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## The Bracero Program : a case study of its development, termination, and political aftermath.

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THE BRACERO PROGRAM: A CASE STUDY OF ITS DEVELOPMENT,  
TERMINATION, AND POLITICAL AFTERMATH

A Dissertation Presented

By

GEORGE C. KISER

Submitted to the Graduate School of the  
University of Massachusetts in partial  
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December

1973

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THE BRACERO PROGRAM: A CASE STUDY OF ITS DEVELOPMENT,  
TERMINATION, AND POLITICAL AFTERMATH

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By

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December 1973



To my wife, Martha, who has  
contributed so much to this study  
Digitized by the Internet Archive  
in 2015



The Bracero Program: A Case Study of its Development,  
Termination, and Political Aftermath (December 1973)

George C. Kiser, B. A., Berea College

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Directed by: Dr. Howard J. Wiarda

In response to grower claims of a serious farm labor shortage during World War II, the United States government initiated a bracero (Mexican labor) program providing for the temporary employment of Mexican nationals in the United States. Once the war ended, new justifications were found for continuing the program and it lasted through 1964.

Although the whole matter of importing Mexican labor was rife with political conflict, only two or three political scientists have paid any serious attention to it.

Most of this dissertation is a case study of the political underpinnings of these programs and their administration. Because the final four years of the Mexican labor system have been least studied, they receive disproportionate emphasis in the present study. Particular attention is devoted to political forces leading to the congressional decision to end bracero employment on American farms. Among the most important of these was the reform thrust of the Kennedy administration.

Few studies of the bracero program pay any serious attention to its earlier historical roots. This

dissertation explores the Mexican labor issue over a period of several decades prior to 1942. It is found that Mexican workers were widely used on southwestern farms from the early years of this century. The issue was continuously controversial and many of the political patterns of the 1942-63 bracero era were more or less crystallized in those early years. By failing to consider these historical foundations, most studies depict the bracero program as more innovative than does this dissertation.

Unlike most of the available literature, this study presents the bracero program as one phase of the broad struggle over Mexican labor which transcends the program itself. The conflict existed long before 1942 and it continues to the present day. Nevertheless, the sparse literature gives the impression that the death of the Mexican labor system more or less solved the controversy.

This dissertation is apparently the only study to consider the political aftermath of the bracero program, and it considers both the Johnson and Nixon eras. It finds that the conflict was simply re-oriented to focus more on other types of Mexican workers, particularly so-called "wetbacks," regular immigrants, Mexicans living in Mexico and commuting to jobs in the United States, and those authorized to enter as temporary farm workers under the general immigration laws which were not affected by



termination of the bracero program. It is concluded that termination of the program was the prelude to an increasing reliance on Mexican labor, especially in the form of wetbacks.

Once the case study has been presented, the findings are integrated and interpreted in the framework of pluralist theory. Particular attention is devoted to pluralist propositions relating group characteristics to political power at the legislative and administrative levels. It is concluded that these propositions provide generally useful explanations of the development, termination, and political aftermath of the bracero program. No other study has systematically applied pluralist theory to this subject. Some major criticisms of pluralism are also considered, and it is found that some aspects of the program are more satisfactorily explained by them.

## PREFACE

The broad interest motivating me to undertake this study of the politics of Mexican agricultural labor in the United States dates from 1958. During the summer of that year, I was employed as a harvest worker by one of the largest corporate farms in the United States. Although braceros were not used in our camp, some farms in that section of Illinois hired substantial numbers of foreign laborers.

My casual interest in Mexican workers dates from 1964, the final year of the bracero program. In the fall of that year, I accepted a teaching position in southern Colorado. Inasmuch as agriculture in that region had long used substantial numbers of Mexican workers, termination of the bracero program generated substantial publicity in the Colorado press.

My interest in Spanish-speaking workers was also stimulated by several of my Chicano students at Southern Colorado State College. Long after the newspapers reported that the state had lost its Mexican workers, some of my students talked about the widespread



use of "wetbacks" by farmers in that area.<sup>1</sup> Also, since the mid-1960's, more and more of the Chicano students at Southern Colorado State have been raising questions about why academicians have paid so little attention to the Spanish-speaking.

The politics of Mexican labor is a far more complex subject area than it might at first appear. Richard Craig, one of only two other political scientists to devote serious attention to it, wrote in 1971:

In many respects, the entire question of imported Mexican farm labor was akin to an iceberg . . . . Lying beneath the surface . . . was a virtual labyrinth of interrelated and multidimensional processes. One could spend a lifetime and never thoroughly trace each primary component of the bracero question, let alone analyze the multitude of secondarily related ingredients.<sup>2</sup>

As Craig recognizes, we must start somewhere despite the enormity of the task,<sup>3</sup> and to focus on certain dimensions means that others must be ignored

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<sup>1</sup>Scholars, including Chicanos, commonly use the term "wetbacks" to refer to Mexicans who have entered the United States illegally. For the purpose of consistency, this dissertation follows that practice. No negative value-judgment is intended. See Julian Samora, Los Mojados: The Wetback Story (Notre Dame: University of Notre Dame Press, 1971), p. 6.

<sup>2</sup>Richard B. Craig, The Bracero Program: Interest Groups and Foreign Policy (Austin: University of Texas Press, 1971), p. 12.

<sup>3</sup>Ibid., pp. 12-13.

for the time being. As with his book, this dissertation is written with a clear recognition that its coverage is in no sense comprehensive. Perhaps hundreds of additional aspects of bracero politics might have been usefully studied. For example, not included in the present study but fully deserving serious research attention are such matters as the dynamics of the bracero program in the context of the Mexican political system and the literature produced by Mexican scholars. Other important dimensions of the bracero program which are not studied in this dissertation are outlined in the "Epilogue."

I am indebted to several individuals and institutions for their contributions to this study. I am deeply grateful to Dr. Howard J. Wiarda, chairman of my dissertation committee, for his consistently constructive and courteous criticism of the manuscript and for his prompt return of the chapters despite his own busy schedule. I appreciate his enthusiasm about the project and the encouragement he offered. Most of the dissertation was written off-campus. This necessarily adds to the burdens of the dissertation chairman, and I appreciate Dr. Wiarda's willingness to direct the study under these conditions.



I am also grateful to Dr. Lewis Hanke, Dr. Harvey Kline, and Dr. George Sulzner for agreeing to serve as readers. Their useful suggestions have been taken into account in the preparation of the final draft.

In addition to the usual burdens which the preparation of a dissertation imposes upon the writer's spouse, my wife, Martha, played a particularly positive role in my research. It ranged from helping me search the available literature for relevant sources to reading a considerable amount of it and exchanging ideas with me. She served as an informed critic. She influenced more than a few of the themes developed in the dissertation. For her help, sacrifice, and constant encouragement, I am profoundly grateful.

Research materials were obtained in the libraries of the following colleges and universities, and their services are gratefully acknowledged: the University of Massachusetts at Amherst, the University of Colorado at Boulder, Colorado College, the University of Texas at Austin, and Southern Colorado State College. In the latter library, I am particularly indebted to Mrs. Norma Janes and Mrs. Eloise Phelps. I also made considerable use of the Pueblo (Colorado) Regional Library.

I wish to express my appreciation to two colleagues at Southern Colorado State College. Dr. Dwain Ervin and David Silverman read and commented on part of this dissertation. Their questions helped me to clarify my own thinking. To Dr. Ervin, I am indebted also for much-needed encouragement and his friendly advice that doctoral dissertations should not turn out to be lifetime projects.

Finally, I wish to thank Southern Colorado State College for granting my sabbatical leave and making it possible to complete this study.

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## C H A P T E R I

### INTRODUCTION: THE RESEARCH PROBLEM AND THE CONTEXT

This dissertation is a politically oriented study of the bracero program (also known as the Mexican labor system), under which millions of Mexican workers entered the United States between 1942 and 1964. It focuses especially on the final four years of the program, on the reasons for its termination by Congress, and on the post-termination struggle over importing Mexican labor. Considerable attention is paid to the impact of domestic interest group activity on each of these facets of bracero politics.

#### Background of the Bracero Program

The American economy has long attracted Mexican workers,<sup>1</sup> and during much of this century particular regions and crops have been overwhelmingly dependent upon them. The poor and politically unsophisticated Mexican national, rarely seeking more than a living for his family and himself, became the center of one of the most

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<sup>1</sup>See John H. Burma, Spanish-Speaking Groups in the United States (Durham, N.C.: Duke Univ. Press, 1954), pp. 38-71.



bitterly fought American political struggles of this century. Numerous employers, especially large-scale southwestern farmers, gained a powerful vested interest in the use of cheap Mexican labor and increasingly demanded it as a right. However, this position was eventually challenged by a growing number of domestic interests, including Mexican-Americans who found themselves in competition with the foreign migrants, organized labor, various religious organizations, civil rights groups, many liberal publications, and a growing number of important politicians.

The problem was obviously a political one inasmuch as the regulation of immigration is the national government's responsibility. Therefore, in their long and bitter struggle with each other, these rival interest groups fed the issue into the American political system. In a broad sense, the concern of this dissertation is with these groups and with the responses of the political decision-makers.

During most of this century, southwestern growers have been relatively free to use Mexican workers regardless of what the law has said. By always keeping the size of the Border Patrol small, Congress has made it impossible to faithfully enforce the laws which it has

passed.<sup>2</sup> Perhaps the most plausible explanation for this paradox has been the congressional goal of satisfying, at least minimally, the demands of both the friends and foes of Mexican labor. While the laws grew tough, the user of Mexican nationals continued to enjoy his inexpensive and often illegal labor supply. The settlement provided something for everybody.

As one looks at the historical pattern, the compelling conclusion is that, with some exceptions, when employers wanted Mexican labor the American government did not often stand in the way. Before World War I, by largely ignoring the immigration laws, the authorities informally provided a supply of cheap labor for southwestern employers.<sup>3</sup> The outbreak of war brought claims of a labor shortage in that region and the American government relied on a special provision of the immigration laws to admit tens of thousands of ordinarily inadmissible Mexican workers.<sup>4</sup> Even while the emergency program was in effect, vast numbers of Mexicans entered

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<sup>2</sup>See Howard F. Cline, The United States and Mexico (N.Y.: Atheneum Press, 1966), p. 16.

<sup>3</sup>Art Leibson, "The Wetback Invasion," Common Ground, X (Autumn, 1949), 12.

<sup>4</sup>Harry Schwartz, Seasonal Farm Labor in the United States (N.Y.: Columbia University Press, 1945), pp. 110-111.

illegally. With the close of the war, the main justification for the Mexican labor arrangement disappeared and the government announced that it was being terminated.<sup>5</sup> However, the claim of a policy change was little more than a formality. Rather than vigorously enforcing the immigration laws, the administrations of the 1920's reverted to the government's pre-war, hands-off stance, and unprecedented numbers of Mexican workers entered illegally.<sup>6</sup> Only with the coming of the Great Depression and the declining demand for the foreign laborers did the government begin serious enforcement of the immigration laws.<sup>7</sup>

Prior to 1942, political decisions to bring in Mexican laborers were unilaterally reached by the American government. Not until that year was a bilateral agreement governing the short-term employment of Mexican nationals reached with their government. The resulting

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<sup>5</sup>U.S., Congressional Record, 68th Cong., 1st Sess., 1924, LXV, Part 7, 6476.

<sup>6</sup>For example, see U.S., Congressional Record, 68th Cong., 1st Sess., 1924, LXV, Part 6, 6129, 6133.

<sup>7</sup>Schwartz, op. cit., p. 61; Leo Grebler, Mexican Immigration to the United States (Los Angeles: University of California Press, 1966), p. 25; George Kiser and David Silverman, "Mexican Repatriation During the Great Depression," The Journal of Mexican American History (Forthcoming).

arrangement was popularly known as "the bracero program" or "the Mexican labor system."<sup>8</sup> Although it was revised periodically and sometimes temporarily suspended for brief periods, the United States continued to use braceros until December 31, 1964. Millions of Mexicans entered under the agreement and vast numbers of their fellow-nationals entered the United States illegally while the agreement was in effect.

Following common scholarly practice, Mexican nationals entering under the series of bilateral agreements will be called "braceros" to distinguish them from other Mexican workers. Those entering illegally are referred to as "wetbacks." Both should be distinguished from regular "immigrants" and from "commuters," who are Mexicans commuting to jobs in the United States. It should be noted that the death of the bracero program did not end reliance on these other types of Mexican workers.

In terms of domestic politics and economics as well as the foreign policy processes of both nations, the bracero program was of major importance. It was a

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<sup>8</sup>For details of the original agreement, see U.S., Department of State, Temporary Migration of Mexican Agricultural Workers, Effected by Exchange of Notes August 4, 1942 (Executive Agreement Series No. 278) (Washington, D.C., 1943); "Bilateral Agreement Concerning the Temporary Migration of Mexican Farm Workers to the United States," International Labour Review, Vol. XLVI, No. 4 (1942), 469-71.



significant exercise in international relations between the United States and one of the most important Latin American nations. The agreements were one strand of the broader evolving trends in United States-Mexican relations. Many observers in both countries have interpreted the agreement as a logical manifestation of the maturing Good Neighbor Policy,<sup>9</sup> which became even more important when the two nations became allies in World War II.<sup>10</sup> Although tens of thousands of Mexican workers had entered the United States in past decades, not until the 1942 agreement was Mexico's substantial interest in her temporarily absent citizens recognized. Through negotiations she was able to obtain unprecedented guarantees for them, including agreements covering wages and living conditions.

The good-neighbor, wartime cooperation summarizes only one side of the complex United States-Mexican relations pertaining to the bracero program. For example,

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<sup>9</sup>For example, see Otey M. Scruggs, "Evolution of the Mexican Farm Labor Agreement of 1942," Agricultural History, XXXIV (July, 1960), 144.

<sup>10</sup>Otey M. Scruggs, "Texas and the Bracero Program, 1942-1947," Pacific Historical Review, XXXII (August, 1963), 257; Dorothy M. Tercero, "Workers from Mexico," Bulletin of the Pan American Union, Vol. LXXVIII, No. 9 (1944), 503.

Mexico, claiming intolerable discrimination against Mexican-Americans in Texas, banned braceros for a time from that state. She saw in the agreement more than a mere arrangement for providing workers to American employers. She sought to transform it into a lever for pressuring the United States to end discrimination against Mexican-Americans.<sup>11</sup> Particularly with the ebbing of the war crisis, Mexico raised critical questions about the conditions of braceros working in this country and of those who might come here in the future.

The Mexican political system had to cope with the demands of interest groups favoring and opposing her series of labor agreements with the United States. In Mexico supporters and opponents alike recognized the major impact of the agreements on their country. As in the United States, a long and bitter political struggle developed. Opponents ranged from the Mexican Communist Party to labor unions. In the national administration, support for the labor arrangement was generally hedged

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<sup>11</sup>Otey M. Scruggs, "Texas, Good Neighbor?" The Southwestern Social Science Quarterly, XXXXIII (September, 1962), 118-25.

by reservations.<sup>12</sup>

Among the politically powerful elements in Mexico, there was adequate support to keep their country in the program until the United States Congress permitted it to lapse in December, 1964. In his careful study, Richard Hancock concluded that Mexico benefitted considerably from the arrangement. He reported that for at least two years of its duration, money earned by Mexican nationals in the United States was Mexico's third most important source of dollars, outdistanced only by receipts from tourism and cotton exports.<sup>13</sup> Hancock found that numerous small businesses relied heavily on bracero spending.<sup>14</sup> Inasmuch as the workers tended to come from the most depressed areas of Mexico, the program pumped money into the Mexican economy at the most urgent point.<sup>15</sup>

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<sup>12</sup>David G. Pfeiffer, "The Mexican Farm Labor Supply Program--Its Friends and Foes," (unpublished Master's dissertation, Department of Government, University of Texas at Austin, 1963), pp. 90-117.

<sup>13</sup>Richard H. Hancock, The Role of the Bracero in the Economic and Cultural Dynamics of Mexico (Stanford, California: Hispanic American Society of Stanford University, 1959), p. 129.

<sup>14</sup>Ibid., p. 122.

<sup>15</sup>Ibid., p. 129.

In summary, for Mexico the labor arrangement was a very significant economic and domestic political issue. Furthermore, it was an important strand of her relations with a major world power which had often been suspect from the Mexican point of view but which was now committed to the Good Neighbor Policy.

#### Gaps in the Literature and the Focus of this Dissertation

Considering the great significance of the worker arrangement to one of our most important Latin American neighbors and the bitter political controversy it sparked in Mexico, one would expect that our decision to terminate the bracero program would have been thoroughly studied in the nine years that have now passed. However, this is not the case. In fact, our decision to end the program has hardly been studied at all.

Aside from its great impact on Mexico, the development, termination, and aftermath of the bracero program is a fascinating exercise in the use of interest group power in American policy-making. The long and bitter struggle revolved around some of the most emotion-laden concepts and ideas in the English language.

The struggle resurrected ancient divisions in American political life. It brought many interest groups



into the public arena as each sought to use the political process to leave its own imprint on public policy. Churches, organizations of Mexican-Americans, labor unions, newspapers, farm associations, farmers, business organizations, politicians, and others took part.

House and Senate hearings provided the arena for perhaps the clearest interest group clashes. Congressional committees played their usual powerful roles. Presidents formulated their own positions and left their impact. The Department of Labor and the Agriculture Department were important participants.

It is around the American interest group struggle and the response of national political decision-makers that this dissertation centers. After tracing the historical roots of Mexican labor in the United States, it provides a case study of the political dynamics of the program's final years. The primary concern is with the interest group struggle, as opponents and friends of the Mexican labor policy sought to pull the federal government decisively to their respective positions. While considering the group maneuvering for power but not limiting explanation to it, an attempt is made to explain why governmental policy was reversed and the program terminated. Why did the political process

maintain the policy for 22 years only to abruptly end it in 1964?

In a democratic society, passage or repeal of a law rarely if ever definitively settles the issue in dispute. The common pattern is that the old group struggle continues. However, this writer knows of no serious effort to study the continuing group conflict once the bracero program had ended. Yet its old friends pressured the government to permit large numbers of Mexican workers to enter under other legal provisions which had not been repealed while reformers sought retention of the new status quo. An overview of this post-termination group maneuvering is another contribution of this dissertation.

Finally, certain common assumptions of pluralist theory and some criticisms of it will be used as a sounding-board for theoretical considerations.

The decision to focus primarily on those aspects of the bracero program outlined above was made after a survey of the scholarly literature indicated that they had been relatively neglected. Although several theses and dissertations have been written on the Mexican labor arrangement, most pay little attention to political

considerations.<sup>16</sup> Those that are politically oriented have given little notice to forces leading up to termination.<sup>17</sup> Perhaps one reason is that scholarly interest in the program apparently waned with its death in 1964 and has only recently shown signs of revival.

To this writer's knowledge, only a few books have been published on any aspect of the bracero program. In his book released in 1959, Hancock analyzed the braceros' role in the cultural and economic dynamics of Mexico.

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<sup>16</sup>Examples include Ruth Parker Graves, "A History of the Inter-Relationship between Imported Mexican Labor, Domestic Migrants, and the Texas Agricultural Economy," (unpublished Master's dissertation, University of Texas at Austin, 1960); Grace West, "Health Insurance for the Bracero: A Study of Its Development and Implementation under Public Law 78," (unpublished Ph.D. dissertation, Claremont Graduate School, 1966); Ronald Geenen, "Economic Adjustments to the Termination of the Bracero Program," (unpublished Ph.D. dissertation, University of Arkansas, 1967).

<sup>17</sup>Examples include Richard Hancock, "The Role of the Bracero in the Economic and Cultural Dynamics of Mexico," (Ph.D. dissertation, Stanford University, 1959); Robert Dennis Tomasek, "The Political and Economic Implications of Mexican Labor in the U.S. under the Non-Quota System, Contract Labor Program, and Wetback Movement," (unpublished Ph.D. dissertation, University of Michigan, 1965); Nelson Gage Copp, "Wetbacks and Braceros: Mexican Migrant Laborers and American Immigration Policy, 1930-1960," (unpublished Ph.D. dissertation, Boston University, 1963).

Three years later, Taylor's work entitled God's Messengers to Mexico's Masses: A Study of the Religious Significance of the Braceros was published by a religious press.<sup>18</sup> The following year McBride's Vanishing Bracero appeared. It is a heavily opinionated, folksy presentation by a cotton ginner bitterly opposed to termination of the Mexican labor program.<sup>19</sup> Published in 1964, Galarza's Merchants of Labor told the story of the bracero in California between 1942 and 1960.<sup>20</sup>

Apparently only one book analyzing the Mexican labor program has been released since its termination in 1964. That is Richard Craig's work entitled The Bracero Program: Interest Groups and Foreign Policy, published in 1971.<sup>21</sup> There are important differences between his worthwhile book and this dissertation. The

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<sup>18</sup> Jack Taylor, God's Messengers to Mexico's Masses: A Study of the Religious Significance of the Braceros (Eugene, Oregon: Institute of Church Growth, 1962).

<sup>19</sup> John G. McBride, Vanishing Bracero (San Antonio: By the author, 1963).

<sup>20</sup> Ernesto Galarza, Merchants of Labor: The Mexican Bracero Story (Santa Barbara, California: McNally and Loftin, 1964).

<sup>21</sup> Richard Craig, The Bracero Program: Interest Groups and Foreign Policy (Austin: University of Texas Press, 1971).



book pays little attention to the much under-studied pre-World War II origin of the interest group struggle,<sup>22</sup> whereas this dissertation considers it in some detail.

Secondly, Craig credits molding of the Mexican labor program and the decision to end it to interaction between four interest groups: "labor, agricultural employers, Mexico . . . and the United States."<sup>23</sup> The present study pays attention to other interests as well as these.

Thirdly, there are major theoretical differences in the two projects. After promising to use "interest-group theory and systems analysis," Craig's book makes no more references to the latter.<sup>24</sup> Although much of his work could be fitted readily into the interest group framework, he devotes less than a dozen pages to explicitly making the connection.<sup>25</sup> Very few assumptions of the theory are outlined. In contrast, the present study devotes a chapter to outlining some important assumptions of both interest group theory and its critics. Another chapter is devoted to relating these theoretical assumptions to the bracero program.

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<sup>22</sup>Ibid., pp. 6-7, 37, 46, 55. <sup>23</sup>Ibid., p. 81.

<sup>24</sup>Ibid., xi. <sup>25</sup>Ibid., pp. 61-64, 148-50, 204.

Fourthly, Craig's book is not concerned with the post-termination group struggle while the present study devotes a chapter to it.

In summary, several justifications have been offered for this dissertation. First, the bracero program was of immense importance to both the United States and Mexico. Yet, relatively little has been published on it. Secondly, political aspects have been especially under-studied. Thirdly, interest in the program waned with its demise, resulting in scholarly neglect of its final phase. Fourthly, the single serious effort to explain the end of the program is significantly different from the approach of this dissertation. Fifthly, the present study breaks some new ground in studying the continuing, post-termination group struggle. Sixthly, the attempt to relate interest group theory to the bracero program is more explicit and more thorough than the single previous effort.

#### A Look Ahead

This dissertation is divided into seven chapters and an epilogue. Chapter II presents a broad outline of pluralist theory from which propositions particularly relevant to bracero politics are isolated.

Most studies of the bracero program pay almost no

attention to its pre-1942 roots. Chapter III outlines some of the important developments surrounding the use of Mexican labor before World War II. In later chapters, it is shown that several of these early patterns had an important impact on the bracero program. By taking them into account, this dissertation depicts the program as less innovative than do most studies. Chapter IV discusses historical developments between 1941 and 1960, several of which are important for understanding the later struggle over termination of the bracero program and its political aftermath.

Chapter V covers the final four years of the program with an emphasis on reasons for its termination. Chapter VI is an overview of the continuing group struggle in the post-termination period.

Although interest group activity is emphasized in Chapters III-VI, the task of explicitly and systematically relating pluralist theory to the bracero program is reserved for Chapter VII. In that chapter, pluralist theory provides the theme around which the highlights of earlier chapters are integrated and explained. Particularly Chapters III, V, and VI focus on neglected facets of bracero politics. The Epilogue turns attention to other important gaps in the literature which are not covered in this dissertation.

## C H A P T E R II

### THE THEORETICAL PERSPECTIVE

#### Introduction and Justification

Pluralism: an introductory summary. This chapter turns attention to theoretical considerations of relevance to the inauguration, operation, termination, and political aftermath of the Mexican labor system. The main focus is on pluralist theory. Other terms or concepts commonly used to refer to roughly the same theoretical model are group theory, analytic pluralism, polyarchy, interest group theory, interest group liberalism, and broker rule.

A primary concern of pluralism is the location of political power. It rejects elitist theory<sup>1</sup> which locates power in fairly permanent and small elites. It also denies the validity of the majority rule model which claims that in democratic societies the government translates, or should translate, majority opinion into public policy. The pluralist model depicts widely dispersed political power which is mobilized and exercised through

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<sup>1</sup>A classic presentation of elitist theory is Robert Michels, Political Parties (New York: Collier Books, 1962).

interest groups rather than through electoral majorities or prevailing public opinion. Typically, a public policy will be most influenced by the most active and most interested organized groups. There are no permanent power elites, whether consisting of individuals or interest groups. Political power is always shifting from one combination of interests to another. Nor is there anything permanent about the composition of the coalitions themselves. Some disintegrate while new ones form. An interest group may leave one and join another as either its goals or political conditions change.

Relevance of the pluralist model. Several considerations suggest the relevance of group theory for understanding the politics of the bracero program. First, although pluralists acknowledge its relative inapplicability to many political systems, they claim that it is especially descriptive of the policy process in the United States.<sup>2</sup>

Secondly, Theodore Lowi, a leading critic of the group model, has found that the tendency for the most

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<sup>2</sup>Several pluralists have applied the model to the American political system, or particular policy areas within it, and concluded that the fit between theory and facts is close. Examples include David B. Truman, The Governmental Process (New York: Alfred A. Knopf, 1962); Earl Latham, The Group Basis of Politics (Ithaca: Cornell University Press, 1952).



powerful and most interested groups to dominate public policies governing them is particularly characteristic of the farm segment of American society.<sup>3</sup> In an important pluralist study published in 1951, David Truman refers generously to the politically relevant activity of agricultural groups.<sup>4</sup>

Finally, even a casual reading of the literature on the Mexican labor system makes it obvious that numerous groups were intensely interested in the program. Perhaps the dominant characteristic of newspaper accounts of it was their recognition of the spirited group competition to dominate bracero policy.

Despite the apparent relevance of group theory, only two previous studies have attempted to relate it to bracero politics. Craig's book was discussed in Chapter I. In an analysis of the bracero program in California, Galarza considered the "countervailing power" hypothesis from the group model.<sup>5</sup> However, neither he nor Craig outlined the broader model from which their isolated propositions were taken. That would have made the

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<sup>3</sup>Theodore Lowi, The End of Liberalism (New York: W.W. Norton and Co., 1969), p. 102.

<sup>4</sup>Truman, op. cit., pp. 87-93, 468-78.

<sup>5</sup>Ernesto Galarza, Merchants of Labor (Charlotte: McNally and Loftin, Publishers, 1964), pp. 219-28.

propositions and the studies more meaningful.

In order to avoid presenting a third pluralist approach which fails to explain what pluralism is, most of this chapter is devoted to a general discussion of the main tenets of group theory. Toward the end, a manageable number of those most relevant to the bracero program are summarized and re-emphasized. Hopefully, the earlier discussion of the larger model from which they come will make them more meaningful.

#### Pluralism: An Overview

The nature of man and groups. Pluralists assume that the average individual is selfish and not necessarily very rational.<sup>6</sup> Consequently, they have been particularly critical of such optimistic theorists as Lord Bryce. For instance, Earl Latham, an important pluralist, rejects Bryce's assertion that "in the ideal democracy, every citizen is intelligent, patriotic, disinterested. His sole wish is to discover the right side in each contested issue and to fix upon the best man

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<sup>6</sup>The pluralist conclusion that man tends to be irrational is reached by a radically different route from the one taken by many other theorists who have reached the same conclusion. In the pluralist model, one's goals and values do not make him irrational. Man's irrationality lies in his failure to maximize his opportunities to reach his goals.

among the competing candidates."<sup>7</sup>

The pluralist claims that the typical citizen knows and cares little about politics. Those that do care tend to be dominated by "irrational prejudice and impulse." The citizen's political involvement is minimal. However, his apathy is not total for he is selfish and seeks fulfillment of his personal desires.<sup>8</sup>

Despite his selfishness, the average person, as an individual, is in no position to defend his political interests. He is too uninformed and cares too little about politics. The way out of the dilemma lies in group membership.

In order to defend their interests, people naturally form various types of groups. David Truman identifies three kinds which are especially relevant to pluralist interpretations of politics. An interest group is "any group that, on the basis of one or more shared attitudes, makes certain claims upon other groups in the society for the establishment, maintenance, or enhancement of forms of behavior that are implied by the

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<sup>7</sup>Latham, op. cit., p. 6.

<sup>8</sup>Joseph A. Schumpeter, Capitalism, Socialism, and Democracy (3rd ed.; New York: Harper and Row, Publishers, 1962), pp. 256-64.

shared attitude."<sup>9</sup> When interest groups "work through governmental institutions," they are called "political interest groups."<sup>10</sup>

Finally, there will be many interests around which no interest groups have formed but which would become activated should individuals sharing those interests perceive them to be seriously threatened. Truman refers to them as "potential interest groups."<sup>11</sup> The prospect of activating them motivates actual interest groups to moderate their political demands. Therefore, even unorganized interests will have an impact on public policy.<sup>12</sup>

Interest group membership solves the problems of individual apathy and ignorance by decreasing both their incidence and relevance.

Taking on membership in a political interest group is related to an increase in political concern and information. Interaction with other members who share the same grievance and with politically sophisticated leaders tends to intensify both the dissatisfaction and awareness of political alternatives as solutions.

Although group membership reduces apathy and

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<sup>9</sup>Truman, op. cit., p. 33.

<sup>10</sup>Ibid., pp. 37-39.      <sup>11</sup>Ibid., p. 34.

<sup>12</sup>Ibid., pp. 114-15, 507.

ignorance, both remain widespread even among group members. However, the pluralist sees this as no barrier to the group's adequate defense of the interests of its members. The answer to the apparent dilemma lies in the nature of the relationship between leaders and the rank-and-file.

According to David Truman, interest groups develop an "active minority" which wields predominant influence on the organization. He claims this is natural because "it is virtually impossible for any considerable body of people to solve directly all the problems that may confront it."<sup>13</sup> Because group leaders take command, the ignorance and apathy of the rank-and-file are rendered less relevant.

While emphasizing the need for leadership and recognizing the necessary inequality of power within the interest group, pluralists stress the influence of ordinary members, their apathy and ignorance notwithstanding. Leaders are not free to do whatever they please. To illustrate that point, Truman quotes, with approval, the conclusions of Arthur Ross about the role of rank-and-file labor union members:

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<sup>13</sup>Ibid., p. 140.



This is not to argue that the membership is only a passive tool. It does have a temper, apathetic or militant; it does have a propensity or disinclination to strike; it is highly susceptible to the appeals of rival leaders and of would-be leaders. The relationship with the rank and file remains the most important in the reckoning of the union officials.<sup>14</sup>

Several of the preceding pluralist assumptions about the nature of man and groups may be used to anticipate later findings in this dissertation. They lead to the expectation that the mass of American citizens would not be actively involved in the struggle over the bracero program. As we shall see, most of the activity centered in interest groups supporting and opposing the Mexican labor system. They made most of the news, offered the bulk of testimony at congressional hearings, and sent most of the letters and telegrams to congressmen.

The pluralist model leads to the expectation that not all interests threatened by the Mexican labor system would organize. In fact, few American farm workers did. However, we shall see that growers' fear of activating this potential interest group apparently did not have the moderating effect postulated in the pluralist model.

The model suggests that most of the active political struggle over the Mexican labor system would

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<sup>14</sup>Ibid., p. 155, quoting Arthur M. Ross, Trade Union Wage Policy (Berkeley: University of California Press, 1948), p. 38.

take the form of clashes between leaders of pro-bracero and anti-bracero interest groups rather than between rank-and-file members. We shall see that that expectation is generally borne out.

Prerequisites of pluralist systems. The existence of interest groups which actively champion the interests of their members by no means creates a pluralist system. There are numerous other requirements, a few of which are discussed below.

Pluralist systems are characterized by an openness allowing participation in the political process by a great diversity of groups. No small elite sets policy and a mass of organized interests are free to join the competition through which public policy is set. According to Robert Dahl, a prominent pluralist, "a central guiding thread of American constitutional development has been the evolution of a political system in which all the active and legitimate groups in the population can make themselves heard at some crucial stage in the process of decision."<sup>15</sup>

The necessity for the system's openness to broad group participation is logically derived from the

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<sup>15</sup>Robert A. Dahl, A Preface to Democratic Theory (Chicago: The University of Chicago Press, 1956), p. 137.

pluralist commitment to political stability. Frustrations motivating the formation of new interest groups may threaten the well-being of the system if their activities are not channeled into the orderly political process. Dahl notes that "a group excluded from the normal political arena by prohibitions against normal political activity" may violently pursue its goals.<sup>16</sup>

Despite the necessity for the system to permit broad group participation, not all interest groups actually compete to shape public policy. Only "legitimate" ones, or "those whose activity is accepted as right and proper by a preponderant portion of the active," may participate. During the 1950's, the Communist Party, for example, was excluded because of its illegitimacy.<sup>17</sup>

Even some legitimate groups are politically inactive. This minimizes their political influence.<sup>18</sup>

Pluralist systems cannot exist without a high degree of group self-control. Each group's claims must be tempered by tolerance for the claims of others. Once a decision has been made by the proper authorities, all groups must be willing to abide by it.<sup>19</sup>

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<sup>16</sup>Ibid., p. 138.    <sup>17</sup>Ibid.    <sup>18</sup>Ibid.

<sup>19</sup>Schumpeter, op. cit., p. 294.

The pluralist system cannot survive when all issues are open to question.<sup>20</sup> Even where national habits of tolerance for the demands of others have developed, the system may break down if fundamental principles rather than technical questions about how to translate them into policy come under debate. Compromise is easier on technical matters than on the most basic principles.

From these postulated prerequisites we may derive further expectations about the politics of the bracero program. We would anticipate that a great variety of political interest groups had at least some impact on policy. However, less legitimate groups should have had less influence. Farm organizations, which were the major supporters of the bracero program, had been fully legitimate throughout the nation's history. Their status should have maximized their influence. Among the leading critics of the Mexican labor system was organized labor. Historically, it had been less legitimate than farm interests. In 1951, Truman wrote that "it is only within recent years that labor organizations have been able to expect a hearing from most government

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<sup>20</sup>Ibid., p. 291.

officials."<sup>21</sup>

For many years, critics of the bracero program were weakened by the fact that many of their most likely allies failed to meet the pluralist prerequisite of political activity. Although farm workers were the most threatened domestic interest, they were one of the most unorganized and inactive employee groups in American society.<sup>22</sup>

The pluralist model leads to the expectation that the demands of bracero-users and their political allies would be moderate and that they would be compatible with the interests of American farm workers.

Finally, as we shall see in later chapters, debate over the bracero program was almost always limited to such technical matters as how it should be administered and whether it should be reformed or terminated. It never touched on such fundamental principles as the desirability of capitalism and democracy.

The national interest and the moral implications of law. There are many different views about the ultimate purpose of politics. Traditional American thought

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<sup>21</sup>Truman, op. cit., p. 265.

<sup>22</sup>For example, see Harry Schwartz, Seasonal Farm Labor in the United States (New York: Columbia University Press, 1945), pp. 90-101.



has been strongly influenced by the proposition that the aim of democratic politics is the realization of a national interest transcending narrow individual and group interests.

Pluralists have sharply challenged this idea. In only a very narrow sense could they be said to accept the idea of a national interest at all. Their pursuit of political stability and harmony among organized groups seems to qualify until it is realized that these are secondary goals whose only purpose is to enhance group interests. For pluralists there is no national interest transcending the outcome of the group struggle.<sup>23</sup>

Interests cannot be objectively ranked "for when men's desires and interests are at stake, one man's opinions are as good as another's, one man's interests as legitimate as any other's."<sup>24</sup> Consequently, in group theory, the pursuit of self-interest is no longer forbidden. It is accepted as part of human nature, and it is the only force to which democratic governments should be responsive. Of course, it should be kept in mind that one's self-interest is to be pursued in accordance with the

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<sup>23</sup>Wilfred Binkley and Malcolm Moos, A Grammar of American Politics (New York: Alfred A. Knopf, 1950), p. 7.

<sup>24</sup>John C. Livingston and Robert G. Thompson, The Consent of the Governed (3rd ed.; New York: The Macmillan Co., 1971), p. 105.

rules of the game. One who pursues selfish goals outside the rules commits the sin of denying others the right to seek their own selfish goals on equal terms.

Pluralists refuse to consider the broad moral implications of public policy.<sup>25</sup> They are essentially Social Darwinists.<sup>26</sup> The system is most responsive to the demands of the powerful and that is as it should be.<sup>27</sup>

The refusal of pluralists to evaluate public policy in terms of the national interest or to assess its moral implications means that the model cannot serve as the basis for any critique of the bracero program. If the Mexican labor system displaced American farm workers and brought hardships to their families, the pluralist would see nothing immoral about it. After all, in a pluralist system, no group has a moral right to victory.<sup>28</sup> Policy victories are won by the successful

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<sup>25</sup>Lowi, op. cit., p. x.

<sup>26</sup>Myron Q. Hale, "The Cosmology of Arthur F. Bentley," The Bias of Pluralism, ed. William E. Connolly (New York: Atherton Press, 1969), 36.

<sup>27</sup>Latham, op. cit., p. 36.

<sup>28</sup>I do not agree with pluralists on this point. I chose to use the pluralist model not because I believe that public policies have no moral implications but because it contains various assumptions which provide useful descriptions of how the political process apparently works.

exercise of power.

The pluralist view of government. The more extreme pluralist statements suggest that the main function of government is to ratify the dominance of stronger groups over weaker ones. This view is illustrated by Latham's famous statement about the function of legislatures:

The legislature referees the group struggle, ratifies the victories of the successful coalitions, and records the terms of the surrenders, compromises, and conquests in the form of statutes. . . . The legislative vote on any issue tends to represent the composition of strength, i.e., the balance of power, among the contending groups at the moment of voting. What may be called public policy is the equilibrium reached in this struggle at any given moment, and it represents a balance which the contending factions or groups constantly strive to weight in their favor.<sup>29</sup>

Latham does not mean to imply that the legislature sits completely above the group struggle. While it is a referee, it is also a participant. It, too, is a group with its own interests to pursue.<sup>30</sup> The group struggle which it referees includes those interests.

A more radical aspect of the pluralist model of government is its premise that law enforcement officials, no less than legislators, serve as representatives of

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<sup>29</sup>Latham, op. cit., pp. 35-36.

<sup>30</sup>Ibid., p. 37.

group interests. The traditional view that law enforcement involves nothing more than "personal honesty on the part of the executive and strict adherence to the letter of the law" is said to be seriously misleading.<sup>31</sup> Even "if we take the President in 'routine' work of administration, we still find him representing interest groups."<sup>32</sup> According to David Truman:

Winning a major party nomination and a presidential election rests upon building and operating an organization of local and State cliques that represent or are supplemented by a variety of political interest groups. By reason of their part, tacit or overt, in his reaching the White House, these party cliques and interest groups will enjoy privileged access to the president.<sup>33</sup>

When pluralists say that the executive branch and other units of government represent interest groups, they do not mean to imply that all officials of that unit represent the same interests. Factions develop within Congress, legislative committees, and the executive branch. This increases the likelihood that a particular set of interests will find at least some government officials who will be receptive to their demands. For instance, some congressional committees

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<sup>31</sup>Arthur F. Bentley, The Process of Government (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1967), p. 359.

<sup>32</sup>Ibid.

<sup>33</sup>Truman, op. cit., pp. 399-400.

tend to be pro-labor while others are more receptive to business interests.<sup>34</sup> One department of the national government may be more receptive to farm labor interests while another is more sympathetic to wealthy growers.

From this brief outline of the pluralist view of government, the following patterns and hypotheses as regards the bracero program are suggested. Bracero legislation will probably include concessions to a variety of interests. Underlying the congressional decision to terminate the program will likely be important shifts in the characteristics of groups supporting and opposing the use of Mexican labor. Once Congress has enacted bracero legislation, competing groups will not cease political activity. They will shift their demands to the executive branch to acquire favorable administration of the law. Both sides will enjoy favorable access to certain officials within both the executive and legislative branches.

The relation of government officials to the people. As the ordinary person, government officials are motivated by self-interest. Their goal is election and re-election. It is achieved by representing the interests of groups powerful enough to defeat them.

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<sup>34</sup>Latham, op. cit., p. 47.



Traditional American thought has idealized the leader willing to sacrifice his position in defense of his principles. Pluralists reject this type of leadership. The leader who does not worry about his political future cannot be restrained by the electorate.<sup>35</sup>

The power of the electorate to restrain officials should not be confused with the power to dictate policy decisions to them. According to Schumpeter:

Voters do not decide issues. . . . In all normal cases the initiative lies with the candidate who makes a bid for . . . office. . . . Voters confine themselves to accepting this bid in preference to others or refusing to accept it.<sup>36</sup>

Robert Dahl has also paid particular attention to the relationship between the government and the people in pluralist systems. He claims that the outcome of an election reveals little more than "the first preferences of some citizens among the candidates standing for office."<sup>37</sup> For several reasons, the winning candidates cannot be assumed to have been given a mandate to enact specific policies. First, many of their votes will have come from persons indifferent to the issues. Secondly, citizens who disagree on the

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<sup>35</sup>Livingston and Thompson, op. cit., p. 116.

<sup>36</sup>Schumpeter, op. cit., p. 282.

<sup>37</sup>Dahl, op. cit., p. 125.

issues often support the same candidate.<sup>38</sup> Thirdly, candidates typically fail to take a clear position on controversial matters.<sup>39</sup>

It thus becomes clear that the concept of "majority rule" has little relevance to the pluralist model. Dahl has written that most policies are "determined by the efforts of relatively small but relatively active minorities." These are political interest groups.<sup>40</sup>

These pluralist postulates lead, once again, to the expectation that bracero policy will have been predominantly shaped by a limited number of particularly active and interested groups.

Group correlates of political power. Because the pluralist model assigns interest groups the central role in policy making, it is necessary to briefly consider why some groups are powerful and others are not.

As noted earlier in this chapter, even unorganized interests will have an impact on public policy. However, the pluralist model assigns them minimal influence. To maximize power, it is essential for interests to organize.

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<sup>38</sup>Ibid., p. 127.

<sup>39</sup>Ibid., p. 129.

<sup>40</sup>Ibid., pp. 130-31.

Truman claims that "organization is presumptive evidence of strength in the short run."<sup>41</sup> The mere fact of organization means that the group is characterized by a number of politically relevant strengths. Truman notes that a prerequisite of organization is at least a minimal level of cohesion,<sup>42</sup> and that "cohesion in turn . . . is a crucial determinant of the effectiveness with which the group may assert its claims."<sup>43</sup>

Truman observes that organization further presupposes some degree of permanence or at least an expectation of it.<sup>44</sup> This means that organized interests enjoy the advantage of planning long-term strategy and developing useful political skills in the meantime.

Finally, Truman notes that organization presupposes acceptance of a division of labor by the group's members.<sup>45</sup> This makes it easier for leaders to develop politically necessary knowledge and skills.

Although organization is an important correlate of group power, it is only the beginning. Even among organized groups, political influence will vary. More will go to those with large memberships, adequate

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<sup>41</sup>Truman, op. cit., p. 114.

<sup>42</sup>Ibid., pp. 112-13.      <sup>43</sup>Ibid., p. 159.

<sup>44</sup>Ibid., p. 113.      <sup>45</sup>Ibid.

finances, and the most skillful leaders.<sup>46</sup>

Government officials will be most receptive to the demands of high-status groups.<sup>47</sup> To be sought as an ally by such organizations is likely to flatter the official's ego. Also, the fact that officials themselves come from higher class backgrounds means that their "values, manners, and preconceptions" will predispose them to favor the higher status interest groups.<sup>48</sup>

Groups will have greater political power if they are able to form coalitions with other powerful groups,<sup>49</sup> if their goals are consistent with widely shared social values,<sup>50</sup> if they are self-confident, and if their goals are pursued vigorously.<sup>51</sup>

For an interest group to wield substantial political influence, it must achieve "access to one or more key points of decision in the government."<sup>52</sup> To have access means that government officials will at

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<sup>46</sup>Ibid., pp. 269-70, 507.    <sup>47</sup>Ibid., p. 506.

<sup>48</sup>Ibid., p. 265.    <sup>49</sup>Ibid., p. 323.

<sup>50</sup>Darryl Baskin, American Pluralist Democracy: A Critique (New York: Van Nostrand Reinhold, Co., 1971), p. 93.

<sup>51</sup>Ibid.

<sup>52</sup>Truman, op. cit., p. 264.

least give the group's position a hearing. The most favorable access occurs when officials are sympathetic to the position of the group.

Access is likely to be greater if the group ranks well on all of the group correlates of political power already discussed. That is to say that officials are generally more accessible to interests which are organized, to groups with large memberships, to high-status groups, etc.

A group's access to officials is also affected by biases which are built into the structure of government. According to Truman:

Although the effect of formal structural arrangements is not always what its designers intended, these formalities are rarely neutral. They handicap some efforts and favor others. . . . Access is one of the advantages unequally distributed by such arrangements; that is, in consequence of the structural peculiarities of our government some groups have better and more varied opportunities to influence key points of decision than do others.<sup>53</sup>

An example of structural bias is the malapportionment of the House of Representatives which lasted until the mid-1960's.<sup>54</sup> As the nation had grown increasingly urban and metropolitan, farm area representation had not decreased proportionately.<sup>55</sup> As we shall see in later

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<sup>53</sup>Ibid., p. 322.      <sup>54</sup>Ibid., p. 323.

<sup>55</sup>Malcolm E. Jewell and Samuel C. Patterson, The Legislative Process in the United States (2d ed.; New York: Random House, 1973), pp. 98-100.



chapters, greatest support for the bracero program came from rural congressmen. Failure to reapportion kept their numbers high and the House especially receptive to the demands of Mexican labor employers. Beginning in 1962, a series of Supreme Court rulings requiring reapportionment decreased this structural bias.<sup>56</sup>

Truman notes that a similar bias favoring grower interests is also found in the Senate. Rural areas are favored by the constitutional provision that each state be represented equally regardless of population.

Truman writes:

This has allowed agricultural interest groups that are predominant in many thinly populated States more points of access in the Senate than urban groups whose members are concentrated in a few populous States. Thus, were it not for this structural provision, the United States would not have been so solicitous for the sugar beet . . . interests as it has been over the years. It is obvious, moreover, that a group such as the American Farm Bureau Federation, which can cover a great many rural States, can gain readier access than urban groups concerning any matter on which it can achieve a satisfactory measure of cohesion.<sup>57</sup>

As we shall see in later chapters, greatest opposition to the bracero program came from urban based interest groups whereas sugar beet interests and the American Farm Bureau were two of its most avid supporters.

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<sup>56</sup>Ibid., pp. 99-104.

<sup>57</sup>Truman, op. cit., pp. 322-23.

A third structural bias in Congress is found in the committee system. Because, with rare exceptions,<sup>58</sup> proposed legislation must first be cleared by committees,<sup>59</sup> access to them is crucial. Refusal of the committee to "report out" a bill almost always kills it. Although bracero legislation might have been assigned to the labor committees of each house, it was assigned to the more conservative agriculture committees. Consisting heavily of farm state, pro-grower congressmen, the agriculture committees were much more sympathetic to the demands of pro-bracero groups than to reform interests.<sup>60</sup>

While the structural bias in Congress increases its accessibility to rural interests, the electoral college system makes the President heavily dependent on urban interests.<sup>61</sup> Consequently, we would expect grower supported policies such as the bracero program to have received more support from Congress than from the President. While this was not inevitably the case,

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<sup>58</sup>For some of the exceptions, see Jewell and Patterson, op. cit., pp. 283-85.

<sup>59</sup>Ibid., p. 220.

<sup>60</sup>For a perceptive article on the biased nature of the House Agriculture Committee, see Charles O. Jones, "Representation in Congress: The Case of the House Agriculture Committee," American Political Science Review, LV (June, 1961), 358-67.

<sup>61</sup>Dahl, op. cit., p. 147.

the Mexican labor system lost the effective support of the executive branch before a majority of Congress turned against it.

### Some Problems with the Pluralist Model

The purpose of this section is to outline several of the most common criticisms of pluralism. Later in this dissertation, we shall find that some of these seem to provide more adequate explanations of certain aspects of the bracero program than does the pluralist model.

The pluralist system is essentially corporativist. That is to say that government regularly delegates important legal powers to private groups. Although pluralists idealize this decentralization of policy-making and equate it with grass-roots democracy, critics such as Theodore Lowi deplore it. They charge that in the interest of reducing conflict, government abdicates its responsibility and permits powerful groups to more or less have their way on matters about which they feel strongly. Although Americans have always feared that government would expropriate the private domain, Lowi charges that what has really occurred is "private expropriation of public authority,"<sup>62</sup> the "parceling

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<sup>62</sup>Lowi, op. cit., p. 102.

out to private parties the power to make public policy,"<sup>63</sup>  
"the gift of sovereignty of private satrapies."<sup>64</sup>

This domination of government by special interests is nowhere better illustrated than by the committee system in Congress. Committee members typically represent constituencies with particularly intense interests in bills assigned to their committee. Lowi notes, for instance, that "throughout the 1950's . . . Victor Anfuso of Brooklyn was the only member of the House Committee on Agriculture from a non-farm constituency."<sup>65</sup> Because committees have almost the power of life-and-death over legislation, farm-bloc congressmen really write the nation's agriculture laws. For example, not until the 1960's did the full Congress add any significant amendments to bracero legislation reported out of the agriculture committees.

Critics of pluralism deplore this process on the grounds that it abandons the national interest. Agricultural legislation affects such non-agricultural matters as the nation's foreign policy, tax levels, and unemployment. Turning farm legislation over to farm state congressmen means that these broader interests are likely

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<sup>63</sup>Ibid., p. 58.      <sup>64</sup>Ibid., p. 289.      <sup>65</sup>Ibid., p. 112.

to be sacrificed. The most immediate concern of committee members is to please the powerful interest groups of their constituency because rural congressmen "are recruited by and owe their elections to" the best organized farm interests.<sup>66</sup>

Policy-making is further "parceled out to the most interested parties"<sup>67</sup> by statutes delegating power to non-congressional bodies. Lowi acknowledges that "the practice of delegation itself can hardly be criticized,"<sup>68</sup> because there are certain tasks which the legislature cannot practically undertake.<sup>69</sup> However, the practice is now "pathological" because it has come "to be considered a good thing in itself," often giving power to bureaucrats "without guides, checks, safeguards."<sup>70</sup> From administrators such as the Secretary of Agriculture and the Labor Secretary, the broad delegation of power drains to the best organized groups,<sup>71</sup> because "the administrators are accountable primarily to the groups, only secondarily to the President or Congress as institutions."<sup>72</sup>

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<sup>66</sup>Ibid., p. 124.

<sup>67</sup>Ibid., p. 123.

<sup>68</sup>Ibid., p. 127.

<sup>69</sup>Ibid., p. 126.

<sup>70</sup>Ibid., p. 127.

<sup>71</sup>Ibid., p. 86.

<sup>72</sup>Ibid.



This drainage of legal power to private groups may be illustrated by various aspects of the bracero program's administration. For instance, as discussed in later chapters, legislation provided that braceros could be imported only in the event of a domestic farm labor shortage. But for years the Labor Department tended to rubber-stamp grower claims of labor shortages without making its own independent determination.<sup>73</sup>

What is wrong with such broad delegation of legal decision-making power to private groups? Lowi charges that "besides making conflict-of-interest a principle of government rather than a criminal act, participatory programs shut out the public."<sup>74</sup> Secondly, he claims that broad delegations of legal power to private groups cause "the atrophy of institutions of popular control" because public officials are no longer in charge.<sup>75</sup>

Critics of pluralism dispute the claim that there is no public interest transcending narrow group goals.<sup>76</sup> Schattschneider defines it as "general or common interests shared by all or by substantially all

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<sup>73</sup>N. Ray Gilmore and Gladys W. Gilmore, "The Bracero in California," Pacific Historical Review, XXXII (August, 1963), 270.

<sup>74</sup>Lowi, op. cit., p. 86.    <sup>75</sup>Ibid.

<sup>76</sup>Baskin, op. cit., pp. 175-76.

members of the community." He offers as an example "the common interest in national survival."<sup>77</sup> The structure of pluralist systems, however, minimizes the likelihood that public policy will be consistent with the national interest. The reason is that they delegate legal power to the groups whose members are most likely to benefit personally and directly from the policies which emerge. Farmers, for example, could not be expected to impartially develop farm policies maximally consistent with the national interest. Too many of their narrow interests are at stake. Almost all non-farm groups are denied significant influence on agriculture policy. Yet the less direct interest that a group has in agriculture, the more impartial it could be.

Contrary to the pluralist model, some groups organize around interests which will not personally benefit their members. According to Brian Barry:

People may want policies other than those calculated to increase their opportunities--hence the possibility of 'disinterested action'. . . . Similarly, a man may definitely not want a policy which will increase his opportunities (perhaps because he thinks that the policy is unfair and that others should get the increase instead).<sup>78</sup>

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<sup>77</sup>E. E. Schattschneider, The Semi-Sovereign People (N.Y.: Holt, Rinehart and Winston, 1960), p. 23.

<sup>78</sup>Brian Barry, "The Public Interest," ed. William E. Connolly, op. cit., p. 164.

These more detached groups are excluded from any predominant role in policy making in the pluralist system precisely because they are more impartial. To recapitulate, the basic assumption of pluralism is that power in a particular policy area should be delegated to those powerful groups with the most immediate and personal interest in the policy outcome.

This arrangement deprives public officials of meaningful power. Yet, one of their most important purposes should be to guard the national interest from infringement by narrow, special interests. In the pluralist model, they reinforce the position of the privileged by blessing it with "the symbolism of the state."<sup>79</sup>

Critics of pluralism claim that it exaggerates the scope of interests to which the political system is responsive. Although pluralists explicitly reject the elitist model, their critics charge them with re-establishing a type of elitism under a different name, while insisting that power is widely dispersed.

Critics claim that the pluralist model exaggerates the extent to which interests are in fact organized. Schattschneider notes that "the range of organized,

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<sup>79</sup>Lowi, op. cit., pp. 87-88.

identifiable, known groups is amazingly narrow; there is nothing remotely universal about it."<sup>80</sup> Furthermore, already advantaged interests are much more frequently organized than the less advantaged. For example, Schattschneider claims that "the business community is by a wide margin the most highly organized segment of society."<sup>81</sup> Membership in voluntary organizations is far more common for upper status people.<sup>82</sup> Prosperous farmers are more likely than low income ones to belong to growers' organizations.<sup>83</sup> Farm laborers are much less likely than farmers to belong to organizations.<sup>84</sup> Based on these and similar findings, Schattschneider concludes:

The vice of the groupist theory is that it conceals the most significant aspects of the system. The flaw in the pluralist heaven is that the heavenly chorus sings with a strong upper-class accent. Probably about 90 per cent of the people cannot get into the pressure system.<sup>85</sup>

Although some pluralists acknowledge this upper class bias, they pay little attention to its implications for the overall distribution of political power. They

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<sup>80</sup>Schattschneider, op. cit., p. 30.

<sup>81</sup>Ibid.    <sup>82</sup>Ibid., p. 32.    <sup>83</sup>Ibid., p. 33.

<sup>84</sup>Ibid., pp. 33-34.    <sup>85</sup>Ibid., p. 35.

attempt to solve the problem through the proposition that organized interests will speak for unorganized ones and represent them in the political arena. Thus, Truman quotes V. O. Key to the effect that Mississippi planters "speak for their Negroes."<sup>86</sup> Critics of pluralism question the extent to which the unorganized are meaningfully represented by the organized. For example, Connolly suggests that unorganized blue collar workers are only marginally "represented" by labor unions.<sup>87</sup>

It is not only academic pluralists who exaggerate the representativeness of organized groups. Government falls into the same trap, and this further disadvantages the unorganized. Connolly charges, for instance, that the national government treats the American Farm Bureau Federation as if it speaks for farmers in general.<sup>88</sup> Yet, the Federation represents mostly wealthy farmers and is one of the most conservative of all farm organizations in the United States. By accepting it as the spokesman for farmers, the government isolates itself from the viewpoint of less wealthy farmers.

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<sup>86</sup>Truman, op. cit., p. 511.

<sup>87</sup>William E. Connolly, "The Challenge to Pluralist Theory," ed. William E. Connolly, op. cit., p. 16.

<sup>88</sup>Ibid.



Several of the preceding considerations lead critics to the conclusion that the pluralist model has profoundly conservative implications,<sup>89</sup> that it ignores the extent to which the system fails to be responsive to most people. In this unresponsiveness of the system, the critics see an alienation that is not recognized by pluralist claims of almost universal commitment to that system.<sup>90</sup>

### Theoretical Application

The present chapter has been devoted to a loose discussion of the main tenets of pluralism and its critics. Chapters III-VI turn to a case study of the bracero program's initiation, operation, termination, and political aftermath. The scope and purpose of this dissertation preclude any attempt to systematically relate all of the preceding pluralist tenets to the Mexican labor system. Consequently, Chapter VII discusses the highlights of these developments in terms of some of the most relevant propositions outlined in the present chapter. These propositions are summarized below.

The most fundamental assumption of the pluralist

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<sup>89</sup>Ibid., pp. 18-19.

<sup>90</sup>Lowi, op. cit., pp. 291-92.

model is that public policy is shaped by competing interest groups. Consequently, Chapter VII is heavily oriented toward group political activity. Particular attention is paid to the assumption that public policy will represent concessions to groups with the greatest interest in that policy.

The pluralist model postulates certain group correlates of political power. Eight have been outlined earlier in this chapter. They have to do with membership size, organization, the ability to build coalitions, access to government, prestige, the consistency of group goals with broad social values, self-confidence, and the vigorous pursuit of political goals. The bulk of Chapter VII is devoted to assessing the power of groups opposing and supporting the bracero program in terms of these power-related group characteristics. Grower advantages on these correlates should be useful for explaining initiation and continuation of the bracero program. If the pluralist model really explains the demise of the program, then we should expect the loss of grower advantages on these correlates during the early 1960's and a simultaneous change in the group characteristics of reform forces. These correlates should also be useful for explaining the failure to re-institute a

post-1964 bracero program.

The growing advantage of reform groups on these correlates of influence during the early 1960's tends to vindicate the pluralist proposition of countervailing power. The weaker coalition did grow and gain political power. It eventually succeeded in reversing a long-established public policy.

Chapter VII considers the pluralist assumption that different units of government will not be equally accessible to competing interest groups. The relevance of this proposition is suggested by previous studies of the bracero program which have found the executive branch more sympathetic to reformers and Congress more attuned to grower interests.

Chapter VII also turns attention to the pluralist assumption that the administration of statutory law is subject to group influence. If law is important because of what it does rather than how it reads, it is essential that this post-congressional stage be considered. The traditional and widespread use of wetback labor should alert us to the fact that statutory victories for reform forces may be less important than whose interests are accomodated by administrators of the law.

Chapter VII also returns to the critics of pluralism.

Their position on seven pluralist propositions is specifically applied to selected aspects of the Mexican labor system. The pluralist assumptions, summarized below, maintain that:

1. No interest groups are capable of disinterested action.
2. The actions of public officials can be completely explained in terms of group dynamics.
3. Powerful interest groups will voluntarily moderate their claims.
4. Seriously threatened interests will organize.
5. Unorganized interests will be adequately represented by those that are organized.
6. Compromises written into public policy as concessions to a variety of groups will be meaningful.
7. The pluralist system's responsiveness to unorganized interests maintains their commitment to it.

## C H A P T E R    I I I

PRE-1942 MEXICAN LABOR IN THE UNITED STATES<sup>1</sup>

## Introduction

Mexico has long furnished cheap labor for the American Southwest. However, popular and scholarly interest in this labor supply has been uneven. Peaks of interest have coincided with such dramatic developments as crackdowns on illegal Mexican workers and the establishment of the bracero program during World War II. Most of the long history of Mexican labor in the United States is more ordinary and has been less studied.

Studies of post-1941 Mexican labor in the United States have generally paid little attention to its historical antecedents. One result is that the government programs which furnished braceros to American farmers from 1942 until 1964 have sometimes been portrayed as more innovative than they were. In fact, rather than

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<sup>1</sup>A slightly different version of this chapter has been published. For offering helpful suggestions on it at that stage, I am grateful to Dr. Howard Wiarda and Dr. Dwain Ervin. See George C. Kiser, "Mexican American Labor, before World War II," The Journal of Mexican American History, II (Spring, 1972), 122-42.



providing a new source of labor, they merely formalized an old one. Also, the basic arguments of both advocates and opponents of Mexican labor were introduced long ago. Many of the political alignments were established early in this century and have been remarkably stable.

The purpose of this chapter is to provide an historical overview of the problem during the pre-1941 era from a predominantly political perspective. Gaps in the literature include not only historical vacuums, but available studies have not often directed attention to the political dynamics which have shaped the course of Mexican labor in the United States.

### The Nineteenth Century

Because little Mexican labor entered the United States during the nineteenth century, it did not become an important political issue here. Mexico was essentially a feudalistic society. Even under the Díaz regime with its veneer of industrialization and modernization, the masses remained very traditional and dominated by feudal bonds. As late as 1900, the Mexican population remained overwhelmingly rural, landless, and locked in debt peonage on the haciendas.<sup>2</sup>

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<sup>2</sup>Charles C. Cumberland, Mexico: The Struggle for Modernity (New York: Oxford University Press, 1968), p. 202.

Far from wanting to export labor, a number of official surveys concluded that Mexico was suffering from a labor shortage.<sup>3</sup> Unlike American farmers, Mexican landowners mechanized little and the demand for farm labor remained high.<sup>4</sup> Big farmers complained that rural Mexicans were migrating to the cities and leaving the farms short-handed.<sup>5</sup> The Mexican Government made considerable effort to import agricultural workers, and a system of Chinese contract labor was established.<sup>6</sup>

Conditions in the United States during the nineteenth century did not favor large movements of Mexican labor. Industries and farms were heavily dependent upon generally ample supplies of European and Asian workers,<sup>7</sup> and Mexican workers were simply not needed in large numbers. Also, unpacified Indian tribes in the borderlands discouraged population movements.<sup>8</sup>

Despite the barriers in both Mexico and the United States, some Mexican laborers entered the United States before the turn of the century. The post-

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<sup>3</sup>Ibid., p. 194.      <sup>4</sup>Ibid., p. 195.

<sup>5</sup>Ibid., p. 194.      <sup>6</sup>Ibid., p. 197.

<sup>7</sup>Leo Grebler, Mexican Immigration to the United States (Los Angeles: University of California Press, 1966), pp. 19-21.

<sup>8</sup>Joan W. Moore, Mexican-Americans (Englewood Cliffs: Prentice-Hall, 1970), pp. 16, 39.

Civil War, rapid industrialization north of the border heightened the contrast between the poor southern neighbor and the increasingly wealthy United States. Well before the end of the nineteenth century, some southwestern farms had been transformed into large-scale enterprises with a demand for large pools of cheap seasonal labor which was not always supplied by European and Asian immigration.<sup>9</sup> A number of dramatic developments dating from before the turn of the century opened up the arid Southwest to big, highly productive farms. Mechanization was introduced early, and marked progress in irrigation dates from around 1885. Vast eastern markets were opened through a combination of cross-continental railroads and new methods of preserving fruits and vegetables.<sup>10</sup>

Developing simultaneously with this gradual opening of economic opportunities in the southwestern United States were improvements in Mexican transportation. Díaz prided himself on railroad construction, and by 1884 one could travel by train from Mexico City to Chicago.<sup>11</sup>

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<sup>9</sup>Carey McWilliams, Factories in the Field (Boston: Little-Brown, 1939), pp. 49-51.

<sup>10</sup>Ibid., pp. 60-63.

<sup>11</sup>Cumberland, op. cit., p. 215.

For most of the nineteenth century, American immigration laws posed no barrier at all to the Mexican immigrant. Some were passed toward the century's end, but they were scarcely enforced.<sup>12</sup> However, nineteenth century developments brought only a trickle of Mexicans. The importance of those developments was that they were laying the foundation for a massive entry of Mexican laborers during the twentieth century.

#### Early Twentieth Century

By about 1900, the growth of agricultural enterprises and railroad construction in the Southwest was even more dramatic, and with this expansion came a pressing need for low-paid, unskilled migrant workers.<sup>13</sup> The formerly abundant supply of Asian laborers was shrinking as a result of the Chinese Exclusion Act of 1882, and increasing numbers of Mexicans filled the growing vacuum. During the first decade of the twentieth century, some 24,000 Mexicans entered the United States as immigrants, while numerous others came for temporary work. Most stuck close to the border, harvesting, cultivating, and packing agricultural products, working for

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<sup>12</sup>Grebler, op. cit., p. 19.

<sup>13</sup>Maldwyn Allen Jones, American Immigration (Chicago: University of Chicago Press, 1960), p. 290.

the railroads and the mining companies, or doing other unskilled work.<sup>14</sup>

Sometimes the Mexicans entered the United States on their own initiative, but southwestern farmers, railroads, and other economic interests often recruited directly in Mexico. Although the pay was better than in Mexico, the Mexicans were often ill-treated. Wage promises were not always kept. Even when paid, the earnings were frequently too little to support the families which had come along. This encouraged job-shifting, a pattern of yearly recruitment in Mexico, and an expansion of the Mexican population in the American Southwest.<sup>15</sup>

Many of the Mexican laborers entering in these years did so illegally, and various economic interests encouraged violation of the immigration laws which Congress had been pressured to pass before 1900. Throughout much of the nineteenth century, organized labor had led the fight to protect American workers from foreign competition.<sup>16</sup>

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<sup>14</sup>Grebler, op. cit., p. 19.

<sup>15</sup>Pauline R. Kibbe, "The American Standard--for All Americans," Common Ground, X (Autumn, 1949), 21.

<sup>16</sup>Mary Beard, A Short History of the American Labor Movement (New York: Greenwood Press, 1968), pp. 77-78, 84.

Congress responded to these pressures, passing in 1885 the Alien Contract Labor Law which banned the importation of aliens under work contracts.<sup>17</sup> Six years later Congress prohibited immigration in response to advertisements promising work in the United States.<sup>18</sup> However, these laws were little more than formalities. As soon as the demand for substantial Mexican labor developed in the early years of the twentieth century, the restrictive laws were violated as agents for big farmers and railroads traveled to Mexico and recruited cheap labor. Congress and the immigration authorities paid little attention, and their inaction had the effect, whether intended or not, of establishing a policy through which cheap Mexican labor was furnished to southwestern economic interests.

Few demands were made on the government to enforce the immigration laws at the Mexican border. Although unpopular and wielding little political power, organized labor took the main initiative. By 1910, substantial numbers of Mexicans were working in the United States, and labor leaders saw them as a growing threat to native

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<sup>17</sup>N. Ray Gilmore and Gladys W. Gilmore, "The Bracero in California," Pacific Historical Review, XXXII (August, 1963), 268.

<sup>18</sup>Grebler, op. cit., D4-D6.



labor. In that year, the convention of the Texas State Federation of Labor unanimously passed a resolution charging that the immigration authorities were indifferently permitting "wholesale admission" of Mexicans who "are displacing . . . citizen labor at less than living wages."<sup>19</sup>

Similar resolutions and protests continued to come from labor unions, but they had little effect on public policy. One reason was that public opinion concerning immigration had consistently been oriented toward the massive population movement from Europe and Asia while the pre-1900 trickle of Mexicans across the southern border had been all but ignored. Once Mexican entry gained momentum, public opinion was slow to respond, and the union viewpoint remained very much a minority one.

As noted in Chapter II, pluralists claim that the prestige of an interest group affects its influence on public policy.<sup>20</sup> Farmers enjoyed an excellent public image. Although the image of the railroads was less enviable, it was widely recognized that they were playing a vital role in opening up the nation. Powerful economic

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<sup>19</sup>Art Leibson, "The Wetback Invasion," Common Ground, X (Autumn, 1949), 12.

<sup>20</sup>David B. Truman, The Governmental Process (New York: Alfred A. Knopf, 1962), p. 506.

interests such as these encouraged the notion that the use of Mexican labor was an essential element of the American employer's freedom to run his enterprise free of government interference. But their influence was not limited to public opinion. These economic interests were also well represented at all levels of government.

On the other hand, labor unions had not succeeded in throwing off their bad image, and their political power remained markedly limited. The idea that unions were foreign inventions and threatened the American way of life was deeply rooted in United States history. From time to time union members had experimented with such ideologies as socialism, anarchism, and communism. Atypical as these members were, such occasional calls for abolition of the wage system and capitalism left a bad public image in the increasingly capitalistic society. Although unions such as the American Federation of Labor made a sustained effort to disassociate themselves from such anti-capitalist rhetoric, public opinion was slow to change.<sup>21</sup> Consequently, when organized labor sought to influence public policy toward the use of Mexican laborers, it was not on an equal footing with such preferred interests as the farmers and railroads.

The already slim chance for limiting Mexican labor

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<sup>21</sup>Beard, op. cit., pp. 52-53, 85, 107, 116-18, 126-49.

was diminished even more during the second decade of this century. Far-reaching, complementary changes in Mexico and the United States brought a dramatic increase in Mexican entry. The vast destruction of Mexico's Revolution, beginning in 1910, burst many of the feudal bonds and tens of thousands of Mexicans fled the horror and insecurity of war for the United States.<sup>22</sup>

Traditional sources of cheap labor for the United States began to dry up. Japanese immigration had been cut off in 1907. The outbreak of World War I drastically curtailed the European immigration on which the American economy had been so dependent.<sup>23</sup>

As foreign labor supplies shrank, so did the supply of native labor available for low-paying jobs. The marked curtailment of immigration opened more industrial jobs to Americans. Many left the farms for the better pay, more favorable working conditions, and the security of city jobs, especially those in the booming, new defense industries. At the very time the labor pool was shrinking, national demands for farm productivity was growing by leaps and bounds. Crop acreage was increased dramatically to meet the growing food needs of

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<sup>22</sup>Cumberland, op. cit., p. 245.

<sup>23</sup>Grebler, op. cit., p. 21.

the friendly European countries involved in the war.<sup>24</sup>

#### The Bracero Program of World War I

The obvious source of additional labor for the Southwest was revolution-ravaged Mexico. Until the national government arrived at a special war-time policy regarding Mexican labor, the employer faced three options. First, he could bring Mexicans in legally. However, as already noted, immigration laws had grown increasingly restrictive. In 1907, Congress had banned the entry of transients "detrimental to labor conditions" in this country.<sup>25</sup> Exclusionist sentiment had grown rapidly during the early years of the twentieth century, reaching a climax with the outbreak of World War I. Although the growing distrust of foreigners had been directed mostly toward Europeans and Asians, it had resulted in new, restrictive immigration laws which made the legal entry of Mexican labor much more difficult. The 1917 Immigration Act had been the most restrictive in American history.<sup>26</sup> The head tax increase from \$4.00 to \$8.00 had probably been enough to deter thousands of

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<sup>24</sup>See New York Times, April 30, 1917, p. 14 and May 19, 1917, p. 12.

<sup>25</sup>Gilmore and Gilmore, op. cit., p. 268.

<sup>26</sup>U.S., Statutes at Large, XXXIX, Part 1, 874-98.

poverty-stricken Mexicans from legally entering the United States to seek work. The fact that the contract labor law prohibiting previous contracts had been renewed made the head tax relatively more burdensome inasmuch as the Mexican paying it would still have no assurance of work in the United States. Another barrier to obtaining legal Mexican labor had been the provision of the 1917 act barring illiterates from the United States.<sup>27</sup>

A second alternative was to evade the substantial legal barriers altogether by using illegal Mexican immigrants. Although their docility and willingness to work for extremely low wages made them attractive to some employers, their economic value was diminished by the absence of any contract binding them to the job. This was an especially important problem for the farmer because inadequate labor at peak seasons could bring the loss of the entire crop. Although illegal Mexicans were employed extensively during the war, this weakness encouraged some employers to seek a legal labor supply.

The third option was to seek some flexibility in the rigid laws then on the books. It is not surprising that would-be users of Mexican labor were successful in

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<sup>27</sup>Ibid., pp. 875-76.

getting the desired legal changes. After all, the government had done little to enforce the immigration laws at the Mexican border even before the outbreak of war. The wartime atmosphere brought arguments from top government officials, as well as farmers, that food production was no less important to the war effort than were soldiers and guns. Consequently, warnings of labor shortages from farmers and other employers met especially sympathetic officials.

The case for Mexican labor was led by sugar beet growers and the railroads, although it was widely supported by other western economic interests.<sup>28</sup> The legal loophole was the ninth proviso in Section 3 of the 1917 Immigration Act which specified that the Commissioner of Immigration could temporarily admit otherwise inadmissible aliens. Interested employers appealed to the Secretary of Labor, W.B. Wilson, to ask the Commissioner of Immigration to temporarily open this loophole for Mexican workers to ease the labor shortage. On May 23, 1917, the Secretary asked the immigration authorities to ignore the literacy test, the head tax, and the contract labor requirements of the immigration laws for necessary Mexican labor. He explained that the

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<sup>28</sup>Gilmore and Gilmore, op. cit., p. 268.



order was intended to solve a labor shortage in the southwestern states. The Secretary promised a rigidly delineated and carefully controlled program. The immigration barriers were to be lowered only for Mexicans who would engage in agricultural work.<sup>29</sup> The laborers were to return to Mexico immediately upon completion of their assigned work in the United States.<sup>30</sup>

A new order from Secretary Wilson issued in June, 1918, added railroad section hands and lignite coal workers to the class of exempt Mexicans.<sup>31</sup> In December, he rescinded all his orders to the immigration authorities, only to face pressure from sugar beet growers and other employers calling for unrestricted entry of Mexican labor. Consequently, the orders were re-issued.<sup>32</sup>

Unlike during World War II, the American government assumed no direct responsibility for recruitment. Farmers and other employers traveled to Mexico and recruited their own labor.<sup>33</sup>

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<sup>29</sup>New York Times, May 24, 1917, p. 12.

<sup>30</sup>Harry Schwartz, Seasonal Farm Labor in the United States (New York: Columbia University Press, 1945), pp. 110-11.

<sup>31</sup>New York Times, June 20, 1918, p. 4.

<sup>32</sup>Schwartz, op. cit., pp. 110-11.

<sup>33</sup>Otey M. Scruggs, "Evolution of the Mexican Farm Labor Agreement of 1942," Agricultural History, XXXIV (July, 1960) 143.

In Mexico there was no shortage of laborers eager to leave for the United States. From the revolution-ravaged economy, many simply headed for the border without contacts of any kind in the United States. So many left that concern began to be expressed in Mexico that her own farms would be under-manned.<sup>34</sup>

Nevertheless, the Mexican government did not stand in the way of emigration. The Revolution had been fought in large part against the system of land tenure, and big farmers did not enjoy the same prestige as did American farmers in the United States. Also, the exodus of Mexicans helped relieve the stress on the war-torn economy, which could not support the population at even the level of the Díaz era. In July, 1918, it was announced that the Mexican government was providing trains for transporting braceros to the American border.<sup>35</sup>

The legal routine for obtaining Mexican workers, although not always followed, was complex and involved several governmental responsibilities. Because Mexicans were to be used only for meeting labor shortages, employers were not free to hire them in unlimited numbers.

The channels established by the Labor Department

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<sup>34</sup>New York Times, June 6, 1918, p. 11.

<sup>35</sup>New York Times, July 20, 1918, p. 11.

may be illustrated by outlining the procedures generally used to obtain farm labor. Farmers customarily formed associations which channeled Mexican labor to them. They reported their labor needs to the associations which conveyed them to the Labor Department. A major responsibility of the Department was to determine whether a labor shortage in fact existed and had prompted the specific requests. However, there is little evidence that it took this responsibility seriously, and its verification of labor shortages was apparently more or less automatic. The Labor Department conveyed the requests, with its certification, to the immigration authorities. They then admitted Mexican workers in numbers limited by the certified requests.<sup>36</sup>

Before an employer could bring Mexicans in, he was required to sign an agreement with the United States government specifying conditions under which the braceros could enter for employment with him. He was responsible for feeding, transporting, and housing the Mexicans, although these costs could be deducted from wages.<sup>37</sup>

Each Mexican entering under the arrangement was identified and photographed at the border. He was

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<sup>36</sup>U.S., Congressional Record, 66th Cong., 3rd Sess., 1920, LX, Part 5, 4553.

<sup>37</sup>Gilmore and Gilmore, op. cit., p. 268.

required to confirm his understanding that he was to engage solely in farm work and that violation of the agreement would be grounds for his return to Mexico.<sup>38</sup>

To facilitate the worker's return to Mexico at the end of the war, the Labor Department required that he invest a portion of his wages in a postal savings account. The money, with interest, could be claimed by the worker only as he left the country.<sup>39</sup> Also, the association requesting the worker formally accepted responsibility for his return to Mexico upon completion of his work.<sup>40</sup>

Although it would be an oversimplification to depict the bracero program as resulting solely from the interest group struggle between its supporters and opponents, the underlying interest group pattern is of some explanatory value. As indicated earlier, powerful, western economic groups with substantial political power were major supporters of the Mexican labor system, and without their demands for the program it would never have come into being. Among the most important of these groups were the railroads, coal mines, sugar beet growers, and

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<sup>38</sup>U.S., Congressional Record, op. cit., p. 4553.

<sup>39</sup>New York Times, June 20, 1918, p. 4.

<sup>40</sup>U.S., Congressional Record, op. cit., p. 4553.

cotton and fruit farmers.<sup>41</sup> Congressmen such as Representative Carl Hayden<sup>42</sup> and other government officials represented them well at the highest level of government. While the major groups and spokesmen supporting the Mexican labor program were from the West, southern interests sometimes offered strong support, as they would do again during World War II. The interests of the South and West overlapped considerably. Certain farm areas of the South claimed a labor shortage during World War I, and farm labor was imported from the Bahamas.<sup>43</sup> Also, inauguration of the bracero program for the western states meant that they were less likely to compete with the South for its shrinking supply of farm labor.

Opposition to the Mexican labor program was not long in developing, and it grew throughout the war. Steamship companies were among the earliest critics, charging discriminatory application of the immigration laws. While they were fined for transporting illiterates to this country, they complained, the American government

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<sup>41</sup>U.S., Department of Labor, Reports of the Department of Labor, 1918, 692-93.

<sup>42</sup>U.S., Congressional Record, op. cit., pp. 4554-55.

<sup>43</sup>U.S., Department of Labor, op. cit., p. 693.



welcomed illiterates from Mexico.<sup>44</sup>

Grass roots opposition in Mexico apparently developed from the very beginning. According to the Secretary of Labor, rumors were widely circulated in Mexico to the effect that Mexicans were harassed at the border and mistreated in the United States.<sup>45</sup> In his address to the opening session of the Mexican Congress on September 1, 1919, President Carranza expressed dismay at the mistreatment of Mexican laborers in the western United States. He voiced particular concern about the alleged mistreatment of Mexicans by American police.<sup>46</sup> The Mexican government became directly involved two weeks later when two railroad section hands, both Mexican nationals, were lynched by a mob in Pueblo, Colorado.<sup>47</sup>

By 1919, organized labor in the United States had stepped up its attack on immigration, including that from Mexico. The unions had grown concerned that returning servicemen would be unable to find work.<sup>48</sup>

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<sup>44</sup>New York Times, July 11, 1917, p. 8.

<sup>45</sup>New York Times, June 17, 1918, p. 13.

<sup>46</sup>New York Times, September 2, 1919, p. 1.

<sup>47</sup>New York Times, September 14, 1919, p. 1; September 15, 1919, p. 5; September 16, 1919, p. 16.

<sup>48</sup>New York Times, January 16, 1919, p. 5.



Public opinion turned increasingly against immigration. With the war came a growing distrust of foreigners, and there was a marked tendency to see the immigrant as a threat to "the American way of life." Fear of disloyalty was widespread, and it was fed by occasional violence committed by anarchists and members of other extremist groups. In June, 1919, the New York Times suggested that immigration might threaten American "self-preservation." Although it went on to recognize that the United States owed much to foreign labor, the paper editorialized that "no economic or financial consideration has any standing in comparison with the imperative patriotic need of guarding against the enemies of order and the emissaries of destruction."<sup>49</sup>

Considerable opposition to foreign labor came from "patriotic" organizations concerned with keeping the nation's population "pure." In testimony before the Senate Committee on Immigration in 1920, a spokesman for the Sons of America charged that the United States was flooded with immigrants, many of whom were illiterate and could not speak English. This threat to "Americanism," he warned, "ought not be further enlarged by importation

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<sup>49</sup>New York Times, June 9, 1919, p. 12.

from abroad or any other source, whatever may happen to . . . the big cotton and sugar plantations of the Southwest."<sup>50</sup>

Also opposing the Mexican labor program were persons who charged that American employers took advantage of the helpless foreign labor. In a heated exchange with Representative Hayden in 1920, Representative Welty of Ohio charged that the bracero program violated the constitutional prohibition of slavery.<sup>51</sup>

As the war came to an end, justifications for importing Mexican labor were undermined. Claims of labor shortages grew less convincing. To a heavily nationalistic public, concern about jobs for returning servicemen loomed larger and larger. Formal governmental policy adjusted to the new national mood. On March 2, 1921, Secretary Wilson rescinded his orders to the immigration authorities, and the special emergency, Mexican labor program came to an end.<sup>52</sup>

The extent and impact of the bracero program were considerable. According to government reports, 72,862

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<sup>50</sup>U.S., Congressional Record, op. cit., pp. 4715-16.

<sup>51</sup>Ibid., p. 4554.

<sup>52</sup>U.S., Congressional Record, 68th Cong., 1st Sess., 1924, LXV, Part 7, 6476.

Mexican laborers entered under the special provisions. The reports further indicate that the Labor Secretary's claims of a carefully controlled program were exaggerated. By June 30, 1921, only 34,922 of the nationals had been returned to Mexico while thousands had deserted their employers and disappeared.<sup>53</sup> Nor was this the only failure to enforce the law. Evidence indicates that during the war years, the overwhelming majority of Mexican immigrants entered illegally. A government report in 1920 acknowledged the problem and noted that "for many weeks prior to this report every road leading from the south into San Antonio . . . had on it a stream of these immigrants, many of them in rags."<sup>54</sup>

It is likely that this Mexican labor had a seriously adverse impact on native workers. James J. Davis, Wilson's successor as Labor Secretary, noted in 1920 that files left by his predecessor contained "many reports . . . that these Mexicans were crowding American workmen out of their jobs because they were willing to take employment at wages which would not permit the worker

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<sup>53</sup>U.S., Congressional Record, 70th Cong., 2d Sess., 1929, LXX, Part 2, 1177.

<sup>54</sup>U.S., Congressional Record, 68th Cong., 1st Sess., 1924, LXV, Part 7, 6476-77.

to live on the basis of American standards."<sup>55</sup>

### The Decade of the Twenties

Mexican immigration during the 1920's reached unprecedented levels. Some 500,000 entered on permanent visas,<sup>56</sup> and illegal entry was probably much greater. During the decade the American economy boomed and continued to offer opportunities for cheap foreign labor. On the other hand, Mexico's economy failed to live up to expectations generated during the years of revolution. With some exceptions, it failed to compare favorably with the Díaz era. Cumberland notes that in 1924, as "compared to the pre-revolutionary period, the vast majority of the Mexicans probably ate less well, had fewer schools to attend and fewer job opportunities."<sup>57</sup> Although the Mexican Constitution of 1917 put the Mexican laborer on a level with any in the world, leaders such as Carranza were essentially conservative and simply did not carry out the more radical constitutional provisions.<sup>58</sup> For example, although land reform was a major theme of the Revolution, it went forward at a snail's pace throughout the 1920's.

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<sup>55</sup>Ibid.    <sup>56</sup>Grebler, op. cit., pp. 21-22.

<sup>57</sup>Cumberland, op. cit., p. 257.

<sup>58</sup>Ibid., pp. 269-72.



Also pushing Mexicans from their country were the numerous, deep-rooted conflicts which continued to split the society. Some of the more important ones centered around the rights of labor, land reform, and religion. Periodic violence erupted throughout the decade. One of the most bitter episodes involved the Cristero Movement, in which certain Catholics, including priests, engaged in violence which the government met with counter-violence. Many people were killed and for a time civil war raged.<sup>59</sup>

In the United States, the question of Mexican labor continued as an important political issue throughout the 1920's. Opposition built during the bracero era continued even more vigorously now that it did not have to contend with the compelling argument of labor shortages in wartime. The vast increase in Mexican immigration, both legal and illegal, brought new supporters to the opposition. Nor did the wartime suspicion of foreigners subside. Also, the severe post-war recession heightened organized labor's concern about foreign labor in the United States.<sup>60</sup>

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<sup>59</sup>Lesley Byrd Simpson, Many Mexicos (Berkeley: University of California Press, 1969), pp. 311-15.

<sup>60</sup>Grebler, op. cit., D-5.

Congressional opposition to the use of Mexican labor also grew during the 1920's. One of the most vigorous critics was Representative LaGuardia of New York. In 1924, he called for rigid enforcement of the immigration laws at the Mexican border. LaGuardia claimed that Mexican workers were undermining American labor.<sup>61</sup> The key to their entry, he charged, was the fact that employers could work them for less than a dollar a day.<sup>62</sup> He called for better funding of the Border Patrol and suggested that co-ordination of the Labor Department, the Immigration Service, the Customs Service, and the Prohibition Service would reduce illegal immigration.<sup>63</sup>

In the same session of Congress, Representative Raker of California recalled committee hearings earlier that year in which a spokesman for a sugar company testified that he had obtained Mexicans for \$2.00 per worker from labor agents in Texas. The congressman charged that this was a clear violation of the provision of the immigration law denying entry to "persons . . . called contract laborers who have been

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<sup>61</sup>U.S., Congressional Record, 68th Cong., 1st Sess., 1924, LXV, Part 6, 6133.

<sup>62</sup>Ibid., p. 6129.      <sup>63</sup>Ibid., p. 6133.



induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment."<sup>64</sup>

During the 1920's, the Mexican labor controversy centered around the effort to place Mexico under the so-called quota system. The fervent nationalist feelings of wartime, the "red-scare" of the war years, and the post-war recession gave rise to the 1921 quota law. It restricted immigration each year to 3% of the full number of each nationality living in the United States in 1910. The Quota Act of 1924 was more obviously aimed at the darker races inasmuch as it shifted the base year to 1890 when relatively fewer persons of darker races lived in the United States.<sup>65</sup> However, both acts excluded Western Hemisphere nations from the quota system, and Mexican labor was, therefore, unaffected. Of course, Mexican immigrants were still subject to the general immigration laws.

Efforts to restrict Mexican labor by including Mexico under the quota system were strong and determined. Representative Box of Texas called for such a bill in

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<sup>64</sup>Ibid.

<sup>65</sup>John R. Commons et al., History of Labor in the United States, 1896-1932 (New York: Macmillan, 1935), pp. 30-32.

each of several congressional sessions during the 1920's.<sup>66</sup> Predictably, western farm interests formed the backbone of opposition to the "Box bills." Although opposition to Mexican labor had grown, it did not lessen the determination of the employers.

Hearings on one of the yearly Box bills were held in 1926 by the House Committee on Immigration and Naturalization. Witnesses appearing to oppose the bill included various farmers, representatives of Chambers of Commerce, and spokesmen for sugar beet corporations. A Chamber representative claimed that adequate numbers of Americans were simply unavailable for certain types of farm work and the Mexican was used "because there is nothing else available." He went on to suggest that mere defeat of the Box bill was inadequate. He proposed that western growers be permitted to import Mexican workers upon the mere demonstration of need, unrestricted by all immigration laws.<sup>67</sup> A spokesman for sugar beet industries claimed that Americans simply would not do the hardest types of farm work and

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<sup>66</sup>Clay L. Cochran, "Hired Farm Labor and the Federal Government" (mimeographed Ph.D. dissertation, University of North Carolina, 1950), p. 96.

<sup>67</sup>Ibid.

that to expect otherwise would "drive them away from agriculture."<sup>68</sup>

In the committee hearings of 1926, only one prominent witness appeared in behalf of the bill. A spokesman for the American Federation of Labor claimed that agricultural surpluses were already a problem and that additional labor merely compounded the problem. In response to the claim that Americans were unwilling to do hard agricultural work, he answered that inadequate wages were to blame.<sup>69</sup>

Many of the opponents of Mexican labor had long based their claims on a racial argument, and as the controversy surfaced in Congress and elsewhere, this theme grew more prevalent. In 1925, Secretary of Labor Davis noted that he had been "fighting for legislation to . . . keep intact the racial characteristics of our great republic."<sup>70</sup> In California, the Santa Rosa Republican newspaper, referring to a subdivision of Mexican Indians, charged that "if the railroads and farms in southern California could be induced to pay a decent living wage to white labor, there would

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<sup>68</sup>Ibid., p. 99.    <sup>69</sup>Ibid.

<sup>70</sup>U.S., Congressional Record, 68th Cong., 2d Sess., 1925, LXVI, Part 2, 1366.

be no need to import this peon riffraff."<sup>71</sup>

Despite the widespread sympathy for reducing Mexican immigration, all such bills failed to make it through Congress. There are several possible reasons. Organized labor remained weak whereas the wealthy farmers and railroads had not yet been discredited by the Great Depression. There was little co-ordination of the opponents of Mexican labor, perhaps because their motivation was so mixed. Probably another reason for failure was the fact that Mexicans were entering some of the least populated areas of the United States. Also, it was widely believed that the most serious threat to "Americanism" was persons with ancestry in the nations at war with the United States during World War I.

### The Depression Years

The economic crisis at the end of the 1920's markedly reduced immigration from Mexico. Whereas some 67,000 Mexicans entered legally in 1927, only 11,915 came in 1930.<sup>72</sup> The wetback problem began to take care of itself as jobs became unavailable. Not only did immigration slow up, but a large exodus of Mexicans occurred.

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<sup>71</sup>U.S., Congressional Record, 70th Cong., 2d Sess., 1929, LXX, Part 2, 1178.

<sup>72</sup>Moore, op. cit., p. 40.

The Great Depression brought massive unemployment and a vast native labor surplus. Former urban workers sought farm employment to tide them over the crisis. Job competition led to increasing ethnic tensions, and American workers sometimes turned violently upon their Mexican competitors.<sup>73</sup> From 1931 to 1933, over 70,000 Mexicans returned to their own country while around 100,000 left during the decade.<sup>74</sup>

Pressures for deporting the Mexicans grew rapidly as the Depression worsened. For the first time in its history, the national government began to rigorously apply the immigration laws at the Mexican border. They provided for exclusion of those who might become "public charges," and this provided a lever for keeping out many Mexican workers.<sup>75</sup> Also, substantial numbers of Mexicans were expelled under the stricter enforcement procedures.<sup>76</sup>

Although the enforcement of immigration laws is a national responsibility, many Mexicans left under pressure from local governments. As welfare rolls grew, some relief agencies found that they could save money by

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<sup>73</sup>Schwartz, op. cit., p. 61.

<sup>74</sup>Ibid.

<sup>75</sup>Ibid.

<sup>76</sup>Grebler, op. cit., p. 25.



paying the Mexicans' transportation costs back to the border.<sup>77</sup> Some local officials simply threatened to drop Mexicans from the relief rolls.

It is commonly assumed that southwestern farmers joined the movement to expel Mexican workers from the United States.<sup>78</sup> However, numerous letters and telegrams in the National Archives indicate that even during the depths of the Depression, many of these farmers continued to claim a serious shortage of domestic farm labor. They opposed all efforts to reduce the number of Mexican workers in the United States.<sup>79</sup>

The decision to return Mexicans was a unilateral one which created serious problems for Mexico. She was only then beginning to recover from the Revolution and from the continuing chaos that characterized the 1920's and, like the United States, she suffered from the Depression. About 15% of the returnees settled in largely unsuccessful repatriation colonies established by the Mexican government. Most of the other returnees went

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<sup>77</sup>Emory S. Bogardus, "Repatriation and Readjustment," The Mexican-Americans: An Awakening Minority, ed. Manuel Servín (Beverly Hills: Glencoe Press, 1970), 93.

<sup>78</sup>For example, see Ibid., pp. 93-94.

<sup>79</sup>George Kiser and David Silverman, "Mexican Repatriation during the Great Depression," The Journal of Mexican American History (Forthcoming).



back to their native villages. Having often lived for years in the United States and taken on American ways, they were sometimes rejected by other Mexicans as gringos who felt superior to their own people.<sup>80</sup>

Both in Mexico and the United States, it was suggested that fundamental principles of justice had been disregarded in the "deportations." Many local American agencies spent little or no time uncovering facts about the "Mexicans." For example, children born in the United States were often sent to Mexico with no regard for their rights as American citizens.<sup>81</sup>

Bogardus suggested that employers who had profited from and exploited Mexican workers should have assumed some responsibilities toward them even when they were no longer an economic asset.<sup>82</sup>

Politically, one of the most important effects of the events of the 1930's was the impact they left on Mexican-United States relations. The unilateral American action left a bitterness which prompted Mexico's tough bargaining when the United States again wanted Mexican labor during the 1940's.

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<sup>80</sup>Bogardus, op. cit., p. 91.

<sup>81</sup>Grebler, op. cit., p. 26.

<sup>82</sup>Bogardus, op. cit., pp. 93-94.

### Summary and Conclusions

One useful perspective for understanding the use of Mexican labor in the United States before World War II is the interest group pattern which has been discussed. As we have seen, certain economic interests in the Southwest came to prefer Mexican labor because it was cheap, docile, and plentiful. Organizations such as big commercial farms, railroads, coal mines, sheep ranches, and canning factories enjoyed substantial political access and power. On the other hand, opponents of importing Mexican labor wielded much less influence. Consequently, southwestern growers found their interests especially accommodated by the governmental system. Sometimes the concessions were legal and above-board while some took the form of governmental inaction and indifference to enforcing the immigration laws.

One pattern that emerges from this chapter is the consistent political influence of the employers of Mexicans even when casual observation would suggest that these interests were having less and less impact on policy-making. For instance, the decision to end the special emergency supply of Mexican labor in 1921 gave the impression that employer interests were

losing ground. Yet the great struggle to end the program brought a largely hollow legal victory to opponents of the use of Mexican workers. Even when the formal policy turned against the employers, their interests were still informally accomodated. The government continued to maintain an informal Mexican labor program by simply refusing to apply the immigration laws vigorously and systematically. Far from reducing the number of Mexican workers, the end of the emergency program marked the beginning of a decade which brought Mexican workers to the United States in vastly increased and unprecedented numbers.

This chapter includes useful historical material for understanding the series of bracero programs lasting from 1942 through 1964. Most scholars studying the programs have looked at them in an historical vacuum. Consequently, they have tended to portray them as pretty innovative. Yet in many ways the policy in the later period was a replay of the World War I program. For example, comparing the program of 1942 with the earlier ones reveals that the legal authorization was identical, and interest groups opposing and supporting the program lined up similarly. Most arguments used by friends and foes of the programs since 1942 had been tried

out by the same groups during World War I. In both eras, the use of wetbacks was widespread. Examples such as these suggest that more recent bracero programs should be re-evaluated in light of historical background such as that presented in this chapter.

## C H A P T E R   I V

## THE BRACERO PROGRAM, 1942-60

The present chapter turns attention to the Roosevelt, Truman, and Eisenhower years of the bracero program. During these administrations, grower interests rather thoroughly dominated Mexican labor policy. However, it will be seen that there was also considerable opposition to the employment of braceros.

Among other themes, this chapter discusses the broad meaning of farm labor shortages, reasons for re-inauguration of the bracero program, the initial agreement with Mexico, interest group activity, patterns of regional and party support for the program among congressmen, the post-World War II increase in opposition to the use of Mexican labor, the Truman administration's resort to unilateral recruitment in 1948, Eisenhower's attempt to cope with the wetback problem in 1954, and his unilateral recruitment legislation.



### The Concept of a "Labor Shortage"

Throughout most of this century, American growers have been claiming a shortage of domestic farm labor. Although the problem itself is not political, they have often sought political solutions to it. The pluralist pattern has been more or less followed. Growers have experienced labor frustrations. Many have sought solutions through interest groups such as the American Farm Bureau Federation. These organizations have often served as political interest groups inasmuch as they have worked through governmental institutions in an effort to solve the problems perceived by their members. Because from the pluralist perspective, political activity cannot be understood in isolation from the tensions giving rise to it, it is necessary to discuss briefly the nature of the labor problem involved.

Most Mexican workers, both legal and illegal, have been used in highly seasonal crops. Many of the farms have been large. This means that the investment has been great, and from the farmers' viewpoint much is at stake. In addition to the basic cost of land

and machinery, new and substantial investments are necessary each season for planting, cultivating, and harvesting the crop. In farming, more than in most enterprises, the labor needs are unsteady. Once planted, the crop may need little additional attention for weeks. But once it does need that attention, it must be prompt or the entire crop may be lost. As Schwartz notes:

If an adequate number of seasonal laborers is not available at the right moment, much of the previous investment and labor may be lost. Even in the case of less perishable crops, such as cotton, there is an optimum harvest period, and such crops may suffer serious deterioration from wind or rain if not gathered quickly. Aside from these physical and agronomic factors, economic considerations accentuate the importance of adequate harvest labor in particular crops. In marketing many fresh fruits and vegetables, there is sharp competition to reach markets while prices are still high, and growers seek to harvest quickly, aware that the difference of a day or two in reaching market may mean the difference between high profits and small or no profits for this season's effort. It is no wonder, therefore, that farmers consider an adequate supply of harvest workers one of their greatest production necessities.<sup>1</sup>

No one has disputed the general claim that an adequate supply of workers is needed. The disagreement between supporters and opponents of importing Mexican labor has often centered around the question of just

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<sup>1</sup>Harry Schwartz, Seasonal Farm Labor in the United States (New York: Columbia University Press, 1945), p. 6.

how large a labor supply must be before it is adequate. For decades many growers have taken the position that American agriculture has suffered from a critical shortage of domestic labor. This argument was a major theme of bracero advocates throughout the life of the Mexican labor program. It was a continuous claim, spanning not only years of economic prosperity but recession and depression years in which millions of Americans, including at least hundreds of thousands of migrant farm workers, were unsuccessfully looking for jobs.<sup>2</sup>

Critics of the Mexican labor program inaugurated in 1942 tended to assume that one able and willing American for each farm job was adequate. Growers, on the other hand, had a very strict conception of the "ability" needed for farm work. As in pre-Depression years, they were often critical of available farm work, charging it with shiftlessness, dislike for stoop labor, drunkenness and plain ineptness. Throughout the twentieth century, southwestern growers have compared American migrants unfavorably to the extremely hard working, able, and uncomplaining Mexican.

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<sup>2</sup>John H. Southern, "National Agricultural Labor Policy Considerations," Journal of Farm Economics, XLVIII (December, 1966), 1121.

Growers are also critical of the one-available-worker-for-one-job-argument on another count. They apparently assume that as long as the labor supply, no matter how large, contains any element of uncertainty, it is inadequate. In their dealings with workers, growers have constantly sought to increase the predictability and dependability of the labor pool. One person for one job does not meet the standard, because if for any reason he is not fully reliable at the crucial moment, the farmer's huge initial investment may bring no return and the cost of this year's crop may simply be wasted.

Perhaps the greatest threat of uncertainty is seen in strikes. From the grower's perspective, they are especially intolerable in agriculture because they can be so much more damaging than in other industries where a work stoppage does not mean destruction of the partially developed product. Therefore, if there is a chance of strikes, the argument may be easily extended to assume that even in a society with tens of thousands of migrants unemployed, the labor supply is inadequate and foreign workers are desperately needed to save the endangered crops.

The need to have labor for planting, cultivating,



and harvesting the crops at the crucial time is not the only motivation of growers for wanting a large labor supply. The most productive southwestern farms are set up as businesses for profit-making.

In a book entitled Factories in the Field, McWilliams describes the corporate farm which has increasingly become the prototype of American agriculture.<sup>3</sup> Many farm costs such as expense for machinery, gasoline, seed, and fertilizer continue to increase and are largely beyond the control of the grower. The one big cost factor that has been most easily controlled by farmers has been that of labor. Largely unorganized, relatively uneducated, often politically disenfranchised by their constant movement from place to place, and excluded from most important social welfare legislation of this century, the migrant workers have been largely at the mercy of the farmer. He has set wages low and found that from manipulating this cost factor, profits could often be high.

Growers have kept this cost factor manageable

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<sup>3</sup>Carey McWilliams, Factories in the Field (Boston: Little, Brown and Company, 1939). For another good description of this trend, see Ernesto Galarza, Spiders in the House and Workers in the Field (Notre Dame: University of Notre Dame, 1970).



and low in a number of ways. First, as an important political group, they have constantly fought the inclusion of farm workers under the various social welfare benefits that government has extended to most other workers. A major strategy has been to resurrect the stereotype of the subsistence farmer who simply could not afford to contribute to unemployment compensation programs for his workers. Secondly, from the 1920's to the present time, growers have bitterly fought efforts to unionize farm laborers.<sup>4</sup> Thirdly, they have sought docile foreign workers, especially from Mexico, who would accept low wages without complaint.

The issue of a farm worker shortage underlies the whole Mexican labor program. It is the single claim without which the importation of braceros during World War II could never have been justified.

#### The Bracero Program under Roosevelt

Even before the outbreak of World War II, farmers were growing increasingly apprehensive about the farm labor supply. From their viewpoint, the situation

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<sup>4</sup>Schwartz, op. cit., pp. 90-101.

during the Depression was a very mixed one. In terms of the vast supply of surplus labor, it was a golden era. Yet it was a time in which unrest spread among workers and brought the possibility that farmers would lose control over their big cost factor. Especially in California, unionization of agricultural workers was undertaken. A number of strikes culminated in violence as growers mounted a full-scale offensive of their own.<sup>5</sup>

Although efforts to organize farm workers had pretty much failed by the end of the decade, growers were increasingly fearful that the tradition of low-paid, docile, unorganized migrant labor might be coming to an end. Perhaps the greatest threat was the example of industrial unionization and the decreasing ability of industrial managers to unilaterally establish wages and working conditions. Although the trends of the time had not yet caught up with growers, they were toward a growing political and economic voice for the workingman. Merely as an example to farm workers, the trends could be dangerous. Perhaps even more serious was the possibility that they were an omen of intentions the Roosevelt administration had about workers in

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<sup>5</sup>Ibid., pp. 94-100.

general, and that its encouragement of unions in industry was a preview of reform plans it had for agricultural labor. Finally, as industry expanded in the late 1930's, workers began to leave the farms. There was the possibility that enough of these would drift back to farm work with new ideas about the role of the workingman to cause unprecedented trouble and unpredictability in the agricultural labor force.

By the late 1930's, the tenseness of growers was further exacerbated by the shrinking surplus labor pool. By 1940, the unemployment rate had been reduced to about 15% from a Depression high of perhaps twice that figure.<sup>6</sup> This trend added to apprehensions borne of worker unrest during the 1930's led a growing number of farmers to decide that the labor supply was inadequate.

These fears were accentuated as United States involvement in World War II appeared more and more likely. In September of 1940, Congress passed the Selective Service Act and in March of 1941, the National Defense Act became law. The draft and new defense industries served as a constant drain on the farm labor supply.

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<sup>6</sup>U.S., Bureau of the Census, Sixteenth Census of the United States: 1940. Population, III, 4.

Farmers and their organizations perceived the worsening labor picture as a political problem well before the attack on Pearl Harbor and the United States declaration of War in December, 1941.<sup>7</sup> One source of their impressive impact on policy during the war was their organization. Organized into many associations, councils, and federations, the growers spoke with a great deal of unity. As early as May of 1941, for example, various Farm Bureau Associations were warning congressmen that the labor supply would be exhausted.<sup>8</sup>

Various state and local officials became part of the drive to warn both federal officials and the public that the farmers needed help. For example, in July, 1941, an official report from the Washington State Office of Unemployment Compensation noted that harvest labor was already scarce in that state.<sup>9</sup> In June of the following year, Governor Culbert Olson sent a telegram to the secretaries of Labor, Agriculture,

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<sup>7</sup>Julia Henderson, "Foreign Labour in the United States during the War," International Labour Review, LII (December, 1945), 611.

<sup>8</sup>U.S., Congressional Record, 77th Cong., 1st Sess., 1941, LXXXVII, Part 2, A2328.

<sup>9</sup>State of Washington, Office of Unemployment Compensation and Placement, Seasonal Agricultural Labor Demand in the State of Washington during 1941, July 15, 1941, pp. 29-30.



and State appealing for imported Mexican workers to bolster farm production.<sup>10</sup>

Even before the Roosevelt administration's decision to inaugurate a bracero program, a number of growers and various farm organizations directed requests for Mexican labor to the immigration officials.

In the spring of 1941, a group of farmers in southern Texas asked the Immigration Service to lift the main restrictions of the Immigration Act of 1917 so the movement of Mexican workers into the United States would be facilitated. In July, a group of Arizona cotton growers repeated the appeal.<sup>11</sup> In September of the same year, various farm organizations in California asked the Immigration Service to import 30,000 Mexican nationals to meet their labor shortage.<sup>12</sup> In April of 1942, an association of important sugar refining companies known as California Field Crops notified the Immigration Service that it wanted 4,000

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<sup>10</sup>Richard B. Craig, The Bracero Program: Interest Groups and Foreign Policy (Austin: University of Texas Press, 1971), p. 39.

<sup>11</sup>Otey M. Scruggs, "Evolution of the Mexican Farm Labor Agreement of 1942," Agricultural History, XXXIV (July, 1960), 141.

<sup>12</sup>Ibid.



Mexicans for the sugar beet crop.<sup>13</sup>

It will be recalled that pluralist theory postulates that the demands of political interest groups are generally challenged by rival groups which feel threatened by these demands. Before the bracero program was inaugurated in August, 1942, either outright opposition or serious reservations came from several quarters.

In 1941, organized labor took a stand against the importation of Mexican nationals. It claimed that the domestic labor supply was adequate. Also speaking against a bracero program were certain organizations of Mexican-Americans. The National Spanish-Speaking People's Congress and the Federation of Spanish-American Voters of California expressed the view that Mexican-Americans were already unemployed and should not be further disadvantaged by foreign competition. Scruggs notes that Mexican-Americans sometimes feared that a bracero program would harm intergroup relations in the United States,<sup>14</sup> presumably by triggering latent hostility toward people of Mexican ancestry.

Before the bracero program was actually

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<sup>13</sup>Ibid.

<sup>14</sup>Ibid., p. 142.

negotiated with Mexico it appeared that she might oppose it. We have already discussed the ill-will left from the events of the Depression years. Also, the Mexican government had long been concerned about discrimination against persons of Mexican ancestry in the United States. According to Scruggs, public opinion in Mexico had been inflamed by such events to the extent that the government probably would have found it politically most inexpedient to send workers to the United States without guarantees concerning their treatment. In fact, the Mexican Constitution required such guarantees although they had been completely disregarded by the United States government and American farmers prior to 1942. Article 123 contained the requirement that contract workers be guaranteed return transportation. Agitated over the deportations of the Depression, the Mexican Congress wrote into the Labor Law of 1931 the requirements that the transportation costs of workers must be paid by employers, that the employers deposit funds in Mexican banks to cover the expenses of repatriation, that the workers be paid pre-agreed wages, and that written contracts be issued and approved by Mexican

officials.<sup>15</sup>

Probably most American farmers were opposed to the bracero program as finally formulated. As indicated by the applications to the immigration authorities, what the growers wanted was a lowering of the immigration barriers so they could bring in their own workers from Mexico. In May of 1942, Farm Bureau representatives from California, Arizona, and Texas suggested that was the proper way to cope with the labor problem. In June of the previous year, Texas congressman Kleberg, an important champion of grower interests, wrote a letter to President Roosevelt suggesting that the bracero program of World War I should simply be re-opened.<sup>16</sup>

Before the Roosevelt administration announced inauguration of the bracero program in 1942, various letters from individuals opposing the importation of Mexican labor were inserted in the Congressional Record. Grounds for opposition included "the threat of radicals coming into the country, to make our burdens worse," "the take-over of our men's jobs by un-Americans," "unnecessary government expense," and the allegation

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<sup>15</sup>Ibid., pp. 142-43.

<sup>16</sup>Ibid., p. 143.

that surplus labor could be released from New Deal "make-work" programs.<sup>17</sup>

Despite these several manifestations of opposition to the imminent bracero program, there was no genuine national debate on the issue until after the Roosevelt administration had announced its response. Prior to that time, for example, Congress had held no hearings on the possibility of importing Mexican nationals. Friends and foes of the program did not really clash head-on until after the administration had already set policy.

Apparently the Roosevelt administration did not give serious consideration to the importation of Mexican workers before the spring of 1942. All requests were turned down, sometimes with the answer that an adequate supply of domestic labor was available. Scruggs notes that before early 1942 "government officials felt that the introduction of Mexicans might pave the way for the exploitation of both foreign and domestic workers and lead to violent opposition from American labor."<sup>18</sup>

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<sup>17</sup>U.S., Congressional Record, 77th Cong., 2d Sess., 1942, LXXXVIII, Part 2, 1838.

<sup>18</sup>Scruggs, op. cit., p. 144.



Another reason for delay was the necessity for consultation and agreement with the Mexican government. During World War I and after, the United States could unilaterally establish a bracero program without doing violence to her broader foreign policy objectives. As Scruggs notes, those were days of economic imperialism. But these foreign policy objectives were to change. In the 1930's, President Roosevelt formulated his Good Neighbor Policy on the basis of mutual respect and understanding. A repetition of the World War I practices would have been completely out of character with the new United States foreign policy so carefully cultivated by the Roosevelt administration.<sup>19</sup>

As the United States actively entered the war and farmers continued claiming a crucial labor shortage, the Department of Immigration established a so-called "interagency committee" to study the farm labor situation. Represented on the committee were several governmental departments including Labor, Agriculture, State, Justice, and the War Manpower Commission. The agency was instructed to gather facts concerning the possible need for foreign labor and to establish

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<sup>19</sup>Ibid.



tentative standards for importation should it become necessary.<sup>20</sup> The group met for two weeks in late April and early May, 1942, and established criteria for a possible bracero program. The standards took into account three main sets of interests: (1) the growers' possible need for foreign workers, (2) the concern of labor that domestic workers not be undermined, (3) the interest of Mexico in protecting her citizens.<sup>21</sup>

The interagency committee decided that the question of labor shortages should be left up to the United States Employment Service.<sup>22</sup> Around the middle of May, it certified the need for 10,500 Mexicans for use in California, Montana, and Idaho.

Claude Wickard, Secretary of Agriculture, then took active steps to establish a bracero program. On May 28, 1942, he requested Attorney General Biddle to set aside the literacy test, head tax, and contract labor requirements of the Immigration Act of 1917 to provide a temporary supply of Mexican labor. The next day the Attorney General announced his willingness to cooperate. Four days later Mexico announced her

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<sup>20</sup>Ibid., p. 141.      <sup>21</sup>Ibid., p. 144.

<sup>22</sup>Ibid.

declaration of war on the Axis nations, and on the same day Attorney General Biddle asked the American Secretary of State to begin discussions with Mexico in regard to inauguration of a bracero program.<sup>23</sup>

Pluralists note that each department of the government will have its own special interests. Charged with the agricultural program of the administration, the Department of Agriculture had a set of interests centering around such problems as production and agricultural labor. By the nature of its duties, the interests of the State Department were quite different. Its responsibilities, of course, lay with the foreign policy of the United States. However, steps that would increase farm production would not necessarily further the foreign policy of the United States. The War Manpower Commission also had its own interest in making sure that industry and farms were well staffed during the war. In 1942, some difference of outlook concerning foreign labor existed between the three departments.

On May 22, the chairman of the War Manpower Commission had given a copy of the standards worked

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<sup>23</sup>Ibid., p. 145.

out by the interagency committee to Secretary of State Cordell Hull "as a suggested guide in negotiations with the Government of Mexico concerning this matter." However, the State Department made no immediate effort to raise the matter with the Mexican government. Foreign policy considerations predominated in the Department. Scruggs notes that many in the State Department felt that a bracero program might undermine United States relations with Mexico. Should it become necessary, they insisted that it safeguard the rights of Mexican workers.<sup>24</sup>

After Attorney General Biddle's request, the State Department agreed to cooperate and raise the question with the Mexican government. United States Ambassador Messersmith met with Mexico's Foreign Minister Padilla on June 15, 1942, and stated the American case. His main plea was pitched in terms of the contribution Mexico could make to victory over the Axis powers by supplying farm labor to the United States.<sup>25</sup>

Anticipating the American request, the Mexican government had already established a committee to study the issue. Between the middle of June and the middle of July, the committee studied Ambassador Messersmith's

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<sup>24</sup>Ibid., pp. 145-46.    <sup>25</sup>Ibid., p. 146.

proposal. It weighed many factors, including a number related to various interest groups.<sup>26</sup> Receiving great weight was the knowledge that nothing short of solid guarantees for any workers sent to the United States would meet the approval of several important interest groups in Mexico such as organized labor. Also of importance was the demand of Mexican industry and growers that their own labor supply not be depleted. Their need for labor had increased with the war as United States trade with Mexico had expanded dramatically.

In early July, Agriculture Secretary Wickard was in Mexico City on other business but met with the Mexican Ministers of Agriculture and Foreign Affairs to discuss the labor issue. As he testified later before a House committee:

When I arrived there, I found that there was much opposition because of previous experience the Mexican Government had had with a large number of Mexicans left stranded in this country. . . . They said they had to spend a lot of money to get them back, especially during the Depression. They also said that they were promised one kind of wage or another, and when they got up here they were left to the mercy of the employer. They did not have any housing.<sup>27</sup>

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<sup>26</sup> Ibid.

<sup>27</sup> U.S., Congress, House, Subcommittee of the Committee on Appropriations, Hearings, Appropriation for the Farm Labor Program, Calendar Year 1943, 78th Cong., 1st Sess., 1943, p. 9.



Wickard also noted that the Mexicans were adamantly opposed to the growers' request that they be allowed to recruit their own workers in Mexico as during World War I. It had "no chance" of being accepted.<sup>28</sup>

After several weeks of negotiations, the Mexican government decided to provide the United States with workers on a temporary basis. Although many factors contributed to her decision, three were especially important. One was her commitment to the war effort. Secondly, Mexico did not wish to jeopardize her growing export market in the United States.<sup>29</sup> Finally, the Mexican officials realized that the booming wartime industry of the United States was bound to draw Mexican workers. Mexico would be in a better position to protect them if a favorable agreement could be reached.

An executive agreement (EAS 278) between Mexico and the United States was reached on July 20, 1942, and became effective on August 4.<sup>30</sup> It should be noted

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<sup>28</sup>Ibid., p. 15.      <sup>29</sup>Scruggs, op. cit., p. 146.

<sup>30</sup>U.S., Department of State, Temporary Migration of Mexican Agricultural Workers, Effected by Exchange of Notes August 4, 1942 (Executive Agreement Series No. 278) (Washington, D.C., 1943). Also, see "Bilateral Agreement Concerning the Temporary Migration of Mexican Farm Workers to the United States," International Labour Review, XLVI (October, 1942), 469-71.



that this agreement inaugurating the bracero program did not take the form of a treaty, so the consent of the United States Senate was not necessary. With only minor modifications, EAS 278 served as the basis for the bracero program until the end of 1947.<sup>31</sup>

The legal basis for American participation in the agreement was identical to that relied upon for the World War I bracero program: the ninth proviso of the third section of the 1917 Immigration Act. To recapitulate, that provision permits the Commissioner of Immigration and Naturalization to admit otherwise inadmissible aliens.

The agreement was a compromise measure which reflected the interests of various important groups in both the United States and Mexico. The stipulation that "the Government of Mexico shall determine in each case the number of workers who may leave the country without detriment to its national economy" was apparently a concession to the employers of Mexico.

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<sup>31</sup>Leo Grebler, Mexican Immigration to the United States (Los Angeles: University of California Press, 1966), p. 31. For the standard, although dated, bibliography on the bracero program inaugurated under EAS 278, see Robert C. Jones, Selected References on the Labor Importation Program between Mexico and the United States (Washington, D.C.: Pan American Union, 1948).

The agreement contained a number of protections for the bracero which helped to satisfy such groups as organized labor in Mexico. For the Mexican workers, EAS 278 guaranteed round-trip transportation to the United States, subsistence en route, adequate housing, minimum wages, and a minimum number of working days. Braceros were to receive the "prevailing wages" being paid in the work areas if these rates were higher than the minimum stated in the agreement. Prevailing wages were to be determined in public hearings. Mexicans were not to be discriminated against. Finally, at the insistence of the Mexican government, it was agreed that all of these guarantees would be written into the contracts each bracero would receive.<sup>32</sup>

Some provisions of EAS 278 were designed to minimize the opposition of organized labor in the United States. This was consistent with the pluralist expectation that once groups become better organized they will have greater impact on policy. Labor had had little influence on the World War I program, but in those years it was less well organized. Also, during

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<sup>32</sup>For two Mexican accounts of the program, see Pedro de Alba, Siete articulos sobre el problema de los braceros (Mexico City, 1954); Ignacio García Tellez, La migración de braceros a los Estados Unidos de Norteamérica (Mexico City, 1955).

the interwar years, the labor movement had grown more respectable and legitimate in American society.

As noted in the previous chapter, organized labor had long feared the adverse effects of cheap foreign labor. Consequently, the guarantee that braceros would be paid the same as domestic workers was a concession not only to Mexico but to organized labor as well. Another important concession to unions was the agreement that Mexican workers were not to be used as strike-breakers. Also, braceros were to be used only in case of a shortage of domestic labor. Finally, they were to be employed only in agriculture.

The Mexican officials insisted that the American government act as the formal employer of the braceros. This demand was a result of Mexican distrust of big growers in the United States and the ill-will left over from the earlier years. The Farm Security Administration (FSA) signed the contracts as employer, and in turn contracted the workers to American growers. The FSA transported the braceros from Mexico to employment centers in the United States. The FSA was also in charge of returning them to Mexico at the expense of the United States government.

Many American growers were intensely critical

of the bracero program. Much less labor was made available than they had anticipated and wanted. During 1942, only 4,203 braceros were admitted to the United States.<sup>33</sup> Farmers claimed that the program was too bureaucratic and too slow to respond to critical labor needs.<sup>34</sup> They claimed that an enlarged program was imperative.<sup>35</sup>

Rather than a closely regulated program, growers had sought government approval for their employment of Mexican labor on their own terms. What they got were unprecedented restrictions on the historically more or less free flow of labor across the Mexican border. Having successfully pressured the federal government to exclude domestic farm workers from the benefits of minimum wage legislation, unemployment compensation, and legislation regulating working conditions, growers now found themselves saddled with all of these responsibilities and more toward the Mexican workers.

Farmer unrest with EAS 278 was immediate.

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<sup>33</sup>Richard H. Hancock, The Role of the Bracero in the Economic and Cultural Dynamics of Mexico (Stanford: Hispanic American Society of Stanford University, 1959), p. 17.

<sup>34</sup>New York Times, August 14, 1942, p. 15.

<sup>35</sup>New York Times, November 4, 1942, p. 35.



Within days, growers and farm organizations were pressuring Congress to intervene. In response to this disaffection, a special committee was appointed by the United States Senate in October, 1942, for the purpose of holding hearings and investigating the status of the farm labor problem.<sup>36</sup> Only three senators were appointed and all were from important farm states. Sheriden Downey of California was the chairman. The other members were Ernest McFarland of Arizona and Charles McNary of Oregon.

The Downey committee held hearings in Phoenix and Sacramento in November. Except for a few government officials, witnesses were overwhelmingly discontented farmers and farm organizations. The hearings were structured to favor grower interests. No congressman closely identified with organized labor was appointed to serve on the committee. Few persons opposed to the importation of Mexican labor appeared to testify. Yet the committee had invited a great many farmers and representatives of farm organizations to give testimony.

The bias of the hearings is also obvious from

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<sup>36</sup>U.S., Congress, Senate, Special Committee to Investigate Farm Labor Conditions in the West, Hearings, Western Farm Labor Conditions, 77th Cong., 2d Sess., 1942.



the style of questioning and by the comments from Chairman Downey. For instance, at one point in the hearings, he said:

I only wish I could sit down and talk with everybody here who is a farmer or from an organization of farmers at length, because I know I would be helping myself very greatly in my knowledge of the situation.<sup>37</sup>

Only two persons testified in opposition to the importation of Mexican labor. Their testimony was completely omitted from the published hearings.<sup>38</sup> However, the chairman charged that one showed "a total lack of knowledge of what is happening in the State of California."<sup>39</sup>

Compared to the many spokesmen for the use of Mexican labor, the opponents gave the impression of organizational weakness. A Mrs. Suchman represented the Citizen's Welfare Council. Although it was a large group, apparently no advance arrangement had been made for her testimony. Unlike some grower representatives who stayed for more than a day at the hearings, she noted that her group must leave after a short period of time. When asked for their official position, many of the farm spokesmen went into great detail and

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<sup>37</sup>Ibid., p. 359.      <sup>38</sup>Ibid., p. 260.

<sup>39</sup>Ibid., p. 261.

spoke with great authority. In response to a question from the committee chairman, Mrs. Suchman said:

I will say this is not an official group; this is an individual group, but we are recognized at the civic center here on certain problems, mostly on relief clients who are just below the level of pensioners.<sup>40</sup>

The ability of the grower spokesmen to organize and present a united front was impressive. The president of the National Council of Farmer Cooperatives told the committee:

I became so alarmed at the prospects of food shortages . . . that I consulted with the leaders of the farm organizations in this state, and we jointly assembled a meeting of well-informed leaders of all the important agricultural enterprises in California. I consider it the best group of men ever brought together to discuss an agricultural question in this State.<sup>41</sup>

At the joint meeting a number of resolutions were passed and the spokesman presented them to the committee.<sup>42</sup> He could thus claim to be speaking for millions of people. Migrant farm workers and people on relief were, of course, not able to present such impressive credentials.

Grower spokesmen at the Downey hearings blasted the federal government for making it so difficult to

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<sup>40</sup>Ibid., p. 260.      <sup>41</sup>Ibid., p. 24.

<sup>42</sup>Ibid.

import Mexican labor.<sup>43</sup> They claimed a serious farm labor shortage existed.<sup>44</sup> They charged that the failure of the federal government to cooperate had led to crop losses.<sup>45</sup> The quality of most available domestic workers was poor. Growers were accustomed to working with Mexicans and wished the Roosevelt administration would stop hindering the war effort by attaching strings to the use of foreign workers.<sup>46</sup>

Most interest groups appearing at the Downey hearings supported extensive use of Mexican labor with only minimal or no government regulation. The following sample of them is more or less typical of groups taking that stand from 1942 through 1964:

1. California Farm Bureau Federation
2. Agricultural Council of California
3. Growers and Shippers Vegetable Association
4. California Deciduous Growers League
5. Pacific Fruit Exchange
6. Yolo County Tomato Growers Association
7. California Canning Peach Association
8. California Lima Bean Growers Association
9. Imperial Valley Farmers Association
10. Agricultural Producers Labor Committee
11. California State Grange
12. California Walnut Growers Association

Farmers feared that the bracero program was being used as a wedge by the Roosevelt administration for

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<sup>43</sup>Ibid., pp. 244-46.      <sup>44</sup>Ibid., pp. 22, 31.

<sup>45</sup>Ibid., p. 39.      <sup>46</sup>Ibid., p. 24.

introducing revolutionary changes in the American farm labor situation. If foreign workers could be given benefits such as minimum wages, paid transportation, and a guaranteed number of working days, would this precedent not make it easier to extend the same provisions to domestic workers? Indeed it would, and the FSA was doing just that.

As was the case for many government departments, the Department of Agriculture and its agency, FSA, gained considerable powers as a result of the wartime crisis. The legal basis for their enlarged powers over farm labor can be briefly summarized. The War Manpower Commission received broad authority from President Roosevelt to mobilize manpower for the war effort.<sup>47</sup>

Paul V. McNutt, chairman of the War Manpower Commission, found that reassigning primary responsibility for farm labor to the Department of Agriculture would "promote a more effective mobilization and utilization of the farm labor resources in the prosecution of the war." In Directive XVII, the chairman specified

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<sup>47</sup>U.S., Congress, House, Subcommittee of the Committee on Appropriations, Hearings, Appropriations for Farm Labor Program, Calendar Year 1943, 78th Cong., 1st Sess., 1943, p. 5.



that, subject only to the review of the War Manpower Commission, "the Secretary of Agriculture, through such persons and employees . . . of the Department of Agriculture as he may designate shall have full operating responsibility for the recruitment, placement, transfer, and utilization of agricultural workers." The directive specifically stated that the Department was being granted power to "recruit, place, and transfer" domestic farm workers. Finally, it noted that "the importation of foreign workers for use in agriculture will be initiated . . . only after all local resources are exhausted."<sup>48</sup>

Especially the last quoted section of the directive seemed to give very broad authority to the Department of Agriculture to make sure that domestic farm workers were offered jobs under conditions similar to those offered braceros. How could "all local resources" have been exhausted if braceros were offered higher wages than domestic workers? When the Department, at the insistence of Mexico and with the blessing of the Roosevelt administration, delegated responsibility for the labor program to the FSA, it became even more

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<sup>48</sup>Ibid., pp. 5-6.



certain that the farmers' worst fears of reform would be realized.<sup>49</sup>

Even the briefest consideration of the Farm Security Administration's history makes apparent the certainty that it would challenge what large growers saw as their best interests. Established as a division of the Department of Agriculture in 1937, the FSA was concerned with the alleviation of rural poverty, particularly that of small farmers. In line with the pluralist expectation that governmental departments will be internally divided because different agencies represent different interest groups, FSA was suspect even within the Department of Agriculture. The Department has long been seen as concerned primarily with the interests of relatively prosperous farmers, whereas Grant McConnell has called the FSA "a poor man's Department of Agriculture."<sup>50</sup>

From the first, FSA made clear its reformist goals. Programs it inaugurated were seen by many people as outright socialistic. It loaned money to

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<sup>49</sup>Otey M. Scruggs, "The Bracero Program under the Farm Security Administration, 1942-1943," Labor History, III (Spring, 1962), 149-68.

<sup>50</sup>Grant McConnell, The Decline of Agrarian Democracy (Berkeley: University of California Press, 1953), p. 89.

small farmers too poor to qualify for bank loans. Sometimes they were simply given outright grants of money. The FSA furnished water facilities for western areas bypassed by the Bureau of Reclamation. It established health clinics for the poor and set up purchasing and marketing cooperatives. It established some large farms on a cooperative basis and urged the participating farmers to compete with big growers. Critics compared these cooperatives to Soviet collective farms. Because FSA maintained considerable control over the projects, critics accused it of being undemocratic.<sup>51</sup>

Although the pluralist claim that government officials are spokesmen for interest groups may be exaggerated, certainly there is some element of truth to the assumption that the FSA was looking out especially for the poor people which the Department of Agriculture and other government departments had often found reason to bypass.

After FSA was given responsibility for the farm labor program, its reformist goals remained untempered. In a number of disputes between braceros and growers,

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<sup>51</sup>Ibid., pp. 90-92.

it sided with the Mexicans.<sup>52</sup>

The FSA attempted to force farmers to give domestic workers the same guarantees they gave braceros. A grower claiming a labor shortage was not permitted to import Mexican workers until the Farm Security Administration had a chance to provide him with domestic laborers. In order to qualify for the American workers, he signed a contract drawn up by FSA. Among other things, the contract guaranteed a minimum wage, the quality of housing, and minimum sanitation conditions.<sup>53</sup> In short, the FSA gained concessions from farmers which they had never before had to grant to domestic workers. The paradox was that this nightmare for growers came as a by-product of their demands for foreign labor which in other times would have served to undermine rather than support the interests of American farm workers.

The FSA was harshly criticized by several witnesses at the Downey hearings. Growing numbers of politicians, especially at the state and local level,

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<sup>52</sup>Scruggs, "The Bracero Program under the Farm Security Administration, 1942-1943," pp. 156-57.

<sup>53</sup>Samuel Liss, "The Concept and Determination of Prevailing Wages in Agriculture during World War II," Agricultural History, XXIV (January, 1950), 5-6.

joined the grower cause and accused the federal government of insensitivity to farm interests.<sup>54</sup>

The crucial showdown came in April, 1943, when Congress considered appropriations for the bracero program. The struggle of that year centered around the so-called "Dirksen Bill," which provided appropriations for securing and transporting farm labor. Perhaps most importantly, that bill and the law as finally passed (Public Law 45) ousted the Farm Security Administration from supervision of the program. In their first major show-down, grower interests won out over the Roosevelt administration's reform orientation. In fact, the Dirksen Bill was written by officials of the American Farm Bureau Federation, the most conservative of the major farm organizations.<sup>55</sup>

The House vote on Public Law 45 was not recorded. However, the record of the debates indicates that major supporters were Dirksen (Illinois), Cannon (Missouri), O'Connor (Montana), Sheppard (California), Dies (Texas), Lambertson (Kansas),

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<sup>54</sup>For example, see New York Times, January 29, 1943, p. 32.

<sup>55</sup>U.S., Congressional Record, 78th Cong., 1st Sess., 1943, LXXXIX, Part 3, 3115.



and Wigglesworth (Massachusetts). Speaking critically of the Dirksen Bill were Hoffman (Michigan), Brehm (Ohio), Rogers (Massachusetts), Burdick (North Dakota), Marcantonio (New York), Klein (New York), and O'Neal (Kentucky).

Debate in the House centered mostly around issues brought out in the Downey hearings. Without a bracero program, Dirksen thought American children might "go to bed without their suppers."<sup>56</sup> Cannon claimed that "there is not a farm anywhere in the United States that is fully manned."<sup>57</sup> Sheppard criticized "screwballs" in the Agriculture Department and promised that, if left alone, California farmers would get plenty of work from the Mexicans.<sup>58</sup> Dies charged that the FSA was run by "socialistic and crack-pot bureaucrats."<sup>59</sup> Wigglesworth accused the American workers furnished by the FSA of being characterized by "drunkenness, debauchery, and refusal to work."<sup>60</sup> Describing himself as a farmer, Lambertson asked that the bill cut out "social gains" for domestic workers.<sup>61</sup> Although Dirksen was now sponsor of

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<sup>56</sup>Ibid., p. 2078.      <sup>57</sup>Ibid., p. 2061.

<sup>58</sup>Ibid., p. 2080.      <sup>59</sup>Ibid., p. 2066.

<sup>60</sup>Ibid., p. 2069.      <sup>61</sup>Ibid., p. 2071.



the bracero bill, he expressed regret that the Roosevelt administration had decided to interfere with the relationship between growers and workers. It should have allowed the farmers "to handle the situation themselves." The government should never have reached any agreement with Mexico but should have just continued to let Mexican labor "filter across the line as it has done in other years to satisfy the labor demand on this side of the Rio Grande."<sup>62</sup>

House criticism of the Dirksen Bill included several themes. Hoffman suggested that the policy of the United States was to "let our boys fight and die and let those fellows come and take their places at home."<sup>63</sup> Brehm proposed that farm jobs be filled by discharging some Americans from the military and moving others from factory jobs to the farms.<sup>64</sup> Rogers was concerned about "undesirable refugees who are just waiting for a chance to get into this country under the guise of being Mexican farmers."<sup>65</sup>

Marcantonio told Dirksen that the bill was "distinctly anti-labor."<sup>66</sup> Klein refused to support

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<sup>62</sup>Ibid., p. 2079.

<sup>63</sup>Ibid., p. 2063.

<sup>64</sup>Ibid., p. 2071.

<sup>65</sup>Ibid.

<sup>66</sup>Ibid., p. 2079.

the bill on the grounds that although American agriculture was more prosperous than in many years, the bill made no provision for farm workers to share in that prosperity by setting minimum standards for them.<sup>67</sup>

A few House members were outspokenly supportive of the FSA. For example, Burdick said:

In North Dakota the Farm Security Administration is the only organization we can turn to to put farmers and their families to work who have been foreclosed and dispossessed. Thousands have been re-established in the United States, and payments to the Government have been over-paid in many instances.<sup>68</sup>

Debate in the Senate centered around basically the same issues. Public Law 45 was passed by slightly better than a 2-1 vote. There were 39 votes for the bill, 18 against, and 39 senators failed to vote. Among the supporters were Aiken (Vermont), Barkley (Kentucky), Connally (Texas), Eastland (Mississippi), Ellender (Louisiana), George (Georgia), Hayden (Arizona), McClellan (Arkansas), Russell (Georgia), Tydings (Maryland), and Vandenberg (Michigan). Numbered among the opponents were Bridges (New Hampshire), Lodge (Massachusetts), and Taft (Ohio).<sup>69</sup>

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<sup>67</sup>Ibid., pp. 2070-71.      <sup>68</sup>Ibid., p. 2083.

<sup>69</sup>Ibid., p. 3467.

Inasmuch as this was a program benefiting certain rural interests, pluralists would expect its heaviest support to come from senators representing those areas. Calculations indicate 77% support for the Dirksen Bill from the quartile of voting senators representing the most rural states, 73% from the next most rural quartile, and 60% support from senators representing the most urban half of the states.<sup>70</sup>

Senate support for the bracero program varied systematically by region. Strongest support came from southern and southwestern senators. Senators representing more northerly states, whether located in the West or East, were less likely to support the bracero program.

Of the Republican senators voting on Public Law 45, only 29% voted for it. Among the Democratic senators voting, 98% supported the bill.

We have thus found that the bracero program was most supported by Democratic senators from rural states, particularly those in the South and Southwest.

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<sup>70</sup> Degree of urbanization of the various states was calculated from the 1940 census. See Bureau of the Census, Sixteenth Census of the United States: 1940. Population, I, 21-24.

Perhaps partly as a result of losing the battle with Congress, the Roosevelt administration stepped up the bracero program. During 1943, a total of 52,098 Mexican farm workers were brought in under contract. The following year, 62,170 entered.<sup>71</sup>

#### The Truman Years, 1945-53

On April 12, 1945, Roosevelt died and Harry Truman became President. There were few clues in Truman's record foretelling what stand he would take on the bracero program. As a member of the Senate Committee on Military Affairs in 1943, he was involved in a set of hearings concerned with extending military deferments for farm workers. Although he said little at the hearings, his comments give the impression that he was not a grower spokesman. He noted that despite the claims of labor shortages that year that more had been planted than ever before. He stressed the need for an adequate supply of soldiers and concluded: "I don't think the seed planters are in such a bad shape. Most of them are in better shape than they

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<sup>71</sup>Hancock, op. cit., p. 17.

ever were before."<sup>72</sup>

Senator Truman did not participate in debate on the Dirksen Bill in the spring of 1943 nor did he take part in the vote on it. He was absent from the Senate, holding hearings for the Special Committee to Investigate National Defense.<sup>73</sup>

The bracero program reached a golden age under Truman's presidency. Although the program had been justified to meet a wartime emergency, it not only continued during the Truman years but unprecedented numbers of braceros entered. The bracero program led to new controversies with Mexico. Conflict between the supporters and opponents of imported labor reached a new intensity.

The ending of the war brought the program under new fire. After all, organized labor had only reluctantly agreed to instituting the Mexican labor system. Only the assurance that the importation policy would end with the war had brought its qualified support to

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<sup>72</sup>U.S., Congress, Senate, Committee on Military Affairs, Hearings, A Bill Providing for the Deferment from Military Service of Persons Engaged in Agricultural Occupations, 78th Cong., 1st Sess., 1943, pp. 6, 18-19.

<sup>73</sup>U.S., Congressional Record, 78th Cong., 1st Sess., 1943, LXXXIX, Part 3, 3467.



the grower cause. After the surrender of Japan on August 14, 1945, it became obvious that growers had no intention of giving up their Mexican workers. It looked to many like a breach of faith. It began to look more like the war was only an excuse.

When the war ended, new justifications were found for the continued movement of Mexican workers into the United States. The Truman administration went ahead and negotiated a new agreement with Mexico providing for new braceros to enter and for the ones already here to have their contracts renewed.<sup>74</sup> Now it was claimed that with the war having been won, there could be no decrease in farm productivity. The United States had obligations to those left starving from the war. In 1946, President Truman called on farmers for record production.<sup>75</sup> Although the end of the war brought rising unemployment, farm interests used Truman's request as an excuse to continue the bracero program.

In the spring of 1946, some estimated that unemployment in California would climb to one million

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<sup>74</sup>New York Times, May 8, 1946, p. 5.

<sup>75</sup>New York Times, April 21, 1946, p. 32.

before the year was out. Yet spokesmen for the California Chamber of Commerce and the California Farm Bureau Federation claimed that a shortage of farm labor was expected.<sup>76</sup>

The growing unemployment brought union opposition to continuation of the bracero program. In California the CIO noted that some 500,000 Americans were unemployed in that state in April. It claimed that if wages were adequate, this labor supply was more than enough to fill all available farm jobs. The California Federation of Labor expressed reservations about the bracero program but took a less firm position. Its spokesmen said that Mexicans should not be brought in if the domestic labor supply was adequate.<sup>77</sup>

The official position of the Truman administration was that braceros would be contracted only if there was a shortage of domestic farm labor.<sup>78</sup> In 1946, the number of Mexicans contracted fell some 17,000 below the number for 1945.<sup>79</sup>

A highlight of the Mexican labor program under

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<sup>76</sup>Ibid.    <sup>77</sup>Ibid.    <sup>78</sup>Ibid.

<sup>79</sup>Hancock, op. cit., p. 17.

Truman was its transference to a peace-time basis. The administration decided that the government's guarantee of the bracero contracts should end now that the war was over. In 1947, Congress failed to appropriate any more money for the program.<sup>80</sup> Because Mexico had insisted all along that the American government serve as the employer, the congressional decision was bound to lead to difficulties. In a series of meetings between representatives of the two countries in El Paso from November 20 to December 2, 1947, no agreement was reached. Mexico continued to insist that the American government continue in its wartime role.<sup>81</sup> However, she agreed to permit braceros already in the United States to remain pending a new agreement.<sup>82</sup>

Meanwhile, although unemployment rates in the United States remained at substantial levels, various farm groups urged the government to continue importing braceros. For example, the National Cannery Association passed such a resolution at its national convention. Its incoming vice president warned that without alien

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<sup>80</sup>David Pfeiffer, "The Mexican Farm Labor Supply Program--Its Friends and Foes" (unpublished Master's dissertation, University of Texas at Austin, 1963), p. 35.

<sup>81</sup>Ibid., p. 32.      <sup>82</sup>Ibid., p. 36.

farm workers food production would fall in 1948.<sup>83</sup>

In the meantime, unions continued to insist that the domestic labor supply was adequate.<sup>84</sup>

Agreement between the United States and Mexico was reached on February 17, 1948.<sup>85</sup> The deadlock was broken by Mexican concessions. Although guarantees were agreed to for the braceros, the agreement was to the effect that the United States government would no longer be considered the employer.<sup>86</sup> Mexico had thus lost one of the concessions she had always insisted most strongly upon.

Perhaps the most serious development in United States relations with Mexico since Roosevelt won the presidency came in 1948. Early that year, Mexico raised a series of objections concerning alleged mistreatment of braceros. Consequently, several states, including Texas, were blacklisted and denied braceros.<sup>87</sup> During 1948, Texas officials unsuccessfully tried to get Mexico to lift the ban.<sup>88</sup>

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<sup>83</sup>New York Times, January 22, 1948, p. 41.

<sup>84</sup>Pfeiffer, op. cit., p. 37. <sup>85</sup>Ibid.

<sup>86</sup>Ibid., p. 38.

<sup>87</sup>Art Leibson, "The Wetback Invasion," Common Ground, X (Autumn, 1949), 12.

<sup>88</sup>Pfeiffer, op. cit., p. 35.

Farmers and various farm state politicians urged the Truman administration to somehow provide Mexican labor before harvest time.<sup>89</sup> In mid-October, the administration took decisive action which undermined Mexico's ban on braceros to Texas and some other states. The Immigration Service simply threw open the border at El Paso while thousands of Mexicans crossed to work in cotton and beet fields. Grover C. Wilmoth, district immigration director at El Paso, later explained the procedure. As each Mexican entered, he was placed under "technical" arrest, then "paroled" to the Employment Commission of Texas. Then the illegal entries were put in trucks and transported to West Texas and New Mexico fields.<sup>90</sup>

Mexico's response was swift and predictable. The United States had encouraged Mexicans to commit crimes and the illegal migrants would be brought back to Mexico for "penal consequences."<sup>91</sup> Mexico formally protested that the American action had violated the February agreement.<sup>92</sup>

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<sup>89</sup>Leibson, op. cit., p. 13.

<sup>90</sup>New York Times, October 17, 1948, p. 33.

<sup>91</sup>Ibid.

<sup>92</sup>New York Times, October 21, 1948, p. 14.



The American government then sought to calm the controversy. It issued a statement to the effect that it had ordered no "blanket opening" of the border.<sup>93</sup> Immigration officials in Washington claimed that their officers at El Paso were simply unable to stop the determined Mexican laborers who rushed the border in large numbers.<sup>94</sup>

Finally, the State Department apologized to Mexico and agreed to send the illegal migrants home. Mexico accepted the apology as "satisfactory." The United States promised to stop any further illegal immigration.<sup>95</sup> Mexican newspapers in the capitol published the apology, and it was reported to be widely accepted among the Mexican people.<sup>96</sup>

Acceptance of the official American explanation was less common in the United States. With many Americans out of work, union leaders issued some blunt criticism. William Green, president of the American Federation of Labor, publicly accused government officials of conspiring with growers to violate United States laws and asked that both be prosecuted. In a

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<sup>93</sup>Ibid.    <sup>94</sup>Ibid.

<sup>95</sup>New York Times, October 26, 1948, p. 35.

<sup>96</sup>Ibid.

letter sent to the Attorney General and others, he claimed that evidence indicated that American growers had deliberately inspired the Mexican entry.<sup>97</sup>

Prior to about 1948, there was a tendency for the mass media to more or less serve as spokesmen for grower interests. There were few articles investigating the migrants' viewpoint or that of organized labor. New York Times news stories sometimes read as if they were publicity releases from corporate farmers. However, that paper and others began to look critically at the grower rationale for foreign labor. In March of 1948, the Times reported that many destitute farm workers were unsuccessfully searching for work in California, although the article was tempered by the notation that it was between seasons.<sup>98</sup> On May 1, 1949, the Times reported that although 65,000 farm laborers were unemployed in California, the state then had about 5,000 braceros.<sup>99</sup> Organized labor did much to emphasize the same problem to the government and to the public.

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<sup>97</sup>Ibid.

<sup>98</sup>New York Times, March 28, 1948, Section IV, p. 6.

<sup>99</sup>New York Times, May 1, 1949, p. 76.

Union opposition to the bracero program was part of a broader effort to organize American farm workers. Strikes were called at some California farms in May of 1948.<sup>100</sup> In the fall of the previous year, the National Farm Labor Union had sought recognition from the giant DiGiorgio farms in what would later become a celebrated but losing cause.<sup>101</sup> Some California growers began counter-organizations for the purpose of setting their "house in order so as to nullify efforts of leftist unions."<sup>102</sup>

In July, 1948, the National Farm Labor Union stepped up its criticism of Mexican labor. The union's president, H. L. Mitchell, asked the Truman administration to curb the large stream of illegal immigrants from Mexico whom he claimed were taking Americans' jobs by working for less. He asked that American employers hiring them be penalized. Mitchell was also sharply critical of the bracero program. He said his union was "opposed to foreign workers being brought into the United States, legally or illegally, when there are native Americans unemployed

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<sup>100</sup>New York Times, June 13, 1948, Section IV, p. 6.

<sup>101</sup>Ibid.      <sup>102</sup>Ibid.

and available for work."<sup>103</sup> He accused the government of giving no voice to American workers most affected by alien competition in deciding when braceros were needed.<sup>104</sup> In those days, the government generally took grower claims of labor shortages at face value. Mitchell also alleged that braceros were exploited in the United States. Finally, he accused big growers of simply wanting any labor, legal or illegal, that they could exploit.<sup>105</sup>

During Truman's first year in office, 49,454 braceros entered the United States. In 1946, 32,043 came in. Only 19,632 were admitted in 1947. However, during 1948, the number climbed to 33,288.<sup>106</sup> But by the end of that year, the Truman administration was cautiously suggesting that the bracero program could be cut back. However, Robert Goodwin, director of the Bureau of Employment Security, noted that production goals of the Marshall Plan would mean that the program could not end altogether.<sup>107</sup>

The response of grower interests was that it

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<sup>103</sup>New York Times, August 1, 1948, p. 38.

<sup>104</sup>Ibid.    <sup>105</sup>Ibid.

<sup>106</sup>Hancock, op. cit., p. 17.

<sup>107</sup>New York Times, December 9, 1948, p. 38.

should be made easier, not harder, to bring Mexican labor into the United States. Senator Clinton P. Anderson (New Mexico) introduced such a bill and omitted any standards for minimum wages, housing, or health. The State Department opposed the bill. Assistant Secretary of State, Ernest Gross, noted that if such a bill passed "it is highly probable that our relations with Mexico would be adversely affected."<sup>108</sup> It is likely that the growers had been emboldened by such apparently friendly acts of the Truman administration as lowering the bars for Texas, continuing to call for braceros while tens of thousands of American farm laborers unsuccessfully sought work, and its failure to curb the vast influx of wetbacks.

Although the growers remained a powerful political interest, they were now faced with an increase in countervailing power. There was increasing public suspicion that American farm workers who were willing and able to work were not able to find jobs or were offered work only under the most undesirable conditions. Welfare agencies began to note that many domestic farm workers faced misery or even starvation in the winter

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<sup>108</sup>New York Times, July 13, 1949, p. 4.



of 1949. In November of that year, the New York Times reported that six babies whose parents worked as cotton-pickers died of malnutrition in San Benito County, California.<sup>109</sup>

In mid-December, 1949, the Federal Advisory Council to the Bureau of Employment Security voted to end the importation of alien farm labor. Although its role was merely advisory, the New York Times noted that its composition gave its decisions substantial weight. Its members came from the general public, veterans, employers, and union members. It is interesting to note that the foreign labor ban was introduced by a union member while the leader of the opposition was an employer.

The resolution, adopted by a vote of 13-5, noted that "sufficient numbers of American citizens [are] available for farm work to meet any anticipated requirements for manpower on the nation's farms during the coming year."<sup>110</sup>

Despite evidence of growing opposition to the bracero program, the Truman administration brought in

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<sup>109</sup>New York Times, November 6, 1949, Section V, p. 11.

<sup>110</sup>New York Times, December 17, 1949, p. 2.

143,455 Mexican contract workers in 1949.<sup>111</sup> This was more than twice as many as were brought in during the peak year of the bracero program during World War II.

During 1950, pressures to cease importing workers from Mexico grew. Unemployment among American farm workers was one of the most used justifications for ending the program. In early 1950, the New York Times reported that some 100 migrant children were found starving in Arizona. In March of that year, the Times dramatized the plight of migrants in California: "In hundreds of farm labor camps, shanty towns, and small rural communities, tens of thousands of people are living on the ragged edge of poverty."<sup>112</sup>

In parts of California, welfare officials found that their rolls had doubled or tripled since the previous year.

The mass media increasingly publicized such statistics and emphasized the problems of American farm workers more than ever before. They began to contrast the wealth of many of the western farmers with the

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<sup>111</sup>Hancock, op. cit., p. 17.

<sup>112</sup>New York Times, March 17, 1950, p. 1.

poverty of the laborers. In March, 1950, the New York Times commented:

The so-called migrants are in pathetic evidence in this valley, virtually in the shadow of gaudy billboards boasting 'The Golden Empire of Kern County--A Billion Dollars in Sunshine'; on the edge of multi-million dollar individually owned ranches; beside private airports from which ranchers commute to work and patrol their holdings in fleets of airplanes.<sup>113</sup>

In contrast to this picture of wealth, the Times observed that some of the labor camps were "clusters of squalid one and two-room plumbingless shanties and tents."<sup>114</sup>

In such newspaper articles, the grower's old image as a struggling farmer whose only interest in foreign labor was to keep his crops from rotting and to keep Americans well fed began to be questioned. Many of the mass media began to "expose" shocking facts about certain farmers. For example, the Times and various other publications reported stories of wetbacks who were told on payday that they would be receiving no pay and were threatened by the grower with exposure to the immigration authorities if they protested. News stories told of farmers who actually

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<sup>113</sup>New York Times, March 18, 1950, p. 10.

<sup>114</sup>Ibid.

reported their illegal workers to the authorities on payday to avoid paying them.<sup>115</sup>

The government itself came increasingly under attack, sometimes even from its own officials. In August of 1950, three border officials criticized American policy toward the wetbacks. They claimed that they were ordered not to enforce the law because western growers wanted cheap labor. They referred to a powerful "pressure group" of growers who manipulated the immigration laws in their financial interest. One testified that foreign labor was not needed and that it was hurting American workers.

One Border Patrol inspector charged that for the last five or six years "higher authority" had ordered the border officials to stop enforcing the law against illegal Mexican entrants:

I don't know firsthand, but I understand various pressure groups go to Washington and report that their crops will be destroyed unless they get the labor. This pressure group is the big farmers and ranchers all over the country who have money to go to Washington. People fighting it are the little fellows who haven't the money to go to Washington, those from whom these people are taking jobs.<sup>116</sup>

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<sup>115</sup>Leibson, op. cit., p. 16.

<sup>116</sup>New York Times, August 9, 1950, p. 1.

The National Farm Labor Union was particularly active in 1950. It announced a goal of 10,000 new members for the year. In January, 1950, at its annual convention, the union's executive board called for an end to the importation of Mexican laborers, claiming that they were brought in "for the sole purpose of aiding large farm operators to beat down the wages of Americans."<sup>117</sup>

Ernesto Galarza, the union's educational director, spoke out against the bracero program:

We are told that this agreement does not create displaced persons because the agreement says the imported Mexican nationals will not be used where local labor is available. What is happening is that we have a new word, "availability," in the English language, subject to fifteen or more interpretations. We want to get rid of the double talk about availability.

He went on to say that availability could not be meaningfully discussed unless related to wages. When Americans were "unavailable," it was because wages were inadequate.

At the convention, Galarza exhibited a contract signed with a bracero for picking cotton at a wage less than the union had won in collective bargaining a month earlier. It had never been hard to demonstrate that

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<sup>117</sup>New York Times, January 14, 1950, p. 7.



wetbacks were undercutting American labor. Now Galarza seemed to have evidence that the braceros were doing the same. He said: "I now say publicly for the first time that Government officials have deliberately misled the National Farm Labor Union on the facts."<sup>118</sup>

In February of 1950, the mid-South meeting of the National Farm Labor Union was held. Delegates charged that many cotton workers had been told by growers that wages would be one or two dollars per day and if they would not work for that, Mexicans would be brought in. They claimed that the 20,000 Mexicans used in the mid-South in 1949 had been a "tool to help the plantation owners force down the cost of labor."<sup>119</sup>

The pressure to end the bracero program reached something of a peak in 1950. The militance of opponents was perhaps best illustrated by the National Farm Labor Union. In hearings before a commission on migrant labor appointed by Governor Warren of California, officials of the union urged that government pay more

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<sup>118</sup>New York Times, January 15, 1950, p. 44.

<sup>119</sup>New York Times, February 26, 1950, p. 45.

attention to the unemployment and housing problems of farm workers, "not as a form of socialism, but as the alternative to possible communism."<sup>120</sup> Union spokesmen charged that thousands of farm children were starving.<sup>121</sup> Also in 1950, the United States was charged before the United Nations with permitting slave labor by its failure to oversee contracts between braceros and farmers.<sup>122</sup>

President Truman's response was the appointment of his Commission on Migratory Labor which evoked great interest. It was directed to make a broad study of conditions among migrants, including the effect of foreign labor.<sup>123</sup> Among the members of the commission were: (1) the Right Reverend Robert E. Lucey, Catholic Archbishop of San Antonio; (2) Maurice T. Van Hecke, Professor of Law at the University of North Carolina; (3) Peter H. Odegard, Professor of Political Science at the University of California.<sup>124</sup>

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<sup>120</sup>New York Times, August 3, 1950, p. 25.

<sup>121</sup>New York Times, March 11, 1950, p. 7.

<sup>122</sup>New York Times, March 3, 1950, p. 1.

<sup>123</sup>New York Times, June 4, 1950, p. 1.

<sup>124</sup>Ibid.

The National Farm Labor Union announced that it had inspired President Truman to create the commission. According to the union's president, its effort had enjoyed strong support from the following: (1) the National Association for the Advancement of Colored People; (2) Representative Helen Gahagan Douglas, Democrat from California; (3) John F. Shelley, Democratic Representative from California; (4) William Green, President of the American Federation of Labor.<sup>125</sup>

The commission held extensive hearings. The arguments used by friends and foes of the Mexican labor program were more or less the standard ones. The CIO spokesman suggested that preference be given to Puerto Ricans "in case labor from other territories is needed." He called for extending unionization rights to imported labor.<sup>126</sup>

Clarence Mitchell testified for the National Association for the Advancement of Colored People. He suggested that foreign labor was needed but claimed

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<sup>125</sup>Ibid.

<sup>126</sup>U.S., President's Commission on Migratory Labor, Hearings, Stenographic Report of Proceedings, Vol. I, 1950, pp. 51, 53.

that the increasing reliance on it was in part a response to the fact that American agricultural workers were joining unions and speaking out on their problems. He was critical of the tendency to assume the existence of a labor shortage with no objective test of it.<sup>127</sup>

Speaking for the National Catholic Rural Life Conference, Rev. William J. Gibbons called for the federal government to return to its wartime role of supervising the work contracts of imported labor. He suggested that some workers were being exploited by employers.<sup>128</sup> However, he said that there should certainly be no blanket attempt to keep Mexicans or any other nationality out of the United States.<sup>129</sup>

Speaking for the National Farm Labor Union, Edwin Mitchell suggested that government had been little concerned with farm workers, and the bracero program was simply another manifestation of that general insensitivity:

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<sup>127</sup>Ibid., pp. 68-70.

<sup>128</sup>Ibid., pp. 107-108.

<sup>129</sup>Ibid.

All of the social legislation adopted during the past 16 years by the Congress has specifically excluded agricultural workers. . . . They have been excluded from the Fair Labor Standards Act, the Labor Management Relations Act, the Social Security Act. . . . Although they are workers most seriously affected by unemployment, unemployment insurance laws of all States exclude agricultural workers.

Mitchell contrasted this neglect of farm workers with the large subsidies which Congress had given to growers over the years.<sup>130</sup> The bracero program was making the situation even worse because it was holding wages down and causing living and working conditions to deteriorate.<sup>131</sup>

The spokesman for the National Grange claimed that Mexicans were essential for growing and harvesting crops because Americans "just don't like to get out in the dust."<sup>132</sup>

The spokesman for the American Farm Bureau Federation claimed that there was a domestic labor shortage for certain farm tasks such as picking cotton. He proposed that the way to reduce the wetback problem

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<sup>130</sup>President's Commission on Migratory Labor, Hearings, Stenographic Report of Proceedings, Vol. III, 1950, p. 172.

<sup>131</sup>Ibid., p. 173.

<sup>132</sup>President's Commission on Migratory Labor, Hearings, Stenographic Report of Proceedings, Vol. I, 1950, p. 128.



was to make it easier for braceros to enter the United States. The program then in effect, he charged, was unfair to growers because it forced them to give various benefits to braceros which were not "customary in the employment of domestic labor." There was too much red tape. He especially objected to the minimum employment period guaranteed the braceros.<sup>133</sup> There was too much federal control, and the Farm Bureau would prefer more "local responsibility" for the program.<sup>134</sup>

The commission issued its report on April 7, 1951, and it was especially critical of the grower viewpoint. It concluded that some farm laborers lived in "virtual peonage." The commission found that growers were willing to give more benefits to braceros than to American workers. It found the worst exploitation on large farms and noted that social legislation exempting farm laborers from benefits had been justified by the assumption that they worked on small farms. The commission called for a phasing out of foreign

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<sup>133</sup>President's Commission on Migratory Labor, Hearings, Stenographic Report of Proceedings, Vol. II, 1950, p. 281.

<sup>134</sup>Ibid., p. 284.

labor and observed that it was not needed for the Korean war food effort. Farm workers were getting to work fewer days each year. The commission concluded that any labor shortage could be met by permitting each American agricultural laborer to work six and one-half more days per year.

The commission found that in negotiating agreements with Mexico, farm interests were favored. It noted that they were powerfully organized and articulate while farm laborers had little organization and generally little chance to forcefully and effectively express their views.

The commission noted a strong bias in the means of determining whether a labor shortage existed. It concluded that early in the season, growers simply met and generally established a low, arbitrary "prevailing wage." Because the wage was low and because the season had not begun, it was possible that too few domestic workers applied.<sup>135</sup>

Although the commission criticized the deterioration of the bracero program under President Truman's

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<sup>135</sup>New York Times, April 8, 1951, pp. 1, 38.

administration, he said that its report made "an impressive contribution."<sup>136</sup>

The increasing criticism of the Mexican labor program did not deter the grower campaign to keep it going. The new justification was the labor shortage caused by the Korean War. In January of 1951, a meeting of farm group leaders concluded that 300,000-400,000 Mexicans would be needed during the year. At its meeting, the National Cotton Council decided that at least 500,000 foreign workers would be needed.<sup>137</sup>

Unlike labor during much of World War II, the National Farm Labor Union was not prone to compromise during the Korean War. It fought on many fronts. The Truman administration had negotiated an agreement with Mexico permitting the legalization of wetbacks. A group of the union's members followed a group of buses transporting such Mexicans to the border to be legalized. Galarza, the union's vice president, protested to the Mexican consul that the legalization was a "fraud," and he demanded an end to the practice. The

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<sup>136</sup>New York Times, April 8, 1951, p. 38.

<sup>137</sup>New York Times, January 27, 1951, p. 3.

Mexican consul then discussed the problem with United States immigration officials and announced that the Mexicans would be deported. Galarza charged that the American government was being used by the growers:

This is proof positive . . . of the tacit or active collaboration that goes on between ranchers and the Immigration Department and other Federal branches to circumvent the requirements that labor shall be imported in an orderly way only on specific certifications of need.<sup>138</sup>

In the summer of 1951, members of the National Farm Labor Union made citizens' arrests of Mexicans whom they believed to have entered the country illegally. They turned them over to immigration authorities and demanded that they be deported. To their surprise, the union members found that the strategy worked.<sup>139</sup>

The legislative highlight of 1951 was return of the bracero program to a wartime basis. It will be recalled that the United States government guaranteed the braceros' contracts during World War II but this practice ended in 1947 on the grounds that the emergency had ended and consequently the role of government should be reduced. This remained the case until 1951 and American involvement in the Korean War.

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<sup>138</sup>New York Times, March 3, 1951, p. 6.

<sup>139</sup>New York Times, June 1, 1951, p. 8.

The pressure for returning to the emergency wartime basis came from Mexico.<sup>140</sup>

The new law returning the bracero program to a wartime footing (Public Law 78) took the form of an amendment to the Agricultural Act of 1949. It was introduced by Senator Ellender (Louisiana), a long-time spokesman for grower interests. The House version was introduced by Representative W. R. Poage (Texas). By voice vote, the Senate approved the new law on May 7, 1951. On June 27, it passed the House on a roll call vote of 240-139.<sup>141</sup> Although the critics of the bracero program were more vocal than ever before, it still enjoyed a very comfortable margin of support in Congress.

Perhaps the most notable aspect of the House vote in 1951 was that the bracero program was supported more by Republicans than by Democrats. Among representatives present and voting, 74% of the Republicans voted for the bill whereas only 54% of the Democrats supported it. Although there was no roll call vote in

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<sup>140</sup>George O. Coalson, "Mexican Contract Labor in American Agriculture," The Southwestern Social Science Quarterly, XXXIII (December, 1952), 234.

<sup>141</sup>Congressional Quarterly Almanac, VII (1951), 95.



the House on the 1943 bill, it should be recalled that in the Senate it received far more support from Democrats than from Republicans. Thus from 1943 to 1951, the bracero program appears to have changed from a Democratic one to a Republican one. We can only speculate as to the reasons for the change. Perhaps it has something to do with the fact that the 1943 debate was not so much in terms of wealthy farmers versus poor migrants. Much of the opposition to the bracero program in 1943 was stated in rather right-wing terms. However, by 1951 discussion was more in terms of the poverty of farm workers, exploitation of migrants, and the need to unionize agricultural labor.

Public Law 78 increased the role of the American government in the bracero program. Once again the government itself, through the Department of Labor, accepted the responsibility for recruiting and importing Mexican workers. Braceros were transported from Mexico at the expense of the American government. At reception centers in the United States, they were hired by American growers whose labor shortages had been certified by the Labor Secretary. Finally, Public Law 78 provided that the United States government would be responsible for seeing that contracts entered into

between growers and braceros were fulfilled.<sup>142</sup>

President Truman signed the new law but expressed his reservations. He was particularly concerned that it had made no provision for coping with the wetback problem.<sup>143</sup>

Mexico also was concerned that the United States had not done more to reduce illegal immigration. Her argument had long been that the only solution was for the American government to penalize those who used this labor. Mexico's concern, of course, was that her citizens enter legally as braceros so they would enjoy the many guarantees which she had negotiated.

In 1952, Congress acted to deal with the problem by passing Public Law 283. It imposed penalties on those bringing illegal aliens into the United States and on those harboring or concealing them. Unlike previous legislation, the offense was defined as a felony rather than a misdemeanor. The new law also increased the authority of immigration officials to search private property and make arrests.

In the Senate, the bill was passed by voice

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<sup>142</sup>Ibid.

<sup>143</sup>New York Times, July 13, 1951, p. 24.

vote. It passed overwhelmingly in the House with a vote of 162-10. However, the vote is misleading if it is interpreted to mean that Congress had solidly turned against the use of illegal Mexican labor. The one-sidedness of the vote can probably be explained by two factors. First, before signing Public Law 78, President Truman had received promises from congressional leaders that they would take action against illegal entry. Secondly, Mexico had stepped up her protests against United States failure to cope with the problem, and there was increasing fear among growers that if Congress did not act, Mexico might decide to end the bracero program altogether. In Senate debate, there was strong support for the law even from grower spokesmen.<sup>144</sup>

### The Eisenhower Years

When Eisenhower became president in 1953, chances for ending the bracero program were not good. Inaugurated during wartime, it had been given a new lease on life by a second war. Despite his periodic criticisms of the program, President Truman had made

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<sup>144</sup>Congressional Quarterly Almanac, VIII (1952), 160.

no effort to end it. On the contrary, the number of Mexicans entering the United States both under contract and illegally had reached unprecedented heights. During World War II, the largest number of braceros to enter in any single year was 62,170. During Truman's last two years in office, about 200,000 were brought in each year.<sup>145</sup>

Of course, by 1953 the critics of the bracero program had expanded and had grown more vocal, sometimes militant. However, any chance they had of ending the program was harmed by Eisenhower's election. Although it was not well known at the time, his pro-business orientation was soon apparent. Richard Nixon, his vice president, was similarly oriented. Ezra Taft Benson, secretary of agriculture, had long been a spokesman for the grower cause and would later become a leader of the ultra-conservative John Birch Society.

In 1953, Congress predictably extended the bracero program until December 31, 1955. President Eisenhower signed the law on August 8. Once again, the bracero program had received overwhelming support

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<sup>145</sup>Hancock, op. cit., p. 17.

in Congress. It passed the Senate on a voice vote and was approved in the House by a vote of 259-87.<sup>146</sup>

The Committee on Agriculture and Forestry of the United States Senate had held hearings on the proposed legislation on March 23 and 24, 1953. Eisenhower's Undersecretary of Labor, Lloyd Mashburn, had called for an extension of the bracero program. He had claimed that the supply of domestic agricultural labor was inadequate and would remain so in 1954. Another official calling for extension had been Arthur J. Holmaas, representing the Production and Marketing Administration of the Department of Agriculture.<sup>147</sup> Also calling for extension of the Mexican labor program had been representatives of the following organizations: (1) Texas Citrus and Vegetable Growers and Shippers,<sup>148</sup> (2) National Grange,<sup>149</sup> (3) National Cotton Council of America,<sup>150</sup>

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<sup>146</sup>Congressional Quarterly Almanac, IX (1953), 116.

<sup>147</sup>Ibid., p. 117.

<sup>148</sup>U.S., Congress, Senate, Committee on Agriculture and Forestry, Hearings, Extension of the Mexican Farm Labor Program, 83rd Cong., 1st Sess., 1953, p. 41.

<sup>149</sup>Ibid., p. 72.      <sup>150</sup>Ibid., pp. 73-75.



(4) Imperial Valley Farmers Association,<sup>151</sup> (5) National Farm Labor Users Committee,<sup>152</sup> (6) American Farm Bureau Federation.<sup>153</sup>

Raising serious questions about the wisdom of the bracero program had been representatives of these organizations: (1) the CIO for Arizona and New Mexico,<sup>154</sup> (2) National Consumers League for Fair Labor Standards,<sup>155</sup> (3) American Federation of Labor.<sup>156</sup>

Many in the Eisenhower administration and Congress felt that Mexico had long been too demanding in negotiations with the United States. Louisiana's Senator Ellender was especially outspoken about what he considered to be Mexico's unwillingness to meet the United States halfway.<sup>157</sup> The Eisenhower administration seemed to be taking a cautious, wait-and-see attitude. Lloyd Mashburn noted that Mexico would likely be hard to negotiate with. He claimed that Mexico had the attitude that the United States needed

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<sup>151</sup>Ibid., p. 57.      <sup>152</sup>Ibid., p. 35.

<sup>153</sup>Ibid., p. 65.      <sup>154</sup>Ibid., pp. 83-85.

<sup>155</sup>Ibid., pp. 75-83.      <sup>156</sup>Ibid., pp. 95-99.

<sup>157</sup>New York Times, March 24, 1953, p. 20.

labor and would come with her hand out. In March, 1953, Ellender charged that Mexico was demanding more for the braceros than they could get paid at home. He suggested that the State Department simply tell Mexican officials that they would have to cooperate better with the United States.<sup>158</sup>

In spite of the administration's display of strength and unilateral action later that year, it did do one thing which Mexican representatives had long been demanding. Shortly after Eisenhower became President, he began to crack down on illegal Mexican migrants. Truman had already begun the action, but it reached unprecedented levels under Eisenhower. The Mexican government cooperated and for awhile furnished military escorts for American trains transporting the migrants back to Mexico.<sup>159</sup>

In April of 1953, it was estimated that about one illegal Mexican entered the United States every thirty seconds. The 1952 law (Public Law 283) was proving most ineffective, because it provided penalties only for bringing illegal aliens into the United States, harboring, or concealing them. The big loophole was

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<sup>158</sup>Ibid.

<sup>159</sup>New York Times, January 27, 1953, p. 32.

that no penalty had been provided for employing them. Although Public Law 283 had increased the authority of immigration officials, the immigration service at the Mexican border remained hopelessly under-staffed. There were about 500 officers to patrol a border some 1600 miles in length.<sup>160</sup>

Although the law might not be adequate to keep the illegal Mexicans out, they could be prosecuted in federal court for violation of the immigration laws. Almost immediately after taking office, the Eisenhower administration initiated an unprecedented number of such prosecutions. Even wealthy growers were caught up in court, and it began to look as if the pluralist claim that even the courts represent the interests of the most powerfully organized did not apply to this case.

During the first six months of 1953, some 480,000 illegal Mexicans were arrested.<sup>161</sup> During a two day session in United States District Court in El Paso, 350 were tried. Of these, 250 were first offenders and received suspended sentences. The

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<sup>160</sup>New York Times, April 16, 1963, p. 31.

<sup>161</sup>New York Times, July 9, 1953, p. 3.

other 100 received short prison sentences.<sup>162</sup> In New Mexico, two prominent cotton farmers were caught smuggling eight illegal migrants and were sent to jail for thirty days.<sup>163</sup> An Arizona grower was indicted by a federal grand jury on grounds that he had used a short-wave radio to warn illegal aliens working in his fields that immigration officials were approaching. The indictment specified that he had conspired to violate the immigration laws.<sup>164</sup>

The response of growers, farm organizations, and politicians from the Southwest was immediate and determined. The New York Times reported that the efforts of growers from the Southwest and their spokesmen in Congress to persuade the Justice Department to "soft-pedal" enforcement of the law had reached an "unprecedented pitch."<sup>165</sup> Farmers claimed that application of the law would endanger their crops.<sup>166</sup> Some charged that it would undermine the whole economy of the United States. The president of the Imperial County Labor Users Association and the

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<sup>162</sup>New York Times, August 27, 1953, p. 18.

<sup>163</sup>New York Times, October 8, 1953, p. 27.

<sup>164</sup>Ibid.

<sup>165</sup>New York Times, September 16, 1953, p. 31.

<sup>166</sup>Ibid.

Mexican Labor Advisory Committee of the American Farm Bureau Federation met with Justice Department officials on the problem farmers were facing as a result of losing their illegal helpers.<sup>167</sup> Some growers asked the government to release their Mexican workers who had been arrested so they could get back to work.<sup>168</sup> Farmers were joined by others who had lost their laborers. A group of women's organizations in El Paso announced that they were in favor of legalizing illegal Mexicans as a means of maintaining an ample supply of domestic servants.<sup>169</sup>

Powerful politicians began lining up to support the demands of farmers that the law not be enforced. Representatives Robert Wilson and John Phillips of California charged that the immigration officers had been over-zealous.<sup>170</sup> The Los Angeles Times announced that Vice President Nixon would meet with officials in the Justice Department and discuss the possibility of "tempering" their actions so that the farmers of

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<sup>167</sup>New York Times, September 26, 1953, p. 9.

<sup>168</sup>"Wetbacks in Middle of Border War," Business Week, October 24, 1953, pp. 62-66.

<sup>169</sup>New York Times, September 16, 1953, p. 31.

<sup>170</sup>New York Times, September 7, 1953, p. 1.



California would have adequate labor.<sup>171</sup> Several congressmen suggested that the problem could be solved simply by legalizing the illegal migrants. Among those making this proposal were Representatives John Phillips, Robert Wilson, and James Utt, all from California. Joining them was Representative Clark Fisher of Texas.<sup>172</sup>

Along with the opposition came some support for the immigration officers. Business Week reported that businessmen were opposed to illegal aliens because they did not buy as much as domestic workers.<sup>173</sup>

Also speaking out in favor of enforcing the immigration laws were representatives of organized labor. The National Farm Labor Union called for legislation which would make the employment of illegal migrants a felony. Industrial labor unions also called for enforcement of the law.<sup>174</sup>

Although Business Week observed that there was a shortage of domestic farm labor, it emphasized some of the problems caused by illegal aliens. It claimed

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<sup>171</sup>Ibid.

<sup>172</sup>New York Times, September 16, 1953, p. 31.

<sup>173</sup>"Wetbacks in Middle of Border War," loc. cit.

<sup>174</sup>Ibid.

that their crime rate was high. The magazine also noted some of the hardships faced by wetbacks. For example, it observed that many of them died while trying to evade the Border Patrol.<sup>175</sup>

Three factors we have been discussing apparently coalesced to produce one of the most erratic policy changes of any administration concerning Mexican workers. First, Mexico was allegedly difficult to negotiate with. Secondly, vast numbers of Mexicans were illegally entering the United States. New to politics, President Eisenhower attempted to enforce the laws. Thirdly, he ran into vigorous opposition from well organized and politically powerful interests.

After Eisenhower's law-and-order approach to the wetback problem, it was suddenly announced in early October, 1953, that the United States might terminate the bracero program when it expired and rely entirely on illegal Mexicans who would simply be legalized. The administration was especially unhappy with the practice of Mexican consuls ordering braceros to quit work until disputes with employers

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<sup>175</sup>Ibid.

were settled.<sup>176</sup>

In what appeared to some to be another effort to weaken Mexico's bargaining position, it was announced that officials of the British West Indies had visited California and had offered a more favorable agreement than the United States arrangement with Mexico. The British West Indies government had agreed that the West Indians would pay their own transportation one way. However, the suspicion that the California growers were not really intending to give up their largely unbroken historical supply of Mexican labor had been aroused by the fact that the West Indies government was interested only in year-long employment for its people.<sup>177</sup> Southwestern growers had been saying for decades that they needed large supplies of seasonal workers, because they could not afford to hire yearlong labor.

Although the Eisenhower administration was not optimistic about reaching an acceptable agreement with Mexico, negotiations proceeded during December, 1953. The agreement then in effect was due to expire

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<sup>176</sup>New York Times, October 8, 1953, p. 27.

<sup>177</sup>New York Times, November 29, 1953, p. 1.

on the last day of the year.

In the spirit of the recommendations of the President's Commission on Migratory Labor, the AFL-CIO requested that its representatives be allowed to participate in the negotiations with Mexico. According to union spokesmen, Secretary of Labor Martin Durkin agreed to give the proposal "serious consideration. However, Durkin resigned before negotiations were held. Labor representatives were excluded from the talks.<sup>178</sup>

By late December, there was little sign of progress in the negotiations in Mexico City. The United States was calling for a completely new agreement which would give Mexico less authority over the program. Especially deplorable to the Eisenhower administration was the practice of Mexican consuls advising braceros to stop work until their disagreements with growers were settled. Seeing this as almost an infringement of national sovereignty, the administration considered it to be the single most important conflict with Mexico since the program began in 1942.<sup>179</sup>

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<sup>178</sup>New York Times, December 17, 1953, p. 14.

<sup>179</sup>New York Times, December 22, 1953, p. 22.

The Mexican position was that the old agreement should be extended with minor modifications. However, once deadlock ensued, Mexico's position became less clear. This was partly due to the conflicting considerations which her representatives had to weigh. On the one hand, Mexico needed the bracero program because it provided work for tens of thousands of people which her economy could not absorb. Yet she had been presented with very harsh demands by the Eisenhower administration. The United States had said in effect that Mexico must provide workers on our terms or we would take action which would violate both her Constitution and her Labor Law of 1931.

While the United States was demanding that Mexico agree to weaken her authority over the braceros, certain forces in Mexico were demanding a complete end to the program. Various left-wing interests and Mexican industries seeking cheap labor felt that the place for the braceros was at home.

Responding to these various and conflicting pressures, the Mexican representatives announced that pending a new agreement farm workers would still be allowed to go to the United States.<sup>180</sup> The American

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<sup>180</sup>New York Times, December 27, 1953, p. 10.



position was less conciliatory. During the second week of January, 1954, the United States announced that she had no interest in Mexico's continuing to permit braceros to enter the United States while negotiations were stalled. It was announced that the Justice and Labor Departments were prepared to meet the labor needs of American farmers without Mexican cooperation if necessary. To emphasize that getting Mexican labor was no insurmountable problem, United States officials cited 1952 statistics on the large number of wetbacks.<sup>181</sup>

It became clear that Eisenhower lacked Roosevelt's restraint in dealing with Mexico. Whereas the Good Neighbor Policy had renounced unilateral action, Eisenhower's administration was threatening, even while negotiations were proceeding, that the United States would act unilaterally. It was a sharp break from the Roosevelt tradition. It was more akin to Truman's action in opening the border.

The Departments of Justice, State, and Labor set up a program for unilateral recruitment to begin on January 18 and to last until agreement was reached

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<sup>181</sup>New York Times, January 12, 1954, p. 17.

with Mexico. Certain guarantees would still be given the braceros.<sup>182</sup>

Mexico's response was prompt and determined. She officially closed her border to farm workers seeking to enter the United States. The American State Department announced that unilateral recruitment would be carried out despite Mexico's opposition.<sup>183</sup>

The Mexican attempt to close the border did not work. She stationed armed guards along a section of her border with California where the recruiting was occurring. Mexican border guards, soldiers, and immigration officials cooperated in an effort to stop the flow of illegal immigration. However, the United States continued recruiting Mexicans who swarmed across the line.<sup>184</sup>

Although resentment of the American policy was widespread in Mexico, the Mexican government attempted to keep open the possibility of agreement. President Adolfo Ruiz Cortines commented that the breakdown of negotiations was "not a problem but only an incident." Some Mexican newspapers expressed the suspicion that

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<sup>182</sup>New York Times, January 16, 1954, p. 15.

<sup>183</sup>New York Times, January 17, 1954, p. 62.

<sup>184</sup>New York Times, January 23, 1954, p. 3.

Eisenhower was being influenced by growers interested only in cheap labor and not in the rights of Mexican laborers. Fears were articulated that the guarantees built up over the years were all to be lost.<sup>185</sup>

Secretary of State John Foster Dulles announced that the United States was disposed to re-open talks in an atmosphere of "mutual respect" and "goodwill." Some Mexican newspapers responded favorably.<sup>186</sup>

Caught in the middle of the controversy were Mexicans wanting to do farm work in the United States. Armed Mexican soldiers and police would pursue them as they attempted to cross the border. Some were caught and turned back. Others entered, legally by United States standards while violating Mexican law. Others entered in violation of the laws of both countries, inasmuch as they did not go through the American security check and health inspection. However, United States officials legalized even some of these. Officials escorted them back to the border for the ritual purpose of stepping eighteen inches into Mexico so they could then be legally admitted to the United

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<sup>185</sup>New York Times, January 24, 1954, p. 10.

<sup>186</sup>Ibid.

States. Mexican guards sometimes cut the legalization short by seizing farm workers. Fights broke out, and sometimes the would-be immigrants were beaten and jailed.<sup>187</sup>

Mexico did not long continue her efforts to stop the movement of people into the United States. It appeared to be futile, and the image of Mexican policemen beating impoverished men who simply wanted jobs could have had its political costs in Mexico.

During the first week in February of 1954, the Eisenhower policy of unilateral recruitment ran into trouble at home. The Bureau of the Budget ruled that funds appropriated by Congress for Mexican labor could not be used in the absence of an agreement with Mexico. The Bureau ordered the program ended.<sup>188</sup>

Legislation was then introduced in Congress to nullify the ruling of the Budget Bureau by legalizing unilateral recruitment. Among those supporting the resolution were the American Farm Bureau, the National Council of Farmer Cooperatives, and the National Cotton Council. Opposition was concentrated in organized labor.

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<sup>187</sup>Ibid.

<sup>188</sup>New York Times, February 6, 1954, p. 20.

In the House, opposition was led by Harold Cooley (North Carolina). He claimed that passage of the law would furnish a "blackjack" for the Eisenhower administration to use against Mexico. In the Senate, Hubert Humphrey (Minnesota) was particularly critical of the proposed legislation. He said the bill was "in violation of our good-neighbor policy." He charged that it had only "one purpose, bringing into the United States cheap labor."<sup>189</sup>

The bill was passed in the House by voice vote on March 4, 1954. One day earlier, it had been approved by the Senate on a roll call vote.<sup>190</sup> Of 43 Republican senators voting, 42 supported the bill. Seventeen Democrats voted for it while 21 opposed it.<sup>191</sup> Once again an important provision for providing Mexican labor drew predominant support from the Republicans.

On March 4, it was announced by the State Department that a new agreement had been reached with Mexico. The United States had won the important concessions it had demanded. While Mexican officials

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<sup>189</sup>Congressional Quarterly Almanac, X (1954), 128-29.

<sup>190</sup>Ibid., p. 128.      <sup>191</sup>Ibid., p. 144.



could protest the treatment of braceros in the United States, they could no longer call work stoppages. Although the new agreement incorporated the most important demands of the administration, Eisenhower said he was pleased that Congress had provided for unilateral recruitment. He called the new law good "precautionary" legislation.<sup>192</sup>

During the final years of the Eisenhower administration, opposition to the bracero program increased substantially.<sup>193</sup> However, the number of Mexican contract workers imported each year dwarfed even the Truman era. From 1956 through 1959, well over 400,000 entered each year.<sup>194</sup> Once the Eisenhower administration had let up on its drive against illegal aliens, it became the most important ally of the growers. However, it was not completely unified. During the late 1950's, Labor Secretary James P. Mitchell used his administrative discretion to bring about some liberal reforms of the Mexican labor program.

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<sup>192</sup>Ibid., p. 129.

<sup>193</sup>U.S., Congress, House, Subcommittee on Equipment, Supplies, and Manpower of the Committee on Agriculture, Extension of Mexican Farm Labor Program, 86th Cong., 2d Sess., 1960.

<sup>194</sup>James F. Creagan, "Public Law 78: A Tangle of Domestic and International Relations," Journal of Inter-American Studies, VII (October, 1965), 545.

For instance, he adopted a new wage formula for braceros which was designed to lessen their adverse impact on domestic farm workers. He began setting minimum labor standards for American farm workers recruited by the Department of Labor.<sup>195</sup> Mitchell also began using his position to help publicize the case for farm labor reform.<sup>196</sup> He became a kind of spiritual godfather to the growing reform movement during the late 1950's and early 1960's.

#### Summary

By 1942, United States involvement in World War II had substantially reduced the labor force available to growers. Under pressure from southwestern farmers, Congress passed legislation providing for the second formal bracero program in American history.

The Roosevelt administration sought to liberalize the Mexican labor system and to use it as a lever to reform the conditions of domestic farm labor. However, grower interests enjoyed special access to Congress, and they successfully pressured it to roll

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<sup>195</sup>Craig, op. cit., pp. 152-53.

<sup>196</sup>Ibid., pp. 153-55.

back the reforms already enacted and to head off anticipated ones.

Although the bracero program had been justified as a wartime necessity, it did not end with the war. New excuses related to post-war recovery were found. Under the Truman administration, the number of Mexican workers imported far exceeded the peak war years. Before Truman left office, the wetback problem had also grown to major proportions.

Once World War II ended, opposition to the bracero program grew. It was led primarily by organized labor. The mass media also began to look more critically at grower claims.

With United States involvement in the Korean War, reform forces lost any hope of ending the bracero program soon. The annual importation of Mexican workers again reached unprecedented numbers.

During President Eisenhower's second administration, opposition to the Mexican labor system grew substantially. However, Congress remained firmly in support of the program and so did the administration. The only partial exception was Secretary Mitchell. Although he did not oppose the program per se, he began to speak out against its worst abuses and to identify them as factors undermining domestic farm workers.

C H A P T E R    V  
FINAL YEARS OF THE BRACERO PROGRAM

Introduction

The body of scholarly literature on the politics of Mexican labor in the United States is weakened by two important historical gaps. In Chapter III, attention was turned to the much neglected, pre-1942 era in order to provide some historical background for understanding the bracero programs of later years.

The present chapter turns to the second neglected period, the era spanning the four years between President Kennedy's inauguration and termination of the Mexican labor system in December, 1964. Although these years are absolutely essential to any overall understanding of the Mexican labor program, scholars of Public Law 78 have paid little attention to them.<sup>1</sup>

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<sup>1</sup>One exception is Richard B. Craig, The Bracero Program: Interest Groups and Foreign Policy (Austin: University of Texas Press, 1971), pp. 150-97. Brief attention is also devoted to the Kennedy era in Ellis W. Hawley, "The Politics of the Mexican Labor Issue, 1950-1965," Agricultural History, XL (July, 1966), 170-75.



Likewise, books on the Kennedy presidency fail to convey the substantial concern of his administration with Mexican labor problems.<sup>2</sup>

The activity of pressure groups reached a new intensity during the early 1960's. Their strategies, successes and failures took on a new significance during the Kennedy era, because for the first time since 1942, the seemingly invulnerable grower coalition lost the battle to its historically weaker group opponents. Still another new pattern was that never before had Congress been confronted by a president so critical of bracero legislation. Also new, in degree, was the zeal with which much of the press joined other reform interests.

Additional interest in the Kennedy era is added by the fact that as late as 1961, the rapid decline of the bracero program was generally unanticipated.<sup>3</sup> However, this failure to anticipate the future is

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<sup>2</sup>For example, the bracero program is not mentioned in Arthur M. Schlesinger, Jr., A Thousand Days (Greenwich, Connecticut: Fawcett Publications, 1965).

<sup>3</sup>For example, see Rex D. Rehnberg, "Discussion: The Use of Foreign Labor for Seasonal Work in the United States--Issues Involved and Interest Groups in Conflict," Journal of Farm Economics, XLIII (December, 1961), 1211-1212.



understandable. After all, what had started as a "temporary" wartime program in 1942 had already lasted through two decades of both war and peace. It had flourished more than ever during the second Eisenhower administration.

This chapter, then, turns to the neglected but interesting and important years from 1961 to 1964. The purpose is two-fold. First, the broad goal is to outline some of the bracero program's more important political developments during this era. Secondly, a more specific purpose is to deal with the question of why Public Law 78 was eventually terminated.

#### Kennedy's Reform Inheritance

Certainly the Kennedy administration played an important role in the reform and termination of the bracero program. However, even before it assumed power, there were scattered indications that reform trends might already be developing. Failure to recognize them would exaggerate the impact of the Kennedy government, important though it was.

The years 1959 and 1960 were marked by considerable media attention to the problems of farm workers and their families. It was only to be expected that

liberal periodicals such as the New Republic would continue publicizing the hardships of farm workers, but it was joined by various other magazines, including the Reporter, Time, the Saturday Evening Post, and Interchurch News. Even the business-oriented Fortune began to write of migrant hardships and to place part of the blame on farmers.<sup>4</sup> Various important newspapers, including the New York Times, featured similar articles and editorialized for farm labor reforms.<sup>5</sup> During 1960, two television networks broadcast powerful and controversial documentaries on the plight of American farm workers.<sup>6</sup>

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<sup>4</sup>"Limitation of Mexican Farm Labor Urgent," Interchurch News, July, 1960, p. 1; "Migrant Workers' Plight," Fortune, November, 1959, p. 274; "Lowest of the Low," New Republic, November 2, 1959, p. 7; Edward P. Morgan, "Forgotten People," Reporter, March 5, 1959, p. 4; "Children of Migrant Workers Pose a Problem for Schools," Saturday Evening Post, May 28, 1960, p. 10; "Battle of Consciences," Time, September 21, 1959, p. 28.

<sup>5</sup>For example, see A. H. Raskin, "For 500,000, still Tobacco Road," New York Times Magazine, April 24, 1960, p. 14.

<sup>6</sup>"American Outcasts," Christian Century, May 3, 1961, p. 548; Sue Keisker, "Harvest of Shame," Commonweal, May 19, 1961, p. 202.

Although pollsters apparently failed to sample national sentiment about farm labor during this period, there were scattered indications that public opinion was growing more favorable toward reform. In March, 1961, the New York Times reported that public opinion had been growing more concerned about farm labor problems for at least a year.<sup>7</sup> Letters reprinted in the Congressional Record and the Times took on an increasingly reformist tone during the late 1950's and early 1960's. Public reaction to the television documentaries was reported to be favorable.<sup>8</sup> During 1960, seven states had passed laws or taken other action to improve conditions of domestic farm workers.<sup>9</sup>

Forces struggling to reform the bracero program had always been weakened by the fact that American farm workers, the people most threatened by imported labor, were unorganized. Before Eisenhower left office, there were signs that even this might be changing. During 1959 and 1960, the American Federation of Labor and the Congress of Industrial Organizations had made substantial attempts to unionize southwestern farm

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<sup>7</sup>New York Times, March 20, 1961, p. 28.

<sup>8</sup>Keisker, loc. cit.

<sup>9</sup>"American Outcasts," loc. cit.

workers.<sup>10</sup>

During the final year of the Eisenhower administration, certain senators began displaying a new determination to reform the bracero program. In 1960, for the first time in the history of Public Law 78, the reformers were able to hold its traditional two-year renewal to a period of six months. This unprecedented success came from a new determination on the part of such senators as George McGovern (D-S.D.),<sup>11</sup> who simply threatened to filibuster an end to the program if its supporters continued to insist on a two-year renewal period.<sup>12</sup>

Another trend favoring the Kennedy administration's reform efforts was mechanization. By 1961, it was already reducing the demand for farm labor and weakening the case for the bracero program.

The chance for reform was increased by another important factor which is easily overlooked. Although the reform group in Congress had been consistently outvoted on the bracero program, its numbers had always

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<sup>10</sup> Ibid.

<sup>11</sup> The enclosure after the names of congressmen will represent their respective parties and states.

<sup>12</sup> Arnold Mayer, "Grapes of Wrath, Vintage 1961," Reporter, February 2, 1961, p. 35.



been substantial. Often around one-third of the members, it was a good core around which a majority could be built. The task confronting the new administration was to convert this substantial minority to a new congressional majority.

### Importance of Kennedy's Election

A basic claim of this chapter is that although the Kennedy administration inherited certain conditions conducive to reform of the bracero program, the new government itself was a major cause of the reforms and the ultimate decision to terminate the Mexican labor system. It did make a difference whether Nixon or Kennedy won the 1960 presidential election because their records on farm labor were significantly different. Had Nixon won and used the vast power of the presidency to hinder reform, the bracero program might have lasted beyond 1964.

Apparently neither Nixon nor Kennedy mentioned the Mexican labor system during the 1960 election. It is thus necessary to look at the earlier record.

As a congressman, Nixon was never faced with a roll call vote specifically on extension of the Mexican



labor program.<sup>13</sup> However, as indicated earlier, Nixon had long been considered a spokesman for the southwestern farm cause. His record ranged from opposition to farm labor unionization<sup>14</sup> to his votes against anti-wetback bills.<sup>15</sup>

In contrast, as a congressman, John Kennedy had aligned himself more with the critics of southwestern growers. On a roll call vote in 1951, he had voted to end the bracero program.<sup>16</sup> The following year Kennedy had voted against a proposal to cut appropriations for the Immigration and Naturalization Service

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<sup>13</sup>Many votes in Congress are not recorded by the roll call method in which the roll is called and each member votes "aye" or "nay." Alternatives include the "voice" and "standing" votes. These present problems for the researcher, because the votes of individual congressmen cannot be determined from the official record.

<sup>14</sup>Ernesto Galarza, Spiders in the House and Workers in the Field (Notre Dame: University of Notre Dame Press, 1970), pp. 44-45, 288-97.

<sup>15</sup>U.S., Congressional Record, 82d Cong., 2d Sess., 1952, LXXXXVIII, Part 1, 811.

<sup>16</sup>U.S., Congressional Record, 82d Cong., 1st Sess., 1951, LXXXVII, Part 5, 7277.

(which is responsible for wetback apprehension).<sup>17</sup>  
 In 1954, he had voted against Eisenhower's unilateral recruitment bill.<sup>18</sup>

The distribution of Kennedy's electoral support probably increased the likelihood that his administration would seek either liberal reform or termination of Public Law 78. The bulk of his electoral votes came from the heavily industrialized and urbanized eastern centers,<sup>19</sup> located in states which used no braceros. It is unlikely that a conservative approach to the bracero program would have helped Kennedy to hold his coalition together.

In the 1960 election, Kennedy won about 85% of the Mexican-American vote. In many parts of the Southwest, "Viva Kennedy" organizations worked for his election.<sup>20</sup> The Mexican-American vote made possible

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<sup>17</sup>U.S., Congressional Record, 82d Cong., 2d Sess., 1952, LXXXVIII, Part 3, 3560-61.

<sup>18</sup>Congressional Quarterly Almanac, X (1954), 144.

<sup>19</sup>Jerry Warden Friedheim, Where are the Voters? (Washington, D.C.: The National Press, Inc., 1968), p. 221.

<sup>20</sup>For example, see Stan Steiner, "The Poet in the Boxing Ring," The Changing Mexican-American, ed. Rudolph Gomez (Boulder, Colorado: Pruett Press, 1972), 174-75.

Kennedy's victories in New Mexico and Texas.<sup>21</sup> In such a close election, the 29 electoral votes of these two states loomed large in the margin of victory.<sup>22</sup>

Because Mexican-Americans often found themselves competing with braceros for farm jobs, they tended to oppose the Mexican labor program.<sup>23</sup> Consequently, anything less than a reform approach would have endangered Kennedy's important Mexican-American support.

Finally, Kennedy's margin of victory among black voters was decisive in some states, including Illinois with 27 electoral votes. Blacks suffered from one of the highest unemployment rates in the nation and were frequently in competition with Mexican labor.<sup>24</sup>

Had Kennedy lost the states of Texas, New Mexico, and Illinois, he would have lost the election.

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<sup>21</sup>Mark R. Levy and Michael S. Kramer, The Ethnic Factor: How America's Minorities Decide Elections (New York: Simon and Schuster, 1972), pp. 77-78.

<sup>22</sup>Svend Petersen, A Statistical History of the American Presidential Elections (New York: Frederick Ungar Publishing Company, 1963), p. 113.

<sup>23</sup>This is one of the themes in Daniel Martinez, "The Bracero Programs" (unpublished Master's dissertation, Claremont Graduate School, 1958).

<sup>24</sup>David Pfeiffer, "The Mexican Farm Labor Supply Program--Its Friends and Foes" (unpublished Master's dissertation, University of Texas at Austin, 1963), pp. 176-77.

This realization may well have reinforced his prior critical inclinations toward the bracero program.

Kennedy's reformist outlook on Public Law 78 sprang logically from his promise of a New Frontier dedicated to creating opportunities for disadvantaged Americans. By the time of his inauguration, mounting evidence indicated that the importation of Mexican workers was having an adverse effect on America's farm labor force, particularly in the Southwest where Kennedy was heavily indebted to the Chicano vote.

#### The Reform Offensive of 1961

When John F. Kennedy was inaugurated on January 20, 1961, Public Law 78 was due to expire the following December. The new administration was not long in mounting a reform offensive. However, it began with an attack on rural poverty rather than a direct assault on the bracero program. During Kennedy's first month in office, several high level officials including Secretary of Labor Arthur Goldberg and Agriculture Secretary Orville Freeman highlighted the extent of this poverty and pledged the administration's



efforts to eradicate it.<sup>25</sup>

The preliminary focus on domestic poverty was not unrelated to the forthcoming assault on Public Law 78. Within a month, the administration would be blaming many of the hardships of American farm workers on the widespread use of Mexican labor. This was to be a continuing theme of the Kennedy government and one of its most effective weapons in the campaign to reform the bracero program.

The 1961 struggle over Mexican labor legislation centered around the so-called Gathings bill. Early that year, Representative E. C. Gathings (D-Ark.) introduced H.R. 2010 which provided for a four-year extension of Public Law 78 without amendment.<sup>26</sup>

In earlier years, the Gathings bill could have been expected to sail smoothly through the House. By 1961 the situation had changed. Bracero interests which rallied around H.R. 2010 found themselves opposed by the united forces of the Kennedy administration.

The administration was not long in making known

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<sup>25</sup>New York Times, February 5, 1961, p. 37 and February 12, 1961, p. 46.

<sup>26</sup>Craig, op. cit., pp. 163-65.



its unalterable opposition to the Gathings bill. The only bracero program the administration would support was a reformed one which would protect domestic agricultural workers. However, Kennedy did not wish to see the bracero program terminated in 1961.<sup>27</sup>

The administration preferred reform over immediate termination for several reasons. One was its recognition that conversion to domestic labor would take time. Another was the realization that an abrupt end to the program would involve unacceptable risks in United States relations with Mexico. To abolish Mexico's third most important source of foreign exchange on short notice would have been too much out of character with Kennedy's Alliance for Progress. Still another consideration was the fact that the President was counting heavily on a Mexican endorsement of the Alliance as a means of making it more acceptable to other Latin American countries.<sup>28</sup>

Perhaps another reason for Kennedy's willingness to settle for less than termination was his assessment of the limited power of his administration to

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<sup>27</sup>Ibid., pp. 163-64.

<sup>28</sup>"Kennedy in Mexico," New Republic, July 2, 1962, p. 7.

accomplish such radical change. He had won the presidency by the smallest percentage of the popular vote in American history. Nor had the Democrats fared particularly well in congressional races.<sup>29</sup>

On March 6, 7, 8, 9, and 17, 1961, the Subcommittee on Equipment, Supplies, and Manpower of the House Committee on Agriculture held hearings on H.R. 2010.<sup>30</sup> The subcommittee was chaired by Representative Gathings, the author of this non-reform bill to which bracero users threw their enthusiastic support.

The hearings attracted a variety of oral and written testimony. Supporting H.R. 2010 were numerous farmers, both individual and corporate. Most came from the West and many were users of braceros. A great deal of testimony was offered by growers' associations, many of which were western based. The services of growers' associations vary considerably, but many are primarily concerned with furnishing large supplies of labor on short notice. Many of the braceros had always

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<sup>29</sup>Friedheim, op. cit., p. 221.

<sup>30</sup>U.S., Congress, House, Subcommittee on Equipment, Supplies, and Manpower of the Committee on Agriculture, Hearings on H.R. 2010, Extension of the Mexican Farm Labor Program, 87th Cong., 1st Sess., 1961.

been supplied through these organizations. Among associations of growers presenting evidence to the Gathings subcommittee on behalf of H.R. 2010 were the following:

1. El Paso Valley Cotton Association
2. Vegetable Growers Association of America
3. Western Growers Association
4. California Growers Farm Labor Committee
5. California Tomato Growers Association
6. American Association of Nurserymen
7. Ventura Citrus Growers Committee
8. Utah Farm Labor Association
9. National Pickle Growers Association
10. Mountain State Beet Growers Association
11. Imperial Valley Farmers Association

The American Farm Bureau Federation had long championed a non-reform bracero program, and its spokesman presented a well-prepared statement at the Gathings hearings. He was joined by a representative from the Arkansas Farm Bureau Federation. A few local units of the Chamber of Commerce sent spokesmen to oppose reform.

Also testifying for H.R. 2010 were spokesmen for a variety of business interests whose own success was heavily dependent on grower prosperity. These included an association of canners, a Chicago processor of Michigan pickles harvested by braceros, the Great Western Sugar Company, a cotton ginner, the Southern Pacific Railroad, and the Security State Bank of Littlefield, Texas.

Reform-oriented pressure groups were better represented at the 1961 hearings than ever before. Their numbers had increased and their testimony was noticeably better prepared.

Several spokesmen from labor organizations presented testimony highly critical of the Gathings bill. Among these were representatives of:

1. The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)
2. United Packinghouse, Food, and Allied Workers (AFL-CIO)
3. Amalgamated Meat Cutters and Butcher Workmen (AFL-CIO)
4. Joint-U.S.-Mexico Trade Union Committee

Also testifying against the Gathings bill were representatives of several religious organizations, including the following:

1. Unitarian Fellowship for Social Justice
2. Young Christian Workers
3. Evangelical and Reformed Church
4. National Council of Churches
5. National Catholic Rural Life Conference
6. Methodist Church

Racial and ethnic groups most affected by the bracero program were barely represented at the 1961 hearings. The only such testimony consisted of a short letter from the American GI Forum of the United States, a Mexican-American organization. The letter called for termination of the bracero program.

Also presenting testimony critical of the



Gathings bill were the National Consumers League and the Consumers League of New Jersey. Although bracero interests had long maintained that Public Law 78 helped to keep food prices down, no consumer groups appeared to support the non-reform bill.

Other organizations presenting liberal testimony critical of the bracero program were:

1. The National Education Association
2. The National Sharecroppers Fund
3. The Texas Committee on Migrant Workers
4. The Socialist Party of the United States

Finally, spokesmen from the United States Department of Labor testified against the Gathings bill and called for reform of the bracero program to protect American farm workers.

Patterns of group distribution at the 1961 hearings. On balance, the distribution of groups represented at the hearings favored the reform cause.

Since earlier hearings, a greater number and variety of groups had joined the reform cause. The status quo forces had gained few new converts. Perhaps symbolic of troubles to come, one of the important farm organizations, the National Grange, dropped its traditional support for Public Law 78 and joined the critics at the Gathings hearings.



In the early days of the Mexican labor system, its future was not particularly threatened by the fact that its strongest advocates came from a single region or two of the United States. After all, few vocal organizations from any region attacked the program in a systematic and effective manner. However, the narrow regional base of its most ardent supporters had become more of a liability by 1961, because the program was under fire by an entire administration and a host of politically adept and ably financed organizations whose members were far more dispersed around the nation. Since union members, teachers, Catholics, and Methodists are scattered throughout the nation, no congressman is immune to their retaliation at the polls. On the other hand, the vast majority of congressmen are not dependent on the votes of bracero-users, cotton ginnerers, and southwestern bankers.

Finally, most individuals and organizations supporting the Gathings bill had a direct economic interest in opposing reform of the Mexican labor system. The reformers generally projected a more selfless image inasmuch as most of them would neither gain nor lose money regardless of what happened to the bracero program.

A note on the terms of debate. As already indicated, the arguments for and against the use of Mexican labor have been characterized by substantial continuity over the years. However, as major historical changes have occurred, one side or the other has often found it advantageous to insist that the terms of debate change to reflect new developments. When the effort has succeeded, debate has re-focused to center around a new predominant question. Although answers to that question have generally favored one side at the expense of the other, even many interests disadvantaged by the new concern have agreed that it is an appropriate question which must be answered by both sides.

During World War I, employers seeking Mexican workers gained decisive advantages when they succeeded in structuring debate around the national security aspect of farm labor. Obviously these terms were outmoded with the end of the war. With the onset of the Great Depression, opponents of Mexican labor succeeded in structuring national debate around the issue of massive domestic unemployment. This strengthened their case and played a major role in bringing about the repatriation of large numbers of Mexicans.

With the outbreak of World War II, the advantage moved to potential employers of Mexicans as they were able once more to shift the terms of debate to the national security role of farm labor. As peace returned, reform forces gained ground as they turned attention to growing unemployment. Then with the outbreak of the Korean War, they lost control over the terms of debate. Once again the preoccupation was with insuring an adequate farm labor supply in the interest of national security.

During the post-Korean Eisenhower era, the structure of debate changed from the wartime necessity for Mexican labor to a generally conservative, pro-agriculture orientation. Both President Eisenhower and Congress were content to assume that farmers needed Mexican labor, war or no war. The burden of proof was thrown to the critics of Public Law 78.

With the arrival of the New Frontier, the terms of debate shifted to favor the reform forces. The pro-business concerns of government gave way to a growing concern with liberal reforms. Critics of Public Law 78 shrewdly took advantage of this development and successfully insisted that the bracero program be debated in terms of an assumed commitment

to reform. The outstanding characteristic of the 1961-64 era was that the supporters of importing Mexican labor were forced more onto the defensive than they had been at any time since the Great Depression.

The year 1961 marks the last major shift in the terms of debate prior to expiration of Public Law 78. Both the case for and against Mexican labor were presented in great detail at the Gathings hearings that year. Because later hearings and congressional debate added little new information or style, arguments presented at the Gathings hearings will be summarized in considerable detail. The case against the bracero program deserves special attention because it was these arguments which eventually prevailed and helped bring an end to the entrenched Mexican labor system.

The reform case at the 1961 hearings. At the 1961 hearings, critics of the bracero program made much of the claim that they were in tune with the new national mood of social and economic reform while their opponents were clinging to an outmoded position.

Kennedy's campaign and early presidency set the stage for a greater national awareness of the problems of poverty. As noted earlier, critics of



the bracero program had long charged that it was a major cause of rural poverty. With the coming of the New Frontier, their argument gained new attention. Reform of Public Law 78 to protect American farm workers, they argued, would be an important anti-poverty, New Frontier program.

Growers had always claimed that they used Mexican labor only because an adequate supply of able and willing Americans was unavailable. At the 1961 hearings, reformers charged that farmers were deliberately making the conditions of work so difficult and unattractive that Americans could not afford to do it. This was allegedly achieved by setting low wages<sup>31</sup> and by the failure to offer domestic workers the many job benefits which braceros were guaranteed.

Throughout the history of the bracero program, participating growers had worked hard to create and maintain a good public image. They had always denied responsibility for rural poverty, attributing it instead to generally depressed farm conditions which made it impossible to pay higher wages. An important strategy of the reformers at the 1961 hearings was to

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<sup>31</sup>Ibid., pp. 57-58, 72.



undermine this image. They charged that many of the bracero-users were wealthy corporate farms. The accusation was that much of the poverty against which America's conscience was rebelling was deliberately generated by wealthy growers so they could become even richer.

Critics charged that in addition to causing many Americans to remain unemployed, the bracero program was undermining domestic farm workers who had jobs. They statistically demonstrated a tendency for wages to remain lower in areas using substantial numbers of braceros.<sup>32</sup> They also presented studies showing that as the number of braceros used in various states increased, wages for domestic farm workers tended to stagnate.<sup>33</sup>

These claims helped to undermine the traditional grower argument that the bracero program was no threat to the American farm worker. Although the critics had long disputed that assumption, their rebuttal during the 1940's and 1950's had come mostly in the form of emotional and unsubstantial statements. At the 1961 hearings, they offered detailed studies, some of which

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<sup>32</sup>Ibid., pp. 56, 69, 96.

<sup>33</sup>Ibid., pp. 97, 102.

had been conducted by the Department of Labor. This was a crucial gain for the critics, because much of the support for Public Law 78 had been based on the assumption that the imported labor had no adverse effect on American farm workers.

At the 1961 hearings, critics of the bracero program made a major effort to capitalize on the New Frontier concern for the disadvantaged. They stressed the allegedly terrible conditions under which American farm workers lived, and they blamed these hardships directly on Public Law 78. A spokesman for the National Consumers League testified:

There is no doubt that the annual importation of the 400,000 or so Mexican braceros has a direct and a deleterious impact on the opportunity of the domestic migrant worker to improve his condition. Double the number of job applicants, and the job will diminish in value--wages decrease, worktime decreases, job security goes out the window.<sup>34</sup>

By 1961 two trends were expanding the surplus of agricultural workers and making the alleged need for braceros less convincing. Spokesmen for interest groups critical of Public Law 78 forcefully pressed both points. They called attention to the fact that unemployment was at its highest level since the days of the Great Depression.<sup>35</sup> Secondly, they pointed out

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<sup>34</sup>Ibid., p. 96.      <sup>35</sup>Ibid., p. 55.

that farm mechanization had made great progress and that it was creating more and more rural unemployment. As increasing numbers of farm workers lost their jobs to machines, how could growers claim that Americans simply could not be found to fill the shrinking number of remaining jobs?

The claim centering around mechanization was a more powerful justification for reform than was the old argument that reliance on Mexican labor should be phased out because of general unemployment. Champions of the bracero system had been able to counter the earlier argument by pointing out that many of the unemployed were not farm workers and were unwilling to begin such a drastically different form of work. It was much harder for them to answer the claims centering around mechanization, because the unemployed in question were agricultural workers who, on the face of it, were willing to do farm work.

The paradox of the reformers at the 1961 hearings was that much of their best ammunition came from developments which they most deplored. If national rates of unemployment had not been climbing and if farm mechanization had not been throwing people out of work, their case would have been considerably less convincing.

Also attuned to the New Frontier style of politics was the reformers' attention to the morality of the bracero program. At the 1961 hearings, critics claimed that the use of foreign workers to undermine American labor was inconsistent with "the moral conscience of this Nation."<sup>36</sup> To continue Public Law 78 without reform would be "a blot upon our national conscience"<sup>37</sup> and "a violation of the Christian concept of justice."<sup>38</sup>

A third theme of critics at the 1961 hearings was also meshed with priorities which the New Frontier was already popularizing. It was charged that at the very time President Kennedy and the American people were alarmed about the declining prestige of the United States, the bracero program was harming the nation's international reputation. An American spokesman for Young Christians, an international organization, told of bringing some young Latin American leaders to the United States for a good-will visit. They were critical of the treatment of braceros, especially "their severe limitations of movement, their life in labor camps, separation from their families, and their

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<sup>36</sup>Ibid., pp. 58, 72. <sup>37</sup>Ibid., p. 75.

<sup>38</sup>Ibid., p. 125.



inability to change jobs."<sup>39</sup>

Critics at the 1961 hearings charged further that the conditions of American farmworkers, undermined by the use of foreign labor, were also giving the United States a bad image abroad. It was pointed out that at least one million domestic migrants did not "enjoy the human rights and privileges which the General Assembly of the United Nations has agreed should be a common standard of achievement for all people and nations."<sup>40</sup>

Although gearing their testimony to New Frontier priorities enabled reformers to take the offensive, it sometimes caused problems. For instance, the Kennedy administration was strongly committed to the extension of foreign aid, and supporters of Public Law 78 claimed that the bracero system was a crucial foreign aid program. At the 1961 hearings, spokesmen for interest groups critical of the Mexican labor system made clear that they were not opposed to the principle of foreign aid. However, bringing many poor Mexicans to the United States for a few weeks of work each year at very low wages could not be a

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<sup>39</sup>Ibid., p. 113.      <sup>40</sup>Ibid., p. 125.



permanent solution to the problems of Mexico's extensive poverty.

Secondly, it was noted that other countries were aided from general revenues rather than by throwing the entire burden of foreign aid on already poverty-stricken families. What sense did it make to help poor Mexicans by giving them the jobs of the poorest workers in the United States?

Since 1942 a powerful justification for the Mexican labor program was the argument that it furnished a substantial income to poverty-stricken Mexicans. Its friends had long told of thankful braceros returning home laden with farm machinery, automobiles, cooking utensils, new clothing, gifts, and substantial sums of money. They had claimed that bracero earnings had enabled many people to build homes and buy farms and successful businesses. By the late 1950's, a common assumption among supporters of Public Law 78 was that the law had been an important cause of the expansion of Mexico's thriving new middle class.

Before 1961, critics of the bracero program had countered these claims more with statements of disbelief than with statistical data. However, in the

hearings that year, they were ready with survey results gathered from interviews with braceros leaving the United States upon completion of their contracts. The study found that the workers had failed to earn enough to maintain their families and repay their indebtedness for the trip to the United States.<sup>41</sup>

Friends of Public Law 78 had long claimed that the large number of braceros wishing to return to the United States year after year demonstrated the program's popularity with them. Indeed the survey found that some 93% of the men expected to seek a new contract the following year. However, the researcher concluded that the high return rate was due mostly to the braceros' indebtedness resulting from their work already performed in the United States.<sup>42</sup>

A second broad strategy of the reformers was designed to convince segments of the coalition supporting the bracero program that their own interests, aside from New Frontier priorities, were not being served by Public Law 78.

Supporters of the Mexican labor program had always argued that it was necessary for "American

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<sup>41</sup>Ibid., pp. 356-57.      <sup>42</sup>Ibid., pp. 357-58.

farmers." Critics charged that it was in fact serving the interests of very few growers. They alleged that relatively few small farmers used braceros while most of the Mexicans were hired by large corporate farms. Of four million farms in the United States, it was charged that braceros were used on less than 50,000.<sup>43</sup> The critics wanted to know why small farmers should support this program which did not benefit them.

Continuing the theme that Public Law 78 was a form of governmental favoritism to a very limited number of growers, reform forces emphasized that only a small geographical region received any substantial number of braceros. Most went to the Southwest, but even within that region, the primary beneficiaries were the five states of Arkansas, Texas, New Mexico, Arizona, and California.<sup>44</sup> Reform interests asked why farm interests in the other forty-five states should favor this labor bonus for such a narrow region.

Critics of Public Law 78 went on to claim that growers not participating in the bracero program were actually being harmed by it. While only a few farmers were assured cheap and docile foreign labor, the others

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<sup>43</sup>Ibid., p. 296.      <sup>44</sup>Ibid., p. 96.

had to sell their products in the same market. Those paying less for labor could afford to sell their produce for less, thereby undermining the competitive position of farmers not participating in the bracero program.<sup>45</sup> It was also claimed that the availability of a cheap Mexican labor supply encouraged employers of braceros to overproduce which in turn lowered the value of that product for all farmers producing it.

Critics of Public Law 78 alleged that the program put an unjustified burden on taxpayers. At the Gathings hearings, a reformer charged that the use of Mexican labor placed "an unnatural and unnecessary strain on taxpayers in agricultural areas through the social effects of extreme poverty."<sup>46</sup> It was also charged that the program was harmful to local businesses. Braceros would spend less money in the local area than would have domestic workers holding the same jobs.<sup>47</sup>

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<sup>45</sup>Ibid., p. 338.      <sup>46</sup>Ibid., p. 89.

<sup>47</sup>Ibid.

The case against liberal reform of the bracero program. At the 1961 hearings, supporters of an unreformed bracero program found themselves very much on the defensive. The program was on trial, and its partisans suffered from the disadvantage of having the terms of debate structured primarily by the critics of Public Law 78.

Two closely related themes appear in the defensive case built by supporters of Mexican labor. First, the bracero program was not out of character with emerging national commitments to social reform. Secondly, it was in fact a liberal, New Frontier type of program the termination of which would undermine the most important priorities of the Kennedy administration.

Much of the concern of the grower coalition was directed toward answering the charge that Public Law 78 was undermining American farm workers. Farm spokesmen charged that the administration of the law, actual conditions of domestic farm workers, and the intent of growers using braceros had all been misconstrued.

It was claimed that the average yearly wage for farm workers was misleading because they included



tens of thousands of such economically marginal people as housewives and retired persons.<sup>48</sup>

Supporters of Public Law 78 did not claim that all domestic farm workers enjoyed high earnings. However, they did argue that impressive earnings were possible for able and devoted people. Numerous examples were cited, including one migrant family which was able to save \$3,200 in a period of five weeks.<sup>49</sup> True enough, not all employees would earn a good living, because many American farm laborers were lazy and did "not want to work"<sup>50</sup> or were "severely handicapped, physically, mentally, or psychiatrically, or by reason of age."<sup>51</sup> None of these problems were caused by the farmer, and it would be unjust to saddle him with the responsibility for solving them.

There were sound economic reasons why even able Americans doing farm work on a permanent basis did not earn more. The fact that their earnings were not higher was not due to the caprice or insensitivity of growers. It was caused by a combination of declining farm prices and the leveling of worker productivity.<sup>52</sup>

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<sup>48</sup>Ibid., pp. 4-5.      <sup>49</sup>Ibid., p. 80.

<sup>50</sup>Ibid., p. 81.      <sup>51</sup>Ibid., p. 12.

<sup>52</sup>Ibid., p. 5.

Supporters of Public Law 78 argued that opportunities for farm workers were increasing at an impressive pace. Liberal reforms did not need to be written into bracero legislation, because farm wages had already risen substantially in all bracero-using states, some farm workers were already covered by Social Security, the Interstate Commerce Commission was protecting interstate migrants, several states were guaranteeing safe intrastate transportation of farm workers, twenty-eight states had already established migrant labor commissions, eight states had passed laws requiring crew leaders to register, and more state departments of education were working to improve the education of migrant children.<sup>53</sup>

There was no attempt to deny that some migrants lived under deplorable conditions. Growers and their political allies called for some reforms, particularly relatively non-controversial ones in such areas as education and health. However, legislation dealing with such matters should come from state and local governments. They were closer to the people and less likely to abuse power and threaten the democratic way of life than was the national government.

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<sup>53</sup>Ibid., p. 37.

Liberal critics of the bracero program and users of Mexican labor had always disagreed about which level of government should assume responsibility for regulating the conditions of farm workers. Liberals distrustful of the operation of Public Law 78 had persistently sought to increase the supervisory role of the national government while farm interests had generally favored regulation from the state and local level. Whatever the motivation, each had sought to place governmental responsibility at whichever level its own political influence was likely to be greater. Coming from more agricultural states, bracero-users could generally expect their local and state governments to be more sympathetic to their cause. At the national level, the political influence of southwestern farmers was more diluted because it had to compete with the great urban and industrial political interests of the eastern states.

Supporters of Public Law 78 charged that the reforms proposed by its critics made unrealistic assumptions about the bracero program and its impact on American workers. It was simply not correct that the Mexican labor program was undermining domestic workers. After all, the law flatly and explicitly

prohibited that. Public Law 78 required that the Labor Secretary, before certifying braceros for farm use, must have determined that Americans who were able, qualified, and willing to work were unavailable at the time and place needed. He must also have concluded that there would be no adverse effect on domestic farm laborers and that the grower had made reasonable efforts to hire Americans at "wages and standard hours of work comparable to those offered to foreign workers." Therefore, "to the extent that domestic workers are or may be available, these provisions assure they will receive priority."<sup>54</sup>

According to supporters of Public Law 78, there was no question that this provision of the law had been enforced. In fact, it was claimed that:

Farmers generally feel that the Department has just bent over backwards to administer this provision in the program to the extent that they are often required to employ domestic workers, and many a farmer has been required to employ people who are just a disturbance, who didn't do any work, who were inefficient.<sup>55</sup>

It was charged that a second unrealistic assumption of the reformers was the claim that unemployment in the United States demonstrated that Mexican farm labor was not needed. When workers

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<sup>54</sup>Ibid., p. 16.      <sup>55</sup>Ibid.



were needed, they were obviously needed at a particular time and place. General unemployment might be highest during the winter months while the greatest demand for farm workers was in the summer and fall. Those without work were often in the East while crops needed planting and harvesting in the Southwest. Transportation over such distances was impractical, because most farmers needed seasonal workers for only a few weeks at a time.<sup>56</sup> Many of the unemployed were industrial workers with no experience in agriculture. Sometimes they had no desire to move inasmuch as they owned their homes, had children in school, or were otherwise committed to the local area.

Supporters of Public Law 78 vehemently denied the accusation that growers had failed to make a conscientious effort to recruit Americans for available farm jobs. They claimed that farmers much preferred able domestic workers to braceros because of the substantial expense involved in providing the numerous benefits guaranteed by law to the Mexicans. Positions had been announced through news releases, radio spot announcements, and handbills. Information stations had been established and farm placement

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<sup>56</sup>Ibid., p. 10.



offices had been located in mobile facilities to reach a maximum number of potential employees. Transportation had often been furnished to and from the job.<sup>57</sup> It was pointed out that many unemployed Americans had refused the jobs. Of those who went to work, few remained beyond several days and almost none lasted the season. Since few Americans wanted these jobs, the growers had no alternative to relying on Mexican labor.

The preceding case for the bracero program was mostly a defensive one. Although Public Law 78 was on trial, its supporters also took the defensive. They claimed that they were the ones who were for humanitarian legislation while the critics of the bracero program had made proposals which would only intensify human misery.

Critics of Public Law 78 had testified to the terrible conditions under which American migrants lived and worked. Yet they had repeatedly advocated reducing the extent of the bracero program and moving American citizens into these jobs.<sup>58</sup> Growers did not believe that the government should encourage Americans to move into seasonal work, because it was hard, it often disrupted families, and it made it almost

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<sup>57</sup>Ibid., pp. 33-35.      <sup>58</sup>Ibid., p. 8.

impossible for children to obtain a good education. The use of Mexican labor reduced the number of Americans exposed to these hardships.<sup>59</sup>

Another reform quality claimed for the bracero program was that it had significantly reduced the wet-back problem. If there were no program, farmers would still have to harvest their crops and the problem of illegal entry would return. Since poverty-stricken Mexicans were going to enter in any event, it was much better to have them coming under the bracero program with all of the protections which it guaranteed. Congress was reminded of the terrible problem of illegal immigration before the Mexican labor program was established.<sup>60</sup>

Supporters of Public Law 78 claimed that it made possible the kind of good relations with Mexico which the United States was seeking. The bracero program had led to increased understanding between the two countries. There was great poverty in Mexico, and to end the program would hurt her and her citizens "critically."<sup>61</sup> In fact, Public Law 78 was serving

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<sup>59</sup>Ibid., p. 16.      <sup>60</sup>Ibid., pp. 18, 21, 83.

<sup>61</sup>Ibid., p. 14.

the same function as the proposed Peace Corps. We were teaching Mexico "about the United States through the eye witness account of its own citizens."<sup>62</sup>

President Kennedy had expressed the goal of keeping Latin America from going communist. Continuation of the bracero program was well suited to that New Frontier priority, because it was helping to avoid "the economic chaos which is the feeding ground for communism."<sup>63</sup>

Summarized above are two main clusters of arguments presented in defense of the bracero program at the 1961 hearings before the Gathings subcommittee. First, Public Law 78 was not standing in the way of New Frontier goals. Secondly, it was in fact a liberal reform program which could be most useful to the Kennedy administration. A third set of justifications represented a reply to the reform effort to break up the bracero coalition. Supporters of Public Law 78 denied that any members of their coalition were violating their self-interests.

It was claimed that termination of the Mexican labor system would harm small farmers more than large

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<sup>62</sup>Ibid., p. 27.      <sup>63</sup>Ibid., pp. 42-45.

ones. If the Mexican labor supply were cut off, there would be a labor shortage which probably could be met only through mechanization. The wealthy farmer could solve the problem through purchasing expensive machinery but the small farmer could not. The latter would not have the money, and even if he did it would not be economically sound to mechanize a small farm.<sup>64</sup> Evidence was presented to contradict the claim of the reformers that few small farmers were participants in the bracero program.<sup>65</sup>

It was charged that the termination of Public Law 78 would harm even farmers who grew only crops in which no braceros were used. If Mexicans could no longer work in the United States, the demand for the available supply of domestic labor would be much greater.<sup>66</sup> An employer of Puerto Rican farm labor in New Jersey testified:

If the Mexican nationals should be barred of entry, we would be in direct competition with California, New Mexico, Arizona, Texas, and others for this Puerto Rican agricultural labor which is all that keeps agriculture alive in these three southern New Jersey counties.<sup>67</sup>

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<sup>64</sup>Ibid., p. 6.      <sup>65</sup>Ibid., p. 41.

<sup>66</sup>Ibid., p. 26.      <sup>67</sup>Ibid., pp. 26-27.



Supporters of the bracero program charged that its termination would seriously harm numerous American businesses. This conclusion was based on the assumption that growers would lose a great deal of money if they were unable to obtain Mexican labor. In that event, the many businesses furnishing them with supplies would also suffer. The picture presented was of a vastly interdependent economy in which farmers play a vital role. It was dangerous to tamper with their labor supply, because anything depressing farm income would have a deleterious effect on millions of other people, leading to serious economic problems far beyond the farm economy itself.<sup>68</sup>

Advocates of the bracero program claimed that it was helping to prevent the very sort of depressed areas which so concerned President Kennedy:

There is much agitation for Federal aid to depressed areas. If this program is cut off or materially changed, great segments of our agricultural areas would become not just depressed, but bankrupt overnight.<sup>69</sup>

Supporters of Public Law 78 claimed that its termination would harm almost all American consumers. Without a Mexican labor supply, the labor shortage

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<sup>68</sup>Ibid., p. 23.      <sup>69</sup>Ibid., p. 21.



would drive wages unreasonably high. Growers claimed that there would be no choice but to pass the higher cost on to consumers.

Congressional and administration action in 1961.

With so many points of view and with the many pressure groups pushing for reform, it is not surprising that the Kennedy administration drafted its own liberal bill (H.R. 6032). It was introduced by Representative Merwin Coad (D-Iowa). Its aim was to prevent braceros from adversely affecting domestic farm workers. The bill would have banned the Mexican workers from year-long and skilled jobs. It provided that in order to qualify for braceros, growers must have previously offered American workers wages as high or higher than those paid Mexicans. Finally, it specified that domestic laborers must be offered various other perquisites which braceros were guaranteed such as free housing and transportation.<sup>70</sup>

Several administration spokesmen had called for reform before the Gathings subcommittee. After the hearings had ended, they continued to call on the House Agriculture Committee to reject the Gathings bill and

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<sup>70</sup>Congressional Quarterly Weekly Report (hereafter cited as CQWR), XIX (May 12, 1961), 794.

report out a reform measure. For example, on April 16, Labor Secretary Goldberg issued a statement noting that the Kennedy administration was flatly opposed to extension of Public Law 78 without amendments to protect American farm workers from unfair competition.<sup>71</sup>

The Kennedy administration had no realistic hope of getting a reform bill reported by the House Agriculture Committee. Of thirty-three members, only two came from the northeastern states. The committee membership came predominantly from the southern and western states. Bracero supporters had always dominated the committee.

Despite the discouraging composition of the House Agriculture Committee, the pressures directed at it by the Kennedy administration were not without purpose. They helped to publicize further the position of the executive branch. Also, they helped to set the stage for the more favorable showdown before the full House in which grower strength was more diluted. They encouraged reform groups to push their case harder now that they were clearly allied with the executive branch.

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<sup>71</sup>New York Times, April 26, 1961, p. 46.

On April 21, 1961, the Agriculture Committee by a vote of 25-3 approved the Gathings bill and extension of the Mexican labor program without reform.<sup>72</sup> The only members opposing the Gathings measure were Representatives Coad, Lester R. Johnson (D-Wisc.), and Daniel K. Inouye (D-Hawaii).<sup>73</sup>

The accompanying report of the Agriculture Committee did little more than summarize some of the main arguments presented in the testimony of grower spokesmen before the Gathings subcommittee. For instance, it concluded that Mexicans were needed because not enough Americans were willing to do stoop labor and that ending the program would be disastrous for small farmers. Keeping it would provide much-needed jobs for poor Mexicans. The program played an important role in supplying crucial dollars to Mexico's economy. It helped to reduce the wetback problem. The committee report flatly rejected all of the administration's reform proposals. To require employers of braceros to pay a certain wage to Americans would be "a backdoor approach to regulating the employment of domestic workers." There was no need to guarantee

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<sup>72</sup>CQWR, XIX (April 28, 1961), 714.

<sup>73</sup>CQWR, XIX (April 21, 1961), 677.

American farm labor the same benefits enjoyed by braceros. American workers already had protection which was "far superior" to that given the Mexicans, because "domestic workers are free to leave any employment they don't like and seek employment elsewhere."<sup>74</sup>

The administration attack was promptly renewed.

On April 23, Goldberg blasted the committee action:

It is my view and the view of the administration that the power and authority of the Government should not be used in a manner which tends to perpetuate or lower the already depressed economic conditions of United States farm workers. Evidence accumulated by the Department of Labor proves beyond doubt that the mass importation of Mexican labor has had, and is having, an adverse effect on the wages, working conditions and employment opportunities of United States farm workers. At a time when unemployment is a major problem in the United States there can be no justification for continuing such a program unless action is taken to protect the interests of United States farm workers.<sup>75</sup>

The administration carried its fight for liberalization of the bracero program to the floor of the House. Some of the most important reforms contained in the unreported Coad bill were offered as amendments to the Gathings bill. They were all defeated, some in voice votes, others by standing votes.<sup>76</sup>

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<sup>74</sup>CQWR, XIX (April 28, 1961), 714.

<sup>75</sup>New York Times, April 24, 1961, p. 24.

<sup>76</sup>CQWR, XIX (May 12, 1961), 794.



Only one or two Republicans supported the liberal amendments while the main opposition came from a coalition of Republicans and conservative Democrats, especially southerners.<sup>77</sup>

House debate on the Gathings bill and extension of the bracero program was lively. Supporters of the program claimed that this effective foreign aid bill was helping to keep Mexico out of the communist bloc.<sup>78</sup> The Mexican labor system was essential because Americans simply could not be found for the hardest kinds of farm work.<sup>79</sup> Because farmers had to have labor, termination of the bracero program would bring a return of the wetback problem at its worst.<sup>80</sup> Reforms were not needed, because Public Law 78 gave Secretary Goldberg all the authority he needed to protect domestic workers from adverse effect.<sup>81</sup>

In House debate, the following representatives supported continuation of the bracero program without

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<sup>77</sup>New York Times, May 11, 1961, p. 36.

<sup>78</sup>U.S., Congressional Record, 87th Cong., 1st Sess., 1961, CVII, Part 6, 7708.

<sup>79</sup>Ibid.      <sup>80</sup>Ibid., p. 7709.

<sup>81</sup>Ibid., p. 7710.



substantial reform:

1. Allen Smith (R-Calif.)
2. Charles Teague (R-Calif.)
3. Harold Cooley (D-N.C.)
4. Harlan Hagen (D-Calif.)
5. Charles Gubser (R-Calif.)
6. William Avery (R-Kan.)
7. Charles Hoeven (R-Iowa)
8. Edwin Durno (R-Ore.)
9. E. C. Gathings (D-Ark.)
10. Clem Miller (D-Calif.)
11. W. R. Poage (D-Tex.)
12. James Utt (R-Calif.)<sup>82</sup>

None of these anti-reform congressmen came from the industrial east. With one exception, all came from the western states and most from bracero-using areas.

Reform congressmen participating in House debate included the following:

1. Thomas Lane (D-Mass.)
2. Marguerite Church (R-Ill.)
3. Jeffery Cohelan (D-Calif.)
4. Merwin Coad (D-Iowa)
5. Alfred Santangelo (D-N.Y.)
6. Cleveland Bailey (D-W. Va.)
7. Edith Green (D-Ore.)
8. Charles Joelson (D-N.Y.)
9. John McCormack (D-Mass.)
10. James O'Hara (D-Mich.)
11. James Roosevelt (D-Calif.)
12. William Ryan (D-N.Y.)

In contrast to the vocal anti-reform congressmen, these reformers came more from the eastern United States

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<sup>82</sup>For the debate, see Ibid., pp. 7706-28.

and were more likely to be Democrats. For the first time, the outspoken reformers included the Speaker of the House (McCormack).

The main objection to the bracero program was its adverse effect on American workers. It was noted that it did most harm to the poorest citizens, particularly Mexican-Americans and Negroes. The House Agriculture Committee was vigorously criticized for ignoring the "great body of testimony submitted" to the Gathings subcommittee. Congressmen were reminded that "through the device of extension, an emergency program is being stretched out into a permanent policy." Supporters of the Gathings bill were accused of insulting Mexicans by "claiming that they are willing to perform labor that is below the dignity of American men and women."<sup>83</sup>

During House debate, no traditional opponent of the bracero program observed that he was in the process of reconsidering his position. However, there were cases of traditional supporters of Public Law 78 noting that they were thinking of switching sides. It was obvious from their explanations that points

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<sup>83</sup>Ibid., pp. 7707-09.

raised by the reformers were threatening to undermine the bracero coalition. Representative B. F. Sisk (D-Calif.) had consistently supported Public Law 78. Although he did so again in 1961, he told the House that he would probably never do so again. He was particularly troubled by evidence indicating that the bracero program was undermining American farm workers.<sup>84</sup>

Representative Marguerite Church (R-Ill.), another traditional supporter of the bracero program, said that she had supported it only because she had been told that Mexican labor was needed. She implied that she was beginning to doubt that foreign workers were needed. She called for steps to protect domestic migrants from bracero competition.<sup>85</sup>

On May 11, the Gathings bill was put to a roll-call vote in the House. It passed easily with a vote of 231-157. Continuing the pattern of the 1950's, the program once again received disproportionate support from the Republicans. The Democrats split evenly, with 115 voting for the bill and the same number voting against it. Only 42 Republicans voted against it

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<sup>84</sup>Ibid., p. 7707.

<sup>85</sup>Ibid., p. 7708.

while 116 supported it.<sup>86</sup>

Thus the Kennedy administration's reform proposals fared badly in the House. Most supportive of a non-reformed bracero program were members of the conservative Gathings subcommittee and the House Agriculture Committee. Although the administration did better on the vote in the full House, the Gathings bill was passed by a wide margin.

Reform forces were able to gain some ground in the Senate. This was not unexpected. Scholars of Congress have noted that because senators represent entire states, they must be relatively more responsive to urban interests. The composition of many House districts is more exclusively rural.

Senator Eugene McCarthy (D-Minn.) introduced the administration bill (S 1945) in the Senate. It was cosponsored by Hubert Humphrey (D-Minn.), Stephen Young (D-Ohio), and Paul Douglas (D-Ill.).<sup>87</sup>

The McCarthy bill was essentially the same as the Coad measure which had died in the House. The McCarthy proposal required denial of braceros to

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<sup>86</sup>CQWR, XIX (May 12, 1961), 794, 832-33.

<sup>87</sup>CQWR, XIX (June 16, 1961), 988.

farmers who had not offered American workers comparable conditions of work. It limited the Mexicans to temporary employment. It banned them from operating power-driven machinery. It also required that no employer could receive braceros unless he "offers and pays to such workers wages equivalent to the average farm wage in the State in which the area of employment is located, or the national farm wage average, whichever is the lesser."<sup>88</sup>

McCarthy spent considerable energy in explaining the motivation for his bill to the Senate. It was meant to implement the Kennedy administration's desire to protect American workers from braceros. Although Public Law 78 had always granted power to the secretary of labor to prevent "adverse effect," it had failed to spell out clear guidelines for achieving that goal. When the Labor Department had implemented guidelines to protect American farm workers from their Mexican competitors, it had sometimes been faced with lawsuits based on the assumption that it was exceeding its authority. McCarthy said the purpose of his bill was

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<sup>88</sup>U.S., Congressional Record, 87th Cong., 1st Sess., 1961, CVII, Part 7, 8599.



to provide "the Department of Labor with more and clearer standards designed to prevent the program from having adverse effect upon the wages, working conditions, and employment opportunities of domestic workers."<sup>89</sup>

The bill reported by the Senate Agriculture and Forestry Committee contained some reforms. It required employers to furnish the same conditions of work for Americans as for braceros. Mexicans were to be employed only in seasonal work. They were not to be allowed to maintain or operate machinery. Employers were required to both offer and actually pay the prevailing wage in the area to both American workers and braceros.

The Senate Agriculture and Forestry Committee refused to accept all of the administration-proposed reforms. It rejected the proposal that Americans be offered the same guarantees of housing, subsistence insurance, transportation, and work guarantees as braceros. Because the farmer could be relatively sure the Mexicans would complete the season, he could afford to offer them extra benefits. On the other hand, the American worker was free to leave at any time and

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<sup>89</sup>Ibid., pp. 8596-97.

the farmer's initial investment, such as for transportation, could be lost.

Supplemental views, rejected by the committee, were offered by McCarthy, Maurine B. Neuberger (D-Ore.), William Proxmire (D-Wisc.), Philip A. Hart (D-Mich.), and Stephen M. Young (D-Ohio). They said the bracero program should not be renewed unless the law were revised to require farmers to provide identical benefits, including housing and transportation, to domestic workers. They proposed a guarantee of more generous wages to Americans than the committee was willing to accept.<sup>90</sup>

In their supplemental views, the five committee members added:

Public Law 78 was enacted in 1951 at a time of labor shortage during the Korean conflict. It began as a temporary program, but it has been extended by Congress four times. During this period the farm labor force has declined, technological change in agriculture has continued at a rapid rate, and unemployment and underemployment have increased as rural problems. Yet at the same time the Mexican farm labor program has expanded greatly.<sup>91</sup>

In a letter dated August 8, 1961, Secretary Goldberg told Senator McCarthy that the "prevailing wage" requirement reported by the Senate Agriculture

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<sup>90</sup>CQWR, XIX (August 4, 1961), 1358.

<sup>91</sup>U.S., Congressional Record, 87th Cong., 1st Sess., 1961, CVII, Part 4, 18780.

Committee had "no practical value." Goldberg noted that that provision had always been part of the agreement with Mexico. Because the "prevailing wage" tended to be set unilaterally by farmers, it was important to tie wages to the state or national average. Goldberg told McCarthy that his wage provision was "the keystone of the administration's reform requests."<sup>92</sup> He added that McCarthy's wage formula should be added as an amendment on the floor of the Senate.<sup>93</sup>

The bill reported by the Senate Agriculture Committee was the Gathings measure (H.R. 2010) with amendments. McCarthy followed Goldberg's advice and added a wage proposal as an amendment. It specified that farmers were to pay no less than 90% of the national or state average farm wage, whichever was lower, before they would be eligible to contract braceros. It was accepted in a roll call vote by 42-40. Critics of the amendment charged that it was a devious means of setting minimum wages for domestic workers and would greatly decrease the value of the bracero program to farmers.<sup>94</sup>

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<sup>92</sup>Ibid., p. 18786.    <sup>93</sup>Ibid., p. 18787.

<sup>94</sup>CQWR, XIX (September 15, 1961), 1574.

In Senate debate, the following members opposed significant reforms in the bracero program and generally supported the Gathings bill:

1. Allen Ellender (D-La.)
2. Everett Jordan (D-N.C.)
3. John Tower (R-Tex.)
4. William Fulbright (D-Ark.)
5. Spessard Holland (D-Fla.)
6. Clinton Anderson (D-N.M.)

Reformers speaking out in Senate debate were more numerous and included the following:

1. Eugene McCarthy (D-Minn.)
2. Oren Long (D-Hawaii)
3. Clair Engle (D-Calif.)
4. Harrison Williams (D-N.J.)
5. Clifford Case (R-N.J.)
6. Philip Hart (D-Mich.)
7. Maurine Neuberger (D-Ore.)
8. William Proxmire (D-Wisc.)
9. Kenneth Keating (R-N.Y.)
10. Paul Douglas (D-Ill.)
11. Jacob Javits (R-N.Y.)
12. Wayne Morse (D-Ore.)
13. John Carroll (D-Colo.)<sup>95</sup>

The bill (H.R. 2010) as amended passed the Senate on September 11, 1961, by a roll call vote of 76-9. The heavy vote for the bill should not be interpreted to mean that the traditional bracero program had grown immensely popular. The important fact is that

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<sup>95</sup>U.S., Congressional Record, 87th Cong., 1st Sess., 1961, CVII, Part 14, 18769-91 and Part 16, 20755-75.

the bill was very much a compromise measure with something for everybody. For growers, there was continuation of the program even though unemployment rates were high. For critics of it, there were reforms designed to protect domestic workers. The bill was passed by a large coalition of liberals and conservatives. The nine opponents were also a mixture of both. Liberals such as Albert Gore (D-Tenn.) and Kenneth Keating (R-N.Y.) joined such conservatives as Richard Russell (D-Ga.) and Herman Talmadge (D-Ga.) in opposing H.R. 2010.

Party support in the Senate took a different pattern from that in the House. It will be recalled that in the latter, disproportionate support came from Republican members. In the Senate, the bulk of the opposition to H.R. 2010 as amended came from Republicans. Three Democrats and six Republicans voted against the bill.<sup>96</sup> Perhaps one reason this pattern deviates from the heavier Republican support observed earlier is that the issues were now less clear inasmuch as the bill was such a mixed bundle of liberal and conservative compromises.

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<sup>96</sup>CQWR, XIX (September 15, 1961), 1574, 1603.



On September 15, 1961, House-Senate conference committee members met to reconcile the differences in the House and Senate versions of H.R. 1010. The committee voted to eliminate the important McCarthy amendment. Of the seven Senate conferees, only George Aiken (R-Vt.) supported retention of the amendment. The six opposing its retention were all southerners and/or Republicans.<sup>97</sup>

When the conference committee finished with the bill, it was more conservative than it had come from the Senate. On September 23, 1961, the Senate accepted the conference report by a roll call vote of 41-31.<sup>98</sup> On this more conservative version of H.R. 2010, Republican support was up and Democratic support down. Of the Senate Democrats, 25 voted for the bill while 24 opposed it. Republicans split 16-7, with the majority supporting H.R. 2010.<sup>99</sup>

A party vote breakdown for the House vote on the conference report is not possible, because the

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<sup>97</sup>CQWR, XIX (September 22, 1961), 1619.

<sup>98</sup>CQWR, XIX (September 29, 1961), 1661.

<sup>99</sup>Ibid., p. 1685.

September 16 determination was by voice vote.<sup>100</sup>

President Kennedy reluctantly signed the bill into law on October 4, 1961, complaining that it failed to include guarantees "which I believe necessary to protect domestic farm workers."<sup>101</sup> However, he did make some concessions to farm interests. He claimed that braceros would be needed in some areas during the coming year. But Kennedy pointedly charged that the Mexican labor program was "adversely affecting the wages, working conditions and employment opportunities for our own agricultural workers."<sup>102</sup> Upon signing the bill, the President said that even though it was not what he wanted, putting an abrupt end to the program would seriously harm the Mexican economy.

Kennedy promised that Labor Secretary Goldberg would take full advantage of his authority under Public Law 78 to set standards for the use of braceros, and that he would simply refuse to certify them for use where their employment would have an adverse effect on the working conditions and wages of domestic workers.<sup>103</sup>

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<sup>100</sup>CQWR, XIX (September 22, 1961), 1619.

<sup>101</sup>Congressional Quarterly Almanac (hereafter cited as CQA), XVII (1961), 79.

<sup>102</sup>New York Times, October 5, 1961, p. 24.

<sup>103</sup>N. Ray Gilmore and Gladys W. Gilmore, "The Bracero in California," Pacific Historical Review, XXXII (August, 1963), 279.

Of course, this was not the solution preferred by President Kennedy, because it left the Labor Department's actions open to delaying courtroom challenges.

Some assessments of power at the end of 1961.

Perhaps the greatest gain of the reform forces during the year was the election of Kennedy and the defeat of Nixon. Kennedy's record in Congress, his reform-oriented campaign, and his political indebtedness to forces critical of the bracero program all foretold his attack on Public Law 78.

Having a friendly person in the White House for the first time brought numerous benefits to reform elements. It stimulated unprecedented publicity for the case against foreign labor and conveyed its rationale to the general public and to Congress more clearly than ever before. The executive branch has vast resources for research purposes, and several careful studies of farm labor were conducted. These findings, mostly favorable to the reform cause, were released to the press, passed along to friendly congressmen, and used by administrative spokesmen at legislative hearings.

The administration worked closely with reform members of Congress. It drafted legislation such as

the Coad bill. When reform congressmen needed advice, the administration obliged.

The new administration mounted an impressive campaign for reform of Public Law 78. It attacked early and vigorously with a unified offensive mounted simultaneously by the President and several top-level officials of his government. Over and over, each emphasized that he was speaking for the entire administration. There was no opportunity for the traditional bracero forces to ally with any cabinet official as the reform forces had done during the late 1950's. The united offensive of the Kennedy administration enhanced its power.

The executive branch gained additional advantage by integrating its assault on Public Law 78 with its broad attack on poverty. This gained more attention for criticism of the bracero program. As the government linked the Mexican labor system more closely to domestic poverty, new converts were gained for the reform cause.

By the end of 1961, Kennedy had made clear that some reforms would be undertaken administratively even though Congress had failed to grant specific authorization for them. This was a bold but risky venture.

It will be recalled that President Roosevelt similarly sought such reforms through use of the Farm Security Administration only to have them rapidly dismantled by Congress. As we shall see, Kennedy was luckier and his boldness paid off.

President Kennedy's willingness to operate from a compromise position probably helped the cause of reform. In retrospect, there seems to have been very little chance in 1961 that Congress would either abruptly terminate Public Law 78 or extend it with no reforms at all. By adamantly opposing all reforms, grower interests weakened their own position. This rigid position forced even some supporters of the Mexican labor system to criticize it and align themselves partly with the Kennedy administration. By taking a moderate position, President Kennedy appeared more responsible than the adamant status quo forces. It enabled him to draw support from both friends and foes of the bracero program.

Kennedy's power to reform or terminate the bracero program was limited by a number of factors. He had won by a very narrow margin. Most congressional opposition to Public Law 78 had come from Democrats, and in neither House nor Senate races had they done



particularly well in 1960. Although as a House member, Kennedy had voted for termination of the Mexican labor system, as President he found several factors which led him to stop short of his old position. One was the realization that conversion to domestic labor would take time. Another was his concern that relations with Mexico should not be endangered by a too abrupt termination of Public Law 78.

By 1961, interest groups pushing for reform of the bracero system were more formidable than ever. They were a far cry from the little group appearing at the Downey hearings in 1942. By 1961, the reform coalition had won many new interest groups to its cause, including some very well financed and politically adept ones. These groups were vocal and exuded a new confidence borne of careful preparation and a sense of being allied for the first time with the powerful executive branch of government. Membership in these groups came from all major parts of the country. This maximized their chance of getting a favorable hearing from Congress.

The tactics of the reform interest groups were impressive. The bracero program was attacked from many angles. This approach maximized the likelihood that its vulnerabilities would be found and exploited.

Reform forces wisely tried to break up the bracero coalition by appealing to the self-interest of its member groups.

Although status quo forces were formidable opponents, they made a number of tactical errors. As public concern grew about poverty and emphasis was placed on society's obligation to provide economic opportunities, it was a mistake to charge farm workers with laziness and drunkenness. At the time when President Kennedy, the media, and congressional hearings were publicizing rural poverty, claims that migrants were enjoying great progress were not very convincing. The claims looked particularly spurious when bracero-users justified the program as a way of saving Americans from the miseries of farm labor.

The claim that the use of Mexican labor in the United States was a liberal reform program probably convinced few. Also, by 1961, abuses of the bracero program were receiving more publicity, and this probably helped the reform cause. The threat that without a generous supply of Mexican labor, southwestern farmers would simply use wetbacks struck some congressmen as an effort at intimidation.

A number of social and economic trends were

weakening the old status quo position in 1961. The Mexican labor user had always been most vulnerable when unemployment was high. Farm mechanization was progressing and undermining the rationale for Mexican labor. The American population was growing more urban, and even with legislative malapportionment, farm strength was slowly being eroded. Also, the civil rights era was beginning, and it would bring political strength to groups such as Negroes and Mexican-Americans. Although in 1961, status quo forces held reforms of Public Law 78 to a minimum, these eroding trends would be intensified during the coming years.

Although the reforms achieved in 1961 did not satisfy Kennedy and Goldberg, they were the only significant changes in Public Law 78 during its decade of existence.

Notwithstanding the fact that the year brought some changes long sought by liberals, bracero-users and their congressional allies enjoyed a number of crucial advantages. From about the World War I era on, it was widely assumed that western growers had a "right" to Mexican labor. Except during extraordinary times, the rest of the country maintained a hands-off attitude. The government itself had established a

formal system to supply Mexican labor during each war. In the years between wars, it had generally made little effort to keep wetbacks out.

In Congress, the users of Mexican labor had enjoyed support from the powerful alliance of Republicans and southern Democrats. Although some members of Congress thought bracero legislation should go through the more liberal labor committees, the conservative agriculture committees had been granted jurisdiction from 1942 on.

For these reasons, at the end of 1961, the future of the Mexican labor system remained uncertain. While the reformers could show some gains, their opponents continued to enjoy some powerful advantages.

#### Events of 1962

The agreement with Mexico was due to expire on February 1, 1962. The Kennedy administration negotiated its renewal without fanfare. Agreement was announced on January 10.<sup>104</sup>

During 1962, the administration continued to push for legislation to improve the conditions of

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<sup>104</sup>New York Times, January 11, 1962, p. 18.

domestic farm workers. In January, the President's Migratory Labor Committee called for new legislation providing collective bargaining rights, minimum wages, and unemployment insurance benefits for farm workers. President Kennedy endorsed its resolutions.

Committee members noted that the main hopes of the administration were pinned on House treatment of several bills providing benefits to migrants. The Senate had already passed all of the measures during 1961. It appeared that the bills providing grants-in-aid to the states for health care and education of migrant families were more realistic possibilities than such reforms as minimum wage legislation which were sure to run into strong opposition from farm state representatives.<sup>105</sup>

During 1962, the Labor Department made good on President Kennedy's promise to achieve some reforms administratively. Perhaps most importantly, Secretary Goldberg found a way to establish minimum wages for American farm workers being used on the same farms as braceros. According to his interpretation, new legislation was not essential to accomplish this purpose, but it could be done quite legitimately

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<sup>105</sup>New York Times, January 18, 1962, p. 19.



through Public Law 78 which had served as the legal basis of the bracero program since 1951.

It will be recalled that Public Law 78 provided that braceros were to receive the "prevailing wage" being paid by farmers for similar types of work in the same area. The problem was that well before the season had arrived, farmers would meet and arbitrarily set a "prevailing wage." Domestics were offered that rate, almost always low. When they refused to work at that level, growers requested braceros. Because Americans had failed to work for the wages offered, a labor shortage was declared and they got their workers from Mexico. Under these circumstances, wages could almost never work their way up very much because the back-up supply of Mexican labor was always available at the low rates. As Secretary Goldberg saw it, such "prevailing wages" were meaningless. His solution was to change the means by which they were determined. The Labor Department proceeded to conduct hearings in areas using braceros. Then a minimum wage was determined which took into account not only grower testimony but that of farm workers as well.

Farmers offering American workers less than this newly established minimum wage were not to be

certified to receive braceros. The rates set by Secretary Goldberg differed from state to state, varying from a low of sixty cents an hour to a high of one dollar.

Union officials and other reform interests welcomed Goldberg's action but claimed that he had set the wages too low. Bracero users predictably charged that he had simply taken illegal action to establish the minimum wages for farm workers which Congress had always flatly rejected.<sup>106</sup>

Despite their gains in 1961 and the first half of 1962, critics of the bracero program suffered some disappointments. Only a single bill providing for improvement in the lot of American farm workers was passed by Congress. It was a bill which furnished federal grants for improving health services for migrant workers and their families. Three others were held up by the conservative House Rules Committee after having been reported favorably by the House Education and Labor Committee and having passed the Senate. As is its prerogative, the Rules Committee simply failed to provide rules for the bills which effectively killed

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<sup>106</sup> New York Times, February 25, 1962, p. 46;  
CQWR, XXI (January 4, 1962), 4.

them.<sup>107</sup>

During 1962, grower interests waged a vigorous fight against reforms then being carried out and others which they feared were imminent. Moves were made in Congress to deprive Secretary Goldberg of the broader authority he had assumed. He was charged with creating a czar-like Department of Agriculture.<sup>108</sup>

The year 1962 marks the beginning of a pronounced trend for grower interests to recognize that power was shifting away from them and the need to consider alternatives to the increasingly undesirable bracero program.

The first option was to seek to continue using Mexican labor but to bypass the bracero program. One possibility was to encourage Mexicans to enter the United States under regular immigration status and eventually apply for citizenship. In 1962, the New York Times suggested that such a pattern was emerging. It noted that while the Kennedy administration had been reducing the number of braceros admitted, immigration from Mexico had been increasing.<sup>109</sup>

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<sup>107</sup>New York Times, May 28, 1962, p. 28;  
CQWR, XX (October 19, 1962), 1944.

<sup>108</sup>New York Times, July 15, 1962, Part IV, p. 8.

<sup>109</sup>New York Times, August 12, 1962, p. 33.

The second alternative was to turn more and more to mechanization. Although this was more difficult in crops such as berries and fruits, great progress had already been made in large farm operations such as cotton, and 1962 brought marked gains in the displacement of hand labor with harvesting machines.<sup>110</sup>

#### Developments of 1963

The administration continued its assault on the Mexican labor system during 1963. In January, it was learned that the Department of Labor had been engaged in an investigation of alleged law violations by bracero-users. The investigation was set off by the allegations of a former clerk for a major lettuce farm that she had been instructed to alter payroll records for Mexican nationals to indicate that they had worked many more hours than they actually had. The reason, she suspected, was the company's desire to remove any evidence which could be used to prove its discrimination against American workers.

These allegations were in turn used as fuel by

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<sup>110</sup>Ibid.

critics of the bracero program. A California organization named the Emergency Committee to Aid Farm Workers demanded that the Mexican Labor Program be permitted to end upon its expiration date at the end of the year. Committee spokesmen charged that the law contained inherent inducements for illegal actions as indicated by the alleged payroll alteration event.<sup>111</sup>

In the meantime, it was disclosed that the Labor Department had investigated several other growers as well on the suspicion of similar legal violations.<sup>112</sup>

Such developments were bad publicity for farm interests and came at an especially inopportune time inasmuch as the program was due to expire at the end of 1963. Also dampening the hopes of those seeking extension was the fact that during 1962, the United States had brought in the smallest number of braceros in twelve years. The higher wages required by the Department of Labor were bringing more Americans into farm work and lessening the likelihood that growers would qualify for Mexican help.<sup>113</sup>

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<sup>111</sup>New York Times, January 21, 1963, p. 13; January 20, 1963, p. 18; January 25, 1963, p. 13.

<sup>112</sup>New York Times, January 30, 1963, p. 18.

<sup>113</sup>New York Times, March 26, 1963, p. 17.



During 1963, Representative Gathings once again led the anti-reform forces in the House. He introduced a bill (H.R. 2009) which would have extended Public Law 78 and repealed several of the liberal reforms passed in 1961.

Despite its criticism of the bracero program, the Kennedy administration was unwilling to let it die at the end of 1963. On March 27, the new Labor Secretary, W. Willard Wirtz, testified in hearings before the Gathings subcommittee. He observed that mechanization had reduced the need for Mexican labor. Also, the administration was concerned about growing domestic unemployment. Yet he called for a one-year renewal of Public Law 78. This was a compromise, he indicated, which would enable the administration and Congress "to re-examine the need for continuation of the program in the light of further and now unpredictable developments in the labor market situation."

Secretary Wirtz blasted the Gathings bill as a "serious step backward." He called for new reforms which would require farmers, before requesting braceros, to offer Americans not only working hours, wages, and physical conditions of work identical to those guaranteed Mexicans, but equivalent transportation costs, housing,

and occupational insurance.<sup>114</sup>

The alignment of interest groups at the hearings produced no real surprises. Farm groups generally supported the anti-reform Gathings bill. Their testimony differed little from that offered at the hearings two years earlier. They claimed that progress in mechanization had not significantly lessened the need for Mexican labor. Many necessary stoop jobs remained and not enough Americans were willing to do them. Coming under especially heavy fire was the Labor Department's practice of setting minimum wages for American farm workers.

Various welfare, labor, religious and other interest groups attacked the Mexican labor program. Some called for its termination at the end of 1963 while others supported the administration's proposal of a one-year extension.

On May 6, the House Agriculture Committee rejected both the Gathings bill and the administration's proposed reforms. The bill reported (H.R. 5497) by a vote of 19-3 called for a simple two-year extension of Public Law 78 without reform but also without

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<sup>114</sup>CQA, XIX (1963), 114-15.

wiping out reforms gained in 1961.

The majority report of the committee claimed that Mexican workers were still needed for seasonal farm work because experience had "shown that most American labor is unwilling to accept seasonable agricultural employment." It noted that Public Law 78 had "virtually eliminated the wetbacks" and that it had been of benefit to Mexico's economy.<sup>115</sup> The report rejected Wirtz's call for a one-year provisional extension of the program because it would cause "unwarranted hardship." Concerning his proposal that farmers furnish American workers with housing, transportation, and occupational insurance, the committee said that this would interfere with matters properly left to the states.<sup>116</sup>

Committee members opposing H.R. 5497 were Benjamin Rosenthal (D-N.Y.), Spark M. Matsunaga (D-Hawaii), and Alec Olson (D-Minn.). They proposed that Public Law 78 be terminated and a similar program be established for furnishing domestic workers to growers. As they saw it, the importation of

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<sup>115</sup>Ibid., p. 115.

<sup>116</sup>CQWR, XXI (May 10, 1963), 724.

Mexican laborers created an adverse effect on the wages and living conditions of Americans.<sup>117</sup>

House debate on H.R. 5497 was spirited. Many traditional supporters of the bracero program defended it. They claimed that a serious shortage of domestic farm workers continued. The Mexican labor system was said to be better than traditional foreign aid because it was not a "give-away" program. Also, it assured that the money would reach the people who needed it most. Public Law 78 was essential to the American economy, because for each dollar of farm income which was generated an additional five dollars were pumped into the non-farm economy.<sup>118</sup>

The fact that H.R. 5497 would extend the Mexican labor program for two years was praised. It was argued that the administration's proposal for a one-year renewal would not enable farmers to plan adequately. Furthermore, the next debate over extension would come in a presidential election year.<sup>119</sup>

In the 1963 House debate, reformers attacked the

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<sup>117</sup>Ibid.

<sup>118</sup>U.S., Congressional Record, 88th Cong., 1st Sess., 1963, CIX, Part 8, 9808-10.

<sup>119</sup>Ibid., pp. 9807-08.

bracero program with both conservative and liberal arguments. Because it brought governmental interference in the economy, it violated the principle of free enterprise. It was a leading cause of "the continuing problem of the outflow of American dollars to other countries." Because of the cost to the government of administering Public Law 78, it was an important cause of the swollen federal budget.

Reformers again reminded the House that the burden of proof should lie with those proposing the sixth extension of a "temporary program." They noted the wide spectrum of interest groups critical of the Mexican labor system.<sup>120</sup> Especially strong criticism came from two Mexican-American members of the House. Henry Gonzalez (D-Tex.) charged that it was displacing many poor American farm workers, particularly Mexican-Americans.<sup>121</sup> Edward Roybal (D-Calif.) noted that it was a program which thrived "on the poverty of both Mexican nationals and American farm workers."<sup>122</sup>

Even more than in 1961, supporters of extension of the bracero program criticized it and sometimes

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<sup>120</sup>Ibid., pp. 9820-28.      <sup>121</sup>Ibid., p. 9809.

<sup>122</sup>Ibid., p. 9827.



predicted its termination. Representative Ross Bass (D-Tenn.) argued that Mexican nationals should not be employed in crops characterized by price controls or controlled acreage.<sup>123</sup> Representative B. F. Sisk (D-Calif.), while calling for passage of H.R. 5497, proposed a minimum wage for domestic farm workers.<sup>124</sup> Robert Duncan (D-Ore.) acknowledged that the bracero program had some "adverse effect on the employment opportunities of domestics."<sup>125</sup>

Some House members noted that they might drop out of the bracero coalition after the expected 1963 extension. For instance, Representative H. Allen Smith (R-Calif.) told his colleagues that "agriculture will just have to figure out some way to solve this dilemma during the next 2 years."<sup>126</sup> Another supporter of the bracero program, Representative Ed Foreman (R-Tex.), said that "with an extension of this act, we will be able to completely get away from the need for bracero labor in the next 2 years." He thought the answer lay in mechanization.<sup>127</sup>

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<sup>123</sup>Ibid., p. 9804.      <sup>124</sup>Ibid., p. 9802.

<sup>125</sup>Ibid., p. 9824.      <sup>126</sup>Ibid., p. 9805.

<sup>127</sup>Ibid., p. 9809.

Representative Morris Udall (D-Ariz.), who introduced H.R. 5497, told his House colleagues:

I have mixed emotions about this bill, but I support it because I think it is necessary. I think we will phase out this program. I think it will not be with us very much longer.<sup>128</sup>

During House debate, both supporters and opponents of the bracero program took note of the increasing public opposition to the use of Mexican labor.<sup>129</sup>

In a surprise move on May 29, 1963, the House rejected H.R. 5497 by a roll call vote of 158-174. As expected, heavier support for the bill came from Republicans. While 78 House Republicans voted for it, only 53 voted against it. Democrats split 80 for and 121 against.

We have repeatedly found an association between region and support for the bracero program. Of the 74 voting representatives from the states using the greatest numbers of braceros (Texas, California, Michigan, Colorado, Arizona, and Arkansas), 50 voted for H.R. 5497 while only 24 voted against it.<sup>130</sup>

There was substantial negative reaction to the House vote. Hard-core supporters of the Mexican labor

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<sup>128</sup>Ibid., p. 9818.    <sup>129</sup>Ibid., p. 9824.

<sup>130</sup>CQWR, XXI (May 31, 1963), 832, 856.

system such as Gathings<sup>131</sup> and Teague promptly called on their colleagues to reconsider. Teague suggested that a one-year extension might be acceptable after all.<sup>132</sup>

Grower response in the Southwest was expectedly strong. Numerous farmers made their disappointment known to their congressmen. A number of their letters and telegrams were presented to Congress by representatives of bracero areas and inserted in the Congressional Record.<sup>133</sup>

Various western newspapers featured articles or editorials critical of the House action. These included the following:

1. The Denver Post<sup>134</sup>
2. Ventura County Star-Free Press (Calif.)<sup>135</sup>
3. Fresno Bee (Calif.)<sup>136</sup>
4. The Cotton Trade Journal<sup>137</sup>
5. San Francisco Examiner<sup>138</sup>
6. The Bakersfield Californian<sup>139</sup>
7. Riverside Daily Enterprise (Calif.)<sup>140</sup>
8. Arkansas Valley Journal (Colo.)<sup>141</sup>

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<sup>131</sup>U.S., Congressional Record, 88th Cong., 1st Sess., 1963, CIX, Part 8, 9896-97.

<sup>132</sup>Ibid., p. 9903.

<sup>133</sup>Ibid., pp. 11435, 11811, 12785, 15216-17.

<sup>134</sup>Ibid., pp. 15217-18. <sup>135</sup>Ibid., p. 13639.

<sup>136</sup>Ibid. <sup>137</sup>Ibid., p. 12945.

<sup>138</sup>Ibid., p. 15208. <sup>139</sup>Ibid.

<sup>140</sup>Ibid., p. 15209. <sup>141</sup>Ibid.

The House decision to kill the bracero program also received considerable attention in Mexico. The newspaper Ultimas Noticias de Excelsior asked:

"Are we to interpret the vote in the House of Representatives as an act against slavery--or as imprudent discrimination?" In Mexico City, the newspaper

La Prensa remarked:

They would leave us in the vulnerable position of losing from one day to the next the dollars that the braceros send back to maintain our precarious balance of payments. And that means that some 300,000 Mexican families will suffer from the unemployment of their family wage earners.<sup>142</sup>

Not unexpectedly, it was reported that braceros were stunned by news of the House action.

Various officials of the Mexican government commented on the House vote killing the bracero program. A spokesman for the Interior Department claimed that termination would not result in seriously increasing unemployment rates in Mexico. He claimed that displaced braceros could be absorbed into his country's industries. Gustavo Díaz Ordaz, Secretary of State, emphasized that the death of Public Law 78 would cause "problems" in the United States.<sup>143</sup>

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<sup>142</sup>Ibid., p. 10418.      <sup>143</sup>Ibid., p. 12945.

Some Mexicans expressed satisfaction that the program was apparently coming to an end. Francisco Hernandez y Hernandez, previously director of the National Farmers Organization, noted that his group had always maintained that braceros were needed at home. Senator Alberto Munoz took a similar stand.<sup>144</sup>

On June 21, 1963, the Mexican ambassador delivered a note outlining his government's stand on the House action to the American government. The note claimed that Mexican labor was still needed in the United States. Therefore, the only question was whether it was to enter legally or illegally. To return to the wetback era was most undesirable because it would result in exploitation of the wetbacks and would undermine American workers. The note continued:

It is not considered that the contracting of Mexican workers under the international agreement has produced unfavorable effects on American workers. Quite the contrary. The benefits granted the contracted braceros . . . have provided a pattern that can be followed for domestic workers who lack such protection.

The note claimed that "the virtual extinction of discrimination against and segregation of persons of Mexican nationality in areas of the United States where such practices once existed can decisively be

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<sup>144</sup> Ibid.



The United States government was reminded that Mexico had long held that any termination of the bracero program should occur gradually. The House action would have the effect of creating serious unemployment in Mexico, because there was no time to gradually re-absorb the braceros back into the Mexican economy.<sup>145</sup>

Various American news media attempted to explain the decline of the bracero program. The New York Times observed that political pressures against it had been building up for over a decade. Although reform had been blocked from the beginning by farm state congressmen and their allies from other states, the paper noted that the non-farm allies were moving out of the coalition.<sup>146</sup>

The Christian Century, a traditional critic of the bracero program, noted that with increasing mechanization there was less need for farm labor. It concluded that "legislative cancellation of a labor system which does far more harm than good and which seems doomed anyway is a commendable House action."<sup>147</sup>

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<sup>145</sup>Ibid., p. 15204.

<sup>146</sup>New York Times, May 31, 1963, p. 52.

<sup>147</sup>"The House Rejects Bracero Program," Christian Century, June 12, 1963, p. 766.

Commonweal, another traditional critic of Public Law 78, welcomed what it believed to be the end of the Mexican labor program. The magazine gave substantial credit to such groups as unions and social welfare organizations which had incited public feeling against the program.

Commonweal observed that urban congressmen had gone along with the program over the years but with increasing reluctance as it grew more unpopular with the public. Also, the users of braceros had become more concentrated in fewer states. By 1962, some 80% of all braceros were in California and Texas alone. As other states used them less, there was apparently less pressure on their congressmen to "go along." Finally, Commonweal noted that the reduction in farm jobs and the high unemployment rate had helped people to see the bracero program for the anachronism that it was.<sup>148</sup>

Although the Mexican labor system was nearer termination than ever before, some of its traditionally impressive staying power remained and it was revived. The Senate Agriculture and Forestry Committee reported

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<sup>148</sup>"Fate of P.L. 78," Commonweal, June 14, 1963, p. 316.

a bill (S 1703) on July 22, 1963, providing for extension of the program for one more year. It rejected the administration's recommendation of an amendment guaranteeing domestic farm workers against adverse effect. However, it did so with the explanation that because the program would be ended at the close of 1964, there would not be enough time to put the proposed reforms into operation.

Even the majority report of the Senate Agriculture and Forestry Committee foretelling the death of the program was not enough to satisfy four members of the committee. Maurine B. Neuberger (D-Ore.), George McGovern (D-S.D.), Eugene McCarthy (D-Minn.), and William Proxmire (D-Wisc.) were opposed to extension on any terms. The program had been hurting domestic farm workers all along and the government should cease to undermine these "neglected and underprivileged" people.<sup>149</sup>

In the meantime, efforts were made to get the House to reconsider its early action and to now vote for an extension of Public Law 78. Southwestern farm groups, especially from California, notified House members that without the program farm production

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<sup>149</sup>CQWR, XXI (July 26, 1963), 1318.

would drop drastically. Although southwestern representatives again took up the fight, even they admitted that the end was near for the Mexican labor program. One such spokesman was Representative Charles M. Teague (R-Calif.). He had fought long and hard for the Mexican labor program. Serving on the Gathings subcommittee, he had always spoken out for grower interests, praised farm spokesmen, and persistently hammered away at the arguments of critics of the bracero program. However, even he was giving up. He co-sponsored bills calling for an extension of Public Law 78 for three years and its death at the end of that period. His bill (H.R. 7191) provided for the use of 150,000 braceros in 1964, 120,000 during the following year, 90,000 in 1966, and termination at the end of that year.<sup>150</sup>

Even when it looked as if the House had killed the bracero program, the Kennedy administration did not change its earlier position supporting a one-year extension. Despite its vigorous criticism of Public Law 78, it was especially concerned that the program not be abruptly ended so as to bring serious dislocation to the Mexican economy. Therefore, the

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<sup>150</sup> Ibid.

administration continued to call for extension of the law while insisting on various guarantees for American farm workers.<sup>151</sup>

On August 15, 1963, the Senate passed an amended bracero bill (S 1703) on a roll call vote of 62-25. It provided for a one-year extension of the program through December, 1964. It also included an amendment providing guarantees to protect American farm workers from adverse effect. The amendment was introduced by Senator McCarthy. It specified that growers must offer domestic farm workers housing, a specified work period, occupational insurance, and transportation comparable to the guarantees given braceros. Farmers who did not make such offers could not qualify for Mexican nationals.

The McCarthy amendment passed on a roll call vote of 44-43. It was opposed by a majority of both southern Democrats and Republicans. Opponents of the amendment charged that its passage would neutralize whatever merit the bracero program had had. Senator Spessard L. Holland (D-Fla.), who floor managed the Mexican labor bill, recalled that Congress had

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<sup>151</sup>New York Times, July 31, 1963; CQWR, XXI (August 2, 1963), 1344.



pondered the same amendment two years ago and turned it down because it was "impractical and unreasonable."<sup>152</sup>

Still apprehensive that the House might not resurrect the bracero program, southwestern farm interests continued to warn of the consequences of ending reliance on the Mexican labor supply. For instance, a magazine called the California Farmer estimated that the value of the state's multi-million dollar asparagus harvest would decline by approximately one-third if the Mexican labor program were ended. It noted that farmers were already making plans to plow up some 20,000 acres of asparagus beds and guessed that the growing uncertainty of a labor supply would lead to some 10,000 acres being converted to other crops less dependent on labor. The magazine predicted that the acreage devoted to other crops heavily dependent on braceros, such as lettuce and cantaloupes, would be substantially reduced. A University of California study reached the same conclusions regarding cantaloupes. A spokesman for the Grower-Shipper Vegetable Association headquartered in Salinas, California foretold a 30% drop in the acreage devoted to lettuce

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<sup>152</sup>CQWR, XXI (August 23, 1963), 1466.

during the coming year.<sup>153</sup>

On September 6, 1963, the House Agriculture Committee reported a bill (H.R. 8195) to extend the bracero program for an additional year. Its report indicated that it had suggested to the Labor, Agriculture, and State Departments that the Mexican labor program be ended gradually over a three-year period. However, all three departments recommended that extension be for a single year and that it include the main provisions of the McCarthy amendment which the Senate had already accepted. The committee compromised and its report proposed a single year extension but rejected the amendment. It claimed that the amendment "could only result in confusion and ineffectiveness" inasmuch as the administration seemed to have only a "hazy notion as to how the proposed amendment would be administered."

The four committee votes against extension came from Democrats Spark M. Matsunaga (D-Hawaii), Alec G. Olsen (D-Minn.), Benjamin S. Rosenthal (D-N.Y.), and James H. Morrison (D-La.). They charged that extension of the law would constitute a "tragedy" because it provided for "one poverty-stricken group

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<sup>153</sup>New York Times, August 18, 1963, p. 52.

of men to compete against another poverty-stricken group to create still more poverty."<sup>154</sup>

On October 31, 1963, the House reversed its earlier position and passed the bill reported by the Agriculture Committee. The roll call vote was 173-160.

This about-face may have several possible explanations. The bracero program had come under such heavy fire from a growing number of interest groups and the administration that its future in the Senate was unpredictable at the time of the initial House vote. However, in the interlude between the two House votes, the Senate had made clear that it was for extending the bracero program for one year. It became obvious that if Public Law 78 were permitted to expire at the end of 1963, the House alone would be responsible. Also, the apparent consensus among senators that the Mexican labor system should be terminated at the end of 1964 permitted the House to compromise in its second vote without sacrificing its basic commitment to termination. In the interval between the two House votes, Mexico's government had issued its strong statement against abrupt termination.

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<sup>154</sup>CQWR, XXI (September 13, 1963), 1562-63.

Finally, it should be emphasized that the first House vote was on a two-year extension. In retrospect, it was poor strategy for the House Agriculture Committee to support that grower-backed bill, because it could not attract the votes of reformers willing to support a one-year extension but nothing more.

The House votes of 1963 suggest certain patterns in the disintegration of the bracero coalition. Particularly revealing are the votes of 21 representatives who first voted against the two-year extension but were willing to support the one-year renewal in the second vote. Who were these key congressmen who held the balance of power in the House and stood in the way of the traditional two-year extension? They were primarily old supporters of Public Law 78 who had grown increasingly sceptical of it. Sixteen of them had voted on the question of renewal in 1961.<sup>155</sup> Thirteen of the 16 had voted that year to extend the bracero program by two years.

The switchers came overwhelmingly from the party which had traditionally been more supportive of the Mexican labor system. Seventeen of the 21 were

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<sup>155</sup>The other five had not yet been elected.

Republicans.

Only 4 of the switchers came from the Southwest. The others came predominantly from the Midwest and Northeast, areas which had been less dependent on the bracero program.

In summary, the 1963 House vote indicates that the bracero coalition was breaking up. The swing group holding the balance of power and unwilling to grant the traditional two-year renewal were largely old friends of the Mexican labor system. Not even the Republican Party remained a faithful ally. The swing group willing to kill the bracero program then and there if they could not hold the extension period to one year were overwhelmingly Republicans. These losses to the grower coalition came mostly from areas using few or no braceros.

On December 4, 1963, the Senate voted to accept the House version of legislation extending the Mexican labor system.<sup>156</sup> This represented one loss for critics of Public Law 78 inasmuch as the House had failed to accept the McCarthy reform amendment. However, the reform forces had won their greatest victory yet because the consensus was that Congress would finally let the program die at the end of 1964.

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<sup>156</sup>CQWR, XXII (January 3, 1964), 9-10.



## Events of 1964

In February, 1964, the New York Times observed that many California farmers had apparently given up their struggle to continue the bracero program after the end of that year. They had already begun to arrange for the recruitment of more domestic workers. Reconciling themselves to the new reality, they had changed the direction of their political pressure. Now they had begun to request both the state and national governments to inventory the possibilities for acquiring American farm workers.<sup>157</sup> Studies were conducted in a number of states concerning how the braceros could be replaced by the end of 1964.<sup>158</sup>

Toward the fall of 1964, Business Week wrote that although some growers were attempting to cope with the new reality by preparing to hire domestic workers, others continued to claim that not enough Americans were available for farm work. It noted the fact that some growers were clinging to the position that those without work would prefer to collect

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<sup>157</sup>New York Times, February 23, 1964, p. 55.

<sup>158</sup>New York Times, April 10, 1964, p. 23.

unemployment pay and that the braceros had been such capable workers that each two of them would have to be replaced by three Americans.<sup>159</sup>

Political developments during 1964 brought no new hopes to the bracero coalition. Upon succeeding to the presidency in November, 1963, Lyndon Johnson showed the same commitment to the rural poor that Kennedy had. On January 31, 1964, President Johnson's first agricultural message to Congress called for several reforms. He asked that the program of food stamps be expanded and called for improvements in housing for migratory workers. Johnson stressed the low income of the average farm worker and noted that housing on farms was frequently "dilapidated and sub-standard." He pointed out that rural people were more likely to be poor and called attention to the fact that "almost one-half our nation's poor live in rural areas." The President promised that in other messages he would ask Congress for programs to fight poverty and improve training, education, housing, and health care in rural areas.<sup>160</sup>

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<sup>159</sup>"Growers Face Loss of Braceros," Business Week, August 22, 1964, p. 120.

<sup>160</sup>CQWR, XXII (February 7, 1964), 254.

In the presidential campaign of 1964, little was said about the Mexican labor program. Farm issues in general were not prominent. Even among farm voters, these matters tended to be overshadowed by such issues as race relations and the developing situation in Vietnam.<sup>161</sup>

President Johnson was content to accept the congressional decision to let Public Law 78 die at the end of 1964. However, his opponent, Senator Barry Goldwater, was not. In August before the election, Goldwater called for tentative continuation of the bracero program. It should continue, he said, "until we can find ways of satisfying the need of farm labor through domestic sources."<sup>162</sup> In late October, Goldwater told a group of Mexican-Americans in Los Angeles that the Johnson administration was making a mistake in letting the bracero program expire.<sup>163</sup>

As recently as the last Senate debate on the bracero program in 1963, Senator Goldwater had firmly aligned himself with the bracero coalition.<sup>164</sup>

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<sup>161</sup>CQWR, XXII (October 16, 1964), 2460.

<sup>162</sup>New York Times, August 3, 1964, p. 6.

<sup>163</sup>New York Times, October 31, 1964, p. 1.

<sup>164</sup>U.S., Congressional Record, 88th Cong., 1st Sess., 1963, CIX, Part 11, 15212.

With the election of Lyndon Johnson in 1964, it appeared that hopes of reviving the bracero program were dead. Even John Kennedy, handicapped by his narrow election and the Democratic Party's poor showing in congressional races, had been able to hold the extension of Public Law 78 to a period of one year with the understanding that it would be allowed to die at the end of 1964. Johnson was elected under far more advantageous circumstances. He won by a landslide and swept to power with him greater proportions of congressmen of the types most likely to oppose the importation of Mexican labor. With a markedly more Democratic and liberal Congress than the outgoing one, the victory of reform forces in late 1963 became less tentative, and it began to look like after twenty-two years that the bracero program had finally come to an end. No serious efforts were made to revive Public Law 78 during late 1964, and on December 31, the long-sought termination became a reality.

## Summary and Conclusions

Several reasons have been suggested for termination of the bracero program. Among these were various social and economic trends. The high unemployment rate during the early 1960's tended to undermine the claim of a serious farm labor shortage.

As urbanization continued, the political influence of farmers declined. This result was intensified in 1962 when the Supreme Court began a series of malapportionment rulings requiring both state legislatures and the United States House to increase the representation of urban population.

Unprecedented mechanization displaced rural workers and made the case for foreign labor less convincing. Experience with mechanization convinced some growers of its superiority to any kind of labor program, foreign or domestic. Thus a non-political development significantly changed the nature of demands on the political system.

The grower cause was further weakened by certain priorities of the Kennedy administration, including its commitments to alleviate rural poverty and to bring minority group members into the mainstream of American



economic life. Termination of Public Law 78 may be seen as one of the administration's anti-poverty measures, especially designed to increase job opportunities for the group which had suffered most from competition with the imported workers: Mexican-Americans.

During the years 1961-64, the reform coalition operated from an unprecedentedly favorable position. It stood in sharp contrast to the many earlier years when it seemed to enjoy no political advantages over the employers of Mexican workers and their political allies. Prior to World War I, organized labor, weak and unpopular, had stood almost alone in its effort to limit the use of Mexican workers in the United States. By the early 1960's, the earlier small rump group of reformers had been transformed into a broad coalition possessing the highest credentials. It included the President himself and increasing numbers of congressmen from both parties and from most regions of the country. It included respected organizations such as the AFL-CIO, various churches, and several of the most respected publications in the United States.

This new coalition was a formidable participant in the political process. No longer could its members be lightly dismissed as they had been at the Downey

subcommittee hearings in 1942. Taken together, these interest groups included memberships numbering millions of voters. In their effort to reform the bracero program, each group tended to complement the strengths of the others. Each one attacked primarily from its own vantage point. Churches stressed moral considerations while unions focused on economic objections to the use of Mexican labor. This shotgun assault on Public Law 78 maximized the chance that the vulnerabilities of the bracero program would be exploited.

By the 1960's, members of the reform coalition possessed impressive political skills. Some, such as organized labor, had developed an enviable record for their ability to mobilize large numbers of voters. Many of the interest groups were not tackling reform of the bracero program as a one-shot cause. Organizations such as the National Education Association and the AFL-CIO had gained valuable skills from their continuous involvement in the political process on a variety of issues. Some of the reform interest groups had their own full-time research staffs and legislative specialists.

All of these advantages gave the reformers a new assurance during the Kennedy years. They pressed their points harder and demanded greater concessions.

They could threaten with more assurance that their opponents would take them seriously.

The bracero program was further weakened by using it as a wedge to achieve reforms in domestic labor. Some of these were gained by administrative discretion. Others were gained through congressional concessions to domestic farm workers as Public Law 78 was extended in 1961 and in 1963. Perhaps even more important than the actual concessions made to domestic labor was the fact that the increasing number of reformers were more insistent on more concessions than ever before. This was bound to dampen grower enthusiasm for the bracero system. After all, farmers had originally sought the program partly as a tool to use against domestic workers, not for them. By 1963, the attractiveness of the program to farmers had diminished while it continued to bring an increasing threat of government control over all farm labor. Had it not been for this development, it is unlikely that many of the Mexican labor system's oldest and most faithful friends would have agreed to kill the program, effective at the end of 1964.

It is interesting to speculate about what might have saved the Mexican labor system. It has already been suggested that Nixon's election in 1960

might have done so. The vast power of the presidency could have been employed to counter the growing power of the reformers.

History suggests that American involvement in a major war might also have salvaged the Mexican labor system. The United States has inaugurated three formal bracero programs. All were instituted shortly after American participation in a major war. Wars have been the chief spawners of bracero programs, because they reduce liberal opposition to the use of Mexican labor. Once the war ends, the program is faced with rising opposition and it grows increasingly vulnerable. The precarious position of the bracero program in 1963 is emphasized by the fact that it had continued over into peace-time longer than any other in American history.

The historical pattern suggests that had the massive American involvement in Vietnam occurred in 1962 or early 1963 rather than in 1965, the national security aspect of farm labor might have saved Public Law 78. With United States soldiers in Vietnam until 1973 and American combat involvement ending under a conservative president, the bracero program might still be in existence.

## CHAPTER VI

### THE POLITICAL AFTERMATH

#### Introduction

Nothing so simple as the congressional decision to terminate the bracero program on December 31, 1964, could have provided a conclusive solution to the long conflict over the employment of Mexicans in the United States. Twice before (after the two world wars), formal bracero programs had ended without altering the fundamental disagreements between its advocates and opponents.

What we have seen is an ongoing struggle punctuated by a series of rotating and insecure victories for each side.<sup>1</sup> During certain periods (war-time), growers have successfully pressured the national government to guarantee them a supply of Mexican labor. Yet the guarantees have never been permanent. Reform forces have always re-mobilized to bring an end to

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<sup>1</sup>This generalization is made for formal bracero programs only. It does not dispute the claim of earlier chapters that the national government has often failed to conscientiously enforce laws which would have denied Mexican workers to growers.



them. By January 1, 1965, the score was even. Three bracero programs had been inaugurated and three terminated. Victory for neither side had ever brought the ultimate concession from its opponent. The "loser" had always re-mobilized to continue the political battle.

This historical pattern observed in earlier chapters leads to the expectation that termination of Public Law 78 would not suddenly solve the underlying group conflicts. That southwestern growers would not be content with the new policy is also predictable from pluralist theory with its emphasis on the continuous nature of group conflict.

While the whole question of the politics of Mexican labor in the United States has been relatively ignored by scholars, most of their limited attention has been focused on bracero programs themselves. The politics of post-bracero eras has been all but ignored.

The present chapter turns attention to the aftermath of Public Law 78's termination, particularly the nature of the ongoing group struggle and the search for alternatives to bracero labor. With the Mexican labor system so recently ended, 1965 was the crucial year during which grower protests reached a peak and

reform forces attempted to consolidate their victory. For this reason, disproportionate emphasis is placed on developments of that year.

The Aftermath: 1965-68

Alternative sources of Mexican labor. Critics of bracero programs have been prone to over-emphasize the importance of laws specifically providing for the importation of Mexican workers. They have generally paid much less attention to Mexicans entering under general immigration laws and to those entering illegally. Yet these latter channels have brought far more workers from Mexico to the United States. Nevertheless, during the early 1960's, reformers gave the impression that termination of Public Law 78 would solve the problem of Mexican competition with American farm labor. This ignored the fact that termination of earlier bracero programs had never shut off the flow of Mexican workers to the United States.

By no means did the demise of Public Law 78 end the group conflict over Mexican labor. Instead, the struggle was re-directed. Even before the bracero program expired, growers had enjoyed four additional supplies of Mexican workers. After December 31, 1964,

they turned increasingly to certain of these alternatives. The Labor Department effectively curtailed reliance on some of these channels but only in the face of furious pressure from farm groups.

To consider the group struggle over Public Law 78 without regard to this broader context is misleading. The formal bracero program was merely one means of governmental accomodation to the grower's broad demand for Mexican labor. When he lost that specific program, he was perfectly willing to seek the same labor by other means. In doing so, he fell back on many of his old justifications for the bracero program. He found that most groups opposing his renewed efforts were old opponents from pre-termination days, and they, too, resurrected many of their old arguments. For these reasons, the grower initiative to obtain Mexican labor during 1965 is more accurately seen as a continuing, rather than a new, struggle.

The employment of wetbacks had continued even when record numbers of Mexicans were entering under the provisions of Public Law 78.<sup>2</sup> The number of illegal Mexicans apprehended by immigration authorities

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<sup>2</sup>For a perceptive account of wetbacks before and after termination of Public Law 78, see Carol Norquest, Rio Grande Wetbacks: Mexican Migrant Workers (Albuquerque: University of New Mexico Press, 1972).

began a constant increase as the bracero program was being phased out and continued after its expiration. Some 39,000 were apprehended in 1963. By 1968, the number of annual arrests had climbed to over 150,000.<sup>3</sup>

This trend may be explained in either of two ways. The first possibility is that the number of wetbacks entering the United States did not grow, and the upward trend simply reflects more vigilant action by American immigration authorities inspired by a reform administration. The second explanation is that when Mexicans could no longer enter as braceros, more came as wetbacks.

During the final days of the bracero program, the Johnson administration announced that the border would be more carefully patrolled. However, there is little evidence that it made serious efforts to prevent the predicted increase in wetback entry. The number of Border Patrol personnel was increased only slightly. In a recent study of the wetback problem, Julian Samora concludes that the last important campaign "initiated by the Border Patrol to tighten up the

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<sup>3</sup>Julian Samora, Los Mojados: The Wetback Story (Notre Dame: University of Notre Dame Press, 1971), p. 46.

border" occurred in 1954.<sup>4</sup>

Various annual reports issued by the Immigration and Naturalization Service assume that the increase in the number of wetbacks apprehended since 1964 reflects the fact that increasing numbers of illegal Mexicans were entering the United States. For example, the Annual Report for 1970 states: "Since termination of the Mexican Agricultural Act at the end of 1964, the number of illegal entries over the Mexican border continues to soar."<sup>5</sup>

The relevant question which cannot be definitively answered from present research is the extent to which wetbacks came to be employed in farm jobs previously held by braceros. However, Samora's findings that most employed wetbacks do agricultural work would suggest the likelihood that many were in fact replacements for earlier braceros. This expectation is increased by the fact that large numbers of wetbacks worked in the Southwest which had relied heavily on the Mexican labor system.

Approximately 100,000 more wetbacks were

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<sup>4</sup>Ibid., p. 50.

<sup>5</sup>U.S., Department of Justice, Annual Report of the Immigration and Naturalization Service, 1970, p. 11.



apprehended in 1968 than during the last year of the bracero program. When these numbers are adjusted upward to allow for the fact that many illegal Mexicans are never caught, it becomes obvious that termination of the bracero program did not finally end the "problem" of Mexican employment in the United States.

Ironically, in debate leading up to termination of Public Law 78, reformers had said little about the wetback problem. It was mostly friends of the bracero program who had warned that its termination would bring the return of large numbers of illegal Mexicans. Reformers had treated Public Law 78 as the big enemy, and they had paid little attention to the growing number of wetbacks.

The efforts of Secretary Wirtz during 1964 and 1965 were directed mostly toward making it more difficult to obtain legal Mexican labor. He paid little attention to the wetback problem. To some extent this neutralized the liberal victory gained by termination of Public Law 78. Since wetbacks enjoyed no legal protection, they could be exploited far more than braceros. This meant also that they posed a greater threat to American workers.

Why Secretary Wirtz did so little about the

wetback problem is not clear. Perhaps it was because reform groups during the late 1950's and early 1960's had concentrated more on discrediting Public Law 78 than on calling attention to the wetback problem. The great national concern over wetbacks had never really been revived since Eisenhower's aborted crusade of 1954. Reform groups had thus not laid the same favorable foundation for an assault on illegal labor that they had for the administration's attack on the legal importation of Mexican workers.

The failure of Secretary Wirtz to concentrate on the wetback problem follows a common pattern of the reformers. Historically, they have tended to equate favorable laws and formal public policies with success. This has been one of their greatest strategic errors. For example, they celebrated the end of the World War I bracero program as if that policy change would solve the problem of Mexican labor. It was in fact the prelude to an unprecedented decade of wetback entry.

In a book published in 1954, Burma concluded that since 1940, more Mexicans had entered the United States illegally than legally.<sup>6</sup> Between 1924 and 1969,

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<sup>6</sup>John H. Burma, Spanish Speaking Groups in the United States (Durham: Duke University Press, 1954), p. 44.

over five million wetbacks were apprehended.<sup>7</sup> As noted above, large numbers have been apprehended since termination of the bracero program in 1964. With such massive numbers of Mexicans entering the United States illegally, the reformer's common tendency to assume that all is well if the law is well has weakened his own cause.

To keep the bracero program alive between 1951 and 1964, growers had been forced to mobilize politically. In contrast, they won the post-bracero wetback battle by default. Reformers said and did little about the problem. For that reason, the issue was markedly lacking in the flurry of group activity which had surrounded the controversial bracero program.

Since expiration of Public Law 78, a second alternative source of Mexican labor has been the so-called "border-crossers."

The Immigration and Nationality Act provides that a special Nonresident Border-Crossing Identification Card (Form I-186) may be issued to an alien "who is a resident in foreign contiguous territory." This provision facilitates the movement of many Mexicans and Canadians who wish to make short trips to

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<sup>7</sup>Samora, op. cit., p. 57.

the United States for pleasure, shopping, or business. Form I-186 permits the visitor to travel a maximum of twenty-five miles from the United States border. Although he may remain in this country no more than seventy-two hours at a time, there is no limitation on how often he may return. Until January 10, 1969, border-crossing cards were valid for a period of four years.<sup>8</sup> Effective that date, they have been good for an indefinite period.

While Form I-186 prohibits the visitor from working in the United States, immigration authorities claim that many apprehended Mexicans entered initially on the border-crossing card, then violated its provisions by finding jobs and violating the seventy two hour limit.<sup>9</sup> The practice of keeping no record of the date of entry probably encourages violation of the card's provisions.<sup>10</sup>

Large numbers of Mexicans hold Form I-186. Based on data for 1968, Samora reports that each month, over 2,500 of the cards are issued in El Paso and "several hundred are canceled monthly, primarily for violation of the work restriction." Approximately

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<sup>8</sup>Ibid., pp. 155-56.    <sup>9</sup>Ibid., p. 23.

<sup>10</sup>Ibid., p. 145.

75,000 residents of Ciudad Juarez hold Form I-186.<sup>11</sup> During the years 1961-67, the number of cards issued in the Southwest (not exclusively, but overwhelmingly, to Mexicans) increased annually. Over 125,000 were issued in 1961. In 1967, over 370,000 were issued.<sup>12</sup>

The marked increase in the number of cards issued as the bracero program was being terminated and since 1964 suggests the likelihood that some of the braceros were being replaced by border-crossers.

We have now examined two non-bracero sources of Mexican labor which were being used even during the bracero era. After Public Law 78 expired, both brought increasing numbers of Mexican workers to the United States. Our attention turns now to a third source of non-bracero Mexican labor.

In the southwestern United States, Mexican immigrants are commonly called green-carders. The name comes from the color of Form I-151, the Alien Registration Card, which is issued to all immigrants to the United States irrespective of their country of origin.<sup>13</sup> However, informal usage ordinarily applies

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<sup>11</sup>Ibid., p. 23.      <sup>12</sup>Ibid., p. 184.

<sup>13</sup>"Characteristics of Mexican Immigrants Working on Farms," Farm Labor Developments, September-October, 1967, p. 36.



the green-card label to Mexican immigrants only.

Green-carders have almost all the rights and responsibilities of American citizens. They are free to work at almost any job and to live wherever they please.<sup>14</sup> Legally, the green-carder is no different from all other immigrants to the United States.

Prospective immigrants from Mexico apply for a regular immigration visa. It is issued only to applicants who meet all specifications for immigration as set forth in the Immigration and Nationality Act of 1952, as amended.

On July 1, 1963, the Kennedy government began taking administrative action which made it more difficult for prospective immigrants to enter the United States for the purpose of working here. Effective that date, the Department of Labor was given a veto over the entry of such prospective immigrants. With few exceptions, the State Department began denying visas to them unless the Labor Department certified a shortage of American workers with their particular skills and verified that admitting the prospective immigrants would have no adverse effect on domestic workers.

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<sup>14</sup>Ibid.

The Johnson government continued this restrictive screening as a matter of administrative discretion until December, 1965, when Congress amended the Immigration and Naturalization Act to require the Labor Department to make a judgment about admission of the above discussed prospective immigrants.<sup>15</sup> This development was important because Congress ratified the labor secretary's earlier assumption of that power. For decades, growers had looked upon the Labor Department as a liberal enemy. Time and again, they had tried to strip away its allegedly illegal power over foreign labor. Thus the 1965 congressional action was another loss for the grower cause.

Before the Labor Department's assumption of this new authority in 1963, Mexicans who could not qualify as braceros could sometimes be admitted as immigrants. If there were no labor shortage, the secretary could refuse to certify their entry as braceros. However, they might then bypass him by applying for entry as immigrants to do the same work. Labor shortage or not, until 1963, the labor secretary had no voice in deciding which prospective immigrants would be granted visas. As noted earlier, as the

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<sup>15</sup>Ibid., p. 40.

bracero program was cut back during the early 1960's, the number of Mexicans entering as immigrants increased.

After Secretary Wirtz assumed this veto over prospective immigrants desiring to work in the United States, the number of Mexican farm laborers admitted as immigrants dropped sharply. During the fiscal year preceding the new policy, 6,797 Mexicans were issued immigrant visas for the purpose of doing farm work in the United States. In the first year the new amendments were in effect, only 1,748 Mexican farm workers were admitted as immigrants.<sup>16</sup>

A special type of Mexican immigrant needs some separate explanation. He has all of the rights and responsibilities mentioned above as characteristics of Mexican immigrants, because he is legally an "immigrant" to the United States. As they, he must meet the same requirements for obtaining a visa. Known as a "commuter," he enjoys a special privilege which is shared only with certain Canadian "immigrants." That is the right to commute to the United States for work while continuing to live in his own country. Thus, the paradox of "immigrants" who do not immigrate. While living in his native country, the commuter enjoys

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<sup>16</sup>Ibid.

the same legal and employment rights in the United States as do all other persons admitted as immigrants to this country.

The commuting practice was created by administrative rulings of the Immigration and Naturalization Service (INS). While immigrant visas indicate that the immigrant will reside in the country to which he is immigrating,<sup>17</sup> the INS has long permitted certain Mexican and Canadian "immigrants" to work in the United States without living here. It ruled decades ago that admission as an immigrant entitled them, but not other immigrants, to live in the United States but did not require them to do so.<sup>18</sup> As Samora has pointed out, the immigration visa often turns out to be nothing more than "an alien work permit."<sup>19</sup> The INS has claimed that this special treatment of Mexican and Canadian immigrants is justified by the special relationship which the United States has long enjoyed with their countries.<sup>20</sup>

Being granted immigrant status does not automatically entitle Mexicans and Canadians to commuter rights. According to a recent INS statement, the

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<sup>17</sup>Samora, op. cit., p. 29.    <sup>18</sup>Ibid., p. 158.

<sup>19</sup>Ibid., p. 22.    <sup>20</sup>Ibid., p. 157.

additional problem is how to enable those nationals wishing only to work in the United States to avoid "having to obtain a new visa for each daily reentry." The solution is the Border Crossing Card which enables the commuting worker to return to his status as an American immigrant each time he comes to this country.<sup>21</sup> Some of the laborers entering under this procedure return daily to their homes in Mexico and Canada. Others work a week or longer between trips home.<sup>22</sup>

Critics have claimed that the commuting practice is legally questionable. Samora has called it a "legal fiction" because the commuting workers are not really immigrants.<sup>23</sup>

Because the INS keeps no systematic record of the number of Mexican immigrants who actually commute regularly to work in the United States, the numbers and characteristics of such commuters are not entirely clear. However, two post-1964 studies of commuters have been undertaken.

During November and December, 1967, the INS asked entering green-carders to complete questionnaires

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<sup>21</sup>Ibid.      <sup>22</sup>Ibid., p. 20.      <sup>23</sup>Ibid., p. 22.



if they commuted daily to jobs in the United States. The study found that about 40,000 Mexicans were living in Mexico and crossing the border each day to work in the United States. Some 40 percent indicated that they were employed in agriculture.<sup>24</sup>

Although the findings of this study are useful, they do not indicate the full scope of the commuter phenomenon. First, only daily commuters were surveyed and it is known that some Mexicans with commuter status hold jobs in the United States while returning frequently, but not daily, to their homes and families in Mexico.

Secondly, the study may have underestimated even the number of daily commuters. Samora has written:

It is known that when counts are being taken many commuters, probably apprehensive about what is being planned or about their status, either do no cross into the United States or remain in the United States until the danger is over.<sup>25</sup>

In January, 1968, the United States Labor Department did a study of the wages paid commuters in and around Laredo, Texas.<sup>26</sup> It found that those doing farm work were paid less than those employed in

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<sup>24</sup>Stanley M. Knebel, "Restrictive Admission Standards: Probable Impact on Mexican Alien Commuters," Farm Labor Developments, November, 1968, pp. 8, 13.

<sup>25</sup>Samora, op. cit., p. 22.

<sup>26</sup>Knebel, loc. cit., p. 8.

other jobs and well below the minimum wage which Congress had by then set for agricultural workers.<sup>27</sup>

The number of commuters doing farm work may seem small on a national scale. However, their concentration near the Mexican border has had an important impact on the labor market of these areas. The INS study found that about 49 percent of the daily commuters worked in Texas, 38 percent in California, and 13 percent in Arizona.<sup>28</sup> Because ending Public Law 78 did not affect the flow of commuters, these border areas were adequately supplied with Mexican labor while many previous users of braceros were claiming a catastrophic labor shortage during 1965.<sup>29</sup>

Still other studies deal with the composite of Mexican immigrants, including commuters. In a survey conducted in 1965, James Nix found that about 631,000 Mexican aliens were registered with the INS. From a sample of the registration cards, it was concluded that approximately 39,000 had listed their

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<sup>27</sup>Ibid., p. 17.      <sup>28</sup>Ibid., p. 8.

<sup>29</sup>See the remarks of Senator Spessard Holland: U.S., Congressional Record (hereafter indicated as CR), 89th Cong., 1st Sess., 1965, CXI, Part 3, 3099.

occupations as some form of farm work. However, Nix believes this figure is too small to reflect the Mexican immigrants' impact on agriculture, because numerous others who listed non-agricultural jobs "probably do farmwork at least occasionally."<sup>30</sup> He concludes that during 1965, the first post-bracero year, about 24,000 Mexican immigrants were employed on farms in California. That was about 20 percent of all seasonal farm workers in that state.<sup>31</sup>

The Nix study found that a large proportion of Mexican immigrants doing farm work in the United States "were relative newcomers." Approximately 38 percent had been admitted during the 1950's. The number increased markedly during the first few years of the 1960's. Some 35 percent came during the 1961-64 period.<sup>32</sup> As noted earlier, this increase in Mexican immigration corresponded with the declining years of Public Law 78. Some growers were apparently replacing braceros with immigrants.

This trend was checked by three developments. The first was the July 1963, action of the Kennedy

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<sup>30</sup>"Characteristics of Mexican Immigrants Working on Farms, loc. cit., pp. 36-38.

<sup>31</sup>Ibid., p. 39.      <sup>32</sup>Ibid.

administration giving the Labor Secretary a veto over the admission of prospective immigrants wanting to enter the United States for farm work. The second was congressional ratification of this new procedure in 1965.

Congress made historic reforms in the immigration laws during 1965,<sup>33</sup> and fall-out from those struggles resulted in a ceiling being placed, for the first time, on immigration from Western Hemisphere countries. The key bill was H.R. 2580. It provided for ending the controversial national origins quota system which provided a country-by-country ceiling for annual immigration from countries outside the Western Hemisphere. As discussed earlier, the Latin American countries and Canada had always been specifically excluded from the quota limitations, and no ceilings had ever been placed on immigration from those nations.

The Johnson administration enthusiastically championed H.R. 2580 and its provisions for ending the quota system.<sup>34</sup> However, various conservative congressmen sought to add amendments to that bill which would

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<sup>33</sup>Congressional Quarterly Almanac, XXI (1965), 459-82.

<sup>34</sup>Ibid., p. 459.

place a ceiling on immigration from Western Hemisphere countries. The administration was opposed to such ceilings. Its spokesmen said they were incompatible with our "special relationship" with nations of this hemisphere.<sup>35</sup>

In the House, Clark MacGregor (R-Minn.) introduced an amendment to H.R. 2580 which would have limited annual immigration from Western Hemisphere countries to 115,000. After reportedly strong pressure from the administration, the amendment was rejected by a roll call vote of 189-218.<sup>36</sup>

The administration's fight against the ceilings was lost in the Senate. As H.R. 2580 was being considered by a subcommittee of the Senate Judiciary Committee, it became obvious that only a minority of its members were willing to support that bill (to end the quota system) without demanding a price. The administration needed to win over two additional senators on the subcommittee. Everett Dirksen (R-Ill.) and Sam Ervin, Jr. (D-N.C.) let it be known that they would support H.R. 2580 only if the administration would drop its opposition to a ceiling for Western

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<sup>35</sup>Ibid.    <sup>36</sup>Ibid., p. 462.



Hemisphere countries. It reluctantly agreed. Senator Ervin then introduced and the Senate accepted an amendment limiting Western Hemisphere immigration to 120,000 annually, effective July 1, 1968.<sup>37</sup> The Ervin amendment was later accepted by the House and included in the law (Public Law 89-236) which was signed by President Johnson on October 3, 1965.<sup>38</sup>

Inasmuch as it set an upper limit on immigration from the Western Hemisphere, the Ervin amendment to H.R. 2580 may be seen as another setback to the grower cause. Viewed from that perspective, it is paradoxical that the initiative for some kind of ceiling came predominantly from conservatives. For example, the five members of the Immigration and Naturalization Subcommittee supporting the Ervin amendment were a combination of southern Democrats and Republicans. Opposing it were Senators Edward Kennedy (D-Mass.), Philip Hart (D-Mich.) and Jacob Javits (R-N.Y.).<sup>39</sup>

Viewed from a second perspective, establishment of an immigration ceiling for Western Hemisphere countries was not a serious setback to growers seeking

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<sup>37</sup>Ibid.    <sup>38</sup>Ibid., pp. 459, 466.

<sup>39</sup>Ibid., p. 477.

Mexican labor. Southwestern farmers had long noted that they preferred temporary workers unencumbered by families. They had idealized the bracero because once the harvest had ended, he returned to Mexico rather than remaining a "social problem" in the United States. While wetbacks could measure up to this standard, the permanency of immigrant farm workers might bring many of the same problems that the grower saw in domestic workers.

Consideration of this perspective makes more understandable the 1965 position of certain traditional friends of the bracero program. For example, Senator Allen J. Ellender (D-La.) claimed that the termination of Public Law 78 had resulted in a serious shortage of farm labor. Nevertheless, on September 22, 1965, he told the Senate: "It makes little sense to me to continue to accept large numbers of immigrants when we have almost four million unemployed in the United States at the present time."<sup>40</sup> Yet during 1965, he was harshly critical of Secretary Wirtz for not permitting more temporary Mexican workers to enter the United States.

Although the Ervin amendment probably reduced the number of legal Mexican farm workers entering the

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<sup>40</sup>Ibid., p. 479.

United States, liberal opposition to it is understandable. Mexican labor reformers had never been critical of the employment of all Mexicans. Most of their criticism had been aimed at the use of foreign labor which undermined American competitors. A more permanent labor force of Mexican immigrants accustomed to higher living standards would hardly pose the same threat as impoverished wetbacks and braceros who had no meaningful alternative to working quietly for the American grower.

We have now discussed three types of non-bracero Mexican labor: wetbacks, border-crossers, and immigrants. A fourth type was the so-called "H-2" worker.

Consistent with earlier American immigration laws, the Immigration and Nationality Act of 1952 (Public Law 414) provides for the temporary admission of certain foreign workers. Type H-1 applies to the relatively skilled laborer and is not particularly relevant to the importation of agricultural labor. A type H-2 entrant is defined in Public Law 414 as "an alien having a residence in a foreign country which he has no intention of abandoning" and "who is coming temporarily to the United States to perform other temporary services or labor, if unemployed persons

capable of performing such service or labor cannot be found in this country."<sup>41</sup> Section 214 of the same law provides that the Attorney General shall prescribe conditions to regulate the entry of non-immigrants to the United States. It specifies that in admitting temporary workers, the prospective employer shall submit a petition containing whatever information the Attorney General shall prescribe. Regulations issued by the Attorney General for administering this section state: "A U.S. Employment Service clearance order concerning the nonavailability of qualified persons in the United States and stating that its policies have been observed shall be attached to every submitted non-immigrant visa petition to accord an alien" an H-2 classification "unless the petitioner has been informed by the Service that a clearance order for the beneficiary's occupation is not required."<sup>42</sup>

Although Public Law 78 authorizing the bracero program and Public Law 414 contained obviously similar provisions, each served a distinct purpose. The latter

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<sup>41</sup>See U.S., Congress, Senate, Committee on Agriculture and Forestry, Hearings, Proposed Criteria for the Importation of Foreign Agricultural Workers, the Difficulties in Securing Domestic Help, and the Immediacy of the Problem, 89th Cong., 1st Sess., 1965, pp. 2-3.

<sup>42</sup>Ibid.

was the general immigration law and made no specific provision for regularizing the entry of Mexican labor as such. Of course, short-term Mexican workers could and did enter under Public Law 414 just as could workers from other countries. As noted earlier, temporary Mexican workers have long entered under special loopholes written into the general immigration laws. However, this broad authority to import short-term labor from any country did not give the same specific recognition to the demands of southwestern growers as did giving them their own special Mexican program under Public Law 78. This is not to say that bracero-users had not welcomed the H-2 provision of Public Law 414. It was a convenient, supplementary legal basis for continuing the importation of Mexican labor should the bracero program be ended.

In debate leading up to termination of Public Law 78, reform forces paid little attention to this loophole. However, the great pressure group struggle of 1965 centered around the temporary worker provision of Public Law 414. Of the four alternative sources of Mexican labor, this was the only one on which growers and the administration clashed vigorously. Farmers were able to use increasing numbers of wetbacks and border-crossers without the administration indicating



any serious desire for a clash on those issues. There could be no major battle on the immigration option because most growers were not particularly committed to keeping it open. If there was to be a battle approximating the intensity of the struggle over Public Law 78, it had to be over the final option, H-2 temporary Mexican workers. Both the administration and growers decided to focus on it because those workers most closely resembled braceros. That was the only one of the four alternatives which could have been used to bring back, under another name, a Mexican labor supply closely resembling the bracero program.

Unlike immigrants, braceros and H-2 workers could be brought to the United States for temporary work. When the season ended, they returned to Mexico, and farm communities did not have to face yearlong migrant problems. Whereas growers might have to furnish housing for the families of immigrant migrants, H-2 workers, like braceros, came alone. Although wet-backs and border-crossers furnished a cheap, docile labor force, their illegal status presented problems which braceros and H-2 workers did not. First, not all growers who wished to use Mexicans were willing to employ illegal ones. Secondly, even those who were could not be sure that a reform administration

would continue to tolerate widespread use of an illegal Mexican labor force.

The Labor Department's new regulations governing entry of temporary H-2 workers under Public Law 414.

As observed earlier, regulations issued by the Attorney General had given the Labor Department broad discretion to determine policies governing the admission of temporary H-2 workers under Public Law 414. Even before the bracero program expired, Secretary Wirtz correctly anticipated that many growers would attempt to replace braceros with massive numbers of H-2 Mexicans. Consequently, he took early steps to defeat that effort.

During December, 1964, Secretary Wirtz held a series of public hearings at which criteria for the admission of foreign workers were considered.<sup>43</sup> On December 19, he issued tough new standards, effective January 1, 1965, for employers seeking H-2 workers.<sup>44</sup> The importance of the new criteria was that they forced growers to make substantially more attractive job offers to Americans or forfeit any hope of obtaining

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<sup>43</sup>"The End of Public Law 78," Farm Labor Developments, January, 1965, p. 6.

<sup>44</sup>Ibid., pp. 6-7.

temporary H-2 workers from Mexico.

The new standards specified that applications would be considered only if employers had first made "reasonable efforts" to utilize "all sources of available domestic workers." Reasonable efforts were defined to include offers of daily transportation, "other appropriate recruitment efforts," and a willingness to employ workers from other states. The secretary also issued a state-by-state suggested scale of minimum wages. Only growers offering to hire Americans for no less than the wage specified for that state would be eligible to hire foreign labor. Also, employers were required to furnish family housing "where feasible and necessary." The new regulations required that "except as otherwise provided, domestic workers must be offered, as a minimum, all the terms and conditions of employment that are offered to Mexican workers under the migrant labor agreement of 1951, as amended, including a written contract embodying these conditions." Any growers failing to honor these contracts would be ineligible to receive foreign workers.

The regulations further specified that foreign workers could not be employed "for a period exceeding

120 days." If domestic workers became available for jobs already filled by braceros, "the domestic workers must be given preference." Finally, foreign labor could not be used by employers "involved in strikes or other labor disputes."<sup>45</sup>

The new standards once again spotlighted the foreign labor paradox of southwestern growers. They had long sought Mexican workers as a means of reducing the power of American farm labor. However, they were again finding that legal Mexican labor could be obtained only if they first agreed to important demands of American farm workers and their political allies.

Mexico's concern with the rights of H-2 workers. As noted earlier, the Mexican government took the position that the United States had terminated the bracero program too rapidly. However, that did not mean that Mexico was now willing to supply massive numbers of H-2 workers on whatever terms southwestern growers wished. It will be recalled that Public Law 78 and the agreement with Mexico had outlined the rights of braceros in detail. Many of these guarantees represented American concessions to persistent pressure from the Mexican government. In contrast, the H-2 provision

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<sup>45</sup>Ibid.

of Public Law 414 made no specific reference to the rights of these foreign workers. Consequently, any grower effort to simply substitute massive numbers of H-2 workers for braceros posed the danger that the Mexican government would lose the hard-won concessions which it had gained in Public Law 78. Therefore, notwithstanding its desire to continue sending workers to the United States, the Mexican government attempted to head off what it suspected were grower efforts to simply substitute H-2 workers with few rights for braceros who had enjoyed substantial guarantees. Secretary Wirtz supported its efforts.

In his statement of December 19, 1964, Wirtz noted that any continued importation of Mexican workers, even under the tough new standards, would be done only in cooperation with the Mexican government.<sup>46</sup>

On December 31, 1964, Antonia Carrillo Flores, Foreign Minister of Mexico, issued a statement concerning the new regulations issued by Secretary Wirtz. He noted that the provision for consultation with Mexico had taken into account "the views expressed for some months by the Mexican Government and, particularly, by President Díaz to President Johnson last November." The

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<sup>46</sup>Ibid., p. 7.



Foreign Minister further explained:

The Government of Mexico will only authorize the eventual contracting of workers during the coming year if a system is established which will permit satisfactory vigilance to insure compliance of the obligations stipulated in the work contracts which might be entered into and which, in no case, should contain guarantees and rights inferior to those fixed under the 1951 accord, nor salaries lower than those specified in the new schedule as having to be offered to the U.S. workers.<sup>47</sup>

The Foreign Minister noted that American growers had already been asking Mexico for H-2 workers on these terms.<sup>48</sup>

Criticism of the new regulations. From the time Secretary Wirtz issued the new standards governing admission of H-2 workers under Public Law 414, they were vigorously criticized in various forums by grower interests and their political allies. Spokesmen for growers associations sent letters and telegrams to congressmen, the Department of Labor, and President Johnson. Associations passed resolutions which received wide publicity. Their spokesmen met with congressmen and representatives of the Labor Department. They testified in congressional hearings. Also, various congressmen criticized the new standards in congressional

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<sup>47</sup>Senate Agriculture Committee Hearings (hereafter cited as SAC Hearings), loc. cit., pp. 35-36.

<sup>48</sup>Ibid.

debate. Some congressmen attacked them in congressional hearings. Some sent critical letters and telegrams to President Johnson and Secretary Wirtz. Various newspapers featured articles, editorials, and letters to the editor which criticized the new standards.

Critics of Secretary Wirtz argued that he had no legal authority for setting farm wages. Congress had repeatedly refused to extend minimum wage coverage to agricultural labor.<sup>49</sup> The hourly wages set by Wirtz were unreasonably high and would encourage workers to loaf.<sup>50</sup>

The critics charged that the new regulations would drive the cost of production to an unreasonably high level. This would result from such factors as the excessively high wage rates, reliance on untrained domestic workers, and skyrocketing costs of recruitment.

It was charged that the new standards were predicated on a highly unrealistic assumption about American workers which had been repeatedly disproven. Wirtz had assumed the existence of an adequate supply of able and willing Americans who could be hired for farm

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<sup>49</sup>CR, loc. cit., pp. 3100, 3102, 3111.

<sup>50</sup>Ibid., pp. 3100, 3111.

work. During the early months of 1965, the critics charged that even the higher wages and additional benefits required by the secretary were failing to attract enough domestic workers to save the crops. They argued that intensive recruiting drives had been undertaken at great expense, but almost all were disappointing. Many of the available workers were lame, drunkards, lazy, or otherwise undesirable employees. Most newly recruited Americans quit their farm jobs after a few days.<sup>51</sup> Growers repeatedly explained that their best efforts to attract domestic workers had been a bitter disappointment. A typical case is illustrated by a letter from the president of a sugar company to Senator Holland. Advertising for workers at a minimum wage of \$11.50 per day and furnishing transportation in air-conditioned buses, he was able to hire only one man, and he worked only a day.<sup>52</sup>

The critics charged that because many farmers were denied reliable foreign workers and forced to depend on expensive and unreliable domestics, the farm

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<sup>51</sup>For variations on this theme, see Ibid., pp. 3100, 3105-3107, 3110, 3113, 3117, 3119, 3122-24.

<sup>52</sup>Ibid., p. 4475.

economy and the nation would suffer. Unless the new regulations were rescinded, devastating crop losses were certain. As early as January, 1965, various senators were telling their colleagues that crops were already rotting. This theme occurred increasingly during February and March.<sup>53</sup>

Farmers would not continue to invest tens of thousands of dollars in the production of crops which could not be harvested. Many growers would cease planting altogether or convert their land to low labor crops. This would bring food shortages and skyrocketing costs to consumers.

The critics of Secretary Wirtz noted that some growers were leaving the United States and buying farms in Mexico. They claimed that labor there was much cheaper and far more dependable. Senator George Murphy (R-Calif.) told his colleagues that he knew of five major farmers who had already moved their operations to Mexico. He claimed that this exodus would undermine the secretary's goal of putting Americans to work. As farmers left, American farm workers and all whose jobs were dependent on them, such as teamsters, would lose their jobs. Also joining the exodus, the

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<sup>53</sup>Ibid., pp. 3100, 3110, 3128.

critics claimed, were various packing companies. This pattern had been developing for several years, and it was helping Mexico to increase her volume of farm exports to the United States. Because companies could produce more cheaply in Mexico than in the United States, they were able to undersell American farmers. This too would adversely affect domestic farm workers.<sup>54</sup>

Critics of Secretary Wirtz argued that his 120-day limit on foreign workers was unrealistic. Some crops, such as dates, take up to ten months to develop, and it would make no sense to force growers to employ two or three different crews of foreign workers during the season.<sup>55</sup>

Secretary Wirtz was portrayed as an impractical, ivory tower official who had listened too much to "do-gooders." Although he was well meaning, he knew very little about the problems of farmers. As one congressman stated the criticism: "There is a contest going on, an imposition of the will by someone who has a theory, on people who have had years of practical experience."<sup>56</sup>

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<sup>54</sup>Ibid., pp. 3106, 3108, 3110, 3117, 3144.

<sup>55</sup>Ibid., p. 3100.      <sup>56</sup>Ibid., pp. 3108-3109.



The case for the new regulations. On January 15, 1965, Secretary Wirtz responded to the attack on his new standards for importing H-2 workers. His defense was presented in testimony before the Senate Agriculture and Forestry Committee.

Secretary Wirtz was particularly concerned with the charge that after Congress had repeatedly refused to regulate farm wages and working conditions, he had arbitrarily done just that. He noted that no farmer was being forced to abide by the new regulations. They governed only those growers who voluntarily chose to ask for the special privilege of importing temporary workers from other countries. Congress had provided in Public Law 414 for limiting the conditions under which farmers could obtain such labor. Section 10 specified that temporary workers could be imported only "if unemployed persons capable of performing such service or labor cannot be found in this country." Referring to that section, Wirtz explained to the committee:

This is the whole of the legal basis on which we proceed, and the entire discussion, then, must be in terms of whether the work to which we are referring is work with respect to which it cannot be said that there are unemployed persons capable of performing such service or labor to be found in this country.<sup>57</sup>

Congress had not specified the standards for determining when such conditions exist. However, it had provided in Public Law 414 for the Attorney General to decide on the admission of H-2 workers after consultation with other governmental agencies. Wirtz pointed out that the Attorney General had issued regulations giving the Labor Department the authority to veto the entry of H-2 workers when Americans were available to fill the jobs. By issuing the new regulations, Secretary Wirtz claimed that he had simply been meeting his responsibility. It was unquestionable that there were unemployed persons in the United States. He noted that they numbered almost four million. The only question, then, was to determine whether this huge labor surplus contained enough persons capable of doing the necessary farm work. At starvation wages, the decision required by Congress could not be made. Even capable unemployed persons

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<sup>57</sup>SAC Hearings, loc. cit., p. 65.

might very well refuse to harvest crops if they were unable to earn a living by doing the work. Nor did Congress provide in Public Law 414 that "labor shortages" resulting from substandard wages and working conditions could be solved by simply importing alien workers.

As Secretary Wirtz explained it, his primary responsibility under Public Law 414 was to come up with some meaningful system for determining if an adequate supply of capable unemployed Americans could be hired to fill vacant farm jobs. He claimed that determination could be made only when wages and working conditions had been lifted above the substandard. That was the purpose of his new regulations. He believed they would make farm labor sufficiently attractive to prove that all vacant agricultural positions could be filled by American workers.<sup>58</sup>

The dispute over congressional intent in termination of the bracero program. During early 1965, much of the disagreement between grower interests and reformers centered around the question of congressional intent in terminating Public Law 78. More specifically,

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<sup>58</sup>For the secretary's defense of the new regulations, see Ibid., pp. 64-100.

was the decision to end the bracero program motivated by a broad desire to convert to domestic farm labor? Or was congressional intent limited solely to ending labor importation under Public Law 78 with no implications at all for Mexicans entering as temporary H-2 workers under Public Law 414? Reformers predictably advanced the former argument. They claimed that the congressional decision to end the bracero program had been a clear message to the Labor Department to tighten the administration of Public Law 414 so as not to undermine the broad purpose of Congress.

In hearings before the Senate Agriculture and Forestry Committee on January 15, 1965, Secretary Wirtz responded to suggestions that Public Law 414 could be used to supply substantial numbers of farm workers to American growers. He replied that the law which Congress had terminated would "not be reinstated by administrative action through a back door."<sup>59</sup>

Even before the bracero program ended, various interest groups warned that any attempt to bring large numbers of Mexican workers into the United States

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<sup>59</sup>Ibid., p. 66.

under Public Law 414 would violate congressional intent. For instance, the executive council of the AFL-CIO expressed the following position at its meeting on November 24, 1964:

The AFL-CIO was gratified when Congress put an end to the importation of Mexican farm laborers under Public Law 78. We are appalled to learn that some large agricultural interests are making efforts to continue the same program under Public Law 414. This is clearly contrary to the intent of Congress and it must not be allowed to happen.<sup>60</sup>

Another statement of the reformers' interpretation of congressional intent was submitted at the January hearings of the Senate Agriculture Committee by the legislative representative of the Amalgamated Meat Cutters and Butcher Workmen of North America. He claimed that Congress had focused on Public Law 78 only because it was the primary source of foreign workers.<sup>61</sup>

Andrew J. Biemiller, head of the AFL-CIO Department of Legislation, argued for the same liberal interpretation of congressional intent. In a letter he sent to all members of the House in early 1965, the former congressman observed:

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<sup>60</sup>Ibid., p. 198.

<sup>61</sup>Ibid., p. 258.



Now the growers are urging that Public Law 414, the Immigration and Naturalization Act, be used as a means of circumventing the clear intent of Congress to stop all foreign labor importation. The growers have embarked upon a campaign against the Secretary of Labor because he has opposed this maneuver.<sup>62</sup>

The viewpoint that the intent of Congress in terminating Public Law 78 could not be interpreted to justify the tough new regulations was stated especially forcefully and on different occasions by Senator Holland. On March 9, 1965, he told his colleagues that Congress had not even considered terminating the H-2 provision of Public Law 414. The whole debate had focused on the wisdom of ending Public Law 78.<sup>63</sup>

Senator Holland observed that in debate leading up to termination of Public Law 78, a number of congressmen had pointed out that the end of the bracero program would have no effect on the admission of H-2 workers.<sup>64</sup> No reformers had challenged that interpretation at that time.

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<sup>62</sup>CR, loc. cit., p. 4483.

<sup>63</sup>Ibid.

<sup>64</sup>Ibid., p. 3104.

The revival of grower interests during 1965.

In the short span of a few months from mid-1964 through early January, 1965, the whole flavor of the debate over foreign labor changed dramatically. As recently as late 1964, growers had generally seemed reconciled to termination of the bracero program. Although the struggle over Public Law 78 had been long and bitter, many of its traditional supporters had actually agreed to its death. The reformers appeared to have won at last. Yet in early 1965, the grower demand for foreign labor was so loud and vocally supported by so many interests that it was reminiscent of the World War II era. Even some senators such as Ellender who had agreed to ending the bracero program were now in the forefront of the grower demand for foreign labor. Senator George Aiken (R-Vt.), who had supported reform of the Mexican labor system, emerged in early 1965 as a leading critic of Secretary Wirtz. What had happened in this short period to revitalize the Mexican labor cause?

It was noted earlier that the strength of supporters of Public Law 78 had weakened as braceros came to be concentrated in fewer and fewer areas. Reformers had used this increasing geographic isolation

as one basis for arguing that the Mexican labor system served a narrow regional interest.

Secretary Wirtz's issuance of new standards governing the admission of temporary foreign labor under Public Law 414 was certainly understandable in terms of his concern that the bracero program not be ended in name only. For termination of Public Law 78 to be meaningful, loopholes needed to be plugged, and that was what he had done. On the surface, that action seemed to be an unmixed, further setback for the users of Mexican labor. Although they might still obtain some temporary H-2 Mexican workers under Public Law 414, they could do so only after markedly improving their treatment of American workers.

Viewed from a different perspective, the secretary's attempt to plug the H-2 loophole enabled bracero-users to overcome some of their previously fatal isolation and gain important new support from non-western regions. Because Public Law 78 had provided a supply of Mexican workers only, growers in regions using non-Mexican foreign labor saw that program as being only indirectly beneficial to them. However, once Wirtz began to fight bracero-users by tightening the administration of the H-2 provision of

Public Law 414, his action directly threatened growers of various eastern and southern states which used substantial amounts of "offshore" and Canadian labor, the bulk of which was H-2 workers. The new regulations brought these interests into a dramatic new coalition with southwestern growers. More than anything else, this accounts for the rapid growth of opposition to Secretary Wirtz. When the administration chose to crack down on the users of all temporary H-2 workers, not just employers of Mexicans, it guaranteed a broadening of opposition to its policies.

Now that Florida's offshore labor supply was in jeopardy, a great variety of organizations, interest groups, and newspapers from that state joined the assault on the administration. Spessard Holland, one of Florida's senators, led the fight against the new regulations.<sup>65</sup>

The new regulations struck directly at the users of Canadian labor in New England. In an about-face, Senator Aiken decided that farm labor reform had gone too far. On March 9, 1965, he told the Senate that Canadian labor was needed in New England. Fair wages had long failed to attract an adequate supply

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<sup>65</sup>Ibid.

of American workers.<sup>66</sup>

Why did old friends of Public Law 78, such as Ellender, who abandoned it in 1963 and 1964, suddenly see a great need for Mexican workers in 1965? The answer necessarily involves speculation. One possibility is outlined below. These old champions of Public Law 78 abandoned only that law, not their conviction that Mexican labor was needed. There are several strategic reasons why these congressmen may have agreed to termination of the bracero program. First, by 1963, it was clear that if that law remained in effect, the administration would continue to use it as a wedge for reforming the conditions of domestic farm workers. This made the program increasingly less desirable to growers.

Secondly, reformers had focused so heavily on Public Law 78's vulnerabilities that they had discredited that law far more than the practice of using Mexican labor as such. Therefore, when the grower coalition agreed to termination of the bracero program, they were abandoning an unpopular program, a "sinking ship." On the other hand, liberal reformers had

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<sup>66</sup>Ibid., p. 4483.



rarely criticized the H-2 provisions of Public Law 414. Growers thus hoped to achieve their same old purpose, the continuing acquisition of temporary Mexican labor, under the more popular Public Law 414.

Thirdly, until Secretary Wirtz's new regulations were issued, growers were less obligated to Mexican workers entering under Public Law 414 than to braceros coming in under the provisions of Public Law 78. Because farmers and their congressional allies saw the former as the means by which the importation of Mexican labor could be continued even after expiration of the bracero program, it is little wonder that the secretary's effort to plug that loophole brought vehement opposition from bracero areas.

The foreign labor coalition during 1965. A large number of interest groups, congressmen, farmers, and newspapers blamed termination of the bracero program for creating a serious shortage of farm labor.

During late 1964, some news media warned that termination of Public Law 78 would result in a farm labor shortage. After January 1, 1965, others claimed that the warnings had come true. Some went no further while others advocated removal of the new restrictions on the entry of H-2 workers. Most of

these publications were located in the South and Southwest. Among them were the Tampa Tribune, the Miami Herald, and the Los Angeles Herald-Examiner.<sup>67</sup>

During 1965, many western corporations and interest groups claimed that a farm labor shortage had developed. Among them were many growers associations.<sup>68</sup> Many claims of labor shortages also came from corporate farms and interest groups in the South, particularly Florida.

During early 1965, traditional users of Canadian labor in New England exerted considerable pressure against Secretary Wirtz's new regulations governing entry of H-2 workers. These interests were particularly outspoken at hearings held on March 29, 1965, in Presque Isle, Maine, by a subcommittee of the House Committee on Education and Labor. Especially well represented were state officials and potato growers opposing the new regulations.<sup>69</sup>

During February and March, 1965, a number of

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<sup>67</sup>Ibid., pp. 3098-4145, 4472-84.

<sup>68</sup>Numerous examples are found throughout SAC Hearings, loc. cit.

<sup>69</sup>U.S., Congress, House, General Subcommittee on Labor of the Committee on Education and Labor, Hearings, Investigation on Importation of Farm Labor into the United States, 89th Cong., 1st Sess., 1965.

senators made a sustained effort to convince the administration that a serious farm labor shortage had arrived and that it should permit substantial numbers of H-2 workers to enter the United States. The initiative was led by newly elected Senator George Murphy (R-Calif.) and Senator Spessard Holland (D-Fla.). Also joining the grower cause in Senate debate during February and March were:

1. Allen J. Ellender (D-La.)
2. John Tower (R-Tex.)
3. Gordon Allott (R-Colo.)
4. George Smathers (D-Fla.)
5. Peter Dominick (R-Colo.)
6. Ralph Yarborough (D-Tex.)
7. Gale McGee (D-Wyo.)
8. Frank Lausche (D-Ohio)
9. Paul Fannin (R-Ariz.)
10. Wayne Morse (D-Ore.)
11. George Aiken (R-Vt.)
12. Mike Mansfield (D-Mont.)
13. Carl Hayden (D-Ariz.)
14. Phillip Hart (D-Mich.)<sup>70</sup>

Grower oriented congressmen rendered various types of assistance to farmers seeking foreign labor during 1965. These legislators often acted as intermediaries in communicating grower dissatisfaction to the Labor Department. For example, in January, 1965, various spokesmen for Florida citrus organizations expressed their dismay with Wirtz's new regulations

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<sup>70</sup>CR, loc. cit., pp. 3098-4145, 4472-84.

in meetings with several members of that state's congressional delegation. A few days later, a Florida newspaper reported that Secretary Wirtz had just experienced "10 days of unrelenting pressure from Senator Spessard Holland and other Florida lawmakers."<sup>71</sup>

A similar pattern of channeling grower unrest to the government developed in Wyoming. The Wyoming Sugar Beet Council sponsored a meeting at Casper on February 12, 1965, for the purpose of airing complaints about the labor situation. Attending were beet growers, spokesmen for major sugar processors located in the state, and federal, state, and local employment service officials. Wyoming Senator McGee sent a member of his Washington staff to participate in the meeting. In a letter dated February 15, 1965, the senator communicated the outcome of that meeting to Secretary Wirtz and solidly endorsed the grower demands for foreign labor. McGee wrote that there was no hope for meeting his state's farm needs from the domestic labor supply. He urged Wirtz "to take immediate steps to authorize and certify the need for foreign workers."<sup>72</sup>

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<sup>71</sup>Ibid., p. 3133.      <sup>72</sup>Ibid., p. 3118.

Sometimes congressmen met with President Johnson to request foreign labor. At a press conference in early April, 1965, Senator Holland announced that he had met with the President to discuss the urgent need for foreign labor in Florida. Senators Holland and Murphy acknowledged that they were involved in an effort to get the President to personally intervene with Secretary Wirtz so more alien workers could be imported. They threatened to attempt to have Johnson fire Secretary Wirtz unless the new regulations governing H-2 workers were relaxed.<sup>73</sup>

A note on interests supporting the administration's foreign labor policy. Reform forces were not nearly so active during 1965 as they had been the previous year. While the grower coalition in the Senate was mounting a major assault on Wirtz's new regulations, they were answered in debate by only one or two supporters of the administration.

At the January, 1965, hearings of the Senate Agriculture Committee, eight congressmen testified against the new standards, while only one, Senator Harrison J. Williams (D-N.J.), defended them.

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<sup>73</sup>New York Times, April 3, 1965, p. 32.



At those hearings, spokesmen for reform groups were outnumbered by interests seeking to increase the number of H-2 workers. Practically all of the reform groups had been active in the earlier struggle against Public Law 78.

What had happened since late 1964 to transform the noisy, persistent reform forces into such a passive coalition? At least four answers suggest themselves. One possibility is that the reform forces were simply repeating the mistake of letting down their guard once a narrow legal victory had been won in terminating Public Law 78. Secondly, some of the more marginal reformers may have had second thoughts about the merits of cutting off foreign labor once Public Law 78 had expired. Once the bracero program had expired, the grower coalition took the offensive again and "evidence" of labor shortages and crop losses was presented during the first six months of 1965. Some "reformers" who had thought there would be an adequate supply of domestic labor began to doubt that they had been correct.

A third explanation for the cooling of reform enthusiasm during 1965 is related to the fact that Wirtz's attack on Public Law 414 alienated some

eastern congressmen who had been critical of the bracero program.

Fourthly, the problem of achieving reform under Public Law 414 in 1965 was of a fundamentally different nature from the task involved in getting Public Law 78 terminated. To end the bracero program, Congress had to be convinced and that required reform groups to be active. The power to reform the administration of Public Law 414 lay with Secretary Wirtz, and he needed no convincing from the reformers because he already agreed with them. This may account for some of the surface passivity of liberals during 1965.

The reduction of temporary foreign workers.

As noted earlier, grower initiative to obtain H-2 workers intensified as the months of 1965 passed. Although Secretary Wirtz had firmly insisted all along that he believed the domestic farm labor supply was adequate, he had never ruled out the possibility that some foreign workers might be needed for the transitional period.

By late March, Wirtz was still holding his ground and had refused to admit a single Mexican H-2 worker. He continued to maintain that he saw no

convincing evidence of a domestic labor shortage. However, he could not ignore the rising tide of protest against his position. Growers could point to some crop losses, and this furnished them with the kind of emotional levers which might eventually be used to undermine the secretary.

In late March, Wirtz journeyed to California for an on-the-spot evaluation of the alleged labor shortage.<sup>74</sup> Walking the fields, he talked with workers, union spokesmen, growers, and local officials.

California farmers hoped that the secretary's trip would convince him that Mexican labor was desperately needed. Many told him that although they had substantially increased wages, they simply could not hire enough capable workers. They were scraping the bottom of the barrel and had hired many workers who would never have been employed under less pressing circumstances. Some crops had rotted, and many more were in great danger. Only Mexican nationals could save them.

Farm workers had long seen Public Law 78 as

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<sup>74</sup>The following account of Wirtz's trip to California is based heavily on New York Times, March 27, 1965, p. 6 and March 29, 1965, p. 1.

a major barrier to unionization. As soon as it expired, efforts to organize agricultural workers increased. This was very much on the minds of growers when Secretary Wirtz arrived in California. They claimed that his new regulations placed them at the mercy of union organizers. Some boldly asked him to pledge that the government would guarantee a supply of Mexican workers to save any crops threatened by strikes.

Farm workers and union spokesmen told Secretary Wirtz that there was no shortage of domestic farm workers. While 1,500 union members were unemployed in the Salinas Valley, farmers there were requesting 5,100 Mexicans. Union spokesmen told Secretary Wirtz that growers sought Mexican labor not to meet any labor shortage but simply to prevent unionization.

Various comments which the secretary made on his California trip indicated that he was not very convinced by grower claims that they had made reasonable efforts to obtain domestic labor. For example, he characterized a labor camp near Salinas as being "filthy" and proclaimed it shameful that such conditions existed in the United States.

His inspection completed, Wirtz held a news conference in Los Angeles on March 28. He noted that Congress had ended the bracero program. Some people had refused to accept that congressional decision. They were seeking to import massive numbers of temporary foreign workers under Public Law 414. He bluntly said that he would not permit that. The time of a governmentally supplied labor force was over. Farmers could get workers in the same way other employers did: compete for them in the labor market. Wirtz rejected the argument that higher wages would bring prohibitively high food prices. Nor was he impressed with the grower claim of catastrophic labor shortages in the State of California. Secretary Wirtz claimed that the transition to domestic labor had been accomplished with minimal problems for growers. However, he did acknowledge that the fall harvest would require more labor, and he admitted that some foreign workers might be needed then.

On April 15, 1965, Secretary Wirtz established the California Farm Labor Panel and assigned it the task of assessing the farm labor situation in that state and evaluating requests for foreign workers.



Its members were appointed from the three campuses of the University of California.<sup>75</sup>

Wirtz promptly noted that creation of the panel was not a retreat from his initial position on foreign labor. He recalled that he had never claimed that all temporary Mexican labor could be banned from California. Now he said that perhaps a few H-2 workers would be admitted but only if the panel objectively determined that the domestic labor supply was inadequate.<sup>76</sup>

The panel held public hearings to gather information on the alleged need for foreign workers. Growers testified that Mexicans were essential to save the crops. Representatives of organized labor denied it. A spokesman for the California State Federation of Labor testified that 472,000 people were unemployed in California and that many of them were in the very areas to which growers were seeking to import Mexicans.<sup>77</sup>

The California Labor Panel recommended that Secretary Wirtz admit a small number of Mexicans. In

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<sup>75</sup>U.S., Department of Labor, Year of Transition, Seasonal Farm Labor: 1965, p. I-50.

<sup>76</sup>New York Times, April 16, 1965, p. 12.

<sup>77</sup>Gladwin Hill, "Need of Braceros on Coast Denied," New York Times, April 21, 1965, p. 34.

late May, 1965, he authorized 2,700 for work in the asparagus and strawberry harvests. However, according to a publication by the Labor Department:

Before the full number of workers authorized had been put to work, the growers started to release them because they had no further need for Mexican workers. By July 20 all the Mexican workers had been repatriated.<sup>78</sup>

On May 7, 1965, Secretary Wirtz set up a Michigan Farm Labor Panel to evaluate requests for Mexican labor in that state.<sup>79</sup> Ten days later the panel advised him that five thousand alien workers would be needed for the pickle harvest. However they were never brought to Michigan. According to the panel's final report, that was because the prospective employers lost their eligibility to use foreign workers by their "refusal or failure to accept all of the domestic workers that had been referred to them by the Employment Service."<sup>80</sup>

By the fall of 1965, it was clear that Wirtz would certify far fewer foreign workers than growers

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<sup>78</sup>"Employment Trends 1964-1965," Farm Labor Developments, July, 1965, p. 5.

<sup>79</sup>U.S., Department of Labor, op. cit., p. J-37.

<sup>80</sup>Ibid., p. J-2.

wanted. Consequently, an effort was made to transfer authority over the admission of H-2 workers from the Labor Department to the Department of Agriculture. At the suggestion of Senator Holland, the Senate Agriculture Committee amended the omnibus farm bill to give the Agriculture Secretary the responsibility for deciding when temporary foreign agricultural labor was needed.<sup>81</sup> As noted earlier, farm-bloc interests had long sought to put foreign labor under control of the Department of Agriculture on the assumption that it was less sympathetic to farm labor reform.

President Johnson,<sup>82</sup> the Attorney General, and the Departments of Agriculture and Labor opposed the Holland amendment.<sup>83</sup> On the floor of the Senate, Ross Bass (D-Tenn.) introduced an amendment to nullify the Holland amendment and leave control over foreign farm workers in the hands of the Secretary of Labor.<sup>84</sup> The vote was 45-45. It became 46-45 for the Bass

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<sup>81</sup>New York Times, September 3, 1965, p. 4.

<sup>82</sup>Congressional Quarterly Almanac (hereafter cited as CQA), XXI (1965), 87.

<sup>83</sup>Ibid., p. 128.

<sup>84</sup>David R. Jones, "Farm Labor Curb Faces Show-down," New York Times, September 12, 1965, p. 53.

amendment when Vice President Humphrey broke the tie. Democratic senators split 43-17 for the amendment. Only two Republicans voted for it while 28 opposed it.<sup>85</sup>

During 1964, approximately 178,000 Mexicans worked in the United States as braceros as or as H-2 temporary workers. They were employed in a total of seventeen states.<sup>86</sup> According to Secretary Wirtz, "the major change in 1965 was the greatly reduced importation of Mexican workers." During that year, he certified a total of 20,300 H-2 workers from Mexico. All were employed in California.<sup>87</sup> During 1965, there was also substantially less reliance on British West Indian and Canadian H-2 workers than there had been during 1964.<sup>88</sup>

Measured in man-months, from 1964 to 1965, there was a decrease of about 83 percent in American reliance on foreign workers.<sup>89</sup>

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<sup>85</sup>CQA, XXI (1965), 87.

<sup>86</sup>U.S., Department of Labor, op. cit., pp. 5-6.

<sup>87</sup>Ibid., p. 5.      <sup>88</sup>Ibid., pp. 6-7.

<sup>89</sup>Ibid., pp. 7-8.

The use of H-2 workers declined even further during 1966. Secretary Wirtz certified approximately 34 percent fewer than he had the previous year.<sup>90</sup>

Reliance on H-2 labor continued to decline during 1967. According to a publication of the Department of Labor:

From the early years of World War II until July 14, 1967, foreign contract workers were employed continuously on United States farms. The period, July 15 to August 13, 1967, was the first period in more than 24 years when all crops in the United States were tended without the help of temporary foreign workers.<sup>91</sup>

Collective discussion of H-2 workers obscures some important facts about the shifting relative position of legal temporary Mexican labor. During the years of Public Law 78, the number of braceros working in the United States had greatly out-numbered all of the non-Mexican workers entering under the H-2 provision of Public Law 414. By 1967, the other nationalities had come to out-number the Mexicans.<sup>92</sup>

The year 1968 set new records for decreased reliance on H-2 workers. In 1969, the Labor Department reported:

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<sup>90</sup>"Long-Term Trends in Foreign-Worker Employment," Farm Labor Developments, January, 1967, p. 21.

<sup>91</sup>"Long-Term Trends in Foreign-Worker Employment," Farm Labor Developments, February, 1968, p. 11.

<sup>92</sup>Ibid.



Last year was the first time since the beginning of World War II that no Mexican contract workers were employed in agriculture in the United States. Further, for nearly half of 1968, from April to September, no foreign contract workers of any nationality were employed in agriculture.<sup>93</sup>

Increasing reliance on domestic farm labor.

As the bracero program was being phased out in late 1964, the Labor Department clearly accepted an obligation to assist growers in recruiting an adequate number of domestic workers. On December 14, 1964, before issuing the new standards governing admission of H-2 workers under Public Law 414, Wirtz called for a massive state-federal initiative to recruit American farm labor.<sup>94</sup>

Secretary Wirtz paid particular attention to growers who were likely to request foreign workers. A special program of "mobile teams" was established to help them recruit domestic labor. The Department's efforts were guided by two goals. The first was to supply farmers with enough workers to replace braceros.

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<sup>93</sup>"Trends in Foreign-Worker Employment," Farm Labor Developments, March, 1969, p. 8.

<sup>94</sup>"Fundamental Policy Changes Affect Seasonal Hired Farm Workers," Farm Labor Developments, July, 1965, p. 1.

The second was to place those persons most in need of work.<sup>95</sup>

The Department of Labor summarized its initiative as follows:

The employers were advised that it was their responsibility to undertake whatever reasonable actions were necessary to assure that all available domestic workers would be given an opportunity to be employed. They were informed of the Secretary's Regulations and were encouraged to place orders for domestic workers offering wages and conditions of employment in accordance with these Regulations. It was made clear to them that a request for foreign labor would not be considered unless such a job offer had been made to domestic workers. Where an employer had already placed an order, he was given an opportunity to revise his job offer. It was explained that no foreign workers would be brought in if sufficient domestic workers could be obtained under these conditions.<sup>96</sup>

A dozen mobile teams, staffed jointly by the Labor Department and state employment offices, were created in early 1965. They fanned out from base cities in Florida, California, Arizona, and Texas.<sup>97</sup> Later in the year, ten additional teams began recruiting for the apple harvest in New England.<sup>98</sup>

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<sup>95</sup>"Recruitment Programs for Farmworkers," Farm Labor Developments, August, 1965, p. 1.

<sup>96</sup>"The End of Public Law 78," loc. cit., p. 9.

<sup>97</sup>Phyllis Groom, "A Report from the National Farm Labor Conference," Monthly Labor Review, LXXXVIII (March, 1965) 276.

<sup>98</sup>"Recruitment Programs for Farmworkers," Farm Labor Developments, August, 1965, p. 1.

The job of the mobile teams was to aggressively seek domestic workers which growers had already requested. Techniques included advertising vacancies on radio and television and in newspapers. The teams also sought workers through unions, churches, service clubs, and welfare agencies. They even made door-to-door inquiries in various low income areas.<sup>99</sup>

A second recruitment program undertaken by the federal government during 1965 was known as the "A-Team" system. It was established for the purpose of recruiting high-school, male athletes for farm work. Each team consisted of students and a counselor from the same school. The counselor supervised the student workers on his team. A total of 3,225 A-Teams were placed during 1965.<sup>100</sup>

A third federally operated effort to hire farm workers was known as the College Summer Recruitment Program. Inaugurated in 1964, it was intensified during 1965, and it placed about 5,000 students in agricultural jobs.<sup>101</sup>

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<sup>99</sup>Groom, loc. cit.

<sup>100</sup>U.S., Department of Labor, op. cit., pp. 12-13.

<sup>101</sup>Ibid., p. 13.

A fourth federal recruitment program was known as "Project Growth." Secretary Wirtz described it as "an experiment to determine whether opportunities for seasonal agricultural employment could be utilized in the rehabilitation of disadvantaged youth." The young male recruits first went through a pre-job orientation program lasting two to four weeks. Secondly, they did farm work for six to eight weeks. That was followed by one month of testing, counseling, and "referral to other manpower development activities." At the end of 1965, Secretary Wirtz concluded that the program "did not result in significant additions to the agricultural labor force. There had not been sufficient time for the proper planning and staffing of the project, recruitment of the youth, or provision of the kind of a working environment necessary to the success of so complex a project."<sup>102</sup> The program also ran into considerable opposition within the Labor Department where certain officials thought "dead-end" farm work was an inappropriate basis for rehabilitation.<sup>103</sup>

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<sup>102</sup>Ibid.

<sup>103</sup>John Pomfret, "Jobless Youths to do Farm Work," New York Times, May 9, 1965, p. 82.

To fill farm labor needs after termination of Public Law 78, the federal government also urged state governments to intensify their efforts. State employment agencies expanded their traditional methods of recruitment.<sup>104</sup> During 1965, a number of state governments sponsored special recruitment drives. For example, the California Department of Labor, through the Summer Youth Employment Program, placed 25,292 young persons in agricultural work. Several other states operated similar projects during the year.<sup>105</sup> Reminiscent of the World War II era, California developed a new policy giving parole preference to certain types of inmates willing to do farm work.<sup>106</sup>

By 1965, a number of states had established information stations for farm workers. These offices supplied information on such matters as crop conditions and wage offerings. Some could refer migrants to particular jobs.<sup>107</sup>

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<sup>104</sup>"Recruitment Programs for Farmworkers," loc. cit.

<sup>105</sup>U.S., Department of Labor, op. cit., p. 14.

<sup>106</sup>Gladwin Hill, "Paroled Convicts to Help on Farms," New York Times, May 15, 1965, p. 15.

<sup>107</sup>"Migratory Workers in the United States," Farm Labor Developments, October, 1965, p. 7.



Also attracting more workers to farm jobs by 1965 was the existence of an increasing number of annual worker plans. The purpose of these plans was to get tentative pre-season commitments from both workers and growers and to draw up an itinerary accordingly. Migrants participating in annual worker plans could thus be assured of a succession of jobs rather than haphazardly seeking new employment after each job was completed. This attempt to rationalize the movement of workers also brought the grower more confidence that workers would be available when needed.<sup>108</sup>

Of course, intensified recruitment of domestic farm workers during 1965 was not limited to governmental efforts. Near the end of the year, Secretary Wirtz attributed much of the increase in domestic farm employment to "improvements by the growers in wages and in working and living conditions."<sup>109</sup> Of course, some of this may have resulted from the government's making clear to growers that if they failed to seriously seek domestic labor, they would

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<sup>108</sup>Ibid., p. 6.

<sup>109</sup>U.S., Department of Labor, op. cit., p. 14.

be denied foreign workers regardless of what happened to their crops.

During 1965, the increase in domestic farm employment was less than the decrease in legal foreign workers. According to the Labor Department, this was due to increasing mechanization and more efficient use of domestic labor.<sup>110</sup> It probably also resulted from greater reliance on illegal Mexicans. However, the increase in domestic farm employment was substantial. During peak season (August), about 86,200 more Americans were employed in farm work than at the same time in 1964. According to the Labor Department, termination of the bracero program combined with the tighter administration of the H-2 provision of Public Law 414 enabled about 100,000 extra Americans to hold farm jobs sometime during 1965.<sup>111</sup>

Effects of the transition to domestic labor.

According to an official study by the Labor Department, the markedly decreased reliance on foreign workers during 1965 had few ill effects on American growers. The study found that "the total of even the claimed losses due to labor shortage in 1965 is estimated at

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<sup>110</sup>Ibid., pp. 9-10.      <sup>111</sup>Ibid.

less than  $\frac{1}{2}$  of 1 percent of the value this year of crops which foreign labor worked on in 1964." However, the study concluded that some labor shortages had developed as a result of the termination of Public Law 78, although they "were substantially less serious than anyone could have predicted in advance."<sup>112</sup>

Surveying crops which had used substantial numbers of alien workers during 1964, the study concluded that some produced smaller harvests in 1965 while others produced larger ones.<sup>113</sup> Crop values in 1965 were greater than during the previous year.<sup>114</sup>

The Labor Department found that the conversion to domestic labor had brought important benefits to American farm workers. In the peak month (August) of 1965, unemployment among agricultural workers was only 4.8 percent compared to 6.5 percent one year earlier.<sup>115</sup> The study reported that farm wages averaged six cents more per hour during 1965 than during 1964. It noted that this was "the largest recorded one-year increase since the Korean War period."<sup>116</sup> Finally, it concluded that a variety of

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<sup>112</sup>Ibid., pp. 15-16.    <sup>113</sup>Ibid., p. 16.

<sup>114</sup>Ibid., p. 18.    <sup>115</sup>Ibid.

<sup>116</sup>Ibid., p. 19.

working and living conditions improved due to the decreasing reliance on foreign farm labor.<sup>117</sup> Although the cause and effect may not be established, phasing out the bracero program coincided with the beginning of a serious initiative to unionize farm labor.<sup>118</sup>

Growers had argued that an end to the Mexican labor program would cause major increases in consumer prices for farm goods. However, the Labor Department study found that vegetable and fruit prices generally declined during 1965. It attributed this to the more abundant harvests of that year.

From November, 1964, to November, 1965, fruit and vegetable prices declined by 4.5 percent while the Consumer Price Index was increasing 1.7 percent. Separating out crops on which large numbers of braceros had been employed in 1964, the Labor Department found that the prices of some climbed during 1965 while others fell.<sup>119</sup>

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<sup>117</sup>Ibid., pp. 20-21.

<sup>118</sup>"Emerging Farm Labor Issues," Farm Labor Developments, January, 1967, p. 27.

<sup>119</sup>U.S., Department of Labor, op. cit., p. 23.

## The Nixon Era

Introduction. After approximately three years of relative inactivity, pressure group controversy over Mexican labor accelerated during the Nixon era. Once again critics of foreign labor seized the initiative. They began to show signs of recognizing the fact that although the bracero program had ended and the H-2 system had been greatly curtailed, southwestern growers continued to use large amounts of Mexican labor. Reminiscent of the early 1960's, attention turned heavily to the growing wetback problem and to alleged abuse of the commuter system.

Despite some important differences, there is a certain continuity between the Johnson administration's foreign labor policy and that of the Nixon administration. The simple and easy conclusion that the former was pro-labor and the latter pro-grower should be avoided. The Johnson administration's efforts to reform foreign labor usage focused overwhelmingly on curtailing the flow of workers entering the United States legally. There is no doubt that it greatly reduced the use of this labor, but it paid little attention to the growing wetback problem. Likewise, the Nixon administration has admitted few H-2 workers



and, of course, no braceros, but the problem of illegal Mexican labor has reached new proportions. The Johnson administration's reform image notwithstanding, it tolerated the growing wetback problem which faced the Nixon government in 1969.

The four types of Mexican labor during the Nixon years. It was explained earlier that termination of the bracero program left four supplies of Mexican labor intact. During 1965, the big controversy was over the admission of H-2 workers. As we have seen, the Johnson administration had largely won that battle within a year after the bracero program had ended. From 1966 through 1968, growers had more or less resigned themselves to doing without massive numbers of H-2 workers. There has been no significant change in this pattern during the Nixon administration. Growers have made no major efforts to greatly increase the amount of H-2 Mexican labor admitted, and the Nixon administration has shown no sign of creating a new bracero program through this provision. Since 1968, the largest number of Mexican H-2 workers admitted during any single year was less

than one thousand.<sup>120</sup>

Although not all growers would consider wetbacks a satisfactory substitute for legal temporary workers from Mexico, the massive growth of wetback entry during the past few years has probably been a major factor in the continuing low demand for H-2 labor. In annual reports issued since Nixon became President, the INS has noted an increase in the problem of illegal entry from Mexico. During 1969, over 201,000 Mexicans were apprehended.<sup>121</sup> In 1972, the number exceeded 390,000.<sup>122</sup>

There is evidence that many of the wetbacks work on farms. Over 25% of those apprehended in 1969 had been doing agricultural work in the United States. If that proportion holds up through 1972, it would indicate that about 100,000 of the illegal Mexicans apprehended were employed on farms. That is more than half the number of Mexican nationals who entered the

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<sup>120</sup>U.S., Department of Justice, Immigration and Naturalization Service, Annual Report, Report of the Commissioner of Immigration and Naturalization (hereafter cited as INS Annual Report), 1972, p. 59.

<sup>121</sup>INS Annual Report, 1969, p. 12.

<sup>122</sup>INS Annual Report, 1972, p. 10.

United States as braceros during 1964. Inasmuch as it is commonly estimated that not more than one-third to one-half of all illegal Mexican nationals are located by the INS, it is possible that by 1972, the wetback problem had grown to proportions large enough to have completely replaced the bracero program.

Throughout much of this dissertation, we have seen that when southwestern growers have lost a particular type of Mexican workers, they have tended to increase their reliance on other types. This would suggest that if a serious effort should be made to seal the border and rid the United States of wetbacks, growers would again seek large numbers of Mexican laborers under perhaps a new bracero program or under the H-2 provisions of Public Law 414.

During the last year of the Johnson administration, 442,205 "temporary visitors" from Mexico were admitted to the United States. Since then the numbers have grown dramatically. In 1972, over one million entered.<sup>123</sup>

As noted earlier in this chapter, immigration authorities have found that a substantial number of

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<sup>123</sup>Ibid., p. 56.

Mexicans admitted as temporary visitors violate the provisions of their admission and accept jobs in the United States.

Because of the ceiling set on Western Hemisphere immigration by the Ervin amendment, it might be expected that immigration from Mexico would have declined since Nixon became President. However, there has been a moderate upward trend.<sup>124</sup>

One reason why legislation enacting a Western Hemisphere ceiling has not prevented an increase in Mexican immigration is the fact that since Nixon became President, there has been a steady decline in immigration from Canada to the United States.<sup>125</sup>

In 1971, President Nixon unsuccessfully proposed that Congress enact legislation authorizing a greater number of immigrants from the Western Hemisphere, particularly Mexico and Canada.<sup>126</sup>

Other Mexican labor developments during the Nixon years. During 1969, reform interests revived substantially. There was growing recognition that although growers had lost the bracero program, they

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<sup>124</sup>Ibid., p. 54.      <sup>125</sup>Ibid.

<sup>126</sup>CQA, XXVII (1971), 10-A.

had not really lost their Mexican labor. Most of the reform initiative of 1969 centered around Congress.

During the year, three congressional committees held hearings on migrant labor at which at least some witnesses attempted to connect the hardships of American farm labor with the increase in Mexican workers. Intermittent hearings on farm labor unionization were held by a subcommittee of the Senate Labor and Welfare Committee in April, May, and June. Cesar Chavez, the director of the United Farm Workers Organizing Committee, claimed that the availability of Mexican national labor was making it more difficult to unionize American farm workers. He called on the government to ban Mexicans from agricultural work.<sup>127</sup>

Intermittently in July and August, 1969, a subcommittee of the House Committee on Education and Labor conducted hearings on the use of alien labor during strikes. Chairman Frank Thompson, Jr. (D-N.J.) claimed that green-carders had long been employed as strikebreakers in the border regions of the nation.<sup>128</sup>

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<sup>127</sup>CQA, XXV (1969), 757-58.

<sup>128</sup>Ibid., p. 759.



A spokesman for the AFL-CIO told the subcommittee that even when green-carders were not used as strikebreakers, employers sometimes took advantage of their foreign status to intimidate them from organizing and joining unions. A representative of the INS testified that over 700,000 Mexican green-carders were living in the United States. He reported that another 47,315 green-carders were eligible to live in Mexico and commute to jobs in the United States. A spokesman for the State Department claimed that the practice of employing commuters to replace Americans on strike was likely to harm United States relations with Mexico.

A representative of the El Paso Chamber of Commerce told the subcommittee that few Mexicans were used as strikebreakers. He claimed that only ten thousand green-carders lived in Mexico and commuted to jobs in the United States. A spokesman for the National Council of Agricultural Employers told the subcommittee that green-carders were needed in the Southwest due to the rapidly declining farm labor force.<sup>129</sup>

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<sup>129</sup>Ibid.

Hearings on migrant farm labor problems were held intermittently from May 21 to September 29, 1969, by the Subcommittee on Migratory Labor of the Senate Labor and Public Welfare Committee. Chairman Walter F. Mondale (D-Minn.) announced that "the underlying theme of all our hearings is powerlessness."<sup>130</sup> He claimed that thousands of green-carders were commuting to jobs in the United States each day and that substantial numbers of wetbacks were doing farm work in the border region.

A former Labor Department official testified that the commuter system should be ended. He said that all immigrants should be treated alike.<sup>131</sup> The director of the California Rural Legal Assistance Program testified that Attorney General John Mitchell was experiencing "a law and order crisis in his own department" because of his failure to control the movement of wetbacks to the United States for farm work. He claimed that 20 percent of the agricultural work force in the United States was made up of wetbacks.<sup>132</sup>

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<sup>130</sup>Ibid.    <sup>131</sup>Ibid., p. 760.

<sup>132</sup>Ibid., p. 762.

During 1969, two Senate bills concerning Mexican labor were introduced. In March Senator Edward Kennedy (D-Mass.) introduced legislation which would have given the Labor Department authority to act on each commuter's status every six months. If the commuter were found to be having an adverse effect on American labor, he would not be certified again. The bill also provided that commuters violating the provisions of their admission would lose their labor certification. Thirdly, Kennedy's bill would have removed that section of the Immigration and Nationality Act which exempted from criminal penalties those who hire illegal aliens.<sup>133</sup>

Kennedy's bill was considered and killed by the Senate Committee on the Judiciary.<sup>134</sup>

During 1969, Senator Kennedy also took more direct action to protest what he considered the misuse of certain Mexican workers. On May 18, along with Senator Walter Mondale (D-Minn.) and Ralph Yarborough (D-Tex.), he joined a march to the California border

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<sup>133</sup>CR, 91st Cong., 1st Sess., 1969, CXV, Part 6, 7730-31.

<sup>134</sup>Ibid., p. 7731.

for the purpose of asking Mexican citizens not to enter the United States as strikebreakers.<sup>135</sup>

During 1969, other legislation aimed at limiting Mexican labor was introduced by Senator Mondale. His bill would have made it "an unfair labor practice for an employer to employ an alien unlawfully present in the United States, or to employ aliens whose principal dwelling places are in a foreign country during a labor dispute." The latter provision was aimed at the problem of commuters being used as strikebreakers. In a Senate speech on July 8, 1969, Mondale charged that "commuters constitute about 85 percent of the farmwork force in California's Imperial Valley." He continued:

It is widely recognized that commuters are used as strikebreakers during labor organizing efforts to obtain collective bargaining agreements in California and Texas. It has been reliably estimated that 40 percent of the workers at 24 struck grape ranches in the California area in 1968 were Mexican national green-card holders.<sup>136</sup>

Mondale's bill died in the Committee on Labor and Public Welfare.

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<sup>135</sup>Ibid.

<sup>136</sup>CR, 91st Cong., 1st Sess., 1969, CXV, Part 14, 18574.

During 1969, two California courts handed down rulings relevant to the wetback problem. On August 28, in a case involving a corporation growing mushrooms, a judge in Santa Clara County ruled that it was unlawful to hire illegal aliens.<sup>137</sup>

A second suit challenging the employment of wetbacks was initiated by California Rural Legal Assistance, an agency of the Office of Economic Opportunity. The decision was handed down in October. A judge in Santa Rosa Superior Court ruled that growers could be punished for hiring wetbacks while refusing to give jobs to American citizens.<sup>138</sup>

During 1970, the wetback problem continued to attract attention. Representative E. de la Garza (D-Tex.) told the House that the wetback problem was increasing dramatically. He suggested, however, that the nature of the problem had been changing. Relatively fewer illegal Mexicans were doing farm work because the demand for agricultural labor had been reduced by mechanization. He said that, like Americans, more and more wetbacks were being attracted to industrial jobs

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<sup>137</sup>CR, 91st Cong., 1st Sess., 1969, CXV, Part 27, 35918.

<sup>138</sup>Ibid.



in large cities where they could make a better living.<sup>139</sup>

The farm labor unionization movement achieved some unprecedented successes during 1970. In April and May, Cesar Chavez's United Farm Workers Organizing Committee (consisting heavily of Mexican-Americans) succeeded in signing contracts with grape farmers representing some 4 percent of the industry. This success came after a long emotionally charged, nationwide boycott of non-union table grapes.<sup>140</sup>

During 1970, Senator Edmund Muskie (D-Me.) introduced a bill aimed at reforming the commuter system. It would have required all immigrants to the United States to actually live here.<sup>141</sup>

A second part of the Muskie bill provided for a nonresident work permit system. Rather than becoming immigrants, Mexicans who merely wished to work in the United States would be issued a permit upon certification of the Labor Department that American workers were unavailable. However, Mexicans living more than

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<sup>139</sup>CR, 91st Cong., 2d Sess., 1970, CXVI, Part 24, 32811.

<sup>140</sup>Steven V. Roberts, "First Grapes with Union Label Shipped to Market from Coast," New York Times, May 31, 1970, p. 56.

<sup>141</sup>CR, 91st Cong., 2d Sess., 1970, CXVI, Part 5, 5954.

twenty miles from the United States border would be ineligible to receive work permits.<sup>142</sup>

Muskie's bill was considered by the Senate Judiciary Committee which declined to report it out.<sup>143</sup>

In 1971, Muskie again introduced legislation to abolish the commuter system as such. In a speech to the Senate on April 5, he said that daily commuters from Mexico were only a small part of the job competition for American citizens. He claimed that between 100,000 and 400,000 Mexicans commuted to the United States for several weeks or months of work at a time, then returned to Mexico to live. Muskie charged that many of the Mexicans were undermining the wages and working conditions of American farm workers and that they were often used as strikebreakers.<sup>144</sup>

Muskie's bill was considered by the Senate Judiciary Committee. As during the previous year, it did not report it to the full Senate.<sup>145</sup>

In October, 1971, the wetback problem was spotlighted in a House speech by Representative

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<sup>142</sup>Ibid., pp. 5954-55.      <sup>143</sup>Ibid., p. 1280.

<sup>144</sup>CR, 92d Cong., 1st Sess., 1971, CXVII, Part 8, 9553.

<sup>145</sup>CR, 92d Cong., 1st Sess., 1971, CXVII, Part 37, p. 1631.

Richard White (D-Tex.). He claimed that while unemployment rates were rising in the United States, wetbacks were taking jobs away from Americans. He charged that while the problem was soaring, the immigration authorities were reducing their efforts. He claimed that their surveillance had been reduced and that federal officials had advised certain local policemen to stop arresting wetbacks.<sup>146</sup>

On October 14, 1971, Representative Robert Price (R-Tex.) introduced a bill to reinstate the bracero program. He claimed that growers "throughout much of the Southwest still stand in dire need of steady and dependable farm labor." Although unemployment was high, farm work was too hard for many Americans. He suggested that another bracero program would help reduce the wetback problem. His bill would have placed the new program under the Department of Agriculture.<sup>147</sup> It died in committee.

The foreign labor highlight of 1972 was passage of a bill by the House to control the wetback problem. On September 12, the House passed (by voice vote) H.R. 16188, which would have made it illegal to

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<sup>146</sup>CR, 92d Cong., 1st Sess., 1971, CXVII, Part 27, 34914-15.

<sup>147</sup>Ibid., p. 36343.

knowingly employ illegal aliens.<sup>148</sup> Although the voice vote does not permit a breakdown of support for the measure, relevant information is contained in a roll call vote on an earlier move to recommit the bill to the House Judiciary Committee, which would have had the effect of killing H.R. 16188. That move was defeated by a 53-297 vote. A total of 42 of the 53 votes for recommital came from representatives from the southern and western states of Alabama, Arizona, California, Florida, Kansas, Louisiana, Mississippi, Tennessee, Texas, Virginia, and Washington.<sup>149</sup>

The Senate failed to act on H.R. 16188, thus killing it.<sup>150</sup> However, when the Senate Labor and Public Welfare Committee reported a minimum wage bill on June 8, 1972, it included an amendment which would have made it a crime to knowingly hire illegal aliens.<sup>151</sup> The House had also passed a minimum wage bill, but it was significantly different from the Senate version (in ways having nothing to do with the question of illegal aliens). The House voted not to

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<sup>148</sup>CQA, XXVIII (1972), 537.

<sup>149</sup>Ibid., pp. 77H-79H.    <sup>150</sup>Ibid., p. 537.

<sup>151</sup>Ibid., p. 366.

send its bill to a Senate-House conference committee to reconcile differences between the two.<sup>152</sup> The result was that both minimum wage bills, including the Senate-passed amendment dealing with illegal aliens, died.<sup>153</sup>

The paradox was that both the House and the Senate had passed legislation prescribing criminal penalties for the knowing employment of illegal aliens, yet neither bill was enacted into law.

During 1973, another effort has been made in Congress to deal with the wetback problem. This initiative is closely related to certain proposals made by the Nixon administration during the previous year. In 1972, Nixon called for legislation making the knowing employment of illegal aliens a criminal offense. Administration officials noted that year that the wetback problem had grown to alarming proportions. In response to the administration's proposals, the Immigration and Nationality Subcommittee of the House Judiciary Committee held hearings in six cities across the country. It was from these hearings and extensive study of the problem by the subcommittee

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<sup>152</sup>Ibid., p. 370.    <sup>153</sup>Ibid., pp. 370-71.



that H.R. 982 emerged in 1973.

The Nixon administration had proposed that even the first offense of hiring illegal aliens should be punishable as a crime. Considerable opposition to this arose in the hearings. It was argued that as a matter of self-protection, employers might refuse to hire anyone who appeared to be "Mexican." As a result, Mexican-Americans might experience serious problems of job discrimination.<sup>154</sup> Predictably, this argument came from certain growers, but it also came from more liberal groups and individuals.

The subcommittee's major task was to reconcile two main goals. It was concerned with drying up the wetback problem by making it unlawful to hire illegal aliens. However, it wished to do this without drafting legislation likely to result in overly cautious employers who would discriminate even against Mexican-Americans. Consequently, H.R. 982 was a compromise measure designed to cope with both concerns. It met the administration's concern by providing that knowing employment of illegal aliens would be a crime. However, it provided two safeguards designed to prevent excessive caution on the

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<sup>154</sup>CR, 93rd Cong., 1st Sess., 1973, CXIX, No. 67, H3304-H3305.

part of employers which might result in discrimination against Mexican-Americans. First, employers getting a signed statement from employees to the effect that they had not entered the United States illegally would be innocent even if they hired wetbacks. The second safeguard took the form of a three-step set of progressive penalties for repeated violations. A first offender would merely receive a warning while second and third offenders would be subject to greater penalties.

On May 3, 1973, H.R. 982 passed the House on a roll call vote of 297-63. Those voting against this legislation to make the knowing employment of illegal aliens a crime were a mixture of liberals and conservatives. The liberals included Bella Abzug (D-N.Y.) and Shirley Chisholm (D-N.Y.). Among conservatives voting against H.R. 982 were Barry Goldwater, Jr. (R-Calif.) and John Rousselot (R-Calif.).<sup>155</sup> The conservative opposition to the bill centered around arguments concerning the need for foreign labor while liberal opponents of H.R. 982 stressed that it might lead to discrimination against Mexican-Americans.

As of the summer of 1973, the Senate had not passed anti-wetback legislation, so the possibility

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<sup>155</sup>Ibid., pp. H3303-H3333.

that H.R. 982 will be enacted into law this session of Congress is uncertain.

### Summary and Conclusions

We have seen that while grower pressure to obtain foreign labor receded during 1964, it reached a new peak during 1965. The new initiative involved a full-scale mobilization of pressure groups. However, the group struggle of 1965 had changed. Reform groups were much less active than they had been during the previous year. With some exceptions, they were willing to let the administration fight the foreign labor battle.

The impressive organized power which growers mobilized during 1965 failed to secure the massive numbers of H-2 workers which they wanted. Although their initiative to strip Secretary Wirtz of his power over foreign farm labor mustered an impressive vote in the Senate, it was not a particularly meaningful move. Even if Congress had adopted the Holland amendment and given control over H-2 workers to the Agriculture Department, it probably would have brought no immediate victories to the farm coalition. Unlike the Eisenhower administration, the Johnson administration

was unified in its commitment to the goal that the H-2 provision should not permit a revival of the bracero program under another name. There is no reason to think that the Agriculture Department would have certified more H-2 workers than did Secretary Wirtz.

Secretary Wirtz's willingness to take bold administrative steps to reduce the admission of temporary foreign labor and to improve the lot of domestic farm workers helps account for the increasing opposition to him during 1965. The close vote on the Bass amendment suggests that he had gone about as far as he could in reforming the farm labor situation without alienating a fatal number of his supporters. Yet the fact is that he was permitted to get away with unprecedented reforms.

The year 1965 stands by itself as a special era in the struggle over foreign farm labor. It was the last year that growers made a vigorous effort to receive massive numbers of H-2 workers. By the end of 1965, they appeared to be reconciled to the fact that the H-2 provision of Public Law 414 could not be used to resurrect the bracero program under another name.

The year 1965 was a crucial trial period for the administration's new foreign labor policy. In order to succeed, it had to be demonstrated that termination of the bracero program and Wirtz's tighter administration of the H-2 provisions of Public Law 414 would not produce the catastrophies predicted by many growers and their political allies. Had the predicted losses occurred, Congress would probably have legislated another bracero program or forced Secretary Wirtz to greatly increase the number of H-2 admissions.

Wirtz set out in 1965 to disprove the pessimistic predictions. He was not content to merely restrict foreign labor and count on the domestic farm labor supply to automatically fill the vacuum. By requiring growers to offer higher wages and better conditions to domestic labor in order to qualify for H-2 workers, Secretary Wirtz stimulated a greater movement of Americans into farm work. That trend was reinforced by various recruitment programs instituted by the federal government. Consequently, one of the growers' most convincing arguments was undermined. By the end of 1965, the claim that a year without braceros would bring a devastating shortage of farm workers was



no longer credible.

Also, by the end of 1965, developments had largely undermined two other key grower predictions: that catastrophic crop losses would occur and that the consumer price of farm goods would skyrocket.

After a year without braceros, Secretary Wirtz's position was stronger. The bracero program had been ended without serious harm to growers or consumers and the change appeared to have helped domestic farm workers considerably.

The heavy reduction in the number of foreign workers during 1965 encouraged growers to turn more to mechanization which, in turn, made them less eager to receive H-2 workers.

Developments such as these enabled Secretary Wirtz to deflate the foreign labor initiative. His ability to resist giving in to it was also aided by the fact that the liberal Democratic Congress continued to be concerned about rural poverty. For example, in 1966, it passed legislation which included the unprecedented provision of extending minimum wage coverage to certain farm workers.<sup>156</sup>

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<sup>156</sup>CQA, XXII (1966), 821.

During 1966, 1967, and 1968 growers and their political friends made no serious effort to obtain large numbers of H-2 workers. After the flurry of pressure group activity in 1965, these latter years are marked by the almost total lack of congressional, media, and interest group attention to the foreign labor issue.

Once Nixon became President, there was no substantial increase in the number of H-2 Mexicans entering the United States. Mexican immigration increased moderately. Nixon unsuccessfully sought to get Congress to raise the ceiling on immigration from Western Hemisphere countries. The United States was liberally supplied with "temporary visitors" who sometimes illegally used the visitors' pass to enter the United States to find jobs.

During the Nixon administration, the subdued pressure group activity of the 1966-68 era gave way to a more active group struggle. The initiative was regained by reform forces which turned their attention to the growing wetback problem and to the commuter problem in general and the use of commuters as strikebreakers in particular. Several bills were introduced to deal with these problems. Those dealing with commuters and the use of aliens as strikebreakers

died in committee. During 1972, both houses passed bills making the employment of illegal aliens a crime. However, disagreement between the House and the Senate on non-wetback issues kept the measures from being enacted into law despite an apparently broad consensus in both houses that such legislation was desirable. In 1973, new legislation making the knowing employment of illegal aliens a crime was once again passed by the House. In the summer of 1973, that bill awaits Senate action.

Both the Johnson administration (after 1965) and the Nixon government permitted little legal foreign labor to enter the United States, but neither made a major effort to control the problem of illegal immigrants. Reminiscent of the early 1950's, the wetback problem had reached major proportions by 1973. Like every administration since Roosevelt's, the Nixon administration appeared to be guided by no consistent policy on the wetback problem. While the President called for even stronger legislation than many liberals were willing to support, the Justice Department failed to take full advantage of administrative discretion which it already had and which could have been used to patrol the Mexican border more vigorously. While the wetback problem grew, there was

some evidence that the border was being guarded less carefully than before. Critics charged that the administration's continued low budget requests for the Border Patrol indicated a lack of commitment to dealing with the problem of illegal immigration. Also in contrast to President Nixon's request for tough legislation making the employment of unlawful immigrants a crime were recent revelations that wetbacks were employed at the Western White House itself.

During the Nixon era, the mood of Congress became increasingly sympathetic to passing meaningful legislation to deal with the wetback problem. However, on other matters concerning foreign labor, it appeared to be content with the status quo. It was apparently unwilling to accomodate the demands of either grower interests or reformers. Liberal bills dealing with the commuter problem and the use of aliens as strikebreakers died in committee. But so did legislation which would have reinstated a traditional bracero program. Although Congress may well take action on the wetback problem, it appears to be unwilling to take either conservative or liberal action on other foreign labor issues at this time.

## C H A P T E R    V I I

### A PLURALIST SUMMARY AND CONCLUSION

#### Pluralism: A Recapitulation

After outlining pluralist theory in Chapter II, much of our discussion of the Mexican labor struggle has been in terms of pressure group activity and other variables included in the pluralist model. However, little attempt has been made to explicitly relate these findings to theoretical considerations. The purpose of this chapter is to summarize, in more explicit pluralist terms, some of the developments summarized in Chapters III-VI. The most relevant pluralist propositions are summarized below.

In a pluralist system such as the United States, public policy springs primarily from pressure groups competing for government favors. Officials produce policies which disproportionately reflect the claims of the most powerful groups rather than abstract principles of justice. However, with few exceptions, the claims of even the least consequential groups are accomodated to some extent, and most policies reflect concessions to all of the most interested parties.



According to pluralist theory, no group will permanently dominate a particular policy area. Countervailing, or opposing interests, will organize and mobilize political power to reverse policies which they do not favor. When they are strong enough, new policies will be made which more faithfully reflect their demands, yet retain some concessions to the new losers.

In a pluralist system, all legitimate groups are free to compete for political power. However, those with certain characteristics will have the greatest impact on public policy. The favored groups: (1) are organized, (2) have a large membership, (3) possess money and various other resources such as political knowledge and skillful leaders, (4) can form alliances with other powerful pressure groups, (5) have a high degree of accessibility to important public officials, (6) enjoy high prestige in the society, (7) pursue goals which are consistent with prevalent values in the broader society, and (8) are

self-confident and pursue their goals vigorously.<sup>1</sup>

Pluralists claim that in American society, these favorable characteristics are possessed by a great variety of groups. However, even interests with few of these traits will have some impact on public policy, although not a predominant one. Their influence is guaranteed because the pluralist system values the minimization of conflict. Giving all important interests a say in public policy increases their commitment to the system. The interests of weaker groups are represented in the political arena by certain stronger ones whose own interests overlap with theirs.

In the political structure of the pluralist system, there are various points of access at which interested groups may pursue their claims. Useful distinctions include those between the three branches of government, between different departments within the executive branch, and between different congressional

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<sup>1</sup>This summary of characteristics correlated with the political power of pressure groups comes essentially from Darryl Baskin, American Pluralist Democracy: A Critique (New York: Van Nostrand Reinhold Co., 1971), p. 93 and David B. Truman, The Governmental Process (New York: Alfred A. Knopf, 1962), pp. 322-23, 324, 506.

committees. These distinctions are important because different interest groups will wield different degrees of influence at the various points of access. For example, a group might have major influence with the Agriculture Department but little impact on the Department of Labor.

In the policy process, the pluralist model identifies two important stages at which pressure groups may wield influence. The first is at the law-making stage. The second is at the point of law enforcement. Groups compete not only to enact the legislation they favor but to have it administered with favoritism toward their political demands.

### Pluralist Explanations

#### Initiation and operation of the bracero program.

Many aspects of the initiation and operation of the bracero program are explainable in terms of the pluralist model.

As southwestern growers sought a guaranteed Mexican labor program in 1941 and 1942, they measured up very well on most of the group characteristics which pluralists identify as sources of political power. Large numbers of farmers actively pressured the national government for such a program. They were strengthened

by the fact that they worked through numerous growers organizations, ranging from those with local membership only to huge powerful, national organizations such as the American Farm Bureau. These organizations did much to place the grower cause before Congress. They had ample funds to send Mexican labor spokesmen to various congressional hearings around the country and to retain full-time lobbyists in Washington. Many of these lobbyists had gained valuable experience through their groups' broad and long political involvement on numerous issues. Over the years they and their organizations had built up an impressive number of political contacts. It was not unusual for these lobbyists and grower-oriented congressmen to recall their earlier warm relationships involving matters other than Mexican labor.

Growers seeking Mexican labor further strengthened their case by being able to win the support of many other powerful and high ranking organizations. Numerous non-western farm organizations, particularly southern ones, actively pressured Congress and the executive branch of government to inaugurate a bracero program. Many non-farm, western groups, including banks, railroads, and chambers of commerce, joined the

Mexican labor coalition. Also supporting them were various national groups organized around non-agricultural interests.

Also favoring the grower cause was their wide access to government officials. Congress was broadly sympathetic. Access to it was increased by the fact that rural interests were over-represented in both houses. Many congressmen were farmers or came from agricultural backgrounds and were especially sympathetic to the grower position. Assigning bracero legislation to the two markedly pro-grower agriculture committees of Congress strengthened the Mexican labor cause. While President Roosevelt was interested in improving the conditions of American farm workers, he was receptive to inaugurating a bracero program as a wartime necessity.

The ability of farmers to pressure the government to institute a Mexican labor program was increased by their high prestige in American society. They approached Congress as respectable and important people. Even the critics of importing foreign labor were careful to pay an almost reverential respect to farmers who were acknowledged to be "the backbone of America." Not only did farmers, as individuals, command respect



by Congress and the American people. Many of their organizations had long since established a reputation of utmost respectability. The American Farm Bureau and the National Grange had become important American institutions. During congressional hearings, various spokesmen for farm groups stressed their membership in main-stream organizations, their commitment to capitalism, their patriotism, and the reasonableness of their demands.

The attempt to import Mexican labor during the war was relatively compatible with broader American values. It was not generally perceived to be a radical effort. Southwestern farmers had long used Mexican labor, and many people thought the traditional flow of Mexicans across the border was natural.<sup>2</sup> During the foreign labor initiative of 1941 and 1942, grower spokesmen attempted to depict most prospective bracero-users as poor small farmers who desperately needed government assistance. This strategy played on the

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<sup>2</sup>A good bibliography on Mexican immigration to the United States is Charles C. Cumberland, "Immigration to the United States from Mexico," Rural Sociology (Supplement), XXV (June, 1960), 90-102.

widespread sympathy for the poverty-stricken farmer. There were many fears, strengthened by the mass media, that the shortage of farm labor might seriously threaten the war effort. Taken together, these facts meant that the initiative to get a bracero program was facilitated by its compatibility with these widespread concerns of the early 1940's.

Consistent with the pluralist advice for maximizing political influence, growers seeking Mexican labor pursued their cause vigorously and self-confidently. Belief in their ability to get a Mexican labor program was a natural by-product of their many policy victories during previous years, including initiation of a bracero program during World War I, keeping Mexico outside the quota system during the 1920's and 1930's, retaining a substantial Mexican labor supply even during the Great Depression, successfully resisting the unionization of farm workers, and getting them excluded from the expanding social legislation enacted during the 1930's to protect industrial labor.

Standing in sharp contrast to the powerful grower coalition were those whose interests would be most threatened by a bracero program, namely American

farm workers. Although they were more numerous than prospective bracero-users, they were not organized at all. The farm workers had little prestige. Many were members of minority groups, lived in great poverty, and had little education or other politically relevant skills. Public opinion was preoccupied more with guaranteeing an adequate wartime labor supply than with improving the conditions of agricultural laborers and their families. Practically powerless, farm labor had no reason for confidence that it could have an important impact on Mexican labor policy. As a result of all these disadvantages, farm labor, as such, did not directly enter the group struggle over institution of the bracero program.

The failure of farm workers to enter the group struggle does not mean that their interests had no impact at all on public policy. In accordance with the pluralist expectation that even the weakest groups will have their interests represented by more powerfully organized groups, organized labor and certain other groups introduced a number of farm worker interests into the group conflicts of 1941 and 1942. Also following the pluralist model, bracero legislation and the American agreement with Mexico were compromise

measures which incorporated some of these worker-related demands. Examples include the provision that braceros could be imported only to cope with a domestic labor shortage and that they were to be paid the prevailing wage so as not to undermine American farm workers.

Administration of legislation governing Mexican labor follows rather closely the pluralist expectation that law enforcement will favor the most powerful interest groups. With few exceptions, the federal government did not seriously attempt to enforce the immigration laws and stop the large-scale entry of illegal Mexicans during the bracero years. The fact that the government still failed to act even after the critics of imported labor had been able to mount a strong offensive against the bracero program is not at odds with the pluralist model. Except during the late 1940's and early 1950's when they were still weak, reform groups did not direct their political pressure toward eradicating the wetback problem. Although by 1961 they had grown strong by many pluralist criteria of power, they failed to meet the pluralist requirement of pursuing the anti-wetback cause vigorously.

On the wetback issue, growers were much more active. Their pressure against law enforcement took a variety of forms. When Eisenhower attempted to rid the country of wetback labor in 1954, farm interests sent representatives to Washington to appeal to the national government not to enforce the immigration laws at the Mexican border. A number of congressmen from states heavily dependent on wetback labor accused the immigration authorities of unreasonable action, and they, too, asked the national government not to enforce the law. Vice President Nixon apparently joined their effort. It was not long until President Eisenhower abandoned his attempt to enforce the law and bowed to the impressive show of grower pressure.

Grower pressure to prevent enforcement of the immigration laws has often been directed against immigration authorities. Some have testified that when farmers have wanted more wetbacks, they have pressured higher authorities in Washington who have then ordered the immigration authorities to permit illegal Mexican workers to enter the country. Particularly in times of greater Border Patrol vigilance, local residents sympathetic to growers have used social pressure



against the patrolmen. Examples include merchants' refusing to sell to them and restaurants charging them higher prices than other customers.

From 1942 through at least 1960, bracero legislation was generally administered with a pro-grower bias. This is consistent with the pluralist assumption that the strongest pressure groups will dominate not only the law-making process but the stage of law enforcement as well. While the law guaranteed that braceros could be imported only in the event of a shortage of domestic farm labor, those shortages were not objectively determined. When growers set low wages which failed to attract enough domestic workers, they claimed a labor shortage and requested braceros. The federal government permitted state employment services, which were generally grower-dominated, to verify the need for braceros. They often did little more than take the farmers' word at face value. Consequently, farm workers had little voice in the administration of this provision of bracero legislation although it was of crucial importance to their interests.

A similar example of predominant grower influence in enforcement of Mexican labor legislation involved the provision that braceros must be paid the prevailing

wages. Once again, officials tended to let growers fill in the actual policy content of a legal guarantee ostensibly meant to protect American farm workers from adverse foreign competition. What typically happened was that growers would arbitrarily set and offer low wages well before the season began. Because few people would be seeking farm jobs at that time, the wages offered had no meaningful relationship to the supply of labor and the demand for it. Yet the Labor Department would customarily certify those wage offerings as the "prevailing wage." If they did not attract sufficient numbers of American applicants, growers would be permitted to import braceros.

Various other provisions of the Mexican labor program were also administered with a pro-grower bias. Although the law forbade using braceros as strike-breakers, they sometimes were. Provisions concerning the food and housing of Mexican workers were not always honored. Contrary to at least the spirit in which bracero legislation was enacted, the men were sometimes used in yearlong and skilled jobs.

Pluralist theory postulates that when previously weak groups grow strong, administration of the law will become more accomodating to their demands. As reform

interests grew stronger during the late 1950's and early 1960's, the pro-grower bias in law enforcement diminished. During President Eisenhower's second term, Labor Secretary Mitchell began administering bracero legislation more rigorously. For example, rather than merely accepting the "prevailing wages" arbitrarily set by growers, he began establishing his own scale. He grew increasingly critical of grower violations of rights guaranteed by bracero legislation.

This shift away from a pro-grower bias in administration of the Mexican labor program grew even more pronounced as reform groups grew stronger during the Kennedy and Johnson eras. Like Secretary Mitchell, Secretary of Labor Goldberg established wage scales for particular areas. Farmers had to first offer these wages before they were eligible to receive braceros. Secretary Wirtz continued this policy. Grower claims of domestic labor shortages were no longer taken at face value. Both Goldberg and Wirtz removed braceros from farms which were being struck by American farm workers.

This diminution of pro-grower bias in execution of the bracero program under Kennedy and Johnson is consistent with the pluralist model. During the late

1950's and early 1960's, reform groups had developed more of the traits which pluralists associate with political influence.

Termination and aftermath. The pluralist proposition that important changes in the relative strength of competing groups will result in policy changes is one useful perspective for explaining termination of the bracero program. As the characteristics of reform groups more closely approximated the pluralist outline of influential group traits, public policy toward Mexican labor changed. The bracero program was first reformed, then terminated. These group characteristics are discussed below in terms of growing reform advantages during the late 1950's and early 1960's.

The sheer number of people opposing the bracero program apparently increased substantially during this era. Perhaps even more significantly, various organizations, claiming to speak for millions of members, publicly joined the reform coalition for the first time. Far fewer newly involved organizations opted to support the Mexican labor cause.

Each side tried to impress Congress that it represented greater numbers of grass roots Americans

(and voters, it was sometimes implied). Spokesmen for organizations supporting Public Law 78 claimed to speak for their rank and file members. They charged that the leaders of reform organizations had never polled their membership on the question of Mexican labor so their impractical proposals represented only isolated pockets of opinion. Spokesmen for reform organizations claimed to be speaking for their rank and file members. They took a lesson from their opponents and warned Congress that grower groups function oligarchically and that their leaders do not faithfully represent the millions of farmers (especially poorer ones) for whom they claim to speak.

Although group spokesmen on each side probably exaggerated the number of members for whom they spoke, it is clear that the total number "belonging" to reform organizations was far greater than the total membership of groups actively supporting Public Law 78. For example, there were more Catholics than farmers, more union members than cotton ginneries or bankers. Although congressmen wishing to be re-elected are not so naive as to assume that such an undifferentiated head-count can determine the outcome of elections, even some pro-grower congressmen were suggesting by 1962



that it was the leaders of reform organizations who could more accurately claim to speak for the grass-roots American.

Critics of Mexican labor usage were long handicapped by their lack of organization. For example, during the 1920's, there was considerable opposition to the importation of Mexican workers, but few organizations represented this viewpoint at congressional hearings. At the 1942 Downey subcommittee hearings on the Mexican labor program, only one reform organization sent a representative to testify. At congressional hearings during the 1950's, the bulk of testimony was given by pro-grower groups.

By the beginning of the Kennedy era, organized opposition to the Mexican labor program had begun to seriously challenge the grower coalition. Far more reform organizations had become actively involved. This unprecedentedly organized opposition to Public Law 78 enabled critics of Mexican labor importation to overcome some of their previous weaknesses. The advantage of organization permitted more deliberate and systematic consideration of problems and a more precise formulation of goals. It encouraged greater coordination of efforts with other reform groups, with

liberal congressmen, and with top officials in the Kennedy and Johnson administrations. No longer did each reformer go his own way.

With increasing organization, the burden of the reform case was left more to specialists. The Catholic Church, for example, relied heavily on its migrant ministry. This division of labor encouraged the specialists to acquire an intimate knowledge of relevant farm problems. Grower forces had always tried to discredit the reformers as well meaning, but misguided, city people who did not understand farm labor problems. Once reform organizations developed their own knowledgeable specialists, they were less vulnerable on this charge.

Many of the reform organizations had their own legislative specialists and lobbyists. Most of these groups were politically active prior to their involvement in the struggle over Mexican labor. Consequently, their legislative specialists already had substantial political experience which could be used in the new cause.

During the late 1950's and early 1960's, the reform case was more convincingly presented. Much of the improvement was made possible by organizational

resources which would have been beyond the means of almost all individual reformers. Earlier emotional arguments were replaced by detailed statistical statements based on careful research. Organization money made it possible for full-time lobbyists to remain in Washington and for group spokesmen to travel to congressional hearings around the country.

Since the beginning of the bracero program, growers had been powerfully organized. This did not change. What had changed was that by the 1960's, they were faced by formidable opponents equally well organized.

The pluralist model assigns coalition building an important role in the acquisition of political power by pressure groups. During the late 1950's and early 1960's, the reform coalition grew rapidly. It converted a number of previously uncommitted groups and even some groups from the grower coalition. Few newly committed groups chose to join the Mexican labor forces.

The net gains of the reform coalition were encouraged by the tendency of growers and their political allies to take rigid positions on Public Law 78 and the issue of domestic farm labor reform.

Having dominated Mexican labor policy for years, it was as if they were unable to adjust to the new reality of their increasingly formidable group opponents.

Beginning in 1961, most reform groups followed the lead of President Kennedy, and his position was one of considerable flexibility. The bracero program had problems, he argued, but it should not be terminated immediately. When Congress enacted some reforms but failed to pass nearly all he had requested, the President signed the legislation anyway.

By 1961, increasing numbers of congressmen, even some grower-oriented ones, were convinced that Public Law 78 needed some reforms to protect domestic farm workers. The unwillingness of grower interests to compromise forced some members of Congress and some pressure groups to reluctantly align themselves more closely with groups opposing the bracero program. If they wanted even moderate reforms, they had nowhere else to go.

The broad base of the reform coalition probably increased its political influence. This was in marked contrast to the 1920's when sometimes unions were practically the only organized, countervailing power

to challenge the employers of Mexican labor. By the early 1960's, unions had come to include a much greater proportion of the working force and their move to reform the Mexican labor system had been joined by much of the news media, certain organizations of minority people, many churches, consumer groups, and others. Organizations of an unprecedented diversity were telling Congress that the traditional bracero program was no longer acceptable. According to the pluralist model, politicians are more responsive to this type of pressure than to the protests of more narrow isolated groups. By 1961, the base of the Mexican labor coalition was not nearly so broad.

In the United States, each of the two major political parties is disproportionately dependent on certain groups for its bedrock support. If the party alienates these most consistent supporters, it will have little chance of winning elections. Consequently, it tends to pay special attention to them, especially if they are well organized and have established and vigorously articulated their priorities. During the early 1960's, the reform coalition was fortunate to include several organizations whose memberships were



traditionally and heavily Democratic. Organized labor, various Catholic pressure groups, and organizations representing Mexican-Americans and Negroes were among the most outspoken critics of the Mexican labor system. Consequently, the Johnson and Kennedy administrations as well as many Democratic congressmen from districts with large numbers of these people may have found it politically expedient to lead the assault on the bracero program.

During earlier years, the critics of Mexican labor usage had often contradicted the arguments of each other. Some would have banned the practice because it was allegedly racist, others because they, themselves, were unashamed racists. Some disapproved because they believed the United States could not trust any foreigners, others because they felt the rights of Mexicans were disregarded by employers. Consequently, until at least the end of World War II, the critics of Mexican labor usage were a coalition less in fact than in name.

By the Kennedy era, if these contradictions remained, they were less articulated. The publicized reform case had become much more internally consistent. Claims that the bracero program was adversely affecting

American farm workers and small farmers, that it was inconsistent with principles of free enterprise, and that it was harming United States relations with Mexico were not contradictory.

Before the Kennedy era, the reformers' very limited access to government officials was a serious handicap. Growers had enjoyed greater access to all presidents (with the possible exception of Roosevelt), to Congress, to the agriculture committees of the House and Senate, and to all of the relevant cabinet officials except Secretary Mitchell.

Reformers had initially enjoyed greater access to President Roosevelt, but after the defeat of his farm labor reforms by Congress in 1942, he made little effort to champion their cause. During Eisenhower's second administration, the critics of Mexican labor importation found a friend in Labor Secretary Mitchell. However, his isolated position in the administration limited his effectiveness.

The access enjoyed by reformers was often to officials with limited or no direct power over the Mexican labor issue. For example, they had friends on the labor committees of the two houses, but the decision had been made in 1942 to grant jurisdiction

over bracero legislation to the pro-grower agriculture committees. The reformers enjoyed good access to President Truman's Migrant Labor Commission, but its powers were merely advisory. Their cause was consistently supported by a substantial minority of congressmen in both houses, but their votes were not enough to reform the law.

The break-through in reformers' access to the executive branch of government came with Kennedy's election. His sympathy for their cause gave them access to the highest level of government. The willingness of other administration officials to work with reform forces, to listen to their ideas, to advise them, and to coordinate a course of action with them was encouraged by Kennedy's order for a united administration reform initiative. This "open door" policy did much to publicize the reform case. Cabinet level officials, who could easily get publicity for their own concerns, often used their public statements to re-emphasize information or conclusions which pressure group leaders had discussed with them.

As noted earlier, growers had long sought to transfer control of the Mexican labor program from the Labor Department to the Department of Agriculture.

This strategy became less meaningful during the Kennedy era, because the Agriculture Secretary let it be known that he fully approved of reforms undertaken by the Labor Department. Grower access to him would have been no greater than it was to Secretary Wirtz.

Critics of the Mexican labor system also gained greater access to Congress during the Kennedy and Johnson eras. Although the agriculture committees in both houses remained solidly pro-grower, as the reform coalition grew stronger, its spokesmen at committee hearings were received more courteously. By 1961, even solidly pro-grower committee members sometimes went out of their way to commend testimony given in behalf of reform organizations.

By 1961, unprecedented numbers of congressmen were willing to support reform of the bracero program. Many worked closely with pressure group leaders. Also, during the 1960's, more congressional committees than ever before held hearings on migrant labor, and this provided a broader forum for critics of the bracero system to present their case.

In the political struggle over imported Mexican labor, southwestern growers had long enjoyed the decisive advantage of an excellent public image. The farmer was

seen as the ideal American: hard working, frugal, honest, healthy. Feeding the people was a good thing, and he received full credit for it. It was widely assumed that he was treated unfairly, that despite his back-breaking work and vital services to the country, he was poverty-stricken. Even farmers who did not fit the image gained from it because public opinion did not allow for rich farmers. Although many farmers were poor, some grew very wealthy and bore little resemblance to the stereotype. For example, some growers owned lands so vast that the crops could be inspected only by plane. The Bank of America owned large farms. Some growers owned not only vast lands but also trucks, trains, and ships for hauling their crops to market. Some even owned the auctions at which the crops were sold. However, the public image of farmers was not updated to reflect this new reality. Consequently, farmers, even those with multi-million dollar operations, were given concessions by the government that were denied to industrial corporations. Examples include the congressional decisions to exempt farm workers from the right to unionize and from social security benefits



(even if they worked for millionaires). Long after other corporations were denied the right to import foreign labor, corporate farms (and others, of course) could use Mexican workers.

Like individual farmers, the organizations they formed likewise enjoyed high prestige. This enabled them to achieve such impressive political power that a grower-oriented congressman admitted in 1942 that an official of the American Farm Bureau had actually written the bracero legislation passed that year.

The prestige of farm workers was very low. Although they, no less than the farmer, did hard work, helped feed the nation, and earned little, public opinion did not grant them equal concern. Having little education, money, or property, they were not considered "important" people. Their low status was reinforced by the fact that many were members of minority groups.

Organizations which championed the farm worker did not initially enjoy high social prestige. Prior to the New Deal, labor unions were perceived as radical, somewhat un-American institutions. After improving their image during the Roosevelt era, they suffered some loss of standing at the close of World War II when

a number of strikes occurred. Having been inconvenienced by shortages and rationing during the war, many people were unhappy with new consumer problems caused by these work stoppages. The result was passage in 1948 of the Taft-Hartley Act with its provisions for limiting labor unions.

Before the civil rights movement dating from the late 1950's, minority group organizations such as the National Association for the Advancement of Colored People and the American GI Forum were handicapped by their low prestige.

By the time of the Kennedy era, several of the pressure groups included in the reform coalition had improved their social standing. Moving from the generally pro-business atmosphere of the Eisenhower years into the New Frontier, labor unions benefited from the increasing concern with the poor and the new climate of criticism of corporate abuse. Civil rights activity became fashionable, and minority organizations gained social standing. Reform activity by consumer groups became more acceptable and more common.

Some of the prestige of high political offices probably rubbed off on pressure groups in the reform

coalition. In 1961, for the first time, they were allied with the President himself. They enjoyed the support of his cabinet, most members of Congress, and many of the most respectable newspapers and magazines in the country. If groups are judged by the company they keep, the critics of the bracero program had gained a new respectability by 1961.

While reform groups were gaining prestige during the late 1950's and early 1960's, the grower image was being hurt. The reformers helped contribute to this decline by documenting abuses of the Mexican labor program and publicizing the fact that many employers of braceros were wealthy corporate farms.

One reason why it took so long for critics of the bracero program to get it reformed was that public opinion did not initially support the change. The public was more concerned about the problems of growers than with hardships of the workers. Farmers enjoyed many advantages in keeping it that way. Being well organized, they were able to systematically present their case to the public. They tended to dominate congressional hearings (which often made good headlines and conveyed their views to newspaper readers). Even Democratic Presidents Roosevelt and Truman articulated

justifications for using Mexican labor. Until at least the late 1940's, even liberal news media accepted so many of the grower premises that news articles often sounded like press releases from farmers. Congressional supporters of the bracero program were more vocal than its opponents. The cumulative effect of these events was that the reform case was less frequently articulated and less often communicated to the public. The widespread pro-farmer bias probably meant that even when the public heard facts conducive to reform, they were not taken as seriously as facts favoring the grower position.

Although their chance for immediate success was small, reformers struggled patiently to change public opinion even during the 1940's. Many of their efforts were small, but the cumulative effect was substantial.

Even during the World War II years of overwhelming grower predominance on bracero policy, the case for reform was kept alive, and sometimes it filtered through to the public. In 1942, a minority of congressmen opposed to initiation of a Mexican labor program spoke forcefully against it in debate. By the late 1940's, elements of the news media, began

to question grower premises and to feature articles on the hardships of American farm labor. Some Chicano critics of Mexican labor importation made citizens' arrests of wetbacks and escorted them to the border. Such events made dramatic news.

Two historical events helped soften the public for considering the reform case more seriously during the latter 1940's. One was the end of World War II. The supposedly temporary program justified by the war was more vulnerable to attack in peace time. The other event was the large-scale entry of wetbacks during the late 1940's. Reformers mounted a major anti-wetback initiative, and it received widespread publicity, eventually being championed even by President Truman. News media began to pay much more attention to the problem.

Also helping to publicize the reform case was President Truman's Migrant Labor Commission.

If the reformers had not won public opinion by 1950, they had probably changed it substantially. However, the involvement of the United States in the Korean War returned a decisive advantage to the growers. With the national security aspect of farm labor again



prevailing, the need for Mexican workers was given the benefit of the doubt.

During the late 1950's, Labor Secretary Mitchell did much to publicize the case for reform. He was joined by increasing numbers of the news media. Mexican labor critics in Congress grew more outspoken as did pressure groups in the reform coalition. The attempt to change public opinion was continued and intensified by the Kennedy administration. Although opinion on Mexican labor apparently was not studied by pollsters, the vigor of the administration's initiative probably increased the number of people sympathizing with reform.

The broader climate of public opinion during the Kennedy era was conducive to Mexican labor reform. The civil rights movement was proceeding, and it was publicizing the idea that the political and economic system should be opened to the disadvantaged. A broad theme of the New Frontier was the need for re-assessment and change. The administration talked much about the need to eradicate poverty. It gave a great deal of attention to rural poverty, which it blamed in substantial part on the use of Mexican labor.

The cumulative effect of these developments was that from 1942 to 1963, public opinion probably

moved from a pronounced pro-grower bias and relative indifference to the problems of American farm workers to at least a greater tolerance of reform.

Pluralists postulate self-confidence and vigorous pursuit of group goals as important correlates of political influence.

During the early years of the bracero program, its supporters had every reason to be self-confident, and they were. They enjoyed the support of the agriculture committees, both houses of Congress, and after 1942 even Democratic presidents gave them little trouble. The number of braceros imported increased dramatically over the years. Growers enjoyed the support of the media and public opinion. It is little wonder that they were self-confident. However, even when everything was going for them, farm organizations lobbied intently for the kind of Mexican labor program they wanted.

As the strength of reformers grew, so did their self-confidence. By late 1961, it had become apparent that President Kennedy and his administration would vigorously champion their cause and that Congress would accept moderate reforms. As more and more pressure groups joined the coalition, as more news media offered support, as the reformers enjoyed unusual opportunities

to capitalize on trends such as high unemployment and mechanization--they became increasingly self-assured.

For these reasons and others, growers were losing confidence in their ability to keep the program intact. Beginning in 1960, some began stating publicly that its days were probably limited. It was not just that growers were losing power, but the loss had come so suddenly. As recently as the late 1950's, the only break in the dike had been Secretary Mitchell. President Eisenhower was a good friend of the Mexican labor program. Annual importation of braceros reached unprecedented numbers. Congress consistently refused to reform the program.

Then from 1960 through late 1961, there were two crucial developments. The pro-grower Eisenhower was replaced by a President who, as a congressman, had voted against the bracero program. Congress, which had never significantly reformed Public Law 78, suddenly agreed to liberalize it.

As the Mexican labor coalition lost power, its vigorous effort to keep the bracero program also slackened. Having taken a rigid, no-compromise stand as recently as 1962, a year later many agreed to termination of Public Law 78 after another twelve months

as the price for any extension at all. Some traditional members of the grower coalition began to express the position that termination would create no serious problems because Mexican workers could be replaced by machines.

Another reason for the declining vigor with which growers championed Public Law 78 was that some had come to see it as more of a liability than an asset. Unlike its early days as a weapon against American farm workers, the bracero program was used by the Kennedy administration as a wedge to improve their conditions.

During 1965, only an occasional grower organization called on Congress to re-institute the bracero program as such. In accordance with the pluralist proposition that legislatures do not initiate programs unless pressured by interest groups to do so, no serious effort was made in Congress to revive Public Law 78.

The pluralist model provides for the continuation of group conflict after Congress has either passed or repealed legislation. During 1965, the struggle over Mexican labor was vigorous. Grower organizations pressured Secretary Wirtz to open wide

the H-2 provision of the general immigration law and permit the importation of massive numbers of Mexican workers. Reform groups mounted a defense, but they fought much less vigorously than they had to end the bracero program.

While some Mexicans were admitted under the H-2 provision, there were far fewer than requested by southwestern growers. The number of H-2's admitted steadily declined each year during the rest of Johnson's administration.

Growers were unable to get the policy sought although they mobilized more pressure for obtaining H-2 workers than reformers did against opening that loophole. However, the pluralist model is still of some explanatory value. First, although growers did not receive all the H-2 workers they wanted, Wirtz did admit some. Secondly, pluralist theory does not claim that the group mobilizing the greatest pressure on a particular issue will necessarily wield predominant influence on policy. While group pressure is an important variable determining political influence, it is only one of several. Impressive though grower pressure was in 1965, many of their handicaps which lost the bracero program remained. Public opinion



apparently remained on its liberal course. Government concern with poverty was greater than ever. Although reform groups were not as active as during the previous year, any attempt to simply substitute H-2 workers for braceros would surely have fully reactivated them. Also, it should be recalled that pluralists do not claim that public officials are merely referees of the group struggle. While officials tend to be responsive to it, they also develop their own group identities. President Johnson was deeply committed to anti-poverty reforms and any retreat on the question of formal Mexican labor programs would have been out of character for his administration. Also, the 1964 congressional elections had swept into office far more liberal Democrats, the type of congressmen most apt to oppose bracero programs.

By the fall of 1965, Secretary Wirtz had been able to effectively defuse the grower initiative for H-2 workers. As more crops were cultivated and harvested by machinery and as the federal government mounted a successful program to supply domestic workers, farmers pursued the H-2 cause less vigorously.

During the post-bracero era, reform interest groups have exerted moderate pressure on Congress to

cope with the apparently large number of Mexican workers who enter the United States as commuters and border-crossers. Faithfully reflecting the low level of pressure, Congress has responded a little, but not much. Legislation has been introduced and explained on the floor of the House and Senate but has consistently died in committee.

From 1965 to 1968, reformers said little about the growing wetback problem. No serious effort was made in Congress to cope with it. However, since President Nixon's election, traditional critics of Mexican labor programs have turned their attention more to the wetback issue, and increasing pressure has been placed on Congress to come up with a solution. During the past two years, the pressure has reached something of a peak. During that time, President Nixon has called for tough new legislation to penalize the employers of wetbacks. Each house of Congress has passed a wetback bill, but because they have been unable to agree on a compromise version, no law has yet emerged.

Some Problems with the  
Pluralist Explanation

In this chapter, various aspects of the initiation, operation, termination, and aftermath of the bracero program have been discussed in terms of the pluralist model. However, some of the findings of this dissertation seem more consistent with certain patterns suggested by critics of pluralism. The purpose of this section is to briefly discuss a few of these criticisms and relate them to some of the findings reported in earlier chapters.

Pluralists claim that unorganized interests will have only minimal impact on public policy. However, they assume that almost all important interests are in fact organized, and that this helps assure that political power will be widely shared. Yet critics have alleged that many interests are unorganized or only minimally organized and that these groups enjoy very little political power. They are said to be primarily poor and disadvantaged.<sup>3</sup>

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<sup>3</sup>E. E. Schattschneider, The Semi-Sovereign People (New York: Holt, Rinehart, and Winston, 1960), pp. 32-34 and William E. Connolly, "The Challenge to Pluralist Theory," The Bias of Pluralism, ed. William E. Connolly (New York: Atherton Press, 1969), 14-15.

Beginning with World War I, the national government allowed a generous flow of Mexican workers to southwestern growers. Although American farm labor had the most to lose by this policy, it was not organized so it could effectively check the influence of growers who had long been organized into powerful groups. Nor were American farm workers organized so they could speak for themselves as the World War II bracero program was instituted. Only during the 1960's did they achieve some modicum of organization and begin to apply pressure in an effort to shape the Mexican labor policy of the American government. Even now their organizations wield only minimal influence on the national government. Inasmuch as even this small degree of success came over half a century after their interests began to be threatened by the widespread use of Mexican workers, the pluralist assumption that groups will almost naturally organize to protect their political interests seems exaggerated. For such organization to occur, certain political skills, financial resources, and awareness of interests are necessary. These are precisely the attributes that persons such as poverty-ridden farm workers are least likely to have. The equilibrium

postulated by pluralists is apparently not inevitable.

At the height of controversy over the bracero program, many domestic farm workers were Mexican-Americans. Yet certain scholars have reported that the Chicano subculture discourages organizational activity. The pluralist assumption of natural joining does not adequately account for such possibilities.

Pluralists suggest that unorganized interests are generally defended by organized ones. They imply, too, that this representation will adequately defend those interests. We have seen that organized labor and various other pressure groups attempted to represent domestic farm workers in the Mexican labor struggle. They achieved some degree of success. For example, bracero legislation contained the guarantee that Mexicans would be imported only in the event of domestic labor shortages. However, it is plausible to expect that this indirect representation will sometimes be less successful than when the threatened group is itself organized. One reason is that the "stand-in" group has other concerns which it considers more important and which led to its organization in the first place. If its commitments come into conflict with each other, it may tone down its representation of



the unorganized group. At least one author has suggested that the reason organized labor made no serious effort to unionize farm workers until the 1960's was its unwillingness to endanger its primary commitment, which was to industrial labor. Allegedly, unions agreed to refrain from organizing farm labor as the price for growers moderating their opposition to urban unionization.

Had farmworkers been organized, it is likely that they would have driven a harder bargain than organized labor did in their behalf. With few exceptions, unions did not call for outright abolition of the bracero program until the 1960's. They had been content to settle for reform, even when many American farm workers were unemployed.

During the late 1940's and early 1950's, a few farm workers were organized into very weak unions. These organizations took a considerably more militant position than did national spokesmen for the AFL-CIO. It was the leaders of these small, weak, short-lived unions which took such unorthodox steps as making citizens' arrests of wetbacks and personally returning them to the Border Patrol with a demand that they enforce the law.

While pluralists suggest that powerful organized interests will voluntarily moderate their political demands, critics such as Lowi suggest that their demands tend to be extreme.<sup>4</sup> Various grower demands appear to be too immoderate to fit neatly into the pluralist model. Once some initial concessions had been made to worker interests in 1942, southwestern growers rather consistently opposed all reform of the bracero program, no matter how minor. They often used Mexican workers who had entered the United States illegally. When efforts were made to enforce immigration laws, they sought to force officials to ignore those laws. To keep the bracero program intact and unreformed, they threatened to use even more wetbacks. Such demands, perhaps, seemed less extreme because government often encouraged them and concocted elaborate arrangements to give the impression that the laws were being vigorously enforced. For example, on one occasion, the Border Patrol made massive arrests of wetbacks and "paroled" them to work for Texas growers.

Pluralists emphasize that a particular public policy will consist of compromises to the different

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<sup>4</sup>Theodore J. Lowi, The End of Liberalism (New York: W.W. Norton and Company, 1969), p. 91.

groups whose interests are at stake. They imply that these compromises are meaningful, because they are said to increase commitment to the system. Critics question the prevalence and meaningfulness of concessions to weaker groups.

As noted earlier, some concessions were made to worker interests. They are most obvious at the law-making stage, where they included such things as a guarantee that braceros could enter only if there were a shortage of domestic farm labor and that braceros would receive the "prevailing wage." Yet domestic labor shortages were certified even during times of high unemployment and while the news media were reporting that farm workers could not find jobs. We have discussed earlier the arbitrary manner in which "prevailing wages" were set by growers instead of through the interplay of supply and demand in a free labor market.

Despite all the compromises reflecting the interests of domestic farm labor, southwestern growers consistently received generous numbers of illegal Mexican workers. Even when domestic workers had received the ultimate "concession," termination of the bracero program, farmers never lost their Mexican labor. The

pluralist model, then, does not seem to pay enough attention to the meaningfulness of concessions to weaker groups.

The pluralist system allegedly enjoys a high level of commitment from all legitimate groups. This supposedly results from its willingness to permit all interests to compete for influence and to have an impact on policy decisions. On the other hand, critics charge that many weaker groups are seriously alienated. It is difficult to evaluate these conflicting claims by applying them to farm workers. The reason is that over three decades after the bracero program was instituted, they have still to be heard from. Even at the height of the Mexican labor controversy during the Kennedy era, farm workers offering testimony could be numbered on one hand. However, it is difficult to believe that they would perceive "justice" in the same way pluralists do. To the pluralist, the key to justice lies in group power. The strong predominate, and that is as it should be. By this standard, it was "just" for the United States to import braceros during periods of high domestic farm labor unemployment. Yet it is questionable whether unemployed Americans unsuccessfully seeking farm jobs during those times considered that policy to be fair.

The pluralist expectation that organized groups will pursue selfish interests in the political arena has been borne out at numerous points in this dissertation. The bracero program, itself, sprang basically from the growers' desire for a "dependable" labor supply. The greatest opposition came from groups which had no need for foreign labor. Yet critics of the pluralist model claim that it exaggerates the extent to which groups pursue purely selfish goals. They argue that some groups seek markedly selfish goals whereas others support causes which may actually threaten their narrow self-interest. Some groups involved in the Mexican labor struggle were apparently motivated by certain abstract principles of right and wrong. For example, consumer organizations advocated farm labor reform even if it would bring higher consumer prices. The pluralist model does not adequately explain such cases.

Finally, critics of pluralist theory claim that it exaggerates the extent to which public officials are group-oriented. Some may be very responsive to organized group pressure while others adhere more to abstract principles of "good" public policy. Certainly, many examples in this dissertation are consistent



with the pluralist model. President Roosevelt sought to liberalize the bracero program and reform domestic farm labor conditions until grower forces aborted his plans. At that stage, he more or less gave up the battle. President Eisenhower attempted to enforce the immigration laws until it became obvious that group forces opposing him were stronger than those supporting him.

Not all officials seem to have been so responsive to group pressure. In 1942, the Farm Security Administration was committed to farm labor reform, and it never backed down although its group critics were far more powerful than its supporters. When President Eisenhower permitted unilateral recruitment of Mexican workers, the Office of Management and Budget cut off funds although grower interests were powerfully organized and actively supported the President. Even during years of greatest grower influence, some immigration officials pressured their superiors to permit them to apply the law. These examples suggest the possibility that elected officials are more group-oriented than are bureaucrats and that higher bureaucrats are more group-oriented than lower ones.

## Summary and Conclusions

In this chapter, highlights of the case study presented in earlier chapters have been rearranged in accordance with selected aspects of pluralist theory. It has been found that two dimensions of the pluralist model are especially useful for ordering and explaining several of the findings. First, the model outlines group correlates of political influence. It has been found that these are useful for explaining the initiation, operation, termination, and political aftermath of the bracero program. So long as grower organizations enjoyed such advantages as prestige, political resources, and favorable public opinion, Congress maintained the Mexican labor system for them. When many of the advantages shifted to reform groups, Congress accomodated them by terminating Public Law 78. It has been found, too, that non-legislative officials, over the long run, tend to be unusually accomodating to whichever coalition of groups enjoys the several advantages postulated by the pluralist model.

Secondly, the pluralist model notes that law enforcement officials enjoy some discretion. How they enforce the law will depend in part on the

demands of the most powerfully organized interests. With the exception of the brief period that the bracero program was administered by the Farm Security Administration, it tended to be executed with a pro-grower bias so long as the countervailing power of reform interests was weak. As they grew stronger, program administrators grew more responsive to their demands.

One of the merits of the pluralist approach is that it alerts us to politically relevant factors which political scientists have traditionally tended to neglect. In this dissertation, it has turned our attention to such factors as mechanization, public opinion toward farmers, and rural poverty. Many such variables figured, directly or indirectly, in the passage, reform and repeal of bracero legislation.

By exploring such less obvious roots of the political process, the pluralist approach may prove useful for anticipating legal changes long before a bill is actually introduced. For some time, reform interests have apparently been losing certain extra-governmental advantages which they gained during the late 1950's and early 1960's. Underlying and stimulating these changes is a national swing toward

conservatism. Public opinion is apparently off its earlier New Frontier course. People have grown more sceptical of reformers. The civil rights movement has moved beyond its peak, and both private and governmental commitment to bettering the lot of Mexican-Americans and Blacks has diminished. Both public opinion and government officials have grown more critical of the poor. After enjoying substantial prestige, consumer groups have found themselves under increasing attack. If these developments continue, pressure groups from the old farm labor reform coalition may find their self-confidence hard to maintain. In an increasingly conservative society, they may find it more difficult to enter into coalitions with other groups.

The above developments would suggest that re-inauguration of a bracero program may be a greater possibility than the almost total lack of congressional concern with the issue would suggest. It should be remembered that as late as 1960, Public Law 78 seemed firmly entrenched. Had scholars of that era paid less exclusive attention to the then recent and vast expansion of the program and more to the beneath-the-surface shift of group advantages from growers to

reformers, termination would have been less surprising.

Despite its general usefulness for explaining the politics of Mexican labor, the pluralist model fails to explain some of the findings of this dissertation. Even worse, it is sometimes misleading. Perhaps the greatest weakness of the model is its exaggeration of the extent to which political power is shared. We have seen that after more than half a century of controversy over bracero programs and wetbacks, the single domestic group with the most threatened interests has still to be heard from. It is also interesting to note that in the many volumes of congressional hearings on Mexican labor, apparently not a single bracero ever testified.



## E P I L O G U E

## FUTURE AREAS OF INQUIRY

It has now been over thirty years since the bracero program was instituted. Almost a decade has passed since it was terminated in December, 1964. Yet the passage of time has done little to fill the serious gaps in the literature. This dissertation is a modest step in that direction.

Very few political scientists have paid any attention to the bracero program. Yet its decline coincided with the growing emphasis on group analysis in American political science and with a more pronounced American concern with Latin America. Other trends which might have been expected to turn attention to the politics of the bracero program, but so far have not, include the growth of Chicano studies programs and the increasing importance of policy analysis in political science. Including the present writer, only two other political scientists have studied the bracero program.

Certain periods relevant to the Mexican labor program have been under-studied by all disciplines,

including political science. The second contribution of this dissertation lies in its attention to these eras. Studies of the bracero program typically ignore its roots in pre-1942 Mexican labor patterns in the United States. Little attention has been paid to the program's last four years (1961-64) or to reasons for its termination. Apparently no study has been made of the post-1964 political struggle over Mexican labor. The bulk of this dissertation deals with these three neglected periods.

Only two other researchers have made any attempt to explain bracero politics in theoretical terms. The third contribution of this dissertation lies in its application of the pluralist model to selected aspects of the Mexican labor system.

When this student sought to narrow his dissertation to some specific aspect of the bracero program which needed study, there was little explicit guidance in the literature short of reading it. Few scholars had bothered to identify gaps or problem areas beyond their immediate research problem. Consequently, the remainder of this section is devoted to pinpointing some of the many weaknesses remaining in the literature.

First, there is a need to explain more of the

accumulated facts in explicit theoretical terms. For example, study of the Mexican labor program would readily lend itself to a systems approach.<sup>1</sup> Alternative organization of the factual material in terms of inputs, outputs, feedback, rewards, and deprivation might prove useful.

Secondly, a number of historical periods before and after the bracero era continue to need study. Apparently no other project has devoted any attention to developments since the beginning of the Nixon presidency. Scholarly concern with the World War I bracero program is apparently limited to a single published study. Although the widespread repatriation of Mexican workers during the Great Depression was an important influence on Mexico's position during the 1940's, that movement has received very little scholarly attention.

Thirdly, a number of in-depth studies are needed of limited, but important, aspects of bracero politics which have received little or no attention. Court rulings concerning the Mexican labor system have been almost completely ignored. As strikes by

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<sup>1</sup>David Easton, The Political System (New York: Alfred A. Knopf, 1971).

American farm workers grew more common during the 1960's, how did they affect and how were they affected by the bracero program? Did these relationships change as reform forces grew stronger? How was Labor Secretary Mitchell able to initiate liberal reforms from within a pro-grower administration? Did he have some independent power base of his own which encouraged his bold action? Material for a master's thesis could perhaps be found in a background study of congressmen which would identify those who owned farms, those who owned businesses heavily dependent on agriculture, and those who had grown up on farms. Correlations between these traits and votes on the bracero program (and related legislation) would then be calculated.

It would be useful to study the immigration service for the purpose of identifying those officers who insisted on rigorous enforcement of the immigration laws and those advocating lax enforcement. What strategies did each follow and how successful were they? Did each side enter into coalitions with non-immigration officials and with interest groups?

It might prove useful to ask congressmen who switched against the bracero program why they did so. Since it has apparently not been done, farm workers

should be asked how they feel about wetback labor and whether they would oppose re-institution of a bracero program. Cesar Chavez's farm workers union should be evaluated in terms of its broad implications for the politics of Mexican labor.

The bracero program also needs to be studied in terms of Mexico's political system. What role did her interest groups play? Were there splits within the government similar to those within the American government? What has been the post-1964 political aftermath in Mexico?

Most studies of the bracero program have made little effort to relate it to other supplies of Mexican labor. How did it influence and how was it influenced by wetbacks, border-crossers, H-2 workers, Mexican immigrants, and commuters? It might also be useful to relate the bracero program to other foreign labor supplies in the United States, including the Canadians, British West Indians, Basques, and the Cubans in Florida.

No serious effort has been made to compare and contrast bracero politics with the earlier successful effort to rid American industry of foreign labor. Arguments, interest group alignments, and strategies



might be compared and contrasted.

The bracero literature generally treats the program as too unique. No serious efforts have been made to see if political patterns surrounding the Mexican labor system are similar to those which have grown up around foreign labor programs of other countries such as West Germany and England. Does labor typically flow from less developed to more developed countries? Do these movements intensify nationalism in the supplier nation by highlighting its under-developed status? Do political pressure groups invariably arise in the host country to oppose perceived threats from the foreign workers?

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