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international Migration and Border Region Violence

Joint Committee on Refugee Resettlement, International Migration and Cooperative Development

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CALIFORNIA LEGISLATURE
JOINT COMMITTEE ON
REFUGEE RESETTLEMENT, INTERNATIONAL MIGRATION
AND COOPERATIVE DEVELOPMENT
SENATOR ART TORRES, CHAIRMAN

Joint Interim Hearing on
INTERNATIONAL MIGRATION AND BORDER REGION VIOLENCE

June 22, 1990
San Ysidro
California Legislature

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JUNE 22, 1990 HEARING AGENDA
INTERNATIONAL MIGRATION AND BORDER REGION VIOLENCE

Introduction: Representatives of the Government of Mexico
Eduardo Ibarrola, General Director of Consular Affairs
Enrique Loaeza Tovar, General Consul of Mexico at San Diego
Miguel Angel Gonzalez-Felix, Deputy Legal Advisor to
Secretary of Foreign Affairs

ACADEMIC PERSPECTIVE

Dr. Cathryn Thorup
UCSD Center for U.S.-Mexican Studies
Dr. Gustavo del Castillo
Colegio de la Frontera, Tijuana

ADVOCACY PERSPECTIVE

Roberto Martinez, American Friends Service Committee
Sergio Mendez, Comite Civico Popular Mixteco, victim
Marco Lopez, Attorney
Juan Jose Gutierrez One-Stop Immigration
David Valladolid Coalition on Law and Justice

CITIZENS FOR CONTROL

Audrey Bergner Alliance for Border Control

COUNTY PERSPECTIVE

Brian P. Bilbray Supervisor First District
Augie Boreno, Director, Department of Transborder Affairs

ADMINISTRATION AND ENFORCEMENT

Chief Manny Guaderrama San Diego Police Department
Richard J. Neely Assistant District Attorney, San Diego
INTERNATIONAL MIGRATION AND BORDER REGION VIOLENCE

Background

January, 1990: a migrant worker was handcuffed, hit in the stomach a paper sack tied over his head; police arrest the white storeowner and his brother; March, 1990: a 13-year-old boy was shot near the levees at the border region known as "el bordo."; March, 1990, a 23-year old man is shot by a Border Patrol agent when he tried to protect his pregnant wife. These are three versions of violent episodes against Mexican migrant workers, drawing media attention and growing concern by officials on both sides of the border. Between May 1988 and May 1989 there were 33 homicides and 380 reported violations of civil rights against immigrants.

While border violence is not new, its level and very nature has worsened dramatically. Border criminal activity has increased as have tensions in the area as the continuing flow of migrant workers confronts an expanding population in the suburbs. The City of Encinitas declared a State of Emergency; citizens groups, such as the Alliance for Border Control, have emerged to discourage border crossings by mobilizing "Light up the Border". Anti-migrant vigilantism has included harassment by youth, random attacks on migrant camps, sniper attacks as well as increased shootings.

Groups monitoring border violence raised concerns with attacks by the Border Patrol and law enforcement as well as increased in criminal activity. Recent killings by the border patrol and law enforcement prompted advocacy groups to call for an independent investigation. Of particular concern has been holding law enforcement officials accountable for apparent abuse of excessive force.

The anti-Mexican migrant violence has raised serious concern in Mexico. Over one-fifth of Mexico's labor force is working in the United States. Mexico's Consul-General has been actively monitoring episodes of violence and publicly asked the San Diego community to reject the demonstrations taking place at the U.S. Mexican border called "light up the border." During the last week of May the Mexican government, concerned with recent shootings of Mexican nationals and increasing tensions sent a four-member panel to San Diego to review developments.

Increased tensions is taking place in the larger context of changing regional social demographics and socio/political
relationships between the U.S. and Mexico. Both the San Diego and Tijuana regions have experienced considerable urbanization and growth in the past twenty years but with enormous economic imbalances. Third World meets First World as continuing flows of migrant workers are confronting expanding surburbia. Established migratory networks providing an inexpensive source of labor for agriculture, services have increasingly faced under-employment and homelessness even as 1.6 million in the state became legalized under the Immigration Reform and Control Act of 1986.

Regional cross-border solutions to the problems are difficult, complicated in the micro sense by jurisdictional issues and in the macro sense by questions of national sovereignty and an historic failure to understand the border region for its unique set of socio-economic and spatial dynamics.

Purpose of the Hearing

The Committee hearing is designed to assess the border region situation, focusing on increased tension and violence, to increase general awareness and identify an appropriate response. The agenda will include governmental entities from Mexico and San Diego County, academics studying Mexico-U.S. relations, advocacy groups, citizen groups, border patrol and law enforcement. Specific issues:

- overview the general situation from governmental perspective from both Mexico and San Diego county

- context: current state of U.S.-Mexico relations and socioeconomic dynamics of border region

- human rights violations - to establish a basic understanding of migrant rights, extent and nature of rights violations, migrant access to redress civil rights violations

- impact of current Border Patrol and law enforcement policies, including effect of increased drug enforcement role on migrant protection, and controlling the use of excessive force

- current or proposed mechanisms to address specific problems and underlying causes and how the state can effectively facilitate protection for migrants and reduced tensions in border region.
CHAIRMAN ART TORRES: The Joint Committee on Refugee Resettlement, International Migration and Cooperative Development will now come to order. I'm Senator Art Torres from Los Angeles and Chairman of this committee; and to my right is Assemblyman Rusty Areias who represents Los Banos and is Vice Chair of this committee on the Assembly side, which is a joint Senate and Assembly committee. We will have other members apparently joining us a little bit later.

As Chairman of our State Legislature's Joint Committee on this issue, I want to welcome you to our hearing here in San Ysidro. We've come to assess the situation, both from its tragic specifics and from a larger picture of the region's binational context in respect to international migration and border region violence.

Through our assessment we hope to take the first step toward understanding what is happening to hopefully facilitate solutions through existing mechanisms and to initiate steps toward peaceful coexistence for all people in this unique situation, and, clearly, in this unique region, as well.

Border violence is not a new phenomenon. However, in the recent past, its intensity has increased and its nature worsened dramatically. Tragically, reports of deaths are becoming commonplace; ironically, in some cases, at the hands of enforcement agencies with the responsibility to protect human life.

And we have seen discrimination take new form and voice in fomenting anti-immigrant activity, not only here but throughout the state, and quite frankly, throughout the nation. Most troubling are reports of young people taking part in vigilante acts against migrants. In October 1989 gangs of white teens shoot at migrants; in March 1990 a store owner beats and kidnaps a migrant worker.

Immigrants crossing the border without inspection clearly take enormous risks to feed their families. These are generational migration patterns, and the assumption that the 1986 Immigration Reform and Control Act would stop cross-border migration has been proven wrong.

While IRCA did make it illegal for employers to hire undocumented workers, it did not stop them from doing so, nor did it remove basic rights for migrants to be free from violence.
At issue today is the protection of those rights. I believe we must commit ourselves today to protecting those rights by coordinated efforts of our own governmental entities and in partnership with our Mexican counterparts.

The years of immigration debate has long dealt with the push/pull factors. IRCA attempted to deal with the "pull" factors and I, as a member of the National Commission, which we will report to the President and the Congress next month, believe that there is much progress being made to ensure that economic development occurs on both sides of the border; to take dramatic steps in developing more employment prospects within Mexico and Latin America, as well as within Asia and the Caribbean.

But balancing the scales, I believe, will take years, and we are here today at the steps of our international border to hear from a variety of perspectives so we can gain an understanding what is being experienced here and what steps we, in the State Legislature, can take in response.

We will not be hearing from the INS or the Border Patrol. They have refused to attend this hearing today. And in light of the recent articles in The Los Angeles Times, it seems clear why. I don't think the new Director of the INS wants his positions questioned.

And it's unfortunate that we were just informed of a new Department of Justice policy not to participate in any hearings for fear of cross-examination by members of the Legislature here in California. It's not unexpected. The INS has always had this problem in terms of dealing with its citizens, not only Mexican nationals and Mexican-Americans -- Latin Americans -- but its citizens as a whole. And I think the INS -- as we are recommending on the federal level to the President -- needs to be completely reorganized if we're going to deal with an adequate response to migration in the United States, and we will be meeting with Attorney General Thornburg next month, as well as the President, to make sure that those recommendations are felt.

I hope that the context of this meeting helps us to bring together ideas -- bring together concepts -- and hopefully to ameliorate the problems that we've experienced in the past. I've always felt that the issue of economic development has to occur on both sides of the border -- that if we provide economic development and encouragement for Latin American and Caribbean and Asian countries, then I believe those kinds of impacts can have a direct benefit for the State of California.

As the first item on our agenda, I would like to introduce representatives from the Mexican government who are here as international observers. First of all, Senor Eduardo Ibarrola is the General Director of Consular Affairs, whom I met with in Mexico City just a few weeks ago when I met with the President of Mexico during meetings held there related to the National Commission on International Migration and meetings raised and concerns.
Senor Miguel Angel Gonzalez-Felix, Deputy Legal Advisor to the Secretary of Foreign Affairs.

SEÑOR MIGUEL ANGEL GONZALEZ-FELIX: Thank you very much.

CHAIRMAN TORRES: Thank you for being with us.

And Senor Enrique Loaeza, the Consul General here in San Diego.

SEÑOR IBARROLA: He's coming.

CHAIRMAN TORRES: He's coming -- who has recently moved here from San Francisco.

As those of you know who live in this area and have been monitoring these issues, Mr. Loaeza, as General Consul, has been very active in monitoring episodes, voicing concerns about the effect of the "Light Up the Border" movement and actively working in concert with officials here to assess the situation and to develop workable solutions.

I am very pleased that you gentlemen were able to attend today, and my gratitude, again, to the government of Mexico for allowing you to come here. It's particularly enlightening that the government of Mexico is much more sensitive to California than our own government, in the form of the INS Director, and so I appreciate you being here today.

We'd like to open up our hearing now to any remarks by Assemblyman Areias.

ASSEMBLYMAN RUSTY AREIAS: Thank you, Senator. First, to commend you for your foresight as Chairman of the Joint Committee in bringing us -- calling us and bringing this hearing to this particular location.

We're here to learn as much as we can about the problems here. It is a mystery to me why, with the kind of cooperation that seems to be breaking out through most of the world -- the Berlin Wall coming down, democracy on the march, the kinds of cooperation that people are demonstrating all over the world -- why we can't work more effectively together -- the Mexican government, our government here in the United States, the provincial governments -- to solve some of the historical problems.

While things seem to be improving in most other reaches of our planet, the problems seem to be intensifying at this particular location. So I'm pleased as Vice Chairman of the Committee to join with you to find out all we can -- to learn as much as we can so that we can utilize our particular stations in the process to help to bring together some cooperation that will resolve the problems here.

My family came from the Azores Islands during the European migration right after the turn of the century. And people don't migrate because things are good in their country; they migrate for the same reasons that my grandparents did -- because of the lack of opportunity -- the repressiveness. They don't leave a culture that's common to them, a language that's common to them. They don't leave their family to go abroad and experience the discomforts.

We need to work effectively with the government of Mexico. There seems to be some
cooperation -- evidence as a result of the meetings between Salinas and Bush recently. We need to take advantage of that cooperation at this location and solve the problems and I hope that these hearings will be a good start toward that.

So, thank you, Senator.

CHAIRMAN TORRES: Thank you very much, Mr. Areias.

Mr. Eduardo Ibarrola for a brief comment. Mr. Ibarrola is head of all of the consular offices of the Republic of Mexico throughout the world, and we're very honored that you have been with us today.

MR. EDUARDO IBARROLA: Thank you, Mr. Chairman. Thank you for the invitation.

Just a few acknowledgments from the Mexican government. We would like to thank the California Legislature for the invitation extended to present you some reflections on international immigration and border regional violence.

It would also like to commend the organizers of this public hearing that will help to facilitate an appropriate response to concerns regarding the increasing violence against Mexican migrants.

Migration is a complex phenomenon whose economical, political, and social causes should be dealt with the appropriate attention.

Immigration has been a constant in human history. Modern communications technology further helps to facilitate migration's flows; therefore, modern society must find proper conditions to deal with this phenomenon.

Mexico and the United States share a common border of almost two thousand miles. The U.S. economy needs the workforce of Mexicans and also Mexicans need the job opportunities in the U.S. This is an economic reality and to prove that we just need to take a look to the economy of California.

However, President Salinas De Gortari has stated in several occasions that Mexicans should work in Mexico. That is one of the powerful reasons for the economic growth and modernization programs being undertaken in our country.

Mexican migrants are not criminals. They are hard-working people and therefore it is necessary to separate the migration phenomenon from the question of criminality.

Immigration is a bilateral problem whose solution does not depend just on one party, but must be agreed upon binationally and inspired by the standards of civilized behaviors of two mature and independent societies such as ours.

These solutions should seek formulas of understanding on the basis of the principles of social morality which have as their starting point the preservation and respect for the few fundamental rights of every human being.

The Mexican government has always demonstrated its concern regarding the conditions in which its nationals outside its borders live wherever they may be. In addition, it is a very serious concern of the Mexican government the increasing violence at the
border region against its nationals.

On the basis of the recognition of the complexity which the intense flow of visitors or migrants represents in both countries, the government of Mexico and the United States have established mechanics of consultation such as the working group of immigration matters in whose context both countries share an interest and concern in finding solution of these problems.

Just a few weeks ago, the last meeting of these working groups took place in Tijuana, precisely because of this last and recent incident.

For all of these reasons, the Mexican government wishes to acknowledge the California Legislature for this opportunity to participate, although we are now here only as of service, but we reiterate our commitment to work in the spirit of cooperation, mutual understanding, and good neighborliness to eradicate the climate of violence against Mexican migrants.

Thank you, Mr. Chairman.

CHAIRMAN TORRES: Thank you very much, Mr. Ibarrola. Do you have any questions?

Mr. Ibarrola, I want to thank you again and please give my warmest personal regards to your President, who also told me privately, as well, that he believes that Mexicans ought to work in Mexico and that we ought do everything to support and encourage the economic cooperation between Mexico and the United States, and clearly, between California and Mexico.

Mr. Areias.

ASSEMBLYMAN ARENIAS: Yes, are you aware, in terms of the discussions that have taken place recently between the Bush Administration and the Salinas Government -- can you give us any insights in terms of any dialogue that may apply to the situation here in the southern-most part of California on the Mexican border?

MR. IBARROLA: Well, as I told you at the beginning, unfortunately we are here only as an observer. However, I can tell you that the position of Mexico -- and it has been in the past -- it is now in the moment -- is to insist, as we have said before, that we have to separate the migration from other facts of criminality. And that is our main concern.

The Mexican migration to the United States has been for a long time-period and it is an economic phenomenon, a social phenomenon, but not a criminal phenomenon. And we, as I told in this brief statement, we want to separate from the criminal element that some people tend to identify.

I just want to express the concern of the Mexican government to protect their nationals when they are abroad, and also to cooperate with the United States to find solutions to deal with this very important phenomenon of immigration. But unfortunately, I am here just as an observer. Thank you very much.
CHAIRMAN TORRES: Thank you very much, Mr. Ibarrola.

Does Mr. Gonzalez-Felix want to make a statement?

MR. GONZALEZ-FELIX: I think that Mr. Ibarrola covered the main points. Thank you.

CHAIRMAN TORRES: All right. Thank you very much. (repeats thanks briefly in Spanish)

Dr. Cathryn Thorup, UCSD Center for U.S.-Mexican Studies, and Dr. Gustavo del Castillo, Colegio de la Frontera, Tijuana. Welcome to the Committee.

DR. CATHRYN L. THORUP: Thank you. Mr. Chairman and distinguished members of the Committee, I appreciate this opportunity to appear before you today to testify on international migration and border region violence.

It is ironic that at a moment in which the United States and Mexico are moving forward at breakneck speed toward an ambitious program of economic integration, that the border region seems to be proceeding with similar speed through a downward spiral of deterioration.

The immigration problem, as has been said, is complex and has its roots in the asymmetry of two societies at markedly different levels of economic development -- that share a two-thousand-mile border that both joins and divides them. It has been aggravated by the economic decline in Mexico since 1982 and by the tremendous growth in economic activity on this side of the border. These two facts have conspired to produce such a heavy flow of migrants into the region so that local resources for housing, education, and health care have been stretched thin.

As new, up-scale housing developments compete for space, with canyon dwellers with no place else to go, the benefits of immigration -- particularly in the service sector -- are welcome, but the costs are not. There is a willingness to employ maids and gardeners during the day, but these individuals are expected to disappear without a trace at night. Local communities are trying with varying degrees of success to deal with the problem that is highly complex, but are hampered in their efforts by extremely limited resources. How to handle the issue has become a divisive subject in one local community after another. And all of this has produced a growing level of frustration.

I'd like to make three recommendations that I believe would contribute to an easing of tensions while we continue to work on some of the underlying causes of the problems, such as the concern about the economic impact of immigrants in the U.S. labor market, depleted city budgets, and racism.

I would recommend the formation of a binational border task force. Secondly, a citizens' coalition on border violence, and finally, a public education campaign in San Diego on Mexico and U.S.-Mexican relations.

With regard to the first suggestion, a Binational Border Task Force, Mexican migration to the United States is a bilateral issue that requires bilateral solutions.
A Binational Border Task Force would provide a forum for discussions among U.S. and Mexican government officials from the local, state, and national levels; academic and policy specialists; business people; and representatives of key grass roots constituencies. The objective of the group's efforts would be to design and recommend a series of measures to promote cooperation and conflict resolution at the border.

There's a growing recognition in both capitals that there is much to lose, both economically and socially, if the current situation is allowed to fester. The U.S. Department of State has now designated a border coordinator. And the Mexican Foreign Ministry recently sent a team of specialists to the area to analyze the recent incidents of violence. So on both sides there is disposition for action.

The results will be enhanced with less opportunity for misunderstanding arising out of unilateral actions by the other side if the problem is approached jointly.

The second suggestion is for a Citizens' Coalition on Border Violence. The goal of a broad-based citizens' coalition would be to promote the exchange of ideas among private citizens outside formal government to government channels. The group should include participants from both sides of the border interested in reducing the level of tension and exploring areas for cross-border cooperation.

Border violence should not be examined in isolation. One key task for the group would be to explore the ways in which border violence relates to a broader pattern of violence in our society. The culture of violence extends beyond the border to include hate crimes, vigilantism, law enforcement officers too quick to use legal force, and gangs. Anti-Semitism, gay-bashing, and violence against African-Americans, Asians, and Hispanics are grounded in the same climate of intolerance as the "Light Up the Border" phenomenon.

The Citizens' Coalition could establish linkages with other groups that are targets of violence to devise common strategies for a shared problem.

Finally, public education. Efforts to educate the public on U.S.-Mexican relations have been sporadic, under-funded, and poorly conceptualized. There's an urgent need for a large-scale program in public education to prepare citizens in both our societies for a much intensified level of interaction over the next decade, which will be based on economic integration and increased citizen-to-citizen diplomacy.

Violence flourishes under a steady diet of ignorance and stereotypes. A climate of tolerance cannot be legislated, but it can be fostered through an intensive public education effort at the level of public schools, churches, adult education centers, and civic organizations.

The new pluralization of societal contacts -- increasing public exposure to and knowledge about the issues that link the United States and Mexico -- may eventually provide the solid underpinnings for a workable partnership between these two countries.
An indispensable corollary to the establishment of a free trade agreement will be the creation of a culture of integration in both countries. Public education is a critical part of this process and San Diego is well-placed to develop a pilot project that could serve as a model for other U.S. communities.

In conclusion, the issues confronting the border are complex, but it is in the interest of us all to turn our concern into action. San Diego stands to gain a great deal in terms of its society, its economy, and its morale if immediate steps are taken to reduce border violence and foster border cooperation. Thank you.

CHAIRMAN TORRES: Why do you think the other commissions have failed that we've had? We have so many commissions dealing with the border from California to the U.S. government. We've reviewed that as part of our commission work on the federal level. Why do you think these commissions have failed? We have one on health; we have one on -- on other areas. Why do we need another new commission?

DR. THORUP: I think that a commission that would incorporate not only the two governments, but a broad array of citizens in both countries, that would look at the problem as one which is a very complex phenomenon, might stand a better chance of success. I think that one of the developments which is going to be extremely important in U.S.-Mexican relations over the next decade is going to be the increasing involvement of private citizens in setting the tone of U.S.-Mexican relations. And I think that here on the border we're setting a tone which is not necessarily conducive to a positive relationship between the two countries, which, as I pointed out at the beginning of my comments, is ironic given that the direction of the bilateral relationship as a whole is in a very positive direction.

So I think that a commission that would be looking not just at certain government-to-government solutions, but would be looking at including citizen diplomacy, would be an important asset.

CHAIRMAN TORRES: Do you think that the efforts by the Salinas De Gortari government have been positive in that direction in terms of more cooperation between our two countries?

DR. THORUP: Yes. I think that the Salinas Administration is definitely interested in taking a much more cooperative attitude towards the United States on immigration issues. I think that for a long time there was a sense that the immigration issue was one which was solely of domestic concern here in the United States, and therefore there was reluctance on the Mexican side to express opinions about the migration phenomena. I think that's a thing of the past. I think the Mexican government is going to be much more active in expressing its point of view on migration and in working with communities on this side of the border to try and find solutions.

The fact that President Salinas himself was personally involved in the case in
Carlsbad, I think is an indication of a rising interest, and the fact that the new Mexican Consul has had a very high profile stance here in the San Diego area is another indication of, I think, a new era in terms of U.S.-Mexican relations on the issue of migration.

CHAIRMAN TORRES: Of the four Mexican presidents that I've dealt with over the years, I have found this president to be the most assertive in that regard. And I believe that he deserves our support because I think he's making some tremendous inroads in terms of the economic development of Mexico, which will only seek to benefit, I believe, California.

Do you believe in that context, as well, that there should be an economic provision within such a border commission to look at those issues as well?

DR. THORUP: Yes. I mean, I think that we need to move on several different levels at the same time. As I tried to point out, the underlying causes of the immigration problem are rooted in the economic asymmetry between the two countries. To the extent that Mexico can get growth restarted in its own country -- that's going to diminish the pressure for migration; and I think the Mexican government, as has been said here this morning, is interested in having its own citizens work within its own territory. But I think that that's a very long process and I don't think that we can wait until the economy improves to do something about a situation which is deteriorating day by day.

CHAIRMAN TORRES: In terms of your U.S.-Mexico studies program at the University of California at San Diego, do you find that other countries like Japan and Taiwan and other major industrial countries are being more assertive in their relationship with Mexico than we have been?

DR. THORUP: Well, I don't know if I would say that they've been more assertive. I think the United States has been fairly assertive in its relations with Mexico. But I think that one of the developments which we are seeing is that Mexico is diversifying its ties with countries around the world. Its economic relations with Japan are increasing. I think it's looking towards Europe 1992 in the same way that we are here in this country. So I think that all over the world there is a great deal of interest in Mexico and I think that it's matched here in the United States, but I think that it's part of a larger process.

CHAIRMAN TORRES: I'd like to welcome Assemblyman Steve Peace, who represents part of the area here in San Diego.

Mr. Areias, for questions.

ASSEMBLYMAN AREIAS: Yes, in the research and review that we did for this hearing -- while the problems at this particular -- in this area have been historical, they seem -- the intolerance seems to be intensifying, particularly on this side of the border by Americans in terms of the situation. Other than the economic dilemma that
you alluded to earlier, are there any other factors that have intensified the intolerance -- moved people into action on this particular side? It seems to be a much bigger and growing issue than it's ever been. Are there any other factors that you can cite to us?

DR. THORUP: I think really that the economic factor is the key one. I mean, there's a...

ASSEMBLYMAN AREIÁS: And the volume of people.

DR. THORUP: Right. I mean, the fact that the Mexican economy has been in decline since 1982 -- the standard of living has dropped about 50 percent since then -- has put tremendous pressure on this area, and I think that there is a lot of -- there's stereotypes, there's ignorance, there's a sense that Mexicans will take jobs from Americans, there's concern about the loss of jobs. So...

ASSEMBLYMAN AREIÁS: Plus the growth in San Diego County.

DR. THORUP: I think that's part of it. I mean, the growth in San Diego County acts as a magnet. I mean, there is a desire to employ individuals from Mexico and it's a magnet for those that are coming across who are in a situation which is much more difficult in their home country.

So, again, I would say that it's basically rooted in economic issues that are sometimes expressed or are attached to issues of racism.

CHAIRMAN TORRES: All right. Thank you very much, Doctor.

Dr. Gustavo del Castillo, welcome to the Committee. Dr. Castillo is with the Colegio de la Frontera in Tijuana.

DR. GUSTAVO DEL CASTILLO: Thank you, Mr. Chairman. Thank you for inviting Mexican academics to participate in this hearing.

CHAIRMAN TORRES: We will be doing much more of that in the future to make sure that our interaction, both at academic, economic, and social levels, becomes more significant between Mexico and California.

DR. DEL CASTILLO: Thank you.

Over the last ten years, Mexico has undergone rapid social and economic transformations as a result of a deep economic crisis unequaled in the last one hundred years. To adjust to this process, Mexico's private and public sectors have undertaken adjustment measures designed to thrust the country into the world scene as a modern country. These measures clearly have influenced the bilateral relations between Mexico and the United States.

The U.S. on its part has also taken economic measures which favor Mexico's entry into the world scene, and some political measures, such as its immigration laws whose effect on Mexico are still unclear.

Nevertheless, independent of its real effects, Mexican resentment over the
treatment of Mexican workers in the U.S. is very much a sore point in the bilateral relations.

One area and region where the effects of the internal policies of both countries are readily manifested is the border region. We have here, in the Tijuana-San Diego region, the most intense international crossing point between two nations anywhere on earth. Thus it is understandable that conflict and friction will arise in an area where such intense social interactions are taking place. Yet the death of Mexican workers, women, and children cannot easily be explained away.

Mexican bandits, combined with the actions of San Diego police and Border Patrol personnel, are responsible for the dead. The most amicable bilateral relations between our two countries are threatened by the arming of social actors on both sides of the border, although few would question the preponderance of guns by U.S. agents and private citizens who now have turned their attentions to a sadistic game of "hunt a Mexican."

This sad situation must be solved in an atmosphere of bilateral cooperation with an understanding and tolerance of cultural differences and with a political will unencumbered by ideologies of racial superiority and manifest destiny.

Our specific task in this understanding as social scientists is to clarify, if we can, the social, economic, and political complexities which manifest themselves in a region such as that as exists here in San Diego-Tijuana.

If we think that this situation has grown intolerable today, the reasons behind the international mobility of labor will only accentuate the flow. But they should also change its basic nature and characteristics in the future as further integration between the two countries takes place.

As factor flows become unencumbered through economic reforms in Mexico, such as the liberalization and opening of its economy, the flow of investment capital, and the exchange of technology, the tendency will be to the creation of a bilateral system of labor markets, which up to today have seen the flow of workers from south to north, but which, in the future, will also see American workers flow into Mexico.

Whatever restraints are placed on labor mobility will only hinder both of our economies, making them less competitive in the international markets. In this sense, restraints on labor mobility equal the effects which terrorists have on commercial relations. Economic efficiency is lost and consumer prices are increased.

The existing data on international labor mobility of the flow of Mexican workers to the United States begins to indicate that the characteristics of these workers are changing rapidly, affecting the labor markets in the U.S. Today there has been a rapid diversification of the type of Mexican workers flowing north. There is now an even split between workers engaged in agricultural activities and those working in the
service sector. This diversification corresponds to the diversifying U.S. labor market and the increasing diversification of the Mexican economy which has required more specialized workers.

There has also been a diversification of regions from which Mexican workers have traditionally originated. The sending areas have shifted from predominantly agricultural to Mexican urban areas. These workers have significant socioeconomic characteristics which will influence the jobs they undertake and their expectations. Ninety-seven percent of all workers crossing the border have up to twelve years of education, with the median being six years. Also, 95 percent of all workers moving north had a job in Mexico before trying to enter the U.S.

These characteristics have made it possible for Mexican labor to undertake a wide variety of jobs in the U.S. As was mentioned above, approximately 28 percent of all workers find employment in the service sector of the U.S. economy, 13 percent in the manufacturing sector, and 18 percent in the construction industry, while a heavy 41 percent still find employment in their agricultural sector.

CHAIRMAN TORRES: What was the first percentage, again, before the 13 percent?

DR. DEL CASTILLO: Twenty-eight.

I would like to argue that while employment diversification is taking place because of the varied skills of the Mexican labor force, an additional explanatory factor for this diversification has to do with the characteristics of the labor markets where these workers find employment. I posit that these labor markets are characterized by their permeability, allowing varied skilled workers to move horizontally from one labor market into another.

The permeability of these labor markets accounts for at least two factors associated with the international mobility of labor. In the first case, it accounts for the seemingly endless job possibilities open to Mexican workers, which in turn creates an endless stream of workers moving north in search of these multiple job opportunities.

I would further like to say that I think that the multiplicity of job positions available is only a perception due to technical factors having to do with the rate of horizontal mobility, and that it is possible that Mexican workers will find unemployment instead of jobs if their arrival in the U.S. is synchronous with the mobility cycle where most job posts are filled.

To correct the situation, I have argued as a minor advisor to the Mexican negotiators in the Uruguay Round that one, labor, just like any other commodity traded in the international markets, be licensed by the Mexican government, thus guaranteeing its quality.

Second, labor ought to be allowed to flow freely under certain conditions. These
conditions are that labor flows be temporary and that they manifest themselves as individual workers in search of a job contract, or that a service company, under contract, hire workers for a specific job and duration. Under this latter condition, Mexican government certification of a company's credentials would also be necessary.

Within this context, the only Mexican labor flows to the U.S. would be composed of certified workers and of certified companies hiring Mexican workers. It should be understood that the certification process does not mean having a permit to immigrate, but only that an individual has the skills preparing him to do construction work, plumbing, or electrical work, et cetera. Immigration procedures would remain in place and be handled by the normal existing procedures. The flows of labor in either direction could be handled by procedures which today regulate trade flows, such as contingency protection measures which fall into place when there is a threat to domestic industry, or anti-dumping measures reducing the flow would be triggered if non-negotiated actions are taken by either country.

This approach to the control of international labor flows requires a degree of binational trust and cooperation not present anywhere but in the European economic community as it prepares for full integration in 1992. Mexico and the U.S. should be heading in the same direction. Their binational trade manifests this trend. Mexican needs, and present day policies to encourage foreign investment, are aimed at American investors. I would suggest we explore the multiple possibilities which exist in regards to labor exchange and step away from the killings, the sadness, and the constant recriminations. Thank you.

CHAIRMAN TORRES: Thank you, Dr. del Castillo. Any questions?

Doctor, you indicated in your remarks that the nature of the Mexican national to the United States has changed, not only in its origin geographically, but also in its preparation. You argued that the 12 years of education is decidedly different than we had experienced before in terms of migration patterns. What accounts for that change?

DR. DEL CASTILLO: Well, basically is that Mexico over the last 50 or so years has modernized and has invested heavily in the area of education so that now you have a much more educated population and it is the most educated -- the ones with the most expectations -- that are willing to move north in search of a job.

CHAIRMAN TORRES: And so the same phenomenon that we have seen with Asian countries and other countries where, essentially also in Central America, especially during the last ten years of Sandanistas, we experienced a brain drain, is what you're saying in terms of the nature and the scope of third world countries.

DR. DEL CASTILLO: Yeah, it's a much more generalized brain drain than is usually -- as we usually conceptualize. It's not the intellectuals moving north. It
is the general population which has a high level of education.

CHAIRMAN TORRES: Los Angeles' chief source has been Zacatecas in terms of L.A. immigration. Is that changing in respect to different states that are providing more population for America and California?

DR. DEL CASTILLO: Oh, yes. Basically we now have, I believe, three main flows coming out of Mexico: the center migratory flow, which is the Zacatecas-Jalisco flow; we have one that is coming from the gulf coast that goes principally to Texas and Florida; and a western flow which begins in the states of Guerrero and flows into western Mexico and California.

CHAIRMAN TORRES: Many of the issues which we will be giving to the President and the Congress next month in terms of immigration flow and how to stem it, not only from the Caribbean basin but also from Latin America as well, has a great impetus on what's happening now in the Uruguay Round in terms of any agreements, especially in economic terms, and clearly, the GATT (General Agreement on Tariffs and Trade) negotiations, as well, in terms of product movement.

But what struck me from your comments was the nature by which we ought to begin to monitor or coordinate the flow of workers in the United States. How is that different from earlier programs that we've had for guest workers in the U.S., from your perspective?

DR. DEL CASTILLO: Basically here, we're not talking of the contracting workers and thus encouraging migratory flows as in the past, but we're talking of contracting services. And this is radically different from in the past; that is, we are not contracting specific individuals to do specific tasks. What we're doing is contracting a company to do a specific job with Mexicans or other nationals.

I suggest that having licensed workers -- that, in this sense, we would not be encouraging the migratory flows, but that we would have a system of controls on both sides of the border where workers would come only under certain temporary conditions with very specific permits to look for jobs as happens in the Spanish legislation -- in Spain. Labor flow mobility is almost free with laborers not even having to go to the immigration authorities. They go directly to the labor councils and the permits vary from a few hours to 90 days. They have no problem with it -- with the question. It's not a migration problem; it's a labor problem.

CHAIRMAN TORRES: So you're talking about solidifying and putting into more concrete form what occurs already across the Calexico-Mexicali border; that is, people coming over for the day and going back.

DR. DEL CASTILLO: Yes, except what happens in Calexico is that the ones that come to the U.S. are either green carders or have legitimate work permits.

CHAIRMAN TORRES: Yes, but I'm saying what you're talking about is an expansion of
that concept to include the legitimate -- to legitimate the contracting out for specific services with corporate entities in Mexico.

DR. DEL CASTILLO: That's right. And what I'm also saying is that this can be negotiated either in a form such as the GATT or we can negotiate it bilaterally.

CHAIRMAN TORRES: In terms of that bilateral agreement, would you foresee also the coordination of American companies contracting for those services, or..?

DR. DEL CASTILLO: Oh, definitely.

CHAIRMAN TORRES: So you would see a bilateral approach in the corporate sector as well.

DR. DEL CASTILLO: Totally. In other words, I would not just favor Mexican companies or Mexican workers. This would also apply to Mexican companies wanting to do jobs in Mexico.

CHAIRMAN TORRES: The appeal of the Maquiladoras along the border of the U.S. and Mexico has been one that would stem the flow of migration. Have they been affected in that regard?

DR. DEL CASTILLO: That's kind of a hard question in the sense -- because what's happened, in fact, is that the Maquiladora has been a training ground for workers. In other words, the Maquiladora has provided skills for Mexican workers which might not have had them beforehand. Those skills are immediately marketable in the U.S. This happens not just in the Maquiladora. It happens in our educational institutions. We have personnel that become computer experts and the next day they -- we train them and the next day they're working in the U.S.

CHAIRMAN TORRES: Has it been your experience, in terms of your research, the following statement? In conversations I had with the members of the Mexican Congress, there was some concern about the health and safety and wage conditions of Maquiladoras along the border. Is that still a concern?

DR. DEL CASTILLO: Oh, very much so. That is, we know that the Maquiladora industry has not become integrated into the Mexican economy for various reasons, so that it is not a sort of an industry that has -- I think does not have a great future in Mexico. In other words, I think we would be committing a major error if we think that Mexico will turn into one huge Maquiladora.

CHAIRMAN TORRES: So you favor the establishment of Maquiladora concepts to the interior of Mexico even more so?

DR. DEL CASTILLO: No, what I favor is the development of the Mexican economy. Unfortunately, over the last ten years, that has been a very hard thing to bring about because of the lack of investment monies either in the public or the private sector, but that is the situation that has to be -- has to change if we want to reduce the unemployment level in Mexico.

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ASSEMBLYMAN STEVE PEACE: Mr. Chairman?

CHAIRMAN TORRES: Just a moment. I'd like to introduce Assemblywoman Lucille Roybal-Allard from Los Angeles. Welcome to the Committee. And Assemblyman Peter Chacon from San Diego, who is also Chairman of the Elections and Reapportionment Committee in the Assembly. Welcome to the Committee hearing.

Mr. Peace, for a question.

ASSEMBLYMAN PEACE: One of the concerns locally with respect to the development of Maquiladoras has been the character of the industrial development on the American side of the border. Probably the most characteristic gripe being that we have a bunch of warehouses being built on this side of the border.

Do you have any ideas about how -- what things can be done on both sides of the border to ensure that the development of Maquiladora programs do in fact reinforce both work forces and provide opportunities there? And specifically, what role, if any, do you think could be played by the placement of the University of California campus in the immediate vicinity?

DR. DEL CASTILLO: Lots of questions. A few answers. What's happened in Mexico is that the need for foreign exchange has been so great over the last ten years or so to pay for Mexican debt, that the Maquiladora industry has gone ahead and provides now most of the manufactured exports of Mexico. We know that what's being traded internationally are not Mexican manufactured products, but they are Maquila products instead. Very few of us would classify them as Mexican products. In other words, 85 percent of what we call U.S.-Mexico trade is composed basically of intra-firm exchanges.

A second negative point is that because of the economic needs in Mexico, many previously Mexican-owned companies are turning to the Maquila process because it is a mechanism that fosters exports. So we're, in effect, losing industry, instead of creating industry.

The third thing that's happened is that the Maquila has not been the source of technology transfers that we thought would exist. For instance, only about one percent of Mexican -- of the Maquila products are integrated into the Mexican national economy. There is very little trickle effects. And as a general statement, there are regions, for instance, like the Monterey and Nuevo Leon state, where about 45 percent of local industry is integrated into the Maquila. So in that sense, if we could say that Mexico -- that Monterey is following very much sort of a Taiwanese or Korean model, that is the exception.

What to do about it, like I said before, I would personally hate to see the country as one big Maquiladora. I would sort of paraphrase Carlos Fuentes that said "Mexico is now one oil well." To say Mexico is now a Maquiladora. In other words, we cannot
expect to become a modern country betting on low-wage workers that will work for the Maquiladora industry. That is not my idea of growth.

Now, with respect to your last question, and that is the UC campus, that would -- I don't see how a UC campus would help in this process.

CHAIRMAN TORRES: All right. Thank you very much. I'm sorry, Mr. Areias.

ASSEMBLYMAN AREIAS: I'd like you to expand a little on the comment that the Maquiladora process has actually hurt the economy for the growth in Mexico. Can you expand on that?

DR. DEL CASTILLO: Well, it hasn't hurt it in the short run. In other words, it has become the largest source of Mexican exports. In the long run it is hurting it because, like I said, many native industries -- that is, national industries that took perhaps 40 years of hard work to develop -- are now turning into less skilled operations which the Maquila involves. In that sense, in the longer run, it has hurt Mexico. If this trend continues, then I think it would be a real disaster for Mexico.

ASSEMBLYMAN AREIAS: But isn't that in part because of the character of the Maquiladora operation, which you just indicated is basically an assemblage operation, and one of the arguments for bringing more educational integration into the Maquiladora program is that if we identify higher institutions -- higher education -- give a better chance of changing the character of the development of those Maquiladoras into more high tech and, in turn, higher skilled opportunities on both sides of the border. So probably the biggest danger to growth in the Maquiladora program, to the extent there are positives, are a perception on the part of the American workers that in fact there is no growth there in terms of the American worker opportunities and what not.

You indicated where you're concerned, in terms of a -- not a shift so much as a stalling of the growth of the labor base in terms of skill level. And I think -- I agree with your assessment in terms of where the Maquiladora operations are at today. They are basically assembly operations and the American side is basically storage sheds. And that's precisely what my concern, in terms of the American side of our community, is about here -- what can we do to change that character so that we don't have that. Because obviously, neither your country nor my country, in terms of our workers, benefits from that.

DR. DEL CASTILLO: Yeah, well, if you're concerned in putting more technology into the Maquila to increase the skills, I would say, please, give us the technology in the Mexican industry. Not at the Maquila level. That is why Mexico has so long argued for transfers of technology to its industry, not to its Maquila industry. That would help.

ASSEMBLYMAN AREIAS: Okay.

CHAIRMAN TORRES: Because the Maquiladora is merely a Band-Aid to the economic infrastructure of Mexico.
DR. DEL CASTILLO: Yeah, a very bad Band-Aid.

CHAIRMAN TORRES: A very bad Band-Aid. And it also provides, from your testimony, marketable employees who will not stay within Mexico and provide the foundation that it needs for the future.

DR. DEL CASTILLO: Well, that is not necessarily always the case. In the sense that right now these trained employees are exported, if you want, is because of the lack of job opportunities in Mexico. I think if we had that job growth in Mexico, those employees would be highly valued in Mexico.

CHAIRMAN TORRES: Mr. Chacon.

ASSEMBLYMAN PETER CHACON: I would agree that the Maquiladora is probably more beneficial to the U.S. than to Mexico because industry on this side can profit from the cheap labor on the other side. In the long run, it seems to me that the idea of a common market between Mexico, Canada, and the U.S. is really in the best interest of not only Mexico but our country as well, because we can utilize cheap labor but at the same time import it to Mexico -- our technology, as Mr. Peace has suggested -- and develop a free trade back and forth and allow Mexico to develop on its own terms rather than the U.S. terms, which, in spite of that, I think would be beneficial to all three countries.

DR. DEL CASTILLO: Yeah, I very much agree with the idea that a freer market at a continental level is the way to go. I've been arguing that for the last three years.

CHAIRMAN TORRES: Some of us have been arguing that for longer than that, though.

Thank you very much. We appreciate your -- the opportunity to be with us.

DR. DEL CASTILLO: Thank you.

CHAIRMAN TORRES: We'd now like to -- now that we have set the academic stage -- now we get into what's happening in the other world in terms of its reaction. So first I'd like to introduce Ms. Beverly Hunter-Curtis, who is Principal Consultant to the Committee. Please raise your hand so everyone knows who you are. Ms. Audrey Noda, who is on the staff as well of the Committee. Please raise your hand, as well. Mr. Dean Florez, who contributed, who is on the staff, as well. Mr. Mike Valles, who is on the Joint Committee staff, as well.

I'd like to call on Roberto Martinez from the American Friends Service Committee to please come forward, as well as Sergio Mendez, Comite Civico Popular Mixteco. Is Mr. ? And Mr. Marcos Lopez -- Marco Lopez, attorney. Come forward. If we just put together a panel here I think it'd be easier for us. Juan Jose Gutierrez, One-Stop Immigration. And David Valladolid, Coalition on Law and Justice. David, where are you? Oh, there you are. Come forward, please.

If we can just switch the mikes when you start to testify that would be helpful. Welcome to the Committee, Gentlemen. Please begin.
Chairman, is Roberto Martinez. I am representing the U.S.-Mexico Border Program for the American Friends Service Committee.

The AFSC has a long history and tradition of humanitarian aid, justice, and human rights in the United States. Therefore my testimony before you today is that of concern for the growing lack of respect for the rights and dignity of immigrants crossing the U.S.-Mexico border.

The border between San Diego and Tijuana has recently been the scene of escalating violence by border bandits, vigilante-type groups, and individuals, such as the one originally accused of shooting to death 12-year-old Emilio Jimenez-Bejinez a few weeks ago; and further north, migrant workers are coming under increasing attacks by gangs of armed youths using guns and war game-type pellet guns.

I would ask you to refer to the testimony submitted to the House Subcommittee on Human Rights and International Organizations of the Foreign Affairs Committee on April 18th of this year, which specifically addressed human rights on the U.S.-Mexico border and which I include today as part of my written testimony.

The reality is that these are no longer ordinary bandits we are dealing with, but crimes often motivated by racism and hatred. Although we acknowledge that some of the crime is committed by Mexican nationals, we can no longer be certain whether any given crime is committed by Mexican nationals or U.S. gangs.

It has been no less chilling to learn this week that the Chief of Police in San Diego, Bob Burgreen, has announced his intention to send a SWAT Unit, known as a Special Response Team, to back up the Border Crime Intervention Unit already patrolling the border, as well as provide back-up for the U.S. Border Patrol. Even more chilling was his announcement in Tijuana that, "People are going to be shot; now, the only question is who."

These crimes, the rising gang activity in north county, the tragic number of migrants being run over on our freeways each year, the growing tension building against migrant workers in San Diego County should all be of extreme concern to the State of California, as well as the City of San Diego. Because, contrary to what Mayor O'Connor says, this is the City of San Diego's problem, as well as a State of California and federal problem. But most importantly, it is a binational issue that must be addressed bilaterally, especially since there are Mexican nationals dying on our border, our freeways, and in our fields.

The rising tide of racially motivated crime in San Diego has recently been aggravated and intensified as a result of irresponsible groups and individuals who believe that "lighting up the border" is a solution to such a complex issue as international migration. Racial tensions, we believe, will be further intensified by
deployment of a local police SWAT team to the border, and by the reckless statements of local officials.

Therefore, our recommendation is to propose the formation of a binational commission for the Southern California/Baja California Norte regions. Its function would be to search for alternatives that can reduce abuse and tensions, while enhancing human dignity and respect for law. It would also address issues such as the use of deadly force by border law enforcement agencies, violence against immigrants by individuals and organized groups, and the increased number of freeway deaths that are occurring throughout the county.

It should be understood that we believe the first to respect the law should be those government bodies that enforce it. It is in recognizing the significance of protecting human rights that we stand not only for law and order but, most importantly, for justice.

In the final analysis, there is a profound sense of urgency in reaching adequate solutions to the complex problems facing this region, because with every day that passes, more people die.

The problem is very clear. We now need to arrive at concrete and tangible bilateral solutions. This is why it is important that steps be taken immediately to form this commission. By doing so, we can make Southern California and Baja California Norte a model of international understanding and cooperation for the benefit of people and communities on both sides of the border. Thank you.

And I'd also ask you, Mr. Chairman, to call your attention to the fact sheets that I included in my testimony that show the steady increase in violence against migrant workers in north -- throughout the county, especially north San Diego County, and the fact sheet on deadly force by law enforcement that was introduced for the Congressional Record and for the record of this committee.

CHAIRMAN TORRES: If the members will turn to Section 4 of your briefing documents you'll have copies of those, as well as statements from the Department of Justice, as well as a statement by Congressman Esteban Torres (no relation) who, before the Joint Committee here as well, we incorporate as part of the record. Mr. Chacon for a question.

ASSEMBLYMAN CHACON: There's no question in my mind that there's some racism involved in some of the problems you've cited, Mr. Martinez. We still have too many bigots on our side of the border who simply cannot accept somebody who looks differently from them. I don't think, however, that every circumstance, every place where we're having difficulties, is the result of racism.

I think perhaps the north county situation probably is tinged heavily with it. Probably a lot of it evolves from the border. But I think that the Mexicans who are
dying on the highways are simply the result of the lack of governmental intervention to prevent that kind of thing happening.

I know that a lot of Mexicans who cross the border, upon crossing it have occasion to run across the freeway. And sometimes U.S. residents driving south of the border are hitting 60, 65 miles an hour and it's too difficult for them to see someone in time to stop and avert the disaster. So I don't think that situation is the result of any racism. It's just poor planning and the desire on the part of Mexicans to come and get jobs over here. That should be set apart, I think, in terms of something that we ought to get to in terms of -- about a change in attitudes, because that one is not racist. The others, however, I think, need to be looked at very carefully in terms of the acts of individuals that simply should not be tolerated.

MR. MARTINEZ: I agree in the sense that it should be differentiated, and they are, the way I presented it. And the fact sheets show, though, that the steady increase in crimes against migrant workers, although it's not stated here, it is complicated by some racism, because every time I go to north county, I seem to come across more migrant workers who have been attacked, shot, wounded, beaten -- much of it in terms of racial slurs being used. The tension, because of the growing confrontations between residences in migrant camps, also is increasing; not only tension, but some racial discrimination, just by virtue of the kind of vocabulary they use.

ASSEMBLYMAN CHACON: I'd be interested in a further description on your part or the part of the other witnesses on the make-up of this binational commission, what would be the goals and objectives and process they'd use, because it's interesting and intriguing. It's, I think, a positive approach to this problem -- two peoples from different countries working together to reduce tensions.

MR. MARTINEZ: Well, I believe that right now, you know, human rights groups from both sides of the border are meeting around this issue, including my organization, to discuss the complexities of the problem and the various issues that I stated this morning. And I think we are in a better position to identify the problems and create more awareness to it because we are the people that the victims come to, you know. And that speaks for itself. I mean, the fact sheets speak for itself. I mean, these are things that aren't brought to the attention of officials. There's still a lack -- a complete lack of confidence of victims to go to law enforcement or to go to any other government agency because they feel more comfortable coming to people like us, and I think that will go a long ways towards reaching solutions.

CHAIRMAN TORRES: Mr. Areias and then Ms. Roybal-Allard.

ASSEMBLYMAN AREIAS: A couple of questions. You mentioned the "Light Up the Border" program, which seems to be a manifestation of the growing intolerance that has existed or exists along the border. What have been the practical effects of that
demonstration?

MR. MARTINEZ: Well, you know, one of the problems we're having is that it promotes a negative image of immigrants crossing the border when they call them terrorists, drug traffickers, criminals, disease carriers. And I think that translates into open hostility in many parts of the county. And contrary to what they say, you know, it does not address the root causes of poverty and economic disparities south of the border. And I think it's creating not only a negative perception, but I think, just by the nature of the kind of calls that we get at my office -- the letters -- that it's growing into hostility even to leaders who are trying to solve the problem. But I don't think it's going to solve anything when they go down there and "light up the border." I think those lights need to be turned around and aimed at San Diego where some of the real problems of drug trafficking and other violence are occurring.

ASSEMBLYMAN AREIAS: I don't know that -- we don't need Berlin Walls in this day and age and we don't need die-hard versions of Berlin Walls.

MR. MARTINEZ: Yeah, and they're calling for those kinds of permanent barriers; they're calling for ditches; they're calling for roads going across the border; and they're calling for more enforcement, which we don't see as a solution, as I mentioned in the statement. I think adding police -- a SWAT team -- is like saying, you know, violence -- more violence is going to solve violence, that the violence is occurring at the border. And it's not. It's going to make the problem worse.

ASSEMBLYMAN AREIAS: One further question. What you're proposing in terms of the cooperative kind of commission to work on these problems -- how does that differ or how would it differ in terms of its practical effect from the Commission on the Californias which has been in existence for many years? I served on it for a while and I think other members of this committee have also participated and maybe presently participate on it. And you might also expand on whether that approach has been effective or could be more effective and how what you are proposing might vary from that, or is it a duplication?

MR. MARTINEZ: I don't think so. Presently there is a Border Commission on Human Rights that we formed a couple of years ago and it has created a network throughout the border to call to attention these problems, and also to create not only a network but better communications between both sides of the border that seem to be suffering the same problems of human rights violations. And it's also a better way for us to gather data and document the abuses and which I think would be very beneficial to, say, a more broader version of this binational commission which would bring all these issues to the front.

ASSEMBLYMAN AREIAS: Are you familiar with the Commission on the Californias?

MR. MARTINEZ: A little.

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CHAIRMAN TORRES: He's being polite.

ASSEMBLYMAN AREIAS: This isn't a time to be polite. Have they been -- has that Commission been of any practical use in terms of the current problems and disputes?

MR. MARTINEZ: The Commission on the Californias?

ASSEMBLYMAN AREIAS: Yes.

MR. MARTINEZ: I don't know. I couldn't tell you. I sat in one meeting, I think, and I heard a presentation, I think. But what they're trying to do is very good. It's trying to improve the relations, but I don't think it's addressing human rights issues.

ASSEMBLYMAN AREIAS: This doesn't seem to be one of its focuses?

MR. MARTINEZ: It isn't, that I know of. So, you know, I think our -- that's where our -- this kind of binational commission would be beneficial to lend that perspective.

ASSEMBLYMAN AREIAS: Mr. Peace asked, is it a structure problem or a membership problem in terms of who has been appointed?

MR. MARTINEZ: To that Commission on the Californias.

ASSEMBLYMAN AREIAS: Yes.

MR. MARTINEZ: I would guess it's more of a structure problem because...

ASSEMBLYMAN AREIAS: More of a structure problem than membership problem?

MR. MARCO LOPEZ: Membership. I think it's membership.

ASSEMBLYMAN AREIAS: Do you want to expand on that?

MR. LOPEZ: Well, I think that one of the things that's missing out of this Commission is the fact that you don't have the grassroots participation that would be essential to provide that perspective to the Commission so that all the different points of view are integrating into the structure plan to resolve the issues that are conflicting.

ASSEMBLYMAN AREIAS: So, you think it's a... When you say it's a membership problem, is it a travel opportunity or a travel bureau for wealthy Deukmejian supporters, or is it...? (laughter) Is it...?

MR. LOPEZ: Membership. The type of organizations that are involved in the Commission I don't think are representative of the cross-section of interest that deal with the issue of the immigrant population in this state.

ASSEMBLYMAN AREIAS: Mr. Peace and I are going to go back on Monday and look at the possibility of a bill that would affect that structure, and we'd appreciate your cooperation on that.

CHAIRMAN TORRES: Thank you, Mr. Peace and Mr. Areias. Ms. Roybal-Allard.

ASSEMBLYWOMAN LUCILLE ROYBAL-ALLARD: Well, actually I just wanted to express a little bit different viewpoint than Assemblyman Chacon because I am not convinced that the overlying problem that we're dealing with isn't rooted in racism. And I think that we see that everywhere throughout the state, even when we're talking about Latinos --
American -- Mexican-Americans -- Latinos here in the state of California. We see racism throughout the state and I think that that in itself is indicative of what it is we're dealing with, and I think it would be a mistake to separate the issue of racism from what it is we are dealing with because it is the underlying problem. I believe that very, very strongly. And it is due through a lack of understanding of cultures of where people are coming from, and in order to address the problems that we're facing and all the issues that we're discussing today, I think we need to focus in on that kind of understanding. I think that has to be a part of the solution, and that is creating a better understanding between the different cultures, between the different countries. And then once we have that understanding, I think that we're going to realize that we are all coming from the same place, that we are all interested in the same thing -- we want a better life for ourselves, for our children, our family -- and that then we can come together and work towards that objective. But I really do believe it would be a mistake to separate it and not recognize, as I believe, that racism is the underlying problem that we're dealing with here.

CHAIRMAN TORRES: Thank you. 1979, gang shoots, injures migrant workers in a camp; 1980 in Escondido, reports of assaults on migrant workers by law enforcement and gangs; 1981, Del Mar, Mexican man beaten to death; 1982, Escondido, migrant worker beaten severely by gang in truck; 1983, Oceanside, Pablo Martinez Toledo and Raul Mejia Garcia shot and killed by three white youths; 16-year-old migrant worker shot and wounded in park; 1984, Fallbrook, California, six U.S. Marines conduct, quote, "beaner raids", unquote, armed attacks on Mexican migrant workers in their caves; 1985, Fallbrook, California, sniper shoots and wounds 17-year-old migrant in back, paralyzing him from the waist down; 1986, November, Encinitas, California, three 17-year-old white youths arrested in sniper shootings of migrant workers; San Ysidro, November of 1986, seven undocumented people shot by unidentified assailants on the freeway; 1987, north San Diego County, unidentified bodies of migrant workers -- victims of violence -- begin to appear throughout north county; 1988, Del Mar, California, killing of two migrant workers by two self-proclaimed white supremacists -- victims: Hilario Salgado Castaneda and Matilde de La Sanca; October, 1989, Poway, California, gangs of white teens attack and shoot 14 migrant workers with guns and paint bullets; Encinitas, October of '89, California, two border patrol agents shoot at, detain, and beat migrant worker; 1990 in Carlsbad, two store owners beat, handcuff, and kidnap migrant; 12-year-old Emilio Jimenez shot and killed by unidentified assailants; Carlsbad, California, robberies continue on migrant workers; Chula Vista, California, 1990, Border Patrol Agent shoots into van filled with Salvadorians, wounding two; Vista, California, 1990, Sergio Mendez, farm worker, shot in the face by paint pellet fired in drive-by shooting.

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I wanted to articulate that because it pains me that that is occurring in the United States of America, and it pains me that people of any country or of any origin ought to be subjected to that type of violence and uncalled-for and unjustified acts and behavior. And I just wanted to make sure that this wasn't lost in terms of dealing with the issue here by this documentation and make it real, that this hearing is talking about real people who have been affected; not statistics or discussions which ought to be relevant to this hearing. And the reasons that we stated before by Mr. Chacon and Ms. Roybal-Allard are clearly indicative of the fact that we must do something; that any California Commission on the Californias, as Mr. Areias and Mr. Peace articulate, has not done enough; that the government of California has not done enough; and it's an issue of human rights.

MR. MARTINEZ: Absolutely.

CHAIRMAN TORRES: This country is now witnessing an unheralded tour by Nelson Mandela who has fought all of his life for human rights in South Africa. And yet we talk about human rights violations as if they're foreign to us. They're occurring right here, right in this area, day-in and day-out, and I just wanted to make sure that we articulated the facts that you've given us here.

ASSEMBLYMAN PEACE: Mr. Chairman?

CHAIRMAN TORRES: Mr. Peace.

ASSEMBLYMAN PEACE: I just wanted to touch base on something that Mr. Chacon had stated and I think Ms. Roybal-Allard may have misinterpreted because I think it's important. We have another problem that those that don't represent any probably are not aware of. When Mr. Chacon refers to the freeway problem, he's not talking about the freeway shootings and what-not.

We have the highest rate of accidental deaths on freeways here in San Diego, not only of any place in California, but any place in the country. And the reason for that is because as "coyotes" bring their folks across, they're coming across these wide bands of highways that typically -- particularly migrants from the interior of Mexico are not accustomed to dealing with, and they are also not accustomed to dealing with the speeds. And so they start across and most of the deaths, we believe, occur in the circumstance where basically the last ones in the line are picked off. The people who are running over -- killing -- resulting in the death of these people are Mexican-Americans. They're of all various backgrounds in the sense they're workers, particularly workers, for example, when the prison went in. Suddenly we had a -- shot up in problems on the road accessing the prison because one of the shifts at the prison was at time of night when many people were coming across the border and we had one particular shift of prison workers where we had a rash of both people being injured and people being killed.
And I think Mr. Chacon's point was it's important that we distinguish that problem from the balance of that problem, because that in itself is an extremely difficult problem. And frankly, we've had -- Mr. Chacon and I have been working together very hard trying to get Caltrans, with the help of the Highway Patrol, which has been very aggressive in attempting to pressure Caltrans, to make structural changes, and that is beginning to happen -- not as fast as we'd like to see it happen -- and to do things that will -- that in the planning, as Mr. Chacon pointed out -- in the planning of their systems and such to recognize the uniqueness of the area.

And so I just wanted to make clear that that was what Mr. Chacon's point was.

ASSEMBLYMAN CHACON: Thank you. I appreciate that.

CHAIRMAN TORRES: Point well-taken. Point well-taken.

Mr. Chacon?

ASSEMBLYMAN CHACON: Mr. Chairman, the litany that you have read of assaults and beatings and killings and maimings and the depravation of the human rights of people obviously is something that is not within the possibility of resolution by the Commission on the Californias. I used to serve on the Commission on the Californias and we had wonderful trips to Baja -- to Cabo San Lucas and I had a great time. But never did it occur to us to address these kinds of problems.

That's why I think, Mr. Areias, you're right, that the Commission on the Californias ought to be looked at very closely and perhaps we ought to make an attempt to abolish it, or at least to set up a different commission, such as the one Mr. Martinez is speaking of, because I think that it would take a new, different group of people who are not interested exclusively in perhaps some personal gain and perhaps the business perspective only. We're talking about the violations of human rights and civil rights here. And that's what kind of commission we need to establish in the state that will look at these things in terms of justice for people and the haulting of all of this that is going on.

ASSEMBLYMAN AREIAS: Well, frankly -- and I participated on the Commission of the Californias early in my legislative career, and when I first began reviewing the information, and some of the problems that have occurred here historically and some of the intolerance that's intensified recently, it was -- it seemed to be consistent with the purpose and the charter of the Commission for the Californias to work on cooperation and creating better relations between Baja Sur/Baja Norte and California. And yet I've seen or heard nothing from them in this regard. So I think maybe we've got to go back. Now is the time to go back and look at just what they are doing and find out why they're not participating in trying to work out some of the problems in this particular area. They're not; in my mind, they should be, or maybe I don't understand their purpose.

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ASSEMBLYMAN CHACON: I don't think they look at these problems at all.

CHAIRMAN TORRES: All right. We need to move on.

I'm going to ask Father Pat... Is he here? Yes, would you please come forward and serve? We hired an interpreter, but they're not here today and I just wanted to make sure that if we had the church represented we would make sure that the interpretation was without question. (laughter)

I would like to put Mr. Sergio Mendez in front of the mike and, Juan, if you can move over just one and have Father sit next to him.

We've had a request, Father, that you give us total absolution here so that we...

FATHER GUILLEN: After we've done the (inaudible).

CHAIRMAN TORRES: After we've done the (inaudible). After you've finished your work. (Senator Torres speaks to Mr. Mendez in Spanish.)

MR. SERGIO MENDEZ: (speaks in Spanish)

FATHER GUILLEN: (translation for Mr. Mendez)

My name is Sergio Mendez and I'm representing the Comite Civico Popular Mixteco. I want to recognize Senator Art Torres and also the persons that are present here. And I want to let you know that my ability to express myself is limited. I'm a farm worker and therefore I hope I can get my point across.

I have noticed that -- and listened to the different versions in this hearing from different persons and I would like to acknowledge that I especially am reflecting the version that was presented by Mr. Roberto Martinez.

For two years I have been a member of this civic committee and we have dealt with the many issues regarding border violence, but I want to especially focus on the one that has recently taken place.

I want to relate an incident that took place at ten o'clock in El Centro in Santa Fe Street in Vista and part of the -- how I find myself there is that myself and my friend do a specific kind of work of going to visit the different persons and the ranches and what-not to see how they're doing.

As I was in a telephone making the call to the person in Fresno, a car that was a late model went by and there were persons in that car -- more than one -- and as I was making the phone call a shot rang out and it was aimed at me. I don't know if it was a rifle or a gun.

This incident was reported to the police and so were other incidences and in neither of these was there an action taken part by the police. I'd like to share that I'm interested only in defending my rights, as well as those of the other persons, of which one was a pregnant woman. And we just seek justice, just treatment, and it's not our fault that we're poor, and we find ourselves seeking employment in a country where we can do so, and therefore I would like to sort of present these cases to you as our
desire that we do receive some kind of just treatment.

CHAIRMAN TORRES: (following spoken in combination of English and Spanish for benefit of reviewing information with Mr. Mendez)

So on May 16th of this year, you were in Vista, California -- you live in Vista, California -- and at that time -- at 10 p.m. on the evening of May 16, 1990 -- Vista, California -- you're standing next to a telephone or making a telephone call -- a public telephone on the street -- and at that time two Americans were in a car. You did not see... So you were shot at in your left eye, which we can still see the scar from. So you called the police and...

FATHER GUILLEN: The person that came to care for him...

CHAIRMAN TORRES: The paramedic -- the firefighter.

FATHER GUILLEN: Yes, that came to care for me also mentioned that a similar thing had happened to a woman that was pregnant, that she had also been shot at.

CHAIRMAN TORRES: She was shot in the chest, according to his testimony.

FATHER GUILLEN: And two others were also wounded, one in the cheek and the other one in the arm.

CHAIRMAN TORRES: The same day in Vista, California. Where is Martinez? Did you...? You don't have those on this list.

MR. MARTINEZ: That's what I said on the top. It's a partial list. I ran out of time. It's going on -- basically it's going on almost every week. I didn't also put on there that a group of farm workers came up to me in Carlsbad and they've being attacked -- they're being attacked and robbed by several -- six or seven high school youths armed with guns and two-by-fours -- beating them and robbing them. Just something going on every week. I mean, I could update that every week and still not have all of the incidents reported.

CHAIRMAN TORRES: Well, I think it's important for the work of the Committee that you update it for us and fax us or send us the updated versions so we can make copies available to the Legislature. I know Assemblyman Chacon and Assemblyman Peace, who represent the area, are deeply concerned about this violence. But it's also important to keep the Legislature informed and noticed as to what's happening.

FATHER GUILLEN: (continuing translation) There are other unjust kinds of treatment that we receive such as the fact that we are paid poor salaries and sometimes we're not even paid for the work that we do by those that hire us.

I wanted to point out the fact that I have, along with the Comite Civico -- that we have sent these documents that we have made of what has been happening to us is the -- I think it's (inaudible)?

There are two aspects that must be kept clearly and separate. One is with regards to the narcotic traffic and the other one is the socioeconomic factor of the persons
that are involved.

CHAIRMAN TORRES: Mr. Chacon for a question.

ASSEMBLYMAN CHACON: (in Spanish) How do the Mexicans who live in the north county, work in the north county feel? Do they feel terrorized, intimidated, afraid in this kind of an environment?

FATHER GUILLEN: (continuing translations for Mr. Mendez) Tragically we have to accept the fact that we are treated the way we are. We're victims of these different kinds of abuses and unjust treatment. We're not terrorized, however, but we are very much aware and sensitive to our precarious situation.

We want to close saying that it's to you -- this Committee and to Roberto Martinez and other organizations and persons involved with them -- that we appeal to you that you help us to solve these things that are causing such tremendous damage to us.

CHAIRMAN TORRES: Thank you very much.

Senor Marco Lopez, attorney. Good morning.

MR. MARCO E. LOPEZ: Good morning.

CHAIRMAN TORRES: Good morning.

MR. LOPEZ: Mr. Chairman, Members of the Committee. Voters have just passed the so-called Crime Victims Initiative, Proposition 115, sponsored by Senator Pete Wilson and the state's district attorneys. Politicians, prosecutors, and law enforcement officials say we should worry as much about the rights of the victims as we should about the rights of the accused -- or do about the rights of the accused.

But what happens when Mexican nationals are the victims and U.S. Border Patrol agents or police officers are accused of killing or maiming them without cause?

What have local, state, and federal prosecutors done to see that these victims of violence have their day in court? The answer? Nothing at all.

There's been hundreds of incidents involving Mexican citizens at the border. Dozens have been shot by officers. At least 19 have died since 1984.

Not once has an agent or officer ever been charged with a crime for killing or wounding a Mexican citizen at the border. These shootings have all been ruled justified by U.S. authorities and the San Diego District Attorney.

There are always two sides to every story. Many shootings are, no doubt, justified. But some are not. Listen to what happened to some of the people I represent.

In April 1985, 12-year-old Humberto Carrillo was seriously wounded when he was shot in the back by a Border Patrol agent who stood on the U.S. side, protected behind a 10-foot-high wire-mesh fence. Humberto was well within Mexican territory when shot.

The U.S. authorities alleged that the shooting was justified because the boy imperiled the lives of the agents by throwing rocks. Eyewitnesses testified he was not
throwing rocks at the time, although admittedly, he was bending over trying to pry a rock lose from the road. Humberto hoped to come to the aid of his 14-year-old brother, who was being beaten by an agent while trying to get back to Mexico after having crossed the border to eat a hamburger at the Jack-in-the-Box in San Ysidro.

After a seven-day trial, federal Judge Judith Keep found the Carrillo shooting was unjustified and awarded him $574,000 in damages. He was the first Mexican citizen in memory to win a federal court verdict against the Border Patrol for an act of violence.

In January 1989, Martin Lopez, 21, and Sabino Silva, 24, were shot to death by agents just north of the border. Authorities claim agents fired after the men approached them in a threatening manner. But pathologists concluded that both victims were shot in the back.

Francisco Ruiz, 22, was seriously wounded after being shot by a Border Patrol agent in March of 1989. He was waiting on the Tijuana side for his pregnant wife, Evelyn, 21, seven-months pregnant, who had just entered the U.S. to shop at a K-Mart.

The Border Patrol forced the companions of the wife to flee back to Mexico. But she was seven-months pregnant and couldn't run fast. An agent grabbed her by the hair. He slammed her to the ground and with his foot he stepped on her throat. Francisco came to her defense. He shouted at the agent, "She's pregnant; don't hit her." The agent put his foot on her stomach. The husband picked up a rock, but before he could throw it, the agent shot him, once in the stomach and once in the back, as he attempted to flee.

A jury acquitted Francisco of all criminal charges that were filed against him.

Last December 7th, two San Diego police officers shot 17-year-old Martin Flores Campos near the border after they claimed he threatened them with a knife from a distance of 15 feet or less. The knife turned out to be a screwdriver. Martin is paralyzed from the waist down.

But he was really shot in the back three times as he ran some distance from the officers. Reports by two Border Patrol agents who witnessed the incident contradicted the police officers' version. They said the officers fired from the top of a concrete river levee -- much farther away from Martin than 15 feet.

Police later claimed the two Border patrolmen had revised their account. But the Border Patrol agents say Martin was running from the officers and was not brandishing a weapon when he was shot. A Juvenile Court judge dismissed charges that the boy brandished a deadly weapon.

The only crime most of these victims may have committed is entering the country illegally. Once illegal entrants only feared detention and deportation if they were caught. Yet the recent upsurge in shootings means the penalty for illegal immigration can also be capital punishment.
Are the Border Patrol agents and police officers always justified? Has there never been a case when a killing or shooting was unjust?

The District Attorney even ruled that the shooting across the international border of 12-year-old Humberto Carrillo was justified. The U.S. District Court disagreed with him.

To whom should the victims of border violence turn when they or their loved ones are gunned down without cause? It is a question I leave with the Committee.

CHAIRMAN TORRES: Mr. Chacon, for a question.

ASSEMBLYMAN CHACON: I can't believe what I'm hearing. It seems to me that if these things -- what have been said -- are real that the Chief of the Border Patrol of this region ought to be here today to respond to these things. This is very heavy testimony.

Is the Director of this region here today? I'd like to hear what he has to say about these comments. Was he invited to participate?

CHAIRMAN TORRES: Yes. Yes.

ASSEMBLYMAN CHACON: He's not here?

CHAIRMAN TORRES: The INS refused to attend.

ASSEMBLYMAN CHACON: Well, chicken shit is highlighted. He should have been here.

CHAIRMAN TORRES: All right. Thank you very much.

MR. LOPEZ: Thank you.

CHAIRMAN TORRES: Mr. Juan Jose Gutierrez, One Stop Immigration.

MR. JUAN JOSE GUTIERREZ: Thank you, Mr. Chairman. I would like to first -- would like to congratulate this committee for simply holding this hearing. The very fact that we are here today demonstrates the issues surrounding immigration and the U.S.-Mexican border are increasingly California issues which cannot be left to the federal government to solve, of course, alone. That many elected officials in California fail to recognize -- like the INS -- the importance of immigration and border policy to this state is somewhat mysterious, since about half of all immigrants who come to the U.S. each year come to California, and since the California-Mexico border is easily the most traveled border in North America.

The cost of the neglect of border issues by state officials is high. It tends to diminish the importance and visibility of the millions of immigrants in California, which in turn allows the great contributions of the immigrant community to go unrecognized and the great problems of the community to go unaddressed.

The problem before us today is one more symptom of that neglect. Innocent people are being hurt at the border and the people responsible for hurting them go unpunished.

Before I share my views on this matter with you, I would first like to better introduce myself and the organization I work for. I am the Executive Director of One
Stop Immigration and Educational Center, Incorporated. One Stop was founded in 1971 as a nonprofit organization. Since that time it has provided a range of free and low-cost legal and educational services to the Latino immigrant community. Our most dramatic recent achievement was the assistance of over 100,000 immigrants to legalize themselves through the amnesty program.

Because of One Stop's 30 offices throughout California operate in the heart of the major Latino communities in Southern California, we have long been aware of the chronic violence occurring at the U.S.-Mexican border. Our three offices here in San Diego are especially close to the problem and have begun to work on strategies to combat the violence.

The other panelists here today will give detailed accounts -- or already have -- of the number and types of violent incidents which occur at the border. I come today to outline the role that citizens' groups and community-based organizations could play in the effort to stop the violence immediately.

Today's testimony illustrates how abuses in the border area stem largely from the border policing agencies' lack of accountability. While we strongly urge that procedures for increasing police accountability for violence be drastically improved, we believe that these measures alone will never be sufficient to curtail the violence.

There are several reasons for this rather pessimistic conclusion. First, police organizations are notoriously poor at policing themselves because of intra-organizational loyalties, scarce resources, and other institutional barriers. The political base for creating and executing strong intra-agency accountability procedures is also weak because immigrants, especially undocumented immigrants, have relatively little power.

We therefore conclude that institutional reforms alone are inadequate to significantly curtail border violence. In our view, any institutional reforms must be supplemented by the creation of citizens' groups with a mandate to oversee INS and Border Patrol activities in the border region and through the enhancement of victims' access to the legal system.

Because of the ineffectiveness of self-policing mechanisms within bureaucracies, it is imperative that independent citizens' groups assume some oversight authority over the INS. Such groups have long been used with success by police departments throughout the country as a way of checking police abuse. I believe that citizens' groups would be equally effective in checking INS conduct.

Under the citizens' councils we are proposing today, concerned citizens would have the authority to receive complaints from anyone who believes himself to have been mistreated by Border Patrol, INS officers, local police, or anyone else. While citizens' groups would primarily focus on the problem of violence, other commonly
received complaints about federal, state, and local policing agencies would also be heard by citizens' groups, investigated, and acted upon.

I believe that this type of involvement by citizens' groups provides the only means by which currently rampant INS abuse will be documented and addressed, since even the expanded opportunities for legal redress which we propose will address only a small fraction of the total incidents at the border.

Citizens' groups would add two other needed dimensions to the oversight process. First, a citizens' group would likely be much more effective in raising public awareness about the problems of the border. Increasing people's sensitivity to the problems provides the basis for the democratic process to exercise effective control over the INS and Border Patrol. The current mission of intra-agency review boards is to hush up problems as effectively as possible.

Secondly, citizens' groups would have numerous advantages over the present system of handling complaints within the Justice Department. It would be an independent body composed of people whose sole objective is to find the truth and not to defend the agency from outside attack. It would also allow the violence and other problems at the border to be looked at from the perspective of people who are not part of the INS and who would probably tend to have more open minds about solutions to the problems.

Another important part of the solution is giving the victims of border violence the power to obtain redress by providing improved access to the court system. If victims of violence begin to bring their cases to court on a regular basis, the persons and entities responsible for the violence would be held accountable by an impartial judge and jury, and not by a coworker whose friendships and maybe his job depends on not rocking the boat. Actions against perpetrators of border violence will encourage the agencies involved to do everything in their power to limit the liability of their agency so as to limit damage judgments and legal fees. They will also help compensate the many individuals who have been shot, beaten, and tortured at the border.

While it is true that there currently exist statutes providing border victims causes of action under which they can sue those who harm them, three formidable barriers prevent victims of border violence from using the legal system.

First, many of the victims of border violence are completely unaware that a legal system exists which could provide them with compensation for their injuries. There are several reasons for this ignorance. Most of the immigrants who cross the border without inspections are very poor people with little or no education who have never had any contact with any legal system. Even if they are aware of the existence of a legal system, many are unaware that they, as foreign nationals, have the right to sue in courts in the United States.

Second, most undocumented migrants try to avoid contact with the legal system
because doing so might lead the immigration authorities to their door. As a result, they are extremely unlikely to want to expose themselves by bringing an action in a state or federal court.

Third, and perhaps most important, virtually all migrants lack the substantial financial resources necessary for bringing a lawsuit. Most lawsuits cost thousands of dollars to litigate, and few attorneys are willing to take the cases of the victims of border violence on a contingency basis because of the large amount of effort involved, the difficulty of providing the commission of the act of violence -- of proving the commission of the act of violence in court when the witnesses to the act are undocumented, and because of the additional difficulties inherent in bringing an action when one's client is undocumented.

We believe that community-based organizations such as One Stop can help lower all three of the barriers to victims needing access to the court system.

First, because CBOs operate within the immigrant community, they are capable of disseminating information through networks inaccessible to virtually all other organizations. They are therefore in a position to spread the word throughout the largely underground community of recent undocumented immigrants that actions against perpetrators of violence are both possible and worthwhile.

However, wronged individuals will not bring actions unless they know that they do not risk exposure to the immigration authorities by bringing the suit. We believe this problem can be overcome through agreements by the different organizations involved that they will not target individuals who bring actions against perpetrators of violence for enforcement.

The most substantial barrier, however, is the inability of victims to pay for adequate legal representation. We believe that CBOs such as ours with experience providing low-cost legal services to immigrants can play a very important role in this respect. We generally have credibility within the immigrant community, and we are committed to defending the rights of those in the community rather than profiting from the community's misfortunes.

Nevertheless, we believe that it would be very difficult for us to take border violence cases if there were no sources of funding to supplement contingency fees earned from successful plaintiffs because of the great difficulties inherent in these types of cases.

We would also not want to limit the actions we bring to those plaintiffs which stand a strong chance of winning large damage awards because such a policy would defeat the aims of providing an alternative forum for holding the responsible parties accountable in all cases of improper violent conduct. And it would leave many victims without the representation they deserve.
In conclusion, Mr. Chairman, creation of a more and better oversight within the INS and Border Patrol bureaucracies is needed to help solve the problem of violence at the border, but it is not sufficient. Also needed are means of raising the public profile of border issues and increasing the legal accountability of perpetrators of violence.

We respectfully suggest that a citizens' group be formed to oversee the policing agencies at the border and that community-based organizations be utilized to assist victims of border violence to obtain redress for their injuries.

CHAIRMAN TORRES: Thank you very much, Mr. Chacon.

ASSEMBLYMAN CHACON: I think your testimony with regard to the character of the Mexican who comes over here is right on target. The Mexican coming over here is uneducated, peasant roots, and is totally unaware, in all likelihood, of any defense that he can have -- he can turn to -- and a recourse he or she might have. That's the justification for a hearing of this type, so that we who know what the heck's going on can bring to the attention of the larger public this issue.

And I think it's also justification for the establishment of some kind of a mechanism -- some kind of a mechanism to which this undocumented worker -- this peasant man or woman -- does not have to turn to, but that we can turn to -- you as an individual who's concerned about this can turn to -- and that's why I'd be really interested in the binational commission and any of the mechanisms that we can try and form to address this problem. Because the Mexican worker is really quite helpless. And he or she will continue to be the victim of circumstances unless there is some intervention of some kind.

MR. GUTIERREZ: I would agree with you, Mr. Chacon. I think the fact that this is the "Golden State" -- that it is the recipient of the largest number of immigrants into the country -- that it is no secret to anyone that immigrants are greatly contributing to the economic enhancement of the state and that they play a positive role in society, as has been demonstrated by any number of commissions that have investigated the issue.

ASSEMBLYMAN CHACON: Well, they're also easily abused, easily exploited, because of the lack of education, lack of experience, lack of sophistication. Obviously it's a victim group that is -- that can be easily abused.

MR. GUTIERREZ: So our view is that we have to access the legal system to this population, and the only way that could be done is if the state extends its interests beyond what we are doing or what we have done up until now by making resources available so that people could access the system.

And as I mentioned in the testimony, to the degree that people go to court, they have to pay -- in court -- and they start winning their cases, I think that we'll reduce the violence. Thank you.

CHAIRMAN TORRES: Thank you very much, Mr. Gutierrez. Mr. David Valladolid,
Coalition on Law and Justice. Welcome to the Committee.

MR. DAVID VALLADOLID: Thank you, Mr. Chairman, Senator Torres, distinguished members of the Committee. I am David Valladolid, Co-Chairman of the Law and Justice Coalition of San Diego. The Coalition is a civil and human rights group that has actively monitored, documented, and advocated against border violence and abuses in the Latino community throughout the County of San Diego.

I use the word "violence" not in the rhetorical sense, but to dramatize the real conditions that exist in the San Diego sector of the border between the United States and Mexico. I apply the word violence not only to the perpetrators that act -- they act out in the fields, but to the policy makers -- to the managers who condone and excuse. And most importantly to the laws that have justified the conditions that you are witnessing here in this testimony.

Although the use of excessive force, verbal and physical, can and has been documented historically along the border and in the Latino community, the past ten years has seen a severe and drastic escalation of both civil and human rights violations. The violations range from verbal abuse, unlawful detention, denial of due process, seizure of property, vehicle run-overs, high speed chases, unacceptable conditions of detention, and shootings ending in death or serious injury.

My colleagues this morning have covered specific cases, but in summary, the San Diego area has claimed 33 lives since 1974, with another 48 people wounded by the Border Patrol and other law enforcement bodies. Another 12 people have been run over and injured or killed by Border Patrol vehicles.

Americas Watch, in a recent report, criticized the U.S. government for long-ignoring the violations because of vested political, economic, and geographic considerations, and blasted the U.S. Border Patrol agents for unnecessary violence against Mexican nationals.

Border Patrol and INS continue their selective enforcement. Their records show that 90 to 95 percent of apprehensions are Mexican nationals, yet their own data claims that Mexicans account for only 45 percent of undocumented in the United States.

Not only Mexican nationals have suffered from abusive practices by these officials. Legal residents and U.S. citizens, whose language, culture, and skin color make them appear, quote, "foreign", end of quote, are considered suspect and have had their rights violated.

Immigration officials have countered our allegations of border violence that given the millions contacted by their officers, the incidents of alleged abuse are an insignificant percentage. The fact remains that when even just one person is abused or killed, the significance is of major proportion.

So what can be done to alleviate these intolerable conditions that have become all
too common along our border and in our Latino community?

First, let me commend this committee for holding these important hearings, for although I don't delude myself to believe that they will resolve the problem in its entirety, I believe that the exposure, the dialogue, and the awareness that comes from these hearings will, in fact, hold all accountable for their actions.

The lack of accountability by the numerous law enforcement agencies that currently exist on the border -- eight that we have counted: the INS, the Border Patrol, Customs, Border Crime and Intervention Unit by the San Diego Police Department, the National Guard, the Drug Enforcement Agency, Operation Border Ranger II with the Sheriff's Department, periodic Army and Marine units -- will continue to escalate the problem.

Let me state for the record that when one advocates against the conditions that we are articulating to you this morning, one is often accused of just being anti-Border Patrol, anti-enforcement, or anti-police. I don't think that could be further from the truth. It is not anti-police that I am against. It is not anti-Border Patrol, even though I think it's in conflict with a free and open society. It is anti-violation of human rights. It is anti-exploitation. It is anti-human degradation that we stand for. And when these agencies take care of the problems and the elements within these agencies that continue to oppress, to violate, and to degrade people, we'll stop being anti those agencies.

For recommendations I would offer and support strongly the establishment of the binational commission on human rights to monitor and collect data on all forms of abuse.

I strongly also support what has been discussed here as the civilian review board to investigate and monitor alleged cases of excessive force. The Immigration Reform and Control Act of 1986, Section 111(c) required a civilian oversight program at regional, local, and national levels.

I also offer that we need to decriminalize the migration and immigration of people across U.S. borders. Even though illegal entry has been stated here as only a misdemeanor, the response by too many law enforcement agencies has been excessive.

I recommend joint hearings by state and federal agencies to examine the border violence and the constitutional violations that relate to them -- as they relate to immigration.

We call for an investigation by the State Justice Department on the record of the San Diego District Attorney's Office and their lack of prosecution of deadly force cases.

We call for a joint economic development proposal between the state and federal agencies in conjunction with Mexico.
We would ask and require that both state and federal law enforcement agencies be required to produce annual records and accounts of all activities.

We would ask that full exposure and full prosecution of all vigilante groups and illegal activities that have become all too commonplace along our borders and in our communities be examined.

In conclusion, ladies and gentlemen, as a free society dedicated to the concept of liberty, we can ill afford to allow or to condone these conditions on our border. An open society cannot militarize nor build walls on its borders, for as it keeps some out, it also keeps many in.

The technology of our day will soon make these artificial boundaries obsolete. How we treat the most vulnerable and unprotected shall dictate our own relations for the future. If we become intolerant and insensitive and self-serving, our children shall inherit a world — a more troubled world.

James Madison, in framing the U.S. Constitution, addressed the issue of faction and differences between groups. He stated, quote, "There are two methods of removing the causes of faction. The one, by destroying the liberty which is essential to its existence; the other by giving every person the same opinions, the same passions, and the same interests."

In conclusion, the phenomena on this border will never be resolved by enforcement. The violence and death is only a manifestation of the ill-guided policies and the poor leadership that governs today. It is ultimately a social and economic condition that cries out for a human response. Thank you.

CHAIRMAN TORRES: Thank you very much. I know Supervisor Brian Bilbray has to get back to the County Office, so we want to squeeze him in very quickly now. Supervisor Brian Bilbray, are you here? I guess he got squeezed out earlier than we thought. Supervisor Bilbray?

ASSEMBLYMAN CHACON: Oh, here he is. He's here. He's coming in now.

CHAIRMAN TORRES: I'd like to welcome to the Committee, Senator Lucy Killea from San Diego. Welcome, Senator. Welcome, Supervisor. We wanted to squeeze you in because we know you have to get moving.

SUPERVISOR BRIAN BILBRAY: Thank you very much. I appreciate it, Mr. Chairman.

I apologize. We've been running around. I just sent Governor Ruffo back. I dropped him off at the border. We are meeting periodically to address the border issues, not so much from the position that your committee or any of our state and federal legislators would look at. We're basically discussing it from the context of those of us that live actually on the frontier — addressing the issues, the opportunities, and the problems in a neighborhood sense, rather than in a federal or state agenda or policy sense. And my testimony here today is more as somebody who has...
grown up, worked -- works and plays on this frontier, and it's not an issue and it's not an item that is easily ignored or walked away from for those of us that make the frontier our home.

I'd just like to stress to you that you may hear a lot of different testimony and a lot of different agendas brought forward here today. I think that the biggest concern that I have is that the agendas -- be it people that want to talk about immigration law, want to talk about legal law -- I mean, the tort law and different attitudes -- they all have their place. But I think that the issue on along the border has reached a chronic stage to where all those agendas have to take second seat to the fact that the human agenda has to take priority. And the human agenda is very easy to state for an elected official. But this is a situation where the most basic human issues are not being addressed and that is the protection of life and property -- most importantly life and the dignity thereof.

And we're talking about everyday along this area that we have innocent citizens of both countries that are being subjugated to a situation that is unacceptable in any nation. We're talking about murder, rape, maim. We're talking about people being slaughtered on our highways. People that are being robbed and murdered in our wildlife preserves and in our farms and in our yards. And I think it's something that just needs to be addressed from the context on that basis, that the number one priority of both sides of this international border should be the protection of the human life that is coexisting on the frontier.

What we've had is a lot of different people trying to raise the attention of the federal and state government to this. And frankly, I'll say publicly, though there may be a lot of people upset that they -- there's demonstration down there or there's counter demonstration -- my attitude is that I would rather see people raising issues about the murder and the maim and the problems than continue to ignore how many people are being killed down there.

And I have to say that be it any issue -- maybe the fact that things have gotten so absurd with these demonstrations are a reflection of how absurd the situation is in reality when innocent people are being hurt down there.

Now let me remind you that we've had discussions everyday across the border, and in the words of the Governor of Baja California -- his statement to me, right from the beginning, was, "Brian, can we talk and work on this issue as neighbors because you've got an uncontrolled no-man's land where people are being hurt. And is there any way that you can control the situation to where innocent people stop being hurt?" And I think that's really the issue coming down. And I would ask you to look at the fact that we have a boundary that is artificial, but we have areas within the state where it is open season on any innocent person and that the bad elements of society, no matter
what side of the border they're on, is causing problems. And let me stress to you that these problems are not just on the American side. Because of the uncontrolled situation in our neighborhoods, particularly in the United States, the neighborhoods of Mexico are being severely impacted. And the Governor of Baja would like you to know that he's got law enforcement and life and property problems on his side of the border because the United States side of the border is not being addressed properly from the law and order point of view. And I think that we need to address that comprehensively with Mexico.

We will be working on communication capabilities between our law enforcement agencies. But we'll also be working on many other type of social and cultural situations to be able to draw the ties.

CHAIRMAN TORRES: Mr. Areias for a quick question.

ASSEMBLYMAN AREIAS: Supervisor, thank you for being here today. Having grown up here and lived, I assume all of your life...

SUPERVISOR BILBRAY: All my life.

ASSEMBLYMAN AREIAS: ...you are uniquely familiar with the problems. Is it getting worse? Is it intensifying? Is there a growing intolerance? Is the media all of a sudden just focusing in on it? Has it been here all along? What can you relate to us from your experiences?

SUPERVISOR BILBRAY: First of all, I think the intolerance is with situations and not necessarily people. I think that what we're running into right now is a situation that ever since the earthquake in Mexico City, we have seen the situation at the border become very violent and we've seen urban criminals that are preying on victims along the border from both sides. So it is getting worse by the day. By the day it is getting more violent and uglier. And as somebody who goes every weekend with my family a hundred yards from the border -- we go down to ride our horses -- I will not allow my wife and children now to enjoy an area of our community that we've enjoyed for over 20 years. That's how bad it's getting.

ASSEMBLYMAN AREIAS: If you were designated by the Salinas De Gortari government and the Bush Administration and given the resources -- and the desire to resolve all of these problems -- given your experience, what would you do?

SUPERVISOR BILBRAY: Actually, the first thing I would do is develop a comprehensive communication capability across the frontier basically within a policy that within a mile on either side there will be constantly communication of any action that is illegal on either side of the border with the other side. It's a chronic problem of the fact that you can commit a crime in the zone of Norte in Tijuana and walk across the border and they know they're safe. Communication is the first step.

Second step is that we've got to look at what economic and social changes have to
be implemented on both sides to eliminate the environment where crime can prosper. You’ve got a whole lot of innocent people who are trying to move to a better way of life because they do not see any opportunity where they are. And that provides a breeding ground for the less desirable elements of society to prey on those people. And so we need to look at the economic and social opportunities along the border. And I think that law enforcement is a stop gap. But long term, we have to look at those social opportunities and the economic opportunities.

And I think Mexico and the United States is starting to discuss that. I think we have -- finally have a reflection there. But locally, we need to move an agenda of that kind of economic and social cooperation that hasn’t been traditionally allowed along the frontier.

CHAIRMAN TORRES: Mr. Chacon.

ASSEMBLYMAN CHACON: Mr. Bilbray, you have acknowledged that there has been rapes, murders, and maims and everything else. You have acknowledged the violence taking place, you’ve said it’s getting worse, and my question is this: Are the existing authorities and mechanisms -- structures -- adequate to stop this? Obviously, I think you would agree we’ve got to put a stop to it. Right? I mean, we can’t allow people to continue being killed and raped along the border.

Did you hear the testimony that someone gave suggesting a binational commission? What is your reaction to that kind of a structure? Several members here -- Mr. Peace, Mr. Areias, and I -- are familiar with the Commission on the Californias. Neither one of us thinks that’s the body that can do anything. I mean, that’s a pleasure-seeking outfit that does some good in terms of the higher levels of government, interchange of commerce, and so forth. But as far as this kind of a gut problem, they’re not going to do any good.

Do you think that a different structure -- mechanism -- is needed to address this very serious problem?

SUPERVISOR BILBRAY: Okay, first of all, Assemblyman, I will agree with you -- the last thing we need is another cocktail-sipping social club to address border issues a thousand or 600 miles away from the neighborhoods. We need more neighborhood-based type of communication, and if you’re going to look at a reformalization of the Commission, then it ought to be a local, frontier commission and let Mexico City or Washington have their agenda. But if you’re going to make it actually a commission of the Californias and make it for those of us that actually live at the frontier, I would -- I think that first of all -- let me back up a little bit. I think I’d stress the negative. We’re working on a lot of positives, too. I mean, I think you’re aware that we have $10 million to build a regional park right along this stretch of the border, right in this area; and it’s a wildlife preserve and we want to make that kind
of interrelationship with Mexico a pleasurable thing. I think that we really do need to see the situation, though, get beyond the cocktail-sipping social club.

ASSEMBLYMAN CHACON: So, that's okay. That's the long term. A park is a fine thing and I think that the economic improvement of Mexico is a fine thing. It ought to be done. But that's long term. What are we going to do about the killings that are taking place now? What kind of a structure do we need to stop that now?

SUPERVISOR BILBRAY: We need to be able to allow our local police and the federal government to cooperate on both sides to be able to communicate -- to be able to use the resources we have. There's going to have to be more resources put into it. There's just no excuse for us to allow American territory to be the killing ground or the killing fields for any nation -- even back and forth. And we're going to have to put the resources in. Do we allow a murder a week to occur? Do we allow this to continue? And I don't think we can.

And so what we've got to do is the state has to recognize that local governments are having these burdens thrown onto us. It is not our responsibility. It's not the responsibility of the City of San Diego to address a border issue any more than it would be a city in Kansas. But we have to and we inherit this responsibility because the federal governments are afraid to address it. They're terrified of it.

ASSEMBLYMAN CHACON: Well, what should the state do, send in the National Guard?

SUPERVISOR BILBRAY: No, I think that what we have to do is do a study intensification of law enforcement comprehensively. I think the biggest problem with border issues -- when you start talking about law and order on the border, people say "immigration." I think it goes far beyond immigration. We've got to get off the immigration issue and talk about, basically, do we have an area where the laws are enforced or don't we?

ASSEMBLYMAN CHACON: See, a lot of the allegations that have been made here by witnesses, that law enforcement itself has been guilty of the violation of the human rights of these people.

SUPERVISOR BILBRAY: Well, Assemblyman, I think that you and I can talk about the fact that law enforcement up and down this state periodically has been guilty of violating the civil rights of civilians, no matter what their nationality. That happens to be a nature of the creature. And I'm sure that Governor Ruffo would agree that on his side of the border he has civil rights violations. But I think that that doesn't excuse the fact that the greatest problem to the helpless is not an armed -- you know, a uniformed officer in the area. The greatest threat to an individual, the weak and the vulnerable, is the fact that when law enforcement pulls back and allows those bad elements of a society to control an area, then you get the worst situation.

So all I would say is for those who are afraid that law enforcement being enforced
along the border is like any other neighborhood, if you pull law enforcement out and find an excuse not to enforce and not have a controlled situation, it is not the poor and the weak that are going to benefit.

ASSEMBLYMAN CHACON: I'm not suggesting we pull law enforcement out. But I think law enforcement ought to be held accountable, don't you?

SUPERVISOR BILBRAY: Absolutely. And I think that we hold them accountable at the County and I think you're aware of our actions with the problems we have at the County of San Diego even in the north. It isn't just a border issue. But I think that we can't use the violations and the problems we have with law enforcement to basically say, well that justifies allowing lawlessness to occur because, believe me, the victims of the rapes, the maims, the murder -- they are the most helpless, the most vulnerable people. And you do not help them by saying, well, we're going to sort of leave you out on your own and allow the bandits to prey on you.

ASSEMBLYMAN CHACON: Assemblyman Peace for a question.

ASSEMBLYMAN PEACE: You indicated that with respect to commissions and what-not that there needs to be more of an emphasis of involving people -- those of us that live on the border and deal with and know the community. And then at the same time you indicated that it's not the City of San Diego's problem; it's not local government's problem; it's the state and federal government's problem.

SUPERVISOR BILBRAY: I said it's -- I misstated there. It's not their responsibility. It's our problem because we got it dumped on us.

ASSEMBLYMAN PEACE: How would you -- I mean, aren't those two internally conflicting viewpoints in terms of resolution though, to suggest on one hand that the people involved should be local people, but on the other hand, the responsibility doesn't lie with local government?

SUPERVISOR BILBRAY: Well, I would say that the responsibility lies with local government only because the problem has been ignored by the federal. But I think that what we need to do is try...

ASSEMBLYMAN PEACE: But I think your argument -- and I agree with your argument -- was that inherently, people locally are going to do a better job of dealing with the problem.

SUPERVISOR BILBRAY: Okay, I believe that we ought to have a "trickle-down" system with resources and a "percolation-up" system with strategies.

ASSEMBLYMAN PEACE: But you know as well as I do, whether it's Proposition 13 or anything or the private sector or public sector, whatever it may be, that you pay as the piper calls the tune. And to expect -- what in essence you're saying is that the state and federal government ought to simply put money down and allow locals to spend the money as they see fit.
SUPERVISOR BILBRAY: No, I'm not saying that. I'm saying that we ought to have a vehicle where we would be able to modify federal policy to make sure that it reflects the reality here and on the border, not the reality that they find in the beltway up north.

ASSEMBLYMAN PEACE: But isn't that going to require that -- I find that to be inconsistent with the notion that it's not part local responsibility. I mean, I think I agree with your assessment that it goes -- that the responsibility certainly extends beyond the City of San Diego and beyond the County of San Diego and what--not. And I think we have to be careful as people who live here and deal with both the benefits and the disadvantages of living on the border of disclaiming responsibility, because then when people want to put together pieces of legislation that take away the benefits of being on the border, economically and what--not, we don't have much of a leg to stand on to complain about any efforts there might be to create special districts, for example, in terms of infrastructure that takes local government's power away in terms of dealing with the infrastructure problems and what--not, and you're familiar with some of those proposals that are before us now.

I mean, it's a two-way street. I don't care whether you live in the middle of Kansas or whether you live on the Canadian border or the Mexican border or the border between East and West Germany. Every environmental circumstance and human circumstance brings with it its benefits and its disadvantages, and you can't disclaim responsibility for the disadvantages, and at the same time claim the right to exploit the advantages.

And so I would just caution you, when you testify in this venue in terms of disclaiming -- and I know you don't, because, Brian, I know you well enough to know that's not your intent.

SUPERVISOR BILBRAY: I think you know that I don't disclaim responsibility for the people on this border.

ASSEMBLYMAN PEACE: Absolutely. And the difference is, unlike most of local officials here, you, more than any of us, literally live right on that border. You couldn't disclaim even if you wanted to or not.

SUPERVISOR BILBRAY: Well, my five-year-old wouldn't let me do that.

ASSEMBLYMAN PEACE: And I understand that, but in terms of the -- you know, what's left in the taste of the testimony, I think you've got to be conscious that it can come back to haunt us as we, as members of this trans-border community, when we seek assistance from our federal governments, whether they be in Mexico or in Washington and our state governments in Sacramento, that when we seek assistance in terms of the problems, we have to also be very careful, that government has a tendency where it makes an investment by way of solving problems, whatever it may be. It tends also to
take away our ability to enjoy the fruits and the advantages of the immigrant workers.

SUPERVISOR BILBRAY: But, Assemblyman, I think it -- I agree with you -- the fact that we addressed that. But one of the biggest problems we've had with the federal strategies along the border is that they're so insensitive to the particular situations along the border, that they waste massive amounts of resources on absolutely absurd strategies because they do not reflect the realities that we run into along this area.

ASSEMBLYMAN PEACE: Well, and you also have some people who locally are -- I said to Rusty earlier here an aside. I mean, those of us that -- I read with great amazement the figures and numbers that INS puts out in terms of building up all this great fear factor. I mean, you and I both grew up here and we've always had illegal immigration. We've always had people coming across the border. We've always had discussions about the changing character. It has always been part of our community -- part of our lives -- people go back and forth across the border and, quite frankly, I don't buy for one second the nonsense that there's just a great mass of burgeoning numbers that are grossly disproportional to what they've historically been and that there's this terrible disaster impending upon us.

I've lived here literally all my life. The community and the impact from the community and immigration, illegal and otherwise, has not changed that dramatically. The media attention on it has; the extremist reaction to it has changed somewhat. But it has always been a part of our border culture and it always will be.

SUPERVISOR BILBRAY: But let me stress to you that the issue along the border has changed from immigration. It has moved away from that. It has become so much more ugly than what we've seen before. And what's happened is that because we've discussed the border issues always tied with the immigration law issue, that we've sat down at the border and there's been debates -- I mean, it's absurd to have people demonstrating on both sides debating federal immigration law. This is not the place to do that. It's not immigration anymore, Assemblyman.

ASSEMBLYMAN PEACE: The issue isn't that that's a point. The issue isn't the numbers. The issue is the change of what's happened.

SUPERVISOR BILBRAY: It is the change of the make-up. What's happening now is immigration is no longer the issue. It is protection of human life and that is what we've -- it's gotten that bad. It's gotten so ugly that immigration law is a sideline now.

ASSEMBLYMAN AREIAS: Much has been written -- Supervisor -- much has been written about this area. Some people -- some writers have said that it's unique in terms of the entire planet -- in terms of the way two cultures come together -- the disparity particularly from an economic standpoint.

Is the experience that you and Assemblyman Peace and Assemblyman Chacon and Senator
Killea have in terms of growing up, working in this area, a prerequisite, the kinds of experiences that you have because of this unique culture? Are you in a unique position to solve this problem?

SUPERVISOR BILBRAY: I said there is -- I would say that there is great opportunity there. I think just as much as in Mexico City they think of the people in Baja or in Tijuana as being almost northern Americans, kind of. We, in our own way -- the born and raised on the frontier here -- in our way we've culturally and socially been integrated into the Mexican experience. And so I think there is this zone of increased awareness of the other side. You've got to understand that when you look down at the border, there are many of us that look up at Sacramento and we see things differently because it's just been our lifestyle. It's been that the border crossing is just one of those things that we think about like crossing the street. It just happens to be an irritant, periodically. Trouble is that irritant now is becoming a raging wound and that's what's so upsetting. And it's right in the middle of our community. It's not on the edge. It's right in the middle of our lifestyle.

ASSEMBLYMAN AREIAS: Well, on another front, the new INS Commissioner, Gene McNary, who's formerly a county commissioner -- I think that's going to put the locals in a better position of getting in there and maybe some additional resources and help in Washington.

SUPERVISOR BILBRAY: Like anything else, that increased sensitivity may make it a little more sophisticated from the local point of view. And I think that it probably will be a benefit. I think we're going to see a whole new attitude change, and hopefully, we'll starting seeing the moderates start moving these agendas, rather than them being managed by the extremists. And I think that the only way to build a consensus on this strategy is to get the moderates together to build that consensus.

ASSEMBLYMAN AREIAS: Questions by any other Committee members? Thank you.

SUPERVISOR BILBRAY: Thank you very much.

ASSEMBLYMAN AREIAS: Thank you very much. We'll now call on Augie Boreno, Director of the Department of Transborder Affairs.

We'll go to Audrey Bergner next.

Thank you for being here, Mr. Boreno.

MR. AUGIE BORENO: It's a pleasure for me to be here before this distinguished body of legislators to touch upon, from our perspective -- that is, the County -- and to build upon some of the comments by Supervisor Bilbray. I think it underscores the importance that Mexico City and Washington have a particular perception about this area and its problems that probably doesn't square with the reality of living here.

Having said that, to speak to Assemblyman Peace's point, I don't think you have to be from here to want to solve the problems, but I think there's nuances built into how
you deal with them that makes some things effective and others not.

I think part of the problem -- and I'm not certain if the Consul General from Mexico has already had the opportunity to address you -- but part of the problem in terms of understanding what we're dealing with is a difference of perception. Many Americans view the question of immigration clearly as a violation of our laws and protections. I think what very seldom gets factored in is the Republic of Mexico's policy with respect to migration, and I think they will conclude for you, if they have not already, that the perspective of their government is a matter -- the migration is a matter of the function of the marketplace and a function of labor. So you have those distinct perceptions that come to bear at the border.

I think any case of violence where there's a taking of human lives -- I think that's not good for any society or civilization. I think none of us supports that.

There has been some concern with respect to the law enforcement alternatives that have been proposed and, without question, some of those are troubling. But I think that we really have to look at new alternatives in terms of enforcement, much as we're doing in the war against drugs where there's prosecution teams, probation officers, police officers trying various strategies to minimize the problem. I think that what happens is that we get various law enforcement agencies within the context of their authority -- they respond to what they should be doing and the problem is much greater than any resources they possibly have.

I think it is now incumbent upon us -- and perhaps the Legislature could help in that regard -- to look at how we enforce from a system perspective -- that is, from the criminal justice, the law enforcement, the human aspect of the people that are victimized there, because I think that, without question, the problem is severe enough to warrant that.

I think what is happening to this region is that San Diego County and the San Diego-Tijuana region is probably like no place anywhere else in the world. It is where the first and third world intersect economically, culturally, and for a lot of other reasons. And with that brings a kind of a special character that is almost difficult to define, but you know it's there.

I think what I would like this committee to consider is that there are a number of state resources in the ways of commissions, of state departments that can join local government and all of us who are affected by this to, I think, do two things. One, to heighten the consciousness of the public that this is a severe problem that I think we all share responsibility in. And secondly, to really look at how we shape our public policy so that it factors in the changing character of this region. And it doesn't happen anywhere else.

Supervisor Bilbray pointed out that sometimes when we go to Washington and Mexico...
City, what we're talking about in describing and what they see from those perspectives are very different. And as a result, the problems, which probably could be solved at the local level, sometimes get caught up in foreign policy mechanisms and in other activities that ultimately don't solve it for the people that live here.

CHAIRMAN TORRES: Mr. Chacon?

ASSEMBLYMAN CHACON: Mr. Boreno, in the testimony that I have heard, it seems to me that there's a lot of rationales that are being given for this problem that tend to either hide the problem, ignore it, or cover it up. I don't see people talking here about solving the problem. I don't see people here talking about stopping the killing, the rapes, and all those kinds of things. I mean, all these things that we need -- better cooperation, law enforcement people, and economic development of Mexico -- all those things are very fine. And I've said it before that those things make a lot of sense. But I don't think that in the immediate it's going to stop what's going on -- the violence and the violation of human rights. I mean, people are getting killed, women are getting raped, children are being shot at.

This is what I'd like. I'd like to hear from the witnesses how we're going to stop that. Never mind the long-term solutions. They're fine, but they're not going to stop this. I mean, there is law enforcement people who are going overboard -- they're acting imprudently, they're using excessive force -- and there are border bandits who are killing people as well. I mean, what are we going to do to stop that? This is what I'd like to hear from you.

MR. BORENO: Well, Assemblyman Chacon, I think the reality is that that situation that you describe is a by-product of that broader problem of which we cannot control because it's a matter of economics between two countries. That is not going to go away.

ASSEMBLYMAN CHACON: Yes, but the suggestion has been made here by prior witnesses that we need a new mechanism. We need a binational commission that will focus on the violence, not on the long-term solutions. You know, I'm familiar with committees, and you are too. Committees tend to spend a lot of time talking about solutions and they never quite get around to solving the problem. The witnesses here have talked about a binational commission that would focus on the violence. What do you think about that?

MR. BORENO: I think it's an excellent effort, but the reality is that there currently exists between our two countries foreign policy initiatives that are occurring to address that at a national level.

ASSEMBLYMAN CHACON: How come these killings continue?

MR. BORENO: Well, I think there's no question that these foreign policy initiatives are not going to remove the lawlessness. That's separate and apart but those two things are related. Now, how do we get at the violence?
ASSEMBLYMAN CHACON: Right. That's the question I have.

MR. BORENO: What I am saying is that out of necessity these both activities have to occur simultaneously. We need to support those foreign policy initiatives that would bring more reasonable public policy attention on the border. That's not going to go away. We need to deal with that.

The issue of the violence, I think that we need to look at how we do things. That must change. But the question is, you know, do we get more prosecutors, do we get more enforcement, do we get more officers? I mean, we need to really analyze that criminal justice response.

ASSEMBLYMAN CHACON: Do you think we need more law enforcement? Is a SWAT team a good idea? I mean, should we bring in more troops, more guards, more soldiers, more police? Is that the answer?

MR. BORENO: I don't know that there's a good answer or a bad answer. I know that we need to look at the situation and determine what is our best alternative, vis-a-vis stopping the killings, stopping the lawlessness. I think we need to look at the entire thing. I don't think we can take a snapshot, look, and then presume that that's going to solve the problem, because what it will do, we will concentrate a lot of resources in one area and the problem will switch elsewhere.

ASSEMBLYMAN CHACON: One final question, Mr. Boreno. Do you think that the solution should come from people on this side alone or does it require cooperation on the part of Mexico and this country?

MR. BORENO: Without question it is a binational/biregional response. It's the only one that is going to work, without question. But as I pointed out earlier, I think on our side, from a public policy standpoint, we must heighten our understanding of the Mexican public policy mechanism because that drives much of what occurs; and as I say, we look at it as an immigration problem. Mexico looks at it as a function of the marketplace, a labor issue. Until those two understandings and perspectives come closer into sync, I think we're going to continue to have problems. We have to deal with both. I think the violence is a reflection of that broader systems issue. But without question, any human life that's sacrificed there, nobody supports that and nobody supports lawlessness, because that isn't good for either country. And I'm sure the representatives of the Republic of Mexico will tell you they do not support lawlessness and they want their laws respected as we would in ours.

So I think, Peter, it's important that we work at both levels. But I think with respect to the immediate issues in terms of the killings, I think, without question, those of us in public agencies have to look at how we do things, because obviously it doesn't work in that given situation. But I think we need to really determine how much it doesn't work by analyzing it. I mean, we just can't respond to one part because
it'll pop up over here. I think we need a systemic approach.

CHAIRMAN TORRES: All right. Thank you very much. Audrey Bergner, Alliance for Border Control. Welcome to the Committee.

MS. AUDREY BERGNER: Thank you. Good morning, Senator Torres and members of the Committee. Much testimony has already been given this morning and will continue to be given regarding the violence occurring along our border. That increase in violence is due to exactly one thing: The increase in illegal immigration, which, according to the INS, has soared by 63 percent over this period last year. That means that over half a million illegal aliens have already entered this country during the first five months of 1990. That's almost 3,400 every single night, and projected over the entire year, that's 1,300,000 illegal aliens coming into California through San Diego.

Yes, a lot of those illegals get hurt. Seven aliens have been killed so far this year, six of them by their own countrymen. Many of them are robbed or beaten. Some are deserted by the coyotes that they hire to guide them through the canyons. Some of them die in the Tijuana River and many more die in car crashes or while trying to cross freeways in the middle of the night. And that is tragic.

But the tragedies inherent in this situation are not limited to illegal aliens. I ask you for a moment to consider those who also suffer from a situation not of their own making but one foisted upon them by an illegal immigration unparalleled in history. How about the 105 Border Patrol officers who have been attacked and assaulted during the same five-month period by illegal aliens? That's a 145 percent increase over this period last year. Gunshot wounds, attacks with hammers, screwdrivers, clubs, sticks, and perhaps worst of all mob attacks in the darkness are the daily fare of Border Patrol officers who are simply trying to do their job.

How about the citizens of San Diego who see their cities turning into war zones because of drugs carried across this border by aliens? How about the Americans who live along this border who are afraid to let their children play outside in the yard, who see their farms and livestock being stolen and destroyed, who say living here is a nightmare? How about the taxpayers of California who must pay one million dollars every year for illegal alien medical care? And that figure is rising. How about the victims of drunk drivers, 65 percent of whom were Hispanics last year? Many of them undoubtedly illegal who were arrested in San Diego County. How about the owners of the 20,000 vehicles which are stolen in San Diego County every year which end up in Mexico? Hundreds of which are used by members of the Tijuana Police Department. How about the victims of assault and murder and rape committed by illegals who account for 20 percent of all felonies committed in San Diego County? And how about the children and the people who must deal with epidemics like measles which imperiled some 4,000 people in California this year? An epidemic brought here by migrants from third world nations.
They too are victims.

And much as we may empathize with the poor Hispanic who is simply trying to find a better life for himself and his family, we must also realize that many illegals do not fit into that category. More and more of them, according to Police Chief Burgreen, are criminals. More and more of them, according to a Congressional Judicial Subcommittee, are draining the law enforcement resources and threatening our public safety. And so many of them are drug smugglers that the road from San Diego to Los Angeles is now known as the "Cocaine Highway." As former Attorney General, Edwin Meese, said, "Illegal immigration and drug smuggling are bound together in a symbiotic relationship."

Well, those are a few of the problems. Now, what do we do about them? The first step must be in deciding that illegal immigration and drug smuggling must stop. The second step is to enforce a legal immigration program -- legal -- for Hispanic peoples which abides by the same guidelines as those which apply to the people of all the other countries of the world. No criminal background, no communicable disease, the assurance of a job or a financial sponsor, and enforcement of the immigration quota system.

Unless we enforce those rules, then we, as a nation, send a message to the rest of the world, to people from Australia, Germany, and Poland, Israel, England, France, Russia, and Africa, that we have dual standard. They have to abide by the immigration laws of this country, yet Hispanics must not.

So the question arises as to how to accomplish this and still find an equitable solution which recognizes the needs of our southern neighbors, and yet recognizes that we Americans have some rights too.

Let's start with the premise that we have an obligation to ourselves and to the children to preserve a way of life which we and our forefathers helped to create. Let's continue with the premise that we have an obligation to the million and a half aliens who have already received some form of legal status in this state under IRCA and amnesty. Let's understand that to allow additional millions of largely illiterate and unskilled migrants into this city and this state will only compound the problems which we already face and have not resolved. As we've heard this morning, we have escalating violence, soaring crime rates, overcrowded jails, unsafe streets, drug-infested cities, communities filled with unemployed migrants, rising racial tensions, basic services stretched to the hilt, and at the same time, a $3.6 billion state deficit and a $60 million deficit in the City of San Diego. This is not racism, ladies and gentlemen, this is reality.

The stop-gap methods of controlling drug smuggling and illegal immigration which have been tried up to this point simply are not working. The only viable solution would seem to be an impenetrable barrier enforced with an adequate Border Patrol force.
along the twelve-mile stretch of land between Mexico and California where this massive invasion occurs. Yes, there would be those who would try to swim around it or climb over it or fly above it, but the vast majority of both drugs and illegals would be stopped.

In closing, I would like to stress that in no way are we trying to lay all of the problems which face us in San Diego and in California at the door of illegal migrants. That is simply not true. What we are saying is that their sheer numbers compound the problems which already exist and create new problems which neither this city nor this state has been able to resolve.

Quite frankly, it's going to be difficult for any city or any state to absorb millions of people of a different culture and a different language every year and still survive as a unified people. We ask you to give those millions who are already here the opportunity to integrate, to find jobs and homes and an allegiance to America before all of us are overwhelmed and doomed to anarchy.

Thank you, Senator Torres, and members of this Committee.

CHAIRMAN TORRES: Is there anything you haven't included in blaming the migrant nationals for their problems? You don't really suggest that we will get to anarchy, do you?

MS. BERGNER: I believe the definition of anarchy is political disruption, and I think that's what we're already seeing.

CHAIRMAN TORRES: When did you come to California?

MS. BERGNER: Six years ago.

CHAIRMAN TORRES: Six? From where?

MS. BERGNER: Most recently from Scottsdale, Arizona.

CHAIRMAN TORRES: Ah! Why did you move here?

MS. BERGNER: Many reasons. (laughter)

CHAIRMAN TORRES: What was the chief reason?

MS. BERGNER: Our children.

CHAIRMAN TORRES: Your children were living here in California? So you're a migrant yourself then from other states.

MS. BERGNER: Absolutely. And my mother was an immigrant herself.

CHAIRMAN TORRES: From where?


CHAIRMAN TORRES: From England here to the United States.

MS. BERGNER: That's right.

CHAIRMAN TORRES: Where did she immigrate to?

MS. BERGNER: To New York.

CHAIRMAN TORRES: To New York?
MS. BERGNER: Yes.

CHAIRMAN TORRES: I share some of the same concerns you have against all the New Yorkers that are coming to L.A. (laughter) The problem is that California now receives 2,000 people a day, and they come to California and they're staying. And they're coming from many other states. And the problems that you face here are more acute because you're closer to the border than those of us who may work in Sacramento or live in San Francisco or live in L.A., although the problem of migration is affecting all of us. And it's important to know that Mexico is also being used by many illegal immigrants from all over the world as a way to get into the United States in terms of dealing with those issues.

MS. BERGNER: There are two sides to the story.

CHAIRMAN TORRES: Sure, and I think it's important for you to understand that the $3.6 billion deficit can't be laid at the doorstep of illegal migrants.

MS. BERGNER: I made that very clear.

CHAIRMAN TORRES: But it has more to do with...

MS. BERGNER: But it compounds the problem.

CHAIRMAN Torres: Let me finish please. It has more to do with the issues regarding domestic policies by this Governor and some of us who would like to see different policies approved. How would you stem the flow of migration from Arizona and New York to California?

MS. BERGNER: I don't think that you're discussing the same situation at all. That's apples and oranges. The people from Arizona and New York, for the most part I would have to assume speak the English language, having lived in both areas.

CHAIRMAN TORRES: Excuse me, Sergeant, would you please tell the young lady in the front row if she has something to say she'll be called upon if she needs to?

MS. BERGNER: I would assume that number one, they would be financially responsible; and number two, for the most part, I just don't think that you can compare a group of people that are coming here from New York or Philadelphia or Washington, D.C. or Arizona with a large uneducated group that are very definitely dependent upon our welfare system for existence that are coming in from other countries. That's not the same scenario.

CHAIRMAN TORRES: Well, the problem with that thinking has been that there has been some documentation that says just the opposite, that the illegal immigrants operate on a cash-only basis and their support to Los Angeles County, at least that we've found, with a report done by a Republican-controlled Board of Supervisors, much to their dismay found that the cash investment by illegal immigration to Los Angeles County has done more to help the county than those monies taken out from a welfare system. And so that sort of laid that argument to rest.

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But the other issue is it is a serious question, and I don't really think that it's apples and oranges in terms of immigration. Immigration to California is testing our entire infrastructure right now. Senior citizens come to California because of the better weather and the better welfare policies for senior citizens. We have a very generous state program here in California to help senior's, as we should, in California.

So the issue of migration having an impact on the infrastructure of California also has to do with crime as well. If you go beyond other cities in the State of California, you will find that increased crime has occurred across the state and it may be due in large part to people who live in a community feel that others coming in are really the cause of it because they're really not the cause of that high increase in the crime problem as well.

So, yes, there are two sides of the story, but I really would like to get an idea of how you, from your perspective, and I am -- this is a serious question -- from your perspective, how would you handle it? You suggest a tougher enforcement at the international border. How do you see that implemented, from your perspective?

MS. BERGNER: I think that there has to be an impenetrable barrier.

CHAIRMAN TORRES: What does that mean, a wall?

MS. BERGNER: Whatever the powers that be think is correct. I am not in a position to be -- to make an engineering decision about what should be put up there. It should be an impenetrable barrier, whatever that means.

CHAIRMAN TORRES: What happens when we have reached, as we have now, with a $3.6 billion deficit? That we are bursting at the seams in California, and not so much from illegal migration, which is more focused here in San Diego, but from migration from other states in the United States. How do we deal with that migration?

MS. BERGNER: Are you talking in terms of fiscal matters in the deficit or are you talking in terms of migration?

CHAIRMAN TORRES: Migration. Both. Would you build a wall along Nevada/Arizona borders, or would you build a wall between Oregon and California? I think it would be more for Oregon because they don't want Californians moving to Oregon.

MS. BERGNER: That's right! In terms of the southern border, which is what we are here to discuss today, I would have to say that the thing that we cannot afford to build such a barrier and implement it simply does not hold water. I just finished doing a fiscal report for Senator Craven from your own august body, indicating that the cost of illegal alien care in terms of the wealthier medical care, housing, additional crime forces, more than surpassed by trillions what it would cost us to put up a barrier along a twelve-mile stretch.

CHAIRMAN TORRES: But given the experience of Berlin, that really didn't solve the
problem, did it?

MS. BERGNER: They were trying to keep people in. We're trying to keep people out. We're trying to arrange it so that they can come in on a legal basis, and this is the whole impact. There are a million-and-a-quarter people of the Hispanic and Latin-American group that are in this state at the moment.

CHAIRMAN TORRES: Yes, but Ms. Bergner, unlike you, I was born in Los Angeles, I was born in California, so there is a difference there. You are an immigrant, as far as I'm concerned, to California and I accept you.

MS. BERGNER: Very good. Then I'll speak as an immigrant.

CHAIRMAN TORRES: And I welcome you. Mr. Areias.

ASSEMBLYMAN AREIAS: It's just -- it's a...

CHAIRMAN TORRES: Sergeant, would you remove this woman from the front row, please? I've asked her three times to please be quiet. Ma'am, if you can't control your voice, I'm going to have to ask you to leave.

MRS. BRANTINGHAM: May I testify?

CHAIRMAN TORRES: At the appropriate time, if we have time. You are not on the agenda. At the appropriate time I'll be happy to call you up, but right now I think it's very rude for you to interrupt this woman's testimony.

ASSEMBLYMAN AREIAS: It's a fascinating phenomena that we see. We've got 2,100 people a day coming to California and all the infrastructure and budget problems and realities that we have to deal with every day, Senator, that you alluded to earlier. Oregonians invite Californians to visit but prefer that they not stay. I happened to be in the Seattle area recently where there is open hostility toward Californians that move there unless you're trying to sell your house. And yet, the facts clearly show that more people from the State of Washington move to California than Californians moving to Washington, last year. Some Californians don't want Arizonans moving into their state, and I'm sure that the contrary is true.

Are most of the people, in your mind, that are coming here from south of the border -- are most of them finding employment in this area or in California?

MS. BERGNER: No, they are not. This is a big part of the problem and this is one of the reasons why I feel it's so important that we call a halt to the illegal immigration now and give these people a chance to get adjusted and that's just what...

ASSEMBLYMAN AREIAS: If they couldn't find work -- I mean, I'm sure that that word would trickle back. I mean, people are coming here in search of better opportunities, and I think they're -- my sense is that for the most part, if they're industrious enough and have the personal fortitude, they're probably finding that some of the hostility comes from maybe some of the jobs they are taking from some of the people that are here.
MS. BERGNER: That's undoubtedly part of it, but they don't find work. Go up to Encinitas on any morning of the week; go to Pacific Beach and stand on the gas corner station where the meeting was last week; go down to the South Bay area. You'll see them standing around. I'm not saying they wouldn't work if they had the opportunity. I'm saying that the jobs are simply not available.

ASSEMBLYMAN AREIAS: You know, I've been to the farms and the factories and I see lots of our friends from south of the border.

MS. BERGNER: Sure. Lots of them are employed, but lots of them aren't.

ASSEMBLYMAN AREIAS: Have you ever employed an illegal alien in your home?

MS. BERGNER: No, sir, I have not. Not even a maid.

CHAIRMAN TORRES: Yes, Mr. Chacon.

ASSEMBLYMAN CHACON: I am disturbed a little bit by a couple of things in your testimony. First of all, you described immigrants to this state from Arizona and other states as English-speaking people, responsible people who can hold jobs. On the other hand, you described Mexicans who come over here as not speaking English, scroungy -- I don't think you used that word.

MS. BERGNER: No.

ASSEMBLYMAN CHACON: Well, you said they were uneducated and poor and unable to hold a job. It seems to me that's kind of a qualitative comparison. You seem to say that one is better than the other. Aren't they all human beings?

That's the first point. The second point is that I think you're terribly misinformed of the economics of this country. You don't seem to realize that the Mexicans do jobs here that Americans won't take. You can't find an American to pick beets in the farm or to plow the earth and put the food on our table. The Mexicans do that, the Salvadorians do that, the Nicaraguans do that. So this country has a need for immigrants. This is not the only country that imports immigrants to do the work that the citizen won't do.

A recent study shows that this country is declining in terms of its young people 18 to 25. That population is in steep decline. Ours is an aging population. And unless we have an influx, a greater influx -- not less -- than we have now, we're not going to have the people who'll do the work. I think you ought to read a little more and find out what the facts are. You're terribly misinformed.

See, you see the Mexicans coming over here as people that you see physically and they disturb you. Okay, that's okay. You know, nobody has to like anybody. But this country needs them. This country actually needs these people to come over here. It's true that some of them go on welfare but not out of proportion to the number of Americans that go on welfare, and that's a proven fact, too. No more Mexicans go on welfare than Americans go on welfare, proportionately. And these people over here
don't have to learn English -- they're just coming here to work -- then they go back. So don't tell me that they don't speak English and hold that against them, because that's not their job. They're not coming over here to become American citizens. They're coming over here to do the work that we won't do.

MS. BERGNER: How about the ones that stay, Senator?

ASSEMBLYMAN CHACON: The ones that stay? They're obligated to learn English. And we have classes for them. And I'll tell you something that a lot of people don't seem to realize, and that is that our English (ESL) classes are crowded with immigrants who want to learn English. It's a big myth to believe that foreigners don't want to learn English. They certainly do -- you just ask them: "Do you want to learn English? Do you want your kids to learn English?" They'll tell you, yes, they do. There are not enough ESL classes. We have a difficult time funding enough ESL classes for these people because they want to learn English, the ones who want to stay here.

MS. BERGNER: All right, if we have a difficult time funding the ones that are here right now, isn't that problem going to be compounded if we have another million and a quarter, a million and a half this year? Give the ones that are here a chance to learn the English, to find the jobs, to get homes. We have an obligation to those people. They are here legally.

CHAIRMAN TORRES: You're absolutely right, but the problem has been people like Eddie Meese that you quoted and others who have refused to provide the adequate funding. We have waiting lists for ESL classes in Los Angeles and every time I put money in the budget, George Deukmejian has vetoed it. And so it becomes a "catch 44." Yes, we want people to learn how to speak English and we have all this rhetoric from the Governor -- we want people to speak English; they ought to learn how to speak English. But when it comes down to putting the rhetoric on paper and putting the money to do it, he refuses to allow the money for ESL classes. So we're stuck in that "catch 44." So I want to work with you because if you're willing to come up to Sacramento and talk to your Republican friends like Senator Craven, who is very supportive of this issue, then I want you to come to Sacramento and start talking to your Governor, because he won't listen to me, in terms of providing the money.

MS. BERGNER: I've been there, Senator.

CHAIRMAN TORRES: Well you haven't had an impact then. They must not listen to you either. (laughter)

MS. BERGNER: I'm not sure they listen to anybody.

CHAIRMAN TORRES: That's obvious -- that's why we need a new governor. My prayers have been answered -- he's retiring. (laughter)

CHAIRMAN TORRES: Mr. Peace.

ASSEMBLYMAN PEACE: I want to touch on the notion of the migration impact on the
community at best and in a little less of a confrontational way and at the same time try to put some perspective on it. I just had an animated conversation with a gentleman outside in which he took issue with my notion that the problem that we deal with here, in terms of what really brings us here today to focus on the violence at the border and in the community and what not, is more a reflection of a change in the economic condition here, the economic condition in Mexico and the kind of activities that are there as opposed to numbers. And I couldn't resist asking the same question that Mr. Torres asked you and I said, "Where are you from?" "Los Angeles." "What do you do? Why are you here? Why don't you go home?" And with all due respect, Mr. Torres, I'm glad you don't... (laughter)

CHAIRMAN TORRES: I appreciate you and Mr. Chacon and Senator Killea's hospitality for allowing me to come into your city.

ASSEMBLYMAN PEACE: But you are on a temporary visa.

CHAIRMAN TORRES: On a temporary visa.

ASSEMBLYMAN PEACE: And it turned out this gentleman was a real estate developer from Los Angeles. Now, I will take 50,000 of my brethren from across the border for every one Los Angeles real estate developer. (laughter)

You know, our community has a lot of problems, but massive unemployment is not one of them. San Diego County has one of the lowest unemployment rates in the entire country, let alone the entire state. The conditions that create unemployment problems, I can speak to you with a little bit of authority about with respect to the other portion of my district that I represent, Imperial County, and it clearly is a matter of the points that Mr. Chacon was making reference to in terms of where we are at as an economy and what our needs are.

We are moving in this world into a more global atmosphere. For America to bury our heads in the sand and, what you appear to be proposing, literally build walls around itself and to ignore what's happening throughout the world is to make the same mistake that something I mentioned in caucus the other day -- Lucille says I shouldn't say this out loud -- there was a proposal being made about some Democratic proposals that I felt were more regulation and what not, and I said, "Has it occurred to any of you folks that with what's happening in Eastern Europe that we can sit around for the next two years and be the last remaining Communist party on earth?"

I mean, it's just as myopic to take either extreme position and recognize that the free enterprise system works, number one, but that it needs government guidance, which you're suggesting in terms of we've got to recognize that there are potential impacts in terms of all of that, but I'm concerned not about your pointing out these concerns. I'm concerned about the radical nature of your solutions, because it seems to me, as much as I'd like it to be, the world ain't that simple.
I grew up here. From the standpoint of those of us who are real natives, born and raised, I really honestly believe what I said before -- that in terms of numbers and impact -- this place hasn't changed proportionally. We've had more change from people coming from Los Angeles and Arizona and everywhere and growth and change in the nature of our community. As a child I lived in a relatively small border town, Navy town, military town, that had a lot of small-town community values, a lot of people knew each other and what not. I now live and raise my three boys in the eighth largest municipality in the country.

Now, that is what's dramatically different about San Diego. We have always dealt with our juxtaposition to the border. It has always brought to us both benefits and difficulties. And I think Supervisor Bilbray's point is the most important thing relative to this. And that is that those of us who have lived with it all our lives, I think understand it better. We do want -- the carnage that is literally occurring on the border -- and the other side of this is those that expressed the concerns about law enforcement, and they're valid concerns in terms of violations of civil rights and what not -- but I agree with Mr. Bilbray's point that we can't abandon that border because it is the immigrants, illegal and otherwise, who are the -- look at those examples, Senator Torres, that were given: somebody coming across the border, not to find a job, but to go to the Jack-in-the-Box; somebody coming across the border, not to commit a crime, but to shop at K-Mart and go back.

Ms. BERGNER: And how do you determine the difference between them?

ASSEMBLYMAN PEACE: And when you erect that wall, you change the nature of our community. You make us something that this community has never been. We've never been a place in which Tijuana was not part of our community. We've never been in that way. And if we don't -- we do have to focus on what's happening in terms of the violence and have law enforcement there, but to talk about the notion of erecting walls is scary.

MS. BERGNER: May I ask a question, Mr. Peace?

ASSEMBLYMAN PEACE: Sure.

MS. BERGNER: You seem to be favoring an open border situation where people can come and go at will. Would you mind telling me how, with an open border, we are supposed to differentiate between the criminals who are coming across there and causing all kinds of havoc in the city, the drug smugglers who are bringing across 40 percent of all the cocaine that comes into this nation comes across that twelve-mile strip? How do we keep them out if you want to have an open border?

ASSEMBLYMAN PEACE: Well, first I didn't suggest that we wanted to have an open border, so let's not accept the premise. In fact, on the contrary, I just said that those that are concerned about the potential abuses of law enforcement and then conclude we need to back law enforcement away from the area, I believe are wrong. I
think we do need to have a visible and physical law enforcement presence at the border. That's not anything remotely approaching an open border.

The others you heard talked about expanding the legal immigration opportunities, that all that can be part of the formula. But, you know, you don't determine whether people are criminals or whether they are here for buying goods or here for proper purposes by what they look like. You determine it by their actions. If people commit actions -- and you might not be aware -- you know, Brian and I were just discussing yesterday, just a few moments ago -- do you know how many of the drug transactions that are occurring right on this border, and Tijuana Valley has become a rampant area for drug transactions, which are Mexican citizens coming across the border to buy drugs from Americans? I mean, it is easier for a Tijuanan to come across the border and buy drugs from an American drug smuggler who is, as you point out, probably smuggled those drugs across the border at some point, than it is for them to buy drugs in Tijuana itself. That says more about how convoluted our circumstances are than anything else.

And I empathize with those in Pacific Beach who suddenly have -- you know, those of us who grew up in Benita and in Otay and have always had people standing on the corner looking for jobs and what not, don't find it to be a particularly revolutionary experience. I realize now that in the past Pacific Beach perhaps was an area where that didn't happen as much and they find that shocking and what not.

So your observations are valid. Your concerns are valid. And I also tend to agree with your potential concerns in terms of we've got to make sure that we can have the financial wherewithal to deal with people in our country from all backgrounds and what not. But there's no connection between the concerns you reflect, which are all, I think, absolutely heartfelt and well-meaning, and the solutions you attach to them. I don't see where the twains meet.

MS. BERGNER: Well, you seem to think, Mr. Peace, that because we are asking for a defensible border that that is a strange situation. Do you feel that the Constitution of the United States is a strange document?

ASSEMBLYMAN PEACE: Let's talk about the impenetrable border. Now, you're talking about people who, in many cases, have come from not only the center of Mexico, but perhaps from all the way from Latin America and sometimes have even crossed the ocean to get to this continent and then come in through this side. And you've suggested what, a twelve-mile long? Okay. Well, let's assume we build it five-million feet high. So let's eliminate. I think it's fair to say they wouldn't be able to climb over that. Do you believe that someone having already transported themselves probably by foot and elsewise over hundreds of miles is not going to make the twelve-mile trek to get around the wall?
MS. BERGNER: I believe I already answered that when I was speaking; however, we have to recognize that once you go beyond that you run into a desert situation on one side and run into the ocean on the other side, both of which are formidable barriers themselves.

ASSEMBLYMAN PEACE: But we have hundreds of thousands of people on a regular basis come across Calexico. You can't get any more desert than the Imperial Valley. That's as desert as it gets.

MS. BERGNER: Well, you have to start somewhere.

ASSEMBLYMAN PEACE: Oh, so you're not going to stop at twelve miles?

MS. BERGNER: No, I'm saying that we have to start somewhere and since I have to live in San Diego and this is my city and my county and this is where the majority of smuggling and illegal immigration takes place, this is the logical place to start. Where it goes from there I don't know, I don't have those answers. I'm just a concerned citizen who sees this place falling apart.

ASSEMBLYMAN PEACE: Do you think San Diego's falling apart?

MS. BERGNER: I think we have severe problems that are not being addressed in Sacramento, that are not being addressed here, and they're certainly being ignored in Washington.

ASSEMBLYMAN PEACE: I certainly agree with that and not all of them are related to immigration. But you know, I often hear people say that and even in terms of, you know, sitting down with my wife and talking about this terrible thing happening and what not, but you know, all of us here choose to live here. And San Diego is one of the most magnetic places in the world, not just the country. I can take a little bit of exception, and at a minimum, I think the chamber of commerce probably takes exception to the characterization that San Diego's falling apart. We talk about problems. We have the problems that everybody else has in all the other communities. In fact, our drug impact, given the fact that we're on a border, it's a miracle that it probably isn't dramatically worse than what it is. I love San Diego, and it really boils down to the old notion of "love it or leave it."

CHAIRMAN TORRES: Mr. Areias for a question.

ASSEMBLYMAN AREIAS: I just want to say that I do appreciate you coming here. I don't agree with much of what you said, but I think that your feelings are probably representative of the way a lot of people in this area are feeling, and I think it's important that those are communicated. My own feeling is that impenetrable and border are mutually exclusive terms and I don't want to see an impenetrable barrier or wall anywhere in California. And while I may not live in San Diego, I do live in California and am entitled to that and will fight to my last dying breath to see to it the wall isn't built. We don't need a world with walls.

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My family, as I said earlier, came from the Azores Islands and people migrated here from the Azores Islands for years and years and years. They were supposed to be a part of Portugal, but Portugal called on the young people to fight their wars and largely kept them in the dark and uneducated on those nine volcanic islands out in the Atlantic. And then about fifteen years ago a new government came in and began investing in those islands, and you know what happened? A strange phenomenon. Not only did people quit migrating from the Azores Islands to California to work on the dairies and farms and to work in the fishing fleets, but people from here started going back because there was opportunity. That's what we need -- cooperation and investment.

Ms. Bergner: I agree.

Chairman Torres: Ms. Bergner, I think it's important for you to understand what my position is. Number one, I am not for an open border, and a defensible border does not necessarily mean a wall in my opinion. But I do believe that economic development has to occur in Latin America and that's where we have failed as a country. We have gone to Asia to take care of problems, we've gone to Africa, we've redone entire Western Europe after the war in terms of rebuilding it. But we have consistently ignored the very neighbors to the south. And so a defensible border, in my opinion, has to exist between any countries, but before you can solve all the problems that you feel and all the feelings and frustrations that you have, I think we need to work together to provide economic support and development to Latin America as a whole in hopes of doing that. Now, do you know Dr. Thorup, behind you?

Ms. Bergner: No, I don't.

Chairman Torres: Dr. Thorup, this is Mrs. Bergner. Dr. Thorup is a statistician and a scholar and she's educated me about things I didn't know. Maybe you two meeting might have a good exchange of ideas and maybe she could let you in on some of her data, maybe make your pay stronger or maybe educate you as to what's going on.

Ms. Bergner: I have read a great deal of the material that came out of UCSD on the Mexican/Americans.

Chairman Torres: Oh, good. Good. I appreciate that and I appreciate you coming by.

Ms. Bergner: My pleasure, thank you.

Chairman Torres: Mr. Manny Guaderrama, Chief of the San Diego Police Department. Thank you for your patience, Chief.

Chief Manny Guaderrama: You're welcome.

Chairman Torres: Well, it's all your fault. You've heard that all day. And you're going to solve this problem, right?

Chief Guaderrama: No, I'm afraid not!

Chairman Torres: What do you think, Chief?
CHIEF GUADERRAMA: Well, of course we have some concerns about what's going on along the border. I've been on the police department 29 years and have spent a considerable amount of my time working in San Ysidro and being familiar with what's going on right along the border.

CHAIRMAN TORRES: Now, were you born and raised here in San Diego?

CHIEF GUADERRAMA: Yes.

ASSEMBLYMAN PEACE: Thank God, huh?

CHAIRMAN TORRES: One of the few, with Peace.

CHIEF GUADERRAMA: Anyway, I've seen it from a time that we had virtually little crime or violence on either side of the border entry what we have now. And, quite frankly, I am very alarmed about what is happening.

We have worked in concert with Border Patrol to prevent some of the atrocities that have been occurring along the border in terms of murders, rapes, and robberies and to little avail, it is continuing on. Last year, Border Patrol pulled out of our joint task force and we had a small squad of officers assigned to taking care of some of the problems. Their sole purpose was working along the border protecting people who were in that area, and most of these people are coming from Mexico. This is between the point of entry and the ocean -- an area we call the "South Living." And in spite of our presence there, the robberies, rapes, and murders are continuing. We've come to the realization that we don't have enough people working that border to protect -- or enough officers and grease horses along the border to protect the people that are coming across and who are in the area.

CHAIRMAN TORRES: Well, give us some stats on that. I know you were going to provide some statistical stuff, though we become educated from your perspective as to what you think is out there.

CHIEF GUADERRAMA: Since 1986, we've had 38 people that have been murdered and three census tracks right along the border. That covers the City of San Diego from the east end to the ocean. Robberies declined from 1986 to 1989, but suddenly in this last year we had 156 and our projection is that we will have 334 by the end of the year.

CHAIRMAN TORRES: Is that correlative to other cities or is that unique to San Diego and California?

CHIEF GUADERRAMA: It's pretty unique to the border area where we have crime in one census track is seven times higher than the city average.

SENATOR LUCY KILLEA: For instance in El Paso, do you compare notes with El Paso?

CHIEF GUADERRAMA: I don't have that information, no.

SENATOR KILLEA: Just basic as a comparative.

CHIEF GUADERRAMA: Assaults have increased 63 percent since 1983. Violent crimes have increased 28 percent since 1986 where we had 455 last year. We're projecting we
will have 581 this year. Property crimes jumped from 32 percent between 1987-1988. Last year we had 3,096, this year we are projecting 3,115. Overall crime has increased 47 percent since 1986.

CHAIRMAN TORRES: What's caused that increase, in your opinion, since '86?

CHIEF GUADERRAMA: More and more people, density, narcotics, more people on both sides of the border, more guns. There are just a number of reasons why it has. The lack of adequate presence by police in that area also has caused crime rates to go up.

CHAIRMAN TORRES: Where do you think those guns come from?

CHIEF GUADERRAMA: They come from all over. They come from the United States, more likely. Most of them are U.S. guns. But we're finding them on both sides of the border.

CHAIRMAN TORRES: So we're holding our own in the gun market.

CHIEF GUADERRAMA: Oh, yes, absolutely. Yes, we are. We've had this year, with the squad of officers that we've had assigned to the border, which amounted to six, working strictly border crimes/problems, we've had seven murders to date. Last year we had five the entire year. So again, in half a year we've had seven, we're projecting we'll have 14 by the end of the year.

CHAIRMAN TORRES: On those census tracks, are those the ones that are immediately adjacent to the border?

CHIEF GUADERRAMA: Yes, they are. We are increasing the number of officers on the border, probably as early as next week. The reason for them being down there is to protect the people that are in those areas. We fear that with our present force of officers we can't adequately protect the people that are there.

We are not doing anything with immigrants. We're strictly seeking out bandits. We're using various kinds of techniques like surveillance, gathering intelligence, doing some work with the Mexican police, and focusing in on the bandits. That is our sole purpose and that will continue to be our sole purpose for working that area between the port of entry and the ocean.

CHAIRMAN TORRES: Senator Killea.

SENATOR KILLEA: You find that the people you are seeking out, the crime-breakers, go freely back and forth across the border, or are they more on one side, some of them on one side and some of them on the other?

CHIEF GUADERRAMA: Yes, they run freely back and forth across the border. There's virtually no fence anymore -- most of the fence is down -- and so you can't hardly tell where Mexico starts and the United States begins. It's a wide open area.

SENATOR KILLEA: Do you agree with Supervisor Bilbray, that by increasing the communication and cooperation and matching forces with Mexico, with the Mexican side of the border, would help the situation?
CHIEF GUADERRAMA: Absolutely. There is no...

SENATOR KILLEA: What do you recommend in that line?

CHIEF GUADERRAMA: We met with the Tijuana Police Authorities just last Friday and started a discussion about how we could work in a cooperative effort, and the first thing we're going to do is exchange intelligence information. There are some barriers to a full cooperative effort in that on the Mexican side. They have to deal with the federal authorities and do some coordinating work because that area along the border is federal area. So they had to work out those kinds of problems as we are trying to do also with the Border Patrol.

CHAIRMAN TORRES: What do you recommend we do?

CHIEF GUADERRAMA: Well, I'm glad you asked. We certainly could use some additional resources from the state in terms of border enforcement.

CHAIRMAN TORRES: How much?

CHIEF GUADERRAMA: We're looking at probably 30 additional officers to work that border full time. That translates probably into at least a couple of million dollars a year. But to provide adequate police service to that small area, we'd just about have to have a squad of seven officers per shift, and we're talking about three shifts a day.

CHAIRMAN TORRES: Mr. Peace.

ASSEMBLYMAN PEACE: Assuming that those resources suddenly became available -- you've heard the testimony here in terms of concerns that some groups have with respect to the conduct of law enforcement agencies themselves -- do you think that there is a potential for the department and its officers to support the creation of some sort of a citizen-based group which would work with the department and the INS and the Border Patrol, and what not, in an effort to ensure that there is some kind of a comfort zone in terms of the issues that were raised with respect to potential civil rights abuses?

CHIEF GUADERRAMA: Of course. We already have a model on our police department in that we have a police oversight committee, and we have been working very closely with them over the past three years. And so we have no problem with working with other community groups, other law enforcement agencies.

ASSEMBLYMAN PEACE: What do you think of building a wall?

CHIEF GUADERRAMA: I don't think a wall is going to work.

ASSEMBLYMAN PEACE: (Inaudible)

CHIEF GUADERRAMA: Well, we had a fence. At one time that fence was in very good condition. There are ways to get around it. When there's a will, there's a way, and I don't think the fence is the answer, or a wall. We certainly need resources like additional manpower to work on immigration kinds of problems, but I don't agree with a
CHAIRMAN TORRES: Well, as one Senator from Los Angeles, I want to thank you for allowing me to come into your city. And I will follow the leadership of Senator Killea and Mr. Peace to make sure that you get the money from whoever the next Governor is. If it happens to be Wilson, I think we'll have an inside track. (laughter) If not, maybe I can help on the other side. Thank you very much, Chief.

CHIEF GUADERRAMA: You're welcome.

CHAIRMAN TORRES: Mr. Richard Neely, Assistant District Attorney, San Diego. Welcome to the Committee.

MR. RICHARD NEELY: Thank you very much, Senator Torres, Senator Killea, I have several copies of my written comments to give you and your fellow people to look at and read at your pleasure.

I'm another one of the few people that have been born and raised in San Diego. I have lived in the general area of San Diego all my life so I know a little bit about San Diego and the multiplying problems that we've been having as our population has been exploding over the last 20, 25 years.

I want to thank you, and on behalf of the District Attorney thank you for you coming here, because that underlines the concern you have for our problems along the border and your recognition that it is a state responsibility as well as a local and federal responsibility to try to solve this problem. The District Attorney, Ed Miller, would have been here had he been in town, but he's in Washington, D.C. on business and so he asked me to come here. I'm his assistant.

We have a couple of proposals or suggestions that we've outlined in my written comments. I want to give you the problems that I see from our perspective. As prosecutors we're basically reactive, and that means, unfortunately, we don't get into the picture until after the crime has been committed and the evidence has been presented to us to attempt to secure conviction.

From what I have seen down at the border, our presence down there, first of all, the federal government has not been able to, and hopefully will be able to in the future, get a control of the border, but right now they don't have control of the border. It's a free fire zone down there and these marauders, these bandits, are coming across and victimizing these human beings who are coming over the border and going back into Mexico. These are some of the most difficult cases that the prosecutor has is these types of cases because of the almost insurmountable victim witness problems we have.

To give you a scenario, when the bandits come across and victimize these people and run across back to Mexico, as far as the case is concerned, that's it. The victims and witnesses, as you know, mostly or probably all of them are illegally in this country.
They will either go back to Mexico where they'll go on their way to other places and we'll never find them again. Even if these bandits come back across the border and the police might identify the person, oh yes, he's the person who robbed us, this fellow the other night, we don't have a victim, we don't have a witness, and so therefore we don't have a case. When we capture the bandit, sometimes the victims and witnesses go back to Mexico, so therefore we have a difficult time of prosecuting because we have many of our victims and witnesses who we need to secure a conviction and they're not available. Even when we do have our victims, our witnesses, and we have the bandit that we've caught, the problem we have is that as it stands right now, the availability of those people, those victims and witnesses to us, is temporary at best. We can only have them available to us for about ten days. Ten court days or so is about all that the federal government will keep these alien victims and witnesses for us in terms of getting testimony.

So what that means is that we have to get to a preliminary hearing, we've got to preserve their testimony, we have to do it within a couple of weeks. We have a lot of imaginative defense attorneys who try to put these preliminary hearings off past this two weeks; sometimes they're successful, and many times that compromises our case because the victims and witnesses are gone.

Also, even if we do preserve the testimony of the victims and witnesses at prelim, they're sent back to Mexico or they're otherwise gone and unavailable to us and then we get to trial we don't have any victims and witnesses. We don't have a jury to look at the people to tell them what happened. All you've got is a transcript. So you can see how difficult that is for a prosecutor to secure quality convictions.

And because of that we have suggested a couple of things. The first thing we suggest is yes, a little bit of financial aid, and that's in terms of at least considering a grant, maybe from OCJP, that will seed an international task force where we can have prosecutors and law enforcement officers on this side of the border and prosecutors and law enforcement officers on the other side of the border, working together to get -- because a lot of these are chronic offenders, you know; I mean, they're criminals in their own right; they're going back and forth and they're doing it with impunity -- to concentrate on this so that if they do flee back to Mexico, we'll have a better chance of apprehending, we'll have a better chance of using Article IV of the Mexican Constitution in order to prosecute if they go over to the Mexican side, and we'll have a better chance to have available the victims and witnesses that go over to Mexico by virtue of cooperation with the Mexican government.

The OCJP seed monies that you have given to us in the criminal program area, in our child abuse area, have been very, very successful and I think it's something you should think about.
The other suggestion that I have is we need help to keep these victims and witnesses available to us. We need something like a temporary work program so that the victims and witnesses will be here, will be working under supervision, if that might be the case, so that they will be available not only for preliminary hearing but for trial. And in that way we'll be able to get quality convictions and quality prosecutions, because it does little good to apprehend unless you can prosecute, convict, and punish.

CHAIRMAN TORRES: Now, do you feel -- were you here during Professor -- Dr. Del Castillo's testimony?

MR. NEELY: No, sir.

CHAIRMAN TORRES: Is Dr. Del Castillo still here? I guess he has left. His recommendation was to establish a new form of procedure across the border, to allow contracting for services, etc., to allow greater mobility but also the ability to return in terms of work force as well as contracting for services. Is that what you're...

MR. NEELY: Contracting for services, I'm sorry, what...?

CHAIRMAN TORRES: Well, on either side of the border to have a corporate contract or with an agency either in Mexico or in the U.S. to provide for the flow of back and forth of services, which also would mean the back and forth flow of workers. Is that what you're advocating?

MR. NEELY: That would be certainly something to explore. Yes, I'm advocating anything...

CHAIRMAN TORRES: That'll keep people here.

MR. NEELY: See, it's a simple bottom line for me as a prosecutor. I'm a professional prosecutor. I've been prosecuting for 25 years. I need my victims and witnesses in order to secure a conviction. And that's a simple bottom line, isn't it? But getting to that bottom line, what this witness before recommended, may well be a good approach. It may well be that along with some kind of a temporary work program that could be facilitated by the state in conjunction with the federal agencies. I mean, great, let's just give wings to our imagination in that regard.

CHAIRMAN TORRES: Okay. Any other questions? Thank you very much. And I think Senator Killea has heard your request for an OCJP grant.

SENATOR KILLEA: Isn't he clever? (laughter)

MR. NEELY: All you can do to help would be appreciated.

CHAIRMAN TORRES: I don't want to usurp her power here in San Diego. I'm merely a visitor.

MR. NEELY: Thank you very much, it was very nice of you to have me here.

CHAIRMAN TORRES: Thank you very much. If you did not testify today, it is my
practice to hold the record open for at least 30 days, and if you wish to write us, your statement will be part of the official record as if you would have testified here today. We try to keep, as you well know, the agenda down to a minimum, and I know you wanted to testify, young lady. If you want to come foreword and give us your name and who you represent, we'll take you now.

MRS. ELAINE BRANTINGHAM: Thank you very much. I won't take too much time. My name is Elaine Brantingham and I'm the Immigration Chairman for our program, a group in California, and have been for many years. We've lived here about 35 years. My husband is military and we're retired here. He worked at UCSD and so forth.

We've come across many of the problems. Today, I didn't feel as if I was really in America because I didn't think the solutions brought forth by your committee, I thought it was handled very lightly. For instance, I think we should go back to the Bracero program. I think we should allow these people to come over here legally. They're good workers and I have found I like them very much. But I don't think we're handling the illegal problem properly. Earlier, you brought in about people coming into California, they're Americans. This is America. They can go wherever they want in America. But I don't think you can compare that to the illegals coming over here. And what we're doing is encouraging them to come from all different countries because we're not stopping that. And I think we need a border. We need a wall. Why not a wall? What about a fence that stops them? What's wrong with that?

CHAIRMAN TORRES: Are you asking me the question?

MRS. BRANTINGHAM: Yeah.

CHAIRMAN TORRES: Well, a wall ignores the real problem. It's there and that real problem is not going to go away until we address it and until we confront it.

MRS. BRANTINGHAM: Well, what do you think the real problem is?

CHAIRMAN TORRES: The real problem is economic.

MRS. BRANTINGHAM: I know, but considering the fact that we're such patsies and so in sympathy with these people coming across -- here I am; I mean, I feel sorry that they are in such poor condition -- why did we lend billions and billions of dollars to Mexico without requiring that they help solve their problem?

CHAIRMAN TORRES: We haven't.

MRS. BRANTINGHAM: ____________ was our last...

SENATOR KILLEA: We don't lend them anything.

MRS. BRANTINGHAM: Yes, we have. Our President did.

CHAIRMAN TORRES: No.

SENATOR KILLEA: Wrong country.

CHAIRMAN TORRES: Wrong country.

MRS. BRANTINGHAM: I'm sorry, Ms. Killea, we did.

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SENATOR KILLEA: Mexico does not accept foreign aid.

MRS. BRANTINGHAM: Well, I think I'm right. Well, anyway...

CHAIRMAN TORRES: Did you hear what she said? They don't accept foreign aid so what you just said is not correct. They accept foreign investments (laughter) but not foreign aid. There's a very clear difference.

MRS. BRANTINGHAM: I'm sorry if I made a mistake, but it was in the paper that we were lending them $20 billion and $3 billion and then recently $3 billion this year. I'd like to clear that out because -- but as I was listening to the, for instance, a police review board is perhaps one of the most deadly things you can have for -- I know you're getting tired...

CHAIRMAN TORRES: No!

MRS. BRANTINGHAM: You listen to a lot of this. But I think that's one of the worst solutions is a police review board. It's all right for the radical group...

CHAIRMAN TORRES: Shhhhh. Please, go ahead.

MRS. BRANTINGHAM: That's okay, I don't care if they talk. And I think we ought to be very concerned with the radical solutions that these people have offered. I think we should ignore them or talk them out of it. What do you feel about the police review board, all of you?

CHAIRMAN TORRES: Well, let me tell you what I feel. Senator Killea has heard this before. Last night we were at a very good meeting with the Pacific Rim people at the University of California in San Diego, because I'm also Chairman of the Senate Committee on the Pacific Rim. I'm trying to find out about trade imbalance and other issues which are not only Latin America but Asia as well.

A police review board has always been effective in communities across the nation, quite frankly, in order to give a balance to law enforcement and to ensure that everyone's rights are protected -- your right and my right. And many times we've seen in America, quite frankly, that some law enforcement agencies have stepped across that line in terms of enforcing the law. And that's why, as a result of the Civil Rights Act in the late '60's and amendments thereafter, there were significant reforms to ensure that we would never repeat what happened in the South of this country against the Black community. So police review boards were established to balance out the power of law enforcement versus the power of a citizen to have his or her civil rights protected. You, me, anybody else; it doesn't matter our color.

So in that respect I believe that the balance by a civil police review board, as we have in Los Angeles, the Police Commission, serves its purpose very well to ensure that there is a balance between your rights and the rights of a police officer. Because many times police officers, at least in Los Angeles, would treat you a little different than they would treat someone that looks like me in Los Angeles. And it was shown that
and it's been proven. So having a police review board balances out those problems that we have in terms of dealing with each other from a civil rights perspective.

But the underlying problem, which is why I don't think a wall will work, is once you erect a wall, you ignore what's on the other side of the wall. And once you begin to do that, you exacerbate the problem.

I've spent the last three years looking at this problem of migration in the Caribbean, Latin America, and on the Pacific side as well. I have met with every President of every Central American Republic -- except Panama -- and the President of Mexico, the President of Venezuela, Carlos Andreas Perez, and their ministers, to get a feel for what's happening in terms of migration. And I've met with the Immigration Director of France three years ago, with the Immigration Demographers in Sweden and West Germany, and members of Parliament, from all of those countries, including Italy and Spain. I've met with the Ministers of Japan, Thailand, Viet Nam and others to find out what causes migration problems -- immigration problems. And there is one consistent pattern, and that is an economic one.

MRS. BRANTINGHAM: Yeah, but we have the same problem here now. We're just taxed beyond our ability to pay.

CHAIRMAN TORRES: You're not taxed beyond your ability to pay.

MRS. BRANTINGHAM: Of course we are.

CHAIRMAN TORRES: No, you're not, not in this state.

MRS. BRANTINGHAM: Don't tell me. I have a limited income. Don't tell me I'm not overtaxed.

CHAIRMAN TORRES: I have a...

MRS. BRANTINGHAM: I'm not getting what I want, but I deserve...

CHAIRMAN TORRES: Well, nobody gets what they want and nobody gets what they deserve.

MRS. BRANTINGHAM: You talked about our Governor. I think that our Legislature should take hold of their bootstraps and start cutting out some of those dead programs that we don't need.

CHAIRMAN TORRES: Like what?

MRS. BRANTINGHAM: I don't know.

CHAIRMAN TORRES: Well, give me an example!

MRS. BRANTINGHAM: I don't know because I don't know enough about this...

CHAIRMAN TORRES: Exactly my point. You don't know enough, so you really don't have no reason to speak and say cut that program or cut that one.

MRS. BRANTINGHAM: Oh yeah, well I can look into it. Well, you do!

CHAIRMAN TORRES: Look into it. Yes, because I know. Look into it and come back to me and tell me which programs.
MRS. BRANTINGHAM: All right, you tell me what programs you can cut. Have you any?
CHAIRMAN TORRES: Yes! I would cut, I would cut right now this very moment the money that we spend on building new freeways in California, number one. Number two, I would cut right now the number of prisons that we’re building in California because we’re not going to need them in the future and we don’t need them now.
MRS. BRANTINGHAM: Are we going to free all the prisoners?
CHAIRMAN TORRES: No, don’t be ridiculous!
MRS. BRANTINGHAM: No?
CHAIRMAN TORRES: Ah, come on. That’s not what I’m talking about.
MRS. BRANTINGHAM: We’re overcrowded.
CHAIRMAN TORRES: We’re not overcrowded. As a member of the Senate Judiciary Committee...
MRS. BRANTINGHAM: (Inaudible)
CHAIRMAN TORRES: Yeah, you asked me to do it. See what’s happened when you open the door? You want to find out what’s happening, I’ll tell you what’s happening. What happens is that we are not dealing with the real problem in terms of our criminal justice system.
MRS. BRANTINGHAM: I agree.
CHAIRMAN TORRES: Okay? And we’re going to have to deal with it in a much more direct and positive way than we have in the past.
MRS. BRANTINGHAM: Like what? Like what?
CHAIRMAN TORRES: Well, number one, instead of cutting monies for prenatal care for pregnant mothers in this state, we ought to increase it. And why? Because by cutting it, you create a generational dependency upon welfare and you create sick adults when you have sick babies and you don’t treat them. You exacerbate the problem. The problem that we have in our university campuses for example, right now we need more campuses in this state. And why is that? Because our population is growing. Not because of illegal migration. It’s growing because of migration from other states and the fact that we are producing more young people here in this state.
MRS. BRANTINGHAM: Well, I think a lot of those -- the students...
CHAIRMAN TORRES: The other problem is senior citizens. You are the fastest growing group in California today. I presume you’re a senior citizen.
MRS. BRANTINGHAM: That’s right, yeah, I’m white (?)..
CHAIRMAN TORRES: Well, you’re the fastest growing group. And you know which is the fastest growing group?
MRS. BRANTINGHAM: Yeah, but we support ourselves.
CHAIRMAN TORRES: No, you don’t. You really don’t.
MRS. BRANTINGHAM: The heck we don’t.

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CHAIRMAN TORRES: No, if it wasn't for me, you wouldn't get your Social Security, quite frankly, or your Medicare.

MRS. BRANTINGHAM: Before Social Security...

CHAIRMAN TORRES: I'm paying too much for you already!

MRS. BRANTINGHAM: I agree with you. And do you know something, Mr. Torres? When I had my first baby it cost me $175 for the doctor and $125 for the hospital, before Medicare ever came in and took over and told us what we had to do.

CHAIRMAN TORRES: Well, you wouldn't qualify for maternity care under Medicare because I don't think...

MRS. BRANTINGHAM: I wouldn't want to. I didn't do it. I paid my own way.

CHAIRMAN TORRES: It'd be biologically very difficult.

MRS. BRANTINGHAM: And you see what they're trying to do is to turn us into a welfare state, and you're trying to make a social government all over the world.

CHAIRMAN TORRES: No! I am not a socialist. I'm a capitalist.

MRS. BRANTINGHAM: Okay, I'm not here to argue that.

CHAIRMAN TORRES: I'm a capitalist. I believe in free enterprise.

MRS. BRANTINGHAM: But I do feel that we have not reached any solutions here and I feel...

CHAIRMAN TORRES: We didn't come here to reach solutions. We came here to listen and then come back with proposals.

MRS. BRANTINGHAM: Yeah, but -- now, you didn't argue with the people who were the Mexicans. You argued with the American who gave you some figures and you said they weren't true. Now, she's researched this very carefully and I would like to see a better representative of our side here than myself. I'm not a very good representative.

CHAIRMAN TORRES: Well, we tried to reach as many people as we could and those are the people that responded. And if you came in with statistics like this, I think it's hard to argue with these stats, which would be reaffirmed in other areas as well. But I don't really want to argue with you.

MRS. BRANTINGHAM: No. But I just feel we...

CHAIRMAN TORRES: You're frustrated.

MRS. BRANTINGHAM: I'm frustrated and I don't think we had an equal trial here.

CHAIRMAN TORRES: Well, this is not a trial.

MRS. BRANTINGHAM: Well, I think there are many issues that we didn't cover that we could have covered.

CHAIRMAN TORRES: You're probably right.

MRS. BRANTINGHAM: And I think the questions -- I mean, the conversations here were sort of useless. I mean, Mr. Peace and Mr. Areias brought up a problem -- I mean,
things that took a lot of time that probably didn't add to anything. (laughter) And
And I'm doing the same thing.

CHAIRMAN TORRES: I was going to say, thank God for democracy. (laughter)

MRS. BRANTINGHAM: Yeah, but we pay him, you don't pay me.

CHAIRMAN TORRES: All right. This hearing is adjourned.

--oo00oo--
STATEMENT OF
CONGRESSMAN ESTEBAN E. TORRES (CA-34)
BEFORE THE JOINT COMMITTEE ON
REFUGEE RESETTLEMENT, INTERNATIONAL MIGRATION
AND COOPERATIVE DEVELOPMENT

SAN YSIDRO, CALIFORNIA

JUNE 22, 1990

CHAIRMAN TORRES and members of the joint committee, let me first offer my thanks to you for holding this hearing today on the issue of violence along the United States/Mexico border as it relates to California. I commend you for choosing this particular site, the most heavily trafficked area on the entire 2,062 mile border.

We have a problem that transcends manpower and equipment. California suffers disproportionately because of its distinction as the "state" of plenty. However, I believe that you will all agree with me that, on the whole, America's borders are indefensible against the tide of immigrants in search of a better life. This is not a new phenomena. What is new and on the increase is the growing hostility and violence toward immigrants. What we are talking about, in its simplest terms, is the blatant disregard of law and order, human life and dignity.
I cannot condone nor excuse illegal entry into the United States. However, this intolerance must equally apply to the use of violence and discrimination as weapons for enforcement and control of our border. The complex social, political and economic realities behind the movement of people across the border, plus the illicit drug trafficking crisis, require more than a public relations campaign to foster a better image. There is a human face to the problem. We must remember this.

At my prompting, the House Foreign Affairs Subcommittee on Human Rights and International Organizations held a hearing on border violence along the U.S./Mexico border in April. The testimony received framed the situation in different ways, but all parties recognized that there is a problem along our shared border to the south and that a solution must be fashioned to deal with it.

Attention to the issue of border violence and human rights abuses have developed in all shapes and sizes ranging from student forums, community meetings, and press conferences to "Light Up the Border" rallies and counter-demonstrations. America's Watch, a human rights organization, recently released its report on human rights violations in Mexico. The organization was critical of the U.S. Border Patrol citing the American Friends Service Committee report on human rights violations at the southern border.
On the international front, President Carlos Salinas de Gortari of Mexico announced the formation of a 12-member National Human Rights Commission to investigate abuses. Earlier this week the Mexican government held a hearing on the topic in Mexico City. Lastly, binational dialogue continues between the United States and Mexico.

All of these efforts deserve our thanks. We have elevated the issue and educated many in the process. The task at hand now stands at designing a remedy to address the growing hostility and abuse along the border. The answer may not be pretty. It may require that we look deeper into our collective psyche to get at the root of the problem.

On the federal level, I call on the United States Border Patrol to review and develop a clear "firearms" and "use of force" policy. Additionally, I would like to see a formal mechanism put in place to register complaints of excessive force at the hands of the Border Patrol agents. Lastly, I recommend that a commission, similar to the one established by the Immigration Reform and Control Act, be established to monitor and report its recommendations to Congress.

We all have an obligation to continue the tradition of compassion, empathy and respect for basic human rights. We must not back-track on the high moral road that we have set internationally to baser emotions at home.
I thank you once again for convening this hearing. I expect that the testimony you receive today will be pivotal to remedying the growing hostility and excessive violence experienced along the southern border.
Mr. Chairman and distinguished members of this committee, I appreciate the opportunity to appear before you today to testify on international migration and border region violence.

It is ironic that at a moment in which the United States and Mexico are moving forward at breakneck speed toward an ambitious program of economic integration, that the border region seems to be proceeding with similar speed through a downward spiral of deterioration.

The immigration problem is complex and has its roots in the asymmetry of two societies at markedly different levels of economic development sharing a 2,000 mile border that both joins and divides them. It has been aggravated by the economic decline in Mexico since 1982, and by the tremendous growth in economic activity on this side of the border. These two facts have conspired to produce such a heavy flow of migrants into the region that local resources for housing, education, and health care have been stretched thin.

As new, up-scale housing developments compete for space with canyon dwellers with no place else to go, the benefits of immigration--particularly in the service sector--are welcome, but the costs are not. There is a willingness to employ maids and gardeners during the day, but these individuals are expected to disappear without a trace at night. Local communities are trying with varying degree of success to deal with a problem that is highly complex, but are hampered in their efforts by extremely limited resources. How to handle the issue has become a divisive subject in one local community after another. All of this has produced a growing level of frustration.

* The views expressed here are my own and do not necessarily reflect those of my colleagues at the University of California at San Diego or any of the boards upon which I serve.
I would like to make three recommendations that I believe would contribute to an immediate easing of tensions, while we continue to work on some of the underlying causes of the problem, such as concern about the economic impact of immigrants on the U.S. labor market, depleted city budgets, and racism. I would recommend: the formation of a Binational Border Task Force; a Citizen's Coalition on Border Violence; and a public education campaign in San Diego County on Mexico and U.S.-Mexican relations.

1) **Binational Border Task Force**

Mexican migration to the United States is a bilateral issue that requires bilateral solutions. A Binational Border Task Force would provide a forum for discussions among U.S. and Mexican government officials (from the local, state, and national levels), academic and policy specialists, business people, and representatives of key grassroots constituencies. The objective of this group's efforts would be to design and recommend a series of measures to promote cooperation and conflict resolution at the border.

There is growing recognition in both capitals that there is much to lose--both economically and socially--if the current situation is allowed to fester. The U.S. Department of State has now designated a border coordinator and the Mexican Foreign Ministry sent a team of specialists to the area to analyze recent incidents of violence. On both sides there is now a disposition for action. The results will be enhanced--with less opportunity for misunderstanding arising out of unilateral actions by either side--if the problem is approached jointly.

2) **Citizen's Coalition on Border Violence**

The goal of this broad-based citizen's coalition would be to promote the exchange of ideas among private citizens, outside formal government to government channels. The group should include participants from both sides of the border interested in reducing the level of tension and exploring areas for cross-border cooperation.

Border violence should not be examined in isolation. One key task for the group would be to explore the ways in which border violence relates to a broader pattern of violence in our society. The culture of violence extends beyond the border to include hate crimes; vigilantism; law enforcement officers too quick to use lethal force; and gangs. Anti-semitism, gay-bashing, and violence against African Americans, Asians, and Hispanics are grounded in the same climate of intolerance as the Light Up the Border phenomenon. The Citizen's Coalition could establish linkages with other groups that are the targets of violence to devise common strategies for a shared problem.
3) Public Education

Efforts to educate the public on U.S.-Mexican relations have been sporadic, underfunded, and poorly conceptualized. There is an urgent need for a large-scale program of public education to prepare citizens in both societies for a much intensified level of interaction over the next decade, based on economic integration and increased citizen to citizen diplomacy. Violence flourishes under a steady diet of ignorance and stereotypes. A climate of tolerance cannot be legislated, but it can be fostered through an intensive public education effort at the level of public schools, churches, adult education centers, and civic organizations.

The new pluralization of societal contacts--increasing public exposure to and knowledge about the issues that link the United States and Mexico--may eventually provide the solid underpinnings for a workable partnership between these two countries. An indispensable corollary to the establishment of a free trade agreement will be the creation of a "culture of integration" in both countries. Public education is a critical part of such a process. San Diego is well-placed to develop a pilot project that could serve as a model for other U.S. communities.

In conclusion, the issues confronting the border are complex, but it is in the interest of us all to turn our concern into action. San Diego stands to gain a great deal--in terms of its economy, society, and morale--if immediate steps are taken to reduce border violence and foster border cooperation.
Cathryn L. Thorup is the Director of Studies and Programs at the Center for U.S.-Mexican Studies at the University of California at San Diego. From 1980-1989, she worked at the Overseas Development Council in Washington, D.C. where she was a Senior Fellow and Director of the U.S.-Mexico Project. Prior to joining ODC, Ms. Thorup lived in Mexico for six years, where she received a B.A. in International Relations at El Colegio de Mexico and worked as a journalist for the Mexican news magazine Razones. Since receiving a Master of Science Degree in Economic History at the London School of Economics and a Master of Arts in Political Science at Harvard University, Ms. Thorup has written extensively on U.S. policy toward Mexico, conflict management in U.S.-Mexican relations, and Mexican economic and political reform, and is the editor and co-author of The United States and Mexico: Face to Face with New Technology. She is a doctoral candidate in political science at Harvard University, Vice Chairperson of the Transborder Affairs Advisory Board of the County of San Diego, and a member of the Council on Foreign Relations.
Mr. Chairman, Members of the Committee:

Over the last decade, Mexico has undergone rapid social and economic transformations as a result of a deep economic crisis unequalled in the last one hundred years. To adjust to this process, Mexico's private and public sectors have undertaken adjustment measures designed to thrust the country into the world scene as a modern country. These measures clearly have influenced the bilateral relations between Mexico and the United States. The U.S. on its part has also taken economic measures which favor Mexico's entry into the world scene, and some political measures such as its immigration laws whose effect on Mexico are still unclear; nevertheless, independent of its real effects, Mexican resentment over the treatment of Mexican workers in the U.S. is
very much a sore point in the bilateral relations. One area and region where the effects of the internal policies of both countries are readily manifested is the border region. We have here in the Tijuana/San Diego region the most intense international crossing point between two nations anywhere on earth. Thus, it is understandable that conflict and friction will arise in an area where such intense social interactions are taking place, yet the death of Mexican workers, women and children cannot easily be explained away. Mexican bandits, combined with the actions of San Diego police and Border patrol gunslingers are responsible for the dead; the mostly amicable bilateral relations between our two countries are threatened by the arming of social actors on both sides of the border, although few would question the preponderance of guns by U.S. agents and private citizens who now have turned their attentions to a sadistic game of "hunt a Mexican." This sad situation must be solved in an atmosphere of bilateral cooperation, with an understanding and tolerance of cultural differences and with a political will—unencumbered by ideologies of racial superiority and manifest destiny. Our specific task in this undertaking as social scientists is to clarify, if we can, the social, economic and political complexities which manifest themselves in a region such as that which exists here in San Diego-Tijuana.
If we think that this situation has grown intolerable today, the reasons behind the international mobility of labour will not only accentuate the flow, but they should also change its basic nature and characteristics in the future as further integration between the two countries takes place.

As [production] factor flows become unencumbered through economic reforms in Mexico, such as the liberalization and opening of its economy, the flow of investment capital and the exchange of technology, the tendency will be to the creation of a bilateral system of labour markets which up to today has seen the flow of workers from South to North but which in the future will also see American workers flow into Mexico. Whatever restraints are placed on labour mobility will only hinder both of our economies, making them less competitive in the international markets. In this sense, restraints on labour mobility equal the effects which tariffs have on commercial relations; economic efficiency is lost and consumer prices are increased.

The existing data on international labour mobility, of the flow of Mexican workers to the United States, begins to indicate that the characteristics of these workers are changing rapidly affecting the labour markets in the U.S. Today there has been a rapid diversification of the type of Mexican workers flowing north; there is now an even split between workers engaged in
agricultural activities and those working in the service sector. This diversification correspond to the diversified U.S. labour markets and the increasing diversification of the mexican economy which has required more specialized workers. There has also been a diversification of regions from which mexican workers have traditionally originated; the sending areas have shifted from being predominantly agricultural to mexican urban areas.

These workers have significant socioeconomic characteristics which will influence the jobs they undertake and their expectations. Ninety seven (97%) percent of all workers crossing the border have up to twelve (12) years of education, with the median being six years. Also, 95% of all workers moving north had a job in Mexico before trying to enter the U.S.

These characteristics have made it possible for mexican labour to undertake a wide variety of jobs in the U.S. As was mentioned above, approximately 28% of all workers find employment in the service sector of the U.S. economy, 13% in the manufacturing sector and 18% in the construction industry, while a heavy 41% still find employment in the agricultural sector. I would like to argue that while employment diversification is taking place because of the varied skills of the mexican work force, an additional explanatory factor for this diversification has to do with the characteristics of the labour markets where these
workers find employment; I posit that these labour markets are characterized by their permeability, allowing varied skilled workers to move horizontally from one labour market into another. The permeability of these labour markets accounts for at least two factors associated with the international mobility of labour. In the first case, it accounts for the seemingly endless job possibilities open to mexican workers, which in turn creates an endless stream of workers moving north in search of these multiple job opportunities. I would further like to say that I think that the multiplicity of job positions available is only a perception due to technical factors having to do with the rate of horizontal mobility and that it is possible that mexican workers will find unemployment instead of jobs if their arrival in the U.S. is synchronous with the mobility cycle where most job posts are filled.

To correct this situation I have argued as an advisor to the mexican negotiators in the Uruguay Round that:

1. Labour, just like any other commodity traded in the international markets be licensed by the Mexican government thus guaranteeing its quality.
2. Labour ought to allowed to flow freely under certain conditions. These conditions are that labour flows be temporary and that they manifest themselves as individual workers in search of a job contract, or that a service company under contract hire workers for a specific job and duration. Under this latter condition, Mexican government certification of a company's credentials would also be necessary.

Within this context, the only Mexican labour flows to the U.S. would be composed of certified workers, and of certified companies hiring Mexican workers. It should be understood that the certification process does not mean having a permit to immigrate, but only that an individual has the skills preparing him to do construction work, plumbing or electrical work, etc; immigration procedures would remain in place and be handled by the normal, existing procedures. The flows of labour in either direction could be handled by procedures which today regulate trade flows, such as contingency protection measures which fall into place when there is a threat to domestic industry, or anti-dumping measures reducing the flow could be triggered if non-negotiated actions are taken by either country, etc.

This approach to the control of international labour flows requires a degree of binaational trust and cooperation not present anywhere but in the European Economic Community as it
prepares for full integration in 1992; Mexico and the U.S. should be heading in the same direction. their binational trade manifests this trend; Mexican needs and present day policies to encourage foreign investment are aimed at American investors; I suggest we explore the multiple possibilities which exist in regards to labor exchange and step away from the killings, the sadness and the constant recriminations.
TESTIMONY OF
ROBERTO L. MARTINEZ

AMERICAN FRIENDS SERVICE COMMITTEE
U.S./MEXICO BORDER PROGRAM
SAN DIEGO, CALIFORNIA

BEFORE
CALIFORNIA LEGISLATURE
JOINT COMMITTEE ON REFUGEE
RESETTLEMENT, INTERNATIONAL MIGRATION
AND COOPERATIVE DEVELOPMENT

ON

INTERNATIONAL MIGRATION
AND
BORDER REGIONAL VIOLENCE

SAN DIEGO, CALIFORNIA
JUNE 22, 1990.
Mr. Chairman, distinguished members of this committee, my name is Roberto L. Martinez, I am representing the US/Mexico Border Program of the American Friends Service Committee. The AFSC has a long history and tradition of humanitarian aid, justice and human rights in the United States. Therefore, my testimony before you today is that of concern for the growing lack of respect for the rights and dignity of immigrants crossing the US/Mexico border.

The border between San Diego and Tijuana has recently been the scene of escalating violence by border bandits, vigilante type groups, and individuals such as the one originally accused of shooting to death 12 year old Emilio Jimenez-Bejinez, a few weeks ago, and further north migrant workers are coming under increasing attacks by gangs of armed youths using guns and war game type paint pellet guns. I would ask you to refer to the testimony submitted to the House Subcommittee on Human Rights and International Organizations of the Foreign Affairs Committee on April 18th of this year, which specifically addressed human rights on the US/Mexico border and which I include today as part of my written testimony.

The reality is that these are no longer ordinary bandits we are dealing with, but crimes often motivated by racism and hatred. Although we acknowledge that some of the crime is committed by Mexican Nationals, we can no longer be certain whether any given crime is committed by Mexican Nationals or US gangs.
It has been no less chilling to learn this week that the Chief of Police in San Diego, Bob Burgreen, has announced his intention to send a SWAT Unit known as the Special Response Team, to back up the Border Crime Intervention Unit, already patrolling the border, as well as provide back up for the USBP. Even more chilling, was his announcement in Tijuana that "People are going to be shot, now, the only question is who."

These crimes, the rising gang activity in North County, the tragic number of migrants being run over on our freeways each year, the growing tension building against migrant workers in San Diego County, should all be of extreme concern to the State of California as well as to the City of San Diego. Because, contrary to what Mayor O'Connor says, this is the City of San Diego's problem, as well as a State of California and Federal problem. But most importantly, it is a binational issue that must be addressed bilaterally, especially since there are Mexican Nationals dying on our border, our freeways and in our fields.

The rising tide of racially motivated crime in San Diego County has recently been aggravated and intensified as a result of irresponsible groups and individuals who believe that lighting up the border is a solution to such a complex issue as international migration. Racial tensions, we believe, will be further intensified by deployment of a local police swat team to the border, and by the reckless statements of local officials.

Therefore, our recommendation is to propose the formation of a Binational
Commission for the Southern California and Baja California Norte regions. Its function would be to search for alternatives that can reduce abuse and tensions while enhancing human dignity and respect for law. It would also address issues such as the use of deadly force by border law enforcement agencies, violence against immigrants by individuals and organized groups, and the increased number of freeway deaths that are occurring in the county.

It should be understood that we believe that the first to respect the law should be those government bodies that enforce it. It is in recognizing the significance of protecting Human Rights that we stand not only for law and order, but most importantly for justice.

In the final analysis, there is a profound sense of urgency in reaching adequate solutions to the complex problems facing this region, because with every day that passes, more people die. The problem is very clear; we now need to arrive at concrete and tangible bilateral solutions. This is why it is important that steps be taken immediately to form this commission. By doing so, we can make Southern California and Baja California Norte a model of international understanding and cooperation for the benefit of people and communities on both sides of the border.
# Partial Fact Sheet on Border Deadly Force Cases on the California/Baja California Border

<table>
<thead>
<tr>
<th>Date</th>
<th>Name</th>
<th>Complaint</th>
<th>Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1974</td>
<td>Unidentified</td>
<td>Shot and wounded</td>
<td>Border Patrol</td>
</tr>
<tr>
<td>Jan. 1979</td>
<td>(2) Unidentified men</td>
<td>1 killed 1 wounded</td>
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</tr>
<tr>
<td>Dec. 1982</td>
<td>Ramon Garcia</td>
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<tr>
<td>Dec. 1984</td>
<td>Ricardo Gastellum Almeida</td>
<td>Shot and wounded</td>
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<td>April 1985</td>
<td>Umberto Estrada Carrillo</td>
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<tr>
<td>Jan. 1986</td>
<td>Jose Luis Moreno Sanchez</td>
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<td>May 1986</td>
<td>Steven Bernal</td>
<td>Shot and killed</td>
<td>Border Patrol</td>
</tr>
<tr>
<td>June 1986</td>
<td>Unidentified 16 year boy</td>
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<td>Border Patrol</td>
</tr>
<tr>
<td>Aug. 1986</td>
<td>Unidentified</td>
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<td>BCPU *</td>
</tr>
<tr>
<td>Aug. 1986</td>
<td>Apolinar Niebles Cervantes</td>
<td>Shot and killed</td>
<td>Border Patrol</td>
</tr>
<tr>
<td>Aug. 1986</td>
<td>Unidentified</td>
<td>Shot and killed</td>
<td>Border Patrol</td>
</tr>
<tr>
<td>June 1987</td>
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<td>Shot and killed</td>
<td>Border Patrol</td>
</tr>
<tr>
<td>Aug. 1987</td>
<td>Juan Resendez Hernandez</td>
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<td>Aug. 1987</td>
<td>David Medina Becerra</td>
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</tr>
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<td>Dec. 1987</td>
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<td>BCPU *</td>
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<tr>
<td>Dec. 1987</td>
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<tr>
<td>Dec. 1987</td>
<td>Ignacio Mendez Pulido</td>
<td>Shot and wounded</td>
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<tr>
<td>Jan. 1988</td>
<td>(3) Unidentified men</td>
<td>2 killed 1 wounded</td>
<td>BCPU *</td>
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<tr>
<td>Jan. 1988</td>
<td>Luis Fernandez Bonilla</td>
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<tr>
<td>March 1988</td>
<td>Rafael Alejandro Sanchez</td>
<td>Shot and killed</td>
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<td>Aug. 1988</td>
<td>Julio Mendoza Diaz</td>
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<td>Sept. 1988</td>
<td>Gerardo Murrillo Garcia</td>
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<td>Oct. 1988</td>
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<td>Luis Enrique Armenta</td>
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<td>Enrique Estrada R.</td>
<td>Shot and killed</td>
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<td>Jan. 1989</td>
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<td>Jan. 1989</td>
<td>Sabino Silva Chavez</td>
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<td>Jan. 1989</td>
<td>Jose Martin Lopez</td>
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<td>Jan. 1989</td>
<td>(2) unidentified men</td>
<td>Shot and wounded</td>
<td>BCPU *</td>
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FACT SHEET ON BORDER DEADLY FORCE CASES
ON THE CALIFORNIA/BAJA CALIFORNIA BORDER

<table>
<thead>
<tr>
<th>DATE</th>
<th>NAME</th>
<th>COMPLAINT</th>
<th>AGENCY</th>
</tr>
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<tbody>
<tr>
<td>March 1989</td>
<td>Francisco Ruiz Chavez</td>
<td>Shot and wounded</td>
<td>Border Patrol</td>
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<tr>
<td>Aug. 1989</td>
<td>Luis Eduardo Hernandez</td>
<td>Run over and killed</td>
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<tr>
<td>Aug. 1989</td>
<td>Pedro Garcia Sanchez</td>
<td>Shot and wounded</td>
<td>Border Patrol</td>
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<td>Dec. 1989</td>
<td>Manuel Martin Flores</td>
<td>Shot and wounded</td>
<td>Border Patrol</td>
</tr>
<tr>
<td>Dec. 1989</td>
<td>(2) Unidentified men</td>
<td>Shot and killed</td>
<td>Border Patrol</td>
</tr>
</tbody>
</table>

* BCPU: BORDER CRIME PREVENTION UNIT - U.S. BORDER PATROL & SAN DIEGO POLICE
An Affirmative Action / Equal Opportunity Employer
### Partial Fact Sheet on Hate Crimes and Violence Against Migrant Workers in San Diego County

**DATE:**

<table>
<thead>
<tr>
<th>Year</th>
<th>Location</th>
<th>Incident</th>
</tr>
</thead>
<tbody>
<tr>
<td>1979</td>
<td>Carlsbad, CA</td>
<td>Gang shoots/ injures migrant workers in camp</td>
</tr>
<tr>
<td>1980</td>
<td>Escondido, CA</td>
<td>Reports of assaults on migrant workers by law enforcement and gangs begin coming in</td>
</tr>
<tr>
<td>1981</td>
<td>Del Mar, CA</td>
<td>Mexican man beaten to death</td>
</tr>
<tr>
<td>1982</td>
<td>Escondido, CA</td>
<td>Migrant worker beaten severely by gang in truck</td>
</tr>
<tr>
<td>1983 (Feb)</td>
<td>Oceanside, CA</td>
<td>Parlo Martinez Toledo and Raúl Mejía García shot killed by three white youths</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 16 year old migrant worker shot/ wounded in park</td>
</tr>
<tr>
<td>1984</td>
<td>Fallbrook, CA</td>
<td>Six U.S. Marines conduct &quot;beaner raids&quot; (armed) attacks on Mexican migrant workers in their caves</td>
</tr>
<tr>
<td>1985</td>
<td>Fallbrook, CA</td>
<td>Sniper shoots/ wounds 17 year old migrant in back paralyzing him from waist down</td>
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<tr>
<td>1986 (Nov)</td>
<td>Encinitas, CA</td>
<td>- Three 17 year old white youths arrested in sniper shootings of migrant workers</td>
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<tr>
<td></td>
<td>San Ysidro, CA</td>
<td>- Seven undocumented people shot by unidentified assailants on freeway</td>
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<tr>
<td>1987</td>
<td>North S.D. County</td>
<td>Unidentified bodies of migrant workers - victims of violence - begin to appear throughout North CTY.</td>
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<td>1988 (Nov)</td>
<td>Del Mar, CA</td>
<td>Killing of two migrant workers by two self-proclaimed white supremacists victims: Hilario Salgado Castaneda and Matilde de la Sancha</td>
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<td>1989 (Oct)</td>
<td>Poway, CA</td>
<td>Gangs of white teens attack and shoot (14) migrant workers with guns and paint pellets.</td>
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<tr>
<td></td>
<td>Encinitas, CA</td>
<td>- Two Border Patrol agents shoot at, detain, and beat migrant worker</td>
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<tr>
<td>1990</td>
<td>Carlsbad, CA</td>
<td>- Two store owners beat, handcuff and kidnap migrant</td>
</tr>
<tr>
<td></td>
<td>Border</td>
<td>- 12 year old Emilio Jimenez shot/ killed by indiv.</td>
</tr>
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<td></td>
<td>Carlsbad/ Vista</td>
<td>- Assaults/ robberies continue on migrant workers</td>
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<td></td>
<td>Chula Vista, CA</td>
<td>- Border Patrol agent shoots into van filled with Salvadorans, wounding two</td>
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<td></td>
<td>Vista, CA</td>
<td>- Sergio Mendez, farm worker shot in face by paint pellet fired in drive by shooting</td>
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### PARTIAL FACT SHEET ON HATE CRIMES AND VIOLENCE AGAINST MIGRANT WORKERS IN SAN DIEGO COUNTY

<table>
<thead>
<tr>
<th>DATE</th>
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<td>1979</td>
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<td>ESCONDIDO, CA</td>
<td>REPORTS OF ASSAULTS ON MIGRANT WORKERS BY LAW ENFORCEMENT AND GANGS BEGIN COMING IN</td>
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<tr>
<td>1981</td>
<td>DEL MAR, CA</td>
<td>MEXICAN MAN BEATEN TO DEATH</td>
</tr>
<tr>
<td>1982</td>
<td>ESCONDIDO, CA</td>
<td>MIGRANT WORKER BEATEN SEVERELY BY GANG IN TRUCK</td>
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<tr>
<td>1983(Feb)</td>
<td>OCEANSIDE, CA</td>
<td>- PABLO MARTINEZ TOLEDO AND RAUL MEJIA GARCIA SHOT KILLED BY THREE WHITE YOUTHS</td>
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<tr>
<td></td>
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<td>- 16 YEAR OLD MIGRANT WORKER SHOT/ WOUNDED IN PARK</td>
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Voters just passed the so-called Crime Victims Initiative, Proposition 115, sponsored by Senator Pete Wilson and the state's district attorneys. Politicians, prosecutors and law enforcement officials say we should worry as much about the rights of victims as we do about the rights of the accused.

But what happens when Mexican nationals are the victims and U.S. Border Patrol agents or police officers are accused of killing or maiming them without cause?

What have local, state or federal prosecutors done to see that these victims of violence have their day in court?

The answer? Nothing at all.

There's been hundreds of incidents involving Mexican citizens at the border. Dozens have been shot by officers; at least 19 have died since 1984.

Not once has an agent or officer ever been charged with a crime for killing or wounding a Mexican citizen at the border. These shootings have all been ruled justified by U.S. authorities
and the San Diego District Attorney.

There are always two sides to every story. Many shootings are, no doubt, justified. But some are not.

Listen to what happened to some of the people I represent.

*In April 1985, 12 year old Humberto Carrillo was seriously wounded when he was shot in the back by a Border Patrol agent who stood on the U.S. side protected behind a 10 foot high wire-mesh fence that divides the two nations. Humberto was well within Mexican territory.

The U.S. authorities alleged that the shooting was justified because the boy imperiled the lives of the agents by throwing rocks. Eyewitnesses testified he was not throwing rocks at the time, although he was bending over to pry loose a stone. He hoped to aid his 14-year old brother, who was being beaten by an agent while trying to get back to Mexico after crossing the border for a hamburger at a Jack-in-the-Box in San Ysidro.

After a seven day trial, federal Judge Judith Keep found the Carrillo shooting was unjustified and awarded him $574,000 in damages. He was the first Mexican citizen in memory to win a federal court verdict against the Border Patrol for an act of violence.

*In January 1989, Martin Lopez, 21, and Sabino Silva, 24, were shot to death by agents just north of the border. Authorities
claim agents fired after the men approached them in a threatening manner. But pathologists concluded that both victims were shot in the back. Eyewitnesses say they had already been apprehended when they tried to flee back to Mexico.

Francisco Ruiz, 22 was seriously wounded after been shot by a Border Patrol agent in March 1989. He was waiting on the Tijuana side for his pregnant wife, Evelyn, 21 who had just entered the U.S. to shop at a K-mart.

The Border Patrol forced the companions of the wife to flee back to Mexico. But she was seven months pregnant and couldn't run as fast. An agent grabbed her by the hair. He slammed her to the ground with his foot at her throat. Francisco came to her defense. He shouted at the agent "she's pregnant, don't hit her." The agent put his foot on her stomach. The husband picked up a rock, but before he could throw it, the agent shot him.

A jury acquitted Francisco of all criminal charges that were filed against him.

Last December 7, two San Diego police officers shot 17-year old Martin Flores Campo near the border after they claimed he threatened them with a knife from a distance of 15 feet or less. The knife turned out to be a screw driver. Martin is paralyzed from the waist down.

But he was really shot in the back as he ran some distance from the officers. Reports by two Border Patrol agents
who witnessed the incident contradicted the police officer's story. They said the officers fired from the top of a concrete river levee - much farther away from Martin than 15 feet.

Police later claimed the two border patrolmen had revised their account. But the Border Patrol agents say Martin was running from the officers and was not brandishing a weapon when he was shot. A Juvenile Court judge dismissed charges that the boy brandished a deadly weapon.

The only crime most of these victims may have committed is entering the country illegally. Once, illegal entrants only feared detention and deportation if they were caught. Yet the recent upsurge in shootings means the penalty for illegal immigration can also be capitol punishment.

Are the Border Patrol agents and police officers always justified? Has there never been a case when a killing or shooting was unjust?

The District Attorney even ruled that the shooting across the international border, of a 12-year old Humberto Carrillo was justified. The U.S. district court disagreed with him.

To whom should the victims of border violence turn when they or their loved ones are gunned down without cause? It is a question I leave with the Committee.
TESTIMONY OF
JUAN JOSE GUTIERREZ

REPRESENTING
ONE STOP IMMIGRATION AND EDUCATIONAL CENTER, INC.

BEFORE

CALIFORNIA LEGISLATURE
JOINT COMMITTEE ON REFUGEE RESETTLEMENT
INTERNATIONAL MIGRATION, AND COOPERATIVE DEVELOPMENT

ART TORRES, CHAIRMAN

ON
INTERNATIONAL MIGRATION AND BORDER REGION VIOLENCE

SAN YSIDRO, CALIFORNIA
JUNE 22, 1990
My name is Juan Jose Gutierrez. I would first like to congratulate this committee for simply holding this hearing. The very fact we are here today demonstrates that issues surrounding immigration and the U.S.-Mexican border are increasingly "California issues" which cannot be left to the federal government to solve. That many elected officials in California fail to recognize the importance of immigration and border policy to this state is somewhat mysterious, since about half of all immigrants who come to the U.S. each year come to California, and since the California-Mexico border is easily the most traveled border in North America.

The cost of the neglect of border issues by state officials is high. It tends to diminish the importance and visibility of the millions of immigrants in California, which in turn allows the great contributions of the immigrant community to go unrecognized and the great problems of the community to go unaddressed.

The problem before us today is one more symptom of that neglect: Innocent people are being hurt at the border, and the people responsible for hurting them go unpunished.
Before I share my views on this matter with you, I would first like to better introduce myself and the organization I work for. I am Executive Director of One Stop Immigration and Educational Center, Inc. One Stop was founded in 1974 as a non-profit organization, and since that time it has provided a range of free and low cost legal and educational services to the Latino immigrant community. Our most dramatic recent achievement was assisting over 100,000 immigrants to legalize themselves through the amnesty program.

Because One Stop's 30 offices throughout California operate in the heart of the major Latino communities in Southern California, we have long been aware of the chronic violence occurring at the U.S.-Mexican border. Our three offices here in San Diego are especially close to the problem, and have begun to work on strategies to combat the violence. The other panelists here today will give detailed accounts of the number and types of violent incidents which occur at the border. I come today to outline the role that citizens' groups and community based organizations could play in the effort to stop the violence immediately.
III.

INSTITUTIONAL REFORM MEASURES ARE INSUFFICIENT TO ADDRESS THE PROBLEMS AT THE BORDER

Today's testimony illustrates how abuses in the border area stem largely from the border policing agencies lack of accountability. While we strongly urge that procedures for increasing police accountability for violence be drastically improved, we believe that these measures alone will never be sufficient to curtail the violence. There are several reasons for this rather pessimistic conclusion. First, police organizations are notoriously poor at policing themselves, because of intra-organizational loyalties, scarce resources, and other institutional barriers. The political base for creating and executing strong intra-agency accountability procedures is also weak because immigrants, especially undocumented immigrants, have relatively little power. We therefore conclude that institutional reforms alone are inadequate to significantly curtail border violence. In our view, any institutional reforms must be supplemented by the creation of citizens' groups with a mandate to oversee INS and Border Patrol activities in the border region, and through the enhancement of victims' access to the legal system.
IV.
THE CREATION OF CITIZEN'S GROUPS TO OVERSEE THE INS WOULD PROVIDE NEEDED INDEPENDENT OVERSIGHT OF THE INS

Because of the ineffectiveness of self-policing mechanisms within bureaucracies, it is imperative that independent citizens' groups assume some oversight authority over the INS. Such groups have long been used with success by police departments throughout the country as a way of checking police abuse. I believe that citizens' groups would be equally effective in checking INS conduct.

Under the citizens' councils we are proposing today, concerned citizens would have the authority to receive complaints from anyone who believes himself to have been mistreated by Border Patrol, INS officers, local police, or anyone else. While citizens' groups would primarily focus on the problem of violence, other commonly received complaints about federal, state, and local policing agencies could also be heard by citizens' groups, investigated, and acted upon. I believe that this type of involvement by citizens' groups provides the only means by which currently rampant INS abuse will be documented and addressed, since even the expanded opportunities for legal redress which we propose will address only a small fraction of the total incidents at the border.

Citizens' groups would add two other needed dimensions to the oversight process. First, a citizens' group would likely be
much more effective in raising public awareness about the problems at the border. Increasing people's sensitivity to the problems provides the basis for the democratic process to exercise effective control over the INS and Border Patrol. The current mission of intra-agency review boards is to hush up problems as effectively as possible.

Second, citizens' groups' would have numerous advantages over the present system of handling complaints within the Justice Department. It would be an independent body composed of people whose sole objective is to find the truth, and not to defend the agency from outside attack. It would also allow the violence and other problems at the border to be looked at from the perspective of people who are not part of the INS and who would probably tend to have more open minds about solutions to the problems.

IV.

ENHANCED ACCESS BY VICTIMS OF BORDER VIOLENCE IS NEEDED TO CHECK PERPETRATORS OF BORDER VIOLENCE

Another important part of the solution is giving the victims of border violence the power to obtain redress by providing improved access to the court system. If victims of violence begin to bring their cases to court on a regular basis, the persons and entities responsible for the violence would be
held accountable by an impartial judge and jury, not by a coworker whose friendships and maybe his job depend on not rocking the boat. Actions against perpetrators of border violence will encourage the agencies involved to do everything in their power to limit the liability of their agency, so as to limit damage judgments and legal fees. They will also help compensate the many individuals who have been shot, beaten, and tortured at the border.

V.

THREE SUBSTANTIAL BARRIERS LIMIT THE USE OF THE COURT SYSTEM AS A VEHICLE FOR HOLDING PERPETRATORS OF BORDER VIOLENCE ACCOUNTABLE

While it is true that there currently exist statutes providing border victims causes of action under which they can sue those who harm them, three formidable barriers prevent victims of border violence from using the legal system.

First, many of the victims of border violence are completely unaware that a legal system exists which could provide them with compensation for their injuries. There are several reasons for this ignorance. Most of the immigrants who cross the border without inspection are very poor people with little or no education and who have never had any contact with any legal system. Even if they are aware of the existence of a legal system, many are unaware that they, as foreign nationals, have the right to sue in courts in the United States.
Second, most undocumented migrants try to avoid contact with the legal system because doing so might lead the immigration authorities to their door. As a result, they are extremely unlikely to want to expose themselves by bringing an action in a state or federal court.

Third, and perhaps most important, virtually all migrants lack the substantial financial resources necessary for bringing a lawsuit. Most lawsuits cost thousands of dollars to litigate, and few attorneys are willing to take the cases of the victims of border violence on a contingency basis because of the large amount of effort involved, the difficulty of proving the commission of the act of violence in court when the witnesses to the act are undocumented, and because of the additional difficulties inherent in bringing an action when one's client is undocumented.

VI.

COMMUNITY BASED ORGANIZATIONS CAN HELP LOWER THE BARRIERS TO ESTABLISHING ACCOUNTABILITY THROUGH THE LEGAL SYSTEM

We believe that Community Based Organizations (CBO) such as One Stop can help lower all three of the barriers to victims needing access to the court system.

First, because CBOs operate within the immigrant community, they are capable of disseminating information through networks inaccessible to virtually all other organizations. They are
therefore in the position to spread the word throughout the largely underground community of recent undocumented immigrants that actions against perpetrators of violence are both possible and worthwhile.

However, wronged individuals will not bring actions unless they know that they do not risk exposure to the immigration authorities by bringing the suit. We believe this problem can be overcome through agreements by the different organizations involved that they will not target individuals who bring actions against perpetrators of violence for enforcement.

The most substantial barrier, however, is the inability of victims to pay for adequate legal representation. We believe that CBOs such as ours with experience providing low cost legal services to immigrants can play a very important role in this respect. We generally have credibility within the immigrant community, and we are committed to defending the rights of those in the community rather than profiting from the community's misfortunes. Nevertheless, we believe that it would be very difficult for us to take border violence cases if there were no sources of funding to supplement contingency fees earned from successful plaintiffs because of the great difficulties inherent in these types of cases. We would also not want to limit the actions we bring to those plaintiffs which stand a strong chance of winning large damage awards, because such a policy would defeat the aims of providing an alternative forum for holding the responsible parties accountable in all cases of improper violent
conduct, and it would leave many victims without the representation they deserve.

VII.
CONCLUSION

Creation of more and better oversight within the INS and Border Patrol bureaucracies is necessary to help solve the problem of violence at the border, but it is not sufficient. Also needed are means of raising the public profile of border issues and increasing the legal accountability of perpetrators of violence.

We respectfully suggest that a citizen's group be formed to oversee the policing agencies at the border, and that community based organizations be utilized to assist victims of border violence to obtain redress for their injuries.
TESTIMONY OF

DAVID J. VALLADOLID

COALITION FOR LAW & JUSTICE
SAN DIEGO, CALIFORNIA

BEFORE

CALIFORNIA LEGISLATURE
JOINT COMMITTEE ON REFUGEE
RESETTLEMENT, INTERNATIONAL
MIGRATION & COOPERATIVE DEVELOPMENT

HONORABLE ART TORRES, CHAIRMAN

ON

INTERNATIONAL MIGRATION & BORDER
REGION VIOLENCE

SAN DIEGO, CALIFORNIA

JUNE 22, 1990
Statement by
David J. Valladolid
Co-Chairman
Law & Justice Coalition
San Diego, CA

Mr. Chairman and distinguished committee members. I am David Valladolid, the Co-Chairman of the Law & Justice Coalition of San Diego. The coalition is a civil and human rights group that has actively monitored, documented and advocated against border violence and abuses in the Latino community throughout the County of San Diego. I use the word "violence" not in the rhetorical sense but to dramatize the real conditions that exist in the San Diego sector of the border between the United States and Mexico.

Although the use of excessive force, verbal and physical abuse can and has been documented historically along the border and in the Latino community, the past ten (10) years has seen a severe and drastic escalation of both civil and human rights violations. The violations range from verbal abuse, unlawful detentions, denial of due process, seizure of property, vehicle run overs, high speed chases, unacceptable conditions of detention and shootings ending in death or serious injury.

My colleagues this morning have or will cover specific cases but in summary the San Diego area has claimed 33 lives since 1974, with another 48 people wounded by the Border Patrol and other law enforcement bodies. Another 12 people have been run over and injured or killed by Border Patrol vehicles.

Americas Watch in a recent report criticized the U.S. Government for long ignoring the violations because of vested political, economic and geographical considerations and blasted the U.S. Border Patrol agents for "unnecessary violence" against Mexican nationals.
Border Patrol and INS continue their selective policies. Their records show that 90-95% of apprehensions are Mexican nationals, yet their own data claims that Mexican undocumented represent only 45% in the U.S. Not only Mexican nationals have suffered from abusive practices by immigration and local police officials. Legal residents and U.S. Citizens whose language, culture and skin color make them appear "foreign" are considered suspect and have had their rights violated.

Immigration officials have countered our allegations of border violence that given the millions contacted by their officers, the incidents of alleged abuse are a insignificant percentage.

The fact remains that when even just one person is abused or killed, the significance is of major proportion.

So what can be done to alleviate these intolerable conditions that have become all too common place along the border and in the Latino community?

First, let me commend this committee for holding these important hearings, for even though they may not resolve the problem, the exposure and dialogue can begin holding everyone accountable for their actions.

RECOMMENDATIONS

1. Support the establishment of the Bi-National Commission on Human Rights (U.S & MEXICO) to monitor and collect data on all forms of abuse.

2. Establish a Civilian Review Board to investigate and monitor the alleged cases of excessive force. IRCA 1986 Section 111(c) required a civilian oversight program at local, regional, and national levels.

3. De-criminalize the migration and immigration of people across the U.S. - MEXICO Border. Even though illegal entry is only a misdemeanor, the response by law enforcement in general has been excessive.

4. Joint hearings by State and Federal agencies to examine border violence and constitutional violations as they relate to immigration.

5. Investigation by the State Justice Department on the record of the San Diego District Attorney Office and their lack of prosecution of deadly force cases.

6. Joint economic development proposals between State and Federal agencies in conjunction with Mexico.

7. Require both State and Federal law enforcement agencies to produce annual records and accounts of all activities.

8. Expose and full prosecution of all vigilante groups and illegal activities along the border and in the communities.
CONCLUSION

As a free society dedicated to the concept of "liberty" we can ill afford to allow or condone these conditions along our border. An open society cannot militarize or build walls on its borders, for as it keeps some out, it also will keep many in.

The technology of our day will soon make these artifical boundaries obsolete. How we treat the most vulnerable and unprotected shall dictate our own relations for the future. If we become intolerant, insensitive and self serving, our children shall inherit a more troubled world.

James Madison in framing the U.S. Constitution addressed the issues of faction and differences between groups. He stated "there are two methods of removing the causes of faction: the one, by destroying the liberty which is essential to its existence; the other, by giving to every person the same opinions, the same passions and the same interests.

In conclusion, the phenomena on this border will never be resolved by enforcement. The violence and death is only a manifestation of the ill guided policies and leadership that governs today.

It's ultimately a social and economic condition that cries out for a human response.

Thank you for your time and attention.
TESTIMONY OF RICHARD J. NEELY
ASSISTANT DISTRICT ATTORNEY
COUNTY OF SAN DIEGO

BEFORE THE CALIFORNIA STATE LEGISLATURE
JOINT COMMITTEE ON
REFUGEE RESETTLEMENT, INTERNATIONAL MIGRATION
AND COOPERATIVE DEVELOPMENT

SAN DIEGO, CALIFORNIA

June 22, 1990
Honorable Members of this Committee:

Thank you for visiting this border community today and for the opportunity to share with you the District Attorney's perspective on law enforcement problems along the international border.

I am the second in command to San Diego District Attorney Ed Miller and I appear today representing him while he meets in Washington, D.C. with the U.S. Attorney General and other officials on a different set of national and international issues.

In San Diego, law enforcement issues which transcend this community, this region and even this state are part of our daily responsibilities along the international border. It is, therefore, particularly rewarding for us to see this committee take an active interest in the situation that we face each day.

Law enforcement along this international border is frustrating for many reasons.

First, we are daily witnesses to the exploitation of human misery as a veritable tide of immigrants washes up on our shore, most of whom are desperately seeking opportunities for a better life. Taking advantage of the plight of these immigrants are
predators from both sides of the border who rob, rape, terrorize and kill.

Second, our frustration stems from the fact that no one in this community can change the underlying conditions which have given rise to this migration as much as we might want to do so. We are helpless bystanders, feeling the effects of social conditions beyond our control.

Third, we in San Diego County are frustrated because the appalling amount of crime perpetrated by and against illegal aliens is a problem federal and international in scope, but left to us to deal with as best we can. In an era of rapidly diminishing resources, that is increasingly difficult to do.

Although the genesis and daily manifestation of this massive immigration problem is federal and international, law enforcement in this community has taken the position that we cannot ignore the need of people on our territory to be protected, irrespective of the fashion in which they arrived here.

A substantial federal presence has been unsuccessful in stemming the tide of immigrants and certainly is incapable of dealing with violent crime in the hills and canyons of the border area. Local law enforcement has formed partnerships with federal agencies in an effort to protect the migrants and restore some semblance of order to this area. For our part as prosecutors, we
are forced to sit back and play a wholly reactive role, attempting to contribute to public safety by the prosecution of violent criminals in cases which have proved difficult to investigate and in which our witnesses are often frightened, uncooperative or, as is too often the case, missing by time of trial.

With the Border Patrol, the INS and other federal agencies along the border, there is a significant, if inadequate federal presence.

With the involvement of the San Diego Police Department and other law enforcement agencies, there is a substantial, if inadequate, local law enforcement presence as well. With the presence of our office assisting these agencies and handling prosecutions under California law, there is a significant, if inadequate county contribution.

The one player - the one level of government - conspicuously missing from border area law enforcement is the state of California. It is my hope that as a result of your hearings here today, you will come away determined to bring about substantial state assistance in what is truly at least a statewide problem. The immigrants pouring across our border are not usually destined for San Diego, although a fair number of them stay here. They head for Los Angeles, for the fields of the central valley and for the northern reaches of California. The state has every reason to
participate as a full partner in the effort which consumes our resources each day.

It is, therefore, our suggestion that under a cooperative multi-agency agreement, the State of California fund an international law enforcement task force composed of local law enforcement officers from the American side of the border, Mexican state police officers and prosecutors from both my office and the appropriate prosecutorial agency in Baja California.

American agents patrolling the canyons not far from where we sit are often confounded when they interrupt a robbery or other crime in progress and the criminals flee south to Mexico. The agents must attempt to summon Mexican law enforcement officers to continue the chase, but by then the predators have usually disappeared without a trace.

Our concept involves Mexican and American law enforcement officers patrolling the hills and canyons on both sides of the border, working side by side and going wherever their duties take them.

When criminals are apprehended by this international team, they would then be prosecuted under either California or Mexican law by prosecutors assigned to that international task force.

We have a long history of cooperation with the government of Mexico in initiating prosecutions under Article IV of the Mexican
Constitution and would expect that effort to be enhanced by such a task force.

As a supplement to that program, we would further suggest that the state of California, in cooperation with the responsible federal agency, develop a temporary employment program whereby witnesses and victims of border bandits can be gainfully employed while awaiting their court appearances. All too often, our victims are either removed to points south of the border or, if out of custody, depart San Diego in order to pursue employment opportunities since their survival is at stake. This substantially lessens our ability to win convictions in border bandit cases.

Our office would be pleased to cooperate with state and federal officials in developing such a program which would be of benefit both to law enforcement and to the victims of border banditry.

As I mentioned at the outset, we are not dealing today with what is essentially a state of California problem or a County of San Diego problem. The federal government has to determine whether it is going to permit a virtually open border to continue or whether it is going to reassert control of our international frontier.

You and I, however, cannot wait for that decision. In this community we have to deal with the tragic reality of today and as
Testimony of Richard J. Neely
June 22, 1900

we do so we would welcome and, indeed, earnestly solicit state participation and partnership.

Thank you for your courtesy in inviting the District Attorney's participation today.
Fiscal Impact
of Illegal Immigration
on San Diego County and California

The cost in terms of dollars to a State or Municipality, is only one aspect of illegal alien fiscal impact since the loss of a job, loss of business or a vehicle, an assault or rape, robbery of a home, increase in insurance rates, both vehicular and medical, undoubtedly doubles or triples official figures.

This report however, will deal only with those pertaining to California and San Diego Municipal costs since the others are incalculable.

The subjects covered here relate only to those areas where there is a possibility of determining actual or approximate costs attributable directly or indirectly to Illegal Aliens in San Diego - such as Crime, Medical care, Welfare, Housing, Legal costs and Education.

It must be noted that these costs are being incurred at a time when The Federal Government faces a 4 TRILLION DOLLAR DEFICIT; the State of California faces a 3.6 BILLION DOLLAR DEFICIT; and San Diego faces a 60 MILLION dollar deficit.

Obviously these deficits... and all of the problems facing California and San Diego are not due to illegal immigrants. However, there can also be no doubt that the migration of well over a million illegal aliens every year, mostly uneducated and unskilled, bringing degrees of crime, disease, and human needs, adversely compound the economics of this city and this state.

It must also be noted that absolutely no racial bias is intended or implied; much of this data comes from reports which do not identify legal status and use terms such as "migrant", "indigent" or "transient".

At a time of massive Hispanic illegal immigration, this lack of identification is unfortunate for it allows the researcher no way to differentiate between documented and illegal aliens.

Respectfully submitted

Audrey W. Bergner
Alliance for Border Control
June 1990
Contents

Fiscal Impact of Illegal Immigration in San Diego on:

Crime
Legal Costs
Welfare
Jobs
Medical Care
Illegal Drugs
Education
Housing
CRIME

Under this heading, costs involving apprehension, processing, detective work, legal work, both prosecutorial and defensive, court costs, translators, jail and prison costs must all be considered. (please see "Legal" category)

1. Illegal aliens account for at least 20% of all Felonies (murder, rape, assault) in San Diego. Center for U.S.-Mexican Studies at UCSD.


3. In just one Orange County Courtroom, during a recent study, 36% of the convicted felons (1300) - and 32% of parole violators were Illegal Aliens. Judge David Carter testifying before the Ca. Assembly Crime Hearing; June 1, 1990.

4. The cost of incarceration per criminal in SAN DIEGO JAILS per year is $24,000. 32% of jail inmates are Hispanic. Sandag Report; 1989 pg. 51
It costs Seven. 4 Million per year just to operate the jails in S.D. per Commander John Ratele. He states that at least 14% of jail inmates are illegals thus the cost per year is: TWO. PT. FOUR MILLION per year not including cost of building jails.

The cost of incarceration in a STATE PRISON is $20,000. per year.
In 1987, there were 15,000 Illegal Aliens in the Cal. Prison System, per Rod Blonien, former head of Cal. Dept. of Corrections.
THIS IS $300 MILLION per year - not including cost of building prisons.

5. The Cost of just processing Illegals in S.D. in 1988 was FIFTEEN MILLION DOLLARS. S.D. Union Spring 1989

6. The cost of just defending one illegal alien, Jose Cinquos, who murdered two S.D. Police Officers was almost One Million Dollars. Union, Spring 1989

7. One hundred and twenty Million dollars is needed for 200 additional judges statewide. 20 to 35% of daily court caseload involves ILLEGAL ALIENS. Judge William Mudd testifying before Cal. Assembly Hearing in S.D. on June 1, 1990.
8. S.D. needs **EIGHT MILLION DOLLARS** for new jail space, per Norm Hickey in report to S.D. Crime Commission on Feb. 15, 1990. Each jail bed costs $50,000; Thus if, for example, if just 180 new illegal aliens are incarcerated in S.D. this year: the cost for their jail bed space alone is **EIGHT MILLION DOLLARS**.

Note: not unlikely when over a million illegals are pouring into San Diego every year considering that:

a. Up to 70% of crimes in San Ysidro are committed by Illegal Aliens. (SANDAG Report, Sept. 19, 1989)
b. 68% of all drivers arrested for drunken driving in S.D. are Latinos. (Cal. Highway Patrol; as reported in L.A. Times 5-4-90)
c. 98% of all aliens caught and held for return to Mexico at El Centro have criminal backgrounds. (James Turner, Dir. of INS; Union 8-17-89)

9. The amount of Police time devoted to Illegal Alien crime is mounting daily. For example: The San Diego Sheriffs Dept. which covers all of the un-incorporated part of the county PLUS 14 cities, estimates that **Forty percent of manpower time is consumed by illegals**. Commander John Ratele; S.D. Sheriff Dept.

And: San Diego Police Chief Burgreen announced this week that additional Police manpower is being diverted (there are no funds for new officers) to the border because of the increase in violence due to Mexican border thieves.

10. Over 25,000 vehicles are stolen in California every year. **20,000 of them end up in Mexico where hundreds are used by Mexican police.** Times and Union 5-22-90. Hundreds of others are used to smuggle Illegal Aliens into the U.S. per the INS. The cost of Police Reports; investigatory work and recovery undoubtedly amounts into the millions.

11. S.D. Coroners Office reports that: **"a disproportionate number of unidentified bodies here are unidentified Illegal Aliens."** As a result, the Coroners Office spends up to six months trying to identify each one: examination of personal effects; phone numbers are checked; search for information, comparison of dental and medical records, checks with Mexican authorities, etc. If not identified, person is buried at county expense or cremated and ashes scattered at sea. Cost of burial alone: $225. S.D. Tribune June 4, 1990

Conclusion: The cost of Illegal Alien crime in San Diego and California costs the Taxpayers **BILLIONS OF DOLLARS ANNUALLY**.
LEGAL COSTS OF ILLEGAL ALIENS

"The California Judicial System is close to foundering"
State Supreme Court Justice Malcolm Lucas
Feb. 12, 1990

1. Deportation proceedings (against illegal aliens) often take years...”
   (INS Comm. Gene McNary; Nov. 1989)

2. There has been a 600% increase in convicted imprisoned aliens nationwide since 1980.  (Times 5-16-90)

3. “Criminal aliens have a tremendously adverse, paralyzing impact on our criminal justice system.”  (White House Official; Times 5-15-90)

4. The cost of defending indigent criminals in San Diego County in 1989 through the Public Defenders office was ELEVEN MILLION DOLLARS.  (Times 5-6-90)
   The cost of “Outside lawyers” for “indigent defense was FOURTEEN MILLION.  Dollars.  ibid.
   And....this does not include death penalty cases where the costs rise into the millions for each case.  (ie:  the cost of just defending Jose Cinqos in 1989 was almost One Million dollars.)

5. Illegal aliens - who break the law simply by entering our State without papers.... now cause a swelling tide of law suits:  ie:
   a. Enrique Estrada Rodriquez, a border bandit, shot at Border Patrol Officers who returned fire and killed him.  (He had been arrested twice before for alien armed robbery).  His family is now suing the Border Patrol.  Union Dec.89
   b. Luis Armenta Corales, another border bandit, was also killed.  His family is also suing the Border Patrol.  Union, Dec. 89
   c. Francisco Ruiz Chavez threw rocks at a border patrolman who fired in self defense.  He is suing the Border Patrol for 9 MILLION DOLLARS.  Houston Chronicle; Nov. 26, 1989
   d. Ignacio Mendez Polido pelted rocks at border Patrol officers and was shot.
He is suing the Border Patrol. ibid.

e. Julio Ortiz Soto, driving a two ton truck carrying 57 illegal aliens tried to run down a S.D. police officer who shot him. Relatives of Soto are suing the San Diego Police Dept. for $500,000. (Union 1989)

f. Three Mexican Illegals accused two S.D. police officers of kidnapping and robbery. One illegal never appeared in court; the other two were both in jail on other convictions; admitted to many arrests; giving aliases; committing car thefts, burglary and various drug charges. The officers were found innocent. The investigation and trial lasted eight months.

g. Manuel Florez Campo, a Mexican border thief, attacked Border Patrol officers with a large screwdriver. He was shot and is suing the Border Patrol for Nine pt. 3 MILLION dollars. L.A. Times 5-19-90

6. Illegals in Court, even if they understand English, have a Spanish speaking detective; two Spanish speaking interpreters; and a Spanish speaking uniformed officer. I estimate the cost at thousands of dollars per day.

Marsha Wright; Juror at a trial; Union Commentary 5-25-90

Conclusion: If one considers that thousands of illegal aliens commit crimes and are tried through the San Diego Court System every year .....that they are for the most part indigent and their defense must be provided by the people of California.....that they demand and receive special treatment not given to American citizens (translators, bi-lingual attorneys and investigators).....the only conclusion can be that the fiscal impact of criminal illegal aliens will soon bankrupt our judicial system.
WELFARE

"Most prison inmates are not only broke when they are incarcerated but their families have to go on welfare".
Abigail van Buren Times 6-11-90

1. One hundred and thirty BILLION dollars is now spent on poverty programs by U.S.Gov .........$4000. per recipient; - $16,000 per family of four. Union 2-25-90

2. 23% of all hispanic families in U.S. are now headed by women. Six times more likely to be poor - threaten whole stability of our society. Center for Social Policy Studies; George Wash. Univ.

3. 87,000 families are now on welfare in S.D. A 31% increase over three years ago. (Note: during this same period, illegal immigration into S.D. increased by up to 70%).

4. 91 million dollars in ADDITIONAL funding is needed in S.D. to support families with dependant children, job training, basic literacy and child care. per Welfare Officials. Union 3-27-90

5. Six hundred and twelve MILLION dollars was approved by the House of Rep. for 1991 for day care for low income children. Budget Office calls it "irresponsible".

6. An Appalling increase in child abuse threatens to overwhelm the resources of S.D. County according to a report issued by the Grand Jury.

82,437 cases were reported in 1989 - among the highest in the nation. Due to: LARGE TRANSIENT POPULATION. L.A. Times 6-7-90

7. Number of Children in foster homes is increasing at an alarming rate. 18,000 last year alone. Minority children represent a "disproportionately high number of them". Report by Childrens Welfare Committee; L.A. Times 4-27-90

Conclusion: Billions of dollars will be required to subsidize Welfare recipients in SanDiego and illegal aliens, constitute a substantial proportion of them.
JOBS

The fiscal impact of illegal immigration on Welfare must also take into consideration both the numbers of Americans who are put out of work because of illegals and the economic situation in California which allows both citizens and illegals recourse to the Welfare system.

1. **Illegal Aliens more than DOUBLE the jobless rate among working Americans:** for every 100 illegals employed - SIXTY FIVE U.S. workers are kept out of the job market. Prof. Donald Huddle of Rice University in a major study on Immigration. Printed in "The New American"; June 2, 1986

2. "Increasing numbers of illegal job seeking migrants threaten to drive low income Americans onto the welfare rolls and threaten the prosperity of ....California". Union 1-16-90

   a. 75% of all restaurants and hotel workers in L.A. are Hispanic. Apx. 10,000. (Note: these are waiter, busboy, cleaning, cooking and miscellaneous jobs formerly held by high school and college students as well as lower middle class heads of families). Per Restaurant Union Officials; Union 12-11-89

   b. 93% of the manufacturing jobs held by illegal aliens could be held by unemployed Americans. and up to 71% of retail jobs held by illegals could be filled by legal residents. Conclusion: "The effect of Illegal Immigration is negative ..... and contributes to the unemployment rate and imposes increased social costs (welfare, education, legal, police, medical, housing, unemployment benefits, etc.). A May 1980 Study prepared for S.D. County on Illegal Aliens by Community Research, Inc.

   c. Over 1.3 MILLION "farm workers" received documentation under Amnesty; less than 15% now work in Agriculture. Wayne Cornelius; UCSD Center for Mex. American Studies.

3. At the same time as illegal immigration soars....job opportunities in Cal. are drying up as Heavy industry and large manufacturing plants relocate outside of California. ie:

   a. 75,000 jobs in L.A. have disappeared as large manufacturing plants have relocated to other states. 75% of those workers - over 56,000 of them were Latinos. L.A. Times 5-6-90

   b. Almost 15,000 jobs have been lost in the Aerospace industry this year
For every such job at least one other job will be lost in other industries.
Jack Kyser, L.A. Economist for the Chamber of Commerce; Union 6-6-90

c. 150,000 jobs have been lost in Construction so far this year nationwide.
Commerce Dept. Union 6-10-90 Illegal Aliens traditionally constitute a large factor in the construction trades.

Conclusion:
Many jobs formerly held by American citizens (especially in the hotel, restaurant and construction fields) are now taken by illegal aliens who are willing to work for lower wages.

Due to the loss of some 15,000 jobs in the Aerospace industry; the resultant loss of 15,000 other jobs; and the general economic slow-down in other less-skilled fields, large numbers of legal and illegal migrants will continue to have recourse to welfare. The economic impact will be heightened by new waves of migrants arriving daily.
Fiscal impact of Illegal Immigration on Medical Care

1. In California, ONE BILLION DOLLARS A YEAR is lost to unpaid medical care which has been directly traced to undocumented aliens. (Rep. Bill Lowery)

2. Fraudulent Medi-Cal Applications have greatly increased; most are by residents of Mexico who give false U.S. addresses and often don’t even have a true emergency condition. (California State Investigation Report; Tribune March 19, 1990)

3. The cost of medical coverage for undocumented aliens SOARED last year due to illegal aliens or Mexican residents who cross the border to get medical care and then return home. Medi Cal hopes to save TWO HUNDRED MILLION A YEAR in taxpayer money with a new investigative program. (Union 3-28-90)

4. An epidemic of Third World diseases, long conquered in the U.S. has erupted due to migrant workers: ie:

   a. **MEASLES**: More than 4000 people have now been afflicted; San Diego is among hardest hit areas. One in four victims has been hospitalized. “Hard to control because of the “overrepresentation of Latino minorities” per Health Dept. One pt. Two Million dollars appropriated by Sacramento for “free” immunization shots for migrants”. Union 4-22-90 to 5-11-90

   b. **WHOOPING COUGH AND POLIO** epidemics could be fueled by the “current flood of unimmunized minority children into California. It’s overwhelming the health care system” per Dr. James Mize and Dr. Stephen Waterman. (L.A. Times; 4-24-90)

   c. **MALARIA** outbreak, brought here by migrant workers is expected, by Health officials. Cal. leads the nation in Malaria outbreaks and S.D. County plays a “significant role”. Chills, fever and delirium result in brain or kidney damage. (Union Feb. 20, 1990)

   d. **DIABETES** is three times more likely to occur in LATINOS than among others. “One of every seven Latinos in S.D. County will develop diabetes ... apx. 70,000 this decade” per Dr. Antonio Linares of Scripps Hosp.

   e. **AIDS** has become a high risk in Imperial County because of “the transient nature of the population across the Mexican Border”. State funds of almost
$200,000 have been granted to educate police and border patrolmen so they can protect themselves. Union 4-8-90

f. TUBERCULOSIS and AIDS epidemics in Long Beach doubled in 1989... due to immigrants, say Health Official, Dr. Marion Johnson. Asked the State for One pt. two Million to treat the soaring number of immigrants. Union 4-1-90

5. A $92 MILLION DOLLAR expansion of Childrens Hosp. in San Diego has been started (financed by a bond issue). 45% of patients are indigents say Hosp. officials and payment comes from State. (Union 6-2-90)

6. Los Angeles faces a crisis in medical care. With the highest Hispanic population outside of Mexico City, they must provide 45,000 non-paying obstetrical deliveries this year. David Chernoff, Pres.L.A.County Med. Ass'n.

7. Almost One Million aliens documented under IRCA have no form of health insurance. Health and Welfare Agency Study; Sacramento March 1990.

8. Health insurance premiums for the average person have INCREASED BY 54% since 1987. One third of that increase is due to doctors and hospitals increasing charges to private plans to help cover the 1.8 BILLION to 3 BILLION lost every year on uninsured patients. Union 3-15-90

9. The U. S. Supreme Court ruled last week that Hospitals can now sue the State for full reimbursement of Medicaid funds. California is currently paying only 35% of bills resulting in 53% of all California hospitals losing money. Medical authorities predict that Hospitals will file suit against the State of California immediately. L.A.Times: 6-15-90

10. Eighty Border Patrol Officers were hospitalized in 1989 after being attacked by Illegal Aliens in San Diego. Houston Chronicle; Nov. 26, 1989

Conclusions: 1. Illegal aliens cost the taxpayers over a BILLION DOLLARS A YEAR in Medical care at the present time;
2. There is rampant fraud through Mexican citizens using S.D. facilities;
3. The State of California will have to raise taxes incrementally just to cover the unpaid Hospital bills; and as illegal immigration continues these costs will increase.
4. Epidemics of Third World Diseases are draining Health Care resources.
DRUGS

Note: Although the focus of this report is Fiscal, it must be noted that
“Drug trafficking has reached epidemic proportions in California”
and
“Illegal immigration and drug traffic are bound together in a symbiotic relationship.”


2. There are up to 4000 drug addicted babies born every year in San Diego primarily in the barrio and ghetto. The cost for treatment - per child - up to school age - is apx. $400,000. Total apx. cost per year to S.D. County: SIXTEEN MILLION DOLLARS. (Figures from several sources including L.A. Times 6-15-90 and report on Roger Hedgecock Program Feb. 26, 1990).

3. TWO HUNDRED MILLION dollars per year is spent by S.D. County on drug and alcohol abusers. Charles Nares; Head of S.D. County Drug Program.

SIXTY MILLION DOLLARS was spent by Fed. Gov. in 1989 on Drug war per John Walters, Chief, Office of National Drug Control.

4. SEVEN AND A HALF MILLION DOLLARS in State funds has been allocated for drug education programs in S.D. over the next four years. Union 3-9-90

5. Illegal aliens involved in drug smuggling and distribution have become a tragic commonplace: ie:

a. Three Illegal Aliens were apprehended by Federal Investigators with Twenty tons of Cocaine in a warehouse in L.A.; Oct. 1989

b. Three more illegal Aliens were sentenced to ten years in prison for their participation in a large drug ring in L.A. Union 4-10-90

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1 Michael Wemuth, Ass't Soc'y of Drug Enforcement, Wash. D.C.
2 Former Atty Gen. Edwin Meese
c. Three illegals were arrested in Escondido with Methamphetamines worth $35,000 and 20 guns. Union 3-24-90

d. Six Hispanics were arrested in North County after a five month investigation for manufacturing and distributions drugs valued at $5 Million. Union 4-8-90

e. Two illegal Lebanese smashed a DEA car and tried to run over an agent apprehending them on drug charges in Oceanside. Union 4-1-90

f. Two Hispanic illegals were sentenced to 17 years in prison for smuggling 737 lbs. of cocaine into San Diego. Union 1989

g. And along the border.....1100 lbs. of marijuana was dropped by two fleeing Hispanics this week (June 15th). one of whom had a revolver; .....1300 pounds lbs. was discovered in a pickup truck on May 28th; 1000 pounds was brought across by illegals in "mule train fashion"; and ten duffel bags of Cocaine arrived in the same way. (INS information per Border Patrol)

Conclusion: The relationship of drugs and illegals to the costs of crime, welfare, medical care, police activities, National Guard participation, educational programs and homelessness are totally interwoven.
EDUCATION

1. The cost of educating Illegal Aliens in Los Angeles in 1988 was: FIVE HUNDRED AND SIXTEEN MILLION DOLLARS. (S.D.Union; Spring 89.) No figures are available for San Diego but with 95,000 KNOWN illegal residents in 1988, a conservative figure today would be apx.

2. A police patrol, costing more than ONE HUNDRED THOUSAND DOLLARS per year was necessary to maintain order at Sherman Elementary School (which has a primarily minority student body) in S.D. (Union 2-23-90)


"Billions spent on English classes for aliens has been a waste of money" (New York Times; 5-30-90)

5. Hispanic students (many of them children of illegals) now constitute 25.6% of San Diego enrollments. The cost per year: $4400. per student. (S.D. Unified School District figures.)

6. Hundreds of Mexican children cross the border every morning to attend school in San Diego. They give a local (S.D.) address and the schools do not have the manpower to check them out. (per Teachers who must remain unidentified for fear of repercussions).

7. A "soaring" immigration rate results in 184,000 more students - per year - over the next five years. Eighty percent are Hispanic.

   Cost: TWO BILLION DOLLARS IN NEW DEBT THIS YEAR ALONE. (L.A. Times 5-6-90).

   a. This increased enrollment requires new schools:

      Cost: SIX BILLION DOLLARS. L.A. Times 5-3-90
b. 42,000 new teachers are needed by 1997 to accommodate the influx. Cost: Apx. TWO MILLION PER YEAR. L.A.Times 5-30-90

8. A 2.7 MILLION DOLLAR GRANT was given by the Labor Dept. to Logan Heights and Barrio Logan in S.D. for a neighborhood program for minority children.

9. Large increases in Latino enrollments at Cal State L.A. (26% of which are admitted by waiving the usual entrance requirements) mean obvious academic difficulties and "hand holding". The cost of this "hand holding" (additional classes, personal tutoring, etc.) has yet to be calculated. Times 5-19-90

Conclusion: Total cost of illegal alien education in California probably reaches the Trillions.
1. **$30,000** in Block Grant funds will be required to offset housing waivers granted to S.D. County growers who build housing for migrant workers. Union 6-6-90

2. **$54 MILLION** dollars PER YEAR has been designated to LOW COST HOUSING in S.D. This is among the most costly in the nation. Cost per couple: $80. per year - $4000. per business. Union 12-26-90

3. **$500,000.** has been designated in S.D. for a housing and recreation hall for migrant workers. Assembly Bill 617.

4. **Over ONE HUNDRED MILLION DOLLARS** to be spent on low cost housing in rural areas of Cal. for farm workers and day laborers. Union 2-25-90

5. **$12.9 MILLION** approved by S.D. city council for low income housing. Union 3-27-90

Conclusion: **Over 68 MILLION DOLLARS WILL BE SPENT ON MIGRANT HOUSING in 1990.**
Border Violence in the San Diego Area
Statement of
the Immigration and Naturalization Service
June 22, 1990

The mission of the Immigration and Naturalization Service (INS) is clearly defined by law. We are charged with administering and enforcing the immigration laws of the United States. Along the border, this translates into two basic jobs:

1) preventing aliens from coming into the U.S. illegally;
and
2) expediting the entry of legal immigrants, visitors, and others.

The tougher job is obvious: keeping our borders secure is by far a much more difficult task. In fiscal 1989, the Border Patrol apprehended 855,000 illegal aliens along the southern border. Although the total is the lowest in seven years, it still amounts to a serious problem with illegal migration from Mexico.

The Service closely monitors acts of violence involving Border Patrol agents that occur on the U.S.-Mexican border. There is little indication that the violence that occurs on the border is attributable to over-zealous Border Patrol agents. Border Patrol agents adhere to well-established policies and guidelines on the use of force. As of May 29, Border Patrol agents were involved in 189 physical assaults, including 37 assaults with firearms which did not result in the officer firing his/her weapon. During the same period, Border Patrol agents were involved in 30 shooting incidents, eight of which were drug related.

The majority of these acts of violence on the Mexican border can be attributed to a particular segment of the alien population which has increased significantly in the past few years, and is composed of young, unemployed individuals. These individuals are responsible for assaults, robbery, rape, and other criminal activity in the immediate border area on their own people who are attempting to enter the U.S. in search of employment. They are also responsible for automobile theft, burglary of auto/business/residence, robbery and theft in adjacent U.S. communities, as well as armed and physical assaults on Border Patrol agents. These incidents occur where there are large populations on both sides of the border, but the majority of these occur in San Diego.

Another cause for these acts of violence is the increasing number of encounters between INS agents and armed smugglers of aliens, drugs, or contraband. Drug smugglers do not hesitate to protect their loads by firing at agents. These types of incidents occur at all southern border sectors, but with increasing frequency at Tucson, Arizona, El Paso and McAllen, Texas sectors.
A related factor to the causes above is that the proximity of the border allows a safe refuge to the perpetrators, and therefore encourages these types of violent acts. Another factor is the economic state in Mexico. The inflation and high unemployment have forced increased numbers of individuals to search for employment in the U.S. out of desperation.

The Service is committed to reducing and preventing the escalation of violence on the border. In order to do so more effectively, we will be working to:

1) improve joint cooperation on the southwest border from both governments to include mutual exchanges of information, liaison, providing more uniformed personnel to patrol the staging areas on both sides, joint round-up operations, and prosecution for criminal activity.

2) increase resources in manpower and equipment as follows:

   a) increased manpower reduces the actual or perceived threat when the agents are severely outnumbered.

   b) provide additional equipment that has proven effective to include spotlights, floodlights, Low Light Level TV's, night vision equipment, 4 x 4 vehicles, specialty vehicles and non-lethal weapons.
COUNTY OF SAN DIEGO

DEPARTMENT OF TRANSBORDER AFFAIRS

GOAL: The Department of Transborder Affairs was established in the Fall of 1987 to coordinate County programs focusing on the U.S.-Mexico International Border and the Pacific Rim; to be alert to transborder issues and initiate appropriate public policy and programs and to exert county leadership in the economic development of the region by developing, recommending and implementing appropriate international trade policies, strategies and activities.

THE DEPARTMENT: The Department is staffed by a Director, three Project Coordinators, a half-time Medical Director and support staff. Some of the activities will be initiated and carried out by the Department, but, more often than not policy issues and projects will be explored and developed in cooperation with other appropriate county departments and government agencies. The three divisions of the Department and some on-going and anticipated projects are:

THE DIVISIONS:

HEALTH AND ENVIRONMENT

- Liaison with U.S./Mexico Health Association
- Develop a U.S./Mexico Protocol and Interchange
- Monitor binational regional air quality
- Participate on International Water and Border Commission to accomplish solutions to border sewage problems
- Continue work on binational emergency medical system
- Implement in cooperation with departments and agencies, a Bi-National Symposium on Substance Abuse

Anticipated issues:
- Rabies
- Food-borne problems
- Hazardous materials
- Tuberculosis
- Venereal Disease
- Vector control
- Contaminants

PUBLIC SERVICES

- Monitor Immigration Reform and Control Act
- Border Justice/Probation - Border Justice Project
- Child Protective Services
- Disaster Preparedness
- Technology Transfer
TRADE AND ECONOMIC DEVELOPMENT

Economic Development - Otay Mesa
South Bay Economic Development Corporation
liaison with International Trade Commission
Maquiladora Enterprises
Border Tourism

ADVISORY BOARD

An advisory board consisting of subject matter experts and community leaders assists the department in carrying out its varied programs.

LOCATION:

County Administration Center
1600 Pacific Highway, Rm 273
San Diego, California 92101

(619) 531-6489
Immigration and Enforcement: A Historical View

The growing border crisis has rapidly moved to the forefront of public consciousness. Monthly demonstrations and a crescendo of coverage by both the print and the broadcast media has catapulted border issues from the political back burner to the front page.

To date, there has been very little attention given to the history of immigration law in the United States. Only by placing the current wave of illegal immigration in a historical context can one fully understand the enormous magnitude of the problem which confronts us in 1990.

At the outset, it must be remembered that the precedence for immigration control was established in colonial times when the colonies enacted their own laws regarding immigration. Among other measures, the colonies often required the new immigrant to post a bond so as to ensure the solvency of all new settlers.

During the early federal period, immigration remained somewhat static with less than half a million new people arriving between 1790 and 1820.

The first great immigration wave began around 1830 when millions of Germans and Irish arrived at these shores. Between 1830 and 1850, about 2 million German and Irish immigrants settled in the US, a figure representing nearly 10% of the total population of the United States.

From 1854-1868, some 75,000 Chinese laborers were imported to work on the railroads. While a relatively small in number, these newcomers suffered more discrimination than the Germans and Irish, mostly because of their different appearance and cultural heritage. This resulted in strong anti-Chinese sentiment and the passage of several exclusion measures intended to stop Chinese immigration. None of these worked, and Chinese immigration continued to grow throughout the period.

In 1882, Congress passed a significant law called the Federal Act which excluded criminals, paupers, the insane and other undesirables from immigration.

Subsequently, a new wave of immigration from Eastern and Southern Europe began to pound the shores of America. From 1885-1914, millions of Russians, Poles, Austrians, Italians, and Jews left their ancient homelands for a new life of freedom and prosperity. (My own grandparents were among those who left Italy, entering the US at Ellis Island after which they settled in the steel towns of Ohio.)
The figures are startling. From 1900-1920 more than 3 million Italians, 2.5 million Austrians, and 2.5 million Russians, came to America. Altogether in this period, approximately 12.5 million Europeans emigrated to the US.

History shows that such massive numbers of new immigrants helped to fuel America’s industrial revolution by supplying a continuous source of cheap labor for the nation’s coal mines, factories, steamships, and railroads.

History also shows that such uncontrolled immigration created unforeseen social problems. Urban poverty, exploitation, racism, and xenophobia, threatened to turn the melting pot into a boiling cauldron of competing nationalities and ethnic groups (not unlike the ethnic crisis which today threatens the very survival of Mikhail Gorbachev in the Soviet Union.)

As a result, Congress passed yet another series of immigration measures which have become the foundation of America’s immigration policy. The first quota law was passed in 1921, followed by a more comprehensive measure passed by Congress on May 26, 1924. This law limited legal immigration to 2% of Americans of each national origin as reported by the 1890 census. However, these quotas did not apply to immigrants from Canada or Latin America. It was not until the McCarran-Walter Act of 1952 that the quota system was extended to immigrants from this hemisphere.

The reason for this is simple. Between 1900 and 1950, less than 850,000 immigrants moved from Mexico to the United States. (In the same period, less than 70,000 Central Americans moved to the U.S.) Recent estimates by the Immigration and Naturalization Service show that at least three times that number moved here illegally from Mexico and Central America during the past twelve months alone.

In general, the immigration policies of this nation have a mixed record of success. Certain measures included in some of the statutes have been recognized as racially biased, and the laws have been changed. In many cases, immigration quotas were so low that families were separated for years. But in general, it may be said that the policies of the United States in the area of immigration have been far more open and liberal than those of almost any other nation and this remains true today.

What else may we discern from this summary of immigration history? First, we can say that this nation has established a legal precedent for the
enforcement of immigration restrictions as prescribed by the Congress. Clearly, our government has moved now from a position of strict enforcement to one of selective enforcement of immigration laws and quotas. This shift in executive priority has placed an even increasing burden on the economic infrastructure of the border states - to the point where the ability of local governments to deliver basic services (such as police, fire, health care, parks, and libraries) to the public are now at risk.

Second, we must acknowledge that our government, like all governments, has previously reserved the right to exclude certain undesirables from the privilege of immigration. Alas, our government seems to have abrogated this right, allowing virtually anyone to cross our southern border, including escaped criminals, fugitives from justice, drug dealers, smugglers, and known terrorists.

Third, we may conclude our immigration laws have failed when attempting to stop immigration. They have, however, been extraordinarily successful in managing the flow of immigrants into this country. Most of all, our immigration laws have helped to ensure that new immigrants arrive in dignity with their heads held high.

This stands in marked contrast to the current situation in which our Hispanic brothers and sisters are forced to enter this nation on their bellies, living as fugitives in the canyons, preyed upon by coyotes and bandits.

It is becoming more and more apparent that we are living on the edge of one of the great migrations in human history. We cannot stop it. But we cannot ignore it. This problem will not go away.

The magnitude of the problem grows with each passing year. Eighty-percent of all crime in San Diego County is drug related and those drugs come across that border. More than twenty percent of all court cases involve undocumented aliens. Our health care systems are plagued by skyrocketing costs due to indigent care which the rest of us pay for when our own citizens need hospitalization. Educators know only too well the impact of uncontrolled immigration on our schools and classrooms.

The border is a federal problem, but it is also a state and local problem. The migration of Latinos from this hemisphere will continue. We must agree that it should be done in a legal and safe manner, and that those who enter this land do so as my own grandparents did - with dignity.

We must take steps to stop the illegal and dangerous process by
which most immigrants now arrive in this country. We must secure the border, and then look towards a reasonable restructuring of our immigration laws to allow for an orderly and lawful immigration procedure. And we must reserve the right to forbid the entry of undesirables as every other nation has done and these laws must be enforced.

One is reminded of the movie FIELD OF DREAMS. "Build it and they will come," the film tells us. Well, we in this country have built a "field of dreams" called the United States, and they will come. It is up to us to make sure that they do so in a safe and legal manner, or our dream will turn to a nightmare.

A hundred and fifty years ago, when millions of European immigrants came to these shores, they were quickly absorbed into a new and growing land. The frontier was expanding, the economy was growing, and jobs were plentiful for anyone willing to work.

Today, the situation is much different. The frontier is closed, our economy is static, and unemployment is a way of life for millions of our own citizens who cannot find employment. Frankly, our ability to absorb this new wave of illegal immigration without serious social and economic disruption is in doubt.

In summary, a careful study of history reveals one unmistakable fact: a nation without secure borders is no longer a secure nation.

It is time for our elected officials to consider the common good — what is best for all citizens, Anglos, Latinos, African-Americans, Asian-Americans, Native Americans, and others. The general welfare demands prompt action by elected government officials. The common good demands a safe and secure border.

Ron Maggiano  
4020 Carmel Brooks Way  
San Diego, CA 92130  
(619) 481-0279
Senator Torres,
Chicon - Arias,
Sirs;

While you may feel that your hearing on Friday in San Ysidro accomplished something, the truth and fact of the matter is that in reality, it accomplished NOTHING. We all know about the violence at the border, it is not a unique much less something new, happening. For those of us who are and have been members of the "Light up the border" project, and were at that hearing and did not be given the chance to express our views, but the reps from Mexico were treated like conquering Heros, it sent a very clear message out into the Community just what kind of hearing it was and pointed out that it was a totally bias fiasco. Even the Clowns in the Circus could not have performed better.

To think that we have people in Government who are supposed to represent us, but come to find out that in reality, they are more interested in the illegals who daily break the laws of Our Country, first by entering by other than legal means, then after they are here, they steal Our vehicles, other property as well, steal from the people, in that they manage to get goods and services which they can not pay for, and yet, the above mentioned Legislators sit by and condone this illegal activity. It is my feeling that you people would do these illegals better service if you went to Mexico and got into the Government down there.

You must enjoy hearing the same song over and over because in having Roberto Martinez speak, that is just what he did, he sang the same tune to members of Congress a short time ago in Washington and now he sang it for you too. Both he and yourselves bounced that wording, "HUMAN RIGHTS" around frequently at that meeting, HOWEVER, One thing became very clear to me as it did several others. You don't know the difference between Human Rights and Constitutional Rights and they are indeed as different as, as you yourself put it Senator Torres, different as are Apples and Oranges. Few would disagree that everyone is entitled to their HUMAN RIGHTS, which does not mean that they also have a CONSTITUTIONAL RIGHT to cross over into another's country and partake of goods and services which they are unable to pay for. Another point you all seem to have missed is that it is no sin to be poor, but, it is indeed a sin when someone uses poverty as an excuse to commit a crime, a crime of any sort, and crossing a Country's border as an illegal is a crime.

NOW, you kept going on and on about how we have to help Mexico, well, O K, for how long? Are we to understand that we have not ever helped them in the past? AND, why is it that this job always has to fall on us? What are we anyway? The Santa Claus and Easter Bunny and tooth Fairy of the rest of the world? Maybe like Mexico, you all believe that we are indeed the One of the 7 Cities of CIBOLA. That Our streets are paved with gold and precious jewels. I hate to break your bubble, but the truth of the matter is, this Country, Our Country, the United States, has been paid for with the millions of lives and blood of brave young boys who put
their lives on the line for us. You may choose to still believe in the so-called free lunch if you wish, but not at the expense of American tax payers who more often then not, never get much of a chance to have much to say as to how and where their tax dollars are to be spent.

As far as I am concerned, all those who dare cross over into Our country deserve what ever fate befalls them. They put themselves in that dangerous position by their own choosing and as such, must also be willing to accept the risks as well. You didn't afford me the courtesy of speaking at your hearing, even though I called your Office long distance, that's O K, what is disappointing is that I could have told you much about the border violence, why it happens and some possible solutions. I brought one of our little animals to the hearing in the hope of pointing out that just as the illegals are victims, so also have they made us victims as well.

I could go on and on but I doubt you are interested in the least as to the plight of American Citizens who, at the hands of these illegals and the Mexican Govt, have become victims in Our Own Country at the hands of people from another country who want to be regarded as "Good Neighbors". They haven't proven to me they are. Thanks to them and the Mexican Govt, I am close to loosing my business because they are going to build a sewage plant where I raise my animals. Is the Mexican Govt concerned about me and will they reimburse me for my loss? Not hardly. Will Our Own Govt? Unlikely. At my age (58) what then do I do with the rest of my life? I know you don't care, I know the Mexican Govt doesn't care and I am now thinking that even my Own Govt doesn't care because they seem more interested in these low life, dumb and stupid illegals that are in fact just what they are, illegal and for the most part, criminals.

As of tonight, I will continue to be at the Border every night and I will be lighting up the border every night until I see no more of these people crossing over into Our country. If that makes me seem like a racist, I can live with that, what I can't live with is that we have just as many poor people here that are hurting and suffering as are those illegals which the Mexican Govt doesn't want to take responsibility for.

Tom B. Arena