

IMPLEMENTATION:

How the Borderlands Redefined Federal Immigration Law and Policy in California, Arizona, and Texas, 1917–1924

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Implementation is worth studying precisely because it is a struggle over the realizing of ideas. It is the analytical equivalent of original sin; there is no escape from implementation and its attendant responsibilities. What has policy wrought? Having tasted of the fruit of the tree of knowledge, the implementer can only answer, and with conviction, it depends . . .

— Jeffrey L. Pressman and Aaron Wildavsky¹

In their classic study, *Implementation: How Great Expectations in Washington are Dashed in Oakland*, political scientists Jeffrey L. Pressman

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¹ Jeffrey L. Pressman and Aaron Wildavsky, *Implementation: How Great Expectations in Washington are Dashed in Oakland; or, Why It’s Amazing that Federal Programs Work at All, This Being a Saga of the Economic Development Administration as Told By Two Sympathetic Observers Who Seek to Build Morals on a Foundation of Ruined Hopes*, 3rd ed. (Berkeley: University of California Press, 1984), 180.

and Aaron Wildavsky stress that we cannot understand public policies without examining their implementation. Pressman and Wildavsky's own focused exploration of one federal agency — the Oakland office of the Economic Development Administration (EDA) — not only reveals the weaknesses of the policy-making process (as suggested by the subtitle of the book, "Why It's Amazing that Federal Programs Work at All") — but also provides important insights into policy formation itself. Implementation, its failures, successes, and everything in-between, informs the shaping and reshaping of public policy; as Pressman and Wildavsky observe, implementation "reformulate[s] as well as [carries] out policy."²

While Pressman and Wildavsky focus specifically on EDA implementation of public works and small business projects during the 1960s, their findings provide a powerful analytical framework for understanding implementation in a variety of policy arenas. Since the late nineteenth century, American immigration policy, I will argue, was very much a product of its implementation by the Bureau of Immigration on the U.S.–Mexico border. This article will focus on the policy innovations that developed as a result of the Bureau's efforts to enforce the Immigration Act of 1917 and the Passport Act of 1918 on the nation's southern boundary. As southwestern immigration officials began administering these new laws, their efforts were hampered by a lack of money, manpower, and materiel as well as enormous opposition from border residents (whether Asian, European, Mexican, or American) who were accustomed to crossing the international boundary without restriction.³

In response to these enforcement challenges, southwestern immigration officials often waived the rules or created new ones that made their lives and the lives of border residents much easier. The most prominent of these was the wartime labor importation program, initiated to overcome the objections of southwestern industries to the restrictive provisions of the Immigration Act of 1917 and the Passport Act of 1918.⁴ In addition, the agency

² Ibid., 180.

³ George J. Harris, Acting Supervising Inspector, El Paso, to Commissioner General, November 28, 1917, file 54152/1E, RG 85, National Archives. See also Dr. Cleofas Calleros, interview by Oscar J. Martínez, September 14, 1952, interview 157, transcript, Institute of Oral History, University of Texas at El Paso.

⁴ Mark Reisler, *By the Sweat of Their Brow: Mexican Immigrant Labor in the United States, 1900–1940* (Westport: Greenwood Press, 1976).

modified the new regulations for ordinary border residents as well as the rich and powerful. When thousands of locals complained about the literacy test provisions of the Immigration Act of 1917, the Bureau created what I will refer to as “border waivers” for illiterate Mexican nationals who lived on both sides of the border. As the administrators of the Passport Act of 1918, southwestern immigration officials devised additional exemptions, specifically a border crossing card program for local residents. Although the border crossing card primarily assisted Mexican nationals and Mexican Americans, it also benefited Americans and Europeans, as well as Asian, Asian-American, and Asian-Mexican merchants. Together, these policy innovations — to the chagrin of anti-immigration advocates — sustained the transnational character of the borderlands.

All of this is not to deny the Bureau’s vigorous efforts to bar Mexican, Asian, and European nationals from admission for permanent residence or to expel unwanted illegal immigrants in this period. Instead, this study demonstrates that, during World War I and well into the 1920s, the Bureau was concerned not only with the restriction of immigrants but also with the regulation of the local border population. While immigration historians have provided extensive accounts of those migrants seeking entry for permanent residence (formally referred to as “immigrants” by the Bureau of Immigration), this paper shifts the focus of attention from immigrants to border crossers (categorized as “non-immigrants”). This population typically included laborers, tourists, local residents, dignitaries, and businessmen who crossed and re-crossed the border on a regular basis for short periods of time. In a stunning departure from the exclusionary intent underlying the Immigration Act of 1917 and the Passport Act of 1918, Bureau of Immigration officials effectively nullified provisions of these laws in order to craft a series of border crossing policies for these border residents and businesses.

This examination of the Bureau’s policy innovations challenges a major scholarly and popular conception that the normative function of the nation’s immigration policy (and, in turn, the Bureau of Immigration) was to maintain the dividing lines between desirable and undesirable peoples, legal and illegal immigrants, and Americans and non-Americans. Proceeding from this notion, scholars have produced two competing interpretations of the agency’s history. On the one hand, some scholars emphasize the

ways in which the Bureau of Immigration and the Border Patrol, during the Progressive Era, succeeded in implementing the nation's restrictive immigration laws, thereby closing the nation's borders to the entry of unwanted immigrants.⁵ On the other hand, some studies highlight the contingencies and weaknesses of border enforcement. In his recent study of the Bureau of Immigration, Patrick Ettinger argues that Asian and European immigrants routinely evaded the immigration laws and confounded the Bureau's enforcement efforts between 1891 and 1930.⁶ While both sets of scholars have enriched our understanding of the Bureau of Immigration, they describe immigration law enforcement in bipolar terms — as “strong” or “weak,” or as “hard” or “contingent.” In so doing, they neglect to consider whether the Bureau's operations might be described in more complex and dynamic terms. On this latter point, Pressman and Wildavsky's study is significant because it demonstrates that agencies don't simply succeed or fail; instead, agencies, as I will argue, create new ideas, new policies, and new laws.

This study further departs from the current literature by demonstrating how local, transnational, and even global concerns frequently overrode national imperatives in shaping immigration laws and policies for the borderlands. Thus, whereas current accounts of immigration policy history assume an alignment between Bureau officials in the Southwest, their supervisors in Washington, D.C., and nativist forces in Congress,⁷ this essay reveals the conflicts between local and federal agency officials, and the competing demands faced by immigration inspectors in the borderlands. More specifically, this article focuses on agency officials stationed in California, Arizona, and Texas — a region long distinguished by its cultural diversity, transnational infrastructure, global trading partners, world-

⁵ See for example, Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004); Kelly Lytle-Hernandez, *Migra! A History of the U.S. Border Patrol* (Berkeley: University of California Press, 2010).

⁶ Patrick Ettinger, *Imaginary Lines: Border Enforcement and the Origins of Undocumented Immigration, 1882–1930* (Austin: University of Texas Press, 2010). See also, Daniel Tichenor, *Dividing Lines: The Politics of Immigration Control in America* (Princeton: Princeton University Press, 2002); Keith Fitzgerald, *The Face of the Nation: Immigration, the State, and the National Identity* (Stanford: Stanford University Press, 1996).

⁷ See for example, Ngai, *Impossible Subjects*; Lytle-Hernandez, *Migra!*; and Ettinger, *Imaginary Lines*.