

Health on the Line: The Politics of Citizenship and  
the Railroad Bracero Program of World War II

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## Introduction

*“It is further indicated that every effort is made to conserve the health of these [Mexican] workers while in the United States, both for the welfare of the individual and because it is to the interest of the employer that these men be maintained in the best of health so that they can effectively perform the services for which they have been employed.”*

*-U.S. Secretary of State, Adolf A. Berle Jr. October 24, 1944<sup>1</sup>*

During World War II the railroad bracero program generated a series of transnational legal debates centered on the regulation of guest worker health rights. Between 1943 and 1945, an estimated 135,000 Mexican men were recruited to participate in the railroad bracero program, a guest worker program co-sponsored by the U.S. and Mexican governments, as temporary track maintenance workers to assuage the labor shortage and support war transportation. These Mexican guest workers, known as braceros, moved back and forth across the U.S.-Mexico border and labored on an expansive network of tracks across the United States. They performed track labor in an unfamiliar industrial environment that was unpredictable and well-known for causing injury, dismemberment and death among workers, passengers and by-standers alike.<sup>2</sup> When railroad braceros experienced injury, illness or unsafe working conditions, they engaged in a process of claim-making in which they requested railroad employers cover medical costs and/or rectify workplace safety and health issues. Railroad braceros made these claims on the force of a bracero labor contract that guaranteed them basic health

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<sup>1</sup> Adolf A. Berle Jr., memorandum, 24 October 1944, box 3886, File 811.504 Mexico/8-2144EG, General Records of the Department of State, RG 59, National Archives, College Park.

<sup>2</sup> Mark Aldrich, *Death Rode the Rails: American Railroad Accidents and Safety, 1828-1965* (Baltimore: Johns Hopkins University Press, 2006); John Fabian Witt, *The Accidental Republic: Crippled Workingmen, Destitute Widows, and the Remaking of American Law* (Cambridge: Harvard University Press, 2004); Barbara Young Welke, *Recasting American Liberty: Gender, Race, Law, and the Railroad Revolution, 1865-1920* (Cambridge: Cambridge University Press, 2001).

rights, which included hygienic living conditions, food, access to health care, and the right to injury compensation. The claims-making process sparked debates between the U.S. state, the Mexican state, U.S. railroad employers and railroad braceros over how to interpret the legal framework—based on three contracts—of the program that regulated bracero health. This study examines how four sets of historical actors—the U.S. state, the Mexican state, U.S. railroad employers, and railroad braceros—relied on the relationship between work, health and citizenship to define, negotiate and contest guest worker health. In doing so, it seeks to understand the forces that culminated in the railroad bracero program to cause workplace health discrimination against guest workers.

I argue that the legal framework regulating bracero health preserved the functionality of the program as a cost-effective labor recruitment program by simultaneously guaranteeing health rights and creating a loophole to deny them. The U.S. state's capacity to extend health rights to guest workers allowed the program to fulfill in its primary goal—to secure Mexican guest workers through diplomatic agreements with Mexico. While the U.S. state had the capacity to extend health rights, it was the railroad employer that retained the power to distribute guest worker health benefits. The railroad industry's well-developed legal system for minimizing costs paid in injury compensation (injury culture) and protecting corporate autonomy made it difficult for guest workers and the Mexican state to navigate the bracero contracts and succeed in the process of claiming health rights. Railroad braceros were vulnerable in the American workplace not only because of their deportability, but also because they were unfamiliar with railroad injury culture.

The railroad bracero program, together with its well-known agricultural counterpart, was the United States' first large experiment with a binational guest worker program that extended health rights to foreign workers in the American workplace.<sup>3</sup> Out of the 300,000 total Mexican guest workers that participated in the wartime railroad and agricultural bracero programs, almost half worked on the railroads. And yet, the majority of scholarship has been on the agricultural program. Scholars have examined in great detail the exploitative nature of the agricultural bracero program and the poor treatment—racial discrimination, unsanitary living conditions, unsafe working environments, and inadequate medical care—endured by agricultural braceros.<sup>4</sup> The health experiences of railroad and agricultural braceros have been mistakenly conflated on the presumption that the legal framework regulating bracero health in each program was identical. Although the same on paper, it was the application of this legal framework in a specific industry

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<sup>3</sup> The United States allowed for Mexican workers to be contracted as laborers in agricultural and railroads between 1917 and 1921. It was a bureaucratically disorganized effort, with an estimated 10,000 Mexican nationals who worked for the Southern Pacific Railroad. Historians have loosely referred to this as “the first bracero program.” See Fernando Saul Alanis Enciso, *El primer programa bracero y el gobierno de Mexico, 1917-1918* (San Luis Potosi: Colegio de San Luis, 1999); Barbara Driscoll de Alvarado, *The Tracks North: The Railroad Bracero Program of World War II* (Austin: CMAS Books, Center for Mexican American Studies, University of Texas at Austin, 1999), 6-8.

<sup>4</sup> Ernesto Galarza, *Merchants of Labor: The Mexican Bracero Story: An Account of the Managed Migration of Mexican Farm Workers in California 1942-1960* (S.l.: s.n, 1964); Ernesto Galarza, *Strangers in Our Fields* (Washington D.C.: Fund for the Republic, 1956); Peter N. Kirstein, *Anglo over Bracero: A History of the Mexican Worker in the United States from Roosevelt to Nixon* (San Francisco: R and E Research Associates, 1977); María Herrera-Sobek, *The Bracero Experience: Eliteloire versus Folklore* (Los Angeles: UCLA Latin American Center Publications, University of California, 1979); Rodolfo Jacobo, *Los Braceros: Memories of Bracero Workers, 1942-1964* (San Diego: Southern Border Press, 2003); Manuel Garcia y Griego, "The Importation of Mexican Contract Laborers to the United States, 1942-1964," in *The Border that Joins: Mexican Migrants and U.S. Responsibility*, ed. Peter G. Brown and Henry Shue (Totowa, N.J.: Rowman and Littlefield, 1983); Otey M. Scruggs, *Braceros, "Wetbacks" and the Farm Labor Program: Mexican Agricultural Labor in the United States, 1942-1954* (New York: Garland, 1988). Two notable studies on the bracero program as policy include Richard B. Craig, *The Bracero Program: Interest Groups and Foreign Policy* (Austin: University of Texas Press, 1971); Kitty Calavita, *Inside the State: The Bracero Program, Immigration, and the I.N.S* (New York: Routledge, 1992).

that drastically altered how workplace health benefits were administered, and how braceros experienced health in the American workplace.

Unlike agricultural braceros, railroad braceros entered a U.S. industry that had a regulated workplace environment, a unionized labor force, a social security program through the Railroad Retirement Board, an intimate relationship with the U.S. state, and an actuarial approach to employee management. In other words, railroad braceros entered an industry where U.S. citizen-workers received rights to workplace safety and health through their status as railroad employees. From the onset, the railroad bracero program held greater promises than the agricultural program for protecting the bodies and health of Mexican guest workers. The stark difference in industries makes the under-examined railroad bracero program valuable for learning about: the nature of U.S. guest worker programs, and their propensity for labor and human rights violations; and the role citizenship status plays in workplace health discrimination.

World War II was a formative moment in both the United States and Mexico for conceptions of work, citizenship and health.<sup>5</sup> Total war required the mobilization of resources, rapid transportation and communication, mass-conscripted armies, and the full

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<sup>5</sup> Ronald Takaki, *Double Victory: A Multicultural History of America in World War II* (New York: Little Brown, 2000); Robert B. Westbrook, *Why we Fought: Forging American Obligations in World War II* (Washington: Smithsonian Books, 2004); James T. Sparrow, *Warfare State: World War II Americans and the Age of Big Government* (Oxford; New York: Oxford University Press, 2011); Nelson Lichtenstein, *Labor's War at Home: The CIO in World War II* (Cambridge: Cambridge University Press, 1982); Graham Smith, *When Jim Crow Met John Bull: Black American Soldiers in World War II Britain* (New York: St. Martin's Press, 1987); Ruth Milkman, *Gender at Work: The Dynamics of Job Segregation by Sex during World War II* (Champaign: University of Illinois Press, 1987); Maureen Honey, *Creating Rosie the Riveter: Class, Gender, and Propaganda During World War II* (Amherst: University of Massachusetts Press, 1984); Monica Rankin, *Mexico, la patria!: Propaganda and Production during World War II* (Lincoln: University of Nebraska Press, 2010).

support of the civilian population on the home front.<sup>6</sup> The railroad bracero program embodied the United States and Mexican governments' efforts to forge a Pan-American home front composed of citizen-workers laboring in war industries for the Allied war effort.<sup>7</sup> When Mexican men crossed the border as guest workers, they entered an American workplace that was inundated with war propaganda that recast the meaning of work within the context of war production. Regardless of race, nationality, gender or ability, citizen-workers laboring in the Pan-American home front were encouraged to think about their work as war work. Every moment of work, even the minutest aspects, was imbued with a deep significance for the war effort, because without the labor of citizen-workers, U.S. propaganda proclaimed, the soldier on the battlefield could not

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<sup>6</sup> John J. Corson, *Manpower for Victory: Total Mobilization for Total War* (New York: Farrar & Rinehard, 1943); George Q. Flynn, *The Mess in Washington: Manpower Mobilization in World War II* (Westport, Conn.: Greenwood Press, 1979); Cecil and Stanley Teele Fraser, *Industry Goes to War: Readings on American Industrial Rearmament* (New York: McGraw-Hill, 1941); Daniel R. and Victor Jew Ernst, *Total War and the Law: The American Home Front in World War II* (Westport: Praeger, 2002).

<sup>7</sup> The literature on the U.S. homefront is silent on the Pan-American homefront. See Allan M. Winkler, *Home Front U.S.A.: American during World War II* (Wheeling, Ill.: Harlan Davidson, 2000); John Jeffries, *Wartime America: The World War II Home Front* (Chicago: Ivan R. Dee, 1996); Takaki, *Double Victory: A Multicultural History of America in World War II*; Milkman, *Gender at Work: The Dynamics of Job Segregation by Sex during World War II*; John Morton Blum, *V Was for Victory: Politics and American Culture during World War II* (New York: Harcourt Brace Jovanovich, 1976); William O'Neill, *A Democracy at War: America's Fight at Home and Abroad in World War II* (New York: Free Press, 1993); Robert H. and Gilbert J. Gall Zieger, "Labor Goes to War, 1939-1945," in *American Workers, American Unions, The Twentieth Century, 3rd Edition* (Baltimore University Press: 2002); Richard Polenber, *America At War: America's Fight at Home and Abroad in World War II* (Englewood Cliffs: Prentice-Hall, 1968). Several historians have critiqued the narrative that state actor's hoped to stimulate structural change in U.S. society through industrial mobilization. Rather, these historians argue that state actors retreated from the new deal reforms during the war. See Daniel Kryder, *Divided Arsenal: Race and the American State During World War II* (Cambridge: Cambridge University Press, 2000); Brian Waddell, *The War Against the New Deal, World War II and American Democracy* (DeKalb: Northern Illinois University Press, 2001); Gregory Hooks, *Forging the Military-Industrial Complex: World War II's Battle of the Potomac* (Champaign: University of Illinois Press, 1991); Alan Brinkley, *The End of Reform: New Deal Liberalism and War* (New York: Alfred A. Knopf, 1995). For scholarship that covers the period of World War II and Mexican Americans, see Juan Gomez-Quinones, *Chicano Politics: Reality and Promise, 1940-1990* (Albuquerque: University of New Mexico Press, 1990); Guadalupe San Miguel, *Let All of Them Take Heed: Mexican Americans and the Campaign for Educational Equality in Texas, 1910-1981* (Waco: Texas A&M University Press, 2000); Mario Garcia, *Mexican Americans: Leadership, Ideology, and Identity, 1930-1960* (New Haven: Yale University Press, 1989); Raul Morín, *Among the Valiant: Mexican-Americans in WWII and Korea* (Los Angeles: Borden Publishing Company, 1963).

fight the Axis. The formulation of work and citizenship catalyzed the transformation of citizen-worker to war worker by emphasizing obligation—a key component of citizenship—to country. As an intrinsically gendered component of citizenship, the wartime obligations of citizenship for male citizens in the United States and Mexico centered on military service and labor. American men who did not serve in the military were expected to contribute to home front efforts through work.<sup>8</sup> Mexican men, on the other hand, did not have the option of military service during World War II. Unlike the United States, Mexico did not have the economic resources to organize and deploy a military convoy for the Allied cause. Rather than military service, the Mexican presidential administration of Manuel Ávila Camacho encouraged Mexican men to fulfill their obligation to country by lending their labor to the Allied war effort in U.S. war industries.<sup>9</sup>

The obligations of citizenship, however, are incomplete without its reciprocal element—rights. In his famous “Four Freedoms” speech given on January 6, 1941, President Franklin Roosevelt argued that the four freedoms—freedom of speech, freedom of worship, freedom from want, and freedom from fear—were fundamental rights to be enjoyed by all human beings. It was through democracy, President Roosevelt contended, that the benefits of economic security, social security, employment and access to

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<sup>8</sup> Lewis A. Erenberg and Susan E. Hirsch, eds, *The War in American Culture: Society and Consciousness During World War II* (Chicago: University of Chicago Press, 1996); James T. Sparrow, *Warfare State: World War II Americans and the Age of Big Government* (Oxford; New York: Oxford University Press, 2011); Robert B. Westbrook, *Why we Fought: Forging American Obligations in World War II* (Washington: Smithsonian Books, 2004).

<sup>9</sup> Deborah Cohen, “Caught in the Middle: The Mexican State’s Relationship with the United States and Its Own Citizen-Workers, 1942-1954,” *Journal of American Ethnic History* 20, no. 3 (Spring 2001): 110-32; Emilio Zamora, “Mexico’s Wartime Intervention on Behalf of Mexicans in the United States: A Turning of Tables,” in *Mexican Americans and World War II*, ed. Maggie Rivas-Rodriguez (Austin: University of Texas Press, 2005).

“adequate health care” could be extended to all people.<sup>10</sup> Health, a vital aspect of economic security, was (and continues to be) channeled in the United States through employment. What President Roosevelt argued, however, was that in a postwar world where the Allies (democracy) triumphed over the Axis, the extension of health rights would not be a condition of citizenship status and employment; it would be a matter of human rights. President Roosevelt’s vision for the postwar period was put to the test in the railroad bracero program with the extension of health rights to braceros.

At its most fundamental level, the railroad bracero program was designed to ensure a steady supply of cheap, temporary and able-bodied Mexican guest workers for the U.S. railroad industry, and the U.S. economy more broadly. The United States’ decision to extend health rights to foreign workers in the American workplace was the result of its political and economic reliance on Mexico for labor and raw materials. Rather than initiate a labor recruitment program without the consent of the Mexican state, the United States utilized the Good Neighbor Policy—a foreign policy established by President Franklin Roosevelt in the early 1930s that championed mutual consultation and nonintervention with Latin American countries—in its diplomacy with Mexico.<sup>11</sup> A co-

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<sup>10</sup> John Bodnar, *The "Good War" in American Memory* (Baltimore: Johns Hopkins Press, 2010); David M. Kennedy, *Freedom From Fear: The American People in Depression and War, 1929-1945* (Oxford: Oxford University Press, 1999). For scholarship on the creation of the welfare state, see Jennifer Klein, *For All These Rights: Business, Labor, and the Shaping of America's Public-Private Welfare State* (Princeton, N.J.: Princeton University Press, 2003); Marie Gottschalk, *The Shadow Welfare State: Labor, Business, and the Politics of Health-Care in the United States* (Ithaca, N.Y.: ILR Press, 2000); William Ranulf Brock, *Welfare, Democracy, and the New Deal* (Cambridge, England: Cambridge University Press, 1988); David A. Moss, *Socializing Security: Progressive-Era Economists and the Origins of American Social Policy* (Cambridge, Mass.: Harvard University Press, 1996).

<sup>11</sup> Bryce Wood, *The Making of the Good Neighbor Policy* (New York: Columbia University Press, 1961); Frederick B. Pike, *FDR's Good Neighbor Policy: Sixty Years of Generally Gentle Chaos* (Austin: University of Texas Press, 1995); Maria Emilia Paz, *Strategy, Security, and Spies: Mexico and the U.S. as Allies in World War II* (University Park: Pennsylvania State University Press, 1997). For more on U.S.-Latin American relations, see Donald M. and Linda B. Hall Coerver, *Tangled Destinies: Latin America and*

sponsored railroad bracero program made the Mexican state a seemingly equal partner in the program's creation and administration. The Mexican state used this political leverage to demand that its citizen-workers receive protections to health and body while laboring abroad in the American workplace. The result was a guest worker program—outlined in three contracts—designed to meet the converging, and diverging, expectations of each state and U.S. railroad employers in the regulation of guest worker health. Because the program required the movement of Mexican men across the U.S.-Mexico border, the three contracts structuring the railroad bracero program created a legal framework that regulated the entry of foreign workers into the United States, based on U.S. immigration policy; and safeguarded the rights of Mexican guest workers in the American workplace, based on protections afforded to Mexican citizen-workers through the Mexican Constitution. The inclusion of both Mexican and U.S. policies in the program meant that the relationship between work, health and citizenship had multiple valences that often operated simultaneously.

In the United States, this formulation had firm roots in immigration law. The United States had many competing interests regarding foreign workers, including immigration, health and business. The rapid industrialization of the U.S. economy in the nineteenth century generated a need for cheap, unskilled labor. While business enterprise thrived on the massive influx of immigrants arriving on America's shores in the 1870s and 1880s, the American public could not agree on how to deal with the flood of immigrants. Business sought to manage this new labor force; social reformers wanted to

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*the United States* (Albuquerque: The University of New Mexico Press, 1999); Henry Raymont, *Troubled Neighbors: The Story of U.S.-Latin American Relations from FDR to the Present* (Westview Press, 2005).

assimilate the immigrants; and nativists and the labor movement preferred unskilled immigrants to be denied entry.<sup>12</sup>

These debates over immigration resulted in the passage of several immigration restriction laws in the late nineteenth century that sought to draw lines between citizens, non-citizens and those in-between the status of citizen and foreigner—lines based on work, health and race. The Chinese Exclusion Act of 1882 barred skilled and unskilled Chinese workers from immigrating, and barred people of Chinese heritage already living in the United States from U.S. citizenship.<sup>13</sup> The Alien Contract Labor Act of 1885, known as the Foran Act, prohibited the importation and migration of foreigners for the purpose of performing labor in the United States.<sup>14</sup> The Foran Act codified a racialized and skills-based criteria aimed at controlling the influx of cheap and unskilled labor that had an “ignorant and servile” character. Immigrant officials applying the Foran Act on a daily basis, historian Gunther Peck argues, had difficulty identifying with certainty the immigrants who had these characteristics. Perhaps more importantly, these immigrants had to satisfy two contradictory demands—they had to demonstrate they were not “likely

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<sup>12</sup> Catherine Collomp, "Unions, Civics, and National Identity: Organized Labor's Reaction to Immigration, 1881-1897," in *In the Shadow of the Statue of Liberty: Immigrants, Workers, and Citizens in the American Republic, 1880-1920*, ed. Marianne Debouzy (Urbana: 1992); Kitty Calavita, *U.S. Immigration Law and the Control of Labor, 1820-1924* (Academic Press, 1984); David H. Bennett, *The Party of Fear: From Nativist Movements to the New Right in American History* (New York: Vintage Books, 1990); John Highman, *Strangers in the Land: Patterns of American Nativism, 1850-1925* (New York: Atheneum, 1967).

<sup>13</sup> Erika Lee, *At America's Gates: Chinese Immigration during the Exclusion Era, 1882-1943* (Chapel Hill: University of North Carolina Press, 2003); Lucy E. Salyer, *Law Harsh As Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (Chapel Hill: The University of North Carolina Press, 1995); Bill Ong Hing, *Making and Remaking Asian America through Immigration Policy, 1850-1990* (Stanford: Stanford University Press, 1993).

<sup>14</sup> In 1864, the United States passed a contract labor law that supported the importation of foreign workers by U.S. companies through the creation of the United States Emigration Office. The primary duty of this office was to mediate the contract labor process by “making contracts with the different railroads and transportation companies” and protecting foreign workers from “imposition and fraud.” On the first alien contract law, see U.S. congress, House, *Congressional Record*, 38th Congress, 1st session, Chapter 246, July 4, 1864.

to become a public charge” and that they did not have a job waiting for them in the United States. An immigrant had to possess the ability to be a laborer and earn a wage, but he or she could not arrive in possession of a contract for work, “expressed or implied.”<sup>15</sup>

As an increasingly restrictive U.S. immigration regime developed, it relied on medical examinations as a powerful tool for determining an immigrant’s admissibility into the United States. Together with the Immigration Service, the U.S. Public Health Service classified diseases in accordance with immigration law and industry expectations.<sup>16</sup> Medical conditions and diseases took on economic meanings, Fairchild argues, “categorizing both inability and ability to perform in the workforce [and elaborating] on the formulation of what made a good industrial citizen: one who would remain healthy, be a useful worker, and not become dependent on the charity of the nation.”<sup>17</sup>

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<sup>15</sup> Gunther Peck, *Reinventing Free Labor: Padrones and Immigrant Workers in the North American West, 1880-1930* (Cambridge: Cambridge University Press, 2000), 86.

<sup>16</sup> The literature on the U.S. Public Health Service and immigrant policy at U.S. ports and borders is extensive. See Alan M. Kraut, *Silent Travelers: Germs, Genes, and the "Immigrant Menace"* (Baltimore: Johns Hopkins University Press, 1995); Howard Markel, *Quarantine!: East European Jewish immigrants and the New York City epidemics of 1892* (Baltimore, Md.: Johns Hopkins University Press, 1997); Fitzhugh Mullan, *Plagues and Politics: The Story of the United States Public Health Service* (New York: Basic Books, 1989); Elizabeth Yew, "Medical Inspection of Immigrants at Ellis Island, 1891-1924," *Bulletin of the New York Academy of Medicine* 56 (June 1980): 455-510; Howard Markel and Alexandra Minna Stern, "Which Face? Whose Nation? Immigration, Public Health and the Construction of Disease at America's Ports and Borders, 1891-1928," *American Behavioral Scientist* 42, no. 9 (1999): 1314-31; Anna Pegler-Gordon, *In Sight of America: Photography and the Development of U.S. Immigration Policy* (Berkeley: University of California Press, 2009); John McKiernan-Gonzalez, *Fevered Measures: Public Health and Race at the Texas-Mexico Border, 1848-1942* (Durham: Duke University Press, 2012); Erika Lee and Judy Yung, *Angel Island: Immigrant Gateway to America* (Oxford ; New York: Oxford University Press, 2010), 31-39.

<sup>17</sup> Amy L. Fairchild, *Science at the Borders: Immigrant Medical Inspection and the Shaping of the Modern Industrial Labor Force* (Baltimore: Johns Hopkins University Press, 2003), 5, 14, 34-7. Amy Fairchild includes a useful table of U.S. Public Health Service diseases identified as Class A and B conditions between 1903 and 1930. Immigrants suffering from Class A conditions, also referred to as “loathsome and contagious diseases,” required mandatory exclusion, and included venereal disease, pulmonary

While Mexican men applying for the railroad bracero program had to pass the immigrant medical examination, they were not immigrants on the path to U.S. citizenship. Rather, they were non-immigrant, temporary workers valued by railroad employers and the United States for their potential as laborers, not as citizens. The bracero, literally translated as “arm-man”, represented the strong arm of Mexico aiding the United States in a time of war. A bracero was valued for his ability to perform labor (with his arms), and, perhaps more importantly, for his status as a temporary, deportable, and replaceable source of unskilled wage labor. Yet the status of the Mexican guest worker as simply an “arm-man” was in tension with the provisions of the bracero labor contract that entitled guest workers to protections of body and health in the American workplace.

The labor contract extended these protections to braceros on the force of their Mexican citizenship. An important stipulation of the railroad bracero program was that the bracero had to be a male Mexican citizen; if it was discovered that individual did not hold Mexican citizenship, he was denied entry into the program. In Mexico, the relationship between work, citizenship and health was embedded in the constitution of 1917 (Article 123) and the Federal Labor Law. Under these protections, Mexican citizen-workers had the rights to hygienic living conditions, food, access to health care, a safe working environment, and the right to injury compensation. Furthermore, Mexican law held employers responsible for providing their employees with these protections.

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tuberculosis, insane persons, idiots and the feeble-minded. Class B conditions, on the other hand, referred to medical categories that would render an immigrant “likely to be a public charge,” or “which may affect ability to earn a living. These conditions often included heart disease, pregnancy, eyesight, varicose veins, and poor physique. The annotation of Class B conditions with “which may affect ability to earn a living” was adopted in 1907.

The bracero labor contract embodied these tenets of Mexican law, thereby extending health rights to braceros in the American workplace vis-à-vis their Mexican citizenship. It was legal status as a Mexican citizen and guest worker that entitled a railroad bracero to health rights. Yet, the legal framework of the program limited guest worker health rights because they could not exceed those given to U.S. railroaders. The entangled debates over railroad bracero health stemmed from the diverse interpretations of how the relationship between work, health and citizenship informed the legal framework regulating guest worker health.

*Health on the Line* is a transnational U.S. history: it traces the movement of workers, state actors, business enterprise, and conceptions of work, citizenship and health across national boundaries. The objective of a transnational history, historian Ian Tyrell argues, is “to focus on the relationship between nation and factors beyond the nation.”<sup>18</sup> The interrogation of a nation-state’s interactions with global processes provides insight into how the nation-state was produced through transnational forces and how the nation-

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<sup>18</sup> Ian Tyrell, “What is Transnational History?” <http://iantyrrell.wordpress.com/what-is-transnational-history/> (accessed March 12, 2013). For a discussion of the state of transnational history, see “The Nation and Beyond: Transnational Perspectives on United States History,” Special Issue, *Journal of American History* 86, no. 3 (1999); C.A. Bayly et al., “AHR Conversation: On Transnational History,” *American Historical Review* 111, no. 5 (2006): 141-64; Thomas Bender, *A Nation among Nations: America's Place in World History* (New York: Hill and Wang, 2006); Donna Gabaccia, “Is Everywhere Nowhere? Nomads, Nations, and the Immigrant Paradigm of United States History,” *Journal of American History* 86, no. 3 (1999): 1115-34; Nina Glick Schiller, Linda Basch, and Cristina Blanc-Szanton, eds., *Towards a Transnational Perspective on Migration: Race, Class, Ethnicity, and Nationalism Reconsidered* (New York: New York Academy of Science, 1991); Linda G. Basch, Nina Glick Schiller, and Cristina Szanton Blanc, *Nations Unbound: Transnational Projects, Postcolonial Predicaments, and Deterritorialized Nation-States* (Langhorne: Gordon and Breach, 1994); Samuel Truett and Elliot Young, “Introduction: Making Transnational History: Nations, Regions, and Borderlands,” in *Continental Crossroads: Remapping U.S.-Mexico Borderlands History*, ed. Samuel Truett and Elliot Young (Durham: Duke University Press, 2004).

state operates.<sup>19</sup> A central concern in transnational history is that by focusing on global forces, we lose sight of the local. A broad transnational perspective that considers the global and the local, historian Leon Fink argues, “opens up new avenues for understanding—over time and space—changes in the concepts, policies and practice of states, their interactions with each other and their populations, and the ways in which the popular classes resist, react, and use both the nation-state and the non-state entities to advance their interests.”<sup>20</sup>

Although identified as a domestic U.S. immigration policy, the railroad bracero program was shaped by a variety of transnational forces from the global to the local levels.<sup>21</sup> This study interrogates, from the three critical perspectives outlined by historian Fink, the transnational debates generated by the railroad bracero program’s legal framework regulating guest worker health. First, from a policy perspective (from above), *Health on the Line* looks at how U.S. railroad employers, the Mexican state and U.S. state debated, and ultimately administered, bracero health policy. Second, it

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<sup>19</sup> Julie Greene, “Historians of the World: Transnational Forces, Nation-States, and the Practice of U.S. History,” in *Workers Across the Americas: The Transnational Turn in Labor History*, ed. Leon Fink, (Oxford: Oxford University Press, 2011), 13.

<sup>20</sup> Leon Fink, preface to *Workers Across the Americas: The Transnational Turn in Labor History*, ed. Leon Fink, (Oxford: Oxford University Press, 2011), xi-xii.

<sup>21</sup> Immigration historian Donna Gabaccia argues that it is through the intersection of immigration policy (from above) and the transnational linkages forged by immigrants (from below) that we come to understand that U.S. immigration policy is forged through transnational forces. See Donna R. Gabaccia, *Foreign Relations: American Immigration in Global Perspective* (Princeton: Princeton University Press, 2012). For a selection on scholarship that discusses the significance of immigrants to U.S. history, see Oscar Handlin, *The Uprooted: The Epic Story of the Great Migrations That Made the American People* (New York: Grosset and Dunlap, 1951); Leo R. Chaves, *The Latino Threat: Constructing Immigrants, Citizens, and the Nations* (Stanford: Stanford University Press, 2008); John Bodnar, *The Transplanted: A History of Immigrants in Urban America* (Bloomington: Indiana University Press, 1985). For more on the transnational links forged by Latino immigrants, see Robert Joe Stout, *Why Immigrants Come to America: Braceros, Indocumentados, and the Migra* (Westport, Conn.: Praeger, 2008); Robert C. Smith, *Mexican New York: Transnational Lives of New York Immigrants* (Berkeley: University of California Press, 2006); Jurgen Buchenau, "Small Numbers, Great Impact: Mexico and Its Immigrants, 1821-1973," *Journal of American Ethnic History* 20, no. 3 (Spring 2001): 23-49; Susan Bibler Coutin, *Legalizing Moves: Salvadoran Immigrants' Struggle for U.S. Residency* (Ann Arbor: University of Michigan Press, 2000).

investigates how Mexican and U.S. states interacted with, and governed, railroad bracero health in the American workplace. Third, from a local perspective (from below), *Health on the Line* examines how railroad braceros negotiated their health rights and resisted workplace health discrimination. Railroad braceros were important transnational historical agents, whose status as guest workers during wartime allowed them to possess multiple social and legal identities. Because the health of railroad braceros was important to railroad employers and both U.S. and Mexican states, albeit for different reasons, the railroad bracero navigated the legal framework to his advantage, at times appealing to the Mexican state, U.S. state, and/or non-state entities for support in their health-rights claims. The railroad bracero was not, as historian Linda Kerber would describe, a stateless individual.<sup>22</sup> Rather, the interests of both states in guest worker health made the railroad bracero an unstable legal category because he could make claims through both states. On the one hand, a railroad bracero could demand, on the basis of the bracero labor contract, that the U.S. state fulfill its obligation to extend health benefits to those who labor in its service. On the other, a railroad bracero could demand, on the force of their citizenship, that the Mexican state fulfill its obligation to protect the body and health of its citizen-worker laboring abroad.

Scholarship on the Bracero Program has recently taken a transnational turn. The conceptual challenges posed by globalization have generated an interest among labor and bracero scholars alike in understanding Mexican labor migration. Historian Deborah Cohen's *Braceros* traces how the movement of agricultural braceros across the U.S.-

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<sup>22</sup> Linda K. Kerber, "The Meanings of Citizenship," *The Journal of American History* 84, no. 3 (December 1997): 833-54.

Mexico border transformed them into racialized foreigners, transnational subjects and migrant citizens. The policies created in the agricultural bracero program, Cohen contends, laid the ground for the current debates over U.S. immigration policy.<sup>23</sup> Historian Michael Snodgrass, on the other hand, examines the bracero program from the perspective of the Mexican state and argues that Mexico “perceived and promoted migration to the United States as a means of achieving human and material progress at home.”<sup>24</sup> Much like the bracero scholarship prior to the transnational turn, these recent transnational works are centered on the agricultural program in the postwar period (1945-1964). The interest in the agricultural program stems from the fact that the program lasted twenty-two years, during which the farm labor movement emerged and was consolidated with the creation of the National Farm Workers Association (later the UFW) in 1962.

The overwhelming focus on the agricultural bracero program has all but silenced the history of the railroad bracero program, engraining in our collective imagination an image of the bracero stooped in a field, short-handled hoe in hand. The elision of the railroad bracero program in bracero scholarship is symptomatic of the broader literature on Chicano and Mexican American history, which has focused primarily on agricultural workers.<sup>25</sup> The recent posthumous publication of Jeffrey Garcilazo’s *Traqueros* is the

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<sup>23</sup> Deborah Cohen, *Braceros: Migrant Citizens and Transnational Subjects in the Postwar United States and Mexico* (Chapel Hill: University of North Carolina Press, 2011).

<sup>24</sup> Snodgrass also contends that labor migration permits became a source of political patronage for the ruling political party in Mexico, the Institutional Revolutionary Party (PRI). Michael Snodgrass, “Patronage and Progress: The Bracero Program from the Perspective of Mexico,” in *Workers Across the Americas: The Transnational Turn in Labor History*, ed. Leon Fink (Oxford: Oxford University Press, 2011), 247.

<sup>25</sup> Dennis Nodin Valdes, *Al Norte: Agricultural Workers in the Great Lakes Region, 1917-1970* (Austin: University of Texas Press, 1991); Neil Foley, *The White Scourge: Blacks, Mexicans and Poor Whites in*

first comprehensive study of Mexican track workers in the United States between 1880 and 1930. *Health on the Line* uncovers the largely forgotten history of the railroad bracero program and significantly broadens our understanding of the bracero experience.

Scholar Barbara Driscoll's *The Tracks North* stands as the only published monograph on the railroad bracero program, and offers an overview of the program's administration.<sup>26</sup> Driscoll argues that the railroad program "stands out as the only successful binational immigration project implemented by the U.S. and Mexican governments [because] it is the only instance in which the Mexican government was able to stand up to the U.S. government in order to protect its workers, and it is the only instance of a temporary contract labor program that was formally negotiated by both governments and respected according to the conditions established through bilateral discussions."<sup>27</sup> The measurement of the railroad bracero program's success is dependent on positionality and a specific set of interests. Driscoll privileges the perspective of

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*Cotton Culture* (Berkeley: University of California Press, 1996); George C. Kiser and Martha Woody Kiser, *Mexican Workers in the United States: Historical and Political Perspectives* (Albuquerque: University of New Mexico Press, 1979); Juan Gomez Quinones, *Mexican American Labor, 1790-1990* (Albuquerque: University of New Mexico Press, 1994); Jose E. Limon, "Transnational Triangulation: Mexico, the United States, and the Emergence of a Mexican American Middle Class," in *Mexico and Mexicans in the Making of the United States*, ed. John Tutino (Austin: University of Texas Press, 2012); Mark Riesler, "Always the Laborer, Never the Citizen: Anglo Perceptions of the Mexican Immigrant During the 1920s," in *Between Two Worlds: Mexican Immigrants in the United States*, ed. David G. Gutierrez (Wilmington: Scholarly Resources Inc, 1996); David R. Gutierrez, *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity* (Berkeley: University of California Press, 1995); Matt Garcia, *A World of Its Own: Race, Labor, and Citrus in the Making of Greater Los Angeles, 1900-1970* (Chapel Hill: University of North Carolina Press, 2001). Scholars such as Zaragosa Vargas and Vicki Ruiz have examined the important role of Mexican workers in U.S. industry, such as canneries, automobile manufacturing and meatpacking. Zaragosa Vargas, *Proletarians of the North: A History of Mexican Industrial Workers in Detroit and the Midwest* (Berkeley: University of California Press, 1993); Vicki Ruiz, *Cannery Women, Cannery Lives: Mexican Women, Unionization, and the California Food Processing Industry, 1930-1950* (Albuquerque: University of New Mexico Press, 1987).

<sup>26</sup> Barbara Driscoll, *The Tracks North*. For an article-length publication on the railroad bracero program, see Erasmo Gamboa, "On the Nation's Periphery: Mexican Braceros and the Pacific Northwest Railroad Industry, 1943-6," in *Mexican Americans and World War II*, ed. Maggie Rivas-Rodriguez (Austin: University of Texas Press, 2005).

<sup>27</sup> Driscoll, *The Tracks North*, x.

states and policy in her assertion that the railroad program stands as the only successful immigration project. Rather than stake a claim for the success or failure of the railroad program, *Health on the Line* examines how the program's legal framework not only created, but also helped to conceal, profound humanitarian concerns regarding guest worker health that continue to be a central point of contention in debates over U.S. immigration and healthcare reform. The railroad bracero program is fundamental to understanding twentieth century U.S. history because it epitomizes the United States' reliance on foreign workers to supply U.S. business enterprise with cheap, deportable labor, and to support the growth of the U.S. economy. Perhaps most importantly, the railroad bracero program reveals the roots of the modern U.S. state's struggle to satisfy the contradictory demands of global capitalism—the movement of capital and labor—and humanitarian concerns for guest worker health rights.

I use health as both a methodological framework and a historical category. The scholarship on health is vast and spans many fields of history, including immigration, public health, workplace safety and disease, disability, and empire. Immigration historians such as Amy Fairchild and Ann Pegler-Gordon have examined the centrality of medical examinations as a tool of exclusion and inclusion. U.S. Public Health officers used the power of science and medicine to “read bodies” and determine whether or not immigrants would make “desirable” citizens and, perhaps more importantly, “useful” workers.<sup>28</sup> More broadly, the immigrant medical examination was meant to protect the

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<sup>28</sup> Pegler-Gordon, *In Sight of America*; Fairchild, *Science at the Borders*.

national body from the contagion that immigrants may have been carrying with them.<sup>29</sup>

Alexandra Minna Stern and Erika Lee have also shown how the immigrant medical examination differed at the ports and borders of entry based on race, gender and class.<sup>30</sup>

Scholarship on public health as a tool of racialization has also focused on regions in the United States, and in sites of U.S. empire.<sup>31</sup>

Scholars writing about workplace safety have described the perils of work as a threat to public health. David Rosner and Gerald Markowitz have examined the ways in which definitions of occupational disease have changed over time, and how this discourse took shape through the relationship between labor, business, government and public health.<sup>32</sup> In a similar vein, scholars have written about how the body itself becomes an

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<sup>29</sup> Judith Walzer Leavitt, *Typhoid Mary: Captive to the Public's Health* (Boston: Beacon Press, 1996); Kraut, *Silent Travelers: Germs, Genes, and the "Immigrant Menace"*; Susan E. Lederer, *Subjected to Science: Human Experimentation in America Before the Second World War* (Baltimore: Johns Hopkins University Press, 1995).

<sup>30</sup> Markel, "Which Face? Whose Nation? Immigration, Public Health and the Construction of Disease at America's Ports and Borders, 1891-1928"; Alexandra Minna Stern, "Buildings, Boundaries, and Blood: Medicalization and Nation-Building on the U.S.-Mexico Border, 1910-1930," *The Hispanic American Historical Review* 79, no. 1 (February 1990): 41-81; Natalia Molina, "Medicalizing the Mexican: Immigration, Race, and Disability in the Early-Twentieth-Century United States," *Radical History Review*, 94 (Winter 2006): 22-37; Erika Lee, "Enforcing the Borders: Chinese Exclusion along the U.S. Borders with Canada and Mexico, 1882-1924," *Journal of American History* 89, no. 1 (June 2002); Yew, "Medical Inspection of Immigrants at Ellis Island, 1891-1924"; McKiernan-Gonzalez, *Fevered Measures*.

<sup>31</sup> Natalia Molina, *Fit to be Citizens?: Public Health and Race in Los Angeles, 1879-1939* (Berkeley: University of California Press, 2006); Nayan Shah, *Contagious Divides: Epidemics and Race in San Francisco's Chinatown* (Berkeley: University of California Press, 2001); James C. Mohr, *Plague and Fire: Battling Black Death and the 1900 Burning of Honolulu's Chinatown* (New York: Oxford University Press, 2005); Mullan, *Plagues and Politics: The Story of the United States Public Health Service*; Michael Willrich, *Pox: An American History* (New York: The Penguin Press, 2011); Markel, *Quarantine!: East European Jewish immigrants and the New York City epidemics of 1892*; Keith Wailoo, *Dying in the City of Blues: Sickle Cell Anemia and the Politics of Race and Health* (Chapel Hill and London: The University of North Carolina Press, 2001); Warwick Anderson, *Colonial Pathologies: American Tropical Medicine, Race, and Hygiene in the Philippines* (Durham: Duke University Press, 2006); Laura Briggs, *Reproducing Empire: Race, Sex, Science, and U.S. Imperialism in Puerto Rico* (Berkeley: University of California Press, 2002); Michelle Therese Moran, *Colonizing Leprosy: Imperialism and the Politics of Public Health in the United States* (Chapel Hill: University of North Carolina Press, 2007).

<sup>32</sup> David and Gerald Markowitz Rosner, *Deadly Dust: Silicosis and the On-Going Struggle to Protect Workers' Health* (Ann Arbor University of Michigan Press, 2006); Anthony Bale, "America's First Compensation Crisis: Conflict Over the Value and Meaning of Workplace Injuries Under the Employers' Liability System," in *Dying for Work: Worker's Safety and Health in Twentieth-Century America*, ed.

important category of analysis in examining occupational health. The body, historians Ava Baron and Eileen Boris argue, is both constituted by, and constitutive of, the workplace.<sup>33</sup> Embedded in the category of the body, disability scholars contend, are the concepts of ability and disability.<sup>34</sup>

In addition, historians have begun to explore health as a right of citizenship. Historian Beatrix Hoffman has traced the origins of the U.S. health care system against the emerging discourse of health as a right.<sup>35</sup> Alondra Nelson and Karen Thomas have explored the struggles of African Americans to access health care as a right of citizenship.<sup>36</sup> The history of migrant and undocumented individuals seeking a safe and healthy workplace environment, and provisions for medical care in the event of injury has proved more difficult to study. Undocumented individuals often avoid interactions with institutions and bureaucracies because it draws attention to their non-legal residency. Even when offered access to health care, migrant workers do not report injuries or illness to their employers because they fear losing their jobs.<sup>37</sup> As a result, these groups leave

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David and Gerald Markowitz Rosner (Bloomington: Indiana University Press, 1987). Also, see James Colgrove, Gerald Markowitz and David Rosner, *The Contested Boundaries of American Public Health* (New Brunswick: Rutgers University Press, 2008).

<sup>33</sup> Ava Baron and Eileen Boris, "'The Body' as a Useful Category for Working-Class History," *Labor: Studies in Working-Class History of the Americas* 4, no. 2 (2007): 23-43.

<sup>34</sup> Lennard J. Davis, *Enforcing Normalcy: Disability, Deafness, and the Body* (London: Verso, 1995); Douglas C. Baynton, "Disability and the Justification of Inequality in American History," in *The New Disability History: American Perspectives*, ed. Paul K. and Lauri Umansky Longmore (New York: New York University Press, 2001).

<sup>35</sup> Beatrix Hoffman, *Health Care for Some: Rights and Rationing in the United States since 1930* (Chicago: University of Chicago Press, 2012). Also, see Beatrix Hoffman, *The Wages of Sickness: The Politics of Health Insurance in Progressive America* (Chapel Hill: The University of North Carolina Press, 1999).

<sup>36</sup> Alondra Nelson, *Body and Soul: The Black Panther Party and the Fight against Medical Discrimination* (Minneapolis: University of Minnesota Press, 2011); Karen Kruse Thomas, *Deluxe Jim Crow: Civil Rights and American Health Policy, 1935-1954* (Atlanta: University of Georgia Press, 2011).

<sup>37</sup> Leo R. Chavez, *Shadowed Lives: Undocumented Immigrants in American Society* (Fort Worth: Harcourt Brace Jovanovich College Publishers, 1992); Leo R. Chavez, Estevan T. Flores, Marta Lopez-Garza, "Undocumented Latin American Immigrants and U.S. Health Services: An Approach to a Political Economy of Utilization," *Medical Anthropology Quarterly* 6, no. 1 (March 1992): 6-26; Leo R. Chavez,

few written records. Through an analysis of corporate railroad records, governmental documents, and published oral histories, this dissertation uncovers the hidden histories of Mexican railroad workers' struggles for health rights in the American workplace. Railroad braceros' resistance to workplace discrimination offers insight into the reactions and the inner-workings of railroad companies and the U.S. and Mexican states. Each historical actor relied on the flexibility of health as a category to negotiate, define and contest the health and health rights of Mexican railroad workers. The stakes involved in bracero health included citizenship, business enterprise, war production and state sovereignty.

The state has long been difficult to conceptualize and write about for historians, political theorists and social scientists.<sup>38</sup> As historian Margot Canaday notes, scholars have "responded to the vastness and complexity of the state by sometimes treating 'the state' as synonymous with 'government,'" or by not writing about the state at all.<sup>39</sup> The interest of political theorists and social scientists in "bringing the state back in" has made

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"Undocumented Immigrants and Access to Health Services: A Game to Pass the Buck," *Migration Today* 11, no. 1 (1983): 15-19; Marc L. Berk, Claudia L. Schur, Leon R. Chavez, and Martin Frankel, "Health Care Use Among Undocumented Latino Immigrants," *Health Affairs* (July/August 2000): 51-64; Emily K. Abel, "'Only the Best Class of Immigration': Public Health Policy toward Mexicans and Filipinos in Los Angeles, 1910-1940," *American Journal of Public Health* 94, no. 6 (June 2004): 932-39.

<sup>38</sup> Political Theorist Wendy Brown argues that "the domain we call the state is not a thing, a system, or a subject, but a significantly unbounded terrain of powers and techniques, an ensemble of discourses, rules, and practices, cohabitating in limited, tension-ridden, often contradictory relation with one another." Wendy Brown, *States of Injury: Power and Freedom in Late Modernity* (Princeton: Princeton University Press, 1995), 174-75. See also Jacqueline Stevens, *Reproducing the State* (Princeton: Princeton University Press, 1990), 57.

<sup>39</sup> Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton: Princeton University Press, 2009). Canaday notes that it is remarkable how limited the historiography is on the American state, given that U.S. history was political history, and vice-versa. William E. Leuchtenburg, "The Pertinence of Political History," *The Journal of American History* 73, no. 3 (December 1986): 595.

it necessary for historians to contend with the state as a "central actor in its own right."<sup>40</sup> The relatively new focus on the historical development of the American state, Balogh describes, has left historians searching for their own conceptions of the state, without adopting the methodologies used by social scientists.<sup>41</sup> An important objective of this dissertation is to understand how the U.S. and Mexican states negotiated the health of railroad braceros through various bureaucratic governmental agencies that I refer to as "the state." It is through the process of these negotiations and contestations that we gain insight into the workings of the "state." Rather than focusing on the question of "who governs," this study is concerned with understanding state formation and "how governance is accomplished."<sup>42</sup>

An examination of state formation is incomplete without a consideration of sovereignty. Historians and political scientists have only recently begun to unravel the intellectual traditions and quotidian practices of sovereignty.<sup>43</sup> Political scientist Stephen

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<sup>40</sup> Brian Balogh, "The State of the State Among Historians," *Social Science History* 27, no. 3 (Fall 2003): 455-63; Theda Skocpol, "Bringing the State Back In: Strategies of Analysis in Current Research," in *Bringing the State Back In*, eds. Peter B. Evans, Dietrich Rueschemeyer, and Theda Skocpol (Cambridge: Cambridge University Press, 1985); Stephen Skowronek, *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920* (New York: Cambridge University Press, 1982); Sparrow, *Warfare State*.

<sup>41</sup> For works on the state, see Meg Jacobs, William J. Novak, and Julian E. Zelizer, *The Democratic Experiment: New Directions in American Political History* (Princeton, N.J.: Princeton University Press, 2003); William J. Novak, "The Myth of the 'Weak' American State," *The American Historical Review* 113, no. 3 (June 2008): 752-72; Daniel Carpenter, *The Forging of Bureaucratic Autonomy: Reputations, Networks, and Policy Innovation in Executive Agencies, 1862-1928* (Princeton: Princeton University Press, 2001); Elizabeth Sanders, *Roots of Reform: Farmers, Workers and the American State, 1877-1917* (Chicago: University of Chicago Press, 1999); Karen and Stephen Skowronek Orren, *The Search for American Political Development* (Cambridge: Cambridge University Press, 2004).

<sup>42</sup> Philip Corrigan, *Social Forms/Human Capacities: Essays in Authority and Difference* (London: Routledge, 1990); Philip Abrams, "Notes on the Difficulty of Studying the State," *Journal of Historical Sociology* 1, no. 1 ([1977] 1988): 58-89.

<sup>43</sup> Hideaki Shinoda, *Re-Examining Sovereignty: From Classical Theory to the Global Age* (New York: St. Martin's, 2000); Edmund S. Morgan, *Inventing People: The Rise of Popular Sovereignty in England and America* (New York: W.W. Norton & Co, 1988); F.H. Hinsley, *Sovereignty* (New York: Cambridge University Press, 1986); Nicole Marie Phelps, "Sovereignty, Citizenship and the New Liberal Order: US-

Krasner's *Sovereignty* outlines four types of sovereignty that a state can inhabit at any given time. These four types include: territoriality, or the authority of a state to govern physical territory; domestic, or the authority of a state to govern over its citizenry; international, or the recognition of a state by other states; and interdependence, or the authority of a state to regulate the movement across its borders.<sup>44</sup> *Health on the Line* examines how notions of sovereignty were challenged, and reinforced, through the binational administration of the railroad bracero program.

My use of the term "state" requires clarification in a transnational context. A central debate in the political history of Mexico is whether or not a Mexican state exists. Several scholars argue that there are "many Mexicos" that remain distinctive social, cultural, and political entities apart from the federal government that operates in Mexico City. In addition, the political structure of the presidential office has resulted in political and institutional idiosyncrasies that shift across presidencies, which some scholars argue obscure attempts to trace state practices.<sup>45</sup> Given that the United States and Mexico engage in international relations during the bracero program, the language of "the state" is necessary to discuss negotiations and correspondence between the two countries. By

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Habsburg Relations and the Transformation of International Politics, 1880-1924" (University of Minnesota, March 2008); Stephen D. Krasner, *Problematic Sovereignty: Contested Rules and Political Possibilities* (New York: Columbia University Press, 2001).

<sup>44</sup> Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999).

<sup>45</sup> Lesley Byrd Simpson, *Many Mexicos* (Berkeley: University of California Press, 1952); Alan S. Knight, "Peasants into Patriots: Thoughts on the Making of the Mexican Nation," *Mexican Studies/Estudios Mexicanos* 10, no. 1 (1994): 135-61; Thomas and Mark Wasserman Benjamin, eds., *Provinces of the Revolution: Essays on Regional Mexican History, 1920-1929* (Albuquerque: University of New Mexico Press, 1990); Thomas and William McNellie Benjamin, eds., *Other Mexicos: Essays on Regional Mexican History, 1876-1911* (Norman: University of Oklahoma Press, 1984); Alan S. Knight, *The Mexican Revolution*, vol. 2 (Cambridge: Cambridge University Press, 1986); Eric Van Young, ed., *Mexico's Regions: Comparative History and Development* (San Diego: Center for U.S.-Mexican Studies, 1992); Gilbert M. Joseph and Daniel Nugent, *Everyday Forms of State Formation: Revolution and the Negotiation of Rule in Modern Mexico* (Durham: Duke University Press, 1994); Jennie Purnell, *Popular Movements and State Formation: The Agraristas and Cristeros of Michoacán* (Durham: Duke University Press, 1999).

critically examining the interactions between and across state agencies, *Health on the Line* makes clear the complexities of every day state interactions. The transnational operation of state agencies often resulted in inter- and intra-state agency conflicts.

I locate the power of these states to create and administer federal policy-making regarding Mexican health in four arenas—immigration, public health, labor, and welfare—that often operated in tandem.<sup>46</sup> For example, the U.S. Public Health Service worked closely with immigration officials to ensure that immigrants granted entry to the United States were able-bodied and thus, capable of being productive members of society (laborers). By locating state action in four arenas, my dissertation shows the multifaceted nature of the state. It demonstrates how state authority was located in different arenas located within and across political borders. Throughout my dissertation, I highlight the tensions involved in harnessing state power in a binationally administered guest worker program. *Health on the Line* approaches the state as both an "administrative organization" and a "membership organization."<sup>47</sup> In this formulation, the state is seen as both regulating and producing identity. This endeavor, scholar James Scott notes, is part of the state's administrative struggle to make society legible, to be able to count and assess its people and their environment. Undergirding this process is the state's project to

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<sup>46</sup> The literature on the welfare state is extensive. See William J. Novak, *The People's Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill: The University of North Carolina Press, 1996); Lizabeth Cohen, *Making a New Deal: Industrial Workers in Chicago, 1919-1939*, 2nd ed. (Cambridge: Cambridge University Press, 2008); Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (New York: Cambridge University Press, 1992); Stuart D. Brandes, *American Welfare Capitalism, 1880-1940* (Chicago: University of Chicago Press, 1976); Sanford Jacoby, *Modern Manors: Welfare Capitalism since the New Deal* (Princeton: Princeton University Press, 1997); David A. Moss, *When All Else Fails: Government as the Ultimate Risk Manager* (Cambridge: Harvard University Press, 2002); Gottschalk, *The Shadow Welfare State: Labor, Business, and the Politics of Health-Care in the United States*; Neil and Barbara Gilbert Gilbert, *The Enabling State: Modern Welfare Capitalism in America* (New York: Oxford University Press, 1989); Gosta Esping-Andersen, *The Three Worlds of Capitalism* (Princeton: Princeton University Press, 1990).

<sup>47</sup> Canaday, *The Straight State*, 10.

define citizenship.<sup>48</sup> The formulation of citizenship, however, is not unidirectional. It required citizens to practice and negotiate the rights and obligations of citizenship.

Historians have demonstrated that citizenship is a multidimensional category. Linda Kerber has described citizenship as a braided narrative that consists of “several strands that twist around each other, and each strand (as in the braids we make of hair or rope) may itself be composed of many threads gathered together.”<sup>49</sup> These threads represent different notions of citizenship, and often operate simultaneously. In general, scholars agree that citizenship is a set of rights and obligations that are based on a reciprocal relationship between an individual and a state. The citizen performs particular duties and obligations in return for rights—a category to be protected by the state.<sup>50</sup> Within this formulation, the definition of citizenship expands beyond the citizen-state relationship to encompass notions of citizenship as practice, a social status, and an identity.<sup>51</sup> Notions of citizenship have been complicated and blurred based on categories of gender, race, sex, class, age, and (dis)ability.<sup>52</sup>

Scholars like Alice Kessler-Harris and Judith Shklar have argued that citizenship and work are co-constitutive, and compose an economic citizenship.<sup>53</sup> Citizens are

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<sup>48</sup> James C. Scott, *Seeing like a State: How Certain Schemes to Improve the Human Condition have Failed* (New Haven: Yale University Press, 1998).

<sup>49</sup> Linda K. Kerber, "The Meanings of Citizenship," 837.

<sup>50</sup> For work on the theorization of citizenship, Gershon Shafir, *The Citizenship Debates: A Reader* (Minneapolis: University of Minnesota Press, 1998); Ronald Beiner, *Theorizing Citizenship* (Albany: State University of New York Press, 1995); Engin F. Isin, *Being Political: Genealogies of Citizenship* (Minneapolis: University of Minnesota Press, 2002).

<sup>51</sup> For work on citizenship as an identity, see Engin F. and Wood Isin, Patricia, *Citizenship and Identity* (London: Sage Publications, 1999); Canaday, *The Straight State*.

<sup>52</sup> Barbara Young Welke, *Law and the Borders of Belonging in the Long Nineteenth Century United States* (New York: Cambridge University Press, 2010).

<sup>53</sup> Judith Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge: Harvard University Press, 1991), 98-99. A seminal work on citizenship is T.H. Marshall, *Citizenship and Social Class and Other Essays* (Cambridge: Cambridge University Press, 1950).

obligated to earn a wage for the purposes of being self-sustaining and of consumption.<sup>54</sup>

Access to economic citizenship rights, Kessler-Harris argues, includes the ability to choose one's occupation, and to receive the benefits of the workplace.<sup>55</sup> It is through employment, Jennifer Klein demonstrates, that a citizen-worker gains access to health benefits such as unemployment insurance, health insurance, sickness benefits and social security, to name a few.<sup>56</sup>

This dissertation is concerned with the dynamic relationship between work, citizenship and health in a transnational context. While the legal forms of citizenship differ in the two countries, they each share an understanding in the obligations of citizenship—military service and work.<sup>57</sup> It was this shared understanding of citizenship

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<sup>54</sup> Evelyn Nakano Glenn, *Unequal Freedom: How Race and Gender Shaped American Citizenship and Labor* (Cambridge: Harvard University Press, 2002); Michael Katz, *The Price of Citizenship: Redefining the American Welfare State* (New York: Metropolitan Books, 2001); Elizabeth Cohen, *Consumer's Republic: The Politics of Mass Consumption in Postwar America* (Vintage Books, 2003).

<sup>55</sup> Alice Kessler-Harris, *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in 20th Century America* (Oxford: Oxford University Press, 2001), 12-13. For important works on economic citizenship, see Jon Elster, "Is There (or Should There Be) a Right to Work?," in *Democracy and the Welfare State*, ed. Amy Gutmann (Princeton: Princeton University Press, 1988); Rogers M. Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven: Yale University Press, 1997); Paul Osterman, *Securing Prosperity: The American Labor Market: How It Has Changed and What to Do about It* (Princeton: Princeton University Press, 1999); Linda K. Kerber, *No Constitutional Right to be Ladies: Women and the Obligations of Citizenship* (New York: Hill and Wang, 1998); Meg Jacobs, *Pocketbook Politics: Economic Citizenship in Twentieth-Century America* (Princeton, N.J.: Princeton University Press, 2005); Nancy F. Cott, "Marriage and Women's Citizenship in the United States," *American Historical Review* 103, no. 5 (1998): 1440-74.

<sup>56</sup> Klein, *For All These Rights*; Eileen Boris, "Labor's Welfare State: Defining Workers, Constructing Citizens," in *The Cambridge History of Law in America: The Twentieth Century and After (1920- )*, vol. 3 ed. Michael and Christopher Tomlins Grossberg (Cambridge: Cambridge University Press, 2008).

<sup>57</sup> For a genealogy of Mexican citizenship, see Claudio Lomnitz-Adler, *Deep Mexico, Silent Mexico: An Anthropology of Nationalism* (Minneapolis: University of Minnesota Press, 2001). For other discussions of Mexican citizenship see Arthur Schmidt, "Making it Real Compared to What? Reconceptualizing Mexican History Since 1940," in *Fragments of a Golden Age: The Politics of Culture in Mexico Since 1940*, eds. Gilbert M. Joseph, Anne Rubenstein, and Eric Zolov (Durham: Duke University Press, 2001), 29-33; Luis F. B. Plascencia, *Disenchanted Citizenship: Mexican Migrants and the Boundaries of Belonging* (New Brunswick, N.J.: Rutgers University Press, 2012); Jocelyn Olcott, *Revolutionary Women in Postrevolutionary Mexico* (Durham: Duke University Press, 2005); John Lear, *Workers, Neighbors, and Citizens: The Revolution in Mexico City* (Lincoln: University of Nebraska Press, 2001). For work on citizenship in Latin America, see Lucy Taylor and Fiona Wilson, "The Messiness of Everyday Life: Exploring Key Themes in Latin American Citizenship Studies Introduction," *Bulletin of Latin American*

in a wartime environment that allowed U.S. railroads, the U.S. state, the Mexican state, and railroad braceros to use conceptions of citizenship to define, manage and contest bracero health and health rights. Thus, this study traces the specificities of citizenship as a lived experience, as a practice. For railroad braceros, the practice of citizenship took the form of rights-claiming.

Perhaps most importantly, this study reveals the limitations of citizenship as the foundation for health rights in a context where tens of thousands of braceros labored beyond their state borders.<sup>58</sup> While railroad braceros made health claims on the force of their status as Mexican guest workers, the health benefits were to be fulfilled by a U.S. employer. Braceros often suffered from workplace health discrimination because of their unfamiliarity with railroad injury culture and their vulnerability as temporary contract-laborers. Guest worker status failed to preserve the notion that health, as an important aspect of economic citizenship, is protected through employment in the American workplace.

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*Research* 23, no. 2 (2004): 154-64; Elisa P. Reis, "Nationalism and Citizenship: The Crisis of Authority and Solidarity in Latin America (Brazil)," in *Citizenship and National Identity: From Colonialism to Globalism*, ed. T.K. Oommen (New Delhi: Sage, 1997). For work on the French Revolution's effects on citizenship, see Renee Waldinger, Philip Dawson, and Isser Woloch, eds, *The French Revolution and the Meaning of Citizenship* (Westport, Conn.: Greenwood Press, 1993); Olwen H. Hufton, *Women and the Limits of Citizenship in the French Revolution* (Toronto: University of Toronto Press, 1992).

<sup>58</sup> For work on how the transnational experience shapes citizenship, see Michael Peter and Bakker Smith, Matt, *Citizenship across Borders: The Political Transformation of El Migrante* (Ithaca: Cornell University Press, 2008); Alejandra Castaneda, *The Politics of Citizenship of Mexican Migrants* (New York: LFB Scholarly Publishing LLC, 2006); Nicholas De Genova and Ana Y. Ramos-Zayas, *Latino Crossings: Mexicans, Puerto Ricans, and the Politics of Race and Citizenship* (New York: Routledge, 2003); Alicia R. Schmidt Camacho, *Migrant Imaginaries: Latino Cultural Politics in the U.S.-Mexico Borderlands* (New York: New York University Press, 2008); Patricia Zavella, *I'm Neither Here nor There: Mexicans' Quotidian Struggles with Migration and Poverty* (Durham: Duke University Press, 2011); Kim Rygiel, *Globalizing Citizenship* (Vancouver: UBC Press, 2010); Thomas Faist, "Transnationalization in International Migration: Implications for the Study of Citizenship and Culture," *Ethnic and Racial Studies* 23, no. 2 (2000); Dorothee Schneider, *Crossing Borders: Migration and Citizenship in the Twentieth-Century United States* (Cambridge: Harvard University Press, 2011).

Literature on governmentality contends that citizenship is itself a form of government used to monitor and regulate citizens within and across the nation's borders. The body and health, scholars have argued, are key sites through which a government decides who can cross its borders, and who has access to social services. For instance, the fears of immigrant intrusion and the spread of contagious disease have enabled the U.S. government to create registries to track individuals.<sup>59</sup> It is through the use of policies, technologies, practices and discourses of citizenship that governments manage their population.<sup>60</sup> While *Health on the Line* speaks to this literature, it does not adapt a major tenet of governmentality, which denies agency to the individual. Rather, *Health on the Line* takes seriously the agency of Mexican guest workers in shaping the practices of citizenship and state sovereignty.

As the instrument through which the state defined the relationship between health and citizenship, law is central to my dissertation. Each chapter examines the legal processes and institutions through which the meaning of health, and its relation to citizenship, was negotiated. In seeking to understand the contested nature of railroad bracero health, this dissertation investigates the operation of the binational administrative law structuring the railroad bracero program of World War II.<sup>61</sup> Created through an

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<sup>59</sup> Amy L. Fairchild, Ronald Bayer, and James Colgrove, *Searching Eyes: Privacy, the State, and Disease Surveillance in America* (Berkeley: University of California Press, 2007).

<sup>60</sup> Mitchell Dean, *Governmentality: Power and Rule in Modern Society* (London: Sage Publications, 1999); Michel Foucault, *Security, Territory, Population: Lectures on the Collège de France, 1977-1978* (Picador, 2009); Michel Foucault, *The History of Sexuality, Volume I* (New York: Random House, 1990); Michel Foucault, *The Birth of Biopolitics: Lectures of the Collège de France, 1978-1979* (Picador, 2010); Michel Foucault, *Discipline and Punishment: The Birth of Prison* (New York: Vintage Books, 1979); Rygiel, *Globalizing Citizenship*; Charlotte Epstein, "Guilty Bodies, Productive Bodies, Destructive Bodies: Crossing the Biometric Borders," *International Political Sociology* 1, no. 2 (2007): 149-64; Faist, "Transnationalization in International Migration: Implications for the Study of Citizenship and Culture."

<sup>61</sup> In other words, this dissertation looks at the "law in action." See Daniel R. Ernst et al, "Engaging Williard Hurst: A Symposium," *Law and History Review* 18 (Spring 2000): 1-222; and Hendrik Hartog,

administrative fiat in 1943, the railroad bracero program was endorsed by the U.S. Congress and sustained by executive agreements when the Mexican state threatened to terminate the guest worker program. The railroad bracero program was binationally operated through administrative powers in the United States and Mexico. In the United States, the railroad bracero program was jointly operated by the State Department via the War Manpower Commission, the Department of Labor and the Immigration and Naturalization Service (INS) in the Department of Justice.<sup>62</sup> The Mexican government assisted in the administration of the railroad program through the Foreign Relations Ministry, the Mexican Health Department and the Department of Labor and Social Welfare.

Central to this analysis are the ways in which the U.S. railroad industry and U.S. state's need for a cheap and reliable labor source mediated the relationship between health and citizenship, effectively shaping labor, immigration and health law in the United States and Mexico. My dissertation tells a story of the informal lawmaking that took place as state agencies and railroad companies not only interpreted and administered the guest worker health policy framing the railroad bracero program, but also shaped definitions of health and citizenship. It highlights how individuals—Mexican consuls, U.S. immigration officers and U.S. War Manpower Commission representatives—employed by state agencies harnessed the power of law in administering the railroad program.

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"Pigs and Positivism" *Wisconsin Law Review* (July/August 1985): 899-935. Robert W. Gordon argues that law is central to any work that investigates the administration of public policy. See Robert W. Gordon, "Critical Legal Histories," *Stanford Law Review* 36 (January 1984): 66.

<sup>62</sup> Two seminal works on the administrative structure of the bracero program include Calavita, *Inside the State: The Bracero Program, Immigration, and the I.N.S.*; Craig, *The Bracero Program: Interest Groups and Foreign Policy*.

My dissertation also captures the dual role of law—how it simultaneously responds to and initiates social change. In this framework, individual Mexican workers are revealed to be agents in shaping the practice of law, rather than just recipients of law's force. As legal scholars Robert Kagan, Bryant Garth and Austin Sarat have demonstrated, "law has become the hegemonic language of social struggles both [in the United States] and abroad."<sup>63</sup> At the same time, "United States hegemonic power," historian Daniel Margolies argues, "was built in the spaces of law, not simply attained by war, trade, or imperial absentmindedness."<sup>64</sup> In order to understand how the U.S. nation-state developed through the railroad bracero program, it is important to examine the entangled transnational legal debates over how to interpret, and ultimately administer, guest worker health policy.

*Health on the Line* further highlights how law has been crucial to the creation and legitimization of capitalist markets. At the turn of the twentieth century, the rise of industrial accidents led to a shift in labor law legislation that required businesses to "internalize" the previously "externalized" costs of production—to pay monetary damages for harms caused by dangerous machines and substances, and to provide compensation insurance for workplace injuries and install workplace safety measures. Railroad companies consequently turned to corporate lawyers to reduce risk and

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<sup>63</sup> Robert Kagan, Bryant Garat, and Austin Sarat, "Facilitating and Domesticating Change: Democracy, Capitalism, and Law's Double Role in the Twentieth Century," in *Looking Back at Law's Century*, eds. Austin Sarat, Bryant Garth, and Robert Kagan (Cornell: Cornell University Press, 2002), 2.

<sup>64</sup> Daniel S. Margolies, *Spaces of Law in American Foreign Relations: Extradition and Extraterritoriality in the Borderlands and Beyond, 1877-1898* (Athens and London: The University of Georgia Press, 2011), 4.

encourage investment.<sup>65</sup> *Health on the Line* shows that railroad companies also sought the expertise of physicians, whose task was to create physical examinations that would enable railroad companies to hire only able-bodied workers. In doing so, U.S. railroad employers sought to externalize the costs of the railroad bracero program, rather than internalize them. Industrial physicians, therefore, played a key role in legitimizing hiring practices and regulating labor markets. The legal measures used to protect workers against the dangers of industrial capitalism, Kagan et al. notes, were also necessary to preserve and validate capitalism.<sup>66</sup>

The railroad bracero program is embedded in the history of capitalism. The United States and Mexican governments co-sponsored the guest worker program in order to stimulate their respective economies and support industrial warfare. Bringing together histories of business, labor and economy, the scholarship on capitalism remains centered on the question of economic change, while placing that account within the complexities of the social, cultural and political landscape.<sup>67</sup> Historians of capitalism, Sven Beckert

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<sup>65</sup> John Fabian Witt, *The Accidental Republic: Crippled Workingmen, Destitute Widows, and the Remaking of American Law* (Cambridge, Mass.: Harvard University Press, 2004); William Thomas, *Lawyering for the Railroad: Business, Law, and Power in the New South* (Baton Rouge: Louisiana State University Press, 1999); Barbara Young Welke, *Recasting American Liberty*.

<sup>66</sup> Kagan, Garat and Sarat, "Facilitating and Domesticating Change: Democracy, Capitalism, and Law's Double Role in the Twentieth Century," in *Looking Back at Law's Century*, 14.

<sup>67</sup> The work of Alfred Chandler remains a significant force in the history of capitalism. According to Alfred Chandler, a managerial revolution led by US railroads and other businesses between the 1850s and the 1920s served as the "visible hand of management that replaced what Adam Smith referred to as the invisible hand of market forces." Alfred D. Chandler, *The Visible Hand: The Managerial Revolution in American Business* (Cambridge: Harvard University Press, 1977), 1, 485; Alfred D. Chandler, *Scale and Scope: The Dynamics of Industrial Capitalism* (Cambridge: Harvard University Press, 1990). For a selection on recent histories of capitalism, see Jonathan Levy, *The Ways of Providence: Capitalism, Risk, and Freedom in America* (Cambridge: Harvard University Press, 2011); Roy Kreitner, *Calculating Promises: The Emergence of Modern American Contract Doctrine* (Stanford: Stanford University Press, 2007); Peter Hall, *Varieties of Capitalism: The Institutional Foundations of Comparative Advantage* (New York: Oxford University Press, 2001); Tami Friedman, *Communities in Competition: Capital Migration and Plant Relocation in the U.S. Carpet Industry, 1929-1975* (New York: Columbia University Press, 2001); Steve and Gary Gerstle Fraser, eds., *Ruling America: A History of Wealth and Power in Democracy*

contends, “study the particular ways in which the market and the state interact, how this interaction is influenced by the shifting power relations of various social groups, and how the rules of exchange are set politically.”<sup>68</sup> The dynamics between these groups, in so far as they affect economic change, are generally described as the political economy.

The histories of the United States and Mexico have been intertwined through economic development. Historians such as John Hart have demonstrated how American investors seeking to cultivate the natural resources of Mexico in the late nineteenth century played a pivotal role in industrializing Mexico. While Mexico experienced vast development in various industries, it was the construction of the railroads that facilitated the emergence of a transnational economic network.<sup>69</sup> The railroad bracero program was a significant moment in the economic alliance between these two countries because it created a permanent, state-sanctioned migrant labor stream into the United States. This migrant labor stream, Cindy Hahamovitch shows us, was not exclusively from Mexico. Jamaicans joined the bracero program during the war as agricultural workers and have

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(Cambridge: Harvard University Press, 2005); Jefferson Cowie, *Capital Moves: RCA's Seventy-Year Quest for Cheap Labor* (Ithaca, NY: Cornell University Press, 1999); Richard Bense, *The Political Economy of American Industrialism, 1877-1900* (New York: Cambridge University Press, 2000); Joyce Appleby, *The Relentless Revolution: A History of Capitalism* (New York: W.W. Norton, 2010); Jeff with David A. Lake Frieden, eds., *International Political Economy: Perspectives on Global Power and Wealth* (New York: St. Martin's Press, 1987); Jeffrey Haydu, *Citizen Employers: Business Communities and Labor in Cincinnati and San Francisco, 1870-1916* (Ithaca, NY: ILR Press, 2008); Louis Hyman, *Debtor Nation: The History of America in Red Ink* (Princeton: Princeton University Press, 2011); Kenneth Lipartito, *Constructing Corporate America: History, Politics, Culture* (New York: Oxford University Press, 2004).

<sup>68</sup> Sven Beckert, "History of American Capitalism," in *American History Now*, eds. Eric Foner, and Lisa McGirr (Philadelphia: Temple University Press, 2011).

<sup>69</sup> John M. Hart, *Empire and Revolution: The Americans in Mexico since the Civil War* (Berkeley: University of California Press, 2002); David M. Pletcher, *Rail, Mines and Progress: Seven American Promoters in Mexico, 1867-1911* (Ithaca: Cornell University Press, 1958); John H. Coatsworth, *Growth against Development: The Economic Impact of Railroads in Porfirian Mexico* (DeKalb: Northern Illinois University Press, 1981).

continued to participate in the current guest worker program.<sup>70</sup> More broadly, scholarship on guest worker programs across the world has raised questions about migrant rights, citizenship, the national welfare state, and the consequences of a globalized economy.<sup>71</sup> *Health on the Line* examines the complex and dynamic relationship between business, the state, and labor in a transnational context.

My purpose in entitling this study *Health on the Line* is twofold. First, the term “on the line” signifies the multiple sites—the railroad, the U.S.-Mexico border, and the immigrant medical inspection—where migrant worker health was negotiated, produced and contested. Each of these sites is colloquially referred to as a “line”—one worked “on the railroad line,” one waited “on the line” for an immigrant medical inspection, and the U.S.-Mexico border itself was “the line.” Second, I wish to emphasize the stakes involved in guest worker health. The Mexican state, the U.S. state, U.S. railroad companies and railroad braceros themselves all had interests, at times converging, and at others diverging, in defining and regulating health. The debate over guest worker health was a confluence of broader social, political and economic processes including: citizenship, sovereignty, business enterprise, capitalism, and immigration.

Before laying out the chapter outline, a discussion of the archival sources that proved to be the most valuable is necessary. While the transnational framework of this

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<sup>70</sup> Cindy Hahamovitch, *No Man's Land: Jamaican Guestworkers in America and the Global History of Deportable Labor* (Princeton: Princeton University Press, 2011); David Griffith, *American Guestworkers: Jamaicans and Mexicans in the U.S. Labor Market* (University Park: The University of Pennsylvania State Press, 2006).

<sup>71</sup> Mary Dewhurst Lewis, *The Boundaries of the Republic: Migrant Rights and the Limits of Universalism in France, 1914-1940* (Stanford: Stanford University Press, 2007); Frank Caestecker, *Alien Policy in Belgium, 1840-1940: The Creation of Guest Workers, Refugees and Illegal Aliens* (New York: Berghahn Books, 2000); Barak Kalir, *Latino Migrants in the Jewish State: Undocumented Lives in Israel* (Bloomington: Indiana University Press, 2010); Rita Chin, *The Guest Worker Question in Postwar Germany* (Cambridge: Cambridge University Press, 2007).

study required archival research in both the United States and Mexico, it was the archival material in U.S. corporate railroad archives and oral history interviews in the bracero oral history archive that opened a rare window into the railroad bracero health experiences. Perhaps the most limiting factor in the production of scholarship on the railroad bracero program, and Mexican railroad workers more broadly, has been the inaccessibility of corporate railroad records. Scholar Barbara Driscoll—author of the only full-length monograph on the railroad program—claimed that despite at least two attempts to contact all participating railroads for information on the railroad program, she was unable to obtain any data.<sup>72</sup> Driscoll’s main source for insight into railroad company participation is an internal report of the Southern Pacific Railroad that she received “anonymously, mailed from the Southern Pacific’s headquarters in San Francisco.”<sup>73</sup>

Because U.S. railroad records tend to be private, researchers have been unable to learn about how railroad companies managed braceros during the war. *Health on the Line* makes use of the previously untapped records of the Pennsylvania Railroad Company’s Mexican employment files, which include individual worker files, legal documents, medical reports and correspondence. The Pennsylvania Railroad employed braceros on its rail lines across the United States, but the only surviving records are at the Hagley Library in the General Manager of the Western Region files. These records have been invaluable in uncovering the vital role of railroad employers as political agents in the administration of U.S. immigration policy. The audio-recorded oral history interviews housed in the bracero oral history archive compliment the corporate railroad

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<sup>72</sup> Driscoll, *The Tracks North*, 138.

<sup>73</sup> *Ibid*, 201.

records by capturing the voices of railroad braceros. Together with the railroad records, the oral history interviews reveal how workers responded to governance in the workplace, and resisted workplace health discrimination.

Five chapters organize this dissertation into a topical and chronological framework. While the complex and dynamic relationship existing between states, business, and workers in the railroad bracero program provides the overarching narrative of this study, each chapter illuminates the stakes historical actors had in guest worker health and the extent to which each relied on the relationship between work, health and citizenship to support their interests. The first chapter traces how transnational factors, especially American railroads in Mexico, produced a migrant Mexican labor stream to the United States in order to provide a rich context for the dynamics at play in the railroad bracero program of World War II. Chapters 2 through 5 offer an in-depth analysis of the transnational legal debates over how to regulate guest worker health. These debates reveal that the program's legal framework created loopholes that institutionalized workplace health discrimination against railroad braceros.

Chapter 1 explores from a transnational perspective how the political economy in Mexico shaped American business practices, Mexican labor migration, and practices of Mexican citizenship. It begins by tracing how economic development in Mexico between 1880 and 1910 created massive labor migration to the United States. It then turns to the United States to explore how Mexican migrants affected U.S. immigration policy and the U.S. labor market. Finally, it returns to postrevolutionary Mexico in 1920 and examines how anti-American sentiments in Mexico required American businesses to infuse its employment practices with nationalistic policies. This meant offering Mexican

employees protections to body and health in the workplace. It uses the Pullman Company—a Chicago, Illinois-based business—as a case study for examining these dynamics. The transnational nature of the Pullman Company—it operated passenger car lines across the U.S.-Mexico border—raised questions about jurisdiction when litigating personal injury claims. I argue that the Mexican state and its citizen-workers practiced citizenship, exercised sovereignty, and challenged corporate autonomy when they made retroactive health claims against the Pullman. The questions that arose in the Pullman case were similar to those faced by individuals who participated in the railroad bracero program. Unlike in the Pullman case, U.S. railroad employers in the bracero program had the power of U.S. legal jurisdiction in the American workplace on its side.

In chapter 2, I trace the transnational forces that influenced the United States and Mexico to co-sponsor the railroad bracero program, and critically examine the impulses of the health provisions outlined in the three bracero contracts. The main cause driving these two countries together was war transportation. Both countries needed rail transport to support their economies, but the transnational rail network that had been built nearly half a century before required repair. Each country took advantage of transnational forces to create a state-sanctioned contract labor program that would benefit their own self-interests. The three contracts framing the program created a guest worker health policy regulating the health of a bracero as he crossed the U.S.-Mexico border and labored in the American workplace. The binational nature of the program meant that these contracts embodied the converging, yet diverging, expectations of both governments. The broad language of the contracts would allow for a certain amount of

flexibility in how individuals perceived, negotiated and regulated bracero health throughout the program.

Chapter 3 investigates how, and to what end, railroad companies constructed the health status of Mexican workers in the railroad bracero program. The employer contract required individual railroad companies to provide braceros with protections in the workplace, including access to accident compensation. Moreover, the intent of the employer contract was to limit a railroad employer's authority to cancel labor contracts at will. Railroad companies used the power of medical diagnosis, and their experience with the law, to support their requests to terminate labor contracts. It was through the process of navigating the contractual limits of their autonomy, I argue, that railroad companies made and unmade the health status of Mexican workers in the American workplace. In doing so, railroad companies mediated the health rights of braceros.

Chapter 4 illustrates how the political culture of World War II appealed to two important masculine attributes of citizenship—military service and labor. The United States imbued the workplace with martial rhetoric in an effort to mobilize the home front and transform the war worker into a soldier of capital. U.S. workers, however, were not the only ones subjected to this rhetoric. U.S. propaganda geared toward Mexican railroad workers similarly hoped to transform them into railroad soldiers. The main difference in this rhetoric was that it emphasized a Pan American alliance. In this sense, the United States home front extended beyond its geopolitical borders and incorporated the entire western hemisphere. I argue that, while the railroad soldier motif privileged obligation and physical sacrifice, railroad braceros selectively appropriated themes from this martial rhetoric, such as sacrifice and obligation, to make sense of their experiences. Railroad

braceros identified the separation from loved ones to be an even greater sacrifice than working on the tracks in extreme heat or cold. It was obligation to family, of improving quality of life, that made railroad braceros endure the hardship of laboring abroad on *el traque* (the railroad).

Chapter 5 examines the overlapping interests of the Mexican state and railroad braceros to participate in the process of health rights-claiming. Braceros frequently wrote letters to their employer (railroad company) to request a reimbursement in time lost and compensation for injury and/or illness. When railroad companies failed to acquiesce, braceros asked their consuls to intervene on their behalf. Mexican consuls made their arguments for braceros' health rights based on the moral responsibility of railroads to fulfill their obligations to workers, the principles of the Good Neighbor Policy and the protections of Mexican citizenship. The intervention of Mexican consuls elucidates how the Mexican state used the railroad program as a space where it could practice health citizenship. Braceros' efforts to garner assistance from community groups and other sources, on the other hand, also reveal the limits of state sovereignty. I argue that it was through the process of rights-claiming that railroad braceros and the Mexican state resisted U.S. hegemony in the railroad program's legal framework that institutionalized workplace health discrimination against railroad braceros.

## Chapter 1

### **Forging Mexican Citizenship: Transnational Railroads, Mexican Labor Migration and the Political Economy of Mexico, 1876-1934**

On December 24, 1925, Pullman porter Ramon Guerra stepped out for a breath of fresh air at the rear of the sleeping car, when it suddenly jerked, causing him to be thrown off. Several hours later, a track repair gang found Guerra's mangled body lying motionless on the side of the tracks near the outskirts of Querétaro, Mexico. They placed Guerra on a train into Querétaro, where doctors at the Civil Hospital treated him for a fractured skull, vision impairment, a severely bruised back, and an injured leg. Guerra filed a compensation claim through a Mexican state agency and received \$82.19 (U.S.) through the Illinois State Workmen's Compensation Act.<sup>1</sup>

The case of Ramon Guerra brings attention to the questions of jurisdiction and employer liability in Mexico. Ramon Guerra was a Mexican national who experienced a work-related injury in Mexico and received accident compensation through a U.S. state labor law. When the Pullman Company's Pension Board reviewed his claim, they discovered that Mexico City, Guerra's place of employment, did not have a comprehensive labor law through which Guerra could receive compensation. Since the Pullman Company was based in Chicago, Illinois, the Pension Board decided to channel his claim through the Illinois labor law.<sup>2</sup>

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<sup>1</sup> The \$82.19 (U.S.) is the amount paid in 1926. F.L. Simmons to J.F. Seguin, 28 June 1933, box 5, Employee and Labor Relations Department, RG 06, Labor Relations Department, subgroup 01, Pullman Company, Newberry Library.

<sup>2</sup> Salvador Cancion to J.F. Seguin, 6 October 1933, box 5, Employee and Labor Relations Department, RG 06, Labor Relations Department, subgroup 01, Pullman Company, Newberry Library.

This chapter explores how the history of American railroads in Mexico prior to World War II shaped Mexican labor migration to the United States, Mexican citizenship and Mexican perceptions of American business. Between 1876 and 1910, Mexico experienced rapid economic development with the financial support of foreign investors and the presidential administration of Porfirio Díaz. The creation of a transnational railroad network facilitated the rapid movement of goods, people and capital between Mexico and the United States. The industrialization of Mexico, however, came at a high cost to the largest sector of Mexico's population, the rural class.<sup>3</sup> While foreign investment had made Porfirio Díaz and foreign investors rich, the rural classes found themselves without land, jobs, and a living wage. The railroads served as both a catalyst and a vehicle for mass migration northward to the United States. The reliance of American businesses on the migrant labor stream from Mexico resulted in a U.S. immigration policy that favored Mexican immigration, at least until the Great Depression.

The influx of Mexican laborers into the United States increased dramatically in the decade between 1910 and 1920, as Mexico experienced a massive social and political upheaval known as the Mexican Revolution. The revolution was a reaction against the policies of Porfirio Díaz that privileged foreign investment at the expense of middle-class

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<sup>3</sup> John M. Hart, *Empire and Revolution: The Americans in Mexico since the Civil War* (Berkeley: University of California Press, 2002); Daniel Lewis, *Iron Horse Imperialism: The Southern Pacific of Mexico, 1880-1951* (Tucson: University of Arizona Press, 2007); Jules Davids, *American Political and Economic Penetration of Mexico, 1877-1920* (New York: Arno Press, 1976); Stephen H. Haber, *Industry and Underdevelopment: The Industrialization of Mexico, 1890-1940* (Stanford: Stanford University Press, 1989); Carlos Díaz Durfoo, *Mexico y los capitales extranjeras* (Mexico City: La viuda de C. Bouret, 1918); David M. Pletcher, *Rail, Mines and Progress: Seven American Promoters in Mexico, 1867-1911* (Ithaca: Cornell University Press, 1958); James Gresham Chapman, *La construcción del ferrocarril Mexicano (1857-1880)* (Mexico City: SepSetentas, 1975); Edward Beatty, *Institutions and Investment: The Political Basis of Industrialization in Mexico before 1911* (Stanford: Stanford University Press, 2001).

growth. As Mexico began to rebuild itself as a nation, it established nationalistic principles predicated on reconciling the injustices faced by the Mexican people under Díaz. The result was a firm policy against foreign business in Mexico. Following the military phase of its revolution in 1917, the Mexican government proclaimed eminent domain and seized foreign capital of exportation industries such as agricultural lands, oil, coffee and coal mining. In addition, the revolution produced a constitution that promised the Mexican people socioeconomic reforms, including land reform and the protection of workers' rights. The Mexican state took on the paternalistic role of enacting these reforms and protecting its citizenry's constitutional rights.

For these reasons, foreign business viewed Mexico as a risky investment in the 1920s and 1930s.<sup>4</sup> The Pullman Company—ranked the fourth largest industrial corporation in the world in 1912—was one of the few foreign businesses that chose to remain in Mexico.<sup>5</sup> If foreign business wanted to make a profit in Mexico, historian Julio Moreno contends, they had to adopt business practices that embodied revolutionary ideals.<sup>6</sup> For the Pullman Company, this meant appeasing the demands of labor and cooperating with state agencies in the prosecution of compensation claims. The transnational nature of the Pullman workplace, however, raised the central question of

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<sup>4</sup> Historians argue that Mexico was a risky investment between 1920 and 1950. Julio Moreno, *Yankee Don't Go Home!: Mexican Nationalism, American Business Culture, and the Shaping of Modern Mexico, 1920-1950* (Chapel Hill: University of North Carolina Press, 2003); Thomas O'Brien, *The Revolutionary Mission: American Enterprise in Latin America, 1900-1945* (Cambridge: Cambridge University Press, 1996). There is no scholarship on the Pullman Company's operations in Mexico. I located untapped records on the Pullman in Mexico at the Newberry Library.

<sup>5</sup> Christopher Schmitz, "The World's Largest Industrial Companies of 1912," *Business History* 37, no. 4 (1995).

<sup>6</sup> Moreno, *Yankee Don't Go Home!*, 3.

jurisdiction. Embedded in this question of jurisdiction were the issues of citizenship, sovereignty, legality and spatiality.<sup>7</sup>

These dynamics, I argue, provided a venue for the Mexican state and its citizen-workers to forge citizenship, exercise sovereignty and define jurisdiction. The political and economic instability in Mexico during the 1920s and 1930s made citizenship a murky category.<sup>8</sup> Both citizen-workers and the state gave shape to citizenship through the process of rights-claiming, where state agencies mediated the health claims filed against employers. When Mexico enacted a Federal Labor Law in 1931, it caused an influx in retroactive health claims by Pullman employees who sought to take advantage of the state-sponsored legal mechanism. The litigation that ensued between the Pullman Company, Mexican labor and Mexican state agencies maps the approaches they each employed to make sense of confused jurisdictional spaces and determine where the transnational Mexican worker, who labored on Pullman cars that crossed the U.S.-Mexico border, fit within those spaces.

The Pullman Company's value as a case study extends beyond the fact that it was one of the few foreign businesses in Mexico after the Revolution. It is also significant for its employment of Mexican porters. The luxury and comfort of traveling on Pullman

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<sup>7</sup> Daniel S. Margolies, *Spaces of Law in American Foreign Relations: Extradition and Extraterritoriality in the Borderlands and Beyond, 1877-1898* (Athens and London: The University of Georgia Press, 2011); Rachel St. John, *Line in the Sand: A History of the Western U.S.-Mexico Border* (Princeton: Princeton University Press, 2011); Kelly Lytle Hernandez, *Migra!: A History of the U.S. Border Patrol* (Berkeley: University of California Press, 2010); Samuel Truett, *Fugitive Landscapes: The Forgotten History of the U.S.-Mexico Borderlands* (New Haven: Yale University Press, 2006).

<sup>8</sup> It would not be until 1938, historian Jocelyn Olcott argues, that Mexico's governing party (Party of the Mexican Revolution—PRM) “formally inscribed class-based political discourses by structuring interactions with the state into four political sectors: the peasantry, the military, organized labor, and a more nebulous ‘popular’ sector.” Jocelyn Olcott, *Revolutionary Women in Postrevolutionary Mexico* (Durham: Duke University Press, 2005), 8. For a genealogy of Mexican citizenship, see Claudio Lomnitz-Adler, *Deep Mexico, Silent Mexico: An Anthropology of Nationalism* (Minneapolis: University of Minnesota Press, 2001).

sleeping cars, the Pullman Company advertised, was made possible through its great service provided by African Americans. The African American porter's centrality to the Pullman image was made evident, historian Sarah-Jane Mathieu argues, when owner George Pullman "exported African American railwaymen to Canada along with his palace cars."<sup>9</sup> When the Pullman Company finally received permission in 1934 to recruit temporary foreign laborers to work on its Mexican passenger lines, the Mexican government barred "crews of the negro race" from entrance.<sup>10</sup> That the Pullman Company hired Mexicans like Ramon Guerra as porters for its operations in Mexico demonstrates the power of Mexican companies and Mexican labor unions to protect Mexican labor and rupture the racialized image of the Pullman porter as African American.<sup>11</sup>

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<sup>9</sup> Sarah-Jane Mathieu, *North of the Color Line: Migration and Black Resistance, 1870-1955* (Chapel Hill: The University of North Carolina Press, 2010), 10-1. Mathieu argues that when negotiating the expansion of Pullman cars into Canada, owner George Pullman had "to insist on importing Pullman's signature service." The bulk of scholarship on the Pullman Company has been focused on African American porters and the strike of 1894. See Susan Eleanor Hirsch, *After the Strike: A Century of Labor Struggle at Pullman* (University of Illinois Press, 2003); David Ray Papke, *Pullman Case: The Clash of Labor and Capital in Industrial America* (Lawrence: University Press of Kansas, 1999); Beth Tompkins Bates, *Pullman Porters and the Rise of Protest Politics in Black America, 1925-1945* (Chapel Hill: The University of North Carolina Press, 2000); Larry Tye, *Rising From the Rails: Pullman Porters and the Making of the Black Middle Class* (New York: Henry Holt, 2004).

<sup>10</sup> J.F. Seguin to F.L. Simmons, 23 April 1934, box 5, Employee and Labor Relations Department, RG 06, Labor Relations Department, subgroup 01, Pullman Company, Newberry Library. The Pullman Company posted a \$5000 bond to Mexico's Department of Migration, guaranteeing the return of foreign employees to the United States. The bond also mentions that Puerto Ricans would be recruited as part of the temporary foreign workers.

<sup>11</sup> This raises a host of fascinating questions regarding the Pullman Company's management of Mexican porters including: did the Pullman take its racialized model of African Americans and transfer it directly to Mexicans? Or did the Pullman develop a new racialized model of Mexican porters that coincided with a campaign to promote a distinctively Mexican travel experience? These are questions that remain to be explored by scholars. Currently, there is no scholarship on the Pullman Company's operations in Mexico.

## I. Porfirian Mexico: Modern Industrial Capitalism, the Railroads and Labor Migration, 1876-1910

When Porfirio Díaz took presidential office in 1876, he ushered in an unprecedented era of national economic development for Mexico.<sup>12</sup> Much like his predecessors, Díaz linked social progress and economic development to material wealth. In contrast to early nineteenth-century liberals, however, Díaz believed that welcoming foreign investors and mobilizing national capital through the landed elite would result in Mexico's economic and social prosperity. It was through modern industrial capitalism, Díaz and his supporters (known as Porfirians) argued, that Mexico would finally break free from its colonial past and progress into modernity.<sup>13</sup> Under the banner of "order and progress," the Porfirians aimed to modernize Mexico through reforms in public health,

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<sup>12</sup> In 1876 General Porfirio Díaz led a successful revolt against President Sebastián Lerdo de Tejada, who fled in exile to New York City. President Porfirio Díaz remained in office until 1910, except for a brief period between 1880 and 1884, when Díaz supported his forty-seven year old military friend Manuel González for presidential office. While some scholars argue that González was a puppet of Díaz, others suggest that González made decisions of his own accord. See Donald M. Coerver, *The Porfirian Interregnum: The Presidency of Manuel González, 1880-1884* (Fort Worth: Texas Christian University Press, 1979); Michael C. Meyer, William L. Sherman, and Susan M. Deeds, *The Course of Mexican History*, 7th ed. (New York: Oxford University Press, 2003), 418.

<sup>13</sup> Luis Nicolau d'Olivera, et al., "El Porfiriato: La vida económica," in *Historia moderna de México*, vol. 7-8, ed. Daniel Cosío-Villegas (Mexico City: Editorial Hermes, 1965); Nora Hamilton, *The Limits of State Autonomy: Post-Revolutionary Mexico* (Princeton, N.J.: Princeton University Press, 1982), 43-51; Durfee, *México y los capitales extranjeros*; Carleton Beals, *Porfirio Díaz: Dictator of Mexico* (Philadelphia: Lippincott, 1932); Paul J. Vanderwood, *Disorder and Progress: Bandits, Police, and Mexican Development* (Wilmington, Del.: SR Books, 1992). On the effects of Porfirian politics and capitalists on the Mexican people, see Allen Wells, "Family Elites in a Boom-and-Bust Economy: The Molinas and Peons of Porfirian Yucatan," *Hispanic American Historical Review* 62 (1982): 224-53; Allen Wells and Gilbert M. Joseph, *Summer of Discontent, Seasons of Upheaval: Elite Politics and Rural Insurgency in Yucatan, 1876-1915* (Stanford: Stanford University Press, 1997); William K. Meyers, *Forge of Progress, Crucible of Revolt: The Origins of the Mexican Revolution in La Comarca Lagunera, 1880-1911* (Albuquerque: University of New Mexico Press, 1994); Ramón Ruiz, *The People of Sonora and the Yankee Capitalists* (Tucson: University of Arizona Press, 1988); Miguel Tinker Salas, *In the Shadow of Eagles: Sonora and the Transformation of the Border during the Porfiriato* (Berkeley: University of California Press, 1997).

science and technology, urban landscapes, transportation, education and economy.<sup>14</sup> For Díaz, the construction of a railroad network financed by foreign investors was central to Mexico's industrial development and modernization. Foreign investors did not need much convincing.

The myth of Mexico as a land rich with gold, jewels and other natural resources had roots in the colonial period, when Spain conquered Mexico in the pursuit of God, glory and gold.<sup>15</sup> Following Mexico's independence in 1821, travel journals captured European and American fascinations with the myth of Mexico. In his travel accounts to Mexico in 1861 and 1862, Charles Lempriere wrote,

The merciful hand of Providence has bestowed on the Mexicans a magnificent land, abounding in resources of all kinds—a land where none ought to be poor, and where misery ' ought to be unknown—a land whose products and riches of every kind are abundant, and as varied as they are rich. It is a country endowed to profusion with every gift that man can desire or envy; all the metals from gold to lead; every sort of climate from perpetual snow to tropical heat, and inconceivable fertility.<sup>16</sup>

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<sup>14</sup> For a selection on Porfirian reforms, see Cristina Rivera-Garza, "The Criminalization of the Syphilitic Body: Prostitutes, Health Crimes, and Society in Mexico City, 1867-1930," in *Crime and Punishment in Latin America: Law and Society since Late Colonial Times*, eds. Ricardo D. Salvatore, Carlos Aguirre, and Gilbert M. Joseph (Durham: Duke University Press, 2001), 147-180; Emily Wakild, "Naturalizing Modernity: Urban Parks, Public Gardens and Drainage Projects in Porfirian Mexico," *Mexican Studies/Estudios Mexicanos* 23 no. 1 (Winter 2007): 101-23; Claudia Agostoni, "Discurso médico, cultura higiénica y la mujer en la ciudad de México al cambio de siglo (XIX-XX)," *Mexican Studies/Estudios Mexicanos* 18, no. 1 (2002): 1-22; Barbara Tenebaum, "Streetwise History: The Paseo de la Reforma and the Porfirian State, 1876-1910," in *Rituals of Rule, Rituals of Resistance: Public Celebrations and Popular Culture in Mexico*, ed. Cheryl Martin William Breezley, and William French (Wilmington, Del.: SR Books, 1994); Jeffrey M. Pilcher, *The Sausage Rebellion: Public Health, Private Enterprise, and Meat in Mexico City, 1890-1917* (Albuquerque: University of New Mexico Press, 2006).

<sup>15</sup> Daniel Cosío Villegas, a leading twentieth century Mexican intellectual, argues that the myth was created by Europeans during the colonial period. Accounts of Mexico's wealth served as a hallmark of Creole pride by the seventeenth century. Mexican Creoles during the colonial period conveniently used Mexico's wealth to develop Creole identity and distinguished New Spain (Mexico) from the Spanish Empire. Cosío Villegas further argues that the myth of Mexico helped Europeans to rationalize Mexicans as poor because they were too lazy to develop the natural resources of their land. See Daniel Cosío-Villegas, *Ensayos y notas*, vol. 1 (Mexico City: Editorial Hermes, 1976), 56-61.

<sup>16</sup> Charles Lempriere, *Notes in Mexico, in 1861 and 1862; Politically and Socially Considered* (London: Longham and Green, 1862) 182. Lempriere's quote was cited in at least seventeen books between 1877 and 1947 focused on American business in Mexico.

Foreign investors shared Lempriere's vision of Mexico, and hoped to capitalize from its abundant resources that remained undeveloped. None were more eager than American railroad investors seeking to expand their trunk lines, or main rail line routes, into Mexico.<sup>17</sup>

American investors imagined the establishment of a railroad system to be the foundation for developing a modern, multidimensional infrastructure in Mexico.<sup>18</sup> In fact, American proposals and charters for a railroad network in Mexico had been circulating since the 1860s, a decade before Porfirio Díaz assumed the presidency. Mexican leaders remained conflicted about the construction of railroads at the hands of American investors.<sup>19</sup> While some Mexican elites saw the railroad as an opportunity for modernization, other Mexican leaders feared that American-financed railroad expansion in Mexico was, as historian Richard White describes it, "American expansion in a different form and under another name."<sup>20</sup> When Mexico lost more than half of its territory to the United States in 1848, it left an indelible mark on U.S.-Mexico relations. Many Mexicans viewed the Mexican American War (1846-1848), and its outcome, as an experience of conquest and subordination. Mexico had been forced to accept \$18,250,000 for its land—less than the country's annual budget—and the decision of its former citizens to remain in the annexed territory and receive U.S. citizenship. The

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<sup>17</sup> Haber, *Industry and Underdevelopment: The Industrialization of Mexico, 1890-1940*; Davids, *American Political and Economic Penetration of Mexico, 1877-1920*.

<sup>18</sup> The British also made investments in Mexico, however, the Americans' investments were substantially greater.

<sup>19</sup> The fears of dissolution and foreign influence brought on by the experiences of the War of Reform (1857-1861) and French intervention (1861-7) further added to the debate over constructing a foreign-financed railroad in Mexico.

<sup>20</sup> Richard White, *Railroaded: The Transcontinentals and the Making of Modern America* (New York: W.W. Norton & Co., 2011), 51-55.

possibility of foreign-owned businesses operating in Mexico seemed to be another method by which the Americans sought to subordinate Mexican sovereignty and its people.<sup>21</sup> The division between Mexican leaders, combined with the conflicts between Mexico and foreign investors over the route of the rail lines, made the progress of railroad construction slow during the presidencies of Benito Juárez (1867-1872) and Sebastián Lerdo de Tejada (1872-1876).<sup>22</sup> By 1876, only 400 miles of track had been laid in Mexico.<sup>23</sup>

During the Porfiriato, the mileage of track in Mexico grew exponentially. In 1885, approximately 3,665 miles of track had been laid; in 1900, 9,055 miles; and in 1910, 15,000 miles. One mile of track cost between \$11,200 and \$14,400 U.S. dollars to build. The Mexican railroad system in 1910 had been financed by American investors, who had 80% of their stock and bonds in Mexican railroads, and by Mexican government subsidies.<sup>24</sup> The railroad lines were laid on former Spanish and Mexican trade routes that

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<sup>21</sup> Jeffrey Marcos Garcilazo, *Traqueros: Mexican Railroad Workers in the United States, 1870-1930* (Al Fil: Mexican American Studies Series, 2013), 13; Meyer, Sherman, and Deeds, *The Course of Mexican History*, 334-36; Carlos G. Velez-Ibanez, *Border Visions: Mexican Cultures of the Southwest United States* (Tucson: University of Arizona Press, 1996); Martha Menchaca, *Recovering history, Constructing Race: The Indian, Black, and White Roots of Mexican Americans*, 1st ed. (Austin: University of Texas Press, 2001); David J. Weber, *Foreigners in Their Native Land: Historical Roots of the Mexican Americans, 30th Anniversary Edition* (Albuquerque: University of New Mexico Press, 1973, 2003). For scholarship on the Mexican American War, see Charles A. Hale, "The War with the United States and the Crisis of Mexican Thought," *The Americas* 14 (1957): 153-173; Richard Griswold del Castillo, *The Treaty of Guadalupe Hidalgo: A Legacy of Conflict* (Norman: University of Oklahoma Press, 1990); Brooke A. Caruso, *The Mexican Spy Company: United States Covert Operations in Mexico, 1845-1848* (Jefferson: McFarland and Company, 1991); Brian DeLay, *War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War* (New Haven: Yale University Press, 2009).

<sup>22</sup> During the presidency of Benito Juárez, the Mexican Congress approved of two Pennsylvania Railroad projects. The Pennsylvania then sold the railroad grant to a British syndicate in order to finance their larger project for the Mexican national railways. See Hart, *Empire and Revolution*, 46-8.

<sup>23</sup> Meyer, Sherman, and Deeds, *The Course of Mexican History*, 425; Chapman, *La construccion del ferrocarril Mexicano (1857-1880)*.

<sup>24</sup> Hart, *Empire and Revolution*, 21, 106; Hamilton, *The Limits of State Autonomy*. Hart offers an in-depth analysis of how foreign capitalists, American and British, staked claims in building particular rail lines. The only American investor to choose land resource acquisitions over cash subsidies was Huntington.

criss-crossed Northern Mexico and the U.S. Southwest. For instance, El Paso, Texas had long been a commercial stop on the Spanish Trail.<sup>25</sup> American investors and Mexican leaders strongly supported the creation of a rail line between El Paso and Mexico City in order to take advantage of the pre-existing community and economic networks along the old Spanish Trail. Known as the Mexican Central, this 1,224-mile rail line was financed by the Atchison, Topeka and Santa Fe Railroad, and allowed for the first rail-crossing between Mexico and the United States in August 1882.<sup>26</sup> Another important Spanish trail transformed into a rail line was the 723-mile route between Nogales, Arizona and Mazatlán, financed by the Southern Pacific Railroad.<sup>27</sup> Finally, an 800-mile rail line between Laredo, Texas and Mexico City—the shortest distance between the Mexican capital and the U.S.-Mexico border—by the Mexican International, also known as the National Railways of Mexico, was in use by 1903 [Figure 1.1].<sup>28</sup>

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<sup>25</sup> Mario T. Garcia, *Desert Immigrants: The Mexicans of El Paso, 1880-1920* (New Haven: Yale University Press, 1981), 15-16.

<sup>26</sup> James Marshall, *Santa Fe: The Railroad that Built an Empire* (New York: Random House, 1945); James H. Ducker, *Men of the Steel Rails: Workers on the Atchison, Topeka & Santa Fe Railroad, 1869-1900* (Lincoln: University of Nebraska Press, 1983).

<sup>27</sup> Lewis, *Iron Horse Imperialism*. For more on transnational railroad connections in Mexico and the United States, see John A. Kirchner, *Baja California Railways* (San Marino: Golden West Books, 1988); J. Foster Higgins, *A History of Kansas City, Mexico, and Orient Railroad* (New York: Railroad and Locomotive History, 1956).

<sup>28</sup> The Mexican International was financed by American investors in Colorado, and then purchased by a group of British and French investors. Lawrence A. Cardoso, *Mexican Emigration to the United States, 1897-1931: Socio-Economic Patterns* (Tucson: University of Arizona Press, 1980).

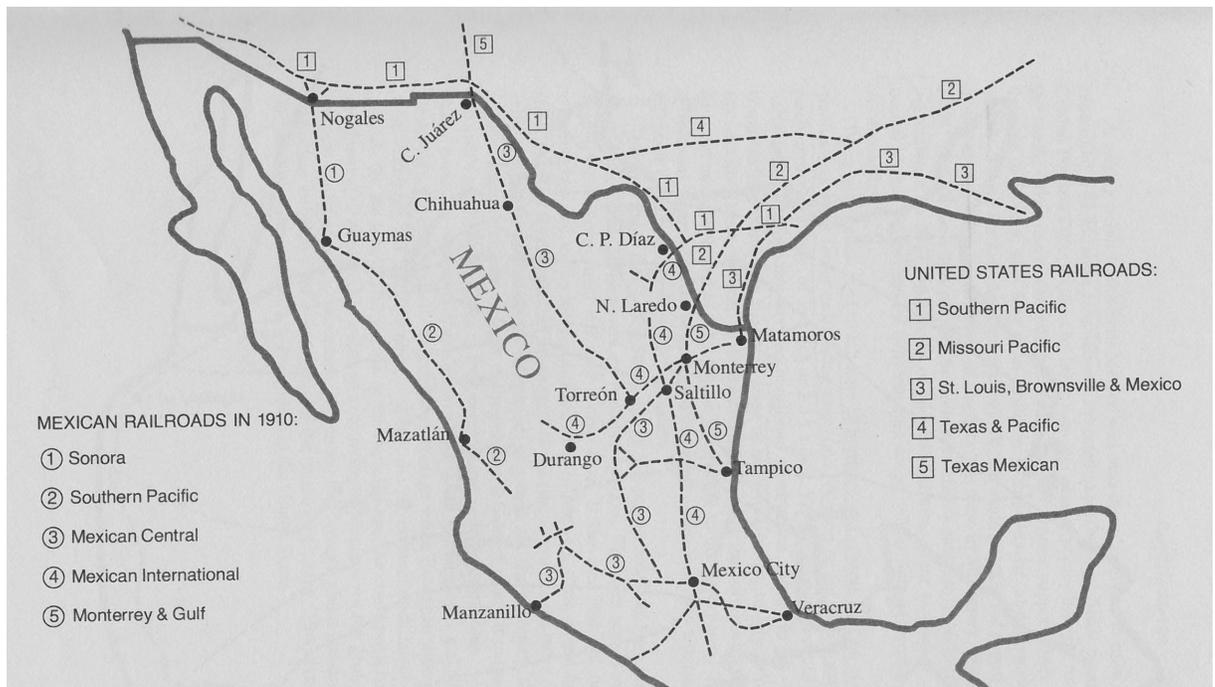


Figure 1.1 Mexican railroads with connections to the United States by 1910. Note that the most popular Pullman lines operated on the Mexican Central and the Mexican International.  
 Source Lawrence A. Cardoso, *Mexican Emigration to the United States*, 17.

The construction of Mexican railroads accomplished what both American investors and the Porfirians had desired—it created a transnational transportation network and facilitated industrial development in Mexico and the U.S.-Mexico borderlands.<sup>29</sup> The railways allowed for the rapid transport of goods back and forth across the border, and the Mexican exportation of luxury goods, cattle, coffee, oil, henequen and precious metals to the United States. The ability to transport goods further encouraged foreign investors to cultivate Mexico’s natural resources, and to modernize the labor and land

<sup>29</sup> St. John, *Line in the Sand*, 63-89. It is also important to note that American investors seeking to build railroads in the U.S. Southwest met resistance from Native American groups, including the Yaqui and the Apache. See St. John, *Line in the Sand*, 39-62; Evelyn Hu-DeHart, *Yaqui Resistance and Survival: The Struggle for Land and Autonomy, 1821-1921* (Madison: University of Wisconsin Press, 1984), 104; Stuart F. Voss, *On the Periphery of Nineteenth-Century Mexico: Sonora and Sinaloa, 1810-1877* (Phoenix: University of Arizona Press, 1982).

systems of rural Mexico. By the turn of the twentieth century, the Mexican national economy experienced a surplus for the first time since its independence in 1821. Foreign investments had increased ten-fold, from 110 million pesos in 1884 to 3 billion pesos in 1910.<sup>30</sup> By these accounts, Mexico had made great strides in its march for “order and progress.” But modernization came at a high cost to its largest population—the lower rural classes.

More than 10 million Mexican people, roughly 80 % of the total population, in the late nineteenth century belonged to the lower rural classes, known as campesinos. The most populous area in Mexico was the central plateau region, which included the states of Guanajuato, Querétaro, San Luis Potosí, Jalisco, Aguascalientes, and Hidalgo. Mountains flank this region on the east, south and west, with the north opening up into a flat desert. Two states bordering the central plateau region with dense populations are Michoacán and Oaxaca. Two-thirds of the labor migrant population came out of these eight states, which suffered greatly during the Porfiriato. The majority of campesinos lived on communally owned ejidos or on privately owned haciendas. Ejidos were areas of communal land owned by individual families that supported nearby urban centers. Haciendas, the most prevalent form of land tenure, subjected a landless peasantry to forms of debt peonage. Díaz and the Porfirians hoped to modernize the countryside by destroying the ejidos and creating new haciendas, financed by private colonizing companies, that would grow mass quantities of export items. With a focus on growing

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<sup>30</sup> A few scholars have described Mexico’s integration into the world economy as a “second conquest.” See, Steven Topik and Allen Wells, eds., *The Second Conquest of Latin America: Coffee, Henequen, and Oil during the Export Boom, 1850-1930* (Austin: University of Texas Press, 1985), 1; Roderic Camp, *Entrepreneurs and Politics in Twentieth Century Mexico* (New York: Oxford University Press, 1988).

export items, the hacienda system caused a decline in agricultural production, which in turn caused a food shortage for the rural Mexican population. A severe drought in 1905 and 1906 also caused a loss in crops for export and domestic consumption.<sup>31</sup>

New legislation in the 1880s provided private colonizing companies with the incentive of receiving up to one-third of the land they surveyed and subdivided. Unable to provide land titles to companies, ejido dwellers (ejidatarios) lost possession of the land their families had worked for centuries.<sup>32</sup> The railways had also shifted the urban centers' dependence away from ejidos and toward the railways that facilitated the importation of goods.<sup>33</sup> Inflation added to the difficulties faced by campesinos—the cost of corn, a staple in the Mexican diet, nearly doubled. The new landless ejidatarios and campesinos found themselves in search of work to provide for their families in a surplus labor market. Some were forced to join new haciendas, which continued the hacienda tradition of debt peonage.<sup>34</sup> Some found work in the central region of Mexico only to face lowered wages at the hands of the Díaz government. Many were forced to join the growing migratory labor stream *al norte* (to the north) caused by the land and labor

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<sup>31</sup> Cardoso, *Mexican Emigration to the United States, 1897-1931: Socio-Economic Patterns*, 7-12; Robert Holden, *Mexico and the Survey of Public Lands: The Management of Modernization, 1876-1911* (DeKalb, IL: Northern Illinois University Press, 1994); Wistano Luis Orozco, *Los ejidos de los pueblos* (Mexico: Ediciones El Caballito, 1975).

<sup>32</sup> Lawrence Cardoso provides valuable statistics that trace the number of landholding families in 1910, the total Mexican population, and average wages. See Cardoso, *Mexican Emigration*, 7.

<sup>33</sup> John H. Coatsworth, *Growth against Development: The Economic Impact of Railroads in Porfirian Mexico* (DeKalb: Northern Illinois University Press, 1981).

<sup>34</sup> Haciendas have roots in the colonial period, when the Spanish sought to utilize the labor of Indigenous peoples. Debt peonage had been outlawed under the Constitution of 1857; however, it continued to be practiced out of custom in most rural areas. See Eric Van Young, "Mexican Rural History since Chevalier: The Historiography of the Colonial Hacienda," *Latin American Research Review* 18 no. 3 (1983): 5-62; Enrique Florescano, "The Formation and Economic Structure of the Hacienda in New Spain," *Cambridge History of Latin America* 2 (1984): 153-188; Friedrich Katz, "Labor Conditions on Haciendas in Porfirian Mexico: Some Trends and Tendencies," *Hispanic American Historical Review* 54 no. 1 (February 1974): 24-26; Ricardo Rendon Garcini, *Haciendas de Mexico* (Mexico City: Fomento Cultura Banamex, 1994).

reform, inflation, lowered wages, the decline in agricultural production, the construction of the railroads, and the demand for labor in the north.

The railroads served as both catalysis and an important vehicle for the mass migration northward that began taking shape in the 1880s. The Mexican government had long hoped to promote settlement in the Mexico-U.S. borderlands. The Mexican American War had disrupted economic trade in the area and created a new 2,000 mile shared geopolitical border with the United States. Díaz believed that building Mexican railroads with connections into the United States would establish a strong economic trade network that would benefit the Mexican national economy and stimulate settlement in the borderlands area.<sup>35</sup> The construction of these railroads required not only the financial backing of foreign investors and government subsidies, but also thousands of workers. Operating primarily out of Mexico City, labor recruiters, known as *enganchanistas* (literally “those that hook”), travelled to the countryside in search of workers for the railroads, as well as other industries such as agriculture and mining. *Enganchanistas* used the allure of higher wages, better standards of living and schooling to “hook” peasants and workers. For instance, an individual earning an agricultural wage of \$0.12-0.15 a day in central Mexico could earn four times as much in northern Mexico. Railroad workers could earn \$0.50 a day, and miners could earn upwards of \$0.75 a day.<sup>36</sup> These wage differentials spurred migration north, and the railroad served as the vehicle. The engine of modernity had created a modern subject—the migrant worker.

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<sup>35</sup> Cardoso, *Mexican Emigration to the United States*, 13.

<sup>36</sup> *Ibid.*, 17.

## II. Mexican (Im)migrant Labor, U.S. Railroads, and U.S. Immigration Policy, 1880-1910

At the same time that Porfiriato created a strong national economy and large class of migrant workers, the United States experienced an increased demand for cheap, unskilled labor. Nowhere was this most true than in the U.S. railroad industry. U.S. immigration over the course of the nineteenth century profoundly shaped the demographics of the railroad labor force by region. Prior to the 1880s, white native-born workers built the railroads in the East. In the Central Plains and the South, railroad companies employed mostly African Americans. Chinese laborers performed the building of the transcontinental railroad line in the U.S. Northwest and Southwest.<sup>37</sup> By the 1880s, the influx of immigrants from Eastern and Southern Europe, China and Mexico transformed the U.S. immigration policy and the demographics of the railroad labor force.<sup>38</sup>

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<sup>37</sup> White, *Railroaded*, 293-305; Tzu-kuei Yen, "Chinese Workers and the First Transcontinental Railroad of the United States of America," (Ph.D. dissertation, St. John's University, 1976); William F. Chew, *Nameless Builders of the Transcontinental Railway: The Chinese Workers of the Central Pacific Railroad* (Victoria: Trafford, 2004). For more on the railroad workforce in the Northwest, see Yuki Ichioka, "Japanese Immigrant Labor Contractors and the Northern Pacific and the Great Northern Railroad Companies, 1898-1907," *Labor History* 21 no. 3 (1980): 322-350; W. Thomas White, "Race, Ethnicity and Gender in the Railroad Work Force: The Case of the Far Northwest, 1883-1918," *Western Historical Quarterly* 16, 3 (July 1985): 265-283.

<sup>38</sup> U.S. Department of Labor, Bureau of Immigration, *Immigration Laws (Act of February 5, 1917) Rules of May 1, 1917*, 4th edition (Washington: Government Printing Office, 1920), 57. The first version of the 1885 Alien Contract Labor Law reads: "It shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation, or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, parole or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia." Cited in Edward P. Hutchinson, *Legislative History of American Immigration Policy, 1798-1965* (Philadelphia: University of Pennsylvania Press, 1981), 88.

Torn between satisfying the interests of business and labor, the United States passed a series of immigration laws targeted at controlling the admission of undesirable workers, along the lines of race, class and gender. The Chinese Exclusion Act of 1882 banned further immigration from China and barred any Chinese immigrant from U.S. citizenship.<sup>39</sup> The Alien Contract Labor Law of 1885, known as the Foran Act, prohibited the migration and importation of foreigners, particularly of the “ignorant and servile” class, to the United States for the purpose of work. The enforcement of the Foran Act, however, varied based on the port of entry used by immigrants. The Foran Act, historian Gunther Peck argues, was nearly non-existent at the U.S.-Mexico border because of its geography.<sup>40</sup> At the turn of the twentieth century, the 2,000-mile geopolitical boundary was largely imaginary, and lacked surveillance.<sup>41</sup> Mexican contract laborers who were denied entry would simply walk a few miles away from the immigration station and cross into the United States. The imaginary boundary facilitated

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<sup>39</sup> Erika Lee, *At America's Gates: Chinese Immigration during the Exclusion Era, 1882-1943* (Chapel Hill: University of North Carolina Press, 2003); Lucy E. Salyer, *Law Harsh As Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (Chapel Hill: The University of North Carolina Press, 1995); Bill Ong Hing, *Making and Remaking Asian America through Immigration Policy, 1850-1990* (Stanford: Stanford University Press, 1993); Alexander Saxton, *The Indispensable Enemy: Labor and the Anti-Chinese Movement in California* (Berkeley: University of California Press, 1975). On Chinese immigration, citizenship and race, see Lisa Lowe, *Immigrant Acts: On Asian American Cultural Politics* (Durham: Duke University Press, 1996). On Chinese migration networks, see Adam McKeown, *Chinese Migrant Networks and Cultural Change: Peru, Chicago, Hawaii, 1900-1936* (Chicago: University of Chicago Press, 2001).

<sup>40</sup> Peck, *Reinventing Free Labor*, 83; Gwendolyn Mink, *Old Labor and New Immigrants in American Political Development: Union, Party, and State, 1875-1920* (Ithaca: Cornell University Press, 1986); Kitty Calavita, *U.S. Immigration Law and the Control of Labor, 1820-1924* (Academic Press, 1984); Charlotte Erickson, *American Industry and the European Immigrant, 1860-1885* (Cambridge 1957).

<sup>41</sup> Truett, *Fugitive Landscapes*; St. John, *Line in the Sand*.

the increase of the Mexican immigrant population in the U.S. Southwest from 66,312 in 1880 to 99,969 in 1900.<sup>42</sup>

U.S. railroad companies, and the labor contractors (enganchanistas) they employed, were well aware of the border's permeability and used it to their advantage for recruiting the growing class of Mexican migrant workers en route to the United States. Mexican migrants "hooked" by the enganchanistas travelled to major hubs in Texas such as El Paso, Laredo, San Antonio, or Fort Worth, where railroad representatives recruited them to work on various rail lines.<sup>43</sup> Mexican migrants often preferred to work on the tracks in the United States rather than in Mexico because of the wage differential between Mexico and the United States. While track workers in northern Mexico earned up to \$0.50 a day, Mexican track workers in the United States were paid up to \$1.00 a day in the years between 1880 and 1910. Yet Mexican track workers, referred to as *traqueros*, were often paid substantially less than other immigrant groups, such as the Irish who earned \$3.00 a day building the transcontinental railroad.<sup>44</sup> These job inequalities often resulted in *traqueros* seeking work in other U.S industries, such as foundries, agriculture, meat-packing plants, mining, steel manufacturing, and the auto industry.<sup>45</sup>

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<sup>42</sup> Samuel Bryan, "Mexican Immigrants in the United States," *The Survey* 28 (September 1912): 726-30. Also cited in Garcilazo, *Traqueros*, 39.

<sup>43</sup> Jeffrey Garcilazo also shows that even though *traqueros* performed labor for particular railroad companies, their labor contracts were with labor agencies, not railroad companies. See Garcilazo, *Traqueros*, 48.

<sup>44</sup> Edwin L. Sabin, *Building the Pacific Railway* (Philadelphia: J.B. Lippincott Co., 1919), 172.

<sup>45</sup> Zaragosa Vargas, *Proletarians of the North: A History of Mexican Industrial Workers in Detroit and the Midwest* (Berkeley: University of California Press, 1993), 56-85. For more on Mexican migrant women in U.S. industries, see Vicki Ruiz, *Cannery Women, Cannery Lives: Mexican Women, Unionization, and the California Food Processing Industry, 1930-1950* (Albuquerque: University of New Mexico Press, 1987).



Figure 1.2 Mexican and Western U.S. Railroad Network, 1920. Source Jeffrey Garcilazo, *Traqueros: Mexican Railroad Workers in the United States 1870-1930*, 19.

Despite the working conditions faced by traqueros, Mexican migrants desperate to earn a wage for their families continued to work on U.S. railroads.<sup>46</sup> Between 1880 and 1930, traqueros composed two-thirds of the track labor force in the Midwest, the Southwest and the Central Plains [Figure 1.2]. U.S. railroad companies viewed Mexican migrants as the ideal worker for several reasons. First, Mexican migrants were an

<sup>46</sup> Sarah Deutsch, *No Separate Refuge: Culture, Class, and Gender on an Anglo-Hispanic Frontier in the American Southwest, 1880-1940* (New York: Oxford University Press, 1987), 19.

abundant and accessible source of labor that could easily replace Chinese workers and appease the anti-Chinese labor movement. Second, Americans saw the Mexican migrant as a temporary worker who would return to Mexico and not seek U.S. citizenship. Finally, U.S. railroads interpreted Mexican migrants' willingness to work for a low wage and apparent satisfaction with "owning very little" to be an inherent racial attribute of all Mexicans. In reality, of course, Mexican migrants had been forced to leave their homes in desperation to earn a living wage. Companies used this racialized vision of Mexicans to rationalize low wages and poor labor camp conditions. It was for these reasons that railroad companies preferred to hire inexperienced Mexican migrants rather than experienced *traqueros* who had developed a sense of entitlement.<sup>47</sup> U.S. railroads succeeded in this endeavor because of growing labor migration flows from Mexico between 1880 and 1910. And then, the revolution came.

The Mexican Revolution (1910-1920) was a massive social upheaval against Porfirian policies to privilege an alliance with the Mexican elite and foreign companies at the expense of the middle-class and an impoverished peasant and working class.<sup>48</sup> During the Revolution, an estimated 1.5 million Mexican people, or 10% of the total population, fled to the United States. The massive influx of Mexican refugees provided

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<sup>47</sup> Garcilazo, *Traqueros*, 48, 63-7; Driscoll, *The Tracks North*, 17-26.

<sup>48</sup> Scholars have examined the Revolution as a reaction against Porfirio Díaz's abandonment of early nineteenth century liberalism and the social democratic process. See Jesús Reyes Heróles, *El liberalismo mexicano: La integración de las ideologías*, vol. 3 (Mexico City: Fondo de Cultura Económica, 1952); Charles A. Hale, *The Transformation of Liberalism in Late Nineteenth-Century Mexico* (Princeton: Princeton University Press, 1989). Alan Knight defines the revolution as a movement of the masses. See Alan S. Knight, *The Mexican Revolution*, vol. 2 (Cambridge: Cambridge University Press, 1986). Arnaldo Cardova identifies the revolution as a movement of middle-class leaders. Arnaldo Córdova, *La ideología de la Revolución Mexicana: La Formación del nuevo régimen* (Mexico City: Ediciones Era, Colección Problemas de México, 1997).

U.S. railroads with an even greater pool of Mexican laborers to recruit without having to use *enganchanistas* in Mexico.<sup>49</sup>

At the same time, the emergence of new U.S. immigration laws made Mexican migrants—who had historically experienced relatively unhindered migration across the border—subject to restrictions, inspections and fees. The Immigration Law of 1917, passed against the veto of U.S. President Woodrow Wilson, required immigrants to pass a literacy test and pay an eight-dollar tax, and reinforced the Contract Alien Labor Act.<sup>50</sup> In addition, rumors of epidemics in Mexico, in conjunction with an outbreak of typhus in 1916, resulted in a new form of health inspection that differed greatly from the medical examinations used at Angel Island and Ellis Island. U.S. Public Health officials forced Mexican immigrants to strip naked for an intensive inspection and a delousing.<sup>51</sup> In the mean time, health officials sterilized migrants' clothes. Following this procedure, Mexican immigrants still had to face the standardized immigrant medical examination, where they could be excluded on the basis of their physical and mental fitness. Americans used the epidemic outbreaks at the border and in Mexico to bolster the racialized conception of Mexicans as “vermin-infested,” unclean, and unfit for U.S. citizenship.<sup>52</sup>

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<sup>49</sup> Jeffrey Garcilazo claims that the Revolution adversely affected the labor recruitment system in Mexico. See Garcilazo, *Traqueros*, 35. For more on Mexican labor recruitment for U.S. railroads, see McWilliams and Meier, *North from Mexico*.

<sup>50</sup> St. John, *Line in the Sand*, 174-185.

<sup>51</sup> Mexican migrants were not the only foreigners seeking admission into the United States through the Mexico-U.S. border. See Erika Lee, "Enforcing the Borders: Chinese Exclusion along the U.S. Borders with Canada and Mexico, 1882-1924," *Journal of American History* 89 no. 1 (June 2002): 54-86.

<sup>52</sup> Alexandra Minna Stern, "Buildings, Boundaries, and Blood: Medicalization and Nation-Building on the U.S.-Mexico Border, 1910-1930," *The Hispanic American Historical Review* 79, no. 1 (February 1990): 41-81; Natalia Molina, "Medicalizing the Mexican: Immigration, Race, and Disability in the Early-Twentieth-Century United States," *Radical History Review*, 94 (Winter 2006): 22-37; Natalia Molina, *Fit to*

Economic mobilization for the war in 1917, and the conscription of 1 million American men, highlighted the tension between a restrictive U.S immigration policy and America's dependence on cheap, unskilled labor. Even though the 1917 law reinforced the prohibition of foreign contract laborers, it also included a proviso (section 3, provision 9) that allowed for the temporary admission of foreign workers in the case of "urgent necessity."<sup>53</sup> Between 1917 and 1921 the United States relied on this proviso to allow Mexican nationals to work in U.S. industries, such as the railroads and agriculture, as part of the war effort and recovery. Bracero scholars have referred to this recruitment as "the first bracero program;" however, it was a bureaucratically disorganized effort that lacked the transnational administration of its successor. An estimated 10,000 Mexican men worked for the Southern Pacific Railroad during this period.<sup>54</sup> Following the suspension of the proviso, the poorly administrated "first bracero program" failed to repatriate Mexican contract laborers to Mexico. As a result, many contract laborers were left stranded in the United States, while a steady flow of Mexican migrants continued to arrive in the United States during the 1920s.<sup>55</sup>

The mass migration of Mexicans, however, made Americans reconsider how they viewed the Mexican migrant. In 1911 the Dillingham Commission, a United States

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*be Citizens?: Public Health and Race in Los Angeles, 1879-1939* (Berkeley: University of California Press, 2006).

<sup>53</sup> U.S. Department of Labor, Bureau of Immigration, *Immigration Laws (Act of February 5, 1917) Rules of May 1, 1917*, 4th edition (Washington: Government Printing Office, 1920), 57. See Fernando Saul Alanis Enciso, *El primer programa bracero y el gobierno de Mexico, 1917-1918* (San Luis Potosi: Colegio de San Luis, 1999); Driscoll, *The Tracks North*, 6-8.

<sup>54</sup> The American Federation of Labor (AFL) demanded the suspension of Mexican immigration in 1919. The AFL also approached the Confederación Regional Obrera Mexicana in the mid 1920s to coordinate restriction of labor migration from Mexico. See Harvey A. Levenstein, "The AFL and Mexican Immigration in the 1920s: An Experiment in labor Diplomacy," *Hispanic American Historical Review* 48 (1968): 206-219.

<sup>55</sup> Cardoso, *Mexican Emigration to the United States*, 96.

Immigration Commission, identified Mexican immigration as benign to the United States.<sup>56</sup> The benign nature of Mexican immigration was rooted in Americans' understanding of Mexicans as a temporary migrant labor force, destined to return to Mexico. When 1.5 million Mexican people fled to the United States with no intention of returning during the Revolution, Americans began to take notice of Mexican immigrants' geographical dispersion across the country. For the first time, historian Mark Riesler contends, Americans began to "ponder seriously the nature of the Mexican immigrant, his relationship to American society, and his possible place within it."<sup>57</sup> While Americans became increasingly concerned with Mexican immigration, the United States government acted on the suggestions of the Dillingham commission with the passage of the Immigration Act of 1924. Identifying Eastern and Southern Europeans as a threat to the nation, the Immigration Act of 1924 instituted a quota on the basis of national origin. Perhaps more importantly, the Immigration Act exempted immigrants from Mexico and Latin American countries, thereby satisfying American businesses' desire for access to Mexican labor.<sup>58</sup> At the same time, the creation of the U.S. Border Patrol in 1924 represented the United States government's recognition that the 2,000-mile geopolitical

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<sup>56</sup> Frederick C. Croxton, *Statistical Review of Immigration, 1820-1910*, (Washington: G.P.O., 1911).

<sup>57</sup> Mark Riesler, "Always the Laborer, Never the Citizen: Anglo Perceptions of the Mexican Immigrant During the 1920s," in *Between Two Worlds: Mexican Immigrants in the United States*, ed. David G. Gutierrez (Wilmington: Scholarly Resources Inc, 1996), 24. Also, see Neil Foley, "Mexican Americans and the Color Line," in *American Dreaming, Global Realities: Rethinking U.S. Immigration History*, eds. Donna R. and Vicki L. Ruiz Gabaccia (Urbana and Chicago: University of Illinois Press, 2006) Leo R. Chaves, *The Latino Threat: Constructing Immigrants, Citizens, and the Nations* (Stanford: Stanford University Press, 2008); George J. Sanchez, *Becoming Mexican American: Ethnicity, Identity and Culture in Chicano Los Angeles, 1900-1945* (New York: Oxford University Press, 1993).

<sup>58</sup> Cardoso, *Mexican Emigration to the United States*, 46.

boundary required greater federal regulation. It was not until the 1940s, however, that the U.S. Border Patrol became an effective law enforcement agency.<sup>59</sup>

U.S. immigration policy kept a relatively open door for Mexican immigration until the onset of the Great Depression in October 1929. Industrial and agricultural production experienced a sharp decline, and unemployment rates soared, with an estimated 6 million American workers jobless at the end of 1930. Desperate to regain economic security, Americans at the local, state and federal levels found their scapegoat in the Mexican worker. Americans believed that if the Mexican worker returned to Mexico, then there would be more jobs for Americans and the United States would emerge out of the depression. Mexicans and Mexican-Americans alike were forced out of the American workplace on the basis that they were undeserving of jobs that rightly belonged to (white) American citizens. For instance, local and state governments passed laws that required all employees to hold U.S. citizenship. Although these laws were not enforced on a regular basis, they did, historian Francisco Balderrama argues, “make it difficult for any Mexican, whether American citizens or foreign born, to get hired.” In fact unemployment among Mexicans ranged from 15 percent to 85 percent throughout the 1930s.<sup>60</sup> Meanwhile, U.S. immigration officials launched raids in the Southwest in search of Mexican immigrants to forcibly remove from the United States. It is estimated

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<sup>59</sup> Hernandez, *Migra!*.

<sup>60</sup> Francisco E. Balderrama, *Decade of Betrayal: Mexican Repatriation in the 1930s* (Albuquerque: University of New Mexico Press, 1995), 90-1.

that 500,000 Mexican and Mexican Americans between 1929 and 1939 were repatriated to Mexico.<sup>61</sup> The door that had remained open was now closed.

### **III. The Mexican Constitution of 1917, Mexican Nationalism, and the Contingencies of Revolutionary Citizenship**

At the same time that the United States was dealing with an influx in Mexican immigration, Mexico emerged from its revolution to face the task of rebuilding itself as a unified nation capable of realizing the ideals of the revolution. The Mexican Revolution had mobilized a mass of campesinos and workers who had gained a sense of political awareness that shaped the inclusion of citizenship rights in the constitution of 1917.<sup>62</sup> An embodiment of revolutionary ideals, the constitution resolved to eliminate social inequality through land reform, establish economic sovereignty through eminent domain, and protect workers from the dangers of the workplace. Perhaps more importantly, the

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<sup>61</sup> Abraham Hoffman, *Unwanted Mexican Americans in the Great Depression: Repatriation Pressures, 1929-1939* (Tucson: The University of Arizona Press, 1974), 3, 56. Scholars are in debate over the number of Mexican and Mexican Americans repatriated during this period. Hoffman based his estimate of 500,000 repatriates on records of the Mexican Migration Service. Historians Francisco Balderrama and Raymond Rodríguez estimate that 1 million ethnic Mexicans were repatriated. Balderrama and Rodríguez based their estimates on a compilation of archival records and newspaper articles. In 2005 the State of California issued an "Apology Act" (SB 670) for the forced repatriation of 2 million ethnic Mexicans, 1.2 million of which were U.S. citizens. See [http://www.leginfo.ca.gov/pub/05-06/bill/sen/sb\\_0651-0700/sb\\_670\\_bill\\_20051007\\_chaptered.html](http://www.leginfo.ca.gov/pub/05-06/bill/sen/sb_0651-0700/sb_670_bill_20051007_chaptered.html)

<sup>62</sup> On revolutionary leaders' use of socioeconomic reforms to garner massive support, see John Womack, "The Mexican Revolution, 1910-1920," in *The Cambridge History of Latin America*, vol. 5, ed. Leslie Bethell (Cambridge: Cambridge University Press, 1986), 98-99, 113. On labor in Porfirian Mexico and the Revolution, see David Walker, "Porfirian Labor Politics: Working Class Organizations in Mexico City and Porfirio Díaz," *The Americas* 37 (1981): 257-290; Ramón Eduardo Ruiz, *La Revolución Mexicana y el movimiento obrero, 1911-1923* (Mexico City: Fondo de Cultura Económica, 1968); John M. Hart, *Anarchism and the Mexican Working Class, 1860-1931* (Austin: University of Texas Press, 1987); Barry Carr, *El movimiento obrero y la política en México, 1910-1929* (Mexico City: SepSetentas, 1976); Rodney D. Andersen, *Outcasts in Their Own Land: Mexican Industrial Workers, 1906-1911* (DeKalb: National Illinois University Press, 1976); John Lear, *Workers, Neighbors, and Citizens: The Revolution in Mexico City* (Lincoln: University of Nebraska Press, 2001); Ramón Eduardo Ruiz, *Labor and the Ambivalent Revolutionaries* (Baltimore: Johns Hopkins Press, 1976).

redistributive reforms in the constitution endorsed the role of an active state in socioeconomic affairs.<sup>63</sup>

Article 27 and Article 123 of the constitution were significant for the collective character of the political and social rights given to the working class and the campesino class. Article 123 abolished debt peonage and structured the relationship between employers and their workers, including but not limited to, regulating labor contracts, setting standards for working conditions, establishing a minimum wage and eight-hour work day, outlining protections in the event of professional illnesses and labor accidents, protecting the right to strike and structuring arbitration in the disputes between capital and labor.<sup>64</sup> Article 27 granted Mexico eminent domain over land and natural resources, which resulted in the expropriation of private property owned by foreign investors.<sup>65</sup> An important process in the nationalization of Mexican land was its redistribution to the campesinos. Taken together, these two articles aimed to establish national sovereignty, mobilize a national economy, and protect workers from the dangers of industrial capitalism.

Constitutional principles, however, did not translate into real world practices. The gap between written law and practice in 1917 was largely the result of a nascent

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<sup>63</sup> E. Victor Niemeyer, *Revolution at Queretaro: The Mexican Constitutional Convention of 1916-1917* (Austin: University of Texas Press, 1974).

<sup>64</sup> Constitución de los Estados Unidos Mexicanos, 1917, art. 27, 123.

<sup>65</sup> For instance, investors from the United States had their Mexican oil properties expropriated. This ultimately led to friction in U.S.-Mexico relations as the United States demanded reparations and refused to recognize the presidential administration of Alvaro Obregón between 1920 and 1923. George D. Beelen, "The Harding Administration and Mexico: Diplomacy of Economic Persuasion," *The Americas* 41 (1984): 177-190; John W.F. Dulles, *Yesterday in Mexico: A Chronicle of the Revolution, 1919-1936* (Austin: University of Texas, 1961); Linda B. Hall, *Oils, Banks, and Politics: The United States and Postrevolutionary Mexico, 1917-1924* (Austin: University of Texas Press, 1995); Meyer, Sherman, and Deeds, *The Course of Mexican History*, 555.

postrevolutionary state that did not have the resources, financially or bureaucratically, to enforce the broad strokes of social reform outlined in the constitution.<sup>66</sup>

Postrevolutionary regimes infused political, social and economic initiatives with the revolutionary rhetoric as a means by which to legitimate their political control, enable state formation and forge nationalism.

The diversity of Mexico along ethnic, racial and class lines created what scholars have referred to as “many Mexicos.”<sup>67</sup> Individuals often identified with *la patria chica* (small country) rather than *la patria grande* (large country) because of their intimate ties to the local.<sup>68</sup> Postrevolutionary regimes hoped to cultivate a sense of national unity across the many Mexicos through a political discourse that championed the revolutionary citizen. The primary characteristics of a revolutionary citizen were patriotic loyalty to *la patria grande* and antagonism toward foreign influences. Put another way, revolutionary citizens distinguished themselves from the Porfirians who had betrayed the Mexican people.<sup>69</sup>

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<sup>66</sup> Stephen Zamora, *Mexican Law*, 1st ed. (Oxford: Oxford University Press, 2004); Marjorie Ruth Clark, *Organized Labor in Mexico* (New York: Russell and Russell, 1974). For instance, land reform progressed slowly. It was not until the presidency of Lázaro Cárdenas (1934-1940) that land redistribution exponentially increased. At the end of his term, Cardenas had redistributed 49 million acres—about twice as much as his predecessors combined. Meyer, *The Course of Mexican History*, 576-7.

<sup>67</sup> Lesley Byrd Simpson, *Many Mexicos* (Berkeley: University of California Press, 1952); Knight, *The Mexican Revolution*, 2.

<sup>68</sup> For more on the regional fragmentation of Mexico and its usefulness as a framework, see Simpson, *Many Mexicos*; Thomas and Mark Wasserman Benjamin, eds., *Provinces of the Revolution: Essays on Regional Mexican History, 1920-1929* (Albuquerque: University of New Mexico Press, 1990); Eric Van Young, ed., *Mexico's Regions: Comparative History and Development* (San Diego: Center for U.S.-Mexican Studies, 1992); Thomas and William McNellie Benjamin, eds., *Other Mexicos: Essays on Regional Mexican History, 1876-1911* (Norman: University of Oklahoma Press, 1984).

<sup>69</sup> Benedict Anderson argues that nationalism is not an ideology, but rather a hegemonic cultural construct. Lomnitz, *Deep Mexico, Silent Mexico*, 52-7; Benedict Anderson, *Imagined Communities* (London: Verso, 1994), 7; Kevin J. Middlebrook, *The Paradox of Revolution: Labor, the State, and Authoritarianism in Mexico* (Baltimore: Johns Hopkins University Press, 1995), 7.

Revolutionary citizens laid claim to revolutionary citizenship rights in a moment when the meanings of citizenship remained contested.<sup>70</sup> Between 1917 and 1938, political leaders argued over the meanings of and qualifications for citizenship—what is the balance between the rights and obligations of citizenship? To what extent is citizenship a practice and a status? The debates over revolutionary citizenship, historian Jocelyn Olcott argues, “served as proxies for defining the parameters of the revolution itself, underscoring the contingency of this supposedly static, natural right.”<sup>71</sup>

The murky category of citizenship, however, could achieve a level of clarity through political patronage. Nowhere was this clearer than in the relationship between the state and labor in the 1920s and 1930s. The organization and support of labor, historian Kevin Middlebrook argues, was central to the postrevolutionary regime’s plan

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<sup>70</sup> Several scholars have argued that “forjando patria” (forging nation) took precedent over “forjando ciudadanos” (forging citizens) in the 1920s and 1930s. See Luis F. B. Plascencia, *Disenchanting Citizenship: Mexican Migrants and the Boundaries of Belonging* (New Brunswick: Rutgers University Press, 2012), 29-31.

<sup>71</sup> Olcott, *Revolutionary Women in Postrevolutionary Mexico*, 4. Similar struggles to define citizenship in the postrevolutionary moment are seen in France. See Renee Waldinger, Philip Dawson, and Isser Woloch, eds, *The French Revolution and the Meaning of Citizenship* (Westport: Greenwood Press, 1993); Olwen H. Hufton, *Women and the Limits of Citizenship in the French Revolution* (Toronto: University of Toronto Press, 1992); Arno J. Mayer, *The Furies: Violence and Terror in the French and Russian Revolutions* (Princeton: Princeton University Press, 2000). The literature on the meanings and legacies of the Mexican Revolution are extensive. For a selection, see Alan S. Knight, “The Mexican Revolution: Bourgeois? Nationalist? or Just a ‘Great Rebellion?’,” *Bulletin of Latin American Research* 4 no. 2 (1985): 1-37; Friedrich Katz, *Riot, Rebellion, and Revolution: Rural Revolution: Rural Social Conflict in Mexico* (Princeton: Princeton University Press, 1988); John M. Hart, *Revolutionary Mexico: The Coming and Process of the Mexican Revolution* (Berkeley: University of California Press, 1987); Ian Jacobs, *Ranchero Revolt: The Mexican Revolution in Guerrero* (Austin: University of Texas Press, 1983); David A. Brading, ed., *Caudillo and Peasant in the Mexican Revolution* (Cambridge: Cambridge University Press, 1980); Marjorie Becker, *Setting the Virgin on Fire: Lázaro Cárdenas, Michoacán Peasants, and the Redemption of the Mexican Revolution* (Berkeley: University of California Press, 1995); Jeffrey W. Rubin, *Decentering the Regime: Ethnicity, Radicalism, and Democracy in Juchitán, Mexico* (Durham: Duke University Press, 1997); Anne Rubenstein, *Bad language, Naked Ladies, and Other Threats to the Nation: A Political History of Comic Books in Mexico* (Durham: Duke University Press, 1998); Gilbert M. Joseph and Daniel Nugent, *Everyday Forms of State Formation: Revolution and the Negotiation of Rule in Modern Mexico* (Durham: Duke University Press, 1994).

to consolidate state power and grow the national economy through industrial capitalism.<sup>72</sup> In exchange for their political support, labor demanded that the federal government codify the principles of Article 123 in a federal labor law. Article 123 allowed for state legislatures to enact labor laws, but not the federal government. Between 1918 and 1928, an estimated ninety different laws and decrees were passed by individual states that enacted provisions from Article 123. Historian Kevin Middlebrook argues that because “the legal standards and institutional arrangements varied confusingly from state to state...conflicts arose between federal and local authorities over who had responsibility for mediating particular strikes or contract negotiations.”<sup>73</sup> While federal legislators submitted proposals to provide the federal government with this power, they were strongly opposed by employers’ resistance to federal intervention in the workplace and by state governors’ resistance to federal encroachment on state power.<sup>74</sup> It would not be until September 1929 that Congress passed reforms that allowed the federal government to create a federal labor law. The Federal Labor Law was enacted on August 28, 1931 by President Pascual Ortiz Rubio, at the behest of former President Plutarco Elias Calles, who believed the legislation would attract the support of labor for the newly established Revolutionary National Party (Partido Nacional Revolucionario—PRI).<sup>75</sup>

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<sup>72</sup> Middlebrook, *The Paradox of Revolution*, 27-31.

<sup>73</sup> *Ibid*, 48.

<sup>74</sup> *Ibid*, 44; Kenneth Paul Erickson and Kevin Middlebrook, "The State and Organized Labor in Brazil and Mexico," in *Brazil and Mexico: Patterns in Late Development*, eds. Sylvia A. Hewlett and Richard S. Weinert (Philadelphia: Institute for the Study of Human Issues, 1982); Jose Fernando Franco G.S., "Labor Law and the Labor Movement in Mexico," in *Unions, Workers, and the State in Mexico*, ed. Kevin J. Middlebrook (La Jolla: Center for U.S.-Mexican Studies, University of California, San Diego, 1987); George W. Grayson, *The Mexican Labor Machine: Power, Politics, and Patronage* (Washington D.C.: Center for Strategic and International Studies, 1989).

<sup>75</sup> Every individual state would adopt the Federal Labor Law. The PRI would be the ruling party for the next 70 years, until their defeat in the 2000 presidential election. The period between 1928 and 1934 is

Its passage marked a turning point in revolutionary citizenship and state administrative authority. The enactment of the Federal Labor Law, historian Kevin Middlebrook argues, “symbolized the maturation of postrevolutionary political beliefs advocating active state intervention in socioeconomic affairs.”<sup>76</sup> Equally important, the Federal Labor Law embodied the revolutionary promises of protecting workers’ rights under Article 123 of the constitution. Revolutionary citizen-workers now had a state-sponsored legal vehicle through which to claim their citizenship rights. Predicated on a citizen-state relationship, revolutionary citizenship was forged in the process of claiming rights *through* state agencies.<sup>77</sup>

#### **IV. The Pullman Company, Jurisdiction and the Emergence of the Federal Labor Law, 1920-1930**

When the Pullman Company reinstated its sleeping car services in Mexico after the revolution, it entered a country that was experiencing social, political and economic change. Even more important, the Pullman Company, as an American business and the fourth largest corporation in the world, reflected the specter of the Porfiriato. Unlike its pre-revolutionary entrepreneurial experience, the Pullman Company would have to contend with a Mexican government and a labor force eager to forge a revolutionary citizenship that realized Article 123 of the constitution. The Pullman Company, like

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known as the “Maximato,” after President Plutarco Elías Calles (1924-1928). The three presidents in this period—Emilio Portes Gil, Pascual Ortiz Rubio and Alejandro Rodríguez—were all subordinate to the political power of Calles (El Jefe Maximo of the Revolution). These three presidents were effectively the puppets of Calles. See Enrique Krauze, *Mexico: A Biography of Power* (Harper Collins Publishers 1997); Meyer, Sherman, and Deeds, *The Course of Mexican History*, 560-72. Scholars have yet to discuss the promulgation of the Federal Labor Law within the socioeconomic context of the Great Depression. Historian Michael Meyer argues, “Mexico weathered the depression better than most Latin American countries.” Meyer, *The Course of Mexican History*, 571.

<sup>76</sup> Middlebrook, *Paradox of Revolution*, 51.

<sup>77</sup> Lomnitz-Adler, *Deep Mexico, Silence Mexico*, 73-4.

other foreign businesses in postrevolutionary Mexico, had to adopt a business practice that reinforced revolutionary ideals.<sup>78</sup> This meant incorporating labor legislation into employment practices and cooperating with the Federal Board of Conciliation and Arbitration and Mexican labor unions in the prosecution of accident compensation claims. Coupled with the negotiations toward the passage of a Federal Labor Law, the transnational nature of the Pullman workplace raised the critical question of jurisdiction in the administration of indemnities.



Figure 1.3 Interior of a sleeping car built at the turn of the twentieth century. Although not as luxurious as sleeping cars from the 1880s, this sleeping car has highly-polished wood, plush-upholstered seating and elegant lighting. The interior of this sleeping car is similar to that which would have been used by Pullman in Mexico. Source: Theodore Shradly, *The Sleeping Car: A General Guide*, 12.

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<sup>78</sup> Julio Moreno argues that as the Mexican state centralized its powers in the 1930s, American and Mexicans “consciously ‘syncretized’ values and practices” as they believed modern industrial capitalism was mutually beneficial to both countries. See Moreno, *Yankee Don’t Go Home!*, 6.

As a transportation company, the Pullman did not own rail lines. Rather, it signed a contract with the proprietor of a rail line that allowed Pullman to procure its use.<sup>79</sup> The most popular Pullman sleeping car line operating across the U.S.-Mexico border was known as the Pullman Mexican Central Line. Its rail line extended from Mexico City to El Paso, Texas. Another popular service line was the Pullman Mexican International Line, which operated between Mexico City, Laredo, Texas, and San Antonio, Texas. Mexican Pullman employees working as porters, waiters, cooks and conductors labored on both sides of the border between 1920 and 1934.

Mexican men seeking employment with Pullman had to submit an application form, pass a physical examination, and acquire a medical vaccination certificate from the Mexican public health authorities (Consejo de Salubridad General). The importance of



Figure 1.4 Photograph of Santiago Antonio Seguin submitted with Pullman application. Seguin was hired by the Pullman as a conductor. Source: box 5, Employee Labor Relations Department, RG 06, Personnel Administration Department, subgroup 02, Pullman Company, Newberry Library.

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<sup>79</sup> In some instances, Pullman crews worked on sleeping cars not owned by the Pullman. Several other railroad companies had sleeper cars, but Pullman was by and far considered to be the most popular and most luxurious.

health to the hiring process was three-fold. First, the movement of Pullman cars across the U.S.-Mexico border meant that Pullman employees had to satisfy U.S. immigration policy standards for entry. Second, the close proximity of porters, waiters, conductors and cooks to passengers and food was a public health concern. Pullman employees needed to look well-groomed as they were important fixtures in the Pullman's advertisement of great service. Finally, Mexican Pullman employees were entitled to accident compensation and time lost. The Pullman used physical examinations as tool for identifying employees that were high risk for injury.<sup>80</sup>

The process of identifying a worker as a desirable Pullman employee began with the application form. The standard Pullman application form required the following information: name, position desired, date and place of birth, address, marriage status, dependents, education, physical defects, and previous experience. The applicant was also required to indicate if he "consumed intoxicating liquors as a beverage," and if he had borrowed any money. The top right hand corner of the application had a space for attaching a photograph. In each application that included photograph, the applicant donned a tie, collared shirt, suit jacket and a clean hair cut [Figure 1.4].

Following submission of the application form, the applicant had to submit himself to a pre-employment physical. The Pullman physician recorded the applicant's height, weight, race, nationality, age and occupation. The applicant then received a thorough examination of his entire body—head, neck, eyes, ears, mouth, teeth, gums, upper/lower extremities, heart, lungs, nervous system, skin and genitalia. Any defects or diseases

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<sup>80</sup> During the 1920s, the Pullman Company was at the fore of developing pre-employment practices that minimized costs paid in compensation.

were to be noted on the form. If an applicant did not have a vaccination certificate or did not appear to be vaccinated, the Pullman physician administered a smallpox vaccination and required the applicant to return in ten days for a checkup.<sup>81</sup> This pre-employment physical paralleled the immigrant medical examination mandated by U.S. immigration policy for admission.

For instance, when Jesus Espinoza applied to Pullman in April 1921, he had no written medical record to show the company physician, but he claimed to be “protected by having had smallpox in 1892.” The physician signed the vaccination certificate not because Espinoza had sworn to having contracted smallpox, but because his body served as the evidence—he had “definite scars on his face” that supported his history.<sup>82</sup> The pox scars did not prohibit Espinoza from finding employment with Pullman in 1921; however, his subsequent failure to pass physical examinations in 1931 did.

Espinoza endured a pre-employment examination to become a porter in April 1921, and another in February 1925 to become a cook. Company physicians had administered both exams, and attested to Espinoza’s excellent health status. For the next five years, Espinoza worked as a cook for a Pullman car that operated between Mexico

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<sup>81</sup> I have yet to locate a comprehensive policy that outlines the pre-employment physicals used for Mexican applicants. I surveyed all of accessible applications for Mexican Pullman employees to get a sense for pre-employment physical standards. The majority of these records are found in Employee and Labor Relations Department, RG 06, Personnel Administration Department, subgroup 02, Pullman Company, Newberry Library.

<sup>82</sup> Vaccination Certificate, 21 April 1921, box 8, Employee and Labor Relations Department, RG 06, Personnel Administration Department, subgroup 02, Pullman Company, Newberry Library. The subjection of racialized bodies to the “medical gaze” has been well documented by immigration and ethnic historians who have identified vaccination as a means of surveying and marking the “other.” See, Susan E. Lederer, *Subjected to Science: Human Experimentation in America before the Second World War* (Baltimore: Johns Hopkins University Press, 1995); Anna Pegler-Gordon, *Insight of America: Photography and the Development of U.S. Immigration Policy* (University of California Press, 2007); Amy Fairchild, *Science at the Borders: Immigrant Medical Inspection and the Shaping of the Modern Industrial Labor Force* (Baltimore: The Johns Hopkins University Press, 2003).

City and El Paso, Texas. By January 1931, the U.S. Public Health Service and U.S. Immigration Service implemented a policy that required all Mexico City District employees operating in El Paso “to submit to a physical examination...to determine their health status before being issued authority to enter the United States as employees of the Pullman Company in the performance of their duties.” On January 24, 1931, the U.S. Public Health inspector deemed Cook J. Espinoza to be “physically defective” due to his failure of the Wasserman Test, with 3+ enlarged glands, and mucous patches in his mouth—signs of a syphilitic condition.<sup>83</sup> As a “physically defective” individual, Espinoza was barred from both entering the United States and continuing his employment as a cook.

Per request of Pullman labor agent J.F. Seguin, Pullman Company physician Goodman in Mexico City re-examined Espinoza and found that he showed no signs of syphilis.<sup>84</sup> The Public Health Service allowed Espinoza to undergo one more physical examination, which he passed—authorizing Espinoza to move in and out of El Paso and deeming him “suitable for continued operations in buffet-café services.”<sup>85</sup> Even though Espinoza passed a pre-employment physical, the Pullman Company continued to monitor the health status of its employees with annual checkups, or when an employee wanted to change positions. Additionally, the Pullman Company’s practices of monitoring employee health were shaped by the requirements of U.S. immigration law.

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<sup>83</sup> W.S. Stallings to J.F. Seguin, 28 January 1931, box 8, Employee and Relations Department, RG 06, Personnel Administration Department, subgroup 02, Pullman Company, Newberry Library.

<sup>84</sup> Goodman to Seguin, 5 February 1931, box 8, Employee and Relations Department, RG 06, Personnel Administration Department, subgroup 02, Pullman Company, Newberry Library.

<sup>85</sup> Stallings to Crowder, 18 February 1931, box 8, Employee and Relations Department, RG 06, Personnel Administration Department, subgroup 02, Pullman Company, Newberry Library.

The Pullman applicant, however, also had to meet the physical standards of the Pullman Company Porters, waiters, conductors and cooks, all of whom performed their labor within the confines of a Pullman car, which took the form of parlour cars, private cars, dining cars and sleeping cars. The body, historians Ava Baron and Eileen Boris argue, was both constitutive of and constituted by the workplace.<sup>86</sup> Conductors greeted boarding passengers and remained responsible for the safety of the train and its passengers. Porters carried and stowed luggage, made beds, served food, shined shoes, cleaned cars and other tasks requested by passengers. Cooks remained confined to the kitchen of the dining car, while the waiters moved in between the kitchen and the seating area of the dining car. A Pullman employee had to be able to maneuver these cars and perform their assigned tasks safely and efficiently. For instance, the Pullman Company noted that “it is generally understood that the best services are obtained from porters who measure 5’7 or taller and are considerably lighter in weight in proportion to their height.”<sup>87</sup>

A Pullman application for employment was not complete until the company received a recommendation from the applicant’s previous employer. The Pullman mailed a recommendation form questionnaire to the references provided by the applicant. These questions included: how long have you know the applicant; is he of good habits; do you consider him to be a responsible person, and one could be placed in a position of trust;

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<sup>86</sup> Ava Baron and Elis Baron, “‘The Body’ as Useful Category for Working-Class History,” *Labor: Studies in Working-Class History of the Americas* 4 no. 2 (2007): 23-43.

<sup>87</sup> O.P. Powell to T.J. Eddings, 17 February 1921, box 8, Employee and Labor Relations Department, RG 06, Personnel Administration Department, subgroup 02, Pullman Company, Newberry Library.

and if ever in your employ—in what capacity, for what period, why did he leave. In many cases, references returned the form along with a formal letter of recommendation.

It is clear from these letters that the references were to attest to the applicant's character. For instance, a letter of support for Canuto Bulnes' application as a Pullman conductor stated that he was well-suited to be a Pullman conductor because he was "well-educated and a member of a distinguished family in Mexico."<sup>88</sup> In another letter of reference, the previous employer of Willie Orosco wrote that he was "obedient, energetic, of pleasing disposition, neat in appearance, punctual and regular." Orosco, the letter continued, would make an excellent Pullman porter given that the company had "never had any complaints from people to whom he [had] made deliveries of baggage during the several years he [had] been in their service."<sup>89</sup> In conjunction with the approval of a Pullman physician, a good character reference secured an applicant's employment with the Pullman. The Mexican Pullman employee had to embody the great customer service passengers expected of the Pullman Company.

The transnational nature of the Pullman workplace, in addition to the lack of labor legislation enforcing Article 123, complicated the process of handling compensation claims filed by Mexican Pullman employees. In 1926, Pullman Company Claims Attorney C.S. Williston wrote to Pullman's Mexican attorney Salvador Cancion requesting legal advice regarding this issue. In the United States, the Pullman filed U.S. citizen's claims through state workmen's compensation laws or the Federal Employer's

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<sup>88</sup> Unknown to F.J. Eddings, 15 November 1928, box 2, Employee and Relations Department, RG 06, Personnel Administration Department, subgroup 02, Pullman Company, Newberry Library.

<sup>89</sup> Jackson to T.J. Eddings, 4 December 1927, box 8, Employee and Labor Relations Department, RG 06, Personnel Administration Department, subgroup 02, Pullman Company, Newberry Library.

Liability Act (FELA). The Pullman, however, had yet to develop a comprehensive approach for processing Mexican claims. Williston inquired about the existence of workmen's compensation laws or laws similar in nature that compensated Mexican workers for time lost and/or injury. Moreover, Williston was curious about the applicability of Mexican law to American citizens. The transnational operation of Pullman cars meant that both U.S. citizens and Mexican citizens employed by the Pullman could work on rail lines in both countries.<sup>90</sup> As Williston's inquiry suggests, the transnational workplace raised questions about what laws applied to injured workers.<sup>91</sup>

In a correspondence dated a year later, the Pullman reiterated its need for "definite advice" on how to navigate Mexican laws governing compensation and employer's liability.<sup>92</sup> With the escalating violence from the anti-clerical rebellion (1926-9), the Pullman grew increasingly concerned about the safety of its passenger lines and the risk of injury to its passengers and workers.<sup>93</sup> "The absence of legal advice on matters relating to conditions in Mexico," the Pullman wrote to Cancion, "some times embarrasses us."<sup>94</sup> Over the past year, the Pullman had to deal with several questions concerning compensation for Mexican Pullman employees and the company wanted to

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<sup>90</sup> This was true until 1934.

<sup>91</sup> C.S. Williston to Salvador Cancion, 29 January 1926, box 5, Law Department, RG 04, General Adjuster, Workmen's Compensation, subgroup 02, Pullman Company, Newberry Library.

<sup>92</sup> Pullman to Salvador Cancion, 12 January 1927, box 5, Law Department, RG 04, General Adjuster, Workmen's Compensation, subgroup 02, Pullman Company, Newberry Library.

<sup>93</sup> C.S. Williston to Greenlaw, 26 December 1926, box 5, Law Department, RG 04, General Adjuster, Workmen's Compensation, subgroup 02, Pullman Company, Newberry Library. The Cristero War was a mass popular uprising against the anti-clerical articles of the constitution. Matthew Butler, "The 'Liberal' Cristero: Ladislao Molina and the Cristero Rebellion in Michoacán, 1927-9," *Journal of Latin American Studies* 28 (1999): 104-29; David C. Bailey, *Viva Cristo Rey: The Cristero Rebellion and the Church-State Conflict in Mexico* (Austin: University of Texas Press, 1974); Jennie Purnell, *Popular Movements and State Formation: The Agraristas and Cristeros of Michoacán* (Durham: Duke University Press, 1999).

<sup>94</sup> Pullman to Salvador Cancion, 12 January 1927, box 5, Law Department, RG 04, General Adjuster, Workmen's Compensation, subgroup 02, Pullman Company, Newberry Library.

follow the appropriate Mexican laws for such cases. Much like the handful of other foreign companies in Mexico during the 1920s, the Pullman had to adopt Mexican business culture and play by Mexico's rules in order to thrive.

The lack of substantial legislation at the state or federal level addressing the components of Article 123 made it difficult for the Pullman to navigate employer-employee relations in the early 1920s. By mid-1927, the federal government and the labor movement had established a substantial relationship that had resulted in some federal labor legislation. For instance, in July 1927 the Labor Sub-Department of the Secretary of Industry, Commerce and Labor issued a new ruling that required all working contracts to "include a clause providing for the right of the worker to designate the persons depending on him, which will be the basis for paying the indemnity allowed in case of death." In the case where no next of a kin was indicated, "the state shall receive the indemnity belonging to the worker."<sup>95</sup> The purpose of this legislation was to avoid the long legal proceedings to determine the real dependents.

The Pullman's inquiries regarding compensation claims for its transnational Mexican Pullman employees, however, continued to go unanswered between 1926 and 1929. Since no regulation existed to address the issue, the Pullman's Board of Pensions adopted "the practice to allow compensation on the basis of the Workmen's Compensation Law in effect in the State where the contract of employment was made, or if no compensation law were in effect in such [U.S.] state, the Illinois law would be used as a basis." In the case of "serious injury," the Board of Pensions forwarded the case to

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<sup>95</sup> *Weekly News Bulletin*, 21 July 1927, box 5, Law Department, RG 04, General Adjuster, Workmen's Compensation, subgroup 02, Pullman Company, Newberry Library.

the Claims Attorney for further review. “No reports of any kind,” Mr. Hopkins of the Board of Pensions wrote, “are made to any Mexican authorities” or to U.S. state commissions because they do not subject the Pullman to its laws.<sup>96</sup> The lack of regulatory measures to protect transnational worker health enabled the Pullman Company to implement its own regulation based on its experiences with U.S. labor law. That the Pullman Company offered any form of compensation demonstrates its commitment to appeasing Mexican state and non-state entities with its business practices.

Between January 1927 and September 1929, the Pullman recorded twenty-six accidents involving its Mexican employees. The majority of these employees were assigned to Texas offices in San Antonio and El Paso. Included in the accident report to Pullman’s lawyer in Mexico were the names of employees, location of employment, date of injury, days lost, cost of medical expenses, compensation paid and the method through which the compensation was determined (e.g. Illinois state Workmen’s Compensation law). Eleven of the injury cases were paid through Texas Workmen’s Compensation law, and one through Illinois Workmen’s Compensation law. Six men received full pay, one man half pay, five men had no time lost, and two of the claims were rejected—the basis for payment (Texas or Illinois) was not indicated for full or half pay received.<sup>97</sup>

By July 1929, the Mexican federal government and the labor sector had made substantial progress in drafting a federal labor law that would effectively implement Article 123. While the provisions to the federal labor law were being negotiated, the Ministry of Industry, Commerce and Labor continued to issue circulars to all state

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<sup>96</sup> Ibid.

<sup>97</sup> Kelly to Salvador Cancion, 11 September 1929, box 5, Law Department, RG 04, General Adjuster, Workmen’s Compensation, subgroup 02, Pullman Company, Newberry Library, 1927-1935.

governments concerning employer liability. In late July, the *Weekly News Bulletin* in Mexico City—published by the American Chamber of Commerce of Mexico—printed a Ministry circular that stated all industrial employers were obliged to provide medical services to injured workers. The Ministry also requested that the employer report all accidents to the Ministry and municipal authorities, providing the day, hour and place of the accident. This report would then be forwarded to the area labor inspector, judge and local arbitration committee.<sup>98</sup>

Upon reading the circular, the Pullman Company contacted their Mexican attorney Salvador Cancion on August 6, 1929. The last advice Pullman received from Cancion was a letter to Mr. Greenlaw on January 28, 1927. Pullman requested an update on what the company's rights and obligations were with respect to accidents involving its employees in Mexico under the existing law and any rules and regulations that may have been issued by the Ministry of industry, commerce and labor.<sup>99</sup>

Cancion provided the Pullman with the main sections of Article 123—sub-section G—that governed employer-employee relations.<sup>100</sup> However, only a few of the Mexican states had legislated on Article 123, of which Mexico City (the Federal District) was not

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<sup>98</sup> *Weekly News Bulletin*, 25 July 1929, box 5, Law Department, RG 04, General Adjuster, Workmen's Compensation, subgroup 02, Pullman Company, Newberry Library.

<sup>99</sup> Pullman to Salvador Cancion, 6 August 1929, box 5, Law Department, RG 04, General Adjuster, Workmen's Compensation, subgroup 02, Pullman Company, Newberry Library.

<sup>100</sup> Important paragraph from sub-section G include sections 14 and 15: XIV. Employers shall be liable for labor accidents and occupational diseases arising from work; therefore, employers shall pay the proper indemnity, according to whether death or merely temporary or permanent disability has ensued, in accordance with the provisions of law. This liability shall remain in force even though the employer contract for the work through an agent. XV. Employers shall be bound in the installation of their establishments all the provisions of law regarding hygiene and sanitation and to adopt adequate measures to prevent accidents due to the use of machinery, tools and working materials, as well as to organize work in such a manner as to assure the greatest guarantees possible for the health and lives of workmen compatible with the nature of the work, under penalties which the law shall determine. Constitución de los Estados Unidos Mexicanos, 1917, art. 123, sub-section G, sections XIV and XV.

included. Unlike federal legislation, local state laws did not apply to the Pullman Company. Salvador Cancion advised the Pullman, “in the case of a labor accident, the tariff governing the national lines of Mexico is used in arriving at the indemnity payable.”<sup>101</sup> Until such time that the federal government passed the federal labor law, the Pullman would have to utilize the same scale used by the National Mexican Railways in assessing compensation claims. The Pullman Company, however, also had to contend with the labor unions each class of worker belonged to.

In early 1931, the Pullman Company and the Alliance of Mexican Railroaders (Alianza de Ferrocarrileros Mexicanos) disputed Article 59 of the collective labor agreement governing the working conditions of Mexican Pullman cooks, porters and waiters assigned to Mexico City.<sup>102</sup> The article allowed employees suffering from occupational illness or injury, and unable to go to work, to “enjoy their full salary for the entire time that such illness may last.” In the case of a non-occupational disease or injury, an employee unable to do his work was guaranteed full wages up to fifteen days. Although the Pullman Company was opposed to paying for non-occupational disease and illness, the federal board prescribed article 59 with the qualification that the Pullman Company would pay for non-occupational illness only upon receipt of a medical certificate from the company’s physician confirming the illness and/or disability of an employee.<sup>103</sup> Pullman Supervisor of Industrial Relations F.L. Simmons, however, did

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<sup>101</sup> Salvador Cancion to G.A. Kelly, 20 August 1929, box 5, Law Department, RG 04, General Adjuster, Workmen’s Compensation, subgroup 02, Pullman Company, Newberry Library.

<sup>102</sup> On February 10, 1932, the Alianza joined together with sixteen other unions to constitute one sole syndicate known as the Sindactio de Trabajadores Ferrocarrileros de la Republica Mexicana. Memorandum, 10 February 1932, box 6, Mexican Labor Files, Pullman Company, Newberry Library.

<sup>103</sup> F.L. Simmons to T.R. Crowder, 19 May 1931, box 3, Employee and Labor Relations Department, RG 06, Labor Relations Department, subgroup 01, Pullman Company, Newberry Library.

note that the provisions of article 59 are “practically uniform in character with those in effect on the Mexican railroads and larger industries in Mexico, and are not as drastic as the indemnities provided in the Workmen’s Compensation acts in several of our states, notably Illinois and California.”<sup>104</sup> Evidently, the Pullman paid substantially less in compensation claims per worker in Mexico than in the United States and therefore did not identify the tariff as a compromise to profitability in Mexico.

Article 59 was intended to expand upon chapter 13 of the collective labor contract (between the Alianza and Pullman cooks, porters, waiters) that outlined the responsibilities of the employer to its employees in regards occupational accidents, injuries and illnesses. The articles of chapter 13 were not all-inclusive, but they did offer procedures for how to increase an employee’s access to medical services and who was responsible for medical bills. For instance, employees unsatisfied with the medical prognosis of company physicians were entitled “to see two private doctors, whose certificate shall have the same validity in respect to the purpose for which it is to be used.” If a company did not have a specialist physician available to offer the appropriate medical care, the employee was allowed to seek the services of a specialist at the expense of the company. The labor contract also accounted for the mobility of the worker, allowing for “an employee on the road to solicit the services of the nearest doctor, even though such doctor may not be employed by the Company” and the company would be obliged to pay for doctor’s fees and medicines.<sup>105</sup>

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<sup>104</sup> F.L. Simmons to T.R. Crowder, 19 May 1931, box 3, Employee and Labor Relations Department, RG 06, Labor Relations Department, subgroup 01, Pullman Company, Newberry Library.

<sup>105</sup> Ibid.

In a letter to Salvador Cancion, Simmons revealed his frustration with the Alianza stating,

it is very desirable that our business in the Republic of Mexico be conducted in a manner satisfactory to the governmental authorities and compliance with the law of the Republic of Mexico, and we are very sorry to see so many contentions brought before the Government Board of Conciliation and Arbitration by the Alianza people tending to create a contrary impression. Apparently this is a part of the propaganda of the Alianza to extend their jurisdiction and power, such unnecessary friction has a bad effect on the harmonious relations which have always hereto for existed between the Pullman Company and its employees in Mexico, and cannot help but have an unfavorable influence on the morale of those employees, which may be reflected in their service and in their attitude towards the traveling public, whom we serve. It is unfortunate from every viewpoint that the Alianza representatives continue to disturb otherwise amicable relations by these frequent contentions of a technical nature.<sup>106</sup>

For Simmons, the Alianza was making it seem as though the Pullman was guilty of negligence in its relations with Mexican employees. In bringing forth so many claims against the Pullman to the Federal Board for review, the Alianza, Simmons argued, was purposefully intending to affect the morale of Pullman employees and ultimately the customer service offered by the Pullman. The anti-American sentiment expressed by the Alianza and other labor unions, Simmons believed, was cause for the Alianza to sabotage the operations of an American company. If Simmons was concerned about the number of compensation claims filed against the Pullman in early 1931, the passage of the Federal Labor Law on August 28, 1931 only increased his concerns over labor stability and Pullman's relationship to the Mexican state.<sup>107</sup>

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<sup>106</sup> F.L. Simmons to Salvador Cancion, 23 July 1931, box 3, Employee and Labor Relations Department, RG06, Labor Relations Department, subgroup 01, Pullman Company, Newberry Library.

<sup>107</sup> The period between 1928 and 1934 is known as the "Maximato," after President Plutarco Elías Calles (1924-1928). The three presidents in this period—Emilio Portes Gil, Pascual Ortiz Rubio and Alejandro

## V. Navigating the Federal Labor Law: The Pullman Company, Mexican Labor and the Practice of Revolutionary Citizenship

Merely two months after the Federal Labor Law had taken effect, the Federal Board noted that it had received more personal injury claims supported by the Alianza regarding “the Pullman Company than [came] before the Board from the entire National Railway System.”<sup>108</sup> Most striking is the fact that Mexican Pullman employees’ claims were retroactive for injuries endured prior to the promulgation of the Federal Labor Law. Two factors more than likely motivated Mexican Pullman employees to file retroactive claims. First, the Great Depression caused an increase in unemployment, a rise in poverty, wage reductions, and a decrease in government revenues. Feeling the effects of the depression, Mexican Pullman employees may have seen the Federal Labor Law as an opportunity to earn extra money. Second, while the economic depression raised questions about the viability of revolutionary principles, these ideals remained central to the process of rights claiming for workers.<sup>109</sup> The promulgation of the Federal Labor Law was the fulfillment of the revolution’s promises to protect workers. Whether motivated for economic reasons or revolutionary fervor (or both), the Mexican Pullman employee engaged in a process of claiming rights through state agencies that encompassed a practice of citizenship.

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Rodriguez—were all subordinate to the political power of Calles (El Jefe Maximo). These three presidents were effectively the puppets of Calles. See Krauze, *Mexico: A Biography of Power*; Meyer, Sherman, and Deeds, *The Course of Mexican History*, 560-72.

<sup>108</sup> The increased personal litigation claims is discussed in a meeting between the presidents of the alianza and federal board, and Pullman. Federal Board President Cruz cited in correspondence, F.L. Simmons to L.S. Hungerford, 30 October 1931, box 6, Employee and Labor Relations Department, RG 06, Labor Relations Department, subgroup 01, Pullman Company, Newberry Library.

<sup>109</sup> Meyer, *The Course of Mexican History*, 571.

Recall the case of Pullman porter Ramon Guerra, who suffered a fractured skull and vision impairment after being thrown off the rear of a sleeping car on Christmas Eve of 1925. Guerra received \$82.19 in compensation under Illinois State Workmen's Compensation Act, and continued to work as a Pullman porter until 1931. On June 15, 1933, Guerra filed for an additional claim for \$550 (U.S.) through the Mexican Federal Labor Department. Pullman's Mexican attorney Salvador Cancion argued that the question of whether or not Guerra's current state of incapacitation was a consequence of the accident in 1925 was "a question to be decided by physicians." Since the Federal Labor Law required physicians in the employment of businesses to be Mexican citizens, Pullman's labor agent J.F. Seguin deemed it inadvisable "to use Dr. Goodman in the handling of [Guerra's] case before the Labor Court, as it would be a demonstration on our part that the Company is violating the law."<sup>110</sup>

Two weeks after the conversation between Cancion and Seguin, the Pullman Company received the results of Guerra's physical examination. Company physician Roldan's examination determined that Guerra was "suffering from a diplopia [vision impairment] occasioned by the accident suffered in 1924." Based on Dr. Roldan's report, the physician of the Proctorship of Labor (affiliated with the Federal Board) determined that Guerra had "an incapability equivalent to 10% decrease from the regular capability for the discharge of his work." Attorney Cancion advised the Pullman Company that in the worst-case scenario the company would have to pay 50% of the amount Guerra originally claimed, which would amount to \$275.40. "But of course," Cancion wrote to

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<sup>110</sup> J.F. Seguin to F.L. Simmons, 4 July 1933, box 5, Employee and Labor Relations Department, RG 06, Labor Relations Department, subgroup 01, Pullman Company, Newberry Library.

the J.F. Seguin, “the Company will sustain that it is not obligated to pay any amount, and we will endeavor with our arguments of legal nature, to obtain a result entirely favorable.”<sup>111</sup>

After nine months of negotiations, the Pullman Company received a verdict from the Federal Board. The Pullman Company remained partially liable for the incapacity of ex-porter Ramon Guerra and was therefore required to pay him \$137.70 in Mexican currency. Cancion found the resolution to be “absurd,” arguing that “the Board did not take into consideration the receipt signed by Guerra.”<sup>112</sup> The case of Ramon Guerra captures the dynamic negotiations that occurred between the Pullman Company, the Federal Board, physicians, and lawyers. It is clear that the Pullman Company firmly believed that they could absolve themselves of responsibility by relying on the power of medical diagnosis to make “arguments of legal nature.” The outcome of Guerra’s case highlights the disconnect between written law and its practice. The Federal Labor Law was not intended to be applied retroactively. Yet Guerra’s claim for incapacitation nearly eight years after his injury was successful. If the Mexican state had neglected to protect Ramon Guerra’s constitutional rights to compensation in 1925, the Federal Board’s decision was a belated fulfillment of the state’s paternalistic duty to mediate the constitutional rights of its citizen-workers.

The transnational nature of the Pullman workplace complicated litigation for retroactive health claims. When the Pullman Company hired Puliano Almanza as a

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<sup>111</sup> Salvador Cancion to J.F. Seguin, 26 July 1933, box 5, Employee and Labor Relations Department, RG 06, Labor Relations Department, subgroup 01, Pullman Company, Newberry Library.

<sup>112</sup> Salvador Cancion to J.F. Seguin, 23 April 1943, box 5, Employee and Labor Relations Department, RG 06, Labor Relations Department, subgroup 01, Pullman Company, Newberry Library.

conductor in the 1920s, they assigned him to the San Antonio, Texas district. He would reside in San Antonio with his family and work on Pullman lines that operated between the United States and Mexico. At 10 am on August 23, 1930, Almanza was operating Pullman Car “Cruz Blanca” from Mexico City to San Antonio when a damaged rail caused it to derail near Monclova, Coahuila, Mexico. Almanza suffered a fractured right collarbone and received treatment at the National Railways Emergency Hospital in Monclova before returning to San Antonio on the morning of August 25. The Pullman District Superintendent Eddings and other company representatives met Almanza at the station to inquire if he wanted to be taken to a hospital or if he would rather return to his place of residence in San Antonio. Almanza replied that he first of all wanted to see a doctor. Company representatives offered to send Dr. C.E. Scull, the company physician, to Almanza’s home, but Almanza preferred to visit his doctor, Dr. Joaquin Gonzalez, who was an old family friend. Eddings presumably made several visits to Almanza’s home, upon which Eddings suggested to Almanza that he take advantage of the company physician, who was at disposal of all employees free of charge. Almanza continued to seek treatment from Dr. Gonzalez until he was medically discharged on November 5 and returned to work on November 6.<sup>113</sup>

Because Almanza had declined to accept the services of the company physician, Company representatives argued that Pullman bore “no legal or moral responsibility” to pay Dr. Gonzalez \$250 pesos for his services, but decided to offer a contribution of \$100.00 pesos. Negotiations ensued over this question until Pullman, “in order to get the

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<sup>113</sup> Seguin to Vroman, 13 September 1933, box 5, Employee and Labor Relations Department, RG 06, Labor Relations Department, subgroup 01, Pullman Company, Newberry Library.

matter settled and disposed of,” agreed to pay Dr. Gonzalez \$150 pesos and Conductor Almanza \$448.77 pesos for lost time (aggregate \$598.77 pesos). Both Pullman and the National Railways of Mexico obtained “conductor Almanza’s full release from all further legal or financial responsibilities in this case” when he signed papers accepting payment from the company.<sup>114</sup> However, on September 13, 1933, Pullman received an additional claim from Almanza for 137.7 days of time lost as indemnity. Almanza’s right clavicle had not healed properly, causing him to suffer from chronic stiffness.<sup>115</sup> The Federal Board would decide whether or not Pullman remained financially responsible for Almanza.

Pullman voiced several concerns over the legitimacy of Almanza’s claim when they consulted with their lawyer in Mexico City, Salvador Cancion. First of all, Almanza’s accident took place before the Federal Labor Law went into effect and therefore, Pullman argued, should not be applied retroactively. Pullman had already paid close to \$600 pesos for Almanza’s injury and had received a signed statement from Almanza releasing the company from any further legal or financial responsibility. Cancion noted that the “Boards are entitled to decide ‘inequity,’ [and that] they frequently apply the Table of Valuations embodied in the National Railways’ Regulations, precisely because it was taken into account before the Federal Labor Law came into force.” Therefore, the employer’s responsibilities for labor accidents consisted not only “in paying the employee for time lost, and in paying for medical services, but

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<sup>114</sup> Simmons to Seguin, 19 September 1933, box 5, Employee and Labor Relations Department, RG 06, Labor Relations Department, subgroup 01, Pullman Company, Newberry Library.

<sup>115</sup> Seguin to Vroman, 13 September 1933, box 5, Employee Labor Relations, RG 06, Labor Relations Department, subgroup 01, Pullman Company, Newberry Library.

also in paying for any incapacity in which an employee may suffer as a consequent of the accident.”<sup>116</sup> The Federal Board’s authority to determine “inequity” in compensation claims occurring prior to the promulgation of the Federal Labor Law suggests that the Mexican state aimed to reconcile the failure of the state to guarantee the health rights of laborers during the 1920s.

Secondly, Pullman called into question the legal jurisdiction of the Federal Board to make a decision on the Almanza Case. Because Almanza was employed and paid in the San Antonio District, Pullman argued, it was the laws and authorities in that place that governed and judged any claims submitted by Almanza. In support of this jurisdictional matter, Cancion cited a previous case involving Porter Luis Roldan, who filed an indemnity claim that the Federal Board ruled itself incompetent to judge based on his employment in San Antonio. Roldan subsequently filed an *amparo* suit—a federal judicial proceeding for the prosecution of constitutional incursions. The Federal Board determined, however, determined it not have jurisdiction in the case.<sup>117</sup> This decision was based on Article 123 of the Constitution, which states that the “Boards of Conciliation and Arbitration may settle only such differences or conflicts between capital

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<sup>116</sup> Cancion to Seguin, 23 November 1933, box 5, Employee and Labor Relations Department, RG 06, Labor Relations Department, subgroup 01, Pullman Company, Newberry Library.

<sup>117</sup> In the instance that citizens experience an unconstitutional incursion of these rights by authorities, they may bring forth an *amparo* case—a special federal judicial proceeding established primarily for these rights incursions. Jorge A. Vargas, *Mexican Law for the American Lawyer* (Durham: Carolina Academic Press, 2009), 12. It is important to note that under Article 29, the President has the authority to suspend individual liberties, meaning that Mexican citizens could not bring *amparo* suits. Article 29 has only been exercised once, when Mexico declared war on Germany in 1942. President Avila Camacho partially suspended the individual rights guaranteed in Articles 4-7, 9-11, 14, 16, and 19-21. Zamora, *Mexican Law*, 254.

and labor as may come up within Mexican Territory.”<sup>118</sup> Despite the legal precedent set by the Roldan case, Cancion feared that “in practice...the board [would] (influenced by the fact that all the personnel of the Company working in Mexico belongs to the Mexico District) claim that it is competent to examine the claim.”<sup>119</sup> The cases of Roldan and Almanza highlight the difficulties involved in negotiating the rights of Mexican workers in a workplace that traverses geopolitical borders. They also highlight the difficulty involved in navigating a rapidly evolving regulatory landscape, especially one that appears to have very little regard for foreign companies.

Third, Pullman considered Almanza’s refusal to utilize the company’s physician a forfeit of his rights outlined in the Federal Labor Law. Article 311 of the Federal Labor Law stated that “if the injured or sick working man refuses, with justified cause, to accept the medical services offered him by his employer, he will not lose the rights granted to him by that part of the Federal Labor Law, which refers to professional risks.” Cancion interpreted this article to mean that if the employee “unjustifiably” refuses medical services proffered to him by the company, he “[lost] the rights conferred upon him by the law.” Almanza did not explicitly give a reason for why he refused the company’s medical services; however, he did make it clear that he preferred the services of a family physician, whom he had known for many years. This suggests that Almanza may not have trusted the company physician provide him with adequate healthcare. On the other

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<sup>118</sup> Cancion to Seguin, 6 October 1933, box 5, Employee and Labor Relations Department, RG 06, Labor Relations Department, subgroup 01, Pullman Company, Newberry Library.

<sup>119</sup> Cancion to Seguin, 23 November 1933, box 5, Employee and Labor Relations Department, RG 06, Labor Relations Department, subgroup 01, Pullman Company, Newberry Library. The language of precedent is evidence in correspondence between Pullman and their Mexican lawyer, Cancion. Cancion himself employs this type of language, which suggests an ambiguous approach to these newly formed laws.

hand, Almanza may have felt that his own personal physician would help him to gain more money in compensation from Pullman. Either way, Pullman viewed Almanza's decision to receive medical services from a non-company physician without just cause as grounds for a revocation of his rights.

Finally, Pullman claimed that Almanza's continued employment by the company "in a perfectly normal way...shows that he [was] not disabled or incapacitated for performing the duties of a conductor." Article 123, however, aimed to protect the worker by ensuring that employer responsibility did not cease when a partially incapacitated worker returned to work. As a result, the company would thus have to pay the corresponding indemnity. Cancion noted that Almanza had to be re-examined by a Company physician to validate his claim to indemnity.<sup>120</sup> The Pullman archival records suggest that Almanza did not receive indemnity from Pullman, as Cancion cites Almanza's case as a means of successfully evading responsibility in the later case for conductor Jesus Morales Guevara's indemnity.

As Almanza's case demonstrates, the Pullman Company consistently looked for ways to navigate personal injury litigation in order to reduce the amount paid in compensation. The indemnity case of conductor Jesus Morales Guevara highlights the two important issues Pullman targeted when attempting to evade responsibility—the nature of the "accident" and the health status of the employee prior to the accident (pre-existing condition). On August 5, 1933, conductor Guevara suffered from a dizzy spell that caused him to fall into the arm of a passenger chair, knocking out three of his teeth. The physician that attended Guevara between August 5 and September 26 stated in the

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<sup>120</sup> Ibid.

official physician's report to the company that the "[inflammation of Guevara's jaw bone] originated from the injury caused by [the] fall and striking [of the] jaw on the seat in [the] Pullman car." District Superintendent Stallings was not satisfied with the physician's diagnosis. He believed that the physician had defined the loss of Guevara's teeth as the consequence of an occupational injury in order to "better Guevara's chance to collect...fees if the Company is to pay the bills."<sup>121</sup> The Pullman Company decided to consult a second company physician with the intent of receiving a medical diagnosis that would favor the Pullman's interests. The second physician determined that the necrosis of Guevara's jaw was the direct result of a pre-existing condition known as "Trench Mouth."<sup>122</sup> The dizzy spell that caused Guevara to fall, the second physician argued, was a result of an advanced stage of trench mouth, which led to secondary conditions such as fever and dizzy spells.<sup>123</sup>

By claiming that Guevara had a pre-existing condition, the Pullman aimed to prove that it was not accountable for compensation. Other legal consultants to the Pullman advised that the Federal Board would assign fault to the company in spite of Guevara's pre-existing condition, because Pullman had hired this man and allowed him to work in a diseased-condition.<sup>124</sup> Pullman's Mexican lawyer Salvador Cancion further cited Article 321 of the Federal Labor Law, which stated that the "existence of previous

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<sup>121</sup> W.S. Stallings to Seguin, 3 November 1933, box 5, Employee and Labor Relations Department, RG 06, Labor Relations Department, subgroup 01, Pullman Company, Newberry Library.

<sup>122</sup> Trench mouth is a 'diseased condition of the teeth and their surrounding tissues and bone structure'.

<sup>123</sup> Ibid, 3.

<sup>124</sup> Unknown to Simmons, 1 November 1933, box 5, Employee and Labor Relations Department, RG 06, Labor Relations Department, subgroup 01, Pullman Company, Newberry Library.

state is not cause for diminishing an indemnity.”<sup>125</sup> The broad strokes of Article 321 offered a stage for labor unions to argue pre-existing conditions did not exclude a worker from receiving compensation or release an employer from its responsibility. At play in these negotiations was the power of medical diagnosis, and the authority of the Pullman to affect its outcome, to regulate the workplace, and influence rights-claims.

In addition to their attempts to establish a pre-existing condition, the company argued that Guevara’s injury did not qualify as a “labor accident.” According to Article 285 of the Federal Labor Law,

A labor accident is any injury—whether requiring medical or surgical treatment, or mental or physical perturbation, whether permanent or transitory, immediate or later, or death—produced by the sudden action of an exterior or cause, which may be defined as...happening during work...

Because Guevara did not fall as a result of a sudden or unexpected movement of the train, the company argued that his injuries were not defined as occupational. Moreover, the company justified Guevara’s lack of medical attention to negligence on his part. When Guevara discussed his health status with his boss, he only reported a “fever,” not an “accident.” Pullman consultants pointed out that in Mexican labor law, negligence of the employee was not central to compensation claims; rather, all acts ruled liberally in favor of the employee.<sup>126</sup> Pullman, however, remained determined in its approach navigate the legal provisions of the Federal Labor Law.

In May 1934, the Mexican Syndicate of Railroad Workers—a corporation of 116 labor unions including the Alianza—threatened to strike against the Pullman for seeking

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<sup>125</sup> Cancion to Seguin, 30 November 1933, box 5, Employee and Labor Relations Department, RG 06, Labor Relations Department, subgroup 01, Pullman Company, Newberry Library.

<sup>126</sup> Unknown to Simmons, 1 November 1933, Employee and Labor Relations Department, RG 06, Labor Relations Department, subgroup 01, Pullman Company, Newberry Library.

to evade its responsibilities outlined in the Federal Labor Law and the collective labor agreement.<sup>127</sup> Of the 27 charges made by the Syndicate, it listed the most serious charge as the failure of the company to settle the indemnity claim of Conductor Jesus Morales Guevara.<sup>128</sup> Pullman avoided a Syndicate strike by promising to address all 27 charges. Within the next few weeks, the Pullman Company settled Guevara's indemnity claim when they paid him \$3,144.12 (pesos) [\$873.37 U.S.] and incurred the cost of medical bills \$562.36 (pesos), thereby relieving the company of further responsibility.<sup>129</sup> By the end of 1934, the Mexican government hoped to solve the questions raised by transnational Pullman workers. In an effort to eliminate the conflicts over transnational workers' compensation claims, the Mexican government no longer allowed Mexican Pullman employees to work on rail lines in the United States.<sup>130</sup> Pullman employees would have to alight from the trains at the border. The Mexican government in 1934 also issued a requirement that the Pullman Company keep records of all its Mexican employees.<sup>131</sup> This mandate seems odd given that the Pullman Company, like all other U.S. railroad companies, kept meticulous records of their operations.<sup>132</sup> That the Mexican government had to issue a requirement for the Pullman to keep records suggests

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<sup>127</sup> The Alianza joined together with 116 labor unions to form the Sindicato de Trabajadores Ferrocarrileros. Memorandum, 10 February 1932, box 6, Employee and Labor Relations Department, RG 06, Labor Relations Department, subgroup 01, Pullman Company, Newberry Library.

<sup>128</sup> E.C. Morris to W.S. Stallings, 22 May 1934, Employee and Labor Relations Department, RG 06, Labor Relations Department, subgroup 01, Pullman Company, Newberry Library.

<sup>129</sup> Unknown to Seguin, 29 May 1934, box 5, Employee and Labor Relations Department, RG 06, Labor Relations Department, subgroup 01, Pullman Company, Newberry Library.

<sup>130</sup> Federal Board of Conciliation and Arbitration, 12 June 1934, box 5, Employee and Labor Relations Department, RG 06, Labor Relations Department, subgroup 01, Pullman Company, Newberry Library.

<sup>131</sup> M. Barrata File, "Pullman's Mexican Agency," year 1965, box 1, Operating Department, RG 05, Office of the Vice-President and General Manager, subgroup 01, Pullman Company, Newberry Library.

<sup>132</sup> John F. Stover, *The Life and Decline of the American Railroad* (New York: Oxford University Press, 1970).

that the Pullman may have refused to provide employee records in arbitrations on the premise that they did not keep files on Mexican employees to begin with.

By claiming-rights through a state-sponsored agency, Mexican Pullman employees practiced Mexican citizenship. In supporting the claims of its citizens, presidential administrations demonstrated their legitimacy as a political regime capable of making revolutionary ideals a reality. In short, revolutionary citizenship and state sovereignty were mutually constitutive. State and citizen exercised their revolutionary ideals against the backdrop of an American business that cast a long shadow of American economic imperialism in Mexico. The Federal Labor Law was the tool that labor and the state wielded in the name of revolutionary nationalism to protect Mexican workers from the dangers of capitalism, both domestic and foreign. It was through the process of navigating the Federal Labor Law that labor, the state, and business shaped the contours of its administration.

### **Conclusion**

The building of railroads facilitated economic development between Mexico and the United States and provided a vehicle for Mexican workers to migrate north. American business and foreign investors could not have built the railroads without the patronage of the U.S. and Mexican governments. These states subsidized land grants, controlled labor and facilitated migration. In the United States, U.S. immigration policy reflected the desire of railroad companies and other businesses for cheap, temporary Mexican labor. The socioeconomic network of enganchanistas (labor contractors) in Mexico aided in the recruitment of Mexican workers to the United States.

The massive social and political upheaval of the Mexican Revolution dramatically altered the political economy of Mexico. The Mexican government and its people championed the socioeconomic reforms embodied in the constitution and sought to eliminate the influence of American imperialism. In seeking to realize these revolutionary ideals, the Mexican state and labor organizations fought to protect their workers from exploitation at the hands of American business like the Pullman Company. For the Mexican state and its workers, the Pullman Company was a productive venue for using the Federal Labor Law as a tool for exercising Mexican sovereignty and forging revolutionary citizenship. The Pullman Company, on the other hand, relied on their capacity to navigate legal structures and medical diagnosis to achieve favorable outcomes. When the Federal Board ruled in favor of retroactive claims for injuries that occurred prior to the Federal Labor Law, it demonstrated the Mexican state's commitment to protecting its citizen-workers from the social injustices committed by foreign business.

The operation of American railroads across national boundaries, both physically and in the procurement of labor, generated a series of questions centered how to safeguard the health of laborers in a transnational workplace. At stake in Mexican worker health were the issues of citizenship, jurisdiction, sovereignty and legality. While the Pullman Company had to solely contend with the authority of the Mexican state and non-state entities in its Mexican operations, the U.S. railroad companies participating in the railroad bracero program of World War II had to interact with both the United States and Mexican governments when negotiating guest worker health. The question of

jurisdiction, however, continued to play a central role in the debates over guest worker health because the railroad program was binational in nature. The next chapter traces the creation of the railroad bracero program and critically analyzes the impetus for the legal provisions that regulated guest worker health.

## Chapter 2

### **Codifying the Healthy Bracero: The Creation of the Railroad Bracero Program and the Bracero Contracts**

*“In order that Mexican workers may be made available for non-agricultural employment in the United States and, at the same time, to ensure that such workers will be adequately protected while out of Mexico, the following provisions are suggested for approval by representatives of the Governments of both countries.” -International Agreement, signed April 29, 1943*

On April 29, 1943, the United States and Mexican governments agreed to co-sponsor the railroad bracero program.<sup>1</sup> The preamble of the International Agreement highlighted the two-pronged purpose of the railroad program: recruit Mexican nationals for employment in the United States, and protect Mexican workers laboring abroad. Implicit in the preamble is the centrality of health to these two objectives: these recruits needed to be able-bodied workers, and the workers’ health required protection. The United States and Mexico had conflicting, and at times overlapping, interests in defining the health of Mexican workers. These interests stemmed from each government’s broader investments in the war effort and state-building.

This chapter traces the transnational forces that influenced these two countries to co-sponsor the railroad bracero program, and critically examines the impulses of the health provisions outlined in the three bracero contracts. During the Great Depression, U.S.-Mexico relations had been strained by the United States’ mass deportation of

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<sup>1</sup> International Agreement, 29 April 1943, box 8731/32, File 56135/227, Department of Immigration and Naturalization Service, RG 85, National Archives, Washington DC.

Mexican and Mexican Americans, and the Mexican government's decision to nationalize its oil in 1938. The onset of World War II made both countries reassess their foreign relations and economic infrastructures. The transnational rail network between the United States and Mexico was expected to play a central role in the transportation of raw materials, troops and goods. The structural deterioration of these transnational rail lines, however, posed a threat to the successful prosecution of war.

Each country took advantage of transnational forces to create a state-sanctioned contract labor program that would benefit their own self-interests. I argue that the three contracts transnationally regulated the health of the bracero as he crossed the U.S.-Mexico border and labored in the American workplace. The three contracts were transnational in two ways: they applied to the bracero in both countries, and they had origins in both U.S. and Mexican law. As a result, the contracts structuring the program embodied the conflicting, and at times overlapping, expectations of both governments. On the one hand, the Mexican worker was valued for his status as temporary, able-bodied worker. On the other hand, the Mexican worker was entitled to health rights in the workplace. The broad language of the contracts would allow for a certain amount of flexibility in how the individual actors perceived, negotiated and regulated bracero health.

### **I. 'To alleviate the present shortage': Forging U.S.-Mexico Relations and the Origins of the Railroad Bracero Program**

In the early morning of November 26, 1940, U.S. Vice President-elect Henry A. Wallace walked across the Laredo International Bridge from Laredo, Texas into Nuevo Laredo, Mexico, with Mexican officers and politicians. Photographers captured this

momentous occasion, which marked the beginning of Wallace's trip to Mexico City for the inauguration of Mexican president-elect Manuel Ávila Camacho on December 1 [Figure 2.1]. As the first U.S. Vice President to visit Mexico for a presidential inauguration, the event was marked with fanfare. Large groups of Mexican people, possibly organized by the Mexican government, met Wallace in various towns along his route to Mexico City. They held banners written in English and Spanish that read "Welcome to our country," and waved both Mexican and U.S. flags. In Monterrey, Mexico, the defeated Mexican presidential candidate Juan Almazán had his military band play the Mexican national anthem for Wallace and photographers.

Amidst political, economic and social tensions between and within both countries, Ávila Camacho's invitation to Wallace indicated that Mexico's new presidential regime



Figure 2.1 "The Bridge into Mexico." Vice President Elect Henry Wallace (far left in photo) walks across the Laredo International Bridge from Laredo, Texas into Nuevo Laredo, Mexico. Source *Life Magazine*, 16 December 1940.

was prepared to forge new relations with the United States, and the Americas more broadly.<sup>2</sup> In his inaugural address, Ávila Camacho argued that a Pan-American alliance was imperative in the face of international war:

The entire continent, united under the same principles, and covering well every weak spot in it, shall render it invincible. It does not matter that many of the nations are weak and small. The fact remains that our cause is a common one and that our national economies, great and small, the one joined to the other, will strengthen themselves and give to the continent an economic power which no one shall be able to break down. We must prepare our peoples...to face every obstacle put in front of them, and they shall find themselves able to come out of the crisis affecting humanity today more united in an everlasting power founded on a victorious ideal made wholly unanimously.<sup>3</sup>

President Ávila Camacho's call for Pan-American unity underscored his administration's agenda to utilize the emerging international war economy, sparked by Hitler's invasion of Poland (1939), to the advantage of Mexican national development. For the Ávila Camacho administration, the United States would play a crucial role in the building of the Mexican economy.

The American photographers who captured Wallace's visit to Mexico City similarly demonstrated the significance of the occasion to each country. *Life Magazine* published an exposé in December 1940, heralding Wallace's successful trip to Mexico and the warm friendship shown by the Mexican people. While the *Life* article briefly touched on an incident of "anti-gringo riots," it argued that the "true sign of Mexico's

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<sup>2</sup> Ávila Camacho also extended an invitation to U.S. Undersecretary of State Sumner Welles. It is important to note that German Minister Rüdiger was also present at the inauguration, although he was accorded lower representational status than the United States. See Friedrich E. Schuler, *Mexico Between Hitler and Roosevelt: Mexican Foreign Relations in the Age of Lázaro Cárdenas, 1934-1940* (Albuquerque: University of New Mexico Press, 1998), 192.

<sup>3</sup> Transcript of Manuel Ávila Camacho's Inaugural Address, File 1940, box 4112, Department of State Records, RG 59, National Archives, College Park.

official feelings, however, came when Wallace entered the Chamber of Deputies for the inauguration. Suddenly and spontaneously all the delegates arose and cheered and clapped in an unprecedented demonstration for an American. From then on Wallace knew everything was alright.”<sup>4</sup> *Life Magazine*’s article seemed intent on demonstrating to the American people that Wallace had been joyfully received in Mexico. Any anti-Americanist sentiments that Wallace may have encountered, *Life* insinuated, was more than likely an isolated incident involving a small group of people. According to *Life Magazine*, the photographs of Wallace receiving a standing ovation and sharing a toast of champagne with President Ávila Camacho were undeniable proof that Mexico and the United States were becoming good neighbors.

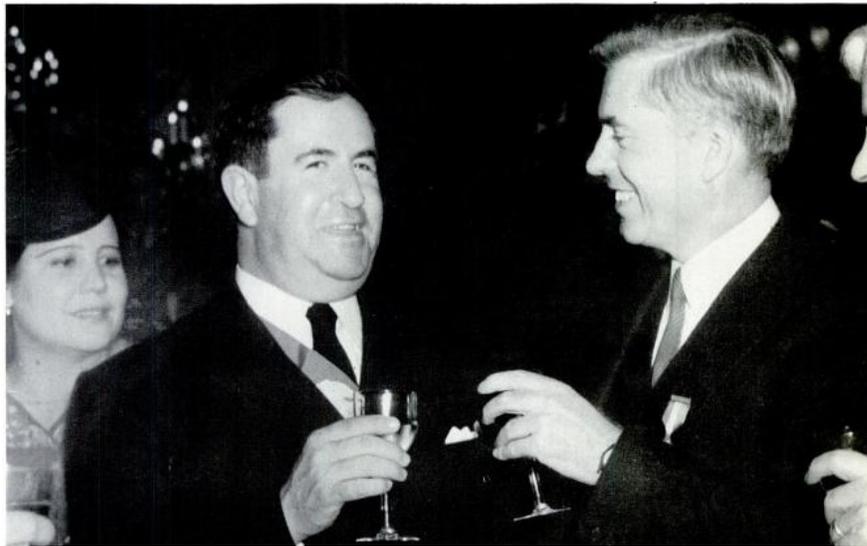


Figure 2.2 Mexican President Manuel Ávila Camacho and United States Vice President Elect Henry Wallace share a toast following Ávila Camacho’s inauguration on December 1, 1940. Source *Life Magazine*, 16 December 1940.

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<sup>4</sup> “Next Vice President of U.S. Goes to Inaugural of New President in Mexico,” *Life Magazine*, 16 December 1940, 17.

Following his trip to Mexico City, Wallace wrote to U.S. Secretary of State Cordell Hull, “I am convinced from talking with Ávila Camacho that he is fully aware of the economic and political importance of the U.S. to Mexico and that he is anxious to move in our direction as fast as political necessities permit him to do so.”<sup>5</sup> While the Ávila Camacho administration wanted to move quickly in its relationship with the United States, the administration knew that it had to carefully navigate the political tensions in Mexico. First, the controversy of electoral fraud in the Mexican presidential election in July 1940 resulted in a political battle between the supporters of Ávila Camacho and Almazán. Second, the Mexican public resisted a close relationship with the United States. As demonstrated in chapter 1, the anti-American sentiment expressed by the Mexican public stemmed from a long history of U.S. tendencies to exploit its relationship with Mexico. Most recent in the Mexican public’s memory was the United States decision to forcibly remove an estimated 500,000 Mexican and Mexican Americans during the 1930s.

Mexican resistance to a United States alliance manifested itself in written form and in protest demonstrations. For instance, on November 15, 1940, Mexican writer Diego Arenas Guzmán published an article in the Mexican newspaper *El Hombre Libre* entitled “President Roosevelt delivers death blow to cause of democracy in Mexico.” Guzmán, a supporter of the defeated presidential candidate Almazán, wrote of his outrage toward U.S. President Franklin D. Roosevelt for recognizing Ávila Camacho as the president of Mexico, given that all the evidence proved Almazán had won the election.

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<sup>5</sup> Henry A. Wallace to Cordell Hull, 16 Dec 1940, File 812.001/116, Department of State Records, RG 59, National Archives, College Park.

Through this action, Guzmán wrote, the United States conveyed to the Mexican people, “We are indifferent to your struggle, your tribulations do not interest us.... We say ‘Fight for Democracy’, but in reality we worry only over a Germany which might snatch the markets of America and the world from us.” Guzmán argued that sending “special envoys to the inauguration of General Ávila Camacho [would] be considered by the Mexican people as the bearers of the above message.”<sup>6</sup> For Guzmán, the United States’ eagerness to cultivate a “neighborly” relationship with Mexico was purely out of self-interest, with no regard for the lives of the Mexican people. The newspaper article also spoke to the anticipation and anxiety felt by the Mexican people over the U.S. Vice-President elect’s trip to the inauguration.

This tension revealed itself during Wallace’s visit in Mexico City. When Wallace arrived at the U.S. embassy, a group of at least 300 anti-American Mexican protesters yelled “down with the gringos who meddle in our affairs!” Police arrested thirty people following the incident.<sup>7</sup> Wallace’s visit to Mexico allowed him to gain a broader understanding of how President Ávila Camacho had to navigate both the political tensions in Mexico, and his administration’s pursuit of relations with the United States. In the same letter to U.S. Secretary of State Cordell Hull, Wallace wrote “If [Ávila Camacho] moves too rapidly and completely in the direction of the U.S., he allows the

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<sup>6</sup> Diego Arenas Guzmán, “President Roosevelt delivers death blow to cause of democracy in Mexico,” *El Hombre Libre*, 15 November 1940, box 4112, File 812.001Manuel Ávila CamachoA./74, General Records, RG 59, Department of State Records, National Archives College Park.

<sup>7</sup> “Tumult in front of U.S. Embassy”, 29 November 1940, *El Universal*, box 4112, File 812.001Manuel Ávila CamachoA./74, General Records, RG 59, Department of State Records, National Archives College Park. Quote cited in, Schuler, *Mexico Between Hitler and Roosevelt*, 196. In Schuler’s account of this story, he claims that the anti-American protesters were paid by the German legation.

totalitarian powers operating in Mexico to utilize power which may exist among the Almazanistas and other disgruntled elements to our disadvantage.”<sup>8</sup>

It was Wallace’s trip to Mexico that allowed for the ties between the United States and Mexico to be strengthened.<sup>9</sup> President Ávila Camacho’s predecessor, Lázaro Cárdenas (1934-1940), had maintained a polite yet distant relationship with the United States. It was during the Cárdenas administration that U.S. president Franklin Roosevelt promoted the Good Neighbor Policy through a series of Pan-American conferences. As the United States’ foreign policy toward Latin America, the Good Neighbor Policy advocated for reciprocity in trade and economic matters, and a Pan-American alliance based on mutual interests. Roosevelt further stressed that in the spirit of the Good Neighbor Policy, the United States would refrain from intervening in Latin America’s domestic affairs. While Mexico participated in the Pan-American conferences, Cárdenas remained firm in his administration’s policy to untangle itself from foreign economic interests, which most notably included the nationalization of Mexican oil in 1938.<sup>10</sup> President Ávila Camacho, on the other hand, was eager to take advantage of the Good Neighbor Policy and forge a close relationship with the United States.

The Japanese attack on Pearl Harbor in December 1941 catalyzed an intense war mobilization effort from the United States. Mexico, on the other hand, remained

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<sup>8</sup> Henry A. Wallace to Cordell Hull, 16 Dec 1940, box 4112, File 812.001/116, Department of State Records, RG 59, National Archives, College Park.

<sup>9</sup> Historian Friedrich E. Schuler demonstrates that Mexico had shifted away from former president Cárdenas’ policy to distance itself from U.S. economic relations, and toward president Ávila Camacho’s policy to have a direct and personal relationship with the United States as a means of developing Mexico’s national economy. Schuler, 197.

<sup>10</sup> Henry Raymond, *Troubled Neighbors: The Story of U.S.-Latin American Relations from FDR to the Present* (Westview Press, 2005); Schuler, *Mexico Between Hitler and Roosevelt*; Frederick B. Pike, *FDR’s Good Neighbor Policy: Sixty Years of Generally Gentle Chaos* (Austin: University of Texas Press, 1995); Bryce Wood, *The Making of the Good Neighbor Policy* (New York: Columbia University Press, 1961).

reluctant to join the United States in its declaration of war. While a Mexico-U.S. alliance carried economic advantages, Mexico continued to privilege its economic relations with European, Asian and Latin American nations.<sup>11</sup> Mexico's position toward war changed when German submarines torpedoed two Mexican tankers in the Caribbean on May 14 and May 24, 1942. President Ávila Camacho promptly declared war, with the approval of the Mexican congress, on Germany.<sup>12</sup> Both the United States and Mexico were now at war against the Axis powers, and prepared to use the international war for their own economic and political agendas.

A central concern that led the United States and Mexican governments to work together was war transportation. The two-front war effort resulted in an unprecedented demand on railroads in the United States and Mexico. Raw materials, troops, workers, goods, and war materiel all had to be moved on rail lines to the east and west coasts of the United States. However, the United States and Mexico faced a major hurdle in meeting the requirements of war transportation—the poor condition of rail lines.<sup>13</sup> It was in large part the United States and Mexican governments' reliance on transnational railroads for war transportation that facilitated their interdependent relationship throughout the war.

For instance, Mexico had an abundance of raw materials such as lead, zinc, antimony, copper and other minerals that the United States needed for defense production. Germany's blockade in the Caribbean meant that these raw materials would

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<sup>11</sup> Schuler, *Mexico Between Hitler and Roosevelt*, 3.

<sup>12</sup> Michael C. Meyer, William L. Sherman, and Susan M. Deeds, *The Course of Mexican History*, 7th ed. (New York: Oxford University Press, 2003), 606.

<sup>13</sup> Western Railroad Report, 11 August 1942, box 64, Office of the Director, RG 219, Records of the Office of Defense Transportation, National Archives, College Park.

have to be transported to the United States via rail.<sup>14</sup> However, the severe structural deterioration of Mexican rail lines, and the lack of train cars, made the United States government, especially the newly-minted U.S. Office of Defense Transportation, anxious about how the delays in the shipment of Mexican raw materials would impact war production and the war effort abroad.<sup>15</sup>

The United States' interest in raw materials from Mexico resulted in the creation of the U.S. Railway Mission to Mexico on November 18, 1942.<sup>16</sup> This project, supported by the Inter-American Development Commission and its director Nelson Rockefeller, had two main objectives. The first was to finance the refurbishment of Mexican railroads. The second was to provide technical assistance to Mexican railroad companies.<sup>17</sup> Over the course of two years, an estimated \$7 million was spent on the U.S. Railway Mission to Mexico, with \$2 million coming from the U.S. President's Emergency Relief Fund, and the other \$5 million from Rockefeller.<sup>18</sup> The rehabilitation of Mexican railways was advantageous for both the United States and Mexico. It improved Mexico's industrial economy, and facilitated the movement of raw materials from Mexico to the United States.

The problems regarding rail transportation, however, did not end in Mexico. The United States faced poorly maintained railroad lines, as well as a labor shortage. The

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<sup>14</sup> Mexican Embassy to Board of Economic Affairs, Application for Program Export License, year 1942, box 198, General Files, RG 229, Office of Inter-American Affairs, National Archives, College Park.

<sup>15</sup> The U.S. Office of Defense of Transportation was established on December 18, 1941 by Executive Order 8989 as part of the Office of Emergency Management. It was abolished on July 1, 1949.

<sup>16</sup> U.S. Department of State Release, 18 November 1942, box 198, General Files, RG 229, Office of Inter-American Affairs, National Archives, College Park.

<sup>17</sup> George Messersmith to Douglass, 12 December 1942, box 198, General Files, RG 229, Office of Inter-American Affairs, National Archives, College Park.

<sup>18</sup> Driscoll, *The Tracks North*, 38.

U.S. Selective Service Act of 1940 made a substantial impact on the unskilled railroad labor force. By the time of Pearl Harbor, the American railroad industry was facing a labor shortage of over 100,000 men. For instance, the Illinois Central had already lost one-fourth of its employees, approximately 10,000 men, to the military. Disputes over inadequate wage rates also contributed to high levels of attrition as workers sought employment in other war industries offering higher pay. The poor maintenance of track across the United States, a result of decreased operating costs and employment cuts during the Great Depression, made the labor shortage a critical concern for both the United States government and the U.S. railroad industry.<sup>19</sup>

These concerns over manpower in the U.S. railroad industry were similar to those experienced during the First World War, which ultimately led to President Wilson's nationalization of the railroads in January 1918.<sup>20</sup> As the United States prepared for large-scale mobilization in December 1941, the U.S. railroad industry was eager to avoid a fate similar to World War I. With the assistance of Ralph Budd (president of the Burlington Railroad) and Joseph B. Eastman (former member of the Interstate Commerce Commission), the U.S. railroad industry assured President Roosevelt that an efficient operation of railways, labor management and labor recruitment could be achieved through cooperation across railroad agencies such as the Railroad Retirement Board, the Association of American Railroads and the Western Association of Railroad Executives.<sup>21</sup> The American railroad industry would, except for a three-week period in

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<sup>19</sup> John F. Stover, *The Life and Decline of the American Railroad* (New York: Oxford University Press, 1970), 185.

<sup>20</sup> Walker D. Hines, *War History of American Railroads* (New Haven: Yale University Press, 1928).

<sup>21</sup> The Railroad Retirement Board is an independent agency of the U.S. executive branch established in

early 1944, remain in control of war transportation and manpower recruitment for the duration of World War II.

By mid-1941, individual U.S. railroads like the Southern Pacific and the Atchison, Topeka, and Santa Fe Railroad began petitioning the War Manpower Commission to recruit foreign labor, specifically Mexican nationals. U.S. railroad companies, chapter 1 demonstrated, had been systematically recruiting Mexican labor since the 1880s. According to historian Jeffrey Garcilazo, U.S. railroads perceived “the Mexican” to be the ideal track worker because of his docility, desire to earn a wage for his family, and contentment with living a humble life.<sup>22</sup> The War Manpower Commission, along with U.S. railroad unions, initially opposed the idea. They argued that hosting labor-recruitment drives and raising minimum wage could assuage the manpower shortage. In an effort to fulfill their labor needs, railroad companies hired a variety of groups including African Americans and Native Americans.<sup>23</sup> The high number of resignations and desertions, however, reinforced railroad companies’ presumptions that Mexicans were the ideal track workers.

On December 4, 1942, a War Manpower Commission committee—composed of all U.S. representatives from the WMC, the War Department, the U.S. Employment

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1935 as a social insurance program for railroaders. The Association of American Railroads is an industry trade group that represents major freight railroad companies in North America. The Association represents its members’ interests to government regulators and the broader public. The Western Association of Railroad Executives represented the interests of companies in the western regions of the United States.

<sup>22</sup> Jeffrey Marcos Garcilazo, *Traqueros: Mexican Railroad Workers in the United States, 1870-1930* (Al Fil: Mexican American Studies Series, 2013), 71, 168-227.

<sup>23</sup> In one case, Italian war prisoners were suggested as a source of labor. See, Charles Woods to Motley, 5 June 1943, box 8731/32, folder 56135/227, Records of the Immigration and Naturalization Service, RG 85, National Archives, Washington DC; Railroad Retirement Board to War Manpower Commission, 3 March 1943, box 8731/32, folder 56135/227, Records of the Immigration and Naturalization Service, RG 85, National Archives, Washington DC.

Service, the U.S. Selective Service and the Office of Defense Transportation—met to discuss the broader manpower situation and to consider the proposal of recruiting Mexican labor. Major General Charles P. Gross argued that the War Department was deeply distressed over the manpower shortage faced by U.S. railroad companies. In response to the proposal of recruiting Mexican labor, Gross stated

We feel that this request for importation of Mexican labor is a good one, and a sound one. We feel that particular character of labor is accustomed to that kind of scenery and will be satisfied with the geography. Then, you also have to take into account for certain types of labor, like track labor, that it takes a certain type of man to be satisfied with that type of work. He can't be too intelligent; he can't be too ambitious; he can't be too roving; he has to be content with the little in life that that [*sic*] particular area and that particular job affords. The Mexican is psychologically, and by temperament, and by past life, particularly well prepared to meet it.<sup>24</sup>

In light of previously failed attempts to recruit labor, Major General Gross cited Mexican labor as the answer to the manpower shortage. Unlike the African American and Native American groups, the Mexicans, Gross argued, were “psychologically” predisposed to performing track work. Mexican labor was ideal because they would be “content” with the low wages, and would not be troubled by working away from home. Gross’ racialized depiction of Mexican workers reflected a severe misunderstanding of the plight faced by Mexican immigrants.

Labor representative Julius G. Luhrsen countered Gross’ racialized assessment of Mexican workers, arguing “when it comes to these men being less intelligent, I can name you three or four presidents that were section foreman and section leaders, and I think you will find just as intelligent men in that class as any others. It does seem inconsistent

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<sup>24</sup> Major General Charles P. Gross, War Manpower Commission Meeting Transcripts, 4 December 1942, box 10, Pennsylvania Railroad Collection, Personnel Department, Hagley Library and Archive.

to me to come here and ask to have these track workers accept the conditions that now prevail.” As a labor representative, however, Luhrsen’s broader interests were in protecting American railroad workers. Instead of recruiting Mexican labor to correct the manpower situation, Luhrsen suggested that the War Manpower Commission first needed to address “the principle evil, and that is to adjust the substandard conditions which seem to be the only point involved, and why the people won’t stay in that particular territory.” Luhrsen continued, “This thing here doesn’t make sense, if we analyze it correctly, to just say we must have these Mexicans. I think we have domestic labor that will fill every one of those jobs and do it better than Mexicans.”<sup>25</sup> While Luhrsen was preoccupied with solving the manpower shortage without foreign labor, Major General Gross seemed intent on solving the problem quickly.

Following the War Manpower Commission Committee’s prolonged negotiations, U.S. Ambassador to Mexico George Messersmith was given permission in January 1943 to begin discussions with the Mexican government about recruiting Mexican men for railroad work. Messersmith approached the Mexican government with a proposal that was similar in principle to that of the agricultural bracero program, which was created in August 1942. Discussions about a railroad bracero program, however, were hindered by problems in the agricultural program. In fact, U.S. Ambassador Messersmith was concerned that tensions over the agricultural program would impede the negotiations toward a railroad program.<sup>26</sup> When the two governments negotiated the parameters of the

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<sup>25</sup> Julius G. Luhrsen, War Manpower Commission Meeting Transcripts, 4 December 1942, box 10, Pennsylvania Railroad Collection, Personnel Department, Hagley Library and Archive.

<sup>26</sup> George Messersmith to Cordell Hull, 26 April 1943, in U.S. Department of State, *Foreign Relations of the United States: Diplomatic Papers*, volume 6 (Washington D.C.: GPO, 1963), 546-7.

railroad program, they also sought to revise provisions outlining the agricultural program.<sup>27</sup>

Unfortunately, scholars have only uncovered a handful of records that offer insight into the negotiations for the railroad bracero program in early 1943. Historian Barbara Driscoll recounts that these negotiations occurred in three separate sessions in early April 1943.<sup>28</sup> Driscoll identifies two issues that underscore the diverging expectations of each government in the program. First, the two governments entered negotiations with a different understanding of how many workers would be recruited. While the Mexican government expected 300 workers to be contracted, the WMC and railroad companies desired 6,000 workers. Second, the two governments could not agree on the number of deductions that should be taken from workers' pay. Both countries agreed that guest workers' wages would be subject to the victory tax and a savings deduction (10% remittance directly sent to a Mexican bank in the worker's name). However, the War Manpower Commission insisted that guest workers, like U.S. railroad workers, be subjected to deductions from the Railroad Retirement Board. These deductions were taken from U.S. railroad workers (non-management employees) and returned to workers upon their retirement. Manuel Tello, Secretariat of Labor and Social Security, did not believe that Mexican citizens, as temporary workers in the United States, should be subjected to the RRB deductions. Thus, Tello offered a compromise—

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<sup>27</sup> The Mexican government suspended the recruitment of agricultural braceros for a short period of time in February 1943. The International Agreement for the agricultural program was revised and signed a day after the railroad bracero program was created.

<sup>28</sup> In my research, I have yet to locate the files in U.S. National Archives that recount the negotiations over the railroad bracero program. Barbara Driscoll cites the location as the Department of State Records, but does not provide any further information regarding file numbers.

RRB deductions could remain in the International Agreement only if it was supplemented by a group insurance plan. When the two governments signed the International Agreement on April 29, 1943, the RRB deductions remained without the addition of the group insurance plan.<sup>29</sup>

## **II. The Three Contracts of the Railroad Bracero Program in Context**

The three contracts framing the railroad bracero program were the International Agreement, the Individual Work Agreement, and the Contract of Employment and Transportation. Each contract included the same fundamental principles. The main difference between the three contracts was how the provisions were organized and who the signatories of each contract were. The United States, Mexico, individual workers, and individual railroad companies were all tied together through the matrix of these agreements. The International Agreement served as a binding contract between the U.S. and Mexican governments. The U.S. government and the individual worker, with the approving signature of the Mexican state, signed the Individual Work Agreement, which was printed in English and Spanish. Lastly, the individual railroad company and the U.S. government signed the Contract of Employment and Transportation, also referred to as the employer contract.<sup>30</sup>

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<sup>29</sup> As noted by Driscoll, it is unclear as to what happened in the negotiations that made the Mexican government accept the RRB deductions. Driscoll, *The Tracks North*, 67, 69-71.

<sup>30</sup> International Agreement, 29 April 1943, box 8731/32, File 56135/227, Department of Immigration and Naturalization Service, RG 85, National Archives, Washington DC; Individual Work Agreement, box 1, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park; Contract of Employment and Transportation, box 2, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

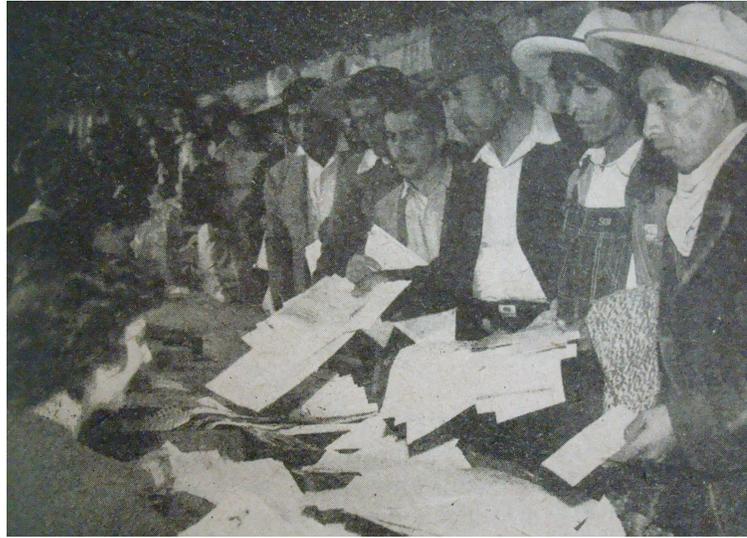


Figure 2.3 Prospective Mexican guest workers preparing to turn in paperwork in support of their application. These men travelled to the Migration Station location in Mexico City circa 1944. In order to apply for the program, Mexican men had to acquire an application card from their municipality, which often involved a *mordidad* (a bribe). With the little money they had left, men had to make the journey to the Migration Station. Note that women were present as secretaries during the recruitment process. Source: *Los Braceros*, (Mexico City: Impreso, 1946).

Most striking in this network of contracts was that the individual worker did not sign a contract with the individual railroad employer. Rather, a worker's relationship to the railroad employer was through the U.S. government, who in turn signed a contract with the individual railroad company. This complex relationship was established in Provision 5 of the individual work agreement, or labor contract, which read:

The Patron agrees to enter into agreement with the proprietor or administrator (hereinafter referred to as the employer) of the industry in which the worker will work, under terms guaranteeing him proper compliance with the terms of this agreement, it being understood that the Patron will be responsible to the Worker and to the Mexican Government for such compliance.<sup>31</sup>

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<sup>31</sup> Individual Work Agreement, box 1, Office Files of the Foreign Labor Section Representative in Mexico, RG 211, Records of the War Manpower Commission, National Archives, College Park.

The labor contract identified “the Patron” to be the United States government “acting by and through the War Manpower Commission.” The patron was held accountable for providing the worker with the rights guaranteed to him in the labor contract. As “provision 5” above indicates, the patron delegated railroad employers with the responsibility of administering the provisions of the labor contract on a daily basis. This contractual dynamic between the employer, the U.S. government/the patron and the guest worker had precedent in U.S. immigration policy.

While the Foran Act had outlawed the recruitment of foreign contract laborers, it had not stopped U.S. businesses from hiring foreign contract laborers through labor contractors known as either *padrones* or *enganchistas*. In an effort to combat the *padrone* system on the U.S.-Mexico border, the United States government signed a series of Mexican Agreements in 1910 with local Mexican officials. These agreements legalized the immigration of Mexican contract laborers under the stipulation that they be contracted through a U.S.-run commissary company. The United States government, historian Gunther Peck argues, had taken on the role of the *padrone*.<sup>32</sup> The U.S. government—acting through a U.S.-supported labor contract company—sanctioned the recruitment of foreign workers, provided them with labor contracts, and sent them to work for an employer, who in turn had a contract with the commissary company. By calling themselves “the Patron” in the *bracero* labor contract, the U.S. government codified their status as a labor broker.<sup>33</sup>

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<sup>32</sup> Gunther Peck, *Reinventing Free Labor: Padrones and Immigrant Workers in the North American West, 1880-1930* (Cambridge: Cambridge University Press, 2000), 102-04.

<sup>33</sup> Peter N. Kirstein, *Anglo over Bracero: A History of the Mexican Worker in the United States from Roosevelt to Nixon* (San Francisco: R and E Research Associates, 1977).



Figure 2.4 Prospective Mexican guest workers wait outside of a Migration Station circa 1943. Mexican men could spend up to two weeks waiting for their turn to be “processed” by U.S. Public Health officials, Mexican Public Health authorities, and potential employers. Source: *Los Braceros*, (Mexico City: Impreso, 1946).

The contractual provisions of the railroad bracero program outlined a two-pronged approach to regulating the health of guest workers. The first approach dictated the terms of a Mexican citizen’s acceptance into the program and entry into the United States. These mandates effectively codified the bracero as an able-bodied worker, valued solely for his labor power.<sup>34</sup> The following mandate (section 2, subsection B, provision

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<sup>34</sup> Anthropologist Carlos Véllez-Ibáñez argues that Anglo-Americans constructed the “Mexican” as a “commodity function and utility” through their treatment of the Mexican people as disposable commodities that were subjected to the whim of the American economy. Véllez-Ibáñez also argues that the commodity-identity of the Mexican population had hardened by the 1850s as a result of a double-wage structure that was based on ethnic and racial fetishism. Carlos Véllez-Ibáñez, *Border Visions: Mexican Cultures of the Southwest United States* (Tucson: University of Arizona Press, 1996), 62, 78. In her work *Impossible Subjects*, Mae Ngai draws specifically on Véllez-Ibáñez to characterize the construction of the “Mexican” as a “commodity function and utility.” See, Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004), 132. For more scholarship on commodification, see Lesley A. Sharp, “The Commodification of the Body and its Parts,” *Annual Review*

1) dictated the protocol for determining if a worker satisfied the physical requirements for the program:

The United States Public Health Service, in collaboration with the Mexican Public Health authorities, shall provide a physical examination at the place of selection to determine whether each worker meets the physical requirements of the immigration authorities and the prospective employer.<sup>35</sup>

While this mandate required the U.S. Public Health Service and Mexican Public Health authorities to conduct a physical examination, it did not explicitly indicate the diagnostic protocol to be used in the examination. The fact that Mexican workers were entering the United States meant that U.S. immigration policy had jurisdiction. The United States government understood the guest worker's physical examination to be part of the Immigration and Naturalization Service requirements for any foreign national entering the United States.

The mandate further indicated that the physical examination was to take place at the point of selection, which was conducted at the Migration Station in Mexico City. The U.S. Public Health Service was going to be enforcing U.S. immigration policy on Mexican soil. That the Mexican government allowed U.S. health officials to do this highlights the importance of the bracero program to Mexico. In the past, Mexico had repeatedly refused the requests of the U.S. Immigration Service to conduct immigrant medical inspections in Mexico as a way of more effectively enforcing the Chinese

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*of Anthropology*, 29 (2000): 292. For more on capitalism and slavery, see Walter Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market* (Cambridge: Harvard University Press, 1999); Stephanie Smallwood, "Commodified Freedom: Interrogating the Limits of Anti-Slavery Ideology in the Early Republic," *Journal of the Early Republic*, 24, no. 2 (Summer, 2004): 289-298.

<sup>35</sup> U.S. Department of State, *Treaties and Other International Agreements of the United States of America, 1776-1949*, volume 9 (Washington D.C.: Department of State Publications, 1976), 1136.

Exclusion Acts.<sup>36</sup> The enforcement of U.S. immigration policy abroad also brings attention to the mobility of medical borders. Unlike geopolitical borders, historian John McKiernan-Gonzalez argues, medical borders moved in relation to the concerns over public health and the movement of racial populations.<sup>37</sup>

U.S. and Mexican public health officers administered medical examinations in a single room by groups of twenty [Figure 2.5]. In these examinations, physicians inspected the prospective workers' bodies for signs of tuberculosis, conditions of the eye, ear and throat, pulmonary conditions, venereal disease, hernias, and conditions of the digestive, musculoskeletal and neurological nature [Figure 2.6].<sup>38</sup>

The U.S. and Mexican public health authorities, however, would not be alone in their endeavors to determine the able-bodiedness of Mexican recruits. Following the immigrant medical examination, a railroad representative had the opportunity to determine if the Mexican recruit met the physical requirements for performing track work. The inclusion of railroad representatives in the recruitment process indicates that

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<sup>36</sup> Erika Lee, "Enforcing the Borders: Chinese Exclusion along the U.S. Borders with Canada and Mexico, 1882-1924," *Journal of American History* 89 no. 1 (June 2002): 54-86. Mexico did not pass any laws that regulated emigration or immigration until 1929, when it excluded Chinese immigrants. See Peck, *Reinventing Free Labor*, 91. For more on the anti-Chinese movement in Mexico, see Evelyn Hu-Dehart, "Racism and Anti-Chinese Persecution in Sonora, Mexico, 1876-1932," *Amerasia* 9, no. 2 (1982): 1-27; Leon M. Jacques, "The Anti-Chinese Legislative and Press Campaign in Sonora, Mexico, 1916-1921," *Immigrants and Minorities* 5, no. 2 (July 1986): 167-80; Jose Jorge Gomez-Izquierdo, *El movimiento antichino en Mexico, 1871-1934: Problemas de racismo y del nacionalismo durante la Revolucion Mexicana* (Mexico City 1991).

<sup>37</sup> John McKiernan-Gonzalez, *Fevered Measures: Public Health and Race at the Texas-Mexico Border, 1848-1942* (Durham: Duke University Press, 2012).

<sup>38</sup> Henry Anderson, *The Bracero Program in California, with Particular Reference to Health Status, Attitudes and Practices* (Berkeley: School of Public Health, University of California, 1961), 17. In 1943, the recruitment center for prospective guest workers (railroad and agricultural) was located in Mexico City at the National Stadium; however, due to the large numbers of Mexican men arriving at the National Stadium, the WMC relocated the railroad recruitment center to San Luis Potosi and finally to Querétaro at the end of June 1944, see Driscoll, *The Tracks North*, 81.



Figure 2.5 Mexican workers waiting in line for medical examination at the National Stadium in Mexico City. Photo taken by Los Hermanos Mayos, ca 1943.

the U.S. and Mexican governments were willing to accommodate the needs of U.S. railroad companies. At the same time, the railroad companies' desire to be involved in the selection process suggests that the railroad employers did not find the diagnostic protocol of the immigrant medical exam to be sufficient, and/or railroad companies wanted to maintain their autonomy in the employment selection process. As we will see in following chapter, railroad companies acted on both of these impulses.

If a Mexican recruit met the requirements of the immigrant medical examination and the standards of the railroad employer, he received a medical certificate that allowed him to sign the labor contract (individual work agreement). With this labor contract, the Mexican recruit received the status of guest worker. The labor contract also codified the guest worker's identity as a healthy, able-bodied worker. A guest worker would then be

assigned a date of departure, upon which he would take a train to the United States to begin employment.

The mandate requiring physical examination, however, concealed the fact that braceros who signed a contract in Mexico City, or another Migration Station, had to endure a second round of physical examinations at the U.S.-Mexico border that paralleled the immigrant medical examination they had received at the Migration Station. However, the physical examination at the border included a rigorous screening for contagious diseases and a dusting of the guest worker's body with a 1% lindane solution to eradicate pediculosis (lice).<sup>39</sup> If the guest worker passed the second physical examination, then he was transported to his place of employment in the United States, which completed the recruitment phase. But if the Mexican national failed the second physical examination, the War Manpower Commission terminated his contract before he had the opportunity to procure a wage as a guest worker. The second physical examination endured by the guest worker underscores the U.S. Public Health Service's concern for the health of American citizens, and reveals the redundant regulatory mechanisms mandated by health provisions to ensure that only able-bodied Mexican men were hired.

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<sup>39</sup> Anderson, *The Bracero Program in California*, 27.

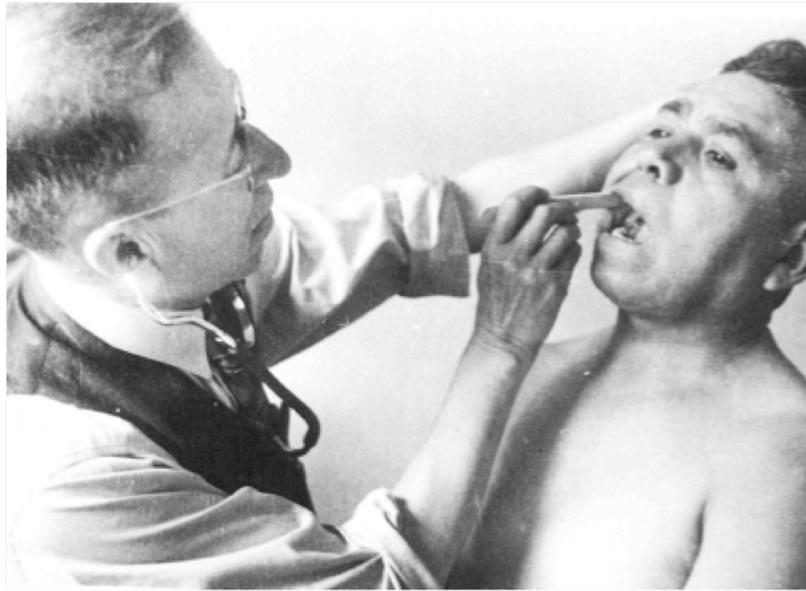


Figure 2.6 Prospective Mexican guest worker receiving immigrant medical examination at the National Stadium in Mexico City. Photo taken by Los Hermanos Mayos, ca 1943.

The health mandates that codified the bracero as an able-bodied worker were in tension with the program's second approach to regulating bracero health. This approach outlined health provisions that entitled railroad braceros to health rights in the American workplace. While the health mandates valued the bracero for his labor power, the health provisions recognized the bracero's personhood and health rights. Both the U.S. and Mexican governments demonstrated interest in protecting bracero rights by incorporating distinctive legislation from their respective countries into the three contracts. For instance, provision 16 of the labor contract established that "the worker shall not be subject to discrimination in employment because of race, creed, color or nationality, in accordance with provisions of Executive Order No. 8802 of the President of the United

States, dated June 25, 1941.”<sup>40</sup> The objective of Executive Order No. 8802 was to eliminate employment discrimination in vital war industries.<sup>41</sup> The promises of Executive Order No. 8802 rekindled the hope that America’s second-class citizens—Chicanos, African Americans, Asian Americans—could finally break the barriers to equal opportunity in the workplace.<sup>42</sup> The Mexican government, on the other hand, interpreted the extension of the Executive Order to braceros to be a sovereign promise by the United States government that braceros would receive protection under American legislation in the workplace.<sup>43</sup>

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<sup>40</sup> This sentiment is expressed in section 1 article 2 of the International Agreement. See U.S. Department of State, *Treaties and Other International Agreements of the United States of America, 1776-1949*, volume 9 (Washington D.C.: Department of State Publications, 1976), 1136. It is important to note that Executive Order 8802 ignored discrimination on the basis of gender.

<sup>41</sup> The Fair Employment Practice Committee was the agency in charge of implementing Executive Order No. 8802. President Roosevelt enacted the executive order following the threat of a massive protest by African Americans over employment discrimination. See Herbert Garfinkel, *When Negroes March: The March on Washington Movement in the Organizational Politics for FEPC* (New York: Atheneum, 1969); Louis C. Kesselman, *The Social Politics of the FEPC: A Study of Reform Pressure Movements* (Chapel Hill: University of North Carolina Press, 1948); Jervis Anderson, *A. Philip Randolph: A Biographical Portrait* (New York: Harcourt Brace Jovanovich, 1972).

<sup>42</sup> That the promise of equal opportunity in the workplace had been extended to Mexican guest workers would prove to be a source of intra-ethnic conflict among Mexican Americans and Mexicans during the war. See, Matthew Garcia, “Intraethnic Conflict and the Bracero Program during World War II,” in *American Dreaming, Global Realities: Rethinking U.S. Immigration History*, eds. Donna R. Gabaccia and Vicki L. Ruiz (Urbana and Chicago: University of Illinois Press, 2006). For more on the experience of ethnic Mexicans in the United States during the 1940s, see W. Rex Crawford, “The Latin American in Wartime United States,” *Annals of the American Academy of Political and Social Science* 222 (September 1942):123-31; Will W. Alexander, “Aliens in Wartime Industries,” *Annals of the American Academy of Political and Social Science* 222 (September 1942):138-43; Carey McWilliams and Matt S. Meier, *North from Mexico: The Spanish-Speaking People of the United States* (New York: Greenwood Press, 1990); Manuel P. Servin, *The Mexican Americans: An Awakening Majority* (Beverly Hills: Glenco Press, 1970); Clete Daniel, *Chicano Workers and the Politics of Fairness* (Austin, TX: University of Texas Press, 1991); Emilio Zamora, *Claiming Rights and Righting Wrongs in Texas: Mexican Workers and Job Politics during World War II*, 1st ed. (College Station: Texas A&M University Press, 2009); Merl Reed, *Seedtime for the Modern Civil Rights Movement: The President's Committee on Fair Employment Practice, 1941-1946* (Baton Rouge: Louisiana State University Press, 1991); Juan Gomez-Quinones, *Roots of Chicano Politics, 1600-1940* (Albuquerque: University of New Mexico Press, 1994); Juan Gomez-Quinones, *Chicano Politics: Reality and Promise, 1940-1990* (Albuquerque: University of New Mexico Press, 1990).

<sup>43</sup> The U.S. president has discretionary power (delegated legislation) to issue an executive order. The use of the executive order has received much criticism. See William G. Howell, *Power without Persuasion: The Politics of Direct Presidential Action* (Princeton: Princeton University Press, 2003); Phillip J. Cooper, *By Order of the President: The Use and Abuse of Executive Direct Action* (Lawrence: University Press of

Braceros were not only protected by American legislation, but also by Mexican law. The most striking component of the International Agreement was the verbatim inclusion of Article 29 from Mexico's Federal Labor Law. Article 29 required that:

all contracts entered into by Mexican workers, for lending their services outside of their country, shall be made in writing, legalized by the municipal authorities of the locality where entered into and visaed [sic] by the Consul of the country where their services are being used.<sup>44</sup>

In effect, Article 29 enabled the Mexican government to regulate labor migration and offer protections to its workers laboring abroad by requiring the receiving country to provide a labor contract.

Furthermore, Article 29 mandated that three stipulations be included in the labor contract. These provisions included the logistics of transportation, which was to be paid for by the employer; full payment to salary agreed upon, from which no deductions were to be made unless agreed upon; and the requirement that the employer issue a bond, or a deposit, to the Bank of Mexico for a sum equal to the repatriation costs of the worker.<sup>45</sup> Only after the worker had returned to Mexico and the worker had been paid his salary and "salary of compensation to which he may have a right," would the Mexican authorities cancel the bond issued.

The inclusion of Article 29 from Mexico's Federal Labor Law in the three contracts extended Mexican sovereignty to U.S. soil. Mexico relied on wartime politics and the United States' desire for labor to demand the incorporation of this article into the

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Kansas, 2002); Kenneth Mayer, *With the Stroke of a Pen: Executive Orders and Presidential Power* (Princeton: Princeton University Press, 2002).

<sup>44</sup> As cited in the International Agreement, section 1, provision 3. U.S. Department of State, *Treaties and Other International Agreements of the United States of America, 1776-1949*, volume 9 (Washington D.C.: Department of State Publications, 1976), 1136.

<sup>45</sup> In the railroad bracero program, the railroad companies paid the cost of transportation. In the agricultural program, the United States paid for transportation through U.S. Public Law 45.

contracts.<sup>46</sup> Article 29 effectively extended the rights of Mexican citizenship into the American workplace. Mexico's Federal Labor Law, as shown in the preceding chapter, grew out of the 1917 Constitution (Article 123), which sought to protect workers from employer discrimination and the dangers of the workplace. Thus, when railroad braceros made claims to rights entitled to them in the labor contract they were, by extension, claiming rights afforded to them as Mexican citizens.

Two other provisions, more subtly tied to Mexican Labor Law, also aimed to protect the health rights of braceros in the American workplace. The qualifying statements used in each provision, however, allowed for flexibility in their administration. The first provision came from the International Agreement (section 3, subsection B, provision 6), which stated:

The Mexican workers will receive hygienic lodgings adequate to the physical condition of the region of the type furnished to domestic workers employed in similar employment; sanitary and medical services; and restaurant facilities enjoyed by workers admitted under this understanding shall be not less favorable to them than those enjoyed by other workers engaged in similar employment at the same place of employment.<sup>47</sup>

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<sup>46</sup> Deborah Cohen, "Caught in the Middle: The Mexican State's Relationship with the United States and Its Own Citizen-Workers, 1942-1954," *Journal of American Ethnic History* 20, no. 3 (Spring 2001): 110-32; Michael Snodgrass, "Patronage and Progress: The Bracero Program from the Perspective of Mexico," in *Workers Across the Americas: The Transnational Turn in Labor History*, ed. Leon Fink (Oxford: Oxford University Press, 2011), 247; Emilio Zamora, "Mexico's Wartime Intervention on Behalf of Mexicans in the United States: A Turning of Tables," in *Mexican Americans and World War II*, ed. Maggie Rivas-Rodriguez (Austin: University of Texas Press, 2005).

<sup>47</sup> U.S. Department of State, *Treaties and Other International Agreements of the United States of America, 1776-1949*, volume 9 (Washington D.C.: Department of State Publications, 1976), 1136. The same fundamental principle was reiterated in provision 16 of the labor contract. It read: "Food, lodging, medical (if furnished to domestic workers), sanitary services and other indispensable articles furnished to the Worker...by the Patron or the Employer shall meet the reasonable minimum standards approved by the Patron; the price of food, when furnished by the employer through restaurant facilities, shall be deducted from wages and will not cost more than similar service to domestic workers in similar employment." See Individual Work Agreement, Provision #17, box 1, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

Mexico's Federal Labor Law demanded that employers provide employees with a safe working environment and medical care. In some instances, large corporations operating in remote locations were expected to create a labor camp settlement that offered housing, sanitary facilities and food services. As chapter 1 demonstrated, the Mexican government was especially interested in protecting its citizen-workers from American employers.

This provision, however, also satisfied some of the U.S. government's concerns about hosting a large, temporary migrant labor population. The 1930s gave rise to the figure of the Depression-era transient—a young man on the move, in search of work.<sup>48</sup> The American public, historian Margot Canaday argues, condemned transients “for their dependency, their potential criminality, and above all, their mobility.”<sup>49</sup> In response to the transient problem, the New Deal politicians implemented federal settlement programs that placed men in camps and provided them with work.<sup>50</sup> These settlement programs paralleled the railroad bracero program in that the men worked together, ate together, and

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<sup>48</sup> The transient figure became romanticized through a pioneer trope. The transient was not a hobo, but a pioneer who had decided to travel across America to find work rather than sit idly in his hometown without work. The pioneer trope was racialized (white) and gendered (male). See David Cushman Coyle, *Depression Pioneers* (Washington D.C.: U.S. Government Printing Office, 1939); Nels Anderson, *Men on the Move* (Chicago: University of Chicago Press, 1940); John Nye Webb, *The Migratory Casual Worker* (Washington D.C.: U.S. Government Printing Office, 1937).

<sup>49</sup> Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton, N.J.: Princeton University Press, 2009), 95. Canaday also argues that the American public feared the perversion that the transient life represented.

<sup>50</sup> The two federal programs were the Federal Transient Program (FTP), established by the Federal Emergency Relief Administration; and the Civilian Conservation Corps (CCC). For more on transients and settlement programs in the 1930s, see Kenneth L. Kusmer, *Down and Out, on the Road: The Homeless in American History* (Oxford: Oxford University Press, 2002); Nels Anderson, *On Hobos and Homelessness* (Chicago: University of Chicago Press, 1999); George K. Pratt, *Morale: The Mental Hygiene of Unemployment* (New York: National Committee for Mental Hygiene, 1933); Harry M. Hirsch, *Our Settlement Laws: Their Origin; Their Lack of Uniformity; Proposed Measures of Reform* (Albany: State of New York Department of Public Welfare, 1933); Kenneth Allsop, *Hard Travellin': The Hobo and His History* (London: Hodder and Stoughton, 1967); Charle J. Shindo, *Dust Bowl Migrants in the American Imagination* (Lawrence: University of Kansas Press, 1997).

lived together. Much like the objective of the settlement camps, the bracero labor camps, in the eyes of the U.S. government, were meant to regulate the mobility of tens of thousands of temporary, Mexican migrant workers that labored in a workplace that sprawled across the United States.

The qualifying sentiments in the provision, however, did not establish a standard in the railroad program for providing sanitary living conditions, food, lodging and health care. Rather, the health provisions guaranteed to a bracero were contingent on the local standards offered to American workers. Since railroad braceros often lived separately from American workers, they could not prove when they were experiencing employment discrimination as dictated by the contracts. Track workers labored in an expansive workscape that encompassed thousands of miles of rail lines.<sup>51</sup> As a result, railroad companies would set up temporary labor camps on a budget, which meant that living conditions were often dismal.<sup>52</sup>

The second provision that extended health rights to the bracero was aimed at occupational injury and illness. Provision 7 (section 3, subsection B) of the International Agreement read:

Workers admitted under this agreement shall enjoy as regards to occupational diseases and accidents the same guarantees enjoyed by domestic workers engaged in similar work under Federal or State legislation in the United States.<sup>53</sup>

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<sup>51</sup> I borrow the term workscape from historian Thomas Andrews to convey the unbound parameters of the railroad workplace. Thomas G. Andrews, *Killing for Coal: America's Deadliest Labor War* (Cambridge: Harvard University Press, 2010).

<sup>52</sup> Prior to the bracero program, railroad companies had housed Mexican workers in boxcar communities that could be found trailing the rail lines. Garcilazo, *Traqueros: Mexican Railroad Workers in the United States, 1870-1930*, 111-36.

<sup>53</sup> U.S. Department of State, *Treaties and Other International Agreements of the United States of America, 1776-1949*, volume 9 (Washington D.C.: Department of State Publications, 1976), 1136.

This provision not only preserved the health rights of Mexican citizenship in the American workplace, it also extended Mexican workers access to some benefits of U.S. citizenship. State legislation regarding accidents and occupational diseases included state workmen's compensation, while federal legislation referred to the Federal Employer's Liability Act (FELA).<sup>54</sup> The Great Depression transformed how Americans thought about economic security and citizenship. By virtue of their U.S. citizenship, Americans believed that they were entitled to employment and to the social rights that came with it, which included access to unemployment insurance, medical care and old age pensions.<sup>55</sup> It was in this transformative moment of U.S. economic citizenship that the railroad bracero program extended some rights to braceros that Americans considered to be rights of U.S. citizenship. The inclusion of this provision may have also anticipated the debates over how to handle Mexican workers' health claims abroad, which the Mexican government had experienced with the Pullman Company in the 1930s.

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<sup>54</sup> For more on the relationship between U.S. citizenship and rights to health and safety in the railroad workplace, see John Williams-Searle, "Risk, Disability, and Citizenship: U.S. Railroaders and the Federal Employers' Liability Act," *Disability Studies Quarterly* 28 no. 3 (Summer 2008) <http://dsq-sds.org/article/view/113/113>; John Fabian Witt, *The Accidental Republic: Crippled Workingmen, Destitute Widows, and the Remaking of American Law* (Cambridge: Harvard University Press, 2004); Mark Aldrich, *Death Rode the Rails: American Railroad Accidents and Safety, 1828-1965* (Baltimore: Johns Hopkins University Press, 2006).

<sup>55</sup> Alice Kessler-Harris, *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in 20th Century America* (Oxford: Oxford University Press, 2001), 12-13; Eric Foner, *The Story of American Freedom* (New York: W.W. Norton Company, 1998), 196-210; Meg Jacobs, *Pocketbook Politics: Economic Citizenship in Twentieth-Century America* (Princeton: Princeton University Press, 2005); Jennifer Klein, *For All These Rights: Business, Labor, and the Shaping of America's Public-Private Welfare State* (Princeton: Princeton University Press, 2003); Lizabeth Cohen, *Making a New Deal: Industrial Workers in Chicago, 1919-1939*, 2nd ed. (Cambridge: Cambridge University Press, 2008). For scholarship on the retreat of New Deal reform during World War II, see Daniel Kryder, *Divided Arsenal: Race and the American State During World War II* (Cambridge: Cambridge University Press, 2000); Brian Waddell, *The War Against the New Deal, World War II and American Democracy* (DeKalb: Northern Illinois University Press, 2001); Alan Brinkley, *The End of Reform: New Deal Liberalism and War* (New York: Alfred A. Knopf, 1995).

But, much like the provision regarding hygienic lodging, food and medical services, the provision entitling braceros access to accident and injury compensation included language that made its application unclear. Railroad braceros remained unfamiliar with which “occupational diseases and accidents” warranted compensation in the United States. For many braceros, the entire guest worker experience of living and laboring abroad encompassed the realm of the “occupational.” When railroad braceros filed accident compensation claims, they did so against a U.S. railroad industry that had its own criteria for defining sickness, injury and accidents. This dynamic disadvantaged braceros when they filed a compensation claim.

When railroad braceros experienced an injury or illness, the status of the bracero as an able-bodied worker ruptured. The railroad was a dangerous environment for any worker, and even more so for the bracero who had little to no experience in an industrialized workplace. Provision 4 of the labor contract sought to address these moments of rupture:

The Patron admits that such requirements have been met to its satisfaction, in view of which it agrees that this agreement may not be terminated due to the physical condition of the Worker or to any change in such condition that may occur during the period of employment; but the Patron may terminate the agreement immediately upon finding that the Worker is suffering from a heart, mental or venereal disease or has a chronic condition not contracted during or as a result of his employment in the United States, or if he has a contagious disease discovered while traveling from the point of origin to his destination in the United States.<sup>56</sup>

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<sup>56</sup> Individual Work Agreement, box 1, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

According to this provision, a change in the bracero's physical condition did not automatically result in the cancellation of his labor contract. However, the qualification that the physical condition must have occurred "during the period of employment" is vague. It could either refer to a change in physical condition that occurred while on duty, or to change in physical condition that occurred at any stage during a bracero's time in the United States. This broad language would provide fertile ground for debate.

Physical conditions that demanded contract termination paralleled those identified in U.S. immigration policy as Class A "loathsome and contagious diseases."<sup>57</sup> In this instance, the patron had the authority to terminate the labor contract if the Class A health condition had been contracted "during or as a result of employment," or en route from Mexico to the United States. The provision identified the unpredictability and inconspicuous nature of Class A health conditions as a feasible reason for ruptures in able-bodiedness.

Perhaps more importantly, these mandates limited the employer's autonomy to terminate labor contracts at will. It was the patron, not the railroad employer, which held this power. The railroad employer had to petition the patron for permission to cancel a labor contract. The Mexican government favored this patron system because it created U.S. government oversight in the railroad workplace. An employer under surveillance, the Mexican government believed, would be less likely to exploit their citizen-workers laboring abroad.

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<sup>57</sup> Amy L. Fairchild, *Science at the Borders: Immigrant Medical Inspection and the Shaping of the Modern Industrial Labor Force* (Baltimore: Johns Hopkins University Press, 2003).

## Conclusion

The rehabilitation of the transnational railroad network was a driving force in the United States and Mexican governments' decision to create a railroad guest worker program. The railroads allowed for the rapid transportation of troops, goods, war materiel and workers for the prosecution of a two-front war. By co-sponsoring a state-sanctioned guest worker program, the two governments hoped to satisfy their own interests. The United States needed labor, and Mexico wanted to take advantage of the war economy. At the same time, the U.S. railroad industry's specific demands for Mexican labor influenced the policy decision made by these two governments.<sup>58</sup> The railroad bracero program enabled the United States to control the influx of Mexican workers, appeased U.S. railroad companies' demands for Mexican labor, and extended health rights to guest workers in the American workplace.

The most striking aspect of the contracts was the inclusion of principles from Mexico's Federal Labor Law. By requiring that Mexican guest workers have access to state and federal laws regarding occupational disease and accidents, the contracts incorporated Mexican guest workers into U.S. labor law. The protection of braceros under U.S. labor law, vis-à-vis Mexican law, anticipated the question of jurisdiction that the Mexican government had encountered with the Pullman Company.

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<sup>58</sup> It should also be noted that during World War II the United States recruited, albeit in smaller numbers than in the bracero program, guest workers from Jamaica, Costa Rica, Barbados, British Honduras, the Bahamas, and Newfoundland, Canada. See Julia Henderson, "Foreign Labour in the United States during the War," *International Labour Review* 52 (1945): 610-1; Cindy Hahamovitch, *No Man's Land: Jamaican Guestworkers in America and the Global History of Deportable Labor* (Princeton: Princeton University Press, 2011).

The three contracts structuring the program embodied the expectations of business and states in the program. On the one hand, the Mexican worker was valued for his status as temporary, able-bodied worker. The physician examinations mandated in the contracts were used as a tool for selecting only useful workers into the program. The labor contract codified the identity of a bracero as healthy and able-bodied. On the other hand, the Mexican worker was entitled to health rights in the workplace. The Mexican state had a stake in protecting the rights of its citizen-workers laboring abroad. For the United States, the provisions entitling guest workers to hygienic living conditions helped to regulate the large numbers of temporary workers moving back and forth across the border.

The broad language of the provisions allowed for a certain amount of flexibility in how individuals perceived, negotiated and regulated bracero health. As Mexican guest workers navigated the world of the railroad bracero program, they encountered state actors and railroad agents interested in their health. When railroad braceros experienced injury and illness, the interests of business, states, and the workers themselves converged to negotiate the meanings of bracero health, and transform their expectations of the program into a reality. It was through these debates over bracero health that business, states, and workers would realize the three contracts were not self-defining. The next chapter examines how railroad companies navigated the limits placed on their autonomy by the employer contract to minimize operational costs and manage a productive labor force.

### Chapter 3

#### **The Making and Unmaking of Bracero Health: American Railroads, Injury Culture and the Employer Contract**

After missing nine days of work because of a bad cough, Mexican guest worker Geronimo Sipriana-Ambrosia visited the Pennsylvania Railroad's company physician in Fort Wayne, Indiana—65 miles northwest of Sipriana-Ambrosia's camp in Lima, Ohio.<sup>1</sup> Company physician D.W. English discovered that Sipriana-Ambrosia's right lung was filled with fluid and concluded that the condition may have been a result of bronchiectasis or tuberculosis.<sup>2</sup> On August 18, 1944—a week after Sipriana-Ambrosia's visit with Dr. English—company physician Walter Aye of Chicago confirmed English's x-ray analysis, stating that the consolidation in the right lung “may be tuberculosis.” Dr. Aye concluded that Sipriana-Ambrosia was “disabled” and suggested that he “be returned to Mexico as soon as possible.”<sup>3</sup> On August 31, the United States Employment Service (USES) approved the Pennsylvania's request to terminate Sipriana-Ambrosia's labor contract on the grounds that he was “unable to perform his duties due to his illness.”<sup>4</sup> According to the Pennsylvania's records, Sipriana-Ambrosia made a personal appearance at the USES office in Lima, Ohio, where he signed a statement “to the fact that illness

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<sup>1</sup> In several instances, the Pennsylvania records spell “Sipriana” as “Cipriana.” A.W. Duke to C.G. Grove, 17 August 1944, box 432, Pennsylvania Railroad Collection, Operating Department, vol 7, General Manager of the Western Region, RG 10R, Hagley Library and Archive.

<sup>2</sup> Bronchiectasis is a condition (sometimes congenital) where the airways are widened, scarred and thickened, making it progressively difficult for the airways to remove mucus. Consequently, mucus build-up may occur leading to infection and further damage to the airways. D.W. English to H.L. Basinger, 17 August 1944, box 432, Pennsylvania Railroad Collection, Operating Department, vol 7, General Manager of the Western Region, RG 10R, Hagley Library and Archive.

<sup>3</sup> Dr. Walter Aye to C.G. Grove, 18 August 1944, box 432, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive.

<sup>4</sup> C.G. Grove to J.W. Sanders (USES), 22 August 1944, box 432, Pennsylvania Railroad Collection, Operating Department, vol 7, General Manager of the Western Region, RG 10R, Hagley Library and Archive.

prevent[ed] him from performing his necessary duties.” Sipriana-Ambrosia’s labor contract was subsequently cancelled and he was returned to Mexico on September 5.<sup>5</sup>

It seems reasonable that the railroad company would want to cancel the labor contract of a worker who “*may have tuberculosis [emphasis mine].*” Contagious disease posed a threat not only to others in the workplace, but the wider community as well.<sup>6</sup> Perhaps more important is the fact that the railroad did not cancel Sipriana-Ambrosia’s labor contract on its own. It was the USES that terminated Sipriana-Ambrosia’s contract based on the petition it received from the Pennsylvania Railroad.<sup>7</sup> The USES based its decision on an investigation of evidence—company physician reports—that the railroad submitted with its petition.<sup>8</sup> The railroad company, therefore, held great influence in the outcome of the petition because it had formulated the evidence. This chapter investigates how, and to what end, railroad companies constructed the health status of Mexican workers in the railroad bracero program.

Each railroad company signed an employer contract with the War Manpower Commission that outlined the company’s rights and responsibilities to Mexican contract-laborers. The U.S. Railroad Retirement Board—an independent agency of the U.S.

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<sup>5</sup> J.W. Saunders, USES Determination Report regarding Geronimo Sipriana-Ambrosia, 31 August 1944, box 432, Pennsylvania Railroad Collection, Operating Department, vol 7, General Manager of the Western Region, RG 10R, Hagley Library and Archive.

<sup>6</sup> For more on tuberculosis in American society, see Barbara Bates, *Bargaining for Life: A Social History of Tuberculosis, 1876-1938* (Philadelphia: University of Pennsylvania Press, 1992); Sheila M. Rothman, *Living in the Shadow of Death: Tuberculosis and the Social Experience of Illness in American History* (New York: Basic Books, 1994); Georgina D. Feldberg, *Disease and Class: Tuberculosis and the Shaping of Modern North American Society* (New Brunswick: Rutgers University Press, 1995).

<sup>7</sup> During World War II, the U.S. Employment Service was under the umbrella agency of the War Manpower Commission. The USES was responsible for coordinating employment efforts in all industries, but especially war industries.

<sup>8</sup> J.W. Saunders, USES Determination Report regarding Geronimo Sipriana-Ambrosia, 31 August 1944, box 432, Pennsylvania Railroad Collection, Operating Department, vol 7, General Manager of the Western Region, RG 10R, Hagley Library and Archive.

executive branch established in 1935 as a social insurance program for railroaders—acted as a liaison between individual railroad companies and the War Manpower Commission. American railroads sought to navigate the limits the employer contract placed on their autonomy. Companies participating in the guest worker program had a two-fold objective: maintain an able-bodied workforce, and minimize operational costs. A tractable, able-bodied and cheap labor force would enable railroad companies to improve efficiently, and effectively, the condition of U.S. tracks and facilitate war transportation.<sup>9</sup> One of the ways railroad companies aimed to achieve this goal was to regulate the health status of Mexican workers. Railroad companies had an established system in place to deal with the regulation of health and safety in the workplace (industrial medicine) and the settlement of injury claims. Relying on the medical authority of company physicians and other railroad reports, railroad companies defined worker health in such a way that minimized the costs of compensation and medical services, and preserved the order and safety of the workplace.<sup>10</sup> In these endeavors, railroad companies were especially

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<sup>9</sup> At the onset of World War II, American railroad companies feared a government takeover of rail operations. This mentality came out of railroad managements' experience in WWI. President Roosevelt accommodated the wishes of the railroads, and allowed them to maintain control of their operations. See John F. Stover, *The Life and Decline of the American Railroad* (New York: Oxford University Press, 1970); Walker D. Hines, *War History of American Railroads* (New Haven: Yale University Press, 1928); Alfred D. Chandler, *The Railroads, the Nation's First Big Business: Sources and Readings* (New York: Harcourt, 1965).

<sup>10</sup> Mark Aldrich, "Train Wrecks to Typhoid Fever: The Development of Railroad Medical Organizations, 1850 to World War I," *Bulletin of the History of Medicine* 75 (2001): 254-89; Jennifer Gunn, "Factory Work for Doctors: The Early Years of the Section Industrial Medicine and Public Health of the College of Physicians of Philadelphia," *Transactions and Studies of the College of Physicians of Philadelphia* V, no. 17 (1995): 61-93; Barbara Young Welke, *Recasting American Liberty: Gender, Race, Law, and the Railroad Revolution, 1865-1920* (Cambridge: Cambridge University Press, 2001); Henry J. Short, *Railroad Doctors, Hospitals, and Associations: Pioneers in Comprehensive Low Cost Medical Care* (Lakeport, Cal.: Shearer/Graphic Arts, 1986); William Thomas, *Lawyering for the Railroad: Business, Law, and Power in the New South* (Baton Rouge: Louisiana State University Press, 1999); James W. Ely, *Railroads and American Law* (Lawrence: University Press of Kansas, 2002); Mark Aldrich, *Death Rode the Rails: American Railroad Accidents and Safety, 1828-1965* (Baltimore: Johns Hopkins University Press, 2006).

interested in constructing, and regulating, health in terms of: contagious disease, illness, disability, mental disease, and injury.

While railroad companies maintained a strong influence over the diagnostic protocol used by their company physicians, they did not have direct authority to alter the immigrant medical examination Mexican nationals were subjected to during the recruitment phase in Mexico. When Mexican workers began to show signs of sickness upon their first few days of work in the United States, railroad companies began to question the efficacy of the immigrant medical exam. At stake for railroad companies were the costs of providing workers with access to medical care and accident compensation, an obligation imposed upon companies in the employer contract. Differences in how railroad companies and the U.S. Public Health Service defined and measured health led to a series of conflicts, which I have termed “accountability debates.”

It was through the process of navigating the contractual limits to their autonomy, I argue, that railroad companies made and unmade the health status of Mexican workers in the American workplace.<sup>11</sup> Scholar Elaine Scarry investigates how the pain inflicted on the body contains causes an individual’s world (psyche and body) to be “unmade.” I draw from Scarry’s phrase of “making and unmaking” to convey that the bracero health experience was profoundly shaped by railroad companies’ exercise of power to define health and injury. In Sipriana-Ambrosia’s case, he had been accepted into the guest worker program as a “healthy” worker after he had passed the immigrant medical

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<sup>11</sup> Scarry also offers a discussion on how an individual’s world is “made” through “acts of creativity” such as poetry, art, language and religion. Elaine Scarry, *The Body in Pain: The Making and Unmaking of the World* (New York: Oxford University Press, 1985).

examination during recruitment. However, during his term of employment with the Pennsylvania Railroad, he was diagnosed with tuberculosis and considered by the company physician to be a “disabled” worker. The medical label of disability, in conjunction with the medical diagnosis of tuberculosis, allowed for a particular consequence—contract termination. Railroads, and their physician employees, reached medical conclusions (diagnoses) that benefitted their own interests. In doing so, American railroad companies mediated the health identity, and ultimately health rights, of Mexican guest workers.

### **I. Accountability Debates: Recruitment and the Immigrant Medical Inspection in Mexico**

In theory, immigrant medical inspection functioned to prevent the admission of Mexican nationals suffering from what the U.S. Public Health Service (USPHS) defined as “loathsome or contagious disease” into the railroad bracero program, and the United States more broadly. In practice, however, immigrant medical examinations often failed to provide what railroad companies believed was an accurate assessment of the Mexican national’s health condition. The immigrant medical exam, railroad companies believed, served as a vital tool for certifying that only “healthy” Mexican nationals signed labor contracts. When Mexican guest workers became ill or suffered an injury within the first month of fulfilling their labor contracts, railroad companies began to question the recruitment process and the protocol being used during the medical examinations.

Several issues drove railroad companies’ concern over the arrival of Mexican workers who showed signs of illness or a limited ability to perform work. First, railroad

companies did not want a worker with contagious disease in the workplace or labor camps because he posed a threat to the well-being of other workers. Second, railroad companies did not want to hire a worker who was prone to injury, because if the worker injured himself on the job, then the railroad company was liable for accident compensation. For these reasons, railroad companies were highly invested in recruiting “healthy” workers—individuals who were able-bodied, contagion-free, and a low-risk for injury.

Railroad companies, however, did not have any direct control in defining how the immigrant medical exam measured health during the recruitment process.<sup>12</sup> What followed was a series of accountability debates—deliberations fraught with the language of obligation and accountability—between railroad companies, the USPHS, and the War Manpower Commission (WMC) concerning the efficacy of immigrant medical exams. Ultimately, railroad companies did not affect substantial change in immigrant inspection protocol. However, these debates do make clear that railroad companies were very much engaged in the process of negotiating how Mexican workers’ health should be measured and defined at the border and across it.

The case of Jose Muñoz Valenciano highlights how the spatially divided and expansive nature of the U.S. state—U.S. Public Health Service, War Manpower Commission—posed complications in the transnational regulation of health in the

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<sup>12</sup> According to scholar Barbara Driscoll, the recruitment process did allow for the Railroad Retirement Board representatives to “see if [the Mexican candidate] was fit for railroad work,” but the archival evidence identifying the procedures used by these representatives remains to be uncovered. The inaccessibility of railroad records is in large part due to the fact that many corporate records and Railroad Retirement Board records are private or restricted in access (due to the sensitive nature of individual worker information in the files). In any case, individual railroad companies were still faced with the problem of Mexican guest workers arriving to the United States with various health conditions. Driscoll, *The Tracks North*, 82-6.

railroad program.<sup>13</sup> When Valenciano injured his leg on October 12, 1944, the Baltimore and Ohio Company promptly began an inquiry into Valenciano's medical history to assess the company's liability. The Baltimore and Ohio Company's official injury report uncovered that Valenciano severely injured his right leg when he fell off a horse in 1936; he spent eight to nine months recovering in a hospital. The report further indicated that Valenciano's right knee bore an old but rather large operative scar. The discovery of Valenciano's pre-existing leg condition was enough to motivate the Baltimore and Ohio to submit a petition to the U.S. Employment Service (USES) for a release of liability.

John C. Coates, Chief of the U.S. Bureau of Placement, promptly handled the Baltimore and Ohio's petition by requesting Valenciano's medical records from the WMC office in Mexico City. These medical records, Coates presumed, would include an overview of Valenciano's pre-employment physical examination conducted by U.S. Public Health physicians in Mexico.<sup>14</sup> Coates' assumption about medical record keeping stemmed from his broader understanding of the U.S. Public Health Service as an agency that practiced scientific management and record keeping. Within this scope, the immigrant medical inspection was a powerful tool of scientific measurement and classification of the immigrant body. The health status of the immigrant was thus made tangible through USPHS records, which defined an individual as either "healthy" or

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<sup>13</sup> For more on the structure of the bracero program and the role of the U.S. state in administering the program, see Kitty Calavita, *Inside the State: The Bracero Program, Immigration, and the I.N.S.* (New York: Routledge, 1992); Richard B. Craig, *The Bracero Program: Interest Groups and Foreign Policy* (Austin: University of Texas Press, 1971).

<sup>14</sup> John Coates to Churchill Murray, 3 November 1944, box 8, Office Files of the Foreign Labor Section representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, Washington, DC.

“unhealthy.”<sup>15</sup> As the Baltimore and Ohio’s petition reflects, American railroads sought to play a vital role in directing the process of surveillance—a process that was not (and is not) confined to geopolitical borders.<sup>16</sup>

The response from the USPHS office in Mexico City proved to be unsettling for both Coates and the Baltimore and Ohio. The overwhelming number of Mexican nationals being processed at the Migration Station in Mexico City forced the U.S. Public Health Service to prioritize the “completeness of the examination rather than...the keeping of records.” The limited budget of the U.S. Public Health Service further hindered their ability to hire the additional personnel necessary to maintain medical records. Only accepted candidates had their physical examinations documented. These records existed in minimal form on a blue card, with the initials of the examining physician indicating the candidate’s successful passage of the medical exam. The blue cards were then sent to the Regional Office of the Railroad Retirement Board in the United States.<sup>17</sup> The Alien Laborer’s Identification Card (I-100) also included the

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<sup>15</sup> Amy L. Fairchild, *Science at the Borders: Immigrant Medical Inspection and the Shaping of the Modern Industrial Labor Force* (Baltimore: Johns Hopkins University Press, 2003); Alan M. Kraut, *Silent Travelers: Germs, Genes, and the "Immigrant Menace"* (Baltimore: Johns Hopkins University Press, 1995).

<sup>16</sup> Historian John McKiernan-Gonzalez has argued that “medical borders” do not coincide with geopolitical borders. USPHS’s health surveillance extended beyond the U.S.-Mexico border in ways that made “medical borders” tangible to residence in the Texas borderlands. See John McKiernan-Gonzalez, *Fevered Measures: Public Health and Race at the Texas-Mexico Border, 1848-1942* (Durham: Duke University Press, 2012).

<sup>17</sup> Churchill Murray to John Coates, 21 November 1944, box 8, Office Files of the Foreign Labor Section representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, Washington.

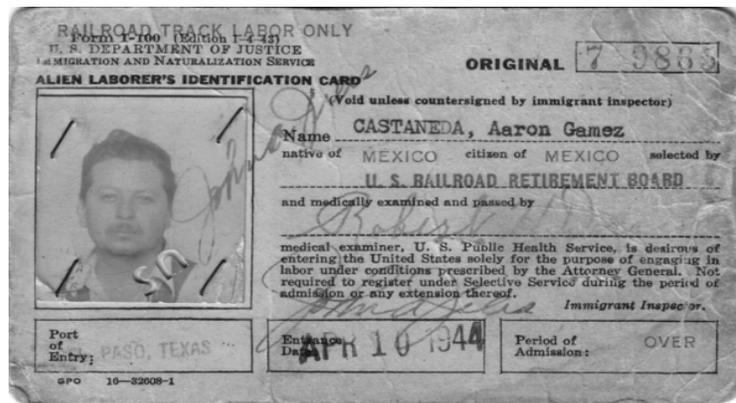


Figure 3.1 Alien Laborer's Identification Card (I-100) belonging to railroad guest worker Aaron Gamez Castañeda. Note that the U.S. Railroad Retirement Board "selected" Castañeda, and the U.S. Public Health Service medically examined Castañeda. Source: Aaron Castañeda Gamez, "Identification Card," in Bracero History Archive, Item #512, <http://braceroarchive.org/items/show/512> (accessed June 20, 2012).

signature of the examining physician. The stamp of the U.S. Railroad Retirement Board (RRB) indicates that an RRB representative was present at the Migratory Center to oversee the recruitment process. The administrative protocol for bracero selection, however, did not authorize the RRB to alter the diagnostic protocol used by the U.S. Public Health Service during the immigrant medical inspection. Upon contract expiration and repatriation, the I-100 card was to be returned to the Immigration Service at the U.S.-Mexico border [Figure 3.1].

Although WMC representative Churchill Murray could not speak to the specific details of Valenciano's physical examination, he was able to offer Coates insight into the diagnostic protocol followed by doctors in cases where candidates exhibited old, healed scars:

The only test in a case of this nature is whether the leg is functioning properly. If it is, the candidate is accepted, just as he would in the [U.S.]

Army or Navy. Naturally, if the candidate had described the full history of his case a different decision might have been given.<sup>18</sup>

The parallel Murray makes to selective service regulations is striking. Both the railroads and the military faced the pressure of meeting manpower quotas. This meant that the examining physicians of the U.S. Public Health Service and military physicians were similarly confronted with the daunting task of determining the health status of large numbers of men on a daily basis. Although these men would be performing different tasks in disparate environments, both Mexican candidates and U.S. military men had to be “able-bodied” and as such had comparable physical fitness standards for admissibility into their respective programs (military service and labor program). Similar to the selective service induction, immigrant medical inspection required an examination of the cardiovascular system; eyes, ears, nose, throat and mouth; and musculoskeletal system. A screening for venereal disease, tuberculosis and mental disorders was also conducted. An unquestionable distinction between these medical examinations was the manner in which they were conducted. Mexican nationals who went through the medical examination at the U.S.-Mexico border have discussed the dehumanizing nature of the process, comparing the delousing experience to being “fumigated like animals.”<sup>19</sup>

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<sup>18</sup> Churchill Murray to John Coates, 21 November 1944, box 8, Office Files of the Foreign Labor Section representative in Mexico, Records of the War Manpower Commission, National Archives, Washington, DC.

<sup>19</sup> Annette Shreibati, "Ismael de Jesús Villalba Carrasco," in Bracero History Archive, Item #329, <http://braceroarchive.org/items/show/329> (accessed June 12, 2012). Other bracero scholars have also noted that the medical examination process was a particularly traumatic experience for Mexican workers, and Mexican migrants more broadly. Dennis Nodin Valdes, *Al Norte: Agricultural Workers in the Great Lakes Region, 1917-1970* (Austin: University of Texas Press, 1991); Ronald Mize, *Consuming Mexican Labor: From the Bracero Program to NAFTA* (Toronto: University of Toronto Press, 2011). The immigrant medical experience varied greatly depending on the port of entry. See, Alison Bateman-House and Amy Fairchild, “Medical Examination of Immigrants at Ellis Island,” *Virtual Mentor* 10 no. 4 (April

During the first two years of the war, the selective service followed these stringent physical standard regulations, excluding men on the basis of acute venereal disease, mild neurotic trends and acute personality disorders. The War Department created these strict physical standards in order to decrease the costs paid in healthcare, pensions and retirement benefits, and the burden placed on the medical department. However, by April 1944, the military faced a depleted manpower situation and had to lower its physical standards, inducting the less fit as well as the fittest. With the relaxation of regulations, the diagnostic protocol used by local boards and army induction examiners shifted to emphasize the ability of an inductee to physically perform military duties—minor mental disorders and acute venereal disease, the War Department determined, had no affect an individual’s ability to fight in a war.<sup>20</sup> This protocol, as Murray pointed out, was comparable to the one used by U.S. Public Health officials in the railroad program. If the diagnostic protocol was good enough for the War Department, Murray insinuated, then it was more than well-suited for the railroad program.

The International Agreement, signed between the Mexican and U.S. states, charged U.S. Public Health officials with the task of administering an immigrant health inspection in Mexico. The U.S. Public Health Service’s central mission was to prevent the entrance of disease into the United States. The expediency of physical examinations enabled the U.S. state to restrict the entrance of “undesirable” people, or individuals who

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2008): 235-41.

<sup>20</sup> During the first two years of the war, the psychiatric screening for selective service was stringent; however, by 1944 the regulations had become lax as the need for more manpower had increased. Gertrude Johnson, "Manpower Selection and the Preventive Medicine Program," in *Preventive Medicine in World War II*, vol. III, ed. Ebbe Curtis Hoff (Washington, D.C.: The Surgeon General, United States Army, 1955); U.S. War Department, *Selective Service Regulations: Volume Six Physical Standards* (Washington, D.C.: U.S. War Department, 1940).

would not make good citizens and/or able-bodied laborers.<sup>21</sup> An individual might be considered undesirable if he or she had: a “loathsome or contagious disease”; a mental condition such as insanity or epilepsy; a disease that might “affect ability to earn a living”; or a disease that rendered the immigrant “likely to become a public charge”.<sup>22</sup>

The diagnostic protocol emphasized by the USPHS during immigration exams was the physician’s gaze, or the conviction that disease was written on the body.<sup>23</sup> Although this approach is currently considered by health professionals to be more than inadequate because of its reliance on racial profiling instead of “modern medical procedure,” this diagnostic technique was regarded by public health officers to be the most effective means of examining immigrants quickly. That the U.S. public health service would certify Valenciano as healthy in spite of the old, healed scar above his right knee was consistent with their public health mission. The Baltimore and Ohio, however, had a different understanding of how the physical examination should be used in measuring health.

Railroad companies expected the immigrant medical exams to operate on a similar level as the War Department had at the beginning of the war—they wanted to only be responsible for the individuals most fit to perform labor.<sup>24</sup> Like the War Department, the railroads did not want to be held accountable for medical bills and compensation to individuals who already had health problems. A worker with pre-

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<sup>21</sup> Fairchild, *Science at the Borders*, 9-14.

<sup>22</sup> *Ibid.*, 34-7.

<sup>23</sup> McKiernan-Gonzalez, *Fevered Measures*, 198-235; Fairchild, *Science at the Borders*, 83-118; Kraut, *Immigrant Menace*, 67-71; Anna Pegler-Gordon, *In Sight of America: Photography and the Development of U.S. Immigration Policy* (Berkeley: University of California Press, 2009), 112-20.

<sup>24</sup> Chapter 4 examines the relationship between war work and the work performed by Mexican nationals on railroads.

existing conditions, railroads presumed, held a higher risk of claiming health benefits and medical resources. For the railroads this meant a physical examination should function not only as public health screening, but also as a pre-employment physical.

Beyond the railroad bracero program, railroad management used the pre-employment physical to classify a worker in terms of physical fitness, and to assess a worker's risk of injury. A central component of the pre-employment physical was the acquisition of a recruit's medical history, which was contingent upon the cooperation of the recruit himself. A potential employee with a medical history that included a previous injury would, from the perspective of the railroad company, be a high-risk for (re)injury.<sup>25</sup> The Baltimore and Ohio, however, did not have the authority to recast the immigrant medical inspection into a medical examination that functioned as a pre-employment physical. The immigrant medical examination in the railroad bracero program, therefore, functioned as tool for measuring Mexican health based on the interests of the U.S. Public Health Service. Based on both the physical health standards of the U.S. Public Health Service and the War Department, Valenciano had been admitted into the program as a healthy, able-bodied Mexican worker. As a result, the Baltimore and Ohio remained liable for Valenciano's medical care.<sup>26</sup>

American railroad companies not only questioned the diagnostic protocol of immigrant medical inspections, but also the professional judgment of physicians

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<sup>25</sup> Railroad management's use of pre-employment physical examinations developed in tandem with the professionalization of industrial physicians. See Gunn, "Factory Work for Doctors: The Early Years of the Section Industrial Medicine and Public Health of the College of Physicians of Philadelphia," 84-90.

<sup>26</sup> Churchill Murray to John Coates, 21 November 1944, box 8, Office Files of the Foreign Labor Section representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, Washington, DC.

administering the examinations in Mexico. Communication between the WMC offices in Washington DC and Mexico City illustrates railroad companies' frustration over the recruitment of individuals showing the symptoms of contagious disease. In one case, a representative of the New York, New Haven, and Hartford Railroad Company contacted John D. Coates regarding an epidemic of tuberculosis and syphilis among Mexican railroad workers, particularly among those recruited on April 9, 1945. The company physician identified the syphilitic cases to be long standing, indicating that medical examinations given in Mexico had not been very thorough. Writing to Churchill Murray in Mexico City, Coates conveyed his desire "to prevent a recurrence of any carelessness which may have occurred."<sup>27</sup> Coates remained intent on discussing these oversights with the U.S. Public Health Service.

Special representative E.N. Sunderland of the Western Association of Railway Executives expressed similar concerns—on behalf of the General Superintendent Beals of the Florida East Coast Railway Company—directly to senior surgeon Dr. Gregory J. Van Beeck of the U.S. Public Health Service in Querétaro, Mexico.<sup>28</sup> Beals claimed he had "received seventy replacement braceros," one of which had "a very active case of pulmonary tuberculosis...and [was] absolutely unfit for service."<sup>29</sup> Echoing the

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<sup>27</sup> Memorandum, John Coates to Churchill Murray, 9 May 1945, box 8, Office Files of the Foreign Labor Section representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, Washington, DC.

<sup>28</sup> The Western Association of Railway Executives (WARE) was an industry organization that represented the interests of railroad management. In this case, a representative of WARE was contracted to represent the interest of the Florida East Coast Railway Company.

<sup>29</sup> Beales quoted in Correspondence, E.N. Sunderland to Gregory J. Van Beeck, 13 March 1945, box 8, Office Files of the Foreign Labor Section representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, Washington, DC. In this correspondence Beals refers to a physical examination that apparently took place upon the arrival of seventy braceros. This has been the only reference to a physical examination taking place at the point of employment that I have encountered.

sentiments of Coates, Beals wrote, “it is difficult to understand how a man in this condition could pass selection and medical examination in Mexico, and I know that you will wish to caution...due care in the selection of men.”<sup>30</sup> Railroad companies, along with the WMC in Washington DC, grappled with the failures of public health officials to detect what railroad companies believed to be seemingly blatant manifestations of disease.

The case of Luis Torres Mora exemplifies the uncertainties involved in diagnosing health and reveals the impulses of railroad companies to limit their contractual responsibilities. On June 18, 1944 Mora arrived in Niles, Michigan to begin his employment with the New York Central Railroad Company (NY Central). He worked for only one day (June 21) before he began to experience swelling in his legs and feet. After his first day of work, he visited company physician R.S. Waterson, who attributed the recent swelling to “broken arches and flat feet.” As his condition worsened over the course of the next six days, Mora visited a different company physician, Dr. Pritchard, who diagnosed Mora with intestinal influenza and sent him to Mercy Hospital two days later for further examination. After conducting a series of laboratory tests and x-rays, the physicians diagnosed Mora with chronic amoebic dysentery, a highly infectious disease that consequently led to his immediate isolation and termination of his labor contract. L.W. Horning (VP of personnel for NY Central) did not understand how “a man in [Mora’s] condition could have been passed by the Mexican doctors.”<sup>31</sup>

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It may be that the some of the medical programs of railroad companies required a physical examination upon arrival, which would mean at least a third physical examination for braceros.

<sup>30</sup> Ibid.

<sup>31</sup> L.W. Horning to John D. Coates, 5 October 1944, box 8, Office Files of the Foreign Labor Section

Churchill Murray (WMC Mexico City) responded in astonishment to L.W. Horning's blame of Mexican physicians, describing Horning's contention as "absurdity" for two reasons. First, the "Mexican doctors" that Horning referred to were, according to Murray, in fact "high-ranking American physicians sent [to Mexico] by the U.S. Public Health Service." Murray insinuated that L.W. Horning, much like other railroad management, apparently had no understanding of how the recruitment process operated. Second, Mora "received different diagnosis from each of Mr. Horning's own doctors, ranging from flat feet to amoebic dysentery."<sup>32</sup> That Horning would blame the "Mexican doctors" without considering the fault of company physicians speaks to the self-preservationist attitude of the NY Central in seeking to deflect accountability by shifting it to Mexican physicians' alleged incompetence.

While railroad companies persistently challenged health officers' ability to accurately diagnose tuberculosis and other health issues, the U.S. Public Health Service operating in Mexico staunchly attested to the rigorous nature of their physical examinations. Any failings in the recruitment process, they asserted, were due to the inadequate funding for medical equipment, personnel and examining rooms. Responding to the challenges railroads made against the U.S. Public Health Service's medical authority, Dr. Van Beeck stressed that:

the circumstances under which [doctors] must work, particularly the confusion, noise, lack of cooperation of the workers and speed required, [made it] extremely difficult and often impossible to take adequate lung

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representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, Washington, DC.

<sup>32</sup> Churchill Murray to John D. Coates, 19 October 1944, box 8, Office Files of the Foreign Labor Section representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, Washington, DC.

diagnoses...If, as nearly as the doctors can determine under the circumstances, the breathing is normal and the lungs sound clear, the workers are passed. On the other hand, depending upon what is heard during the few moments at the doctor's disposal, a worker may be rejected outright or he may be requested to return in a few days or a week for further checkup. Even under the best conditions, in many cases the detection of disease of the lungs by ordinary physical means is difficult and must be supplemented by other means...With only a stethoscope to rely on, it is obvious that the results cannot be entirely satisfactory and that a number of cases must be missed.<sup>33</sup>

Dr. Van Beeck captured the hectic environment in which the U.S. Public Health Service was required to work at the Migration Station. With the need to fulfill the monthly labor quotas for the railroad program (on average 7,000 men), the U.S. Public Health Service had no choice but to examine Mexican candidates in a timely fashion, which often meant spending only a few minutes with each recruit. In November 1944 alone, over 10,099 Mexican nationals presented themselves at the Migration Station in Querétaro to apply for the railroad bracero program. Of these men, 10% (942 men) were rejected. By the first week of December, 7,381 Mexican men had been transported to their place of employment in the United States, 290 men were awaiting transport, and 1,546 of the accepted men had not reported for their scheduled date of departure [Table 3.1]. Dr. Van Beeck and his staff were expected to examine all of the Mexican candidates efficiently and effectively in order to make sure each train (8 per month) to the United States was at capacity (~850 men) to meet the labor quota.<sup>34</sup>

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<sup>33</sup> Gregory J. Van Beeck to E.N. Sunderland, 15 March 1945, box 8, Office Files of the Foreign Labor Section representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, Washington, DC.

<sup>34</sup> Driscoll, *The Tracks North*, 87.

**Table 3.1 Mexican Applicants for  
Railroad Program in November 1944**

<i>Total Number of Applicants</i>	<i>Accepted</i>	<i>Rejected</i>	<i>Transported to U.S.</i>	<i>Awaiting Transportation</i>	<i>Did not report for scheduled transport</i>
10,099	9,157	942	7,381	230	1,546

*Source:* Murray to STPS Luis Fernandez del Campo, 5 December 1944, box 5, Files of War Manpower Commission Representative in Mexico City, Records of the War Manpower Commission, RG 211, National Archives College Park.

With only a stethoscope to examine the lungs, Dr. Van Beeck argued, an accurate diagnosis could not be made. Van Beeck further cited the noise and lack of cooperation from Mexican candidates as external factors complicating the examination process. The addition of medical technology such as an x-ray machine, Dr. Van Beeck asserted, would greatly improve the efficacy of tuberculosis screenings. Interestingly, Dr. Van Beeck had made several requests to purchase an x-ray machine to test for pulmonary tuberculosis, a device utilized by the War Food Administration in the processing of Mexican candidates for the agricultural bracero program; however, Van Beeck's requests had been consistently denied by the War Manpower Commission and the Railroad Retirement Board.<sup>35</sup> Van Beeck finally received authorization to purchase and use an x-ray machine in the first week of August 1945, the same month that recruitment for the railroad program ceased due to the end of the war.

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<sup>35</sup> John D. Coates to Churchill Murray, 27 July 1945, box 8, Office Files of the Foreign Labor Section representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, Washington, DC. Interestingly, the RRB (Mr. Holler) had recently begun to consider the use of the device, while the WMC (Murray) appeared to still be opposed to the use of the x-ray machine.

The U.S. Public Health Service also had to deal with internal conflicts between health officers operating in Mexico City and in the United States. On April 28, 1944, a railroad bracero with smallpox arrived in Orange County California for work on the Southern Pacific Railroad. This man was vaccinated in Mexico on April 20 and placed on a train with 881 other Mexican nationals to the United States that same day. According to the U.S. Public Health Service reports, this Mexican guest worker developed symptoms of smallpox during the time that he was crossing the Mexico-U.S. border on April 24. The day before he arrived at his camp on April 27 he suffered from an eruption of smallpox. He was placed in isolation at the Communicable Disease Pavilion until the California State Department of Public Health confirmed that he had a case of smallpox, modified by vaccination.<sup>36</sup> W.T. Harrison, medical director in San Francisco, determined from USPHS physician Edward Lee Russell's smallpox case report that "sufficient precautions [were] not being taken in Mexico City prior to the departure of these Nationals for the United States." On two occasions during 1944 a particularly dangerous strain of smallpox—in that the concurrent vaccination did not protect against it—had entered the United States from Mexico. Consequently, Harrison highly recommended to U.S. Surgeon General Thomas Parran that "Mexican Nationals not be permitted to enter the United States until the fact of their immunity is established either by an immune reaction following the use of a known potent vaccine or by the

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<sup>36</sup> Edward Lee Russell, MD, "Smallpox," 3 May 1944, box 474, File 0424 Mexico (smallpox), USPHS Central Files, RG 90, National Archives, College Park.

completion of the course of vaccinia.”<sup>37</sup> The Foreign Quarantine Division of the U.S. Public Health Service, however, felt differently.

Medical director of the Foreign Quarantine Division G.L. Dunnahoo disagreed with Harrison’s recommendation based on the practicality of the U.S. Public Health Service’s situation in Mexico. Mexican candidates received a smallpox vaccination at the onset of the medical examination, which, Dunnahoo notes, was a “good opportunity to further the vaccination program even though the laborer is often subsequently rejected.” There was often a long interval between the time of vaccination and the actual transport of the contracted Mexican national to the United States.<sup>38</sup> This interval, Dunnahoo contended, resulted in Mexican nationals’ return home where they would “again pick up lice or to contract a venereal disease following acceptance.” Dunnahoo dismissed Harrison’s suggestion to detain Mexican nationals for a longer period of time because he believed that “this imported labor [was] considered essential to our food production and maintenance of railways...[therefore] it [would] seem impractical to detain these people until the expiration of the incubation period of the various infections.” Although this procedure would lead to the occasional accidental case, the Foreign Quarantine Service concluded, “the best overall good is accomplished by getting the laborers out of their native surroundings as quickly as possible following their acceptance.”<sup>39</sup>

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<sup>37</sup> W.T. Harrison to Surgeon General Thomas Parran, 5 May 1944, box 474, File 0424 Mexico (smallpox), USPHS Central Files, RG 90, National Archives, College Park.

<sup>38</sup> For more on smallpox vaccination and Mexican immigration, see Michael Willrich, *Pox: An American History* (New York: The Penguin Press, 2011), 255-7; McKiernan-Gonzalez, *Fevered Measures*, chapter 6.

<sup>39</sup> USPHS Medical Director of Foreign Quarantine Service G.L. Dunnahoo to USPHS Medical Director in San Francisco W.T. Harrison, 9 May 1944, box 474, File 0424 Mexico (smallpox), USPHS Central Files, RG 90, National Archives, College Park.

The spatially divided and expansive nature of U.S. state agencies resulted in oversights regarding the medical personnel and technology necessary for effectively examining Mexican candidates. The increasing concern over identifying the health and fitness of prospective track workers led to the Pan American Union's interest in becoming involved with the program's health administration. Established at the turn of the twentieth century, the Pan American Union's mission was to promote international cooperation, economic trade, and cultural relations across the American republics. Ernesto Galarza served as chief of the Division of Labor and Social Information at the Pan American Union, during which he devoted much of his time to revealing, and correcting, the abuses and discrimination endured by agricultural and railroad braceros.

On April 20, 1944, the Pan American Union held a conference in Washington D.C. to discuss the establishment of a serological lab in San Luis Potosí, Mexico, to aid in the detection of syphilis among railroad braceros. San Luis Potosí was the location of a new Migratory Station established specifically for the recruitment of railroad braceros.<sup>40</sup> The addition of a serological lab, the Pan American Union argued, would therefore improve the accuracy in which examining physicians could detect syphilis.<sup>41</sup> Present at the conference were War Manpower Commission representatives, and physicians representing the Pan American Union and the U.S. Public Health Service. The War Manpower Commission agreed to financially support the establishment and operation of a serological laboratory following pressure from individual railroad

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<sup>40</sup> Prior to April 1944, both railroad and agricultural braceros had to report to the stadium in Mexico City for recruitment.

<sup>41</sup> Prospective workers that were diagnosed with syphilis were rejected from the program. They did not receive treatment.

companies concerned with the failure of the U.S. Public Health Service to detect venereal disease.

The plan for the serological lab called for blood tests to be conducted by not just medical officers from the U.S. Public Health Service, but also Pan American Union representatives who had volunteered to assist in the operation of the serological laboratory. The goal was to reduce the number of Mexican men admitted to the railroad program by subjecting all Mexican applicants to a blood test for syphilis (Wassermann test). The U.S. public health officers would then decide admissibility based on the directives outlined in the Foreign Quarantine Circular No. 68, revised March 12, 1942. Dr. Otis L. Anderson, assistant chief of the USPHS venereal disease division, explained that Circular No. 68 would “cause a rejection of all prospective candidates who have a venereal disease in an infectious stage as evidenced by genital lesions or urethral discharge. When serological evidence of syphilis exists without any other manifestations, it is recommended that all such individuals over the age of 25 or whose disease can be determined to be of four years duration or less, be excluded.”<sup>42</sup> The U.S. Public Health records indicate that the plans for the serological lab did not come to fruition as a result of the Migratory Station being relocated in June 1944 from San Luis Potosí to Querétaro, where it remained for the duration of the railroad program.<sup>43</sup> USPHS Circular No. 68, on the other hand, continued to be used as a directive for determining the admissibility of Mexican nationals with syphilis.

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<sup>42</sup> USPHS Internal report, Senior Surgeon Dr. Otis L. Anderson, “Conference at Pan American Union Washington DC,” 22 April 1944, box 474, File 0425 Mexico, General Classified Files of the Public Health Service, RG 90, National Archives, College Park. The significance of the age limit is unclear in the historical record.

<sup>43</sup> The distance between these two cities is approximately 145 miles.

While the U.S. Public Health files do not explicitly discuss the logic behind this Foreign Circular, it can be inferred that the changes in the War Department's standards for admissibility affected how the USPHS chose to screen for venereal disease in the railroad bracero program. Both the War Department and USPHS made the decision to identify venereal disease as a medical category that did not, in most cases, affect an individual's able-bodiedness.<sup>44</sup> American railroad companies, on the other hand, defined venereal disease and other health conditions based on a set of interests that privileged maintaining labor productivity and order in the workplace.

## **II. Transforming Behavior into a Medical Category: Health and Order in the Workplace**

The employer contract gave individual railroad companies the authority to request the cancellation of guest worker contract if the worker was "suffering from a heart, mental or venereal disease."<sup>45</sup> Neither the bracero labor contract nor the employer contract, however, offered instruction on which categories of mental and venereal disease mandated contract termination. In many ways, railroad companies adopted the tenets of U.S. immigration policy for the purpose of maintaining a viable workforce.

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<sup>44</sup> Amy Fairchild discusses the struggles of the USPHS to define syphilis as an exclusionary category. For Fairchild, the main problem was forging a strong connection between industrial citizenship (labor productivity) and syphilis. Contributing to this struggle was the lack of diagnostic testing that could accurately identify syphilis. See, Fairchild, *Science at the Borders*, 172-9.

<sup>45</sup> Individual Work Agreement, box 1, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives College Park. The three contracts governing the railroad bracero program were self-reinforcing in that the employer contract would cite a provision from the individual worker contract, or vice-versa. For instance, the employer contract stated "the employer may terminate...if the Worker is unable or unwilling to *meet his obligations as provided in the agreement between the Worker and the United States of America*" (emphasis mine). The individual worker contract then expands on possible reasons for contract termination, such as the diagnosis of a mental, heart or venereal disease.

U.S. immigration law demanded the mandatory exclusion of individuals perceived to be idiots, imbeciles, the feeble-minded and the insane (Class A conditions). All other mental conditions fell within the grey area of Class B conditions, which meant that the U.S. Public Health Service could determine exclusion or inclusion at their discretion.<sup>46</sup> Class B conditions suggested that an individual was “likely to become a public charge,” or that the condition was “likely to affect ability to earn a living.” If a worker had a medical condition (as diagnosed by a railroad physician) that affected his labor productivity or made him a high risk for injury, then railroad companies sought to remove the individual from the workforce. The flexibility of “mental disease” as a category of exclusion in U.S. immigration law is echoed in the railroad program.

Individual railroad companies used this vague directive to transform behavior into a medical category that worked to their advantage. On March 27, 1944, bracero Roberto Ramirez-Gomez arrived in Neosho Rapids, Kansas, to work as a track laborer for the Atchison, Topeka, and Santa Fe Railroad (Santa Fe). After an incident in which “several men in the gang at Neosho Rapids...brought out a hot poker and told [Ramirez-Gomez] that he would have to be branded,” Ramirez-Gomez was reassigned to another track gang 11 miles east in Lebo. Before Ramirez-Gomez began any work in Lebo, however, he disappeared and was arrested by a sheriff in nearby Hutchinson on the grounds that he was “apparently insane.” While in his jail cell, an apparently rabid dog was “brought to

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<sup>46</sup> As Fairchild points out, medical examination procedures differed for Latin American, European and Asian immigrants. For more on how immigration policy has shaped race and community, see Erika Lee, *At America's Gates: Chinese Immigration during the Exclusion Era, 1882-1943* (Chapel Hill: University of North Carolina Press, 2003); Bill Ong Hing, *Making and Remaking Asian America through Immigration Policy, 1850-1990* (Stanford: Stanford University Press, 1993); Susan E. Lederer, *Subjected to Science: Human Experimentation in America Before the Second World War* (Baltimore: Johns Hopkins University Press, 1995).

the jail and shot outside [his] window.” According to the official report, the shooting of the dog, when combined with the earlier threat of being branded had convinced Ramirez-Gomez that “someone was out to get him.” He was subsequently transferred to a company hospital in Topeka where the company physician concluded that he had a venereal disease that was “affecting the mind.”<sup>47</sup> By the first week of April 1944—mere days after he had arrived in Neosho Rapids—Ramirez-Gomez was being returned to Mexico, his contract cancelled at the request of the railroad.

Ramirez-Gonzalez, the Santa Fe believed, had exhibited irrational, paranoid behavior that evidently prevented him from doing work. It was not until a company physician diagnosed Ramirez-Gonzalez with syphilis that the Santa Fe was able to rationalize his paranoid behavior as a clinical symptom of syphilis. It was this process of negotiating a connection between Ramirez-Gonzalez’s behavior and positive diagnosis of syphilis that enabled the Santa Fe to bolster their request to cancel Ramirez-Gonzalez’s labor contract. In other words, American railroad companies transformed unfavorable behavior into a medical category because it allowed for a certain consequence—contract termination.

The USES evaluated railroad companies’ requests for termination based on an assessment of reports, which included company injury reports (completed by foreman), company medical reports (completed by company physicians), and local court cases (which often relied on company injury and medical reports). After no longer than a week, the USES would issue a “determination report” that briefly outlined their reasons

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<sup>47</sup> Memorandum, RRB Regional Director in Region No.6 to Director of Employment and Claims, 10 April 1944, box 9, General Records, Records of the War Manpower Commission, RG 211, National Archives College Park.

for supporting the railroad company's request to terminate the contract. It was uncommon for the USES to deny a railroad company's request, more than likely because the USES based their decisions on company gathered evidence that persuasively supported the company's petition.<sup>48</sup> While company physicians provided important medical care to Mexican workers, the fact that they were financially compensated for their services to railroad companies probably influenced their perception of the physically and mentally ill workers.<sup>49</sup> An examination of USES determination reports, and the documents submitted by railroad companies in support of their petitions, offers a rare window into how railroads participating in the program articulated a relationship between behavior, order and health.

Railroad companies' desire to cancel the contract of a worker with unfavorable behavior was part of their larger goal to preserve order in the workplace. At stake was not only the individual body of the worker, but also the social body of the workforce, and the community more broadly. On October 23, 1944, railroad bracero Ernesto Uribe Roldan entered the living quarters at the Pennsylvania Railroad camp's in Fort Wayne, Indiana, stabbed a sleeping Mexican guest worker, and fled from the camp. The Fort Wayne Police found Roldan two days later on October 25 after he attempted suicide by thrusting a knife into his chest and jumping out of a second-story window. Roldan's

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<sup>48</sup> In my archival research, I have discovered only two cases out of several hundred where the USES refused the request of a company. In these two instances, Mexican consuls were involved in contesting the employers' petition to terminate the contract.

<sup>49</sup> In her study of passenger streetcar and rail injuries in the long nineteenth century, historian Barbara Welke argues that physicians' "financial dependence upon railroad and streetcar companies undoubtedly influenced their perception of the injured." From the very beginning, Welke claims, doctors were "part of the railroad or streetcar company's case defending against any suit the injured person might bring." See Welke, *Recasting American Liberty*, 77-80.

suicide note stated that he feared arrest and prosecution for his attack on fellow worker, Jose Ramos Garcia.<sup>50</sup>

In a correspondence dated December 9, C.G. Grove of the Pennsylvania declared that even though “[Roldan] is not considered as bad a mental case...we feel that he should be returned to Mexico as soon as arrangements can be made.”<sup>51</sup> Grove made this request on the basis that Roldan was being kept in isolation at St. Joseph’s Hospital in Fort Wayne, where he reportedly talked to himself all-day, and refused to feed himself. This behavior, Grove suggested, would limit Roldan’s ability to perform work. On December 17, company physicians diagnosed Roldan with “manic depressive psychosis and acute depression” and suggested that two attendants escort him back to Mexico. Roldan was back in Mexico by January 1945.<sup>52</sup> Unsurprisingly, the Pennsylvania records do not indicate the extent to which Grove’s desire to cancel the labor contract may have influenced the company physician’s medical diagnosis of psychosis and depression. What is clear from the record is that the USES determination report cited the physicians’ mental and physical reports as the overwhelming reason for terminating Roldan’s contract. The physicians’ medical authority, in this case, proved to be a powerful tool for the Pennsylvania to remove an “unfit” worker (and recruit another bracero), and protect the safety of workers and the community.<sup>53</sup>

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<sup>50</sup> CG Grove to RT Taylor, 9 December 1944, box 432, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive.

<sup>51</sup> Ibid.

<sup>52</sup> Dr. C.L. Williams, Mental and Physical Examination of Ernesto Uribe Roldan for the Pennsylvania Railroad at the Request of Dr. Foss Schenck, 17 December 1944, box 432, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive.

<sup>53</sup> Ernesto Galarza, Personal and Confidential Memorandum on Mexican Contract Workers in the United States, 28 August 1944, box 17, Ernesto Galarza Collection, M0224, Dept. of Special Collections, Stanford University Libraries, Stanford, Calif. Roldan was escorted from Fort Wayne on January 1, 1945 and

More often than not, railroad companies relied on the medical categories such as depression, nostalgia and dementia to terminate the contracts of workers that exhibited abnormal behavior. In early February 1945, local police in Crestline, Ohio arrested Alejandro Rosales Islas for allegedly “causing a scene at the [Crestline] Post Office.” A company physician for the Pennsylvania Railroad attributed Isla’s behavior to an “early stage of dementia.” Following the recommendation of company surgeon E.C. Brandt, Judge Keller of the probate court in Crestline committed Islas to the insane asylum in Columbus (65 miles south of Crestline).<sup>54</sup> The USES cancelled his contract on the basis of his “insanity” and consequent “inability to continue working.”<sup>55</sup>

By classifying Islas’ behavior as a clinical feature of dementia, company physicians were able to convince the probate court, and ultimately the USES, to cancel his contract. The medical diagnosis of dementia revoked Islas’ status as an able-bodied contract-laborer, at least within the purview of the Pennsylvania and the USES. Given that Islas was arrested after “causing a scene” in a public space, he was also perceived as a threat to members of the Crestline community.<sup>56</sup> The Mayor of Crestline contacted railroad management in Crestline to request the removal of Islas from Crestline to another city that had facilities for the insane.<sup>57</sup> The inclusion of a report in the

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arrived at the U.S.-Mexico border on January 4, where Mexican immigration officials transported him to the Juarez Civil Hospital in Ciudad Juarez, Mexico (a town across the U.S.-Mexico border from El Paso, TX).

<sup>54</sup> C.G. Grove to Oscar H. Hoppe USES, 20 February 1945, box 432, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive; EOW to CGG, 16 February 1945, box 432, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive.

<sup>55</sup> Oscar H. Hoppe, USES Determination of Alejandro Rosales Islas, 20 February 1945, box 432, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive.

<sup>56</sup> LEP to JWS, 23 March 1945, box 432, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive.

<sup>57</sup> Telegram sent from C.F. Murphy to R.T. Taylor, 14 February 1945, 1:10 pm, box 432, Pennsylvania

Pennsylvania's records describing how Islas had to be tied down with sheets and carried from the train at Juarez further suggests that the Pennsylvania was interested in demonstrating that Islas' behavior was the manifestation of a severe medical condition that potentially threatened both the Pennsylvania's workforce and the community.<sup>58</sup>

A similar logic was used in the case of Juan Navarro-Vasquez. According to the USES determination report, Vasquez arrived to the Pennsylvania camp on February 13, 1945, and was unable to work during his first six days of employment because he was in an "irrational stage." Vasquez allegedly made a statement to the Pennsylvania that conveyed his "unhappiness" in Illinois, and his inability to "adjust himself to this environment." Another Mexican worker was reportedly assigned to care for Vasquez during the days and evenings.<sup>59</sup> The Pennsylvania drew on Vasquez's personal statement and irrational behavior to convince the USES that his health status not only prevented him from performing work, but also prohibited the Mexican worker assigned to watch over Vasquez from working on the tracks. Vasquez's labor contract was subsequently cancelled and he was returned to Mexico.<sup>60</sup>

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Railroad Collection, Operating Department, vol 7, Hagley Library and Archive. Mexican labor inspector Ricardo Perez suggested that Islas be removed to the Mansfield Hospital for the insane.

<sup>58</sup> LEP to JWS, 23 March 1945, box 432, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive.

<sup>59</sup> Max C. Weber, USES Determination, 13 March 1945, box 432, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive.

<sup>60</sup> The Pennsylvania files indicate that Vasquez escaped from the Ciudad Juarez Hospital at the same time as Hernandez-Gonzales. See WFW and ECS to HSL, 28 February 1945, box 432, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive. Even though these workers had disappeared under the supervision of Mexican authorities in Mexico, the Pennsylvania Railroad remained responsible for the return of these workers to their point of contract in Mexico. The stakes involved included having to pay the balance for the Immigration bond they had posted for each worker upon their entrance to the United States. See Nate R. Cordova to Carl H. Lowrie (RRB district manager), no date, box 431, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive.

In another case, twenty-five year old Raul Hernandez-Gonzales was picked up and incarcerated for vagrancy by the Columbus police on February 24, 1945, after he was found “wandering around [the city]... apparently demented.”<sup>61</sup> On February 27, a Pennsylvania company physician diagnosed Hernandez-Gonzales with “nostalgia,” a transient psychiatric disorder that today we would call homesickness.<sup>62</sup> Interestingly, the Columbus Municipal Court determined that Hernandez-Gonzales’ “nostalgia” did not inhibit his ability to work, and therefore, allowed Hernandez-Gonzales to return to the Pennsylvania camp.<sup>63</sup> The Pennsylvania and the USES, on the other hand, had decided that company physician’s diagnosis of nostalgia made him unfit for service. Hernandez-Gonzales’ contract was cancelled, and he was returned to Mexico.<sup>64</sup>

A study conducted by Ernesto Galarza of the Pan American Union in 1944 offers insight into why railroad companies sought to transform nostalgia into a medical category. Galarza argued that the combined factors of the migration experience, the relative isolation of labor camps, and the new social environment, all resulted in “boredom” among the Mexican guest workers. Braceros found it difficult to participate in community life due to language barriers and geographical isolation. Contributing to

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<sup>61</sup> JWS to C.G. Grove, 26 February 1945, box 432, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive.

<sup>62</sup> J.S. Hanscom to W.B. Porter, 17 March 1945, box 432, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive. Coined in 1678 by Johannes Hofer, nostalgia originates from Latin roots that refer to “the pain a sick person feels because he is not in his native land, or fears never to see it again.” See George Rosen, *Preventative Medicine in the United States, 1900-1975: Trends and Interpretations* (Science History Publications, 1975), 30.

<sup>63</sup> Oscar H. Hoppe, USES Determination of Raul Hernandez Gonzales, 3 March 1945, box 432, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive; WFW and ECS to HSL, 28 February 1945, box 432, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive.

<sup>64</sup> The Pennsylvania files indicate that Hernandez-Gonzales was transferred to the Ciudad Juarez Hospital in Ciudad Juarez, Mexico. Within a few days, Hernandez-Gonzales escaped from the hospital and was “never heard from again.” See WFW and ECS to HSL, 28 February 1945, box 432, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive.

the issue of boredom, Galarza wrote, was “the set up of camps and the managerial understanding of the psychological characteristics of Mexicans.”<sup>65</sup> Galarza described railroad camp management as lacking an understanding of Mexican culture, including workers’ preference for food and entertainment, and their desire to attend Catholic mass.<sup>66</sup> Much like the Columbus Municipal Court in the case of Hernandez-Gonzales, Pan American officer Ernesto Galarza did not believe that homesickness was a medical condition that inherently limited an individual’s able-bodiedness. Rather, Galarza seemed to understand “boredom” as a social condition that could be remedied by railroad management creating a familiar environment for Mexican workers. Both the Columbus Municipal Court and Galarza’s opinion that nostalgia was a social condition and not a medical condition came out of a broader medical discourse that had moved away from defining nostalgia as a medical disorder in the 1870s.<sup>67</sup> In many ways, American railroads sought to revitalize nostalgia—the pain of being away from one’s native land—

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<sup>65</sup> Ernesto Galarza, Personal and Confidential Memorandum on Mexican Contract Workers in the United States, 28 August 1944, box 17, Ernesto Galarza Collection, M0224, Dept. of Special Collections, Stanford University Libraries, Stanford, Calif.

<sup>66</sup> The literature on the Mexican immigration has captured this traumatic experience using various methodological and disciplinary approaches, see Jorge Durand and Douglas S. Massey, *Miracles on the Border: Retablos of Mexican Migrants to the United States* (Tucson and London: The University of Arizona Press, 1995), 67-84; Alicia R. Schmidt Camacho, *Migrant Imaginaries: Latino Cultural Politics in the U.S.-Mexico Borderlands* (New York: New York University Press, 2008); John Bodnar, *The Transplanted: A History of Immigrants in Urban America* (Bloomington: Indiana University Press, 1985); Luis Mendoza, *Conversations Across Our America: Talking About Immigration and the Latinoization of the United States* (Austin: University of Texas Press, 2012).

<sup>67</sup> Scholars have described American physicians as having lost interest in nostalgia as medical disorder by the 1870s. The development of telegraph lines, a reliable mail system, and railways, medical scholars have argued, drastically reduced the number of individuals suffering from nostalgia. These developments in technology and communication had helped to reduce the feeling of distance between an individual and their homeland. The literature on nostalgia as a medical category is extensive, and crosses disciplinary boundaries. Historians have been especially interested in nostalgia within the context of (post)colonialism. See George Rosen, "Nostalgia: A "Forgotten" Psychological Disorder," *Psychological Medicine* 5 (1975): 340-54; Michael Roth, "Dying of the Past: Medical Studies of Nostalgia in 19th Century France," *History and Memory: Studies and Representations of the Past* 3, no. 1 (1991): 5-29; Richard Keller, *Colonial Madness: Psychiatry in French North Africa* (Chicago: University of Chicago Press, 2007).

as a meaningful medical category that forged a critical connection to (dis)ability in the workplace.

Individual railroad companies' decisions to medicalize Mexican behavior, however, were also shaped by their concerns over how to determine the "cost and benefit" of contract termination. The combined costs of transporting Mexican workers back to Mexico, paying for subsistence, and training new Mexican guest workers outweighed their impulse to make nostalgia a medical category for exclusion. For instance, it cost the Pennsylvania \$520 to transport 800 braceros from New York to El Paso.<sup>68</sup> U.S. railroads spent \$930,000 on transportation costs for railroad braceros.<sup>69</sup> Railroad companies had to weigh these costs against the decision to cancel labor contracts. When railroad companies decided in favor of retaining labor contracts, it was often due to a failure to reach manpower quotas. This was especially true in labor camps located in sparsely populated and cold weather regions.

In early March 1944, Pennsylvania camp train foreman Glen Montis observed that Victoriano Castañeda, although on the job every day, appeared to be worried. When working the tracks in Loudenville, Ohio, Castañeda's "mind appeared to wander."<sup>70</sup> Other workers presumed that Castañeda was worrying about his family and was homesick. Montis and the camp cook also noted that Castañeda was "eating very little," and at times, threw away his meals. Castañeda's behavior led foreman Montis to submit

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<sup>68</sup> Expense Report, 22 December 1945, box 1493, Pennsylvania Railroad Collection, Files of the Chief Engineer, RG 11a, Engineering Department, vol 9, Hagley Library and Archive.

<sup>69</sup> Association of Western Railways to Chief Operating Officers of Railroads, 1 May 1950, box 1493, Pennsylvania Railroad Collection, Files of the Chief Engineer, RG 11a, Engineering Department, vol 9, Hagley Library and Archive.

<sup>70</sup> Region No. 3 Railroad Retirement Board Report week ending April 1, 1944, 3 April 1944, box 9, General Records, Records of the War Manpower Commission, RG 211, National Archives College Park.

a petition for contract termination to the USES office in Ashland, Ohio. Montis argued that Castañeda “[did] not have the right ability to go on with his line of work.” In coordination with the contract termination, Montis added, the Pennsylvania was “willing to allow [Castañeda] to go back to Mexico and to pay for his transportation and subsistence to Mexico.”<sup>71</sup> USES office manager Hiner subsequently cancelled Castañeda’s work agreement on March 16, 1944.

Six days later, Hiner received a letter from the Pennsylvania’s Superintendent of the Eastern Division, Mr. Rex, who protested the Castañeda’s contract termination. On March 23, 1944, a meeting was held at the USES office in Ashland between Mr. Hiner (USES), Mr. Stimson (Pennsylvania’s Division engineer), Mr. Mozier (Loundenville camp supervisor), Mr. Montis (Loundenville camp train supervisor), Mr. Kay (Canton, OH camp supervisor), Mr. Elizondo (interpreter), and Mexican guest worker Castañeda, to discuss the protest of contract termination. In discussing Castañeda’s able-bodiedness, camp foreman Glenn Montis stated that he had been “severely criticized by his superior for making the March 16, 1944 request for termination...and he refused to commit himself further in regard to the worker’s ability to continue working.” Castañeda, on the other hand, expressed (through an interpreter) that he was unwilling to continue working, and only desired to return home. In spite of Castañeda’s request to uphold the contract termination, the Superintendent of the Eastern Division’s appeal to reinstate his labor contract was granted.<sup>72</sup>

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<sup>71</sup> Region No. 3 Railroad Retirement Board Report week ending April 1, 1944, 3 April 1944, box 9, General Records, Records of the War Manpower Commission, RG 211, National Archives College Park.

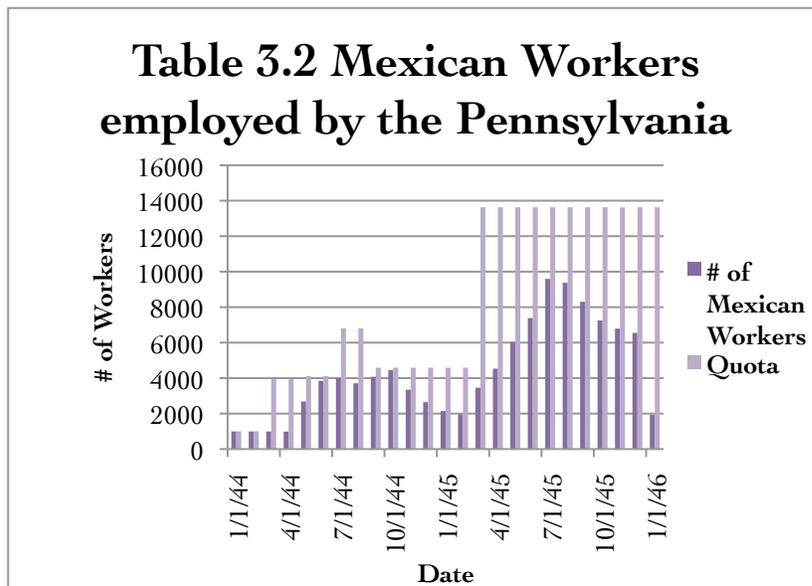
<sup>72</sup> Region No. 3 Railroad Retirement Board Report week ending April 1, 1944, 3 April 1944, box 9, General Records, Records of the War Manpower Commission, RG 211, National Archives College Park.

The conflict between foreman Montis and superintendent Rex highlights the struggle of railroad companies to balance contract termination with minimizing operational costs. In the Castañeda case, foreman Montis' request for contract termination was informed by his own understanding of how to efficiently manage labor production. As a camp train foreman, Montis was responsible for supervising Mexican workers on a daily basis. If a worker was unwilling or unable to work, then Montis petitioned for contract termination because it was the best way to remove an unproductive worker and to receive a new worker that could contribute to the daily work load. Superintendent Rex, on the other hand, had a holistic approach in administering the railroad bracero program. Unlike Montis, Rex did not spend every day interacting with Mexican guest workers. As the superintendent of the eastern division, Rex's responsibility was to oversee the labor productivity of all labor camps in the division, and to minimize operating costs. This included making sure all labor camps were not suffering from a labor shortage—an issue that the Pennsylvania was struggling with when it reinstated Castañeda's labor contract. In March 1944, the Pennsylvania had a quota of 3,940 Mexican men, but only 985 Mexican men had been transported from Mexico to work on the Pennsylvania Railroad [Table 3.2]. Individual railroad companies submitted a request to the WMC for a specific number of workers to alleviate their labor shortage. Together with the WMC, the Mexican government set a quota for the number of Mexican nationals each individual railroad company was allowed to recruit. The labor quota was based on the labor and economic situation in local Mexican communities and states.<sup>73</sup>

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<sup>73</sup> The Pennsylvania had the third largest quota—behind the Southern Pacific Railroad and the Atchison, Topeka and Santa Fe Railroad—with a recruitment cap of 10,000 Mexican men. The Pennsylvania never

**Table 3.2 Mexican Workers employed by the Pennsylvania**



*Source:* Information compiled from data found in, Pennsylvania Railroad Collection, box 1493, Records of the Chief Engineer, RG 11A, Records of the Engineering Department, volume 8, Hagley Library and Archives.

It is highly probably that superintendent Rex protested Montis' request for contract termination and denied Castañeda's wishes in order to meet the labor shortage. Moreover, the amount of time and money the Pennsylvania had invested in recruiting, transporting, feeding, sheltering, and training Castañeda may have convinced superintendent Rex that it would be more cost efficient to keep Castañeda than to start the process anew with another worker. Perhaps more importantly, Castañeda's case underscores the role location played in labor retention and homesickness. For instance, in May 1944, the Chicago, Burlington and Quincy Railroad's (Burlington) labor camp in Natick, Nebraska, had 108 Mexican workers whose labor contracts were soon to expire at the end of June. Of these 108 Mexican men, only 20 expressed a desire to renew their

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came close to their quota; however, they did employ over 9,000 Mexican men July and August of 1945.

contracts.<sup>74</sup> The records do not indicate how many of these men from Natick pursued contract renewal in June, but the Railroad Retirement Board reports do reveal that in June 1944 the Burlington had a total of 65 contract renewals across all their labor camps.

Mr. Harbour, the district manager of the Railroad Retirement Board in Omaha, wrote to RRB district 6 headquarters explaining that the Burlington's low retention rate was due primarily to homesickness. In his letter Harbour further stated, "[the workers] have been unfortunate in being assigned to work in the bleak Nebraska sandhills where towns are few and far apart and the workers can find little or no amusement or recreation." During Harbour's visit to Natick, the Burlington furnished a truck that transported the Mexican workers 60 miles southwest to Broken Bow, where they sent money orders and explored the town. The trip to Broken Bow, Harbour believed, was a "good morale-builder." Harbour expressed confidence in being able to convince at least fifteen workers to renew their contracts once the railroad gang moved to Aurora, Nebraska, a more populated area within the next two weeks.<sup>75</sup>

The Burlington's desire to renew labor contracts, rather than allow for the contract to expire, suggests that railroad companies were greatly concerned with the costs associated with labor turnover. In calculating the costs of railroad operations and contract termination, railroad companies also had to contend with the injury of workers. The contractual liability of employers to provide accident compensation raised the stakes for railroad companies. Instead of transforming behavior into a medical category,

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<sup>74</sup> Region No. 6 Railroad Retirement Board Report week ending May 20, 1944, 22 May 1944, box 9, General Records, Records of the War Manpower Commission, RG 211, National Archives College Park.

<sup>75</sup> Region No. 6 Railroad Retirement Board Report week ending May 20, 1944, 22 May 1944, box 9, General Records, Records of the War Manpower Commission, RG 211, National Archives College Park.

railroad companies defined injury in a way that nullified their liability and, in many cases, allowed them to cancel the worker's labor contract.

### **III. Making Injury (In)Visible: Statistical Reporting and the Limits of Railroad Liability**

The employer contract obligated railroad companies to “provide or make available” medical facilities “not less favorable to [the Mexican worker] than those provided to domestic employers.”<sup>76</sup> This vague directive is made clearer in provision 24 of the individual work agreement, which states “the worker shall enjoy, as regards occupational diseases and accidents, the same guarantees enjoyed by domestic workers under Federal and State legislation in the United States.”<sup>77</sup> Taken together, these provisions required railroad companies to provide both American workers and Mexican workers with equal access to accident compensation, regardless of citizenship status.

The ethos of accident compensation in the United States derived from the modern understanding that human life was made more vulnerable by industrialization, and that the state had the power and obligation to safeguard the welfare of its citizen-workers.<sup>78</sup>

American railroaders had (and continue to have) a unique relationship with the U.S. state

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<sup>76</sup> Contract of Employment and Transportation, box 1, Headquarters Files, RG 211, Records of the War Manpower Commission, National Archives College Park. The individual work agreement was a contract signed between the worker and the WMC.

<sup>77</sup> Individual Work Agreement, box 1, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives College Park.

<sup>78</sup> Welke, *Recasting American Liberty: Gender, Race, Law, and the Railroad Revolution, 1865-1920*, 112, 17. By the turn of the twentieth century, the industrial transformation of the American landscape had resulted in dramatic rise in the number of accidents and injuries in the workplace and public spaces. Legal historian John Witt argues the central preoccupation of the “industrial-accident crisis was injury to the male wage earner with a dependent wife and children.” John Fabian Witt, *The Accidental Republic: Crippled Workingmen, Destitute Widows, and the Remaking of American Law* (Cambridge: Harvard University Press, 2004), 22. For more on the centrality of family wage and dependent women and children to the wage labor system, see Amy Dru Stanley, *From Bondage to Contract: Wage labor, Marriage, and the Market in the Age of Slave Emancipation* (Cambridge: Cambridge University Press, 1998), 138.

when it came to accident compensation.<sup>79</sup> Railroaders are still the only group of workers to be protected by a federal policy (Federal Employers' Liability Act, or FELA, 1908) that protects and compensates workers for injury. When seeking accident compensation, railroads had a greater chance of being awarded a favorable monetary settlement through FELA than state worker compensation. Unlike state worker compensation (based on a monetized value of body parts), FELA settlements were decided by a jury, which took into account all the factors that may have contributed to an injury.<sup>80</sup> In navigating accident compensation claims, American railroad companies sought to minimize the amount of money paid by demonstrating they were not liable for negligence.<sup>81</sup> Through the use of accident reports and physician's injury reports, railroad companies defined "injury" and "accident" in such a way that limited their costs paid in compensation.<sup>82</sup>

By the bracero program, American railroads had long-since formalized a procedure for internally documenting accidents and injuries. While the forms varied across companies, they included certain essentials: the place and date of accident; the place and date of examination and treatment; the name, age, residence, occupation and language of the injured person; the cause of injury and statement of injured person;

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<sup>79</sup> Railroaders also participate in their own social security program through the Railroad Retirement Board. This program provides workers with retirement, unemployment and sickness benefits. Railroaders are the only group of workers not to participate in the U.S. Social Security Program.

<sup>80</sup> FELA operated on the basis of "comparative negligence." See John Williams-Searle, "Risk, Disability, and Citizenship: U.S. Railroaders and the Federal Employers' Liability Act," *Disability Studies Quarterly* 28, 3 (Summer 2008): <http://dsq-sds.org/article/view/113/113>; Witt, *The Accidental Republic*, 67, 127; Mark Aldrich, *Safety First: Technology, Labor, and Business in the Building of American Work Safety, 1870-1939* (Baltimore, Md.: Johns Hopkins University Press, 1997), 189.

<sup>81</sup> The law of accidental injury defined negligence as the failure to exercise reasonable care in avoiding harm to another that results in injury.

<sup>82</sup> Welke, *Recasting American Liberty*, 108; Thomas, *Lawyering for the Railroad: Business, Law, and Power in the New South*, 226-46. Welke is focused on railroad and streetcar companies' approach to settling claims outside of court at the turn of the twentieth century. Railroad companies' approach to accident claims in the railroad bracero program seems to follow a logic similar to what Welke describes.

names and addresses of as many witnesses as possible; and the nature and extent of injuries.<sup>83</sup> Company investigators would then interview the injured worker, and all of the witnesses. In order to minimize the financial costs, railroad companies endeavored to settle compensation claims out of court, where companies would have greater control over the amount paid.<sup>84</sup>

Railroad companies' authority in the arena of injury and compensation in the bracero program was bolstered by both the War Manpower Commission (WMC) and the Railroad Retirement Board (RRB). In the Railroad Retirement Board's Circular Letter of Instructions to Employers, the RRB stated that "the WMC does not wish to assume responsibilities in connection with compensation for time lost due to accidents or injuries. The Board is naturally in the same position in this respect." Any questions regarding compensation, the RRB advised, "[do] not come within the jurisdiction of the [RRB] and should be handled directly with employers."<sup>85</sup> This meant that individual railroad companies would be subjected to minimal oversight when handling issues of injury and compensation.

Paralleling their efforts to transform behavior into a medical category, railroad companies endeavored to construct injury as the result of a non-occupational incident. If an injury was found to be the result of an occupational accident, then railroad companies would be liable for the costs associated with the worker's medical bills and compensation

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<sup>83</sup> For examples of the Pennsylvania Railroad's reports, see Report of Railway Accidents, 2 July 1945, box 433, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive; Dr. Walter Aye, Physician's Report of Physical Injury, 27 June 1945, box 433, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive.

<sup>84</sup> Welke, *Recasting American Liberty*, 105-7; Thomas, *Lawyering for the Railroad*, 33-60, 77-82.

<sup>85</sup> Railroad Retirement Board Circular Letter of Instructions to Employers Contracting for the Importation of Mexican Workers, 10 April 1944, box 1024, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive.

for time lost. In short, the goal in defining injury was to avoid costs in compensation by defining the physical wounds of a worker as a “personal injury.” Railroad companies such as the Pennsylvania even provided Mexican workers with safety books in 1944, written in Spanish, as a means of reducing the number of injuries in the workplace. That the Pennsylvania took the time to stage a photograph of Mexican workers reading the safety books demonstrates an eagerness to prove to the Mexican government that companies were taking reasonable care to create a safer workplace [Figure 3.2]. Railroad companies’ objective to reduce the costs paid in compensation was facilitated by the fact that: railroad companies controlled access to corporate records, Mexican workers were unfamiliar with the rules of injury and accident compensation, and Mexican workers (mostly) did not speak English. It was through this process that railroad companies made Mexican workers’ injuries, pain and suffering (in)visible in statistical reports.



Figure 3.2 Mexican guest workers employed by Pennsylvania Railroad reading railroad safety books written in Spanish at their living quarters, 3210 Market Street, 1944. Source: *Philadelphia Record* Photograph Collection.

One way that railroad companies made injury invisible was by parsing a difference between an occupational accident and a “personal injury” that happened on the job site. On the evening of September 11, 1944, Gilberto Hernandez Mendoza refused to let his fellow bracero Alfredo Camacho Rojano into the Pennsylvania camp’s sleeping quarters in Urbana, Ohio. Rojano forced himself into the room, whereupon Mendoza became infuriated, calling Rojano vile names and challenging him to a fistfight. The quarrel continued the next morning on the job site when Mendoza drew a razor blade, cutting Rojano’s left forearm. Mendoza was subsequently taken to the county jail and imprisoned.

Statements acquired from the workers and foreman revealed that Mendoza had been a troublemaker in the labor camp since his arrival. A week after the incident, the sheriff’s office authorized Mendoza’s release from prison on the stipulation that his contract be terminated, and he be returned to Mexico.<sup>86</sup> Rojano, on the other hand, received four stitches at the local hospital. Even though Rojano injured his left arm during the workday at the job site, the Pennsylvania did not consider his injury to be the result of an occupational accident, but rather a “personal injury.” As such, Rojano alone bore the responsibility of paying the hospital bill and would not be compensated for the time he spent recovering (time lost).<sup>87</sup>

Although not responsible for medical bills, the railroad company was still obligated to provide a worker with access to medical care. This resulted in a dilemma

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<sup>86</sup> A.M. Ansevin, USES Determination in the matter of Gilberto Hernandez Mendoza vs The Pennsylvania Railroad Company, 16 September 1944, box 431, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive.

<sup>87</sup> Compensation for time lost meant that a worker would be paid for the amount of time he spent away from work as a result of the injury.

among railroad companies when hospitals presented medical bills to the railroad company for services rendered to a Mexican worker. In early January 1945, Mr. Rolfe of the Portland Terminal Company (locale in New England) sent an inquiry to several other eastern railroads participating in the railroad bracero program regarding the payment of doctors' and hospitals' bills for Mexican railroad contract-laborers. Rolfe wrote, "one of the Mexican nationals employed by the Portland Terminal Company was recently taken very ill and had to be hospitalized. Before the man could be admitted, the local hospital had to have a guarantee of the payment of the bill, which they received from the company. This man is still confined to date, and we have been presented with a bill for one hundred and fifty-odd dollars. We have in mind making deductions from this man's pay to cover the amount involved if and when he returns to work." Rolfe continued, "For my information will you please advise how these matters are handled on other railroads who employ Mexican nationals."<sup>88</sup>

The New York, New Haven and Hartford Company (New Haven) responded that it did "not assume costs of hospitalization, medical fees, medicines, or other expenses of Mexican nationals arising out of personal illness." In several cases, the New Haven made advanced payments to hospitals and reimbursed itself for the costs on a payroll deduction basis.<sup>89</sup> E.W. Smith, central regional vice-president of the Pennsylvania, replied "under our agreement covering the employment of Mexican labor, we are required to see that the men receive proper medical care, the expense of which is borne by individual workers. If

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<sup>88</sup> Mr. Rolfe cited in, H.E. Jones to members of the Eastern Railroad Executive Committee, 12 January, 1945, box 809, Pennsylvania Railroad Collection, Personnel Department Office Files, RG 14, Personnel Department, vol 10, Hagley Library and Archive.

<sup>89</sup> Letter from the New Haven to H.E. Jones, 20 January 1945, box 809, Pennsylvania Railroad Collection, Personnel Department Office Files, RG 14, Personnel Department, vol 10, Hagley Library and Archive.

a worker is without sufficient funds to pay his medical and hospital expenses, when he returns to work we obtain execution of a payroll deduction slip.”<sup>90</sup> Eastern regional vice-president of the Pennsylvania, R.C. Morse, echoed the policy of the central region, adding that when a worker was unable to pay for hospital bills in an emergency situation, “the railroad company, in all probability, would feel compelled for humanitarian reasons, to meet the demand, and arrange for reimbursement through payroll deductions.”<sup>91</sup> If the worker was unable to liquidate the debt through deductions, Morse explained, then the Pennsylvania would approach the Mexican consul to guarantee full reimbursement.

The Pennsylvania, however, continued to struggle with their responsibilities of providing access to medical care and of assuming liability for the medical fees incurred by a worker’s “personal injury.” When Alfredo Saldaña Cruz slipped on a patch of ice and fractured his leg while off-duty December 16, 1944, he was taken to the Wesley Memorial Hospital. Without a substantial income to pay for his medical fees, the Wesley Memorial Hospital refused to provide Cruz with treatment “without the assumption by the railroad of all responsibility” for medical fees. Because the Pennsylvania considered Cruz’s injury to be “non-occupational,” the company did not want to assume direct responsibility for his medical bills. Cruz was subsequently taken to a local hospital where he received care from a company physician. The medical fees owed by Cruz, as of April 4, 1945, amounted to \$579.25. It was evident to the Pennsylvania that “if and when [Cruz was] able to return to work that it [would] be impossible for him to work off the

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<sup>90</sup> E.W. Smith to H.E. Jones, 17 January 1945, box 809, Pennsylvania Railroad Collection, Personnel Department Office Files, RG 14, Personnel Department, vol 10, Hagley Library and Archive.

<sup>91</sup> R.C. Morse to C.E. Musser, 24, January 1945, box 809, Pennsylvania Railroad Collection, Personnel Department Office Files, RG 14, Personnel Department, vol 10, Hagley Library and Archive.

expense by monthly deductions from his pay.” When Cruz’s contract expired, his physical condition had not improved enough for him to work, which meant that the Pennsylvania was left with his medical bill.<sup>92</sup>

Together, the case of Alfredo Saldaña Cruz and the correspondence between these eastern railroad companies underscores that the employer was contractually responsible for the welfare of Mexican workers. Even if the employer was not liable for compensation in the case of “personal injury,” the company was still obligated to provide a worker with access to medical care, which in some cases required the company to pay for medical fees. While the railroad bracero program did not outline a protocol for railroad companies to seek reimbursement from a state agency (U.S. or Mexican), it did allow companies to make the appropriate payroll deductions. As in the case of Cruz, if a worker was unable to pay off his debt to the railroad company before his contract expired, then the railroad company had no redress. Individual railroad companies such as the Pennsylvania would seek reimbursement from Mexican consuls, while others petitioned the WMC or the RRB for reimbursement. For American railroads, the stakes remained high for proving they were not at fault for an injury, particularly if they intended to collect a reimbursement for medical fees from state agencies. Railroad companies accomplished the feat of avoiding responsibility by using accident reports and physician’s injury reports to define “injury” and “accident” in such a way that limited their costs paid in compensation.

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<sup>92</sup> I have yet to uncover evidence in the Mexican consulate archives in the Foreign Relations Archive in Mexico City that indicates railroad companies negotiated with Mexican consuls for reimbursement.



Figure 3.3 Railroad guest workers repairing track on the Southern Pacific Railroad line, Oakland, California, in 1944. Photographer unknown. Personal photograph. Source: Collection of Oakland Museum of California. Gift of Jose Cruz.  
<http://www.museumca.org>

For example, on June 22, 1945 Julian Paredes Islas was shoveling gravel onto the track (filling in a ballast) one-mile west of Kouts, Indiana, when fellow worker Jose Marin struck his left shoulder with a track shovel. That same day, Islas was treated for a fractured clavicle in Kouts by Dr. S.E. Dittmer. It was not, however, until June 27 that Dr. Walter Aye in Chicago conducted an official “Physician’s Report of Personal Injury” in the absence of an interpreter.<sup>93</sup> The track foreman Fred Henning, along with Islas and Marin, provided the company investigators with eye-witness testimony. Both Islas and Marin denied any allegations that a personal dispute caused the incident. Marin stated that he accidentally struck Islas when he was shoveling gravel over his shoulder. Islas acknowledged that Marin’s shovel had hit him, but did not recall there being any gravel

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<sup>93</sup> Dr. Walter Aye, Physician’s Report of Physical Injury, 27 June 1945, box 433, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive.

in the shovel. Henning attested to the good behavior of the Mexican workers, but did note that they “are quick tempered.”<sup>94</sup>

The official “Report of Railway Accidents” indicated that Islas sustained injury as the result of a “direct attack...not received in the line of duty.”<sup>95</sup> Division engineer E.E. Kinzel explained that because the men could not offer any information on what actually happened, this was “conclusive evidence that this was a fight or a fit of hot-headedness rather than an accident.” The fact that Marin’s shovel had no gravel in it (as stated by Islas), Kinzel continued, made the Pennsylvania “positive...[that Marin’s actions] did not lend itself to an accident.”<sup>96</sup> Marin’s hot-headed behavior, the Pennsylvania had decided, made him an unsafe worker, and a threat to other workers. Marin’s contract was subsequently terminated. The company also concluded that Islas’ fractured clavicle resulted not from an occupational accident, but rather a “personal injury” that happened to occur on the job site. Consequently, Islas would be responsible for his own medical bills and would not be paid for the days he spent recovering from his injury (time lost).

Islas’ case also underscores the significance of language in the negotiations over defining injury. For example, on April 21, 1945, Jesus Madrigal-Garibay was shaking grates (removing ash to allow sufficient air flow to the fire) on a locomotive at the relay

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<sup>94</sup> Statement of track foreman Fred J. Henning to track supervisor J. Nowviskie, no date, box 433, Operating Department, vol 7, Hagley Library and Archive; Statement of Mexican trackman Jose Vera Marin to track supervisor J. Nowviski, interpreter Manuel Hernandez Servin, no date, box 433, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive; statement of Mexican trackman Julian Paredes Islas to track supervisor J. Nowviski, interpreter Manuel Hernandez Servin, no date, box 433, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive.

<sup>95</sup> Report of Railway Accidents, 2 July 1945, box 433, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive.

<sup>96</sup> E.E. Kinzel to CG Grove, 12 July 1945, box 433, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive.

station near Fort Wayne, Indiana, when he sustained an injury (undefined in report).<sup>97</sup> Immediately following his injury, the Pennsylvania sent him to the medical examiner who “found no evidence of injury.”<sup>98</sup> For two months Madrigal-Garibay continued to work in pain, until he found a friend to help him write a letter in English to the Railroad Retirement Board in Chicago. On June 7, Madrigal-Garibay wrote, “[I would like to] go to the hospital to have operation so I can be well like I came in this country [*sic—missing word*].”<sup>99</sup> According to Madrigal-Garibay, company physician Benninghoff had examined him and found that he had “a rupture in the right side [*sic*].” The RRB forwarded Madrigal-Garibay’s letter to the Pennsylvania, which immediately began an investigation. On three separate occasions—June 27, June 28, and July 7—Madrigal-Garibay was re-examined by different company physicians, all of whom found no evidence of injury.<sup>100</sup> As a result, the Pennsylvania determined that Madrigal-Garibay’s

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<sup>97</sup> Unlike most Mexican guest workers, Jesus Madrigal-Garibay was a locomotive fireman at the Fort Wayne enginehouse. A fireman’s primary responsibility was to maintain the fire at a level that was adequate for the steam engine. Shaking the grates demanded strength and endurance from the worker, as it required a worker to vigorously shake the grates for extended periods at a time. See *Brotherhood of Locomotive Fireman and Engineman’s Magazine*, volume 30 (Peoria, Illinois: The Brotherhood of Locomotive Firemen, 1901); Angus Sinclair, *Locomotive Engine Running and Management* (John Wiley & Sons, Inc., 1915), 53.

<sup>98</sup> C.G. Grove to R.T. Taylor, 17 July 1945, box 431, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive.

<sup>99</sup> Letter, Jesus Madrigal-Garibay, 7 June 1945, box 431, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive.

<sup>100</sup> C.G. Grove to R.T. Taylor, 17 July 1945, box 431, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive.



Figure 3.4 Railroad guest workers in a Chicago roundhouse. Mexican guest worker Jesus Mardigal-Garibay would have worked in an environment similar to the one in this picture. Source: Robert C. Jones, *Mexican War Workers in the United States: The Mexico-United States Manpower Recruiting Program and Its Operation* (Washington DC: Pan American Union, 1945), 39.

claim of injury was “unfounded.”<sup>101</sup> Despite the denial of his claim, Madrigal-Garibay continued to work for the Pennsylvania until his contract expired on December 23, 1945.

It is not surprising that the Pennsylvania found Madrigal-Garibay’s injury to be “unfounded.” The medical reports of four different company physicians conclusively showed that Madrigal-Garibay was not injured. Madrigal-Garibay’s persistence in

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<sup>101</sup> R.T. Taylor to C.G. Grove, 13 June 1945, box 431, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive.

claiming he suffered from injury and pain, however, should not be overlooked. That Madrigal-Garibay had to solicit assistance in submitting an English-written claim of injury highlights the significance of language in negotiating and defining injury.

The Spanish-English divide between Mexican workers and railroad companies, as Madrigal-Garibay's case shows, made it difficult for workers to communicate (written and verbal) their injuries and pains. Because the Fort Wayne office did not have an interpreter, Madrigal-Garibay had to find "a friend" who could write his letter for him. It is clear from the broken-English in the letter that Madrigal-Garibay's friend did not have a firm command of the English language either. It is probable that this affected his ability to accurately convey Madrigal-Garibay's struggles to prove he was suffering pain and injury. The Spanish-English divide more than likely also had an affect on the dynamics of the medical examination. Railroad companies often had interpreters present at examinations, but the records are not clear on who these interpreters were, or on what level of bilingual proficiency they had.

Railroad companies benefitted greatly from the Spanish-English divide. Prior to the railroad bracero program, railroad companies had a system in place for settling injury claims that involved specific (often suggestive) questioning, and reliance on an individual's unfamiliarity with the injury and compensation process.<sup>102</sup> Railroad companies used this same approach in the bracero program, but with the added advantage that Mexican workers did not understand English. Recall the case of Julian Paredes Islas, who was hit by a fellow worker's shovel and suffered a fractured clavicle. Pennsylvania track supervisor J. Nowviskie conducted interviews with the three parties involved: Islas,

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<sup>102</sup> Witt, *The Accidental Republic*, 29; Welke, *Recasting American Liberty*, 77.

Marin (fellow worker), and Henning (foreman). In the presence of interpreter Manuel Hernandez Servin, track supervisor Nowvieskie asked specific questions such as: can you tell me how Islas received the blow on his shoulder?; was there any arguing?; was there gravel in the shovel?; in what direction were you facing when the incident occurred?; and what did you do after the incident? The Pennsylvania concluded that the incident was not the result of an accident, but rather, a premeditated attack by Marin. The conclusion was based on the fact that witnesses could not agree on a story, in particular whether or not gravel had been in the shovel when Islas was struck. Islas' case suggests that railroad companies benefitted from the imprecision of language when soliciting verbal testimony from Mexican workers.<sup>103</sup> If Mexican workers' responses did not meet the stringent criteria set by railroad companies in the injury claim process, then Mexican workers would more than likely be unsuccessful in their claim.

Railroad companies like the Pennsylvania had the power to not only determine injury, but also to erase the traces of wounding (body trauma) as injury in their own corporate records and in the official reports submitted to the Railroad Retirement Board.<sup>104</sup> The employer contract required individual railroad companies to "keep full and

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<sup>103</sup> Pain is something that scholar Elaine Scarry has described as "precisely that which cannot be fully communicated or fully known by another." Scarry argues that this is because the pain of one individual can never truly be experienced by another. Therefore, the difficulty of conveying the nature of pain (in a shared language) was compounded by the fact that these two individuals did not share a basic language for communication (English or Spanish). See Scarry, *The Body in Pain*, 55-7.

<sup>104</sup> I use "wounding" here to indicate that the body has endured trauma, rather than "injury" as defined by the railroad. Scholar Sarah Jain argues that to use the term "injury" means that an individual has a right in their wounding (the right to make an injury claim or compensation claim). Within the context of Marx's discussion on capitalist production, Jain describes the problem of wounding as one that emerges out of the production process, where the worker expends part of his or her physical body through the performance of labor. It is the "excessive wounding" in the workplace, Jain contends, that comes to be defined as injury. The question of how much of a worker's physical body may be spent before it may be defined as "excessive wounding" was, and continues to be, a central issue of capitalism and its critics. Sarah S. Lochlann Jain, *Injury: The Politics of Product Design and Safety Law in the United States* (Princeton and

complete records of worker employment, wages and other facts pertinent to the performance of the employer's obligations under [the employer contract]."<sup>105</sup> Individual railroad companies were also directed to submit reports to the Railroad Retirement Board. For instance, the RRB published weekly reports based on information submitted by individual railroad companies to each of the RRB regions. The weekly report (form ESB-36) had two parts: the narrative supplement and the statistical supplements (forms ES-138 and ES-111). In the narrative supplement, the RRB regional office was to provide a "report describing only important activities and significant developments in the region in connection with the Mexican Importation program." Included in the narrative description, and under a separate heading, was to be a "brief statement setting forth all available information on each serious illness and injury." Other sub-headings that appeared in the narrative description of these reports included: conferences, inspections, investigations, casualties, complaints, renewal of contracts, train reports and general remarks. The statistical supplements included a qualitative list of workers that had been "unemployed for more than seven consecutive days," and the reason for which they had been unemployed.

The RRB weekly reports between the months of March and May 1944 illustrate the power of statistical reporting in erasing injury [Table 3.3]. The injuries were reported in an inconsistent fashion and without an official classification (e.g. occupational or

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Oxford: Princeton University Press, 2006), 12-22.

<sup>105</sup> Contract of Employment and Transportation, box 1, Headquarters Files, RG 211, Records of the War Manpower Commission, National Archives College Park. Individual files were kept on each worker. After the war, these individual files were allegedly transported to the National Archives in Washington DC. In the footnotes of her book, Barbara Driscoll claims that these individual files are housed at the Railroad Retirement Board headquarters in Chicago but are unavailable to researchers. See Driscoll, *The Tracks North*, 197.

personal injury). A sample of injuries as found in the report includes: injury, injured while on duty, claims injury, and fractured left arm. As a result of the uncategorized injuries listed in the reports, I organized injuries into two categories: on duty and not classified. I record an injury as “on duty” only if the report indicated it as such. I recorded all other listed injuries as “not classified.” The reports suggested that “on duty” injuries occurred during working hours on the job site, however, the reports do not indicate if on duty injuries resulted in occupational or personal injuries. For example, in March 1944, 16 injuries were reported out of the 21,120 Mexican men employed on U.S. railroads. In April 1944, 74 Mexican men out of the 27,816 employed were reportedly injured. Eight of these men suffered from “on duty” injuries, while the other 66 men

**Table 3.3 Injuries Reported to Railroad Retirement Board by American Railroads**

	<i>Mar-44</i>	<i>Apr-44</i>	<i>May-44</i>
<i>Total # Mexican workers employed</i>	21,120	27,816	32,271
<i>Total # of Injuries</i>	16	74	59
<i>On Duty</i>	0	8	6
<i>Injury not classified</i>	16	66	53

*Sources:* Railroad Retirement Board Regional Reports for March-May 1944, box 9, General Records, Records of the War Manpower Commission, RG 211, National Archives College Park.

suffered from unclassified injuries. In May 1944, 59 out of 32,271 Mexican men were injured; 6 were on duty injuries, and the other 53 were unclassified injuries.

At first glance, these numbers suggest that Mexican men labored in a relatively safe environment, where the probability of injury was on average 0.18% per month. Upon closer examination, the number of injuries reported uncovers statistical variables that contribute to an elision of injury and pain from the record. First, the number of injuries reported represents workers who were “unemployed for more than seven consecutive days [*emphasis mine*].” This means that workers suffering from injuries for less than seven consecutive days would not be included in the report. In August 1944, the RRB informed railroad companies that they no longer had to report workers who had been unemployed for more than seven consecutive days.<sup>106</sup> This decision resulted in a systematic erasure of injuries reported to the RRB. This is not to say that American railroads stopped recording injury themselves. Rather, it is to say that because American railroads were no longer responsible for submitting injury reports to the RRB, this information has consequently been made invisible in the RRB records.

Second, the injury rate in the railroad bracero program is considerably lower than the estimated 0.38% injury rate per month reported in the Interstate Commerce Commission’s Annual Report of 1944 (ICC).<sup>107</sup> Mexican men worked primarily as

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<sup>106</sup> In the future, I hope to survey the files located at the Railroad Retirement Board’s headquarters in Chicago for more information regarding injury and compensation.

<sup>107</sup> Report of the Interstate Commerce Commission, 58 I.C.C. 1 1944. It is unclear as to whether or not Mexican workers were included in these statistics. In other instances of statistical reporting, Mexican guest workers are reported separately. I calculated the 0.38% injury rate/month by using estimates from the ICC report. The average number of workers employed by railroads in the first six months of 1944 was 1 million. I first calculated the average number of workers per month. Second, I took the number of injured workers reported by the ICC for this period and calculated a monthly average. Finally, I put these two numbers together to get the injury rate per month.

unskilled laborers, and many of these men did not have prior experience working on railroads. The combination of inexperienced men performing manual labor in an industrial environment would presumably have led to a high rate of injury. The reported ICC injury rate, on the other hand, included the number of injured employees from all working classes—unskilled, semi-skilled, and skilled workers. While the ICC did not provide a breakdown for how many employees represented each class of workers, it can be assumed that because skilled and semi-skilled workers are less at risk for injury (safer working environment), the injury rate among unskilled workers was more than likely higher than the reported 0.38% for all classes of employees. In fact, the ICC reported in 1945 that the causes for increases in injury and death during the war was an increase in traffic and an increase in unskilled workers.”<sup>108</sup> Taken together, these two statistical variables in injury reporting—unemployment for more than 7 days; injury rate per month—contribute to the erasure of Mexican workers’ experience of injury in a dangerous workplace.<sup>109</sup>

The Railroad Retirement Board also published a “Summary of Record” for the bracero program (form 6-224). The RRB was responsible for informing individual railroad companies, the WMC and the Mexican government, about the status of the bracero program on a monthly basis. When the “summary of record” was first created in February 1944, it reported 20 different variables such as: termination rescinded, lost prior to delivery, unemployed 7 consecutive days, total contracts terminated, termination

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<sup>108</sup> Report of the Interstate Commerce Commission, 59 I.C.C. 1 1945.

<sup>109</sup> The Railroad Retirement Board also published a “Summary of Record” for the bracero program (form 6-224). When the “summary of record” was first created in February 1944, it reported 20 different variables. In July 1944, the summary of record reported only 13 variables. By February 1945, the record reported only 10 variables. Injury was never included as a variable.

request by worker or employer, number of complaints, and number of individuals involved in complaints [Appendix 1]. In July 1944, the summary of record reported only 13 variables. By February 1945, the record reported only 10 variables, including: contract renewals, contract termination, total number of workers employed, repatriations reported by the Immigration Service, charged against quota, number of missing workers, and deaths.<sup>110</sup> This trend shows that as the program progressed, the RRB was deciding which extraneous variables it no longer needed to report based on its own obligation to regulate and monitor the labor supply. As Appendix 3.1 indicates, injury was never explicitly reported in the summary of record.

This points to the larger issue of how railroad companies, and the RRB, were selective in the records they made public. A report of the number of injuries occurring to Mexican citizens might have caused the Mexican government to become more involved in the process of monitoring the health and safety of its citizens laboring abroad. It is not surprising that the RRB, and railroad companies, would be eager to limit the dissemination of injury statistics in an effort to protect companies' autonomy in controlling railroad operations.

Because danger is measured by the number of injuries that occur for a group of workers, these reports portray Mexican guest worker as laboring in a relatively safe workplace. When read in conjunction with individual cases about Mexican worker health, a tension between the power of the stories and the narrative told by the numbers is

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<sup>110</sup> Railroad Retirement Board Summary of Record for year 1944, box 9, General Records, Records of the War Manpower Commission, RG 211, National Archives College Park; Railroad Retirement Board Summary of Record for year 1944, box 10, General Records, Records of the War Manpower Commission, RG 211, National Archives College Park.

made clear. Mexican workers, often unfamiliar with the industrial workplace, sustained injuries in the workplace that caused them pain and suffering. In this way, statistical reporting has the power to elide the human experience of injury, pain and suffering.<sup>111</sup>

### **Conclusion**

In seeking to navigate the parameters of the employer contract, railroad companies made and unmade the health status of Mexican guest workers in the American workplace. The broad language of the employer contract provided a platform for railroad companies, as well as other U.S. state agencies, to negotiate and define the health identity of a bracero. The employer contract especially limited railroad companies' autonomy in the employment selection process. While a railroad representative was present to "select" the Mexican worker, it was the U.S. Public Health Service that retained the authority to determine the potential guest worker's health status through the diagnostic protocol of the immigrant medical inspection. This limit to company authority initiated accountability debates when Mexican guest workers arrived at their place of employment sick, or experienced an injury that might have been caused by a pre-existing injury. At stake for railroad companies was their responsibility to provide a guest worker with access to health care and accident compensation.

Railroad companies circumvented these responsibilities by relying on their well-organized legal and medical departments to define injury, manage labor productivity, and minimize operational costs in the workplace. It was through the medical authority of

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<sup>111</sup> It is also interesting to note that in a statistical report compiled by the Mexican government 89 cases of mental illness out of the 298,853 wartime braceros (railroad and agricultural) were recorded. The report does not indicate the source of these numbers. See *Los Braceros* (Mexico: Secretaria del Trabajo y Prevision Social, 1946) 109-120.

company physicians and meticulous record keeping that railroad companies were able to maintain their autonomy in the railroad bracero program. Adding to the railroad companies' advantage in defining health was Mexican workers' unfamiliarity with the English language. In protecting their interests, railroad companies became mediators of Mexican guest worker health rights.

That railroad companies actively engaged in defining the health identity of workers is indicative of the larger dynamics of biopolitics and biopower at play in the railroad bracero program.<sup>112</sup> A guest worker was valued for his ability to perform labor, and his deportability. If a guest worker lost his ability to perform labor efficiently, he was no longer considered to be a useful laborer.<sup>113</sup> The regulation of guest workers' health was therefore paramount to the functionality of the railroad bracero program. Railroad companies, however, were not the only historical actors interested in governing guest worker health. The transnational administration of the bracero program required

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<sup>112</sup> Michel Foucault, *Security, Territory, Population: Lectures at the College de France*, ed. Michel Senellart, transl. Graham Burchell, (New York: Palgrave, 2007); Amy Fairchild, Ronald Bayer, James Colgrove, *Searching Eyes: Privacy, the State and Disease Surveillance in America* (Berkeley: University of California Press, 2007); Nayan Shah, *Contagious Divides: Epidemics and Race in San Francisco's Chinatown* (Berkeley: University of California Press, 2001); Mitchell Dean, *Governmentality: Power and Rule in Modern Society* (London: Sage Publications, 1999); Michel Foucault, *Discipline and Punishment: The Birth of Prison* (New York: Vintage Books, 1979).

<sup>113</sup> Historian Cindy Hahamovitch argues that the central issue maintaining a guest worker's exploitability is deportability. See Cindy Hahamovitch, *No Man's Land: Jamaican Guestworkers in America and the Global History of Deportable Labor* (Princeton: Princeton University Press, 2011), 238. For scholarship on the body as a useful category of analysis for working-class history, see Ava Baron and Eileen Boris, "'The Body' as a Useful Category for Analysis in Working-Class history," *Labor Studies in Working-Class History of the Americas* 4, no. 2 (2007): 23-43. Also, see Sarah F. Rose, "'Crippled Hands: Disability in Labor and Working-Class History," *Labor: Studies of Working-Class History in the Americas* 2 (Spring, 2005): 27-54. For scholarship on gender and the body, see Kathleen Canning, "The Body as Method? Reflections on the Place of the Body in Gender History," *Gender and History* 11 (1999): 499-513; Joan Acker, "Hierarchies, Jobs, Bodies: A Theory of Gendered Organizations," *Gender and Society* 4 (June 1990): 139-58.

both U.S. and Mexican state agencies to be active in measuring and defining the health of Mexican workers as they moved across the Mexico-U.S. border.

As the next chapter reveals, the efforts of railroad companies, the U.S. state and the Mexican state to govern labor productivity was channeled through the political culture of World War II. Railroad braceros entered an American workplace saturated with propaganda that recast the meaning of work within the context of war production. Propaganda aimed at railroad braceros relied on the obligations of citizenship—labor and military service—and the inexorably bounded discourses of masculinity and sacrifice to transform railroad braceros into railroad soldiers.

## Chapter 4

### **Transforming Braceros into Railroad Soldiers: Discourses of Sacrifice, Obligation and the Male Body at War**

*“We were like soldiers; and when the war finished we were going to be like war veterans, that was the promise.” -Bernardino Vilchis César, railroad bracero*

Bernardino Vilchis César described the work of a railroad bracero as physically demanding. César and his fellow braceros spent eight hours a day in the Arizona heat fixing the tracks, and then returned to the labor camp to eat “terrible food.” Exhausted from the day, the braceros “fell like dead men onto their uncomfortable mattresses to rest.”<sup>1</sup> Like several other braceros in the camp before him, César developed a severe stomach ailment that left him hospitalized. After two months without improvement, César stated that “the depression and nostalgia combined was too much” for him to deal with alone.<sup>2</sup> Still sick with a stomach ailment, César returned to Mexico to recuperate in his hometown, surrounded by his family.

Recounting his bracero experiences, César declared “all of my sacrifices deserve some compensation.”<sup>3</sup> The braceros, César claimed, had been recruited to the United States as railroad soldiers, and had been promised veteran benefits for their hard work.

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<sup>1</sup> Violeta Domínguez, "Bernardino Vilchis César," in Bracero History Archive, Item #115, <http://braceroarchive.org/items/show/115> (accessed February 15, 2012). My translation: “Y de ahí, bueno, pues ya terminaba un día de rutina de la cena, caíamos como muertos ahí en el este, no importaba la incomodidad de los colchones ni nada, caíamos como muertos ahí a este, a descansar.”

<sup>2</sup> Ibid. My translation: La depresión, la nostalgia, se me juntó todo eso y dije: “No, vámonos”, fue cuando me regresé yo aquí a este, a México, pero enfermo, enfermo del estómago.

<sup>3</sup> Ibid. My translation: Entonces todos esos sacrificios yo creo que vale la pena alguna, alguna compensación, alguna cosa, ¿no?

“It seems only humane,” César argued, “that I receive some compensation for the years I dedicated to the U.S. railroads.”<sup>4</sup>

César’s articulation of railroad braceros as railroad soldiers embodies the hopes and the pitfalls of U.S. wartime political culture. On the one hand, U.S. propaganda campaigns hoped to encourage industrial workers to think of themselves as soldiers of production. On the other hand, these campaigns could not control how industrial workers would interpret the various themes and messages conveyed through the propaganda. This chapter examines how U.S. government-sponsored representations of railroad work as war work sought to transform the railroad bracero into a railroad soldier.

During the Second World War, propaganda saturated the workplace with “messages exalting the patriotic virtues of production,” as historian James Sparrow notes, “often imbuing the minutest aspects of workers’ daily toil with deep significance.”<sup>5</sup> Private and military industries, civilian agencies, independent organizations and unions recast the meaning of work within the context of war production.<sup>6</sup> This vision centered on work as a cooperative endeavor among all Americans, regardless of race, gender, nationality or ability, to support the war effort. The overarching theme of U.S. propaganda was the centrality of industrial production to achieving final victory. Images of soldiers fighting on the front lines with mechanized weapons encouraged industrial

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<sup>4</sup> Following his ailment, César returned to the United States to work on U.S. railroads until 1948. In total, César worked five years on U.S. railroads. Ibid. My translation: “yo creo que es muy, muy lícito y muy humano que hubiera una cierta compensación de cinco años de esfuerzos dedicados allá en la vía.”

<sup>5</sup> James T. Sparrow, *Warfare State: World War II Americans and the Age of Big Government* (Oxford; New York: Oxford University Press, 2011), 196. Also, see Lewis A. Erenberg, and Susan E. Hirsch, eds., *The War in American Culture: Society and Consciousness During World War II* (Chicago: University of Chicago Press, 1996); Robert B. Westbrook, *Why we Fought: Forging American Obligations in World War II* (Washington: Smithsonian Books, 2004).

<sup>6</sup> Sparrow, *The Warfare State*, 166-7.

war workers to visualize the importance of their labor production to the war effort.<sup>7</sup>

Industrial workers were not simply wageworkers. They were soldiers of production. That both soldiering and working had long been understood to be masculine activities helped to solidify the soldier of production motif.

The Railroad Retirement Board conveyed a similar message to its railroad workers, and prospective railroad employees. The War Manpower Commission delegated the Railroad Retirement Board with the responsibility of supplying manpower to the American railroad industry and for stabilizing employment. The Railroad Retirement Board was given control of advertising under the condition that their campaign was in conformity with the national policy of the War Manpower Commission.<sup>8</sup> As a result, railroad advertising campaigns encouraged railroad workers to think of themselves as railroad soldiers.

The railroad soldier motif drew on the obligations of citizenship—labor and military service—and the inexorably bounded discourses of sacrifice and masculinity.<sup>9</sup> When denied military service, U.S. men faced the challenge of reconciling their inability

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<sup>7</sup> The literature on shaping views of the war is extensive. See Clayton R. Koppes and Gregory D. Black, *Hollywood Goes to War: How Politics, Profits, and Propaganda Shaped World War II* (New York, 1987); William L. Bird and Harry R. Rubenstein, *Design for Victory: World War II Posters on the American Home Front* (New York: Princeton Architectural Press, 1998); Howard Blue, *Words at War: World War II Radio Drama and the Postwar Broadcast Industry Blacklist* (Lanham, Maryland: Scarecrow Press, 2002); George Roeder, *The Censored War: American Visual Experience during World War Two* (New Haven: Yale University Press, 1995); Thomas Doherty, *Projections of War: Hollywood, American Culture, and World War II* (New York 1993); Allan Winkler, *The Politics of Propaganda: The Office of War Information, 1942-1945* (New Haven: Yale University Press, 1978); Michael Sweeney, *Secrets of Victory: The Office of Censorship and the American Press and Radio in World War II* (Chapel Hill: University of North Carolina Press, 2001).

<sup>8</sup> Memorandum, “Manpower Program for the Railroad Industry,” no date, box 8, Records of George Nachtrieb, Records of the War Manpower Commission, RG 211, National Archives, College Park.

<sup>9</sup> As I describe later in the chapter, the railroad soldier motif had its origins in the late 19th century. See John Williams-Searle, “Risk, Disability, and Citizenship: U.S. Railroaders and the Federal Employers’ Liability Act,” *Disability Studies Quarterly* 28: 3 (Summer 2008), <http://dsq-sds.org/article/view/113/113>.

as a male citizen to serve in the military with the wartime political culture that lauded the heroic combat-soldier. Railroad companies encouraged U.S. railroad workers to think about railroad work as war work. It was through laboring in the railroad workplace that U.S. men could fulfill their obligation to the nation as a railroad soldier. Railroad propaganda highlighted the dangerous nature of railroad work to elicit a strong connection between railroad work and warfare. Through various advertising campaigns, railroad soldiers could visualize the products of their labor directly affecting their fellow American combat-soldier on the front lines.

Unlike U.S. railroad soldiers, though, railroad braceros like Bernardino Vilchis César did not have the option of serving in active military duty because Mexico did not have the financial resources to organize and support a military effort.<sup>10</sup> Rather, much like deferred U.S. males, Mexican men were expected to fulfill their obligation to the nation through labor. Adding to their difference with U.S. railroad soldiers, railroad braceros did not have pre-existing networks that tied them to U.S. and other Allied combat-soldiers. As a result, propaganda geared toward railroad braceros emphasized Pan-American unity as the means by which to forge a connection between the bracero and the combat soldier. I argue that railroad braceros selectively appropriated themes from this martial rhetoric, such as sacrifice and obligation, to make sense of their experiences. Railroad braceros identified the separation from loved ones to be an even greater sacrifice than working on the tracks in extreme heat or cold. It was obligation to family, of

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<sup>10</sup> A notable exception was Mexico's Squadron 201, which was part of the Mexican Expeditionary Air Force (FAEM). The FAEM carried out tactical air support missions in July 1945 as part of the 58th Fighter Group of the United States Army Air Force.

improving quality of life, that made railroad braceros endure the hardship of laboring abroad on *el traque* (the railroad).

Total war—the full-scale mobilization of resources and population—required rapid transportation and communication, mechanized warfare, mass-conscripted armies, and the support of the home front, or the civilian population.<sup>11</sup> To win an industrialized war, the U.S. government needed to not only convince the American public that intervening in the war was important to the American way of life, it also had to encourage civilians to play an active and vital role in the fight for victory.<sup>12</sup> While the historical literature has explored the varied experiences on the U.S. home front, it has been focused on a home front bound by the nation’s borders.<sup>13</sup> If the home front is the social and economic underpinnings of the war machine, railroad braceros and Latin American countries more broadly played important roles in mobilizing the Pan-American home front.<sup>14</sup>

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<sup>11</sup> The concept of total war was first articulated by General Erich Ludendorff. Erich Ludendorff, *The Nation at War* (Hutchinson & Company, 1936).

<sup>12</sup> The wartime political culture instilled the idea that participation in the war effort would give rise to full entitlement regardless of race, gender or ability—a notion that the U.S. government would, and continues to, struggle to placate.

<sup>13</sup> John Jeffries, *Wartime America: The World War II Home Front* (Chicago: Ivan R. Dee, 1996). The following selected works examine how the varied experiences of the U.S. home front: Robert H. Ziegler and Gilbert J. Gall, “Labor Goes to War, 1939-1945,” in *American Workers, American Unions, the Twentieth Century* (Baltimore: The John Hopkins Press, 2002), chapter 4; Ronald Takaki, *Double Victory: A Multicultural History of America in World War II* (New York: Little Brown, 2000); William O’Neill, *A Democracy at War: America’s Fight at Home and Abroad in World War II* (New York: Free Press, 1993); John Morton Blum, *V Was for Victory: Politics and American Culture during World War II* (New York: Harcourt Brace Jovanovich, 1976); Ruth Milkman, *Gender at Work: The Dynamics of Job Segregation by Sex during World War II* (Champaign: University of Illinois Press, 1987); Daniel Kryder, *Divided Arsenal: Race and the American State During World War II* (Cambridge: Cambridge University Press, 2000).

<sup>14</sup> These historical works examine how Mexican and Mexican Americans experienced the US home front: Maggie Rivas-Rodríguez ed., *Mexican Americans and World War II* (Austin: University of Texas Press, 2005); David G. Gutiérrez, “Significant for Whom? Mexican Americans and the History of the American West,” *The Western Historical Quarterly* 24, no. 4 (1993): 519-39; Juan Gómez-Quinones and Luis Leobardo Arroyo, “On the State of Chicano History: Observations on its Development, Interpretations, and Theory, 1970-1974,” *Western Historical Quarterly* 7, no. 2 (1976): 1855-85; Mario García, “Americans

## I. 'Railroad work is war work': The Ideology of War Production

In late September 1943, the Association of American Railroads published a poster that read in large-print, "Keep up the good work—for railroad work is war work, railroad service is vital to victory."<sup>15</sup> Aimed at U.S. railroad workers, this poster was placed within the vicinities of the railroad workplace across the United States [Figure 4.1]. The centerpiece of the poster featured a copy of a signed letter from Undersecretary of War Robert Patterson, and Undersecretary of the Navy James Forrestal to the president of the Association of American Railroads. It read:

The War and Navy Departments would appreciate it if you would express to the men and women who work on America's railroads the gratitude of the Army and Navy for the splendid job they are doing. Since the outbreak of war the railroads have hauled 76 million carloads of freight, most of it destined for battle fronts. Millions of fighting men have been transported to training camps and embarkation ports. The Army and Navy realizes that, to perform this big job, crews on trains, in shops, in yards, and along rights of way have had to work long and hard. To the men and women who have made this record movement of men and weapons possible, the Army and Navy are deeply grateful.

This poster encouraged U.S. railroad workers to think about their everyday labor as war work. The "long and hard" labor of driving spikes, replacing rails and ties, shoveling gravel, and servicing locomotive engines, among other things, took on a new meaning in the context of war production. The failure to refurbish a section of track

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All: The Mexican-American Generation and the Politics of Wartime Los Angeles, 1941-1945," *Social Science Quarterly* 68 (1987): 278-89; Emilio Zamora, *Claiming Rights and Righting Wrongs in Texas: Mexican Workers and Job Politics during World War II*, 1st ed. (College Station: Texas A&M University Press, 2009); Clete Daniel, *Chicano Workers and the Politics of Fairness* (Austin, TX: University of Texas Press, 1991); Raul Morin, *Among the Valiant: Mexican-Americans in WWII and Korea* (Los Angeles: Borden Publishing Company, 1963); Pauline Kibbe, *Latin Americans in Texas* (Albuquerque: University of New Mexico Press, 1946).

<sup>15</sup> Artist unknown, Association of American Railroad Poster, no date, box 1708, Pennsylvania Railroad Collection, Legal Department, vol 10, Hagley Library and Archive.

would slow down the movement of military men and war materials to the battle fronts. Railroad workers, the poster declared, played a vital role in the fight for victory. That both the Secretary of War and the Undersecretary of the Navy had personally recognized railroad work as playing a crucial role in the war effort lent credence to the railroad industry's broader campaign to identify railroad work as war work.

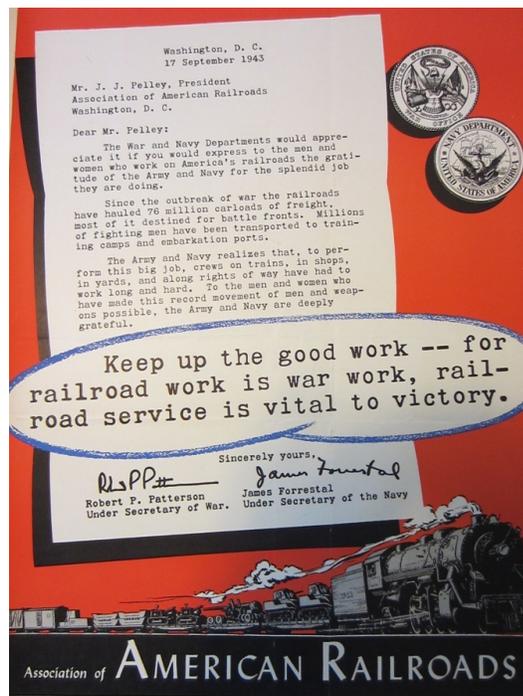


Figure 4.1. The U.S. Undersecretary of War and Undersecretary of Navy's open letter to U.S. railroad workers was published as a propaganda poster to legitimize railroad work as war work. Source: Artist unknown, "Keep up the good work," Association of American Railroad Poster, no date, box 1708, Pennsylvania Railroad Collection, Legal Department, vol 10, Hagley Library and Archive.

The railroad industry's campaign, however, had antecedents in the development of railroad work culture in the nineteenth century. It was during this period that the United States struggled to reconcile the ideology of free labor with the alarming rise in

industrial accidents.<sup>16</sup> Industrial labor imperiled both life and limb of the workers, and accident law made it difficult for maimed workers to receive just compensation for their injuries. As historian John Williams-Searle has demonstrated, U.S. railroad workers, along with other industrial workers, equated the risks they faced in the workplace with the risks of warfare. Industrial workers claimed that their “manly sacrifices” for the nation’s economy made them “more than mere wage workers.” It made them “soldiers of capital.”<sup>17</sup> It was through drawing on notions of the ideal relationship between manhood and risk, Williams-Searle argues, that railroad workers successfully claimed a privileged citizenship status through the passage of the Federal Employer’s Liability Act (FELA).<sup>18</sup> The emerging discourses of the combat soldier and working-class Americanism during World War II, however, both complimented and competed with this notion of the railroad soldier.<sup>19</sup>

President Franklin Roosevelt set the tone for America’s involvement in the war through his fireside chats, a series of evening radio addresses.<sup>20</sup> During a fireside chat on December 29, 1940, Roosevelt argued that the United States “must be the great arsenal of

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<sup>16</sup> John Fabian Witt, *The Accidental Republic: Crippled Workingmen, Destitute Widows, and the Remaking of American Law* (Cambridge: Harvard University Press, 2004), 22.

<sup>17</sup> Historian Daniel Rodgers has also demonstrated that the production-oriented workplace propaganda of World War II embodied 19th century ideals that identified producerism as a virtue of citizenship, which was fundamental to American freedom. See Daniel Rodgers, *The Work Ethic in Industrial America, 1850-1920* (Chicago: University of Chicago Press, 1979).

<sup>18</sup> Williams-Searle, “Risk, Disability, and Citizenship: U.S. Railroaders and the Federal Employers’ Liability Act.”

<sup>19</sup> Gary Gerstle, “The Working Class Goes to War,” in *The War in American Culture: Society and Consciousness During World War II*, eds. Lewis A. Erenberg and Susan E. Hirsch, (Chicago: University of Chicago Press, 1996) 110-1; Gary Gerstle, *Working-Class Americanism: The Politics of Labor in a Textile City, 1914-1960* (Princeton: Princeton University Press, 2002), 289-302; Rodgers, *The Work Ethic in Industrial America, 1850-1920*; Alan Clive, *State of War: Michigan in World War II* (University of Michigan Press, 1979).

<sup>20</sup> This series of fireside chats began in 1933 and ended in 1944. During this period, Roosevelt gave thirty fireside speeches.

democracy,” by manufacturing vehicles and weapons to assist Great Britain in the war against the Nazis.<sup>21</sup> This fireside chat identified labor as playing a central role in contributing to the European war that the United States had not yet formally entered. Following Pearl Harbor, Roosevelt’s fireside chat in April 1942 made explicit the roles of soldiers and civilians in the Allied war effort. Roosevelt framed the relationship between the soldier and the civilian as a moral exchange.<sup>22</sup>

Historian James Sparrow describes this moral exchange as a “wartime social compact between the soldier, offering the nation a sacred sacrifice, and the civilian, who reciprocated with a commitment to personal sacrifice in support of the soldier.”<sup>23</sup> In this sense, the roles of the combat soldier and the citizen-worker were complimentary. While the combat soldier symbolized “the ultimate cultural hero,” Sparrow contends that the industrial worker was his “working-class helpmeet, a lesser but still central character in the national dramaturgy of sacrifice.”<sup>24</sup> For Roosevelt and his administration, this imagery played a crucial role in meeting the demands of industrialized warfare.

Yet, the realities of warfare disrupted the notion that railroad work was similar to warfare. The World War II combat soldier, scholar Christina Jarvis argues, epitomized masculine ideals and represented the United States as a masculine nation.<sup>25</sup> The Selective

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<sup>21</sup> Franklin D. Roosevelt, “The Arsenal of Democracy: Introducing Lend-Lease,” 29 December 1940, published in *FDR’s Fireside Chats*, eds. Russell D. Buhite and David W. Levy (Norman: University of Oklahoma Press, 1992), 173.

<sup>22</sup> Franklin D. Roosevelt, “A Call for Sacrifice,” 28 April 1942, published in *FDR’s Fireside Chats*, Russell D. Buhite and David W. Levy (eds) (Norman: University of Oklahoma Press, 1992), 219-229. Also see, Sparrow, *The Warfare State*, 160-2; 166-9.

<sup>23</sup> Sparrow, *The Warfare State*, 167

<sup>24</sup> Ibid.

<sup>25</sup> Susan Faludi, *Stiffed: The Betrayal of the American Man* (New York: William Morrow, 1999), 16; Christina S. Jarvis, *The Male Body at War: American Masculinity during World War II* (DeKalb, Illinois: Northern Illinois University Press, 2004), 55. Also see, Anthony Rotundo, *American Manhood:*

Training and Service Act of 1940 required men between the ages of 18 and 65 to register, and made men aged 18 to 45 subject to military service.<sup>26</sup> Together with Roosevelt's articulation of a moral economy, the Selective Training and Service Act called upon men to fulfill their obligation as citizen-soldiers of the nation. It was through military service that an individual's manhood and national identity were solidified.<sup>27</sup>

American men issued deferments for military service—either for medical reasons or essential war jobs—struggled to reconcile their manhood and citizenship. Essential war jobs referred to occupations that the U.S. government considered to be of vital importance to the country and war effort.<sup>28</sup> For instance, several classifications of skilled railroad positions, such as boilermakers or machinists, were considered to be essential war occupations. Men with these jobs were given deferments because the skilled nature of their work required prior knowledge and experience with the job. As a result, railroad companies often employed young men whose deferment had eroded their sense of manhood and duty to country.

The U.S. railroad industry drew on notions of sacrifice, manhood and soldiering in their advertising campaign to reassure deferred male employees, and the American public, that railroad work was a form of soldiering. These advertisements were sent via mail, newspapers, and placed in the railroad workplace, and labor recruitment centers.

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*Transformations in Masculinity from the Revolution to the Modern Era* (New York: Basic Books, 1993).

<sup>26</sup> Flynn, *The Mess in Washington*, 187-193.

<sup>27</sup> Linda K. Kerber, *No Constitutional Right to be Ladies: Women and the Obligations of Citizenship* (New York: Hill and Wang, 1998), 236-51; Westbrook, *Why we Fought: Forging American Obligations in World War II*, 39-65.

<sup>28</sup> Sparrow, *The Warfare State*, chapter 5.



Figure 4.2 A Boston and Maine Railroad advertisement reminds the local community that railroad workers are doing war work. Source: Artist unknown, “Who says, ‘you can’t fight with a lantern?’” Spring 1944, box 14, Records of the War Manpower Commission, RG 211, National Archives, College Park.

By April 1944, the U.S. railroad industry’s advertising campaign had distributed 58,114 posters, 617,410 leaflets, 130,115 postcards, and 31,000 inserts all across the United States.<sup>29</sup> For instance, the Boston and Maine Railroad published a flyer with a tagline that read “Who says, ‘you can’t fight with a lantern?’” [Figure 4.2]. The top half of the poster featured a railroad worker with lantern in hand leaning off of a boxcar to signal other crew members. The story accompanying the photograph highlighted an incident where a railroad employee of the Boston and Maine was berated by a townsman for wearing civilian work clothes instead of a military uniform.<sup>30</sup> The opening paragraph read:

<sup>29</sup> Railroad Retirement Board Semi-Monthly Digest, April 1944, box 14, Records of George Nachtrieb, Records of the War Manpower Commission, RG 211, National Archives, College Park.

<sup>30</sup> The public shaming of young men not serving in the military also occurred during World War I. The

Tops in moronic wartime drivel was the taunt shouted at a Boston and Maine trainman last week when, as he plodded wearily home after working all day and part of the night in stormy, zero weather to keep wartime freight and passenger trains moving, a fellow townsman sneered: ‘Say, what’s a guy your age doing out of uniform? What are you—a slacker?’<sup>31</sup>

This townsman, the Boston and Maine declared, was ignorant of the long and hard work the trainman performed everyday in less than ideal weather. More importantly, the townsman failed to recognize that the work of railroaders was vital to the war effort. In the eyes of this townsman, the young, able-bodied trackman appeared to be evading his obligation to serve in the military. The Boston and Maine’s flyer meant to set the record straight.

Almost twenty percent of the Boston and Maine’s employees, 3,000 out of 16,000 regular workers, had been selected for military service. Many of their young male workers, however, remained in a railroad uniform because they had been deferred on the basis of their occupation. These young men put in requests to the Boston and Maine that read, “Please, can’t you notify my draft board to cancel my deferment—I want to get into this fight.” The Boston and Maine, like many other railroad companies, denied their requests. If all able-bodied men had been drafted into the war, then U.S. railroads would be in chaos. “The work of these men—on trains, patrolling tracks—in a hundred different specialized jobs on the railroad,” the Boston and Maine argued, “can’t be

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white feather campaign in Great Britain is an example of how nationalism played a critical role in total war. This campaign was briefly revived during World War II. See Celia M. Kingsbury, *For Home and Country: World War I Propaganda on the Home Front* (Lincoln & London: University of Nebraska Press, 2010).

<sup>31</sup> “Who says, ‘you can’t fight with a lantern?’” Artist unknown, Boston and Maine Railroad Poster, Spring 1944, box 14, Records of George Nachtrieb, Records of the War Manpower Commission, RG 211, National Archives, College Park.

stopped or men at the front would suffer.”<sup>32</sup> The flyer concluded with an appeal to the townspeople:

That’s why the railroad has kept many a man who wanted—and still wants—to get into an Army or a Navy uniform, right on the job here at home. We’ve asked their draft boards to defer them—even against the wishes of scores of our men. No man can request or be granted deferment on his own initiative. So, please, the next time you see one of our younger employees doing his most important part in the fight to win the war, we ask that you ponder a bit before you say, or think,—slacker? NO—he’s in a fighting uniform right here at home.<sup>33</sup>

The Boston and Maine made it clear that young railroad workers had been deferred with specific intent. These young men had been selected to fulfill a different role in the war effort that focused on production rather than combat. Both tasks were necessary to win the war. The flyer showed how the everyday tasks of railroad workers had a direct impact on the combat soldier in the battlefield. Within this framework, the railroad worker’s uniform was transformed into the uniform of a railroad soldier.

The Milwaukee Railroad faced a similar dilemma with its young railroad workers. In April 1944, the Milwaukee Railroad distributed a flyer entitled “We can’t all wear wings” that was published in a variety of magazines including *U.S. News, Nation’s Business, National Geographic*, and *American Magazine* [Figure 4.3].<sup>34</sup> The advertisement included an illustration of several railroad workers, with poles and shovels

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<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Other magazines included *Grade Teacher, Cosmopolitan* and *Liberty*.



Figure 4.3 A Milwaukee Railroad advertisement assures deferred young American men that railroad work is war work. Source: Artist unknown, “We can’t all wear wings,” The Milwaukee Railroad, April 1944, box 184, Records of George Nachtrieb, Records of the War Manpower Commission, RG 211, National Archives, College Park.

in hand, fixing the rails. Featured prominently in the image was a young worker observing three army planes flying overhead. The first few lines of the article read:

We know how you feel, young fellow—that stout heart of yours is breaking because you can’t be up there in those army bombers. But shucks, what of it? You couldn’t help it that the medicos turned you down. You wanted to fight for your country. Well, what else do you think you’re doing now? You’re fighting—even though your uniform is a railroad trackman’s overalls.

The Milwaukee Railroad’s flyer encouraged young men deferred from military service to reframe their thinking on what it meant to be a soldier. The railroad work these men performed was not just wage work—it was war work. This message was reinforced

in the flyer with the words of Colonel J. Monroe Johnson of the Interstate Commerce Commission. Johnson was quoted as saying, “[a railroad man] is in as fine a military place as he can ever occupy when he is helping run the railroads.” The attachment of railroaders to the battlefield extended beyond their labor that produced efficient rail lines for transportation. The railroad workplace itself was “a military place.” For a Milwaukee railroad man working along rail lines in the Midwest and Northwest, the flyer indicated, “the sound of heavy war trains rolling over [his] stretch of track is like the roar of a bomber to [his] ears.”<sup>35</sup>

A Baltimore and Ohio Railroad used similar martial imagery in its poster, which proclaimed that there were “1,320,000 War Workers in the American Railroads—a mighty army of 88 ‘divisions’ . . . rolling against the Axis!” The poster described how railroad employee Anthony O’Donnell often envisioned himself in a uniform, “he and his three sons marching together, fighting together for the America they love.” The spirit of Anthony O’Donnell, the poster proclaimed, was the “spirit of American railroad workers everywhere.”<sup>36</sup>

Like the advertisements of many other railroad companies, the Baltimore and Ohio’s poster was aimed not only at railroad men, but also the American public. Because mobilization of the home front was necessary to support total war, railroad companies had to recast railroad work and the railroad workplace for the American public. The eighty-eight American railroads were not individual companies, they were divisions of an

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<sup>35</sup> “We can’t all wear wings,” artist unknown, April 1944, box 14, Records of George Nachtrieb, Records of the War Manpower Commission, RG 211, National Archives, College Park.

<sup>36</sup> “The Spirit of Anthony O’Connell,” artist unknown, April 1944, box 14, box 14, Records of George Nachtrieb, Records of the War Manpower Commission, RG 211, National Archives, College Park.

army “rolling against the Axis.” And the 1.3 million railroad employees were not just workers, they were railroad soldiers fighting for their country.

The Baltimore and Ohio’s poster drew on familiar notions of manhood and citizenship to imbue greater meaning to railroad work and the railroads more broadly. War workers like Anthony O’Donnell often envisioned themselves as military men, fighting alongside soldiers on the battlefield. Even though these war workers were not combat soldiers on the front lines, they still fulfilled their obligation to country (citizenship) by facilitating war transportation—a vital component of military campaigns. Railroad propaganda thus sought to boost production and maintain morale on the home front. In doing so, American railroads had to reconcile the ideal of the combat soldier with the broader demands of industrial warfare.

Yet the work of mobilizing the home front extended beyond U.S. citizenry and the United States’ geopolitical borders. If the home front embodied the economic and social underpinnings of the war machine, then the contributions of Mexican guest workers like Bernardino Vilchis César to war production were central to home front mobilization. The United States and American railroad companies drew on similar notions of manhood, citizenship and soldiering to incorporate Mexican guest workers into the ideology of war production. Unlike the advertising campaigns directed at U.S. citizens, this propaganda relied heavily on the theme of Pan-American unity.

## **II. Como Un Solo Hombre/As One Man: Mobilizing the Pan-American Home Front**

With Axis propaganda infiltrating Latin American countries, the United States aimed to protect its sphere of influence by countering with its own propaganda campaign

to unite the Americas in the fight for democracy. In doing so, the United States reinforced the foundational principle of the Monroe Doctrine to “leave America to the Americans.” The western hemisphere, the United States argued, should be protected from European and Japanese efforts to colonize or intervene in its relations.<sup>37</sup> President Franklin D. Roosevelt’s administration articulated the Good Neighbor Policy as a way to recast the hegemonic underpinnings of the Monroe Doctrine in terms of reciprocal exchanges between the United States and Latin American countries.<sup>38</sup>

In July 1941, President Roosevelt formally enacted the Office of the Coordinator of Inter-American Affairs (OCIAA) with the objective of countering Axis influence in South America through propaganda campaigns.<sup>39</sup> The mediums for distributing news and propaganda in South America were similar to those used in the United States—radio broadcasting, films, flyers, and posters.<sup>40</sup> By 1942, the OCIAA had a budget of \$38

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<sup>37</sup> For works on Japanese immigration to Latin America, see James L. Tigner, "Japanese Immigration into Latin America: A Survey," *Journal of Interamerican Studies and World Affairs* 23, no. 4 (November 1981): 457-82; Daniel M. Masterson, *The Japanese in Latin America* (University of Illinois Press, 2003).

<sup>38</sup> Frederick B. Pike, *FDR's Good Neighbor Policy: Sixty Years of Generally Gentle Chaos* (Austin: University of Texas Press, 1995); Henry Raymont, *Troubled Neighbors: The Story of US-Latin American Relations from FDR to the Present* (Westview Press, 2005).

<sup>39</sup> The OCIAA was created on July 30, 1941 through Executive Order 8840—it succeeded the Office for Coordination of Commercial and Cultural Relations Between the American Republics (OCCCRBAR). Through Executive Order 9532, the OCIAA became the Office of Inter-American Affairs (OIAA) on March 23, 1945. Robert B. Matchette et al., “Administrative history of the Office of Inter-American Affairs,” *Guide to Federal Records in the National Archives of the United States* (Washington, DC: National Archives and Records Administration, 1995) <http://www.archives.gov/research/guide-fed-records/groups/229.html#229.1>. The Office of War Information (OWI) was not created until June 1942. The OCIAA was allowed to continue operating separately from the OWI due to its centralized propaganda campaign on Latin America. For more on the confusing nature of managing war information, see Jonathan Heller, ed, *War and Conflict: Selected Images from the National Archives, 1765-1970* (Washington, DC: National Archives and Records Administration, 1990), 11; Sweeney, *Secrets of Victory: The Office of Censorship and the American Press and Radio in World War II*, 91-99; Doherty, *Projections of War: Hollywood, American Culture, and World War II*, 43.

<sup>40</sup> The United States also conducted secret operations to seize Germans from Latin America and place them in internment camps. See Max Paul Friedman, *Nazis and Good Neighbors: The United States Campaign Against the Germans of Latin American in World War II* (Cambridge: Cambridge University Press, 2005).

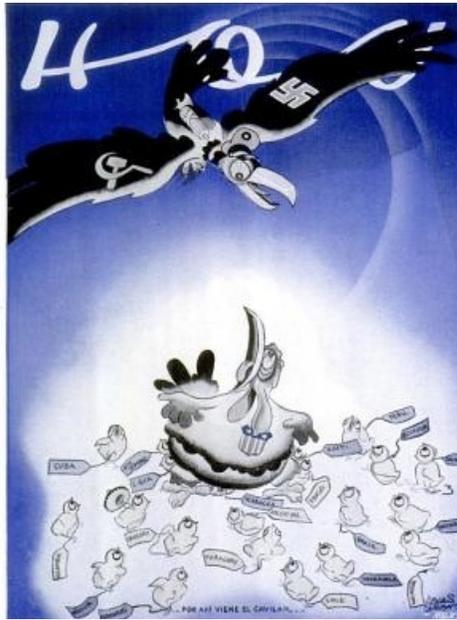


Figure 4.4 A large U.S. hen protects her Latin American chicks from the Axis hawk. Source: Antonio Arias Bernal for *Hoy* Magazine, “Por Ahí Viene el Gavilán” (Here Comes the Hawk), circa 1940.

million and a staff of 1,500 people, including artists, writers, print makers, media experts, and others.<sup>41</sup>

One of the most notable caricaturists of the OCIAA was Antonio Arias Bernal, a 25 year-old Mexican national, who had been recruited by the head of the OCIAA, Neslon Rockefeller, in 1941.<sup>42</sup> Bernal became popular in Mexico for the anti-Axis cartoons he published weekly in *Hoy* (Today), a well-read picture magazine in Mexico City. His artistry and use of vivid colors to convey anti-Axis sentiments and comment on Pan-

<sup>41</sup> For more on the domestic and foreign propaganda campaigns in Mexico during World War II, see Monica Rankin, *Mexico, la patria!: Propaganda and Production during World War II* (Lincoln: University of Nebraska Press, 2010).

<sup>42</sup> The literature on Antonio Arias Bernal is limited. The Virtual International Authority File records indicate that Bernal had 20 publications in the 1940s, with at least three posters published for the OCIAA. See, <http://viaf.org/viaf/73093502>

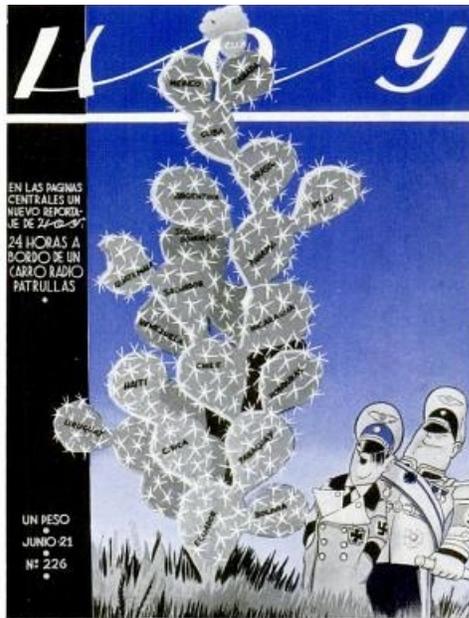


Figure 4.5 The United States depicted as the desirable flower of a cactus plant on the cover of *Hoy*. Source: Antonio Arias Bernal for *Hoy* Magazine, June 21, 1941.

American relations captured the imaginations of readers in Mexico and the United States.<sup>43</sup> In February 1942, *Life* magazine printed an article celebrating Antonio Arias Bernal as “one of Mexico’s best defenders of democracy.” The article entitled “Speaking of Pictures...These Cartoons Dynamited Nazis in Mexico” consisted of a short biography on Bernal, and reprints of nine caricatures drawn by Bernal in several issues of *Hoy*. *Life* magazine described these reprinted caricatures as defending democracy and promoting Pan-American unity.

Audiences in Mexico, however, more than likely understood these cartoons from a different perspective. For instance, the caricature “Here Comes the Hawk” depicted a U.S. hen protecting its Pan-American chicks from an Axis hawk [Figure 4.4]. The hen-

<sup>43</sup> *Hoy* Magazine released an English version of its November 30, 1940 edition entitled “Pan American Good Will Edition.”

chick, or parent-child, relationship elicits a power dynamic where the protective U.S. hen takes care of her helpless Pan-American chicks. In another reprinted Bernal caricature, Hitler and Guring are shown gazing at a Pan-American cactus [Figure 4.5]. The United States is represented as a flower blooming atop the cactus protected by a thorny block of Latin American cactus leaves. *Life* magazine implied that Latin American countries, as the prickly cactus leaves, played a natural supporting role in protecting the “desirable” U.S. flower. The caricatures Bernal published in Mexico for a Mexican magazine, and a Mexican audience, were more complex and ambiguous in their undertones of the hegemonic relationship between the United States and Latin America than his propaganda for the OCIAA.

While Bernal’s caricatures had hegemonic undertones, his propaganda cartoons avoided this power dynamic in favor of Pan-American message of unity. For example, Bernal’s “Como Un Solo Hombre” (As One Man) poster featured a stylized, white and grey silhouette of a serviceman, holding a rifle, with legs emerging from South America and North America as he faces west, presumably guarding against threats from the Pacific theater [Figure 4.6]. Although only a silhouette, the muscular upper body of the serviceman—the broad shoulders and chest, and brawny arms—is well-defined in the poster, which suggests he is either shirtless or in an undershirt. The serviceman’s stance, posture and rifle conveyed a sense of strength, vitality and heroism.

This depiction of the male body was part of the broader imagery used by the United States to comprise the wartime body politic. Scholar Christina Jarvis has argued that in the wartime body politic “the most visually important and most symbolic parts of



Figure 4.6 A man bearing a rifle emerges from the Americas. Source: Antonio Arias Bernal for the OCIAA, “Como Un Solo Hombre (As One Man),” circa 1941-1945, Hennepin County Library, Minneapolis, Minnesota. Local identifier, mpw00448.

the male body were the arms and the chest.”<sup>44</sup> The heroism attached to the muscular upper body, Jarvis demonstrates, grew out of contemporary ideals of bodybuilding, and the heroism embodied by comic book superheroes.<sup>45</sup> However, the silhouette in the “Como Solo Un Hombre” poster does not have an exaggeratedly muscular upper body that is disproportionate to the lower body. Rather, his lower body is proportional to his upper body and communicates an equally important message of Pan-American unity.

The serviceman’s stance—one leg of North America and the other leg of South America—is a visual representation of the poster’s tagline, “As One Man.” The

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<sup>44</sup> Jarvis, *The Male Body at War*, 52; Kenneth Dutton, *The Perfectible Body: The Western Ideal of Male Physical Development* (New York: Continuum, 1995), 51, 210.

<sup>45</sup> William Savage, *Comic Books and America, 1945-1954* (Norman: University of Oklahoma Press, 1990).

serviceman's trunk-like legs, with no visible feet, emphasize his deep roots in both continents of the Americas. Painted in the same colors as the earth, the serviceman appears to be emerging out of the Americas—he is literally *from* the soil of the Americas. The silhouette evades individualizing the serviceman along the lines of race or ethnicity in an effort to encourage the “one man” unity of the Americas against foreign influence. The OCIAA poster thus reflected U.S. foreign policies, such as the Monroe Doctrine and the Good Neighbor Policy, aimed at protecting their sphere of influence in the western hemisphere. By projecting an image of the Americas as “one man” fighting against Axis influence, the OCIAA identified Latin American countries, especially Mexico, as partners in the Allied effort.

The OCIAA poster “La Union Es La Fuerza” (Unity is Strength) illustrated the centrality of Mexico to the Allied war effort [Figure 4.7]. In the foreground, the leaders of the Axis powers—Mussolini, Hitler and Hirohito—register concern and fear at the sight of a Mexican worker shaking hands with a U.S. combat soldier in front of industrial factories billowing smoke. Both the Mexican worker and the U.S. soldier are shown from the waist up, shirtless, with bulging biceps and broad chests. Their muscular physiques symbolize the strength and vitality of the Mexican and U.S. nations. The Axis powers, the poster suggests, feared the strength of a Mexico-U.S. union. In this way, the OCIAA directly connected Mexico to the war effort. Without unity between these two countries, the United States and its allies risked victory.



Figure 4.7 The three Axis leaders—Mussolini, Hitler and Hiroshito—react with concern when a U.S. soldier shakes hands with a Mexican worker. Source: Antonio Arias Bernal for the OCIAA, “La Union Es La Fuerza” (Unity is Strength), no date, United States Library of Congress.

Like the propaganda aimed at U.S. citizens, this OCIAA poster reinforces the notion that the strength of the Allied effort depended on the moral exchange between citizen-worker and soldier. The industrial smokestacks billowing in front of these men shaking hands reinforce the associations between war production, the Mexican worker, and the combat soldier. It was their unity that supplied the United States war machine with war workers, war materials, and mechanized combat soldiers.

Railroad bracero Bernardino Vilchis César argued that he and other braceros were conscious of how important the alliance between the United States and Mexico was to the Allied powers. César claimed that he had a “moral obligation to help out in anyway, because for each soldier that left the United States, [he] would be in the fields or on the



Figure 4.8 Office of War Information propaganda poster distributed to communicate the importance of Pan-American unity to victory. Source: Leon Helguera, *Americans all, let's fight for victory : Americanos todos, luchamos por la victoria*. Accessed February 20, 2012. (Washington D.C.: UNT Digital Library) <http://digital.library.unt.edu/ark:/67531/metadc426/>.

railroad, or in the workshops, or wherever necessary, because that was his idea of cooperation.”<sup>46</sup> César’s oral testimony, in conjunction with the “La Union es La Fuerza” poster demonstrates that the U.S. home front extended beyond its citizenry, and its geopolitical borders. The railroad bracero played a vital role in the Pan-American home front.

The United States government had to not only convince Mexico, but also the American public, that an alliance was vital to victory. In a propaganda poster distributed by the U.S. Office of War Information (OWI), for example, two arms extend into the air waving hats [Figure 4.8]. One hand holds a Mexican sombrero, and the other an Uncle Sam hat. The poster had a tagline in both English and Spanish, which read “Americans

<sup>46</sup> My translation: “Pues no, digo, estábamos conscientes de que la guerra este, de que éramos, era un grupo de países aliados a Estados Unidos en este caso y entonces pues yo veía cierta, cierta obligación moral por decir: “En algo puedo ayudar, porque por cada soldado que salga de Estados Unidos, yo voy a estar en lugar de él en el campo o en el ferrocarril o en los talleres, en lo que sea”. Ése, ése era mi idea de cooperación.” Violeta Domínguez, "Bernardino Vilchis César," in Bracero History Archive, Item #115, <http://braceroarchive.org/items/show/115> (accessed February 15, 2012).

All, Let's Fight For Victory” and “Americanos Todos, Luchamos Por La Victoria.”<sup>47</sup>

Like the OCIAA posters, the OWI communicated the importance of unity along the lines of Pan Americanism. Regardless of nationality, the people of Mexico and the United States were Americans fighting for the common cause of victory. The OWI's emphasis on Pan Americanism paralleled the imagery it used to signify the United States' “unity built on diversity.”<sup>48</sup> Although the symbolic male combat soldier often appeared to be fair-skinned (white), the OWI also promoted images of racially diverse Americans and non-citizens working together to win the war.<sup>49</sup> Moreover, the message supported intra-ethnic unity among Mexican nationals and Mexican Americans. The promises of economic and health security guaranteed through the bracero contract, historian Matthew García argues, made Mexican Americans resentful of the bracero's participation in American workplace. Mexican Americans saw themselves as struggling with fair employment and job discrimination, while braceros received the protection from the U.S. and Mexican governments.<sup>50</sup> The depiction of both an American and a Mexican waving

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<sup>47</sup> Leon Helguera, *Americans all, let's fight for victory: Americanos todos, luchamos por la victoria*. (Washington, D.C.: UNT Digital Library) <http://digital.library.unt.edu/ark:/67531/metadc426/>. Accessed February 20, 2012.

<sup>48</sup> George Roeder, “Censoring Disorder: American Visual Imagery of World War II,” in *The War in American Culture: Society and Consciousness during World War II*, ed. Lewis Erenberg and Susan Hirsch (Chicago: University of Chicago Press, 1996), 69.

<sup>49</sup> Scholar Christina Jarvis argues, “despite its normalizing whiteness, the American body politic accommodated racially diverse images, even if these images did not reflect the reality of wartime relations.” See Jarvis, *The Male Body at War*, 52; Roeder, *The Censored War*.

<sup>50</sup> Matthew Garcia, “Intraethnic Conflict and the Bracero Program during World War II,” in *American Dreaming, Global Realities: Rethinking U.S. Immigration History*, eds. Donna R. and Vicki L. Ruiz Gabaccia (Urbana and Chicago: University of Illinois Press, 2006), 400. For more on Chicanos struggle for job equality during the war, see Mario Garcia, “Americans All: The Mexican-American Generation and the Politics of Wartime Los Angeles, 1941-1945,” *Social Science Quarterly* 68 (1987): 278-89; Daniel, *Chicano Workers and the Politics of Fairness*; Zamora, *Claiming Rights and Righting Wrongs in Texas: Mexican Workers and Job Politics during World War II*.

their hats in the air suggests that cooperation between the Mexican and U.S. nations was necessary for the war effort.

Local newspapers featuring stories about railroad braceros also engendered a sense of unity between Mexico and the United States. For instance, on April 8, 1944, the *Wilmington Journal—Evening Journal* published an article about braceros who had arrived in Wilmington, Delaware to “lend a hand” to the Pennsylvania Railroad. The article described these men as having come to alleviate the labor shortage, and as such, were “serving the public in a highly important capacity.” The presence of these men in the United States, the article contended, was perhaps even more important for what they would “learn about their new neighbors.” The article continued:

If [braceros] obtain a good impression—and there is no reason to fear they may not—they can be instrumental upon their return to their homes in promoting friendly relations between our country and theirs. As they have come from a friendly country they have reason to believe they are welcome.

The article not only informed the community that Mexican men had arrived to work on the Pennsylvania. It strongly encouraged the community to take an active role in affecting foreign relations. By treating Mexican workers with respect, the Wilmington community shaped how braceros would remember America when they returned to Mexico.

Railroad braceros too shaped the outcome of diplomatic relations between the United States and Mexico both while at home and abroad. Letters between loved ones in Mexico and railroad braceros in the United States forged familial ties across the border, and allowed for news about braceros experiences to be sent back to Mexico. Jesus Ponce

de Leon, a railroad bracero working in Bensenville, Illinois, recalled that the railroad company censored the braceros' mail because the government "only wanted us to say good things about the United States." De Leon continued,

They told me to please take out the parts in my letter where I said I was being discriminated against. It was something I had to do because the Mexican government had decided to help the United States with us, as soldiers, doing nothing but work.... We had to keep everything a secret. It was very strict.<sup>51</sup>

Much like the soldiers on the front line, De Leon had an obligation to keep morale high in Mexico about the bracero program. If the Mexican people heard about the discrimination faced by braceros, then there would be (even more) resistance against Mexico's alliance with the United States.

Railroad bracero Agustín Bautista, however, explained that the need to censor bracero letters was also a matter of international security. While working on the tracks, Bautista and other braceros would see trains transporting war materials and troops. The transportation of war materials was vital war information that the U.S. and Mexican governments wanted to keep secret.<sup>52</sup> The Mexican government, therefore, had to make sure that braceros were not sending "gossip on the war" to Mexico.<sup>53</sup> As a result, the letters sent to, and sometimes from Mexico, Bautista said, would arrive "revised and

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<sup>51</sup> Claudia Morales Haro, "Jesús Ponce de León," in Bracero History Archive, Item #163, <http://braceroarchive.org/items/show/163> (accessed February 13, 2012).

<sup>52</sup> Mario Sifuentez, "Agustín Bautista," in Bracero History Archive, Item #339, <http://braceroarchive.org/items/show/339> (accessed February 14, 2012). My translation: "Porque pasaban las trenadas cuando estábamos ahí en Oregon llenas de elementos y que bravo la guerra, porque estaban en guerra. Pero todo cubrido de lonas del Army, del Army, que no querían los americanos, pues los del Gobierno Federal, que cuando pasaban los trenes...."

<sup>53</sup> Ibid. My translation: "No, llevara un chisme que fuéramos a mandar pa allá, un chisme que estamos en la guerra o que..."

chopped up.”<sup>54</sup> The United States’ endeavor to forge and maintain a Pan-American alliance required not only the cooperation of state officials, but also of citizens at the local level as well. The censorship of bracero letters, state officials and railroads believed, promoted support for the bracero program in both countries, and served to control the flow of war information.

Similar to the OWI, the OCIAA also sought to convince the American public that Spanish-speaking peoples played a vital role in the U.S. home front. In August 1944, for instance, the OCIAA published a pamphlet entitled “Spanish-speaking Americans in the War: The Southwest.” Written in both English and Spanish, the pamphlet included photographs of Spanish-speaking Americans fighting in combat, working in ship yards, mining for coal, and flying combat missions. These “Spanish-speaking Americans,” the pamphlet indicates, “found a place in these front line industries of modern war.” The images and accompanying captions told a story of courage, heroism, and sacrifice. For example, Private Lara received the Soldier’s Medal of Valor for rescuing two soldiers from a burning plane; and First Lieutenant Roger Vargas earned five honors, including a purple heart for his wounds in battle. If there was any doubt about Spanish-speaking Americans’ contributions to the war, this pamphlet strove to erase it.<sup>55</sup>

Upon first glance, the soldiers and workers depicted in the photographs appear to be U.S. citizens who speak Spanish. A set of images and text highlighting braceros’

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<sup>54</sup> Ibid. My translation: “Que las cartas que mandábamos para allá, que mandábamos pa acá, todo en privado, ya vienen revisadas, las mochaban y el Gobierno de la frontera...”

<sup>55</sup> The Office of the Coordinator of Inter-American Affairs, “Spanish-Speaking Americans in the War: The Southwest,” August 1944, box 809, The Pennsylvania Railroad Collection, Personnel Department, vol 10, Personnel Department Office Files, RG 14, Hagley Library and Archives.

contribution to the Allied war effort, however, indicates that “Americans” is being used broadly to incorporate not only U.S. citizens, but also Mexican citizens.

The pamphlet’s message of Pan-American unity was undergirded by a photograph of U.S. President Roosevelt and Mexican President Camacho shaking hands and offering encouraging words on the U.S.-Mexico alliance. President Roosevelt was quoted as saying, “We know that the day of exploitation of the resources and the people of one country for the benefit of any group in another is definitely over.” The United States and Mexico, according to Roosevelt, were engaged in an equal partnership. The quote by President Camacho chosen to accompany President Roosevelt’s words identified the reasons for Mexico’s alliance with the United States:

The arduous and noble problem faced by democracies is that we need to overcome nazi-fascism, without abandoning what we are, to annihilate oppression with freedom, to annihilate autarchy with the fusion of interests, to annihilate the economy directed by a despot with a coordinated economy of nations, and to annihilate the unified action of a tyrant with another much more difficult unity, which must come from, and is inspired by, the people.<sup>56</sup>

Forging an economic relationship with the United States, President Camacho argued, would not alter the character of the Mexican nation. Rather, it would display Mexico’s commitment to the preservation of democracy and freedom. Camacho framed the characteristics of the Axis nations (nazism and fascism) in opposition to those of democratic nations, like Mexico. Freedom eliminated oppression; democracy trumped autarchy; and coordinated democratic economies prevailed over the economy of tyrants.

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<sup>56</sup> Ibid, #0891. President Camacho is quoted as saying “El arduo y noble problema ante el cual colocados las democracias reside en que necesitamos vencer al nazifascismo sin dejar de ser lo que somos aniquilar a la opresión con la libertad, a la autarquía con la fusión de los intereses, a la economía dirigida por los déspotas con la economía concertada por las naciones y a la unidad de acción del tirano con esa otra unidad, mucho mas difícil, la que proviene del pueblo y en el inspira.”

It was only through unity that democratic nations could defeat the Axis powers. Whereas the Axis powers demanded unity from its people, the democratic nations could only cultivate unity if it came from, and was inspired by, the will of the people. In order to demonstrate its true democratic character, Mexico had to align itself with other democratic nations, like the United States, that sought to annihilate tyranny of the Axis powers.

These two strong messages conveyed by the Mexican and U.S. presidents encouraged members of both nations that an alliance of democratic nations was necessary, and that such an alliance was based on reciprocal exchanges. Within the context of the “Good Neighbor” alliance, the United States was not taking advantage of Mexican labor to assuage its manpower shortage. Rather, braceros represented a means by which Mexico was contributing to the Allied war effort and the Pan-American home front. Braceros were not merely wage workers; they were soldiers of production.

### **III. Soldados del Ferrocarril/Railroad Soldiers: Railroad Braceros in the Pan-American Home Front**

As part of the Pan-American home front, railroad braceros played a significant role in war mobilization. Like U.S. railroad workers, Mexican railroad workers laboring abroad in the United States were transformed into railroad soldiers, or soldiers of production. In contrast to U.S. citizen-workers, though, Mexican citizen-workers did not have pre-existing ties to U.S. combat soldiers. Apart from existing social networks, the U.S. citizen-worker and the U.S. combat soldier shared a sense of U.S. nationalism that was heightened throughout the war. Transforming braceros into railroad soldiers required U.S. railroad companies to place special emphasis on Pan-American unity. The

relationship between the bracero and the U.S. combat soldier was given meaning through the alliance of their two countries. A bracero's moral attachment to a combat soldier could only be forged if the bracero understood the soldier's fight to be his fight as well. U.S. propaganda had to tie the efforts of braceros to U.S. combat soldiers against the backdrop of racial warfare in the United States. In particular, the outbreak of the Zoot Suit Riots in early June 1943 pitted the U.S. combat soldier against Mexican Americans, and African Americans, wearing zoot suits. For several weeks, a mob of 1,000 white American servicemen, carrying clubs as weapons and weighted ropes, raided the local hangouts of zoot-suiters to shout racial slurs and physically assault Mexicans, women and children alike. The Zoot Suit Riots, catalyzing race riots across the nation, made front-page news in the United States and Mexico, increasing the need for propaganda to encourage the braceros, and the Mexican public, that they had an obligation as America's good neighbor, to support the U.S. combat soldiers.<sup>57</sup>

In an effort to encourage braceros to think about the war as Mexico's war, the OCIAA distributed an estimated 4,500 copies of the "Spanish-speaking Americans in the War" pamphlet, enough for each bracero, to the Pennsylvania Railroad in the August 1944.<sup>58</sup> In addition to photographs of Spanish-speaking U.S. citizens, the pamphlet made

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<sup>57</sup> Mexican Americans wearing zoot suits were associated with particular subculture of Latin Americans known as Pachucos. Both men and women participated in Pachuco. Zaragosa Vargas, *Labor Rights are Civil Rights: Mexican American Workers in Twentieth-Century America* (Princeton: Princeton University Press, 2005), 228-30. For more on women zoot-suiters, see Catherine Ramirez, *The Woman in the Zoot Suit: Gender, Nationalism, and the Cultural Politics of Memory* (Durham: Duke University Press, 2009). Historian James Sparrow argues that white servicemen interpreted "the zoots' suits, and the lifestyle they advertised, [as] a defiant rejection of the moral economy of the home front, a perversely inverted uniform that mocked the soldier's sacrifice. Their very presence in public places seemed to flaunt an unpatriotic self-indulgence." See Sparrow, *The Warfare State*, 202; 228-237.

<sup>58</sup> John Herling to CE Musser, 8 August 1944, box 809, The Pennsylvania Railroad Collection, Personnel Department, vol 10, Personnel Department Office Files, RG 14, Hagley Library and Archives.



Figure 4.9 Braceros arriving in Colorado during the Spring of 1943. Written in chalk on the railroad car is “de las democracias sera la Victoria,” which translates as, “victory will come from the democracies.” Source: “Spanish-Speaking Americans in the War: The Southwest,” August 1944, box 809, The Pennsylvania Railroad Collection, Personnel Department, vol 10, Personnel Department Office Files, RG 14, Hagley Library and Archives.

the relationship between the combat soldier and the industrial worker clear, stating, “these soldiers and this worker are as one.”<sup>59</sup> Without the labor of Mexican workers in the fields and in the factories, the pamphlet argued, the combat soldier would be unable to successfully complete his job on the front line. Victory over the Axis also required Pan-American unity. “Here, across our border,” the pamphlet declared, “is an example of the collaboration on which final victory must rest.”<sup>60</sup>

The association between victory, unity and a mobilized Pan-American home front was embodied by a photograph of braceros aboard a train to the United States. Written in chalk on the side of the railroad car was a large “V” and the message, “victory will come

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<sup>59</sup> The Office of the Coordinator of Inter-American Affairs, “Spanish-Speaking Americans in the War: The Southwest,” August 1944, box 809, The Pennsylvania Railroad Collection, Personnel Department, vol 10, Personnel Department Office Files, RG 14, Hagley Library and Archives. My translation: “Estos guerreros, este trabajador, son uno.”

<sup>60</sup> Ibid.

from the democracies” [Figure 4.9].<sup>61</sup> Linking the combat soldier and the Mexican worker, the pamphlet suggested, was their fight for democracy and freedom.<sup>62</sup> This message was reinforced by the words of President Camacho and President Roosevelt, who reminded braceros of their vital role in the war. Without braceros, democratic nations risked annihilation at the hands of tyrants.

Other railroad companies such as the Southern Pacific Railroad encouraged Mexican guest workers to think about their work as war work. The October 1943 issue of the Southern Pacific *Bulletin*, written in English and Spanish, featured an homage to braceros working for the Southern Pacific’s rail lines in the Pacific region [Figure 4.10]. Dominating the front cover is a black-and-white photograph of what appears to be more than twenty workers, posed near some tracks, holding a U.S. flag and a Mexican flag. The men appear jubilant as they smile, wave their hats in the air, and flash the iconic V-for-victory sign at the camera. Written across the bottom of the photograph is *¡Victoria!* (Victory!). The photograph advertises the braceros’ strong sense of enthusiasm for the war effort and cooperation with the United States.

The first article of the *Bulletin* entitled “A Tribute to our Mexican railroaders” dedicated the issue “to the thousands of Mexican patriots who have left their homes and families to come to work on track maintenance gangs of the Southern Pacific as their

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<sup>61</sup> Ibid. My translation: “de las democracias sera la victoria.” Several other images of braceros aboard trains with similar messages have been displayed in the Smithsonian’s traveling bracero exhibit, “Bittersweet Harvest.”

<sup>62</sup> Ibid. My translation: “La esencia misma de la democracia reside en esta unión del guerrero y el trabajador en la causa común.”



Figure 4.10 Railroad braceros employed by the Southern Pacific Railroad pose for the camera, waving their hats and flashing the iconic V-for-victory sign. Source: Southern Pacific *Bulletin*, October 1943, box 17, Ernesto Galarza Collection, M0224, Dept. of Special Collections, Stanford University Libraries, Stanford, Calif.

contribution to the United Nation's war against the Axis."<sup>63</sup> Since Mexico did not support the Allied war effort with combat soldiers, railroad braceros symbolized the Mexican state's contribution to mobilizing the Pan-American home front. Mexican guest workers helped to maintain uninterrupted railroad service, which was essential for transporting the necessary war materials, food and troops to the war front.

The Southern Pacific's *Bulletin* explicitly referred to its Mexican railroaders as "soldados del ferrocarril," or railroad soldiers. Accompanying this headline are seven

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<sup>63</sup> The Allied powers called themselves the "United Nations."

photographs of railroad braceros, who worked for the Southern Pacific in Roseville, Los Angeles, Portland, and Oakland. The most striking photograph is that of at least nineteen braceros standing at attention with railroad shovels poised over their left shoulder as if they were soldiers bearing rifles [Figure 4.11]. Southern Pacific Superintendent J.J. Jordan further likened the railroad bracero to the combat soldier when he gave a speech to braceros, stating “in coming to this country you resemble my children and the children of many other Americans who have gone to the front lines of war.”<sup>64</sup> If the railroad workplace represented the front lines of war, the railroad bracero was the soldier charged to protect it. Transforming railroad braceros into railroad soldiers, however, required more than a staged photograph.



Figure 4.11 Soldados del ferrocarril/Railroad Soldiers. Source: Southern Pacific *Bulletin*, October 1943, box 17, Ernesto Galarza Collection, M0224, Dept. of Special Collections, Stanford University Libraries, Stanford, Calif.

<sup>64</sup> Southern Pacific *Bulletin*, October 1943. “Trabajadores Mexicanos Celebran Su Independencia,” box 17, Ernesto Galarza Collection, M0224, Dept. of Special Collections, Stanford University Libraries, Stanford, Calif. My translation: “Al venir a este país se asemejan ustedes a mis hijos y a los hijos de muchos otros americanos que se han ido a los frentes de batalla que se encuentran esparcidos en todo el mundo”

The Southern Pacific and Mexican consuls took advantage of Mexico's Independence Day on September 16, 1943 to imbue railroad work with notions of soldiering, nationalism and unity.<sup>65</sup> In a message of appreciation to railroad braceros, Southern Pacific President A.T. Mercier stated, "You are in this country today helping protect the freedom of both this country and yours. This is to convey my sincere salutations to you all on your Independence Day which we are celebrating in the best of all possible ways, working for freedom."<sup>66</sup> Even though railroad braceros did not get the day off, Mercier argued, they had the opportunity to celebrate their independence by working on the tracks to fight for freedom.

At the Southern Pacific's labor camp in San Francisco, Mexican consul Antonio Schmidt similarly highlighted the crucial role railroad braceros played in the fight for victory. Schmidt encouraged braceros to continue working hard so that "our brothers and our neighbors in the armed forces do not sacrifice their blood in vain." Railroad braceros' contribution to the war, Schmidt argued, did not only have a direct effect on combat-soldiers; it also shaped how the world viewed Mexico as a nation. Schmidt told braceros:

From everywhere I have heard about the admirable work that you are doing on U.S. railroads, as representatives of our country. And all of you are helping Mexico to fulfill its promise of cooperation until victory is achieved.<sup>67</sup>

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<sup>65</sup> The commemoration of Mexico's Independence Day was continued the following year across other participating railroads, with Mexican nationals receiving printed greeting cards of appreciation and special dinner parties honoring the occasion. See, Churchill Murray to Francisco Trujillo Gurria, 30 September 1944, box 5, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

<sup>66</sup> Southern Pacific *Bulletin*, October 1943. "Un Tributo a Nuestros Ferrocarrileros Mexicanos," box 17, Ernesto Galarza Collection, M0224, Dept. of Special Collections, Stanford University Libraries, Stanford, Calif.

<sup>67</sup> Southern Pacific *Bulletin*, October 1943. "Trabajadores Mexicanos Celebran Su Independencia," box 17,

Railroad braceros were not just workers; they were good-will ambassadors of Mexico. By working hard, railroad braceros earned esteem both for, and from, their country. Schmidt also admitted that without the assistance of its citizen-workers, Mexico could not fulfill its agreement to assist the Allied war effort. This sentiment echoed President Camacho's earlier statement to the Mexican people that an economic collaboration among the democratic United Nations would be unsuccessful unless their citizenry morally supported the alliance and war mobilization.



Figure 4.12 The Santa Fe propaganda poster proclaims that railroad braceros are playing a vital role in the war. Source: Santa Fe Railroad poster, no date, box 3886, Department of State, RG 59, National Archives, College Park.

Ernesto Galarza Collection, M0224, Dept. of Special Collections, Stanford University Libraries, Stanford, Calif. My translation: “En todas partes he oído hablar del admirable trabajo que están haciendo en las vías del ferrocarril en representación de nuestro país. Y están ustedes ayudando a México a cumplir su promesa de colaborar hasta alcanzar la victoria.”

The Atchison, Topeka and Santa Fe Railroad took a similar approach in encouraging its Mexican workers to have a moral attachment to the war, and by extension, their work. In the summer of 1944, the Santa Fe placed a poster in the bunk houses of Mexican labor camps at various locations along Santa Fe rail lines [Figure 4.12]. The Santa Fe “felt that such a poster would appeal to the Mexicans and would show them the contribution they are making to the war effort.”<sup>68</sup> Printed on the bottom half of the 8x10 poster, near criss-crossed U.S. and Mexican flags, is the main message to railroad braceros:

Si-Si-Señores, this is your war, too! Mexico, our good neighbor, is in this war. Your work in the United States alongside your North American compatriots, is a major contribution to final victory! The Santa Fe salutes the Mexican Nationals working on our railroad for joining American workers in our fight for freedom.<sup>69</sup>

The Santa Fe reminded braceros that they were not simply laboring abroad to help the United States fight a war. Rather, Mexico and the United States were in the war together. Working alongside other American compatriots, railroad braceros helped to mobilize the home front for victory against the Axis. Like the Southern Pacific, the Santa Fe was appreciative of braceros’ hard work.

The black and white photograph above this message evoked a strong association between warfare and the railroad workplace. Sitting in a foxhole, several soldiers focus their attention on wounded compatriots. Two medics tending to a soldier are featured in

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<sup>68</sup> AW Motley to McLain, 10 July 1944, box 3886, Department of State, RG 59, National Archives, College Park.

<sup>69</sup> Atchison, Topeka and Santa Fe Railroad Company poster, no date, box 3886, Department of State, RG 59, National Archives, College Park.

the foreground of the photograph, one holding up an intravenous bag and the other treating a soldier's wounds. Another wounded soldier is lying in the background, the majority of his body covered by a blanket. The photograph conveys multiple messages. First, it demonstrates that the soldiers on the front lines are often in vulnerable positions, and therefore, need the support of the home front. Second, it draws an overt parallel between railroad workers and combat soldiers. Like U.S. soldiers, Mexican men left home to fight for freedom in a dangerous environment that could result in injury or death. Railroad braceros and U.S. soldiers, the poster implied, shared a defining characteristic—the willingness to sacrifice body for democracy and freedom.

Yet physical sacrifices did not fit so neatly into the railroad soldier motif. An injured worker, the Southern Pacific noted, compromised the war effort and more broadly contravened the purpose of the guest worker program. During the Mexican Independence Day celebration in 1943, Superintendent J.J. Jordan told railroad braceros “you be careful in your work so as to not suffer any injury, this is our plea to you, for every moment that you dedicate to work puts us that much closer to victory, for which Mexico, the United States, and our allies fight.”<sup>70</sup> While Jordan acknowledged the dangerous nature of railroad work, he stressed the importance of remaining able-bodied for the sake of achieving victory. Railroad braceros had been recruited as temporary workers with the specific purpose of contributing their labor to the home front. When a

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<sup>70</sup> Ibid. My translation: “Que sean cuidadosos en su trabajo para que no sufran lesión algun, es nuestra súplica a ustedes, pues cada momento que dedican al trabajo, ese tanto más no acercamos a la victoria, por la cual México, los Estados Unidos y nuestros aliados combaten.”

bracero sustained an injury, Jordan suggested, war transportation, and victory more broadly, were compromised.<sup>71</sup>

While the railroad soldier motif privileged physical sacrifice, railroad companies also recognized that the bracero had to deal with the emotional strain of being thousands of miles from their homes.<sup>72</sup> Just like the combat soldiers in the Santa Fe poster, the railroad bracero had to make the necessary emotional sacrifice of leaving behind family and loved ones in the fight for freedom. Speaking on behalf of the Southern Pacific, Jordan contended “our desire is that you can be happy and satisfied during your time as a railroad worker, because like any other employee, you are integral to railroad service, and your fellow American workers recognize the merit of the work you are doing.”<sup>73</sup>

The emotional component of sacrifice may not have been a prominent theme in the railroad soldier motif, but it was a very tangible consequence of the guest worker program that railroad companies had to contend with on a daily basis. By making explicit connections between railroad work, war production and the combat soldier through war propaganda, U.S. railroad companies hoped to boost workers’ morale and labor production.

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<sup>71</sup> US propaganda also depicted the wounded and maimed soldier, or the abject male body. See Jarvis, *The Male Body at War*, 86-118; George Roeder, “Censoring Disorder: American Visual Imagery of World War II,” in *The War in American Culture: Society and Consciousness during World War II*, eds. Lewis Erenberg and Susan Hirsch (Chicago: University of Chicago Press, 1996) 46-70; Andrew Huebner, *The Warrior Image: Soldiers in American Culture from the Second World War to the Vietnam Era* (Chapel Hill: The University of North Carolina Press, 2008), 29-36.

<sup>72</sup> Atchison, Topeka and Santa Fe Railroad Company poster, no date, box 3886, Department of State, RG 59, National Archives, College Park. My translation: “Actualmente se encuentran ustedes lejos de sus hogares, y al venir acá, han tenido que dejar en México a sus esposas y demás familiares.”

<sup>73</sup> Ibid. My translation: “Nuestro deseo es que ustedes estén contentos y satisfechos durante su permanencia en este país al servicio del Ferrocarril, pues al igual que cualquier otro empleado, ustedes son parte íntegra del mismo, y sus compañeros de trabajo americanos reconocen el mérito de la obra que están ustedes llevando a cabo.”

#### IV. Railroad Braceros: Discourses of Sacrifice, Obligation and Family

How did braceros react to the martial rhetoric and patriotic speeches? Unlike the Office of War Information, railroad companies and the Railroad Retirement Board do not appear to have conducted surveys to investigate the morale among railroad braceros.<sup>74</sup> A series of audio recorded oral history interviews—supported by the Smithsonian National Museum of American History and a consortium of institutions in 2005 and 2006—with former braceros offer a rare window into how workers responded to the railroad soldier propaganda. An examination of these oral histories reveals that braceros selectively appropriated themes from the martial rhetoric, such as sacrifice and obligation, to make sense of their experiences. More often than not, Mexican men identified being away from family and country as *their* ultimate sacrifice; a sacrifice that was necessary to improve the quality of life for their families [*emphasis mine*].

When Mexico agreed to allow the United States to recruit Mexican men as “railroad soldiers” in the bracero program, the railroad soldier metaphor was almost immediately lost in translation. Catalyzing this confusion was the wartime political culture touted by the United States in Latin America that promoted Pan-American unity through the image of a one-man soldier.

Rumors spread quickly throughout Mexico that the United States was recruiting Mexican men for the military, under the false pretense that they would be contract laborers. “We didn’t really know what the United States wanted with braceros,” former railroad bracero Sebastian Saucedo recalled. “Some people,” Saucedo continued, “said

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<sup>74</sup> Historian James Sparrow thoroughly examines how OWI researchers investigated the morale of war workers. See Sparrow, *The Warfare State*, 173-184.

that braceros were meant to work the harvest or on the tracks, and others said that braceros were going to be sent to fight in the war.”<sup>75</sup> These rumors, Roberto Heynes Garcia contended, kept him and his friends from applying for the bracero program. The images of “Germans killing lots of people” that Garcia and his friends saw in the movie theater reinforced their fears of being conscripted. Garcia continued, “once we saw that Mexican men were returning from work in the United States with money, we said ‘let’s go!’”<sup>76</sup> Braceros returning from the United States served not only as ambassadors, but also as living testimony that the bracero program existed to recruit Mexican men to work, not to join the military.

The overwhelming presence of wartime imagery and nationalism contributed to the rumors surrounding the bracero program. Miguel Arroyo Castillo recalls that when he boarded the train to the United States, “they gave everyone a small Mexican flag, and all the families cried because they thought we were going to war.” Castillo and others were told by people in the crowd, “no, you all are going to the war... you all don’t understand, they are going to prepare you first in the United States.”<sup>77</sup>

These rumors derived from the martial imagery and the apparent lack of transparency concerning the transportation of braceros. After being selected for the program, braceros did not know where, or for whom, they would be working once they

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<sup>75</sup> Ana Rosas, "Sebastián Saucedo," in Bracero History Archive, Item #238, <http://braceroarchive.org/items/show/238> (accessed February 14, 2012).

<sup>76</sup> Laureano Martínez, "Roberto Heynes García," in Bracero History Archive, Item #216, <http://braceroarchive.org/items/show/216> (accessed February 14, 2012).

<sup>77</sup> Violeta Domínguez, "Miguel Arroyo Castillo," in Bracero History Archive, Item #131, <http://braceroarchive.org/items/show/131> (accessed February 16, 2012). My translation: “A todos nos dieron una banderita y toda la familia lloraba porque creían que iba uno a la guerra...”; “No, ustedes van a la guerra’. Les decía yo a la, allá ya saben cómo es el carácter que tenía. ‘Ustedes no se fijen, hombre, pues si allá los preparan primero.’”

arrived in the United States. The train also made several stops along the way, at which point railroad labor agents asked for several volunteers to get off the train to start their work.<sup>78</sup> For instance, when Ceferino Palomares Mar signed his labor contract, he was placed on a train full of braceros without any further information. “It never occurred to me to ask, ‘where, and in what [industry] will we be working?,’” Mar recounts.<sup>79</sup> It was not until Mar and other braceros arrived at the offices of the Pennsylvania Railroad Company that they were informed about where they would be living, and the type of work they would be performing.<sup>80</sup>

In some instances, Mexican men were also transported in military vehicles. When Juan Sanchez Abasta and twenty other braceros were transferred from Washington to North Dakota, they alighted from the train in North Dakota and were shuffled into government trucks. Abasta recounted, “when we saw the government trucks covered with green tarpaulin, we thought for a moment that we were being taken to the war.”<sup>81</sup> As the government trucks arrived at a railroad building, Abasta realized that they were meeting with their new employer. Even after Abasta had been working for several months in Washington, the fear of being sent to war still lingered.

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<sup>78</sup> Laureano Martínez, "Roberto Heynes García," in Bracero History Archive, Item #216, <http://braceroarchive.org/items/show/216> (accessed February 14, 2012).

<sup>79</sup> Violeta Domínguez, "Ceferino Palomares Mar," in Bracero History Archive, Item #90, <http://braceroarchive.org/items/show/90> (accessed February 16, 2012). My translation: “...no nos especificaban nada, no decían: “¿Quieres ir a trabajar a Estados Unidos?”. “Sí, sí”. Y no, no se me ocurría a mí: “¿Dónde, en qué vamos a trabajar?, ¿en qué voy a trabajar?”. “Pues ya lo verás hasta llegando allá”. Y sí, pues me tocó en esa compañía al traque, que le decíamos nosotros.”

<sup>80</sup> Ibid.

<sup>81</sup> Violeta Mena, "Juan Sánchez Abasta," in Bracero History Archive, Item #67, <http://braceroarchive.org/items/show/67> (accessed March 5, 2012). My translation: “Tapadas así con lona, por arriba, lona de esa verde como las que usan las trocas de gobierno y pensamos por el momento: “Ah, jijo, creo nos van a llevar la Guerra.” (risas) Pero no fue, pienso así momentáneo, no, nos llevaron a la estación de ferrocarriles donde nos entregaron con el mayordomo que íbamos a trabajar.”

Salvador Esparza Carreno, on the other hand, discounted the rumors from the onset. Carreno argued, “Why would they want us? For [war] it is best to recruit people who are prepared; we were going to work.”<sup>82</sup> The transnational wartime imagery proved to confuse more than convince the people of Mexico that Mexican men joining the bracero program would be like railroad soldiers. Part of this confusion more than likely stemmed from the fact the wartime imagery of railroad soldiers was intended to help workers visualize themselves as directly participating in the war. If railroad workers appeared to be performing labor in a warlike environment, it is easy to see how people might assume that Mexican men were being recruited to fight on the front lines.

While U.S. propaganda emphasized that braceros were lending a helping hand in the war, most braceros maintained a tenuous relationship between their work and the war effort. For instance, on August 27, 1944, *The New York PM* newspaper published an article on the “Mexicans in Babylon” that captured the life of braceros on a Long Island Railroad labor camp in Babylon, New York. The article featured railroad bracero Elias Romo Torres, who acted as the spokesman for all the braceros. When the interview asked Torres why the braceros had signed up to work in the United States, a railroad official immediately cut in to ask Torres “if it wasn’t because the men knew labor was scarce in the United States and wanted to help the war effort?” Looking at the ground, Torres replied “sure...some of our boys would even like to go to fight overseas.”<sup>83</sup> That

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<sup>82</sup> Laureano Martínez, "Salvador Esparza Carreño," in Bracero History Archive, Item #218, <http://braceroarchive.org/items/show/218> (accessed February 14, 2012). My translation: “Y creíamos nosotros, muchos hasta se atemorizaban que a lo mejor nos iban a llevar a la guerra. Y qué, pero dije: ‘Bueno, pues, ¿pa qué nos quieren a nosotros? Para eso mejor necesitan gente preparada, nosotros vamos a trabajar.’ Y así fue.”

<sup>83</sup> *New York PM*, 27 August 1944.

Torres responded to the question with eyes to the ground and in the presence of a railroad official strongly suggests that his response was not entirely sincere. The railroad official overtly encouraged Torres and other braceros to think about their decision to labor abroad in terms of an obligation to their northern neighbors. Torres went so far as to claim that braceros desired to fulfill an even greater obligation to fight on the front lines as soldiers.<sup>84</sup>

Former bracero Manuel Sandoval, on the other hand, argued that braceros had gone to the United States to help with the labor shortage, but not necessarily the war effort. With many of the American railroad men gone to war, Sandoval explained, the United States had to find someone to take their place. "It was the bracero," Sandoval states, "who went to fill these jobs in order to help the United States proceed with its way of life, its way of being. We saw ourselves as essential to supporting the life of the United States."<sup>85</sup> For Sandoval, the central role of the braceros was to assuage the labor shortage brought on by the war. Rather than describing a connection to the soldiers, Sandoval argued for the bracero's connection to the American way of life which their labor provisioned.

Much like Sandoval, railroad bracero Crisostomo Luna del Angel did not forge a connection to the combat soldier. For del Angel, the bracero program offered him the opportunity to travel to the United States and cultivate a network so that he could

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<sup>84</sup> Ibid.

<sup>85</sup> Violeta Domínguez, "Manuel Sandoval Espino," in Bracero History Archive, Item #130, <http://braceroarchive.org/items/show/130> (accessed February 15, 2012). My translation: "Pues eso sí, mexicano, bueno, usted de bracero, todos los que estaban dentro de la guerra dejaron sus lugares, entonces el bracero fue a ocupar esos lugares para ayudar a Estados Unidos o a su vida, a su modo de ser, pa que siguieran adelante. Así que sí nosotros veíamos que, que el mexicano, bueno que el bracero, éramos una parte esencial para la vida de Estados Unidos."

continue his education in the United States. Del Angel recalled, "I thought if I could make connections in the United States, and go to school [there], that I could fulfill my dream."<sup>86</sup> It was during his employment with the Southern Pacific Railroad in Tempe, Arizona, that del Angel began to make connections through a local Presbyterian Church. After his contract expired, del Angel returned to Mexico, applied for his visa, and returned to the United States to attend school in Illinois. In recounting his experience as a bracero, del Angel described his daily routine of laboring on the tracks as nothing more than wage work. The ultimate use of his labor for the war effort did not seem to be important to del Angel.

While these former braceros had established a weak connection between their labor and the war effort, other railroad braceros like Bernardino Vilchis César had been transformed into railroad soldiers. Recall that César felt braceros had been made a promise that because of their hard work and sacrifice as railroad soldiers, they would be given veterans' benefits. Cesar's sense of entitlement may have derived from the fact that railroad companies, on the basis of a gentleman's agreement, provided braceros with death benefits.<sup>87</sup>

Railroad bracero death benefits are reminiscent of the death benefits extended to soldiers. These benefits were meant to engender peace of mind for men serving in dangerous environments. In the event of death from any cause (occupational or personal), a railroad company paid up to \$130 in funeral expenses, and \$150 to the next

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<sup>86</sup> Kristine Navarro, "Crisostomo Luna del Angel," in Bracero History Archive, Item #138, <http://braceroarchive.org/items/show/138> (accessed February 13, 2012).

<sup>87</sup> Agricultural braceros were not given death benefits.

of kin.<sup>88</sup> The railroad bracero indicated a next of kin and his or her contact information when he signed the labor contract. A bracero's death required the railroad company to make contact with the local undertaker and funeral parlor, a number of state agencies in the United States, and the next of kin. Several other U.S. state agencies such as the War Manpower Commission and the USES contacted the necessary agencies in Mexico.

Within the context of the railroad soldier motif, death signified the ultimate sacrifice in the railroad soldier motif. Like the fallen combat-soldiers, the deceased railroad bracero was buried in a foreign country, far from his family.<sup>89</sup> The death of a bracero in the United States, however, sometimes allowed for fellow workers and members of the community to take part in the funeral rites. On November 7, 1943, railroad bracero Salome Lopez Rodríguez was struck and killed by a train near Madison Station, Ohio. The Mexican Consul in Cleveland and one hundred fellow braceros attended the Catholic mass and funeral for Rodríguez on November 9. Rodríguez was buried at St. Mary's Cemetery in Painesville, Ohio.<sup>90</sup> In another instance, thirty-five railroad braceros and local Mexican families attended the Catholic mass and funeral for Pablo Ramirez Castaneda, who had been hospitalized for two months since the day of his arrival.<sup>91</sup>

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<sup>88</sup> Barbara Driscoll notes that railroad companies began paying \$130 to beneficiaries late in the program. I have found that railroad companies more often paid \$150 to beneficiaries. See Driscoll, 117.

<sup>89</sup> Early on in the railroad bracero program, some railroad companies paid for the transportation of the body to a next of kin in Mexico. Due to transportation costs, this practice was a rare throughout the program. In a few cases, families of the deceased would pay for transportation costs themselves. See Driscoll, 117-8.

<sup>90</sup> Samuel Hough to Luis Fernandez del Campo, 10 November 1943, box 6, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

<sup>91</sup> Samuel Hough to Luis Fernandez del Campo, 26 October 1943, box 6, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

While the railroad soldier motif foregrounded physical sacrifice, railroad braceros identified separation from family as their ultimate sacrifice. Mexican men had been transported thousands of miles away from their country and families without knowing where they were going, or what work they would be doing. By the time braceros arrived at their place of employment, several weeks had passed since they left their homes in Mexico. Families in Mexico, meanwhile, waited even longer to receive any information about their whereabouts. The scarcity of phones in Mexico, and inaccessibility to braceros in remote locations, made letter writing braceros' best option for communicating with their families in Mexico. The mobility demanded of railroad workers, however, often severely delayed letters.

An even greater obstacle in communication was the fact that many braceros were illiterate. If braceros wanted to write a letter home, they would have to find someone in town that could transcribe messages for them, or they would ask a fellow worker with writing skills to help. For instance, railroad bracero Villagran, employed by the Southern Pacific in Bakersfield, California, assisted most of his fellow workers in writing letters home. Because these men did not have experience in writing prose, they asked Villagran to write elaborate letters to their loved ones.<sup>92</sup>

The saddest aspect of the bracero program for these men, Villagran recounted, was when they did not receive letters from home. Braceros would start to wonder, "what happened to my wife? Did she find someone else? Why isn't she writing? Is she

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<sup>92</sup> Anais Acosta, "Gil Villagran," in Bracero History Archive, Item #140, <http://braceroarchive.org/items/show/140> (accessed February 14, 2012). Gil Villagran is the son of railroad bracero "Villagran"--Gil did not give a first name for his father. In the interview, Gil recounts his father's experiences based on the stories he told him. Railroad bracero Villagran kept carbon copies of all the letters he wrote for his fellow workers.



Figure 4.13 Unidentified bracero says goodbye to his two children and wife at Buena Vista Station in Mexico City. Most braceros joined the bracero program as way of providing for their families. Photo taken by Los Hermanos Mayos, ca 1943.

sick?”<sup>93</sup> As a result, some braceros requested a termination of contract, or a leave of absence, so that they could return home and take care of family.<sup>94</sup>

The pain of separation from family was exacerbated when a bracero suffered from an injury or illness. In May 1945, Villagran was using a sledgehammer to hit a spike when it fell to the side and he crushed his foot. During his three-month stay in the hospital, Villagran was told that he probably had gangrene, and that they might have to cut off his foot or leg. Villagran took comfort from the letters he exchanged with his fiancée in Mexico. Even though he wanted to return home to be with his family,

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<sup>93</sup> Ibid.

<sup>94</sup> Erasmo Gamboa describes a similar dynamic for railroad braceros in the Pacific Northwest. See Erasmo Gamboa, “On the Nation’s Periphery: Mexican Braceros and the Pacific Northwest Railroad Industry, 1943-1946” in *Mexican Americans and World War II*, Maggie Rivas-Rodriguez (ed), (Austin: University of Texas Press, 2005), 276-7.

Villagran decided to stay in the United States to fulfill his goal of earning enough money to marry his fiancée. One month later, the war ended and Villagran headed home, content with his earnings and excited to be home with his family.<sup>95</sup>

A railroad bracero's bodily wounding and pain were experienced not only at the local or individual level, but also at a transnational level in that it dramatically affected their families at home. While working on the Southern Pacific Railroad, railroad bracero Pedro Perez Lira's handcar derailed, flinging him and several other braceros from the car. Lira and his wife, Ana Patiño, recalled this experience in the form of a retablo, or a devotional painting on tin [Figure 4.14]. The purpose of retablo is to offer thanks to Christ, or a particular saint, for protection during a time of danger or sickness. For a low cost, the devotee commissions a local street artist to paint a depiction of the event and to transcribe a description of the religious experience that accompanied the image.<sup>96</sup>

Lira and Patiño's retablo captured the horrific scene following the handcar accident. Two bodies lay strewn, face down, on either side of tracks, surrounded by

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<sup>95</sup> Anais Acosta, "Gil Villagran," in Bracero History Archive, Item #140, <http://braceroarchive.org/items/show/140> (accessed February 14, 2012).

<sup>96</sup>The artistry of retablos continues in west-central Mexico. The terms retablo and ex-voto are used interchangeably. For a history on the usage of retablo and ex-votive, see Jorge Durand, and Douglas Massey, *Miracles on the Border: Retablos of Mexican Migrants to the United States* (Tucson: The University of Arizona Press, 1995), 5-6; 47. For a seminal work on retablos, see Gloria Frasier Giffords, *Mexican Folk Retablos, Revised Edition* (Albuquerque: University of New Mexico Press, 1992 (1974)). For more on the tradition of retablos in Mexico, see Elizabeth Netto Calil and Charles Muir Lovell (eds) Zarur, *Art and Faith in Mexico: The Nineteenth-Century Retablo Tradition* (Albuquerque: University of New Mexico Press, 2001); Charles and Thomas J. Steele Carrillo, *A Century of Retablos: The Dennis and Janis Lyon Collection of New Mexican Santos, 1780-1880* (Hudson Hills, 2007); Gloria Frasier Giffords, *The Art of Private Devotion: Retablo Painting of Mexico* (Fort Worth: InterCultura, 1990).



Figure 4.14 A retablo commissioned by former railroad bracero Pedro Perez Lara and his wife Ana Patiño in July 1952. Retablos are common forms of devotional paintings on tin in central regions of Mexico to this day. Courtesy of the Division of Home and Community Life, Bracero History Collection, National Museum of American History, Smithsonian Institution.

railroad shovels and picks. Standing on the tracks is Pedro Perez Lira. He is looking up into the sky at a crucifix of Jesus Christ. Underneath the painting is written (in Spanish):

In 1942, finding myself working in the United States on a rail line, the railroad handcar we were on threw us off and left us injured. I then prayed to the Lord of Clemencia, as soon as I knew of my husband's misfortune, asking that He bring him safely home, and having granted this prayer, I declare your miracle! R. de Tamayo. July 1952 Pedro Perez Lara y Ana M Patiño<sup>97</sup>

<sup>97</sup> Pedro Perez Lara and Ana Patiño, Retablo, July 1952, Courtesy of the Division of Home and Community Life, Bracero History Collection, National Museum of American History, Smithsonian Institution. My translation: "En 1942 encontrandome en los E.E. U.U. de Norte America trabajando en una Linia del Ferrocarril, se descarrilo la carretilla en que ibamos abentando nos y dejandonos bien golpeados. In boqué

A striking feature of the retablo is that a husband and a wife commissioned it. It is more common for the devotional narrative to have only one voice—the individual experiences danger, and immediately invokes the protection of Christ or a saint. In this retablo, Pedro Perez Lira recounts how the accident took place and his wife prays to Christ for her husband’s good health and safe return home. During the bracero program, the most prominent theme found in the retablos of Mexican migrants was the issue of health.<sup>98</sup> A vastly underutilized source, retablos offer a window into how braceros experienced injury through faith.

Moreover, the retablo raises the issue of historical memory. Lira and Patiño did not offer thanks to Christ in the form of a devotional painting until July of 1952, nearly a decade after Lira claims to have experienced the handcar accident. Lira recounts that the injury happened in 1942 a year before the creation of the railroad program. Bracero oral histories are replete with the testimonies that indicate former braceros had difficulty situating their experiences temporally. With this in mind, the Division of Community and Home Life at the Smithsonian identify Lira and Patiño’s retablo as a rare, and important artifact of railroad bracero history and have made it part of the bracero collection.<sup>99</sup>

The story of Ana Patiño was not an exemplary case of the transnational experience of bracero families. Many wives and children left behind in Mexico remained

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luego Sr. de la Clemencia tan pronto llo supe la desgracia de mi Marido que la trajera con bien, y abiendo concedido esto, hago patento su milagro! R. de Tamayo. Julio de 1952. Pedro Perez Lara y Ana Patiño.”

<sup>98</sup> Other issues included legal problems, travelling north, and getting by. See Durand and Massey, *Miracles on the Border*, 77. Durand and Massey do not distinguish between railroad and agricultural braceros.

<sup>99</sup> A photograph of Lira and Patiño’s retablo is part of the bracero travelling exhibit known as “The Bittersweet Harvest, 1942-1964.”

concerned about the health and whereabouts of their men. When letters did not arrive from the United States, family members contacted Mexican consuls, railroad companies and U.S. agencies inquiring about their loved ones. On November 10, 1945, Carmen Cervantes de Robles sent a letter to the Santa Fe railroad that anxiously requested information about her husband's accident. Earlier in the month, Robles received a letter from her hospitalized husband, Hipolito, that she believed indicated some form of mental derangement.<sup>100</sup> Robles wanted to know the state of his health, when he would be coming home, and if there would be any indemnity. According to the physician's report, Hipolito suffered from a skull fracture and two fractured ankles when he wandered into the street, drunk, and was struck by an Army truck in late August. The company physician assured Robles that her husband, although sometimes disoriented, would be transported home following his full recovery.

While Hipolito was in the United States, Robles had to single-handedly care for her children and family.<sup>101</sup> Robles relied on her husband to send home remittances, which would pay for food, clothing and other household expenses. Because of his accident and hospitalization, Hipolito had not been earning a wage, and therefore, had not sent home any money. By inquiring about compensation, Robles acted on behalf of her husband, who was momentarily incapable of requesting compensation, and providing for the welfare of her family.<sup>102</sup>

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<sup>100</sup> Carmen claims that she had received the letter prior to her inquiry on November 10. Hipolito's letter to Carmen, however, is dated November 21st. It is possible that given his mental state, Hipolito wrote the wrong date. Letter from Hipolito Robles Mendoza to Carmen Cervantes de Robles, 21 November 1945, box 1, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

<sup>101</sup> Ibid. Hipolito mentions his children in the letter to his wife.

<sup>102</sup> R.S. Johnston to Churchill Murray, 7 December 1945, box 1, Office Files of the Foreign Labor Section

María Ascunión Juárez dealt with a similar issue when her husband, a bracero for the Great Northern Railroad, was involved in an accident that left him hospitalized in July 1945. After six months in the hospital, Juárez wrote to Mexican President Camacho to request his assistance in making the journey to visit her husband in Vancouver, Washington. Juárez claimed that her family had been made “penniless” following her husband’s accident, and that she believed that she had “a right to travel to be with [her] husband.”<sup>103</sup> Juárez staked her claim for assistance on the basis that she needed to “lend a hand to her husband.” It may have also been possible that Juárez wanted the opportunity to either request compensation on behalf of her husband in person, or find work in the Vancouver area to help support her family while she tended to her husband. The cases of Juárez and Robles reveal that braceros’ wives took an active role in securing the welfare of their families and the rights of their husbands to injury compensation. It was through their status as the wives of braceros, however, that they made these claims.<sup>104</sup>

The children of railroad braceros recalled their fathers’ participation in the program as a sacrifice made for family. María Menchaca was born in November 1942, several months after her father, Antonio Ortega Estrada, had left for the United States as an agricultural bracero for six months, and then as a railroad bracero for the duration of

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Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

<sup>103</sup> María Asunción Juárez to President Manuel Ávila Camacho, 28 January 1946, Ávila Camacho, box 759, file 546.6/120-10, Archivos de la Nación, Mexico City. Erasmo Gamboa refers to this letter in his article on railroad braceros in the Pacific Northwest. See Erasmo Gamboa, “On the Nation’s Periphery: Mexican Braceros and the Pacific Northwest Railroad Industry, 1943-1946,” in *Mexican Americans and World War II*, ed. Maggie Rivas-Rodriguez (Austin: University of Texas Austin, 2005), 276-7.

<sup>104</sup> This dynamic is reminiscent of “soldier-wives” staking claims through the status of their soldier-husbands. See Stephanie McCurry, *Confederate Reckoning: Power and Politics in the Civil War South* (Cambridge: Harvard University Press, 2010), 178-217.

the war. With ten other siblings, Mechaca says that her father made the decision to renew his labor contracts in order to provide for his family. Like Estrada, many of the men in the municipality of Pénjamo, Guanajuato had joined the bracero program, leaving behind mostly women and children. Mechaca recounts that women in the community would form groups to help take care of children, while they tried to find extra work in town just in case their husbands and brothers could not send home money.

The women were also made vulnerable to “mean people” in the community who ridiculed braceros for leaving behind their families to fend for themselves. In the face of public criticism, Mechaca knew that “[her] father gone to the United States in search of a better life for his family.” Mechaca recalls Estrada telling her, “If I had the wherewithal, I would not leave you all alone to suffer these injustices, and I would be on the lookout for my family. But, like I have told you, well, it is necessary.”<sup>105</sup> Estrada, like other men in his community, risked ridicule and endured being away from his family for the chance to provide them with a better life. In Mechaca’s eyes, “[her] father suffered so that they would never want for food or clothing.”<sup>106</sup> And she gave thanks to God that the United States gave her family the opportunity to eat, and to live.<sup>107</sup>

Ernesto Espino spoke similarly about his father’s sacrifice as a railroad bracero. As many former railroad braceros recounted, railroad work was hard labor, and very

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<sup>105</sup> Anais Acosta, "María L. Mechaca," in Bracero History Archive, Item #386, <http://braceroarchive.org/items/show/386> (accessed February 15, 2012). My translation: “Si yo tuviera de dónde”, dice, “yo no las dejaría solas a sufrir por parte de personas injustas o ingratas”, dice, “y estaría yo al pendiente de mi familia. Pero, como le digo, pues, la necesidad.”

<sup>106</sup> Ibid. My translation: “mi padre sufrió porque nunca nos faltara de comer, porque nunca nos faltara calzarnos, vestirnos”

<sup>107</sup> Ibid. My translation: “porque pos, sea como sea, gracias a Dios que este país nos da oportunidad de comer, de vivir.”

dangerous. Even more difficult than hard labor, Espino argued, was the separation from family. Espino continued with conviction:

You didn't just go to suffer through the cold and heat, the hunger, and the hard work, no. You also suffered from separation. You can't pay for it with money. That is something that you don't get paid to endure. That is the type of sacrifice that counts.<sup>108</sup>

Separation, Espino argued, was the hidden cost of being a bracero. The physical work may have been demanding, but the pain of being separated from family had greater consequences. It was not just the bracero who suffered, but the family left behind in Mexico as well. Espino recalls that his father's brief visits home in between contracts were filled with tears and happiness, because he brought home money but then had to leave.<sup>109</sup>

Even though having a father that was gone for months at a time was difficult for the family, Espino contends it was necessary to improve their lives. After the bracero program, his parents moved to Ciudad Juárez, a town that bordered Texas, in order to facilitate the legal process of becoming residents of the United States. "I am most proud of my parents;" Espino states, "they left me an inheritance of self-sacrifice." Like his father, Espino works hard and "gives [his] life for this country."<sup>110</sup> Espino, however, is not alone in his pursuit to demonstrate that braceros, and Mexican workers more broadly, have made great sacrifices for the United States.

In 2002, a team of organizers, coordinators, and former braceros came together to celebrate and remember the braceros. Luz Maria Ayala and several other women wrote a

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<sup>108</sup> Mireya Loza, "Ernesto Espino," in Bracero History Archive, Item #229, <http://braceroarchive.org/items/show/229> (accessed February 14, 2012).

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

corrido that captured the story of the braceros. A corrido is a folk ballad—a narrative song in verse—used to tell the stories and experiences of the people in an oral tradition.<sup>111</sup> In an interview conducted by the Smithsonian Institution, Luz Maria Ayala sang a verse from the song, acapella and in Spanish:

I once was a bracero. I am here to tell you a history of fraud and injustice that nobody can erase. The American government with the Mexican government made an agreement to contract workers to help with their war. Such a sad experience needs to remain in history, it's another struggle of the people that nobody can erase. They contracted millions to work on the trains, to work in the fields, they called them braceros. We were soldiers of the field and also of the railroad. We went looking for work, for a better future. We left our country and family, leaving behind the woman, sad and caring for the children, sad was the suffering. They transported us like beasts in the infernal heat. We slept like animals, dying of hunger and pain. In this photograph you can see. They stripped us naked to fumigate us. We were soldiers of the field and also of the railroad. We went looking for work, for a better future.<sup>112</sup>

Ayala's voice conveyed the sadness and pain embedded in the words of the corrido. It is through this corrido, Ayala explained, that the bracero experience of blood, sweat and tears can be remembered.

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<sup>111</sup> Americo Paredes and other scholars have analyzed how the Chicano community used corridos to transmit information in the U.S. Southwest. While corridos can express both happiness and sadness, a prominent theme in Chicano corridos is pain and suffering. Americo Paredes, *"With a Pistol in His Hand": A Border Ballad and its Hero* (Austin: University of Texas Press, 1958). For more on corridos, see Richard Flores, "The Corrido and the Emergence of Texas-Mexican Social Identity," *The Journal of American Folklore* 105, no 416 (Spring 1992): 166-182; Samuel Armistead, "Spanish Epic and Hispanic Ballad: The Medieval Origins of the Corrido," *Western Folklore* 64, no 1/2 (Winter-Spring 2005): 93-108.

<sup>112</sup> Alma Carrillo, "Luz María Ayala," in Bracero History Archive, Item #399, <http://braceroarchive.org/items/show/399> (accessed February 1, 2012). My translation: "Yo fui bracero hace tiempo. Vengo a contarles la historia de un fraude y una injusticia que nadie puede borrar. El Gobierno americano con México hizo un convenio de contratar mano de obra para apoyarlo en su guerra. Esta experiencia tan triste debe quedar en la historia, es otra lucha del pueblo que nadie puede borrar. Contrataron por millones para trabajar en los trenes, pa trabajar en terreno, les llamaron los braceros. Fuimos soldados del surco también del ferrocarril. Fuimos buscando trabajo para un mejor porvenir. Dejamos tierra y familia, quedó sola la mujer, triste y cuidando a los hijos, triste fue su padecer. Nos transportaron cual bestias bajo un infernal calor. Dormíamos como animales, muertos de hambre y de dolor. En esta fotografía usted puede comprobarlo. Nos desnudaron a todos para después fumigarnos. Fuimos soldados del surco también del ferrocarril. Fuimos buscando trabajo para un mejor porvenir."

The corrido centers on a debilitating fracture in the soldier motif. The bracero had been recruited as a soldier of the railroads and the fields to help the United States and Mexico win the war. Yet almost immediately upon their recruitment braceros were treated not as soldiers, but like animals. To remember a history of braceros as soldiers is to elide the injustices faced by braceros as workers on the railroad and in the fields. If the bracero soldiered, he did so for his family rather than for the U.S. war effort as publicized by both the U.S. and Mexican states.

### **Conclusion**

Total war demanded a mobilization of all available material and human resources. Military campaigns abroad could not succeed without the full support of the civilian population on the home front. The United States government recognized that the home front, as the social and economic underpinnings of the war machine, extended beyond its citizenry and borders to encapsulate the western hemisphere. The “U.S. home front” was in fact the Pan-American home front. Efforts to mobilize the Pan-American home front thus required the United States to orient its propaganda campaigns toward both U.S. citizens and Latin American countries, especially Mexico.

Like U.S. railroad workers, railroad braceros were subjected to the propaganda campaigns of the U.S. government and railroad companies. This propaganda aimed to boost the morale and labor productivity of workers on the home front by relating railroad work to warfare. The railroad soldier motif drew on the obligations of citizenship—labor and military service—and the intricately related discourses of sacrifice and masculinity as a way of demonstrating that railroad work was a form of soldiering. U.S. men deferred

from military service, railroad companies argued, could still fulfill their obligation to country by working on the railroads. The dangers of the railroad workplace and the manly virtues of hard labor further helped to cement the relationship between railroad work and warfare.

The railroad soldier motif also accommodated the broader wartime discourse that promoted a moral exchange between combat soldier and the citizen-worker. Railroad soldiering was not only a form of military service; it was also a moral obligation to help the combat-soldier on the home front. The bond of nationalism shared between the U.S. combat-soldier and the U.S. citizen-worker facilitated this moral exchange.

In contrast to U.S. railroaders, railroad braceros did not have pre-existing networks that tied them to the combat-soldier. Transforming railroad braceros into railroad soldiers thus required an emphasis on Pan-American unity as well as discourses related to citizenship—sacrifice, obligation and masculinity. Railroad braceros selectively appropriated themes from this martial rhetoric, such as sacrifice and obligation, to make sense of their experiences. While the railroad soldier motif privileged physical sacrifice, railroad braceros highlighted the separation from family as their ultimate sacrifice. The oral history interviews further revealed the ruptures in the wartime political culture. If the bracero had been recruited as a soldier of the fields and railroad, the injustices of inhumane treatment and false promises negated the vision of braceros as heroic soldiers.

In 1944, Ernesto Galarza, the Chief Division of Labor and Social Information at the Pan-American Union, published a report on bracero morale. According to Galarza,

braceros complained that there were “too many patriotic speeches and not enough discussion on the problems.”<sup>113</sup> The United States government and railroad companies used the railroad soldier motif to boost the morale of workers and manage labor production. This form of surveillance in the workplace, scholar Anthony Giddens suggests, is a means by which the state and business regulates and circumscribes the rights of citizens in order to control workers and their demands in the workplace. Workers, Giddens continues, respond to surveillance through resistance and/or withdrawal of production.<sup>114</sup>

As the next chapter reveals, the Mexican state and its citizen-workers contested the governance of railroad companies, demanding the protection of workers’ health and body based on their rights as Mexican citizens laboring abroad.<sup>115</sup> Braceros felt that their obligation as Mexican citizens to work hard for the Allied cause was overshadowing their rights to good housing, food and medical care in the workplace.<sup>116</sup> The Mexican railroad soldier had begun to cultivate a new relationship between his obligation as a Mexican citizen, and his rights as Mexican citizen laboring abroad.

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<sup>113</sup> Ernesto Galarza, Personal and Confidential Memorandum on Mexican Contract Workers in the United States, 28 August 1944, box 17, Ernesto Galarza Collection, M0224, Dept. of Special Collections, Stanford University Libraries, Stanford, Calif.

<sup>114</sup> Anthony Giddens, *Nation-State and Violence: Volume Two of a Contemporary Critique of Historical Materialism* (Berkeley and Los Angeles: University of California Press, 1987), 206-7, 322-23.

<sup>115</sup> Similarly, US workers made claims to rights in the workplace based on the messages of equality and entitlements promoted by wartime propaganda. See Sparrow, *The Warfare State*, chapter 5; Nelson Lichtenstein, *Labor's War at Home: The CIO in World War II* (Cambridge: Cambridge University Press, 1982); James B. Atleson, *Labor and the Wartime State: Labor Relations and the Law During World War II* (Urbana: University of Illinois Press, 1998); Gerstle, *Working-Class Americanism: The Politics of Labor in a Textile City, 1914-1960*; Clive, *State of War: Michigan in World War II*.

<sup>116</sup> At work here is the relationship between obligation and rights, the reciprocal elements of citizenship. For more on this relationship, see Kerber, *No Constitutional Right to be Ladies: Women and the Obligations of Citizenship*, 221-310.

## Chapter 5

### **Making Claims to Health Citizenship: Railroad Braceros, Mexican Consuls and the Limits of Mexican Sovereignty**

On July 14, 1945, a New York, Chicago and St. Louis Railroad work truck carrying Mexican guest worker Hector Huerta Abelard and several other Mexican workers was involved in a highway accident near Ripley, New York.<sup>1</sup> Four hours after the accident, Abelard visited the company doctor, who identified Abelard's bruised forehead and slight cut under the eye as only minor injuries. Abelard filed a health claim with the New York, Chicago and St. Louis Railroad (commonly referred to as the Nickel Plate Road) for his injuries and continued to work between July 15 and July 23, during which time he complained to the foreman that he had been suffering from a headache. According to the records of the Nickel Plate Road, the foreman sent Abelard to the hospital in Erie, where x-rays indicated he had a slight skull fracture that had not impaired his speech or hearing. The Nickel Plate Road offered Abelard \$75 in settlement for his claim, but he refused because he was allegedly still "unable to do track work and suffer[ed] from spells of dizziness and temporary blindness."<sup>2</sup>

In order to obtain a "reasonable settlement" for his injury, Abelard sought the assistance of Mexican consul Ricardo B. Perez, the Mexican embassy, the Mexican Ministry of Labor, and two attorneys in Mexico City.<sup>3</sup> In early September, the Ministry

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<sup>1</sup> The New York, Chicago and St. Louis Railroad is commonly referred to as the "Nickel Plate Road". The railroad management of the New York, Chicago and St. Louis Railroad also refers to itself as the Nickel Plate Road.

<sup>2</sup> Sentiments expressed by Hector Huerta Abelard cited in, Churchill Murray to P.F. Murphy, 10 October 1945, box 6, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

<sup>3</sup> Ibid. Abelard does not clarify what he means by a "reasonable settlement."

of Labor contacted the Nickel Plate Road to inquire if Abelard's health claim had been settled and if he had received an indemnity.<sup>4</sup> Under the auspice of Mexican consul Perez, Abelard sought the medical attention of private physicians in Cleveland, who evaluated and treated his injuries. In addition, a Mexican labor inspector visited Abelard to document and assess his health claim against the Nickel Plate Road. With the assistance of Mexican consul Perez, Abelard and the Nickel Plate Road agreed to a settlement claim of \$200.<sup>5</sup>

The Abelard indemnity case is of interest not only because it highlights bracero agency in claiming rights to body and health, but also because it demonstrates that the Mexican state had an interest in protecting the health rights of its citizen-workers laboring abroad in the American workplace.<sup>6</sup> This chapter examines the overlapping interests of the Mexican state and railroad braceros to participate in the process of health rights-claiming. On the one hand, railroad braceros demanded the protections guaranteed to them through the labor contract. If braceros experienced an injury or illness, they

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<sup>4</sup> Ministry of Labor, Inquiry File Card, 5 September 1945, box 6, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

<sup>5</sup> Churchill Murray to P.F. Murphy, 10 October 1945, box 6, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

<sup>6</sup> I use the term "Mexican state" to refer to the current presidential administration and governmental agencies. In the context of international relations, the U.S. state understood the actions of Mexican representatives to reflect the will of the Mexican nation-state, as determined by the presidential regime. It is for this reason that I choose to use the term "Mexican state" interchangeably with "Mexican government." When discussing the particular actions/perspective of a Mexican agency, I use the appropriate name of the agency or institution, such as the Secretaría de Trabajo y Previsión (STPS). Mexican scholars have written extensively about the "many Mexicos" model, and the inability to identify a single, centralized "Mexican state." For more on the Mexican state, see Lesley Byrd Simpson, *Many Mexicos* (Berkeley: University of California Press, 1952); Alan Knight, *The Mexican Revolution* (Cambridge: Cambridge University Press, 1986); *Fragments of a Golden Age: The Politics of Culture in Mexico Since 1940*, eds. Gilbert Joseph, Anne Rubenstein, and Eric Zolov (Durham: Duke University Press, 2001); Anne Rubenstein, *Bad Language, Naked Ladies and other Threats to the Nation* (Durham: Duke University Press, 1998).

stopped earning a wage and could no longer send remittances to their families. On the other hand, the Mexican government sought to protect its citizen-workers laboring abroad. The Mexican state's interest in this endeavor, however, was inextricably linked to its own political project to demonstrate its sovereignty, or authority, as a nation-state to both its citizenry and the U.S. state. The ability of a state to protect its citizens abroad is a key exercise of sovereignty.<sup>7</sup>

Both the Mexican government and the railroad bracero sought to maximize circumstances for their own benefit. While the labor contract was infused with health rights guaranteed to braceros on the basis of their Mexican citizenship, the international agreement recognized the Mexican state as an equal partner in the administration of the program. Both state and citizen-worker regularly relied on the legally binding nature of these contracts and the broader wartime rhetoric of good neighbor relations in the course of negotiating health rights.

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<sup>7</sup> Stephen D. Krasner, "Problematic Sovereignty," in *Problematic Sovereignty: Contested Rules and Political Possibilities*, ed. Stephen D. Krasner (New York: Columbia University Press, 2001) 6-12; Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton: Princeton University Press, 1999). Krasner identifies four types of sovereignty, which states may possess at the same time, to varying degrees. These include: domestic sovereignty (the authority a government wields over its people), international legal sovereignty (connotes mutual recognition of states' rights to exist), Westphalian sovereignty (territoriality), and interdependence sovereignty (state's ability to control the movement of people and things across its borders). With the rise of globalization and neoliberalism, historians and political scientists have most recently begun to thoroughly grapple with the intellectual traditions and the actual practice of sovereignty. Recent scholarship on various aspects of sovereignty includes Nicole Phelps, "Sovereignty, Citizenship, and the New Liberal Order: U.S.-Habsburg Relations and the Transformation of International Politics, 1880-1924," PhD Dissertation, University of Minnesota, 2008; Cynthia Weber, *Stimulating Sovereignty: Intervention, the State and Symbolic Exchange* (Cambridge: Cambridge University Press, 1995); Edmund S. Morgan, *Inventing People: The Rise of Popular Sovereignty in England and America* (New York: W.W. Norton & Co, 1988); Daniel Philpott, *Revolutions in Sovereignty: How Ideas Shaped Modern International Relations* (Princeton: Princeton University Press, 2001); Sakia Sassen, *Losing Control? Sovereignty in an Age of Globalization* (New York: Columbia University Press, 1996); Wendy Brown, *Walled States, Waning Sovereignty* (Cambridge: The MIT Press, 2010).

I argue that it was through the process of rights-claiming that railroad braceros and the Mexican state practiced health as a right of Mexican citizenship. The struggles of the state and citizen-worker to hold American railroads accountable for medical bills, sanitary housing and accident compensation was indicative of their attempt to make Mexican citizenship rights meaningful in practice, not just in written law.<sup>8</sup> The Mexican state not only exercised sovereignty over its citizen-workers (by offering protection), it exercised sovereignty through them (by demonstrating power to the U.S.). And Mexican workers negotiated the rules of the American workplace in such a way that augmented state power. When railroad braceros garnered the assistance of the American public, they underscored the limits of Mexican sovereignty.

### **I. Mexican Sovereignty and the Suspension of Bracero Recruitment**

Under the terms of the railroad bracero program, Mexican railroad guest workers were entitled to sanitary and hygienic housing facilities equal to that of domestic workers. The qualification that the sanitary facilities and medical care be not “less favorable than those provided by the Employer for domestic workers engaged in the same work at the same place of employment for the same employer,” however, gave railroad companies some flexibility in that housing and medical care was not standardized across railroad

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<sup>8</sup> For more on how the bracero program affected the identities of Mexican nationals, see Deborah Cohen, “From Peasant to Worker: Migration, Masculinity, and the Making of Mexican Workers in the U.S.,” *International Labor and Working-Class History* 69 (2006): 81-103; Deborah Cohen “Caught in the Middle: The Mexican State’s Relationship with the United States and its Own Citizen-workers, 1942-1954,” *Journal of American Ethnic History* 20, no. 3 (2001): 110-132; Barbara Driscoll de Alvarado, *The Tracks North: The Railroad Bracero Program of World War II*, 1st ed. (Austin, Tex.: CMAS Books, Center for Mexican American Studies, University of Texas at Austin, 1999), x; Deborah Cohen, *Braceros: Migrant Citizens and Transnational Subjects in the Postwar United States and Mexico* (Chapel Hill: University of North Carolina Press, 2011); Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004); Alicia R. Schmidt Camacho, *Migrant Imaginaries: Latino Cultural Politics in the U.S.-Mexico Borderlands* (New York: New York University Press, 2008); María Herrera-Sobek, *The Bracero Experience: Elitlore versus Folklore* (Los Angeles: UCLA Latin American Center Publications, University of California, 1979).

companies.<sup>9</sup> Additionally, the railroad program did not establish a grievance machinery for railroad workers who had complaints concerning violations by employers. This proved to be a source of controversy and confusion in the first year of the program. Railroad companies further sought to avoid potential conflict over comparability with domestic workers' treatment by ensuring that Mexican laborers lived and worked in separate areas. Despite this tactic of separation, Mexican workers voiced complaints to Mexican consuls and the Ministry of Foreign Labor regarding their poor living conditions and limited access to medical care. By early August 1943, the situation had reached critical mass.

The alarming increase in complaints from railroad workers, an estimated 400 within the first three months of the program, led Mexican consuls to initiate dialogues with War Manpower Commission (WMC) representatives and Mexican officials in Mexico. On August 5, 1943, Carlos Gutiérrez-Macías, Mexican consul in Salt Lake City, Utah, wrote to the WMC chief Arthur W. Motley regarding multiple complaints from a group of railroad braceros, who arrived July 22, to work for the Southern Pacific Company and Western Pacific Railroad Company. These railroad workers presented three grievances to Gutiérrez-Macías. First, the sanitary conditions at the labor camps were "abominable, with an absolute lack of the most important necessary and important facilities in most of them." Second, no cooks were provided at these camps, which means that they were forced to purchase their own groceries and cook their own meals in the morning and when they returned to camp after ten hours of labor. Third, WMC

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<sup>9</sup> O.G. Browne, memorandum of meeting with Mexican Consul Ricardo B. Perez, 21 June 1944, box 810, Pennsylvania Railroad Collection, Personnel Department Office Files, RG 14, Personnel Department, vol 10, Hagley Library and Archive.

representatives in Mexico advised these men that they would be working in a climate nearer to that of Mexico, but instead they were sent to regions of extreme climate. These conditions, Gutiérrez-Macías indicated, were causing many workers to request a cancellation of contract and to be returned to Mexico.<sup>10</sup>

Earlier in June 1943, Gutiérrez-Macías had received similar concerns from a group of twenty-three braceros employed by the Southern Pacific Railroad. These men, stationed at Lucin, Utah, argued that they had been living under extremely unsanitary conditions with no medical facilities, and no first-aid. They also did not have bathing facilities, transportation to work, and kitchen facilities or a cook to prepare them meals before and after work.<sup>11</sup> The overwhelming number of complaints from railroad braceros A War Manpower Commission labor camp inspection report offered a reason for the overwhelming number of complaints from railroad braceros:

The Mexicans imported under the program are in sharp contrast to most of the domestic workers whom we have found employed as track laborers. They are better educated and more civilized; they are conscious of their contractual rights, and it was our observation, less easily satisfied than our own native workers.<sup>12</sup>

While the inspection report does not outline a detailed demographic of braceros surveyed, it does demonstrate that railroad braceros had a broad understanding of their contractual rights. If U.S. railroad companies thought they would be able to take advantage of Mexican guest workers, they were mistaken.

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<sup>10</sup> Carlos Gutiérrez-Macías to Arthur W. Motley, 5 August 1943, box 3883, File 811.504 Mexico/109 (73-54/662), Records of the Department of State, RG 59, National Archives, College Park.

<sup>11</sup> Carlos Gutiérrez-Macías cited in correspondence, Rafael de la Colina (Minister Counselor of the Mexican Embassy) to Arthur W. Motley, 11 August 1943, box 3883, File 811.504/Mexico/109, Records of the Department of State, RG 59, National Archives, College Park.

<sup>12</sup> WMC Inspection Tour, 30 July 1943, cited in memorandum to Railroad Retirement Board Regional Directors, 28 August 1943, box 8, General Records of the War Manpower Commission, Records of the War Manpower Commission, RG 211, National Archives, College Park.

Manuel Tello, *official mayor* of Mexico's Foreign Affairs, declared that the multitude of adverse reports documenting the poor treatment of Mexican track workers had made the Camacho administration strongly consider denouncing the International Agreement of the bracero program.<sup>13</sup> The failure of the Santa Fe Railroad to reconcile wage differentials between domestic workers and Mexican track workers in the San Diego, California area served to compound the Mexican state's frustration with the administration of the program, and the lack of consideration on the part of employers for the welfare of Mexican workers.<sup>14</sup> Adding to these tensions was the eruption of race warfare in Los Angeles known as the Zoot Suit Riots. The U.S. government's inability to thwart anti-Mexican violence made the Mexican public question the safety of braceros in the workplace.<sup>15</sup> U.S. ambassador George S. Messersmith highly encouraged U.S.

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<sup>13</sup> The title of "official mayor" is particular to the Mexican political system, roughly equivalent to a vice-secretary. The official mayor is a high-level appointment that carries more power and prestige than an undersecretary position and is responsible for the functions of the entire agency, not just a specific aspect such as finance.

<sup>14</sup> Arthur W. Motley to Joseph F. McGurk, 7 August 1943, box 3883, File 811.504 Mexico/19, Department of State Records, RG 59, National Archives, College Park; Memorandum of Conversation, Stephen Wood and William G. MacLean, 21 July 1943, box 3883, File 811.504 Mexico/19, Department of State Records, RG 59, National Archives, College Park. The "Santa Fe Incident" refers to a conflict over wages differentials instigated by Mexican railroad workers who discovered that a nearby non-bracero gang was receiving a higher wage rate (\$0.86, compared to the bracero's \$0.46). The U.S. government had requested the Santa Fe expand the track between San Diego and Los Angeles in connection with the Navy in San Diego. The Santa Fe and WMC argued that the wage differential existed because these domestic workers had been sub-contracted through a different company, and therefore, their wages fell outside of the President's executive order covering increase in wages. For more in the Santa Fe Incident see Driscoll, 128-132.

<sup>15</sup> Luis Alvarez, *The Power of the Zuit: Youth Culture and Resistance During World War II* (Berkeley: University of California Press, 2008); Eduardo Pagan, *Murder at the Sleeping Lagoon: Zoot Suits, Race, and Riot in Wartime L.A.* (Chapel Hill: University of North Carolina Press, 2003); Mauricio Mazon, *The Zoot-Suit Riots: The Psychology of Symbolic Annihilation* (Austin: University of Texas Press, 1984); Edward Escobar, *Race, Police, and the Making of a Political Identity: Mexican Americans and the Los Angeles Police Department, 1900-1945* (Berkeley: University of California Press, 1999).

Secretary of State Cordell Hull to send a high-ranking WMC official with knowledge of the agreements to travel to Mexico City and participate in a discussion with Tello.<sup>16</sup>

The WMC, on the other hand, was concerned that the Mexican state did not have a full understanding of Mexican workers' daily experiences. The Mexican consuls, the WMC presumed, were only transmitting information to the Ministry of Labor when complaints were lodged. The WMC took it upon itself to inform the Ministry of Labor and other Mexican officials of the many ways railroad companies provided proper medical care and housing facilities. In one instance, the Southern Pacific submitted a report on its care for two sick and injured workers—Antonio Cervantes and Daniel Guerrero Vargas—to the WMC. On August 1, Antonio Cervantes visited the company physician in Dunsmuir, California. The report stated, “our physician made careful examination of the patient a few minutes later and attended him until the date of his death.” The local management in Dunsmuir made contact with the family and secured arrangement to have Cervantes' body transported to Mexico.

The report then addressed the case of Daniel Guerrero Vargas, who arrived to the Dunsmuir camp on July 28 with the symptoms of typhoid fever and was taken to the Country Hospital at Lompoc. When it was discovered that Vargas did not have typhoid fever, he was transferred to the Southern Pacific's hospital where he was diagnosed with “Rocky Mountain Fever,” a rickettsial illness caused by a bacterium carried by ticks, and a light case of pneumonia. According to the Southern Pacific's report, Vargas was

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<sup>16</sup> Telegram, George Messersmith to Cordell Hull, 20 August 1943, 5:00 pm, box 3883, File 811.504 Mexico/61, Department of State Records, RG 59, National Archives, College Park.

recovering from his illnesses and would be able to return to work shortly.<sup>17</sup> WMC chief Arthur W. Motley hoped to assuage the Mexican state's concerns over the poor treatment of Mexican nationals by sharing with Mexican officials the Southern Pacific's report because it showed how, "our railroads are caring for Mexican nationals in cases of sickness and death."<sup>18</sup>

The Mexican state, however, remained unconvinced that its citizen-workers were being afforded the proper treatment by railroad companies and on August 27, they suspended the recruitment of track workers until a WMC representative agreed to enter into further negotiations regarding wages and working conditions.<sup>19</sup> The suspension further included a restriction on the renewal of contracts, which meant railroad companies would have to repatriate current Mexican contract-laborers when their contracts expired.

The Mexican state's action prompted immediate responses from other U.S. agencies and institutions invested in the manpower situation. Director of the Office of Defense Transportation (ODT) Joseph Eastman viewed Mexico's suspension of recruitment as a matter of serious consequence for the manpower situation, as military and war production traffic was scheduled to progressively increase in the Western area of the United States. The Mexican government, Eastman proclaimed, had overreacted to workers' complaints regarding rates of pay, and sanitary living conditions given "the fact

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<sup>17</sup> Southern Pacific Report, C.W. Durbrow to G.H. Muckley, 25 August 1943, box 3883, File 811.504 Mexico/110, Department of State Records, National Archives, College Park.

<sup>18</sup> Arthur W. Motley to J.F. McGurk, 25 August 1943, box 3883, File 811.504 Mexico/110, Department of State Records, National Archives, College Park.

<sup>19</sup> Herman R. Landon to Mr. Hoover, 27 August 1943, box 8731/32, File 56135/227, Records of the Immigration and Naturalization Service, RG 85, National Archives, Washington DC.

that well defined procedures were set up under the auspices of the War Manpower Commission for rectifying complaints that had merit.” Eastman insisted that U.S. Secretary of State Cordell Hull use his “good offices...to persuade the Mexican government to lift the suspension of recruitment without delay and therefore permit...the prompt and satisfactory settlement of legitimate complaints by any individual Mexican worker or group of such workers employed by the railroads in this country.”<sup>20</sup>

Eastman’s characterization of the three contracts governing the railroad program as consisting of “well defined procedures” is indicative of most agencies’ and institutions’ unfamiliarity with the everyday administration of the railroad program. These contracts painted a broad stroke for the program, but did not initially provide specific regulations for the program’s administration.<sup>21</sup> Most striking is Eastman’s reference to “legitimate complaints,” which insinuated that Mexican complaints more often than not lacked merit. While Eastman did not define what he believed to be a “legitimate complaints,” he did make it clear that the “well-defined procedures” framing the program’s administration could easily be used to distinguish between an illegitimate and legitimate complaint. From Eastman’s perspective, the number of (legitimate) complaints was in reality quite low and the Mexican government’s suspension of recruitment was seen as a precipitate action.

Eastman further expressed his deep concern over the Mexican government’s seemingly hasty decision to suspend recruitment for a program that both countries worked tirelessly to arrange for non-agricultural workers. When American railroad

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<sup>20</sup> Joseph Eastman to Cordell Hull, 2 September 1943, box 3883, File 811.504 Mexico/76, Department of State Records, RG 59, National Archives, College Park.

<sup>21</sup> The broad language of the three contracts is the focus of chapter 2.

companies realized they were faced with a severe labor shortage at the onset of the war, they had to convince the WMC, ODT and American labor unions that temporary Mexican workers were the most reliable source of labor. The sentiments expressed by Eastman captures the ways in which the Mexican government's actions had ruptured the notion of Mexican workers as the dependable labor supply for U.S. industry.<sup>22</sup>

Eastman's plea to U.S. Secretary of State Hull resulted in a series of conversations held in Mexico City during the second week of September 1943 between representatives of the Mexican and U.S. governments including: Manuel Tello (*official mayor* of the Foreign Office), Luis Padilla Nervo (*official mayor* of the Labor Ministry), Adolfo Ruiz Cortinez (*official mayor* of the Ministry of Gobernacion), Alfonso de la Huerta (inspector general of Mexican consulates in U.S.), Robert G. McGregor (secretary of the U.S. Embassy), Arthur W. Motley (WMC), William G. MacLean (Department of State), and Samuel B. Hough (RRB). Over the course of several days, these representatives established a grievance machinery that was to be put into effect immediately. The grievance machinery presupposed that most complaints made by track workers would be settled in the area they occurred. Mexican consuls would be called in to participate when questions arose or when complaints could not be settled. If an understanding was not met locally, then the complaint would be referred to a Regional Committee composed of representatives from the two governments. The Regional Committee would be set up in each of the Railroad Retirement Board's regions in which non-agricultural Mexican workers were assigned. A Mexican consul, a WMC

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<sup>22</sup> Undergirding this notion of Mexican nationals as a dependable labor supply was the economic imperialism that had driven Mexico-U.S. Relations since the nineteenth century.

representative and a RRB representative would compose the committee. These committees were to be established immediately at the headquarters of regions where track workers were employed such as, San Francisco, Denver, Dallas, Kansas City, Chicago, Minneapolis and Cleveland.<sup>23</sup>

*Official mayor* of the Labor Ministry Luis Padilla also confronted the U.S. representatives about their practice of shifting accountability for violations of the International Agreement from the U.S. government to the various railroad agencies administering the program.<sup>24</sup> Padilla asserted that the Mexican government had entered into an international agreement with the United States government, not the railroad companies.<sup>25</sup> The fact that different U.S. agencies, institutions and companies were in charge of the program's operations did not mean that the Mexican government would treat them as separate entities apart from the U.S. government. For the Mexican government, Padilla argued, the violation of one agreement raised doubts about the enforceability of the labor contract and the employer contract.<sup>26</sup> In short, the Mexican government held the United States government accountable for the poor treatment of railroad braceros.

Although U.S. officials reported that the discussions regarding the reinstatement of non-agricultural recruitment to be progressing satisfactorily, the Mexican government

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<sup>23</sup> Memorandum of conversations, 8, 13 September 1943, box 3883, File 811.504 Mexico/112, Department of State Records, RG 59, National Archives, College Park.

<sup>24</sup> "International Agreement" (capitalized) refers specifically to the contract signed between Mexican and U.S. representatives that promulgated the railroad bracero program.

<sup>25</sup> Southern Pacific *Bulletin*, October 1943. "Trabajadores Mexicanos Celebran Su Independencia," box 17, Ernesto Galarza Collection, M0224, Dept. of Special Collections, Stanford University Libraries, Stanford, Calif.

<sup>26</sup> *Ibid*; Memorandum prepared by Harry Brown, 13 September 1943, box 3883, File 811.504 Mexico/113, Department of State Records, RG 59, National Archives, College Park.

kept the suspension in place because the Foreign Office continued to receive complaints of unsanitary living conditions, poor food and lack of access to medical services, as well as complaints of racial discrimination.<sup>27</sup> For instance, the Foreign Office received a letter from thirty-eight braceros, employed by the Texas and Pacific Railway, detailing the unequal treatment and racial discrimination experienced in Midland, Texas. The men wrote, “it would be impossible, after what has happened to us, to work with the same enthusiasm as that with which we began and it would also be impossible to remain longer in [Midland].”<sup>28</sup> The WMC allowed these men to be transferred outside of Texas. To counter these claims of discrimination and poor working conditions, the October issue of the Southern Pacific’s *Bulletin* sought to demonstrate to the Mexican government that Mexican workers were being treated kindly and lived in comfortable housing. Photographs depicted the Southern Pacific’s Mexican labor camps as having “comfortable living quarters and recreation, [which] provide relaxation after hard day’s work.” Mexican nationals were shown enjoying a game of cards while smoking cigarettes, and indulging in a “hearty supper in the large dining room<sup>29</sup>” [Figure 5.1].

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<sup>27</sup> John Willard Carrigan to Mr. Bosnal, 10 September 1943, box 3883, File 811.504 Mexico/76, Department of State Records, RG 59, National Archives, College Park. Mexican consuls and the foreign service also received complaints about racial discrimination.

<sup>28</sup> Letter, Mexican track workers from extra gang #2 and #4 of the Texas and Pacific Railway to the President of the War Manpower Commission, 9 August 1943, box 3883, File 811.504 Mexico/120 Department of State Records, RG 59, National Archives, College Park.

<sup>29</sup> Southern Pacific *Bulletin*, October 1943, box 17, Ernesto Galarza Collection, M0224, Dept. of Special Collections, Stanford University Libraries, Stanford, Calif.



Figure 5.1 “Mexican railroad workers enjoying themselves.” Source: Southern Pacific *Bulletin*, October 1943, box 17, Ernesto Galarza Collection, M0224, Dept. of Special Collections, Stanford University Libraries, Stanford, Calif.

By mid-October 1943, the WMC and other interested U.S. government agencies were becoming increasingly frustrated with the suspension. ODT director Joseph Eastman once again pressed the Department of State to convince the Mexican government to reinstate recruitment on the basis of two facts. First, the United States had provided Mexico with substantial aid to rehabilitate and improve their railway system through the program known as the U.S. Railway Mission to Mexico.<sup>30</sup> A major objective of the Railway Mission was to facilitate the movement of much needed raw materials, such as ore and iron, to the United States. “The railroads of this country,” Eastman claimed, “have been cooperating wholeheartedly in assisting the rehabilitation program and now quite naturally feel that the Mexican government should reciprocate by providing badly-needed workers.” Second, the fact that Mexico and the United States were allies in the war effort meant that each nation should contribute their resources for the greater good. The U.S. railway labor shortage was a result of the American men joining the armed services, therefore Eastman argued, “it is eminently proper...to insist

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<sup>30</sup> See box 198-199, Office of Inter-American Affairs, Central Files, RG 229, National Archives, College Park. For an overview of the U.S. Railway Mission to Mexico and the Mexican Railroad Worker’s Project, see Driscoll, *The Tracks North*, 37-39; 159-161.

that the Mexican government aid in filling our needs for workers as part of her contribution to the common cause.”<sup>31</sup> Both U.S. ambassador to Mexico George Messersmith and Assistant Secretary of State for Latin American Affairs Adolf A. Berle Jr. were quick to provide the Department of State and ODT with a different perspective on the Mexican government’s decision to uphold the suspension.

An ardent supporter of the Good Neighbor Policy, ambassador George Messersmith did not see Mexico’s decision as unreasonably obstinate. The Mexican government, Messersmith noted, had already shown “a willingness to brave a certain public sentiment in their own country” regarding the bracero program. Its decision to suspend recruitment was an attempt to mitigate criticism from its citizenry that the Mexican government was allowing the United States to take advantage of Mexican workers. Messersmith asserted, “there is no point on which Mexican public opinion is more sensitive than that of sovereignty and discrimination.”<sup>32</sup> Most recent in the Mexican public’s memory was the United States’ decision to forcibly remove an estimated 500,000 Mexican and Mexican Americans alike during the Great Depression.

The Mexican public’s hostility toward the bracero program grew when they learned of the harsh conditions endured by their fellow citizens laboring abroad. In one instance, Mexican citizen Angel Arratia wrote an article entitled “How Mexicans are being treated in the United States,” published in a Mexico City newspaper, *El Monitor*.

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<sup>31</sup> Joseph Eastman to Edward R. Stettinius (undersecretary of State), 13 October 1943, box 7, Office of Defense Transportation Records, RG 219, National Archives, College Park. It is important to note that Mexico did not send men to fight in the war. The exception was an estimated 200 pilots who flew a mission in the Pacific theater.

<sup>32</sup> George Messersmith to Cordell Hull, 29 October 1943, box 3883, File 811.504 Mexico/169, Department of State Records, RG 59, National Archives, College Park.

Arratia described in very strong language, the ill treatment and sufferings of Mexican nationals at the hands of U.S. employers. Mexican people, Arratia proclaimed, would not forget the lack of courtesy, rights and justice showed to the bracero.<sup>33</sup> In another case, former railroad bracero Taurino Tallabas Campos (Pacific Fruit Company) was interviewed for an article that appeared in *El Heraldo*, a newspaper in San Luis Potosí. According to Campos, the railroad braceros were being treated like animals and slaves. He claimed that railroad braceros were denied medical attention, undernourished, and forced to work when sick. Railroad braceros, Campos indicated, left Mexico with the hope of earning a wage and helping the war effort, but returned to Mexico maimed, wounded, and demented.<sup>34</sup>

Messersmith and Berle aimed to show the WMC that these descriptions of railroad braceros enduring wretched working conditions, discrimination and infringements of their rights strongly influenced the Mexican government's policy toward the bracero program. By November 1943, Berle had become frustrated with what he described as the rigid, and unsympathetic approach the Department of State and Office of Defense Transportation had taken with the Mexican government. These two U.S. agencies had yet again requested that Berle persuade the Mexican government—on the grounds of economic imperialism and the Allied effort—to lift the suspension. Berle responded,

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<sup>33</sup> Angel Arratia, "How Mexicans are being treated in the United States," *El Monitor* 13 September 1943, File 811.504 Mexico/128, Department of State Records, RG 59, National Archives, College Park.

<sup>34</sup> Newspaper interview with Taurino Tallabas Campos, *El Heraldo*, 23 August 1944, box 5, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

“we will do what we can. But short of conquering Mexico and conscripting their nationals, I don’t see quite how we can do more than we have already done....[The Department of State has], I think, been a little unreal in not taking the Mexican government seriously, and in believing that shortage is occasioned by our manpower policy and could be made up without difficulty from Mexico.”<sup>35</sup>

In other words, the U.S. government’s policy of economic imperialism, where the United States took advantage of the Mexican government without meeting substantial resistance, was no longer an effective one. The Mexican government was now in a position to leverage Mexican labor against the United States in order to protect its workers abroad and to affirm its sovereignty (domestic and international). Both nations, Berle suggested, needed each other, and in order to promote the war effort, the United States needed to begin respecting Mexican sovereignty.

On November 20, 1944, the Mexican government lifted the ban on recruitment with the promise that committees would resolve the Santa Fe incident and create a regulatory mechanism for monitoring the cleanliness of railroad labor camps.<sup>36</sup> The joint Labor-Management Committee approved of recommendations to establish procedures that enabled workers to report deficiencies in housing, commissary or other related facilities to individual railroad management. In the event that a railroad company neglected to take corrective measures, the railroad worker would report deficiencies to

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<sup>35</sup> Adolf A. Berle Jr. to Edward Reilly Stettinus, 10 November 1943, box 3884, File 811.504 Mexico/266, Department of State Records, RG 59, National Archives, College Park.

<sup>36</sup> Memo of telephone conversation, Sidney E. O’Donoghue and William G. MacLean, 3 December 1943, box 3884, File 811.504 Mexico/230, Department of State Records, RG 59, National Archives, College Park; Sidney E. O’Donoghue to Cordell Hull, 28 December 1943, box 3884, File 811.504 Mexico/260 Department of State Records, RG 59, National Archives, College Park.

the Office of Defense Transportation, which would conduct investigations of complaints and recommend the necessary steps to maintain adequate housing facilities.<sup>37</sup>

The WMC responded promptly to the reinstatement of recruitment by reassessing railroad companies' manpower situation. The recruitment quota of 10,600 Mexican men (set by the Mexican government), the WMC predicted, would not satisfy the demands of railroad companies for Mexican track workers. The WMC sent out a survey to railroad companies requesting an assessment of labor needs and inquiring about the willingness of railroad management to take on the responsibilities required by the program. Interested railroad companies needed to read and consent to the six documents enclosed with the survey—International Agreement, Individual Work Agreement, Contract to Employ and Transportation Agreement, amendment to the Contract to Employ and Transportation, a sample bond to be filed with the Immigration Service, and Regulation 6 of the WMC.<sup>38</sup> The survey for application included questions that reflected the Mexican government's concerns expressed prior to and during the suspension period.

For example, the WMC requested that railroad companies describe the housing and sanitary facilities for Mexican workers, with the stipulation that railroad labor camps located in climates colder than Mexico have special provisions for well-heated living quarters. In these colder climates, the WMC inquired about the possibility of advancing money for the purchase of suitable clothing, especially on the day of their arrival. A description was also necessary for the kitchen and dining facilities, and the means by

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<sup>37</sup> Report of the joint Labor-Management Committee, 4 December 1943, box 8731-32, File 56135/227 BX 8731-32, Records of the Immigration and Naturalization Service, RG 85, National Archives, Washington DC.

<sup>38</sup> Regulation 6 of the WMC required railroad companies to report all information to the WMC and the Railroad Retirement Board.

which food was to be prepared in a manner desired by Mexican workers. The WMC further required railroad companies to outline the hospitalization and sickness insurance plans available to workers, and to comment on their willingness to enter into a “gentleman’s agreement” to pay funeral expenses up to \$130 and death benefits to family members or heirs of the deceased in the amount of \$150.<sup>39</sup>

The formal processes of redress and surveillance that the Mexican state demanded be put in place made legible to both Mexican and U.S. states the poor treatment Mexican guest workers experienced at the hands of American railroad employers. The Mexican state had exercised its sovereignty to ensure grievance machinery and a system of surveillance be put in place to protect the rights of its citizenry in a foreign territory. The capacity of Mexican sovereignty, however, cannot be fully understood without taking into account the active role Mexican workers played in making health rights-claims.

## **II. Claiming Rights to Workplace Health**

Mexican track workers navigated the unfamiliar legal terrain of the railroad program by corresponding with Mexican consuls and the Secretariat of Labor and Social Welfare (STPS) in Mexico City to claim health rights in the American workplace. The Mexican state in turn used the formal and informal processes of the railroad program as a space to cultivate a new relationship with its citizenry laboring abroad; a relationship based on reciprocity of obligation and rights. Relying upon the language of the Good Neighbor Policy and the International Agreement, Mexican consuls and the STPS held the War Manpower Commission and individual railroad companies accountable for

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<sup>39</sup> Robert L. Clark to J.F. Deasy, 20 November 1943, box 1024, Pennsylvania Railroad Collection, Western Region Labor and Wage, RG 14c, Personnel Department, vol 10, Hagley Library and Archive.

unsanitary housing, poor food, inaccessible medical services and the denial of accident compensation.

A key issue motivating the Mexican state's and Mexican railroad workers' claims to health citizenship were the concepts of honor, and by extension, gender. The conflict over American business culture and the expectations of the Mexican state for employers to be accountable for workers' rights stemmed back to the nineteenth century. As historian Pablo Piccato notes in his study of the construction of the Mexican public sphere in the nineteenth century, the concept of honor—of one's reputation and self-worth—was central to how men acted and participated in the public sphere. Honor was inscribed in social, material and political realms of Mexican society, and was especially important in relations with foreign governments and businesses, a point made clear in Julio Moreno's study of American businesses in Mexico.<sup>40</sup> The failure of a foreign business or a nation-state to respect the sovereignty of Mexico and its individual citizens was considered to be a slight against Mexican honor. The value that Mexican men and society placed on honorable diplomacy is made clear in a series of cases where Mexican consuls and other state agencies argued that the U.S. government and American railroads were obligated to uphold the tenets of the individual work agreements and the International Agreement.

When Mateo Melo Andrade and seven of his fellow railroad braceros first brought their complaint of ill treatment experienced at the hands of their supervisor, consul

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<sup>40</sup> Pablo Piccato, *The Tyranny of Opinion: Honor in the Construction of the Mexican Public Sphere* (Durham: Duke University Press, 2010); Julio Moreno, *Yankee Don't Go Home!: Mexican Nationalism, American Business Culture, and the Shaping of Modern Mexico, 1920-1950* (Chapel Hill: University of North Carolina Press, 2003).

Emilio Almada persuaded them to “continue working in the hope that the situation would improve.” These men alleged that their supervisor ignored complaints about the poor food quality, forced them to work in bad weather, and used foul and hurtful language. When this ill treatment continued, Almada contacted chief engineer C.G. Grove of the Pennsylvania. Almada wrote,

this letter is to call your attention upon the conditions under which my nationals are working, and which surely are not of your knowledge, in order that your Company takes the necessary steps to put an end to the present state of affairs. By sending these men to work in the United States, Mexico is contributing to win this war, which is also my country’s war, and the tens of thousands of Mexican workers performing track and agricultural jobs here, are well aware of this fact. To avoid further difficulties and complaints, I will be grateful if you make...the foreman and other persons in charge of the different camps where Mexicans are working...realize, when necessary, that my nationals are hard working persons, as they repeatedly have proved it; that they are now working for a cause which is common to our respective countries, and that they are entitled to equal treatment which is given to other workers in this country.<sup>41</sup>

This letter, like that of many other consuls, conveyed a strong sense of compatriotism. Through the use of the language “my nationals” and “my country’s war,” Almada evoked a sense of shared national identity with workers and a sense of paternalism for workers. As a nation, Mexico was contributing to the war effort not just with its natural resources, but also with its workers. The Mexican consul, by virtue of his association with the Mexican state, had a stake in the protection of Mexican workers’ bodies and rights. On the one hand, the consul desired that employers and the general public in the United States treat his fellow Mexican citizens with respect. On the other

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<sup>41</sup> Emilio Almada to CG Grove, 7 September 1944, box 431, Pennsylvania Railroad Collection, Records of the General Manager of the Western Region, RG 10, Operating Department, vol 7, Hagley Library and Archive.

hand, Almada's diplomatic duties as a consul required him make sure that the U.S. state and railroad companies complied with the International Agreement. The failure of the Southern Pacific to fulfill its duty to provide Mexican workers with housing, consul Almada insinuated, was an offense against not only the honor of the Mexican worker, but the honor of the Mexican government as well. It was this notion of honorable diplomacy that undergirded the larger concerns of Mexican sovereignty and citizenship. The Mexican consul in Salt Lake City, Utah, Carlos Gutierrez-Macias, displayed a similar sense of camaraderie when describing to the WMC the poor sanitary living conditions of his "compatriots engaged in railroad work" stationed at Lucin, Utah. The "extremely unsanitary conditions," the consul argued, "contravene[d] the contract signed by every individual worker and the War Manpower Commission....Based on the International Agreement signed by our countries, I trust you will cause an immediate investigation into the matter."<sup>42</sup>

By invoking the International Agreement, these Mexican consuls called on the WMC to not only uphold the terms of the agreement, but also to recognize the Mexican state as sovereign. The Mexican state had agreed to the guest worker program in part because it was framed as a binational effort, where a measure of reciprocity would govern the terms of the program. To deny prompt investigations into worker complaints, the Mexican consuls asserted, would violate the rights of Mexican contract-laborers and Mexican sovereignty.

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<sup>42</sup> Carlos Gutierrez-Macias (Mexican consul in Salt Lake City) cited in correspondence, Rafael de la Colina (Minister Counselor of the Mexican Embassy) to Arthur W. Motley, 11 August 1943, box 3883, File 811.504/Mexico/109, Records of the Department of State, RG 59, National Archives, College Park.

The Secretariat of Labor and Social Welfare in Mexico City similarly received an overwhelming number of complaints regarding poor living conditions and discrimination from Mexican citizens applying for the program, Mexican guest workers still in the U.S., and from former Mexican guest workers who had returned to Mexico. For example, the Railroad Retirement Board, an independent U.S. agency that oversaw individual railroad companies' administration of the railroad program, reported to the Mexican government that it had received an estimated 1,753 individual complaints to date on January 29, 1944.<sup>43</sup> Secretary of the Director for the STPS José Luis Merino Fuentes wrote to Churchill Murray (WMC in Mexico City) expressing his concern over these complaints. Echoing the sentiments of Mexican consuls, Fuentes wrote, "if the allegations [of contract violations] are indeed true, then they constitute a lack of respect toward our workers and a violation of the International Agreement. I urge you to conduct an extensive investigation, and to present the results of these investigations to this Secretariat, as well as the measures that have been taken to correct the anomalies indicated."<sup>44</sup> The disrespect of Mexican citizen-workers, Fuentes demonstrates, was not just of interest to Mexican consuls, but to the Secretariat of Labor and Social Welfare as well. Fuentes' request to have reports of the investigations sent to the Secretariat reveals the Mexican state's investment in the formal process of protecting its citizen-workers laboring abroad, who would soon be returning home.

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<sup>43</sup> Railroad Retirement Board Weekly Report, 8 January 1944, General Records, 1942-6, Records of the War Manpower Commission, RG 211, National Archives, College Park.

<sup>44</sup> My translation [Como de resultar ciertos los hechos denunciados constituirían una falta de probidad hacia nuestros trabajadores y una violación a los convenios internacionales, -suplico a usted se sirva ordenar se haga una amplia investigación al respecto y con el resultado de la misma se dé cuenta a esta Secretaría, así como de las medidas que hayan sido tomadas para corregir las anomalías indicadas.] Lic. Jose Luis Merino Fuentes to Churchill Murray, 6 April 1945, box 5, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

In February 1945, the STPS received a petition from a Mexican recruit and a STPS representative alleging that a U.S. Public Health physician had been disrespectful during an immigrant medical inspection at the recruitment center in Querétaro.<sup>45</sup> When the Mexican recruit asked an STPS representative present at the recruitment center to intervene on his behalf, the physician continued to be discourteous to both the STPS representative and the Mexican recruit. WMC representative Churchill Murray assured STPS officer Luis Trujillo Gurria that the War Manpower Commission “regarded the conduct [of the physician] to be inexcusable for an employee of the U.S. state and punish[ed] such conduct severely.” Murray further informed Gurria that the physician had been “removed from his post and would return to the U.S. as soon as possible.”<sup>46</sup>

On November 14, 1944, ten braceros employed by the Southern Pacific submitted a complaint to the STPS recounting their unsanitary living conditions and poor treatment.<sup>47</sup> These men, along with twenty other Mexican contracted railroad workers, left Querétaro on September 26 for what they described as the city of Belmont, New Mexico, approximately seventy-five miles away from El Paso, Texas and began working on September 30.<sup>48</sup> Within the first two days of work, these men began to experience difficulties with their foreman Mariano, a man they described as being of Mexican

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<sup>45</sup> The railroad program originally shared a recruitment center with the agricultural program in Mexico City, until it was moved to San Luis Potosí in April 1944 for two months. In June 1944, the railroad program’s recruitment center was moved to Querétaro.

<sup>46</sup> My translation [Consideramos discortusias de esa naturaleza de parte de nuestros empleados como inexcusable y castigamos esa conducta severamente]; [que dicho doctor fue despedido de su puesto inmediatamente y sera regresado a los Estados Unidos a la mayor brevedad posible]. Churchill Murray to Sr. Lic. Luis Trujillo Gurria, 6 February 1945, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

<sup>47</sup> The names of the ten men are: Carlos Castillo González, José Domínguez Parra, Antonio Herrera González, Manuel Herrera González, Gregoria Durán, Guillermo Manrique G, Tomás Govantes Silverio, Jesús Ibarra Gómez, Juan Ibarra Gómez, Eduardo González Herrera and Gerardo G. Manrique.

<sup>48</sup> In my search of current U.S. maps, I have been unable to locate the city of Belmont, New Mexico. It is possible that Belmont was not legally a city, but rather a small community or *colonia* in New Mexico.

nationality. The Mexican contract-laborers claimed that Mariano had instructed the camp cook to deny these men food and access to their one toilet. Mariano's boss intervened immediately, promising the Mexican workers that if Mariano continued to act poorly toward them, then he would have Mariano transferred. The Mexican workers wrote, "we used this opportunity to ask the foreman supervisor to request from the company better service regarding the issue of hygiene as more than thirty men had access to only one toilet and one shower, and many of our fellow workers do not have beds, only hay-stuffed sacks."<sup>49</sup> The supervisor promised to bring these issues to the attention of the company.

By October 15, a new foreman named Ramón was assigned to oversee the Mexican workers. Ramón told the men he had orders to immediately return any workers to Mexico who refused to heed his instructions. The new foreman, Mexican workers alleged, used language "that [was] not appropriate to repeat" when instructing workers.<sup>50</sup> When Mexican workers leaned against their railroad shovels to rest, Ramón crudely informed them that they needed to set their shovels down and rest over by the truck. Railroad labor, the men argued, was tiring and required workers to "stand up from their

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<sup>49</sup> My translation [Aprovechando la ocasión le pedimos que por su mediación pidiera a la compañía un servicio mejor, en cuestión de higeien puseramos más de 30 hombres y contábamos con un solo bano, de una regadera y muchos companeros no tenían colchones, "estos rellenos de sacate"...]. Group letter to Jose Luis Merino Fuentes dated 14 November 1944, included in correspondence between Lic. Jose Luis Merino Fuentes to Churchill Murray, 1 December 1944, box 5, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

<sup>50</sup> My translation [...dicho en forma que no es posible mencionar...]. Group letter to Jose Luis Merino Fuentes dated 14 November 1944, included in correspondence between Lic. Jose Luis Merino Fuentes to Churchill Murray, 1 December 1944, box 5, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

hunched working position to take in some air and to have a short rest.”<sup>51</sup> The foreman supervisor once again intervened, suggesting to workers that they could speak to railroad management in El Paso if they were unsatisfied with their working conditions and wanted to return to Mexico.

On October 17, the foreman supervisor transported fourteen of the men to El Paso to meet with representatives of the Southern Pacific, who had papers for them to sign. The following day, the fourteen men met with the division superintendent, the foreman supervisor, Mexican consul Elías Colunga, and an interpreter. Consul Colunga advised the men to not sign any paperwork until the investigations had been completed because this paperwork released the Southern Pacific from the responsibility of upholding Mexican workers’ contractual rights. Ten of the men visiting with the Mexican consul mailed a letter of complaint to Mexico City requesting that the director of the STPS, “please consider their petition, and to help [them] to access their rights guaranteed to them through their labor contracts with the Southern Pacific.”<sup>52</sup> Upon receipt of the petition, STPS director Fuentes requested that Churchill Murray (WMC) launch an immediate investigation of the camp in Belmont to secure the rights of Mexican workers.

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<sup>51</sup> My translation [...que cualquier trabajador que estuviera agachado durante algún tiempo tenía forzosamente que levantarse para tomar aire y--tener un breve desanso.] Group letter to Jose Luis Merino Fuentes dated 14 November 1944, included in correspondence between Lic. Jose Luis Merino Fuentes to Churchill Murray, 1 December 1944, box 5, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

<sup>52</sup> My translation [...suplicó a Ud. tenga la bondad de tomar en cuenta de esta petición, que hacemos para que se nos haga efectivo el contrato que firmamos con la Cía. del Ferrocarril del Sub-Pacífico...]. Group letter to Jose Luis Merino Fuentes dated 14 November 1944, included in correspondence between Lic. Jose Luis Merino Fuentes to Churchill Murray, 1 December 1944, box 5, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

Mexican railroad workers' acts of making a health claim and of requesting that the Mexican state help to negotiate their health claims reveals a dynamic that embodied a practice of Mexican citizenship. Regardless of the outcome of the health claim, the process of redress tied the Mexican worker to the Mexican state, and vice-versa. The Mexican state had offered its assistance to its citizen-workers laboring abroad, and in exchange, it garnered both domestic and international sovereignty.<sup>53</sup> A successful outcome of a health claim—such as the improvement of sanitary living conditions—served to reinforce the importance of Mexican citizen-state relations in protecting workers' bodies and health rights, and in the assertion of Mexican sovereignty.

The case of Mexican workers in Suisun, California demonstrates how the process of redress, despite an outcome that did not favor a settlement, provided a space for the practice of Mexican citizenship and for resistance against workplace discrimination. In August 1944, the STPS received reports from its railroad workers at the Southern Pacific's Suisun camp that they were encountering difficulty securing their rights. According to the workers, the poor treatment came at the hands of the foreman, Mr. Rhiner, who denied their rights to food and medical care. As a result, at least six workers had requested to cancel their contracts. Fernandez del Campo demanded that Murray make an investigation of these "notorious acts and to eliminate the existing difficulties."<sup>54</sup>

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<sup>53</sup> Railroad braceros expected protection from the Mexican state in exchange for its participation in the railroad bracero program. For the Mexican state, the bracero program represented a modernization project and an arena for the Mexican nation to demonstrate its participation in the Allied war effort (by providing manpower). See Cohen, *Braceros*.

<sup>54</sup> My translation [...de cosas señalado y de que se agudicen las dificultades existentes]. Lic. Luis Fernandez del Campo to Sr. Churchill Murray, 23 August 1945, box 5, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

The Railroad Retirement Board sent representative James J. Thompson to inspect the Suisun camp on October 11, 1944. During the investigation, Rhiner told Thompson that two Mexican labor inspectors arrived at the camp on October 10 and began talking to the Mexican men and cooks without introducing themselves to him. Rhiner claimed that the two men “began abusing him, told him he was a rotten foreman, did not know how to treat the men right and that he did not know how to run the camp.” The two Mexican labor inspectors then visited the roadmaster’s office, where they identified themselves and informed roadmaster J.J. Kennedy of the complaints filed by the Mexican track gang. Rhiner explained to Thompson that war rationing made it difficult for the camp to consistently serve meat, and that Mexican workers often demanded to be served food several hours after the specified meal times.<sup>55</sup>

In regards to medical care, Rhiner stated that there was only one doctor for the 2900 population of the Suisun-Fairfield area, thus making it difficult for him to reach the doctor. When the doctor was unreachable, Rhiner resorted to first aid techniques.<sup>56</sup> Thompson’s report concluded, “I visited the camp, which appeared to be warm, clean and satisfactory to me....From my observations it appeared to me that Mr. Rhiner was courteous and very reasonable and very just; [he] answered every question asked of

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<sup>55</sup> The camp served the Mexican men fish, of which the men did not like the taste. The Mexican men were served eggs instead. Mexican workers’ concern over food preparation and quality further reflects the significance of women’s informal labor to the formal labor economy. At the onset of the Second World War, railroad management’s employment policy for maintaining an efficient and loyal Mexican workforce remained relatively unaltered from the turn of the twentieth century: hire unskilled workers, provide incentives such as housing to encourage workers to bring their families, and minimize worker susceptibility to unionism and social deviance.<sup>55</sup> Mexican women played the role of cooking food for men and re-creating patriarchal network in the foreign workplace. The railroad bracero program, however, did not allow for Mexican men to bring families because of their temporary status. In the past, railroads hired Mexican migrants who planned to settle in the U.S. and not return to Mexico. The complaints over poor food reveal how important the unpaid labor of Mexican women was to creating order in the workplace.

<sup>56</sup> In the case of emergency, Rhiner was able to convince the physician to come to the camp.

him.”<sup>57</sup> John D. Coates of the U.S. Employment Service (USES) found Thompson’s report to “answer fully the questions raised” by the Mexican contract-laborers thus clearing the allegations of mistreatment and contract violation against the Southern Pacific.<sup>58</sup> In spite of the failed health claim, Mexican consuls continued in their endeavor to protect the health rights of its citizen-workers in the American workplace.

### **III. The Limits of Sovereignty and Braceros’ Appeal to Non-State Entities**

On May 31, 1944, Mexican consul Ricardo G. Hill in New York wrote to all eastern American railroads employing Mexican nationals requesting they, “please be kind enough to advise your Claims Department that they are not to settle any injury claims of Mexican nationals injured in the course of their employment, until I have personally had an opportunity to see and explain to them their legal rights and remedies under existing Federal and State Laws....Also, that I am to be notified as soon as your officials learn of personal injuries and that I am to be furnished with a copy of the preliminary medical report and progressive reports from time to time.”<sup>59</sup>

Believing that Hill’s letter required a unified response from American railroads employing Mexican nationals within his territory, vice-president of the New York Central L.W. Horning called a meeting for these railroads and their claims department representatives to discuss what action should be taken. H.D. Barber, vice-president of the

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<sup>57</sup> J.J. Thompson, “Labor Inspection Report for Southern Pacific Company Camp No. 17, Suisun, California,” 11 October 1945, box 5, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

<sup>58</sup> John D. Coates to Churchill Murray, 25 October 1945, box 5, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

<sup>59</sup> Consul Ricardo B. Hill to American railroad managers in New York area, 31 May 1944 cited in L.W. Horning to H.D. Barber, H.A. Enochs, F.R. Gerard, E.B. Perry and G.J. Ray, 9 June 1944, box 809, Pennsylvania Railroad Collection, Personnel Department Office Files, RG 14, Personnel Department, vol 10, Hagley Library and Archive.

Erie Railroad, informed Horning that the Erie was conducting its business regarding Mexican nationals through the Mexican consul in Cleveland, Ohio, and therefore, did not see a reason why they too had to provide such information to Mexican consul Hill.<sup>60</sup> J.F. Deasy of the Pennsylvania Railroad also did not see the reason for such a meeting, arguing, “railroads should be governed by the advice of their legal departments.”<sup>61</sup>

Despite the concerns of these railroads, a meeting was held on June 16 and June 21, 1944 between Mexican consul Ricardo B. Hill, claim agents, claim attorneys, and railroad management of: the New York Central; Erie Railroad; Boston and Maine Railroad; the Delaware, Lackawanna and Western Railroad; the Lehigh Valley Railroad; and the New York, New Haven and Hartford Railroad.<sup>62</sup> Consul Hill made it clear that his interest was in “the welfare of the men through such rights as the Consul General would have and conveyed by the treaty between Mexico and the United States.”<sup>63</sup> For this reason, he wanted all injuries occurring to Mexican nationals employed by the railroads to be reported to his office so that he may survey the type of medical care these Mexican nationals were receiving. Hill was concerned that injured Mexican nationals might be forced to return to work against their desire to do so. The railroad representatives explained, “under no circumstances was any man ever forced to return to work when his injuries were such that it would not be advisable for him to work, but that

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<sup>60</sup> H.D. Barber to L.W. Horning, 12 June 1944, box 809, Pennsylvania Railroad Collection, Personnel Department Office Files, RG 14, Personnel Department, vol 10, Hagley Library and Archive.

<sup>61</sup> J.F. Deasy to H.A.E, 13 June 1944, box 809, Pennsylvania Railroad Collection, Personnel Department Office Files, RG 14, Personnel Department, vol 10, Hagley Library and Archive. For more on the role of legal departments in railroad litigation, see William Thomas, *Lawyering for the Railroad: Business, Law, and Power in the New South* (Baton Rouge: Louisiana State University Press, 1999).

<sup>62</sup> Ricardo B. Hill was present only at the June 21, 1944 meeting.

<sup>63</sup> Consul Ricardo B. Hill cited in, O.G. Browne, memorandum of meeting with Mexican Consul Ricardo B. Perez, 21 June 1944, box 809, Pennsylvania Railroad Collection, Personnel Department Office Files, RG 14, Personnel Department, vol 10, Hagley Library and Archive.

on the contrary, the men for the most part if able to work desired to return so that they could earn their regular wage.”

In response to consul Hill’s request for injury reporting, the railroad representatives stressed, “it would involve a tremendous amount of work for railroads and also would flood his office with reports of no particular consequence and it would be difficult for both the railroad offices and his office to handle these matters on a basis of practicality and sift out of them those cases which might need some attention.” For this reason, the railroad representatives asserted that the best way to handle injury cases was for consul Hill to immediately contact the head of the Claim Department of the involved railroad in the event that he received a complaint from Mexican nationals. No medical or accident reports were to be initially sent to the Mexican consul, unless requested for a specific worker by the consul. According to a memorandum outlining the meeting minutes, consul Hill “finally assented [to this plan] and seemed to be satisfied to try out such a scheme.”<sup>64</sup> This schematic for handling injury claims, however, placed the responsibility on the Mexican workers to report their injuries, even when they did not have a complaint, to the Mexican consul assigned to their area.

Consul Hill’s request to have railroad companies report injuries and accidents involving Mexican nationals reflects the Mexican state’s broader concern for the welfare of its workers laboring abroad. In August 1944, the Mexican state requested that the settlement of injury claims be made only through Mexican consuls, instead of individual

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<sup>64</sup> O.G. Browne, memorandum of meeting with Mexican Consul Ricardo B. Perez, 21 June 1944, box 809, Pennsylvania Railroad Collection, Personnel Department Office Files, RG 14, Personnel Department, vol 10, Hagley Library and Archive.

railroad companies.<sup>65</sup> The Mexican government wanted not only the right to negotiate compensation claims with employers; they also wanted to participate in the mediation of their citizen-workers' health rights. Not surprisingly, this request met with resistance from railroads. The Southern Pacific firmly declined the Mexican state's request stating, "it is impractical...and if acceded to it would be...not only inconsistent with our own rights to deal with our employees directly or through their attorneys for settlement of such claims, but also an infringement upon the rights of the Mexican employees themselves...and we feel that we have no right, legally or morally, to say to a Mexican employee that he must deal only through a Mexican consul."<sup>66</sup>

William G. Maclean of the U.S. Department of State clarified the response of the Southern Pacific and other railroad companies reporting, "the railroads object only to the forcible injection of consuls into the settlement of accident cases. The precedent which the railroads feared to have established was that an outside organization handle all damage cases against the railroads." At stake in the decision, railroads argued, was ensuring equal representation for domestic workers. MacLean noted that railroads feared domestic workers would insist upon the forcible intervention of "a union or some other powerful organization."<sup>67</sup> The Southern Pacific's response sought to protect its right as a business to conduct accident claims on its own terms. The involvement of Mexican consuls in an injury case, the Southern Pacific asserted, was at the discretion of its

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<sup>65</sup> John D. Coates to J.F. McGurk, 18 August 1944, File 811.504 Mexico/8-1844, box 3886, General Records of the Department of State, RG 59, National Archives, College Park.

<sup>66</sup> Internal correspondence, Southern Pacific Company, 10 August 1944, File 811.504 Mexico/8-1844, box 3886, General Records of the Department of State, RG 59, National Archives, College Park.

<sup>67</sup> William G. MacLean to Sid E. O'Donoghue, 12 August 1944, File 811.504/Mexico/8-1244, box 3886, General Records of the Department of State, RG 59, National Archives, College Park.

employee. In spite of American railroad companies' resistance to grant Mexican consuls control of the compensation claim process, the Mexican state continued to stake its claim in protecting the health rights of its workers in the American workplace by requesting railroad employers to pay hospital and doctors fees, and compensation for time lost. The Mexican state's interests in railroad guest workers laboring abroad are best demonstrated through a series of cases, which reveal the dynamics of health rights-claiming as a practice of Mexican sovereignty and citizenship, and a mode of resistance.

When Luis Juárez Mendoza suffered an occupational injury on March 23, 1945, the Southern Pacific sent him from the labor camp in Hinkley, California to the hospital in Los Angeles to recuperate. STPS secretary to the director Fuentes requested that the WMC make sure that Mendoza received "proper medical attention, and once restored, the repatriation could proceed."<sup>68</sup> For the STPS, it was vital that the WMC and the Southern Pacific uphold the International Agreement. Mendoza's restoration [*restablecer*], however, was equally important to the STPS. If Mendoza returned to Mexico injured and unable to work, then it would require the Mexican state to support a once-productive citizen for the rest of his life. Similar logic can be seen in the case of Manuel Fernandez Olivarez, a contract-laborer for the Pennsylvania Railroad in the Columbus division.

On November 14, 1944, Olivarez visited assistant medical examiner for the Pennsylvania F.W. Koepf because he was suffering from weight loss and loss of appetite. After hearing rales in his left chest, Koepf referred Olivarez to the Tuberculosis Clinic

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<sup>68</sup> My translation [...la debida atención médica, y una vez restablecido se proceda a su repatriación.] Lic. Jose Luis Moreno Fuentes to Churchill Murray, 4 April 1945, box 5, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

where the doctor reported that Olivarez was suffering from a moderately advanced case of active tuberculosis. Koepf suggested that Olivarez be sent back to Mexico at the earliest opportunity.<sup>69</sup> The Pennsylvania requested the right from the USES to cancel Olivarez's contract, given that his illness "rendered him unable to work."<sup>70</sup> Olivarez, however, did not desire to return to Mexico; rather, he wished to stay in Columbus for treatment at the nearest hospital.<sup>71</sup> Mexican consul Ricardo B. Perez intervened on Olivarez's behalf writing,

Since this man does not wish to return to his homeland ill and unable to work, requesting that he be permitted to remain in this country and be interned in an institution for treatment of his serious illness, it is our opinion that the Pennsylvania Railroad Company is morally responsible for the welfare of this man in view of the fact that he was given a thorough medical examination in Mexico and was accepted as a physically sound railroad track laborer. We further suggest that the Pennsylvania Railroad Company explore the possibilities of placing this Mexican national in an institution for the treatment as he has requested.<sup>72</sup>

Consul Perez's efforts to secure medical care for Olivarez were thwarted by the Pennsylvania when, according to railroad management, Olivarez "contacted the office in person and of his own free will and accord stated that in view of his physical condition he had not been able to work for the past 30 days and was now willing to return to his home in Mexico." According to railroad records, Olivarez, "in his own handwriting [and] in

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<sup>69</sup> F.W. Koepf to H.E. Heston, 17 November 1944, box 431, Pennsylvania Railroad Collection, Records of the Western General Manager, Operating Department, vol 7, Hagley Library and Archive.

<sup>70</sup> James F. Craine, USES Determination in the matter of Manuel Fernandez Olivarez, 8 December 1944, box 431, Pennsylvania Railroad Collection, Records of the Western General Manager, RG 10g, Operating Department, vol 7, Hagley Library and Archive. The International Agreement required railroad companies to request permission from the USES to terminate labor contracts. This procedure, however, was mostly a formality.

<sup>71</sup> C.G. Grove to James F. Craine, 1 December 1944, box 431, Pennsylvania Railroad Collection, Records of the Western General Manager, RG 10g, Operating Department, vol 7, Hagley Library and Archive.

<sup>72</sup> Richard B. Perez letter dated 5 December 1944 cited in, James F. Craine, USES Determination in the matter of Manuel Fernandez Olivarez, 8 December 1944, box 431, Pennsylvania Railroad Collection, Records of the Western General Manager, RG 10g, Operating Department, vol 7, Hagley Library and Archive.

the Mexican language, prepared and signed a waiver of appeal” in the presence of railroad management, a USES representative and a U.S. Civil Service Commission representative. The waiver released the Pennsylvania of its obligation to provide Olivarez with medical care. Olivarez was returned to Mexico on December 20, 1944.

Mexican railroad workers, however, did not always make claims while employed. In several instances, workers filed claims following the expiration of their labor contract and their return to Mexico. On March 24, 1945, former railroad bracero Ramón Lira González walked into the employment bureau of the STPS to file a claim against the Baltimore and Ohio Railroad. González arrived to his place of employment in Guarard, Ohio on September 9, 1944. Within the first few days, González began to experience severe stomach pains.<sup>73</sup> The foreman, González alleged, “did not pay any attention to his complaints.”<sup>74</sup> González decided to seek out a local physician in Gurard, who diagnosed him with a stomach ulcer. After a week of treatment from the local physician, González’s condition worsened and he was admitted to the hospital, where he was confined and treated by the same physician for more than four weeks.

When released from the hospital, González made several inquiries with the Baltimore and Ohio regarding payment for his hospital bills and the procedure for canceling his contract. González spent more than two weeks soliciting the attention of

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<sup>73</sup> Mexican contract-laborer Andres Cruz Torres (Pennsylvania Railroad, stationed at Anderson, Indiana) also suffered from a stomach ailment; however, he requested to be transferred to a place, preferably Chicago, where he could be treated by a physician able to speak Spanish. See Mexican Consul Emilio Almada to Pennsylvania Railroad, 27 January 1945, box 431, Pennsylvania Railroad Collection, Operating Department, vol 7, Hagley Library and Archive.

<sup>74</sup> My translation [...dicho Representante no le prestó ninguna atención]. For complaints regarding lack of medical attention experienced by the Mexican employees of the New York Central, see Jose Luis Merino Fuentes to C.G. Grove, 18 July 1945, box 5, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

the Baltimore and Ohio in this matter before he decided to pay for his own way home with the help of his family in Mexico. “The nature and conduct of [the Baltimore and Ohio],” González explained to the STPS, “is completely inhumane and in violation of the labor contract.” González presented himself at the employment bureau to make these injustices known to the STPS and to request that the STPS “use its influence and, if possible, to obtain a reimbursement from the Baltimore and Ohio for the money he spent.”<sup>75</sup> By filing a claim with the STPS, González not only demonstrated his agency, he held railroad companies accountable.

The labor contract was a tangible transaction of exchange that rested on the principles of consent and self-ownership. As historian Amy Dru Stanley has explained, “in order to surrender rights and accept duties, parties to contracts had to be sovereigns of themselves, possessive individuals entitled to their own persons, labor and faculties.”<sup>76</sup> González, like all railroad braceros, exchanged his labor for both a monetary value and protections to his body and health in the workplace. In making a health claim, González asserted his health rights not only as a Mexican citizen, but also as a Mexican guest worker with rights to his individual body. By requesting the assistance of the STPS in his health claim, González acknowledged the Mexican state’s interest in protecting the health rights of Mexican citizens.

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<sup>75</sup> My translation [que como considera que la aptitud y el comportamiento de la empresa contratante es del todo inhumano y violatoria del Contrato de trabajo]; [...a poner las hecho anteriores en conocimiento de esta Secretaría efecto de que la misma interponga su influencia y, de ser posible, se obtenga en su favor la compensacion en metálico de los gasto...] Ramón Lira González, STPS report, 24 March 1945, box 5, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

<sup>76</sup> Amy Dru Stanley, *From Bondage to Contract: Wage labor, Marriage, and the Market in the Age of Slave Emancipation* (Cambridge: Cambridge University Press, 1998), xi, 3.

Mexican railroad workers also gained assistance in making their claims from labor unions in Mexico and in the United States. For instance, the STPS received a letter from the Syndicate for the Railroad Workers of México (*Sindicato de Trabajadores Ferrocarrileros de la República Mexicana*) in Mexico City in support of Rafael Cadena García. On January 20, 1944, García fractured his leg while employed by the Atchison, Topeka and Santa Fe Railroad. García returned to the camp in Duncan, Arizona where, according to the Syndicate, “he remain[ed] unable to do work because of his injury, and unable to earn a wage.” The Syndicate continued, “this Mexican national is enduring great hardship, for which we believe he is entitled to better medical attention and wages” during his period of recovery. “We are requesting this Secretariat to use its influence to intervene in this case,” the Syndicate concluded, “to attain all of the benefits justly belonging to Rafael Cadena García.”<sup>77</sup> The historical record, unfortunately, has not yet yielded the outcome of this case.

The grievances of Mexican guest workers also received the attention of American labor unions. On October 24, 1944, John D. Coates of the USES informed Churchill Murray of a strike in Weehawken, New Jersey involving seventy-five Mexican guest workers employed by the New York Central. The Mexican workers filed a list of grievances in which they claimed that “prompt medical attention was not being given

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<sup>77</sup> My translation [...se le regresó a su campamento en donde desde entonces permanece sin trabajar por estar imposibilitado para ello, pero sin que se le paguen ningunos salarios.]; [Como es de comprenderse, el interesado debido a esa situación, viene resistiendo muy grandes perjuicios, por lo que estimando nosotros que tiene derecho a mejor atención médica y pago de salarios...]; [...estamos pidiendo a esa Secretaría, se sirva intervenir en este caso haciendo uso de las influencias a su alcance, para lograr que al trabajador Rafael Cadena Garcia, se le important todos los beneficios que justamente le corresponden.] Lic. Jose Luis Merino Fuentes to Churchill Murray, 19 March 1945, box 5, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park. It is unclear as to whether or not Garcia received compensation.

[to] injured workers, and that company employees taking injured [Mexican] workers to company doctors were making a charge of \$3 to \$4 per trip.” A conference was held at the Mexican consul’s office, where railroad employees, U.S. labor union representatives, Mexican workers, and the Mexican consul of New York were present to secure terms that addressed their grievances.<sup>78</sup> The U.S. Department of State records suggest that the New York Central addressed all of the grievances.

Mexican workers who suffered from illness or injury faced mounting medical debt as they spent time recuperating without earning a daily wage. In one case, Nicolas Dirico-Flores was confined to his bed in the Pennsylvania Railroad’s Waynesville, Ohio camp on May 24, 1945. Company physicians initially diagnosed Flores with acute appendicitis coupled with pneumonia and moved him to the McClellan Hospital in Xenia, Ohio (15 miles northeast of Waynesville). Within the next few days, physicians identified Flores’ illness as spinal meningitis. Flores returned to work on July 3 with a hospital bill of \$359.20.<sup>79</sup> Flores “desired the railroad to pay” and enlisted the assistance of the Mexican Embassy to intervene on his behalf, who requested that the Pennsylvania pay the entirety of Flores’ medical bills.<sup>80</sup> Despite these requests, the Pennsylvania was able to authorize semi-monthly pay roll deductions of \$30 from Flores’ paycheck until

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<sup>78</sup> John D. Coates to Churchill Murray, 28 October 1944, box 8, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park. Churchill Murray to Lic. Luis Fernandez del Campo, 6 November 1944, box 5, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park. The Brotherhood of Maintenance of Way Employees also desired for Mexican guest workers to be able to join their union. See, E.E. Milliman to A.W. Motley, 26 January 1944, box 5, Ernesto Galarza Collection, M0224, Dept. of Special Collections, Stanford University Libraries, Stanford, Calif.

<sup>79</sup> C.G. Grove to R.T. Taylor, 4 October 1945, box 433, Pennsylvania Railroad Collection, Records of the Western Manager, RG 10R, Operating Department, vol 7, Hagley Library and Archive.

<sup>80</sup> John D. Coates to C.G. Grove, 1 August 1945, box 433, Pennsylvania Railroad Collection, Records of the Western Manager, RG 10R, Operating Department, vol 7, Hagley Library and Archive.

his payment was made in full because Flores had signed a waiver form. As a trackman for the Pennsylvania, Flores was paid \$0.65 per hour, he worked on average eight hours a day, six days a week, for a total of \$31.20 per week, not including deductions. This meant that the pay roll deductions would be taking away more than half of Flores' monthly earnings. When Flores' labor contract expired on September 28, 1945, he owed a balance of \$117.17, a cost that the Pennsylvania absorbed and then applied for a reimbursement from the WMC.<sup>81</sup>

Much like Flores and other Mexican guest workers, Carmelo Napoli Reale did not fully understand the legal ramifications of signing paperwork handed to him by his employer. On March 21, 1945, Reale wrote to the Pennsylvania Railroad to request compensation for an injury he had endured almost two years prior, in December 1943. According to Reale, he was unloading ties from a railroad car at Wheeling, Virginia when he slipped on a creosoted tie. Foreman Charles took Reale to the hospital where the physician determined he had broken several of his ribs and strained his back. Reale explained,

When I returned to work the Boss...made me sign four papers and asked me wether [sic] I wanted money, damages or work. I replied that I wanted light work....For months I have suffered pains and I have not been able to work. I have not received a fair deal from the Pennsylvania Railroad and I am appealing to you at Philadelphia because physically I am unable to work. I have family and five persons to keep.

While Reale did not make his choice of taking light work over money or damages explicit, it would appear that he decided to continue working because he needed to earn

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<sup>81</sup> R.W.R. to C.G.G., 31 August 1945, box 433, Pennsylvania Railroad Collection, Records of the Western Manager, RG 10R, Operating Department, vol 7, Hagley Library and Archive.

an income to support his family in Mexico. However, Reale only worked for another two weeks before the company physician decided that he was not capable of performing work and his contract was terminated.<sup>82</sup> His request for damages two years later suggests that he believed the Pennsylvania should have allowed him to choose both work *and* compensation. Reale's misunderstanding of the verbal and written transactions he had with his boss upon his return to work had left him without compensation and without an able-body to earn wages in Mexico.

Mexican railroad workers' practice of claim-making, however, did not always involve the Mexican state. In several instances, Mexican railroad workers' garnered the assistance of U.S. community groups in the prosecution of their health rights claims. The U.S. community groups interested in the plight of the bracero varied widely, from individual members of the community, local community organizations, and faith-based groups. Inspired mostly by the wartime good neighbor rhetoric, these community groups either responded to bracero requests for assistance or initiated assistance programs of their own accord. For example, members of the community in Sparks, Nevada reported seeing braceros employed by the Southern Pacific and Pacific Fruit Express walking the streets "lonely and dejected." The Sparks Community Civic Association decided to help the Mexican guest workers. Their inability to speak English and to cultivate a support system, the Community Civic Association argued, resulted in homesickness and low morale. The Civic Association believed that the lack of recreational facilities in labor camps caused boredom among the workers, leaving them "no place to go except to the

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<sup>82</sup> Carmelo Napoli Reale to manager, 21 March 1945, box 809, Pennsylvania Railroad Collection, Personnel Department Office Files, RG 14, Personnel Department, vol 10, Hagley Library and Archive.

local bars where they become involved in trouble and result in incarceration.” To mitigate the situation, the Civic Association offered to donate materials, such as magazines, books, newspapers and literature in Spanish, for a recreation room and to furnish volunteer directors, who would give advice, write letters, and arrange entertainment. Because braceros carried the news of good-treatment or bitter resentment when they returned to Mexico, the Civic Association contended, the cultivation of a positive environment for Mexican nationals would be, “sowing the future seeds of friendship for the [Southern Pacific and Pacific Fruit Express], for this city, [and] for this country.”<sup>83</sup> The Southern Pacific allowed the Civic Association to carry out their plans, as long as they accepted full responsibility for its costs.

When railroad braceros’ place of employment was in an urban center, members of the surrounding community demonstrated interest in the welfare of braceros. For instance, railroad braceros laboring in the New Jersey cities of Plainsboro and West Trenton were greeted warmly by the Y.M.C.A., and faith-based organizations. In April 1944, the pastor of Princeton Community Church and the president of the Walker-Gorden Corporation (Borden Milk) contacted the Mercer County Y.M.C.A. to inquire about establishing a summer recreation program for Plainsboro residents and the 150 railroad braceros employed by the Pennsylvania Railroad. Similar to the Community Civic Association in Sparks, these community members believed that braceros felt lonely and homesick in their new environment. They wanted to provide a welcoming environment that would allow railroad braceros to interact with the community and learn English.

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<sup>83</sup> Community Civic Association to S.A. McKinnon, 10 April 1944, box 9, Office Files of the Foreign Labor Section Representative in Mexico, Records of the War Manpower Commission, RG 211, National Archives, College Park.

After receiving positive feedback from railroad braceros, the Y.M.C.A. decided to pursue a recreational program with the assistance of the Princeton Rotary Club and Princeton University faculty members. The recreational program included English classes, movie nights, and sports. Over 100 railroad braceros participated in the Y.M.C.A. program. The program met with so much success that it continued the following year as well.<sup>84</sup>

After hearing about the success of the 1944 recreational program, Trenton Attorney George Bohlinger contacted the Mercer County Y.M.C.A. in the spring of 1945 to inquire about creating a similar summer program for the 177 railroad braceros employed by the Reading Railroad in West Trenton. Using the Y.M.C.A.'s 1944 Plainsboro recreational program as a model, a diverse group of community members designed the 1945 program. These individuals included: George H. Bohlinger (Trenton attorney), Senator Wesley Armstrong (Senator of Mercer County and member of Ewing township committee), Francis Lore (President of Ewing Township Y.M.C.A.), Charles Knight (West Trenton resident and member of Y.M.C.A. Board), Dr. John MacKay (President of Princeton Theological Seminary, who also aided in 1944 recreational program), Donald Stuart (of Princeton Film Center—regarding CIAA films in Spanish), Edwin G. Applegate and C.K. Blanchard (both of the New Jersey State Health Department and members of Pennington Y.M.C.A. Board—regarding contacts for language teacher). These men decided on the activities the program would offer, and the program administration.

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<sup>84</sup> "A Program for Mexicans: The Story of the Mercer County Federation of Y.M.C.A.'s 1944 Experience in Plainsboro, N.J.," in *Community Minded Young Men: The Church and the Mercer County Federation of Y.M.C.A.'s At Work with Young Men from Mexico*, an internal booklet created by the Y.M.C.A., box 17, Ernesto Galarza Collection, M0224, Department of Special Collections, Stanford University Libraries, Stanford, Calif.

Before creating the recreational program, the committee surveyed the braceros to determine their interests. It was discovered that the 177 braceros originated from Jalisco and had an average age of 30; most were farmers and had no experience working the tracks; most had little, if any, education; and most had never been to Mexico City.<sup>85</sup> The braceros showed interest playing volleyball, soccer, softball and swimming, watching films, participating in dances, learning how to speak English, and learning how to write in Spanish. Like the 1944 program, the West Trenton recreational program was called “Play Nights,” and they took place on Friday evenings at 7 pm during the months of July and August. The published flyers read “Play Nights for residents of West Trenton and Men of Reading Railroad Camp at Winner Manufacturing Company Field.” The flyer included a list of activities in English and Spanish.<sup>86</sup> It was the fostering of good relations by the West Trenton and Plainsboro communities that encouraged railroad braceros to seek their assistance in making health claims.

Braceros’ decision to solicit the assistance of these community members, rather than the Mexican state, speaks to the limits of Mexican sovereignty. The Mexican state did not have enough economic resources to station consuls in all of the locations where braceros worked. Moreover, Mexican consuls were hand-picked by the Mexican president, a procedural system that historian Gilbert Gonzalez has demonstrated led to favoritism and an apathy among some consuls to effectively carry out their

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<sup>85</sup> “Planning and Action Diary of 1945 Work for Mexicans at West Trenton,” in *Community Minded Young Men: The Church and the Mercer County Federation of Y.M.C.A.’s At Work with Young Men from Mexico*, an internal booklet created by the Y.M.C.A., box 17, Ernesto Galarza Collection, M0224, Department of Special Collections, Stanford University Libraries, Stanford, Calif.

<sup>86</sup> “Play Nights,” box 17, Ernesto Galarza Collection, M0224, Department of Special Collections, Stanford University Libraries, Stanford, Calif.

assignments.<sup>87</sup> By garnering the support of American community groups, railroad braceros demonstrated their agency and self-interest in protecting their individual bodies. Moreover, they engaged in a practice of Mexican citizenship that did not require an interaction or exchange with a Mexican state-based organization.

While on duty sometime in early July 1945 at the Pennsylvania's Plainsboro, New Jersey camp, Antonio Feliciano Ramirez claimed he had injured his left eye and back. In a review of Ramirez's claim, superintendent of the Pennsylvania S.B. Jones stated, "since we could find no evidence of this man being injured, we anticipate taking no further action in this case." Ramirez was sent back to camp "as fit for work," where he refused to return to the tracks because of his physical condition. The Pennsylvania promptly filed the convincing paperwork to request Ramirez's contract termination. Ramirez returned home in late August 1945.<sup>88</sup>

Despite his repatriation, Ramirez remained intent on obtaining compensation for his injury. Prior to his departure, Ramirez had solicited legal counsel, with the support of the Pan American Union, for his compensation claim against the Pennsylvania and left a written request asking his friends to help him secure compensation. As an organization that promoted unity, peace and economic trade in the Americas, the Pan American Union took great interest in the struggles of Mexican workers.<sup>89</sup> At Ramirez's request, the legal counsel interviewed him, with the assistance of a Zapotec interpreter, at the Plainsboro

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<sup>87</sup> Gonzalez, *Mexican Consuls and Labor Organizing*, 1-36.

<sup>88</sup> S.B. Jones to Henry J. Lynch, 13 September 1945, cited in *Legal Counsel's Official Statement*, 1946, box 17, Ernesto Galarza Collection, M0224, Dept. of Special Collections, Stanford University Libraries, Stanford, Calif.

<sup>89</sup> The Pan American Union's interest in Mexican workers stemmed from the activism of Ernesto Galarza (chief of the Division of Labor and Social Information).

camp sometime during the month of August.<sup>90</sup> The legal counsel submitted an official statement to the Pennsylvania in 1946 outlining the injustices made against Ramirez by the Pennsylvania. They accused the Pennsylvania of misrepresenting Ramirez's physical condition in an effort to avoid their responsibility of paying compensation. Based on internal correspondence between the Pennsylvania, USES and company physicians, the legal counsel discovered that the Pennsylvania had "ignored the diagnosis of a competent physician." Dr. Dean's medical examination, conducted on July 12, 1945, revealed an abrasion over the left cornea and tenderness of the back joints. A week later, Dr. Dean noted that Ramirez's left pupil was severely dilated and advised the Pennsylvania against sending Ramirez immediately back to Mexico, which the Pennsylvania blatantly disregarded.

Jones used the investigation report of track supervisor J.P. Zearly to bolster his argument that "no evidence" of Ramirez's injury had been found. "Upon questioning regarding his alleged claim of injury (sic)," Zearly wrote, "[Ramirez] does not remember the date or time or place it occurred....My observation reveals that he (Ramirez) is either slightly demented or greatly faking."<sup>91</sup> The legal counsel declared Zearly's statement to be a great prejudice against their client, whose language barrier (Zapotec) made it difficult to communicate with the Spanish-speaking interpreter provided by the Pennsylvania.

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<sup>90</sup> Ramirez was a Zapoteca Indian and spoke Zapotec, not Spanish.

<sup>91</sup> J.P. Zearly, statement of investigation, 31 July 1945, cited in Legal Counsel's Official Statement, 1946, box 17, Ernesto Galarza Collection, M0224, Dept. of Special Collections, Stanford University Libraries, Stanford, Calif.

Most striking was the legal counsel's discovery that the injury report written by Zearly, and submitted to Jones on July 13, 1945, referenced Dr. Dean's medical report. The legal counsel requested that the Pennsylvania make a settlement for Ramirez "in accordance with the provisions of the New Jersey statutes covering such cases. Compensation should be given to Ramirez for time lost from work as a result of his injury as well as compensation for costs he incurred in obtaining medical assistance by a private physician."<sup>92</sup> By denying Ramirez a thorough and fair examination of all the relevant facts regarding his injury claim, the Pennsylvania had circumvented their obligation under the International Agreement to provide Ramirez with the same guarantees afforded to domestic workers with regard to occupational disease and accidents. By May 3, 1946 the Pennsylvania Claims Department and Ramirez had reached an agreement for a settlement in the amount of \$250.<sup>93</sup>

It was through the process of negotiating health claims that Mexican guest worker rights became meaningful in practice. Moreover, this process made braceros reconsider their relationship with the Mexican state while abroad. A Mexican worker no longer needed to practice a citizenship that required a direct exchange with Mexican state agencies. Yet the legality of a bracero's health claim remained rooted in a guest worker contract that protected his health rights on the force of his Mexican citizenship.

Much like Ramirez, Felix Tapia Montaña recognized the value of the Plainsboro community network in staking his health rights claim. After an eight-hour day of work

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<sup>92</sup> Legal Counsel's Official Statement, 1946, box 17, Ernesto Galarza Collection, M0224, Dept. of Special Collections, Stanford University Libraries, Stanford, Calif.

<sup>93</sup> J.D. to J.F.D., 10 May 1946, box 809, Pennsylvania Railroad Collection, Personnel Department Office Files, RG 14, Personnel Department, vol 10, Hagley Library and Archive.

on June 30, 1945, Montaña began to experience severe stomach pains. The camp supervisor took Montaña to the Princeton Hospital where he underwent an emergency appendectomy. Because the Pennsylvania classified Montaña's appendicitis as a non-occupational illness, Montana was responsible for the medical bill. The eleven-day hospital stay cost \$80.60, and the operation and post-operative care provided by the surgeon cost \$100. According to the Pennsylvania, Montaña signed a statement in English and Spanish authorizing pay roll deductions for the \$180.60 medical bill.

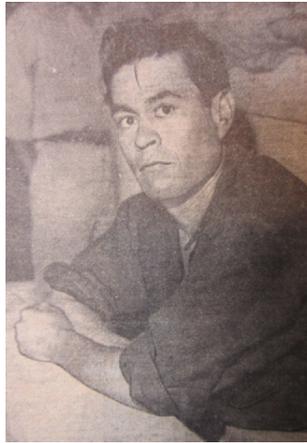


Figure 5.2 This photograph of Felix Tapia Montaña accompanied the article printed in the *New York Post* entitled “Mexican Stages One-Man Strike.” Source: *New York Post*, 21 September 1944

When Montaña received a paycheck with deductions of \$45 on August 10, he began “a one-man strike,” refusing to work for the purpose of paying hospital and doctor fees<sup>94</sup>. Four weeks into Montaña's one-man strike, the *New York Post* printed an article on Montaña entitled, “Mexican Stages One-Man Strike Against the Pennsy.” The

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<sup>94</sup> J.F. Deasy to John D. Coates, 10 October 1945, box 809, Pennsylvania Railroad Collection, Personnel Department Office Files, RG 14, Personnel Department, vol 10, Hagley Library and Archive. This document is duplicated in box 493, Motor Power Department, Files of the Philadelphia Offices, Pennsylvania Railroad Collection, Hagley Library and Archive.

newspaper article was admittedly a sympathetic human-interest story that captured the struggles of Montaña and his fellow railroad workers [Figure 5.2]. The article described Montaña as a thirty-year-old man, who “came to the U.S. to work on the railroad last February 13, motivated, like hundreds of his countrymen, by a combination of patriotism and the promise of higher wages.” In his home state of Zacatecas, Montaña earned ten pesos a day (\$2.75 U.S.), but in the United States he earned \$5.20 U.S. a day (\$0.65 per hour), not including deductions.<sup>95</sup> Montaña is quoted in the *New York Post* as saying, “why should I work here for nothing?” Contrary to the Pennsylvania Railroad’s report, Montaña affirmed to the *New York Post* that when he signed the papers presented to him by railroad representatives, he assumed they were “‘receipts’ for medical services.”<sup>96</sup>

The publicity of Montaña’s case garnered the attention of the U.S. State Department, the Pan American Union, two U.S. senators and the Mexican embassy.<sup>97</sup> These interested groups demanded the Pennsylvania provide information on the medical care services offered to all its Mexican railroad workers. This, however, was not the first time community members had voiced interest in the health of Mexican railroad workers. Several weeks before the Felix Tapia Montaña article was printed, Dr. John MacKay, President of Princeton Theological Seminary, wrote to the Surgeon General Dr. Thomas Parran of the U.S. Public Health Service and chairman of the WMC Paul McNutt

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<sup>95</sup> The *New York Post* states that Montaña had \$1.25 deducted for each day’s room and board, in addition to the 10% savings bond reduction, the Railroad Retirement Board deduction, taxes and Social Security.

<sup>96</sup> Alice Davidson, “Mexican Stages One-Man Strike,” *New York Post*, 21 September 1945. A copy is also found in box 809, Pennsylvania Railroad Collection, Personnel Department Office Files, RG 14, Personnel Department, vol 10, Hagley Library and Archive.

<sup>97</sup> John D. Coates to J.F. Deasy, 12 October 1945, box 809, Pennsylvania Railroad Collection, Personnel Department Office Files, RG 14, Personnel Department, vol 10, Hagley Library and Archive.

regarding “the policies of the government for providing medical care for Mexican nationals employed by railroads.”

Dr. John MacKay and several of his colleagues had participated in creating the 1944 summer recreational program for the Pennsylvania railroad braceros in Plainsboro.<sup>98</sup> Through their interactions with railroad braceros, these members of the Princeton Theological Seminary became aware of braceros’ struggles to pay for medical services and gain accident compensation.<sup>99</sup> John D. Coates (USES) lamented the untimely publication of the *New York Post*’s story, stating that it was “exceedingly unfortunate” that it came out so soon after receiving inquiries from Dr. Parran, McNutt and members of Princeton’s Theological Seminary. He urged Pennsylvania’s vice-president Deasy to “do anything [he could do] to bring about a satisfactory adjustment.” Coates further contended,

while we realize that Mexican Nationals are not exempt from paying for medical expense, there is nevertheless a limit as to what should be expected of them and they should receive as much consideration as the average worker in the same type of employment on the same wage rate. We therefore question whether the charge of \$190 could not have been reduced considerably by appealing to the surgeon for special consideration and by also obtaining a minimum rate at the hospital.<sup>100</sup>

In light of the political and social outcry that followed the *New York Post* article, the Pennsylvania received authorization from the USES to cancel Montaña’s labor

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<sup>98</sup> It is highly probably that Felix Montaña participated in the summer recreational program and made contacts with members of the Princeton Theological Seminary. I have yet to find records to prove this connection.

<sup>99</sup> John D. Coates to F.M. Wilson, 31 October 1945, Pennsylvania Railroad Collection, Chief Engineer Files, RG 11A, Engineering Department, vol 8, Hagley Library and Archive.

<sup>100</sup> John D. Coates to J.F. Deasy, 25 September 1945, box 809, Pennsylvania Railroad Collection, Personnel Department Office Files, RG 14, Personnel Department, vol 10, Hagley Library and Archive.

contract on September 25, and on October 3, Montaña left Plainsboro for Mexico.<sup>101</sup> Montaña left an unpaid medical bill of \$135.60, a cost paid by the Pennsylvania. In a similar case involving a Mexican worker from Pennsylvania's Plainsboro camp, Aurelio Olvera García endured an appendectomy around the same time as Montaña and signed a form that allowed pay roll deductions to be made until he paid the \$190.25 medical bill.<sup>102</sup> On September 12, 1945, García presumably followed Montaña's example by refusing to work. The Pennsylvania also requested to have García's labor contract terminated.<sup>103</sup> The strong responses of Mexican workers regarding medical bills and pay roll deductions made the Pennsylvania and the USES uneasy about maintaining stability among the Mexican men. John D. Coates suggested that it was "desirable to do everything possible to give priority to the Plainsboro camp workers and repatriate them at the earliest possible date. Any undue delay [would] add to the present discontent and provoke further criticism."<sup>104</sup>

In addition to the Princeton Theological Seminary, the American Friends Service Committee (AFSC), a Quaker organization, also had an interest in the Mexican guest workers employed in the Pennsylvania and New Jersey railroad labor camps. The AFSC's mission was to provide support underprivileged and marginalized peoples,

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<sup>101</sup> Pennsylvania records indicate that the Superintendent sent a request to cancel Montaña's contract on September 14, 1945.

<sup>102</sup> The *New York Post* article refers to a third Mexican worker who also received an appendectomy, but refused to sign the "receipts." This man presumably requested the assistance of the Mexican consul and the Syndicate of Railroad Workers in Mexico to convince the Pennsylvania to pay his hospital bills. This man supposedly was successful in his endeavors. I have yet to find any other historical records that discuss this man's case.

<sup>103</sup> Memorandum draft to R.R. McCurry, September 1945, box 809, Pennsylvania Railroad Collection, Personnel Department Office Files, RG 14, Personnel Department, vol 10, Hagley Library and Archive.

<sup>104</sup> John D. Coates to F.M. Wilson, 31 October 1945, Pennsylvania Railroad Collection, Chief Engineer Files, RG 11A, Engineering Department, vol 8, Hagley Library and Archive.

especially regarding social justice issues. The AFSC sent a brief report to Senator James E. Murray, member of the Education and Labor Committee, in order to call his attention to “the difficulties that the Mexicans are encountering in the settlement of just compensation claims for injuries sustained through accidents.” After presumably talking with Mexican workers, the AFSC discovered that the men were being “charged excessive fees for medical care, of heavy deductions from pay checks to cover hospital and doctors’ bills, and of other severe and unusual penalties for illness.” The AFSC argued that these conditions were cultivating a “misunderstanding [that may well] be projected into the future with deplorable effect on our good neighbor relations. That such should be a by-product of the generous and loyal cooperation of Mexico’s workers in our war effort is something that no citizen of the United States can be happy about.” In order to remedy this situation, the AFSC requested that the Education and Labor Committee of the Senate launch an immediate investigation of the medical care services provided to Mexican railroad workers. These investigations, the AFSC contended, would determine why Mexican railroad workers had been deprived of adequate medical care, and how such health rights could be provided without delay.<sup>105</sup>

### **Conclusion**

As Mexican railroad workers experienced injury and sickness in the American workplace, the interests of the Mexican state and the Mexican worker in protecting the bodies and health rights of Mexican workers paralleled each other. They both relied on their citizen-state relationship—where the Mexican state was expected to protect its

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<sup>105</sup> American Friends Service Committee to Senator James E. Murray, 1945, box 27, Ernesto Galarza Collection, M0224, Dept. of Special Collections, Stanford University Libraries, Stanford, Calif.

workers, and guest workers participated in the bracero program as part of the Allied war effort—to negotiate Mexican guest worker health rights. The impulses guiding the Mexican state, however, were intricately tied to their pursuit of domestic and international legal sovereignty.

By seeking to protect its citizens laboring abroad, the Mexican state under the administration of President Camacho made its own claims about its “person” as a sovereign nation. On the one hand, Mexican state wanted to prove to its citizenry that it was a legitimate revolutionary state by protecting its citizen-workers laboring abroad (domestic). On the other hand, the Mexican state wanted to balance the power dynamic in its diplomatic and economic relationship with the United States (international legal). In short, the Mexican state used these moments to exercise sovereignty over its citizen-workers abroad, and to exercise sovereignty through its workers.

Nonetheless, it was the common pursuit to protect the bodies and health rights of Mexican workers that enabled the Mexican state, together with its citizen-workers, to practice and articulate health as a crucial component of Mexican citizenship. Mexican citizenship in the railroad program embodied a set of practices between state and citizen that emerged as Mexican railroad workers encountered illness and injury in the foreign workplace. Both the Mexican government and the individual worker reacted to the administration of the railroad program, to the management practices of railroad companies and to the lack of respect shown by American agencies and institutions for Mexican sovereignty and citizenship rights.

Mexican citizenship was thus shaped not just by the political project of the Mexican government ('from above'), but also by the health claims made by individual Mexican workers ('from below').<sup>106</sup> In this way, the experiences of the Mexican people while abroad profoundly shaped the development of the modern Mexican state. It was through the *process* rather than the *outcome* (success or failure) of negotiating health claims health as a right of citizenship was practiced. In several cases, the Mexican worker also looked beyond his relationship with the Mexican state to stake his claims to protections of body and health. The Mexican worker leveraged his status as a Mexican citizen to garner the support of American community groups, who themselves were interested in supporting the spirit of the Good Neighbor Policy and the emerging discourse of human rights. While this process of claims-making did not directly involve the Mexican state, it did rely on the rights conferred to railroad braceros vis-à-vis their Mexican citizenship.

Railroad braceros navigated the parameters of the railroad bracero program for their own benefit. They relied on the transnational administration to stake their health rights claims in two nation-states. In this sense, railroad braceros were not "stateless."<sup>107</sup>

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<sup>106</sup> A similar dynamic of citizenship as the interrelationship between state power and individual struggles is seen in the High Andes. See Finn Stepputat, "Marching for Progress: Rituals of Citizenship, State and Belonging in a High Andes District" *Bulletin of Latin American Research* 23, no. 2 (2004): 244-259. For more on how women fit into the Mexican nation-building project in the 20th century, see Nikki Craske, "Ambiguities and Ambivalences in Making the Nation: Women and Politics in Mexico," *Feminist Review* 79 issue on Latin America: History, War and Independence (2005): 116-133.

<sup>107</sup> Linda Kerber, "The Stateless as the Citizen's Other: A View from the United States," *The American Historical Review* 112, no. 1 (February 2007): 26; Cindy Hahamovitch, *No Man's Land: Jamaican Guestworkers in America and the Global History of Deportable Labor* (Princeton: Princeton University Press, 2011). Historian Mae Ngai also argues that braceros are "impossible subjects," in that they "remained external to conventional definitions of the American working class and national body." See Ngai, *Impossible Subjects*, 129.

They received direct protection from the Mexican state, and used their status as “good will” braceros to garner the assistance of U.S. community groups. It was precisely this transnational character of the railroad bracero—benefitting from the protection of two states—that made the guest worker an unstable legal category in U.S. immigration policy.

## Conclusion

At the end of World War II, the U.S. railroad industry petitioned for an extension of the bracero program. With the staunch support of railroad labor unions, the United States denied the petition arguing that the demobilization of the home front—the decrease in war transportation and the return of male labor (veterans)—no longer necessitated foreign labor to support railroad maintenance. The dismantlement of the railroad program began in August 1945 and came to a close in March 1946 when the last labor contract expired.<sup>1</sup>

The termination of the railroad bracero program, however, did not necessarily mean the end of a former railroad bracero's migrations to the United States.<sup>2</sup> Some railroad braceros returned to Mexico and reapplied for a labor contract in the agricultural bracero program, which had been renewed at the behest of agribusiness.<sup>3</sup> Other former braceros continued to work for U.S. railroads "sin papeles" (without papers). Recall railroad bracero Bernardino Vilchis César who argued that "for five years of service" on the U.S. railroads he deserved some compensation. Following the conclusion of the railroad program, César returned to the United States and worked for the railroads until

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1 For more on the process of repatriation and termination of the program, see Barbara Driscoll de Alvarado, *The Tracks North: The Railroad Bracero Program of World War II*, 1st ed. (Austin, Tex.: CMAS Books, Center for Mexican American Studies, University of Texas at Austin, 1999), 151-8.

2 Driscoll notes a similar trend. *Ibid.*, 172.

3 It is important to note that some railroad braceros had previously held a labor contract in the agricultural program. No official data has been uncovered quantifying the total number of braceros who worked in both programs.

1947.<sup>4</sup> Others were like José Soto who did not return to Mexico after their contract expired and remained employed by a U.S. railroad, in Soto's case until the mid-1950s.<sup>5</sup>

A significant consequence of the wartime Bracero Program was the rise in unsanctioned, or "illegal," labor migration.<sup>6</sup> Historians such as Mae Ngai have described the U.S. state's dependence on Mexican workers as "a kind of imported colonialism," a legacy of America's conquest over Mexican territory in 1848.<sup>7</sup> It was through the space of immigration law that the U.S. state harnessed a hegemonic relationship with Mexican migrant workers, and naturalized the racial construction of the illegal alien as "Mexican."<sup>8</sup> The International Agreement of the railroad bracero program mandated that if upon contract expiration the worker remained in the United States, the U.S. government would "consider the continued stay...to be illegal from an immigration point of view."<sup>9</sup> This legal provision placed the U.S. state in the position of power to define a worker's immigration status as illegal. The U.S. state, however, was not the only

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4 See the opening of chapter 4 for a discussion of Bernardino Vilchis César. Violeta Domínguez, "Bernardino Vilchis César," in Bracero History Archive, Item #115, <http://braceroarchive.org/items/show/115> (accessed February 15, 2012).

5 Jose Francisco Delgado Soto, "Photo of Jose Francisco Delgado Soto," in Bracero History Archive, Item #854, <http://braceroarchive.org/items/show/854> (accessed February 27, 2012).

6 Kelly Lytle Hernandez, *Migra!: A History of the U.S. Border Patrol* (Berkeley, Calif.: University of California Press, 2010).

7 Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004), 129; Gilbert G. Gonzalez, *Guest Workers or Colonized Labor: Mexican Labor Migration to the United States* (Boulder: Paradigm Publishers, 2006); Carlos G. Velez-Ibanez, *Border Visions: Mexican Cultures of the Southwest United States* (Tucson: University of Arizona Press, 1996); Rodolfo Acuna, *Occupied America: A History of Chicanos*, 7th ed. (Boston: Longman, 2011); David J. Weber, *Foreigners in Their Native Land: Historical Roots of the Mexican Americans*, 30th Anniversary Edition (Albuquerque: University of New Mexico Press, 1973, 2003); Colin M. MacLachlan and William H. Beezley, *El Gran Pueblo: A History of Greater Mexico*, 3rd ed. (Upper Saddle River: Prentice Hall, 2004); Mark Overmayer-Velazquez, *Beyond la Frontera: The History of Mexico-U.S. Migration* (New York: Oxford University Press, 2011); Marcelo Suarez-Orozco, *Crossings: Mexican Immigration in Interdisciplinary Perspectives* (Cambridge: Harvard University, David Rockefeller Center for Latin American Studies, 1998).

8 Mae M. Ngai, *Impossible Subjects*, 264.

9 U.S. Department of State, *Treaties and Other International Agreements of the United States of America, 1776-1949*, volume 9 (Washington, D.C.: Department of State Publications, 1972).

political agent with the power to construct illegality through the space of law. U.S. railroad companies too held great influence in identifying former braceros as illegal.

U.S. railroad companies bore the responsibility of locating railroad braceros who had fulfilled their contracts, but failed to report to their railroad employer for repatriation. At stake in repatriation was the immigration bonds companies had posted for each worker. The U.S. Immigration Service would reimburse an employer's bonds only after U.S. Immigration officials at the U.S.-Mexico border had cleared the former railroad bracero. For instance, in 1947, the Pennsylvania Railroad had \$49,000 in immigration bonds being held against them. In an effort to reduce the bonds, the Pennsylvania launched a campaign to locate the braceros, who had chosen not to repatriate. The Pennsylvania placed wanted posters in the areas surrounding former bracero labor camps in an effort to gain assistance from the community in "apprehending" their former contract laborers [Figure 6.1]. The poster read "Mexican contract workers formerly employed on the New York Zone of the Pennsylvania Railroad still in the United States as deserters. If apprehended notify Mr. R.R. Nace...." The photographs included the name of the bracero, their social security number, the date of desertion, and the date and point of entry.<sup>10</sup> The wanted poster associated the bracero's act of remaining in the United States with criminality and illegality.

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10 Wanted Posters, box 1493, Pennsylvania Railroad Collection, Engineering Department, vol 8, Hagley Library and Archive. For more on the Pennsylvania Railroad's outstanding bonds, see box 18766, File 56135/686-A, Records of the Immigration and Naturalization Service, RG 85, National Archives, Washington DC.



Figure 6.1 Pennsylvania Railroad wanted poster for “deserters.” Source: box 1493, Pennsylvania Railroad Collection, Engineering Department, vol 8, Hagley Library and Archive.

The Pennsylvania’s use of the term deserter in its wanted posters was consistent with the broader efforts of U.S. railroad companies to transform railroad braceros into railroad soldiers [see chapter 4]. Desertion is a term used by the military to describe someone who leaves service without permission and with no intention of returning.<sup>11</sup> While the U.S. state defined the act of remaining in the United States beyond contract expiration as illegal from an immigration point of view, the Pennsylvania Railroad equated this action with one of the most egregious acts of cowardice a soldier can commit—desertion. If the novelty of guest worker illegality was not enough to

<sup>11</sup> My examination of the archival resources indicates that the term “deserter” was used interchangeably with “AWOL” (absent without leave) during the active years of the railroad bracero program.

criminalize the railroad bracero, the railroad soldier turned deserter offered a more tangible construction of the Mexican worker as illegal and criminal in popular imagination.

An equally profound consequence of the railroad bracero program was the creation of a guest worker health policy that preserved the functionality of America's first large experiment with a contract labor program. The guest worker health policy, this dissertation has argued, simultaneously guaranteed health rights to guest workers and created a loophole to deny them. The United States' capacity to extend health rights to Mexican guest workers that labored in its service allowed the program to succeed in its most straightforward goal—to recruit Mexican labor with the support of the Mexican state. Without the promise of protections to body and health in the American workplace, the Mexican state refused to support and participate in the program. While the U.S. state had the capacity to extend health rights, it was the railroad employer that retained the authority to discern how, and to whom, workplace health benefits were to be distributed. This loophole in the legal framework of the program institutionalized workplace health discrimination against railroad braceros. Mexican guest workers were vulnerable to discrimination because of their deportability and lack of familiarity with railroad injury culture.

U.S. railroad companies' powerful legal system for minimizing costs paid in compensation enabled employers to deport a railroad bracero for filing a health claim. Railroad employers used industrial medicine and the medical authority of physicians to measure a bracero's ability, disability, behavior, and injury. Through the production of

official railroad and physician reports, railroad employers had the power to mediate a worker's access to health care and accident compensation, and to render the history of bracero injury invisible. Unlike railroad employers, the Mexican state and its railroad braceros aimed to make visible, and to stake a health rights-claim in, injury and illness. The guest worker health policy was a space of law where the Mexican state and its citizen-workers resisted U.S. power and workplace health discrimination.

At the same time, the U.S. state was not alone in its endeavors to establish its power and authority. The Mexican state not only exerted sovereignty *over* its citizen-workers laboring abroad by offering protection and assistance in prosecuting health claims; it exerted sovereignty *through* its citizen-workers by demonstrating to the U.S. state that it had the authority and resources to protect the bodies and health of its citizens. The railroad bracero program was equally important to the development of the Mexican and U.S. nation-states and their capacities for regulating guest worker health across borders.

If the struggles of the railroad bracero to overcome workplace health discrimination seem familiar, it is because the tension of the railroad bracero program's health policy—balancing humanitarian concerns with the demands of global capitalism—continues to be a cornerstone of U.S. immigration policy, and embodies a central challenge posed by the era of globalization. In the past decade, the polarizing debates over U.S. immigration reform have broadly focused on how to secure a future flow of immigrants, increase border enforcement, and create a legal pathway to citizenship for the nearly 12 million undocumented immigrants residing in the United States. Despite

labor and immigration rights groups' demands for an overhaul in the H-2 Guest Worker Program, detailed plans for guest worker reform remain absent in the current U.S immigration reform bill known as the Border Security, Economic Opportunity and Immigration Modernization Act (S. 744, May 7, 2013). The absence of guest worker program reform is not surprising given that disputes over how to create a less exploitative system in the past several years have either delayed or stalled the progress of immigration reform.<sup>12</sup> The Southern Poverty Law Center argues that the H-2 program not only subverts the power of U.S. workers, but also legalizes the exploitation of non-citizen workers. It is, many scholars have contended, a modern day form of slavery.<sup>13</sup> Among a host of other issues, guest workers are denied medical benefits for occupational injuries, live in dismal conditions, and have no access to legal resources.<sup>14</sup>

Much like in the railroad bracero program, the H-2 program's legal framework enables employers to discriminate against guest workers. Scholars and policymakers have identified the (agricultural) bracero program as an important case study for examining how bracero policies have shaped the H-2 program and broader immigration policies concerning Mexican immigration.<sup>15</sup> The lessons from the bracero program,

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12 David Nakamura, 28 March 2013, "Dispute Over Guest-Worker Program Puts Immigration Talks at Risk of Delay," *Washington Post*, accessed April 4, 2013.

13 Mary Bauer, February 2013, "Close to Slavery: Guestworker Programs in the United States," <http://www.splcenter.org/get-informed/publications/close-to-slavery-guestworker-programs-in-the-united-states>, accessed March 2, 2013; Gonzalez, *Guest Workers or Colonized Labor: Mexican Labor Migration to the United States*.

14 Other issues faced by guest workers include: inability to change employers in the event of mistreatment or discrimination; cheated out of wages; held captive by employers who seize their documents; subjected to human trafficking and debt servitude.

15 Many scholars make the argument that the agricultural bracero program informs the continuing debates over U.S. immigration policy. See Deborah Cohen, *Braceros: Migrant Citizens and Transnational Subjects in the Postwar United States and Mexico* (Chapel Hill: University of North Carolina Press, 2011); Erasmo Gamboa, *Mexican Labor and World War II: Braceros in the Pacific Northwest, 1942-1947*

scholar Vernon Briggs contends, can inform how policymakers construct more effective guest worker policies in the future.<sup>16</sup> This scholarship, however, has yet to consider how the Bracero Program, either agricultural or railroad, can inform the debates over how to eliminate workplace health discrimination in the H-2 program.<sup>17</sup> The under-examined railroad bracero program holds great value for interrogating the roots of guest worker health discrimination. Unlike in the agricultural industry, the health benefits and protection extended to guest workers and U.S. citizen-workers in the railroad workplace were at an acceptable standard. It is through the railroad bracero program that we can more clearly identify and assess the loopholes in guest worker policy that legalize workplace health discrimination.

Historian Cindy Hahamovitch asserts that non-citizenship status makes guest workers vulnerable to discrimination and mistreatment. While Hahamovitch suggests providing guest workers a legal pathway to citizenship as a solution for exploitation, historian Donna Gabaccia more broadly contends that laws and policies that continue to view immigration as a domestic problem will fail. "Because immigration is an important, continuous, and contentious relationship between the United States and rest of the world," Gabaccia argues, "immigration policies might better be debated from a global

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(Seattle: University of Washington Press, 2000); Ronald Mize, *Consuming Mexican Labor: From the Bracero Program to NAFTA* (Toronto: University of Toronto Press, 2011).

16 Vernon Briggs Jr., "Guestworker Programs: Lessons From the Past and Warnings for the Future," Cornell University ILR School, year 2004, <http://digitalcommons.ilr.cornell.edu/hrpubs/38>.

17 Medical and public health scholars have looked at the importance of migrant health policy. See Jose Angel Fuentes, "The Need for Effective and Comprehensive Planning for Migrant Workers," *AJPH* 64, no. 1 (January 1974): 1-10; Louise S. Ward, "Migrant Health Policy: History, Analysis, and Challenge," *Policy, Politics & Nursing Practice* 4, no. 1 (February 2003): 45-52; George L. Harper, "A Comprehensive Care Program for Migrant Farmworkers," *Public Health Reports* 84, no. 8 (August 1969): 690-96.

rather than domestic perspective.”<sup>18</sup> Granting guest workers a pathway to U.S. citizenship—while useful for solving the issue of deportability—might be too constrained by its domestic purview. To consider workplace health discrimination from a global perspective is to make visible the dynamic political, economic and social processes—capitalism, sovereignty and citizenship—that shape the distribution of health benefits to all non-citizens laboring in the American workplace.

The era of globalization has brought to the fore the plight of the transnational worker, and raised important questions about citizenship and the boundaries of the nation-state. The transnational worker who claims health rights across geopolitical borders, scholars argue, reveals the shortcomings of citizenship as a category.<sup>19</sup> That U.S. economic citizenship is tied to health benefits, old age pensions and other social benefits generates an important question that informs both the U.S. immigration and healthcare reform debates—what entitlements can be extended to immigrants, migrants, guest workers, and undocumented individuals given that they remain non-citizens?<sup>20</sup>

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18 Donna R. Gabaccia, *Foreign Relations: American Immigration in Global Perspective* (Princeton: Princeton University Press, 2012), 1.

19 Michael Peter Smith and Matt Bakker, *Citizenship across Borders: The Political Transformation of El Migrante* (Ithaca: Cornell University Press, 2008); Kim Rygiel, *Globalizing Citizenship* (Vancouver: UBC Press, 2010); Han Entzinger, "Open Borders and the Welfare State: The Immigration/Welfare Paradox," in *Migration Without Borders: Essays on the Free Movement of People* ed. Antoine and Paul de Guchteneire Pecound (UNESCO Publishing, 2007).

20 Alan Derickson, *Health Security for All: Dreams of Universal Health Care in America* (Baltimore: Johns Hopkins University Press, 2005); Jonathan Cohn, *Sick: The Untold Story of America's Health Care Crisis--and the People Who Pay the Price* (New York: HarperCollins, 2007); Alan Derickson, "Take Health from the List of Luxuries: Labor and the Right to Health Care," *Labor History* 41(May 2000): 117-87; Alain C. Enthoven and Victor R. Fuchs, "Employment-Based Health Insurance: Past, Present and Future," *Health Affairs* 25, 6 (November/December 2006): 1538-47; Richard Epstein, *Mortal Peril: Our Unalienable Right to Health Care?* (New York: Basic Books 1997); David Mechanic, "The Managed Care Backlash: Perceptions and Rhetoric in Health Care Policy and the Need for Reform," *Milbank Quarterly* 79, 1 (2001): 35-34; Jonathan Engel, *Doctors and Reformers: Discussion and Debate over Health Policy, 1925-1950* (Columbia: University of South Carolina Press, 2002); Colin Gordon, *Dead on Arrival: The Politics of Health Care in Twentieth-Century America* (Princeton: Princeton University Press, 2004); Lawrence R. Jacobs, and Theda Skocpol, *Health Care Reform and American Politics: What Everyone*

Scholar Han Entzinger argues that the national welfare state can only function if the boundaries between insiders and outsiders are drawn, because the state is limited in its fiscal resources to support all of its citizenry, let alone non-citizen immigrants, through government-sponsored programs.<sup>21</sup> In 2009, the economic crisis and rising costs in healthcare led the state of Massachusetts to drop nearly 30,000 legal immigrants, who had been in the state less than five years, from its subsidized healthcare program (Commonwealth Care). The decision saved Massachusetts nearly \$150 million. The Massachusetts Supreme Court ruled nearly two years later that the 2009 state budget was unconstitutional because it violated the state's equal protection clause by discriminating on the basis of national origin.<sup>22</sup> Massachusetts's initial decision to drop legal immigrants—the health insurance program did not cover undocumented immigrants—demonstrates the vital roles citizenship status, and even national origin, can play in determining access to healthcare.

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*Needs to Know* (New York: Oxford University Press, 2010); Robert M. Sade, "Medical Care as a Right: A Refutation," *New England Journal of Medicine* 285, no. 23 (December 2, 1971): 1288-92; Timothy Stoltzfus Jost, *Health Care at Risk: A Critique of the Consumer-Driven Movement* (Durham: Duke University Press, 2007); Ronald Numbers, *Almost Persuaded: American Physicians and Compulsory Health Insurance, 1912-1920* (Baltimore: Johns Hopkins University Press, 1978); Beatrix Hoffman, *The Wages of Sickness: The Politics of Health Insurance in Progressive America* (Chapel Hill: The University of North Carolina Press, 1999).

21 Han Entzinger, "Open Borders and the Welfare State: The Immigration/Welfare Paradox," in *Migration Without Borders: Essays on the Free Movement of People*, ed. Antoine and Paul de Guchteneire (UNESCO Publishing, 2007), 119-38; Michael Katz, *The Price of Citizenship: Redefining the American Welfare State* (New York: Metropolitan Books, 2001). Scholars have argued that the U.S. health care system is based on a system of rights and rationing. See Hoffman, *Health Care for Some*; Lawrence R. Jacobs, Theda Skocpol, Theodore Marmor, and Jonathan Oberlander, "The Oregon Health Plan and the Political Paradox of Rationing," *Journal of Health Politics* 24, no. 1 (1999): 161-80; David Mechanic, "Rationing Health Care: Public Policy and the Medical Marketplace," *Hastings Center Report* 6, no. 1 (February 1976): 34-7.

22 Abby Goodnough, "Massachusetts Cuts Back Immigrants' Health Care," 31 August 2009, *New York Times*, accessed September 1, 2009; Jess Bidgood, "Massachusetts Health Plan Extended to Immigrants," 5 January 2012, *New York Times*.

An even greater concern in the healthcare debate is who should burden the medical costs of non-citizens, legal or undocumented, who are unable to pay for services rendered. While the federal and state governments continue to dispute where guest workers and other non-citizens fit into healthcare reform, hospitals are taking matters into their own hands. In the spring of 2013, two Mexican workers employed by one of the nation's largest pork producers lay unconscious in an Iowa hospital following a car accident. Both men had health insurance through their employer, but neither had entered the United States legally. The latter called into question the likelihood that the health insurance provider would cover medical costs. After consulting family members in Mexico, the hospital placed the comatose men on a private plane back to their homes in Veracruz, effectively deporting them without consultation from a federal or state agency.<sup>23</sup> The medical repatriation of these men, unfortunately, is not unique. It is as an example of many non-citizen workers' encounters with the U.S. healthcare system, and of the oversights in U.S. immigration policy regarding non-citizen health.<sup>24</sup>

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23 David Pitt, "Deported While Unconscious: American Hospitals Quietly Deport Hundreds of Undocumented Patients," 23 April 2013, *Talking Points Memo*, accessed April 25, 2013, <http://talkingpointsmemo.com/news/deported-while-unconscious-hospitals-deport-undocumented-patients.php>.

24 For a few other striking examples, see Deborah Sontag, "Deported in a Coma, Saved Back in U.S.," 8 November 2008, *New York Times*; Deborah Sontag, "Immigrants Facing Deportation by U.S. Hospitals," 3 August 2008, *New York Times*. For more on the U.S. healthcare system and its treatment of non-citizens, see Leo R. Chavez, Estevan T. Flores, Marta Lopez-Garza, "Undocumented Latin American Immigrants and U.S. Health Services: An Approach to a Political Economy of Utilization," *Medical Anthropology Quarterly* 6, no. 1 (March 1992): 6-26; Leo R. Chavez, "Undocumented Immigrants and Access to Health Services: A Game to Pass the Buck," *Migration Today* 11, no. 1 (1983): 15-19; Marc L. Berk, Claudia L. Schur, Leon R. Chavez, and Martin Frankel, "Health Care Use Among Undocumented Latino Immigrants," *Health Affairs* (July/August 2000): 51-64; Beatrix Hoffman, "Sympathy and Exclusion: Access to Health Care for Undocumented Immigrants in the United States," in *A Death Retold: Jessica Santillan, the Bungled Transplant, and Paradoxes of Medical Citizenship* ed. Keith Wailoo, Julie Livingston, and Peter Guarnaccia (Chapel Hill: The University of North Carolina Press, 2006).

Scholars and policymakers argue that a globalized economy requires the evolution of citizenship away from a concept tied to the nation-state and toward a status that embodies the transnational or global citizen. Transnational citizenship would extend rights across borders, and by its very nature, challenge the sovereignty of the nation-state. Scholars have contemplated that if transnational citizenship is not based on ties to a nation-state, what governing body would protect the transnational citizen? How would transnational citizenship, and its enforcement, affect state-sovereignty? Who would be responsible for distributing social and health benefits to the transnational citizen?<sup>25</sup>

These are all fundamental questions that the United States and the world continue to grapple with as they participate in an increasingly globalized economy, and craft immigration policies to regulate non-citizen access to social and health benefits. As the United States continues to debate immigration and healthcare reform, it is necessary to do

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25 Thomas Faist, "Transnationalization in International Migration: Implications for the Study of Citizenship and Culture," *Ethnic and Racial Studies* 23, no. 2 (2000): 189-222; Michael Peter Bakker and Matt Smith, *Citizenship across Borders: The Political Transformation of El Migrante* (Ithaca: Cornell University Press, 2008); Kim Rygiel, *Globalizing Citizenship* (Vancouver: UBC Press, 2010); Dorothee Schneider, *Crossing Borders: Migration and Citizenship in the Twentieth-Century United States* (Cambridge: Harvard University Press, 2011); Douglas and T. Alexander Aleinikoff Klusmeyer, eds., *Citizenship Today: Global Perspectives and Practices* (Washington, DC: Carnegie Endowment for International Peace, 2001). For current scholarship on guest worker programs, transnational migration, and the mobility of capital in search of workers, see Barak Kalir, *Latino Migrants in the Jewish State: Undocumented Lives in Israel* (Bloomington: Indiana University Press, 2010); Kathleen Crowley Schwartzman, *The Chicken Trail: Following Workers, Migrants, and Corporations Across the Americas* (Ithaca: ILR Press, 2013); Gilbert G. Gonzalez, *Guest Workers or Colonized Labor: Mexican Labor Migration to the United States* (Boulder: Paradigm Publishers, 2006); Frank Caestecker, *Alien Policy in Belgium, 1840-1940: The Creation of Guest Workers, Refugees and Illegal Aliens* (New York: Berghahn Books, 2000); Jefferson Cowie, *Capital Moves: RCA's Seventy-Year Quest for Cheap Labor* (Ithaca: Cornell University Press, 1999); Rita Chin, *The Guest Worker Question in Postwar Germany* (Cambridge: Cambridge University Press, 2007); Mary Dewhurst Lewis, *The Boundaries of the Republic: Migrant Rights and the Limits of Universalism in France, 1914-1940* (Stanford: Stanford University Press, 2007); Cindy Hahamovitch, *No Man's Land: Jamaican Guestworkers in America and the Global History of Deportable Labor* (Princeton: Princeton University Press, 2011); David Griffith, *American Guestworkers: Jamaicans and Mexicans in the U.S. Labor Market* (University Park: The University of Pennsylvania State Press, 2006).

so from a global perspective and consider how guest workers' and non-citizens' ongoing struggles for workplace health benefits involve a complex and dynamic set of interactions between states, business enterprise, and workers that are informed by capitalism, sovereignty and citizenship.

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**Appendix 1 Variables included in Railroad  
Retirement Board Reports (inclusive)**

Feb 44 to Jun 44	Jul 44 to Jan 45	Feb 45 to Feb 46
left MX city	left point of recruitment	X
in transit at end of week	X	X
lost prior to delivery	lost prior to delivery	
delivered to employer at border	delivered to employer at border	delivered to employer
-	-	transferred after service with original employer +/-
contracts renewed	contracts renewed	contracts renewed
contracts expired and not renewed	contracts expired and not renewed	contracts expired and not renewed
-	contracts terminated prior to expiration	contracts terminated prior to expiration
reported missing	X	X
missing and subsequently returned to work or Mexico	X	X
still missing	workers missing	workers missing
contracts terminated for missing workers	X	X
deaths	deaths	deaths
total contracts terminated	X	X
termination rescinded	X	X
total in service	contracts in effect at end of period	contracts in effect at end of period
previously missing and terminated, now repatriated	X	X
unemployed 7 consecutive days	X	X
numbers of complaints	number of complaints	X
number involved in complaints	numbers involved in complaints	X
request for termination by employer	X	X
request for termination by worker	X	X
-	charged against quota	charged against quota
-	repatriations reported by immigration	repatriations reported by immigration