

Latinos in the United States *Invitation and Exile*

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Throughout U.S. history periods of labor shortage have alternated with ones of labor surplus. In times of shortage, the United States has enthusiastically welcomed immigrants to fill gaps in the labor pool. More often than not, however, available employment has been characterized by harsh working conditions, enormous amounts of physical labor, and minimal remuneration. In addition to abject working conditions, immigrants have also faced discrimination and resentment.

During periods of labor surplus or economic stress, immigrants in the United States have been subjected to particular cruelty. Americans, led by various nativist organizations and movements such as the Know-Nothing Party in the 1850s or, more recently, U.S. English or California's "Save Our State" campaign, have blamed immigrants for the country's economic woes. Such xenophobic bigotry has resulted in calls for anti-immigrant legislation (including restrictions on immigration for whichever group was targeted at the time), attempts to deny public services (including elimination of bilingual education for school-aged immigrants and the American citizen children of undocumented immigrants), and, ultimately, deportation.

Mexican immigrants have usually been the subject of these seesaw trends. One reason is that Mexico and the United States share a common border. The border between the two countries stretches for two thousand miles and is marked in some places by a fence, but at most points merely by an imaginary line in the sand or by the Rio Grande River. Easy to traverse, this border facilitates immigration, both legal and illegal, as well as expulsion.

Due to their great distance from the United States, Europeans historically could not make the journey to where their labor was needed (typically the Southwestern United States) before the need was met. The only immigrants left within reach of the American Southwest were Mexicans and Asians. The Chinese and the Japanese have their own regrettable history of discrimination in the United States. The laws and policies that temporarily ended immigration from Japan and China left Mexico as

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the only source to fill the labor vacuum. Mexican laborers have since become the United States' disposable labor force, brought in when needed, only to fulfill their use and be unceremoniously discarded, a trend that has been recurring for over 150 years.

From the Gold Rush to World War I

Early migration into the United States was aided by negligible border restrictions and virtually no immigration laws. The first wave of Mexican laborers was drawn to California by the Gold Rush shortly after Mexico ceded California to the United States under the terms of the Treaty of Guadalupe Hidalgo in 1848. The Gold Rush drew people from all over the world, triggering rapid population growth. Because most who flocked to California wanted to strike it rich in their own mines, unskilled manual labor was scarce and laborers were needed to work in Anglo-owned mines, railroads, and farms. The work was backbreaking, low-paying, and often dangerous, so it was difficult to find Anglos who would do it.

In addition to fulfilling labor demands, Mexicans brought with them knowledge of mining. Anglos came to California with dreams of striking it rich but had little practical experience or knowledge of how to do it. Anglos, however, soon acquired the knowledge, tools, and techniques of Latino miners.

Unfortunately for Latinos, a need for their labor and knowledge did not translate into good attitudes toward them. Popular accounts of Latinos during that period were influenced by manifest destiny, "scientific" theories of racial miscegenation, and the Mexican War. These accounts provided the Anglo miner with a negative stereotype of the Latino that led to discrimination, threats, violence, and restrictive legislation directed against Mexicans and Mexican Americans. Posters appeared in mining areas threatening violence to any "foreigners" who remained where "they had no right to be"; vigilante groups expelling Latinos from mines claimed that mineral rights and wealth in America were reserved for "Americans"; a Foreign Miners' Tax Law was imposed; and foreigners were assaulted and lynched.¹

Anti-Latino attitudes were also fueled by greed for the much coveted gold. Latinos who labored in the fields, on the railroads, or in the mines of Anglos were not as persecuted and discriminated against as those who sought their own fortunes in the mines. Nevertheless, although nonminers were not as persecuted as miners, history records whole towns being put to the torch, rioters shooting any Mexican in sight, random murders, and other vigilante actions throughout this period.

Even while Latinos were being persecuted, their labor was needed, especially in jobs that were low-paying and labor-intensive. Such jobs included ranching, agriculture (especially for crops such as cotton and sugar beets), laying the rails that traverse the Southwest (a task made harder because most of the terrain is desert, semidesert, or mountainous), and mining (where, although their knowledge of mining techniques proved invaluable, they received lower wages for the same work their unskilled Anglo counterparts did).

The demand for Mexican labor in some labor-intensive occupations was so great that employers held Mexicans captive. One such industry was the Colorado sugar beet industry. Sugar beets require attention almost year-round and, therefore, need a semipermanent labor force. When farmers could not persuade Mexican laborers to stay year-round to perform the arduous labor, they resorted to coercion. One tactic was to refuse to make final wage payments to employees so that they were unable to leave; thus, laborers had to remain in the area until the following season to collect their pay. Essentially, farmers had a captive work force without rights of citizenship or the ability to leave.

World War I through the Great Depression

Although economic trouble marked the years 1907 and 1921, when immigrants were blamed for many of the problems, Mexican immigrants were generally welcomed into the United States until the 1930s and the Great Depression. Prior to the Depression, U.S. immigration policies were aimed mainly at keeping out Asians and southern and eastern Europeans, while allowing Mexican laborers to immigrate. For example, within a year of the enactment of the most restrictive immigration legislation in U.S. history—the Immigration Act of 1917—the first foreign labor program was initiated.

In response to pressure from agricultural employers in the Southwest, Congress included provisions in the law that allowed entry into the United States of “temporary” workers who would otherwise be inadmissible under the Act. This temporary worker—*bracero*—program was enacted for the duration of World War I and was extended until 1922, four years after the war ended. Although this program did not include the Mexican government’s proposals to guarantee the contracts of immigrant workers as did later *bracero* agreements, it was the blueprint upon which later programs were based.

After the Depression began, Latinos found themselves unemployed and unwanted. Jobs that Latinos had been doing for years were no longer available or were performed by Anglos who were forced to resort to that type of labor. Because Latinos were historically ill-paid, many had little or no financial reserves and no choice but to go on welfare or other relief programs. Because of the Depression, Mexican workers and immigrants were no longer welcomed. In fact, they were so unpopular that many were driven from the country. For example, Latinos in Oklahoma were threatened with being burned out of their homes, in Indiana a mob forced railworkers to “give up their jobs,” and in Texas signs were displayed warning Mexicans to get out of town.²

As the Depression lingered and county, state, and federal budgets dwindled, governments sought ways to cut welfare costs. One method used was to deny welfare benefits to Mexican laborers. This action, labeled “fair and humane” by government agents, was a move to reduce the labor surplus and at the same time to reduce welfare rolls.³ No longer welcome in the United States, and with no way to sustain themselves, many Mexicans began a mass exodus to Mexico.

The Mexican migration was heralded by governments of various jurisdictions. They decided to expedite this process by sending lawful resident Mexican workers back to Mexico rather than carry them on the public welfare rolls; however, this decision was problematic for a variety of reasons. Legally, to expel Mexicans from the United States was as costly as keeping them afloat when their funds were depleted. Consequently, instead of using costly legal maneuvers such as public hearings and formal deportation proceedings, social workers resorted to betraying Mexicans by telling officials that they wanted to return to Mexico. This duplicitous tactic, of course, lowered the cost of expulsion considerably. It also, however, effectively deprived many of due process.

This treachery continued throughout the Depression. Tragically, some, if not most, of the repatriated Latinos were lawful permanent residents who had lived in the United States for decades, establishing homes and roots. Another result of repatriation was that many families were separated. In some instances, either one or both parents was an "alien," but children, having been born and raised in the United States, were American citizens. In some cases, the children were allowed to stay in the United States while their parents were repatriated, but in many other cases such U.S. citizens were themselves repatriated. By the end of the Depression, over 400,000 Latinos—including thousands of American citizens—were repatriated to Mexico without any formal deportation proceedings.

These repatriation programs naturally sparked protest from the Mexican government. In response, the Los Angeles Chamber of Commerce issued a statement assuring Mexican authorities that the city was in no sense unfriendly to Mexican labor. It insisted further that the repatriation policy was designed solely to help the destitute. This was supposedly the case when invalids were removed from County Hospital in Los Angeles and shipped across the border.

World War II and the Bracero Program

When the Great Depression ended at the onset of World War II, so did the labor surplus the Depression had created. Agricultural growers in the Southwest, however, began as early as 1940 to petition agencies of the United States for permission to use foreign labor to fill shortages, a precedent established during World War I. Shortly after Mexico declared war on the Axis powers on June 1, 1942, the U.S. Department of State contacted the Mexican government about the importation of labor. Mexico doubted that the labor shortage really existed and viewed the efforts of the State Department as a way of obtaining cheap labor.

Cognizant of the deportation and repatriation of Latinos during the Great Depression, the Mexican government, to protect its citizens from harsh treatment and discrimination, entered into a formal agreement with the United States. This protection was provided by a government-to-government accord signed on July 23, 1942. The Mexican Labor Program, or the Bracero Program as it is more commonly known, was first implemented on August 4, 1942, and was funded by the U.S. President's emergency fund. The program was renewed on April 26, 1943.

Under the bracero agreement, Mexico would permit its citizens to work in the United States for temporary, renewable periods under agreed-upon conditions. The conditions stipulated methods of recruitment, transportation, standards of health care, wages, housing, food, and the number of hours the braceros were allowed to work. Discrimination against braceros was prohibited. A violation of these conditions was supposed to have resulted in the suspension of braceros' availability for the violating area. Unfortunately, the terms were, for the most part, ignored by both the growers and the U.S. government; thus, migrant laborers were subjected to most oppressive working environments.

Braceros across the country were compelled to endure poor food, excessive charges for board, substandard housing, discrimination, physical mistreatment, inappropriate deductions from their wages, and exposure to pesticides and other dangerous chemicals. Although Texas was not the only state that violated the conditions of the agreement, discrimination toward braceros there was so bad that Texas lost its privilege to utilize bracero labor until after the war.

The upshot of the Bracero Program was that the U.S. government provided growers with cheap labor. Agricultural growers preferred hiring braceros to American citizens for two reasons. Growers were able to set the wages that would be paid braceros instead of basing their remuneration on the principle of supply and demand or on collective bargaining agreements. Further, braceros tended to be males who traveled alone, while Americans had their families with them, thus making it easier to provide transportation and housing for braceros.

A secondary effect of the Bracero Program was that it provided the United States with soldiers to fight the war. Although braceros were initially brought in to replace Japanese Americans who were sent to internment camps and Americans who went into the armed services or the defense industry, braceros additionally freed up many Mexican Americans for the armed services. Deferrals were given to those who held defense industry jobs, few of whom were Mexican American, while workers in the agricultural industry, heavily staffed by Mexican Americans, were eligible for the draft. In short, Mexican Americans in the agricultural industry were sent off to the war while braceros were imported to replace them.

While in the armed forces, Latinos distinguished themselves as fierce and reliable soldiers. Throughout World War II, no Latino soldier was ever charged with desertion, treason, or cowardice. The bravery of Latino troops was recognized in the many medals awarded to Mexican Americans, including the Congressional Medal of Honor (the United States' highest honor), the Silver Star, the Bronze Star, and the Distinguished Service Cross. Seventeen Mexican Americans received the Congressional Medal of Honor for action in World War II and Korea. These seventeen Latino soldiers represent the highest proportion of Medal of Honor winners of any identifiable ethnic group. Because Mexican Americans seem to have gravitated to the most dangerous sections of the armed forces, they were overrepresented on military casualty lists.

Ironically, when the Mexican American soldiers returned home, they were treated no better than they had been before they left. In Texas, a funeral parlor in Three Rivers refused to bury Félix Longoria, an American soldier decorated for heroism,

because he was of Mexican descent. This obviously racist action sparked a storm of controversy that ended with the intervention of then Texas Senator Lyndon B. Johnson, who secured burial for Longoria in Arlington National Cemetery. Sergeants José Mendoza López and Macario García, each awarded the Congressional Medal of Honor, were refused service in restaurants and diners because of their Mexican heritage.

Sergeant García, however, decided to challenge such discrimination against Latinos. García, after being told that he would not be served because he was a "Mexie," admonished the proprietor to serve him, declaring, "[If I am] good enough to fight your war for you, I'm good enough for you to serve a cup of coffee to." The merchant in charge of the diner refused to serve García and went so far as to attempt physically to remove García from the diner. García defended himself. The altercation ended with the arrival of the police, who sent everyone home and ordered the diner closed for the night. Later, after the incident was recounted over the national news, Sergeant García was arrested and charged with aggravated assault in an attempt by the city to save face.⁴

After the war, American soldiers returned to work, ending the labor shortage. Growers in the agricultural industry were, nonetheless, reluctant to give up bracero labor. Under the influence of agribusiness, Congress kept the program alive. The pressure they brought to bear was not enough to keep the program going on indefinitely, however, and the Bracero Program came to an end in December of 1947. Nonetheless, the use of Mexican labor did not end. For the next nine months after the end of the Bracero Program, while no agreement existed between the United States and Mexico, the number of undocumented workers in the United States increased dramatically. Both governments became concerned with the increase and pushed for renewed labor negotiations. These negotiations led to a new bracero agreement in August of 1949. In addition to providing labor to the United States, the new bracero agreement stressed a reduction in the flow of undocumented workers from Mexico and the legalization of undocumented workers already in the United States.

The program resulted in 238,439 undocumented workers being recruited into the work force between 1947 and 1951. Mass legalization ended for two reasons. First, it was ineffective in stemming the tide of undocumented workers coming into the country. Most importantly, the enactment of Public Law 78 on July 12, 1951, in response to the outbreak of the Korean War, created yet another bracero program.

Under the new program, the U.S. Department of Labor was given administrative control of migration and essentially became a labor contractor. Public Law 78 conferred on the Secretary of Labor the responsibility for the certification of the need for the braceros; for authorization of their recruitment in Mexico; for transportation of the braceros to the labor camps; for guaranteeing the terms of their labor contracts; and for setting the prevailing wage. The new agreement also rectified some problems of the prior versions. The braceros were to enter contracts for periods of time ranging from six weeks to six months instead of year-long contracts. The braceros were

also guaranteed work for at least 75 percent of the time for which they had contracted, as well as being paid the wages set by the Secretary of Labor.

From the Korean War to "Operation Wetback"

Public Law 78 did not stem the tide of undocumented workers. Indeed, immigration authorities started finding undocumented workers in industrial jobs, causing labor unions to proclaim undocumented traffic as destructive to their welfare. As a result of these complaints, on June 17, 1954, Herbert Brownell, Jr., the U.S. Attorney General, ordered a crackdown on illegal immigration and a massive deportation drive, "Operation Wetback."

This crackdown on illegal immigration and the ensuing process of deportation were left to the Commissioner of Immigration, Joseph P. Swing. Swing, a retired army general and reputed "professional, long-time Mexican hater," developed "Operation Wetback" along the lines of a military campaign. "Operation Wetback" was a two-fold plan that coordinated the border patrol to prevent undocumented aliens from getting into the United States while rounding up and deporting those who were already here.

"Operation Wetback" went beyond its scope, however, and Americans of Mexican descent were also deported, stirring up memories of the mass deportations of the 1930s. Many of those deported were denied the opportunity to present evidence that would have prevented their deportation. Between 1954 and 1959, "Operation Wetback" was responsible for over 3.7 million Latinos being deported. Of those, an unknown number were American citizens. In the haste to deport "illegals," only 63,500 persons were removed through formal deportation proceedings. The rest of the deportees left the United States "voluntarily."

In addition to violating the civil liberties of American citizens via questionable expulsions, "Operation Wetback" violated the human rights of the people being deported. Deportations were characterized by disrespect, rudeness, and intimidation. Reports even mentioned immigration officers "collecting fares" from persons being deported.

Ironically, the bracero program was in effect while "Operation Wetback" was being executed. Public Law 78 was extended until it finally was allowed to lapse in December of 1964. Although the bracero program was originally intended to be an emergency remedy for labor shortages during World War II, it survived the war by almost twenty years. Further, more braceros were hired in single years after the war than were hired during all of the war years combined.

Modern Labor Programs

Even after the bracero program ended, importation of Mexican labor continued under the McCarran-Walter Immigration Act of 1952. Under the Act, immigrants

from Mexico were permanently admitted to the United States to ensure there would be enough laborers. To guarantee there would be a sufficient labor force, the Department of Labor lowered the admission standards for Mexican workers just days before the expiration of Public Law 78 and the Bracero Program.

Although many Mexican citizens were issued visas, or "green cards," that would allow them to live and work in the United States, most preferred to reside in Mexico. Known as commuters because they traversed the border regularly to get to work, these workers maintained the bracero lifestyle by working in the United States for days, weeks, or even months at a time, only to return to Mexico. As well as emulating bracero work patterns, these migrant workers performed similar jobs to the braceros' (i.e., low-skilled or service oriented). In 1977, approximately 1 million Mexican resident aliens lived in the United States, according to the Immigration and Naturalization Service. The actual number of commuters is unknown due to inaccurate records and varying numbers of commuters from day to day.

The McCarran-Walter Act also established a fallback Bracero Program. The "H-2 program" revived all the worst parts of its predecessors. Under the "H-2 program," the U.S. Department of Labor has power to admit foreign labor for temporary jobs if able, willing, and qualified domestic workers cannot be found at the time and place where they are needed.⁵ As were workers in the Bracero Program, these migrants are totally dependent on the growers for employment. If the worker proves himself to be hard-working and faithful, he might be asked to return again the following year; if not, he can be deported without an appeal.

In 1986 the United States went through its most recent mass legalization program. The Immigration Reform and Control Act of 1986 (IRCA) gave legal status to undocumented persons who had been in the United States from January 1, 1982, to the time of application (between May 5, 1987, and May 4, 1988). Like the McCarran-Walter Act, the IRCA provided special status to migrant farmworkers. The IRCA offered legal status to special agricultural workers who could prove that they spent at least ninety "man-days" during a qualifying period doing agricultural work on specified crops. The end result of the IRCA was to legalize millions of undocumented workers and fill a labor shortage caused by the most recent immigrant expulsion, "Operation Jobs."

Obtaining Mexican labor has also been accomplished through the exportation of jobs. This phenomenon is euphemistically called the Border Industrialization Program or, as it is more familiarly known, the Maquiladora Program. The program is a system of concessions vis-à-vis Mexico that allows manufacturing and assembly plants or *maquilas* to be located in border towns in Northern Mexico and to export their products directly to the United States. Other concessions granted by Mexico have included exemptions from labor and environmental regulations.

The exemptions granted by Mexico do more than help American companies enter Mexico; they help American companies exploit Mexican labor. The *maquilas* have proven to be a financial success, but only at the expense of Mexican laborers suffering under poor working conditions, inadequate wages, deteriorating environmental conditions, and the inability to take any legal actions against their employers.

NOTES

1. Richard H. Peterson, "Anti-Mexican Nativism in California, 1848–1853: A Study of Cultural Conflict," from *Southern California Quarterly* 62 (1980), reprinted in *Historical Themes and Identity: Mestizaje and Labels* (Antoinette Sedillo López ed.; Garland Publishing, 1995), at 181–92.
2. Francisco E. Balderrama and Raymond Rodríguez, *Decade of Betrayal: Mexican Repatriation in the 1930s* (University of New Mexico Press, 1995), 99.
3. Matt S. Meier and Feliciano Rivera, *Readings on La Raza: The Twentieth Century* (Matt S. Meier and Feliciano Rivera eds.; Hill and Wang, 1974), 79.
4. Harold J. Alford, "War" from *The Proud Peoples: The Heritage and Culture of Spanish-Speaking Peoples in the U.S.*, reprinted in *Readings on La Raza* at 147–49.
5. See U.S.C. § 1101 (a)(15)(H).