Review Essay

Using and Abusing Mexican Farmworkers: The Bracero Program and the INS

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Kitty Calavita, *Inside the State: The Bracero Program, Immigration, and the I.N.S.* New York: Routledge, 1992. x+243 pages. $62.50 cloth; $15.95 paper.

Erasmo Gamboa, *Mexican Labor and World War II: Braceros in the Pacific Northwest, 1942–1947*. Austin: University of Texas Press, 1990. xiv+178 pages. $27.50.

United States immigration policy historically has been plagued by the contradictory demands of capitalists for foreign workers and of domestic labor for limits on immigration to reduce wage suppression and competition for jobs. Foreign relations and fiscal concerns add to policymakers' frustrations. The Immigration and Naturalization Service (INS) has the seemingly impossible job of controlling illegal immigration without harming an economy that relies heavily on illegal immigrant workers. INS officials have found that they can reduce the numbers of undocumented workers only when they simultaneously supply growers with a legal source of cheap Mexican farmworkers. This solution is only viable in the short term, however, as illegal immigration typically accompanies legal guestworkers, and as employers become increasingly dependent on foreign sources of labor.

INS's most successful attempt to reduce illegal immigration was the Bracero Program. This was a system of contract labor whereby farmers could hire young Mexican men, pay them low wages, and send them back to Mexico when they were not needed. Like undocumented workers, braceros were subject to exploitation and abuse by their employers, racial discrimina-

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Law & Society Review, Volume 27, Number 4 (1993)
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tion within the host society, and harsh living conditions. Unlike their illegal counterparts, however, they received housing (albeit meager), food, transportation, and a greater assurance that they would in fact be paid for their work.

The Bracero Program was operated jointly by the INS in the Department of Justice, the Department of Labor, and the State Department, in cooperation with the Mexican government. Of these, the INS was by far the most powerful, holding tremendous administrative discretion over bracero entries, departures, and desertions. Often referred to as a single program, there were two legislatively enacted Bracero Programs, running from 1942 through 1947 and from 1951 through 1964. They were connected in the interim years by a system of direct employer recruitment of braceros administered by the INS.

Because of its success from the perspective of the INS and growers, its pernicious history from the perspective of organized labor, and the formality of the ties it engendered among U.S. governmental agencies and between the U.S. and Mexican governments, the Bracero Program has been the subject of numerous scholarly treatises (e.g., Galarza 1964, 1977; Craig 1971; Moore 1965; McWilliams 1968). Two fine books have now been added to this literature: *Mexican Labor and World War II: Braceros in the Pacific Northwest, 1942–1947*, by Erasmo Gamboa, and *Inside the State: The Bracero Program, Immigration, and the I.N.S.*, by Kitty Calavita.

Gamboa focuses on the social and work conditions of braceros in the Pacific Northwest during the war years, setting his analysis in a larger discussion of the economic and social effects of the Great Depression and World War II. His analysis, therefore, is purposely limited to the first of the Bracero programs and is largely descriptive. Calavita's principal concern, on the other hand, is theoretical. In many ways, *Inside the State* is her response to questions left unanswered in her earlier book, *U.S. Immigration Law and the Control of Labor, 1820–1924* (1984). Calavita places social conflict and struggle at the center of her analysis, endeavoring to unpack "the state" as a theoretical concept so that we can better understand it. The development and demise of the Bracero Program serves her well, providing a case study of administration discretion and informal policymaking in a regulatory agency that rarely regulates.

Structural Constraints and Human Agency

Both Calavita and Gamboa are careful to link macro and micro levels of analysis, using primarily oral history and archival data. They attend to the social, political, and economic contexts and the structural constraints these pose, as well as the decisions and behaviors of individual actors. A strength of both authors is their recognition of the interweavings between these two levels.

One of Calavita's most valuable contributions is her explicit attention to human agency. While I think dialectical-structuralist accounts of lawmaking have far more explanatory power than instrumentalism or interest group pluralism, they sometimes risk overly magnifying the constraints posed by structures and reifying the state (see further Chambliss & Zatz 1993). Calavita does not make this mistake. As she stresses in her concluding sentences,

> One thing is certain. Structures don't act, people do. If we are to progress beyond the current impasse in state theory, we must bridge the methodological and analytical divides that have limited our theoretical vision, and incorporate in our analyses both social structure and the political actors who are situated within those structures. (Pp. 182–83)

Calavita follows the career trajectories of two INS Commissioners, Swing and Farrell, as a device to keep the reader focused on the interplay of structural imperatives and individual decisionmaking. General Joseph Swing inherited an ailing agency caught in a classic catch-22. INS's mandate was to control illegal immigration without disrupting the economic benefits of having undocumented farmworkers. Swing's strategy was to convert illegal workers into legal braceros. His "Operation Wetback" rounded up and deported undocumented Mexicans, along with many legal Mexican immigrants and Chicanos, using what Calavita calls a "walk around the statute" to return many of them as braceros to the same farmers for whom they previously had toiled illegally. A very generous Bracero Program from the perspective of growers further ensured that they would have sufficient numbers of farmhands, reducing their inclination to hire undocumented persons. General Swing and his aides created these policies and made deals with growers to further INS's agenda, not, as instrumentalists assert, solely at the behest of growers. Indeed, Calavita documents INS's efforts to convince hesitant growers of the desirability of its plans.

By the time Commissioner Raymond F. Farrell took over the agency in 1962, the Bracero Program was coming to a close, taking INS down with it. The Department of Labor had succeeded in regulating certain improvements in working conditions for braceros and had wrested some wage concessions from the INS. In addition, popular sentiment that jobs should go to U.S. workers, coupled with growing attention to civil rights, made the Kennedy administration and members of Congress increasingly unwilling to take a public stance in support of a contract labor program. Braceros came to be seen, in Truman Moore's (1965) words, as "the slaves we rent."

Two years after Farrell inherited the agency, its pet program had died. Without the option of guestworkers, growers could choose only between cheap, easily exploitable illegal immigrant workers and more expensive and politically savvy domestic labor. Not surprisingly, they reverted to hiring undocumented workers. Farrell tried to placate growers with some new "walks around the statutes," most notably issuing more green cards for daily and seasonal commuters.

Beyond this, however, the best Commissioner Farrell could do was to retreat into obscurity and hope that the inability of his agency to control the Mexican border would go unnoticed. This was precisely his strategy. Farrell used his personal ties with key legislators, along with some bribes, to minimize congressional oversight. If INS could not do its job, it wanted to be quietly ignored.

Calavita's depiction of the strategies developed by key actors to resolve, if only temporarily, the conflicts and dilemmas they faced is effective. In so doing, she details important conflicts *within* the state itself, demonstrating that it is neither the monolithic whole that instrumentalists assert nor the neutral ground on which interest groups fight it out that pluralists claim.

The Department of Justice and INS within it, the Department of Labor, the State Department, and Congress all faced internal contradictions and constraints. Often, the strategies developed by one agency collided with those of another federal bureaucracy. Calavita explains:

> INS policies that ensured plentiful, cheap bracero labor resolved its catch-22 regarding illegal immigration, yet brought into vivid focus the class nature of the foreign labor program and intensified conflict for the Labor Department. By the same token, DOL efforts to protect domestic labor by "tightening up" the program jeopardized the INS solution, as disgruntled growers threatened to return to using illegal aliens. (P. 127)

In many instances, Calavita has been able to bring these conflicts to life by quoting from interoffice correspondence and other archival records.

This interweaving of contradictions rooted in the political economy and the conscious actions of individual policymakers allows Calavita to successfully meet the challenge posed by C. Wright Mills. Mills (1959) urged sociologists to link history and biography, social structure and individual action. Calavita does so, rendering what otherwise might be a dry account into a theoretically insightful and vivid tale of how and why policymakers reached the decisions that they did.

Likewise, Gamboa fills this historical era with the people who lived it. Although he does not claim that heritage, I would locate Gamboa's study in the tradition of E. P. Thompson (1976) and other social historians who seek to understand the actions of people at the bottom of the social hierarchy; in this case, the braceros themselves.

Gamboa offers a social history filled with rich insights into the living and work conditions of braceros in the Pacific Northwest. He describes the foods they ate, their leisure time activities, and their relations with employers and local residents. Gamboa sets the stage for his analysis by discussing agribusiness before and during World War II, the plight of domestic farmers during the Depression years, and political and economic conditions in Mexico following the 1910 Revolution. For those interested, Gamboa offers details of agricultural production, crop by crop and year by year. He also includes a wonderful set of 27 photographs culled from various archives. Calavita adapted one of these, a shot of hands being checked for evidence of physical labor, for the cover of her book.

One of Gamboa's central points is that the braceros in the Pacific Northwest were not passive victims. They responded to exploitation, racial discrimination, and harsh living conditions with strikes, work stoppages, and demands for repatriation. In addition, their employers pressured local residents and businesses to stop discriminating against the braceros out of fear that they would lose their labor supply (pp. 112–19). I do not know if this conflict between farmers and local entrepreneurs was unique to the Pacific Northwest or simply not documented by other scholars; in either event, it adds an interesting twist to studies of race relations during the bracero era.

In developing his argument, Gamboa distances himself from others who have written about braceros. In his words, "in spite of what has been written on this topic, braceros were not powerless to act. When work and living conditions became unbearable, they went on strike" (p. 129). While Gamboa's criticisms of the extant literature are valid, it must be recognized that the situation in the Pacific Northwest was far different from that of the Southwest, where most braceros were employed. Geographic proximity to Mexico made braceros in the Southwest eminently replaceable. If a bracero in the Southwest caused trouble for his employer, it was easy to fire him and bring in another, more compliant, worker. INS willingly facilitated the deportation of these "subversives." Troublemaking braceros in the Northwest were not replaced as easily, simply because transportation costs were greater.

Region, then, appears to be an important determinant of the extent to which braceros could reasonably be expected to protest injustice. What was felt to be "unbearable" may have been subjective, depending on what, if anything, could be done to alter the situation. In the Southwest there was little that braceros could do about their treatment, since if they complained they would lose their jobs, be deported, and be blacklisted from future bracero employment. In the Northwest, because it was expensive to replace them, braceros were in a stronger position to negotiate with their employers.

The Mexican Government: Partner or Subservient to U.S. Interests?

Formally, the Bracero Program was a bilateral agreement between the U.S. and Mexican governments. In reality, it was "a domestic economic policy hammered out in collaboration with a foreign government" (Calavita, p. 182). Mexico sometimes was able to wrest concessions from the United States, but the substantial administrative discretion afforded the INS often meant that the provisions Mexico had fought to obtain were overridden unilaterally.

The program was important to Mexico because it provided jobs for impoverished and unemployed Mexicans. Much of the money paid braceros came back to feed the Mexican economy. Also, and not insignificantly, potential braceros bribed Mexican government officials to enhance their chances for recruitment. This extra income helped keep lower-echelon officials satisfied with the regime. Finally, it was a tangible contribution Mexico could make to the allied forces during World War II.

Nevertheless, the Mexican government had serious reservations about the program. One of its primary concerns was the place of recruitment. Growers wanted to recruit at the border to reduce transportation costs. The Mexican government preferred recruitment in the interior, however, since unemployment was greater there and northern Mexico needed farmers. Sometimes Mexico won this point on paper, but INS often allowed growers latitude that effectively enabled them to recruit at the border, often preselecting specific employees.

Mexican officials also were angered by the racial discrimination that their citizens faced in the United States. As Gamboa documents, U.S. prisoners of war were treated better than many braceros, thanks to the Geneva Convention's stipulations. When Mexican officials felt that discrimination and mistreatment had become too rampant in a particular locale, they forbade the recruitment of braceros into that state. The most telling examples were in Texas and Idaho, which Mexico blacklisted in 1942 and 1948, respectively. This threat was taken seriously elsewhere, at least on occasion. Gamboa recounts a "near race riot" in Stanwood, Washington, in 1946 when a local marshal and some high school students decided that they were going to run the braceros out of town. He reports that the farmers association, city officials, and local business owners met "to discuss the risk of losing the workers on grounds of discrimination" (p. 113).

A third major concern of the Mexican government was the wage level. The program was most advantageous to Mexico when the braceros earned enough to send money home. The U.S. Department of Labor (DOL) also had qualms about wage levels, though for different reasons. The DOL was trying to balance its incompatible mandates of recruiting Mexican laborers while simultaneously protecting the domestic work force. It was legally responsible for certifying that a shortage of labor at "prevailing wages" existed before braceros could be brought to a work site. As might be expected, the definition of "prevailing wages" was quite contentious, with growers and domestic labor disagreeing strenuously.

Finally, the Mexican government wanted to end illegal migration to the United States. Illegal immigrants are the most exploited of all workers, with no legal rights or recourse and the constant threat of deportation if they complain or attempt to organize.

While Calavita and Gamboa generally concur in their portrayals of the goals and concerns of the Mexican government in entering into the bracero program, they disagree as to its effectiveness. Gamboa portrays the Mexican consuls as active, involved, and helpful to braceros. He argues that when discrimination became unbearable, braceros in the Pacific Northwest "responded by requesting the Mexican consuls to intercede on their behalf. The consuls, contrary to what has been written, did not turn their backs on their countrymen. They faced up to the growers to the extent that they could" (p. 130; see also Mirandé 1987:50). Gamboa reports further that the Mexican consuls participated in work stoppages and strikes by representing workers before local wage boards and threatening to repatriate them if they were not adequately compensated (pp. 86–87). Yet he also notes that for most of the years he covered, braceros in the Pacific Northwest were located far from their consuls, in contrast to braceros in the Southwest.

Braceros in the Southwest may have had easier access to representatives of the Mexican government, but the consulates could do little for them. As was the case with the differential ability of braceros in the Pacific Northwest and Southwest to protest horrible living and work conditions, the Mexican government was able to do more for its people in the Northwest precisely because they were not so readily replacable. Northwestern growers were more amenable to negotiating grievances because failure to do so risked the loss of their crops. Conflicts with braceros did not have the same repercussions for growers in the Southwest, reducing the options for both braceros and consulate officials. Gamboa's portrayal of effective consuls also may be a function of the era covered in his analysis. The Mexican government's ability to negotiate favorable terms for braceros was greatest during the war years, and this was the period Gamboa studied.

Mexican negotiators might have fared better if the animosities between the Department of Labor and INS had been more overt. Both Calavita and Gamboa identify strong tensions between the DOL and INS, but Calavita's use of interoffice correspondence shows that the two agencies tried hard to maintain a unified front, at least in their rhetoric, in negotiations with Mexico. When this was not possible, the State Department mediated the disputes to ensure that the Mexican government received a consistent message from U.S. governmental sources.

Perhaps the most accurate picture of the role of the Mexican government emerges from consideration of both books. Mexico needed the Bracero Program because of what it offered the Mexican economy and because it was a safety valve for the political discontent that often accompanies high unemployment. Nevertheless, Mexican officials had real concerns about the treatment their citizens received in the United States. As the weaker partner in the bilateral bracero accords, Mexico did what was feasible without risking termination of the program.

Where Are the Women?

As told by both Calavita and Gamboa, the history of the Bracero Program is a story about men. Gamboa mentions women briefly in two contexts. First, the problematic nature of the braceros' interactions with local white women is noted. Discrimination against Mexicans by white women and violence against the few Mexican men who became involved romantically with white women, while severe, did not approach the levels in the Southwest. For example, part of the impetus for the Zoot-Suit Riots of 1942 was the claim that Mexican youths had assaulted Anglo women, at the same time that U.S. sailors stationed in San Diego saw Mexican women and Chicanas as easy prey for their sexual desires (Mirandé 1987).

Second, Gamboa acknowledges the benefits for Anglo women of wartime job opportunities in canneries and industry. Many farm women (or, as Gamboa calls them, "farmers' wives") left their farms for these more lucrative positions, and women who had not previously worked outside the home preferred these jobs to working in the fields. Also, many (male) growers viewed women as unacceptable alternatives to male fieldhands. For these reasons, women were unable to fill the void left in the fields when domestic farmers went off to war. In their place came the braceros.

Women are also missing from Calavita's analysis. Very few of the elected or appointed legislators and bureaucrats were women during the years she covered. Since she was writing about the actions and decisions of these officials, it is understandable that women were given scant attention.

However, women's invisible labor was key to the desirability of the Bracero Program from the perspective of the U.S. government, as well as of employers. Like other guestworker programs, the Bracero Program rested on the assumption that the reproduction of the labor force, including the bearing and rearing of children until they are old enough and strong enough to be seen as valuable labor worth purchasing, would continue to take place in the country of origin (Burawoy 1976; Portes 1978; Bach 1978).

The Bracero Program satisfied demands for a cheap labor force. Growers received young men with strong arms, willing to work long hours. While the contracts required that employers pay some expenses (e.g., transportation, housing, food, wages), these did not have to be paid for the workers' families. Nor did the U.S. government have to pay for them. Health care, schooling, and other social services for the braceros' families were borne by Mexico so long as the women stayed home. The money remitted home made this arrangement worthwhile for both the Mexican government and individual families, but ultimately it was the Mexican women who were responsible for the social and economic, as well as the biological, reproduction of the labor force. When the women also migrate, the fiscal costs for the host country increase.

Gamboa might have discussed the contribution of Mexican women as part of his analysis of the braceros and their lives. Dinerman (1982), Arizpe (1985), and Crummett (1987, 1993), for example, have demonstrated the effects, both positive and negative, of migration on Mexican households when the men migrate to Mexico City or the United States in search of work and the women stay home. Attention to women would have been more difficult for Calavita because of her focus on the policymakers. In discussing reasons why the Bracero Program was preferable to illegal (or legal) immigration for both growers and the U.S. government, however, she might have made the point that these benefits accrued largely because the women and children remained in Mexico.

The Larger Historical Framework

U.S. immigration laws have generally exempted Mexicans (Calavita 1984). Mexico has served historically as the "backdoor" through which cheap labor was imported as needed and, so the rhetoric goes, sent home when it was not needed. Unfortunately for U.S. policymakers, however, Mexican laborers have not always been willing to return home when asked to do so, and they have easily evaded border controls to enter and remain in the United States. Growers, too, have circumvented the law to keep their favorite workforce, often with a wink from INS. On occasion, growers have managed to obtain legislation that excludes them from responsibility entirely. For instance, although harboring an illegal alien is a crime, the Texas Proviso of 1952 exempts employers by stating that hiring someone does not constitute harboring.

The Bracero Program was thought to be the panacea for illegal immigration. It would reduce western growers' dependence on undocumented workers by providing them with a steady supply of contract laborers, and would offer Mexican farmworkers better working and living conditions than they had received as illegal aliens. But illegal immigration continued throughout the bracero years, as increasing numbers of young men headed north in hopes of contracting employment. When they were not selected as braceros, many crossed the border anyway, generally finding employment without much effort. Families came too, and Mexican women found work in restaurants, garment sweatshops, and private homes.

Ultimately, by providing growers with a seasonal labor force for whom they had little responsibility and by providing jobs that paid better than those available in Mexico, the Bracero Program aggravated the very condition it was designed to alleviate—illegal immigration and western growers' reliance on Mexican laborers. When the legislation expired and braceros were no longer available, growers went right back to hiring undocumented workers, doing so in ever greater numbers.

Although some unsuccessful efforts were made in the 1970s to sanction employers of undocumented workers, both INS and illegal immigration were largely ignored until the early 1980s. Then, the specter of illegal immigration reemerged forcefully in what eventually became the Immigration Reform and Control Act of 1986 (IRCA).

IRCA was intended to control illegal immigration through a combination of employer sanctions for hiring undocumented workers and a legalization program to regularize the status of long-term undocumented residents. Various versions of the bill were considered and rejected by Congress during the early and mid-1980s. Hundreds of hours of floor debate and committee and subcommittee hearings could not resolve the impasse. Growers associations, which developed during the bracero era to better accomodate growers' needs for a convenient and inexpensive means of contracting laborers, were forceful in lobbying against the proposed legislation.

Finally, a compromise suggested by Representatives Schumer of New York and Panetta and Berman of California was accepted. The Schumer Amendment created Special Agricultural Workers (SAWs), Replacement Agricultural Workers (RAWs), and a new H-2A program. SAWs were farmworkers who could be legalized under relatively liberal provisions. Expecting that many SAWs would leave agriculture for more lucrative and less physically taxing jobs once they were legalized, growers threatened to continue using undocumented workers unless they were given a guestworker program. They were granted two such programs. Assuming that a labor shortage develops, RAWs can be imported. They are indentured to agriculture for five years before becoming eligible for citizenship. In addition, a new and very flexible H-2A program of temporary guestworkers was designed specifically for agriculture. Thus, after years of congressional wrangling, IRCA could only be passed when it included special provisions to ensure that agribusiness would have a plentiful supply of Mexican laborers, as well as loopholes rendering the employer sanctions ineffective.

Whether IRCA has reduced illegal immigration is doubtful (cf. Bean et al. 1989; Rolph 1992), but certainly it is a grower's dream. In the words of one of IRCA's severest critics, Representative Roybal of California, IRCA is not immigration reform but rather is "designed to provide cheap labor for the farmers and growers of this country" (Congressional Record, 15 Oct. 1986: H10590).

Conclusions

The Bracero Program was developed to alleviate the social, political, and economic costs of illegal immigration while meeting capitalists' needs for cheap labor. The solution to these problems, however, could not risk antagonizing the domestic labor force to the point of rebellion. This balancing act was impossible beyond the short term, and the Bracero Program ultimately exacerbated the very problem it set out to resolve. The Bracero Program is not alone; U.S. immigration policy is replete with unsuccessful efforts to resolve these basic contradictions (Calavita 1984, 1989). As I write, the *Arizona Republic* reports the most recent of a long series of calls by the Border Patrol for erection of a steel fence at the U.S.-Mexican border (Sidener 1993).

Stabilization and regularization of an immigrant labor force is desirable for business (Castells 1975; Bach 1978). It presumes, however, the continuation of patriarchal relations of reproduction (Arp et al. 1990; Crummett 1993) and has long-term consequences for other sectors of the economy. Domestic laborers' fears of displacement by cheaper labor feed xenophobia and racism, further polarizing and undermining the working classes (Bonacich 1979; Calvo Buezas 1981; Omi & Winant 1986).

Beyond these structural constraints, the thoughts, decisions, and actions of individuals must also be blended into the analysis if a full picture of immigration policy is to emerge. Attention to human agency reminds us that it is people, not structural forces, who are ultimately responsible for social policies and their repercussions.

Calavita and Gamboa succeed in linking macro-structural forces with individual actions at the micro level in the context of immigration policy at a particular historical juncture. Their books have different though compatible strengths. Gamboa's depiction of the social and work conditions of braceros in the Pacific Northwest and elaboration of the conditions under which braceros were able to organize effectively to improve these conditions are especially important. Calavita's attention to the actions and rationales of top immigration policymakers explicitly merges structure and agency. Her analysis helps us to look "inside" the state, thereby furthering sociolegal and state theory. Taken together, they provide an exceptionally clear and thoughtful analysis of the use and abuse of Mexican contract labor.

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