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JOINT TEXAS-NEW MEXICO ADVISORY

COMMITTEE FORUM

ON BORDER-RELATED CIVIL-RIGHTS ISSUES

TIME : JUNE 12, 1992  
8:30 A.M.

PLACE : EL PASO CONVENTION & PERFORMING  
ARTS CENTER  
JUAREZ ROOM  
ONE CIVIC CENTER PLAZA  
EL PASO, TEXAS

PRESENT: TEXAS ADVISORY COMMITTEE:  
  
MARIA ANTONIETTA BERRIOZABAL  
SAN ANTONIO, TEXAS  
  
ADOLPH P. CANALES (CHAIRPERSON)  
DALLAS, TEXAS  
  
FLORIDA A. CORNELIUS-COOPER  
HOUSTON, TEXAS  
  
JOSE GARCIA DE LARA  
SAN ANTONIO, TEXAS  
  
LINO A. GRAGLIA  
AUSTIN, TEXAS  
  
LYNN LIPSHY  
DALLAS, TEXAS  
  
THOMAS G. WEST, PH.D.  
IRVING, TEXAS

NEW MEXICO ADVISORY COMMITTEE:  
  
EMMA ARMENDARIZ (CHAIRPERSON)  
ALBUQUERQUE, NEW MEXICO  
  
VINCENT GALLEGOS  
CLOVIS, NEW MEXICO

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**ORIGINAL**

PRESENT (cont'd):

VINCENT J. MONTOYA  
ALBUQUERQUE, NEW MEXICO

JAMES A. NEZ  
LAS CRUCES, NEW MEXICO

MADELINE L. PARRY  
ARTESIA, NEW MEXICO

LORELLA MONTOYA SALAZAR  
BERNALILLO, NEW MEXICO

SUSAN CHAPARRO-BENAVIDEZ  
(OFFICIAL INTERPRETER)  
LAS CRUCES, NEW MEXICO

MARIA C. SOTO  
(OFFICIAL COURT REPORTER)  
EL PASO, TEXAS

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1 CHAIRPERSON CANALES:

2 GOOD MORNING, LADIES AND GENTLEMEN.

3 THIS JOINT MEETING OF THE TEXAS AND NEW MEXICO COM-  
4 MITTEES TO THE UNITED STATES COMMISSION ON CIVIL  
5 RIGHTS WILL NOW COME TO ORDER.

6 THE PURPOSE OF THE MEETING IS TO OBTAIN INFORMATION  
7 AND VIEWS RELATING TO CIVIL-RIGHTS ISSUES IMPACTING  
8 COMMUNITIES ALONG THE U.S./MEXICO BORDER.

9 PARTICIPANTS HAVE BEEN REQUESTED TO ADDRESS THE FOL-  
10 LOWING ISSUES:

11 (A) PERCEPTIONS ON THE STATUS OF RELATIONSHIPS BETWEEN  
12 FEDERAL ENFORCEMENT AGENCIES (INS, BORDER PATROL, U.S.  
13 CUSTOMS) AND LOCAL ELECTED OFFICIALS, COMMUNITY-BASED  
14 ORGANIZATIONS, AND MINORITY GROUP POPULATIONS;  
15 ALSO VIEWS AND INFORMATION ON THE CONDUCT OF FEDERAL  
16 IMMIGRATION AND U.S. CUSTOMS ENFORCEMENT AGENCIES RE-  
17 LATING TO THE USE OF FORCE, LANGUAGE, AND CULTURAL  
18 SENSITIVITY, AND THE PROTECTION OF CIVIL RIGHTS;  
19 ALSO INFORMATION ON THE ACCESSIBILITY, ADEQUACY, AND  
20 EFFECTIVENESS OF EXISTING INS, BORDER PATROL, AND U.S.  
21 CUSTOMS COMPLAINT PROCEDURES FOR RECEIVING, INVESTI-  
22 GATING, AND RESOLVING ALLEGATIONS OF MISCONDUCT;  
23 AND ALSO GENERAL VIEWS ON BORDER VIOLENCE ISSUES AS  
24 THEY RELATE TO CIVIL RIGHTS, AND RECOMMENDATIONS FOR  
25 ADDRESSING THESE PROBLEMS.

1 AMONG THOSE INVITED TO ADDRESS THE JOINT ADVISORY COM-  
2 MITTEE SESSION ARE ELECTED OFFICIALS, BUSINESS AND  
3 COMMUNITY LEADERS, LEGAL AND ADVOCACY ORGANIZATIONS,  
4 AND REPRESENTATIVES OF THE IMMIGRATION AND NATURALI-  
5 ZATION SERVICE, THE BORDER PATROL, U.S. CUSTOMS SERV-  
6 ICE, AND EL PASO POLICE DEPARTMENT.

7 BASED UPON THE INFORMATION COLLECTED AT THIS MEETING,  
8 ALONG WITH THE TRANSCRIPT OF A SIMILAR FORUM PLANNED  
9 FOR LATER THIS YEAR IN SAN DIEGO, CALIFORNIA, A SUM-  
10 MARY REPORT WILL BE PREPARED FOR THE UNITED STATES  
11 COMMISSION ON CIVIL RIGHTS.

12 MY NAME IS ADOLF CANALES, THE CHAIRPERSON OF THE TEXAS  
13 ADVISORY COMMITTEE. I'M ALSO PLEASED TO INTRODUCE  
14 EMMA ARMENDARIZ, HERE TO MY RIGHT, CHAIRPERSON OF THE  
15 NEW MEXICO ADVISORY COMMITTEE, WHO WILL BE CO-CHAIRING  
16 THESE PROCEEDINGS. THE ADVISORY COMMITTEES RECEIVE  
17 INFORMATION AND MAKE RECOMMENDATIONS TO THE COMMISSION  
18 IN AREAS WHICH THE COMMITTEES OR ANY OF ITS SUBCOM-  
19 MITTEES ARE AUTHORIZED TO STUDY. LET ME ALSO INTRO-  
20 DUCE MICHAEL CARNEY, WHO IS THE CHAIRMAN OF THE  
21 CALIFORNIA ADVISORY COMMITTEE. GLAD TO HAVE YOU HERE.  
22 OTHER MEMBERS OF THE COMMITTEES IN ATTENDANCE DURING  
23 THE MEETING WILL BE: FROM TEXAS, TO MY EXTREME RIGHT  
24 HERE, MARIA ANTONIETTA BERRIOZABAL; ALSO HERE IN THE  
25 SECOND ROW IS FLORIDA CORNELIUS-COOPER; WE ALSO HAVE

1 JOSE GARCIA DE LARA; AND WE HAVE LINO A. GRAGLIA; LYNN  
2 LIPSHY, TO MY LEFT; THOMAS G. WEST; AND VINCENT  
3 GALLEGOS; VINCENT MONTOYA; JAMES NEZ; MADELINE L.  
4 PARRY; LORELLA MONTOYA SALAZAR; AND RODNEY STEWART.  
5 ALSO WITH US TODAY ARE PHILIP MONTEZ -- HE'S THE  
6 REGIONAL DIRECTOR BASED IN CALIFORNIA -- LOS ANGELES,  
7 CALIFORNIA -- JOHN DULLES, THOMAS PILLA, ARTHUR  
8 PALACIOS, AND GRACE HERNANDEZ, FROM THE COMMISSION'S  
9 WESTERN REGIONAL OFFICE, FROM LOS ANGELES. WE ARE  
10 ALSO PLEASED TO WELCOME SUSAN CHAPARRO-BENAVIDEZ, FROM  
11 LAS CRUCES, WHO WILL BE SERVING AS OUR OFFICIAL INTER-  
12 PRETER FOR THIS PROCEEDING. ANYONE NEEDING HER ASSIS-  
13 TANCE SHOULD ADVISE THE CHAIR PRIOR TO MAKING A STATE-  
14 MENT FOR THE RECORD.

15 THIS FACT-FINDING MEETING IS BEING HELD PURSUANT TO  
16 FEDERAL RULES APPLICABLE TO STATE ADVISORY COMMITTEES  
17 AND REGULATIONS PROMULGATED BY THE U.S. COMMISSION ON  
18 CIVIL RIGHTS. ALL INQUIRIES REGARDING THESE PROVI-  
19 SIONS SHOULD BE DIRECTED TO THE CHAIRS OR TO COMMIS-  
20 SION STAFF.

21 THE COMMISSION ON CIVIL RIGHTS IS AN INDEPENDENT  
22 AGENCY OF THE UNITED STATES GOVERNMENT ESTABLISHED BY  
23 CONGRESS IN 1957 AND DIRECTED TO:

24 (1) INVESTIGATE COMPLAINTS ALLEGING THAT CITIZENS ARE  
25 BEING DEPRIVED OF THEIR RIGHT TO VOTE BY REASON OF

1 THEIR RACE, COLOR, RELIGION, SEX, AGE, HANDICAP, OR  
2 NATIONAL ORIGIN, OR BY REASON OF FRAUDULENT PRACTICES;

3 (2) STUDY AND COLLECT INFORMATION CONCERNING LEGAL  
4 DEVELOPMENTS CONSTITUTING DISCRIMINATION OR DENIAL OF  
5 EQUAL PROTECTION OF THE LAWS UNDER THE CONSTITUTION  
6 BECAUSE OF RACE, COLOR, RELIGION, SEX, AGE, HANDICAP,  
7 OR NATIONAL ORIGINAL, OR IN THE ADMINISTRATION OF  
8 JUSTICE;

9 (3) APPRAISE FEDERAL LAWS AND POLICIES WITH RESPECT TO  
10 DISCRIMINATION OR DENIAL OF EQUAL PROTECTION OF THE  
11 LAWS;

12 (4) SERVE AS A NATIONAL CLEARINGHOUSE FOR INFORMATION  
13 ABOUT DISCRIMINATION; AND

14 (5) SUBMIT REPORTS, FINDINGS, AND RECOMMENDATIONS TO  
15 THE PRESIDENT AND CONGRESS.

16 I WOULD LIKE TO EMPHASIZE THAT THIS IS A FACT-FINDING  
17 MEETING, AND NOT AN ADVERSARY PROCEEDING. INDIVIDUALS  
18 HAVE BEEN INVITED TO COME AND SHARE WITH THE COMMITTEE  
19 INFORMATION RELEVANT TO THE SUBJECT OF TODAY'S IN-  
20 QUIRY. EACH PERSON WHO WILL PARTICIPATE HAS VOLUN-  
21 TARILY AGREED TO MEET WITH THE COMMITTEE.

22 SINCE THIS IS A PUBLIC MEETING, THE PRESS AND RADIO  
23 AND TELEVISION STATIONS, AS WELL AS INDIVIDUALS, ARE  
24 WELCOME TO ATTEND. PERSONS MEETING WITH THE COM-  
25 MITTEE, HOWEVER, MAY SPECIFICALLY REQUEST THAT THEY



1 NOT BE TELEVISED. IN THIS CASE, WE WILL COMPLY WITH  
2 THEIR WISHES.

3 WE ARE CONCERNED THAT NO DEFAMATORY MATERIAL BE PRES-  
4 ENTED AT THIS MEETING. IN AN UNLIKELY EVENT THAT THIS  
5 SITUATION SHOULD DEVELOP, IT WILL BE NECESSARY FOR ME  
6 TO CALL THIS TO THE ATTENTION OF THE PERSONS MAKING  
7 THESE STATEMENTS AND REQUEST THAT THEY DESIST IN THEIR  
8 ACTION. SUCH INFORMATION WILL BE STRICKEN FROM THE  
9 RECORD IF NECESSARY.

10 IN FOLLOWING OUR STANDARD AND CUSTOMARY PROCEDURE OF  
11 INVITING PERSONS WITH DIVERSE VIEWS TO PARTICIPATE IN  
12 ADVISORY COMMITTEE MEETINGS AND IN KEEPING WITH OUR  
13 POLICY OF IMPARTIALITY AND FAIRNESS TO ALL SIDES,  
14 REPRESENTATIVES OF NUMEROUS FEDERAL LAW ENFORCEMENT  
15 AGENCIES WERE INTERVIEWED BY OUR STAFF AND INVITED BY  
16 THE COMMITTEES TO BE PRESENT TODAY. WE ARE PLEASED  
17 THAT MOST HAVE DECIDED TO JOIN US. IT SHOULD BE  
18 NOTED, HOWEVER, THAT THE INTERNAL AFFAIRS DIVISION OF  
19 THE U.S. CUSTOMS SERVICE, DEPARTMENT OF TREASURY  
20 DECLINED OUR INVITATION TO APPEAR. WE MUST REGRET-  
21 FULLY PROCEED WITHOUT THEIR POTENTIALLY VALUABLE  
22 CONTRIBUTIONS.

23 EVERY EFFORT HAS BEEN MADE TO INVITE PERSONS WHO ARE  
24 KNOWLEDGEABLE IN THE AREA TO BE DEALT WITH HERE TODAY.  
25 IN ADDITION, WE HAVE ALLOCATED TIME BETWEEN 5:00 P.M.

1 AND 6:00 P.M. TO HEAR FROM ANYONE WHO WISHES TO SHARE  
2 INFORMATION WITH THE COMMITTEE ABOUT THE SPECIFIC  
3 ISSUES UNDER CONSIDERATION TODAY. AT THAT TIME EACH  
4 PERSON OR ORGANIZATION WILL BE AFFORDED A BRIEF OPPOR-  
5 TUNITY TO ADDRESS THE COMMITTEE AND MAY SUBMIT ADDI-  
6 TIONAL INFORMATION IN WRITING. THOSE WISHING TO PAR-  
7 TICIPATE IN THE OPEN SESSION MUST CONTACT COMMISSION  
8 STAFF BEFORE 5:00 THIS AFTERNOON.

9 IN ADDITION, THE RECORD OF THIS MEETING WILL REMAIN  
10 OPEN FOR A PERIOD OF 10 DAYS FOLLOWING ITS CONCLUSION.  
11 THE COMMITTEE WELCOMES ADDITIONAL WRITTEN STATEMENTS  
12 AND EXHIBITS FOR INCLUSION IN THE RECORD. THESE  
13 SHOULD BE SUBMITTED TO THE WESTERN REGIONAL DIVISION,  
14 UNITED STATES COMMISSION ON CIVIL RIGHTS, 3660  
15 WILSHIRE BOULEVARD, SUITE 810, LOS ANGELES, CALIFORNIA  
16 90010.

17 AND AT THIS TIME WE WILL BEGIN. I'LL TURN THE CHAIR  
18 OVER TO EMMA ARMENDARIZ.

19 CHAIRPERSON ARMENDARIZ:

20 CALLING THE FIRST PANEL THAT WILL BE PROVIDING US  
21 INFORMATION, THE FOLLOWING PEOPLE ARE ON THAT PANEL --  
22 I WOULD LIKE TO AT THIS TIME INTRODUCE THE HONORABLE  
23 ALICIA CHACON, WHO IS THE COUNTY JUDGE FOR EL PASO  
24 COUNTY.

25 HONORABLE ALICIA CHACON:

1 GOOD MORNING, AND WELCOME TO EL PASO DEL NORTE, THE  
2 LARGEST CITY DIRECTLY ON AN INTERNATIONAL BORDER. I  
3 AM PLEASED THAT YOU HAVE COME TO THE TEXAS/MEXICO  
4 BORDER FOR THIS SPECIAL FORUM, AND I APPRECIATE THE  
5 OPPORTUNITY TO SPEAK BEFORE YOU TODAY.

6 I MENTIONED A MOMENT AGO THAT EL PASO IS THE LARGEST  
7 CITY DIRECTLY ON AN INTERNATIONAL BORDER. PERHAPS YOU  
8 DIDN'T KNOW THAT ABOUT US, AND YOU MAY NOT KNOW THAT  
9 WE ARE ALSO THE FOURTH LARGEST CITY IN TEXAS AND THE  
10 22ND LARGEST IN THE NATION.

11 OUR POPULATION IS NOW 606,000, AND THE NUMBER OF  
12 PEOPLE LIVING IN CIUDAD JUAREZ IS WELL OVER ONE-AND-A-  
13 HALF MILLION, WHICH MAKES US ONE OF THE BUSIEST PORTS  
14 OF ENTRY IN NORTH AMERICA. LAST YEAR ALONE MORE THAN  
15 42 MILLION PEOPLE CROSSED THE U.S./MEXICO BORDER HERE  
16 IN EL PASO. ON AN AVERAGE DAY AS MANY AS 4,000 PAS-  
17 Senger VEHICLES -- 40,000 VEHICLES MAKE THEIR WAY TO  
18 THE UNITED STATES VIA OUR THREE INTERNATIONAL BRIDGES,  
19 AND AS MANY AS 18,000 COMMERCIAL TRUCKS CROSS THE  
20 BRIDGES DAILY.

21 DURING THIS SESSION YOU WILL LEARN MUCH MORE ABOUT  
22 THE WORK OF FEDERAL AGENTS AND OTHER LAW ENFORCEMENTS  
23 HERE IN EL PASO. YOU WILL LEARN ABOUT THE OBSTACLES  
24 THEY FACE AND THE PROBLEMS THEY ENCOUNTER ON A DAILY  
25 BASIS. YOU WILL ALSO HEAR COMPLAINTS AND CRITICISMS

1 ABOUT THE VARIOUS FEDERAL AGENCIES THAT OPERATE IN  
2 THIS COUNTY. I BELIEVE THIS IS THE BEAUTY OF A DEMOC-  
3 RACY, THAT WE AFFORD OUR CITIZENS THE OPPORTUNITY TO  
4 SCRUTINIZE THE WORK OF GOVERNMENT; THAT WE PROVIDE  
5 THEM THE OPPORTUNITY SUCH AS THIS TO AIR THEIR COM-  
6 PLAINS AND ADDRESS THEIR CONCERNS.

7 OBVIOUSLY, THE RECENT SITUATION IN LOS ANGELES HAS  
8 MADE EVERYONE EXTRAORDINARILY SENSITIVE TO VIOLENCE  
9 THAT OCCURS. IT IS IMPORTANT THAT WE NOT ONLY  
10 ACKNOWLEDGE WHAT HAPPENED THERE, BUT WORK TO ASSURE  
11 THAT IT DOESN'T HAPPEN AGAIN ANYWHERE.

12 WE KNOW THAT ALONG THE BORDER AND HERE IN EL PASO TEN-  
13 SIONS ARE HIGH. OUR POVERTY PROBLEMS ARE SEVERE.  
14 TENS OF HUNDREDS OF PEOPLE ON BOTH SIDES OF THE BORDER  
15 LIVE IN THIRD-WORLD CONDITIONS. THEY ARE UNDEREM-  
16 PLOYED, UNDERPAID, AND UNDERINSURED, IF THEY HAVE A  
17 JOB OR BENEFITS AT ALL.

18 WE KNOW THAT THERE ARE TENSIONS ON THE MANY LAW  
19 ENFORCEMENT AGENCIES ALONG THE BORDER AS WELL. MANY  
20 TIMES THESE AGENCIES ARE UNDERSTAFFED. ALMOST ALWAYS  
21 THEY ARE UNAPPRECIATED. COMBINED, ALL OF THESE FAC-  
22 TORS ARE EXPLOSIVE.

23 IT IS MY HOPE THAT MEETINGS SUCH AS THIS WILL ALLOW US  
24 THE OPPORTUNITY TO EXPOSE OUR PROBLEMS, TO IDENTIFY  
25 THE CAUSES OF THOSE PROBLEMS BUT, MORE IMPORTANTLY,

1 TO SEEK SOLUTIONS, SOLUTIONS THAT WILL ADDRESS THE  
2 UNDERLYING CASES OF WHAT APPEAR TO BE SERIOUS VIOLA-  
3 TIONS OF CIVIL RIGHTS AND OFTEN-TIMES OF BASIC HUMAN  
4 RIGHTS, SOLUTIONS THAT WE, AS AMERICANS, NEED TO BRING  
5 FORTH TO ASSURE THAT IN OUR COUNTRY WE HOLD OUR HEADS  
6 HIGH AND WE SET THE EXAMPLE FOR OTHER COUNTRIES IN OUR  
7 RESPECT FOR BASIC HUMAN RIGHTS, AND ESPECIALLY FOR ALL  
8 OF OUR CITIZENS.

9 I BELIEVE THAT MANY PROBLEMS THAT WE HAVE STEM FROM  
10 UNDERLYING CAUSES, NOT SIMPLY BROUGHT ON BY ARBITRARY  
11 VIOLENCE OR DISAGREEMENT ON THE PART OF LAW ENFORCE-  
12 MENT OR ANY FEDERAL AGENCIES, AND WE MUST ALSO BRING  
13 THOSE FORWARD. I THINK THAT WE NEED TO ADDRESS THE  
14 PROBLEMS INTERNALLY THROUGH AGENCIES AND ENSURE THAT  
15 THEY ARE HELD TO THE HIGHEST STANDARDS AS WELL.

16 I THANK YOU AND WISH YOU SUCCESS ON THIS DAY.

17 CHAIRPERSON CANALES:

18 THANK YOU VERY MUCH.

19 CHAIRPERSON ARMENDARIZ:

20 AT THIS TIME WE WILL CALL OUR FIRST PANEL FORWARD.

21 THEY INCLUDE JOSE MORENO, FROM THE DIOCESAN MIGRANT

22 AND REFUGEE SERVICES, DIOCESE OF EL PASO; CARLOS

23 MARENTES, UNION DE TRABAJADORES AGRICOLAS FRONTERIZOS;

24 DEBBIE NATHAN, FROM THE AMERICAN CIVIL LIBERTIES

25 UNION; MARGARITO RODRIGUEZ, FROM THE MEXICAN AMERICAN

1 BAR ASSOCIATION OF EL PASO. IF YOU WILL PLEASE COME  
2 FORWARD. I BELIEVE WE'RE A LITTLE EARLY IN OUR  
3 SCHEDULE. THIS PANEL WAS SCHEDULED FOR 9:00 O'CLOCK.  
4 WE'RE MOVING ALONG A LITTLE EARLY. GO AHEAD WHENEVER  
5 YOU'RE READY.

6 JOSE G. MORENO:

7 GOOD MORNING.

8 I WOULD LIKE TO, FIRST OF ALL, THANK THIS PANEL FOR  
9 HAVING THESE HEARINGS, WHICH IN EL PASO ARE VERY  
10 IMPORTANT TO US. WE FULLY EXPECT THAT THESE HEARINGS  
11 WILL HAVE SOME VERY IMPORTANT RESULTS IN HOW THE  
12 BORDER PATROL, CUSTOMS OFFICIALS, AND THIS COMMUNITY  
13 ARE ABLE TO RELATE TO EACH OTHER.

14 MY NAME IS JOSE MORENO. I AM THE EXECUTIVE DIRECTOR  
15 OF THE DIOCESAN MIGRANT/REFUGEE SERVICES. WE DEAL  
16 WITH IMMIGRATION MATTERS ON A DAILY BASIS, AND WE COME  
17 INTO CONTACT WITH IMMIGRANTS, THEIR FAMILIES, AND  
18 UNITED STATES CITIZENS WHO WISH TO IMMIGRATE THEIR  
19 FAMILY MEMBERS INTO THE UNITED STATES.

20 WE ALSO COME INTO CONTACT WITH MANY PEOPLE WHO HAVE  
21 HAD SOME PRIOR DEALINGS WITH THE BORDER PATROL OR WITH  
22 CUSTOMS, AND LET ME ASSURE YOU, BEING RIGHT ON THE  
23 BORDER -- AND AS OUR COUNTY JUDGE, ALICIA CHACON, SO  
24 VERY WELL PUT -- SHARING OUR LIVES WITH JUAREZ,  
25 CHIHUAHUA, MEXICO, CITY OF ABOUT OR CLOSE TO A MILLION

1 PEOPLE, JUST ABOUT EVERYONE IN THE CITY HAS COME INTO  
2 CONTACT AT ONE POINT OR ANOTHER WITH THE BORDER PATROL  
3 OR CUSTOMS. IT IS AN INTEGRAL PART OF OUR LIVES, AND  
4 WE TAKE THESE HEARINGS VERY SERIOUSLY BECAUSE THEY IM-  
5 PACT ON OUR LIVES, THESE CONTACTS WITH THESE OFFICIALS  
6 EVERY DAY, AND THEY IMPACT ON THE FAMILIES, THE RESI-  
7 DENTS, BOTH U.S. CITIZENS, LEGAL PERMANENT RESIDENTS,  
8 AND VISITORS ON A DAILY BASIS.

9 EL PASO IS AT THE CUTTING EDGE, AS YOU ALSO HEARD FROM  
10 JUDGE CHACON, A CITY OF ABOUT 70 PERCENT HISPANIC  
11 POPULATION, APPROXIMATELY 600,000 PEOPLE, AND AS WE  
12 TALK IN WASHINGTON AND IN OTHER PARTS OF THE WORLD IN  
13 THIS HEMISPHERE ABOUT THE NORTH AMERICAN FREE-TRADE  
14 AGREEMENT, EL PASO AND JUAREZ HAVE BEEN LIVING THE  
15 FREE-TRADE AGREEMENT FOR MANY, MANY YEARS.

16 THERE ARE APPROXIMATELY 48 MILLION DOCUMENTED CROSS-  
17 INGS THAT USE OUR BORDERS, USE OUR BRIDGES. OF  
18 ECONOMIC IMPACT, JUST A LITTLE BIT SIDE LINE HERE,  
19 I'M NOT SURE IF ALL OF YOU ARE FAMILIAR WITH THE SAM'S  
20 WHOLESALE CLUB. IT IS PROBABLY THE LARGEST GROSSING  
21 PER SQUARE FOOT STORE IN THE CHAIN IN THE ENTIRE  
22 COUNTRY. ONE OF OUR MALLS IS ONE OF THE HIGHEST  
23 GROSSING PER SQUARE FOOT MALLS IN THE ENTIRE COUNTRY.  
24 WE ARE TALKING ECONOMIC REALITY, BUT WE ARE ALSO WHEN  
25 WE TALK ABOUT THE CUTTING EDGE, UNFORTUNATELY, WE ARE

1 ALSO TALKING ABOUT THE TYPE OF HISTORY THAT WE HAVE  
2 HAD, OF WHICH THE RODNEY KING BEATING HAS BROUGHT  
3 ATTENTION TO THE RELATIONSHIP BETWEEN LAW ENFORCEMENT  
4 AND THIS COMMUNITY.

5 THE BORDER PATROL AND CUSTOMS HAVE BEEN DEALING  
6 THROUGH TOO LARGE A PART AND TOO LARGE A MEASURE WITH  
7 THIS COMMUNITY IN AN ABUSIVE AND SOMETIMES BRUTAL  
8 MANNER. THE BORDER IS BEING MILITARIZED. ONE OF THE  
9 REASONS THAT IS BEING USED TO MILITARIZE THIS BORDER  
10 IS THE WAR ON DRUGS. THE FACT STILL REMAINS, HOWEVER,  
11 THAT MOST DRUGS COME TO THIS COUNTRY BY SEA OR BY AIR.  
12 BUT WE DO NOT MEAN TO BELITTLE THE EFFORT TO STOP  
13 DRUGS FROM COMING INTO THIS COUNTRY.

14 WHAT WE DO OBJECT IS THE REASONS FOR STEPPING UP  
15 ENFORCEMENT IN SUCH A WAY THAT VIOLATES THE RIGHTS OF  
16 INDIVIDUALS CROSSING THE BORDER, AND ESPECIALLY HERE  
17 IN EL PASO OF INDIVIDUALS WHO LIVE IN THIS REGION. WE  
18 SEE ON A DAILY BASIS THE GREEN SUBURBAN TRUCK DRIVING  
19 THROUGH DOWNTOWN EL PASO WITH THE DOOR AJAR WAITING --  
20 AN OFFICER WAITING TO JUMP OUT SO THAT HE CAN GO AND  
21 APPREHEND SUSPECTED UNDOCUMENTED PEOPLE. THIS IS A  
22 REALITY WE LIVE WITHIN EL PASO.

23 WE HAVE A FOOT PATROL, OF WHICH THERE WAS A HEARING I  
24 BELIEVE ALMOST A DECADE AGO BY THIS VERY BODY, THAT  
25 HAS A BORDER PATROL AGENT AND A POLICE OFFICER WALKING



1 SIDE BY SIDE. WHAT DOES THIS CONVEY TO THE COMMUNITY,  
2 A COMMUNITY THAT HAS HAD A LONG HISTORY OF NEGATIVE  
3 RELATIONSHIPS WITH THE BORDER PATROL, WHERE THE JURIS-  
4 DICTION IS VAGUE IN TERMS OF WHAT THE POLICE ENFORCE-  
5 MENT AGENCY IS DOING WHEN THE POLICE DEPARTMENT IS  
6 ASKING FOR IMMIGRATION AND WHEN THE BORDER PATROL IS  
7 ASKING FOR DOCUMENTATION PAPERS WITHOUT ANY REASONABLE  
8 CAUSE FOR SUSPICION?

9 WE HAVE ROVING PATROLS WHICH DRIVE THROUGHOUT OUR CITY  
10 AND STOP PEOPLE DRIVING ON OUR STREETS OR WALKING  
11 THROUGH OUR NEIGHBORHOODS. MANY TIMES WHAT THESE  
12 INDIVIDUALS, OFFICERS, BORDER PATROL AGENTS DO IS LOOK  
13 AT THE COLOR OF A PERSON'S SKIN AND THE MANNER IN  
14 WHICH THEY DRESS TO STOP PEOPLE AND ASK THEM FOR THEIR  
15 DOCUMENTATION.

16 WE CANNOT IN THIS COMMUNITY CONTINUE TO SUPPORT THE  
17 MENTALITY BY THE BORDER PATROL THAT THE ENTIRE CITY OF  
18 EL PASO IS THE EQUIVALENT OF THE BORDER. FOR IT IS  
19 NOT. IN A COMMUNITY OF 70 PERCENT HISPANIC, IN A COM-  
20 MUNITY WITH 25 PERCENT POVERTY LEVEL TO LOOK MERELY  
21 AT A PERSON'S COLOR OF SKIN OR TO LOOK AT THE MANNER  
22 OF DRESS AND HAVE THAT BE THE SOLE DETERMINING FACTOR  
23 OF WHETHER THEY ARE UNDOCUMENTED PERSONS OR NOT IS  
24 UNACCEPTABLE. WE CAN NO LONGER ACCEPT THE REASONING  
25 BY A BORDER PATROL AGENT THAT SEES A HISPANIC MAN

1 RUNNING THROUGH SOUTH EL PASO AND ASSUMES THAT, BE-  
2 CAUSE THAT YOUNG MAN IS RUNNING, THAT HE IS AN UNDOCU-  
3 MENTED PERSON.

4 BUT IF WE HAD A WELL-TRAINED LAW ENFORCEMENT AGENCY,  
5 PERHAPS WE COULD SEE THAT THESE INTRUSIONS INTO  
6 PEOPLE'S RIGHTS AND PROTECTIONS WERE THE EXCEPTION,  
7 BUT THEY ARE NOT. A FORMER INS WESTERN DIVISION  
8 REGION HEAD, BEN DEVITIAN, CALLED THE INS TRAINING OF  
9 SUPERVISORS "TERRIBLE AT BEST." A G.A.O. REPORT FINDS  
10 THAT THE ACCOUNTABILITY OF THE USE OF DEADLY FORCE AND  
11 FIREARMS IS VERY POOR ON THE PART OF THE BORDER PATROL  
12 AND THE INS. WE HAVE READ REPORTS WHERE INS AGENTS  
13 ARE SENT TO THE BORDER AS PUNISHMENT, AND THERE HAS  
14 BEEN AN INCREASE OVER THE LAST TWO YEARS IN EL PASO OF  
15 PEOPLE'S FATAL WOUNDS COMING AT THE HANDS OF THE  
16 BORDER PATROL AND THERE ARE OTHER REPORTS OF ABUSE:  
17 VERBAL, EMOTIONAL, PSYCHOLOGICAL, AND PHYSICAL.

18 WHAT YOU WILL HEAR FROM WITNESSES TODAY AND OTHER  
19 PEOPLE IS THAT THE COMPLAINT PROCEDURE FOR INS AND THE  
20 BORDER PATROL IS INACCESSIBLE. WE HEAR THERE IS AN  
21 "800" NUMBER OUT THERE SOMEWHERE THAT PEOPLE CAN USE  
22 TO CALL AND REPORT A COMPLAINT. YOU'D BE HARD PRESSED  
23 TO FIND TOO MANY PEOPLE WHO KNOW THAT PHONE NUMBER.  
24 WHEN WE REQUESTED THE BORDER PATROL PUT THAT PHONE  
25 NUMBER ON THEIR VAN NOT SO LONG AGO, THEY REFUSED.

1 YOU WILL HEAR OF INVESTIGATIONS BEING HELD PRETTY MUCH  
2 IN SECRET; NAMES OF AGENTS ARE NOT GIVEN TO THE PRESS  
3 OR MADE PUBLIC; AND WHEN A YOUNG MAN WAS DROWNED A  
4 NUMBER OF YEARS AGO AND THE FEDERAL COURT YEARS LATER  
5 AWARDED THE FAMILY OF THAT YOUNG MAN \$225,000 BECAUSE  
6 IT FOUND THE AGENTS NEGLIGENT IN CAUSING THAT DEATH,  
7 WELL, IF YOU WERE THE BORDER PATROL, YOU WOULDN'T WANT  
8 TO KNOW HOW PEOPLE KNOW OF YOUR INVESTIGATION OR PRO-  
9 CEDURE BECAUSE IN THAT PARTICULAR CASE, EVEN THOUGH  
10 THE FEDERAL COURT IN THIS REGION FOUND THE AGENTS  
11 NEGLIGENT OF THIS DEATH, THE TWO OFFICERS, MR. RAMON  
12 VARGAS AND MR. EDDIE MAJOR, NO DISCIPLINARY ACTION WAS  
13 TAKEN AGAINST THEM.

14 CHAIRPERSON ARMENDARIZ:

15 I WOULD LIKE TO MENTION AT THIS POINT THAT WE WOULD  
16 LIKE TO ASK THAT SPECIFIC NAMES NOT BE USED IN TESTI-  
17 MONY, AS WE NEED TO AFFORD THOSE PEOPLE THE OPPOR-  
18 TUNITY TO RESPOND TO ANY ALLEGATIONS THAT ARE STATED  
19 IN THE HEARING, AND WE DON'T HAVE THOSE INDIVIDUALS  
20 AVAILABLE.

21 PANELIST MORENO:

22 I DID MENTION THE NAMES BECAUSE THIS IS PART OF A  
23 PUBLIC RECORD.  
24 BUT YOU WILL NOT HEAR MANY OTHER COMPLAINTS, AS I  
25 STATED EARLIER, COMPLAINTS OF THE ELDERLY WOMAN WHO

1           CROSSED THROUGH LAREDO, WHO HAD FORGOTTEN HER "MICA"  
2           ON HER WAY BACK FROM A WEDDING IN MONTERREY AND WHO  
3           WAS PUT THROUGH HELL, AND AFTER MANY HOURS OF BEING  
4           HELD AT THE BORDER, SHE WAS ALLOWED TO RETURN TO HER  
5           HOME IN DALLAS AFTER BEING TOLD THAT SHE WOULD HAVE TO  
6           GO TO A HEARING. THE DAY BEFORE HER HEARING SHE WAS  
7           VERY NERVOUS AND APPREHENSIVE. THE MORNING OF THE  
8           HEARING THEY FOUND HER DEAD OF A HEART ATTACK. AND  
9           WHILE THERE MAY BE A DIFFICULT TIME TO PROVE CAUSE AND  
10          EFFECT IN SOME OF THESE CASES, THE FACT REMAINS THAT  
11          CROSSING THE BORDER REMAINS FOR MANY OF US OF COLOR A  
12          SITUATION, A TIME OF APPREHENSION AND SOME ANXIETY, SO  
13          THAT MANY OF US ARE MADE TO FEEL THAT EVEN THOUGH THIS  
14          IS OUR COUNTRY, SOMEHOW WE NEED TO PROVE JUST A LITTLE  
15          BIT MORE THAT WE BELONG HERE, AND THAT HAS GOT TO  
16          STOP.

17          MY RECOMMENDATIONS IS THAT A CITIZEN OVERSIGHT COM-  
18          MITTEE BE FORMED SO THAT COMPLAINTS CAN BE MONITORED.  
19          THE BORDER PATROL IS ONE OF THE FEW, AND NOT THE ONLY  
20          NATIONAL AGENCY IN THE LAND. WE MUST SEE IMPROVED  
21          TRAINING PROCEDURES, THE ADEQUATE TRAINING IN THE USE  
22          OF DEADLY FORCE AND OF WEAPONS.  
23          WE MUST HAVE A COMPLAINT SYSTEM MORE ACCESSIBLE, AND I  
24          ASK THAT THIS COMMISSION NOW MAKE ITS RECOMMENDATION  
25          THAT, AT THE VERY LEAST, AND SO JUST THE VERY FIRST

1 STEP, TO HAVE THAT "800" NUMBER APPEAR ON ALL VEHICLES  
2 OF THE BORDER PATROL. WE ALSO HERE LOCALLY WOULD LIKE  
3 TO SEE AN END TO THE FOOT PATROL, FOR WE BELIEVE THAT  
4 INHIBITS INDIVIDUALS FROM REPORTING CRIME AND, IN THE  
5 END, VICTIMS ARE THE ONES THAT SUFFER. AND WE ASK FOR  
6 BETTER DISCIPLINARY ENFORCEMENT OF AGENTS SO THAT THE  
7 MENTALITY WITHIN THE FORCE IS NOT THAT ONE CAN ABUSE  
8 THE CITIZEN AND NOT FEAR ANY TYPE OF DISCIPLINARY  
9 ACTION BEING TAKEN AGAINST THEM.

10 WE WILL DO OUR PART HERE IN EL PASO AND IN THIS  
11 REGION. WE ASK TO WORK WITH YOU SO THAT WE CAN MAKE  
12 THE BORDER PATROL AND CUSTOMS TRULY SERVE THIS COM-  
13 MUNITY AND NOT HAVE THEM -- AND NOT HAVE THIS COM-  
14 MUNITY BE IN FEAR ANYTIME THEY SEE AGENTS OF THE  
15 BORDER PATROL AND CUSTOMS.

16 I THANK YOU VERY MUCH FOR THIS TIME.

17 CHAIRPERSON ARMENDARIZ:

18 THANK YOU SO MUCH, MR. MORENO.

19 DEBBIE NATHAN:

20 I'M DEBBIE NATHAN. I'M FROM THE EL PASO CHAPTER OF  
21 THE AMERICAN CIVIL LIBERTIES UNION, AND FIRST I'D LIKE  
22 TO THANK THE COMMISSION FOR SCHEDULING THIS HEARING IN  
23 EL PASO AND FOR INVITING LOCAL CIVIL RIGHTS ACTIVISTS  
24 LIKE MYSELF TO SPEAK WITH YOU TODAY.

25 PRIOR TO THE QUESTION AND ANSWER PERIOD, THE TIME THAT

1 WE HAVE AT THIS MICROPHONE IS TOO BRIEF FOR ME TO MAKE  
2 GENERAL OBSERVATIONS ABOUT IMMIGRATION AGENCY ABUSES  
3 THAT VARIOUS EL PASO CIVIL RIGHTS ORGANIZATIONS HAVE  
4 DOCUMENTED, AND I THINK IT WOULD ALSO BE REDUNDANT AT  
5 THIS POINT FOR ME TO SUGGEST IMPROVEMENTS THAT WE  
6 THINK ARE NEEDED IN AGENT TRAINING, COMPLAINT PROC-  
7 ESSING, AND REVIEW PROCEDURES, SINCE I'M SURE THAT  
8 THESE ITEMS WILL BE ADDRESSED MORE THAN ONCE LATER  
9 TODAY. BUT WHAT I DO WANT TO DO NOW IS ANTICIPATE A  
10 RESPONSE THAT YOU'LL PROBABLY ALSO HEAR LATER FROM  
11 REPRESENTATIVES OF THE I.N.S., THE BORDER PATROL, AND  
12 CUSTOMS THAT WE RIGHTS ACTIVISTS EXAGGERATE THE EXTENT  
13 OF THE ABUSE. THE I.N.S. SEVERAL TIMES THIS YEAR HAS  
14 TOLD MEDIA THAT THE BORDER PATROL AVERAGES ONLY ONE  
15 COMPLAINT PER 17,000 ARRESTS, AND THIS LOW RATIO SUP-  
16 POSEDLY PROVES THAT ABUSE IS VERY RARE.

17 FURTHER, THE INS SAYS PEOPLE LIKE MYSELF HAVE SOME  
18 SORT OF ANTI-ENFORCEMENT INNUENDO AND, THEREFORE, THE  
19 IMPLICATION IS THAT WHEN SOMEONE TELLS US THAT HE OR  
20 SHE WAS ABUSED BY IMMIGRATION AUTHORITIES AND WE BE-  
21 LIEVE THEM, WE'RE BEING GULLIBLE AT BEST. SO ANTICI-  
22 PATING THIS RESPONSE, I WANT TO TELL YOU SOMETHING  
23 ABOUT MYSELF.

24 IN ADDITION TO DOCUMENTING ABUSE REPORTS ON A VOLUN-  
25 TARY BASIS FOR THE PAST SIX YEARS, I'M A JOURNALIST

1 AND FORMERLY A REPORTER AT THE EL PASO TIMES. RIGHT  
2 NOW I'M A FREELANCER FOR SUCH PUBLICATIONS AS THE  
3 LOS ANGELES TIMES MAGAZINE AND THE VILLAGE VOICE, AND  
4 A LOT OF THE WORK THAT I DO IS INVESTIGATED. SOME OF  
5 IT HAS WON AWARDS.

6 INVESTIGATIVE REPORTING INVOLVES VARIOUS SKILLS, BUT  
7 BEING GULLIBLE IS NOT ONE OF THEM. AND DOCUMENTING  
8 ABUSE IS A LOT LIKE REPORTING. YOU DEVELOP A SENSE  
9 FOR WHAT SOUNDS REASONABLE AND WHAT SOUNDS LIKE YES-  
10 TERDAY'S FISH, BUT EVEN SO, WHEN I TAKE DOWN AN ALLE-  
11 GATION, I DON'T PRETEND TO BE AN INVESTIGATOR. I  
12 DON'T PRETEND TO BE A JUDGE OF WHAT HAPPENED. I START  
13 OUT SKEPTICAL OF WHAT I NOW WITNESS MYSELF.

14 NOW HAVING SAID THAT, <sup>AND</sup> LET ME DESCRIBE SOME INCIDENTS  
15 THAT I AND OTHER REPORTERS LEARNED ABOUT NOT SECOND  
16 HAND, BUT PERSONALLY. IF YOU LIVE IN THIS COMMUNITY  
17 AND YOU ARE OUT ON THE STREETS AND YOU HAVE A REASON-  
18 ABLE AMOUNT OF CONTACT -- PARTICULARLY IF YOU'RE A  
19 JOURNALIST -- YOU WILL SEE SOME OF THESE INCIDENTS  
20 YOURSELF.

21 FOR EXAMPLE, ON ASSIGNMENT A FEW YEARS AGO, I WAS  
22 SITTING ON THE JUAREZ SIDE OF THE RIVER WHEN I SAW A  
23 BORDER PATROL AGENT CLIMB A LADDER THAT'S INSTALLED  
24 DOWN THERE SO THAT AGENTS CAN WALK DOWN INTO OPEN  
25 FREIGHT CARS TO INSPECT FOR UNDOCUMENTED STOWAWAYS, SO

1 AS I LOOKED DOWN INTO THE CAR, I SAW THIS AGENT START  
2 TOSSING ROCKS INTO THEM. I DON'T KNOW IF THERE WERE  
3 PEOPLE IN THEM. IF THERE WERE, THIS WAS TOTALLY  
4 SADISTIC BEHAVIOR AND TOTALLY UNNECESSARY, SINCE HE  
5 COULD SEE INTO THE CARS. IF THERE WEREN'T PEOPLE IN  
6 THE CARS, IT WAS STILL THREATENING AND INFLAMMATORY  
7 TO THE MEXICAN SIDE.

8 WHEN I CALLED THE HEAD OF THE BORDER PATROL AND SAID  
9 IF THROWING ROCKS WAS WRONG, HE SAID, "DON'T BELIEVE  
10 ANYTHING THOSE ILLEGAL ALIENS TELL YOU, BECAUSE JUST  
11 BY BREAKING THE LAW, THEY ARE CRIMINALS, AND HOW CAN  
12 YOU BELIEVE CRIMINALS?" I TOLD HIM THAT THE PERSON  
13 WHO TOLD ME THIS WAS ME. HE SAID, "TRY TO UNDERSTAND  
14 THAT THE JOB OF A BORDER PATROL AGENT CAN BE A FRUS-  
15 TRATING ONE," AND I WAS GRATEFUL THAT HE DIDN'T ADVISE  
16 ME NOT TO BELIEVE MYSELF.

17 PATRICK MCDONALD -- IF I MENTION NAMES, I'M GOING TO  
18 TRY TO EDIT NAMES THAT AREN'T TOTALLY -- HE'S AN L.A.  
19 TIMES REPORTER -- WROTE AN ARTICLE ABOUT HIS OBSER-  
20 VATIONS OF THE BORDER PATROL AGENT ACROSS FROM  
21 TIJUANA. HE SAW THIS AGENT SPEND AN HOUR AND A HALF  
22 CURSING OVER HIS LOUD SPEAKER AT A LARGE GROUP OF  
23 IMMIGRANTS, TELLING THEM, FOR EXAMPLE, AND THEIR  
24 MOTHERS WERE WHORES.

25 THERE IS AN EL PASO TIMES REPORTER -- I GUESS I'LL



1 LEAVE HIS NAME OUT BECAUSE THIS IS NOT PART OF THE  
2 PUBLISHED RECORD -- ACTUALLY MADE A FORMAL REPORT TO  
3 US THAT HE SAW AN AGENT PULL OUT HIS SERVICE REVOLVER  
4 AND BRANDISH IT BEFORE A GROUP OF MOSTLY ELDERLY  
5 WOMEN, AND THE AGENT THEN TOOK A KNIFE AND SLASHED THE  
6 INNER TUBE THAT THE WOMEN WERE USING TO CROSS THE  
7 RIVER, AND THAT OBVIOUSLY GOT THEM WET.

8 AND THAT INCIDENT BEARS SOME RESEMBLANCE OF THE 1987  
9 DEATH OF ARMANDO VALENZUELA. HE DIED AFTER TWO AGENTS  
10 JIGGLED AN INNER TUBE, EVEN THOUGH PASSENGERS ON THAT  
11 INNER TUBE HAD BEGGED THE AGENTS AND TOLD THEM THAT  
12 VALENZUELA COULDN'T SWIM. NOW PRESUMABLY THE OFFICE  
13 OF PROFESSIONAL RESPONSIBILITY WAS INVOLVED IN AN  
14 INVESTIGATION OF THE AGENTS, AND THEY FAILED TO FIND  
15 WRONGDOING, EVEN THOUGH, AS YOU HEARD, IN A SUBSEQUENT  
16 CIVIL SUIT A FEDERAL JUDGE AWARDED MORE THAN \$200,000  
17 TO VALENZUELA'S FAMILY AFTER FINDING THAT THE AGENTS  
18 HAD ACTED NEGLIGENTLY.

19 I THINK THIS COMMISSION IS PROBABLY ALREADY AWARE OF  
20 HOW THE O.P.R. AND NOW THE O.I.G. -- THE OFFICE OF THE  
21 INSPECTOR GENERAL -- ARE STAFFED BY I.N.S. INVESTI-  
22 GATORS, AND THAT PROBLEM WAS BROUGHT HOME TO ME ONE  
23 DAY WHEN I RAN INTO A BORDER PATROL WOMAN WHO I ONCE  
24 INTERVIEWED FOR AN ARTICLE WHEN SHE WAS DOING LINE  
25 DUTY, MEANING WHEN SHE WAS DRIVING AROUND THE RIVER IN

1 A VAN, BUT THIS TIME SHE WAS VERY HAPPY TO TELL ME  
2 THAT SHE HAD BEEN PROMOTED TO O.P.R. AND WHEN I ASKED  
3 HER HOW THE VALENZUELA INCIDENT WAS GOING, SHE SAID,  
4 "OH, 'X'" -- WE'LL CALL HER -- "THE AGENT INVOLVED IN  
5 THIS RIVER INCIDENT COULDN'T HAVE DONE ANYTHING LIKE  
6 THAT. I USED TO WORK FOR HER. SHE'S SO NICE. SHE  
7 COULDN'T HAVE DONE THAT." THIS WAS A PERSON INVOLVED  
8 IN AN EVASIVE ACTION IN THIS INCIDENT.

9 AND ONE THING THAT WE HAVE DOCUMENTED FREQUENTLY --  
10 TOO FREQUENTLY -- ARE REPORTS OF RETALIATION AGAINST  
11 PEOPLE WHO DO ATTEMPT TO COMPLAIN OF ABUSE AND, AS A  
12 REPORTER, I WITNESSED ONE OF THESE THREATS FIRST HAND.  
13 A WOMAN WHO PUBLICLY COMPLAINED THAT INS AGENTS EN-  
14 TERED HER HOUSE WITHOUT A WARRANT OR COMMISSION CALLED  
15 ME UP ONE NIGHT. SHE WAS DISTRAUGHT. SHE SAID THAT A  
16 GROUP OF AGENTS SAID THEY WERE GOING TO COME OUT THE  
17 NEXT DAY AND HAVE HER SIGN AN AFFIDAVIT OR A STATE-  
18 MENT RECANTING HER COMPLAINT, EVEN THOUGH SHE TOLD  
19 THEM NOT TO COME, SO THE NEXT MORNING I WENT TO HER  
20 HOUSE, AND I CONCEALED MYSELF BEHIND A CURTAIN IN HER  
21 LIVING ROOM. AND, SURE ENOUGH, TWO AGENTS CAME TO THE  
22 DOOR, AND SHE REPEATEDLY REFUSED TO SIGN THIS STATE-  
23 MENT AND THEY TOLD HER THAT IF SHE DIDN'T, SHE WOULD  
24 BE CALLED TO TESTIFY IN A CRIMINAL CASE AGAINST A  
25 FRIEND OF HERS. THEN WHEN I CAME OUT FROM BEHIND THE

1 CURTAIN, THESE AGENTS TURNED VERY QUICK AND RETREATED.  
2 I WENT BACK TO THE NEWSPAPER AND CALLED THE DISTRICT  
3 DIRECTOR'S OFFICE AND LEARNED THAT, IN FACT, THERE  
4 WERE NO CRIMINAL CHARGES PENDING.

5 OF COURSE, REPORTERS LIKE ME WHO WITNESS ABUSE HAVE  
6 THE LUXURY OF A CERTAIN DEGREE OF CREDIBILITY AND AN  
7 AUDIENCE, BUT MOST IMMIGRANTS AREN'T SO FORTUNATE.  
8 ENFORCEMENT AGENCIES WILL TELL YOU THAT IF PEOPLE WERE  
9 TRULY BEING ABUSED, THEY WOULD COMPLAIN, BUT I THINK  
10 MOST IMMIGRANTS KNOW THAT IT'S A "CATCH 22" SITUATION.  
11 THEY WON'T BE BELIEVED, OR IF IT APPEARS THAT THEY  
12 WILL BE BELIEVED, REPORTING IS GOING TO BRING THEM A  
13 LITTLE BIT OF TROUBLE.

14 ONE VERY POOR JUAREZ WOMAN WHO WORKS IN EL PASO --  
15 SHE'S BEEN GOING THROUGH MY NEIGHBORHOOD FOR FIVE  
16 YEARS SELLING BREAD AND CANDY AND FRUIT. I KNOW HER  
17 WELL ENOUGH TO TRUST HER -- RECENTLY SPENT SEVERAL  
18 HOURS IN THE DOWNTOWN BORDER PATROL LOCKUP WHERE SHE  
19 REPORTS THAT SHE SAW AGENTS PULL A SMALL BOY OUT OF A  
20 CELL AND FORCE HIM TO TAKE OFF HIS PANTS AND HIS  
21 UNDERWEAR, AND THEN SHE SAYS THEY TOOK TURNS POKING  
22 THIS CHILD ON HIS BUTTOCKS WITH BALLPOINT PENS. AND  
23 SHE WAS ABSOLUTELY OUTRAGED AND GOT UP THE NERVE TO GO  
24 DOWN TO THE CONSULATE AND SWEAR OUT AN AFFIDAVIT TO  
25 THE MEXICAN CONSULATE. THE CONSULATE TRIED TO LOCATE

1 THE CHILD AND OTHER WITNESSES.

2 BUT, APPARENTLY, NONE DARED COME FORWARD, SO THAT LEFT  
3 ONLY THIS WOMAN AS A WITNESS, AND THE JUSTICE DEPART-  
4 MENT DETERMINED THAT HER WORD ALONE WAS NOT SUFFICIENT  
5 AND NOW SHE IS PETRIFIED THAT THE BORDER PATROL WILL  
6 ARREST HER AS RETALIATION FOR HER REPORT. SHE DOESN'T  
7 WANT TO SPEND TIME IN JAIL. SHE DOESN'T WANT TO SPEND  
8 TIME IN FEDERAL PRISON. SHE'S GOT FIVE CHILDREN TO  
9 FEED, AND SHE HOPES TO EVENTUALLY AFFORD A HOUSE WITH  
10 A FLOOR, AND BECAUSE SHE NEEDS TO CONTINUE WORKING,  
11 SHE DOUBTS THAT SHE'LL SPEAK UP. "WHAT THOSE AGENTS  
12 DID," SHE SAYS, "THEY COULD DO LATER TO MY CHILDREN,"  
13 BUT THEN SHE SAYS, "NI MODO," WHICH MEANS "WHAT CAN  
14 YOU DO?" IT'S A SAD UTTERANCE, AND IT'S ONE THAT  
15 TRADITIONALLY INVITES NO ANSWERS. BUT WE ALL HOPE  
16 THAT THE WORK OF THIS COMMISSION WILL HELP CHANGE THAT  
17 TRADITION AND OFFER HER SOME ANSWERS.

18 THANK YOU, AND IF THERE ARE ANY QUESTIONS I CAN  
19 ANSWER BASED ON MY EXPERIENCE, I'D BE GLAD TO.

20 CHAIRPERSON ARMENDARIZ:

21 WE WILL GO AHEAD AND HAVE THE PANEL MEMBERS DO THEIR  
22 PRESENTATIONS BEFORE WE OPEN IT UP FOR QUESTIONING.  
23 I DO WANT TO REITERATE THAT ONLY COMMITTEE MEMBERS AND  
24 STAFF MEMBERS OF U.S. COMMISSION ON CIVIL RIGHTS ARE  
25 ALLOWED TO QUESTION THE PANELISTS.

1 I BELIEVE WE HAVE AN ADDITIONAL PANEL MEMBER. IF YOU  
2 WOULD STATE YOUR NAME AND ORGANIZATION FOR OUR RECORD  
3 AND THEN CAN PROCEED WITH YOUR PRESENTATION.

4 CARLOS MARENTES:

5 MY NAME IS CARLOS MARENTES. I'M THE DIRECTOR OF THE  
6 UNION DE TRABAJADORES AGRICOLAS FRONTERIZOS, AND I  
7 WOULD RATHER DO MY PRESENTATION IN SPANISH.

8 CHAIRPERSON ARMENDARIZ:

9 THAT WOULD BE FINE. WE DO HAVE A TRANSLATOR AVAIL-  
10 ABLE, I BELIEVE.

11 PANELIST MARENTES: (SUSAN CHAPARRO-BENAVIDEZ, INTERPRETER)

12 GOOD MORNING, RESPECTABLE MEMBERS OF THE COMMITTEE. I  
13 AM SORRY FOR BEING LATE. I WAS UNDER THE IMPRESSION  
14 MY PRESENTATION WAS TO BE AT 10:00 O'CLOCK IN THE  
15 MORNING.

16 LA UNION DE TRABAJADORES AGRICOLAS FRONTERIZOS IS AN  
17 ORGANIZATIONAL EFFORT INITIATED AT THE BEGINNING OF  
18 THE '80S WITH TRYING TO DEAL WITH EXPLOITATION AND THE  
19 INJUSTICES THAT ARE COMMITTED BY THE AGRICULTURAL  
20 INDUSTRY OF THIS REGION.

21 DURING THESE YEARS WE HAVE DEALT WITH MANY PROBLEMS  
22 THAT AFFECT THOUSANDS OF AGRICULTURAL WORKERS, AND ONE  
23 THAT PRESENTS MUCH COMPLEXITY FOR US IS RELATED TO  
24 ABUSE OF HUMAN RIGHTS OF MIGRANT WORKERS ON THE PART  
25 OF THE SO-CALLED AGENCIES THAT ENFORCE THE LAWS AND,

1 IN PARTICULAR, THE BORDER PATROL AND THE SO-CALLED  
2 FOOT PATROL. THESE ABUSES TAKE PLACE AT THE BRIDGES,  
3 AT THE RECRUITMENT SITE IN SOUTH EL PASO WHEN THE  
4 WORKERS GO OUT TO THE FIELDS, AT THE FIELDS, AND AT  
5 THE RURAL COMMUNITIES WHERE THE AGRICULTURAL WORKERS  
6 LIVE TEMPORARILY DURING THE TIME OF HARVEST.  
7 AT THE BRIDGE THE AGRICULTURAL WORKERS HAVE TO SUFFER  
8 ALL KINDS OF ABUSE FROM THE INSPECTORS OF IMMIGRATION.  
9 MANY AGRICULTURAL WORKERS ARE CITIZENS OF NORTH  
10 AMERICA, BUT THEY DO NOT KNOW HOW TO SPEAK ENGLISH AND  
11 THAT MAKES THEM SUBJECTED TO INTERROGATIONS, HOS-  
12 TILITY, ABUSES AND, MANY TIMES, PHYSICAL AGGRESSION.  
13 THE WORKERS WHO HAVE BEEN RECENTLY LEGALIZED ARE  
14 ESPECIALLY THE TARGET. THEY ARE THE TARGET OF IMMI-  
15 GRATION AUTHORITIES. THE MAJORITY ARE QUESTIONED ON  
16 HOW THEY OBTAINED THEIR PASSPORT. WE HAVE CASES OF  
17 LEGALIZED WORKERS THAT HAVE CROSSED THE RIVER IN ORDER  
18 TO AVOID THOSE PROBLEMS WITH IMMIGRATION.  
19 THE AGRICULTURAL WORKERS, THE MAJORITY OF THEM ARE  
20 MEXICAN. THEY ARE PEOPLE OF BROWN SKIN, PEOPLE THAT  
21 DRESS VERY SIMPLY, BUT THE MAJORITY OF THEM ARE  
22 PERSONS THAT DO NOT KNOW THEIR LEGAL RIGHTS AND THAT  
23 MAKES THEM MORE VULNERABLE TO THE HOSTILITY OF THESE  
24 IMMIGRATION AUTHORITIES.  
25 DURING MANY YEARS OF EXPERIENCING THIS HOSTILITY BY

1 THE IMMIGRATION OFFICIALS, WE HAVE COME TO THE CON-  
2 CLUSION THAT THIS GOVERNMENT IS LIKE THE SO-CALLED  
3 MEXICAN ADAGE, "LIGHT IN THE STREET AND DARKNESS AT  
4 ONE'S HOME," BECAUSE THEY SAY THAT RIGHTS SHOULD BE  
5 RESPECTED IN OTHER PARTS, BUT THE RIGHTS ARE NOT  
6 RESPECTED HERE.

7 WE THINK THAT THIS POLITICAL IN IMMIGRATION -- THIS  
8 POLITICAL POLICY IN IMMIGRATION SHOULD STOP. WE ARE  
9 COMING SUPPOSEDLY INTO A NEW ERA OF RELATIONS BETWEEN  
10 THE TWO COUNTRIES -- SOME SAY OF PROSPERITY -- BUT  
11 THERE COULD NOT BE A FREE TRADE IF THE GOVERNMENT DOES  
12 NOT START TO TREAT WITH DIGNITY THE MILLIONS OF HUMAN  
13 BEINGS THAT HAVE TO COME TO THIS COUNTRY FOR ANY  
14 REASON.

15 ON BEHALF OF THE AGRICULTURAL WORKERS, I WOULD LIKE TO  
16 ASK TO THESE ADVISORY COMMITTEES OF THE COMMISSION ON  
17 CIVIL RIGHTS OF THE UNITED STATES TO HELP TO RESTORE  
18 THE CONSTITUTIONAL RIGHTS AT THE BORDER THAT IN PRAC-  
19 TICE HAVE BEEN ANNULLED WITH THE IMMIGRATION SERVICE.  
20 THANK YOU.

21 CHAIRPERSON ARMENDARIZ:

22 I BELIEVE OUR LAST PANELIST IS PRESENT. IF YOU WILL  
23 STATE YOUR NAME AND YOUR ORGANIZATION.

24 MARGARITO G. RODRIGUEZ:

25 THANK YOU. I WANT TO APOLOGIZE FOR COMING HERE --

1           THOUGH I GUESS I'M JUST ON TIME, BUT MY NAME IS  
2           MARGARITO RODRIGUEZ. I AM THE IMMEDIATE PAST PRESI-  
3           DENT OF THE MEXICAN AMERICAN BAR ASSOCIATION, AND I  
4           COME HERE THIS MORNING AS THEIR DESIGNATED REPRESENT-  
5           ATIVE TO YOUR GROUP.

6           I HAVE BEEN ASKED TO SPEAK ON THE ISSUES THAT PRESENT  
7           THEMSELVES THIS MORNING, AND BASICALLY WHAT I WOULD  
8           LIKE TO DO IS JUST SIMPLY FOLLOW THE LETTER THAT MR.  
9           DULLES SENT TO ME. HE IN THIS LETTER REQUESTED THAT  
10          THE PRESENTATION DEAL WITH, FIRST OF ALL, PERCEPTIONS  
11          ON THE STATUS OF RELATIONSHIP BETWEEN FEDERAL ENFORCE-  
12          MENT AGENCIES, LOCAL ELECTED OFFICIALS, AND COMMUNITY-  
13          BASED ORGANIZATIONS, AND MINORITY-GROUP POPULATIONS,  
14          WHICH IS A PRETTY TALL ORDER TO FILL.

15          I GUESS WHAT THIS TOPIC REALLY RELATES TO IS HOW DO WE  
16          PERCEIVE THE FEDERAL ENFORCEMENT AGENCIES? HOW DO WE,  
17          AS A COMMUNITY, PERCEIVE THEM? HOW DO WE, AS ELECTED  
18          OFFICIALS, PERCEIVE THEM, AND HOW DO WE, AS COMMUNITY-  
19          BASED ORGANIZATIONS, PERCEIVE THEM? MY THOUGHTS ON  
20          THIS IS REALLY BASED ON HAVING BEEN A LIFELONG RESI-  
21          DENT OF THE BORDER AREA. I WAS RAISED IN A PLACE  
22          CALLED ALICE, TEXAS, THAT IS DOWN IN SOUTH TEXAS.  
23          IT'S CLOSE TO KINGSVILLE, AND ALTHOUGH IT'S NOT RIGHT  
24          ON THE BORDER, I CONSIDER MYSELF A PART OF THE  
25          BORDER.



1 I HAVE BEEN HERE IN EL PASO FOR OVER 11 YEARS, AND I  
2 HAVE SEEN FIRST HAND THE KIND OF HARASSMENT, IF YOU  
3 WILL, THAT WE AS RESIDENTS OF THE BORDER COMMUNITY ARE  
4 SUBJECTED TO. I'M SURE THAT PERHAPS ALL OF US IN THIS  
5 ROOM AND I'M SURE THAT A GREAT MAJORITY OF PEOPLE THAT  
6 LIVE IN THE BORDER REGION HAVE THEIR OWN PERSONAL  
7 STORIES TO TELL YOU.

8 I CAN RECALL AS A YOUNG MAN BEING QUESTIONED -- ON THE  
9 WAY BACK FROM WORK, AND BEING QUESTIONED IN THE PRES-  
10 ENCE OF MY FATHER, WHO DID NOT HAPPEN TO HAVE ANY  
11 PROOF OF CITIZENSHIP, AND NEITHER DID I, AND I STARTED  
12 SPEAKING ENGLISH TO THE BORDER PATROL AGENT THAT WAS  
13 QUESTIONING ME. AND WE WERE DETAINED, AND IT REALLY  
14 DIDN'T MATTER MUCH TO ME BECAUSE I KNEW THAT EVEN-  
15 TUALLY IT WAS GOING TO END AND WE WOULD BE PERMITTED  
16 TO GO ON OUR OWN WAY. WHAT BOTHERED ME, THOUGH, WAS  
17 THE REACTION IN MY FATHER, WHO COULD NOT EVEN PROVE  
18 THAT HIS SON WAS A U.S. CITIZEN, AND THAT IS THE KIND  
19 OF CULTURAL INSENSITIVITY THAT I THINK PERMEATES THE  
20 PERCEPTION THAT PEOPLE LIVING IN THE BORDER REGION  
21 HAVE OF THE BORDER PATROL.

22 ELECTED OFFICIALS, THE PERCEPTION I'VE SEEN EXPRESSED  
23 FROM THEM IS MORE IN TERMS OF WHATEVER IS POLITICALLY  
24 EXPEDIENT TO SAY, AND SO WE HEAR CONGRESSMAN COLEMAN,  
25 FOR INSTANCE, WHO IS A GOOD CONGRESSMAN, BUT HE SEEMS

1 TO FEEL THAT WHAT WE NEED ON THE BORDER IS MORE IMMI-  
2 GRATION OFFICIALS, MORE MONEY, MORE STAFF, AND GREATER  
3 FLEXIBILITY IN HOW THEY CARRY OUT THEIR FUNCTION UNDER  
4 THE LAW, AND BY THAT I MEAN THEY BE GIVEN, I GUESS, A  
5 MORE EXPANDED VIEW OF WHAT THEIR AUTHORITY IS.

6 AS FAR AS COMMUNITY-BASED ORGANIZATIONS, THE PERCEP-  
7 TION THERE IS REALLY CLOUDED BY A FEELING OF POWER-  
8 LESSNESS AND A FEELING THAT NO MATTER HOW MANY TIMES  
9 AND HOW MANY COMPLAINTS AND HOW MANY INSTANCES OF  
10 ABUSE ARE PRESENTED, IT REALLY IS NOT GOING TO AMOUNT  
11 TO A PILE OF BEANS. IT'S NOT GOING TO MAKE ANY DIF-  
12 FERENCE, SO I THINK ONE OF THE RECOMMENDATIONS THAT I  
13 WOULD MAKE IS THAT THE FEDERAL AGENCIES BEGIN TO  
14 ESTABLISH MORE OF A WORKING RELATIONSHIP WITH COM-  
15 MUNITY-BASED ORGANIZATIONS.

16 THE SECOND AREA IS VIEWS AND INFORMATION ON THE CON-  
17 DUCT OF FEDERAL IMMIGRATION AND U.S. CUSTOMS ENFORCE-  
18 MENT AGENCIES RELATING TO USE OF FORCE, LANGUAGE, AND  
19 CULTURAL SENSITIVITY WITH THE PROTECTION OF CIVIL  
20 RIGHTS. I THINK THE BIGGEST PROBLEM HERE IN THIS AREA  
21 IS THAT THE IMMIGRATION AUTHORITIES OPERATE IN A  
22 RATHER GRAY AREA. THE LIMITS ON THEIR USE OF FORCE  
23 ARE NOT CLEARLY DEFINED FOR THEM.

24 AND THEN YOU PUT INTO THE CALCULATION THE WAR AGAINST  
25 DRUGS AND HOW THE BORDER REGION IS BECOMING A CORRIDOR

1 FOR DRUG ACTIVITY AND THEN YOU PUT INTO THAT CALCULA-  
2 TION A DIMINISHMENT OF CONSTITUTIONAL RIGHTS, CHECK-  
3 POINTS THAT DIFFERENT CONSTITUTIONAL RIGHTS THAT  
4 APPLY, DIFFERENT ANALYSES BASED ON FUNCTIONAL EQUIVA-  
5 LENCES OF THE BORDER, THINGS OF THIS NATURE, AND THIS  
6 COMES FROM THE SUPREME COURT, FROM THE LAW OF THE  
7 LAND, WHERE BECAUSE OF THE UNIQUE NATURE OF THE BORDER  
8 AND THE BORDER REGION, YOU DO NOT HAVE THE SAME CON-  
9 STITUTIONAL RIGHTS, THE SAME LEVEL OF CONSTITUTIONAL  
10 PROTECTION, THAT YOU WOULD HAVE IF YOU LIVED IN OTHER  
11 REGIONS OF THE COUNTRY.

12 MY PERSONAL VIEW OF THAT IS IF IT IS NOT OKAY IN  
13 DETROIT, MICHIGAN, IT SHOULD NOT BE OKAY IN EL PASO,  
14 TEXAS. IT IS STILL ONE COUNTRY, AND I THINK THAT TO  
15 SAY THAT BECAUSE THERE IS AN INTEREST IN PROTECTING  
16 THE BORDER AND SAFEGUARDING OUR BORDER, THAT OUR CON-  
17 STITUTIONAL RIGHTS CAN LEGITIMATELY BE DIMINISHED, I  
18 THINK THAT'S WRONG.

19 THOSE ARE MY VIEWS ON THAT TOPIC. AGAIN, IT'S A GRAY  
20 AREA. I THINK THE LIMITS ON THE USE OF FORCE BY IMMI-  
21 GRATION AUTHORITIES SHOULD BE MORE WELL DEFINED, AND  
22 PERHAPS THERE SHOULD BE MORE TRAINING TO INDIVIDUALS  
23 THAT WILL CARRY OUT THIS LAW ENFORCEMENT FUNCTION. I,  
24 MYSELF, BECAUSE I DO A LOT OF CRIMINAL DEFENSE AND I  
25 HAVE DEFENDED INDIVIDUALS ON CHARGES INVOLVING JOINT

1 OPERATIONS BETWEEN IMMIGRATION AUTHORITIES AND POLICE  
2 OFFICERS, AND IT IS ALWAYS DEPLETING TO ME TO SEE WHEN  
3 I START ASKING THE POLICE OFFICER "WHAT WAS YOUR  
4 PROBABLE CAUSE AND WHAT FACTS GAVE RISE TO YOUR AR-  
5 RESTING THIS INDIVIDUAL," AND, OF COURSE, THEY'RE  
6 CLAIMING UNDER WHAT PROBABLE CAUSES. BUT THEN YOU  
7 ASK THE BORDER PATROL AGENT "WHAT WAS YOUR REASONABLE  
8 SUSPICION," AND THERE'S A FINE DISTINCTION THERE BE-  
9 TWEEN REASONABLE SUSPICION AND PROBABLE CAUSE, AND  
10 REALLY IT JUST COMES DOWN TO THE BORDER PATROL AGENT  
11 CAN STOP YOU FOR LESS REASON THAN THE POLICE OFFICER.  
12 AND WHEN YOU PUT TWO OF THEM TOGETHER, THEN YOU HAVE A  
13 GRAY AREA AND, OF COURSE, THE INDIVIDUAL FACED WITH  
14 THAT KIND OF SITUATION, IT'S VERY DIFFICULT. IF THE  
15 OFFICER DOESN'T HAVE ENOUGH PROBABLE CAUSE, WELL,  
16 MAYBE THE BORDER PATROL AGENT HAS ENOUGH REASONABLE  
17 SUSPICION. EITHER WAY THEY'RE GOING IN, AND I THINK  
18 THAT DIMINISHMENT IN CONSTITUTIONAL PROTECTION IS  
19 WRONG.

20 THEN THE OTHER TOPIC, INFORMATION ON THE ACCESSI-  
21 BILITY, ADEQUACY, AND EFFECTIVENESS OF EXISTING  
22 I.N.S., BORDER PATROL, AND U.S. CUSTOMS COMPLAINT PRO-  
23 CEDURES FOR RECEIVING, INVESTIGATING, AND RESOLVING  
24 ALLEGATIONS OF MISCONDUCT. MY VIEW ON THIS TOPIC IS  
25 THAT YOU HAVE, IN ESSENCE, THE FOX GUARDING THE

1 CHICKEN COOP. AS LONG AS YOU DEFEND ON A BUDDY SYSTEM  
2 TO CARRY OUT AND INVESTIGATE CHARGES OF MISCONDUCT,  
3 YOU ARE GOING TO HAVE PROBLEMS. THE RESULT WILL BE  
4 THAT YOU HAVE, IN ESSENCE, A CONFLICT OF INTEREST  
5 HERE. I UNDERSTAND THE BROADNESS OF THE I.N.S. AND  
6 THE BROADNESS OF BORDER PATROL AGENTS, AND I'M NOT  
7 HERE TO SAY THAT ALL BORDER PATROL AGENTS ARE BAD AND  
8 I'M NOT HERE TO SAY THAT THEY ARE ALL GUILTY OF MIS-  
9 CONDUCT. WHAT I AM HERE TO SAY IS THAT IF YOU EXPECT  
10 THEM TO GOVERN THEMSELVES AND TO CONTROL THEIR BUDDY'S  
11 BEHAVIORS, IT'S JUST NOT GOING TO WORK, AND I THINK  
12 THAT RELEASING THAT VIOLENCE IS ESCALATING ON THE BOR-  
13 DER, IS DIRECTLY ATTRIBUTABLE TO THAT.

14 THE FINAL TOPIC, GENERAL VIEWS ON BORDER VIOLENCE  
15 ISSUES AS THEY RELATE TO CIVIL RIGHTS AND RECOMMENDA-  
16 TIONS FOR ADDRESSING THESE PROBLEMS, I GUESS A VERY  
17 GENERAL VIEW AND THE THING THAT I MOST WANTED TO  
18 IMPRESS UPON YOU THIS MORNING IS MY FEELING THAT WE  
19 HAVE TURNED THE BORDER REGION INTO A SECTOR, A SECTOR  
20 THAT IS PERMEATED BY LAW ENFORCEMENT AGENCIES OF ALL  
21 KINDS, EQUIPPED WITH ALL KINDS OF TECHNOLOGICAL  
22 ADVANCEMENTS. THEY HAVE BECOME EFFICIENT IN CON-  
23 TROLLING THE BORDER, AND IN SO DOING, THEY HAVE BE-  
24 COME EFFICIENT ALSO IN VIOLATING CONSTITUTIONAL RIGHTS  
25 OF THE BORDER REGION.

1 AND MY GENERAL VIEW IS THAT WE ARE LOSING SIGHT OF THE  
2 FACT THAT THIS IS MORE THAN A SECTOR. THE BORDER  
3 REGION IS A COMMUNITY OF PEOPLE WHERE FAMILIES ARE  
4 BEING RAISED, WHERE CHILDREN ARE GROWING UP AND  
5 LEARNING VALUES, WHERE OLD PEOPLE ARE SPENDING THEIR  
6 GOLDEN YEARS, WHERE INTERRELATIONSHIPS ARE BEING  
7 DEVELOPED BETWEEN CULTURES, WHERE PEOPLE ARE WORKING  
8 AND PURSUING THE AMERICAN DREAM. IT IS MORE THAN A  
9 SECTOR. THIS IS A COMMUNITY OF PEOPLE.

10 AND MY GENERAL VIEW ON BORDER VIOLENCE IS THAT IF THAT  
11 IS NOT CURBED, IF WE DO NOT FIND A WAY TO LESSEN THE  
12 ESCALATION OF VIOLENCE, THEN THERE WILL CONTINUE TO BE  
13 PROBLEMS WITHIN THE BORDER REGION, AND I DON'T KNOW  
14 HOW LONG PEOPLE WILL PUT UP WITH THAT. BUT MORE  
15 IMPORTANT THAN THAT, MORE IMPORTANT THAN THE INJECTION  
16 OF FEAR THAT PERMEATES THE BORDER REGION IS THE DIS-  
17 ILLUSIONMENT OF FAMILIES AND THE AWFUL WASTE OF HUMAN  
18 PROTECTION.

19 I DON'T KNOW. UNLESS YOU HAVE BEEN TARGETED -- OR NOT  
20 TARGETED, BUT UNLESS YOU'VE ACTUALLY BEEN TREATED LIKE  
21 MYSELF AND A LOT OF PEOPLE HAVE BEEN BY BORDER PATROL  
22 AGENTS WHO REALLY DON'T CARE IF YOU'RE A CITIZEN OR  
23 NOT, THEY'RE MORE TO GET THEIR KICKS, I GUESS, FROM  
24 THE -- UNLESS YOU'VE BEEN THROUGH SOMETHING LIKE THAT,  
25 YOU REALLY DON'T KNOW WHAT EFFECT IT HAS ON THE HUMAN

1 DEVELOPMENT, THE HUMAN PROTECTION. IT'S VERY HARD TO  
2 COME BACK FROM AN EXPERIENCE WHERE YOU ARE MADE TO  
3 FEEL LESS THAN WHAT YOU ARE SIMPLY BECAUSE YOU HAPPEN  
4 TO LIVE IN A BORDER REGION WHERE YOUR CONSTITUTIONAL  
5 RIGHTS ARE DIMINISHED.

6 SO MY GENERAL VIEW ON BORDER VIOLENCE ISSUES AS THEY  
7 RELATE TO CIVIL RIGHTS IS THAT WE MUST GET BACK TO THE  
8 CONCEPT OF COMMUNITY. WE MUST GET BACK TO THE NOTION  
9 THAT THE BORDER PATROL AGENT IS THERE TO SERVE, NOT TO  
10 CONTROL, AND WE MUST GET BACK TO THE NOTION THAT THE  
11 BORDER PATROL IS A CONSEQUENCE OF A NEED TO CONTROL  
12 THE BORDER, BUT NOT TO CONTROL PEOPLE. AND UNTIL WE  
13 DO THAT AND IF WE LOSE SIGHT OF THAT, WE WILL CONTINUE  
14 TO HAVE VIOLENCE ESCALATING ON THE BORDER.

15 RECOMMENDATIONS FOR ADDRESSING THESE PROBLEMS, I DON'T  
16 KNOW WHAT SPECIFIC RECOMMENDATIONS I COULD MAKE TO  
17 YOU. OBVIOUSLY, A DIFFERENT KIND OF TRAINING NEEDS TO  
18 BE IMPLEMENTED WHERE A CULTURAL SENSITIVITY IS MADE  
19 PART OF THE CURRICULUM. IF WE ARE GOING TO PERMIT  
20 THEM TO USE DEADLY FORCE, OBVIOUSLY THERE MUST BE  
21 ADEQUATE TRAINING AS TO WHEN OR HOW AND WHY THAT CAN  
22 BE USED BY BORDER PATROL AGENTS.

23 MY RECOMMENDATION WOULD BE THAT WE TAKE THE BORDER  
24 PATROL OUT OF THE DRUG ENFORCEMENT FUNCTION, THAT THEY  
25 NOT BE A TOOL OR AN ARM OF THE WAR AGAINST DRUGS.

1           THEY ARE HERE SIMPLY TO ENSURE THAT PEOPLE THAT ARE IN  
2           THIS COUNTRY ARE HERE LEGALLY.  IF YOU TURN THEM INTO  
3           SOLDIERS, THEN YOU ARE ESCALATING VIOLENCE ON THE  
4           BORDER.  THE MORE SOLDIERS YOU HAVE, THE BIGGER THE  
5           WAR BECOMES.

6           ANOTHER RECOMMENDATION THAT I WOULD MAKE IS THAT  
7           PERHAPS THE LEADERS -- IT IS AN ATTITUDE THAT NEEDS TO  
8           COME FROM THE TOP.  WHEN WE HAVE OUR PRESIDENT SHOWING  
9           AN INSENSITIVITY TO LIFE IN THE BORDER REGION, WHEN WE  
10          HAVE CONGRESSMEN THAT DON'T EVEN KNOW WHAT THE HELL  
11          LIFE IS LIKE IN THE BORDER REGION, WHEN WE HAVE APPRO-  
12          PRIATIONS OF FUNDING THAT COMES IN FOR THINGS OTHER  
13          THAN TO DEVELOP A COMMUNITY AWARENESS, AND THE WAY  
14          THAT THIS LAW ENFORCEMENT FUNCTION IS CARRIED OUT, I  
15          THINK THAT SENDS A VERY LONG AND VERY BAD MESSAGE.  A  
16          MESSAGE NEEDS TO COME FROM THE TOP.

17          I THINK THAT WE, AS A PEOPLE LIVING IN THE BORDER  
18          REGION, UNDERSTAND THE PROBLEM, AND IT SHOULD NOT  
19          BE -- IT SHOULD NOT BE A NOTION OF "WELL, THAT'S JUST  
20          LIFE ON THE BORDER."  WE SHOULD NOT HAVE TO WALK IN  
21          OUR DOWNTOWN STREETS AND SEE THE BORDER PATROL COUPLED  
22          WITH A POLICE OFFICER, WHICH WE CALL FOOT PATROL, HERE  
23          SIMPLY WALK UP TO ANYONE THAT THEY FEEL MAY NOT BE  
24          HERE LEGALLY AND HARASSING THEM, AND WE SHOULD NOT  
25          HAVE TO JUST WALK BY AND SAY, "WELL, THAT'S LIFE ON



1 THE BORDER."

2 THAT IS NOT LIFE ON THE BORDER, AND IT'S NOT THE KIND  
3 OF LIFE ON THE BORDER THAT I WANT MY CHILDREN TO  
4 INHERIT. AND SO I ASK OF YOU THAT YOU TAKE THESE  
5 THOUGHTS BACK WITH YOU WHERE YOUR CIRCLE PINPOINTS,  
6 THAT WE BEGIN A NEW AWARENESS IN THIS COUNTRY THAT THE  
7 BORDER REGION IS A COMMUNITY OF PEOPLE. IT IS NOT A  
8 MILITARY SECTOR; IT IS NOT A POLICE SECTOR. AND IT  
9 CAN THRIVE IF WE LET IT THRIVE, BUT IF WE SIMPLY BURY  
10 OUR HEADS IN THE SAND AND SAY, "MR. BORDER PATROL  
11 AGENT, YOU HAVE A VERY HARD JOB TO DO. WHAT DO YOU  
12 NEED TO GET YOUR JOB DONE," WE SHOULD NOT BE ASKING  
13 HIM. WE SHOULD BE TELLING HIM, "THESE ARE THE SPE-  
14 CIFIC PARAMETERS OF YOUR JOB, AND THESE ARE THE TOOLS  
15 THAT WE'RE GOING TO GIVE YOU," BUT GIVE THEM TOOLS OF  
16 PEACE AND GIVE THEM TOOLS OF UNDERSTANDING, AND NOT  
17 TOOLS OF VIOLENCE.

18 THANK YOU.

19 CHAIRPERSON ARMENDARIZ:

20 THANK YOU VERY MUCH, MR. RODRIGUEZ.

21 AT THIS TIME WE HAVE A PERIOD OF ABOUT 25 MINUTES OPEN  
22 FOR QUESTIONING FROM EITHER OUR COMMITTEES OR STAFF  
23 PEOPLE TO THE PANEL.

24 VINCENT J. MONTOYA:

25 MY NAME IS VINCENT MONTOYA. I'M FROM THE NEW MEXICO

1           ADVISORY COMMITTEE.

2           I HAVE THREE SHORT QUESTIONS, I GUESS, AND I'M SURE  
3           IT WILL TAKE LOTS OF INFORMATION, SO IF THE MEMBERS  
4           COULD JUST MAIL IT IN, IF THEY HAVE IT AVAILABLE, TO  
5           THE STAFF.

6           FIRST OF ALL FOR JOSE: YOU MADE A RECOMMENDATION IN  
7           YOUR STATEMENT THAT YOU FELT THAT A CITIZENS ADVISORY  
8           COMMITTEE MIGHT POSSIBLY SERVE, YOU KNOW, THIS OVER-  
9           SIGHT PURPOSE. ARE YOU TALKING ABOUT AN OVERSIGHT  
10          COMMITTEE SIMILAR TO WHAT SOME CITIES HAVE OVERSEEING  
11          THEIR POLICE DEPARTMENT, AS FAR AS CITIZENS, NUMBER 1?  
12          NUMBER 2, HAVE YOU GIVEN ANY THOUGHT OF WHO WOULD  
13          APPOINT THAT OVERSIGHT COMMITTEE?

14          AND, NUMBER 3, WHAT AUTHORITY WOULD THAT OVERSIGHT  
15          COMMITTEE HAVE?

16          THAT'S JUST FOR OUR INFORMATION. I KNOW IT'S CUT  
17          SHORT, AND I HAVE A COUPLE OF OTHER QUESTIONS FOR THE  
18          OTHER PANELISTS, SO IF YOU DON'T HAVE ALL OF THAT IN A  
19          LONG STATEMENT, PLEASE, IF YOU HAVE IT, MAIL TO THE  
20          STAFF.

21        PANELIST MORENO:

22          VERY WELL. I WILL MAIL ADDITIONAL RECOMMENDATIONS OR  
23          ADDITIONAL THOUGHTS ON THIS MATTER. HOWEVER, VERY  
24          QUICKLY, OVERSIGHT COMMITTEE, YOU REFER TO OVERSIGHT  
25          COMMITTEES THAT CITIES HAVE OVERSEEING THEIR POLICE

1 DEPARTMENTS, AND YES, I AM REFERRING TO THOSE TYPES OF  
2 COMMITTEES WHEREBY THE COMMITTEE WOULD NOT ONLY HAVE  
3 SOME ADVISORY CAPACITY, BUT WOULD ALSO HOPEFULLY HAVE  
4 SOME POWER OVER THE IMPLEMENTATION OF DISCIPLINARY  
5 ACTION. WE KNOW THAT -- AND I SAY THIS NOT IN IGNO-  
6 RANCE OF THE FACT THAT IT WOULD BE A VERY DIFFICULT  
7 THING TO IMPLEMENT; HOWEVER, I THINK THAT BASED ON  
8 SOME OF THE VERY ELOQUENT STATEMENTS THAT WERE MADE  
9 HERE AFTER I MADE MY STATEMENT, THIS COMMITTEE MUST  
10 NOW BE AT LEAST ABLE TO SEE SOME OF THE NEEDS AND THE  
11 TREMENDOUS NEED FOR A COMMITTEE SUCH AS THIS. WE MUST  
12 TAKE DEFINITIVE STEPS AND NOT BE AFRAID THAT, BECAUSE  
13 IT HASN'T BEEN DONE BEFORE OR BECAUSE WE'RE DEALING  
14 WITH A FEDERAL AGENCY, THAT WE MUST STAY AWAY FROM  
15 THIS TYPE OF PRACTICE.

16 WHO WOULD APPOINT? SOME OF THE CITY LEADERS I BELIEVE  
17 WOULD APPOINT THE COMMITTEE MEMBERS WITH ADVISORY  
18 RECOMMENDATIONS OR EVEN MANDATORY RECOMMENDATIONS BY  
19 COMMUNITY ORGANIZATIONS, AND I THINK THAT ONCE YOU GET  
20 PEOPLE INTO A COMMITTEE, YOU GET PEOPLE TALKING, YOU  
21 GET PEOPLE REVIEWING THE EVIDENCE WITHOUT ANY SHROUD  
22 OF SECRECY AND OPEN -- YOU HAVE AN OPEN COMMITTEE  
23 POLICY AND PROCEDURE, THAT YOU WILL SEE AND YOU HAVE  
24 SEEN THROUGHOUT THE CITIES OF THIS COUNTRY THAT THE  
25 RECOMMENDATIONS AND THE ACTIONS TAKEN BY SUCH

1 COMMITTEES ARE REASONABLE AND DO REFLECT THE STANDARDS  
2 SET BY THAT COMMUNITY. AND I THINK I MENTIONED AL-  
3 READY BRIEFLY THE AUTHORITY, BUT I WOULD HAVE BEEN  
4 HAPPY TO FORWARD ADDITIONAL COMMENTS ON THIS.

5 COMMITTEE MEMBER MONTOYA:

6 THANK YOU, JOSE.

7 THE NEXT QUESTION FOR CARLOS: WHAT PROBLEMS HAVE YOU  
8 SEEN IN THE AGRICULTURAL COMMUNITY -- FARMERS -- IN  
9 THE UNITED STATES HIRING, NUMBER 1, "UNDOCUMENTED  
10 WORKERS," AND DO YOU HAVE ANY STATISTICS OF HOW MANY  
11 OF THOSE EMPLOYERS HAVE BEEN CITED OR FINED AS OF  
12 TODAY? I KNOW IN CALIFORNIA THERE HAVE BEEN SOME  
13 FINES IMPOSED ON SORT OF SWEATSHOP MANUFACTURERS, BUT  
14 IN THE AGRICULTURAL INDUSTRY, ESPECIALLY IN NEW MEXICO  
15 AND TEXAS, ARE YOU AWARE -- WHAT I'M TRYING TO GET:  
16 HAS THE ENFORCEMENT BEEN AS HARD ON THE EMPLOYER AS IT  
17 HAS BEEN ON THE WORKER?

18 PANELIST MARENTES: (SUSAN CHAPARRO-BENAVIDEZ, INTERPRETER)

19 SINCE THE LAW OF '86 HAS BEEN APPROVED, I HAVE BECOME  
20 AWARE OF ONLY ONE CASE OF AN AGRICULTURAL CONTRACTOR  
21 THAT WAS FINED BY THE IMMIGRATION SERVICE FOR NOT  
22 HAVING THE REQUIRED PAPER WORK WHEN HE WAS HIRING HIS  
23 WORKERS.

24 THE MAJORITY OF THE UNDOCUMENTED AGRICULTURAL WORKERS  
25 TRY TO VALIDATE THE FRONTIER ZONE BECAUSE THERE IS A

1 LOT OF ACTIVITY BECAUSE OF THE DIFFERENT POLICE FORCE.  
2 THE MAJORITY OF THEM TRY TO GET INTO THE INTERIOR OF  
3 THE UNITED STATES. IT IS VERY DIFFICULT IN THESE  
4 MOMENTS, FOR EXAMPLE, TO FIND WORK IN THIS ZONE AND IN  
5 THE AGRICULTURAL FIELDS IN SOUTH NEW MEXICO IF ONE  
6 DOESN'T HAVE ANY DOCUMENTS. THAT DOES NOT MEAN THAT  
7 THERE ARE NOT ANY UNDOCUMENTED WORKERS. THERE ARE  
8 MANY. THERE ARE HUSBANDS, WIVES, CHILDREN OF WORKERS  
9 THAT HAVE BEEN LEGALIZED AND HAVE NOT BEEN ABLE TO  
10 LEGALIZE THEIR FAMILIES DUE TO THE OBSTACLES THAT THE  
11 SAME LAW BRINGS ABOUT SO THAT IT CAN BE POSSIBLE.  
12 THESE CHILDREN, THESE WIVES, THEY ARE WORKING IN THE  
13 FIELDS WITH THEIR HUSBANDS, AND IT HAS BECOME KNOWN TO  
14 US THAT WHEN THERE IS A LOT OF NECESSITY OF FIELD  
15 WORKERS DURING THE SEASON OF INTENSIVE HARVEST, THERE  
16 IS LESS VIGILANCE ON BEHALF OF THE BORDER PATROL IN  
17 THESE AREAS CLOSE TO THE FIELDS.  
18 THEN THERE IS A VERY CLEAR POLITICAL STATEMENT AGAINST  
19 THE UNDOCUMENTED WORKERS, BUT THERE IS ALSO FLEXI-  
20 BILITY, AND WE CAN FIND AGRICULTURAL WORKERS, BUT NOT  
21 AS THEY WERE FOUND BEFORE, WORKING IN THE FIELD. THE  
22 EMPLOYEE SANCTIONS, THEY HAVE NOT AFFECTED THE AGRI-  
23 CULTURE OF THIS REGION AS MUCH. IN REALITY, WHAT  
24 AFFECTS THE AGRICULTURE IN THIS REGION ARE THE LOW  
25 SALARIES AND THE OPPRESSIVE WORKING CONDITIONS THAT

1 THE AGRICULTURAL WORKERS, DOCUMENTED OR UNDOCUMENTED,  
2 DO NOT SUSTAIN. THAT WOULD BE MY ANSWER.

3 COMMITTEE MEMBER MONTOYA:

4 ONE LAST: MARGARITO, YOU MADE A STATEMENT. OF  
5 COURSE, I'M NOT AN ATTORNEY. I'M IGNORANT AS FAR AS  
6 THE CONSTITUTIONAL LAW. IS THAT BECAUSE THE LEGAL  
7 STATUS, U.S. RESIDENT LEGAL STATUS VERSUS NON-U.S.  
8 RESIDENT LEGAL STATUS, THAT THE COURT HAS RULED ONE OR  
9 THE OTHER HAS NOT THAT MUCH BEARING ON CONSTITUTIONAL  
10 RIGHTS?

11 PANELIST RODRIGUEZ:

12 NO, IT'S NOT TIED TO YOUR RESIDENT OR ILLEGAL STATUS.  
13 IT'S TIED MORE TO THE REGION OF THE COUNTRY THAT WE'RE  
14 IN AND TO THE PARTICULAR CHARACTERISTICS OF THE BORDER  
15 ITSELF. I GUESS WHAT HAS DEVELOPED IS THE SENSE THAT  
16 IF YOU ARE COMING INTO THE COUNTRY, THERE IS A GREATER  
17 NEED ON THE PART OF GOVERNMENT TO ENFORCE IMMIGRATION  
18 LAWS THAN THERE IS TO PROTECT YOUR INDIVIDUAL RIGHTS,  
19 AND SO WHEN YOU COME ACROSS THE BRIDGE, FOR INSTANCE,  
20 YOU CAN BE DETAINED BASED ON SIMPLY A REASONABLE  
21 SUSPICION.

22 AND AS YOU GO FURTHER AWAY FROM THE BORDER TO WHAT  
23 ARE CALLED FUNCTIONAL EQUIVALENCES OF THE BORDER --  
24 THE CHECKPOINTS -- THAT SAME ANALYSIS APPLIES, SEE,  
25 AND SO YOU CAN BE QUESTIONED WITHOUT A WARRANT. YOU

1 CAN BE ARRESTED WITHOUT A WARRANT, AND IT IS MORE AN  
2 ANALYSIS THAT INVOLVES YOUR RIGHT OF PRIVACY, YOUR  
3 RIGHT TO TRAVEL, AND ALSO YOUR RIGHT TO BE FREE FROM  
4 PRESSURES AND SEARCHES. THOSE ARE THE CONSTITUTIONAL  
5 RIGHTS THAT ARE IMPACTED ON, AND THE REASON THAT I SAY  
6 THAT THEY ARE DIMINISHED IS BECAUSE THERE IS A GREATER  
7 EMPHASIS PLACED ON THE NEED TO PROTECT THE BORDER AND  
8 TO ENFORCE IMMIGRATION LAWS.

9 COMMITTEE MEMBER MONTOYA:

10 ON THE QUESTION OF LITIGATION, AND YOU WERE, I GUESS,  
11 THE PAST PRESIDENT OF THE BAR ASSOCIATION?

12 PANELIST RODRIGUEZ:

13 YES, SIR.

14 COMMITTEE MEMBER MONTOYA:

15 TO YOUR KNOWLEDGE -- AND I'M JUST LOOKING AT  
16 FIGURES -- HOW MANY CIVIL CASES HAVE BEEN FILED  
17 AGAINST INS OR THE BORDER PATROL, THAT YOU'RE AWARE  
18 OF, LET'S SAY IN A YEAR PERIOD, AND HOW MANY CASES  
19 THAT THE I.N.S. HAVE HAD BEEN FILED OR THAT THEY --

20 PANELIST RODRIGUEZ:

21 I CAN'T GIVE YOU ANY SPECIFIC FIGURES. I CAN RESEARCH  
22 THAT FOR YOU AND SEND THAT IN TO YOU, BUT I DO RECALL  
23 ONE CASE THAT HAPPENED HERE IN EL PASO. I DON'T RE-  
24 CALL EXACTLY WHAT YEAR IT WAS, BUT IT WAS INVOLVING  
25 BORDER PATROL AGENTS GOING INTO CANTINAS -- BARS --

1 AND SIMPLY STARTING TO QUESTION EVERYBODY THAT WAS  
2 THERE, WHICH IS REMINISCENT OF GESTAPO-TYPE TACTICS IN  
3 MY MIND.

4 BUT WHAT HAPPENED THERE IS THEY ACTUALLY DETAINED  
5 CITIZENS THAT HAPPENED TO BE IN THE BAR. THE POLICE  
6 DEPARTMENT ALSO ASSISTED THE BORDER PATROL AGENCY IN  
7 THAT WAY, SO YOU HAD, AGAIN, A JOINT OPERATION OF TWO  
8 VERY DISTINCT LAW ENFORCEMENT AGENCIES. THAT CASE  
9 ENDED UP GOING TO COURT. THERE WAS A PERMANENT IN-  
10 JUNCTION ISSUED AGAINST THE BORDER PATROL AGENTS FROM  
11 DOING THOSE KINDS OF DRAGNET ACTIVITIES.

12 I'M NOT AWARE IF THERE HAVE BEEN ANY VIOLATIONS OF  
13 THAT INJUNCTION SINCE THAT INJUNCTION WAS PUT INTO  
14 PLACE, BUT I THINK THAT CASE MORE THAN ANY OTHER CASE  
15 POINTS OUT WHAT I'M TRYING TO SAY HERE IS THAT IT'S  
16 OKAY THAT THEY DO THEIR WORK, IT'S OKAY THAT THEY DO  
17 THEIR JOB, BUT IT'S NOT OKAY FOR THEM TO FORGET THAT  
18 THEY ARE DOING IT IN A COMMUNITY OF PEOPLE AND THERE  
19 ARE LAW-ABIDING CITIZENS ALSO WITHIN THAT COMMUNITY  
20 THAT SHOULD NOT BE SUBJECTED TO HARASSMENT SIMPLY BE-  
21 CAUSE A BORDER PATROL AGENT IS OVERZEALOUS IN HIS  
22 CARRYING OUT HIS JOB.

23 PANELIST MORENO:

24 COULD I JUST RESPOND BRIEFLY TO THAT?

25 I THINK EARLIER WE HEARD TESTIMONY THAT COMPLAINTS ARE



1 FEW IN NUMBER AND WHILE NUMBERS DO TELL SOME OF THE  
2 FACTS AND DO SOMEWHAT REFLECT THE REALITY, I WOULD ASK  
3 AND I PUT FORWARD THAT THE REALITY THAT THIS REFLECTS  
4 THE LOW NUMBER OF COMPLAINTS AND PROBABLY THE EVEN  
5 LOWER NUMBER OF LAWSUITS ACTUALLY FILED IS THE IN-  
6 ACCESSIBILITY OF PEOPLE TO THE COMPLAINT PROCEDURE AND  
7 THE FACT THAT MANY PEOPLE WHO ARE HARASSED ARE --  
8 ESPECIALLY IN THE BORDER REGION -- PEOPLE WHO MAY  
9 HAVE HAD SOME OTHER NEGATIVE CONTACT WITH THE BORDER  
10 PATROL, WHO MAY BE LEGAL PERMANENT RESIDENTS, OR WHO  
11 MAY BE IN OTHER WAY INTIMIDATED FROM PURSUING ANY  
12 LEGAL ACTION.

13 ONE AREA WHERE WE MIGHT BE ABLE TO LOOK AT IS WHEN THE  
14 I.R.C.A. -- IMMIGRATION REFORM CONTROL ACT OF 1986 --  
15 LET'S LOOK AT HOW MANY LAWSUITS WERE FILED THERE AS A  
16 RESULT OF THE IMMIGRATION AND NATURALIZATION SERVICE  
17 NOT ABIDING BY THE RULE OF CONGRESS.

18 COMMITTEE MEMBER MONTOYA:

19 WELL, JOSE, EXACTLY. I'M AWARE OF YOUR PRESENTATION  
20 OF NOT HAVING ENOUGH PUBLICITY OR ADVERTISING, EVEN  
21 THE "800" NUMBER, BUT EVEN IN SMALL CASES, IF ALL  
22 THOSE SMALL CASES ARE LOST BY THE U.S. FEDERAL GOVERN-  
23 MENT -- WHATEVER AGENCY -- THAT REFLECTS A TREND, YOU  
24 KNOW, IN THAT AREA. YES, YOU'RE CORRECT THAT THAT  
25 BROAD DATA IS NOT THERE.

1 CHAIRPERSON ARMENDARIZ:

2 I BELIEVE WE HAVE MRS. BERRIOZABAL AND THEN MR. WEST  
3 AND FINALLY --

4 MARIA ANTONIETTA BERRIOZABAL:

5 SEVERAL TIMES THE ISSUE OF THE DOWNTOWN FOOT PATROL IS  
6 BROUGHT UP, AND I WOULD LIKE -- MR. MORENO, YOU HAD A  
7 RECOMMENDATION THAT THE FOOT PATROL DOWNTOWN BE ENDED.  
8 IS YOUR PROBLEM THE FACT THAT THE POLICE DEPARTMENT,  
9 THE OFFICIAL WALKS WITH THE BORDER PATROL? AND WOULD  
10 IT BE TO END JUST THE RELATIONSHIP AND YOU WOULD STILL  
11 SUPPORT A DOWNTOWN FOOT PATROL, OR IS IT TO GET RID OF  
12 IT PERMANENTLY?

13 PANELIST MORENO:

14 I DON'T WANT ANY OF US TO WALK AWAY THINKING THAT ANY  
15 OF US ARE ADVOCATING THE END OF LAW ENFORCEMENT. NOT  
16 AT ALL. WHAT WE ARE ADVOCATING, THE END OF THE  
17 RELATIONSHIP THAT CREATES THE FOOT PATROL WALKING SIDE  
18 BY SIDE. THERE IS A BLURRING OF JURISDICTIONS. THERE  
19 IS A VIOLATION OF CONSTITUTIONAL RIGHTS WHEN ONE  
20 OFFICER ASKS A QUESTION THAT HE SHOULD NOT BE ASKING  
21 IN RELATION TO IMMIGRATION. YOU'RE CAUGHT BETWEEN A  
22 ROCK AND A HARD PLACE, WHERE YOU ARE STOPPED ALLEGEDLY  
23 FOR ONE REASON AND THEN ASKED QUESTIONS FOR ANOTHER.

24 COMMITTEE MEMBER BERRIOZABAL:

25 SO YOU SUPPORT THE POLICE DEPARTMENT'S DOWNTOWN FOOT

1 PATROL, BUT NOT THE BORDER PATROL?

2 PANELIST MORENO:

3 RIGHT.

4 PANELIST NATHAN:

5 EVEN FOR THE POLICE TO DO FOOT PATROL, WE THINK IT'S  
6 PREJUDICIAL, BECAUSE WHEN PEOPLE SEE THE BORDER PATROL  
7 WALKING WITH THE POLICE, THEN THEY BECOME AFRAID TO  
8 CONTACT THE POLICE TO REPORT CRIMES.

9 FOR EXAMPLE, I KNOW OF A CASE WHERE A WOMAN WAS AS-  
10 SAULTED, SHE WAS ROBBED, AND THEN SHE WAS THREATENED  
11 WITH RAPE. SHE WAS UNDOCUMENTED, BUT SHE WAS AFRAID  
12 TO CALL THE POLICE BECAUSE IN HER MIND SHE THINKS THAT  
13 THE POLICE ARE GOING TO ASK HER ABOUT HER STATUS. AND  
14 SO YOU HAVE A SERIOUS CRIME, YOU KNOW, IN THE NEIGH-  
15 BORHOOD THAT I LIVE IN THAT GOES UNREPORTED, WHICH IS  
16 A WARNING TO THE ENTIRE COMMUNITY. IT REALLY, I  
17 THINK, KEEPS THE POLICE FROM DOING THE JOB THAT  
18 THEY'RE TO DO.

19 PANELIST MORENO:

20 WE CONTACTED MONTHS AGO THE EL PASO RAPE CRISIS  
21 CENTER, AND THE INDIVIDUAL WHO RUNS THAT PROGRAM  
22 ESTIMATED -- HE HAD NO HARD FIGURES, BUT HE ESTIMATED  
23 THAT HALF OF THE RAPES IN THIS REGION THAT GO UNRE-  
24 PORTED ARE BY WOMEN WHO ARE UNDOCUMENTED.

25 COMMITTEE MEMBER BERRIOZABAL:

1 ONE FINAL QUESTION TO MR. RODRIGUEZ: YOU AND SEVERAL  
2 OF YOU RECOMMENDED BETTER TRAINING, AND YOU EMPHASIZED  
3 SEVERAL TIMES THE ISSUE OF MULTICULTURALISM. I WOULD  
4 THINK THAT THE BORDER PATROL HAS ALSO MEXICAN AMER-  
5 ICANS/HISPANICS ON THE FORCE, AND I AM VERY INTERESTED  
6 IN YOUR RECOMMENDATION ON THE TYPE OF TRAINING FOR  
7 OFFICIALS FOR A FORCE THAT HAS DIVERSITY THAT INCLUDES  
8 PEOPLE WHO ARE NOT MEXICAN AMERICAN, MEXICAN AMERICANS  
9 TOO. I DON'T WANT AN ANSWER RIGHT NOW, BUT I WOULD  
10 BE INTERESTED IN YOU MAILING MR. DULLES SOME RECOM-  
11 MENDATIONS, HOW YOU WOULD DEAL WITH THE ISSUE OF  
12 MULTICULTURAL TRAINING IN A WORK FORCE THAT INCLUDES  
13 PEOPLE OF DIFFERENT BACKGROUNDS IN ITS RANKS.

14 THOMAS G. WEST:

15 MR. MORENO AND MR. RODRIGUEZ BOTH INDICATED THAT YOU  
16 OBJECT TO THE POLICY OF THE BORDER PATROL SORT OF  
17 GOING UP TO PEOPLE WHO LOOK LIKE THEY MIGHT BE IL-  
18 LEGAL IN EL PASO.

19 PANELIST MORENO:

20 UNDOCUMENTED, YES.

21 COMMITTEE MEMBER WEST:

22 ILLEGAL IMMIGRANTS, AND THE QUESTION THAT I HAD IS --  
23 AND THEN THE ISSUE ALSO WAS BROUGHT UP -- MY UNDER-  
24 STANDING IS THAT THE BORDER PATROL NOW HAS A POLICY OF  
25 NOT, IN FACT, TRYING TO CLOSE THE BORDER AT THE RIVER.

1           THEY DELIBERATELY DO NOT HAVE A FENCE IN A CERTAIN  
2           AREA.  THEY HAVE HOLES IN A FENCE THAT THEY DELIBER-  
3           ATELY DO NOT REPAIR BECAUSE THEY CONSIDER IT DANGEROUS  
4           FOR THE REASON INDICATED, TO TRY TO STOP PEOPLE AT THE  
5           RIVER, SO THAT MEANS THE POLICY THEN BECOMES GOING  
6           INTO TOWN, SO I REALLY WONDER WHETHER THE TWO OF YOU,  
7           ARE YOU REALLY OBJECTING TO THE VERY IDEA OF --

8   PANELIST MORENO:

9           HAVE YOU EVER BEEN STOPPED, SIR, BECAUSE OF THE COLOR  
10          OF YOUR SKIN?

11   COMMITTEE MEMBER WEST:

12          I'VE BEEN STOPPED MANY TIMES.

13   PANELIST MORENO:

14          BECAUSE OF THE COLOR OF YOUR SKIN?

15   COMMITTEE MEMBER WEST:

16          I'VE BEEN STOPPED FOR VARIOUS REASONS.

17   PANELIST MORENO:

18          BECAUSE OF THE COLOR OF YOUR SKIN?

19   COMMITTEE MEMBER WEST:

20          I DON'T KNOW.

21   PANELIST MORENO:

22          WELL, PEOPLE IN THIS REGION CLEARLY ARE STOPPED BE-  
23          CAUSE OF THE COLOR OF THEIR SKIN, BECAUSE OF THE MAN-  
24          NER IN WHICH THEY DRESS.  WE ARE NOT SAYING THAT THE  
25          BORDER SHOULD NOT BE CONTROLLED.  NO ONE HERE HAS

1 STATED THIS COUNTRY SHOULD NOT CONTROL ITS BORDERS.  
2 WHAT WE ARE SAYING IS THE INFRINGEMENT OF CONSTITU-  
3 TIONAL RIGHTS IN THE NAME OF CONTROLLING THE BORDER IS  
4 SOMETHING THAT MUST BE STOPPED. ONE WAY OF DOING THAT  
5 IS BY TRAINING. BETTER TRAINING IS GOING TO MAKE AN  
6 OFFICER BETTER CAPABLE, BETTER ABLE TO HANDLE SITUA-  
7 TIONS WHERE HE OR SHE WILL BE ABLE TO DISCERN USING  
8 MORE THAN THE COLOR OF A PERSON'S SKIN OR MORE THAN  
9 THE TYPE OF SHIRT THAT THE INDIVIDUAL IS WEARING.

10 LINO A. GRAGLIA:

11 USING WHAT?

12 PANELIST MORENO:

13 ONE OF THE REQUIREMENTS OR SOME OF THE REQUIREMENTS  
14 UNDER THE LAW ARE BEHAVIOR, PROXIMITY TO A LOCATION OR  
15 AT A LOCATION WHERE KNOWN UNDOCUMENTED PEOPLE MAY  
16 GATHER, AND THE PROBLEM IS THAT THE BORDER PATROL DOES  
17 NOT USE ALL OF THESE STANDARDS. THEY APPROACH PEOPLE  
18 OF COLOR.

19 COMMITTEE MEMBER GRAGLIA:

20 SURELY THAT'S RELEVANT MORE THAN IN AND OF ITSELF.

21 CHAIRPERSON ARMENDARIZ:

22 I WOULD LIKE TO REMIND OUR COMMITTEE MEMBERS THAT WE  
23 ARE HERE AS OBJECTIVE LISTENERS AND WE ARE NOT HERE  
24 TO INTERROGATE ANY OF OUR PANELISTS AND THAT WE DO  
25 TREAT THEIR TESTIMONY IN THAT MANNER. WE ARE TO

1           ASSUME A VERY OBJECTIVE ROLE IN LISTENING TO OUR  
2           PANELISTS.

3           PANELIST RODRIGUEZ:

4           I APPRECIATE THAT. I'M NOT HERE TO BE CONFRONTA-  
5           TIONAL, BUT I WANT TO MAKE CLEAR THAT I UNDERSTAND  
6           WHAT IT WAS YOU WERE ASKING.

7           WERE YOU SAYING THAT BECAUSE THE BORDER PATROL NOW HAS  
8           A POLICY OF, IN ESSENCE, LETTING THEM THROUGH AND  
9           CATCHING UP TO THEM LATER, THAT HAS CHANGED NOW THE  
10          ARENA -- SO TO SPEAK, THE ARENA IN WHICH ENFORCEMENT  
11          WILL NOW OCCUR, AND ARE YOU SAYING THAT BY NECESSITY  
12          NOW IT IS COMMUNITIES THAT WILL BECOME THE ARENA? IS  
13          THAT WHAT YOU'RE ASKING? AND THEN IF IT IS, DO I  
14          OBJECT TO THAT? OF COURSE, I OBJECT TO THAT.

15          COMMITTEE MEMBER WEST:

16          THAT'S MY UNDERSTANDING AND, THEREFORE, MY OTHER  
17          QUESTION THEN IS: WOULD YOU PREFER -- AND I THINK  
18          THERE MIGHT BE A CASE TO THIS -- THAT THE BORDER  
19          PATROL ERECT AN IMPENETRABLE FENCE ALONG THE BORDER  
20          THAT WOULD REALLY MAKE PHYSICAL IMMIGRATION -- ILLEGAL  
21          IMMIGRATION IMPOSSIBLE AT LEAST TO THE IMMEDIATE EL  
22          PASO REGION, WHERE YOU WOULDN'T HAVE TO GET INTO THIS  
23          ISSUE OF STOPPING PEOPLE ON THE STREETS, GOING AROUND  
24          WITH YOUR DOOR AJAR, AND ALL THE REST? IS THAT A  
25          PREFERABLE POLICY FOR ENFORCING IMMIGRATION LAWS?

1 PANELIST RODRIGUEZ:

2 I DON'T THINK SO. I THINK THAT HAS BEEN TRIED BEFORE,  
3 BUT WAS MORE DAMAGING, THE SYMBOLIC NATURE OF ERECTING  
4 AN IMPENETRABLE STRUCTURE, BECAUSE THEN YOU ARE EN-  
5 HANCING OR PROMOTING A BARRIER BETWEEN PEOPLES, SEE,  
6 AND YOU'RE NOT REALLY ACCOMPLISHING, I THINK, THE MORE  
7 WORTHWHILE GOAL OF CREATING ALONG THE BORDER A SENSE  
8 OF COMMUNITY.

9 IF YOU'RE GOING -- I THINK A BETTER SUGGESTION WOULD  
10 BE TO MOVE THE BORDER -- MOVE THE BORDER PATROL PAST  
11 THE COMMUNITIES. PERHAPS YOU COULD CREATE AN ARENA OF  
12 LAW ENFORCEMENT ABOUT 25 MILES FROM THE BORDER, AND  
13 JUST IMAGINE HOW MUCH MONEY THE GOVERNMENT WOULD SAVE  
14 BY NOT HAVING TO KEEP BORDER PATROL AGENTS STATIONED  
15 SO CLOSE TO THE RIVER. I MEAN YOU'RE NOT GOING TO  
16 MOVE EL PASO; YOU'RE NOT GOING TO MOVE COMMUNITIES, SO  
17 IF YOU WERE TALKING ABOUT WHERE IS THE BORDER PATROL  
18 AGENT GOING TO CONFRONT THE UNDOCUMENTED PERSON? IF  
19 THAT'S WHAT YOU'RE TALKING ABOUT, THEN I SAY WHAT'S  
20 WRONG WITH HAVING THEM MEET EACH OTHER OUT IN THE  
21 DESERT IF THEY WANT TO, BUT DON'T HAVE THEM BE MEETING  
22 IN MY NEIGHBORHOOD WHERE MY CHILDREN CAN BE ON THE  
23 LAWN AND SHOTS ARE BEING FIRED. WE'VE GOT TOO MUCH OF  
24 THAT ALREADY.

25 PANELIST MORENO:



1 IN MY INITIAL STATEMENT I REFERRED TO THE ECONOMIC  
2 DISTRIBUTION OF THE PEOPLE IN JUAREZ, MEXICO, AND I  
3 MENTION THE FACT THAT THE SAM'S WHOLESALE CLUB AND THE  
4 MALL THAT ARE LOCATED HERE HAVE VERY HIGH VOLUME IN  
5 SALES NOT SIMPLY BECAUSE I WANT TO GET A PART-TIME  
6 JOB WITH THE TOURIST DEPARTMENT, I MENTION IT FOR THE  
7 FACT THAT WE HAVE A VERY, VERY DEPENDENT ECONOMY AND  
8 CULTURE AND SOCIETY AND, AS WE SPEAK OF THE NORTH  
9 AMERICAN FREE-TRADE AGREEMENT, ERECTING A WALL OR  
10 BUILDING A DITCH, AS SOME OTHERS HAVE RECOMMENDED,  
11 WOULD SIMPLY FLY IN THE FACE NOT ONLY OF THE COM-  
12 MUNITY, FLY IN THE FACE NOT ONLY OF THE COOPERATIVE  
13 RELATIONSHIP WHICH OUR TWO COUNTRIES HAVE ENJOYED, BUT  
14 WOULD FLY IN THE FACE OF THIS NEW NEIGHBORLINESS THAT  
15 WE ARE EXPERIENCING THROUGHOUT THE WORLD. AND  
16 WOULDN'T IT BE IRONIC THAT IF WE OPENED BORDERS IN  
17 EUROPE, WE'RE CLOSING THEM DOWN HERE IN THIS COUNTRY?

18 CHAIRPERSON ARMENDARIZ:

19 I BELIEVE WE HAVE TIME FOR ONE MORE QUESTION. MS.  
20 LIPSHY I BELIEVE WAS NEXT. ANY OTHER COMMITTEE  
21 MEMBERS THAT YOU HAVE QUESTIONS, I RECOMMEND THAT YOU  
22 PUT THEM DOWN IN WRITING. WE WILL GET THEM TO THE  
23 PANELIST OF YOUR CHOICE, AND THEN WE WILL ASK THEM FOR  
24 A RESPONSE.

25 LYNN LIPSHY:

1 THIS WILL BE VERY QUICK, SO THERE MAY BE TIME FOR AN  
2 ADDITIONAL QUESTION.

3 THIS IS REALLY A REQUEST FOR ADDITIONAL INFORMATION.

4 MR. RODRIGUEZ, I WAS INTRIGUED BY YOUR STATEMENT AND

5 RECOMMENDATION THAT COOPERATION BETWEEN COMMUNITY-

6 BASED ORGANIZATIONS AND AGENCIES OF GOVERNMENT MIGHT

7 BE BENEFICIAL. THAT'S A VERY CREATIVE SUGGESTION.

8 WE'VE ASKED FOR A LOT OF INFORMATION, GIVEN YOU A LOT

9 OF HOMEWORK, BUT IS IT POSSIBLE THAT YOU COULD SUBMIT

10 TO THE STAFF IN WRITING SOME SUGGESTIONS, BEYOND THE

11 OBVIOUS ONE OF REVIEW COMMITTEES FOR LAW ENFORCEMENT,

12 OF HOW COMMUNITY-BASED ORGANIZATIONS AND AGENCIES

13 COULD WORK IN CREATING MANNERS TO SOLVE SOME OF THESE

14 PROBLEMS WITH FLOW INFORMATION GOING BOTH WAYS?

15 **PANELIST RODRIGUEZ:**

16 SURE. I MUST TELL YOU THAT IS SOMETHING THAT JUST OC-

17 CURRED TO ME.

18 **CHAIRPERSON ARMENDARIZ:**

19 MS. PARRY, IF YOUR QUESTION IS A BRIEF ONE, WE'LL GO

20 AHEAD.

21 **MADLINE L. PARRY:**

22 CARLOS, DO YOU FEEL THERE IS A RELATIONSHIP BETWEEN

23 THE FEDERAL TRAINING CENTER AND THESE COMPLAINTS? DO

24 THEY UNDERSTAND THESE COMPLAINTS?

25 **PANELIST MORENO:**

1 I'M JOSE MORENO.

2 IS THERE A CONNECTION?

3 COMMITTEE MEMBER PARRY:

4 DO THE FEDERAL TRAINING CENTERS REALIZE WHAT IS GOING  
5 ON BY THEIR AGENTS?

6 PANELIST MORENO:

7 I BELIEVE THAT IT WOULD BE VERY DIFFICULT TO BELIEVE  
8 THAT THEY DO NOT, AND IT IS CONTINUED INPUT -- THIS  
9 BODY HAS HAD HEARINGS IN THE PAST REGARDING ABUSIVE  
10 BEHAVIOR ON THE PART OF THEIR AGENTS, AND THE MESSAGE  
11 HAS BEEN CLEAR TO THEM. AMERICAN FOREIGN SERVICE  
12 COMMITTEE, MEXICAN AMERICAN LEGAL DEFENSE AND EDUCA-  
13 TION FUND, AS WELL AS MANY ORGANIZATIONS SUCH AS MINE,  
14 HAVE MADE NUMEROUS STATEMENTS, COMPLAINTS, AND RE-  
15 QUESTS FOR IMPROVED TRAINING AND OTHER THINGS THAT WE  
16 BELIEVE WOULD BETTER THE PROTECTION OF PEOPLE IN THIS  
17 COMMUNITY AND THE COMMUNITY IN THE UNITED STATES, SO  
18 THEY DO KNOW.

19 CHAIRPERSON ARMENDARIZ:

20 THANK YOU.

21 AT THIS TIME ANY OF THE PANELISTS, IF ANY OTHER QUES-  
22 TIONS WERE ASKED OF ANY PARTICULAR MEMBER BUT YOU  
23 HAVE SOME THOUGHTS ON THAT QUESTION YOURSELF, WE WOULD  
24 WELCOME RESPONSES TO ANY OF THE QUESTIONS THAT WERE  
25 ASKED FROM ANY OF YOU, SO AT THIS TIME I WOULD LIKE TO

1           THANK THIS PANEL AND OUR COMMITTEE MEMBERS FOR THEIR  
2           QUESTIONS, AND IF WE COULD THEN DISMISS THE PANEL SO  
3           THAT WE CAN HAVE OUR NEXT PANEL COME UP, WE WILL ALSO  
4           AT THIS TIME BE ABLE TO GIVE OUR COURT REPORTER A  
5           LITTLE BREAK SO THAT SHE MAY CONTINUE.

6   **REPORTER'S NOTE:**

7           OFF THE RECORD.

8           BACK ON THE RECORD.

9   **CHAIRPERSON ARMENDARIZ:**

10          PANEL NUMBER 2: MARK SCHNEIDER, FROM TEXAS RURAL  
11          LEGAL AID, INC.; RUBEN GARCIA, ANNUNCIATION HOUSE; AND  
12          CARLOS SPECTOR, ATTORNEY AT LAW.

13          PLEASE STATE YOUR NAME FOR THE RECORD.

14   **MARK SCHNEIDER:**

15          MY NAME IS MARK SCHNEIDER. I'M HONORED AND PLEASED  
16          THAT YOU HAVE INVITED ME TO ADDRESS YOU TODAY -- I  
17          HAVE PRINTED OUT COPIES -- I'M THE MANAGING ATTORNEY  
18          AT TEXAS RURAL LEGAL AID, INC. HERE IN EL PASO. WE  
19          PROVIDE FREE LEGAL REPRESENTATION TO FARM WORKERS SUCH  
20          AS THE WORKERS THAT ARE REPRESENTED BY MR. MARENTES,  
21          WHO HAS ALREADY TALKED TO YOU.

22          SINCE I'M AN ATTORNEY WITH EXPERIENCE IN CIVIL-RIGHTS  
23          CASES AND IMMIGRATION MATTERS, I WILL PROVIDE YOU WITH  
24          AN ACCURATE SUMMARY OF THE RELEVANT LAW REGARDING  
25          SEARCH AND SEIZURE BY THE INS, BY THE BORDER PATROL,

1 AND IN MY WRITTEN COMMENTS I HAVE INCLUDED SOME WRIT-  
2 TEN CITATIONS BUT I WILL NOT REVIEW THOSE IN MY VERBAL  
3 COMMENTS. ANY ALLEGATIONS OF ABUSE MUST BE MEASURED  
4 BY THESE STANDARDS THAT THE COURTS, INCLUDING THE  
5 SUPREME COURT, HAVE ARTICULATED.

6 NOW UPON ENTERING THE UNITED STATES AT THE ACTUAL  
7 BORDER, IT'S CLEAR THAT PEOPLE HAVE LESS RIGHTS THAN  
8 ONCE THEY'RE IN THE UNITED STATES, AND THAT MEANS  
9 COMING ACROSS THE BORDER LIKE THE BRIDGES HERE IN EL  
10 PASO. THERE IS ALSO A CONCEPT -- A FUNCTIONAL EQUIV-  
11 ALENT OF A BORDER WHERE YOU HAVE LESS RIGHTS, AND THAT  
12 WOULD BE AT AN INTERNATIONAL ARRIVAL TERMINAL OF AN  
13 AIRPORT. THE CHECKPOINTS THAT ARE ABOUT 80 MILES IN-  
14 LAND FROM HERE AT SIERRA BLANCA ARE NOT THE EQUIVALENT  
15 FUNCTION. I STATED THAT CLEARLY.

16 EXCEPT AS STATED ABOVE AT THE BORDER, ALL STOPS,  
17 SEARCHES, AND SEIZURES OF PEOPLE BY THE INS AND BORDER  
18 PATROL OF THE COUNTRY MUST BE (1) BASED UPON PROBABLE  
19 CAUSE OR REASONABLE SUSPICION OF AN ILLEGAL ACTIVITY;  
20 OR (2) A BRIEF AND CASUAL QUESTIONING; OR (3) BASED ON  
21 FREELY GIVEN CONSENT. "PROBABLE CAUSE" IS DEFINED AS  
22 SUSPICION BASED UPON EVIDENCE KNOWN TO AN OFFICER THAT  
23 WOULD LEAD A CAUTIOUS, REASONABLE PERSON TO BELIEVE  
24 SOMETHING IS TRUE. A "REASONABLE SUSPICION" IS A  
25 LOWER STANDARD, AND THAT'S A SUSPICION BASED UPON

1 SPECIFIC AND ARTICULABLE FACTS THAT THE OFFICER HAS  
2 BEFORE STOPPING SOMEBODY. AFTER YOU STOP SOMEBODY,  
3 YOU DON'T JUST COME UP WITH SOMETHING. YOU HAVE TO  
4 SAY WHY YOU STOPPED SOMEBODY.

5 THE BORDER PATROL IS ALLOWED TO QUESTION PEOPLE RE-  
6 GARDING THEIR IMMIGRATION STATUS WITHOUT REASONABLE  
7 SUSPICION IF THE SO-CALLED SUSPECT IS NOT COMPELLED TO  
8 ANSWER AND IS FREE TO WALK AWAY, AND THIS QUESTIONING  
9 MUST BE BRIEF AND NON-DETENTIVE. A SIMPLE REQUEST FOR  
10 I.D. DOES NOT CONSTITUTE DETENTION. HOWEVER, SUCH A  
11 QUESTIONING BECOMES A DETENTION IF THE OFFICER PRE-  
12 VENTS THE PERSON FROM WALKING AWAY. AN OFFICER CANNOT  
13 LEGALLY DETAIN AN INDIVIDUAL FOR SIMPLY REFUSING TO  
14 ANSWER QUESTIONS OR TO PRODUCE AN I.D. THAT'S NOT  
15 PROBABLE CAUSE. A CONSENT TO BEING STOPPED AND QUES-  
16 TIONED AND SEARCHED MUST BE FREELY GIVEN. IT MUST BE  
17 VOLUNTARY.

18 THE BORDER PATROL AGENT NEEDS AT LEAST REASONABLE SUS-  
19 PICION OF A VIOLATION OF THE IMMIGRATION LAW TO DETAIN  
20 A PERSON FOR VIOLATING THOSE LAWS. A DETENTION OCCURS  
21 WHENEVER THE ACTIONS OF AN OFFICER LEAD A REASONABLE  
22 PERSON TO BELIEVE THAT HE OR SHE IS NOT FREE TO WALK  
23 AWAY OR IS NOT FREE TO REFUSE TO ANSWER QUESTIONS.  
24 SOME INDICATIONS OF A DETENTION, ASIDE FROM BEING AR-  
25 RESTED AND PUT IN HANDCUFFS ARE: (1) THREATENING  
26 PRESENCE OF SEVERAL OFFICERS -- BEING SURROUNDED --

1 (2) A DISPLAY OF WEAPONS; (3) SOME PHYSICAL CONTACT,  
2 SUCH AS A HAND ON THE SHOULDER; AND (4) COERCIVE LAN-  
3 GUAGE OR TONE OF VOICE.

4 TO PERFORM A SEARCH, A BORDER PATROL NEEDS A WARRANT  
5 UNLESS: THE SEARCH IS PURSUANT TO A LAWFUL ARREST;  
6 THERE IS FREELY GIVEN CONSENT; UNLESS THEY'RE IN HOT  
7 PURSUIT; IF THEIR ITEMS ARE IN PLAIN VIEW, SITTING ON  
8 THE FRONT SEAT OF THE CAR; WHERE THERE IS THE THREAT  
9 OF DESTRUCTION OF EVIDENCE.

10 AT FIXED HIGHWAY CHECKPOINTS, LIKE AT SIERRA BLANCA,  
11 THE BORDER PATROL CAN ASK PEOPLE ABOUT IMMIGRATION  
12 STATUS WITHOUT PROBABLE CAUSE. THEY CAN STOP EVERY  
13 CAR AND ASK, "ARE YOU A CITIZEN" OR "ARE YOU A RESI-  
14 DENT," AND THEY ARE ALLOWED TO LOOK IN LARGE COMPART-  
15 MENTS TO SEE IF ANYBODY IS BEING SMUGGLED, BUT FOR ANY  
16 OTHER SEARCH, LIKE A BODY SEARCH, THEY WOULD NEED  
17 PROBABLE CAUSE.

18 IN ORDER TO STOP A PERSON, EXCEPT AT THE BORDER,  
19 BORDER PATROL OR INS MUST HAVE AN ARTICULABLE, REASON-  
20 ABLE SUSPICION THAT THE PERSON IS: (1) AN ALIEN.  
21 THERE ARE MANY RESIDENT ALIENS WHO LIVE HERE, AND THE  
22 SUSPICION IS NOT JUST THAT YOU ARE A NATIONAL OF  
23 MEXICO, BUT THAT YOU ARE ILLEGALLY IN THE UNITED  
24 STATES. AN AGENT'S SUSPICION THAT A PERSON IS AN  
25 "ILLEGAL ALIEN" SHOULD NOT BE BASED SOLELY ON THE

1 PERSON'S ETHNIC APPEARANCE, THE COLOR OF THEIR SKIN.  
2 THE COURTS HAVE SAID A STOP CAN BE BASED UPON A COM-  
3 BINATION OF FACTORS SUCH AS SPEECH, DRESSING, APPEAR-  
4 ANCE, GEOGRAPHIC LOCATION, TYPE OF VEHICLE, IF IT'S  
5 COMMONLY USED FOR SMUGGLING, TIPS, AND REACTIONS TO  
6 QUESTIONS, BUT THE FACT THAT SOMEBODY DOES NOT SPEAK  
7 ENGLISH IN AND OF ITSELF WOULD NOT BE SUFFICIENT OR  
8 THE FACT THAT SOMEBODY IS POOR. YOU WOULD NEED ENOUGH  
9 COMBINATIONS WHERE AN AGENT COULD ARTICULATE WHY YOU  
10 ARE BEING STOPPED, AND THAT PARTICULAR COMBINATION  
11 WOULD SHOW THAT SOMEBODY IS ILLEGAL OR UNDOCUMENTED.  
12 LOCAL POLICE CANNOT ENFORCE CIVIL PROVISIONS OF THE  
13 IMMIGRATION AND NATIONALITY CODE. LOCAL POLICE CANNOT  
14 MAKE ARRESTS FOR CIVIL IMMIGRATION VIOLATIONS, AND  
15 THEY CANNOT DETAIN A PERSON SOLELY ON THE SUSPICION OF  
16 BEING AN UNDOCUMENTED ALIEN AND, OF COURSE, IT IS IL-  
17 LEGAL FOR LAW ENFORCEMENT OFFICERS, INCLUDING IMMI-  
18 GRATION OFFICERS, TO USE UNNECESSARY FORCE OR DEADLY  
19 FORCE UNLESS THERE IS GOOD REASON. THEY CANNOT SHOOT  
20 OR INTIMIDATE PEOPLE WITHOUT GOOD REASON.  
21 IN 1982 CHIEF JUDGE LUCIUS BUNTON, OF THE UNITED  
22 STATES DISTRICT COURT FOR WEST TEXAS, HELD THAT THE  
23 I.N.S. WAS ILLEGALLY QUESTIONING AND DETAINING PEOPLE  
24 IN EL PASO -- THAT'S THE DECISION THAT MARGARITO  
25 RODRIGUEZ REFERRED TO EARLIER -- AND I'VE PASSED OUT



1 SEVERAL COPIES OF THIS DECISION. I DIDN'T KNOW IF  
2 THERE WERE ENOUGH FOR EVERYBODY. IN THAT CASE THE  
3 I.N.S., ALONG WITH THE POLICE, WENT INTO BARS AND DE-  
4 TAINED PEOPLE SOLELY BECAUSE OF THEIR ETHNIC APPEAR-  
5 ANCE. THE JUDGE ENTERED A PERMANENT INJUNCTION FROM  
6 I.N.S. DETAINING PEOPLE TO INVESTIGATE THEIR IMMIGRA-  
7 TION STATUS OR ARRESTING THEM WITHOUT A REASONABLE  
8 SUSPICION THAT A PERSON IS ILLEGALLY IN THE UNITED  
9 STATES.

10 IN A CONSENT ORDER, THE I.N.S. AGREED TO PAY \$14,000  
11 TO THE FOUR VICTIMS WHOSE RIGHTS WERE VIOLATED, AND  
12 ACCORDING TO THE PERMANENT INJUNCTION, WHICH IS STILL  
13 IN EFFECT, AND THAT INJUNCTION SAYS THEY CANNOT IL-  
14 LEGALLY QUESTION, DETAIN, AND ARREST PEOPLE IN EL  
15 PASO.

16 BASED UPON MY OWN KNOWLEDGE IN WORKING WITH FARM  
17 WORKER CLIENTS AND OTHER MEMBERS OF THE COMMUNITY AND  
18 FROM INCIDENTS I HAVE WITNESSED PERSONALLY, I CAN TES-  
19 TIFY THAT THE BORDER PATROL AND EL PASO POLICE HAVE  
20 BEEN VIOLATING THE LAW IN STOPPING, QUESTIONING,  
21 SEARCHING, AND DETAINING INDIVIDUALS.

22 YOU'VE HEARD ABOUT THE FOOT PATROL, JOINT POLICE AND  
23 BORDER PATROL MEASURES DOWN IN SOUTH EL PASO AND OTHER  
24 PARTS OF THE TOWN. THIS IS A PARTICULARLY SUSPECT  
25 ACTIVITY BECAUSE THEY JOINTLY DETAIN AND QUESTION  
26 USUALLY YOUNG MALES WHO APPEAR TO BE OF MEXICAN

1           DESCENT. THE GENERAL PRACTICE IS THAT THE POLICE  
2           DEMAND AN I.D. IF THE I.D. IS NOT PRODUCED OR IF IT'S  
3           NOT SUFFICIENT TO PROVE LEGAL RESIDENCY, THEN THE  
4           PERSON IS ARRESTED BY THE BORDER PATROL.

5           I HAVE PERSONALLY WITNESSED THAT THIS PROCESS IS  
6           NEITHER CONSENSUAL NOR BRIEF AND VOLUNTARY QUES-  
7           TIONING. LATER ON TODAY, I BELIEVE AT THE PUBLIC COM-  
8           MENT SESSION, A YOUNG GRADUATE OF BOWIE HIGH SCHOOL  
9           FROM SOUTH EL PASO WILL TELL YOU VICTIMS OF I.N.S.  
10          ABUSE ARE ILLEGALLY DETAINED UNTIL THEY PROVE THEY'RE  
11          LEGALLY IN THE UNITED STATES. THIS YOUNG CITIZEN OF  
12          MEXICAN DESCENT WILL TELL YOU THAT HE WAS DETAINED FOR  
13          AN HOUR AND BEATEN BY THE BORDER PATROL BECAUSE HE  
14          EXERCISED HIS LAWFUL RIGHT TO REFUSE TO ANSWER ANY  
15          QUESTIONS. HE WAS TAUGHT THESE RIGHTS IN HIGH  
16          SCHOOL.

17          THE ROLE OF INS IS TO FAITHFULLY CARRY OUT THE LAWS AS  
18          ENACTED BY CONGRESS AND INTERPRETED BY THE COURTS.  
19          THEIR JOB IS NOT TO RANDOMLY QUESTION AND DETAIN  
20          PEOPLE BASED ON ETHNIC APPEARANCE. I THINK IT'S A  
21          SAD SITUATION WHEN A GOVERNMENT AGENCY REFUSES TO  
22          FOLLOW THE LAW.

23          AS FAR AS RECOMMENDATIONS, I WOULD RECOMMEND THAT IF  
24          GOVERNMENT AGENCIES CANNOT AND WILL NOT FOLLOW THE  
25          LAW AS SET OUT BY CONGRESS, THEN WE'RE GOING TO NEED

1 TO HAVE LOCAL ATTORNEYS AND GROUPS FILING MORE LAW-  
2 SUITS. THERE HAVE NOT BEEN VERY MANY LAWSUITS --  
3 SOMEBODY ASKED THAT EARLIER -- BECAUSE IT TAKES A LOT  
4 OF EFFORT TO DO IT. IT'S HARD FOR LOCAL ATTORNEYS TO  
5 GET THE RESOURCES TO DO IT. FIGHTING GOVERNMENT IN  
6 COURT IS VERY DIFFICULT, BUT THERE HAVE BEEN SEVERAL  
7 SUITS OVER THE PAST COUPLE OF YEARS FOR DAMAGES AND  
8 FOR INJUNCTIVE RELIEF. AND LOCAL LAWYERS NOW ARE  
9 TALKING ABOUT MOVING FOR CONTEMPT OF THIS MENDOZA  
10 INJUNCTION BY JUDGE BUNTON. YOU MAY BE SEEING THAT IN  
11 THE NEXT THREE OR FOUR MONTHS GOING BACK TO COURT AND  
12 ASKING HIM TO PUNISH THE INS FOR FAILING TO COMPLY  
13 WITH THE FEDERAL COURT ORDER.

14 AND IT SEEMS LIKE THAT INJUNCTION IS HONORED MORE IN  
15 THE BREACH THAN IN THE FOLLOWING: IF ANYBODY IN THIS  
16 COMMISSION WALKS DOWN OVER LUNCH TO SOUTH EL PASO AND  
17 SPENDS AN HOUR ON THE STREETS, YOU'LL PROBABLY WITNESS  
18 ILLEGAL STOP AND SEARCH AND MAYBE SEIZURE. I THINK  
19 THAT IF INTERNALLY WITHIN THE INS AND CUSTOMS PEOPLE  
20 WERE PROMOTED FOR FOLLOWING THE LAW AS OPPOSED TO  
21 PRODUCING OF WHO MAKES THE MOST ARRESTS, I THINK THAT  
22 AGENCY CAN VERY QUICKLY COMPLY WITH THE LAW. I THINK  
23 IT'S A MANAGING PROBLEM WITHIN THE AGENCY.

24 AND JUST TO ADDRESS THE QUESTION ABOUT WHETHER IT  
25 WOULD BE BETTER TO STOP PEOPLE AT THE RIVER AND BUILD

1 BRIDGES OR PUT CORONAS IN THE RIO GRANDE OR WHATEVER,  
2 THAT WOULD TELL, I THINK, THAT IN EL PASO THERE IS A  
3 CONSCIOUS DECISION TO LET PEOPLE ENTER AT THE RIVER  
4 BECAUSE THERE IS AN ECONOMIC NEED IN THIS COMMUNITY  
5 FOR LABOR FROM JUAREZ. JUAREZ AND EL PASO, IN  
6 ESSENCE, ARE ONE BIG COMMUNITY SEPARATED BY A RIVER.  
7 EL PASO EXISTS HERE ONLY BECAUSE IT IS ON THE BORDER.  
8 OTHERWISE, WE WOULD BE A TRUCKSTOP, LIKE VAN HORN OR  
9 SIERRA BLANCA, THAT IS IN THE MIDDLE OF THE DESERT.  
10 THIS IS THE LARGEST AREA, I'VE HEARD, IN THE WORLD IN  
11 THE MIDDLE OF A DESERT, AND WE'RE 10 HOURS FROM SAN  
12 ANTONIO, FIVE HOURS FROM ALBUQUERQUE.

13 EL PASO AND JUAREZ ARE REALLY TIED TOGETHER IN MANY  
14 WAYS. PEOPLE IN EL PASO HAVE FAMILY MEMBERS IN JUAREZ  
15 AND VICE VERSA, AND I THINK THE BORDER -- MY PERCEP-  
16 TION IS THAT THE I.N.S. REALIZES THAT IT IS IMPOSSIBLE  
17 TO STOP IMMIGRATION ACROSS THE RIVER BECAUSE OF THE  
18 ECONOMIC REALITIES, AND THEY, FOR THE MOST PART, HAVE  
19 MOVED THEIR ENFORCEMENT EFFORTS TO THE CHECKPOINTS 80  
20 MILES WITHIN THE COUNTRY.

21 I THINK THAT THE BORDER PATROLMEN/I.N.S. OFFICIALS'  
22 WORK IS PROBABLY VERY FRUSTRATING KNOWING THAT THEY  
23 CATCH PEOPLE, THEY BRING THEM BACK ACROSS THE BRIDGE,  
24 AND THE NEXT DAY PEOPLE COME BACK. AND I THINK IT'S  
25 VERY HARD. WE HAVE TO LOOK AT THE REALITIES IF WE'RE

1 GOING TO DEAL WITH THE SITUATION, AND I THINK TO ALLOW  
2 LAW ENFORCEMENT OFFICIALS TO VENT THEIR FRUSTRATION ON  
3 PEOPLE BY THROWING ROCKS IN THE TRAIN OR BY PUSHING  
4 PEOPLE AROUND IS WRONG. WE NEED TO STEP BACK AND LOOK  
5 AT WHAT THE REALITIES ARE AND WHAT THE ISSUES ARE AND  
6 HOW WE CAN BEST DEAL WITH IT WITHOUT VIOLATING THE  
7 RIGHTS OF THE PEOPLE WHO LIVE IN EL PASO, WITHOUT  
8 ABUSING INDIVIDUALS WHO MAY ILLEGALLY ENTER THIS  
9 COUNTRY, BUT THERE IS STILL NO EXCUSE FOR PHYSICAL  
10 ABUSE THAT GOES ON.

11 THANK YOU VERY MUCH FOR YOUR ATTENTION. I'LL BE GLAD  
12 TO ANSWER YOUR COMMENTS LATER.

13 CHAIRPERSON CANALES:

14 MR. GARCIA, WOULD YOU STATE YOUR NAME, PLEASE, AND WHO  
15 YOU REPRESENT?

16 RUBEN GARCIA:

17 GOOD MORNING. I TOO WOULD LIKE TO EXPRESS MY GRATI-  
18 TUDE AT THE OPPORTUNITY OF BEING HERE WITH YOU THIS  
19 MORNING. MY NAME IS RUBEN GARCIA. I AM THE DIRECTOR  
20 OF AN ORGANIZATION KNOWN AS ANNUNCIATION HOUSE.  
21 ANNUNCIATION HOUSE REALLY CONSISTS OF A NUMBER OF  
22 HOUSES OF HOSPITALITY THAT FUNCTION HERE ON THE  
23 BORDER -- ON BOTH SIDES OF THE BORDER -- IN EL PASO  
24 AND IN JUAREZ, AND FOR THE PAST 14 YEARS OUR WORK HAS  
25 CONSISTED PRIMARILY OF OFFERING HOSPITALITY, SHELTER

1 TO HOMELESS PEOPLE, WITH A SPECIFIC FOCUS AND EMPHASIS  
2 ON THE UNDOCUMENTED AND REFUGEES. PERHAPS BECAUSE OF  
3 THE FOCUS AND THE EMPHASIS OF OUR WORK, PROBABLY WE  
4 ARE IN A UNIQUE SITUATION IN THAT THE VAST MAJORITY OF  
5 PEOPLE WITH WHOM WE WORK ON A DAY IN/DAY OUT BASIS, IN  
6 FACT, ARE UNDOCUMENTED, MANY FROM CENTRAL AMERICA,  
7 MANY FROM MEXICO, A FEW FROM AS FAR AWAY AS SOUTH  
8 AMERICA.

9 OUR DAY-TO-DAY WORK CONSISTS OF PROVIDING OR RE-  
10 SPONDING TO BASIC HUMAN NEEDS: A PLACE TO SLEEP,  
11 FOOD, CLOTHING, ETC. WE DO THIS WITHOUT REGARD TO  
12 WHERE THE INDIVIDUAL IS FROM OR WHAT IT IS THAT LED  
13 THEM TO OUR DOOR. WE SIMPLY RESPOND TO THE HUMAN  
14 NEED. WE'VE BEEN AT THIS -- I'VE BEEN AT THIS FOR  
15 OVER 14-AND-A-HALF YEARS, AND I'M HERE THIS MORNING TO  
16 SPEAK FROM THAT EXPERIENCE. IT'S A VERY DOWN-TO-  
17 EARTH, CONCRETE EXPERIENCE, AND SO MY COMMENTS AND  
18 OBSERVATIONS COME FROM THAT.

19 FIRST LET ME PROVIDE YOU SOME OF THE EXAMPLES WHICH  
20 RAISE THE CONCERN THAT I HAVE ABOUT WHAT HAPPENS HERE  
21 ON THE BORDER. THOSE EXAMPLES INCLUDE A STUDENT AT  
22 ONE OF OUR LOCAL HIGH SCHOOLS HERE ON THE BORDER WHO  
23 WAS PICKED UP AT ABOUT 5:00 O'CLOCK IN THE EVENING BY  
24 A BORDER PATROL AGENT AND WHO THE NURSE PHONED ME THE  
25 NEXT MORNING TO TELL ME THAT HE DROVE AROUND IN THE

1 CAR WITH HER THE ENTIRE NIGHT MAKING SUGGESTIONS AS  
2 TO WHAT HIS AUTHORITY WAS OR WAS NOT, THE NURSE  
3 CALLING ME THE NEXT DAY TO SAY HE FINALLY RELEASED HER  
4 AT ABOUT 5:00 OR 6:00 IN THE MORNING -- SHE WAS  
5 UNDOCUMENTED, AND SHE WAS A STUDENT IN OUR HIGH  
6 SCHOOL -- ASKING ME, "WHERE DO WE GO WITH SOMETHING  
7 LIKE THIS?" OUT OF A LACK OF A BELIEF THAT IT IS POS-  
8 SIBLE TO HAVE THINGS LIKE THIS ADDRESSED WITHIN THE  
9 STRUCTURE, MY SUGGESTION WAS "GO TO THE CONGRESSMAN'S  
10 OFFICE."

11 EXAMPLES SUCH AS HAVING ONE OF OUR GUESTS WHO WAS  
12 UNDER THE PROCESS OF POLITICAL ASYLUM CROSSING THE  
13 STREET FROM WHERE OUR SHELTER IS, GOING TO BUY A COKE,  
14 AND BY COINCIDENCE ENCOUNTERING A BORDER PATROL TRUCK,  
15 HAVING HIM GRAB HIM FROM THE HAIR, SPINNING HIM  
16 AROUND, AND THE OPENING QUESTION BEING "OYE TU,  
17 CABRON, DE DONDE ERES?" IN FACT, THE GENTLEMAN WAS  
18 FROM EL SALVADOR AND HAD ALREADY FILED FOR POLITICAL  
19 ASYLUM. THE EXAMPLE OF HAVING OUR OWN SHELTER RAIDED,  
20 PUT UNDER SURVEILLANCE, THE NEXT MORNING HAVING OUR  
21 VANS THAT WE LOADED UP WITH PEOPLE TO TAKE THEM TO AN  
22 8:30 SPANISH MASS AT ST. PATRICK'S CATHEDRAL, WHICH IS  
23 THE SPANISH MASS, AND THERE HAVING THE VEHICLE IN THE  
24 PARKING LOT OF THE CHURCH SURROUNDED BY FOUR BORDER  
25 PATROL TRUCKS, HAVING EVERYBODY ARRESTED.

1 TO HAVE OUR OWN SHELTER RAIDED, PEOPLE COMING THROUGH  
2 THE FACILITIES, MY ASKING THE AGENT IN CHARGE "WHY IS  
3 IT, AND UNDER WHAT AUTHORITY HAVE YOU ENTERED THIS  
4 BUILDING," TO HAVE THE RESPONSE GIVEN TO ME, "WHAT  
5 YOU'RE DOING IS ILLEGAL, AND I CAN ARREST YOU AND LOCK  
6 YOU UP FOR TWO YEARS." THERE WAS NO SEARCH WARRANT.  
7 TO HAVING OUR FACILITY IN THE MIDDLE OF THE NIGHT --  
8 11:00, 12:00, 1:00 IN THE MORNING HAVE BORDER PATROL  
9 TRUCKS RUNNING UP AND DOWN THE STREET BLOWING THEIR  
10 HORNS, FLASHING THEIR LIGHTS ON OUR BUILDING, TER-  
11 RIFYING OUR PEOPLE.

12 TO HAVING A LADY WHO ONCE STAYED AT OUR HOUSE, WHO NOW  
13 LIVES ELSEWHERE, WHO WAS UNDOCUMENTED, THE MOTHER OF  
14 TWO AMERICAN CITIZENSHIP CHILDREN, WHO BECAUSE OF ILL-  
15 NESS IN HER FAMILY, WHOSE MOTHER'S ILLNESS, GOING BACK  
16 TO CHIHUAHUA, COMING BACK ACROSS THE RIVER AND BEING  
17 STOPPED, HAVING HER TWO CHILDREN, APPROXIMATELY EIGHT  
18 AND SIX YEARS, SEPARATED FROM HER AND BEING TOLD, "IF  
19 YOU DON'T SIGN WHAT IT IS WE WANT YOU TO SIGN, THEN  
20 WE'RE GOING TO HOLD YOU AND CALL WELFARE AND HAVE YOUR  
21 CHILDREN TAKEN AWAY FROM YOU."

22 TO HAVING ONE OF OUR AUTOMOBILES WITH AN INDIVIDUAL  
23 WHO WAS UNDOCUMENTED DETAINED BY IMMIGRATION AND  
24 RELEASED ON THEIR OWN RECOGNIZANCE IN THE FRONT SEAT  
25 PASSENGER SEAT OF THE VEHICLE AND HAVING A BORDER



1 PATROL TRUCK CUT OUR VEHICLE OFF, SIMPLY MAKING IT  
2 SWERVE TO THE RIGHT, ALMOST CAUSING AN ACCIDENT,  
3 HAVING THE AGENTS GET OFF, NEVER ADDRESSING OUR  
4 DRIVER -- OUR STAFF PERSON -- BUT GOING OVER TO THE  
5 PASSENGER SIDE AND ASKING THAT LADY FOR HER PAPERS,  
6 LATER TO GET AN EXPLANATION THAT THE REASON HE DID  
7 THIS IS BECAUSE HE HAD BEEN THE ONE TO DETAIN HER AND  
8 PRESUMABLY ALSO THE ONE WHO HAD RELEASED HER AND HE  
9 WANTED TO MAKE SURE THAT SHE HAD PAPERS.

10 TO, MORE RECENTLY, HAVING ONE OF OUR GUESTS CATCH A  
11 PLANE TO WYOMING, A CITIZEN OF GUATEMALA, BUT WITH HIS  
12 RESIDENCY PAPERS, STOPPED AT THE AIRPORT AND DETAINED,  
13 OBSCENITIES USED, CAUSED TO LOSE HIS PLANE ON THE  
14 BASIS THAT THE PICTURE ON HIS RESIDENCY CARD DID NOT  
15 LOOK LIKE THE INDIVIDUAL BEFORE THEM. AFTER THE COM-  
16 PUTER CHECK, AFTER VERIFYING IT AND, IN FACT, CERTI-  
17 FYING THAT THE INDIVIDUAL WAS THE PERSON ON THE RESI-  
18 DENCY CARD, LETTING HIM GO, WITHOUT ANY SENSE OF  
19 "WE'VE INCONVENIENCED YOU. WE'VE MADE YOU MISS YOUR  
20 FLIGHT. WHERE ARE YOU GOING TO SPEND THE NIGHT,"  
21 ETC., ETC.

22 I SHARE THIS WITH YOU BECAUSE THESE ARE SOME OF THE  
23 DAY IN/DAY OUT TYPES OF SITUATIONS THAT WE BECOME  
24 AWARE OF. IN THE PROCESS WE ARE ALSO AWARE OF THE  
25 VAST FLOW AND NUMBERS OF PEOPLE WHO ARE CONTINUALLY

1 COMING ACROSS AND THE INABILITY OF LOCAL BORDER PATROL  
2 IN KNOWING WHAT TO DO. OVER THE 14 YEARS WE HAVE CON-  
3 SISTENTLY HAD BORDER PATROL/IMMIGRATION REFER PEOPLE  
4 THAT THEY HAVE DETAINED AND HAVE NO PLACE TO ACTUALLY  
5 LOCK UP REFERRED TO OUR SHELTER, SOMETIMES ARRIVING  
6 WITH LITTLE PIECES OF PAPER WITH JUST THE NAME OF OUR  
7 SHELTER AND ADDRESS TYPED IN, OTHER TIMES DROPPING  
8 THEM OFF TWO OR THREE BLOCKS FROM OUR HOUSE AND  
9 POINTING THE BUILDING OUT AND SAYING, "IF YOU GO  
10 THERE, THEY WILL HELP YOU."

11 ONE TIME AT ABOUT 10:00, 10:30 AT NIGHT HAVING AN  
12 ENTIRE VAN PULL UP IN OUR PARKING LOT AND THROUGH THE  
13 WINDOW TAP ON IT TO GET MY ATTENTION AND MY GOING OUT  
14 THERE AND HAVING THE BORDER PATROL AGENTS SAY TO ME,  
15 "ALL OF THESE PEOPLE ARE FROM HONDURAS, AND THEY HAVE  
16 GOT SOME SMALL BABIES. IT'S VERY COLD, AND I THINK  
17 ONE OF THEM IS SICK AND I JUST CAN'T PUT THEM OUT ON  
18 THE STREET. WILL YOU GUYS HELP THEM" AND US TAKING  
19 THEM ALL IN.

20 IT IS A RELATIONSHIP, AND IT IS A HISTORY THAT HAS  
21 PROVIDED US WITH MANY EXAMPLES OF BOTH THE HUMAN AND  
22 REAL CONCERN ON THE PART OF PEOPLE THAT HAVE BEEN  
23 CALLED UPON TO ENFORCE POLICY OF ENFORCEMENT AND PRO-  
24 TECTION OF OUR BORDERS, TO THE FRUSTRATION AND THE  
25 LACK OF RESPECT FOR THE RIGHTS OF INDIVIDUALS THAT

1 COMES FROM THE MAGNITUDE OF THE PROBLEM. THE CONCERNS  
2 THAT THIS RAISES FOR ME IS, FIRST, THE EASE WITH WHICH  
3 PEOPLE CAN BE INTIMIDATED. THE VAST MAJORITY OF THE  
4 PEOPLE THAT I WORK WITH ARE EXTREMELY INTIMIDATED,  
5 FEARFUL, AND THEIR RIGHTS ARE THE ABSOLUTE LAST THING  
6 THAT THEY FEEL THAT THEY ARE ABLE TO PROTECT.

7 SECOND, THE FEAR THAT PEOPLE HAVE OF WHAT IS GOING TO  
8 HAPPEN TO THEM, THE ABSOLUTE INABILITY TO WANT TO STEP  
9 FORTH AND TO SAY, "THIS WAS DONE TO ME" OR "THIS IS  
10 THE WAY THAT I WAS TREATED." BECAUSE OF THE LACK OF  
11 PROCEDURES OR AVENUES THROUGH WHICH QUESTIONS LIKE  
12 THAT CAN BE ADDRESSED THAT TAKE INTO ACCOUNT THE RIGHT  
13 TO PROTECT THE INDIVIDUAL WHO IS LODGING A PROTEST,  
14 IT IS IMPOSSIBLE FOR ME TO COME HERE BEFORE YOU AND TO  
15 SPEAK OF THIS PROBLEM WITHOUT MAKING REFERENCE OR  
16 ALLUDING TO THE CONTEXT IN WHICH ALL THIS TAKES PLACE.  
17 AS HAS ALREADY BEEN STATED, WE ARE A BORDER COMMUNITY.  
18 WE ARE A COMMUNITY THAT, IN FACT, LIVES OUT ITS RE-  
19 ALITY IN RELATIONSHIPS TO PEOPLE IN ANOTHER COUNTRY.  
20 WE ARE A COMMUNITY THAT IS CONTINUALLY IMPACTED BY  
21 POLICIES OVER WHICH WE HAVE NO CONTROL.

22 WE ARE WILLING TO SEND HUNDREDS OF MILLIONS OF DOLLARS  
23 OF GUNS AND MILITARY AID TO OTHER COUNTRIES, BUT WHEN  
24 WE SEE THE EFFECTS ON OUR BORDER, WE WANT TO PRETEND  
25 THAT IT IS SIMPLY AN ISSUE OF SAYING THE BORDER PATROL

1 CONTROL THE BORDERS. WE WANT TO UNDERTAKE POLICIES OF  
2 GREATER ECONOMIC RELATIONSHIPS WITH MEXICO AND  
3 COUNTRIES SOUTH WHEREBY THE GOODS, THE SERVICES THAT  
4 COME FROM THE SWEAT OF THE PEOPLE IN THESE COUNTRIES  
5 ARE WELCOME, ENCOURAGED. AND SO WE BRING OR CAUSE OR  
6 HELP BUY ECONOMIC RELATIONSHIPS TO CREATE INCREDIBLE  
7 EXODUSES INTERNALLY FROM THE INTERIOR OF MEXICO TO THE  
8 BORDER AREA, AND THEN WE TURN AROUND AND SAY TO THE  
9 BORDER PATROL, "BUT IT'S YOUR JOB TO KEEP THE IMPACT  
10 OF ALL THIS FROM ENTERING INTO THE UNITED STATES."  
11 MUCH OF WHAT WE'RE HAVING TO DEAL WITH IS, IN FACT,  
12 THE RESULT OF POLICIES OVER WHICH WE HAVE LITTLE CON-  
13 TROL, AND SO OUTSIDERS WHO COME TO THE BORDER ARE CON-  
14 TINUALLY AMAZED AT THE TOLERANCE WITH WHICH PEOPLE  
15 HERE ON THE BORDER PUT UP INSOFAR AS THE WAY THAT  
16 PEOPLE ARE TREATED. THE DIFFICULTY OF WALKING IN THE  
17 DOWNTOWN AREA WITHOUT BEING CONSCIOUS OF THE FEAR THAT  
18 YOU CAN BE STOPPED SIMPLY BECAUSE YOU LOOK DIFFERENT  
19 AND MAKE NO QUESTION ABOUT IT THAT IS WITHOUT QUESTION  
20 THE GREATEST -- THE APPEARANCE OF PEOPLE IS THE SINGLE  
21 GREATEST FACTOR HERE ON THE BORDER THAT DETERMINES  
22 WHETHER OR NOT SOMEONE IS GOING TO BE APPROACHED OR  
23 SOMEONE IS GOING TO BE STOPPED AND QUESTIONED AND  
24 POSSIBLY DETAINED.  
25 THANK YOU VERY MUCH FOR THE OPPORTUNITY TO SHARE SOME

1 COMMENTS AND REFLECTIONS WITH YOU, AND I TOO WOULD BE  
2 MORE THAN HAPPY TO SHARE ANY QUESTIONS THAT YOU MAY  
3 HAVE.

4 CHAIRPERSON CANALES:

5 MR. SPECTOR.

6 CARLOS SPECTOR:

7 MY NAME IS CARLOS SPECTOR. I'M A LOCAL ATTORNEY, BORN  
8 AND RAISED IN EL PASO.

9 AS A LOCAL SOLO PRACTITIONER WHO HANDLES A VARIETY OF  
10 FEDERAL COURT TORT CLAIMS ACTS AGAINST THE BORDER  
11 PATROL AND CUSTOMS, I WOULD BRIEFLY IN MY INTRODUCTORY  
12 COMMENTS LIKE TO SAY THAT THE SINGLE BIGGEST PROBLEM  
13 IN DEALING WITH FEDERAL LAW ENFORCEMENT OFFICIALS,  
14 SPECIFICALLY CUSTOMS AND THE BORDER PATROL, IS GETTING  
15 INFORMATION TO THE COMMUNITY AS TO TO WHOM DO THEY  
16 COMPLAIN AND TO CUT THROUGH THE VARIOUS TRAPS AND  
17 IMPEDIMENTS IMPOSED BY LOCAL LAW ENFORCEMENT OFFI-  
18 CIALS.

19 FOR EXAMPLE, I'VE GOT A CLIENT, MR. VELASQUEZ, WHO WE  
20 HAVE RECENTLY FILED A CLAIM ON HIS BEHALF, WHO WAS  
21 BEATEN UP AT THE BORDER -- A PERMANENT RESIDENT BEATEN  
22 UP. TO MAKE A LONG STORY SHORT, HIS WIFE GOES TO THE  
23 SUPERVISOR AT THE BRIDGE TO COMPLAIN ABOUT IT, AND THE  
24 SUPERVISOR SAYS, "THE AGENCY SUPERVISOR IS NOT HERE."  
25 WON'T GIVE THEM THE NAME OF THE PERSON TO COMPLAIN

1 WITH. TWO OR THREE DAYS LATER SHE COMES BACK TO MAKE  
2 AN APPOINTMENT FOR HER TO SPEAK TO HIM. TWO OR THREE  
3 WEEKS LATER SHE FINALLY GETS TO HIM, AND WHEN SHE GETS  
4 TO HIM, HE COMPLAINS TO HER, "HOW COME YOU DIDN'T  
5 BRING THIS TO MY ATTENTION?" AND SO IT'S THAT TYPE OF  
6 CATCH 22/TWILIGHT ZONE ARENA IN WHICH WE FIND THESE  
7 TYPE OF COMPLAINTS BEING LODGED.

8 I RECENTLY FILED A COMPLAINT ON HIS BEHALF, AND JUST  
9 TO SHOW YOU THE EXTENT TO WHICH AND THE NASTINESS TO  
10 WHICH THESE FEDERAL AGENCIES ARE DEALING WITH NOT ONLY  
11 ATTORNEYS, BUT ESPECIALLY WITH THE COMMUNITY, IS THAT  
12 ON THE FEDERAL TORT CLAIMS ACT ITSELF THERE IS A PRO-  
13 VISION WHERE IT SAYS, "DO YOU HAVE AN ATTORNEY?"

14 "YES." I PUT MY NAME IN IT, AND THE CLIENT SIGNS IT.  
15 WE FILE THE COMPLAINT. TWO MONTHS LATER THEY SEND IT  
16 BACK AS BEING INVALID BECAUSE THERE IS NOT A LETTER IN  
17 IT FROM THE CLIENT SAYING "THIS ATTORNEY REPRESENTS  
18 ME."

19 SO IT'S ALMOST A TWISTED SICKNESS TO SAY THAT "WE'RE  
20 NOT GOING TO HEAR YOUR COMPLAINT BECAUSE WE'RE SO CON-  
21 CERNED ABOUT YOUR RIGHTS. DOES THIS ATTORNEY REALLY  
22 REPRESENT YOU, OR HAS, IN FACT, HE MISREPRESENTED HIM-  
23 SELF IN REPRESENTING YOU?" THE CLAIM HAS BEEN THROWN  
24 BACK TO US BECAUSE WE DIDN'T HAVE THE LETTER, WHICH  
25 WAS INADVERTENTLY LEFT OUT BY A CLERK.

1 SO WHERE IS THE OFFICE OF THE INSPECTOR GENERAL HERE  
2 IN EL PASO? IT'S LOCATED IN THE WAREHOUSES NEAR THE  
3 AIRPORT. I'M A PRACTICING ATTORNEY. IT TOOK ME AL-  
4 MOST THREE DAYS INITIALLY TO FIND IT. WHO DO YOU MAKE  
5 COMPLAINT TO? I HAVE MADE OUR RECOMMENDATIONS ON A  
6 LOCAL LEVEL THAT I THINK WOULD GO A LONG WAY TO  
7 REMOVING A LOT OF THE ANECDOTAL INFORMATION THAT YOU  
8 HAVE TO DEAL WITH.

9 CIVIL-RIGHTS COMMUNITY SAYS THERE IS A LOT OF IT; LAW  
10 ENFORCEMENT AGENCIES SAY THERE IS NONE. WELL, LET'S  
11 FIND OUT. WHY DON'T WE HAVE ON THE BACK OF A TRUCK,  
12 "IF YOU HAVE A PROBLEM ON THE PRIVATE SECTOR, CALL  
13 THIS NUMBER"? WE SUGGESTED IT TO THE LOCAL BORDER  
14 PATROL AGENTS, AND THEY HIT THE CEILING. IF IT'S NOT  
15 A PROBLEM AND WE IN THE CIVIL-RIGHTS COMMISSION ARE SO  
16 CRAZY AND SICK, THEN SHOW US UP. WHY NOT HAVE IN THE  
17 CELLS A NUMBER: "IF YOU HAVE BEEN ABUSED OR MIS-  
18 TREATED, CALL THIS NUMBER"?

19 DOES ANYBODY KNOW WHO THE OFFICE OF THE INSPECTOR  
20 GENERAL IS? ON THIS COMPLAINT THAT I HAVE, I FILED A  
21 COMPLAINT THREE MONTHS AGO ON CERTIFIED RETURN RECEIPT  
22 REQUESTED. TO THIS DATE WE HAVE NOT RECEIVED ANY  
23 ANSWER FROM THE OFFICE OF THE INSPECTOR GENERAL, SO  
24 IT'S JUST A MAZE FOR THE COMMUNITY AND FOR ATTORNEYS  
25 TO DEAL WITH THESE AGENCIES, NUMBER 1.

1 NUMBER 2 -- AND I KNOW VERY BRIEFLY, BECAUSE I KNOW WE  
2 HAVE LIMITED TIME -- IS THE FACT THIS IS PERCEIVED AS  
3 A MEXICAN PROBLEM. MOST OF MY CLIENTS ARE ANGLO BEING  
4 SEVERLY ABUSED AT THE BORDER BY CUSTOMS BECAUSE ANGLO  
5 AMERICANS OR CITIZENS OF MEXICAN AMERICAN DESCENT ARE  
6 MORE LIKELY AT THE BORDER TO BE MORE COMFORTABLE WITH  
7 THE EXERCISING OF RIGHTS. "WHAT DO YOU MEAN YOU'RE  
8 GOING TO SEARCH ME? WHAT DID I DO?" "SHUT UP." "WHY  
9 SHOULD I SHUT UP?" "YOU ARE ARRESTED FOR DISORDERLY  
10 CONDUCT."

11 AND SO THERE IS A TACIT SOLUTION CALLED DISORDERLY  
12 CONDUCT FOR USING OBSCENE OR OFFENSIVE LANGUAGE  
13 AGAINST A CUSTOMS OFFICIAL, AND SO THERE IS MANY  
14 ARRESTS ON THE BORDER FOR JUST SAYING, "WHAT ARE YOU  
15 DOING?" "YOU DON'T ASK ME WHAT I'M DOING. YOU'RE  
16 INTERFERING WITH A FEDERAL OFFICIAL," AND SO THERE IS  
17 THIS OMNIPOTENT POWER THAT FEDERAL OFFICIALS HAVE IN  
18 WHICH WE HAVE NOWHERE TO LODGE OUR COMPLAINTS.

19 THANK YOU VERY MUCH.

20 CHAIRPERSON CANALES:

21 WE HAVE A VERY LIMITED TIME, ONLY ABOUT EIGHT MINUTES  
22 OF QUESTIONS, UNFORTUNATELY. AT THIS TIME WE WILL  
23 START WITH MR. JOSE GARCIA.

24 JOSE GARCIA DE LARA:

25 MY NAME IS JOSE GARCIA DE LARA. THANK YOU FOR COMING.



1 I ONLY HAVE TWO QUESTIONS. MR. GARCIA, YOU'RE DOING  
2 AN OUTSTANDING JOB.

3 MR. SCHNEIDER, I HAVE ONE QUESTION -- CORRECT ME IF  
4 I'M WRONG -- DID YOU SAY THAT YOU FELT THAT THE  
5 BORDERS OUGHT TO BE OPEN TO THE MEGA FORCE, AND IF YOU  
6 DID, HOW WOULD THIS BE REGULATED?

7 PANELIST SCHNEIDER:

8 I DIDN'T SAY THAT I THOUGHT IT SHOULD OR SHOULD NOT.  
9 I SAID, IN FACT, IT IS IN EL PASO THAT MANY PEOPLE IN  
10 EL PASO HAVE DOMESTICS AND BABYSITTERS AND GARDENERS  
11 WHO COME ACROSS WITHOUT DOCUMENTS, AND I THINK A LOT  
12 OF THE ECONOMY OF THE CITY DEPENDS ON THAT -- THAT  
13 KIND OF LABOR -- AND I THINK THAT'S PROBABLY THE  
14 REASON WHY THE ENFORCEMENT -- ONE OF THE REASONS WHY  
15 THE ENFORCEMENT IS NOT DONE AT THE RIVER.

16 COMMITTEE MEMBER DE LARA:

17 MR. SPECTOR, I KNOW YOUR WORK, AND YOU ARE AN OUT-  
18 STANDING LAWYER AND I REALLY WANT TO COMMEND YOU FOR  
19 THE WORK THAT YOU'VE DONE FOR THE CITIZENS OF THIS  
20 COUNTRY.

21 I THINK IT'S ONLY FAIR TO SAY THAT THE INS AND THE  
22 BORDER PATROL HAVE AN AWSOME, AWSOME JOB. THEY ARE  
23 POORLY FUNDED AND POORLY STAFFED, AND I THINK THAT'S  
24 PROBABLY ONE OF THE BIGGEST PROBLEMS IN THE SOLUTION  
25 TO THIS ISSUE. AND I -- AS A MEMBER OF THE CIVIL-

1 RIGHTS ORGANIZATION, I KNOW MANY MEMBERS OF BOTH THE  
2 I.N.S. AND THE BORDER PATROL, AND I FIND MOST OF THEM  
3 TO BE VERY FINE, RESPECTABLE INDIVIDUALS.

4 HOWEVER, UNFORTUNATELY, THERE HAVE BEEN INCIDENTS  
5 THAT, IN MY OPINION, VIOLATE THE SPIRIT OF THIS  
6 COUNTRY, THE SPIRIT OF AMERICA THAT SAYS, "GIVE US  
7 YOUR POOR, YOUR SICK, AND YOUR HUDDLED MASSES," AND  
8 THEN, ON THE OTHER HAND, WE HAVE AN INCIDENT LIKE WE  
9 HAD FIVE YEARS AGO -- AND THAT'S WHAT I WANT TO ASK  
10 YOU, MR. SPECTOR -- AN INCIDENT WHEREBY FIVE OR SIX  
11 YEARS AGO HERE IN EL PASO WE HAD THE INS SENDING OUT  
12 FLYERS AS A STING OPERATION TO SUPPOSEDLY ALLEGED  
13 ILLEGAL IMMIGRANTS AND TELLING THEM THAT THEY WERE  
14 GOING TO GET A CAR OR SURPRISES AT SOME AUTOMOBILE  
15 DEALERSHIP.

16 ONCE THEY HAD THEM ALL IN THERE, THEY DIVIDED THEM UP,  
17 "ARE YOU AMERICAN CITIZENS" ON ONE SIDE OF THE ROOM;  
18 "ARE YOU ILLEGAL IN THIS COUNTRY" ON THE OTHER SIDE  
19 AND THAT SORT OF THING. TO ME THAT VIOLATES THE  
20 SPIRIT OF THIS COUNTRY, THE BENEVOLENCE OF THIS  
21 COUNTRY. AND THE DIRECTOR, I BELIEVE, WAS MR. GIUGNI,  
22 AND I THINK HE'S STILL DIRECTOR HERE. FROM WHAT I  
23 UNDERSTAND, THE DIRECTOR WENT AHEAD WITH THIS TYPE OF  
24 OPERATION.

25 THE PROBLEM THAT I SEE -- AND CORRECT ME IF I'M

1           WRONG -- MR. SPECTOR, IS SOMETIMES THE LEADERSHIP OF  
2           THE I.N.S. ADVOCATE IMMORAL CONDUCT AMONG ITS GROUPS.  
3           DO YOU FIND THIS TO BE SO?

4           PANELIST SPECTOR:

5           THERE IS, I THINK, MORE OF A PROBLEM ON A NATIONAL  
6           LEVEL WHERE THE NATIONAL LEADERSHIP OF THE IMMIGRATION  
7           AND NATURALIZATION SERVICE IS SENDING A CERTAIN TYPE  
8           OF MESSAGE TO ITS AGENTS -- NOT SO MUCH PROBABLY AT  
9           LOCAL LEVEL, BUT IN TERMS OF NATIONAL LEADERSHIP -- IN  
10          SAYING THEY CAN DO WHATEVER THEY WANT, WHENEVER THEY  
11          WANT BECAUSE THERE IS NOT AN INTERNAL PROCEDURE OR A  
12          PROCEDURE THAT THE COMMUNITY CAN USE TO HOLD THEM  
13          ACCOUNTABLE. AND THAT'S TIED INTO THE OVERWORK AND  
14          THE UNDERSTAFFING THAT AGENCY HAS.

15          ONE OF THEIR SOLUTIONS WOULD BE, OF COURSE, TO JOIN AN  
16          ORGANIZATION LIKE A UNION TO REPRESENT THEIR INTERESTS  
17          AS WORKERS. THE BORDER PATROL AGENTS ARE, IN FACT,  
18          EMPLOYEES AND THEY ARE OVERWORKED AND THEY ARE UNDER-  
19          STAFFED, BUT IT DOESN'T MEAN THAT IF YOU GO IN A  
20          RESTAURANT AND THEY'RE SHORT OF WAITRESSES, THAT YOU  
21          HAVE TO TAKE NASTY BEHAVIOR FROM THOSE INDIVIDUALS, SO  
22          THERE ARE STAFFING PROBLEMS THAT THEY HAVE, AND I  
23          THINK YOU HIT THE NAIL ON THE HEAD BY LOOKING AT IT  
24          FROM A PERSPECTIVE OF THE EMPLOYEES AND FROM NATIONAL  
25          LEADERSHIP. AND SO WHEN YOU HAVE A BAD WORKING

1           CONDITION -- BAD WORKING CONDITIONS FOR EMPLOYEES,  
2           COUPLED WITH A LACK OF LEADERSHIP AND ACCOUNTABILITY,  
3           WE HAVE AN AGENCY RUNNING AMUCK IN TERMS OF ACCOUNT-  
4           ABILITY.

5           CHAIRPERSON CANALES:

6           LET ME REMIND COMMITTEE MEMBERS AGAIN TO PLEASE JUST  
7           MAKE QUESTIONS, AND NOT MAKE STATEMENTS.

8           AT THIS TIME WE GO TO VINCENT MONTOYA NEXT.

9           COMMITTEE MEMBER MONTOYA:

10          VINCENT MONTOYA.

11          MR. SCHNEIDER, RELEVANT, OF COURSE, TO STATEMENTS THAT  
12          WERE MADE REFERENCE TO LITIGATION, FIRST OF ALL, OUR  
13          WHOLE COUNTRY -- THE UNITED STATES -- IS BASED ON THE  
14          LEGAL SYSTEM, WHETHER IT BE LEGAL REPRESENTATION,  
15          LEGAL HEARINGS, AND SO ON AND SO FORTH, AND I CAN  
16          ASSUME THAT IF AN ATTORNEY HAS TROUBLE FINDING THE  
17          APPROPRIATE PROCEDURES TO FOLLOW IN ANY TYPE OF COM-  
18          PLAINT, I HAVE A COUPLE OF QUESTIONS:

19          NUMBER 1, FIRST OF ALL, THOSE PEOPLE THAT SEEK OR CAN  
20          SEEK LEGAL SERVICES, IF I CAN UNDERSTAND, AN ATTORNEY  
21          CHARGES EITHER PER HOUR OR ON A CONTINGENCY IF HE  
22          FEELS HE HAS A CASE TO WIN, WHATEVER TYPE OF LAWSUIT.  
23          LEGAL AID SOCIETY, IF I UNDERSTAND YOUR STATEMENT, YOU  
24          WORK WITH A LOT OF FARM WORKERS IN RELATIONSHIP. ARE  
25          YOUR FUNDS LIMITED IN YOUR ENTITY TO REPRESENT A BROAD

1 SPECTRUM OF ILLEGAL ALIENS, I GUESS, OR UNDOCUMENTED  
2 WORKERS OR WHATEVER YOU WANT TO CALL THEM, THEREFORE  
3 MAKING IT VERY DIFFICULT FOR ANYBODY TO ACQUIRE ANY  
4 TYPE OF LEGAL SERVICES TO ADDRESS WHATEVER PROBLEMS  
5 THEY MAY HAVE? CAN YOU BRIEFLY GIVE US THAT INFOR-  
6 MATION AND IF THERE IS ANOTHER ENTITY WITHIN EL PASO  
7 AND NEW MEXICO, WHEREVER, THAT DOES ADDRESS THAT  
8 ISSUE?

9 PANELIST SCHNEIDER:

10 MY ORGANIZATION, TEXAS RURAL LEGAL AID, ONLY REPRESENTS  
11 FARM WORKERS AND THERE IS ANOTHER LEGAL AID  
12 GROUP IN TOWN THAT REPRESENTS OTHER FOLKS WITH FOOD  
13 STAMP PROBLEMS OR OTHER PROBLEMS, AND WE'RE LIMITED TO  
14 REPRESENT PEOPLE WHO HAVE SOME KIND OF LEGAL STATUS IN  
15 THE UNITED STATES BY CONGRESS.

16 OF COURSE, MY CLIENTS HAVE MANY PROBLEMS: THEY DON'T  
17 GET PAID. THEY DON'T HAVE HOUSING. THEY HAVE PROBLEMS  
18 GETTING SOCIAL SECURITY BENEFITS. AND, QUITE  
19 FRANKLY, I FIND MOST OF MY FARM WORKERS CLIENTS HESITATE  
20 TO COMPLAIN ABOUT PROBLEMS WITH THE POLICE OR  
21 IMMIGRATION AND CUSTOMS BECAUSE THEY HAVE SEEN FROM  
22 THEIR OWN EXPERIENCE THAT COMPLAINTS USUALLY JUST LEAD  
23 TO RETALIATION AS TO --

24 YOU HEARD CARLOS SPECTOR SAY HOW HARD IT WAS FOR HIM,  
25 AS AN ATTORNEY, TO FIND OUT THE COMPLAINT PROCESS, AND

1 PEOPLE WHO TRY TO DEAL WITHOUT AN ATTORNEY USUALLY GET  
2 TURNED AWAY. MARTIN SANCHEZ, A LAW GRADUATE IN MY  
3 OFFICE, WENT DOWN TO THE BRIDGE TO COMPLAIN ABOUT  
4 SOMETHING ONE DAY, AND HE WAS TOLD, "WE DON'T TAKE  
5 COMPLAINTS HERE." THIS IS WITH SOMEBODY WHO IS A  
6 LAWYER AND WHO KNOWS THAT THERE IS SUCH A SYSTEM, SO  
7 I THINK THAT THE LEGAL SYSTEM WORKS SLOW. IT TAKES  
8 MANY YEARS. I'VE HAD OTHER CASES FROM 1982 WHERE  
9 WORKERS DIDN'T GET PAID. 10 YEARS LATER WE'RE STILL  
10 LITIGATING THAT.

11 THE SOLUTION IS NOT FOR US TO TIE UP THE COURTS AND  
12 NOT TO LITIGATE IT IN AN EXPENSIVE AND INEFFICIENT  
13 METHOD. THE CORRECT WAY WOULD BE FOR GROUPS SUCH AS  
14 YOURSELVES TO MAKE RECOMMENDATIONS THAT THESE AGENCIES  
15 WILL FOLLOW, AND WHERE PEOPLE, AND PARTICULARLY  
16 AGENTS, DO NOT FOLLOW THE RULES, LIKE ANY OTHER EM-  
17 PLOYEE OF ANY AGENCY OR ANY GROUP OR COMPANY, YOU  
18 DON'T FOLLOW THE RULES, YOU GET FIRED.

19 NOW HERE YOU MAKE A COMPLAINT. YOU DON'T KNOW WHAT  
20 KIND OF INVESTIGATION TAKES PLACE. YOU NEVER HEAR OF  
21 DISCIPLINE. YOU HEARD THE TALE OF A FEDERAL JUDGE  
22 FINDING INS NEGLIGENT OF KILLING SOMEBODY, AND YET  
23 THAT AGENT WAS NOT DISCIPLINED. WHAT KIND OF MESSAGE  
24 DOES THAT SEND OUT? WHO WOULD RUN ANY ORGANIZATION  
25 WHERE YOU CANNOT ENFORCE SOME DISCIPLINE AND FOLLOW

1 THE RULES; PEOPLE ARE PROMOTED FOR THE WRONG REASON?  
2 RECENTLY, THE HEAD OF CUSTOMS SAID, "DOWN HERE THERE  
3 IS A GOOD-OLD-BOY NETWORK."

4 CHAIRPERSON CANALES:

5 WE ARE OUT OF TIME. THERE IS ONE OTHER COMMITTEE  
6 MEMBER WHO HAS NOT HAD AN OPPORTUNITY. I DO WISH TO  
7 REMIND COMMITTEE MEMBERS THEY MAY SUBMIT QUESTIONS IN  
8 WRITING. AT THIS TIME THE CHAIR RECOGNIZES LORELLA  
9 MONTOYA SALAZAR.

10 LORELLA MONTOYA SALAZAR:

11 I'M FROM NEW MEXICO. MR. SCHNEIDER, I WANTED TO ASK  
12 YOU RELATIVE TO YOUR STATEMENT THAT YOU MIGHT BE  
13 FILING SOME NEW LAWSUITS IN CONSENT IN 1983 ON MENDOZA  
14 VERSUS INS, WHICH JUDGE BUNTON SIGNED, I AM WONDERING  
15 WHY THERE ARE SO MANY WITNESSES TO THESE CLAIMS THAT  
16 HAVE BEEN BROUGHT BEFORE US. HAVE ANY OTHER ATTORNEYS  
17 OR ADVOCACY ORGANIZATIONS ENTERED ANY LAWSUITS THAT  
18 MIGHT BE SUPPORTED BY THAT CONSENT DECREE?

19 PANELIST SCHNEIDER:

20 WELL, ONE END, THE PRIVATE ATTORNEYS OF EL PASO DON'T  
21 HAVE THE RESOURCES TO UNDER -- BRING THIS KIND OF  
22 LITIGATION. IT COSTS TENS OF THOUSANDS OF DOLLARS TO  
23 FIGHT THE GOVERNMENT, TO FIGHT THE INS.  
24 AND SECONDLY, THIS IS JUST A MATTER OF PRIORITIES,  
25 THAT WE HAVE SO MANY OTHER PROBLEMS. I THINK IT

1 REACHED SUCH A CRESCENDO OF COMPLAINTS AND PROBLEMS  
2 THAT WE'RE FINALLY DOING THE RESEARCH TO SEE IF WE  
3 THINK WE CAN BRING THE SUIT AND THAT WE WILL WIN, AND  
4 THERE ARE ALL KINDS OF LEGAL DOCTRINES THAT MAKE IT  
5 VERY HARD TO SHOW PATTERNS AND PRACTICES AND THEN TO  
6 SHOW THAT WAS THE POLICY IN RECENT MANY CASES LIKE  
7 CHOKE-HOLD CASES IN L.A. WHERE THE COURTS WOULD NOT  
8 COME DOWN. SO IT TAKES A LOT OF TIME AND WORK AND  
9 IT'S A LAST RESORT, AND I THINK WE MAY BE AT THAT  
10 POINT NOW. I'M SORRY WE HAVEN'T DONE IT SOONER.

11 CHAIRPERSON CANALES:

12 MR. SCHNEIDER, MR. GARCIA, MR. SPECTOR, THANK YOU VERY  
13 MUCH.

14 CHAIRPERSON ARMENDARIZ:

15 AT THIS TIME WE'RE READY FOR OUR THIRD PANEL. IF THE  
16 FOLLOWING PEOPLE WOULD PLEASE COME UP: DELIA GOMEZ,  
17 FROM THE BORDER RIGHTS COALITION; ANTONIO CARRASCO,  
18 FROM EL PASO; JOSE PEREZ, FROM EL PASO; AND THERE IS A  
19 CHANGE IN THE LAST PERSON ON THAT PANEL. PATTI  
20 PAEGELS, FROM EL PASO, WILL BE REPLACING RAFAELA  
21 RIVERA. THIS HAS COME THROUGH THE PROCESS OF APPROVAL  
22 THAT THE COMMISSION REQUIRES.

23 AT THIS TIME WE WOULD LIKE TO REMIND ANYONE WHO IS  
24 INTERESTED IN PARTICIPATING IN THE OPEN SESSION AFTER  
25 5:00, THAT THEY ARE TO SIGN UP; THAT AN INTERVIEW IS



1           REQUIRED WITH U.S. COMMISSION ON CIVIL RIGHTS STAFF  
2           PRIOR TO YOUR NAME BEING PUT ON THE AGENDA AT THAT  
3           TIME.

4           AGAIN A REMINDER THAT OUR TIME IS LIMITED. WE HAVE  
5           MANY PEOPLE TO LISTEN TO. WE CONSIDER ALL THE INFOR-  
6           MATION THAT WE ARE GATHERING IMPORTANT, AND SO, AGAIN,  
7           COMMITTEE MEMBERS, IF WE COULD MAKE OUR QUESTIONS  
8           BRIEF, IF IT IS POSSIBLE FOR US TO JUST STATE OUR  
9           QUESTIONS AND HAVE OUR PANELISTS SUBMIT THEIR RE-  
10          SPONSES IN WRITING, WE MAY BE ABLE TO HAVE A MUCH  
11          BETTER REPRESENTATION OF INFORMATION IF WE DON'T TAKE  
12          A LOT OF TIME OURSELVES.

13          AT THIS TIME I WOULD LIKE TO REMIND OUR PANELISTS.  
14          WHEN YOU SPEAK, PLEASE STATE YOUR NAME AND YOUR  
15          ORGANIZATION YOU REPRESENT.

16   DELIA GOMEZ:

17          GOOD MORNING. MY NAME IS DELIA GOMEZ, AND I'M  
18          SPEAKING TODAY ON BEHALF OF THE EL PASO BORDER RIGHTS  
19          COALITION.

20          OUR GROUP WAS FORMED ON JULY 26, 1990 AND IT CUR-  
21          RENTLY CONSISTS OF ABOUT NINE ORGANIZATIONS AND  
22          SEVERAL INTERESTED INDIVIDUALS, AND IT WAS FORMED TO  
23          ADDRESS HUMAN-RIGHTS ISSUES AFFECTING THOSE WHO LIVE  
24          ALONG THE BORDER, BOTH U.S. AND MEXICAN CITIZENS. WE  
25          ARE PARTICULARLY CONCERNED WITH THE RELATIONSHIP

1 BETWEEN BORDER RESIDENTS AND BORDER LAW ENFORCEMENT  
2 AGENTS.

3 WE'RE HERE TODAY TO EXPRESS OUR DEEP CONCERN OVER ON-  
4 GOING AND FREQUENT ABUSES OF POWER BY FEDERAL AGENTS  
5 WHO OPERATE ALONG THE U.S./MEXICO BORDER, PARTICULARLY  
6 THE U.S. CUSTOMS SERVICE AND THE BORDER PATROL. LIKE  
7 THE CITIZENS OF OTHER BORDER COMMUNITIES, EL PASOANS  
8 AND JUARENSES LIVE IN AN UNUSUAL POLITICAL ENVIRON-  
9 MENT, ONE IN WHICH LARGE NUMBERS OF IMMIGRATION,  
10 CUSTOMS, AND BORDER PATROL OFFICIALS FUNCTION AS A  
11 FEDERAL POLICE FORCE OVER WHICH OUR LOCAL COMMUNITY  
12 HAS LITTLE OR NO CONTROL, BUT WHICH GREATLY AFFECTS  
13 OUR DAILY LIVES. THIS IS PARTICULARLY, BUT NOT EXCLU-  
14 SIVELY, TRUE FOR THOSE WHO CROSS THE BORDER ON A  
15 REGULAR BASIS, AS YOU WILL FROM EXAMPLES I WILL GIVE  
16 THROUGHOUT THIS STATEMENT. TOO OFTEN IN THEIR KEEN-  
17 NESS TO CARRY OUT THE MANDATE OF PROTECTING OUR  
18 BORDERS, THESE AGENCIES AND THEIR AGENTS LOSE SIGHT OF  
19 A CORRELATIVE RESPONSIBILITY THAT, IN OUR VIEW, IS AT  
20 LEAST EQUALLY IMPORTANT, AND, THAT IS, TO ENSURE THAT  
21 THE LEGAL AND HUMAN RIGHTS OF BOTH DOCUMENTED AND  
22 UNDOCUMENTED BORDER RESIDENTS ARE PROTECTED AS AGENTS  
23 CARRY OUT THEIR DUTIES.

24 ONE OF THE PRIMARY MISSIONS OF THE BORDER RIGHTS COA-  
25 LITION IS TO DOCUMENT SOME OF THESE ABUSES, AND WE

1 MAINTAIN AND OPERATE A DEDICATED HOTLINE THAT'S  
2 OPERATED FOR ABOUT FOUR MONTHS. THROUGH THIS HOTLINE  
3 WE RECEIVE AND DOCUMENT CITIZEN REPORTS OF ABUSES OF  
4 AUTHORITY BY FEDERAL ENFORCEMENT AUTHORITIES, AND  
5 BEFORE THAT HOTLINE WAS SET UP, WE WERE DOCUMENTING  
6 CASES THAT CAME THROUGH OUR DIFFERENT ORGANIZATIONS AS  
7 THEY CAME UP. WE DO THIS IN COOPERATION WITH THE  
8 IMMIGRATION LAW ENFORCEMENT MONITORING PROJECT, CALLED  
9 ILEMP, OF THE AMERICAN FRIENDS SERVICE COMMITTEE. IN  
10 CONNECTION WITH THIS WORK WE HEAR WITH DISCOURAGING  
11 AND INCREASING FREQUENCY OF ABUSIVE BEHAVIORS BY  
12 OFFICIALS. THESE ABUSES INCLUDE INCIDENTS OF VERBAL  
13 AND PSYCHOLOGICAL ABUSE SUCH AS RACIAL INSULTS,  
14 THREATS, AND RUDE LANGUAGE, TO INCIDENTS OF PHYSICAL  
15 COERCION AND INJURY. FOLLOWING MY TESTIMONY YOU'LL  
16 HEAR FROM JOSE PEREZ, A DISABLED U.S. CITIZEN WHO  
17 REPORTED TO US THAT CUSTOMS AGENTS SHOVED HIM INTO A  
18 CHAIR WITH SUCH FORCE THAT HE WAS PARALYZED WITH PAIN  
19 AND WAS TRANSPORTED BY AMBULANCE TO A LOCAL HOSPITAL.  
20 YOU'LL ALSO HEAR FROM OR YOU WOULD HAVE HEARD FROM  
21 RAFAELA RIVERA, A NATURALIZED CITIZEN WHO CONTACTED US  
22 WHEN A CUSTOMS AGENT TWISTED HER ARM BEHIND HER BACK  
23 WITH SUCH FORCE DURING A ROUTINE BRIDGE INSPECTION  
24 THAT SHE TOO WAS TRANSPORTED TO THE HOSPITAL, WHERE  
25 HER ARM HAD TO BE CASTED BY EMERGENCY PHYSICIANS.

1 YOU'LL HEAR FROM ANTONIO CARRASCO, A U.S. CITIZEN WHO  
2 HAD A VERY UNPLEASANT ENCOUNTER WITH FOOT PATROL.  
3 I WISH I COULD REPORT TO YOU THAT SUCH INCIDENTS WERE  
4 EXCEPTIONAL. UNFORTUNATELY, THIS IS NOT THE CASE.  
5 THE FEBRUARY, 1992 REPORT OF THE ILEMP PROJECT DIS-  
6 CUSSED A TOTAL OF 1,274 ABUSES THAT WERE REPORTED TO  
7 MONITORS IN FIVE TARGETED AREAS ALONG THE BORDER FROM  
8 SAN DIEGO TO SOUTH FLORIDA. EL PASO'S SHARE OF THIS  
9 TOTAL INCLUDED 153 CASES, OR 12 PERCENT, IN A TWO-YEAR  
10 PERIOD FROM MAY, 1989 TO MAY, 1991. MEMBERS OF THE  
11 BORDER RIGHTS COALITION CAN TELL YOU THAT THIS SITUA-  
12 TION HAS NOT IMPROVED IN THE INTERVENING YEAR.  
13 AGENCIES ALMOST ALWAYS AIM ABUSIVE BEHAVIOR AT RACIAL  
14 AND ETHNIC MINORITIES, ESPECIALLY MEXICAN CITIZENS AND  
15 PERSONS OF MEXICAN DESCENT. THEY OFTEN SEEM TO TARGET  
16 THOSE WHO ARE LEAST LIKELY OR ABLE TO COMPLAIN OR  
17 DEFEND THEMSELVES, THE POOREST AND THE MOST DISADVAN-  
18 TAGED INDIVIDUALS AND, INCREASINGLY, THE YOUNG. WE  
19 ARE BEGINNING TO DOCUMENT A NEW AND DISTURBING TREND  
20 IN EL PASO THAT INVOLVES REGULAR INVASIONS OF PUBLIC  
21 SCHOOL CAMPUSES ALONG THE RIVER SUCH AS BOWIE AND  
22 RIVERSIDE HIGH SCHOOLS BY UNIFORMED BORDER PATROL  
23 AGENTS. THEY GO INTO THE CAMPUSES WITH THEIR VANS,  
24 SOMETIMES ON FOOT, AND SOMETIMES EVEN ENTER THE  
25 SCHOOLS. HISPANIC STUDENTS HAVE REPORTED TO US THAT

1 THESE AGENTS ROUTINELY ACCOST THEM, DEMAND THEIR  
2 IDENTIFICATION AND PROOF OF CITIZENSHIP, AND SEARCH  
3 THEIR PERSONAL BELONGINGS, ALL WITHOUT PROBABLE CAUSE.  
4 AND EVEN THOUGH MEXICAN CITIZENS AND CITIZENS OF  
5 MEXICAN DESCENT ARE PARTICULARLY TARGETED, IT'S TRUE  
6 THAT ANGLO CITIZENS ARE ALSO VICTIMS OF ABUSE, AND WE  
7 HOPE YOU'LL HAVE A CHANCE TO HEAR FROM SOME OF THEM AT  
8 THE OPEN SESSION.

9 I HOPE THAT DURING THE OPEN SESSION THIS AFTERNOON  
10 YOU'LL HAVE AN OPPORTUNITY TO HEAR FROM A BOWIE HIGH  
11 SCHOOL TEACHER AND ONE OR MORE BOWIE STUDENTS. I KNOW  
12 THEIR STORIES WILL SHOCK AND DISTRESS YOU AS MUCH AS  
13 THEY HAVE OUTRAGED US. ONE YOUNG WOMAN, A 13-YEAR-OLD  
14 STUDENT AT GUILLEN MIDDLE SCHOOL, WAS FOLLOWED FROM  
15 HOME TO SCHOOL EVERY MORNING FOR TWO WEEKS BY BORDER  
16 PATROL AGENTS IN AN AGENCY VAN, AND SHE REPORTED TO ME  
17 SHE FELT VERY INTIMIDATED AND AT ONE POINT SHE SAID,  
18 "ONE OF THEM KEPT SMILING AT ME IN THAT WAY THAT MAKES  
19 YOU FEEL ASHAMED OF YOUR BODY AND DIRTY." AFTER THE  
20 AGENTS STOPPED AND QUESTIONED HER ABOUT HER DESTI-  
21 NATION, SHE BECAME FRIGHTENED AND TOLD HER MOTHER.  
22 THE NEXT DAY HER MOTHER ACCOMPANIED HER ON THE WALK,  
23 AND IN APPARENT RETALIATION, THE AGENTS PICKED UP THE  
24 MOTHER ON HER WAY BACK HOME, DETAINED HER FOR A DAY AT  
25 THE BRIDGE, AND WOULD NOT ALLOW HER FAMILY TO BRING

1 HER IMMIGRATION DOCUMENTS. SHE'S A LEGAL PERMANENT  
2 RESIDENT. SHE WAS FINALLY RELEASED AT 6:00 P.M., AND  
3 HER DETENTION WAS NEVER EXPLAINED. HER NAME HAD NEVER  
4 EVEN BEEN ENTERED IN THE COMPUTER. NO CHARGES HAVE  
5 BEEN FILED AGAINST HER. SHE'S NOW TERRIFIED OF FUR-  
6 THER RETALIATION AGAINST HERSELF AND HER FAMILY AND  
7 WILL NOT PERMIT HER DAUGHTER TO TESTIFY IN THESE  
8 HEARINGS.

9 THIS FEAR IS A VERY COMMON REACTION AMONG THOSE WHO  
10 HAVE BECOME VICTIMS OF ABUSES OF POWER BY FEDERAL  
11 BORDER AGENTS. FOR THIS REASON, EXCEPT IN CASES WHERE  
12 THE VICTIMS ARE TESTIFYING OPENLY, I WILL RESPECT THE  
13 CONFIDENTIALITY OF OUR INFORMANTS AND NOT MENTION  
14 THEIR NAMES. HOWEVER, THE COALITION POSSESSES DOCU-  
15 MENTATION FOR EACH OF THE INCIDENTS THAT I WILL  
16 RELATE.

17 REPORTS SUCH AS THESE FROM THE COALITION'S HOTLINE AND  
18 OTHER COMMUNITY OUTREACH PROGRAMS INDICATES THAT  
19 CITIZENS OF EL PASO ARE NOT SAFE IN THEIR SCHOOLS OR  
20 IN THEIR NEIGHBORHOODS FROM UNREASONABLE AND UNWAR-  
21 RANTED HARASSMENT AND DETENTION BY FEDERAL LAW EN-  
22 FORCEMENT AGENTS. NEITHER ARE THEY SAFE, IT APPEARS,  
23 IN EL PASO'S DOWNTOWN AREA WHERE ONE YOUNG LEGAL  
24 PERMANENT RESIDENT OF THE U.S. WAS THREATENED AND  
25 BEATEN SEVERAL MONTHS AGO BY A FOOT PATROL TEAM --

1 THAT'S, AS YOU HEARD BEFORE, A BORDER PATROL AGENT AND  
2 POLICE WORKING TOGETHER -- THIS 21-YEAR-OLD MAN STATES  
3 THAT THE FOOT PATROL ACCOSTED HIM BECAUSE HE HAD SOME  
4 CONNECTION TO A CREW OF CIGARETTE VENDORS WHO OPERATE  
5 IN THE DOWNTOWN PLAZA. HE WAS TAKEN TO THE PASO DEL  
6 NORTE BRIDGE WHERE HE WAS DETAINED FOR QUESTIONING.  
7 WHEN HE PROTESTED THIS TREATMENT, THE FOOT PATROL  
8 FORCIBLY REMOVED HIM TO A BATHROOM AND SLAPPED AND  
9 PUNCHED HIM. HE REPORTED THE INCIDENT TO THE EL PASO  
10 LEGAL AID BECAUSE A FAMILY MEMBER WAS RECEIVING LEGAL  
11 SERVICES AT THAT OFFICE.  
12 YET OFFICIALS CONSISTENTLY DENY THAT SERIOUS PROBLEMS  
13 EXIST. THEY ARGUE, FOR EXAMPLE, THAT THE PROBLEM  
14 COULD NOT BE AS BAD AS RIGHTS ACTIVISTS MAINTAIN  
15 SIMPLY BECAUSE AGENCIES RECEIVE SO FEW COMPLAINTS.  
16 THE COALITION'S FINDINGS ARE CONTRARY TO THIS OFFICIAL  
17 POSITION. CONSISTENTLY, OUR REPORTS INDICATE THAT  
18 FEDERAL AGENCIES DO NOT HAVE CLEAR AND ACCESSIBLE COM-  
19 PLAIN COMPLAINT PROCEDURES AND THAT EVEN WHEN PEOPLE UNDERGO  
20 THE OFTEN CIRCUITOUS AND DIFFICULT TASK OF FILING  
21 THEIR COMPLAINTS, THEIR COMPLAINTS ARE NOT TAKEN  
22 SERIOUSLY. FOR EXAMPLE, RAFAELA RIVERA, THE WOMAN WHO  
23 WOULD HAVE BEEN HERE TO TESTIFY AND WHOSE ARM WAS DIS-  
24 LOCATED BY A CUSTOMS AGENT, ATTEMPTED TO FILE A COM-  
25 PLAIN COMPLAINT.

1 CHAIRPERSON ARMENDARIZ:

2 MS. GOMEZ, I WOULD LIKE TO ANNOUNCE AT THIS TIME THAT  
3 RAFAELA RIVERA HAS ARRIVED. IF TIME PERMITS, WE WILL  
4 HAVE HER PRESENT HER TESTIMONY ORALLY TO THE COM-  
5 MITTEE. IF NOT, THEN WE WILL INSERT IT IN WRITTEN  
6 FORM. IF YOU COULD SUMMARIZE YOUR REPORT, SINCE WE DO  
7 HAVE A WRITTEN COPY OF IT, THAT WILL AFFORD US --

8 PANELIST GOMEZ:

9 ANYWAY, VERY OFTEN PEOPLE FILE COMPLAINTS, AND THEY  
10 RECEIVE NO RESPONSE. THEY CALL BACK, AND THEY HAVE NO  
11 RECORD OF IT. SOMETIMES THEY ARE TOLD THERE IS NO  
12 PROCEDURE, AND SUCH PROBLEMS ARE BY NO MEANS NEW.  
13 OVER A DECADE AGO -- IN SEPTEMBER, 1980 -- THIS VERY  
14 COMMISSION FOUND SIMILAR DEFICIENCIES IN THE I.N.S.  
15 COMPLAINT PROCESS AND PUBLISHED ITS FINDINGS IN A RE-  
16 PORT ENTITLED "THE TARNISHED GOLDEN DOOR." DEFI-  
17 CIENCIES INCLUDED FAILURE TO INFORM THE PUBLIC OF COM-  
18 PLAINT PROCEDURES ADEQUATELY, FAILURE TO INVESTIGATE  
19 ALLEGATIONS OF MISCONDUCT PROMPTLY, AND EVEN FAILURE  
20 TO ACKNOWLEDGE THAT A COMPLAINT HAD BEEN RECEIVED. IN  
21 OUR EXPERIENCE THOSE FAILURES STILL EXIST. IN  
22 FEBRUARY, 1989 THE U.S. GENERAL ACCOUNTING OFFICE RE-  
23 PORTED TO THE HOUSE COMMITTEE ON GOVERNMENT OPERATIONS  
24 THAT ALLEGATIONS OF WRONGDOING AGAINST CUSTOMS WERE  
25 NOT ALWAYS DOCUMENTED, MUCH LESS INVESTIGATED, BY



1 INTERNAL AFFAIRS. IN SPRING, 1990 A BLUE-RIBBON  
2 GOVERNMENT PANEL DESCRIBED THE SOUTHWEST OFFICES OF  
3 THE CUSTOMS SERVICE AS AN "OLD-BOYS NETWORK" THAT ACTS  
4 TO PROTECT AGENTS FROM MISCONDUCT ALLEGATIONS, FAILS  
5 TO SUPERVISE AGENTS PROPERLY, ENGAGES IN NEPOTISM, AND  
6 MAY HAVE COMMITTED A NUMBER OF CRIMES. EVEN MORE  
7 RECENTLY -- IN THE LAST MONTH -- THE ADVOCACY GROUP,  
8 AMERICA'S WATCH, REPORTED FREQUENT HUMAN-RIGHTS VIO-  
9 LATIONS BY THE BORDER PATROL.

10 THE BORDER RIGHTS COALITION RECOGNIZES THAT FEDERAL  
11 LAW ENFORCEMENT OFFICIALS HAVE A TOUGH AND OFTEN  
12 THANKLESS JOB. WE ACKNOWLEDGE THE HARDSHIPS, THE  
13 RISKS, AND THE DANGERS OF ENFORCEMENT WORK ON THE  
14 BORDER, PARTICULARLY IN THE HYPERMILITARIZED CLIMATE  
15 CREATED BY THE FEDERAL GOVERNMENT'S ONGOING WAR ON  
16 DRUGS. WE ADMIRE AND RESPECT THOSE DEDICATED AND  
17 SINCERE INDIVIDUALS WHO TRY TO DO THEIR BEST JOB UNDER  
18 DIFFICULT CONDITIONS, AND IT IS NOT OUR INTENTION TO  
19 BLAME THEM. INSTEAD WE LAY THE RESPONSIBILITY  
20 SQUARELY ON THE AGENCIES THEMSELVES, AND WE CALL FOR  
21 ACCOUNTABILITY AND CIVILIAN OVERSIGHT, BETTER HIRING  
22 PRACTICES, BETTER TRAINING, WHICH INCLUDES TRAINING ON  
23 CULTURAL SENSITIVITY AND HUMAN RIGHTS, BETTER DISCI-  
24 PLINARY PROCEDURES, AND A MORE ACCESSIBLE COMPLAINT  
25 PROCESS.

1 WHEN UNCOOPERATIVE OR WHISTLE-BLOWING CUSTOMS AGENTS  
2 ARE TRANSFERRED TO THE BORDER AS PUNISHMENT DUTY, AS  
3 AN INVESTIGATOR TOLD A HOUSE PANEL IN APRIL OF THIS  
4 YEAR, SOMTHING IS CLEARLY WRONG. WHEN COALITION IN-  
5 FORMANTS REGULARLY REPORT HORRIFYING INCIDENTS OF  
6 PSYCHOLOGICAL, PHYSICAL, AND EVEN SEXUAL ABUSE AND  
7 HARASSMENT, DESTRUCTION OF PROPERTY, AND DENIAL OF DUE  
8 PROCESS BY FEDERAL AGENTS, SOMETHING IS CLEARLY WRONG.  
9 WHEN BORDER PATROL AGENTS FEEL JUSTIFIED IN DETAINING  
10 UNDOCUMENTED MIGRANT WORKERS AT THE LAS CRUCES, NEW  
11 MEXICO CHECKPOINT FOR 10 HOURS WITHOUT FOOD OR DRINK,  
12 AS WAS REPORTED TO US IN 1988, SOMETHING IS CLEARLY  
13 WRONG. WHEN AGENTS CAN BOARD CITY BUSES IN SOUTH EL  
14 PASO WITH IMPUNITY AND ISSUE A BLANKET DEMAND FOR THE  
15 CITIZENSHIP OF ALL HISPANIC-APPEARING PASSENGERS, AS  
16 REPORTED TO US IN JUNE, 1991, SOMETHING IS CLEARLY  
17 WRONG. IT'S APPARENT THAT ISSUES OF BASIC FAIRNESS  
18 AND EQUAL TREATMENT SIMPLY HAVE FALLEN CASUALTY TO  
19 GOVERNMENTAL JUSTIFICATIONS FOR ABUSE OF POWER, JUSTI-  
20 FICATIONS LIKE THE NEED TO CONTROL OUR BORDERS OR TO  
21 CONDUCT AN ALL-ENCOMPASSING DRUG WAR. THE COALITION  
22 BELIEVES THESE PROBLEMS WILL ONLY WORSEN AS MORE  
23 AGENTS ARE HIRED, BORDER IMMIGRATION AGENCIES TAKE ON  
24 MORE POLICING POWERS, AND MORE ENFORCEMENT OFFICES ARE  
25 OPENED IN COMMUNITIES FARTHER FROM THE BORDER.

1 AS THE U.S. GOVERNMENT SEEKS A FREE-TRADE AGREEMENT  
2 WITH MEXICO, IT IS IRONIC THAT THIS NATION'S FOCUS ON  
3 HUMAN-RIGHTS VIOLATIONS BY THE MEXICAN GOVERNMENT HAS  
4 GROWN SHARPER. YET WE STILL RESIST CONFRONTING OR  
5 EVEN ACKNOWLEDGING THE ABUSES COMMITTED EVERY DAY BY  
6 FEDERAL ENFORCEMENT AGENCIES ON OUR OWN SOUTHERN  
7 BORDER. THE BORDER RIGHTS COALITION JOINS OTHER  
8 HUMAN-RIGHTS ADVOCATES WHO ARE PRESENT HERE TODAY IN  
9 CALLING FOR AN END TO THE CODE OF SILENCE AND FOR A  
10 NEW OPENNESS IN ADDRESSING AND CURING THESE SERIOUS  
11 PROBLEMS.

12 I WOULD JUST LIKE TO ADD AND REITERATE AND EMPHASIZE  
13 THE FEAR OF REPORTING THAT WE SEE CONTINUALLY IN THE  
14 PEOPLE THAT COME TO US WITH COMPLAINTS THEY FEAR  
15 RETALIATION OR THEY HAVE ALREADY BEEN TOLD THAT THERE  
16 IS NO PROCEDURE; THAT THEY HAVE NO RIGHTS; THAT THEIR  
17 DOCUMENTS WILL BE TAKEN AWAY FROM THEM. BADGES HAVE  
18 BEEN HIDDEN FROM THEM; THEY HAVE REFUSED TO GIVE THE  
19 NAME OF THE AGENTS, AND SO ALL OF THE URGE TO DISCOUR-  
20 AGE AND FEAR OF PEOPLE WHO OTHERWISE WOULD WANT TO  
21 FILE A COMPLAINT, AND IN MY ORGANIZATION WE WORK WITH  
22 REFUGEES FROM CENTRAL AMERICA WHO ARE SEEKING POLIT-  
23 ICAL ASYLUM. IT'S A LEGAL OFFICE, AND THESE ARE  
24 PEOPLE WHO HAVE COME FROM COUNTRIES WHERE PERSECUTION  
25 IS THE VERY REASON THEY LEFT THEIR COUNTRY. THE FEAR

1 JUST INTENSIFIES, AND THOSE ARE -- MANY TIMES THE SAME  
2 KIND OF FEAR EXISTS WITH PEOPLE FROM MEXICO.

3 SO I WANT TO THANK YOU FOR THE OPPORTUNITY TO SPEAK  
4 TO THIS DISTINGUISHED COMMISSION, AND I'LL BE GLAD TO  
5 ANSWER ANY QUESTIONS YOU MAY HAVE.

6 CHAIRPERSON ARMENDARIZ:

7 AT THIS TIME I WOULD LIKE TO TAKE A MOMENT TO RECOG-  
8 NIZE MR. WILLIAM ALLEN, WHO IS A MEMBER OF THE UNITED  
9 STATES COMMISSION ON CIVIL RIGHTS AND IS WITH US IN  
10 THE AUDIENCE. THANK YOU FOR JOINING US, MR. ALLEN.  
11 IF YOU HAVE WRITTEN TESTIMONY, WE WOULD LIKE YOU TO  
12 SUMMARIZE IT SO THAT EVERYONE CAN HAVE AN OPPORTUNITY  
13 TO PRESENT.

14 ANTONIO CARRASCO:

15 MY NAME IS ANTONIO CARRASCO. I WORK HERE IN SEGUNDO  
16 BARRIO FOR FIVE YEARS WITH CENTRO DE SALUD LA FE.  
17 IT'S A CLINIC. I WORK WITH S.I.D. COMMITTEE IN THE  
18 LOWER VALLEY, WHICH IS DOWN BY YSLETA AND SOCORRO AND  
19 SAN ELIZARIO.  
20 THIS INCIDENT I'M GOING TO TALK ABOUT, IT OCCURRED IN  
21 THE LA FE. WE WERE HERE DOWNTOWN, ABOUT A BLOCK AWAY  
22 FROM HERE, SOUTH EL PASO STREET, AND WE WERE INSIDE  
23 A RESTAURANT LOUNGE. WE HAD DINNER, ABOUT FIVE OF OUR  
24 FRIENDS, AFTER A MEETING. AND THE FOOT PATROL CAME  
25 INTO -- I.N.S. AND THE EL PASO POLICE DEPARTMENT CAME

1 IN, AND THEY ROUNDED EVERYBODY UP, TOOK THEM OUTSIDE,  
2 EXCEPT US. I GUESS BECAUSE WE HAD A WHITE PERSON WITH  
3 US SITTING AT OUR TABLE, THEY LEFT US ALONE.

4 AND THEY TOOK EVERYBODY OUT AND PUT THEM UP AGAINST  
5 THE WALL AND ASKED FOR DOCUMENTS. SOME THAT DIDN'T  
6 HAVE DOCUMENTS, THEY WERE TAKEN AWAY; SOME THAT HAD  
7 WARRANTS PENDING WERE ARRESTED; AND THE REST THAT  
8 COULD PROVE WHO THEY WERE WERE RELEASED. THE ONES  
9 THAT WERE TAKEN AWAY WERE PUT INTO A PADDY WAGON AND  
10 WERE TAKEN AWAY IN A GROUP.

11 ABOUT 10 MINUTES LATER THE SAME AGENTS CAME IN AGAIN,  
12 AND THEY WENT STRAIGHT TO US ON OUR TABLE. WE WERE  
13 SITTING AT A TABLE. WE DIDN'T THINK THEY WERE GOING  
14 TO BOTHER US BECAUSE WE WERE ALL U.S. CITIZENS, BUT  
15 THEY THREW US AGAINST THE WALL AND WE WERE HANDCUFFED  
16 WITHOUT NO PROBABLE CAUSE. AT THAT TIME I STOOD UP  
17 AND -- I DIDN'T STAND UP. THEY HAD ME AGAINST THE  
18 WALL HANDCUFFED WITH MY HEAD AGAINST THE WALL.

19 I PROTESTED VERY LOUDLY VERBALLY. THEY DIDN'T KNOW  
20 WHAT TO CHARGE US WITH, SO THEN THEY CALLED AN EL PASO  
21 POLICE DEPARTMENT SUPERVISOR TO COME TO THE SCENE --  
22 THEY HAVE A CENTRAL OFFICE DOWNTOWN -- TO COME AND  
23 REVIEW WHAT WAS GOING ON. HE CAME, AND HE RELEASED  
24 THE OTHER FOUR INDIVIDUALS -- THEY WERE ALL TOGETHER  
25 IN A GROUP -- EXCEPT FOR ME.

1 HE RELEASED ME BECAUSE I WAS REALLY QUESTIONING THEIR  
2 BEHAVIOR AND THE FACT WHY -- I DEMANDED TO BE RELEASED  
3 IMMEDIATELY. I WAS BOOKED AND CHARGED WITH RESISTING  
4 ARREST. I HAD TO PAY A BONDSMAN \$1,200 TO GET OUT OF  
5 JAIL. I WAS RELEASED ABOUT 9:00 A.M. THE NEXT  
6 MORNING. WHEN MY CASE WAS PRESENTED TO THE COURTS,  
7 THERE WAS NO PROBABLE CAUSE. THERE WAS NO REASON. I  
8 WAS GIVEN A DISMISSAL.

9 FOR ALL THAT TIME IT COST ME MONEY, MY TIME, AND MY  
10 FREEDOM. I FEEL THAT THE I.N.S. AGENT AND EL PASO  
11 POLICE OFFICERS WERE YOUNG ROOKIES WHO OBVIOUSLY WERE  
12 UNTRAINED, VIOLENT, AND TOTALLY INSENSITIVE TO THE  
13 CULTURE, LANGUAGE, AND FEELINGS OF THE MEXICAN/CHICANO  
14 POPULATION.

15 I JUST ARRIVED FROM SOUTH AFRICA. I WENT THERE LAST  
16 MONTH, AND I STOPPED HERE ABOUT 10 DAYS. WENT TO  
17 VISIT SOWETO, SOME OF THE PEOPLE FROM THAT AFRICAN  
18 NATIONAL CONGRESS, AND THE SAME CONDITIONS THAT ARE  
19 APPARENT IN SOUTH AFRICA ON THE PART OF THE GOVERNMENT  
20 ARE THE SAME HERE ON THE BORDER. FROM A TOWNSHIP --  
21 YOU CAN'T LEAVE THE TOWNSHIPS WITHOUT HAVING IDENTITY  
22 WARDS. WE ARE THE SAME WAY HERE. IT'S FRUSTRATING TO  
23 WORK IN THIS SITUATION..

24 I BELIEVE THAT THE BORDER SHOULD BE DISMANTLED. THERE  
25 SHOULD BE NO BORDER. IT'S A WASTE OF MONEY. I DRIVE

1 FROM SAN ELIZARIO TO COME HERE. I SAW ABOUT 20 PEOPLE  
2 WALK ACROSS THE BORDER BECAUSE, SEE, THERE IS NO  
3 BORDER, EXCEPT IN THE MINDS OF THE IMMIGRATION AGENTS  
4 AND THE U.S. GOVERNMENT. WITH ALL THAT MONEY THAT IS  
5 BEING SPENT ON THIS, I.N.S. AND THE BORDER PATROL  
6 SHOULD BE PRESENT FOR ECONOMIC DEVELOPMENT, HOUSING,  
7 GIVING WATER TO 70,000 PEOPLE IN EL PASO COUNTY WITH-  
8 OUT RUNNING WATER. THAT'S WHAT SHOULD BE DONE WITH  
9 THAT MONEY.

10 THERE IS NO CREDIBILITY AND TRUST NO MORE OF THE U.S.  
11 GOVERNMENT IN BEHALF OF THE PEOPLE THAT ARE DAILY  
12 TERRORIZED BY THE INS. I REALLY FEEL THAT THAT SHOULD  
13 BE DONE. THERE IS NO NEED FOR A BORDER PATROL IN A  
14 DEMOCRATIC SYSTEM. JUST THE WAY THE BERLIN WALL WAS  
15 TORN DOWN AND THE DEPARTMENT OF GOVERNMENT IS BEING  
16 DONE AWAY WITH AND THERE IS A NEW SOUTH AFRICA -- NEW  
17 ORDER BE ESTABLISHED -- WE SHOULD DO THE SAME THING  
18 HERE IN THE UNITED STATES. I BELIEVE THAT THIS BORDER  
19 WILL BE DONE AWAY WITH. MAYBE NOT IN OUR LIFETIME,  
20 BUT IT WILL. THERE IS NO REASON FOR IT.

21 I SPEAK THESE WORDS WITH NO HATE OR NO ANGER TOWARDS  
22 THE STAFF OF THE INS. THEY ARE HUMAN BEINGS WITH  
23 IMPERFECTIONS THAT ARE COMMON TO ALL OF US. THE ONLY  
24 THING I ASK, THEY LEARN TO CARE AND LOVE HUMANITY.  
25 THE JOBS OF INS AND BORDER PATROL IS STRESS. THAT IS

1 THE REASON THEY HAVE LOST. REGARDLESS OF HOW THEY  
2 TREAT US, WE STILL FORGIVE THEM. I FEEL THAT -- I  
3 KNOW THIS IS ONLY ADVISORY COMMITTEE AND THERE IS NOT  
4 MUCH THAT CAN BE DONE, BUT JUST THE WAY THE EAST BLOCK  
5 COUNTRIES WERE DONE AWAY WITH, NOBODY THOUGHT IT COULD  
6 HAPPEN 10 YEARS AGO. NOBODY THOUGHT THAT MANDELA WAS  
7 GOING TO COME OUT OF PRISON. WELL, I BELIEVE NOW IS  
8 THE TIME WE SHOULD ASK THAT THE BORDER BE OPEN. IF  
9 IT HAPPENS IN 20, 50 YEARS, IT WILL BE DONE. THAT'S  
10 ONLY JUST, AND IT'S ONLY MORAL FOR THEM. THAT'S ALL  
11 I CAN SAY. THANK YOU.

12 CHAIRPERSON ARMENDARIZ:

13 JOSE PEREZ.

14 JOSE PEREZ:

15 MY NAME IS JOSE PEREZ. I AM FROM PUERTO RICO. I AM  
16 A U.S. CITIZEN, AND MY WIFE TOO. THEY DETAIN ME. I  
17 WENT TO JUAREZ TO SEE MY WIFE. WHEN WE WERE CROSSING  
18 THE ZARAGOSA BRIDGE AROUND 5:00 P.M., AN OFFICER ASK  
19 US FOR OUR CITIZENSHIP. I SAY, "U.S."; MY WIFE SAY,  
20 "AMERICAN." AND THEN HE ASK US FOR OUR LICENSE. WE  
21 GIVE HIM OUR LICENSE.

22 AND THEN HE TOLD US TO GO TO THE SECOND STATION. THEY  
23 CHECKED MY CAR AND FIND NOTHING. THEN THEY GIVE ME MY  
24 LICENSE BACK AND HAD MY WIFE'S LICENSE DETAINED. THEN  
25 THEY TOLD HER TO GO WITH THEM TO THE OFFICE. I WAS



1 GOING TO GO WITH THEM, BUT THEY TOLD ME TO STAY IN MY  
2 CAR.

3 WHEN I WAS IN MY CAR WAITING FOR MY WIFE, CAME THREE  
4 OR FOUR OFFICERS AND START HARASSING ME. THEY TOLD ME  
5 THAT I WAS ABUSING AGAINST THEM. I SAID, "NO. I AM A  
6 PUERTO RICAN," AND ONE OFFICER TOLD ME, "PUERTO RICAN,  
7 CUBAN, AND MEXICAN ARE ALL THE SAME." I TOLD THAT I  
8 WAS A PUERTO RICAN AND THAT I WAS BORN A U.S. CITIZEN  
9 AND THAT I WAS A --

10 THEN THEY TOLD ME TO GO TO THE OFFICE WHERE MY WIFE  
11 WAS. WE SPEND THERE AROUND TWO HOURS, AND THEN I WAS  
12 THERE AND "HEY, JUST LET ME GO TO MY HOUSE -- I JUST  
13 LIVE FIVE MINUTES FROM HERE -- TO GET THE PAPER," EVEN  
14 THOUGH SHE HAS HER DRIVER'S LICENSE AND HER SOCIAL  
15 SECURITY, AND THEY SAY, "NO." FINALLY, THE GUY THAT  
16 FIRST STOPPED US TELL ME, "OKAY, GO AHEAD AND GET THE  
17 PAPER."

18 SO HE USED THAT TIME TO CALL THE POLICE TO HAVE MY  
19 WIFE ARREST. WHEN I WAS COMING BACK WITH MY TWO  
20 CHILDREN, AGE EIGHT AND 12, MY WIFE WAS SAW ME THAT I  
21 WAS COMING AND TOLD THE OFFICERS "HERE COME MY HUS-  
22 BAND. HE IS BRINGING THE PAPER," BUT THEY PUT HER  
23 AWAY.

24 WHEN I WAS GOING TO THE OFFICE WITH MY KIDS, THEY TOLD  
25 ME, "HEY, THEY CAN'T GO INSIDE. THEY HAVE TO WAIT IN

1 THE CAR. YOU GO BY YOURSELF." I WENT THERE. "WHERE  
2 IS MY WIFE?" I DIDN'T SEE HER. THEY DIDN'T ANSWER  
3 ME. I WAS LIKE THIS IN THE COUNTER. I ASKED AGAIN,  
4 "WHERE IS MY WIFE," AND THE OFFICER THAT FIRST STOPPED  
5 US SAID, "HEY, YOU HAVE TO SIT DOWN." I SAY, "WHY?  
6 WHERE IS MY WIFE?"

7 HE SAY, "YOU HAVE TO SIT DOWN," AND HE GRABBED ME BY  
8 MY NECK AND THREW ME AGAINST ON A CHAIR, AND IN 1978 I  
9 HAVE AN ACCIDENT AND THEN I BROKE MY SPINE. I GOT TWO  
10 STEEL RODS ON MY BACK SO I CAN WALK. I FEEL A PAIN  
11 THAT I CAN'T EVEN TALK.

12 THEN THE POLICE, THEY CALLED THE AMBULANCE, AND WHEN I  
13 WAS IN THE AMBULANCE, THIS OFFICER THAT WAS IN THE  
14 OFFICE WHERE THAT HAPPENED AND HE WENT THERE LAUGHING  
15 ON MY FACE. HE WAS LAUGHING. HE DIDN'T ASK ME HOW I  
16 WAS, WHAT HAPPENED. HE WAS LAUGHING ON MY FACE.

17 AND HE TOLD ME THAT THAT WAS WHAT HAPPENED TO ME FOR  
18 THREATEN TO HIT AN OFFICER -- THAT WAS NOT TRUE -- AND  
19 THEN HE EXPLAINED TO ME AND SAY, "YOU MAKE LIKE  
20 FOOLS," AND HE TOLD THE GUY IN THE AMBULANCE, "TAKE  
21 HIM AWAY."

22 I WENT TO THE HOSPITAL. I WAS THERE AROUND FOUR  
23 HOURS. I TOLD THEM TO TAKE ME A BLOOD SAMPLE TO SEE  
24 IF I HAVE BEEN DRINKING. I CAME NEGATIVE. THEY GIVE  
25 ME A SHOT. I DON'T KNOW WHERE I WAS. THE POLICE TOLD

1 MY WIFE THAT I WAS IN THE HOSPITAL.

2 THEY SAY -- THE IMMIGRATION SAY THAT LICENSE OF MY  
3 WIFE AND SOCIAL SECURITY WAS A FAKE. THEY WERE TAKING  
4 ME A SHOT, AND AROUND 11:00 MY WIFE WENT AND PICKED ME  
5 UP. LIKE I WASN'T THERE, BECAUSE THEY DIDN'T INTERN  
6 ME. THEN AFTER THAT, I LAID DOWN ON MY BED FOR TWO  
7 DAYS BECAUSE I COULDN'T GET UP.

8 THEN FOUR MONTHS AFTER THAT I WAS AT HOME, AND THE  
9 POLICE OFFICER WENT AND PICKED ME UP TO ARREST ME BE-  
10 CAUSE OF RETALIATION BECAUSE THE OFFICER TOOK THAT  
11 AGAINST ME. THEY TOOK ME TO JAIL. THE BOND WAS  
12 10,000. MY WIFE HAD TO HIRE AN ATTORNEY TO LOWER THE  
13 BOND TO \$500 SO I GET OUT. I WAS IN JAIL AROUND 10  
14 HOURS. NOW I OWE TO THE HOSPITAL AROUND \$8,000 UNPAID  
15 BILLS, 3500 TO MY ATTORNEY. MY CHILDREN, THEY ARE  
16 SCARED.

17 WHEN FIRST I CAME TO THIS COUNTRY, I WAS 18 YEARS OLD.  
18 I DON'T KNOW ENGLISH. I CAME VOLUNTEER TO THE ARMY IN  
19 1972. I LEFT ALL MY FAMILY. I WAS WILLING TO GIVE MY  
20 LIFE FOR THIS COUNTRY, AND NOW LOOK HOW THEY TREAT ME,  
21 LIKE THIS, LIKE IF I WERE DIRT.

22 THAT IS ALL I HAVE TO SAY.

23 CHAIRPERSON ARMENDARIZ: .

24 THANK YOU, MR. PEREZ.

25 AT THIS TIME I WOULD LIKE TO CALL ON PATTI PAEGELS.

1 PATTI PAEGELS:

2 MY NAME IS PATTI PAEGELS. I'M A PRIVATE CITIZEN.

3 I DO NOT HAVE ANY PREPARED REMARKS. CERTAINLY, MY  
4 STORY WITH AN ENCOUNTER WITH THE INS IS NOT AS  
5 DRAMATIC AS MR. PEREZ', BUT I CAN TELL YOU THAT IT WAS  
6 VERY HUMILIATING, VERY INTIMIDATING.

7 I THOUGHT WHEN I WAS SITTING OUT THERE THIS MIGHT BE  
8 KIND OF EASY, BUT IT IS KIND OF HARD TO THINK IF SOME-  
9 BODY FROM INS WERE SITTING HERE IN THE ROOM, THEY  
10 MIGHT COME LOOKING FOR YOU JUST FOR THE FACT THAT THEY  
11 MIGHT BE SPEAKING OUT. IT'S JUST AN ATTITUDE.

12 IN APRIL, 1990 I MARRIED A FOREIGN NATIONAL. WE WENT  
13 TO APPLY FOR A RESIDENCY AND A WORK PERMIT. WHEN WE  
14 GOT THERE, WE WERE TOLD THAT WE WERE SUPPOSED TO DO  
15 THIS AND THIS AND THIS, AND WE FELT THIS WAS INCORRECT  
16 AND WE KEPT ASKING THE AGENT "ARE YOU SURE? ARE YOU  
17 SURE?" YES, HE'S SURE. "WE DON'T WANT MY HUSBAND TO  
18 BE DEPORTED. HE'S FROM BOLIVIA. THAT'S VERY FAR  
19 AWAY. IT'S NOT JUST ACROSS THE BORDER."

20 IN 30 DAYS WE DIDN'T HEAR ANYTHING IN RETURN. THEY  
21 SAID, "THIS IS ALL WRONG. YOU DID ALL THIS ALL  
22 WRONG." "WE DIDN'T DO IT WRONG. THIS IS WHAT WE WERE  
23 INSTRUCTED. IF YOU LOOK, THE AGENT'S NAME SHOULD BE  
24 IN THE FILE, AND WE TALKED TO HIM." "WELL, YOU'RE NOT  
25 PERMITTED TO SEE YOUR FILE. THAT'S PRIVATE. IT

1 DOESN'T HAVE ANY -- IT'S GOING TO THE GOVERNMENT, AND  
2 NOT TO YOU."

3 I SAID, "WELL, BUT I THINK IF YOU CAN FIND THE GENTLE-  
4 MAN'S NAME, THEN YOU CAN ASK HIM WHAT HE TOLD US OR  
5 WHAT LAW HE WAS REFERRING TO." WELL, HE DIDN'T SIGN  
6 IT SO, THEREFORE, IT DIDN'T MATTER WHAT WAS SAID.

7 THEN ANOTHER AGENT CAME OUT, AND WE BEGAN TO SPEAK AND  
8 I SAID, "I'D LIKE TO SPEAK TO THE SUPERVISOR." I WAS  
9 FEELING LIKE I'M AN AMERICAN CITIZEN. I HAVE RIGHTS.  
10 I WANT AN ANSWER. WE WERE TOLD SOMETHING WRONG, AND I  
11 THOUGHT IT SHOULD BE CORRECTED OR I WANTED TO KNOW FOR  
12 SURE THAT I HAD THE RIGHT INFORMATION.

13 SO THEY SEEMED REAL PUT OFF BY THIS. FINALLY, A  
14 GENTLEMAN CAME FROM THE BACK. I MEAN I COULD SEE AT  
15 THAT TIME HE WAS ALREADY ANGRY, KIND OF JUST HUFFING  
16 AND PUFFING AS HE CAME FROM THE BACK PART OF THE  
17 OFFICES. HE STARTED TO SPEAK TO ME IN SPANISH. I  
18 SAID, "I'M SORRY. I DON'T SPEAK SPANISH." AND HE  
19 STARTED TO SPEAK TO MY HUSBAND IN SPANISH, AND HE  
20 SAID, "MY WIFE SPEAKS ONLY ENGLISH. I WANT THE CON-  
21 VERSATION IN ENGLISH."

22 I COULD SEE ALREADY THAT HAD PUT THAT MAN -- HAD  
23 LAUNCHED HIM INTO ANOTHER LEVEL OF ANGER. FIRST JUST  
24 ASKING TO SEE A SUPERVISOR WAS, I GUESS, A RULE THERE  
25 UNSPOKEN, THAT YOU DON'T DO. SO AT THAT POINT HE

1 SEEMED TO GET MORE AGITATED, AND HE MOTIONED LIKE THIS  
2 FOR US TO COME TO HIS OFFICE. MY HUSBAND FOLLOWED IN  
3 RIGHT BEHIND HIM. I GATHERED UP OUR PAPERS LAYING ON  
4 THE COUNTER AND WAS ABOUT 10 STEPS BEHIND.

5 WHEN I GOT INTO THE OFFICE, THE MAN WAS IN A RAGE. HE  
6 WAS SCREAMING AND YELLING. WHEN I CAME IN, HE CAME  
7 AROUND HIS DESK, CAME UP TO MY FACE, PUT HIS FIST SO  
8 TIGHT THE KNUCKLES WERE WHITE AND ABOUT TWO INCHES  
9 FROM MY FACE.

10 NOW I THINK THE PEOPLE IN THAT OFFICE KNEW THIS MAN  
11 WAS VERY VOLATILE BECAUSE ALMOST INSTANTANEOUSLY THE  
12 SECURITY GUARD FROM THE BOTTOM FLOOR -- WE WERE ON THE  
13 SECOND OR THIRD FLOOR OF THE FEDERAL BUILDING -- WAS  
14 IN THE HALL NOT BECAUSE OF SOMETHING MY HUSBAND AND I  
15 DID. I BELIEVE HAD HE NOT SHOWN UP OR HAD I MAYBE NOT  
16 SPOKEN ENGLISH OR BEEN A CITIZEN, I BELIEVE THIS MAN  
17 WOULD HAVE HIT ME -- I HAVE NO DOUBT ABOUT THAT -- HE  
18 WAS SO ANGRY AND OUT OF CONTROL.

19 WELL, THEN WHEN WE WERE FINALLY KIND OF CORDIALLY  
20 BY THE SECURITY GUARD ESCORTED OUT OF THE OFFICE, I  
21 ASKED FOR THE MAN'S NAME, AND EVERYONE IN THE OFFICE  
22 STOOD THERE AND LOOKED AT ME LIKE THIS WAS FORBIDDEN  
23 OR IT WAS INAPPROPRIATE. AND I ASKED AGAIN, "I'D JUST  
24 LIKE HIS NAME," AND A YOUNG WOMAN WENT AND GOT HIM.  
25 HE CAME OUT AND STARTED THE RAGE ALL OVER AGAIN.

1 WHAT DID I WANT HIS NAME FOR? I SAID, "WELL, THE  
2 WHOLE PROBLEM, SIR, BEGAN BECAUSE I DIDN'T HAVE THE  
3 PREVIOUS AGENT'S NAME, AND I WANTED TO MAKE SURE THAT  
4 I KEEP A RECORD OF EVERYTHING I'VE BEEN TOLD." HE  
5 SAID, "YOU DON'T NEED MY NAME. I KNOW WHAT YOU'RE  
6 GOING TO DO. YOU'RE GOING TO COMPLAIN." WELL, INDEED  
7 I WAS, BUT I WASN'T GOING TO TELL HIM THAT.  
8 AT THAT POINT I WAS PETRIFIED. I'M NOT A PERSON VERY  
9 EASILY INTIMIDATED. WHEN I LEFT THE OFFICE, I WAS  
10 CRYING. A WOMAN SAID, "I THINK YOU SHOULD MAKE A COM-  
11 PLAIN" AND TOOK ME UP TO MR. GIUGNI'S OFFICE. I WAS  
12 TOLD TO COMPLETE THIS FORM, LEAVING ONLY FACTS AND  
13 NOTHING ABOUT MY FEELING OF HUMILIATION AND INTIMIDA-  
14 TION; JUST STATE THE PLAIN FACTS.  
15 I TOOK IT HOME, SPENT THE WHOLE WEEKEND WORKING ON IT.  
16 MONDAY I ARRIVED THERE AND HAD TO TALK TO MR.  
17 PASCARAL. VERY INTERESTING. SITTING AT THE TABLE,  
18 THE INS ATTORNEY WAS PRESENT. IT WAS NEVER SAID, BUT  
19 IT WAS IMPLIED THAT HAD I PURSUED THE COMPLAINT, WHICH  
20 IS WHAT I WANTED TO DO, THEY WOULD HAVE DENIED HIS  
21 RESIDENCY BECAUSE AT ONE TIME IN THE PAST WHILE HE  
22 RESIDED HERE, HE HAD BROKEN A WINDOW, AND THEY CALLED  
23 THAT MORAL TURPITUDE AND THEY WERE GOING TO USE THAT  
24 AS A REASON TO DENY THAT.  
25 YOU KNOW YOU JUST SIT THERE WITH ABSOLUTELY NO

1 CONTROL, AND I HAD COME HERE 14 YEARS AGO HEARING  
2 THOSE STORIES AND IT WAS LIKE I COULDN'T BELIEVE IT  
3 WAS HAPPENING TO ME. IT'S SHAMEFUL THAT OUR GOVERN-  
4 MENT TREATS NOT ONLY CITIZENS LIKE THIS, BUT REALLY  
5 FOREIGNERS.

6 AND FOR MY HUSBAND IT WAS TERRIFYING. HE HAD LIVED IN  
7 CHILE WHEN PINOCHET TOOK POWER AND WAS IN THE STADIUM  
8 AND FEARED FOR HIS LIFE, AND HE'D HAVE JUST DROPPED  
9 IT. "JUST DROP IT. I'LL GO BACK TO BOLIVIA. I THINK  
10 THEY'RE GOING TO FIND ME AND HURT ME." HE WOULDN'T  
11 LEAVE THE HOUSE.

12 OFTEN-TIMES WE DON'T KNOW THE IMPACT IT HAS ON PEOPLE.  
13 I THINK, REALLY, SOMETHING NEEDS TO BE DONE. WE NEED  
14 WAYS TO COMPLAIN. NO ONE SHOULD HAVE TO BE PUT UP  
15 WITH THAT KIND OF ABUSE. LIKE I SAID WHEN I STARTED  
16 MY COMMENTS, I THINK MY STORY IS REALLY MILD COMPARED  
17 TO SOME OF THE THINGS THAT OTHERS HAVE SUFFERED HERE.  
18 THANK YOU.

19 CHAIRPERSON ARMENDARIZ:

20 THANK YOU.

21 WE HAVE A FEW MOMENTS, SO WE WILL AT THIS TIME HEAR  
22 FROM RAFAELA RIVERA.

23 RAFAELA RIVERA: (INTERPRETER: SUSAN CHAPARRO-BENAVIDEZ)

24 GOOD MORNING TO EVERYONE, AND I THANK EVERYONE FOR  
25 GIVING THIS OPPORTUNITY TO PRESENT OUR COMPLAINTS AND



1 ALSO THE FEAR THAT WE HAVE. MY NAME IS RAFAELA  
2 RIVERA, AND I WORK IN A HOSPITAL AS AN ASSISTANT TO A  
3 NURSE.

4 MY HUSBAND AND I WERE COMING FROM JUAREZ ON THE 8TH OF  
5 FEBRUARY IN THE MORNING. WE WERE COMING, AND WE GOT  
6 THERE TO THE SEARCH AND THE MAN FROM IMMIGRATION ASKED  
7 FOR OUR IDENTIFICATION. I IDENTIFY MYSELF AS AN AMER-  
8 ICAN CITIZEN; HE IS A LEGAL RESIDENT.

9 AND THE MAN ASKED ME TO OPEN THE TRUNK OF MY CAR. I  
10 OBEY, AND I WENT AND OPENED THE TRUNK OF THE CAR. AT  
11 THIS MOMENT I WENT OVER TO A TIRE ON MY CAR, AND IT  
12 WAS MISSING SOME AIR. AND WHEN I AM RETURNING, THE  
13 MAN IS HITTING THE TRUNK VERY HARD, AND I ASKED HIM,  
14 "WHY ARE YOU DOING THIS, SIR?" AND HE SAID, "THIS IS  
15 MY WORK, MA'AM," "AND THAT'S FINE," I TOLD HIM.

16 AND WHEN HE FINISHES SEARCHING THE TRUNK, HE GOES OVER  
17 TO THE DRIVER'S SIDE TO FINISH SEARCHING THE CAR, AND  
18 I FOLLOW HIM, CURIOUS TO SEE WHAT HE'S GOING TO DO.

19 AT THAT MOMENT I AM GIVING HIM MY BACK, AND ANOTHER  
20 ONE GETS THERE -- ANOTHER CUSTOMS MAN -- AND HE IS AN  
21 AMERICAN. HE TELLS ME IN ENGLISH, "MOVE, MA'AM," AND  
22 AT THAT MOMENT I MOVED.

23 AND I TURNED AROUND AND LOOKED AT HIM, AND I TOLD HIM,  
24 "I AM FINE HERE." AND I GAVE HIM MY BACK, AND AT THAT  
25 MOMENT HE GRABBED ME BY MY LEFT ARM. HE TWISTED IT,

1 AND HE PUSHED ME TOWARDS THE CAR. AT THIS MOMENT MY  
2 HUSBAND IS IN FRONT OF ME, AND ON EACH SIDE OF HIM ARE  
3 TWO CUSTOMS MEN.

4 AND I TELL THE TWO MEN THAT ARE WITH MY HUSBAND TO  
5 PLEASE TELL HIM TO LEAVE ME ALONE; HE IS HURTING MY  
6 ARM. THEY DIDN'T PAY ATTENTION; THEY DIDN'T PAY  
7 ATTENTION TO ME. AND THE MAN CONTINUES TWISTING MY  
8 ARM, AND I FORCED IT A LITTLE BIT TO SEE IF HE WOULD  
9 LEAVE ME ALONE BUT NO, HE DOESN'T LEAVE ME ALONE.

10 HE TAKES ME OVER TO THE NEXT CUBICLE -- HE TAKES ME BY  
11 PUSHING ME -- AND WHEN I AM THERE, WHAT CAME TO MY  
12 MIND IS "THIS PERSON IS GOING TO DO SOMETHING TO ME.  
13 HE IS GOING TO KILL ME." AND I SCREAMED. I SCREAMED  
14 TO MY HUSBAND, "COME AND HELP ME." HE DOESN'T GO. HE  
15 IS ONLY HITTING THE HOOD OF THE CAR SAYING, "LET HER  
16 GO. LET HER GO."

17 AT THAT TIME THE MAN SAW THAT I WAS ANGRY BECAUSE AT  
18 THAT MOMENT ONE IS BEING HUMILIATED, AND HE LIFTED MY  
19 ARM. HE LIFTED IT UPWARDS AND CONTINUED TWISTING, AND  
20 BECAUSE OF THE PAIN, I DOUBLED OVER. AND THEN I  
21 KICKED BACK BECAUSE I SAW MYSELF BY MYSELF, WITHOUT  
22 ANYONE'S HELP, AND THE MAN OPENED HIS LEGS AND I DID  
23 NOT GET TO HIT HIM.

24 HE RETURNS ME TO THE CAR, AND ONE FROM IMMIGRATION  
25 COMES OVER AND TELLS ME, "CALM DOWN, MA'AM," AND I

1 TOLD HIM, "I CAN'T. LOOK AT HOW HE HAS ME. PLEASE  
2 TELL HIM TO LET ME GO." "MA'AM, IF YOU DON'T CALM  
3 DOWN, WE WILL NOT LET YOU GO." AND I TOLD HIM, "IT IS  
4 HURTING ME," AND HE SAID, "WE WILL TAKE YOU INSIDE TO  
5 A ROOM." AND INSIDE OF ME I SAID, TO MYSELF, "WHAT'S  
6 GOING TO HAPPEN? WHAT ARE THEY GOING TO DO TO ME?"  
7 AND IN A SECOND A SECOND CUSTOMS MAN DECIDES TO TELL  
8 THE MAN WHO IS TWISTING MY ARM TO LET ME GO BECAUSE AT  
9 THAT TIME THERE WERE MANY PEOPLE, AND THEY WERE  
10 LOOKING AT WHAT WAS HAPPENING TO ME.  
11 AND THEN I RUN OVER, AND I GO TO A TELEPHONE. I CALL  
12 911, AND THE POLICE COME AND THEY TELL ME, "WHAT IS  
13 HAPPENING TO YOU?" AND THEN I EXPLAINED TO THEM  
14 EVERYTHING THAT HAD HAPPENED, AND THEY SAID THERE WAS  
15 NO CASE TO FILE. I ASKED THEM, "WHY NOT? DON'T I  
16 HAVE ANY RIGHTS? I'M A HUMAN BEING." AND THE AMBU-  
17 LANCE AND THE FIREMEN COME.  
18 I AM TAKEN TO THE HOSPITAL, AND AFTER SEEING THE  
19 X-RAYS THAT THEY HAVE ORDERED, THE DOCTOR DECIDES TO  
20 PUT A CAST UPON MY ARM. AT THAT MOMENT I THOUGHT "I  
21 AM NOT WORTH ANYTHING." I DIDN'T THINK THAT I WAS A  
22 CITIZEN OR ANYTHING. THE ONLY THING I THOUGHT WAS  
23 THAT "I AM IN A FREE COUNTRY, AND THEY NEED TO RESPECT  
24 OUR RIGHTS, NOT JUST MINE, BUT EVERYONE'S." I AM A  
25 WOMAN, AND I COULDN'T DEAL WITH THAT MAN.

1 AND NOW I WANT MY RIGHTS TO BE RESPECTED AND TO BE  
2 RETURNED TO ME, AND THAT'S WHY I THANK YOU FOR BEING  
3 HERE. NO ONE KNOWS THE HUMILIATION OR THE FRUSTRATION  
4 AND THE FEAR THAT ONE HAS BECAUSE OF WHAT ALL OF US  
5 HAVE TO GO THROUGH. I WANT MY RIGHTS BACK, AND I WANT  
6 TO KNOW WHY THAT MAN HUMILIATED ME AND HE TREATED ME  
7 AS NOTHING, WORSE THAN AN ANIMAL. I AM NOT AGAINST  
8 THE LAW, BECAUSE THE LAW HAS TO BE RESPECTED WHERE  
9 THERE ARE PEOPLE THAT DO NOT FOLLOW IT. THERE ARE  
10 GOOD PEOPLE WITH THE POLICE AND WITH CUSTOMS. I AM  
11 NOT SAYING ALL OF THEM ARE BAD, BUT THEY WANT TO GET  
12 THE LAW AND DO IT TO THEIR OWN WAY. AND THAT'S WHY I  
13 THANK YOU, AND I WANT FOR SOMETHING TO BE DONE NOT  
14 FOR ME, BUT FOR EVERYONE.

15 THANK YOU.

16 CHAIRPERSON ARMENDARIZ:

17 AT THIS TIME WE HAVE APPROXIMATELY 10 MINUTES FOR ANY  
18 QUESTIONS THAT COMMITTEE MEMBERS MAY HAVE.

19 I WOULD LIKE TO AGAIN REMIND COMMITTEE MEMBERS, MAKE  
20 YOUR QUESTIONS BRIEF. THOSE WHO HAVE NOT HAD AN  
21 OPPORTUNITY TO POSE ANY QUESTIONS ARE GOING TO BE  
22 CALLED ON FIRST, AND SO AT THIS TIME MR. DE LARA HAS A  
23 QUESTION.

24 COMMITTEE MEMBER DE LARA:

25 MS. GOMEZ, MY NAME IS JOSE GARCIA DE LARA, FROM SAN

1 ANTONIO.

2 WE'VE HEARD TESTIMONY THIS MORNING THAT -- A LOT OF IT  
3 HEART-WRENCHING TESTIMONY, AND WE'RE DEALING WITH  
4 BORDER CRIME ACCORDING TO THE TESTIMONY OF THIS PANEL.  
5 TESTIMONY HAS BEEN GEARED UP TO THIS POINT OF ABUSE BY  
6 LAW ENFORCEMENT OFFICIALS AGAINST THE CITIZENS OR  
7 PEOPLE, ILLEGAL IMMIGRANTS OR NON-ILLEGAL IMMIGRANTS.  
8 MY QUESTION TO YOU IS: LIVING IN SAN ANTONIO, I HAVE  
9 FIRST-HAND KNOWLEDGE OF NUMEROUS OCCASIONS WHERE  
10 ILLEGAL IMMIGRANTS COME INTO THIS COUNTRY AND VIC-  
11 TIMIZE CITIZENS AND LEGAL RESIDENTS OF THIS COUNTRY,  
12 WHETHER BY ASSAULT OR THEFT, AUTOMOBILE THEFT, OR  
13 BURGLARY. DOES YOUR ORGANIZATION HELP THOSE VICTIMS  
14 OF THIS TYPE OF CRIME?

15 PANELIST GOMEZ:

16 THE PURPOSE OF THE COALITION IS SPECIFICALLY TO DOCU-  
17 MENT AND ASSIST PEOPLE WHO ARE COMPLAINING ABOUT ABUSE  
18 BY IMMIGRATION LAW ENFORCEMENT OFFICERS. THERE ARE  
19 OTHER ORGANIZATIONS BEING FORMED TO HELP VICTIMS OF  
20 CRIME OR VICTIMS OF OTHER TYPES OF EITHER CRIME OR  
21 POLICE ABUSE AND THINGS LIKE THAT.

22 SO WE FOCUS ON DOCUMENTING ABUSE AND ASSIST PEOPLE  
23 THROUGH THE PROCESS, AND I WANT TO MAKE IT CLEAR THAT  
24 THE BORDER RIGHTS COALITION IS NOT AGAINST LAW EN-  
25 FORCEMENT. IT IS AGAINST HUMAN-RIGHTS VIOLATIONS

1 THAT WHEN THE LAW IS BEING CARRIED OUT, THAT IT BE  
2 CARRIED OUT IN A PROPER FASHION, AND THAT NO ONE'S  
3 HUMAN RIGHTS BE VIOLATED. THAT'S WHAT WE'RE AGAINST,  
4 AND THAT'S WHAT WE'RE TRYING TO CALL FOR ACTION FOR.  
5 ONE OF THE THINGS THAT WE SEE CONTINUALLY IS THAT  
6 PEOPLE ARE BEING ABUSED BY LAW ENFORCEMENT OFFICERS,  
7 AND THAT CREATES IN THIS COMMUNITY A FEAR OF THE VERY  
8 GROUPS THAT ARE SET UP TO PROTECT US, SO THAT'S WHY  
9 WE'RE FOCUSING ON IT IS BECAUSE WE HAVE SEEN OVER THE  
10 YEARS MANY, MANY COMPLAINTS, MANY PROBLEMS WITH BEING  
11 ABLE TO GET ANY ACTION DONE ON THEM, AND SO THIS IS  
12 OUR FOCUS. I DON'T KNOW IF I'VE RESPONDED TO YOUR  
13 QUESTION.

14 CHAIRPERSON CANALES:

15 I'D LIKE TO DIRECT MY QUESTION TO DELIA GOMEZ, PLEASE.  
16 TELL US A LITTLE BIT ABOUT THE COMPLAINT PROCESS.  
17 HAVE YOU HEARD OF COMPLAINTS BEING MADE TO THE  
18 INSPECTOR GENERAL'S OFFICE, THE INTERNAL AFFAIRS DIVI-  
19 SION OF CUSTOMS? WHAT KIND OF RESULTS HAVE YOU  
20 GOTTEN? HOW MANY COMPLAINTS, SOMETHING ABOUT THAT?

21 PANELIST GOMEZ:

22 FIRST OF ALL, I'M ONLY SPEAKING HERE ABOUT COMPLAINTS  
23 THAT WE HAVE GOTTEN THROUGH BORDER RIGHTS COALITION.  
24 THERE ARE OTHER GROUPS SUCH AS THE MEXICAN CONSULATE  
25 AND IN THE PAST A GROUP CALLED LIBRE THAT WOULD

1 DOCUMENT ABUSES AND HELP WITH THAT FILE OF COMPLAINTS.  
2 WE HAVE ONLY BEEN DOING THIS FOR ABOUT A YEAR AND A  
3 HALF, AND OUR HOTLINE HAS BEEN IN OPERATION ACTU-  
4 ALLY -- IN ACTUAL OPERATION FOR ABOUT FOUR MONTHS.  
5 WHEN PEOPLE CALL US, WE FIRST RESPOND TO THE CALL. WE  
6 INTERVIEW THE PERSON MAKING THE COMPLAINT. WE FILL  
7 OUT OUR OWN SETS OF FORMS TO GET THE INFORMATION ABOUT  
8 THE INCIDENT, ABOUT ANY WITNESSES. WE TRY TO GET AS  
9 MUCH DOCUMENTATION TO SUPPORT THE CLAIM, TO SEE IF  
10 IT'S A VALID CLAIM, AND THEN WE CONSULT WITH THE  
11 INDIVIDUAL MAKING THE COMPLAINT ABOUT HOW TO FILE A  
12 COMPLAINT WITH THE I.G.  
13 HOWEVER, THAT'S ONE OF THE PROBLEMS THAT WE'RE HERE TO  
14 ADDRESS, THAT THE PROCESS FOR MAKING COMPLAINTS IS  
15 VERY, VERY UNCLEAR, FIRST OF ALL. MANY TIMES WHEN WE  
16 SEND PEOPLE OVER, THEY GET A NUMBER OF DIFFERENT  
17 RESPONSES. THEY ARE SOMETIMES TOLD, "THERE IS NO  
18 PROCESS." OTHER TIMES THEY'RE TOLD, "THERE ARE NO  
19 FORMS." OTHER TIMES THEY'RE TOLD, "LEAVE YOUR NAME,  
20 ADDRESS, AND PHONE NUMBER AND WE'LL GET BACK TO YOU,"  
21 AND NOBODY GETS BACK TO THEM. SOMETIMES A FORM AND A  
22 COMPLAINT IS TAKEN, AND WHEN WE CALL BACK TO FIND OUT  
23 WHAT HAS HAPPENED, THEY DENY HAVING ANY RECORD OF IT  
24 OR THEY AT TIMES TELL US "IT IS BEING INVESTIGATED,  
25 AND YOU'LL HEAR FROM US."

1           THERE'S JUST A NUMBER OF PROBLEMS WITH THE COMPLAINT  
2           PROCESS. THAT'S ONE OF THE THINGS THAT I THINK NEEDS  
3           TO CHANGE. VERY OFTEN MANY OF THE PEOPLE THAT CALL  
4           US, THESE ARE THE MOST COURAGEOUS. THESE ARE THE  
5           PEOPLE WHO PICK UP THE PHONE AND CALL THE HOTLINE.  
6           THOSE WE DON'T HEAR ABOUT, EXCEPT THROUGH OUR AGENCY,  
7           AND THEY DON'T WANT TO FILE A COMPLAINT PRECISELY BE-  
8           CAUSE OF THE TYPE OF INFORMATION THAT WE HAVE HEARD  
9           HERE. AND I CANNOT STRESS ENOUGH THE EFFECTS OF THIS  
10          KIND OF VIOLATION OF HUMAN RIGHTS, WHAT IT DOES TO THE  
11          HUMAN PERSON. IT MAKES YOU FEEL AS IF THERE IS NOTH-  
12          ING YOU CAN DO; THAT IF YOU GO FORWARD, THERE WILL BE  
13          SOME RETALIATION, AND SO MANY PEOPLE CHOOSE NOT TO GO  
14          FORWARD. AND THERE IS ALSO NO ADEQUATE PROCESS FOR  
15          TRACKING THE PROCESS OF THE COMPLAINTS.

16       CHAIRPERSON CANALES:

17           ONE LAST FOLLOW-UP QUESTION: HAVE YOU EVER HEARD OF A  
18           COMPLAINT BEING SUCCESSFULLY RESOLVED OR PURSUED?

19       PANELIST GOMEZ:

20           WE HAVE HEARD SOME, YES. NOT TOO MANY. GENERALLY, WE  
21           HEAR THAT A COMPLAINT WAS UNSUBSTANTIATED, OR THERE  
22           WAS SOME JUSTIFICATION FOR THE AGENT'S BEHAVIOR, WHAT-  
23           EVER.

24       LYNN LIPSHY:

25           COULD YOU QUANTIFY THAT? YOU SAID, "NOT VERY MANY."



1 I'M HAVING A HARD TIME GETTING AN IDEA OF SCOPE.

2 **PANELIST GOMEZ:**

3 AS I SAID, WE HAVE ONLY BEEN DOING THIS FOR A SHORT  
4 TIME, SO WE DON'T HAVE A PROCESS IN PLACE RIGHT NOW TO  
5 TRACK COMPLAINTS, BUT I CAN GIVE YOU AN EXAMPLE: JUST  
6 YESTERDAY I SPOKE TO A REPORTER WHO'S BEEN FOLLOWING  
7 UP ON WHAT THE RESULTS OF THE COMPLAINTS THAT HAVE  
8 BEEN FILED HAVE BEEN. OUT OF 10 CASES THAT HE FILED  
9 FOR TO FIND OUT WHAT HAPPENED, ONLY ABOUT TWO OR THREE  
10 WERE ACKNOWLEDGED AS HAVING RECEIVED THE COMPLAINT AND  
11 THAT INVESTIGATION WAS BEING DONE. THE OTHERS HE WAS  
12 TOLD, "THERE IS NO RECORD OF ANY SUCH CASE."

13 **CHAIRPERSON ARMENDARIZ:**

14 I HAVE A QUESTION FOR MS. RIVERA AND MR. PEREZ. SINCE  
15 THE INCIDENTS THAT YOU HAVE FILED, WAS THERE A  
16 PROCESS --

17 **PANELIST PEREZ:**

18 WELL, FIRST OF ALL, PERSONALLY, I DID ALL THE MOVE-  
19 MENT. I CALLED MANY PEOPLE, WHOEVER CAME TO MIND,  
20 UNTIL I FOUND THESE YOUNG LADIES HERE, AND THEY GUIDED  
21 ME MORE AND NOW I HAVE AN ATTORNEY.

22 **CHAIRPERSON ARMENDARIZ:**

23 MR. PEREZ, WERE YOU GIVEN INFORMATION AFTER YOUR INCI-  
24 DENT OF WHAT PROCEDURE YOU MIGHT FOLLOW FOR A COM-  
25 PLAINT?

1 PANELIST PEREZ:

2 WELL, I DIDN'T FILE A COMPLAINT BECAUSE I HAVE DONE  
3 THAT BEFORE. I HAVE BEEN TO THE COURT AT THE BRIDGE.  
4 I TALKED TO THE CHIEF OVER THERE. HE TOLD ME THAT HE  
5 IS GOING TO TAKE CARE OF THAT; I WAS GOING TO RECEIVE  
6 A LETTER IN A FEW WEEKS. YEARS FROM NOW I AM STILL  
7 WAITING. I AM NOT GOING TO WASTE MY TIME NO MORE.

8 CHAIRPERSON ARMENDARIZ:

9 ARE THERE ANY FURTHER QUESTIONS FROM ANY COMMITTEE  
10 MEMBER?

11 AT THIS TIME I WOULD LIKE TO THANK MS. GOMEZ, MR.  
12 CARRASCO, MR. PEREZ, MS. PAEGELS, AND MS. RIVERA FOR  
13 YOUR PARTICIPATION ON THE PANEL.

14 AT THIS TIME WE WILL BE TAKING A LUNCH RECESS. WE ASK  
15 COMMITTEE MEMBERS TO BE BACK AT 1:15 SO THAT WE MAY  
16 START PROMPTLY AT 1:30 ON OUR NEXT GROUP OF PAR-  
17 TICIPANTS.

18 REPORTER'S NOTE:

19 AT 11:45 A.M. THE LUNCH RECESS WAS TAKEN.  
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1 THE STATE OF TEXAS )  
2 COUNTY OF EL PASO )

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I, MARIA C. SOTO, CERTIFIED SHORTHAND REPORTER IN AND FOR THE STATE OF TEXAS, HEREBY CERTIFY THAT THE FOREGOING 119 PAGES CONTAIN A TRUE, CORRECT, AND COMPLETE TRANSCRIPTION OF MY STENOGRAPH NOTES TAKEN ON THE OCCASION SET FORTH IN THE CAPTION HEREOF, AFTER HAVING BEEN REDUCED TO TYPE-WRITING BY ME, TO THE BEST OF MY ABILITY.

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE 26<sup>th</sup> DAY OF JULY, 1992.

Maria C. Soto  
MARIA C. SOTO, CSR  
CERTIFICATION NO. 603  
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