



Written by on July 13, 2010

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## Deporting Illegal Immigrants

Anyone living in Southern California then, even a kid like me, couldn't help but take notice of the operation that sent upwards of two million illegal aliens from all across the Southwest home to Mexico. It was done swiftly and cheaply by a relatively small force, proving that arguments we hear today about such an operation being logistically impossible are nothing more than a mask concealing a lack of political will.

During World War II, with so many Americans in the service — and fighting and dying overseas — Mexicans illegally entered the United States to take advantage of employment opportunities, especially as agricultural laborers. People seem to forget that most of those who worked in the farm fields of California during the 1930s were not Mexicans but “Okies,” a term applied collectively to the hundreds of thousands of migrants who poured out of not only Oklahoma but also Texas, Arkansas, and Missouri — and smaller numbers from Kansas and Colorado — and took Route 66 to the Golden State. By 1940, the Okies constituted about 12 percent of California's population overall, 25 percent of the population of the agricultural San Joaquin Valley, and the bulk of farm labor. Following the Japanese sneak attack on Pearl Harbor, though, the Okies began moving from the fields into the factories or the Armed Forces.

By the end of World War II, there were some two million illegal aliens living in California, Arizona, and Texas. U.S. citizens in those states began complaining that the Mexican illegals undercut the workingman's wages, committed crimes, caused a general deterioration of the communities they lived in, gave birth to children at county expense, and sent older children to local schools — crowding classrooms and breaking school district budgets. It took years for the complaints of U.S. citizens to gain any traction.

There was already an unholy alliance of agribusiness and other employers of unskilled labor and Congressmen. Corporate farmers and other business interests argued that the work performed by illegal aliens was desperately needed. However, several studies, including one conducted by the President's Commission on Migratory Labor in Texas, demonstrated that if employers paid standard American wages there would be plenty of Americans able and willing to take the jobs. In the Rio Grande Valley of Texas, for example, where tens of thousands of illegal aliens were employed, wages were half that paid in other parts of Texas for the same agricultural jobs. Lyndon Johnson, a Congressman from Texas at the time, first as a Representative and later as a Senator, fought vigorously against measures aimed at illegal aliens and was said to have been in the hip pocket of agribusiness. He was not alone. While American citizens throughout the Southwest complained about the presence of illegal aliens in their communities, Congress was generally unresponsive. Agribusiness had well-paid lobbyists and influence peddlers by the dozen. American citizens suffering from illegal aliens had no such advocates.

It took a military man, who thought that national borders should mean something, to take action. Even before he was elected President during the fall of 1952, Dwight Eisenhower was concerned about illegal aliens. In 1951, in a letter to Senator William Fulbright of Arkansas, who had recently proposed that Congress create a special commission to examine the influence of lobbyists and unethical conduct by government officials, Eisenhower quoted a line from an article in the *New York Times* that said, “The rise in illegal border-crossing by Mexican ‘wetbacks’ to a current rate of more than 1,000,000 cases a year has been accompanied by a curious relaxation in ethical standards extending all the way from the farmer-exploiters of this contraband labor to the highest levels of the Federal Government.”

It seems that corruption was a fact of life in the Immigration and Naturalization Service and in the



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Border Patrol. Herbert Brownell, Jr., Eisenhower's first Attorney General, said that America "was faced with a breakdown in law enforcement on a very large scale. When I say large scale, I mean hundreds of thousands were coming in from Mexico without restraint." They were also staying here without restraint. Border Patrol agents tell stories of rounding up illegal aliens on large farms, only to have them released after the politically connected employer called the right people.

Once firmly established in the White House, Eisenhower went to work on the problem. Early in 1954, he appointed retired Lt. Gen. Joseph "Jumpin' Joe" Swing as the new Commissioner of the INS. Eisenhower could not have made a better choice. Handsome and square-jawed with sparkling blue eyes, white hair, and a bearing that suggested strength and decisiveness, the 60-year-old Swing could have come from Central Casting. The New Jersey-born Swing had been a classmate of Eisenhower at West Point, graduating in 1915 as a member of "the class the stars fell on."

Fresh out of the academy, Swing participated in the Punitive Expedition against Pancho Villa, who raided the border town of Columbus, New Mexico. Swing rose to captain during World War I but remained stateside. He was a full bird colonel by the time World War II erupted and fought in the New Guinea, Leyte, and Luzon campaigns. He landed on Leyte as a major general and commander of the 11th Airborne Division — the "Angels" — which fought brilliantly throughout the Philippines. Included among its feats were the destruction of the vaunted *Shimbu* force, the spectacular rescue of more than 2,000 Allied prisoners behind enemy lines at Los Banos, and a combined parachute and glider operation at Aparri that trapped a Japanese division, leading to its annihilation. Jumpin' Joe was in the thick of things and by war's end his decorations included the Distinguished Service Cross (second only to the Medal of Honor), the Distinguished Service Medal, three Silver Stars, the Legion of Merit, three Bronze Stars, and two Air Medals.

### **Swingin' for the Border Fence**

With such a background, it is not surprising that Swing provided aggressive leadership as Commissioner of the INS, reorganizing the service and appointing fellow retired generals to key posts. Corrupt and powerful Congressmen, such as Senator Lyndon Johnson of Texas who served the interests of corporate agribusiness and had been able to frustrate the efforts of the Border Patrol, now found themselves facing a new kind of Commissioner in Swing. Moreover, Swing had the full support of President Eisenhower. Disregarding political pressure from Johnson and other such Congressmen, Swing quickly formulated a plan for the apprehension and deportation of illegal aliens, naming it Operation Wetback. On D-day, June 17, 1954, Swing sent 750 of his Border Patrol agents into the field to begin a sweep through Arizona and California. Within a month, Jumpin' Joe's boys had taken more than 50,000 illegal aliens into custody — and half a million more, fearing arrest, had self-deported.

During the second half of July, teams of agents were sweeping through Utah, Nevada, and Idaho. They also went into Texas, targeting especially the Rio Grande Valley. Starting at the valley's southern end and supported by local law enforcement, Border Patrol agents moved northward. On the first day of the sweep, July 15, they took nearly 5,000 illegal aliens into custody. Although not many more than 700 agents were in the field, Border Patrol officials exaggerated the numbers to frighten illegal aliens to flee south of the border. Newspaper editorials, hostile to the operation and in support of corporate interests, also exaggerated the numbers of agents to give the impression that a federal invading army had descended upon the valley. Whether from these exaggerated reports or from actual arrests of illegal aliens, the "wetbacks" of the valley were crossing the border back into Mexico on their own by the thousands each day. The process of self-deportation, demonstrated daily in large numbers during



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Operation Wetback, is left unmentioned by those who argue that mass deportation of illegal aliens is logistically impossible.

Those taken into custody by the Border Patrol — about 1,100 a day after big numbers during the first week — were transported across the border in trucks and buses and then put on trains bound for Durango. The United States wanted the illegal aliens shipped deep into Mexico to discourage re-entry. They were also taken to Port Isabel, Texas, and put aboard ships such as *Emancipation*, which then sailed them to Veracruz, 500 miles to the south. Transportation by sea continued until seven illegal aliens jumped off *Mercurio* in an escape attempt and drowned. Since the United States depended upon the cooperation of the Mexican government in sending illegal aliens deep into Mexico's interior, protests from Mexico over the drownings caused the United States to end waterborne deportations.

By the end of September, the INS estimated that nearly 100,000 illegal aliens had been taken into custody in Texas and deported and that another 700,000 or so self-deported. Adding those to the numbers of illegal aliens deported or self-deported from Arizona and California, and still more from Utah, Nevada, and Idaho, means that in a few months of aggressive patrolling Jumpin' Joe's agents had directly or indirectly sent more than 1.3 million illegal aliens back to Mexico. Moreover, Swing had accomplished this with not many more than 700 agents in the field at any one time and limited funding. What he did have in abundance was the determination and will to enforce the law. For the rest of Swing's tenure as Commissioner, which ended in 1961, illegal border crossings were down 95 percent. The aggressive and common-sensical approach in policing the border that Jumpin' Joe established continued to have a salutary effect on border conditions until the mid-1960s when the rate of illegal crossings began increasing dramatically. There were many reasons for the sudden increase, but it's beyond coincidental that by that time Lyndon Johnson had become President.

During his years as Commissioner, Swing came in for criticism from all the likely sources, including Congressmen who were connected hip-to-hip with agribusiness and other employers of cheap (to the employers only) Mexican labor. Swing, who had "a hair trigger temper" but also a great sense of humor, did not suffer fools or corrupt politicians gladly and simply responded matter-of-factly, and thus politically incorrectly, to the problems caused by the presence of illegal aliens and slack border security. He also liked to emphasize that while special interests might have a problem with him, the great majority of American people wholeheartedly supported Operation Wetback and his strict border policies. Also, supporting Swing was the American G.I. Forum, an organization of Mexican-American military veterans. Together with the Texas State Federation of Labor, the G.I. Forum published *What Price Wetbacks?*, a study which demonstrated that not only did illegal aliens undercut wages and displace American workers but that the de facto open-border policy of past years was a threat to the security of the United States. Most members of Congress also supported Swing, voting in 1958 to increase his salary as Commissioner of the INS from \$17,500 a year to \$20,000.

### **Homeland Hindrances**

What Swing did in 1954, we could do today — if we had the political will. Retired Border Patrol agent Walt Edwards, who participated in the sweep through the Southwest in 1954, declared in 2006, "Some say we cannot send 12 million illegals now in the United States back where they came from. Of course we can!" Edwards also noted, "When we start enforcing the law, these various businesses are, on their own, going to replace their [illegal] workforce with a legal workforce." Donald Coppock, who was also with the Border Patrol during the 1950s and led it from 1960 to 1973, said that if Eisenhower were President and Swing Commissioner today, they'd seal the border and deport illegal aliens "in a minute."



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Another Operation Wetback, though, would also require the abolition of a little-known but byzantine and powerful agency within the Department of Justice formally termed the Executive Office for Immigration Review and commonly referred to as the EOIR. The agency was created in 1983 through an internal DOJ reorganization, essentially establishing Immigration Courts independent of the INS. Since then immigration attorneys on behalf of their clients have flooded the EOIR with endless paperwork, postponements, and appeals, which can drag what should be a quick and incontestable deportation into years of delays. Moreover, Immigration Court decisions can be appealed to the Board of Immigration Appeals and decisions of the BIA can be appealed to a federal circuit appellate court. Summary deportation that prevailed in 1954 has been replaced by infinite immigration litigation. During these proceedings most illegal aliens are released on an immigration bond. If an illegal alien sees that his case is going badly and he will be ordered deported, he simply fails to appear for his final hearing. There are more than 300,000 illegal aliens in such a status.

In its report, *The Deportation Abyss: It Ain't Over 'Til the Alien Wins*, the Center for Immigration Studies reports:

Between the incompetence of the INS [now ICE], the complete lack of alien detention center space, and the bureaucracy of the EOIR, our system for deporting known illegal aliens and criminal alien residents is a sad joke. But no one is laughing.

If all of the illegal aliens and deportable resident alien criminals were rounded up tomorrow, the system would not be capable of handling them. It would be an absolute disaster. The INS and EOIR wouldn't have the foggiest idea of what to do with them! The aliens would all be released back out on the street on immigration bonds and go back right where they were as if nothing happened, while their cases would grind on through the system of Immigration Court hearings and endless appeals.

The creation of the EOIR, like the creation of most federal bureaucracies, in turn spawned an entire industry. There are now thousands of attorneys who specialize in immigration law. They are represented by their own lobbying group, the American Immigration Lawyers Association (AILA). Meanwhile, the EOIR employs more than 200 immigration judges, all pulling down six-figure salaries and enjoying generous federal benefits, a far cry from Commissioner Swing's top salary of \$20,000.

We got ourselves into this mess and we can get ourselves out of it. However, to do so it will take bold, decisive, and forceful leaders the caliber of Lt. Gen. Joseph Swing — that is if America still produces such men.



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