

## Submitted Manuscript

In 1968, Fred Martinez, an agricultural labor organizer, expressed concerns about what he called a new type of “non-entity” that existed in limbo between the United States and Mexico. Martinez told two officials from the Department of Labor (DOL) that he tried to help several farmworkers get workers’ compensation but was unsuccessful because the workers were classified as “border commuters” (Figure 1). These two workers were permanent national residents of the United States, authorized to live in the United States, but instead decided to live in Mexico and cross the border daily to reach their jobs. Since they did not reside in the United States, they were ineligible for many social welfare and labor protection programs. Since they did not work in Mexico, they were also excluded from that country’s social safety net. A troubled Martinez suggested that the DOL enact reforms that allowed border commuters to obtain protections and rights from the United States.<sup>1</sup>

**Figure 1.** Peyton strikers dubbed this the “commuter express.” Workers claimed that this bus transported strikebreakers that resided in Juárez. These workers held green cards and were legally authorized to work and reside in the United States. “Peyton Heat,” *Texas Labor Advocate*, March 10, 1961.

The controversy over border commuters forms a largely forgotten chapter in the history of labor and immigration. Martinez’s testimony took place in a set of month-long hearings about border commuting convened by Senator Edward Kennedy, the culmination of a decade-long conflict over their legal status. Labor leaders, like the Texas AFL-CIO’s Hank

## Typesetting

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The controversy over border commuters forms a remarkable and forgotten chapter in the history of labor and immigration in the U.S.–Mexico borderlands. Martinez’s testimony took place in a set of month-long hearings about border commuting convened by Senator Ted Kennedy. These hearings were the culmination of a decade-long conflict over the legal status of border commuters. Border commuting had a long history in borderlands cities, and many workers argued that these commuting workers decreased wages and undermined unionization efforts. To end the practice, labor unions initiated legal challenges that ended up in the United States Supreme Court. Even though these lawsuits did not end the practice of border commuting, labor unions were able to win concessions that made it much more difficult for Mexican workers to obtain the authorization to move back and forth between Mexico and the United States.

<sup>1</sup>Select Commission on Western Hemisphere Immigration, *The Impact of Commuter Aliens along the Mexican and Canadian Borders: Hearings Before the Select Commission on Western Hemisphere Immigration: Part II, San Diego, California, February 9–10, 1968* (Washington DC, 1968), 123.

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States. Ultimately, this article argues that labor unions adopted a restrictionist stance against border commuters that resulted in the creation of tougher standards for those applying to immigrate to the United States. These new immigration regulations were meant to target border commuters from Mexico but became applicable to all immigrants who sought to enter the United States. These new stringent regulations targeted nonwhite immigrants and reinforced a racial hierarchy within the United States’ immigration policy.

Border commuting has a long history. The informal act of crossing the boundary line daily to work, shop, or attend school is an old practice, but in 1927 the Immigration and Naturalization Service (INS) began to regulate temporary border crossing by issuing permits