

Immigration and Techniques of Governance in Mexico and the United States: Recalibrating National Narratives through Comparative Immigration Histories

THERESA ALFARO-VELCAMP AND ROBERT
H. MCLAUGHLIN

There is need of a broader treatment of American history, to supplement the purely nationalistic presentation to which we are accustomed.¹

1. Herbert Eugene Bolton, "The Epic of Greater America," *American Historical Review* XXXVIII: 448–74, reprinted in Lewis Hanke, *Do the Americas Have a Common History?: A Critique of the Bolton Theory* (New York: Alfred A. Knopf, 1964), 68.

Theresa Alfaro-Velcamp is associate professor of history at Sonoma State University and an external research associate of the Center for Comparative Immigration Studies at the University of California at San Diego <Alfaro.velcamp@sonoma.edu>. Robert H. McLaughlin is also an external research associate of the Center for Comparative Immigration Studies at the University of California at San Diego <rh7@columbia.edu>. The authors thank William B. Taylor, Laura Nader, and Walter Brem for many conversations about the topics of this article, and Patrick Weil for a careful review of the text. James Kessenides, S. Deborah Kang, David S. Tanenhaus, and the anonymous reviewers offered very helpful critiques. The staff of the Archivo Migratorio del Instituto Nacional de Migración in Mexico City—Lic. Jorge Martínez Juárez, Lic. Laura Ivette Gonzales Cortés, Lic. Claudia Cacheux Campos, and Francisco Arturo Aldape Hernández—and Rosa María Rojas Montes were instrumental with assisting the authors to better understand Mexican records of immigration and naturalization. The authors also thank their many colleagues at the Centers for Comparative Immigration Studies and United States–Mexican Studies at the University of California, San Diego. Professor Alfaro-Velcamp is also grateful to the National Endowment for the Humanities Summer Institute: American Immigration Revisited, and to its co-sponsors, Alan Kraut and Maureen Nutting, for their support in the summer of 2009. This article is dedicated to Magdalena and Alec Thomas.

Immigration histories typically endeavor to describe and hold a nation–state accountable not only for the laws and policies by which it admits some immigrants, but also for those by which it refuses, excludes, or deports other immigrants.² This article explores immigration to Mexico and to the United States with attention to its implications for the status of persons, and also for the conventional historical narratives in each country. The article focuses on three techniques of governance that each country has engaged in regard to immigration. These techniques include: 1) the assignment of nationality as a singular attribute of personhood; 2) the use of demonstrable and documentable characteristics as criteria of admission; and 3) centralized registration procedures to monitor and control the immigrant population. The techniques are analyzed together because of their concurrent emergence in each country during the late nineteenth and twentieth centuries. The techniques are also complementary. They form a set that, although not unique to the United States and Mexico, nevertheless illustrates parallels and an interplay between the two countries, and, more broadly, illustrates how immigration presents a common predicament across different times, places, and forms of government.³

The article aims to evaluate two conventional national narratives, one from Mexico and the other from the United States. The first tends to neglect the presence and role of immigrants in the telling of the emergence of Mexico as an independent nation–state. The second defines the exceptionalism of the United States by its immigrant traditions and populations. Through our analysis of techniques of governance in the context of immigration, we demonstrate that the histories of immigration in Mexico and the United States and their laws, when read together, challenge the conventional national narratives in these countries. We accept the possibilities that, as Ernst Renan argues, forgetting, omission, and historical error all contribute

2. Examples of immigration histories that yield conclusions about the moral, political, and cultural character of democracy, sovereignty, or pluralism include: David Jacobson, *Immigration Across Borders: Immigration and the Decline of Citizenship* (Baltimore: Johns Hopkins University Press, 1997); Desmond King, *Making Americans: Immigration, Race, and the Origins of the Diverse Democracy* (Cambridge: Harvard University Press, 2000); Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004); and the classic 1924 text by Horace M. Kallen, *Culture and Democracy in the United States* (New Brunswick: Transaction Publishers, 1998).

3. Andreas Fahrmeir, Olivier Faron, and Patrick Weil, *Migration Control in the North Atlantic World: The Evolution of State Practices in Europe and the United States from the French Revolution to the Inter-War Period* (New York: Berghahn Books, 2003). The authors thank an anonymous reviewer for the observation and the metaphor of “parallel play” (from children’s behavior) versus interplay in the evidence this article presents.

to the production of nations and their national narratives alongside the content of the historical record.⁴ We find that each of the conventional narratives in Mexico and in the United States can be productively adjusted or recalibrated by taking the other into account.

The article begins with a description of the importance and challenge of writing histories that reach beyond national frames, and by situating the comparison of Mexican and United States immigration histories in the context of existing scholarship about Mexican–United States relations and borderlands histories. Having established some of the limitations of the dominant national narrative in each case, the article then introduces the common techniques of governance used to control immigration in the two countries. The article discusses and compares the emergence and effect of each technique in the two cases. The article concludes with a methodological comment on the value of a comparative approach to immigration histories and the broader national and transnational histories to which they contribute.

National Narratives and Migration Histories

Herbert Bolton wrote in 1933, “it is time for change. The increasing importance of inter-American relations makes imperative a better understanding by each of the history and the culture of all. A synthetic view is important not alone for its present day political and commercial implications; it is quite as desirable from the standpoint of correct historiography.”⁵ Despite its limitations, Bolton’s analysis correctly identified the value of a larger perspective on the Americas and United States–Mexican relations.⁶

Our reading of national histories therefore begins by interrogating “the tyranny of the national in the discipline of history”⁷ and how the information, legal and regulatory categories, and systems of classification

4. Ernst Renan, “What is a Nation?” in *Becoming National: A Reader*, ed. Geoff Eley and Ronald Grigor Suny (New York: Oxford University Press, 1996), 45.

5. Bolton, 68.

6. Scholars in other disciplines have made similar observations, perhaps most notably anthropologist Eric R. Wolf whose vision of humankind as a “totality of interconnected processes” challenges social scientists to think beyond the nation as the basic framing of their inquiries. Eric R. Wolf, *Europe and the People Without History* (Berkeley: University of California Press, 1982), 1–4. See also: Samuel Truett and Elliott Young, eds., *Continental Crossroads: Remapping U.S.-Mexico Borderlands History* (Durham: Duke University Press, 2004), 1–23.

7. Donna Gabaccia, “Is Everywhere Nowhere? Nomads, Nations, and the Immigrant Paradigm of the United States History,” *The Journal of American History* 86 (1999): 1116. See also Andreas Wimmer and Nina Glick Schiller, “Methodological nationalism

used by state agents to organize official records, map over the history of migrations. As historian Donna Gabaccia argues, the hegemony of national historiographies persists at the expense of transnational and other histories, precluding the exploration of the many connections between nation building and migration possible across different frames of analysis.⁸ This methodological concept that Gabaccia terms “historical nationalism” has broad applicability. It relates, for example, to the organization of naturalization certificates as official records of federal and state courts in the United States, and to individual case files in the records of the agencies charged with oversight of immigrants and immigration. By comparison, presidential administration records at the Archivo General de la Nación (AGN) in Mexico City, and dating from the post-revolutionary period, include immigration and naturalization case files indexed by ethnicity versus countries of origin, dates of admission, or ports of entry. The consequences of historical nationalism in the United States and in Mexico also include the fact that scholars have not thoroughly described the relationship between the countries in regard to immigration policies. Rather, distinct founding myths of each nation–state have overshadowed histories that were, if not shared by the United States and Mexico, at least unfolding in parallel.

Many historians have addressed the relations between Mexico and the United States with attention to major diplomatic topics including the United States–Mexican War, the Mexican Revolution, World War I, World War II, and the North American Free Trade Agreement of 1994 (NAFTA).⁹ In *The Secret War in Mexico*, Friedrich Katz describes policy conflicts between business and state interests in the United States and Mexico resulting in a “complicated interplay involving many nations and many forces within each nation.”¹⁰ The notion of interplay is further

and beyond: nation-building, migration, and the social sciences,” *Global Networks* 2 (2002): 301.

8. Gabaccia, “Is Everywhere Nowhere?” 1123.

9. Mark T. Gilderhus, “U.S.-Latin American Relations, 1898–1941: A Historiographical Review,” in *A Companion to American Foreign Relations*, ed. Robert D. Schulzinger (Malden: Blackwell Publishing, 2003, 2006), 134–48.

10. Friedrich Katz, *The Secret War in Mexico: Europe, the United States, and the Mexican Revolution* (Chicago: University of Chicago Press, 1981), x. For Katz, the Mexican case is compelling among other national histories throughout the Americas because “only in Mexico... was a violent revolution necessary to obtain the incorporation of middle class into the political process.” Katz, *The Secret War in Mexico*, 5. His and other accounts of the Mexican Revolution (or Civil War) provide an important historical backdrop to understanding how diplomatic and borderland histories informed immigration and nationality laws in Mexico and the United States during the early decades of the twentieth century. Linda B. Hall and Don M. Coerver, *Revolution on the Border: The United States and*

explored by scholars studying Mexican labor emigration to the United States. For example, sociologists and historians have examined Mexican laborers coming to the United States, and Mexican government efforts to protect its citizenry via consulates, hometown associations, and the Catholic Church.¹¹ However, this scholarship has focused more on Mexican emigration and the loss of Mexican rights during migration than on an examination of both countries as concurrent recipients of immigrants.¹²

Historians have also looked to a shared Mexican–United States transformation of their frontier to borderlands, linking geography to history and the emergence of juridical distinctions and territories.¹³ In doing so,

Mexico, 1910–1920 (Albuquerque: University of New Mexico Press, 1988); Mark T. Gilderhus, *Diplomacy and Revolution: U.S.-Mexican Relations Under Wilson and Carranza* (Tucson, University of Arizona Press, 1977); and Mark T. Gilderhus, “US-Latin American Relations.”

11. David Fitzgerald, *A Nation of Emigrants: How Mexico Manages Its Migration* (Berkeley: University of California Press, 2009); Gilbert G. González, *Mexican Consuls and Labor Organizing: Imperial Politics in the American Southwest* (Austin: University of Texas Press, 1999); Jaime R. Aguila, “Protecting ‘México de afuera’: Mexican Emigration Policy, 1876–1928 (Ph.D. diss., Arizona State University, 2000); and Lawrence A. Cardoso, *Mexican Emigration to the United States 1897–1931: Socio-Economic Patterns* (Tucson: The University of Arizona Press, 1980). Other scholars such as Mae Ngai have also addressed this labor migration, which she terms “imported colonialism.” Ngai, *Impossible Subjects*, 129.

12. Scholars interested in the late twentieth and early twenty-first centuries are, however, bringing new attention to the southern Mexican border shared with Guatemala and thereby altering the singular focus on Mexican emigration to the United States with a complementary focus on Mexico as a recipient country. For example, see Laura Ivette Gonzales Cortés’ thesis, “Los refugiados guatemaltecos en México y las alternativas al problema,” (Thesis, Universidad Nacional Autónoma de México, 1998).

In recent decades, many Salvadorans have traveled to Mexican border towns to cross into the United States, whereas many Guatemalan immigrants have sought refuge in Chiapas. In 1990, an estimated 356,400 refugees were living in Mexico. The National Geographic film “Wetback: The Undocumented Documentary” (2004), in following the arduous journey of Central Americans traveling through Mexico, illustrates the challenges of seeking refuge in Mexico and the arbitrary attempts by Mexican officials to enforce immigration laws. In June 2006, Mexican Deputy Foreign Minister Gerónimo Gutiérrez acknowledged that Mexican immigration laws were “tougher than those being contemplated by the United States.” This comment reflects the dilemma facing Mexican authorities about how to handle the estimated 1.5 million undocumented people crossing the southern Mexican border in the state of Chiapas. These undocumented immigrants include Guatemalans who are perceived as willing to do the jobs that “Mexicans departing for the north no longer want.” Ginger Thompson, “Mexico Worries About Its Own Southern Border,” *The New York Times*, June 18, 2006, 1.

13. David J. Weber, ed., *Foreigners in their Native Land: Historical Roots of the Mexican Americans* (Albuquerque: University of New Mexico Press, 1973, 2003); Andrés Reséndez,

institutional and cultural accounts have integrated the borderlands into national histories.¹⁴ Erika Lee, for example, examines Chinese immigration to the United States during the Exclusion Era (1882–1943) in order to document how and why the United States–Mexican border became “an unenforcable border,” functioning as a “backdoor” into the United States.¹⁵ The centrality of Mexican emigration to such histories explains why Mexican immigration laws receive scant attention, and why their comparative value has not generally facilitated writing histories that simultaneously account for the movement of people and the triangulation of power between the borderlands and the capital cities of Washington, D.C. and Mexico City. Nevertheless, our work aims to build on borderlands scholarship and to suggest that a more integrated examination of both Mexican and United States immigration laws reveals methodological nationalism in the history of each country. Our work also benefits from a tradition of multidisciplinary scholarship about immigrants associated with insider/outsider distinctions and a concern for partial transformations of status such as the fact that naturalization cannot render a person “native-born” to a host country.¹⁶ Our intervention is to critique two national

Changing National Identities at the Frontier, Texas and New Mexico, 1800–1850 (New York: Cambridge University Press, 2004); Truett and Young, *Continental Crossroads*; Rachel C. St. John, “Line in the Sand: The Desert Border Between the United States and Mexico, 1848–1934,” (Ph.D. diss., Stanford University, 2005); Jeremy Adelman and Stephen Aron, “From Borderlands to Borders: Empires: Nation-States, and the Peoples in Between in North American History,” *The American Historical Review* 14 (1999): 814–41; Linda B. Hall and Don M. Coerver, *Revolution on the Border: The United States and Mexico, 1910–1920* (Albuquerque: University of New Mexico Press, 1988); Ramón Gutiérrez and Elliott Young, “Transnationalizing Borderlands History,” *Western Historical Quarterly* 41 (2010): 27–53; Oscar J. Martínez, ed., *U.S.-Mexico Borderlands: Historical and Contemporary Perspectives* (Wilmington: A Scholarly Resources Inc., 1996).

14. Mexican examples include: *Reforma constitucional sobre no pérdida de la nacionalidad mexicana* (Mexico City: Secretaría de Relaciones Exteriores, 1999); and *Compilación histórica de la legislación migratoria en México, 1821–2002* (Mexico City: Instituto Nacional de Migración, 2002). United States examples include, among others: Kitty Calavita, *U.S. Immigration Law and Control of Labor: 1820–1924* (Orlando: Academic Press, 1984); and Kitty Calavita, *Inside the State: The Bracero Program, Immigration, and the I.N.S.* (New York: Routledge, 1992).

15. Erika Lee, *At America's Gates: Chinese Immigration During the Exclusion Era, 1882–1943* (Chapel Hill: The University of North Carolina, 2003), 158. See also Lucy E. Salyer, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law*, (Chapel Hill: University of North Carolina Press, 1995), 129.

16. Contemporary examples include Bonnie Honig's analysis of founding myths and their central figures, and Michael Walzer or Martha Nussbaum's use of evidence from immigration to understand the conditions of possibility for political tolerance of cultural differences. Bonnie Honig, *Democracy and the Foreigner* (Princeton: Princeton University Press, 2001);

narratives, to reveal discrepancies between these narratives and the governance of immigration, and to focus on common techniques of governance rather than on specific policies and practices of racial and ethnic exclusion that have been well documented.¹⁷

The historiography of immigration in the cases of Mexico and the United States is burdened with historical nationalism in different ways. With respect to Mexico, scholars, particularly historians of Mexico (both those in Mexico and those in the United States), often endorse or at least accept a hegemonic discourse that describes Mexican history as primarily about a people of indigenous, *mestizo*—mixed indigenous and European—and foreign colonial origins. Mexican national history often dismisses the importance of immigrants, especially after the Mexican Revolution. This coincides with inconsistent treatment of foreigners in society, law, and politics. Moreover, whereas historical records that document Mexican emigration have been studied in detail, immigration records have only recently been consolidated into a central archive that will facilitate future research.¹⁸

Michael Walzer, *On Toleration* (New Haven: Yale University Press, 1997); Martha C. Nussbaum, "Kant and Stoic Cosmopolitanism," *Journal of Political Philosophy* 5 (1997): 1–25.

With specific attention to the United States, historian Mae Ngai offers a critique of democratic sovereignty. Through her analysis of continued migrations and tacit acceptance of undocumented immigrants in the United States, she arrives at the characterization of some immigrants as "impossible subjects." Mae Ngai writes: "Americans want to believe that immigration to the United States proves the universality of the nation's liberal democratic principles; we resist examining the role that American world power has played in the global structures of migration. We like to believe that our immigration policy is generous, but we also resent the demands made upon us by others and we think we owe outsiders nothing." Ngai, *Impossible Subjects*, 11.

17. For an overview, see King, *Making Americans: Immigration, Race, and the Origins of the Diverse Democracy*. Works by Mae Ngai, Erika Lee, Lucy Salyer, Alan Kraut, Neil Foley, George Sánchez and others illustrate the contemporary body of scholarship about ethnic and racial immigrant groups in the United States.

18. The Archivo Migratorio del Instituto Nacional de Migración, a central government archive of Mexican migration record, began a comprehensive digitalization and records management project in 2003; records span to recent decades and are being processed in accordance with privacy and security interests. *Archivo Migratorio Central del INM: Futuro con pasado y presente* (Mexico City: Secretaría de Gobernación, Instituto Nacional de Migración, 2007), <http://www.agn.gob.mx/menuprincipal/archivista/reuniones/2007/regional/gobiernofederal/pdf/007.pdf> (accessed November 19, 2010).

By contrast to the immigration resources of the Archivo Migratorio in Mexico, emigration resources are more widely available. Scholars such as Jaime Aguila have studied Mexican emigration and emigration policy in detail and, as he points out with regard to the potential for historiography, "the Mexican government viewed emigration within international context," and "consular personnel envisioned that [societies of emigrants abroad] would become a formal conduit between emigrants and the consulates, as well as a tool

The past indifference to immigration in Mexican historiography and policy has served the aims of government to reinforce the official indigenous–*mestizo*–Spanish triad rather than developing more complex terms and categories of classification for all Mexicans, including immigrants. Recently, however, Mexican scholars have turned their attention to various ethnic groups including United States citizens, Ashkenazi and Sephardic Jews, Spaniards, French, Germans, Italians, and Asian subgroups (Japanese, Koreans, and Chinese).¹⁹ According to Mexican census records as analyzed by Delia Salazar Anaya, the foreign-born population in Mexico totaled 54,737 in 1895, and steadily increased from approximately one-half of one percent of the population to one percent by 1940 when it totaled 177,375.²⁰ Historians have shown how these immigrants participated in the Mexican economy during the late nineteenth and early twentieth centuries with contributions that outstripped their numbers. Yet, the cumulative impact of these immigrants and their contributions to the shaping of Mexican national history has yet to be fully assessed and incorporated

to promote Mexican nationalism among expatriate communities.” Jaime Aguila, *Diplomatic History*, 31 (2) (April 2007), 211, and 218, n44.

19. Liz Hamui de Halabe, coordinator, *Los judíos de Alepo en México* (Mexico City: Maguén David, 1989); Corinne Azen Krause, “The Jews in Mexico: A History with Special Emphasis on the Period from 1850 to 1930” (Ph.D. diss., University of Pittsburgh, 1970); Michael Kenny, Virginia García A., Carmen Icazuriaga M., Clara Elena Suárez A., and Gloria Artís E., *Inmigrantes y refugiados españoles en México (siglo XX)* (Mexico: Ediciones de la casa chata, 1979); Clara E. Lida, *Inmigración y exilio: Reflexiones sobre el caso español* (Mexico: Siglo veintiuno editores, 1997); María Teresa Huerta, “Penetración comercial francesa en México en la primera mitad del siglo XIX,” in *Los inmigrantes en el mundo de los negocios*, coordinated by Rosa María Meyer and Delia Salazar (Mexico: Plaza y cales editores, 2003); Steven C. Topik, “When Mexico Had the Blues: A Transatlantic Tale of Bonds, Bankers, and Nationalists, 1862–1910,” *The American Historical Review* 105 (2000): 714–38; Jürgen Buchenau, *Tools of Progress: A German Merchant Family in Mexico City, 1865–Present* (Albuquerque: University of New Mexico Press, 2004); and Brígida con Mentz, Verena Radkau, Beatriz Scharrer, and Guillermo Turner, *Los pioneros del imperialismo alemán en México* (Mexico: Ediciones de la casa chata, 1982); José B. Mánica Zilli, *Italianos en México* (Xalapa: Ediciones San José, 1981). For studies on Japanese, Korean, Chinese, Arab, Palestinian, Philippine, and Indian immigrant groups in Mexico, see María Elena Ota Mishima, ed., *Destino México: Un estudio de las migraciones asiáticas a México, siglos XIX y XX* (Mexico City: Colegio de México, 1997).

20. Delia Salazar Anaya, *La población extranjera en México (1895–1990): Un recuento con base en los Censos Generales de Población* (Mexico City: Instituto Nacional de Antropología e Historia, 1996), 99. For a United States case, Irene Bloemraad documents that the foreign-born population as of 1890 comprised roughly fifteen percent of the United States population and declined to about nine percent by 1940. Irene Bloemraad, *Becoming a Citizen: Incorporating Immigrants and Refugees in the United States and Canada* (Berkeley: University of California Press, 2006), Figure 1, 27.

into the conventional national narrative.²¹ With a more contemporary focus, political scientist Sheila Croucher has begun exploring the impact of United States citizens living in Mexico and their effect on United States politics. According to her research as of 2000, United States citizens have come to represent approximately sixty-nine percent of the foreign-born population in Mexico, which is 0.5 percent of total Mexican population.²²

In the case of the United States, historical nationalism fosters equally significant limitations. The founding myth of the immigrant nation posits an “empty continent,” a concept that washes out the conquests of Native American and Mexican territories in the West.²³ Contrary to this notion, of course, the West was not vacant. Shortly after federal immigration laws acquired a comprehensiveness in 1906 comparable to the today’s laws in governing immigrants from admission to naturalization, John Wesley Powell, a Civil War veteran and chief of the Bureau of American Ethnology at the Smithsonian, made a special report to Congress. He validated the Native American presence in the West, and stated that life for them was bleak because of forced migrations and disease; he concluded by commenting that the Native American “is among us, and we must either protect or destroy him.”²⁴ Yet the historical idea of the vast open West persists. Mexican Californios also resided among their United States-born counterparts, the citizenship of former often recorded in registers of voters as having been acquired not by birth or naturalization, but rather pursuant to the Treaty of Guadalupe Hidalgo.²⁵

21. Although smaller both in number and in proportion to the national population than their counterparts in the United States, immigrants to Mexico and their children have tended to wield disproportionately significant power in Mexican politics and the Mexican economy. See Theresa Alfaro-Velcamp “Immigrant Positioning in Twentieth-Century Mexico: Middle Easterners, Foreign Citizens, and Multiculturalism,” *Hispanic American Historical Review* 86 (2006): 61–91.

22. *General Census of Population and Housing of Mexico XII* (Mexico City: Instituto Nacional de Estadística, Geografía, e Informática, 2000), cited in Sheila Croucher, *The Other Side of the Fence: American Migrants in Mexico* (Austin:University of Texas Press, 2009), 6.

23. R. David Edmunds, Frederick E. Hoxie, and Neal Salisbury, *The People: A History of Native America* (Boston:Houghton-Mifflin, 2007). The authors thank FlorenceMae Waldron for bringing this source to their attention.

24. Joan Vincent, *Anthropology and Politics: Visions, Traditions, and Trends* (Tucson: University of Arizona Press, 1990), 40. For a complementary discussion of Mexico’s “Far North” and how its territories and peoples were imagined in Mexican politics, see Andrés Reséndez, *Changing National Identities at the Frontier: Texas and New Mexico, 1800–1850* (New York:Cambridge University Press, 2004), 15–55.

25. *Great Register, San Diego County, CA, August 1879* (San Diego: San Diego Historical Society, 1879). The population of California in 1850, two years after the Mexican–American

In addition to the notion of an empty continent, historical nationalism in the United States also suggests a dominant narrative of overcoming ideological grounds of exclusion that were, as Fragomen and Bell describe them, “ostensibly geographical, but obliquely racial.”²⁶ This narrative begins with the concept of “open borders,” and proceeds to exclusion of Chinese immigrants and to practices of “othering,” a period at the beginning of the twentieth century that includes national origins quota laws, newly restrictive criteria for admission, and alien land laws. It culminates with the elimination of these quotas and, ultimately, bringing hemisphere-wide caps on immigrant visas to parity in 1965.²⁷ These changes follow from reflection and self-reform as the nation–state is understood to have matured in the aftermath of World War II, contributing to a global discourse of human rights that defines persons as rights-bearing citizens. The subsequent overhaul of the immigration system and immigration reforms in the post-1965 era support the allocation of immigration visas around race-neutral, categorical bases of family, employment, diversity, political asylum, and the acceptance of refugees.²⁸ Yet certain facts remain inconsistent with this conventional national narrative: the continent was not empty, there never were “open borders,” and chapters of United States history rarely chart linear courses from discrimination and bias to enlightened tolerance.

War, is estimated at 92,597 inhabitants including both Mexican Californios and United States settlers. Paul Bryan Gray, *Forster vs. Pico: The Struggle for the Rancho Santa Margarita* (Spokane:Arthur H. Clark Co., 1998), 56. See also Treaty with the Republic of Mexico (February 2, 1848), U.S.–Mex., 9 Stat. 922–43 (1848).

26. Austin T. Fragomen, Jr. and Steven C. Bell, *Immigration Fundamentals: A Guide to Law and Practice* (New York:Practising Law Institute, 2001), §1.1. For a critique that distinguishes intentions from effects of quota laws, and restrictionist versus racist motivations, see Son-Thierry Ly and Patrick Weil, “The antiracist origin of the quota system” *The Free Library* (March 22, 2010), [http://www.thefreelibrary.com/The antiracist origin of the quota system.-a0227181557](http://www.thefreelibrary.com/The+antiracist+origin+of+the+quota+system.-a0227181557) (accessed November 27, 2010).

See also Patrick Weil, “Races at the Gate: A Century of Racial Distinctions in American Immigration Policy (1865–1965),” *Georgetown Law Review* 15 (2001): 625–48; S. Deborah Kang, “Crossing the Line: The INS and the Federal Regulation of the Mexican Border,” in *Bridging National Borders in North America* (Durham:Duke University Press, 2010), 167–198; Alexandra Minna Stern, *Faults and Frontiers of Better Breeding in Modern America* (Berkeley: University of California Press, 2005); and Nancy Leys Stepan, “*The Hour of Eugenics*”: *Race, Gender, and Nation in Latin America* (Ithaca: Cornell University Press, 1991).

27. Immigration and Nationality Act, Pub. L. No. 82–414, 66 Stat. 987 (1952).

28. Note, however, that as various current, country-specific processing times and numbers of available immigrant visas published monthly in the *Visa Bulletin* attest, the system retains policies and procedures of categorical restriction and exclusion by nationality. http://travel.state.gov/visa/bulletin/bulletin_5145.html (accessed October 28, 2010).

Techniques of Governance and Historical Insight

The techniques of governance used to control immigration reveal ideas about national composition. When implemented, these techniques result in practical outcomes: the admission or the exclusion of immigrants. These outcomes inform the work of scholars such as Gerald Neuman, who challenges the open borders myth in the United States by describing patterns of exclusion by criteria of poverty, criminality, and disease that date from the colonial era forward, and they enable comparative analysis of the principal elements of immigration and nationality laws across nation-states.²⁹

For our purposes, comparing techniques of governance highlights certain parallels in the histories of Mexico and the United States, and illustrates movements that are sometimes coordinated, sometimes competitive, sometimes fluid, and sometimes disjointed. This affords an opportunity to recalibrate the conventional national narratives in Mexico and the United States. It also suggests interplay between the United States and Mexico in the field of immigration and nationality laws akin to what Friedrich Katz reveals among business and political interests in *The Secret War in Mexico*.³⁰

As techniques, the assignment of nationality, the use of demonstrable and documentable criteria in the admission of immigrants, and the systematic registration of immigrants, are each partial in their impact on the governance of immigration. None presents a particularly linear development in the historical record, but rather emerges more or less concurrently with the others. Similarly, none commands effectiveness that can be evaluated independent of the others. Each works like a tool within the box of immigration law which, itself, is constantly being refashioned to serve different functions: from using the promise of citizenship to recruit World War I soldiers, to defining the body politic in racial terms; to serving the interests of census-takers or organized labor; or to defending territorial sovereignty. Immigration law is not about “one thing” such as the exclusion of foreigners. It concerns many things, such as the simultaneity of excluding some foreigners while incorporating others for various reasons, and doing so with principles and criteria fraught with paradox and conflict.

The first of the three techniques, assignment of nationality, resulted in, for example, widespread naturalization of Mexican Californios as United States citizens pursuant to the Treaty of Guadalupe Hidalgo. In general, the assignment of nationality in Mexico and the United States pertains to

29. Weil, “Races at the Gates.”

30. Katz, *The Secret War in Mexico*, x.

a range of factors including the laws under which the citizenship of children born in these countries is and was determined. In the early twentieth century, for example, Mexican citizenship was determined at birth solely according to fathers' citizenship. And the impact of the assignment of nationality can also be seen in quota laws enacted in the United States in the 1920s and in Mexico in 1937 that defined on the basis of nationality who would and would not be eligible for admission and naturalization.³¹ The second technique, use of demonstrable and documentable criteria in the admission of immigrants, is manifest in the comprehensive disease-based restrictions enacted in the United States in 1891 and in Mexico in 1908, and applied to all immigrants, as were a range of other criteria including wealth (meaning the ability to sustain oneself and his/her family), and literacy.³² Ascertaining the immigrant's wealth or poverty depended in large measure upon the immigrant's health (and therefore his/her medical record), as ascertaining the immigrant's literacy depended upon examinations that demonstrated reading and writing skills. And finally, the third technique of systematic immigrant registration ran parallel in the United States and Mexico during the first half of the twentieth century. Each nation sought to secure bureaucratic control over the incorporation of immigrants as potential citizens and as members of a national body politic more generally, and used immigrant registration for those purposes.

Although none of these techniques is unique to the United States and Mexico—rather they are characteristic of many nation-states—our analysis is limited because of the contrast in the conventional national narratives of these two countries with respect to immigrants and immigration, and because this contrast occurs amidst a relationship that is both unique and significant.³³ Still, other recipient nation-states in the Americas including Argentina, Brazil, Canada, and others approached immigration similarly. Argentina, for example, established the Argentine National Immigration Service in 1912 and incorporated the use of fingerprints as a means to identify and document criminal immigrants.³⁴ Julia Rodriguez argues

31. Matthew Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge:Harvard University Press, 1998). See also King, *Making Americans*. See note 62, regarding the Mexican quota law of 1937.

32. Immigration Act of 1891, 26 Stat. 1084, 85 (1909); *Diario Oficial de la Federación*, December 22, 1908, No. 44, Vol. XCIX, 645–50 (with effective date March 1, 1909), reprinted as Ley de Inmigración de 1909. *Compilación histórica* (2002), 111 [Hereafter *Diario Oficial*].

33. See generally, Josefina Zoraida Vázquez and Lorenzo Meyer, *The United States and Mexico* (Chicago:University of Chicago Press, 1985).

34. Julia Rodriguez, "South Atlantic Crossings: Fingerprints, Science and the State of the Turn-of-the-Century Argentina," *American Historical Review* 109 (2004): 387–416, 411.

that Argentina's fingerprinting was part of, "...modern states' desires to tame the unprecedented, threatening, and often 'foreign' social forces, which, as planners knew all too well, could propel their societies towards either greatness or ruin."³⁵ Authorities in Mexico and the United States knew these same social forces, and they sought to control them.

The Assignment of Nationality

The assignment of nationality as a singular attribute of personhood runs through both United States and Mexican immigration laws, enabling the identification of a person with a place of origin and a form of territorial and political affiliation that may, in theory, be exchanged or substituted under specified conditions of law. The assignment of nationality has significant practical effect. For example, when Delfino Guido de Arkos, who, although born in Mexico, claimed "German race" and Austrian citizenship through his father, was placed on an "enemy alien" list during the First World War, the acting supervisor inspector of the Department of Labor in El Paso, Texas wrote the commissioner general of immigration in Washington, D.C. to seek guidance in his case. Should the twenty-three year old Guido de Arkos be treated as a Mexican citizen by birth, or as an Austrian subject because his father was born in Kronstadt, Hungary, then located within the territory of the Austro-Hungarian Empire? The commissioner general took two months to respond to the inquiry with a statement about nationality under the Mexican Constitution of 1917, describing its acquisition by the children of immigrants. "If within the year following their majority," wrote the Commissioner, "they declare before the Department of Foreign Relations their choice of Mexican nationality, and prove before it that they have resided in the country the six years next preceding such declaration," then they are Mexican nationals.³⁶ As it did not appear that Guido de Arkos tried to abandon Mexican citizenship, the United States government decided that *jus solis* overruled any other Mexican constitutional provisions. Guido de Arkos was born in Mexico, and assigned Mexican nationality for purposes of his deportation proceedings. The United States government not only interpreted (and, in part, ignored) Mexican nationality law, but also pursued its enforcement in accordance with United States national interests.

35. Rodriguez, "South Atlantic Crossings," 391–92.

36. "Mexican Citizenship of children born in that country of alien parents," Department of Labor, Office of the Solicitor, Washington. August 9, 1918, RG 85, Immigration and Naturalization Service [hereafter INS], Series A, Part 2.

The policies of Mexican President Porfirio Díaz (1876–1911, except for 1880–1884) who promoted immigration to Mexico, with the hope of transforming Mexico's economy and indigenous past, present compelling examples of how the assignment of nationality relates to immigration. In 1883, under Díaz, the "Colonization and Naturalization Laws of the Republic" were passed to allow Japanese immigration to Mexico. Between 1891 and 1908, roughly 34 Japanese emigration companies sent thousands of Japanese emigrants abroad.³⁷ María Ota Mishima found that between 1890 and 1949, 3,626 Japanese immigrants came to Mexico.³⁸ Díaz's openness to immigration extended to the Chinese as well. Following the "Treaty of Friendship, Commerce, and Navigation between México and Japan," signed in November 1888, Mexico and China signed a Treaty of Amity and Commerce in 1893 containing a "most favored nation" clause that further welcomed Chinese immigrants. This facilitated an alternative for Chinese immigrants suffering exclusion from the United States under the Chinese Exclusion Act of 1882.³⁹ Soon, the modest Chinese fishing and abalone drying camps of San Diego Bay and the Channel Islands located off the coast of Central California disappeared or became Japanese enclaves. Japanese immigrants sustained the fishing and abalone industries in the 1890s, linking regions from south of Puerto San Bartolomé (Turtle Bay) in Baja, California to the major prefectures of Japanese fishermen in Japan.⁴⁰ Mexico therefore became an alternative destination for immigrants who were excluded from the United States, and the Mexican government encouraged settlement in sparsely populated areas to bring development to Mexico. Immigrants from Italy joined the ranks of some of the first colonists in 1887.⁴¹ Italian immigrants soon came to dominate the fishing industry along the southern coast of California as well. By 1896, however, the Mexican government abandoned its colonization program as being too costly, inefficient, and difficult to implement.⁴² The policy of welcoming immigrants during the Porfiriato, with modest regard for nationality, had

37. Jerry Garcia, "Japanese Immigration and Community Development in México," (Ph.D. diss., Washington State University, 1999), Appendix IV, 225.

38. María Elena Ota Mishima, "Características sociales y económicas de los migrantes japoneses en México," in *Destino México*, 85, Cuadro 1.

39. Chinese Exclusion Act of May 6, 1882, 22 Stat. 58 (1882). Evelyn Hu-DeHart, "Immigrants to a Developing Society: The Chinese in Northern Mexico, 1875–1932," *Journal of Arizona History* 21 (1980): 277.

40. Murray K. Lee, "The Chinese Fishing Industry of San Diego," *Mains'l Haul: A Journal of Maritime History* 35 (2/3) (1999): 6–13.

41. Zilli, *Italianos en México*.

42. Moisés González Navarro, *Los extranjeros en México y los mexicanos en el extranjero, 1821–1970, Volumen II* (Mexico City: El Colegio de México, 1994), 100.

become politically toxic among Mexican revolutionaries. By 1911, anti-Chinese sentiment in Mexico had escalated to such intensity that a rampaging mob killed more than 303 foreigners, the majority of whom were Chinese, but also including five Japanese immigrants.⁴³ The deaths of the victims indicate, among other factors, the rising political and social potency of the assignment of nationality.

The Immigration and Naturalization Law of 1886 (*Ley de Extranjería y Naturalización de 1886*),⁴⁴ another of the most significant pieces of Mexican legislation on naturalization, further illustrates how the assignment of nationality shapes immigration. For Mexicans in territories ceded to the United States by the Treaty of Guadalupe Hidalgo in 1848, and later by the Gadsden Purchase in 1853, Mexican citizenship could be maintained if the citizen applied within a year.⁴⁵ For those residing in Mexico, the 1886 law was seen to confer Mexican citizenship on certain foreigners almost by default. Those foreigners who owned property were considered Mexican citizens if they did not express their intent to maintain their foreign nationality before the proper authorities. Foreigners were given six months to declare their desired nationality and began the process of naturalization to become citizens (Article 5).⁴⁶ In addition, the 1886 law deprived Mexican women of Mexican citizenship if they married foreigners (Article 3).⁴⁷ These Mexican women remained “foreign” even after becoming widows. Children born of such marriages were also to be registered as “foreigners.” This aspect of the 1886 law was enforced until 1934. The 1886 law also discussed expatriation (Chapter 2) and naturalizations (Chapter 3). Chapter 3 notes that foreigners participating in civic activities would be deemed harmful and would risk expulsion. Under the 1886 law, it was the responsibility of the Ministry of Foreign Affairs to grant certificates of Mexican nationality and letters of

43. José Jorge Gómez Izquierdo, *El movimiento antichino en México (1871–1934): Problemas del racismo y del nacionalismo durante la Revolución Mexicana* (Mexico City: Instituto Nacional de Antropología e Historia, 1991), 90–92.

44. In 1885, Ignacio Luis Vallarta began drafting the law under the authority of Mexican Minister of Foreign Affairs, Ignacio Mariscal. John T. Vance and Helen L. Clagett, *A Guide to the Law and Legal Literature of Mexico* (Washington, D.C.: Library of Congress, 1945), 191.

45. Ley de extranjería y naturalización (20 de mayo de 1886). *Compilación histórica de la legislación migratoria en México 1821–2002* (Mexico City: Instituto Nacional de Migración, 2002), 94 (Art. 1, Section VIII).

46. Ley de extranjería y naturalización (20 de mayo de 1886), 101. This statute parallels the alien land laws popular in United States jurisdictions, including California. Alien Land Act, 1913, Calif. Stats. 1913, p. 206, superceded by CA. Const. Art. 1, § 20 (attended 1974).

47. Ley de extranjería y naturalización (20 de mayo de 1886), Article 3, Section IV, 95.

naturalization to foreigners in Mexico.⁴⁸ The notion of denaturalization is not explicitly addressed.

In the United States, the assignment of nationality, as a technique of governance, proved equally important in similar ways. Just as the Treaty of Guadalupe Hidalgo, for example, marked a loss of land and population for Mexico, it presented a challenge of incorporation for the United States. The government met this challenge in part by extending citizenship through naturalization by treaty, and in part with the imposition of property taxes and the United States Land Commission (that held its hearings in English, and mostly in San Francisco) to verify Mexican land grants among Mexican Californios; in the absence of verification before the Commission, land was otherwise turned over to the public domain.⁴⁹ The last Mexican governor of California, Pio Pico, was, in this context, defrauded of Rancho Santa Margarita y Las Flores, located north of San Diego, California and known today as Camp Pendleton.⁵⁰ Internally, however, the federal government also had to contend with the implications of the United States Civil War for citizenship. The federal government was compelled to consolidate the body politic, at least in law if not also in practice. With the ratification of the Fourteenth Amendment in 1868, citizenship therefore began to emerge in a more uniform, national, and federal form. The Amendment states that “all persons born or naturalized in the United States. . . are citizens of the United States and of the State wherein they reside.”⁵¹ Intended principally to protect the rights of former slaves, the amendment also served to protect the rights of many second-generation immigrants, and it brought formal parity to the orders of naturalization granted by courts of state and local jurisdictions to immigrants throughout the country.⁵²

Extending the trend toward citizenship of a more national and standardized character, reforms to federal immigration laws in 1906 introduced considerably more uniformity to immigration processes.⁵³ Congress expanded the authority of the Bureau of Immigration and Naturalization, then part of the federal Department of Commerce and Labor, over

48. Ley de extranjería y naturalización (20 de mayo de 1886), Chapter 4, Sections 39–40, 100. Also see Kif Augustine-Adams, “Making Mexico: Legal Nationality, Chinese Race, and the 1930s population Census,” *Law and History Review* (2009): 113–44.

49. Gray, *Forster vs. Pico*, 76–77.

50. *Ibid.*, 23.

51. United States Constitution, Amendment XIV.

52. Roger Daniels, *Coming to America: A History of Immigration and Ethnicity in American Life*, 2nd ed. (New York:Perennial, 1990, 2002), 270–71.

53. Naturalization Act of June 29, 1906, Pub. L. No. 59–338, 34 Stat. 596 (1906).

immigration.⁵⁴ The Bureau not only issued standard forms for petitions for naturalization that were completed in state and federal courts, but also issued standardized lists of foreign sovereignties and their rulers for use by petitioners and clerks in the preparation of declarations of intent to naturalize (required two years prior to naturalization) and in the petitions themselves.⁵⁵ An example of one of these lists, issued on August 16, 1909, includes a range of polities—empires, kingdoms, confederations, and republics—revealing how the assignment of nationality took shape in the twentieth century as a single and comparable attribute of personhood from a field of considerable diversity, and how the assignment of nationality became a benchmark of immigration law.⁵⁶

In 1921, the United States passed its first quota law, limiting immigrants of each nationality to three percent of the number of foreign-born persons of that nationality living in the United States in the 1910 census; the basis of the law lay in the assignment of nationality.⁵⁷ In 1924, the National Origins Act was enacted in the United States to limit immigration of each nationality to two percent of the number of persons of that nationality as determined in the 1890 Census and set a minimum of 100 persons for each authorized country.⁵⁸ And in 1929, the National Quota Law of 1924 was amended to set the annual quotas for each country according to each nationality's percentage in the 1920 census.⁵⁹ Widely criticized in current immigration scholarship as racist and eugenic in character, these laws shaped the immigrant population in the United States for the first half of the twentieth century, and following comprehensive reforms in 1952 and thereafter, through a legacy of family-based visas being

54. For an institutional history, see Mae M. Ngai, "The Strange Career of the Illegal Alien: Immigration Restriction and Deportation Policy in the United States, 1921–1965," *Law and History Review* 21 (2003): 70, n.1

55. See generally, for example, M1613 Naturalization Records, Superior Court, San Diego, CA, Roll 1–14, located at National Archives and Records Administration, Laguna Niguel, CA (hereafter NARA, LN).

56. List of Foreign Sovereignties and Their Rulers, Bureau of Immigration and Naturalization, Department of Commerce and Labor (August 16, 1909), M1613 Naturalization Records, Superior Court, San Diego, CA, Roll 3, NARA, LN. The list names twenty-two foreign sovereignties whose subjects were then ruled by an emperor, sultan, king, queen, or prince, in addition to naming two dozen foreign republics. These sovereigns included, among others, Menelik II, Emperor of Ethiopia; Nicolas II, Emperor of all the Russias; Muhammed V, Sultan of Turkey; Wilhelmina, Queen of the Netherlands; and Albert, Prince of Monaco.

57. Temporary Quota Act of May 19, 1921, 42 Stat. 5 (1921).

58. Act of May 26, 1924, 43 Stat. 153 (1924).

59. See generally, Charles Keely, "Immigration in the Interwar Period," in *Immigration and U.S. Foreign Policy*, eds. Robert Tucker, Charles Keely, and Linda Wrigley (Boulder: Westview Press, 1990), 44–50; and Ngai, *Impossible Subjects*.

allocated among existing resident and naturalized immigrants, which is to say immigrants who were previously admitted under national origins quotas.⁶⁰

The impact of quota laws, like the assignment of nationality at their base, was not limited to the United States. Mexico also adopted a system of annual quotas in 1937.⁶¹ Subsequently, the Mexican Department of Migration in the Ministry of Interior set a quota of “. . .5000 immigrants accorded to European countries and to Japan. . .,” following the spirit of classification and quotas embodied in the United States Immigration Act of 1924.⁶² According to the American Consul in Mexico City at the time, “there has been no editorial comment with regard to the quota system but it is anticipated that any comment [that] may be forthcoming will be favorable.”⁶³ Similar to the objectives of United States immigration policy makers, Mexican policy makers aimed to keep less desirable immigrants, such as Syrians and Chinese, out of Mexico. But unlike the United States, Mexico did not put restrictions on immigrants from Argentina, Bolivia, Brazil, Canada, Colombia, Costa Rica, Cuba, Chile, Ecuador, El Salvador, Spain, the United States, Guatemala, Nicaragua, Haiti, Honduras, Panama, Paraguay, Peru, Santo Domingo, Uruguay, and Venezuela, because of common language and ancestry.⁶⁴ Writing *La política demográfica de México* in 1935, Gilberto Loyo noted that some nationalities ought to be limited or excluded entirely from immigration to Mexico, and cited policies of restriction that had been effective since 1927.⁶⁵ What the Mexican quota laws therefore indicate is that Mexico was taking steps that responded to the immigration quotas of the United States, as Mexico similarly confronted a challenge of handling immigrant populations and limiting those found or deemed to be undesirable.

60. Immigration and Nationality Act, Pub. L. No. 82-414, 66 Stat. 163 (1952), codified as amended at 8 U.S.C. 101 et. seq. (2009). For a brief summary of federal immigration law, the promulgation of the Immigration and Nationality Act of 1952, and subsequent amendments and reforms to the Act, see Fragomen and Bell, *Immigration Fundamentals*.

61. Pablo Yankelevich and Chenillo Alazraki, “La arquitectura de la política de inmigración en México,” in *Nación y extranjería: la exclusión racial en las políticas migratorias de Argentina, Brasil, Cuba y México*, ed. Pablo Yankelevich (Mexico City: Universidad Nacional Autónoma de México, 2009), 221; and Archivo Migratorio del Instituto Nacional de Migración, exp. 4-350-1935-228B 1 de 3.

62. James B. Stewart, American Consul General, to Secretary of State, November 23, 1937, Document No. 55,609/551, Record Group 85, INS, Series A: Part 2, Reel 17, 2,1.

63. *Ibid.*, 2-3.

64. *Diario Oficial*, No. 17, Vol. CV, November 19, 1937, Artículo 1.

65. Gilberto Loyo, *La política demográfica de México* (Mexico City: Talleres tipograficos de S. Turanzas del Valle, 1935), 374-75. *Diario Oficial*, No. 13, Vol. XLIII, July 15, 1927.

In this context, the impact of twentieth century United States immigration policies to exclude Mexican emigrants from the United States has been widely examined in both the United States and Mexico, often with attention to borderlands and labor histories. The inverse issue of how United States citizens have been treated in Mexico has varied over time from relatively open reception in the late nineteenth and early twentieth centuries to xenophobia during the Mexican Revolution (or Civil War). During the postrevolutionary period, United States citizens routinely encountered skepticism and suspicion. In the current era, marked by the implementation of NAFTA, Mexicans have remained weary of United States economic imperialism. As John Hart writes, “America is an imperial force in Mexico because U.S. government authorities and privileged American citizens assert their power there in search of advantages.”⁶⁶ To the extent that one nationality may, indeed, confer economic advantages over another, its assignment remains central to the governance of immigration.

Demonstrable and Documentable Characteristics as Criteria of Admission

To the extent that the assignment of nationality by legal and bureaucratic authorities facilitated the regulation of immigration and naturalization in both Mexico and the United States through the classification of whole groups of people, another set of criteria also emerged in the late nineteenth and early twentieth centuries focused on individual characteristics that could be demonstrated, documented, and proved. The use of such criteria, a second technique of governance for purposes of admitting immigrants at ports of entry (both seaports such as Ellis Island, and land ports at the border towns of the Southwest) and also for determining the qualifications of immigrants for naturalization, remains central to immigration in both countries, and complementary to the assignment of nationality. Of these new criteria that emerged in the late nineteenth century, health arguably proved the most important, as immigrants increasingly faced exclusion because of disease. Wealth versus poverty and the likelihood of an immigrant becoming a public charge similarly weighed on the admissibility of immigrants, as did literacy and an increasingly technical notion of “good moral character.”⁶⁷ The content and variation in these criteria became distinctive steps in the governance of immigration in Mexico and the United

66. John Mason Hart, *Empire and Revolution: The Americans in Mexico since the Civil War* (Berkeley: University of California Press, 2002), 504.

67. To illustrate how the concept of good moral character acquired a technical meaning, consider the case of Francisco H. Rodríguez. In June 1919, Rodríguez, a Mexican-born, 27-year old man, was “excluded for having brought a woman to the United States for an immoral purpose, as having admitted the commission of a crime involving moral turpitude

States, and also the basis of what Aristide Zolberg describes as “remote control”: the control of immigration through regulation of passenger ships and vessels, and inspections made before immigrants arrived at ports of entry.⁶⁸

Within the United States, and in accordance with the increasing purview of federal authorities over immigration, Congress enacted the Act of March 3, 1891 requiring immigrants to undergo health inspections before departures and upon arrival at United States ports of entry. In addition, steamship companies were required to certify the health of their passengers prior to departure and were liable for the cost of housing and feeding of passengers that were detained by United States authorities.⁶⁹ In response to the 1891 United States law, steamship companies, for their part and in order to maintain their customer base, began to actively use Veracruz, Mexico as an alternate port of entry in North America. Previously, the United States National Board of Health had neither imposed national quarantine standards to suppress diseases such as trachoma, nor enforced systematic deportations, since its establishment in 1879. The Act of 1891 changed health code enforcement and therefore reconfigured migratory patterns from Mediterranean ports to the Americas generally. New health standards barred previously legal entries into the United States, prompted corruption, and sparked new entrepreneurial migration patterns. Savvy immigrants and steamship agents learned to evade or circumvent immigration laws intended to exclude diseased immigrants. They identified ports of entry such as Veracruz as alternatives to ports with rigorous standards of

and as being a person likely to become a public charge.” Supervising Inspector to Commissioner-General of Immigration, Washington, D.C., United States Department of Labor, Immigration Service, June 10, 1919, Document No. 54,577–748, RG 85, INS, National Archives, Washington, D.C. [hereafter NARA, DC]. During a Board of Special Inquiry, when asked why he did not marry Cipriana Bejarano, Rodríguez responded “because the laws of Mexico are not so strict as in the United States. A man can live with a woman in Mexico and he will not be punished for it.” Board of Special Inquiry, El Paso, Texas in the Matter of Rodríguez, Francisco, June 5, 1919, Document No. 54,577–748, RG 85, INS, NARA, DC, 2. For more on the significance of designation as a public charge, see Patricia Russell Evans, “‘Likely to Become a Public Charge,’ Immigration in the Backwaters of Administrative Law, 1882–1933,” (Ph.D. diss., The George Washington University, 1987).

68. Aristide R. Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America* (New York:Russell Sage Foundation, Harvard University Press, 2006), 110–13, 264–65.

69. Alan M. Kraut, *Silent Travelers: Germs, Genes, and the “Immigrant Menace”* (New York:Basic Books, 1994), 51, 55. Immigration Act of March 3, 1891, 26. Stat. 1084 (1891). See also Gerald L. Neuman, *Strangers to the Constitution: Immigrants, Borders, and Fundamental Law* (Princeton:Princeton University Press, 1996), 31, n126.

health inspection. Once entering Mexico, immigrants seeking to go to the United States, including many from Greater Syria and Greece who would have been denied entry at seaports in the United States, could travel to Ciudad Juárez and then enter the United States at El Paso, Texas or through other border towns.⁷⁰

United States Department of State records indicate that as early as 1903 the United States government sought to have Mexican railroad companies stop European immigrants arriving in Mexico and carrying diseases designated as communicable by United States authorities, from entering the United States.⁷¹ Correspondence between the United States ambassador to Mexico and the minister of foreign affairs (SRE) in Mexico City, Ignacio Mariscal, further illustrates this concern about diseased immigrants, especially those arriving in Mexico from Syria.⁷² In 1906, United States Ambassador David E. Thompson asked Minister Mariscal to help control the borders against the “undesirable” Syrians coming to Veracruz, Mexico. They corresponded for nearly a year on this subject as the United States Department of State tried to pressure Mexico to alter its immigration policies and enforcement practices.

Mariscal eventually responded to continued pressure from the correspondence of United States authorities and wrote the governor of Veracruz, the minister of the interior, and the sub-secretary of communications of the Ministry of Foreign Affairs expressing the United States Embassy’s concern with trachoma and the incoming Syrian immigrants.⁷³ Mariscal indicated to the Ministry of Economic Development (*Secretaría de Fomento*) that it was important to differentiate between the need for immigrants and the health issue, showing that Mexicans had their own internal debates on how exactly

70. See Theresa Alfaro-Velcamp, *So Far From Allah, So Close to Mexico: Middle Eastern Immigrants in Modern Mexico* (Austin: University of Texas Press, 2007).

71. Memorandum as to Efforts Made to Perfect an Agreement with the Railways of Mexico Concerning of Aliens, February 3, 1903, Document No. 51,463, RG 85, INS, NARA, DC.

72. A history of the *Secretaría de Relaciones Exteriores*, translated officially as the Ministry of Foreign Affairs, is available on its website at: http://www.sre.gob.mx/en/index.php?option=com_content&view=article&id=4&Itemid=98 (accessed November 19, 2010).

73. On June 7, 1906, Thompson wrote Mariscal again highlighting contagious diseases and how the Canadian government was helping in the cause to curb Syrian immigration. He wrote that “the Mexican government has always shown much alacrity in cooperating with the United States with respect to the suppression of common evils . . . I would be sincerely pleased to learn of their adoption, or of any other measures which Your Excellency’s government may have the goodness to enact regarding the matter.” Exp. 14-28-79, June 30, 1906, Siglo XX, *Secretaría de Relaciones Exteriores*, located in Mexico City (hereafter SRE).

to handle their new immigrant population, and whether and how to invoke criteria such as health and disease in the regulation of immigration to Mexico.⁷⁴ By August 1906, various Mexican governmental officials had written Mariscal describing the measures they were taking to control the Syrian immigrants.⁷⁵ During the remaining months of 1906, Mariscal and the Mexican government tried to implement a more comprehensive immigration policy.

This correspondence between United States and Mexican officials underscores how both the Mexican policy makers and those in the United States sought to support their respective national interests. United States Immigrant Inspector Marcus Braun noted “The Mexican Government fears . . . the accumulation of diseased persons within the borders of that country, but such condition prevails at the present time, as hundreds of aliens who have been excluded at boundary ports upon account of their afflictions, are harbored at points in Mexico and are proving a menace to the population.”⁷⁶

The issue was so significant that it affected travelers who were arguably endowed with rights of admission and residence. For example, Mary Nader, alias Shawa Nabeeha, was detained for having trachoma when traveling from Progreso, Mexico to New York City in 1913. The United States government, via the Department of Labor and Commerce, ruled that she could enter the United States as the wife of an American citizen—which she was—and also “due to the [revolutionary] violence in Mexico.”⁷⁷ However, the shipping and transit company, S.S. Morro Castle, was fined \$100 for permitting a diseased person to travel to Ellis Island.⁷⁸

74. Exp. 14–28–79, July 3, 1906, Siglo XX, SRE.

75. Thompson acknowledged the proposed measures to stem Syrian immigration in a letter to Mariscal dated August 27, 1906. Through Thompson, however, the United States continued asserting pressure on Mexico regarding its immigration policy. Thompson complained in the letter of how a Syrian with trachoma, John Shahadie Jacob, “secured unlawful entry into the United States from Mexico.” He indicated that another Syrian accompanied Mr. Shahadie, but the other Syrian’s whereabouts were unknown. Thompson closed the letter stating, “Should these remedial measures meet with the views of Your Excellency’s government, I would be sincerely glad to learn of their adoption.” Exp. 14-28-79, August 26, 1906, Siglo XX, SRE.

76. Memorandum as to Efforts Made to Perfect an Agreement with the Railways of Mexico Concerning of Aliens, February 3, 1903, Document No. 51,463, RG 85, INS, NARA, DC, 3.

77. Acting Commissioner, Ellis Island, New York Harbor, N.Y. to United States Department of Labor, Immigration Service, January 24, 1914. Document No. 53,700-388, RG 85, INS, NARA, DC.

78. Acting Commissioner, Ellis Island, New York Harbor, N.Y. to United States Department of Labor, Immigration Service, January 24, 1914. Document No. 53,700-388, RG 85, INS, NARA, DC.

Mexican officials were equally interested in the demonstrable and documentable characteristics of immigrants. When United States Immigrant Inspector Marcus Braun visited Mexico City in 1907, he reportedly met with President Porfirio Díaz, who agreed to develop an immigration agreement similar to what was in place between the United States and Canada. According to Braun, Díaz mentioned that “anyone not good enough for the United States ought not [to] be good enough for Mexico.”⁷⁹ The Law of September 22, 1908, which established the Mexican Immigrant Inspection Service, reflects this attitude, and its provisions can be seen in part as a response to growing concern in Mexico about diseases among immigrants.⁸⁰ The Mexican Immigrant Inspection Service began functioning in 1909 to maintain statistical data concerning migration. Prior to 1910, these statistics covered only immigration to Mexico, but after 1910 data on both immigration and emigration were to be maintained.⁸¹ Although the United States Department of State reported in 1929 that some statistics were available—among the more than twenty-one ports of entry along the United States–Mexican border, Laredo, El Paso, and Eagle Pass saw the largest number of alien crossings—little evidence has been shown to demonstrate that this law was implemented systematically prior to the Mexican Revolution. It was probably intended to prohibit foreign workers from arriving in Mexico because of the 1908 economic crisis and the threat of this crisis to the subsistence of Mexican workers.⁸²

With the specific intent to stop diseased immigrants from entering Mexico, the Díaz regime passed another immigration law in December 1908. This law codified a list of diseases such as bubonic plague, cholera, yellow fever, meningitis, smallpox, tuberculosis, leprosy, and trachoma that made potential immigrants inadmissible to Mexico, and also addressed more generally who could enter at Mexican seaports and other ports of entry.⁸³

Alongside the criteria of health and disease that shaped the grounds of admissibility and inadmissibility in Mexico and the United States, other

79. Immigrant Inspector Marcus Braun, Mexico City, Bureau of Immigration and Naturalization, Department of Commerce and Labor, May 7, 1907, Document No. 51,564, RG 85, INS, NARA, DC.

80. The Law of September 22, 1908 is referenced in George H. Winters, American Vice Consul United States Department of State, “Review of Mexican Department of Migration Report Entitled: ‘The Migration Service in Mexico’, and Discussing Mexican Migration To and From the United States,” Document No. 812.5511.87, M274, October 25, 1929, U.S. State Department Records, RG 84, National Archives, College Park, MD.

81. *Ibid.*

82. Moisés González Navarro, *Población y sociedad en México (1900–1970)*, Tomo II (Mexico City: Universidad Nacional Autónoma de México, 1974), 37.

83. Ley de Inmigración de 1909. *Compilación histórica* (2002), 111.

demonstrable and documentable criteria also came to bear routinely on the admissibility and status of immigrants. Wealth versus poverty and literacy, in particular, were used to distinguish immigrants who could be welcomed from those who would be turned back. In the United States, exclusion at ports of entry for likeliness of becoming a public charge pre-dated federal authority over immigration, and can be traced to municipal and community levels of law enforcement and judicial sanctions in the colonial era.⁸⁴ The counterpart to such exclusions is admissibility associated with wealth. At present, the category of visas named “special investor visas,” serves this function, allowing for the admission of an immigrant who makes a capital investment in a for-profit business of at least \$1 million in a designated “high employment area,” or a lesser amount in a designated “targeted employment area.”⁸⁵ English literacy became a requirement for naturalization in accordance with immigration law reforms enacted in 1906, and in 1917, a literacy test was required of all immigrants to ensure that immigrants (especially male heads of household) were literate.⁸⁶ Literacy remains a skill-based criterion for naturalization with some exceptions for elderly and disabled petitioners. United States law has also incorporated criminality as a demonstrable and documentable characteristic of immigrants, using past convictions for acts of violence (such as murder, manslaughter, and kidnapping), many sex crimes (ranging widely from rape and child abuse to prostitution and adultery), crimes against property (such as arson and blackmail), and crimes against a state (such as mail fraud or counterfeiting currency) to exclude immigrants from admission and to render aliens ineligible for naturalization.

The broad range of these demonstrable and documentable characteristics runs parallel in Mexican immigration laws. Provisions of the population law of 1936 (*la Ley General de Población 1936*) provide an excellent example. Motivated by the repatriation of Mexicans from the United States in the early 1930s, and by anti-immigrant sentiment, the law aimed to resolve the perceived, fundamental demographic problems of the nation, introducing a range of documentable and demonstrable criteria for admission to Mexico, and prohibiting the entrance of alcoholics, drug addicts, prostitutes, anarchists, and salaried foreign workers.⁸⁷ It further

84. Neuman, *Strangers to the Constitution*, ch. 1. See also Evans, “‘Likely to Become a Public Charge.’”

85. Fragomen and Bell, *Immigration Fundamentals*, § 2:8.1; 8 C.F.R. § 204.6(f).

86. Act of June 29, 1906, Pub. L. No. 59–338, § 8, 34 Stat. 599 (1906). See also, Daniels, *Coming to America*, 278.

87. *Diario Oficial*, No. 52, Vol. XCVII, August 29, 1927. See also Mónica Palma Mora, “‘Una inmigración bienvenida’. Los ejecutivos de empresas extranjeras en México durante la segunda mitad del siglo XX,” in *Los inmigrantes en el mundo de los negocios siglos XIX y*

banned the exercise of commercial activities by foreigners, except when such activity was necessary.⁸⁸ Despite these provisions of the law and the intention to control foreign populations in Mexico, immigration remained controversial throughout the twentieth century, especially with respect to the question of European refugees.

The topic of the resettlement of refugees from the Spanish Civil War in Mexico presents the evolution of demonstrable and documentable criteria in Mexican immigration law. The significance of such criteria is interwoven with that of nationality and political sentiment in Mexico. At the time, Mexican President Lázaro Cárdenas (1934–1940) supported the Spanish Republic and refugees of the Civil War.⁸⁹ In January 1939, the Mexican government officially welcomed Spanish refugees and formed a special commission to help accommodate them. As Friedrich Katz explains, an agreement between Mexico and the Vichy government of France placed Spanish refugees who had been interned in French camps under the protection of the Mexican consulate.⁹⁰ “The French government,” writes Katz, “would also give them visas so that they could immigrate to Mexico.”⁹¹ The refugees would therefore arrive in Mexico with documentation of their status in hand, demonstrating eligibility for refugee status under the criterion of relief for discrimination on the basis of political beliefs. Between 1939 and 1942, some 12,000 Spanish Republicans resettled in Mexico, and by 1943, almost thirty percent of them had acquired Mexican citizenship. By comparison, only 1,850–2,250 Jewish refugees came to Mexico between 1933 and 1945. They too arrived

XX, coordinated by Rosa María Meyer and Delia Salazar (Mexico City: Conaculta, Instituto Nacional de Antropología e Historia, 2003), 237.

88. Moisés González Navarro, *Los extranjeros en México y los mexicanos en el extranjero, 1821–1970, Volumen III* (Mexico City: El Colegio de México, 1994), 41–42.

89. The Cárdenas administration stressed Mexican nationalism, social justice, and a very centralized state apparatus that built upon the strength of a single political party. Mexico had become nationalistic and increasingly anti-foreign, and Cárdenas grappled with the question of how to deal with the Spanish Civil War, the rise of General Francisco Franco, and fears of the spread of fascism. Luis Medina Peña, *Hacia el nuevo estado México, 1920–1994* (Mexico: Fondo de Cultura Económica, 1994, 2000); M. Kenny, C. Icazuriaga, C. Suárez, G. Artís, *Inmigrantes y refugiados españoles en México siglo XX*, (Mexico City: ediciones de la casa chata 8, 1979), 33; Clara E. Lida, *Inmigración y exilio: Reflexiones sobre el caso español* (Mexico City: Colegio de México and Siglo Veintiuno, 1979); Magnus Mörner with Harold Sims, *Adventurers and Proletarians: The story of migrants in Latin America* (Pittsburgh: University of Pittsburgh Press, 1985), 93; González Navarro, *Población y sociedad, Tomo II*, 51.

90. Friedrich Katz, “Mexico, Gilberto Bosques and the Refugees,” *The Americas* 57 (2000), 7–8.

91. *Ibid.*, 8.

under conditions of strict documentation, with Mexican government officials shifting from physical identification by racially defined characteristics to requiring declarations of the refugees' race, sub-race, and religion, asking questions intended to elicit their Jewish identity.⁹²

In the United States, for comparison, "just over 120,000 Germans and Austrians were admitted into the United States between 1933 and 1944, the overwhelming majority (roughly 90 percent) of them Jews, [and]... approximately 250,000 refugees from Nazism ... entered the United States during those years."⁹³ As Richard Breitman and Alan Kraut analyze the United States immigration policies of this period, they note that at various moments the United States government pressured Latin American governments to accept Jewish refugees.⁹⁴ Issues of trust grew tense. Who was, and who was not, Jewish? What could be proved? Breitman and Kraut report an instance in which Gerardo Murillo, alias Dr. Atl, wrote a book entitled *Judíos sobre América* that claimed that President Franklin D. Roosevelt was of Jewish descent. The book apparently included pictures showing a physical resemblance between Jews, Roosevelt, and his family. In response, Roosevelt "expressed the hope that the State Department and the Mexican government would be able to prevent publication abroad. The White House asked the attorney general to prevent publication and distribution in the U.S."⁹⁵

The shared concern in Mexico and the United States over whether and how to accommodate Jewish refugees during the 1930s and 1940s, and whether to identify them by criteria of physical characteristics or by self-declarations of beliefs, heritage, or other criteria, illustrates the emergence of the second technique of governance, use of demonstrable and documentable characteristics as criteria for immigrant admissions. It also demonstrates that criteria may be ambiguous, flawed, or even dubious, yet remain absolute in determining a person's legal standing and fate. In seeking to define such standard criteria, both countries also sought to centralize immigrant registration and to thereby better control national composition.

Centralized Registration and the Concern for National Composition

Criteria of admission, the assignment of nationality, and the use of documentable and demonstrable characteristics, determined individual

92. *Ibid.*, 2.

93. Richard Breitman and Alan M. Kraut, *American Refugee Policy and European Jewry, 1933–1945* (Bloomington: Indiana University Press, 1987), 9 n26.

94. *Ibid.*, 63, 199, 200, 212, 229

95. *Ibid.*, 241–42 n23 (President's Secretary File: Confidential File, State Department, Franklin D. Roosevelt Presidential Library in Hyde Park, New York).

immigrant experiences of entry or exclusion. Yet, to address public policy interests about who comprises the immigrant population of a nation, and what the impact of immigrants is in the communities where they settle, governments have used and continue to use demographic data. To the extent that immigrants are purported to threaten the body politic, the body needs discipline and control. To demonstrate their responsiveness, governments need aggregate information in the form of data. Therefore, a third technique of governance emerges, the systematic registration of immigrants. Immigrant registration relates to a variety of other practices including the production of census records, maps, birth and death certificates, registers of voters, and passports.⁹⁶ These practices, largely driven by state interests, render an individual person identifiable and recognizable, and set expectations about the arrival of immigrants. Early twentieth-century passenger lists and declarations, including those made among immigrants to the United States in regard to the intent to naturalize with a two-year waiting period, established a foundation upon which systematic immigrant registration could be accomplished. And as a technique of governance, the registration of immigrants came to complement the assignment of nationality and the use of demonstrable and documentable characteristics as criteria of admission and citizenship. It enabled comprehensive approaches to the regulation and control of immigration. It also made quantitative studies of the implementation, enforcement, and discretion of immigration laws possible—important aspects of immigration beyond the scope of this article.

Concerned with its own national composition, Mexico sought to compensate for the favoritism of early regimes toward foreigners in the 1917 Constitution. In particular, Article III on foreigners notes that, "...the Federal Executive shall have the exclusive power to compel any foreigner whose remaining he may deem inexpedient to abandon the national territory immediately and without the necessity of previous legal action. Foreigners may not in any way participate in the political affairs of the country." The Mexican Constitution clearly states that Mexican nationality is acquired by birth to Mexican parents (*jus sanguinis*) or by naturalization. It also states that regardless of the nationality of the parents, someone born in Mexico has the right to Mexican citizenship, a policy of citizenship

96. Benedict Anderson, "Census, Museum, Map," in *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (New York:Verso Press, 2001), 165–85; James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven:Yale University Press, 1998); Margo J. Anderson, *The American Census: A Social History* (New Haven:Yale University Press, 1988); and Adam M. McKeown, *Melancholy Order: Asian Migration and the Globalizations of Borders* (New York:Columbia University Press, 2008).

jus solis by which birthplace determines one's status. In these respects, the Mexican Constitution of 1917 and United States law run parallel. However, despite attempts in other articles of the Mexican Constitution to address previous foreign abuses of the Mexican nation, questions of how to handle foreign investment and foreign populations continued to garner considerable post-revolutionary political debate.⁹⁷

In the aftermath of the Mexican Revolution, President Plutarco Elías Calles (1924–1928) implemented the Migration Law of 1926 with attention to its provisions for immigrant registration. The law also elaborated upon previous Mexican immigration laws, expanding the list of medical reasons for which immigrants could be refused entry.⁹⁸ The law notes the importance of selecting good immigrants and excluding individuals for immorality, lack of education, potential physical degeneration to the Mexican race, and incapable customs. With this concern about immigrants' bringing down the morality of the Mexican people, the Migration Law of 1926 established the National Registry of Foreigners to collect information on immigrants. The registration cards documented an immigrant's physical condition, height, and hair and eye color, as well as descriptions of the immigrant's nose, beard, mustache, eyebrows, and any distinguishing features (such as scars, tattoos, and moles). The cards also documented an immigrant's religion, occupation, nationality, and race. In trying to get an accurate count of foreigners, registration cards were processed from 1926 to 1951 and, in a parallel process, immigrants were required to pay specific fees to enter the country based on nationality and race. American Consul John Q. Wood documented the fees in 1922 as "the sum of \$50.00 pesos (\$25.00) or the equivalent in other money, besides passage money to cover expenses to their destination in Mexico."⁹⁹ He further reported "Chinese and Negroes," were, however, "compelled . . . to have the sum of \$500.00 pesos, (\$250.00) or the equivalent in other money."¹⁰⁰ For other groups including Arabs and Jews from various countries, a minimum amount of capital equivalent to \$10,000 pesos was required.¹⁰¹

97. Pablo Yankelevich, "Nación y extranjería en el México revolucionario," *Cuicuilco Nueva Epoca* 11 (31) (mayo–agosto 2004): 105–33.

98. For the list of illnesses, see Moisés González Navarro, *Población y Sociedad, Tomo II*, 42.

99. John Q. Wood, American Consul in Charge, "New immigration regulations affecting immigrants entering Mexico," Document No. 812.55/63, M274, October 27, 1922, U.S. State Department Records, RG 84, NARA, College Park, MD.

100. *Ibid.*

101. Yankelevich and Alazraki, "La arquitectura de la política de inmigración en México," 211–12.

In response to Mexican protests that foreign merchants' unfair competitive practices undermined Mexican economic interests, the Mexican government later prohibited Armenians, Syrians, and other Arabs from entering into Mexico.¹⁰² As in the case of the Spanish during the 1820s and 1830s, tough economic times often coincided with xenophobic reactions and increased restrictionist immigration policies.¹⁰³ As Mexico struggled to rebuild itself after the Mexican Revolution, Mexican citizens wanted to prevent foreign merchants from profiting at the expense of Mexican people. Mexican citizens therefore complained about unsavory immigrant business practices.

By 1930, in addition to immigration laws pertaining to arrivals and admissions, the Mexican government established a registry of foreigners older than fifteen years of age, under the *Ley de Migración de 1930*. All foreign nationals were obligated to appear before the proper authorities and show their personal identification papers.¹⁰⁴ Growing anti-foreign sentiment, combined with continued tough economic times, gave immigrants the incentive to register with the Mexican Migration Department whereby they could become "legal" and begin the process of naturalization. Under the law, noncompliance was an act of disobedience. Penalties ranged from suspension of employment for a month (Chapter XVIII, Article 137) to paying a 1,500 peso fine (Chapter XVIII, Article 143) for the immigrants; however, the degree of enforcement of such punishment is unknown.¹⁰⁵

By 1940, Mexican presidents signed 1,185 orders of expulsion under Article 33 of the 1917 Mexican Constitution. Through these 1,185 orders, 786 immigrants were permanently expelled and 399 had their deportation order subsequently revoked.¹⁰⁶ In his research, Pablo Yankelevich examines how immigrants faced deportations resulting from perceived political motives and/or criminal activities.¹⁰⁷ He also uncovers what happened when naturalized citizens and foreigners were no longer deemed acceptable to join the Mexican nation and to reside in Mexico. The expulsions demonstrated that the centralized registration of immigrants achieved the practical aim of supporting control of the body politic.

102. *Diario Oficial*, No. 13, Vol. XLIII, July 15, 1927.

103. Harold Dana Sims, *The Expulsion of Mexico's Spaniards 1821–1836* (Pittsburgh: University of Pittsburgh Press, 1990), 16–17.

104. María Elena Ota Mishima, *Destino México*, 12–13.

105. *Ley de Migración de 1930*, *Compilación histórica*, 174.

106. Pablo Yankelevich, "Extranjeros indeseables en México (1911–1940). Una aproximación cuantitativa a la aplicación del artículo 33 constitucional," *Historia Mexicana* LIII, 53 (3) (enero–marzo, 2004), 707.

107. Pablo Yankelevich, "Extranjeros indeseables," Gráfica 8, 729.

Registration efforts coincided with and fostered the nationalism and nativism that occurred in both the United States and in Mexico. Just as progressive era reformers sought to “Americanize” the new immigrants, Mexicans debated opening a new school in the 1930s to “Mexicanize” foreigners.¹⁰⁸ Immigrant registration had made assessment of the immigrant population possible, and the results of interpreting registration data (or presuming its content) could be used to advance domestic and cultural policies. The United States provided ample precedent through the work of Progressives, such as Jane Addams, John Dewey, and Lilian Wald, who had sought to create a better nationality type and national culture through the melting pot theory, cultural pluralism, and the use of settlement houses.¹⁰⁹ In Mexico, according to American Vice Consul John S. Littell, a school for Mexicanization was to open in Mexico City in June 1934. In citing the Mexican newspaper, *El Universal*, Littell notes that “a private group under official auspices” was setting up the school to help foreigners assimilate into Mexican society. The article stated that “there are now in Mexico around 200,000 foreigners who hold in their hands a great part of the national wealth and who, nevertheless, continue to retain their customs, their language, and, in general, all their manner of living, without preoccupying themselves with their positive integration to Mexico.”¹¹⁰ The School was to be located on the first floor of the Calle Tacuba No. 87 in Mexico City, and the Ministry of Foreign Affairs was considering at the time whether all foreigners would need to attend the school in order to prepare for their naturalization papers. The formation of this Mexicanization school shows efforts parallel to those in the United States to “Americanize” immigrants, a parallel interest in the integration of immigrants into society and into its particular nationalism, and the use of common techniques to achieve these ends.

The Registration Act of 1940 in the United States similarly compelled foreign nationals to present themselves before government officials and, for the first time, to obtain identification cards with unique registration numbers, precursors to the “green cards” issued to lawful permanent residents today.¹¹¹ The purpose of registration and completing the green “Specimen Form” was, wrote Immigration and Naturalization Service (INS) Director of Registration, Earl G. Harrison, “so that the United

108. With respect to the United States, see Gwendolyn Mink, *The Wages of Motherhood: Inequality in the Welfare State, 1917–1942* (Ithaca: Cornell University Press, 1995), 11–26.

109. Rivka Shpak Lissak, *Pluralism & Progressives: Hull House and the New Immigrants 1890–1919* (Chicago: University of Chicago Press, 1989).

110. American Vice Consul John S. Littell prepared on behalf of the Departments of the Interior and Labor. May 21, 1934. Document No. 55,875/180, RG 85, INS, NARA, DC, 2.

111. Alien Registration Act of 1940, Pub. L. No. 76-670, 43 Stat. 670 (1940).

States could determine exactly how many aliens there are, who they are, and where they are.”¹¹² Registration, “including fingerprints,” he promised in the instructions, “will not be harmful to law-abiding aliens.”¹¹³ Failure to register, however, was punishable with a fine of \$1000 and imprisonment for six months. Immigrants were thus obligated to disclose their sex, height, weight, eye color, and hair color, and to name a racial category by placing a check mark in a small square printed to the right of each choice: White, Negro, Japanese, Chinese, and Other. Selecting “Other” would require a different category to be named and written on a blank line.¹¹⁴ The federal government even sent instructions to Native American tribes in borderland states such as California requiring them to alert the Mexican nationals living among the tribes as spouses and as other family members to comply with alien registration.¹¹⁵

Registration thus became a comprehensive activity of immigration control in the United States, building on precedents such as passenger lists, the requirements of the Geary Act of 1892 that compelled Chinese laborers to carry certificates of residence and identity, the issuance of identification cards to newly arriving immigrants after 1928, and the “Registry Act” of 1929 that authorized the adjustment or legalization of status for aliens of good moral character and continuous residence since 1921.¹¹⁶ Centralized registration of immigrants has since heightened the tension between the interests of privacy, free speech, and travel versus those of national security, and registration has facilitated enforcement of such legal categories as “alien enemies.” “Enemy aliens” may be defined by presidential proclamation.¹¹⁷ The term was first invoked in 1812 to detain British subjects and subsequent proclamations have defined other such groups.¹¹⁸ In the context of the threats of the First World War, President

112. Letter from Earl G. Harrison, Director of Registration, INS, to Every Alien in the United States of 1940, “The National Registration of Aliens: Instructions for Registration and the Specimen Form, Form AR-1” on file with Mission Indian Agency Central Classified Files, 1920–53, NARA, LN.

113. Letter from Earl G. Harrison (1940).

114. United States Department of Justice, Immigration and Naturalization Service. Specimen Form—Alien Registration, Form AR-1 (1940).

115. Alien Registration Act of 1940, Pub. L No. 76–670, 43 Stat 670 (1940); Letter from Earl Harrison (1940).

116. Act to prohibit the coming of Chinese Persons into the United States, 27 Stat. 25 (1892); Act of March 2, 1929, 45 Stat. 1512 (1929). Ngai, *Impossible Subjects*, 82.

117. Alien Enemy Act of 1798, 1 Stat. 577 (July 6, 1798), codified at 50 U.S.C. §§ 21–24 (2006).

118. Theodore M. Cooperstein, “Keep Your Friends Close, But Your Enemies Closer: Internment of Enemy Aliens in the Present Conflict,” *Dartmouth Law Journal* 7 (2009): 295–306.

Woodrow Wilson, for example, declared “noncitizen males over the age of 14 born in Germany and, as of December 1917, born in the Austro-Hungarian Empire” as enemy aliens to be detained at locations including Angel Island in California.¹¹⁹

In the past decade, registration itself has been expanded to include many non-immigrant foreign nationals. With concerns about national security, the United States Department of Justice announced on November 6, 2002 (following the attacks of September 11, 2001) that all men, aged sixteen and older, who were citizens or nationals of Iran, Iraq, Libya, Sudan, or Syria, and who entered the United States on or before September 10, 2002, were required to undergo special registration procedures with the Immigration and Nationalization Services called the National Security Entry/Exit Registration Systems (NSEERS).¹²⁰ According to Edward Alden of *New America Media*, “more than 140,000 Arabs and Muslims in the United States were forced to register with the government after the September 11 attacks. . .[and] the registration scheme did not uncover any terrorists, but it did find some 13,000 immigration violators, who were then deported.”¹²¹ Although many aspects of registration requirements were abolished in 2003, a New York appeals court upheld the program ruling that the United States Justice Department had the authority to enforce NSEERS, and the registration program was made lawful largely through its extension to immigrants of all backgrounds.¹²² Centralized registration therefore remains an essential technique of the governance of immigration at the outset of the twenty-first century.

Conclusion: Nationalisms And Immigration History

The conventional national narratives in Mexico and the United States illustrate the problem of methodological nationalism. The former largely neglects immigration as a factor in the composition of the nation whereas

119. Presidential Proclamation of April 6, 1917, 40 Stat. 1654 (1917). See also Maria Sakovich, “When the ‘Enemy’ Landed at Angel Island,” *The U.S. National Archives & Records Administration* 41 (2009): <http://www.archives.gov/publications/prologue/2009/summer/angel.html> (accessed October 11, 2010).

120. Julie Farnam, *US Immigration Laws Under the Threat of Terrorism* (New York: Algora Publishing, 2005), 72. American–Arab Anti-Discrimination Committee, “ADC Immigration Law Advisory on Registration with INS,” (November 7, 2002).

121. Edward Alden, “Arab ‘Registry’ Upheld: Policy About Immigration, Not Counter-Terrorism,” *New America Media* (October 7, 2008) http://www.alternet.org/immigration/101894/arab_%22registry%22_upheld%3B_policy_about_immigration,_not_counter-terrorism/ (accessed August 24, 2009).

122. *Ibid.*

the latter highlights immigration to account for its composition and exceptionalism among democracies. Methodological nationalism has not only guided the scholarly thinking that supports the conventional national narratives in Mexico and the United States, but it has also influenced the organization and use of archives, the classification of records, and the potential for historians to work at transnational, continental, and, ultimately, global levels of analysis.

We have aimed to confront methodological nationalism with a critique of the conventional national narratives of Mexico and the United States. As a set, the techniques of governance described herein:

1. the assignment of nationality as a singular attribute of personhood
2. the use of demonstrable and documentable characteristics as criteria of admission, and
3. centralized registration procedures to monitor and control the immigrant population

reveal how Mexico and the United States each accounted not only for those who gained admission, but also for those who were refused, excluded, or deported. The parallel concepts and content of the immigration laws of Mexico and the United States suggest not only that a more continental perspective is necessary to understanding the position and experiences of immigrants in the late nineteenth and earlier twentieth centuries, but also that immigrant lives have perhaps less to do with the founding myths of nations (or with being excluded from them) than with discrete steps toward opportunities in a world of complicated, competing interests and limited resources.

Based on our analysis of immigration, one might seek to describe Mexico and the United States through an interplay of actions and reactions, as engaged in a drawn-out conversation, an ongoing negotiation, or even a dance. Certainly Mexico and the United States have each been deeply concerned about national composition, taking similar steps and using similar techniques of governance to craft and implement immigration policies. With respect to disease-based restrictions on immigrants, the United States led the way and encouraged Mexico to also refuse diseased immigrants. With respect to registering foreigners, Mexican authorities began the process of systematically accounting for immigrants in 1926; in the United States, a comparable process began in 1940 although there were various earlier procedures that anticipated central registration. And in the case of setting quota laws, it appears that Mexico, like the United States, sought immigrant groups selectively that would “better” the nation. The evidence runs so closely parallel in these two countries that the historical

record indeed suggests a dance. But was it performed together as partners, or side-by-side? Was it a *jarabe tapatío*, a Mexican hat dance of courtship?

The evidence shows how common practices in Mexico and the United States inscribed the individual bodies of immigrants with categories of law and personhood as well as with notions of poverty, criminality, and disease. And from that evidence, this article presents an account that not only allows for comparison of the Mexican and United States cases, but also begins to integrate Mexican and United States evidence into a larger historical framing of immigration to North America, a move to recalibrate national narratives with immigration histories. Our attempt to reconstruct the historical phenomenon of North American immigration may be checked and corrected by the discovery of other documentation and the articulation of different connections. Official records presently available in each country document the institutions, practices, and legal categories that form the basic elements of immigration histories. These records have also become hegemonic in Mexico and the United States respectively, locating immigrants and immigration within ideological frameworks normalized to the official records and history of each country.¹²³ A comparative approach puts these records and the Mexican and United States cases into conversation, subject to argument and critique for whether and how equitably each nation regards personhood among people.

123. Hegemony can be defined as “a dominant ideology that has been naturalized and, having contrived a tangible world in its image, does not appear to be ideological at all.” John Comaroff and Jean Comaroff, *Ethnography and the Historical Imagination* (Boulder: Westview Press, 1992), 29.