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THE oppressive impact of the deportation practices of the U.S. Immigration and Naturalization Service (INS) on labor activism during World War I, the 1920s, and 1950s is well documented.[1] Less known is the role of the INS in the New Deal period of the 1930s, a time of labor resurgence in general and Chicano worker mobilization in particular. INS officials were on hand in the many labor conflicts of the 1930s featuring Chicano activism. Immigration inspectors investigated participants in coal mine conflicts in New Mexico during the 1930s, in the great California strikes of 1933 and '34, in the Arizona demonstrations in the same period, in the south Texas organizing efforts in 1936, in the California farm worker strikes in the same year, in the cotton strikes of 1938 and 1939 and in many other labor disputes throughout the southwest. On virtually every occasion that mobilizing Chicano workers encountered local forces of law and order, the ubiquitous "migra" appeared.

Most immigrant leaders of the Chicanos experienced an INS investigation at some point and many repeatedly. Subversion charges again Jesús Pallares, a leading Chicano organizer in New Mexico, removed him permanently from the American labor scene in 1936. A fellow organizer for the *Liga Obrera de Habla Español* in New Mexico, Julio Herrera, had been deported the previous year on charges of illegal entry in 1908.[2] A deportation order against Colorado beet workers' leader Paul J. Arias, based on his arrest as a strike leader in 1932, was suspended by the INS. But during the height of the 1938 UCAPAWA[3] organizing campaign,

Arias's final hearing for admission to citizenship was delayed by an examiner resurrecting the earlier charge that he had advocated the forceful overthrow of the United States government.[4] A leader in the Imperial Valley strikes of 1934, who by 1940 was the president of a UCAPAWA local in Brawley, was arrested for deportation during an organizational drive on charges of illegal entry while returning from a visit to Mexicali.[5] Jess Govea, a well-known UCAPAWA organizer, was given "voluntary departure" in lieu of deportation during a strike in the Yuma, Arizona, lettuce fields in 1938. Labor disturbances in El Paso, Texas, in 1939 and 1940, resulted in an anti-Communist crusade, carried on by the local sheriff and the Dies committee, in which the Immigration Service investigated several of the activists and carried out deportation proceedings against one leader.[6] A principal organizer of smelter workers in that area, Humberto Sílex, eventually faced deportation charges, but vigorous legal support by his union successfully countered the government case.[7]

The citations can continue at such length that broad questions insistently arise on the effect of the "liberal" New Deal milieu on the INS and the impact of other forces on that agency. On the first matter, it is clear that a measure of the social concern characteristic of the upper levels of New Deal administration percolated down to a law enforcement agency such as the INS. Both Secretary of Labor Frances Perkins and the new Commissioner of Immigration and Naturalization, Daniel W. MacCormack, were determined to modify some of the most arbitrary policies of the agency. Indeed, after 1933, the number of deportations and so-called voluntary departures dropped to nearly one-half of the previous rate of 30,000 annually. The reduction in deportations and voluntary departures to Mexico paralleled the overall figures changing from a rate of about eight thousand in each category to about four to five thousand each throughout the 1930s.[8] It should be noted, of course, that these 10,000 or so annual deportation actions were concentrated in the few states with sizable Mexican immigrant populations. Moreover, expulsions under federal immigration statutes represented only a small proportion of de-

partures to Mexico, most of which were "repatriations" organized or encouraged by local authorities.

Part of this change in the deportation rate was attributable to causes external to the administration of the agency. The general depression drop in immigration from Mexico no doubt played a role in the reduced numbers of illegal entrants apprehended by immigration inspectors. Moreover, the virtual disappearance by 1933 of an anti-Chinese campaign in Mexico reduced pressure on the border from those escaping that outbreak of nativism. But a third reason for the changed statistics derived from a modified policy by the Perkins-MacCormack administration regarding the use of warrants by arresting officers of the Service.[9] Shortly after MacCormack—himself an immigrant—took office in 1933, district directors of the INS were instructed by the commissioner to terminate the previously common practice of securing a warrant for arrest only after an alien had been picked up on suspicion and interrogated. In line with this policy, they were directed to cease practicing mass roundups of presumed illegal aliens. An attorney commented with surprise about this time to American Civil Liberties Union Director Roger Baldwin that his ". . . most recent deportation case was a case of lawful arrest—for almost the first time in my experience they obtained a lawfully issued warrant before taking the alien into custody."[10]

Liberalization of the warrant policy was limited, however, by compensatory actions of the Immigration Service. To reduce the presumed high rate of flight of those for whom a warrant was requested by mail from Washington, officers were authorized to continue the practice of telegraphing headquarters with a cursory presentation of evidence if they feared that an escape was imminent.[11] In addition, aliens "enroute to a final destination," a category in which many migrant laborers could be placed, were still subject to arrest without warrant. A final limitation on liberalization involved the necessity of assuring Washington officials authorizing warrants that there was sufficient cause to believe immigration statutes had been violated. To provide convincing evidence, heavy reliance continued to be placed on the word of

informers.[12] This use of ex parte statements was a convenience for the INS since it lessened the need for an investigation which might call the attention of suspects to the presence of Immigration inspectors. With this dependence on surreptitious information, the Service encouraged the submission of random allegations and rewarded regular informers financially. This interest in citizen spying was not restricted ideologically—in fact, on request of a Chicano labor leader the INS carefully investigated the head of a particularly oppressive company union in the San Antonio pecan shelling industry.[13] The bulk of complaints, however, came from the xenophobes and labor baiters.

Despite field officers' conviction that use of informers was an essential basis for investigatory work,[14] the practice promoted dissemination of unsubstantiated accusations and a consequent atmosphere of fear in Chicano communities over threats of deportation. In the words of Ernesto Galarza this fear reached "the proportions of a community psychosis, affecting even those who have legal status as resident aliens."[15]

A second line of liberalization taken by the INS officials, supplementing the new warrant policy, modified immigration legislation which provided discretionary authority in some deportation cases. The bulk of these cases fell under statutes requiring deportation of three classes of aliens; illegal entrants, those advocating forcible overthrow of the government, or aliens who had been sentenced to imprisonment for a year or more on a conviction for a crime involving moral turpitude which was committed within five years of entry, or who had been sentenced more than once for such a crime committed at any time after entry. Commissioner MacCormack supported legislation granting him the discretion of cancelling deportation in cases involving the first two classes, providing that the aliens could show lengthy residence in the United States, good moral character, and prospective hardship for family members remaining in the country. In case of alleged radicals, further proof would be necessary that the alien had not engaged in subversive conduct or agitation. Partly as a lever to increase public support for administrative discretion in hardship

cases, MacCormack on the other hand advocated broadening deportation authority for classes of criminal aliens. This was to be achieved by extending beyond five years the period in which a crime involving moral turpitude would result in deportation.[16] The commissioner had issued orders by 1937 staying deportation, pending congressional action, in some four thousand alien hardship cases.

The legislation embodying discretionary authority was considered regularly by Congress through the 1930s, but was only enacted in the 1940 Alien Registration Act, in which a limited liberalization was applied to the illegal entrant's class. Congressional action on the administration propositions foundered during the 1930s in the currents of conflicting constituent pressures. Liberal elements, legal defense organizations, and social welfare agencies supported the recommendations on the grounds of humanitarianism and economic self-interest. The National Catholic Welfare Conference, an agency which sponsored a church-affiliated relief program in areas along the border with Mexico, pointed out that family separation in 1936 resulting from deportations would result in over six hundred additional welfare cases in the El Paso, Texas, area alone.[17] Arguments which carried the day with legislators, however, rested on nativism. Unions, public officials, and exclusionists proposed stronger alien control measures intended to return to their country of origin the "Mexican peons" with whom the relief rolls were presumably clogged.[18] Other current imagery augmented the economic antipathy toward foreigners. The general labor unrest of the time, the arrest of Bruno Hauptmann in the Lindbergh kidnapping case, and the anti-alien policy of much of the nation's press (particularly the *Chicago Tribune,* the Hearst chain, and *Saturday Evening Post*), aroused intolerance influencing congressmen and jeopardizing any liberalizing efforts of the Immigration Service administrators.[19]

With leadership in the New Deal Department of Labor frustrated by the politically impossible task of administering "with some liberality the most reactionary immigration laws in the world,"[20] the second and dominant set of influences on the execu-

tion of immigration policy came, as with many other New Deal programs, at subordinate and local levels. And here Immigration Service officers were influenced less by national policy than by bureaucratic practices, organizational needs, and local conditions and attitudes.[21] An INS inspector-in-charge reflected the force of the racial imagery common to the southwest when he dealt with a complaint over INS practices at the Nogales, Arizona, port of entry. He discredited the protest by slurring the origin of the signatories: "The majority of such names are those of mestizo or half-breed Mexican Americans. One or two are half-breed Mexican negroes."[22] Conversely, the zealous pursuit of immigration law violators was sometimes stimulated by close observation of the conscienceless exploitation of undocumented laborers by growers who often were able to maintain conditions of peonage by preying on the aliens' fear of disclosure. Raids on a Texas cotton operation, resulting in one hundred deportations, were justified in part on the basis of the ranchers' labor practices which were thus disrupted; low wages, illegal liquor sales, substandard living quarters, overcharging in the company commissary, and underweighing on rigged cotton scales. Termination of the supply of illegal aliens permitting such an operation, INS officers explained, would free the ranchers to "form an association to procure and distribute labor in a business-like way."[23]

Though integration of a transient INS bureaucracy with the dominant local structure could not be complete, inspectors' actions and attitudes could reflect their close relationship with other elements concerned with the "foreign" issue in the border area. INS officials participating in the surveillance of Chicano labor organization in Laredo, Texas, were simultaneously members of the American Legion Post promoting the group's disruption. The expression of one of them, an official of the Legion's Department of Americanism, that "there is no such thing as a hyphenated citizen"[24] would have been inseparable from the convictions he brought to his INS duty station. Immigration officers often coordinated their activities closely with community officials carrying on similar anti-radical campaigns. Close rapport existed between the Gov-

ernor of New Mexico and the inspector carrying out an investigation of Communist activities in 1935; the sheriff's department, INS, and the Dies committee investigator worked together closely in the El Paso case in 1940; during a simultaneous investigation in California, Immigration Service officials relied for evidence of Communist activities on the files of patriot groups, including the Better America Association of Los Angeles.[25]

The point has been made recently that immigration law enforcement is primarily pro-active or initiatory in nature, as opposed to most police work which is characterized by reaction to the complainant's social system.[26] It is true that the dramatic surveillance and shoot-out activities of the Border Patrol in the Prohibition era fitted that proposition. Much immigration law enforcement during Depression era social and economic stress, however, reacted to widespread allegations of alien economic competition and requests for investigation. Professor Abraham Hoffman has made this case in a recent article in *Journal of the West* dealing with complaints from Superior, Arizona.[27] Among many other examples was the INS cooperation in the Colorado border blockades. Aware of the relief politics lying behind Governor Johnson's interdiction of migrant Chicanos in the spring of 1935 and 1936, as well as the illegality of those actions, the Service nevertheless detailed inspectors to participate in the operation. The officers were instructed merely to avoid personally either interference with legal interstate travel or arrests unsupported by warrants. Even after the militia blockage of the southern Colorado border in April 1936 produced only two deportable aliens, a request for INS assistance for Colorado highway patrol scrutiny of "suspicious aliens" was approved.[28]

The routine assignments of immigrant inspectors and border patrolmen to question those arrested in labor disputes has been noted. INS officials insisted that their policy was "to remain strictly aloof from participation or connection with labor difficulties. . ." and to avoid any implication in the strikebreaking activities of local law enforcement agencies.[29] Yet, the psychological impact of this close rapport between INS officers and law enforcement coun-

terparts often served to bulwark the local anti-labor, anti-immigrant forces. This was not always the intent of INS officials—they could act occasionally to protect Chicano farm workers from forms of extortion based on their fear of deportation.[30] But the repressive effect certainly followed from the typical organizational tendency displayed by the INS, that of self-maintenance. The agency was susceptible to pressure groups or influential individuals demanding action whose ultimate recourse lay with Congress, the fund-granting body.[31] As with all government departments, correspondence that was flagged as politically significant received immediate and sympathetic attention. The assiduous response to the contacts of officials across the Southwest served further to justify the agency's funding and level of staffing.

Certain practices of the INS were induced by the bureaucratic urge for efficiency. The reliance on informers seems to have been one such example. Another was the common intrusion of the Service's activities into relief and other welfare programs. Practices of public welfare boards varied among states and counties, but immigrant inspectors were frequently granted access to the personal records of relief clients in the southwestern states. The efficiency of both agencies were thought to be served in this way: the INS obtained data on citizenship and residency compiled by others; the relief organization received Immigration Service assistance in eliminating illegal entrants from its rolls and in determining citizenship in programs where this was a requirement. Protests by some professional social workers or liberal welfare board members pointing out the incongruity between these practices and the purposes of the relief body occasionally frustrated INS requests for access to relief files.[32] Immigration officials recognized that use of this method would locate few deportable aliens. Yet "every possible effort" was made to locate illegals through relief agency records.[33]

Such extensive intrusion of immigration law enforcement into the Chicanos' social and economic life was difficult to counter. While influential persons faced with a challenge to their immigration status could slow down administrative procedure, gain a

precise indication of required supportive data, and obtain political backing, most Mexican aliens lacked the necessary social standing or legal knowledge. In any case, the transitory life of those who were migrant workers, or the marginal social existence in the permanent Chicano colonies, often precluded institutional record keeping of marriages, births, and residency. Where facts were available or the law subject to diverse interpretation, money for adequate legal defense was usually lacking. An attorney in Dallas, Texas, in informing the Immigration Service that the parents of an alien under deportation order could no longer aid his defense, movingly expressed the "hope that in future cases similar to this, financial means may be available for the interposition of necessary legal opposition, to the end that justice may be served."[34] The appeal in this case on a disputable point of law was thus terminated.

Resistance to immigration law investigation or enforcement, then, often took a passive form, as in the case of labor conflicts or other large-scale investigations where fearful residents or migrants would leave an area while the inspectors were present. In instances where Chicano functionaries were designated as contact points between a local government agency and the INS, the information they were expected to supply to the immigrant inspectors might not be forthcoming.[35] More forceful protest depended on the support of organizations. UCAPAWA promised protection from the Immigration Service as an inducement in organizing drives. In one instance a UCAPAWA local in California circulated a list of INS informants and some of the individuals whose name graced the document received rough treatment at the hands of the union membership.[36]

In the early 1930s Communist unions arranged legal assistance from the International Labor Defense (ILD) for their members and other labor figures. A handful of ILD attorneys in the southwest undertook the difficult, and often disappointing task of defending activist clients in cases ranging from riot trials to deportation hearings. Unfortunately, the demonstration and mass letter-writing techniques practiced by the ILD, and other organi-

zations primarily relying on public appeals, such as the American Committee for Protection of the Foreign Born, could work to the detriment of the defendant by antagonizing enforcement officials and judges.

Committed though it was to defending individual rights, the American Civil Liberties Union was cautious of immigration cases in view of the peculiar limitations on the defense in these administrative law cases; burden of proof of legal status was placed on the claimant; rules of evidence were much less rigorous than in criminal law; Immigration Service hearing officers were in a position to evaluate their own investigative work in the case; and language differences between Mexican aliens and ACLU attorneys hampered defense preparation. Nevertheless, the ACLU took pains to protest illegal arrests or violation of due process in deportation cases.

The entrance of Mexican consuls was likely to come late in deportation proceedings when INS officers were required to procure a certificate of nationality from the consulate of the prospective deportee's country of origin. Some consuls conscientiously undertook investigations to verify the nationality of the presumed Mexican national rather than accept the American government's evidence of citizenship. In these cases the consuls could be bypassed by the INS officials, who would make their request for certification of another consul on the route toward the border.[37] A Mexican Army officer who served as consul in El Paso, Texas, in the late 1930s provided material for numerous Immigration Service complaints by his determination to interview each of the deportees from his district prior to issuing a certificate of nationality. He was thus in a position to evaluate the validity of the deportation case against his conationals.[38] Despite interposition of their authority, the consuls were able in most cases to achieve little more than delay. The most useful service they could perform for the prospective deportee was to secure permission for his voluntary departure, in lieu of deportation. Under this provision, those who had come athwart the immigration statutes were able to

leave in the company of their families and possessions, and they might eventually apply for readmission.

Ameliorative measures also were all that could be achieved by individual advocates of Mexican aliens facing Immigration Service proceedings. Catholic laymen, particularly Thomas Mahony in Colorado and Cleofas Calleros, the National Catholic Welfare Conference representative in El Paso, could serve as intermediaries with the INS, request stays of deportation, and provide assistance for relatives of deportees remaining in the United States.[39] But their legal and financial resources were limited; and their religious concerns precluded any action on behalf of aliens whose radical activities could be interpreted as stemming from the doctrines of "godless" Communism.

Essentially, then, the Mexican alien could count on little protection from the New Deal's legal liberalism; neither could his few friends in the Anglo social structure help much in countering the prerogatives of the INS and the local and bureaucratic forces to which the agency responded. Considering that the most reasonable course of action was unobtrusiveness, the number of alien Chicanos among the ranks of activists in the labor ferment of the 1930s is impressive indeed.

NOTES

1. A version of this paper was presented at the Southwest Labor Studies Conference, Torrance, California, April 29, 1976.

2. Bulletin of the American Committee for Protection of the Foreign Born, July 1936, file 11, Radical Labor Organization Papers, Colorado State Historical Society Library, Denver.

3. United Cannery, Agricultural, Packing and Allied Workers of America, CIO.

4. J. Austin Beasley (UCAPAWA official) to Secretary of Labor Frances Perkins, October 25, 1938, U.S. Conciliation Service file 195-705, Federal Mediation and Conciliation Service, Record Group 280, National Archives.

5. District Director (Los Angeles) William A. Carmichael to Com-

missioner James L. Houghteling, May 1, 1940, file 55854/100B, Records of the U.S. Immigration and Naturalization Service (hereafter INS), Washington, D.C.

6. *El Paso Herald-Post,* March 7, 8, 9, 11, and 22, 1940.

7. "Facts Relative to Deportation Proceedings Brought against Humberto Sílex," Sílex Defense Committee file, Archive of the International Union of Mine, Mill and Smelter Workers, University of Colorado, Western History Collection, Boulder.

8. United States Department of Labor, *Annual Reports of the Secretary of Labor, 1931-1940* (Washington, 1932-41).

9. *Annual Report of the Secretary of Labor, 1934,* p. 64.

10. Ward Bonsall to Baldwin, January 2, 1934, Aliens—General Correspondence, American Civil Liberties Union Archive (hereafter ACLU), Princeton University Library.

11. Deputy Commissioner Edward J. Shaughnessy to O. F. Strong (Secretary-Treasurer of Industrial Union of White Americans, Tucson, Ariz.), February 6, 1934, INS 55853/737.

12. The variance in legal standards between arrest warrants in criminal cases and in administrative proceedings, such as immigration cases, is discussed in William C. Van Vleck, *The Administrative Control of Aliens* (New York, 1932), pp. 90-96, 176-78. General analyses of the expulsion process are found on pp. 83-148, and in Milton R. Konvitz, *The Alien and the Asiatic in American Law* (Ithaca, N.Y., 1946), pp. 46-78.

13. Shaughnessy to Senator Morris Sheppard, April 21, 1936, INS 55854/100.

14. District Director (Los Angeles) Walter E. Carr to Representative Jerry Voorhis, March 7, 1938, INS 55854/100A.

15. United States Congress, House, Select Committee to Investigate the Interstate Migration of Destitute Citizens, *Hearings* (December 11, 1940), 76th Cong., 3rd sess., Part 10, p. 3884.

16. *El Paso Herald-Post,* February 13, 1936.

17. *El Paso Herald-Post,* February 13, 1936.

18. For example, *Arizona Labor Journal,* editorial, May 19, 1934, p. 2.

19. Louis Adamic, "Aliens and Alien-Baiters," *Harper's,* 173 (November 1936): 561-74, covers the xenophobic opposition to the deportation liberalization proposals. The administration's political caution in the face of the opposition is shown in Baldwin memorandum of conversation with Frances Perkins, October 26, 1934, Aliens—General Correspondence, ACLU.

20. Baldwin to Emma Goldman, October 26, 1934, Aliens—General Correspondence, ACLU.

21. The impact of these pressures on the administration of immigra-

tion law has been stressed in William Preston, Jr., *Aliens and Dissenters* (Cambridge, Mass., 1963).

22. A. J. Milliken to District Director (El Paso) Grover Wilmoth, August 16, 1939, INS 55854/100B.

23. Wilmoth to Commissioner MacCormack, October 29, 1937, INS 55854/100A; also report of Patrol Inspector Rufus E. Almand, March 25, 1937, 55854/100A.

24. *Laredo Times*, March 31, 1936.

25. Inspector Dan S. Kuykendall to Inspector-in-Charge, San Diego, April 13, 1940, INS 55854/100B.

26. Leo Grebler, Joan W. Moore, and Ralph C. Guzmán, *The Mexican-American People* (New York, 1970), pp. 536 and 541 (fn. 61).

27. Abraham Hoffman, "The Federal Bureaucracy Meets a Superior Spokesman for Alien Deportation," *Journal of the West* 14 (October 1975), 91-106.

28. District Director M. F. Lence (Salt Lake City) to Commissioner MacCormack, March 16, 1935; Lence to Division Director (Denver), April 20, 1936; Deputy Commissioner I. F. Wixon to Wilmoth, April 24, 1936; Wilmoth to MacCormack, April 25, 26, 27, 1936; Wixon to Lence, April 28, 1936, INS 55854/100.

29. District Director Carmichael to MacCormack, May 1, 1940, INS 55854/100B; Perkins to A. S. Holohan (Secretary of the Arizona State Federation of Labor), June 29, 1937, Immigration–General–1937, Secretary of Labor General Subject Series, RG 174, National Archives.

30. An example is the INS investigation of charges that Mexican nationals in the San Diego area were forced to accept low wages under threat of denunciation by their employers to the immigration authorities. Moreover, INS officials attempted at times to insure that wages owed deportees were paid before departure. Inspector Herbert C. Gerrish to Inspector-in-Charge, San Diego, October 30, 1933, INS 55639/616A.

31. Access to the INS was facilitated when local government and business or farm groups were closely integrated as in western rural communities. See District Director E. L. Haff (San Francisco) to MacCormack, October 18, 1933, INS 55853/737, dealing with the San Joaquin Valley cotton strike.

32. Inspector A. A. Spurgeon (Phoenix) to Wilmoth, May 12, 1934, INS 55853/737.

33. Spurgeon to Wilmoth, May 12, 1934, INS 55853/737. Also District Director F. W. Berkshire (Los Angeles) to MacCormack, June 23, 1934, in same file. There are various other examples of INS intrusion into programs with social purposes, including VD clinic surveillance.

34. Félix García to INS (San Antonio), November 29, 1937, Federal

Secretary of Labor file, Governor James Allred Papers, Texas State Library, Archives Division, Austin.

35. Spurgeon to Wilmoth, May 12, 1934, INS 55853/737.

36. Patrol Inspector Richard L. Williams (El Centro) to Chief Patrol Inspector, El Centro, April 26, 1940, INS 55854/100B.

37. INS Division Director Del L. Sullivan (Denver) to Consul M. G. Calderón, June 7, 1937, and Mexican Embassy memorandum, August 17, 1937, file 150.126/367, Department of State, RG 59, National Archives.

38. The INS complaints against this official during his tenure in El Paso, 1936-40, are in Department of State 150.126.

39. University of Notre Dame Archives, South Bend, Thomas Mahony Papers; and University of Texas at El Paso Archives, Cleofas Calleros Collection.