

## Office Memorandum • UNITED STATES GOVERNMENT

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El Paso, Texas

FROM : A. S. Hudson, Chief, Alien Control Division,  
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SUBJECT: Arguments for and against consolidation of the Customs Border Patrol with the Immigration Border Patrol, and for and against a consolidated Border Patrol.

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To an outsider, not acquainted with the inner workings of the Immigration and Naturalization Service and its Border Patrol, it may appear that some steps should be taken looking towards the consolidation of the Immigration Border Patrol and the Customs Border Patrol, or setting up a consolidated Border Patrol under either the Justice or Treasury Department. I believe a close study and analysis of the Immigration Border Patrol, and possibly the Customs Border Patrol, will reveal that each has a specific task to perform and is fully occupied in performing that assigned task. For purpose of discussion, a break-down will be made of each proposition.

1. Arguments for the consolidation of the Customs Border Patrol with the Immigration Border Patrol.

For a number of years I have observed the functions of both organizations independently, and the only advantage that I can see for consolidation of these two organizations is (a) a possible saving in the supervisory and operations expenses, and (b) the settling of jurisdictional authority over which organization would guard and patrol certain specified areas along the international boundary.

2. Arguments against the consolidation of the Customs Border Patrol with the Immigration Border Patrol.

The duty of the Immigration Border Patrol and the Customs Border Patrol would appear to one not acquainted with the functions of these organizations to be similar, but I do not consider this true. The Immigration Border Patrol is specifically charged with enforcement of Immigration and Naturalization laws, principally to prevent the smuggling and illegal entry of aliens into the United States, and to apprehend those who have succeeded in so entering. To accomplish this mission, the following summarizes briefly the principal methods used by the Immigration Border Patrol:

Watching from concealment, by day and night, points on the international boundary known to be used by smugglers of aliens and aliens who attempt to enter the United States unlawfully; patrolling the international boundary by automobile, horseback, or afoot, and in

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some places observing the international boundary from observation towers; sign-cutting along the international boundary or in the open, back country; searching for illegal crossings along the boundary, and tracking down those who have entered illegally; questioning suspects on highways, railroads, and busses on routes of egress from the international boundary, and searching for smugglers and illegal entrants.

To properly cover the routes of egress from the international boundary, it has been necessary to establish Immigration Border Patrol stations at natural convergent points some distance removed from the border. Experience has taught us that it is practically impossible to guard the international boundary on the border itself. Throughout the international boundary on the Mexican border there is no natural barrier to prevent aliens from entering the United States illegally, with the result that an alien can enter the United States illegally almost at any point where he can then proceed to the population centers, where he hopes to become lost, therefore, it becomes the duty of the Immigration Border Patrol to ferret these aliens and take them into custody.

It must be understood that the Immigration Border Patrol is an integral part of the Immigration and Naturalization Service. It might be called the police force of the Service, but, on the other hand, the Immigration Border Patrol is called upon to perform many duties of the Immigrant Inspector. Border Patrolmen conduct investigations and gather evidence for use in expulsion proceedings; they conduct investigations in connection with naturalization proceedings; they make investigations and assist in supervising the parole of enemy aliens; they convey aliens for deportation locally and on transcontinental deportation parties; they act as Immigrant Inspectors at ports of entry; they act as departure control officers at ports of entry; they are assigned to enemy alien internment camps for the purpose of safe guarding enemy aliens. To further illustrate that the Immigration Border Patrol is an integral part of the Immigration and Naturalization Service, I wish to point out that shortly after December 7, 1941 the Immigration Border Patrol was called upon to guard and transport hundreds of enemy aliens. It formed a nucleus of personnel for all internment camps. When the diplomatic corps of the German, Italian, and Japanese nationals were interned, Immigration Patrol Inspectors were called upon to hold these nationals in safe keeping. I wonder how the Immigration and Naturalization Service could have met this situation without a mobile force of Immigration Patrol Inspectors! Since July 1, 1944 the Immigration Border Patrol has furnished over two thousand man days to duty normally belonging to Immigrant Inspectors. How could the Immigration and Naturalization Service function in this District without this trained force, subject to the direction of the District Director?

It is my belief that the Immigration Border Patrol is just as essential to the so-called administrative duties of the Immigration

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and Naturalization Service as the so-called administrative service is essential to the Border Patrol. In other words, the Immigration and Naturalization Service is an organization in which all of its members have a job to do, but each employee has been trained to be versatile, and is qualified to do many different jobs in the organization.

Not being intimately acquainted with the organization of the Customs Border Patrol, I cannot outline its functions, but from observation I believe the Customs Border Patrol is an integral part of the Customs Service; that it is charged with enforcement of the Tariff Acts, principally to prevent the smuggling of contraband. Generally speaking, the Customs Border Patrolmen work with tangible evidence, while Immigration Border Patrolmen deal mostly with persons. It would appear to me that the Customs Border Patrol would operate almost entirely along the international boundary, for the reason that once merchandise or other contraband is smuggled into the United States it is rapidly disposed of, while aliens entering illegally are live subjects, and are not subject to be disposed of as merchandise.

I believe that the organization of the Customs Border Patrol is such that it augments the regular Customs force when necessary by acting as Customs Inspectors at ports of entry. It would appear to me that the Customs Border Patrol is just as essential to the Customs Service as the Immigration Border Patrol is essential to the Immigration and Naturalization Service.

For the sake of argument, let us assume that the Customs Border Patrol is consolidated with the Immigration Border Patrol, or vice versa if the Immigration Border Patrol is consolidated with the Customs Border Patrol. Where would the Customs Service and the Immigration and Naturalization Service obtain the necessary personnel to perform the work which is being performed at the present time by the Customs Border Patrol under the Customs Service and the Immigration Border Patrol under the Immigration and Naturalization Service? One might say that the necessary instructions would be issued to the agency concerned to furnish manpower as needed, but in actual practice we all know that would not be satisfactory. We know from experience that an officer performing immigration duty must be closely in touch, and be constantly instructed, with all immigration matters, and I am sure that is equally true of the Customs Service. Due consideration must be given to the enforcement of Immigration and Naturalization Service laws, and to Customs laws. Each officer enforcing the respective laws is a specialist, and to properly enforce each of the laws involved would require two organizations within an organization, in the event the Customs Border Patrol and the Immigration Border Patrol were consolidated.

Let us assume that the Immigration Border Patrol and the Customs Border Patrol are consolidated, either under the Treasury Department or the Justice Department. You would then have an organization charged with the enforcement of the Immigration and Naturalization Service laws and with the Customs laws. Wouldn't it be natural for

this organization to take more interest and enforce more rigidly the laws which fall under the jurisdiction of the Department concerned. In other words, if the two Patrols were consolidated and placed under the jurisdiction of the Department of Justice, doesn't it sound reasonable to believe that the immigration laws would be given more attention and enforced more rigidly, while enforcement of the Customs laws would be only secondary? I believe this is equally true if the two Patrols were consolidated under the Treasury Department.

Another strong element to be taken into consideration in this connection, in the event of consolidation, is that certain Immigration and Naturalization Service officials and certain Customs officials would occupy supervisory positions. It would be perfectly natural for each of these officers to give more attention to the enforcement of the laws in which he had been trained and probably spent the greater part of his life enforcing. To be concrete, I venture to say that with such an organization in effect, one section on the international border would be enforcing the Customs laws rigidly, giving no attention to the Immigration laws, while another section would just as rigidly enforce the Immigration laws, giving little attention to the Customs laws. I do not believe this statement can be denied or overcome.

Under the present policy of the Immigration and Naturalization Service, a great deal of attention is being paid to promotion within the Service. The Immigration Patrol Inspector's duties are arduous in nature, his hours are irregular, he has to meet emergencies which require him to be on duty for extended periods of time, and he is subjected to all kinds of weather hazards. It requires a young man to satisfactorily perform these duties. As an Immigration Patrol Inspector becomes older he desires a more ordered life, with regular working hours and a little home life, at which time he begins to look forward to a promotion to one of the positions of the Immigration and Naturalization Service which will afford him that desire. I am sure this statement is equally true of the Customs Patrol Inspectors, and with the consolidation of both Patrols I seriously doubt that the within-Service promotions could be satisfactorily adjusted to the welfare of the officers concerned.

### 3. Arguments for a consolidated Border Patrol under either the Treasury or the Justice Department.

I have given careful thought to such an organization, and I cannot say one word in favor of it.

### 4. Arguments against a consolidated Border Patrol under either the Treasury or the Justice Department.

To set up such an organization would require another Federal police

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organization which, in my opinion, is not warranted. No doubt such an organization would be charged with the enforcement of all Federal law violations. No doubt such an organization would conflict and over-lap with the Federal Bureau of Investigation. There is no question but that this organization would be charged with the enforcement of the Immigration and Naturalization laws and the Customs laws, and would be operating in its entirety apart from what might be called the parent organizations - the Immigration and Naturalization Service and the Customs Service. I do not believe such an organization could properly enforce Immigration and Naturalization and Customs laws, because it would be so far removed from the policies and procedures of the parent organizations charged with enforcement of their respective laws. There is no doubt but that there would immediately be friction between this organization and the two parent organizations - the Immigration and Naturalization Service and the Customs Service. This organization would not be an integral part of either organization, and, generally speaking, would not be too interested in carrying out the policies of the parent organizations, but, on the other hand, would make its own interpretations and enforce the laws as it saw fit. There is no question in my mind but that the head of such an organization would be a policy-making officer, and as such there is no assurance that the Immigration and Naturalization and the Customs laws would be equally enforced, because the policy-making officer might be in sympathy with one law or the other, therefore, one of the laws would not be enforced.

I believe the arguments I have set forth against the consolidation of the Customs Border Patrol with the Immigration Border Patrol will apply as reasons against a consolidation of the two agencies under either the Justice or the Treasury Department.

G. S. Hudson