

## The Early Years

Hired in El Paso, Texas, in September 1924, Emmanuel Avant “Dogie” Wright was one of the first officers of the United States Border Patrol. Born and raised in the Texas-Mexico borderlands, Dogie had deep roots in the region where he worked for twenty-seven years as a U.S. Border Patrol officer. Dogie’s great-grandparents, Elizabeth and John Jackson Tumlinson, had joined Stephen Austin’s 1822 expedition into the northern Mexican province of Coahuila y Tejas (Texas).<sup>1</sup> Dogie’s great-grandparents were among the original Anglo-American colonists, commonly known as the “Old Three Hundred,” in Austin’s Texas project. Although many in the Austin expedition were southern slaveholders hoping to rebuild their prosperous plantations in Texas, the Tumlinsons were simply modest farmers: when they arrived in Texas, their property consisted of some cattle, hogs, horses, and farming utensils.<sup>2</sup> Troubles began soon after the Tumlinsons settled in a district along the Colorado River. The Colorado District was offered to the settlers by the Mexican government but claimed by the Comanches, Tonkawas, Apaches, and Karankawas, who dominated the region along with an assortment of smugglers and frontiersmen. Several months after the colonists arrived, three men guarding a shipload of the colonists’ provisions disappeared. Their disappearance frightened the settlers, and, to better protect themselves they formed a government and elected John Jackson Tumlinson as mayor (*alcalde*).<sup>3</sup> John Jackson had yet to take office when two more settlers were found dead. In defense of the colonists and their interests in the region, John Jackson proposed the establishment of a permanent roving patrol. He was killed soon after by a group of Karankawa and Huaco Indians, but the roving patrol that he founded lived on to become the Texas Rangers.

The Texas Rangers shaped and protected Anglo-American settlement in Texas.<sup>4</sup>

They battled indigenous groups for dominance in the region, chased down runaway slaves who struck for freedom deep within Mexico, and settled scores with anyone who challenged the Anglo-American project in Texas. The Rangers proved particularly useful in helping Anglo-American landholders win favorable settlements of land and labor disputes with Texas Mexicans. Whatever the task, however, raw physical violence was the Rangers' principal strategy. As the years unfolded, the stories of the Tumlinson family, Anglo-American settlement in Texas, and the Texas Rangers remained closely intertwined: no fewer than sixteen of John Jackson's descendants protected the interests of Anglo-Americans in Texas in the service of the Texas Rangers.<sup>5</sup> Among them were Dogie Wright and his father, Captain William L. Wright, each of whom served as Rangers in southern Texas.

Anglo-American settlement was slow to develop in south Texas. A few ranchers had pushed southward in the mid-nineteenth century, but most Anglo-American farmers saw little value in the dry and distant lands near the U.S.-Mexico border. Not until the late nineteenth century, when new irrigation techniques and refrigerated rail cars promised to transform the arid border region into a profitable agricultural zone, did Anglo-American farmers begin to imagine and seek their fortune in south Texas. When they arrived, Anglo-American farmers confronted a well-established Mexicano ranching population that did not easily acquiesce to the changes the Anglos envisioned. The violence of the Texas Rangers played a pivotal role in transforming south Texas into a region dominated by Anglo-American farmers.

Born at the dawn of the Anglo-American push into south Texas, Dogie Wright came of age during one of the most brutal periods of the Texas Rangers' history. Walter Prescott Webb, a sympathetic chronicler of the Texas Rangers, described these years as peppered with "revenge by proxy," a strategy by which Rangers indiscriminately killed Mexicanos to avenge the transgressions of others.<sup>6</sup> One of the Rangers' most notorious episodes of bloodshed took place just two months after Dogie was born.

On June 12, 1901, a Mexicano rancher named Gregorio Cortez stood at the gate of his home in Karnes County, Texas. There, he resisted arrest for a crime that he did not commit. The sheriff persisted, drew his gun, and shot Gregorio's brother in the mouth when he charged at the sheriff to protect Gregorio. Gregorio shot back and killed the sheriff, an act that was sure to bring the Texas Rangers to his doorstep. When they came, Gregorio and his family (including his wounded brother) were gone: all that remained was the dead body of the sheriff. The news of Gregorio's deadly defiance quickly spread across southern Texas, and Dogie's father, Captain William Wright of the Texas Rangers, joined the search for Gregorio Cortez. For ten days, the Texas Rangers and posses numbering up to three hundred men hunted for him. When they could not find him, they sought revenge by proxy, arresting, brutalizing, and murdering an unknown number of Mexicanos.

These were the days when Dogie Wright took his first breaths in the U.S.-Mexico borderlands. In the years to come, he helped his father and the Rangers take care of their horses, and as a young adult, Dogie himself became a Ranger. At the age of twenty-three, Dogie joined the U.S. Border Patrol. Descended from the Old Three Hundred, embedded in the history of the Texas Rangers, and born in the shadow of one of the borderland's most brutal battles between Anglos and Mexicanos, Dogie carried a long and complicated history into his work as a Border Patrolman. He was joined by hundreds of other borderlanders hired as Border Patrol officers during the 1920s and 1930s. Like Dogie, they had grown up and lived in the U.S.-Mexico borderlands before they became Border Patrol officers. Their pedigree was not that of the landholding elite but of the Anglo-American working class, who often used law enforcement as a strategy of economic survival and social uplift in the agriculture-based societies of the borderlands. And they had grown up with white violence toward Mexicanos. The broad congressional mandate for migration control provided the outer contours for their work, but the decentralized structure of the early U.S. Border Patrol granted Dogie and the others significant control over the development of U.S. immigration law-enforcement practices. Far from the halls of Congress, the early officers of the Border Patrol enforced U.S. immigration restrictions according to the customs, interests, and histories of the borderland communities where they lived and worked. Therefore, the story of the early years of the U.S. Border Patrol begins in the U.S.-Mexico borderlands.

#### THE U.S.-MEXICO BORDERLANDS

When the Old Three Hundred first entered Texas in 1822, what would later become the southwestern United States was still part of northern Mexico. From Alta California's Pacific Coast to the Texas plains, many Anglo-Americans coveted the rich natural landscape of the Mexican northwest. The most covetous argued that it was the duty and "manifest destiny" of Anglo-Americans to rule the North American continent from sea to sea.<sup>7</sup> Their imaginings drew strength from the triumph of the Anglo-American colonists in Texas who, in 1836, successfully fought a war for independence against Mexico. Nine years later, the United States annexed the Republic of Texas, but President James Polk (1845–49) wanted more. Inspired by the theory of Manifest Destiny, Polk in January 1846 sent troops into disputed territory below the newly acquired state of Texas. The Mexican army engaged the U.S. troops, but the battle quickly turned into a war that the debt-ridden Mexican government could not afford to fight. United States armed forces occupied Mexico City in 1848 and declared victory over Mexico in the U.S.-Mexico War of 1846–48.

The U.S.-Mexico War was a war of conquest that forced Mexico to cede nearly 50 percent of its northern territory to the United States. The new U.S.-Mexico border was drawn down the belly of the Rio Grande between the Gulf of Mexico and

El Paso, Texas, and from there the border pushed west across the deserts and mountains to the Pacific Ocean. Above this line, an estimated one hundred and fifty thousand Mexicans and one hundred and eighty thousand members of free, indigenous tribes lived in the newly declared American territory. Transferring land ownership from their hands to those of Anglo-Americans would be the final element of conquest in the new American West.

Anglo-American settlers used a variety of techniques to acquire land rights from Mexican and indigenous landholders. While violence, the reservation system, and genocide were popular methods of dispossessing indigenous populations, Anglo-Americans most often gained access to Mexican land rights through marriage, debt payment, fraud, or purchase. By the late nineteenth century, the transfer of ownership from Indians and Mexicans to Anglo-Americans was nearly complete.<sup>8</sup>

The new landholders tended to own large tracts of land. The small, family-owned farm never took root in the American West.<sup>9</sup> Instead, the land barons of the West held tracts averaging tens of thousands of acres, and their visions of agriculture in the region centered upon building massive enterprises that Carey McWilliams described as “factories in the fields.”<sup>10</sup> The factory floor was land enriched by eons of geologic shifts. For example, millions of years before the U.S.-Mexico War opened California to Anglo-American farmers, the Pacific Ocean and its many tributaries had washed across the alluvial plains of the San Joaquin Valley in central California, depositing a rich silt of minerals and organic matter. Several hundred miles to the south, much of the Imperial Valley ranked as one of the hottest and driest deserts in all of North America, but the long natural history of the region had buried enormous potential in the dust. The Gulf of California once stretched north and covered much of the Colorado Desert. In time the gulf receded, but the Colorado River spilled into the region and formed Lake Cahuilla, a massive lake a hundred miles long, thirty-five miles wide, and three hundred feet deep. Lake Cahuilla is estimated to have existed for several thousand years before drying up and leaving behind dry but fertile land. Similarly, natural migrations by the Rio Grande, its tributaries, and the Gulf of Mexico left rich silt deposits in the region later divided by the U.S.-Mexico border.<sup>11</sup>

Millions of years of geologic history may have enriched the land barons’ land and kindled dreams of agricultural empires in the American West, but water was uncontrolled in the region. Erratic climatic shifts from floods to droughts created unpredictable and thus unsustainable conditions for the development of capitalist agricultural production. The land barons’ dreams of industrial farming in the American West depended upon controlling the flow of water through the region.

Congress passed the Newlands Reclamation Act of 1902 to fund large irrigation projects in the West.<sup>12</sup> As dams, canals, and reservoirs controlled the waters, landholders quickly transformed the rich but arid lands into fields of grains, fruits, vegetables, and cotton. By 1920, the southwest served as an orchard and winter garden

to the world. With almost thirty-one million acres of crops valued at more than \$1.7 billion in California and Texas alone, the southwest was the nation's most productive and profitable agricultural region.<sup>13</sup> During the 1920s, the fortunes reaped from the southwestern soil swelled to new heights as acres of crops boomed to a combined total of more than thirty-nine million in Texas, New Mexico, Arizona, and California.<sup>14</sup>

The rapid expansion of the factories in the fields depended upon an ever-increasing number of migrant workers to seasonally plant and harvest the crops.<sup>15</sup> In California, agribusinesses had once had access to various sources of labor. In the late nineteenth century, landholders had hired California Indians and Chinese immigrants to harvest everything from wheat to fruit and sugar beets.<sup>16</sup> The near success of a genocidal campaign against California Indians, however, had reduced their total population to fewer than nineteen thousand by the turn of the twentieth century, and a violent wave of anti-Chinese politics pushed through the passage of the Chinese Exclusion Act of 1882, which severely limited the availability of Chinese laborers. Some of the Chinese workers fled south into Mexico, where they worked on U.S.- and Mexican-owned farms in the Mexicali Valley just below the California-Mexico border, but the Chinese presence in California agriculture declined significantly in the following years.<sup>17</sup>

Some landowners attempted to replace Chinese immigrants and Indian workers with black migrants from the southern states, but there was significant popular resistance to black settlement in California, and the state's agribusinessmen searched elsewhere for a labor supply.<sup>18</sup> Next they experimented with Japanese laborers, encouraging slightly more than twenty-seven thousand Japanese nationals to enter the United States between 1891 and 1900.<sup>19</sup> Japanese immigrants upset the expectations of agribusinessmen by quickly organizing themselves in the fields to demand higher wages and by making inroads into the business of farming as small landowners and tenants. As agribusinessmen negotiated in the fields, Anglo-American communities, primarily, San Francisco, strongly protested the arrival of Japanese immigrants and created an international incident between the U.S. and Japanese governments by prohibiting Japanese children from attending white schools.<sup>20</sup> In 1907, the U.S. and Japanese governments addressed the mounting tensions between Anglo-Americans and Japanese immigrants in San Francisco by signing the Gentleman's Agreement of 1907, an international treaty by which the Japanese government agreed to significantly curtail Japanese immigration to the United States.<sup>21</sup> Restrictions upon Japanese immigration effectively ended the experiment with Japanese field-workers, while the passage of California's 1913 and 1920 Alien Land Laws significantly curtailed the remaining Japanese presence in California agriculture by prohibiting "aliens ineligible for citizenship"—that is, Asians—from owning or renting farmland.<sup>22</sup> Pushed out of California farming, some of the Japanese followed the Chinese to Mexico and became tenant farmers on U.S.-owned

farms in the Mexicali Valley. North of the border, however, labor unrest, immigration restrictions, international treaties, community prejudice, and state law effectively ended the short experiment with Japanese farm laborers.

The end of the Spanish-American War in 1898 launched an era of empire that established new migration corridors between the Philippines and California. Whereas only five Filipinos lived in California in 1900, an estimated thirty thousand Filipinos resided in the state by 1930.<sup>23</sup> Most were male sojourners who came to work. They took jobs as farmworkers and domestic servants, but Filipino migrants proved to be skilled labor organizers who constantly upset the agribusinessmen's search for a docile labor force.<sup>24</sup> California's agribusinessmen barely said a word when Congress effectively ended Filipino migration to the United States with the passage of the Tydings-McDuffie Act of 1934.

All told, as California agribusiness developed, the California Indian population was plummeting to its nadir; Chinese, Japanese, and Filipino workers were prohibited from entering the United States, and black settlement was unwanted. A few experiments with white farm collectives had been tried throughout the state but, by and large, agribusinessmen were looking for temporary, cheap, and marginalized workers who would come and go with the harvests. It was within this context that California's agribusinessmen developed a dependence upon Mexican laborers migrating across the U.S.-Mexico border. By the mid-1920s, Mexicans comprised the vast majority of agricultural workers in the Golden State. Of the estimated eighty thousand workers migrating across the state picking alfalfa, melons, and cotton in the Imperial Valley, peas, cotton and asparagus in the San Joaquin Valley, and citrus in Los Angeles County and the Inland Empire, between 80 and 95 percent were Mexicans by the mid 1920s.<sup>25</sup>

Some agribusinessmen described their turn to Mexican immigrant workers as a result of the "docile" nature of Mexican workers. Mexican workers, they argued, were quiet, diligent, docile, and therefore ideal farm workers. This characterization of Mexican workers disregarded the robust activity of Mexican labor organizing in the United States—the 1903 strike in Oxnard, California; the 1904 railroad strike in the Rio Grande Valley of Texas; and, the 1922 strike in Imperial, California, for example—and ignored the role of Mexican workers in the making of the Mexican Revolution of 1910, but it was a comforting thought for agribusinessmen, who realized that U.S. immigration restrictions had left them with few options by the 1920s.<sup>26</sup> As one of California's many agribusiness lobbyists admitted, "We have gone east, west, and north, and south and he is the only man power available to us."<sup>27</sup>

In south Texas, the story of labor, migration, and agribusiness was different. With a history of black slavery, Texans had fewer hesitations about encouraging black settlement, but while cotton cultivation and fruit production expanded during the 1910s and 1920s, World War I had drawn black southerners north. Texans were unable to attract enough black farm laborers away from their northern

destinations. Texans, particularly those in the U.S.-Mexico borderlands, quickly turned to and depended upon Mexican labor.<sup>28</sup> By the 1920s, local farmers estimated that Mexican workers comprised almost 98 percent of the agricultural workforce in south Texas and 80 percent of the state's annual "army" of migrant laborers.<sup>29</sup> They began their work, twenty-five thousand members strong, picking fruits, vegetables, sugarcane, and cotton in the Lower Rio Grande Valley and grew to a migrating army of three hundred thousand workers throughout the state of Texas at the height of the cotton-picking season.

To encourage Mexicans to cross into the United States, U.S. agribusinessmen sent labor contractors into Mexico.<sup>30</sup> Disruptions in the Mexican countryside made their job relatively easy. Until the late nineteenth century, the majority of Mexican laborers were locked in debt peonage and isolated in rural areas that lacked the railroads or other transportation systems that facilitated massive migrations. But the presidency of Porfirio Díaz (1876–1911), a period popularly known as "el Porfiriato," changed the history of Mexican immobility. Díaz pursued a program of modernizing Mexico in the image of nations such as Argentina and the United States. He dramatically expanded Mexico's railroad system (with significant investments from U.S. and English financiers), sparked massive land accumulation (land most often purchased by foreign investors), and encouraged a switch to wage labor. His campaign for "order and progress" released an estimated five million Mexican campesinos from debt peonage and laid tens of thousands of miles of track as economic production increased at a relatively robust rate of 2.7 percent annually, exports in general rose by 6.1 percent per year, with agricultural exports, in particular, expanding by 200 percent between 1876 and 1910. These marks of modernity were followed by a dramatic population increase from nine million in 1876 to more than fifteen million in 1910. In addition, literacy was on the rise. Yet, Díaz's world of "order and progress" was forged at a tremendous price of dispossession and poverty for Mexico's overwhelmingly rural population.<sup>31</sup>

Unabated poverty was the consequence of Díaz's program. More Mexicans were free wage laborers, but more Mexicans were also dangerously poor. Therefore, Mexico's newly mobile wage-labor force migrated in search of work and higher wages.<sup>32</sup> In 1884, the completion of the railroad at El Paso, Texas, directly linked Mexican workers in the populous central regions of Mexico to jobs north of the U.S.-Mexico border.<sup>33</sup> The expansion of U.S. capital in Mexico created corridors of migration that brought Mexican workers north when the southwestern agribusiness boom began in the early twentieth century.

Lawrence Cardoso estimates that Mexican nationals made at least five hundred thousand border crossings into the United States between 1900 and 1910.<sup>34</sup> Migration continued during the 1910s, when the violence of the Mexican Revolution of 1910, combined with disease and the ongoing entreaties of U.S. labor contractors, encouraged Mexican labor migration to the United States. It was during the



1920s, however, that Mexican labor emigration surged with the massive expansion in southwestern agribusiness. Cardoso estimates that the total number of border crossings undertaken by Mexican nationals skyrocketed to more than one million during the 1920s.<sup>35</sup> Amid the convergent booms in southwestern agriculture and Mexican labor migration, the United States Congress launched a new era of work, labor, and migration in the U.S.-Mexico borderlands by tightening U.S. immigration laws and establishing the U.S. Border Patrol. Although Mexico's emigrant workers were not the primary targets of U.S. immigration restrictions, in time and according to a collision of dynamics, they would become the primary targets of U.S. immigration law enforcement.

#### U.S. IMMIGRATION LAW: THE GENEALOGY OF A MANDATE

The United States Congress established the U.S. Border Patrol on May 28, 1924, by discreetly setting aside one million dollars for "additional land-border patrol" in the Department of Labor Appropriations Act of that year, but the congressional effort of migration control began many years earlier and carried many ambitious projects within it. Beginning with the passage of the 1862 Act to Prohibit the "Coolie Trade," Congress launched an era of increasingly restrictive immigration laws that climaxed with the passage of the National Origins Act of 1924. Passed during the Civil War and driven by the notion that Chinese immigrants were unfree workers, that is, "coolies," the 1862 act functioned, argues historian Moon-Ho Jung, as both the "last slave-trade law" and "the first immigration law."<sup>36</sup> In the era of black emancipation, Jung explains, the turbulent and contested intersection of race, labor, and freedom in the United States framed the origins of U.S. immigration control.

After the passage of the 1862 coolie labor law, Congress spent the next several decades deeply shaping the course of American history by placing a series of limits on immigration to the United States.<sup>37</sup> In 1875, Congress prohibited criminals and prostitutes from legally entering the United States and extended the ban upon contract labor from China.<sup>38</sup> In 1882, Congress passed a general Immigration Act that banned all "lunatics, idiots, convicts, those liable to become public charges, and those suffering from contagious diseases" and expanded the 1862 and 1875 bans on the coolie trade by prohibiting all Chinese laborers from entering the United States.<sup>39</sup> To fund the growing bureaucracy of migration control, the 1882 Act also introduced a 50-cent tax on each person entering the United States. In 1885, Congress expanded the prohibition upon Chinese contract labor by making it unlawful to import any contract laborer into the United States.<sup>40</sup> In 1891, Congress added polygamists to the list of banned persons and authorized the deportation of any person who unlawfully entered the United States.<sup>41</sup> In 1903, epileptics, anarchists, and beggars joined the growing group of excluded persons, and Congress transferred the Bureau of Immigration to the newly created Department of



Commerce and Labor.<sup>42</sup> The 1903 Immigration Act also provided for the deportation of immigrants who became public charges within two years of their arrival in the United States and extended to three years the period during which an immigrant could be deported if found to have been inadmissible at the time of entry. The Immigration Act of 1907 increased the head tax to four dollars per person and added each of the following to the list of excluded persons: “imbeciles, feeble-minded persons, persons with physical or mental defects which may affect their ability to earn a living, persons afflicted with tuberculosis, children unaccompanied by their parents, persons who admitted the commission of a crime involving moral turpitude, and women coming to the United States for immoral purposes.”<sup>43</sup> The 1907 Immigration Act also extended the period during which immigrants could be deported if they became public charges from causes existing prior to entry and defined entering the United States without official inspection to be a violation of U.S. immigration restrictions. The Bureau of Immigration was transferred to the newly independent Department of Labor in 1913.<sup>44</sup> The Immigration Act of 1917 created the Asiatic-Banned Zone, which prohibited entry by any immigrant of Asian descent while raising the head tax to eight dollars, imposing an additional ten-dollar visa fee, requiring all eligible immigrants to pass a literacy test, broadening the scope of deportation to a period of five years, and prohibiting entry into the United States at any point other than an official port of entry.<sup>45</sup>

By 1917, the list of persons prohibited from entering the United States included all Asians, illiterates, prostitutes, criminals, contract laborers, unaccompanied children, idiots, epileptics, the insane, paupers, the diseased and defective, alcoholics, beggars, polygamists, anarchists, and more. The penalties for violating U.S. immigration laws varied. For example, importing an immigrant “for the purpose of prostitution or for any other immoral purpose” was a felony punishable by a prison term of up to ten years and a fine not to exceed five thousand dollars. Both unauthorized entry and immigrant smuggling were defined as misdemeanors punishable by up to five years in prison and a fine of two thousand dollars. An assortment of Anglo-American nativists, labor unions, progressives, and others had pushed these many exclusions and penalties into U.S. immigration law. Still the most ardent Anglo-American nativists were not satisfied, and their collective influence was growing in American society, politics, and culture during the 1920s.

#### THE NATIVISTS’ CRUSADE

Comprised of eugenicists, xenophobes, scholars, Klan members, labor organizers, and others, nativists united in opposition to what they viewed as the menacing growth in immigration from eastern and southern Europe.<sup>46</sup> Beginning in the early 1900s, Italians, Poles, Slovaks, and others had rushed into U.S. industrial centers such as New York and Chicago. Their arrival fueled the rise of American manu-

facturing, but nativists regarded these groups as “undesirable immigrants” who were socially inferior, culturally alien, and politically suspect. Fearing the “contamination” of Anglo-American society and culture by these “new stock” immigrants, nativists demanded an end to immigration from anywhere other than northwestern Europe.<sup>47</sup>

In 1924, Anglo-American nativists played a crucial role in crafting and passing the National Origins Act of that year. The act was a dense bill that outlined, in detail, the limitations placed upon legal immigration. Most important, it ratified all previous immigration restrictions and introduced a nationality-based quota system that strictly limited the number of immigrants allowed to enter the United States each year. According to the intricate quota system, Germany, Britain, and Northern Ireland were afforded 60 percent of the total number of slots made available to all immigrants subject to the national origins system. Europeans of any background grabbed 96 percent of the total available slots. Beyond the quota system, the National Origins Act reconfirmed total Asian exclusion from the United States. Historian John Higham described the National Origins Act as a “Nordic Victory,” a triumph of the narrow racial nationalism of Anglo-American nativists during a decade he has characterized as the “tribal twenties.”<sup>48</sup> Ironically, however, as Mae Ngai has deftly argued, the long-term impact of that triumph was the reconstitution of a “white American race, in which persons of European descent shared a common whiteness distinct from those deemed to not be white. In the construction of whiteness, the legal boundaries of both white and nonwhite acquired sharper distinction.”<sup>49</sup> The National Origins Act, in other words, remapped and broadened the category of white to include previously “hyphenated” Europeans against the total exclusion of those defined as nonwhite, namely, Asians.

The powerful lobby of southwestern agribusinessmen tempered the nativists’ quest for a “whites-only” immigration policy by supporting an exemption from the national quota system for all immigrants from countries in the Western Hemisphere such as Canada, Cuba, and Mexico. Mexico’s immigrant workers, therefore, were allowed to continue entering the United States without any preset numerical limit. In agreeing to the Western Hemisphere exemption, the nativists capitulated to the growers’ lobby in 1924, but after the passage of the National Origins Act, a committed core of nativists continued to oppose Mexican immigration to the United States. As one congressman complained during the 1924 hearings, “What is the use of closing the front door to keep out undesirables from Europe when you permit Mexicans to come in here by the back door by the thousands and thousands?”<sup>50</sup> After the passage of the 1924 National Origins Act, the nativists campaigned to add Mexico’s migrant workers to the quota system. Mexico was a nation of mongrels, they argued. As such, Mexicans were inassimilable racial inferiors, and unrestricted Mexican immigration jeopardized the core objective of the National Origins Act. “The continuance of a desirable character of citizenship is the fundamental pur-

pose of our immigration laws. Incidental to this are the avoidance of social and racial problems, the upholding of American standards of wages and living, and the maintenance of order. All of these purposes will be violated by increasing the Mexican population of the country," explained Congressman John C. Box (Texas), who co-sponsored a 1926 bill to limit Mexican immigration to the United States.<sup>51</sup> The growers defeated the 1926 Box Bill, but the nativists tried again in 1928, arguing that the exemption for Mexican workers needed to be terminated because, as they forebodingly warned, "Our great Southwest is rapidly creating for itself a new racial problem, as our old South did when it imported slave labor from Africa."<sup>52</sup>

Throughout their debates with the nativists, southwestern growers fully agreed with the notion that Mexico's immigrant workers presented a "racial problem" and thereby conceded the nativists' point that Mexican immigration posed a threat to American society. As S. Parker Frisselle of the California Farm Bureau Federation explained during the 1926 hearings, "With the Mexican comes a social problem. . . . It is a serious one. It comes into our schools, it comes into our cities, and it comes into our whole civilization in California."<sup>53</sup> But after assuring the nativists that "we, gentlemen, are just as anxious as you are not to build the civilization of California or any other western district upon a Mexican foundation," the growers countered the nativists' call to place a numerical limit upon Mexican immigration to the United States by arguing that without unrestricted access to Mexican workers, the rising empire of agribusinesses in the American southwest would turn to ruin.<sup>54</sup> Instead of ending Mexican immigration, they offered the nativists a promise. "We, in California," vowed Frisselle, "think we can handle that social problem."<sup>55</sup> For, as another agribusinessman from Texas explained, "If we could not control the Mexicans and they would take this country it would be better to keep them out, but we can and do control them."<sup>56</sup>

The pledge that "we can and do control them" referred to the social world of agribusiness in the U.S.-Mexico borderlands. Agribusinessmen and the demands of their enterprises dominated the political, social, and cultural life of borderland communities as the racialized organization of work refracted throughout community life. Whites held land or managed workers, while Mexicanos harvested, plowed, picked, tended, reaped, and migrated. As Devra Weber, Paul Schuster Taylor, and others have detailed, the racialized divisions in California were so crude that "the owners and top managers were white: foremen, contractors and workers were Mexican."<sup>57</sup> In Texas, one young white farmer explained that white landholders and tenants lived a life of leisure because "we have the Mexicans here and don't work."<sup>58</sup> The hierarchy between Anglo-American landowners, white managers, and Mexicano workers reverberated throughout the region where highly racialized practices of social segregation, political repression, and community violence accompanied the patterns of economic exploitation that locked the region's large Mexicano population into low-wage work. From Texas to California, white

and Mexicano youth graduated from separate and unequal schools. Poll taxes and political bosses effectively disenfranchised Mexicano voters. Mexicans had limited employment options outside of agriculture. Police violence against Mexicanos was common. Labor organizing among Mexican workers prompted swift and violent community-wide responses. And, where such prejudice was most extensive, “No Negroes, Mexicans, or Dogs” signs were posted on restaurant doors.<sup>59</sup>

Agribusinessmen of the borderlands lobbied on behalf of their industry and held up the social world that they had built as evidence that unrestricted Mexican immigration would profit American businesses without infiltrating American society, culture, and politics. The hierarchy of race in the U.S.-Mexico borderlands, they promised, provided barriers against Mexican incorporation. But in a nation most intimately versed in the black/white divide as the basic unit of racial control and social inequity, nervous onlookers worried about the place of Mexican immigrants—neither black nor white—in America. As Professor William Leonard explained, Mexicans “are not Negroes . . . they are not accepted as white men, and between the two, the white and the black, there seems to be no midway position.”<sup>60</sup>

The nativists’ concerns were not assuaged by the class-based flexibility of the borderlanders’ system of racialized social organization. For example, the assistant superintendent of schools in San Diego, California, described middle-class Mexican Americans as “Spanish” and argued that middle-class Mexican American children were “the equal of our white children.”<sup>61</sup> According to Mexican scholar Manuel Gamio, a similar class- and complexion-based flexibility was accorded to Mexicanos by private proprietors. Although some Mexicans were denied entry to certain facilities, Gamio found that Mexican immigrants who were “white and even blue-eyed” were considered to be American and given “first place in everything.”<sup>62</sup>

The nativists hounded the borderlanders for a clear answer as to where Mexicans fit within the presumably crisp racial orders of eugenics, national origins, and the one-drop rule of the black/white divide. Texans typically referenced the logic of the black/white racial hierarchy to explain the place that they had assigned Mexican immigrants. For example, when asked about Anglo-Mexican relations by economist Paul Schuster Taylor in the late 1920s, one Texan stated that Mexicans were “not so bad as the Negroes,” while another elaborated that “The Mexicans will eat in the restaurants and at the tables in the drug stores, but the niggers would not,” because even a “nigger with money couldn’t associate with white persons.”<sup>63</sup>

Californians often deployed a multirelational approach that positioned Mexicans against the Chinese, Japanese, Hindus, Filipinos, and others that had worked in the fields before Mexican immigrants began to dominate the agricultural workforce during the 1920s. In defense of Mexican immigration, Fred Bixby of Long Beach, California, explained during the 1928 hearings to restrict Mexican immigration that “we have no Chinamen; we have not the Japs. The Hindu is worthless; the Filipino is nothing, and the white man will not do the work.”<sup>64</sup> But engaged in

a debate with outsiders—namely, when battling the nativists who discussed the social threat of Mexican immigration by constantly evoking the “negro problem”—Bixby and the Californians proved capable of mapping Mexicans against the prevailing black/white divide. “I want to tell you that you people have no understanding at all of the Mexicans. They are loyal,” charged Bixby. “I have a family—three of them are girls,” he explained. “Ever since they were that high,” he indicated, “I have had them out on the range, riding the range with Mexicans. . . . Do you suppose we would send them out with a bunch of negroes? We would never think of such a thing.”<sup>65</sup> In these very strategic discourses that negotiated the differences between regional particularity and national trends, the Californians drew upon the black/white divide to explain the social position of Mexicans north of the border. African Americans, they argued, represented the unmitigated bottom of the racial hierarchy, and Mexico’s migrant laborers, they suggested, presented a superior alternative of racial inferiors to labor in the fields of the American southwest.

Struggling to fit Mexicans into the prevailing discourse of racial difference, inequity, and control, the borderlanders constructed Mexicans as more or less black or more or less white: they were an in-between people without a clear place in a racial order grounded in the black/white divide.<sup>66</sup> The overwhelmingly marginalized but generally unfixed position of Mexicanos in the separate and unequal borderlands contrasted sharply with the America that the nativists were trying to formulate through U.S. immigration restrictions. In metaphor, comparison, and everyday social practices the borderlanders had created an unequal but ambiguous place for Mexicans north of the border.

To calm the ardent nativists who did not believe that the southwestern growers could control the racial meanderings of Mexican immigrants in American social and cultural life, the growers made one final pitch. “The Mexican is a homer. Like a pigeon he goes back to roost” explained Frisselle.<sup>67</sup> Mexican immigrants, in other words, were at least temporary if not contained, and their transitory presence in the fields of the southwest would benefit agribusiness without having any major or long-term impact upon American society. From the standpoint of the early twenty-first century, Frisselle’s promise appears foolish. During the 1920s, hundreds of thousands of Mexican immigrants entered the United States. The notion that they would have no impact upon American life was a massive miscalculation drenched in the fundamentally flawed philosophy that Mexicans were both temporary and innately marginal. Mexicans, according to Frisselle, were nothing more than a source of cheap and disposable labor whose impact upon America would only be measured in dollars and sweat. “He is not a man that comes into this country for anything except our dollars and our work,” testified Frisselle, who promised that Mexicans would always go home and leave nothing but profit behind.<sup>68</sup> With such promises of control, containment, and, at the very least, impermanent Mexican settlement in the United States, the agribusinessmen triumphed in their clash with

the nativists, and the numerical limits of the quota era were never placed upon Mexican immigration to the United States.<sup>69</sup>

With the exemption provided for immigrants from the Western Hemisphere, the National Origins Act of 1924 capped Congress's sixty-two year drive for increasingly restrictive immigration legislation. Yet legislators understood that the passage of the National Origins Act did not automatically translate into a new social reality. Many years of experience had taught them that without aggressive U.S. immigration law enforcement, persons excluded from legal entry would simply disregard and violate U.S. immigration law by entering the United States without authorization. "So long as the border is not adequately guarded," explained F. W. Berkshire, supervising inspector of the U.S.-Mexico Border District for the Immigration Service, "the restrictive measures employed at ports of entry, simply tend to divert the illegal traffic to unguarded points."<sup>70</sup> For example, since the passage of the Chinese Exclusion Act of 1882, an enterprise of smuggling Chinese immigrants into the United States had thrived along the U.S.-Mexico and U.S.-Canada borders and between Florida and Cuba.<sup>71</sup> In addition to the categorically excluded Chinese workers, other classes of immigrants—persons infected with contagious diseases, illiterates, and those unable to pay the head taxes and visa fees—also chose the poorly guarded land borders as a "back door" entry into the United States.<sup>72</sup> The vibrant world of unsanctioned migration along the U.S.-Mexico border registered in the United States District Courts that heard immigration cases. Between April of 1908 and the spring of 1924, for example, more than one-third of the persons tried for immigration offenses in the Laredo Division of the U.S. District Court carried non-Spanish surnames.<sup>73</sup> And between July of 1907 and September of 1917, only 15 percent of the persons tried for immigration violations in the Southern California Division of the U.S. District Court carried Spanish surnames, most of whom were tried for immigrant smuggling.<sup>74</sup> The majority of persons standing trial in U.S. District Courts were Chinese, Japanese, Eastern European, and East Indian immigrants who had evaded U.S. immigration restrictions by entering the United States without sanction. Therefore, to prevent unlawful entry into the United States, three days after passing the National Origins Act of 1924, Congress set aside one million dollars to establish a "land-border patrol" in the Immigration Bureau of the U.S. Department of Labor.<sup>75</sup>

#### THE ESTABLISHMENT OF THE U.S. BORDER PATROL

The Border Patrol's beginnings were inauspicious. The million-dollar kick-off appropriation comprised less than 25 percent of the Immigration Bureau's total budget of \$4,084,865 for that year. Funded as a small corner of the Immigration Bureau, the Border Patrol's position within the broader apparatus of U.S. immigration control did not improve significantly over time. Edging up to just \$1,150,000

in 1926, the Border Patrol's budget climaxed at \$2,198,000 in 1932 before dropping to \$1,735,000 in 1939; all the while holding an ever-smaller share of the Immigration Bureau's total budget, which hovered around \$10,000,000 throughout the 1930s. The Border Patrol's limited funds were used for basic operational and equipment costs such as buildings, horses, cars, guns, and uniforms, but, most of all, they paid for the salaries of U.S. Border Patrol officers as the patrol's authorized force increased from 472 in 1925 to 916 in 1939.<sup>76</sup>

The Border Patrol's small beginnings however can best be understood when examined within the context of federal law enforcement during the 1920s, namely, in the realm of liquor and drug control. Most efforts to expand federal law enforcement were stymied during the early twentieth century by anxious southerners who opposed federal intervention in southern race relations. In particular, the powerful southern bloc opposed federal response to African American activists who demanded an end to the rising number of lynchings occurring in the south. The development of federal immigration law enforcement at the nation's borders therefore was tempered by efforts to protect white supremacy in the southern states. However, federal efforts at drug control and liquor control grew during these years.<sup>77</sup> In 1914, the U.S. Congress had passed the Harrison Act, which required all persons involved in the manufacture, distribution, and sale of narcotics (morphine, cocaine, opium, and heroin) to be registered and to pay a tax on all narcotics sales. Enforcement of the Harrison Act was given to the Bureau of Revenue within the Treasury Department. The passage of the Eighteenth Amendment to the United States Constitution (1919–1933) and the Volstead Act of 1919 prohibited the manufacture, sale, transport, import, or export of intoxicating beverages. The Prohibition Unit within the Internal Revenue Board was established to enforce federal liquor prohibition, and the enforcement of the Harrison Act was transferred to the Narcotics Enforcement Division within the Prohibition Unit. In comparison to the Border Patrol's original appropriation for \$1,000,000 in fiscal year 1925, the 1925 appropriation for the Narcotics Division of the Prohibition Unit was \$11,341,770, a figure more than ten times greater than the Border Patrol's annual budget but only an estimated 10 percent of the total combined funds provided for the enforcement of federal liquor and narcotics control.<sup>78</sup> Similarly the month before Congress established the U.S. Border Patrol, it had provided the U.S. Coast Guard with a \$12,000,000 boost to enhance its interdiction efforts along United States coasts.<sup>79</sup> In the world of federal law enforcement, the U.S. Border Patrol and immigration control had very low priority, and significant growth was unlikely until the south's black/white divide was challenged.

Congress seconded its paltry funding of U.S. immigration law enforcement by failing to define clearly the new land-border patrol's mandate and authority. According to its foundational act, the Border Patrol was instructed to enforce the provisions of the Immigration Act of 1917 and subsequent acts and, more specifically,



to prevent the unlawful entry of aliens into the United States. But by 1924 there were so many methods of unlawful entry (unsanctioned border crossings, fraudulent documents, breaking the conditions of legal residence) and so many classes of persons explicitly prohibited from legally entering the United States that U.S. immigration restrictions provided a broad field of possible subjects for U.S. immigration law enforcement. Prostitutes and anarchists were categorically excluded from the United States, so Border Patrol officers could have spent their time searching brothels and investigating radical immigrants, particularly the labor organizers. Or they could have raided hospitals and clinics in search of immigrants who unlawfully entered the United States with a communicable disease. Or the patrol could have reviewed cases of fraudulent documentation or, as its official title seemed to suggest, the new "land-border patrol" could have patrolled the border line to prevent all unauthorized border crossings. The original mandate was so broad that it was entirely unclear what the new "land-border patrol" was supposed to do. Further, Congress provided the Border Patrol with no authority as a law enforcement entity. The Department of Labor Appropriations Act of May 28, 1924, therefore, officially established the U.S. Border Patrol but provided only limited funds and a vague mandate with no authority to act. Still, with money in hand and a broad mandate on the table, the Bureau of Immigration quickly organized the U.S. Border Patrol. Officers were on duty along the Canadian and Mexican borders by July 1, 1924.

The early months were defined by disorganization and an overarching lack of clarity. From Spokane, Washington, the regional district director admitted that "not being familiar with the provisions of the Congressional Act establishing the Border Patrol and having received no definite information from the Bureau, considerable doubt and uncertainty exists as to the authority vested in the Border Patrol officers and the scope of their duties."<sup>80</sup> He followed with a request for guidance from the Bureau of Immigration regarding what the districts were supposed to do with this new patrol force. "It would therefore seem that the work would be greatly facilitated, and more in conformity in the different Districts, if the Bureau would issue some specific instructions," he wrote.<sup>81</sup> The commissioner-general of the Bureau of Immigration responded with little substantive guidance when he explained, in August of 1924, that he, too, was unsure of the new patrol force's authority and function. "If the Bureau is right in its understanding of the matter," he wrote, "the border patrols are now without the slightest authority to stop a vehicle crossing the border for the purpose of search, or otherwise, nor can they legally prevent the entry of an alien in violation of law. In other words, they possess no more powers than does the ordinary citizen, who can exercise police powers only at the request of a duly constituted officer of the law, or to prevent the commission of a felony."<sup>82</sup> Without any clear authority to enforce U.S. immigration restrictions, the commissioner-general of Immigration advised the district director in Spokane

that Border Patrol officers “would be guilty of assault” if they used any amount of physical coercion while attempting to “prevent a violation of the immigration laws.”<sup>83</sup> With no authority to act in the enforcement of U.S. immigration restrictions, the new patrolmen were little more than ordinary citizens. The confusion among top administrators regarding what to do with these new ordinary citizens on the Immigration Bureau’s payroll naturally spread to the new recruits in the summer of 1924. Wesley Stiles, for example, entered on duty as a U.S. Border Patrol officer on July 28, 1924, in Del Rio, Texas. “No one knew what we were supposed to do or how we were supposed to do it. . . . So we just walked around and looked wise,” recalled Stiles of his early days on patrol in the U.S.-Mexico borderlands.<sup>84</sup>

With neither direction nor authority, the Border Patrol officers stammered through the summer and fall of 1924. In December of 1924, the Immigration Bureau took the first step toward distinguishing Border Patrol officers from the “ordinary citizen” by providing uniforms for the officers.<sup>85</sup> The uniforms flagged the U.S. Border Patrol as an emergent police force, but two more months passed before Border Patrol officers were invested with police powers to enforce U.S. immigration laws. Congress established the Border Patrol’s law-enforcement authority with the passage of the Act of February 27, 1925 (43 Stat. 1049–1050; 8 U.S.C. 110). According to this act, a Border Patrol officer was authorized to “arrest any alien who in his presence or view is entering or attempting to enter the United States in violation of any law or regulation made in pursuance of law regulating the admission of aliens, and to take such alien immediately for examination before an immigrant inspector or other official having authority to examine aliens as to their rights to admission to the United states.” In the case of *Lew Moy vs. the United States* (1916), the U.S. Supreme Court had determined that an “alien is in the act of entering the United States until he reaches his interior destination.”<sup>86</sup> The 1925 Act and the *Lew Moy* decision gave Border Patrol officers broad authority to interrogate, detain, and arrest any person they believed to be engaged in the act of illegal entry, a violation of U.S. immigration law that extended from the moment unauthorized immigrants crossed the border until they reached their interior destination. The 1925 Act also authorized a Border Patrol officer to “board and search for aliens any vessel within the territorial waters of the United States, railway car, conveyance, or vehicle, in which he believes aliens are being brought into the United States, and such employee shall have power to execute any warrant or other process issued by any officer under any law regulating admission, exclusion, or expulsion of aliens.”<sup>87</sup> As such, the 1925 Act invested Border Patrol officers with broad powers of arrest without warrant in the pursuit of U.S. immigration law enforcement and defined a massive jurisdiction for Border Patrol work.

Over the years, there would be many shifts in the policies guiding the interpretation of the Border Patrol’s jurisdiction and authority, but the 1925 Act defined the substance and limits of the Border Patrol’s law-enforcement capacities until

1946. According to the 1925 Act, Border Patrol officers could chase unsanctioned immigrants and search vessels within the broader borderlands and, without a warrant, arrest those they suspected of being engaged in the act of unlawful entry. Border Patrol officers also held the power to serve warrants in the enforcement of all U.S. immigration laws. These powers defined the U.S. Border Patrol as the uniformed, law-enforcement wing of the U.S. Immigration Service. Still the patrol's job remained mired in questions and complexities.

Given the various classes of exclusion, the many methods of unlawful entry, and the extended periods during which immigrants were subject to deportation, the United States Border Patrol was confronted with forging a manageable program for U.S. immigration law enforcement. In particular, from the long list of U.S. immigration restrictions, Border Patrol officers needed to prioritize the many possibilities of migration control and develop everyday practices of U.S. immigration law enforcement. The rapid localization of U.S. Border Patrol personnel and supervision allowed the officers of the U.S. Border Patrol to direct this project.

#### THE MEN OF THE U.S. BORDER PATROL

Clifford Alan Perkins first arrived in El Paso, Texas, in 1908. He needed a job, but—as he recalled—“nobody seemed to be interested in hiring an inexperienced, nineteen-year-old semi-invalid.”<sup>88</sup> A suspected case of tuberculosis had forced Perkins to move away from his family in Wisconsin and seek out relatives in Texas. The dry El Paso climate improved his health, but finding work in the border town was difficult. Fortunately, low pay and bad hours caused the Post Office to have “trouble filling an opening in the registered mail division.”<sup>89</sup> Within days of applying for the position, Perkins was behind the desk at the El Paso Post Office.

The monotony of the work quickly frustrated Perkins, who “finally popped off one day about being sick and tired of [his] job to May Brick, the middle-aged spinster who relieved [him] at the registry window.”<sup>90</sup> She suggested that Perkins apply for a job with the Immigration Service. He did not know what the Immigration Service was, but when his co-worker explained that officers for the Immigration Service dealt with “immigration, exclusion, deportation and expulsion of aliens” and that the starting salary was twice what he was earning at the Post Office, Perkins recalled, “that was enough for me.”<sup>91</sup> He signed up for and passed the Immigration Service's next civil service exam. On January 4, 1911, the Immigration Service appointed Perkins as a Mounted Chinese Inspector within its Chinese Division.

In 1904, the U.S. Immigration Service had established a small force of officers assigned to enforce the Chinese Exclusion Acts along the nation's borders. Never numbering more than seventy-five men for the Mexican and Canadian borders, the Mounted Guard monitored border towns and patrolled the borderlands to apprehend undocumented Chinese immigrants. As a Mounted Chinese Inspector,

Clifford Perkins worked from Nogales, Arizona, to Brownsville, Texas, looking for, questioning, and deporting undocumented Chinese immigrants. He quickly moved up within the Immigration Service and in 1920 became inspector-in-charge for the Chinese Division. When Congress provided funds for a land-border patrol in May of 1924, the U.S. Immigration Service drew upon its resources in the Mounted Guard and promoted the head of the Chinese Division, Clifford Perkins, to build the small police force that could broadly enforce U.S. immigration restrictions along the massive U.S.-Mexico border.

The U.S.-Mexico border stretches more than two thousand miles, crosses five ecological zones, spans four states, includes twenty-eight counties, and binds two nations. As a political boundary, it is a physical space that twists in the Rio Grande and turns in the sands along specific points of longitude and latitude. This is the line that the U.S. Congress had defined as unlawful to cross without authorization. But the Border Patrol's jurisdiction also extended far north of the U.S.-Mexico border, and Perkins' job entailed developing a police force capable not only of enforcing a line in the sand but also of patrolling a massive territory composed of multiple small localities. The path he pursued effectively regionalized and localized the enforcement of U.S. immigration restriction.

Perkins's first act was to divide the U.S.-Mexico border jurisdiction into three Border Patrol districts.<sup>92</sup> The Los Angeles Border Patrol District stretched from the Pacific Ocean to about fifty miles east of Yuma, Arizona, and extended northward in California to San Luis Obispo. The El Paso Border Patrol District picked up where the Los Angeles District left off and extended to Devils River, Texas. The San Antonio Border Patrol District reached from Devil's River to the Gulf of Mexico at Brownsville, Texas. Each District was then divided into subdistricts.<sup>93</sup> Each subdistrict was further divided into several stations to which a chief patrol officer and several senior patrol officers and patrol officers were assigned.<sup>94</sup>

Perkins anticipated that the various district directors for the Department of Immigration would closely manage the Border Patrol, but their many administrative responsibilities and the isolation of Border Patrol stations prevented them from keeping a close eye on the new patrol force. The lack of formal training or clear directives were an indication of the distance between Immigration Service supervisors and the officers of the U.S. Border Patrol. For example, when Edwin Reeves joined the Border Patrol, he laughed at the early training. All he received was a ".45 single-action revolver with a web belt—and that was it."<sup>95</sup> Therefore, outside of the broad directive provided by Congress, the new patrol force was left without any substantial direction. In the breaches of command, the distances between stations and headquarters, and the absence of regional coordination, patrol officers exerted significant control over local Border Patrol strategies.

The first men hired as Border Patrol officers were transfers from the Mounted Guard of Chinese Inspectors. Twenty-four percent of the original 104 Border Pa-

trolmen hired by July 1, 1924, were transfers from the Mounted Guard.<sup>96</sup> These officers carried their experiences with enforcing the Chinese Exclusion Acts into the formation of the U.S. Border Patrol. Among them was Jefferson Davis Milton, a legendary officer who is still remembered as the father of the U.S. Border Patrol.

Born at the dawn of the Civil War to a large slave-owning family, Jefferson Davis Milton grew up in the defeated South. His father died soon after his birth, but had been the governor of Florida and named his son after his close friend and the president of the Southern Confederacy, Jefferson Davis. After the war, the Milton family struggled to live life as they always had; the end of slavery had broken the foundations of their world. In the past, they had lived lives of leisure and plenty, but after the war, many of their black field hands fled the plantation, forcing the Milton family to take to the fields. At the age of sixteen, Jeff decided he wanted more adventure than plantation life could offer, so he headed west to Texas.<sup>97</sup>

There, Jeff began a law-enforcement career that spanned more than fifty years, crossed four states, straddled two nations, and made him a legend among officers of the U.S. Border Patrol. In 1879, at the age of eighteen, he joined the Texas Rangers. Three years later, Jeff moved to the New Mexico territory, where he served as a deputy sheriff and a peace officer. As the Indian Wars raged around him, Jeff joined the “hunt for Victorio and Geronimo.”<sup>98</sup> After helping to settle the nomadic nations of what was becoming the American West, Jeff roamed the region. He was chief of police in El Paso, Texas; a fireman on the Southern Pacific Railroad; a U.S. marshal in Texas, Arizona, and Mexico; a prospector in California; and deputy sheriff for Santa Cruz County, Arizona. Whether working as a Texas Ranger, an Indian fighter, or the chief of police, Jeff developed a reputation as a fearless officer who dared to venture alone into the desert lands, a vigilant enforcer of the law at the outskirts of society. He chased down bank robbers and cattle thieves, bandits and Indians. After countless battles in the backcountry, Jeff always returned alive, while many of his adversaries did not.<sup>99</sup>

During his tenure in the U.S.-Mexico borderlands, Jeff earned many admirers, but made few friends. He was a nomad who moved often, spent long periods of time working alone in remote places, and spoke little when he came to town. Still, his name was a “byword and his exploits legendary.”<sup>100</sup> The favored memory of Jeff is the time he disappeared after pursuing three bandits. Confident in his skills as a law-enforcement officer, but worried for the man who alone dared to challenge three train robbers, anxious borderlanders began to wonder if Jeff had fought his last fight. Their worries subsided when Jeff sent a characteristically simple telegraph message, “Send two coffins and a doctor. Jeff.”<sup>101</sup>

In 1904, Jeff joined the Immigration Service of the Labor Department as a Mounted Chinese Inspector. When Congress established the Border Patrol in 1924, Jeff was sixty-three years old and had already spent twenty years enforcing immigration restrictions. Still, he was not a wealthy man and joined the new organiza-

tion out of a love for law enforcement and, most likely, because he needed to work. To this day, Jefferson Davis Milton—a man born in the shadow of slavery, hardened by the battles to settle the American West, and a pioneer in the enforcement of Chinese Exclusion laws—is remembered as the father of the U.S. Border Patrol. He is often referred to as the “one-man Border Patrol,” and generations of U.S. Border Patrol officers focus less on Jeff’s long career and prefer to remember him as a legendary loner and social nomad who represents their origins in a “hardy band of border law enforcement officers.”<sup>102</sup> Yet the representation of Jeff as a man without deeply consequential historical entanglements is, most likely, as much a myth as it is a misleading representation of the men who served as Border Patrol officers in the 1920s and 1930s. The officers who worked along the U.S.-Mexico border were not legends, nomads, or loners. They did not aggressively enforce the law or secure the border without compromise. Like Jeff, most early officers joined the Border Patrol because they needed a job, and the new organization offered steady work.

The position of U.S. Border Patrol officer was subject to civil service regulations, but the quick organization of the Border Patrol between May 28 and July 1, 1924, did not allow time for the Border Patrol to draft and administer an exam for new recruits. Perkins, therefore, began to hire men who had passed the railway mail clerk civil service exam instead. Recruits from the railway civil service exam filled the majority of Border Patrol positions in 1924, but they did not remain in the organization for long. Turnover of Border Patrol officers in the first three months hovered around 25 percent and did not settle until 1927. “So fast did resignations occur that the register soon became exhausted,” recalled the commissioner of immigration, who admitted that the Border Patrol was quickly forced to hire patrol inspectors “without regard to civil-service regulations.”<sup>103</sup> The main benefactors of the Border Patrol’s dire need to fill positions quickly were men already in the borderlands looking for work—men such as Dogie Wright.<sup>104</sup>

Despite Dogie’s rich family history in the Texas borderlands, in September of 1924 he was out of work and roaming about in El Paso, Texas. There he ran into Grover Webb, an old family friend with whom he had served in the Texas Rangers and who had become the head of the U.S. Customs Mounted Patrol in El Paso. Webb suggested that Dogie go see the new Border Patrol chief, Clifford Perkins, saying “Tell him I sent you.”<sup>105</sup> Two months after the U.S. Border Patrol began policing the border, Perkins was still scrambling to hire officers with law-enforcement or military experience. Dogie walked straight to the Border Patrol office, and upon the recommendation of Webb and another friend, Sheriff Jeff Vaughn of Marfa, Texas, Perkins immediately hired him.

The influence of local men such as Dogie Wright within the U.S. Border Patrol outweighed their numbers because early commendations and promotions focused upon officers with “a wide knowledge of people and customs of this vicinity,” who knew “everyone in that part of the country,” or had been “employed practically all

of their lives in ranch work in this immediate vicinity.”<sup>106</sup> In 1929, for example, of the men who held the leadership positions of senior patrol inspector or chief patrol inspector, at least 87.5 percent were borderlanders before joining the Border Patrol.<sup>107</sup> Their concentration was heaviest in the Texas-Mexico borderlands, where 90 percent of the chief patrol inspectors were borderlanders, compared to 42.9 percent in the California subdistricts. In Texas subdistricts, 84.6 percent of senior patrol inspectors were borderlanders, compared to 50 percent in the California subdistricts.

E. A. “Dogie” Wright was one of the benefactors of Perkins’s scramble to hire officers for the U.S. Border Patrol during the 1920s. His presence in El Paso, Texas, and his unemployed status made him quickly available to Perkins. Dogie’s experience as a law-enforcement officer was an additional benefit, given that Perkins preferred to hire men who had served as law-enforcement officers or in the military. Yet such preferences did not always materialize into realities. Extensive research with a 1929 roster of Border Patrol personnel shows that only 28.6 percent of early officers had served in civilian law enforcement or the military before joining the patrol. Border Patrol officers and their early chroniclers spun tales of officers as frontiersmen, military men, and career officers, but historical inquiry suggests that many of the early Border Patrol officers entered with eclectic working-class résumés. Most important, few owned land in the agriculture-dominated borderlands.

Only 24 percent of the officers working along the U.S.-Mexico border in 1929 worked in agriculture before joining the Border Patrol, and only 10 percent owned or operated their own farms.<sup>108</sup> Overall, most of the early officers, a total of 47.4 percent, worked outside of agriculture before joining the patrol. For example, Horace B. Carter was a senior patrol inspector in Laredo, Texas, in 1929, but he had worked as a tram operator in Hood County, Texas, in 1920.<sup>109</sup> Don G. Gilliland was a patrol inspector in San Antonio in 1929 but a salesman at a grocery store in Floresville, Texas, in 1920.<sup>110</sup> Orville H. Knight was a patrol inspector in Chula Vista, California, in 1929 but a chauffeur in Illinois in 1920.<sup>111</sup> Even the famous Dogie Wright, who was a senior patrol inspector in El Paso, Texas, in 1929, was selling tickets at the movie theater in Marfa, Texas, in 1920.<sup>112</sup> Although Dogie had had several short stints as a Texas Ranger, he had also worked as a clerk, as a chauffeur, in construction, and in a café.<sup>113</sup> And, while the commissioner of the Immigration Service often suggested that the Border Patrol was an organization of independent young men, more than 40 percent of the Border Patrol officers identified by all sources on the 1929 roster were married, and nearly half were between the ages of thirty and forty. Therefore, while some young, single men with law-enforcement and military experience joined the patrol, overall the early officers were less a “hardy band of law enforcement officers” than average working-class men, namely, white men, who used law enforcement as one strategy to earn a living in the agriculture-dominated U.S.-Mexico borderlands.<sup>114</sup>



In a region where power was rooted in land ownership, early Border Patrol officers were neither elite members of borderland communities nor active participants in their core economies. These were precisely the working-class white men in the Texas-Mexico borderlands whom Paul Schuster Taylor found to be vigorously opposed to unrestricted Mexican immigration to the United States when he conducted interviews in the region during the 1920s. In contrast to the borderland farmers whose vocal and persuasive protest halted congressional efforts to limit Mexican immigration—"without the Mexicans we would be done," feared the powerful agribusinessmen—average white workers in the region often interpreted Mexican immigration as a source of competition in the labor market. "I hope they never let another Mexican come to the United States," said one south Texas labor union official.<sup>115</sup> "The country would be a whole lot better off for the white laboring man," explained another, "if there weren't so many niggers and Mexicans."<sup>116</sup> Hired from the ranks of the borderlands' white working class, the officers of the Border Patrol operated within a political economy that privileged the interests of large landholders, but they did not necessarily wholly share nor strive to protect those interests. The agribusinessmen were powerful, but there were class-based cleavages among whites on the issue of Mexican immigration to the United States. White workers had lost the congressional battle over U.S. immigration law, but when they were hired as U.S. immigration law-enforcement officers, they gained considerable influence over the everyday management of Mexican labor entering the United States. This, in the borderlands, was a new source of power, and the Border Patrol's working-class officers leveraged their federal authority to police unsanctioned migration in complicated and often contradictory ways that were only consistent in their mindfulness of opportunities to extract bits of dignity, respect, status, and power from the region's social elite by policing their workforce. The Border Patrol's turn toward policing Mexicans, in other words, was much more than a matter of simply servicing the interests of agribusiness in capitalist economic development. It was a matter of community, manhood, whiteness, authority, class, respect, belonging, brotherhood, and violence in the greater Texas-Mexico borderlands.

On the back roads and in the small towns where U.S. immigration law enforcement unfolded during the 1920s and 1930s, the men that became Border Patrol officers pursued something more elusive than the singular class interests of the region's elite. Their working-class and landless backgrounds had long located their labor at the edges of borderland societies, where the profits of southwestern agriculture were unevenly distributed along a racial hierarchy of productive labor. Early officers may have lived in white neighborhoods, worshipped at white churches, and sent their children to white schools, but as salesmen, chauffeurs, machinists, and cowpunchers they had labored at the edges of whiteness in the borderlands. The steady pay and everyday social authority of U.S. immigration law-enforcement work

dangled before them the possibility of lifting themselves from a marginalized existence as what Neil Foley has examined as the “white scourge” of borderland communities.<sup>117</sup> Policing Mexicans, in other words, presented officers with the opportunity to enter the region’s primary economy and, in the process, shore up their tentative claims upon whiteness. As immigration control was emerging as a critical site of simultaneously expanding the boundaries of whiteness while hardening the distinctions between whites and nonwhites. The project of enforcing immigration restrictions therefore placed Border Patrol officers at what police scholar David Bayley describes as “the cutting edge of the state’s knife” in terms of enforcing new boundaries between whites and nonwhites.<sup>118</sup>

The project of policing the boundaries between white and nonwhite was also important for the small number of Mexican American men who joined the U.S. Border Patrol during the 1920s and 1930s. According to the 1929 roster of Border Patrol personnel, six officers had Spanish surnames. Among them was Manuel Saldaña, the Texas-born son of Mexican immigrant parents.<sup>119</sup> His father had been a stock dealer in Brownsville, Texas, but by the time he registered for the U.S. Army in 1917, Saldaña had taken over the care of both his mother and an adopted son.<sup>120</sup> In 1920, he was listed on the United States census as a bridge watchman for the U.S. Immigration Service in Brownsville. Manuel Uribe was another of the six Mexican American officers listed on the 1929 roster. Uribe was born and raised in Zapata, Texas, and was praised as “know[ing] practically everyone from Laredo to Roma.”<sup>121</sup> He had gotten to know many people as he grew up working on his father’s farm in the area.<sup>122</sup> By 1920, his father had allowed both Manuel and his brother, Enrique, to operate their own sections of the family farm. Manuel took on this work to provide for his wife and four young children.<sup>123</sup> But by 1923 he was working for the U.S. Immigration Service, and in 1924 he became a U.S. Border Patrol officer. Jesse Perez, a legend within the Border Patrol, was the son of a Texas Ranger and married to one of the founding families of Rio Grande City, where his father-in-law was a Texas Ranger, a sheriff, and a U.S. marshal. Jesse was stationed in Rio Grande City for his entire tenure with the Border Patrol and, for several years, worked alongside his father, who also served as a patrolman.<sup>124</sup> Pete Torres was a member of an established and influential “Spanish-American” family in New Mexico.<sup>125</sup> One more officer identified by Border Patrol correspondence as “partly of the Spanish race” is listed on the 1929 roster. Before joining the Border Patrol, he had served as a Texas Ranger for the influential King Ranch family in south Texas, a family that he married into several years after joining the Patrol.<sup>126</sup> This is not an exhaustive list of the Mexican American Border Patrol officers during the 1920s and 1930s. Border Patrol correspondence records tell of other Mexicano officers who cycled in and out of the patrol, and not all of the Mexicano officers can be identified by searching for Spanish-surnamed individuals, but these few biographies suggest that while Anglo Border Patrol officers tended to come from

working-class backgrounds, Mexican American officers joined the patrol from the middle and upper echelons of the borderlands' Mexican American communities.

As suggested by the League of United Latin American Citizens (LULAC), a leading Mexican American political and cultural organization of the era, middle-class Mexican American officers brought a unique ensemble of social investments to the development of U.S. immigration control. The Mexican American middle class enjoyed uncertain access to whiteness in the borderlands. Although many were often able to participate in centers of social, cultural, political, and economic power, the class-based flexibility in the application of racial segregation could be unpredictable. Organizations such as LULAC, established in Texas in 1929, emerged to promote Mexican American integration into mainstream American society. LULAC members cherished American institutions, political philosophy, and capitalism, but they protested the discrimination that prevented their full participation. Rather than challenging the racial hierarchies that organized American society, namely, the black/white divide that operated as the foundation of racial inequity, Mexican American political leaders worked to construct themselves as white ethnics.<sup>127</sup> So although they sponsored festivals and activities to instill pride in their Mexican heritage, many middle-class Mexicanos simultaneously demanded that their European origins be acknowledged by defining themselves as "Spanish Americans." Therefore, as U.S. immigration control was remapping the boundaries of whiteness, Spanish Americans of Mexican descent fought to be included within the margins of white ethnicity. According to much of the LULAC leadership, it was their association with the "colored races" that prevented them from gaining full inclusion in white American society. Therefore, they put distance between Mexican Americans and the colored races, particularly African Americans. However, the particular conditions of the U.S.-Mexico border region also forced Mexican American political leaders to construct their ethnic white identity in contrast to Mexican immigrants. Mexican immigrant laborers were poor, dark-skinned, and did not speak English.<sup>128</sup> These new arrivals, many believed, undermined the quest of acculturated Mexican Americans for civil rights through the highly racialized politics of citizenship and whiteness in the U.S.-Mexico borderlands. In other words, as middle-class Mexicanos stepped up on the ledges of the black/white divide, many feared that the continuous arrival of Mexican laborers would pull them toward nonwhite status according to the sharpening distinctions of the emerging regime of immigration control. Therefore, the small, Mexican American middle class represented by LULAC tended to advocate limiting Mexican immigration and supported increased border enforcement.<sup>129</sup> What evidence remains of the work of the Border Patrol's first Mexicano officers firmly points toward their grounding in the racialized politics of whiteness and citizenship in the U.S.-Mexico borderlands. No one made this clearer than Patrol Inspector Pete Torres when, one day, an acquaintance began to tease him by calling him a Mexican. In response, Torres "pulled out his revolver

and shot right at his feet. He says, 'I am not a Mexican. I am a Spanish-American,'” recalled an onlooker.<sup>130</sup> In the Border Patrol and through Mexican exclusion, he and the others literally shot their way into whiteness.

From Pete Torres to Dogie Wright, these were the men to whom the development of U.S. immigration law enforcement was assigned in the early years of the U.S. Border Patrol. Though it was established to function as a national police force dedicated to broad enforcement of federal immigration restrictions, the disorganization of Border Patrol supervision and coordination effectively granted control over that enforcement to the officers of the patrol. The intense localization of U.S. immigration control empowered local men to determine the direction of U.S. immigration law enforcement. For these sons of the borderlands, immigration law provided the basic framework for their work, but local interests and customs defined by the social world of agribusiness provided the immediate means of interpreting the priorities of immigration law enforcement. As chapter 2 details, not only did the introduction of the Border Patrol to the Texas-Mexico borderlands allow its officers to rise from the working class—often from work as unskilled laborers to positions with significant authority—but, by joining the patrol, these landless laborers found a unique way to participate in the agricultural economy: they policed the region’s primary workforce. In the process, they created a new axis of racial division in borderland communities by linking Mexican immigrants to the crimes, conditions, and consequences of being illegal in the United States.