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JOINT TEXAS-NEW MEXICO ADVISORY  
COMMITTEE FORUM  
ON BORDER-RELATED CIVIL-RIGHTS ISSUES

TIME : JUNE 12, 1992  
1:30 P.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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PRESENT (cont'd):

VINCENT J. MONTOYA  
ALBUQUERQUE, NEW MEXICO

JAMES A. NEZ  
LAS CRUCES, NEW MEXICO

MADLINE 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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22  
23  
24  
25

I N D E X

	<u>PAGE</u>
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

<u>MAYOR WILLIAM TILNEY</u> . . . . .	2-4
<u>CONSUL GENERAL ROBERTO GAMBOA MASCARENAS</u> . . . . .	4-8
<u>MAYOR WILLIAM TILNEY</u> . . . . .	8-12
<u>CONSUL GENERAL ROBERTO GAMBOA MASCARENAS</u> . . . . .	12
<u>QUESTIONS BY COMMITTEE MEMBERS</u> . . . . .	13-26
<u>PAUL LAZOVICK</u> . . . . .	27-35
<u>WES JUREY</u> . . . . .	35-40
<u>BOB COOK</u> . . . . .	40-41
<u>QUESTIONS BY COMMITTEE MEMBERS</u> . . . . .	41-46
<u>JACK LONG</u> . . . . .	46-54
<u>CARLOS OGDEN</u> . . . . .	54-63
<u>ALFRED H. GIUGNI</u> . . . . .	64-67
<u>DALE MUSEGADES</u> . . . . .	67-75
<u>JEROME BULLOCK</u> . . . . .	75-80
<u>STEPHEN BEAUCHAMP</u> . . . . .	80-82

I N D E X (cont'd)

PAGE

<u>RICHARD SCHWEIN</u> . . . . .	82-86
<u>QUESTIONS BY COMMITTEE MEMBERS</u> . . . . .	86-106
<u>ROBERT HOLLER</u> . . . . .	107-122
<u>JOSE M. DIAZ</u> . . . . .	122-125
<u>GREG BRICKEY</u> . . . . .	125-128
<u>QUESTIONS BY COMMITTEE MEMBERS</u> . . . . .	128-135
<u>RAYMUNDO SANCHEZ</u> . . . . .	135-141
<u>QUESTIONS BY COMMITTEE MEMBERS</u> . . . . .	141-147

1 HONORABLE WILLIAM TILNEY:

2 AGAIN THANK YOU VERY MUCH, JUDGE, FOR HAVING US HERE  
3 TODAY. AS MAYOR OF THE CITY OF EL PASO, I BELIEVE  
4 THAT MY LIFE HAS A BIT DIFFERENT PERSPECTIVE, HAVING  
5 SERVED AS THE CONSUL GENERAL IN JUAREZ AND IN MY PRES-  
6 ENT CAPACITY AND, THEREFORE, ARE VERY SENSITIVE WITH  
7 THE ISSUES THAT YOU'RE TALKING ABOUT IN THESE HEAR-  
8 INGS. FROM THE CITY'S PERSPECTIVES, WE ARE, OF  
9 COURSE, DEEPLY IMMERSSED IN BORDER-RELATED ISSUES WHEN  
10 WE'RE TALKING ABOUT ENFORCEMENT.

11 WHEN WE'RE TALKING ABOUT COOPERATION HERE ALONG THE  
12 BORDER, THIS SIDE AND THE OTHER SIDE WITH OUR MEXICAN  
13 COUNTERPARTS AND, INDEED, BELIEVE IT IS ESSENTIAL --  
14 IT IS VERY MUCH ESSENTIAL IN THE DAY AND THE TIME  
15 PERIOD WE'RE LIVING. IT'S ESSENTIAL THAT -- IN THE  
16 SENSE THAT BILATERAL RELATIONS BETWEEN OUR TWO COUN-  
17 TRIES BE THE BETTER THE RELATION IS, I THINK, THE  
18 BETTER WITH JUAREZ ECONOMICALLY, SOCIALLY, AND  
19 CULTURALLY.

20 HERE WE HAVE ENDEAVORED, I BELIEVE -- AND, AGAIN, THIS  
21 IS FROM THE CITY'S PERSPECTIVE -- TO REACH OUT AND  
22 WORK VERY MUCH IN COOPERATION WITH OUR COUNTERPARTS ON  
23 THE OTHER SIDE OF THE BORDER BECAUSE, AS I'VE SAID, IT  
24 IS IN OUR INTEREST.

25 IN LOOKING AT THE CITY ITSELF AND OUR INVOLVEMENT, I

1 HAD THE OPPORTUNITY TO MEET WITH MR. DULLES SOME TIME  
2 BACK, AND WE DID TALK ABOUT A NUMBER OF ISSUES TIED TO  
3 CIVIL RIGHTS AND THE FACT THAT YOU WOULD BE COMING  
4 HERE TO EL PASO. I CAN ONLY SAY THIS, THAT LOOKING AT  
5 CIVIL RIGHTS ISSUES AND THE CLIMATE -- AND THE POLIT-  
6 ICAL CLIMATE WE LIVE IN TODAY AND THE WORLD WE LIVE  
7 IN TODAY, WE ARE VERY SENSITIVE TO ANY TYPE OF VIOLA-  
8 TION OF CIVIL RIGHTS, ESPECIALLY WHEN WE'RE TALKING  
9 ABOUT OUR COLLEAGUES ON THE OTHER SIDE OF THE BORDER.  
10 I MEAN THAT DOESN'T MEAN THAT WE DON'T LOOK AT PEOPLE  
11 ON THIS SIDE, BUT I BELIEVE THAT WE ARE VERY MUCH  
12 AWARE OF THIS AND THIS IS BROUGHT TO THE ATTENTION OF  
13 ALL THOSE WHO ARE ENGAGED IN LAW ENFORCEMENT.

14 WE DO HAVE THE EL PASO POLICE DEPARTMENT FOR WHICH  
15 THAT WE ARE RESPONSIBLE, APPROXIMATELY 860 OFFICERS OR  
16 POSITIONS, NOT ALL FILLED, BUT THEY ARE WHAT WE CON-  
17 sider THE PRIMARY LAW ENFORCEMENT AGENCY THAT THE CITY  
18 HAS JURISDICTION OVER. WE DO WORK IN COOPERATION, AS  
19 YOU'RE WELL AWARE, WITH A NUMBER OF OTHER ORGANIZA-  
20 TIONS, WHETHER IT'S IMMIGRATION, WHETHER IT'S CUSTOMS,  
21 WHETHER IT IS WITH BORDER PATROL.

22 WE DO -- WE HAVE HAD A LINK WITH BORDER PATROL DOWN-  
23 TOWN -- AND MAYBE A LITTLE BIT LATER YOU MAY WANT TO  
24 ASK QUESTIONS ABOUT THAT RELATIONSHIP -- BUT ALL SAID  
25 AND DONE, THERE IS VERY CLOSE CITY, STATE, FEDERAL

1 GOVERNMENT LAW ENFORCEMENT COOPERATION BECAUSE WE BE-  
2 LIEVE IT IS IMPORTANT TO THE CITY, TO THE WELFARE OF  
3 THE CITY AND TO, FRANKLY, COOPERATION ON BOTH SIDES OF  
4 THE BORDER.

5 I BELIEVE THAT I WILL HAVE SOME OF MY REPRESENTATIVES  
6 FROM THE POLICE DEPARTMENT WHO WILL BE TOUCHING UPON A  
7 NUMBER OF ISSUES TIED TO HOW WE LOOK AT ANY ALLEGATION  
8 OF CIVIL RIGHTS VIOLATIONS, HOW WE WORK THROUGH OUR  
9 INTERNAL AFFAIRS OFFICE, HOW WE PROCESS CASES, AND HOW  
10 THEY ARE REPORTED TO THE FBI, AND HOW WE WORK IN CON-  
11 JUNCTION WITH THE DEPARTMENT OF JUSTICE.

12 BUT I JUST WANTED TO GO ON RECORD AND SAY WE WELCOME  
13 YOUR PRESENCE HERE. WE BELIEVE YOU HAVE A MAJOR TASK  
14 IN TERMS OF HERE ON THIS BORDER LOOKING AT ISSUES THAT  
15 ARE OF PRIMARY IMPORTANCE TO US BILATERALLY AND OF  
16 PRIMARY IMPORTANCE TO THE CITIZENRY WHO LIVE ON THIS  
17 SIDE OF THE BORDER.

18 SO I THANK YOU FOR PROVIDING ME WITH THIS OPPORTUNITY  
19 TO BE HERE, AND I'M MORE THAN WILLING TO ENTERTAIN  
20 QUESTIONS FROM THE PANEL.

21 CHAIRPERSON CANALES:

22 THANK YOU VERY MUCH.

23 AT THIS TIME WE CALL ON THE HONORABLE ROBERTO GAMBOA  
24 MASCARENAS.

25 HONORABLE ROBERTO GAMBOA MASCARENAS:

1           THANK YOU VERY MUCH.  MS. CHAIRLADY, MR. CHAIRMAN,  
2           HONORABLE BOARD, I THANK YOU FOR THE OPPORTUNITY TO  
3           PRESENT THE CASE ON BEHALF OF THE GOVERNMENT OF  
4           MEXICO.

5           AND IN PARTICULAR THE PRESIDENT OF MEXICO, CARLOS  
6           SALINAS DE GORTARI, HAS ASKED ME TO CONVEY A MESSAGE  
7           OF FRIENDSHIP AND CONGRATULATIONS BECAUSE OF THIS  
8           BOARD BEING FORMED AND US IN SAN DIEGO AND HERE GIVEN  
9           THE OPPORTUNITY TO PRESENT OUR CASE ON THE PERMANENT  
10          VIOLATIONS OF HUMAN RIGHTS AND CIVIL RIGHTS OF MEXICAN  
11          NATIONALS, WHETHER LEGAL OR ILLEGALLY STAYING OR  
12          ENTERING THE UNITED STATES.

13          THIS CONCERN THAT OUR PRESIDENT HAS IS BASED ON THE  
14          HISTORY OF THE LAST YEARS WHEN AN INCREASED NUMBER OF  
15          CASES OF COMPLAINTS HAVE BEEN FILED BY THE CONSULATES  
16          OF MEXICO, IN PARTICULAR BY THIS CONSULATE GENERAL,  
17          AND IN PARTICULAR FOR VIOLATIONS OF CIVIL RIGHTS BY  
18          SEVERAL AGENCIES OF FEDERAL GOVERNMENT, BUT IN PARTIC-  
19          ULAR, AGAIN BY THE BORDER PATROL.  TAKING INTO CON-  
20          SIDERATION THE AMOUNTS OF ABUSES DENOUNCED, THERE IS  
21          NO DOUBT THAT THERE IS A PROBLEM IN THIS COUNTRY WITH  
22          MEXICAN NATIONALS, OR PEOPLE THAT RESEMBLE MEXICANS,  
23          SOMETIMES AMERICAN CITIZENS.

24          I WILL REFER TO THE REQUESTED SUBJECTS IN YOUR LETTER.  
25          THE STATUS OF THE RELATIONSHIP BETWEEN THIS CONSUL

1 GENERAL WITH THE U.S. IMMIGRATION AND NATURALIZATION  
2 OFFICE HAS BEEN RATHER STABLE AND COMPREHENSIVE. WE  
3 HAVE ACHIEVED A COOPERATIVE RESPONSE AND WILLINGNESS  
4 TO RESOLVE ANY MISUNDERSTANDINGS, AS WELL AS GOOD DIS-  
5 POSITION BY THE I.N.S. TO TAKE MEASURES TENDING TO IM-  
6 PROVE THE PERMANENT INTERRELATION BETWEEN THE CITIZENS  
7 OF MEXICO AND THEIR AGENTS.

8 THE RELATIONSHIP WITH LOCAL U.S. CUSTOMS AUTHORITIES  
9 HAS NOT BEEN IN THE PAST A PLEASANT ONE DUE MAINLY TO  
10 THE LACK OF KNOWLEDGE OF THE MEXICAN PERSONALITY AND  
11 THE MEXICAN PSYCHOLOGY AND TO THE LACK OF RESPONSE TO  
12 OUR COMPLAINTS AS PRESENTED TO THE RESPECTIVE AUTHOR-  
13 ITIES HERE, THE DISTRICT DIRECTOR OF THE CUSTOMS  
14 AGENCY, IN EVERY CASE WHERE WE HAD COMPLAINTS AND WE  
15 VERIFIED ON PHYSICAL ABUSES, AS WELL AS UNNECESSARY  
16 SUBJECTINGS TO RIGID ADMINISTRATIVE PROCEDURES IMPOSED  
17 ON MEXICAN NATIONALS, SUCH AS THE IMPOUNDING OF CARS  
18 AND SO ON. HOWEVER, AN IMPROVEMENT IN COMMUNICATIONS  
19 HAS BEEN INITIATED RECENTLY WITH THE MENTIONED OFFICE  
20 OF THE CUSTOMS, AND HOPEFULLY IT WILL LEAD TO A NEW  
21 ERA OF UNDERSTANDING AND PERCEPTIVENESS OF INDICATIONS  
22 TOWARDS MEXICAN NATIONALS.

23 WITH DUE RESPECT, I WOULD LIKE TO UNDERLINE THAT THE  
24 WORST POSSIBLE RELATIONSHIP IN THE PAST AND PRESENT  
25 WAS AND IS THE RELATIONSHIP WITH THE U.S. BORDER

1 PATROL WHERE MOST OF THE COMPLAINTS RECEIVED IN OUR  
2 CONSULATES, AND I REPRESENT FIVE CONSULATES: NOGALES,  
3 TUCSON, PHOENIX, ALBUQUERQUE, AND EL PASO. MOST OF  
4 THE COMPLAINTS HAVE BEEN FOR MISTREATMENT THAT GOES  
5 FROM ROUGH HANDLING TO HOMICIDE BY BORDER PATROL  
6 AGENTS. THIS HOMICIDE, OF COURSE, IN OUR VIEW IS A  
7 VIOLATION OF THE MOST FUNDAMENTAL RIGHT, THE RIGHT TO  
8 LIFE, AND IT IS PERCEIVED BY US TOO AS THE ABUSE OF AN  
9 ARMED OFFICER AGAINST UNARMED MEXICAN NATIONALS, AGAIN  
10 WHATEVER THEIR STATUS IN DOCUMENTS MAY BE.

11 THIS BORDER -- THIS MEXICAN/AMERICAN AND AMERICAN/MEX-  
12 ICAN BORDER IS VERY DIFFERENT TO THE REST OF OUR TWO  
13 GREAT NATIONS. AS MAYOR TILNEY VERY PRECISELY POINTED  
14 OUT, OUR WAY OF LIFE HERE IS DIFFERENT. WE HAVE AN  
15 INTERRELATIONSHIP SOCIALLY, BUSINESS WISE, CULTURALLY  
16 ON BOTH SIDES OF THE BORDER, AND THIS IS THE WAY THE  
17 PEOPLE THAT LIVE HERE WOULD LIKE TO HAVE IT, WITHOUT  
18 ANY INCIDENTS THAT BLUR OR THAT MAY ENDIRTEN THIS  
19 RELATIONSHIP.

20 UNFORTUNATELY, THE BORDER PATROL ENFORCEMENT AGENCY  
21 HAS REFLECTED A TOTAL AND ABSOLUTE DISREGARD TO OUR  
22 COMPLAINTS AS FAR AS ANSWERING WITH SOME ACTION. WE  
23 DO GET RESPONSES. YES, WE DO GET LETTERS SAYING THAT  
24 INVESTIGATION WAS CARRIED OUT, BUT WE HAVE NEVER WIT-  
25 NESSED -- NEVER SINCE I'VE BEEN HERE -- ONE CASE WHERE

1 THE OFFICER ACCUSED, WHOSE NAME WE NEVER KNOW UNLESS  
2 WE HAPPEN TO HAVE WITNESSES WHO KNOW THE AGENT, BUT  
3 OFFICIALLY WE NEVER GET THE NAMES. WE HAVE NEVER HAD  
4 A CASE WHERE THE AGENCY HAS TAKEN CORRECTIVE ACTION  
5 WITH ITS OFFICERS. IT IS ALWAYS APPARENTLY THAT OUR  
6 COMPLAINTS ARE NOT BASED IN REALITY OR THAT THE WIT-  
7 NESS' TESTIMONY IS NOT ENOUGH TO PROVE OUR POSITION IN  
8 THESE COMPLAINTS.

9 THE UNFORTUNATE FACTS ARE DEMONSTRATED IN THE NUMEROUS  
10 CASES PRESENTED TO THE AGENCY, WHICH WE WILL IN DOCU-  
11 MENTED FORM PRESENT TO THIS PANEL -- TO THE HONORABLE  
12 BOARD IN WRITING, IF POSSIBLE, THIS EVENING. IF NOT,  
13 WE SHALL REQUEST TO HAVE AN ADDRESS TO MAIL THIS TO  
14 THE UNITED STATES. WE ARE INTEGRATING THIS DOCUMENT,  
15 AND WE STILL HAVE A FEW PIECES TO PUT TOGETHER, SO IT  
16 MAY BE READY TODAY OR MAYBE MONDAY.

17 HONORABLE WILLIAM TILNEY:

18 IS IT ALL RIGHT IF I JUST ADD A COMMENT?

19 CHAIRPERSON CANALES:

20 YES, SIR.

21 HONORABLE WILLIAM TILNEY:

22 AND I TAKE IT THIS GETS BACK TO THE FACT THAT WE'RE  
23 SITTING HERE IN WHAT WE CALL THE PASO DEL NORTE, AND  
24 WE ARE, FOR ALL INTENTS AND PURPOSES, AN INTEGRATED  
25 COMMUNITY. I BELIEVE THAT BECAUSE WE ARE SUCH AN

1 INTEGRATED COMMUNITY, SOME OF THE PROBLEMS THAT ARISE  
2 ARE EVEN MORE FRUSTRATING THAN YOU MAY FIND IN OTHER  
3 SECTORS ALONG THE BORDER. THERE IS A STRONG EMPHASIS  
4 ON COOPERATION OF AN ECONOMIC, COMMERCIAL, SOCIAL.  
5 THERE ARE VERY CLOSE FAMILY TIES ON BOTH SIDES OF THE  
6 BORDER. HAVING BEEN ON THE JUAREZ SIDE, I'M VERY MUCH  
7 AWARE OF WHAT IT'S LIKE TO CROSS THE BORDER. MY  
8 CHILDREN, FOR INSTANCE, FOUR YEARS NON-STOP TRAVELING  
9 TO EL PASO HIGH SCHOOL.

10 I CAN SAY THAT THAT IS ONE OF THE THINGS THAT IS PER-  
11 PLEXING IS THE FACT THAT BECAUSE EL PASO WAS SO ISO-  
12 LATED WITH JUAREZ FOR A LONG TIME AND THEY ALWAYS WERE  
13 CONCERNED ABOUT NOT HAVING CLOSE TIES TO THE STATE OR  
14 FEDERAL LEVEL, WE THOUGHT WE CAN GET ALONG ON OUR OWN.  
15 WE KNOW THAT'S NOT POSSIBLE, BUT AT THE SAME TIME ANY  
16 ISSUE THAT DOES ARISE OR ANY INCIDENT THAT DOES ARISE  
17 GETS ENORMOUS COVERAGE HERE BECAUSE OF THE SENSI-  
18 TIVITIES AND THE PROXIMITY AND THE CLOSE RELATIONSHIP  
19 BETWEEN BOTH SIDES.

20 AND IT COMES FROM THE JUAREZ SIDE AND IT COMES FROM  
21 THE EL PASO SIDE LOOKING AT IT, AND WHAT WE DON'T WANT  
22 TO SEE IS THAT TYPE OF INCIDENT THAT CAN DAMAGE RELA-  
23 TIONS BETWEEN BOTH SIDES OF THE BORDER, WHETHER WE'RE  
24 TALKING ABOUT FREE TRADE OR WHETHER WE'RE TALKING  
25 ABOUT JUST GENERAL COMMERCIAL, GENERAL MOVEMENT

1 CULTURALLY OR SOCIALLY. IT DOES NOTHING TO ENAMOR  
2 RELATIONS BETWEEN SIDES OF THE BORDER ANYTIME THAT  
3 COMES UP.

4 CHAIRPERSON CANALES:

5 MAYOR, I KNOW YOU HAVE TO LEAVE. BEFORE YOU LEAVE, I  
6 WOULD LIKE TO ASK ONE QUESTION. IT HAS BEEN SUGGESTED  
7 BY -- I WON'T MENTION THE NAME. IT HAS BEEN SUGGESTED  
8 BY A PANEL MEMBER THAT AN IMPENETRABLE WALL BE ERECTED  
9 IN THE EL PASO AREA THAT NO ONE COULD GET THROUGH.  
10 THIS WOULD DECREASE THE ABUSES. WOULD YOU PLEASE COM-  
11 MENT ON THIS?

12 HONORABLE WILLIAM TILNEY:

13 THERE IS PEOPLE THAT -- PEOPLE COME FROM ALL WALKS OF  
14 LIFE, AND THEY ALL HAVE DIFFERENCES OF OPINION. TO  
15 PUT UP A TORTILLA CURTAIN THAT IS IMPENETRABLE, IT  
16 WILL NOT HAPPEN IN OUR LIFETIMES. WHAT WE'RE TALKING  
17 ABOUT, IN A DEMOGRAPHIC SENSE, IF YOU LOOK AT THE  
18 POPULATION AND THE COMPOSITION, YOU'RE TALKING ABOUT A  
19 CITY, EL PASO, 70 PERCENT HISPANIC ORIGIN, AND MANY  
20 HAVE TIES TO THE JUAREZ SIDE OF THE BORDER.

21 I KNOW THAT PEOPLE SAY THAT THE EASIEST WAY MAYBE TO  
22 RESOLVE THIS ISSUE IS BY CLAMPING DOWN WITH A WALL  
23 THAT WOULD NOT PERMIT PEOPLE COME ACROSS, BUT THAT'S  
24 TOTALLY UNREALISTIC. I THINK WHAT WE HAVE TO DO IS  
25 ENHANCE THE WORKING RELATIONSHIPS BETWEEN OFFICIALS

1 FROM BOTH SIDES OF THE BORDER, WHETHER WE'RE TALKING  
2 ABOUT U.S. CUSTOMS WITH MEXICAN CUSTOMS, LAW ENFORCE-  
3 MENT AGENCIES ON BOTH SIDES. IT WORKS ON THE CANADIAN  
4 BORDER, AND I THINK IT SHOULD BE WORKING HERE ON THE  
5 MEXICAN BORDER. AND I THINK IT'S A MATTER OF RESPECT  
6 FOR EACH OTHER.

7 THE CONSUL GENERAL, OF COURSE, HAS MADE HIS COMMENTS.  
8 I CAN SAY FROM OUR PERSPECTIVE THAT, YOU KNOW, THE  
9 CITY ITSELF WORKS IN CLOSE COOPERATION, AND WE UNDER-  
10 STAND THAT THERE HAVE BEEN PROBLEMS IN THE PAST. BUT  
11 OUR ROLE, OF COURSE, IS FROM THE MUNICIPAL ROLE, NOT  
12 FROM THE FEDERAL ROLE, AND WE DO APPRECIATE THE ASSIS-  
13 TANCE WE DO RECEIVE IN SOME SECTORS LARGELY BECAUSE WE  
14 ARE SUCH AN UNDERMANNED LAW ENFORCEMENT ENTITY.

15 IF YOU LOOK AT THE CITY ITSELF, WE HAVE 860 POSITIONS  
16 THAT MOST CITIES -- AND I THINK IN SAN ANTONIO ALSO  
17 HAS LITERALLY DOUBLE THAT PER CAPITA, AND SO WE WORK  
18 HARD TO DO WHAT WE CAN AND WE DO COOPERATE, WHETHER  
19 IT'S THROUGH EPIC OR OTHER AGENCIES. WE HAVE EX-  
20 PRESSED OUR CONCERNS, OF COURSE, ON MANY OCCASIONS  
21 WHEN WE'VE HAD PROBLEMS AT THE BRIDGES TO THE APPRO-  
22 PRIATE OFFICIALS, WHETHER THEY'RE WITH IMMIGRATION OR  
23 CUSTOMS, BUT WHEN IT COMES TO ANY CIVIL-RIGHTS VIOLA-  
24 TION, WE WANT TO BE -- IF IT'S AT THE FEDERAL LEVEL,  
25 WE, OF COURSE, WANT TO BE AS WELL INFORMED AS ANYONE

1 BECAUSE IT'S IN THE CITY'S INTEREST TO KNOW WHAT TAKES  
2 PLACE BECAUSE IT CAN HAVE EITHER A POSITIVE OR NEGA-  
3 TIVE IMPACT ON THE CITY ITSELF.

4 HONORABLE ROBERTO GAMBOA MASCARENAS:

5 WITH YOUR PERMISSION, THE ONLY THING LEFT IS THE  
6 RECOMMENDATIONS THAT YOU REQUEST, THE FIRST OF WHICH  
7 WOULD BE A VERY SIMPLE ONE: IF IN THAT PARTICULAR  
8 BODY THAT WE ARE MENTIONING, AS THE BASIC PROBLEM TO  
9 MEXICAN NATIONALS IN THE AREA, WOULD INSTRUCT THEIR  
10 AGENTS TO DO THEIR DUTY OF NOT PERMITTING THE ENTRANCE  
11 OF MEXICAN UNDOCUMENTED OR ANY OTHER NATIONALITY  
12 UNDOCUMENTED PEOPLE, BUT IF THESE PEOPLE ARE WALKING  
13 BACK OR RUNNING BACK, NOT TO PURSUE THEM, TACKLE THEM,  
14 WRESTLE WITH THEM, AND PROVOKE AN INCIDENT WHICH IS  
15 GOING TO END UP WITH A MEXICAN CITIZEN DEAD, WHICH HAS  
16 BEEN THE CASE -- ONE LAST YEAR, ONE THIS YEAR -- THAT  
17 WOULD BE OUR FIRST RECOMMENDATION.

18 AND THERE IS A SERIES OF RECOMMENDATIONS, WHICH IS TOO  
19 LONG, AND I ASSUME THAT THE TIME IS SHORT, AND THAT I  
20 WOULD PRESENT IN THESE PAPERS THAT WE ARE ASKING FOR  
21 AN ADDRESS TO BE SENT TO.

22 THANK YOU VERY MUCH FOR THE OPPORTUNITY.

23 CHAIRPERSON CANALES:

24 IF WE HAVE TIME, WE WILL HAVE QUESTIONS. WE WILL  
25 ALLOW PANEL MEMBERS TO SPEAK, AND WE WOULD BE VERY

1 HAPPY TO RECEIVE YOUR REPORT AND YOUR DATA AT A LATER  
2 DATE.

3 MR. DULLES, IF YOU WILL ADVISE HIM WHERE TO SEND IT  
4 TO.

5 JOHN DULLES:

6 YES. WE ALREADY TALKED.

7 CHAIRPERSON CANALES:

8 WE WOULD LIKE TO HEAR FROM MR. ALFONSO GARCIA.

9 ALFONSO GARCIA:

10 I AM FROM THE CONSUL GENERAL'S OFFICE.

11 CHAIRPERSON CANALES:

12 IF YOU WISH TO ANSWER QUESTIONS NOW?

13 COMMITTEE MEMBER BERRIOZABAL:

14 WELCOME TO PUBLIC ELECTED HOOD, AS WE CALL IT.

15 WE HAD THE OPPORTUNITY TO HAVE MAYOR TILNEY WORK IN  
16 SAN ANTONIO FOR SEVERAL YEARS IN THE INTERNATIONAL  
17 RELATIONS DEPARTMENT, SO I KNOW HIM, I FEEL, NOT VERY  
18 WELL, BUT ENOUGH TO KNOW THAT HE IS A GOOD MAYOR FOR  
19 THE CITY OF EL PASO.

20 I HAVE A QUESTION. THIS MORNING THERE WERE SEVERAL  
21 PEOPLE WHO TESTIFIED OF THE PROBLEMS WITH THE FOOT  
22 PATROL IN THE DOWNTOWN AREA. I AM VERY FAMILIAR WITH  
23 HOW THE DOWNTOWN FOOT PATROL WORKS, AND I KNOW THAT  
24 THE BUSINESS COMMUNITY HAS SPONSORED IT AND IT'S FOR  
25 THE SAFETY OF THE PEOPLE OF THE AREA.

1 THE PROBLEM THAT THEY TALKED ABOUT THIS MORNING WAS  
2 THE CHILLING EFFECT IT HAS ON PEOPLE REPORTING CRIMES  
3 TO THE POLICE BECAUSE THE BORDER PATROL IS THERE.  
4 THERE WAS A MAN FROM THE DIOCESE FROM EL PASO WHO  
5 REPORTED THAT THERE IS A VERY HIGH PERCENTAGE OF RAPES  
6 NOT REPORTED BECAUSE THEY INVOLVE WOMEN WHO ARE HERE  
7 WITHOUT THEIR DOCUMENTS. WHAT RESPONSE DO YOU HAVE TO  
8 THE SUGGESTION THAT THE DOWNTOWN FOOT PATROL NOT IN-  
9 CLUDE THE BORDER PATROL AS A SECOND PART OF THE TEAM?

10 HONORABLE WILLIAM TILNEY:

11 WELL, FIRST OF ALL, IT IS GOOD TO SEE YOU SINCE SAN  
12 ANTONIO DAYS AND A VISIT THERE WITH THEN CANDIDATE  
13 SALINAS DE GORTARI, WHICH WAS SUPER.  
14 WHAT YOU'RE TALKING ABOUT IS SOMETHING THAT'S BEEN  
15 APPROACHED AND RAISED ON A NUMBER OF OCCASIONS OVER  
16 THE YEARS. THE NUMBERS OF BORDER PATROL THAT ARE  
17 LET'S SAY ASSIGNED TO FOOT PATROL DOWNTOWN ARE VERY  
18 MINIMAL. THERE HAS BEEN A LOT OF DISCUSSION, AND THIS  
19 TIES INTO EPISO; IT TIES INTO OTHER ORGANIZATIONS THAT  
20 HAVE STRONG RESERVATIONS ABOUT CONTINUING PRESENCE.  
21 AT THE SAME TIME WE HAVE A LOT OF PRESSURE COMING FROM  
22 THE DOWNTOWN DEVELOPMENT ORGANIZATIONS WHO ARE VERY  
23 CONCERNED ABOUT COMMERCE AND CRIME DOWNTOWN. THERE  
24 WAS AN INSTANCE A NUMBER OF YEARS AGO WHERE IT WAS  
25 FAZED OUT AND THEN WAS BROUGHT BACK ON LINE.

1 MY CONCERN I THINK TIES INTO SOMETHING ELSE THAT'S  
2 RELATED TO THIS. IT'S -- IT IS I THINK THE CONCERN  
3 OVER AN INCONSISTENCY IN POLICY. IF YOU'RE ENFORCING  
4 A POLICY DOWNTOWN WITH FOOT PATROL ON IDENTIFICATION  
5 OR WALKING IN, IT'S ONE THING. THERE SEEMS TO BE AN  
6 INCONSISTENCY. AT THE OTHER PORT OF ENTRY -- AND I'M  
7 TALKING SPECIFICALLY CORDOVA -- THERE IS LESS CONTROL,  
8 AND THERE IS A VERY OPEN FLOW OF PEOPLE COMING ACROSS  
9 AND THERE IS VERY LITTLE ENFORCEMENT THERE BY BORDER  
10 PATROL, AT LEAST IT SEEMS TO ME, IN TERMS OF GOING  
11 BACK AND FORTH, SO WHAT HAPPENS IS YOU HAVE PEOPLE WHO  
12 BEGIN TO TAKE FOR GRANTED OR IGNORE -- AND I THINK  
13 THAT MAY HAVE BEEN SOME OF THE REASONS WHY WE HAVE  
14 SEEN THESE PROBLEMS DEVELOP. IT'S WHAT YOU CALL  
15 SELECTIVE ENFORCEMENT.

16 AS TO YOUR QUESTION ITSELF, IT HAS BEEN DISCUSSED, AND  
17 WE CONTINUE TO DISCUSS IT. I HAVE PRESSURES COMING  
18 FROM BOTH SIDES. AGAIN, THE NUMBERS WE'RE TALKING  
19 ABOUT ARE VERY LIMITED. IF I'M CORRECT, THEY'RE UNDER  
20 12 AS FAR AS THOSE THAT ARE ASSIGNED TO THE DOWNTOWN  
21 FOOT PATROL, AND I'M MORE THAN WILLING, YOU KNOW, TO  
22 CONTINUE THOSE DISCUSSIONS AND COME BACK TO YOU WITH A  
23 REPORT ON IT.

24 COMMITTEE MEMBER WEST:

25 QUESTION FOR MAYOR TILNEY. WITH REGARD TO THE EXPENSE

1 QUESTION, SINCE YOU OPPOSE THE CONSTRUCTION OF A FENCE  
2 THAT ACTUALLY WOULD PREVENT PEOPLE FROM COMING ACROSS  
3 THE RIVER ILLEGALLY, I JUST WONDER HOW YOU RECONCILE  
4 THAT OPINION OF YOURS WITH THE INSISTENCE OF UNITED  
5 STATES LAW THAT SAYS THAT IMMIGRATION INTO THIS  
6 COUNTRY IS TO BE CONDUCTED ONLY UNDER CERTAIN CIRCUM-  
7 STANCES IN CERTAIN WAYS. IT SEEMS TO ME THAT YOU'RE  
8 IN A POSITION WHERE YOU WANT TO HAVE IT BOTH WAYS:  
9 YOU'RE IN FAVOR OF THE LAW, BUT YOU'RE IN FAVOR OF NOT  
10 ENFORCING IT.

11 HONORABLE WILLIAM TILNEY:

12 ONE, I'VE BEEN IN A POSITION FOR MANY YEARS GOING BACK  
13 TO THE '60S, I WON'T SAY HORATIO AT THE BRIDGE, BUT AT  
14 THE SAME TIME PLAYING THAT ROLE INVOLVED SOME CASES  
15 AND HAVE HAD A VERY CLOSE WORKING RELATIONSHIP ON THE  
16 OTHER SIDE OF THE BORDER WHO EFFECTIVELY SEE THAT IN  
17 PLACE.

18 IN ORDER TO PUT, I GUESS THE TERM IS, AN "IMPREGNABLE  
19 WALL," I JUST CAN'T SEE AN IMPREGNABLE WALL EVER BEING  
20 BUILT. EVEN IF YOU PUT IN CHAINS OR PUT UP MINES OR  
21 WHATEVER, EVENTUALLY, JUST GIVEN HUMAN NATURE, WOULD  
22 BE VERY, VERY DIFFICULT TO ENFORCE. WE COULD TALK  
23 ABOUT SOME INSTANCES WHERE PEOPLE HAVE TRIED THAT, AND  
24 IT NEVER WORKED.

25 I'M VERY MUCH FOR SEEING ENFORCEMENT COMING ACROSS THE

1 BRIDGE, AND I THINK IT CAN BE DONE. THE THING THAT WE  
2 TALKED FOR MANY YEARS ABOUT RESOURCES THAT ARE ALLO-  
3 CATED TO THE BORDER, WHETHER YOU'RE TALKING BORDER  
4 PATROL, WHETHER YOU'RE TALKING ABOUT U.S. CUSTOMS, OR  
5 IMMIGRATION. WE'RE CONSTANTLY TOLD THAT WE ARE GOING  
6 TO HAVE AN ADDITIONAL THREE, FOUR, 500 POSITIONS, BUT  
7 THEN WHEN IT COMES TO APPROPRIATIONS, THEY ARE THEN  
8 NOT PUT IN PLACE.

9 BUT IF THERE WAS A MORE EFFICIENT USE OF INTRASTRUC-  
10 TURE AND ADDITIONAL RESOURCES IN LARGE NUMBERS SO THAT  
11 PEOPLE WOULD CONFORM, BUT THE THING IS THAT OVER THE  
12 YEARS THIS HAS EVOLVED. YOU HAVE A DIFFERENT POLICY  
13 TODAY WITH THE BORDER PATROL THAN YOU DID 10 YEARS AGO  
14 IN TERMS OF TRYING TO ENFORCE IT ACROSS THE BOARD BE-  
15 CAUSE THE NUMBERS WERE STRETCHING SO THINLY. WHEN YOU  
16 HAVE ONE OR TWO PICKUP-TRUCKS THERE TRYING TO STOP A  
17 HOARD OF PEOPLE COMING ACROSS, IT'S NOT POSSIBLE.

18 IF YOU'RE TALKING ABOUT A WALL THAT WOULD GO UP AND  
19 SAY, YES, USE THE PORTS OF ENTRY PROBABLY WOULD BE  
20 MORE APPROPRIATE, BUT I'M ESTIMATING GO BACK TO THE  
21 FACT THAT WE DON'T HAVE THE WHEREWITHAL ON THIS  
22 BORDER, AT LEAST, FROM THE FEDERAL PERSPECTIVE.

23 AND I'VE HAD A LOT OF CONVERSATIONS WITH MR. HOLLER  
24 AND MR. GIUGNI. THEY DON'T HAVE THE PERSONNEL TO EVEN  
25 DEAL WITH THAT. I'M FOR WHAT YOU'RE SAYING. I DON'T

1 THINK THAT -- IF YOU HAVE A WALL, HOW LONG ARE YOU  
2 GOING TO BUILD IT? BUILD IT ALL THE WAY DOWN TO  
3 COLUMBUS, NEW MEXICO AND OVER TO PRESIDIO? THERE WILL  
4 ALWAYS BE WAYS TO GET THROUGH THAT, AND I'M SAYING  
5 IT'S NOT PRACTICAL TO DO THAT UNLESS WE'RE TALKING  
6 ABOUT INVESTMENTS OF, LITERALLY, BILLIONS OF DOLLARS  
7 TO PUT THAT IN PLACE.

8 COMMITTEE MEMBER GRAGLIA:

9 IF I MAY FOLLOW UP ON THAT, MAYOR -- AND I'D BE GLAD  
10 TO HAVE THE CONSUL'S CONTRIBUTION -- YOU SAID YOU  
11 THINK THERE IS AN INCONSISTENCY OF SOME SORT HERE, AND  
12 THAT'S CERTAINLY BEEN MY IMPRESSION. IT SEEMS TO ME  
13 WE HAVE A VERY AMBIVALENT SORT OF NATIONAL POLICY THAT  
14 IT'S AS IF WE ARE TRYING TO CREATE AN IMPERMIATE  
15 BORDER, AND YET WE DON'T WANT THAT. AND I THINK ALL  
16 THESE PROBLEMS, IT SEEMS TO ME, ARE PROBABLY THE  
17 NECESSARY RESULT OF THIS INCONSISTENT OR EVEN IRRA-  
18 TIONAL POLICY; THAT IS, ARE WE REALLY SERIOUS ABOUT  
19 PROTECTING THE BORDER?

20 IT SEEMS TO ME WE'RE NOT BECAUSE IT SEEMS TO ME THAT  
21 CLEARLY THAT IMPREGNABLE WALL, BILLIONS OF DOLLARS,  
22 YOU CAN CERTAINLY PUT UP TWO VERY SUBSTANTIAL FENCES  
23 AND HAVE A PATROL BETWEEN THE FENCES WITH VEHICLES,  
24 WHICH COULD ENORMOUSLY REDUCE THE GREAT FACILITY OF  
25 CROSSING THAT EXISTS NOW, AND WHEN THAT'S DONE,

1           SOMEBODY SAYS, "WELL, WE DON'T LIKE THE SYMBOLISM OF  
2           THAT." WHAT'S THE SYMBOLISM OF THAT? WE'RE TRYING TO  
3           KEEP PEOPLE OUT. WE'RE TRYING TO KEEP PEOPLE OUT.  
4           YES, THAT'S WHAT WE'RE TRYING TO DO. IF WE'RE NOT  
5           TRYING TO KEEP PEOPLE OUT, WELL, THEN LET'S DROP THE  
6           PRETENSE. UNLESS I'M WRONG, I HAVE THE FEELING THAT  
7           THERE IS THIS INCONSISTENCY, AND THAT'S THE SOURCE OF  
8           THESE PROBLEMS.

9           HONORABLE WILLIAM TILNEY:

10           CAN I JUST RESPOND TO THAT?

11           COMMITTEE MEMBER GRAGLIA:

12           PLEASE.

13           HONORABLE WILLIAM TILNEY:

14           YOU'RE TALKING ABOUT FEDERAL ISSUES AND, OF COURSE,  
15           HAVING BEEN A FEDERAL OFFICIAL BEFORE AND HAVING  
16           WORKED WITH A LOT OF THOSE PEOPLE, PEOPLE LOOK AT IT  
17           FROM WHAT'S THE FEDERAL POLICY? THERE'S A FEDERAL  
18           POLICY THAT SAYS WE HAVE TO MAINTAIN THE INTEGRITY OF  
19           OUR BORDERS, WHETHER WE'RE TALKING ABOUT ANY PORT OF  
20           ENTRY, WHETHER IT'S AIRPORTS, OR WHETHER IT'S THE  
21           CANADIAN BORDER OR THE SOUTHERN BORDER, AND THAT'S A  
22           FEDERAL DECISION I MEAN IN TERMS OF WHAT RESOURCES  
23           THEY WISH TO ALLOCATE.

24           AND BY ALLOCATING THOSE RESOURCES, MAKING A DECISION  
25           THAT SAYS, "YES, INDEED, WE ARE GOING TO ENFORCE THEM

1 IN SUCH A MANNER," THE CITY ITSELF -- YOU KNOW  
2 THERE'S A LOT OF THINGS THAT DO COME UP HERE I THINK  
3 ARE RATHER FASCINATING, AND MAYBE YOU'VE SEEN -- SOME  
4 OF THESE HAVE COME OUT IN THE "BORDER TRADE ALLIANCE"  
5 ABOUT THE FACT HERE IN THE EL PASO SECTOR, PEOPLE  
6 COMING ACROSS THE BORDER, ABOUT 95 PERCENT WHO MOVE  
7 ACROSS THE BORDER STAY IN THE EL PASO REGION. THEY  
8 DON'T GO ON TO LOS ANGELES. TIJUANA, YOU GO THROUGH  
9 TIJUANA AND SAN DIEGO. YOU'RE TALKING ABOUT AN ENOR-  
10 MOUS FLOW GOING IN THAT DIRECTION.  
11 IT'S MUCH LESS SO HERE. YOU HAVE BEYOND THE CITY  
12 LIMITS OF EL PASO, WHETHER YOU'RE TALKING THE ROAD TO  
13 ALAMOGORDO, THE ROAD HEADING TOWARDS SAN ANTONIO, THE  
14 ROAD GOING TO TUCSON, YOU HAVE BORDER PATROL CHECK-  
15 POINTS. AT THOSE CHECKPOINTS MANY PEOPLE ARE  
16 STOPPED -- AND I'M NOT BEING FACETIOUS, BUT I MEAN I  
17 HAVE PEOPLE THAT COME TO ME AND SAY, "LET'S SET UP A  
18 NONCLAVE SO PEOPLE CAN HAVE A FREE FLOW BACK AND FORTH  
19 IN THIS SECTOR AND ENHANCE COMMERCE AND TRADE AND  
20 SOCIAL ACTIVITY, BECAUSE 95 PERCENT OF THE PEOPLE THAT  
21 ARE CROSSING THE BORDER REMAIN IN THE REGION ITSELF,"  
22 SO YOU DO GOOD WHEN YOU GET THAT.

23 COMMITTEE MEMBER GRAGLIA:

24 THAT MAKES A GREAT DEAL OF SENSE IF IT WAS FEASIBLE,  
25 BUT MAYBE FIVE PERCENT LEAVING IS TOO MUCH.

1 HONORABLE WILLIAM TILNEY:

2 I'M JUST SAYING, "FIVE PERCENT." BASED ON RESOURCES  
3 THAT YOU HAVE -- THIS IS NOT A RECOMMENDATION. I'M  
4 JUST SAYING IT IS SOMETHING THAT'S OUT THERE. THIS IS  
5 DISCUSSED AT UTEP. THAT LOBBY FROM THE BORDER CON-  
6 GRESSIONAL CAUCUS, THOSE PEOPLE TALK ABOUT IT AND ARE  
7 AWARE OF IT. I KNOW THE PROPONENT OR THE AUTHOR, AND  
8 IT'S BEEN VERY SERIOUS ABOUT IT AND IT'S BEEN PRO-  
9 TESTED TO CUSTOMS OFFICIALS AND IMMIGRATION OFFICIALS  
10 IN THE AREA IN AN INFORMAL SENSE. THAT IS SORT OF AN  
11 OPTION TRYING TO PUT ON -- LITERALLY BRING ON AN ADDI-  
12 TIONAL TWO, 3,000 POSITIONS FOR CUSTOMS, IMMIGRATION,  
13 AND BORDER PATROL AT A TIME IN WHICH WE DON'T HAVE  
14 IT.

15 NOW THE CITY ITSELF WANTS TO CONTINUE IT. I'M JUST  
16 SAYING IT'S SORT OF LIKE YOU WANT YOUR CAKE AND EAT IT  
17 TOO. WE WANT THAT COMMERCE AND TRADE. WE HAVE ENOR-  
18 MOUS -- IF YOU LOOK IN GLOBAL MANUFACTURING, IF YOU  
19 LOOK IN INVESTMENT, IF YOU LOOK ON THE MEXICAN SIDE,  
20 THE U.S. SIDE, YOU LOOK AT WHAT IS INVOLVED HERE, WHAT  
21 IS TAKING PLACE AND TAKING SHAPE, THERE IS ENORMOUS  
22 INTERACTION.

23 YOU HAVE BOARD PRESIDENTS. YOU HAVE ON YOUR BOARD OF  
24 DIRECTORS OF YOUR BANKS MEXICAN CITIZENS HERE IN EL  
25 PASO. YOU HAVE ONE OF THE LARGEST BANKS THAT WAS JUST

1 RECENTLY ACQUIRED. MEXICAN INVESTORS JUST ACQUIRED  
2 IT. YOU HAVE INVESTMENT IN ALL OF THE INDUSTRIAL  
3 PARKS COMING FROM BOTH SIDES, AND SO FOR THE CITY, THE  
4 CITY PROBABLY -- AND THAT'S BECAUSE OF OUR PROXIMITY  
5 AND OUR OWN INTIMATE INVOLVEMENT HERE -- HAS SOMEWHAT  
6 OF A DIFFERENT ROLE IN TERMS OF BEING, YOU KNOW, WAY  
7 OUT FRONT OF THIS BECAUSE WE'RE LOOKING AT COMMERCE.  
8 WE WANT TO SUPPORT AND ASSURE THE INTEGRITY AND SOVER-  
9 EIGNTY OF OUR BORDERS, BUT WE DEFER TO THE FEDERAL  
10 GOVERNMENT TO DO THAT. AND YET IT SEEMS AS IF IF THE  
11 FEDERAL GOVERNMENT WANTS TO PUT THAT IN PLACE, THEN  
12 IT'S GOING TO HAVE TO MAKE A MUCH GREATER COMMITMENT  
13 THAN IT HAS IN THE PAST.

14 COMMITTEE MEMBER GRAGLIA:

15 WHAT'S YOUR VIEW ON THAT?

16 CHAIRPERSON CANALES:

17 IF YOU WISH TO COMMENT ON THAT.

18 HONORABLE ROBERTO GAMBOA MASCARENAS:

19 JUST VERY BRIEFLY ON THE WALL PRINCIPLE, I THINK  
20 HUMANITY HAS GIVEN US EXAMPLES THROUGH HISTORY OF THE  
21 FAILURE OF THESE PROCESSES OF CREATING THE ARTIFICIAL  
22 BARRIERS: THE CHINESE WALL, WHICH FINALLY DIDN'T WORK  
23 AND THE MANCHURIANS TOOK OVER, PROVES THE POINT, BUT  
24 WE COULD GO TO BERLIN AND WE COULD GO TO MANY OTHER  
25 INSTANCES WHERE ALL THESE PRECAUTIONS ARE WASTED

1 MONEY.

2 WHAT WE HAVE IN COMMON IS AN ECONOMICAL PROBLEM. IF  
3 WE ARE IN THE THRESHOLD OF A FREE-TRADE AGREEMENT FOR  
4 NORTH AMERICA, IF WE SECURE THIS AGREEMENT, THE FINAN-  
5 CIAL SITUATION, THE INCOME -- THE AVERAGE INCOME OF A  
6 MEXICAN FAMILY IS NOT GOING TO BE SUCH THAT IT REMAINS  
7 VERY ATTRACTIVE TO COME TO THE ADVENTURE OF GOING IL-  
8 LEGALLY INTO THE UNITED STATES IN SEARCH OF A BETTER-  
9 PAYING JOB.

10 THANK YOU.

11 COMMITTEE MEMBER MONTOYA:

12 VINCENT MONTOYA, FROM THE NEW MEXICO ADVISORY COM-  
13 MITTEE.

14 MAYOR, A COUPLE OF QUESTIONS. NUMBER 1, DURING SOME  
15 PREVIOUS TESTIMONY THIS MORNING RECOMMENDATIONS --  
16 SOME RECOMMENDATIONS WERE MADE IN REGARDS TO AN ADVI-  
17 SORY COMMITTEE JUST TO SORT OF BE THE SOUNDING BOARD  
18 OF SOME OF THESE COMPLAINTS AND PROBLEMS BOTH FROM THE  
19 CITY'S STANDPOINT AND FROM THE IMMIGRANT STANDPOINT,  
20 TO WHAT DEGREE THEY WOULD HAVE AUTHORITY OR NOT AU-  
21 THORITY, AND I GUESS IT'S PATTERNED PRETTY MUCH AFTER  
22 THE POLICE ADVISORY COMMITTEES THAT ARE IN CERTAIN  
23 CITIES OVERSEEING THE POLICE FUNCTIONS. THERE WERE  
24 SOME QUESTIONS OF, YOU KNOW, WHAT AUTHORITY THEY WOULD  
25 HAVE, WHO WOULD APPOINT THEM, AND SO ON AND SO FORTH.

1 AND I KNOW THAT WOULD BE A LONG ANSWER TO WHATEVER  
2 YOUR FEELINGS WOULD BE ON IT, BUT IF AT ANY POINT YOU  
3 WOULD LIKE TO SEND OUT TO OUR REGIONAL STAFF SOME SORT  
4 OF AN IDEA OF WHAT YOU THINK OF IT AS FAR AS EL PASO  
5 IS CONCERNED OF THIS TYPE OF CONCEPT AND WHAT INVOLVE-  
6 MENT WOULD THE CITY HAVE IN APPOINTING THAT COMMITTEE  
7 OF WHAT GROUPS -- WHAT INVOLVEMENT THE FEDERAL GOVERN-  
8 MENT WOULD HAVE IN APPOINTING THAT OVERSIGHT COMMITTEE  
9 AND THEN, ULTIMATELY, WHAT AUTHORITY IT WOULD HAVE  
10 LEGALLY OR OTHERWISE.

11 HONORABLE WILLIAM TILNEY:

12 MR. MONTOYA, ALL I CAN SAY IS THERE HAVE BEEN INFORMAL  
13 ADVISORY BOARDS. I KNOW THE CONSUL GENERAL IS IN-  
14 VOLVED WITH FEDERAL OFFICIALS. ON THIS SIDE OF THE  
15 BORDER I WORK WITH FEDERAL OFFICIALS. FROM THE CITY'S  
16 PERSPECTIVE WE'RE LOOKING AT TWO THINGS, TWO ISSUES:  
17 ONE IS WHETHER YOU'RE TALKING ABOUT CIVIL-RIGHTS ALLE-  
18 GATIONS, WHETHER OR NOT THIS IS EMANATING OUT OF AN  
19 INCIDENT INVOLVING EL PASO POLICE DEPARTMENT, WHICH  
20 WOULD NOT BE OF A FEDERAL NATURE. WHAT ROLE COULD  
21 THEY PLAY THERE IN ORDER TO BE RESPONSIBLE TO THE COM-  
22 MUNITY OR TO CITIZENRY IN GENERAL?

23 AND THE OTHER ONE, OF COURSE, WE DO -- WE ARE LOOKING  
24 AT A NUMBER OF THINGS WHICH ALLY INTO THE GENERAL  
25 CLIMATE OF THE UNITED STATES IN TERMS OF ACCOUNT-

1 ABILITY ON ANY TYPE, WHETHER IT'S BRUTALITY, WHETHER  
2 IT'S ON CIVIL-RIGHTS ALLEGATIONS, HUMAN-RIGHTS ALLE-  
3 GATIONS, WHAT TYPE OF ROLE AND WHAT TYPE OF CLOUT.  
4 WE CAN PUT A -- WE DO HAVE LET'S SAY WITHIN THE  
5 POLICE DEPARTMENT AN ADVISORY BOARD THAT HAS TIES WITH  
6 THE POLICE CHIEF. WE ALSO HAVE AN INTERNAL AFFAIRS,  
7 BUT SHOULD WE MAYBE DO SOMETHING WITH THAT TO MAYBE  
8 GIVE IT A LITTLE BIT MORE OF A BROADER SCOPE? AND  
9 EVEN IF WE DID, THE ISSUE WOULD BOIL DOWN TO WHAT TYPE  
10 OF MANDATE OR WHAT TYPE OF POWERS WOULD IT HAVE, AND  
11 WHAT WOULD BE ITS RELATIONSHIP TO THE FEDERAL GOVERN-  
12 MENT AND TO THE FEDERAL LAW ENFORCEMENT ENTITIES OR  
13 THE CIVIL-RIGHTS COMMISSION, BECAUSE WE ARE ONLY A  
14 MUNICIPAL, AND WE ARE NOT A FEDERAL AGENCY. BUT I'M  
15 RECEPTIVE TO IT, YES.

16 COMMITTEE MEMBER MONTOYA:

17 IN YOUR STATEMENT, LISTENING TO THE ULTIMATE QUESTION,  
18 YOU HAVE YOUR FOOT PATROLS, AS I UNDERSTAND, A CITY  
19 POLICE OFFICER AND AN I.N.S. AGENT OR BORDER PATROL  
20 AGENT. THIS MORNING ALSO ON SOME ALLEGATIONS, WHETHER  
21 THEY ARE TRUE OR NOT, THE POLICE BEING CALLED IN ON  
22 SOME COMPLAINTS AGAINST FEDERAL OFFICIALS, WHAT JURIS-  
23 DICTION DOES YOUR POLICE OFFICERS -- BECAUSE WORKING  
24 IN CONJUNCTION WITH THE SAME LAW ENFORCEMENT ENTITIES  
25 SORT OF PARALLEL, SOMEWHAT, JURISDICTION. DO THEY

1 GET INVOLVED IN INVESTIGATION AND CITING COMPLAINTS  
2 AGAINST FEDERAL OFFICIALS?

3 HONORABLE WILLIAM TILNEY:

4 IT IS A VERY GOOD QUESTION IN THE SENSE THAT WHEN YOU  
5 HAVE PEOPLE WORKING IN CONCERT WITH EACH OTHER, NOT-  
6 WITHSTANDING THE FACT THAT ONE IS WEARING ONE UNIFORM  
7 AND ONE IS WEARING ANOTHER UNIFORM, THERE IS NORMALLY  
8 A COMRADERY THAT DOES DEVELOP.

9 SO WHEN YOU'RE TALKING ABOUT IF A LAW ENFORCEMENT  
10 OFFICIAL FROM THE CITY WAS CALLED IN FOR COMMENT, I  
11 THINK THE ONE THING WE'RE TRYING TO STRESS, EMPHATIC,  
12 WE ARE IN NO WAY INVOLVED IN ANY WAY, SHAPE, AND FORM  
13 IN IMMIGRATION-RELATED ISSUES. WE ARE ONLY INVOLVED  
14 IN ENFORCING THE LAW AND PREVENTING CRIME, BUT I KNOW  
15 EXACTLY WHAT YOU'RE SAYING THERE. AND THAT IS SOME-  
16 THING WE'VE DISCUSSED AND I'VE DISCUSSED MOST RECENTLY  
17 WITH ORGANIZATIONS, SUCH AS EPISO, AS TO THE ROLE  
18 THAT SHOULD BE PLAYED. ON THE OTHER HAND, IF YOU LOOK  
19 AT DOWNTOWN, THERE IS AN AWFUL LOT OF PRESSURE THAT  
20 IS BROUGHT TO BEAR BY PEOPLE SAYING THIS IS WHAT THEY  
21 WANT DOWN THERE, AND WE HAVE TO WEIGH BOTH SIDES OF  
22 THE EQUATION.

23 CHAIRPERSON CANALES:

24 WE'VE RUN OUT OF TIME. IT'S BEEN VERY INFORMATIVE.  
25 WE MUST MOVE ON. I'M SORRY. WE THANK YOU, MAYOR

1 TILNEY, CONSUL GENERAL GAMBOA MASCARENAS. THANK YOU  
2 VERY MUCH FOR HONORING US WITH YOUR PRESENCE.

3 AT THIS TIME I WOULD ASK BOB COOK AND PAUL LAZOVICK TO  
4 PLEASE STEP FORWARD.

5 MR. LAZOVICK, WOULD YOU PLEASE STATE YOUR NAME FOR THE  
6 RECORD AND WHOM YOU REPRESENT?

7 PAUL LAZOVICK:

8 MY NAME IS PAUL P. LAZOVICK. I'M PRESIDENT OF THE  
9 DOWNTOWN DEVELOPMENT ASSOCIATION.

10 AS A MATTER OF BACKGROUND FOR THE COMMITTEE, THE DOWN-  
11 TOWN DEVELOPMENT ASSOCIATION WORKS TO PROMOTE THE  
12 DOWNTOWN AREA, TO HELP STIMULATE THE ECONOMY, AND  
13 CREATE A GREATER AWARENESS OF DOWNTOWN EL PASO. WE  
14 HAVE BEEN IN EXISTENCE SINCE 1954 PROMOTING THE  
15 VARIOUS INTERESTS OF THE DOWNTOWN BUSINESS COMMUNITY  
16 AND REPRESENTING OUR MEMBERSHIP ON GOVERNMENTAL  
17 ISSUES, SUCH AS THIS, WHICH REFLECT THE CONCERNS AND  
18 NEEDS OF THE CENTRAL BUSINESS DISTRICT.

19 OUR ORGANIZATION SEES A GOOD WORKING RELATIONSHIP BE-  
20 TWEEN THE VARIOUS FEDERAL ENFORCEMENT AGENCIES --  
21 BORDER PATROL, INS, AND U.S. CUSTOMS -- AND BOTH THE  
22 CITY AND COUNTY GOVERNMENTS. WE ARE VERY AWARE OF  
23 EFFORTS BY BOTH CUSTOMS AND THE BORDER PATROL TO ES-  
24 TABLISH A GOOD RELATIONSHIP WITH THE COMMUNITY AT  
25 LARGE THROUGH APPEARANCES AT AREA SCHOOLS AND CIVIC-

1 CLUB MEETINGS AND LOCAL EVENTS, SUCH AS THE AMIGO AIR-  
2 SHO AND RESPECT FOR LAW WEEK.

3 THE DOWNTOWN DEVELOPMENT ASSOCIATION'S RELATIONSHIP TO  
4 THE FEDERAL AGENCIES IS PRIMARILY THROUGH OUR SUPPORT  
5 OF THE JOINT DOWNTOWN FOOT-PATROL PROGRAM BETWEEN THE  
6 EL PASO POLICE DEPARTMENT AND THE BORDER PATROL. THE  
7 ASSOCIATION HAS BEEN A STRONG SUPPORTER OF THE PROGRAM  
8 SINCE ITS INCEPTION IN THE MID-1970S WHEN IT WAS  
9 SOLELY A POLICE DEPARTMENT PROGRAM THROUGH THEIR TAC-  
10 TICAL DIVISION. WHEN THE DIVISION DISBANDED THE PRO-  
11 GRAM BRIEFLY IN THE LATE 1980S AND THE CRIME PROBLEM  
12 IN THE DOWNTOWN AREA INCREASED, THE DOWNTOWN DEVELOP-  
13 MENT ASSOCIATION WAS VERY VOCAL IN DEMANDING THE PRO-  
14 GRAM BE REINSTATED.

15 WITH THE RETURN OF THE PROGRAM IN 1990, COMBINING ONE  
16 POLICE OFFICER WITH A BORDER PATROL OFFICER, WE HAVE  
17 SEEN A DECREASE IN BOTH PERSONAL AND PROPERTY CRIMES  
18 COMMITTED IN THE DOWNTOWN AREA. THIS JOINT FOOT-  
19 PATROL PROGRAM PROVIDES A GREATER AWARENESS OF UNI-  
20 FORMED LAW ENFORCEMENT OFFICERS IN THE AREA, WHICH IN  
21 TURN PROVIDES A DETERRENT TO CRIME.

22 TO THE BEST OF THE ASSOCIATION'S KNOWLEDGE, WE HAVE  
23 NOT BEEN MADE AWARE OF ANY ADVERSE VIOLATIONS OF CIVIL  
24 RIGHTS, USE OF FORCE, OR CULTURAL SENSITIVITY COM-  
25 MITTED BY ANY OF THE OFFICERS PARTICIPATING IN THE

1           JOINT FOOT-PATROL PROGRAM.  ON THE OCCASIONS THAT WE  
2           HAVE WITNESSED THE OFFICERS PERFORMING THEIR DUTIES IN  
3           THE DOWNTOWN AREA -- MOST NOTABLY AROUND THE SAN JA-  
4           CINTO PLAZA -- THE OFFICERS HAVE CONDUCTED THEMSELVES  
5           WITH THE APPROPRIATE DEMEANOR.  I MAY ADD THAT IN A  
6           POLICE DEPARTMENT STUDY THAT WAS RECENTLY SUBMITTED,  
7           IT POINTED OUT THAT AN ESTIMATED 50 PERCENT OF THE  
8           CRIME IN THE DOWNTOWN EL PASO AREA CAN BE DIRECTLY  
9           ATTRIBUTED TO UNDOCUMENTED ALIENS.

10          THE DOWNTOWN BUSINESS OWNERS AND RESIDENTS CLAMORED  
11          FOR THE RETURN OF THE FOOT PATROL WHEN IT WAS DIS-  
12          BANDED, AND REDUCED RESPONSE TIME WAS THEIR REASON  
13          FOR THE DESIRE FOR THE RETURN TO THE BEAT UNIT.  THE  
14          BOARD OF DIRECTORS OF THE DOWNTOWN DEVELOPMENT ASSO-  
15          CIATION RECENTLY PASSED A RESOLUTION SUPPORTING THE  
16          CONTINUATION OF THE JOINT FOOT PATROL IN THE DOWNTOWN  
17          AREA, AND I'M HERE REPRESENTING THE ASSOCIATION IN  
18          SUPPORT OF THE CONTINUATION OF THE FOOT PATROL, BOTH  
19          OF THE EL PASO POLICE DEPARTMENT AND THE BORDER  
20          PATROL.  I THINK IT IS A GREAT SERVICE TO THE COM-  
21          MUNITY, AND PARTICULARLY THE DOWNTOWN COMMUNITY, AND  
22          WITH IT, IT IS, IN EFFECT -- IT IS A DEFINITE DECREASE  
23          OF THE CRIME IN THE AREA.  AND AGAIN I SAY WE SUPPORT  
24          THIS THROUGH A RECENT RESOLUTION AND PRIOR TO THAT,  
25          AND I HOPE IT CONTINUES.  AS I SAY, WE HAVE NOT FOUND

1 ANY ADVERSE PROBLEMS IN REFERENCE TO THE DUAL PATROL.

2 COMMITTEE MEMBER BERRIOZABAL:

3 I HAVE A QUESTION. FIRST OF ALL, I HAVE AN APPRECIATION  
4 TION FOR DOWNTOWN FOOT PATROL, HAVING BEEN AN ELECTED  
5 OFFICIAL IN SAN ANTONIO AND REPRESENTING THE DOWNTOWN  
6 AREA, AND I AM GRATEFUL FOR INDIVIDUALS SUCH AS YOUR-  
7 SELF BECAUSE A FOOT PATROL MUST WORK.

8 I HAVE A QUESTION: IS YOURS AN ASSESSMENT DISTRICT,  
9 WHERE YOU CONTRIBUTE TO THE FINANCING OF A FOOT  
10 PATROL, OR IS IT STRICTLY THE CITY? AND IF THE ANSWER  
11 IS YES, THAT YOUR ASSOCIATION CONTRIBUTES A TAX, DO  
12 YOU HAVE A SAY-SO OVER HOW THE FOOT PATROL IS OPERATED  
13 INCLUDING THE BORDER PATROL, AND DO YOU HAVE A PROCESS  
14 BY WHICH COMPLAINTS ARE RECEIVED?

15 PANELIST LAZOVICK:

16 I DON'T QUITE UNDERSTAND YOUR QUESTION. DO WE CONTRI-  
17 BUTE FINANCIALLY TO THE POLICE DEPARTMENT?

18 COMMITTEE MEMBER BERRIOZABAL:

19 YES.

20 PANELIST LAZOVICK:

21 NO, WE DO NOT.

22 COMMITTEE MEMBER BERRIOZABAL:

23 IN CITIES LIKE DENVER AND TULSA AND SAN ANTONIO THERE  
24 IS AN ASSESSMENT DISTRICT, AND THE REASON THAT THE  
25 DOWNTOWN BUSINESS PEOPLE CARRY WEIGHT IN REPRESENTING

1 A DOWNTOWN FOOT PATROL IS BECAUSE THEY ACTUALLY PAY  
2 FOR IT. LIKE IN NEW ORLEANS THEY PAY FOR THE HORSES.

3 PANELIST LAZOVICK:

4 NO, WE DON'T PAY ANY MONEY. WE SUPPORT THE POLICE  
5 DEPARTMENT FOR THE SIMPLE REASON THAT THEY ARE THERE  
6 TO PROTECT THE CITIZENRY AND THE PROPERTY OF THE DOWN-  
7 TOWN AREA. THAT'S OUR SELF-INTEREST IN THE DOWNTOWN  
8 AREA.

9 COMMITTEE MEMBER BERRIOZABAL:

10 YOU SAY YOU HAVE NOT RECEIVED ANY COMPLAINTS. IS  
11 THERE A MECHANISM THAT YOU HAVE ESTABLISHED, BECAUSE  
12 OF THEIR INTERESTS, BY WHICH PEOPLE CAN COMPLAIN IF  
13 THEY HAD A COMPLAINT?

14 PAUL LAZOVICK:

15 WELL, WE HAVE AN EXECUTIVE ADMINISTRATOR WHO TAKES  
16 COMPLAINTS IF THE SIDEWALKS ARE DIRTY AND SO FORTH AND  
17 SO ON. THEY KNOW THAT THEY HAVE AN AREA IN WHICH THEY  
18 CAN COMPLAIN ON ANY GIVEN SUBJECT, THAT THEY CAN  
19 REPORT THAT COMPLAINT. OUR MEMBERSHIP IN RETURN GIVE  
20 US THEIR INPUT AS TO MANY DIFFERENT PROBLEMS THAT ARE  
21 IN THE DOWNTOWN AREA, AND AS I SAY, SINCE MY INVOLVE-  
22 MENT WITH THE DOWNTOWN ASSOCIATION, WHICH IS SINCE  
23 1977, I HAVE NOT HEARD OF ANY OR RECEIVED ANY FORMAL  
24 OR INFORMAL, FOR THAT MATTER, COMPLAINT ON THE DUAL  
25 PATROL IN THE DOWNTOWN AREA.

1 CHAIRPERSON ARMENDARIZ:

2 SIR, YOU INDICATED THAT THE MAJORITY OF CRIMES COM-  
3 MITTED IN THE DOWNTOWN AREA ARE COMMITTED BY PEOPLE  
4 WHO ARE IDENTIFIED AS UNDOCUMENTED IMMIGRANTS. WHERE  
5 DOES YOUR ORGANIZATION ACQUIRE THAT DATA?

6 PANELIST LAZOVICK:

7 THAT WAS JUST TAKEN OUT OF CONTENT OF THIS POLICE  
8 DEPARTMENT REPORT WHICH WE HAD GOTTEN, AND I'M JUST  
9 QUOTING FROM THAT REPORT. I PRESUME THAT LATER ON IN  
10 THE TESTIMONY THAT THERE WILL BE SOME REPRESENTATIVE  
11 HERE FROM THE POLICE DEPARTMENT REPRESENTING THIS  
12 REPORT. IT'S JUST A HIGHLIGHT IDEA THAT I HAD MADE IN  
13 THEIR REPORT, AND I DON'T WANT TO REPORT ON THEIR  
14 REPORT IN THE EVENT THAT THEY MAY BE DOING THAT LATER  
15 THIS AFTERNOON.

16 CHAIRPERSON ARMENDARIZ:

17 AND ONE ADDITIONAL QUESTION. HAVE THERE BEEN ANY  
18 OTHER MEASURES, OTHER THAN THE JOINT FOOT PATROL, TO  
19 TRY TO CURB THE CRIME IN THE DOWNTOWN AREA?

20 PANELIST LAZOVICK:

21 YES. SEVERAL YEARS AGO WE INSTALLED SIMILAR -- I  
22 DON'T RECALL THE CORRECT NAME, BUT IT WAS LIKE THE  
23 NEIGHBORHOOD WATCH OR BLOCK-WATCH PROGRAM. WE HAD  
24 SIGNS DISPLAYED THROUGHOUT SOME OF THE DOWNTOWN AREA,  
25 WHICH IS A NETWORK WHERE ONE RETAILER WILL SAY THAT

1           THERE IS A PROBLEM DOWNTOWN AND HE ALERTS THE OTHER  
2           PEOPLE IN THE AREA AND IN TURN ALERT THE POLICE  
3           DEPARTMENT OF THE CRIME THAT MIGHT BE IN PROGRESS.  
4           THERE IS A NETWORK ESTABLISHED, A BLOCK PROGRAM, IF  
5           YOU WILL.

6   **CHAIRPERSON CANALES:**

7           BEFORE YOU HAD THE BORDER PATROL INVOLVED IN THE FOOT  
8           PATROL, WAS THE LOCAL POLICE ABLE TO TAKE CARE OF IT  
9           AND HELP YOU IN THIS AREA OR NOT?

10 **PANELIST LAZOVICK:**

11          WELL, UNFORTUNATELY, WE DON'T HAVE ENOUGH POLICEMEN TO  
12          PATROL THE AREA -- NOT ONLY DOWNTOWN, BUT THROUGHOUT  
13          EL PASO -- BUT THAT'S ANOTHER STORY. THE IMPORTANT  
14          THING IS HAVING THE VISIBILITY OF THE UNIFORMED POLICE  
15          OFFICERS IN THE AREA, AND THAT IN ITSELF IS A TRE-  
16          MENDOUS HELP IN DETERRING CRIME.

17 **CHAIRPERSON CANALES:**

18          THE QUESTION WOULD BE: WHY COULDN'T THE LOCAL POLICE  
19          HANDLE IT ON THEIR OWN?

20 **PANELIST LAZOVICK:**

21          THERE IS NOT ENOUGH POLICEMEN DOWNTOWN.

22 **CHAIRPERSON CANALES:**

23          THEY RIDE IN TWO -- PAIRS -- NOW, DON'T THEY?

24 **PANELIST LAZOVICK:**

25          NOW THEY DO.

1 CHAIRPERSON CANALES:

2 ONE LOCAL?

3 PANELIST LAZOVICK:

4 TWO IS BETTER THAN ONE.

5 COMMITTEE MEMBER NEZ:

6 DO ANY OF YOUR MEMBERS EMPLOY MEXICAN NATIONALS?

7 PANELIST LAZOVICK:

8 DO THEY EMPLOY THEM? OH, I WOULD SAY THE VAST MAJOR-  
9 ITY OF THEM DO.

10 COMMITTEE MEMBER MONTOYA:

11 VINCENT MONTOYA.

12 I CAN VISUALIZE, OF COURSE, THE DOWNTOWN AREA'S CON-  
13 CERN TO DETER CRIME IN THE FOOT PATROL OR WHATEVER IT  
14 IS AND, OF COURSE, THE DOWNTOWN MERCHANTS WILL ALLUDE  
15 THEY PRODUCE TAXES BY PROMOTING THE REVENUES COMING  
16 IN THROUGH DOWNTOWN PURCHASES AND UTILIZATION OF  
17 HOTELS AND SO ON AND SO ON.

18 THROUGH THAT MECHANISM, THEY PAY WITH TAXES AND, OF  
19 COURSE, YOU ALLUDED TO AND, OF COURSE, I DON'T KNOW  
20 WHETHER YOU WOULD BE IN A POSITION -- THE ASSO-  
21 CIATION -- TO GIVE US A BREAKDOWN OF ALL YOUR MEMBERS  
22 AND IF THEY HAVE ANY DATA AS TO HOW MANY DOCUMENTED OR  
23 UNDOCUMENTED ALIENS THEY HIRED IN THE DOWNTOWN AREA  
24 WOULD BE VERY FEASIBLE, BECAUSE IN PAIRS OF TWO THE  
25 DOWNTOWN ALBUQUERQUE AREA IS UTILIZING THE FEDERAL

1 DOLLAR THROUGH THE BORDER PATROL TO SUBSIDIZE, DETER  
2 CRIME FOR THEIR VESTED INTEREST ALSO, WHICH NO OTHER  
3 CITY OR NO OTHER AREA HAS THAT AFFORDABILITY. SO,  
4 CONSEQUENTLY, I BELIEVE THAT IF THERE IS A DOLLAR  
5 FIGURE OF HOW MUCH THAT SUBSIDY IS, IT SHOULD BE MADE  
6 AVAILABLE TO THE COMMISSION SO THAT WE CAN ASCERTAIN  
7 HOW IT RELATES WITH THE CITY'S. THANK YOU.

8 CHAIRPERSON CANALES:

9 AT THIS TIME I WISH TO ALSO INTRODUCE WES JUREY IN  
10 PLACE OF BOB COOK ON THE AGENDA, IF YOU HAVE IT THERE,  
11 AND MR. JUREY IS PRESIDENT OF THE GREATER EL PASO  
12 CHAMBER OF COMMERCE.

13 IF YOU WISH TO INTRODUCE YOURSELF FOR THE RECORD AND  
14 WHOM YOU REPRESENT.

15 WES JUREY:

16 I'M WES JUREY, PRESIDENT AND C.E.O. OF THE GREATER EL  
17 PASO CHAMBER OF COMMERCE.

18 I'VE LIVED HERE ON THE BORDER NOW FOR OVER FOUR YEARS,  
19 AND PART OF LIFE ON THE MEXICAN BORDER IS THAT YOU  
20 OCCASIONALLY HEAR THE ALLEGATIONS OF CIVIL-RIGHTS  
21 VIOLATIONS OF MEXICAN NATIONALS. FROM WHERE I STAND I  
22 WOULD NOT CHARACTERIZE THE ALLEGATIONS AS FREQUENT.  
23 PERSONALLY, IN THE LAST FOUR YEARS I HAVE HAD VAST  
24 OPPORTUNITIES TO TRAVEL IN OUR SISTER CITY OF CD.  
25 JUAREZ, BOTH BUSINESS AND PLEASURE OUTINGS. IN THESE

1 TRIPS I HAVE BEEN SUBJECTED TO INTERROGATIONS AND  
2 SEARCHES ON NO LESS THAN FIVE OCCASIONS. EACH TIME I  
3 WOULD CHARACTERIZE THE ACTIONS OF THE INS AND CUSTOMS  
4 AGENTS AS EFFICIENT AND PROFESSIONAL. I FURTHER HAVE  
5 NO DIRECT PERSONAL KNOWLEDGE OF FRIENDS OR BUSINESS  
6 ACQUAINTANCES, HISPANIC OR OTHERWISE, THAT HAVE EXPE-  
7 RIENCED TREATMENT CONTRARY TO MY OWN EXPERIENCE. MY  
8 GENERAL PERCEPTION IS THAT HISPANICS AND MEXICAN  
9 NATIONALS RECEIVE BETTER TREATMENT HERE IN THE EL PASO  
10 AREA THAN ON ANY OTHER SECTION OF THE BORDER.  
11 THE COMMUNITIES OF EL PASO AND JUAREZ ARE CLOSELY TIED  
12 IN A NUMBER OF WAYS. GEOGRAPHICALLY, WE SHARE COMMON  
13 CITY LIMITS BOUNDARIES, ALBEIT, AN INTERNATIONAL  
14 BOUNDARY AS WELL. THE RIO GRANDE IN MANY RESPECTS,  
15 THOUGH, IS MERELY AN INCONVENIENCE. WE ARE ACTUALLY A  
16 SINGLE COMMUNITY, BOTH CULTURALLY AND ECONOMICALLY.  
17 DAILY WE INTERACT WITH FRIENDS, FAMILY, AND BUSINESS  
18 RELATIONSHIPS ON THE OTHER SIDE OF THE INTERNATIONAL  
19 BORDER. WE AND OUR FRIENDS FROM JUAREZ ALSO ALTER-  
20 NATELY SPEAK SPANISH AND ENGLISH WHEN ON EITHER SIDE  
21 OF THE BORDER. FURTHERMORE, MY BOARD OF DIRECTORS AT  
22 THE GREATER EL PASO CHAMBER OF COMMERCE CONSISTS OF  
23 SEVERAL MEXICAN-NATIONAL CITIZENS FROM JUAREZ, WHICH I  
24 BELIEVE IS THE ONLY CHAMBER OF COMMERCE ALONG THE  
25 ENTIRE BORDER THAT HAS SUCH A SITUATION. THE REASON I

1 MENTION THESE MATTERS IS I BELIEVE THAT WE HERE IN EL  
2 PASO/JUAREZ HAVE LEARNED TO LIVE IN HARMONY, WHICH I  
3 SURMISE HAS GREATLY HUMANE TREATMENT EXTENDED TO MEXI-  
4 CAN NATIONALS AND HISPANICS BY INS AND CUSTOMS  
5 AGENTS.

6 THERE ARE SEVERAL CAUTIONARY POINTS I WOULD MAKE, HOW-  
7 EVER. I AM A BIT CONCERNED ABOUT THE APPARENT ESCALA-  
8 TION OF MEXICO BASHING TODAY IN OUR NATION. MEXICO IS  
9 INCREASINGLY BECOMING A MORE STABLE AND VIABLE TRADING  
10 PARTNER WITH THE UNITED STATES, AND AT PRESENT TRADE  
11 BETWEEN OUR TWO NATIONS IS GROWING AT A RATE OF 22  
12 PERCENT A YEAR. WE BENEFIT GREATLY FROM THAT RELA-  
13 TIONSHIP HERE IN EL PASO. IN EL PASO'S RETAIL SECTOR  
14 ALONE THERE ARE MORE THAN 32,000 JOBS, WITH UPWARDS OF  
15 8,000 OF THOSE DIRECTLY CREATED DUE TO PURCHASES MADE  
16 BY MEXICAN NATIONAL CONSUMERS. OUR INS AND CUSTOMS  
17 AGENTS MUST UNDERSTAND THAT IF THEY ENGAGE IN ACTIONS  
18 THAT ARE INHUMANE, IMPERTINENT, OR MERELY DISCOUR-  
19 TEOUS, THE NET EFFECT COULD BE MUCH MORE THAN CIVIL-  
20 RIGHTS VIOLATIONS. THEY SHOULD UNDERSTAND THAT THEIR  
21 ACTIONS MAY DETER MEXICAN NATIONALS FROM ENTERING THIS  
22 COUNTRY TO MAKE CONSUMER PURCHASES, WHICH COULD POTEN-  
23 Tially PLACE THOUSANDS OF U.S. JOBS IN JEOPARDY.  
24 FINALLY, WE SHOULD PAY CLOSE ATTENTION TO THE JUSTICE  
25 SYSTEM IN THE UNITED STATES, WHICH IS FURTHERING A

1 PROLIFERATION OF FRIVOLOUS LAWSUITS. WE SHOULD NOT  
2 DENY ANYONE JUSTICE OR DUE PROCESS IN THIS COUNTRY,  
3 BUT OUR CURRENT LEGAL SYSTEM, PARTICULARLY IN THE  
4 STATE OF TEXAS, PLACES MUCH OF THE BURDEN ON DEFEND-  
5 ANTS. MY CONTENTION HERE IS THAT IF AN INDIVIDUAL  
6 WISHES TO BRING AN ACTION AGAINST A PARTY ACCUSED OF A  
7 HUMAN-RIGHTS VIOLATION OR OTHER TORT ACTION, HE OR SHE  
8 CAN DO SO ALMOST WITHOUT PERSONAL IMPUNITY. IN TEXAS  
9 A PERSON CAN INITIATE A LAWSUIT AGAINST A PARTY AC-  
10 CUSED OF A TORT AND, IF SUCCESSFUL, IS SUBJECT TO RE-  
11 CEIVE ACTUAL AND PUNITIVE DAMAGES, TO INCLUDE RECOVERY  
12 OF COURT COSTS AND ATTORNEY FEES. A SUCCESSFUL  
13 DEFENDANT DOES NOT HAVE THE SAME RIGHT OF RECOVERY.  
14 WE MUST GIVE CLOSE SCRUTINY TO SUCH ISSUES BEFORE WE  
15 UNDERTAKE ACTION THAT MAY LEAD TO FURTHER OVERCROWDING  
16 OF U.S. COURTS.

17 THANK YOU FOR COMING TO EL PASO, AND WE'LL BE HAPPY TO  
18 ENTERTAIN QUESTIONS AT THIS TIME. I WOULD ALSO IN-  
19 CLUDE MY COLLEAGUE, BOB COOK.

20 COMMITTEE MEMBER MONTOYA:

21 MR. JUREY, YOU JUST MENTIONED THE PROCESS THAT WE MEN-  
22 TIONED THIS MORNING. ANY ATTORNEY WOULD REQUIRE AN  
23 HOURLY RATE FOR HIS SERVICES IF HE FEELS HE HAS A CASE  
24 WHERE AWARDS WILL BE MADE. IF HE WINS, OF COURSE, HE  
25 CAN TAKE IT ON A CONTINGENCY BASIS. MOST OF THESE

1 PEOPLE THAT CLAIM OR REPORT THAT THEY HAVE BEEN DIS-  
2 CRIMINATED ACCORDING TO THE IMMIGRATION LAW DON'T HAVE  
3 THOSE RESOURCES. THERE ARE ATTORNEYS OR AGENCIES OF  
4 LEGAL AID THAT ARE FREE TO THEM TO PURSUE THAT LITI-  
5 GATION.

6 SO IF YOU HAVE OTHER RECOMMENDATIONS, THIS PANEL WOULD  
7 LIKE TO HEAR THEM BECAUSE I DON'T THINK NO LEGAL LAW  
8 FIRM IS GOING TO TAKE A CASE BASED ON CONTINGENCY THAT  
9 MIGHT LAST IN COURT 10 YEARS, AND IF THAT INDIVIDUAL  
10 DOESN'T HAVE THE 200, \$100 AN HOUR, THEY'RE NOT GOING  
11 TO BE LISTENED TO. THANK YOU.

12 COMMITTEE MEMBER GRAGLIA:

13 YOU SAID THAT THERE ARE THESE CULTURAL, ECONOMIC,  
14 SOCIAL TIES, WHICH SEEMS TO ME THAT PERHAPS GIVES A  
15 SOMEWHAT MISLEADING PICTURE. I'VE HEARD THAT SAID  
16 SEVERAL TIMES HERE. THAT IS, WHEN ONE CROSSES TO  
17 JUAREZ, AS I DID TWICE YESTERDAY, TO ME IT'S A VERY  
18 DIFFERENT PLACE. YOU SEE WOMEN WITH BABIES BEGGING ON  
19 SIDEWALKS. I FEEL VERY MUCH THAT I'VE ENTERED QUITE A  
20 DIFFERENT ECONOMIC --

21 IT'S A VERY DIFFERENT AREA, AND IT SEEMS TO ME PERHAPS  
22 MISLEADING TO MAKE IT SOUND. AND IT IS THIS: THAT I  
23 TAKE IT THIS IS THE SOURCE OF THE KIND OF PROBLEMS  
24 WE'RE DEALING WITH TODAY. THIS BECOMES AN IRRESIST-  
25 IBLE MAGNET THAT TO CROSS THAT BORDER IS TO BE IN

1 ANOTHER ECONOMIC WORLD. IT'S A TINY RIVER AND A MERE  
2 INCONVENIENCE, BUT IT SEPARATES WHAT SEEM TO BE QUITE  
3 DIFFERENT ECONOMIC WORLDS AND TO DOWNPLAY THAT IS  
4 PERHAPS TO MISLEAD AS TO THIS SITUATION. WOULD YOU  
5 COMMENT ON THAT, PLEASE?

6 BOB COOK:

7 FIRST OF ALL, I APOLOGIZE FOR BEING LATE. I WAS JUST  
8 DIAGNOSED YESTERDAY WITH STREP THROAT, AND I'M ON CER-  
9 TAIN MEDICATION, SO IF I SOUND INCOHERENT, THERE MAY  
10 BE GOOD REASON.

11 ONE OF THE THINGS THAT WE ARE ASKED TO TESTIFY IS JUST  
12 OUR GENERAL PERCEPTION OF HOW RELATIONS ARE HERE IN  
13 THE AREA BETWEEN INS, CUSTOMS OFFICIALS, AND MEXICAN  
14 NATIONALS AND THE HISPANIC COMMUNITY, AND OUR ONLY  
15 REASON FOR MAKING THAT STATEMENT IS THAT HERE IN EL  
16 PASO/JUAREZ WE'RE GEOGRAPHICALLY ISOLATED FROM THE  
17 REST OF OUR COUNTRIES -- FROM THE REST OF OUR COUN-  
18 TRIES, BOTH SIDES OF THE INTERNATIONAL BORDER.

19 IT OCCURS TO ME THAT THERE IS MUCH MORE ECONOMIC AND  
20 SOCIAL INTEGRATION IN THIS COMMUNITY THAN THERE ARE IN  
21 MOST COMMUNITIES ALONG THE BORDER, AND WHILE THERE ARE  
22 SOME GREAT DISCREPANCIES ON THE ECONOMIC SITUATION ON  
23 BOTH SIDES OF THE INTERNATIONAL BORDER, AT LEAST THE  
24 HUMAN-RIGHTS ISSUES, AS THEY RELATE TO BOTH OF OUR  
25 COMMUNITIES, SEEM TO BE MUCH BETTER HERE THAN IN OTHER

1           GEORGRAPHIC LOCATIONS. THAT'S OUR ONLY REASON FOR  
2           MAKING THAT POINT.

3           COMMITTEE MEMBER WEST:

4           MR. JUREY, COULD YOU OR ANY OF THE PANELISTS GIVE AN  
5           EXAMPLE OR MAYBE ONE OR TWO EXAMPLES OF THESE FRIVO-  
6           LOUS LAWSUITS YOU'RE TALKING ABOUT? I'VE HEARD ALSO  
7           INFORMALLY THAT THERE ARE, INDEED, CASES OF PEOPLE  
8           ALLEGING MISTREATMENT BY BORDER PATROL OR OTHER OFFI-  
9           CIALS AND GETTING BIG SETTLEMENTS AND SO ON, AND YET  
10          MOST OF THE TESTIMONY WE'VE HEARD TODAY INDICATES  
11          THAT'S NOT TRUE. WHAT WE'VE HEARD TODAY IS MOSTLY  
12          THAT THE CLAIMS ARE VALID AND THAT THERE IS ALL THIS  
13          ABUSE GOING ON, SO I'D BE INTERESTED IN KNOWING -- IF  
14          YOU COULD GIVE US SOME EXAMPLES, IF YOU KNOW OF ANY  
15          FROM YOUR OWN EXPERIENCE -- OF CASES WHERE MAYBE THE  
16          ALLEGATIONS WEREN'T TRUE.

17          PANELIST COOK:

18          I MEAN WE DO NOT KNOW OF ANY SPECIFIC CLAIMS WHERE  
19          THERE MAY BE ANY FRIVOLOUS LAWSUITS INITIATED IN THIS  
20          REGARD, BUT THE ONLY THING WE'RE SAYING IS: IF THIS  
21          COUNTRY IS GOING TO UNDERTAKE POLICIES THAT MIGHT  
22          ENCOURAGE FRIVOLOUS LAWSUITS, WE JUST WANT GREAT  
23          ATTENTION GIVEN TO THAT BEFORE THESE POLICIES ARE  
24          UNDERTAKEN.

25          WHAT IS HAPPENING, PARTICULARLY IN THE STATE OF TEXAS,

1 AS WE TESTIFIED, IS THAT IT'S VERY EASY FOR SOMEONE TO  
2 BRING A CLAIM, WHETHER OR NOT THERE IS REAL CAUSE  
3 THERE OR NOT, BECAUSE DEFENDANTS DON'T HAVE THE SAME  
4 RIGHT OF RECOVERY OF CERTAIN EXPENSES AND LEGAL FEES  
5 AS DO PLAINTIFFS IN THE STATE OF TEXAS, AND I REALLY  
6 DON'T KNOW WHAT THE SYSTEM IS, WHAT THE SYSTEM ENTAILS  
7 IN OTHER STATES. SO REALLY WE'RE SAYING WE'RE NOT  
8 MAKING SPECIFIC ALLEGATIONS THAT THERE ARE FRIVOLOUS  
9 LAWSUITS. WE ONLY WANT THAT TO BE TAKEN INTO CONSID-  
10 ERATION IN ANY FUTURE POLICIES.

11 CHAIRPERSON ARMENDARIZ:

12 JUST A PERSONAL NOTE BEFORE I ASK MY QUESTION SO THAT  
13 YOU'LL UNDERSTAND THE CONTEXT OF IT: I'M A NATIVE OF  
14 SOUTHERN NEW MEXICO AND IN A SENSE GREW UP HERE IN THE  
15 GEOGRAPHIC AREA, INCLUDING EL PASO AND JUAREZ, BECAUSE  
16 I HAVE RELATIVES IN BOTH AREAS.

17 I HAVE BEEN STRONGLY IMPRESSED WITH THE GREAT CHANGES  
18 THAT HAVE OCCURRED IN THE DOWNTOWN AREA IN THE MANY  
19 YEARS THAT I HAVE BEEN FAMILIAR WITH IT. MY QUESTION  
20 TO YOU IS: HAS THERE BEEN A CHANGE IN YOUR MARKETING  
21 APPROACH WITHIN, SAY, THE PAST FIVE OR 10 YEARS,  
22 WHEREBY YOU APPEAL TO A DIFFERENT KIND OF CLIENTELE  
23 NOW THAN BUSINESSES DID IN THE PAST, IN THE DOWNTOWN  
24 AREA, THAT MAY IMPINGE ON SOME OF THE LAW ENFORCEMENT  
25 ISSUES THAT ARE NOW UNDER DISCUSSION?

1 PANELIST COOK:

2 COULD YOU BE MORE SPECIFIC ABOUT SOME OF THOSE LAW  
3 ENFORCEMENT ISSUES?

4 CHAIRPERSON ARMENDARIZ:

5 BASICALLY, WHAT WE'RE TALKING ABOUT IS, YOU KNOW, SOME  
6 OF THE ABUSE OR ALLEGED ABUSE, YOU KNOW, THAT WE ARE  
7 SEEING OR THAT HAS BEEN REPORTED OR HAS BEEN BROUGHT  
8 TO OUR ATTENTION.

9 PANELIST COOK:

10 THE ONLY THING I WOULD STATE THERE, AS WE STATE IN OUR  
11 TESTIMONY, MEXICAN NATIONAL CONSUMERS ARE VERY IMPOR-  
12 TANT TO THE LOCAL ECONOMY. ROUGHLY ONE OUT OF EVERY  
13 FOUR RETAIL JOBS IN EL PASO ARE DIRECTLY RELATED TO  
14 MEXICAN NATIONAL CONSUMERS, WHICH REPRESENTS ANYWHERE  
15 FROM 6500 TO 8,000 JOBS IN OUR COMMUNITY.

16 WHAT WE WANT I.N.S. AND CUSTOMS TO UNDERSTAND IS -- AS  
17 WE TESTIFIED, IS THAT IF THEY ARE TREATING THESE PER-  
18 SONS INHUMANELY WHTN THEY COME ACROSS THE BORDER --  
19 AND WE'RE NOT MAKING ANY SPECIFIC ALLEGATIONS THERE --  
20 OR IF THEY'RE TREATING THEM IMPERTINENTLY OR EVEN JUST  
21 MERELY DISCOURTEOUSLY, WE WANT I.N.S. AND CUSTOMS TO  
22 UNDERSTAND THAT THAT TYPE OF TREATMENT COULD DISCOUR-  
23 AGE MEXICAN NATIONALS FROM COMING ACROSS THE BORDER,  
24 WHICH WOULD DEFINITELY HAVE A NEGATIVE IMPACT ON JOB  
25 CREATION OR JOB RETENTION IN EL PASO AND OTHER PARTS

1 OF THE STATE, SO WE ARE CONCERNED ABOUT CIVIL-RIGHTS  
2 VIOLATIONS AS WELL BECAUSE IT HAS -- WE WANT THE  
3 RIGHTS OF MEXICAN NATIONALS AND HISPANICS TO BE PRO-  
4 TECTED. THAT'S CLEARLY A PRIORITY, BUT THERE IS ALSO  
5 A POTENTIALLY ECONOMIC IMPACT THERE AS WELL.

6 COMMITTEE MEMBER SALAZAR:

7 YOU EXPRESSED YOUR CONCERNS ABOUT THE HEAVY ECONOMIC  
8 IMPACT THAT COMES FROM ACROSS THE BORDER. IT IS  
9 INTERTWINED WITH EL PASO. TO WHOM DO YOU EXPRESS YOUR  
10 CONCERNS THAT THESE PEOPLE ARE TREATED WELL, AND BY  
11 WHAT METHOD DO YOU MEET WITH INS OR THE BORDER PATROL?  
12 IF YOU DON'T KNOW OF ANY SPECIFIC INCIDENTS, THEY ARE  
13 HIGHLY PUBLICIZED IN THE LOCAL PAPERS. HOW DO YOU  
14 EXPRESS YOUR CONCERN?

15 PANELIST COOK:

16 WELL, AGAIN, WHAT ARE PUBLICIZED ARE ALLEGATIONS.  
17 WE'RE JUST SAYING THAT WE DON'T HAVE ANY SPECIFIC.

18 COMMITTEE MEMBER SALAZAR:

19 I'M SPEAKING OF COURT CASES THAT HAVE BEEN RESOLVED.

20 PANELIST COOK:

21 TO BE QUITE HONEST WITH YOU, UNTIL WE HEARD OF THIS  
22 COMMISSION COMING INTO EL PASO, WE DID NOT HAVE A  
23 FORMAL PROGRAM OF MAKING THESE FEELINGS KNOWN. HOW-  
24 EVER, WE HAVE GONE ON RECORD TODAY AS STATING THAT  
25 THERE ARE CERTAIN THINGS THAT WE WOULD LIKE INS AND

1 CUSTOMS TO UNDERSTAND.

2 PANELIST LAZOVICK:

3 I WOULD JUST LIKE TO ADD ONE THING IN APROPOS TO WHAT  
4 YOUR QUESTION -- THE RETAIL ESTABLISHMENT IN THE DOWN-  
5 TOWN AREA HAS A TREMENDOUS STAKE IN THE BUSINESS THAT  
6 IS BROUGHT TO EL PASO FROM JUAREZ, REALIZING THE  
7 IMPORTANCE OF THE MEXICAN CONSUMER AND KNOWING THAT  
8 ANYWHERE FROM 60 TO 80 PERCENT OF THEIR BUSINESS COMES  
9 FROM JUAREZ. THEY'RE CERTAINLY AWARE OF THAT, AND  
10 THEY EXTEND THE COURTESIES AND THE CONCERNS OF THE  
11 MEXICAN CONSUMER. I WOULD JUST LIKE TO MAKE THAT  
12 NOTATION, THAT THEY ARE AWARE OF IT, REALIZING THAT  
13 THE ECONOMIC IMPACT FROM MEXICO IS A VERY IMPORTANT  
14 ONE. I CERTAINLY WOULDN'T WANT TO ABUSE A CUSTOMER,  
15 WHETHER IT IS FROM MEXICO OR EL PASO OR ANY OTHER. I  
16 WOULD JUST LIKE TO MAKE THAT OBSERVATION.

17 CHAIRPERSON CANALES:

18 THANK YOU VERY MUCH. WE ARE OUT OF TIME.

19 PANELIST COOK:

20 I WOULD -- ALSO I THINK IT'S IMPORTANT FOR YOU TO KNOW  
21 THAT WE HAVE HERE IN THE STATE OF TEXAS -- YOU MAY  
22 KNOW THAT IN THE UNITED STATES, THAT STATE GOVERNMENTS  
23 CANNOT RETAIN SALES TAXES ON PURCHASES OF PRODUCTS  
24 THAT HAVE BEEN EXPORTED OUT OF THE COUNTRY.  
25 HERE IN THE STATE OF TEXAS WHEN A MEXICAN CONSUMER

1 COMES ACROSS THE BORDER TO MAKE A PURCHASE, WE REQUIRE  
2 THAT CONSUMER TO PAY THE SALES TAX. ONCE THEY TAKE  
3 THE PRODUCT BACK INTO MEXICO, THEY OBTAIN A DOCUMENT,  
4 WHICH THEY CAN THEN COME BACK TO THE RETAILER TO GET A  
5 REFUND ON THOSE SALES TAXES.

6 IN RECENT MONTHS WE HAVE HAD A PUSH FROM THE STATE  
7 GOVERNMENT OF TEXAS TO MAKE THAT PROCESS A LOT MORE  
8 DIFFICULT ON MEXICAN NATIONALS, AND WE HAVE GONE ON  
9 RECORD AT THE EL PASO CHAMBER OF COMMERCE LOCALLY AND  
10 IN AUSTIN OPPOSING SUCH MEASURES. AND SO I JUST WANT  
11 TO REITERATE THAT WE ARE VERY MUCH CONCERNED WITH  
12 POSSIBLE HUMAN-RIGHTS VIOLATIONS AND WILL SPEAK OUT  
13 AGAINST THEM.

14 CHAIRPERSON CANALES:

15 THANK YOU VERY MUCH. GENTLEMEN, THANK YOU FOR BEING  
16 HERE TODAY, MR. JUREY, MR. COOK, MR. LAZOVICK.

17 CHAIRPERSON ARMENDARIZ:

18 WE WILL MOVE ON TO OUR NEXT PANEL. THIS PANEL IS THE  
19 ONLY PANEL REPRESENTING THE NEW MEXICO BORDER ISSUES.  
20 WE HAVE JACK LONG, FROM COLUMBUS, NEW MEXICO, WHO IS A  
21 BUSINESSMAN, AND CARLOS OGDEN, WHO IS AN ATTORNEY AT  
22 LAW REPRESENTING COLUMBUS.

23 WE'RE READY TO PROCEED, MR. LONG.

24 JACK LONG:

25 MY NAME IS JACK LONG. I'M FROM COLUMBUS, NEW MEXICO,

1 WHICH IS ABOUT 65, 75 MILES DUE WEST OF HERE.

2 I AM A CO-PUBLISHER OF "LAS FRONTERAS," WHICH IS A BI-  
3 LINGUAL NEWSPAPER BEING PUBLISHED OUT OF COLUMBUS. MY  
4 WIFE IS THE OTHER PART OF THE PUBLISHERMENT. HER NAME  
5 IS GWEN STORES. AND I WANT TO THANK THE PANEL FOR  
6 ALLOWING ME TO BE HERE TODAY, AND I'VE BEEN HERE ALL  
7 MORNING. I HAVE ENJOYED THE PRESENTATIONS OF THE COM-  
8 MUNITY AND QUESTIONS FROM THE PANEL.

9 I WOULD LIKE TO PREFACE WHAT I HAVE TO SAY WITH THAT I  
10 SPENT MOST OF MY PROFESSIONAL CAREER IN GOVERNMENT AND  
11 IN LAW ENFORCEMENT, SO I UNDERSTAND SOME OF THE PROB-  
12 LEMS INVOLVED. MY ROLE IS A LITTLE DIFFERENT. I WAS  
13 IN THE HEALTH FIELD ENFORCEMENT OF HEALTH LAWS. WE  
14 HAD CERTAIN PRIVILEGES THAT OTHER LAW ENFORCEMENT  
15 STAFF DID NOT HAVE, AND WE PROTECTED THOSE PRIVILEGES  
16 IN A VERY ZEALOUS AND PROTECTING MANNER AND SO WE WERE  
17 CAREFUL WITH THEM SO THAT WE WOULDN'T BE OVERSTEPPING  
18 ON AUTHORITY AND IT WOULD WORK.

19 IN ADDITION TO MY ROLE AS A PUBLISHER, I ALSO REPRESENT  
20 A CUSTOMS HOUSE BROKERAGE FIRM. OUR BUSINESS --  
21 I HEARD SOMETHING LIKE IN EL PASO YOU HAVE SOMETHING  
22 LIKE 1800 TRUCKS A DAY GOING THROUGH THE PORTS. IN  
23 COLUMBUS WE HAVE WEEKS THAT NO TRUCKS PASS THROUGH OUR  
24 PARTICULAR FACILITY.

25 SO YOU'RE TALKING ABOUT SOMETHING OVER 600,000

1 RESIDENTS OF EL PASO, AND WE HAVE SOMETHING LIKE  
2 700 -- NOT 1,000. 700 RESIDENTS IN COLUMBUS -- BUT WE  
3 HAVE MANY OF THE SAME ISSUES AND MANY OF THE SAME RE-  
4 LATIONSHIPS WITH OUR NEIGHBORING PALOMAS. OUR FAMI-  
5 LIES ARE INTERTWINED, OUR SOCIAL ACTIVITIES ARE INTER-  
6 TWINED, AND OUR ECONOMY IS INTERTWINED. OUR EDUCA-  
7 TIONAL FACILITIES ARE INTERTWINED, AND WE REPRESENT  
8 BASICALLY A COMMUNITY THAT IS SEPARATING AN INTER-  
9 NATIONAL FRONTIER, AN INTERNATIONAL BORDER.

10 MY CONCERN AS A BUSINESSMAN IS VERY MUCH THE TYPE OF  
11 CONCERN THAT WAS EXPRESSED ON THE PANEL PRECEDING US  
12 IN THAT WE'RE INTERESTED IN COMMERCE. I'M INTERESTED  
13 IN COMMERCE, WHAT'S HAPPENING ACROSS THE BORDER, BE-  
14 CAUSE OF MY CLIENTS OR PEOPLE I DEAL WITH, PROBABLY  
15 98 PERCENT ARE MEXICAN NATIONALS. THEY'RE BUSINESS-  
16 MEN, BUSINESS PEOPLE COMING ACROSS THE BORDER BASI-  
17 CALLY TO LEAVE MONEY HERE IN EXCHANGE FOR  
18 COMMODITIES.

19 AND I'M VERY CONCERNED ABOUT HOW THEY'RE TREATED. I'M  
20 CONCERNED ABOUT THEIR IMPRESSION OF MY COUNTRY, OF MY  
21 TOWN, AND OF MY PEOPLE, AND I, OF COURSE, AM IN A  
22 DAILY CONTACT WITH ALL THE LAW ENFORCEMENT AGENCIES OF  
23 THE FEDERAL GOVERNMENT THAT DEAL WITH THE BORDER  
24 ISSUES, EXCEPT WITH PROBABLY THE EXCEPTION OF THE DEA,  
25 BUT WITH CUSTOMS, WITH INS, AND BORDER PATROL I HAVE

1 DAILY CONTACT AND MANY TIMES MULTIPLE CONTACTS.

2 I HAVE A GOOD WORKING RELATIONSHIP WITH CUSTOMS. I  
3 ALSO HAVE CRITICISM. THERE ARE CUSTOMS OFFICIALS WHO  
4 ARE CONSISTENTLY COURTEOUS, HELPFUL, AND PROMOTE THE  
5 TRADE BETWEEN THE TWO COUNTRIES, EVEN THOUGH THEY HAVE  
6 LAW ENFORCEMENT DUTIES, BUT THEY PERFORM IT ON A, I  
7 FEEL, VERY HIGH PLANE. THERE ARE OTHERS WITHIN THE  
8 SAME ORGANIZATION AND THE SAME FACILITIES THAT HAVE  
9 VERY BAD REPUTATIONS OF BEING DISCOURTEOUS AT TIMES,  
10 EVEN ABUSIVE, DEMEANING, AND I'VE SEEN IT HAPPEN TO  
11 SOME OF MY CUSTOMERS AND THEY CONSTANTLY COMPLAIN TO  
12 ME. THEY ALSO PULLED UP, AS AN EXAMPLE, THOSE WHO ARE  
13 EXEMPLARY, AND MOST OF MY CUSTOMERS ARE MULTIPLE  
14 ENTERINGS. THEY COME IN AND OUT.

15 I THINK I WOULD HAVE THE SAME -- ONE OF THE BIG PROB-  
16 LEMS I FACE, HOWEVER, IS A PROBLEM THAT HAS BEEN EX-  
17 PRESSED HERE WITH THE BORDER PATROL. ALTHOUGH I DON'T  
18 GET IN, NOR DO I DEAL WITH IMMIGRATION ISSUES, I PER-  
19 SONALLY HAVE HAD A NUMBER OF PROBLEMS AND A NUMBER OF  
20 RUN-INS WITH BORDER PATROL. I OFTEN HAVE TO LEAVE  
21 EARLY IN THE MORNING MY HOUSE FOR AN APPOINTMENT IN  
22 SOME OTHER PART OF THE STATE OR OUT OF STATE, AND I  
23 GET JITTERY BECAUSE QUITE OFTEN I'M STOPPED BY THE  
24 BORDER PATROL JUST BECAUSE I'M LEAVING EARLY IN THE  
25 MORNING.

1 MY WIFE A FEW MONTHS AGO RETURNED HOME LATE IN THE  
2 EVENING, MAYBE 10:00, 11:00 O'CLOCK -- WE LIVE IN A  
3 RATHER ISOLATED AREA -- AND SHE WAS SUDDENLY SUR-  
4 ROUNDED BY SOMETHING LIKE THREE OR FOUR BORDER PATROL  
5 VEHICLES AS SHE OPENED THE GATE TO OUR PROPERTY, AND  
6 SHE WAS VERY FRIGHTENED BECAUSE SHE DIDN'T KNOW  
7 EXACTLY WHAT WAS GOING ON.

8 I STARTED TRYING TO GET THE NAMES BECAUSE THIS IS ON A  
9 DAILY BASIS, AND IT'S A VERY SMALL COMMUNITY, AS I  
10 SAY, SOME 700 PEOPLE DURING THE PEAK SEASON -- WE HAVE  
11 WHAT YOU CALL SNOWBIRDS WHO COME DOWN IN THE WINTER  
12 TIME -- BUT I WAS GETTING STOPPED DAILY FROM ONE TO  
13 TWO TIMES. MY OFFICE IS DIRECTLY ACROSS THE STREET  
14 FROM THE BORDER PATROL OFFICE IN THE LOCAL AREA BE-  
15 CAUSE I WORK WITH CUSTOMS, AND SO I AM WELL KNOWN AND  
16 MY VEHICLE IS WELL KNOWN.

17 AND I COULDN'T UNDERSTAND WHY I AM BEING STOPPED CON-  
18 STANTLY IN THE SAME VEHICLE THAT IS PARKED VERY CLOSE  
19 TO THE BORDER PATROL VEHICLES, SO I WOULD START EVERY  
20 TIME BORDER PATROL WOULD STOP ME, TAKE OUT MY PEN, AND  
21 PENCIL AND ASK HIM FOR HIS NAME, AND THEY ALWAYS RE-  
22 FUSED TO GIVE ME THEIR NAMES. "WHY DO YOU WANT MY  
23 NAME?" I SAID, "I WANT TO MAKE SURE YOU'RE BORDER  
24 PATROL. HOW DO I KNOW WHO YOU ARE?"

25 MY SON, WHO IS HANDICAPPED, LIVES AT OUR OFFICE

1 FACILITIES, AND HE IS RATHER CONSTANTLY APPROACHED BY  
2 THE BORDER PATROL. SOMETIMES THEY'LL COME IN AT  
3 NIGHT, SHINE BRIGHT LIGHTS IN HIS WINDOW WHILE HE'S  
4 SLEEPING, OR THEY'LL KNOCK ON THE DOOR IN THE MIDDLE  
5 OF THE NIGHT. AND WE HAVE MADE OFFICIAL COMPLAINTS ON  
6 THIS, WHICH HAS HELPED TO A DEGREE.

7 BUT TO ME IT'S A MATTER OF PROFESSIONAL TRAINING. I  
8 CAN'T SEE A PROFESSIONAL ACTING IN THIS MANNER, AND I  
9 FEEL THAT IT IS UP TO THE AGENCY TO DO SOMETHING ABOUT  
10 THIS TYPE OF ABUSE. AND WE'RE NOT THE ONLY ONES THAT  
11 HAVE BEEN EXPERIENCING IT, BUT I'M JUST TELLING YOU  
12 WHAT I PERSONALLY HAVE EXPERIENCED.

13 I HAVE A COUPLE DOCUMENTS THAT I WISH TO LEAVE WITH  
14 MR. DULLES. ONE IS A LETTER TO THE LOCAL CUSTOMS  
15 DIRECTOR -- I WON'T READ IT. I JUST WANT TO OUTLINE  
16 IT -- A LETTER BY A YOUNG HIGH SCHOOL GRADUATE WHO  
17 GRADUATED THIS YEAR. HE'S AN AMERICAN CITIZEN. HE,  
18 UNTIL RECENTLY, LIVED IN PALOMAS BECAUSE OF ECONOMIC  
19 REASONS. HE MOVED TO COLUMBUS. HE WAS A VERY GOOD  
20 STUDENT, HAD VERY HIGH GRADES, WILL HAVE A SCHOLARSHIP  
21 TO SOME UNIVERSITY IN THE UNITED STATES, BUT HE WAS  
22 RECENTLY STOPPED THIS MONTH BY CUSTOMS AGENTS AND HE  
23 ASKED WHY. HIS CAR WAS SEARCHED. HIS CAR WAS  
24 SEARCHED. THE DOG HANDLER PUT A SMALL WHITE PACKET IN  
25 THE TRUNK OF HIS CAR. EVIDENTLY, IT'S A PACKET THAT

1           THEY USE FOR TRAINING PURPOSES. I ASSUME IT HAS SOME  
2           TYPE OF DRUG OR SOMETHING. I DON'T KNOW.  
3           BUT HE MADE A COMPLAINT RELATED TO THIS, THAT HE  
4           DIDN'T WANT ANY TYPE OF DRUG PACKETS OR SOMETHING ELSE  
5           PUT IN HIS CAR BECAUSE HE DIDN'T KNOW WHAT'S GOING TO  
6           HAPPEN ON DOWN THE ROAD IF SOMEBODY ELSE STOPS HIM AND  
7           HIS CAR HAS THE SMELL OF DRUGS IN IT. IN THIS CASE IT  
8           WAS A CUSTOMS OFFICER THREATENED HIM THAT IF HE DIDN'T  
9           SHUT UP, HE WOULD BE HAVING HASSLES EVERY TIME HE  
10          COMES ACROSS THE BORDER, WHICH IS TWO OR THREE TIMES A  
11          DAY PROBABLY, AND I WILL LEAVE THIS.  
12          AND, OF COURSE, THESE ARE SOME OF THE TYPE OF PEOPLE  
13          THAT MY CLIENTS COMPLAIN OF. HERE IS AN AFFIDAVIT  
14          REGARDING THE BORDER PATROL WHERE A YOUNG WOMAN  
15          PAID -- THIS IS AN UNDOCUMENTED PERSON. SHE HAD AN  
16          INFANT. SHE CAME ACROSS THE BORDER WITH TWO OTHER  
17          YOUNG PEOPLE, AND A U.S. CITIZEN PICKED HER UP, SUP-  
18          POSEDLY NOT KNOWING THAT SHE WAS UNDOCUMENTED. LATER  
19          ON THE ROAD HE WAS STOPPED BY BORDER PATROL, AND WHEN  
20          HE WAS QUESTIONED, THE BORDER PATROL TOOK HIM OUT OF  
21          THE CAR. THIS YOUNG LADY WITNESSED THE BEATING -- HIM  
22          BEING BEAT BY BORDER PATROL AGENTS -- AND THIS DOCU-  
23          MENT, A COPY OF THE AFFIDAVIT, IS HERE, WHICH I WILL  
24          ALSO LEAVE.  
25          ONE OTHER ISSUE THAT I'M CONCERNED WITH IS THEY TALK

1 ABOUT MILITARIZATION OF THE BORDER, AND THIS IS LIT-  
2 ERAL. I HAVE ONE CLIENT WHO WAS STOPPED BETWEEN EL  
3 PASO AND COLUMBUS ON WHAT'S CALLED THE ANAPRA HIGHWAY.  
4 WE HAVE ACTUALLY A VERY FINE ROADBED THAT'S MOUNTAIN  
5 SURFACE. WE HAVE A VERY FINE ROADBED BETWEEN EL PASO  
6 AND COLUMBUS, AND SOME OF THE TRUCKERS USE THIS BE-  
7 CAUSE IT SAVES THEM AROUND 70 MILES, 75 MILES WHEN  
8 THEY'RE GOING FROM THIS AREA INTO MEXICO.

9 AND HE WAS STOPPED IN THE MIDDLE OF THE NIGHT WITH  
10 BRIGHT LIGHTS, AUTOMATIC WEAPONS, AND A NUMBER OF MEN  
11 DRESSED IN FATIGUES. EVIDENTLY, THERE IS A COOPER-  
12 ATIVE EFFORT IN DONA ANA COUNTY, NEW MEXICO WITH  
13 EITHER THE NATIONAL GUARD OR SOME PART OF THE MILITARY  
14 SERVICE, WHERE SOME KIND OF JOINT OPERATION. BUT IT  
15 WAS VERY FRIGHTENING TO HIM. HE WAS JUST GOING  
16 THROUGH THE ROAD, AND THIS HAPPENED TO HIM OF AUTO-  
17 MATIC WEAPONS AIMED ON HIM.

18 I THINK MY BIG CONCERN IS THAT -- REALIZING THERE IS A  
19 LOT OF STRESS INVOLVED IN THE ENFORCEMENT AGENCY'S  
20 JOBS, THAT IT EVEN REQUIRES MORE TYPE OF TRAINING AND  
21 PROFESSIONALIZATION THAN WE PRESENTLY HAVE. WE ALSO  
22 GET COMPLAINTS THAT THEY ARE UNDERMANNED AND THEY  
23 DON'T HAVE TIME FOR ADEQUATE TRAINING, BUT I THINK TO  
24 RESOLVE OR TO PREVENT ABUSES IN OUR CIVIL RIGHTS AND  
25 HUMAN RIGHTS THAT THIS IS A MUST, AND ESPECIALLY IN

1 AREAS WHERE THERE IS NO LOCAL RESPONSIBILITY. THE  
2 RESPONSIBILITY COMES FROM WASHINGTON, AND THE PRESSURE  
3 OF THE LOCAL POPULATION DOESN'T HAVE THE INFLUENCE IT  
4 HAS ON LOCAL ELECTED AND STAFF PEOPLE.

5 THANK YOU.

6 CHAIRPERSON ARMENDARIZ:

7 THANK YOU, MR. LONG.

8 MR. OGDEN, IF YOU WILL STATE YOUR NAME AND YOUR ORGAN-  
9 IZATION.

10 CARLOS OGDEN:

11 MY NAME IS CARLOS OGDEN. I'VE LIVED IN COLUMBUS MORE  
12 THAN 15 YEARS.

13 WE MOVED FROM LOS ANGELES WHEN MY DAUGHTER GOT TUBER-  
14 CULOSIS. WE ARE REFUGEES FROM THE CITY. I WORK OUT  
15 OF TOWN A FEW MONTHS AND IN EL PASO A FEW MONTHS. I  
16 WAS LICENSED TO PRACTICE LAW AT 48. I HAD THE SAME  
17 OFFICE JACK HAD. BY CHANCE, I HAD GONE TO LAW SCHOOL  
18 IN LOS ANGELES. FINALLY, I PUT THAT TO WORK.

19 I'D LIKE TO TALK TO YOU BRIEFLY ABOUT WHAT A LAWYER  
20 SEES, SOMETHING HUMBLING, WHY COLUMBUS IS EVEN HERE.

21 I WENT TO JAIL HERE IN EL PASO YESTERDAY TO SEE ONE OF  
22 MY UNFORTUNATE FRIENDS, AND THE JAIL HAS TWICE AS MANY  
23 PEOPLE AS COLUMBUS HAS. COLUMBUS IS THE ONLY BORDER  
24 TOWN, OTHER THAN SANTA TERESA. SANTA TERESA IS  
25 STARTING TO BE ONE, BUT COLUMBUS IS ONE.

1 WE HAVE A CERTAIN HUMAN EXPERIENCE, A HUMAN LEVEL, WE  
2 MAY PASS ON TO YOU IN OUR RECOMMENDATION, AND THE  
3 FIRST THING IS EVERYBODY HAS TO ANSWER TO SOMEBODY.  
4 AND IF YOU CAN GET THE BORDER PATROL AND CUSTOMS A  
5 LOGICAL PROCEDURE TO MAKE THESE COMPLAINTS -- FOR  
6 EXAMPLE, FOR THREE YEARS I WAS IN THE ROTARY CLUB WITH  
7 THE HEAD OF THE BORDER PATROL IN DEMING, NEW MEXICO.  
8 BASICALLY, WE'RE TALKING ABOUT A LOT OF BORDER, ACROSS  
9 THE WHOLE BOTTOM OF THE STATE OF NEW MEXICO, WITH VERY  
10 FEW PEOPLE.

11 DEMING HAS ABOUT 15,000 PEOPLE, AND IT'S 32 MILES  
12 NORTH. THAT'S THE COUNTY SEAT. I HAVE AN APARTMENT  
13 IN DEMING; I HAVE A HOUSE IN COLUMBUS; I HAVE AN  
14 APARTMENT IN EL PASO. YOU HAVE TO GO UP FROM THE  
15 COURTHOUSE. IT IS EASIER TO GET IN TO SEE AL GIUGNI,  
16 THE HEAD OF THE IMMIGRATION SERVICE, WHO HAS MORE  
17 EMPLOYEES UNDER HIM THAN THE WHOLE TOWN OF COLUMBUS  
18 HAS, TO MAKE A COMPLAINT ABOUT SOME REGULAR IMMI-  
19 GRATION OFFICER THAN IT IS TO GO TO DEMING AND TALK TO  
20 THE GUY IN CHARGE THERE.

21 FOR A WHILE -- A FEW YEARS -- THE HEAD OF THAT OFFICE  
22 WAS IN THE ROTARY CLUB, AND IF YOU HAD A COMPLAINT  
23 AGAINST A ROOKIE OFFICER THAT WAS OUT OF HAND, YOU  
24 WOULD GO UP AND GET THERE EARLY AND GET A SEAT. HE  
25 WOULD STONEWALL YOU A WHILE, AND HE'D SAY, "LOOK.

1 I'LL TALK TO THE KID. HE'S NEW. YOU'VE GOT TO UNDER-  
2 STAND."  
3 I WAS MAYOR TWO TIMES. ONE NIGHT THEY FOLLOWED ME  
4 WITH THE LIGHTS ON. I HAD BEEN AN ASSISTANT DISTRICT  
5 ATTORNEY. I THOUGHT, "MAN, THIS COULD BE SOMEBODY I  
6 PUT IN JAIL BEHIND ME." THEY STOPPED ME, A BUNCH OF  
7 CARS, AND SAID SOME SILLY THINGS. I SAID TO THE OFFI-  
8 CER, "I WANT TO KNOW YOUR NAME," AND HE SAYS, "WELL,  
9 WHO ARE YOU?" I SAID, "FOR ONE THING, I'M THE MAYOR  
10 OF THIS TOWN." HE SAID, "THAT DON'T CUT NO ICE WITH  
11 ME." HE WOULDN'T GIVE HIS NAME. MY OUTLET WAS TO GO  
12 SEE VIRGIL AT THE ROTARY CLUB, AND IT WORKED UNTIL IT  
13 WENT FROM 11 OFFICERS TO 22 OFFICERS AND STILL ADDING  
14 STAFF. VIRGIL RETIRED, AND YOU CAN'T GET ANYTHING OUT  
15 OF THE BORDER PATROL OFFICE.  
16 I WILL SAY THERE IS A ROADBLOCK. MY CLIENT WAS AR-  
17 RESTED. "I WANT TO DO A SUPPRESSION HEARING. WHAT  
18 WAS THE NAME OF THE OFFICERS ON THE SCENE," AND THEY  
19 JUST WON'T TELL YOU. THE ONLY WAY I CAN GET IT IS  
20 NAME THEM "JOHN DOE 1, 2, 3," SUBPOENA THE HEAD OF THE  
21 OFFICE TO COME IN WITH HIS DUTY ROSTER, WHICH HE RE-  
22 FUSES TO GIVE TO YOU. AFTER A PRELIMINARY HEARING,  
23 HE'LL GIVE IT TO YOU. 60 MILES DOWN THE ROAD, IN  
24 LORDSBURG, THE HEAD OF THE BORDER PATROL COMES BY WITH  
25 THAT STETSON LOOKING CAP, WITH HIS TWO OFFICERS, AND

1 HE SAYS, "WE'RE NOT GOING TO HAVE THAT KIND OF PROBLEM  
2 IN THIS TOWN."

3 WHAT'S GOING ON IN THE HIGHER LEVEL OF BORDER PATROL?  
4 YOU CAN'T GET IN TO SEE. THERE IS NO SYSTEM, SO YOU  
5 HAVE OFFICERS WORKING WITHOUT SUPERVISION. THERE IS A  
6 BAD SITUATION WHERE THEY WORK WITH LOCAL POLICE. WE  
7 HAD A LOCAL POLICEMAN -- HE WAS -- AND HE HAD CALLED  
8 THE BORDER PATROL IN. AND ONE TIME THEY WERE IN A  
9 HOUSE WITH A LADY FAINTING. THEY WERE AFTER HER SON.  
10 THE BORDER PATROLMAN HAD HIS SHOTGUN, AND I SAID AS  
11 PART OF MY CROSS-EXAMINATION, "WHAT WERE YOU DOING  
12 THERE, OFFICER?" HE SAID, "I DON'T KNOW." I SAID,  
13 "WHAT'S YOUR POLICY ABOUT GOING INTO A HOUSE LIKE THAT  
14 WITH A SHOTGUN?" THESE WERE CHARGES -- LITERALLY,  
15 THESE WERE -- HE SAYS, "I DON'T KNOW."

16 WELL, MY HEART WENT OUT TO THIS GUY. WHY DIDN'T HE  
17 KNOW? WHERE WERE HIS SUPERVISORS? YOU'VE GOT TO KNOW  
18 YOUR JOB, AND YOU'VE GOT TO KNOW NEW MEXICO. ALL  
19 BORDER PATROLMEN ARE LOCAL POLICEMEN TOO. THEY ARE  
20 COMMISSIONED BY THE STATE AS STATE PEACE OFFICERS.  
21 THEY HAVE NO IDEA WHAT IS GOOD. YOU GET THEM ON A  
22 DWI. THEY STOPPED A GUY. HE'S DRUNK. WELL, WHAT  
23 ARE THEY GOING TO DO? THEY DON'T GIVE THE TEST. THEY  
24 DON'T WANT TO DO ANYTHING. THEY RADIO FOR HELP. IF  
25 THEY CAN'T GET IT, THEY LET THE DRUNK GO. THAT'S NOT

1 GOOD FOR OTHER MOTORISTS. IT'S NOT GOOD FOR BORDER  
2 PATROL.

3 I TRIED TO GET THEM ON A CASE. THE BORDER PATROL RE-  
4 FUSED TO SEND A LEGAL REPRESENTATIVE. THAT'S A DIS-  
5 SERVICE FOR OFFICERS STOPPED BY DRUNKS. THAT'A DIS-  
6 SERVICE TO LOCAL PEOPLE THEY ARE SUPPOSED TO BE  
7 HELPING.

8 IN OUR PART OF THE STATE THESE PEOPLE ARE NOT UNDER-  
9 PAID. THEY ARE, I WOULD SAY, LUCIOUSLY OVERSTAFFED  
10 AND WELL PAID BY LOCAL STANDARDS. SOUTHERN NEW MEXICO  
11 IS NOT HARD BY ANY LOCAL STANDARDS. I HAVE HAD IN  
12 PRELIMINARY HEARINGS AS PART OF MY CRIMINAL DEFENSE  
13 WORK -- I WORKED PART AS A CONTRACTOR, STATE PUBLIC  
14 DEFENDER/PRIVATE ATTORNEY, AND WE WOULD GET TWO CUS-  
15 TOMS UNDERCOVER AGENTS AT THE SCENE OF AN ALLEGED  
16 RAPE, WHAT WHAT WERE THEY DOING THERE? WELL, THEY  
17 WERE JUST HANGING AROUND TRYING TO HELP OUT. WELL,  
18 THAT'S NOT THEIR JOB.

19 AND THEN THEY COME TO THE COURT. I TIE THEM UP A DAY  
20 OR SO, AND ONE OF THOSE OFFICERS BRAGGED AT THE TIME  
21 THAT, WITH OVERTIME, HE MADE \$75,000 LAST YEAR. THE  
22 WAR ON DRUGS HAS GIVEN CERTAIN CUSTOMS OFFICERS, PAR-  
23 TICULARLY THE PLAINCLOTHES MEN, A BLANK CHECK, AT  
24 LEAST IN PAST YEARS, ON OVERTIME. AND THEY'RE OUT  
25 HELPING THE LOCAL POLICE ON A BOYFRIEND/GIRLFRIEND

1 RAPE CASE. IT'S NOT UNUSUAL. ANY ATTORNEY WILL SAY  
2 HE CAN SEE THAT. THEREFORE, I'D URGE THE BORDER PA-  
3 TROL SHOULD HAVE TO STATE THEIR POLICY WORKING WITH  
4 LOCAL OFFICIALS.

5 I HAVE A CASE WHERE THEY CAME IN, A COUPLE. THEY WERE  
6 IN LOVE, AND THEY WANTED IMMIGRATION PAPERS. THE OLD  
7 GRINGO RANCHER HAD MARRIED A YOUNG MEXICAN WOMAN.

8 FINE, LEGALLY MARRIED. THEN HE COMES IN AND WANTS A  
9 DIVORCE, AND THE NEXT THING I GET A CALL FROM HER.

10 SHE'S IN PALOMAS. HE GREW TIRED OF HER. HE CALLED  
11 THE BORDER PATROL. THE BORDER PATROL TOOK HER BACK TO  
12 MEXICO. THE BORDER PATROL SHOULDN'T ASSOCIATE IN THE  
13 LEGAL SYSTEM GETTING RID OF TROUBLESOME WIVES. I HAD  
14 A TEACHER CALL ME, "I THINK THIS TROUBLESOME KID IS A  
15 WETBACK." THEY SHOULDN'T BE INVOLVED IN THAT.

16 A CASE IN COLUMBUS, THE POLICE CHIEF, THE GRANDMA  
17 WANTED CUSTODY OF THE KID, AND HUMAN SERVICES WONDERED  
18 WHETHER THIS ITINERANT MOTHER, THIS GRINGO FATHER THAT  
19 WAS FIT. THE MOTHER AND THE POLICE CHIEF GET INTO A  
20 FIGHT. THEY ARE WRESTLING WITH THE BABY ON THE  
21 GROUND, AND THE BORDER PATROL IS STANDING THERE. WHEN  
22 THE MOTHER GETS UP, THEY PUT HANDCUFFS ON HER AND TAKE  
23 HER TO MEXICO. THE GRANDMOTHER GETS CUSTODY OF THE  
24 CHILD. THE BORDER PATROL SHOULD NOT BE ASSOCIATED IN  
25 DETERMINING CUSTODY MATTERS BY, IN THIS CASE, BLUFFING

1 IT. SHE COULD HAVE REQUESTED A DEPORTATION HEARING.  
2 LATER SHE SNEAKED BACK. I GAVE HER A LETTER SAYING  
3 SHE'S INVOLVED IN LITIGATION BECAUSE SHE'S -- UNFIT  
4 MOTHER LITIGATION. CUSTODY OF A CHILD IS -- THE  
5 BORDER PATROL KNOCKS AT HER HOUSE. SHE SHOWS THEM MY  
6 LETTER, AND THEY BRING HER TO THE DETENTION CENTER.  
7 THIS TIME SHE'S FORMALLY DETAINED. I TELL THE JUDGE.  
8 HE DOESN'T BELIEVE ME. WELL, SHE CAME BACK. SHE  
9 WALKED BACK. IT'S ONLY 32 MILES. THIS TIME THEY GAVE  
10 HER A REAL LETTER. SHE GETS HER DAY IN COURT. I  
11 DON'T THINK IT'S GOOD FOR THE CIVIL RIGHTS AND TO HAVE  
12 THE BORDER PATROL.

13 DRUGS: DRUGS ARE FUN. DRUGS ARE WHERE YOU GET YOUR  
14 PICTURE IN THE PAPER IF YOU ARE BORDER PATROL.  
15 ALIENS, WELL, THEY DROPPED OFF AFTER EMPLOYER SANC-  
16 TIONS. THEY HAVE A HARD TIME WITH WHICH ARE WHICH.  
17 THAT ROLE SHOULD BE VERY CLEAR. AT THE CHECKPOINT,  
18 AFTER THEY DETERMINE YOU'RE A CITIZEN, THEY STILL WANT  
19 TO NOSE AROUND.

20 IF YOU DON'T BELIEVE ME, CROSS WITH A MEXICAN IN AN  
21 OLD CAR. I HADN'T DONE IT BEFORE, AND I GOT MY EYES  
22 OPENED. A WHOLE DIFFERENT WORLD CROSSING IN AN OLD  
23 CAR WITH A MEXICAN. THE GUY WAS JUST HASSLING OVER A  
24 DRIVER'S LICENSE AND WEIRD THINGS, AND HE WANTED TO  
25 LOOK IN THE CAR. AT THAT POINT I UNMASKED MY REAL

1           ROLE AND SAID, AND HE SAID, "GET THE HELL OUT OF  
2           HERE." THAT'S HOW HE SAID IT.  
3           UNDERCOVER BORDER PATROLMEN ARE JUST SOMETHING TO WIT-  
4           NESS, AND IF THEY'RE GOING TO VIOLATE SOMEBODY'S CIVIL  
5           RIGHTS -- BECAUSE THEY TRIED TO VIOLATE MINE. THE  
6           BORDER PATROL DOESN'T SEEM TO HAVE A REGULAR MECHANISM  
7           FOR PLAINCLOTHES UNDERCOVER. THERE ARE TWO WORKING IN  
8           COLUMBUS, AND THEY MADE A COUPLE OF BUYS OF SMALL  
9           AMOUNTS OF MARIJUANA. BUT ONE OF THEM TURNED IN A  
10          FEDERAL CASE, AND HIS DEFENSE ATTORNEY CAME. HE SAYS,  
11          "TRANSLATE FOR ME. WE ARE GOING TO GO TO PALOMAS."  
12          AND THESE TWO BORDER PATROLMEN, THEY HAVE A BAD REPU-  
13          TATION OF GETTING DRUNK. THEY WORK UNDERCOVER.  
14          TWO GUYS COME TO MY OFFICE, AND THEY OFFERED A RE-  
15          TAINER. YOU DON'T PAY UNLESS YOU GET IN TROUBLE.  
16          THAT'S WHAT DEFENSE ATTORNEYS DO. I WENT AND TRANS-  
17          LATED ALL DAY IN THE BARS OF PALOMAS WHERE THEY WERE  
18          ALL VERY WELL KNOWN. THESE GUYS HAD BEEN ON ABOUT A  
19          60 OR 90-DAY FLING WITH UNDERCOVER BORDER PATROLMEN.  
20          THEIR CAR HAD BEEN SEIZED BY LOCAL POLICEMEN. THEY  
21          WERE REPUTED TO BE DRUNK A LOT, CHASING WOMEN. I  
22          WONDER, "WHERE WAS THE SUPERVISION FOR THOSE OFFICERS?  
23          IS THIS THEIR NORMAL PRACTICE, OR IS THIS A DEA OR A  
24          CUSTOMS FUNCTION?"  
25          BORDER PATROLMEN ARE VERY POORLY TRAINED POLICEMEN IN

1 THE LOCAL SENSE. THERE IS NOT A DEPUTY SHERIFF IN A  
2 SMALL COUNTY OF SOUTHERN NEW MEXICO THAT DOESN'T KNOW  
3 A LOT MORE ABOUT SEARCH AND SEIZURE. IT GETS TO BE A  
4 JOKE WITH DEFENSE ATTORNEYS BORDER PATROLMEN DON'T  
5 KNOW THE LAW OF SEARCH AND SEIZURE. THEY STILL TEACH  
6 THEM IN THE ACADEMY THEY HAVE A BLANK CHECK FOR SEI-  
7 ZURE WITHIN 25 MILES. THAT IS NOT THE LAW ANYMORE.  
8 IT'S ON THE BOOKS, BUT IT WAS CURTAILED BY A COURT  
9 DECISION.

10 ON A TEENAGE BOY I WON A CASE FOR 50 POUNDS. I WON  
11 ANOTHER CASE FOR 50 POUNDS. IN ANOTHER CASE A BORDER  
12 PATROL AND POLICEMAN CATCH HIM IN SILVER CITY, AND BY  
13 THIS TIME HE KNOWS NOT TO CONSENT TO A SEARCH. AND  
14 HE'S A STREET-WISE KID, SO THEY TAKE HIM TO A MAGIS-  
15 TRATE AND THE MAGISTRATE, "HERE. I CAN'T GIVE YOU A  
16 WARRANT." THE BORDER PATROLMAN GRABBED THE KEY OUT OF  
17 THE KID'S HANDS. HE SAYS, "I AM A FEDERAL OFFICER. I  
18 DON'T NEED A WARRANT."

19 WRONG. I CALLED UP THE D.A., AND I SAID, "DO I NEED A  
20 SUPPRESSION HEARING?" HE SAID, "I'M NOT GOING TO GIVE  
21 YOU THE SATISFACTION." THE SAD THING ABOUT THIS KID,  
22 IT'S NOT FAIR TO WIN -- IT'S FUN TO WIN FAIR AND  
23 SQUARE. THREE TIMES I USED TECHNICALITY. THE FOURTH  
24 TIME HE WENT TO A BOYS SCHOOL. IF HE WOULD HAVE BEEN  
25 CAUGHT THE FIRST TIME, HE WOULD NOW BE IN FEDERAL

1 PRISON IN LA TUNA DOING THE SAME THING. THE BORDER  
2 PATROL, IF THEY ARE GONG TO ENGAGE IN SEARCH AND SEI-  
3 ZURE, SHOULD HAVE BETTER TRAINING.

4 MY WIFE HAS CALLED PALOMAS BORDER PATROL, CUSTOMS.  
5 THERE ARE JUST SO MANY OFFICIAL CARS, AN ARMY OF OCCU-  
6 PATIONS WITH TRAINING. IF WE DIDN'T HAVE THE BORDER  
7 PATROL, WE'D HAVE TO INVENT THEM, AND THE WAY TO LIVE  
8 WITH THEM IS TO HAVE THEM TRAINED AND KNOW THE RULES  
9 AND TO RESPECT AND TO BELONG TO THE ROTARY CLUB LIKE  
10 VIRGIL.

11 CHAIRPERSON ARMENDARIZ:

12 THANK YOU, MR. LONG AND MR. OGDEN.

13 AT THIS TIME WE ARE RUNNING A LITTLE OVER OUR AGENDA,  
14 AND SO ANY MEMBERS OF THE COMMITTEE WHO MAY HAVE QUES-  
15 TIONS, IF YOU WOULD STATE THEM IN WRITING, WE WILL  
16 PRESENT THEM TO THESE GENTLEMEN FOR RESPONSE.

17 WE WOULD LIKE TO VERY BRIEFLY TAKE A BREAK FOR OUR  
18 COURT REPORTER'S SAKE AS WE CHANGE PANELS.

19 REPORTER'S NOTE:

20 OFF THE RECORD.

21 BACK ON THE RECORD.

22 CHAIRPERSON ARMENDARIZ:

23 THE NEXT PANEL IS OUR FIRST ENFORCEMENT PANEL: MR. AL  
24 GIUGNI, MR. DALE MUSEGADES, STEPHEN BEAUCHAMP, AND  
25 RICHARD SCHWEIN. WE WOULD LIKE TO ACKNOWLEDGE THE

1 PRESENCE OF JERRY BULLOCK, THE ASSISTANT INSPECTOR  
2 GENERAL.

3 MR. GIUGNI, IF YOU WOULD GO FIRST.

4 ALFRED H. GIUGNI:

5 MY NAME IS ALFRED H. GIUGNI. I AM THE DISTRICT  
6 DIRECTOR FOR THE IMMIGRATION AND NATURALIZATION SERV-  
7 ICE, THE EL PASO DISTRICT. I HAVE BEEN THE DISTRICT  
8 DIRECTOR HERE IN EL PASO FOR 12 YEARS.

9 I'M EXTREMELY PLEASED FOR THE OPPORTUNITY OF BEING  
10 HERE TODAY BECAUSE I PERSONALLY AM PLEASED WITH THE  
11 JOB THAT THE PEOPLE WHO WORK FOR ME ARE PERFORMING,  
12 PARTICULARLY IN THE AREA OF COMMUNITY OUTREACH. SINCE  
13 THE EARLY 1980S, THE EL PASO DISTRICT OFFICE HAS HAD  
14 GOOD RELATIONS WITH THE LOCAL COMMUNITY, BOTH HERE IN  
15 EL PASO AND ALSO IN JUAREZ.

16 UNDER COMMISSIONER CASTILLO'S DIRECTION, WE FORMED AN  
17 IMMIGRATION ADVISORY GROUP, WHICH WAS COMPRISED OF THE  
18 LOCAL LEADERS, ETHNIC GROUPS, RELIGIOUS AND EDUCA-  
19 TIONAL LEADERS, TO PROVIDE ASSISTANCE AND GUIDANCE TO  
20 THE IMMIGRATION SERVICE IN TERMS OF THE CONCERNS OF  
21 THE COMMUNITY. WE MET ON A REGULAR BASIS INITIALLY  
22 AND EVENTUALLY EVOLVED TO ONLY AS-NEEDED TYPE  
23 MEETINGS.

24 WITH THE PASSAGE OF I.R.C.A. -- THE IMMIGRATION REFORM  
25 AND CONTROL ACT -- IN 1986, WE THEN EMBARKED UPON A

1           VERY, VERY GRANDIOSE PLAN TO GET WORD OUT TO ALL OF  
2           THE PERSONS WHO WOULD BE IMPACTED BY THE LEGALIZATION  
3           AND THE EMPLOYER SANCTIONS PORTION. DURING THE PERIOD  
4           WHEN PEOPLE WERE APPLYING FOR AMNESTY WE WENT OUT TO  
5           250 CLASSROOMS, CONDUCTED OPEN SEMINARS, INVITED MEM-  
6           BERS OF THE COMMUNITY, INCLUDING OTHERS WHO HAVE TES-  
7           TIFIED BEFORE YOU, TO PARTICIPATE, TO ENSURE THAT THE  
8           PERSONS WERE AWARE OF THE BENEFITS AND RIGHTS TO WHICH  
9           THEY WERE ENTITLED.

10          AS A RESULT OF OUR EFFORTS IN LEGALIZATION, WE CON-  
11          TINUE OUR OUTREACH PROGRAM AND DEVELOP A CITIZENSHIP  
12          AWARENESS PROGRAM, WHICH WE PRESENTED TO MALEO, AND  
13          THEY WERE SO SATISFIED WITH THE PROGRAM, THEY ASKED IF  
14          WE WOULD GO TO SAN ANTONIO TO SEE IF THE SAN ANTONIO  
15          DISTRICT WOULD BEGIN TO CONSIDER STARTING A SIMILAR  
16          PROGRAM. IT'S AN OUTREACH PROGRAM WHERE WE'RE GOING  
17          TO THE COMMUNITY. WE'RE EXPLAINING THE BENEFITS AND  
18          REQUIREMENTS FOR PEOPLE TO BECOME NATURALIZED. WE'RE  
19          VERY PROUD OF IT. IT HAS BEEN VERY, VERY SUCCESSFUL.  
20          AS A MATTER OF FACT, DURING THE MONTH OF APRIL WE HAD  
21          BOOTHS IN THE CIELO VISTA, BASSETT, AND SUNLAND PARK  
22          SHOPPING CENTERS BECAUSE WE'RE TRYING TO ENCOURAGE  
23          PEOPLE WHO, IN FACT, MAY BE ELIGIBLE, TO BECOME CITI-  
24          ZENS SO THAT THEY CAN PARTICIPATE IN VOTING IN OUR  
25          COMING ELECTIONS.

1 WE HAVE ALSO HAD VERY CLOSE DEALINGS WITH ELECTED  
2 OFFICIALS. I'VE KNOWN MAYOR TILNEY SINCE 1980 WHEN HE  
3 WAS THE CONSUL GENERAL. WE HAVE HAD EXCELLENT RELA-  
4 TIONS NOT ONLY WITH THE MAYORS IN EL PASO, BUT WITH  
5 THE MAYORS IN JUAREZ. WE HAVE REGULAR BREAKFAST  
6 MEETINGS TO DISCUSS PROBLEMS. EARLIER MR. JUREY MEN-  
7 TIONED THE FACT THAT HIS CONCERN THAT WE MAY NOT BE  
8 AWARE OF THE IMPACT THAT WE HAVE ON THE BUSINESS COM-  
9 MUNITY. EVERY YEAR FOR THE PAST 10 YEARS THE DIRECTOR  
10 OF CUSTOMS AND MYSELF HAVE MET WITH THE MAYORS OF EL  
11 PASO AND JUAREZ TO EXPLAIN OUR PLANS DURING 5 DE MAYO,  
12 THE 16TH OF SEPTEMBER, THE EASTER VACATION, AND ALSO  
13 THE CHRISTMAS HOLIDAYS SO THAT WE CAN OPEN UP THE  
14 LANES SO THAT THE PEOPLE WHO NEED TO COME ACROSS CAN  
15 COME ACROSS.

16 WE'VE ALSO WORKED CLOSELY WITH THE MEXICAN CONSULATE  
17 TO THE POINT WHERE I HAVE FOUR STUDENTS WHO ATTEND  
18 COLLEGE AT THE UNIVERSITY OF JUAREZ WHO ARE WORKING  
19 FOR ME ASSISTING APPLICANTS FROM MEXICO IN FILLING OUT  
20 THE BORDER CROSSING CARDS. DURING FISCAL YEAR 1990  
21 THE EL PASO DISTRICT ISSUED 65,000 BORDER CROSSING  
22 CARDS ALONG THE ENTIRE MEXICAN BORDER. IN 1991 ONLY  
23 125,000 WERE ISSUED.

24 WE ARE COGNIZANT OF OUR RESPONSIBILITY. WE WORK DES-  
25 PERATELY TO INSURE THAT NO RIGHTS OF ANY PERSON --

1 CITIZEN OR ALIEN -- ARE VIOLATED. WE TAKE ACTION WHEN  
2 IT IS WARRANTED. WE'RE PROUD OF BEING PART OF THE  
3 COMMUNITY. I THINK THE MAYOR MENTIONED THAT 70 PER-  
4 CENT OF THE PERSONS WHO LIVE IN THIS AREA ARE HIS-  
5 PANIC. 80 PERCENT OF THE PEOPLE WHO WORK FOR ME ARE  
6 HISPANIC. MANY OF THEM STILL HAVE RELATIVES LIVING IN  
7 MEXICO. WE HAVE A PROFESSIONAL, WELL-TRAINED ORGANI-  
8 ZATION. WE DO NOT HAVE A POLICY OF ABUSE. WE THINK  
9 THAT WE'RE PART OF THE COMMUNITY, AND WE'RE PROUD TO  
10 BE HERE.

11 I THANK YOU FOR HAVING ME.

12 CHAIRPERSON CANALES:

13 THANK YOU, MR. GIUGNI.

14 MR. MUSEGADES.

15 DALE MUSEGADES:

16 MY NAME IS DALE MUSEGADES. I'M THE CHIEF PATROL AGENT  
17 OF THE EL PASO SECTOR OF THE BORDER PATROL. THE EL  
18 PASO SECTOR CONSISTS OF THE TWO WESTERN COUNTIES IN  
19 WEST TEXAS AND THE STATE OF NEW MEXICO.

20 THE UNITED STATES BORDER PATROL IS THE UNIFORMED  
21 BRANCH OF THE IMMIGRATION AND NATURALIZATION SERVICE.  
22 WE'RE OFFICERS SWORN BY LAW AND SWORN TO UPHOLD THE  
23 LAWS PASSED BY THE CONGRESS OF THE UNITED STATES.

24 WE'RE PROFESSIONALS. WE'RE WELL TRAINED, COMPAS-  
25 SIONATE HUMAN BEINGS. I PLACED AN EMPHASIS ON FOUR

1 WORDS OR FOUR DESCRIPTIVE TERMS THERE. I'D LIKE TO  
2 TAKE EACH ONE IN TURN.

3 "PROFESSIONAL": A BORDER PATROL AGENT TAKES HIS JOB  
4 VERY SERIOUSLY. THIS IS HIS CAREER AND LIVELIHOOD.  
5 HE OR SHE STRIVES TO LEARN EVERYTHING POSSIBLE TO EN-  
6 ABLE THEM TO DO A BETTER JOB. A BORDER PATROL AGENT  
7 HAS HIGH STANDARDS AND, BEING HUMAN, MAY BE SOMEWHAT  
8 INTOLERANT OF PEOPLE WHO DON'T HAVE THESE HIGH  
9 STANDARDS.

10 WE'RE WELL TRAINED. PRIOR TO AN AGENT DOING ANY WORK  
11 IN THE FIELD, HE IS SENT TO THE BORDER PATROL ACADEMY  
12 FOR A PERIOD OF 18 WEEKS OR 736 HOURS OF TRAINING.  
13 THIS RELATES TO HIS FUTURE CAREER. OF THESE 736 HOURS  
14 31 HOURS ARE POINTEDLY DEVOTED TO PEOPLE-RELATED OR  
15 SENSITIVITY-TYPE ISSUES SUCH AS CIVIL RIGHTS, LATIN-  
16 AMERICAN CULTURE, CROSS-CULTURE COMMUNICATIONS,  
17 ETHICS, AND CONDUCT AND SEVERAL OTHERS. ALSO 222  
18 HOURS ARE DEDICATED TO LEARNING TO CORRECTLY SPEAK THE  
19 SPANISH LANGUAGE. 133 HOURS PERTAIN TO IMMIGRATION  
20 LAW, NATIONALITY LAW, STATUTORY LAW, AND CRIMINAL LAW.  
21 THE REMAINDER IS FIREARMS SPECIALITIES, DRIVER'S  
22 TRAINING, PHYSICAL TRAINING, AND RELATED COURSES.  
23 TRAINEE AGENTS ARE ON PROBATION FOR THE REMAINDER OF  
24 THE YEAR AFTER RETURNING FROM THE ACADEMY. THEY WORK  
25 WITH A MORE EXPERIENCED AGENT DURING THAT TIME, AND

1 THIS IS TO OBSERVE AND GUIDE THEIR ATTITUDE. THEY  
2 ALSO RECEIVE ONE DAY A WEEK CLASSROOM TRAINING AND  
3 MUST PASS A DIFFICULT EXAM OF SIX-AND-A-HALF AND 10  
4 MONTHS. THEY ALSO SEND JOURNEYMAN AGENTS AND SUPER-  
5 VISORS TO ADVANCED SCHOOLS WHERE SUBJECTS SUCH AS COM-  
6 MUNITY RELATIONS, EQUAL EMPLOYMENT OPPORTUNITY, AND  
7 LEGAL COURSES ARE TAUGHT.

8 "COMPASSIONATE": I DON'T BELIEVE THERE IS A BORDER  
9 PATROLMAN IN EXISTENCE WHO DOES NOT SYMPATHIZE WITH  
10 THE MAJORITY OF PEOPLE THAT WE ENCOUNTER. I CAN RE-  
11 LATE NUMEROUS STORIES WHERE AGENTS HAVE FED, BE-  
12 FRIENDED, AND ASSISTED PEOPLE WHO THEY MUST ARREST,  
13 REMOVE FROM THE COUNTRY, OF OTHERWISE INCONVENIENCE.  
14 AS WITH MOST LAW-ENFORCEMENT JOBS, PROBABLY EVEN THE  
15 MEDICAL PROFESSION AND SOME SOCIAL PROFESSIONS, WE  
16 ENCOUNTER A LOT OF MISERY. SOME OF OUR PEOPLE PUT ON  
17 A COAT OF ARMOR, SUCH AS A GRUFF EXTERIOR OR THE AP-  
18 PEARANCE OF MAYBE BEING UNFEELING, SIMPLY TO WITHSTAND  
19 THE EMOTION THAT THEY FEEL.

20 AND WE'RE HUMAN BEINGS. WE'RE NOT PERFECT, SO WE WORK  
21 UNDER RULES AND REGULATIONS, POLICIES AND PROCEDURES  
22 TO ENSURE THAT OUR HUMAN NATURE DOES NOT MAKE DECI-  
23 SIONS IN REGARD TO OUR EMOTIONS, WHICH COULD BE  
24 SYMPATHY, FEAR, ANGER, OR OTHER EMOTIONS. THEREFORE,  
25 WHEN AN INCIDENT OCCURS, THERE IS A PROCEDURE FOR

1 REPORTING, INVESTIGATING, AND RESOLVING THE ISSUE.  
2 CIRCUMSTANCES GENERALLY GUIDE THE REPORTING PROCEDURE.  
3 IF IT'S A VIOLATION OF POLICY OR REGULATION OR IN-  
4 VOLVES PEOPLE, IT IS REPORTED TO THE OFFICE OF THE  
5 INSPECTOR GENERAL, DEPARTMENT OF JUSTICE. FAILURE TO  
6 MAKE SUCH A REPORT IS A VIOLATION IN ITSELF. CIVIL-  
7 RIGHTS VIOLATIONS ARE BROUGHT TO THE ATTENTION OF THE  
8 DEPARTMENT OF JUSTICE AND ARE GENERALLY INVESTIGATED  
9 BY THE FEDERAL BUREAU OF INVESTIGATION. IN MOST CASES  
10 THESE ARE BROUGHT TO THE BUREAU'S ATTENTION THROUGH  
11 THE O.I.G., BUT OFTEN, DEPENDING ON THE CIRCUMSTANCES,  
12 ARE REPORTED TO THE FBI CONCURRENTLY. SOME SITUATIONS  
13 SUCH AS VEHICLE ACCIDENTS ARE HANDLED INTERNALLY.  
14 LESS SERIOUS CASES MAY BE REPORTED TO THE O.I.G. AND  
15 REFERRED BACK TO US FOR INVESTIGATION BY TRAINED  
16 AGENTS PERFORMING A COLLATERAL DUTY. THE BORDER PA-  
17 TROL IS SATISFIED WITH ITS RANGE. THERE ARE OUTSIDE  
18 OR NEUTRAL AGENCIES DOING OR INITIATING THE INVESTI-  
19 GATION. AS ANY OF YOU WHO HAVE EVER BEEN INVOLVED IN  
20 A TRIAL OR COURTROOM PROCEDURE KNOW, THERE ARE TWO  
21 SIDES TO EVERY SITUATION, AND GENERALLY, EACH SIDE IS  
22 CONVINCED THAT THEY ARE RIGHT, SO IT TAKES A NON-PAR-  
23 TIAL PARTY TO DETERMINE THE FACTS OF EACH CASE.  
24 MY ROLE IS AS THE DECIDING OFFICIAL IN WHAT WE CALL  
25 DISCIPLINARY OR ADVERSE ACTION. AFTER AN INVESTI-

1 GATION IS COMPLETED AND THE ALLEGATION IS FOUND TO BE  
2 SUSTAINED, THE DEPUTY CHIEF PATROL AGENT PROPOSES A  
3 DISCIPLINARY ACTION BASED ON THE FACTS AVAILABLE TO  
4 HIM. THE SUBJECT OF THE PROPOSED ACTION THEN HAS THE  
5 OPPORTUNITY TO PRESENT HIS DEFENSE BEFORE ME, AND I  
6 MAKE THE FINAL DECISION IN ADMINISTRATIVE CASES. BOTH  
7 THE DEPUTY CHIEF PATROL AGENT AND I ARE GUIDED BY A  
8 TABLE OF PENALTIES AND ADVICE FROM LABOR MANAGEMENT  
9 RELATION SPECIALISTS AND SERVICE ATTORNEYS. MOST OF  
10 THE TIME WHEN CRIMINAL PROSECUTION IS INVOLVED, I'M  
11 OBLIGATED TO REMOVE THE INDIVIDUAL FROM EMPLOYMENT.  
12 DISCIPLINARY ACTION IS INTENDED TO CORRECT A BEHAVIOR.  
13 MY DECISIONS ARE SUFFICIENTLY REVIEWED THAT IF I WOULD  
14 TEND TO BE EITHER TOO LENIENT OR TOO HARSH, I COULD  
15 LOSE MY AUTHORITY TO MAKE PERSONNEL DECISIONS.  
16 IN THE EL PASO SECTOR WE PUT A LOT OF EFFORT INTO COM-  
17 MUNITY OUTREACH PRIMARILY THROUGH DRUG REDUCTION/EDU-  
18 CATION PROGRAMS. THE DARE PROGRAM HAS REACHED LITER-  
19 ALLY THOUSANDS OF SCHOOL-AGE YOUTHS IN THE EL PASO  
20 AREA. SOME OF THE INSTRUCTION IS CONDUCTED IN THE  
21 SPANISH LANGUAGE. IN AREAS SUCH AS ALAMOGORDO, NEW  
22 MEXICO THE LOCAL COMMUNITY HAS GOTTEN SO INVOLVED THAT  
23 THE CITY HAS AN ANNUAL BORDER PATROL D.A.R.E. DAY.  
24 WE ROUTINELY ADDRESS CIVIC ORGANIZATIONS AND CLUBS,  
25 PUT ON DEMONSTRATIONS AT MALLS AND PUBLIC PLACES, AND

1           SPEAK TO CONCERNED CITIZEN GROUPS.  
2           I PERSONALLY MEET WITH ELECTED OFFICIALS AND HEADS OF  
3           OTHER AGENCIES. I WAS A MEMBER OF A GROUP THAT FORMED  
4           THE FEDERAL EXECUTIVE ASSOCIATION AND BELONG TO THE  
5           COMMUNITY RELATIONS BOARD FOR THE BUREAU OF PRISONS.  
6           WE'RE ACTIVE MEMBERS IN THE D.I.F. PROGRAM, WHICH IS  
7           INTEGRAL DEVELOPMENT OF THE FAMILY, ACROSS THE BORDER  
8           PROGRAM -- IT'S TRADITIONALLY CHAIRED BY THE WIFE OF  
9           THE MAYOR OF JUAREZ -- WITH MONTHLY MEETINGS HELD AT  
10          THE MEXICAN CONSULATE. THIS PROGRAM DEALS WITH THE  
11          REPATRIATION OF MEXICAN CHILDREN AND IS MADE UP OF  
12          MANY SOCIAL-SERVICE ORGANIZATIONS ON BOTH SIDES OF THE  
13          BORDER.  
14          WE ALSO HAVE AN ACTIVE PARTICIPATION IN THE SOUTHWEST  
15          GANG/VIOLENT CRIME TASK FORCE AND WORK CLOSELY WITH  
16          ALL ENFORCEMENT AGENCIES TO PREVENT CRIMES AGAINST ALL  
17          PERSONS.  
18          I KNOW THAT USE OF FORCE IS OF INTEREST HERE. REASON-  
19          ABLE FORCE MAY BE USED TO EFFECT AN ARREST. FIREARMS  
20          SHALL ONLY BE EMPLOYED IN SELF-DEFENSE, IN DEFENSE OF  
21          ANOTHER OFFICER, OR AN INNOCENT THIRD PARTY. I WAS  
22          RECENTLY ABLE TO OBTAIN AN AUTHORITY AND PERMISSION TO  
23          CARRY THE COLLAPSIBLE SIDE-HANDLE BATON, AND I HAVE MY  
24          PEOPLE -- MOST OF THEM ARE EQUIPPED WITH THAT AND  
25          TRAINED. THIS IS A BATON THAT IS COLLAPSIBLE, AND

1 IT'S EASY TO CARRY ON THE BELT. ALSO AGENTS ARE ONLY  
2 ALLOWED TO CARRY THIS TOOL AFTER RECEIVING CERTIFIED  
3 TRAINING. IT'S MY BELIEF THAT THIS TOOL CAN BE USED  
4 AS AN INTERMEDIATE STEP IN THE ESCALATION OF FORCE AND  
5 WILL PREVENT THE NECESSITY OF DEADLY FORCE IN MANY  
6 CASES. AN AGENT WHO IS TRAINED IN THE PHYSICAL  
7 SKILLS, MENTAL DISCIPLINE, AND ASSOCIATED KNOWLEDGE OF  
8 WEAPON CRAFT WILL BE ABLE TO RESPOND IMMEDIATELY AND  
9 APPROPRIATELY TO ANY LEVEL THREAT.

10 BORDER VIOLENCE HAS ESCALATED TO SOME DEGREE IN THE  
11 PAST TWO OR THREE YEARS. THIS IS MAINLY DUE TO THE  
12 FORMATION OF ORGANIZED GANGS WHO OPERATE ALONG THE  
13 BORDER. THESE GANGS ARE INVOLVED IN THE SMUGGLING OF  
14 CONTRABAND OR PEOPLE AND ARE COMMITTING ACTS OF BAN-  
15 DITRY. OUR AGENTS ARE ENCOUNTERING GROUPS OF VIOLENT  
16 INDIVIDUALS MORE OFTEN NOW, RATHER THAN THE SINGLE-  
17 PERSON INCIDENTS IN PAST YEARS. ONE OF THE SOLUTIONS  
18 TO THIS PROBLEM IS CLOSER LIAISON BETWEEN GOVERNMENT  
19 AGENCIES ON BOTH SIDES OF THE BORDER. I HAVE BEEN  
20 WORKING TOWARDS THAT END.

21 THE CIUDAD JUAREZ MUNICIPAL POLICE INSTITUTED A  
22 MOUNTED HORSE PATROL TWO YEARS AGO TO PROVIDE A POLICE  
23 PRESENCE IN THE OUTLYING COLONIAS THAT DID NOT HAVE  
24 STREETS ACCESSIBLE TO PATROL CARS. THE HORSES WERE  
25 PROVIDED BY THE MEXICAN ARMY. CURRENTLY, THE MOUNTED

1 PATROL CONSISTS OF ABOUT 60 HORSES AND OFFICERS. THEY  
2 WORK FROM 8:00 A.M. TO 6:00 P.M., SIX DAYS A WEEK.  
3 RECENTLY, THE NEW MAYOR OF JUAREZ, CARLOS PONCE  
4 TORRES, MANDATED THAT 10 OFFICERS FROM THE MOUNTED  
5 PATROL WOULD BE ON THE RIVER, IN THE ACTIVE AREA, DUE  
6 TO THE INCREASE OF COMPLAINTS FROM PERSONS INTENDING  
7 TO CROSS THE BORDER THAT THEY WERE BEING ROBBED AND  
8 HARASSED BY THE BANDITS WHO HANG OUT ALONG THE RIVER.  
9 THE OFFICIAL WORD FROM THE MAYOR'S OFFICE WAS THAT THE  
10 PATROL WAS THERE TO PROTECT THE CITIZENS OF MEXICO.  
11 BORDER PATROL AGENTS HAVE REPORTED THAT THESE MEMBERS  
12 OF THE MEXICAN HORSE PATROL HAVE BEEN VERY PROFES-  
13 SIONAL AND WILLING TO HELP APPREHEND CRIMINALS CROSS-  
14 ING THE RIVER BECAUSE BOTH SIDES HAVE AN INTEREST IN  
15 RIDDING THE AREA OF BANDITS. THIS IS THE TYPE OF  
16 COOPERATION THAT IS NEEDED TO OVERCOME THE VIOLENCE IN  
17 THE BORDER AREA. IN ANOTHER AREA THE MEXICAN GOVERN-  
18 MENT HAS A UNIT. IT'S MADE UP OF NATIONAL, STATE, AND  
19 LOCAL PEOPLE. EDMUNDO SALAS, WHO IS THE DEPUTY  
20 DIRECTOR OF MEXICAN IMMIGRATION, WAS KIND ENOUGH TO  
21 VISIT MY OFFICE YESTERDAY, ALONG WITH THE LOCAL HEAD  
22 OF IMMIGRATION HERE, AND WE DISCUSSED THAT POSSIBILITY  
23 OF A GROUP LIKE THAT IN THIS AREA. I THINK THAT IS  
24 THE TYPE OF THING WE NEED TO OVERCOME THE VIOLENCE  
25 THAT WE ARE SEEING.

1           **THANK YOU.**

2           **CHAIRPERSON CANALES:**

3           **MR. BEAUCHAMP OR JERRY BULLOCK?**

4           **JEROME BULLOCK:**

5           **JERRY BULLOCK PRESENT. MY NAME IS JEROME BULLOCK. I**  
6           **AM THE ASSISTANT INSPECTOR GENERAL, AND WITH ME THIS**  
7           **AFTERNOON IS STEPHEN BEAUCHAMP, WHO IS THE SPECIAL**  
8           **AGENT IN CHARGE OF OUR INVESTIGATIONS DIVISION OFFICE**  
9           **HERE IN EL PASO.**

10          **I'LL ADDRESS ABOUT FOUR OR FIVE ITEMS THAT THE COM-**  
11          **MITTEE FORWARDED, AND MR. BEAUCHAMP WILL ADDRESS SOME**  
12          **SPECIFIC ITEMS WITH REGARD TO HOW WE HANDLE PARTIC-**  
13          **ULARLY CLAIMS THAT COME TO OUR OFFICE. I'D LIKE TO**  
14          **THANK MEMBERS OF THE TEXAS AND NEW MEXICO ADVISORY**  
15          **COMMITTEES FOR INVITING US TO SPEAK TO YOU TODAY.**  
16          **THE INSPECTOR GENERAL'S OFFICE IS A COMPONENT WITHIN**  
17          **THE DEPARTMENT OF JUSTICE, A REALLY INDEPENDENT COM-**  
18          **PONENT, REPORTING PRIMARILY TO THE ATTORNEY GENERAL.**  
19          **OUR INSPECTOR GENERAL IS A PRESIDENTIAL APPOINTEE, AND**  
20          **THE I.N.S. OFFICE IS ABOUT ONE OF 60 ACROSS THE**  
21          **GOVERNMENT THAT IS DESIGNED PRIMARILY TO EVALUATE THE**  
22          **OPERATIONS OF THE DIFFERENT AGENCIES.**  
23          **ONE ASPECT OF THAT IS THE INTEGRITY PROGRAM WITHIN**  
24          **THE DEPARTMENT OF JUSTICE. WE HAVE PRIMARILY THREE**  
25          **DIVISIONS THAT LOOK AT OPERATIONS WITHIN THE DEPART-**

1           MENT. WE HAVE AN INSPECTION DIVISION, WHICH DOES  
2           ROUTINE REVIEWS OF DEPARTMENT OPERATIONS AND PROGRAMS,  
3           WE HAVE AN AUDIT DIVISION THAT CONDUCTS ROUTINE AND  
4           REGULAR AUDITS FROM ALL COMPONENTS WITHIN THE DEPART-  
5           MENT, AND WE HAVE AN INVESTIGATION DIVISION, WHICH I  
6           AM IN CHARGE OF, THAT IS RESPONSIBLE FOR ALL INTEG-  
7           RITY INVESTIGATIONS INVOLVING ALL THESE WITHIN THE  
8           DEPARTMENT.

9           APPROXIMATELY, 91,000 EMPLOYEES IN THE DEPARTMENT AND,  
10          AS YOU CAN IMAGINE, WE WOULD HAVE OUR SHARE OF PROB-  
11          LEMS, WHICH IS A RELATIVELY SMALL SHARE, BUT WHEN  
12          ALLEGATIONS ABOUT THE INTEGRITY OF EITHER EMPLOYEES'  
13          PROGRAMS OR OPERATIONS ARE BROUGHT TO OUR ATTENTION,  
14          MY DIVISION CONDUCTS THE INVESTIGATION. AS A RESULT,  
15          WE HAVE A FAIRLY SMALL COMMUNITY, SO TO SPEAK. THE  
16          REAL COMMUNITY THAT WE DEAL WITH ENDS UP BEING THE  
17          PEOPLE WITHIN THE DEPARTMENT OF JUSTICE PRIMARILY THAT  
18          WE WORK WITH: MANAGERS, EMPLOYEES, PEOPLE WHO RUN THE  
19          PROGRAM AND OPERATIONS OF THE DEPARTMENT, TYPICALLY  
20          WHAT WE DEAL WITH BY AND LARGE. OCCASIONALLY, WE  
21          WOULD HAVE REASON TO DEAL WITH CONTRACTORS WHO WORK  
22          WITH THE DEPARTMENT, AND OCCASIONALLY OPPORTUNITIES TO  
23          INTERVIEW AND INTERACT WITH PEOPLE FROM THE PRIVATE  
24          COMMUNITY WHO MIGHT HAVE INFORMATION THAT RELATES TO  
25          MATTERS THAT WE ARE INVESTIGATING.

1 IN TERMS OF OUR OUTREACH, OUR OUTREACH TENDS TO GO TO  
2 THAT SMALL COMMUNITY THAT I MENTIONED, THE GROUP THAT  
3 WE ARE RESPONSIBLE FOR WITHIN THE DEPARTMENT. WE DO  
4 CONDUCT INTEGRITY AWARENESS BRIEFINGS OF EMPLOYEES AND  
5 MANAGERS IN THE DEPARTMENT. PRIMARILY WE'RE SHARING  
6 INFORMATION ABOUT WHAT WE ARE LEARNING THROUGH THE  
7 INVESTIGATIONS THAT WE CONDUCT. THESE ARE THE INTEG-  
8 RITY INVESTIGATIONS.

9 A LARGE PERCENTAGE OF THOSE INVESTIGATIONS ARE CRIM-  
10 INAL IN NATURE. SOME ARE FAIRLY SERIOUS ADMINIS-  
11 TRATIVE MATTERS THAT WE HANDLE, BUT THAT'S REALLY A  
12 SMALL PERCENTAGE OF WHAT WE DO. THE INTEGRITY AWARE-  
13 NESS PROGRAM INVOLVES US MAKING EMPLOYEES AND MANAGERS  
14 AWARE OF THE KINDS OF EVENTS, THE KINDS OF INCIDENTS  
15 THAT PERSONNEL GET INVOLVED IN, THE KINDS OF RISKS  
16 THAT WE FIND ARE ASSOCIATED WITH DIFFERENT PROGRAMS IN  
17 THE DEPARTMENT SO THAT CORRECTIVE ACTION CAN BE TAKEN.  
18 WE FEEL THAT WE NEED TO DO MORE THAN SIMPLY INVESTI-  
19 GATE. WE NEED TO DO AS MUCH AS WE CAN TO PREVENT  
20 PROBLEMS.

21 THE INVESTIGATIONS THAT WE CONDUCT REALLY COVER A  
22 LARGE NUMBER OF AREAS. WE MAY CONDUCT CRIMINAL BRIB-  
23 ERY INVESTIGATIONS INVOLVING THE POLICE, CONTRACT  
24 FRAUD INVESTIGATIONS, OTHER TYPE OF CRIMINAL EVENTS  
25 THAT THE POLICE FIND THEMSELVES INVOLVED IN, AND

1 CIVIL-RIGHTS ALLEGATIONS THAT COME TO OUR ATTENTION  
2 REPRESENT ACTUALLY A SMALL PORTION OF THE ALLEGATIONS  
3 THAT WE INVESTIGATE. WE DO FOLLOW THE INFORMATION  
4 LEVEL, AND WE FOLLOW THIS INFORMATION FROM THINGS LIKE  
5 NEWSPAPER, MAGAZINE ARTICLES, AND SO FORTH, TO KEEP  
6 THE STAFFS IN OUR OFFICES ALONG THE BORDER AWARE OF  
7 ISSUES THAT COME TO PUBLIC LIGHT SO THAT WE CAN ENSURE  
8 THAT WE ARE MAKING OURSELVES AWARE OF THOSE KINDS OF  
9 THINGS THAT WE ARE RESPONSIBLE FOR. CIVIL-RIGHTS  
10 ALLEGATIONS SPECIFICALLY ARE BROUGHT TO OUR ATTENTION  
11 SOMETIMES BY EMPLOYEES, SOMETIMES BY CITIZENS, SOME-  
12 TIMES BY MANAGERS IN THE DEPARTMENT.

13 AND WE ARE REQUIRED BY THE DEPARTMENT OF JUSTICE  
14 POLICY TO REFER ALL ALLEGATIONS ON CIVIL-RIGHTS VIOLA-  
15 TIONS TO THE CIVIL-RIGHTS DIVISION IN THE DEPARTMENT.  
16 THERE IS A STAFF OF ATTORNEYS THERE THAT EVALUATE  
17 THE ALLEGATIONS THEMSELVES. THEY LOOK AT THE ALLE-  
18 GATIONS AGAINST THE STANDARDS THE DEPARTMENT HAS, AND  
19 IF THEY ARE DEEMED TO BE SERIOUS ENOUGH TO WARRANT  
20 FURTHER INQUIRY, THE CIVIL-RIGHTS DIVISION TYPICALLY  
21 REFERS THOSE TO THE FEDERAL BUREAU OF INVESTIGATION  
22 FOR A FULL CRIMINAL INVESTIGATION. A PRELIMINARY  
23 INQUIRY IS DONE BY THE FBI. IF THE PRELIMINARY IN-  
24 QUIRY DOES NOT RESULT IN ANY FURTHER INVESTIGATION OR  
25 IF THE CIVIL-RIGHTS DIVISION DETERMINES THAT NO

1 FURTHER INQUIRY BY THE FBI IS APPROPRIATE, THEY DO  
2 RETURN THE MATTERS TO US, AND WE RETURN THEM TO THE  
3 COMPONENTS FOR INQUIRY AND INVESTIGATION ON THEIR  
4 OWN.

5 THE REASON THAT WE DO THAT IS THAT ONCE THE CIVIL-  
6 RIGHTS DIVISION HAS DETERMINED THAT THE ALLEGATION IS  
7 NOT SERIOUS ENOUGH FOR EITHER FURTHER INVESTIGATION BY  
8 THE FBI OR NOT SERIOUS ENOUGH TO TAKE FURTHER ACTION  
9 FROM A CRIMINAL STANDPOINT, WE THEN RECOGNIZE THAT IS  
10 AN ITEM THAT IS NOT AT A LEVEL OF SERIOUSNESS THAT WE  
11 SHOULD DEVOTE ATTENTION TO. HOWEVER, IF THERE ARE ANY  
12 EXTENUATING CIRCUMSTANCES, WE ON SOME RARE OCCASIONS  
13 MAY ACTUALLY CONDUCT THE INQUIRY OURSELVES, AS OPPOSED  
14 TO RETURN IT TO ONE OF THE COMPONENTS. PRIMARILY THE  
15 CIVIL-RIGHTS INVESTIGATIONS THAT WE GET COME FROM  
16 BORDER PATROL, THE FEDERAL BUREAU OF PRISONS, A SMALL  
17 NUMBER FROM THE U.S. MARSHAL'S OFFICE, AND THESE ARE  
18 THE LAW-ENFORCEMENT COMPONENTS WITHIN THE DEPARTMENT  
19 WHO COME IN CONTACT WITH PEOPLE THAT THE CIVIL-RIGHTS  
20 ACT APPLIES TO THEM.

21 OUR OTHER EFFORT IN TERMS OF OUTREACH DOES INVOLVE  
22 SHARING INFORMATION WITH EMPLOYEES ABOUT THE KINDS OF  
23 ALLEGATIONS THAT WE SEE THAT ARISE IN THE COURSE OF A  
24 YEAR AT A TIME. WE DO COMPLETE AND FORWARD TO THE  
25 CONGRESS EVERY SIX MONTHS A REPORT OF ALL OF OUR

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 PLAINTEE 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 PLAINTEE.

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          PLAINT" 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 PLAIN?

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.

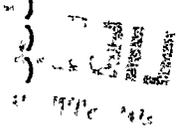
14 AT THIS TIME WE WILL BE TAKING A LUNCH RECESS. WE ASK  
15 COMMITTEE MEMBERS TO BE BACK AT 1:15 SO THAT WE MAY  
16 START PROMPTLY AT 1:30 ON OUR NEXT GROUP OF PAR-  
17 TICIPANTS.

18 **REPORTER'S NOTE:**

19 AT 11:45 A.M. THE LUNCH RECESS WAS TAKEN.  
20  
21  
22  
23  
24  
25

1 THE STATE OF TEXAS )

2 COUNTY OF EL PASO )



3  
4 I, MARIA C. SOTO, CERTIFIED SHORTHAND REPORTER IN AND  
5 FOR THE STATE OF TEXAS, HEREBY CERTIFY THAT THE FOREGOING  
6 119 PAGES CONTAIN A TRUE, CORRECT, AND COMPLETE TRANSCRIP-  
7 TION OF MY STENOGRAPH NOTES TAKEN ON THE OCCASION SET FORTH  
8 IN THE CAPTION HEREOF, AFTER HAVING BEEN REDUCED TO TYPE-  
9 WRITING BY ME, TO THE BEST OF MY ABILITY.

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

12  
13  
14 *Maria C. Soto*

15 \_\_\_\_\_  
16 MARIA C. SOTO, CSR  
17 CERTIFICATION NO. 603  
18 MY CERTIFICATION EXPIRES 12/31/92.  
19 7220 ORIZABA AVENUE  
20 EL PASO, TEXAS 79912  
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22  
23  
24  
25