PROOF OF A LIFE LIVED: THE PLIGHT OF THE BRACEROS AND WHAT IT SAYS ABOUT HOW WE TREAT RECORDS

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ABSTRACT: The case of the braceros, a group of Mexican immigrants who have been demanding repayment of pension funds from the Mexican government for work done in the United States from 1942 to 1964, illustrates issues faced by displaced groups in other situations and brings up a number of questions about the role of archivists and other record keepers in documenting cultural and ethnic minority groups. What role, if any, does our profession play in protecting the rights of future immigrant workers and ensuring that they are properly educated as to the importance of their records as evidence?

“There’s not an inch of land I don’t know in these fields,” said Espinosa, pointing at rows of corn and cotton near Los Banos. “But our money disappeared, and with it so did our dignity.”

—Jesus Espinosa

Refugees in times of war and displacement often face the need to prove identity without access to the necessary documents and records, an issue that has been addressed before in the archival literature. However, not much has been written about other groups that, while they may be less obviously persecuted, are also subject to the whims of government and bureaucracy as they attempt to establish identity, claim rights, and seek redress for wrongs done to them.

This article addresses issues faced by such a population: a group of Mexican immigrants to the United States commonly known as braceros. It also explores how two governments and other institutions entrusted with documenting the braceros worker program failed a group of mostly uneducated, poor immigrants, denying them control over their own history and patrimony. The article also examines why governments fail to prioritize the maintenance of records whose safeguarding is in the best interests of their own citizens, and what role—if any—archivists and other record keepers should play in protecting the interests of specific populations and cultural groups.

The braceros, a group of some 4.6 million Mexican immigrants, worked as farm laborers in rural America through a program run by the United States and Mexico from 1942 to 1964. A similar program for railroad workers operated from 1942 until the end of World War II. The braceros faced many problems during their time in America,
including discrimination, abuse by border agents and their employers, and low wages. But the central issue that concerns surviving braceros and their descendants is the attempt to recover wages owed to them by the Mexican government in the form of a pension plan. The braceros' fight is illustrative of problems faced by other minority groups in gaining recognition and access to not only money or services owed them, but also to their own history and records. It also underscores the need to educate people about the necessity of maintaining their own records. The loss of these records emphasizes the importance of records as evidence, not just in the courts, but also as proof of one's history and of a government's accountability to its citizens. Finally, it raises issues of accountability over time and how intergovernmental cooperation can address this problem.

**How the Braceros Program Began**

During World War II, the United States found itself with a shortage of railroad and agricultural workers. Many American farm workers enlisted in the armed forces, both out of patriotic fervor and in search of better wages and employment opportunities. Outside the armed forces, many employment opportunities existed in large urban areas, where former farm workers found work producing war munitions and supplies. American farmers, in desperate need of workers to bring in the crops, pressured the U.S. government for help. The government's response, which became known as the Braceros (Spanish for "strong arms") Program, was based on a similar program the United States had sponsored during World War I.

Starting in 1942, the United States granted guest visas to select Mexican citizens to work in particular industries, mainly agriculture and the railroads. Initially, the workers had to be interviewed by the Mexican government before being allowed into the program, but eventually workers who entered the United States illegally could also join the program. American employers sent these workers back to the border, where U.S. Customs and Border officials processed their applications, issued them visas and allowed them to return to the United States. Neither the worker nor the employer had to pay a penalty officially, although many braceros tell of bribes paid to border officials. Under the contract, the braceros were to be paid a minimum wage (no less than that paid to comparable American workers), with guaranteed housing, and sent to work on farms and in railroad depots throughout the country—although most braceros worked in the western United States. Throughout much of the program's span, the U.S. and Mexican governments garnished 10 percent of the workers' wages, with the stated purpose of giving them a nest egg for their return to Mexico; the plan also served as an incentive for the workers to return to Mexico, as many involved in developing the program were concerned that the workers would simply stay in the United States after their service term was over. The garnishment came to more than $32 million, which was deposited in American banks, mainly Wells Fargo. Those banks subsequently transferred the funds to Mexican banks, largely to BanRural (aka Banco Rural de Credito National, or National Rural Credit Bank), which was to hold the funds and any accrued interest, until the workers returned to Mexico and claimed it.
In 2001, a group of ex-braceros attempting to recover the money filed a lawsuit against Wells Fargo when the company found records confirming only that some of the money had been deposited. The bank had no records of what happened to it afterward, including whether or not the money had actually been transferred to Mexico. The main Mexican bank, BanRural, had gone out of business in the intervening time and no record of deposits for braceros money could be found in its remaining papers—although an internal audit conducted by the Mexican government in 1947 found that bank officials had been using bracero money to fund day-to-day bank operations. An investigation by the *Dallas Morning News* in 2002 showed that documentation kept by both governments in the 1940s provided ample evidence of what each bracero was owed and of complaints by braceros of missing money, but those records eventually disappeared.

Many braceros never received the funds promised to them for a variety of reasons. Some of the workers stayed in the United States or could not return to Mexico to claim the funds. Other workers found that even when they tried to claim their funds in Mexico, banks claimed to have no knowledge of the money’s whereabouts or to be unable to trace the funds. Eventually the main Mexican bank, BanRural, closed and the workers had even fewer places to turn. Some workers learned of the difficulties faced by their compatriots and never bothered to pursue the matter. Further, many of the braceros were unaware the withholdings had been made in the first place, or that they had a right to claim the funds later. While conducting an oral history project at California State University, Chico, in 2002, professor Paul Lopez found himself to be the first person to inform many of the twenty-five ex-braceros he interviewed about the pension plan and current attempts to recover the money. Some experts have put the possible amount of wages owed, including interest, at more than $500 million (U.S. dollars) in today’s currency. Some workers, a small fraction of the number that are probably due remuneration, organized into several groups that jointly called themselves Proyecto Bracero (Bracero Project). In addition to suing in U.S. Courts, the members of Proyecto Bracero also lobbied the Mexican government.

**Governmental Response**

In general, the United States courts have sided with the United States government, if only because of technicalities. U.S. District Judge Charles Breyer, who heard the original 2001 lawsuit filed by the braceros, threw it out on the grounds that the statute of limitations had expired. He did uphold the claim that millions of dollars were stolen and that both the Mexican and American governments knew it, but in a second ruling in September 2004, Breyer once again rejected the lawsuit on statute-of-limitations grounds. Another lawsuit by a different braceros group is still pending as of this writing.

Braceros in Mexico spent years lobbying the Mexican government for the return of their money. They held marches and vigils, protested at the President’s residence and national government buildings, and presented their case in the media. Protestors representing the aging farm workers even stormed Mexico’s Interior Ministry
in August 2005 during a demonstration and took over then-President Vicente Fox’s ranch for a day.

Braceros in the United States also participated in these protests by marching on Mexican consulates in Los Angeles and mounting letter-writing campaigns to the Mexican government. In 2003, President Fox granted the workers immediate health benefits and formed a special commission to study the issue. That commission recommended that a special fund be set up to pay each bracero approximately $10,000 as remuneration. But in a plan announced by the Mexican government in October 2005, this amount was reduced to a final offer of $3,500. Additionally, the Mexican government also requires any person who takes a payout to renounce his or her right to seek further redress. The Mexican government has not officially apologized or recognized its errors; in fact, it says the money is intended as a “thank you” for the braceros’ work. The money promised by Mexico is a small percentage of the money actually owed, but to the workers in their 70s, 80s, and even 90s, many of whom never stopped working in the fields, it is the difference between penury and a semicomfortable retirement.

Most of the braceros who qualify are expected to accept the offer. To make their claim, they will be expected to produce a whole range of documents, much the same way that the victims of Nazi looting have had to prove ownership with documentation that is almost impossible to produce. The workers must also have filed their claims in person in Mexico, which disqualifies a number of braceros who sent their paperwork from California and elsewhere. These men plan to continue to fight for a second round of remunerations.

Some braceros who protested in the United States did so with the hope that the American government would get involved because they trusted it more than they did the Mexican government. An article in La Opinión quoted one ex-bracero in Los Angeles as saying, “If the money had been in this country, we would have received our checks by this time (si el dinero hubiera estado en este país, a estas alturas ya hubiéramos recibido los cheques).” Another ex-bracero in the United States said that if they could not resolve the problem in Mexico, they would lobby American legislators because “here there is more seriousness and in Mexico there is not (porque aquí hay mas seriedad y en México no).”

Why is the American government perceived as inherently more trustworthy in how it handles records and why would a Mexican citizen not trust his own government to preserve his rights and return to him what is rightfully owed? The braceros, many of whom were indigenous or mestizo (mixed European and indigenous heritage) and almost all of whom were uneducated, were at the bottom of the social hierarchy not just in the United States, but also in their own country. The poor and the uneducated often face problems of access when it comes to government or bureaucracy, even in a country with a long history of democracy, like the United States. It has taken the braceros’ sons and daughters, many of them born and educated in the United States, to awaken them to what they lost and the possibility of fighting for what is rightfully theirs.
Is a Solution in Sight?

Even given the agreement by the Mexican government to pay restitution of some 300 million pesos (approximately 26.5 million U.S. dollars), with further appropriations promised over the next four years, the braceros have run into Mexican bureaucracy and the need to provide accurate records to a government that did not bother to keep accurate records itself. In order to receive any money from the fund, participating braceros must provide the following:

- Registration on the government’s list of former Mexican Bracero Workers (listado de ex Trabajadores Braceros Mexicanos) between April 7 and October 15 of 2004. No new registrations are allowed, even though less than 10 percent of eligible braceros are thought to have registered. Additionally, the Mexican government is now saying that registration must have been completed in Mexico, which leaves out many braceros who mailed their paperwork from abroad.
- Official identification proving their Mexican citizenship. This could be either a passport, a voter identification card, or a military service card.
- A work contract signed by the American employer for whom the bracero worked
- Pay stubs or other proof of payment for services rendered as part of the Bracero Program
- A consular registration card, issued by a Mexican consulate in the United States to Mexicans living or working here

Heirs of deceased braceros have to provide the following, in addition to the documents listed above:

- Official identification for both the deceased and the claimant
- If a widow, a marriage license
- If a child, a birth certificate with the bracero’s name listed
- If a sibling, a court document establishing right of inheritance
- A death certificate for the bracero

Braceros and their heirs are being asked to provide five to eight items that prove they are entitled to money they should have received some four decades ago, by a government that has been unable to keep track of the $32 million in withholdings. Considering the itinerant nature of the work done by the braceros, it is highly unrealistic to expect many of them to be able to meet these expectations.

Additionally, a committee composed of high-level government secretaries and representatives from the Banco Nacional de Credito Rural, the same bank (now restructured and in business once again) that initially lost the money, will determine the eligibility of the braceros’ applications.
The Role of Records as History and Evidence

The dramatic case of the search for Nazi gold is an excellent example of the value of records not only in documenting historical facts but also in preserving essential evidence.

—John W. Carlin, Archivist of the United States, in a 1997 letter to Time

In many circumstances, records allow wronged parties to prove claims against those who injured them. This was the case with records of Holocaust-era assets kept by the National Archives and Records Administration (NARA). Since 1996, NARA has been providing researchers with access to the more than 20 million pages of documents about Allied activities in Europe at the end of World War II, activities that were aimed at finding and recovering looted gold and assets. The program, code-named Safehaven, produced documentation not only of the looting done by Nazi Germany, but also of the assets taken in by or transferred to neutral countries toward the end of the war. The research done at NARA uncovered information that was later used to recover assets from Swiss banks, where a security guard caught bank archivists destroying their own records. Eventually, the Swiss government began cooperating to return assets to Holocaust survivors and their heirs. Many survivors of the Holocaust have thus been able to utilize archives in the United States and elsewhere to their benefit, whether to prove identity or to secure lost assets. In the particular case of Holocaust survivors, some archives have served as depositories of evidence and memory in a way that would have been impossible had all records been destroyed.

Unfortunately, in the braceros’ case, archives have not provided workers with similar evidence that can be used to their benefit. Instead, they have experienced records only as something that can be used against them. Not only did records document their garnished wages, but those same records have been lost so that the braceros could not claim that money later without providing even more records. Records even penalized workers who entered the program and the United States through the legal route: these workers often had to pay fees and bribes to enter the Braceros Program, but those who entered the country illegally were sent back to the border for the proper documentation, and many returned to work in U.S. fields without being penalized.

The Braceros Program ended in 1964, under pressure from two fronts. On the one hand, U.S. labor groups argued that the migrant workers depressed wages and increased unemployment among American workers. On the other hand, civil rights groups and the Mexican government said the workers had often been abused, underpaid, and discriminated against. For one period early in the program, the Mexican government even refused to allow Texas farmers to participate in the program because of rampant anti-immigrant discrimination in the state; it later relented, and by the time the program ended, Texas was a part of it.
A New Migrant Worker Program

The Bracero program is not simply old history, it is something that must be looked at closely in designing a future guest worker program. What happened to the braceros is both a tragedy and a disgrace. The devil is in the details: a close look at implementation and safeguards is essential to ensuring that workers are not exploited.

—Harley Shaiken, director of UC Berkeley’s Center for Latin American Studies

In early 2006, U.S. President George W. Bush proposed a new guest worker program; he reiterated his desire for such a program in the 2007 State of the Union address, although any such program faces considerable opposition in Congress. The new program could be an expansion of the existing guest worker program, which has conditions similar to those of the Bracero Program: U.S. farmers anticipating labor shortages are allowed to recruit temporary foreign workers. It is estimated that fewer than one thousand of the approximately eight hundred thousand migrant workers in California alone are here as part of the federal guest worker program, which requires significant paper work and expenses on behalf of employers. Other proposals have ranged from providing amnesty to current undocumented immigrants to making the act of being in the United States without proper documents a felony.

A possible reason the Mexican government has agreed to pay the World War II-era braceros now is that it would like to promote the establishment of a new bracero program; having 80-year-old men protesting to the American government is not good publicity for such a program. Ex-braceros have been vocal in their desire to see the mistakes of the past corrected before any new program is instituted. Workers in several American cities and in Mexico have staged sit-ins and signed petitions not only over the lost wages from the Bracero Program, but also to call attention to the need for caution in any new guest worker program. They point to the fact that most proposals for the new bracero program do not allow for amnesty for existing illegal farm workers and that some even repeat the worst errors of the World War II-era program. One plan, proposed by Senator John Cornyn, even had a provision that would “withhold a portion of a guest worker’s wages, to be returned to them on their return to their home country.”

President Bush’s proposal calls for requirements similar to the Bracero Program, including incentives for workers to return to their home countries. However, because of post-9/11 concerns, his proposal does call for a more stringent paper trail to track the identities and whereabouts of any guest workers.

In order for this sort of tracking to work effectively, archivists and records managers will need to institute short- and long-term plans for records retention and recall. There are a number of possible pitfalls in a program of this type, many related to privacy. In addition, there is a likely possibility that any new guest-worker program would include wage garnishment as one of the incentives for workers; responsibility for documenting this process will also fall to record managers, both here and in the workers’ home country. These issues raise the fundamental question, What is the likelihood that a pension program will work as an incentive for guest workers? It did not work the first
time, when many of the workers remained in the United States after their permits ran out, and now any new workers would have the example of the unkept promises from the Braceros Program as a disincentive. Well-planned, publicized, and trustworthy record-keeping practices would mitigate the distrust sure to be felt by many potential workers. These practices would also serve to document the community for historical and evidentiary purposes. Education of temporary guest workers as to their rights and responsibilities would also fall to archivists and records managers. Without these steps, history could very well repeat itself.

**What Can Archivists and Other Record Keepers Do?**

American archivists and records managers should ask themselves a number of questions. How far are they willing to go to ensure the representation of cultural minorities in the archives? Is the role of the archivist to be a documenter or a witness? In the case of the Bracero Program, it seems there were no archivists or records managers filling either role. Although traditional archival practice may preclude taking an active part in searching out documents to represent particular communities, how valuable is the historical record as a whole when we are leaving so many people out? If and when a new bracero program is established, what part can the archival profession play in ensuring that the historical record of this program is maintained to a level sufficient to provide evidence of the actions and transactions involved? This will be particularly important for government archivists, who need to constantly examine the line between being a government representative and being an activist for the record. A viable, long-term records management program would be essential for any new braceros program, particularly if it involves delayed wages crossing national borders. And finally, what opportunities are here for international cooperation between archivists and records managers?

That something should be done seems clear. Braceros had children here, lived and died here, and fought for their rights here. Many of them saw themselves as members of the war effort, as soldiers who stayed here to keep the country fed while others went to the front. Like other immigrants, both documented and not, they became a part of the fabric of American life. Archivists and record keepers, in their role as agents of accountability and keepers of the historical record, can do much to help maintain the evidence of these people’s lives and rights.

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NOTES

8. Ibid.