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Labor Secretary Frances Perkins Reorganizes Her Department's Immigration Enforcement Functions, 1933–1940: “Going against the Grain”

Abstract: Labor Secretary Frances Perkins championed liberal immigration policies between 1933 and 1940. Some efforts were successful, but most were not due to political, economic, and social constraints on immigration policy making, especially in Congress. Yet, she reorganized the enforcement functions of her department when she created the Immigration and Naturalization Service. Narratives abound about the period, though few delve into this reorganization. In this article, I share an analytical framework that I developed, “policy innovation through bureaucratic reorganization,” to explain how Perkins temporarily eased the debarments, as well as deportations, of newcomers by adjusting agency resources, including staffing, budget, and infrastructure. I describe how she responded to pressures from immigration restrictionists by tightening these functions. My narrative adds to the literature on immigration policy history, which has not fully appreciated the role of bureaucratic reorganization. This research bolsters the perspective in political control theory that bureaucratic structure merits as much attention as does legislation as a tool for control.

Keywords: Immigration policy, bureaucratic reorganization, Frances Perkins, Franklin D. Roosevelt, deportation, admission, immigrants, undocumented, policy implementation

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In 1939 Congress considered a resolution to impeach Labor Secretary Frances Perkins, who was the first woman to serve in a presidential cabinet and whose ideas—from unemployment insurance to Social Security—seeded many of President Franklin D. Roosevelt's (FDR) New Deal programs. The charges against her and two department officials were, in part, that they "fail[ed] ... neglect[ed], and refus[ed] to enforce the immigration laws of the United States."¹ The accusations were stunning because the Immigration Act of 1924 had made the immigration laws, to that point, the most restrictive in American history. Although the literature in immigration policy history recognizes the liberal policies she championed—some were realized, others were not—less is known about how Perkins reorganized her department's immigration enforcement functions to ease the execution of those laws between 1933 and 1940.

This literature tends to equate policy change with legislation and has not elucidated the significance of Roosevelt and his labor secretary's creation of the Immigration and Naturalization Service (INS or Service) in 1933 or her use of it until 1940. On one hand, Aristide Zolberg, who provides one of the leading narratives, contends that the immigration system was unalterable: it could not be used to alleviate the Jewish plight because of the strict immigration laws then in effect.² On the other hand, Daniel Tichenor does consider how bureaucracies implement policies but argues that these laws prevented Perkins from increasing the admissions of newcomers.³ Yet, others recognize the secretary's policy advocacy efforts to facilitate admissions, such as by easing the issuance of visas, by confronting the State Department.⁴ Although recognizing the State Department's influence over immigration policy, Barbara McDonald Stewart nonetheless credits Perkins with the admission of refugee children.⁵ And, even though Bat-Ami Zucker notes that Perkins needed to reorganize her department's immigration-related functions and Rachel Brenner Graham writes that the secretary had power over immigration with the Service, neither researcher explains the structural significance of the INS in this period.⁶ This observation points to the need for students of history and political science to look at what some might consider the same thing in new ways to see what we could learn.

In fact, Mae Ngai and Thomas Monroe Pitkin acknowledge that Perkins made administrative changes that reduced deportations.⁷ The immigration policy history literature shows that, in the past, bureaucrats took similar actions to relax border control to permit migrants to toil for American businesses.⁸ Kitty Calavita demonstrates how resourceful immigration officials allowed migration by engaging in "informal lawmaking."⁹ At the same

time, immigration bureaucrats were just as inventive in devising ways to expel newcomers, including by pushing for their “voluntary departure.”¹⁰ Also, immigration officials limited the mobility of laborers from Mexico to thwart their obtaining better wages and working conditions.¹¹ S. Deborah Kang explains that Perkins encountered both compliance and resistance among staff regarding deportation policy.¹² A better understanding of her influence over INS’ immigration enforcement functions—the debarment of new arrivals and the deportation of the undocumented—will show the opportunities and limitations of Secretary Perkins’s systemic actions to ease immigration restriction.

I use political control theory to examine Secretary Perkins’s efforts of going against the grain of immigration restriction. The theory explains how the power of Congress and the president, as well as lobby groups, shape policy implementation in public agencies. This scholarship considers the legislature to be more influential over agencies than the president is. In their seminal work, Mathew McCubbins, Roger Noll, and Barry Weingast assert that lawmakers push bureaucracies to adhere to their favored policies primarily by mandating administrative procedures.¹³ In this vein, David Epstein and Sharyn O’Halloran contend that legislators enact laws that are “detailed” or “vague,” depending on their desire to dictate or delegate the execution of laws, respectively.¹⁴ Detailed legislation can prevent policy drift: bureaucrats deviating from the policy preferences of politicians and the coalitions they represent.¹⁵ When Congress combines procedure and structure to influence the execution of laws in government agencies, B. Dan Wood and John Bohte contend that “bureaucracies ... are more difficult to change.” Their attributes can include “tightly bound discretion, clear mandates, and structural autonomy [from politicians].”¹⁶ These insights suggest that between 1933 and 1940 lawmakers could have expected the specificity of the strict immigration laws to be followed by the Labor Department.

Led by Terry Moe, political control theory has evolved to incorporate the use of various forms of structure at the president’s (and Congress’) disposal. He argues that the structuring of public agencies bears directly on control of the policy implementation process.¹⁷ In this “politics of structural choice,” Moe considers, in addition to Congress and the president, the roles of interest groups and bureaucratic officials in institutional change. He contends that interest groups drive such change. With respect to structure, researchers assert that features such as political appointments, budget, agency leadership, decentralization, and professional training can affect political control.¹⁸ More recently, Stuart Shapiro shows that a feature of agency structure, the independence of

analysts within an agency, influences procedural rules that are directed at maintaining the policy preferences of political principals. Equally important, he reminds us that bureaucratic structure can affect an agency's outputs.¹⁹ As far as the president, Moe and Scott Wilson contend that the executive can exert considerable power over the administrative state through the use of structure, such as centralizing authority.²⁰ Nonetheless, William Howell and David Lewis demonstrate that presidential powers have limitations: presidents can create cabinet-level agencies to make sure policies are implemented according to their priorities when "Congress is relatively weak."²¹ Yet, Lewis also shows that legislators can hinder the president's management efforts.²² In sum, the theory helps to assess Perkins's effect on debarments and deportations, but it needs coherence for application. The policy implementation process does not necessarily follow a straight line. Implementation can include twists and turns, like the contradictions in immigration policy making between rejecting and accepting newcomers.

Below I apply an analytical framework that I developed, "policy innovation through bureaucratic reorganization," with the goals of contributing to political control theory and using this framework to reconsider accounts of Perkins's leadership on immigration policy.²³ My framework—consists of two phases: creation and evolution.²⁴ The framework relies on the contention that officeholders can create complex bureaucracies to circumvent existing laws through policy implementation activities. They do so in part because the laws themselves may be difficult to change. Below I focus on the second phase, evolution, to describe the exact ways that elected officials can influence the execution of laws in government agencies. Evolution involves three steps. First, in a new bureau, officeholders engage in *resource adjustment* to relax the rigid implementation of laws. They add "liberal bureaucrats" who make administrative decisions to loosen operational rules. These officials or their agents reduce a bureau's resources including its staffing, funding, and infrastructure. This step results in policy innovation: the agency's administrative results (i.e., policy outputs) are liberalized.

Second, officeholders participate in *coalition management*. The structure of the bureau changes the benefit flows for competing interest groups. Officeholders and their agents use the liberalized results to cater to previously marginalized groups. To shift benefits to interests that oppose liberal immigration, officeholders can again use resource adjustment, expanding resources toward the implementation of existing (strict) laws, including through "restrictive bureaucrats." Third, the president or Congress undertakes *system redesign*. The agency is reorganized because it produces disparate impacts;

although some people benefit from its administrative results, the agency generates political, economic, and/or social aftereffects that harm others.²⁵

I proceed in the order of these three steps. I begin by explaining the ways Perkins redesigned her department's immigration functions as a structural solution to the stringent immigration laws in operation given the political, economic, and social contexts. Commencing in 1933, the secretary undertook several strategic actions including centralizing her authority over these functions through the inception of the INS. I use agency data to demonstrate that her efforts contributed to policy outputs of more newcomers admitted to and fewer of them deported from the United States. Next, I describe how she responded to immigration advocacy groups that had been marginalized by immigration officials. She empowered the advocates as they proposed reforms. They also benefitted from these outputs. However, Perkins also responded to pressure from restrictionists. Between 1936 and 1938, INS functions were tightened following criticism by Congress and the State Department.²⁶ Also, as Maddalena Marinari makes clear, advocacy groups of Jews and Italians were not homogenous; they included pragmatists who accepted some immigration restriction to make gains on legislation centered on family unity.²⁷ Last, Congress considered the INS a risk to national security, so in 1940, at Roosevelt's request, lawmakers moved it from the Labor Department to the Justice Department.

RECONFIGURATION OF LABOR'S IMMIGRATION FUNCTIONS

Between 1933 and 1940 the economic, social, and political contexts of the United States largely constrained any action to ease immigration. The Great Depression promoted the notion that newcomers competed with Americans for jobs.²⁸ The demand for work had decreased and the supply of unemployed workers increased. For its part, American society included strong anti-Semitic sentiments.²⁹ Politically, legislative changes were blocked in Congress by the southern wing of the Democratic Party.³⁰ To complicate the US immigration system further, the Immigration Act of 1924 made the State Department responsible for screening visa seekers abroad. The Act also limited the number of immigrants by establishing quotas.³¹ The Labor Department continued to operate the part of the immigration system within the United States: it was responsible for screening and debarring new arrivals as well as deporting those who were undocumented. In 1933 its Bureau of Immigration admitted 23,068 newcomers; this number was the lowest since 1831, when 22,633 immigrants landed on American shores. The Bureau also deported 19,865 newcomers in

1933, at that point the most in history.³² These data show that the bureaucracy Labor Secretary Perkins inherited that year was undeniably strict. Despite the barriers to immigration reform and the strictures of the Bureau, as secretary she had administrative power over the immigration functions under her purview.

In June 1933, FDR signed Executive Order 6144, with input from Perkins, which merged the bureaus of Immigration and Naturalization into the INS.³³ George Martin notes that earlier she had informed the president that the Immigration Bureau was in need of reform. She was unsure about how to proceed, though she could not be indecisive.³⁴ Her rationale for this structural innovation included a blunt assessment of the bureau as “disorderly; uncontrollable; unlawful [and] irregular.” She had deduced that these problems were due to a lack of administrative control. She found that too many departmental officials had their hands in immigration. Their numbers, along with the power they wielded, made them susceptible to influence by politicians, other public officers, and native-born Americans.³⁵ Additionally, the secretary determined that authority within the system was too diffuse: there “were all of these districts” where decisions were made in the field.³⁶ So, she reduced the districts by almost two-thirds, from 58 to 22.³⁷ Much like Moe asserts, by resorting to reorganization, she achieved centralized control of the immigration functions in her department.³⁸

Then the secretary homed in on personnel through addition and subtraction. She added a notable “liberal bureaucrat,” as she championed the president’s appointment of Daniel MacCormack as INS commissioner.³⁹ Among other experiences, he served as a captain in the US Army during World War I.⁴⁰ Perkins considered him to have “great administrative ability.” She was also impressed with his appreciation for the “dignity of each human being.”⁴¹ This perspective aligned with her own views on immigration: “each one of these fellows who comes in as an immigrant, together with his wife and children, are human beings.”⁴² Thus, the secretary and the commissioner were *simpatico*. MacCormack’s appointment served to advance their goals because, as Jennifer Nou asserts, agency heads “possess substantial discretion to impose internal structures and processes to further their interests.”⁴³ In their first year, he subtracted 571 staff from the Service. He conducted an agency-wide assessment of employees to decide who stayed. One of the first groups of employees to be let go was the department veterans, “men with 30 years of service,”⁴⁴ as arguably they were set in their ways and would resist implementing the secretary’s policies given their long tenures. As Moe notes, bureaucrats have career and institutional interests that might conflict with an agency’s

mission.⁴⁵ The assessment process—which included the US Civil Service Commission to safeguard the “merit system”—also affected other groups: clerical and nontechnical employees, as well as technical staff such as immigration inspectors, patrol inspectors, and naturalization examiners. MacCormack made no bones about “sift[ing] out the deadwood” throughout the agency.⁴⁶

For the many employees who remained, the commissioner implemented a training program to mold their mind-sets. He sensitized the workforce to the struggles of immigrants by coaching them to “strive for that most difficult ideal—technical accuracy informed by justice and by humanity.”⁴⁷ This standard was a dramatic change in the *modus operandi* of the personnel’s exercise of exclusion and expulsion powers. With respect to the former, a 1931 study found that inspectors “stretched” the limits of the law. For example, the likely-to-become-a-public-charge clause was a catchall when “officers think the alien ought not ... enter, but the facts do not come within any specific requirement of the statutes.”⁴⁸ But the training initiative instructed them to be more generous. Immigration inspectors at seaport and land border stations were required to be “courteous and dignified.” They were taught to be like a “welcoming committee.”⁴⁹ Should a newcomer be detained for more questioning, inspectors were schooled to apologize for taking such action.⁵⁰ Regarding the latter, a 1931 presidential commission had concluded immigrants were expelled even though “further development of the facts or proper construction of the law would have shown their right to remain.”⁵¹ Yet the training regimen instructed staff to use “competent” interpreters because many newcomers did “not understand or speak the English language.” Given the adversarial nature of deportation cases, inspectors were forbidden from threatening or cajoling people to make incriminating statements.⁵² As a precondition for exclusion or expulsion, MacCormack instructed his agents to develop the “facts both for and against the interests of the Government and of the alien concerned.”⁵³

Ngai observes that the training program was an effort to “raise the professional level of INS personnel”⁵⁴; however, this program furthered the liberal execution of policies and procedures. Marc Allen Eisner and Kenneth Meier show that organizational factors like professional training and expertise affect policy implementation even if they are not inventions of the president or Congress.⁵⁵ With respect to the Service, the training program was a structural device that affected the agency’s exclusion function: during the inspection process, staff had authority to debar new arrivals. Previously, immigration inspectors manipulated the public charge clause to exclude newcomers when

they were otherwise eligible. During the period in focus, the immigration laws were a constant, as was Regulation 3(J)(1), which provided “no hard and fast rule ... as to the amount of money an alien should have.”⁵⁶ Still, the training curriculum is instructive, as it was a critical change in how inspectors applied this clause. In the module on this process, there was a mechanism that permitted the “temporary detention” of a newcomer who was eligible for admission but for “possession of inadequate funds to reach the inland destination.”⁵⁷ Immigrants were allowed to raise the funds they needed, albeit in detention, to gain admission. The connection between training and admissions is further supported by INS data: from 1934 to 1940 those denied entry based on this clause decreased by 18 percent, from 1,584 to 1,296.⁵⁸ Also, the number of foreign nationals who entered carrying less than US\$50 increased by 157 percent, from 6,678 to 17,137.⁵⁹

Secretary Perkins used her centralized control over INS’ immigration and naturalization functions to facilitate admissions by having these functions complement each other. Like Moe and Wilson argue, a “centralization strategy” helps the president and, by extension, his political appointees to enforce managerial rules to influence bureaucratic behavior.⁶⁰ Between 1933 and 1940, the Service processed naturalization applications that doubled the number of Americans, from 113,363 to 235,260. This increase was influenced by the secretary and the commissioner as they ordered naturalization examiners to cease opposing applicants for insignificant errors.⁶¹ These new citizens, and those who had become part of the body politic before 1933, were poised to file applications for Rule 25(A) permits—authorized by Section 9 of the Immigration Act of 1924—so their family members could emigrate from the Third Reich. These permits were granted by the INS, not the State Department, and authorized consular officials to issue “nonquota” or “preference” visas to the kin of Americans.⁶² The Service’s approvals of permits grew from 10,254 in 1933 to a yearly average of 15,046 between 1934 and 1940.⁶³ This trend is corroborated by archival records, namely from the Honolulu district office, which experienced a doubling of Rule 25(A) requests. That office noted they were filed “mostly from persons of Jewish extraction desirous of assisting relatives to leave certain European countries.”⁶⁴ Such efforts contributed to the inflow from the Reich as German-Jewish arrivals increased from 1,786 to 19,880 between 1934 and 1940.⁶⁵ Surely these numbers were buoyed in 1937 by FDR’s decision to relax quota restrictions.⁶⁶

In addition, the Service eased the entries of discrete numbers of migrant workers at the Southern and Northern borders by its administration of Rule 3 (Q). It permitted the INS to issue identification cards to foreign nationals,

from Mexico and Canada, who frequently crossed the borders for business or pleasure.⁶⁷ The cards had allowed entry for employment until 1925.⁶⁸ This prohibition continued in 1934, so only immigrants who permanently resided stateside could hold jobs.⁶⁹ However, from 1935 to 1940 an annual average of 3,312 Mexican and Canadian laborers crossed the borders “daily or at least four times a week ... with or without border crossing cards.”⁷⁰ This development seems attributable to the secretary and staff. For her part, she opined that Americans preferred not to engage in manual labor⁷¹ and that, historically, immigration provided laborers to America.⁷² Her perspective aligned with another of her duties as labor secretary: the Employment Service “recruit[ed], distribut[ed], and direct[ed] seasonal farm workers.” It assessed the needs of farmers and moved laborers based on demand,⁷³ which increased as the economy improved. In 1935 the Treasury Department determined that farm income grew; there were “gains of more than seasonal proportions in all regions.”⁷⁴ As far as immigration staff, Patrick Ettinger points out that in the mid-1920s officials had agreed with growers to legalize their workers and that by 1930 officials had devised a mechanism to control Mexican migration to respond to growers.⁷⁵ Contrary to criticisms of political control theory—as overemphasizing external control of bureaucracies while underappreciating internal control of them⁷⁶—the extraofficial entries of migrants from 1935 to 1940 suggest there were shared interests and control between political appointees and staff.

Moreover, Perkins and MacCormack reformed the deportation process. They made an important change by prohibiting staff to make warrantless arrests of newcomers. The presidential commission had recommended that “an independent board” should issue arrest warrants.⁷⁷ Staff could not be trusted with the responsibility to make arrest decisions. S. Deborah Kang notes the commissioner considered warrantless arrests unconstitutional; a warrant was a procedural safeguard for people.⁷⁸ The secretary, too, abhorred such arrests and the subsequent detention of them for questioning.⁷⁹ Warrantless arrests were “ordered discontinued” because warrants by law could only be issued with her approval; staff could telegraphically request them to expedite an arrest.⁸⁰ These administrative actions were—as Jeffrey Pressman and Aaron Wildavsky demonstrate in their important study on policy implementation—“decision point[s]” that required “clearance” and produced “delays.”⁸¹ In 1934 the commissioner reported that this prohibition meant “the disappearance of many suspects, particularly on the Mexican border.” He calculated that “2,600 persons ... escaped who under the old system would have been held and deported.”⁸² By 1940 the number of deportations was

reduced from 19,865 to 6,954, or 65 percent, since 1933. Other agency activities apparently followed suit: repatriations decreased from 1,645 to 1,475, or 10 percent, and voluntary departures decreased from 10,347 to 8,594, or 17 percent.⁸³ But this activity was not reduced as much as were deportations. Adam Goodman shows that in 1927 immigration staff were instructed to rely on voluntary returns as a means to avoid spending for deportations; these returns were faster than expulsions that necessitated 10 steps.⁸⁴ The sizeable outputs for voluntary departures suggest that political control had its limits in the INS.

The secretary also curtailed deportations through budget maneuvers, much like B. Dan Wood and Richard Waterman assert about using agency funding as a method to affect administrative results.⁸⁵ She eliminated the Service's deportation squad, thereby reducing the resources that were used to expel immigrants. On paper, the squad was known as "Section 24," named after a provision in the immigration laws that banned contracting foreigners to work in the United States.⁸⁶ In practice, the unit far exceeded the law. Section 24 had been established in President Herbert Hoover's administration, and its officers indiscriminately raided places where newcomers assembled.⁸⁷ Perkins was well aware that the unit targeted labor leaders, who were of "foreign extraction" and labeled as "alien agitators," to "quell labor troubles." She further knew that "immigrants were shaken down by ... this squad."⁸⁸ Equally troublesome, it arbitrarily sought mass expulsions. Places where foreigners congregated, such as lodging houses, were raided. In one case, 610 people were rounded up in Detroit. In another, "the entire Chinese section of Chicago" was stormed.⁸⁹ Her challenge was not whether but how to rid her department of Section 24. The officers were tenured: they held "civil service status" and could not be dismissed outright.⁹⁰ In response, Perkins let the unit's funding—a \$200,000 congressional appropriation—run out. Then she terminated its 53 officers because of insufficient funds.⁹¹

More broadly, INS expenditures were reduced in 1934 and then incrementally increased each year until 1940 (Figure 1 immediately below). Expenditures were never higher than in 1933. Therefore, I use 1933 as a baseline for comparison with other years because it is the height of immigration restriction during this period: as previously noted, 1933 marked the historic low of admissions and a high mark for expulsions. Arguably, the agency needed to maintain spending at \$10.4 million to achieve this level of restriction. As seen in Figure 1, in 1934 expenses totaled \$8.5 million, a reduction of \$1.9 million from the previous year. The US budget director had ordered the reduction.⁹² Yet, the INS generated revenue through the collection of naturalization fees

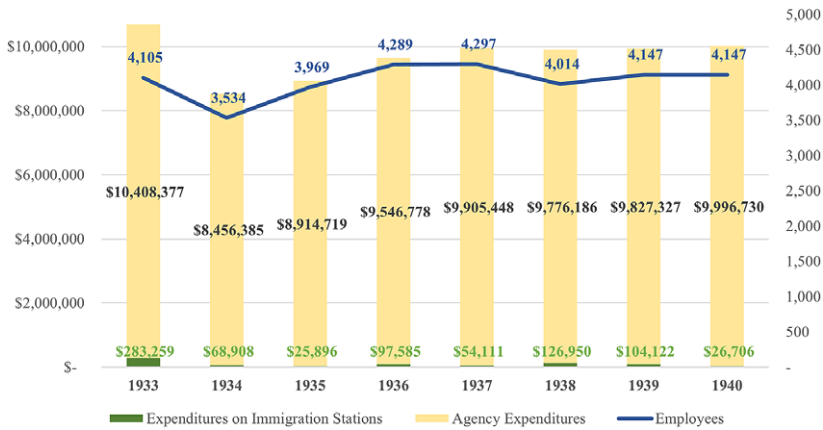


Figure 1. Expenditures (left scale) and Employees.⁹⁶ (right scale)
Source: Department of Labor.

and head taxes, totaling \$2.8 million in 1933.⁹³ Conceivably, this revenue could have been used to offset the reduction in budgetary allocations from other sources, and maintained funding for the operation of the Section 24 squad. Instead, MacCormack noted that the spending reduction forced him to eliminate the personnel that executed the agency's debarment and deportation functions.⁹⁴ Indeed, [Figure 1](#) shows that agency employment was reduced in 1934 from 4,105 to 3,524. According to one agency official, the workforce was "below the minimum required for the efficient conduct of business."⁹⁵ After 1934, as [Figure 1](#) illustrates, the workforce mostly increased throughout the period. Generally speaking, this trend matches the increase in the admissions of immigrants and visitors, shown in [Figure 2](#) (directly below). Also, [Figure 3](#) shows that net immigration increased in the later years. (This figure appears further below.) There was demand on the INS. Yet spending never matched the level of expenditures reached in 1933, suggesting that immigration restriction was not the same priority for Perkins and MacCormack as it had been for their predecessors.

The management of the Service's infrastructure—the buildings, offices, and facilities where bureaucrats performed their duties—also reflected a disposition to assist immigration. Broadly speaking, I consider infrastructure included in McCubbins et al.'s definition of bureaucratic structure, which is "the allocation of resources and decisional authority among agencies and within an agency."⁹⁸ Thus, INS' investment in its workspaces was a form of resource allocation. In them staff made critical decisions involving the

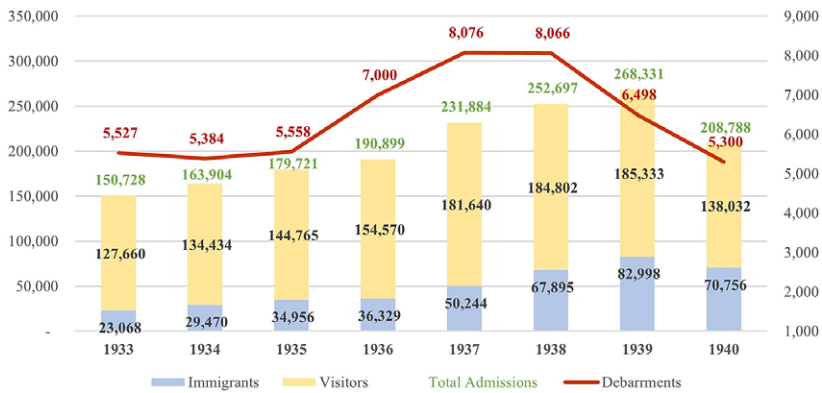


Figure 2. Admissions (left scale) and Debarments.⁹⁷ (right scale)
 Source: Department of Justice.

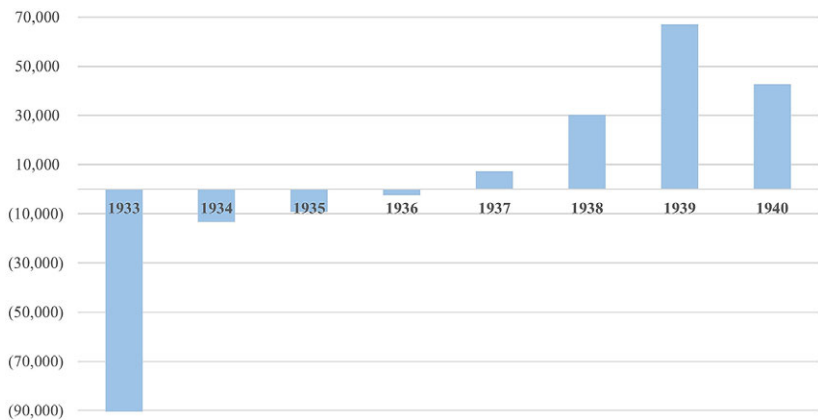


Figure 3. Net Immigration.¹¹²
 Source: Department of Justice.

inspection and detention of newcomers. This infrastructure supported 212 or so sites: 75 at seaports and 137 at ports of entry (in 1939).⁹⁹ Figure 1 demonstrates that spending on immigration stations mostly decreased during the period, from \$283,259 to \$26,706. In 1934 the Service made one significant investment, dedicating \$1.2 of \$1.4 million from a Public Works Administration allotment to make capital improvements on Ellis Island.¹⁰⁰ Pitkin notes that it had become, in effect, a detention center under Hoover, and Perkins

wished to replace the island with another location.¹⁰¹ Between 1937 and 1940, nonetheless, 611,910 immigrants and visitors from a total of 961,700 were inspected there.¹⁰² Also, this investment responded to the Ellis Island Committee—an advisory board the secretary appointed—that recommended changes to the buildings and grounds. These enhancements were mainly programmatic, such as creating bigger rooms for social workers who advocated for newcomers at exclusion and expulsion hearings.¹⁰³ The use of these funds evidences a priority to facilitate arrivals, not to detain and deport them.

The same can be said of many of INS' border facilities because the secretary shared control over them with the Treasury Department. It was the lead in planning for the construction of new border inspection stations during the 1920s. The government had sought to tighten its borders to collect revenue—the Immigration Act of 1917 continued the requirement for immigrants to pay head taxes. Also, the Quota laws compelled the government to scrutinize the entries of “determined” newcomers who had failed to obtain visas.¹⁰⁴ A 1928 report by the Treasury and Labor departments determined that the stations, to that point, were insufficient: inspections occurred in the open air, there was a lack of office space to thoroughly examine new arrivals, and locations were remote.¹⁰⁵ From 1933 to 1940, these posts were heavily trafficked, as short-stay guests walked to America for business or pleasure, numbering 25.7 million annually.¹⁰⁶ In 1934 the INS assessed its posts as operationally deficient. As far as debarment, border crossers were subject to “cursory inspection.” Many were not duly “manifested” or “statistically recorded.” In terms of deportation, they could not be thoroughly questioned because “it [was] a physical impossibility to detain” so many.¹⁰⁷ During this period, 22 border stations were erected, plus 15 had been built between 1930 and 1932.¹⁰⁸ But, they did not permit the INS to fully enforce its functions. The posts were shared between officers of the INS and the Treasury's Customs Service, so spaces were limited even though their designs contemplated dual purposes. Also, only seven sites included areas for detention and the administration of hearings.¹⁰⁹ The limitations of these border stations and the Labor Department's shared control over them contributed to porous borders.

Figures 2 and 4 (immediately below) support the contention that during the period in focus the secretary's reorganization contributed to reductions in the numbers of debarments and deportations. In this narrative, the INS is front and center, which considers Kenneth Meier and Laurence O'Toole, Jr.'s critique of political control research as overestimating the relationship between the political environment, including politicians, and agency outputs because “the bureaucracy itself is often left behind.”¹¹⁰ I trace Perkins's

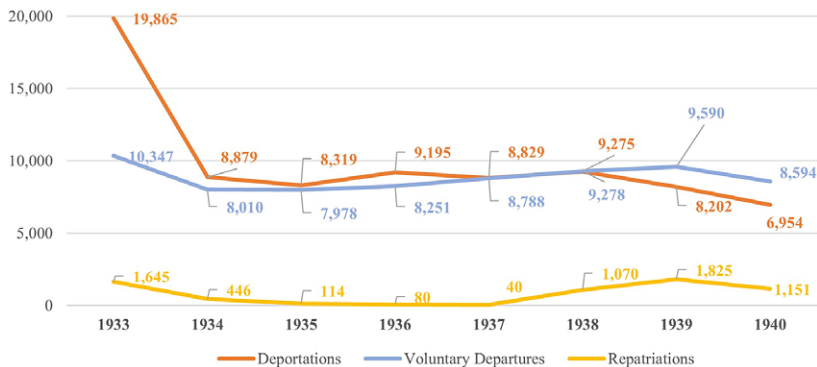


Figure 4. Deportations, Voluntary Departures, and Repatriations.¹¹³

Source: Department of Labor.

Note: Figures in color in the online version only.

actions, which employ bureaucratic structure, to these immigration enforcement functions. The connection between her use of structural tools, such as the appointment of MacCormack, and the debarment and deportation functions is supported by political control theory. For instance, Wood and Waterman demonstrate that a political appointment “is very important” and “agency outputs shifted immediately after a change in agency leadership.”¹¹¹ As to debarments in Figure 2, they decreased by 4 percent, from 5,527 to 5,300. Inspectors did not exclude new arrivals with the same frequency as in 1933. The door was more ajar at seaport and land border stations under her watch than during Hoover’s administration. With respect to deportations in Figure 4, as previously noted, they sharply declined in 1934. The INS curbed the brisk business of expelling immigrants. To be clear, these results in the context of the Holocaust are modest. Still, more newcomers were helped by the Service due to Perkins’s reorganization.

THE BALANCING ACT OF INTERESTS

These figures, using the first step of my analytical framework, elucidate the ebbs, but the flows between 1936 and 1938 are not apparent without appreciating the second step—the management of interest groups. For their part, Zolberg and Tichenor see lobby groups as more influential than government officials in the policy-making process. Their narratives consider these pressures as pivotal for the passage of laws that expand and restrict

immigration.¹¹⁴ More recently, Marinari adds nuance, as she points out that Jewish and Italian advocacy groups, even as immigration policy liberalizers, did not agree on strategy in their communities. She, too, focuses on their push in the legislative process.¹¹⁵ In political control theory, these perspectives align with Wood and Waterman, as well as Moe. The former contend that interest groups attempt to influence policy through, among other means, publicity and lobbying activities. The latter asserts that they drive structural changes to affect policy implementation.¹¹⁶ Alternatively, Jonathan Macey argues that the structural design of an agency—namely, its focus on a single interest group or multiple groups—can help to mitigate their influence.¹¹⁷ In line with this argument, below I describe how the secretary responded to immigration advocates and restrictionists.

As immigration advocates pressed FDR and the State Department for more visas for refugees fleeing Nazi Germany, Perkins responded by giving them power to assess the Labor Department and recommend reforms. The focus on the State Department was logical because it controlled the first checkpoint to emigrate to America and, as noted earlier, Southern Democrats blocked reforms in Congress. Also, the State Department was change resistant, as David Wyman shows, because consular officers erected “paper walls” against Jews by rigidly administering the visa process.¹¹⁸ This department had a slew of restrictionists in key posts, as Alan M. Kraut, Richard Breitman, and Thomas W. Imhoof point out, and anti-Semitism was prevalent.¹¹⁹ Jewish advocacy groups sought to restructure this process to facilitate immigration, much like Moe contends interest groups do to realize policy preferences. These interests pressed FDR, with little to no success, both inside and outside his administration. On the inside, besides Perkins there were other prominent liberalizers seeking to reform the State Department, such as Henry Morgenthau, Jr. who lobbied it in 1933.¹²⁰ On the outside, notable groups like the American Jewish Committee and the American Jewish Congress made the case to FDR. Breitman and Alan Lichtman assert that he was a “bystander” and did not provide the Jews aid until 1936.¹²¹ The strategy to engage the presidency was, in line with Marinari, advanced by Jewish leaders and not embraced by other community members who opposed incrementalism.¹²² Yet, Perkins immediately helped. With the advent of the INS, she formed the Ellis Island Committee, which was charged with a review of Labor’s immigration functions. She touted the 51-members as “nonpartisan,” though they were very much pro-immigrant, as a network of 33 social service agencies advised them.¹²³ Advocates were, thus, poised to improve the second checkpoint of the US immigration system.

In response to these interests, the Service eased admissions and checked expulsions. In terms of the former, as previously discussed, Rule 25(A) passes allowed American families to, technically, bypass the State Department because their foreign relatives were exempt from the quotas or received preference visas.¹²⁴ This outlet was further facilitated by the INS granting naturalizations as well as Jews tending to become US citizens, as Marinari asserts.¹²⁵ Additionally, immigration officers debarred fewer arrivals based on the public charge rule; many more newcomers were admitted carrying less money. This development, which began in 1933, was exactly what liberalizers—inside and outside the Roosevelt administration—had lobbied so passionately for without success from the State Department until 1936. With respect to the latter, the elimination of the draconian Section 24 unit effectively offered newcomers some respite.¹²⁶ Those who came as tourists, for instance, and overstayed their visas were less vulnerable to deportation. An equivalent action—the extension of visitors’ visas—was authorized by FDR five years later after *Kristallnacht*.¹²⁷

Furthermore, the business lobby—agriculturalists and industrialists—was interested in unskilled and skilled laborers from Mexico and Canada, respectively.¹²⁸ The lobby relied on them for labor and for a competitive advantage in the agricultural and industrial sectors. The Quota laws seemingly reduced the supply of workers from Europe, and the exodus of Southern Blacks to industrial centers in the North and South likely resulted in them replacing the Europeans.¹²⁹ Nativists contended that these Black people were then succeeded by Mexicans in the agricultural sector.¹³⁰ For their part, Northern industrialists relied on Canadians for their high-skilled labor. One estimate noted that 15,000 people commuted daily from Ontario to Detroit,¹³¹ long the hub for automobile production. This reliance was exacerbated as the Great Depression precipitated the movement of Americans looking for work. Despite an oversupply of native workers, this lobby seemingly sought to exploit foreigners, especially *Mexicanos*, for profit maximization. They were coveted in states like Michigan and Texas because they were paid substandard wages; in California and Colorado, businesses kept production costs down by using Mexicans, who did not seek to unionize.¹³²

The INS responded to these interests. The decision to prohibit warrantless arrests, as described above, meant that thousands of people were not arrested and expelled. Plus, the Section 24 unit was no more. These actions helped to maintain the itinerant workforce for businesses. To discretely increase it, the agency continued issuing Rule 3(Q) passes for workers to crisscross the borders. On top of these actions, its infrastructure, as explained before, was

not optimal for inspecting and detaining border crossers. With respect to *Mexicanos*, the secretary was directly involved. For instance, she ended a feud between agriculturalists and Mexican farmhands. She did not mince words: on one hand, “the farmers ... wanted the army to come out and force them back to work at the point of a gun,” and on the other, “these poor, idle, mistreated fellows were also perfect bums ... they would get the best of you if they could.” To resolve the problem, she standardized wages and conditions, which stabilized this workforce for businesses.¹³³ From 1933 to 1940, admissions from Mexico increased by 19 percent and deportations decreased by 50 percent;¹³⁴ 7,258 Mexican day laborers also crossed the border.¹³⁵ As far as *Canadiens*, a group of New York-based manufacturing companies in Niagara Falls retained their workers.¹³⁶ The introduction of laborers was welcomed by the lumber industry as well, which routinely exploited migrants. In 1935, the agency reported that 15,000 Canadians trekked to northern New England to toil in lumber camps.¹³⁷ During this period, admissions from Canada increased by 75 percent and expulsions decreased by 32 percent;¹³⁸ 12,613 Canadian day laborers also walked back and forth across the border.¹³⁹

The flows in Figures 2 and 4, particularly between 1936 and 1938, show that the Service tightened its functions, in part, to react to restrictionists and, in part, because fissures emerged in the secretary’s control of the agency. First I discuss the pressures on the agency and then its reactions. Regarding the pressures, the INS carefully managed its statistics because the public worried about job competition from immigrants and restrictionists monitored their numbers. In 1935 the agency reported that “the problem of caring for the unemployed has not been aggravated by an influx of aliens to compete in the labor market.” The following year it represented that there was “a virtual balance ... between total admissions and total departures.”¹⁴⁰ However, in 1935 the American Coalition, an umbrella organization of 105 patriotic and civic associations, sent FDR a grievance of Perkins’s administration. The Coalition objected to the admission of refugee children from Germany as based on a loose legal interpretation and the elimination of the Section 24 squad.¹⁴¹ These more than 100 groups, like Wood and Waterman contend about the means pressure groups use, lobbied the president to reverse Secretary Perkins. A related series of public critiques involved a deportation case that she oversaw, between 1934 and 1939, of immigrant labor leader Harry Bridges. He had led strikes by the longshoremen on the West Coast and was alleged to have been a communist; she could have deported him for subversive activities but delayed a decision to benefit from court judgments on a related

case.¹⁴² Kristen Downey notes that the Bridges matter earned the secretary criticisms by the public and in the press, as well as a congressional investigation and an impeachment resolution.¹⁴³

In reaction, the INS adjusted resources to expand enforcement activities, though staff went further to push out more people. Regarding debarment, [Figure 1](#) shows that expenditures and employees increased: starting in 1935, reaching an apex in 1936, and becoming static in 1937. [Figure 2](#) depicts increased admissions during the period, except in 1940, and debarments generally following the same trend. A comparison of these numbers connotes similar trends among employees and debarments during the period, with the exception of 1939 when staffing increased and debarments decreased. This decrease might have been because staff was overwhelmed by admissions, which were the highest during this period, at 268,331.

In terms of deportation, in 1936 MacCormack modified the rule on staff's power to arrest. On its face, the change was relatively minor, as it specified the administrators who could designate staff to execute warrants. But, in practice he reversed the prohibition on warrantless arrests from 1933 because officers were advised that they could make such arrests as long as they witnessed the individuals unlawfully entering America.¹⁴⁴ [Figure 4](#) shows that this revision coincided with increased deportations in 1936 and 1938, with a decrease in 1937. Otherwise, a comparison of [Figures 1, 3, and 4](#) does not show similar trends for expenditures, employees, net immigration, and deportations, except in 1934 and 1936 when these four indicators decreased and increased, respectively.¹⁴⁵ [Figure 4](#) further shows that voluntary departures increased between 1936 and 1939 and repatriations sharply increased from 1937 to 1939. The increases suggest that with one less constraint, staff members intensified their use of these three enforcement tools. Also, Kelly Lytle Hernandez contends that MacCormack was unable to purge some of the "old-timers," who worked on the borders, and they negatively swayed new recruits.¹⁴⁶ Regarding deportations, Kang points out that some bureaucrats deviated from the agency's reforms.¹⁴⁷ As noted earlier, Goodman asserts that voluntary departures were a quick, informal way to expel people.¹⁴⁸ Relatedly, the repatriation numbers are telling of staff's harsh preferences; in 1937 the immigration laws were amended to make the repatriated ineligible to reapply for admission. This condition insinuates that staff used this tool to bar people from returning, as voluntary departures gave them the option to reenter.¹⁴⁹ In comparison, as seen in this figure, the numbers for repatriations expanded.

INS TRANSFERRED TO JUSTICE

With the last step of my framework, I explain the transfer of the INS from the Labor Department to the Justice Department in 1940. Inside the agency, Secretary Perkins's reform efforts were waning, as reflected by a report she had commissioned. In her autobiography, she claims to have repeatedly recommended that the agency be moved out of her department, which was "swamped" by the Service.¹⁵⁰ Outside the agency, it was deemed a risk to national security. Lawmakers and Roosevelt considered the INS lax on enforcement and fretted about the prospect of America entering World War II.¹⁵¹ Congress and the State Department pushed for this transfer. For political control theory, the Service's demise provides an opportunity to assess the relative strengths of some of the structural tools from the literature, such as political appointments, as well as the possible lifespan of a such an agency. Moe theorizes that the politics of structural choice is a perpetual process,¹⁵² yet the INS, as conceived, ended.

An internal review of the INS that she initiated in 1938 indicated that Perkins's control had slipped. This review, which resulted in a report tendered to her days before the president announced the relocation of the agency in 1940, largely critiqued its deportation process. The committee that was conducting the study opined that centralized control over arrest warrants had exposed the process to staff manipulation. When staff members requested warrants, in many instances they did so via telegraph, which allowed them to obtain the warrants while providing little information to headquarters.¹⁵³ As part of this concern, the committee recommended a reorganization of the agency, which included decentralizing control of this process. The committee further proposed the creation of an executive officer position at headquarters. Perkins implemented this proposal.¹⁵⁴ In making it, the committee reasoned that coordination of agency activities previously undertaken by MacCormack should be performed by this officer.¹⁵⁵ Yet, the report is silent about his successor, James Houghteling, who ran the Service from 1937—after MacCormack's death—to 1940. In short, the report was also a reflection of the new commissioner's leadership.¹⁵⁶ Relatedly, Stewart makes a critical observation about the difference between them: "[t]he former [c]ommissioner had tended to do what he thought right if there was no law forbidding it. The new [c]ommissioner looked for a law to give permission first."¹⁵⁷ In other words, the incumbent was passive. All these circumstances intimate that the secretary's control over the agency may well have been firmer under MacCormack. Plus, the report does not appreciate the discretion employed by staff, as noted above

by Calavita, Ettinger, Goodman, Hernandez, and Kang, to capriciously enforce immigration rules.

Congress and the State Department undermined the secretary's leadership of the Service. As referenced earlier, lawmakers investigated and sought to impeach her. In 1937 Representative Martin Dies (D-TX) led an inquiry on "un-American activities" and reported that "Nazi-Fa[s]cist groups" freely engaged in subversion. His committee concluded "that the failure of the Labor Department to carry out the laws with respect to deportation [was] a contributing factor."¹⁵⁸ Two years later, Representative J. Parnell Thomas (R-NJ) introduced House Resolution 67 to impeach her for, in part, failing to deport Bridges. Although this motion was rejected by the House¹⁵⁹ and the Supreme Court subsequently vindicated her by determining that expulsion was unjustified,¹⁶⁰ legislators second-guessed the deportation process: "the confidence of the people in the proper administration of the laws ... has been profoundly shaken."¹⁶¹ Along this line of attack, and the previously mentioned Labor-State tensions, in 1940 Undersecretary Sumner Welles urged FDR to move the INS to Justice because Labor had a "duality of interest" between managing the labor market and immigration enforcement.¹⁶² Although she had misgivings—the Justice Department was ultimately not the appropriate place for the Service because it dealt with "human affairs"—FDR presented Reorganization Plan No. V to Congress, which approved it in June 1940.¹⁶³ He publicly promised "more effective control over aliens" and that INS would provide for the "nation's safety."¹⁶⁴

CONCLUSION

In her statement to Congress against impeachment, Secretary Perkins justified easing immigration enforcement at Labor: "I have imposed restraints upon the arbitrary use of this power, and I have sought to build and maintain confidence in our institutions by proceeding in cases with scrupulous fairness."¹⁶⁵ According to DeLysa Burnier, the impeachment resolution, and other attacks she faced, marginalized Perkins. Burnier contends further that, in the discipline of public administration, the secretary was a "devalued subject" because by "profession and gender" she was a "settlement woman." This discipline had focused on the "bureau men" of the Roosevelt administration, including their reorganization of the executive branch. Thus, my narrative "provid[es] counter-readings ... to what appear to be settled knowledges and practices."¹⁶⁶ Her reconfiguration of the bureaus of Immigration and Naturalization between 1933 and 1940 receives little attention in the political control

and immigration policy history literatures. Below, I discuss the insights that the use of the analytical framework of policy innovation through bureaucratic reorganization adds to these literatures, especially as I used the former to elucidate the latter.

With the first step of this framework (from the evolution phase), we can understand how Perkins adjusted the agency's resources to ease and tighten debarments and deportations. Zolberg argues that prior institutional capabilities constrained policy makers. However, as explained above, through a combination of structural devices, she loosened the constraints and liberalized these activities. For example, the structural devices, such as political appointees, facilitated the processing of more Rule 25(A) permits to help Jews with American kin escape the Third Reich. The noted record from a district office confirms this development. By delving into the weeds of this bureaucracy—something political control theory has undervalued—we realize that the admission process was not practically “impenetrable,” as Tichenor asserts.¹⁶⁷

Perkins employed the same devices for immigration restriction, except that funding and staffing did not have as much influence on deportations as they did for debarments. In particular, MacCormack reversed the decision prohibiting warrantless arrests, which not only resulted in increased deportations but also allowed staff to intensify voluntary departures and repatriations. We can infer that, after MacCormack's passing, Houghteling—as a political appointee—did not maintain the centralized control Perkins had established. Contrary to the criticism that political control theory overvalues political influence, this case reveals that such power was affected by staff discretion, which Ettinger contends was developed before 1933. By tracing bureaucratic structure and policy outputs to political control, we can learn how this control can be used to quickly change the direction of outputs; Whitford argues output shifts can occur when Congress and the president compete for control.¹⁶⁸ This research helps make sense of the seemingly contradictory and conflicting nature of immigration policy.

The second step of the framework, coalition management, elucidates the agency's dynamic, yet limited, responses to lobby pressures for and against immigration. These responses have implications for political control theory, as Macey asserts that such pressures can be assuaged through bureaucratic structure as designed at an agency's inception.¹⁶⁹ As explained above, INS' enforcement activities were eased in response to Jewish advocacy groups, industrialists, and agriculturalists, as more newcomers entered and remained in America. Conversely, the Service reacted to the more than 100 associations that complained to FDR about its laxity. These shifts in policy outputs fall

outside Macey's perspective because resources were adjusted after the agency's commencement. Thus, outputs can be altered in real time, affording flexibility to political appointees to react to interest groups. But, as this case also shows, managing interest groups had limits. For Jews, the INS could not respond to those who clamored for comprehensive immigration policy reform. Also, after *Kristallnacht* the agency's incremental efforts were insufficient. Indeed, other liberalizers in the Roosevelt administration like Morgenthau, Harold Ickes, and Eleanor Roosevelt advocated to relocate refugees to places outside the US mainland.¹⁷⁰ With respect to Mexican laborers, the issuance of Rule 3 (Q) passes continued the inequitable practice of making them an itinerant workforce. Hernandez contends that immigration officers controlled this workforce.¹⁷¹ Even the pivot to restriction had repercussions, as staff redoubled its activities to push people out.

The third step of my framework, system redesign, helps us to appreciate the catalyst for the Service's redesign and its lifespan. In terms of INS' demise, the primary consideration for FDR and Congress was that, as WWII loomed, its immigration enforcement functions compromised national security. That was the disparate impact of easing immigration. By the numbers, Figure 3 depicts that net immigration increased by 28,875. On top of that, 19,871 day laborers entered between 1935 and 1940.¹⁷² These data represent a fraction of the 132 million Americans in 1940.¹⁷³ Still, this case makes clear that INS was a temporary structural solution to immigration restriction. The temporary nature of the INS merits further study. Moe contends that structural politics is perpetual. In contrast, the agency had a life of seven years in the Department of Labor. This implication requires more research. For instance, the only other time the bureaus of Immigration and Naturalization were combined was in 1906, and they were disbanded in 1913. Moreover, such research is important for political control theory, as he argues it has pushed structural politics aside. Moe urges scholars to "push against constraints ... be open to abnormal ideas and think actively about shifting the theory onto new paths that might be more productive."¹⁷⁴

Speaking of out-of-the-box ideas, the timing of reconsidering Secretary Frances Perkins's leadership on immigration policy is apropos. The pandemic we are living through has laid bare and exacerbated the inequities produced by our public institutions. The statement from her impeachment defense is instructive: Perkins wanted the bureaucracy to treat people fairly. Her reorganization of the immigration system in the United States was a way to do that. For a brief period, she made this system more democratically accountable to the minority, when immigration restrictionists in the majority in Congress

opposed passing comprehensive legislation to protect foreigners from persecution. Therefore, Secretary Perkins's efforts are an example of going against the grain to make public institutions more equitable.

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NOTES

1. Resolution for an Investigation of the Official Conduct of Frances Perkins, Secretary of Labor; James L. Houghteling, Commissioner of Immigration and Naturalization Service, Department of Labor; and Gerard D. Reilly, Solicitor, Department of Labor, to Determine Whether or Not They Have Been Guilty of Any High Crimes or Misdemeanors Which, in the Contemplation of the Constitution, Requires the Interposition of the Constitutional Powers of the House, H.R. 311 76th Cong. (1939).

2. Aristide R. Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America* (Cambridge, MA: Harvard University Press, 2006), 271–72.

3. Daniel J. Tichenor, *Dividing Lines: The Politics of Immigration Control in America* (Princeton, NJ: Princeton University Press, 2002), 158–59.

4. Bat-Ami Zucker, “Frances Perkins and the German-Jewish Refugees, 1933–1940,” *American Jewish History* 89, no. 1 (2001): 35–59; Alan M. Kraut, Richard Breitman, and Thomas W. Imhoof, “The State Department, the Labor Department, and German Jewish Immigration, 1930–1940,” *Journal of American Ethnic History* 3, no. 2 (April 1, 1984): 5–38.

5. Barbara MacDonald Stewart, *United States Government Policy on Refugees from Nazism, 1933–1940* (New York: Garland Publishing, 1982), 568–69.

6. Zucker, “Frances Perkins and the German-Jewish Refugees, 1933–1940,” 37–38; Rebecca Brenner Graham, “No Refuge,” *Contingent Magazine*, August 23, 2019, <https://contingentmagazine.org/2019/08/23/no-refuge/>.

7. Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, NJ: Princeton University Press, 2004), 82–86; Thomas M. Pitkin, *Keepers of the Gate: A History of Ellis Island* (New York: New York University Press, 1975), 166.

8. Patrick W. Ettinger, *Imaginary Lines: Border Enforcement and the Origins of Undocumented Immigration, 1882–1930* (Austin: University of Texas Press, 2009), 163.

9. Kitty Calavita, *Inside the State: The Bracero Program, Immigration, and the I.N.S.* (New Orleans: Quid Pro, 2010), 1–2.

10. Adam Goodman, *The Deportation Machine: America's Long History of Expelling Immigrants* (Princeton, NJ: Princeton University Press, 2020), 37–39.

11. Kelly Lytle Hernandez, *Migra! A History of the U.S. Border Patrol* (Berkeley: University of California Press, 2010), 54–55.

12. S. Deborah Kang, *The INS on the Line: Making Immigration Law on the US-Mexico Border, 1917–1954* (New York: Oxford University Press, 2017), 75–86.

13. Mathew D. McCubbins, Roger G. Noll, and Barry R. Weingast, “Administrative Procedures as Instruments of Political Control,” *Journal of Law, Economics & Organization*

3, no. 2 (1987): 243–77; Mathew McCubbins, Roger Noll, and Barry Weingast, “Structure and Process, Politics and Policy: Administrative Arrangements and the Political Control of Agencies,” *Virginia Law Review* 75, no. 2 (January 1, 1989): 431–82.

14. David Epstein and Sharyn O’Halloran, *Delegating Powers: A Transaction Cost Politics Approach to Policy Making under Separate Powers* (New York: Cambridge University Press, 1999), 7–8. Their model includes lawmakers combining legislation as having some aspects as vague and others as detailed.

15. McCubbins, Noll, and Weingast, “Structure and Process, Politics and Policy,” 444, 472.

16. B. Dan Wood and John Bohte, “Political Transaction Costs and the Politics of Administrative Design,” *The Journal of Politics* 66, no. 1 (February 1, 2004): 183–84.

17. Terry M. Moe, “The Politics of Bureaucratic Structure,” in *Can the Government Govern?* ed. John E. Chubb and Paul E. Peterson (Washington, DC: Brookings Institution, 1989), 268; Terry M. Moe, “The Politics of Structural Choice: Toward a Theory of Public Bureaucracy,” in *Organization Theory: From Chester Barnard to the Present and Beyond*, ed. Oliver E. Williamson (New York: Oxford University Press, 1995), 146–49.

18. B. Dan Wood and Richard W. Waterman, “The Dynamics of Political Control of the Bureaucracy,” *The American Political Science Review* 85, no. 3 (1991): 821–24; B. Dan Wood and Richard W. Waterman, “The Dynamics of Political-Bureaucratic Adaptation,” *American Journal of Political Science* 37, no. 2 (1993): 500–1; Jennifer Nou, “Intra-Agency Coordination,” *Harvard Law Review* 129, no. 2 (2015): 489–90; Andrew B. Whitford, “Decentralization and Political Control of the Bureaucracy,” *Journal of Theoretical Politics* 14, no. 2 (2002): 186–87; Marc Allen Eisner and Kenneth J. Meier, “Presidential Control versus Bureaucratic Power: Explaining the Reagan Revolution in Antitrust,” *American Journal of Political Science* 34, no. 1 (1990): 276–77, 282–84. I consider these features part of the definition for structure provided by McCubbins et al., which is discussed later, because these features bear on resources and authority in public agencies.

19. Stuart Shapiro, “Structure and Process: Examining the Interaction between Bureaucratic Organization and Analytical Requirements,” *Review of Policy Research* 34, no. 5 (September 2017): 683–86.

20. Terry M. Moe and Scott A. Wilson, “Presidents and the Politics of Structure,” *Law and Contemporary Problems* 57, no. 2 (1994): 15–19.

21. William G. Howell and David E. Lewis, “Agencies by Presidential Design,” *The Journal of Politics* 64, no. 4 (2002): 1111–13.

22. David E. Lewis, “The Adverse Consequences of the Politics of Agency Design for Presidential Management in the United States: The Relative Durability of Insulated Agencies,” *British Journal of Political Science* 34, no. 3 (2004): 400–2.

23. Neil V. Hernandez, “Immigration & Naturalization Policy Innovation through Bureaucratic Reorganization” (PhD diss., City University of New York Graduate Center, 2015).

24. The creation phase consists of four steps: crisis, policy making constraints, risks, and agency merger. Hernandez, “Immigration & Naturalization Policy Innovation,” 16.

25. Hernandez, “Immigration & Naturalization Policy Innovation,” 1–3, 16. In this paragraph and the prior one, I provide a definition of the liberal bureaucrat as making administrative decisions to loosen operational rules. In contrast, I see the restrictive bureaucrat as faithfully carrying out policies.

26. The reference to the years here, and subsequently for those references about data, is for the fiscal year running from July 1 of the prior year to June 30 of the noted year.
27. Maddalena Marinari, *Unwanted: Italian and Jewish Mobilization against Restrictive Laws, 1882-1965* (Chapel Hill: University of North Carolina Press, 2020).
28. Stewart, *United States Government Policy on Refugees from Nazism, 1933-1940*, 17.
29. Zolberg, *A Nation by Design*, 291.
30. Ngai, *Impossible Subjects*, 84.
31. Immigration Act of 1924, Pub. L. No. 68-139, 43 Stat. 153 (1924).
32. *Twenty-First Annual Report of the Secretary of Labor for the Fiscal Year Ended June 30, 1933* (Washington, DC: Government Printing Office, 1934), 46, 53. This report indicates that the number of admissions in 1831 includes visitors.
33. Franklin D. Roosevelt, "White House Statement Summarizing Executive Order 6166," in *The American Presidency Project* (website), ed. Gerard Peters and John T. Woolley, <https://www.presidency.ucsb.edu/documents/white-house-statement-summarizing-executive-order-6166>. In a manuscript of a speech she drafted in 1940, she noted that her department recommended the creation of the Service. Frances Perkins, "Memorandum of Accomplishments of the Immigration and Naturalization Service during the Fiscal Years July 1933 to July 1940, Inclusive (with corrections)," July 1940, 8, box 52, Frances Perkins Papers, Rare Book & Manuscript Library, Columbia University in the City of New York (hereafter cited as FPP-RBMC). Also, she met with FDR in the Oval Office the day he made the announcement. "June 10th, 1933," Franklin D. Roosevelt Day by Day: A Project of the Pare Lorentz Center at the FDR Presidential Library, <http://www.fdrlibrary.marist.edu/daybyday/daylog/june-10th-1933/>.
34. George Martin, *Madam Secretary, Frances Perkins* (Boston: Houghton Mifflin, 1976), 245.
35. Frances Perkins, "Address before the Commonwealth Club of California: 'Deportations of Aliens,'" 19 February 1940, 15-16, box 52, FPP-RBMC.
36. Frances Perkins, interview by Dean Albertson, Columbia University (1955): pt. 4, sess. 1, 254.
37. *Twenty-Second Annual Report of the Secretary of Labor for the Fiscal Year Ended June 30, 1934* (Washington, DC: Government Printing Office, 1935), 47.
38. Moe, "The Politics of Bureaucratic Structure," 281. Alternatively, Andrew Whitford contends that "decentralization of responsibility and authority over policy formulation and implementation involves a net loss of political control." Whitford, "Decentralization and Political Control of the Bureaucracy," 167.
39. To FDR, she described the commissioner as a resourceful doer: "Col. MacCormack is a man of ingenuity and extremely practical, as well as forceful in handling all administrative problems." Frances Perkins to Franklin D. Roosevelt, 15 March 1933, 2, Official file box 1, Franklin D. Roosevelt Presidential Library and Museum, Hyde Park (hereafter cited as FDRL).
40. "Daniel W. MacCormack," U.S. Citizenship and Immigration Services, September 27, 2013, <http://www.uscis.gov/history-and-genealogy/our-history-24>.
41. Frances Perkins to Franklin D. Roosevelt, 15 March 1933.
42. Perkins, "Address before the Commonwealth Club of California: 'Deportations of Aliens,'" 16-17.

43. Nou, "Intra-Agency Coordination," 422–24.
44. *Twenty-Second Annual Report, 1934*, 47.
45. Moe, "The Politics of Bureaucratic Structure," 282–84.
46. *Twenty-Second Annual Report, 1934*, 47.
47. Daniel W. MacCormack, *The Spirit of the Service* (Washington, DC: Government Printing Office, 1934), 1.
48. William C. Van Vleck, *The Administrative Control of Aliens: A Study in Administrative Law and Procedure* (New York: Da Capo Press, 1971), 54, 251.
49. Byron H. Uhl, *Immigration Procedure at Seaports* (Washington, DC: Government Printing Office, 1934), 4.
50. MacCormack, *The Spirit of the Service*, 4.
51. Reuben Oppenheimer and George W. Wickersham, *Report on the Enforcement of the Deportation Laws of the United States* (Washington, DC: Government Printing Office, 1931), 177.
52. W. W. Brown and R. M. Charles, *Warrant and Deportation Procedure* (Washington, DC: Government Printing Office, 1934), 3.
53. MacCormack, *The Spirit of the Service*, 4.
54. Ngai, *Impossible Subjects*, 83.
55. Eisner and Meier, "Presidential Control versus Bureaucratic Power: Explaining the Reagan Revolution in Antitrust," 271, 275–77, 282–84.
56. *Immigration Laws: Immigration Rules and Regulations of January 1, 1930, as Amended up to and including December 31, 1936* (Washington, DC: Government Printing Office, 1937), 133.
57. Uhl, *Immigration Procedure at Seaports*, 5–6.
58. *Twenty-Second Annual Report, 1934*, 62; *Twenty-Eighth Annual Report of the Secretary of Labor for the Fiscal Year Ended June 30, 1940* (Washington, DC: Government Printing Office, 1940), 107. In 1933 the data for those debarred due to the public charge clause was not in the annual report for the INS.
59. *Statistical Abstract of the United States, 1936* (Washington, DC: Government Printing Office, 1936), 96; *Statistical Abstract of the United States, 1940* (Washington, DC: Government Printing Office, 1941), 108.
60. Moe and Wilson, "Presidents and the Politics of Structure," 18–19.
61. *Twenty-Second Annual Report, 1934*, 54. German nationals in the United States were among the top ethnic groups becoming Americans. Of those issued citizenship papers from 1934 to 1940—a total of 1,125,006—the top five former nationalities were (with their numbers in parentheses) the British Empire (300,137), Italy (171,523), Germany (141,081), Poland (124,901), and the Soviet Union (69,052). *Twenty-Eighth Annual Report, 1940*, 115; *Statistical Abstract of the United States, 1937* (Washington, DC: Government Printing Office, 1938), 103; *Statistical Abstract of the United States, 1941* (Washington, DC: Government Printing Office, 1942), 115. The German nationals included Jews, whose share of immigration increased from 10.3 percent to 52.2 percent between 1933 and 1940. By way of comparison, Italians did not seem to stimulate immigration via naturalization. The percentage of Italians, as a share of total immigration, declined slightly from 7.9 percent to 7.8 percent from 1933 to 1940. *Statistical Abstract of the United States, 1935* (Washington, DC: Government Printing Office, 1935), 102; *Statistical Abstract, 1941*, 111. This data aligns with

Marinari's assertion that Italians resisted US citizenship. Marinari, *Unwanted: Italian and Jewish Mobilization against Restrictive Laws, 1882-1965*, 4–5.

62. Based on family ties, the laws allowed some immigrants to be exempt from the quota requirements or to avoid long waits for quota-visas. *Immigration Laws and Rules of January 1, 1930, with Amendments from January 1, 1930 to May 24, 1934* (Washington, DC: Government Printing Office, 1935), 179. This regulation was an important option for those trying to flee the Reich.

63. In 1933, 10,254 immigrants received nonquota or preference visas through their citizen relatives. *Twenty-First Annual Report, 1933*, 63. Between 1934 and 1940 the average number of these individuals was 15,046. *Twenty-Second Annual Report, 1934*, 70; *Twenty-Third Annual Report of the Secretary of Labor for the Fiscal Year Ended June 30, 1935* (Washington, DC: Government Printing Office, 1936), 94; *Twenty-Fourth Annual Report of the Secretary of Labor for the Fiscal Year Ended June 30, 1936* (Washington, DC: Government Printing Office, 1936), 103; *Twenty-Fifth Annual Report of the Secretary of Labor for the Fiscal Year Ended June 30, 1937* (Washington, DC: Government Printing Office, 1937), 93; *Twenty-Sixth Annual Report of the Secretary of Labor for the Fiscal Year Ended June 30, 1938* (Washington, DC: Government Printing Office, 1938), 108–9; *Twenty-Seventh Annual Report of the Secretary of Labor for the Fiscal Year Ended June 30, 1939* (Washington, DC: Government Printing Office, 1939), 106; *Twenty-Eighth Annual Report, 1940*, 117. The total number of immigrants from 1933 to 1940 was 395, 716. *Statistical Abstract, 1941*, 107.

64. W. G. Strench to James L. Houghteling, 22 December 1938, box 17W3, Records of the Immigration and Naturalization Service, Record Group 85, National Archives Building, Washington, DC (hereafter cited as INS-NA).

65. *Twenty-Second Annual Report, 1934*, 59; *Twenty-Eighth Annual Report, 1940*, 103. In 1933 total immigration from Germany was 1,919. *Statistical Abstract, 1936*, 99. Between 1934 and 1940, the average annual number of admissions was 14,426. *Statistical Abstract, 1936*, 99; *Statistical Abstract of the United States, 1938* (Washington, DC: Government Printing Office, 1939), 100; *Statistical Abstract, 1941*, 110. As far as Jews coming from the Reich, the INS had not provided their numbers in its annual report for 1933. For the period from 1934 to 1940, the growth is notable considering that only 45 German Jews had reportedly come to the United States in 1932. *Annual Report of the Commissioner General of Immigration to the Secretary of Labor, Fiscal Year Ended June 30, 1932* (Washington, DC: Government Printing Office, 1932), 84.

66. In December 1936, the State Department notified some of its “consulates that they had occasionally interpreted the LPC provision improperly.” “More liberal instructions” were issued in January 1937. Kraut, Breitman, and Imhoof, “The State Department, the Labor Department, and German Jewish Immigration, 1930-1940,” 18–19.

67. *Immigration Laws: Immigration Rules and Regulations of January 1, 1930, as Amended up to and including December 31, 1936*, 136–37.

68. Rule 3(C) permitted issuance of the cards for border crossers to work in the United States. *Immigration Laws and Rules of January 1, 1930, with Amendments from January 1, 1930 to May 24, 1934*, 121, 130–30A. This rule was amended by immigration officials to preclude them and it was sustained by the Supreme Court. *Karnuth v. United States*, 279 U.S. 231 (1929). This case involved Canadians coming over the border to work.

69. G. C. Wilmoth, *Mexican Border Procedure* (Washington, DC: Government Printing Office, 1934), 1–7.

70. *Annual Report of the Immigration and Naturalization Service for the Fiscal Year Ended June 30, 1944* (Washington, DC: Government Printing Office, 1944), 81. In 1935 the Labor Department ceased making this data public. *Twenty-Third Annual Report, 1935*. The numbers of migrant workers allowed to enter under Perkins's watch was not apparently disclosed until the INS issued its 1944 report, well after she was no longer in charge of it.
71. Perkins, "Deportations of Aliens," 53–54.
72. Frances Perkins, "The Relation of the Immigration and Naturalization Service to the Department of Labor," 1939, 1, box 51, FPP-RBMC.
73. *Twenty-First Annual Report, 1933*, 19–20.
74. G. C. Haas, "Memorandum on the Business Situation," 23 December 1935, 1–2, 4–5, Subject file box 118, FDRL. In the same year, INS reported that there were "increased opportunities for employment." *Twenty-Third Annual Report, 1935*, 96. Then in 1936 it indicated that emigration from the United States "may be checked by the improvement of economic conditions." *Twenty-Fourth Annual Report, 1936*, 89.
75. Ettinger, *Imaginary Lines*, 163–65.
76. Eisner and Meier, "Presidential Control versus Bureaucratic Power: Explaining the Reagan Revolution in Antitrust," 269–71, 284.
77. Oppenheimer and Wickersham, *Report on the Enforcement of the Deportation Laws of the United States*, 178.
78. Kang, *The INS on the Line*, 76–77.
79. Perkins, "Deportations of Aliens," 23–24.
80. *Twenty-Second Annual Report, 1934*, 50–51.
81. Jeffrey L. Pressman and Aaron B. Wildavsky, *Implementation: How Great Expectations in Washington Are Dashed in Oakland; or, Why It's Amazing That Federal Programs Work At All, This Being a Saga of the Economic Development Administration as Told by Two Sympathetic Observers Who Seek to Build Morals on a Foundation of Ruined Hopes* (Berkeley: University of California Press, 1984), 69, 118.
82. *Twenty-Second Annual Report, 1934*, 50–51.
83. *Twenty-First Annual Report, 1933*, 53; *Twenty-Eighth Annual Report, 1940*, 107, 110.
84. Goodman, *The Deportation Machine*, 37–40.
85. Wood and Waterman, "The Dynamics of Political-Bureaucratic Adaptation," 523–25.
86. Immigration Act of 1917, Pub. L. No. 64-301, 39 Stat. 874 (1917).
87. *Report of the Activities of Section 24 Officers, 1930-1932*, n.d., 2–5, box 84, FPP-RBMC.
88. Frances Perkins interview, pt. 4, sess. 1, 205, 207, 213.
89. *Report of the Activities of Section 24 Officers, 1930-1932*, 4–5. The effort in Detroit resulted in the removal of 15 individuals.
90. Frances Perkins interview, pt. 4, sess. 1, 214–15.
91. Frances Perkins, "Section 24 Telegrams," 14 March 1933, box 4, FPP-RBMC. The secretary credited Robe Carl White, a Labor Department official, with the idea.
92. *Twenty-Second Annual Report, 1934*, 74.
93. The Head tax was collected from new arrivals and naturalization fees were paid by immigrants who filed applications to become US citizens. *Twenty-First Annual Report, 1933*, 64, 83.

94. *Twenty-Second Annual Report, 1934*, 47.
95. Memorandum by I. F. Wixon to the Chief Clerk, 16 March 1934, box 17W3, INS-NA.
96. The data for expenditures and employees in 1933 is combined from the bureaus of Immigration and Naturalization. *Twenty-First Annual Report, 1933*, 23, 25; *Twenty-Second Annual Report, 1934*, 32–34; *Twenty-Third Annual Report, 1935*, 48, 50; *Twenty-Fourth Annual Report, 1936*, 52, 55; *Twenty-Fifth Annual Report, 1937*, 42, 55; *Twenty-Sixth Annual Report, 1938*, 55, 75; *Twenty-Seventh Annual Report, 1939*, 47, 66; *Twenty-Eighth Annual Report, 1940*, 52, 75.
97. *Statistical Abstract, 1941*, 107–8.
98. McCubbins, Noll, and Weingast, “Structure and Process, Politics and Policy,” 431–32.
99. *Twenty-Seventh Annual Report, 1939*, 89.
100. *Twenty-Second Annual Report, 1934*, 72.
101. Pitkin, *Keepers of the Gate*, 160–61, 169.
102. *Twenty-Fifth Annual Report, 1937*, 85; *Twenty-Sixth Annual Report, 1938*, 96; *Twenty-Seventh Annual Report, 1939*, 90; *Twenty-Eighth Annual Report, 1940*, 103.
103. Ellis Island Committee, *Report of the Ellis Island Committee* (New York: n.p., 1934), 14, 41–42, <http://pds.lib.harvard.edu/pds/view/4847871>.
104. The program was ambitious, as it consisted of 59 buildings. Design and construction took place between 1930 and 1943. U.S. General Services Administration, *U.S. Border Inspection Stations, July 2011* (Washington, DC: Public Buildings Service, Center for Historic Buildings), 3, 5. This report was provided courtesy of the U.S. General Services Administration, Public Buildings Service, Center for Historic Buildings.
105. U.S. Department of the Treasury, *Report on Standard Type of Customs-Immigration Inspection Buildings for Border Highways*, March 13, 1928, 2–5. This report was provided courtesy of the U.S. General Services Administration, Public Buildings Service, Center for Historic Buildings.
106. This number was the annual average of border crossers (who were “aliens”) between 1933 and 1940. *The Annual Report of the Immigration and Naturalization Service for the Year Ended June 30, 1972* (Washington, DC: Government Printing Office, 1972), 72.
107. *Twenty-Second Annual Report, 1934*, 60–61.
108. There were 20 other buildings, but these were “ancillary.” They were garages, residences, and pump houses. U.S. General Services Administration, *U.S. Border Inspection Stations MPS* (Washington, DC: Public Buildings Service, Center for Historic Buildings, n. d.). This report was provided courtesy of the U.S. General Services Administration, Public Buildings Service, Center for Historic Buildings.
109. Of the three types of designs, only property type number 3 had specific spaces for detention and hearing rooms. *U.S. Border Inspection Stations MPS*, 5–6, 9–11. The General Services Administration opines that in property type number 2 sites there may have been capacity for detention. *U.S. Border Inspection Stations MPS*, 24–25. Yet, in 1932 the Treasury Department rejected requests by immigration officials who tried to add spaces for imprisonment and inquiries. W. W. Husband to Treasury Secretary, 19 September 1932, U.S. Department of Labor, Bureau of Immigration. The then labor secretary advised the immigration commissioner to comply with Treasury’s directive. “Communication of the

Chief Clerk to the Commissioner General of Immigration,” 29 September 1932, U.S. Department of Labor. Both of these documents were provided courtesy of the U.S. General Services Administration, Public Buildings Service, Center for Historic Buildings.

110. Kenneth J. Meier and Laurence J. O’Toole, “Political Control versus Bureaucratic Values: Reframing the Debate,” *Public Administration Review* 66, no. 2 (2006): 177.

111. Wood and Waterman, “The Dynamics of Political Control of the Bureaucracy,” 822.

112. *Statistical Abstract, 1941*, 107.

113. *Statistical Abstract, 1941*, 108. *Twenty-First Annual Report, 1933*, 53; *Twenty-Second Annual Report, 1934*, 63, 65; *Twenty-Third Annual Report, 1935*, 90–91; *Twenty-Fourth Annual Report, 1936*, 99–100; *Twenty-Fifth Annual Report, 1937*, 90; *Twenty-Sixth Annual Report, 1938*, 100; *Twenty-Seventh Annual Report, 1939*, 95; *Twenty-Eighth Annual Report, 1940*, 107. Between 1936 and 1940, the numbers for repatriations, according to this report, does not include Filipinos. There was a specific law that provided for their return to the Philippines. *Twenty-Fourth Annual Report, 1936*, 103.

114. Zolberg, *A Nation by Design*, 7–8, 14–15, 21; Tichenor, *Dividing Lines*, 8–10, 34.

115. Marinari, *Unwanted*, 2, 6–7.

116. Wood and Waterman, “The Dynamics of Political-Bureaucratic Adaptation,” 507–8; Moe, “The Politics of Bureaucratic Structure,” 269–73.

117. Jonathan R. Macey, “Organizational Design and Political Control of Administrative Agencies,” *Journal of Law, Economics & Organization* 8, no. 1 (1992): 93–94, 108–9. Also, Jonathan Koppell claims that the structure of organizations can shape the preferences of lobbies, though he focuses on government-sponsored entities. Jonathan G. S. Koppell, “Hybrid Organizations and the Alignment of Interests: The Case of Fannie Mae and Freddie Mac,” *Public Administration Review* 61, no. 4 (2001): 472–78.

118. David S. Wyman, *Paper Walls: America and the Refugee Crisis 1938-1941* (Amherst: University of Massachusetts Press, 1968). For instance, he found that this process caused cases to be delayed and, as a consequence, there was a backlog. Wyman, *Paper Walls*, 197.

119. Kraut, Breitman, and Imhoof, “The State Department, the Labor Department, and German Jewish Immigration, 1930-1940,” 6, 9, 13, 26.

120. Stewart, *United States Government Policy on Refugees from Nazism, 1933-1940*, 101. In 1933, Morgenthau was chairman of the Federal Farm Board. “Americans and the Holocaust: Henry Morgenthau Jr.,” United States Holocaust Memorial Museum, <https://exhibitions.ushmm.org/americans-and-the-holocaust/personal-story/henry-morgenthau-jr>.

121. Richard Breitman and Allan J. Lichtman, *FDR and the Jews* (Cambridge, MA: Belknap Press, 2013), 3.

122. Marinari, *Unwanted*, 2.

123. *Report of the Ellis Island Committee*, iii, 41–43.

124. FDR even advised Americans to pursue the Rule 25(A) tactic. He told Kostaq Ziu to marry his fiancée, Urania Shandro, from Albania to bring her to the United States. The president noted that “the Albanian quota [was] mortgaged for several years.” Franklin D. Roosevelt to Kostaq Ziu (correspondence summary), 13 March 1940, Official files 15F-15L, box 8, FDRL.

125. Marinari, *Unwanted*, 5.

126. Downey notes that Perkins allowed Jews from Germany to enter the United States as “visitors” with temporary tourist visas and that some of them managed to disappear within the United States. Kirstin Downey, *The Woman Behind the New Deal: The Life and Legacy of Frances Perkins, Social Security, Unemployment Insurance, and the Minimum Wage* (New York: Anchor Books, 2010), 194–95. Because the expulsion process was diminished, they were safer during her tenure.

127. Downey, *The Woman Behind the New Deal*, 286–87. All this work by Perkins also supported the president; Breitman and Lichtman note that he “preferred to handle any adjustment of immigration policy behind closed doors” in the early part of his presidency. Breitman and Lichtman, *FDR and the Jews*, 83. In one example, regarding a deportation, the president directed the State Department to temporarily halt the deportation of J. F. Normano. FDR’s reasoning was that “the sole problem seems to be [the] advisability of submitting a Jew to German jurisdiction.” Franklin D. Roosevelt, “Radio Message from Franklin D. Roosevelt to William Phillips (correspondence summary),” 23 June 1933, Official files 76 and 76c, box 4, FDRL. In this case, he was lobbied by B’nai B’rith. Alfred M. Cohen, “B’nai B’rith to Franklin D. Roosevelt (correspondence summary),” 7 July 1933, Official files 76 and 76c, box 4, FDRL.

128. The idea of using workers from Mexico and Canada was not new to the Labor Department or President Roosevelt. When he was the assistant Navy secretary during World War I, he was part of the National War Labor Policies Board, which planned for the “importation of agricultural and other labor for temporary periods, incident to keeping up production of farm products, particularly in the West and Southwest.” Also, the Immigration Bureau was supposed to bring “skilled men for the manufacture of munitions and other war materials, in cooperation with the Canadian Department of Immigration and Colonization.” “Work of the Department of Labor,” n.d., box 77, FPP-RBMC.

129. Zolberg, *A Nation by Design*, 269; Tichenor, *Dividing Lines*, 150–51.

130. Theodore G. Holcombe, “Immigration Restriction League to Samuel Dickstein,” 10 March 1934, box 235, Records of the United States House of Representatives, Record Group 233, National Archives Building, Washington, DC (hereafter cited as HR-NA).

131. John H. Thompson and Stephen J. Randall, *Canada and the United States: Ambivalent Allies*, 4th ed. (Athens: University of Georgia Press, 2008), 123.

132. Interstate Migration: Report of the Select Committee to Investigate the Interstate Migration of Destitute Citizens, H.R. Rep. No. 369, at 114, 123, 375–76, 379 (1941).

133. Frances Perkins interview, pt. 4, sess. 1, 404, 411. The Congress of Industrial Organizations (CIO) enlarged its membership by bringing farmhands into the fold. In 1939, it denounced the “extreme exploitation and discrimination” of *Mexicanos* at the hands of “industry and agriculture.” At its convention, the CIO unanimously welcomed “them into the ranks of organized labor.” “Daily Proceedings of the Second Constitutional Convention,” Congress of Industrial Organizations, 12 October 1939, 37, box 3, FPP-RBMC.

134. In 1933 immigration from Mexico was 1,936 and for 1940 it was 2,313; expulsions to Mexico from 1933 to 1940 were 7,750 and 3,902, respectively. *Statistical Abstract*, 1935, 99; *Statistical Abstract*, 1941, 110; *Twenty-Fifth Annual Report*, 1937, 89; *Twenty-Eighth Annual Report*, 1940, 108.

135. This number is for the period between 1935 and 1940. *Annual Report of the Immigration and Naturalization Service, 1944*, 81. As explained more fully below in these notes, the data for border crossers in 1933 and 1934 is not disaggregated to calculate the number of Mexicans working in the United States.

136. One of them, the Titanium Alloy Manufacturing Company, depended on its experienced staff to handle “a great amount of detail work.” R. S. Talor, “Titanium Alloy Manufacturing Company to Samuel Dickstein,” 11 April 1934, box 73, HR-NA. Another one, the Spirella Company Inc., had a “considerable number of employees valuable on account of their long period of service.” Edwin Williams to Samuel Dickstein, 12 April 1934, box 73, HR-NA.

137. The agency pointed out that there was a demand for French-Canadian woodsmen, some of whom entered illegally, as their “competence is unquestioned.” *Twenty-Third Annual Report, 1935*, 96.

138. In 1933 immigration from Canada was 6,187 and for 1940 it was 10,806; expulsions to Canada from 1933 to 1940 were 7,750 and 3,902, respectively. *Statistical Abstract, 1935*, 99; *Statistical Abstract, 1941*, 110; *Twenty-Fifth Annual Report, 1937*, 89; *Twenty-Eighth Annual Report, 1940*, 108.

139. This number is for the period between 1935 and 1940. *Annual Report of the Immigration and Naturalization Service, 1944*, 81. As mentioned above, these data are not available in disaggregated form for 1933 and 1934 to report on the numbers of Canadians who crossed the border to work in the United States.

140. *Twenty-Second Annual Report, 1934*, 48; *Twenty-Fourth Annual Report, 1936*, 89.

141. John B. Trevor to Franklin D. Roosevelt, 23 January 1935, 1, 3, box 109, Records of the United States Senate, Record Group 46, National Archives Building, Washington, DC. The Coalition was technically correct about legal interpretation because bonds were posted for the children through an informal agreement among the Labor and State departments and the German-Jewish Children’s Aid. Memorandum by James L. Houghteling for the Second Assistant Labor Secretary, 20 October 1939, 1–2, box 17W3, INS-NA. This arrangement was unofficially endorsed by Congress. Kraut, Breitman, and Imhoof, “The State Department, the Labor Department, and German Jewish Immigration, 1930-1940,” 14.

142. Frances Perkins, *The Roosevelt I Knew* (New York: Viking Press, 1946), 316–19.

143. Downey, *The Woman Behind the New Deal*, 273–77.

144. Daniel W. MacCormack, “General Order No. 230,” 16 January 1936, box 17W3, INS-NA; *Immigration Laws and Rules of January 1, 1930, with Amendments from January 1, 1930 to May 24, 1934*, 188; *Immigration Laws: Immigration Rules and Regulations of January 1, 1930, as Amended up to and including December 31, 1936*, 197–98. To get around the requirement of witnessing newcomers who entered without permission, officers would “put a man in transit.” They would force the newcomer to leave his “shelter” to claim the newcomer continued to be engaged in an unlawful entry. *The Immigration and Naturalization Service, the Secretary of Labor’s Committee on Administrative Procedure*, (Washington, DC: Government Printing Office, 1940), 73–76, <https://play.google.com/books/reader?id=7bulmwEhhLwC&pg=GBS.PP4&hl=en>.

145. Unlike debarments for which admissions are directly related, deportations are more difficult to analyze in relation to changes in the undocumented population. In 1935, the

agency estimated that there were 3.5 to 10 million people who entered the United States without permission and, thus, were subject to deportation. *Twenty-Third Annual Report, 1935*, 78. However, the range of this estimate is broad. Therefore, I use the net immigration numbers, that is, the difference between immigrants and nonimmigrants who entered and departed the United States. As noted in this section of the article, the agency closely monitored net immigration. Also, I estimate that such numbers were more likely to trigger deportation activities depending on changes to the numbers.

146. Hernandez, *Migra!* 64, 67. It should be noted that the internal review of the INS, which was commissioned by Perkins (and discussed in the next section), considered border patrol officers to be excellent to the extent that some transferred to work as immigration inspectors. Also, this report indicates that one reason these officers stood out was because “the Patrol has a recruiting and training program possibly unexcelled in the Federal Government. It gets good men and trains them thoroughly.” *The Immigration and Naturalization Service*, 147–48. In sharp contrast, Hernandez has the opposite opinion regarding the Border Patrol’s training program between 1934 and 1937. Hernandez, *Migra!* 67.

147. Kang notes that in 1940, based on the internal review mentioned immediately before, there were tensions between “central office” and “field office procedure” regarding the deportations of the undocumented. This issue was due, in part, to the lack of an administrative manual, as policies and procedures were not centralized in one repository, nor were they updated. Kang, *The INS on the Line*, 82–86. This situation was apparently exacerbated by Perkins, who sent staff mixed messages. On one hand, she curbed deportations of the undocumented earlier in the period. On the other hand, the Service took the extraofficial action of issuing border-crossing cards to Mexicans and Canadians, who did not obtain visas, to work in the United States.

148. The process to permit a voluntary departure necessitated departmental approval according to the report prepared for Perkins of the internal review she initiated in 1938. *The Immigration and Naturalization Service*, 34. Thus, the processing of voluntary departures was not completely informal.

149. *Twenty-Sixth Annual Report, 1938*, 100, 102.

150. Perkins, *The Roosevelt I Knew*, 360–61.

151. Although the driving force for system redesign was national security, there were other important considerations. For one, liberal lawmakers appreciated the urgency of the Jewish plight after *Kristallnacht* in 1938. They advanced bills to save individuals and families. Relief of Sundry Aliens, H.R. 548 76th Cong. (1939), 2–4; Ernst Gottlieb, Wife Margot, and Daughter Mary, H.R. 2972 76th Cong. (1940), 1–2; Robert H. Jackson, Attorney General, to Samuel Dickstein, U.S. Representative, New York, 20 September 1940, 1, box 114, HR-NA. Also, in 1936 Congress pressed Perkins about the large numbers of migrant workers who crossed state lines; legislators were concerned about their social and economic needs. Study, Survey, and Investigation of Migratory Workers, S. Rep. 74-2396, at 1 (1936). Subsequently, she reported on notable social conditions that the migrant workers faced, including state officials not encouraging children to attend schools. Frances Perkins, “Press Release (Text of Letter to the Senate),” 4 July 1937, 2, 4–5, box 49, FPP-RBMC.

152. Moe, “The Politics of Bureaucratic Structure,” 284–85; Moe, “The Politics of Structural Choice: Toward a Theory of Public Bureaucracy,” 146.

153. *The Immigration and Naturalization Service*, 64–66.
154. Perkins, “Memorandum of Accomplishments of the Immigration and Naturalization Service,” 34–37.
155. *The Immigration and Naturalization Service*, 17–18, 62–66, 139–43.
156. MacCormack passed away on January 1, 1937. He was succeeded by Houghteling. “Daniel W. MacCormack: Commissioner General of Immigration-April 27, 1933-Aug. 9, 1933; Commissioner of Immigration and Naturalization-August 10, 1933-Jan. 1, 1937,” U.S. Citizenship and Immigration Services, <https://www.uscis.gov/history-and-genealogy/our-history/commissioners-and-directors/daniel-w-maccormack>; “James L. Houghteling: Commissioner of Immigration and Naturalization, August 26, 1937-July 31, 1940,” U.S. Citizenship and Immigration Services, <https://www.uscis.gov/history-and-genealogy/our-history/commissioners-and-directors/james-l-houghteling>.
157. Stewart, *United States Government Policy on Refugees from Nazism, 1933-1940*, 411–12.
158. Investigation of Un-American Activities and Propaganda: Report of the Special Committee on Un-American Activities, H.R. Rep. No. 282, at 120 (1939).
159. Resolution for an Investigation of the Official Conduct of Frances Perkins, 5–10.
160. Perkins, *The Roosevelt I Knew*, 319.
161. Resolution for an Investigation of the Official Conduct of Frances Perkins, 11.
162. Sumner Welles to Franklin D. Roosevelt, 18 May 1940, Official files 15F-15L, box 8, FDRL. Welles also argued for the elimination of “the exemption of certain categories of aliens from ... undergoing consular examination and of obtaining a visa.” This point seems to take issue with the granting of Rule 25(A) passes, as discussed in the Reconfiguration of Labor’s Immigration Functions and the Balancing Act of Interests sections of this article.
163. Downey, *The Woman Behind the New Deal*, 294–96; Perkins, *The Roosevelt I Knew*, 360–61; “Reorganization Plan No. V of 1940,” U.S. House of Representatives Office of the Law Revision Counsel United States Code, <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title5a-node84-leaf90&num=0&edition=prelim>.
164. “Reorganization Plan No. V of 1940.”
165. *Twenty-Seventh Annual Report*, 1939, 214; Perkins, *The Roosevelt I Knew*, 319; 84 Cong. Rec. H3743–3745 (April 3, 1939) (statement of Secretary Perkins [February 8, 1939]).
166. DeLysa Burnier, “Frances Perkins’ Disappearance from American Public Administration: A Genealogy of Marginalization,” *Administrative Theory & Praxis* 30, no. 4 (2008): 417–19.
167. Tichenor, *Dividing Lines*, 151.
168. Andrew B. Whitford, “The Pursuit of Political Control by Multiple Principals,” *The Journal of Politics* 67, no. 1 (2005): 44–46.
169. Koppell asserts that the government-sponsored enterprises, like Fannie Mae and Freddie Mac, can manipulate interest groups. It should be noted that these organizations are hybrids—both public and private—and have power to influence these groups via private sector characteristics. For instance, he says these enterprises can devote money to political activities such as advertising. Jonathan G. S. Koppell, “Hybrid Organizations,” 469–71.
170. Wyman, *Paper Walls*, 112–13; Breitman and Lichtman, *FDR and the Jews*, 129–30.
171. Hernandez, *Migra!* 54–55.

172. *Annual Report of the Immigration and Naturalization Service, 1944*, 81. The agency reports for 1933 and 1934 indicate that 174,049 Mexicans and Canadians crossed the borders to the United States with border crossing/identification cards, but these data are not disaggregated like the numbers provided between 1935 and 1940, which include those who crossed for employment, school attendance, and business or pleasure. *Twenty-First Annual Report, 1933*, 49; *Twenty-Second Annual Report, 1934*, 62.

173. This number is for those on the mainland. *Statistical Abstract, 1940*, 2.

174. Terry M. Moe, "Delegation, Control, and the Study of Public Bureaucracy," *The Forum* 10, no. 2 (2012): 39.