failure of the military talks, the aviation negotiations, Mexico's attitude toward U.N. action in Korea. We do not like these things either, but right now there is much more at stake than a bit of resentment on our part, and the Ambassador and I feel very strongly that now is not the time to start rocking the boat and certainly not over an issue that is as old as the bracero question itself.
>
> The political situation here is most delicate, as you know. It would not be in our interest were the opposition elements to come into power, either through election or uprising.

[62] Blocker to files, 30 Apr 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

> Tension is on the increase and can be expected to become more acute as we approach July 6. It would be a serious mistake for us to make any move which might weaken the government.[63]

Miller's confidential reply is revealing of how much attention was being focussed on how the change in personnel from Aguilar to Calderón had limited possibilities for communication, and how the blacklisting issue was cast at the higher levels of government. "Concerning the Mexican blacklist problem," the Assistant Secretary wrote, there is no disposition on the part of the President or the Department to deliver any ultimatum or to wreck the negotiations on this point."

> The problem concerns the personality of Calderón. Dave Stowe and Mike Galvin came away from the Miami discussions with the definite impression that since Calderón replaced Aguilar as the individual chiefly responsible for the administration of the Mexican list there has been a definite trend toward the arbitrary listing of United States growers and they believe that if this trend continues it will become increasingly difficult to keep support of United States growers for the program which is in the interest of

[63] Culbertson to Miller, 29 Apr 52. RG 59, Office files of the Asst Secy for Latin American Affairs (Edward G. Miller) (1949-1953). Culbertson noted that the Embassy was not prepared to predict the consequences of a U.S. termination of the bracero agreement at that time, though it would "certainly muddy the waters, and the opposition would do its best to make capital out of it. We are convinced that the question at issue isn't worth the risk." An addendum scrawled at the end of Culbertson's letter signed "Bill" (evidently the Ambassador) noted in connection with the idea of terminating the agreement: "This is a dangerous thing to do. I agree with Paul and hope you can see your way to step toes & prevent it."

both countries. They wish to settle the problem before it becomes acute and more difficult to resolve.[64]

"We would of course prefer," continued Miller, "that there be no blacklist at all but accept the existence of one as inevitable."

> We believe, however, that the purpose of the investigations should be to correct such infractions as may be found to exist rather than to increase the size of the list. The principal object of the investigation should be to correct the infraction and to enforce the rules--to get as many people to conform to them as possible and to keep the list as small as possible.
>
> If the Mexicans agree with this, we cannot understand why they should not also agree that a joint instead of a unilateral investigation of complaints would be in the interest of both countries--in ours because it will satisfy us that infractions of the rules really exist, and in theirs because it would facilitate our help in enforcing the rules to say nothing of diminishing the adverse public reaction in this country to the list.
>
> Agreement on joint investigation of complaints and consultation does not mean that we wish to have a veto power in case of disagreement. I doubt seriously whether the White House, Labor or State wish the United States to be co-sponsors or co-authors of the list, even if the Mexicans wanted us to.[65]

Miller concluded his letter with a suggestion that Ambassador O'Dwyer explore with Secretary Tello the possibility of joint determination of ineligibility along the lines he had presented so that it "would not be necessary" for Labor Under Secretary Galvin to discuss this with Calderón.

[64] Miller to Culbertson, 5 May 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[65] Ibid.

The agreement scheduled to expire on May 11 was extended to June 30 and conversations on the blacklist issue and other pending matters reopened, this time in Mexico City, though without a full delegation of U.S. officials present for the entire time.

Late in the week of May 5, 1952, there began an intense period of negotiations which, though not planned in this manner, were carried out in two phases: the first phase lasted two weeks, concluding in an agreement kept secret until the conclusion of the second phase, which ended with an exchange of notes and a public announcement on June 12. During much of the May meetings, Labor Under Secretary Galvin, accompanied by other DOL officials were present, as were a good number of U.S. farmers and ranchers who somehow got wind of what was going on and tried their best to keep informed of the progress of the negotiations and to suggest what positions the U.S. government should take. The central actors in this drama, however, were V. Harwood Blocker from the Embassy and Miguel Calderón, head of bracero affairs at SRE, who attended to all of the items on the negotiating table, and Ambassador O'Dwyer and Foreign Minister Tello, who reached agreement on most of the broader and more difficult issues. At the

end of the first phase--the more intensive of the two--amendments had been made to twenty-one articles of the Migrant Labor Agreement of 1951, a new article had been added, and a new article had been added to the Standard Work Contract. As Blocker put it in his report to Washington, this made "a total of 32 Amendments and two new Articles."[66]

The central issue in the May negotiations was, of course, determination of employer eligibility (Article 7 of the 1951 Agreement), or blacklisting of areas in the U.S., because of ethnic discrimination. A close examination of how this matter was negotiated and resolved is revealing not only of the perceived interests of the two governments in relation to this matter, but to the kinds of conflict that could be found in the manner in which representatives of the two governments approached it.

In the beginning of the negotiations the two governments prepared drafts of a revised Article 7 which they discussed. The initial Mexican draft was "entirely unacceptable to the United States" because it did not "adequately provide for a joint determination of the validity of the complaints" which the Mexican government alleged to be the basis for declaring employers ineligible. "One

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[66] Telegram 1618, O'Dwyer to SecState, 22 may 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

of the most objectionable points of [the] Mexican proposal is that it permits one of the countries to a bilateral agreement to interpret the agreement unilaterally and to act unilaterally," noted a telegram prepared by Blocker. Furthermore, it placed the burden on the employer against whom the complaint had been filed to speed up the procedure through which claims would be determined. "This is unrealistic," noted Blocker, "since employer has no power to expedite the action, this being [the] responsibility of the United States and Mexican Governments."[67] As the negotiators reached impasse, the matter was turned over to Ambassador O'Dwyer and Foreign Minister Tello for solution, who met on May 15.

> Tello requested Calderón's presence. The Ambassador stated after the conference that while he feels confident that Mexico will eventually accede to joint determination, she has not in fact given us that as yet.[68]

Progress was made on other issues, and on various aspects of Article 7, such that the differences narrowed mostly to the question whether Mexico would reserve the right to make a final determination of ineligibility in cases where there was still disagreement between the representatives of the two governments on whether discrimi-

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[67] Telegram 1575, O'Dwyer to SecState, 16 May 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[68] Ibid.

nation had occurred or not. The U.S. position on the matter took into account not only the substance of the matter, but the symbolism of explicitly recognizing a Mexican right to a final say. In a telegram Blocker sent Washington he noted some of these symbolic dimensions.

> While we recognize that Mexico actually has the final say in the end, we do not want this to appear in the Agreement. Mexico has insisted upon this, as will be seen from the last sentence of her last draft of Article 7, which reads: "If the representative of the Embassy of Mexico and of the Department of Labor do not come to an agreement, notwithstanding said fact, a copy of the resolution shall be sent to the offices mentioned in this paragraph and the Ministry for Foreign Relations shall resolve--not subject to appeal--whether or not the Employer is to be included in the list of those ineligible to contract Mexican workers."
>
> Tello indicated Saturday at a reception at Paul Culbertson's house that he is willing to change the wording in the Mexican draft so as to make it less offensive.[69]

Mexico was thus insisting on its right to determine as ineligible an employer unilaterally, and, moreover, insisting that the agreement contain language recognizing that right explicitly.

The "less offensive" approach that the Foreign Ministry came up with was essentially to delete the reference to a lack of employer right to appeal but to maintain the substance of the draft by indicating that when the two governments still disagree, "the matter would be

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[69] Telegram 1588, O'Dwyer to SecState, 19 May 52.

referred to the Ministry for Foreign Relations for consideration." "Even with this concession," noted Blocker, the "United States representatives [are] unable to accept [the] Mexican draft, which, among other things does not provide the right of an employer to a hearing and appeal." At this point, it was the Mexicans who expressed frustration:

> Calderón quoted Tello as having stated that this Article had been discussed long enough and that the Mexican draft, as amended, was final as far as Mexico was concerned and that the matter could be considered a closed issue.[70]

The discussions almost broke down completely at this point, leading O'Dwyer to meet with Tello again. Blocker transmitted a gloomy report to Washington, in which he revealed that if that meeting did not iron out the differences, given that time had run out for giving workers six-month contracts before June 30, the "Department of Labor [would] probably take steps to close migratory stations in Mexico immediately."[71]

On the evening of May 19 the Foreign Minister and Ambassador reached a compromise, which the Embassy staff understood included a provision to afford the employer an opportunity to appear and be heard, the right of the em-

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[70] Telegram 1596, O'Dwyer to SecState, 19 May 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[71] Ibid.

ployer to appeal, the requirement that representatives of the Department of Labor and the employer, when requested to appear, would meet in the office of the Mexican Consul, where joint determinations would be made, and, finally, that "in cases where agreement could not be reached after compliance with the special procedure for Article 7, that the matter would be referred to the Ministry for Foreign Relations for consideration."[72] However, this was not precisely the Mexican interpretation of what Tello and O'Dwyer had agreed to.

> Calderón made it clear that he was not authorized to accept anything less than Sr. Tello's draft. Sr. Tello did not go to his office yesterday and we were unable to get a copy of his proposal for comparison with the American draft. This is just about the last item pending.

The differences were ironed out that same day and on the evening of the May 21, the two teams reached agreement on those thirty-two amendments and two new articles that Blocker referred to in his report to the office of Mexican affairs at the State Department.

While determination of employer ineligibility consumed most of the time of the U.S. Ambassador and Mexican Foreign Minister, who were constantly called upon to resolve differences unresolvable at lower levels, many other subjects consumed the energies of Calderón,

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[72] Telegram 1599, O'Dwyer to SecState, 20 May 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

Blocker, the Foreign Ministry staff and the Department of Labor officials present.

One of those was the matter of wages. Having read the 1951 President's Commission Report, SRE officials tried unsuccessfully to push for clauses in the agreement that would pay Mexican contract workers more so that the accusation would not be made that they constituted "cheap labor" and displaced local workers. Thus they proposed that a minimum rate of $2.50 be set per 100 pounds of cotton picked.

> We pointed out that this rate is excessive and would have the effect of fixing the rates for piece work in the United States. Calderón replied that Mexico does not want to send cheap labor to the United States. We are at loggerheads on this. We understand that the minimum rate being demanded by Mexico is fifty cents above the prevailing rate as actually exists in many areas in the United States. The U.S.E.S. boys say that this matter is so serious, if Mexico does not retreat from this position, that it may upset the whole Agreement.[73]

Blocker suggested that Calderón could be talked out of this and in fact the next day the Foreign Ministry withdrew its request.

The agreement then negotiated extended the program to December 30, 1953, one full month after Adolfo Ruiz Cortines would take office. The negotiations for extending that deadline, as shall be noted in later chapters,

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[73] Tolegram 1558, O'Dwyer to SecState, 14 May 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

were to be the most difficult and painful of all.

The conclusion of the negotiations brought a sense of relief to both participants and many observers; each reacted in his own way. A senior Embassy official reported in a restricted communication to Washington upon the conclusion of this phase:

> The successful completion of the bracero talks is due to the skillful, patient, untiring work of V. H. Blocker and the hard, effective, top-level work of the Ambassador. Had it not been for these two, the thing would surely have gone on the rocks. The clash of personalities and the mutual distrust between Tyson [a senior DOL official present throughout the talks] and Calderón reached a point where it was inadvisable for them to deal with each other.[74]

Tyson, for his part, wrote to Blocker after returning to Washington, without any sense of irony, that "In the final analysis I believe that we reached a fairly good agreement."[75]

The Ambassador, for his part, wrote Truman to congratulate the Labor Under Secretary for his role in the initial part of the talks.

> Quite a large number of growers and representations of the labor organizations in the United States were present in Mexico City while the conversations were in progress. Mr. Galvin showed great tact, friendliness and outstanding ability in keeping these people properly informed and under control at a time when a delicate situation, as a result of the forthcoming Presidential election, existed in Mexico.[76]

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[74] Culbertson to Mann, 22 May 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[75] Tyson to Blocker, 27 May 52. NAW, DOS, RG 84, Mexico 1950-52, box 21. Emphasis added.

After haggling over whether the Spanish translation of the agreement prepared by Calderón reflected the agreement reached in English in May, on June 12 the two governments exchanged notes formalizing the agreements and effectuating the changes that the Mexican government had been trying to avoid during the previous Spring. The press release prepared by the Foreign Ministry making the agreement public struck its own note of self-congratulation when it stressed that the purpose of the amendments made was to "guarantee more fully the rights of the contracted Mexican Workers" and to simplify the procedures and establish "more equitable bases for both contracting parties."[77] Both Ministry and Embassy officials, however, were congratulating themselves too soon.

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[76] O'Dwyer to the President, 29 May 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[77] I am quoting from the English translation of the press release transmitted by the Embassy to Washington. Telegram 1743, O'Dwyer to SecState, 11 May 52. NAW, DOS, RG 84, Mexico 1950-52, box 21. The Foreign Ministry's release also noted a point that did not play a significant role as a problem in the May negotiations: ". . . emphasis is placed on the privilege which the Government of Mexico retains for herself, of not authorizing the contracting of a greater number of Workers than may be available after considering the requirements of our own agriculture, so as not to disturb the economy of the country with an exodus that might alter considerably the necessity of manual labor of the various agricultural regions of National Territory."

9 TALKING PAST EACH OTHER

Perhaps it was appropriately symbolic of the futility of the May 1952 negotiations that, upon concluding the agreement, an incident of discrimination should occur involving a Mexican consul in Texas. From Ciudad Juárez the day after the agreement was finalized, U.S. Consul General Stephen E. Aguirre reported that

> El Fronterizo of this city . . . gave prominence this morning to a UP despatch from Boerne, Texas, a small village near San Antonio, Texas, populated by citizens of German extraction involving Sr. Cosme HINOJOSA, Mexican Consul General, and two companions who were refused service in a restaurant owned by one Charles O. GRIMSLEY.[1]

The investigation of that incident illustrated the difficulty of settling the differences to the satisfaction of both governments and explained, in part, why Calderón was so adamant about maintaining the right of his government to determine unilaterally whether discrimination had in fact occurred. As the Executive Director of the Texas Good Neighbor Commission noted in his report, the very facts in the incident were in dispute, where the restaurant owner claimed that he threw out the consul because of a disturbance and the Consul countering that the incident had been racially motivated and that he had not caused a disturbance.[2]

[1] Stephen E. Aguirre, U.S. Consul General Cd. Juárez, to O'Dwyer 13 Jun 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

This problem can be illustrated by other examples. At the height of the May negotiations, the USES representative in Mexico City, Earle Smith, requested that Blocker inquire at SRE as to why San Patricio and Nueces Counties in Texas were on the blacklist and what could be done to reinstate them so that employers there could receive braceros. Calderón's verbal reply, of which Blocker made extensive notes, is indicative of the problem of discrimination as seen by the Foreign Ministry.

> San Patricio:
> On April 28, 1949, Hotel Moss Sinton [?], Texas, refused lodging to Mr. and Mrs. Manuel Noriega.
> April 16, 1949, "Buckhorn" Bar, Ingleside, Texas, refused to serve Nicolás Flores and Ezequiel López.
> May 16, 1948, the personnel of the "Corpus Christi State Park" refused to admit Sara Moreno and Eredina Cisneros to skating rink.[3]

To be reinstated into the program, Calderón stated, the County representatives should send a pledge of non-discrimination.

> Nueces Co.:
> Aug 1, 1951 Guaranty Title & Trust Co.,

[2] Vaughn M. Bryant, Good Neighbor Commission of Texas to Barry Bishop, Press Attaché, AmEmbassy, 18 Jun 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[3] Earle J. Smith to Blocker, 19 May 52; handwritten notes attached thereto. NAW, DOS, RG 84, Mexico 1950-52, box 21.

Corpus Christi, Tex. "[unintelligible notes] subdivision of lots for sale to persons of caucasian extraction only."

Oct 1, 1951 "Tourist Bar & Cafe," Corpus Christi (4121 Timen St.) refused service to Mexicans (Dr. Héctor P. García).

Oct 1, 1951. Alarico R. Ramírez (U.S. citizen) "was refused to [unintelligible] apartment at 'White Apts,' 3623 1/2 Ave D, Corpus Christi, and he was called a 'Mexican'."

Sept, 13, 1950. Lucas Valdez was refused service at 'Tourist Bar & Cafe' 4121 Timon, Corpus Christi.

Sept, 1950 Alarico R. Ramírez was asked to move from "White Apts" since he is Mexican.[4]

Nueces County authorities, Calderón noted, had submitted pledges in September 1949. He stated that new pledges would be required since discrimination had been reported in those areas since that date.

Late in June, the USES submitted the results of its investigation of the charges made by SRE against San Patricio and Nueces Counties.

Guaranty Title & Trust: At time charge made, did not own or develop any subdivision of Corpus Christi for sale.

Tourist Bar and Cafe: Denies charges of refusal of service. Moreover, wife a "Latin American."

White Apt. House: New owners. Knew nothing of alleged discrimination.

Hotel Moss, Sinton Texas: Clerk had refused lodging, but not on basis of race. However, upon learning this, management apologized and invited Mr. Noriega to register. Noriega, however, refused.

Buckhorn Bar, Ingleside, Texas: Never refused

[4] Ibid.

anyone because of race, but at various times, did refuse to both Latin Americans and Anglo Americans because of improper conduct.

Skating Rink - Corpus Christi - State Park - Sinton, Tex: Changed ownership. New owners stated rink was open to Latin Americans.[5]

USES's investigation thus failed to confirm a single case of discrimination. Even in those instances where the owners or managers of establishments admitted refusing service to certain persons, none would admit to having done so on the basis of ethnic origin.

Three weeks after this evidence was submitted by the Embassy, the counties were removed from the ineligible list.[6]

Later, in August, the Mexican consul at Houston submitted a report on discrimination against persons of Mexican origin, including Mexican citizens, in Brazoria County. In this report the consul noted that Mexicans had been refused service in some restaurants; that some beer joints refused to accept beer when the person delivering it was of Mexican origin; that several barber shops refused service to Mexicans. In a small town named Alvin in that county there was a barbershop with a sign on the window that said no Mexicans were allowed. The consul

[5] Copy, McDonald to Earle Smith, 27 Jun 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[6] Note attached to ibid.

also reported on a situation of school segregation involving Mexicans.[7] In this instance, the record is silent as to how USES responded.

Since there is independent information to confirm that discrimination against Mexicans of the kind described by Calderón did in fact occur in Texas in the early 1950s,[8] the tug of war between SRE and USES on discrimination allegations and counter allegations is suggestive of the difficulties of proving this type of case. DOL relied upon the word of the alleged discriminators, and not surprisingly, found the accusations denied; SRE relied on the word of those making the original complaint. Given how elusive it seemed to be to establish as fact what some Mexican observers viewed as self-evident, the Mexican government position reflected a basic mistrust of the motives of USES personnel and the expectation that USES independent investigations were unlikely to confirm discrimination for those cases on which they reported. It may be pertinent to note, moreover, that in 1952 the U.S. was experiencing lawsuits on school segre-

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[7] Copy, Alejandro V. Martínez, Consul, Houston, to Secretario de Relaciones Exteriores, 6 Aug 52. The copy was transmitted by the Foreign Minister to O'Dwyer. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[8] Pauline Kibbe discussed this and related issues as regarded the early 1940s. Kibbe, Latin Americans in Texas.

gation (Brown v. Board of Education was decided by the Supreme Court in 1954) and U.S. state and federal authorities were sensitive to accusations of discrimination but not explicitly committed to recognizing it as a malaise of U.S. society.

COTTON-PICKING WAGES

Given the toughness of the bargaining with Mexico in the spring of 1952, many U.S. officials expected difficulties in the implementation of those parts of the agreement where disputes had been sharp: joint versus Mexican unilateral determination of ineligibility. As it turned out, severe problems arose almost immediately regarding implementation of the new agreement which, within six weeks, had almost wrecked the arrangement and resulted in an entirely new round of negotiations involving not only the customary participants but a meeting between White House Assistant David Stowe and President Alemán, and strong participation by Foreign Minister Tello, Under Secretary Guerra and Ambassador O'Dwyer. The source of friction, however, was not unilateral blacklisting (though it did not entirely disappear from the agenda) but unilateral Mexican wage demands for picking cotton. The latter problem was a recurring source of conflict--perhaps the basic source of conflict--until early 1954.

The U.S. officials involved in the administration of

the bracero program had not finished exulting over the successful completion of the negotiations when Mexican consuls began to refuse to authorize the contracting of workers unless the piece rate for picking cotton was set at a minimum of $2.50 per one hundred pounds. This, of course, violated the terms of the agreement just reached. Past agreements had firmly established a number of related principles: that the Secretary of Labor had exclusive right to determine prevailing wages for a crop in a given harvest area of the United States, that this determination was essentially an empirical procedure (measuring prevailing wages, not setting them at a level considered to be desirable), and that wage rates were not a negotiable item in the bilateral agreement. From the standpoint of the U.S. government, setting wages was indistinguishable from the illegal practice of price fixing --and treating wages as an item in which the Mexican government had a say was equivalent to setting them beforehand.

The Mexican government, however, saw the matter differently. From the diplomatic correspondence in the records of the U.S. Embassy one sometimes wonders whether they did not comprehend at all, or perhaps comprehended only too well, the subtleties of the DOL position that determining prevailing wages was different from setting

wage levels. SRE did note, however, what U.S. labor organizations and critics of the bracero program were saying at the time and were to say in later years: that the wages paid to contract laborers were unconscionably low and constituted unfair labor competition for U.S. workers. Indeed, SRE's position on this matter--which did not change even after the issue was partially resolved in late July--was that the "prevailing wage" as determined by USES, particularly for cotton in the Lower Rio Grande Valley, was essentially the wage paid to "wetback" laborers. In essence, the Mexican view was that as a practical matter, two principles in the agreement were in conflict: the right of the Secretary of Labor to determine prevailing wages--which inevitably set these at the "wetback" wage--and the objective of not using contract labor to adversely affect the wages and working conditions of domestic workers.

The opening shot was fired in a telegram containing SRE's new instructions to the consulates on this matter:

> Beginning today contracts you authorize shall specify minimum salary not less than fifty cents per hour and two fifty first pickings on cotton stop you are to request approval of this office on minimum rates for other types of work.[9]

A memorandum prepared by the Labor Department in Washing-

[9] Translation of telegram prepared by DOL, copy, undated DOL memorandum attached to Neal to Blocker, 18 Jun 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

ton noted that Article 15 of the Migrant Labor Agreement of 1951 as amended gave the Secretary of Labor authority for determining prevailing wage rates and thus the action was without any authority under the agreement. It further noted that the matter had been discussed in May and "directly contravenes the understanding which was reached with the Government of Mexico when the specific questions of fixing minimum wage rates were discussed during the recent negotiations in Mexico City." DOL lamented that "[there is] an attitude of indifference to the obligation of Mexico to operate the migrant labor program within the framework of the bilateral International Agreement so very recently negotiated. . ."[10]

The memorandum limited the protest to the recent action by SRE on the minimum rates for cotton and did not extend it to the fifty cent minimum requirement in SRE's instructions to consuls.

> Fifty cent minimum was thoroughly discussed in Mexico and, although American Government objected to it, we appreciate the position in which Mexican authorities found themselves in that fifty cent minimum was imposed by them last fall, had been in effect for a number of months, and was known to Mexican people. At the same time, however, it was made clear that American Government would not acquiesce in the establishment of any further minimum wage rates of any

[10] Copy, undated DOL memorandum attached to Neal to Blocker, 18 Jun 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

kind by Mexican authorities.[11]

This comment reminds us that there was a history of Mexican government unilateral action pushing to establish minimum wage rates and, by the same token, a history of the USES opposing it. The June-July jostling over setting minimum wage rates, then, was part of an established pattern of Mexican government pushing to raise those wages found by DOL to be prevailing and DOL opposition, as a matter of principle, to the Mexican unilateral efforts.

On this occasion, the Department of Labor not only opposed the Mexican action on principle but ascribed to it negative consequences for the agreement generally and for the control of illegal entrants specifically. The telegram from the Mexican Ministry for Foreign Affairs to its consuls had "obtained wide publicity throughout the United States" and "resulted in widespread failure to request Mexican workers." Somewhat hyperbolically the DOL reaction continued:

> This action on part of Mexico has done more to encourage use of Mexican illegal entrants into the United States than any single event in past several years. Jobs which would have been filled by Mexican contract workers are apparently filled by illegal entrants employed at substantially lesser wages than would be paid if employed under contract. In lower Rio Grande Valley alone, order for 50,000 to 70,000 Mexican

[11] Ibid.

> workers were expected, but to date only orders for 10,000 received and season is less than two weeks away.[12]

In the eyes of USES, then, quite apart from the question of who had jurisdiction over determining prevailing wages, increasing wages for contract workers was counter productive because in the end employers would only substitute for them with illegal entrants. Implicitly then, the prevailing wage was the "wetback wage" and there was little that could be done about it. If farmers were to use contract labor they should not have to pay more for them just because they were legal. Thus the irony: a U.S. Labor Department defending strenuously a wage arrangement which recognized as the status quo the continued presence of illegal entrants in certain parts of the U.S. and a Mexican Foreign Ministry arguing that Mexican laborers recruited to work in the U.S. should be paid sufficiently high so as to not adversely affect the working conditions of U.S. workers.

On June 17 the Embassy was authorized to make representations to the Mexican government to the effect that the SRE's instructions to consuls were contrary to the recently signed agreement. SRE denied that it was attempting to set wage rates in the U.S. and argued that it was "'simply fixing a rate at which Mexican workers would

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[12] Ibid.

be allowed to leave the country for employment abroad'." The Ministry further explained that it had received complaints from labor organizations--AFL and CIO--and Mexican American organizations such as LULAC, that Mexico was impairing the working conditions of U.S. workers by permitting contract laborers to pick cotton at $2.00 per hundred.[13]

David Stowe, Assistant to President Truman, was informed of the strong Mexican stand regarding $2.50 per hundred pounds of cotton picked while in a meeting with a group of U.S. growers, and subsequently instructed Ambassador O'Dwyer to take up the matter with Foreign Minister Tello. Though the Foreign Minister initially responded positively to the Ambassador's request, a subsequent meeting between Under Secretary Guerra, Calderón and Blocker failed to confirm a change in Mexican attitude.[14] Guerra and Calderón noted that $2.50 per hundred poundr of cotton picked was the going rate in most areas of the United States, with the notable exception of Texas and "especially the Río Grande Valley." The rate in these areas--$2.00--was as low as it was because it "is the rate paid to illegals." In an argument reminiscent of

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[13] Copy, Neal to Mann, 26 Jun 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[14] Ibid.

the 1951 report of the President's Commission on Migratory Labor, Calderón further took the position that there was little need for contract labor in the Lower Río Grande Valley because there was

> . . .no real shortage of labor in the Valley, since employers are using illegals at cheap rates and American labor has been forced to move north to take jobs where higher wages are available. It was his opinion that if higher wages were paid in the Valley, American labor would be available for the work. . .

Guerra and Calderón reiterated the point that "the prevailing wage in the Río Grande Valley is the wage paid to wet-back labor." Guerra suggested that a Joint Commission be appointed to study the wage rates paid for agricultural work in the United States generally, and that the average of these wage rates be accepted as a minimum wage rate for any section of the United States.[15]

The position of the Mexican government was elaborated on in a memorandum sent by SRE to V. H. Blocker:

> 1. All information collected regarding the rates which have prevailed in the various States of the American Nation during the latter years show that, with the exception of those places where illegal workers have traditionally been employed to gather the cotton crops, in all other cotton zones the prevailing wages are higher than the $2.50 Dls. rate per 100 pounds of picked cotton.
>
> 2. In proving and recognizing this fact, the Government of Mexico does not pretend to intervene in fixing the prevailing wages, this being a function of the internal regimen of the United States, which pertains to the Secretary of Labor; but the Government of Mexico <u>is</u> very much interested in seeing that the minimum wage established in the work contracts, before these are authorized, should not be lower than the customary average, so that the Mexican workers do not compete with the native workers and lower their standard of living. Mexico is equally interested in seeing that her mentioned workers obtain a just and equitable remuneration, which will at least be sufficient for them to cover their necessary expenses and those of their families, so that they do not return feeling disillusioned and defrauded in their interests.[16]

This memorandum presented the first articulation in 1952 of a Mexican government challenge of the procedure by which the DOL determined "prevailing" wages to safeguard the interests of U.S. workers from adverse effects and to protect Mexican contract laborers from exploitation. As before, the Mexican government finessed the wage fixing issue, though, with unintended irony, it noted that it had no intention in interfering with DOL efforts involving "fixing the prevailing wages."

At the White House, Stowe reacted angrily to the Mexican position.

> . . .Mr. Stowe stated the Mexican position is "totally unacceptable to the U.S." and that O'Dwyer should so inform the Mexican Government. He stated Mexico should be reminded of the July 27, 1951 letter which President Alemán sent to President Truman, in which Mexico stated once the legislation was passed and the illegals stopped it would be easier to work out the details. Mr. Stowe said "the White House wants this thing straightened out," and that if it

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[15] Telegram 1835 from O'Dwyer, 24 Jun 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[16] <u>Ibid</u>.

> isn't, we are going to start turning our back when the illegals start pouring across the Border. He stated the Mexican position is having adverse effect on passage of the Immigration and Naturalization budget and that it is possible we might lose 300 Border Patrolmen.[17]

From Stowe's reaction we might gather that the U.S. and Mexican governments did not quite see the problem in the same terms.

Ambassador O'Dwyer's expressed attitude was concern. In a memorandum for the file he typed himself he noted that "all [Foreign Ministry] officers concerned, including Mr. Tello, are more adamant on this subject than I have ever seen them." He also made notes of a conversation he had with Thomas Mann over the telephone:

> Mr. Mann said that although as a matter of principle the wage rate for [the Lower Rio Grande Valley] should be brought as nearly as possible to the California rate, as a practical political matter two dollars is probably the best that could be done. He said that the Rio Grande economy is based on wetback labor.
>
> I informed Mr. Mann that this is exactly what Mr. Tello and Mr. Calderón have pointed out. I told him to have Dave Stow [sic] get prepared, because Mr. Blocker and I had a tough rpoblem.[sic][18]

Without specific instructions on the subject, O'Dwyer proposed a solution which SRE reluctantly accepted as applicable to three counties in the Valley.

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[17] Copy, Neal to Mann, 26 Jun 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[18] Ambassador to file, 27 Jun 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

Mexico would authorize contracting at a minimum wage rate of $2.00 per hundred pounds for cotton picking in those counties in the Rio Grande Valley of Texas where the DOL had certified this to be the minimum wage rate. However, public notice would be given and laborers informed, prior to being contracted at such a rate, that

> . . .the rate of $2.00, as applicable in the counties in the Río Grande Valley certified for that rate, is lower than the wages being paid for cotton picking in other areas of the United States, but any workers who may want to accept employment in the counties certified for the $2.00 rate would be contracted.
>
> In other words the workers would be fully informed of the rates being paid for cotton picking in the various cotton areas of the United States, and they could decide for themselves as to whether they would want to work at the $2.00 rate in the counties which would be certified for that rate.
>
> Undoubtedly most of the laborers will endeavor to obtain work in California and other areas outside the Río Grande Valley where the minimum wage rates are higher. However, certainly a large number will contract for work in the Río Grande Valley, even though the wages paid there are lower than in other areas.[19]

O'Dwyer's solution seemed to represent an acceptable exit from the impasse, and SRE instructed by telephone the Consul General in San Antonio and the Contracting Station

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[19] Telegram 1855 from O'Dwyer, 27 Jun 52. NAW, DOS, RG 84, Mexico 1950-52, box 21. Blocker later commented that he frankly did not expect that the announcement to would-be contractees that higher wages were available elsewhere would dissuade "any considerable number of laborers" from accepting employment in the counties certified at the $2.00 rate. Copy, Blocker to Neal 11 Jul 52, RG 84, box 21.

in Harlingen to accept new contracts and extensions at a minimum wage rate of $2.00 for Cameron, Hidalgo and Willacy Counties--the Lower Rio Grande Valley of Texas.[20] The arrangement as accepted by the Foreign Ministry, however, did not extend outside of those three counties in South Texas.

Early in July the State Department received word from the Department of Labor that a Mexican consul was setting the minimum wage for picking cotton at $2.50 for El Paso, Texas. This action prodded the Department of Labor to finish preparing a formal position, which was submitted in the form of a letter from Labor Under Secretary Galvin to Secretary of State Dean Acheson in which he suggested that the agreement was virtually on the rocks over the wage fixing issue.

> These actions on the part of the Government of Mexico would indicate that they have small regard for the letter and intention of the Migratory Labor Agreement of 1951, as Amended. These unilateral actions have implications which have led many employers who have utilized legal Mexican workers to the conclusion that if these actions continue to characterize the operation of the Agreement, the United States should consider abrogation rather than accede to such demands. It is our considered judgment that such suggestions are typical and represent the earnest opinion of the users of legally contracted workers. . . .
>
> We desire to know whether or not the Mexican Government intends to honor that section of the Agreement. This situation has reached a point where a crucial judgment must be made. It would be appreciated if the Department of State would clarify the situation so that contracting can proceed in an orderly fashion.[21]

The communication to the Secretary of State also indicated that this problem had "steadily grown worse since about July 1, 1951." The letter also noted that fixing wages was not the only Mexican unilateral action DOL found troublesome, and proceeded to describe high-handed tactics by Mexican consular officials with respect to U.S. insurance companies settling claims on matters involving contract workers.

Later that month, Calderón informed the Embassy that it could not accept the $2.00 beginning wage rates for areas outside of the Lower Rio Grande Valley because the Ministry had received reports from U.S. labor leaders and other U.S. citizens had protested against wages of $2.00 paid to undocumented workers.

> He stated that reports indicate that Mr. Ernesto Galarza, Representative of American Federation of Labor, has been organizing United States workers to oppose the use of Mexican illegals in California, New Mexico and Texas, since the use of illegals is adversely affecting wages and employment conditions of American laborers in those areas. He stated further that labor leaders have been urging the citizenry in the Rio Grande Valley to use force to throw the illegals

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[20] Telegram from O'Dwyer, 1 Jul 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[21] Copy, Galvin to SecState, 11 Jul 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

out of that section. . .[22]

Calderón added that it was feared that Galarza might similarly oppose the use of contract laborers "at this 'wetback rate'." Calderón concluded his argument by stating that permitting contracting at the $2.00 rate "would, in effect, be legalizing the wet-back wage paid in the United States, to the disadvantage and discontent of the American laborer." Accordingly, SRE had reluctantly agreed to that rate for Cameron, Hidalgo and Willacy Counties and was unwilling to extend the June 27 agreement with O'Dwyer to any other areas of the United States.

Within days, a top-level meeting of U.S. officials occurred, chaired by David Stowe at the White House, in which options were weighed and a course of action decided upon. The problem, as they saw it, was the Mexican refusal to extend contracts of braceros already in the U.S. or to permit employment of those wishing to go to the U.S. at wages certified by the Secretary of Labor as the prevailing rates. Moreover, by this time, the group felt that it would be a waste of time to attempt to negotiate this matter further at the level of the Foreign Ministry. A final effort at the level of the Mexican President was

[22] Telegram 114 from O'Dwyer, 16 Jul 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

required and, should this effort be unsuccessful, "the United States should be prepared to abrogate the Agreement."

> Mr. Stowe stated his belief that the whole record of our attempts to make the Agreement workable should be presented forcefully to President Alemán, making reference to his letter of July 27, 1951 to President Truman which stated the Mexican desire to cooperate fully once the basic principles of an Agreement were decided upon. Mr. Stowe stated that in the event this presentation was unsuccessful we should be prepared either to import laborers from other sources or to utilize Mexicans on an entirely unilateral basis. Under this latter arrangement we would legalize all wetbacks as they entered or were discovered and enforce contract conditions between employer and laborer similar to those now being enforced under the Agreement. It was stated by Labor representatives that authority to do this exists.[23]

In contrast to his earlier reaction when he had suggested that the U.S. might "look the other way" as Mexican workers crossed the border illegally, on this occasion Stowe stated "that he was sure the President would not sanction any undercover utilization of wetbacks contrary to the provisions of the Agreement."

In the Lower Rio Grande Valley itself, a visiting Earle Smith found that "our people are just about fed up with the way Mexico is insisting upon the $2.50 Dls. rate for picking cotton."

Earle stated that our farmers have simply put

[23] Copy, memorandum of conversation, by Belton, 21 Jul 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

> their foot down on the $2.50 Dls. rate and have declared that under no condition will they pay it. In this connection it is noted from a Washington press article that the Department of Labor has refused to return to Mexico several thousand braceros who desire to be recontracted, but which recontracting has been refused by the Mexican Consul General at El Paso due to the fact that the employers will not pay the $2.50 Dls. minimum wage.[24]

From Earle Smith's version of Lower Río Grande Valley attitudes toward Mexican wage demands, it is not clear what difference, if any, there was in the reaction and perceptions of the problem held by the growers and the Department of Labor.

When David Stowe went to Mexico City to meet with President Alemán, he carried with him a letter from Truman which set the context for the discussions. The letter began by citing what the United States government had done to live up to the bargain Truman had made with Aleman the previous July, including shepherding legislation that Congress passed and the activities of INS aimed at expelling illegal entrants. It also reminded the Mexican president that they had agreed that the solution to certain contract labor issues--such as their wage rates and working conditions--could be reached after action had been taken to control illegal entries. Truman concluded his letter by indicating that he was "disturbed to learn

[24] Blocker to files, 23 Jul 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

that after the progress we have made in developing a sound program," "recent developments" (not identified) "present serious problems regarding the implementation of the present arrangements." Evidently those "recent developments" were the subject of David Stowe's verbal presentation to Alemán.[25]

A subsequent meeting including Stowe, O'Dwyer, Mann, Tello, Guerra and Calderón on July 31 resulted in a detailed agreement which sought to give a final resolution to the matter. The substance of this agreement was that the basic principle that DOL insisted on--jurisdiction over determining prevailing wages and that wages would not be fixed otherwise--was acceded to by the Mexican government. The agreement also included a long list of secondary concessions by the United States regarding the timely preparation and submission of wage data by the USES.[26]

The understandings reached between the representatives of the two governments covered eight points:

> 1. The Mexican Government will issue instructions to its Consuls not to interfere with the employment of Mexican farm laborers on grounds of wages whenever the wages offered Mexican workers are equal to or exceed the prevailing

[25] Copy, Truman to Alemán, 25 Jul 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[26] Telegram 228 from O'Dwyer, 31 Jul 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

wage as fixed by the United States Department of Labor.

2. Whenever the Mexican Government disagrees with the prevailing wage rate as fixed by the United States Department of Labor it will challenge the rate, whereupon the Labor Department will promptly conduct an investigation on the ground to determine whether the challenge is well taken.

3. The United States Department of Labor will make greater efforts to insure that the prevailing wage rate keeps pace with changes in wage levels so that Mexican agricultural laborers will promptly get the benefit of increased wage levels.

4. In cases where there has been a manifest mistake on the part of the United States Department of Labor in fixing the prevailing wage consideration will be given to retroactive compensation to the Mexican workers; retroactive payment will not be made, however, when there merely has been a lag in adjusting the prevailing wage rate to meet new wage levels.

5. The United States Department of Labor will undertake promptly to fix beginning rates and prevailing rates and to keep the Mexican Government currently informed of these rates and of all changes made in prevailing wage rates.

6. In respect to the "beginning" rate, the United States Labor Department will take into consideration not only the wage levels of the preceding years, but also any increased living costs which recently accrued in the particular area.

7. In particular, in all cases where a two-dollar beginning rate for cotton picking has been fixed by the United States Department of Labor (except the three counties in the lower Rio Grande Valley) an immediate review of the rate will be made by the United States Department of Labor to determine whether there have been increased living costs which require an increase in the rate.

8. Consideration will be given later to the problem of subsistence payments.[27]

This arrangement was acceded to over considerable

[27] Ibid.

protest, however. A July 31 diplomatic note from SRE recalled that DOL had set the starting piece rate at $2.00 per hundred pounds of cotton in 12 counties in New Mexico and 39 in Texas and affirmed that ". . .the Government of Mexico believes that the mentioned rate of $2.00 Dls., is not adjusted to the economical conditions prevailing in said Counties and is, besides, contrary to various clauses of the mentioned Agreement." The note cited evidence that during the previous year, when $2.00 rate had been in effect, a large number of workers left their contracts within one week complaining that working 11 hours daily did not provide them enough to pay for their food.[28]

Subsequent events seemed to vindicate the Mexican position when several South Texas employers ultimately agreed to pay the $2.50 rate per hundred pounds. In an unusual twist of events, however, after USES authorized the contracts from Washington, an assistant to the Secretary of Labor called the Harlingen station to hold these contracts. The call came too late.[29]

The confusion over what policies were being pursued by which government was not limited to the Secretary of

[28] Telegram 268 from O'Dwyer, 7 Aug 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[29] Blocker to files, 19 Aug 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

Labor's office in Washington. Under instructions from Calderón, a Mexican consul refused to permit the contracting of Mexican farm laborers for cotton picking in two counties in central Texas at the $2.00 rate. As it turned out, Calderón had been under the erroneous impression that DOL had not fixed the rate for these two counties. When the Embassy took this matter up again with the Foreign Minister, the problem was corrected and Tello

> reaffirmed the understanding reached about three weeks ago in his conversations with Mr. Stowe and Ambassador O'Dwyer and requested Mr. Calderón to issue another circular instruction to Mexican consuls making it perfectly clear that there was to be no interruption of employment wherever the Labor Department had fixed rates. Ambassador O'Dwyer made it very clear that as a matter of principle the United States could not agree to Mexico fixing wage rates in the United States and that the procedure should be for the U.S. Labor Department to fix the rates and for the Mexican Government to protest in those cases where it was not in agreement.
>
> Mr. Tello then reminded the Ambassador that in the conversations which recently took place in Mexico City the United States representatives had undertaken to conduct promptly a resurvey of certain counties in Texas and New Meico and to inform the Mexican Government within two weeks of the result of the resurvey. Mr. Tello observed that more than three weeks had gone by since this undertaking was made and that the Mexican Government had received no information in the premises. The Minister then made it very clear that Mexico desired that its protest be acted on promptly since, as a practical matter, no benefits to Mexican workers would result from conducting investigations and making findings at the end of the contract period.
>
> Mr. Tello also made it clear again that in every case where a $2.00 rate was fixed it would be considered that Mexico had automatically lodged a protest. . . .

> It is my opinion that if this agreement is to be made to work, it is of great importance that the Labor Department promptly complete its investigations in the forty-odd counties in Texas and New Mexico where the $2.00 beginning rate was fixed for cotton picking and that information concerning the result of the survey should be furnished the Mexican Government forthwith. Similarly, it will be necessary to conduct promptly investigations in all areas where the $2.00 rate is fixed and to inform the Mexican Government promptly of the decision of the Labor Department. Furthermore, the possibility of disagreement with Mexico will be minimized if the Labor Department can furnish to the Mexican Government information concerning the beginning rates substantially in advance of the employment of Mexican laborers for those areas. I do not believe that the Mexican Government will long live up to its part of the bargain unless we also live up to our part of it.[30]

Clearly, the SRE's adamant position on wages had not changed much in the course of what seemed to be two months of endless negotiations. When pressured at the highest levels, the Ministry acceded to U.S. requests, but always reluctantly, with qualifications, and refocussing the problem on its original concerns. By August 1952 two things must have been obvious: first, that Calderón's personality was not the issue here--that indeed, a genuine difference existed between the two governments and that Calderón had support at the highest levels for most of what he did--and secondly, that the wage issue might be negotiated but it would not be re-

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[30] Memorandum of telephone conversation, by Mann, 19 Aug 52. (Participants included O'Dwyer and Culbertson.) NAW, DOS, RG 84, Mexico 1950-52, box 21.

solved.

In retrospect it seems clear that after the failure to adopt employer sanctions in 1952, the Mexican government, specifically SRE, adopted a strategy to reform the bracero program and bring its operation more in line with the spirit of the agreement--providing safeguards for both Mexican and U.S. workers--even if actions had to be taken, such as unilateral wage bidding by Mexican consuls, that violated the letter of the bilateral agreement. This makes more explicable Mexican efforts to avoid changing the agreement and holding negotiations in April 1952 and, when this effort failed, the Mexicans hung tough on the unilateral blacklisting issue. A Mexican effort to reform the bilateral program through unilateral pressure tactics can also be seen in violating the agreement almost as soon as it was signed by making wage levels, de facto, a negotiable matter. In effect, the Mexican government, specifically SRE, had a vision of what the bilateral program should look like and pursued it. That vision, contrary to the thrust of U.S. action, sought to maintain contract labor wages above "wetback" levels even after the U.S. had failed to take the action considered to be most effective to control undocumented migration: employer sanctions.

I have not consulted any records of SRE which might

illuminate the Mexican strategy to support its vision of the spirit of the agreement by violating the letter of the same. From the records of the U.S. Embassy in Mexico City, however, this strategy is apparent, especially when the position of the Foreign Minister and Under Secretary obviously supported the line originally taken by their subordinates on virtually all unilateral actions taken by the consuls.

In August and September, despite their differences, the two governments sought to minimize their confrontations. Mexican Ambassador Rafael de la Colina suggested that the Mexican consuls might co-participate in the wage surveys conducted by DOL so that they might be better apprised of the facts that USES had and "there would be less misunderstanding and a much better chance of smooth operation of the program."[31] The White House and Department of Labor also stopped complaining vociferously on this score. Clearly, neither DOL nor SRE had changed their view of the matter; perhaps DOL no longer thought the issue was worth abrogating the agreement. In any event, by mid September, U.S. Consul Ailshie at the Embassy reported to Belton: "The program is running along

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[31] Memorandum of conversation by Mann, 20 Aug 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

reasonably smoothly, so I have my fingers crossed."[32] Perhaps more significantly, USES seemed to be "finding" higher wages prevailing, though not in the areas the Mexicans would have liked most. On September 22, DOL determined the prevailing wage in Lake County, Tennessee at $3.00 per hundred pounds picked. On October 23 the Department issued a "redetermination" at $3.50.[33] Whatever the case, things proceeded more or less on the terms that SRE had dictated and USES held its tongue for the rest of the year.

THE MIGRATION STATION AT MONTERREY

On July 21 1952 José T. Rocha, in charge of bracero matters at the Ministry of Gobernación, informed the Ministry that the migration station at Monterrey had been closed. The Embassy was not immediately provided an explanation.[34] Later, it was informed that Gobernación had taken this action because USES was not contracting enough workers at that station--most of whom went to South Texas. This was in violation of the bilateral agreement, and the Embassy informed Washington that it was preparing

[32] Copy, Ailshie to Belton, 19 Sep 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[33] Copy, Kenefick to Aveleyra, 27 Oct 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[34] Blocker to files, 21 Jul 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

a note of protest.[35]

On July 22 a meeting was held at the Foreign Ministry including Calderón, Rocha, Blocker, and Joe Bango, USES representative in Mexico City and Charles Beechie, representative of INS. Rocha explained that the Minister of Gobernación, Lic. Uruchurtu (later Mayor of Mexico City) had received numerous complaints--including one from the Governor of Nuevo León--to the effect that

> . . .the existence of a Migratory Center at Monterrey had created an adverse economic and social situation for that City and Community, due to the almost continuous existence of thousands of laborers in the City, many of whom have been there since last May, hoping to be contracted for work in the United States. These laborers, he [Rocha] stated, constitute a definite menace since they are ordinarily without funds and loaf about the City, sleeping at the railway station, the City Hall, public parks, or wherever they can find a place to rest. They also steal and beg and are otherwise a danger to the Community. . . . Rocha also complained that the demand for contract workers at Monterrey during the past several weeks has been extremely light and that Gobernación had decided that the Center should discontinue operation until such time as the United States could assure a minimum contracting of not less than four or five hundred men per day.[36]

The conditions in Monterrey, in the eyes of Gobernación, warranted a sudden closing of the station without any warning.

[35] Telegram 144 from O'Dwyer, 21 Jul 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[36] Telegram 150 from O'Dwyer, 22 Jul 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

The U.S. representatives then explained how this action had affected the United States government. First, USES had brought from the United States thirty coaches and six dining cars to transport workers; these railroad cars were at that time in Monterrey. Calderón and Rocha were referred to the Migrant Labor Agreement of 1951 which specifically named Monterrey as a Migratory Center and were informed that "it had been understood all along that Monterrey would be used as a Migratory Center and that the United States had gone to great expense, not only with regard to the actual operation of the Center, but in sending in special railway equipment to handle a mass movement of laborers." The U.S. representatives also pointed that out that "this would seem the worse time possible to close Monterrey since the cotton season in the Lower Rio Grande Valley is already at hand, and the demand for laborers for other parts of Texas is due to increase heavily from this date one; that the USES had estimated that some 28,000 laborers at a rate of 1,500 men a day, would be contracted at Monterrey beginning the latter part of July."[37]

The participants proceeded to move to the offices of Gobernación, where they met with Enrique Rodríguez Cano, Oficial Mayor of that Ministry.

[37] Ibid.

> Sr. Rodríguez Cano appreciated our position with respect to Monterrey and stated that he was sure that Lic. Uruchurtu would be glad to reconsider his order closing Monterrey if the Embassy would submit a note to the Ministry for Foreign Relations, giving some assurance that a heavier demand for braceros at Monterrey may be expected very shortly, and requesting that Mexico reconsider its order to close the station at Monterrey. Sr. Rodríguez Cano suggested that the Embassy also mention in its Note that in view of a greatly increased demand anticipated for workers at Monterrey, the USES, at heavy expense to the U.S. Government, had already brought to Mexico thirty coaches and six dining cars for the transportation of workers to the United States in special trains.

The Embassy submitted a note immediately, but was forced to withdraw it the following day when Earle Smith, of USES in Mexico City, indicated that the Department of Labor could not give assurances as to the number of braceros that might be contracted in Monterrey. "He felt that for the time being at least orders for Monterrey could be filled at Irapuato." Upon withdrawing its note, the Embassy noted that although it could not guarantee a contracting of from four to five hundred laborers a day in Monterrey, it would still prefer to have the migration center there remain open "as provided for in the Migratory Labor Agreement of 1951."[38]

Early in August, the Embassy was asked to transmit to Washington the information that Gobernación had closed

[38] Telegram 164 from O'Dwyer, 23 Jul 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

the Monterrey center permanently, but would be willing to open another in the city of Durango, if the U.S. could assure that a sufficient number of workers would be contracted.[39] On August 19, the Embassy formally requested that a migration center be opened in Durango.[40]

In an informal communication to William Belton, Blocker noted that the Department would probably want to protest the action as a violation of the agreement. Then he noted:

> Frankly, one cannot blame Mexico too much for closing Monterrey, due to the very unsatisfactory economic and social situation which the establishment of the Migratory Center imposed upon the City. There was during the past two or three years an almost continuous existence of thousands of laborers in or about Monterrey hoping to be contracted for work in the United States. Many were penniless and became beggars, others resorted to thieving. They slept wherever they could in public parks, at the railway station, City Hall and along the streets. I do not believe that many American cities would have put up with such a condition which constituted a real menace to the Community.[41]

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[39] Telegram from O'Dwyer, 7 Aug 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[40] Diplomatic note 110, AmEmbassy to SRE, 19 Aug 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[41] Copy, Blocker to Belton, 15 Aug 52. NAW, DOS, RG 84, Mexico 1950-52, box 21. In a letter which Blocker had not yet received, Belton indicated that in the event that the "heavy deportation of wetbacks in the last two or three weeks" had not provided him with sufficient ammunition to argue for a reopening of the Monterrey Center, "I believe we will want to make formal protest of this as a violation of the Agreement." Belton to Blocker, 13 Aug 52.

Blocker evidently sympathized with the Mexican official view of the problem in Monterrey. He proceeded to note that while Mexico's action in this case was understandable, he felt "very strongly" that it should provide a substitute. Thus far, Gobernación had not accepted the Embassy's suggestion that a center be established near Saltillo, Coahuila, nor come up with an alternative near Monterrey.

Subsequently, O'Dwyer met with Tello to bring up the matter and reported to Washington that "Mr. Tello made it clear that Monterrey will remain closed, the Agreement to the contrary notwithstanding."

> Embassy is satisfied that no useful purpose would be served by any further protests against the closing of the Station at Monterrey.
>
> Ailshie and Smith will see Calderón tomorrow and discuss possibility of opening another Center to replace Monterrey, possibly near Saltillo.

Later events demonstrated that they were unsuccessful in getting a new center established in the Saltillo-Monterrey area.

The next attempt by the Embassy to re-open the Monterrey Center occurred in the context of a sudden need for a large number of cotton pickers in the Mississippi Valley region including Arkansas, Mississippi, Missouri and Tennessee. The Embassy submitted a note on the matter.

> With the closing of the Migratory Station at Monterrey, it is not possible to provide this number of workers from Irapuato because of the lack of transportation. At least three special trains would be needed to operate from Irapuato, but the National Railways of Mexico reports that it can provide no cars whatever with the exception of a single day coach. If recruiting could be done at Monterrey, with the available transportation, it would be possible to move approximately 1,000 workers per day to Harlingen, Texas, destined to the Mississippi Valley.[42]

The note requested, in view of this, that the Mexican government consider the possibility of re-opening Monterrey temporarily "for the recruitment of approximately 20,000 workers commencing September 8th and ending September 30th." The Foreign Ministry, however, rebuffed the Embassy request for re-opening the Monterrey Center.

At the Embassy's request, Tello then called the general manager of the Mexican railroads to assist with the transportation out of Irapuato. They agreed to give USES an additional special train. The Ambassador noted that "it would be much easier for us to operate from Monterrey, but I see no possibility whatever of Monterrey being re-opened in the near future."[43]

Indeed, for the remainder of 1952, the Embassy was unsuccessful in its attempts to re-open Monterrey and

[42] Diplomatic note 242, AmEmbassy to SRE, 4 Sep 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[43] Telegram 1558 from O'Dwyer, Sep 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

again shifted its attention to substituting that center with another one. In December, Earle Smith, of USES, outlined the attractiveness of Ciudad Victoria as an alternative. The practical problem the establishment of a center there was intended to solve was that of transportation. "The Mexican National Railways this year were unable to meet our demands for bracero transportation and we were obliged to supply fifty-four American Railroad coaches to assist in meeting transportation demands. . . .We also moved approximately 16,000 by bus from Durango to Eagle Pass and Harlingen at a prohibitive cost for such a long haul, the discomforts of braceros on this long bus haul most discouraging." Smith noted that the bus connections from Ciudad Victoria to Matamoros (across the river from Brownsville) were adequate and would only take five hours, which would make both the length of the trip and the suppling of food en route easier for USES. Smith concluded by noting that the labor market area "composed of the states of San Luis Potosi and Zacatecas and Tamaulipas should guarantee a supply of at best, 30,000 men, with no strain on the industrial or agricultural pursuits of these states."[44]

[44] Smith to Blocker, 19 Dec 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

MUTUAL COMPLAINTS OF NONCOOPERATION ON BORDER ENFORCEMENT

As in the case of the summer of 1951, early in June 1952 INS asked the Embassy to request Mexican permission to airlift Mexican undocumented persons to the interior of Mexico. On the first week of June, Assistant Commissioner Willard Kelly indicated that it was the intention of INS to start the "airlift" on June 12. His plan was to have six flights daily originating at Brownsville, three of which would terminate in Guadalajara and another three in San Luis Potosi. He also planned to have two flights every day originating in Holtville, California, terminating in Guadalajara.[45] The plan also involved the "establishment of alien detention camps in the Valley area. . ."[46]

As in the previous summer, the airlift and the detention camps met with some resistance from Valley growers and from local public opinion.

> Valley newspapers are devoting considerable space to ridicule the campaign . . . they have initiated and are setting the pace in developing public opinion . . . against the operation of the airlift and the establishment of detention camps. The airlift is derisively called many uncomplimentary names, one of which is "Operation Squander". . . opposition is well organized. . .[47]

As before, reported the consul, "the basic reason for the opposition to the return of Mexican illegal entrants to Mexico is that the above mentioned group does not wish to see that reservoir of cheap, wetback labor being removed from the United States, especially when cotton harvest time is so near."

Unlike 1951, however, the forces in Congress opposing immigration law enforcement had the upper hand. Riding high on their success in stopping employer penalties and inserting the Texas proviso into the "harboring an alien" provision the previous spring, in early summer of 1952 Congressional action reduced the budget for border patrol enforcement, forcing INS to reduce border patrol personnel and to stop the airlift.

This is extraordinary considering the mounting evidence of increased illegal entries at the southern border. In fiscal year 1951 the INS apprehended 513,800 undocumented Mexicans while during the same period 112,000 braceros were employed legally in the United States. In fiscal year 1952 "the ratio of almost 5 wetbacks to one bracero" was not diminished significantly.[48] The INS at-

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[45] Marshall to Blocker, 6 Jun 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[46] Copy, William Price, American Consul, Reynosa, to DOS, 20 Jun 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[47] Ibid.

[48] E. DeWitt Marshall to O'Dwyer, 5 Aug 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

taché to the Embassy expressed the problem in these numerical terms in a memorandum to the Ambassador written in August 1952:

> Last Wednesday, July 30, the Border Patrol apprehended over 3,000 wetbacks in a 4 by 4 square mile area near Brownsville, Texas. Next day, July 31, they arrested over 2,600 aliens in a slightly larger area in another section of the Río Grande Valley. Many women, children and infants were included in these groups. Approximately 900 of these people were sent to Torreón on the "Train-ligt" early Friday morning; there were no cars available Wednesday or Thursday. Experience through the years has taught us that the great majority of the remaining 4,700 aliens put across the river into Mexico on those two days, will return to the United States. A check made by the Mexican Immigration in Matamoros, Tamaulipas, on July 30, 1952, revealed that only 27% of these people had sufficient money to but train or bus tickets to the interior--the remaining 73% have no alternative but to return to the United States.[49]

Though Marshall's numerical analysis may be misleading when he compares expulsions and braceros on a five-to-one basis and his comment about the probabilities that expellees dropped off the border is anecdotal, there is no question that undocumented migration during 1952 was as large as or larger than the contract labor flow and, more importantly, that notwithstanding public perceptions that the illegal flow was large, there was insufficient strength in Congress to oppose efforts to cut back on border enforcement.

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[49] Ibid.

In this new context, the Immigration and Naturalization Service did not have any new ideas on how to restrain the growing influx of illegal entries so they discussed again what the Mexican government might do to cooperate. In anticipation of a meeting in Washington on the subject, Blocker discussed this with Calderón and on July 7 was informed that Gobernación would provide guards to keep the expellees aboard the trains as they left the Valley area for Monterrey.[50] The Washington meeting that took place two days later concluded precisely on those terms, i.e., to request escorts for expellees sent by railroad from Reynosa to Monterrey and points further in the interior. "The Immigration Service would, in this manner, be able to better employ its manpower in reducing the number of illegal migrant workers in the three Texas counties of Hidalgo, Cameron and Willacy." Willard Kelly then asked the Mexico City INS liaison officer, Charles Beechie, to transmit this message to the Mexican government via the Embassy:

> . . .if the Mexican Government is not able to cooperate on this plan, the Immigration Border Patrol will be forced to move back to the Hebronville-Falfurrias-Kingsville line to prevent the penetration of illegal entrants into the interior of the United States. Mr. Kelly does not wish this decision to be construed as a threat

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[50] Blocker to files, 7 Jul 52 (reference is to addendum, 10 Jul 52.) NAW, DOS, RG 84, Mexico 1950-52, box 21.

> to the Mexican Government but rather as a plain statement of fact that the border patrol cannot, with its reduced personnel, continue to hold the line in the Rio Grande Valley without immediate assistance from the Mexican Government in removing deportees from the border area.[51]

"The Immigration Service is very anxious to see the Bracero program operate successfully in southern Texas," added Beechie, "but unless some measure is taken soon to remove the Mexican nationals being deported from the United States there is no other alternative but to move back to a new line of defense. This would be a drastic move and the results could be disastrous to the success of the Bracero Program." Aware then, that the Mexican government had a strong interest in a high level of U.S. border enforcement, particularly in the South Texas area, the INS decided to pressure Mexico into providing a more concerted effort to assist in the expulsion of their nationals from the United States and to do so by suggesting that they might stop trying to prevent illegal entries into South Texas.

In response, Calderón communicated that Gobernación accepted Kelly's proposal that INS pay the fare for expellees transported by rail and the Mexican government to provide the guards to keep them on board, although it refused further requests by the U.S. government to assume

[51] Charles J. Beechie to Blocker, 10 Jul 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

part of the transportation costs for additional transportation of expellees from Reynosa to Torreón and Monterrey to Torreón.[52] Furthermore, as in an arrangement that was reminiscent of the previous summer, the Mexican military at Reynosa would receive the deportees and hold them until they were put aboard trains. Military commander Tiburcio Garza Zamora was instructed to assume responsibility for the Mexican military's role in this.[53]

SRE also expressed deep concern about the failure of Congress to authorize adequate funds for the Border Patrol. Calderón hoped that it would not "jeopardize the proper vigilance for illegals in the [three South Texas] counties certified for the $2.00 minimum wage for cotton picking" and "that the USINS would make every effort to keep illegal labor out of these counties."[54] The Ministry also submitted a note to the Embassy on the matter, expressing "anxiety regarding press reports to the effect that Border Patrols in the Lower Río Grande VAlley may be removed to a line situated some eighty miles to the north," and insisting "that the deportation of illegals

[52] Telegram 69 from O'Dwyer, 10 Jul 52; Telegram 92 from O'Dwyer, 14 Jul 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[53] Blocker to files, 14 Jul 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[54] Telegram 71 from O'Dwyer, 10 Jul 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

be made precisely at the time they usually enter American territory, that is, at the beginning and during the cotton harvest, and not after the crop is picked and the workers are no longer needed."[55]

The Embassy transmitted the mild complaint that "it is felt by some in the United States that Mexico could do more to prevent the departure from Mexico of illegals, such as by increasing her border patrols."

> It was pointed out to [Calderón] that in 1949 when there was an acute shortage of Mexican workers on the Mexican side in the lower Rio Grande Valley, that the Mexican Army Commander in Reynosa stepped in and sealed off the border to illegal crossings for a period of some three weeks until the cotton crop could be harvested.[56]

The Embassy noted that Calderón felt that Mexico was "doing everything possible to patrol her border, but that he would take the matter up with Gobernación and the Department of Defense to see if anything further could be done."

The expulsion began on July 18, with 840 undocumented workers expelled on 10 railroad coaches from Reynosa to Torreón. As INS worked out its plans, it decided to expel all migrants sent by rail to Torreón, to

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[55] Copy, despatch 140 from Ailshie, 17 Jul 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[56] Telegram 114 from O'Dwyer, 16 Jul 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

avoid any further congestion among bracero aspirants at the soon-to-be closed migration center at Monterrey. INS sent one trainload a day of undocumented workers to Torreón, each accompanied by guards provided by the Mexican government and one escort from INS and another from USES.[57]

Within a week of the beginning of this coordinated expulsion effort, and a week after the Embassy had transmitted the complaint that the Mexican government was not doing enough to patrol its northern border, the Mexican government made a major statement to the press on the expulsion effort which announced "emergency measures" ordered by the President of the Republic. These included Mexican migration authorities tending to the arrival and transportation within Mexico of expelled laborers, increased vigilance by Mexican migration patrols of the border area "so that they may constantly patrol the various localities through which this illicit traffic is being effected with the object of stopping it", and cooperation by Mexican federal, state and local authorities to avoid "the illegal departure of our countrymen."[58] Com-

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[57] Blocker to files, 18 Jul 52; Blocker to files, 21 Jul 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[58] Telegram 179 from O'Dwyer, 24 Jul 52. NAW, DOS, RG 84, Mexico 1950-52, box 21. The press release appeared three days later, as Stowe, Mann and others were arriving to meet with Alemán and complain about SRE's

bined with the announcement of these measures was a standard exhortation for Mexicans to not leave the country illegally.

> The federal Government, in making an urgent appeal to the Mexicans so that they do not, under any circumstances, abandon their homes and their work with the intention of entering the United States illegally, addresses, through the Ministry of Gobernación, the State Governors, so that, using all means of convincing the people that are in their power, they realize an extensive campaign in the respective federal entities, asking all Mexicans not to undertake an adventure in which, in the end, they will result prejudiced, with the consequent damage to the economy of Mexico.[59]

Early in August, four jeeps, each carrying four men, were dispatched by Gobernación to patrol the Mexican side of the border between Matamoros and Reynosa. "It is understood," reported the Embassy to Washington, "that Customs guards and local frontier police will likewise assist in preventing braceros from enter the United States illegally."[60]

Later in September, the U.S. consulate in Nuevo Laredo confirmed that Gobernación had requested assistance from municipio authorities to prevent the departure from Mexico and illegal entry into the United States of Mexican farm laborers. The consul's foreign service despatch quoted from the text that the Ministry asked the state government to transmit to localities, which including explaining to the appropriate persons "the disadvantages in attempting to cross the frontier of the United States of America without legal documentation," arresting and prosecuting migrant smugglers, prohibiting the "transit of freight vehicles in the highways transporting people, especially braceros," and other public education measures relating to the legal contracting of braceros at the migration centers.[61] The U.S. consul was skeptical

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lack of cooperation. "Se impedirá el éxodo ilegal de braceros a los Estados Unidos," El Nacional, 27 Jul 52. An editorial of the official paper the next day explains the government's view of the problem: "Es de alabar, pues, la decisión del gobierno de México --representado en este caso por las secretarías de Gobernación y de Relaciones Exteriores-- de intensificar en lo posible la vigilancia que se ejerce del lado mexicano de la frontera, para impedir que la traspasen aquellos trabajadores agrícolas que no cuenten con la garantía de un contrato de trabajo en los Estados Unidos y que no tengan el apoyo legal que se deriva de la intervención de nuestras autoridades cerca de las norteamericanas y cerca de los propios alquiladores de mano de obra. Se trata de evitar que los 'espaldas mojadas', ilusionados por la perspectiva de un salario en dólares, caigan a la postre en la más inicua e inhumana explotación y, lejos de mejorar económicamente, tengan que volver al país con lo único que de aquí se llevaron: su necesidad de trabajar y sus brazos para hacerlo." "Los braceros que vuelven," (editorial) El Nacional, 28 Jul 52.

[59] Ibid.

[60] Telegram 250 from O'Dwyer, 5 Aug 52. NAW, DOS, RG 84, Mexico 1950-52, box 21. The Embassy telegram added that "Gobernación plans to implement this newly organized border patrol with two additional jeeps and nine or ten men later on."

[61] Copy, translation of Circular No. 686, 21 Aug 52, Gobernación to state governors, prepared by Nuevo Laredo Consulate, and attached to copy, despatch 16 from James C. Powell, Jr., American Consul Nuevo Laredo. NAW, DOS, RG 84, Mexico 1950-52, box 21.

that these measures would significantly reduce undocumented laborers, "who for many years have crossed the Rio Grande almost at their pleasure. . ." He noted that few workers from the Nuevo Laredo area had chosen to go to Monterrey to obtain a legal contract prior to entering the United States but expected the recent closing of that center to cause more workers from the Monterrey area to enter the United States illegally.

> The fact that they are usually apprehended by alert Border Patrol inspectors in the Laredo area and returned to Mexico does not seem to deter them from returning to more lucrative employment in the Texas fields. Those who have been formally deported from the United States have nothing to lose.[62]

Further west, the problems caused by undocumented emigration to certain segments of Mexico were different and the response was also different. Mexicali newspapers reported on "the shortage of workers in this region and in several instances the Mexican Immigration and Military authorities were urged to exercise the necessary vigilance along the border to avoid the departure of illegals to the United States." However, this did not seem to have much impact.

> It has been learned that in an effort to seek a solution to this problem many of the Mexicali cotton growers have been paying cotton pickers as much as 25 centavos a kilo for cotton picked as compared to the rate of 18 1/2 centavos per kilo previously established. Some well-informed sources point out that the shortage of farm hands is not as serious as it appears. . .[63]

Whatever the precise situation regarding the extent of the labor shortage, clearly local employers could raise wages in northern Mexico in an attempt to attract some workers who otherwise did not seem to face many obstacles --neither on the Mexican nor the U.S. side of the border --to leaving without a contract.

Apart from the Congressional action early in the summer of 1952 resulting in a reduction in force of the Border Patrol, the cooperation on border enforcement--and the mutual complaints that the other side was not "cooperating enough"--largely reflect continuity rather than change relative to previous years. The two governments did not have any fundamental disagreements on what should be done with respect to illegal entries into the United States, but each seemed more anxious to have the other do more than to make a stronger effort on its own. Mexico limited its border enforcement effort to a few men patrolling the border on a few jeeps, to public exhortations, including extending these efforts to local governments, and to public displays of cooperation with U.S.

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[62] Copy, despatch 16 ibid. from James C. Powell, Jr., American Consul Nuevo Laredo. NAW, DOS, RG 84, Mexico 1950-52, box 21.

[63] Antonio Certosimo, American Consul Mexicali to O'Dwyer, 15 Oct 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

authorities on the subject. For its part, the Immigration and Naturalization Service expelled some persons to the interior of Mexico, in order to make it more difficult for them to return, though budgetary constraints forced it to curtail plans for sending large numbers of expellees by air. The conflict that the two governments had on other fronts--determination of ineligibility, wages, the closing of migration centers, and the constant shoving between USES and the Mexican consulates--made the relative harmony with which they cooperated on the expulsion of undocumented workers more important.

To U.S. Embassy officials embarrassed by the tug of war between DOL and SRE, the cooperation on border enforcement provided, at times, an appropriate smokescreen behind which differences could be hidden. Early in July 1952 Blocker had occasion to do this:

> . . .there are no conflicts of policy between the United States and Mexican Governments with regard to the "wetback" problem. Both Government have dedicated themselves to the task of curtailing the illegal entry into the United States of Mexican laborers and to this effect entered into several agreements during the past years, seeking to establish an orderly program for the employment of Mexican agricultural workers, under conditions consistent with the interests of both countries, in harmony with the spirit of understanding and cooperation which characterize the relations between them.[64]

[64] Blocker to Benson, 1 Jul 52. NAW, DOS, RG 84, Mexico 1950-52, box 21.

It is a sign of the difficulties the program was having that it would be justified ex post facto in 1952 as a measure designed to cooperate on undocumented migration and as a joint effort to reduce it. Though undocumented migration, from the point of view of the two governments, severely afflicted the contract labor program, it seems odd that the program could be subsumed under a more general common interest in reducing illegal entries into the United States. What was not at all unusual was that the general context of friendly bilateral relations which characterized Mexico and the United States at the time was invoked to obscure the fact that, in several important areas of administration of the program, the two governments were talking past each other.

10 EXASPERATION WITH THE MEXICAN GOVERNMENT

In December 1952 Adolfo Ruiz Cortines, and the next month Dwight Eisenhower assumed the presidency of their respective countries. Eisenhower appointed Martin P. Durkin as Secretary of Labor and Lloyd Mashburn Under Secretary, under whom the Mexican Farm Labor Program was administered. Mashburn, in his own words, had twenty-five years of experience in collective bargaining negotiations, had directed the War Manpower Commission during World War II (and thus had experience with that phase of the Mexican contract labor program), and had served as labor commissioner for the state of California. Robert Goodwin continued as Director of the Bureau of Employment Security and Donald Larin as Chief of the Farm Placement Service. On the Mexican side, Luis Padilla Nervo became the new Foreign Minister and Manuel Tello was shifted to the Embassy in Washington. Both Alfonso Guerra and Miguel Calderón continued as Under Secretary of Foreign Relations and director of the Division of Bracero Affairs, respectively.

Days after the Eisenhower Administration took office, the Immigration and Naturalization Service, through the Embassy submitted a carefully constructed request for Mexican cooperation to retard illegal border crossings

into the United States. The request was presented in the form of a diplomatic note which drew from an American interpretation of Mexico's Ley General de Población, which includes the country's immigration statutes and assigns the Ministry of Gobernación the responsibility of controlling the entry and departure of foreigners and nationals.

The Embassy's note quoted from the population law where that ministry was given the authority to "dictate measures necessary to restrict the emigration of nationals when the public interest demands." The note further characterized the U.S. effort to apprehend and expel illegal entrants as an attempt on its part to comply with the Migrant Labor Agreement. It noted that at that time there were approximately "800 full time employees assigned to patrol duties and related activities along the Mexico-United States boundary," and that insofar as INS could determine, there were at that time "no Mexican officials assigned to patrol duty, for the purpose of preventing the illegal exodus of Mexican nationals, at any point along the 2,000 mile frontier." It further noted that during August 1952 the Mexican government had dispatched "16 special agents" for this purpose who had been "very effective in preventing, for a period of about three months, the illegal departure of

Mexican nationals across the boundary in the near vicinity of Reynosa, Tamaulipas."[1]

The Embassy note then presented a summary of familiar arguments regarding the adverse consequences commonly attributed to the presence of undocumented workers. It associated the illegal flow with bad statistics on public health and crime on both sides of the border and the sharp growth of Mexico's northern border cities. "The majority of this border area population increase is due to the workers who have gone north to enter the United States illegally. Arrested and returned to Mexican territory by United States authorities, and without sufficient financial resources to return to their places of origin in the interior of Mexico, these unfortunates have no alternative but to remain in the border areas, living as they can, jumping the line again when a little work is offered."[2]

The Embassy note drew attention to a particular fact which would come up in public debate time and again during 1953: the relatively small number of braceros legal-

[1] I was not able to find a copy of the diplomatic note mentioned, but did find a telegram sent in August 1953 to Washington where the Embassy quoted at length from the Embassy's note, no. 660, dated 28 Jan 53. Telegram 204 White to SecState, 20 Aug 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

[2] Ibid.

ly contracted (about 200,000 cited in the note) compared to the "almost 600,000 illegal entrants from Mexico" which were apprehended. The latter number, of course, does not include the additional thousands that escaped apprehension. "Obviously, as long as the ratio of legals to illegals remains at a figure of one to three or even worse, it will remain impossible to attain efficient or satisfactory application of the terms of the Migratory Labor Agreement." The note then got to its point, which was a request that "new and effective measures" be employed to discourage workers "from leaving the interior of Mexico" and expressed the belief that the measures that the Mexican government could take to accomplish this end "are within the constitutional authority of the Minister of Gobernación."

> Statistics of the United States Immigration Service show that more than 70 percent of the Mexican illegal entrants apprehended originate from the interior Mexican States of San Luis Potosí, Michoacán, Durango, Zacatecas, Guanajuato, Jalisco and Querétaro, and from the southern sections of the border states. To reach the frontier, these prospective illegal emigrants must pass through one or more of the following rail and highway communications centers: Guadalajara, Hermosillo, Ciudad Chihuahua, Torreón, Monterrey or Cd. Victoria. A regular and efficient inspection of all northbound trains and buses departing these points, removing those passengers who obviously are going northward to leave the country without proper documentation, would serve to terminate a large percent of this illegal emigration in a

short while.[3]

The note concluded by also requesting permission that the INS be authorized to remove expelled Mexicans to the interior of Mexico "by rail, air or water. It is suggested that the Minister of Gobernación be requested to designate an official of that Ministry to work with the Immigration Attaché of the United States Embassy on development and improvement of methods in connection with these operations."[4]

SRE responded, first verbally, and then by note, recognizing that "although the viewpoints of the Mexican Government differ in certain respects" from those recently expressed by the U.S., "the common interest which both Governments have in the satisfactory solution of this serious problem affecting both our countries equally, is evident." However, SRE responded, the INS interpretation of Mexico's legislation

> contradicts the principle of Article 11 of the Political Constitution of the country, which consecrates the right and guarantee which every Mexican has, to travel and move freely throughout the whole circumference of the national territory, without any other restrictions than those established by law, which in any case must be of a general nature and must be based on motives of public wellfare. [sic] For this reason all possibilities of employing administrative measures which might harm the

[3] Ibid.

[4] Ibid.

> expressed constitutional guarantee, must be discarded.[5]

SRE's note reiterated the need for a U.S. law which would "punish also those American agriculturalists who give assistance and employment to the clandestine workers and in this manner encourage their entry into United States territory," and suggested that the newly enacted Immigration and Nationality Act be amended accordingly.

For its part, the Mexican government would continue the patrols that it had instituted on previous occasions along the Río Grande and make every effort to dissuade workers from leaving the country without documents. However, the note stated, Mexico would not attempt to restrain nationals headed for the northern border. In a verbal elaboration, a Mexican government representative indicated that it was "unthinkable" for Mexican authorities to attempt to control the travel within the country of their fellow citizens, even if "there might be every reason to believe that the travelers in question were heading for the border to enter the United States illegally."[6]

[5] Copy, translation, diplomatic note 13809, SRE to AmEmbassy 12 Feb 53, attached to Despatch 1845 from . Ailshie, 25 Feb 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

[6] Blocker to Belton, 4 Feb 53. Calderón expressed the view that "the only answer to the 'wet-back' situation is for the United States to pass legislation

In Washington, Belton, officer in charge of Mexican Affairs, expressed his disappointment that "the Mexicans will not take the one big step" (stopping nationals within Mexican territory headed for the border) "which we feel is necessary to cut down on the wetback traffic."

> I suppose it was wishful thinking to suppose they would do this. Nevertheless, if they are serious about their intention to patrol the border, that will be of very positive help. I was talking to Willard Kelly of Immigration the other day and he said that after assignment of the sixteen men and four jeeps to the Lower Rio Grande last summer there was an appreciable improvement. Further steps along that line will therefore undoubtedly be of importance.[7]

This early exchange of views on how to cope with illegal border crossings pointed to a subtle but widening breach in the position of the two governments regarding what means were desirable and acceptable as remedies for what they saw to be a common problem. U.S. government officials viewed this migration, increasingly, as a threatening problem, and their analysis of the political realities indicated that Congress would not penalize employers for hiring undocumented workers nor take other action which might facilitate its solution. So they pressed Mexico.

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making it an offense, punishable by heavy fine or imprisonment, for an employer to hire a 'wet-back'." NAW, DOS, RG 59, 811.06 (M) box 4406.

[7] Copy, Belton to Blocker, 9 Feb 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

Mexican officials shared the perception that this was a serious problem, but tended to see it as a consequence of U.S. inaction in adopting employer penalties and other drastic measures. Moreover, to an extent not evident in previous communications from the Mexican government, this communication of early 1953 represents a more firm articulation of the idea that there were significant constitutional--and perhaps political--limits to what they might do to cooperate with the United States in stopping Mexican citizens seeking to cross illegally into the United States. In so doing, it erected another barrier in the path of U.S. officials casting about for a practical means to address what was increasingly being perceived and characterized as a grave threat to the United States.

FINGER POINTING AT MEXICO

Public Law 78 had been enacted on July 12, 1951; it was due to expire on the last day of 1953. On March 23, 1953, the Senate Committee on Agriculture and Forestry began two days of hearings on a bill to extend the farm labor program to December 31, 1956. To this end, on March 24 the House Agriculture Committee also began three days of hearings on a companion bill. Since the 1952 elections had changed the majority parties in both houses, Senator Ellender and Congressman Poage had relin-

quished the chairmanship and vice-chairmanship, respectively, of their committees. That did not prevent them, of course, from taking a very forceful role in criticizing the administration of the Mexican Farm Labor Program which they had helped create, and to elicit comments from the witnesses which pointed the finger at Mexico as responsible for the inadequacies of the program. Since those hearings served to give expression to a hardening attitude on the part of the new administration toward the Mexican government on this issue, it is appropriate to analyze them at some length.

Their criticisms of the program by Ellender, Poage and their fellow members of Congress should be placed, however, in the context of their strong support--and that of others--for the concept of the program. This can observed in their cautious reaction to the Administration's position presented at the hearings that they would prefer a one-year extension rather than a three-year extension.[8] By the same token the DOL staff, meaning Goodwin, Larin, and their subordinates, had recommended the three-year rather than one-year extension. Finally, the

[8] See, e.g., Rep. Andreson's, Rep. Gathings's and Senator Johnston's reactions to the Administration's position. U.S. House of Representatives, Extension of Mexican Farm Labor Program, Hearings, 24-26 Mar 53, pp. 4, 6; U.S. Senate, Extension of the Mexican Farm Labor Program, Hearings, 23-24 Mar 53, p. 9.

entire spectrum of growers participating at the hearings, though many complained loudly about Mexican noncooperation in one or another area, supported the three-year extension.[9] The Mexican bracero program, it can be surmised, was a second-best solution to the problem of recruiting farm labor, but that an important gap existed between this approach and the preferred alternative was to become evident in this hearings.

Speaking for the Administration, Under Secretary of Labor Mashburn himself went on record as being "convinced" that an extension of P.L. 78 was needed for one year, although his testimony suggested important, unspoken reservations. The preference for a single year's extension was couched initially in terms of the relative inexperience of the new Administration with the program, and justified a consequence of the mixed reviews that the program had received from the DOL farm labor-management advisory committee. After being pressed, however, the Under Secretary admitted that the Eisenhower Administration sought to limit the extension to one year as a bargaining tactic with the Mexican government. The Mexi-

[9] See, e.g., in the Senate hearings, the positions of the Texas Citrus and Vegetable Growers and Shippers (Harlingen), the National Grange, Imperial Valley Farmers Association, Ventura County Citrus Growers Committee, and the American Farm Bureau Federation.

cans, according to Mashburn, had been using "leverage" to get their way with the U.S. government, though he did not elaborate. Extending the program for three years "would give them some of that extra leverage."[10]

In his testimony before the House committee the next day Mashburn was more forthright. "The Mexican Government has been benefiting by upward of $30 million in wages taken back by their people into Mexico," he affirmed. "We feel that they should be a little more lenient in their negitiations [sic]."

> We are of the opinion that probably if we extend it more than a year, that it is going to give a negotiating lever that we do not want them to have. We are of the opinion that they want their people to come in here and certainly we want them.
>
> When we first negotiated this agreement, we went to Mexico with our hands out, because we needed those people. We had to have them. They knew it. Their terms were pretty tough.
>
> We are of the opinion that there are several negotiating levers that we have at the present time that we did not have when we first negotiated this agreement; and if we continue it for 3 years, they will assume that we have to have it. . . . we would like to have a better agreement than we have at the present time.[11]

[10] U.S. Senate, Extension of the Mexican Farm Labor Program, Hearings, 23-24 Mar 53, p. 24. "Psychologically. . . we felt that that was a bad spot to put ourselves in because we are going to stick to the agreement as long as the agreement exists, and see that the Mexicans do, whether they use that club or whether they do not. When we negotiate the agreement again maybe we will have better experience and be able to meet that demand where they have that club over us, where we need the people."

One of the elements of a better agreement entailed lower administrative costs, a matter quickly brought up by Senator Ellender. During 1952, according to testimony, only 197,000 Mexican contract workers were admitted under this program, but its administrative costs--those borne by the U.S. taxpayer out of the Department of Labor's budget--had been $2,650,000--more than $13 per contract laborer. Employers had also paid a cost: a $15 initial contracting fee and $7.50 re-contracting fee for workers who were contracted a second time at the border migration stations without being returned to their place of origin in Mexico. Because DOL had over-estimated costs and charged employers accordingly, by the time the new administration took office, the program had run a surplus of $1,734,000, in addition to the $1 million that Congress had appropriated initially as a revolving fund.

Senator Ellender grilled the DOL representatives as to why the program was costing the employer so much and interrogated them on various possible schemes to reduce the expense. Sheep-faced DOL officials announced hastily that the fees charged employers had just recently been

[11] U.S. House of Representatives, Extension of Mexican Farm Labor Program, Hearings, 24-26 Mar 53, p. 5.

reduced in order to have the revolving fund break even.[12] Forgetting for the moment that the program was intended to be a supplementary foreign labor program which operated under the theory that a domestic shortage of labor existed, Ellender complained that "if continued in that way it will discourage the employment of Mexican labor."[13]

The steep rise in apprehensions of undocumented Mexicans could not escape the notice of the hearings. The Committee was aware that during the fiscal year 1952 the Immigration and Naturalization Service had apprehended 544,000 deportable Mexicans. It knew the history of P.L. 78, of course--the law had come out of this committee--and Mexico's requests that the legislation be passed as a condition for arriving at a new bilateral agreement. The committee was also acutely aware that the Mexican farm labor program was vulnerable to attack because undocumented migration had not been reduced--it had actually increased--since the passage of the bill.

Ellender did note in the hearings that one of the purposes of P.L. 78 had been to reduce undocumented migration. However, he omitted reference to the amend-

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[12] U.S. Senate, Extension of the Mexican Farm Labor Program, Hearings, 23-24 Mar 53, pp. 10-11.

[13] Ibid., p. 13.

ments made to the bill in the House and which had been adopted in Conference--the rejection by Congress of employer penalties. Instead, curiously, he blamed Mexican inaction on preventing illegal departures as the chief cause of the problem.[14] Admitting that he did not like the "attitude" of the Mexican government, he sustained a dialogue with Don Larin which focussed attention on what he considered to be Mexico's lack of reciprocity in this matter.

> SENATOR ELLENDER. Under the Mexican law, as I understand it--if I am wrong, tell me--the Mexican Government could have punished every one of those [approximately 500,000 apprehended] who were sent back, but they did not do it.
>
> MR. LARIN. Senator, I can only repeat what they claim. They say that under their law it is a crime to leave the border without going through proper channels, but there is no penalty attached to that act.
>
> SENATOR ELLENDER. Whatever they have, they ought to try to enforce it. They ought to bring them before the courts. Why do they have the law? Am I correct, Mr. Larin, in saying--would you agree--they do not cooperate with the United States?
>
> MR. LARIN. That is correct.[15]

The Senator concluded this exchange by asserting that as a result of Mexico's lack of cooperation, the U.S. had to

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[14] Ellender noted that the law had in fact been passed, in large measure, "in order to assist them [Mexico] with the wetback problem," i.e., at Mexico's request. Ibid.,p. 24.

[15] Ibid., p. 23.

shoulder "the entire burden, the cost and everything else."

> SENATOR ELLENDER. I remember the speeches we made on the Senate floor, that [reducing undocumented migration] was one of the primary purposes of [Public Law 78]. It was felt that the act would stop wetbacks to a large extent. If they continue to come in the same volume as they did before, I would like to look further into this bill before deciding whether or not I would vote to extend it.
>
> THE CHAIRMAN. If this law has not discouraged illegal entry, is it likely that any law will discourage illegal entry under the circumstances? Is it not rather a matter of law enforcement that we are facing?
>
> SENATOR ELLENDER. Cooperation between us and the Mexican Government. I have said before, and I have said since, that the Mexican Government does not try to cooperate with us in fighting the wetback problem. Why should we carry the whole burden?[16]

Ellender thus deftly side-stepped the issue of whether the U.S. was doing what it could to enforce the immigration law--Congress had, for example, reduced the budget of the Border Patrol the previous summer--and instead trained his sights on Mexico's alleged uncooperative attitude.[17]

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[16] Ibid., p. 25.

[17] Ellender expressed the view that "it strikes me that the Mexican Government should be told by the State Department that if they expect us to assist them in this wetback problem that we must get full cooperation from them, and that if they do not have a sufficient number of laws on their statute books in order to cope with the situation, they should enact them now." Ibid., p. 30.

Senator Holland accepted Ellender's definition of the problem and echoed the sentiment.

> If the Mexican Government cannot help in a solution of [the presence of undocumented workers] I am inclined to agree with Senator Ellender and Senator Aiken that there is no reason why we should go as far as we have in setting up a special organization that has proven expensive. . . .
>
> There is no reason why we should continue that unless the Mexican Government takes steps to prevent the very thing that discriminates against their own people and against our people who compete with them. That is, the coming in of illegal entrants.[18]

The "discrimination" that Holland was referring to was not the ethnic intolerance of American citizens against Mexican nationals, but the adverse effects that everyone attributed to the presence of illegal entrants on the labor market--on U.S. domestic workers and Mexican contract workers.

The potential political issue, however, was not Mexico's lack of cooperation in stopping nationals bound for the United States. Rather, it was that, by the common standards of U.S. political debate, P.L. 78 was not working and therefore could become vulnerable. The potential issue was caught in an irony: on the one hand, the federal government was spending considerable sums to expel Mexicans subject to deportation, on the other, through P.L. 78 it was spending money to bring Mexican

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[18] Ibid., p. 30.

farm workers legally into the country.

> SENATOR THYE. We have a second problem, in other words, to finance the immigration authorities, to apprehend them and deport them [the migrants]. We have that expense, and then we have this law which we are administering which costs us over $13 a head to administer, and the wetbacks are still coming.
>
> So we have a double expense. . . .
>
> The number of wetbacks that entered illegally last year was about the same, if not increased over previous years, and this law was enacted specifically in order to correct the illegal entries into the United States. We have spent all of this money to correct that.
>
> SENATOR ELLENDER. He [a witness] just stated that in the first 8 months of this year there are only 40,000 less than the 531,000 of the entire previous year.
>
> SENATOR THYE. Exactly, but the law was enacted to try to block them out. We have spent better than $13 a head in the recruitment of the legals, and the illegals are still coming in. It does not speak well for the law.
>
> SENATOR ELLENDER. I go back to the proposition that we will never solve this problem unless Mexico cooperates.
>
> SENATOR THYE. You are correct.[19]

Having characterized Mexico as the culprit generated a consensus on the need for a harder U.S. attitude. "I wonder what kind of consternation would go on in Mexico if our people got tough themselves on the negotiations down there and said that we would not be suckers any more," wondered Senator Bourke Hickenlooper. "That is my

[19] Ibid., p. 38.

point," rejoined Ellender.[20] During the second day of hearings, Ellender summarized the view with these words: "As I stated yesterday, I will go along with this bill for 1 more year and I want the State Department to make every effort to get the Mexican Government to cooperate in fighting this wetback problem. If they fail to cooperate just let it [the program] revert to the old way."[21]

The "old way" did not mean, of course, an abandonment of U.S. government involvement in the recruitment of Mexican workers, but a return to the arrangement immediately prior to P.L. 78, i.e., the employer-to-worker contracting of 1947-1951. The other analogy in the minds of the legislators was the British West Indies (BWI) program through which agricultural workers were imported for employment in the eastern part of the United States with minimal supervision and restrictions.

Attention thus turned to the preferred alternative--a simple, "unregimented" program with minimal labor safeguards, potentially attractive to farm employers and unattractive to the Mexican government. This, perhaps, is what the Agriculture Committee wanted DOS to push on the Mexicans, more so than cooperation on preventing illegal

[20] Ibid., p. 24.

[21] Ibid., p. 46.

flows. Characteristically, however, the committee did not address the issue in terms of reducing labor safeguards but in bringing the Mexican contract labor program closer in line with the less attractive conditions of domestic workers, i.e., to do away with this "discriminatory" situation in which Mexican contract laborers had greater safeguards than those of domestic agricultural workers.

The idea that the bracero program should not be "bound up with so much red-tape" had always been popular among Texas users of bracero workers. In his testimony before the Senate, a representative of Texas growers and shippers, Austin Anson, looked back on the employer-worker program of those years nostalgically. Ellender asked a question: why is the Mexican Government "so insistent on providing for a contract that is so much better than what their own people get, and better than what our own laborers get who do the same work?"[22]

> SENATOR ELLENDER. Is not the contract made in that way in order that it will be as difficult as possible for Mexican labor to come into this country? Is it not a deterrent to you as an employer to hire them under those conditions?
>
> MR. ANSON. It certainly does not encourage any farmer to hire them when he has this crazy contract.[23]

[22] Ibid., p. 48.

[23] Ibid., p. 48.

Ellender proceeded to recall that Mexico did not want too much labor to leave because Mexican employers complained about labor scarcity. Senator Andrew Shoeppel quizzed the witness further on why the program was so costly to the farmer.

> SENATOR SCHOEPPEL. You do not think those costs are reasonable or necessary?
>
> MR. ANSON. I do not think they are necessary. Most certainly not reasonable.
>
> SENATOR SCHOEPPEL. Who is responsible for it?

Anson could not find it in himself to imagine that the extensive requirements built into the post-1951 labor contracts had been the result of Mexican proposals and brought out a copy of an old labor contract of the 1940s which had been negotiated under Mexican government auspices.

> MR. ANSON. I do not think the Mexicans ever thought about writing that thing until it was written for them. I have dealt with Mexicans for years, and I will swear to goodness they never thought of that. This is the kind of a contract that the Mexicans worked out with us in 1947 [indicating]. That worked.[24]
>
> SENATOR SCHOEPPEL. I take it you have had considerable experience in this field before the present laws and the regulations established thereunder came into full force and effect?
>
> MR. ANSON. Senator, this simple little contract that I showed you is a thing we worked out with the Mexicans themselves.

[24] Ibid., p. 49.

SENATOR SCHOEPPEL. That is the reason I asked that question. From your experience did you find that that worked satisfactorily . . . ?

MR. ANSON. . . . The Mexican Government accepted it. We did not have to go through all this redtape.[25]

Anson elaborated on a Texas grower proposal, "a workable, concise, simple plan," "whereby millions of dollars can be saved and the American farmer can secure his workers when he needs them and on terms that will be satisfactory to all parties and the taxpayers will be saved millions of dollars per year."[26]

Senator Holland took up the questioning, drawing analogies between the "old" program that had been in existence before 1951, the current BWI program, and the current Mexican labor program under Public Law 78. He noted that P.L. 78 had been justified on two different grounds. One was that the Mexican government wanted labor to be recruited in areas where there were "large groups of unemployed persons" and that generally, these areas "were not the areas adjoining the border." The other was that the Mexican government "wanted a program under which the coming in of wetbacks illegally would be discouraged because they found that so many of them worked for substandard wages and in a sense were imposed

[25] Ibid., p. 50.

[26] Ibid., p. 51.

upon because of the fact that they were illegal entrants."

The committee here understands from our authorities that that was the contention of the Mexican Government, to work out a bill which would help your situation. What I am trying to find out is just what your present attitude is. As I understand it, it is that the program we set up here nearly 2 years ago has not worked and what you would like to go back to is a rather simple program that we used with the labor from the Bahamas and Jamaica and other areas of the British West Indies in Florida. Is it that you want to return to?

MR. ANSON. We have never had the opportunity to use that program, Senator. We have always felt that it could work and would work for us the same as it worked for your people [farmers on the east coast].[27]

SENATOR HOLLAND. I can speak only for myself, but I am sure that this is the way all members of the committee feel: We want the simplest program and the cheapest program that will give the needed results, the results that are good for you people and the results that are good for the labor that has come in from Mexico. Do you have any reason to believe that Mexico will agree to the simple, easy, inexpensive program such as we have followed in connection with the British West Indies?[28]

The question had already been answered negatively in earlier testimony by Robert Goodwin, when he noted that although the U.S. might obtain improvements and "a more favorable arrangement from Mexico," he doubted "very seriously that you could go as far as conditions under

[27] Ibid., p. 52.

[28] Ibid., pp. 51-52.

which the British Est Indians were brought in."[29]

The senciment that the program could improve by approaching that of the BWI workers, however, was strong among grower witnesses. It was echoed by Keith Mets, president of the Imperial Valley Farmers Association from California. Mets recognized advocated "a legal and simple program" to employ Mexican workers who had already entered illegally.

> We realize that the Mexican Government objects to this but what are they doing about it other than talking us into spending $15 million or $20 million or more to return them to Mexico and to spend another $5 million or $6 million to bring in other workers which in our opinion makes us look very ridiculous. No American citizen enjoys such a situation.[30]

The committee focused attention on Mexican resistance to a BWI-type program.

> SENATOR HOLLAND. [In the case of the BWI program] the Government has not been put to any large expense, does not have to pay the costs, does not have to exercise this supervision to the degree that prevails with reference to the Mexican labor, and it has been more satisfactory both to the ones employed and the employers, has it not, than has been the case with reference to the areas employing the Mexican labor and the Mexican laborers themselves?
>
> MR. GOODWIN. I think that is correct.
>
> SENATOR HOLLAND. Why is it not possible to go back to simple and unregimented methods in the handling of this Mexican labor situation?

[29] Ibid., p. 63.

[30] Ibid., p. 63.

> MR. GOODWIN. Mexico would not agree to it. We have put a great deal of effort in trying to get a simplification of the agreement with Mexico.
>
> SENATOR HOLLAND. If Mexico wants the regimentation of those who work, why is it not willing to assume some responsibility and not have this army of illegal entrants come across?
>
> MR. GOODWIN. They claim that they are doing all they can with their resources on that problem. We know their resources are limited. We have felt--
>
> SENATOR ELLENDER. Whose resources? Mexico's?
>
> MR. GOODWIN. Yes, sir.
>
> SENATOR ELLENDER. They are better off than we are.[31]

Ellender's remark was not elaborated upon; perhaps it was another example of his hyperbolic remarks.

The strong criticism levelled at various aspects of the farm-labor program might have been construed as an odd attack on P.L. 78 by its authors and usual defenders. Some arguments used to defend it were that it did serve to substitute for undocumented workers: "We do know that in many instances where illegals were employed very extensively that it has been materially reduced because legals are being employed."[32] In California, it was noted from "personal observation," there were "many employers using legal national Mexicans today who were

[31] Ibid., p. 28.

[32] Ibid., p. 24.

using illegal nationals before. They had not choice. They had to get the crops out."[33] Perhaps the argument that the contract labor program had brought into the country Mexican workers who otherwise would have entered illegally was valid, perhaps it was wishful thinking. In any event, the idea that the program should be used for that purpose--to legalize the "wetback" flow--would be the basis of a later plan for unilateral action.

PLAYING HARDBALL WITH THE AMERICANS

The very day that the Senate Agriculture Committee began its hearings to extend the Farm Labor Program, U.S. and Mexican government representatives initiated a series of meetings in which the future of the program itself seemed in doubt. The reasons, however, had nothing to do with the criticisms being levelled against Mexico in Washington, but with festering problems that bothered the Mexicans and which were still unresolved.

The bracero talks held during the last week of March and the first week of April were not characterized officially as "negotiations," since the purpose was to clarify interpretations of the existing agreement, not to negotiate a new one. In a sense, however, that is what those meetings turned out to be--pulling and hauling over

[33] Ibid., p. 25.

certain aspects of the program which in the end threatened the very existence of the agreement.

Prior to the meetings, the Mexican government sent a twelve-point proposed agenda to the Embassy, of which three points were the most important: a) the issue of when workers could be transferred from one employer to another (identified in short hand by the participants as an Article 27 issue); b) definition of the concept of "prevailing wages" and "the principles governing it," and c) provisions for insurance for other than work-related accidents and illnesses for Mexican workers in the United States.[34]

The Labor Department accepted this agenda, with the exception of the insurance coverage issue, which it rejected on the grounds that adopting non occupational insurance would require reopening the agreement, and that it was not prepared to do. It added a few items, among them, at the top of the list, was the reopening of Monterrey as a migration station.[35]

Regarding the Article 27 issue, the Foreign Ministry had submitted a long note on the matter the previous fall which will be discussed here. The issue had been initia-

[34] Telegram 3646 Culbertson to SecState, 10 Mar 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

[35] Copy, telegram 1157, Smith to AmEmbassy, 10 Mar 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

ted by a DOL contention that workers could be transferred from one employer to another, without the authorization of the Mexican consul of the corresponding jurisdiction. The Ministry's note indicated that it would be "impossible" for the government of Mexico to accept that proposition, because it would completely destroy the foundation of the system of close supervision, examination, and vigilance of all phases of contracting, on the part of the Representatives of both interested Governments." There was a note of alarm in the statement that "never before, had the power of the Consular officials to supervise and approve all the contracts celebrated with Mexican workers relative to the stipulations of the International Agreement now in effect, been questioned."[36]

From the point of view of SRE, there were two related though distinct issues. One had to do with the movement of workers across consular jurisdictions even though still employed by the same farm association (this the agreement permitted with a simple notification to the consul involved); the other had to do with the recontracting of workers by new employers altogether. Since the agreement established that the consul's signature was required in every contract, reasoned SRE, it also required that the consul authorize every new contract or second contract as well.

[36] Copy, translation, diplomatic note 132647 SRE to AmEmbassy, 24 Sep 52, attached to copy, despatch 775, 6 Oct 52. NAW, DOS, RG 84 Mexico 1950-52 Box 21.

The Foreign Ministry's note took a hard line on the second issue. Were the Mexican government to accept DOL's argument, "the control over new contracts to be celebrated in the future, would be completely lost," and the consequences of that were expressed in dramatic terms which underscores the continuing distrust of and adversarial relationship SRE had with DOL.

> The conditions under which the new contract had been effected, would be ignored;
>
> The precept of Article 28 of the Agreement which obliges the Consul to supervise the payment of pending salaries due to the worker, would not be fulfilled;
>
> The intervention of the Consul in order to insure that the time limits permitted for contracting not be violated, would be omitted;
>
> The opportunity of collecting, classifying and filing copies of the contracts, which contain important data regarding the address of the worker, names of beneficiaries, etc., would be lost;
>
> Doubts would exist as to whether the worker, after having the conditions of the new contract, and the place of employment, etc., explained to him in Spanish, really expressed his consent to the transfer and his re-contracting;
>
> In fact, as explained in the beginning, the Government of Mexico would completely lose the tie which it has always maintained and intends to continue to maintain, with all the contracted Mexicans who are in American territory.[37]

The tone of this passage is as important as its substance. One can easily comprehend why SRE did not want

[37] Ibid.

to lose control of the recontracting process--quite apart from whatever benefits such control had for the Mexican worker, governmental agencies involved in the management of migration naturally resisted attempts to limit their jurisdiction. It was self-serving, then, for SRE to describe itself as the only barrier between the contract workers and utter exploitation. But the tone of the argument reveals the attitude that the DOL certainly did not constitute such a barrier; in other words, that the Labor Department could not be counted on to fulfill its duties in connection with the enforcement of the contracts.

The Article 27 issue was not the only one discussed during the two weeks and virtually all other matters were exhausted and resolved to the satisfaction of the two governments. The other unresolved matter--the reopening of the center in Monterrey, did not elicit differences between the two delegations, since the Mexican opposition to its reopening did not come from SRE or the Mexican federal government, but from the governor of Nuevo León. What led the discussions to break down without even initialling their agreement on those other matters which they had agreed upon, was Mexico's Article 27 issue.

The Embassy reported to Washington that the Mexican government had not budged on this issue throughout the

talks. At the close of the meeting it continued to insist that "the Joint Interpretation should state specifically that no Mexican laborer may be transferred from one employer to another until the Mexican Consul or representative of the Government of Mexico had actually signed the contracts."

> The United States side contended that this should not be necessary, and to conform to the Mexican point of view would necessitate a modification in the Migrant Labor Agreement. The United States representatives had suggested that the United States would agree to include a statement to the effect that no contracts would be executed for the transfer of workers, and no workers would be transferred to new employers without the consent and supervision of the appropriate Mexican Consul or the authorized representative of the Mexican government. But further than this the United States would not go.[38]

The record does not make clear whether the difference in the two positions merely had to do with whether the Mexican representatives had to physically sign the contracts or whether he had to communicate his approval within a certain number of days after the recontracting process began. A diplomatic note submitted later by the Foreign Ministry regarding this topic of continuing discussion explained the problem by noting the two governments had a different concept of what constituted "supervision".

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[38] Despatch 2232 from Ailshie, 10 Apr 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

> . . . while the Mexican Delegation considered that the only manner in which to supervise and approve a work contract and the only manner of proving that such a supervision existed, consists in writing on each contract, as it has always been done at the Reception Centers, the O.K., the signature and seal of the Mexican Representative, the American Delegation maintained the opinion that the supervision and approval of the Mexican Representative, when the contracts are drawn up outside of the Reception Center, may be ascertained, and if necessary proven, by witnesses or any other customary means of proof, without it being necessary that the mentioned official authorize each contract with this signature and seal.[39]

Thus the problem had to do with the physical presence of the Mexican representative in authorizing contracts drawn up outside of border reception centers, where the logistics of transportation and communication presented difficulties in the timely renewal of certain labor contracts.

However, as the talks were ending, the disagreement over this particular point "faded into insignificance" when Calderón dropped a bombshell.[40] When it became apparent that the meeting would end without agreement on joint interpretations, Calderón informed the U.S. representatives that effective May 1, "Mexico would no longer honor the Agreement entered into on June 26, 1952

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[39] Translation, diplomatic note 136252, attached to despatch 30 from Ailshie, 1 Jul 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

[40] Memorandum of conversation, by Belton, 9 Apr 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

. . . between Ambassador O'Dwyer and Dr. Alfonso Guerra, . . . whereby Mexico would authorize contracting at a minimum wage rate of $2.00 per hundred pounds for cotton picking in those counties in certain States when such rate had been certified by the Department of Labor as the minimum wage rate for those counties."

> Effective May 1, 1953, he stated, all contracts signed for work in any part of the United States, must provide for a beginning wage of at least ten percent in excess of the amount of the beginning wage paid in the locality last year. In other words, Mexico has given notice, and Lic. Calderón stated that in all probability the notice would be confirmed to the Embassy by Note, that she will demand effective May 1st, 1953, a cross [sic] the board increase of ten percent in all beginning wages throughout the United States regardless of State, county or locality.[41]

Calderón justified this position with arguments pointing to increased living costs for braceros in the U.S. and that the presence of undocumented workers had depressed wages from what they otherwise would have been. The U.S. delegation implied to the Mexicans that the U.S. might be forced to abrogate the agreement if Mexico insisted in a general wage increase and expressed the opinion that the practical effect of such a move would be to encourage U.S. farmers to employ undocumented workers in lieu of the contract workers SRE was trying to benefit. "Lic.

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[41] Despatch 2232 from Ailshie, 10 Apr 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

Calderón admitted that such a move might jeopardize the Migrant Labor Agreement, but he apparently felt prepared to take that risk."[42]

William Belton, officer in charge of the Mexican desk in Washington conversed by telephone with Culbertson, then Chargé d'Affaires ad interim:

> In view of the fact that this is a clear violation of the agreement and a continuation of efforts made last year to increase wages unjustifiably, we agreed that everything possible should be done to point out to the Mexicans the extreme seriousness of such a move and the great danger which it would represent to continuation of the Agreement. I suggested to Mr. Culbertson that he point out to the Mexicans, given the realities of the situation, a breakdown in the agreement would not in any circumstances mean the end of the employment of Mexican workers in the southwest and that if the Mexicans are prepared to see the ground gained over recent years under the Agreement all lost, they would have to assume responsibility for this.[43]

By this evidently Belton meant that the employment of Mexican workers would continue de facto through the hiring of "wetbacks." There is no evidence to suggest that, at this point in time, the U.S. was considering the unilateral contracting of braceros.

A letter from the Secretary of Labor to the Secretary of State, prepared shortly after the U.S. representatives returned to Washington, expressed outrage

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[42] Ibid.

[43] Memorandum of conversation, by Belton, 9 Apr 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

at the Mexican declaration and concern that the government might actually deliver the threatened note. It observed correctly that the Mexican government had taken certain unilateral actions recently that clearly were "in violation of the Migrant Labor Agreement of 1951," and that, "in order to assure that we are not faced with a situation which may jeopardize our ability to obtain an adequate supply of agricultural workers, a large number of which will be needed within a short period, I believe that a protest should be promptly lodged with the Mexican Government to indicate the seriousness with which we view its actions."[44]

The first specific complaint, of course, referred to the unilateral closure of the Monterrey migration station. After noting why the department had authority to demand a reopening of the center, the Secretary's letter proceeded to knock down the Mexican justification for closing the migration station: that those not selected for recruitment proceeded to enter the U.S. illegally and that the presence of many agricultural workers in Monterrey, waiting for a chance to get selected, created a serious problem to the community. The response was that the closing of the station at

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[44] Martin P. Durkin to SecState, 23 Apr 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

Monterrey had not been accompanied by a diminishing of the flow and that, in fact, apprehensions of deportable Mexicans had increased. Moreover, closing the station had, according to DOL, not achieved the objective of resolving the "community problem".

> According to information received from our representatives at Monterrey, from 10,000 to 15,000 agricultural workers have congregated at Monterrey and are remaining there in the hope that the migratory station will be opened. Many of these workers have been there for months without funds, without adequate food and shelter, and are at present presenting a very serious problem to the authorities. The reestablishment of a migratory station at Monterrey would obviously result in the removal of many of these workers from this area.[45]

The argument was expressed well, though it leaves one wondering why the Governor of Nuevo León would object to the center being located in Monterrey if it would in fact relieve the city of ten to fifteen thousand agricultural laborers roaming the streets.

The second complaint was on strong legal ground. DOL wanted to protest the declaration of the Mexican government that it would soon demand an across-the-board wage increase of 10% for contract workers. This demand, noted the Labor Secretary, "is a repudiation by Mexico of the agreement reached in June 1952 with Señor Tello and is without any authority under the Migrant Labor Agreement . . ."[46]

[45] Ibid.

The third matter was a constructive proposal that attempted to bridge the gap between the two positions on the Article 27 issue which had led to the breakdown of the talks in Mexico City. The DOL-proposed text for a joint interpretation of the Article stated that

> Prior to any transfer of workers from one employer to another. . .the appropriate Mexican Consul will be given 10 days' notice of the proposed transfer, the name of the employer, and the area to which the workers are to be transferred. To the extent possible, all information and documentation required to be furnished. . . will be submitted to the Mexican Consul before the date set for recontracting and transfer.
>
> The Mexican Consul will, as promptly as possible, indicate to the representative of the Secretary of Labor, whether or not he has any objections to the transfer. If he has objections, he will indicate the respects in which he objects in order that appropriate steps may be taken to remove the objections, if possible.
>
> The Mexican Government will in all cases arrange for a representative of its government to be present at the place of recontracting and transfer when the recontracting is carried out. No contracts will be executed for the transfer of workers and no workers will be transferred to new employers without the consent and supervision of the appropriate Mexican Consul or the authorized representative of the Mexican Government.[47]

This suggestion was transmitted to SRE in a diplomatic note dated May 11 and on June 2? the Foreign Ministry responded negatively. In the opinion of the SRE,

[46] Ibid.

[47] Ibid.

the DOL proposal omitted a fundamental matter--the formal requirement that a Mexican representative actually sign the contracts authorized outside of reception centers (i.e., contract renewals). It was not enough that the consul communicate his or her approval; it was necessary that the new contracts bear the signature and seal of the appropriate consul. As a counter proposal, SRE suggested that no contracts be authorized outside of reception centers; that contract renewals take place in these centers themselves, where a Mexican government representative always would be present to authorize the renewal in writing.[48]

Jack Neal and William Belton called on Mexico's Ambassador to the United States, now Manuel Tello, to discuss "the Mexican threat to place an embargo on Mexican migratory workers coming to the United States in the absence of a 10% increase in the beginning wage in all areas of the United States." The use of the term "embargo" by the Americans indicates how seriously the U.S. government took the Mexican threat to not release workers unless there were a 10% wage hike.

> After giving Ambassador Tello a brief résumé of recent discussions between [recently appointed] Ambassador [Francis] White and Foreign Minister Padilla Nervo in Mexico City with regard to the possibility of agreements on telecommunications; visas; friendship, commerce and navigation; double taxation; strategic materials; and shrimp; we got down to the purpose of our visit. Ambassador Tello immediately brought to our attention a New York Times article regarding the heavy influx of wetbacks in the United States during the first four months of 1953, and we took the opportunity to tell him our view that the best remedy for the wetback situation would be to make the agreement operate so well that there would be no inducement for people to come to the United States illegally.
>
> He countered by stating his opinion that the only solution for the wetback problem would be a law penalizing the employers of illegal immigrants. We stated our opinion that the passage of such a law was politically out of the question, and that even if it were passed, its subsequent enforcement would prove impossible. We told the Ambassador we felt it essential the situation be viewed realistically and that he should be aware of these facts and not look for such a law as a solution for this problem.[49]

Neal and Belton reiterated the absence of any basis in the agreement for Mexico's wage demand and presented additional information regarding DOL's compliance with the agreement that O'Dwyer had reached with Tello, when the latter was Foreign Minister, the previous June. "The Ambassador referred to the formula which he had suggested last year and which had been adopted, providing for a change in wages according to a cost of living index. We emphasized that such a formula had been acceptable and was being adhered to by the Department of Labor and did

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[48] Translation, diplomatic note 136252, SRE to AmEmbassy, 22 Jun 53, attached to despatch 30 from Ailshie, 1 Jul 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

[49] Memorandum of conversation by Belton, 11 May 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

not provide any basis for an action such as that now threatened." The Ambassador was apparently convinced that the DOS representatives had a point for he told them that "he had been assured by those working with the Migrant Labor Agreement"--i.e., Calderón--"that nothing arbitrary would be done."[50]

Neal and Belton also presented an old request in the form of a new argument, one which the U.S. government presented more forcefully in the months ahead. They suggested that a good number of the "wetbacks" resided along the border and found it impossible to obtain legal employment--i.e., obtain a bracero contract--because of the location of the migration centers within Mexico. They further explained that this problem was one that required making available "greater facilities for recruitment" near the border, not just re-opening the center at Monterrey.[51]

The feared diplomatic note was finally received on May 12. In it, the Mexican government communicated that it would refuse every request from employers who desired to contract Mexican braceros if paid less than $2.75 per hundred pounds of cotton and that "as a general rule, it is proper to establish for all agricultural regions which

[50] Ibid.

[51] Ibid.

employ Mexican laborers an increase of the hourly wage, fixing an initial minimum of not less than $0.65 for the states of the southeast, of $0.75 for the middlewest and of $0.80 for the western states." The note justified the position with certain arguments related to the increase in cost of living and appealed to the spirit of the labor agreement: that "Mexican workers shall not be employed in that country when their employment affects unfavorably the salaries or living conditions of the domestic agricultural laborers," and "that the Secretary of Labor shall not issue any certification for employment of Mexican laborers, or which is insufficient to cover the laborer's necessities of life."[52]

The U.S. Embassy rarely expressed a recommendation to the Department of State on how to respond to a note from SRE on bracero matters, but this was one such occasion.

> While the Embassy supports the principle that it is the privilege of any individual to decide for himself as to whether to accept or refuse any offer of employment in consideration of a specific wage offered, it does not accept the proposition that Mexico or any Government has the right to fix a minimum wage which must be accepted by employers in another country, as a prerequisite to permitting laborers to depart for employment abroad. The acceptance of any such theory would have the effect of recognizing

[52] Diplomatic note 135296, SRE to AmEmbassy, 8 May 53, quoted in Telegram 1715 White to SecState, 12 May 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

> that one nation might have the right to interfere in the fixing of wage scales in another. This is in effect what Mexico is endeavoring to do in the United States.[53]

Accordingly, the Embassy recommended "that the Ministry's request be not only refused, but that the demands contained in the Ministry's note. . . be protested in the strongest terms possible."

The Department of Labor reacted with the observation that the Mexican government had violated the terms of the 1951 agreement and repudiated the agreement reached between Stowe, O'Dwyer and Tello the previous July. It also affirmed in an icy tone that it had the authority under Public Law 78 for certifying "that the employment of such workers will not adversely affect the wages and working conditions of domestic agriculture workers similarly employed."

> Consistently with this responsibility every order for Mexican workers is carefully scrutinized by the Department to guard against that contingency. Every approval for the use of Mexican workers contains the required statutory certification. Whether the employment of Mexican workers adversely affects the wages and working conditions of domestic workers in the United States is a matter for the determination of the Secretary of Labor and not the Mexican Government.[54]

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[53] Despatch 1715 from Ailshie, 12 May 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

[54] Durkin to SecState, 18 May 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

The DOL response noted that the Mexican government "is obviously undertaking to act without regard" to the Migrant Labor Agreement and asked State to communicate to Mexico that if it adhered to the position taken in its note "we will have no alternative but to construe this action as constituting an abrogation by the Mexican Government" of the agreement.

Ambassador White took this matter up with Foreign Minister Padilla Nervo, who in turn assured the ambassador that the Mexican government's note "was not to be considered an ultimatum or a threat, that it was not the Mexican Government's intention to terminate or breach the Agreement, and that braceros would continue to be permitted to come to the United States under procedures currently in operation."[55]

The Mexican government did not enforce the threat contained in its note but neither did it withdraw the complaint that wages were too low, especially in the Lower Rio Grande Valley. But temporarily, at least, it adopted the strategy of pressuring DOL and the employers hard in three different areas of the bracero agreement. Three examples are potentially illustrative: the requirement that labor contracts be for no less than six-

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[55] Copy, John M. Cabot, Asst Secy, to Durkin, 22 May 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

weeks, the payment of optional non-occupational accident insurance by employers, and the attempt to raise minimum subsistence rates paid by farmers in New Mexico. Each presented a small crisis in the summer of 1953.

The first of these was to reject suggestions that contracting of workers should be for a period of less than six weeks. This was in keeping with the conditions already established in the agreement: contracts could be for periods of between six weeks and six months. The Mexican rejection of the U.S. proposal was considered by the Department of Labor as "impractical." Sensing that the Mexicans might compromise on this if some movement were to occur in their favor on the the wage issue and DOL's slowness in implementing the agreement reached the previous summer, Under Secretary of Labor Mashburn asked DOS to communicate some good news.

> We have previously advised the Mexican Government of the difficulties in instituting a procedure on a nation-wide basis for the determination of prevailing wages. We have, however, now developed such a procedure which will be put into effect for this year. The Secretary of Labor will issue, periodically, determinations of prevailing wages as outlined in Article 15 of the Agreement. As the procedure is modified, we will again see that Mexico is fully informed.[56]

A second matter pressed by SRE was to indirectly bring up the matter of non-occupational insurance in-

[56] Mashburn to SecState, 16 Jun 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

directly--not in formal discussions (which, it may be recalled, had been rejected by DOL in March) but in the actions of a Mexican consul. At mid June, 1953, the Mexican consul in El Paso pushed hard for a Colorado employer to purchase an optional insurance policy for $5,000 to "cover all possible liabilities under Article 3." Belton instructed Blocker: "Discuss with Calderón emphasizing delays on this point becoming tiresome and our hope there will be no more of them."[57] Later clarification on this point brought out the fact that, although DOL claimed that the Mexican consul had refused to authorize the contracting of braceros unless the employer purchased the insurance, the consulate denied the allegation. Calderón reiterated SRE's standing instructions that although Mexican representatives could suggest, they could not demand that the employer purchase the optional $5,000 policy. In any event, the employer refused to contract the workers that had been made available.[58]

Belton's comment above mentioning "tiresome delays" reveals that some officials at State--and probably elsewhere--were losing their patience with Mexico. A similar attitude can be noted in Belton's reaction to the news

[57] Copy, telegram 1532, Dulles to AmEmbassy, 17 Jun 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

[58] Telegram 1854, White to SecState, 17 Jun 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

that Gobernación was requesting local and state governments to give "full publicity" to the ill treatment and misfortunes and "humiliation" of undocumented migrants in the United States. Such publicity, noted Belton, did not have the desired effect of discouraging illegal entries into the U.S., though they did "serve as an irritant in Mexican-American relations and can, if given undue emphasis, result in misunderstandings which will make the solution of the wetback and other mutual problems increasingly difficult."[59]

It may be recalled that Mexico's objections to the low subsistence rates paid by farmers to braceros in some cases had been left pending in the July agreement involving David Stowe, Ambassador O'Dwyer and Foreign Minister Tello. At this time, the El Paso consulate refused to certify work contracts specifying a subsistence rate of $1.20 in Doña Ana County, New Mexico (in the area of Las Cruces). The telegram from State to the Embassy on this point noted that such a rate did in fact represent a decline from the subsistence rate of $1.50 which had been paid the previous year. "The reduction," noted the communication, "is based on last year's survey which resulted in increases in other areas. Mexican Em-

[59] Copy, airgram A-853 Dulles to AmEmbassy, 8 Jun 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

bassy here was informed of the new rate by letter dated September 19, 1952 but it was not enforced in 1952 due to late date it was determined."[60] Calderón, reported the Embassy, refused to accept the idea that "any employer can supply three substantial meals for $1.20. Nevertheless, after telephone conversation today with Mexican Consul General [at] El Paso, . . .Mexico will accept $1.20 for subsistence from those employers in that area who paid $1.20 last year, but insisted on rate $1.50 for [Doña Ana County] New Mexico, where he stated few if any farms are located near border."[61]

After Labor again indicated that it wanted to re-contract 1,300 workers in that state by the end of the month, the Ministry proposed that El Paso consul Michel make an investigation of the subsistence costs in the area. "It was again pointed out to [Calderón that a] survey last year revealed cost [of] subsistence [to be] between $1.10 and $1.15, but rate $1.20 authorized, and that reports indicate slight reduction since last survey." [62] Don Larin refused SRE's proposal that Michel

[60] Copy, telegram 1536, Dulles to AmEmbassy, 17 Jun 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

[61] Telegram 1853 White to SecState, 18 Jun 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

[62] Telegram 1897, White to SecState, 29 Jun 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

investigate subsistence costs on his own, and informed the State Department that

> 1300 Braceros are now waiting to be recontracted and unless Calderón relents in what appears to be last-minute delaying tactics, Labor Department plans to complete paper work and assignment of workers with their consent. With Mexican unemployment as it is and the prevailing drouth conditions in Southwest, it would appear advantageous for Calderón to authorize recontracting at $1.20, this sum being in accordance with the survey accepted by Mexico.[63]

The contract workers were allowed to go on their way, but the controversy over subsistence continued. Early in July, El Paso Consul Raúl Michel informed Calderón that according to an investigation made by his office in Doña Ana County, "price frijoles 100 percent higher than last year, coffee 50 percent higher, flour three cents and sugar two cents pound higher."[64]

> Calderón will make no decision until report from Michel received and discussed with higher authorities Foreign Office.
>
> However, from discussion had with him Embassy [is] practically certain he feels living costs New Mexico higher than represented by labor. Michel has already indicated by telephone subsistence should not be less than $1.50 and if his report and substantiating data bear this out, Embassy feels almost certain Calderón will not authorize recontracting at less than $1.50.[65]

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[63] Copy, teletype conference, [Neal] to Blocker, undated. NAW, DOS, RG 59, 811.06 (M) box 4406.

[64] Telegram 29, White to SecState, 7 Jul 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

[65] Telegram 33, White to SecState, 8 Jul 53. NAW, DOS, RG 59, 811.06 (M) box 4406.

The Department of Labor replied with its own survey of the costs of food in the area and found lower prices in a number of grocery stores in the area. Goodwin sent a detailed report to State with the comment that "With this analysis and review of the Mexican survey and an explanation of the methods used, we believe that the position of the U.S. Department of Labor in this matter is sound and in conformity with the Migrant Labor Agreement, and desire the Department of State to present this matter formally to the Mexican Government."[66] Though the survey prepared by the El Paso consulate appears to have been a good faith effort, a review of the data and methods used in both surveys bears out the validity of the DOL claim.

In early August, as circumstances in the U.S. were beginning to change, the Mexican government attitude toward wages remained the same. Calderón conducted a tour of the Lower Río Grande Valley and found, to no great surprise, that farmers there were employing "wetbacks" instead of braceros and that the wages paid for cotton picking were "depressed." The Foreign Ministry, reported the Embassy to Washington, "is convinced farm wages [in] U.S. depressed as result [of] large number [of] illegals in country. Ministry considers 2.00 for cotton picking a

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[66] Goodwin to Belton, 5 Aug 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

'depressed wage' related directly to presence [of] wetbacks and contends contracting at such rate would be in violation [of] Article 15 [of the] Agreement."[67]

Late in August, Robert Goodwin directed himself to the State Department's Office of Mexican Affairs to inform it that the Mexican Consul at the Eagle Pass reception center had been advised by Calderón that "he cannot accept any contracts for cotton picking at less that $2.50 per hundred weight." Goodwin continued by noting that this was "a repetition of an attempt to fix prevailing wage rates for cotton picking on the part of the Government of Mexico. We protested last week a similar attempt on the part of Mr. Calderón covering the three lower counties in the Río Grande Valley (Cameron, Hidalgo and Starr)."[68]

At the end of the month, the Mexican government replied to protests by note, presenting a new theory under which Mexican government representatives could refuse to accept the authorization of contracting of Mexican laborers at less than certain rates.

> The Government of Mexico has never accepted, nor could it ever accept the thesis that the initial or minimum wage rates stipulated in the work

[67] Telegram 133, White to SecState, 3 Aug 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

[68] Goodwin to Belton, 31 Aug 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

> contracts should be established unilaterally by the Department of Labor, since the juridical nature of all bi-lateral contracts necessarily implies the express consent of the two parties to the contract, one of them being, in this case, the Mexican worker, who is entirely at liberty to accept or refuse the employment in question and, in consequence, the wages offered, expressing his acceptance or rejection by means of his legitimate representative who is the Mexican official charged with the approval of work contracts. . .
>
> Therefore, when the Consul of Mexico in a Reception Center refuses to approve a wage rate proposed by an employer, for a certain type of labor, such official is legitimately expressing the wishes of the worker he represents.[69]

The argument proceeded to make a distinction between "prevailing wages," which were determined by the Secretary of Labor, and "initial" or "minimum" wages "which constitute an integral part of the consensual clauses of the contracts." SRE concluded with a request that the Department of Labor instruct its representatives that they stop requests for workers at wages below the minimum of $2.50 per 100 pounds of cotton picked, so that workers already in the migration stations within Mexico not be sent to border receptions centers to be offered wages below that rate.

Also in August, the wrangling over insurance continued, though with a new twist--one which revealed

[69] Translation, diplomatic note 138108, SRE to Ambassy, 31 Aug 53, attached to Despatch [illegible] Walter S. Scott, 10 Sep 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

questionable actions by some consulates in recommending specific insurance agencies and, on one occasion, in terms that did not seem particularly advantageous to workers. According to information provided to the Embassy in Mexico City, the Mexican consul in El Centro was insisting that farmers use a particular insurance company that charged the same as others but provided less benefits. When this matter was presented to SRE, the Embassy was told that the rates of that particular insurance company actually were cheaper, but that, as a matter of policy, it did not matter which insurance company was utilized, as long as it was competitive and lowest cost.[70]

El Centro, was not an altogether isolated incident. In El Paso the consulate was also telling employers which insurance company they must do business with, and, in the opinion of the Department of Labor, at terms that violated the labor agreement. Robert Goodwin sent some documents on this case to the State Department with the comment that "The problem, which is a recurrent one, is a particularly flagrant attempt to dictate to employers of Mexican Nationals the kind of insurance they must carry and the company with which they must do business, with a

[70] Telegram 198, White to SecState, 19 Aug 53; telegram 207, White to SecState, 20 Aug 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

total disregard for the terms of the Migrant Labor Agreement."

> . . . Article 3 of the Standard Work Contract provides that when an employer obtains an insurance policy it must be with a company satisfactory to the Mexican Government. This provision does not authorize the Mexican Government to dictate to the employer which company he shall do business with. . . . By the approval of one company and the exclusion of all others, Mexico not only creates monopolistic rates but dictates terms of coverage not imposed by the Migrant Labor Agreement. . . .
>
> The Agreement and Work Contract impose no requirement for the furnishing of non-occupational insurance. Non-occupational insurance may be furnished at the employer's option and when furnished is to be at the worker's expense. Mexico's attempt to require the employer to furnish non-occupational insurance is, therefore, an absolute violation of the Agreement as is their attempt to make the employer pay for such insurance either in whole or in part. . . .
>
> The Agreement and Work Contract do not specify any specific amount of required insurance coverage for medical expenses. The attempt to impose a minimum amount of $5,000 is, therefore, a violation of the Agreement.[71]

Attached were a copy of a letter from consul Michel to a local cotton grower and a letter from the Villarreal Insurance Agency to the grower, soliciting business after having been introduced by the consulate.[72]

The communication to the Embassy reveals exasper-

[71] Goodwin to Belton, 27 Aug 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

[72] Copy, Michel to More, El Paso Valley Cotton Ass'n, undated; copy, G. Villarreal to Hanckoc [sic] and Apodaca, Doña Ana County Farm & Livestock, 17 Aug 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

ation with the Mexican government at State itself. "In addition to complaints from the Labor Department," they began, protests are being received from insurance companies discriminated against by this Mexican action. It would be appreciated if in your discretion you would take this matter up directly with the Foreign Minister, pointing out that it is a violation of the assurances reported in your telegram 1774 of May 27 and that it is another example of the many difficulties which are making the Migratory Labor Agreement unworkable."[73]

The Foreign Ministry explained to the Embassy that its position adhered "strictly to the agreement and work contract."

> Occupational costs are to be borne entirely by the employer in accordance [to] Article 3 of contract and employer [is] free to insure with any suitable company of his choice. On the other hand, as provided in paragraph G of clause 6 of the contract, Mexico may approve plan for non occupational insurance for such compensation as it may consider satisfactory since no amount is stipulated. This non occupational insurance is to be furnished at [the] option of Mexican Government and not of employer and its cost is to be paid entirely by worker.[74]

This clarification brought a quick response from the Labor Department.

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[73] Telegram 221, Dulles to AmEmbassy, 27 Aug 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

[74] Telegram 259, White to SecState, 31 Aug 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

> Plans approved by Mexico cover both occupational and non-occupational benefits. Mexico should confine its approval to plans covering only non-occupational insurance as provided by Article 6 (g) of the Work Contract. This will not preclude a policy for both non-occupational and occupational insurance at option of employer as long as the non-occupational features of the plan meet the requirements of the Mexican plan.[75]

The DOL communication indicated that it had advised its field offices of this interpretation and that, because non-occupational insurance was not required by the agreement, "and employer's interest in obtaining such insurance is for convenience of workers, any difficulties encountered in connection with approval of non-occupational insurance plans should not be permitted to delay or otherwise interfere with contracting. If such delay or interference occurs, employers will be advised to refuse to arrange for non-occupational coverage on behalf of workers."

Washington informed the Embassy further that "in spite [of] assurances received from Foreign Office that it would clarify matter with its Consulate, El Paso, Labor Department was today informed there is yet no change in situation there and a number of employers are not being permitted by the Mexican Consul to contract la-

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[75] Telegram 242, Dulles to AmEmbassy, 3 Sep 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

borers."[76]

On September 9, representatives of the Department of Labor, State, and SRE met at the Mexican Embassy in Washington to attempt to settle disagreements over practices relating to the purchase of non-occupational insurance for braceros. "The crux of the matter," concluded Belton, "was whether paragraph (g) of Article 6 of the Standard Work Contract makes the purchase of non-occupational insurance for workers by employers mandatory. The Mexicans contend it is mandatory, while the United States holds it is not." Belton added his opinion that "the very clear wording of the Article, and the negotiating history and the operation of the Agreement in previous years both strongly support the United States opinion."[77]

The representatives agreed that DOL would take steps to urge employers on the desirability of obtaining non-occupational insurance; SRE and DOL would jointly issue instructions that employers "are under no obligation to pay for any part of the non-occupational insurance, they being free to deduct the full cost from workers' salaries;" the joint instructions would indicate that employ-

[76] Telegram 243, Dulles to AmEmbassy, 3 Sep 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

[77] Belton to Cabot, 14 Sep 53. See also despatch 540 from Kneeland, 15 Sep 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

ers would be free to take insurance with the company of their choice, but that a non-occupational policy would require approval of the Mexican government; and that the United States "would give serious study to the possibility of mandatory non-occupational insurance to be underwritten by the Mexican Government or a Mexican company for inclusion in any new agreement to be negotiated for next year."[78]

The U.S. representatives also requested that the Mexican government agree "to cause no further delays" in contracting for employers no wishing to insure braceros for non-occupational insurance coverage. The Mexican representatives, however, could not offer such assurances.[79]

In Mexico City, the Foreign Ministry indicated it would not accept the position taken earlier by the Labor Department, to the effect that in the event employers encountered delays because of Mexico pushing non-occupational insurance as a condition for contracting, employers would be advised to refuse to arrange for such insurance in behalf of workers. "As will be seen by today's despatches," the Embassy reported to Washington, "Ministry has of late been adamant in all its demands on brace-

[78] Ibid.

[79] Ibid.

ro matters and unwilling to seek or suggest solutions to problems."[80]

A week after the conference at the Mexican Embassy, Ambassador Tello submitted a diplomatic note to further press Mexico's views and elaborate on some of the points previously discussed. He reiterated Mexico's position that the payment of the premium[s] on non-occupational insurance was to be borne by the worker and employers could not be obligated to do so. (He implied, however, that Mexican representatives could attempt to persuade them to do so.) He also reiterated the position that the Mexican government did not have a preference, in principle, for any particular insurance company. "It is interested only in obtaining the best conditions for the workers at the least possible cost." He indicated that Mexico reserved the right to determine which companies offered the best terms. Tello's note then proceeded with a long a involved legal analysis of the section of the Standard Work Contract whose interpretation was in dispute. Tello noted that the sentence in dispute read: "'The Employer may make the following deductions only'." He gave some attention to the meaning of "may" in the sentence and then posed the question that given that the deductions

[80] Telegram 305, White to SecState, 11 Sep 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

appearing in subparagraphs a, b, c, d, e and f of the clause at issue were in practice, <u>required</u> of the worker, though the employer was the beneficiary; why, then, should not the deduction for non-occupational insurance (paragraph g) also apply, given that in this case the <u>worker</u> was the beneficiary?[81]

In preparing a memorandum on the subject for Assistant Secretary Cabot, Belton commented that the note did not present any arguments not heard before "and does not alter the basic fact that the auxiliary verb 'may' refers to a permissive and not a mandatory action."[82] Belton then pointed to the relatively little of import at stake in this particular dispute at the same time that the tenacity with which both sides held to their position reflected the degree to which relations were becoming difficult in the migrant labor area generally.

> Because both Governments agree that there are many points in favor of non-occupational insurance, this entire question would appear to be somewhat of a tempest of a teapot and scarcely worth arguing about. However, the Department of Labor has, probably correctly, come to view it as insult added to injury. I think it would be extremely difficult to persuade Labor to back down on a matter in which obviously it is legally and morally right. Concession of this point to the Mexicans, while it could be done at

[81] Translation, diplomatic note 4243, Tello to Dulles, 18 Sep 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

[82] Belton to Cabot, 28 Sep 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

> minimum cost to us, would be putting one additional item on the list of requirements demanded of farmers under the Agreement, and which has already made the Agreement so unpopular with many of them.[83]

Belton's recommendations, accepted by the Assistant Secretary in responding to Tello's note, were to reject the Mexican interpretation of Article 6 (g) as mandatory and note further that the U.S. could not accede to the Mexican request "as a matter of courtesy at a time when we are already experiencing much employer discontent with the Agreement."

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[83] Ibid.

PART IV: CRISIS, AUGUST 1953 - FEBRUARY 1954

11 TURNING POINT

In late July, 1953, the Korean War ended and the Eisenhower administration felt free to focus on other matters, among them, the brewing conflict with Mexico on the conduct of the bracero program. However, the problem was not as simple as or even primarily the Mexican government's numerous violations of the Migrant Labor Agreement, and the difficulties that the Department of Labor and, increasingly, the Department of State were having with SRE's actions and attitudes regarding the farm labor program. What had come to overshadow all of these was the growing flow of workers that entered the United States illegally, the hysteria of the U.S. press in covering the issue, and the growing perception that the United States was facing a crisis of national proportions. The notion that this flow had become massive, and that something drastic should be done about it, was gaining currency at the highest levels of the U.S. government, and it is in connection with the "invasion of the wetbacks" that the problems of the bracero program were being viewed at those levels of government.

It is also at about this time that V. Harwood Blocker left the U.S. Embassy in Mexico City and a new Consul --Walter Kneeland--assumed many of his duties. The new Ambassador, Francis White, also spent much of his time

discussing braceros and "wetbacks" with officials at SRE. On the Mexican side, the presence of Luis Zorrilla, Calderón's deputy, became increasingly noted in U.S. Embassy reports and a new Under Secretary of Foreign Relations--José Gorostiza.

In early August 1953 the SRE expressed the view that the current bilateral agreement was "a good one and should be extended rather than negotiate a new one." Zorrilla indicated that whether the agreement was extended or a new one negotiated,

> Mexico would insist first of all that Article 27 to present Agreement be amended or rewritten to specifically state [that] no Mexican laborers may be transferred from one employer to another until Mexican Consul or [a] representative [of the] Government of Mexico had actually signed the contracts. Foreign Office [is] very emphatic on this point, . . . and it seems doubtful [at] this time whether Mexico would agree [to] extend amended or rewritten as suggested.[1]

Other items of concern from Mexico's point of view were that further understanding should be reached on wages, subsistence, and insurance. In the meantime, Zorrilla suggested that the two governments might exchange diplomatic notes in which they accepted the recommendations of the delegations that had met the previous March and April. (It may be recalled that an exchange of notes did

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[1] Telegram 168, White to SecState, 11 Aug 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

not take place because the two delegations divided on one issue--Article 27--and because Calderón announced a demand for a 10 percent wage hike.) Later in the month Calderón and Zorrilla still maintained that no bracero conference was necessary. Calderón did indicate, however, that he was agreeable to such a conference in view of the U.S. position that this was necessary.[2] Evidently, the Mexican government officials most directly involved with the coordination of bracero matters felt, in August 1953, that the status quo was still viable.

THE "WETBACK" CRISIS

However, by late July or early August, the attitude of the U.S. government, at high levels, regarding both undocumented migration and legal contract workers had reached a turning point. Our first glimpse of it is in the discussion of a proposal, during the first week of August, to utilize "soldiers and the National Guard" to stop the flow of undocumented migrants across the California segment of the U.S.-Mexican border. The proposal originated with the Justice Department, and it appears that it was conceived by the Attorney General or one of the Assistant Attorneys General, and did not filter up from the Immigration and Naturalization Service. Early

[2] Telegram 222, White to SecState, 24 Aug 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

in the process, John M. Cabot, Assistant Secretary of State, called Attorney General Herbert Brownell to comment on the proposal. According to Cabot's own notes he did not express any reservations on the appropriateness of the proposal in this conversation, but did make what Brownell characterized as three "constructive suggestions" on how to implement this rather drastic action. One was that the "proclamation" not be limited in application to the California segment of the border. "I pointed out," wrote Cabot in his memorandum of conversation, "that this would avoid the necessity of issuing future proclamations in the event it was decided to extend the section of the border to be covered by this special patrolling and that it would also tend to frighten the wetbacks from trying to cross the border anywhere." A second suggestion was that State have an opportunity to inform the Mexican Government in advance of the proposed action. Cabot, of course, anticipated Mexico would object to the proposal. He noted that by informing that government in advance the U.S. "could at least attempt to persuade the Mexicans that this was done in pursuance of their many representations on the wetback traffic, as well as for our own protection." Finally, Cabot suggested to Brownell that rather than publishing a proposed proclamation to use troops along the border as

the first direct action, that the announcement come in the form of a press release which would emphasize "the interest that the Mexican Government has repeatedly shown in stopping the wetback traffic and thereby get our own story before the public before the almost inevitable reaction occurred in Mexico."[3]

On Friday evening, August 11th, Cabot called Ambassador White in Mexico City to apprise him of the proposal. His choice of words may have been either mysterious or hyperbolic, because, as he explained in an explanatory letter dashed off the next morning, in large part they were directed at the Mexicans he assumed were listening in. (". . . I have every reason to suppose that telephone conversations between the Embassy and officers of the Department are recorded [by the Mexican government] . . . I should perhaps add that practically everything I said to you was aimed at the recording machine rather than at you."[4]) In his morning-after letter he nevertheless sustained the substance of the proposal and explained that although the use of the military to stop the "wetback" migration "will almost certainly provoke incidents and that those incidents will react on our

[3] Memorandum of telephone conversation, by Cabot, 9 Aug 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

[4] Cabot to White, 12 Aug 53, reproduced in Foreign Relations of the United States 1952-54, p. 1339.

relations with Mexico, I am sorry that this is the case." Incidents, in Cabot's view, would result in any case, with or without military action and that "we face a choice of evils." He then explained the rational basis for what was otherwise an outlandish proposal: to "stimulate both sides [Mexican and U.S.] to demand a mutually satisfactory bracero agreement and do what we can to convince the Mexican Government that our measures were at least in part due to their pressure." The pressure referred to, of course, was Mexican government requests of the U.S. government that it do something to stop illegal entries. In further justification of this drastic action Cabot added in a postscript that "the Mexicans are reported to use troops to patrol their side of the border."[5]

Ambassador White assumed the matter was dead serious and prepared a long letter addressed directly to Secretary of State John Foster Dulles in which he did not mince words about the foolhardiness of the proposed action. Whether he realized that Assistant Secretary Cabot had been in part speaking to the Mexican recording machine or not before his letter left for Washington, we do not know. In this extraordinary bit of correspondence, White pleaded with "Foster," whom he addressed on a first name

[5] Ibid., p. 1340.

basis, to kill the proposal because of its gravity of to Dulles "personally, to our relations with Mexico, to our relations with Latin America as a whole, and to the Republican Party." He argued that such action would inevitably entail U.S. soldiers shooting at Mexicans crossing the border, that "[i]ncidents will inevitably happen" and that it would cause serious damage to U.S. relations with Mexico and Latin America. He drew some interesting parallels between this scenario and his experiences, during the 1920s, when he was sent as Ambassador to Nicaragua to get the Marines out of that country. White stated that he felt that "the expedient of calling out Federal troops and the National Guard in the wetback case on the Mexican Border would be an even more tragic blunder than was the sending of Marines to Nicaragua." White continued, summarizing the various circumstances and arguments that had led them to where they were in August 1953.

> What the Mexicans are interested in . . . is higher wages for their braceros. They have asked that we pass a law making it illegal for anyone in our country to employ and illegal immigrant. This, of course, would be out of the question politically at home as it would make every individual responsible for enforcing our immigration laws . . . the Mexicans could take precautions, if they would, to prevent their getting to the Border where they can fan out over the country and cross the frontier with relative facility. The Mexicans' reply to that is that a Mexican can travel anywhere in the country he wants, that his travel is not illegal, until he crosses the frontier. They have wanted to put the whole burden and onus of preventing the traffic on us.[6]

White noted that one of the arguments made to justify U.S. troops patrolling the border to prevent illegal entries was that the Mexican government had apparently done the same to prevent illegal departures and proceeded to question that Mexico had ever done serious patrolling of the border--"[t]he most they have done recently is to send three or four jeeps and about fifteen men to the Rio Grande Valley around Reynosa. . ."

> The Embassy can find no confirmation . . . except once under the Presidency of Alemán when troops were used to make the peons harvest the cotton crop on his ranch and the ranches of a few of his friends near the Border. When this was done, the troops were withdrawn and the wetbacks allowed to come over. It is even reported that some of the soldiers discarded their rifles and uniforms and crossed the Border also as wetbacks, lured by the two-dollar a day wage as contrasted with their pay of thirty cents a day.[7]

The reply to the Ambassador's letter was delegated to Assistant Secretary John Cabot, who observed that "we in ARA [American Republics Affairs division of DOS] have never been happy about the proposed use of troops," and that "things in Washington are beginning to turn more

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[6] White to SecState, 14 Aug 53, reproduced in Foreign Relations of the United States 1952-54, pp. 1340-1346. Quotes pp. 1341, 1342 and 1343.

[7] Ibid., p. 1343.

favorably to the viewpoint which you have so forcefully expressed in this problem."[8] Though the process by which the decision was made is not entirely clear, Cabot alluded in reply to the opposition of General Walter Beddel Smith, Under Secretary of the Department, a friend of Eisenhower's, and a man of military experience. In any event, there can be no question that shortly after the letter was received, the policy option of using troops to quell illegal entries was rejected.

At the time that Francis White was drafting his forceful letter to Dulles, Herbert Brownell, Attorney General, was making a three-day visit to California to see for himself the dimensions of the problem of undocumented migration. During this visit he met with dozens of officials and private individuals interested in the matter and at the end held a press conference, in which he suggested that the U.S. government had achieved a new attitude and willingness to address the migration of "wetbacks." The New York Times quoted:

> . . . the problem is increasing. The number of "wetbacks" is at an all-time high. Rackets are developing in the importation of labor. It has all the earmarks of developing into a number one law enforcement problem, and it is going to take the coordinated efforts of Federal, state and local law enforcement officials to combat this problem.[9]

In one of several New York Times stories on this trip by Brownell, the Attorney General was described as considering recommending that the number of braceros admitted legally under the bilateral agreement with Mexico should be increased from the approximately 225,000 contracted that year. "By comparison," noted the Times, in the first six months of 1953 Immigration Service border guards arrested 480,000 aliens entering this country illegally along the 1,600-mile stretch from Brownsville, Tex., to San Diego." There followed a reiteration of a familiar theme characterizing the problem and dramatizing it for the public in numerical terms: "This is well above the 'wetback' invasion of 1952, when arrests for the year came to 618,000. Moreover, officials are quick to concede that for every 'wetback' caught two or more get across. Herman Landon, the immigration chief here, has estimated that probably 1,500,000 'wetbacks' escaped apprehension last year."[10] Brownell embellished this by adding that there existed a "clear danger" that foreign subversives could enter illegally among the "wetbacks,"

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[8] Cabot to White, reproduced in Foreign Relations of the United States 1952-54, p. 1346.

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[9] The New York Times, 17 Aug 53, p. 11.

[10] Other than the above-cited story, see also, The New York Times, 1 Aug 53, p. 9; 8 Aug 53, p. 13; and 16 Aug 53, pp. 1, 27. The quote in the text is from the story published on August 16, pp. 1, 27.

though he conceded that thus far no such cases of illegal entrant subversives had been detected. In his final press conference Brownell added other points to his conception of the problem as regarded illegal entries from Mexico: "wetbacks" purchased automobiles in poor running condition and contributed to traffic accidents in California, many allegedly were infected with Tuberculosis and spread the disease in the U.S., the jails of "county after county" were filled with "wetbacks."[11]

If Brownell actually held the views that he espoused at his press conference, they were not entirely shared by many of the persons with whom he met during his trip to San Diego and Imperial Counties and ran contrary to the advice that he received from local authorities. In a private meeting in San Diego Brownell admitted that the Mayor of San Diego, the District Attorney, the Chief of Police, Border Patrol officials and officers of the Immigration and Naturalization Service and Public Health authorities "assured him with only minor reservations that the so-called 'wet-back' problem was not one which had taken on added or undue importance."[12]

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[11] The New York Times, 18 Aug 53, p. 16.

[12] Brownell confessed these views to Louis F. Blanchard, U.S. Consul at Tijuana, at a meeting in San Diego. Despatch 12 from Blanchard, 14 Aug 53, NAW, DOS, RG 59, 811.06 (M) box 4407.

It seems reasonably clear that Brownell did not actually learn anything first hand in California that he could not have known from his office in Washington, but the visit was good theater and a public relations success. It was followed by a highly publicized meeting with President Eisenhower, in which a plan of action to address the problem was released to the press.

> At the diplomatic level, the Administration will begin conversations with the Ambassador from Mexico in Washington with a view of developing a mutual approach to a solution from both sides of the Rio Grande border. . . .The Department of Justice will organize a group to determine how Federal laws may be made tougher to help control the tide of thousands who are swarming over the border into Texas, California and elsewhere. . . . State district attorneys will study similar changes in state laws. At this local level, organizations such as state federations of labor, farmers' cooperatives and local enforcement agencies will cooperate.[13]

The "plan" to make laws tougher did not, of course, include employer penalty legislation, that having been tacitly ruled out beforehand. The thrust of Brownell's trip and recommendations, then, was to focus public attention by characterizing the problem in dramatic terms and to suggest that whatever solution was found would ultimately require some Mexican government participation.

Foreign Relations Secretary, Luis Padilla Nervo, attempted to remind the public on this point with a care-

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[13] The New York Times, 18 Aug 53, p. 16.

fully phrased and indirect criticism. The New York Times cited him as referring to difficulties in the bilateral relationship and observing that, although the U.S. government--i.e., the executive branch--had offered to obtain employer penalties, the U.S. Congress had refused to pass the legislation.[14] For his part, Ruiz Cortines returned to an old theme in his annual report to the nation of September 1 which could not have been interpreted, at that point, as anything other than rhetoric. His government, he said, would attempt to channel emigration toward new lands being opened to cultivation along the coasts and in the tropics. This point was the only one referred to in The New York Times despatch reporting on this annual address to the nation.[15]

The week after Brownell's visit, the Mexican government took undefined and still unclear action through the Army to dissuade illegal emigration to the United States. It is unclear whether this was merely a recurrence of previous border patrolling by a few soldiers along the border or a more extensive operation along the lines of the U.S. government request of the previous January, i.e., stopping and questioning Mexican nationals at points away from the border whose dress, appearance or

[14] Ibid.

[15] The New York Times, 2 Sep 53, p. 18.

demeanor suggested they would proceed to enter illegally into the United States. It may be recalled that in January 1953, the Mexican government had politely but firmly refused the request as a "violation of the Constitution." This operation, still shrouded in mystery, was reported briefly in El Nacional and The New York Times.[16] Its appearance in the Mexican official newspaper (and in no other Mexico City newspaper), and the brevity of the report suggests a Mexican government attempt to send a message to the U.S. government--perhaps an attempt to undercut the U.S. proposal to use its own troops on the border to which White had so vigorously objected--at the same time that there was little interest in drawing attention to it before the Mexican public. Whatever the exact nature was of the Army's action at that time, the absence of public discussion suggests, at the very least, that it did not last long, and perhaps was more symbolic than real. Months later a reference was made in a cable between the Embassy and Washington that the Mexican Army was patrolling the border in the vicinity of Reynosa.[17] In any event, days after its first report on the action, The New York Times mentioned it again and then suggested,

[16] El Nacional, 18 Aug 53; The New York Times, 24 Aug 53, p. 23.

[17] Telegram 420, White to SecState, 14 Oct 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

without attribution or elaboration, that the measure was not expected to diminish illegal entries into the U.S. to a significant degree.[18]

It was, perhaps, with no intention to be ironic that Excélsior printed a cartoon in its editorial page on August 22, in which a hapless bracero backed up against a wall was depicted with a bayonet being thrust in front of him, labeled "U.S. troops." The caption, of course, was "entre la espada y la pared." An Embassy official took advantage of the cartoon to reinforce the Ambassador's message of a week earlier.

> This cartoon . . . has caused many anti-American comments on the assumption that we really intend to use our Federal troops to stem the tide of illegal entries of wetbacks and braceros into the United States. . . . Regardless of the legal pros and cons of this grave bracero and wetback problem, this cartoon and these public comments are a clear indication of the disastrous effect, as immediately envisaged and fully reported by the Ambassador, which the use of our Federal troops to repel the illegal entry of Mexicans into our country would have, not only in our relations with Mexico but, indeed, throughout Latin America. That such action on our part would also be grist for the communist mill in other parts of the world, would seem to be too obvious to require elaboration.[19]

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[18] The New York Times, 30 Aug 53, section 4, p. 7.

[19] Copy, despatch 395, from Franklin C. Gowan, Counselor, AmEmbassy, 25 Aug 53. NAW, DOL, RG 174, Office of the Secretary, 1953 Departmental Subject Files, box 6, file "1953 - Mexican Labor Program - Misc. (January-June)."

AN EMERGING U.S. STRATEGY

There is every indication that the initiative for solving the "wetback problem" in 1953 came not from the State or Labor Departments but from the highest levels of the Justice Department. Having ruled out the use of the armed forces to stop illegal entries, Department officials focussed on alternatives which still excluded employer penalties. At some point in August, perhaps earlier, it became clear to these officials and to the Attorney General himself, that the key to the solution of this problem lay with agricultural employers and the contract labor program. What was needed was action that would persuade employers to use legal workers instead of illegal entrants. This brought the Justice Department to consider the problems experienced by Labor in the administration of the program and to the realization that, if the program was to be employed for the purpose of substituting legal workers for illegal entrants, that the most immediate obstacle was the Mexican government. The other obstacle--employers who steadfastly refused to see any benefit to contracting legal workers--would have to be dealt with after modifying the bracero program in a manner that would make bracero labor more attractive to agricultural employers of "wetbacks." To do so required coordinated views and action among State, Justice and

Labor Departments. For the first time since the beginning of the program in 1942, these three departments began to approach this issue in tandem and to address the control of undocumented migration and the administration of the contract labor program in one coherent strategy.

That strategy, however, did not spring forth fully developed overnight. The germ of the idea sprouted during May, 1953, when State and Labor were having so many difficulties with the unilateral actions taken by SRE regarding wages.[20] Brownell's ill-fated proposal to use troops on the border to stop illegal entries and his visit to California gave the idea some momentum, and it quickly gained acceptance in August and September of 1953.

From the beginning its dominant theme was that the contract labor program, as then administered, was unworkable and that a unilateral program would be preferable to the status quo. It is noteworthy that not considered was the idea of doing away with the program altogether,

[20] A communication of December, 1953 noted: "Until a few months ago the Department [of State] consistently opposed any suggestion of a unilateral bracero program on the grounds that it would have such a bad overall effect on our relations with Mexico that it would not be worthwhile to try it. With the increasingly acute wetback situation and the other problems under the agreement which arose this year, we began last May to give serious thought to changing our attitude toward a unilateral program." Copy, Belton to Ambassador White, 15 Dec 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

which, for example, would have been the State Department's preference during the conflictual period of 1948 and 1949. Some kind of program was necessary because, from the outset, the goal was to substitute "wetbacks" with legal agricultural workers.

A memorandum prepared by the Officer in Charge of Mexican Affairs, Belton, for Assistant Secretary of State Cabot outlined the options for the position of the Department of State on August 27. It began by recalling that the preferred option of the Mexican government for reducing the flow of migrants was penalties against employers that "[t]here is no doubt that a system of administrative fines would be pleasing to them." Since this was a domestic matter, Belton argued, the Department should express no opinion. Belton further recalled that there was no objection by the Department or by the Mexican government to the return of undocumented Mexicans to the interior, e.g., by air; thus, one of the possibilities was to reinstate the so-called "airlift." Belton also observed that the U.S. had made requests that the Mexican government undertake policing "some one hundred miles or more south of the border," without much success because it maintained that it was unable to do so for constitutional reasons, which, Belton argued, "was a matter of interpretation." The officer in charge of

Mexican Affairs also noted The New York Times story on the Mexican patrols "well south of the border," but indicated that "[t]his has not yet been officially confirmed." Finally, Belton got to the heart of his argument, which had to do with ongoing conversations between State and Labor on how to proceed on the negotiations of a new agreement, given that the existing agreement would expire on December 31.

> An entirely new approach to the problem is being considered with a view to devising a simplified agreement to reduce the relative advantage of being a wetback or hiring one. There is no basis for optimism that the Mexican Government will agree to this new approach, but as soon as the matter has been fully explored within our Government the Department will ask Ambassador White to discuss the subject with the Mexican Foreign Minister. At the same time, we might take up the question with Ambassador Tello.[21]

Belton concluded that "[i]f a new type of agreement does not prove feasible, the possibility of operating unilaterally may be explored. The Department of Labor," he added in passing, "would require additional legislative authority before this could be undertaken." In any event, Belton foresaw that the "entirely new approach" that was being envisaged, whether by agreement or through unilateral operation, "would presumably route large numbers of potential wetbacks into legal channels." Then he

[21] Belton to Cabot, 27 Aug 53, reproduced in Foreign Relations of the United States 1952-54, pp. 1347-1348.

anticipated what would be the second stage of the new strategy: "In so far as a disposition still existed on the part of employers to hire illegals or there remained a sizable number of applicants for whom work was not available, adequate enforcement machinery would continue to be essential."[22]

The August 27 memorandum was actually a distilled version, prepared to be routed to the Department of Justice,[23] of a confidential memorandum prepared a day earlier in which Belton discussed the above matters, the nature of the problem and suggestions for what the position of the Department of State should be. In Belton's August 26th memorandum, the "wetback" problem was characterized as chiefly domestic and not directly of concern

[22] Ibid., p. 1348.

[23] The previously-cited August 27 memo, published in Foreign Relations of the United States, had a number of attachments. Memorandum, Burrows to Cabot, 27 Aug 53, attached, says: "I think this is more along the lines of what you wanted for your conversation with Mr. Brownell. The restraint which is obvious in paragraphs 1 and 2 of the paper [Aug 27 memo] is attributable to the fact that these issues are not directly a matter of Departmental competence and also that we are aware of the heat which they arouse in the domestic political field." Cabot to J. Lee Rankin, 28 Aug 53, transmits Belton's 27 Aug memo. MK to Woodward, 28 Aug 53, also attached, refers to Belton 27 Aug memo and attachments: "At Mr. Rankin's request we sent the copy of Mr. Belton's memo so that they could study it. . . . Mr. Cabot wanted you to have in mind [Under Secretary of State] General [Walter Beddel] Smith's strongly expressed views in opposition to the use of troops when you talk to the Attorney General." NAW, DOS, RG 59, 811.06 (M) box 4407.

to the Department of State--and it was from domestic agencies "that the pressure for remedial action now comes." "Although the influx of wetbacks has constantly increased over the past several years to its present tremendous proportions," Belton argued, "the adverse effect on our international relations has not increased appreciably." Thus, "[i]f a proposed solution seriously endangers our relations with Mexico or otherwise adversely affects our foreign policy, the Department must do everything possible to obtain its modification or abandonment."

Belton proceeded with as clear and concise a statement of the policy problem, as viewed by the U.S. government at the time, as can probably be found in all the documentation of that period. There were only two directions in which to look for remedies:

> One of these is by physical force applied on either or both sides of the border. So far the force supplied on the United States side has been inadequate, while application of really effective force has been determined as too likely to upset our relations with Mexico to be worth trying. The Mexican Government has long maintained it is constitutionally unable to prevent the departure of its citizens at the points where policing would be most effective, some one hundred miles south of the border.[24]

Belton added that The New York Times had published a re-

[24] Memorandum, Belton to Cabot, 26 Aug 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

port that the Mexican military was patrolling well south of the border, and, if true, it could indicate a reversal of previous policy. (The absence of subsequent information on this point suggests that if such a reversal took place it was not lasting.)

Belton elaborated on the other means available to combat the problem, which was economic "either by penalties or incentives." After stating the obvious--that economic penalties for destitute "wetbacks" were not possible--and reviewing the reasons why U.S. employers could not be penalized ("politically impossible obtain the necessary legislation and practically impossible to enforce it"), Belton noted that the expulsions by the Border Patrol, which resulted in "uncertainty of their labor supply . . . has obviously not yet proven to be a sufficient deterrent." Belton thus laid the rationale for what either had become or was soon to become the government's position: if you can't beat 'em (employers), join 'em.

> An incentive system which would make the employment of legal immigrants [braceros] more attractive to employers and legal entry much more attractive than wetbackism to laborers seems to hold the greatest promise for satisfactory dealing with the problem. The way to achieve this is to obtain an entirely new agreement on migrant laborers which will simplify procedures for both employer and laborer to such an extent that the attractions of being a wetback or hiring one would disappear. Recent conversations with responsible officials of the Labor

Department indicate that they are fully aware of the unsatisfactory nature of the present agreement and are considering an entirely new approach and the possibility of obtaining early legislative authority to operate unilaterally if it proves impossible to reach agreement with the Mexicans on a new basis.

Our long and difficult experience with the migrant labor program precludes any optimism at this stage on the possibility of obtaining Mexican consent to a radically different type of agreement. . . . [A unilateral arrangement] might help appreciably on the wetback problem and would certainly be more satisfactory from the United States viewpoint than the present complicated agreement. It would be distasteful to the Mexicans, but not as unpleasant as troops on the border.[25]

The proposal that the U.S. might have to contract workers unilaterally, though analytically distinct from the idea that the terms of the contracting should be more attractive to employers, was inextricably related to it. This brings us back to the employer complaints of the program--its bureaucratic procedures, complexity, cost, labor guarantees, and relative unattractiveness relative to the employment of undocumented workers. It should surprise no one that employer views of the undocumented problem, saw others as its cause but not themselves. Some of these views could be expressed in colorful language, such as a Mrs. John Schmidt from the Lower Rio Grande Valley who was a tireless letter writer to members of Congress and the federal government. One of these

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[25] Ibid.

letters, written in early 1953 to a Texas representative, was referred to the newly-arrived Secretary of Labor for reply. Her major criticism of the bracero program seemed to be that it was not written by conservative legislators of her persuasion (evidently she did not know Senator Ellender from Louisiana was the principal author) and her major suggestion that the U.S. contract workers unilaterally on the same basis as Canadian workers for the northeast (text reproduced exactly as in original):

It is my understanding that this law [P.L. 78] was formulated in Mexico City and first written in the Spanish language by Mexican Politicos, who were affiliated with the well known Communistic Mexican Unidos and that it was redrawn in English by an attorney in San Antonio, Texas, then forwarded to the Left Wing of the Labor Union Representatives in Washington. We feel that this law as written, without our voice and consent, and enacted in Washington, perpetuates an unjustice upon us and is impractical in its application in that the farmer employer is not permitted to fire disobedient, incompetent or unruly Mexican workers after he once contracts them . . . This complete setup of the Mexican labor law is nothing short of a Mexican political racket that has nearly doubled our field costs.

Along the Canadian Border, the United States and Canada use a system called the 'WHITE CARD' labor system and that . . . has worked out very satisfactorily both for Canadian labor and United States employers. I feel sure that a similar system along the Mexican Border would be very satisfactory . . . It is my opinion that if the Congress of the United States demanded that Mexican labor enter this country under the White Card system, very likely at first they would receive rebuff and no willing acceptance by the Politicos of Mexico, but if they stood firm,

Mexico would most certainly accept it.[26]

The "white card" system to which the author of this letter referred was similar in practice to the method used to recruit workers from the Caribbean for Florida sugar cane and other agricultural work in the eastern part of the country. This system did not provide the types of labor guarantees contained in the bilateral agreement with Mexico regarding housing, wages and transportation, among other things.

In a meeting with Attorney General Brownell in San Diego, the U.S. Consul in Tijuana, Louis Blanchard expressed rather forcefully the view that a "white card system," though desired by California employers as well, was undesirable from the standpoint of bilateral relations and because the U.S. national interest had to take more into account than the concerns of employers.

> American employers . . . through their organizations, have repeatedly pressed their congressional representatives for such relief as would afford them a simple, lawful means by which they could make use of the obvious over supply of Mexican labor in border areas whenever such labor was needed, without excessive financial commitments and without too much regard for the feelings of the Mexican Government which has

[26] Mrs. John M. Schmidt to Senator Edward Martin, 28 Feb 53. A copy of the letter is attached to a letter from the Senator to the Secretary of Labor, 3 Apr 543. NAW, DOL, RG 174, Office of the Secretary, 1953 Departmental Subject Files, box 6, file 1953 - Mexican Labor Program - Misc. (January-June). Emphasis in original.

> consistently refused to accept the premise that Mexican agricultural labor should be made available to American employers only on the latter's terms. To achieve their objective the California employers have proposed the establishment of a border crossing card system which would identify Mexican workers and give them the right to admission for employment purposes into the United States whenever there should be a demand for their services. This in effect would vitiate the provisions of the existing agreement between the United States and Mexico on agricultural workers.

Another term for "white card system" was "border recruiting," a proposal discussed by U.S. officials with growers at this time and debated internally before beginning negotiations with the Mexican government. At the instruction of the Los Angeles INS District Director, the Chief Patrol Inspector of the Border Patrol in El Centro met with the secretary of the growers' association in the Imperial Valley for the purpose of determining the attitude of the local agriculturalists to the idea of unilateral contracting and to probe for suggestions on how the legal bracero program might be made more attractive.

> Mr. Harrigan outlined his proposals perhaps in less detail at the meeting with Attorney General Brownell last Friday and these proposals are reported as being acceptable to the local association and by implication to the various other farmers' associations in this area.
>
> The contracting of alien labor would take place on the border rather than in the interior of Mexico, thus giving the farmers the advantage of personal selection in the matter of employees and recruiting expenditures in connection with the system. . . .
>
> Aliens . . . would be allowed to commute while maintaining residence in Mexican border

communities, providing such commuting proved practical and was acceptable to both employer and employee.

[Harrigan] . . . is of the opinion that under Public Law 78 present agreements should be abrogated . . . the Mexicans will not willing[ly] give up the very considerable source of income which the monies sent back to Mexico by their Nationals in the United States represents.

. . . his proposal would incorporate provisions for setting up processing centers in the interior of the United States to "legalize" the status of aliens already employed in those areas to the extent that they are actually needed.

. . . the farmers want complete control of the program to be within the Immigration Service, insofar as processing goes, rather than under the Department of Labor to the extent that it presently is.[27]

This communication is noteworthy, depending upon one's point of view, for any of several reasons. Obviously, it is significant because enforcer and "enforcee" talked rather openly about how to change the legal program in order to meet the concerns of agricultural employers of "wetback" labor. More importantly, as the wheels were grinding in Washington on a new approach, effort was made to find out what might be done to the contract labor program to make it attractive to specific sets of growers in order to effectively plan for a mass substitution of "wetbacks" by braceros. Finally, the reference to the Labor Department may have been spurious--though some

[27] Copy, Chief Patrol Inspector, El Centro, California, to District Director, Los Angeles, 17 Aug 53. NRCSM, INS, file 56336/475.

growers evidently did not realize that USES made extraordinary efforts on their behalf in the administration of the program--but, in any event, it underscores the significance of an old political actor, INS, entering on the stage and adopting a new role as regarded the administration of the bilateral migrant labor program.

Though in the minds of many farmers unilateral recruitment, "white card system" and border recruiting may have been synonymous, government officials within the Justice Department knew better. The problem was that unilateral recruitment seemed to be a necessary ingredient, from a practical standpoint, to any approach which would substitute legal workers for "wetbacks," immigration statutes and the wording of P.L. 78 (itself an amendment to the 1949 Agricultural Act) presented serious obstacles. On August 25 the hierarchy at the Justice Department requested that INS express its views on the possibility of border contracting, be it under the auspices of P.L. 78 (i.e., bilaterally) or under the Immigration and Nationality Act (i.e., unilaterally). INS replied that this was possible, though not without some practical difficulties.

> The most serious difficulty would undoubtedly lie in the attitude to be taken by the Mexican government, which heretofore has vigorously opposed any recruitment of labor at border points. The reasons that have been given for such opposition are that unemployment in the

> interior of the country is more severe than along the border and that the concentration of groups seeking work along the border is undesirable. . . . the program could not enjoy the slightest success until such time as it is possible effectively to patrol and control the border. For if there is a more than ample supply of illegal labor there can be no incentive to hire contract workers.[28]

Relative newcomers the Justice Department and INS may have been to the politics of the contract labor program, but as this passage reveals, they had a grasp of the practical essentials. The substitution of undocumented workers by contract workers would not occur unless somehow a greater degree of control of the border could be effected; accomplishing the substitution without Mexican cooperation was chancy. In view of the determined attitude already expressed by the Department to try "an entirely new approach" this analysis by INS does not suggest an attempt to back out of the proposition, but perhaps an old bureaucratic trick to elevate the estimate of the obstacles beforehand in order to justify possible failure later on.

SETTING THE STAGE FOR UNILATERAL ACTION

The effort to formulate an alternative policy continued. One of the most vexing difficulties facing the unilat-

[28] Copy, Commissioner INS to Assistant Attorney General, Office of Legal Counsel, 31 Aug 53. NRCSM, INS, file 563336/475.

eralists was their sense that no legislative authority existed for a unilateral program. Above I quoted Belton has having observed in a preliminary way, as early as August 27, that legislative authority would be needed for a unilateral program. On or about September 18, INS worked on a formal legal opinion, a draft of which survives, and which explains the legal obstacles to unilateral recruitment.

> It is the view of the Service that the wording of section 501 of the Agricultural Act completely prevents the operation of Title V [i.e., P.L. 78] of the Act without such an international agreement. If there were not such an agreement, agricultural workers could conceivably be imported from Mexico as nonimmigrants under section 101 (a) (H) of the Immigration and Nationality Act (8 U.S.C. 1101). The requirements of 8 U.S.C. 1184 would apply to their admission, and 8 U.S.C. 1182 (a) (26) would require that they present passports. It is my opinion that this latter authority could not properly be used unless there had been such a complete breakdown of international negotiations as to render Title V of the Agricultural Act completely inoperative. Furthermore, we are aware of no other law that could be applied.[29]

It lay person's terms, the problem lay in that P.L. 78 was enacted before the Immigration and Nationality Act of 1952 and that the latter act, which did provide legal authority for the admission of foreigners for temporary

[29] Copy, draft, Commissioner to Assistant Attorney General, Office of Legal Counsel, undated, response to memorandum from Assistant Attorney General dated 18 Sep 53. NRCSM, INS, file 56336/475.

labor in the United States (the legal authority under which Canadians and British West Islanders were admitted for agricultural labor), stipulated that it did not supersede P.L. 78, whose bilateral nature was expressed in a manner that provided no latitude for contracting Mexicans outside of the agreement with Mexico. The U.S. thus had legal authority to recruit any foreign national unilaterally except Mexicans, and, of course, the political exigencies were thus seemingly blocked by clear and convincing legal language. Nevertheless, it would be the second alternative referred to in the draft memorandum--without the requirement that Mexican agricultural laborers present passports--which would be adopted during the border crisis in January 1954.

On September 19, Cabot met with Assistant Attorney General J. Lee Rankin to obtain information of what was being planned by the Justice Department. His recollection of this produced a rather sketchy and somewhat contradictory outline of what was in the works. Justice intended to adopt admissions procedures for Mexicans similar to those in effect for Canadians.

> [Mexican-born citizens] seeking employment would be required to go to Department of Labor offices which would arrange with farmer associations to see that the applicants were sent to places where labor was required. The applicants for labor would be required to pay prevailing wage rates, provide proper housing, food and other

working conditions and pay for transportation.[30] To the extent that this plan was being considered as a unilateral option, it constituted a unilateral version of the bilateral program--admissions without Mexican government consent on terms determined unilaterally, but those terms included certain safeguards for recruited labor, not unlike those in effect under P.L. 78. The remainder of Cabot's memorandum is unclear.[31] It concluded with

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[30] Memorandum of conversation, by Cabot, 19 Sep 53, reproduced in Foreign Relations of the United States 1952-54, p. 1348.

[31] The memorandum of conversation, ibid., pp. 1348-1349, makes reference to an unstated method for pressuring employers to substitute undocumented workers with contracted laborers. "By requiring evidence that labor had been legally obtained and refusing income tax deductions in the absence of such evidence," the memorandum said, "the employers could be forced to employ legitimate labor." Evidently the Department of Labor was to force the employers to employ legitimate labor, but it is unclear how it would do that, what income tax deductions had to do with it, and how the Labor Department could be expected to decide which employers would and which employers would not get what income tax deductions. (The role of the Internal Revenue Service, if any, is unstated.) "The Mexican Government might not be altogether pleased," Cabot's memorandum observed, "but it could scarcely object to our permitting the entry of Mexican citizens under easy conditions, and the responsibility for preventing Mexicans from leaving Mexico to seek employment in the U.S. would not only be its own, but also might be one which it would be unwilling to take." Cabot countered with the argument that he did not think that the Mexico government would permit them "to put recruiting officers in Mexico under such an arrangement." That objection, obviously, assumed that the Justice Department plan being outlined contemplated the possibility of a bilateral rather than a unilateral approach in this instance.

the understatement that "[i]t was understood on both sides that the entire conversation was tentative and exploratory and was held in view of the danger that we may find it impossible to negotiate any satisfactory bracero agreement or solve the wetback problem."

In the meantime, a long memorandum prepared by the Department of Labor in the form of a September 9 letter directed at Under Secretary of State Walter Beddel Smith had laid out an administration position on negotiation with the Mexican government but did not contemplate what should be done in the absence of an agreement. This oversight was repaired when in a letter from Cabot to Under Secretary of Labor Lloyd Mashburn he observed: "You ask that your proposals be submitted to the Mexican Government and indicate that if Mexico refuses to consider them you can see no purpose in undertaking negotiations for a new agreement. The Department would appreciate receiving information from you as to the means by which you might handle the Mexican migratory farm labor problem in the absence of an agreement with Mexico." He explained: "We feel it is essential that Ambassador White have this information for his own background before he undertakes to explore the problem with the Mexican Government."[32]

[32] Copy, Cabot to Mashburn, 16 Sep 53. NAW, DOS, RG

Labor took two weeks to answer. On September 30 Mashburn explained that, in the absence of an agreement, his department intended to utilize the existing facilities in the reception centers along the border with Mexico: Eagle Pass and El Paso, Texas; Nogales Arizona and El Centro, California. "We would propose to continue with our existing staffing pattern at these centers and also maintain our compliance activities in the field." The principal change suggested--other than the unilateral nature of the contracting itself--was to prepare a revised Work Agreement, i.e., labor contract, "which eliminates many of the objectionable features of the present work contract and yet maintains ample safeguards for both the employee and the employer." In a tone reminiscent of internal rumblings within INS regarding the legal authority for unilateral contracting, DOL now expressed the view that some matters were still unresolved. Labor wanted to hold a meeting with the Attorney General and a representative of State "to discuss this phase of the matter." However, a glimmer of a plan to finesse the issue of legal authority by acting unilaterally first and seeking legislative authority later can be discerned in a sentence of this correspondence: "To carry out these proposals we believe we can use available funds until we

59, 811.06 (M) box 4407.

secure an amendment to Public Law 78 which would permit free entry of agricultural workers from Mexico for processing in our reception centers."[33] The necessary communication, for the record, that the Department of Justice was of the opinion that statutory authority existed "which permits the entry and contracting of Mexican laborers in the absence of an agreement with Mexico" was prepared on October 16.[34]

A month later, the situation was described as one in which both Justice and Labor asserted authority to operate unilaterally, though the latter's authority to do so was "somewhat hazy." By then the Department of Labor had decided that it would seek clarifying legislation "early in the new Congressional session" but it anticipated no difficulty in obtaining it, and the supplemental appropriations that would be required for unilateral recruitment.[35]

In any event, the fall of 1953 was a busy time for government officials thinking through the strategy that would accomplish the task of channel illegal entries into

[33] Mashburn to Cabot, 30 Sep 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

[34] Rankin to Cabot, 16 Oct 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

[35] Memorandum, Belton to Cabot, 13 Nov 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

bracero contracted employment. They got started first on employers. During August and September, the Immigration and Naturalization Service began to soften up the employers who employed undocumented workers. This it did by increasing to an unprecedented scale the number of undocumented Mexicans apprehended and expelled. August 1953 constituted a peak in the number of expulsions for any previous month--105,529.[36] Two weeks after Brownell's visit to California, the Border Patrol announced that it would increase the number of officers on the Mexican border from 335 by an additional 200.[37] Since over the previous year Congress had actually reduced appropriations for Border Patrol personnel, in order for this action to be possible it meant that the INS Central Office in Washington was contemplating transferring--perhaps for a limited period--those 200 officers from the Canadian border and elsewhere in the Service. In any event, the stepped up raids and the threat to practically double the Border Patrol strength along the Mexican border had the desired effect. During the first two weeks

[36] This number appears in The New York Times, 16 Sep 53, p. 31. The vast majority (101,132) of these arrests were made by the Border Patrol. The New York Times, 22 Nov 53, p. 65. It can be inferred that the remaining four thousand arrests of Mexicans were made by non Border Patrol INS personnel.

[37] The New York Times, 5 Sep 53, p. 23.

of September, various farmers and their associations protested loudly to members of Congress and to the Department of Justice. As an alternative, they suggested the legalization of the "wetback" flow.[38]

A second step in this preliminary round of weaning farmers away from undocumented workers and luring them into contracting braceros was taken early in November. At that time, the U.S. government reduced drastically the contracting and recontracting fees for Mexican agricultural laborers. This action was made possible by the large surplus available in the revolving fund which had been accumulated over the previous two years (and which had been castigated in the Agriculture Committee hearings of the previous March). Contracting fees were reduced from $11 to $6 per worker. Recontracting fees were also reduced from $5.50 to $2 per worker. In the press bulletin which announced the change, Labor Secretary James P. Mitchell conceded that these reductions meant that the government was actually charging less than cost for the contracting and recontracting of braceros.[39] Obviously the intent was to make relatively attractive the hiring of contract labor. To some observers, it may have seemed to be a highly questionable way to do so, since obviously

[38] The New York Times, 16 Sep 53, p. 31.

[39] The New York Times, 9 Nov 53, p. 35.

the program could not operate below cost indefinitely.

The other track along which the new U.S. strategy would run--pressuring Mexico to accept a drastically revised agreement and operating approach--could not begin until the Departments of Labor, Justice and State coordinated a joint U.S. position to adopt in negotiating with the Mexicans.

12 GETTING TOUGH ON THE MEXICANS

ULTIMATA

In Belton's thought-provoking memoranda of August 26th and 27th, he referred to "an entirely new approach" being considered for a simplified agreement that would channel undocumented workers to legal contracting, and to activity going on in the Labor Department for a new U.S. negotiating position. "If the present line of thought in the Department of Labor holds, and after consultation and coordination with State and Justice, we can ask Ambassador White to discuss the entire problem with Padilla Nervo in an endeavor to get Mexican cooperation in a new approach to an agreement. He might also mention the desire of some elements of our Government to place troops on the border and our reluctance to authorize this, in the hope that this will jog the Mexicans into taking, or continuing if they have already taken, action to prevent potential wetbacks from reaching the border zone."[1]

The Labor Department communicated its negotiating position to State in a letter from Under Secretary Lloyd Mashburn to his counterpart, Walter Beddel Smith. The

[1] The first phrase quoted, from Belton to Cabot, 27 Aug 53, reproduced in Foreign Relations of the United States 1952-54, p. 1347; long quote from Belton to Cabot, 26 Aug 53, NAW, DOS, RG 59, 811.06 (M) box 4407.

position was entirely predictable, given the on-going tug-of-war between that department and Mexican consuls in the day-to-day management of the program. Mashburn's six-page single-spaced communication started with Article 27 (the role of Mexican consuls in authorizing contracts), complained bitterly--and perhaps exaggeratedly--that "none" of the agreements reached with Mexico after November 1947 had "proved satisfactory," and proceeded to list the desired U.S. outcome--little changed since 1947--on the location of recruitment centers (along the border), wages (the Mexican Government had violated the agreement by unilaterally holding up contracting unless employers agreed to pay wages demanded by them), subsistence (a replay of the Doña Ana County controversy), insurance (Mexican unilateral demands on this score), worker responsibility (worker's wages could not be withheld to assure he would not desert his place of contracted employment), unilateral blacklisting of employers and entire counties (a familiar problem).

The communication made some observations that, at first glance, could have been considered facile: "the Mexican Government should be advised that the United States Government is not satisfied with the present arrangement and that, as a condition precedent to the negotiation of a new agreement, an understanding must be

reached with respect to [the above-mentioned] issues," and "[i]f Mexico is willing to accept our proposals in principle, we will be prepared to submit the necessary specific language changes . . . [i]f Mexico refuses to consider our proposals, we can see no purpose in undertaking negotiations for a new agreement."[2] Actually, the observations were not quite as unreasonable as they appear. Essentially what Labor wanted was some clarification on all these points of the existing agreement before it accepted the idea of extending it beyond December 31 or negotiating a new one. Accordingly, the negotiations that White conducted later in the fall, largely based on the arguments presented in this DOL memorandum dated September 9, constituted negotiations on what the existing agreement should mean before negotiations could begin on a new agreement. This play-within-a-play was somewhat complicated; in effect, it constituted a statement to the Mexican government that its interpretation of the existing agreement was unacceptable and, under current conditions the agreement would be allowed to lapse until an acceptable interpretation was reached.

The real problem that Labor had with the program was not contained in any one of these specific points, but in

[2] Mashburn to Smith, 9 Sep 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

the attitude of the Mexican government. This was also stated in the communication to Under Secretary Smith, though in its attempt to be encyclopedic it could get lost in the analysis. This problem was expressed using language referring to "good faith," "violation of the agreement," "unilateral actions," and "spirit of cooperation."

> . . . unless there is a fundamental change in the approach of the Mexican Government to the manner and to the spirit in which this program is to be carried out in the future we see no purpose to be achieved by having any Migrant Labor Agreement with Mexico.
>
> The operation of the Migrant Labor Agreement, as Amended, has been marked by repeated incidents in which, in our opinion, the Mexican Government has imposed demands upon employers which it was clearly without any authority to demand. To enforce these demands, the Mexican Government has in violation of the express terms of the Agreement from time to time held up contracting at the moment when the demand for the labor is the greatest. . . .
>
> We believe that the remedy to the entire problem lies not so much in the rephrasing of specific provisions, although we do believe that some revisions are necessary, but in the good faith endeavor of both Governments to carry out the Agreement in a spirit of cooperation and an earnest desire to facilitate the operation of the program.[3]

After six years of postwar labor contracting, the Labor Department had arrived at the position that reaching agreement was one thing; enforcing it was another. In this manner, the DOL position had evolved into a bundle

[3] Ibid.

of contradictions: on the one hand it constituted a series of impossible demands left over from several years of negotiations and operation of the program; on the other, it quite reasonably sought from the Mexican government assurances that it would play the bilateral game according to a set of rules agreed to beforehand. Thus far, the Mexican government had proved to be a moving target; DOL's hope was that the motion would stop.

Ambassador White later took the substance of the Labor Department's views and expressed them in a more clear and prioritized manner. He grasped the significance of the scope of Mexican consular action under the agreement, and made that the central issue in his discussions with SRE. The two governments, it may be recalled, had never reconciled on the interpretation of Article 27. (The talks of the previous March and April had broken down precisely on this point.) The Mexican position, transmitted to the Labor Department in August was that acceptance of its proposed interpretation of Article 27 would be sufficient to extend the existing agreement. "I have carefully considered this suggestion," stated Under Secretary of Labor Lloyd Mashburn, "and in light of our operating experience under the present Agreement have come to the conclusion that Mexico's proposal is unacceptable."

> The effect of Mexico's proposal would be that any contract signed by an employer and a Mexican worker would be invalid unless it was countersigned by the appropriate Mexican Consul. Aside from the fact that Article 27 cannot be reasonably construed to have that effect, our acquiescence in such an interpretation or even to an amendment which would carry out the Mexican proposal would, in effect, place Mexico in a position in which it could, as a practical matter, enforce any of its demands by the simple expedient of refusing to sign contracts until its demands are met, irrespective of whether or not Mexico is acting within the scope of its authority under the Agreement. This device has all too frequently been used by the Mexican Consuls and the Mexican Ministry of Foreign Affairs under the present operation of the program.[4]

In the meantime, the Mexican government continued to press in a number of areas: wages, subsistence, insurance, and broadening the scope of Mexican consular action. One major thrust, made in diplomatic note submitted on August 31, was to challenge directly Labor's exclusive jurisdiction on the wage issue. The other was to make a major concession--border recruiting.

In the August 31 note, which could only be called "diplomatic" in the nominal sense, SRE was unusually direct. In reply to the Embassy's note 127 of August 13, which complained about Mexican consuls fixing wages at the Eagle Pass reception center, SRE enunciated the view that

> [t]he Government of Mexico has never accepted, nor could it ever accept the thesis that the

[4] Ibid.

> initial or minimum wage rates stipulated in the work contracts should be established unilaterally by the Department of Labor, since the juridical nature of all bi-lateral contracts necessarily implies the express consent of the two parties to the contract, one of them being, in this case, the Mexican worker, who is entirely at liberty to accept or refuse the employment in question and, in consequence, the wages offered . . . when the Consul of Mexico in a Reception Center refuses to approve a wage rate proposed by an employer, for a certain type of labor, such official is legitimately expressing the wishes of the worker he represents.[5]

Apart from expressing rather openly the view--and with no sense of irony--that the U.S. Department of Labor represented the wage demands of employers, and SRE the wage demands of workers, the note made a distinction, termed a "fundamental difference" between "'initial' or 'minimum' wages" and the "so-called 'prevailing wages'." The former constituted "an integral part of the consensual clauses of the contracts," and were negotiable; the latter were "those that the Secretary of Labor is authorized to investigate and declare, giving official expression to facts publicly established and recognized, as are the wage rates which employers may have paid during a specified period of time in a determined agricultural zone which was the subject of the investigation."

This important distinction, had it been suggested at

[5] Translation, diplomatic note 138108, SRE to AmEmbassy, 31 Aug 53, attached to despatch 525 from Kneeland, 10 Sep 53.

another time--preferably one in which the Mexican government's bargaining position was stronger--might have constituted a worthwhile reform in the operation of the contract labor program. After all, the precedent had been set for the existence of a minimum wage in the contracts (though the level of that wage had always been low). However, though SRE officials may not have realized it at the time, August 1953 was not a good time to pressure the U.S. on this issue. Instead of providing a basis for genuine cooperation in an area where DOL and SRE had always had a tug of war, the Mexican note in this case was simply one more nail in the coffin of the existing bilateral arrangement.

Though the moment was not propitious for effective application of Mexican pressure on the United States, neither was it for Mexican attempts to appease the United States by reversing its stand on border recruitment. Aware that complaints were simmering in the U.S. about Mexican lack of cooperation on controlling undocumented migration (though apparently unaware of efforts underway to present an ultimatum and, upon rejection, to recruit Mexican workers unilaterally) SRE seized an initiative from the San Diego County farmers to propose to the United States that some Mexican workers resident along the northern border could be employed under P.L. 78 "on a

trial basis." Consul Luis Zorrilla, of the SRE Division of Bracero Affairs, made this suggestion to a U.S. Embassy representative on September 24.

> He explained [that the] Foreign Office [was] aware [that the] majority [of] employers along border do not use legal labor due [to] availability [of] large number [of] Mexican border residents who regularly enter US illegally for hire [by] border employers. Foreign Office now contends, contrary [to] its opinion in past, [that the] best way [to] persuade border employers [to] use legal labor is to make it easy for them [to] obtain legally the workers they are accustomed to hire as "wetbacks." To this end Foreign Office suggested, if idea acceptable [to] US, the only Mexican border residents who would be acceptable for work [in the] border areas [of the] US would be those whose names [were] included [in] lists to be furnished by American employers. In other words, this sort of contracting would be confined exclusively to employers [of] border areas and laborers resident [on] Mexican side [of the] border.[6]

Zorrilla suggested to the Embassy that about 10,000 laborers resident in the vicinity of Tijuana were available for contracting to U.S. employers and suggested that if the plan "worked satisfactorily" in Mexicali, it might be extended to the whole border. "He estimated some 200,000 laborers resident whole length border who could be made available for work [in] US border areas." However, employers outside of the border areas would be obliged to continue to obtain laborers from the migratory stations set up in the interior of Mexico as had been the case

[6] Telegram 342, White to SecState, 24 Sep 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

throughout the program.

The proposal was greeted with some enthusiasm in Washington, as it seemed to suggest a narrowing of Mexican and U.S. positions regarding the use of the bilateral agreement to substitute for the flow of undocumented workers. However, what would emerge from the U.S. position would hardly be conciliatory at this point--things had progressed too far in the direction of unilateral action for that.

Indeed, the Justice Department nearly jumped the gun. On October 2 Assistant Attorney General Lee Rankin presided over a meeting including Labor officials and Belton from State in which he distributed copies of suggested amendments to the Migrant Labor Agreement and suggested that if the Mexican government would not accept all of them, that the United States could consider Mexico as having abrogated the agreement as a consequence of having failed to prevent the influx into the United States of "wetbacks." "This would then free the United States to operate unilaterally."

> A lengthy discussion ensued during which State and Labor Department representatives questioned the advisability of such a course. They argued that if it is desired to abrogate the agreement, there are better grounds than Mexico's failure to prevent the wetback movement. They pointed out that with the agreement having such a short time to run [it was due to expire December 31] and with active operations terminating even sooner, abrogation would accomplish no other

> purpose than to irritate the Mexicans. They stressed the practical impossibility of negotiating all of the suggested amendments in any reasonable period of time.[7]

Rocco Siciliano, Assistant Secretary of Labor and Cabot, Assistant Secretary of State, conveyed to the Department of Justice strong opposition to abrogating the agreement at that time.[8] No action of the kind proposed by Justice was taken.

Rankin's intended ultimatum to the Mexican government constituted six basic points, most of which had several clauses. The central point--border recruiting--had already been conceded to by the Mexican government on a trial basis, to be tested at the El Centro reception center. The DOJ proposal would have extended these to the El Paso and San Antonio Immigration Districts and contemplated the possibility of employing of Mexican border residents on a day-haul basis with transportation paid for by employers. Shorter and longer contracts would be permitted under this proposal: four weeks would be the minimum contract, one year, renewable for up to six months would be the maximum duration of a contract.

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[7] Memorandum of conversation, by Belton, 2 Oct 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

[8] Ibid., and card from MK to [Cabot], undated and attached to ibid., with what appears to be Cabot's scribbled response: "I strongly agree. Under no circumstances consent to abrogation by us of existing agreement."

Justice also wanted a "substantially simplified" Article 27, with more flexible procedures for transferring workers among employers, and a new article which would authorize employers to withhold 50 percent of the salary for the first two weeks of employment, 25 percent for the next two weeks, and ten percent thereafter. The amount withheld would be returned to the worker upon termination of the contract and when the worker crossed the border into Mexico.

Employer obligations, would be similar in nature (though not in exact terms) to those under the existing agreement: the payment of a minimum wage, to provide adequate housing (or transportation in the case of border day-haul workers), a minimum work period of four weeks, the maintenance of adequate records, to withhold a portion of the salary of the worker, provide fuel, water, tools, cooking facilities, to furlough workers contracted for one year, to provide insurance for workers according to state law, to "recognize" that employment of alien laborers "without taking reasonable precautions to determine that he is legally within the country" would be grounds for cancellation of permit to employ Mexican laborers, and "[t]o recognize that no tax deduction may be taken as an 'ordinary and necessary business expense for any sums defrayed in the course of employing aliens

illegally within the country. . ."[9]

Less than a week later, the U.S. government made public its dissatisfaction with the migrant labor agreement that was due to expire on December 31. "Unless the Mexican Government is prepared to move far closer to the United States position than it has indicated," a "reliable" source told The New York Times, "Washington . . . is ready to attempt to solve the problem on a unilateral basis."[10] Since the story was datelined Mexico City it seems reasonable to assume that the unidentified source was an official at the U.S. Embassy. The story further noted that the substance of that unilateral approach would be the legalization of a small fraction of those undocumented workers in the U.S. that were subject to deportation. The new U.S. position was expressed in terms which suggested that officials had taken stock of the entire history of the bilateral experiment since 1942 and found the results wanting.

> The United States would prefer to write an entirely new agreement taking into account the fact that wartime conditions that were provided for in the first pact in 1942 no longer existed. The 1942 pact has served as a basic pattern for all subsequent agreements. Washington officials now believe that the implementation of these agreements allowed Mexico far more control over people within the United States than was warranted.
>
> The two countries have differed over the interpretation of the agreement. So far as the United States is concerned, the situation has been brought to a head during the last two years by Mexico's insistence on a veto power over United States officials who place and supervise braceros in the United States.
>
> Most galling to United States officials has been the practice of Mexican consuls in the United States to order laborers to halt work each time a difference of opinion arose.[11]

What initially was perceived by the Eisenhower Administration merely as a problem of controlling the border eventually had eventually turned into a problem of substituting "wetbacks" with contract labor and the reform of the migrant labor agreement was now cast, in this light, as a problem of restraining Mexican consuls--code words for emasculating the role of the Foreign Ministry in the program. Thus the frustrations of Labor Department and other officials, which before seemed to mean little in the grand scheme of things, now constituted the driving force behind a plan--the first phase of a plan--to reduce illegal entries by substituting contract workers in their place. That first phase, simply put, was to force Mexico to submit to the new program by threatening credibly that the U.S. would be inclined to go it alone. A New York Times editorial published days

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[9] Copy, memorandum, "Re: Employment of Mexican Agricultural Workers," undated, attached to memorandum of conversation by Belton, 2 Oct 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

[10] The New York Times, 8 Oct 53, p. 27.

[11] Ibid.

later underscored that this course of action would of course imply some political costs for the United States, but recognized that the situation, of course, had changed since 1942.[12]

On Columbus Day John Cabot requested authorization to negotiate a new labor agreement with Mexico. The request noted that the existing agreement had "performed a useful function," though in a broader sense it had "failed to encompass the vast illegal movement by Mexican laborers into the United States." For that reason, in the upcoming discussions with Mexican officials, an effort would be made to obtain acceptance "of several modifications designed to give legality more appeal both to laborers and employers."[13] In the Department's instructions to White, Cabot noted that in a "larger sense" the Migrant Labor Agreement had failed "because it has reached a constantly decreasing proportion of the total transborder migrant labor movement." The United States government recognized the interest of the Mexican government in protecting "to the fullest possible extent the welfare and interests of Mexican agricultural workers in the United States." Then came the caveat. The U.S. had

[12] "Mexican Labor Contract," (editorial) The New York Times, 11 Oct 53, p. 8.

[13] Memorandum, Cabot to SecState, 12 Oct 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

> noted an increasing tendency on the part of the Mexican Government to assume the role of collective bargaining agent for the workers and to deal with both farmers and United States Government representatives on a bargaining basis in the negotiation of individual work contracts, exercising an assumed right to withhold contracting approval if particular conditions not called for under the terms of the Agreement are not met. The United States Government finds itself unable to proceed any longer on this basis and believes any future agreement must include a clear understanding that its terms are final and that no restrictive unilateral interpretations will be permitted to interfere with its operation.[14]

The instructions advocated the adoption of a simplified arrangement which would make it attractive both to employers and workers as compared to illegal entry. The "simple process, whereby a worker crosses the border illegally without formality and finds work with an employer who assumes no legal responsibility by employing him, has such great appeal that it becomes essential to the successful operation of an agreement that the procedures established under it be simplified to the utmost and made as accessible and inexpensive as possible to all workers and employers." The basis for discussions would be Mashburn's letter of September 9; if the Foreign Ministry was amenable to negotiating on this basis, representatives of State, Labor and Justice would be willing to go Mexico

[14] Copy, departmental instruction 20 to AmEmbassy (Cabot to White), 19 Oct 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

City, as early as November 2, for a new round of bracero talks.[15] In a separate confidential instruction, Cabot informed White that in the absence of a satisfactory agreement the U.S. government was prepared to operate a migrant labor program unilaterally.[16]

The Ambassador called on Padilla Nervo by appointment on October 26 to communicate the U.S. view of what conditions should be accepted in principle before beginning negotiations for a new migrant labor agreement and for three hours discussed the matter with him and Under Secretary José Gorostiza, who carried the burden of the argument on the Mexican side. Padilla Nervo seemed surprised at many of the points White made, and perhaps because of the rather ingenuous simplicity with which some of them were made--or because he was unprepared for the substance of the meeting, or both--concurred with the Ambassador, according to White's own notes, on most of the points made. According to White's recollection:

> I said that, of course, the [U.S.] Secretary of Labor would determine the prevailing rates for the different categories which would be paid differently, but the rate in each category must be determined by our authorities and not by any foreign authorities. I said that we do not interfere with the sovereignty of other nations

[15] Ibid.

[16] Copy, departmental instruction 21 to AmEmbassy (Cabot to White), 19 Oct 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

> and we do not propose to have other nations exercise sovereignty in our territory and then I laughingly said to Señor PADILLA NERVO that should we attempt to do in Mexico what they are attempting to do in the United States, the Mexicans would howl to high Heaven and perhaps even make a complaint to the United Nations. He laughingly concurred therein and said that of course they recognize that we must exercise sovereignty in the United States and the Mexican Consuls cannot fix the wage rates.[17]

White recorded similar responses by the Foreign Minister on the other points covered in his presentation. As regarded subsistence, White argued that it was "highly improper for the [Mexican] Consul General to use the threat of withholding contracting until his figure was accepted," a point of view with which Padilla Nervo reportedly "indicated concurrence." White had a lengthy debate with Gorostiza on insurance coverage, accused Mexican consuls of "highly improper" actions that "would not be tolerated in our Service" regarding the selection of insurance companies, and then made a suggestion for a uniform insurance policy to which any company could subscribe if it so desired. "Señor Padilla Nervo said he thought that was a very good suggestion."[18]

The hardened U.S. position expressed in a reasonable

[17] Copy, memorandum, Ambassador to the file, 27 Oct 53. NAW, Copy, memorandum, Ambassador to the file, 27 Oct 53. NAW, DOS, RG 59, 811.06 (M) box 4407.RG 59, 811.06 (M) box 4407.

[18] Ibid.

tone and supported by ingenuous arguments seemed to be the favored approach employed by the Ambassador to express the U.S. ultimatum. Gorostiza stated that U.S. officials "had acted unilaterally in telling employers that they did not need to provide non-occupational insurance and in advising them to sign the contracts without the signature of the consul." So they did. But, according to White--and in this he was merely expressing the by now familiar argument of the Department of Labor--this was the fault of the Mexican consuls, because they "made the task of the employers more difficult and more costly and onerous by specifying specific insurance companies and not letting them take out non-occupational insurance in the same company in which they had taken out occupational insurance, [which] doubled their work."

> The [Mexican] consul was unilaterally demanding something not provided in the Agreement. There were then just two alternatives before our people: one, they could draw up the contract with the laborers on the basis provided by the Agreement without the consul's signature. This gave the workers all the guarantees provided under the Agreement and the work contract and was a very fair way to act. The other alternative would be to take illegal workers without any legal obligations to the worker on the part of the employer. I said that when the consuls try to use this unauthorized and unilateral pressure at a time when the workers are needed, the employers were put in an unfair position and they had defended themselves against it by signing the contracts in accordance with the Agreement and without the consul's signature. There was discussion also of whether supervision requires signature and I stated that supervision does not

mean signature.[19]

This case illustrates how central to all other points was the issue of the scope of action of the consuls: whether their signature was required on all labor contracts in order to make them effective, whether the consuls could hold up contracting by refusing to sign the contracts because a particular condition had not been met, and whether "supervision" meant anything at all beyond serving as a rubber stamp for U.S.-approved labor contracts.

White concluded his presentation by delivering a thinly-veiled ultimatum. There were pressures, he said, on the Department of State by Labor, Justice, employers, and members of Congress.

> I said that, as he doubtless knew, there were many who would prefer to have no international agreement but merely to permit workers to come in and contract on the American side of the border under regulations solely of our Government. We would prefer to have an agreement with Mexico and their full cooperation and if the Mexican Government would accept, in principle, the considerations I have set forth, representatives of the State, Justice, and Labor Departments would come to Mexico to assist the Embassy in these negotiations.[20]

Padilla, however, wanted a memorandum on the points that the Ambassador had mentioned in order to discuss them with the Ministries of Gobernación and Labor and with

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[19] Ibid.

[20] Ibid.

President Ruiz Cortines. This was provided to him subsequently. As it turned out, the discussions over "principle" never got far enough for those representatives to go from Washington to Mexico City to negotiate a new agreement.

A week after this initial and rather forceful expression of the U.S. position by the Ambassador, Padilla Nervo and Gorostiza were ready with their response, which essentially constituted a rejection of all the points. As regarded the accusation that Mexican consuls were acting as collective bargaining agents, they essentially accepted the charge--though with a different choice of words--and defended their actions. Consuls, in their view, had a "right [to] 'represent' braceros as similar to 'minor wards' and [the Ministry] would not renounce this right." White contended that Mexican consuls had no right under the Agreement to "represent" laborer or to act as a bargaining agent for him.[21]

White restated the U.S. position, which was that the Mexican consuls could not bargain with the employer, but "merely see that contract (a) meets stipulations of agreement as to minimum wages and subsistence determined by US Secretary of Labor and (b) contract terms complied

[21] Telegram 513, White to SecState, 5 Nov 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

with." Having done so, White argued, the Mexican consul's "duties, obligations, and rights [were] fully discharged," he could "not demand higher wages or subsistence than fixed by Secretary of Labor or withhold contracting, using that threat as a club over employer, to force wages or other conditions proposed by him." Then, as reported by White in his telegram to Washington, came a rather effective exchange of arguments from the standpoint of Washington's objectives.

> Foreign Minister insisted Mexico [was] not attempting [to] exercise sovereignty in US and Consuls had not said they could overrule determinations of Secretary of Labor. I replied that while they had not specifically so stated that was [the] result of their actions and that unless they change their criterion we [would] prefer [to] have no agreement after [the] present one lapses. Gorostiza said Mexico could not give up [the] right to protect their workers. I inquired what else was object of present agreement and wherein does it fall short of doing so. No reply. I then inquired whether they [were] in accord [of] present agreement. Answer yes. I then suggested present bilateral agreement provides full guarantees [to] workers with minimum guaranteed wages and subsistence to be determined by Secretary of Labor not by Mexican Consul.[22]

What Gorostiza and Padilla Nervo could not or would not say was that the agreement as it existed was only acceptable if Mexican unilateral action of the type practiced in 1952 and 1953 could continue. Otherwise, it clearly was not acceptable--the fight over wages and subsistence

[22] Ibid.

bore out the Mexican contention that it had no faith in the Department of Labor's interest in or ability to find "prevailing wages" and discover subsistence costs through its surveys in a manner likely to provide Mexican braceros with conditions better than those of "wetbacks."

In White's view, "Padilla Nervo finally--without so admitting--showed he understood and even leaned to our position although somewhat weakly maintaining we misinterpret intent of Mexican Consuls [sic] action. I asked him to characterize that action but he declined. Gorostiza admitted nothing."[23] We do not know, of course, which way the Foreign Minister leaned, nor how far. But clearly the discussed had produced a paradox of sorts: some understanding of what the problem was, and perhaps a realization that the positions of the two governments at that point could not be reconciled.

Days after this frank and not too polite exchange of views, The New York Times ran another story, this one datelined California, regarding U.S. plans for unilateral recruitment. A Department of Labor official in California, who allowed his name to be used for attribution, declared that the Justice Department "was considering 'throwing open the border even if they risk an international incident'."[24]

[23] Ibid.

STRAINED DIALOGUE

If this statement by an official in the U.S. had been intended to influence the Mexican response to on-going negotiations, there is no evidence that the Mexicans paid any attention to it. If this, or White's thinly veiled threats that the U.S. might let the agreement lapse had any effect, it could have been in a direction opposite to that desired. Having offered some form of limited border contracting in September, the Mexican government withdrew the offer in mid November. Instead, Gorostiza handed White a memorandum that replied to the U.S. ultimatum in about the same terms.

Gorostiza's memorandum reflected continuity with previous Mexican positions on all of the issues that had been raised by White. In effect, it communicated the Mexican government's desire to extend the agreement without amendment. It conceded that Mexican consuls could have delayed contracting at some of the reception centers in the past, but it refused to acknowledge that any of these actions constituted a violation of the agreement.

[24] The New York Times, 8 Nov 53, p. 56. See also, Rocco C. Siciliano, Assistant Secretary, DOL, to J. Lee Rankin, Assistant Attorney General, 3 Nov 53. Attached to that correspondence is a memorandum from Rankin to Willard F. Kelly, Assistant Commissioner INS, 5 Nov 53. NRCSM, INS, file 56336/214K.

It reiterated the distinction between "initial wage stipulated in the contract" and the "prevailing wage fixed by Labor authorities in the United States according to the country's legislation." It presented the view that subsistence, and other types of charges or deductions made of workers "in the blank spaces of the contracts, should be regarded as contractual and therefore subject to negotiation." Regarding insurance, "the plans of no less than ten companies" had been approved to that date but it still maintained that the Mexican government had the "inescapable obligation to approve insurance plans which are financed exclusively by funds of the migrant workers" and the provisions of the Article relating to whether the employer may or may not make the corresponding deductions were not optional. Some discussion also related to blacklisting employers and areas within the United States. Also as before, SRE flatly rejected the worker responsibility proposal under the argument that employer withholding of wages "would lend itself to grave abuses and in certain cases it could even lead to a disguised form of forced labor."[25]

In sum, the agreement "is a satisfactory instrument; it represents the result of experience gained through a

[25] Unnumbered telegram, White to SecState, 16 Nov 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

number of years and it would not be easy to arrive at a better one." Recognizing, however, that the U.S. wanted to amend the agreement and to change in a fundamental way the rules under which it operated the Mexican position paper suggested that it could be necessary "to resort more frequently to the joint interpretations provided for by Article 37," and that differences that could not be settled by joint interpretation might "be submitted to rapid and impartial arbitration proceedings."[26] Moreover, Foreign Minister Padilla told Ambassador White that "I [White] had convinced them that Consuls should not make unilateral interpretations or attempt to coerce employers to accept higher wage and subsistence rates than those fixed by Secretary of Labor or make unilateral black listing."[27] The Mexican government would resist changing the status quo, but clearly it was now on the defensive.

However, sometimes the best defense is an offense, and that is the attitude the Mexican government adopted now. Border recruitment would no longer be considered, White was informed. SRE was in favor of it, he was told, but Treasury, Gobernación and Customs "raised so may ob-

[26] Ibid.

[27] Telegram 547, White to SecState, 14 Nov 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

jections [on] account [of the] necessity [to] set up [a] large force to control bona fides of alleged border residents, prevent influx from interior points and control smuggling with many laborers crossing frontier twice daily that it would not be practicable now[,] especially with only a few days left for recruiting."[28] The time constraint, of course, was that since the agreement would expire on December 31, recruiting would have to stop on November 19, 1953, since contracts had to be for at least six week's duration and the authorization of contracts beyond the duration of the agreement was not automatic.

White, however, challenged the points made in Gorostiza's memorandum in the same meeting where it was presented to him. There ensued a long discussion between the Ambassador and the Under Secretary on the difference between initial and prevailing wages, in which White advanced the view that neither were subject to determination or negotiation by the Mexican consuls. Neither party persuaded the other of the wisdom of his position, and both retreated to get more information. Discussion on the calculation of subsistence costs was conducted in light of a joint investigation that had just been concluded by Mexican consuls and USES officials in Doña Ana County, New Mexico, to settle (finally!) the festering

[28] Ibid.

problem of subsistence costs raised the previous June. The joint investigation bore out the original contention of USES, which White pressed to his advantage.

> [The Doña Ana County investigation] confirmed what I had maintained that Consuls are in no wise [sic] equipped or qualified to determine wages and subsistence and that their attempts to do so constitute not only unilateral action to set themselves over our authorities but are capricious. I said [that] in the instant case Consul had maintained dollar and quarter rate determined by Secretary of Labor was inadequate and should be dollar and half but joint investigation showed rate really should be dollar twelve and half cents and I understood Secretary of Labor would fix rate of dollar fifteen.[29]

Here, also, Gorostiza retreated, with the comment that he was not seeking any unfair advantage and was "satisfied with present findings and that this [was the] way [the] matter should be dealt with in [the] future." He conceded that his government accepted the determination of prevailing wages and subsistence by the Department of Labor but still desired to come to an understanding with the U.S. regarding initial wage determination.[30]

As regarded non-occupational insurance, matters lay as they were when Ambassador Tello submitted his note to the Department of State the previous September 15. Gorostiza referred to the note, which maintained that the employer was required to take out non-occupational

[29] Ibid.

[30] Ibid.

insurance and deduct premiums.

> I replied I had read that legalistic or rather dialectic argument dragging in the San Francisco Conference [on the UN charter] and other non pertinent matters; that all that is necessary is to read Article VI of the contract to see that it protects the worker by stating the only deductions that may be made against his salary. Sub-paragraph A, is the only one that protects the employer because, of course, he has to make deductions provided by law. The others are purely permissive and if [the] employer wishes to give worker credit for articles of consumption, meals, et cetera, supplied by employer he may do so and is not obligated to make deductions for them. If he takes out insurance he can deduct the premiums but is not obligated to do so. Gorostiza did not press the point but I am confident he still maintains it.[31]

This posed a stalemate, then, on non-occupational insurance. On the matter of blacklisting, Gorostiza admitted he had misunderstood White's position and that his memorandum would have to be modified in accordance with the new understanding of what was the U.S. position. Regarding the responsibility of laborers to be enforced by a hefty deduction of their wages to be paid them at the end of the contract period, Gorostiza maintained the Mexican government's adamant stance to refuse such an amendment.[32]

White pressed SRE again on the issue of unilateral action and the scope of Mexican consular authority. He

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[31] Ibid.

[32] Ibid.

asked Gorostiza whether, in view of assurances he had received from him and the Foreign Minister orally, whether "they would be prepared to write into a new agreement a definite statement that Consuls could not take unilateral action, nor attempt to bargain for laborers nor withhold contracting wages and subsistence agreed to by employers and workers[,] meet at least the prevailing rates determined by the Secretary of Labor, and employer is not on joint black list or in community on joint blacklist under Articles VII and VIII."[33]

The effort to pressure Mexico continued in a more public, if indirect, manner. This was to publicize attempts to hire West Indies workers instead of Mexican workers. California growers were quoted as saying that such workers would be preferable to Mexican braceros because the design of the bilateral program implied onerous burdens and red tape for the employer.[34]

On December 4, Gorostiza provided White with a memorandum summarizing Mexican views on the outstanding points of the agreement and explained that "for political reasons, [the Mexican government] cannot agree to an agreement less favorable to Mexico than that concluded by

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[33] Ibid.

[34] The New York Times, 23 Nov 53, p. 18. See also, The New York Times, 29 Nov 53, pp. 1, 27.

previous administrations." Moreover, Gorostiza announced the end of Mexican concessions--White reported that "they have done what they feel they [possibly] can to meet the situation and our point of view."[35] White would later characterize this as the last substantive Mexican proposal before the crisis of mid January.

The final Mexican negotiating position was a little closer to the U.S. position than what it had been when discussions with White began at the end of October, but not much. Initial wages would be set according to a formula that was based on the previous year's starting wage and the increase or decrease in cost of living that had occurred since then. Subsistence costs would be determined in a similar manner. Employer deductions for non occupational insurance would be turned over to the Mexican government who, in turn, would assume responsibility for securing the necessary insurance and assuring that workers received the appropriate benefits. As regarded blacklisting, the Mexican government ratified its willingness to do away with the County lists; rather, communities would be listed. The Mexican memorandum made vague reference to adopting "effective methods within their reach . . . to prevent the utilization of illegal

[35] Telegram 620, White to SecState, 4 Dec 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

workers." Finally, the Mexican government reiterated interest in resolving bilateral disputes through a joint interpretations procedure and, failing that, expressed its willingness to submit the question to arbitration.[36]

As one would expect, given the recent evolution of the U.S. bargaining position and stated objectives in the negotiation with Mexico, the Mexican "bottom line" proposal was rejected, though not in toto. To the extent that some aspects of the Mexican position were not rejected out of hand it was because the State Department wanted to clarify what they meant. Examples can be found in subsistence, blacklisting of communities, and joint interpretations. The Mexican proposal regarding subsistence was acceptable, Belton informed White, if it meant that the subsistence rate to be paid Mexican workers would be determined by the Secretary of Labor and that it would be "predicated on the rate paid during the preceding season with appropriate adjustments upward or downward to compensate for fluctuations in [the] cost of food." The Mexican proposal on blacklisting of communities was acceptable if it meant that "Mexico is agreeing to limit such blacklisting to the specific community involved and to discontinue the practice of excluding entire counties because of the activities attributed to

[36] Ibid.

specific communities in that county." In essence, Belton was willing to accept the proposal if it meant Mexico was retreating to the position it had initially accepted during the joint interpretations talks in Monterrey of October 1951, subsequently not ratified by the Mexican government.

Similarly, State concurred in the Mexican proposal that neither government should take unilateral action when there is a difference of opinion and "that such differences of opinion wherever they arise be resolved through joint interpretations." But that idea, suggested Belton, was inoperative while differences of opinion still existed. "Since the present agreement expires December 31, 1953, there would be no purpose in extending it when the two governments are in disagreement on several fundamental interpretations without first resolving those points of difference."[37]

In the other points the State Department was more emphatic in its rejection of the Mexican position. The reaction to the Mexican government proposal to fixing beginning wage rates was unacceptable, for the same

[37] The telegram, drafted by Belton, also inquired: "With respect to the proposal to submit to arbitration differences of opinion on which interpretations cannot be reached, what type of arbitral procedure or body is contemplated." Telegram 616, Smith to AmEmbassy, 8 Dec 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

reason that similar proposals regarding prevailing wages had been unacceptable: "It would require [the] Secretary of Labor to act as a wage fixing authority instead of performing a fact finding function." The proposal regarding non-occupational insurance was seen as unfeasible, though the Department "prefers [to] withhold opinion pending receipt of further information." The Mexican proposal regarding "illegal workers" was not considered "adequate to meet the problem," because it did "not suggest any concerted or cooperative action to prevent the illegal influx of labor from Mexico." Belton argued: "Essential to the solution of the QUOTE wetback UNQUOTE problem is the inauguration of a program for recruitment of workers from migratory stations near the border."[38]

Though Washington expressed the view that the Mexican proposal on how to administer blacklisting of communities as opposed to counties was, in principle, acceptable, to Ambassador White fell the burden of rejecting the Mexican proposal on how to administer the blacklisting of employers. He shouldered this burden by drafting a five-page single-spaced letter to Foreign Minister Padilla Nervo which was mainly devoted to arguing this point. As in previous tugs-of-war over this

[38] Ibid.

issue, the question was whether the Mexican government did or did not have a unilateral right to blacklist, in this case, employers. The Foreign Ministry based its case on the language of the Agreement, which indicated that unresolved disputes between Mexican consuls and U.S. Labor Department officials would be referred to the Secretary of Foreign Relations of Mexico "for his consideration." It may be recalled that the U.S. negotiators recognized that, as a practical matter, SRE would ultimately decide this unilaterally, though they preferred that the agreement not say so. White may have not been aware of that informal understanding; in any event, he argued tenaciously that "for his consideration" did not meant for his "ultimate decision," and to suggest otherwise was tantamount to Mexico exercising sovereignty in the United States.[39]

On December 14, Belton wrote Ambassador White to outline for him a minimally acceptable position for the United States in his conversations with the Foreign Ministry. This he took from a letter which requested the same from the Department of Labor and which he modified on two points. Five of the seven points on which DOL was adamant were accepted by Belton as essential: the U.S.

[39] Copy, White to Padilla Nervo, 7 Dec 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

position on wages (prevailing and starting), subsistence (DOL had sole right of determination), blacklisting of communities (no counties), and blacklisting of employers (no unilateral blacklisting by Foreign Minister and no holding up contracting of workers except where proposed employer had been jointly declared by both governments as ineligible).[40] All of these points had been covered in previous conversations since 1947 and, in some cases, had been resolved on paper only to have the Foreign Ministry either ignore them or repudiate those concessions that had been previously made by its negotiators.

There were two points other which Labor also felt that an understanding needed to be reached on them as "a condition precedent to extending the present agreement or reaching a new one," but which Belton felt could be traded away by White. These were "worker responsibility,"--the withholding of wages of contract workers in order to assure their staying on the job--and border recruiting. Belton wrote White: "I doubt seriously that if a perfectly satisfactory arrangement under the first five points seems possible Labor would want to give up agreement just because of point six [worker re-

[40] The DOL position is expressed in Siciliano to Belton, 10 Dec 53. The Ambassador's instructions are contained in copy, Belton to White, 14 Dec 53. Both documents in NAW, DOS, RG 59, 811.06 (M) box 4407.

sponsibility]. I am less certain of point seven [border recruitment], but think we could do quite a bit of talking on it." The only other point on which DOL felt there was room for compromise was its request that the minimum contract period of six weeks be reduced to four weeks, with a "160 hour guarantee" for that period.[41]

On December 14, SRE made another attempt to suggest a compromise position on initial wages--the issue which the Ministry had evidently chosen upon which to make a stand. The proposal, communicated to White as the Christmas vacation was about to start by Oficial Mayor Campos Ortiz, was another attempt to link the cost of living with beginning wages. Since the unwillingness of the two governments to cede in this one area led to a point of no return on the negotiations, it is worth quoting in full the proposed wording that would inserted in Article 15 of the agreement.

> Se [entenderá] que un tipo de salarios es insuficiente para cubrir las necesidades de vida del trabajador, si las cuotas que ofrece el patrón son inferiores a las estipuladas en los contratos de la misma época del año próximo anterior, en la propia región de empleo y para esa clase de trabajo, aumentadas o disminuidas dichas cuotas en el porciento de alza o baja en el costo de la vida que se hubiere registrado en la entidad federativa correspondiente, según las estadísticas oficiales del gobierno de los E.U.A. Copias . . . serían entregadas a la Secretaría de Relaciones Exteriores de México,

[41] Ibid.

> por lo menos con 15 días de anticipación a la firma de los contratos, a efecto de que, encontrándolas en orden con arreglo a las prevenciones del presente artículo, . . . [una copia] la envíe al representante de México en el Centro de Recepción juntamente con sus instrucciones para la [autorización] de los contratos respectivos.[42]

The meaning of the last phrase, Campos Ortiz explained to the Ambassador, was that the Ministry of Foreign Relations would have to approve the starting wages for each case of contracting; that was the purpose of the fifteen-day advance period for the submission of DOL wage data. The Ambassador, per his instructions, "[told] him right off that this was completely unacceptable and is one of the sine qua non of the negotiation." Campos Ortiz let the Ambassador know that this was the manner in which they had hoped to get around the problem of wage fixing: if DOL-determined wage rates were considered acceptable by SRE, fine; if they were not, then the Ministry would not approve the contracting and hence wage fixing by SRE would be avoided at the same time that Mexican objectives were met. White reported that

> I said we must be realistic and realize that there would be some of them [employers] who would then inquire what higher wage rate would

[42] Accents and diacritical marks supplied by the author. Text quoted from telegram 652, White to SecState, 15 Dec 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

> be approved so they could get the bracero and this would be fixing wage rates in the US which even the Secretary of Labor is not authorized to do. . . . After some further discussion I told him we might just as well face the issue now because if they attempted the collective bargaining or to dictate what wages or subsistence should be, we prefer to have no agreement.[43]

On other matters, Campos Ortiz communicated the Foreign Ministry's willingness to make concessions. "Toward the end of the conversation he stated that responsibility of workers and minimum contract period would not present great difficulty once we can agree on wages, subsistence and blacklisting." White, of course, pointed out that these latter points "were essential and we could not give ground on them."[44]

Two days after this meeting between Campos Ortiz and White, the Ambassador spoke on the telephone with Belton twice to report on further discussions. In these conversations, the Mexican position, consistently opposed to border recruiting was reiterated as one on which Gobernación was opposed for reasons similar to those why the U.S. government wanted border recruiting. The U.S. position was that setting up migratory stations at the border would reduce illegal entries; the Mexican position was that doing so would increase them. However, the real

[43] Ibid.

[44] Ibid.

reason for Gobernación's position was related, though not identical to that traditional Mexican view.

> [Gobernación] maintained Monterrey [migratory station] had to be closed [July 1952] because there was such a big influx that the city's facilities could not cope with them. There was not even enough drinking water. They promised to give me a suggestion shortly with regard to border recruiting at irregular periods which non-border residents would not be able to anticipate, sending over workers as required, but in no case would they permit commuters because Gobernación and the governors of these states feel that tramps and beggars and other undesirables would go back and forth, creating smuggling and other problems.[45]

On December 21, Ambassador Tello met with representatives of State and Labor to continue discussions on the interpretation of the agreement and stated, among other things, that "Mexican Government as representative of workers would 'accept or reject' initial wages as offered in recruiting stations." U.S. representatives, the Embassy was informed by cable, "stressed [the] unacceptability of U.S. [to] this suggestion."[46] It was to be the last substantive discussion between U.S. and Mexican government representatives before the new year. Not surprisingly, the State Department cable informing White of it characterized the conversation as an "exchange of

[45] Telegram 658, White to SecState, 17 Dec 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

[46] Telegram 658, Dulles to AmEmbassy, 21 Dec 53. NAW, DOS, RG 59, 811.06 (M) box 4407.

opinions with no concrete results."

FINALIZING PLANS FOR UNILATERAL RECRUITMENT

At mid November, when it had become clear that agreement on interpretations might not be reached before the December 31 deadline, detailed discussion on how to conduct the unilateral program got underway within the U.S. government. The Immigration and Naturalization Service was designated the agency to carry out the unilateral contracting, with support from USES.

On November 20 the Immigration and Naturalization Service received its marching orders from the Justice Department to prepare a detailed plan of unilateral recruitment of Mexican workers. The instructions to the INS indicated that "[t]he Department of Labor, the Department of State and this Office are in accord that rather than continue the program of contracting Mexican laborers under the terms of the present Migrant Labor Agreement of 1951 with Mexico, we should institute a unilateral program of recruitment, and that authority exists to sustain such a program." The sleight of hand, of course, was the assertion that legal "authority existed" to operate unilaterally, given the near unanimity of views expressed in August and September that legislation would be necessary before undertaking unilateral recruitment of Mexican agricultural laborers. The Department's instructions to the Service concluded that

> . . . we must be prepared to institute a unilateral recruitment program January 1, 1954, in the event Agreement is not reached. The Department of Labor is already studying the matter. Our position [DOJ], generally, is that the work contract would retain most of the safeguards in the present Agreement. However, it will require a number of operational changes dealing with methods of admittance, transportation, screening, etc.
>
> Accordingly, since the Immigration Service will have responsibility for the program, I should appreciate your preparing, from a Service standpoint, a concise and complete unilateral program, including operational set-up, work contracts, identification credentials, and employer responsibility. Needless to say, this matter is confidential.[47]

To justify this planning, the Justice Department's letter reported that Ambassador White was pressing the Mexicans forcefully, but without much success. One of the "principal demands" being presented was border contracting; the instructions referred to Mexican refusal of that proposal as one element which justified the unilateral course of action. It also noted that, although the confidential plan for unilateral contracting was contingent upon a breach in the agreement on January 1, the differences between the U.S. and Mexican positions were still quite large.

Since one of the justifications for acting unilat-

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[47] J. Lee Rankin, Assistant Attorney General, Office of Legal Counsel, to Argyle R. Mackey, Commissioner INS, 20 Nov 53. NRCSM, INS, file 56336/214K.

erally--and one of the proposals that the U.S. would continue to be insistent upon during the next spring--was border recruiting, the content and rationale of the proposal merits some discussion. These were described in a memorandum by Robert C. Goodwin of the Department of Labor to the Assistant Secretary of Labor. Goodwin's proposal was to provide temporary visas to bona fide residents of Mexican border cities to work daily in the U.S. at places "within reasonable commuting distance from a regular port of entry on the Mexican border." The proposal was to permit the admission of such commuter workers through San Ysidro and El Centro, California, where a demand for them was known to exist, and then to extend the program to other points along the border.[48]

On December 3, the INS reported to the Justice Department that plans for unilateral recruitment were in place.

> The program, if approved and placed in operation, would eliminate the recruitment of Mexican workers by the Department of Labor at migratory stations in Mexico and the participation of Mexican Government officials in the recruitment and contracting of the workers. It would permit a Mexican worker to make application for admission at any port of entry into the United States where the Department of Labor makes available adequate facilities for the processing of the workers by this Service. It provides for the assumption and performance of respective responsibilities under the law by this Service, the Customs Service, the Department of Labor, and the United States Public Health Service.[49]

However, the INS had serious reservations about the plan it had been instructed to develop. Clearly, at this late stage it would be difficult to dissuade senior Administration officials from carrying out the plan if, as expected, Ambassador White in Mexico City was unsuccessful in obtaining Mexican acquiescence to the U.S. demands. But the contents of two memoranda prepared--one on December 3 and the other, which refers to the previous one shortly afterwards make clear that INS was not looking forward to facing Mexican opposition to unilateral recruitment. In these memoranda it laid out two different problems that could arise as a result of Mexican government opposition to the program.

The first was to complicate INS efforts to expel Mexicans subject to deportation. The experience of the Service indicated that

> when such a program [unilateral contracting] has been proposed in the past the Mexican government has indicated that it will put every difficulty in the way of the United States Government in connection with the return to Mexico of "wetbacks." In other words, it has been stated by Mexican Government officials that before a "wetback" could be returned to Mexico it would

[48] Copy, Goodwin to Siciliano, 12 Oct 53, attached to Rankin to Kelly, 5 Nov 53, NRCSM, INS, file 56336/214K.

[49] Copy, Benjamin G. Habberton, Acting Commissioner INS to J. Lee Rankin, Assistant Attorney General, 3 Dec 53. NRCSM, INS, RG 85, file 56354/169.

be necessary that the Service secure from a Mexican Consul a certificate of identity. This could take up to several months because the Consul could demand absolute proof, such as birth certificates and other civil records, showing that the person in question is undoubtedly a Mexican citizen, and would saddle the Service with an intolerable burden of detention expenses. . . . It can also be expected that if the Mexican Government opposed such a unilateral program they could easily find other means to retaliate against the United States. . . .

After the utmost and deliberate consideration by this office, it is recommended that every effort be made to reach an agreement with Mexico with respect to the importation of Mexican agricultural laborers pursuant to Public Law 78, as amended, rather than to place in operation a unilateral program such as has been discussed in this memorandum.[50]

The second problem were the indirect and undesirable effects that INS anticipated would result from border recruiting in stimulating additional illegal entries.

> . . .unrestricted border recruitment, it is believed, would entice aliens from the interior to take up residence in the border area [on the Mexican side of the border] in the hope that they might be legally contracted. This movement of Mexican workers from the interior of Mexico has been experienced in the past and has caused serious economic problems when recruitment stopped. Because of their lack of food and shelter, it has been the experience of the Service that when recruitment stops all of these workers who have proceeded to the border in an almost destitute condition immediately attempt to enter the United States illegally.[51]

What weight the Justice Department gave to these reservations is unknown, but the tone of the INS position previously cited suggests that the Service was doing more than going through the motions of expressing reservations for the record.

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[50] Ibid.

[51] Copy, Habberton to Rankin, undated but on or shortly after 3 Dec 53, NRCSM, INS, RG85, file 56354/169.

The day after INS submitted its plan for unilateral recruitment to Justice, the State Department drafted a memorandum for President Eisenhower, which summarized the status of negotiations with Mexico City and current plans for unilateral recruitment. The bilateral agreement was characterized as being "of use," but it was observed that it "has not prevented an alarming increase in illegal entries." Both governments wanted a new agreement to replace the one due to expire on the last day of that month, but thus far there was "no assurance a new agreement will be achieved." The U.S. position in the negotiations was to seek "certain fundamental changes" the most important of which "would limit the power of Mexican authorities to obstruct operations by unilateral and arbitrary actions and would make legal entry more attractive to laborers and the use of legal laborers more advantageous to employers, thus reducing illegal entries."[52] The memorandum mentioned that plans were in the process of being formulated to contract workers

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[52] Memorandum by the Acting Secretary of State to the President, 4 Dec 53, reproduced in Foreign Relations of the United States 1952-54, p. 1353.

unilaterally, "under essentially the same safeguards as at present," and that it was anticipated that "a large proportion" of the Mexican migrants entering illegally could be "diverted to controlled legal channels."

> The Mexican Government will be reluctant to see the United States undertake a unilateral program and may accept our principles for an agreement when it sees we are determined to do so. . . . Some Mexican criticism of a unilateral United States program is inevitable. This would not be likely to affect our overall friendly relations and is a moderate price to pay for effective control over a potentially dangerous security situation on our southern border.[53]

The Department of State thus anticipated, correctly, it turned out, that the tempest over the unilateral contracting of January 1954 would not affect bilateral relations in a manner immediately detete s to U.S. interests. The Department did not anticipate, however, that the Mexican government would employ troops along the Mexican-U.S. border to attempt to prevent the unilateral action.

In a subsequent memorandum to Eisenhower, Secretary of State Dulles stated that "no new agreement was likely before the expiration of the existing one, and that postponement of the expiration date seemed undesirable from the American point of view." Having argued that, the Secretary recommended deferring the unilateral program

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[53] Ibid.

until January 15 "in order to allow the Mexican Government one last opportunity to reach an agreement with the United States."[54]

The Mexicans, unaware of the Secretary's generosity, may not have been able to appreciate it, but the argument did appeal to the genteel--if not exactly gentle--manner in which the U.S. government was characterizing its pressure on the Mexican government. Thus, on December 31 the State Department announced an extension of the existing accord to January 15, 1954 with the hope that during that period the two governments would reach a new agreement. The announcement made reference to a plan prepared by Attorney General Brownell after his visit to California the previous August and underscored that the U.S. objective in the on-going negotiations was to change the control which the Mexican government exercised over Mexican workers after these had entered U.S. territory. But plans for unilateral recruitment were firmly on course. "Confirming the understanding reached at a meeting held here Monday, December 29, 1953, with representatives from the State and Labor Departments," wrote Attorney General

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[54] The quotes are not actually from Dulles's memorandum, but from a summary of it in a footnote in Foreign Relations of the United States 1952-54, note 3, p. 1354.

[55] The New York Times, 1 Jan 54, p. 10.

Brownell to the INS Commissioner, "you are authorized and instructed to take all steps necessary to put into effect on January 15, 1954 the unilateral program of border recruiting along the Mexican border. . . . You will, of course, keep us in close touch with the negotiations which will be carried on with the Mexican Government between January 1 and January 15, to see whether any modifications in our plans. . .becomes advisable."

The day before the agreement was to expire, Ambassador Manuel Tello submitted a diplomatic note which requested an extension of the agreement to allow more time for discussions. In characteristic diplomatic language he stated, "[a]s Ambassador White has been informed, and as I had the pleasure of communicating to officials of the United States Government in the conversations we had on this subject in this Embassy, the Government of Mexico considers this Agreement to be satisfactory and it understands that Your Excellency's Government holds the same opinion." This characterization of the situation must have must have been greeted with hoots and howls at State. Tello further expressed the understanding that the conversations would be continued "in the spirit of sincere and loyal friendship

[56] Memorandum, Attorney General to INS Commissioner, 30 Dec 53. NRCSM, INS, RG 85, file 56336/214K.

that exists between the two Republics," and would lead "to a concordance of opinions on the points that have been the subject of an exchange of views, or until one of the parties informs the other of its desire to terminate the Agreement."[57] With this language, Tello tried to paper over the impasse that had been reached in the negotiations. Tello's note would be proven a vain hope on practically all counts: U.S. government views that the bilateral agreement was unsatisfactory would become public very soon; the U.S. would let the agreement lapse and a concordance of opinions would not be reached. With the inauguration of unilateral contracting by the U.S. in January over strenuous Mexican objections, many would would draw the conclusion, on both sides of the border, that the Eisenhower Administration had a small regard for friendship with Mexico.

[57] Translation, diplomatic note 5847, Tello to Dulles, 30 Dec 53.

13 THE BILATERAL ROAD TO UNILATERAL ACTION

FAILURE TO NEGOTIATE

The final negotiating positions of December 1953 were not changed materially by the discussions held--all of them insofar as records show between Ambassador White and Foreign Minister Padilla--during the first two weeks of January. Rather, those conversations were attempts on by both parties to salvage the situation and forestall the lapse of the agreement. It is not at all clear that Mexican officials believed the U.S. threat of unilateral action repeatedly expressed in previous months to be credible until the very last moment.

With Gorostiza ill, Padilla Nervo met with White on January 4 and referred to a problem which had become a recurring theme in the Mexican position adopted in November and December: Mexican public opinion, Mexican newspaper scrutiny of their negotiations, and the strong Mexican desire to not change the agreement in any substantial way or to hold a conference for that purpose, which would inevitably lead to criticism of Mexican concessions at the bargaining table.

In view of the expectation that within ten days the agreement would run out, the Ambassador rather urgently pushed on Padilla Nervo a draft note "with very few

changes from that submitted to Campos Ortiz" which he suggested form the basis of the extension of the agreement. The Foreign Minister promised to read it, but momentarily pushed it aside to make an extraordinary suggestion to handle things quietly and informally.

> [The] Minister said [that] for internal political reasons he would like to handle the matter by sending definite instructions to the consuls that they are not even to propose to our authorities anyone for blacklisting but to refer it to the Foreign Office and the Foreign Office will then take up with the American authorities (presumably the Embassy) to prepare [a] list for joint blacklisting. The same would be done with wages, etc. (With regard to the latter, he then used the term that wages proposed would be approved by the Foreign Office and I told him very definitely that that would not be accepted, that wages and subsistence would have to be those determined by the Secretary of Labor with the Mexican Government giving specific reasons why in any case it feels [the] Secretary of Labor may have erred and ask for a re-examination. I went into again at great length . . .) The Minister stated that he would communicate these instructions [for the consuls] to me and that by this action the agreement would be interpreted by Mexico as we desire. He added confidentially that he furthermore intends to transfer every consul along the border to other posts and send new men there who will have no prejudices against any employer. He said that if we would accept that procedure then we would have merely to exchange short notes extending the agreement for two years and that note is all that would be published.[1]

White rebuffed the suggestion that his government might obtain indirectly what it wanted to get directly, and re-

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[1] Telegram 711, White to SecState, 5 Jan 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

turned to the merits of the U.S. position. "I told the Minister," he reported to Washington, "that if he would read the draft note . . . he would see that there is nothing in it that is discriminatory to Mexico, that it merely reiterates the proper interpretation of the agreement as it worked successfully until about a year ago and that in some respects it gives the workers greater advantages than at present."[2] White did not elaborate on what those advantages might be, but clearly, his central concern was not in suggesting improvements from the standpoint of contract workers, but in beating back previous Mexican unilateral interpretations of the agreement and limiting the scope of Mexican consular action.

At some point in the conversation, Padilla Nervo seemed to want to call what he evidently perceived to be a U.S. bluff on unilateral recruiting. As White reported it, the Foreign Minister told him that "Mexico wants [to] continue [the] present agreement as it is and that any changes which might give even the appearance of being less favorable to the workers than [the] present agreement would be politically impossible for the government and [they] would prefer unilateral action on our part because that was something [they] could not control."[3]

[2] Ibid.

[3] Ibid.

The statement also conveys an accurate sense that the Mexican government felt hemmed in, and incomprehension of the U.S. sense of urgency regarding the deadline that had been imposed. At other points in the conversation, the Foreign Minister expressed the view that January 15 was an unreasonably short deadline in which to expect to iron out existing differences and gave the impression of chafing with a U.S. Ambassador who had presented an ultimatum and a Mexican public--and other government departments--that would be critical of Mexican attempts to appease the United States.

The Mexican press was practically caught unaware that a serious problem existed. Not until a week before the expiration date of the agreement did stories appear on the subject. The statements attributed to Gobernación, and the declarations made by legislators and persons associated with the official party suggest that few persons outside of SRE knew that a major rift between the two governments was about to occur. On January 11, Excélsior quoted from a New York press bulletin which indicated that the U.S. desired to facilitate the entry of Mexican braceros so as to not allow Mexican authorities to "veto" contracting at the border.[4] On January 12, The New York Times ran a story which originated in

[4] Excélsior, 11 Jan 54, p. 1.

Mexico City.

> Washington's reluctance . . . emphasized the readiness of both the Justice and Labor Departments to meet United States farmers' needs for seasonal labor from Mexico without Mexican cooperation if necessary.
>
> Exactly what their plan is, no one here [in Mexico City] knows. But it involves the hiring of laborers once they have crossed into the United States and the legalizing of their position at contracting offices in United States territory. United States officials quote 1952 figures of about 200,000 legally contracted braceros and more than 1,000,000 illegal laborers, sometimes called wetbacks . . .[5]

The reaction of the Mexican public at this time may have been disbelief; perhaps, some persons reasoned, this was just another variation of the by now familiar hardball bargaining tactics of the two governments in which much rhetoric was heard or read but the agreement also seemed to be extended.

Prior to January 14, stories that originated in Mexico City did not reflect an awareness, much less a comprehension, of the sense of urgency with which U.S. officials were making statements in Washington. However, the typical attitude was that the agreement was worth pursuing and should be possible--this notwithstanding a strong undercurrent of opposition to emigration as a social phenomenon or as a symptom of what was wrong with rural Mexico.

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[5] The New York Times, 12 Jan 54.

An Excélsior editorial of January 12 reflects this relaxed attitude toward the negotiation of a new agreement. It recalled that during the "previous war"--the war referred to evidently was World War II--Mexican workers had helped supplement a U.S. agricultural labor force reduced by the military draft and increased wartime industrial production.

> Hoy, los agricultores norteamericanos, quéjanse de la escasez de brazos y dicen que las autoridades mexicanas llevan con mucha lentitud las negociaciones para que se firme un nuevo convenio sobre el trabajo de los braceros.
>
> Creemos que de una vez por todas, no importe el tiempo que en ello se invierta, debe hacerse un pacto honorable con los Estados Unidos para reducir el clandestinaje en esta materia, y darles la debida protección, en plan de igualdad con los trabajadores de allá, a los compatriotas que cruzan el río Bravo en busca de mejores salarios.[6]

The Mexico City newspaper editorial also reflected the tone and spirit of much of what SRE officials had communicated to the Embassy during previous months. What was the hurry? it seemed to ask. Deadlines need not present an insurmountable obstacle to reaching "un pacto honorable" with the United States. The notion that a "pacto honorable" might be difficult to reach, by Mexican standards, and that U.S. patience had run out did not seem to make sense. But the initial attitude seemed to

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[6] "Otra vez los braceros," (editorial) Excélsior, 12 Jan 54.

be that trying to extend the agreement not only was worth trying but should be possible.

The attitude in private that the situation should be salvaged went further to meet the U.S. position than that expressed in public. On January 12 Luis Padilla Nervo informed Francis White that "Mexico now wants a conference on bracero agreement with all interested Departments of both governments represented." The Ambassador pointed out that this was contrary to the position taken by the Ministry during the previous several months. Padilla's reply was telling: "other Mexican departments" felt there would be "changes in the agreement and insist that they participate should there be any changes. The Minister said he had anticipated this and, for that reason, had merely wanted extension of [the] present agreement."[7] In the discussions with the Ambassador, the ground had been shifting beneath Relaciones for the previous two months, but apparently other departments--notably Gobernación--had only just then gotten wind of the shift. The Foreign Ministry had seen its position being threatened first from the Embassy and now from Gobernación and, under pressure, was acceding to something it had feared as undesirable--a full-scale bilateral con-

[7] Telegram 740, White to SecState, 12 Jan 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

ference to review the agreement. In private, then, SRE was beginning to comprehend the urgency of the situation, though its proposal was to be rejected by the Embassy as too little, too late.

> I told the Minister that after two and one-half months negotiations, I had nothing to show for it except a memorandum from Señor Gorostiza maintaining that the Foreign Office had a right to black list unilaterally, which, of course, we could not accept, and that I understood that he now saw the justice of our position. The Minister said there was another memorandum from Gorostiza on four points and that our acceptance of their position on initial wages would go far in solving the matter. He stated that he had had no reply to that memorandum. I told him that I had given Mr. Gorostiza an oral reply stating that their suggestion of a formula for fixing the initial wage cannot be accepted by us because it is wage-fixing, which is contrary to our legislation.[8]

Padilla Nervo then inquired whether representatives of Labor and Justice would go to Mexico City to negotiate and whether the agreement could be extended for another 15 days while the negotiations went on. Moreover, since the discussions would be for a new agreement, the Mexican government had 29 points which it wanted to place on the agenda for improvements in the agreement. White replied that he was not optimistic, but that he would obtain an answer to these questions from Washington.

At this point White suggested a compromise that would not be accepted by the Mexicans and, had it been,

[8] Ibid.

would have been rejected by Washington. Nine of the first ten points of the draft agreement proposed by the Embassy did not constitute a change of the existing agreement, and "if he would agree to those . . . points, as written [White] would ask the Department's authority to sign the note with the other . . . points eliminated, extending the agreement for one year while negotiations go on other points."[9] Padilla replied he would immediately consult the other departments to see if that could be done. Though this arrangement would not be accepted, it is fair to characterize it as an effort by White to salvage the situation and forestall the unpleasantness about to unfold with unilateral recruitment.

This opportunity was lost, however, by Padilla's ineptitude. The Foreign Minister undercut his own position--and whatever strength White's compromise may have had in Washington--by suggesting "twice" during the conversation

> that if we [the U.S.] did admit legally to the United States all agricultural laborers for whom there is employment so that they would not be outlaws, as at present, but would have the protection of American law, he would be perfectly happy, as there is no country whose laws and jurisprudence he more admires, or in which he has more confidence, than the United States. He would then know that the laborers would have the protection of our laws and the Mexican Government would not have to take the responsibility of the contracts, nor would the Consuls have to do more than the normal work of protecting their citizens that is the duty of any Consul.[10]

This statement, it should be underscored, is extraordinary for a Mexican Foreign Minister to have made to a U.S. Ambassador--at least as expressed in these terms. Padilla's recollection of the conversation, undoubtedly, would be different. In any event, not having access to it I can only say that regardless of the precise tone and flavor of the argument, it is clear that Ambassador White interpreted it as a suggestion that the two governments could make a joint statement sanctioning the unilateral contracting--and he made just a suggestion to the Department by cable. A proposal to make a joint statement for the purpose of legitimating a unilateral action! That, indeed, was a new twist in the bilateral experiment of jointly administered labor migration.

By January 12 the Mexico City press had gotten wind that something was going on, since the day before at least one front-page story had told readers that the U.S. had some kind of plan to operate without Mexican government participation.[11] Thus, after the meeting described above between the Ambassador and the Foreign Secretary,

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[9] Ibid.

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[10] Ibid.

[11] Excélsior, 11 Jan 54, p. 1.

news reporters got on the story and asked for a statement. From SRE they obtained a comment that on repeated occasions Mexico had expressed willingness to renew the migrant labor program. Padilla Nervo authorized or made the statement, evidently, to put the onus of the breakdown of the negotiations on the U.S., though the statement got him into trouble because, after suffering the indignity of a U.S. threat to contract unilaterally, the Foreign Minister was still trying to appease the United States.[12] Time was quickly running out on the Foreign Ministry, not just because of the American deadline, but because of the resentment of various individuals and groups, most notably the opposition--Acción Nacional, Unión Nacional Sinarquista, Partido Popular--of the U.S. threat to open up the border. Notwithstanding this, the

[12] The Comité Ejecutivo of the Partido de Acción Nacional was Padilla's harshest critic. A summary of its comments, printed in El Universal, 14 Jan 54, stated: "Esta declaración del licenciado Luis Padilla Nervo la estima Acción Nacional extemporánea, pues dice que se produjo después de que todo México sabía que las pláticas iban encaminadas a la celebración de un nuevo convenio, después de que los líderes [sindicales AFL y CIO] de los Estados Unidos denunciaron las injusticias que se cometen con nuestros trabajadores y emplazaron al gobierno de su país para que establezca condiciones justas en favor de los braceros; después de que la prensa se ha ocupado del maltrato que sufren los 'espaldas mojadas'; después de que el Presidente Eisenhower anunció que prepara 'un proyecto para permitir que los braceros mexicanos entren a los Estados Unidos, con la cooperación del Gobierno mexicano o sin ella, y después, en suma, de que todos los hechos exigen una revisión a fondo del problema y la celebración de un convenio justiciero y digno'."

Foreign Ministry press briefing of the evening of the 12th stated that the conversations with White would continue on the 13th and 14th, and "existe la posibilidad de que el próximo viernes se haga una declaración conjunta (México y Estados Unidos), acerca del caso."[13]

For his part, White stated that it was unlikely that agreement would be reached before the agreement expired on the 15th.

> White afirmó que el obstáculo principal parece ser la interpretación que se da al antiguo tratado. Dijo que algunos cónsules mexicanos en los Estados Unidos lo han interpretado en tal forma que lo hacen inconveniente para aquel país.[14]

White refused to elaborate on this point, but it was clear that he was not optimistic that the remaining differences would be settled soon.

In Washington, Padilla's request for a full-scale conference and to extend the agreement while negotiations continued, as would be expected, was not favorably received. Assistant Secretary Rocco Siciliano prepared a memorandum for the Secretary of Labor on January 15 which presented the firm response of someone who knows that he has little to lose by continuing on the present course.

> Mexico is now requesting a further extension without change with the understanding that a

[13] Excélsior, 13 Jan 54.

[14] Ibid.

> full scale conference will be undertaken between the two governments in an effort to resolve the difference and to consider 29 points which Mexico wishes to place on the Agenda.
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> The U.S. has refused to agree to any further extensions and is planning to institute as promptly as possible a program for the contracting of Mexican Nationals applying for employment in this country, without participation by the Mexican Government but has agreed to continue negotiation.[15]

Labor officials anticipated that they would have to be in Washington during the first two weeks of February, as they would be testifying on Capitol Hill. However, they would meet with a Mexican delegation in Washington or would go to Mexico City on the third week of February. Clearly then, though Labor was now committed to the unilateral recruitment experiment to be conducted in January, it was willing to negotiate with Mexico for the purpose of arriving at an agreement similar to that being promoted by White in Mexico City while the unilateral experiment continued.

In accordance with this view, Belton communicated to Ambassador White the final U.S. position as the announcement of unilateral contracting was about to be made. The Departments of Justice and Labor did not accept his suggestion that a joint interpretation on nine points of the

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[15] Memorandum, Siciliano to SecLabor, 15 Jan 54. NAW, DOL, RG 174, Office of the Secretary, 1954 Departmental Subject Files, box 54. (The file folder in this box which contains information on our subject was labeled "1954 - Mexican Migrant Labor [Agreement].")

existing agreement be made in order to extend it for a year while negotiations continued on the remaining points. This suggestion "eliminates too many improvements they feel are essential to successful operation [of] a joint program this year. We also feel chances [of] obtaining good joint program in upcoming negotiations will be improved if we are not bound for this year by unsatisfactory compromise arrangement."[16] The Mexican invitation for further negotiation "with inter-departmental representation" was accepted, under the terms of Siciliano's memorandum to the Secretary of Labor.

However, the unilateral program, now being termed an "interim" program could not be postponed beyond the January 15 deadline. As regarded Padilla Nervo's implied suggestion that a joint statement be made sanctioning unilateral contracting, interested Washington officials were, of course, "enthusiastic." Since Labor would soon be running out of appropriations to run the program, a joint statement on this matter was suggested as a cover, in order to salve Mexican sensibilities and avoid the unpleasantness of a "unilateral release here [in Washington] concerning termination of agreement and reasons therefor." The rather innocuous joint statement, as

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[16] Copy, telegram 743, Dulles to White, 14 Jan 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

drafted by State, would read:

> Funds appropriated by the United States Government for operation of the migrant program were only sufficient to meet United States responsibilities under the agreement now expiring. The continuing influx and utilization of Mexican workers and the consequent necessity for a United States sponsored interim program and possibly a new agreement is motivating a request to the United States Congress for further funds. When received these will permit full scale continuation of control over the legal contracting and movement of Mexican migrant workers within the United States.[17]

Belton also asked that the Ambassador inquire on the points that the Mexican government would be submitting for discussion to work out an agenda, "which we feel should be [as] concise as possible to eliminate unnecessary prolongation [of] talks."

On the days before and after the January 15 expiration date, press reports in Mexico City and coming out of Mexico city expressed the views on the program with which we are familiar and stressed the issue of wages and labor guarantees. The New York Times reported a variation of this theme: "The negotiations broke down over Mexico's insistence on a fixed pay rate for the workers while the United States wanted the agreement to provide for paying 'the prevailing wage'."[18]

Two points need to be underscored regarding the Mexican negotiating position at mid January. The first is that the Mexican government did not yet take seriously that a unilateral program of contracting was in the works, or that if it was, that it had much chance of success. A second consideration is that the Mexicans, in public and in private, seemed to have the expectation not only that the agreement would be salvaged, but that it could be done honorably--i.e., that the U.S. could be expected to make some concessions, either on the starting wage idea or in any one of the 29 points being developed for a negotiating agenda. Finally, though many different arguments were made covering the entire spectrum of the agreement, it is clear, both from the public and the private record, that SRE was most concerned about improving the wages of Mexican contract laborers. If there was an honorable reason to take the bilateral agreement to the brink, to Ministry officials wages seemed to be it.

[17] Ibid.

[18] The New York Times, 18 Jan 54.

MEXICAN APPEALS TO PATRIOTISM

During the days before and after the U.S. announcement of unilateral recruitment of Mexican contract laborers, the press in Mexico City reflected confusion, anger, resentment, and incomprehension. In Mexico, as in the United States, statements made by government officials tended to reflect a coherent, if changing view of the problem faced by policy makers; statements made by political actors

outside of government--political parties, labor unions, various types of organizations, columnists, editorial writers--were less coherent, sometimes inchoate, and are indicators of sentiment and attitude as much as reflective of a conception of a political or policy problem.

Prior to the expiration of the agreement and afterwards, stories originating in the U.S., principally in Washington, and the brief statements made by Francis White in Mexico City, reflected several interrelated themes: illegal entries were at an all-time high, the bilateral agreement had not worked well at controlling those entries, the U.S. had a number of complaints to make about the agreement, the most important of which had to do with Mexican consuls holding up bracero contracting, that the U.S. wanted a bilateral agreement with Mexico that would be satisfactory, from its point of view, and that in the meantime it felt justified in contracting Mexican workers unilaterally.[19] In its public posture as in its internal discussions, the Eisenhower Administration maintained that it was the problem of illegal entries, characterized in terms that made it clear it viewed it to be of crisis proportions, which had led it to the hard bargaining stance vis-à-vis the Mex-

[19] See, e.g., Excélsior, 11 Jan 54, p. 1; Excélsior, 13 Jan 54, p. 1; Excélsior, 15 Jan 54; Excélsior, 18 Jan 54, p. 1; Excélsior, 20 Jan 54.

ican government at mid January.

Typical of these is an Associated Press story from Washington D.C., which drew from INS sources and unidentified government officials close to the unilateral program for contracting braceros. Harlan B. Carter, Border Patrol Chief at the INS Central Office in Washington, reported that more than one million apprehensions of undocumented Mexicans had occurred during 1953, that an unknown number had not been detected by the Patrol and that of that million many were repeaters. Carter noted that this number was much higher than comparable numbers for previous years and that the Border Patrol could have apprehended a larger number, if it had a larger budget, but that Senators and Representatives from the Southwestern states had successful opposed attempts to raise the budget for border enforcement. The AP story added that negotiations on the bracero agreement with Mexico had reached impasse because of "la insistencia norteamericana en que los cónsules mexicanos en los Estados Unidos, no retengan los contratos hasta que aprueben los salarios y las condiciones fijadas por el Departamento norteamericano de Trabajo." An unidentified source was cited as saying that unless the unexpected occurred, the agreement would lapse the next day, Friday the fifteenth.

> Las autoridades norteamericanas tienen un plan preparado para ponerlo en práctica en ese caso.

> Ese plan tiene por meta hacer frente a los problemas sanitarios, policiales y económicos que presenta la afluencia de inmigrantes que llegan sin vigilancia. De acuerdo con ese plan, se establecerán centros de reclutamiento en la frontera, o cerca de ella, en territorio norteamericano. Esto daría a las autoridades norteamericanas oportunidad de rechazar a los que considere indeseables.[20]

Whatever a Mexico City reader might have thought of the propriety of a U.S. plan for unilateral recruitment, the language of this announcement must have suggested that whatever the plan was, it had obtained the participation of the U.S. bureaucracy concerned with matters of public health, police problems, exclusion of aliens and perhaps the selection of bona fide braceros from among the arrivals at these border reception centers. By January 15, this was probably the most detailed information on the unilateral plan available to the broad spectrum of Mexican political actors that were reacting to the press leaks out of Washington on the breakdown of the agreement.

Mexican public reaction to the impasse of the negotiations and the announcement of a unilateral program can be separated into three categories. The first was optimism that an agreement would be worked out in time or that it would be extended and negotiations continued--that the plans for unilateral action leaked in

[20] Excélsior, 15 Jan 54.

Washington were merely rhetorical excess. The second category were quiet signals, sent through the press from Gobernación, that if the U.S. adopted its unilateral recruitment program the Mexican government would actively resist it by impeding the departure of Mexican workers. Not much concrete discussion can be found in Mexico City newspapers regarding the precise nature of the U.S. plan, but the reaction suggests that it was equated with a plan to throw open the border to any and all Mexican workers that might show up--an "El Paso incident" such as experienced in October 1948, but on a grand scale and coordinated from Washington. The third and most encompassing category can be termed manifestations of outrage at what the U.S. government was planning to do combined with lamentations that fellow Mexicans emigrated to the U.S. either because emigration caused more harm than good to the country or because that migration was a symptom of more serious underlying problems, chiefly economic, in rural Mexico. The lamentations expressed in January 1954 were not essentially different from predominant Mexican press reaction to emigration during the previous years, but the situation of the moment seemed to underscore both Mexico's vulnerability and the poignancy of this labor migration.

The idea that notwithstanding the short time that

remained before the agreement would expire grounds for optimism existed was encouraged by the Foreign Ministry itself. On the evening of January 12, e.g., after Padilla Nervo had met with Ambassador White, the Ministry informed Excélsior that negotiations would continue and that a joint statement by the two governments might be issued by the 14th.

Another optimistic report appeared on the January 14 issue of Excélsior. This was a front-page story originating in Washington whose headline read: "Desechará Washington el arreglo unilateral sobre braceros." The story cited unidentified DOS officials as indicating that negotiations continued with the hope of a last-minute breakthrough. It also inserted a paragraph from "informed sources" in Washington, though it is not known whether they were from the U.S. government or the Mexican Embassy, which suggested that "sooner or later" agreement would result, and that the U.S. would not undertake the unilateral recruitment of braceros.[21] It is difficult to determine who was the source for this story and why it

[21] Excélsior, 14 Jan 54, p. 1. The original text in this paragraph reads: "En fuentes bien informadas se ha manifestado la creencia de que tarde o temprano se llegará a un acuerdo y que los Estados Unidos no elaborarán un programa unilateral para la importación de braceros." The story also suggests that if agreement was not reached by Friday, it was possible that "se anunciará entonces una nueva prórroga."

ran a day before the agreement expired when there is absolutely no objective basis for such optimism at that time; but clearly, in Mexico City it diminished the perception that the two government were on an inevitable collision course.

"Diplomatic sources" from Mexico City were cited in another news report, which suggested that perhaps Washington was indulging in excessive rhetoric and that the unilateral plan was a bluff. These diplomats, however, were not foreigners representing their missions in Mexico, but Mexican diplomats not directly connected with the Foreign Ministry (the implication was retired foreign service personnel not involved in day-to-day affairs at Tlatelolco). One of these persons suggested that the "declaraciones" coming out of Washington were "un poco precipitadas" and perhaps reflected undue influence of growers in some offices of the U.S. government. He added that taking the threatened unilateral action would "break" the "inter-American cordiality" in such a decisive manner that he could not believe it would occur.[22] Other Mexican foreign service personnel expressed disbelief, and reflected on what this might signify for the up-coming Foreign Minister's conference among American Republics at Caracas next March.

[22] El Universal, 14 Jan 54.

"A tan corto plazo de la celebración de la Conferencia Interamericana de Caracas, . . . no creo en el anuncio de la Oficina de Trabajo norteamericana, pues crear tensiones en las relaciones diplomáticas de las naciones americanas, constituiría un error; . . . nuestro Gobierno buscaría todos los medios para evitar la salida de campesinos que, como bien se sabe, provocan trastornos en el agro mexicano, pero que atendiendo a la política de 'buena vecindad', se permite el éxodo, bajo ciertas condiciones de orden legal y económico."

En suma: en ciertos círculos diplomáticos se estimó el anuncio de la Oficina de Seguridad del Departamento de Trabajo, como una "actitud un tanto cuanto inoperante" para la cordialidad y fraternidad americanas.

Evidently the individuals quoted were not informed of the course taken by negotiations the previous fall nor understood the U.S. government perception that urgent action was needed. Rather, their view of the threatened scenario was similar to the reactions within the U.S. State Department the previous August when Attorney General Brownell had floated the idea of using the military to stop illegal entries, and the initial reactions within that department to unilateral action suggested by other agencies: the price in inter-American relations would be too high to contemplate the scenario as a real possibility.

On January 14, the optimistic note was struck again in a public statement issued by the Senators and Diputados of the Comisión Permanente, the joint committee that acts when Congress is not in session. In a story

headlined "Optimismo por el asunto braceril," published the next day by the official newspaper El Nacional, the expressed the view that the problem would be resolved in a manner which would meet both Mexico's interests and the welfare of the migrant workers. On the last day of the agreement, "well-informed sources" suggested that satisfactory agreement would be reached. Though there was a note of resignation in officials statements that indicated that braceros already in the U.S. would still be protected by their contracts for six more weeks, these sources clung to the hope that something would eventually be worked out, a hope encouraged by the visit to SRE by Francis White on the night before the agreement expired.[23]

All of these considerations suggested that either there might be reason to expect that the impasse in the negotiations would be broken or that the U.S. threat of unilateral action was a bluff.

A type of reaction that belongs in a category by itself, even though it occupied little space in the press before January 15, was the discreet and unofficial warning by Gobernación that the Mexican government would resist unilateral contracting. Washington had leaked news of a plan for unilateral action; the Gobernación an-

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[23] Excélsior, 16 Jan 54.

nouncement, in a sense, constituted a counter leak. However, whereas such an unofficial announcement by the highest governmental authority in charge of security might have constituted front-page news elsewhere, in Mexico it was kept in the background. It first appeared on January 13. That morning's papers carried stories about the "Eisenhower plan" for unilateral recruitment and cautious Mexican commentary on the state of negotiations. An unidentified Gobernación spokesperson told Excélsior that Mexico would respond to the U.S. action if it occurred, that that response was Gobernación's responsibility, but "categorically" refused to divulge the precise measures that the Mexican government would take in the event that the U.S. "opened its borders" to braceros.

> Gobernación, se nos dijo, entre sus atribuciones tiene la de vigilar la entrada y salida de personas a o de territorio nacional.
>
> Además, tiene facultades legales para impedir la salida de nacionales, y solamente habría que ajustar los procedimientos a la realidad.[24]

The phrase that it was "only a matter of designing procedures appropriate to the reality" of the situation, made it sound easy. When the government did try to prevent the departure of nationals later, "designing procedures" would be the least of anybody's concern. But

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[24] Excélsior, 13 Jan 54.

that was still days away.

A similar message was communicated through another forum on the same day. A January 13 editorial by Novedades told the reader:

> Aun cuando no en forma oficial, se sabe que la secretaría de Gobernación está resuelta a no autorizar la salida de ningún trabajador agrícola mexicano, rumbo a los campos norteamericanos, si previamente no se llega a un convenio internacional, de gobierno a gobierno, que garantice a los nuestros que su trabajo en Estados Unidos será suficientemente remunerado y en condiciones aceptables. Esta noticia ha seguido a las informaciones que se han recibido del país vecino, en las que se habla de que el gobierno norteamericano estudia la forma en que podría autorizarse la internación de mexicanos, aun cuando sea sin convenio internacional y, tal vez, sin contratos de trabajo en firme, con tal de tener cubierta la demanda de mano de obra en el medio agrícola. Por lo pronto, es absolutamente justa la actitud de la secretaría de Gobernación, a cuyo cuidado se ha puesto tan importante problema. No puede suponerse, ni por un momento, que el gobierno mexicano se desentienda del asunto, por lo que muy en su sitio está cuando manifiesta que, por lo que a Gobernación corresponde, no se le permitirá salir a nadie que no lleve las garantías de nuestras autoridades y de las autoridades norteamericanas que con las nuestras contraten. Esto es, sencillamente, insistir en la noble idea de que la protección patria debe acompañar a los mexicanos en todas partes.[25]

The problem, as expressed by Gobernación, was not just that the U.S. would be admitting workers unilaterally, but also that it could only imagine under what conditions they would be admitted, or whether they would even be

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[25] "Nuevamente los braceros," (editorial), Novedades, 13 Jan 54.

admitted under contract. Though no explicit reference was made here to the unilateral opening of the border by the U.S. in October 1948, it appears from the tone and content of these comments that this was what Gobernación imagined to be the scenario it would be facing.

A statement by the Secretary of the Comisión Permanente of Mexico's Congress, Alberto Trueba Urbina, reflects explicitly the assumption commonly made by Mexican critics at the time that the U.S. plan "autoriza la libre entrada de braceros," and essentially authorized illegal entries, "en perjuicio de sus propios intereses."[27] Though many Mexican officials understood clearly that the United States, through the leaks and later the official announcement of a unilateral contracting plan, had adopted a confrontational stance, the precise nature of the U.S. plan was still fuzzy in their minds, and the closest analogy available was past action by the U.S. which entailed opening up the border to illegal entrants.

It should be noted that the Gobernación did not formally make an announcement of its plans, nor were these comments blared in headlines, but buried somewhere in the fine print of a story or an editorial--clearly, it was a message to alert readers within the country and perhaps

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[26] Excélsior, 13 Jan 54.

[27] El Nacional, 15 Jan 54.

to the United States as well. The war of words would escalate soon, but no ministry of government would be visibly behind it. It is reasonable to assume, however, that the calls for Mexican government action to prevent the departure of nationals which began the next day and did get headline treatment were not spontaneous proposals but rhetoric inspired by the previous discreet statements.

If the facile nature of the statement obscured the difficulties of executing such a policy, it was revealing of the perception in Mexico that something had to be done in response to the threat from the north to contract workers unilaterally. That threat loomed much larger than a willingness by the U.S. to contract workers without Mexican government supervision--indeed, U.S. official statements to that effect, though not innocuous, seemed to hide a deeper sinister purpose. At the very least it seemed to suggest a U.S. willingness to throw open the border to Mexican workers in the manner of the 1948 "El Paso incident;" at worst, it was a plot to hand over workers to unscrupulous growers without the slightest legal protection.

If Mexico was to respond in kind, then, it would be necessary to prevent the departure of nationals. When asked previously by the U.S. Embassy whether the Mexican

government would be willing to adopt police actions within national territory some one hundred miles or more south of the border to discourage the north-bound travel of would-be illegal entrants, Mexican officials--though perhaps not from Gobernación--had responded that to do so would constitute a violation of the Constitution. But the ambiguity of Mexican population legislation had always permitted the suggestion that the Mexican government could actually prevent the departure of nationals under some circumstances--the question was defining those circumstances. As we know, during the period 1951-1953 the Mexican government had occasionally ordered a small contingent of the Army to patrol the Mexican side of the border in the vicinity of Reynosa to discourage nationals from entering illegally into the United States. It now appeared that the U.S. threat to admit workers unilaterally would constitute another such action.

The third category of reactions--manifestations of support for Mexican government action to prevent departures during the U.S. unilateral contracting program and lamentations about emigration as a national problem--were the most frequent. On January 14, Excélsior and El Universal ran stories where Mexican individuals and groups responded to the crisis that was looming as a result of the Washington leak that a plan for unilateral contracting existed (though no government officials spoke for

ing existed (though no government officials spoke for attribution). The most restrained of them was Fidel Velázquez, Secretary General of the Confederación de Trabajadores Mexicanos (CTM), who observed that the bracero issue should be viewed by the two governments in a manner different from that adopted thus far, so as to assure the protection of the rights of Mexican workers in the United States.[28] On the left, the Partido Popular, headed by Vicente Lombardo Toledano, accused the United States of aggression against Mexico, cited the leaks as proof that the U.S. was not really desirous of friendly relations with this country, and expressed the hope that the Mexican government would soon adopt measures to prevent the threatened open border, which constituted a violation of Mexican national sovereignty.[29]

On the right, the leader of the Unión Nacional Sinarquista, a group with fascist tendencies on the decline by 1954, proved to be the most eloquent--and demagogic--of the respondents. On the one hand, he praised President Ruiz Cortines's agricultural policies with the mindless enthusiasm one might have expected from a party hack working for the Partido Revolucionario Institucional. (Even prominent members of the government

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[28] El Universal, 14 Jan 54, p. 1.

[29] Excélsior, 14 Jan 54.

and official party had misgivings about agricultural policies followed in recent years.) On the other hand, the obvious purpose of the unilateral contracting plan--to pressure the Mexican government--was ignored. Rather, it was simplistically attacked as a grower-inspired diabolical scheme to exploit workers. El Universal quoted his statement:

> "Tal actitud de Washington . . . equivaldría a entregar a los trabajadores mexicanos, necesitados e indefensos, a la voracidad y crueldad de los granjeros yanquis. . . ."
>
> "Parecenos . . . que la Secretaría de Gobernación ha insinuado una enérgica oposición a la salida ilegal de los braceros, y creemos que está en lo justo. El pueblo mexicano estaría de plácemes si a la política de 'puerta abierta' del gobierno norteamericano, opusiéramos nosotros una de 'frontera cerrada' para evitar que los ilusionados braceros [vayan] a entregarse en las fauces del lobo."[30]

Padilla's contribution to public debate, other than providing El Universal's banner headline for this front-page story, "Ante la 'Puerta abierta' por EE.UU., 'frontera cerrada' de México,"[31] was to provide vocal support for Gobernación's discreet "insinuation" to prohibit departures. In some respects it is ironic that a neo-fascist party with strong roots in the regions from which migrants left was one of the most vocal proponents of a policy to close the border to the departure of migrants

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[30] El Universal, 14 Jan 54.

[31] Ibid.

and, of all opposition groups, that which embraced the government's policies and insinuations as its own.

The largest opposition party, Acción Nacional, also to the right of the government, expressed its views through a statement issued by its executive committee which differed both in form and in substance from the fiery speech by Padilla. The statement took direct aim at the Foreign Ministry, disbelieving its lame excuses and spurious optimism in the face of the negotiating impasse and attributed the problem to what it perceived to be SRE's inability to defend the national interest in the face of U.S. pressure. In short, it questioned the nationalism of the Ministry and criticized the undignified public statements of the Foreign Minister.

In addition it expressed trenchant and sophisticated criticism of the government's agricultural policies, which it blamed for the mass emigration to the United States. The executive committee fastened upon Carter's statement that one million apprehensions of Mexican illegal entrants had occurred during 1953, as a revelation. Now, they claimed, the plain facts were there for all Mexicans to see: things were so bad in Mexico that it was now "bleeding" one million workers a year. PAN played the numbers game, like some U.S. critics of undocumented migration, such that one of the rules was that

the larger the number the worse the problem (although the "problem" here was not the consequences of migration in the country of destination but the causes of migration in the country of origin). Emigration, PAN reminded everyone, was a symptom of unemployment, inadequately supported agriculture, monopolies, and government inattention to rural Mexico. The solution to the problem of the braceros must rest on the existence in Mexico of the opportunity for good-paying jobs in Mexico so that they do not have to leave. PAN then referred to a bill its representatives (diputados) were unable to get discussed in the Mexican Congress.

> "Esto require una planeación del campo, tal como la propusieron los diputados de Acción Nacional en la Cámara en una iniciativa de ley que la aplanadora se negó a discutir; una planeación que obtenga la rehabilitación del campo mexicano, un conjunto de medidas legales y prácticas, tales como la titulación de la parcela, el amparo a los ejidatarios, el crédito fácil y barato, las pequeñas y efectivas obras de riego, y, sobre todo, la supresión de monopolios y caciquismos que ahogan la vida del campesino mexicano."

The statement that emigration occurred because of Mexico's economic inadequacies, of course, was not new in January 1954. But PAN, the government, and the public seemed to sense that the regime was vulnerable to attacks on this point, which is why emigration was a sensitive issue and why SRE wanted to keep the discussions with the Embassy as much as possible out of public scrutiny.

Nationalism was a strong undercurrent in the reactions of virtually all individuals and groups that spoke out on the looming crisis. Acción Nacional's unabashed criticism of the Mexican government had this as a latent theme: the government was criticized not for being inflexible with the U.S. or intransigent in negotiations, but for being too lenient with U.S. negotiators, not tough enough in the defense of the rights of Mexican workers and too willing to promote emigration as a palliative for rural problems rather than addressing them with a coherent and serious rural development program.

Nationalism, on this occasion as on others, found its focal point in anti-Americanism. The Eisenhower had played into the role of an arrogant power bent on pressuring the Mexican government and promoting the exploitation of Mexican labor. A January 14 editorial in the newspaper of the most prominent political party on the left, El Popular, expresses this clearly:

> ¿Qué significa la amenaza de que Eisenhower tiene el propósito de abrir la frontera yanqui a los braceros mexicanos, con o sin la aprobación de México? Significa, entre otras cosas, que se considera a los mexicanos como mercancía y a nuestro gobierno como incapaz para defender la condición humana y sus derechos inherentes de nuestros compatriotas. Pero quiere decir algo más: los políticos yanquis que amenazan a México pretenden sentar un escarmiento en carne nuestra, a todos los países y los pueblos de América Latina, para lograr su completa sumisión

en visperas de la Conferencia de Caracas.[32]

If the Eisenhower Administration had plans to put the Latin American governments on the defensive by the upcoming Caracas conference with this action there is no record of it in the segment of State Department records examined for this story. The principal objective of the unilateral plan, those records make clear, was to pressure the Mexican government to accept an agreement which would allow the U.S. to legalize the flow of workers in terms likely to be more attractive to U.S. growers. El Popular's editorial noted the arrogance, if you will, of the Eisenhower Administration's plan, but read too much into it and, perhaps, too much importance into the Caracas conference from the U.S. point of view. The events following the expiration of the agreement, on Friday January 15, however, suggest that the Mexican government at the highest levels may not have had a clearer idea of U.S. intentions and the limits of Mexican resources to respond to them than those expressed by this editorial of a party in the opposition. Nationalism, usually a virtue in Mexican dealings with the U.S., set a trap for Mexican policy makers from which recovery was obtained only at the cost of a swing to the opposite extreme.

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32 "El fracaso de la amenaza yanqui," (editorial) El Popular, 14 Jan 54.

JOINT DECLARATIONS OF UNILATERAL ACTION

On Friday evening, January 15, the Departments of Justice, Labor and State issued a joint statement which announced the inauguration of an "interim program" to govern the admission of Mexican agricultural laborers on a unilateral basis. The statement informed the public that the governments of Mexico and the United States had been unable to "reach an accord" on the terms for the renewal of the bilateral agreement that expired, and that the unilateral admission of workers would begin the following Monday, January 18. As reported in The New York Times, the statement said that "'The United States Government continues ready to work out with the Mexican Government a mutually agreeable program for the cooperative handling of this difficult problem'."[33]

Though the situation was novel--the United States announcing publicly that it was ready to receive Mexican agricultural workers over the objections of the Mexican government--the terms of the unilateral program were virtually identical to those of the bilateral arrangement that had just expired. The recruitment of workers, as before, would be based on the Secretary of Labor's determination of need and adverse effects on wages and working conditions of domestic workers. Workers recruit-

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33 The New York Times, 16 Jan 54, p. 15.

ed under this program, as before, would go through a screening process which excluded some persons for health or security reasons. Workers accepted for employment would receive labor contracts, in terms similar to those which Mexican consuls had previously assented to by fixing thereon their signature. These contracts would include a wage guarantee (based on DOL's determination of prevailing wage), reasonable working conditions, transportation between the reception center at the border and the work site, and a minimum contract period of four weeks. The U.S. authorities would, as they had before under bilateral agreement, "'deny to employers of illegal migrants the privilege of contracting legal entrants'."[34] The only major difference in the terms of the contracting, other than those derivative of the unilateral nature of the program, was the reduction of the minimum contract period from six to four weeks. At this stage of the process, then, the U.S. government was more interested in pressuring Mexico than in substantially altering the program to suit agricultural employers.

However, the differences between the bilateral program and the unilateral program are greater than they might at first appear. The absence of the Mexican government in the process--the essential difference between

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[34] Ibid.

the two contracting arrangements--meant not only that officials of this government could not intervene in the process, but also that the United States was recruiting Mexican nationals in disregard of Mexican legislation that purported to set the conditions under which nationals might be employed abroad. In this sense the action reflected not only a willingness by the U.S. to go it alone, but also a challenge to Mexican sovereignty--it was a declaratory statement that Mexican laws pertaining to Mexican nationals did not extend into the United States. This point may seem rather uncontroversial until we recognize that the U.S. and most other countries claim that their legislation reaches their nationals abroad as well. There are other points, perhaps too obvious to recognize immediately as a difference with respect to the status quo ante. One of these is that under the unilateral arrangement, transportation costs were covered only from the border to the work site within the U.S. and did not include the segment between the worker's home and the border. Who bears the transportation costs is only one side of the coin; the other side of the coin is the location of the migration or recruitment stations. Under the unilateral plan, these stations were at the border; without having declared it as such, the United States had instituted bracero recruitment at the border, not just in

Calexico, where Mexico had proposed it the previous September, but at other points along the border.

The joint statement issued by the Justice, Labor and State Departments did provide some background on what constituted the gap between the U.S. and Mexican positions; these aspects received no attention in The New York Times's story, but Excélsior did cover them by reproducing a translation of the joint statement issued by the U.S. Embassy on January 16 in Mexico City and signed by William Belton. Belton's translation mentioned that important differences remained between the two governments on how to interpret various sections of the labor agreement, among them [non occupational] insurance, the inclusion of employers on blacklists, and wage fixing.

> . . . el convenio establece que los trabajadores mexicanos deben percibir salarios iguales a los que rijan para los trabajadores norteamericanos en la zona especifica de su ocupación. A pesar de ello, el Gobierno mexicano insiste en la fijación de salarios, para lo cual no existe autoridad legal en los Estados Unidos.
>
> Además de esto, nuestro Gobierno ha pedido la contratación en la frontera, con las debidas garantías, con una cláusula que precise la creciente responsabilidad del trabajador. Todas estas propuestas modificaciones tienen una proyección directa en el deseo de los Estados Unidos para hacer el convenio más susceptible de ser aplicado y contener el influjo [sic] del gran número de trabajadores mexicanos ilegales que hacen competencia a los trabajadores norteamericanos.[35]

The statement argued, as could be expected from Ambassador White's representations, that all these modifications sought by the U.S. were highly favorable and not discriminatory as far as Mexican workers were concerned. The rise in illegal entries, as reflected in the increased number of apprehensions of Mexicans by INS, justified U.S. pressure for change in the migrant labor agreement, and the need for arriving at a solution to this problem was cited as the rationale for an "interim program" which would be administered unilaterally until such time as the two governments ironed out their differences. The statement concluded that the Border Patrol had been instructed to redouble efforts to prevent illegal entries.

Simultaneously the Mexican government issued a statement through the Ministries of Foreign Relations and Gobernación which announced the expiration of the agreement and the suspension of recruitment and contracting activities. In response to the U.S. plan to contract braceros without Mexican government participation, the official statement indicated that "henceforth," Mexican workers were not "legally authorized" to go to the United States. The New York Times interpreted the Mexican an-

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[35] Quoted in Excélsior, 16 Jan 54.

nouncement as constituting an order closing the border to the departure of farm workers, though it observed that, "like the United States announcement, it left the door open for additional negotiations."[36]

The January 15 statement by the Mexican government differed little from the U.S. statement regarding the circumstances that had led to the expiration of the agreement. It began, characteristically, by recalling that the program had begun in 1942 when, as a gesture of solidarity and friendly cooperation with the United States, Mexico had acceded to the bilateral agreement. Without explicitly referring to the U.S. stated objective of modifying the agreement in order to reduce illegal entries, the Mexican statement defended its own position as regarded undocumented migration and noted, without sharpness, that somehow the U.S. had not found it possible to control illegal entries through the one measure bound to be effective: employer penalties.[37]

El Gobierno de México no ha visto nunca con be-

[36] The New York Times, 17 Jan 54, p. 62.

[37] The discussion that follows is based on the original Spanish-language text of the declaration made by SRE and Gobernación. Occasionally I use English words in quotes referring to the statement. These are based on the translation of the same prepared by the U.S. Embassy, "Translation of Text of Official Mexican Communiqué Announcing the Expiration of the Migratory Labor Agreement," attached to Despatch 1204, from Snow, 19 Jan 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

> nevolencia la emigración ilegal de trabajadores y ha hecho todo lo posible para evitarla. En diversas ocasiones ha señalado que esa emigración ilegal se reduciría considerablemente y habría quizás desaparecido si hubiera sido posible que el Gobierno de los Estados Unidos de América tomara las medidas adecuadas para hacer legalmente imposible la contratación de esos emigrantes por parte de los granjeros, quienes han aprovechado con frecuencia esa situación para darles condiciones muy inferiores a las que han tenido los contratados dentro del régimen del acuerdo.[38]

Furthermore, the statement observed that in response to negotiation efforts conducted with the U.S. Embassy since October, the Mexican government had presented some new interpretations of the existing agreement in order to expedite and simplify its implementation. This Embassy had proposed "modifications" to the agreement which were studied carefully and with a friendly attitude. However, the modifications had not been acceptable:

> Como resultado de tales estudios se llegó a la convicción, por parte nuestra, de que las modificaciones sugeridas disminuían la participación del Gobierno de México o sus representantes en el cumplimiento del convenio, y reducían los beneficios para nuestros trabajadores.[39]

The reference to "representatives" of the Mexican government, of course, regards Mexican consuls. No explicit reference was made to which benefits workers might lose if the U.S. proposed modifications were adopted.

[38] Quoted in Excélsior, 16 Jan 54, p. 1.

[39] Ibid.

In this manner, the Mexican government's statement led to the announcement that, in response to the U.S. plan to contract Mexican agricultural workers without Mexican government participation,

> . . . es pertinente declarar que el Gobierno de México no daría su conformidad a este procedimiento y por tanto no autorizaría la salida legal de trabajadores que no estén debidamente protegidos por un convenio internacional que permita garantizar eficazmente su trabajo ya que una situación de esta naturaleza estaría en pugna con disposiciones terminantes de nuestras leyes de Trabajo y de Población.[40]

The statement concluded that the Ministry of Gobernación was in the process of officially informing state and local government authorities of the situation and asking them to cooperate by informing would-be migrants that the agreement had expired and that if Mexican workers from their areas desired to go to the U.S., they would do so without the protections of the migrant labor agreement.

The statement, though characterized by The New York Times as "sharp," strikes the reader as carefully worded and restrained, although no doubt was left as to the fact that a disagreement existed between the two governments. To be sure, the statement that the legal departure of Mexican workers was not authorized, could be interpreted to suggest, as Gobernación had insinuated days earlier, that Mexico would impede the departure of nationals. But

[40] Quoted in Excélsior, 16 Jan 54, p. 1.

the only action specifically referred to was a publicity campaign of dissuasion--which was wholly justifiable under the circumstances. Clearly the Mexicans did not want to be the first ones to escalate the dispute. Since the U.S. statement on unilateral contracting had not been officially released at the time of the Mexican statement, the latter did not yet commit the Mexican government to the use of force for the purpose of restraining Mexican workers within Mexican territory. An editorial in the official newspaper El Nacional of January 16 likewise suggests a firm but restrained official stance.[41]

The next day, however, was a different story. Gobernación asked for the cooperation of state and local governments as previously announced, but it also asked them to prevent the departure of Mexican workers that desire to go to the U.S. as braceros without the protection of the agreement. The policy statement, if we call it that, was in the form of a terse announcement in a style noticeably different from the careful construction of the previous day which had been termed a joint SRE-Gobernación statement.

> Habiendo vencido el convenio que existía entre México y los Estados Unidos para la salida de braceros hacia este país, sin que se haya llegado a un arreglo satisfactorio para su

[41] "El caso de los braceros," (editorial) El Nacional, 16 Jan 54.

> renovación, el gobierno mexicano, protegiendo los intereses de sus nacionales, no permitirá la salida de un solo hombre en tanto no existan para él garantías suficientes para su vida e intereses.[42]

Though the statement is not a model of good syntax or clarity of expression, nor did it explain the means to be used to enforce the prohibition on emigration, clearly Gobernación had something more in mind than simple dissuasion of workers through local public relations.

The decision was justified by citing existing Mexican legislation and the Constitution--the same legal authority that the U.S. Embassy had cited a year earlier to justify its request for Mexican patrolling in the interior to stop Mexicans from proceeding to the border to enter illegally. The Ley General de Población does state, as was noted, that the Ministry of Gobernación has the authority to "[d]ictar las medidas necesarias para restringir la emigración de nacionales cuando el interés público así lo exija." That legislation also states that "cuando se trate de trabajadores mexicanos, será necesario que comprueben ir contratados por temporalidades obligatorias para el patrono o contratista y con salarios suficientes para satisfacer sus necesidades."[43] Gobernación also based the policy on Article 123 of the Constitution which requires that all contracts between a Mexican worker and foreign employer should be legalized by the "autoridad municipal competente," and that said contract should specify who should pay for repatriation costs.[44] The interpretation the Ministry gave to these provisions evidently was that which the Mexican government had always sustained during its discussions with U.S. representatives: local authorities, by law, had the authority to prescribe conditions of employment of Mexican workers going abroad for that purpose and emigrant labor was not authorized without a satisfactory contract. All this, according to the Ministry, added up to Mexican government authority to restrain emigration. The headline of El Nacional's, announcement told the story: "Solamente ajustándose a nuestra Constitución podrán contratarse."[45] No doubt that a Ministry spokesperson, if pressed on the novelty of this interpretation might have answered that the circumstances which had given rise to the Mexican action were also novel.

The announcement by Gobernación was accompanied by an outpouring of support by all segments of the Mexican public for a defiant stand against the United States. The official newspaper ran a long story headlined "Au-

[42] El Nacional, 17 Jan 54.

[43] Quoted in Ibid.

[44] Quoted in Ibid.

[45] Ibid.

torizadas opiniones a 'El Nacional'," which quoted from or reproduced statements by Mexican Senators: Pedro de Alba, Alberto Trueba Urbina, David Franco Rodríguez, Silveno Barba González. Diputados joined them, including Francisco Chávez González of PAN, who said that in the face of the U.S. action, "considero que el deber de todos los que integramos el gobierno nacional, cualquiera que sea el partido a que pertenezcamos, es el de apoyar la resolución del Estado Mexicano, que ha resuelto no permitir la salida de nuestros trabajadores hacia los Estados Unidos, mientras no obtenga la protección debida en sus personas y en su trabajo."[46] Similar statements were cited by diputados from Hidalgo, Sonora, Tabasco, the Federal District, and Chihuahua. Others who expressed support for the Mexican response to the U.S. action were the Juventudes Revolucionarias, the organization of labor unions the CTM, the sugar cane workers' union, the CROM, the garment workers' union, and others.

In like fashion, Excélsior ran supporting statements from a number of ex presidents and former members of the cabinet, the Confederación Nacional Campesina, the Asociación Nacional de Cosecheros, and others.[47] The Partido Popular did not let anyone doubt where it stood on

[46] El Nacional, 17 Jan 54, p. 1.

[47] Excélsior, 17 Jan 54.

the matter, nor where it felt everyone else should stand. Its party paper front page headline read: "La nación entera apoya al gobierno mexicano."[48] As The New York Times reported, the dispute with the United States had "united the country more firmly than it has been for years," and that virtually everyone was unanimous in their condemnation of the United States planned action. "No major public figure or organization," it reported, "has come out in defense of the American position."[49]

Twelve of the sixteen U.S. consulates in Mexico reviewed the press reaction outside of Mexico City to the events occurring around the January 15 expiration of the agreement. They found the reaction similar to that noted by the Embassy in its own analysis (not discussed here) of the Mexico City press. In the words of the Foreign Service Despatch which summarized this analysis:

> The major themes developed by the provincial press were identical with those of the metropolitan newspapers: (1) the alleged solid support of the Mexican people for the Mexican official position; (2) the various "dangers" to which braceros who take employment under the unilateral United States contracting program will be exposed; (3) the patriotic duty of Mexican laborers to remain at home where they are needed by the national economy; and (4) a frank recognition that the size of the annual exodus can be reduced substantially only if Mexico offers greater economic opportunity to farm la-

[48] El Popular, 17 Jan 54.

[49] The New York Times, 18 Jan 54.

bor.

"The tone of provincial news stories and editorials covering these major themes varied," reported the despatch, "as did the tone of the metropolitan press, from bitterness toward the United States to lack of strong hostility, with the latter dominant." The despatch also argued, based on the reports of U.S. consuls, that the public was not excited much about the issue, as distinguished from the press itself.

It is true that no one, other than Ambassador White, publicly defended the U.S. action. But there were at least two brave souls--Mexico City columnists they--who ventured to criticize the official position as excessive, rhetorical, inflated pseudo patriotism and as unrealistic. Jesús Guisa y Azevedo cited the one million apprehensions that had occurred during the previous year and suggested that datum was more eloquent than all of those fine statements of self-styled sympathizers of campesinos who had suggested that if they were really patriotic they would stay home.

> Es muy fácil hablar de patriotismo, pero si no se conviene en que la patria está donde se come, donde la vida es grata, en una palabra donde el hombre forja, naturalmente que con laboriosidad,

[50] Despatch 1241, from Hudson, 27 Jan 54. The despatch summarizes reports on provincial press over the period January 16 through 19. NAW, DOS, RG 59, 811.06 (M) box 4407.

> penas y sucesión de esperanzas, su tranquilidad y su contento, se cae en la palabrería. Y es cosa muy seria, que tiene que hacernos reflexionar a todos, eso de los braceros para no oponer, a lo que dicen con hechos los Estados Unidos, las palabras de un fementido patriotismo. Lo verdaderamente patriótico está en hacer de México la tierra amable que debe ser para todos sus hijos.[51]

There were certain hard realities ignored by those expressing support for a Mexican position of restraining emigration. Those campesino migrants that had left illegally in previous years had done so undaunted by some formidable obstacles, not the least of which was the threat of being picked up by the Border Patrol and dumped unceremoniously in Mexico. The current government position, justified in the name of patriotism, was, in the view of Guisa y Azevedo, hopelessly out of touch with the realities of migration and the reasons why braceros left.

A more well-known columnist, critical of the prevailing mood for similar reasons, was José R. Colín. He criticized what he viewed as the emotionalism which had gripped the nation, the hysteria over the breach with the United States; everyone, it seemed to him, had lost a sense of perspective and balance. This he blamed on the national leadership, which, in his words, was manipulating the country through "cheap patriotism" for the pur-

[51] Jesús Guisa y Azevedo, "¿Al abrir Eisenhower la frontera a los braceros levanta una cortina de hierro?" Novedades, 18 Jan 54.

pose of avoiding an objective and rational analysis of the cold facts. Then he proceeded to present a remarkably prescient--and devastatingly critical--analysis of his own regarding what he viewed to be those cold facts.

> Las clases dirigentes del país tratan de plantear el problema alrededor de un punto legal, de si los mexicanos deben o no salir como braceros previo arreglo entre México y los Estados Unidos. Con arreglo sí lo aceptan, lo que critican es que los Estados Unidos hayan abierto sus fronteras pasando por alto al Gobierno mexicano.

Whatever one may think of the rest of Colín's analysis, he noted correctly--as few Mexicans at the time recognized publicly--that the nature of the conflict was not, at this stage, over the protections afforded Mexican braceros, but over the scope of the role to be played by the Mexican government in the execution of the agreement.

Colín saw clearly that the Mexican government rhetoric about the protections of the migrant labor agreement was inflated; that in order to justify a tough bargaining stance vis-à-vis the United States and to sell the extreme position that Mexico would not permit the emigration of nationals it had had to oversell the merits of the bilateral agreement and its protections. In this manner, Colín thought he could see a "smokescreen:" Mexican political elites were only too willing to cast a problem of the domestic inadequacies of the rural economy as one of bilateral conflict and U.S. willingness to

shake up the good neighborhood.

> El problema de los braceros nada tiene que ver con la discriminación racial que contra de ellos, se dice, se ejerce en los Estados Unidos, ni con la diz que protección que los braceros tienen cuando existe un convenio entre el Gobierno de México y el de Estados Unidos. El problema en su más cruda realidad es que las grandes masas campesinas del país y una gran porción del proletariado nacional, viven en condiciones infrahumanas, y que, por lo tanto, tienen puestos los ojos en una posible mejoría fuera de nuestras fronteras.
>
> El problema real es que la estructura social de México tiene abandonadas a las grandes mayorías de la población; que el problema del campo se ha tratado de resolver políticamente pero no socialmente; que la represión inhumana que se ha llevado a cabo en contra de las grandes masas campesinas en los últimos años, a raíz de la desvalorización, mediante precios tope de la producción agrícola, insuficientes para que los campesinos pudieran, mediante la venta de los artículos que producen, subsistir en condiciones decorosas, son la causa de la despoblación del campo; que la reforma agraria hecha sobre las rodillas por políticos, no por hombres de Estado, por "agrónomos políticos", no por sociólogos, es la causa del descontento de la población campesina; que la explotación inicua que se hace de los campesinos a través de la burocracia de los bancos nacionales, es la causa de la desesperación de los hombres del campo; que el sostenimiento de los monopolios, de las alcabalas, de los compradores únicos, amigos y compadres de los gobernantes, es la causa de que los campesinos prefieran abandonar sus tierras y HUYAN al extranjero en busca de mejores condicionces de vida. . . .
>
> En los Estados Unidos sí hay discriminación, pero ésta sólo la SUFREN las clases superiores, las que hablan inglés, las que pretenden derechos iguales. El campesino mexicano, pateado, explotado y escarnecido en su propia patria, en los Estados Unidos sube en la escala social y al menos es tratado como ser

humano.[52]

Colín concluded his argument by restating his central thesis--that the emigration of Mexican braceros was a domestic social problem, not a problem of international relations--and that although Mexican workers did occasionally suffer ill treatment in the U.S., it still represented a marked improvement over that which they received at home. The solution to the problem was not to close the border, then, but to clean up house. "Tratar de resolverlo a la brava, cerrando la frontera y pisoteando los derechos constitucionales de los que de algún modo desean mejorar sus condiciones de vida, planteará un nuevo problema; su solución, a la brava, y en México."

Both Guisa y Azevedo and Colín--and undoubtedly many other Mexicans who did not express their opinions in such a prominent manner--could see that the enunciated Mexican policy was on a collision course with the hard realities of migration. They were not the only ones. Unidentified State Department officials, reacting to the announced Mexican policy, expressed their skepticism that the policy would work to The New York Times. They observed that the Department had "often urged" the Mexican government to stop the heavy flow of undocumented emigration

[52] José R. Colín, "Los braceros, vergüenza nacional," Excélsior, 20 Jan 54.

and had "been told that it could not be done." As the Times put it: "No one here seemed to think that it would be done now."[53]

Although the charges, counter charges, inflated rhetoric and equally sharp criticisms give us a sense of the swirl of events that led, after January 15, to a hardening of the Mexican position, it would be an error to attribute that position entirely to the emotions expressed at the time. Not having examined the archival materials of the agencies involved I cannot answer the question whether the public outcry, in large part encouraged and manipulated by the government eventually obtained a momentum of its own and pushed the Mexican government into the border crisis of the third week of January 1954, or whether it was the intent of the Mexican government, from the very beginning, to take the matter to the brink in the hope that it might win some points at the negotiating table with the United States. There was, in any event, a more high-minded purpose (from the point of view of the Mexican government) behind its stance than the rather questionable position that it took in public to the effect that in order to assure labor protections for workers it was justified in preventing their departure pending the outcome of negotiations. This purpose

[53] The New York Times, 17 Jan 54, p. 62.

went to the heart of Mexican assumptions behind the country's participation in the migrant labor agreement in the first place, and although they did not get the attention in the press that they merited, it is worth discussing them here.

An attempt to express this idea, though making some concessions to the prevailing public opinion, was made in an Excélsior editorial of January 15, which suggested that neither country stood to benefit from unregulated migration across their borders or from stimulating it further by facilitating entries into the United States as the Eisenhower Administration was proposing to do.

> . . . es indudable que [México] tiene derecho a cohibir la salida de los trabajadores, a fijar sus condiciones para la emigración, y a procurar que quienes buscan acomodo en tierra extraña cuenten con las necesarias garantías en su trabajo y con la debida protección de las leyes. Este es el punto de vista que México ha sostenido en los diversos convenios que se han celebrado, y tal el criterio que en uso de su soberanía trata de mantener incólume. El Estado mexicano no puede considerarse exento de sus deberes para con sus ciudadanos por el hecho de que éstos salgan del territorio nacional. Allende nuestras fronteras procura rodearlos de las mejores circunstancias y prestarles protección.[54]

In this editorial Excélsior was essentially recalling the reasons, legal and political, why Article 123 of the Constitution had included a section on emigrant workers.

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[54] "Los derechos de México," (editorial), Excélsior, 15 Jan 54.

There are obligations that arise from sovereignty, which a state has vis-à-vis its nationals, and as mentioned earlier, traditionally the application of legislation, or the authority of the state, have been recognized to extend to nationals in a foreign country. The United States, in fact, had used such state rights as pretexts to intervene in the domestic affairs of other countries, Mexico included. The legal problem did not lie in whether the Mexican state had obligations to its nationals in the United States or whether it had some authority in determining the conditions under which they might leave for the purpose of employment; the question--a practical question rather than one of legal theory--was how far that authority extended, and whether the obligation to protect the rights of nationals could be stretched so far as to justify a closure of the border so as to not permit nationals from leaving national territory for employment.

RIFLE BUTTS AND JOB CREATION SCHEMES

During the days that followed the breach in U.S.-Mexican relations arising from the announcement in Washington that the U.S. would contract Mexican workers unilaterally and the Mexican statement that it would not permit Mexican laborers to leave until a new agreement was reached, the Mexican government adopted a new defensive position.

This constituted, on the one hand, further leaks that troops would be used along the northern border to prevent Mexican workers from leaving the country and a series of announcements regarding a new program to generate jobs in Mexico so that braceros would not have to emigrate to the United States. Both lines of argument and action suggest initiative, and therefore, an offensive position. When they are examined more closely, however, it is clearer that the Mexican government was on the defensive: vis-à-vis the United States, would-be braceros, and an increasingly vocal and critical Mexican public that blamed emigration on domestic inadequacies and government inattention to the rural sector.

The morning's papers of January 19, in large headlines, blared to the public a colossal Mexican government commitment, at the initiative of President Ruiz Cortines, to create jobs as a response to the problem of the emigration of braceros. La Prensa referred to presidential instructions for a huge national jobs plan whose description and characterization were hyperbolic to an extreme. Under the headline of "Trabajo para evitar el éxodo de los braceros; cruzada sin paralelo será emprendida por el gobierno en diferentes actividades," the most-widely read newspaper in the country reported:

> En un esfuerzo sin precedente, el Gobierno de la República ha ordenado el empleo de todos sus recursos económicos para abrir fuentes de trabajo, suficientes para que ningún mexicano tenga que recurrir al extranjero en busca del diario sustento. Los Bancos Agrícola y Ejidal, la Nacional Financiera, el Banco de México, y las arcas de la nación, abrirán sus puertas blindadas, donde se atesoran millones de pesos, para poner en marcha el plan de industrialización del país y para que no haya una parcela, ni una hacienda, ni un pedazo de terreno laborable, que estén ociosos. Habrá pues, trabajo para todos.
>
> En esa forma, el Presidente de la República, don Adolfo Ruiz Cortines, responderá a las aspiraciones de los campesinos y artesanos sin empleo, o con bajos salarios, que por necesidad tienen que emigrar a tierras ajenas en busca de una oportunidad que les permita fincar sus hogares con desahogo, o por lo menos, sin las crueles urgencias de la miseria. Así, de un tajo, se cortará la legendaria corriente de brazos mexicanos que se segregan de nuestra patria, porque aquí no encuentran medios de trabajo con qué poder subsistir.[55]

The large scale plan included incentives for industrialization, irrigation projects, port improvements, highway construction, and other public works. Incentives would also be given for persons to leave the densely population central mesa region to the lightly population coasts. A careful reading of the news report suggests that the Presidential instructions merely constituted an exhortation for on-going public works and public investment projects, stressing their importance in view of the national commitment to encourage would-be braceros to stay home, rather than a grand announcement of new economic programs specifically designed to reduce migration pres-

[55] La Prensa, 19 Jan 54.

sures and retain workers at home.

The Comisión Permanente of the Mexican Congress, of course, echoed the sentiment, which more than a resolve to increase federal expenditures to promote the creation of jobs was a public recognition by the government that many braceros left because of a lack of opportunity at home. The statement of the Comisión exuded confidence, though in somewhat awkward ways. It was confident, it said, that the large and small irrigation works currently under construction signified a positive future for Mexican agriculture and, then perhaps recognizing that Mexican agriculture was essentially rain-fed, it expressed confidence that the situation would improve upon such time as the period of drought being experienced came to an end and normal rainfall resumed. The statement also referred to the "saneamiento" of the credit policy of the two agricultural-lending banks, the elimination of the use of intermediaries in administration, the fight against caciquismo and the granting of unspecified "guarantees" so that farmers could dedicate themselves full time to the cultivation of crops.[56]

Some groups took advantage of the public recognition by the government of the economic "push" forces of migration to suggest that jobs creation in Mexico was likely

[56] Excélsior, 19 Jan 54.

to be a more effective means of migration control than closing the border. The Confederación Nacional de Estudiantes suggested that, given the rather low incomes available to agricultural laborers and others in Mexico, many persons had no choice but to emigrate to the U.S. in search of a better income. "La obligación del Estado," they stated, "debe encaminarse a buscar las mejores fórmulas que tienen a proteger a estos braceros, pero no a restringir su salida cuando [se] sabe que dentro del territorio nacional no encontrarán en qué ocuparse." Thus this particular group argued that bracero emigration was "a necessary evil" and implied that it would only be reduced to the extent that economic opportunities improved at home.[57]

At the same time that Mexican legislators were making an optimistic prognosis of the future of employment in Mexico, leading Excélsior to headline a story "México empleará a todos los braceros," there was a low-key announcement that the military would be used to patrol the northern border to prevent Mexican nationals from leaving illegally to the United States. This announcement alluded to a Presidential decision to prohibit the departure of braceros without contracts.

Por disposición de la Secretaria de la Defensa,

[57] Ibid.

fuerzas federales van a redoblar su vigilancia en la frontera del norte.

Las fuerzas federales cooperarán con las policías de los Estados fronterizos, los celadores de la Secretaría de Hacienda y los agentes de población dependientes de la Secretaría de Gobernación.[58]

A number of persons in the military were quoted supporting the Mexican president, most of them army generals, and including an aviator and common soldier.[59]

The governor of the state of Baja California provided a first glimpse at this two-track Mexican policy of announcing job creation schemes and informing the public of plans to use the military to prevent the departure of nationals.

Se acordó que, dadas las instrucciones del señor Presidente de la República, los miembros del Ejército, policía local y de Caminos se convertirán en auxiliares del personal de las oficinas de Migración, con objeto de patrullar la frontera e impedir que vengan del interior del país connacionales con la mira de irse de braceros, dada la congestión de gente desocupada en Baja California.

El Gobierno del Estado abrirá fuentes de trabajo para absorber los brazos ociosos.[60]

One can only speculate at how willingly the highway police and soldiers put themselves under the orders of the migration officers of Gobernación, but the President's orders were the President's orders.

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[58] Ibid.

[59] Ibid.

[60] Excélsior, 20 Jan 54.

In any event, the job of the military garrison in Aguascalientes could scarcely have been easier. There, it was reported, plans were being made to form a brigade for the purpose of visiting the local communities and rancherías of the state "para convencer a sus moradores que por patriotismo se abstengan de ir a trabajar como braceros a Estados Unidos."[61]

On January 20, the Ministry of Defense denied a report published by the El Paso Times to the effect that Mexico had sent troops from six northern states to the border for the purpose of blocking the departure of nationals. A careful reading of the report shows, however, that was being denied was the allegation that there had been recent troop movements to the north, not that there not were already some troops near the border which might be employed for that purpose. "En la Secretaría de Defensa Nacional," reported Excélsior, "se indicó que los elementos del Ejército Nacional destacados en algunas zonas fronterizas del norte, son los que normalmente se han encargado de impedir el cruce de 'espaldas mojadas' a los Estados Unidos. También se manifestó que por el momento no se ha pensado ni remotamente en enviar a aquellas regiones un mayor número de tropas."[62]

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[61] Ibid.

[62] Excélsior, 21 Jan 54.

On January 19, President Ruiz Cortines made a statement to the press on which addressed the issue in terms of U.S.-Mexican relations; simultaneously, Secretary of State John Foster Dulles made a statement in Washington. Ruiz Cortines underplayed the conflict, declaring that the lapse in the agreement with the United States "'no es un problema, sino un incidente que debe resolverse bajo normas de buena vecindad'."[63] However, the two track approach remained in effect: Padilla Nervo reaffirmed the government's position that workers would not leave without the appropriate legal protections, and publicity was given to the petition by the Confederación Nacional Campesina for the creation of jobs and distribution of land. Furthermore it was announced that neither the U.S. nor Mexico had been unwilling to meet for the purpose of negotiating pending differences.[64]

The latter point was, of course, the gist of the Secretary of State's comment to the press, which expressed willingness to renew negotiations on the basis of "mutual respect and cordial relations." The Mexican reaction to the U.S. olive branch, however, was proud. Though acknowledging that Mexico expected to settle this matter eventually, the view was expressed, officially and

[63] Excélsior, 20 Jan 54, p. 1.

[64] Ibid.

unofficially, that the Mexican government would prefer to not undertake negotiations until the United States suspended its plan for unilateral contracting.[65]

On the next day, President Ruiz Cortines had meetings with several governors, one of them from a migrant-sending state, Zacatecas, and another from a state which, it was announced, had a million hectares of land available for colonization: the Territory of Baja California Sur.[66]

By January 21, then, the Mexican government had painted itself into a corner. It had failed to make the concessions that the U.S. desired regarding the "interpretation" of the existing agreement and those suggested for a simplified arrangement likely to substitute for undocumented migrants employed in the United States. When time ran out, Foreign Minister Padilla made some highly questionable suggestions for reaching some kind of informal arrangement that the U.S. might accept without allowing the agreement to lapse or having a full-scale conference to negotiate a new agreement. When SRE woke up to the fact that negotiate a new agreement it must, there was no time to do so before the U.S. put into practice its plan to contract workers unilaterally. When the

[65] Excélsior, 20 Jan 54; El Nacional, 20 Jan 54.

[66] El Nacional, 21 Jan 54.

matter spilled out into the open, as it had to, the Mexican government had to adopt a face-saving device, full with excessive rhetoric, on why the negotiations had broken down. At this point, someone in Gobernación had the unfortunate idea that Mexico should prohibit the departure of braceros, which the President accepted and everyone applauded without debate. By the time the unilateral program was about to start, a week after the U.S. and Mexican announcements of unilateral action, the Mexican government had painted itself into a corner. The only proposals for addressing the problem being discussed were the plan to use force at the border to prevent the departure of Mexicans seeking employment in the U.S. and an executive order to speed up government action related to employment and development schemes. It did not seem that things could get worse, but they did.

MEXICO AND THE U.S. REVERSE ROLES

Sometimes, at brief moments in history, unusual events occur which, by their very occurrence, illuminate the nature of things as they usually are. Such was the case during the third week of January, 1954, when the United States and Mexico reversed their usual roles regarding the control of Mexican labor migration across their common border.

Under usual circumstances, the U.S. took action to prevent illegal entries and to deter Mexican nationals who would seek unauthorized employment in the country. The Border Patrol and INS investigators used police power to arrest and expel such persons. The usual role of the Mexican government was to make rhetorical pronouncements against illegal departures and, when pressed, to detail a few soldiers to do guard duty along the Tamaulipas-Texas border. For a few days in January, however, each government played a very different role. The U.S. encouraged the entry of Mexican workers, which in effect gave authorization for illegal entries into the United States; the Mexican government used police power to deter such departures. It was a bizarre way to express the idea that the U.S. really desired to contain the "wetback invasion;" it

was a stranger way for Mexico to communicate that it really desired to keep the door open for future emigration to the United States. It was also a peculiar manner in which to uphold the rule of law. Though INS never admitted to it publicly, there are several eyewitness accounts that reveal that illegal entrants detained within the U.S. were taken to the Mexican border so that they could touch Mexican soil and effect a re-entry for the purpose of being contracted.

The experiment of unilateral contracting was effective in pressuring the Mexican government to reverse its stance in the negotiations that had led to impasse at mid January. Mexican actions to prevent unauthorized departures stirred a debate in Mexico regarding what was appropriate Mexican government response with respect to the emigration of braceros, and to criticism of Mexican rural policies. Eventually, negotiations were renewed at Mexico's request, and the new bilateral agreement signed in March reflected closely what the U.S. government had pushed for in conversations during the previous fall.

The unusual chain of events began on the morning of Friday, January 22, when, according to the Associated Press, about 700 Mexican workers crossed into the U.S. from Mexicali at points other than the port of entry and showed up at the Calexico reception center seeking em-

ployment. The U.S. plan for unilateral contracting had not explicitly contemplated legalizing illegal entrants--indeed, in Washington that was viewed as contrary to the purpose of the "interim" program--so initially U.S. officials in the center refused to process the workers. "But when the Mexicans began running up to the port, putting one foot on Mexican soil, then darting back," reported The New York Times, "officials reversed their stand and the processing began."[1] In response, Mexico placed armed guards along forty-two miles of California-Baja California border "in an attempt to bar nationals from entering the United States to take farm labor jobs."[2] The same Associated Press story, datelined January 22, from El Centro, California, and published in Spanish by Excélsior, added that after Mexican authorities began to patrol the 67-kilometer stretch of the border referred to, for practical purposes emigration was stopped completely.[3]

Excélsior also translated other reports, from Los Angeles, Mexicali and Nuevo Laredo, which provided additional details. H. R. Landon, Regional Director of INS based in San Pedro, California, told the Associated Press

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[1] The New York Times, 23 Jan 54, p. 3.

[2] Ibid.

[3] Excélsior, 23 Jan 54, p. 1.

that about 500 Mexican laborers entered through Calexico and were contracted; 300 in a single group, initially, and the rest in smaller groups after the Mexican authorities began to patrol the border. According to Landon, a small group of about 20 individuals entered El Paso, Texas from Ciudad Juárez. He added that he had authority to admit 1,500 Mexican workers each day.[4] In Nuevo Laredo, the jefe de Migración told Excélsior that "hundreds" of workers had crossed into the U.S., "a pesar de que las autoridades de Nuevo Laredo, en el lado mexicano, tratan de impedirlo."[5] Elsewhere in the same report we are informed that this had been going on for the past several days; that there had been activity of "enganchadores" in the area, and that one driver who had been taking braceros into Texas was detained.[6]

A confidential despatch prepared by the U.S. Embassy in Mexico, probably based on consular sources and interviews with U.S. officials in Calexico, reported that about 400 Mexican workers entered the U.S. at Calexico in the early morning of January 22,

> without hindrance from the Mexican side. When the Mexican authorities, acting on orders from the capital, then closed the border at Calexico,

[4] Ibid.

[5] Ibid.

[6] Ibid.

> another group of workers went to San Luis, Arizona and were there admitted.[7]

The despatch provides no additional information on border crossings at other points of the border during that day.

During the first day in a series of incidents that occurred at the border, the Ministry of Gobernación played down the significance of the emigration of braceros despite the Mexican orders prohibiting such departures. The report of the jefe de Migración from Nuevo Laredo was cast as insignificant: the detention of one truck with 13 or 14 individuals who were seeking to cross the border illegally was, in the words of the Ministry "[un] hecho . . . casi normal." Gustavo Díaz Ordaz, later President of Mexico, at this time Oficial Mayor of Gobernación, had the principal official responsibility for providing that Ministry's responses to these events. Díaz Ordaz

> expresó que carecían de fundamento las versiones de que habían empezado a pasar por Laredo, subrepticiamente, grandes masas de trabajadores mexicanos para contratarse en granjas estadounidenses. Pasan, sí, pero no en grandes masas.[8]

As regarded the border area of Mexicali, "'tampoco hay

[7] Despatch 1275, from Hudson, 29 Jan 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

[8] Ibid.

grave problema por la salida de braceros mexicanos'."[9] It is doubtful that anyone believed the Ministry of Gobernación, though undoubtedly its press comments had much truth in them: January, after all, was a slow month for emigration and the departure of a few hundred Mexican workers, on other occasions, would scarcely have been noticed. That anyone did notice, however, was the result of Gobernación's earlier gratuitous suggestion that it could prevent those departures.

Three labor organizers who were present in Mexicali and Calexico on January 22--Kate Reed, Tony Gose and Agnes Landrum--observed some events previously described and others not reported elsewhere. These persons worked with the United Fresh Fruit and Vegetable Workers Local, CIO. They prepared sworn statements on their observations, which were subsequently filed with the Agriculture Committee of the House of Representatives.

Mrs. Reed reported observing the Border Patrol giving contracts to Mexican workers that had entered illegally.

> I finally got nerve enough to walk across the street and talk to one border patrol officer--he had on a green uniform--and I said, "You're picking them up pretty fast, aren't you?"
>
> And he said, "Yes, the poor devils; their country doesn't want them back."
>
> In the afternoon, I wanted to be sure if they were sending them across the line, so I moved and went around on the west side of the street . . . and that's where I saw the guys coming across from the immigration office, go across the line, walk around the Mexican policeman and then they broke and run [sic] back to the American side. And out of 36 or 40 to a group, the Mexican police caught 4, and a Mexican soldier put them in a little building right there that I was told was a jail. There was also a Mexican soldier guarding the door after they were put in there.[10]

According to her report, these events were repeated on January 23. What this suggests, then, is that although INS may have planned to do unilateral recruiting at ports of entry and not provoke illegal entries by legalizing persons who were already in the U.S., that is not the manner in which unilateral recruiting was carried out.

Tony Gose's statement described how this was done. After successive busloads of detained workers were brought to the border, they were instructed on how they were to fulfill the legal requirement of re-entry so that the Border Patrol could get them contracted and not have to worry about having broken U.S. law. "[O]ne of the officers walked to the border gate and placed his one foot across the line," Gose declared in his statement. "It was my impression that he was demonstrating to the wetbacks what they should do. . . . The Mexicans then ap-

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[9] Ibid.

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[10] Statement by Mrs. Kate Reed, Brawley California, 4 Feb 54. Reproduced in U.S. House of Representatives, Committee on Agriculture, Mexican Farm Labor, Hearings 3, 5, 8, 9, 10 and 11, Feb 54, p. 67.

proached the gate and would place one foot over the line and would then turn around. . .."[11] After a few minutes, he declared, all of these were taken away as legal entrants. Gose further described what was happening on the Mexican side.

> During this procedure of putting one foot over the line, I saw the Mexican border agents grab the wetbacks and attempt to pull them on over the line. About 4 or 5 out of each busload were lost by being pulled across the line by the Mexican agents. On one occasion, I saw a wetback grabbed by the Mexican agents and at the same time a United States agent also grabbed the same person in an attempt to keep him from being pulled over the line. The agents of both sides of the border had a tug of war with the body of the wetback.[12]

The tug of war between U.S. and Mexican agents over a hapless bracero was, perhaps, symbolic of the battle between Mexico City and Washington over the terms of the agreement for the admission of agricultural workers.

Gose also related how he observed a U.S. agent talking to a group of Mexican women who also had entered illegally. Gose sent a "local Mexican boy" to hear what was being told the women.

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[11] Statement of Tony Gose, Brawley, California, ibid., p. 68. Mrs. Agnes Landrum's statement (p. 69) describes a similar set of events, including a scene unintentionally comical involving a border patrol officer who could not make his charges understand how to tiptoe to the border line, touch one foot and dash back into the United States.

[12] Statement by Gose, ibid., p. 68.

> The boy reported back to me that the agent was telling the wetback women about a hole in the border fence down by the river and that they should go across the line and come back through the hole in the fence.
>
> Thereupon I went down by the riverbank and watched this hole in the fence. About an hour later, I saw 3 of these women come toward the hole in the fence, but they went away at once because 3 Mexican guards were watching the fence.
>
> Very shortly thereafter I saw four men run to the fence and start to climb over. As they were climbing the fence the Mexican guards ordered them to halt. At the command from the guards, three of the men dropped to the ground and ran back. The fourth man nearest the top of the fence kept on climbing and was shot. The man fell to the ground and in about 10 minutes he was carried away on a stretcher. During this time I did not see the man move, so I do not know if he was killed or not.

This is the only reference I have found that indicates Mexican workers were being shot by Mexican authorities seeking to prevent departures at this time, but the statement makes clear--in ways that other sources do not--that there were more than just scuffles on the border and persons having water hoses turned on them.

The available sources present somewhat contradictory accounts as to what occurred after January 22. According to the previously cited Embassy despatch, the display of Mexican police forces along the border with California was observed during January 22 and not thereafter--i.e., according to Embassy documents, the Mexican effort to prevent departures in the vicinity of Mexicali did not last more than one day. "From January 23 to date

[January 29] there has been no further physical opposition by the Mexican authorities to the passage of braceros from Mexicali to Calexico, and the Embassy has been informed that Mexican officials at Mexicali, Piedras Negras, and Tijuana are now under instructions not to impede the exodus at these points."[13]

The view of the Chief Patrol Inspector at El Centro as late as Monday, January 25 was not so sanguine. In a telephone call to an INS representative at the U.S. Embassy in Mexico City on that day he advised that about 1,200 braceros had been contracted through the ports of Calexico, California and San Luis, Arizona since the previous Friday. As the INS representative in Mexico City recalled the conversation in a report he prepared that same day,

> [a]pparently the majority of these [1,200 braceros] got across early in the morning before the Mexican officials at the ports were able to get sufficient force at the border to restrict departure. The Chief Patrol Inspector reported that some violence had been witnessed and that at San Luis Mexican officials were even turning the fire hose on braceros who congregated at the port of entry. If this situation continues or deteriorates, it appears that the Mexicans may be forced at a later date to take measures to remove prospective braceros from the border areas and even to prevent them from traveling from the interior to the border.[14]

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[13] Despatch 1275, from Hudson, 29 Jan 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

[14] Copy, Marshall to Kelly, 25 Jan 54, attached to

This second-hand report of what an El Centro Border Patrol officer was reporting on Monday morning provides independent corroboration that concerted resistance was demonstrated by Mexican port officials to the departure of nationals, not just in Mexicali but in Agua Prieta, Sonora (across from San Luis) as well. It also casts some doubt on the later Embassy despatch that attempts to restrict departure had been limited to one day.

The scenario, as drawn by the Associated Press and published in The New York Times, indicates that there was some use of force between Mexican migration station personnel and would-be braceros in Mexicali during that weekend of January 23 and 24.

> The fifty "braceros" . . . had been found milling today through the streets of Calexico, the American town that adjoins the Mexican Mexicali. They had jumped the fence which runs twenty-one miles east and west of here. United States Border patrolmen escorted them to the border because American officials accept only those workers who cross legally. As the braceros attempted to step eighteen inches inside the border and make a legal return to the United States, fist fights broke out with the Mexican authorities seeking to halt them.
>
> Numerous braceros were seized and beaten and many were hauled away to jail.[15]

The AP story described this as a violent game of foot tag, in which "armed Mexican policemen and soldiers"

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despatch 1275 from Hudson, 29 Jan 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

[15] The New York Times, 24 Jan 54, p. 10.

tried to stop Mexican workers seeking to enter the United States. On Monday morning, January 25, using the same press service, The New York Times published a one-paragraph report to the effect that the previous day the Mexican government had added "border guards" in the vicinity of Calexico in order to enforce a ban on entries into the United States.[16] Clearly the implication was that the Mexican authorities were attempting to deter or prevent Mexican laborers from entering the United States in the vicinity of Calexico, and that this action was a continuation of that which the U.S. Embassy suggested had lasted only one day.

The shift in Mexican position that, according to the official U.S. Embassy report occurred on January 23, was reported to have occurred three days later by the United Press, in a story dated January 26.

> The braceros . . . until late yesterday [January 25, p.m.] were kept from crossing the border to find work in United States fields by Mexican soldiers. Many of the workers successfully evaded the defenses and were hired on the American side.
>
> But in a quick policy shift Mexican officials decided to drop their guards. Within a half hour hundreds of braceros jammed immigration aisles leading to the United States. Then just as quickly United States immigration officials closed the gates because the work quota needed for Imperial Valley fields had been reached.[17]

For three days--January 23, 24 and 25--we have differing accounts as to whether the Mexican government attempted to prevent or deter the flow of braceros using physical force, though clearly by the 26th such opposition no longer existed.

The problems at the border, according to press reports, did not stop on January 26, though the trouble was no longer attributed to the presence of Mexican border guards or Mexican opposition to the contracting of workers. The January 27 United Press despatch tells the story:

> Fire hoses were used today to turn back thousands of Mexican farm laborers attempting to stampede across the United States-Mexican border in search of work.
>
> The Fire Department of Mexicali manned the hoses at the request of Mexican border officers.
>
> Several of the workers were trampled and injured.
>
> After order was restored, Mexican immigration authorities permitted the farm laborers to cross the border to fill 500 jobs that opened up for field hands. Although United States Labor Department representatives had asked for only 500 men to fill the jobs, more than 2000 were allowed to cross by Mexican border guards.[18]

Evidently the U.S. announcement of unilateral contracting had done more to provoke Mexican workers to seek entry

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[16] The New York Times, 25 Jan 54, p. 6.

[17] The New York Times, 27 Jan 54, p. 14.

[18] The New York Times, 28 Jan 54, p. 15.

into the U.S. than any public official may have imagined. In any event, the milling of thousands of workers at the gates, being trampled in the crowds and having fire hoses turned on them provided an eloquent contrast to the pronouncements of the previous week emanating from Mexico City, which had suggested that no patriotic Mexican worker would go to the United States.

Meanwhile, in Mexico City, after the initial report of the contracting of 700 workers in Calexico on January 22, there was a virtual news blackout on what was going on at the border. On January 24, without having published the report of workers milling around the border, Gobernación denied it. It also denied that the military was involved in preventing departures and suggested--incredibly--that Mexicans were returning! El Nacional's headline tells us what the government wanted to happen, even if it did not: "Reacción patriótica en los centros de contratación de trabajadores para E.U." On a single day, Friday the 22nd, according to a press statement by the Oficial Mayor of Gobernación, 708 workers had returned to Mexico.

> De acuerdo con los reportes telegráficos enviados a la Secretaría de Gobernación por el jefe de las patrullas destacadas a lo largo del tramo entre Nuevo Laredo y Reynosa, no se tiene conocimiento de que haya habido ninguna concentración de trabajadores para pasar a los Estados Unidos y ser contratados como braceros.
> También informó a la prensa el Oficial Mayor de la Secretaría de Gobernación que no se ha establecido, ni se establecerá, cordón militar alguno a lo largo de la frontera norteña, y que todo lo que se diga de salidas en masa y de vigilancia militar carece de fundamento.[19]

Through obfuscation and the help of a captive press, Díaz Ordaz created an impression exactly opposite of the actual events. To the allegation that workers were milling around Calexico to go to work in the U.S. he responded that it was not true that workers were milling around Nuevo Laredo and Reynosa to seek entry into the United States. In answer to rumors that hundreds of workers were leaving under contract, despite Mexican prohibitions to the contrary, he declared that hundreds of Mexican workers were returning to Mexico. Each of his statements was quite possibly correct, but they did not answer the questions posed. To the suggestion that Mexican braceros might prefer work in the U.S. to embracing the brand of patriotism being preached in Mexico City, Díaz Ordaz made the only straightforward response, but it was at least partially contradicted by events. He asserted that numerous workers in Irapuato, Guadalajara, Aguascalientes, Monterrey, Matamoros, Mexicali, Chihuahua and elsewhere had refused to cross the border "a pesar de la interesada propaganda que desde el lado norteamericano hacen los en-

[19] El Nacional, 24 Jan 54, p. 1.

ganchadores pagados por los granjeros de aquel país."[20]

Taking a bow to the Ministry in charge of domestic security, and, in this case, official information and public relations, SRE did not contradict Gobernación's account. It simply stated that "no tenía noticia alguna del supuesto hecho de que algunos trabajadores agrícolas mexicanos hayan cruzado la frontera con los Estados Unidos." SRE was still waiting for reports from its consulates.[21]

In its editorial of the next day, the official newspaper praised the braceros for their patriotism and the attitude of the "whole country" which, the editorial stated, supported the President and considered unacceptable the U.S. open border plan.

> La noticia oficial de que centenares de "espaldas mojadas" que se habían internado ilegalmente en los Estados Unidos han vuelto a cruzar la frontera, esta vez hacia México, hacia la patria que reclama su esfuerzo y no quiere verlos convertidos en parias, demuestra que el llamamiento de las autoridades y el fraternal deseo de sus conciudadanos están siendo atendidos por los aspirantes a braceros, y hasta por los trabajadores agrícolas mexicanos que ya estaban laborando en el país vecino antes de que terminase el convenio relativo a sus condiciones de trabajo y de vida.
>
> Con esta actitud, los trabajadores que regresan a la patria hacen constar, para orgullo de ellos y de todos nosotros, que ante todo son

[20] Ibid.

[21] Ibid.

mexicanos y saben escuchar la voz de México.[22]

The editorial was titled "Los braceros que vuelven a México." Since it is to be assumed that the writers of this editorial knew the approximate facts of the situation, one can only wonder as to whether braceros, through their "unpatriotic" behavior, were not actually becoming pariahs to certain members of the political elite in Mexico City.

In any event, El Nacional's front page of January 26 informed its readers: "El gobierno satisfecho de la patriótica solidaridad popular en el caso braceril."[23] In reality, it would appear that, at this point in time, the Mexican government could pronounce itself satisfied with very little indeed. The negotiations of the new agreement, during February and March later revealed that the Mexican government did not completely recover from this revolution of diminished expectations.

On January 28, the news blackout ended, and the AP story on the Mexican policy reversal and the use of fire hoses in Calexico was published in Excélsior.[24]

Oddly enough, the U.S. Embassy's description of the

[22] "Los braceros que vuelven a México," (editorial) El Nacional, 25 Jan 54.

[23] El Nacional, 26 Jan 54, p. 1.

[24] Excélsior, 28 Jan 54.

problems in Calexico lies somewhere between that reported in the U.S. press and Gobernación's counter propaganda. Its discussion of the matter is brief and incidental; no reference is made to fist fights between Mexican policemen and braceros, nor to the jailing of dozens of workers.

> While Gobernación in Mexico City has denied reports of a heavy concentration of bracero aspirants in Mexicali, our consul there has reported a crowd of 5 to 6,000 seeking admittance. This crush of applicants has forced USINS officers to close the gates against the braceros temporarily on several occasions, but otherwise there has been no incident there, and the current labor needs of Imperial Valley farmers are being taken care of satisfactorily.[25]

The Embassy titled its confidential despatch "Interim bracero recruiting begins without serious incident."

On January 27, unilateral labor recruiting was begun at San Ysidro, across the border from Tijuana. U.S. officers at the border station reported that contracting proceeded without incident and "say that the Mexican authorities are cooperating fully with them." Recruitment was scheduled to begin at about the same time at Eagle Pass. The Embassy reported that "[t]here has been an indication also that farmers in the Lower Valley of the Rio Grande, who have traditionally had a heavy preference for

[25] Despatch 1275, from Hudson, 29 Jan 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

wetbacks, will ask for some 3,000 braceros in about ten days, and the USINS plans to open the border opposite Reynosa at that time."[26]

During January 21 through 24, an INS representative at the Embassy, E. DeWitt Marshall, made an automobile trip through the central states of Mexico from which most migrants depart to the United States--the states of Mexico, Querétaro, Guanajuato, San Luis Potosí, Aguascalientes, Jalisco and Michoacán. In the words used by Marshall in his report, two "bracero-type assistants" accompanied him on this trip and interviewed "working class Mexicans in the streets, plazas, railroad and bus stations of the capitals and other cities of these states." They also interviewed stationmasters, ticket agents, train crewmen and bus drivers. "A reliable source in Monterrey conducted a similar investigation in Nuevo León. . ." He observed no attempts by the Mexican government to restrain north-bound travel from migrant-sending regions.

> To date no measures, outside of radio and newspaper propaganda, have been taken by the Mexican Government to discourage bracero aspirants from leaving their places of origin in the interior of the Republic. Travel is free and unrestricted. Anybody can buy a ticket from these interior states to any border point. The trains and buses are not checked at places of departure, at intermediate points or upon

[26] Ibid.

> arrival at the border. No representatives of the Mexican Government are making attempts at any interior points to persuade bracero aspirants to remain at home.[27]

Clearly, whatever measures the Mexican government was taking in the interior to dissuade braceros from leaving for the United States, they were not so massive or widespread so as to have been detected by this team of investigators during their three-day trip throughout the states that send most migrant workers to the north.

Conversely, Marshall observed that, although the U.S. announcement of an "open border" had received a great deal of coverage throughout Mexico, "it was definitely ascertained that as yet no stampede toward the border has begun."

> The attitude of the average bracero is skeptical; he does not believe that the border has been opened and even if he were inclined to believe it, he does not know to which point he should go. He says he is going to wait until he has more definite information before leaving for the border. Travel north from points in the states visited is normal for this time of year. It is obvious that this also is a situation that can change; undoubtedly, it will change as soon as word begins to come back from those who have made it across and have secured contracts.[28]

Marshall's report suggested that, during the first days that recruitment began in Calexico and San Luis, and a

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[27] Copy, Marshall to Kelly, 25 Jan 54, attached to despatch 1275 from Hudson, 29 Jan 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

[28] Ibid.

week after extensive press coverage of the U.S. decision and the Mexican resolve to prohibit departures, workers in the principal sending areas in the Mexican interior were not paying much attention to either. Outside of a few incidents of brief rioting and scuffles at Mexicali, Agua Prieta, Nuevo Laredo, and perhaps Tijuana--and some serious violence at Mexicali--the crisis was mainly confined to the newspapers.

THE EISENHOWER ADMINISTRATION TAKES SOME HEAT

As the Departments of Labor, Justice and State were orchestrating the unilateral program and securing the necessary legal authority to continue it in the absence of a bilateral agreement with Mexico, they were barraged by criticism for their handling of the matter; specifically, for the initiation of unilateral recruitment against the wishes of the Mexican government. Much of this criticism was directed at President Eisenhower or Secretary of Labor Mitchell, in the form of critical telegrams and letters.

Hank Pinedo, Texas Regional Governor of the League of United Latin American Citizens (LULAC) sent a telegram from Austin Texas days after the announcement of an "interim" program to the Secretary of Labor. In it, he expressed the view that the Texas LULAC objected "to any plan whereby alien farm labor may come to [the] United

States without guarantees of contract wages, tenure and constant governmental supervision of working conditions." He suggested that such importation of workers "has serious detrimental effect on economic welfare of American citizens[,] particularly those of Mexican extraction."[29]

The Department of Labor telegraphed a response under the Secretary's signature which informed Pinedo that the contracting arrangement provided an individual work contract between Mexicans workers and agricultural employers "with [the] U.S. Government acting as guarantor." The telegram noted that the contract provided substantially the same protections as that under the bilateral agreement which had expired. "We favor operating [the] program under [a] bilateral agreement with Mexico," the telegraphic response read, "hence we asked for certain changes in agreement designed to simplify it as otherwise it is not [an] effective instrument in assisting to control [the] problem [of] illegal entrants into [the] United States."[30]

Fay Bennett, Executive Secretary of the National Sharecroppers Fund, in New York City, addressed a lengthy

[29] Telegram, Hank Pinedo to Secretary of Labor, 20 Jan 54. NAW, DOL, RG 174, 1954 Departmental Subject Files, box 54.

[30] Copy, telegram, Mitchell to Pinedo, 27 Jan 54. NAW, DOL, RG 174, 1954 Departmental Subject Files, box 54.

letter to the Secretary of Labor expressing "consternation" at the breakdown of negotiations between Mexico and the United States. Her argument reflected the discomfort of many Americans with the idea that the United States would pressure another government in this manner. "One wonders at the good faith of our government in these discussions when all the time we had our own unilateral plan ready to put into operation if Mexico would not agree to our terms." She suggested that the problem was wages and correctly saw the attempt by the Eisenhower Administration to change the program in a manner more attractive to employers. "If our government persists in this plan of doing the employers' bidding, it will only serve to worsen relations with our Mexican neighbor, lower the already too-low wages paid to agricultural labor, and set more American families on the road to swell the migrant workers' stream." She concluded with a request which would be made more vocally by others--that U.S. labor organizations be invited to participate in the new bilateral discussions with Mexico.[31]

Rocco Siciliano responded to Bennett's letter in rather blunt terms. Mexican government representatives had, during the previous year, "acted in contravention of

[31] Bennett to Mitchell, 19 Jan 54. NAW, DOL, RG 174, 1954 Departmental Subject Files, box 54.

the Migrant Labor Agreement by taking unilateral action, thereby seriously impeding the program." He also pointed out that Ambassador White had persisted in his attempts to reach agreement with the Mexican government during a three-month period.[32] It is notable that, although Mexican unilateral actions during 1953 had not, by themselves, led the U.S. to set the course on a unilateral program--a more important consideration had been the desire to resolve the problem of the influx of undocumented workers through a more "workable" program--such actions, in the heated exchanges of 1954, became progressively important as a justification for the U.S. unilateral program.

A number of telegrams sent to President Eisenhower by individuals critical of the unilateral program were referred to the Secretary of Labor for response. These make an interesting list of disparate liberal and pro-labor individuals and organizations. Frank Graham, chairman of the National Sharecroppers Fund sent a timely telegram, on January 15, which stated that his organization "strongly backs bilateral agreement with Mexico" and opposed the plan of large growers to open the border to Mexican immigration without adequate protections to Mexi-

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[32] Siciliano to Bennett, 29 Jan 54. NAW, DOL, RG 174, 1954 Departmental Subject Files, box 54.

can and American workers.[33] M. L. Hocker, from Leakey Texas, sent a telegram the same day which seemed to equate the program with allowing "wetback" labor; this was characterized as "slave labor, . . . [and] a racket which has been going on a long time."[34] Ed Idar, Jr., Executive Secretary of the American G.I. Forum telegraphed Eisenhower demanding that the plans for unilateral contracting be stopped.

> Action by this country being interpreted as object [sic] surrender of Attorney General Brownell's glowing promises [of] last year that wetback tide and [that] exploitation [of] such workers would be stopped. Border recruitment [is being] considered nothing short of legalized wetbackism of benefit only to isolated agricultural interests bent on obtaining twenty five cent an hour labor . . . an incredible sell-out and callous indifference to the needs of three million Spanish Speaking citizens in [the] Southwest . . . increases [the] danger to the security of this country through infiltration of communist and other foreign subversive elements, will multiply death, disease and welfare problems, and bring untold chaos to general business economy and local tax structure of border areas . . .[35]

Idar clearly equated the unilateral admission of contract workers with soliciting the admission of undocumented workers, and the adverse effects of the latter were de-

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[33] Telegram, Graham to Eisenhower, 15 Jan 54. NAW, DOL, RG 174, 1954 Departmental Subject Files, box 54.

[34] Telegram, Hocker to Eisenhower, 15 Jan 54. NAW, DOL, RG 174, 1954 Departmental Subject Files, box 54.

[35] Telegram, Idar to Eisenhower, 18 Jan 54. NAW, DOL, RG 174, 1954 Departmental Subject Files, box 54.

scribed in the same dramatic terms that the G.I. Forum in Texas had employed to characterize the problem of illegal entrants from Mexico.

One particular complaint addressed to Eisenhower merits special attention because the response seemed so out of proportion to the effort made by those making the complaint. On February 9, Mildred Bryan, Secretary-Treasurer of the United Fresh Fruit and Vegetable Workers, based in Phoenix Arizona, sent a petition to President Eisenhower protesting the use of contract workers "when there are thousands of Domestic Workers who are Citizens of The United States that will gladly do the work at a decent wage." My review of the many sheets of paper that constituted the petition indicates that approximately 1,300 signatures were affixed--most of them collected during the first week of February. Assistant Secretary Siciliano's response on behalf of the President basically ignored the substance of the petition and provided a reply that seems terse when compared to other letters addressed to other complainants. Siciliano wrote: "it is the policy of the Department of Labor to certify to the need for Mexican workers only in those cases where domestic workers are not available. This is also the policy of the Arizona State Employment Service, and I am sure they are taking all reasonable steps to make the policy

effective."[36]

Not everyone criticized the interim arrangement. Matt Triggs, Assistant Legislative Director of the American Farm Bureau Federation wrote the Secretary of Labor on January 19 to express the support of his organization to the initiation of the unilateral program for the employment of Mexican workers in agriculture. He expressed the belief that this program would be "far more practical, economic and satisfactory than the program operated under the Agreement with Mexico." His organization did have, however, one strong objection. Triggs quoted from Article 17 of the new contract:

> "The worker shall enjoy the right to participate with other workers in the selection of representatives who shall be recognized by the employer as his spokesmen for the purpose of maintaining this agreement . . ." This is an open invitation to organized labor to promote the organization of farm workers, and is being so construed by their representatives in the fields.[37]

Triggs expressed the desire that this be amended to include the same language contained in the agreement with Mexico which had expired, and which stated that "workers may select from their own number a spokesman to represent

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[36] Bryan to Eisenhower, 9 Feb 54, with attached original petition and signatures; copy, Siciliano to Bryan, 19 Feb 54. NAW, DOL, RG 174, 1954 Departmental Subject Files, box 54.

[37] Triggs to Mitchell, 19 Jan 54. NAW, DOL, RG 174, 1954 Departmental Subject Files, box 54.

them in their relationship with the employer."[38]

A significant number of American groups and individuals, then, found the idea of a unilateral program offensive, unseemly, or as an indication that the Administration had surrendered to grower interests. They were both right and wrong in their appraisal. They were in error in their perception that the unilateral program was tailored to immediate grower interests, the differences between it and the bilateral arrangement, from the standpoint of worker guarantees, were relatively minor. They were correct, however, in noting that despite U.S. plans and protestations to the contrary, the contracting of workers was conducted through a process of doubtful propriety: the Border Patrol arrested "wetbacks," took them to the border so that they might touch a toe on Mexican soil, and then turned them over to DOL authorities who did the contracting. These criticisms were correct, also, in an anticipatory sense: the content of the labor contract in January 1954 may have been virtually identical to that in force prior to that time, but the unilateral program was designed to break the will of the Mexican government to push for improvements in the agreement from the standpoint of workers and to take actions--many of them unilateral--designed to reform its operation from

[38] Ibid. Emphasis in the original.

the standpoint of worker interests.

At the time that these individuals and groups were protesting to Eisenhower they were, in objective sense, allies of the Mexican government. They had no way of knowing, however, that the attitude of the Mexican government regarding the labor program was, at that very moment, undergoing the most profound change that would occur during the entire history of the migrant labor program.

CAUGHT ON SHIFTING GROUND

On the evening of Monday, January 25, Mexican efforts to restrict the departure of nationals were stopped, obviously on orders from Mexico City. On January 28, stories appeared in Mexico City newspapers describing some of the violence at the border--suggesting that the news blackout was terminated on January 27. On the morning of January 28 William Belton at the State Department informed the Embassy in Mexico City of a request by Ambassador Manuel Tello to see President Eisenhower, a request that was made late afternoon on January 27 or early on the 28th. Evidently, between late January 25 and early 27, Adolfo Ruiz Cortines issued instructions that northern border personnel not impede departures and cooperate with their U.S. counterparts, and instructed his Ambassador in Washington to ask for an appointment to communicate a per-

sonal message to Eisenhower. Ruiz Cortines had changed course. His government would attempt to negotiate its way out of this difficulty.

A despatch from the labor attaché in Mexico City of February 4, referring to events of the previous two weeks indicated that the CTM and other labor groups had offered publicly to hold mass demonstrations throughout Mexico in support of President Ruiz Cortines and the Mexican government policy on braceros.[39]

> According to several informants who attended the meeting, the President thanked the assemblage for their support but stated the following: He wanted no mass demonstrations of any character. He wanted no agitation. Furthermore, he wanted no articles in the newspapers attacking the United States. He asked the group to bide its time and leave it up to him. He stated that he hoped everything would be settled in a reasonably short time and that a new agreement would regulate the relationship between the United States and Mexico with regard to agricultural labor.[40]

The attaché added his opinion that this exchange probably served to explain why labor leaders are saying no more about demonstrations and why, "during the past two weeks, Mexican newspapers have treated the entire bracero question with considerable restraint."

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[39] The labor attaché's report, cited below, does not give the date when these offers were made. It may have occurred prior to or during the 44th convention of the CTM in Puebla, which began on January 29. See Novedades, 30 Jan 54.

[40] Despatch 1315 from Stephansky, 4 Feb 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

Changing course would imply making painful concessions later on, but that did not mean that SRE was going to capitulate immediately to the U.S. demands. At the same time that Belton informed the U.S. Embassy of Tello's request, the Embassy told him that on Monday evening (the 25th), Ambassador White had met again with Foreign Minister Padilla Nervo, who tried to salvage something in the Mexican position by indicating Mexico's reluctance to negotiate while the U.S. continued its unilateral program.[41] This, of course, was a reiteration of the position expressed without attribution to El Nacional a week earlier, which was that "el Gobierno de México solamente reanudará las negociaciones para un nuevo convenio sobre contratación si previamente los Estados Unidos suspenden y prohiben la contratación por medio del sistema de frontera libre, adoptado al fracasar las pláticas con México."[42] As the Embassy put it in a January 29 despatch to Washington, it believed "that the successful initiation of the unilateral recruiting program has increased the eagerness of the Mexican Government for a bilateral settlement of the braceros problem.

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[41] Belton to Cabot, 28 Jan 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

[42] El Nacional, 20 Jan 54.

However, this eagerness is somewhat offset by the Mexicans' fear that if they resume negotiations for an agreement in the present circumstances they will give the impression of being 'under duress'."[43]

Francis White repeated his suggestion, during his January evening meeting with Padilla Nervo, that the Mexican government accept the nine points in his draft note which involved interpretations, rather than changes of the old agreement, and that the two governments continue operating the program on that basis while negotiations continued. He further informed Padilla of his plans to leave Mexico City for Yucatán, but offered not to do so "if there was any likelihood that the Foreign Minister's consultations with the Mexican President on this point would produce an early answer." It can be inferred from White's departure on his trip on January 27 that Padilla did not provide any such assurances.[44]

The suggestion made by White did not play any better in Washington than it had at Tlatelolco, though for opposite reasons. Labor and Justice Department officials informed Belton that they were not favorable to reverting to the old agreement "without substantial modification as

[43] Despatch 1275 from Hudson, 29 Jan 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

[44] Belton to Cabot, 28 Jan 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

a basis even for a modus vivendi." The Office of Middle American Affairs at the State Department, nominally responsible for communications with and policy toward Mexico, agreed.

> During the past two weeks we have considerably strengthened our position on the bracero issue vis-à-vis the Mexicans, at some cost to our Government in unfavorable publicity. By going back to the old agreement without the basic changes we need, we would be sacrificing many of the advantages gained, but the price we have paid would still be lost to us. It is our opinion that under current circumstances our position will become increasingly stronger, and that we should use this advantageous situation to try to work out with the Mexicans something which really meets our own interests.[45]

Clearly, circumstances had changed. Having taken what was a bold--indeed, a drastic step--in implementing unilateral recruitment despite resistance from the Mexicans and criticisms at home, the principal strategists behind this policy now saw no purpose in giving up the opportunity to get exactly what they wanted in the negotiations that would begin in February.

For a brief moment, however, certain Washington policy makers may have felt as if the ground had moved beneath them. Late in the afternoon of February 2, the Labor Department was advised by the Comptroller General that, according to his interpretation of P.L. 78, legal authority to spend funds for the unilateral program did

[45] Ibid.

not exist and therefore that unilateral contracting was illegal. The "interim program" would have to stop. In an effort to avoid the announcement of this fact from affecting the U.S. position with Mexico prior to Eisenhower's meeting with Ambassador Tello, that meeting was suddenly rescheduled for the next afternoon. Belton informed Ambassador White in Mexico City as to how it was hoped the meeting with Tello would proceed.

> We hope Tello may accept offer to join in [the] interim program, because that would eliminate difficulty arising from Comptroller General decision, which is based on fact that the current operation is not "pursuant to arrangements" with Mexico as required by P.L. 78. If he does not accept, [the] President may refer to [the] pile up occurring at border gates and suggest we would be happy to help [the] Mexicans control this situation by announcing [that] our current requirements have been met and there will be no more recruiting until further notice. This, we hope, would delay Mexico's understanding of our problem of the moment, pending passage of remedial legislation.[46]

The appearance of magnanimity was considered important under the circumstances, especially if the Mexicans would give something in exchange. The suggestion that Eisenhower generously offer that "our current recruitments have been met" recalls a remark of Edmund Burke's that "not the least of the arts of diplomacy is to grant graciously what one no longer has the power to withhold."[47]

Belton also reported that in the meantime, the House had started hearings that morning to remedy the damage done by the adverse ruling by the Comptroller General issued the previous day. The Senate would hold hearings the next day. The purpose of these hearings was to discuss House Joint Resolution 355, which would "eliminate the restrictive clause in P.L. 78" which had led the Comptroller General to rule that the United States government had no legal authority to spend money appropriated under that legislation for recruitment of Mexican workers without an agreement with the Mexican government.

Eisenhower's meeting with Tello did not go quite as hoped by the Department of State. Tello's purpose in asking for the meeting was made clear when he said "that he brought a very cordial personal message from President Ruiz Cortines to President Eisenhower." Tello "said that President Ruiz Cortines was disturbed that it had been impossible to reach an agreement in regard to the entry of Mexican agricultural workers into the United States and that he felt that this was a matter which should be possible to settle between reasonable men given goodwill on each side." Eisenhower responded with a pleasantry,

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[46] Telegram 840, Smith to White, 3 Feb 54. NAW, RG 59, 811.06 (M) box 4407.

[47] Quoted in Acheson, Present at the Creation: My Years in the State Department, p. 335.

told the Ambassador that he fully agreed with Ruiz Cortines's views and then "asked what the essential difficulty was." Tello's response is an extraordinary statement reflecting both the continuity and the consistency with which the Mexican government had conceived its objectives regarding the migrant labor agreement.

> The Ambassador said that the only trouble was with regard to wages. He said that it seemed there was a wide area of agreement between the two governments: the Mexican agricultural laborers wanted to come to the United States; American farmers wanted and needed them; the Mexican Government wanted its workers to receive fair pay because otherwise the wages of American workers would be depressed; both sides wanted to stop the illegal entry of many Mexican workers. If only the question of wages could be ironed out, the Ambassador said, he thought our difficulties would be solved.
>
> The President expressed some surprise at this. He said that he quite agreed that Mexican workers should be paid fair wages in our interest as well as theirs. Mr. Cabot pointed out that the more difficult question was to get an agreement which really worked in practice. The American farmers wanted to get Mexican labor at as little expense and trouble as possible and Mexican labor was perfectly willing to enter illegally and receive lower rates than those paid legal entrants. Both the American and Mexican governments wanted to stop this but, like the prohibition law, it was right in theory but did not work out in practice. The question was how to get illegal entrants into legal channels both for their own protection and for that of the United States. Mr. Cabot emphasized that we would prefer to have a bilateral agreement to the present arrangement.[48]

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[48] Memorandum of conversation, by Cabot, 3 Feb 54. (In this meeting were present not only Eisenhower, Tello and Cabot, but also J. Lee Rankin, Assistant Attorney General.) NAW, DOS, RG 59, 811.06 (M) box 4407.

Having accomplished is purpose as a deliverer of a Presidential message, Tello did not engage Cabot in debate regarding the two government's differing conceptions of the problem. He expressed his "sincere thanks to the President" for the meeting, reiterated his point regarding wages, and then left the White House, accompanied by Rankin and Cabot.

Outside the White House, according to Cabot's memorandum of conversation, he told Tello that he "had not appreciated that the Mexican Ambassador considered the wage question the real point at issue." The Assistant Secretary also reiterated his government's position on wage fixing and the authority of the Secretary of Labor to determine wages as the result of a fact-finding action.

> The Ambassador pulled out Ambassador White's memorandum regarding the agreement and pointed to the first sentence of the paragraph on the determination of wages. He said that under this the Secretary of Labor by determining the prevailing wage in a determined locality protected the Mexican worker from exploitation, since in the absence of such determination the Mexican laborer having no organization might accept much less than the prevailing wage. On the other hand, the Secretary of Labor had no authority under our law to negotiate regarding wages to be paid. Ambassador Tello pointed out that in most of the areas where the Mexicans were employed the great majority of workers were of Mexican origin and the prevailing wage rates, therefore, tended to be low and would be affected by the entrance of workers from Mexico. He suggested that maybe the laws could be amended to read more or less "not <u>less</u> than the

prevailing wages."[49]

Though undoubtedly both Cabot and Tello were sincere in their discussion, it is obvious that they--like the Ministry of Foreign Relations and the Department of Labor during most of the previous two and a half years--had been talking past each other. Cabot closed with the offer to "study sympathetically any proposals which the Mexicans might care to make," and, as Cabot put it, "particularly for an interim agreement."

This brief conversation after a White House meeting was a symbol of a long-standing Mexican government concern that had been unsuccessfully defended and a new U.S. government preoccupation with the immediate problem of what do about the illegality of the expenditure of funds during the "interim" program. Tello's fixation on wages reflected his Ministry's long-established concern about the substance of the condition of Mexican farm laborers in the United States--much diminished in the months ahead as a result of the beating that the Mexican position had taken at the border in January. Cabot's fixation for the moment was the obstacle posed by the decision of the Comptroller General, and to induce Mexico to participate formally in the new approach to the recruitment of Mexican workers, notwithstanding it having been denounced

[49] Ibid.

thoroughly in the Mexican press during the previous three weeks.

For the Eisenhower Administration, the unilateral program was a political gamble of greater complexity than has generally been recognized. From the very beginning, there was the question of which would come first: Mexico's surrender and return to the bargaining table under the terms demanded by the United States, or the Comptroller General's determination that the expenditure of funds for the unilateral program was unlawful. As it turned out, the former occurred before the latter by about seven days--twelve days if one includes the period between the approximate moment of Ruiz Cortines's decision to back down and the moment Mexico City found out that the unilateral program had been terminated by the Comptroller General. To the obvious diplomatic risks we should add those in the realm of domestic politics insofar as the Administration's actions could have been criticized as high handed at best and illegal at worst.

The declaration by the Comptroller General of the United States that the unilateral recruitment of workers was not authorized under Public Law 78, though not welcomed by the Departments of Labor, Justice and State, was not entirely unexpected. From the very beginning of the discussions on unilateral recruitment during the previous

months, the Department of Labor maintained that it had no legal authority to undertake unilateral recruitment. The appropriate section of statute said that "[f]or the purpose of assisting in such production of agricultural commodities and products as the Secretary of Agriculture deems necessary, by supplying the agricultural workers from the Republic of Mexico (pursuant to arrangements between the United States and the Republic of Mexico), the Secretary of Labor is authorized . . ." The problem was that the parenthetical phrase actually meant what it said.

The Comptroller General's decision had actually been set in motion by a request for clarification by the Department of Labor, though this Department had to be pushed to make it. On January 18, the first working day after the January 15th announcement, Department representatives went to Capitol Hill to request a supplemental appropriation to operate the farm labor program. However, they were greeted with an unpleasant surprise: the chairman of the appropriate subcommittee of the Appropriations Committee refused to hold hearings on the DOL request on the grounds that "considerable doubt existed as to the legal authority of the Department to spend the funds even if they were appropriated."[50] Thus, DOL was

[50] Extension of remarks by Representative Fred

obligated to dispatch a letter from Assistant Secretary Rocco C. Siciliano to the Comptroller General, requesting that the latter advise the Department "whether your office will be required to object to the expenditure of funds appropriated to the Department . . . to continue the program on an interim basis, pending the development of another Agreement with Mexico which will be satisfactory to the interests of the United States."[51] Later events suggest that at this point, the Department was fairly confident that it did not have the legal authority to expend funds in this manner, so it tried to get a gentlemen's agreement with the Comptroller General's office to delay response while DOL obtained the proper authority through enabling legislation.[52]

Two days after Siciliano's letter was sent to Lindsay Warren, and before the unilateral recruitment actu-

Busbey, reproduced in U.S. House of Representatives, Committee on Agriculture, Mexican Farm Labor, Hearings 3, 5, 8, 9, 10 and 11, Feb 54, p. 124.

[51] Siciliano to Comptroller General, 18 Jan 54. Reproduced in U.S. House of Representatives, Committee on Agriculture, Mexican Farm Labor, Hearings 3, 5, 8, 9, 10 and 11, Feb 54, p. 125.

[52] As hearings began on HJR 355 the morning after the Comptroller General's ruling, chairman Clifford Hope referred to "the understanding . . . that the Comptroller General would not raise any objection to the use of funds, pending the enactment of legislation [HJR 355]." U.S. House of Representatives, Committee on Agriculture, Mexican Farm Labor, Hearings 3, 5, 8, 9, 10 and 11, Feb 54, pp. 1-2.

ally began, Representative Clifford Hope, chairman of the House Committee on Agriculture, introduced the Department's short amendment to P.L. 78 as House Joint Resolution (HJR) 355. The previously quoted parenthetical phrase "pursuant to arrangements between the United States and the Republic of Mexico" was amended to read "pursuant to arrangements between the United States and the Republic of Mexico or after every practicable effort has been made by the United States to negotiate and reach agreement on such arrangements."[53] Hearings on this bill began on February 3, the day after the Comptroller General's ruling. At the request of Siciliano, what had been planned as an executive session of the committee on a different matter was suddenly and extemporaneously turned into a public hearing, with press in attendance, on the urgent need for the passage of HJR 355 in the wake of the previous day's ruling.

The letter from Siciliano to Comptroller General Lindsay Warren presented a fig leaf of a legal argument. It asked, in essence, whether the phrase "pursuant to arrangements between the United States and the Republic of Mexico" meant what it said, and suggested that it might not. The ingenuous question, however, was expressed in

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[53] Craig, The Bracero Program, p. 114. Emphasis in the original.

legalese: Siciliano's letter asked whether the language which specifically referred to authority for recruiting workers pursuant to an agreement with Mexico in P.L. 78 was "mandatory or directory." The statute reads as if it were mandatory, but the letter did not present any reasons to suggest where the legal doubt came from. Indeed, it would have been difficult to do so, since the rather unambiguous legislative history of P.L. 78 had been, in part, written by testimony that senior DOL officials still at the Department had submitted during the previous three years--testimony which the Comptroller General cited in his reply.

Instead of presenting grounds for an ambiguous legislative history, Siciliano's letter constituted a plea for a favorable ruling on several grounds of expediency. First, Mexican workers were judged "indispensable to the raising of live stock and the production of crops" in 24 states of the Union. Second, a brief history of the negotiations in Mexico City during the previous months was recounted; its purpose was to suggest that the U.S. had made a genuine effort to live up to the legal requirements of P.L. 78, and had thus been forced by stubborn Mexicans to adopt unilateral recruitment. Third, though little objective evidence supported this argument on January 19, it was asserted that there was an expectation

that negotiations with Mexico would continue--thus implying that the bilateral approach had not been abandoned entirely.

Fourth, the letter anticipated the criticism that the unilateral program might be a short cut to reducing Mexican workers guarantees by indicating that the unilateral program was designed to coincide as closely as possible to the terms of the bilateral arrangement: "Mexican workers would be afforded substantially all of the benefits which they were given under the Agreement which has expired." A final appeal to expediency as a basis for a favorable ruling in the event that the legislative history was not sufficiently cloudy was to assert that at the time of the expiration of the agreement there existed severe labor shortages; so severe, in fact, that they required immediate unilateral recruitment, which could not be delayed pending the outcome of the Comptroller General's opinion or Congressional action on HJR 355. As Siciliano put it, "the need for Mexican agricultural labor is pressing and cannot await the time necessary to obtain legislative clarification without serious loss of crops."[54]

Siciliano's letter to Lindsay Warren may have been about as truthful as the assertions made in the Mexico

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[54] Ibid., pp. 124-125.

City press of the same date to the effect that Mexico did not have surplus agricultural workers to spare, but it was more elaborate. Though forced by circumstances to request a ruling so likely to be adverse that the Department tried to get a gentlemen's agreement to delay it pending legislative action in Congress, it suggested the appearance of ambiguity where there was none to be found. Ironically, that situation prevailed in part because of the rather clear testimony of DOL officials. In any event, the letter was couched as a prudent attempt to determine the legality of an action in a gray area of the law adopted because of the emergency of the moment--just to make sure the Department of Labor was not wrong. Siciliano's fig leaf may have been small to the vanishing point, but it was carefully constructed.

Though the Comptroller General did not consider arguments other than the assertion that the legislative history was ambiguous, the last argument cited above is asserted so boldly and yet is so obviously false as to require closer examination. Though characterized as a stop-gap measure, the unilateral recruitment of workers was not a hastily designed measure adopted in response to the unexpected expiration of the agreement. The timing of the expiration of the agreement was of the U.S. government's choosing--had it been necessary to extend it,

Padilla Nervo had already indicated, privately and publicly, his willingness to do so while a full-scale conference commenced. Indeed, the agreement was allowed to expire in January because that was the slowest time of the year for the contracting of braceros--the time the U.S. was least vulnerable to an interruption of the migratory flow. As an Associated Press story reported the day before Siciliano sent his letter, citing unnamed U.S. officials, "The biggest influx of Mexican workers has come annually in April. That circumstance gives time this year to work out a new agreement with Mexico. If no agreement is reached, the slack period will give the United States time to develop its 'stop-gap' plan--to admit Mexicans the United States authorities find acceptable, whether they have crossed the border legally or not."[55] Siciliano himself told a Congressional Committee early in February that the reason why senior U.S. officials had decided "at this time not to go ahead with the agreement is that bargainingwise [sic] this is the best time for the United States."[56] Finally, when contracting was interrupted after the Comptroller General's decision,

[55] The New York Times, 17 Jan 54, p. 62. As Craig points out, "[t]he farmers' need for field hands was all but nil in December." The Bracero Program, p. 108.

[56] U.S. House of Representatives, Committee on Agriculture, Mexican Farm Labor, Hearings 3, 5, 8, 9, 10 and 11, Feb 54, p. 11.

no serious disruption reportedly occurred. There can be no question, then, that the unilateral recruitment of braceros was a carefully timed, temporary arrangement specifically designed for maximum effect in Mexico City--which succeeded. For both legal and political reasons, however, the Department of Labor could not admit in its communication to the Comptroller General that this was in fact the reason for the unilateral program.

The ruling by the Comptroller General, Lindsay Warren, in the form of a letter addressed to the Secretary of Labor on February 2, indicates that no ambiguity existed in the legislative history of Public Law 78 as alleged by Siciliano. It referred to the Senate report on S. 984, which indicated that failure to enact that legislation authorizing the U.S. to carry out its part of an agreement reached with Mexico was at that time interpreted to "mean the termination of the present international agreement and importation program as of June 30 [1951]." At that time, appearing before the Senate Committee which held hearings on the bill, the Assistant Secretary of Labor had indicated that the legislation under consideration "would be useless" in the event of Mexican termination of the agreement or U.S. unilateral action "such as the enactment of legislation which would permit the employment of Mexican nationals under arrange-

ments other than those provided in the international agreement." Several other references, some as recent as August 1953, indicated that "Congress . . . clearly understood the underlying basis for the existence of the Mexican farm labor program." Thus, concluded the ruling, "I am compelled to the conclusion that [Congress] did not intend, by implication, to authorize or sanction the use of funds made available to your Department for carrying out such program pursuant to 'arrangements' with Mexico when, admittedly, no such 'arrangements' exist with that Government."[57]

During the hearings conducted later, a number of critical comments were made regarding the actions of the Executive branch in this whole affair, many of them drawn out of recalcitrant administration witnesses by one Harold Cooley, Representative from North Carolina. One was the suggestion that the Department of Labor proceeded with the unilateral program knowing that no legal authority existed for it.

> MR. COOLEY. From the 15th [of January] until the 2d day of February you operated illegally, did you not.
>
> MR. MISLER. We operated until we got an opinion

[57] Comptroller General of the United States to Secretary of Labor, 2 Feb 54. Reproduced in U.S. House of Representatives, Committee on Agriculture, Mexican Farm Labor, Hearings 3, 5, 8, 9, 10 and 11, Feb 54, pp. 126-127.

> from the Comptroller General telling us that it was illegal.
>
> MR. COOLEY. You knew on the 15th that you had no right to continue because you are a lawyer yourself.
>
> MR. MISLER. I think there is room for disagreement on that point.
>
> MR. COOLEY. You mean as to whether you are a lawyer or not?
>
> MR. MISLER. There may be room--
>
> MR. COOLEY. Isn't it a fact that after the termination of the extension of the 15th that your Department requested the chairman of this committee to introduce this bill and it was introduced on the 20th?
>
> MR. MISLER. That is correct.
>
> MR. COOLEY. Which was at least 12 days before Lindsay Warren's [Comptroller General's] opinion came out?
>
> MR. MISLER. That is correct.
>
> MR. COOLEY. You were in doubt as to your authority to proceed?
>
> MR. MISLER. We believe that the language was sufficiently ambiguous for us to proceed--
>
> MR. COOLEY. Sufficiently ambiguous to continue?
>
> MR. MISLER. That is why we asked for clarifying language at that point.

The behavior of the Department of Labor leaves little doubt as to whether it thought the legislation was ambiguous. It requested the clarification when forced by

[58] U.S. House of Representatives, Committee on Agriculture, Mexican Farm Labor, Hearings 3, 5, 8, 9, 10 and 11, Feb 54, pp. 202-203.

circumstances to do so; it tried to justify its position on grounds of expediency--because there was no legal leg to stand on; it tried to delay the ruling to give time for HJR 355 to be passed and thus put a patch where it was indicating it was not sure a patch was needed; Misler stated--when pressed by Cooley--that the Department felt the language was "sufficiently ambiguous" for them to proceed; and, to the Comptroller General it said the labor situation was so urgent that unilateral action could not wait, but to everyone else it indicated that the timing was perfect because it was the slack time of the year.

It is noteworthy that of all the grounds of political expediency that Siciliano appealed to in his argument to Lindsay Warren, political realism was not one of them. It was not until the Mexican government explicitly surrendered its previous position--in the form of Tello's message that the President of Mexico had a personal interest in seeing negotiations resume--that the Administration would admit in a public forum, for attribution, that the unilateral recruitment and the promotion of HJR 355 had been adopted and were promoted as instruments of pressure on Mexico. The action demonstrates a willingness to override certain institutional and legal constraints generally respected at this time, for reasons of

political realism, but a reluctance to admit the action and its purposes. The unilateral recruitment program stands out as an example of successful governmental unlawful action taken for political ends. A less charitable interpretation might add that it was a knowingly unlawful action taken for that purpose--a high wire illegal act which was carefully prepared and executed so as to minimize the damage and maximize the gains.

The proponents of unilateral recruitment within the Administration, however, had gambled correctly that this was an instance where the rules could be broken, particularly if the manner in which it was done was carefully orchestrated. They were also correct in their expectation that they could garner sufficient support in Congress to support their position, though they may have been surprised by the vehemence of some of the criticism they received--not for engaging in a program in a twilight area of the law, but for what many correctly perceived to be an effort to bludgeon Mexico into a particular form of an agreement. Similarly, the proponents of unilateral action had guessed--correctly, it turned out, that Mexican resistance to the unilateral program would not last long.

In ways perhaps unexpected, the inauguration of a unilateral program set off a storm of protest within the

U.S.--even though many growers sent telegrams or letters to Capitol Hill and the executive offices of the government in support of the legislation proposed to legalize unilateral action. Curiously, it had been easier for the U.S. government to gauge and adjust to the storm of protest in Mexico against the U.S. proposal to act unilaterally in the days before and after January 15 than it was to deal with the split in U.S. public opinion during late January and February, 1954.

LEGALIZING UNILATERALISM

On Wednesday, February 3, at 10:15 a.m., Representative Clifford R. Hope called the Agriculture Committee to order in a meeting originally called as an executive session to discuss "the program of the next few weeks" but which, at the urgent request of Assistant Secretary Rocco Siciliano, became a series of hearings on House Joint Resolution 355. The urgency, of course, was that the unilateral program would have to be terminated as a result of the Comptroller General's ruling, and that legislation was needed to legalize a unilateral program.

Several participants in these meetings distinguished themselves in one manner or another. Chief interrogator, merciless questioner, and a skeptic impossible to please in these hearings was Representative Harold D. Cooley of North Carolina, the senior Democratic member of the committee. Cooley not only knew something about the politics of agriculture from hi[illegible]wenty years on the committee, he was a crusty lawyer from the South who felt he knew something about negotiations and, though he did not know the content of Ambassador White's representations or Foreign Minister Padilla's responses, nor was aware that Tello would be meeting with Eisenhower that afternoon, he smelled something rotten when he heard Administration spokesmen testify--all from the Department of Labor--that the Mexicans had not wanted and still did not want to negotiate. Cooley had voted for P.L. 78 ("although it means nothing to my State and nothing to my district," he said), had voted to extend the farm labor program in 1952 and 1953 because he felt it was a sound program when it was couched as bilateral cooperation, and had voted against employer penalties for hiring undocumented workers (because "I do not think we can put that burden [requesting birth certificates or citizenship papers of prospective employees] on the American employer"). During the six days of hearings on HJR 355 he manhandled witnesses like a small town prosecutor, bore in on the misstatements and inconsistencies of Administration officials, and yet managed to bring out basic issues and fundamental questions rarely discussed in open hearings of that committee.

The DOL spokesmen who testified before the committee were Assistant Secretary Siciliano, Bureau of Employment Security Director Goodwin, Stuart Rothman, Solicitor of the Department of Labor, and Albert Misler, of the same office. All four seemed to wilt before Cooley's blazing interrogation; even on the last day of hearings the Department still seemed unprepared to describe adequately and justify completely the exact nature of the problem and how HJR 355 addressed it.

It did not help the Department that the unilateral program begun at mid January was transparently illegal and that the Department had proceeded notwithstanding this, and then was forced to come to Congress for help when the Comptroller General ruled against it. Nor did it help that, until the last day of hearings, the Department failed to present evidence of Mexican unilateral actions of the previous years to justify the more determined bargaining stance sustained by Ambassador White. Since the hearings were called rather hastily, State Department and Justice Department concurrences on the proposed legislation were not available at the outset, and DOL initially left the impression that it was going out on its own, half cocked, and pursuing a dubious policy not likely to be supported by the Eisenhower Administration. This oversight was remedied quickly by letters

from the Deputy Attorney General and Assistant Secretary of State.

Finally, it did not help DOL that the purpose of the bill changed in the course of the hearings. Initially, the rationale for HJR 355 was couched as a needed legal authority to recruit workers unilaterally because, it was asserted, Mexico was refusing to negotiate.[59] Towards the end of the hearings, Tello's request of Eisenhower to resume negotiations was mentioned in the press, the Department of Labor admitted that negotiations had never broken off, and that HJR 355 was needed to strengthen the hand of U.S. negotiators vis-à-vis Mexico.[60] To Congressional critics like Cooley, the sight of their government bludgeoning Mexico into accepting all or none

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[59] The clearest statement of this nature was not made by a DOL representative, but by the chairman of the House Agriculture Committee, in his opening statement of the first day of hearings on HJR 355, which quoted DOL sources. Representative Clifford Hope said: "The Mexican Government has refused to go ahead and make an agreement. The policy decided upon by the Labor Department is to go ahead and carry out the program as a unilateral program. . ." U.S. House of Representatives, Committee on Agriculture, Mexican Farm Labor, Hearings 3, 5, 8, 9, 10 and 11, Feb 54, p. 1. Cooley's impression that the negotiations had been "terminated" can be found in ibid., p. 203.

[60] Goodwin's statement that "negotiations with Mexico have never been broken off" appears in ibid., p. 189; his admission that the Mexican government had indicated willingness to continue under the old agreement while negotiations were going on appears on p. 198; the statement regarding the role of HJR in strengthening the hand of U.S. negotiators, p. 198.

of its demands was offensive, and would have no part of it.

Cooley was in the minority, however, and the committee reported out the bill and Congress passed it in March. The hearings are useful to examine, not because they contain important reasons that explain the passage of HJR 355, but because of the manner in which the issues were presented, discussed and evaluated, and because they constitute a rare example in which both proponents and opponents of the bracero program were able to present cogent arguments to support their various positions.

Cooley thought that the Department of Labor's explanation for the breakdown of the talks did not make sense. As Siciliano presented it in his testimony, the largest issue in the discussion--"still perhaps the major stumbling block"--was wages, i.e., the Mexican government's desire that DOL set wages in advance, "not find the prevailing wage."[61] There were six other issues discussed in terms by now familiar: subsistence, non-occupational insurance, the re-opening of the station at Monterrey, worker responsibility (deductions of workers pay by employers to hold him to his contract), unilateral blacklisting of employers, and border recruitment.[62]

[61] Ibid., p. 6.

[62] Ibid., pp. 7-8.

Siciliano concluded that "[t]hese points are not major points as such. In some cases they were just interpretations." Cooley was of the same opinion: "It seems to me of the seven points you listed none of them should present an insurmountable difficulty."[63]

Representative William Poage of Texas, impatient with Siciliano's dissembling defense of the Administration's position, provided his own brand of political realism in offering an explanation for the breakdown of the talks.

> I would say to these people and to my colleagues on this committee that there are no people in the world that are more difficult to trade with than the Mexicans.
>
> That does not mean that they are mean or anything of the kind. They are just good traders and they are not going to let you outtrade them as long as they think you do not have any trumps in your hand. . . .
>
> The Mexican Government is trying to make the best trade they can make. They are trying to trade the United States out of everything they can, and I do not blame the Mexican Government for that. I wish our Government would treat every other nation just like Mexico is treating us.[64]

Poage argued that the Mexicans were intransigent and shrewd, and that in the past the United States had had to make some outlandish concessions in order to get the labor. Now it was time, in the farm language of another

[63] Ibid., p. 9.

[64] Ibid., pp. 10, 11.

member of the committee, that the United States "stood up on its hind legs" and defended its own interests.

Poage thus stood for a harder line--in this instance a realist position--and Cooley for a more reasonable line --the approach of a "good neighbor."

> MR. POAGE. We could get an agreement with the Mexican Government if they felt that we had made our best offer, but we cannot get an agreement with the Mexican Government if we tell them we will do everything they want, because then they will simply come in and want more.
>
> MR. COOLEY. You will not get an agreement with a pistol in their backs.
>
> MR. POAGE. They have been pretty successful in getting an agreement with a pistol in our backs. They have used those tactics on the United States from the very beginning. Now the Mexicans have a surplus of labor and have to find a place to put it.[65]

Poage's reference to Mexico's labor surplus was apparently inspired by earlier discussion in committee of the thousands of Mexican workers that accumulated at Calexico and elsewhere during the unilateral recruiting in the hope that they would get a labor contract.

Poage, however, was no match for Cooley in conceptual clarity, dogged pursuit of basic questions, or articulate presentation of essential arguments. Cooley's counterpart, on the other side of the argument, was not a fellow member of the committee, but a witness: Representative O. C. Fisher, of Texas. "What was it that our negotiators would not agree to?" he asked. Then he proceeded to read from the Associated Press coverage describing the reasons for the breakdown of negotiations: Mexico wanted a fixed pay rate and U.S. officials insisted on "sticking to the agreement under which the United States Department of Labor decided on a prevailing wage, saying . . . there is no legal basis for fixed wages in the United States."[66] The Mexicans also reportedly demanded to designate specific insurance agencies and reserved the right to unilaterally blacklist individuals, counties or areas.

> So in view of these reports, Mr. Chairman, it appears quite uncertain as to whether we can count on Mexico ever agreeing to terms of an agreement that could be accepted by the negotiators representing the United States Government.
>
> Is it any wonder that our negotiators could not agree to any such demands as were made? I do not know where those ridiculous demands originated. Certainly they did not come from the laboring people from Mexico who in the main are very content to come across and work at prevailing wages with the normal treatment which has been accorded them, similar to that accorded to American workers.[67]

Fisher concluded by pointing out that, in historical terms, the bilateral management of admission of Mexican workers was recent; that it had been unilateral for a

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[65] Ibid., p. 12.

[66] Ibid., p. 134-135.

[67] Ibid., p. 135.

"hundred years" before that, and, of course, could be unilateral in the future. He indicated he supported "unilateral contracts"--the only oxymoron in his otherwise straightforward argument. True to his Texas constituents he called for a "white card" system similar to that used with Canadian laborers.

Cooley, however, sustained his position that the U.S. should return to the bargaining table. On the wage issue, he conceded, the Mexican government was wrong; he expressed the faith, however, that the Mexicans would listen to reason on that point and that there might be some other way to calculate the prevailing wage than that used by the Labor Department. As regarded the other questions, Cooley challenged witness after witness to defend the proposition that any one of them should have led to the breakdown of the agreement. Regarding insurance, for example, the Representative did not see anything improper or outlandish about the Mexican government position that it had the right to determine the name of the insurance company.[68] Similarly, he expressed the view that the Mexican government did have the right to determine unilaterally to which counties or communities Mexican nationals should go.[69] Moreover, since the

[68] Ibid., pp. 142, 196.

[69] Ibid., pp. 136, 139.

Department of Labor was not too specific as to what had actually occurred during the negotiations, Cooley wondered out loud whether it was not U.S. insistence on border recruiting that had led to the impasse of the negotiations, and roundly criticized the notion that the U.S. should insist on such a thing, particularly since the events at the border, especially at Calexico, seemed to vindicate the Mexican position that recruitment at the border was not in its public interest.[70]

As far as Cooley could tell, and his views were similar to those of many individuals in and out of Congress critical of the unilateral recruitment program, the thrust of the position of the Administration seemed to be to find fault with the Mexican position in order to justify termination of the agreement.[71] He opposed HJR 355 because he found it offensive to Mexico and an inappropriate manner for the U.S. to treat its "good neighbor to the south." In one of his flashes of succinct brilliance he observed that "[t]he language [in the proposed amendment to P.L. 78] is actually tantamount to saying 'Notwithstanding negotiations, we are going to proceed on a unilateral basis'."[72]

[70] Ibid., pp. 113, 138, 179-180.

[71] Ibid., p. 198.

[72] Ibid., p. 175.

The hearings brought out some discussion of the wage issue pertinent to the negotiations. The Committee, as one might expect, understood the Department of Labor position to be correct--that the Secretary of Labor does not have legal authority to fix wages. It is not apparent, however, that the Committee saw or heard evidence that might have corrected the impression that the Mexican position suggested that the U.S. Department of Labor actually had authority to fix wages. As we know from the diplomatic correspondence, from Mexico's point of view the crux of the problem was that the wages that DOL found as "prevailing" were too low--in fact, at "wetback" levels. At the conclusion of the hearings the Committee did receive evidence from DOL, however, showing that the Mexican government's actions on the issue demonstrated concern for raising those wages through negotiation and unilateral action on Mexico's part.

Assistant Secretary Siciliano's statement before the House Agriculture Committee suggested a glimmer of flexibility in the Department's position not evident in Ambassador White's ultimata during the discussions that ended on January 15. Siciliano observed that the speed with which the wage surveys were conducted or the "accuracies" by which the State Employment Service people act could be improved. He indicated that the Department was "willing

to admit that in some instances the wage may be improper."[73] The concession that the Department was not perfect was, of course, perfectly reasonable, but it did not extend to an admission that the procedure itself might be wrong nor, of course, that a wage was negotiable.

A different view of the "prevailing wage" was presented by one of the witnesses--Ernesto Galarza, Research and Education Director of the National Agricultural Workers Union in California. He challenged the idea that such a thing actually existed. The State Employment Service officers in California has been unable to tell him what the prevailing wage was for specific crops and localities.

> The Department of Labor does not know what it [the prevailing wage] is and can't find it when it most urgently needs to. The Departments of State, Justice, and Agriculture have with the greatest of ease adopted this concept of the "prevailing wage" but there isn't a single solitary example of it that any of these Departments can produce.[74]

Further questioning on this point by Representative Cooley brought out additional information on the determination of the prevailing wage.

> MR. COOLEY. The prevailing wage, of course, is fixed by the employer.

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[73] Ibid., p. 8.

[74] Ibid., p. 160.

MR. GALARZA. Right.

MR. COOLEY. The Department makes the determination based upon information which it receives and considers from various sources. You tell us the Department will never permit you or those whom you represent to sit in on a meeting.

MR. GALARZA. Right.

MR. COOLEY. So what you have concluded, as I understand you to say, is that what they call a prevailing wage is actually a fixed wage, it is fixed in the Department by somebody.

MR. GALARZA. I would describe it as a dictated wage.[75]

In its discussions with the Mexican government and its protests to action by Mexican consuls designed to hold up the contracting of workers until a certain minimum wage was agreed to, the Labor Department consistently upheld the principle that it was not fixing wages but merely determining what wage levels prevailed. However, if that determination was made, as Galarza testified, as a result of a meeting in which growers got together to determine how much they would pay and communicated that to the local Employment Service office, then the principal problem of the Department with the Mexican position was not so much that it would have DOL fix wages, but that Mexican consuls demanded to bargain collectively for Mexican workers by bidding up the "prevailing" wage.

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[75] Ibid., p. 181.

The debate over HJR 355, in hearings, on the floor of Congress and in the press, revealed disagreement in the country regarding the migrant farm labor program. A major point of disagreement had to do with the conduct of relations with Mexico and how far the U.S. should go in yielding to the dictates of political realism. One side of this question, exemplified by Cooley's attitude, and the views expressed by various liberal and labor groups critical of unilateral action, stressed the need to treat Mexico with respect, to express good will, and to assume that whatever problems there might be could eventually be worked out by adopting a reasonable attitude. The other side, exemplified by the attitudes of Poage, Fisher, and the Administration, stressed past violations of the agreement by the Mexican government, the difficulties of selling the migrant labor program to U.S. farmers as long as Mexican consuls could bid up the price of labor and take other collective bargaining actions, the possibility of legalizing the "wetback" flow once the agreement could be made attractive to agricultural employers, and Mexico's continued need to send workers abroad no matter what the circumstances were imposed upon it. In this view, the risks of damaging relations with Mexico were small relative to the potential gains in legalizing the undocumented flow in terms likely to be accepted by grow-

ers. Mexico had an objective interest in maintaining access to agricultural jobs in the United States. Accordingly, there was nothing wrong with legalizing unilateralism; indeed, it was a political necessity.

The other major point of disagreement was only incidental to HJR 355 and, in a more basic sense, originated with the farm labor program itself. This had to do with the protection of domestic labor rights--a theme that had not died since the debate that gave rise to the President's Commission on Migratory Labor in 1950--and the appropriateness of U.S. participation in a program destined to serve the interests of a relatively small group of agricultural employers in one corner of the country. Prior to 1954, members of Congress like Cooley had supported the program, despite its rather narrow geographical base and despite its lack of direct importance to their districts, in part because it did not harm their interests and earned some good will from fellow legislators apt to support <u>their</u> narrowly focused legislative projects. However, some of these members, hardly enemies of agriculture or strong supporters of labor causes, were profoundly disturbed by the rather messy way in which the unilateral program began, the way it was stopped (declared illegal by the Comptroller General), and the suggestion that through this program the U.S. government

was becoming the captive of narrow selfish interests bent on acquiring their own aims no matter what the cost to the public interest.

The debate on Mexico did not focus on HJR 355 but on the propriety of Mexican government attempts to impede emigration by force. Indeed, there was not much of a debate; the overwhelming body of opinion expressed in the press after January 27 leaned strongly against it. Indeed, the failure of the governmental action to contain emigration during unilateral contracting, combined with the scenes of hundreds of Mexican workers mobbing the border gates left a deep imprint in the Mexican national conscience and on the future thrust of Mexican policies. Here, it seems, was strongly reinforced the idea that emigration was a the product of national backwardness and the failure of agrarian reform. Here, too, the "safety valve" metaphor gained ascendance, as did the idea that emigration was unavoidable. The Mexican idea of the inevitability of emigration, however, did not suggest that the Mexican government had no business in being involved in labor recruitment in a bilateral framework. Rather, it was taken to mean that the Mexican government should continue its participation in the bilateral policy experiment, even if in doing so it turned the other way as the abuses of the bracero program, from the point of view of

Mexican braceros, became more pronounced.

PART V: EMERGENCE OF A STABLE BILATERAL REGIME, 1954-1955

GROPING FOR A NEW MEXICAN CONSENSUS

Public reaction in both countries was jarred by the unilateral contracting episode of mid and late January. Judging from the telegrams and letters sent to Eisenhower and the Secretary of Labor, what bothered many Americans about these events is that it brought to light the ugly sight of their government arm twisting a weaker government--and a neighbor. The arguments that the U.S. position was justified by past Mexican unilateral action and by the "wetback invasion," as reflected in mounting apprehension statistics, did little to mollify opponents of the unilateral program like Representative Cooley, labor organizations, Mexican-American groups, and established critics of the bracero program. The U.S. action struck some as immoral, unjust, and improper--and an approach which suggested an easy willingness to put grower interests over all other considerations.

That critical attitude, brought out after the announcement of the unilateral program during the hearings on HJR 355 and later during floor debate on the resolution, in essence was a mirror of the previous Mexican reaction of outrage to the leaks and then the announcement of the U.S. go-it-alone policy. However, that Mexican

reaction did not last long and had little to sustain it, except the idea of supporting the Mexican government position vis-à-vis the United States. That support, moreover, was for Mexican government participation in the program, and for undefined protections of Mexican workers, since at no point during January did the Mexican specific position--what it was that the government was defending in the negotiations that had broken down--come to light.

We have few barometers of Mexican public opinion regarding this matter in the days and weeks after unilateral contracting began. The thrust of Mexican elite opinion, however, can be obtained from the public statements made by individuals to the Mexico City press and the large number of opinion columns that were published in Mexico City during this time. Such opinions may have been as much shapers of public opinion as reflections of it, but they have the advantage of constituting written, articulate arguments, reflecting attitudes, perceptions and values not necessarily those corresponding to the Mexican government position. Indeed, with few exceptions, they were critical of the Mexican government--in some instances because of its handling of the negotiations with the U.S. or its policy of restraining migrants with force afterwards; in other instances, because emi-

gration was judged an indictment of the economic conditions of the country. These criticisms therefore are not merely expressions of dissatisfaction regarding the January crisis; the crisis served as a focal point to stimulate broader-focused criticisms of the current and previous governments, going back to the Revolution.

The central theme of these criticisms was that emigration to the United States could not be stopped--certainly not through the use of force--because it was the manifestation of economic forces, principally lack of opportunity at home. Some criticisms, along the lines of José Colín's previously-cited arguments, indicated that the government rhetoric and demagogy had distorted the issue. President Ruiz Cortines's statement that the matter was an "incident" but not a "problem" in U.S.-Mexican relations was considered inadequate, and this consideration even appeared in columns that did not criticize him directly.

There are two dimensions to the problem, wrote Rodrigo García Treviño (whose column was published on the same day as Colín's): one was the international aspect, the impasse over negotiations with the United States; the other was the social and economic domestic aspect--the shortcomings in rural Mexico that pushed emigrants out of the country in the first place. It was appropriate for

the Mexican government to refuse to accept agreement if the conditions suggested by the United States did not guarantee the rights of Mexican workers, but that refusal only addressed the international dimension of the problem.

> Con la plausible actitud del señor Presidente de la República queda cerrado, insisto, un episodio del éxodo campesino. Pero no es menos cierto que el problema permanece íntegramente en pie . . . Sin embargo, hay quienes, adoptando la táctica del avestruz, pretenden que el origen del mal radica simplemente en su aspecto internacional. Algunos líderes han dicho que los campesinos emigran por espíritu de aventura, siendo conveniente, en consecuencia, que se les castigue cancelándoseles los títulos de propiedad de sus parcelas . . .[1]

The president might get some support in his confrontation with the United States, in this view, but that should not distract attention from the continuing problems faced by Mexican peasants nor sanction proposals to punish those that violated the prohibition to emigrate.

Lorenzo Patiño wrote on January 27--just as the news blackout on events at the border was lifted--suggesting that the problem, contrary to the official line, was not one of lack of patriotism among migrants but of lack of bread in peasant households. "Las manifestaciones de apoyo para este problema no dejan de ser pura palabrería," he wrote in connection with the demonstrations

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[1] Rodrigo García Treviño, "El 'espalda mojado' como problema mexicano," Excélsior, 20 Jan 54.

of support that the government policy had received, "y es indudable que al Primer Majistrado le interesaría más hechos concretos y no demagogia." Without knowing what exactly had led to the impasse, this writer blamed the Mexican government for the breakdown in negotiations. Without mentioning SRE and Gobernación by name, Patiño wrote that if those charged with responsibility for the agreement had adopted a policy of give and take, Mexico would not then be in the uncomfortable situation that it was. These officials, in his view, were hiding behind false patriotism in order to create an artificial problem. The truth, he suggested, could be summarized in three points.

> a) El bracerismo es un problema económico de carácter nacional que tiene como origen la pobreza del agro mexicano.
> b) Se agudiza por la falta de garantías en el campo y
> c) Está sujeto además a la ley de oferta y demanda.[2]

The author proceeded to criticize the Mexican Revolution for having produced an inadequate land reform, and for having neglected peasant agriculture. His argument was not merely that the agrarian policy of the Revolution had not been executed faithfully, he also stressed that since the majority of the Mexican population was in the rural areas, national priorities, investment, resources, and

[2] Lorenzo R. Patiño, "Los braceros, un problema económico," Excélsior, 27 Jan 54.

attention should be directed to rural Mexico. Finally, since the problem was economic, it was wrong to respond to it with police methods and the use of force to restrain emigrants: "Este problema, profundamente humano, que no puede combatirse con leyes ni con patrullas armadas, sino con medios económicos y cultura en el medio rural, se ha convertido, por obra de nosotros mismos, en un asunto sujeto a la ley de la oferta y de la demanda. . ."

On January 28, as previously noted, the news blackout on the events at the border was lifted--though no explicit reference to the existence of the blackout apparently was apparently published. Excélsior's first post-blackout story, however, attacked the policy of border restriction with a vengeance. In addition to publishing the AP story appearing in the U.S. press that morning, regarding the use of fire hoses at Mexicali to restrain the hundreds of braceros pushing at the gates to get into Calexico, it published a previous day's story (with an altered dateline to indicate it was also from January 27) which reported Mexico's change of policy and the confusion that it caused when the U.S. authorities suddenly closed by port of entry at Calexico. It also carried a defensive statement from Gustavo Díaz Ordaz, Oficial Mayor of Gobernación, that "[n]o hay novedad en la

situación en toda la frontera, dentro del estado de cosas que acaba de iniciarse, y podemos asegurar, más enfáticamente, que es de bastante normalidad." When public officials declare "emphatically" that things are "normal," they obviously are not. "No hay en ningún punto fronterizo," he added, "grandes concentraciones de aspirantes a braceros, como se ha asegurado, sino grupos reducidísimos, a los que ni siquiera puede llamarse concentración."[3]

Side by side with this implausible statement by Gobernación was a news report which read more like an editorial, and which described in strong language the treatment of Mexican workers by Mexican authorities, including soldiers, in Nuevo Laredo.

> Policías, soldados y mexicanos renegados, torturan diariamente a más de seiscientos espaldas mojadas que cruzan el puente internacional en calidad de ganado hacia el matadero. . . .
>
> Un piquete de soldados obliga a nuestros compatriotas a subirse a un camión de carga, de los llamados "trailers" de redilas, iguales a los que usan para transportar ganado, si algún infeliz trata de desatender la orden, a puntapiés o a culatazos lo obligan a acatarla.
>
> Son soldados mexicanos los que tratan así a sus propios conciudadanos, sus jefes permanecen impasibles ante tal actitud y ellos mismos la alientan, ay de aquel espalda mojada que traiga consigo algún bulto de ropa, o bien unos pantalones o chamarra comprada en el vecino país. . . .
>
> El Gobierno mexicano envía diariamente un carro de ferrocarril, de segunda clase, lleno de espaldas mojadas hacia el sur. Generalmente llega a Zacatecas y allí quedan abandonados a su suerte. Es la única ayuda oficial que reciben.[4]

Though delayed by the newsblackout, Mexico City newspaper readers discovered, not only from translated AP despatches but by local reporting, that the threat to use troops to prevent the departure of migrants had been carried out, and that there had been some surprises in the execution of the policy. Among those readers that would respond to this reporting would be opinion columnists, who would level a series of devastating criticisms for this action.

The most gentle of these was a column by J. Rodolfo Lozada, dated February 8, which simply suggested that the Mexican government was wrong and should make amends. It began by criticizing the government for not providing information on the nature of the dispute with the United States. The agreement expired, "[y] entramos en la selva oscura: sombras, misterio, confusión, alrededor de lo sucedido."

> Todo México se ha agitado, porque sabe que el problema es grave, angustioso. La opinión del señor Ruiz Cortines, de que se trata de "un simple incidente", está bien; más no hay que olvidar que, en la de vida de las naciones, simples incidentes se han convertido en muy graves conflictos. Suelen ser como simples rasguños susceptibles de producir una infección peli-

[3] Excélsior, 28 Jan 54.

[4] Ibid.

grosísima.[5]

Lozada suggested, evidently on the basis of AP reports on the U.S. side of the story on why the negotiations broke down, conceded that there was probably much truth in them and that room for a more flexible Mexican attitude existed. More efficiency, a more practical administration, and less obstructionism by Mexican consuls might improve the program, he considered. A more realistic attitude, he thought, was necessary, one that would correct the official tendency "de tapar el sol con un dedo." The problem, that the program should help ameliorate, he suggested, was economic deprivation. "En ningún país se ha resuelto el problema de la falta de trabajo de un día para otro, y aquí lo agrava el fantasma del hambre."[6]

Others were not so charitable. Ignacio O. de la Torre, on February 5, wrote a devastating critique of Mexican government action in which he criticized the use of force to restrain emigration as unconstitutional, impractical, and immoral.

> Las medidas inconstitucionales que hasta ahora se han puesto en práctica para evitar por la fuerza la emigración de los braceros, además de haber tenido resultados contraproducentes, demuestran que nuestro régimen constitucional es un mito, como lo ha sido siempre, como lo fue en

[5] J. Rodolfo Lozada, "La cuestión de los braceros; frente a la realidad," Excélsior, 8 Feb 54.

[6] Ibid.

> la década de 1910 a 1920, en que debido a las condiciones de violencia en que vivió el país a partir de la última reelección forzada y fraudulenta de don Porfirio Díaz, el país se despobló en gran parte debido al aumento de la emigración a los Estados Unidos.[7]

The blatantly illegal action by the government to restrain emigrants through the use of troops and physical force suggested to the writer a broader problem--the lack of observance of constitutional procedures by the Mexican government as a general rule, and not just in this instance.

> Todo lo anterior ya indica que, cuando se analiza a fondo cualquiera de los problemas de México, no es difícil advertir que a lo largo de nuestra Historia como país independiente, la verdadera causa de nuestro desastre ha sido la carencia de un régimen constitucional real y efectivo. Hemos tenido muchas constituciones, un exceso de constituciones sucesivas; pero jamás tuvimos, ni tenemos, un verdadero régimen constitucional. Y por falta de tal régimen nunca imperó entre nosotros un sistema jurídico; y por falta de sistema jurídico nuestra economía y nuestra cultura no han podido florecer.[8]

Quite clearly, the attempt by the Mexican government to support its bargaining position vis-à-vis the United States by trying to restrain the flow had raised, unexpectedly, serious and thorny questions.

A host of other writers echoed the theme that the use of armed force was an unconstitutional or improper

[7] Ignacio O. de la Torre, "La cuestión de los braceros," Excélsior, 5 Feb 54.

[8] Ibid.

use of government authority. There was virtual unanimity that the problem was social and economic, and that the appropriate response was to improve the economic welfare of the rural poor, not punitive or police measures.

> El problema de los braceros no se reduce . . . a impedir a mano armada el paso clandestino de la frontera. La única solución es dar medios de vida a los habitantes del país.[9]

> . . . un éxodo sin precedente de los mejores valores humanos de trabajo de que disponemos, a los que no hay derecho para reprochar y menos para prohibir su irresistible deseo de huir del suelo patrio, carente por ahora del incentivo inmediato, concreto y tangible que los retenga, ante la inhóspita situación económica que vivimos. La libre circulación del hombre sobre la faz de la Tierra, es un derecho natural inalienable.[10]

> . . . la restricción a la entrada libre de trabajadores . . . no está ni puede estar en manos de las autoridades mexicanas.[11]

> México seguirá siendo un campo de concentración en sus propias fronteras. Y el Ejército Nacional asesinará a nuestros evadientes "espaldas mojadas."[12]

> . . . las leyes de la oferta y la demanda son inmutables hasta ahora, y . . . no es posible forzarlas a base de decretos, amenazas y castigos.[13]

> . . . el remedio, no está en la expedición de decretos que prohiban la salida de esos hombres, ni en la firma de tratados; sino en la garantía que haya en los campos y en la seguridad de que su propia nación les ofrezca los medios de ganarse la vida.[14]

By prohibiting emigration, the Mexican government was not only acting illegally and immorally to some of these writers, it was trying to repeal the law of supply and demand.

The argument that migration was caused by economic forces and that the departure of peasant workers to the U.S. was a symptom of rural impoverishment, neglect, or worse, was not new, of course. But the crisis accentuated that belief to an extreme. Suddenly, as a result of the extreme action by the government to use force to restrain emigration, the bracero became a symbol of the downtrodden peasant in all of Mexico--and it mattered little that this symbol was somewhat at variance from the facts, since the most impoverished campesinos in the country were not typically represented in the migrant flow. Several forces were at work here, some specifically tied to the events of January and others of a more

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[9] Ramón de Ertze Garamendi, "Los braceros y la justicia", Excélsior, 3 Feb 54.

[10] Carlos Freymann, "Absurda impotencia nacional," Excélsior, 23 Feb 54.

[11] Luis Lara Pardo, "El pionaje internacional," Excélsior, 1 Feb 54.

[12] Manuel M. Reynoso, "Reglamentad jurídicamente nuestra vecindad con los EE.UU.," El Universal, 7 Feb 54.

[13] Carlos Freymann, "Absurda impotencia nacional," Excélsior, 23 Feb 54.

[14] Carlos DeNegri, "¿Por qué se van los braceros?", Excélsior, 13 Feb 54 (third of series).

long-lasting nature.

Perhaps the most important among these was that the country was perceived to be in economic crisis in this, the second year of the Ruiz Cortines administration. Inflation was rampant,[15] peasant agriculture was being punished by ceilings placed on the price of agricultural produce,[16] good land for distribution seemed to be nonexistent,[17] and what land there was severely eroded.[18] To many commentators, perhaps not familiar with the communities from which peasants left in Michoacán, Jalisco, Guanajuato and other states just north of these, it seemed obvious that the campesino was emigrating because he and his family was practically starving. (The rural areas of these states would qualify as poor relative to Mexico City, but certainly were not among the poorest in the country.)

> Cuando el campesino de México trata de abandonar su patria, va impulsado por una tragedia familiar y por una tragedia íntima. La voz del hambre resuena en todos los rincones de la casa en donde se enflaquece el hombre, trabaja la esposa

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[15] Ibid.

[16] Lorenzo R. Patiño, "Los braceros, un problema económico," Excélsior, 27 Jan 54.

[17] Alberto Tena González, "El problema de la desocupación de trabajadores en el campo y su posible solución," El Universal, 11 Jan 54 (last of a series).

[18] Carlos DeNegri, "¿Por qué se van nuestros braceros?" Excélsior, 11 Feb 54 (first of a series).

> y lloran anémicamente los desnutridos hijos. No hay trabajo o el salario es bajísimo. El precio de las cosas indispensables es altísimo. Cada familia de trabajador vive su tragedia.[19]

Though many families in that situation undoubtedly could be found in Mexico, even in Mexico City, this is not an accurate generalization of the situation of families that sent migrant workers to the United States. That, however, did not seem to bother many Mexico City columnists, who saw in the government's egregious error of January an opportunity to strike a blow for peasant justice.

Another element that had great impact on the thinking of opinion writers during this time was the announcement published as an AP despatch at mid January that one million apprehensions of Mexican illegal entrants had occurred during the previous year. The enormous flow of undocumented workers that these statistics suggested, in addition to the 200,000 or so contract workers employed in the U.S., seemed to support the argument stated above, regarding the economic situation of peasants. Indeed, the magnitude of the migration itself was an indictment of the Revolution and the agrarian reform:

> Si a estas cifras se hace un razonable descuento en vista de que entre los detenidos hubo reincidentes, aun así la emigración es superior en más de cien veces a la que se registraba al expirar el porfirismo, no obstante que, a costa de ríos

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[19] Roberto Ugalde, "Los braceros: la tragedia, el deshonor," Excélsior, 24 Feb 54.

> de sangre, nuestro pueblo hizo una revolución --que gobierna hace 37 años-- cuya principal finalidad fue resolver el problema de la tierra.[20]

Emigration was much greater at that time than it had been during the dictatorship of Porfirio Díaz--so what good had the Revolution brought?

A third and final element that was decisive in driving home the idea that emigration was a profoundly economic phenomenon not amenable to short-term resolution or government control: the sight itself of hundreds, perhaps thousands of Mexican workers climbing over each other, pushing and shoving, to get into the United States. These scenes--the graphic scenes of Mexican workers gasping for air in the crush of mobs and rioting, and having to be subdued by force and fire hoses--were not pleasant. They were a reminder that something must be wrong with the situation at home for these workers to be so desperate.

> Es lamentable y permanente espectáculo internacional que ofrece México, el único país de intensa emigración en América, con la "estampida" de nuestros braceros, asunto tan festinado y explotado durante los últimos años aquende y allende el Bravo sin que se resuelva en términos de mutua equidad y justicia como se lo merece. . . .
>
> Séanos permitido declarar con el derecho que asiste al que ha sido testigo y peón insignificante de nuestro movimiento libertario, que la Revolución ha fracasado en el más impor-

[20] Rodrigo García Treviño, "El 'espalda mojado' como problema mexicano," Excélsior, 20 Jan 54.

> tante de sus postulados, porque la organización del campesino mexicano ha servido principalmente como arma política, como elemento de fuerza electiva para garantizar, en los cambios de regímenes, la transmisión del mando de los privilegiados para el ejercicio del poder durante el proceso agónico de la propia Revolución, cuyos principios fundamentales, salvo raras excepciones, son los primeros en vulnerar. . . .
>
> ¿Por qué sorprendernos, ante tales condiciones de nuestra vida nacional, de la "estampida" de nuestros braceros?[21]

The problem, according to this writer, was not just economic but political. It was not just the economic failure of the Revolution in failing to provide the peasant with a means of subsistence, but the moral failure of the peasant--the abuse of the system, which the mass "stampede" at the border gates symbolized.

To some columnists, a central cause of emigration was assumed to be relative overpopulation, a high birth rate, or too large a population relative to food production.[22] To others, it was the relative backwardness of the countryside: lack of schools, wage differentials, and the relative opportunities offered by even menial employment in the United States.[23] One line of reasoning--

[21] Carlos Freymann, "Absurda impotencia nacional," Excélsior, 23 Feb 54.

[22] See, e.g., Manuel Gamio, "La emigración de braceros en función con la producción, la natalidad y el valor del peso," El Nacional, 6 Feb 54; Ramón de Ertze Garamendi, "Los braceros y la justicia", Excélsior, 3 Feb 54.

[23] Fernando Robles, "¿Será posible detener la

favored by Professor Lucio Mendieta y Núñez, director of the Instituto de Investigaciones Sociales of the UNAM--was to suggest that emigration constituted a "safety valve" for the country, that the relative open border had prevented a revolution from occurring because it provided an alternative source of employment to impoverished peasants. Mendieta y Núñez's statement was based on the observation that land parcels for ejidatarios and small private farmers were generally too small to provide subsistence, the lands in many cases were infertile or exhausted, agricultural credit was inadequate, and there prevailed a climate of abuse and injustice in rural Mexico.[24]

Given the prevailing mood that the use of force had been a serious mistake and that emigration was a symbol of the governmental neglect of the countryside, public opinion and practical circumstances seemed to suggest to the Ruiz Cortines government two parallel courses of action. One was to provide public demonstration that it cared about the rural sector and was taking action to help. The other was to salvage the bracero policy experiment, perhaps under new terms, in order to provide for continued opportunity for some Mexican workers to obtain

emigración de los braceros?", El Universal, 9 Feb 54.

[24] Excélsior, 27 Feb 54.

employment in the United States.

The first course of action had been established during the crisis in January, when the President had alluded vaguely to the need to create jobs to retain workers in Mexico. This was followed up by a more concrete plan of action announced at mid February, by the Secretaría de Bienes Nacionales, which entailed a public works program for creating temporary jobs in Mexico, explicitly for the purpose of ameliorating the economic conditions of would-be braceros. These jobs, to be created mostly in the northern part of the country, would have to do with road paving, electrification, water works, and "parques y jardines." El Nacional's front page headline conveyed the government's message: "Serán invertidos en este año 42 millones de pesos en obras materiales para evitar la salida de braceros."[25] Similarly, Manuel Bartlett Bautista, governor of the state of Tabasco, announced the availability of 500,000 hectares of land for bracero aspirants in his state, and indicated that excellent employment opportunities existed there for those who would take them.[26] Agustín Olachea, governor of the territory of Baja California sur, another underpopulated area, made

[25] El Nacional, 16 Feb 54.

[26] El Nacional, 17 Feb 54.

a similar statement.[27]

Seven months after the crisis at the border, President Ruiz Cortines devoted some time, in his second annual address to the Mexican people, to the bracero issue. He attributed the causes of migration to a mixture of momentary and long-lasting factors, and stressed aspects on both sides of the border. These included Mexico's high demographic growth, the bad weather which had caused difficulties for peasant agriculture, and the dream of earning a high wage in the United States.

> Teniendo en cuenta estas causas, el gobierno promovió desde el año pasado un programa de arraigo de la población rural, que es el 70 por ciento, a nuestro suelo, con el propósito de que las zonas del país escasamente pobladas --tropicales y costeras-- absorbiesen en buena parte la población excedente en varias entidades federativas.[28]

The President concluded that Mexico's challenge was providing employment for its labor force. He ended his treatment of this point on the optimistic note that by providing adequate employment opportunities in Mexico, emigration might be reduced. "Así la salida de trabajadores agrícolas será si acaso cíclica y de beneficio mutuo."

The other course of action had already been decided

[27] El Nacional, 19 Feb 54.

[28] Novedades, 2 Sep 54.

on January 25 or 26, when Ruiz Cortines instructed his Ambassador to seek an audience with President Eisenhower for the purpose of resuming negotiations with the United States. That latter decision was not common knowledge, however. It was not until February 10 that Eisenhower mentioned in a press conference that during a meeting with Tello the previous week he had agreed to resume conversations. In Mexico City, it was added that the conversations had never ended.[29] Goodwin, of course, said much the same thing to the House Agriculture Committee, and given that Padilla Nervo and White had met after January 22 and before Tello's visit with Eisenhower, the statement was essentially correct. Negotiations had never ended, but then they had not really started, either.

Ruiz Cortines's decision to return to the negotiating table reflected a conviction, widely held in Mexico City, that the alternative to a bilateral program was unthinkable. Had that not been the case, the outcome of the events of January and February, 1954, might have been different, and the bracero program might have ended then and there, instead of continuing for another ten years.

[29] Excélsior, 11 Feb 54.

REACHING AGREEMENT AND SAVING FACE

On February 12, two days after Eisenhower's press conference, the Mexican government presented the U.S. Embassy with a new set of proposals for discussion which Washington regarded as "definite step forward toward eventual agreement."[30] White met on February 18 with Padilla Nervo and Gorostiza to discuss them, and it was clear from his teletyped report to Washington that the Mexican government had significantly changed its position regarding White's demands that had led to the impasse of the previous month.

Regarding wages, which the Mexican government had considered the central issue prior to the renewal of negotiations, Foreign Minister Padilla gave Ambassador White "positive assurance that they are abandoning their position that the Mexican Government or its Consuls can bargain for the workers. Neither will they try to fix prevailing wages or subsistence and after long argument they finally agreed to drop any difference between initial wages and prevailing wages." Padilla Nervo and Gorostiza tried to include in the agreement a statement of how the Secretary of Labor determined wages, as a statement of fact, but that, too, was rejected. And finally, the last point of resistance on wages, Padilla and Gorostiza accepted "that the initial wage is the prevailing wage at the time the contract is made."[31]

The issue of subsistence was resolved in a similar manner: these, according to the tentative agreement reached in February, "will be determined by the Secretary of Labor."[32]

Blacklisting was handled in the same manner. White's instructions had him inquire as to whether the Mexican proposal meant "that all employers not already jointly found to be ineligible are considered eligible in the future until jointly determined to be otherwise?"[33]

> Padilla Nervo at once stated the answer is yes. Gorostiza tried to make an exception for those unilaterally blacklisted for discrimination. The Minister surprisingly inquired whether such unilateral blacklisting existed and Gorostiza replied in the affirmative. After long discussion on this point . . . the Minister positively stated that we are beginning anew and all old blacklisting except those jointly determined will be wiped out and there will be no unilateral listing from here out.[34]

On the points in which the Mexican government position

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[30] Telegram 940, Smith to AmEmbassy, 18 Feb 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

[31] Telegram 926, White to SecState, 19 Feb 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

[32] Ibid.

[33] Telegram 940, Smith to AmEmbassy, 18 Feb 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

[34] Telegram 926, White to SecState, 19 Feb 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

was weakest, then, wages, subsistence and blacklisting, there was virtual capitulation to the U.S. position on the first meeting.

The attitude taken by the Foreign Minister, as described in White's report, suggests that he had only recently realized the full extent to which, in recent years, the Mexican government had acted unilaterally, and that he hoped a new spirit of bilateralism, as it were, might prove to be to the benefit of both sides. To this end, Under Secretary Gorostiza had suggested the creation of a joint commission, made up of a small number of government officials on both sides, to work out some of the details of the agreement and to arrive at a new understanding of how this joint venture called a bracero program was to proceed. The idea, on the Mexican side, had been "the establishment of a permanent body along the order of the Boundary and Water Commission, with similar ample powers to deal with the Bracero problems." White did not accept the creation of such an independent body the definition of whose tasks might be open-ended, and, in the end, it was White's view that prevailed.[35]

[35] Oscar Rabasa, later chairman of the Mexican Section of the Commission provided the explanation in quotes. "Minutes of a Meeting of the Joint Commission on Mexican Migrant Labor," 16 Jul 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

The idea that SRE was thinking of something analagous to the International Boundary and Water Commission, however, is significant. For the Mexicans, that Commission represented a successful way to provide practical and technical solutions to problems that threatened to become a serious conflict with the United States; its suggestion by Gorostiza can be interpreted to mean that in February, 1954, the Mexican government was searching for a way to depoliticize a sensitive domestic and bilateral issue, in a word, to submerge the bracero issue below the national priority of a cordial and workable relationship with the United States.

The proposals originally made by the U.S. government that entailed a change in the agreement--border recruiting, a new subsistence formula, the reduction of the contract period to four weeks, and worker deductions to tie him to his job--were not accepted, nor were they rejected out of hand. All of these points elicited considerable discussion and some cautious approval by the Foreign Minister and Under Secretary. The one proposal on which there was most resistance was border recruiting, and there were several objections raised: the throngs that would result at the border would pose "difficult questions," the determination of who was a bona fide border resident and who was not (as a condition for eligibility)

would be problematic, the personnel to do this was not available.

During his discussions with White, as had occurred during the previous month, Padilla Nervo repeatedly stressed the constraints of Mexican public opinion on his government's position, the need to not change the agreement in any substantive way, and in those cases where the U.S. was proposing changes the need to "find a formula more acceptable to public opinion;" Padilla very much desired "to avoid attacks on the government that they [had] made a new agreement."[36] In this instance the invocation of the constraints of Mexican public opinion suggests two different motivations: attempts to buttress a weak bargaining position and a preoccupation of style over substance. Both elements are present in the style employed by the Mexican government while it negotiated this agreement under duress.

After this long meeting of February 18 among the Ambassador, Foreign Minister and Under Secretary, the Mexican government reformulated its proposals and responded to some pending questions. Wages and subsistence allowances were to be decided by the Secretary of Labor, although the Mexican government had a right to object if thought it appropriate. While the investigation of such

[36] Ibid.

objections was to be conducted, contracting would not be interrupted. In essence, the Mexican consuls' tacit right to hold up contracting to bid up wages was to be a practice of the past. Black listing was to be handled as already agreed, through joint investigation. The Mexican government would not include "counties" but "communities" in the lists. Thus the Mexican government reaffirmed its earlier acceptance of the anomalous situation by which wages could be determined solely by the United States but discrimination could only be determined jointly. Non-occupational insurance was to be obligatory and not optional, with deductions coming out of the workers's wages. This constituted one area in which the Mexican government maintained its position of the previous fall. The deduction of worker's pay to hold him to his job would be limited to three days.[37] Several other matters, including the conclusion of the joint interpretations worked on in that stormy meeting of April, 1953, were referred to the joint commission to be set up under the new agreement.

Padilla Nervo and Gorostiza dug in their heels on border recruiting. Padilla told White that President Ruiz Cortines was "absolutely opposed at this time," and

[37] Translation, memorandum of SRE to AmEmbassy, in telegram 935, White to SecState, 24 Feb 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

suggested that the U.S. might obtain Mexico's acceptance of the four-week minimum contracts, but not both proposals. White informed Washington:

> I replied [that] the two questions [were] individual and [that] we are asking for both as means of encouraging legal entrants and discouraging illegal entrants. Padilla Nervo said all governors, except Governor Maldonado of Baja California are opposed to border recruiting. . . . Minister [stated that the] tendency is to put migratory stations as far from the border as possible and [the] President won't change it now. I inquired whether they would submit the matter to mixed commission with instructions to their member to agree but he declined. He said our announcement of contracting at the border had caused accumulation of workers there and caused trouble. This point was argued at great length and I stressed insistence of Justice Department on it. Minister said President is absolutely opposed to doing this at this time, and in [making it explicit in] the exchange of notes putting the agreement back into force.[38]

Padilla's replies to White make clear that, perhaps for the first time, President Ruiz Cortines was being consulted on the specific matters under negotiation and was taking an active interest in what concessions were made. Some of these replies, and White's outrageous proposal that the Mexican members be instructed to accept a position, indicate that the Ambassador was catching on to the game of coming up with ideas that might not put Mexico in an unfavorable light publicly, even though the substance might be something else.

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[38] Telegram 941, White to SecState, 25 Feb 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

Shortly after this substantive meeting, in which much progress was made toward a new agreement, Ambassador Tello approached the Department of State to request that the Department "take steps to delay action on H. J. Res. 355" which was scheduled to be considered the following Monday, March 1. Tello indicated that his government had made new proposals which he considered "very favorable to the American farmers" and that it appeared that discussions had proceeded far enough that agreement "could be reached immediately." The desire of the Mexican government for a delay on HJR 355 was that it not interfere with that possibility, and pointed that his government "might be placed in an embarrassing position should the legislation pass and the Mexican press charge that the Government of Mexico was being subjected to pressure by the legislation."[39] After indicating to the Ambassador that the Department would "have his request looked into but was doubtful of the possibility of delaying the legislation" since it had received approval by the agriculture committees of both houses and there was strong interest in the bill in Congress.

> As the Ambassador was leaving, it was . . . pointed out that . . . the Department trusted the Embassy would not get involved in the debate in Congress to the extent that the Ambassador or

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[39] Memorandum of conversation, by Jack Neal, 26 Feb 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

> the Embassy might be charged with interfering with internal political matters. The Ambassador agreed this would be most unwise and that his only communication with Congress had been a call which he had received from Congressman Cooley of North Carolina. He stated he had not attempted to communicate with anyone.[40]

The memorandum of conversation does not tell posterity what happened to Tello's request that was going to be "looked into," but obviously it was ignored.

Padilla Nervo took a different tack in his conversations with White, just before he left for a Hemispheric Foreign Minister's meeting in Caracas, in which he suggested a joint statement be issued that agreement was imminent so as to avoid Mexican press criticism that the government was negotiating under duress because of HJR 355. A statement that "substantial understanding has practically been reached" was issued on February 27, though with considerable resistance from the Departments of Justice and Labor who felt that an agreement without immediate acceptance of border recruiting by Mexico was not good enough.[41]

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[40] Ibid.

[41] Padilla's nervousness was reported in telegram 952, White to SecState, 26 Feb 54. NAW, DOS, RG 59, 811.06 (M) box 4407. The quote is from "Proposed Joint Mexico-United States Statement for Release February 26, 1954." The background argument for the joint statement was presented in Memorandum, Cabot to SecState, 26 Feb 54. Both of these documents also in box 4407. Padilla Nervo made a statement to the same effect to the Mexican press on February 26, upon departing for Caracas.

At this juncture, White recalled for the benefit of the Departments of State and Labor the progress that had been made toward agreement.

> Under Secretary of Labor's letter to Under Secretary of State dated September 9, 1953, which began the whole bracero negotiation asked for agreement in principle on six points. . . . Subsequently Justice and Labor brought up other points but in all there are eight substantive points and the Mexicans have met us in our position completely on seven of these points and have now agreed to submit border recruiting for study by mixed commission and report by June 30, even though there is an honest difference of opinion on this matter. I hope the Department will promptly send me their acceptance and authority to exchange notes with Gorostiza. The lemon is squeezed dry and there is not another drop to be got. I feel we would be jeopardizing relations with Mexico for a long time to come if we do not accept this now and go through with the exchange of notes. I earnestly recommend and request that we accept.[42]

This position met with considerable resistance, however, particularly from the Justice Department, which held fast to the position that border recruitment was necessary to "bring the border under control."[43]

Excélsior, 27 Feb 54. The resistance of the Justice and Labor departments to accepting an agreement without this point is discussed in the following sources, both in box 4407: Memorandum, Burrows to Holland, 27 Feb 54; Memorandum, Burrows to Holland, 27 Feb 54, 3:30 p.m.

[42] Telegram 952, White to SecState, 26 Feb 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

[43] Brownell to SecState, 8 Mar 54. NAW, DOS, RG 59, 811.06 (M) box 4407. Brownell's letter was drafted before the surprising Mexican concession on border recruiting of March 6 and, despite the "informal suggestion" that the letter be withdrawn, insisted in submitting it for the record. See also, Memorandum,

On Tuesday, March 2, the House of Representatives passed HJR 355 by a large majority. Tello did not wait for subsequent Senate action, on March 4, to submit a diplomatic note protesting the measure in the characteristically understated language of diplomacy.

> The Government of Mexico is not unaware that the adoption of this Resolution involves an internal question and, as such, it does not attempt to criticize it. It is evident, nevertheless, that if it becomes law its effects will unquestionably have unfavorable repercussions in Mexico. Therefore, it is not presumptuous to maintain that the substance of this question is beyond the scope of matters which are within the exclusive control of one State. . . . Furthermore, this measure is not in harmony with the principles of cordiality and friendly cooperation on which the relations between our two countries are based.[44]

The Department's reply, submitted three weeks later, referred to the agreement reached before the bill was signed into law, and since the agreement "is in harmony with the principles of cordiality and friendship which are fundamental in our relations," and had been reached before the legislation in question, "I am certain you will concur that this new Agreement was reached without consideration of the resolution."[45]

On March 5 or early on the 6th, Under Secretary Walter Beddel Smith telephoned Ambassador White, and instructed him to take up the matter of border recruiting again with Gorostiza. The meeting produced an unexpected capitulation.

> To his surprise and that of all other persons connected with the negotiation, the Mexican Under Secretary said, after a very long conversation Ambassador White had with him on Saturday [March 6] following your telephone call, that he believed the President of Mexico could be persuaded to approve recruiting at Mexicali (adjoining El Centro, California), Chihuahua (4 hours by truck from El Paso) and Monterrey 6 hours by truck from Laredo and other border points), in addition to two interior points, Alipuato [Irapuato?] and Guadalajara. Recruiting would be conducted at all these points while the Joint Commission is making its study to recommend on June 30 future need for recruiting places and procedures. Ambassador White had tried to get a concession before repeatedly but had come to the firm conclusion that the Mexicans would not concede it.[46]

As Assistant Secretary Woodward pointed out in his memorandum reporting this turn of events, this concession was even more sweeping than what the U.S. had hoped for, which had limited border recruiting only to border residents and limited to a percentage of total recruiting.

Final agreement was effectuated through an exchange of notes on March 11, 1954. All of the points that the U.S. government had set out to obtain the previous fall were contained in this agreement; indeed, in some re-

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Woodward to Acting Secretary, 12 Mar 54, box 4407.

[44] Translation, diplomatic note 952, Tello to Walter Smith, 3 Mar 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

[45] Copy, unnumbered diplomatic note, Woodward to Tello, 24 Mar 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

[46] Memorandum, Woodward to Acting Secretary, 6 Mar 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

spects, the Mexican concessions had gone further than what the U.S. would have been willing to settle for. The Mexican government obtained one point which it had desired: making mandatory the application of non-occupational insurance, paid for out of worker deductions. The other proposal original advanced by the Mexican government--the creation of a joint commission to discuss further operational details and settle some pending matters --eventually turned its attention almost exclusively to the remaining suggestions that had been promoted by the United States.

The agreement was a complete victory for the United States. That is not how the Mexican government played it in the press, however. In a despatch regarding the treatment the Mexican press gave to the announcement of agreement, the U.S. Embassy noted

> . . . that the news story also contains a list of some of the principal points covered in the diplomatic notes exchanged in conjunction with the signing of the new Agreement. By the manner in which it presents these points, the news story implies that they represent important new concessions by the United States Government for the benefit of the Mexican workers, although in practically every instance the previous system made the same provisions. It represents a face-saving device which the Embassy anticipated the Mexican authorities would resort to.[47]

House Joint Resolution 355, passed on March 4, was

[47] Despatch 1560, from Hudson, 15 Mar 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

delayed in being transmitted to the White House. Under Secretary Smith informed Eisenhower in a memorandum why this course was being recommended.

> In view of the Mexican sensitivity on signing an agreement after the legislation becomes effective, and because they [the Mexicans] have told us that this problem would be less acute if the agreement is signed before the legislation, the Department recommends that Presidential action be delayed until March 15.
>
> Mexican sensibilities would be further assuaged by a brief Presidential statement at the time the legislation is signed, pointing out the beneficial effects for Mexican workers mentioned . . . above.[48]

Style was indeed being emphasized over substance, indeed, to the point where it did not seem to matter that the resolution adopted by Congress and promulgated by the President was contrary to Mexican interests, as long as Eisenhower suggested the opposite. The legislation, of course, was a club over the head of the Mexicans, though Eisenhower's proposed statement did not say so. The State and Labor departments recommended that the proposed statement be made. "The Department of Justice believes," Eisenhower was informed, "because the statement does not, and obviously cannot, stress the 'club' idea and is not, therefore, a complete portrayal of the purpose of the legislation, no statement should be issued."[49]

[48] Memorandum for the President, by Walter B. Smith, 8 Mar 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

[49] Memorandum, Woodward to Acting SecState, 11 Mar

A last-minute telegram by labor organizer Gardner Jackson to John Foster Dulles quoted from a similar telegram sent to Eisenhower in which Jackson urged the President not to disapprove HJR 355. "Failure on your part formally to disapprove the measure . . . would be interpreted as an insulting and permanent blackjack held over Mexico's head; an expression in itself of distrust by the United States of Mexico."[50] Jackson had no way of knowing, of course, that although the Mexican government did find the measure insulting, it had reached agreement days earlier knowing full well that the measure would become law, and had further suggested a hypocritical statement by Eisenhower to mislead Mexican public opinion.

Eisenhower's statement, made on March 16 as he signed the bill into law, was a masterly statement of good neighborly obfuscation.

> On signing this legislation, I wish to dispel any misconceptions which may exist regarding its purpose. The basic purpose is to enable this Government to give migrant labor the protection of our laws. . . .
>
> The . . . Governments [of Mexico and the U.S.], after more than four months of careful study and friendly negotiation--conducted in an atmosphere of mutual respect worthy of two sovereign neighbors--announced on March 10 that they had concluded a renewed and improved Migrant Labor Agreement. . . .
>
> Unforeseeable future developments may someday lead the two Governments to determine that formal agreement on this subject is no longer desirable but that appropriate action by each within its own jurisdiction is still essential. Authority has existed for a number of years for the Attorney General to admit Mexican farm workers under whatever conditions he alone may establish, but because of the wording of applicable legislation there has not been adequate authority for United States governmental measures for protection and placement of the workers at any time there should not be an agreement with Mexico. The present law is precautionary in that it removes this disability. . .[51]

Since there was no candid debate in the Mexican press over the significance of this legislation, which provided for the U.S. to recruit workers without an agreement, we do not know whether the club "smelled any sweeter" by a different name. In the 70-word news report that El Nacional dedicated to the story, the only point mentioned about Eisenhower's statement was that the purpose of the law "es dar a los emigrantes mexicanos 'la protección de nuestras leyes'."[52]

To Tello U.S. objectives during the unilateral contracting, as implied by his comments previously described in one meeting during February, were the satisfaction of

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54. NAW, DOS, RG 59, 811.06 (M) box 4407.

[50] Telegram, Gardner Jackson to SecState, 16 Mar 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

[51] Statement by the President on Signing H. J. Res. 355, 16 Mar 54. NAW, DOL, RG 174, Office of the Secretary, 1954 Departmental Subject Files, box 54. Belton drafted the text. See Proposed Statement for Release on Signature of Mexican Migrant Labor Legislation, 11 Mar 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

[52] El Nacional, 17 Mar 54.

grower interests. That is essentially correct, but, as has been shown, the actions of the U.S. government held that purpose as a collateral objective of a broader concern, which was the resolution of the flow of undocumented migrants. In the view of the Departments of Labor, State and Justice, the reduction of illegal entries would not be obtained unless the entry of contract workers could be facilitated from the point of view of the employer. To this end, the U.S. formulated its position of the fall, 1953, in which reforms were sought in the bilateral program in order to arrive at a "simplified" program more attuned to the needs of agricultural employers. This the Mexican government resisted unsuccessfully.

A month and a half after reaching the watershed agreement with Mexico and adopting HJR 355, the U.S. government took another step in the direction of facilitating the use of contract workers for agricultural employers. On April 30, the Department of Labor lowered the fee charged agricultural employers for contracting Mexican braceros, from $6 per worker to $3 per worker. The cost of recontracting a bracero already in the country was reduced from $2 to $1. The press release of the Department explaining the decision made note of the purpose of the fees--to reimburse the U.S. government for ex-

penses associated with the program--and observed that the balance of the revolving fund was at about $2.5 million. It may be recalled that this was the second occasion in five months that these had were lowered, and the fund for P.L. 78 still had a surplus of $1.5 million. The DOL announcement acknowledged that fees were being reduced "below actual transportation and subsistence costs" and explained that the purpose was to reduce the surplus which, in principle, had no reason for being. It is reasonable to surmise, however, that a more important and immediate reason for the action, not explained in the press release, was to make it easier and less expensive for employers to hire Mexican laborers through the program.[53]

For the United States, then, the completion of a new bilateral agreement and the passage of HJR 355 in March, and the adoption other measures for the purpose of reducing undocumented migration, closed a noisy chapter in U.S.-Mexican relations and a substantial advancement, domestically, toward a goal still not reached. For the Mexican government, this was a painful and shameful episode, in which the right of Mexican consuls to act for migrant laborers--perceived to be important by SRE--was

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[53] Copy, press release, DOL, Bureau of Employment Security, 30 Apr 54. NAW, DOL, RG 174, Office of the Secretary, 1954 Departmental Subject Files, box 54.

seriously compromised and certain odious forms of exploitation of braceros--such as the deduction of wages to tie him to his job--were formally instituted.

From the U.S. perspective, the approach taken to move Mexico to agreement is characterized by remorseless pressure and meticulous planning. The remorselessness, a byproduct of political realism, is clearly evident in the representations made by Ambassador White, in the unwillingness to compromise, and in the adoption of unilateral contracting in the face of Mexican resistance and notwithstanding clear indications that such action was illegal. This is also evident in the relentless push for HJR 355, and in the forcing upon Mexico of one last concession--border recruiting--when even Ambassador White thought he had "squeezed all of the juice out of the lemon."

Political realism had impact, but it was made all the more effective by meticulous planning. This can be observed at several points: the preparation within the U.S. government of a unified position before beginning negotiations, the trial balloons warning Mexico of the unilateral contracting, the adoption of a unilateral program that had all of the essential guarantees made available by the bilateral program, the introduction of legislation to legalize the expenditure of funds under P.L. 78

to operate unilaterally, the timing of Ambassador Tello's appointment with President Eisenhower. Once unilateral contracting gets underway and the Mexican government was unable to maintain its position, it did not matter that the hearings on HJR 355 got off to a bad start, or that the administration was severely criticized by labor groups and others for pressuring Mexico, up to and including the day that Eisenhower signed HJR 355 into law.

16 AFTERMATH AND "OPERATION WETBACK"

A NEW BILATERAL REGIME

The March 1954 negotiations and Congressional passage of House Joint Resolution 355 constituted, for the Mexican government, a stinging defeat and a fundamental change in the bilateral regime of the migrant labor program. However, the most significant changes were not tangibly reflected in the text of the March 10 agreement. True, that agreement contained everything that the U.S. had demanded prior to instituting the unilateral program in January, but the changes made, with two exceptions, did not directly affect labor guarantees. The provisions, for example, that the Secretary of Labor would determine wages unilaterally and that the blacklisting of communities could only be done bilaterally, though they reflected a setback for the Mexican position as compared to the World War II program, merely entailed spelling out in greater detail what had been agreed to during the conflictual period before 1954. Some Mexicans, perhaps, were able to persuade themselves that what was actually lost at the negotiating table in February and March of 1954 had already been traded away during previous negotiations.

For Mexico, in concrete terms the March 1954 agree-

ment constituted two major setbacks. The most visible of these was less room for Mexican consuls to maneuver and a reduction of their capacity to interrupt contracting when they thought that something about the employers, the wages or the working conditions provided for were inadequate. The change in this regard was so dramatic that there was some disagreement within the U.S. government whether the consuls had any room at all. As White put it in a telegram to Washington, some field representatives of the Department of Labor felt "that under the new agreement the Consuls have no functions to perform." This was not the case, he argued. "They supervise and sign the contracts but cannot refuse to sign them, other provisions being complied with, because they feel the Secretary of Labor has erred in determining wages or subsistence."[1] Wages and subsistence, as Foreign Ministry officials had indicated before, were the central issues in the administration of the program.

The other loss was the adoption of the principle that a certain part of the wage could be withheld by employers in order to hold workers to their contracts. The idea of "worker responsibility" had appeal to those that felt that the agreement was one-sided and spelled out

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[1] Telegram 1094, White to SecState, 25 Mar 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

only obligations for the employer; it also had some attraction as a means of reducing contract "skips," i.e., the desertion of workers from the jobs to which they had been contracted and their employment, subject to deportation, elsewhere. However, in practice this proposal simply added one additional form of control exercised by growers over braceros. Clearly, if workers had to be tied to their contracts through an initial period of involuntary servitude it was because being an undocumented worker, with all of its risks, was potentially attractive as compared to some legal forms of employment available to them.

More important than these two losses individually, however, was the reversal of a trend in U.S.-Mexican joint administration of the migrant labor program. This, actually, constituted the Mexican defeat of January-March, 1954. Before 1954, Mexican government representatives had had the freedom to take the initiative and make bold efforts to reform a labor system which many in Mexico viewed as problematic for the Mexican bracero. After the events of January and March, Mexican officials no longer had such freedom and one gets the impression that, at the highest levels, no one really cared. This was reinforced by Mexican public opinion, which was both critical of government efforts to restrain emigration by force

and inclined to believe that emigration was necessary for economic reasons--that the flow of workers to the United States would occur, one way or another.

These various setbacks were interrelated. The limitations on consular scope of action sounded the death knell of SRE efforts to reform the program in ways congruent with the interests of contract workers. Though border recruiting, four-week contracts, and arguments that the Secretary of Labor had the exclusive right to determine wages were not new in 1954, taken together in the context of the border crisis of January, they set a new tone and direction for the program. And finally, Mexico's vulnerability and felt need to reach agreement at virtually any cost had been exposed. President Ruiz Cortines, in the end, had refused to sustain the hard line taken to sustain the previous activist position of the Foreign Ministry. The miscalculation of January was a costly one for the previous Mexican government position --so costly, in fact, that it was abandoned. Nineteen fifty-four, then, marks a shift in Mexican government policy and the inauguration of a new bilateral regime.

This change in the bilateral regime can be seen clearly in the results of the Joint Migratory Labor Commission created by the agreement of March 10, which met during early April, late May, mid July, mid September and

late October, 1954.[2] Though not given formal negotiating powers, the commission did discuss a range of subjects involving the agreement and made a number of recommendations which were later adopted through the exchange of diplomatic notes. The Commission had three major tasks to accomplish: a) to study the advisability of reducing the minimum contracting period for Mexican workers from six to four weeks; b) to study the legal and illegal flow of labor between Mexico and the United States and make recommendations to the two governments "for possible improvement in the operation of the Agreement and for methods of deterring the illegal traffic;" and c) to study specific problems referred to it by the two governments and make recommendations for their resolution. Among the latter, five specific problems, mostly of concern to the United States were identified for commission action: ratification of the areas agreed to in the joint interpretations meeting of March-April 1953; the extension of contracts in excess of 18 months; clarification of the enforcement procedure under the agreement for settling worker-employer disputes in which the Mexican consul and DOL representative could not agree; discussion of the

[2] Diplomatic note 817, White to Gorostiza, 10 Mar 54. NRCSM, "Contract Labor - Border Patrol," INS, 56364/43.38, Part 1. The Mexican equivalent to this was diplomatic note 20015-3, Gorostiza to White, 10 Mar 54, and contained the same text in Spanish.

formula proposed by the U.S. Embassy for calculating subsistence allowances for workers; and proposed changes in the maintenance of records by employers.

The first meeting of the Commission focused attention on the U.S. proposal, the most urgent item on the agenda, to reduce the minimum period of a labor contract under P.L. 78 to four weeks rather than six. Its objective was to stimulate employers "now utilizing illegal workers, to participate in the Agreement." To this end the minimum period of employment would be reduced to a total of 160 hours. "It would be advisable to adopt this four week period," stated the proposal, "because of the great number of employers who are not in [a] position to provide work for a six week period."[3] The U.S. delegation further explained that the need for shorter contracts had to do with the relatively high demand for labor during brief harvest periods for some crops, such as beets.

The Mexicans expressed reservations about the proposal, because it entailed less income for a worker for each trip, given that each involved transportation costs from his point of origin to the contracting center.

[3] "Minutes of conversations held during the first period of sessions held by the Joint Migratory Labor Commission in Mexico City, April 5, 1954." [Translation of the minutes prepared by the Mexican delegation of the commission.] NAW, DOS, RG 59 811.06 (M) box 4408.

"Notwithstanding this, the Ministry of Foreign Relations has the sincere desire to study the possibility of reducing the contract period from six to four weeks," the U.S. section of the commission was informed.[4] After some discussion, the Mexican section acceded to the request and placed a number of conditions on the concession: the four-week contract would be exceptional and not the rule (the rule was that contracts were signed for six weeks to six months);[5] the number would be limited to 10,000 contracts for each of three migration stations--those located in Mexicali, Chihuahua and Monterrey--and the workers signed up would be limited to residents from those cities and surrounding areas (in order to keep the transportation costs within the Republic of such workers low).[6] In contrast to previous occasions where conflicts between U.S. and Mexican representatives had arisen, the chairman of the U.S. section assured Belton in Washington that he anticipated "no difficulty on this score and that he had found the three Mexican Commissioners to be extremely high type people who would be reasonable and easy

[4] Ibid.

[5] Ibid.

[6] Ibid.; Telegram 1155, White to SecState, 9 Apr 54; "Minutes of conversations held during the first period of sessions held by the Joint Migratory Labor Commission in Mexico City, April 8, 1954," (both in box 4408).

to deal with."[7]

The other routine matters taken up by the Joint Commission were handled in a similar manner. Most of the U.S. proposals advanced prior to the concluding meetings of the commission, in October, were accepted with only minor revisions by the Mexican section of the commission. To be sure, many of these had been matters left over from the abortive Joint Interpretations meetings of April 1953 in which substantive agreement had already been reached. Still, however, one is struck by the statement of the chairman of the U.S. section of the joint commission, on June 1, which was that "[i]t gives me pleasure to report that the Commission was able without appreciable difficulty to agree upon its recommendations without materially altering the text of the American Section's proposals which served as the basis for the discussions."[8] The U.S. section anticipated that the Mexicans would insist on maintaining Calderón's position of April 1953 (on which the Joint Interpretations failed) regarding Article 27--the transfer of Mexican workers--and was instructed to reply that the matter was outside the scope of the

[7] Memorandum of telephone conversation, by Belton, 9 Apr 54. NAW, DOS, RG 59, 811.06 (M) box 4407.

[8] Thurston to Secstate, 1 Jun 54. See also "Minutes of a Meeting of the Joint Commission on Mexican Migrant Workers," 26 May 54, 27 May 54, 28 May 54, 29 May 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

commission's work. The expected Mexican insistence never occurred.[9]

Prior to October, the most significant disagreement arose when the Mexican section refused to accept explicit reference to a ten-hour work day as a basis for calculating subsistence because Article 123 of the Mexican Constitution required the work day to be limited to eight hours. Even here, however, the difficulty was not with the length of the work day--the Mexican section did not seem overly concerned with the number of hours worked by braceros--but with the open acknowledgement of a work day exceeding eight hours in the interpretations to the agreement.[10] The matter was resolved by altering the proportion of subsistence allotted per work day on the assumption that braceros would work eight hours.

Not surprisingly, after the Joint Commission finished its recommendations on the short and longer contracts proposed by the U.S., and the other five specific problems mentioned in the March exchange of notes, the Department of Labor informed State that it "concurs in all of the recommendations made by the Commission and

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[9] "Minutes of Meeting of United States Section, Joint Commission on Mexican Migrant Workers," 25 May 54, 28 May 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[10] "Minutes of a Meeting of the Joint Commission on Mexican Migrant Workers," 29 May 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

urges their prompt adoption by both Governments."[11] Later recommendations obtained the same reaction. With one single exception, the "recommendations [of May 29 meetings] meet [the] approval [of] this government," the Embassy was informed, and consequently was instructed to effect an exchange of notes on the basis of those recommendations.[12]

The new tone of discussions was so well established by the end of the May meetings that, in preparation for the July meeting, the U.S. section had occasion to comment on it among themselves.

> Commenting on the Mexican Chairman's agreeable manner and apparent accessibility when approached with reasonable proposals, the American Commissioners agreed, at Mr. Thurston's suggestion, that wariness on our part was nevertheless indispensable at all times since it is not unusual in these matters for seemingly innocent Mexican proposals to conceal very real dangers. This is particularly so in view of Licenciado Calderón's obvious continued influence and intervention in Bracero affairs despite his ostensible removal from prominence on the Mexican team.[13]

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[11] Siciliano to Belton, 17 Jun 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[12] Telegram 38, Dulles to AmEmbassy, 8 Jul 54. NAW, DOS, RG 59, 811.06 (M) box 4408. The one exception was to provide for an escape clause that employers would not be required to get occupational insurance for workers in violation of state law (this applied to the State of Texas).

[13] "Minutes of Meeting United States Section, Joint Commission on Mexican Migrant Labor," 16 Jul 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

By noting the friendly attitude of the Mexican chairman, Oscar Rabasa, and contrasting it with previous experiences with Miguel Calderón, officers of the U.S. government accepted the doubtful proposition that the principal cause of bilateral conflict--or its absence--was a matter of the personality of who was in charge of Mexican policy execution.

Despite the obvious changes in tone and in the substance of the Mexican positions, the Mexican government acted slowly in adopting the recommendations made by the joint commission. For example, the recommendation on the four-week contract, adopted on April 8, was not formally adopted until July 16--and then as a result of U.S. pressure to facilitate the contracting of Mexican braceros by Texas growers two days after the Border Patrol began a major drive to expel Mexicans from the area.[14] (The reason for urgency in adopting the four-week contract at that time was that it was desired to facilitate the contracting of braceros by growers in the Lower Rio Grande Valley to substitute for expelled migrants.) The delay for this exchange of notes was principally due to SRE; the Embassy received a Departmental Instruction elaborating on the recommendation by mid May and there is record of U.S. consultations with SRE on the matter since before May 28.[15] On June 24, Washington pressed the Embassy to take the matter up again with SRE because "as [a] result [of] wetback drive [the Department of Labor] has received [a] number [of] requests for four week contracting [of] agricultural workers."[16] Whereas prior to 1954 a delay of this length in the face of repeated representations could have represented a Mexican effort to postpone a concession, in this instance no such interest on the Mexican side was evident and seems to have simply reflected a less heightened attention and interest by the Foreign Ministry in bracero matters.

To be sure, the Mexican section demonstrated a degree of independence as the meetings progressed. This was reinforced by a major gaffe committed by INS Commissioner Joseph Swing in a September 20 speech before Texas growers, which heightened Mexican suspicions of some of the proposals. (This speech is discussed below, in connection with U.S. efforts to make the program attractive

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[14] Diplomatic note 55, White to Padilla Nervo, 16 Jul 54 and diplomatic note 20071, Gorostiza to White, 16 Jul 54; despatch 111 from White, 20 Jul 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[15] Copy, departmental instruction A-589, 7 May 54. The consultation with SRE is mentioned in "Minutes of Meeting of United States Section, Joint Commission on Mexican Migrant Labor," 28 May 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[16] Telegram 1771, Dulles to White, 24 Jun 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

for agricultural employers.)

However, 1954 marks a fundamental shift in Mexican policy toward passive acceptance of the bracero program. The interest in reform and improvement of the program was no longer there. Mexican officials who had been aggressive and assertive before and who had zealously defended the jurisdiction of the consuls and the labor protections of workers, now made half-hearted attempts, at best, to promote these. It was as if, at the highest levels of the Mexican government, a new attitude had been adopted which inhibited lower level officials from taking any initiative on behalf of the Mexican workers. "Cordial" relations with the U.S. now seemed too important to risk by taking adamant stances on behalf of braceros; the watchword seemed to be: cooperate with the U.S. government on all basic bracero matters of importance to this government. A transition to a new bilateral regime was being effected.

THE "WETBACK DRIVE"

"Operation Wetback," which began on June 10, 1954, frequently has been characterized as a sudden and brutal mass expulsion of a million or so undocumented Mexicans from the United States. That the campaign was brutal--and that the migrants at the receiving end so perceived

it--cannot be doubted.[17] However, these numbers are wrong, and so too, is the perception that the principal and only aspect of the U.S. government effort to rid the country of illegal entrants was to apprehend and expel them.

The determination of how many undocumented Mexicans were expelled is complicated by defining when "Operation Wetback" began and when it ended, and also whether all expulsions during the reference period are ascribed to the Operation. Juan Ramón García, who examined INS statistics on this matter in detail has indicated that between June 10 and July 27, about 84,000 apprehensions were made in connection with the campaign. In the San Antonio District, which included the Lower Río Grande Valley, slightly over 80,000 apprehensions were made during the operation in July and August.[18] An October 22, 1954 letter by Joseph Swing, Commissioner of INS, to the Department of State referred to similar numbers: 76,000 aliens apprehended in California, and 89,000 in the Lower

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[17] Protests came from unexpected quarters, such as the Pan American Round Table of San Benito Texas. Belton's reply states: "Receipt is acknowledged of your letter addressed to Assistant Secretary Henry Holland expressing the protest of the Pan American Round Table of San Benito against alleged inhumane treatment of wetbacks in the Rio Grande Valley by the United States Border Patrol." Copy, Belton to Mrs. C. M. Cash, San Benito Texas, 4 Aug 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[18] García, Operation Wetback, p. 228.

Rio Grande Valley of Texas.[19]

The one million figure commonly cited may have arisen from an unexamined connection of two different numbers. One is the official statistic of 1,075,168 apprehensions of Mexicans effected by INS during fiscal year 1954; that fiscal year ended on June 30, 1954, three weeks after Operation Wetback started.[20] Though many apprehensions occurred during June and were thus charged to fiscal year 1954, one might expect that the number of apprehensions caused by "Operation Wetbacks," to have been more evenly divided between those three weeks in June and the month of July and part of August--or even that most of the apprehensions caused by the campaign would have occurred in fiscal year 1955. However, the number of apprehensions recorded during that year was 242,608.[21] The implication that there was less enforcement activity in FY 1955 than FY 1954 would be incorrect: though in 1955 the total number of apprehensions was much smaller, these were mostly of persons in the interior of the United States; the FY 1954 number, though much larger, actually includes many persons caught at the border, shortly after

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[19] Swing to SecState, 22 Oct 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[20] The number comes from the INS Annual Report for that year, cited in Garcia, Operation Wetback, p. 236.

[21] Ibid.

entering or re-entering, and includes a relatively small proportion of persons located in the interior of the United States and forcibly expelled.

The other misconstrued number is the one touted by the INS shortly after "Operation Wetback" through which the agency attempted to characterize the drive as a success. As García points out, INS officials suggested that, in addition to those actually apprehended a large unspecified number of undocumented aliens fled the country to avoid expulsion, for a total of 1.3 million during the campaign.[22] The latter claim, associated with the larger number of expulsions recorded in FY 1954, may explain the rather facile assertion that through "Operation Wetback" INS expelled a million undocumented Mexicans; as the previous discussion suggests, the expulsion of more than a hundred thousand persons located in the interior of the country (as opposed to catching them at the border) was itself a major undertaking.

In light of common errors in interpreting the number of apprehensions of Mexicans effected before and after "Operation Wetback," it is also understandable that there are similar errors of interpretation suggesting that it was a mass expulsion campaign, pure and simple. Juan Ramón García and others have stressed that, concomitant

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[22] Ibid., pp. 227-228.

with the operation was a concerted effort to facilitate the legal entry of Mexican laborers under the bracero program. Indeed, 1954 and later years reflect a mostly successful attempt by U.S. authorities to replace undocumented workers with contracted braceros.

"Operation Wetback," at the outset, was characterized by U.S. authorities as a "concentrated drive to begin during [the] first week [of] June to apprehend and return to Mexico Mexicans illegally in [the] California areas."[23] This drive was expected to last from 30 to 45 days, to begin in California, and that "during the first 10 days approximately 1,000 illegals per day will be sent through Nogales, after which daily number will gradually taper down to about 500." The expulsion campaign, conducted by the Immigration and Naturalization Service, was coordinated with the efforts by the Labor Department, which was responsible for replacing some of those expelled workers with braceros. As plans for the operation in late May indicated, DOL was "preparing to recruit extra quantities [of] braceros at Mexicali to meet anticipated demand arising from [the] removal of illegals."[24]

The U.S. Embassy was instructed to request Mexican

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[23] Telegram 1556, Dulles to AmEmbassy, 20 May 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[24] Ibid.

cooperation.

> Because this program will create problems for [the] Mexican authorities and because their cooperation is essential for successful achievement of ends being pursued, you [are] requested to discuss this plan with Foreign Minister Padilla Nervo and ask [of] him full cooperation of [the] Mexican Government. In particular, transportation to interior of Mexico will be required as well as steps to insure that illegals use it. . . . Inform Padilla Nervo this is first big step of major program to reduce wetbackism and suggest that degree of Mexican cooperation will demonstrate to us how serious Mexico is in its expressed desire to accomplish that end.[25]

Given previous repeated requests by Mexican authorities that the U.S. enforce its laws and reduce illegal entries (so as to not undermine the working conditions of braceros), the State Department anticipated that the Mexican government would willingly cooperate in this venture. It was not disappointed. Padilla Nervo told an Embassy representative that "Mexico will do everything it possibly can to cooperate within the limits of its resources," and his major objection seemed to be that the number of 1,000 expellees returned to Mexico daily through one port--Nogales--"would be difficult to handle."[26]

Subsequent discussions between Embassy representa-

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[25] Ibid.

[26] Telegram 1380, White to SecState, 22 May 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

tives and unnamed Gobernación officials led to an exposition of that ministry's views regarding the upcoming campaign. "Mexico's greatest limitation in the cooperation it can give," the Embassy was told, is of an economic nature. Transportation costs, subsistence en route to interior points for deportees, the employment of additional personnel, including guards, was expected to cost 2.5 million pesos.[27] Subsequently, Oficial Mayor Díaz Ordaz suggested that INS could note down on the papers indicating voluntary departure for each migrant "the amount [of money] in his possession when apprehended so that those who can afford it will be made to pay their own fares."[28]

Gobernación initially raised objections to the number of expellees to be handled. The railroad facilities out of Nogales did not permit the "transport [of] deportees in passenger cars," and only "[b]y a special effort it can arrange to move a maximum of 500 persons a day."[29] Subsequently, Díaz Ordaz indicated it would supplement this means with buses and that it would "make every effort to handle as many as 1,000 deportees a day."[30]

Gobernación suggested that it would not be practical to send large numbers of workers back into the interior of Mexico and then expend the transportation funds to contract them and take them back to the United States. The Ministry thus suggested "the expediency of legalizing as many of these deportees as may be needed under a procedure approved by the two governments."[31] Subsequently, INS representative DeWitt Marshall and Consul Walter Kneeland prevailed upon Díaz Ordaz that it would be an "injustice" to re-employ "illegals under contract in preference to those now waiting for jobs at migratory stations."[32] DeWitt Marshall was authorized to work out the details on U.S.-Mexican cooperation on the drive "[i]n view [of the] necessity [of] close integration [of the] operations [of the] two governments."[33]

Two weeks after the expulsion effort began in California, Washington informed the Mexican government that on July 15 between 1,000 and 1,400 Mexicans would be ex-

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[27] Telegram 1418, White to SecState, 29 May 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[28] Telegram 1450, White to SecState, 2 Jun 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[29] Telegram 1418, White to SecState, 29 May 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[30] Telegram 1450, White to SecState, 2 Jun 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[31] Telegram 1418, White to SecState, 29 May 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[32] Telegram 1450, White to SecState, 2 Jun 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[33] Telegram 1633, Dulles to AmEmbassy, 2 Jun 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

pelled each day from Texas, through Ojinaga. INS wanted Mexico to provide a train to depart each day from that city to "ship deportees to Durango or farther."[34] SRE advised the Embassy that mass expulsions not be contemplated through Ojinaga "as there is no railroad at latter place which complicates repatriation." The Mexican government suggested, instead, that the expellees be moved through Nuevo Laredo.[35] Later information corrected this to show that there were railroad facilities at Ojinaga, but these were extremely limited, with three trains leaving that station a week. Existing passenger facilities provided only for 50 persons to be sent out on each of those trains. Plans were discussed to use twenty empty box cars per week which could hold 60 persons each, allowing for 1,200 expellees to be sent south from Ojinaga each week. Thus, Mexican transportation facilities at Ojinaga, including the use of cattle cars, could accommodate at most the shipment of as many expelled migrants per week as INS had plans to evacuate per day. Alternative plans were discussed to send expelled Mexicans by boat from Brownsville to Veracruz.[36]

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[34] Telegram 1787, Dulles to AmEmbassy, 25 Jun 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[35] Telegram 25, White to SecState, 6 Jul 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[36] Telegram 31, White to SecState, 7 Jul 54. NAW,

At a meeting of Eisenhower's Cabinet on July 16, Brownell asked Dulles "if it would create any trouble with Mexico, which . . . had been cooperating very well to get rid of illegal entries," if the U.S. were to employ "Naval LST's to transport Mexican wetbacks to Tampico."[37] Assistant Secretary Henry Holland investigated and informed Dulles there was no objection to the use of these boats for transporting expellees from the U.S. to Mexico. "The Mexicans themselves want us to do so."[38]

The INS took this to be a green light to proceed with the expulsion of migrants by boat. Ironically, that agency found that it faced more obstacles from the U.S. Navy and the Department of State in effecting this idea than it had from the Mexicans. Commissioner Swing called on Under Secretary of State Smith to complain that the Navy was undermining his efforts to get wetbacks out by boat. The Navy was in the process of writing a report "testifying to the unseaworthiness of the Vera Cruz" (the name of the ship procured by the Navy). "The situation seems to be that the Navy has procured the ship, then ad-

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DOS, RG 59, 811.06 (M) box 4408.

[37] Copy, memorandum for ARA, Dulles to Holland, 16 Jul 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[38] Memorandum, Holland to SecState, 20 Jul 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

vises against using it and attempts to shift the burden to the Immigration Service respecting the vessel's seaworthiness. This is the burden of General Swing's complaint."[39] The Under Secretary of State's office asked Assistant Secretary Holland to handle Swing's request, "so that General Swing will not have to bother the Under Secretary about it again."[40]

Some difficulties arose in the joint administration of "Operation Wetback:" INS was expelling migrants faster than Mexican transportation facilities could handle them. When the Embassy tried to prod the Mexican authorities into moving the expellees faster, Gorostiza "remarked that a convoy can move only as fast as its slowest vessel and we [the U.S. authorities] would take this in mind and space the deportees to the amounts that Mexico can handle."[41] On June 26, a Saturday, Ambassador Tello requested and obtained an appointment with Assistant Secretary of State Henry Holland. He complained that the United States was returning workers "in such numbers that the Mexican facilities for handling them are

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[39] R. V. Hennes to Scott, 2 Aug 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[40] J. C. Kitchen to Pearson, 2 Aug 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[41] Telegram 1648, White to SecState, 28 Jun 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

inundated. . . . His government asks that our agents in the area [of Tijuana and Mexicali] get in touch with Mexican officials and work out some maximum number of returnees which the Mexicans can effectively handle."[42] Also discussed by Tello and Holland was the closure of the airport at Tapachula, near Mexico's southern border, due to the "violence in Guatemala." This referred to the CIA operation which toppled the Guatemalan government of Jacobo Arbenz and which began on June 18--one day after the announced beginning of "Operation Wetback."[43]

Another problem had to do with delays by Mexican Consuls in San Ysidro, California in authorizing the contracting of several hundred undocumented workers, probably residents of Tijuana, Mexicali and nearby areas, who had been expelled but whom the employers wanted back in

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[42] Copy, memorandum of conversation, by Holland, 26 Jun 54. General Partridge, Deputy Commissioner of INS contradicted Tello's representations when he informed the State Department that "he had just returned from a survey trip to the southwestern areas where wetbacks are being deported and that no congestion exists as a result of the deportations. He said as of June 22 the greatest number of wetbacks deported daily through Mexicali was 36, the situation at Nogales was fine and that congestion at Tijuana was caused by people congregating there in the hope of being contracted legally for work in the United States." Memorandum, Hughes to Burrows, 1 Jul 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[43] González, "Operation Wetback and Operation Guatemala," p. 191.

legal status.[44] This was, of course, in violation of the written agreement, which is why the consuls were refusing to give their authorization. A telegram to the Embassy in Mexico City explained that the recontracting was to be authorized on the basis of an informal understanding reached with Gobernación, to which SRE evidently had not been made a party.

> The so-called specials ready for recontracting at Tijuana and San Luis are pursuant to agreement and understanding between [the] Departments of Justice and Labor, Rocha and Mexican Immigration Service. Pursuant to such understanding and with [the] firm belief that no question would be raised by any Mexican Government officials[,] commitments were made to growers that if such "specials" were returned to Mexico they would be contracted under agreement.[45]

"Because of these commitments," the Embassy was informed, and that the "Department is convinced if such commitments are not lived up to by all concerned [the] entire program as to illegals will be jeopardized and in the end many thousands less alien[s] legally contracted, you are requested [to] urge in [the] strongest terms [to] appropriate Mexican officials to permit contracting as agreed."[46] Evidently the Embassy did not have difficulty pushing the right buttons. It was able to report that the Oficial Mayor of SRE, Campos Ortiz, he would "instruct Calderón to have the Mexican Consuls help in the legal contracting of [the] 'specials'."[47]

The matter referred to, the contracting of "specials," was also termed "the use of predesignated lists." Prior to 1954, the Mexican government had steadfastly refused to permit the use of such lists, or the contracting of "specials." Either as a result of this occasion, or shortly thereafter, the two governments reached an understanding that this would be permitted, notwithstanding the text of the Agreement. The precise nature of this arrangement cannot be easily determined, though reference was made, in a meeting of the U.S. Section of the Joint Commission with "certain users of Mexi-

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[44] Telegram 1823, Dulles to AmEmbassy, 30 Jun 54. NAW, DOS, RG 59, 811.06 (M) box 4408. This telegram uses the term "specials" but does not explain its precise meaning in this context. As one State Department officer commented, referring to "specials" in a different context though at about the same time, "This may prove to be a term whose definition varies by as many employers as are utilizing it. Some mean workers skilled in particular features of farm work; others key foremen or semi-mechanics; still others have in mind the ordinary wetback presumably residing immediately across the border who has been working on the farm periodically for several seasons. Substantially, what all employers would like to have is a contracting system by which known workers can be expeditiously chosen by name before they cross the border." "Memorandum of Observations in the Lower Rio Grande Valley," by Louis F. Blanchard, 8 Jul 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[45] Telegram 8, Dulles to AmEmbassy, 2 Jul 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[46] Ibid

[47] Telegram 18, White to SecState, 2 Jul 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

can labor" to Mexico's "unofficial consent to the use of predesignated lists."[48] By late summer 1954, then, there was a growing gap between the content of the bilateral agreement as it read, and what it meant as a result of informal understandings.

At the mid July meeting of the Joint Migratory Labor Commission, U.S. members pressed the Mexicans on why their government did not do more to prevent illegal entries (other than the cooperation already being provided in transporting the drive's expellees to the interior).

> The Mexican Section's reply indicated that there is at least equal familiarity [on the American side] with the means employed by wetbacks to cross to the American side, both along the River boundary and in the western portion of the international line, but that the lack of resources prevents greater participation of the Mexican Government in preventing illegal exits. A patrol of twenty-five men in Jeeps was mentioned is guarding the border along the Lower Valley from Reynosa to Matamoros. It was argued that substantially the same problem exists with respect to Mexico's lack of success in preventing exits, as applies in the United States' inability to curb illegal entries; even with adequate and sufficient equipment and personnel, to wit: the sheer volume of the traffic. Assuming that any patrol action on the part of the two Governments should suffice to eliminate this method of entries by day or night, the Chairman of the Mexican Section advanced the opinion that it was a problem for negotiation at higher levels than

[48] "Record of a Meeting held with Certain Users of Mexican Labor," (U.S. Section, Joint Migratory Labor Commission), Denver, Colorado, 27 Aug 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

> the Joint Commission. . .[49]

The U.S. Section expressed the opinion that the U.S. was at that moment trying to remedy the situation at "very considerable expense" through the "wetback" drive and that "Mexico could exert itself to a comparable effort to prevent the exodus." This kind of pressure was not only to be expected given the perception of U.S. interests, it made sense to exert it, notwithstanding Mexican government cooperation with "Operation Wetback," because Mexican participation in the migrant labor agreement was predicated on the assumption that contract labor migration was preferable to undocumented flows.

For the most part, however, U.S. officials perceived that Mexican authorities were most cooperative during the "wetback drive." Commissioner Joseph Swing identified one type of cooperation in the area of the Lower Río Grande Valley for which the INS was especially grateful.

> . . . some 1,000 families, in none of which are there any American citizen members, have already been located [by INS] in the Lower Valley for similar return to Mexico. The Mexican authorities opposite McAllen and Brownsville plan to canvass huts and houses along the Mexican side of the border between these two points so that a record may be available of their occupants. It is proposed later to check against this record in a new canvass, to forestall the possibility of the return to Mexico of these families only

[49] "Minutes of a Meeting of the Joint Commission on Mexican Migrant Labor," 16 Jul 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

> to immediately contiguous territory. Mexican Immigration officials have stated their interest in removing such family groups much further into the interior of Mexico where the problems occasioned by their presence in or near American soil would be avoided.[50]

If true, this constitutes an extraordinary integration of activities and purposes between Mexican and U.S. immigration authorities, to the point of monitoring the residence patterns in Mexico of persons who had been expelled from the United States and forcibly removing them within Mexican territory to some distance away from the border.

In the late summer of 1954, the departments of Labor and Justice were falling over each other to thank the Mexicans for their cooperation during "Operation Wetback." Early in August Attorney General Brownell requested that the State Department formally thank a number of Gobernación officials, especially José T. Rocha, for their cooperation.

> Lt. General Joseph M. Swing, Commissioner of Immigration and Naturalization, reported to the Attorney General that the close coordination of effort on the part of those officials and members of the Immigration and Naturalization Service during the current campaign to remove illegal Mexican laborers from the states of California and Texas, has been a significant contribution to the successful continuance of the program.[51]

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[50] "Memorandum of a conversation," by Blanchard, 5 Aug 54. NAW, DOS, RG 59, 811.06 (M) box 4[illegible].

[51] Copy, unnumbered diplomatic note, Holland to Tello, 14 Aug 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

The Department of Labor, not to be outdone, requested that State also communicate its thanks.

> The labor demand situation in the Lower Río Grande Valley of Texas coincident with the efforts of the United States Immigration and Naturalization Service to expel illegal entrants was a real challenge to our two Governments. There were repeated predictions that our Governments could not supply the legal labor necessary to meet the demand. The successful recruitment of approximately 47,000 men in a period of 30 days has resolved this doubt to the satisfaction of the United States Government and, I am sure, to the satisfaction of your Government.[52]

State's diplomatic note expressed gratitude to Gobernación officials, especially José T. Rocha for "efforts . . . in supplying workers in sufficient volume to meet the demand."

Manuel Tello's reply expressed sincere appreciation of these thanks. Without any sense of irony, apparently, the Ambassador explained:

> El Gobierno de México, al desarrollar el máximo esfuerzo para normalizar una situación que pudiera afectar adversamente a nuestras dos naciones, no hace sino reiterar su tradicional política de cooperar con un país amigo en la aplicación de un convenio suscrito para beneficio de ambos y velar por los legítimos derechos y el bienestar de sus nacionales.[53]

Quite apart from any success that "Operation Wetback" may have had in reducing illegal entries and stimu-

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[52] Copy, unnumbered diplomatic note, Woodward to Nieto, 11 Sep 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[53] Diplomatic note 4281, Tello to Dulles, 21 Sep 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

lating the substitution of undocumented workers with braceros by agricultural employers, it evidently produced closer relations between one Mexican government agency--Gobernación--and the U.S. agencies responsible for the administration of the program. Left unsaid, of course, was that SRE officials responsible for the Mexican end of the program now had adopted a lower profile; that informal arrangements between Gobernación officials and INS representatives could, in some instances, take the place of the written agreement; and that the Mexican government seemed to have relegated the defense of the rights of workers to a low priority.

FURTHER CONCESSIONS TO EMPLOYER WANTS AND NEEDS

From the outset, the U.S. strategy for "solving" the problem of illegal entries focused attention not only on expelling undocumented migrants from the United States, but also on making the contract labor program more attractive, especially to growers. Between September 1953 and April 1954 the attention of the three U.S. Departments involved--State, Justice and Labor--was focused on breaking Mexican government efforts, quixotic perhaps but genuine nevertheless, to reform the program in ways likely to be make it more satisfactory to Mexican workers. Mexican consular obstructionism, in the view of these departments, was the major drawback to employer in-

terest in the program; other considerations, such as border recruiting, were also considered important. By the spring of 1954 the obstacle of Mexican consular action was removed and U.S. officials directed their attention to the expulsion of undocumented persons, to "streamlining" the agreement and effecting other changes for the purpose of making contract workers relatively attractive to growers. To this end, the first act of the Joint Migratory Labor Commission was to move for the adoption of four-week contracts, which were formally approved by an exchange of notes in mid July.

At the time that "Operation Wetback" began, agricultural employers pushed hard for the formal adoption of this provision. Six days after the campaign began, the Fresno County Farm Bureau sent a telegram to the Department of State urging that "the minimum contractual period of supplemental Mexican National agricultural workers be reduced to four weeks with a three quarter compliance time provision."[54] The four-week contract proposal was adopted formally on July 16, two days after the "wetback drive" began in Texas.

By the time of the July 16 meeting of the U.S. Section of the Joint Migratory Labor Commission, the problem

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[54] Telegram, Fresno County Farm Bureau to U.S. Dept of State, 16 Jun 54. NAW, DOS, RG 59, 811.06 (M) box 408.

focused on was no longer Mexican obstructionism in the administration of the program but the employer's view of the nature of his or her obligations under the labor program. The Agreement and Individual Work Contract both gave "unmistakable evidence of being loaded against the employer and in substance little more than a compendium of the latter's obligations, with no compensating, reciprocal provisions establishing the obligations of the workers." After some discussion, the U.S. Section of the commission agreed it could "mention the considerable body of prevailing opinion in the United States that the Agreement and Contract are far too burdensome."[55]

At the meeting of the Joint Commission, the Department of Justice representative expressed the opinion that "he had encountered well defined feeling to the effect that the entire Bracero program could enjoy greater public confidence if it were put on a practical, simple, streamlined basis; that it required the elimination of useless red-tape, and that it needed an injection of good, common sense to overcome the universal feeling that under the Agreement and contract as they now stand, the balance is stacked against the employer."[56] A more elo-

[55] "Minutes of Meeting of United States Section, Joint Commission on Mexican Migrant Labor," 16 Jul 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[56] "Minutes of a Meeting of the Joint Commission on

quent statement in support of employer positions on the migrant labor program, disguised as a plea for common sense and practicality, is difficult to find. DOJ's representative left out U.S. labor interests, of course, in his characterization of a "universal feeling," which is odd, given that labor organizations had written the U.S. Section of the Commission since its inception and insisted in expressing its views on the program to that section.

The Commission discussed this burden on employers at some length. The chairman of the U.S. Section argued that the contract had "excessive requirements," and that reducing these was "precisely what the American Section had in mind in proposing simplifications." The chairman of the Mexican countered that the Commission had "no authority to touch the text of the Agreement," and that these limitations on the jurisdiction of the Commission had in fact been proposed by the United States, since the Mexicans had originally wanted a commission of a broader focus, similar in outlook and functioning to the International Boundary and Water Commission.[57] The Mexicans, it appeared, were resisting the idea that the contract should be "simplified" in the manner being suggested by

Mexican Migrant Labor," 16 Jul 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[57] Ibid.

the Americans. This effort, however, was beaten back by Ambassador White when, early in August, he obtained Gorostiza's "reluctant" agreement that the commission could, "if it feels it will bring an improvement in the operations of the agreement or the contract, make recommendations for their amendment."[58]

The U.S. officials responsible for managing the labor program had to keep in mind the needs of different employers, not all of whom systematically employed undocumented workers. Even so, the views of employers that had employed mainly contract workers (and not undocumented laborers) are indicative of employer concerns with the farm labor program. The U.S. Section of the Joint Commission met with such a group in Denver, Colorado, late in August. Out of this meeting came an exchange of views in which employers of Mexican contract workers suggested improvements to be made in the agreement, and congratulated the government agencies involved and the U.S. Section of the Joint Commission for the progress already made.

> [An agricultural employer] believed that the Mexican national Program was improving rapidly. Although he still saw some rough spots in it, he was confident that in time these could be ironed out. As a cooperative organization, Michigan Field Crops by reason of its many growers and

[58] Telegram 157, White to SecState, 5 Aug 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

> multiple crops are able to operate under the very heavy burden of $110 per Mexican worker for air transportation, overhead and other charges, which would be prohibitive on an individual basis. He recalled that in the early days of the Program there were a great many things wrong with it which made it very difficult to work with. In recent times, however, it has been considerably improved through the efforts of the Departments of Labor, Justice and State and, of course, with Mexico's cooperation.[59]

The attractions of the bilateral program at this point can be noted in the resistance that some employer representatives expressed to the idea of a direct contracting arrangement (in the absence of a government-sponsored labor program) should that become necessary.

Other employers at this meeting, however, expressed views more critical of the program and suggested various changes they desired. Some conveyed their satisfaction with those changes already realized.

> Mr. Maddux advanced the opinion that parts of the contract are one-sided and, therefore, objectionable.
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> . . . Contending that the burden of the contract as it is now written is all along lines of employer compliance, Mr. Landers said that he would urge the insertion of corresponding worker responsibilities . . .
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> . . . [Landers] was supported by a representative of the Trans-Pecos Association, who said he would like to see the worker as well as the employer made responsible for complying with the

[59] "Record of a Meeting held with Certain Users of Mexican Labor," (U.S. Section, Joint Migratory Labor Commission), Denver, Colorado, 27 Aug 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

contract . . .

. . . One other representative considered the lack of worker responsibility in the contract definitely unfair . . .

. . . Mr. Portis . . . raised the question of payment of both subsistence and of a minimum work guarantee, contending that since the farmers are obliged to guarantee 75% of earnings, there should be no obligation also to pay subsistence. . . .

. . . Mr. Landers proposed preselection of a different kind. This would involve the issuance of Forms I-100 to the workers ahead of time so as to have them available for entry into the United States when the actual need for their services arises. . . .

. . . Mr. Sescheidt was very appreciative of the special provision for four week contracts since it represented some very real benefits to him. . . .

. . . Mr. Spaulding, representing the Holly Sugar Company, . . . complimented the Commission on the progress thus far made with the Mexican Government regarding it as most satisfactory. . . .

. . . It was said too, perhaps by one of the Trans-Pecos representatives, that this year the Program had worked better because of the unilateral character of the arrangement under which the Program had begun. Heretofore it has been bilateral in name with the Mexicans, but in actual fact unilateral by Mexico. . . . As things stand now, with the passage by Congress of a law [HJR 355] which set the poker game on an even basis, conditions are considerably more to the employers' satisfaction. While everyone prefers a bilateral deal, it was said that without the unilateral feature now injected, things would have been pretty tough.[60]

Generally speaking, these growers were satisfied with the

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[60] Ibid.

labor program, even though they felt there were areas where changes could be made for the better.

In August and September, INS Commissioner Swing increasingly brought to the attention of other persons in the U.S. government his view that securing a reduction in illegal entries across the U.S.-Mexican border could not be assured for the future unless the contract labor program could be made more attractive to growers. In a conversation with Louis Blanchard, Executive Secretary of the U.S. Section of the Joint Commission on Migratory Labor, Swing expressed the view that Mexico's cooperation could aid his agency's enforcement measures through means other than patrolling the border on the Mexican side, which he did not see as potentially very effective.

> If the Mexican Government could be prevailed upon to relax on the terms of the contract [Swing] is convinced that more farmers would willingly engage legal workers and cease using wetbacks. He could not help but agree with the farmers, for example, that it is an injustice to require flush toilets for Mexican workers in areas where these do not exist, or when even the farmer himself might not have one. He saw no reason why disinfected-pit arrangements such as are commonly used in the Army should not be acceptable.[61]

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[61] "Memorandum of a conversation," by Blanchard, 5 Aug 54. NAW, DOS RG 59, 811.06 (M) box 4408. Swing evidently was a captive of the way of thinking of many border farmers hostile to the labor program who attributed to it more complexity and requirements than existed. The "[m]isconceptions that the Contract requires employers to furnish flush toilets" is one such example. Latter quote from "Record of a Meeting held

He reiterated what, in the previous months, had become a recurring theme in the communications of U.S. officials associated in some way with the bilateral program: that the contract was imbalanced in favor of the worker and that to correct it there should be some penalty for workers who skipped their contracts. Swing also sympathized with the farmers desire for a change in the agreement that would permit them to select so-called "specials," i.e., "workers who had previously proven their usefulness in a given farm."[62]

Lt. General Joseph Swing, in the brief period he had been Commissioner of the INS, had acquired the reputation of being somewhat of a bull in a china shop. In September, he gave his detractors an opportunity to suggest this reputation might be deserved.

In the September meetings of the Joint Migratory Labor Commission, the U.S. Section made a number of far-reaching proposals on the future of the bilateral program contained in a confidential "working paper" whose origin was Joseph Swing himself. These proposals were designed principally to simplify the program and make it more attractive to employers. At that time, the Mexican Section

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with Certain Users of Mexican Labor," (U.S. Section Joint Migratory Labor Commission), Denver, Colorado, 27 Aug 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[62] Ibid.

of the Joint Commission raised no objection and indicated tentative approval.

Swing's gaffe came a week later when, basing himself principally on his own "working paper," he made a speech which elaborated on them before an audience of Lower Rio Grande Valley farmers, assembled in Dallas. The speech was carried by the press and was noted by the Mexican Section. As Manuel Aguilar, Director General of the Consular Service later told some members of the U.S. Section of the Commission, "General Swing's Dallas speech had caused the Mexican authorities to suspect that some of the American proposals were more far-reaching in their implications than their texts might normally suggest."[63] As a result of these suspicions, the American suggestions for a "streamlined" program during the final meetings of the Joint Commission in October were rejected.[64]

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[63] Thurston to Hughes, 4 Nov 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[64] The DOL representative on the U.S. Section of the Joint Commission wrote its chairman in a post mortem: "I cannot but feel that had there not been the division of opinion that was manifest in General Swing's speech and the activities of his associates, we would have been able to obtain more favorable consideration from our Mexican colleagues in many of the important proposals that the U.S. Section submitted to the Mexican Section in our final meeting. . . . You will recall that our Mexican colleagues gave tentative approval to practically all of the points proposed in the paper delivered to them at the September meeting in Washington. Many of the important matters they rejected at the later meeting in Mexico City and they gave every indication to us that these

Though prudence was not Swing's strong suit, his speeches and statements reflected directness and sincerity. Because his September 20 speech at Dallas foreshadowed the policies adopted later to facilitate the employment of contract laborers by employers, it is worth discussing at some length.

Commissioner Swing did not waste time getting to the point. "The employment in the United States of Mexican laborers lawfully admitted temporarily for agricultural labor," Swing told his audience,

> should be made as attractive as possible to employers and the employees by means such as a) giving the employers the types of workers they need in the amount needed, and precisely when needed; b) making that process as simple as possible for the employer in the United States and the applicants in Mexico; c) making the working and living conditions of these imported workers equal to (but not superior to) domestic workers in the same job.[65]

Though his initial phrasing mentions both employer and employee, his only concern is with the employer. As he mentioned elsewhere, "management" had not been represented adequately in previous negotiations of the agreement. Point (c) above makes clear that Swing had been persuaded by the age-old argument that since Mexican contract workers enjoyed labor guarantees better, in formal terms, to those of domestic workers, that they in fact had superior working conditions.

Swing suggested a much more extensive use of predesignated workers, or "specials," than heretofore had been the case. His specific suggestion, which became his pet project for the duration of his tenure as INS Commissioner, was the use of form I-100 to identify "skilled or satisfactory workers" in order to allow their subsequent re-entry without obtaining "Mexican 'permisos'" which would be required if they were recruited through a migration station in Mexico. Instead, Swing suggested, "they should be permitted to come directly to the border, preferably on notice from the employer who wants them, and all of the processing should be performed at the United States port of entry." The purpose of so identifying satisfactory workers for re-entry was to avoid employers having to cope "with 'problem' laborers such as misfits, malingerers, sloths, 'slow-downers', 'Kleptos', and similar inept individuals." The I-100 program, argued Swing, would allow for greater selectivity in the recruitment of Mexican laborers and thus result in a more

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rejections were influenced by the lack of unanimity in the U.S. agencies as indicated by General Swing's speech. . ." John Gross to Thurston, 15 Dec 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[65] Copy, "Remarks by J. M. Swing . . . Dallas, Texas, Monday September 20, 1954." Attached to "Minutes of a Meeting of the American Section Joint Migratory Labor Commission," 28 Oct 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

satisfactory program for growers.[66]

Days before Swing's speech, the INS attaché at the Embassy, without State Department knowledge or approval, negotiated an arrangement with a Gobernación representative for the recruitment of pre-designated workers. The proposal had a bilateral twist to it, since it would be handled through the migration stations in Mexico and approved by the Mexican consul, but essentially it would be an INS-Gobernación operation initiated by the employer and in which other agencies would play diminished roles. Employers would identify the workers they desired by name, lists would be kept by Gobernación in Mexico, and workers would receive notice that they should show up at the appointed dates via postal cards. Workers with postal cards would go through the normal migration station process; holders of an I-100 card would skip those formalities and go directly to the border for admission into the United States.[67]

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[66] Ibid. The point in Swing's speech found most objectionable by the Mexicans, not mentioned above because it is not relevant to the changes wrought in the program in 1955 and later, was that the two governments might withdraw from the management of the program altogether. "The growers prefer to do their own selecting and hiring and aver that they can do it more economically and efficiently than the Government and with more satisfactory results."

[67] Rocha and Marshall worked out this agreement on September 8. The U.S. Embassy did not have the text of it until October 6. Telegram 479, White to SecState, 6

"We were not only ignorant ourselves of the details of the agreement that Immigration's Attaché, Mr. Marshall, had reached with Señor Rocha concerning a system for recruitment by mail," Ruth Mason Hughes wrote Ambassador White on October 7, "but had some doubt as to the desirability of effecting a major change of this nature on the basis of so informal an arrangement." The Officer in Charge of Mexican Affairs added, "The proposal itself arises out of the interest of the United States Section of the Commission in securing greater employer participation in the program and particularly in the selection of workers."[68]

The chairman of the U.S. Section of the Joint Commission dolefully reported to the Department of State at the conclusion of the last meeting of the Commission, on October 30, that the Mexican Section "was unwilling to approve any recommendation which would formalize the expeditious return of satisfactory or predesignated workers now being practiced unofficially in a limited way at certain border locations."

> The Mexican representatives insisted that their Government would be willing to continue this practice on what they described as an experimental basis, but that the political and practical effects of a formal approval could not at this

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Oct 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[68] Copy, Hughes to White, 7 Oct 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

> time be risked. The same objections apply to our proposal on border commuters. [69]

The Mexican Section similarly was unwilling to accept the U.S. proposal on "worker responsibility." It allowed an increase from three to four days' withholding of wages in order to "relieve somewhat the employer's losses in connection with abandonment of contracts by the workers;" the U.S. proposal had been to increase the amount withheld to six days' wages. Similarly, it rejected a U.S. effort to limit the time in which claims could be filed by workers who became "skips."[70]

Concern at the State Department was manifest that, after the conclusion of the Joint Commission's work, the rejection of U.S. proposals in October might mark the reversal of a trend that had been going in their favor during the course of the previous months--that the new bilateral regime might begin to fall apart.

They need not have worried. At this point it is clear that the Mexican government had no significant interest in promoting the interests of Mexican contract laborers. As the offer to continue the pre-designated worker program on "an experimental basis" suggested, Mexican officials were more concerned with the appearance of

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[69] Thurston to SecState, 31 Oct 54. NAW, DOS, RG 59, 811.06 (M) box 4408.

[70] Ibid.

making concessions than whether they actually made them. Similarly, Rocha's and Marshall's arrangement, though scuttled in the immediate aftermath of Swing's inopportune speech, reflected what had become increasingly clear since the beginning of the year: Gobernación, not SRE, was running the Mexican end of the bracero program, and that agency had an entirely different set of priorities regarding the bracero program. A variation of the Rocha-Marshall proposal was eventually adopted in 1956.

THE REDUCTION OF ILLEGAL ENTRIES

Between fiscal years 1955 and 1957, illegal entries across the U.S.-Mexican border were reduced dramatically and the admission of contract laborers increased substantially. The two phenomena were related: from the beginning of "Operation Wetback" in June, 1954, throughout the rest of the year and the following two years, INS pursued a two-track policy which, on the one hand, sought to make it difficult for persons to cross illegally from Mexico and for employers to keep undocumented Mexican workers and, on the other, facilitated the employment of legal contract workers.

The first element of this policy--enforcement--had to do with "Operation Wetback" itself--it was intended to signal to employers and workers alike that circumstances had changed. But it is not likely that that "signal" would have had any greater lasting effect than had previous efforts by the INS, had it not been for the demonstrated interest of the agency to facilitate braceros for employers, and for the fact that enforcement was sustained at a heightened level during the remainder of 1954, 1955 and at least partly during 1956. Doing so required new resources and methods, and it was a question of

the political success of "Operation Wetback" that the INS budget rose dramatically during the campaign itself. The largest year-to-year increase in appropriations to the Border Patrol occurred between FY 1954--$7.1 million--and FY 1955--$11.5 million. Subsequently, Commissioner Swing was able to prevail on Congress to get the appropriations for the Border Patrol increased again to $12.3 million in FY 1956 and $14.3 million in FY 1957.[1] Between FY 1954 and FY 1956, then, the money available to the Border Patrol doubled; most of this went into the hiring of additional officers for the Border Patrol. Authorized strength in FY 1954 at the border with Mexico, 774 officers in FY 1954, shot up to 1,201 in FY 1955 and increased further to 1,314 in FY 1956.[2] Some of this money the Border Patrol also spent on equipment and increased expenses for expelling apprehended Mexicans into the interior by air and by sea.

These efforts caused a reduction in illegal entries not only because INS had more money and more Border Pa-

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[1] U.S. Bureau of the Budget figures, cited by Jarnagin, "The Effect of Increased Illegal Mexican Migration Upon the Organization and Operations of the United States Immigration Border Patrol, Southwest Region," p. 94.

[2] Jarnagin, "The Effect of Increased Illegal Mexican Migration Upon the Organization and Operations of the United States Immigration Border Patrol, Southwest Region," p. 90.

trol officers to effectuate expulsions, but also because of the adoption of new procedures. One such procedure, which linked the enforcement track with the facilitating contract labor track was to check at the reception centers which employers were showing up and which were not, for the purpose of securing contract workers. In October, 1954, this procedure was instituted to monitor the use of braceros by growers in the Lower Rio Grande Valley. The information was "transmitted to the chief patrol inspectors of the sectors concerned in order that a closer watch may be maintained at farms not using braceros or using an unusually small number."[3] Another new procedure was the "special mobile force"--essentially a continuation of "Operation Wetback" on a reduced scale for a period of several months afterwards.

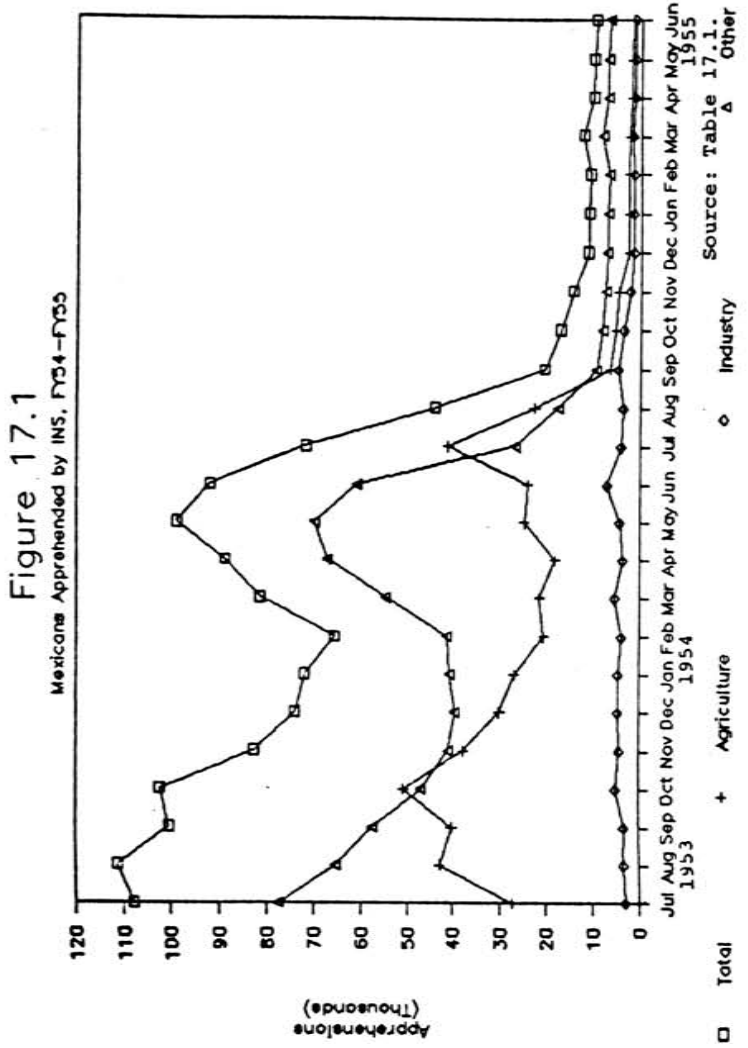
The initial success of "Operation Wetback" and related enforcement activities in accomplishing the objective of reducing illegal entries and the presence of undocumented Mexicans can be observed in INS apprehension data corresponding to the fiscal years 1954 and 1955 (from July 1953 to June 1955). These data are presented in Table 17.1 and summarized in Figure 17.1. Fiscal year 1954 recorded slightly over one million apprehensions of

[3] Einar P. Wahl to Partridge, 5 Oct 54. NRCSM, INS, 56364/43.38, Part 1.

Table 17.1
Mexicans Subject to Deportation Apprehended by INS, July 1953 - June 1955

Period	TOTAL	Located in . . . Agriculture	Industry	Other
FY 54	1,075,168	362,857	51,726	660,585
Jul-Dec 53	577,710	227,676	23,178	326,856
Jul	107,877	27,370	2,900	77,607
Aug	111,260	42,587	3,330	65,343
Sep	100,304	39,858	3,197	57,249
Oct	102,221	50,560	4,989	46,672
Nov	82,312	37,367	4,212	40,733
Dec	73,736	29,934	4,550	39,252
Jan-Jun 54	497,458	135,181	28,548	333,729
Jan	71,725	26,712	4,531	40,482
Feb	65,430	20,555	3,821	41,054
Mar	81,145	21,368	5,289	54,488
Apr	88,645	18,011	3,591	67,043
May	98,722	24,636	4,273	69,813
Jun	91,791	23,899	7,043	60,849
FY 55	242,608	95,478	27,943	119,187
Jul-Dec 54	178,453	82,332	19,600	76,521
Jul	71,663	40,836	4,023	26,804
Aug	43,773	22,643	3,568	17,562
Sep	20,442	6,350	4,734	9,358
Oct	17,007	5,263	3,598	8,146
Nov	14,391	4,675	2,249	7,467
Dec	11,177	2,565	1,428	7,184
Jan-Jun 55	64,155	13,146	8,343	42,666
Jan	11,145	2,596	1,557	6,992
Feb	10,748	2,593	1,494	6,661
Mar	12,269	2,361	1,702	8,206
Apr	10,197	1,913	1,182	7,102
May	10,123	1,902	1,192	7,029
Jun	9,673	1,781	1,216	6,676

Note: Includes apprehensions effected by Border Patrol and INS Investigators.
Source: G-23 forms, appropriate months. Summary manuscript table, NRCSM, "Contract Labor - Border Patrol," INS 56364/43.38 Part 3.



Mexicans subject to deportation--the number frequently confused with the expulsions effected by "Operation Wetback." As may be noted on Table 17.1, the following fiscal year recorded a much smaller number of such apprehensions: nearly a quarter of a million.

When these numbers are cited to substantiate the point that "Operation Wetback" was a success, or at least to indicate that undocumented migration from Mexico declined sharply after that deportation campaign, the assumption is made that the number of apprehensions is directly associated with the size of the undocumented population--a larger population results in more apprehensions and vice versa. Put another way, it is assumed that the probability of being apprehended did not change over time. This assumption could not possibly have held true under all conditions--during "Operation Wetback," for example, the probability of apprehension must have gone up and expulsions increased at the same time that the expelled population decreased. In order to partially overcome some of these methodological obstacles it is useful to separate the number of apprehensions into components; in this case, the apprehension of Mexicans located in agriculture, industry and "other." The latter category I interpret as having included mostly the apprehension of persons prior to finding employment in the United States,

most of these by the Border Patrol, detained shortly after illegal entry.

The trends in apprehension statistics, by month, can be observed more clearly on Figure 17.1. For FY 54, the trend for the apprehensions in the "other" category suggests that this group was largely composed of persons detained near the border. If entries were roughly proportional to apprehensions in this category, then the "U" shaped curve over the period July 1953 to June 1954 corresponds to the seasonal trend of illegal entries--lowest in December and January, rising in April, and declining later in the fall. "Operation Wetback," it would appear from this series, cut short the expected increase of entries between May and June, and reversed the trend such that the steepest decline in apparent entries occurred between June and July, 1954. The apprehensions in the "other" category continued to drop to levels not observed in earlier years and leveled off at about 8,000 per month after September.

The "success" of "Operation Wetback" in having reduced illegal entries is confirmed by the trend of the "other" category during the first semester of 1955: entries (and thus apprehensions in the "other" category) did not start to climb again as might have been expected during March, April, and May 1955. By the spring of 1955

the observed seasonal trend from previous years had definitely been broken. Moreover, the absolute number of apprehensions was much smaller, despite a larger Border Patrol force. Between January and May, 1954, apprehensions in the "other" category averaged 1,800 per day; during the same period in 1955 these averaged almost 240 per day.

The number of Mexicans apprehended in agriculture during the 24-month period comprised by these two fiscal years fluctuates in ways difficult to interpret, but, with the single exception of the months of July 1953 and 1954, it is consistently higher in FY 54 than in FY 55. Between July and December, 1953, the number of Mexicans apprehended in agriculture during any month fluctuated between 27,000 and 51,000. During calendar year 1954, the peak in this series can be found in July--nearly 41,000 apprehensions--mostly produced by "Operation Wetback" in the Lower Rio Grande Valley. During August, when INS personnel described their activities as a "mopping up" operation, we note a continuing sharp decline in the number of Mexicans apprehended in agricultural employment, which is probably the result of a decrease in the available population to apprehend.

The trend for apprehensions of Mexicans employed in industry is not readily discerned in Figure 17.1 because

of the scale employed. These numbers fluctuated between 3,000 and slightly over 4,000 per month between July 1953 and May 1954. June 1954 recorded a sharp increase to 7,000, directly attributable to "Operation Wetback," and this number declined to 3,600 in October. It is not until December, 1954, however, that a declining trend was firmly established; by June, 1955, this number reached 1,200--a small fraction of the apprehensions in this category effected during the previous June.

The trend of declining apprehensions continued after 1954. During the first six months of 1956, INS effected 28,700 apprehensions in the Mexican border area as compared to 64,390 during January-June, 1955.[4] In fiscal year 1957, the number of Mexicans apprehended by INS declined further, to 44,451. By that year it was evident that some kind of "solution" to the "wetback problem" had been reached. This number reached its lowest point in 1960: 29,651 Mexicans apprehended. Thereafter, as the number of bracero contracts declined, the number of undocumented Mexicans apprehended increased slowly, to 43,844 in FY 1964.[5]

[4] Jarnagin, "The Effect of Increased Illegal Mexican Migration Upon the Organization and Operations of the United States Immigration Border Patrol, Southwest Region," p. 166. The reason why Jarnagin's cited number is slightly different from that which appears on Table 17.1 (64,155) is because the latter refers to Mexican nationals apprehended by INS whereas the former refers to aliens apprehended near the Mexican border irrespective of nationality. The figure for the comparable period in 1955 is from Table 17.1.

A statistical evaluation of "Operation Wetback" using apprehension statistics can lead to unexpected conclusions. One might expect this deportation campaign to have produced a large number of apprehensions--during two months 800 agents swept through California and Texas, arresting Mexicans in their homes and places of work and shipping them out of the country as fast as Mexico's transportation facilities could move them to points in the interior. In June, 1954 (the "wetback drive" began on June 10) INS apprehended nearly 92,000 Mexicans; in July this number was almost 72,000. However, a careful analysis of Table 17.1 and Figure 17.1 suggests that the impact of "Operation Wetback" was more qualitative than quantitative, more indirect than direct, and that apprehension statistics are wholly inadequate to judge the full statistical implications of the deportation campaign.

The difficulties with interpreting the data arise as soon as we ask the question, what was the net impact of "Operation Wetback" in terms of apprehensions? (The net impact in terms of the size of the undocumented popula-

[5] INS Annual Reports, summarized in Julián Samora, Los Mojados: The Wetback Story (Notre Dame, Ind.: U. of Notre Dame Press, 1971), p. 46.

tion is a more relevant question, but we have at this time no way to answer it.) Put in other terms, if "Operation Wetback" had not taken place, how many apprehensions could have been expected?

The answer to this question may surprise the reader. Judging from the data in the table and figure the total number of apprehensions could have been expected to have been larger in the absence of "Operation Wetback." If one compares the total apprehensions effected in July 1953, when reportedly no campaign was conducted, with the comparable number in July 1954 we find that apprehensions declined by 34 percent, from 108,000 to 72,000. Not surprisingly, however, we find an increase in the number of apprehensions of Mexicans in agriculture and industry--i.e., during July 1954 more people were arrested in the interior of the United States and returned to Mexico. The decline in total apprehensions between the two months of July, then, can be interpreted in the following manner: "Operation Wetback" resulted in fewer Mexicans entering illegally in July 1954 than in the previous July, a smaller number were therefore apprehended, and the indirect effect of a decline in apprehensions of "others" was greater than the direct effect in the increase of apprehensions in agriculture and industry. What I have termed the indirect effect--the decline in apprehensions

in the "other category"--can be estimated at 50,800 fewer apprehensions if we compare the months of July 1953 and July 1954.

But the surprises do not end there. What of the direct effects? These are so extraordinarily small as to require one to re-calculate the numbers and check them against official published statistics to make sure they are not in error. It is not difficult to acknowledge that a deportation campaign might actually result in the reduction of total expulsions, since locating persons in the interior is so much more difficult (and also more traumatic for those expelled) than arresting illegal entrants shortly after crossing into the United States. Put in other terms, it is obvious that the INS agent-hour to expulsion ratio is lower for persons expelled from the interior than for persons caught as they are crossing the border. The numbers to focus on, then, are not the "other" category nor the total, but the apprehensions in the agriculture and industry categories, because these reflect the location and uprooting of persons residing inside the country. These numbers have always been smaller than the apprehensions made at the border, but they represent a much greater impact on the undocumented population. However, here again the expected increases do not stand up to scrutiny. Between July 1953 and July

1954 the number of apprehensions in industry increased by 1,100; in agriculture the increase was 13,500. I therefore come to the conclusion, on the basis of these numbers, that a rough indication of the net impact of "Operation Wetback," in quantitative terms, is about 15,000 apprehensions during July 1954. (I do not have the data for June 1953 in order to effect the same analysis for June 1954, but it is doubtful that it would contradict this conclusion.) An increase of 15,000 apprehensions in one month from what could have been expected under "normal" conditions is strikingly small for a mass deportation campaign.

Above I chose the comparison July 1953 - July 1954 as a basis for considering net impact on the number of apprehensions. However, if one chooses any one of several months after July 1953 as a point of comparison even this meagre estimate of net impact for July 1954 disappears. During four consecutive months, August through November, 1953, INS apprehended about as many or more undocumented Mexicans in agriculture as in July 1954. Put in other terms, though INS did not announce in the fall of 1953 a mass deportation campaign, as in June 1954, it expelled as many or more Mexicans from agriculture during any one of those months than as it did in June or July 1954.

A similar pattern holds for Mexicans apprehended in industry, with the exception of the month of June, 1954, which is almost twice as large as any other month during the period. Even so, the apprehensions in industry at their peak during "Operation Wetback" were "merely" 7,000--about 3,000 more than any given month during the fall of 1953. From every angle, "Operation Wetback" did not produce a large increase in the number of apprehensions in the interior of the United States from what might have otherwise been expected. However, the series for all categories in Table 17.1 and Figure 17.1 show clearly that after September, 1954, undocumented migration of Mexicans to the U.S. is much smaller and qualitatively different than it had been before. It is for this reason that I argue that the quantitative effects of "Operation Wetback" were less significant than the qualitative effects.

The foregoing has limited itself to an analysis of the numbers. We know, from Juan Ramón García's book, Operation Wetback and from other sources, that the deportation campaign left some scars in the Mexican American communities of California and Texas, and that, notwithstanding what the above numbers seem to suggest, it did produce a large forced return of Mexican migrants in the United States. Moreover, we know from sources cited in

this study that the Mexican government had considerable difficulty in managing the transportation of about 1,000 expelled nationals a day during the latter part of June 1954.

How then, to reconcile these contradictory images of the significance of "Operation Wetback?" Perhaps the most important consideration is that even seemingly small numbers of persons expelled from the interior of the United States loom much larger than comparable numbers of persons detained shortly after crossing the border. For example, as previously cited, Commissioner Joseph Swing referred to 1,000 Mexican families in South Texas who had been identified by the Service as deportable in August 1954; this number could not have been expected to produce much more than 5,000 apprehensions. The latter number seems small compared to the total number of apprehensions in fiscal year 1954, and compared to the total number of apprehensions effected during any month prior to "Operation Wetback." However, expelling 1,000 families from the Lower Rio Grande Valley of Texas, together with their belongings, and shipping them to some point in the interior of Mexico has a much greater significance than the number itself suggests.

This brings us to another point heretofore largely ignored in analyses of this deportation campaign: the

significance of the cooperation of the Mexican government. I am not referring to the political significance of that cooperation, but its importance in breaking the pattern of undocumented migration abruptly in the summer of 1954. It will be recalled that during June, 1954, the Mexican government complained that the INS was expelling Mexicans faster than it could transport them from border points to the interior. In June, 1954, apprehensions averaged 3,060 per day (though obviously not all of these resulted in expellees delivered to Mexican authorities); in July, apprehensions averaged 2,310 per day. These numbers look large; yet they are smaller than the average daily apprehensions for any comparable period between July and October, 1953. If existing transportation facilities were inadequate to provide for the south-bound transportation of expellees in June they were also inadequate to provide for their transportation in the fall of 1953, though there is no indication that the Mexican government was requested to provide such assistance during that fall. This illuminates, then, a major difference between "Operation Wetback" and the earlier period which produced even larger numbers of apprehensions. In the earlier period, the detainees were expelled by returning them to Mexico at a border port, many of these attempted re-entry again, and some of them were caught more than

once during the fall of 1953. One important difference between the seemingly comparable numbers between the summer of 1954 and the fall of 1953, then, is that the former had a much smaller number of repeaters, mainly because they were transported under custody of Mexican guards to points distant from the border. Though October 1953, for example, recorded more apprehensions than did June 1954, the latter month undoubtedly recorded a larger number of expelled individuals.

Ultimately, however, the difficulty in interpreting the apprehension data previously mentioned is due in large part to the fact that apprehensions only tell one part of the story of the reduction of undocumented flows starting in the summer of 1954. As has already been observed, at the same time that INS officials were arresting and returning Mexicans to Mexico as quickly as possible, the Labor Department was making an unprecedented effort to recruit and place contract workers with agricultural employers in California and Texas. Indeed, the reference to approximately 40,000 braceros sent to the Lower Rio Grande Valley under contract during July suggests that undocumented workers were replaced about as fast as they were picked up and shipped out: somewhat over a thousand a day. Thus, the reduction of undocumented migration after the summer of 1954 cannot be un-

derstood merely by examining the enforcement side of the equation. Indeed, as has been shown, the enforcement aspect of "Operation Wetback" does not even yield reasonably solid numbers--at least, not on the basis of the data thus far presented--that give some indication why or how it could have "solved" the undocumented migration problem. An indispensable, though little examined element in this "solution" was the substitution of undocumented workers with braceros.

THE SUBSTITUTION OF UNDOCUMENTED WORKERS

As noted previously, most undocumented Mexican workers employed in agriculture could be found in California--mainly in the Imperial and San Joaquin Valleys--and in Texas--in the Lower Rio Grande Valley, principally. It is no accident that the employers most militantly opposed to the bracero program, most desirous of a "simplified" program or a "white-card" labor recruiting system, should have been located in these areas. These employers had an alternative to contract labor, and could therefore only be won over to the bracero program by a combination of rewards and punishments. The "punishment" was Border Patrol interruption of activities, a threat which seemed to affect some employers seriously and others not at all. "Operation Wetback" was, in its mass deportation aspect, an attempt to pressure employers to stop hiring undocu-

mented workers. The "reward" was access to contract labor in terms that might be more attractive; in terms similar to undocumented workers, with the added advantage that braceros were already selected by DOL personnel anxious to please U.S. employers, and that the Mexican government's previously unpredictable role in adding requirements to the contracting of workers had been greatly diminished. With a heightened presence of the Border Patrol and braceros who increasingly looked like legalized "wetbacks," many employers were persuaded to switch to legally-admitted workers.

The regional distribution of the increase of labor contracting can be observed in Table 17.2. Between 1952 and 1953 there was not much change in the number of Mexican braceros contracted in the country; this increased from about 197,000 to 201,000. Similarly, the five southwestern states suffered an insignificant decline, from about 158,000 to 154,000.

Between 1953 and 1954, the number of contract workers recorded one of its sharpest increases: 54 percent, from 201,000 to 309,000. The program grew again by nearly 30 percent, to 399,000 workers contracted in 1955, and stabilized at a slightly higher figure for the remainder of the 1950s.[6] Between 1952 and 1955, then, the

[6] During 1956-1959 these numbers ranged between

Table 17.2
Employment of Mexican Contract Laborers by State,
Calendar Years 1952 - 1955

	ABSOLUTE VALUES				RELATIVE VALUES (1952 = 100)			
	YEARS . . .							
STATE	1952	1953	1954	1955	1952	1953	1954	1955
TOTAL	197,100	201,380	309,033	398,650	100	102	157	202
5 SW States	157,776	154,294	274,072	351,869	100	98	174	223
Arizona	19,350	12,141	16,181	18,584	100	63	84	96
California	57,407	52,452	77,423	109,677	100	91	135	191
Colorado	4,201	3,248	2,818	3,908	100	77	67	93
New Mexico	22,539	23,599	18,946	19,230	100	105	84	85
Texas	54,279	62,854	158,704	200,470	100	116	292	369
3 Other States	28,911	33,765	29,108	39,365	100	117	101	136
Arkansas	25,658	27,706	22,668	30,218	100	108	88	118
Michigan	1,463	2,568	5,093	6,818	100	176	348	466
Missouri	1,790	3,491	1,347	2,329	100	195	75	130
21 Other States	10,413	13,321	5,853	7,416	100	128	56	71

Note: "21 Other states" include: Georgia, Mississippi, Tennessee, Kentucky, Ohio, Illinois, Indiana, Minnesota, Wisconsin, Iowa, Kansas, Nebraska, South Dakota, Louisiana, Montana, Utah, Wyoming, Nevada, Idaho, Oregon, and Washington.

Source: "Report on Operations of Mexican Farm Labor Program Made Pursuant to Conference Report No. 1449, House of Representatives, 84th Cong.; 1st. Sess., Jan. 1 - June 30, 1956," MRCSM, "Contract Labor - Border Patrol," INS 56364/43.38 Part 3.

number of braceros contracted increased by about 200,000; i.e., it doubled. In quantitative terms, then, it is as if the two governments added a new bracero program during 1954 and early 1955--one every bit as large as the one that had existed in 1952, but designed specifically to replace the undocumented workers being taken out of agriculture during and after "Operation Wetback."

The replacement of undocumented workers can most clearly be seen in the relative values portion of Table 17.2, in which the starting value for each state and region is set to 100 for 1952. Between 1952 and 1953 some change is observed, though not all in the same direction. Texas contracts 16 percent more braceros; California contracts 9 percent fewer. Arizona records a sharp drop in the use of braceros; other states record increases and the average effect is a growth of 2 percent.

Between 1952 and 1954 change was not only unmistakable, it was dramatic. The country as a whole contracted 57 percent more braceros in 1954 than it did in 1952; the five southwestern states recorded an increase of 74 percent over the same interval. Most of the increase went to the two states with the largest concentrations of "wetbacks": California (35 percent increase) and Texas (192 percent increase). Here can be observed the statis-

432,857 and 445,197. Congressional Quarterly, Congress and the Nation, p. 762.

tical summary of the hectic activities of the Department of Labor in July, 1954 in the Lower Río Grande Valley. In 1952 about 54,000 braceros had been employed in Texas; in 1954 this number was nearly 159,000.

The substitution of undocumented workers by "braceros" was consolidated by 1955. Not only had apprehensions declined to a very low level by that time, as noted previously, but the increase in the hiring of braceros almost levelled off. As may be observed in Table 17.2 California recorded an increase of 91 percent in the employment of Mexican contract laborers between 1952 and 1955. During the same period, Texas recorded the extraordinary increase of 269 percent.

AN OLD PROBLEM "SOLVED" AND A NEW ONE CREATED

In the INS Annual Report of 1955, Commissioner Swing wrote: "The so-called 'wetback' problem no longer exists. . . . The border has been secured."[7] In 1958, Excélsior conveyed the same idea in a headline: "La época de los 'espaldas mojadas' pasa a la historia."[8] To many observers, the decline in INS apprehension statistics was gratifying, since the magnitude of these constituted the core of the "problem." Many observers in Mexico and the

[7] Quoted in García, Operation Wetback, p.225.

[8] Excélsior, 24 Aug 58.

United States were satisfied by this result--the decline in apprehensions suggested unmistakably that the "wetback invasion" had been stopped and the massive increase in the number of contract laborers recruited implied that the migrant labor program was working well. What could be better than an arrangement by which illegal entries declined sharply and a larger number of workers entered legally into the United States?

Other observers also noted the substitution of undocumented workers with braceros but found little to celebrate in it. In March, 1955, Ed Idar, Jr., Executive Secretary of the American G.I. Forum of Texas had occasion to write the San Antonio District Director of the Immigration Service.

> We are quite concerned over the fact that although the wetback has been cleaned out in large measure, due to poor administration of the provisions of the international bracero agreement, there is increasing displacement of our domestic agricultural workers by legally imported labor. To a large extent it appears to us that the detrimental economic effects are still substantially the same upon domestic workers--even though braceros may now have replaced the wetbacks.[9]

Idar's perceptive evaluation of current trends suggested that the immigration status of the worker brought into the country was not necessarily the issue. The measures

[9] Copy, Idar to Sahli, District Director, San Antonio, 21 Mar 55. NRCSM, INS, 56364/43.38, Part 1.

taken in 1954, in his view, had "solved" one problem by creating another.

Others observed the same phenomenon, albeit through more systematic investigation. In 1955 Ernesto Galarza conducted an in-depth field study which was published in 1956 under the title Strangers in Our Fields. Galarza's review of documentary evidence supplied by braceros, and his interviews, all in California, led him to conclude that "in almost every area covered by the International Agreement, United States law, state law, and the provisions of the work contract, serious violations of the rights of Mexican nationals were found to be the norm rather than the exception."[10] Like the Agreement, which increasingly indicated one thing but meant something else, the labor contract was intended perhaps more as statement of objectives desired in principle than a set of requirements to be met in practice. As the number of braceros expanded and the controversy about the use of "imported cheap labor" grew, growers resorted to the well-honed argument that Mexican contract workers were actually more expensive. To support this argument they pointed to the numerous contract provisions and labor guarantees that employers had to meet. Galarza noted, in

[10] Galarza, Farm Workers and Agri-business, pp. 252-253.

regard to this debate, that "[c]ontrary to the iron laws of supply and demand, which are nowhere more ironic than in agriculture, the dearer type of labor was driving out of the market the cheaper."[11] The "solution" of the "wetback problem" had created a new one: legalized "wetbackism."

During 1951-1953 the appearance of such a problem could have been expected to produce strong Mexican protests and some action, probably of a unilateral nature, to signal to the Americans that this was unacceptable. It is not known, however, whether in the spring of 1955 the Mexican government was aware of this problem. If it was, it did not seek to correct it. Instead, it was the Immigration and Naturalization Service that expressed discomfiture that contract compliance had broken down.

It is ironic, given its simultaneous efforts to "simplify" the program from the standpoint of employers, that INS should have proposed what in that context was a radical solution: the removal of such workers to Mexico. This proposal was championed by none other than Commissioner Swing. It provoked strong negative reaction, however, at the other two departments concerned with the program--State and Labor. Assistant Secretary of Labor

[11] Galarza, Merchants of Labor, p. 106.

Rocco Siciliano informed Swing that there existed a procedure for dealing with a situation which constituted a breach of the agreement and that the proposed action was not within that procedure.[12] Assistant Secretary of State Robert Murphy was more circuitous in his prose, but he made his point.

> If I understand your intention correctly you propose to begin at once the removal of all such workers from the growers engaging in such practices, and independently of Mexico to take corrective measures thereafter even though this may involve cancellation of the contracts and the return to Mexico of the workers so involved. . . . the action which you propose taking against wage violators could not fail to elicit justified charges from the Mexican Government of our failure to respect solemn commitments.[13]

The move to use the Border Patrol to enforce contract wage provisions by removing workers from workplaces where they were being paid less was quashed.

This exchange of correspondence underscores the basic dilemma that the substitution of undocumented workers had produced: one form of illegality had been substituted for another. The legal status of undocumented workers had changed to that of contract laborer, but the same form of exploitation was being practiced by employ-

[12] Siciliano to Swing, 24 May 55. NRCSM, INS, 56364/43.38, Part 2.

[13] Copy, Murphy to Swing, 2 Jun 55. NRCSM, INS, 56364/43.38, Part 2.

ers--indeed, arguably the conditions of most braceros had declined to "wetback" standards. It also illuminates how far the Mexican government had retreated in its attempt to administer the program in ways that protected worker rights; Siciliano's brusque rejection of Swing's suggestion amounts to a statement that if the Mexicans did not police the contract for their workers the United States should not do it for them. Murphy's statement about solemn agreements is ironic. Swing's proposal to remove contract workers from areas where contract wages were not paid is reminiscent of the Mexican unilateral actions that Miguel Calderón, Alfonso Guerra and Manuel Tello might have defended before 1954, even if such action violated the letter of the agreement. Murphy's objection to Swing's proposal is the post-1954 version of a DOL protest of Mexican actions taken outside of the agreement. By 1955 the bilateral agreement had become a temple of bilateral friendship before which officials were to genuflect; whether Mexican workers were paid the contract wage or not was a matter for someone else to worry about.

For their part, the Mexicans kept pressing for changes in the program that might benefit workers, but after 1954 these have the appearance of mere gestures. Similarly, they continued to resist U.S. proposals which

hurt Mexican worker interests, but the resistance was half-hearted by comparison to earlier efforts. In April, 1956, for example, U.S. and Mexican representatives met to discuss at length a U.S. proposal to formalize the informal arrangement on "designated workers." The U.S. wanted 10 percent of the bracero contracts to be set aside for such workers. Whereas prior to 1954 Mexico would have rejected any such proposal out of hand, on this occasion it held out for a limit of 5 percent. The long negotiating session ended without reaching agreement, and the conversations were continued between the Embassy and the Foreign Ministry.

Two points about this exchange deserve to be underscored. One is that the Mexican representatives insisted that wages were the most important point in the agenda. As the handwritten notes of an unknown INS official at the meetings attest, Foreign Ministry official Sánchez Gavito informed the U.S. delegation: "We are trying hard to find a way to agree with you on specials. Why don't you do the same on wages?"[14] The other is that the terms of the bilateral regime were clearly different in 1956 from what they had been before 1954. In 1956 Mexican government officials haggled over whether it was to be 5

[14] Handwritten notes, undated [Mexico City, April 1956]. NRCSM, "Contract Labor - Border Patrol," INS, 56364/43.38, Part 2.

or 10 percent of the labor force that employers could designate in advance; prior to 1954 the proposal would have been rejected out of hand because the predesignation of workers, it was felt, reinforced the migratory cycle among certain Mexican workers.

Though the April 1956 conversations did not yield the approval of the Mexican authorities of the desired number of designated workers, this eventually was worked out later in the year. By late 1956 an observer noted:

> The processing of migrant workers at the reception centers has been streamlined through Service adoption of a new Bracero documentation program. When the alien is admitted he is given a Form I-100C to keep while he is in the United States as proof of his legal status as an agricultural worker. A laminated card Form I-100D, a mica, is delivered upon departure to each readmissable Bracero who has successfully completed his contract. The worker is permitted to retain this mica. Preference is given to a mica-holding worker by United States Officials at the recruitment center in Mexico and at the reception center in the United States. Adoption of the I-100 program served to eliminate the situation under which the busy farmer and grower was faced with the prospect of using "anonymous" workers selected for him by a government agency. The program assured return of workers found to be dependable during the past season, and has been endorsed by ranchers and Braceros alike.[15]

During 1955 or 1956, then, the use of pre-designated contract laborers became widespread and institutionalized.

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[15] Jarnagin, "The Effect of Increased Illegal Mexican Migration Upon the Organization and Operations of the United States Immigration Border Patrol, Southwest Region," pp. 164-165.

This undoubtedly helped facilitate the substitution of undocumented workers with "specials" by border-area employers. Swing's proposal of September 1954 finally became a reality in 1956 and the operation of a "simplified" program was "simplified" even further.

In his excellent book on the bracero program Richard Craig refers to the years 1952-1959 as the "era of stabilization." One might quibble with the use of the term as regards the events prior to March 1954, but it is clear that thereafter, something akin to stabilization occurred. The profile of a stable bilateral regime emerged in the course of 1954, and was consolidated in 1955. This constituted the "new" bracero program of the late 1950s and early 1960s.

During the last decade of its existence (1955-1964), the bracero program reached its peak level of activity. The average number of contracts issued each year was 333,000--more than the actual number of contracts issued during any single year between 1942. The bilateral exchanges regarding the migrant labor agreement during this decade were not always cordial, and some controversies did arise, but all of these were minor both in terms of bilateral relations and in terms of their effect on the administration of the program. The contrast with the

earlier years, particularly between 1947 and 1953, could not have been sharper, both in terms of the popularity of the program with U.S. agricultural employers and its low intensity of bilateral debate. It is as if Porfirio Díaz's dictum about good government in Mexico had come to pass in the case of the migrant labor agreement: "poca política y mucha administración."

In many respects, the program became a ritual. Farmers complained about the burdens imposed upon the program, its "impossible" regulations and "red tape." U.S. and Mexican negotiators sat down to discuss U.S. proposals for improvements in the program, and the Mexicans did not give the Americans everything they wanted. The Department of Labor sought and obtained several extensions to Public Law 78. In the 1960s, however, these became increasingly difficult, and then impossible, to get. Organized labor complained loudly about the displacement of domestic workers produced by the employment of Mexican braceros. These complaints had been heard before, they did not have resonance until the beginning of the 1960s.

When U.S. domestic opposition eventually prevailed in Congress and P.L. 78 was no longer renewed, it was because adverse effects were attributed to the employment of braceros, effects that could be observed not with-

ing the safeguards built into the contract and agreement. The bracero program, in theory, provided a supplementary labor force; opponents of the program were able to persuade Congress that in fact braceros displaced domestic workers and depressed wages and working conditions. In this context, it is ironic that, in order to forestall domestic criticism of the contract labor program, between 1958 and 1960 the Department of Labor began to fix wages for braceros at higher than those "prevailing."[16] Similarly, the contract guarantees promised Mexican laborers working conditions superior to those of domestic workers, but critics were able to demonstrate beyond a doubt that these were empty promises. The widening gap between theory and practice, between the content of the bilateral agreement and its execution--a gap the Mexican government was unsuccessful in closing before 1954--led to the demise of the bracero policy experiment in 1964.

Finally, when the prevailing opinion in the United States shifted against the contract labor program and even farm employers recognized the handwriting in the wall, opposition to the termination of P.L. 78 came from none other than the Mexican government. A diplomatic note from the Mexican Ambassador of June 21, 1963, opposed the termination of the bracero policy experiment on

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[16] Galarza, Merchants of Labor, p. 200.

the grounds that this would only result in a resurgence of illegal entries into the United States.

> . . . there would be no call for any [opposition to the termination of P.L. 78], had the need for Mexican labor that has existed for a number of years among the farmers in various parts of the United States disappeared, or if systems other than those used so far were available to meet that need. It is not to be expected that the termination of an international agreement governing and regulating the rendering of service by Mexican workers in the United States will put an end to that type of seasonal migration. The aforesaid agreement is not the cause of that migration; it is the effect or result of the migratory phenomenon. Therefore, the absence of an agreement would not end the problem but rather would give rise to a de facto situation: The illegal introduction of Mexican workers into the United States, which would be extremely prejudicial to the illegal workers and, as experience has shown, would also unfavorably affect American workers, which is precisely what the legislators of the United States are trying to prevent.[17]

The Mexican note did not explicitly suggest what is apparent to the observer of the events of 1954-1955 and their comparison with the termination of the agreement in 1964. One obvious point of comparison is that the post 1954 Mexican consensus on the role of the bracero program had been consolidated. Labor migration to the United States was viewed as inevitable, and legal migration, under the aegis of a bilateral agreement, as far preferable to illegal entries, regardless of the consequences. The

[17] Mexican Ambassador to SecState, 21 Jun 63. Note reproduced in Kiser and Kiser, Mexican Workers in the United States, pp. 120-123. Quote from pp. 120-121.

other point is the recurrence of certain behavior by the United States. At the end of the bracero program in 1964, as in the days of crisis in early 1954, the U.S. demonstrated the predilection to take unilateral action in order to resolve a problem of the moment, and that such action, whatever other merits or faults it may have, could create a new problem even as it "solved" an old one.

CONCLUSION

When the bracero program began in 1942, it seemed to be an idea whose time had come. During the previous two decades, the United States and Mexican governments had struggled to regulate Mexican migration to the United States with limited success. This experience led each, for different reasons, to view the joint management of Mexican labor migration as desirable for national ends.

The migrant labor agreement of 1942 has been interpreted as a joint policy response to the special circumstances of the wartime emergency--especially the farm labor shortages in the United States. Though essentially correct, this view does not distinguish between the immediate U.S. objective in promoting the contract labor program and the various elements that explain its creation in 1942. Not generally recognized is that, from the perspective of the U.S., the migrant labor agreement and the settling of other bilateral accounts at this time helped tie Mexico to the allied cause during World War II. From the vantage point of Mexico City, too, the migrant labor agreement offered collateral advantages of importance; specifically, it constituted a positive step toward a cooperative relationship under the aegis of the Good Neighbor Policy, and, of course, offered the opportunity of

significant Mexican influence over the terms of admission of Mexican laborers.

I have suggested another element which contributed to the start and continuation of the bracero policy experiment: this approach offered the possibility of resolving a policy dilemma. Prevailing opinion in both countries thought of Mexican migration--especially the movement of settlers--as unwise or socially undesirable. Accordingly, controlled temporary labor migration seemed to offer significant economic advantages for each country at minimum social and political costs.

The contract labor program came into being and survived World War II because it served common national objectives and interests, as these were defined by the two governments. Each government desired the controlled and limited recruitment of Mexican laborers under conditions which minimized potential adverse effects on its own territory and population. Each viewed undocumented migration as deleterious to its interests--because of adverse effects, because it undermined the contract labor program, and because it provoked controversy. Each government, moreover, placed a premium on cordial bilateral relations, and expressed the hope that bilateral cooperation on migrant labor relations would reduce tensions and attenuate irritants. And finally, each government viewed

temporary labor migration as mutually beneficial, and permanent settlement as potentially problematic.

The existence of common aims and principles, however, did not constitute a sufficient basis for the subordination of narrow interests to broader national concerns. A commitment to essentially common objectives did not translate into a harmonious joint management of Mexican labor migration following the war. During the difficult years of 1947-1953--which could be characterized as a period of conflict punctuated by cooperation--disagreements became progressively sharper. Episodes of unilateral action became common. The diplomatic communication of the two governments were marred by thinly veiled expressions of basic mistrust between the U.S. Department of Labor and SRE.

By 1953, the bracero policy experiment had run its course. Key agencies of the Mexican and United States governments no longer expected cooperation from their counterparts, and they were not disappointed in their expectations. SRE and DOL viewed each other as obstacles to be overcome rather than as partners to be courted. Unilateral action became the norm in thought and action. By 1953 the two governments behaved as if bilateral cooperation on migrant labor matters were no longer essential.

As might be expected, Mexico and the United States pressured each other--each within its own power capabilities. Mexican officials sought to reform the program by establishing, on a day-to-day basis, de facto rules of interpretation more favorable to the interests of the SRE and contract laborers. The Mexican government also adopted the tactics of delay in reaching agreement (1947-1949) and in re-interpreting what had been agreed upon (1951-1953). For their part, in the fall of 1948 U.S. agencies opened the border in El Paso and contracted workers unilaterally for a brief period. At various points in time, especially in the fall of 1948 and early 1949, the Immigration and Naturalization Service let up on its enforcement at the border in order to permit growers to employ Mexican workers while no agreement for the recruitment of contract laborers was in force. By 1953, the Eisenhower Administration adopted a strategy for coping with undocumented Mexican migration which entailed, as one of its steps, changing the migrant labor agreement in ways opposed by the Mexican government. The three U.S. departments involved in the bracero policy experiment--State, Labor and Justice--formulated ultimata to present to the Mexican government. Even before they received a negative Mexican response, they began to draw up elaborate plans for unilateral recruitment.

Judged according to the terms and expectations of 1942, the bracero policy experiment had failed by 1953. In January 1954, when negotiations reached an impasse, the question was whether the joint management of Mexican labor migration would come to an abrupt end, or the terms of bilateral cooperation would change fundamentally. For reasons having to do with domestic Mexican politics and the ineptitude of the new Mexican Administration, the Mexicans took the issue to the brink and suffered a severe setback. By adroit handling of the crisis, the Eisenhower Administration was able to keep Mexico tied to bilateral forms of migration control, even as the substance of bilateral cooperation diminished. With the resolution of the January crisis and joint cooperation in the mass removal of undocumented Mexicans from the U.S. during "Operation Wetback," the bracero program underwent a transformation in terms of policy, execution and outcomes.

What I have termed the bracero policy experiment can be said to have lasted twelve years: from 1942 to 1954. During that time, notwithstanding the large differences in relative power potential between Mexico and the United States--differences accentuated by the emergence of the U.S. as a superpower after World War II--it was a genuinely bilateral undertaking. Since Mexico could count

on the United States to exercise some self restraint--an essential ingredient of the pre-1954 bilateral regime--Mexico was free to press for advantage and to take bold action to defend its felt interests.

Mexican responses to U.S. pressure throughout this period attest to the remarkable conditions of that experiment: in May 1943 the Mexican government successfully threatened to prevent the departure of nationals if the U.S. attempted to contract laborers outside of the bilateral agreement; during World War II it banned Mexican contract workers from the State of Texas, because anti-Mexican discrimination was practiced there; from 1947 to 1949, notwithstanding its weaker peacetime bargaining position, Mexico was able to resist successfully many (though not all) proposals pushed by U.S. farm employers; in 1951 and 1952 it pushed the U.S. executive to return to a government-to-government program (P.L. 78) and to consider--though not adopt--penalties on American employers of undocumented workers. For a brief moment the Foreign Ministry could even entertain the idea that if the U.S. Department of Labor would not willingly run the program in ways that did not adversely affect Mexican contract workers and U.S. domestic farm labor, that it would reform the bracero system on its own.

In 1954 that experiment came to an end. Whereas before that time the outcome of the experiment remained in doubt, after that year no such doubt existed. To be sure, some differences between the two governments regarding the migrant labor program remained in the years after 1954, as might be expected of any undertaking that bore a formal resemblance to a bilateral enterprise. But by 1955 a new bilateral regime regarding migrant labor was in place, the administration of the program had adopted a new routine, a new set of basic objectives had been tacitly agreed upon, and the essential features of the bracero system had matured. The final phase of the bracero program (1954-1964) was not lacking in discord and change, but virtually all of the substantive conflict occurred within the U.S. domestic arena, not between the U.S. and Mexican governments. It is ironic that the same criticisms which originated Mexican government attempts to reform the program during the early 1950s underlay the basic thrust of U.S. criticism of the bracero system in the late 1950s and early 1960s.

In retrospect, two principal observations can be made about the bracero program as a bilateral policy experiment. One is that the basic objectives of the program changed--indeed became corrupted--over time. The experiment began as a recruitment mechanism to fill labor

shortages and manage migration under a number of lofty and sensible principles: bilateral approaches are preferable to unilateral responses, controlled recruitment will prevent adverse effects, bilateral cooperation is an effective way to pursue national ends. When the stable bilateral regime of 1954 was instituted, the program had become a means to substitute for undocumented Mexican migration without significant improvement of working conditions beyond "wetback" standards.

A second observation is that the conditions for effective Mexican government participation in the bracero policy experiment deteriorated after World War II to the point where in the early 1950s Mexican influence over the administration of the program was vulnerable to attack. These vulnerabilities were the result of a number of political constraints, the most important of which was Mexican inability to reduce undocumented emigration. The crisis of 1954, then, involved Mexican policy responses which ignored these constraints, and the dramatic setback that the crisis represented for the previous Mexican position reflected the need to fundamentally change the thrust of Mexican government participation in the program if it was to remain even nominally bilateral.

The wartime objectives of the migrant labor program were straightforward and, in part for that reason, realizable. In essence, the program sought to meet the felt labor shortages in U.S. agriculture during World War II, and to contribute to improved bilateral relations. In these respects, the wartime phase of the program met with resounding success. This outcome encouraged both governments to continue the experiment under the different conditions of peacetime.

The postwar aims of the two governments regarding the farm labor program constituted a bundle of subtle contradictions. The U.S. government had no strong interest in the bracero arrangement after the war. However, it yielded to the wishes of grower interests who were enthusiastic about the possibility of obtaining Mexican workers at U.S. taxpayer expense, though not desirous of meeting Mexican governmental demands that the wartime labor guarantees be maintained. The postwar policy problem of the U.S. government was how to satisfy the parochial interests of American farm employers without alienating the Mexican government. As the "El Paso incident" of 1948 and the negotiations for the 1949 agreement demonstrated, this was easier said than done. Between 1947 and 1950 the U.S. government neither satisfied its grower constituency nor was able to persuade the Mexican government of the wisdom of having abandoned a government-to-government program.

For its part, the Mexican government did see some wisdom in maintaining access to U.S. farm jobs for some Mexican workers, especially given the pressing need for foreign exchange in the years immediately following World War II. However, Mexico desired a wartime program even though the war had ended. The Mexican government's policy problem, then, was how to keep the bracero policy experiment alive and resist considerable U.S. pressure to scale back the governmental role in the administration of the program and enforcement of the contract labor guarantees. To this end, President Alemán gave the Foreign Ministry wide latitude in its negotiations with the United States; accordingly, SRE actively pressed for its advantage and, despite notable reverses, was able to thwart U.S. grower aims to obtain Mexican contract laborers on terms similar to those by which they employed "wetbacks." However, growers simply hired undocumented Mexican workers instead of contract laborers and, at various points in time, they were assisted in this endeavor by the Immigration and Naturalization Service, which neglected to apprehend illegal entrants. By 1950, the Alemán Administration had neither satisfied domestic critics that the bracero program actually guaranteed fa-

vorable terms of employment for contract workers, nor had been able to induce American farm employers to hire braceros instead of "wetbacks."

Nineteen fifty produced U.S. entry into the Korean war--which strengthened the negotiating hand of the Mexican government--and recorded a growing flood of undocumented Mexican migration--which weakened it. The development of more lasting consequence was the latter. The surging stream of "wetback" laborers constituted a policy crisis whose immediate consequence was a breach in the U.S. and Mexican positions regarding the objectives of the migrant labor program. The new circumstances did not change the basic objectives of the program from the point of view of the Mexican government. It still desired a regulated flow of temporary workers, with contract labor guarantees likely to be viewed as acceptable in Mexico. According to this perspective, the solution to this problem--and undocumented emigration was viewed as a problem by the Mexican government--was to take concerted action against the employers of such workers. The preferred policy alternative, proposed by the Mexican government as early as 1947, was for the United States to adopt employer penalties.

For its part, the U.S. government adopted legislation aimed at curbing the transportation and smuggling of

illegal entrants. Instead of enacting employer penalties, however, the U.S. Congress adopted the "Texas proviso" by which employers of undocumented workers were explicitly exempted from any penalties. The U.S. government began to send expelled Mexican workers to the interior of Mexico by air, with the hope that removing them from the border would discourage re-entry. It also pressed Mexico to patrol its side of the border, which that government did to a limited extent in 1951, 1952 and 1953.

The initial thrust for changing the basic objective of the bracero program came from the United States. As early as 1951 the Truman Administration adopted the view that the contract labor program should provide a substitute means of supplying Mexican workers to employers of undocumented workers and sought to induce growers--especially in the Lower Rio Grande Valley in Texas and the Imperial Valley in California--to switch from "wetbacks" to braceros.

In the spring of 1952, after it became apparent to all that employer sanctions would not be adopted by the United States, the Truman Administration implicitly acknowledged defeat in its previous efforts to pressure growers to stop hiring undocumented workers; accordingly, it pushed forcefully for changes in the program that

might offer the possibility of substituting undocumented Mexican workers with braceros.

The outgoing Alemán Administration, however, pushed in the opposite direction. Having failed to persuade the U.S. to adopt the desired punitive measures against undocumented migration, the Foreign Ministry embarked upon an improbable course to pursue an unlikely end. It sought to reform the program in terms that might have been more favorable to Mexican contract laborers in the face of U.S. opposition--not formally, by changing the terms of the agreement, but informally, by affecting its day-to-day administration. The initial refusal to enter negotiations regarding "joint interpretations" in April of 1952, the unilateral attempts to bid up wages during the summer of that year, and the unrelenting pressure applied by SRE on DOL regarding wages, subsistence and non-occupational insurance, are all suggestive of this effort. SRE continued this course even in the face of threats to abrogate the agreement by the outgoing Truman Administration.

The irony of this conflict, of course, resides in the common interests of both governments in reducing undocumented migration, and in providing the appropriate safeguards to protect the rights of Mexican workers and avoid adverse effects on domestic farm workers. With the

exception of the desire to reduce illegal entries, however, these common interests were somewhat superficial. And even this one relatively strong common aim was insufficient to sustain the bilateral experiment. By 1954 the two governments were in sharp disagreement over which group should make the necessary concessions in order to contain the massive flow of illegal entries and to effect a shift to a larger and more stable bracero program. In essence, the U.S. government desired Mexican contract laborers and domestic farm workers to adjust the most; the Mexican government pushed for basic concessions from American farm employers.

The U.S. government thus gradually altered the objectives it pursued with the bracero policy experiment and changed the priorities it originally had adopted. Led by the Department of Labor, the United States government took a position that increasingly became indistinguishable from that of growers. Notwithstanding this, at the time that the strategy for unilateral recruitment was initially conceived, it appears to have been <u>state</u> interests that motivated the policy change: relatively independent governmental interests in coming to a resolution on the problem of controlling the border, rather than a strong desire to satisfy grower needs. Meeting the wishes of farm employers in late 1953 and 1954 was a

means to an end rather than an end in itself--but this distinction between means and ends, though important in explaining governmental behavior, made little difference in the outcome for Mexican braceros and domestic farm workers.

In retrospect, it is clear that the Eisenhower Administration did not change the basic objectives of the bracero program. These had already changed from the vantage point of Washington by the end of the Truman Administration. Both Administrations adopted the view that the program should substitute for illegal entries and that this should be effected at the lowest political cost to Washington. In practice, this meant that the Mexicans --not American farm employers--would have to make the adjustments.

Although the Eisenhower Administration did not introduce new objectives in the administration of the bracero program, it did demonstrate a readiness to consider a range of policy options that its predecessor would have resisted. The proposal to use troops to stop illegal entries from Mexico in August 1953, though abandoned almost as soon as it was considered, is an example. The other prominent example discussed here in some detail was the planning of unilateral recruitment in the fall of 1953 and its execution in January 1954. Unlike the Tru-

man Administration, the Eisenhower Administration had a clearly thought out strategy for pursuing its objectives. It correctly judged that the Mexican government would oppose the new approach and that it could be induced, through some face-saving device, to change course and continue to participate in a bilateral program.

The U.S. government was not the only one whose objectives changed in the course of the bracero policy experiment. After the fiasco in January 1954, when Mexico failed to prevent departures through the use of force, President Ruiz Cortines went back to the negotiating table and sacrificed the protections that Mexican contract workers might have had under more favorable circumstances. The Ruiz Cortines Administration did not have much of an opportunity to promote protections for Mexican workers in the spring of 1954, but by its imprudent attempt to prevent the departure of nationals by force it had already made clear that certain state interests were more important than achieving those protections. That it was embarrassed by these events is made clear by the effort to manage public relations regarding the bilateral agreement reached under duress in March 1954.

The events of 1954 strengthened the view, within and without the Mexican government, that emigration to the United States was inevitable and that the government was

powerless to do anything about it. The bold and occasionally imprudent activism of previous years was substituted by half-hearted attempts to defend the rights of Mexican workers and a widespread tolerance of the same abuses that earlier had been found to be unacceptable. By the same token, whereas before 1954 the Mexican government's willingness to take the initiative in migrant labor matters was unmistakable, after 1954 it was the notion that emigration served as a "safety-valve" for domestic discontent that prevailed. The Mexican government's lofty objectives of the war years were severely diminished by the spectacular defeat of its policy in early 1954.

At the outset of the program each government explicitly adopted the assumption that individual national objectives could be met more effectively by acting in concert than by acting separately. While this was felt to be true during World War II it was demonstrated to ignore significant constraints upon Mexican governmental action in the postwar years.

Throughout the program, it was assumed that the basic interests the two government had in common--maintaining controlled recruitment of Mexican farm workers and containing undocumented migration--were sufficient to

assure participation of the Mexican government on an equal footing with its stronger partner. However, these common interests actually were less important than other considerations--some of which had little to do with migrant labor relations as such. The program was a successful bilateral policy experiment during World War II, when the U.S. government subordinated it to a supporting role for the war effort. Though I argue that the program was no longer a policy experiment in these terms after 1954, its administration after that year was conducted within a stable bilateral regime when the Mexican government subordinated the program to national economic objectives and cordial relations with the United States. At other times--the conflictual years from 1947 to early 1954--migrant labor relations were largely managed according to their own merits, and were accompanied by discord, instability, and conflicting interests. The difficulties in reaching agreement in 1947-1949 should have made clear that the basis for agreement was much more narrow than the statement of common aims and principles suggests.

In the end, the bracero policy experiment and co-equal Mexican government participation were consumed by the massive increase of undocumented migration. As soon as the Mexican government had a stake in the legal migra-

tion of Mexican workers to the United States it also had an interest in reducing the number of "wetbacks." This explains why the Mexican government had to engage in the odious practice of patrolling its side of border and its cooperation with the expulsion of migrants by air and with "Operation Wetback." This objective circumstance also explains why the United States pressured Mexico to taken even more drastic action along these lines. However, Mexican governmental control of Mexican labor emigration proved to be an elusive proposition.

The problem was not just the difficulty of any state to control the departure of nationals from its territory. Mexico could not count on U.S. support for its view of the appropriate means to solve the undocumented migration problem. Indeed, the U.S. government was only too willing to adopt the most expedient means to reduce undocumented migration--which meant reforming the contract labor program in ways likely to be attractive to American growers.

Under these conditions, the policy choices for the Mexican government were not palatable. One set of choices was to take, against all odds, more drastic action to stop Mexican nationals from entering the United States without a contract. Had it made a serious attempt to do so, or been effective in the limited attempts that

it did make, the Mexican government might have been in a position to enforce its position that the U.S. could recruit Mexican workers under terms it considered acceptable. That such a policy course was not viable was apparent to close observers as early as 1948 during the "El Paso incident." Stopping emigration unilaterally was not a realistic possibility then, and neither was it in January 1954 when a serious effort was made in that direction.

The other set of choices was to acknowledge this reality and permit the recruitment of its nationals for employment in the U.S. under terms not too different from those of "wetbacks." Doing so meant giving up cherished hopes and myths about the protections that the migrant labor agreement afforded Mexican workers. Though with some initial resistance in the fall of 1953 and early 1954, this was the road eventually taken. Though no one admitted publicly at the time, Mexican governmental participation in the program after 1954 reflected a greatly diminished influence over the management of Mexican labor migration to the United States.

A NOTE ON MANUSCRIPT SOURCES AND NEWSPAPERS

The principal sources for this dissertation were the records of the Department of State, including those of the Embassy in Mexico City, available in the National Archives, in Washington, D.C. Of considerable use were several files of the Immigration and Naturalization Service and of the office the Secretary of Labor--the former are physically at the National Records Center in Suitland, Maryland; the latter at the National Archives. I have not consulted the Mexican archives for this study, though I cite one document, a copy of which was provided to me by Saúl Alanís, from the Fondo Obregón-Calles of the Archivo General de la Nación.

I have also made extensive use of The New York Times, especially between 1950 and 1954. State Department records at the National Archives include a number of clippings from the Valley Morning Star (Harlingen, Texas) which are quoted herein during the period 1951-1952; also the Valley Evening Monitor (McAllen, Texas), 1951-1952.

I was especially fortunate to be able to consult, in 1972, a 28-legajo collection of Mexico City newspaper clippings titled "Campesinos Mexicanos en los Estados Unidos." This collection was located at the Biblioteca

Lerdo de Tejada. Subsequently, Carlos Zazueta obtained a photocopy of the collection and generously made it available to me. All references to Mexico City newspaper articles and columns herein are based on that collection.

These sources are list below according to library and depository locations:

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