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Defining America at the Border: The Line Riders of the Mexican Border District, 1892-1924

A DISSERTATION APPROVED FOR THE DEPARTMENT OF HISTORY

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For Karen: my research partner, inspiration, and a constant reminder that “it can’t rain all the time.”

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# ABSTRACT

*Defining America at the Border: The Line Riders of the Mexican Border District, 1892-1924* is the story of the line riders. Also known as Immigrant Inspectors, the Mounted Guard (both with the Bureau of Immigration), and Chinese Inspectors (with the Customs Service) the line riders were the precursors of the Border Patrol. The line riders were a manifestation of the attempt to define national identity by the United States government by controlling who was allowed to cross the Mexican border into the United States. They pursued the goals of nativists and supporters of immigration restriction as the country fitfully transitioned from the frontier era into the Gilded Age and then the Progressive Era. National ideologies played out along the border just as they did nationwide. Examining the border from 1894 to 1924 provides a fuller understanding of the growth of the Nation State by showing how that growth occurs at the ground level. The line riders were the first federal, militarized, armed police force along the Mexican border, predating the Border Patrol by thirty years as well as any border wall or fence. The border enforcement apparatus was fully realized as a result of the move towards efficiency by Progressive Era bureaucrats. Through the actions of the line riders, America's border with Mexico first became a tangible obstacle for immigrants, and a defining entity for Americans.

# Introduction: The Mexican Border and the National Story

It is time to reexamine borderlands history. The borderlands constitute a unique group of communities where people of different backgrounds and experiences interact, pursuing sometimes countervailing, sometimes overlapping goals. The experiences of borderlanders has made for fascinating, groundbreaking history because of the creative ways people made lives together. But there is more to the borderlands than the communities that occupy the space. There is also the boundary line itself, which has only become more tangible over the years through more intense enforcement. After enforcement of that border began in 1894 and since then, the border has reflected larger trends in American history. In order to better understand ideologies grew and played out during the Gilded Age and Progressive Era, we need to understand the border with Mexico. U.S. border guards were directed and guided by Washington D.C. bureaucrats two thousand miles away who were responding to events around *them* and not necessarily to events along the border. The U.S. border with Mexico was a very different world than Washington D.C., yet it reflected the political climate of the nation's capital.

The centerpiece of this study is the story of the line riders, men who patrolled the border for the Customs Service and the Immigration Service from 1894 until the late 1920s. "Line riders" have appeared in various times and on various borders. In 1893 the Sessional Papers of the Dominion of Canada referred to line riders who patrolled the border in order to keep American cattle from crossing into Canada.[1] In 1909, in a letter from the Acting Secretary of the Treasury to the Committee on Indian Affairs, the secretary asked for line riders to perform

[1] "Report of the Dominion Fishery Commission on the Fisheries of the Province of Ontario, 1893" *Sessional Papers of the Dominion of Canada* 26, no. 7 (1893): 4-93, 4.

essentially the same duty on the Montana/Northern Cheyenne Reservation border. Legendary immigrant inspector George Webb was proud of his days as a line rider in Arizona.[2] Several novels in the twentieth century featured line riders, men who patrolled the borders of large ranches, especially in the Southwest.[3] In 1936, a definition of line riders appeared in print: Ramon Adams wrote that "'Line Riders' were men who patrolled a prescribed boundary to look after the interests of their employers."[4] Patrolling and creating boundaries were the essential tasks of the line riders of the Mexican border. It is no surprise that early customs and immigrant inspectors adopted the name.

Customs inspectors, immigrant inspectors, Chinese inspectors, contract labor inspectors, cattle inspectors, river guards, indeed, guards of all types, occupied the southern border from the 1880s to the early 1920s. The space where their tasks overlapped was immigration. Over time these officials found themselves increasingly drawn away from their proscribed duties and into stopping illegal immigration. When they left their respective stations to patrol their assigned areas on horseback, they became line riders, so "line rider," in fact, appears to be more a descriptor than a title. Historians, likely drawing from claims by U.S. Customs and Border Protection, have reported that the number of line rider inspectors was never more than seventy-seven at any given time, but this study suggests a much larger number.[5] Riding the line made any

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[2] Webb to Baker, December 2, 1903, NARAFW RG 85 HM 1995 BOX 1 TX 11.
[3] See Buck Standish, *The Line Riders* (London: Robert Hale, 1982); Jim Miller, *The Line Riders* (New York: Harper Paperbacks, 1994); Christopher Culley, *The Line Riders: A Billy McCoy and Abe Klein Story* (London: Ward, Lock & Co Ltd, 1935). Also, Rachel St. John referred to immigrant inspectors as line riders, as did historian J. Evetts Haley and legendary Border Patrolman Clifford Perkins. See Rachel C. St. John, *Line in the Sand: A History of the Western U.S.-Mexico Border* (Princeton: Princeton University Press, 2011); J. Evetts Haley, *Jeff Milton, a Good Man with a Gun;*.1st ed. (Norman: University of Oklahoma Press, 1948); Clifford Alan Perkins, and C. L. Sonnichsen, *Border Patrol: With the U.S. Immigration Service on the Mexican Boundary, 1910-54* (El Paso: Texas Western Press, University of Texas at El Paso, 1978).
[4] Ramon F Adams, *Cowboy Lingo* (Boston: Houghton Mifflin Co., 1936), 24.
[5] https://www.cbp.gov/border-security/along-us-borders/history

inspector a line rider. Because of this, I generally refer to inspectors as "inspectors" when they were in the station house and "line riders" when they were in the field. But regardless of where they sat or rode, line riders were a key part of life along the border, an often-overlooked component of borderlands historiography.

In 2011, Pekka Hämälainen and Samuel Truett described how historians have conceptualized borderlands history. In the early 2000s, the new field of borderlands history was "[a]nchored in spatial mobility, situational identity, local contingency, and the ambiguities of power…borderlands are where stories take unpredictable turns and rarely end as expected." Stories from the borderlands do, indeed, often take "unpredictable turns" but I argue that more often than not, the stories along the border, at least those involving crossing the border, played out in ways that matched national level history. For many years borderlands historians wrote of small stories that favored local events rather than "large-scale conceptualization." This has begun to change, however, as historians begin to expand the definition of borderlands, who the occupants are, and what the borders of borderlands history itself are. Does studying borderlands reinforce mainstream history or allow for new interpretations? Hämälainen and Truett address these issues in their essay. They appreciate that borderlands are now being found virtually everywhere, but bemoan the fact that historians still have difficulty weaving the different stories together in order to reexamine older narratives. They believe that "[b]orderlands history…can do better." Empires and nations still provide the master narratives of history, but it is possible to challenge that simply by acknowledging that, while the power and influences of empires need to be acknowledged, history also occurred far from centers of power, out where success was never a guarantee.[6] Understanding that history has, indeed, occurred far from the centers of powers has

[6] P. Hämäläinen, & S. Truett, "On Borderlands," *Journal of American History*, *98* (2) (2011) 338-361, 338-40.

given rise to scholarship in the last decade and a half that examines the unique histories of the borderlands.

Much of U.S. – Mexico borderlands historiography is focused on the lives of the varied cultures who live along the border. In 2007, Theresa Alfaro-Velcamp looked at the experiences of Syrians in Mexico, emphasizing that "the porous U.S. Mexican border enabled the crossing of both goods and people, establishing middle Eastern borderland trade culture."[7] Like Syrians, the Chinese have a long history on the U.S.-Mexico border. Also, like Syrians, they made the trip all the way *up* to the border, but often simply stopped before crossing and created communities where they were. Grace Peña Delgado explores how the harsh anti-Chinese laws in the United States in the latter half of the nineteenth century and into the twentieth led to the illegal trafficking of Chinese immigrants into the U.S. from Mexico to avoid probable detention in San Francisco.[8] Even as the vicious response to the Chinese in Mexico grew, they stayed and thrived, as did other groups.

Julian Lim describes the U.S. border with Mexico as "multiracial," where "variously racialized and subordinated people converged, finding in the borderlands more space to pursue economic, political, and social opportunities that were denied them elsewhere on the basis of their race and class." The borderlands from the 1880s to the 1930s was home to Mexicans, Chinese, and African Americans who moved back and forth across the border, pursuing opportunities.[9] Like Alfaro- Velcamp and Peña Delgado, Lim describes the borderlands as a place where marginalized people could create lives for themselves in the face of stiff resistance.

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[7]Theresa Alfaro-Velcamp, *So Far from Allah, so Close to Mexico: Middle Eastern Immigrants in Modern Mexico* (Austin: University of Texas Press, 2007).
[8] Grace Peña Delgado, *Making the Chinese Mexican: Global Migration, Localism, and Exclusion in the U.S.-Mexico Borderlands* (Palo Alto: Stanford University Press, 2013), 76.
[9] Julian Lim, *Porous Borders: Multiracial Migrations and the Law in the U.S.-Mexico Borderlands* (Chapel Hill: University of North Carolina Press, 2017), 3.

People from all over the world have been drawn to the borderlands, escaping violence and economic certainty, many simply looking for a new life and opportunities, even though the outcomes were not always positive. Sometimes, for a variety of reasons, they chose to stay just on the other side of the border, making Mexico their home. At other times, people stayed just north of the border, in the United States. Either, way, they contributed to the unique culture of the borderlands.

Some of the most compelling recent work about Mexicans and the border involves immigration enforcement. In *Line in the Sand*, Rachel St. John traces the transnational history of the border from 1848 until the 1930s. She points out that there were no border fences in the late nineteenth, early twentieth centuries and that Mexicans travelled back and forth at their convenience.[10] She goes on to describe the hardening of the border as the federal government and industrial capitalism slowly took control of the flow of labor and goods. Hers is the story of how imaginary lines slowly became tangible obstacles for immigrants across the border. But enforcement of the border with Mexico did not originate with the federal government or industry. Miguel Antonio Levario begins his *Militarizing the Border: When Mexicans Became the Enemy* with a reexamination of the Texas Rangers. By 1900, the Texas Rangers would become "one of the earliest authoritative institutions to categorize Mexicans as 'enemies' of the state and to promote Anglo expansion westward."[11] *Militarizing the Border* goes on to trace the growing law enforcement presence, local, state, and federal, along the border and how that

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[10] St. John, *Line in the Sand,* 1. There are also far too many books on the lives of Mexicans along the border to list them all here. There are the classics, such as Americo Paredes, *With His Pistol in His Hand: A Border Ballad and Its Hero*. (Austin; London: University of Texas Press,1975); Oscar J. Martínez' *Troublesome Border* (Tucson: University of Arizona Press, 1988); or David Gutiérrez' *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity* (Berkeley: University of California Press, 1995).

[11] Miguel Antonio Levario, *Militarizing the Border: When Mexicans Became the Enemy* (College Station: Texas A & M University Press, 2015). 18

presence created the perception that Mexicans were the "enemies" of the nation and its grand dreams of westward expansion.

In *Imaginary Lines: Border Enforcement and the Origins of Undocumented Immigration* Patrick Ettinger describes the early years of federal attempts to prevent illicit border crossings. Ettinger argues that the illicit traditions of border crossings, so brilliantly described by historians like Oscar Martinez, did not exclusively belong to borderlands residents as "[g]enerations of immigrants, from Mexico and afar, developed sets of similar traditions for circumventing U.S immigration laws to meet their personal and family needs."[12] He focuses on the experiences of both border crossers and border enforcers and how the two groups adapted to each other. *Imaginary Lines* is the history of the mechanics of crossing and defending national lines. Kelly Lytle Hernández's *Migra!: A History of the Border Patrol* continues that story, beginning in 1924 with the Passage of the Johnson Reed Act, which led to the creation of the Border Patrol. Lytle Hernández argues that the development of the Border Patrol was significantly influenced by the power of agribusiness along the border and its need for labor.[13] I argue, however, that the relationship between agribusiness and border enforcement developed almost 20 years earlier. Deborah S. Kang's *The INS on the Line: Making Immigration Law on the US-Mexico Border, 1917-1954* also describes border enforcement beginning in 1917, but with the added layer of the immense power that the Immigration and Naturalization Service had to determine and develop immigration law.[14] Again, however, my study contends that the same power rested in the hands of the Bureau of Immigration over a decade earlier.

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[12] Patrick W. Ettinger, *Imaginary Lines: Border Enforcement and the Origins of Undocumented Immigration, 1882-1930* (Austin: University of Texas Press, 2009), 9.
[13] Kelly Lytle Hernández, *Migra!: A History of the U.S. Border Patrol* (Berkeley, Calif.: University of California Press, 2010), 4
[14] Deborah S. Kang, *The INS on the Line: Making Immigration Law on the US-Mexico Border, 1917-1954* (New York: Oxford University Press, 2017).

However, the story here is not strictly a borderlands story. Transformative events on a national scale changed the United States radically between 1894 and 1924. Debates over immigration, citizenship, and race framed the era. One of those transformative events was the long struggle over Chinese Exclusion. In 1882, Congress passed the first major legislation regarding immigration. The Chinese Exclusion Act was the first and only time (so far) that Congress banned the citizens of a specific country through federal legislation, even though Chinese immigrants had never been demonstrated to be a threat to the country in any way. Many historians have examined how Chinese exclusion came to be and the consequences of this racist legislation, as Andrew Gyory's *Closing the Gate: Race, Politics, and the Chinese Exclusion Act*, published in 1998, shows. Gyory addresses the question: "*Why* did the United States pass the Exclusion Act ?"[15]

Gyory begins with the origins of the Chinese Exclusion Act and focuses on two theories: "the California thesis and the national racist consensus thesis." The California thesis posits that California workers were the primary agents behind Chinese Exclusion. Not only did they see Chinese laborers as a threat, many Californians in general believed them to be unassimilable. These beliefs led to the California legislature passing "numerous discriminatory laws against the Chinese, culminating with an 1858 exclusion act." The national racist consensus theory is self-explanatory. According to this theory, negative views of Chinese were a part of North American culture well before they arrived. In other words, the road to Chinese Exclusion began years before the state of California persecuted the Chinese.[16] Gyory does not, however, believe that

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[15] For more on the question of *how* the United States passed the Chinese Exclusion, see Delber L. McKee, *Chinese Exclusion Versus the Open Door Policy, 1900-1906: Clashes Over China Policy in the Roosevelt Era* (Detroit: Wayne State University Press, 1977), 9; Andrew Gyory, *Closing the Gate: Race, Politics, and the Chinese Exclusion Act* (Chapel Hill: University of North Carolina Press, 1998), 1.

[16] Gyory, *Closing the Gate*, 6,7,10. For more on the very early years of the Chinese in America, see Bennet Bronson and Chuimei Ho, *Coming Home in Gold Brocade: Chinese in Early Northwest America* (Seattle, Washington: Chinese in Northwest American Research Committee, 2015).

either thesis offers a satisfactory explanation for Chinese Exclusion as "[t]he Chinese Exclusion Act provides a classic example of top-down politics." Gyory acknowledges that California workers "put the Chinese question on the map, but Gilded Age politicians redrew the map's boundaries and recast the issue." Not only did politicians prevent Chinese entry into the United States, they also succeeded at placing the blame for the Chinese Exclusion Act squarely on the shoulders of the American workers.[17] Gyory attempts to rectify that misplacement of blame.[18] For Gyory, Gilded Age politicians were responsible for the Chinese Exclusion Act.

Other scholars have analyzed their own family experience as lenses to understand exclusion. Erika Lee's *At America's Gates: Chinese Immigration During the Exclusion Era, 1882-1943* traces exclusion from the first fears of Chinese immigrants through the enduring legacy of the Chinese Exclusion Act, which lasted well after the repeal of the act in 1943. The origins of Lee's book are similar to Mae Ngai's *Impossible Subjects,* and Judy Yung's *Unbound Voices* (as well as her earlier work, *Unbound Feet*) in that their work is the result of the authors' own interests in their family histories.[19] Her book attempts to show "just how large a shadow the exclusion laws cast upon every aspect of American life."[20]

While border enforcement began with the idea of policing the entry of Chinese immigrants, it eventually transitioned into targeting Mexican immigrants. When restrictive policies born in the Progressive Era came to the border, national policies conflicted with local

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[17] Gyory, *Closing the Gate,* 15-16.
[18] For more on the Chinese Exclusion Act, see Erika Lee, "Enforcing the Borders: Chinese Exclusion along the U.S. Border with Canada and Mexico, 1882-1924," *The Journal of American History* 89, no. 1 (2002): 54-86; for more on policy history see Roger Daniels, *Guarding the Golden Door: American Immigration Policy and Immigrants Since 1882* (New York: Hill and Wang, 2004).
[19] See Judy Yung, *Unbound Voices a Documentary History of Chinese Women in San Francisco* (Berkeley: University of California Press, 1999); Judy Yung, *Unbound Feet: A Social History of Chinese Women in San Francisco* (University of California Press, 2000).
[20] Erika Lee, *At America's gates: Chinese Immigration During the Exclusion Era, 1882-1943* (Chapel Hill: University of North Carolina Press, 2003), 5, 6, 25, 49, 152, 247.

politics. The Bureau of Immigration attempted to curtail Mexican laborers crossing into the United States, but local industries needed the workers for large scale infrastructural projects and agriculture. Local industries had never really shown much interest in hiring Chinese laborers, so they did not protect them when immigration officials detained and deported them. A better way to understand the evolution of border enforcement by the federal government is to divide it into two phases, the Gilded Age era, from 1894 to 1907, and the Progressive Era that began in 1907. The former phase focused primarily on the Chinese and the latter, considerably more active in the federal realm, targeted Mexicans.

To explain the shifting politics of this era, Elliott West first used the phrase "Greater Reconstruction," pointing out that as Reconstruction took on significance outside of the South it "was even more morally ambiguous than the lesser one [because] while it saw the emancipation of one non-white people, it was equally concerned with dominating others."[21] The border was all about domination. Richard White later writes that Reconstruction and the Gilded Age "gestated together."[22] Nowhere is that truer than along the border with Mexico. Heather Cox Richardson argues that "between 1865 and 1901, a new definition of what it meant to be an American developed from a heated debate over the proper relationship of the government to its citizens."[23] While Cox Richardson did not include the borderlands in her discussion of how Reconstruction expanded past the South, that search for who was an American and what the relationship should be between citizens and the government were the dominant themes of border enforcement from 1894 to 1907.

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[21] Elliott West, "Reconstructing Race," *The Western Historical Quarterly* 34, no. 1 (2003): 6, 25.
[22] Richard White, *The Republic for Which it Stands: The United States During Reconstruction and the Gilded Age, 1865-1896* (New York: Oxford University Press, 2017), 23.
[23] Heather Cox Richardson, *West from Appomattox: The Reconstruction of America after the Civil War* (New Haven, CT: Yale University Press, 2008), 1.

But the Greater Reconstruction folded into the Gilded Age, especially along the border. Richard White believes that historians should return their focus to corruption as "[c]orruption suffused government and the economy." This is certainly true in the borderlands until 1907. Up until that point, corruption was simply a way of life. The Bureau of Immigration and the Customs Department only acted when their hands were forced. White Americans were also suspicious of diversity in the Gilded Age which led to an expansion of "the white home into the West." To make the West profitable and capable of contributing to American culture, there needed to be a white presence, ideally a family. This goal to whiten the West meant that "[t]hose who failed to secure a proper home were cast as a danger to the white home- as happened to Chinese, African Americans, Native Americans, and to a lesser degree Southern and Eastern European immigrants." The initial goal of the Bureau of Immigration, then, was to stop any increasing diversity at the U.S. border and to protect the "white home" from the border crossers, many of whom had no permanent homes. This opened up nonwhites along the border to the machinations of corrupt immigrant inspectors.

White points out that even as the nation modernized on the surface, underneath real change was slow to occur. For example, while the Pendleton Service Act of 1883 was intended "to create a bureaucracy separate from partisan governments…[p]residents continued to replace members of the party with members of their own…"[24] Cronyism was certainly a practice within the Bureau of Immigration. Many of the Gilded Age line riders received their positions through valuable political contacts or connections within the Immigration Service. As the Gilded Age transitioned into the Progressive Era, that was one facet of federal service that took quite a while

[24] White, *The Republic for Which it Stands*, 2, 5, 6, 466.

to change. In fact, according to Alan Trachtenberg, in many ways the transition from the Gilded Age to the Progressive Era was gradual overall.

Earlier scholarship drew a sharp line between Gilded Age social change and progressive reforms, but Trachtenberg saw the shift as more gradual, describing the Gilded Age as "the emergence of a changed, more tightly structured society with new hierarchies of control, and also changed conceptions of that society, of America itself." [25] That gradual change continued into the Progressive Era, with the hierarchies of control hardening. This transition can be clearly seen along the border, albeit more slowly than the rest of the country. In the last decade of the nineteenth century and the first decade of the twentieth, the line riders were slowly becoming more disciplined, but it was hit or miss without a central authority placed on the border to force the discipline. At the same time, hierarchy was moving from being based on strength of personality to rank and seniority. As the country moved towards a demand for (or at least an acceptance of) bureaucratic control, the line riders followed along directly afterward. They may have resisted but by 1907, order and structure dominated the border stations.

In *Rebirth of a Nation: The Making of Modern America, 1877- 1920*, Jackson Lears describes the Gilded Age as a time when Americans "[l]ong[ed] for rebirth" after the Civil War. The United States had "reaffirmed its very being through blood sacrifice" and its citizens needed to start over. Protestantism was one of the driving forces behind this rebirth but by the end of the nineteenth century politicians feared that the Protestant ethic "had become entangled in the structures of an increasingly organized capitalistic society." But while this desire for regeneration and rebirth was occurring, Lears reminds us that everyone was not included in

[25] Alan Trachtenberg, *The Incorporation of America Culture and Society in the Gilded Age* (New York: Hill and Wang, 1982), 4.

reformers' grand plans. In arguing for the Chinese Exclusion Act, the *New Englander* magazine warned its readers that the threat of the Chinese was that there was an inexhaustible supply of them and that if their immigration was left unchecked, they would overrun the country. Not only that, since Chinese immigrants were almost all adult males and there were almost as many of them as there were white male voters in California, they could take over the state and impose their own culture and beliefs.[26] In the last decades of the nineteenth century both of those ideas were present along the border. The United States government was reinventing its ideas regarding America's borders (or, arguably, creating them in the first place) while actively keeping the Chinese out of the country, in the process reinventing the definition of citizenship, or at least who was eligible. It was the line riders' job to interpret governmental decisions regarding the border and to actively prevent the Chinese from entering the country. Along the border, the line riders were the enforcers of Lear's reinvention.

Two conflicting situations presented themselves along the border in the Gilded Age, however. First, the inspectors were clearly there to stop illegal immigration. Gilded Age Americans worried deeply about the increasing numbers of "undesirable" immigrants, especially after the depression of 1893. That kind of pride in protecting the country appeared in the reports of the line riders. However, the dark cloud of corruption also lowered over the border. Inspectors were accused of smuggling Chinese immigrants across the border, stealing from them, even abusing their positions as federal agents to avoid trouble or to do as they pleased. If corruption was present in large cities, even Washington D.C, the seat of power, it was present and even more tempting two thousand miles from any supervision. Perpetuating fear and hatred of the Chinese made corruption easier as the Chinese had no local protectors.

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[26] T. J. Jackson Lears, *Rebirth of a Nation: The Making of Modern America, 1877-1920* (New York: Harper Perennial, 2010), 3-5, 113-114.

Those Gilded Age developments explain the extraordinary virulence towards the Chinese, but also the anxiety regarding immigration across the border that resulted in a burst of policy in the Progressive Era. In *America's West: A History, 1890- 1950*, David Wrobel notes that violent strikes by labor unions (with equally violent responses), racial violence in the South, corruption, concerns about immigration, and fears of overcrowding and disease "contributed to a growing sense of crisis over the nation's future." Those fears reverberated along the border.[27]

The federal government by 1907 believed that layers of bureaucracy were the solution to those fears. The inspectors sent reports on their activities directly to the inspectors in charge of the border stations who sent them to the Bureau of Immigration in Washington. There were inspectors in Texas, Arizona, and New Mexico and their reports form the foundation of this study. The reports coming out of the border before 1907 are imbued with a sense of pride in defending the country as it faced that "growing sense of desperation" and the inspectors were deeply offended when their methods and integrity were questioned. This, however, was at odds with how the federal government viewed controlling immigration, through added paperwork.

By 1907, though, Progressive reform was growing nationwide, but just beginning to affect the borderlands. While not referring to the Bureau of Immigration directly Robert F. Zeidel described why the Bureau completely revamped the system along the border in 1907. He wrote that Progressives "believed that investigation and analysis carried out by properly trained experts would equip policy makers with the means to eradicate social blight." Studies and statistics could be used to understand the true nature of a problem and allow policy makers to implement the correct solution. Immigration was perceived to be one of those problems. In the case of immigration, a major attempt to understand the "true" nature of the problem resulted in

[27] David M. Wrobel, *America's West: A History, 1890-1950* (New York: Cambridge University Press, 2017), 5.

the Dillingham Commission (1907-1911). Immigration restriction "had a progressive appeal." Zeidel writes that by the 1900s, the focus on immigration was less on nativists' belief that immigrants were too different to assimilate and more on "the amelioration of social ills- low standards of living, sloth, poverty, and various moral maladies- and to the very success of the American republic." The Progressives desire to examine problems from all angles, tabulate data and statistics, and solve a problem logically led to the racist driven conclusion that unfettered immigration was a threat to American society.[28]

To earlier scholars of progressive reform, such as Alan Dawley, "the dual quest for improvement at home and abroad was at the heart of what it meant to be a progressive." Developments at the border addressed both of those issues. The line riders constantly interacted with Mexicans and Mexican authorities and there was considerable communication between American and Mexican officials regarding how to not only improve relationships between the two countries but also how to improve the experiences of Mexican immigrants. The railroads would become an important part of the latter discussions. But in *Changing the World: American Progressivism War and Revolution,* Dawley also shows that "many western progressives…were also prominent supporters of Chinese exclusion, prohibitions on Japanese land ownership, and other racist measures." Progressives also only offered minor objections to the abuse of Mexican American laborers. In many ways, the Western Progressives were no better than the Southern Progressives. Both groups supported national level agendas, or even northern urban plans, but in

[28] Robert F. Zeidel, *Immigrants, Progressives, and Exclusion Politics: The Dillingham Commission, 1900-1927* (DeKalb: Northern Illinois University Press, 2004), 3, 26, 113. See also Katherine Benton-Cohen, *Inventing the Immigration Problem: The Dillingham Commission and Its Legacy* (Cambridge: Harvard University Press, 2018).

their home states they were racist in ways that reflected their specific self-interests, the interests of local white citizens.[29]

In his seminal study, *The Search for Order, 1877- 1920*, Robert Weibe describes how the United States transitioned from individual small communities with a "low regard" for the national government to a nation of the middle class determined to achieve its ambitions through an expanded bureaucracy. But along with this rush to bureaucratic centralization came a fear of immigrants which "did not depend on the presence of the enemy."[30] The fear of the Chinese and then Mexicans, in particular, during that transition corroborate Wiebe's claims. Both of those national developments, the belief that bureaucracies could solve American problems and the fear of immigrants, drove the development of border enforcement in the Southwest.

Daniel Rodgers, however, placed American progressivism in an international context. *Atlantic Crossings: Social Politics in a Progressive Age* explains how American Progressives were heavily influenced by their European counterparts. While American Progressives looked to countries such as France and Denmark for inspiration, Germany and Great Britain especially attracted their attention. German trained economists were particularly important to developing America's progressive agenda. Progressives such as Albert Shaw and Frederick C. Howe were concerned about the new industrial society, but their first concerns were with the cities. Rodgers described how Britain made great progress in "sanitary science." The British politician, Joseph Chamberlain, had called the improvements in European cities "municipal socialism" in 1891. In the first two decades of the twentieth century, south Texas cities like Corpus Christi were also building complex sewer systems requiring hundreds of laborers, which would put them at odds

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[29]Alan Dawley*, Changing the World: American Progressives in War and Revolution* (Princeton: Princeton University Press, 2005*),* 2, 55-56.
[30] Robert H. Weibe, *The Search for Order: 1877-1920* (New York: Hill and Wang, 1967), 5, 166, 54.

with immigrant inspectors. A part of that "socialism" was city-owned utilities, such as gasworks, electrical power and transit systems. American Progressives, though, did not have anywhere near the success of their European counterparts. The struggle "between private market forces and public direction" was most obvious in American cities.[31] Rodgers reveals the complicated American political processes involved in that struggle and how different they were from European politics, so that success in privatizing city transit, for instance, was never likely. Progressives, while impressed by European systems, always had an uphill battle against the American political status quo. This desire for efficiency influenced the Bureau of Immigration, which was looking for a streamlined way to stem the flow of immigrants. They would begin to find their way in 1907.

The Progressives were primarily reactive. Gabriel Kolko, more than a half century ago, complicated our understanding of the Progressive Era by arguing that reform was driven by the needs of corporations, responding to market chaos.[32] Daniel Rodgers emphasized that progressive intellectuals were reacting to America's growing presence on the world stage by looking to Europe for inspiration. Progressive Era urban reform, likewise, was driven by a response to the large scale of immigrants, particularly the New Immigration from Southern and Eastern Europe. Progressivism grew out of reaction. The Southern U.S. border was no different. The Bureau of Immigration was reacting to increasing numbers of immigrants coming across the border. Unlike other agencies, though, the Bureau was slightly more proactive in preventing the problems it was tasked to solve. It had agents at the majority of ports of departure for the largest

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[31] Daniel T. Rodgers, *Atlantic Crossings: Social Politics in a Progressive Age* (Cambridge, MA: Belknap Press of Harvard University Press, 1998), 102, 115, 121, 123, 145.
[32] See Gabriel Kolko, *The Triumph of Conservatism: A Reinterpretation of American History, 1900-1916* (New York: Free Press of Glencoe, 1963).

groups of immigrants. The one area where all progressives found common ground, however, was their utter hatred or dismissal of the Chinese.

Chinese exclusion was a national level movement, amply covered by the media. But there were only really two responses to it by progressives. They either ignored the persecution of Chinese in the United States or they firmly supported it. No major progressive figure defended the Chinese. Its not surprising that eugenicists hated the Chinese but even supporters of immigrants or westward expansion either made no attempt to defend them or actively supported exclusion. Jane Addams, perhaps the progressives most outspoken defender of immigrants, never mentioned the Chinese. James D. Phelan, Democratic mayor of San Francisco then U.S. senator from California until 1921, believed that the Chinese would devastate American society to such a degree as to lead to a fall similar to that of Rome. Republican Chester Rowell fought equally hard to rid California of Chinese. David Starr Jordan, president of Stanford University and an opponent of exclusion, was convinced that Chinese laborers should be banned.[33]

Even those who saw the West as a place of virtually unlimited opportunity did not see a place for the Chinese. William Smythe, a supporter of reclamation efforts in the West, "believed that once the West was irrigated, its resources would be sufficient to meet the needs of all immigrants." Except of course, the Chinese, who were not only unassimilable, they "were in America only for the purpose of sharing in its wealth and sending the proceeds back to their native land."[34] Muckrakers never took up the cause. Southern Progressives had common ground with Westerners as they both saw Chinese as "colored."[35]Both groups shared their hatred of the

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[33] Lon Kurashige, *Two Faces of Exclusion: The Untold History of Anti-Asian Racism in the United States*, (Chapel Hill, The University of North Carolina Press, 2016), 101.
[34]David M. Wrobel, *The End of American Exceptionalism: Frontier Anxiety from the Old West to the New Deal*, (University Press of Kansas, 1996), 75.
[35]Dale T. Knobel, *America for the Americans: The Nativist Movement in the United States*, (New York, Twayne Publishers, 1996), 229.

Chinese with northern progressives, especially eugenicists. Even Mother Jones, one of the most popular and effective of the progressive leaders "never recanted her stance against Chinese immigration, long the [United Mine Workers] position [even as she] had nothing but praise for African American miners…"[36] But bigger even than progressive ideology was the growing influence of race science, an influence that extended to all levels of white society. The intellectuals were weighing in.

Almost as soon as Charles Darwin published *Origin of the Species* in 1859, men like Herbert Spencer and Darwin's own cousin, Francis Galton, began misapplying Darwin's theories to people. Spencer and Galton used science to not only explain perceived biological differences between races of men, thereby creating a racial hierarchy, but also to offer solutions to a possible Malthusian catastrophe which would be brought about by the unchecked breeding of races low on social Darwinists' racial scale. It would not take long for nativists to stop "dissimulat[ing] frankly racist objectives beneath the cover of concern for the economic welfare of American workers."[37]

This "race science" was in a large measure based on the work of Joseph Artur, comte de Gobineau. In his incredibly influential *The Inequality of Human Races* (1853-1855), Gobineau created a racial hierarchy that placed whites at the top, then ranked other races with Africans at the bottom. He wrote that the more other races differed from whites physically, the more deformed they became. To Gobineau there was ugliness in their differences from the white race. His work was immensely influential over the following decades, leading to academics such as William Ripley, a sociologist at MIT and anthropologist at Columbia, to write *The Races of*

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[36]Elliott J. Gorn, *Mother Jones: The Most Dangerous Woman in America*, (Hill and Wang, 2002), 94.
[37] Aristide R. Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America*, (Russell Sage Foundation, 2008). 249.

*Europe* in 1899, which further broke down the five races, using cephalic indexes to create a racial hierarchy. In 1901, A.H. Keane wrote *Ethnology*, which placed Anglo- Saxons at the center of the human race, without "evidence" besides skin color. Academics were adding the needed gravitas to arguments for immigration exclusion and restriction.[38]

Gobineau not only influenced Ripley and Keane, his ideas lead directly to men like Nathaniel Southgate Shaler, who was born in Haiti into a slave- owning family but raised in Kentucky. By 1870, Shaler was a professor of paleontology at Harvard. In the course of his career, Shaler, a popular and flamboyant lecturer at Harvard, taught over 7,000 students. What he taught them was that the Americas, Africa, and Australia were all incapable of producing great civilizations. Those continents would never be able to rise above barbarism. Shaler also disdained the mixing of the races, believing that African- European mixed-race people were inferior to unmixed races. Shaler would go on to influence anthropologists, sociologists, and other practitioners of "race science," but perhaps his strongest influence was a result of his popularity among his 7,000 students.[39] Those Harvard graduates would go on to a wide variety of careers and many would undoubtedly be influential. They all took Shaler's ideas regarding race out into the world, helping give race science the legitimacy it needed. Race science was intertwined with eugenics in the early twentieth century and needed that validation because for both, "there was a[n]…ambitious, grandiose goal: the revival of the great nation and culture that was being defiled by alien degenerates."[40]

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[38] Paul Spickard, *Almost All Aliens: Immigration, Race, and Colonialism in American History and Identity*, (New York: Routledge, 2015), 264.
[39] Robert W. Sussman, *The Myth of Race: The Troubling Persistence of an Unscientific Idea*, (Cambridge, MA: Harvard University Press, 2018), 46.
[40] Peter Schrag, *Not Fit for Our Society: Nativism and Immigration* in America, (Berkeley: University of California Press, 2010), 78.

By the 1900s this "science" was becoming more available to the average American through books written by self-proclaimed experts on the race problem. One of the earliest popular books of the twentieth century that would have been useful to both nativists on the East Coast and the anti-Chinese contingent on the West Coast was *Race or Mongrel* by Alfred P. Schultz from 1908. Schultz's book's full title encapsulated his argument: "Race or Mongrel: A brief history of the rise and fall of the races of earth: a theory that the fall of nations is due to intermarriage with alien stocks: a demonstration that a nation's strength is due to racial purity: a prophecy that America will sink to early decay unless immigration is rigourously restricted."[41] Schultz was clearly a man far more afraid of immigrants than he was of colons. In 1916 Madison Grant, strongly influenced by Shaler, would write *The Passing of the Great Race, Or, The Racial Basis of European History* and in 1920, Lothrop Stoddard's *The Rising Tide of Color Against White World-supremacy* would follow.[42] Throughout the first decades of the twentieth century, this racial pseudo-science infected all debate and excuses for immigration exclusion and restriction, whether it was overt or not.

This study addresses a major disconnect in U.S. history. Borderlands historiography has addressed the cultural and legislative history of the border as well as the growth of the American nation state as it continuously defines its boundaries. Greater Reconstruction/ Gilded Age and Progressive Era historiographies describe how those eras affected the United States, and to a lesser degree the West, by addressing larger questions regarding citizenship, race, and defining, then attempting to solve, social ills. Unfortunately, these historiographies do not engage one

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[41] Alfred Paul Karl Eduard Schultz, *Race or Mongrel: A Brief History of the Rise and Fall of the Ancient Races of Earth: A Theory That the Fall of Nations Is Due to Intermarriage with Alien Stocks: A Demonstration That a Nation's Strength Is Due to Racial Purity: A Prophecy That America Will Sink to Early Decay Unless Immigration is Rigorously Restricted, (*Boston: L.C. Page &, 1908.),Title page.

[42] See Madison Grant, *The Passing of the Great Race, or, the Racial Basis of European History*, (New York: Charles Scribner's Sons), 1916; Lothrop Stoddard, *The Rising Tide of Color Against White World- supremacy*, (New York: Charles Scribner's Sons).

another. Borderlands historians rarely address the influence of national level ideological developments on the border and works on the Greater Reconstruction Era/Gilded Age/Progressive Era almost never refer to the border.

The following chapters synthesize the above historiographies by attempting to show that cultural and legislative developments along the border were intimately related to larger national questions of citizenship, race, and the growth of efficient bureaucratic machinery. I argue that the border reflects national trends, belonging ideologically side by side with the East Coast when explaining the growth of the United States between 1894 and 1924. I further argue that the attempts to define citizenship and its relation to the federal government, the resistance to corruption, the growth of bureaucracy, and the search for efficiency, all core values for progressive reformers, drove the development of the federal presence along the border just as strongly as they determined the history of the greater United States. While the Gilded Age had a strong impact on the borderlands, however, it is difficult to overstate the importance of the progressive influence. Before 1907, line riders were loosely affiliated federal employees interpreting immigration laws as best they could. They were fiercely independent, often corrupt, and difficult to manage. In 1907, however, the Bureau of Immigration installed Frank W. Berkshire, an important Progressive Era figure, who brought an East Coast bureaucracy and an efficient policing system to the border. He was the first strong central figure in the Southwest to supervise immigration enforcement along the *entire* border with Mexico from the border, not Washington D.C. Berkshire applied the tools and ideologies being developed on the East Coast to the problem of securing the southern border. Berkshire was a strong proponent of progressive ideas; thus, the U.S. border is a product of the Progressive Era.

To understand U.S. history, one *must* understand the border. Arguments about the direction of the United States and how to solve "social ills" as well as create a more efficient governmental system were strongly influencing the border and the results there were reflected back upon the nation as a whole. But even books that focus on border enforcement, such as *INS on the Line* and *Migra*!, begin well after a firm border enforcement apparatus was in place, one very similar to what the Border Patrol would become. And while *Imaginary Lines* does look at the early years of border enforcement, it does not look closely at the inspectors themselves and how they responded to larger national forces. This study does more than reveal that the border is a result of Progressive Era ideology. It also takes the Border Patrol saga and backs it up almost thirty years, while not only explaining how immigration enforcement played out along the border, but how the enforcement apparatus and bureaucracy grew out of national ideological developments far larger than immigration. It places the border at the center of U.S. history.

I lay out the evolution of border enforcement and its early power, beginning with a history of Chinese Exclusion. This issue, which began as a regional argument, went on to determine national immigration enforcement policy. Simultaneously, I explain how the federal government slowly exerted its power over the border, bringing national fears and bureaucracies to the Southwest. Part One begins with a prologue that describes the legislative history of the Chinese Exclusion Act and the Geary Act. The line riders were the direct result of the fear and vitriol that came out of sessions of Congress regarding Chinese immigration. Chapter One shows how that same fear and racial hatred began in California but eventually became a national topic of interest. Newspapers and magazines reported on the issue and took sides. While the number of Chinese never increased in the United States from the 1880s and into the next decades, in no small part because of the 1882, 1892, and 1902 legislation, national discussions reflected a

growing fear of Chinese immigrants and that letting up on the pressure to exclude the Chinese would lead to an immediate invasion of Chinese immigrants. The actual demography was unimportant. That fear was what led to a federal presence along the Mexican border, beginning in 1894.

Chapter Two explains who the line riders actually were and how they did their jobs. It begins with a brief history of the Bureau of Immigration. Initially, the Chinese exclusion Act had no enforcement mechanism; the Customs Service, already stretched, was left to do as best they could to prevent Chinese immigration. But from 1882 to 1913, the federal government took a series of steps that both bureaucratized and centralized border enforcement. In 1891, Congress created the Bureau of Immigration, soon to have immense power to determine policy both along the border and in the rest of the United States. This was a major turning point in immigration history. The rest of the chapter examines the day-to-day lives of the line riders, their duties and activities in an era with little central authority to assure that any official policy would be followed.

Part Two begins with a brief look at the congressional debate of 1902 over making the Chinese Exclusion Act permanent. By this time Chinese exclusion in the United States was so widely accepted that the attempt to make it permanent did not capture the public imagination like the previous two acts did, but the final passage of a permanent exclusion act was incredibly important. The U.S. Congress showed that it was willing to make essentially irreversible changes to Immigration law. Congress banned Chinese immigration for the next four decades. Chapter Three shows that the line riders once had a place in the American imagination, especially in the West, using the careers of three very different officials, Benjamin Jossey, George Webb, and

Jefferson Davis Milton, to illustrate change along the border as the immigrant inspectors transitioned from the Gilded Age and the Frontier Era into the Progressive Era.

1906 marked the beginning of a massive transition along the border. Chapter Four begins by following Immigration Special Agent A.A. Seraphic as he undertook a secret mission to uncover suspected corruption and incompetence among the line riders in Texas. What he discovered was not so much widespread corruption as a culture of resistance to authority and systemic insouciance. His report led to the Bureau of Immigration taking tighter control over the border. One of the first steps the Bureau took was to place Frank W. Berkshire in charge of the entire border, what would become the Mexican Border District. There was now one central authority along the border and enforcement would permanently change.

Change would not come easily to the border, however. Before Berkshire could make permanent change to the border guards' culture, he had to deal with the existing culture. Chapter Five tells the story of John White, a line rider who did not adapt well to the new policies and structure that Berkshire instituted. The chapter follows the investigation into White's line riding activities and in so doing illuminates the transition from a relatively unregulated Frontier Era to the more bureaucratic Progressive Era.

Part Three begins with the under studied Immigration Act of 1907. By 1907, there had been a bewildering number of immigration laws passed and it is understandable that this one has received little attention. However, the Immigration Act of 1907 changed forever the goals of the Bureau of Immigration. It switched the focus from immigration law (who is allowed into the country?) to contract labor law (what will they do once they get here?). The Immigration Act of 1907 created contract labor inspectors within the Bureau of Immigration and funded the pursuit of contract laborers, defined as foreign workers lured to the United States to work with an

American company. Once Frank Berkshire was ensconced along the border in 1907, he could enforce the new law and change the Service. Chapter Six shows how Berkshire first took control of the border stations themselves by making sure that every employee was a federal employee and that all of the inspectors were held accountable for their actions. There was a significant shift in immigration enforcement strategy. Berkshire began not only pursuing contract laborers, but for the first time, Mexicans along the border became the targets of immigrant inspectors.

Beginning in 1910, numbers of Mexican immigrants crossing the border grew to overwhelming numbers as the Mexican Revolution intensified. This meant that Berkshire needed a new strategy. Pursuing one immigrant at a time would accomplish very little. Chapter Seven details how Berkshire shifted his focus to groups of immigrants as well as to labor agents who imported laborers and the American companies that hired them. Berkshire went after volume. By 1918, he realized that he was underequipped to protect the border and requested from Congress six hundred more men to patrol the border. By 1924, Americans, as well as the government, were beginning to have the same kind of irrational fears regarding Mexicans once reserved for Chinese. These fears would eventually lead to the creation of the Border Patrol in 1924, an agency built on the bureaucratic foundations laid by Berkshire. The conclusion argues that enforcing the border has never been about national security. It has always been about using the border to justify and strengthen a political ideology at any given time. “Weak borders” and the “threat” of immigrants have been used as federal level political tools since 1882.

The borderlands, it should be remembered, are a part of the United States and Mexico. While they have unique cultures and histories, national events have played out along the border with Mexico just as they have on the East Coast and in the West. When the Bureau of Immigration placed border stations in El Paso, Texas and Nogales, Arizona in 1894, they did

more than just hire immigrant inspectors; the Bureau brought Greater Reconstruction concerns regarding citizenship and the government as well as Gilded Age mores to the border. As Progressives fought to determine the direction of the United States, they also shaped the borderlands, developing a racial hierarchy and more efficiently controlling immigration. The bureaucracy that slowly took over the inspectors along the border was the same bureaucracy that controlled eastern seaports and customs stations nationwide. The same philosophies that drove federal agencies of all sorts informed the border stations. The border was not an outlier, not the exception to American history. In many ways, by 1900, the border was no more a frontier than any other place in the United States. What happened there both influenced and was influenced by national policy. Understanding that connection can very well lead to understanding how that symbiosis continues today.

# Part I

## Prologue

## Congressional Beginnings

The line riders mirrored the time and place they were created. Their duties reflected the national confusion and fear around big industry, capitalism, and immigrants, especially the Chinese. They were a quasi-military law enforcement agency, the armed and mobile counterparts of immigrant inspectors working America's ports. Like all the immigrant inspectors, though, their creation came from the demands of organized labor, especially in California. Not union members themselves, they existed as tools of union leadership. Congress created the immigration agency to calm the fears of American labor leaders. Those fears began in the late 1870s, an era when the influence of organized labor in the United States increased. In California, however, labor leaders used their new power to address concerns that had lingered since the end of the Gold Rush, which had drawn large numbers of Chinese laborers to California's mines. When the Gold Rush ended in 1855, the Chinese remained, and union leaders worried about their presences as cheap labor. One way to solve the specific problem of Chinese labor was to hitch to a growing distrust of immigrants.

Burgeoning nativism pressured the U.S. government to restrict immigration in the first place. But California union leaders and their outspoken worries forced politicians into passing the Chinese Exclusion Act of 1882. Initially, the Customs Service was the haphazard enforcement arm of the Chinese Exclusion Act. The act ended the immigration of Chinese laborers for ten years but allowed those in the United States as of November 17, 1880, to stay, leave the country, and still return, although that option would eventually be taken away.

Before the original Chinese Exclusion Act in 1882, however, another piece of legislation, one that made it past Congress but never became law, set the tone for the next twenty years of anti- Chinese legislation as the language and rhetoric employed by both sides of the Chinese immigration argument in Congress would be repeated with every congressional renewal of exclusion law. In 1879, Congress began debating the Fifteen Passenger Bill.

The first serious attempt at banning Chinese immigration began in 1878. In January of that year, Thomas Wren (R-Nev.) introduced a bill to restrict Chinese immigration but it stalled in the House and Education Committee for the rest of the year. In January of 1879, however, interest in the issue had surged in Congress and the bill, popularly known as the Fifteen Passenger Bill, gained new momentum. As the name suggests, it proposed limiting the number of Chinese on any boat coming to the United States to fifteen. There were only a few serious objections. One of those was that the bill would violate existing treaties with China. To counter that concern, Representative Albert Shelby Willis (D- KY) assured his fellow Congressmen that as Congress held the right to pass laws, "[l]aws made in pursuance of the Constitution [were] equally as binding and authoritative as treaties…" In other words, Congress had the authority to override treaties. For the Committee, 1879 was the ideal time to ban the Chinese. Originally, the Chinese had been "[w]elcomed as a unique addition to [West Coast] society [but they] came to be regarded as a standing menace to the social and political institutions of the country." According to the Committee, it was impossible "for two races as distinct as the Caucasian and the Mongolian to live under the same government without assimilation." One race or the other would end up as slaves, the restrictionists contended.

A few Congressmen saw the bill for what it was. Representative Martin Townsend (R-NY), in a rebuttal for the minority, told the House that he remembered when there were

American cries for the blood of the Catholic Irish and the Germans because they were coming to "take away the labor of the American citizen and to rob his children of their bread." He also used another historical analogy by referring to Jews who had always lived separate lives and were different in appearance. They were "persecuted [,] mobbed [,] taxed [,] oppressed [and] murdered in the streets," but they were never destroyed. Further, the cries for Chinese exclusion were originating with "idle demagogues," not the true working class. Townsend claimed that China had slowly been opened to the world, forging advances for "civilization, Christianity, and commercial prosperity, and a step in favor of the human race." As the House gallery applauded, Townsend concluded, "I am not for taking a step backward. I am for treating the human race as brothers."[1] Even though the bill covered only the sea, ignoring both the Mexican and Canadian borders, Congress passed the Fifteen Passenger Bill on January 28, 1879 with 155 yeas to 72 nays.[2] Two who did not vote were future presidents James Garfield (R- OH) and William McKinley (R-OH).[3]

Senate wrangling over the bill played much like the House debate, with those supporting the bill attacking the Chinese and those against it not really defending the Chinese as much as defending either the U.S. treaties with China or the U.S. tradition of freedom. The Senate fight was even uglier as West Coast senators voiced their support for the Fifteen Passenger Bill. Senator Aaron Sargent (R- CA) argued that the right of self-preservation allowed a country to break treaties. For Sargent, the Chinese were certainly a danger. They came over with no intention of becoming citizens, insulating themselves in the filth of Chinatown. They were also a

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[1] 8 *Congressional Record* 793, 795 (1879).
[2] Andrew Gyory, *Closing the Gate: Race, Politics, and the Chinese Exclusion Act* (Chapel Hill: University of North Carolina Press, 1998), 138.
[3] Martin Gold, *Forbidden Citizens: Chinese Exclusion and the U.S. Congress: A Legislative History* (Alexandria, VA: TheCapital.Net, 2012), 29.

health threat, causing "two or three epidemics of smallpox," "leprosy," and "hideous immoralities," which included the importation of thousands of prostitutes." American labor could not compete with men who could "live on a dead rat and a few handfuls of rice, who can work for ten cents a day." Senator La Fayette Grover (D- OR) made much the same arguments, but when asked if the Chinese might be welcomed in other parts of the country, he responded no, because wherever they go, "property depreciates, …Christian churches are turned into heathen temples,…men of science [,] men of professions [,] the happy families are gone…leaving a once living village now dead."[4] For West Coast senators, ridding their home states of Chinese was not enough; the Chinese needed to leave the country, never to return. This required enforcement which would begin in 1882 with the Customs Service and evolve over the following decades, eventually leading to the line riders along the border with Mexico.

Senators opposing Chinese immigration dominated congressional meetings but eventually dissenting voices were heard. One of the most powerful was Senator Stanley Matthews (R- OH). Matthews believed that the Fifteen Passenger bill was too extraordinary, so much so that Congress would never consider passing it if it involved a western nation. He acknowledged that Congress had the power to abrogate the Burlingame Treaty, but questioned whether it was justified. Had the Chinese government done something egregious enough to violate the treaty? If so, it should be renegotiated. Matthews denied that an influx of Chinese would degrade the country, as he "thought American civilization was a robuster child than that." He believed that the strength of the country would be absorbed by incoming immigrants, "conveying nutrient and health and strength to every limb and part of our economy." Last, he warned the Senate of the dangers of pursuing political goals based on racial division as they

[4] 8 *Congressional Record* 1265, 1266, 1269 (1879).

"should be very careful how we endanger the peace and security of our age by courting the essential conflict of antagonistic races."[5] With that, the Senate adjourned. But if any moment defined the future of Chinese exclusion it is what happened next. Senator James G. Blaine (R-ME) joined the fray.

For the most part, the Fifteen Passenger Bill received bipartisan support. The division was more sectional than party oriented. Congressmen from the West Coast supported banning Chinese immigration, East Coast Congressmen were against it, and those in the middle of the United States took a side according to their own beliefs and political goals. But when James Blaine cast his lot with the anti- Chinese faction, the contentious issue took on a whole new dimension. Blaine was one of the most well-known and respected politicians in the United States at the time, known as the "Magnetic Man" due to his strong personality and warm character.[6] Yet behind that façade was a man driven by one goal, a goal that eluded him his entire life: becoming president of the United States. Not everyone trusted him. James Garfield did not. *The New York Times* considered him a "scoundrel." Even so, no one questioned his abilities, his determination, or his political acumen. Like politicians before and after him, Blaine was looking for a cause that would propel him to the White House. As Andrew Gyory put it, "James Blaine would have sold his soul to be president, but as that was not possible, he sold out the Chinese instead.[7]

On Valentine's Day, 1879, the disagreement over Chinese immigration would become a national issue. The first senator to support the Fifteen Passenger Bill was James Blaine. Up until that point, Americans saw anti- Chinese immigration as primarily a West Coast issue, with supporters of Chinese immigration claiming that it was the result of labor and "Irish hooligan

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[5] 8 *Congressional Record*. 1275 (1879).
[6] Kenneth D. Ackerman, *Dark Horse: The Surprise Election and Political Murder of President James A. Garfield* (Falls Church, VA: Viral History Press, LLC, 2011), 7.
[7] Gyory*, Closing the Gate,* 137.

(referring to Dennis Kearney)" agitation. But Blaine sensed that it was a topic that he could use to rally support for himself. The day before Blaine spoke, Senator Stanley Mathews (R- OH) had claimed that the Chinese had honored the Burlingame Treaty and had given the U.S. no reason to abrogate it. Blaine disagreed, accusing the Chinese government of colluding with the Chinese Six Companies to violate the labor arrangements of the Burlingame Treaty.[8] Blaine also introduced a new argument, one overtly racist. He claimed that the United States should not allow the entry of any people "whom we ourselves declare are utterly unfit to become citizens." Blaine boldly declared that he was against Chinese immigration and against making them citizens as the country could not allow the creation of a non-voting class. This would become a dominant argument over the next decades. Differences of opinion shifted from treaties and the threat to American labor to the very soul of the country, citizenship, even as a post Reconstruction United States was wrestling with ideas regarding the definition of citizenship and the relationship between citizens and the federal government. Senator John H. Mitchell (R-OR) would add to this that opposition to Chinese immigration was non- partisan in the Pacific region.[9] With Blaine assuming the mantle of anti- Chinese immigration, however, the issue would begin to spread throughout the country. Anti- Chinese sentiment could no longer be written off as a regional issue pushed by western demagogues. Blaine made it a nationwide issue. For the first time, a nationally respected politician, a presidential aspirant, threw the full weight of his support behind banning Chinese immigration.

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[8] 8 *Congressional Record* 1299 (1879). The Chinese Six Companies (later known as the Chinese Benevolent Association of America) were district associations of San Francisco. They were the ultimate authority for Chinese in San Francisco, arising out of a need for order for Chinese society and businesses. See Iris Chang, *The Chinese in America: A Narrative History* (New York: Penguin Books, 2003), 78-80.

[9] 8 *Congressional Record* 1300, 1301, 1303 (1879).

There *was* opposition to the bill, some of it significant. Senator Hannibal Hamlin (R-ME) believed that if Chinese had been given access to naturalization, and eventually the vote, the question of Chinese immigration would not be an issue. Hamlin believed that the Chinese could be absorbed into American society. If they were treated "with common humanity" they would assimilate. Hamlin was not entirely altruistic in his opposition to banning Chinese immigrants. He had, in fact, voted against naturalization for the Chinese in 1870. He claimed that he had voted against it because he believed that it was not the right time to offer a path to citizenship for the Chinese, but in the following nine years he did not bring it up again. He also asked why the country should so detest the Chinese when all immigrants offered something to despise. He admitted that the Chinese had significant shortcomings, but he would not vote for immigration restriction unless they became an imminent threat.[10] He would "vote against [the Fifteen Passenger Bill] and [he would] leave that vote the last legacy to [his] children that they may esteem it the brightest act of [his] life." On February 16, 1879, the Senate passed the Fifteen Passenger bill with 39 yeas, 27 nays, and 9 absentees. On March 1, 1879, President Rutherford B. Hayes vetoed the bill, believing that the Chinese threat was in no way significant enough to abrogate the Burlingame Treaty.[11] Congress failed to gather the two-thirds needed to override the veto, but the fight was far from over. Anti- Chinese immigration supporters would achieve a major victory in just a few more years.

The Chinese exclusion controversy had long moved past the needs of California labor. It had become centered on the Chinese threat to American culture, which had far broader appeal. The Fifteen Passenger Bill failed to become law, but it had convinced many Eastern and Midwestern politicians that Chinese exclusion was a viable political platform that they could use

[10] Gyory, *Closing the Gate,* 153.
[11] 8 *Congressional Record* 1387, 2276 (1879).

to their advantage. James Blaine had opened that door and many more politicians, not just western Democrats, would walk through. By 1880, both parties had adopted an anti- Chinese immigration platform. The 1880 Democratic platform for instance, declared support for "No more Chinese immigration, except for travel, education, and foreign commerce, and that even carefully guarded."[12] The Republican Party, for its part, affirmed its belief that "[s]ince the authority to regulate immigration and intercourse between the United States and foreign nations rests with the Congress of the United States and the treaty-making power, the Republican party, regarding the unrestricted immigration of the Chinese as a matter of grave concernment under the exercise of both these powers, would limit and restrict that immigration by the enactment of such just, humane and reasonable laws and treaties as will produce that result."[13] With those beliefs firmly in place, in February 1882, the Senate began debating S. 71, which would exclude Chinese immigration for twenty years.

James B. Angell had negotiated with China for amendments to the Burlingame Treaty that would allow the U. S. to restrict, though not exclude, Chinese immigration. After Senator John F. Miller (R-CA) introduced S. 71, it was referred to the Senate Committee on Foreign relations, which ordered a substitute amendment.[14] The debate over the twenty-year exclusion bill continued much like arguments regarding the Fifteen Passenger bill, but with a slight, yet discernible, shift to a broader bipartisan acceptance of exclusion as the path forward. The Western senators argued that the Chinese were a threat to the American way of life, especially American laborers, through their barely human ability to work for next to nothing and subsist

[12] Democratic Party Platforms: "1880 Democratic Party Platform," June 22, 1880.
[13] Republican Party Platforms: "Republican Party Platform of 1880," June 2, 1880.
[14] A substitute amendment to a bill removes the entire text, substituting alternative language. In this case, the language was intended to bring the bill into closer alignment with the newly negotiated Angell Treaty. See 13 *Congressional Record* 1481 (1882).

"on the refuse of other men."[15] Those against restriction (primarily Northeastern senators) claimed that the attempt to exclude the Chinese was simply race discrimination, which considerably damaged the country in the past, leaving "its hideous and ineradicable stains on our history in crimes committed by every generation. The Negro, the Irishman, and the Indian have in turn been victims here…"[16] After eight days of verbal sparring the Senate passed S. 71. While nine Democrats had dissented with the Fifteen Passenger bill, this time only one Democrat voted nay. The Democrats were even more deeply entrenched in exclusion than they had been with Fifteen Passenger Bill. Southern Democrats overwhelmingly supported S. 71. Senator James Z. George (D- MS) offered the best example of why Southern Democrats were so strongly anti-Chinese. George was an ex- Confederate who had succeeded Senator Blanche Bruce (R-MS), the first African American senator to serve a full term. George supported exclusion in order to "fully redeem…the white people of the South." He supported "the white people of the Pacific States by [his] vote to protect them against a degrading and destructive association with the inferior race now threatening to overrun them."[17] For George, Chinese exclusion was a way to prevent the great wrong perpetrated on the South from reoccurring in the West. George implied that the Chinese were a threat to the white democracy of the West in much the same way that Southern Redeemers viewed freed blacks. Allowing Chinese to become citizens and to participate in the political system would lead to the utter devastation of the West.

The debate over S. 71 in the House featured much the same arguments and divisions as those in the Senate and the entrenchment exhibited in the Senate was even more evident. The vote for the final passage of the bill was 167 in favor, 66 opposed, and 59 not voting. Only *four*

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[15] 13 *Congressional Record* 1484 (1882) [Statement of Senator John Miller (R- CA)].
[16] 13 *Congressional Record* 1516 (1882) [Statement of Senator George F. Hoar (R-MA)].
[17] 13 *Congressional Record* 1638 (1882).

Democrats voted against it. The house had not amended the Senate bill, so it was forwarded to President Chester Arthur to consider. Arthur vetoed the bill. In his veto message, Arthur did not necessarily have a problem with treating Chinese immigration differently than European immigration as he agreed that the presence of so many Chinese laborers "affect[ed] our interests and endangers good order throughout the country." His primary objection was that he believed the bill violated assurances the Angell Treaty negotiators had given the Chinese government. The Chinese had asked for limitations on the U.S. ability to regulate, restrict, or suspend Chinese immigration. The U.S. negotiators had rejected limitations but had assured China that the right to restrict might never be exercised, and then only in response to specific circumstances and specific areas. The Chinese government agreed.[18] Now, Congress was proposing a sweeping twenty-year ban that Arthur believed violated the spirit of the Angell Treaty. With that, the bill went back to the Senate, where it originated. With few changes besides a reduction from twenty years to ten years, on May 6, 1882, Chester Arthur, ignoring his other objections, signed H.R. 5804, as amended by the Senate, into law. It would become popularly known as the Chinese Exclusion Act. Congress would return to Chinese immigration in the next decade, including the Scott Act (which prevented Chinese who had left the U.S. from returning) in 1888, but there would be no serious discussion until the ten-year ban of H.R. 5804 was set to expire. The Geary Act of 1892 would take on a character all its own.

The language that dominated the discourse over the Geary Bill was very similar to the language in the fights over the Fifteen Passenger Bill and Chinese Exclusion Act. What would change, though, was that many Congressmen would learn that their racism had limits. Restricting Chinese laborers from immigrating, in the guise of protecting American labor and white society

[18] 13 *Congressional Record* 2251, 2252 (1882).

was one thing. Banning all Chinese, abrogating treaties, and denying habeas corpus were all far more than many Congressmen were willing to do.

With each reiteration of the Chinese Exclusion immigration control became tighter, eventually leading to the need for a police force along the border as well as the ports. The Geary Act would show that Chinese exclusion was far more than rhetoric; exclusion required action and enforcement. On Monday, April 4, 1892, Representative Thomas J. Geary (D- CA) moved to have the House consider H.R. 6185, a bill that would prohibit any Chinese persons at all from coming to the United States. Up until this point support for prohibiting Chinese immigration was bipartisan as most Congressmen could justify the law as more restrictive than exclusionary.[19] Many could argue that the goal was simply to slow down what they believed was a growing problem while they carefully considered what to do. But Thomas Geary believed he *knew* what to do: simply stop Chinese immigration altogether. Immediately, though, there was controversy over Section 14 of the bill, which abrogated all existing treaties with China.[20] Rep. Charles Hooker (D- MS) was upset that debate over the bill was limited to thirty minutes because of suspension procedures.[21] He believed that the implications were far too serious for half an hour's discussion. Over a few objections, suspension procedures stayed intact, and each side was given fifteen minutes. Geary did not need that long. His intentions were clear: "Mr. Speaker, the bill is intended to prevent the coming of Chinese into the United States." Geary claimed that in the ten years since Chinese exclusion had become law, 60,000 Chinese had entered the U.S. through San

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[19] For more on "restriction" versus "exclusion," see Beth Lew- Williams, "Before Restriction Became Exclusion," *Pacific Historical Review* 83, no. 1 (2014): 24-56.
[20] 23 *Congressional Record* 2911 (1892).
[21] Suspension procedures, which shortens the voting process by eliminating certain steps, can be invoked by the Speaker in order to speed up the debate. The intent is to deal with noncontroversial issues quickly. It appears that Geary underestimated resistance. See https://www.conginst.org/112th-congress-house-floor-procedures-manual/viii-suspension-of-the-rules/

Francisco and the Canadian border (he did not mention the Mexican border). H.R. 6185 was intended to fix that.

Rep. Hooker pointed out the bill's most egregious features. First, it banned all Chinese from immigrating to the country for any purpose except the Chinese plenipotentiary and his retinue. Second, it required all Chinese who were already in the country to pay a fee to an internal revenue officer to be registered as a Chinese subject. Third, it abrogated all treaties with China, but most shocking, the bill would suspend the writ of habeas corpus and deny bail for any accused of violating the law. According to Hooker, China had honored every treaty it had signed with the U.S. A hostile response was not only uncalled for, but simply wrong. Rep. Robert R. Hitt (R- IL) called the bill barbaric, noting "This savage exclusion and extreme punishment of all strangers is a revival of the darkest features of the darkest ages in the history of man." Geary countered that China had violated the spirit of the Angell Treaty by insisting that it wanted to keep its laborers at home while simultaneously sending an increasing number to the U.S. Geary also positioned himself as the great white hope of the American working man. He was "prepared to abrogate every…treaty [with China], to violate every such law [habeas corpus], if in doing so I may bring protection to one single laborer in my own land."[22]After a brief and heated debate, the House passed the Geary Bill on April 4, 1892.

On April 21, 1892, the Senate began to deliberate the Geary Bill. Supporters were anxious to get it passed as the original act was due to expire in May. Senator Joseph Dolph (R-OR) warned Congress that he had read in a New York newspaper "that there were 2000 Chinese in British Columbia along the line waiting for the opportunity to come to the United States after the 6th of May [when the act would expire]." The Senate version of the bill also had new

[22] 23 *Congressional Record* 2913, 2914, 2915 (1892).

language substituted by the Senate that included four sections. Section one extended exclusion for ten more years, until 1902. Section two provided for the deportation of anyone of Chinese descent to China, unless they could prove they were from another country, in which case they would be deported there. Section three assumed deportation for any Chinese arrested unless they could prove their lawful right to be in the United States through required residency certificates. Section four provided that a Chinese person arrested twice would be sentenced to prison for a maximum of six months, then deported. The bill did, however, leave out language that abrogated treaties or denied habeas corpus. Dolph was a practical man. He told Congress that while the bill might not be stringent enough, they should focus on a bill that they could pass without delay.[23] Still, it was far stricter than the original Chinese Exclusion Act.

Chairman John Sherman (R- OH) of the Senate Committee on Foreign Relations was the first to offer objections to the bill. Sherman believed that the Chinese population would naturally decrease as "[t]he natural instinct of the Chinaman is to go home to die." Next, he believed that the bill was far too inclusive, that banning anyone other than laborers was excessive. He also wondered why, if all Chinese people were banned, would China bother sending diplomats, the only Chinese people who would be allowed in the U.S.? The Geary Bill was tantamount to breaking off diplomatic ties with China.[24] The bill added other difficulties for the Chinese. Chinese immigrants who claimed they were native born would need at least one credible white witness.[25] All Chinese immigrants already in the country were required to get residence certificates. The Geary Bill as it was finally passed into law on May 4, 1892, pleased very few Congressmen. For some, it was not strict enough. For others, it was far too strict. The Geary Act

[23] 23 Cong. Rec. 3477 (1892).
[24] 23 Cong. Rec. 3481, 3482, 3483 (1892).
[25] 23 Cong. Rec. 3610 (1892).

also engendered much more resistance than the original Chinese Exclusion Act.[26] Even so, it controlled Chinese immigration more than ever before.[27] Although it allowed Chinese laborers to travel back to China and return it was essentially more restrictive. But Congressmen were not the only ones debating Chinese exclusion. The issue and all of its significance would quickly capture the imaginations of Americans all across the country.

[26] For a fuller explanation of resistance to the Geary Act, see Kelly Lytle Hernández, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771-1965* (Chapel Hill: The University of North Carolina Press, 2017), 81-82.
[27] See the Act to Prohibit the Coming of Chinese Persons into the United States of May 1892 (27 Stat. 25).

# Chapter One: The Imaginary Threat of the Chinese and the World of the Line Riders

For the first century of the Republic's existence, no one guarded the borders. No one checked to see if immigrants met legal requirements to enter the country. Some people tried to prevent the entry of certain undesirable groups, but federally, the borders were open. In the second century of the Republic's existence, however, citizens and politicians saw borders as vulnerable. To protect spaces that now needed defending, in 1894 border guards with the Bureau of Immigration were placed along the U.S. border with Mexico. Their nickname, line riders, came from their very activities: they rode the national line, preventing illegal entry. They did not just appear, however. It took twelve years and two legislative acts to create and define the need for securing the border. And while the guards were placed along the Mexican border, Mexicans had nothing to do with their presence. Line riders grew out of a racist, paranoid federal law, designed to protect the country from an imaginary threat. Line riders were the enforcement arm of the Chinese Exclusion Act of 1882, although Congress did not create or fund actual enforcement of the law until 1894. How men who took these jobs because they needed work became America's Southern gatekeepers requires understanding a desperate need to protect the country from a danger that never actually existed.

Historians have tended to separate nativism and Chinese Exclusion. To some degree that is understandable. Nativism was primarily an East Coast phenomenon and the Chinese were almost all located on the West Coast. This approach can be shortsighted. Andrew Gyory has pointed out that East Coast politicians used Chinese immigration as a political tool, especially in attempts to court the West.[1] When East Coast leaders decided to set up Chinese immigrants as

[1] Andrew Gyory, *Closing the Gate: Race, Politics, and the Chinese Exclusion Act* (Chapel Hill: University of North Carolina Press, 1998), 76.

strawmen, they used the rhetorical tools they had been developing for decades. Much of the rhetoric directed toward the Chinese could easily have been directed to the Irish, the Italians, or the Jews. In fact, members of those groups who were located in the West realized the power of nativist rhetoric and sometimes used it to deflect attention off of them and onto the Chinese; in California, for instance, Irish teamster Dennis Kearney successfully used nativist rhetoric against the Chinese. This overlap in language, goals, and activities meant that nativism and Chinese exclusion were two unequal sides of the same coin. While the Chinese had little effect on the nativists, the nativists had an almost immeasurable impact on the Chinese.

The Chinese Exclusion Era of the United States was, at the very least, a bewildering period. The Chinese population never grew to a sizable amount, either before or after Congress legally excluded them from immigration, with their numbers peaking at almost 107, 500 in 1890 and the vast majority located on the West Coast.[2] Yet from 1882, when Congress passed the first Chinese Exclusion Act, through the early 1900s, anti-Chinese sentiment in the United States grew to such an extent that an outsider would have believed that the country was on the verge of a full-scale invasion. How that came to be is both simple and incomprehensible. The simple answer is racism. Many Americans feared and demonized the Chinese as not only being different but stubbornly refusing to assimilate. Matthew Frye Jacobson refers to this resentment as Americans "bristl[ing] at the general failure of the world's peoples [such as the Chinese] to adopt obediently the roles scripted for them by the nation's economic requirements…"[3] The matter is incomprehensible because the Chinese were never a threat to the United States. This chapter is not an attempt to explain racism, nor is it an exhaustive history of the anti- Chinese rhetoric.

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[2] Eleventh Census of the United States- 1890; Census Reports Volume I- Population Part I, 474.
[3] Matthew Fry Jacobson, *Barbarian Virtues: The United States Encounters Foreign Peoples at Home and Abroad, 1876- 1917* (New York: Hill and Wang, 2001), 5.

Rather, it is an attempt to describe the trajectory of anti-Chinese sentiment, especially as it played out in magazines, newspapers, periodicals, and congressional and government publications. Fear of the Chinese began with miners and labor leaders in California during the California Gold Rush. By the end of the nineteenth century, nativism was a powerful force on the East Coast.[4] When the fears of West Coast labor met the fears of East Coast politicians, Chinese immigrants were crushed under foot, leading to the eventual creation of the Bureau of Immigration, which fully bureaucratized the immigration process in the United States.

White Californians never considered Chinese immigrants as equals, even as laborers from China were arriving in California during the Gold rush. For white protestant men, California was a place of promise, a place where riches could be discovered, and dreams could be achieved. For nonwhites, California was a place that offered escape from crushing poverty, a place to eke out a living, primarily serving the adventure and treasure seeking white men. Chinese in particular suffered during the Gold Rush, even as they did the manual labor that was avoided by whites. California was never an even playing field, where everyone had the opportunity to start over. White Californians and white new arrivals kept the Chinese to underclass status, never allowing them to be economic rivals.[5] But even that was not enough. When the Gold Rush ended, California whites moved to push out the Chinese.

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[4] Lucy E. Salyer, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (Chapel Hill: University of North Carolina Press, 1995), 121. Also see Dale T. Knobel, *America for the Americans: The Nativist Movement in the United States* (New York: Twayne Publishers, 1996); David Harry Bennett, *The Party of Fear: From Nativist Movements to the New Right in American History* (New York: Vintage Books, 1995); John Higham, *Strangers in the Land; Patterns of American Nativism, 1860- 1925* (New Brunswick, N.J.: Rutgers University Press, 1955); and Peter Schrag, *Not Fit for our Society: Nativism and Immigration* (Berkeley: University of California Press, 2010).

[5] For more on the early treatment of Chinese immigrants by white Californians, see Iris Chang, *The Chinese in America: A Narrative History*, (New York, NY, U.S.A.: Penguin Books, 2003); Bennet Bronson, and Chuimei Ho. *Coming Home in Gold Brocade: Chinese in Early Northwest America*. (Seattle, WA: Chinese in Northwest American Research Committee, 2015); Ryan Dearinger, *The Filth of Progress: Immigrants, Americans, and the Building of Canals and Railroads in the West*, (Berkeley: University of California Press, 2016). Alexander Saxton, *The Indispensable Enemy: Labor and the Anti-Chinese Movement in California* (Berkeley: University of Califiifornia Press, 1995).

One of the earliest references to fear of the Chinese in California on a governmental level is the *Minority Reports of the Committee on Mines and Mining Interests* from March 10, 1856. The report protested a proposal to reduce the special tax on Chinese miners by one third. The committee concluded that "the working men of California" needed the tax as it was because "[t]hey believe that [it] *encourage[s] the Chinese to gradually leave the State*." [Italics in the original.] Anticipating legislation to come, the committee went on to say that they wanted "the Legislature to enact a law which would more effectually rid the State of the disgusting presence of the Chinese…"[6] Typical of anti-Chinese rhetoric in the years leading to the first Chinese Exclusion Act, the report overestimated the numbers of Chinese in California, as well as the numbers likely to immigrate there. This became a common theme for supporters of Chinese exclusion. Exclusionists often described Chinese as a "horde," soon to be arriving on American shores in the millions.

Chinese in the U.S. west endured waves of physical violence, especially before 1882. Armed white men murdered and set on fire Chinese men in Chico, California in 1877; roaming vigilantes often attacked Chinatown in San Francisco; there were also riots in Los Angeles in 1871; Denver in 1880; and, after the passage of the 1882 Chinese Exclusion Act, Rock Springs, Wyoming in 1885, and near the Snake River in Oregon in 1887.[7] There was another war

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[6]James Allen, ed., *Minority Report of the Committee on Mines and Mining Interests* (Sacramento, California: California Government Printing Office, 1856), 4, 5.

[7] See Andrew Gyory, *Closing the Gate: Race, Politics, and the Chinese Exclusion Act* (Chapel Hill: University of North Carolina Press, 1998). For more on anti-Chinese violence also see Roger Daniels, *Guarding the Golden Door: American Immigration Policy and Immigrants since 1882* (New York: Hill and Wang, 2004); Erika Lee, *At America's Gates: Chinese Immigration During the Exclusion Era, 1882-1943* (Chapel Hill: University of North Carolina Press, 2003); Roger Daniels, ed. *Anti- Chinese Violence in North America* (New York: Arno Press, 1978); Liping Zhu, *The Road to Chinese Exclusion: The Denver Riot, 1880 Election, and the Rise of the West* (Lawrence, Kansas: University Press of Kansas Press, 2013). The 1871 and 1885 massacres were especially brutal. In Los Angeles there were 17 dead; in Wyoming 28 dead and 70 homes were burned. For more on the Los Angeles riot, see Scott Zesch, "Chinese Los Angeles in 1870-1871: The Makings of a Massacre." *Southern California Quarterly*, Summer, 90, no. 2 (2008): 109-58.

involving Chinese, however, that did not involve physical violence. It was a rhetorical war. For decades after the Chinese had shown themselves as non-threatening, especially to the East Coast and the Midwest, arguments over Chinese exclusion raged. The federal government continued to issue documents describing the dire threat of the Chinese "hordes," while magazines regularly published articles regarding the un-Christian and un-Constitutional exclusion of the Chinese and, less frequently, reasons why the Act should be extended. Newspapers, while periodically chiming in on the exclusion question, occasionally offered arguments either way in editorials, but mostly focused on congressional debate and activities along the borders and in the ports. Beginning with their arrival in California during the Gold Rush, Chinese immigrants' relationship with Americans was largely one of words as restrictions sharpened into exclusion.[8] From the Burlingame Treaty of 1868 through each of the Chinese Exclusion Acts and their many iterations, words dominated the world of Chinese immigrants, through editorials, treaties, and especially legislation.

By the end of the nineteenth century Congress had passed so many laws regarding Chinese immigration that Chinese inspectors (with the Customs Service) and Immigrant Inspectors (with the Bureau of Immigration) were having a hard time keeping them straight. As a result, in 1899 the Treasury Department issued all inspectors the *Digest of "Chinese Exclusion" Laws and Decisions*. Compiled by Chapman W. Maupin of the Office of the Solicitor of the Treasury, the *Digest* traced out the history of Chinese Exclusion legislation as of 1899. It began with the Treaty of November 17, 1880 which allowed Chinese "teachers, students, merchants, or

[8] Beth Lew-Williams posits the argument that word choice made a significant difference in 1882 as contemporaries referred to the Chinese Exclusion Act as the "Chinese Restriction Act" in an attempt to retain diplomatic ties with China. Only after restriction failed and China gave in to exclusion did the United States enact Chinese *Exclusion* in 1888. See Lew-Williams, Beth. "Before Restriction Became Exclusion." *Pacific Historical Review* 83, no. 1 (2014): 24-56.

[the] curious" full rights to travel the country as "subjects of the most favored nation." The Act *did* bar laborers. The treaty became law with the Chinese Exclusion Act of May 6, 1882, which disallowed all laborers for ten years, detailed the penalties of violating the act, and required complicated paperwork from those who were still allowed in the U.S.[9] 1892 saw the passage of the Geary Act, which was an extension of the original Act for another ten years, adding more restrictions and making the travel of those still allowed (merchants, teachers, tourists, etc.) even more complicated.[10]

What kept confusing the inspectors were the bewildering acts and laws that simply restated the previous acts, often including only one or two significant changes. There was the Act of July 5, 1884; that of September 13, 1888; another dated October 1, 1889; the Act of November 3, 1893; as well as forty pages of judicial and executive decisions specifically regarding Chinese Exclusion.[11] In 1902 inspectors received an updated *Digest*, this time with the Act of June 6, 1900 included and a simplified list of regulations, such as "Classes of Chinese Admitted to the United States," "Chinese of Exempt Class," and how the process of moving back and forth, both within the United States and between the U.S. and China, worked.[12] Simply put, the United States Congress passed Chinese Exclusion Acts in 1882, 1888, 1892, 1902, (when the Scott Act made Chinese exclusion indefinite, then permanent in 1904), and kept tweaking it countless times in between. Critics of Chinese immigration were constantly justifying the need for all of those laws.

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[9] Chapman W Maupin, *Digest of "Chinese Exclusion" Laws and Decisions* (Washington: Government Printing Office, 1899), 3, 7.
[10] Exclusion would have made the issue much simpler. Beth Lew-Williams argues that "exclusion" was seen primarily at the time as "restriction" until 188. The numbers allowed into the U.S. through the borders and ports, as well as the actions of the line riders appear to bear this out. Lew- Williams. 24-56
[11] See the *Digest of Laws*.
[12] See Mr. Foraker, *A Compilation of the Laws, Treaty, and Regulations and Rulings of the Treasury Department Relating to the Exclusion of Chinese* (Washington: Government Printing Office, 1902).

When those opposed to Chinese immigration either ran out of inflammatory things to say or wished to avoid confrontational language for political reasons, they often cited statistics in an effort to prove that endless waves of Chinese would eventually suffocate the nation, especially in the earlier debates. This was one of the most prevalent examples of anti- Chinese reasoning. Supporters of exclusion tried very hard to put their objections within a practical context in which they claimed that they had no problem with Chinese people in general but were concerned about the "disastrous" affect their presence would have on labor and the economy. The *Minority Reports* expressed the fear that the continued presence of Chinese would have a negative impact on the California economy. While a dislike for the Chinese as a race was present, (they are, after all, referred to as "disgusting") it was not the stated primary factor in the committee's desire to remove the Chinese presence; rather, it was the fear of the *result* of their presence. Regardless of the end excuse, however, exclusion was always racist. Even so, California political and labor leaders used this strategy beginning in the 1850s, pushing for and passing increasingly restrictive laws; but they suffered a setback in 1880.

*In re: Tiburcio Parrott* tested the anti-Chinese laws in California. In 1880, section nineteen of the recently adopted California constitution specifically prohibited any employment of the "Chinese or Mongolian." It also gave the state legislature the ability to pass laws to restrict the hiring of the Chinese. Irish teamster Dennis Kearney was a leading force behind the creation of a criminal statute making the hiring of the Chinese a misdemeanor. The president of a silver mining company, however, believed the law was unconstitutional. Tiburcio Parrot had very different priorities than an Irish American labor leader. Parrot needed workers, ones he could trust and that knew his mine. He had come to value the Chinese as employees and was willing to ignore a law that would clearly do damage to his business. Kearney, on the other hand, saw

Chinese laborers as a threat to white laborers. Tiburcio Parrot refused to fire his Chinese employees, resulting in his arrest. He petitioned the U.S. district court for a writ of habeas corpus, which was granted. The two district judges, Ogden Hoffman and Lorenso Sawyer determined that the law was unconstitutional as it was not only inconsistent with the 1868 Treaty of Burlingame, it also violated Article VI of the U.S. Constitution. The judges also determined that only the United States could make treaties with China and only those treaties could determine how Chinese were treated in the U.S., including California.

The Burlingame treaty stated that "Chinese subjects residing in the United Sates shall enjoy the same privileges, immunities, and exemptions in respect to travel and residence" as any other citizen or subject of a "most favored nation" (16 Stat. 740). The judges wrote that any law in California that conflicted with the Burlingame Treaty was void, thus voiding the California law that criminalized the hiring of Chinese.[13] The decision was very clear and effectively put an end to Chinese exclusion law in the state of California. This was a major victory for the Chinese in California, but it had two significant unintended consequences. First, it led the California government to pass even stricter laws against the Chinese while avoiding criminalizing the hiring of them, the only issue in the Parrot case. Second, it caused California leaders to push even harder for a national level exclusion law. *In re Tiburcio Parrott* was one of the sparks that lit the national Chinese Exclusion fire.

Opponents of the Chinese Exclusion Act were well aware of its origins. *The Christian Union* wondered "[w]hy the ignorant prejudice of the San Francisco hoodlum [Kearney] should have gained such momentum at this time." The newspaper pointed out that immigration to California by the Chinese had actually been declining in the years leading to the Act. When the

[13] *In re Tiburcio Parrott*, on habeas corpus. Circuit Court D. California, March 1880.

*Union* published the article (March 1882) the Act had not yet been passed. The author also noted that "[t]here have been alarmists who have predicted disaster, but the nation has survived tides of emigration…" The author made clear, however, that the reason for continuing the flow of Chinese immigrants was that they were important for church mission work, adding that restricting the flow of Asians to the U.S. would "impede the progress of civilization and the spread of Christianity."[14] Still, his question was significant: why was the United States government reacting so harshly when immigration had been such a beneficial part of American history for so long? Why were the Chinese so terrifying? A letter to the editor of *The Washington Post* put the problem in perspective using demography. The author noted that in 1882, according to the most recent census, the total population of Chinese in the states and territories was 106,000 while the population of the United States was 52,000,000. Foreign arrivals in the past year numbered 720,000. The general population had increased in the past year by thirteen million. That meant that the increase was "at a rate of 125 to each Mongolian in our country who number one to 500 of the entire people."[15] His message was clear: calm down, since the actual extent of the Chinese presence in the United States surely did not warrant the passage of such a restrictive law. These two articles reveal an important aspect regarding the relationship between the Chinese Exclusion Act and the media: those opposed to the Act were far more vocal in magazines and periodicals than those favoring the Act.

It would also appear that historian Andrew Gyory is right in suggesting that leaders in the East seemed to be acting on what they believed to be the wishes of their constituents with no real evidence that the country actually wanted Chinese exclusion.[16] In fact, a sizable portion of the

[14] "The Anti-Chinese Bill," *Christian Union*, March 23, 1882, 1.
[15] "The Chinese Bill," *The Washington Post*, Mar 7, 1882, 1.
[16] Gyory, *Closing the Gate*, 77.

country apparently did *not* want exclusion, or more likely, did not care one way or the other. In the early years of Chinese exclusion only Californians (and eventually the residents of Oregon and Washington state) wanted exclusion. The sentiment would slowly spread east, but Eastern citizens never really grabbed onto the idea like their western counterparts. Of course, gauging public sentiment through newspapers and magazines is problematic to say the least, but one does wonder if politicians actually read the magazines their constituents were reading. Even so, the Chinese Exclusion Act had bipartisan congressional support. Although some Congressmen did oppose exclusion, they lost virtually every debate. As a result, Chinese exclusion found a fairly smooth path through Congress and the courts.

For most of the 1880s inspectors in the ports and along the borders quietly enforced the new law. Before 1892, virtually all immigrants arrived via seaports on both coasts. Immigrant inspectors were midlevel bureaucrats who judged whether or not incoming immigrants were eligible for entry. It was a fairly simple process. Chinese immigration either subsided or held steady but there was no significant increase for decades.[17] Not surprisingly, the interest of the nation also seemed to wax and wane, depending on whether exclusion laws were close to expiring or not. Periodically a story would surface, such as Thomas Magee's "China's Menace to the World" in *Forum* in 1890. Magee explained that China was essentially a nation of drones, who worked nonstop, while Americans and Europeans were too dependent on leisure. He added that China could "at once seize the Sandwich and the Philippine Islands" if not for the restraining hands of the "civilized powers." The Chinese were quietly biding their time, waiting for the West to lower its guard. To ignore that threat was to imperil the entire civilized world.[18] As the initial

[17] http://bancroft.berkeley.edu/collections/chinese-immigration-to-the-united-states-1884-1944/timeline.html
[18]Thomas Magee, "China's Menace to the World," *Forum*, Oct 1890, 1

ten years of the Act came to an end, some writers argued that the measure had not been effective enough.

Argument regarding the dangers of unchecked Chinese immigration were remarkably similar to those arguments in the South regarding the unchecked freedom of African Americans. While white Southerners expressed fear that free blacks would take over the South, proponents of Chinese exclusion feared that a Chinese wave, beginning in the West would eventually overcome the country. The idea of the line riders was being planted as unlike African Americans in the South, who were already in the country they had long called home, the Chinese could come from anywhere. E. W. Gilliam represented that fear through numbers, writing that the Chinese were essentially everywhere, in great numbers. Singapore, for instance, had seen its Chinese immigrant community grow from 100,000 in 1882 to 150,000 in 1883; "Chili" [sic] and Peru had seen 200,000 Chinese arrive since 1860; 130,000 resided in Cuba; 50,000 lived in Australia; and three times that number were in the U.S. with 30,000 in San Francisco alone, where they were "one-seventh of the population and one-fourth of the laboring class." Gilliam's article warned that "we must exclude coalescence with whites, as resulting in race deterioration." He then made the blanket statement that "there is, indeed, little tendency…to assimilate with us [as b]lood union is apparently forbidden by natural laws." Instead, "we are to consider them a race apart, bringing over their women, establishing colonies, and introducing their civilization, as illustrated at 'Chinatown' in San Francisco." Gilliam's claim that Chinese would overwhelm the labor market with sheer numbers is a good example of pragmatic racism. By claiming that whites mixing with Chinese would lead to "race deterioration," he also indulges in ideological racism, which can be described as racism based on ideas alone with no actual evidence or realistic possible consequences. But, as Gilliam wrote, "[t]he California feeling is spreading. Those who

know China, know her friendship should be cherished; nevertheless, we must be self-protecting. Traditions to the winds, that do not make America first of all for Americans!"[19] This "America first" ideology only grew stronger as the original Chinese Exclusion Act approached expiration.

So why did the second Chinese Exclusion Act pass if an actual Chinese threat never materialized between 1882 and 1892? The simple answer is twofold: there was a general belief by Congress that the first Act had been ineffective (after all, there were still Chinese in the United States) and there was a growing public fear of China in general. As for the belief that the Act was not as effective as desired, on March 2, 1891 the House of Representatives issued a 598-page report on Chinese immigration. The report was a routine one, offered to Congress every year and complied by the Select Committee on Immigration and Naturalization, but this one was different. For the first time, the border of Mexico was mentioned as a possible problem. One can almost see the looks of horror on the faces of the representatives as they read it. First, the committee admitted that since the Act of 1882 the number of Chinese in the country had decreased "although not as rapidly as in the opinion of your committee is desirable, on account of the difficulty encountered by our officials in executing the law."

Possibly the biggest surprise the committee revealed was "that quite a number of Chinamen came into this country from Mexico." According to the report, the Chinese would sail to the U.S., claim that they were actually going to Mexico and then board a ship headed in that direction. From there, they would make their way to the United States by land. Once across the border, the courts could not tell the difference between Chinese who had immigrated illegally and those who were legal residents. The committee did say that only about five hundred Chinese crossed the border that way, so they did not see it as a significant issue. Later years would prove

[19] E.W. Gilliam, "Chinese Immigration," *The North American Review*, July 1886.

them wrong, although not necessarily because of Chinese immigrants. The committee was "satisfied that with increased public sentiment against them, the Chinese, *as a class*, are undesirable to have in this country, and that the officials should be required to execute the present laws with the utmost rigor." [Italics mine.] In other words, why bother telling the difference? Just keep them all out since it was what the American public wanted. The rest of the report consisted of page after page of oral testimony indicating that the Act was ineffective, the Chinese problem was getting worse, the borders were now more porous, Americans were angry, ad nauseum. The committee concluded that Chinese immigrants were so desperate to make a home in the United States that they were using all manner of tricks to cross the border, which the report did not specify. Reports coming from the inspectors, though revealed that falsified papers and disguising themselves as Mexican or Japanese were common methods of bypassing the inspectors. Only if the laws were "promptly and rigidly" enforced could the flood be stemmed.[20] This report contributed substantially to a guaranteed passage of the second Act as there is apparently nothing Congressmen enjoy as much as scaring themselves. It would also lead to the creation of two border stations along the Mexican border, one in Nogales, Arizona and one in El Paso, Texas in 1894.[21] For the first time, Congress became aware that seaports were not the only possible entrances into the United States. These two border stations would be the beginning of the future of the enforcement of immigration law, preparing the way for the line riders.

Much of the early anti- Chinese rhetoric was certainly harsh, but it was also dominated by the West Coast. As the twentieth century approached, however, more and more Eastern politicians were becoming strongly anti-Chinese, now with the added twist of claiming to

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[20] United States. Cong. House. Select Committee on Immigration and Naturalization. 51st Cong., 2nd sess. H. Rept. 4048. March 2, 1891, II, III, IV.
[21] Darrell Hevenor Smith, and Henry Guy Herring, *The Bureau of Immigration* (Baltimore: Johns Hopkins Press, 1924), 6.

support the needs of their Western counterparts. The rhetoric over this time softened as politicians began to imply that excluding the Chinese was simply the right thing to do. They tried to be more sensible. It was the rhetorical war that drove support for Chinese exclusion and as that war waged in the popular press, the anti-Chinese rhetoric throughout the United States grew even more virulent over the decades; over time the opposite seemed to happen in Congress. In the beginning, congressional rhetoric was inflammatory. On February 12, 1881, William Irwin, governor of California reported that on September 3, 1879, in a special election, the people had voted against Chinese immigration by a vote of 154,638 to 883. He also pointed out that it was the largest turnout for any election in the state's history.[22] From there, the debate among politicians on exclusion would flow as renewals of the act approached, and ebb at any other time. And the language congressmen used could be decidedly harsh, especially in the beginning.

On April 6, 1881, Democratic senator Thomas Bayard of Delaware reflected on his trip to California. He "remember[ed] the horror with which [Californians] held up to this approaching cloud of Mongolian invasion, that threatened to subsume the West Coast and by implication, the country."[23] Bayard was representative of the positions of many congressmen before the first exclusion act. Statements of concern on behalf of Californians was common; much less common were eastern, southern, and midwestern congressmen expressing the concerns of their *own* constituents. A common worry of many congressmen was that the act would not go far enough, and it would be too late for the West.[24] Support for California was also bipartisan. Even though Republican William Washburn began his speech to Congress by saying that most of the country had little interest in Chinese immigration, he went on to warn that the

[22] 11 Cong. Rec. 1495 (1881).
[23] 12 Cong. Rec. 215 (1881).
[24] 13 Cong. Rec. 1634 (1882).

Chinese were a significant threat to take over the West Coast, and thus, the United States.[25] A dire warning, indeed. If Washburn's constituents were not concerned about their own safety and future, he was there for them. Congress seemed to buy in to the West Coast rhetoric regarding the threat of the Chinese.

The warnings continued in the months leading to the Geary Act in 1892. Senator Wade Hampton III, a Democrat from South Carolina summed up the fears of exclusion supporters: "Imagine [the Chinese] dwelling [in California] in larger numbers than the white citizens of the State, armed with the ballot and clothed with all the rights of citizenship." The Chinese would go on to infiltrate every level of government, pushing out the helpless white man, and with no income of their own they would plunder California's treasury, forcing the state into unsurmountable debt, taking the property and wealth of the hardworking white man all while "inaugurating a carnival of corruption, of vice, and of crime, at which the world would stand aghast."[26] South Carolina, in 1890, had thirty- four Chinese people.[27] What it had more of, however, was black people. In the words of Wade Hampton, one can hear the ideology of the later Dunning School of Reconstruction historiography. Dunningite historians believed that freedmen were incapable of exercising any political responsibility and that inability had led to the failure of Reconstruction.[28] For Hampton, the dangers of freedom and the participation in the political process by nonwhites was clear: equality threatened white supremacy. Unsurprisingly, the Geary Act passed, with 186 yeas, 27 nays, and 115 not voting.[29] While the debate often got heated, few Congressmen offered serious opposition. The primary arguments were whether to

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[25] 13 Cong. Rec. 2162 (1882)
[26]22 Cong. Rec. 1419 (1891).
[27] Eleventh Census of the United States- 1890; Census Reports Volume I- Population Part I. 522
[28] For more, see Adam Fairclough, "Was the Grant of Black Suffrage a Political Error? Reconsidering the Views of John W. Burgess, William A. Dunning, and Eric Foner on Congressional Reconstruction," *Journal of The Historical Society* 12, no. 2 (2012): 155-88, x.
[29] 23 Cong. 3923 (1892).

exclude *all* Chinese or simply most of them, and whether to do so *all* of the time or most of the time.

Where the congressional rhetoric differed from the rhetoric in the popular media was that it actually became *less* angry and inflammatory by the discussions of the 1902 Scott Act. Historian Eric T.L. Love believes that race was not at the center of congressional ideologies because "no pragmatic politician or party would fix nonwhites at the center of its imperialist policies." In other words, subjugating people of color should be a benefit of imperialism, not its central tenet. They did not deserve that much thought. This would apply to Chinese exclusion as it was part of a larger plan to create "a racist social order."[30] Others were not so reluctant to focus on Chinese immigrants. The Congressional Record is filled with petitions and other public proclamations of support for Chinese Exclusion, mostly from labor unions. The Roscoe Council, No. 369, Order of United American Mechanics; the Garment Cutters and Trimmers of Philadelphia; and the Harmony Council, No. 53, Junior Order of United American Mechanics, also of Philadelphia, all supported the extension of the Chinese Exclusion Act, apparently to protect themselves from the 844 Chinese people living in the state of Pennsylvania in 1900.[31] For Congress, it appears that these petitions, and many, many more, were all that were necessary. And again, these were primarily coming from the East Coast, and often from unions. The nativist influence was revealing itself, through its ability to convince white people that the Chinese, who most Easterners had never even met, were a serious danger to white society, and that threat began in California.

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[30] Eric T.L. Love, *Race Over Empire: Racism and the U.S. Imperialism, 1865-1900* (Chapel Hill: The University of North Carolina Press, 2007), xxi, 15.
[31] 35 Cong. Rec. 109 (1902).

Even when sympathetic publications tried to weigh in, they often ended up doing some damage. One surprising early source, *The Youth's Companion* (1892), did not actually support the Act but brought up another concern regarding how the Act had failed. The magazine pointed out that many Chinese who were legally allowed to obtain American passports were selling them to those who were not allowed to immigrate to the United States. This was an inadvertent reminder, one that Congress would eventually take to heart, that even more steps in the immigration process were necessary. The article ended by stating that "the Chinese as a class are sober, industrious and thrifty."[32] But it is likely that the emphasis on selling of passports, rather than the Chinese work ethic, had the more lasting impact. The Second Chinese Exclusion Act, or the Geary Act, named after California Congressmen Thomas J. Geary, passed easily with bi-partisan support. It was quickly challenged in the courts but on May 15, 1893, after five days deliberation, the Supreme Court upheld the Geary Act in *Fong Yue Ting v. United States.*[33] A challenge to Chinese Exclusion failed at the highest legal level. There would be no serious challenge again until the Act was repealed in 1943. Of course, the 1890s saw the Economic Depression of 1893, which lasted until 1897, so as soon as the second Act was passed, the country moved on, dealing with the very real threats regarding the economy and not the imaginary threat of the Chinese.

By 1902, however, with the economy improving, politicians returned to Chinese exclusion. Anti-Chinese rhetoric began again, but this time it was different. The Act itself was different, too. This time it would be permanent. The 1890s, in regard to Chinese exclusion, continued much as the 1880s had with sporadic mentions of Chinese Exclusion, but politicians were mostly silent on the issue. After all, the Supreme Court had vindicated the Exclusion Act;

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[32] "Chinese Exclusion," *The Youth's Companion*, Jun 2, 1892.
[33] https://supreme.justia.com/cases/federal/us/149/698/case.html

supporters had no reason to fight and even if some politicians had disagreed in the first place, they had lost debates. The Geary Act, however, was also only for ten years, and 1902 was quickly approaching. Rather than extend exclusion for ten years, the Scott Act of 1902 extended exclusion indefinitely.[34] Clearly, politicians either saw the Chinese threat as more insidious and dangerous than ever, just wanted to be done with it, or some combination of the two. Exclusion supporters *outside* of Congress wanted to make sure that Americans truly understood the dangers. Anti-Chinese rhetoric became especially virulent with the new century because while the utility of Chinese exclusion had grown in popularity, the threat of the Chinese had still not materialized. A new tactic to bring all of America onboard was necessary.

Where previous rhetoric may have often contained misguided (or simply wrong) but basically sincere concerns regarding labor and the economy, the 1900s saw a rise in especially vicious, overtly racist, hate filled propaganda. Whereas in the mid to late-nineteenth century supporters of exclusion outside of California often offered backhanded admiration for the Chinese by commenting, for example, on their mindless, but solid work ethic or on their resourcefulness in skirting the law, by the twentieth century that rhetoric was mostly absent, with words such as "insidious," "degenerate," and "fiendish" dominating the discourse. Anti- Chinese rhetoric in the West had always been virulently racist, but by the 1900s, that virulence was spreading to the rest of the country. In the imagination of Chinese exclusion advocates, the Chinese had moved from pests to barely human monsters. Books, pamphlets and articles reflected that transition. But if the people of the United States needed a summary of everything

[34] See the Scott Act - extension of the Chinese Exclusion Act (An act to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent). Sess. I Chap. 641; 32 Stat. 176.57th Congress; April 29, 1902.

wrong with the Chinese and the absolute need for the Chinese Exclusion Act, labor leader Samuel Gompers was there to supply it.

Gompers lent his name to a pamphlet written by Herman Gutstadt and supplied to the U.S. Senate as document 137 in 1902. Gompers was the founder and president of the American Federation of Labor, an organization that supported immigration restriction as it believed that European immigration kept wages down. The AFL, did, however, believe in embracing black workers. What it emphatically did not embrace was Chinese labor. Restriction was one thing, but Gompers believed that the Chinese should be fully excluded.[35] Gutstadt wrote *Meat versus Rice: American Manhood against Asiatic Coolieism- Which Shall Survive*? to justify Chinese exclusion through fear. The title alone likely scared its readers. Gutstadt began by telling the reader that there was no way to tell how many Chinese were truly in the United States at any given time due to their "devious way." He also quoted a "well-known California physician" as saying "[t]hat an advancement with an incubus like the Chinese is like the growth of a child with a malignant tumor upon his back. At the time of manhood death comes of the malignity." Maybe the Chinese helped build the railroad but if we allowed them to stay, they would ruin American society. Gutstadt claimed that the Chinese "gradually invaded one [American] industry after another, until they not merely took the places of our girls as domestics and cooks, the laundry from our poorer women…but the places of the men and boys [as well]." The Chinese "will undersell his white competitor, and if uninterrupted will finally gain possession of the entire field." In other words, everything that made white America great, such as hard, manly work, fair play in business, and respect for fellow men was rejected by the Chinese. That was where the

[35] Alexander Saxton, *The Indispensable Enemy: Labor and the Anti-Chinese Movement in California* (Berkeley, University of Calif. Press, 1995), 271.

true threat lay. Gutstadt used congressional fears of the Chinese threat to white masculinity to goad them into action.

The rest of the book explains how the Chinese devastated the Philippines, how they undercut California workers, and how "Asiatic labor degrades as slave labor did."[36] Gone are even the backhanded compliments of the Chinese. For Gutstadt, the Chinese had no redeemable qualities, they were less than human, and they ought to be permanently, harshly excluded. It might be tempting to write this booklet off as simply the work of an alarmist crank, but it is important to remember that not only was the booklet printed for the United States Senate, Samuel Gompers had close ties to Terrence V. Powderly, former labor leader and then Commissioner General of Immigration. Gompers and Gutstadt not only had a powerful audience, they had equally powerful supporters.

Much anti- Chinese literature was aimed at the general public and greatly propagandistic. *Meat vs. Rice* was different as its targeted audience was men who actually had the power to exclude the Chinese. The pamphlet, then, uses "experts" and a great many misinterpretations of history, but the gravitas is there, befitting the formal setting into which it was introduced. Gutstadt knew his audience and gave them exactly what they needed to hear: evidence. He convinced Congress that there was precedent for fearing the Chinese and evidence of their deleterious effect on the societies they invaded. He was also wise enough to involve Samuel Gompers.

Samuel Gompers was not the author of *Meat vs. Rice*; he was the ideological weight behind it. Gompers was a Jewish immigrant from London and his views of European immigration were complicated, reflected in his support of immigrant union workers, but also his

[36] Samuel Gompers, and Herman Gutstadt, *Meat vs. Rice: American Manhood against Asiatic Coolieism: Which Shall Survive?* (San Francisco, California: American Federation of Labor, 1902), 4, 5, 7, 14.

push for European immigration limitations, both ideas that the AFL shared. He strongly believed, however, in Chinese exclusion. Gompers was convinced that the Chinese were unable to adapt to American society, and that left unchecked they "would destroy western civilization."[37] This fear led to *Meat vs. Rice.* To add even more weight to the book, it was Terrence Powderly, Commissioner General of Immigration, who introduced it into the first session of the 57th Congress in 1902. While the pamphlet is little more than anti- Chinese propaganda, it is important for two reasons. First, there is the Gompers connection, which extends to labor, which, in turn leads to Powderly, who was the Commissioner General of Immigration at the time of its publication. Also, the fact that it was read into the Senate record means that its message was taken seriously by Congress. If one can suppose that congressional concerns reflected the perceived interests of constituents, it becomes clear that Congress believed that Chinese encroachment, especially along the border, was a serious issue nationwide. In order to monitor that particular fear, Congress often asked line riders, immigrant inspectors along the Mexican border, to report on their activities (sometimes in written reports, sometimes in person) and the 57th Congress had seen several such reports by 1902. *The New York Times* covered many of them, including an early one in 1897.

Every year the Secretary of the Treasury would make a report on the state of the nation's finances. In 1897, as a part of that report, Supervising Special Agent W.S. Chance of the Bureau of Immigration made his annual statement to Secretary of the Treasury Lyman Gage.[38] He began by reviewing the salaries and expenses of immigration agents on both borders. He went on to say that work against smuggling had gone especially well on both the Canadian and the Mexican

[37] Fred Greenbaum, "The Social Ideas of Samuel Gompers," *Labor History*, vol. 7, no. 1, 1966, 44.
[38] See W.S. Chance, "Report of the Supervising Special Agent." *Annual Report of the Secretary of the Treasury on the State of the Finances: Fiscal Year Ending June 30th, 1897,* No. 14 (1897): 755-773.

borders. He did warn that the smuggling of wool would likely be on the upswing in the near future. He also reported, surprisingly, that out of 5,880 Chinese persons who applied for admission, only 402 were denied entry. Even of the Chinese arrested crossing the border only 227 of 1,088 were actually deported. Chance did say that enforcing the Chinese exclusion laws was especially difficult as a recent treaty had given Chinese laborers the ability to travel across the United States on their way to other countries, leading to more illegal entries into the United States from Mexico.[39]

Five years later, in 1902, a Chinese inspector for the Customs Service found himself before Congress. Inspector J.R. Dunn was there to testify regarding a bill that would exclude the Chinese from American ships. When it came time for Senator Mark Hanna, a Republican from Ohio to speak, he addressed the presence of Dunn as an adviser; Dunn had been brought to Washington the previous year to offer advice on Chinese legislation. Hanna claimed that Dunn was an unreliable witness or adviser. He said that Dunn had indicated that he had become a Chinese inspector at the behest of recently assassinated President McKinley since they shared the same home town. If this was so, said Hanna, Dunn should produce the evidence.[40] Apparently, Dunn never got the chance to address the Senate, but he did learn, as inspectors and line riders would over the years that the challenges of Washington politics were very different than the challenges of working the border.[41] But even as politicians debated Chinese immigration on the East Coast, San Francisco was the center of the American Chinese community as well as anti-Chinese sentiment.

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[39] "Agent Chance's Report," *The New York Times*, November 11, 1897.
[40] “Proceedings in Detail," *The New York Times*, April 17, 1902.
[41] In fairness to Senator Hanna, if J.R. Dunn was Inspector James R. Dunn, according to his personnel records Dunn was born in Elmira, New York, far from Niles, Ohio, the birthplace of President McKinley. In fact, looking through Dunn’s records it is hard to see where their paths might have crossed.

In 1906, W.K. Roberts, armed with credentials (from 1889 to 1906 he was "an employee of the Chinese maritime customs service"), wrote *The Mongolian Problem in America: A Discussion of the Possibilities of the Yellow Peril*, *with Notes Upon American Diplomacy in its Relation to the Boycott*. Organized labor published the book in San Francisco in 1906. Roberts began by laying out his "theoretical principles." The first was that any immigrant who did not rise to the standards established by white Americans "[would] lower the moral tone of the nation." Since "[t]he climatic conditions of North America are favorable for the highest type of Caucasian manhood, and with immigration laws protective of this race [,] the noblest civilization the world has known can be permanently established there." Second, the mixing of races has never resulted in a "stable and liberal self government." Last, "[r]estrictive immigration laws, to be the least objectionable to all concerned, should discriminate against races rather than nationalities." These principles signified the best in diplomatic and political practices for the United States, as determined by a low-level federal bureaucrat with six years' experience. There were five more principles that explained that the Japanese and the Koreans are worse than the Chinese, all of whom "survive under the most squalid and precarious conditions of life."[42] The pamphlet was unapologetically and proudly racist.

For over thirty years, beginning in the 1880s, Christian magazines and periodicals were overwhelmingly supportive of Chinese immigration. Christian periodicals would write convincingly about the immoral and unconstitutional aspects of exclusion, often going against secular opinion. By the 1900s, however, other Christian individuals and groups had taken to writing pamphlets in order to explain the *necessity* of exclusion. Those who might have

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[42] W.K. Roberts, *The Mongolian Problem in America: A Discussion of the Possibilities of the Yellow Peril, with Notes Upon American Diplomacy in its Relation to the Boycott* (San Francisco, California: Organized Labor Printer, 1906), 3, 4.

supported the Chinese began to turn against them after the Boxer Rebellion in 1900. Many protestants, forgetting how important it was to "save" the Chinese instead took to reminding the American public of their sins. Mrs. E.V. Robbins, for instance, reminded the reader that the Chinese in California held captured slave girls. The Chinese would buy little girls in China and raise them to be prostitutes in California.[43] Mrs. Robbins, as a member of the Woman's Occidental Board of Foreign Missions of the Presbyterian Church, had devoted her life to ending the "evil practice." Hundreds, likely thousands, of pamphlets were written and distributed nationwide from California, primarily San Francisco. They depicted the Golden State as the western gateway to the United States and the good Christian white people of the West Coast as the gatekeepers. Eastern readers could easily see the dangers if that gate was overwhelmed. There is no evidence of an *organized* effort to use the propaganda to bring the East into the Chinese exclusion fold, but there is no question that it worked out that way. West Coast pamphleteers were extraordinarily successful at convincing the entire country that more than just California was at risk; for people like Mrs. E.V. Robbins and W.K. Roberts, the stakes were no less than the future existence of the (white) United States. The evidence of West Coast success in convincing the East Coast of the dangers of Chinese immigrants is in the Chinese Exclusion Act itself. While anti- Chinese propaganda primarily came out of California, and the vast majority of Chinese lived on the West Coast, Senators and Congressmen from all over the country supported banning people they had never met and most likely never would.

None of this is to say that the Chinese themselves had no voice in the matter; they did, albeit in significantly smaller numbers than their adversaries and with much less frequency. In 1892 the *Advocate of Peace* reported that "[a]n emphatic protest by the Chinese minister has

[43] Mrs. E.V. Robbins, *Chinese Slave Girls: A Bit of History* (Sacramento, California: Woman's Occidental Board of Foreign Missions of the Presbyterian Church, circa 1900), 5.

already been filed at the State department against the exclusion act…" The protest had been filed before Benjamin Harrison signed the bill and according to the *Advocate* the Chinese minister (who the *Advocate* did not name) knew there was little chance that his protest would do any good. The protest reviewed the history of American legislation and treaties regarding China and declared the "bill to be the most flagrant and direct violation of treaty stipulations which has ever passed Congress."[44] Ironically, Chester Arthur had made the same basic argument before giving in and signing the first bill into law. The denunciation was read on the floors of both houses of Congress by Senator John Sherman of Ohio (R) and Congressman Robert R. Hitt of Illinois (R), who also said,

> Never before in a free country was there such a system of tagging a man, like a dog to be caught by the police and examined, and if his tag or collar is not all right, taken to the pound or drowned and shot. Never before was it applied by a free people to a human being, with the exception (which we can never refer to with pride) of the sad days of slavery.[45]

China *did* push back by limiting the activities of American missionaries in China and with an on again off again boycott of American goods but for the most part, the Chinese in America fought back with the only weapon they were free to use: rhetoric.[46]

One of the most lucid attacks on Chinese exclusion, in fact, was written by Ho Yow, Imperial Chinese Consul-General in 1901, when debate over the renewal of the Act was at its strongest. Yow pointed out that if the purpose of the Act was to keep Chinese people away from

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[44] "Plain Violation of Treaty: the Chinese Minister Files an Emphatic Protest," *Advocate of Peace*, June 1892, 5.
[45] 23 Cong. Rec. 3923 (1892)
[46] "Plain Violation of Treaty."6. The Chinese in China were another story. In 1899, the Boxer Rebellion broke out. It was a response against colonialism, imperialism, and Christian missionaries. But even that was doomed to failure as the "Eight Nation Army (Japan, Russia, Britain France, the United States, Germany, Italy, and Austro- Hungary)" ended the rebellion in 1901. See David Silbey, *The Boxer Rebellion and the Great Game in China* (New York: Hill and Wang, 2013).

the United States then the Act had succeeded, so much so that China had for the most part cut itself off from that nation both politically and economically. Yow explained that the Chinese had let the Great Wall, that "relic of old China" collapse as it opened itself up to the world. On the other hand, the United States had greeted this opening by building another "Great Wall," one made of "printed words," to keep the Chinese out.[47] Yow then offered perhaps the most significant criticism of the Chinese Exclusion Act. The United States signed the Burlingame Treaty, which eased limitations on Chinese immigration, in 1868, in order to increase trade. Yet just fourteen years later the Chinese Exclusion act barred virtually every Chinese immigrant. All the while the United States attempted to continue trade as usual. To Yow, and other Chinese politicians, the hypocrisy was palpable.[48]

While Chinese politicians argued politics, Christians argued morality, American politicians argued national security and labor leaders argued economics, Chinese Americans often saw the Acts for what they were. In an editorial Kiung Yen Yung wrote of his approval of the rejection by the Senate of the "Absolute Exclusion Bill" (the Geary Bill) in 1892 after its passage by the House (just before both passed the final Geary Act).[49] He was glad that there were some level heads left in Congress. Kiung wrote that there had been numerous excuses behind the opposition to the Chinese: they were underselling their labor; they eat their native food, wear native clothes, and send all of their money back to China; and they were a "degraded class of

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[47] Ho Yow, "Chinese Exclusion: A Benefit or a Harm?" *The North American Review*, September 1901, 314.
[48] For more on this complicated relationship, see Delber L. McKee, *Chinese Exclusion Versus the Open Door Policy, 1900-1906: Clashes Over China Policy in the Roosevelt Era* (Detroit: Wayne State Press, 1977).
[49] Congressmen attempted to pass "Absolute" exclusion laws multiple times. The first were Senators John H. Mitchell (R-OR) and William Stewart (R-NV) in 1888 (19 Cong. Rec. 422). Kiung is most likely referring to the intense debate leading up to the passage of H. R. 6185 (the Geary Bill). Representative Thomas J. Geary (D-CA) claimed that the purpose of the bill was no less than "to prevent the coming of Chinese into the country." (23 cong. Rec. 2912 [1892]). The Geary Bill made no distinctions among Chinese (except diplomats). The final Geary Act was far stricter than the original Exclusion Act, but it was not "absolute" exclusion, a very modest win. It passed on May 4, 1892, two days before the original act expired.

people… that… demoralized the country." But for Kiung none of these were the true cause of the hostility towards the Chinese. Essentially, "opposition from whatever reason is made prominent by race prejudice…." He does go on to make political suggestions but the heart of his editorial places the cause for opposition to Chinese immigration with racism.[50]

One Chinese man combined rhetoric with action. Since 1868 there had been Chinese diplomats in the U.S., but none understood the United States or why a boycott was the best possible response to exclusion as the enigmatic Mr. Wu: Wu Tingfang. Wu's most enduring contribution to American-Chinese history was the book *America Through the Spectacles of an Oriental Diplomat*, published in 1914. In the book, Wu offered fascinating observations of the United States, a country that had not only just recently discovered motion pictures and airplanes but was also on the brink of war. Wu gave suggestions for American politics such as switching to an English style parliamentary system. Education should focus on teaching "the cardinal principles of morality," but not religion. Wu also believed that "the pursuit of wealth in America is intense" and while one might believe that freedom in a democratic country would be greater than in a monarchical country, Wu believed the opposite to be true. *America Through the Spectacles of an Oriental Diplomat* offers a view of Progressive Era America that is illuminating, even when Wu appears to be somewhat misguided, such as when he overstates equality in the United States: "[i]f elected, a Jew, a Mohammedan, or a Confucianist could become the president."[51] It is not this work, however, that is significant here, but his contribution to the Chinese boycott of America during the early 1900s.

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[50]Kiung Yen Yung, "A Chinaman on our Treatment of China," *Forum,* September 1892, 85.
[51] Wu Tingfang, *America through the Spectacles of an Oriental Diplomat* (New York: Frederick A. Stokes Company, 1914), 32, 60, 75, 83.

In 1906 *American Illustrated Magazine* published "Wu: - The Personality Behind the Boycott" by D. R. Marquis. To Marquis "Wu Ting Fang is the Chinese boycott." Wu was in the United States as a diplomat but his "real mission in America was to find out all he could about Americans." As a result of the "millions of questions" Wu asked about Americans, he developed "the idea of striking the Americans through their pocket-books." The Chinese would simply stop buying American goods. Wu was, among other things, funny. When first introduced to Marquis and discovering he was an American, he asked why Marquis had stolen a European title. Marquis replied that it was no title, just a name, to which Wu responded, "you Americans are always pretending to be things you are not." From then on Wu always called Marquis, "by turns, Duke, Marquis, Count, etc."[52] Wu was a complicated man and the article reveals that. While the Chinese boycott was never fully successful it also never went away; Wu was the primary reason for that. The Chinese did not have much recourse regarding exclusion, but they held on to the threat of the boycott. American opponents of exclusion often referred to the boycott of American goods in China (an ever-growing market) as a possible consequence of the misguided policy.

For the most part, long form periodicals like magazines and booklets focused on the Chinese exclusion argument. Christian magazines were generally against exclusion, while Christian pamphleteers, apparently the outliers, supported it. Magazines required subscribers and advertisers so often attempted a more evenhanded approach to issues such as Chinese exclusion. Pamphlets, on the other hand, were written by people with agendas. Money was not generally the goal as much as furthering their position by gaining converts. Mainstream organization sponsored and participated in well-intentioned debates regarding Chinese exclusion, but as the twentieth century approached, more and more Americans outside of that fold began writing far

[52] D.R. Marquis, "Wu: - The Personality Behind the Chinese Boycott," *American Illustrated Magazine*, May 1906, LXII, 1, 2.

more fanciful, and scary, defenses of exclusion. Magazines such as *Forum* would offer roundtables and articles on the pros and cons of exclusion. For example, in 1893, *Forum* offered the article "What Immigrants contribute to Industry," by George Parker.[53] The following issue, Gustav Schwab countered with "A Practical Remedy for Evils of Immigration."[54] In 1902 the *Advocate of Peace* printed a copy of a speech given by William Lloyd Garrison decrying Chinese Exclusion."[55] *The Chautauquan, The American Law Review, The North American Review, Current Literature*, *the Dial*, and many others offered long, if not always well thought out, defenses and condemnations of Chinese immigration.

Newspapers, on the other hand, with the exceptions of the occasional editorial, focused on two types of stories, the first were reports on what was happening in Congress without too much comment. Where the newspaper was from would often determine who in Washington got the most attention. The *Los Angeles Times*, for instance, reported on the exclusion debates in 1902, giving most of the article to Senator Charles Fairbanks (R-Indiana), a fervent supporter of the Chinese Exclusion Act, who claimed there was no animosity towards the Chinese empire in the Act, that "[i]t was expressive of a purpose to maintain [the United States'] high standard of citizenship…" and to protect the American laborer.[56] East Coast papers, though, were more likely to report on opponents of exclusion. The *Washington Post*, for example, reported on a presentation by Chinese Minister Sir Chentung Liang- Cheng to the Pittsburgh Chamber of Commerce in 1905, where the minister offered a "tactful plea for the better treatment of Chinese to whom the Chinese exclusion act has no proper application [everyone except laborers]."[57]

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[53] George F. Parker, "What Immigrants Contribute to Society," *Forum*, New York Vol. XIV., Iss. No. 5, Jan 1893, 600.
[54] Gustav H. Schwab, "A Practical Remedy for Evils of Immigration." *Forum*, New York Vol. XIV, Iss. No. 6, Feb 1893, 805.
[55] William Lloyd Garrison, "Chinese Exclusion" *Advocate of Peace*, Washington Vol. 64, Iss. 2, Feb 1902, 35.
[56] "Fifty- Seventh Congress," *Los Angeles Times,* April 6, 1902.
[57] "Chinese Immigration," *The Washington Post,* November 14, 1905.

Nativism as it played out in the East did not really consider Chinese exclusion, focusing on European immigration instead, possibly because the Chinese Exclusion Act made the point moot.[58] But there was always a connection.

The Chinese Exclusion Act was indicative of the powerful influence that the West could have over the United States as a whole. It is unlikely that if San Francisco, California, and by extension other Western port cities like Portland, Oregon and Seattle, Washington, as well as mining towns in Colorado, Wyoming, and Montana, had never had an issue with the Chinese that the exclusion act would have been passed, as least not as easily. At most, the Chinese would likely have been absorbed into larger more generalized immigration restriction favored by the growing nativist movement. The West was able to make its *specific* concern the concern of the nation through skillful politics and incendiary rhetoric, even while the Chinese were never a significant threat, or even a threat at all in the East. The politicians of the West were able to convince the United States that the Chinese represented a crisis even as their numbers were modest in comparison to other immigrant groups. Eastern congressmen visiting the West Coast were especially susceptible to anti-Chinese paranoia.

But the Chinese Exclusion Act offers another, even larger, lesson. Rhetoric should be seen for what it is, words that may or may not represent reality. Most of the people who accepted anti-Chinese rhetoric as the truth never knew Chinese people, or even saw them in passing. Yet words were enough to frighten them. Had Americans, and more specifically politicians, bothered to just walk outside their own homes and offices, or looked at virtually any genuine statistics regarding the Chinese, the Chinese Exclusion Act would have been much more difficult to pass.

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[58] Knobel, *America for the Americans*, 230.

Physical violence causes immeasurable suffering; but rhetorical violence often leads to legislation, which creates precedence. At the end of the day precedence is a very powerful tool.

This was the world that created the line riders; they were of that world, but not a part of it. The goals of the government trickled down to them. But the world in which the line riders actually functioned did not always match the imaginations of the world that created them. From 1894, the year the first Mexican border stations were created, until 1900, the focus of the line riders was on Chinese immigrants and American newspapers reported stories that supported that mission. By 1905, the immigrant inspectors' attentions had shifted to a large degree to Syrians and Eastern European immigrants. In 1905, for instance, inspectors along the border were addressing the rise in "Syrians, Japanese and other low class immigrants."[59] Newspapers, however, still focused their attention on Chinese immigrants. For every twenty (or more) stories on Chinese immigration, there was one on Syrians. Those stories virtually always involved either leprosy or trachoma.[60] There were no stories regarding Syrians and the threat they posed to the American way of life or that they were coming to the United States in "hordes," both claims about Chinese.[61]

Language, both written and spoken, has the power to inspire and to spark the imagination. That is not always good. West Coast labor leaders like Dennis Kearney

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[59] Inspector in Charge, San Antonio to Inspector in Charge, El Paso, September 18, 1905, NARAFW RG85 HM1995 Box 4 E. TX2

[60] For instance, in March 1906, *The Washington Post* reported that a Syrian with Trachoma managed to get into the United States by squeezing an onion in his eye (see "Onion is Used as Foil," *The Washington Post* Washington, March 10, 1906, A1.

[61] See "Syrians are Smuggled in: Trachoma Victims Reach This Country by Way of Old Mexico". *The Washington Post*, August 19, 1906, 4; "Syrians," *Los Angeles Times*, August 19, 1906, I4. For more on Syrians along the U.S. Mexican border and especially trachoma, see Theresa Alfaro- Velcamp, *So Far from Allah, So Close to Mexico: Middle Eastern Immigrants in Modern Mexico* (Austin: University of Texas Press, 2007), 33-38.

appropriated the language of East Coast nativists in order to convince the California legislature that Chinese immigrants were a dire threat. Both nativists and West Coast politicians were addressing largely imaginary fears. Yet in both cases, the language was extraordinarily successful. Like most political issues it is unclear how convinced the majority of Americans were regarding either the threat of immigrants in general or Chinese immigrants in particular. But what *is* clear is that local, state, and federal politicians took the threats seriously, or at least saw a cause with which they could easily garner support. Either way, Chinese exclusion became a political rallying point all over the nation, even as the Chinese population remained small.

*How l*anguage was used was also an important part of the media. In magazines and similar periodicals, the arguments tended be fairly straightforward; authors either supported or opposed Chinese exclusion. However, anti-exclusion authors rarely *supported* Chinese immigrants. They generally had one of two justifications. The first was that not only was exclusion unconstitutional, it would harm U.S. relations with China. This would have two major consequences (to the authors). First, it would interfere with trade, which had opened up relatively recently, especially with the Treaty of Wanghia in 1844.[62] For many who opposed Chinese exclusion, trade relations were too delicate to withstand such a diplomatic attack. As Wu Tingfang revealed, the Chinese government and its citizens were well aware of how much the United States valued trade.

The other reason for opposing exclusion was that it would hamper mission efforts in China. Missionaries depended on the goodwill of the Chinese government in order to assure their continued presence. When debate over the first Chinese Exclusion Act began, before 1882, Christian magazines argued that not only was exclusion un-Christian, it threatened to undo all of

[62] See Ping Chia Kuo, "Caleb Cushing and the Treaty of Wanghia, 1844," *The Journal of Modern History* 5, no. 1 (1933): 34-54.

the good work accomplished by Christian (mostly Protestant) missionaries in China. As it would turn out, both camps likely had a point. In 1899 the Boxer Rebellion broke out in China. The Rebellion was essentially anti-foreign and anti-Christian. For the Chinese who remained in China, the outside influence of whites, especially Americans, was harmful and dangerous. They sought to throw off that influence and return to a fuller self-reliance. Unfortunately, Americans tended to conflate the Chinese citizens who remained in China with the Chinese who emigrated to the United States. Chinese immigrants suffered for the actions of the participants in the Boxer Rebellion.[63]

Americans may or may not have supported Chinese exclusion and immigration restrictions, but they were certainly complicit by electing representatives of both parties who strongly supported both. At the most, Americans actively supported exclusion and restriction. At the least, they tacitly allowed both by not voting out racist and xenophobic politicians. The American voter accepted the hateful rhetoric coming out of Congress even though there was no evidence that any of it was true. Either way, for decades the nativist status quo stood. But rhetoric has material consequences. In the years leading up to and after the Chinese Exclusion Act in 1882, fiery language led to physical violence against Chinese in the West. In 1892 congressional language, through speeches and debates, led to the creation of the Bureau of Immigration, the first government agency whose sole focus was immigration. Through it all there was an important implication. No one appeared to assume that the "hordes" of Chinese would be arriving by boat. So, if the ports weren't going to be the scene of the upcoming invasion, where then? In 1894 congressional eyes turned to the borders. Someone had to physically keep Chinese from crossing into the United States from Mexico, something rhetoric

[63] Jane E. Elliot, *Some Did it for Civilisation, Some Did it for their Country: A Revised View of the Boxer War* (Hong Kong: Chinese University Press, 2002).

alone could never accomplish. Anti-Chinese and anti- immigrant rhetoric, the language of fear and hate, led to the birth of the line riders.

# Chapter Two: The Mechanics of Border Enforcement

Greater Reconstruction and the Gilded Age produced the line riders, so not surprisingly corruption and fears about citizenship guided their work. As the Bureau of Immigration placed the first border stations in Nogales, Arizona and El Paso, Texas, in 1894 the country still wrestled over challenges that came out of Reconstruction, in particular, citizenship. The federal government had determined that Chinese could never be citizens and the line riders enforced that pronouncement. Much like Redeemer Democrats fought to prevent giving newly freed African Americans full citizenship, fearing the collapse of white society, westerners, especially Californians, believed they needed to protect the West from the ruin that Chinese would bring to the region and eventually the country. Line riders held that line by not only patrolling the physical border, they also protected white citizenship, keeping out immigrants that Gilded Age Americans believed were "unassimilable." Simultaneously, the Gilded Age was defined by corruption. Regulations were slowly being introduced to federal agencies, but they were enforced inconsistently, especially along the border. The line riders were civil servants, but the rules put in place to determine fairness in hiring were erratically enforced as many were hired using a patronage system. Fear of immigrants, racial animosity, and corruption were just as much a part of the border as they were nationwide. The struggles to define citizenship in the context of troubling race relations of the United States, especially in the South and the West were certainly present along the border.[1]

[1] See Heather Cox Richardson, *West from Appomattox: The Reconstruction of America after the Civil War* (New Haven, CT: Yale University Press, 2008); Elliott West, "Reconstructing Race." *The Western Historical Quarterly* 34, no. 1 (2003): 6.

The line riders were created to assuage the fears of nativists and union leaders, but in the late nineteenth century, there were also far larger powers at work in the United States. Historian Jackson Lears refers to the post – Reconstruction Era as "an age of regeneration." However, this "age of regeneration coincided with the apogee of scientific racism…"[2] The United States was, indeed, searching for a "rebirth" after a devastating Civil War, but that rebirth needed to fit a specific white Protestant mold. The regeneration of the United States after Reconstruction involved all facets of the country, not just politics and culture. One American group experiencing a "rebirth" after Reconstruction was labor. Richard White writes that as free labor had begun as an argument for equality, it became an argument for Chinese exclusion. Two requirements for free labor were self-ownership and freedom of contract. California Sinophobes did not believe that the Chinese were capable of either. Dennis Kearney, an Irish immigrant union leader in California who virulently hated the Chinese, used this conviction to build the Workingmen's Party in San Francisco. The Workingmen's Party did not survive the political powers of both the Republican and Democratic Parties, which often teamed up against it in California, but it did give the two national parties a common platform: Chinese exclusion. In fact, while President Ulysses Grant had hoped that the "Chinese question" had been settled after his visit to California in 1879, it actually became a national issue.[3] That national issue had begun with California unions, most notably Dennis Kearney's Workingmen's Party so the development of the Bureau of Immigration was a natural outgrowth of both union activities in California and the Gilded Age/ Progressive Era.

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[2]Jackson Lears, *Rebirth of a Nation: The Making of Modern America, 1877-1920* (New York: Harper Perennial, 2010), 4, 10.
[3] Richard White, *The Republic for Which It Stands: The United States during Reconstruction and the Gilded Age, 1865-1896* (New York: Oxford University Press, 2017), 382.

Initially, the Customs Service was given the task of monitoring the border with Mexico, rarely straying further than the length of the California border as the government believed that the ports were the only real threat. In 1882, the Customs Service- "as usual without even remotely adequate sources-" was given the responsibility of enforcing "the poorly drawn, hostile Chinese Exclusion Act…and its subsequent amendments."[4] The Customs Service had been historically a depository of sorts for jobs that did not clearly fall within a particular department. As the Chinese Exclusion Act included a head tax and Customs was under the Treasury Department, Customs seemed to be the logical choice to enforce immigration laws. As Customs historians Jim Brown and Rand Carreaga point out, the writers of the Act appeared to believe that "enforcement would be a simple matter of monitoring inbound vessels for the illegal immigrants."[5] The Customs Service initially took the lead, in fact, because most immigrants came to the United States by boat; there was little concern for the land ports. That would begin to change by 1891.

While the Chinese Exclusion Act had been passed with the intention of controlling immigration, few mechanisms to that effect were included in the law. Those mechanisms would take years to develop. In the act of 1885 (23 Stat. L., 332) the Secretary of the Treasury was given the responsibility of designating officers or state boards to report on violations of the Act. The act of 1888 (25 Stat. L., 565, 566) depended on informants (who were given a reward) to catch violators of immigration law. The federal government needed state and private entities to enforce immigration restrictions.[6] This was primarily because the Chinese Exclusion Act did not

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[4]Carl E. Prince, and Mollie Keller, *The US Custom Service: A Bicentennial History* (Washington, D.C.: US Customs Service, 1989), 171.
[5] Jim Brown and Rand Carreaga, *Riding the Line: The United States Customs Service in San Diego, 1885-1930: A Documentary History* (Washington, D.C.: Dept. of the Treasury, United States Customs Service, Pacific Region, 199), 1, 18.
[6] Robert F. Zeidel, *Immigrants, Progressives, and Exclusion Politics: The Dillingham Commission, 1900-1927* (DeKalb: Northern Illinois University Press, 2004), 11.

include an actual enforcement agency, but also because of the nineteenth century resistance to national level police within the states. Lawmakers respected the states' desire to police their own territory. In the late nineteenth century, the structured bureaucracy of policing that would be the product of the Progressive era did not exist. For many ambitious citizens, Chinese exclusion was a source of income. Capturing Chinese immigrants was both lucrative for individuals and convenient for the federal government.[7] But counting on non-federal entities was not always effective. In fact, as late as 1890, only the Port of New York was conducting medical evaluations of immigrants.[8] With the passage of the act of 1891 (26 Stat. L., 1084), however, immigration control took a major step towards being centralized by the federal government. This act created the Superintendent of Immigration and the Bureau of Immigration (under the Treasury Department).[9] The act also made provisions for immigration stations along the U.S. borders. By 1894, there were twenty- four border stations, twenty- two along the Canadian border, two on the Mexican border.[10] The southern border was apparently not much of a concern yet.[11] Canada was different for several reasons. First, the United States had multiple large cities along the border with Canada, such as Seattle, Detroit, Buffalo, and Rochester, plus cities close to the border, such as Boston. Second, Canada was generally more willing to work with the United States than was Mexico. Third, much Chinese crossing occurred at the water ports along the Canadian

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[7] Acting Commissioner- General F.H. Larned to Collector of Customs, Nogales Arizona. November 1, 1902, RG 85-HM1994 Box 1 E. TX 3.
[8] Darrell Hevenor Smith, and Henry Guy Herring, *The Bureau of Immigration* (Baltimore: Johns Hopkins Press, 1924), 6.
[9] This Bureau of Immigration was different than the one established in 1864, whose primary responsibilities were statistics.
[10] Smith and Herring, *The Bureau of Immigration*, 7.
[11] The government had anticipated this type of "trouble," though, as President Grant had sent General Philip Sheridan and fifty thousand troops to the Mexican border after the Civil War. White, 33; also, see Rachel St. John, *Line in the Sand: A History of the Western U.S.-Mexico Border*, (Princeton: Princeton University Press, 2011).

border.[12] Last, the Bureau simply showed little interest in the Mexican border, likely because it was focused on water ports and the Canadian border had many of them.

Immigration enforcement continued to centralize. The act of 1902 (32 Stat. L., 176) transferred the responsibility of determining the admissibility of Chinese to the Bureau of Immigration.[13] In the continued pursuit of centralization, and thus efficiency, Customs (and Treasury) would soon relinquish the primary role in immigration. Since the Bureau of Immigration focused on contract labor and the enforcement of laws centered on labor, the Bureau was transferred to the Department of Commerce and Labor, created in 1903 (23 Stat. L., 825). The superintendent of immigration also became the Commissioner- General of Immigration and given responsibility for all facets of immigration, from enforcement to employees. There were 1200 full time Bureau employees throughout the country in 1906.[14] In 1903, Congress transferred all immigration responsibilities for immigration in general, as well as Chinese exclusion, to the Bureau of Immigration.[15] By 1906, issues regarding naturalization of immigrants had reached the point where naturalization and immigration work needed to be separated. The act of 1906 (34 Stat. L., 596) partially addressed that by changing the Bureau of Immigration to the Bureau of Immigration and Naturalization. The new Bureau was divided into two divisions, the Division of Immigration and the Division of Naturalization, but by 1913 the Division of Naturalization had become its own Bureau.[16]

As security along the border with Mexico emerged as a new crisis for the federal government to solve, the line riders' role expanded and changed. By 1900 Congress began to

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[12] For more on the Canadian border, see Patrick W. Ettinger, *Imaginary Lines: Border Enforcement and the Origins of Undocumented Immigration, 1882-1930* (Austin: University of Texas Press, 2009) 37-66.
[13] Smith and Herring, *The Bureau of Immigration,* 10.
[14] U. S. Congressional Research Service, *History of the Immigration and Naturalization Service: A Report Prepared at the Request of Senator Edward M. Kennedy, Chairman* (70-108 0; December 1980), 12.
[15] Smith and Herring, *The Bureau of Immigration*, 11.
[16] Ibid, 12. The two would not be reunited until 1933 by Executive Order.

take note that illicit entry of immigrants along America's borders, especially in the South, was more serious than it initially appeared. This would require a new approach as the old procedures along the border, if, indeed, there were any standard procedures at all, were not equipped to handle the increased flow of immigrants. To fix this, in 1903, as immigration across the border began to take precedence over other issues, all Chinese and immigrant inspectors became "immigrant inspectors."[17] Numbers of illicit border crossings are notoriously hard to determine for any time period and the late nineteenth century is even harder to quantify. But the reports from the border seem to reflect no real increase. Congresses was apparently responding to rumors of massive numbers of Chinese waiting to cross the border into the United States.

Chinese inspectors (similar to those who worked for the Customs Service) remained until at least 1915, but that title was a designation, an area of responsibility, not a department. Inspectors who patrolled the border or investigated illicit crossings were colloquially referred to as "line riders," the old term for the Chinese inspectors of the Customs Service, many of whom continued to work for the Bureau of Immigration. This focus on the border had begun in California, but eventually moved to Nogales, Arizona and El Paso, Texas, the two original southern border stations where, slowly, the government would pay closer attention to what the inspectors were doing. The public also found their activities fascinating as Customs and immigrant inspectors became a part of the national imaginary. Newspapers covered their exploits for a nation (especially in the East) that enjoyed reading about the excitement along the Mexican border. Line riders were sometimes caught up in intrigue along the border and newspapers dutifully reported their activities. Between 1888 and 1924, newspapers such as *The New York Times, The Washington Post*, and *The Los Angeles Times* published hundreds of articles on the

[17] Smith and Herring, *The Bureau of Immigration*, 11.

line riders' activities, many mundane, but often they involved more excitement. For instance, in 1888, a customs inspector in Eagle Pass, Texas, was involved in a shootout between a local Sheriff and Deputy Sheriff and Mexican Soldiers who had come across the border looking for a deserter, resulting in two dead Mexican soldiers and a wounded deputy.[18]

The public became more aware of the line riders after a dramatic 1913 adventure. The Chief of the Bureau of Immigration ordered immigrant inspector Charles B. Dixon to cross the border at El Paso into Ciudad Juárez, where he was to investigate a "white slave" case. Once there, Dixon was arrested by Mexican federal soldiers under the command of Enrique Portillo. The soldiers had captured a "half-breed negro," possibly the man Dixon was looking for. Dixon was not told why he (Dixon) was arrested and he was taken away quickly. Dixon, afraid that he was to be put to death when he noticed that they were taking him to where military executions were held, slipped away from his guards and ran down a side street. According to the newspaper article, later investigation showed that the route the soldiers had taken Dixon was chosen so the soldiers could exercise "*ley fuega* [sic] or law of flight" which gave the soldiers the right to shoot a prisoner if he attempted to flee.[19] As Dixon was rounding a corner, the soldiers "fired at him with high-power Mauser rifles." Dixon dropped and the soldiers left him for dead. But Dixon was *not* dead. Eventually, Mexican women found him and brought him to a nearby house until he was eventually arrested.

Dixon sat in a military jail in Juárez while the American authorities examined their options. Many American citizens pushed for invading Juárez in order to free Dixon. American Consul T.D. Edwards went to the garrison where the Mexican military held Dixon and demanded not only his release, but the arrest of the soldiers involved in the shooting. The Mexican officials

[18] "A Mexican Raid on Texas," *The New York Times*, March 5, 1888.
[19] Likely, *ley de fuga.*

refused, sending a telegram to Washington, D.C. Shortly after, government officials from D.C. sent orders for Mexico to release Dixon and arrest the soldiers. While this political back and forth was occurring, Dr. J.H. Tappan of the Immigration Service in El Paso visited Dixon in jail in order to treat him. [20] He found that Dixon had been shot in the small of the back with the ball passing out through the stomach. The bullet missed Dixon's spine.

Dixon reported that he had told the soldiers he would return with them to their commander's office, but instead they led him away from it. Dixon thought the khaki suit he was wearing might have led the soldiers to believe he was in the American army. When he realized where they were taking him, he took off running. Dixon claimed the whole thing was "a frame-up." He had received a telephone message about Juárez, and he believed that was part of the plot. Even so, F.W. Berkshire, supervising inspector of the Bureau of Immigration, was unable to convince Col. J.N. Vásquez of the Mexican Army to release Dixon. The soldiers guarding him allowed only Dr. Tappan and a Japanese male nurse to visit Dixon. In fact, the Mexican army arrested Berkshire, along with Clarence Gourley, also of the immigration office, when they crossed the border to investigate the shooting; their release came only at the insistence of the American Consul.[21]

By the day after Dixon's arrest, Edwards and the *charges d'affaires* in Mexico City had obtained his release. Not only that, the Mexican authorities informed Edwards that they had arrested Arthur Walker, the African-American man whom Dixon had been looking for regarding the white slave case, as well as the soldiers involved in the shooting. Inspector Dixon returned to

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[20] It should be noted here that I occasionally use Immigration Service instead of Immigration Bureau or Bureau of Immigration. There were multiple "services" within the Bureau, such as the Immigration Service and the Public Health Service and Bureau of Immigration and Immigration Bureau were often used interchangeably. I tend to use whichever term is used within the original source.

[21] "Huerta's Men Shoot American Official," *The New York Times*, July 27, 1913.

El Paso, where doctors said he would "probably" recover.[22] Interestingly, in El Paso, there was a persistent rumor that Pancho Villa's constitutionalists would attack Juarez "for the incidental purpose of avenging Dixon and strengthening their claim for recognition by the United States.[23] For a brief, exciting moment in time, a line rider was at the center of American politics. Americans still by and large saw the border as a "frontier," rife with excitement and violence. Dixon was seen as an American hero, wrongly shot and arrested simply for protecting America's borders. The myth of independent, untamed borderlands was still alive in 1913. Of course, the Mexican Revolution had already drawn Americans' attention to the border. Many Americans would go to El Paso and watch the fighting from the rooftops of local businesses.[24]

Customs inspectors, immigrant inspectors, Chinese inspectors, and contract labor inspectors occupied the southern border from the 1880s to the early 1920s. They each had their own unique jobs and responsibilities, but the vast area where they all overlapped was immigration. Each group found itself drawn more and more away from its proscribed duties and into stopping illegal immigration. But when they left their respective stations to patrol their assigned areas on horseback, every guard and inspector became a line rider. Riding the line apparently made an inspector or a guard a temporary line rider, but there were also full-time line riders. Each border station (by 1905 there were dozens) had between one and twenty-four immigrant inspectors, a mixture of inspectors and mounted watchmen, depending on the station's size. Mounted watchmen (or guards) patrolled specific routes along the border, bringing in inspectors, who were their supervisors and had the authority to arrest and administer oaths, whenever necessary. To add to the confusion, in reports, mounted watchmen were referred to as

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[22] "Our Demand Has Set Dixon Free," *The New York Times*, July 28, 1913.
[23] "Mexicans Release Dixon; Arrest his Assailants…" *The Washington Post*, July 28, 1913.
[24] David Dorado Romo, *Ringside Seat to a Revolution: An Underground Cultural History of El Paso and Juárez, 1893-1923* (El Paso, TX: Cinco Puntos Press, 2005), 86.

inspectors. There were two ways to differentiate them from inspectors, though. Mounted watchmen were paid a per diem (inspectors had a salary) and their duties included "scout." In 1918, San Pedro, Texas, for instance, had three inspectors (likely one inspector, two mounted watchmen), Brownsville, had eight (likely two inspectors and six watchmen), and El Paso had had twenty- four (mostly mounted watchmen). Other towns had different numbers of inspectors depending on their sizes.[25] According to the records, these numbers, which are from 1918, changed very little between 1900 and 1918. It clearly did not seem like it to the inspectors at the time, but the mounted guard would go on to be the most significant aspect of enforcing the border with Mexico. For the first time, beginning around 1900, guards were assigned specifically to patrol the border. The mounted guard were the first attempt at a proactive border enforcement, missing from the ports and even the Canadian border, where inspectors mostly waited for immigrants to come to them.

The line riders were, however, essentially armed civil servants who rode horseback. As civil servants, the hiring process was not really different for the line riders than it was for any other government employee. The first step was to take a civil service exam. This step was unevenly followed at best, but it was a significant sign of what was to come for the line riders during the Progressive Era. Each applicant who passed the exam was added to a list that was then forwarded to a border station requesting inspectors. El Paso, for example, received a list of five applicants in 1910 who had received their civil service certificates, two from El Paso, one from Galveston, one from Amarillo, and one from San Francisco. From there, the Inspector-in-Charge would decide if any of them were desirable applicants and if so, he would make them an offer of appointment at, in 1910, $1,380 a year, which was far higher than the national average. It was

[25] F. W. Berkshire to Commissioner General of Immigration, November 3, 1918, Border Patrol Museum Archives, 5002/800-J. 4

generally at that point that an applicant's appointment might be stymied. For instance, of the above prospective inspectors, Julian J. Golden was approved as an appointment but Jamil B. Holway was not. The supervising inspector from Tucson explained his reasoning. When applying for the position of inspector, Holway already worked as an interpreter for Syrians in Tucson. While admitting that Holway was "honest and industrious," the Supervising Inspector nevertheless expressed the belief that "on account of certain temperamental deficiencies, it would be manifestly unwise to promote [Holway] to an inspectorship, thereby spoiling a good interpreter and obtaining as a result a poor inspector."[26] In other words, it would only be fair to the Immigration Service, as well as to Holway, to remove him from consideration.

Holway comes up again in later correspondence along with another of the five candidates, Thomas J. O'Connor. Apparently, the Bureau should have disallowed O'Connor as he had one leg about three and a half inches shorter than the other. Commissioner-General Daniel J. Keefe seemed to believe that this perceived handicap would negatively affect his ability to perform the required duties of an inspector. As for Holway, it had come to the Commissioner-General's attention that Holway had "a very pronounced foreign accent, thus rendering it difficult for him to be understood." Both were officially disqualified.[27] The Immigration Service was clearly looking for a physical and cultural ideal. It would not do to have one inspector with a limp and one with a "pronounced foreign accent." With that, only three of the men on the original list became inspectors.

Upon entering the service, line riders were issued the equipment they would need to perform their duties. First, the Bureau of Immigration mailed to the inspector's duty station "a

[26]Supervising Inspector to the Commissioner-General of Immigration dated June 9, 1910, NARAFW File #53100/750.
[27]Commissioner-General Keefe to the Secretary of Commerce and Labor, dated June 11, 1910, NARAFW #53000/768.

full supply of stationary, an official badge, secret telegraph code, instructions to inspectors, and circulars...” with instructions to acknowledge their receipt.[28] Later, as reports were becoming more and more inconsistent, a fountain pen became an official part of the uniform in order to remedy the problem.[29] In 1903 (when immigration enforcement was formally centralized) immigrant inspectors along the border were first issued a uniform. Circular number 31, dated March 12, 1903, described the uniforms that would henceforth be issued to the inspectors. The coats were to be double-breasted sack coats with two pockets on the bottom, one regular pocket on the left and a ticket pocket on the upper right. All except the upper left pockets were to have flaps and there was to be two “liberal size” inside pockets. Vests were to be single-breasted with a collar and five bone buttons. Trousers were to be plain with “two side pockets, two hip pockets, and [a] watch pocket.” Inspectors were to be issued a 20-oz. wool winter weight suit and a 16-17 oz. summer weight suit at $15.95 and $15.60 respectively. The buttons, which were to have a special pattern, would identify the suits as uniforms. The badges would identify the inspectors as law enforcement. While the circular does not mention the color of the suits it is likely that they were khaki as that had been the unofficial preferred color up until the date of the circular as well as much later. Arguably most important for line riders, they were issued authority to obtain a horse as well as given a per diem (fifty cents per day in 1904) to maintain it.[30] Once fully outfitted, the inspectors went out into the field. With the increase in efficiency and uniformity among the inspectors, the uniforms took a special significance. The inspectors saw that they were

[28] Inspector-in-Charge at Tucson, George Webb to Inspector Virgil Partch February 5, 1904, File #9723-C.
[29] The bureau seemed to take this pen very seriously, in fact. It appears to represent the move to a more efficient system along the border. Reports were beginning to be taken more seriously. That would accelerate by 1906. In a memorandum to all Chinese and Immigrant inspectors, dated February 17, 1904, the bureau announced that henceforth, the pen would be issued to all inspectors, for which they would be charged. Not only that, if and when the inspector was to be dismissed, the fountain pen was to be taken from the officer, sent to the bureau and reissued. Failure to do so would lead to a charge of $1.25 being deducted from the inspector’s final check.
[30] Webb to Partch, April 1, 1904, NARAFW 9723-C.

a part of something larger than themselves or the stations and to the citizens along the border, it was clear that there was a federal presence.

Immigrant inspectors did not spend all their time riding the line, while mounted watchmen did.[31] When the inspectors rode the border on horseback or in wagons, patrolling for immigrants or investigating charges of smuggling, they were line riders; when they were back in their headquarters, the border stations, they were immigrant inspectors (or customs inspectors or contract labor inspectors). It was, in fact, in the stations that inspectors functioned most as the enforcement arm of American diplomacy. It was here that immigrants interacted with the United States government, often for the first time, in the form of the inspectors. Inspectors would, to a large degree, determine who was allowed access to the United States. They also crossed the border and dealt with Mexican government officials. They were not always effective as de facto diplomats, but who else was there to do it? They were the only government representatives in the border stations and along the border itself. The inspectors would often leave patrolling to the "mounted guards (watchmen)," who worked under them. As romantic as the term "line rider" may be to the unitiated, some tried to avoid riding the line, preferring the warmth and comfort of the station. Others, however, rode horseback or in wagons, camped out, and learned to track, using the same types of skills used by Native Americans and U.S. army scouts. They valued their horses, their freedom and their sense of honor. On one level, they were cowboys in the American frontier tradition.

Immigrant and Chinese Inspectors had basically two different functions and three different areas of responsibilities. As inspectors, they stayed at border stations (which were often shared by the Customs Service and the Immigration Service) where they would determine

[31] While it might feel more comfortable to say, "immigration inspectors" the official title was actually "immigrant inspectors." Throughout this study I use the latter.

whether immigrants had proper authority to enter the United States. If so, the Chinese inspector (or more often, the customs inspector) would collect the head tax, a tax on all immigrants that was intended to both pay for immigration enforcement and discourage illegal immigration, from Chinese immigrants. While close to the border station, inspectors also had the responsibility of inspecting trains for "illegal aliens." While they had been doing that for years, they were officially given that responsibility in 1903. According to the laws and regulations of that year, "[e]very railway company or other transportation agency" was to be inspected on the border. If asked, every passenger needed to supply the appropriate proof that they were in the country legally.[32] That proof came in the form of residency certificates that, under the terms of the Geary Act, was issued to Chinese who were in the United States legally.

The experience of Wing Sing offers some insight into the inspectors' duties inside the border stations. He had lived in the United States since he was thirteen, arriving in San Francisco in 1891, just before the Geary Act would have made his arrival even more difficult. But he had made a good life for himself. He received his first residency certificate in 1892, then again in 1894. The fact that Wing had this certificate at all meant that he was not a laborer. He owned some sort of business that, to the inspectors' knowledge, did not involve opium. Wing moved to Galveston a long time ago, first working in a laundry, then working in his cousin Sam Sing's restaurant. His current problem began with a visit to his cousin Sing Sing in San Francisco and now he sat in a nondescript room across from three immigration officers, one of whom, through an interpreter, asked him a list of predetermined questions. He had given up his certificate (which showed that he was legally allowed to be in the United States) to an immigrant inspector in Fort Worth.

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[32] Bureau of Immigration, Department of Commerce and Labor, *Immigration Laws and Regulations* (Washington: Government Printing Office, 1903), 4.

Most likely, Wing Sing was stopped in Fort Worth, where the inspector took his certificate, because he was suspicious of Wing's presence for whatever reason. But Wing had been in the United States a long time. When the inspector probably told him to report to the immigrant inspectors in Galveston (Wing's home) he dutifully followed directions. Now, seated directly across from Inspector E.B. Holman, Wing did his best to answer his questions. The inspector knew that Wing had been away from Galveston; the issue appeared to be for how long. Wing claimed he had been gone since early October, but for reasons unknown, Holman seemed determined to prove that Wing had left in early September. Likely, this was because Chinese needed permission from the Bureau of Immigration to travel. Immigrant inspectors issued that permission. Holman did not seem to trust Wing's recollections. To help clarify Wing's story, the board asked for witnesses, certainly not Chinese witnesses, but two white witnesses. Wing supplied them.

The process was fairly simple, but inside Wing must have bristled at the questions. For instance, Holman asked C. Bailey, a coffee roaster who claimed that he had seen Wing in his (Wing's) cousin's restaurant in late September, "[i]s there any chance for you to be mistaken about it; these people all look a great deal alike?" He also likely wondered what it took to please the inspectors. They asked the same questions over and over, asked for clarification of the smallest details of his story, and pressed him on dates. There is no record of whether the inspectors allowed Wing Sing to stay, but there is a very good chance that they did. In 1904, the judgement of the inspectors drove the board of inquiry, which by and large allowed examinees to remain, especially if they provided two believable white witnesses. Often, the board seemed more of an opportunity for the inspectors to flex their muscles and remind immigrants who was

in charge. Due to the testimony of two white witnesses and the largesse of the white immigrant inspectors, Wing Sing most likely stayed in Galveston.[33]

The border was not the only line that line riders patrolled, but it *was* their primary responsibility. They were assigned a particular area and the mounted watchmen they supervised were given a specific route. The watchmen patrolled for illegal immigrant camps and looked for the activity of smugglers, primarily commodities smugglers as most immigrants were only helped *to* the border, not across. Inspectors also functioned as investigators. If reports of illicit border crossings came to the Bureau's attention, usually through the mounted watchmen, inspectors were sent out to investigate. This could be a dangerous job. On February 9, 1904, Chinese inspectors James J. Bonner and Alfred Griffin were acting on information that they had received regarding a Chinese garden harboring undocumented immigrants.[34] Unfortunately, the inspectors chose to approach at night. Not recognizing them as inspectors, the Chinese camped out at the garden opened fire, which was fairly rare. No one was apparently hurt, but the Bureau issued a memorandum stating that the inspectors should have approached during the day, when they could have been seen. [35]

Another duty of the line riders was to pick up and deliver any immigrants who had been detained, mostly Chinese, but also any immigrant who tried to cross the border after being debarred at another port of entry. Often, the Inspector-in-Charge took on this responsibility. George Webb, Inspector-in-Charge in Tucson, in fact, was one of the most

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[33] The above is from "In the Matter of Wing Sing," December 27, 1904, RG 85 HM1995 BOX 2, 1E. Tx2, NARA FW.
[34] Bonner and Griffin were likely mounted watchmen as they did not fill out their own reports. Another inspector, likely an immigrant inspector, wrote the report given to the Bureau.
[35] Memorandum from Webb to all Chinese and Immigrant Inspectors, February 15, 1904, NARA File# 9723-C.

travelled of the supervisors. His days were filled with horseback rides between the many small towns of Arizona. His letters to the Bureau came from Tucson, Fairbanks, Bisbee, Benson, and Tombstone, among other towns. Many times, immigrants were arrested and detained where there were no facilities to hold them. In that case, line riders would enlist the aid of locals, paying them to house and feed captured immigrants until the inspector could show up.[36] Immigrant inspectors and Customs inspectors also often worked together in order to pursue immigrant smugglers. [37] In fact, they really had to.

There seemed to be a hierarchy along the border. At the bottom were the Chinese inspectors (who worked for the Customs Department, before becoming a designation under the Bureau of Immigration), next were the immigrant inspectors and above them were the customs inspectors. It is unclear as to whether this was official policy, but one thing *is* clear: Chinese inspectors could not take sworn statements while immigrant and customs inspectors could. However, in a pinch, the Collector of Customs at Nogales could designate a Chinese inspector to act as an immigrant inspector.[38] On the other hand, Chinese inspectors collected the head tax from Chinese immigrants, which immigrant inspectors could not (they could for non-Chinese immigrants). In that case, immigrant inspectors could be temporarily designated Chinese inspectors. Sometimes inspectors were simply at the right place at the right time. In January of 1901, Inspector B.F. Jossey was returning by horseback to Nogales when he was informed that two Chinese men were seen between Lewis and Bisbee. Jossey stopped off at Fairbanks, rented a team and overtook the men. He took them to Bisbee where they awaited deportation.[39] It is

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[36] Acting Commissioner-General F.H. Larned to the Collector of Customs, Nogales, Az., January 22, 1902, NARAFW File #583177.
[37] Assistant Secretary, Treasury Department to Collector of Customs, Nogales, Az., June 9, 1899, NARAFW File #583936.
[38]Acting Commissioner-General F.H Larned to Chinese Inspector William B. Addy, October 12, 1901, NARAFW File #583177.
[39] Inspector B.F. Jossey to Collector of Customs, January 7, 190, NARAFW File #583177.

important to remember that immigrant inspectors were law enforcement officers with the power to arrest. As illegal immigration continued to grow, the border stations would request more and more such border police. As a result, the ranks of the line riders in southern Texas and southern Arizona would grow, albeit slower than the Inspectors-in-Charge would have liked.

Border stations were often was just a small office in every small town along the border. At the larger ones, such as Del Rio or Eagle Pass, there was one Inspector-in-Charge and up to five inspectors (plus mounted watchmen). These inspectors would rotate among the smaller satellite offices. The combination of these offices meant that inspectors (at least one at any given time) were evenly spread out along the border. Keeping these numbers, however, was a constant challenge. In an undated report of the end results of the hiring process, out of a list of seven new hires (from all over the country), six never reported. There are countless reports from inspectors-in-charge requesting more men. What would become a common theme, though, is that inspectors- in Charge would ask for more enforcement help, not administrative, help. It was always more important to keep the unauthorized immigrants out rather than to expedite the process for those legally qualified to enter the country.

While it is commonly believed that there were only seventy-seven men working the border at any given time between 1892 and 1924, there were more likely closer to three hundred or more, considering immigrant inspectors and mounted watchmen for the Bureau of Immigration, Chinese inspectors and Chinese Mounted Guards for the Customs Service (when the Treasury Department gave up immigration enforcement to the Labor Department, most of the Chinese inspectors were absorbed by the Bureau of Immigration and continued doing their jobs), plus watchmen who helped inspectors inspect trains, guards who watched over immigrants, and Special Immigration Agents who investigated special cases (such as corruption). The

enforcement apparatus along the border in the 1890s and early 1900s employed hundreds of personnel. It is easy to overlook that since many of them were paid daily or were temporary. But to say that a handful of overworked men worked the entire border and were ineffective is not entirely true. They accomplished much more than has been previously thought. Still, this was very few men to patrol a very long border. Many inspectors also did not last so the ebb and flow of border enforcement personnel was constant. A large number of mounted guards are mentioned once and never come up again in the records. Until 1907, when the border would be organized under one authority, the experiences of the line riders was as varied as the inspectors in charge.

Line riders were "bureaucratic cowboys" with one foot in a stirrup and another at a desk. But for all the similarities between cowboys and line riders there was at least one glaring difference. According to Jacqueline Moore, between one quarter and one third of all cowboys were either Hispanic or black. In fact, south Texas ranches, such as the King and Kenedy ranches depended on Hispanic *vaqueros*.[40] While it was clearly no easy task for black and Hispanic cowboys to overcome the white, heteronormative patriarchy present in the West, the distance from the South offered them the opportunity to prove themselves as men. Even though it was difficult for black cowboys to rise up through the ranks, they often earned considerable respect through their skills. Moore reveals that references to the skills of black cowboys run throughout the recollections of older cowboys. The same cannot be said of the line riders. Theirs was primarily an all-white fraternity, with a few notable exceptions, but mostly later, towards the 1920s. The line riders always reflected ideas of a racial hierarchy that were developing nationwide, allowing only a few Hispanics to become line riders only later as Mexican immigrants began taking precedence over Chinese. In the hiring process of the line riders, there

[40] Jacqueline Moore, *Cow Boys and Cattle Men: Class and Masculinities on the Texas Frontier, 1865-1900* (New York: New York University Press, 2010), 40, 70, 71.

seemed to be an idea that ideal manhood existed on a scale, with immigrants, especially undocumented, on the bottom, physically robust white men at the top, and everyone else somewhere in the middle. Apparently, only the top could effectively prevent the encroachment of the bottom; there was little use for the middle in border enforcement. Even while admiring the line riders as men, the job they did, and how well they managed to navigate a complicated government bureaucracy, it is important to remember that racism was behind the creation of their jobs and it was deeply embedded in their everyday lives. They were both simply civil servants but also considerably more than that. They were the early soldiers of what Natalia Molina refers to as a "racial regime." They also reveal an early example of "racial scripts," the connections between "racialized groups that reveal shared experiences between marginalized communities."[41] Chinese, Syrians, Japanese, and eventually Mexicans all had similar experiences with the line riders.

There is more to the line riders than who they were; there is also the geographical territory they occupied. Geographically, they could be found along the Mexican- American border from Galveston, Texas, to Alta California. The Mexican-American borderland is more than a historiography or a theoretical framework; it is a physical presence borne of politics and historically maintained by men. The creation of borders begins with the most basic of steps, deciding where it will be in a way that satisfies the governments of both sides of the proposed demarcation. Rachel St. John writes that on September 6, 1851 high ranking representatives of the joint U.S. and Mexican Boundary Commission met southeast of Tucson about sixty miles into the high desert plain. U.S. boundary commissioner John Russell Bartlett, Mexican boundary commissioner Pedro García Conde, Mexican surveyor José Salazar Ylarregui, and U.S. surveyor

[41] See Natalia Molina, *How Race Is Made in America: Immigration, Citizenship, and the Historical Power of Racial Scripts* (Berkeley, CA: University of California Press, 2014).

Andrew B. Gray led a team whose purpose was to mark the boundary line between Mexico and the United States. The work had been going on almost two years before Bartlett joined them and the difficult survey of the California-Baja California boundary had already been completed. The task ahead of them would prove to be the most difficult of their mission. The terrain and climate were, at best, inhospitable and at worst, deadly; the Native people did not approve of the surveyors' presence and would let them know of their displeasure and many members of the commission, including both commissioners, succumbed to sickness. Eventually, the border was delineated but Salazar Ylarregui learned a lesson many would be doomed to learn on their own in the future of the U.S.-Mexican border: "what on paper appeared to be a fairly simple task could be a dangerous and disorienting ordeal in the field." There would always, it appears, be a significant disconnect between Washington, Mexico City, and those physically working the border. The line riders would experience that disconnect on an almost daily basis.

The next stage in U.S-Mexican border development began in March of 1856 when the Mexican Army pulled out of Tucson. The border would see its share of action over the next twenty or thirty years, but what is unique about this period is what (and whom) was threatening the border. One danger on both sides of the border was the Apaches, which was certainly not a new development, though, as they had been a dominant force on the border for generations. American filibusters added a new threat to the border. They saw vulnerability in Mexico and desired to create new nations within its boundaries. Between these two forces, fighting along the border would continue for the next thirty years; factor in revolutions and violence on the border would continue well into the twentieth century.

October 25, 1882, saw another major development as a crowd gathered on the border about seventy miles south of Tucson. On that day the Sonora Railroad and the Arizona and New

Mexico Railroad were joined at the international boundary line. This development was significant for the borderlands because an international railroad meant ranchers and miners on both sides would be able to move their product to markets. Behind the railroad "grasslands became ranches, mountains became mines, and the border itself became a site of commerce and communities." To a large degree the border had been defined as a shared space with access to both sides fairly open. This, of course, could not last. The Tohono O'odham, known at the time as the Papago Indians, were one group that was crushed under the massive development of commerce on the border. The Tohono O'odham found themselves pushed off of land they had occupied for years as more and more Americans were drawn to the borderlands in order to ranch or, more importantly, buy land. Some wandered the more isolated stretches along the border on both the U.S. and Mexican sides and others became wage earners by becoming cowboys on the large American ranches. Even so, land loss primarily defined this period for the Tohono O'odham.[42] They were not the only victims of the border, however. Implicit in the question of who should be allowed access to a border is the question of who should be left out. The answer, for the next thirty years or so, can be found in one piece of legislation: the Chinese Exclusion Act of 1882.

The actual border itself, though, did not have as much to do with creating the line riders as the hills of central California did. As San Diego Customs inspector Jim Brown explained in a rare work on border enforcement at the ground level during the Chinese Exclusion period, "in purely demographic terms, the effect of the discovery of gold in California was initially nothing short of cataclysmic." Many of the new arrivals were Chinese immigrants who were drawn not as much by the gold but the opportunities for employment in a rapidly growing economy. After

[42] St. John, *Line in the Sand,* 12, 13, 14, 63, 75.

the gold played out and much of the railroad west had been completed, the Chinese "lost their raison d'être and became the target of a double prejudice: against their own distinctive appearance and culture, and a rising national sentiment against immigration and immigrants in general." According to Brown, the framers of the Chinese Exclusion Act apparently believed that enforcement would be a simple matter of controlling access to the United States though its ports. Thus, the responsibility of enforcing the Chinese Exclusion Act initially fell to the Customs Service. Eventually, however, the overland route rather than the sea became the biggest challenge to the Customs Service who created "field operatives." These "Chinese inspectors" were given the responsibility of patrolling the roughly 140 miles of a "highly porous border" between Mexico and California.[43] Later, immigrant inspectors (as well as the occasional Chinese inspector) watched over the rest of America's southern border. For more than a decade, they worked for different departments, with different responsibilities, before border enforcement was finally centralized in 1903. Immigrant inspectors, customs inspectors, and Chinese inspectors all had at least two commonalities with each other: they all rode and guarded the line.

Immigration enforcement in the late nineteenth, early twentieth centuries was racist and xenophobic. Union, congressional and media rhetoric make it difficult to argue otherwise. Eventually, however, Congress added another layer of complexity to border enforcement as it used economics to justify white supremacy with the Alien Contract Labor Law of 1907. But before that would happen, governmental attention would need to be drawn to the border. Corruption and politics, both small and large scale, would be the beginning of the end for line rider autonomy as the country would become aware of the complex ties between both borders,

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[43] Jim Brown and Rand Carreaga, *Riding the Line: The United States Customs Service in San Diego, 1885-1930: A Documentary History* (Washington, D.C.: Dept. of the Treasury, United States Customs Service, Pacific Region, 1991), 17, 19.

the ports, and Washington D.C. The few original border stations did not communicate much with each other, leaving determinations of policy, what to report (and what not to), who to exclude, and who to allow across the border largely up to the stations themselves. With the dawn of new century, however, those independent stations would begin morphing into a unified, centralized, progressive era bureaucracy. That process would start as far away from the Mexican border as possible while staying in the United States, in Washington D.C and Portland, Oregon. Politics and the courts would not be kind to the line riders.

# Part II

## Prologue

## The Gate Closes, 1902-1904

In 1894, China and the United States signed the Gresham-Yang Treaty, in which China agreed to a complete ban on the immigration of laborers to the United States. That treaty was set to expire in 1914, although both parties could withdraw by 1904. In 1902, however, the Geary Act was due to expire. This meant that Congress had to make decisions regarding the future of Chinese exclusion. In 1898 the United States had annexed both Hawaii and the Philippines, banning Chinese laborers from both places. Arguments over imperialism and the possible immigration of Asian immigrants other than the Chinese were certainly part of the Congressional discussion regarding extending the Geary Act, but Chinese exclusion was never too far from the thoughts of politicians and organized labor, especially on the West Coast.[1] As the expiration of the Geary Act neared, agitation to continue excluding Chinese increased. In California, the Chinese population had decreased, going from 75,000 to 45,600 in the twenty years since the original Chinese Exclusion Act. But for exclusionists that was not enough. For them, relaxing the ban would lead to an invasion by "hordes" of Chinese poised to take over the United States, beginning in the West. At risk was no less than preventing the destruction of the nation. Theodore Roosevelt himself believed that continued exclusion was "necessary."[2] Congress needed to act before the Geary Act expired.

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[1]Stephen Kinzer, *The True Flag: Theodore Roosevelt, Mark Twain, and the Birth of American Empire*, (St. Martins Griffin, 2018), 138.
[2] Martin Gold, *Forbidden Citizens: Chinese Exclusion and the U.S. Congress: A Legislative History* (Alexandria, VA: TheCapital.Net, 2012), 322.

Debate began on April 4, 1902. There were multiple purposes that the new bill needed to accomplish. It needed to not simply extend Chinese exclusion, it needed to clarify judicial decisions on exclusion as well as on administration enforcement policies. Much like the dialogue over the previous acts, there was no real resistance to the exclusionary sections of the bill. The arguments were over the details. In his opening speech to the Senate, John H. Mitchell (R-OR) reminded the assembly that there was no longer a need to even discuss Chinese exclusion as almost all in attendance were in agreement on the subject. He reminded them that exclusion protected American labor as well as the country itself. Exclusion protected the country from the "noxious infections of [the] institutions of our country" from Chinese influence.[3] With that, discussions commenced.

Mitchell was sponsoring legislation that would extend exclusion indefinitely. It would also cover the movement of Chinese in the territories recently acquired by the United States. According to Mitchell, his legislation offered no changes to the Geary Act except that it covered the territories and it would not expire. One issue that his legislation did address, however, was the definition of "merchant." Section eight of Mitchell's legislation defined a merchant as someone who engaged in trade at a fixed location and who did not perform any manual labor unless it was necessary in order to conduct his business.[4] Merchants who could not produce a certificate to allow them entrance would be given the opportunity to produce "two credible witnesses other than Chinese."[5] Another definition, however, did spark some disagreement. Section seven defined a "student" as one who was pursuing upper education in a profession for

[3] 35 Congressional Record 3654 (1902).
[4] 35 Congressional Record 3655 (1902).
[5] 35 Congressional Record 3657 (1902).

which China did not offer sufficient resources. Senator Orville Platt (R-CT) objected to this, saying all students should be welcomed as the experience benefitted young Chinese once they returned home.[6] Other than that the deliberations in both the Senate and the House continued much like they had in the past, with pro exclusionists attacking the Chinese and their pernicious influence while proclaiming their love of God and country as the anti-exclusionists responded with variations on the theme of "that's ridiculous." The anti-exclusionists were drowned out and after all of the many details were ironed out and both sides made suitable compromises, on April 29, 1902, Theodore Roosevelt signed the extension (which was indefinite, but not permanent) into law. In 1904, China withdrew from the Gresham- Yang Treaty. With very little dissention Congress made the 1902 extension permanent.

[6] 35 Congressional Record 3725 (1902).

# Chapter Three: Corruption and Adventure on the Arizona Border

The earliest border troubles regarding immigration for the U.S. government did not begin in Texas, they began in Arizona. Congress assigned Customs the initial responsibility of enforcing the Chinese Exclusion Act along the Mexican border, but the attempt was haphazard at best. Customs had a long history in California and had been fighting commodities smuggling across the border with California for decades. It seemed a simple task to extend Custom's reach into Arizona. But that reach did not include more men, only more territory to be guarded. From 1882 until the end of the nineteenth century, the government sent inspectors off to defend America's southern border with little instruction from Congress as to how and with few resources. Government reports from the border from 1882 until 1900 are sparse. The celebratory *The U.S. Customs Service: A Bicentennial History* claims that over 3,000 Chinese were caught and deported between 1882 and 1910, a suspiciously high number considering the reports coming out of the border. Early on, few inspectors reported the deportations of more than a few Chinese at a time. This lack of documentation meant that not only was corruption a major problem along the Arizona border with Mexico, but many line riders acted as they pleased with little fear of reprisal.

The Customs Service had years of experience preventing the illicit transportation of goods into the United States by the 1880s. But Nogales, Arizona was unlike the other ports that the Customs Service had jurisdiction over. As early as 1890, the federal government was aware that it was a popular crossing point for Chinese immigrants as the Customs inspectors were detaining Chinese immigrants, just not a large number.[1] For the most part, however, warnings

[1]Carl E. Prince and Mollie Keller, *The U.S. Customs Service: A Bicentennial History* (Dept. of the Treasury, U.S. Customs Service, 1989), 189; United States Bureau of Immigration. *Annual Report of the Commissioner- General of*

about the increase of undocumented Chinese immigrants coming through Nogales were ignored. The Customs Service, though, like other Gilded Age government agencies suffered under the weight of corruption. Some of that corruption was due to the amount of freedom inspectors had to carry out their work. According to historian Peter Andreas, "the invasive power of the federal government in peacetime was no more concentrated than in customs inspections."[2] Andreas describes how customs was struggling to adapt to policing immigrants in a Gilded Age America that had previously shown no interest in restriction. Eventually, some customs officials chose to use their positions to their financial advantage in regard to immigration. It would not be long until customs officials and inspectors would realize that smuggling Chinese immigrants was a lucrative industry, especially across the isolated Arizona border.

Three men represent the different stages of immigration along the border and they all met in Nogales, Arizona. Benjamin Franklin (B.F.) Jossey was a prime example of a Gilded Age customs inspector. While in Oregon and Washington State, he was abusive to the Chinese as well as other inspectors, he tended to perform his duties any way he saw fit, and while not really corrupt, he took advantage of his position and ended up in court numerous times until he was transferred to Arizona, which was another mainstay of Gilded Age federal agencies; rather than actually deal with a problem employee, they were simply transferred to another post. While in Nogales, he met George Webb, another customs inspector (who would eventually join the immigration service). Webb straddled the Gilded Age and the Progressive Era. By all accounts he was honest and loyal to the Bureau, even as the Gilded Age influence all around him was waning. He was a proto progressive, searching for a better way to perform his duties, as both an

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*Immigration to the Secretary of Commerce and Labor*. Washington D.C: U.S. G.P.O, 1899. 42; Patrick W. Ettinger, *Imaginary Lines: Border Enforcement and the Origins of Undocumented Immigration, 1882-1930* (Austin: University of Texas Press, 2009), 56.

[2] Peter Andreas, *Smuggler Nation: How Illicit Trade Made America* (Oxford: Oxford University Press, 2014), 187.

inspector, and later as an inspector in charge. He would help pull the Bureau into the future. Last, Jefferson Davis Milton was, to all who knew him, simply a cowboy. But he was also a customs inspector, then an immigrant inspector. He lived his life and did his job like it was always the 1890s. Arizona was where all three stories came together.

The Sonoran Desert around Tucson, Arizona is harsh and blisteringly hot terrain. The countryside is varied, in places even mountainous. Dust storms blow up at a moment's notice and disappear just as quickly, but when it rains, the air can be cool and damp. When it does not rain, which is much more often, the air is dry and very hot, making every breath feel as if it is being taken deep within an oven. There is no mistaking it as desert; in fact, sand is everywhere. It somehow works its way into the clothing and shoes, even the folds of skin of anyone who ventures out into it for any length of time. But there is still plenty of vegetation. There are small barrel cacti, looking like melons that steadfastly refuse to give up their fruit; from March to June brittlebrush sprays the desert with bursts of yellow; desert ironwood provide height to the desert as they are the only tree to grow as tall as 25 feet; and then there are the saguaros. The saguaro cactus can live to be 200 years old and grow as tall as 60 feet. They are omnipresent in the Arizona borderlands. They dot the countryside like thousands of impassive, uninterested border guards, watching the coming and going of both immigrants and government officials. But before one is tempted to believe that the saguaro takes no action, it is important to remember that most of the saguaro's roots are only 4-6 inches deep, with just one tap root more than 2 feet deep. Many unwary visitors over the years have discovered how easily a ten-foot saguaro can collapse. The desert, like the saguaro, is full of hidden threats, as well as unseen activity. The desert is a mystery. It would also see the end of B.F. Jossey.

The career of Benjamin Franklin Jossey began in Portland, Oregon and demonstrates the violence and corruption in the world of customs inspectors as they became part of border policing. Vilified as an inspector in Portland, Oregon, Jossey was lionized as a line rider in Arizona. Jossey was appointed to the position of Chinese inspector in Tacoma in 1895 by President Grover Cleveland, through Treasury Secretary John G. Carlisle. Portland citizens and immigrants hated Jossey. According to the *Morning Oregonian* Jossey "was overzealous in the discharge of his duties and so anxious to make a good record with the department that he could only see one side of a case." He seemed to approach his job like it was his primary "duty to make as much trouble as possible for Chinese who came under his observation." He would show up as often as necessary to deportation proceedings, frequently providing information to the court in advance. Some would claim that he would tell his story to the court over and over, embellishing the truth with each telling. He was also known to the Chinese community (as well as the more moderate white citizens) to conceal "the truth knowingly to carry his point." [3] Such aggressive and zealous behavior eventually led to his transfer to Arizona.

First, however, customs officials transferred Jossey to the Portland/Astoria District in 1898 after a disastrous series of events. In Tacoma, an inspector at one of the Washington State customs stations accused Jossey of beating him because Jossey insisted that the other inspector had spread a rumor that smugglers robbed Jossey while he was arresting them. Jossey objected, believing that the rumor made him look weak as an inspector in a town fully committed to eliminating its Chinese presence. A grand jury indicted Jossey in December 1897. Jossey was eventually found guilty but wrote a letter to the Treasury Department and somehow managed to get himself transferred to Portland rather than lose his job during the trial. His attorneys, in fact,

[3] "B.F. Jossey Killed," *Morning Oregonian* (Portland), August 28, 1901.

were able to get the trial delayed until February 1899, meeting with no opposition from the Customs Service, which had for years before (and after) chose to transfer problems rather than deal with them. During that time, Jossey managed to make more trouble for himself in Portland.[4] It seems that Jossey spent a good portion of his time in court.

Jossey's first run-in with the Chinese community in Portland came in June of 1898. That month, Gin Fung, a Chinese merchant who did business in Portland, was arrested at the port by Collector of Customs Thomas Black under suspicion of being a laborer unlawfully in the United States. After an investigation that lasted until July, Fung's claim to be a merchant notwithstanding, Black concluded that Fung was not, in fact, a merchant and was therefore not legally allowed to come ashore in Portland. According to Fung, however, the decision was made because of a "pretend" investigation by none other than Chinese Inspector B.F. Jossey. According to court records, Jossey did not allow Fung the time to produce records proving his merchant status or witnesses on Fung's behalf. When Fung brought up those issues, his case was referred to United States commissioner Edward N. Deady, who handed the investigation back to Jossey. Jossey then told a representative of Fung that he had until 4 o'clock that day to produce a witness. The representative did, but not until five. Fung's representative went looking for Jossey at the steamer where Fung was being kept, but Jossey was not there. He was eventually found at the collector's office. Fung's representative offered the witness for Jossey to interrogate. Jossey consented but before the man could speak, Jossey said that it was not appropriate for a young man (the witness was only eighteen) to make a sworn statement at a Chinese landing. In fact, Jossey was about to go out and arrest a man for making a false statement. Jossey claimed that he was only concerned about the young man's reputation. As a result of the inspector's statement,

[4] Marie Rose Wong, *Sweet Cakes, Long Journey: the Chinatowns of Portland, Oregon* (Seattle: University of Washington Press), 2004), 87, 88.

the young man refused to testify; therefore, there were no statements on Fung's behalf and he was forced to return to China with the steamer, even though he had undeniable proof of his status as a merchant.[5]

The Chinese community in Portland constantly accused Jossey of being overly aggressive in the enforcement of the Chinese Exclusion Act. First, however, a little background is in order. John Hoyt Barbour, a career civil servant, served as Chinese inspector and Inspector-in-Charge of immigration in Portland, Oregon, from 1898 to 1916. His time in Portland coincided with a critical period in the history of Chinese exclusion law when immigration control was being reorganized and procedural rules were being put in place. Barbour was only twenty-nine years old when he accepted the job in Portland. One of his responsibilities was the hiring of inspectors, which he did without asking for any input from his superiors or other agents. He also wrote his own commendations and conducted his own performance reviews of himself. He only fired two inspectors, for drunkenness, and, according to historian Marie Rose Wong, acknowledged that "all the inspectors in Portland were indebted to loan sharks." It is perhaps no surprise then that Barbour and Jossey, who worked under Barbour, were accused of abusing their positions by both the Chinese Chamber of Commerce in Portland and other Chinese inspectors. These accusations in Portland, Oregon, occurred *during* Jossey's trial in Tacoma.

Wu Tingfang, the Chinese foreign minister in Washington D.C, accused Jossey of abusing Chinese residents of Portland through illegal searches of homes and businesses, which was "terrifying Chinese residents." Certificates of residence were required only of Chinese laborers, but Jossey was harassing merchants and their wives as well as American born Chinese who could not produce papers. While many of the incidents ended in arrests or trials, the U.S.

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[5] Robert Desty, James Wells Goodwin, and Peyton Boyle, "In re Gin Fung (Circuit Court D. Oregon. August 24, 1898)," *The Federal Reporter* 89 (1899): 153-156. 154.

commissioner of immigration always found that no infraction had occurred. As a result, the Chinese Consolidated Benevolent Association (CCBA) filed two suits against Jossey totaling $10,000. Jossey claimed that he never entered a home or business without a search warrant that was based on credible information from "unnamed informants" indicating the presence of opium. Because opium was a serious problem in Portland, Jossey was always able to defend his actions.

Unlike Portland Chinese residents, both the U.S. attorney general and the Secretary of the Treasury believed that Jossey's actions were warranted. Jossey, for his part, was upset that he had to defend himself at all, claiming that he could not command the respect of the Chinese if they were allowed to challenge him at will. In fact, the testimony of "reputable white witnesses" should have been enough.[6] His responses to any charges against him revealed that he believed that he should be allowed to do whatever he deemed necessary to protect the United States from the incursion of the Chinese, especially if opium was involved. His supervisors, however, while clearly biased towards Jossey as they rarely officially reprimanded him, showed the bureaucratic need to protect themselves by creating a paper trail.

The federal immigration office appointed customs Special Agent Caleb West to investigate Jossey's actions. West had often accompanied Jossey on his raids of Chinese homes and businesses so "cheerfully acquit[ted] inspector Jossey of knowingly acting harshly." All charges were dropped, and the investigation ended. However, at the same time, Jossey was being sued by the On Hing Company in Portland for committing the same acts West had investigated. The lawsuit was for $5100. So, a quick recap. Beginning in 1898, a fellow government employee accused Jossey of assault and a Chinese merchant in Tacoma, accused him of wrongdoing, just short of corruption; the Chinese Consolidated Benevolent Association in Portland accused him of

[6] Wong, *Sweet Cakes,* 84, 86, 87, 89-91.

false arrest and harassment (and sued for $10,000); and the On Hing Company sued him for "wanton, willful, and malicious mutilation and defacing [of] goods" for $5100; all of that was going on almost simultaneously. In 1901, the government quietly transferred Jossey to Arizona, where he would become a line rider.

As historian George E. Paulsen points out, the "twin towns of Nogales" appeared to be the perfect locations for smuggling as they straddled the Mexican-American border. The Sonoran Pacific Railroad ran from the port of Guaymas in Sonora up to El Paso, Texas, Yuma, and Tucson, Arizona. Because Nogales was the principal entry into Arizona, it was where the Customs Collector was located. The Arizona-Mexico border is certainly long, and it was a challenge to the Customs Service, as well as the Bureau of Immigration, to prevent smuggling. Widespread systemic corruption did not help. The inspectors were far from Washington D.C. The only real way to make sure that the system worked the way the government intended was for the inspectors to police themselves. When B.F. Jossey arrived in Tucson for the first time with his wife and eighteen-year-old daughter, he began a new job in a new place, but he remained doggedly focused on arresting transgressors. He arrested more Chinese immigrants than other inspectors, and he attended more trials of immigrants. As early as February of 1901, Jossey appeared in court where a Chinese man claimed that he was able to easily slip out of the custody of the line riders with whom he was riding. Jossey wrote Collector of Customs William Hoey that he would investigate.[7] Hoey and Jossey had barely begun their administrative relationship when trouble came in August of 1901, ending in Jossey's death.

Jossey's path from being a much sued Chinese inspector in Portland to a dead man lying among chickens in Tucson began with Customs Collector William M. Hoey. In August of 1901

[7] Jossey to Hoey, February 7, 1901, NARAFW File #583177.

residents of Nogales, Arizona, woke up to read that Hoey, one of the town's most important residents, had been arrested for smuggling Chinese immigrants across the border. This was especially shocking as Hoey had been brought in specifically to replace the previous Customs Collector who had been fired in 1899 for exactly the same thing. The Justice Department was equally taken aback as it appeared that the Arizona border was rife with corruption and that the earlier case was not an anomaly.[8] So many inspectors, in fact, were breaking so many of the regulations to varying degrees that no one really reported corruption on the parts of their coworkers unless there was some sort of personal gain involved; even then the accusations could not be trusted. The accusations against Hoey, however, even as those questions came up, forced the government to intervene because two high level cases of customs department corruption in a row were beginning to draw national attention.

The Chinese made it across the border in one of two ways; they either paid cash to smugglers or made arrangements with one of the Chinese societies in the United States (known as the "Six Companies."[9] In Nogales, Sonora, the acknowledged smuggling ring leader was Yung Ham, who it was believed smuggled almost six thousand Chinese across the border; almost half of whom were eventually deported. The actual smuggling was made easier by bribing customs collectors and Chinese inspectors. Not only were the line riders bribed to allow the Chinese to walk across the border, but also to allow them to cross aboard trains. Accepting bribes could be very lucrative. The border was not a major concern for Congress yet and immigrants who could not enter through the ports for a variety of reasons could cross the border much more easily, but only with the cooperation of the inspectors. Corruption in the Nogales customs service

[8] George E. Paulsen, "The Yellow Peril at Nogales: The Ordeal of Collector William M. Hoey," *Arizona and the West* 13, no. 2 (1971), 113-128.
[9] The six Companies were also known as the Chinese Consolidated Benevolent Association. They offered benevolent services to Chinese immigrants, including legal representation.

had become so well known that the editor of the Nogales, Arizona, *Oasis* reported that Customs Collector Harry K. Chenoweth, Hoey's predecessor, was the leader of a corrupt group of business leaders known as "the Push." The *Border Vidette*, on the other hand, backed Chenoweth and attacked the *Oasis*. Either way, the Department of the Treasury investigated Chenoweth and uncovered, at the very least, his association with another smuggling ring leader, Lee Sing, who lived in Sonora and could pass back and forth across the border freely. Even with Chenoweth's help escaping, Sing was still apprehended in Nogales and prosecuted in Tucson. Because of the investigation, Treasury Secretary Lyman J. Gage removed Chenoweth and President William McKinley appointed William Hoey as the new Customs Collector in Nogales.

Hoey started out fine. His problems, though, began with two line riders, George W. Webb and Joel L. Hathaway. Webb and Hathaway claimed that smuggling was still occurring along the border. Webb and Hathaway were upset that Hoey did not trust them and instead worked closely with Jossey, who had arrived in Nogales with "a reputation for being very diligent in seeking out and arresting smuggled Chinese." Webb got the investigation started by writing a letter to El Paso Special Treasury Department Agent James A. McEnery.[10] An interview with M.C. McLemore, of Galveston, Texas, United States attorney for the eastern district of Texas, who was designated by the attorney general of the United States to investigate the charges against Collector Hoey, reveals the steps involved in the investigation.

According to McLemore, after the allegations by Webb and Hathaway, Secret Service Agent Henry C. Dickey was sent to Nogales to investigate, but only after McLemore was convinced that the case against Hoey was strong. Dickey joined with the line riders to root out Hoey and Jossey. Webb "was instructed to pretend to be willing to engage in the fraudulent

[10] Paulsen, "The Yellow Peril," 114-116.

scheme suspected and by this to learn the method and means by which it was done." Hoey brought Webb into his confidence while Dickey hid in a closet and listened. Hoey told Webb that Chinese immigrants with certificates marked "A" would be automatically allowed across the border. After receiving that information, Webb and Hathaway found a group of Chinese immigrants on the road from Nogales to Tucson, all of whom had certificates marked "A". McLemore also stated that evidence showed that Hoey gave checks to Webb for his share of the smuggling money; the checks were in the possession of the government. One of these checks, sent to Webb after he asked Hoey if he had made any more money off of smuggling, was found in Hoey's desk at the customs office.[11]

One aspect of the investigation into Hoey and Jossey especially irritated Arizona citizens. Dickey sent Webb into Mexico to bring back two witnesses (Paulsen identifies them as Frank How and Ye Kim).[12] Webb, however, apparently had to bring out the witnesses by force at gun point. This incensed the editors of the *Oasis*, who wrote that if Webb and Dickey were "not made to suffer severe penalties for violation of the territory of a friendly nation it will be a gross miscarriage of justice, and likely to strain the friendly relations between the two republics."[13] In the Hoey/Jossey scandal there were two sides: Webb/Hathaway and the federal government versus Hoey/Jossey and the people of Arizona. The locals understood that the system of smuggling and corruption fed the local economy and resented government interference into a system that had worked for years, especially since many of the Nogales residents were turning in Chinese for the reward, even Chinese who were in the U.S. legally. There was enough corruption

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[11] "Chinese Smuggling Scandal at Nogales: Interesting Interview with Attorney McLemore who Prosecuted Hoey," *Arizona Daily Citizen* (Tucson), September 2, 1901.
[12] Paulsen, "The Yellow Peril," 118.
[13] "Opinion of the Editors," *Prescott Evening Courier*, September 11, 1901.

for everyone. The federal government, however, was fighting corruption nationwide and sought to end it as well along the border.

The Hoey case continued for well over a year. It finally went to trial in April 1902. Hoey was eventually found innocent of all charges. McLemore claimed that the feeling in the community was that while Hoey was likely guilty, he should be acquitted because of the way that the government depended on evidence acquired by Webb and Dickey. While Hoey was vindicated, however, he lost his job, salary, and his reputation. Once again, the Nogales *Oasis* was furious. The editors claimed that the only honorable thing to do was to reinstate Hoey and send Webb and Dickey to prison. The Phoenix *Daily Enterprise* also claimed that Hoey was the victim of a conspiracy. But Hoey could never win. In fact, in October 1902, Attorney General Philander C. Knox attempted to indict Hoey for falsifying travel vouchers but was stymied by local support for the ex-Collector.[14] Jossey saw none of this. He had been dead for almost a year.

At the height of the investigation, Jossey lived in Tucson. While aware that a United States marshal held a warrant for his arrest, Jossey did not take the charges seriously. Original reports of Jossey's death claimed that he had committed suicide. Under the circumstances, many believed that was a natural assumption. The investigation into his death, however, determined that his death was accidental. According to evidence presented at the inquest, in the nights leading up to Jossey's death, his hen house had been raided by a skunk. Jossey had, in fact, tried to shoot the skunk. The following night, he stomped down the grass around his hen house so that he could see the skunk if it came back around. The night of his death, Jossey heard a noise outside his house. He grabbed a shot gun, loaded it with bird shot, and headed out to the hen house, hoping to shoot the skunk. Soon after, around 3:00am, Mrs. Jossey heard a shot. She

[14] Paulsen, "The Yellow Peril," 128.

asked, “did you get him?” and heard her husband moan in reply. She ran to him and found him lying on the ground, bleeding from a gunshot wound to the chest, just below the left nipple, clothed only in his night shirt and slippers. Justice Wilson (no first name given), hurried to Jossey’s house after being summoned by Mrs. Jossey. About 4:00am a jury was summoned and after a quick investigation, with no witnesses to the actual shooting, it was determined that Jossey’s death was accidental. The paper had nothing but praise for the departed Mr. Jossey.[15]

Not everyone bought that Jossey’s death was accidental. Whenever newspapers in Arizona or New Mexico referred to his death, they hinted that it was suspicious. The *Deming Herald*, for instance, wrote that Jossey “accidentally shot and killed himself in a very strange manner.”[16] At the end of the investigation into Hoey’s and Jossey’s alleged corruption, Hoey’s reputation was ruined but Jossey’s was unscathed. Unfortunately, Jossey also ended up dead. On August 30, 1901, the *Arizona Daily Star* announced that “[t]he name and reputation of the late Inspector B.F. Jossey, is freed from suspicion of guilt on wrong doing in connection with the Nogales customs scandal.”[17] United States Attorney McLemore also stated that he would not introduce any evidence at trial that would implicate Jossey.[18] On August 30, 1901, the *Arizona Daily Citizen* reported that Inspector Jossey’s wife was “receiving numerous letters [from] friends in Tacoma and [other] Washington cities.” Letters arrived from “Ex-United States District Attorney Brinker, of Seattle; ex-United States Marshall S.C. Drake, United States Commissioner M.L. Clifford” and many others.[19] Finally, Commissioner-General Terence

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[15] "Death of Chinese Inspector B. F. Jossey Coroner's Jury Returned a Verdict of Accidental Shooting," *Arizona Daily Citizen* (Tucson), August 27, 1901.
[16] "Short Locals," *Deming Herald* (Deming, New Mexico), September 3, 1901, 1.
[17] "Court Commissioner George at Nogales Dismisses All Charges Against Late Chinese Inspector," *Arizona Daily Star* (Tucson), August 30, 1901, 1.
[18] "Chinese Smuggling Scandal at Nogales: Interesting Interview with Attorney McLemore who Prosecuted Hoey," *Arizona Daily Citizen* (Tucson), September 2, 1901, 1.
[19] "Praise for Jossey In Many Letters," *Arizona Daily Citizen* (Tucson), August 30, 1901.

Powderly granted that all expenses incurred by Inspector Jossey during the month of August, when Jossey was being investigated, be paid to his wife, Clara L. Jossey.[20] Unlike Hoey, Jossey emerged from the scandal with his life lost, yet his reputation was not only intact, but improved, especially improved over the reputation he had earned in Portland. In the early years of the line riders, before the bureaucracy had fully taken hold of the inspectors along the border, the perceptions of the public and of the line riders themselves were far more important than the written reports of line rider supervisors. That would change in a few years.

Even though Inspector B.F. Jossey spent the majority of his career in the Pacific Northwest, he was a typical border line rider. Few in Washington and Oregon appeared to believe that Jossey was corrupt; rather, they seemed to believe that he simply had an almost compulsive desire to arrest and expel any Chinese people he came across. He seemed to be overly aggressive, and certainly racist, but not especially crooked. There were never any accusations of smuggling or bribery, both common in the customs service. Jossey was different than most inspectors, many of whom were either civil servants doing the least they could get away with, or were simply corrupt; he was just fully, perhaps obsessively, committed to the customs service mission. He also bristled at any attempt by the Chinese to put an end to what they believed were unreasonable searches and arrests. Jossey was indignant, rather than contrite at all of his court appearances in Washington and Oregon. His fight with the inspector in Tacoma, in fact, was due to Jossey's honor being challenged. Jossey firmly believed that he was the hardest working, toughest Chinese inspector in the Northwest. In Arizona, Jossey showed the intense loyalty to Hoey that he had given to Barbour in Oregon.

[20] Powderly to Collector of Customs, Nogales, October 7, 1901, NARAFW File #583177.

There are several important lessons to be learned from B.F. Jossey. First, he was representative of the continuing, but fitful, growth of United States governmental bureaucracy. Federal law enforcement was struggling to find its footing all over the country, but along the border policing immigration instead of just administering it was in its infancy. Jossey revealed the difficulties of controlling federal government employees so far away from Washington D.C. The Bureau of Immigration was the government's first attempt to control the borders and it did not go smoothly, especially as the Bureau engaged in power struggles with the Customs Department. The Customs Service zealously guarded their mission of controlling Chinese immigration even as the Bureau of Immigration absorbed their Chinese inspectors. Well-publicized incidents like Hoey's case led the Bureau of Immigration to take responsibility for immigration from the Customs service. Government control of immigration in the West was tenuous at best, as the West and the East differed philosophically and culturally, at least among the men the government hired to enforce immigration law. While the East sought efficiency and bureaucracy, that same efficiency was slow to affect the western inspectors, who were still living in the frontier era, depending on their instincts and physical abilities, defending themselves and each other against any perceived attacks on their honor.[21]

For many Western immigration and customs officers, the Chinese primarily represented opportunity. Those officers could improve their arrest records, protect the U.S. from the threat of opium coming through ports, and they could earn money by supporting illegal Chinese smuggling. For labor leaders, politicians, and many Americans, the Chinese were seen as a threat. For agents of the federal government like B.F. Jossey, however, the Chinese were an

[21] For more on this need to defend perceived attacks on the inspectors' honor, see Jacqueline M. Moore, *Cow Boys and Cattle Men: Class and Masculinities on the Texas Frontier, 1865-1900* (New York: New York University Press, 2011), 115-116.

opportunity, to prove their patriotism, their manhood, or, in the cases of Harry Chenoweth and William Hoey, to simply make some money.

So, in this contest of wills along the border, who won? William Hoey was found not guilty, but he was disgraced. Jossey was dead. George Webb, however, not only escaped unscathed, he thrived. He continued working with the Customs Service for at least another two years.[22] By 1903, however, he had not only been hired by the Immigration Service, he was a Chinese Inspector in Charge in Arizona.[23] Webb, with half of Nogales wanting him in prison and the other half considering him a hero, had capitalized on the good will he had created with the federal government and worked his way up the bureaucratic ladder. Webb's commitment to government work was one of the few issues that was clear during the Jossey scandal. He would not only avoid being brought down by the scandal, Webb would go on to a long and respected career within the immigration service. He would also take his commitment to the benefits of bureaucracy into the immigration service. Webb, with mixed success, would do what he could to bring the Texas and Arizona cowboys of the immigration service under control. By 1903 he was the inspector in Charge in Tucson, Arizona.

George Webb's desire to fulfil the government's mission regarding immigration really knew no bounds. Webb would do whatever was necessary to stop the flow of illicit immigration across the border. He did not take failure lightly. In 1903, he received word that a Chinese man had slipped into the country, most likely across the Mexican border. The report Webb received indicated the man was headed to Boston. But Webb was not going to let it end at that. He

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[22] United States Department of the Interior (1903), *Official Register of the United States.* Washington: Govt. Print. Off. 1184.
[23] United States Department of the Interior (1905), *Official Register of the United States.* Washington: Govt. Print. Off. 1094

gathered the information he had and sent a letter to the Commissioner of Immigration in Boston. He let the commissioner know that the Chinese man was on his way to there to work in a laundry. Webb instructed the commissioner to have someone watch the laundry and to inform him if the commissioner was able to make the arrest.[24] Webb may not have had the freedom to go to Boston to pursue the Chinese man (and there is little doubt that he would have done so if able) but he was certainly going to do everything he could to assure the transgressor's arrest.

Webb also tried to instill in his men the importance of correctly filled out paperwork. The same day that he wrote to the commissioner in Boston he wrote Chinese Inspector Alfred Griffin in Rincon, New Mexico. Louis Jan, a merchant there, intended to visit China, then return. This was allowed under the Geary Act, but it was complicated and required an investigation. Webb reminded Inspector Griffin that he was to "make a thorough investigation as to [Jan's] status." In doing so, he also reinforces the inherent racism of the Chinese Exclusion Act. Griffin was to take a questionnaire to witnesses on Jan's behalf. The witnesses, however, could not be Chinese or Mexican American (it was New Mexico, after all), they had to be white. And not just any white witness would work. According to Webb. "[y]our report should…show the standing of the white witnesses." Much like the Jim Crow South, only the testimony of white witnesses, the right ones at that, mattered.

Questionnaires were not the only part of the investigation. Whereas before Webb a simple "investigate the applicant's background" was likely sufficient, Webb was clear as to what Griffin was to investigate. Griffin was to "make a close inspection of the place of business of the alleged merchant." He was to judge the value of the man's goods as well as their quality. He needed to collect the names of any partners and what interest they had in the business. On top of

[24] George Webb to George Billings, December 14, 1903, NARAFW RG 85 HM Box 1 TX 11.

all that, Griffin was to investigate whether Jan's business was connected to "a laundry, restaurant, barbershop, gambling joint or opium joint." If there was, indeed, a connection to one of those establishments, Griffin was to find two white witnesses to attest to it. Last, Griffin needed to investigate whether Jan had done any manual labor outside of his store within the last year.[25] All of the above was necessary just so that Jan could visit China and come back. Such requirements had been in place for years, but few inspectors wanted to manage such onerous detailed investigations. Webb did.

Webb also corrected and educated the inspectors whenever he saw fit. He did not tolerate deviations from the regulations. The aforementioned Inspector Griffin, for instance, apparently ran afoul of Webb over requesting a vacation. Griffin seemed to believe that he had full authority from the Bureau of Immigration to do as he saw fit. In a letter from January 1904, Webb reminded him that he needed specific approval, after being briefed, before undertaking any action. Second, Griffin had received a memorandum from the Commissioner General regarding a vacation and did not mail Webb a copy. Webb, in turn, contacted the Bureau and changed the letter from a seven-day vacation (as Griffin requested) to five days (plus two weekend days) so that Griffin would be paid for a full month. Webb did not believe that Griffin had "malice intent" but wanted to make sure that Griffin understood the rules.[26] This was a pretty smart supervisory move by Webb. In one letter, Webb managed to castigate Griffin while simultaneously earning his loyalty. It was true that Griffin was chastised for not following the rules, but by overruling Griffins original letter, he also assured Griffin that he would be paid for a full month. Those two extra days might have cost Griffin significant money. Webb deftly protected Griffin and warned him at the same time.

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[25] Webb to Griffin, December 14, 1903, NARAFW RG 85 HM Box 1 TX 11.
[26] Webb to Griffin, January 7, 1904, NARAFW RG 85 HM Box 1 TX 11.

There were also signs during Webb's tenure as Inspector in Charge of the bureaucratization of the border that would come along in a few years. One interesting facet of the line riders is the issue of uniforms. For the first decades of their presence along the border they had no uniforms. Uniforms were not introduced until 1903; even then they were phased in slowly.[27] There is no evidence that George Webb was the reason behind the uniforms, but they were first issued the year that he was promoted to inspector in charge and by most accounts he was the type of man who valued uniforms. The toughest part of the uniform to get to everyone, though, was the badge. It was not a metal badge, but a patch embroidered with the initials U.S.I.S. (United States Immigration service). In early 1904, all of the line riders did not have badges. Webb, however, was fighting to fill that gap.[28]

George Webb was committed to the regulations. One way that the Chinese Exclusion Act had been enforced, especially before 1894 but well after as well, was through private citizens who would capture and turn in Chinese immigrants. Even after the Bureau of Immigration took over the border, that practice continued.[29] The inspectors' reports from the 1890s do not always reflect the dispositions of the captured Chinese cases, but the rewards were generally paid out. By 1902, though, the Bureau started to question rewards. Webb especially refused to pay out unless the requirements were met. Previously, white men along the border saw Chinese immigrants as a sort of lottery. They would capture immigrants, legal or otherwise, and turn them in. More often than not, they would receive a reward regardless of the outcome of the case.[30] By 1902, the Bureau had stopped automatically paying out. Rather than leave the inspectors to explain to those who would not receive a reward, Webb would answer the inquiries

[27] Webb to Partch, April 1, 1904, NARAFW 9723-C.
[28] Webb to Bonner, February 16, 1904, NARAFW RG 85 HM Box 1 TX.
[29] F.H. Larned to Collector of Customs, Nogales, Arizona, November 1, 1902, RG 85- HM1994 Box 1 E. TX 3.
[30] Powderly to Baker, September 23, 1901, RG 85 HM 1994 BOX 7 E TX2.

himself. In a letter to a Gavina Gryalva, Webb explained that the government did not pay out rewards unless the immigrant was deported.[31] On many occasions, Webb's commitment to the Bureau applied not only to the inspectors in his charge, but to the general public. In many ways, he was the Bureau of Immigration personified.

George Webb made a significant contribution to the bureaucratization of the border that would be solidified by 1910. He used the work ethic that he had developed in the Customs Service to bring organization and discipline to the men working the border, but his attempts had mixed results. Many of the men he supervised had been Texas Rangers, others were nominally trained by former Texas Rangers, but trying to get cowboys to adapt to bureaucratic regulations was like choreographing raindrops. What control he did exert over his men was likely due to sheer force of personality. Webb himself had been a cowboy, growing up poor in Arizona, using his guns as a young man with little self-control.[32] Eventually, however, he harnessed that aggression and earned the respect of his men. It was not his commitment to regulations, his focus on controlling his men, or his knowledge of immigration law that allowed George Webb to make a lasting contribution to line rider mythology, however. Webb's wild youth and his connections to one of his oldest friends led to stories and events that captured the attentions of Westerners, especially Texans. Webb cemented the place of the line riders in the hearts and imaginations of twentieth century Westerners by bringing Jefferson Davis Milton into the line rider fold.

It can be easy to forget that legends often belong to a particular place and a particular time. Jefferson Davis Milton belonged to the early to mid-twentieth century. He belonged to the West. Like many of the stories he told, Milton's early life is unclear. What is generally agreed on is that Milton was born in Florida in 1861. His father was the governor. Sources also agree that

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[31] Webb to Gryalva, January 29, 1904, NARAFW RG 85 HM Box 1 TX 11.
[32] Haley Memorial Library (hereafter HML), Milton interview notes volume I, March 4, 1938, 202-204.

Milton's father, John Milton, died a premature death. According to a biography from 1901, John Milton was strongly pro- Confederate, "not only for the protection of state rights, but to preserve the rights of property in slaves…". Through the strong leadership of John Milton, Floridians of all ages enlisted to protect the home front from invasion. While Florida held its own, the Confederacy grew weak, distressing Milton. Unfortunately, "the constant [concern] aggravated by mental work, produced softening of the brain and caused his death eight days before the surrender of Gen. Lee."[33] This was the sad, martyred end of young Jeff's father according to a 1901 biography. Historian George U. Hubbard is a bit blunter: John Milton committed suicide.[34] Either way, Milton left Florida as a teenager and like many young men after the Civil War, headed west. His first stop was Texas, where he became a Texas Ranger after claiming to be twenty- one. If nothing else, Milton's experience in the Texas Rangers taught him that he could do as he pleased as long as he either achieved what his superiors wanted to or at least brought no dishonor to them. Those two guidelines would serve him in good stead as a line rider.

After serving with the Rangers, Milton became a line rider first by way of the Customs Service. In 1886, George Webb's brother Sam, who was the director of customs in Nogales, Arizona, recruited Milton as a mounted inspector because, according to historian J. Evetts Haley, Milton "was the best six-shooter shot in the country and had the reputation of being afraid of nothing on earth."[35] It was here that Milton met George Webb, who was also a customs inspector. Milton was impressed with Webb. He recalled the time that Webb pursued smugglers into a canyon. When Webb returned, he claimed that the smugglers got away. But Milton "could tell from the looks of things how they got away…"[36] He was taken with Webb's violent streak,

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[33] *The National Cyclopedia of American Biography* (James T. White and Company, 1901), 379.
[34] George U. Hubbard, *The Humor and Drama of Early Texas* (Plano, Tex.: Republic of Texas Press, 2003), 123.
[35] J. Evetts Haley, *Jeff Milton, a Good Man with a Gun*, 1st ed. (Norman: University of Oklahoma Press, 1948), 340.
[36] HML Jeff Milton interviews Volume I, March 4, 1938, 202.

his willingness to fight, his loyalty, and his stubbornness. In fact, Milton was especially impressed with how Webb handled the Hoey case.[37] He claimed that Webb "held that job right, fellows…George went out after them and got them." Not exactly right, but Milton tended to overstate success, both his and that of his friends. Milton only lasted two years as a customs inspector, though. According to Milton, when a new president was elected, federal employees were simply fired to make room for new appointees.[38] When Benjamin Harrison was elected in 1888, Milton was fired. He went on to work as a railroad worker, prospector, and chief of police in El Paso, Texas.[39] Then, in 1904, Webb hired Milton as an immigrant inspector out of Nogales.[40] He would work for the Immigration Service until he retired in 1932.

So how important to the Bureau was Jeff Milton? That would depend on who you asked. Milton was given a "roving commission" by Webb, with the freedom to "go and remain at such points where most service can be obtained."[41] This meant that Milton rarely filed reports, so he is largely missing from the official canon. By his own admission this deeply irritated his supervisors (except Webb, of course).[42] As far as official documents go, there is no indication that Milton accomplished any more (and often less) than other inspectors working at the time. As committed to the Bureau as Webb was, it appears that in many ways he carried his old friend. Yet, Jefferson Davis Milton was a legend in the West, so much so that an Immigration and Naturalization Service harbor boat was named after him in 1936.[43] The Border Patrol considers

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[37] In talking to historian J. Evetts Haley, he refers to Hoey as "Hays" and gets many of the facts of the Hoey case wrong, but in his defense, he was almost eighty.
[38] HML Jeff Milton interviews Volume I, March 4, 1938, 202, 193.
[39] HML Jefferson Davis Milton interviews Volume I, July 1, 1937; Orville Prescott, "Books of the Times," *The New York Times,* November 30, 1948.
[40] Frank Orcutt to Wm. L. Soleau, June 18, 1904, RG 85 HM 1995 1 TX 11.
[41] Webb to T.F. Schmucker, April 30, 1905, RG 85 HM 1995 Box 3 E. TX2.
[42] Haley, 346.
[43] D.W. MacCormack to Jeff Milton, July 16, 1936, HML JEH IV, 3 Jeff Milton.

Milton to be the first Border Patrolman.[44] Interestingly, Milton so identified as a line rider that late in life he "was very particular not be called a member of the Border Patrol Organization." He was in the U.S. Immigration Service and only rode with the Border Patrol.[45] How Milton came to be so important to the Border Patrol and the Wild West loving public is the result of the work of historian J. Evetts Haley, Milton's biographer and afterwards longtime friend. Haley lovingly and dutifully wrote down every word Milton said over a ten-year span of interviews, primarily using the words of Milton's friends and family as the only corroborating evidence. But Haley was man who longed for the past. An ultra-conservative who supported segregation and loathed Lyndon Johnson, his writing of Milton as if he was a mythical figure from America's past, from before the United States lost its way through unfettered liberalism fits Haley's view of a white man's world.[46] The Jeff Milton described in Haley's *Jeff Milton: A Good man with a Gun is* a very different man than the one who shows up in the official records.

*A Good Man with a Gun* is four hundred and sixteen pages, yet only sixteen pages are dedicated to Milton's life with the Immigration Service, to which he devoted 28 years. But those sixteen pages are chock full of adventure. The early days of the Immigration Service was tainted by corruption, much like other Gilded Age federal agencies. Milton, however, as reported by Haley, "harbor[ed] a repugnance for bad." Milton "was not only independent of the local political powers by virtue of vigorous nature…, he and George Webb…were giving the smugglers and their official henchmen a lot of trouble." Milton apparently broke up multiple smuggling rings. In fact, before he even joined the Immigration Service, while working for Wells Fargo, "he and Sam Webb [George Webb's brother] …stopped some smuggling in the service,

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[44] https://www.cbp.gov/about/history/timeline/timeline-date/jefferson-davis-milton-aka-jeff-milton-1861-1947
[45] Haley Interview notes, HML JEH IV A 3.
[46] For more on Haley the man and the politician, see John S. Huntington, ""The Voice of Many Hatreds:" J. Evetts Haley and Texas Ultraconservatism," *Western Historical Quarterly* 49, no. 1 (2017): 65-89.

simply because [Milton] had no use for corruption, official or unofficial." Single handedly, he "gathered [four] Chinamen by their queues [and] piloted them to the immigration office." Milton also claimed to be part of the investigation into Hoey, but he never comes up in the official reports or newspaper coverage. His time in the Immigration Service was filled with gunfights, fistfights, arresting Chinese, breaking up smuggling rings, and grudgingly winning the respect of all of his supervisors, from Supervising Inspector Frank W. Berkshire to Commissioner General of Immigration Anthony Caminetti, who came to adore Milton, sending him and George Webb to the world's fair in 1915 in San Diego.[47]

How much of what Milton reported of his life is true is very hard to determine, and in the end probably not very important. It was the stories of men like Milton who fed into the imaginations (and goals) of what Christine Bold calls "the frontier club…patrician easterners [who connected the western novel] to their interests in hunting and conservation, open- range ranching, mass publishing, Jim Crow segregation [and] *immigration restriction*."[48] [emphasis mine.] True or not, Milton repeated his stories about protecting the United States from "illegal" immigrants and bravely fighting immigrant smugglers. His exploits (again, as reported by him or his acquaintances) were followed all over the West and in *The New York Times.* What every article on Milton took pains to point out was that Milton performed virtually all of his heroics with one arm. When he worked with Wells Fargo at the end of the 19th century, Milton had lost the use of his left arm in a shoot-out with the outlaw Three Fingered Jack.[49] Milton, a one-armed, gun slinging, protector of America's borders fired the imaginations of countless Americans regarding the lawlessness and danger of the border with Mexico. While this *did* mean that

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[47] Haley*, A Good Man with a Gun*, 340-356.
[48] Christine Bold, *The Frontier Club: Popular Westerns and Cultural Power, 1880- 1924* (Oxford University Press, 2013), xvii.
[49] Walter Zipf, "Jeff Milton: A Square Shooter Who Never Missed," *The Bisbee Daily Review*, May 6, 1934.

Americans who enjoyed reading about the "Old West," up until the 1970s, saw the line riders as heroic figures and delighted in the retelling of their border adventures, it was not how the federal government wanted the border to be depicted.

The Bureau of Immigration believed, due to the official reports it was receiving, that the border was under control. That was one reason that the focus was on the ports. Of course, the border actually saw quite a bit of activity, but it was not the activity men like Milton reported. Still, until 1907, the Bureau essentially let the immigrant inspectors function as they pleased. The Bureau had certainly tried to bring the border under control and there is no question that standards were higher by 1907. From 1894 to 1903, the year Webb became Inspector in Charge, there were fewer reports that came out of the border compared to later years. Milton represented that laissez faire attitude from the Bureau and he never changed. He was always a reminder, for good or bad, what the border was once like for the inspectors. Jossey showed what could happen if inspectors more actively performed their duties in their own ways, with little supervision. Milton was essentially harmless, but the far more aggressive Jossey caused considerable damage wherever he went. If Milton was the frontier, Jossey was the Gilded Age. Webb, though, took the inspectors out of the Gilded Age and at least introduced them to the Progressive Era. Beginning in 1903 there was a marked increase in border reports from all stations, certainly not because Webb was everywhere, but because he represented a concerted effort to change the culture of the border stations, an effort that would not solidify for a few years yet.

In 1906, the Bureau received reports that there were, indeed, *still* problems along the border. They sent in a special immigrant inspector with experience in politically delicate investigations to determine what those problems were. He discovered that there actually *were* serious problems along the border; but they were not the problems the Bureau was expecting.

# Chapter Four: The Last Rides of the Border "Cow Boys"

From 1882 until 1894, the governors of Arizona and Texas both were left to their own devices to control Chinese immigration, and they took different paths guided by new sets of bureaucrats.[1] Since Arizona already had Customs inspectors on the border, Texas was especially dependent on alternative methods of immigration enforcement. By 1907, when the Bureau of Immigration consolidated the border station headquarters into one, in El Paso, immigration control had evolved differently in Arizona and Texas. The Nogales, Arizona headquarters developed within the Customs department's connection to the expanding bureaucracy of the Gilded Age and the Progressive Era. Inspectors along the border in Texas, however, rode horseback and used tracking in attempts to prevent illicit border crossings even as East Coast bureaucrats tried to supervise them using methods and philosophies developed in the eastern ports. The El Paso, Texas border station came out of the Texas frontier, Texas Rangers, and what Jacqueline Moore refers to as "cow boys and cattle men." She describes "the masculine cowboy hero [as] a figure straddling the frontier between civilization and the wilderness…" Cattlemen, especially "Cattle Kings", on the other hand, have come to be seen as the builders of Texas, the bringers of civilization, and men whose only goal was to see Texas grow.[2] In many ways, Texas transformed inspectors into "cow boys," at least in that they spent considerable time on horseback, but while they often had one foot in a stirrup, the other was tethered to a desk. In fact, there is a sense in the letters and reports (that were written from desks) that they saw themselves as cowboys; many even developed significant attachments to their horses. Corruption

[1] Darrell Hevenor Smith, and Henry Guy Herring, *The Bureau of Immigration* (Baltimore: Johns Hopkins Press, 1924), 6.
[2] J. M. Moore, *Cow Boys and Cattle Men: Class and Masculinities on the Texas Frontier, 1865-1900* (New York: New York University Press, 2010), 1, 2.

might have dominated Arizona's border with Mexico, but El Paso and its sub stations were rife with self-serving streaks of independence. On the other hand, the line riders' supervisors in Washington D.C. were trying to bring "civilization" to the border stations; their only goal was to see the federal presence grow along the border.

Texas does not show up much in the Bureau of Immigration records before 1907, but the inspectors were there. In 1895, the *Official Register of the United States* shows four immigrant inspectors in Texas. The 1901 edition reports six inspectors in Texas and the 1905 edition reveals more than twenty inspectors, with at least another ten or so in Mexico.[3] The few reports that can be found mostly say that all was well, occasionally giving the number of Chinese immigrants detained. Looking through the *Official Register of the United States* offers some insight into government views of the immigrant (especially Chinese), "threat" along the southern border, though. In 1895, there are more than a hundred inspectors everywhere *but* the border with Mexico; in 1905, probably three hundred nationwide. It is clear that the Mexican border was not a priority.

Periodically, the Bureau paid attention to its first Texas border stations, created in 1894, sending out "circulars" that updated regulations and policies. Unfortunately, most of the policies came out of the ports so they rarely apply to the border. Limiting entrance to the United States to specific areas was easy when most immigrants arrived by ship, but the border was a bit more complicated than that. The border with Mexico is almost two thousand miles of desert, towns that straddle national boundaries, rivers, and great swaths of desolation. In the ports there was generally a desk. The border offered very different challenges.

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[3] These numbers are not entirely correct, however. The registers only record fulltime, salaried inspectors. Those same inspectors had a constantly shifting number of temporary assistants, referred to as "mounted guards" or "mounted inspectors" in their reports.

Making new policies rarely solved problems on the Texas border. In 1903, concerned about increasing illicit border crossings, the Bureau instituted "Rule X." Rather than raise the number of inspectors, an expensive solution, the Bureau limited the official entry points along the border to El Paso, Fort Hancock, Yaleta, Towne and Del Rio, Texas; Douglas, Arizona, and Columbus, New Mexico were also official ports of entry. Essentially, Rule X informed the inspectors that immigrants were no longer allowed to cross except where inspectors were stationed. The rule had mixed success in curtailing border crossings because there were sometimes hundreds of miles between stations. But it *did* succeed in angering the local streetcar company. An important part of the rule applied fines to streetcar conductors who brought over immigrants through any entry other than the authorized ports within each city, causing a feud between the inspectors and the superintendent of the El Paso Electric Railway, who believed that the inspectors did not have the authority to inspect the aliens or remove them from the cars. The superintendent, Mr. Potter, threatened to close off the entrance to the footbridge (owned by El Paso Electric Railway) to the inspectors and prevent the construction of an opening from the passageway to the immigration office. This would mean that the immigrant inspectors could only inspect immigrants at the customs house, and only if the customs officers saw fit to stop streetcars. In response, the Bureau claimed that "[t]he El Paso Electrical Railway Company indiscriminately conveys all classes of diseased and inadmissible aliens into the United States, assumes no responsibility whatever therefor [sic], and even refuses to afford proper facilities for the examination of those brought."[4] The two groups would eventually come to an agreement, but this was the sort of administrative skirmishing taking place along the border, especially in El Paso, on a daily basis.

[4] Report for the Month of October 1905, RG85 HM1995 Box 1E TX17, 66.

The inspectors along the border were also constantly fighting with the railroads regarding trains that crossed the border. One of the bones of contention was the sealed railroad cars. Inspectors regularly simply broke open the seals if they suspected that the cars contained immigrants, or if they were merely curious. The Bureau was constantly assuring the railroad companies that the inspectors would always make sure a railroad representative was present, and that they would record why the seals were broken and replaced.[5] The Bureau of Immigration seemed to understand the concerns of the railroads; after all, both were bureaucracies, both thrived on systems and procedures. The inspectors, though, often appeared irritated at the interference. Successful border policies in Canada, however, threatened operations in Texas. In 1893, the U.S. Treasury Department worked out an agreement with the government of Canada and Canadian railroads to tighten immigration enforcement along the Canadian border and the Atlantic ports. Because the Bureau trusted the Canadians to keep their end of the agreement and prevent the unauthorized crossing of immigrants from Canada to the United States, the process was much faster. Tightening immigration through Canada, of course, had the unintended consequence of increasing the illicit flow of people through the Mexican ports.[6] The Bureau then decided to have Commissioner-general Frank Sargent reach out to Mexican railroads for a similar agreement. He would find this agreement much harder to arrange.

Sargent sent out letters to multiple Mexican railroad companies. The letters explained how the agreement with Canadian railroads worked and also included a copy of immigration laws of the United States. The letter insisted that the agreement benefitted everyone involved, including the railroad companies, who avoided having their trains stopped with the removal and

[5] Railroad agent to Inspector S.C. Marks, July 10, 1905, RG85 HM1995 Box 4 E. TX2.
[6] Peter Andreas, *Smuggler Nation: How Illicit Trade Made America* (Oxford: Oxford University Press, 2014), 217.

detention of all "aliens" at the companies' expense.[7] The first response to Sargent was a terse, "we will think about it" kind of note from the president of the Mexican International Railroad Company, J.G. Metcalfe.[8] Sargent, however, was not a patient man. On March 12, 1903, about five weeks after sending a letter to E.N. Brown (second vice president and General Manager of the National Railroad of Mexico) Sargent sent another letter, stating that he had received no response and that if he did not receive a reply by April 1, "it [would] become necessary to take other measures to enforce the provisions of the law and the only course left open [would] be to detain all passengers at the border, at your expense, pending a thorough inspection to determine whether they are within the class upon which per capita tax is collectible."[9] He sent essentially the same letter to Metcalfe.[10] But it was A.A. Robinson, President of the Mexican Central Railroad company, who responded to Sargent's letter.

Robinson revealed the biggest stumbling block to an agreement between the United States and Mexican railroads; they could not agree without the explicit consent of the Mexican government. Sargent, though, did not accept this as an explanation. He moved ahead with his plans to stop all Mexican trains at the border, remove any passenger not a citizen of Mexico, Cuba, or Canada, and charge the railroad two dollars person head tax. He suggested that passengers not citizens of those countries travel in separate cars so that the cars could be detached and withheld at the border for further inspection.[11] If Mexican railroads would not participate in an agreement with the United States, in which the railroads would follow United

[7] F.P. Sargent to E.N. Brown, February 3, 1903. RG85 E9 file 51463A_ 50.
[8] Metcalfe to Sargent, February 23, 1903. RG85 E9 file 51463A_ 50.
[9] Sargent to Brown, March 12, 1903.RG85 E9 file 51463A_ 50
[10] Sargent to Metcalfe, March 12, 1903. RG85 E9 file 51463A_ 50
[11] Sargent to Robinson, March 25, 1903. RG85 E9 file 51463A_ 50

States immigration law while the trains were still in Mexico, Sargent would make the process of getting immigrants across the border as complicated and expensive as he could.

The Mexican International Railroad Company was the first to blink. On March 20, J.G. Metcalfe wrote Sargent, explaining that he had a representative scheduled to meet with representatives of other Mexican Railroads in Mexico City (although he gave no date) and asked Sargent for his "indulgence" because, as Sargent knew, government bureaucracies moved at their own pace.[12] Sargent, however, did not let Metcalfe off the hook. In a reply, he is appreciative that the railroads are all meeting, but shows clear impatience with the railroads handling of a fairly simple issue.[13] He tells Metcalfe that he will go down to Mexico if he has to. In fact, he did not go. He sent legendary Immigrant inspector Marcus Braun.[14]

Marcus Braun was a Special Immigrant Inspector with a storied career. Theodore Roosevelt sent him to Hungary in 1903 to investigate a conspiracy to "foist undesirable immigrants on the United States."[15] As a Hungarian immigrant himself, he became dedicated to stopping "undesirable persons, especially Anarchists," coming from his home country. Braun was a committed public servant and President of the Hungarian Republican Club, but the Hungarian government stymied him at every turn..[16] Braun was accused of painting the Hungarian immigrant community with a broad libelous brush.[17] This particular mission ended in 1905, when Braun tendered his resignation to Commissioner Robert Watchorn of Ellis Island. While the Hungary investigation was going on, Braun found himself in Mexico, working on ending the stalemate between Sargent and the Mexican railroads. It is also interesting that

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[12] Metcalfe to Sargent, March 20, 1903. RG85 E9 file 51463A_ 50
[13] Sargent to Metcalfe, March 25, 1903. RG85 E9 file 51463A_ 50
[14] Braun to Sargent, September 1, 1903. RG85 E9 file 51463A_ 50
[15] "Marcus Braun is Out," *The New York Times*, March 17, 1906.
[16] "Immigration Post Abroad," *The New York Times*, March 22, 1903.
[17] "Marcus Braun Cries Libel," *The New York Times*, December 10, 1995.

Sargent felt compelled to bring in an inspector from outside of Texas rather than use one of the inspectors there who likely knew Mexico better and had contacts in Mexico. It would seem that Sargent could still not quite trust the Texas inspectors to completely relinquish their independence.

Braun's report did little more than support what Sargent already suspected about "diseased" immigrants crossing over the border, with the added claim that there was a "large influx of people, both male and female, who [came] to the [the U.S.] with venerial [sic] disease."[18] Sargent then used this information create a small panic in the State Department.[19] He wrote to Secretary of Commerce and Labor George Cortelyou that "very many aliens" with a wide variety of "dangerous contagious diseases" were crossing over the Mexican border "in increasing numbers…" But Sargent offered a solution. He reminded Cortelyou that the "success of administrative officers in preventing diseased across the Canadian boundary…" was due to the agreement the Bureau had with Canadian railroads, an agreement that Sargent was attempting to reach with Mexico. Sargent urged Cortelyou to intercede through the State Department with the Mexican government because he was convinced that the agreement would "[put] a check to the evil complained of."[20] Eventually the Mexican government passed its own immigration laws with consideration of U.S. immigration laws, largely (but not completely) meeting Sargent's demands.[21]

Frank Sargent was pleased with the development, but it turned out that monitoring the trains did not really solve the illicit crossing issue, which certainly should not have been

[18] Braun to Sargent, September 26, 1903. RG85 E9 file 51463A_ 50
[19] Secretary of Commerce and Labor George Cortelyou to President Roosevelt, May 4, 1904, RG85 E9 file 51463A_ 50
[20] Sargent to Cortelyou, May 4, 1904. RG85 E9 file 51463A_ 50
[21] Fenton R. McCreery to Secretary of State John Hay, June 16, 1904.

surprising. There were many ways to cross the long, unforgiving border, and doing it sealed in a large, steel box was only one of the simplest. Illicit crossings continued and by 1906 there were reports that Syrians in particular were crossing the border without authorization. Sargent again chose to send out a Special Immigrant Inspector. This time, though, he sent A. A. Seraphic. Seraphic's report would have long-term consequences along the border for anyone attempting to cross. Seraphic would be the first to disrupt the cowboy culture that had been growing along the border with Mexico.

In 1906, Congress turned its attention to the Mexican border after a series of troubling reports regarding illicit crossings and corrupt low and mid-level officials, especially along the border near Ciudad Juárez, Chihuahua. Indeed, Bureau of Immigration records from the beginning of the twentieth century are full of reports of agents' misbehavior. This included a wide range of charges, such as incorrectly filling out reports in order to falsify expenses, the alleged abuse of Chinese immigrants, as well as the Hoey incident. Congressional rants and public fears notwithstanding, Bureau of Immigration Commissioner-General F.P. Sargent was at a loss over how to address the problems, especially as the railroad negotiations did not really stem the tide of extra legal immigrants.[22] He found his solution in the form of an ethnic Greek Special Immigration Agent with investigative experience by the name of A.A. Seraphic. Not a

[22] See NARA D.C. RG 85 File numbers 3280-3451, 1901; NARA D.C. File #51402/13, 1906; George E. Paulsen, "The Yellow Peril at Nogales: The Ordeal of Collector William M. Hoey," *Arizona and the West* 13, no. 2 (1971): 113-128. 113. For Congressional rants, see United States, Cong. House Select Committee on Immigration and Naturalization. 51st Cong., 2nd sess. H. Rept. 4048. March 2, 1891. II; Also, Congressmen attempted to pass "Absolute" exclusion laws multiple times, especially as their attention was drawn to the Mexican border. The first were Senators John H. Mitchell (R-OR) and William Stewart (R-NV) in 1888 (19 Cong. Rec. 422). Representative Thomas J. Geary (D-CA) claimed that the purpose of H. R. 6185 (the Geary Bill) was no less than "to prevent the coming of Chinese into the country." (23 cong. Rec. 2912 [1892]). The Geary Bill made no distinctions among Chinese (except diplomats). The final Geary Act was far stricter than the original Exclusion Act, but it was not "absolute" exclusion, a very modest win. It passed on May 4, 1892, two days before the original act expired. For a thorough discussion of the Geary Act, see Kelly Lytle Hernández, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771-1965* (Chapel Hill: The University of North Carolina Press, 2017), 64-73.

line rider, Seraphic, like Braun, served as a special agent tasked with investigating politically delicate situations.

On the night of December 27, 1906, Bureau of Immigration Special Agent A.A. Seraphic stood in El Paso, watching the border with Juárez, Chihuahua. He saw a wide variety of people cross back and forth without having to stop for inspection. Earlier that day, in fact, he himself had crossed several times unimpeded. Once, he even went into the immigration station and asked, in Spanish, for a match. He was handed a pencil, as the American border guards did not understand his request.[23] Seraphic had learned in the previous months that despite the presence of an armed federal police force along the U.S. border with Mexico, the border remained essentially open. From what he could tell, it was not, as many inspectors along the border claimed, because they were too few and the border was so long. Instead, Seraphic believed, it was because they apparently did not care enough to do their jobs correctly. After all, how could they effectively police the border if many had not even bothered to learn Spanish? Seraphic was profoundly upset with the performance of immigrant inspectors along the border and believed that the situation needed to change. It would, but not in ways Seraphic could have predicted.

On October 16, 1906 Special Immigration Agent A.A. Seraphic received orders from Commissioner General F.P. Sargent to leave his home in Tampa, Florida, proceed to Tampico, Mexico, and go on to Veracruz where he was to begin investigating "the general question of Syrian immigration over the Mexican border."[24] There were serious problems coming from Mexico, serious enough that they could no longer be ignored. In Ciudad Juárez, for instance, a Dr. Coffin, a Dr. Sinks, and Syrian Interpreter Salim Mattar were each being accused of selling

[23] Seraphic report to Sargent, January 8, 1907, 21. NARA 514331
[24] Sargent to Seraphic, October 16, 1906. RG 85, NARA 514331. This chapter draws on Record Group 85 in the National Archives, File Numbers 514331 and 514231, hereafter NARA 514331 or 514231.

bogus health certificates to immigrants, especially Syrians. The U.S. government was especially worried about Syrians bringing trachoma across the border, so this was an important focus for Seraphic.[25] For his part, Mattar strongly denied the claims, placing the blame on Dr. Sinks who, naturally, returned the favor.[26] This was only the situation in Ciudad Juárez. As Seraphic was told to investigate the entire Texas border, he certainly had his work cut out for him. Washington policy makers apparently had no real idea regarding the length of the border or its terrain.

Seraphic left his home soon after receiving his orders. The Bureau sent Seraphic to investigate Syrian immigration across the border as the United States government had been fixated on "controlling diseases associated with immigrants…" since 1879. Syrians, representing part of this "new immigrant" wave, had become a particular concern for the U.S. government and much of the American public, both groups believing that Syrians brought trachoma to the U.S. in large numbers.[27] After attempting to enter through the ports and being debarred, or finding out from previous immigrants of the difficulty, Syrians switched to entering through Mexico. On October 30, 1906, Seraphic left Tampa, then sailed from New Orleans on November 3, reaching Tampico on November 7. Tampico was an important commercial port but rarely used by immigrants, who primarily disembarked at Veracruz. Seraphic did, however, find about twenty- one Syrians who were apparently infected with trachoma and living in abject poverty. They were all living in a dry goods storeroom, selling various sundries supplied by the store's

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[25] Sworn statement of Khalil Khoury, January 2, 1906; also sworn statement of Fares Nasser [Naser], July 12, 1906, NARA 514331.
[26] Sworn statement of Selim Mattar, January 1, 1906.Sworn statement of Dr. E.D. Sinks, December 31, 1906, NARA 514331.
[27] Theresa Alfaro-Velcamp, *So Far from Allah, so Close to Mexico: Middle Eastern Immigrants in Modern Mexico* (Austin: University of Texas Press, 2007**),** 31; See "Syrians are Smuggled in: Trachoma Victims Reach This Country by Way of Old Mexico," *The Washington Post,* August 19, 1906, 4; "Syrians Work Entry Scheme: Afflicted Foreigners Cross From Mexico; Immigration Inspector Finds Case of Wholesale Smuggling of Objectionable Party Whose Members Were Victims of Eye Diseases and Had Been Barred from Entry." *Los Angeles Times*, August 19, 1906, 14.

owner. Instead of protecting them, though, he was keeping them deeply in debt to him.[28] It would not take long for Seraphic to learn that in at least one way the border was no different than anywhere else; money could buy loyalty.

He arrived in Veracruz on November 12 and found the Syrian immigrant headquarters in a business owned by Nicholas Homsey, who operated a restaurant out of the back of his dry goods store. He also had some "filthy" rooms that he rented to newly arrived immigrants. Merchants like Homsey appeared to be helping the new immigrants. Just as in Tampico, Homsey supplied them with sundries and other items to sell. As Seraphic pointed out, though, Homsey and other merchants made sure that the immigrants earned very little so as to keep them dependent. Homsey's business depended on as many peddlers as he could get and allowing them to earn enough money to leave would not have been good business. Many European "stearers," men hired to steer immigrants to the United States through particular private rather than official channels, in fact, sent the Syrians through Mexico instead of American ports by telling them that getting across the border through Mexico was easy while American ports were considerably more difficult, which was likely true as in the ports there was one man at a desk between the immigrant and the United States; he would be hard to avoid. This gave the Syrian business owners a continuous flow of peddlers, which they needed, since when the immigrants ran out of money, they would likely be deported. This also meant that they could not retaliate against the stearers for failing to live up to false guarantees of crossing. It was a win-win for everyone; except, of course, for the immigrants.

Seraphic arrived in Mexico City on November 15, 1906. For immigrants determined to settle in the U.S., Mexico City served as a point of preparation.[29] There, immigrants would work

[28] Seraphic report to Sargent, January 8, 1907, 1. NARA 514331. [Hereafter "Seraphic Report" plus page number]
[29] See Alfaro-Velcamp, *So Far from Allah, so Close to Mexico.*

as peddlers for as long as necessary. If they had no relatives in the United States or no address, Syrian businessmen would supply references for them. Runners, who would get the immigrants up to, but not across, the border particularly worked in El Paso and Eagle Pass. Rather than supplying a service, however, they were "actually duping and robbing" the immigrants. Seraphic believed that they should be in jail rather than remain free to take advantage of the immigrants. The Syrian immigrants seemed to be well-suited to crossing into the United States from Mexico, as disguising themselves as Mexicans came easily to Syrians, according to Seraphic. He wrote that "[t]heir mode of life in Syria is not dissimilar to that of the low Mexican and as both the Arabic and the Spanish abound in insincere expressions of politeness, bordering on servility, they assimilate with Mexicans easier than all other races." This strategy played into immigrant inspectors' beliefs that they knew every admissible Mexican on sight.

It was at Monterey that Seraphic first learned the best way to get past the immigrant inspectors at the border, particularly El Paso and Eagle Pass. In Monterey, he met Anton Garzen "the principal peddler's supplier" who was also the brother of an interpreter at the Laredo station. Seraphic explained to him that he intended to try to get a female cousin of his with trachoma across the border. He was told to take her to Laredo but if she was rejected, she should wait a month and then make another attempt; this time she would succeed. Another Syrian merchant, however, told Seraphic to take his cousin to Laredo and if she was rejected to go on to Matamoros. There, a Miguel Sehualla would "fix matters at very little cost" by arranging for her to see a doctor. Seraphic was given a card introducing him to Sehualla. Seraphic suggested that the inspection officers might not let them pass. The Syrian merchant informed him, however, that as long as he told them he lived in Matamoros he would not be stopped. This strategy is inadvertently referred to repeatedly in the letters of the line riders. Immigrant inspectors created

their own little fiefdoms and frequently claimed that they knew all of the local Mexicans. That was generally their excuse when being accused of just waving people across the border; they *knew* their people.

In Nuevo Laredo Seraphic met Juan Campor, the smuggler who promoted himself by passing out unsigned letters in Arabic and Greek informing newly arrived immigrants that he was the man to get them across the border. Every night he would go to the house where Seraphic was staying with Greek immigrants and urge them all not to apply for examination in order to cross the border but to allow him to smuggle them over. Many of them were willing but because they had no money they would have to wait for funds from relatives. Campor's fee was $60.00. Since Seraphic spoke Spanish better than the others, Campor offered to smuggle him directly over the bridge by disguising him as a drunken Mexican, have him cross with two actual Mexicans and having them all act as if they were returning home to Laredo after a night out in Nuevo Laredo, south of the border. Smugglers, of course were no surprise to Seraphic; what he discovered at the inspection station, however, seemed to truly irritate him as well as bring to his attention a pattern along the border. Seraphic had thus far in his trip focused on doctors and interpreters. In Matamoros he would interact with the inspectors and he would not be pleased.

Seraphic arrived in Matamoros on December 11, 1906 but found no migrants there. He crossed over into Brownsville several times, unmolested. Inspector Stanley was on duty from four to twelve and Inspector Barnett from 7 a.m. to 4 p.m. Inspection at Brownsville was left entirely to officers who, upon the arrival of a boat, would "stand on the perch," glance over the arrivals and announce, "tak[ing] for granted the stereotyped answers of the Customs officer, 'I know all these people.'" Part of the problem, it appeared, was that, according to Inspector-in-Charge Frank Boss, the immigrant inspectors left the actual inspections to the customs

inspectors, partly out of laziness, partly because the officers did not speak Spanish, even though Boss repeatedly instructed them to pay more attention to their jobs. The inspector in Eagle Pass did no better, allowing pedestrian after pedestrian to pass while the inspector refused to leave the warmth of the border station, once not even glancing out of the window during dinner. Some even slept on duty. Seraphic pointed out that any migrant who learned the schedule and patterns of the border station could slip back and forth with ease.[30] Torreón offered much the same story and Seraphic arrived in Ciudad Juárez, the city that instigated the mission, on December 26th.

Seraphic immediately found Syrians in Juárez who had been debarred in Laredo but certified disease free by Dr. Sinks. [31] Seraphic approached Khalil Koury, a Syrian business owner, who was partners with the Syrian Selim [or Salim] Mattar and told him that he had been debarred in Laredo. Seraphic asked Koury to speak to Mattar on his behalf and in return, Seraphic would pay both for their trouble. Seraphic was taken to several filthy adobe houses where Koury kept the newly arrived immigrants. Koury paid about $40.00 a month rent for the adobe houses where the Syrians stayed until they attempted to cross the border into the United States; he received from all of the immigrants combined, however, a total of $750.00 a month in rent. Additionally, he charged them $2.00 U.S. or $4.00 in pesos for taking them to the border station. Just as he did with Seraphic, Koury would take the immigrants on the second morning to see Dr. Coffin, who would certify their health, then pass them on. By 10:00 a.m. Coffin was usually done and ready to collect his pay, about $20 per immigrant. Koury and Mattar had complete control over the immigrant community in Juárez but Sinks and Coffin (primarily Coffin) had control over whether the immigrants made it into the United States. Coffin, in fact,

[30] Seraphic Report, 2, 3, 4, 6, 7, 8, 12.
[31] "Debarred" appears to be the term of choice for the Bureau of Immigration for immigrants who were denied entry at the border for various reasons.

had earned a reputation in the immigrant community as the doctor who would certify immigrants when no other doctor would.[32] While Seraphic might have begun his mission expecting to find examples of incompetence or corruption, what he found was deeply systemic nonchalance. He immediately came up with a list of recommendations to address the border problems.

First, Seraphic pointed out that debarred Greeks and Syrians rarely returned to Mexico to stay. If one port debarred them, they simply moved on to the next one until they were allowed to cross. They went to men like Mattar or Koury who understood the system enough to get them across. Koury also knew the bridges and realized that two railroad bridges near El Paso were unmanned. Seraphic simply suggested placing guards at those two locations. This, in fact, was one of the biggest problems along the border; inspectors were not communicating with each other. Add to that the lack of sufficient personnel willing to patrol the border itself and it was no wonder the border was a sieve.

Seraphic also noted that many immigrants who were debarred simply changed their names and tried again. It was impossible for the inspectors to ascertain the identities of debarred immigrants, so he suggested the use of photographs as identification. He suggested that this process be instituted immediately, especially in the case of contract laborers, and that the photographs should be placed at every border station. He believed that in the case of Asian immigrants, there were few enough of them to make photographs a workable idea. Along with verifying identity, Seraphic suggested that Boards of Special Inquiry be required to obtain a proper address for everyone who went before them for admittance. Of, course, all of this would be much easier if the inspectors all spoke Spanish. He suggested that only men who spoke Spanish should be chosen for border duty as it would make it easier for them to determine if a

[32] Seraphic Report, 14- 15.

migrant was Mexican or not. While this may have seemed like a fairly obvious suggestion, there was no indication that many of the immigrant inspectors before Seraphic's mission were knowledgeable of Spanish, let alone fluent. Along those lines, he recommended that for Syrian interpreters, the service should just fire them all and start over, using much stricter guidelines. While other translators were often American, and apparently could be retrained, Seraphic's report implied that Syrians could not be trusted. He treated Greek immigrants just as harshly in other cases. The Bureau used Seraphic's appearance and ethnicity to its advantage and for reasons he did not record, Seraphic, an ethnic Greek, made a career out of pursuing Greek and Syrian immigrants.[33]

Lastly, Seraphic made what appeared to him to be the most sensible suggestion: close off the border to all "aliens." If not, the second-best option, would be "to deport debarred diseased aliens to the country of their nativity via one of the ports (if it can legally be done) [which] will, I am sure, stem the influx of Orientals via Mexico within three months…" In fact, if consulates in the ports through which Asians passed were to be informed of the new policy, the flood would be stemmed even quicker. If both of those options were to fail, Seraphic suggested that inspectors act on the addresses collected, pursue illegals and eventually deport them. Lastly, all inspectors should "be warned with an emphatic circular letter that any proven charge of negligence would result in dismissal.[34] Seraphic was not a sympathetic man; nor was he a patient one. Immigrants were "illegal" until proven otherwise and he saw and participated in a racial hierarchy along the border. While claiming to have no specific animus towards Mexicans (except smugglers), he referred to them as "servile," and none of his recommendations favored immigrants in any way.

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[33] "Who Is Mr. Seraphic?, *"Greek Star*, November 27, 1908; "Bootblacks Almost Slaves," *The Washington Post* February 13, 1911; "Boys Held in Bondage," *The Washington Post*, February 25, 1907; "Frightened by Padrones? Boys' Silent on the Stand," *Chicago Daily Tribune,* August 23, 1907.
[34] Seraphic Report, 25.

For agent Seraphic, there was no path to legal status for undocumented aliens, especially Chinese and Syrians. They were *all* what Mae Ngai refers to as "impossible subjects."[35] Many of Seraphic's suggestions, however, required more than just new regulations issued by the Bureau; they required action on the part of Congress. And Seraphic was not the only one calling for change.[36] In 1906, Seraphic reminded Congress that the border was a major source of chaos regarding immigration, although not just with immigrants, but also with the inspectors themselves.

Seraphic's report reveals a lot about how the border guards were fitfully transitioning into a more streamlined, efficient police force. The independent inspectors of the 1890s and early 1900s were not as prominent a part of the border stations. The sense of cowboy independence was largely gone, but it was not completely gone. There was still that Gilded Age attitude of independence, which, unlike the cowboy independence, was more based on entitlement, and many of the inspectors had no fear of the Bureau as many had been hired through political connections. But the inspectors did work together. There were more reports coming out of the border and even if they did not perform them as well as they should have, the inspectors understood the rules. Change was coming to the border, but it took Seraphic to speed up the process.

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[35] Mae M Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2014), 5.

[36] For Congressional fears regarding the Chinese, see House of Representatives. Select Committee on Immigration and Naturalization. Chinese Immigration. 51st Congress, 2nd Session, 1891, Report No. 4048; W.S. Chance. "Report of the Supervising Special Agent." *Annual Report of the Secretary of the Treasury on the State of the Finances: Fiscal Year Ending June 30th, 1897* No. 14 (1897): 755-73; 58th Congress, 2nd Session, 1903, Report No. 758; House of Representatives. *Annual Report of the Commissioner- General of Immigration*. 62; Lucy E. Slayer *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (Chapel Hill: University of North Carolina Press, 1995). For media and the general public's fears, see: Lon Kurashige, *Two Faces of Exclusion: The Untold History of Anti-Asian Racism in the United States* (Chapel Hill: The University of North Carolina Press, 2016), 86-110.

The response to Seraphic's report was fast and strong. Commissioner-General F.P Sargent was especially pleased with Seraphic's effort.[37] On the same day that he wrote a complimentary letter to Seraphic, Sargent sent a strongly worded message to Luther C. Steward, Inspector-in-Charge at San Antonio, regarding Eagle Pass. Sargent fumed that apparently only the appearance of being Mexican was enough for an immigrant to cross the border because the inspectors there "[had] become negligent in the belief that such action would not be learned by the department [;] but their mistake in this regard [should] now be apparent to Steward." It was, Sargent further instructed, "incumbent upon [Steward] to institute such methods as will absolutely prevent the laxity found to exist as above indicated."[38] Sargent wrote the same type of letter to T.F. Schmucker, Inspector-in-Charge at El Paso. He was instructed to hire an assistant if necessary, but to fix the problem.[39] Corruption in the enforcement of Chinese exclusion was certainly nothing new. Chinese inspector J.T Scharf (for the Customs Service) was an outspoken critic of the failures of Chinese Exclusion at the turn of the century, on both a legislative and enforcement level along the borders *and* the ports.[40] But Sargent expressed surprise at the level of malfeasance along the border. As historian Patrick Ettinger points out, the early years of the Chinese Exclusion Era were focused on the ports and while research since has shown that there was considerable activity along both the Mexican and Canadian Borders, that was not the perception of the Bureau at the time. Land border crossings paled in comparison to immigrant arrivals at ports.[41] It is hard to estimate the numbers of illicit crossings in any decade and the late nineteenth and early twentieth centuries are even harder. But until 1907 or so, according to the

[37] Sargent to Seraphic, February 11, 1907, NARA 514231.
[38] Sargent to Steward, February 11, 1907, NARA 514231.
[39] Sargent to Schmucker, February 11, 1907, NARA 514231.
[40] J.T. Scharf, "Chinese "Exclusion" Laws," *The New York Times,* Jan 16, 1898. Also, J. T. Scharf, "The Farce of the Chinese Exclusion Laws," *The North American Review* 166, no. 494 (1898): 85.
[41] Ettinger, *Imaginary Lines*, 42.

average number of immigrants detained per month, all along the border was about one hundred in the 1890s, growing slowly over the next decade. If the number of *unknown* crossers was double that, it was still not enough to really warrant shifting focus off the ports.[42] But as the numbers of illicit crossings grew, Seraphic indicated that the line riders were aware that no one kept a close eye on them. From the moment his report landed on Sargent's desk, border enforcement methods and focus began to change.

Steward replied quickly, explaining he was aware of situations brought up in the report and that "the utmost vigilance [would] be exercised" by his men.[43] Schmucker also responded but took a slightly different, possibly riskier, tack. He wrote to Sargent that he and his men would do more to determine the legitimacy of a Syrian immigrant's claim to be related to a United States citizen. He then went on to say, however, that in the past, whenever his men refused entry to Syrians because "it was reasonably shown [that they] were not telling the truth," the Secretary of Commerce and Labor "sustained the appeals in their behalf."[44] In other words, why bother stopping them, if they were going to get across eventually anyway? Seraphic revealed that the problem of illegal immigration wasn't necessarily one of increasing numbers; it seemed that many inspectors, with no local overarching authority figure, had simply given up enforcement unless they stumbled on infractions. Rather than simply apologize, Schmucker defended himself exhibiting the "cowboy code of honor" still present along the border. On February 15, 1907, in fact, Schmucker sent the requested, longer letter explaining that he had long been aware of the problems along his section of the border and had always believed he

[42] This number comes from looking at every report that lists arrests for a given month, picking random months over a year, then averaging it together. Considering the number of inspectors and the length of the border it is reasonable to assume that the total of immigrants detained is no more than half of the total crossings and that seems optimistic.
[43] Steward to Sargent, February 13, 1907, NARA 514231.
[44] Schmucker to Sargent, February 13, 1907, NARA 514231.

needed an assistant. He had never requested one, however, for fear of being seen as complaining about the difficulties of his job. He then explained that his job was so difficult and complicated that none of the men working for him were up to the task. He was, though, aware of the importance of politics to perform his job and explained that while many of his men were good and loyal, they were unable to work diplomatically with other officers. He requested another inspector with more experience, preferably one from the north.[45] In other words, he wanted to exchange one of his cowboys for a bureaucrat.[46]

Steward also replied a second time but this time he was defensive, claiming that Seraphic was simply wrong. He insisted that while there were individual instances of neglect, he constantly reinforced that the inspectors should perform their duties with great care. In fact, the only two inspectors he had found the need to discipline for carelessness, Inspectors Gates and Hughes, had already been the subject of communications to the bureau. "[I]t would certainly be an injustice to the other inspectors at Eagle Pass," wrote Steward, "to classify them all as careless and negligent." Steward did, though, reinforce "the stereotyped answers of the Customs officer" by claiming the Syrians dressed as Mexicans did not make it across the border as his men knew all of the "regulars." To him, Seraphic's conclusions were "absurd."[47] Steward's response was no less surprising than Schmucker's. Rather than blame his superiors, he just claimed that Seraphic was wrong. Both inspectors responded forcefully.

After Seraphic's report had been circulated and those mentioned were allowed an opportunity to respond, the Bureau of Immigration addressed the issues that Seraphic had raised.

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[45] Schmucker to Sargent, February 15, 1907, NARA 514231.
[46] Sargent, in fact, attempted to do this for Schmucker. On February 20, 1907, he wrote to the Commissioner of Immigration on the Canadian border. The Commissioner replied that he had one man qualified, but he essentially said "thanks, but no thanks." In March, the Commissioner of New York said he had no one at all.
[47] Letter from Steward to Sargent, February 23, 1907, NARA 514231.

His specific suggestions were dealt with. Inspectors, interpreters, and physicians that Seraphic directly indicated should be fired were either terminated or transferred and stern warnings to the remaining employees were circulated while suspected smugglers were arrested or more actively pursued. Few inspectors lost their jobs because of the report, but there was significant reorganization (records mention at least five important personnel changes, including the demotion of Inspector in Charge Frank Boss and the transfer of Inspector Searle to Nogales, Arizona).[48] The Bureau also ended the use of temporary and voluntary interpreters and carefully reviewed Seraphic's suggestions. Suggestions that were unrealistic were usually pared back through some form of compromise.[49] For instance, Seraphic wanted interpreters who spoke both Spanish *and* Syrian. The Bureau believed that meeting this request would be virtually impossible, so it agreed to hire more inspectors who spoke one *or* the other. The Bureau also realized that it could not send immigrants back to the country of their nativity, but it *could* send them back to the home port of the ship they arrived on.[50] The report's impacts were felt as far away as the Port of New York, as the Commissioner of Immigration there sent Sargent a letter assuring him that all ships from the Yucatán or South American ports would be more thoroughly inspected. The Bureau of Immigration put significant stock in the observations of A.A. Seraphic, as he was an experienced special investigator within the Bureau and had already proven his worth in other cases (he went on to become the Inspector in Charge of all Florida ports that processed immigrants).[51]

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[48] Memorandum from F.W. Berkshire, February 2, 1907, NARA FW, RG85 514231-A.
[49] Memorandum issued by Sargent, February 23, 1907, NARA D.C. RG85 514231.
[50] Memorandum issued by Sargent, February 2, 1907, NARA D.C. RG85 514331-1.
[51] "Who Is Mr. Seraphic?," *Greek Star*, November 27, 1908.

By the beginning of the twentieth century there was a concern in both Washington as well as the country at large that the United States had lost control of its borders. In 1902, when Commissioner General Terence Powderly presented to Congress Document No. 187, *Some Reasons for Chinese Exclusion,* that paranoia only continued to grow. Seraphic's mission to Texas was designed to determine if sporadic reports of corruption and incompetence were as accurate as the Bureau feared. Seraphic discovered that the reports were not only true, they represented even deeper problems than previously apparent. The line riders had no central figure to interpret the increasingly complicated immigration laws or to encourage them when it seemed like more and more deportations were being legally overturned. The actual numbers of immigrants may not have grown in the late nineteenth century, but everything surrounding immigration enforcement had changed and the line riders were not equipped to adapt to those changes. The line riders had their own world along the border, far from Washington, where they could essentially do as they pleased as Sargent was convinced, "the belief that such action would not be learned by the department."[52] While most of the inspectors likely performed their duties in ways the Bureau would approve of, those duties were still done independently, according to the stations' own cultures, on the line riders own terms. For example, in 1900, Commissioner-General Terrence Powderly reminded the Collector of Customs in Nogales that expenses had to be approved *before* the money was expended.[53] In 1905, Inspector Walter Maher, in most ways an apparently good employee, was chastised for "engag[ing] in gambling and drinking at one of the saloons of Eagle Pass, and after winning a considerable sum of money and becoming intoxicated …visited a house of ill-fame [before eventually] assaulting Richard Stone, a deputy

[52] Sargent to Inspector Luther C. Steward, February 11, 1907, NARA 514231.
[53] Powderly to Collector of Customs, June 28, 1900, NARAFW RG 85 HM 1994 Box 1E TX3.

sheriff."[54] There are many reports of those sorts of incidents, ranging from paperwork mistakes to borderline felonies, yet in each instance, the inspectors were chastised, rarely fired. In some ways, the inspectors had complete control of the borders and all of the activities around them. They claimed to be intimately familiar with each and every Mexican who crossed the border. They functioned as "benevolent dictators" over their own little piece of the border, doing as they pleased while developing a cordial relationship with their neighbors, the Mexicans. In other ways, however, the ways that mattered to the Bureau, the inspectors had little control over the border, as Seraphic's ease of crossing illustrated. Something needed to be done.

What was done was that the line riders became a tightly regulated police force instead of independent inspectors. While they were never intended to be independent, the distance from Washington D.C. and their virtual isolation allowed them to develop their own systems and philosophies, running their parts of the border as they saw fit. Clearly this could not go on forever and the numbers eventually caught up with the line riders. The reports coming from the borders indicated that only legal immigrants were making it across the border, but the actual numbers of undocumented immigrants that were being discovered in the country said otherwise. Tracking immigrants through the ports had become virtually an exact science so when the numbers mysteriously increased, it was easy to see why. Seraphic made it clear to D.C. that the line riders needed to be watched, regulated, and controlled. They also had to be held to much higher standards. In other words, they should be treated the same as any other law enforcement agency. They were more than the low-level bureaucrats that the port inspectors were. They were armed, had the power to arrest, and investigated, sometimes far from home, when immigration law was broken. They were the direct precursors to the Border Patrol, which would not come

[54] Sargent to Maher, May 19, 1905, NARAD.C. RG85 File 5170133.

into existence until 1924. In many ways, A.A. Seraphic was responsible for the shift from seeing immigration enforcement along the border as mostly administrative, like it was in the ports, to being one of policing. Evidence of his influence would be seen with the changes along the border in the next few years as from 1907 on, the Bureau treated the line riders as a federal police force.

Arizona required a U.S. Attorney and a fairly complicated investigation into corruption to reveal the problems along the Arizona border with Mexico. Texas only needed one man who apparently had no patience with the "cowboy mentality." Within the inspector corps, Seraphic found no outright criminal acts, unlike Nogales. Instead, what he found were men living as they always had, effectively answering to no one, doing what they thought was best, and expecting no interference from Washington. Seraphic, however, was a strong believer in the bureaucracy. By 1906, the ports had developed systems and methods regarding immigration that were enforced by the Bureau of Immigration, under Seraphic, who would later use those systems to supervise all of the ports in Florida that accepted immigrants. The Bureau certainly had difficulty enforcing the Chinese Exclusion Act, but they were consistent in those attempts. Not so along the border. Seraphic told the Bureau that standards needed to be enforced consistently there, too, something that had never previously been done.

Between 1901 and 1907 Washington was forced to look closer at the southern border. The Hoey incident in Arizona showed that the corruption the federal government was fighting nationwide in all of its agencies was also common in Arizona; considering that before Hoey, the previous collector, Harry Chenoweth, was also removed from duty over accusations of smuggling, corruption should not have been a surprise. It is possible, though, that with the solid work of George Webb, who did what he could to bring inspectors along the border under control, the Bureau believed all was well. After all, by 1903 immigration was no longer in the hands of

customs; the men under Webb, with the Bureau of Immigration, monitored the border. Webb was thorough, attentive, and hardworking, but he was not the solution. A.A. Seraphic showed that the border was not, in fact, under control. At best, Webb had convinced his men to fill out detailed reports and to fill them out more often. But Seraphic discovered that they mostly continued to do as they pleased in 1906. Immigrant smuggling had forced the attention of the federal government to the Arizona border with Mexico. But it wasn't smuggling that brought attention to south Texas; it was suspicions that Syrians were sneaking across the border that raised flags in Washington. As it turned out, large numbers of immigrants entering the country illegally were not really the problem. But Seraphic's mission raised a new question: how could the Bureau control the border if it could not even control the inspectors? The answer was to install a figure with the full authority of the Bureau, who could take control of the border, or at least control of the men who patrolled it. That man would be Frank W. Berkshire.

F.W Berkshire was exactly the man the Bureau of Immigration needed in 1907, even though the U.S. Customs and Border Protection only began to realize his importance in 2018. Like many of the inspectors along the border with Mexico, Berkshire was from the East, born in Petersburg, Kentucky in 1870. His career in the Immigration Service began in Chicago, as a Chinese inspector, then transferred to New York in 1903. He must have impressed his superiors as he was sent to San Antonio in 1907, with the title of Supervising Inspector, a title which did not exist before then.[55] There is no record of why he was transferred or promoted, but Frank Sargent, Commissioner-general of Immigration, had expressed extraordinary displeasure with how the border with Mexico operated. He made it clear that the border stations were lacking in discipline, standards, systems, or anything that he clearly expected out of the port inspectors.

[55] United States Civil Service Commission, *Official Register of the United States* (Washington: U.S. Govt. Print. Office, 1907**),** 63.

While the port inspectors were fairly clustered, border inspectors were spread out over a thousand miles, increasing the difficulty in managing them. Sargent would have wanted a man who could install bureaucratic virtues in the border stations and was also forceful enough to maintain them. As Berkshire remained on the border for another 15 years or more, he was clearly the right choice. Both the relationship between the inspectors and the public and reports by the inspectors coming out of the border changed significantly beginning in 1907, also indicative of the influence Berkshire wielded over the line riders of the southern border.

From 1892 to 1907 the Bureau of Immigration border reports were dominated by discussions of legislation, explanations of regulations (which were mostly ignored), and clearly bureaucratic attempts to stem the flow of illicit immigration into the United States. Any suggestions of more inspectors were dismissed. The implication from Washington was that extra-legal immigration could be stopped by more legislation and stricter adherence to procedure. Limiting official entry points was the answer, not more officers. Until 1907, the officers seemed to be afterthoughts. The number of "circulars" (pamphlets illustrating rules and regulations) that were generated by the Bureau grew as the Bureau grew but they rarely seemed to take into account the actual men who read them. For many of the inspectors they must have seemed almost abstract. Only George Webb appeared to be concerned about the officers themselves and many of them saw Jeff Milton as the ideal, free to wander and protect the border in any way he saw fit. But A.A. Seraphic showed the Bureau that far more attention would have to be shown to the inspectors. After the report, Texas, Arizona, and New Mexico were slowly unified into the Mexican Border District by 1910 under Frank W. Berkshire, its Supervising Inspector.[56] Before Berkshire, the highest-ranking position in the border states was 'Inspector in

[56] Muenster to Berkshire, February 23, 1915. RG85 HM1995 BOX 6 E TX6 Folder 5020-107.

Charge' and El Paso and Nogales both had more than one.[57] Seraphic's biggest issue with the inspectors along the border was that they were unsupervised and followed few standardized rules. Almost immediately after the report, the Bureau promoted Berkshire, who tightened up discipline and instituted stricter regulations, with little patience for those who did not follow them. He also required far more documentation from the inspectors than in the past. Inspectors and supervisors began reporting everything that happened (and much that didn't by exaggerating their success) along the border and reported to Berkshire, who reported to the Bureau. He imposed the will of the bureaucracy along the border. Immigration enforcement was no more successful under Berkshire, but inspectors became much better at creating the illusion of success. Learning to navigate the bureaucracy meant learning what it wanted to hear. But before Berkshire could accomplish anything along the border, he had one more border cowboy to deal with. John White, fighting every step of the way, would pull the line riders into the F.W. Berkshire Era.

[57] See the *Official Register of the United States*, 1905 v.1 and 1907 v.1

# Part III

## Prologue

### Mexicans, Contract Laborers, and The Immigration Act of 1907

The Immigration Act of 1907 (Regulating the Immigration of Aliens into the United States) did not have anywhere near the debate the previous acts had, and it did not capture the imaginations of the American public. The media did report on it, however. Robert Ward of the *North American Review* wrote that an increase in the head tax from two dollars to four meant more money for the immigrant fund, which benefitted the immigrants themselves. He was also pleased that Section II added "imbeciles [and] feeble- minded persons" to the excluded class as "many aliens have in the past been certified as 'mentally deficient' or 'feeble-minded' and have not been debarred because they were not actually idiots. No distinction should be made between the idiotic and the feeble-minded."[1] Most newspapers simply printed details regarding what the act actually did.

The primary result of the Act was that enforcement shifted from immigration law to contract labor law violations, which Congress originally had difficulty defining. In the sessions leading to the Immigration Act of 1907, Senator Augustus Bacon (D-GA) defined "contract labor" as a man being lured to the United States and signing a contract with an American company. Senator John Spooner (R-WI), on the other hand, countered that the report on contract labor given to the Senate said that anyone who was "seduced or lured to this country by offers of employment" was a contract laborer.[2] The signing of a contract was not a necessary component.

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[1] Robert Dec Ward, "The New Immigration Act," *The North American Review,* July 19, 1907.
[2] 12 Cong. Rec. 3025 (1907).

Congress, and thus the Bureau of Immigration, adopted the more expansive definition, a decision that would reverberate along the border for decades.

It was the South that resented the law the most. Southern members of congress objected to the fact that the law would prevent Southern textile mills and other industries from bringing in laborers.[3] The reason for the concern was Section Twenty-Four of the Act. For the most part, the act reinforced the old immigration laws, added new categories of excluded aliens, or clarified unclear sections of previous law. But Section Twenty-Four caused the most consternation. It created an entire agency within an agency devoted to the enforcement of the contract labor ban that was the result of the act. Contract laborers had long been banned in the United States, ever since the Foran Act of 1885. But the Customs Service had been assigned the enforcement duties, along with the multitude of other responsibilities they had been given over the years. Contract labor law enforcement was lax at best. But Section Twenty-Four not only created Contract Labor Inspectors (Section 24 agents) it funded them with fifty thousand dollars a year and created a support system for them, which included clerks and other employees. Now, contract labor law had funding and resources, plus a robust enforcement system in place along the border to support them. As the majority of contract laborers entering the country across the border were Mexican, this would not be a good sign for them. In 1907, for the first time, the immigrant inspectors would begin targeting Mexicans.

[3] "May Fight New Law," *The Washington Post*, March 10, 1907.

# Chapter Five: Genesis of the Bureaucratic Cowboy

Progressivism came late to the Texas border with Mexico and then only halfheartedly. Instead, Texas held on to its frontier past. The Texas border with Mexico had been a place of conflict from its beginnings after the War with Mexico.[1] Policing in Texas has a complicated history, often romanticized by Texans. From 1848 until 1894, border protection was left to the Texas Rangers, but their activities had little to do with immigration, focusing mostly on outlaws, cattle rustling and policing Indians, Mexicans and Mexican-Americans.[2] Cowboys, or at least a cowboy ethos, dominated Texas in the latter half of the nineteenth century. It was certainly different than how immigration was controlled in other parts of the country, where policing was more administrative than enforcement. The post 1894 border had become a tangible, measurable obstacle, much like a seaport. And even though the border in the 1890s was very different than the border in 1848, the idea of protecting the national line from threats still permeated the actions of the border guardians. It would take F.W. Berkshire's power as the central authority along the border to finally remove the last streaks of independence from the line riders.

On the first page of Walter Prescott Webb's paean to the Texas Rangers, he writes that "the character of the Texas Ranger is now well known by both friend and foe. As a mounted soldier he has had no counterpart in any age or country…. Chivalrous, bold and impetuous in action, he is wary and calculating, always impatient of restraint, and sometimes unscrupulous and unmerciful. He is uninformed, and undrilled, and performs his active duties thoroughly, but

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[1] See Brian DeLay, *War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War* (New Haven, CT: Yale University Press, 2008); Pekka Hämäläinen, *The Comanche Empire*, (New Haven, CT: Yale University Press, 2009).

[2] For more on cattle rustling, see Robert Marshall Utley, *Lone Star Justice: The First Century of the Texas Rangers* (Oxford: Oxford University Press, 2002), 140; for more on the Texas Rangers' complicated relationships with everyone around them on the Mexican border see Miguel Antonio Levario, *Militarizing the Border: When Mexicans Became the Enemy* (College Station: Texas A & M University Press, 2015), 26.

with little regard to order or system…."[3] To ride a horse and wear a badge in South Texas meant riding with the spirit of the Texas Rangers. In many ways Webb could have been describing the immigrant inspectors of El Paso as much as the Texas Rangers. It was this history that was behind the line riders along the Texas border.

The Texas Rangers were officially created in 1835 in an "Ordinance Establishing a Provisional Government." The ordinance included a call for "a corps of rangers under the command of a major." The framers of the ordinance were looking for an irregular force unlike traditional law enforcement or volunteers. The Rangers would supply their own weapons, horses and powder and shot. Each company was led by captain who answered to a major.[4] The Rangers were formed to protect the residents of Texas from Indians. They would go on to distinguish themselves in the War with Mexico, though not always in ways they would have liked. Both Generals Zachary Taylor and Winfield Scott commented negatively on the discipline of the Texas Rangers and positively on their fighting ability, likely believing that the negatives outweighed the positives.[5] Regular soldiers were also not impressed with the discipline of the rangers. The Texas Rangers were vicious fighters and certainly successful in that sense, but they were notoriously difficult to command. Even so, as historian Robert Utley points out, "[t]he Mexican War nationalized the Texas Ranger tradition and earned it an enduring place in the imagination of Americans."[6] The Texas Rangers, historians agree, were incredible fighters, but army life, or being part of a government agency for that matter, requires more that fighting skills.

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[3] Walter Prescott Webb, *The Texas Rangers; a Century of Frontier Defense.* [2d ed.] (Austin: University of Texas Press, 1965), 2. [This quotation is originally from Luther Giddings, *Sketches of the Campaign in Northern Mexico: In Eighteen Hundred Forty-six and Seven / by an Officer of the First Regiment of Ohio Volunteers* (New York: G. P. Putnam & co., 1853), 97.

[4] Mike Cox, *The Texas Rangers* (New York: Forge, 2000), 47.

[5] Archie P. McDonald, *Texas: A Compact History* (Abilene, TX: State House Press/McMurry University, 2007), 91.

[6] Robert Marshall Utley, *Lone Star Justice: The First Century of the Texas Rangers* (Oxford: Oxford University Press, 2002), 58, 47.

The Rangers never adapted to routine or the chain of command. They remained mavericks, controllable only by other men gifted in the wrangling of mavericks.

What Rangers' actually did matters far less than the place they occupied (and to a large degree, still occupy) in the American imagination. The history of the Texas Rangers is, to say the least, fascinating. There is much to admire about the Rangers regarding their loyalty and fighting skills, but much more to abhor. Countless books were produced that detailed the adventures of the Texas Rangers (both real and imagined, but generally some combination of the two) in the latter half of the nineteenth century and into the twentieth. For example, in 1856, publisher R.M. Dewitt published *The Rangers and Regulators of the Tanaha*; in 1865, J.R. Hawley published *The Scout and Ranger: Being the Personal Adventures of Corporal Pike, of the Fourth Ohio Cavalry, as a Texan Ranger, in the Indian Wars* ; around the turn of the century, publisher John E. Potter released *The Scouting Expeditions of McCulloch's Texas Rangers in Philadelphia*; and in 1906, Whipkey Printing Company published *Captain Jeff or Frontier Life in Texas with the Texas Rangers*.[7] Despite assertions to the contrary, these were not always true depictions of the lives of Texas Rangers. Sometimes they were mixtures of actual events, mythology, exaggerations, and retellings of stories that originally might have reflected badly on the participant. Times and places were vague, virtually impossible escapes were choreographed, and very little that occurred could be verified one way or the other. But it was not the accuracy of the books that caused the strongest impact on Americans, though, it was the compelling stories, the

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[7] Alfred W. Arrington, *The Rangers and Regulators of the Tanaha, or, Life Among the Lawless: A Tale of the Republic of Texas* (New York: S. C. Reid, 1856); *The Scouting Expeditions of McCulloch's Texas Rangers, or, The Summer and Fall Campaign of the Army of the United States in Mexico--1846: Including Skirmishes with the Mexicans, and an Accurate Detail of the Storming of Monterey; also, the Daring Scouts at Buena Vista; Together with Anecdotes, Incidents, Descriptions of the Country, and Sketches of the Lives of the Celebrated Partisan Chiefs Hays, McCulloch, and Walker* (Philadelphia: John E. Potter. [publishing date unknown, likely 1890]); W. J. Maltby, *Captain Jeff: or, Frontier Life in Texas with the Texas Rangers; Some Unwritten History and Facts in the Thrilling Experiences of Frontier Life...* (Colorado, Tex.: Whipkey printing co. 1906).

adventure, the drama. Consider this quote regarding an Indian attack from *The Rangers and the Regulators of the Tanaha*: "The frowning Fates hovered around them, and the very atmosphere they breathed was full of mortal poison, as the dark shade of that Indian tree, whose piercing odor is prompt and powerful to kill as the lightning of heaven!" Or this, from "The Ranger's Song" in *The Scouting Expeditions of McCulloch's Texas Rangers in Philadelphia*:

> Mount! mount! and away o'er the green prairie wide,
>
> The sword is our sceptre, the fleet steed our pride;
>
> Up! up! with our flag! let its bright star gleam out
>
> Mount! mount! and away on the wild border-scout!

It would not be difficult for men in the east who were constantly bombarded with ideas of white, heteronormative masculinity to get caught up in the excitement and romance of the dime novels. And certainly, there is no record of a line rider claiming he wanted to work the border because he was looking for Texas Ranger level excitement but considering that the Ranger novels were especially popular on the East Coast, it is hard to imagine that they did not influence men facing the crowded urban conditions of eastern cities.

Historians Charles H. Harris and Louis R. Sadler painstakingly collected the biographies of Texas Rangers from 1910 to 1921 and many of them were customs collectors or immigrant inspectors at one point in their lives. While the same treatment has yet to be done for the years between 1894 and 1910, it is highly unlikely that Texas Rangers did not discover lucrative federal jobs until 1910.[8] Some inspectors in Texas were native Texans, but just as many got there as quickly as they could, heeding the call of the dime novelists. It is really hard to tell exactly

[8] For examples of later Rangers who became line riders see, Charles H. Harris, Frances E. Harris, and Louis R. Sadler, *Texas Ranger Biographies: Those Who Served 1910-1921* (Albuquerque: University of New Mexico Press, 2009).

how many line riders were former Rangers. Many, like Jefferson Milton, had other jobs between the two positions. What is clear is that whoever the former Rangers were, they played a large role in training new inspectors as the Texas Ranger culture was present within the line riders. Line riders were law enforcement and in the early days there were not many of them. Mike Cox quotes former Texas adjutant general Wilburn King as saying that while any "ordinary soldier" is capable of physical courage given constant guidance by superior officers, Texas Rangers needed "individual self-reliance, rare moral courage [and a] capacity for adapting to all sorts of surroundings." They needed to be resourceful and flexible as well as men of good habits, and of upright, honorable conduct."[9]

The Bureau often stationed line riders alone along the border, far from any real supervision. They had to depend on their own judgement and resources. While they rarely ran into real trouble, the Bureau sent out numerous circulars reminding them of the serious of their responsibilities and the dangers of the job. Men capable of working under those conditions would be valuable, as Harris et al show in *Texas Ranger Biographies.* There is every indication that the line riders saw protecting the country from undocumented aliens the same way the Texas Rangers viewed protecting Texas from Indians: as an honorable imperative. Not to mention, many line riders arrived at their jobs the same way as many Rangers: they needed work and they had skills that their respective employers were looking for.[10]

Trainees who followed the original line riders would then train new inspectors, with each wave of new hires further perpetuating an already flawed system. In 1895, two of the three immigrant inspectors in Texas were native Texans, the third was Alfred Hampton of South

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[9] Mike, Cox, *The Texas Rangers*, (New York: Forge, 2008), 371.
[10] Jack Martin, Border Boss: Captain John R. Hughes, Texas Ranger, (Austin: State House Press, 1990), 37.

Carolina, son of Wade Hampton III and later assistant to Anthony Caminetti, Commissioner-General of Immigration so likely a political appointee.[11] The two Texans, L.B. Giles and William Duggan, were likely steeped in Ranger lore, if not former Rangers themselves, and it is hard to imagine Hampton, newly arrived from South Carolina, not at least being curious about the "cowboy" life.[12] Regardless, though, all three would have hired local men as assistants ("mounted guards") who often were promoted up and trained other men. These three men, two Texans and one transplanted Southerner, were the roots of the border immigrant inspectors, creating a culture almost from scratch (they would have quickly learned that sea port policies did not work on the border) based on nineteenth century South Texas cowboys who "measured their manliness in large part by their skills on the job and the competence to 'get the job done.'"[13] It went as well as could be expected. Washington politicians were certainly skilled in the manipulation of men, but the skills they gained in Washington rarely worked on the cowboys of the border. There are multiple examples of individual line riders resisting the system, questioning orders, acting independently, and responding defensively when their actions were questioned. One man, however, ties all of those stories together. His story has a beginning, a detailed middle, and a finality missing from other accounts. That man was John White, the quintessential border cowboy.

The plains of South Texas can be a deceptively desolate place. With average high temperatures of 93 in July to average lows of 25 in January, the wide range of temperatures

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[11] United States Civil Service Commission. *Official Register of the United States, (*Washington: U.S. Govt. Print. Office, 1920), 151-153; Walter Brian Cisco, *Wade Hampton: Confederate Warrior, Conservative Statesman / Walter Brian Cisco* (1st ed. Washington, D.C.: Brassey's, 2004). United States Civil Service Commission, *Official register of the United States 1919* (Washington: U.S. Govt. Print. Off).

[12] Hampton did, in fact, cross paths with Jefferson Davis Milton in the early 1900s. Milton describes him as a "rich fellow" so whatever his experiences were in El Paso, he apparently moved past them. HML Jeff Milton interviews Volume II 1-March 45.

[13] Jacqueline M. Moore, *Cow Boys and Cattle Men: Class and Masculinities on the Texas Frontier, 1865-1900* (New York: New York University Press, 2011), 69.

could make life on horseback difficult. The South Texas brush country consists of miles of either flat land or rolling countryside as far as the eye can see, dotted by mesquite, acacia, and prickly pear, occasionally broken up by swaths of grassland. The countryside is dominated by short trees and thorny shrubs, making the plains seem impenetrable. Those impenetrable plains, however, are teeming with life. Over a hundred years ago, that life included Texas line riders, one of whom was John White.

John White was not a Texas Ranger. Starting as a private in the U.S. Army, he fought in both Cuba and the Philippines. He worked in some capacity for the Navy Signal Corps until he was discharged for "Total Disability incurred in the line of duty."[14] He continued his career in uniform when he was accepted for hire as an immigrant inspector in July of 1905. At the time of his appointment he was living in Washington, D.C., but he was from Texas and hoped to return. His first station was to be in Fordyce, Texas.[15] White had passed the civil service exam and received Certificate No. 1074. He was hired at four dollars per day, plus three dollars and fifty cents per day when he was away from the actual border station. In addition, he was "also designated to act as Chinese Inspector [ a separate designation within the Immigration Service], without additional compensation." The appointment went into effect on July 6, 1905.[16] Rather than Fordyce, however, he was sent to Brownsville. For the next six months, the Bureau of Immigration bounced White around a bit until January 25, 1905, when he was assigned to San Antonio, where he would serve under Inspector-in-Charge R.G. Callahan.[17] It was there that White's career as a line rider would begin to unravel, but it would take a while. He was, however, typical of the higher turnover in inspectors from 1894 to 1907.

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[14] White to Secretary of Commerce and Labor Oscar Strauss, May 6, 1909, NARA File #52030.
[15] F.H. Larned to Strauss, July 3, 1905, NARA File #52030.
[16] Larned to White, July 6, 1905, NARA File #52030.
[17] Larned to White, July 8, 1905, NARA File #52030.

Like other line riders, one of White's duties was to patrol the railroad lines. In March of 1906, White requested a pass from A.A. Allen, Vice-President of the M.K. & T Railway that would allow White to travel back and forth between inspection locations. This was the first unusual action taken by White as inspectors did not normally have that kind of freedom to travel. In fact, in a hearing that came out of this issue, the letter itself is marked "Exhibit A." It was later used as evidence of White's malfeasance. His next action was one that likely began the antagonism between White and Callahan that would dominate White's life for the next three years. While in San Antonio, White attempted to form a militia for undisclosed reasons. When Callahan found out, he wrote to Commissioner General F.H. Larned for instructions as to what to do. White apparently believed that his assignment to inspect trains could both serve the government as well as his desire to form a militia. Larned disagreed. He wrote back that White was hired to work as an immigrant inspector, not to form a militia. Not only that, he pointed out to Callahan that "the efficiency record is calculated to provide a means of charging employees with demerits for failure to subordinate personal matters to those of an official character."[18] In other words, Callahan should not only stop him but document it as well.

There is no question that this turn of events would have irritated White. Like many of the line riders, he likely had a keen, but very specific, sense of honor. Throughout his letters, he clearly indicates that he took his job as an immigrant inspector seriously, but apparently the desire for military service never left him. He seemed to believe that that he could best serve his country through his job as well as through a local (yet undefined in the records) militia. There were many reasons that White may have formed a militia. There was a history in Texas of private militias that were essentially private police forces and there was the Gilded Age tendency

[18] Larned to Callahan, September 17, 1906, NARA File #52030.

not to trust government police forces. But White's military history suggested that it was more of a protective militia, a paramilitary group that patrolled areas outside of the reach of local police. That certainly would have conflicted with his official duties.

Callahan not only attacked White's honor by reporting his militia duty but seemed to attack his patriotism as well. By November his relationship with Callahan had not improved. On November 9, Callahan wrote to Larned that he wanted White transferred; Callahan indicated that White could not be trusted to do his job without being watched; he requested that Inspector John H. Watson from Laredo, a man Callahan knew and trusted, should be transferred to San Antonio instead. Larned agreed to transferring White out of San Antonio but not to a swap. Instead, Larned sent Inspector Steward to San Antonio and White to Eagle Pass. White could not have been happy with the transfer as his first documented flare-up with Callahan came on November 16, 1906, when White was notified that he was being transferred to Eagle Pass. When Callahan informed him of the transfer, White asked for the remainder of the year off. Initially Callahan approved; but something happened either that night or the next morning. Callahan withdrew his recommendation because White was "very indignant [and] wanted [a] personal encounter. [White used] very abusive language [so Callahan] called witnesses and ordered him to leave."[19] Larned agreed with Callahan and sent White to Eagle Pass without leave.[20]

It was after White left San Antonio that the political maneuvering and face-saving of White, Callahan, and others began. The line riders were caught between America's frontier past and the rapidly accelerating modernity. Men like White valued their honor and their reputation more than anything so when either was threatened, they responded. This was different than the struggles that supervisors had before White's difficulties. In the past, inspectors had a tendency

[19] Telegram from Callahan to Immigration Bureau, November 17, 1906, NARA File #52030.
[20] Telegram from Larned to White, November 19, 1906, NARA File #52030.

to be a bit more passive aggressive. They would do as they pleased and when they were caught, they apologized. There seemed to be an uneasy agreement that the occasional misbehavior was simply cost of doing business along the border for the Bureau. But White actively resisted being chastised, going on the offense. He would fight back in any way possible and he always seemed so convinced he was right. He had many opportunities to simply apologize and take his punishment, but he never did.

Once in Eagle Pass, he made an allegation that Callahan was extorting money from immigrants. A primary responsibility of the line riders was to investigate camps and farms along the border. In the spring of 1905, finding two Japanese men in town, White and Callahan interviewed them and were told that they worked at the Sewer Farm twelve miles outside of San Antonio.[21] The two did, indeed, work at the farm so White and Callahan dropped them off and headed back to town. Before they did, however, according to White, Callahan "compelled" the Japanese men to give him two dollars in order to pay for the buggy he had hired to take them to the farm. White also claimed that while there were no other witnesses, if the two Japanese men could be found, they would corroborate his story (a convenient claim, as Seraphic later would say that once immigrants made it past the inspectors they were rarely seen again). Of the many minor charges in the letter to Larned, only the charge of extorting immigrants was worth pursuing. Larned, who had since become Acting Commissioner-General, informed the new Inspector-in-Charge, Luther C. Steward, to investigate.[22] The opening salvo in a battle of honor had been fired. At the same time of the complaint, White registered his dissatisfaction with being transferred.[23]

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[21] "Sewer" appears to have been the name of the family who owned the farm. It is also likely misspelled.
[22] Undated letter (around December 1906 or January 1907) from White to Larned; Letter from Larned, now acting Commissioner General) to Immigrant Inspector in Charge Luther Steward, November 22, 1906, NARA File #52030.
[23] Larned to Steward, November 22, 1906, NARA File #52030.

Callahan came back with not only a denial but countercharges. He claimed that he had transported the Japanese men to the farm as well as fed them along the way. When they were told they were no longer in the custody of White (whom Callahan believed they feared) they asked how much the trip and dinner had cost. Callahan told them no more than a dollar each. Nothing more was said until they all arrived at the Japanese Garden where the men lived. Once there, the men offered Callahan a dollar apiece. Callahan offered the interpreter as a witness, likely easier to find then the Japanese men. Callahan was not done. If he was initially on defense, he quickly switched to offense. White was clearly flexing some political muscle that he believed he had when he accused Callahan of wrongdoing. Callahan, however, had been a government employee much longer and clearly understood how the game was actually played. On December 4, 1906, Callahan wrote the new Commissioner-General of Immigration, F.P. Sargent, detailing the lack of honor and trustworthiness of John White. If White and Callahan were examples of bureaucratic dueling and office politics was the weapon of choice, there was no question that Callahan was a far more adept duelist.

Callahan began his letter with a deferential run-on sentence. He "beg[ged] to invite [Sargent's] attention to some of the delinquencies of Inspector John White…" and went on to explain that he finally had no choice but to send a report. He somewhat self-servingly pointed out that he refrained from reporting White in the first place because he "was endeavoring to conduct the affairs of [his] station without burdening the Bureau with…trivialities." Like the Progressive Era bureaucrat Callahan was becoming, he appeared to take great pride in his ability to run his office without help (or, likely, to Callahan, interference) from his superiors in Washington. Once challenged, however, Callahan defended his office with an impressive list of White's trespasses.

First, Callahan made it clear that he was aware of White's tendency to make "false statements" almost as soon as he started working with him. When White had not been in San Antonio very long, Callahan asked him to visit a Mr. Anderson, Division Superintendent of the G.H. & S.A. When White returned to Callahan, he reported that Anderson had made derogatory remarks to White about Callahan as Anderson apparently believed that White was there to investigate Callahan's actions in the border station. Callahan later found out that White had never even met with Anderson, so the remarks of Anderson were "a pure fabrication on the part of Mr. White." Callahan then made reference to the earlier letter marked "Exhibit A" as well as another marked "Exhibit B.", both of which referred to White's obtaining railroad passes. White had secured passage on any train going in or out of San Antonio without Callahan's knowledge. Even worse, White had changed the original letter, which gave him limited access to the trains, to give him virtually unlimited rides anywhere the train went. As Callahan pointed out, there would be no need to inspect trains coming in from the north and trains from the south could be inspected in the depot. When Callahan was made aware of the letter, he called White out for it. White explained that he had changed the wording so that he would be able to use the pass to get to Dallas, with no further explanation.

Next, Callahan attacked White's honesty. First, he wrote that on several occasions, White opened Callahan's locked drawer without Callahan's knowledge. While Callahan claimed that he had nothing to hide in the drawer, he included the incident in order "to show the nature of his character." Callahan also included a statement from Inspector C.S. Smith as a witness to White's actions. Callahan then explained that another time he asked White what efficiency grade he was given when he was appointed. White replied that he was given a 95%. Callahan then wrote to the Bureau and was told that White had received a grade of 83%. When White was confronted about

it, he claimed that papers he was shown said 95% and he would bring them in for Callahan, but he never did.

These sorts of incidents were fairly common among the line riders. They would exaggerate distances travelled, immigrants arrested, or the dangers they faced. What is interesting about White's exaggerations, however, is that while most often, records show that line riders were not generally held liable for stretching the truth, Callahan did not hesitate to do so in response to a personal attack. But White put Callahan in a position where he had to go against what was essentially unspoken tradition. Line riders had been embellishing reports almost since their inception. Sometimes, in fact, it seemed as if the line riders felt the need to justify their existence. It would appear that their desire to show Washington that they were accomplishing a great deal along the border was a great plan, at least until Seraphic's mission. If the Bureau learned nothing else, it learned that many of the inspectors, at least in Texas, in all reality did very little. The only evidence that anything was being done regarding illegal immigration came from the reports that the inspectors themselves filed. For more than twenty years, that was enough. But with the arrival of the Progressive Era, the Bureau required more evidence and they had installed F. W. Berkshire to create the systems necessary to supply that evidence.

Another time, White informed Callahan that he had just investigated a group of Japanese men who had come from the west via the railroad without credentials. After a rudimentary investigation, Callahan determined that the Japanese men had all been legally admitted. Once again, this was not unusual. Many reports out of Texas began with the inspector receiving a tip that illegal immigrants had been sighted far away from town. They would often end with the line rider coming back empty handed or discovering that there had been no crime committed. This

was likely because while many inspectors apparently avoided leaving the border station for any reason, others took pride in being line riders and enjoyed actually riding horseback in the countryside, often spending days away from the station house; apparently White was one of the latter. Callahan indicated that either White had never seen the Japanese men at all or he had deliberately lied in order to "make an investigation away from San Antonio." For White and other inspectors like him, riding the line meant activity, the possibility of excitement. The border station meant paperwork and supervisors. Few men enjoyed both.

Callahan went on to cast aspersions on both White's sense of duty and his personal behavior when off duty. First, he wrote that he had issued orders to White that unless he was on patrol or an inspection he was to remain at the office at all times. The shifts were to be alternated with Inspector R. M. Moore, who was in charge during Callahan's absence. Another job of the line riders was to take undocumented immigrants back to Mexico. While returning from a trip to Eagle Pass, where he handed off two Chinese immigrants, Callahan discovered that several Japanese men had slipped illegally into the country. He went into the office where White was supposed to be on duty in order to enlist his aid. White was nowhere to be found; he was off with his friends at the fairgrounds.

White's personal behavior was the next subject of Callahan's letter. Callahan claimed to have evidence that White often visited the "Tenderloin District" of San Antonio where he would get drunk and carouse. On one memorable occasion, White got in a fight and was arrested by the police. After threating the officers by yelling and telling them they had no right to arrest him, he told them that he was a federal officer, "and that he could make it very unpleasant for them for arresting an officer of the United States Government." Thus, the sheriff released White without taking him to jail. Unfortunately, White then went to a Chinese restaurant where he started

another fight. When the police showed up again, he was forced to leave or be arrested. White was certainly not the employee that progressive reformers within the Bureau were looking for. He was still reflective of the Texas Ranger resistance to being corralled. If the Bureau allowed him to continue doing as he did, he would threaten any progress they hoped to make along the border.

Last, Callahan indicated that White was preparing to defend himself against Callahan. According to Frank Weth, a man Callahan had arrested, White took him to an attorney and had him sign a paper that Weth did not read. Callahan believed that the paper "was a power of attorney to institute a damage suit against [him] for the false imprisonment of the said Frank Weth." If White did, indeed, do this, then according to Callahan White should be dismissed from the service.[24] While corruption along the border was not constant, this type of questionable behavior was. White did what he believed was necessary, as did a lot of line riders. White never denied taking Weth to the attorney or having him sign the paper without reading it. For White, it was simply doing what he needed to do to press his case against Callahan.

White was apparently unaware of Callahan's letter to Sargent when he registered his complaint about his transfer. In his own letter to Sargent, White explained what happened when Callahan informed him of his impending transfer. First, he claimed that Callahan told him that if the Bureau had not authorized White's transfer, he would have "resigned his position as Chinese Inspector." Next, however, White made a big mistake. He claimed that Callahan told him that as Callahan and Sargent were both Masons and that the "Commissioner-General would have to comply with his [Callahan's] wishes" [emphasis in original, which was unusual for a government document]. Someone, likely Sargent, added the word "Rot!" In a remarkable misunderstanding

[24] Callahan to Sargent, December 4, 1906, 4, 5, 6. NARA File #52030

as to how government bureaucracies work, White went on to explain that he really could not move because he would have to sell his house in San Antonio for less than it was worth. He also said that he desired to file a report against Callahan, not because he wished to complain, but because he "believe[ed] it is [was] sworn duty to report such matters as are liable to cause the Bureau no little embarrassment." He even offered to send evidence that Callahan was wrongly imprisoning men (likely a reference to Frank Weth) and attempting to enlist White's aid in spying on R.M. Moore, an immigrant inspector in San Antonio. While he had the evidence, however, he preferred not to produce it as it would be likely that "the news papers [sic] would find it out and air it in their daily papers." He asked for permission to stay in San Antonio until the requested investigation of Callahan was completed. His request was refused. (In the margin, in the same handwriting as before, is "no. Ordered to Eagle Pass.")[25]

John White clearly had a sense of honor, but that honor was tempered with an independence streak that resented any questioning of why or how he did his work. His sense of honor, in fact, was grandiose. He saw himself as the defender of the United States on its southern border and the protector of the reputation of the Bureau of Immigration. When any of the above was questioned he went on the attack. Unfortunately for White, he was overmatched from the beginning by Callahan, Larned, and Sargent. F.H. Larned and F.P. Sargent were both career bureaucrats. Their letters to both Callahan and White indicate an almost paternal frustration with the men's bickering, a tone that comes up often in individual letters from Washington to the line riders. It is Callahan who is the most fascinating, however. He most represents the "bureaucratic cowboy." Inspectors in charge were promoted from the ranks of the immigrant inspectors. Callahan would have spent more than his share riding horseback and in buggies along the border.

[25] White to Sargent, November 17, 1906. P. 1. NARA File # 51402/10, 1-3.

He was, though, clearly well-versed in office politics and dealing with superiors. Looking at the interactions between Callahan and White it is easy to see how Callahan was making the transition from America's frontier past to modernity.

White filed a complaint against Callahan. White, though, made vague accusations with no actual witnesses. When he did mention witnesses, such as the two Japanese men, they were witnesses that would be notoriously difficult to find. For some reason, White seemed to think that the Bureau would simply act on his accusations. He made the same assumption when he made the accusation that Callahan arrested people with no cause. He had evidence, he claimed, but did not want to produce it because it could harm the Bureau. He even managed to hurt himself in his own defense. In one letter to Sargent he objected to his low efficiency rating, claiming that after all his hard work, he did not understand why it was not higher, unless, of course it had something to do with his *accidentally letting prisoners escape* [emphasis mine], for which he had a good explanation, but did not offer it.[26] He did not seem to understand why letting a prisoner escape might be a serious accusation. He had been officially reprimanded for it but did not seem to care. His biggest mistake, however, was inadvertently impugning the honor of Sargent by insinuating that being a Mason would take precedence over Sargent's sense of duty. Each step in White's complaint indicated a lack of real understanding as to how the wheels of government function, at least not the type of government bureaucracy that was slowly taking over the border.

Callahan, however, knew exactly how those wheels worked. First, while White's letter was four pages long, all focusing on the incident with the Japanese men and full of vague accusations, Callahan's letter was six pages, with multiple accusations, all meticulously ordered

[26] White to Sargent, May 11, 1907, NARA File # 51402/10.

so as to be easy to read and to refer to. With each accusation, Callahan supplied a signed statement from a witness or listed witnesses, such as policemen, who would be easy to find and had unimpeachable reputations. Callahan also insinuated that he had tried to handle the problems with White on a local level but that it was White who had forced his hand by bringing in the Bureau. It is relatively clear in his letter that Callahan had played the game before. The first round ended essentially in a draw as after a few months of letters between White and the Bureau, with the Bureau refusing to do anything about Callahan or White's transfer. White kept his job in Eagle Pass and the issue faded but remained hovering over White's career with the Bureau of Immigration. White had done significant damage to his own reputation and that damage would come back to haunt him in the summer of 1908.

Line riders spent much of their time doing nothing exciting, just riding along both sides of the border asking questions, looking for anything suspicious, and writing up reports. White's last mission was no different than many others he had performed in the years that he was with the Bureau of Immigration; except this one ended his career. Like all line riders, White did not just patrol the border, he was also an investigator. If the Inspector-in-Charge came across information that immigrants were coming across the border illicitly, he sent out a line rider to investigate. He would take a horse, a buggy, or both, depending on how far he was going and whether or not another inspector was making the trip with him. This would often mean being gone for days, camping out and attempting to track the immigrants, a skill most line riders had, at least to a certain extent. They would go to the source of any rumors and follow the clues from there. This was something that the line riders did often and there are numerous references to these trips in their letters and reports. Most of the reports, however, were fairly vague. John White, on the other hand, wrote in-depth reports and his description of one of his assignments, in

April of 1908, is a fair representation of what the line riders experienced in the field. No one really complained about what he actually *did* in the field, just that he was there much too often and that he padded expense reports. As it would turn out, it was what he left out or failed to explain that would cause his undoing.

By 1908 White was no longer at Eagle Pass, he was stationed in Del Rio, Texas. In April he was given an assignment to go to Mexico and investigate possible Japanese crossings from various towns and *ranchos* in Mexico, including Jiménez, San Carlos, and Santa María, (which was "situated on the banks of Rio Grande River") into the United States. White left Del Rio on April 10 and headed to Santa María, Mexico, where he met with Don Felipe Garza, a farm manager who worked about 75 laborers. Garza assured him that he had seen no unknown Japanese but if they did come to him, they would not be allowed to cross the Rio Grande. On April 11, he visited Molino where he was told no Japanese had been seen. On the 12th, he found he could not cross the Santiago River as it was too high. He could not move on until the following day. This was what line riders in the early days did: they chased immigrants. But most times they arrived too late. No one along the border had a real interest in protecting Chinese and Japanese except those who hired them. It would not be unreasonable to think that someone, somewhere was informing Chinese and Japanese crossing the border of the inspectors' actions and getting paid for it. Considering events in Nogales a few years earlier, it would not be unreasonable to think it was an inspector.

At Rancho Sauceda, foreman Antonio Abrigon told White that no Japanese had been through, "but that quite a number had come up to San Corlos since last November."[27] By late afternoon he found himself in Palmido with no proof of Japanese crossings, only rumors. In

[27] San "Corlos", or possibly San Carlos, as well as Ranch Sauceda and Palmido, appear to be ranches of various sizes that have since disappeared from the Mexican border with the United States.

Jiménez, however, he believed he was on to something. One witness, a gentleman named Cornelia Flores, told White that four Japanese men had rented a house from him on about the 27th of March and disappeared on April 7th, with the keys. Flores was sure that the men had slipped across the border from Jiménez. In fact, Enecro Roses [sic], a customs guard at Jiménez, claimed he had seen seven Japanese cross the river on March 9th. After further investigation, White determined that Jiménez was a common crossing place as there were several places where people could simply wade across.

In San Carlos, White's next stop, he interviewed a Mr. Gomez, a manager of a large farm. It was here that White discovered one reason why the immigrant inspector's job could be so difficult. Gomez had hired eighteen Japanese workers. Gomez explained that they came and went as they pleased. They would earn enough money, leave, and come back when they needed more. Gomez was told that they went to Porfirio Díaz, but he was unable to confirm that. All that mattered to Gomez was that he had eighteen at any given time. White could not get Gomez to commit on a number as to how many had come and gone. To complicate matters even more, the Japanese went by number rather than by name. When asked how he managed to do business with his workers like that, Gomez replied, "We do all business through the Japanese foreman, even to paying the other Japanese on pay day, which comes around one a month, unless they want to buy something at the commissary." Like most residents along the border, Gomez had likely learned through experience what to tell the inspectors.

White then went to Victoria, a small town south of the border, as well as several ranches, including Santa Lina, Jorita, and San Fernando.[28] He ended his mission at the canal where

[28] Victoria is apparently not Ciudad Victoria, capital city of the Mexican state of Tamaulipas. White described it as "a small town on the C.P. Díaz, and San Carlos road." San Fernando, Santa Lina, and Jorita are described as ranches. Victoria seems to have been a small village that either no longer exists or has taken another name.

Gomez had said he sent his Japanese workers. He interviewed the Japanese workers, collecting statements as to how the Japanese preferred to cross, why they wanted to come to the United States, and what they did once they were there. The Japanese foreman did most of the talking. He told White: "I have lived in Mexico ten months. I came to Mexico via Santa Cruz. I am tired of living in Mexico. I don't want to go back to Japan but would rather be there than here." He went on to explain that they never walked along a railroad track, they always stayed hidden from view; they never crossed the river near the Gulf for fear of alligators; they always tried to remove any trace of their presence; and they all had thorough knowledge of the countryside. One of the Japanese men told him that if an inspector asked him where he was from, he would tell them he had been in the United States for over a year and he would not be asked any more questions. White made it back to Del Rio on April 20th and wrote up his report.[29]

On its surface, the report was no different than many others filed. Many line rider assignments amounted to little more than reconnaissance missions. White's problems began when he submitted his expenses. White turned in a receipt for $18.33 for food for both him and his wagon horses. Many above him deemed the amount too excessive for a ten-day trip with one wagon and two men (White had taken along his brother-in law, H.V. Owen, as teamster and interpreter.) During the investigation, White added to his report. First, he admitted that he brought his personal horse, but claimed that he brought his own feed for it. Later, he admitted that he brought his wife and daughter and Owens wife, White's wife's sister, but claimed that none of the food on the receipt was for them. In the end, the total submitted for reimbursement was $18.10 for food (he had lowered the total), $15.10 for supplies, and $44.00 total for the rental of the wagon and the horse. He justified the high cost because he had to rent a second

[29] Report from White to Supervising Inspector, April 21, 1908, P 2. NARA File# 52030.

wagon in Santa María, because he had failed to acquire permission to drive an American rig into Mexico. There was no charge for the rental; the only expense was in feeding the team. Apparently White had not mentioned the second team in his report because he did not seek reimbursement. Inspector-in-Charge E.W. Smith came to his defense claiming that $44 was correct as heavy rain had extended what was intended to be a five- or six-day trip into eleven days.[30] Of course, if that were true, how did White know to get eleven days' worth of supplies?

Expenses are an important part of White's clash with Callahan. Before A.A. Seraphic's mission, expense reports such as White's were routinely accepted, primarily because distant supervisors had no way of determining whether charges were legitimate or not. Seraphic changed all of that. Government accountants routinely inspected expense reports, compared them to existing records, and demanded explanations. For line riders in general, the job had fundamentally changed. For John White, the job had changed even more. Government officials have long memories.

Virtually no one believed White, certainly not F.W. Berkshire, the Supervising Inspector. He wrote Smith that as the charges he submitted were vague and "excessive" White needed to submit the itemized bill with a full explanation of each charge. Smith was to "give this matter [his] immediate attention."[31] As it was Smith who gave the assignment to White, clearly White's failure was Smith's. Smith explained again about the rain but lowered the total for the wagon from $44 to $40. Smith was no longer as sure of himself. He was faced with choosing between loyalty to one of his men, a central tenet of the inspectors in charge before Berkshire, and loyalty to the Bureau, which Berkshire aggressively instilled in his men. Smith's concern for his job was beginning to take precedent. Apparently sensing this, Berkshire wrote to White that he needed to

[30] Smith to the Supervising Inspector in San Antonio, April 30, 1908, NARA File# 52030.
[31] Berkshire to Smith, May 2, 1908, NARA File# 52030.

submit not only an itemization of the food and supply requisition but a list of every place that White visited, how long he was there, and where exactly the wagons he had hired were used. White was also told to explain why he had never mentioned the second team; he also was instructed to break down the daily usage of the second team.[32] White continued to dig himself deeper and deeper in the mire.

The next several months saw a flurry of support for White's character. White's case would exemplify one of the biggest changes to the border stations under Berkshire. The system, the bureaucratic process, was far more important than illusive qualities such as honor and character. On June 19, 1908, Sargent received a letter from U.S. Representative John Nance Garner of Uvalde, Texas, the congressman from Texas' 15th district who went on to become vice president under Franklin Delano Roosevelt, expressing concern that there was "a movement on foot" to have White discharged from the Bureau. Garner just wanted to make sure that White got a "square deal."[33] In August, the Secretary of Commerce and Labor received a letter from County Judge C. K. McDowell not only testifying to the quality of White's character, but attacking Owens'.[34] On August 3, 1908, P.W. Williams, a Treasury Department clerk had his support for White notarized. Even Tom Norvell, the owner of the store where White bought his supplies had his belief that White's expenses were legitimately notarized.[35] On August 6, 1908, "a petition signed by the most prominent men of [Del Rio]" was sent to the Department of Commerce and Labor on White's behalf.[36] White apparently believed in the power of character witnesses, especially well-connected character witnesses. He had Sheriff M.I. Sharp of Val

[32] Berkshire to White, May 6, 1908, NARA File #52030.
[33] Garner to Sargent, June 19, 1908. NARA File #52030.
[34] McDowell to Oscar S. Strauss, August 1, 1908, NARA File#52030.
[35] Sworn statement of Tom Norvel, August 5, 1908, NARA File #52030.
[36] Petition, August 6, 1908, NARA File #52030.

Verde, Texas submit a statement that Owens, who ended up as a witness against White, tended to "act upon a prejudice disposition disregardless [sic] of whom he might be in contact with" and thus could not be trusted."[37] Another citizen swore the same thing. [38]

These letters on behalf of John White reveal a fundamental truth about the line riders; they developed strong connections in their communities. Contemporary newspapers often reported on the activities, both professionally and socially, of the line riders. They became trusted parts of the local communities and developed deep ties with local politicians and business leaders. The line riders were in the Southwest to protect the nation's borders and the locals knew that. They had become the federal counterparts of the Texas Rangers and with that came a measure of respect. Line riders were seen as honorable men performing an important duty in the best interests of the country. White took advantage of his connections when his honor was impugned by the service. The letters of support for him reveal the intimate connections between line riders and the communities they lived and worked in. Unfortunately, these connections were not enough to save White's job. On August 14, 1908, Assistant Secretary of Commerce and Labor William R. Wheeler ordered John White "dismissed from [the] Immigration Service."[39]

White was still not through with the Bureau of Immigration. In September of 1908 he was still trying to receive the pay he was owed for the second half of August. He was informed that his back pay was being withheld until he handed in his badge, the final stripping away of his honor.[40] He finally did so on October 3. The Immigration Service was also still receiving letters of support for White.[41] In October the ex-sheriff of Dallas County, Texas, J. Roll Johnson, even

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[37] Statement from M.I. Sharp, June 15, 1908, NARA File #52030.
[38] Statement from Henry Wilden, July 28, 1908, NARA File #52030.
[39] Telegram from Wheeler to Supervising Inspector R.G. Chapman, August 14, 1908, NARA File #52030.
[40] Sargent to White, September 26, 1908, NARA File #52030.
[41] Dr. Clarence A. Hartley to Strauss, September 16, 1908; Strauss to Commissioner General of Immigration Daniel J. Keefe, October 2, 1908, NARA File #52030.

wrote a letter to President Theodore Roosevelt on White's behalf, describing White's military service and how "absurd" it was that a "gentlemen" would falsify his expenses to gain $33. He also referred to how White was a settled family man with a nice house and good standing in the community.[42] White himself wrote to Commerce and Labor Secretary Oscar Strauss asking for another hearing.[43]

By the end of 1908 White still had not received his money and there was a change in how he was communicating with the Department of Commerce and Labor. First, White began sending handwritten letters where previously his letters were all typed. He also mentioned his innocence and accusations less and less. His letters became more focused on money. His impatience, however, hurt him. His insistence led to the involvement of a low-level disbursing clerk who investigated exactly how much was owed to John White. The clerk discovered that White owed the Bureau 33 cents for a collect telegram.[44] He ignored the 33 cents and continued to push for reimbursement. White apparently valued his honor too much to give in, even for 33 cents. White was one of the last of the old school line riders. His pride prevented him from simply admitting a mistake. Future line riders would understand that the nature of a bureaucracy was to enforce rules, regulations and policies. There would be no place for men like White.

Berkshire, in the meantime, had grown tired of White. He requested that the evidence against White be presented to a Grand Jury in order to prosecute White for falsifying accounts "as it seem[ed] to [Berkshire] that it is about time such a contemptible character is properly dealt with [inasmuch as White] followed the practice of writing slanderous letters against anyone who would not overlook and excuse his many irregularities of conduct while in the service."[45] Keefe

[42] Johnson to Roosevelt, September 29, 1908, NARA File #52030.
[43] White to Strauss, October 4, 1908, NARA File# 52030.
[44] William L. Soleau to Keefe, February 23, 1909, NARA File #52030.
[45] Berkshire to Keefe, March 4, 1909, NARA File #52030.

forwarded the request to Acting Commerce and Labor Secretary Herbert Knox Smith who declined to attempt to prosecute White as there was no actual loss to the government and the accusations simply were not serious enough.

John White never gave up, even as the immigrant inspectors' culture changed significantly to a far more efficient system of enforcement than the one White had worked in. Over the next few months no fewer than ten letters were sent back and forth regarding the 33 cents until White apparently paid it, received reimbursement, and moved on. However, the Bureau ultimately got the last word. Other than attempting to receive reimbursement of seven dollars in 1912 for maintaining his horse the last month he was a line rider, White disappeared for eight years.[46] By 1917, the world had changed, the United States had changed, and John White had changed. Since being separated from the Bureau of Immigration in 1908, White had gone on to [make] considerable money, with asperations [sic] to still do better and serve my fellow man more or less during my short and brief stay in this earth."[47] By 1917 White had become a lawyer. While he was "more or less serv[ing] his fellow man" the United States was drawn into the Great War. White's sense of duty and his desire for military service apparently never left him. He wrote to the U.S. Commissioner- General of Immigration Daniel Keefe requesting that his case be reopened and that he should be reinstated. First, he had been railroaded by Inspector-in-Charge L.C. Stewart (no mention of Callahan) and he had "sufficient documentary evidence to establish this fact." Next, "having had considerable experience as a soldier in the Spanish American war, [he was] desirous of re-entering the Army and had a splendid offer…" Unfortunately, he could not accept it until he settled the issue of his dismissal. White believed that after prospering, making money, and becoming a lawyer, now that his

[46] Keefe to White, November 19, 1912, NARA File #52030.
[47] White to Keefe, October 11, 1913, NARA File #52030.

"country [was] at war [his] services [were] needed and [he was] ready to respond, [if Keefe would] help [him…he would] try and be [an] honor to the command [he] serve[d] with."[48] He simply needed the government's help in allowing him to do what was right by clearing his name. Assistant Commissioner General Alfred Hampton, one of the initial three line riders, replied on May 21, 1917. The answer was no.[49]

John White's story contains many elements that were common to the line riders. He lived by a code that said a man's word was enough. He seemed to believe that his desire to form a militia should be respected by his superiors as the work of an American patriot who was only doing what was right. For the first decade or so of the line riders' existence reports were filled out almost randomly with the inspectors simply describing what they did and claiming great success, often with no evidence, such as names. Many of the letters from line riders were similar; they would often submit inflated or incorrect expense reports or requisitions, exaggerated descriptions of time away from the border station or they would add to the numbers of immigrants they arrested. Before Seraphic, those reports were rarely questioned. The only sign that something might be amiss was when reports from different line riders, or from different dates, conflicted. That could not last, especially as the country itself moved past the Gilded Age.

After Seraphic, however, things changed, especially in Texas. There are more reports with itemized expenses; there are more examples of line riders asking permission rather than forgiveness. Before 1907 in Texas, the line riders still lived in a world where a man's word was his bond; their supervisors, however, lived in a world in which government forms, filled out in triplicate and signed by several layers of bureaucrats, were a man's bond. After 1907, the latter

[48] White to Hampton, May 4, 1917. NARADC File #52030.
[49] Hampton to White, May 24, 1917. NARADC File #52030.

would dominate the border as paperwork strengthened and reinforced white patriarchy along the border, just as it did throughout the nation.

Change would not come easy to the border. It has always been a place that finds its own way, creates its own culture. The distance from the seat of power in the United States, Washington D.C., made that independence possible. But the border would eventually succumb to national developments. The Gilded Age, in fact, was well suited for the border. There were ample opportunities for quick wealth and corruption was simply a way of life. There was also a suspicion of the federal government and big business. The line riders fit right in to a society that did not quite fit the rest of the country.

The Texas border had long been dominated by the Texas Rangers, who were formed to protect it from Indians. Congress placed the line riders along the border to protect it from illegal immigration. Both Rangers and line riders took great pride in what they did, but they did it their own way. The federal border guards reflected the Rangers to a great degree. They were fiercely independent, resentful of authority, and more deeply connected to the community than to the federal agency they worked for. Line riders moved comfortably back and forth across the border, interacting with Mexicans and enlisting their help when necessary. They created a home for themselves and if not for the occasional reports there would be little evidence that they were ever there. They chased Chinese immigrants, arrested them, and sent them back to Mexico on their own, only filling out reports after the fact. In 1907, all of that would change as discipline, regulations, and loyalty to the Bureau of Immigration would become the standard within the line rider corps. John White had been the last remnant of the way the border worked in the last decade of the nineteenth century. If the Gilded Age had gently guided the line riders from 1894 to 1907, the Progressive Era would grab them by the throat.

# Chapter Six: Bureaucracy on the Border

The years between 1907 and 1912 could be seen as experimental for the Bureau of Immigration as they moved through multiple strategies to prevent illegal immigration. Frank W. Berkshire immediately began flexing his bureaucratic muscle. Gone were the days of the border cowboy, operating under a loose set of guidelines, pursuing one immigrant or migrant at a time. The Texas Ranger ethos would never completely disappear, but for Berkshire it was exactly that, an ethos. It was not a system or a method of operating. Berkshire was a progressive. By 1908, Berkshire had created the modern border enforcement apparatus. He would then spend over a decade solidifying the federal presence in the borderlands. He was also not the only high ranking official within the Bureau of Immigration bringing Progressivism to the American borders. In 1901, the Bureau put Robert Watchorn in charge of the Canadian border. Watchorn would go on to streamline the Canadian border in much the same way that Berkshire later would the border with Mexico. While the challenges of the Canadian border were very different those along the southern border, both men had similar goals. They both intended to see that the inspectors on the borders enforced the law efficiently, becoming at least as effective as the port inspectors.[1] For Berkshire, one way to measure that effectiveness was increasing detentions and deportations. Berkshire's reports clearly show that his interests began to shift from arresting individuals to larger groups. The records beginning in 1907 show far more deportations of multiple individuals all detained at the same time. He also focused on contract labor agents, all in the interest of improving the detention record along the border. To accomplish that goal, Berkshire tapped into

[1] For more on Robert Watchorn, see Patrick W. Ettinger, *Imaginary Lines: Border Enforcement and the Origins of Undocumented Immigration, 1882-1930*, (Austin, University of Texas Press, 2009), 82-90. Also, Robert Watchorn, *The Autobiography of Robert Watchorn*, (Oklahoma City: R. Watchorn Industries, 1959).

the zeitgeist of the time. There was no one else along the border with the power and authority of F.W. Berkshire. He *was* the expansion of the bureaucracy. By forcing the line riders to submit many more reports, Berkshire generated government records that tell a fuller story of the changes in border enforcement.

The first decade of the twentieth century began with "unparalleled prosperity." In 1901, however, Theodore Roosevelt became president, replacing the slain William McKinley. Conservative Republicans feared that young Roosevelt would upset the balance between business and government, a balance, to them, that had led to that economic success. Roosevelt had always struggled with party loyalty versus his need to address social concerns, but at first, Roosevelt carried on McKinley's pro-business policies.[2] In 1904, however, when he was elected president in his own right, he was, in the words of David Reynolds, "…able to let rip." Northern Securities Co. v. United States would be Roosevelt's first major progressive accomplishment after the election. Roosevelt believed that the United States was suffering from an "overdose of Jeffersonian individualism." In his opinion, the industrial giants of the country had hijacked the economic system allowing them incredible growth while the government's ability to check their abuses had not kept up, leaving the government powerless. He would use the justice department to break up monopolies, the most powerful of the corporations. In 1906 the Hepburn Act was the precursor to "dozens more regulatory commissions intended to assert the authority of the federal government.[3] Under Teddy Roosevelt, Progressivism flourished and his fondness for commissions and control would extend to the border.

The Progressives are difficult to define and identify. With practitioners as disparate as Jane Addams, the Chicago settlement house and social justice visionary, and James. K.

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[2] Doris Kearns Goodwin, *The Bully Pulpit* (New York: Simon & Schuster, 2013), 279-280.
[3] David Reynolds, *America, Empire of Liberty,* (Philadelphia: Basic Books, 2010), 226-227.

Vardaman, the virulent Mississippi racist, that difficulty is understandable. But they did have commonalities. Progressives sought to control the societal chaos created by rapid industrialism. Out of that chaos, many hoped to create a modern nation that most efficiently used the advances of industrialism. There has not been a lot written on the border during the Progressive Era, but histories of the era in other locations in the country and in other federal agencies can be very instructive. For instance, in *Conservation and the Gospel of Efficiency: The Progressive Conservation Movement, 1890- 1920*, Samuel Hays looked at how the various sides of the conservation movement used ideas about efficiency to further their agendas, paying special attention to Gifford Pinchot.[4]

Frank Berkshire of the Mexican Border District, like Gifford Pinchot, as Chief Forester, believed in "scientific management." Pinchot viewed forests in terms of pure efficiency. He saw no value in leaving them natural and untouched. Grazing, for instance, was finally allowed on public land in 1897 and Pinchot argued that since the Forest Management Act did not specifically forbid charging cattlemen to graze their cattle on public land that the Forest Service could create such a policy. By 1906, Pinchot imposed the first grazing fee. Pinchot fought for a uniform, centralized water policy, a policy that multiple government agencies and special interest groups either supported or fought against. In fact, "the crux of the gospel of efficiency lay in a rational and scientific method of making basic technological decisions through a single, central

[4] While most work on the Progressive Era does not address the borderlands specifically, much of it helps explain the race related issues that came out of Progressivism as well as the Progressives' search for efficiency. See Peter Andreas, *Smuggler Nation: How Illicit Trade Made America* (Oxford: Oxford University Press, 2014); Elizabeth Sanders, *Roots of Reform: Farmers, Workers, and the American State, 1877-1917* (Chicago: University of Chicago Press, 2009); Michael E McGerr, *The Decline of Popular Politics: The American North, 1865-1928* (New York: Oxford University Press, 2002); Alan Trachtenberg, *The Incorporation of America Culture and Society in the Gilded Age* (Brantford, Ontario: W. Ross MacDonald School Research Services Library, 2016); Robert H. Weibe, *The Search for Order: 1877-1920* (New York: Hill and Wang, 1967); Nell Irvin Painter *Standing at Armageddon: The United States, 1877-1919* (New York: W.W. Norton, 2008).

authority."[5] This was also the reasoning behind border enforcement in the first few decades of the twentieth century. In at least one way, F.W. Berkshire was similar to Pinchot. Berkshire strongly believed in a uniform central authority along the border. He had all reports and requests go through him and he alone interpreted immigration laws along the border as they were passed. Fortunately for Berkshire, though, unlike Pinchot, he had no one standing in his way. Very few doubted his ability to make border enforcement more efficient.

Even as Progressivism worked in Berkshire's favor at the beginning of his tenure along the Mexican border, in many ways, so did the Panic of 1907. 1n 1906, a major earthquake devastated San Francisco, the financial center of the West. The earthquake caused the total market value of the New York Stock Exchange to drop by 12.5 percent. While relief funds came in from around the world, the fires that were a result of the earthquake caused the most financial damage. Much of San Francisco was underwritten by foreign insurance companies and most San Franciscans did not have earthquake insurance. They did, however, have fire insurance, causing extraordinary international financial difficulties as insurance companies struggled to pay claims. This led to massive shortages of cash, "enormous new issues of securities," and a stock market that rose while bond prices fell.[6]

Quickly, the cascading events created a banking crisis that not even the wealthiest individuals could prevent. Politicians, bankers, and many average Americans demanded more centralization of the banking industry by the government, which eventually led to the Federal Reserve Act of 1913. Many, however, put the Panic of 1907 squarely at the feet of Theodore Roosevelt, believing that his aggressive attempt to end anticompetitive business practices unduly

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[5] Samuel P. Hays, *Conservation and the Gospel of Efficiency; The Progressive Conservation Movement, 1890-1920* (New York: Atheneum, 1969), 29, 4, 271.
[6] Robert F. Bruner, William J. Bernstein, and Sean D. Carr, *The Panic of 1907: Lessons Learned from the Markets Perfect Storm* (Hoboken, NJ: John Wiley, 2009), 14-16.

hampered financial institutions ability to ameliorate the panic.[7] Adolph Edwards wrote an entire book the year of the panic blaming Roosevelt.[8] But amidst all of the clamor for a more efficient bureaucracy within the country's economic systems, Congress debated and passed the Immigration Act of 1907, giving further power and direction regarding immigration to the Bureau of Immigration, thus centralizing immigration bureaucracy. Along the Mexican border, F.W. Berkshire *was* the Bureau. It was his bureaucracy to create.

The hallmark of a strong bureaucracy is a fascination with minutiae, especially the minutiae of other people's lives, and this became a feature of border enforcement post- 1907 under F. W. Berkshire, each reflecting more control over the national boundary. For most of its presence along the border, the Bureau of Immigration (and before it, the Customs Service) had been primarily reactive. A shortage of inspectors meant that much of the line riders' time was spent responding to accusations of illicit crossings, reports of the presence of undocumented immigrants, and investigations of smuggling rings, when they were brought to the Bureau's attention. Under Berkshire, however, inspectors became far more proactive, seeking out violations of immigration and contract labor law. Inspectors began to slowly assume that all nonwhites were not present in the United States legally, especially if they were in groups. The era can be defined by a federal government more deeply involved in American business along the border and a stronger influence by unions and nativists, which would not bode well for Mexicans.

F.W. Berkshire tended to micromanage. The first indication of his proactive approach to immigration is in the sheer number of reports from the inspectors and increased directions from

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[7] Ibid, 163; Aïda DiPace Donald, *Lion in the White House: A Life of Theodore Roosevelt* (New York: MJF Books, 2000), 203; Doris Kearns Goodwin, *The Bully Pulpit* (New York: Simon & Schuster, 2013), 530.
[8] See Adolph Edwards, *The Roosevelt Panic of 1907* (New York: Anitrock Publishing Co., 1907).

the Bureau. Under Berkshire, paperwork from and to the border multiplied. Fernando Rodriguez had been a janitor at the Eagle Pass station since 1904.[9] Apparently a good worker, sometime in 1908, Rodriguez became sick. Berkshire had the inspector in charge report on his illness as well as who temporarily replaced him and when. In 1908, however, Rodriguez ran into some trouble with an Eagle Pass merchant, but he continued to work even as he was ill. One of his responsibilities was to maintain detainees and to acquire whatever was necessary to do that. He apparently bought the supplies on credit and as of October 1908, some bills remained unpaid. One merchant, Mr. De Bona, was anxious to be paid as it looked as if Rodriguez was unlikely to survive his illness.[10] A letter from De Bona's attorney to Acting Commissioner-General of Immigration Frank Sargent was forwarded to Berkshire, who was told to convince Rodriguez to pay the bill. Berkshire assured Sargent that "all steps possible…[would] be taken to adjust this matter without the Bureau being further annoyed by same."[11] Rodriguez explained to Berkshire that he was waiting for money from the Bureau with which to pay De Bona.[12] Then Rodriguez died on November 21, 1908. The Bureau discontinued his services on December 4 in a letter signed by Secretary of Commerce and Labor Oscar Straus.[13] There would be no fewer than ten letters between the Bureau and Berkshire regarding a replacement janitor.

Rodriguez' story is, admittedly, a small one. But it is the smallness of the story that makes it important. Before Berkshire, this type of event would have been handled locally, by the immigration station involved. Often, the janitor wasn't even named on the payroll, there was simply a line there for one and whoever was the janitor received the pay. But Berkshire was

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[9] Acting Immigrant Inspector in Charge A.G. Burkhart to Commissioner- General of Immigration F.P. Sargent, October 17, NARA D.C. RG85 51932-52.
[10] Attorney Erwin W. Owen to Department of Commerce and Labor, October 15, 1908. NARAD.C. RG 85 51932-52.
[11] Berkshire to Sargent, October 27, 1908. NARAD.C. RG 85 51932-52.
[12] Berkshire to Sargent, October 29, 1908. NARAD.C. RG 85 51932-52.
[13] Strauss to Sargent, December 4, 1908. NARAD.C. RG 85 51932-52.

aware of every employee at each of the stations. A bureaucratic machine cannot operate at peak efficiency unless all of its cogs are accounted for. Every one of them became a government employee, duly appointed, paid, and tracked. Seraphic, in his 1906 report, had suggested the discontinuance of part time and volunteer employees, likely because of the difficulty in monitoring them. Berkshire was clearly responding to many of Seraphic's suggestions. Berkshire was involved in every decision, especially regarding hiring, that occurred at every station. Deviations from standards and procedures were not tolerated and it was no longer easier to ask for forgiveness than it was to ask for permission. Under Berkshire, line riders learned the value and importance of paperwork, lessons already being learned by government employees everywhere. It was, in fact, paperwork that would most strongly connect the borderlands to the nation.

Berkshire also expanded the mission of the line riders. Since 1892, they had primarily stopped Chinese immigrants, detaining Syrians and Eastern Europeans only when the national imagination, such as the trachoma hysteria that brought Seraphic to the border, demanded it. Berkshire, however, was responding to a range of new U.S. interests. The shift away from focusing on Chinese was not immediate, but by 1907 their numbers in the reports began to dwindle. Mexicans rarely show up in the records before 1907 and then mostly for smuggling, both Chinese immigrants and contraband. Under Berkshire, however, and after the Immigration Act of 1907, Mexicans crossing the border and working in the United States received new attention.

One of the first contract labor definition complications involved Mexican musicians between 1908 and 1915 when the Bureau of Immigration determined once and for all: what is an artist? The issue of musicians and contract labor first came up in 1908. A band in Laredo, Texas

was concerned about a Mexican band from Nuevo Laredo, Mexico. The Mexican band, by most opinions, was far superior to the Laredo band and thus, was taking jobs away from the Americans. The Mexicans were, in fact, traveling into the interior of the United States as far away as Pearsall, Texas "to furnish music for balls of a public and private nature…" The Laredo band believed that this was unfair, as the Mexican band received a salary in Mexico and could under bid the Americans bands. The inspector in charge in Laredo, however, was not inclined to be sympathetic to the U.S. band. He suggested that if the Mexican band was not available to the towns of Cotulla, Devine, and Pearsall, they would likely seek out musicians from San Antonio, which was closer. He also pointed out that there had been no complaints regarding the Mexican bands in the past since "the musicians from the Mexican side, like other citizens therefrom, passed back and forth at pleasure without being molested [by the immigrant inspectors]."

And he was right. While all of the immigration laws were being written and rewritten, while a federal force was placed along the border to protect it, and during all of the congressional handwringing over "porous borders," for most of the denizens of the borderlands, life continued as it always had. For them, the border simply did not exist in daily life, as least not on a federal level, unless the white border guards drew attention to it. Before 1907, Mexicans crossing the border had been of no real interest to the inspectors. But the immigration act and Berkshire changed that. The U.S. band was not questioning whether the Mexican band was allowed in the United States. Their issue was that the Mexican musicians were promised money in exchange for performances. In other words, the Mexicans were crossing the border to steal jobs from American workers after being lured there by employers. Those who brought the band over the border denied this, of course, but the question at hand was could the Mexican band enter the United States in order to honor an arrangement secured for them in the United States or was it a

violation of immigration law? The leader of the Laredo band intended to push the issue as he believed that his band would be better if they did not have to take additional jobs in order to support themselves. Without the Mexican band stealing jobs, the Laredo musicians "could live and devote more time to practice, and soon come up to the standard, if not be superior, to the band on the Mexican side."[14] The Laredo band leader admitted his band was not as good as the Mexican band. Bold strategy.

For Berkshire, the issue appeared to be the definition of "artist." He informed the inspector in charge that to him, the musicians were exempt as artists, but that he would seek further direction from the Bureau.[15] Berkshire did contact the Bureau, but he made clear the answer he was looking for. In the letter for clarification, he referred to the Nuevo Laredo band as "a first- class organization," asking if they were considered artists and so would be exempt from "alien contract labor laws."[16] He may have been surprised by the answer. Berkshire may have simply determined that the Mexican band was the better of the two, but the Bureau seemed unable to acknowledge that a Mexican could be making original contributions to the art world, a reflection of the Progressives' views of both race and "Americanism." The acting Commissioner-General informed him that a musician was not an "artist unless he possesses some repute as an interpreter of music and that his work in that line is of a distinctive character." The question then, was whether or not "skilled labor of like kind" could be found in the U.S. It was up to the groups hiring the band from Mexico to answer that question.[17] New Commissioner- General Daniel Keefe was fairly clear in stating that musicians were not, in general, artists. They were "skilled

[14] Inspector in charge, Laredo, Texas to F.W. Berkshire, July 8, 1908. NARAFW R85 5020-10.
[15] Berkshire to inspector in charge, Laredo, July 10, 1908. NARAFW R85 5020-10.
[16] Berkshire to Commissioner- General of Immigration, July 10, 1908. NARAFW R85 5020-10.
[17] Acting Commissioner-General to Berkshire, July 15, 1908. NARAFW R85 5020-10.

labor."[18] The Bureau of Immigration wrestled with the question of artist versus skilled labor for years, generally allowing musicians into the country, but with very strict instructions. Once they were in, the Bureau requested specific itineraries, accurate numbers regarding the musicians, and the bands were not allowed to accept pay.

The Immigration Act of 1907 not only specified contract labor inspectors, it funded them and put them in place within a far stronger, better organized enforcement system than had ever been in place along the border. Dedicated contract labor inspectors were needed. Contract labor law was at the very least complicated. It was against the law to entice foreign workers to the United States with the promise of employment. If they made it into the country on their own, however, they were fair game. Labor agents patrolled the train stations for newly arrived immigrants who might be looking for work. But recruiting labor this way was a delicate matter, especially as inspectors began to carefully monitor the movement of Mexicans (now included with all immigrants whereas previously they had been free to move as they pleased) and the actions of U.S. employers. And they were certainly concerned about more than just small-town dances. These exchanges revealed significant changes. As the inspector in Laredo pointed out, musicians had been travelling back and forth across the border for years, with the immigration service never bothering them. But in 1907, tolerating a loose border became impossible. Inspectors took complaints about Mexican laborers, whether musicians or cotton pickers, seriously.

Contract labor had always been a concern. The Foran Act of 1885, for example, had prohibitions against contract labor. But, as Patrick Ettinger has pointed out, enforcement was spotty at best. Customs inspectors had little interest in pursuing violators. Before 1907 there were

[18] Daniel Keefe to H.H. Craig, September 29, 1909. NARAFW R85 5020-10.

few "contract labor inspectors" whose sole job was to police U.S. employers and foreign workers. Even where there were actual contract labor inspectors in place, enforcement was difficult as the only evidence generally available was the words of the immigrants themselves. Immigrants were coached to avoid incriminating themselves and the inspectors were stymied.[19] While Chinese and Eastern European immigrants primarily passed through the border on their way to further points in the United States, Mexican contract laborers went just over the border and stayed there, primarily in Texas, to work. They had been doing that for so long, no one at the federal level really cared until 1907.

The transition from focusing on Chinese immigrants to Mexican migrants was not sudden. Chinese continued to be arrested along the border after 1907, as well as many other nationalities. Inspectors had the same challenges arresting contract laborers after 1907 that they did in the 1890s: the only real evidence was an admission of guilt, which rarely came. Even so, the inspectors tried hard to get immigrants to admit to violating contract labor law. On May 11, 1909, four men claiming to be from Spain, Aniseto Alvarez, Aurelio Pereojo, Jose Diaz, and Santiago Fernandez, who had been arrested on suspicion of being contract laborers, faced the immigration Board of Special Inquiry in El Paso, Texas. Three immigrant inspectors, Chairman E.C. Hendrix, W.K. Soult, and A.E. Conover, would grill the men, looking for inconsistencies or even a momentary lapse in bravery. The men were arrested simply because they were not Americans, they were travelling together, and they were all going to the same destination, Morenci, Arizona. This was enough to lead to detention along the border.

The men were interrogated one at a time, one inspector at a time. They were asked very similar questions by each inspector with minor variations. The men were primarily asked about

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[19] Patrick W. Ettinger, *Imaginary Lines: Border Enforcement and the Origins of Undocumented Immigration, 1882-1930* (Austin: University of Texas Press, 2009), 40.

their reasons for making the trip. Were they offered jobs? Were there promises of employment? And so on. Each claimed to have left Spain simply looking for a better way of life. None took the bait. Except Pereojo. Pereojo also claimed that there had been no offer or promise of employment. He claimed that he was in the United States looking to better his situation. Unlike the others, however, he explained that he had gotten the idea because of an article he read in the newspaper. Inspector Hendrix asked if it was an advertisement, but Pereojo explained that it was a news item appearing in multiple newspapers. The article revealed that California and Arizona, especially Morenci, were looking for workers. In the final decision, this was enough to get Pereojo excluded as a contract worker. While all three of the inspectors agreed that there was not enough evidence against the other three men, Hendrix was convinced that the article that enticed Pereojo was not simply a news item, but "a covert advertisement inserted by one interested in mining and rock quarrying at Morenci, Arizona, for the purpose of inducing Spaniards to migrate from Spain to that place." Pereojo was excluded as a contract laborer but Hendrix admitted him to the United States.[20] Not only was contract labor law open to wild interpretation, the inspectors' judgement could be capricious. This set of examinations shows how difficult it was to deport immigrants through their own confessions. So, the inspectors used an entirely different tactic, one rarely attempted before 1907. They went after American companies. And they went hard. The Bureau of Immigration did not let Pereojo's claim of seeing a news item in Spain go. Berkshire wrote Commissioner-General Daniel Keefe regarding his suspicions that the news items were really surreptitious enticements for employment. Berkshire considered it a big enough problem that the American consular officer in Santander, Spain should investigate.[21] The request was passed to the State Department as Acting Secretary of Commerce and Labor Ormsby

[20] Report of the Board of Special Inquiry, May 9, 1909. NARA FW RG 865 HM1995 Box 6 E TX6 Folder 5020-39.
[21] Berkshire to Keefe, May 21, 1909. NARA FW RG 865 HM1995 Box 6 E TX6 Folder 5020-39.

McHarg agreed that it was worth pursuing.[22] Inspectors in Charge received a report from Spain by October.[23] On October 27, Harry A. McBride, the consular agent in Santander, assured Frank D. Hill, the Consular General, that the "recent embarkations" of Spanish laborers to Morenci, Arizona was "only a natural movement of immigration." They were not being enticed by a labor agency.[24] What is interesting is that at every step someone pointed out that the movement was likely natural, or at worse chain migration. Pereojo himself offered no indication that the news item he responded to was anything more than that. It was simply a leap of reasoning on the part of the chair of the board of inquiry that caused Berkshire to push the issue all the way to the state department. Such intensive, far reaching investigation, instigated by inspectors along the border, was unlikely before Berkshire.

Berkshire remained alert for indications that the problems has not been solved. He was well aware of the shortage of inspectors and understood that the answer to curtailing contract labor violations was to stop illegal pull factors. In a letter to Commissioner- General Keefe in 1912, Berkshire complained that the flow of immigrants from Santander, Spain to Morenci, Arizona had not only continued unabated, it had increased. The difference was that the Mexican Revolution had made El Paso a difficult entry point; most sought entrance through Laredo and Eagle Pass. But, according to Berkshire, the Spanish immigrants were still claiming that the news items were drawing them to Arizona. Some even claimed there were advertisements (as always, the honest were deported). Berkshire wanted the consular agent in Santander to reinvestigate.[25]

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[22] McHarg to Philander C. Knox, May 28, 1909. NARA FW RG 865 HM1995 Box 6 E TX6 Folder 5020-39.
[23] Steward to Keefe, October 9, 1909. NARA FW RG 865 HM1995 Box 6 E TX6 Folder 5020-39.
[24] McBride to Hill, October 27, 1909. NARA FW RG 865 HM1995 Box 6 E TX6 Folder 5020- 39.
[25] Berkshire to Keefe, September 17, 1912. NARA FW RG 865 HM1995 Box 6 E TX6 Folder 5020-39

This was one of the major changes in policy along the border after 1907. Inspectors spent less time pursuing individuals (although that certainly continued) and more time investigating larger violations of contract labor laws. The addition of Section 24 inspectors such as John H. Bradford made these types of investigations much easier. He was tasked with investigating large numbers of Spaniards who immigrated at the same time.[26] In May 1913, Bradford submitted his report.

Bradford had more time to devote solely to Spanish immigrants and thoroughly investigated the labor situation in Morenci. He dutifully reported numbers (about 3400 laborers between two copper mines with about 500 Spanish workers), duration of employment (the Spaniards had been there between five and six years), and why the Spaniards were there (the mines preferred Spaniards when there were openings because as newcomers, they would work for less than Americans or Mexicans).He also interviewed local Inspector Buttner who knew the immigrants well. Four of them claimed they had no work arranged for them in Morenci. Bradford also had Inspector Buttner apply for a job with the Detroit Copper Company, where he was made the boss of a pipefitting crew. All of the workers Buttner talked to said they had not been enticed by specific offers of employment. All except a Manuel Martinez, who shared a fascinating and complicated web of labor recruiting involving labor agents, advertisements, and steamships. When Buttner asked for more information, Martinez refused, saying that it was illegal for immigrants to be drawn to the United States that way so "it was best not to discuss the matter." At a minimum, Buttner and Bradford had talked to over a dozen Spaniards, all of whom said they were not enticed. Only Martinez claimed differently. Bradford latched onto Martinez. Bradford continued his investigation, found no more evidence of contract labor violation, yet

[26] Berkshire to Keefe, April 13, 1913. NARA FW RG 865 HM1995 Box 6 E TX6 Folder 5020- 39.

ended his report to Berkshire firmly convinced that the Spanish were in Arizona in violation of contract labor law.[27] In the last thirty years, one thing had not changed at least: inspectors assumed that all immigrants were violators of the law. The difference was that they were now violating contract labor law instead of immigration law.

This was one of the big differences between the pursuit of Chinese immigrants and immigrants of other nationalities. The Chinese were still being targeted by inspectors after 1907, but they were primarily targeted as individuals. Enforcement in the first two decades of the twentieth century then, had two very different goals. The first was stopping the individual immigrant. This tended to focus on Chinese, but also other nationalities if the opportunity arose. The second was the pursuit of groups of laborers all headed to specific employers. The Mexican Revolution would cause these two goals to coalesce as Mexican immigration dwarfed the immigration of all other nationalities. But even when individual Mexicans were targeted, it was with the assumption that they were breaking contract labor laws rather than immigration laws as the immigration of Mexicans would not be limited for decades.

1909 was also an important year for the future of border enforcement. On October 1, Frank Berkshire moved the Mexican Border District headquarters from San Antonio to El Paso, Texas, which would remain the headquarters for southern border enforcement. Berkshire left one man, Inspector Frank R. Stone in San Antonio (at the chagrin of Inspector R.G. Callahan, who wanted stay. But Berkshire always had the best interests of the Bureau in mind).[28] The Bureau clearly believed that protecting the border meant being *on* the border, a fairly obvious conclusion no one had come to yet. Berkshire, not one to skimp on details laid out a plan that would allow

[27] Bradford to Berkshire, May 12, 1913. NARA FW RG 865 HM1995 Box 6 E TX6 Folder 5020-39.
[28] Berkshire to Keefe, August 18, 1909. NARAD.C. RG85 5227174 a_109.

for a fairly significant move to be accomplished without missing more than one day's work.[29] This was a major transitional point in border enforcement history. Up until that point the border was supervised from a distance, primarily Washington D.C., and San Antonio certainly wasn't on the border. But by moving the headquarters to El Paso, and centralizing control over the border in the hands of Berkshire, the Bureau realized that a more efficient way to control the border was to enforce the laws from the border itself. The move was not without resistance. Congressmen James L. Slayden (D-Tx) was especially displeased and registered his complaint with Acting Commissioner-General of Immigration Ormsby McHarg. McHarg, not especially diplomatically, explained that placing the headquarters for the district in San Antonio had been a "mistake" and that it would do the public a disservice to perpetuate the mistake.[30]

Ironically, the most vocal opponent of the move from San Antonio was Berkshire himself. He believed that the smuggling problems in El Paso (which prompted the proposed move) were local in nature. For Berkshire, it was through the courts and the overall centrality of San Antonio in the Mexican Border District that the fight against smuggling would be won.[31] It was a rare loss for Berkshire. He did not seem to foresee the direction that border enforcement would take, that of fighting contract labor violations.

Once the headquarters moved, the inspectors would find themselves involved in a variety of imbroglios, most of which reflected the difficulty in determining contract laborers. Congress had been very specific as to *what* a contract laborer was, but less so in explaining how to arrive at that conclusion. In 1910, Inspector B.F. Moss investigated accusations that four Mexican men had been enticed to Sanderson, Texas as laborers, joined a union, quit that union, and were

[29] Berkshire to Keefe, August 16, 1909. NARAD.C. RG85 5227174 a_109.
[30] McHarg to Slayden, August 18,1909. NARAD.C. RG85 5227174 a_109.
[31] Berkshire to Keefe, March 12, 1909. NARAD.C. RG85 5227174 a_109.

convinced to work as strikebreakers before being reported as contract laborers after being in the U.S. for over three years. Moss found no violations, but it is likely he just could not sort it all out.[32] In Early 1911, at the behest of Inspector Joseph Brady of Los Angeles, Inspector Alfred Hampton investigated Armenians coming into Galveston and headed to Los Angeles, where the port was stricter.[33]

Under Berkshire the focus of the inspectors shifted away from individuals to larger groups. Before, if inspectors focused on more than a few immigrants it was because smuggling was involved. But in the summer of 1911, Berkshire assigned the Inspector in Charge to investigate a rumor that the St. Benito Land and Irrigation Company of Brownsville, Texas intended to bring in a hundred Italian families to work its land.[34] The plan appeared to fall through, but the Bureau of Immigration had never investigated anything like it in the past. Then again, the economy and the labor situation were rapidly changing along the border after 1910 and the inspectors were doing what they could to keep up. One of the best ways to keep up was to go after companies instead of individuals. Or the companies' representatives, like labor agents Garza and Contreras. Mr. Garza ran afoul of inspectors by attempting, perhaps too forcibly, to get to laborers before the inspectors.

Many laborers arrived in El Paso by train. The inspectors would look for large groups and routinely take them in to be interviewed by the board of inquiry. According to a report sent to Berkshire by Inspector in Charge Wesley Stauer, on August 27, 1910, twenty-two Syrian laborers arrived in El Paso on the morning train. The inspector was also on the train, prepared to take the men to the board, but before that could happen, Mr. Garza approached the group asking

[32] Moss to Berkshire, July 4, 1910. NARAFW RG85 5020-9.
[33] Keefe to Hampton, May 6, 1911. NARAFW RG85 5020-1.
[34] Berkshire to Commissioner of Immigration, New Orleans, Louisiana, June 10, 1911. NARAFW RG85 5020-3.

for the "boss." The man stepped forward and talked with Garza while the inspector sat back and listened. When the group of men started to follow Garza off the train, the inspector stopped them and told Garza that he was not satisfied as to their admissibility and led them to the detention center, where they would be examined by the board. Garza followed. Garza tried as hard as he could to get to the men, but at every step he was stymied by the Syrian interpreter, who the inspector had told to prevent Garza from accessing the men. Stauer questioned Garza about his bringing the men to the U.S. but Garza denied it, refusing to say what his business was with the men. Eventually Garza was threatened with arrest. The men were deported without ever having talked to Garza. Another group of seventeen men on their way to Oklahoma were also deported and were believed to be associated with Garza. According to Sauer, Garza claimed that they were discriminated against by the inspectors. Sauer also reported that each labor agent in El Paso claimed that the other agents were enticing laborers into the U.S. "which is doubtless true." An investigation cleared the Syrian interpreter and found no grounds for the agent's complaint.[35]

Along the border, detaining every single traveler would not have been feasible so Berkshire switched to detaining groups. Obviously if the inspectors could find groups quickly, so could agents, which is what Garza was doing. This is, of course, only part of the story since Garza's version is unavailable. But even the clearly biased report of the inspector in charge reveals a lot about the one-sided process of the inspectors in El Paso. First, the report reaffirms that inspectors routinely detained any non-whites who arrived in the U.S. in a group. Garza claimed that he simply wanted to reach the men in order to instruct them as to what to say to the board, fearing the results of the interviews. His fears were well founded. Just as the Spaniard in 1909 was excluded (but eventually allowed entrance) for saying that he read a news item

[35] Sauer to Berkshire, June 7, 1911. NARAFW RG85 5020- 3.

indicating that there were jobs in Arizona, the reports are full of instances where immigrants who literally said *anything* except that they moved to the U.S. for a better life were deported. The inspectors tended to interpret just about any explanation as an inducement to come to the United States. Congress, it appears, actually *did* have an influence on the border. Had they agreed on Senator Bacon's assessment that a contract laborer was a man who signed a contract instead of Senator Spooner's opinion that it was a man simply lured to the U.S. to work, detaining immigrants would have been far more complicated and difficult. Garza was likely aware of the pitfalls of talking to the inspectors without coaching. As he feared, the men were deported. Along the border, it was a constant race between the inspectors and the labor agents to get to immigrants first.

Labor importers, however, were certainly not innocent. Labor agents had long thrived along the border because Mexican migrant workers would work for far less money than U.S. residents, which left room for a significant profit for the agent. Local employers could also send Mexican laborers on their way when the jobs were finished, which wasn't as easy to do with local residents. All of this meant labor agents had considerable power. In July 1911, Miguel E. Diebold, Mexican Consul at San Antonio, told a reporter from the *El Nacional* in Mexico City, that both labor agents and farmers who hired laborers directly were exploiting Mexicans once they arrived in the United States. Diebold describes a system in which Mexicans were given train tickets, told they were contracted by an American company and that by taking the train ticket they were compelled to work for whoever paid for transportation. Once the harvest was over, the laborers could not find jobs and found themselves destitute. Diebold also described how Mexicans were "shanghaied," in which they were given tickets at a discount for San Antonio, but when they arrived there, they were told (presumably by the labor agent) that they had been

contracted to work for the railroad. The railroad company had no idea any of this was happening and assumed that the labor agents had simply delivered workers. According to Diebold, contract labor violations were avoided by telling the workers that they could always find work at a particular office, without naming a company.[36]

The mayor of San Antonio at the time, Bryan Callaghan, Jr., was predictably irritated by the report, calling it "an insult to the American people." Callaghan believed that the only purpose of the report was to "stir up in Mexico a feeling of animosity against the American people." The report made its way to Congressman James Luther Slayden (D-Tx.), who would pass it on to the State Department. Callaghan fully expected the State Department to demand that Mexico explain why one of its representatives would give such a scurrilous interview. At the request of Secretary of State Philander Knox (through Commissioner-General of Immigration Daniel Keefe) immigrant inspectors would investigate whether or not the accusations were true.[37] The investigation was never likely to go anywhere. The inspectors were essentially being asked to investigate whether or not they were doing their jobs. The end result was not especially surprising but would reveal the growing concern regarding labor agents.

It was Inspector in Charge Will Soult who first responded with a report on his investigation. Soult explained that the accusations by the consul did not apply to Eagle Pass as it was not along one of the main railroad lines, so "for this reason…it has never become the center of a highly organized system of supplying Mexican laborers." Even though competition for laborers could be "spirited", there were no full-time labor agents in Eagle Pass. There were, of course, challenges for the inspectors there, but they were certainly up to them. The real difficulty was "financially irresponsible Mexicans acting as agents," who would meet laborers on the

[36] American Consul Luther T. Ellsworth to Secretary Philander Knox, July 25, 1911, NARA FW RG 85 5020-15.
[37] Keefe to Berkshire, August 15, 1911, NARA FW RG 85 5020-15.

Mexican side, tell them there was plenty of work across the border, then run into them in the U.S., offering guidance. This was rare, however. Soult concluded, after the investigation, "that the alleged statements of Consul General Diebold, have little or no application at Eagle Pass." His inspectors were doing their jobs. Besides, Mexican laborers were clearly being treated well as "evidenced by the regular return to the United States of many during the busy season." Everything was fine in Eagle Pass.[38]

The inspector in charge at Laredo was the next to respond. He came to a similar conclusion but arrived there a different way. He described how labor agents worked. First, an agent was given a contract to gather a certain number of laborers, say fifteen. He would wait for them to arrive in the United States before approaching them (this is a key point. To solicit them in Mexico was a contract labor violation. To solicit them in the U.S. was not). Once he acquired the correct number of laborers, he bought train tickets for them for a volume discount of $2.30 (full price $4.60), sold the tickets to the Mexicans for $3.50, and kept the difference. They were then put aboard the train and sent to wherever the company that contracted the agent's services was located. There was tremendous risk for the agents according to the inspector. Many Mexicans leave the train, or "escape" along the way. He also assured Berkshire that Mexicans were not mistreated in Laredo. In a remarkable twisting of the Consul Generals accusations, he claimed that "Mexicans reside in the best part of town, have their streets sprinkled every day, and hold practically all of the local and county offices." That was likely true, but these "Mexicans" were the longtime residents of Laredo, some with generations of history in South Texas. They were not migrant workers. The inspector admitted, of course, that there are "Mexicans [who] lead miserable, inhuman lives [,] but they belong to the class who would lead similar lives in any

[38] Soult to Berkshire, August 29, 1911, NARA FW RG 85 5020-15.

community, regardless of conditions or physical treatment from others." Much like Eagle Pass, Laredo was fine.

Whether or not labor agents were actually violating contract labor law is difficult to determine, but it would seem that they most likely were. As the Eagle pass inspector pointed out, the agents were often Mexicans, who likely had connections in Mexico. Competition for laborers was also fierce so the agents would have used any tools at their disposal. The economy was booming along the border and labor needs were growing at a rate faster than the ability of local labor to keep up. The real issue was that the inspectors were ineffective, never admitting that there might be a problem securing the border. Instead, when they were questioned, they would open up an investigation, then file multiple reports clearing themselves of any wrongdoing. The inspectors also seemed to conflate Mexican Americans and Mexican migrant workers, using the success of the former to undermine allegations concerning the suffering of the latter. To admit that the labor agents were successful in luring workers to the U. S. would be to admit failure, as would admitting that workers were being taken advantage of. That was something that would never really change along the border. Inspectors saw any failure, large or small, as a personal weakness so they rarely admitted to it. It was only when they were pushed, if the evidence was too strong to ignore, or if they turned against one another that they would admit failure. Even then, there was rarely any serious punishment.

When Berkshire took over along the border, the inspectors were, for the most part, earnest in their attempts to defend the border. They were just simply not very good at it. Some would spend days chasing phantoms, others would spend days avoiding leaving the border stations. They would receive bulletins on immigration law and regulations, and while they would not purposefully ignore them, they were often at a loss as to how to enforce policies intended for

sea ports. What they needed was one figure who could interpret the rules in a way that made sense in the world of the line riders. Berkshire offered that. Everything was filtered through him, giving the border a cohesiveness lacking in the past. No longer did Arizona and New Mexico seem so different from Texas. Berkshire understood the border, had contacts everywhere, and put in place systems that made the inspectors perform their jobs uniformly. Berkshire did not offer an easy fix, though. Problems continued as the inspectors resisted change and the border economy evolved. The inspectors were faced with a considerable number of challenges.

Of course, many of those challenges were the result of the continuing revolution in Mexico. Between 1907 and 1911, the numbers of Mexican migrants grew as the situation in Mexico became more tenuous. At first, the inspectors handled the change as well as they could, especially since Chinese immigration had begun to slow. But by 1911, the number of Mexican migrants was growing to the point that the inspectors needed a new strategy. Thousands more Mexicans were trying to cross the border beginning in 1911 and it was getting more and more difficult for inspectors to stem that flow. Instead of continuing what the inspectors had done for the last twenty or so years, pursue undocumented immigrants one at a time or in small groups, Berkshire put more emphasis on the companies that hired them.

Beginning in 1911, Berkshire spent more of his limited resources going after any organization that imported contract laborers. The numbers of Mexicans crossing the border had increased and that was likely the primary reason Berkshire changed his strategy. But it was more than that. Enforcement had never been efficient along the border. Riding along the national line hoping to find an immigrant who had gotten lost or tired was certainly not a wise use of the government's resources. To more efficiently curb illegal immigration Berkshire knew he needed to go to the places and people luring the immigrants across. Ranches, mines, and even cities

would feel the wrath of the Supervising Inspector of the Mexican Border District. Few of them would be punished in any real way, but the Bureau would deport far more aliens than ever before, primarily Mexicans, as the inspectors went after as many numbers as possible by pursuing the companies who hired them.

# Chapter Seven: The Border Patrol and the Beginning of Modern Border Enforcement

The situation along the border had already changed for Mexicans following A.A. Seraphic's mission. Until 1907, Mexicans could cross the border virtually at will, but by 1910 immigrant inspectors were focusing more on restricting Mexican contract laborers rather than other duties. This focus intensified from 1910 to 1917 during the Mexican Revolution, an event that not only had a major impact on how the Bureau of Immigration viewed Mexican immigration, it complicated Mexican workers' relationships with white laborers and U.S. companies.[1] White laborers admired a 1914 strike by Mexican laborers at the Guggenheim Mine in Ray, Arizona, for instance, but national unions overwhelmingly supported the Immigration Act of 1907, especially the contract labor provisions. Many Anglo Arizonans believed that this assertion of rights by Mexican laborers threatened both American companies and local law enforcement. In fact, the grudging respect of the white workers was not enough to prevent Bisbee, Arizona Sheriff Harry Wheeler from forcing one fifth of Bisbee's residents across the border to Mexico in 1917.[2]

In 1910, Francisco Madero issued the *Plan de San Luis Potosí* calling for a national uprising against Mexican dictator Porfirio Díaz on November 1910. Díaz would resign his office in May 1911, with Madero assuming the presidency in November of that year only to be assassinated in February 1913. Victoriano Huerta, who coordinated the assassination of Madero, then became president, with his removal from office occurring in August 1914. Shortly after

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[1] NARA FW RG 865 HM1995 Box 6 E TX6 Folder 5020-99. Also, Miguel Antonio Levario, *Militarizing the Border: When Mexicans Became the Enemy* (College Station: Texas A & M University. Press, 2015), 97.
[2] Katherine Benton-Cohen, *Borderline Americans: Racial Division and Labor War in the Arizona Borderlands* (Cambridge, MA: Harvard University Press, 2011), 205, 216.

Madero had taken office, however, Mexico "slipped into internecine fighting" with a bewildering number of revolutionary leaders fighting for control, among them Pancho Villa, Emiliano Zapata, Pascual Orozco, and Venustiano Carranza. As Arnoldo De Léon explains, those fighting in the Mexican Revolution did so with a wide variety of goals, including achieving land reform, free elections, separation of church and state, ending foreign domination of Mexico's infrastructure, and introducing unionization.[3] Since it would not be until 1917, with the election of Venustiano Carranza, that order would begin to be restored, many, many Mexicans did what the populations of countries embroiled in revolution or civil war tend to do: they left, in large numbers, headed for the relative safety of the United States.

The combination of World War One, the Zimmerman Telegram, the Mexican Revolution, and continued national union support for the Immigration Act of 1907, changed the immigrant inspectors' focus, creating a de facto (if largely unsuccessful) restriction on Mexican laborers immigrating into the United States along the border, a restriction that only intensified between 1910 and 1918. The Act did not specifically target Mexicans, but contract laborers were primarily Mexican. Add to all of this the aggressive efficiency of F. W. Berkshire and the border with Mexico would change forever. In 1911, the immigrant inspectors not only pursued individual immigrants, they also began pursuing the organizations that they believed were illegally importing the largest numbers of laborers: including the American owners of mines and the city of Corpus Christi. While ideology and the goals of the State and the Bureau of Immigration certainly played a part in how immigration enforcement changed over the years, Berkshire had a more pragmatic reason for changing his approach to enforcement: numbers. According to the census, in 1910 there were 221, 915 people in the United States who had been

[3]Arnoldo De Léon, *War along the Border the Mexican Revolution and Tejano Communities* (Texas A & M University Press, 2012), 3.

born in Mexico. By 1920 that number had tripled. Berkshire and his inspectors struggled to keep up, but as early as 1910, Berkshire had cemented the bureaucratic idea into the border stations. Step by step, he had made the pursuit of undocumented immigrants more efficient. No longer were the inspectors pursuing one alien at a time. Not only that, the inspectors were spending more time investigating, less time chasing. Berkshire appeared to be willing to invest in longer investigations in the hopes that at the end, more immigrants would be deported, and more labor importers would be punished. He was only right on the first count. More immigrants would, indeed, be deported, but the years ahead would show that even after long investigations, the federal government was mostly unwilling to prosecute American companies. Berkshire would develop a more efficient way to deport greater numbers of undocumented immigrants, but he would never really come close to an efficient way of ending illegal immigration. He would, however, plant the seeds for the creation of the Border Patrol

In the summer of 1911, the city of Corpus Christi, Texas drew the attention of the Bureau of Immigration. Corpus Christi was in the process of having a sewer system constructed and the project required a large number of laborers. That alone was enough to get inspectors' attention. But it was the rumor that someone had placed an advertisement in a Monterey, Mexico newspaper asking for workers that brought a "Section 24 appointee" to Corpus. At the request of Berkshire, section 24 inspector I.D. Lewis headed for Corpus to work with Inspector C. Alfred Palmer to determine whether someone connected with the city or the project itself had, indeed, placed an advertisement in Mexico for laborers, violating the Immigration Act of 1907.[4] The investigation would last a year and end with fairly predictable results.

[4] Palmer to Berkshire, June 9, 1911, NARA FW RG 85-5020-6.

There were quite a number of workers crossing the border, heading for Corpus Christi. Eventually, the inspectors figured out that they were responding to an advertisement. The first order of business, then, was to find out whether the ad was placed by the city of Corpus Christi or the contractor who was actually doing the work on the sewer system. Berkshire needed to know who exactly to pursue. The person who actually lured the workers to the United States had violated contract labor law, not whoever eventually hired them. Somehow, the inspectors zeroed in on two workers, Santiago Gonzales and Simon Esquivel. What followed could be described as a manhunt. While the inspectors had a record of Gonzales entering the country through Laredo, they could find no record of the arrival of Esquivel.[5] They never did find either man, but they *did* find Siferino Mendoza. Mendoza, most likely not intentionally, would offer the evidence needed to kickstart an investigation that would last over two months and focus on the sewer project of the city of Corpus Christi.

Forty-six-year-old Siferino Mendoza was born in Matehuala, Mexico. He was married, literate, in good health, and on his way to Corpus Christi to work on the sewer project. Unfortunately, he was detained by inspector Haynes as a suspected contract laborer as he was crossing the foot bridge into Laredo. He found himself sitting before a board of special inquiry, consisting of three immigrant inspectors. Before 1907, men like Mendoza routinely crossed back and forth between Mexico and the United States. Since then, they were asked contract related questions as a matter of course. It was during that questioning that Inspector Haynes discovered that Mendoza had no train ticket, no money, and no previous visits to the United States. Now,

[5] Steward to Palmer, June 9, 1911, NARA FW RG 85-5020-6.

with his nineteen-year-old son, Herculano, Mendoza had to explain to the three stern white men at the long table what exactly his business was in the United States.[6]

Most likely, the inspectors had a list of standard questions for Mendoza, beginning with where he started from (Monterrey). The second question was also routine. He was asked why he was coming to the United States. His initial answer was one that normally would have allowed him to stay: "My object in coming to the United States is to make my fortune…" But the following statement must have caught the inspectors by surprise: "…and on account of the advertisement I saw in this paper." He then handed them the advertisement from *El Noticiero*. At this point the inspectors left their script and every question became about the advertisement, which read: "Se necesitan peones mexicanos para que trabajen en obras destinas [sic] al servicio de drenaje en Corpus Christi., Tex. Salario: $1.25 oro por día ($2.50 diarios, plata Mexicana.) Dirigirse á F.H Lancashire, Ingeniero contratista…" ["Mexican peons wanted for work intending to install a sewer system in Corpus Christi, Tex. Salary: $1.25 in gold per day ($2.50 daily in Mexican silver). Apply to F.H. Lancashire, contract engineer.]. At best, the inspectors would hear reports of advertisements like these, but laborers were routinely warned not to carry evidence. This was quite a find for the inspectors in Laredo and they would run with it. Now they had a name: F.H. Lancashire. They were so pleased with the find that they decided not to immediately deport Mendoza.[7] He and his son would be needed as witnesses in a possible case against Lancashire and/or the city of Corpus Christi.

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[6] There is no indication in the record as to why Mendoza was initially pulled aside, but by 1911, inspectors routinely assumed that Mexican men were contract laborers. Women, however, only show up in the records if they were traveling with husbands or relatives. Unaccompanied women appeared to still be crossing the border "unmolested."
[7] Board of Special Inquiry in the matter of Siferino Mendoza and Herculano Mendoza, June 13, 1910, NARA FW RG 85-5020-6.

At the center of the investigation were two men, one a poor physical laborer from Mexico and the other a respected white engineer. Both were accused of a crime, yet Mendoza would stay in detention the entire time and the inspectors would never actually talk to Lancashire. Those two details say a lot about the Bureau's true attitude towards illegal immigration and reluctance to prosecute the well-connected. As the investigation progressed, Lancashire became the target rather than Corpus Christi, although the Bureau never really dismissed the idea of pursuing the city. Lancashire was an example of the interconnectedness of the South Texas and Mexican economies.[8] The city of Monterrey, Mexico had hired him to construct a similar sewer system. After such a demanding and complicated project and investing countless hours training employees in the specific skills necessary, it would not be unreasonable, practical even, for the engineer to want to bring those workers to his next project, the sewer system in Corpus Christi. The inspector in charge at Laredo accused him of doing just that. In a letter to Berkshire, Inspector Staver claimed that when Lancashire "left [Monterrey] he no doubt inserted the advertisement in *El Noticiero*, thinking it a good scheme to secure plenty of laborers for the Corpus Christi work." Staver believed that the was not a news article, but an advertisement and believed that the engineer and the city could each be fined a thousand dollars.[9] The Bureau would then spend over two months and thousands of dollars in resources to make that happen.

Berkshire was convinced that the case against Lancashire could be made, but first he chastised Staver and Palmer for not making sure that he received copies of every letter and reply between them. He was especially upset that the inspectors had shared more information with the "Section 24 man" (without naming him) than with him (Berkshire).[10] After clarifying the

[8] This interconnectedness would remain a concern for decades to come, even as local, state, and federal governments did their best to interrupt the immigration that made the relationship both necessary and possible.
[9] Staver to Berkshire, June 13, 1911, NARA FW RG 85-5020-6.
[10] Berkshire top Staver, June 16, 1911, NARA FW RG 85-5020-6.

inspectors' duties for them, Berkshire wrote to Commissioner-General Daniel Keefe, informing him that he had a strong case against Lancashire. All of this was dependent on the testimony of Siferino Mendoza and his son, along with the article they presented to the inspectors. Berkshire let Keefe know that the case had been forwarded to the U.S. Attorney. The key, however, was to attain proof that Lancashire himself had placed the ad in Monterey. To that end, Berkshire suggested that a Section 24 inspector should be sent to Monterrey, with a stop off in Laredo to discuss the case with Inspector Sauer. He requested that Mendoza and his son should be maintained until their deportation at the expense of the Bureau as they were witnesses against Lancashire in accordance with Section 19 of the Immigration Act.[11] The investigation moved forward.

Like many of the Bureau's investigations along the border, there was considerable jumping to conclusions. Staver, for instance, told Berkshire that while few immigrants from Monterrey were stopped on their way to Corpus Christi, it was likely that "quite a number of Mexicans passed through [Laredo] without being inspected whose destination was Corpus Christi, and who came under the inducement offered by the advertisement in the Monterrey paper."[12] He had no way of knowing what *didn't* happen of course, and neither did other inspectors who made the same claims.

By June 20, 1911, U.S. Attorney Lock McDaniel had lost faith in proving that Lancashire had lured Mendoza and his son to the United States but kept his options open.[13] Inspector Palmer admitted that his own investigation revealed that Corpus Christi had no control over who was hired, apparently letting the city off the hook for good. He was also still searching for the

[11] Berkshire to Keefe, June 18, 1911, NARA FW RG 85-5020-6.
[12] Staver to Berkshire, June 13, 1911, NARA FW RG 85-5020-6.
[13] McDaniel to Staver, June 20, 1911, NARA FW RG 85-5020-6.

mysterious duo, Gonzales and Esquibel (or Esquivel, depending on the report).[14] Section 24 Inspector Lewis had, in fact continued looking for the men, as well as others, by engaging in an investigation along with Palmer in Corpus Christi. None of the Mexican sewer workers in Corpus Christi would admit to being there because of Lancashire's advertisement. He did not interview Lancashire himself because he had no idea what the wishes of the U.S. attorney were.[15] At no point did Lewis acknowledge that it was possible that they were, indeed, simply in Corpus Christi because it was a busy little city with ample opportunities. Lewis, however, was relentless. He headed to Mexico. But by the time the Section 24 inspector made it to Monterrey, he, along with Berkshire, was worked up and convinced that Lancashire had lured untold numbers of laborers to Corpus Christi. He would return to Texas disappointed.

On July 8, 1911, Lewis arrived in Monterrey, looking for the owner and publisher of *El Noticero*. His first stop was at the office of the United States Consul General, Mr. Allen. Lewis had discovered that the owner was seriously ill and thus unavailable. Luckily, Allen knew the editor of the newspaper, Alberto Perez Sierra, and offered to arrange an interview with him. To Lewis's dismay, he found that Lancashire (or whoever placed the ad) was not as careless as he had hoped. The ad was delivered to the office by messenger, with no indication of who might have sent it.[16] There was no eye witness to Lancashire placing the ad, the one piece of evidence the U.S. attorney needed. With that, the investigation ended.

After a two-month long investigation involving three inspectors in charge, a Section 24 inspector, an unknown number of immigrant inspectors, repeat visits to Laredo and Corpus Christi and Monterrey, Mexico by various inspectors, the U.S. attorney dropped the charges

[14] Palmer to Staver, June 6, 1911, NARA FW RG 85-5020-6.
[15] Lewis to Staver, June 24, 1911, NARA FW RG 85-5020-6.
[16] Lewis to Berkshire, July 14, 1911, NARA FW RG 85-5020-6.

against Corpus Christi and Lancashire.[17] The government often made an appearance of pursuing labor importers, but those decisions were made far from the border. It is very likely that local politics and connections meant that the best intentions of the Bureau would usually come up far short. If there was ever a violation, and the evidence was always far from compelling, no one would be punished, or even fined. The city of Corpus Christi got its sewer system and Lancashire presumably continued his career unencumbered. There was, however, one piece of unfinished business.

For the duration of the investigation Siferino Mendoza and his son had been detained as witnesses against Lancashire, but they were to be deported as soon as the Bureau was done with them. In the meantime, they appealed the deportation. On June 13, 1911, one year to the day after their initial detention, they were once again ordered deported by a different board of inquiry, with the recommendation that their appeal be dismissed. On July 19, 1911, Commissioner- General Daniel Keefe informed Supervising Inspector Frank W. Berkshire that "[a]fter carefully considering the evidence presented in the record" Acting Secretary of Commerce and Labor Charles Nagel "affirmed' the board's decision to dismiss Mendoza's and his son's appeal. They were deported.[18] That one decision by Siferino Mendoza to be honest with the inspectors had not only launched a two-month long fruitless investigation into contract labor violations, it led to his and his son's year-long detention, deportation, and an inability to apply for entrance to the United States for another year. While the city of Corpus Christi and Lancashire were ever only in danger of a thousand dollar fine each (which never happened), the consequences for any Mexican involved in the investigation were far more significant.

[17] Berkshire to Lewis, July 19, 1911, NARA FW RG 85-5020-6.
[18] Keefe to Berkshire, July 19, 1911, NARA FW RG 85-5020-6.

Another contract labor investigation in 1912 further reveals the lengths Berkshire and his men went to detain and deport large numbers of contract laborers at once. It also shows the relative ease for American companies to escape violations unpunished. The companies, after all, were making improvements to the borderlands, building sewer systems to improve sanitation, of great interest to the Progressives, or other large infrastructural improvements. The Immigration Act of 1907 had tasked the Bureau with ending contract labor violations, but on the ground, they found that top down the law was virtually impossible to enforce. Large projects often needed more laborers than were readily available. Engineers and project managers would do what they needed to do. If they were risking jail or large fines, no one would take on the projects. As for the laborers, no matter what, they would keep coming. The inspectors would do their parts, but the government attorneys would allow investigations to die on the vine. Only the laborers would be punished.

In August of 1912, San Antonio Inspector George Pulsford wrote Inspector Staver of Laredo that he was detaining eleven Mexican men on their way to work at the Medina Dam (in what would later become unincorporated Mico, Texas, outside of San Antonio). This case was a little unusual, however. Pulsford believed that one of the men, Cayetano Santos, had violated contract labor law not once but twice. He was induced by the Medina Irrigation Company to come to the United States as a contract laborer and, in turn, induced the other ten men. The investigation would last about a month and a half.

Santos became the center of the investigation, although he denied the charges, claiming that each man paid his own way (paying for their train tickets would be direct evidence of his complicity). He also claimed that he had simply gone home to visit, and the men had chosen to come back with him to work at the dam. Unfortunately, Mexicans in San Antonio told Inspector

Pulsford that he had indeed paid for the men's transportation. Pulsford asked Staver to have Inspector Jeffries visit a house in Monterrey, Mexico owned by Virginia Rodriguez, an acquaintance of the San Antonio labor agents, which might offer answers. He also wanted to know what the men had told inspectors in Laredo.[19] Pulsford sent the men on their way, waiting for them to arrive at the dam. From there he would initiate the investigation.[20]

Staver quickly sent Pulsford the requested statements of the men. They all had more than three dollars in cash and claimed to have never been in the United States. Most claimed to be headed to "Yslitas", Texas (most likely Ysleta, now a part of El Paso), the others to Dilley or Cotulla, Texas. According to Staver, Inspector Warren was suspicious that the men were contract laborers and "questioned them closely…. but to no avail" with each stating that they were joining relatives and then would work at whatever they could find.[21] There stories fit with other Mexican immigrant workers' experiences. First, the Medina dam project was designed and financed by the remarkable engineer Frederick Stark Pearson who completed similar projects in Brazil and Mexico.[22] Santos was already working for Pearson on the Medina dam, and while he does not say so, there is a high likelihood that he had worked for Pearson in Mexico or that Pearson trusted the judgement of his employees when hiring new workers. Regardless of how Santos had arrived in Texas initially, he clearly had experience dealing with the immigrant inspectors. There is little doubt that whether he paid the men's way or not, or even if he had induced them in any way or not, he would have coached them for the interview. Their responses are far too similar to

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[19] Pulsford to Staver, August 6, 1912, NARAFW RG 85 5020-37.
[20] Pulsford to Staver, August 6, 1912, NARAFW RG 85 5020-37.
[21] Staver to Pulsford, August 7, 1912, NARAFW RG 85 5020-37.
[22] Pearson was a fascinating figure. He was one of the most accomplished engineers of his time but died at the age of fifty-four in the sinking of the *Lusitania.* See https://web.archive.org/web/20120916113551/http://www.ieee.org/organizations/pes/public/2003/nov/peshistory.html; also, https://ieeexplore.ieee.org/document/5337842.

have not been the result of coaching. Of course, it was not difficult to prove that they had not been completely honest. All of the men headed for the Medina Dam.

Pulsford had been crafty in dealing with the men. He never identified himself as an immigrant inspector and he asked few questions so as not to spook them.[23] He needed them to actually go to the dam. Pulsford also had the testimony of I.M. Garza, the labor agent in San Antonio, who claimed that Santos told him that there was no point in trying to recruit them as "they had come purposefully to work on the Dam, and that the said Cayetano Santos had paid the way for the balance of the men from Sabinas Hidalgo to San Antonio." Garza would not swear to the statement, though, because he had "dealings" with the Medina Dam Company….and [appeared to be] sorry he mentioned anything about [the] matter to [Pulsford]."[24] The inspectors were always extraordinarily suspicious, unless someone was telling them what they needed to hear. Garza had every reason to lie to Pulsford. Santos had cost him money by not allowing him to talk to the men. It would also be bad for the labor agent's business if more Mexican workers went back home and recruited their friends and family. Plus, the appearance of regret made Garza seem even more sincere. Pulsford never doubted him.

On August 29, 1912, Inspector Pulsford and Mounted Inspector Hardie Jefferies headed to Mico, Texas in order to arrest the eleven men; they were only able to arrest eight of the men.[25] The other three were reported to have left due to fears resulting from several explosions at the dam. Pulsford wasted no time getting the eight men to Laredo. The very next day all eight faced the inspectors' board of special inquiry. All eight men faced the board in one day and on August

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[23] Warrant for the arrest of Cayetano Santos et al, August 8, 1912, NARAFW RG 85 5020-37.
[24] Pulsford to Berkshire, August 10, 1912, NARAFW RG 85 5020-37.
[25] Mounted inspectors essentially assisted the immigrant inspectors by making frequent and routine patrols, freeing up the immigrant inspectors for investigations and boards of inquiry. The mounted inspectors were the most direct predecessors of the Border Patrol.

31, Pulsford left for San Antonio. Clearly cognizant of Berkshire's appreciation of efficiency, Pulsford had left San Antonio, arrested eight men in Mico, Texas, taken them to Laredo, examined all eight (as the sole member of the board of inquiry) weighed all of the evidence (most of which he had collected himself), excluded all of them, and made it back to San Antonio for dinner by the third day.[26] Justice may not have been fair, but it was often swift and efficient.

The examinations of the men by the board of inquiry went much like most other hearings, with a few exceptions. First, Pulsford was the only examiner. Regulations generally required three inspectors, in fact the Immigration Act of 1907 specifies three; but for unknown reasons, the Bureau accepted Pulsford as the only member. Second, all eight men were interviewed consecutively, beginning at 5:15pm. Third, Pulsford was not only the sole examiner, he was the interpreter. There was so much wrong with the examination, according to the Bureau's own regulations, yet no one questioned the methods or the conclusions. It is not surprising that the conclusions bore out Pulsford's suspicions. None of the men admitted to coming to Texas in order to work at the dam. Most claimed to be visiting relatives, particularly brothers. Others were just going to Texas to look for any available work. Some of them did admit they intended to go to Mico to work. But the key was when did they make that decision? The men claimed not until they arrived, which would not have been a violation of contract labor law. Pulsford accused them of deciding in Mexico, based on the conversation he claimed to have had with Santos. But Lucas Rodriguez, claimed that he came to visit his brother in Ysleta, but found out that he had gone to work on the Medina Dam. Miguel Mendiola made essentially the same claim. Rodriguez admitted that Santos talked glowingly about the dam, but never suggested going there to work. Hilario Quiroga admitted to deciding to go to Mico with Santos while they were still in Mexico

[26] Pulsford to Berkshire, September 1, 1912, NARAFW RG 85 5020-37.

but claimed that he was just going to visit his nephew, who worked at the dam. Then he decided to stay and work. But he was the only one to claim that all of them had determined that they would go to the dam while still in Mexico. Cayetano Santos claimed that the men had decided to go to work at the dam while in Mexico, but his admission is suspect. Pulsford had already told him that he knew Santos had told the labor agent that they had come to the U.S. to work at the dam, so the prospect of accusing the Inspector in Charge of lying likely did not appeal to him. Based on the evidence that Pulsford himself had found and the testimony of two of the eight men before him, Pulsford recommended deportation for all eight Mexican laborers.[27]

It was clear how this would all play out for the Mexican workers from the beginning and the hearing just confirmed it. There are dangers in translating one language into another, even for the most fluent speakers. Tenses can be confused, words misconstrued, and chronology can be unclear. Plus, all of the men, including Pulsford would have been very tired after the long trip and non-stop interviews. But it was the details that could mean the difference between staying and being deported. If the men had decided to go to the dam at any point *before* they crossed the border, at the encouragement of Santos, they would have violated contract labor law. Once they were in the United States, if they decided to go independently, with no encouragement from Santos, they were fine. There are multiple points in the interviews where one word, or even an inflection, could have changed the men's intended meaning. And aside from that, most of them never admitted any wrongdoing. Out of the eight men, Pulsford believed the two who said what he wanted to hear. The men did, of course, have an option. They had each arrived in the U.S. with less than ten dollars, but they could individually put up a bond of five hundred dollars (set by the Secretary of Commerce and Labor) in order to stay while they appealed. None took

[27] Hearing for Cayetano Santos et al, August 30, 1912, NARA FW RG 85 RG 85 5020-7.

Pulsford up on the offer. In the end, all eight men were deported and no real investigation into the Medina Dam occurred. There was no "sufficient evidence to justify proceeding against the company…"[28] While investigations often started by pursuing the companies accused of importing labor, they mostly ended with the company going about its business while all of the Mexican laborers were eventually deported. This was true of all of the industries along the border. The mining industry along the border is a good example of how Mexicans were slowly being targeted. The immigrant inspectors treated them very differently than other nationalities.

By the second decade of the twentieth century, the Mexican border had become a multi-national locus of contract labor concerns as mining companies brought Canadians and Europeans in to work, drawing the ire of the "Section 24 agents," (or, as the U.S. Marshal of Clifton, Arizona referred to them, "gum-shoe" men, as they were essentially detectives.)[29] A case in Lordsburg, New Mexico is a fair representation of the immigrant inspectors' fights with the mining companies. The mining industry in New Mexico (as well as Arizona) was different than the labor situation in Texas because the mines employed a much wider variety of international workers. In 1915, five Canadians were recruited by Smith and Travers, a diamond drill-operating contractor based in Canada, to work at the Eighty- Five Mine and the Atwood Mine in Lordsburg.[30] It would take two years for this investigation to unfold and play out, which was not dissimilar to other investigations into corporate contract labor violations. However, this investigation would also underscore the difference in how Mexican contract laborers were treated as opposed to white laborers.

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[28] Berkshire to Keefe, September 9, 1912, NARA FW RG 85 RG 85 5020-7.
[29] Special Inspector Ayers to F.W. Berkshire, June 14, 1911, NARA FW RG 85 RG 85 5020-7.
[30]Inspector Munster to F.W. Berkshire, March 27, 1916. NARA FW RG85 HM 1995 Box 6 E Folder 5020-107.

In early 1916, Inspector O.W. Munster of Lordsburg, New Mexico began investigating the diamond drill operators in the area. In the previous year, Smith and Travers, diamond drill operating contractors based in Sudbury, Ontario, Canada had sent five men to Lordsburg: Asa Wilsie, Fred Lawson, David, Bellidow, R.E. McDonald, Dick Baker, and William Desloge. According to Munster, the men were hired by Travers in Canada and sent to New Mexico to work for the Eighty-Five Mine and Atwood Mine. They were paid seventy-five dollars, but according to an informant, that money was paid through a local bank, which was enough to raise the suspicion of Munster. The men would then present a letter to the mine indicating that they were diamond drill operators, after which they would be reimbursed for money expended on the trip (usually about ten dollars) and put to work. Apparently, what drew the ire of Munster's informant was that the men made four dollars a day for nine hours while the going rate in other mining camps was five to seven dollars for eight hours. Undercutting American workers would certainly be a cause for concern. In an interview with Dick Baker, Baker told Munster he was a Canadian citizen sent by Travers to work at the mine. He was not happy there, however, and intended to move to Arizona and find another job, a statement a Mexican laborer was unlikely to make. He claimed that the other men arrive in New Mexico subsequently. Munster told Berkshire that since they were violating contract labor law, he needed warrants to be issued for their arrest.[31] He also recommended that the men be deported.[32] Berkshire agreed but stayed the deportation until the men could testify against Travers.[33]

The 85 Mining Company had already been fined for violating the Act of 1907, but this time they claimed that a local representative of the Smith and Travers Company, Charles C.

[31] Munster to Berkshire, February 23, 1916, NARA FW RG 85 RG 85 5020-107.
[32] Munster to Berkshire, February 24, 1916, NARA FW RG 85 RG 85 5020-107.
[33] Berkshire to Munster, March 14, 1916, NARA FW RG 85 RG 85 5020-7.

Treadway, handled the hiring and the payment of wages to Smith and Travers' employees, which turned what the inspectors believed was a fairly simple case into a much more complicated one where the violation was not as obvious. Now they had to determine who the men actually worked for. Treadway would deposit a check for the full amount of all wages from the company in a Lordsburg bank, then write checks from that account to the employees. Records also showed that the Canadian company paid the men ahead of time for their travel expenses (except for Wilsie, who was reimbursed). The general manager of the mine claimed that the mine had reimbursed the Canadian company for the money paid to the Canadian men. For Munster, this was a clear violation of the law. On top of that, both Smith and Travers apparently admitted that local diamond drill operators could be found. Munster (and Berkshire) was convinced that there was a strong case to be had against the mines. Then, in a decision incredibly unlikely to happen in the case of Mexican laborers, Munster "released [the five Canadians] on their own recognizance, after they faithfully promised [him] they would keep [him] informed of their whereabouts and would not leave Lordsburg without first writing [him] of their intention."[34] Had they been Mexican (or Chinese for that matter) they undoubtedly would have been detained or charged the five hundred dollar bond.

On March 28, 1916, Berkshire first expressed concern as to whether the men were employed by the Eighty-Five Mine and not the Smith and Travers Company. But Berkshire got ahead of himself, telling the U.S. attorney in Albuquerque, S. Burkhart, that they should prepare to confiscate the diamond drills in Lordsburg (belonging to Smith and Travers) in case it turned out that the Canadian firm was the guilty party.[35] No one seemed to blame the Canadian men. Munster in fact reiterated that they should "remain at large upon their own recognizance" while

[34] Muster to Berkshire, March 27, 1916, NARA FW RG 85 RG 85 5020-7.
[35] Berkshire to Burkhart, March 28, 1916, NARA FW RG 85 RG 85 5020-7.

the investigation continued. The investigation stalled until the case went to trial in August of 1918. But there was one issue gnawing at Burkhart. The court had compelled the Eighty-Five Mine to furnish its books to the prosecution. Burkhart believed that might have violated the fourth and fifth amendments.[36] The case was never as solid as Munster and Berkshire believed. The investigation continued until the court date on August 20, 1918. The inspectors and the U.S. attorney or his representatives had interviewed hundreds of people.

On August 20, 1918, the District Court for the District of New Mexico found that the operators worked for the Canadian company, and that the mines did *not* seek them out. Courts rarely found companies guilty and the charges against the mines were dismissed.[37] On September 11, the court filed its Findings of Fact and Burkhart had no desire to appeal, as he had filed a motion for Amended Findings of Fact and a Motion for Judgement, both of which were denied, but he wanted Berkshire's opinion.[38] Berkshire was inundated with work concerning the Wartime Measure Act of 1918, which meant that all Americans coming across the border were required to have passports. This multiplied the duties of the inspectors considerably. He did, however, promise to review the files and get back to Burkhart.[39] In a few weeks Berkshire responded that he believed an appeal was warranted (revealing in the process that he had done legal research in order to formulate his answer).[40] But the appeal never happened. Also, the Canadian men disappeared from the records. Mexicans accused of contract labor violations never did. They were almost all deported.

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[36] Burkhart to Berkshire, August 7, 1918, NARA FW RG 85 RG 85 5020-7.
[37] *U.S. vs. Eighty-Five Mining Company, and A.P. Warner*, "Finding of Fact" of the United States District Court of the District of New Mexico, August 20, 1918, NARAFW RG85 HM1995 Box 6 E TX6- 5020-107. Also, Deputy U.S. Marshal G.A. Franz to F.W. Berkshire, June 19, 1911, same file.
[38] Burkhart to Berkshire, September 11, 1918, NARA FW RG 85 RG 85 5020-7.
[39] Berkshire to Burkhart, September 14, 1918. NARA FW RG 85 RG 85 5020-7.
[40] Berkshire to Burkhart, October 2, 1918, NARA FW RG 85 RG 85 5020-7.

There are many instances of inspectors detaining Canadian and European migrants for alleged contract labor violations, many of whom were on their way to the West. In Detroit in 1915, inspectors detained a Canadian man headed for the Ford Motor company in San Francisco; another was headed for the Llano Del Rio Company in Los Angeles; still another to Albuquerque; a German immigrant was stopped in Laredo; and inspectors investigated a copper mining company in Arizona for bringing in "five or six raw scotchmen."[41] The Eighty-Five Mining Company story, though, pulls those other incidents together by offering a full report, including resolution, of the entire investigation, often hard to find in government archives.[42]

Of significance, however, was how Canadian workers were treated. Inspectors gave Canadians every opportunity to justify their presence and testify against the companies accused of luring them to the U.S. before being released. Even if the inspectors determined that they were inadmissible, Canadians often appealed and wrote letters on their own behalf.[43] Appeals and letters written by Mexican migrants, in Spanish, English, or through translators are extraordinarily hard to find on the other hand. Inspectors also generally inspected Canadian workers when they stumbled on them or were informed of their presence. In contrast, contract labor inspectors sought out Mexican migrants moving back and forth across the border for reasons as varied as looking for day work or visiting friends and family, especially if they travelled in groups. Immigrant inspectors likely saw familiarity in the white faces and common English language of Canadians, while Mexicans seemed foreign. This made it easier for the

[41] Deputy Marshal G.H. Prans to F.W. Berkshire, Jun 16, 1911, NARA FW RG 85 5020-7.
[42] See "Examination of Dick Baker," February 21, 1916, RG 85 E TX6 Folder 5020- 107; "Examination of A.T. Sparks," August 9, 1915, RG 85 E TX6 Folder 5020- 5020-102; U.S. Marshal Franz to F.W. Berkshire, June 19, 1911, NARA FW RG 85 RG 85 5020-7.
[43] "Statement of A.T. Sparks," October 28, 1915, RG 85 HM1995, Box 6 Folder 5020-102.

border guards to transition from broadly monitoring national divides to more targeted enforcement, focusing on Mexican laborers.

Immigrant inspectors spent a considerable amount of time investigating corporations that enticed Mexican laborers into the United States, but for the most part those companies were mining or construction companies. The agricultural industry was certainly involved with contract laborers but in the first few decades of the twentieth century most farms acquired labor either by hiring local Mexicans who crossed back and forth across the border or, when that was not enough, through labor agents. They rarely enticed Mexicans through direct ads placed in Mexican newspapers. There are several possible reasons for that. First, many of the mining and construction concerns were large multinational companies with existing ties in Mexico while most South Texas farms did not have those connections, at least not to the same degree. Second, the natural flow of Mexican laborers was generally large enough to supply farm labor demands. Still, the inspectors watched labor agents who worked with farms very carefully. Those agents could be very competitive, not above reporting each other. In 1912, one agent, Charles Draegar did just that.

Draegar stopped Inspector C.E. Overaker in Del Rio to inform him that since his arrival he had seen "the hackman" Esiquio Ronquillo putting three laborers on a passenger train, sending them to Sabinal, Texas to pick cotton. Ronquillo had bought the tickets for the men.[44] In passing on the information to Berkshire, Acting Inspector in Charge Perry Thompson referred to Ronquillo as a "second rate Mexican hackman [who was] scabbing Draegar's business. Since most labor was "handled thru the regular agencies…" Thompson promised further investigation.[45] Labor agents in South Texas were constantly skirting the edges of contract labor

[44] Overaker to Thompson, September 17, 1912, NARA FW RG85 5020-40.
[45] Thompson to Berkshire, September 17, 1912. NARA FW RG85 5020-40.

law. They waited at the footbridges or train stations and as soon as Mexican laborers arrived, they would attempt to recruit them. But there was also considerable evidence that they did not always wait for the laborers to arrive in the United States; sometimes they went after them in Mexico. Because of this, Berkshire told Thompson to keep an eye on both of the men.[46]

Thompson ended up detaining three men and submitted a voucher to cover the expenses to Berkshire.[47] Berkshire was not happy. It is possible that since Thompson was the "Acting" Inspector in Charge (the Inspector in Charge could have been ill or on vacation or the Bureau might have been between assigning someone permanently) he inadvertently failed to inform Berkshire what evidence he had necessitating the detention.[48] Thompson followed up with the explanation that they were being detained as witnesses against Ronquillo. Much like the cases against the Medina Dam Company and the Eighty-Five Mine, though, the inspectors declined to pursue charges against the labor agent. The three men "were permitted to return to their home in Las Vacas, Mexico.[49] Even though no one was found to guilty of any wrongdoing and Ronquillo was left to pursue his interests, the three men were not allowed to stay. True, they were not deported, necessarily, but they were not allowed to remain in the United States. Once again, when everything was fully played out, only the Mexican laborers suffered.

Another industry that was a significant source of irritation for the Bureau (as it had always been) was the railroad system. The railroads really did as little as possible to prevent the transportation of contract laborers into the United States, both for themselves and for other companies. In 1915, George Bell, Attorney and Executive Officer for the Commission of Immigration and Housing in San Francisco, brought to Berkshire's attention an accusation that

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[46] Berkshire to Thompson, September 18, 1912. NARA FW RG85 5020-40.
[47] Thompson to Berkshire, September 28, 1912, NARA FW RG85 5020-40.
[48] Berkshire to Thompson, September 30, 1912, NARA FW RG85 5020-40.
[49] Thompson to Berkshire, October 1, 1912, NARA FW RG85 5020-40.

the Santa Fe Railroad had brought "several carloads of Mexican laborers…" to the city of Fresno, which "was already full of unemployed men." They worked in Fresno for the railroad for a while, then they were discharged into the city. Berkshire told Bell that he had investigated whether or not contract labor law had been violated but had mostly come up empty- handed. He explained that if the complaint had come earlier, he might have been able to do something. But in the letter to Bell, he revealed quite a bit about the Bureau's antagonistic relationship with the railroads while overstating the Bureau's success.

Berkshire explained to Bell how the "carloads" of Mexicans might have made it to Fresno. According to Berkshire, El Paso was the "chief labor market of the Southwest." As such, the inspectors there closely watched both the actions of the railroads and the labor agents. He believed that the inspectors mostly prevented the largescale importation of laborers. In fact, "no wholescale importations are attempted [because] the strictest surveillance is maintained over all railroads radiating from El Paso to points in the interior and Mexican laborers found passengers on such trains are carefully checked" in order to prevent unlawful entry. What the labor agents *did,* which was beyond the purview of the Bureau, was to wait until they had enough laborers to fill a train car and then send them on. Berkshire suggested that Bell convince the Santa Fe railroad that it would be in their best economic interests to "exhaust the supply of laborers available locally before placing orders with labor agents at distant points."[50] Simply put, luring Mexicans into the country to work was illegal, but waiting for them to show up on their own and having them wait until enough arrived to fill a train car was not. Berkshire oversold the Bureau's ability to keep the railroads in check, but he did reveal that the agency monitored the railroads very carefully as that antagonistic relationship had existed since the 1880s.

[50] Berkshire to Bell, October 23, 1915, NARAFW RG 85, 5020-47.

Berkshire also addressed the same complaint from St. Louis, Missouri. Inspector in Charge James Dunn had reported to Berkshire that the labor agents Zarate and Avina were importing Mexican laborers for the Santa Fe Railway and shipping them out to Topeka, Kansas. Dunn wanted a full investigation. Berkshire explained to Dunn "that this same subject is constantly before this office and has been ever since this District was established [beginning roughly 1907]." Berkshire described the "exhaustive investigations" into not only Zarate and Avina, but also other labor agents who recruited railroad laborers. The investigations "extended to many points in Mexico and to practically all of the states in the southwest section of this country…" While the investigations uncovered "many pernicious practices" by labor agents to "stimulate immigration" the Bureau had found no direct evidence of contract labor law violations. Of all of the players in the contract labor schemes along the border, labor agents and railroads had always been the hardest to prosecute. In fact, according to Berkshire, each year "20,000 to 40,000… [immigrants] migrate to the United States" just to work as track laborers.[51] Again, this was where following the law was difficult. The track workers were not working illegally if they were recruited in the United States, but the nature of railroads made it hard to prove when the recruiting occurred. Numbers, as well as the slipperiness of both labor agents and the railroads, were beginning to get to Berkshire. In 1918, he made his most powerful suggestion to that point to finally fix the problem.

The Mexican Revolution had meant considerably more concern over the growing numbers of Mexican immigrants, especially into Texas, but much of the increase was handled by the U.S. Army. The Great War had not really concerned the immigrant inspectors along the border, nor had the Mexican Revolution. They continued doing what they had been doing since

[51] Berkshire to Dunn, June 13, 1916, NARAFW RG 85, 5020-47.

they were first placed on the border only more so. There is no question, however, that the increased flow left the inspectors overburdened.[52] Even though Berkshire had switched the focus of the inspectors from individuals to groups to those who induced laborers to come into the United States, the responsibility of catching individuals at the border continued. After 1907, the inspectors continued pursuing Chinese immigrants as well as individual Mexicans, but this work was mostly left to the "mounted inspectors," or "mounted watchmen," who had proscribed routes, assisted the immigrant inspectors, and would go on patrol. Berkshire knew that his inspectors had their hands full investigating corporations and labor agents; he also knew that despite his plans, the War and the Revolution had caused an increase in individual immigration and his mounted watchmen were being stretched thin as well. In November of 1918, he wrote to Commissioner- General of Immigration Anthony Caminetti with a solution. He proposed the creation of a Border Patrol.

Berkshire wanted to add 1,632 mounted watchmen to the border. In the context of war, the Mexican Revolution, and enforcing the Wartime Measure Act of 1918, Berkshire's request for such a large increase seemed reasonable. The department budget, however, would not allow for such a large increase. So, Berkshire submitted a counter proposal to add a total of two hundred and sixty-four mounted watchmen spread out over the Mexican Border District. This number included the seventy-one mounted watchmen already employed.[53] He also wanted to add sixty-one more inspectors and forty clerks, so he had men stationed regularly along the border specifically to patrol for illegal crossing.[54] It would take another six years for the Congress to

[52] Levario, *Militarizing the Border,* 97.
[53] This is likely the source of the oft quoted number of seventy-seven inspectors along the border before the Border Patrol. But it does not take into account the immigrant inspectors or the ever-changing number of mounted watchmen. This is just the number of mounted guards employed at the time of Berkshire's proposal.
[54] Berkshire to Caminetti, November 3, 1918, Border Patrol Museum, 5002/800J.

listen to Berkshire. In the meantime, the situation for Mexicans along the border would continue to worsen.

Persecution of Mexican immigrants continued unabated, but even Berkshire was frustrated by his mens' inability to prosecute labor importers.[55] The inspectors continued deporting Mexicans while the courts failed to convict companies who imported laborers.[56] The U.S. attorney was rarely even brought in. As anger with labor importers lessened in the early 1920s, the fear of Mexican immigrants only increased. On May 14, 1923, Commissioner-General Willian Husband wrote Supervising Inspector George J. Harris (Berkshire's replacement) that three trainloads of "Mexicans and Indians" were reported headed for Bethlehem, Pennsylvania.[57] Harris responded by saying that "hundreds and hundreds" of Mexicans were arriving daily in El Paso and that it was impossible to examine them all. He requested more men.[58] Kansas City Inspector in Charge James Dunn distributed reports in 1923 that 5, 000 Mexicans were being transported to Michigan to work the beet fields and that about 600 Mexicans were entering through New Orleans.[59] On May 24, 1923, the U.S. Consul in Juarez, John W. Dye reported that between January and May, as many as fifteen thousand Mexican laborers had entered the United States through Juarez-El Paso and were distributed across the U.S. The rate was several hundred per day and the flow was steady. Many of the workers had families with them.[60] The actual fear of immigrants was really limited to people who did *not* live along the border. As Cory Wimberley et al has pointed out, poor Mexican

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[55] Berkshire to Commissioner- General of Immigration William Husband, February 17, 1922, NARAFW RG85 HM1995 Box 16 5020-391.
[56] Acting Supervising Inspector George Harris to Husband, January 20, 1922, NARAFW RG85, HM1995 Box 16 5020-384.
[57] Husband to Harris, May 14, 1923, NARAFW RG85 HM 1995 Box 17 5020-427.
[58] Harris to Husband, May 19, 1923, NARAFW RG85 HM 1995 Box 17 5020-427.
[59] Reports by James R Dunn, May 15 and 16, 1923, NARAFW RG85 HM 1995 Box 17 5020-427.
[60] Report by John W. Dye, May 24, 1923, NARAFW RG85 HM 1995 Box 17 5020-427.

laborers were "promoted [as] low-cost sources of labor…" in order to draw business to the border.[61] Local industries had no interest in preventing Mexicans from crossing the border to work. Like the Central American immigrants today who are fleeing violence and poverty in their home countries, seeking a safer place to live in the United States, Mexicans were fleeing the violence and economic insecurity of the Mexican Revolution. Much like the fear of a Chinese invasion in the latter decades of the nineteenth century, a full-blown fear of Mexican laborers was developing, not just along the border, but in the interior of the United States. There was never any evidence that these mass movements of Mexicans actually occurred. The stories were rumors. In 1924 that fear would finally be addressed by Congress. Frank W. Berkshire's goal of a Border Patrol, one that would stem the flow of illegal immigration by being present where it occurred would finally be realized. On a legislative level at least, Berkshire's dream of an efficient border enforcement mechanism would be realized.

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On April 3, 1924, *The New York Times* reported that Assistant Secretary of the Treasury McKinzie Moss had written Los Angeles Collector of Customs L.H. Schwaebe with an unusual request. He wanted an estimate for the cost of building an eight-foot wire fence along the 160-mile California border with Mexico, along with gates at Calexico, California and Tijuana, Mexico.[62] Sometimes the past is not as far away as it seems.

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[61] See Cory Wimberly, Javier Martínez, David Muñoz, and Margarita Cavazos, "Peons and Progressives: Race and Boosterism in the Lower Rio Grande Valley, 1904–1941," *Western Historical Quarterly* 49, no. 4 (2018): 437-63.
[62] "160- mile Wire Fence for Mexican Border; Washington Asks Estimate on Cost- Laredo Ordered Closed at Night," *The New York Times,* April 3, 1924.

## Conclusion: The Border and the Enduring Illusion of National Security

"Imagine [the Chinese] dwelling [in California] in larger numbers than the white citizens of the State, armed with the ballot and clothed with all the rights of citizenship… inaugurating a carnival of corruption, of vice, and of crime, at which the world would stand aghast." – South Carolina Senator Wade Hampton III (1882)

"[Mexican immigrants] are not our friend[s], believe me. They're bringing drugs. They're bringing crime. They're rapists. And some, I assume, are good people."- Donald Trump (2016)

Natalia Molina writes that "[f]rom 1917 to 1924 a series of legislative acts reduced immigration to the United States by 85 percent. The year 1924 marks the passage of the capstone immigration act, the Johnson- Reed Immigration Act."[1] The act was Congress's first comprehensive attempt to control and limit all immigration based on a quota system intended "to preserve the ideal of U.S. homogeneity."[2] Mae Ngai writes that "the nativism that impelled the passage of the act of 1924 articulated a new kind of thinking, in which the cultural nationalism of the late nineteenth century had transformed into a nationalism based on race."[3] This assessment certainly played out with the immigrant inspectors along the border with Mexico, beginning well before 1924. In fact, while the Johnson Reed Act was of immense ideological and legislative importance, it changed nothing along the border. Inspectors had been making determinations as to who was "legal" and "illegal" for decades, often with no direction from Washington, having nothing to initially go on besides race. The inspectors had always enforced a racial hierarchy along the border, but beginning in 1907, with the promotion of F.W. Berkshire, the inspectors began targeting Mexican laborers. After 1907 immigrant inspectors

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[1] Natalia Molina, *How Race Is Made in America: Immigration, Citizenship, and the Historical Power of Racial Scripts*, (Berkeley, CA: University of California Press, 2014), 1
[2] https://history.state.gov/milestones/1921-1936/immigration-act
[3] Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America*. (Princeton University Press, 2014).23

essentially created the category of "illegal immigrant." They did not use the term, but they assumed all Mexicans were in the country illegally unless they could prove otherwise, just as they had always assumed about the Chinese.

From 1894, when the first immigration stations were placed along the border, until 1907, the inspectors focused on enforcing immigration law. Certainly, there was racism involved, but the Chinese Exclusion Act was pretty obvious in its intent. The inspectors, then, enforced it. Protecting white American interests was always a part of the inspectors' jobs, but until 1907, they treated immigrants with a certain uniformity, regardless of where they came from. But after 1907, as eugenics and nativism gained traction, there was a much clearer, if still unspoken, focus on race. By 1924, it was obvious that race was the basis of immigration enforcement along the Mexican border.

For many, the most significant result of the Act of 1924 was the creation of the Border Patrol. Two days after the passage of the Johnson Reed Act, on May 28, Congress passed the Labor Appropriation Act of 1924, which set aside one million dollars for an additional "land-border patrol." But, as Kelly Lytle Hernández has pointed out, "the congressional effort of migration control began many years earlier and carried many ambitious projects within it."[4] One of those projects was the ongoing bureaucratization of border enforcement that had begun with F.W. Berkshire. 1924 may be the year the Border Patrol was born, but it was built on a foundation of bureaucratic efficiency that Berkshire had spent his career establishing.

For border enforcement, the Labor Appropriations Act was anticlimactic. As this study has shown, a "land-border patrol" had existed along the border with Mexico since 1894 and by 1910 it was remarkably similar to the post- 1924 Border Patrol. In fact, while Lytle Hernández

[4] Kelly Lytle Hernández, *Migra!: A History of the U.S. Border Patrol*. (Berkeley, Calif., University of California Press, 2010), 26

rightly places emphasis on the impact the Border Patrol would have on the border in the twentieth century, that influence began over thirty years earlier. Indeed, the early Border Patrol were employees of the Bureau of Immigration, following long-established rules and policies. The Border Patrol only really came into existence because of the decision to separate the administrative/ investigatory branch (immigrant inspectors) from the enforcement (mounted watchmen) branch within the Immigration Service along the border.[5] This was what Berkshire had asked for in 1918: more men to patrol, who would be placed at stations along the border. And yet, the Customs and Border Patrol would not fully acknowledge Berkshire's influence until late 2018.[6] Because Berkshire had retired, the early months of the Border Patrol" were defined by disorganization and an overarching lack of clarity."[7] Without Berkshire's sheer force of personality, the Bureau of Immigration seemed to have no clear idea what to do with the new patrol. They did have experienced employees on the ground, however, because a large number of mounted guard and immigrant inspectors made the move to the Border Patrol. In particular, one iconic border guard and one seminal figure in the history of border enforcement both moved through each step in the history of border enforcement.

In the linked and overlapping histories of the Immigration Service/ Border Patrol, two men occupy the center, one a relic, the another an influential figure in the future of the border with Mexico. Clifford Perkins would follow the lead of F.W. Berkshire and bring the bureaucratic efficiency of the immigrant inspectors to the Border Patrol. Jefferson Davis Milton, on the other hand would never let go of the line riders. Jefferson Davis Milton had a remarkable career along the Mexican border. If nothing else, he always remained Jeff Milton. He had moved

[5] "The United States Border Patrol," undated report by immigrant inspector, then Border Patrolman (likely late 1920s) Fletcher Rawls, Border Patrol Museum Archives.
[6] https://www.cbp.gov/border-security/along-us-borders/history/father-us-border-patrol
[7] Hernández, *Migra!,* 34.

from the Customs Service to the Immigration Service to working with the Border Patrol. The Border Patrol so values his legacy that it considers Milton the first Border Patrolman and when he died, the old-timers of the Border Patrol mourned the loss of an iconic figure who represented the best of the Border Patrol.[8] Milton, however, was always stubborn. Perhaps out of loyalty to George Webb, or maybe out of sheer cantankerousness, Milton never claimed to be a member of the Border Patrol. Milton was a line rider. He would tell anyone who listened to his stories that he worked for the Immigration Service. He had only been assigned to ride with the Border Patrol.[9] Milton would have been the perfect choice for training men to work in the field. Many of the early Border Patrol were likely new to the extent of horseback riding that was required of them, but Milton had spent a lifetime in the saddle.

Even though Jefferson Milton was the antithesis of F.W. Berkshire, he was an apt tutor for new agents, at least as far as navigating the dangers of the border. Working within a bureaucracy, though, was another story. Milton did what he believed was right with no real supervision. He was never actually stationed anywhere with the Bureau. He roamed the countryside, looking for "aliens," arresting them when he could. He would stay at posts as long as he believed it was necessary, going to the next when he was needed elsewhere. He was the only immigrant inspector with a "roving commission."[10] He made his career almost entirely on his reputation and he had the respect of virtually every inspector along the border. Yet, the official records regarding what he actually did are incredibly sparse, in direct counterpoint to Berkshire. Because of this, Berkshire and Milton clashed as Milton produced so few reports. In early February 1908, Berkshire wrote to Webb that he did not believe that Milton was

[8] Hernández, *Migra!,* 151.
[9] Haley Interview notes, HML JEH IV A 3.
[10] Webb to T.F. Schmucker, April 30, 1905, RG 85 HM 1995 Box 3 E. TX2.

accomplishing anything. He suggested that Milton should be transferred, and Webb agreed. Even after his transfer, Milton's reports were rare and generally late. But in his biography, historian J. Evetts Haley defended Milton, claiming that "[p]revention of smuggling obviously was not enough. The bureaucratic mind is bent on making a show." In other words, Milton staked his career on a negative. He was successful because of what was *no*t happening, which is hard to quantify. Berkshire suggested that Milton should be "reduced to the status of an 'incapacitated employee.'" However, Berkshire came to admire Milton, at least according to Haley, because no one wanted to work in the desert like Milton and that his work was "in the nature of a preventative." Milton had won over Berkshire (or worn him down.)

Jeff Milton certainly outlasted his longtime supervisor. In fact, it would take an Act of Congress to get Milton to retire. Milton had been a line rider since 1904, when he has forty-four. When Congress created the Border Patrol, he was a year away from retirement. But he had so impressed Berkshire's replacement as Supervising Inspector of the Mexican Border District, George Harris, that Harris believed he would last until he was seventy. He almost beat that prediction. When he reached seventy, "he was going so strong that his official superiors recommended the extension of his career for another two years." Unfortunately, FDR's Economy Act of 1933 forced him to retire on June 30, 1933.[11] He had spent the previous eight years of his life as a line rider on loan to the Border Patrol.

Jeff Milton did not represent the new Border Patrol well. Milton, for the entirety of his career worked like it was perpetually 1904. Lytle Hernández writes that generations of Border Patrol officers remember Milton "as a legendary loner who represents their origins in a 'hardy band of border law enforcement officers.'" It would certainly not be surprising that the new

[11] Haley, *A Good Man with a Gun,* 347, 402.

Border Patrol admired the border maverick, especially since, like border guards since 1894, most took the job simply because it was steady work.[12] A number of "hardy" inspectors, relics of an earlier era, still worked in the Immigration Service, but after 1907, Berkshire had done an effective job of removing any real rebelliousness or even independence. He had created a "band" of bureaucratic cowboys, able to ride horses and camp out, but who were fully cognizant of regulations and the importance of paperwork. There is no way of telling how, exactly, Milton managed to carve his own niche along the border even as the agency he worked for changed and moved forward, but when he retired from the Immigration Service a small but significant corner of the border enforcement apparatus faded away. Another man who had made essentially the same transitions as Milton was not a ghost of the border's past. Rather, he took border enforcement out of the past and into the future. In a very different way, Clifford Perkins would also become an icon of the Border Patrol.

Clifford Perkins arrived in El Paso, Texas in 1908, a young Wisconsin man with a suspected case of tuberculosis. Like many before him, the West meant a new beginning. Initially, Perkins had difficulty finding a job, with employers suspecting not only his youth and inexperience but also expressing concern about his illness. Perkins was able to find a job with the post office, at a less than ideal fifty dollars a month, but his options were few. Soon enough, he was unhappy. Standing behind a counter for hours writing receipts for packages was certainly not what he had moved west to do. Eventually, he complained to May Brick, the "middle-aged spinster who relieved [him] at the registry window." She took his measure. "'If I were a young man your age, she said, 'I'd get a job with the Immigration Service.'" Perkins had no idea what the Immigration Service was, but when Brick explained that they "dealt with immigration,

[12] Hernández, *Migra!,* 39.

exclusion, deportation and expulsion of aliens," plus the pay was more than twice what he made at the post office, Perkins was intrigued and immediately pursued the position.

His hiring was very different than Jeff Milton who had been hired based on his reputation with a gun. Perkins studied pamphlets on immigration laws and service regulations, as well as "pump[ed] Inspectors at the line and in the office" for as much information as possible." And while the process was pretty quick for Milton, Perkins waited "six anxious months" to find out he had passed his civil service exam (there is no evidence that Milton ever even took the exam) and another eight months for a post. In the meantime, Perkins learned Spanish. In 1910, over a year after taking the exam, Perkins was appointed a "Chinese inspector" (a designation within the Immigration Service). He was sent to Tucson, Arizona, to begin a long, distinguished career.

Civil Service exams had long been a part of the lives of federal employees, but until 1907, they were not uniformly required along the border. The Pendleton Civil Service Reform Act of 1883 instituted competitive exams intended to replace political ties. But their distance from Washington meant that exams, as well as other regulations, were imposed pretty unevenly, particularly among "mounted guards,'" the direct precursors to the Border Patrol. Before Berkshire there was no one person who ran the entire border with an eye towards discipline, consistency, and efficiency. Not only that, before 1907, there is no indication that many of the inspectors spoke Spanish. Some did, of course, but they mostly grew up around the language. Perkins showed an ambition to learn and prepare for a government career that personified the changes Berkshire made to the Mexican Border District. Perkins would take that ambition and respect for authority with him over the next decades of his career.

Perkins would be the last immigrant inspector whose primary responsibility was enforcing Chinese Exclusion. Posted to El Paso during the Mexican Revolution, by 1917, he was

designated an Immigrant Inspector, although his duties did not change. According to Perkins, his job duties evolved because Chinese immigration across the border had essentially been stopped by 1916. A new focus on Mexican laborers came when Congress passed the Literacy Act, requiring all immigrants to be able to read and write in some language. Workers in south Texas had grown accustomed to crossing back and forth and the new law aimed squarely at ending that practice. Perkins initially revealed a remarkable sympathy for the Mexicans he and other inspectors arrested, understanding that they only wanted to support their families, but he hardened over the years.

Promoted to Inspector in Charge in 1920, Perkins was directed by his superiors to design and implement a new Border Patrol in 1924. Perkins was the perfect choice. He had been involved with every step of border enforcement up until that time and had a long career committed to government service. However, he brought a distrust for Mexicans that was nurtured during his twenty-year career. In 1927, he was dismayed to find that Laredo was primarily populated by people of "Mexican or of Mexican descent," with the police force having only one Anglo officer. Perkins had no confidence that his officers could control immigration on their own. He also distrusted the Laredo Border Patrol because the chief patrol inspector of Laredo was a man right out of the early days of the immigration service. He was a big man, "well over two hundred and fifty pounds" who told Perkins he had political connections and that nothing Perkins could do would change how he and his men did business. Hardly cowed, Perkins set up a sting of sorts and forced the chief Patrol Inspector and two others to resign or be prosecuted for smuggling immigrants across the border. Perkins fired more inspectors, accepted some resignations, and transferred others to new stations. To replace them, Perkins hired twenty

new inspectors, all former Texas Rangers, in his view "experienced, well- disciplined fighters who knew the country."[13]

Many Texas Rangers made the move to the Immigration Service after the Mexican Revolution and many more to the Border Patrol. Like his predecessor in the Immigration Service, F.W. Berkshire, Clifford Perkins believed in training, preparedness, and efficiency. Most of all, unlike Jeff Milton, Perkins only loyalty was to the Border Patrol. Instead of Milton's unconditional personal fealty to individual men, Perkins imbued dedication to the Border Patrol, the mission, and the United States government.

The Bureau of Immigration along the border transitioned from the Gilded Age, which spurred its creation, through the Progressive Era along with the rest of the country. The original line riders, while federal employees, were a loosely affiliated, independent, semi-autonomous group of men who rode horseback, sometimes for days, and were never really held accountable for their actions. They functioned in what Robert Weibe referred to as "island communities." For the line riders, "[w]eak communication severely restricted the interaction among these islands and dispersed the power to form opinion and enact…. policy." The line riders were content with these islands as they indulged in the corruption of the Gilded Age. That corruption could be as serious as immigrant smuggling or as small as theft of time from their employers. They functioned well within the "System of Influence" common throughout the country. Eventually, however, the Progressive Era arrived, bringing with it "a conviction that now no challenge [was overwhelming]."[14] Berkshire brought that sense of optimism, that the problem of illegal immigration could be solved, to the border in 1907.

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[13] Clifford Alan Perkins, and C. L. Sonnichsen, *Border Patrol: With the U.S. Immigration Service on the Mexican Boundary, 1910-54*, (El Paso, Texas Western Press, University of Texas at El Paso, 1978). 4, 7, 32, 59, 113.
[14] Robert H. Weibe, *The Search for Order: 1877-1920*. (New York: Hill and Wang, 1967), xiii, 164, 166.

The Progressive Era was a mixed blessing. Alan Trachtenberg describes "the emergence of a changed, more tightly structured society with new hierarchies of control…"[15] That describes Berkshire's approach to the border stations. He instituted controls and systems that had not been in place before he took over. Through reports and actual interaction with the men he supervised, Berkshire slowly brought them in line with other federal agencies. The language of the reports that come from the border after Berkshire is very bureaucratic, whereas before, the language was informal, sometimes bordering on insubordinate. There is no question that Berkshire brought progressive efficiency to the border. Unfortunately, the Progressive Era also brought its own type of racism, which was certainly present on the border. Fear of "society's inevitable pluralism" led the government to "draw a line around good society and dismiss the remainder." The immigrant inspectors maintained that line. Progressives did believe in assimilation, but the nation never really believed that anyone entering the country by crossing the border was capable of it.[16] There was always racism along the border, but before 1907 it was overt: the Chinese were inferior. After, it was rationalized: Mexicans cannot assimilate. Either way, the immigrant inspectors enforced national ideas of racism.

Border enforcement from 1894 to 1924, did, indeed, change considerably. The training of inspectors changed, as did methods, the focus of the inspectors, and organization. One very important aspect of border enforcement, however, has never changed. From the very beginning of federal level immigration legislation, with the passage of the Chinese Exclusion Act in 1882, immigration law enforcement has never been about national security. It has been about weaponizing an imaginary line in the sand in order to enforce federal white supremacy through

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[15] Alan Trachtenberg, *The Incorporation of America Culture and Society in the Gilded Age*. New York: Hill and Wang, 1982, 4.
[16] Weibe, *The Search for Order,* 157.

contemporary political ideology.[17] In the 1880s, the U.S. congress passed legislation in order to prevent the immigration of Chinese laborers, a group that fearmongers claimed were poised to invade the U.S. by the millions. But that horde was as imaginary as the threat to American culture that Chinese immigrants posed. Numbers of Chinese never constituted a threat at all, to anyone, certainly not enough to justify the ban, but politicians in both the Republican and Democratic parties use the Chinese to whip up an anti-Asian frenzy in order to get elected. The Chinese continued to be a source of political rhetoric, but after 1907, Mexicans replaced them as the dominant "threat" to the American way of life coming across the southern border.

After the Immigration Act of 1907, new Supervising Inspector Frank W. Berkshire began focusing on contract laborers, which meant that the focus would eventually shift to Mexican laborers. Add to this the Mexican Revolution and the years leading up to the Johnson Reed Act of 1924 would be difficult for Mexican migrant workers, even those who had spent years moving back and forth across the border for work. But again, there was never any real threat. In the inspectors' records were multiple reports of "boxcars of Mexicans," "5,000 Mexicans" heading for cities in the interior of the United States. Newspapers disseminated these reports to an anxious American readership who clamored for a solution, leading to the Border Patrol. What was missing, however, was reports of "boxcars of Mexicans'" or "5,000 Mexicans" actually *arriving* anywhere. It was a largely invented crisis. And the connection between immigration and politics certainly did not end in the 1920s.

In 1943 the Magnuson Act ended the Chinese Exclusion Act, not because the United States had a new, enlightened view of Chinese immigrants and their contribution to American society but because China had been an ally to the U.S. in World War II. Even so, while the

[17] For more on that line and its origins, see St. John, Rachel St. John, *Line in the Sand: A History of the Western U.S.-Mexico Border*, (Princeton, Princeton University Press, 2011).

number of Chinese immigrants allowed moving forward was supposed to be based on the 1890s census (per the Johnson Reed Act) only 105 were allowed, far lower than the number should have been.[18] The number should have been twice that. The change in the law was no congressional act of contrition; it was a politically expedient choice, and a half-hearted one at that. Even the Bracero Program from 1941 to 1964 was not a reexamination of the contributions of Mexican immigrants. It was a reaction to the needs of the U.S. economy and Mexicans suffered during the program.[19] If there was any suspicion that there was a softening in the U.S. government's attitude towards the contributions of Mexicans in the United States, Operation Wetback, in which over a million "illegal" Mexicans were detained and deported in 1954, should have dispelled that notion.[20]

Even when the U.S. government has exhibited some sort of magnanimity towards immigrants there has always been a darker side. In 1981, Ronald Reagan supported immigration reform which included a guest worker program. But, as the director of the border studies program at El Colegio de Mexico, Jorge Bustamante, pointed out at the time, that would only serve to "insure employers the availability of cheap labor. The end result "would perpetuate a 'subclass of workers' and would establish a 'reserve army of labor that will be at the disposal of employers.'"[21] Guest worker programs are not the gift they appear to be. Later, in the 1990s, President Bill Clinton embraced immigration reform that would call for a one-third reduction in immigration, a plan opposed by Hispanic, Asian- American, Roman Catholic, and Jewish

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[18] Chang, Iris Chang, *The Chinese in America: A Narrative History*, (New York, NY, U.S.A., Penguin Books, 2003), 227.
[19] For more, see Ronald L. Mize, *The Invisible Workers of the U.S.-Mexico Bracero Program: Obreros Olvidados* (Lanham, MD: Lexington Books, 2016).
[20] For more on Operation Wetback, see Kelly Lytle Hernández, "The Crimes and Consequences of Illegal Immigration: A Cross-Border Examination of Operation Wetback, 1943 to 1954," *Western Historical Quarterly* 37, no. 4 (2006): 421-44.
[21] Robert Pear, "Adviser in Mexican Government Assails Reagan Immigration Plan," *The New York Times*, August 5, 1981.

organizations. Clinton was "sympathetic to the concerns of people who want to restrict immigration" rather than the average Democrat or liberal.[22] It would not be a reach to call his position politically rather than ideologically motivated. Even President Barack Obama was not quite the friend to immigration he could have been. His administration was marked by a higher rate of deportation than his predecessors, aimed at "deter[ring] illegal border crossing and remov[ing] unauthorized immigrants before they became integrated into U.S. communities."[23] His legacy is complicated, however, as the overall rate of returning immigrants to their home countries was lower than the previous two administrations and he was far less aggressive in terms of border enforcement. Prior to Obama, George W. Bush's Comprehensive Immigration Act of 2007, which never passed, would have added 20,000 Border Patrol and the Secure Fence Act of 2006 *did* add more than 600 miles of fence and vehicle barriers. Even so, in 2014, Obama yielded to political concerns and delayed taking executive action until after the midterm elections, fearing "that acting [then] could doom his party's chances…"[24] Immigrants could wait. And it would only get worse.

Fear was at the center of the 2016 presidential election, including the fear of immigrants. On January 25, 2017, Donald Trump promised Americans, "Beginning today, the United States gets back control of its borders."[25] According to the Pew Research Center, though, not only has the level of unauthorized immigrants declined since 2009, the undocumented have never

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[22] Robert Pear, "Clinton Embraces a Proposal to Cut Immigration by a Third," *The New York Times*, June 8, 1995.
[23] Chishti, Muzaffar, Sarah Pierce Muzaffar Chishti, Sarah Pierce, and Jessica Bolter. "The Obama Record on Deportations: Deporter in Chief or Not?" Migrationpolicy.org. March 22, 2017. https://www.migrationpolicy.org/article/obama-record-deportations-deporter-chief-or-not.
[24] Michael D. Shear, "Obama Delays Immigration Action, Yielding to Democratic Concerns," *The New York Times*, September 6, 2014.
[25]Joseph Tanfani. "In January, President Trump vowed to hire 5,000 new Border Patrol agents. It never happened." Los Angeles Times. August 18, 2017. http://www.latimes.com/politics/la-na-border-security-20170818-story.html.

accounted for more than four percent of the population.[26] Unfortunately, fear makes for successful politics. By promising to "protect" America's borders, Trump was telling American citizens that he would protect them from the dangers posed by a tiny percent of the population. Of course, he was not going to do that himself. Neither would any other politician who agreed with him. Nativism needs an enforcement mechanism, foot soldiers on the ground who will actively protect the interests of the native-born citizen. Trump called for an increase in Border Patrol agents, the agency that had been defending the borders since 1924.

But the Border Patrol was not the first agency to do so. Before they existed, an armed federal police force marched along the U.S. border with Mexico. From 1892 to 1924, the Bureau of Immigration and the Customs Service had inspectors patrolling the border on horseback and in wagons. They arrested and detained unauthorized immigrants, investigated alleged cases of immigrant smuggling, determined who would be allowed into the country and they would often pursue immigrants deep into the interior of the United States. They were the predecessors of the Border Patrol and Immigration and Customs Enforcement (ICE). They were the "line riders."

In 1925 *The New York Times* reported that the "rum-running jackass of Texas was back on the job." For two years he evaded police, customs inspectors and the Border Patrol. His owner would ride him across the border during the daylight, "pass[ing] for one of the many who ride diminutive burros up and down the river." Once the owner was in the United States, he would leave the burro with a friend, where "night kegs of tequila, powerful and potent, [were] tied to the burro's back and the creature [was] led far up the river and turned loose." From there "his homing instinct tells him what to do." The burro ran "the gauntlet of his human enemies and a

[26]Jens Manuel Krogstad, Jeffrey S. Passel, and D'Vera Cohn. "5 facts about illegal immigration in the U.S." Pew Research Center. April 27, 2017. http://www.pewresearch.org/fact-tank/2017/04/27/5-facts-about-illegal-immigration-in-the-u-s/.

few hours later "stood at the gates of his worthy master…"[27] The burro recognized no border and no national authority. He had grown up along the border. For him, life and business continued, despite government intervention. The border did not exist.

The burro understood borders and boundaries perhaps better than humans and governments. Borders start as what Patrick Ettinger describes as an "imaginary line." From there, with increasing government intervention, borders become tangible, then they become obstacles, then barriers. But borders are not simply barriers to keep the undesirable elements out of a country. They reflect the government and its people. The border between the U.S. and Mexico became a tangible reality with the Gilded Age. Fear of immigrants, especially Chinese, brought the federal government to the border and the immigrant inspectors there wrestled with the big issues of the day, such as corruption and the definition of citizenship. The Progressive Era brought efficiency, but the race issues of the Gilded Age never disappeared, they just tortured a different nationality.

There are important questions that come out of the line riders' story. First, how do we see the borderlands? Are they the periphery? Are they separate from the United States and unique? It is a mistake to exoticize the borderlands. The residents on the northern side of the border are Americans, like citizens all over the country. Their concerns should be every American's concerns. To see them as different makes it easier to ignore their needs as not relevant to the country at large's needs. Every American "Era'" from Greater Reconstruction to current issues regarding the rise of nationalism, fascism, and concerns about the economy and a dysfunctional federal government affect the borderlands and the greater U.S. in equal measure. They need to be a part of any historical discussion.

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[27] "Lone Jackass Bootlegs Rum Past Mexican Border Guard," *The New York Times,* November 8, 1925.

Second, it is important to recognize the people who actually enforce ideology and diplomacy. Words need action or they are simply rhetoric. When we think of ideas like "institutional racism" we need to consider how that functions at the ground level. Many people rant and rave but who actually puts ideas into motion? At the risk of invoking Richard White, studying history from the top down or the bottom up is not enough. We need to also study it from the middle *out*. How much power do county clerks have? Mid-level bureaucrats? Government employees who we all interact with on a daily basis? What are their roles in the perpetuation of government ideologies and state building?

Last, what do we hope to accomplish with immigration enforcement, especially along the border? Is exclusion a way of soothing national fears regarding what demographer William Frey calls "the browning of America?" Of stratifying American society in a way that maintains the status quo? Is immigration simply a convenient political tool that gives politicians an imaginary enemy to fight to keep America safe? If national security is the goal of immigration enforcement, there are far greater threats to the lives of Americans. To quote Pogo, "We have met the enemy and he is us."

National politics continue to inflect the border. The border is America and America is the border. Realizing that makes the borderlands more understandable to the rest of the United States. The story of the line riders is a reminder that history is made on the geographical periphery just as surely as it is made at urban centers. In order to understand the United States, its history and where it might be headed, one must understand the border. The Gilded Age and the Progressive Era are both seen as significant and impactful periods in U.S. history, with good cause. But discussions regarding those eras leave out the borderlands, as if the "periphery" operates independently of larger American events. It does not. The borderlands were affected by

the Great Depression, the World War II Homefront, the Cold War, the counterculture, the Reagan eighties, and every phase of U.S. history since. There is no “periphery” in U.S. history. Instead, there is a glaring emptiness where the borderlands belong. It is time to reexamine borderlands history.

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