

Mexican Deportations from Los Angeles in 1931:  
How a Small-Scale Campaign Took Root and  
Repatriated Tens of Thousands of Immigrants

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Mexican immigration surged in the early 20<sup>th</sup> century, spurred by violence from the Mexican Revolution and prosperity in the United States. Official census numbers count a tripling in the U.S. population from 200,000 Mexican immigrants in 1910 to 600,000 in 1930, but given the long and porous border between the two countries, the actual number was probably far larger.<sup>1</sup> Many demographers and historians conclude that roughly 10 percent of Mexico's population resided in the United States by 1930.<sup>2</sup> The densest concentration of Mexican immigrants was in Los Angeles County, where 167,024 were counted in the census that year.<sup>3</sup> As the Great Depression set in in the early 1930s and unemployment rose, the U.S. government sought to open jobs for its citizens by removing Mexican immigrants. Acting at both the federal and state levels, the government removed immigrants through deportation and repatriation. The latter term euphemistically implied that repatriates left voluntarily but often were motivated by pressure from threats and media campaigns to scare off immigrants. Repatriation could be informal, and conservative estimates put the number of repatriates in the Great Depression decade at one million, many of whom had lived in the United States for years but had never formalized their residency because they lacked access to or understanding of the legal requirements.<sup>4</sup> By the United States Immigration and Naturalization Services' own statistics, Mexicans constituted 46.3% of those deported from 1930 to 1939 despite comprising less than one percent of the population.<sup>4</sup>

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<sup>1</sup> Francisco E. Balderrama & Raymond Rodriguez, *Decade of Betrayal* 7 (1<sup>st</sup> ed. 1995)

<sup>2</sup> *Id.*

<sup>3</sup> Abraham Hoffman, *Unwanted Mexican Americans During the Great Depression* 207 (1973) <sup>4</sup> Balderrama et al., *supra*, at 21-2

<sup>4</sup> *Id.*, 53

The Fifth and Fourteenth Amendments of the Constitution guarantee the rights of due process and equal protection to all “persons,” not merely citizens, and therefore apply to resident aliens, as was the case in 1931. Aliens were not entitled to the same Constitutional rights as citizens, however, and nor are they today. In 1896, the Supreme Court held that the government may not impose criminal punishment on undocumented aliens without a judicial trial.<sup>5</sup> In 1903, the Court established that aliens could not be deported without some sort of administrative hearing, even if they were alleged to be in the country illegally.<sup>6</sup> These hearings were not required to be judicial trials, and they did not need to comply with the Fifth Amendment right against self-incrimination, the Sixth Amendment right to counsel and jury trials, or the Eight Amendment ban on cruel and unusual punishment, as an 1893 case had established.<sup>7</sup> Moreover, judicial review of administrative deportation hearings was limited. A deportation order could be set aside in court only upon showing “that the proceedings were manifestly unfair, that the action of the executive officers was such as to prevent a fair investigation, or that there was a manifest abuse of the discretion committed to them by the statute.”<sup>8</sup> The restrictive Immigration Acts of 1917 and 1924 narrowed immigrants’ rights even further. The 1917 Act, promulgated during wartime, handed the government increased policing powers and designated an “Asiatic Barred Zone.” The 1924 Act, an attempt to prioritize immigration from Northern European countries with pre-established U.S. populations, limited the

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<sup>5</sup> *Wong Wing v. United States*, 163 U.S. 228 (1896)

<sup>6</sup> *Yamataya v. Fisher*, 189 U.S. 86 (1903)

<sup>7</sup> *Fong Yue Ting v. United States*, 149 U.S. 698 (1893)

<sup>8</sup> *Low Wah Suey v. Backus*, 225 U.S. 460, 468 (1912)

potential number of immigrants from a given country to two percent of that country's expatriates living in the U.S. in 1890.

The drive to deport Mexican immigrants from Los Angeles in 1931, the longest and most intense effort during the Great Depression, operated within the framework of these recent immigration reforms. Though initiated at both the local and federal levels, its implementation rested on localized, politicized, and even personal factors. The government privileged, and the legal institutions implicitly (?) sanctioned, a perceived economic expedient over individual rights to due process and equal protection. For all the majestic language Supreme Court justices had used to describe guarantees of due process, such as Justice Harlan's opinion in *Yamataya v. Fisher* explaining that immigration officers may not "disregard the fundamental principles that inhere in 'due process of law' as understood at the time of the adoption of the Constitution," the legal system failed dramatically to ensure Mexican aliens were treated fairly under the law.<sup>9</sup>

At the federal level, the Department of Labor proved an enabling source of power for deportations. In 1931, the Department oversaw the Bureau of Immigration, the Bureau of Naturalization, and the Border Patrol.<sup>1011</sup> The new Secretary of Labor, William N. Doak, appointed on December 9, 1930, believed an aspect of his role as Secretary to be the removal and deportation of any alien holding a job in order to create jobs for Americans. In his 1931 *Annual Report*, he stated "...it is a mere corollary of this duty and purpose to

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<sup>9</sup> *Yamataya v. Fisher*, 189 U.S. 86 (1903)

<sup>10</sup> *Our History*, U.S. Citizenship and Immigration Services, U.S. Dep't of Homeland Security, <https://www.uscis.gov/about-us/our-history> (cited December 22, 2015).

<sup>11</sup> Hoffman, *supra*, at 39

spare no reasonable effort to remove the menace of unfair competition which actually exists in the vast number of aliens,” and he referred to a figure of 400,000 deportable aliens in speeches and correspondence (although it is unclear how his office reached this figure).<sup>12</sup> Doak also may have wanted to boost his standing within the Hoover administration. Organized labor stood at odds with the President during the Great Depression, and the Secretary may have supported an alien manhunt to mollify the labor unions and thus win the President’s approval.<sup>13</sup> Luckily for him, the requisite deportation bureaucracy resided in his own department.

To counter rising unemployment, President Hoover established the President’s Emergency Committee for Employment (PECE) in August of 1930 to act as a clearinghouse for employment committees at the state and city levels.<sup>14</sup> In December, the city of Los Angeles formed the Citizens Committee on Coordination of Unemployment Relief, which included the mayor, the publisher of the *Los Angeles Times*, the president of the local Chamber of Commerce, and other civic and business leaders.<sup>15</sup> The committee coordinator, Charles P. Visel, soon began to conceive of his duties to create employment much as Doak had. In fact, after hearing one of Doak’s speeches, he telegraphed the national PECE coordinator in January of 1931:

“We note press notices this morning. Figure four hundred thousand deportable aliens United States. Estimate five percent in this district. We

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<sup>12</sup> *Id.*, 40

<sup>13</sup> Robert S. Allen, *One of Mr. Hoover’s Friends*, 25 THE AMERICAN MERCURY, Jan. 1932, at 53.

<sup>14</sup> Hoffman, *supra*, at 41-2

<sup>15</sup> *Id.*, 42

can pick them all up through police and sheriff channels. Local United States Department of Emigration [sic] personnel not sufficient to handle. You advise please as to method of getting rid. We need their jobs for needy citizens.”<sup>16</sup>

Visel later telegraphed Doak personally to ask that he send Bureau of Immigration agents as a “psychological gesture” to scare aliens into leaving Los Angeles.<sup>17</sup>

Visel’s plan to rid Los Angeles of Mexican aliens, as he informed the Department of Labor, was to “scarehead” them and save the trouble of deportation hearings by persuading them to leave through a minor federal intervention with extensive news coverage.<sup>18</sup> He commenced the media blitz even before federal officials arrived; on January 26, 1931, he announced a campaign to deport illegal aliens in order to free jobs for American citizens.<sup>19</sup> The Los Angeles newspapers did not all quote the press release verbatim, however. Some took it further; the Los Angeles *Illustrated Daily News* declared, ““Aliens who are deportable will save themselves trouble and expense by arranging their departure at once,”” an embellishment that stoked additional panic in the city’s Mexican community.<sup>20</sup><sup>21</sup> The local district director of the Bureau of Immigration advised Visel to quell the panic by issuing a second press release declaring that the deportation campaign

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<sup>16</sup> Id., 43

<sup>17</sup> Id.

<sup>18</sup> Id., 51

<sup>19</sup> Id., 47

<sup>20</sup> This panic was easily understandable; Hoffman describes previous protests against illegal aliens, movements to restrict jobs on public works to American citizens, and motions calling their deportation. Also, he notes the corrupt reputation of Los Angeles’s police at the time. Mexican immigrants, who were often lower classes and discriminated against racially, likely already did not trust these authorities.

<sup>21</sup> Id.

would target only illegal immigrants with criminal records, but inconsistent reporting by the few newspapers that even reported the second notice diluted its message.<sup>22</sup>

On January 31, five days after the initial press release, federal agents from the Bureau of Immigration arrived in Los Angeles and launched a series of raids to capture illegal Mexican aliens.<sup>23</sup> On February 13, agents collaborating with the local police and sheriff's department detained 300 people in the El Monte section of Los Angeles and arrested 13, only one of whom had a criminal record.<sup>24</sup> The raid did not go unnoticed, especially by the Mexican community, and articles in the community's most prominent newspaper, *La Opinion*, decried it.<sup>25</sup> But the deportation task force continued to question Mexican immigrants in the following weeks before launching its most brazen raid on February 26. Federal agents and over two dozen Los Angeles policeman surrounded the city plaza in the afternoon, detaining roughly 400 people within a public park for over an hour, including the Mexican Vice Consul.<sup>26</sup> Though many American newspapers in Los Angeles declined to report the raid, *La Opinion* covered it, and one of its photographers snapped a photo that appeared on its front page.<sup>27</sup> Just 11 Mexicans were arrested, nine of whom were later released, and, given the meager results, agents switched tactics to focus on smaller raids in outlying areas.<sup>28,29</sup> The government had not intended for the raids to be

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<sup>22</sup> *Id.*, 50

<sup>23</sup> *Id.*, 51

<sup>24</sup> Hoffman, *supra*, at 214

<sup>25</sup> *Id.*, 215

<sup>26</sup> Hoffman, *supra*, at 59-61

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*, 62

<sup>29</sup> As interesting as the role of *La Opinion* could be in prompting this change in deportation strategy through its negative publicity, the fact that ultimately only two Mexicans were arrested from this raid and statements by the federal agents such as “in this city large numbers of aliens

a long-lasting, comprehensive approach to removing Mexicans from Los Angeles but instead expected them to kick-start repatriation. Federal agents wrapped up their campaign in April 1931 after deporting 230 Mexicans.<sup>30</sup>

The mechanisms for these deportations lay completely within the Department of Labor's jurisdiction as administrative, rather than legal, processes. Moreover, Mexican immigrants facing deportation had few allies willing to take up their cause in the courts. In the early 1930s, a handful of attorneys from the communist International Labor Defense group defended Mexicans in deportation hearings, and the ILD also organized demonstrations and mass letter writing campaigns.<sup>31</sup><sup>32</sup> However, it seems that the ILD's efforts antagonized enforcement officials and judges, reducing their effectiveness.<sup>33</sup> The ACLU also protested illegal arrests and violation of due process in the deportation cases, but its lawyers balked at taking cases to court since the:

“Burden of proof of legal status was placed on the claimant; rules of evidence were much less rigorous than in criminal law; Immigration Service hearing officers were in a position to evaluate their own investigate work in the case; and language differences between Mexican aliens and ACLU attorneys hampered defense preparation.”<sup>34</sup>

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are not frequently found in one place” offer a more plausible explanation for the switch to smaller, more frequent raids (Hoffman 1973, 216).

<sup>30</sup> Hoffman, *supra*, at 217

<sup>31</sup> D.H. Dinwoodie, *Deportation: The Immigration Services and the Chicano Labor Movement in the*

*s*, 52 NEW MEXICO HISTORICAL REVIEW, 1977, at 193.

<sup>33</sup> *Id.*, 202

<sup>34</sup> *Id.*



The PECE raids did not go completely unscrutinized, though. Shortly after the deportations, the Los Angeles Bar Association formed a subcommittee to investigate accusations that the Bureau of Immigration conducted arrests without warrant, held aliens incommunicado, and otherwise violated civil liberties.<sup>35</sup> The subcommittee stated that issuing a warrant must precede obtaining evidence and called attention to Bureau of Immigration inspectors' failure to inform the accused of their right to legal counsel; in some cases, the inspectors even advised against providing this information. While nominally to save arrested aliens unnecessary legal fees, the subcommittee contended it seemed "it might tend to protect such official from a too close professional scrutiny of his or his subordinate's illegal practices."<sup>36</sup>

The deportation hearings also drew a legal investigation at the federal level with the 1932 "Wickersham Commission" Report. In 1929, in response to a Progressive Era outcry over corrupt and lawless police practices as well as a perceived crime wave, President Hoover created the National Commission on Law Observance and Law Enforcement, chaired by former Attorney General George Wickersham.<sup>37</sup> The Report detailed the ways in which the deportation system was unfairly stacked against accused illegal aliens. Reuben Oppenheimer, the lawyer supervising the report, exposed procedural shortcomings. He noted the low standards for intelligence in the proceedings, remarking that officers were cautioned "not to lend their aid in causing the arrest of aliens upon

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<sup>35</sup> Hoffman, *supra*, at 74

<sup>36</sup> *Id.*, 75

<sup>37</sup> Richard A. Leo, *From coercion to deception: The changing nature of police interrogation in America*, 18 *Crime, Law, and Social Change*, 1992, at 35.

charges arising out of personal spite or enmity, unless the truth of such charges is clearly established,” but this clause was removed from regulations after 1911, and in 1931 intelligence often came from anonymous letters.<sup>38</sup> Investigation tactics also infringed upon civil liberties, Oppenheimer concluded: “check-ups” at institutions such as restaurants, boarding houses, and pool rooms were conducted without search warrants; inspectors could detain those who seemed suspicious at immigration stations; and in over 85% of the 453 cases Oppenheimer studied for his report, suspects were interrogated before arrest warrants were issued.<sup>39</sup> In these preliminary hearings, Oppenheimer found, “. . . the same inspector acts as examiner and stenographer, or examiner and interpreter, or in his own person combines all three functions.”<sup>39</sup> That arrest warrants could be issued only by the Secretary of Labor or an Assistant Secretary of Labor in Washington, Oppenheimer argued, not only caused a delay but rendered the process of issuing a warrant automatic, as it was done through systematic, abbreviated telegraph correspondence.<sup>40</sup> Appeals could go to the Board of Review, but this non-statutory body had a “dual responsibility – the duty of administering the law as an arm of the executive, and the duty of passing on cases judicially as a court.”<sup>41</sup>

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<sup>38</sup> Francis Fisher Kane, *The Challenge of the Wickersham Deportations Report*, 23 JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY, 1932, at 538 <sup>39</sup>Id.

<sup>39</sup> Id., 540

<sup>40</sup> Id., 583-4

<sup>41</sup> Id., 592-3

<sup>43</sup> Id., 586

<sup>44</sup> Id.

The examinations themselves were unfair because they lacked standard procedure. As Oppenheimer put it, “the only limits of the scope of the examination are the limits of the examiner’s curiosity.”<sup>43</sup> Moreover, since few aliens spoke English proficiently, inspectors could interpret testimony and translate it themselves, a practice Oppenheimer observed in one third of the cases he examined.<sup>44</sup>

The government’s treatment of deportations was not monolithic. While administrators openly encouraged them as a convenient solution to unemployment problems, careful legalists deemed them ugly manifestations of an unfair legal system, and this dichotomy persisted at both local and federal levels. The Supreme Court did not interfere with the deportation process, allowing it to run its course, provoking repatriation. The *New York Times* estimated that 75,000 Mexicans repatriated from greater Los Angeles in 1931 alone.<sup>42</sup>

Some of the limited societal pushback against efforts to clear Mexican immigrants from the area came from the business community. Shortly after deportations ended in April of 1931, over one hundred Mexican and American businessmen met to form the Mexican Chamber of Commerce in Los Angeles, threatening to complain to state and federal officials that raiding reduced the numbers of Mexicans in outlying areas coming into the city.<sup>43</sup> Even the Los Angeles Chamber of Commerce, which had no particular affinity for the Mexicans, protested. On April 29, the head of the Chamber scheduled a meeting and

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<sup>42</sup> Hoffman, *supra*, at 100

<sup>43</sup> Hoffman, *supra*, at 215

invited the Mexican consul, conscious of the potential consequences if Los Angeles's international reputation was damaged by accusations of bigotry.<sup>44</sup> The Chamber released a statement professing that the United States had not “embarked upon any wholesale deportation plan aimed specifically at our Mexican people” which appeared in local newspapers, including the *Los Angeles Times* and *La Opinion*, and was broadcast over radio (including Spanish-speaking radio).<sup>45</sup> The Bank of America, distressed by losses of reliable depositors, wrote a joint letter with the Chamber to the Bureau of Immigration asking it to desist in their repatriation activities.<sup>46</sup> Mexicans performed backbreaking work that Americans preferred not to, and merchants found them to be loyal customers who paid their bills on time.<sup>47</sup> Even the *New York Times*, in an April 16 article entitled “Hegira of Mexicans Bothers California,” reported that repatriation depleted an important labor pool, noting that 35,000 Mexicans had left already.<sup>48</sup>

As the Depression wore on and it became clear prosperity would not return soon, support waned even within the business community for retaining the Mexican population. Officials in Washington dismissed accusations that it had harassed Mexicans into leaving, with the Assistant Labor Secretary claiming, “The vast majority of these people left voluntarily through fears engendered by false reports circulated by unofficial agencies,” and no significant investigation followed.<sup>49</sup> In an era of mass privation for American

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<sup>44</sup> Hoffman, *supra*, at 69

<sup>45</sup> *Id.*, 70

<sup>46</sup> Balderrama, *supra*, at 117

<sup>47</sup> *Id.*

<sup>48</sup> *Hegira of Mexicans Bothers California*, N.Y. TIMES, Apr. 19, 1931.

<sup>49</sup> Hoffman, *supra*, at 78

citizens, little appetite remained to focus on civil rights issues for foreign aliens; in this environment, a government policy aimed at surreptitiously inducing immigrants to leave without proper procedures through leveraging unfair machinery thrived. This episode in American history has largely been forgotten, but it provides a useful example of the potential for exploitation of marginalized people when the judicial system takes a hands-off approach and allows for massive administrative discretion in implementation of policies.<sup>50</sup> Grassroots support for Mexicans from the business community came only when it was convenient, and the legal system safeguarded rights ineffectively since the abusive deportation hearings were shielded as administrative processes. An independent judiciary with lifetime appointments was created for instances like these, and it is crucial that courts act courageously to overcome what can otherwise be a conspicuous shortcoming in the effectiveness of our legal system to ensure that every person receives due process and equal protection under the law.

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<sup>50</sup> Though many people today would consider those policies racist, the views behind them were widespread in the early 20<sup>th</sup> century, and so all that can be criticized from the standpoint of proper government function is a failure to rein in discriminatory practices associated with implementation.

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