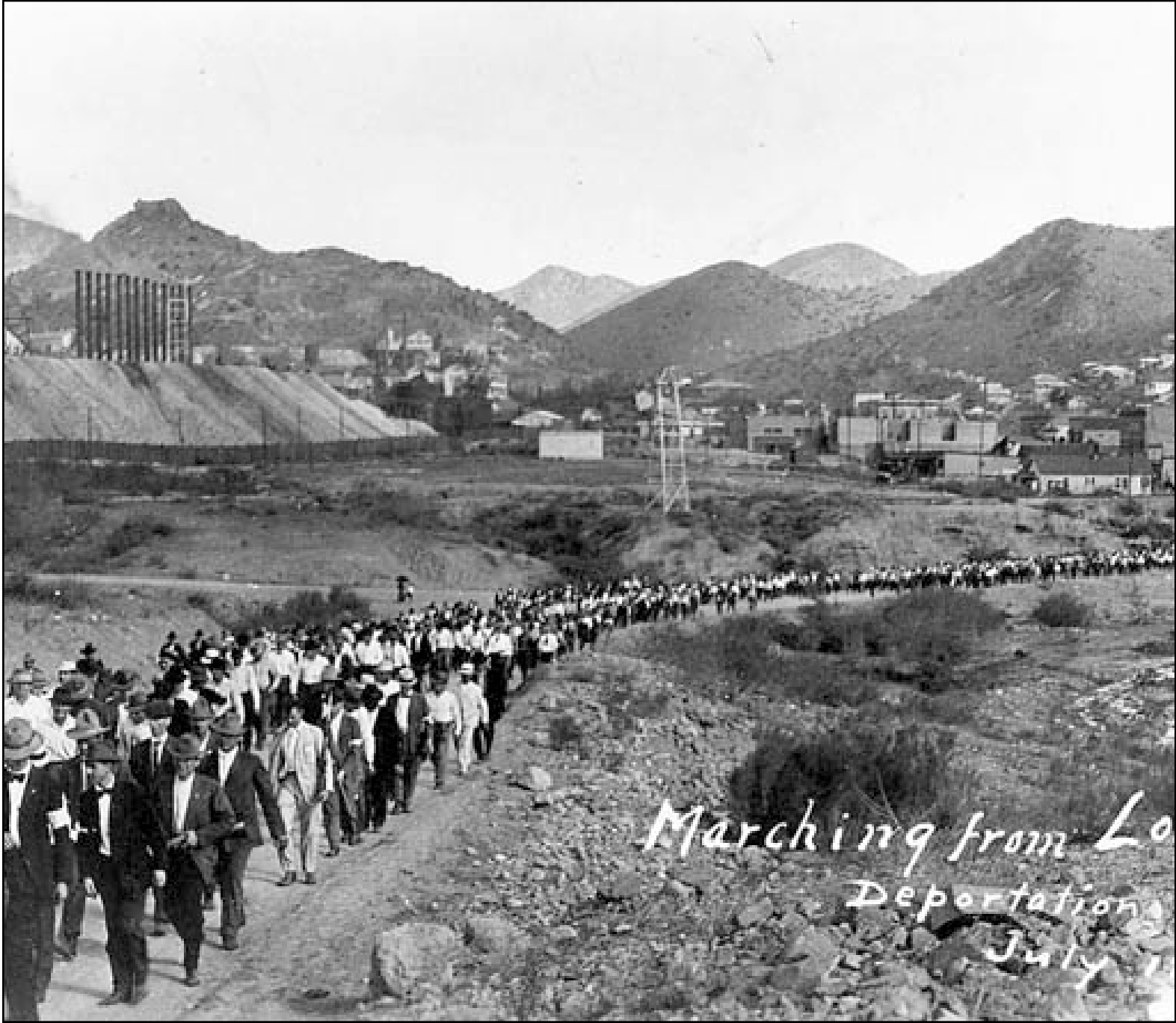




BACK TO THE BORDER

A HISTORICAL COMPARISON OF U.S. BORDER POLITICS

By Katherine Benton-Cohen & Geraldo Cadava

SEPTEMBER 2010

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ABOUT PERSPECTIVES ON IMMIGRATION

The Immigration Policy Center's *Perspectives* are thoughtful narratives written by leading academics and researchers who bring a wide range of multi-disciplinary knowledge to the issue of immigration policy.

ABOUT THE AUTHORS

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ABOUT THE IMMIGRATION POLICY CENTER

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Introduction

During the spring and summer of 2010, America's broken immigration system erupted into national news headlines as a result of the passage in Arizona of a sweeping anti-immigrant law (SB 1070), growing concerns over drug-related violence along the U.S.-Mexico border, and calls in some quarters for a repeal of the Fourteenth Amendment's guarantee of birthright citizenship. While these events might seem new, the issues involved—unauthorized migration, labor disputes, violence, federalism, and constitutional rights—have played out over and over again, particularly along the border. *Back to the Border* provides analyses by two historians who situate today's controversies within the context of the broader history of the border region. Understanding that history not only allows us to make sense of the complex issues behind the current rhetoric, but also demonstrates why it is necessary to go beyond the rhetoric and search for lasting solutions.

The following "Perspectives" by historians Katherine Benton-Cohen and Geraldo Cadava compare and contrast conditions and incidents along the Arizona border in 1917, 1976, and 2010. The similarities between the three eras are startling.

- ***The Bisbee Deportation of 1917:*** Professor Benton-Cohen reminds us that, in 1917, violence from the Mexican Revolution threatened to spill over to the U.S. side, tensions between foreign-born and native-born workers ran high, local elected officials denigrated the federal government for failing to secure the border, and locals formed militias to protect the border where the federal government had failed to do so. This is the context surrounding the Bisbee Deportation, in which over 1,000 mostly immigrant workers suspected of being striking miners were rounded up, loaded onto boxcars, and shipped 200 miles into the New Mexico desert.
- ***The Hanigan Case of 1976:*** Professor Cadava focuses on a more recent incident that also has haunting similarities to current events. During the 1970s, an economic downturn, paired with rising numbers of undocumented migrants, prompted calls for immigration reform. Moreover, armed vigilante groups patrolled the border, claiming that the federal government had failed in its responsibility to adequately secure the region. It is within this context that, on August 18, 1976, two white ranchers in southern Arizona—Thomas and Patrick Hanigan—kidnapped, tortured, and robbed three Mexican migrants who crossed the border. For the next five years, the incident drew national and international attention, generating controversies over race, civil rights, and discrimination along the border.
- ***SB 1070 and the Krentz murder of 2010:*** Echoes of both the Bisbee Deportation and the Hanigan case can still be heard today as the country grapples with drug violence originating in Mexico, a faltering economy, and the presence of a large unauthorized-immigrant population. Once more, immigrants are being blamed for society's ills, the federal government has been forced to increase enforcement efforts along the border, and state and local actors have taken enforcement measures into their own hands. Similar to the Bisbee Deportation, the recent passage of Arizona's SB 1070 made front-page news across

the country and prompted national debates about immigration, civil liberties, and the respective roles of the federal and state governments. And, this past March 2010, Arizona rancher Robert Krentz was murdered just a few miles from where the Hanigan incident took place. Though no suspects have been arrested, many observers have publicly alleged that an undocumented immigrant murdered Krentz, causing a political firestorm that was at least partially responsible for the passage of SB 1070.

Unfortunately, history is often neglected as new sets of actors respond to supposedly new concerns. As Cadava points out:

Arizona politicians seeking to gain traction with voters in their state, while at the same time broadcasting their message to the nation as a whole, have sought to portray the state of affairs in Arizona as an emergency caused by a crashing wave of undocumented immigrants. But perhaps it is Americans' general aversion to history, or the myopia of our short-term memory, a condition caused by a deluge of opinions and rapidly shifting news cycles, that has blinded us to how the present situation in Arizona evolved over a period of 40 years.

The lessons to be learned from history include:

- Immigrants have often been the victims, not the perpetrators, of crimes.
- There is generally a strong correlation between economic recession and anti-immigrant sentiment, and politicians have frequently scapegoated immigrants rather than address the real issues underlying economic slowdowns and immigration policy.
- Border states face unique issues caused by the intersection of local, national and international interests. The failure to coordinate and cooperate leads to unilateral decisions that have far-reaching repercussions.
- We continue to lack clear definitions of the role of federalism along the border, leading to confusion for state and local law enforcement and creating the conditions for vigilantism.
- Given these complexities, it is imperative that the federal government meet its responsibility to maintain an immigration system that reflects changes in the broader society.

As Benton-Cohen eloquently states, if these realities are not addressed, “the legitimate frustrations and fears of border residents can turn into illegitimate and dangerous unilateral, extralegal actions. It is in everyone’s best interest—native or immigrant, citizen or no—to avoid that possibility.”

Immigration and Border Politics in Arizona, Then and Now

By Katherine Benton-Cohen, Ph.D.

Controversy over Arizona's new immigration law, SB 1070, bears comparison to a similar outbreak of legislation and reaction one century earlier. In 1910, the Arizona Territory elected a state constitutional convention that debated immigration restrictions later passed by statewide vote and ruled unconstitutional by federal courts. At the same time, long-smoldering resentment in Mexico over the nearly fifty-year dictatorial regime of President Porfirio Díaz broke into revolution. Warfare in Mexican border towns spilled over onto the U.S. side. The Revolution precipitated the influx of thousands of war refugees to border cities like El Paso, Texas, and Nogales and Douglas, Arizona. These refugees were the vanguard in what would become the first mass migration of Mexicans to the United States.

In 1917, concerns over revolutionary violence and contempt for immigrant workers, combined with anti-union sentiments, resulted in one of the largest violations of civil liberties in American history—the Bisbee Deportation. Three weeks into a copper mining strike in the town of Bisbee, Arizona, just eight miles from the border, over one thousand temporary, shotgun-wielding “deputies” swarmed the streets. They rounded up 1,200 suspected strikers—ninety percent of them immigrants from three dozen countries. Two men, one on each side, were killed. The rest of the captives were loaded into the boxcars of a mining-company railroad and shipped nearly 200 miles into the New Mexico desert, where they were rescued by a nearby army camp. The incident—like Arizona's recent immigration law—made front-page news across the country and prompted national debates about civil liberties and federal vs. local police power.

Historical Commonalities

This essay focuses on two themes common to both 1910 and 2010 in Arizona's border and immigration politics. The first is the perception that the federal government is not responding to the concerns of Arizona residents about border violence and law enforcement (in 1910, stemming from the Mexican Revolution and labor organizing; in 2010, from Mexican drug violence and trafficking). In both eras, the perception that the federal government was not responding to violence at the border led to the development of local vigilante militias, as well as the passage of state immigration legislation interpreted as unconstitutional by the federal government.

The second common theme is a tendency to see Mexican immigrants as a source of economic problems. Both eras feature a tendency to denigrate Mexican workers for their low wages. In 1910, Arizona's two major industries, railroad transportation and copper mining, used a discriminatory pay scale known as the dual-wage system. In it, workers of Mexican origin, regardless of their citizenship status, were paid less than European-origin workers, even for the same jobs. This was not a casual racism, but a formal practice illustrated in corporate wage scales with separate columns for “white/American” and “Mexican” wages. In mining towns

known as “white man’s camps,” Mexican-origin workers were hired only for unskilled, “surface” labor rather than the more lucrative mining jobs.

Today, many Arizonans express contempt for undocumented (and sometimes legal) immigrants who work “under the table” without fringe benefits or tax withholding, sometimes below minimum wage. In addition to blaming employers who take advantage of immigrants’ marginal status, many residents blame those who earn the low wages. In a similar fashion a century ago, critics blamed Mexican workers—not their wages—for their poor living conditions, rather than the other way around. In 1907, a recession year, one border-area labor official disdained Mexicans as “low browed, mouse eyed, vermin ridden *pelados* [crude, penniless bums]” who impeded union organizing. In 1908, a federal report concurred, “The wants of the Mexican peon are hardly more complex than those of the Indian from whom he is descended. An adobe hut with an earth floor, or even a shelter of branches against the wind,” some pots and a blanket “are a sufficient domestic equipment.” Employers used these claims to justify low wages paid to Mexican workers, and white labor officials used them to denigrate Mexican workers.

Historical Differences

Yet it would be far too simplistic to cast Arizona as a bastion of racism unchanged throughout its history. Attitudes about immigration, race, and the border in Arizona have always been varied, and they have changed over time. Much of Arizona became part of the United States at the conclusion of the U.S.-Mexican war in 1848, but most of southern Arizona (today’s border region) did not change hands until the Gadsden Purchase at the end of 1853. Starting in the 1850s (when Barry Goldwater’s forebears first came to Arizona), the handful of “Anglos” (a term used in the Southwest in lieu of “white”) who arrived in the nineteenth century found themselves accommodating to a Mexican culture. A majority of the earliest arrivals—many of them immigrants from Germany, Ireland, or England themselves—married Mexican women. Many established businesses with local Mexican elites. By necessity, they learned Spanish, adopted Mexican architectural and farming and ranching methods, and in some cases, practiced Mexican Catholicism. By the 1880s, Tucson probably had the most “integrated” middle class in the American Southwest.

The border was also not the fixed proposition people often assume. In many places, the border’s actual location was a subject of vigorous dispute. The federal government did not count annual border crossings until 1908, the Border Patrol was not founded until 1924, and—with only a brief exception—no immigration tests were applied to Mexicans until the 1920s. Almost all Asian immigrants were barred in 1917, and quotas on European immigrants began in 1921. But no such limitations were placed on Mexicans. The term “illegal immigrant” barely existed, and was usually applied to Chinese (almost all of whom had been barred since 1882), people with certain communicable diseases, or to contract laborers—mostly eastern and southern European—who came via Ellis Island. The phrase “illegal immigrant” appeared only twice in a large sample of Arizona newspapers from 1880 to 1922. Neither mention referred to Mexicans. In contrast, between June 15 to July 14, 2010, the term appeared 257 times in Phoenix’s *Arizona Republic*.

A century ago, for the most part, people on both sides of the Arizona-Mexico border came and went as they pleased. The rapidly developing mining and railroad industries favored open borders for labor recruitment (and dismissal—some southwestern railroad companies promised return passage to Mexican workers with three months' service. Later, in the 1930s, these companies would "repatriate" thousands of workers to Mexico) and for economic development (by 1880, American and British investors, welcomed by Díaz, dominated the railroad and mining industries in Mexico). Ordinary citizens on both sides of the border crossed the line as a regular part of their daily lives. When the Obama Administration and Department of Homeland Security Secretary Janet Napolitano (a former Arizona governor) say that the border is more secure than ever, they are correct.

There are other differences between then and now. The civil rights of all residents of the United States—citizen or no—are in many ways better protected now than they were in 1910. Racial segregation was legal and thriving in 1910, the Fourteenth Amendment was more likely to be used to protect corporate rights than personal freedoms, and the Civil Rights Act was 54 years away. On the other hand, in 1910, the citizenship status of Mexican-origin workers caused little controversy, as there were almost no limits on Mexican immigration. In addition, the political violence of the Mexican Revolution differed from the terrorism of today's drug wars. In 1910, some Americans, seeing the United States as a product of revolution, sympathized with and even romanticized Mexican revolutionaries. This is almost entirely untrue of Mexican narcotraffickers.

Finally, in 1910, the biggest critics of Mexican migration tended to come from a populist, labor-union Left, rather than a populist Right, as they do today. The anti-immigrant leaders of 1910 wanted a reform state government that protected the rights of white workers, whereas the loudest advocates today for "border security" want few economic regulations, but very tight national security and policing. A political Left that proposed limiting immigrant employment in 1910 was wary of empowering law enforcement, whom they feared would be agents of the corporations and the state against union organizing. Instead, these advocates for white labor devoted their energies to labor reform and restriction of immigrant employment in the early years of statehood.

Statehood and Labor Reform

Until 1912, Arizona and New Mexico were U.S. territories. Their citizens had no voting representation in Congress, and their governors were appointed by a president for whom they were ineligible to vote. Much of the delay in ratifying statehood stemmed from racist opposition both in Congress and among Anglo Arizonans. A Congressional proposal in 1905 for "joint statehood," combining New Mexico and Arizona into one state, was pilloried by Arizonans who were appalled at the prospect of becoming a racial minority (New Mexico had a large Hispanic majority). One South Carolina senator called Arizona's opposition "a cry of a pure blooded white community against the domination of a mixed breed aggregation of citizens of New Mexico, who are Spaniards, Indians, Greasers, Mexicans, and everything else." In 1906, Arizona scheduled a public vote on joint statehood just after a literacy test disfranchised the

majority of Mexican-American voters. The remaining voters rejected the proposal by more than five to one.

By 1910, Congress and President William Howard Taft had agreed to separate statehood for Arizona and New Mexico. In Arizona, a labor-left-Democratic coalition led by popular mining-town legislator George W.P. Hunt dominated the state constitutional convention, which drafted a raft of reforms. Their successes included an eight-hour law, a child labor law, liability laws, workmen's compensation, and a corporation commission to regulate business. The worker movement that shaped Arizona's political birth was tinged with anti-immigrant fervor—not just against Mexicans, but also against Italians and Slavs who were joining the mining labor force in large numbers. Many native-born mine workers in Arizona felt they had two enemies: the mining companies (led by the Phelps Dodge Corporation) and foreign competition. The labor coalition's most famous victory was the recall, which they hoped to use against judges who approved strike injunctions. (President Taft vetoed Arizona's first version of the state constitution because it included judge recall; the delegates removed it, achieved statehood, then promptly reinserted the measure). Labor activists also tried and failed to get a state educational qualification for voting—a "Juan Crow" measure borrowed from the American South to reduce the Mexican-American vote (which leaned Republican). Only one Republican delegate signed the draft constitution. Yet Arizona voters approved the constitution by a wide margin; three to one in some counties.

Convention leader George Hunt was elected the first state governor, and the first legislature had just one Republican. The influence of the white labor coalition remained formidable. In 1913, a convention of the Arizona Federation of Labor developed a raft of voter initiatives. The following year, voters (who included women for the first time, thanks to a public vote in favor of suffrage) approved the entire slate, including a welfare bill, prohibition of alcohol, and an anti-blacklist law for union members. One scholar has called the combination of new constitutional measures and voter initiatives the most complete labor agenda ever enacted.

Early Anti-Immigrant Legislation

The biggest victory for the white labor coalition—but one that proved short-lived—was the so-called Eighty Percent Law. In 1910, labor radicals at the statehood convention had tried to include two limits on immigrant employment. One measure would have barred non-English speakers from working as miners. Another, known as the Alien Labor or Eighty Percent Bill, mandated that four out of every five employees in any workplace be American citizens or file papers to become citizens. Technically, the bill applied to all industries, but it was a direct attack on foreign labor in the mines.

Although the constitutional convention narrowly rejected the measures, in the recession year of 1914 an initiative for the Eighty Percent Bill passed with 64 percent of the public vote. In the copper-mining center and border region of Cochise County, four out of five voters approved it. Mexicans were the primary target of the new law, but the measure technically applied to all non-citizens. As a result, both the Italian Ambassador to the United States and the Vice Consul of Great Britain sent formal protests to Arizona and to the Department of State (not unlike

Mexican President Felipe Calderón's recent denunciation of SB 1070). Governor Hunt praised the law as "the will of the people of this state," and said he was legally bound by the new constitution to enforce it—which sounds very similar to the words of present-day Arizona Governor Jan Brewer.

Mexican-Americans in Arizona founded a mutual-aid and labor organization called *La Liga Protectora* and circulated petitions to oppose anti-immigrant legislation. Democratic support for the law strengthened Mexican-American support for the Republican party. When political campaigns against the initiative failed, Phelps Dodge and allies funded a legal challenge to the new law. A test case was devised involving a Yugoslav waiter fired from his Bisbee restaurant job to comply with the Eighty Percent Law. The law clearly violated the promise of equal protection in the Fourteenth Amendment, however, and was overturned by the Federal District Court in San Francisco. The U.S. Supreme Court affirmed the decision in *Truax v. Raich*.

The Mexican Revolution and Mexican American Strikes

Even as statehood and labor reform were transforming Arizona, the Mexican Revolution was convulsing the region. Many of its most famous leaders (like Francisco "Pancho" Villa) and military victories came from the border states of Sonora and Chihuahua. The 1910 revolution surprised many Arizonans, who had assumed Mexicans were passive and unskilled workers—not political organizers and soldiers. The Sonoran towns of Naco and Agua Prieta, both on the Arizona border, became the sites of significant battles. Border residents on the U.S. side watched the battles like spectators at a sporting event; some even packed picnics.

The border town of Douglas, which was founded in 1901 by Phelps Dodge as a smelter town, had a large Anglo population and marketed itself as a "Gateway to Sonora." When rebels attacked its sister town of Agua Prieta in April 1911, most Douglas residents were shocked. Douglas's mayor sent a telegram to President Taft: "Six persons shot in Douglas today during battle... Bullets falling all over city. Cannot something be done for our protection?" Taft replied that he could do nothing lest he violate neutrality laws.

In the fall of 1914, fighting between forces for Venustiano Carranza and Pancho Villa broke out in the tiny border town of Naco, Sonora, a railroad depot for Phelps Dodge mines in Mexico. During the Battle of Naco, popular Cochise County Sheriff Harry Wheeler left the campaign trail to patrol there full time. Wheeler was a former member and captain of the Arizona Rangers, and had extensive experience patrolling the border. In 1914, he requested both federal and state troops to "to actively protect my people" in Naco. Over a thousand federal troops were already stationed there, but they could not do much. Mexican officials warned that any action would be viewed as hostile. Wheeler decided that if U.S. troops would not act, "I would call a posse as sheriff of that county...myself." Wheeler later testified to the Senate Committee on Foreign Relations, "I had requested aid of the governor, and upon being told by this Army officer that I would be prevented, even arrested if I attempted to protect my own people, and not wishing to embarrass him, or to in anyway cause further embarrassment I requested the Governor not to send his troops."

Wheeler commented on the confusing overlap of civil and military authority, and local and federal jurisdiction, when he said to the colonel in Naco, “There is no martial law, no declaration of war; it is my belief that I am the supreme authority here.” In other words, since the federal government had not announced that it had taken control of the Arizona border region, Wheeler felt he had the right to keep the peace as he saw fit. In part, this confusion was the product of the Posse Comitatus Act of 1878, which forbade military troops from taking on civilian law-enforcement duties. Without a declaration of martial law, the troops stationed at the border could not conduct public-safety work that, because there was no declaration of war with Mexico, was technically civilian law enforcement. (The law is still in effect, and is why National Guard members stationed at the border can only “observe.”)

Wheeler, like many other law-enforcement officers, saw the Mexican revolution as a disturbing companion to another new development: a series of miners’ strikes called by largely Mexican and Mexican American workforces. In his previous role as captain of the Arizona Rangers, Wheeler had been sent to “protect the peace” during several strikes. He gained a reputation for fair dealings with both sides of the disputes. After 1910, however, local law officers and company officials were quick to blame revolutionary sentiment—not discriminatory pay scales and dangerous working conditions—for Mexican workers’ assertiveness. Yet, for the first time, white union activists were not so sure, and in spite of the Eighty Percent Law, they began to see Mexican workers as allies, not competitors.

In 1915, workers called strikes in the copper camps of Ray and Clifton-Morenci. Both were organized and executed by a largely Mexican workforce. After talking with one of the Mexican-American strike leaders, the Anglo editor of the *Arizona Labor Journal* was convinced that the mining companies were stirring up “racial patriotism” to try to get Americans to become “strikebreakers or...to wield clubs and guns.” Perhaps for the first time, white labor organizers in Arizona urged Americans not to be scabs in a Mexican strike, and Governor Hunt spoke at a strike rally. The strikers in Ray secured a sizable wage increase of sixty cents per day, and declared victory.

Labor Strife and the Bisbee Deportation of 1917

In the summer of 1917, three months after the United States entered World War I, concerns over the revolution and labor organizing came to a head. Miners called strikes in several copper camps across Arizona, but the most famous and most shocking (because it happened in a camp with high wages and a mostly “white” labor force) was in the “white man’s camp” of Bisbee. Local vigilantism emerged for a variety of reasons, but among them was Sheriff Wheeler’s belief that the federal government would not keep the peace in a volatile border region.

On June 26, 1917, the radical Industrial Workers of the World (IWW, or Wobblies) called a strike in Bisbee. A large immigrant workforce provided the backbone of support. Mexican workers joined in disproportionate numbers. Wartime labor shortages had prompted Secretary of Labor William B. Wilson to waive new literacy and head-tax requirements for Mexicans, with the

result that Bisbee's Mexican population had noticeably increased. Several witnesses claimed that at least half of the men on strike were of Mexican origin.

Anglo IWW leaders called for the end to the blacklist, solidarity for other striking western mine workers, and for a slight wage increase. But for Mexican workers, the most important demand was a call to raise the wages of *all* surface laborers, regardless of race, from \$2.50 to \$5.50 per day, and underground miners to \$6.00. If surface workers earned \$5.50 per day and underground workers earned six, the dual-wage labor system would effectively cease to exist.

Three weeks into the strike, the so-called Bisbee Deportation of July 12—led by Sheriff Wheeler and supported by prominent mine managers—ended any hope of achieving these demands. The strike was crushed by the removal by Wheeler and his “deputies” of over 1,200 men suspected of being strikers—with no due process or redress. For weeks after the men were removed, deputies continued to patrol all entrances to the town, and demanded identification and loyalty oaths to return. Most of the “deportees,” as the men became known, never returned.

Two weeks afterward, one deportee told Gov. Hunt, “People only discuss the events of that day in whispers. In short they are still terrorized.” Families were broken up. One deportee explained that he and the others “appear without exception to realize that under any circumstances life would be made, in one way or another, unendurable for them in Bisbee...[E]ven those with established homes would soon move away, rather than endure the persecution....”

Sheriff Wheeler's own words, both before and after the deportation, revealed the racial and nativist underpinnings of the panic. In Wheeler's words, it became a question of “Are you an American, or are you not?” On the day of the Deportation, the sheriff and his deputies targeted Mexicans as a group, regardless of whether they were on strike. As one deputy explained, “it is hard for an American to tell the faces among the Mexicans.” Secretary of Labor Wilson asked Wheeler, “What steps were taken to take charge of those Mexicans that you learned were of that type who were with [Pancho] Villa?” Wheeler responded, “How could you separate one Mexican from another?”

To Wheeler and many others, the strike had been the work of pro-Germany provocateurs who had allied with the Mexicans in the aftermath of the Zimmermann telegram, in which the Germans promised to return Arizona, New Mexico, and Texas to Mexico, if Mexico would attack the United States. He believed rampant rumors that Mexican workers kept a cache of rifles just over the line, though he had no evidence. After the deportation, he admonished federal investigators that any one of them would have done the same thing, had he “been a sheriff on this border for six or seven years, and a captain of the Rangers years before it[,] and had seen the things which occurred on the border as I have seen them.” Pancho Villa had attacked Columbus, New Mexico, only the year previous. Living on the border, Wheeler explained, “put a new complexion on” the strike. His choice of the term “complexion” unconsciously captured the racial subtext of the fear over labor troubles.

Wheeler claimed that the Loyalty League—a kind of citizen militia that became the source of most of the “deputies” on the day of the deportation—was merely “the remnants of an old organization that I helped to organize here long ago, when we thought that the Mexicans were going to attack us here... I had organized them in a semi-military manner.” An Anglo miner who served as a deputy explained, “at the time of the border trouble, we were anticipating a raid, and a good many men had sent out for Krug-Jorgensen rifles, and we got them cheap, and we got some ammunition.” One deputy explained, “You eastern people haven’t had much experience with Mexicans, but I know for a good while after the Mexican trouble we figured they might do anything, and we took some precautionary measures.”

For Wheeler, all of his previous frustrations with higher authorities led inexorably to his decisions and actions in the strike of 1917. After the Bisbee strike began, he had again requested first state troops, which were denied, then a federal response—and claimed to have never gotten a reply. “Especially since my last appeal went unanswered,” he concluded, “I was upon my own initiative, and I took the only course left to me.” Sheriff Wheeler later told a *New York Post* reporter that “his chief fear was that hostile Mexicans would start an uprising.” Wheeler later asked federal investigators, “Supposed I had allowed this thing to run on and it had resulted in a bloody riot...?” Wheeler claimed that the strike “was no labor trouble—we are sure of that—but a direct attempt to embarrass and injure the government of the United States.” Yet Wheeler—not unlike some of today’s border militia members—also claimed he had nothing against Mexicans per se. He testified that he helped a Mexican man being harassed by strikers who asked him “if there was any protection this side of the line for a Mexican, and I told him there was.”

In reality, local evidence was thin that there was any real danger in Bisbee. A local judge told federal investigators that Bisbee had suffered no “tensions” during the “Mexican troubles” two years previous. Sheriff Wheeler’s own informant in a Mexican neighborhood of Bisbee had reported in 1916, “There does not seem to be any plotting and organizing going on among” Mexicans in Bisbee. In fact, “They are somewhat timid for fear that they might be molested by the Americans, say that they could not make a living or stay in Mexico and that all they want is to be protected with their families here.” Almost all observers of the 1917 strike were impressed by how peaceful it was.

After the Bisbee Deportation, Wheeler always maintained that he did not think he did anything wrong. During the federal hearings, Secretary Wilson lectured Wheeler that “everything up to deporting strikers to another state was within Wheeler’s jurisdiction,” and that claims of treason—which Wheeler accused the strikers of—were so serious that only the federal government should investigate them. Wheeler, rightly or wrongly, felt he was on his own.

In the aftermath of the Bisbee Deportation, conditions for immigrants of all backgrounds deteriorated in Arizona. Bisbee lost two-thirds of its Finnish population, and perhaps half its Serbs. Mexican families faced new kinds of segregation, including in the schools. Bisbee advertised itself in a union newspaper as the “last stand of the white miner” as late as 1929. Although attempts were made in civil and criminal court, no one was ever convicted or held liable for their role in the deportation.

Conclusions

There is no straight line between historical events and the present, much less when questions of policy arise. The events detailed here, culminating with the Bisbee Deportation of 1917, are a more overt blend of labor and border politics than today's issues. Yet if we are not in an era of widespread labor strife, it is fair to say that many conflicts over immigration center on disputes over employment, wages, and the economy. In both eras, stricter labor laws and enforcement could have softened the racial inequalities in the workforce that were often blamed on the workers rather than the employers who offered lower wages and fewer benefits to workers of Mexican origin. If workers' rights and decent minimum wages were protected, immigrants would not make such effective low-wage competition.

The main themes of this essay, however, point particularly to conclusions based on the issues of federal and local jurisdiction, and the special challenges of border enforcement. The first is that local and state requests for federal assistance should be responded to in as forthright and forthcoming a fashion as possible. The border security law signed by President Obama in August 2010 designating an additional \$600 million for border enforcement is an acknowledgment of local demands. Crime is down on the U.S. side of the border, as many commentators note, but the potential for spillover from Mexican drug cartel violence remains real. The failure of the federal government to act can result in vigilante actions that violate labor law and civil rights, and can result in divisive legal action and the splintering of families and communities.

Another lesson pertains to the importance of emphasizing the federal nature of national citizenship. On the local level, the framing of citizenship tends to be racially exclusionary: the policing of "our" borders from "them" can create an implicit—and even explicit—boundary between racialized meanings of "immigrant" and "American." Recently, we have seen this with the calls to end birthright citizenship by refusing citizenship to children born in the United States to undocumented immigrants. These proposals fly in the face of the Fourteenth Amendment, but appeal to many Arizonans because they see them as a way to curb immigration. This growing sentiment is all the more reason why the federal government needs to be pro-active in shaping immigration and citizenship laws, and keeping them current and relevant. The Fourteenth Amendment both defines citizenship as quintessentially national, and protects civil liberties and due process of all inhabitants of the United States. Federal sovereignty over these matters needs to be forcefully stated and maintained.

Finally, a historical analysis of Arizona's attempts to deal with border and immigration matters must reiterate the special hardships that border states face. Even in an era of global migration and tremendous ethnic diversity, Arizona and other border states have to address issues that Iowa, Delaware, and Georgia do not. While interior states face challenges pertaining to Mexican immigration, they do not involve federal enforcement of an international border with a country in the midst of a violent struggle between the government and criminal syndicates. At the border, local and international issues blend and are not easily extricable. Clear lines of communication among local, county, state, and federal law-enforcement entities are essential

for protecting the rule of law and fighting international crime. The Border Patrol needs to listen to and accommodate local concerns.

The creation of militias like the Minutemen and American Border Patrol, and the recent Tea Party rally in Hereford, Arizona (only a few miles from Bisbee), all have eerie echoes in the past. Without the clear assistance of federal agencies in managing the border in an age of criminal and violent volatility, the legitimate frustrations and fears of border residents can turn into illegitimate and dangerous unilateral, extralegal actions. It is in everyone's best interest—native or immigrant, citizen or no—to avoid that possibility. The events of 1917 tell us that the possibility is more than abstract.

From Hanigan to SB 1070: 40 Years of Immigration Debate in Arizona and Beyond

by Geraldo Cadava

Thirty-four years ago, on August 18, 1976, two white ranchers in southern Arizona—Thomas and Patrick Hanigan—kidnapped, tortured, and robbed three Mexican migrants who crossed the border at Douglas on their way to Elfrida, where farm work awaited them. For the next five years, until trials of the ranchers ended, the incident drew international attention. This past March, rancher Robert Krentz was murdered just a few miles from where the Hanigans tortured their victims. While authorities have not arrested any suspects for the crime, allegations that an undocumented immigrant murdered Krentz caused a political firestorm that brought passage of Arizona's controversial immigration law, SB 1070. Though it is mostly forgotten, the Hanigan Case, named for the implicated ranchers, occurred at a strikingly similar historical moment, offering important lessons as we once again debate the future of Mexican immigration to the United States.

The Hanigan Case

Manuel García Loya, Eleazar Ruelas Zavala, and Bernabe Herrera—men between the ages of 18 and 25—all held jobs in Mexico, but came north for higher wages. Their path took them across a ranch owned by the Hanigans, who had lived in the area for decades, working their land and operating Dairy Queens. Thomas and Patrick Hanigan, sons of George Hanigan, spotted the migrants from their pickup truck. After demanding that the Mexicans explain why they were in the United States, the brothers bound them, forced them into their truck, and drove them out into the fields. There they beat them, robbed them, directed racist remarks at them, hung them from a tree, burned their feet, held a knife to their genitals, and finally cut them loose and told them to run back to Mexico. As the migrants ran towards the border, the Hanigans fired more than 100 rounds of birdshot into their backs.

In Agua Prieta, the Mexican border town just across from Douglas, the migrants went straight to a hospital to have their wounds treated. Doctors reported the incident to Mexican police, who notified the Mexican consul in Douglas. The consul immediately filed charges against George, Thomas, and Patrick Hanigan. Many residents of Arizona border communities defended the Hanigans, rejecting the accusations of torture and claiming that their neighbors had only protected their private property. Meanwhile, immigrant-rights advocates, Mexican American civil-rights organizations, and government officials in Mexico and the United States decried the incident as evidence of the mistreatment of Mexican migrants in the United States.

Between 1976 and 1981, the Hanigans stood for trial three times. George Hanigan died of a heart attack before the first trial. But a jury with no Mexican Americans on it in a county where almost a third of the population was of Mexican descent acquitted his sons, Thomas and Patrick, which enraged many in Mexico and the United States. Prosecutors argued that the ranchers violated the civil rights of Mexican workers, but the court found the Hanigans not

guilty on the grounds that “illegal aliens” had no civil rights to violate. When the jury delivered its verdict, the Mexican consul in Douglas famously said the decision “opened the hunting season for every illegal alien who comes into the United States.”

On appeal, a second trial unfolded in 1979 and 1980 at a federal court in Tucson, and the city became a battleground of protests. Picketers marched outside the courthouse, threats of rioting spread across the city, and many gathered in hotel rooms to watch television coverage of courtroom proceedings. When a hung jury announced that it could not convict the Hanigans, more than a hundred protesters marched to demand another trial. While no riots took place, U.S. prosecutor Mike Hawkins noted how the court’s decision had a “chilling effect” on race relations in the border region.

The Department of Justice quickly announced its plan to prosecute the Hanigans again. The third trial was held in Phoenix because U.S. District Judge Richard Bilby believed that Tucson would not be neutral. He cited a September 1980 poll finding that “100 percent of the Hispanics and 64 percent of the Anglos surveyed expressed the opinion that the brothers were guilty.” Bilby further noted the “deep, bitter divisions within the community.” The jury this time found Patrick Hanigan guilty, but acquitted Thomas Hanigan for a third time. Many saw Patrick Hanigan’s sentence to only three years in prison as shamefully merciful given the severity of his crimes, but most aggravating was that it took three trials to achieve even partial justice. In a final ironic twist, only a few weeks after the jury acquitted Thomas Hanigan, Arizona authorities charged him with possessing and transporting 574 pounds of marijuana. Hanigan supporters had cited rampant drug smuggling by Mexicans to support their arguments for tighter border enforcement. It must have unsettled them that Thomas Hanigan committed such a crime himself.

Then and Now

Like SB 1070, the Hanigan Case played out against the backdrop of a national immigration debate. Since the early 1970s, U.S. legislators had contemplated comprehensive immigration reform. In 1972, as the centerpiece of a reform proposal that failed to gain approval in Congress, Democrat Peter Rodino of New Jersey suggested sanctions against employers who knowingly hired undocumented migrants. Five years later, President Carter proposed his Alien Adjustment and Employment Act of 1977. Carter incorporated Rodino’s employer sanctions into his bill, which also increased the size of the Border Patrol while offering amnesty provisions that proposed to adjust the citizenship status of millions of undocumented migrants. Critics on the left opposed employer sanctions, believing they would lead to discrimination against Mexican American workers. Critics on the right would not tolerate amnesty for migrants who had broken U.S. laws. With opposition coming from both sides, Congress defeated Carter’s plan.

It took nine more years for legislators to pass the 1986 Immigration Reform and Control Act (IRCA), a mildly revised version of the Rodino and Carter plans, which included employer sanctions, increased border enforcement, and amnesty provisions. While politicians have

lobbied for comprehensive immigration reform at several moments during the past quarter century, IRCA remains the last comprehensive overhaul.

During the 1970s, like today, rising numbers of undocumented migrants and economic insecurity prompted calls for immigration reform. The population of undocumented migrants increased steadily after the end of the Bracero Program in 1964; the Immigration Act of 1965; and the establishment in 1965 of the Border Industrialization Program (BIP). By the mid-1980s, the BIP had constructed more than 1,000 *maquiladoras* (export assembly plants) between Tijuana and Matamoros and lured hundreds of companies and more than 300,000 Mexican workers—80 to 90 percent of them women—to cities along the U.S.-Mexico border. With almost 100 factories in Nogales and Agua Prieta alone, the Arizona-Sonora border became one of the largest *maquiladora* sites. Despite their long hours and sometimes violently exploitative work environment, the *maquiladoras* enticed hundreds of thousands of Mexican workers to the border. From there, many traveled a little further, entering the United States in search of work.

Like today, economic downturn made the presence of Mexican migrants within U.S. borders particularly controversial. During the 1970s, the culprits were national worries about stagflation and decreasing oil supplies, as well as declining cattle and mining industries. Two separate peso devaluations by the Mexican government between August and November 1976 cut the peso's value by 50 percent, causing rising costs for goods, capital flight, and increased import costs. These effects hampered the economies of U.S. border cities as well. Many Mexican consumers could no longer afford to shop in the United States. As a Nogales department store owner put it, Mexican border residents were “in no buying mood.” By the beginning of 1977, retail sales in Nogales had fallen between 40 and 70 percent. Santa Cruz County, which had the highest jobless rate in Arizona even before the devaluations, reported that unemployment had risen by 2 percentage points in less than a month, to almost 20 percent. More than 500 Arizonans claimed they lost their jobs as a direct result of the devaluations.

Economic malaise in Mexico also drove more migrants north across the border. But Americans contending with their own downturn were not in an especially welcoming mood. The result was increased discrimination and violence against Mexicans and Mexican Americans, including episodes like the Hanigan Case. Today, SB 1070 represents another discriminatory displacement of economic crisis not only onto Mexican migrants, but onto all individuals of Mexican descent as well.

Coincident with the Hanigan Case, civil-rights attorneys noted several other instances of violence against Mexicans, including multiple murders by law-enforcement officials in Texas. Describing the outbreak of violence against Mexicans during the 1970s, one civil-rights lawyer said, “We are not talking about denial of equal access to property... What we are talking about is harassment resulting in death or torture or other violent acts.” Southern Arizona became the location of widespread persecution. Burglaries there prompted accusations that all Mexican migrants were thieves. The Hanigans' defense, in fact, rested on their argument that they detained the migrants because, earlier that summer, they caught the same migrants stealing pistols from their ranch house. As if to support the Hanigans, newspapers published articles

suggesting the inherent criminality of Mexican migrants. A spokesman for the Douglas sheriff's department claimed that migrants accounted for 85 to 90 percent of all burglaries there, and the Sheriff himself said, "Most of our problems have come from Mexico." Arizona Governor Jan Brewer recently made similarly defenseless claims, arguing that a "majority" of Mexican migrants are drug smugglers.

Many residents of the Arizona border region during the 1970s believed that their ability to identify Mexicans as criminals came from years of experience. "They kind of stick out," said one police officer, explaining that their muddy shoes and wet pant legs were signs that they had recently "been in the ditch at the border." Missing pillowcases, which migrants used to "carry out the loot," and a "raided refrigerator" became telltale signs that Mexicans had committed a crime. Such notions drew on more than a century of stereotypes about greedy, desperate, and hungry Mexicans who robbed U.S. citizens and then fled back to Mexico to evade prosecution. Republican politicians who today claim that they're able to identify undocumented migrants based on their clothes and thick accents traffic in similar stereotypes.

Threats of violence against Mexicans—if not actual violence—characterized the Arizona border region of the 1970s, as they do today. Men and women wielded guns and vowed to use them to defend themselves and their property. Some formed the Bisbee Junction Security Group, whose members, believing that the U.S. government had neglected its duty to police the border, demanded solutions to immigration-related problems affecting border communities. National hate groups including the KKK also seized the moment to bring their campaigns of exclusion to the Arizona border. In the wake of the Hanigan incident, David Duke sent Klan members to patrol the border and hunt for undocumented Mexicans. Such actions during the late 1970s were precursors to the vigilante organizations operating in Arizona today.

National governments and civil-rights organizations met the violent rhetoric of vigilante organizations with increased demands for migrant rights. Arizona's first Mexican American Governor, Raúl Castro, called the detainment and torture of the workers "an inhumane situation... a return to the days of slavery." Mexico's interior minister called the incident a "flagrant violation of the human rights of our countrymen." The Manzo Area Council and the National Ad Hoc Coalition on the Hanigan Case played particularly prominent roles in bringing public attention to the incident.

The Manzo Area Council, an immigrant-rights organization based in Tucson, decried the first acquittal of the Hanigans as "a violent precedent of sanctioned aggression against... the whole Chicano people in the Southwest." After the judgment, members organized a boycott of merchants in Douglas, advertising the action by purchasing airtime on Mexican radio stations, posting placards on telephone poles, and placing quarter-page manifestos in Mexican newspapers. One sign read, "Boycott! Mexicans Unite! Don't shop in U.S. border cities until justice is served in the Hanigan Case!" The organization called for a "bill of rights" for all immigrants, regardless of legal status, which aimed to protect against violent acts like those committed by the Hanigans. The organization's tactics demonstrated a shift in immigrant-rights advocacy that continues into the present: the persistent claim that immigrant rights are human rights.

For its part, the National Ad Hoc Coalition on the Hanigan Case—formed in November 1977, just one month after the first trial—brought together several Mexican American civil-rights organizations to protest against the court’s decision. These included the League of United Latin American Citizens; the National Council of La Raza; the National Association of Farmworkers Organizations; the American G.I. Forum; the Mexican American Legal Defense and Educational Fund; Catholics for Christian Political Action; and La Raza National Bar Association. Started by Antonio Bustamante, a law student originally from Douglas, the coalition spearheaded a letter-writing campaign to state and federal officials, asking them to intervene on behalf of the Mexican workers.

Why should we remember the Hanigan Case now, as we consider the future of Arizona’s SB 1070 and comprehensive immigration reform in general? To begin with, Arizona politicians seeking to gain traction with voters in their state, while at the same time broadcasting their message to the nation as a whole, have sought to portray the state of affairs in Arizona as an emergency caused by a crashing wave of undocumented immigrants. But perhaps it is Americans’ general aversion to history, or the myopia of our short-term memory, a condition caused by a deluge of opinions and rapidly shifting news cycles, that has blinded us to how the present situation in Arizona evolved over a period of 40 years.

Lessons for Today

The Hanigan Case suggests a whole other set of lessons as well. First, it reminds us that whites have committed extreme, senseless violence against Mexican migrants as well, and not only the other way around, as Arizona residents citing the violent criminality of migrants to support SB 1070 have argued. Second, it demonstrates the strong correlation between recession and anti-immigrant sentiment. On this point, it should come as no surprise that politicians now seek to divert attention from their own political failures and shortsightedness by blaming Mexicans, rather than addressing real problems such as the financial and health care crises. Third, the Hanigan Case shows that vigilante activism in Arizona is not the domain of a few extremists who have found a home there only since Chris Simcox moved to Tombstone. From the KKK to the Minutemen, exclusionary vigilantes have a rich tradition in southern Arizona. Finally, Arizona has an equally impressive tradition of civil-rights activism. Individuals including Isabel García, Margo Cowan, Guadalupe Castillo, and John Fife—through their participation in the Manzo Area Council, the Sanctuary Movement, No More Deaths, and the Coalición de Derechos Humanos—have struggled from the 1970s onward to achieve fair and humane treatment of immigrants.

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